



Town of Olive Planning Board

P.O. Box 513, Shokan, NY 12481

DATE: October 5, 2021

PLACE: via Zoom

1.0 CALL TO ORDER

Co-Chairman Sorbellini called the Meeting to order with the Pledge of Allegiance at 7:00 pm.

2.0 ROLL CALL

PRESENT

David Sorbellini, Co-Chairman
Stephen Dibbell, Co-Chairman
Heidi Emrich
Ed Kahil
Nicholas Burgher
Tim Peck
Paul Wright

3.0 MINUTES

Co-Chairman Sorbellini asked if there were any corrections or comments regarding the September 31, 2021 minutes. Co-Chairman Sorbellini feels that on the bottom of Page 1 there should be clarification on which building is being discussed regarding a proposed donut shop. The building in question is near the Dubois Road intersection formerly Roger's Antique store. Co-Chairman Dibbell and Co-Chairman Sorbellini feel that the minutes should reflect additional comments that were made pertaining to the last sentence of paragraph 3, on Page 2, under the Simon Strauss application. Co-Chairman Dibbell recalled that the applicant was reminded of various suggestions that have been given in the past regarding building permits being issued and the property not having frontage on a public road, i.e. improving the roadway so that the zoning board and highway department determine it is adequate for emergency vehicles can easily gain access. Nick Burgher pointed out on Page 3, paragraph 5 where it is noted that Heidi Emrich asked about the liquor license, he also asked if they had any intent to have music? Nick Burgher feels that it should be noted that Ms. Burns-Leader said that they were not planning on it now, and she understands that they would need to come back to the Planning Board if they want to have music in the future. Ed Kahil pointed out that his name was omitted, he was present at the meeting. Co-Chairman Dibbell also pointed out on Page 4, paragraph 3, there is a typo, it says Bread Aline and should be Bread Alone. With no other corrections noted, Co-Chairman Sorbellini made a motion to accept the minutes of September 21, 2021 as written with the referenced corrections, Nick Burgher seconded it and all members agreed.

4.0 PUBLIC HEARING

SP3-21 Spector_Korg USA, 3094 Route 28, Shokan, NY 12481: To add an addition to their custom bass guitar manufacturing business.

At 7:09 pm Co-Chairman Sorbellini asked if there was anyone present to represent Spector_Korg. At this time there is no one present at the zoom meeting. There was a question if the applicant was aware that the

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meeting is via zoom, the clerk noted that she had sent out a reminder to Mr. McGloine and provided the link to the meeting.

Bill McGloine just logged in to the zoom meeting, remarking that he was at the meeting hall because he didn't realize that the meeting was only being held via zoom. He said that Mr. Kenly was also at the meeting hall.

The public hearing was opened by Co-Chairman Sorbellini at 7:10 pm, the public comment period is open. He reviewed the intent of the application. Co-Chairman Sorbellini asked if there was anyone in the audience wishing to remark on this application. There was no one present wishing to comment, on a Sorbellini/Emrich motion the board suspended the public comment portion of the hearing at 7:11 pm.

Co-Chairman Sorbellini asked the members if they had any questions or comments on the application. Heidi Emrich asked if there were any comments from the Ulster County Planning Board on this application prior to their meeting tomorrow night. Janelle Perry remarked that the Ulster County Planning Board acknowledged receipt of the Referral and they will be discussing it at their meeting tomorrow.

Bill McGloine said that they are very anxious to get started on this addition, they would like to beat the winter. He said that they started this process in May or June and would like to get this moving and would appreciate any help that the board can provide to get this passed through. Co-Chairman Dibbell said that the public hearing is a big part of the process and the board just needs to hear back from the UC Planning Board before final action can be made. Mr. McGloine asked who he can call on Thursday to find out what has been decided. Heidi Emrich asked the members how they felt about issuing a conditional approval pending any significant remarks from the county. The board members feel that this is something that they could do. Co-Chairman Sorbellini asked John Ingram if this would be okay with the Building Department? Mr. Ingram feels that as long as there aren't any substantial suggestions from the county and that this board is willing to grant final approval, he has no problem with issuing the building permit to Spector_Korg by the end of this week. Co-Chairman Sorbellini feels that the only question the UC Planning Board may have would be about lighting, he suggested to Mr. McGloine that he could attend the UC Planning Board's zoom meeting. Bill McGloine said that they don't intend to add any new outdoor lighting to this addition, they already have lighting on the side of the building which they feel is adequate.

Co-Chairman Dibbell feels that this Planning Board can issue a conditional approval upon there not being any requirements beyond advisory comments from the UC Planning Board. Co-Chairman Sorbellini made a motion to grant a conditional approval on application SP3-21 providing there are no requirements from the UC Planning Board, Ed Kahil seconded the motion.

On a Sorbellini/Emrich motion the board closed the public comment portion of the hearing at 7:21 pm. Then on a Sorbellini/Emrich motion the board closed the public hearing at 7:21 pm

Co-Chairman Sorbellini told Bill McGloine that it will be his responsibility to conform to any requirements that may come from the Ulster County Planning Board after their review of the application tomorrow night.

Co-Chairman Sorbellini restated his motion to grant a conditional approval of SP3-21 for Spector_Korg, Ed Kahil seconded the motion. A roll call vote was taken and resulted as follows: Co-Chairman Sorbellini voted in favor, Co-Dibbell voted in favor, Ed Kahil voted in favor, Heidi Emrich voted in favor, Nick Burgher voted in favor, Tim Peck voted in favor, and Paul Wright voted in favor. Co-Chairman Sorbellini completed the Resolution noting the conditional approval.

The meeting facilitator, David Edinger, has informed the board that there is a pop-up noting that the meeting may end because zoom thinks there is no paid license agreement. He will be taking care of this should the meeting drop off in a few minutes.

The board waited before moving on. The meeting did get bounced off at 7:27 pm. The meeting resumed at 7:28 pm.

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5.0 SITE PLAN

SP5-21 Donald Kenly, 5097 Route 213, Olivebridge, NY 12461: Art Studio and Gallery

Co-Chairman Sorbellini asked if there was anyone present representing this application. It is noted that Don Kenly was at the meeting hall with Mr. McGloine when he came in to the zoom meeting via telephone. At this time Don Kenly is not present, Co-Chairman Sorbellini moved on to the next agenda item.

6.0 SUBDIVISION

21-Sub-6 Way Back Acres/Senecal, 87 Mountain Road, Shokan, NY 12481: 2-Lot Subdivision

Co-Chairman Sorbellini asked if there was anyone in attendance for this application. Present at the meeting is Jim Senecal. Co-Chairman Sorbellini asked Mr. Senecal to briefly describe his proposed subdivision. Jim Senecal said that it is his intent to subdivide, creating a flag-lot in the back so that he can sell the front lot which includes his home.

Co-Chairman Sorbellini asked John Ingram to confirm that this property is in the one-acre zone? Mr. Ingram said that this property is located in one-acre zoning.

Co-Chairman Sorbellini asked if there will be a driveway to the back parcel? Mr. Senecal said that they will be using the current driveway and it will continue in to the back lot. Nick Burgher said that if this is going to be a shared driveway then there will need to be a road maintenance agreement and right-of-way easements noted on the map. Mr. Senecal said that since he owns the property, he would be able to do whatever the board wants. He said that with regard to the road maintenance agreement George Thomas had been in the process of drawing one up before he passed away.

A neighbor, Helene Matera, asked Mr. Senecal what he plans on putting on the new lot? Mr. Senecal said that he plans on putting up a small 28' x 28' home. Co-Chairman Dibbell jumped in reminding everyone that this is not a public hearing, there will be one held at a later date where the public can ask questions.

Co-Chairman Sorbellini asked Mr. Senecal about the water on the property. Jim Senecal said that the stream runs through the property, and he has received an OK from the DEC to construct a bridge to access the back parcel. He pointed out that an email from Brian Drumm of the DEC was submitted as part of the subdivision application, and Mr. Drumm's email was also sent to the Town Building and Highway Departments. Mr. Senecal noted that there was also a picture submitted with the email that shows the location where he will be building the bridge showing that he plans on going out 6' on each side of the embankment so that there is no disturbance to the stream, it will be a 30' bridge. Nick Burgher asked the applicant if he knows what flood zone he is in, he did not.

Co-Chairman Dibbell asked Mr. Senecal if there was a reason why the contours are only shown on Lot 2 and not on Lot 1? Jim Senecal said he didn't know why, Co-Chairman Dibbell asked that they be shown on both lots so it is consistent. Co-Chairman Dibbell also remarked that he didn't see the well location for Lot 1. Jim Senecal pointed out that it is in the 50' right of way and he plans on having an easement included for access to the well. Nick Burgher said that if the well is to continue servicing Lot 1 there will need to be an easement. Heidi Emrich noted that the surveyor might want to put in reciprocal easements for ingress and egress, and utilities, to cover all bases on this flag lot.

Heidi Emrich asked where the Board of Health approvals are for the lot, they have not been submitted with the application. Jim Senecal said that Kylene Thomas was going to buy the lot from him at one point and her father, George, had begun the process with Rex Sanford and they had a septic approved that is shown on the map in the left-hand corner of the flag lot. Mr. Senecal explained that Mr. Thomas passed away and at that point Kylene dropped everything. Jim Senecal said that Rex Sanford has submitted a form to the Board of Health to change the approval to his name, a copy of the form was submitted for the file. Heidi Emrich asked when there was an approved septic? Jim Senecal said it was done in 2016.

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Nick Burgher asked Mr. Senecal if the locations noted on the map are where he proposes to place the house and septic areas? He said that they are. Nick Burgher said it would be helpful to show offsets from the property lines for both houses, and to also show the distances from the well and proposed well to the proposed septic areas. Nick Burgher said it can be shown as a 100' or 200' circle depending if the land goes downhill.

Heidi Emrich said that to answer Nick's earlier question about the zone the property is in, she has looked it up and there is no FEMA mapping or flood zone. It doesn't appear that the stream is classified. Jim Senecal said that the stream is classified as a Class B Trout Stream. He said that when Brian Drumm was at the site, he did ask that the bridge be moved downstream approximately ten feet closer to the property line. He said that the DEP, Joe Damrath was also made aware of the proposed bridge.

Co-Chairman Dibbell asked if the intent for the new utilities is to have them underground? Jim Senecal said that the intent is to have them underground to the bridge, then they will be on the side of the bridge, and then back underground to the house. Nick Burgher said the map should also show how the current house gets it's electric. Jim Senecal said that the electric running to the house now is currently underground at the the right side of the property.

Co-Chairman Dibbell pointed out that the property owners across Mountain Road also need to be noted on the map and addressed and stamped envelopes need to be provided.

Tim Peck asked Mr. Senecal if the back portion of the property where the proposed lot is to be is wooded? Jim Senecal said it is completely forested. Co-Chairman Sorbellini asked how much of the property would be disturbed? Jim Senecal said it would be a small portion of the property, enough to construct the house and septic area. He said that he did recognize the person asking a question earlier, she is a neighbor, and he will talk with her to explain his intentions prior to the next meeting. He said that he is planning on living there himself and he wants it as private as possible too. Heidi Emrich pointed out that on the SEQRA it is noting a disturbance of .214-acres which is minimal. Mr. Senecal said that his surveyor, Ken Keefe, did the calculations for him.

Co-Chairman Sorbellini asked the members if they had any other questions. Tim Peck asked where Karl Edmundson's house sits on the property? Jim Senecal said that the property is actually where Karl Edmundson's shop is and pointed out that it sits on the back portion of the property. Heidi Emrich said that to be consistent with other applications, the structures of the neighbors within 200' of the property lines, should be shown on the map. Jim Senecal said that on one side is a vacant lot owned by the Olive Fire Department, and Karl Edmundson's is a ten-acre lot with just woods, on the other side is a flag lot and he can show the structures there. Co-Chairman Dibbell said that this doesn't have to be surveyed actual distances, it can be estimated. He told Mr. Senecal that it doesn't just include a home, it is all structures i.e. garages and sheds. Mr. Senecal said that he will provide this, he asked if there is any way to get a list of everything the board wanted him to address? Co-Chairman Sorbellini pointed out that this Zoom meeting is recorded and will be available on the town website and can be replayed to this section. Co-Chairman Sorbellini feels that the board is able to move forward with a public hearing at the next meeting. The board needs to discuss this later on in the meeting as the first Tuesday of November is Election Day and the Town Offices are closed that day. Co-Chairman Sorbellini told Mr. Senecal to stay in touch with Janelle Perry for the date and time.

Co-Chairman Dibbell pointed out that the submitted SEQRA form was hand prepared and the answer to question 5 (b) is incorrect because the Town of Olive does not have a comprehensive plan. He advised that the board likes the applicants to use the online mapper. Jim Senecal said that he has already been made aware of that by Janelle Perry. He said that he was helped by Rex Sanford when filling out the form and there were a few questions that they had a problem with and he met with John Ingram and Dominic Covello to get the answers.

Before going on Co-Chairman Sorbellini asked if Mr. Kenly had joined the Zoom meeting. There is no response.

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7.0 DISCUSSION

Present are representatives from the Olive Fire Department, John Ingram and Tom Planz. Co-Chairman Sorbellini explained that the fire department is excluded from having to come before the planning board but as a courtesy they are here to explain what the plans are for the construction of the new Boiceville Fire house. John Ingram pointed out on the diagram the proposed locations of the building, septic and well. He said that the biggest concern is getting the entryway in before winter. He is hoping that the engineer can get the plans done and presented so that work can be done before winter. John Ingram explained that the entryway will be about 60' wide with curbing on the side. The driveway will go in and around the building and will also allow for a drive through the building if necessary. He pointed out the walkway that will be created by using the bricks that are currently being sold through the fire department. Mr. Ingram is hoping that they will be able to continue working through this and get some things done this fall.

Co-Chairman Dibbell asked if there is also a reserve area for the septic? John Ingram is sure there is but there is also the hope that they will be able to hook up to a town sewer system when that is completed. He did point out that the use of their septic system will be very minimal and the initial septic field should last for a very long time before needing to move into a reserve area.

John Ingram explained the design of the building and the layout of the interior. Co-Chairman asked how many trucks will it be able to house? John Ingram said there will be room for four, depending upon the size of the trucks.

Heidi Emrich asked if there will be a red flashing light on Route 28? John Ingram said that there may be in the future.

Co-Chairman Sorbellini asked where the runoff from the roof will go? John Ingram said it will just fall off onto the ground.

Co-Chairman Dibbell asked Mr. Ingram if the project plans have to go to the county and the D.O.T.? Mr. Ingram said that they have been told by the Ulster County Planning Board that it is not within their parameters, nor is it within the Town Planning Board's.

Heidi Emrich asked if there is a rendering of what it will look like? John Ingram said that there is one floating around somewhere. Tim Peck had heard at one point that the building currently in Boiceville was going to be moved, he assumes that isn't the case. John Ingram said that the building in Boiceville will be purchased by the CWC at some point.

Nick Burgher asked if the project needs D.O.T. permits? John Ingram said that this is all being taken care of, they will be putting a culvert in and the state needs to fix the ditch so that the culvert will work.

Co-Chairman Sorbellini asked if there are any other comments or questions. He remarked that it will be a beautiful building when it is completed. Co-Chairman Sorbellini asked, if there are questions from the public, since there will not be a public hearing on the project, who should they be addressed to? The response was to address them to John Ingram. Co-Chairman Sorbellini thanked John Ingram and Tom Planz.

Co-Chairman Sorbellini once again asked if Don Kenly has joined the meeting. He has not. Heidi Emrich asked if his site plan application was just a request for a change of use? John Ingram said that is the intent, he explained that the building is the old Tongore Store in Olivebridge. He briefly recapped the origin and many uses of the building over the years. He explained that currently the upstairs in the front is being used as an apartment and there is a small apartment in the back. Mr. Ingram explained that it is Don Kenly's intent to use the downstairs as a gallery for art work. Heidi Emrich asked Mr. Ingram if he feels there is adequate parking considering the square footage of the building to be used? John Ingram feels there is more than enough space for parking for the gallery and the tenants in the apartment.

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Co-Chairman Sorbellini suggested that in light of the fact that Mr. Kenly did show up for an in-person meeting and nothing has jumped out at the board in today's review of the application, the board could move forward and schedule a public hearing. He asked Janelle Perry to relay this to Mr. Kenly, pointing out that he hasn't lost any momentum by not meeting with the board personally this evening. Co-Chairman Sorbellini feels that any questions the board may have can be answered at that session. The board is in agreement.

Jennifer Perillo was present and said that she was notified of this meeting by mail, she wonders if she will also be notified of the public hearing? She was told that she will be.

8.0 CORRESPONDENCE

Co-Chairman Dibbell asked Heidi Emrich if she heard from Drew Boggess about how to handle the Bread Alone response. Heidi Emrich said that Drew suggested the board wait for both responses and submit them together.

Janelle Perry remarked that she had forwarded everyone an email from Patty Matus who owns property on Sheldon Hill Road and she was looking for advice about a lot line revision she is considering. Co-Chairman Sorbellini remarked that she has two non-conforming lots that will be exacerbated by a lot line revision. Heidi Emrich feels that her questions would be more for the zoning board. Co-Chairman Dibbell said that the board has considered some issues that are non-conforming where the outcome would be less non-conforming, but if it is just going to continue or be made worse then the board shouldn't consider it. Patty Matus was present at the meeting and briefly explained what her situation is. She owns 336 Sheldon Hill Road and part of the buildings on that property go over onto 334 Sheldon Hill Road. The owner of 334 Sheldon Hill put the land up for sale before he would work with her to straighten out the issue, so she is buying the property so she can be in control. She doesn't want to have to buy it so she is hoping to be able to change the property line so that all of her buildings are on one property and then have the other property that she can sell. Nick Burgher asked for confirmation that there are houses on both lots, Ms. Matus said that there are. He asked her if she built any of the houses, she said she didn't.

Co-Chairman Dibbell wonders how that happened, he asked Ms. Matus if there was a survey of the properties before she purchased it? He asked her how much of the house is over the property line. Ms. Matus explained that there is a house and a guest house on the property, she believes the guest house is about 16' over the line. She explained that the house had an addition added to it and that is about 5' over the line. She believes that the structures were built in the 30's, as well as the house next door. She thinks that the parcels in that area were all one property at one time.

Co-Chairman Sorbellini said that he misunderstood when he first read the email. He now understands that there are two non-conforming lots with structures over the property line and the intent is to move the lot line so that the structures aren't over the line anymore. Both properties will still be non-conforming. Co-Chairman Sorbellini said that he would need to see this on paper to get a better visual. Ms. Matus asked if this would have to be an actual survey? Co-Chairman Dibbell said that this would be considered just like a subdivision and the map would have to be filed with the county, this would have to be a survey. Ms. Matus said that the surveyor advised her to talk to the planning board to see if it was allowed before spending the money on a survey.

John Ingram suggested to Ms. Matus that she call his office in the morning and make an appointment to stop in to the Building Office on a Wednesday morning to talk to him about her situation before she moves forward with the planning board or the zoning board.

Next, the clerk mentioned that John Ingram wanted to ask the board a question about a possible subdivision application from Mrs. Hansen who has a house on the corner of Upper Samsonville and Samsonville Roads. Her intent is to split her property with a pond being split between the two parcels. He feels that the way she intends to divide the lot is very awkward. The members looked at her sketch and held a brief discussion. John Ingram said that he will get her into the office and have a talk with her to see if there is a better solution.

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9.0 NEW BUSINESS

Co-Chairman Dibbell acknowledged the new applications that have been submitted for consideration on an upcoming agenda. There is 21-Sub-7, a lot line revision from Chet Karwatowski and Anne-Marie Johansson, 21-Sub-8 a subdivision from Nasas Properties, 21-Sub-9 a lot line revision from Judy Mahar, and SP6-21 a site plan from Tim Trojian. Co-Chairman Dibbell noticed that Chet Karwatowski was on the Zoom meeting and asked him to briefly explain the intent of this new application since the board just approved a 3-lot subdivision on the properties in question. Mr. Karwatowski said that their attorney advised them to complete the subdivision since they had spent a lot of time on the process, and then the minor changes that they want to make would be simpler to do as a lot line revision, instead of drawing out the subdivision process any longer. He explained that they are looking to change the largest lot, Lot 1 which is 19 acres, and moving 1.5 acres off of that to Lot 2, and 3 acres to Lot 3, making Lot 1 approximately 15 acres. Co-Chairman Sorbellini pointed out that the change is now giving Lot 3 right-of-way access off of Route 28A and flag-lot access off of Highpoint Mountain Road. Chet Karwatowski explained the other reasons for the changes, i.e. saving the view-shed and keeping the property across the street from Lot 2 open, so no building can be done. Co-Chairman Dibbell said that the board needs to look into the understanding that if a road divides a parcel, then it can be considered two separate parcels. There was a brief discussion on the legalities of this. Heidi Emrich said that she will have Brinier and Larios's principal surveyor look into this. Mr. Karwatowski asked how they can satisfy the board's concerns about this question? It was agreed that a statement from the surveyor answering the question would be acceptable to the board.

10.0 AGENDA

The board held a brief discussion on when to set the next meeting date, the members decided on Tuesday, November 9, 2021. They set the agenda for the next meeting, scheduled for November 9, 2021. The board will hold a public hearing at 7:10 for application 21-Sub-6 Way Back Acres/Senecal, and at 7:30 for SP5-21 for Don Kenly. They will also hold initial review of application 21-Sub-7 of Chet Karwatowski and Anne-Marie Johansson, and 21-Sub-8 of Nasas Properties.

11.0 ADJOURNMENT

Co-Chairman Sorbellini made a motion to adjourn the meeting at 9:07 pm, Nick Burgher seconded it, and all members agreed.

Sincerely,

Janelle Perry
Planning Board Clerk