



# ***Town of Olive Planning Board***

P.O. Box 513, Shokan, NY 12481

**DATE: September 7, 2021**

**PLACE: TOWN OF OLIVE, TOWN HALL, SHOKAN, NY 12481**

## **1.0 CALL TO ORDER**

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

## **2.0 ROLL CALL**

### **PRESENT**

Stephen Dibbell, Co-Chairman  
Heidi Emrich  
Nicholas Burgher  
Tim Peck  
Paul Wright

### **ABSENT**

David Sorbellini, Co-Chairman  
Ed Kahil

## **3.0 MINUTES**

Co-Chairman Dibbell asked if there were any corrections or comments regarding the August 3, 2021 minutes. He said he had a minor change. At the bottom of Page 4, last sentence reads, "Co-Chairman Dibbell said that he cannot speak for the Building Department, he can only interpret the law as it is written..." He said he may of said that, but only attorneys and judges can do that, he feels it should read, "Co-Chairman Dibbell said that he cannot speak for the Building Department, he can only convey the law as it is written..." Co-Chairman Dibbell asked if there were any other corrections. Heidi Emrich made a motion to accept the minutes of August 3, 2021 as written with the referenced correction, Nick Burgher seconded it and all members agreed.

## **4.0 REGULAR MEETING**

The clerk, Janelle Perry, used the time before the public hearing to let the board members know that there have been a few site plans that will be coming up before the board. She has been contacted by a couple who are looking to purchase a building on Route 28 in Shokan and they want to open a donut shop there. They plan on applying for a site plan prior to purchasing the building. The clerk has given them the guidance on what needs to be submitted in a site plan application.

The clerk has also received a site plan application that isn't complete, from Don Kenly, for his property on Route 213 in Olivebridge. He wants to operate an art studio and gallery. The clerk has given him the guidance on what else needs to be submitted for his site plan application.

Co-Chairman Dibbell reported that the board has received word from the UC Planning Board regarding Bread Alone and they reported the change was not a county concern with no further comment.

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He also noted that with regard to the Sahler Mill Farm application they will not be ready until possibly an October agenda. Co-Chairman Dibbell said that this could change but this is his understanding at this time.

### **5.0 PUBLIC HEARING**

#### **20-Sub-1 Johansson/Karwatowski, 111 High Point Mountain Road, West Shokan, NY 12494: 3-lot Subdivision.**

#### **SP1-21 Ashokan Dreams-Johansson/Karwatowski, 111 High Point Mountain Road, West Shokan, NY 12494: 3 Suite B&B/Boarding House**

Co-Chairman Dibbell asked the members of the board if there is anything they would like to discuss before the public hearing is open. Heidi Emrich stated for the record that she is recusing herself from this application and she has left the room.

The public hearing was opened by Co-Chairman Dibbell at 7:16 pm, the public comment period is open. Present at the meeting is Chester Karwatowski.

Nick Burgher asked if there were updated maps. Chester Karwatowski said that the board had received the latest map and he has more copies with him. He also noted that he has the UC Board of Health approval for the septic system. Area neighbor, Florence (Penny) Schetzel, wanted to make sure that the survey map being considered is the map dated July 8, 2021. She is asking because when she sent it to David Lenefsky he was told by Chet Karwatowski that it was not the current map. Ms. Schetzel said that Mr. Lenefsky was told by Janelle Perry that the July 8<sup>th</sup> map was the most current. She also said that she spoke with Brinnier and Larios and was told the same thing. She just wants confirmation that this is the map that the board is considering tonight.

Chet Karwatowski said that he received a call from David Lenefsky and he said that he had received a call from Penny Schetzel who said that you are subdividing your land and selling the land next to the Szekelys. Chet Karwatowski said that he told Mr. Lenefsky that they are not doing anything near the Szekely's property and if he has a map that reflects that then it is not correct. Penny Schetzel said that the email from David Lenefsky said that the map of July 8<sup>th</sup> is not the one that is publically filed. She just wants to be clear that this is the map that is being considered. Nick Burgher confirmed that the map that the Planning Board is considering tonight has the date of July 8, 2021 on it.

Ms. Schetzel said that she also wanted to apologize to the board because in a discussion a month ago she had said that the Right of Way in common with others was noted on page 251 instead of 249. She said that she read that incorrectly and the rights of way begin on page 249 and continue to page 251, and that was her mistake. She also remarked that a few months ago, Co-Chairman Sorbellini said (\*\*clarification made at the 9/21/21 meeting: it wasn't something he said, he was actually reading from the July 27, 2021 letter from the applicants) that the board wouldn't be discussing the subdivision until Ashokan Dreams had pulled their site plan for the wedding events venue and she is wondering if that has been done. Co-Chairman Dibbell explained that the board is considering both applications tonight, and the site plan has been revised to only include the Bed and Breakfast/Boarding House with the notation "No Events" and as part of tonight's discussion if the Site Plan were to be approved then the board will move on to consider the subdivision.

Penny Schetzel is wondering what the purpose is of the Right of Way is that is shown off of High Point Mountain Road down the wood road horizontally across to the rights of way down onto Route 28A. She is wondering if this would be for the purpose of eventually developing the lower parcel. Co-Chairman Dibbell explained that in order to get a building permit for Lot 3 there needs to be at least 25' of road frontage to a public road. Nick Burgher noted that even though the proposed Lot 3 is a flag lot he assumes the intent is to

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use the easiest route to the property which would be using the existing wood road. Nick Burgher and Co-Chairman Dibbell explained the lot lines, zoning lines, and right of way to Ms. Schetzel.

Adjoining property owner, Bob Grass, addressed the board. He pointed out his property on the map and explained that in the center of the 25' strip coming off of High Point there is about a seven-foot dip and the stream. He questioned how they would be able to put in a driveway to develop the parcel. Co-Chairman Dibbell said that the stream is listed as intermittent and he believes the intent is to use the wood road right of way, he asked Mr. Karwatowski for clarification. Chet Karwatowski confirmed that this is the intent, Mr. Grass said that he doesn't have a problem with that.

Co-Chairman Dibbell asked if there were any other comments. Delia Adams, remarked that she was at a meeting about a year and a half ago and wanted to speak but someone told her not to speak, that she would have the chance at some point, so she didn't say anything. She said that after the meeting people were saying things about her that were not true. She wants to say that it does matter, people are good and she feels that everybody has the right to their thoughts. She wants to be friends with her neighbors and it has bothered her all this time. She thanked the board for their time and wants everyone to know that she is a good person.

Florence Schetzel said that her point in being here and asking questions is to find out what Anne-Marie and Chet are doing and it is helpful for neighbors to know what the plans are for the future. She said that she has gotten a feeling over the last few years that it is an ever-changing landscape and it is difficult to know what the plans might be.

Co-Chairman Dibbell explained that the Planning Board is chartered to look into the future as best as they can to see what the overall long-term plans are. He said that it is up to the particular landowner to share what their intentions are, the board cannot force them to explain what their future plans may or may not be. He explained that the Planning Board has to work with whatever is presented to them.

On a Dibbell/Burgher motion the board closed the public comment portion and the public hearing at 7:37 pm.

Co-Chairman Dibbell remarked that the site plan application is for a 3-Suite Bed and Breakfast/Boarding House. Florence Schetzel asked for clarification as to what property is included with the site plan request. Co-Chairman Dibbell remarked that the site plan encompasses the property shown on the map as proposed Lot 1 which is on both sides of High Point Mountain Road. Ms. Schetzel asked if there was intent to expand the site plan would that have to come before the Planning Board, Co-Chairman Dibbell confirmed that it would need to be readdressed by the board if there were any modifications to be made.

Tim Peck asked if the new changes to the short-term rentals is approved would this property be grandfathered in, Nick Burgher believes that this application is a different classification.

Florence Schetzel asked if this site plan is approved does it supersede the previously approved site plan. She is told that it would replace the other site plan.

Co-Chairman Dibbell asked for a motion regarding the site plan. Nick Burgher made a motion to grant approval of the Site Plan SP1-21 to allow for a 3-Suite Bed and Breakfast/Boarding House, Paul Wright seconded the motion, all members present voted in favor. Co-Chairman Dibbell told Chet Karwatowski that it is the boards intent to ask the attorney if there should be language added to the current site plan that it supersedes the previously approved site plan before final approval. Co-Chairman Dibbell completed the Resolution noting the condition that the attorney is being consulted regarding the need for language to be added to the site map about the current site plan superseding the older site plan.

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The board moved on to the 3-lot subdivision 20-Sub-1. Co-Chairman Dibbell and the members reviewed and completed the Checklist. The board members noted that the owner's signatures are missing from the map, Co-Chairman Dibbell explained to the applicant that the board cannot sign off until both owner's signatures are on the maps. Co-Chairman Dibbell and the board members reviewed and completed Part 2 of the SEQRA, they declared it a negative declaration. Tim Peck made a motion to grant approval of the 3-Lot Subdivision 20-Sub-1 of lands located at 111 High Point Mountain Road, West Shokan, NY 12494, Nick Burgher seconded the motion. A roll call vote was taken and resulted as follows: Nick Burgher voted in favor, Tim Peck voted in favor, Paul Wright voted in favor, Steve Dibbell voted in favor. David Sorbellini and Ed Kahil were absent, and Heidi Emrich abstained. Co-Chairman Dibbell completed the Resolution noting the condition that signed maps need to be presented and that Site Plan SP1-21 needs to be completed as per the stipulations noted on that Resolution, prior to finalizing the subdivision.

Co-Chairman Dibbell returned the maps to Chet Karwatowski for signatures and noted that he will be in touch with the attorney asking if there needs to be additional language for the site plan.

Heidi Emrich rejoined the meeting.

### **7:50 pm - SP2-21 Jennifer Salvemini, 3107 Route 28, Shokan, NY 12481: Design Studio and Showroom**

The public hearing was opened by Co-Chairman Dibbell at 8:05 pm, the public comment period is open. Present at the meeting was Jennifer Salvemini.

Co-Chairman Dibbell pointed out to Ms. Salvemini that the one thing that the Building Department will look for with regard to her lighting choice is that they are full-cut off so that the light emanating from it will not affect the traffic on Route 28. The light has to only be directed at the sign.

Co-Chairman Dibbell noted that the packets didn't contain the aerial version of the property showing the placement of the buildings. The printout from the Ulster Parcel Viewer that Heidi Emrich presented at the last meeting will be added to the final site plan folder. Nick Burgher also asked about the ingress and egress signs that the board had asked for. Ms. Salvemini remarked that she has noted the locations on her site map, she wasn't aware that the board wanted to see the actual signage. The board told Ms. Salvemini that when she does place the signs on the property, she has to be careful that sight lines are not obstructed by the signs. Heidi Emrich asked that she check with the Building Department prior to cementing the signs in.

Co-Chairman Dibbell brought up the parking locations for the business and personal. Ms. Salvemini said that for the business she has two parking spots plus a handicapped parking space. She is showing a single parking spot for herself as she is a single car household. She explained that she has a lot of room for additional parking on the side of the house.

The board reviewed the rest of her application noting the number of parking spaces, the entrance and exit signs shown on the site map, and the hours of operation in the narrative. Co-Chairman Dibbell asked if there was anyone in the audience wishing to speak. There were no public comments on this application.

On a Dibbell/Burgher motion the board closed the public comment portion and the public hearing at 8:12 pm.

Co-Chairman Dibbell and the board members reviewed and completed Part 2 of the SEQRA, they declared it a negative declaration. Heidi Emrich made a motion to grant approval of SP2-21, Nick Burgher seconded the motion. A roll call vote was taken and resulted as follows: Tim Peck voted in favor, Nick Burgher voted in

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favor, Heidi Emrich voted in favor, Paul Wright voted in favor, Steve Dibbell voted in favor. David Sorbellini and Ed Kahil were absent. Co-Chairman Dibbell completed the Resolution.

### **5.0 DISCUSSION**

Janelle Perry announced that Bill McGloine was at the meeting as a neighbor to Ms. Salvemini but at the same time he wanted to discuss the Spector\_Korg USA site plan and proposed addition to the building. Discussion was held on whether the application needs to be submitted to the Ulster County Planning Board. Co-Chairman Dibbell read through the requirements for a referral and it is determined that the proposed change to the site needs to be referred to the county. Co-Chairman Dibbell suggested that the board ask Robert Leibowitz if a referral is necessary. The UC Planning Board's next meeting is scheduled for October 6<sup>th</sup>. Mr. McGloine said that the plans for the original building was showing an addition to the building something like they are now proposing but the original owners never moved forward with adding the additional space. The board discussed if they want to schedule a public hearing on the application prior to hearing back from the Ulster County Planning Board. They felt that this would be fine as they could make a conditional decision. The board has scheduled a public hearing for 7:10 on Tuesday, October 5, 2021.

Co-Chairman Dibbell reported that the Ulster County Planning Board commented on the Bread Alone Referral stating that there is no county impact to the amended site plan and it requires no modification. The board has previously scheduled a public hearing for Tuesday, September 21<sup>st</sup> at 7:50 pm.

Also present at tonight's meeting is Peter Rinaudo. He had previously submitted a subdivision application in July 2020 but the board required additional information, including Board of Health approval on the proposed lots. Mr. Rinaudo is here to seek clarification of everything that is needed to move forward with his application as he is a very visual person as opposed to listening to what needs to be done. Mr. Rinaudo said that the DEC has been out to the property and has flagged the wetlands.

The board reviewed what Mr. Rinaudo is planning on doing. He reported that he has now gotten the Board of Health approvals on the proposed lots he is creating. He was given a copy of the checklist to reference.

Peter Rinaudo asked the board a question about a large parcel of land that is next to his where there has been a number of subdivisions and he now sees two 11-acre parcels for sale and he hasn't been notified about a subdivision happening. He said that the owner of the parcel is Sean Rivera aka NASAS Properties. The board held a brief discussion and Co-Chairman Dibbell suggested that if Mr. Rinaudo has any thoughts about changes that should be made to the current zoning code, he should reach out to the zoning committee that is looking into these things.

The members discussed the need for two meetings per month. Heidi Emrich feels that if the applications being submitted slows down the board should consider going back to just one meeting a month. Co-Chairman Dibbell said that this can be assessed at the next meeting.

### **6.0 AGENDA**

The board set the agenda for the next meeting, scheduled for September 21<sup>st</sup>. The board will hold a public hearing at 7:10 for application 21-Sub-5 of Simon Strauss and Barbara Hirth-Strauss, and at 7:50 pm a public hearing for Bread Alone.

### **7.0 ADJOURNMENT**

Co-Chairman Dibbell made a motion to adjourn the meeting at 9:22 pm, Heidi Emrich seconded it, and all members agreed.

Sincerely,

Janelle Perry  
Planning Board Clerk