



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

P.O. Box 513, Shokan, NY 12481

**DATE: September 21, 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**

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

## **3.0 MINUTES**

Co-Chairman Dibbell asked if there were any corrections or comments regarding the September 7, 2021 minutes. Nick Burgher pointed out on Page 5, paragraph 4, the last sentence, "He is given a copy of the checklist to reference", should be "He **was** given..." Co-Chairman Sorbellini arrived at 7:07 pm. Co-Chairman Dibbell felt that it should be added that there were no public comments on the Salvemini application. This amendment is added to Page 4, paragraph 5 under the Jennifer Salvemini public hearing. Co-Chairman Sorbellini referenced Page 2, paragraph 5 under 5.0 Public Hearing for 20-Sub-1 Johansson/Karwatowski, the third sentence where Florence Schetzel stated that, "Co-Chairman Sorbellini said that the board wouldn't be discussing the subdivision until Ashokan Dreams had pulled their site plan for the wedding events...". He wanted it clarified that it wasn't something he said, he was actually reading from the July 27, 2021 letter from the applicants in which they stated that they would no longer be holding events. Co-Chairman Sorbellini asked that the July 27<sup>th</sup> letter be included with the minutes of September 7<sup>th</sup> as well as with the site plan application packet. Co-Chairman Dibbell made a motion to accept the minutes of September 7, 2021 as written with the referenced corrections, Co-Chairman Sorbellini 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 (near the Dubois Road intersection formerly an antique store) and they want to open a donut shop there. They plan on applying for a site plan prior to

## **TOWN OF OLIVE PLANNING BOARD MINUTES**

**DATE: September 21, 2021**

**PAGE 2**

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.

### **5.0 PUBLIC HEARING**

#### **21-Sub-5 Simon Strauss and Barbara Hirth-Strauss, 45 Indian Trail, Shokan, NY 12481: Lot Line Adjustment**

Co-Chairman Dibbell invited Simon Strauss to come forward to discuss his application. 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 7:11 pm, the public comment period is open. He asked if there was anyone in the audience wishing to remark on this application?

Co-Chairman Dibbell asked the applicant to briefly explain his lot line changes again. Simon Strauss said that the changes are being made to three parcels of land that he owns, he pointed out the changes on the map. The biggest change is the ownership of the Right-of-Way from one parcel to another. Co-Chairman Dibbell reminded Mr. Strauss that the board explained that a building permit couldn't be issued on parcels not having frontage on a public road. The board reminded Mr. Strauss of the various suggestions that have been given in the past, i.e. improving the roadway so that the zoning board and highway department would determine it is adequate for emergency vehicles can easily gain access.

Tim Peck asked for clarification, was the larger parcel owned by the applicant considered a buildable lot and now it wouldn't be because of the lot line changes? Co-Chairman Dibbell said that situation hasn't changed. Barbara Hirth-Strauss asked if Indian Trail is considered a mapped road, the Planning Board noted that they cannot speak on the legalities of that, the applicants will have to refer to a land use attorney.

Co-Chairman Sorbellini said that he doesn't have any other questions on the application. Co-Chairman Dibbell asked if there was anyone in the audience wishing to speak. There are no comments from the public. On a Sorbellini/Kahil motion the board closed the public comment portion of the public hearing at 7:16 pm.

Co-Chairman Sorbellini referenced his notes making sure that the amendments to the map have been made, the location of surrounding buildings and the contours have been added.

Ed Kahil asked how many houses the well house serves? Mr. Strauss said that three homes are served by that water supply.

Nick Burgher pointed out that the County might have a problem with the overlap of text on the map. He suggested that this be corrected. Mr. Strauss said he will discuss this with the surveyor and have it fixed.

On a Sorbellini/Burgher motion the board closed the public hearing at 7:19 pm.

Co-Chairman Sorbellini and the board members reviewed and completed the Checklist and the Part 2 of the SEQRA, they declared it a negative declaration. Co-Chairman Sorbellini made a motion to grant approval of the Lot Line Adjustments, 21-Sub-5, Tim Peck seconded the motion. All members present voted in favor; Heidi Emrich abstained. Co-Chairman Sorbellini completed the Resolution.

## **TOWN OF OLIVE PLANNING BOARD MINUTES**

**DATE: September 21, 2021**

**PAGE 3**

Heidi Emrich came back to the meeting; she was told about the corrections that need to be made to the maps prior to signature.

### **6.0 REGULAR MEETING**

Since there is time before the next scheduled hearing the members went through the budget with Janice Lanzarotta.

Also present at the meeting is Chester Karwatowski with his signed maps that need to be completed with the members signature and seal. He also has the Site Plan with the requested notation suggested by James Bacon on behalf of the town. Co-Chairman Dibbell noted on the Resolutions that the conditions have been met as of September 21, 2021. The Planning Board signed and sealed the maps.

### **7.0 PUBLIC HEARING**

#### **7:50 pm – SP4-21 Bread Alone, 3962 NY RT 28, Boiceville, NY 12412: Alterations and additions to an existing factory use building (Bakery), amended plans to include a sales kiosk and associated ground mount solar array**

Present at the meeting is Sharon Burns-Leader and Chris Smailer. Co-Chairman Dibbell remarked that he didn't recall that the application included a sales kiosk. Mr. Smailer said that it has been in place during the build and they added it to the new application. Co-Chairman Dibbell asked if it was included in the paperwork that was submitted to the Ulster County Planning Board. It was part of the submitted package. The public hearing was opened by Co-Chairman Sorbellini at 7:50 pm, the public comment period is open. He asked if there was anyone in the audience wishing to remark on this application.

Mark Capalbo was present. He explained that he is one of the three property owners abutting the Bread Alone property and he said that two of three did not receive the notices about the changes from the first time around and now a neighbor who is farther away from the project did receive a notice but the others did not. He wanted to know how the neighbors can get on the radar and be notified? Co-Chairman Dibbell explained that the list of surrounding property owners is submitted by the applicants and the names and addresses can be gotten from the tax records or Ulster Parcel viewer administered by the office of Ulster County Real Property. Heidi Emrich explained the process that can be used when getting the data from the Ulster County parcel viewer. Co-Chairman Dibbell asked Mr. Capalbo for the name of an adjoining neighbor who hadn't received a letter. He noted that he just came from the Boiceville Inn and Mr. Parete had not received a notice. The clerk, Janelle Perry, verified that Barbara Parete was mailed a letter to a Buck Road, Stone Ridge address. The clerk also noted that Mr. Capalbo's letter was mailed to Union City, New Jersey.

Mr. Capalbo also asked what the purpose of having a meeting now to discuss the kiosk since it is already there and the prep work for the solar panels has already been done? Co-Chairman Sorbellini explained that Bread Alone had submitted their Site Plan application before any work had begun. The application was reviewed by both the Town of Olive Planning Board and the Ulster County Planning Board and they were given an approval to start their renovation. Co-Chairman Sorbellini said that as the applicants progressed, they were proactive and came back to the Planning Board with the solar panel change which is now being considered tonight. Mark Capalbo said that he just wanted to wrap his head around what is being done. He asked what change was being made to the solar panels, Co-Chairman Sorbellini explained that the solar panels were originally proposed to be over the parking spaces.

## **TOWN OF OLIVE PLANNING BOARD MINUTES**

**DATE: September 21, 2021**

**PAGE 4**

Co-Chairman Dibbell asked Mr. Capalbo if he has any concerns with the application being presented? Mark Capalbo said that he has no problems he just wanted to see the process. Sharon Burns-Leader invited Mr. Capalbo to come and she will be happy to give him a tour. He thanked everyone.

Heidi Emrich remarked that she saw on this new site plan application the note that the applicants will be filing for a liquor license. She asked Ms. Burns-Leader if that would be affecting the hours of operation?

Sharon Burns-Leader said that they will not be changing their hours of operation. Co-Chairman Dibbell asked if the liquor license will be just beer and wine or full liquor license? Ms. Burns-Leader said that it will only be beer and wine, they are planning on offering some local beers and a few wines. Nick Burgher asked if they had any intent to have music? Ms. Burns-Leader said that they were not planning on it now, she understands that they would need to come back to the Planning Board if they want to have music in the future.

Heidi Emrich also said that there appeared to be a few inconsistencies regarding the number of parking spaces. She looked at the numbers on the application and the narrative and came up with 43 but she is seeing 49 spaces on the map, and 50 is noted in another spot. Mrs. Emrich is wondering what the true number of parking spaces is. Chris Smailer said that they are figuring on the 49 spaces that are shown on the map.

Heidi Emrich asked Sharon Burns-Leader why they are keeping the kiosk? Ms. Burns-Leader remarked that it looks so beautiful sitting there it is a shame to get rid of it. She said that the pizza has also been well received. Co-Chairman Dibbell asked the applicant what time frame they are looking at for reopening. Sharon said that they are hoping from the middle of November. She said that they have a team in place and are currently training in Kingston.

On a Sorbellini/Wright motion the board closed the public comment portion of the public hearing at 8:09 pm. On a Dibbell/Kahil motion the board closed the public hearing at 8:09 pm.

Co-Chairman Dibbell and the board members reviewed and completed the Part 2 of the SEQRA, they declared it a negative declaration as the solar array is on pervious soil. Co-Chairman Sorbellini made a motion to grant approval of the Bread Alone site plan, SP4-21, Nick Burgher seconded the motion. All members present voted in favor. Co-Chairman Dibbell completed the Resolution.

### **8.0 DISCUSSION**

Janelle Perry reported to the board that she has received an email from Nancy April asking the question: is there a stop-work order on the 'guest house' on lot #11 of the Sahler Mill Farms project? John Ingram was present at the meeting and confirmed that there is no stop-work order on the Sahler Mill Farms project.

The clerk handed the members packets for future consideration for a 2-Lot Subdivision, 21-Sub-6 Way Back Acres/Senecal. Mr. Senecal has provided an application, a map and a document from the DEC regarding the proposed bridge. He has also provided a permit to construct a septic system from the Board of Health but it is the permit issued to Kyle Thomas from five years ago and it has expired. The members said that he will need to proceed with getting his own Board of Health approvals. Heidi Emrich feels that the planning board process will take some time so the board could look at the application and move forward if Mr. Senecal can show that he is moving forward with getting his Board of Health approval. Also handed to the members is site plan SP5-21 of Donald Kenly for an Art Studio and Gallery. Mr. Kenly's property is the former site of

## **TOWN OF OLIVE PLANNING BOARD MINUTES**

**DATE: September 21, 2021**

**PAGE 5**

Tongore Store. Ed Kahil asked if this really has to go through the site plan process since it is an existing business location, it is a change of use? There was a brief discussion and the members agreed that this application should be on the next agenda.

Janelle Perry also reported to the members that SP3-21 of Spector\_Korg USA has been submitted to the Ulster County Planning Board and will be discussed at their October 6<sup>th</sup> meeting. The Planning Board will hold a public hearing for this application on October 5<sup>th</sup>.

The board members held a discussion about the number of meetings per month. On a Sorbellini/Dibbell motion the board voted to establish moving forward with ***one meeting per month starting with October***. All members voted in favor.

### **9.0 AGENDA**

The board set the agenda for the next meeting, scheduled for October 5, 2021. The board will hold a public hearing at 7:10 for application SP3-21 of Spector\_Korg USA and initial review of SP5-21 for Don Kenly. If Jim Senecal provides proof that he is moving forward with Board of Health approval he will be added to the agenda.

### **10.0 ADJOURNMENT**

Co-Chairman Sorbellini made a motion to adjourn the meeting at 8:53 pm, Heidi Emrich seconded it, and all members agreed.

Sincerely,  
Janelle Perry  
Planning Board Clerk