



Town of Olive Planning Board

P.O. Box 513, Shokan, NY 12481

DATE: December 7, 2021

PLACE: via Zoom

1.0 CALL TO ORDER

There was an initial problem with the Zoom meeting. Supervisor Sofranko was facilitating the start of the meeting while David Edinger worked on the problem. Co-Chairman Dibbell called the Meeting to order with the Pledge of Allegiance at 7:10 pm.

2.0 ROLL CALL

PRESENT

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

ABSENT

David Sorbellini, Co-Chairman

3.0 MINUTES

Co-Chairman Dibbell asked if there were any corrections or comments regarding the November 9, 2021 minutes. It is noted that Co-Chairman Sorbellini submitted minor changes regarding punctuation and paragraphing. Co-Chairman Dibbell pointed out on Page 9, 3rd paragraph, 9 lines down, "...public hearing a short form SEQRA can be done and site back to the other SEQRA", should be "cite back". Paul Wright pointed out on Page 7, 4th paragraph, 4th line up from the bottom along the right-hand column, it incorrectly shows Mr. Rivera as Mr. Rivers. With no further corrections, Heidi Emrich made a motion to accept the minutes of November 9, 2021 as written with the referenced corrections, Tim Peck seconded it and all members agreed.

4.0 PUBLIC HEARING

7:10 pm - 21-Sub-7 Chet Karwatowski & Anne-Marie Johansson, 111 High Point Mountain Road, West Shokan, NY 12494: Lot Line Revision Request

Co-Chairman Dibbell asked the members of the Planning Board if they had any questions before he opened the public hearing? Heidi Emrich said that she will be recusing herself and will be leaving the meeting at this time. Co-Chairman Dibbell said that he does have a question for the applicants. He remarked that in the minutes it is noted that only Lot 3 would have access to Route 28A, he feels that in looking at the map, Lot 1 would also have access via the right-of-way. Chet Karwatowski said that it does not, the land that goes with that right-of-way will be with Lot 3. Mr. Karwatowski said that all of the old established rights-of-way will remain in effect. Co-Chairman Dibbell questioned that fact further as he is seeing the right-of-way on the map. Chet Karwatowski said that the rights-of-way have very specific permissions, they are not public rights-of-way. At 7:17 pm Co-Chairman Dibbell opened the public hearing and asked Mr. Karwatowski to explain the changes.

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Chet Karwatowski explained that they are asking for these lot line changes to their recent three-lot subdivision. He pointed out on the map the three areas that are shaded which indicate the changes that are being proposed. Mr. Karwatowski noted that the summary shows the changes which will be reducing Lot #1 from 19.339 acres to 15.047 acres. He explained that the property has historically had land on both sides of High Point Mountain Road and a portion of that will now be part of Lot 2, and there is also a small .069-acre parcel of land that is changing to create view-shed protection. Chet Karwatowski explained that the third change is to convey 3.34-acres from Lot 1 to Lot 3 which gives it better access. He pointed out that Lot 3 is currently a flag-lot off of High Point Mountain Road and this change will provide more options of access to Lot 3.

Mr. Karwatowski said that thanks to some comments from the community it was pointed out that there was a label on the map that had a typo. He acknowledged that the application and the letters were all correct, the error was on the map. This has been corrected and the current map being considered is all up to date.

Co-Chairman Dibbell opened the public comment portion of the public hearing at 7:21 pm and asked if there was anyone wishing to comment. Ed Kahil pointed out that the Planning Board had received an email prior to the meeting and asked if it could be shown on the screen for reference so that the questions can be answered. Co-Chairman Dibbell read question #1. "At November's meeting Steve Dibbell asked whether the acreage added to Lot 2 for a total of 5.3 instead of 4.348 makes the property a 4 -lot subdivision instead of a 3-lot subdivision." Co-Chairman Dibbell said that there has been a letter received and addressed by the applicants, that states that it cannot be further subdivided, it was considered a 3-lot subdivision. Co-Chairman Dibbell went on to question #2. "Lot 3, which now contains 8.915 acres is Zoned for both R/R 3A and R/E1A. This lot, I am assuming can be developed and has a right of way to Route 28 A. Is that correct?" The answer is Yes. Question #3. "I think, in reply to a question about the right of way at the November meeting, that it was only Lot 3 that had the right of way to Route 28A, but it looks as if from the survey map that both Lot 1 and Lot 2 have access to the right of way to Route 28A. Is this correct or am I reading the survey incorrectly? I am assuming that Lot 1 can be further developed as well. Is that correct?" Co-Chairman Dibbell said that this was what was discussed earlier. He doesn't feel that Lot 2 has access to the right-of-way, but Lot 1 does have access per the description on the map, but per Mr. Karwatowski stated that it is not useable for public access to Lot 1. Penny Schetzel is present at the meeting and said that she is confused by the right-of-way issue and if the lots can be further developed. Co-Chairman Dibbell explained that Lots 1 and 2 only have access to High Point Mountain Road and all three lots can be developed following the current zoning regulations. Chester Karwatowski clarified that Lot 2 has less than six acres of land and cannot be further subdivided.

Co-Chairman Dibbell went on to read question #4. "I was unable to attend the Oct. 6 meeting, so I don't know what happened regarding the new site plan and if it was determined that "no wedding events" had to be noted on the new site plan." He noted that the answer to that is that with the new site plan it was only for the bed and breakfast and does not include events. Co-Chairman Dibbell explained that if the owners of that property wanted to do events in the future, they would have to come back to the Planning Board with a site plan/special use permit proposal. He asked again if anyone has any comment. With no response from the public Co-Chairman Dibbell suspended the open comment period of the public hearing. Ed Kahil made a motion to close the public comment portion and the public hearing, Nick Burgher seconded the motion at 7:28 pm. All members voted in favor, no one was opposed, Heidi Emrich was recused.

Co-Chairman Dibbell and the Planning Board members went through the Checklist. There was a question about the fact that there are no contours shown, Co-Chairman Dibbell pointed out that contours were shown on the subdivision map that was just approved. Nick Burgher made a motion to forgo the need for contours on the lot line revision map, Co-Chairman Dibbell seconded the motion. A roll call vote was taken and resulted as follows: Ed Kahil voted in favor, Paul Wright voted in favor, Nick Burgher voted in favor, Tim Peck voted in favor, and Co-Chairman Dibbell voted in favor. Co-Chairman Sorbellini was absent, and Heidi Emrich abstained. Co-Chairman Dibbell noted that the maps that the members have in hand has a small typo showing an incorrect lot number, this was corrected and the pdf used for tonight's meeting represented the final map. He reminded the applicants that the maps for signature need this correction.

Co-Chairman Dibbell and the Planning Board completed Part 2 of the SEQRA, they declared it a negative declaration. Nick Burgher made a motion to grant approval of the Lot Line Adjustments on application

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21-Sub-7 of Chester Karwatowski and Anne-Marie Johansson, Ed Kahil seconded the motion. A roll call vote was taken and resulted as follows: Ed Kahil voted in favor, Nick Burgher voted in favor, Tim Peck voted in favor, Paul Wright voted in favor, and Co-Chairman Dibbell voted in favor. Co-Chairman Sorbellini was absent, and Heidi Emrich abstained. Co-Chairman Dibbell completed the Resolution.

7:30 pm - 20-Sub-10 Sahler Mill Farm, LLC, Lower Sahler Mill Road, Olivebridge, NY 12461: 13-lot Major Subdivision of a 64.348-acre parcel being reduced to 7 build lots.

Co-Chairman Dibbell called out to make sure that Kathryn Serra, representing C.T. Male Engineering, was present and that James Bacon was present. All are present, along with the applicants and their representatives. Co-Chairman Dibbell asked the members of the Planning Board if they had any questions before the public hearing is open. Nick Burgher wanted clarification that the last maps that are in hand are the most current maps being discussed. Janelle Perry confirmed that the members were given the most recent maps provided by Sahler Mill Farm. Nick Burgher pointed out that the corrections asked for at the last meeting are not reflected on this new set of maps. He was referring to the size of the text and the actual distances for the conservation easements. Nick Burgher said that the drainage easements should also be delineated on the map. Frank Dunn said that the conservation easements are defined by the stone walls. Nick Burgher pointed out that stone walls can be moved. Caleb Carr said that the maps have been sent back to Don Brewer with the suggested corrections, Mr. Carr said that they are waiting for Mr. Brewer to review them and to receive the final maps back for consideration.

Heidi Emrich remarked that she attended the Ulster County Planning Board's meeting where this recent proposal was reviewed. She said that they went through the application and were very happy with the changes and that the community came together with the builders and came to a solution. Mrs. Emrich said that the Ulster County Planning Board congratulated everyone and they determined that there was no County impact. This determination is reflected in the response that has been sent back to the Town of Olive Planning Board.

Jim Bacon also reported that the Planning Board has received the preliminary approval that the applicants have received from the Board of Health. Caleb Carr explained that the Board of Health will not sign off on the plans until the subdivision application receives final approval.

At 7:47 pm Co-Chairman Dibbell opened the public hearing and asked the applicants to briefly explain the changes that are being made to the subdivision. Frank Dunn explained that the initial request was for a 13-lot subdivision which had received a negative declaration from the Planning Board. He said that at the same time there was a group of neighbors who approached them about purchasing some of the lots. Mr. Dunn explained that they offered three different scenarios and the scenario that the neighbors chose was to purchase Phase Two of the proposal which was the five woodland lots. This is now being consolidated into one no-build parcel for a total of 28.35 acres. Frank Dunn thanked the neighbors for approaching them and coming to a resolution on this. He said that in the same fashion they have taken two other proposed lots and combined them into what is now shown as Lot #2, this reduces the 13 home sites down to 7 home sites. Mr. Dunn said that as an aside the buyer for the first house, Lot 6, is also purchasing Lot 7 as a buffer lot not to be built on. Frank Dunn said that before about 50% of the 64 acres was in a conservation zone, now there will be about 75% in a conservation zone.

Co-Chairman Dibbell asked if there was a representative from the community group present wishing to briefly speak. Janlori Goldman is present. She wanted to add to what Frank Dunn said from the prospective of the neighborhood. She said that when the proposal for the development was first made many of the neighbors came together with their concerns, at first it was 14 lots facing each other along the road, in this very rural area. She said that their main concerns were the character of the community, protecting the environment, and safety. Ms. Goldman said that they had about 175 people from the neighborhood sign a petition saying that they had substantial concerns. She explained that they raised up money to hire a planner, and they hired a lawyer to represent them in front of the Planning Board because the neighbors wanted the board to take a closer look at what we thought would be adverse impact. She stated that there was not a positive declaration issued on the SEQRA although that is what they felt should have been issued. Janlori Goldman

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said that after the negative declaration was issued members of the community group sat down with Frank Dunn, George Sifre, and Mike Moriello to work out a solution. She said that they are committed to this, they have a signed contract in place. She wanted it to be known for the record that this is not a sustainable form of compromise for this type of situation in the community. Ms. Goldman said that after the negative declaration was issued a number of community members got together and filed an Article 78 lawsuit challenging the negative declaration charging that it was not based on fact. She said that as part of this compromise and purchase of the land they will be dismissing the lawsuit, but not because they think there wouldn't have been a substantial impact. Janlori Goldman said that most of the other members of the community who are purchasing the 28.35 acres are on this call and she wants to recognize them, some of them are not even contiguous to the subdivision. She acknowledged that thirteen different families have come together, contributing different amounts, to raise the funds to cover the purchase price of \$800,000.00. She said that many are attached to the preservation of this land and it is their hope that at the time of closing the land will be held as forever wild and will not be developed or used in any other way.

Janlori Goldman remarked that during the many meetings and public hearings there has been talk about the need for a comprehensive plan. She acknowledged that Supervisor Sofranko did reach out to a number of community members to write letters of support for a grant he was seeking to fund work on a comprehensive plan. She said she cannot emphasize enough how important it is to our community and the communities around us given the property values and the hunger for development in our area, to have a plan that requires that we have a look at density, community character, traffic, physical safety, the impact on the wooded areas, and the animals. Ms. Goldman said that she appreciates everyone who came together and remarked that they have become a very close-knit group, it has become a bright spot in this process.

At 7:54 pm Co-Chairman Dibbell opened the public comment period and asked anyone wishing to speak to sign up in the chat bar. Co-Chairman Dibbell asked Kathryn Serra to facilitate the public comment portion of the hearing. Ms. Serra asked the audience to limit their comments to five minutes.

The first to comment is Philip Monteleoni, he lives on Rocky Road which abuts Lower Sahler Mill Road, about a half mile from the proposed development. He said that he and his wife have lived there for 30 years. Mr. Monteleoni said that he and his wife wholeheartedly support this latest proposal and feels it is a wonderful resolution to what had previously been a divisive and alarming issue in our quiet neighborhood. He feels that this new proposal is a win-win situation that eliminates the incursion of so many houses in this small stretch of road. He wants to thank the generosity of so many of the neighbors for making this accommodation possible. He also wanted to thank the flexibility of the developers to understand our side of the issue and to meet us halfway. And, to the Planning Board he wanted to say thank you for your patience through this sometimes-contentious process, and please approve this project.

Kathryn Serra reminded the audience if they want to speak, they should enter their name into the chat bar. With no other responses, Co-Chairman Dibbell made a last call if anyone wanted to speak on this issue.

Kevin Seekamp said that he feels it is sad that it took this kind of negotiation to change the minds of so many people. He said that there is this concept of over-density and that everyone is moving up from New York City, and everyone wants land. Mr. Seekamp remarked that he knew the Iversen family and he was very kind to them and he finds it odd that somebody would come in and try to develop something making it very over dense and then the negotiations happen, which is a good thing. He said that conservancy and what being a conservationist means is to be overprotective and he doesn't see that from the Planning Board, and he doesn't see that from the builders. He feels that is very sad.

Leonora Wiener wanted to thank Janlorii Goldman and Philip Monteleoni for speaking on behalf of the neighbors. She remarked that she is also a neighbor and as someone who walks this circle every day, she is relieved that we will have far fewer cars and trucks and delivery vans and construction vehicles barreling down hairpin turns. She feels it is a wonderful outcome for this community, the children, the animals, and all of the people who live here. Ms. Wiener said she would agree with Ms. Goldman and feels that the neighbors would be very committed in helping the Planning Board think through a comprehensive plan. She feels this is a band aid approach, not a comprehensive approach which needs to be done to protect the character of the community and the ecology of the environment. She thanked the Planning Board for

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approving this solution and hopes that we can all come together in the future to create something more lasting.

Lyn Scarpati wanted to thank everyone who has stepped up to the plate to help everyone in the community achieve their goal. She feels it is an amazing thing that has happened and wanted to thank everyone who got involved in the purchase of the land. Thank you very much.

Tim Peck made a motion to close the public comment portion of the public hearing at 8:02 pm, Paul Wright seconded the motion. Co-Chairman Dibbell asked if there were any objections. With no objections all members present voted in favor. Co-Chairman Dibbell asked the members of the Planning Board if there was any other discussion they would like to hold while the public hearing is still open? Kathryn Serra suggested that someone should go over what the next steps would be. Co-Chairman Dibbell invited Jim Bacon to explain what should be done next. Mr. Bacon suggested that the public hearing be closed first, before going over the next steps. Co-Chairman Dibbell made a motion to close the public hearing at 8:03 pm, Heidi Emrich seconded the motion, all members present were in favor, no one is opposed.

Jim Bacon explained that as the Planning Board and the public are aware this is an extremely unusual situation where the parties have come to an agreement to settle the litigation and coming up with a new plan. Mr. Bacon said that he and Mike Moriello have talked about this and they have been doing this for a number of years and they both find this very unusual that a settlement has been reached and everyone seems to be happy with the outcome. He wanted to remind the public that the Planning Board is an administrative body and does not legislate new zoning and as discussed in the past there is no comprehensive plan in the Town of Olive so the zoning is the measure in what the Planning Board is to follow under the law, which is one-acre zoning for this area. He suggested that if the public wishes to change the zoning, then the Town Board is the one who needs to be solicited regarding any changes.

Mr. Bacon explained that the project now being proposed has a much less impact compared to the other plan and because it has been arrived at through the settlement and judicial action, it can be qualified as a Type 2 action under SEQRA and no further environmental review needs to be conducted by the board. He feels that the site plan issues and the drainage issues need to be resolved with the map before final approval. Mr. Bacon said that the next step would be that the Planning Board needs to agree that this is a Type 2 action and take a vote on that. Since there has now been another public hearing, he feels that the board can waive having a final subdivision public hearing, providing that the map is in a form that our engineer agrees is sufficient for filing. The next meeting could be for a final subdivision vote and then there needs to be a vote to allow the Chairman to sign the settlement agreement because the Planning Board is a party in the litigation. Mr. Bacon feels that the Planning Board needs to put off the signing of the agreement until all the members have a chance to review the documents and if there are any questions after they can get them answered. Jim Bacon also suggested that the applicant's attorney has the opportunity to speak to see if there is anything more that needs to be done.

Mike Moriello thanked Mr. Bacon, he acknowledged that it was a good explanation. He wanted to give a thank you to the Planning Board and to the public and to his clients and all of the lawyers that have been involved in this. He said that during his 30 years in practice this is the first time that he has ever had a settlement in an Article 78. He feels it is a very good solution to a most difficult problem. He feels that both sides worked very hard to try to give up something to get something and commends both sides for it. Mr. Moriello stated that, just today, he did get something from the court wanting an update on where things stand and he said he can't be happier than to tell them tomorrow that we hopefully have this settled and will be submitting the signed documents with a proposed order for Judge Gilpatric to execute.

Mike Moriello said he agrees with Jim Bacon's approach to have it classified as a Type 2 action, and for the reasons that everyone has expressed that the impacts are far less than what the negative declaration indicated. He feels that Mr. Bacon is right on the steps that he explained. He would like to see if the board could vote on the preliminary approval tonight and either he or Mr. Bacon could draft a draft approval decision speaking to the preliminary approval and ratify it, as long as the map is in compliance and the applicants meet the conditions which C.T. Male may ask for on the plat. Then we can grant a written final

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approval at the next meeting. As far as the settlement goes, we must present an original signature document to the court. Mr. Moriello will have Frank Dunn, either tomorrow or as soon as possible, get a signature from the Chairman on the settlement and we will also need to get Jim Bacon's original signature on an order that we have for the judge.

Mike Moriello told the Planning Board that they have been keeping Paul Keller and John Barone in the loop on everything that is being done. The settlement agreement does have attachments to it, including the map showing the area that is going to be the no-build, the covenants and conditions, and the only thing changing in the conditions pertains to the storm water basins which we don't have anymore.

Jim Bacon said that he feels that the Planning Board can vote on a preliminary approval because the items that have been presented are in sufficient order. Co-Chairman Dibbell recapped that the Planning Board needs to vote to approve the settlement agreement, #2 declare it is a Type 2 action, #3 wave the final public hearing. Mike Moriello told Co-Chairman Dibbell that the board wouldn't have to decide on this tonight they can wait until they have the proposed final map in front of them at the next meeting. Co-Chairman Dibbell asked for clarification that the applicant is looking for a preliminary approval tonight? The response is that this is correct. Co-Chairman Dibbell asked the Planning Board members if they have any other questions?

Tim Peck asked Kathryn Serra what her thoughts are? Kathryn Serra said that she doesn't have any issues with it from an engineering point. She said that any minor issues can be corrected before the final subdivision plans are submitted. Co-Chairman Dibbell asked Jim Bacon his advice, he noted that the board usually does these types of votes and they are just reflected in the minutes, do we need formal resolutions written up? Jim Bacon feels that as long as the minutes reflect the subject of the votes and who votes, it would be official. He feels that this would be fine for a preliminary approval and when the board votes on the final approvals it will be written up with a final resolution.

Co-Chairman Dibbell asked for a motion providing for the Planning Board's approval on the settlement. Tim Peck made a motion to approve the signing of the settlement agreement on behalf of the Planning Board, Heidi Emrich seconded the motion. A roll call vote resulted as follows: Ed Kahil voted in favor, Heidi Emrich voted in favor, Nick Burgher voted in favor, Tim Peck voted in favor, Paul Wright voted in favor, and Steve Dibbell voted in favor. Dave Sorbellini was absent.

Co-Chairman Dibbell went to the second item, regarding the SEQRA. The board agrees that the project is considered a Type 2 action, there is less environmental impact than in the prior proposal. Co-Chairman Dibbell asked Jim Bacon if he wanted to see specific wording? Mr. Bacon said that the board should cite the judicial settlement being the basis for the Type 2 action by definition and that the board is signing the judicial settlement.

Co-Chairman Dibbell made a motion that the board has agreed to consider the Sahler Mill Farm project as a Type 2 action given the judicial settlement and the Planning Board believes the environmental impact of the current proposal is less than the action that was previously reviewed and determined a negative declaration during the SEQRA review, Nick Burgher seconded the motion. A roll call vote resulted as follows: Ed Kahil voted in favor, Heidi Emrich voted in favor, Nick Burgher voted in favor, Tim Peck voted in favor, Paul Wright voted in favor, and Steve Dibbell voted in favor. Dave Sorbellini was absent.

Co-Chairman Dibbell asked the Planning Board members if they had any comment on the consideration of a preliminary approval. Ed Kahil asked what the benefit of a preliminary approval would be since the Planning Board has never done this before; he isn't clear on how that is important? Mike Moriello said that section 276 of the town law says that a preliminary approval must be granted. He remarked that a lot of boards grant preliminary and final approval at the same time. Mr. Moriello said that the primary reason to grant preliminary approval would be so that the basis for the approval could be provided when the applicants come back to the Planning Board with the final plat showing that it has been brought into compliance. This would be the basis to wave the final public hearing. At this point Janelle Perry remarked that Mr. Moriello's transmission could not be heard. The sound was adjusted and Mike Moriello can now be heard. He was saying that it provides a clearer picture by having a preliminary approval granted in order to show it as the basis for the waiver of a final public hearing and that the preliminary map and the final map are in

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compliance. Ed Kahil doesn't see that the Planning Board would need to hold another public hearing. Mike Morielle stated that the statute reads that you shall have a final public hearing unless the board decides to waive it.

Co-Chairman Dibbell said that the Planning Board has generally been doing a preliminary and a final approval as one step but the law does read that there is a preliminary and a final. Ed Kahil understands and he asked if Jim Bacon agrees with that. Mr. Bacon said that generally towns do both the preliminary and final together because it saves time and moves the application along. He believes that this is a special circumstance and it may be better to split them up. Co-Chairman Dibbell pointed out that the Planning Board Resolution does provide for this action as it has a space to check mark a preliminary major subdivision approval.

Co-Chairman Dibbell made a motion that the Planning Board vote on a preliminary approval of the major subdivision of Sahler Mill Farm, Heidi Emrich seconded the motion. A roll call vote resulted as follows: Ed Kahil voted in favor, Heidi Emrich voted in favor, Nick Burgher voted in favor, Tim Peck voted in favor, Paul Wright voted in favor, and Steve Dibbell voted in favor. Dave Sorbellini was absent.

Jim Bacon said that the last thing that needs to be done is that the changes are made and presented to Kathryn Serra and that the documents are submitted in a timely manner in order to make the next Planning Board meeting. Heidi Emrich asked if the motion to waive another public hearing should be done at tonight's meeting or at the next meeting. Mr. Bacon said that it can wait until the next meeting.

Kathryn Serra wanted the Planning Board to be aware that the applicant's engineer did respond to C.T. Male's latest round of comments on November 30th and all that we are waiting on is the survey plat plan to be updated to address the comments that Nick Burgher remarked about. She asked if the Planning Board had any additional comments to add.

Nick Burgher asked if Lot 8 is going to have a conservation easement over it since it is going to be preserved? Frank Dunn said that he felt it would be best to show it that way as the wetland is part of it. He said that in a meeting with Janlori Goldman she felt it should also be shown that way.

Kathryn Serra recapped that the text and labeling issues need to be corrected and the actual metes and bounds need to be shown for the drainage easement. Nick Burgher said that the same should be shown for the conservation easement. Ms. Serra said that once the corrected plan is submitted it will dictate which Planning Board agenda it will be on. Additional discussion is held on the size of the text that should be used.

Jim Bacon thanked the Planning Board for their hard work on this over the many months. Mike Moriello said he will coordinate with Mr. Bacon for the signatures and he will let Paul Keller and John Barone know. Mike Moriello also wanted to thank the Planning Board and the public and everyone who has been involved.

George Sifre also wanted to thank the Planning Board, it has been a very long and difficult process. He also wanted to thank the neighbors and Janlori Goldman, and Phil Monteleoni who helped make this resolution possible. Co-Chairman Dibbell asked if there were any other comments this evening on Sahler Mill Farm? Matt Mandel asked when the next Planning Board meeting will be? Co-Chairman Dibbell said that the next meeting will be the first Tuesday in January, January 4, 2022. Kathryn Serra hopes that the survey will be ready for that next scheduled agenda. Co-Chairman Dibbell said that the Planning Board will include Sahler Mill Farm on the next agenda and can easily pull it off if they are not ready.

5.0 LOT LINE REVISION/SUBDIVISION

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

Present at the meeting to represent the applicant is Mike Iapoce. He explained that he was hired by Jim Senecal a few weeks ago to prepare a proposed Road Maintenance Agreement and the Easement Agreement which Mr. Senecal said was a requirement the Planning Board asked for with his application. Mr. Iapoce said that he did prepare these agreements and emailed them to the Planning Board. Mike Iapoce also noted that

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it is his understanding that the modifications asked for to the map have not been made but Mr. Senecal is continuing to work on getting them done. Mr. Iapoce wanted to confirm what those additional modifications are?

Co-Chairman Dibbell first wanted to address the first comment about the Road Maintenance Agreement, he explained that the Planning Board is not really interested in reading it, they just want to know that one will be put into place. Heidi Emrich said that what she wanted was the language in the note #2, be amended to read that a "Road Maintenance Agreement is to be filed concurrently with the map to the Ulster County Clerk." She said that this would indicate that a road maintenance agreement exists and that it will be filed with the County.

Mike Iapoce thanked them for the clarification. He noted that he was not at last month's meeting and the way it was indicated to him by Mr. Senecal was that the Planning Board wanted to see the proposed Road Maintenance Agreement. Mr. Iapoce now understands that the board is looking for it to be noted on the map. He asked if the same goes for the driveway easement? Co-Chairman Dibbell explained that what the Planning Board was asking for is to see the actual metes and bounds of the driveway easement to be shown on the map, not the language of the easement itself.

Mike Iapoce said that Mr. Senecal also told him that the Planning Board wanted to see documentation that he has Board of Health approval for the septic system on Lot #2. Mr. Iapoce asked if the board is looking for actual documentation from the Board of Health or from the engineer that it is being done. Ed Kahil responded that the documentation should be from the Board of Health.

Mr. Iapoce also wanted clarification if the Planning Board was looking for actual written metes and bounds that would be shown in a deed. Nick Burgher said that he was looking for the metes and bounds measurements for the driveway easement to be shown on the map.

Mike Iapoce thanked the Planning Board for the clarification. He said that he is hoping the application can be on the January 4th agenda and that the requested changes can be made to the map by then. Co-Chairman Dibbell asked Mr. Iapoce to have the applicant let Janelle Perry know if he will not be ready for that meeting.

21-Sub-8 NASAS Properties LLC/Sean Rivera, 572 Acorn Hill Road, Olivebridge, NY 12461: 2-Lot Subdivision

Co-Chairman Dibbell asked if the applicant is present. Sean Rivera is present to represent NASAS Properties. Co-Chairman Dibbell remarked that Janelle Perry had pointed out that there was an incorrect SBL number being used on the application. Mrs. Perry remarked that corrected material has been provided and passed on to the members. Tim Peck put the amended map on the screen.

Co-Chairman Dibbell asked Mr. Rivera to explain where he stands regarding the discussion of the 22-acres versus two 11-acre lots. Mr. Rivera said that it is one 22-acre parcel not two 11-acre parcels. He said that he did submit the amended paperwork and the surveyor has submitted an amended map with the corrections the board asked for. Co-Chairman Dibbell remarked that previous discussion talked about two families. Sean Rivera said it is one family with two children. Co-Chairman Dibbell asked if they are intending to build two homes on the property, Mr. Rivera said not at this time. Mr. Rivera said that the prospective buyer is from Brooklyn and they are looking to build a house. He said that they have already submitted paperwork to the Board of Health for septic approval. Sean Rivera pointed out that he is selling the land as unbuildable land and he is submitting the subdivision with that notation.

Co-Chairman Dibbell asked the Planning Board members if they had any comments for the applicant. Paul Wright noticed on the map that the land owners on the opposite side of Acorn Hill Road are not shown on the map. Co-Chairman Dibbell feels that since all of the surrounding neighbors need to be sent a letter, they should be noted on the map. Mr. Rivera said that he has submitted the envelopes for everyone.

It is pointed out that the topo is only being shown on the bottom part of the map. Heidi Emrich questioned if the remaining 110 acres is a parcel that may not be physically accessible from Acorn Hill Road? Mr. Rivera said that he has hundreds of feet of frontage along Acorn Hill Road. Mrs. Emrich said that it still doesn't show

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if there is viable access. Sean Rivera said that there is an existing road off of Acorn Hill Road. Co-Chairman Dibbell suggested that the existing driveway be shown on the map. Heidi Emrich remarked that she understands it is costly to have an actual survey done but it would be helpful to have those details shown on the survey map as well as the measurement metes and bounds of the property. Nick Burgher said that there had been a survey presented last year with the lot line adjustment. Ed Kahil said that he believes the County would deny the map if the metes and bounds measurements for both lots aren't shown on the survey map. Nick Burgher said that the County has accepted maps that have the measurements shown by deed and not an actual survey. Nick Burgher doesn't agree with that type of practice, Heidi Emrich also noted that she doesn't feel it is a good practice. She asked Mr. Rivera to have the surveyor put some metes and bounds measurements on the map, even if it is with a +/-.

There was a brief discussion regarding the grade of the property coming off of Grassy Ridge Road. Co-Chairman Dibbell asked the Planning Board members how they would like to proceed with this application. Nick Burgher asked Mr. Rivera if this whole property has ever been surveyed. Mr. Rivera said that Bert Winne had surveyed the property about 12 years ago. It is noted that Praetorius and Conrad are just mapping it. Co-Chairman Dibbell isn't sure the application is ready for a public hearing. Heidi Emrich said that the map has been improved. Co-Chairman Dibbell said that it still needs the other owners on the map and he doesn't see why the topo overlay can't be done on both parcels. The board also asked that the existing driveway be shown and the bearings and distances of the property lines be added.

Co-Chairman Dibbell suggested that if these amendments can be made to the map and provided to the Planning Board by the two-week window required, they would be able to advertise and hold a public hearing in January. Nick Burgher asked if there is a structure on the property? Mr. Rivera said that there is a camper on the property, he uses it as a hunting camp.

Heidi Emrich said that she would be comfortable proceeding with a public hearing if the corrected map is received in time. Co-Chairman Dibbell pointed out that there are no structures being shown that are within 200' of the property lines. He asked the members if they feel they are necessary? Heidi Emrich feels that this is an encumbrance on the surveyor. Heidi Emrich looked at the parcel viewer and across the street from the proposed 22-acre parcel is a home owned by the Monahan family. Heidi Emrich made a motion to waive the need to show structures within 200' of the property lines, Nick Burgher seconded the motion, all members present voted in favor.

Heidi Emrich and Janelle Perry reviewed the list of property owners across Acorn Hill Road to be sure that envelopes have been provided for those land owners. It is determined that the envelope addressed to Bjorn Wetrus was a previous owner, the land is now owned by Ashokan Accommodations LLC, 407 Ashokan Road, Kingston, NY 12401. Janelle Perry will correct that envelope.

Sean Rivera asked what the timing would be if he submits the map with the necessary changes in time to hold a public hearing? Co-Chairman Dibbell said that if there are no additional comments or needed changes that are discussed at the public hearing the Planning Board could make a determination that evening. The board has tentatively scheduled a public hearing for 7:20 on January 4, 2022.

6.0 SITE PLAN

SP6-21 Trojian/Foxfire, 2688 Route 28, Shokan, NY 12481: Intent is to operate a shop and restaurant.

Co-Chairman Dibbell asked if there is anyone present to represent Foxfire. Tim Trojian is present. He explained that it is his intent to start a retail shop and small café/restaurant at the site of 2688 Route 28, previously known as Just Alan or Scandinavian Place. Mr. Trojian said that the project is going to follow in the same vein as what has been there before. He said they will be selling home goods, furnishings, etc., and having a small café in conjunction with the Foxfire Mountain House that is in Mt. Tremper.

Tim Trojian said that they don't have the exact number of seats that they will have in the café as we are working with the engineers, Medenbach and Eggers, to see what the septic system will accommodate. He

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said that they are also hopeful, looking down the road, that a sewage plant will be coming in that this property can take advantage of within the next five years.

Co-Chairman Dibbell asked Mr. Trojian if the restaurant would be the primary use? Tim Trojian said that it will be 50/50 for the moment. He said that the hope is to build a 20' x 30' glass atrium in the back for seating and to bring more light into the building. He remarked that to begin with they will have a little more retail shop and what ever the septic will allow as seating in the café. Co-Chairman Dibbell asked Mr. Trojian if the operation will be regulated by the Department of Health, he responded that it is. Co-Chairman Dibbell deferred to Ed Kahil to comment. Mr. Kahil said that it seems that the applicant will be working backwards. Mr. Trojian said that they plan to do some perc tests and have the Board of Health out to the property to look at the setbacks and provide information on how many gallons capacity the septic system will hold and this will determine the seating capacity.

Mr. Trojian said that he is hoping to have the Board of Health information shortly but he is coming to the Planning Board now because he is in contract to purchase the property and he doesn't want to move forward until he is sure that the Town will say yes to the basic proposal. He said that if they can't do a café then they will just move forward with a retail shop and grow as we can. Mr. Trojian said that the restaurant would never be more than 50 seats and determined where the parking can go. He noted that they do have enough space to put in the parking for that in the front of the building.

Ed Kahil asked Mr. Trojian what size the parcel is, he responded that it is 2.1 acres. Ed Kahil asked if that includes the house in the back. Mr. Trojian said it does, he explained that the house will be used as offices and a small prep kitchen. Ed Kahil said that this all needs to be on the site plan.

Co-Chairman Dibbell said there is some history with the property with regard to varied issues and fuel tanks in the ground. He asked the applicant if he is aware of that. Mr. Trojian said he is aware of that and he understands that this has been fully signed off on by the DEP and satisfied. He said that his lawyers are requesting that these documents are provided prior to the purchase. Ed Kahil asked that the Planning Board be provided with that documentation. Tim Trojian said that will not be a problem.

Co-Chairman Dibbell feels that the applicant is looking for more than what the Planning Board can give at this time. He remarked that we are all in favor of good businesses in the town and having another place to stop and have a cup of coffee and some food is among them but the Planning Board cannot give an approval before the approvals. Tim Trojian asked what he would need to provide in order to get a site plan approval? Ed Kahil said that if a report is provided from the engineer showing what the capacity is and draw up the site plan reflecting that. He noted to the applicant that he would need to be approved by the Health Department before the business opens.

Co-Chairman Dibbell said that in the past the Planning Board has also considered if alcohol will be served and whether you plan to host events and if you will be having music. These are the type of things that may impact the neighbors and the Planning Board needs to consider. Tim Trojian said that they have no plans on doing music other than ambient music inside. He said they do plan on applying for a liquor license to serve wine, beer and spirits in the restaurant, not as a package store to go. Mr. Trojian said that they also would not be planning on doing any major events on the property, other than hosting the occasional small birthday or special event in the restaurant. He also explained that they are hoping to have some garden seating outside during the summer months.

Heidi Emrich remarked that if this is referred to the Ulster County Planning Board, they may have some comments about sidewalks and the parking situation and the ingress and egress. Tim Trojian said that he has been talking with Dominic Covello and the D.O.T. requirements at the Dylan Hotel, which is similar. He understands that there are no curb cuts and they will most likely require them so that people cannot pull off of Route 28 willy-nilly. The board held a brief discussion on the D.O.T.'s requirements regarding the ingress and egress off of Route 28, Heidi Emrich is sure that Medenbach and Eggers are aware of these requirements.

Co-Chairman Dibbell asked if there was anything else that needed to be discussed at the moment.

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Tim Trojian thanked the board and acknowledged that he was just trying to see what he needed to do to move forward. He pointed out that it really isn't a change of use from the recent businesses that have been in the building. He feels that what they are planning can be a successful venture. Mr. Trojian told the Planning Board that he will work on getting the site plan together and submitted in time to make the January 4th meeting.

7.0 CORRESPONDENCE

Heidi Emrich reviewed with the Planning Board members the comments and narrative she created for the two Ulster County Planning Board Final Action documents for Bread Alone and the one for Spector_Korg. She said that she is fine with signing off on them and returning them to the Ulster County Planning Board or she can drop them off at the Town of Olive office for Co-Chairman Dibbell to sign. With regard to the Spector_Korg Final Action there was a narrative explaining why the Olive Planning Board did not follow the recommendation for a sidewalk. Co-Chairman Dibbell questioned if there needs to be a vote and majority in agreement why the recommendation wasn't followed. Heidi Emrich said that she wasn't told this had to be done when she was talking with Dennis Doyle about this application. It was decided that since the Planning Board voted unanimously to approve the Spector_Korg site plan application this was sufficient to show a majority +one vote. Janelle Perry asked that before the documents go to the Ulster County Planning Board, she would like to receive a scanned version and a hard copy to be left at the Town office for her. Co-Chairman Dibbell does not feel the need to sign the Final Action documents, he made a motion to empower Heidi Emrich to sign the Ulster County Planning Board responses as she is the elected alternate representative to the Ulster County Planning Board, Tim Peck seconded the motion. All members present were in favor.

Ed Kahil asked if there was any response regarding the Ranucci submission. Janelle Perry said that John Ingram looked into it and told her that she will need to go to the ZBA for a determination to allow her to operate in a residential area. To date she has not approached the ZBA. Co-Chairman Dibbell remarked that it is very hard to get a use variance because you need to prove a hardship that isn't self-created.

8.0 NEW BUSINESS

Janelle Perry explained to the board that there is a new application that has been received and presented for consideration from Ashokan Foundation, 477 Beaverkill Road & NYS Route 28A, Olivebridge, NY 12461: Lot Line Revision Request – Conveyance of Turnwood Covered Bridge and covered bridge property from the DEP. Nick Burgher remarked that he has already seen the maps at his job with NYC. There was a brief discussion regarding the land that is being transferred to the Ashokan Center. The board feels the submission is complete enough to be included on the January 4, 2022 agenda.

8.0 AGENDA

The board set the agenda for the next meeting, scheduled for January 4, 2022. The board will hold a public hearing at 7:20 for application 21-Sub-8 of NASAS Properties. There will be a final review of application 20-Sub-10 Sahler Mill Farm, LLC. If the applicants get the material submitted in time there will be a final review of the subdivision application 21-Sub-6 Way Back Acres/Senecal, and continued review of site plan application SP6-21 Trojian/Foxfire. The board will also consider an initial review of application 21-Sub-9 Judy Maher/Cecil Hooker, and application 21-Sub-10 Ashokan Foundation.

9.0 ADJOURNMENT

Heidi Emrich made a motion to adjourn the meeting at 9:57 pm, Ed Kahil seconded it, and all members agreed.

Sincerely,

Janelle Perry
Planning Board Clerk