



Town of Olive Planning Board

P.O. Box 513, Shokan, NY 12481

DATE: March 1, 2022

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

1.0 CALL TO ORDER

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

2.0 ROLL CALL

PRESENT

Stephen Dibbell, Chairman
Heidi Emrich
Ed Kahil
Nicholas Burgher
Tim Peck
Paul Wright
Don DiMartini

3.0 MINUTES

Chairman Dibbell asked if there were any corrections or comments regarding the February 1, 2022 minutes. He had a few minor corrections. On Page 1, under 3.0 Minutes, third line down, "...should only be capitalized with associated with a name", should be "when associated with a name". He noted on Page 2, sixth paragraph down, last line, "meeting to try to learn as much as she can with their process", should be "about their process". Chairman Dibbell said the next one isn't really a correction, more of a clarification. On Page 3 under Ashokan Foundation, fourth paragraph, last sentence, "Chairman Dibbell said he would be checking with Janelle Perry to confirm receipt." He assumes it refers to the application fee, and asked if they have been received. Janelle Perry confirmed that the application fee was received. Chairman Dibbell had one other correction on Page 6, fourth paragraph down, fourth line up from bottom of the paragraph, "Ed Kahil asked why a lot line adjustment...", why should be "why".

With no further corrections, Heidi Emrich made a motion to accept the minutes of February 1, 2022 as amended, Chairman Dibbell seconded the motion and all members agreed.

4.0 REGULAR MEETING

Chairman Dibbell reported that the Sahler Mill Farm maps have been signed and picked up by the applicants. The Lane maps have been signed, but have not yet been picked up from the Town Building Office.

Chairman Dibbell said that he received a telephone call from the Town offices and was told that Sahler Mill Farm LLC was looking for a refund of the application fee because they went from a 14-Lot subdivision to an 8-Lot subdivision. Janelle Perry said that she had received the email and had forwarded it to the Supervisor's office and the bookkeeper. She heard back from them saying that they would be refunding the applicants the difference of \$1,020.00. Chairman Dibbell feels that there is something in the law that states the fee wasn't refundable. Ed Kahil feels that since the Planning Board spent time reviewing it as a 14-Lot subdivision part of the fees should be used to cover that part of the process. He doesn't feel that funds should be refunded. There was a brief discussion that followed.

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5.0 SUBDIVISION/OPEN DEVELOPMENT

22-Sub-2 Simon Strauss Open Development, 45 Indian Trail Road, Shokan 12481: 3-Lot Subdivision and Lot Line Adjustments

Present at the meeting is Simon Strauss. Heidi Emrich recused herself. Simon Strauss explained that the original request was for a 3-Lot Subdivision and Lot Line Adjustments and he is now proposing reducing that to a 2-Lot Subdivision. Mr. Strauss also noted that the prospective buyer for the upper 10.327-acre lot isn't intending to build on the property and he has no current plans to build on the remaining parcel so he is asking that the Planning Board not require Board of Health approval on the two lots. He is proposing that the wording be put on the map that the lots are not buildable without Board of Health approval. Mr. Strauss said he has spoken to the Ulster County Board of Health and they have no issues with not having prior approvals on the proposed lots. He also spoke with the NYC DEP and it is generally their policy to ask for the perc test and Board of Health approval if there is a requested subdivision, however, their policy is not enforceable and, in their opinion, it wouldn't make any sense to do a perc test because it is only good for two years if you have no intention of building. Simon Strauss's request to the Planning Board is to have the appropriate legend on the map and not have to do perc tests and seek Board of Health approval. Nick Burgher said that Board of Health extensions can be requested. Simon Strauss remarked that the property is in three-acre zoning and one parcel is 10+ acres and the other is 12+ acres so there is plenty of property to adequately find a place to do perc tests and put in a septic.

Chairman Dibbell brought up a point that had previously been raised by Ed Kahil, since you are only creating two lots, why don't you just do a lot line adjustment with your neighbor to the northeast who is looking to purchase this additional property? Simon Strauss said that he did discuss that option with his neighbor and he didn't want to do that, if in the future he did want to build he wouldn't have to go through that whole process. Ed Kahil feels that if this is the case, then the Planning Board will really have to scrutinize the road issue. He noted that the road issue would go away if a lot line adjustment is done. Mr. Kahil said he has a lot of issues with the lack of width and design of the road. Simon Strauss said that his engineers have told him the road design is 95% under way and should be done in the next day or so. He said that the fire chief has been up to look at the site, as well as Brian Burns, and they both told him they didn't see issues with the road as it was explained to them, but they still needed to see the engineered design. Mr. Strauss said that he has received a letter from each of them. Ed Kahil asked if the intention is to ever make it a town road, Mr. Strauss said it will not be made into a town road.

Ed Kahil said he was on the Highway Use Advisory Committee back in the 90's and there was a discussion about private roads and there is a guide line that describes the requirements for a town road and at the time it was said that the only difference between a town road and a non-town road would be the surface on the top. He said that the width requirements, the drainage requirements, the design, and the slope of the road would all be the same. Mr. Kahil said that the big savings to the developer would be the pavement. He doesn't know how a road can be engineered where it is only 19' wide. Simon Strauss said that Chris Winne, the fire chief, said that the trucks wouldn't need to get up the road as the trucks have enough hose to run from Black Road up to the "T" in the road. Mr. Winne said that if a pull-off was created where the road bends it would be adequate.

Nick Burgher asked if the topo was being taken off of the computer, Simon Strauss said that the survey crew was on the property a week ago. Chairman Dibbell said that the Planning Board has been pretty clear that there won't be much more movement on the application until the engineered road design has been received. He remarked to Mr. Strauss that the concerns have been voiced at the meetings. Chairman Dibbell said that the comments from Brian Burns and Chris Winne are more for consideration when it comes to the Open

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Development and any recommendation made to the Town Board. Part of the consideration in making a recommendation would be to assure it is safe and accessible for emergency vehicles.

Ed Kahil asked Mr. Strauss if he has approached his neighbors to see if he could purchase a small piece of land in order to make the road wider? Simon Strauss said he hasn't, he is waiting to see what the engineering says. Chairman Dibbell asked about the neighbors who access their properties off of Indian Trail. Simon Strauss said that Michael Wehr's driveway intersects and the Gundersen's access their property off of Indian Trail, he pointed out that Nancy Gundersen was present at the meeting. Chairman Dibbell asked the neighbors if they have any thoughts. Nancy Gundersen said that she was at the meeting to listen and learn.

Simon Strauss asked if the Planning Board wants to see the engineering when he gets it. Chairman Dibbell said that the Planning Board would want to see it as soon as it is available, he also noted that the members will want to do a site visit. There was additional discussion regarding the need for perc tests. Ed Kahil pointed out that the SEQRA, under Section 11 states that "existing structures serviced by existing septic systems, proposed dwellings to be designed for BOH approval, individual sewage disposal systems to be installed." Mr. Strauss said that SEQRA was submitted with the previous map. Ed Kahil doesn't feel that it is relevant going from three lots to two lots. He remarked that the application is still incomplete, the Planning Board is waiting for engineering, a revised SEQRA and fees. Nick Burgher said that the overhead utility lines and the gravel drive lines are the same and hard to read and the wells are unclear.

Heidi Emrich took down the information to pass on to Brinnier and Larios, she reiterated that she is recusing herself on this project.

6.0 SUBDIVISION

22-Sub-3 Elizabeth Hansen, 1967 County Road 3, Olivebridge, NY 12461: 2-Lot Subdivision

Chairman Dibbell asked if there was anyone present to represent the Elizabeth Hansen application. It is noted that no one was present, perhaps tonight's weather was a deterrent for Mrs. Hansen. Janelle Perry acknowledged that she was in touch with Elizabeth Hansen and she was prepared to attend the meeting. Janelle Perry also pointed out that she received one of the envelopes back "undelivered, no such number" that was sent out by the Building Office announcing the review of the application. After checking with the Town of Olive Assessor's office it was determined that Mrs. Hansen was given an incorrect address, this will be corrected on future mailings.

7.0 CORRESPONDENCE

Chairman Dibbell acknowledged receipt of the letter dated February 16, 2022 regarding the Shokan Wastewater Management Program. He reviewed the SEQRA Documents and read through the Lead Agency document. Ed Kahil made a motion to accept, #1 to endorse the Town of Olive to act as the Lead Agency, and #2 to provide comments on the proposed project, Paul Wright seconded the motion, all members were in favor. The Planning Board held a brief conversation on the proposed wastewater project. Chairman Dibbell signed the Lead Agency document on behalf of the Planning Board.

8.0 NEW BUSINESS

There has been one application received for consideration, 22-Sub-4 Catskill Farms, County Road 3, Olivebridge, NY 12461: 8-Lot Subdivision. The Planning Board briefly discussed the submitted material. Chairman Dibbell feels that this will be substantially different than the Sahler Mill Farm subdivision as it is coming off of a more major road, County Road 3. and the homes are going to be off of a new proposed roadway versus off of a town road. Also, because this is a County road, the project will need to be sent to the Ulster County Planning Board. The Planning Board members briefly discussed the proposed subdivision.

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Heidi Emrich remarked that some of the area is wet and the board will need to consider the wetlands in the review process. The members all agreed to add this application to the April agenda.

9.0 DISCUSSION

Planning Board procedures. The members of the Planning Board want to consider procedural items to improve their application process. Chairman Dibbell wondered if the members wanted to meet mid-month the hold a discussion? Chairman Dibbell said that after going through the process of the Sahler Mill subdivision it would have been nice to have a checklist to go through to say this is what needs to happen next, etc. Heidi Emrich agreed with him. Don DiMartini feels that in the absence of a comprehensive plan, and with the changes that are happening in the town with regard to development, it is important to be transparent to the public.

Don DiMartini feels that the members need to have sufficient time in advance to receive documents for consideration at the meeting. There was a discussion regarding materials needing to be received two weeks prior to give John Ingram time to review them before passing them on to the Planning Board.

John Ingram was present and said that somewhere in the Zoning Code it says that all uses except one-family and two-family homes shall have Planning Board approval. He said that he has been doing this since 1973 and it scares him what is going on today, even compared to two years ago. He said that the days of a \$200,000 house are gone, he has four right now that are a million dollars plus that you won't even see because they are off in the woods. Chairman Dibbell acknowledged that there are two things the Town of Olive hasn't done, one is a Comprehensive Plan, the other is to consider Critical Environmental Areas. Critical Environmental Areas would protect view sheds and other things. John Ingram said that along with all of the fancy houses people are coming up with other uses. He has another person talking about proposing glamping sites, this will require a site plan. He feels that as things progress in the area there will be more and more work for the Planning Board. Chairman Dibbell said that this is why some towns have had to move towards paying Planning Board members because nobody wants to put that much time in for free. Heidi Emrich said that to that point some towns are going to an automatic escrow and hiring a planner to put these neat packages together for the Planning Board members. Chairman Dibbell said that Ed Kahil has planted that seed in Supervisor Sofranko's ear about just that type of thing. Don DiMartini asked who would select the firm to do that? Chairman Dibbell said that it would be a final decision by the Town Board, they would ask the Planning Board for a recommendation. He noted that the Town Board will usually accept the recommendation. Chairman Dibbell explained the process.

Ed Kahil wondered if the Ulster County Planning Board could be approached to see if they have some type of spread sheet showing what the various townships in the county does? Heidi Emrich said that she will check with the Ulster County Planning Board regarding any planning fees. Fees and rates were briefly discussed.

Chairman Dibbell congratulated Heidi Emrich on her new job. She announced that she is leaving Brinnier and Larios and will be working for the Ashokan Watershed Stream Management Program as their Environmental Planner for Ulster County.

Ed Kahil asked if there has been any word if the town is getting the grant to work on a Comprehensive Plan. Chairman Dibbell said that the town did not get the grant, he believes Supervisor Sofranko has approved about \$20,000 to be used for a consultant to reach out to get public input on what should be considered.

Chairman Dibbell said that he just received an email from Drew Boggess asking if the Planning Board had ever granted site plan approval for the Woodstock Brewing Company in the old Just Alan building. It is not believed that a site plan was approved. Fred Perry was present at the meeting and said that the Zoning Board of Appeals (ZBA) had gotten an application a number of years ago regarding that project. He said that they had determined that it would be an allowed use but he believes they never moved forward with a site plan. They went on to open the business in another township.

Janelle Perry also reported that the Oakes family has asked if they need to come back to the Planning Board regarding their original site plan that was approved for 8 storage units and they have only put up 4. They are now interested in adding the additional units to the property on the corner of Ridge Road and Route 28 in Shokan. She said that their new proposal was to also combine two adjoining lots that the Oakes family owns

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in order to enlarge the storage units without worrying about setbacks. Janelle Perry reported that she told them they would need to apply for a new site plan application.

10.0 AGENDA

The board set the agenda for the next meeting, scheduled for April 5, 2022. The board will hold further discussion on application 22-Sub-2 of Strauss/Open Development, if material is submitted. They will also hold initial review of 22-Sub-3 of Elizabeth Hansen, 1967 County Route 3, Olivebridge, NY, and 22-Sub-4 Catskill Farms, County Road 3, Olivebridge, NY 12461: 8-Lot Subdivision.

11.0 ADJOURNMENT

Don DiMartini made a motion to adjourn the meeting at 9:00 pm, Ed Kahil seconded it, and all members agreed.

Sincerely,

Janelle Perry,
Planning Board Clerk