



# *Town of Olive Planning Board*

P.O. Box 513, Shokan, NY 12481

**DATE: June 6, 2023**

**DRAFT**

**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  
Ed Kahil  
Heidi Emrich  
Nicholas Burgher  
Paul Wright

### **ABSENT**

Don DiMartini

## **3.0 MINUTES**

Chairman Dibbell asked if there were any corrections or comments regarding the May 2, 2023 minutes. He noted that he didn't find anything to be corrected. Heidi Emrich felt that for clarity for anyone reading the minutes, on Page 5, the first sentence of the third paragraph, that reads, "Nick Burgher explained that when he pulled up the online mapper it kicked up a wetland..." should be changed to, "Nick Burgher explained that when he pulled up the EAF mapping tool it indicated that there may be a wetland present..." With no other changes Paul Wright made a motion to accept the minutes of May 2, 2023, Nick Burgher seconded the motion and all members agreed.

## **4.0 REGULAR MEETING**

Chairman Dibbell said that there were a few minutes before the public hearing if there was anything that should be discussed. Nick Burgher asked if there was a new member to the Planning Board yet. Chairman Dibbell said that there hasn't been any announcement, it would be decided at the next Town Board meeting. Ed Kahil remarked that the board still has a Vice-Chairman issue and nominated Heidi Emrich for the position, Paul Wright seconded the motion and all members agreed. Chairman Dibbell asked Heidi Emrich if she will accept the position, she said she is honored and will accept the position of Vice-Chairman. The Planning Board will defer the decision of secretary until the Planning Board has a new member.

## **5.0 PUBLIC HEARING**

**7:10 pm - 23-Sub-6 Estate of Clarke H. Ulmer (Represented by Patti Brooks), 3946-3950 Route 28, Boiceville, NY 12412: Lot Line Adjustments**

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Present at the meeting to represent the Estate of Clarke H. Ulmer is Patti Brooks. Chairman Dibbell asked Patti Brooks to explain the proposal.

Mrs. Brooks said that the action before the board are lot line revisions between three parcels of land to create two parcels. Lot #1 will be 0.59-acres and Lot #2 will be 4.54-acres. She noted that the lots are improved with three houses, a garage, a garage/shop, and a couple of other accessory buildings. Patti Brooks reported that they have appeared before the Zoning Board of Appeals for two different meetings for various area variances to clear up a number of non-conformities. She explained that currently there are lot lines going through two houses and two different garages. The proposed lot line revisions will leave one house on the 0.59-acres, the size of the parcel is not changing, only the location of the lines, and the rest of the buildings will be on the 4.54-acre parcel being created. All the dwellings are pre-existing and there will be no new improvements.

Chairman Dibbell opened the public hearing and the public comment period at 7:12 pm, and asked if there was anyone in the audience with questions or concerns regarding this application. Chairman Dibbell asked that the record reflect that no comments were made from the audience. Chairman Dibbell closed the public comment portion and the public hearing at 7:13 pm.

Chairman Dibbell noted that the SEQRA Part 2 and the Checklist were completed at last month's meeting. The notes reflected that the application fee needed to be remitted, at this time Mrs. Brooks supplied a check for the \$100.00 application fee.

Heidi Emrich apologized for missing the meeting last month and had a question for Patti Brooks. She asked if there was a Road Maintenance Agreement in place or is there just an easement. It is noted that it is all pre-existing with an easement. Nick Burgher and the members of the Planning Board reviewed the final map. With no other questions, Heidi Emrich made a motion to approve 23-Sub-6, the lot line adjustment of lands owned by the Estate of Clarke H. Ulmer, Nick Burgher seconded the motion. A roll call vote was taken and resulted as follows: Steve Dibbell voted in favor, Ed Kahil abstained, Heidi Emrich voted in favor, Nick Burgher voted in favor, Tim Peck has resigned and is absent, Paul Wright voted in favor, and Don DiMartini was absent. Chairman Dibbell completed the Resolution.

### **6.0 CORRESPONDENCE**

While waiting a few minutes for the next public hearing, Chairman Dibbell suggested the board discuss the email regarding the Maurice Lane property. Janelle Perry recapped that the Planning Board approved the subdivision in April of 2021 but the maps were never filed with Ulster County. Then in February 2022 the maps were presented again and signed and sealed by the Planning Board, again these maps were never filed with Ulster County. She explained that since that time Maurice Lane has passed and the estate is now approaching the Planning Board to clear up everything and are looking to present the maps once again. Chairman Dibbell remarked that the Town's attorney has said that the lawsuit has long since been settled with a lien against the property. This doesn't prevent the Planning Board from taking action on this request, it was suggested that someone from the Planning Board and Town Board go back on site to see if anything has been done there since Mr. Lane's death. It is noted that an auction was held on the property. Chairman Dibbell feels that the maps need to be updated to reflect that the lands are now in the hands of the estate.

Heidi Emrich feels that a survey update should be done that certifies that everything reflects existing conditions. John Ingram feels that the Building Department needs to be part of this as it is his understanding that some of the buildings on the property do not have building permits. Chairman Dibbell suggested that Dan Heppner and the Town Board be asked about this since they were the ones involved with the legal aspects of the lawsuit against Mr. Lane. It is understood that the estate is being handled by a county attorney. Present in the audience is Jeff Lane who is here for his own application, he said that he can get the name of the attorney for the Planning Board. The Planning Board will come back to this matter later in the meeting.

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### **7.0 PUBLIC HEARING**

#### **7:30 pm – 22-Sub-7 Mark Brand (Represented by Nicholas Burgher), 41 Kelder Highway, Olivebridge, NY 12461: Lot Line Adjustments**

Present at the meeting to represent Mark Brand is Nick Burgher. Chairman Dibbell explained to the audience that the Planning Board will have to defer the vote on the application as Planning Board members Nick Burgher and Heidi Emrich will be abstaining from voting on this application leaving the board without a quorum.

Chairman Dibbell asked Mr. Burgher to explain the proposed request. Nick Burgher said that there are two lots owned by the same individual as an LLC known as 41 Kelder Highway. One lot is 2.67-acres and has three dwelling units on it, the other lot is 17.3-acres and the only access it has is through a 16.5' right-of-way. The plan is to sell the larger lot to one of the tenants and they want to have road frontage on Kelder Highway to make it cleaner. Mr. Burgher explained that in that process they will be increasing the smaller lot making it a conforming 3-acre lot allowing for one acre per dwelling unit. The lot line revisions will also give the garage a 53' rear yard setback which meets the 50' requirement.

Chairman Dibbell invited anyone in the audience who is interested to come up and look at the map. Chairman Dibbell opened the public hearing and the public comment period at 7:33 pm, and asked if there was anyone in the audience with questions or concerns regarding this application. Present in the audience is adjoining property owner, Barbara Wright. Mrs. Wright said that she is concerned about the right-of-way, she understands that the right-of-way on the other side was extinguished and she wasn't aware of that. She is wondering if there is any way that this other right-of-way on their side could be extinguished as well. Nick Burgher said that there is a possibility to do that but it would be up to the current land owner to work it out with the Wrights. Barbara Wright asked if she would need to approach whoever is currently removing trees, or with Mr. Brand. Mark Brand is present at the meeting and he said that he would be happy to talk with the Wrights. Chairman Dibbell asked Barbara Wright if she has a concern with the proposed lot line revisions. She said that she is just hoping to have the right-of-way extinguished along her property line. Chairman Dibbell asked if there are any other comments from the audience. Chairman Dibbell asked that the record reflect that no other comments or concerns were made from the audience. Chairman Dibbell closed the public comment portion and the public hearing at 7:35 pm.

Janelle Perry, recording secretary, pointed out that the Planning Board has received the engineers letter, from Andrew Emrich PE, stating that the site is suitable for a residential septic system.

The Planning Board completed the Checklist, the application fee of \$100.00 needs to be provided. Heidi Emrich read through the eleven questions on the SEQRA Part 2 and the Planning Board answered no, or small impact may occur to all of the questions. Chairman Dibbell acknowledged that the members unanimously agreed that all the answers are "no or small impact" and declared it a negative declaration.

### **8.0 LOT LINE REVISION/SUBDIVISION**

#### **23-Sub-8 Peck (Represented by Nancy Keller Bacon), 307 Peck Road, Shokan, NY 12481: 2-Lot Subdivision**

Nancy Keller Bacon is present to represent the Peck family for 307 Peck Road in Shokan. She presented the amended map and explained that the requested changes have been made. The application and SEQRA were also updated. Ms. Keller Bacon also acknowledged that the engineer, Joseph Boek, has submitted a letter stating that there is sufficient depth and quality of soil to support on-site residential sewage disposal. Chairman Dibbell reviewed that there was some discrepancy with regard to the acreage and the piece of land

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across the road. Ms. Keller Bacon said that it was all corrected and that piece of land has been incorporated in the larger vacant parcel being created. The total acreage is 33.9-acres and the intent is to subdivide creating a 5.3-acre parcel with the home and accessory buildings that is being sold, the remaining parcel is vacant land.

Chairman Dibbell asked the members of the board if they have any other concerns with the map as it is being presented now. Nick Burgher was looking at the adjoining neighbors noted on the map and it appears that two neighbors adjoining in the back righthand corner are not noted on the map. It is noted that these neighbors are on the list of neighbors presented with the application. The board has asked that they be included on the map. Chairman Dibbell feels that a public hearing can be scheduled since these changes to the map are very minor.

The Chairman Dibbell read through the Checklist, the Planning Board waived the need to show existing structures within 200'. Paul Wright asked why the topo wasn't being shown on the portion of the parcel that is across the road, they asked that the surveyor add this to the final map. Also noted on the Checklist, is the application fee of \$400.00 needs to be provided. Chairman Dibbell asked the members of the Planning Board if they feel any of the eleven questions on the SEQRA Part 2 that were read earlier would be anything other than answered as no, or small impact may occur to all of the questions. Chairman Dibbell acknowledged that the members unanimously agreed that all the answers are "no or small impact" and declared it a negative declaration.

The members briefly discussed when they will hold their July meeting as the first Tuesday falls on the July 4<sup>th</sup> holiday. The members are looking to possibly hold the meeting on July 5<sup>th</sup> at the Meeting Hall or perhaps another location if they can't hold it in the Meeting Hall. The Legion Hall or parks are suggested. The public hearing will be scheduled at 7:10 pm. The clerk will find out when and where the July meeting will be held and will notify the Pecks.

### **9.0 SITE PLAN**

#### **SP4-23 Ashokan Foundation-Office, 477 Beaverkill Road, Olivebridge, NY 12461: Removal and replacement of existing Office Building**

Present at the meeting are Peter Cook and Jay Unger. Mr. Cook explained that there is currently a building that houses the blacksmith forge and offices, he said that the half of the building being used as offices has a significant mold problem. He said that their staff is growing and they are proposing to take down the office half of the building leaving the blacksmith portion, there is a brick wall separating the two portions. They would rebuild it, making that portion a little larger to accommodate their growing staff. Peter Cook remarked that this would be a two-story structure being put in the same space as the current building, it would not impinge on the walkway or roadway. Chairman Dibbell pointed out that on the sketch map it does show that the new construction would be impinging on the walkway. Peter Cook said it really wouldn't, it comes up to the side of the proposed building. He will talk to the engineers about the sketch. Mr. Cook pointed out the minimal parking that is located off to the side of the building, which is only used when people aren't on site. He noted that it will be plumbed into an existing septic system and water coming in from the well. Chairman Dibbell asked Mr. Cook where people park when there are activities on site. Peter Cook explained that everyone parks in the main lot. Chairman Dibbell asked how many employees would be potentially in the offices. Mr. Cook and Mr. Unger counted up that it would be 9 or 10 people.

Peter Cook explained that on the first floor they would be making a separate area to be used as an infirmary as they currently don't have one, they just use another area on site. There was a discussion about removing just a portion of the building and Nick Burgher asked if it would structurally hold up. Peter Cook said that the engineers feel that there is no problem as there is a brick firewall separating the blacksmith forge from the rest

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of the building. Paul Wright remarked that he didn't see the current square footage and the proposed square footage. The application shows the dimensions but not the actual square footage. Peter Cook feels that currently it is around 1,600 sq. ft. and the proposed will be closer to 2,500 sq. ft. Chairman Dibbell asked that this be included on the sketch map, as well as the parking that has been noted. Chairman Dibbell said that it would also be helpful to note the size of the main parking area to show what is available on the property.

Ed Kahil asked if there are restrooms in the existing building, Mr. Cook said that there are not. They are proposing to have a bathroom on both floors. Ed Kahil asked if there is a septic system design for that, Peter Cook said it will be pumped into the existing system, and the engineers have said that it is more than adequate for this purpose. Ed Kahil asked that this also be shown on the sketch map. Jay Unger explained that the system is gravity feed to a large tank and a pump system to a pasture, which would be too large to show on this map. Nick Burgher suggested that the engineer provide a letter that the current system can support the additional bathrooms. Jay Unger said that there isn't going to be additional people on the property using the system. Chairman Dibbell said that the engineer can show where the connection to the septic system will be and a letter stating that it can be supported. Jay Unger asked if they should get a map of the whole system, the Planning Board feels it should be on file.

Chairman Dibbell asked the applicants what the timeframe would be for the project. Peter Cook said that they are hoping to get this started in the Fall, but this might be too aggressive. Heidi Emrich pointed out that the Foundation was just before the Planning Board a month or two ago with the application for the cabins, she asked if there are any other planned improvements to be made. She said that segmented planning is not desirable, the Planning Board would prefer to see the whole picture if there are other projects being considered. Jay Unger said that these things may never happen but one of the things that is being thought about is that the seasonal teaching staff resides in the Winchell's Inn, which is a historic building. He explained that they would like to use the historic part as a teaching tool and to build a separate building to house the seasonal staff. This would require substantial funding which the Foundation doesn't have. Mr. Unger said that the other thing that they are contemplating is to build a pavilion at the top of the hill that is called Hoot Hill, where the music festival is held. He explained that they currently put up a 35' x 40' tent, which will be used to run a free day camp during the summer. This will be independent from the residential campus, and it might be good to have a permanent structure. Chairman Dibbell asked if these plans would be more than a year away, both Mr. Cook and Mr. Unger said they are long-term wishes. Mr. Cook said that it would be helpful to the Foundation when seeking the funding needed to have a map showing these structures, even a rudimentary artist rendition of what they may look like. Chairman Dibbell said it would be good to provide these to the Planning Board, and Heidi Emrich suggested that it could bolster the funding to know that the Town has looked at the project and it has received preliminary approval. Jay Unger said that the pavilion could be available for the Town or other people to use. John Ingram reminded the applicants that the Building Department would need to see plans in order to issue a building permit, he remarked that there has been a significant change recently on how the town looks at projects.

The Planning Board will put this on the July agenda if the Ashokan Foundation can get revised sketches to them in time.

### **SP5-23 Jeff Lane, 12 Park Drive, Olivebridge, NY 12461: Mobile RV Repair**

Present is Jeff Lane, he provided copies of the SEQRA for the application file. Chairman Dibbell noted that the SEQRA that was presented was not done using the EAF mapping tool that automatically puts in some of the answers. Chairman Dibbell said that the Planning Board can check the information on the mapping tool against what was provided.

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Jeff Lane explained that he repairs RVs, mostly mobile, going all over the county. He said that he is looking to become compliant fixing campers out of the shop on his property. He usually stores his trucks and supplies in the building. Mr. Lane said that occasionally he does have a camper on his property that he can't fix in the field. Chairman Dibbell asked what brought him to the Planning Board. Jeff Lane said that none of his neighbors complained, it all started when he went to the DMV to try to get a license plate to transport trailers from one part of Saugerties to another because a lot of the people he works for are from Florida with H.I.T.S. and the trailers aren't registered. He said that everything was ok with the DMV until they came by and looked at his location and said that he would need a letter from the town saying it is ok to operate an auto repair shop. Mr. Lane said that he didn't want to operate an auto repair shop but he went to the town to ask. Since he really doesn't want to pursue an auto repair shop, he decided to drop this with the DMV and can get tow truck plates instead to move the trailers legally. This brought up the fact that he isn't in compliance with town rules, he lives in a business district so he didn't think he was doing anything wrong.

Jeff Lane said that the state rules are a little confusing because as a mobile repair facility he can work on a camper in the street but he can't do it on his property according to the state. Ed Kahil asked Jeff Lane when he started doing this at this location, Mr. Lane said he started the business in the Fall of 2017. He said that most of his repairs are done where the camper is sitting and it only takes an hour or two. On occasion he does have a camper on his property to fix it. Mr. Lane said that there is a need for his type of service as the only place around is Camper World and it takes months for them to get the repairs done, he is just trying to run a little business.

Chairman Dibbell said that the problem is that the operation of motor vehicle sales, repair and service, not including unenclosed storage of junked cars or car parts is allowed in the Business Highway-1/2 acre district, not in the Business Village-1/2 acre. Mr. Lane stressed that he does not repair motor vehicles, he does not work on engines, he refers anyone to Eagle Diesel that needs work on an engine. Chairman Dibbell said that a number of people in the town store parts and supplies for their businesses on their property but, unfortunately, when you get to the term motor vehicle repair the zoning code is pretty clear. The Planning Board briefly discussed if this needs to go to the Zoning Board of Appeals for a determination. Chairman Dibbell explained that the Planning Board cannot interpret the zoning code, the Zoning Board of Appeals (ZBA) does that. The Planning Board advised Jeff Lane to go to the ZBA to ask for a determination if his mobile repair business would be allowed in the Business Village district per Section 155.17 (E) versus 155.17 (F) 2. (e). Ed Kahil pointed out that the narrative that was presented with his site plan should be provided to the ZBA when submitting the application to them. Janelle Perry advised Mr. Lane that she would reach out to him with the steps he needs to take to apply to the Zoning Board of Appeals.

### **10.0 CORRESPONDENCE**

The members went back to the issue regarding the estate of Maurice Lane. Jeff Lane provided the name of Josh Koplovitz as the attorney for the county and also that the estate is being handled by the Ulster County Department of Finance. Heidi Emrich said that Kenneth Juras is currently the Interim Commissioner of Finance. It was decided that the representative of the estate needs to submit a new application and site map reflecting the change in ownership to the estate and the surveyor should confirm that the map shows all of the current buildings that are still on the property.

### **11.0 MAJOR SUBDIVISION**

#### **22-Sub-4 Ashokan Acres (previously called Catskill Farms), County Road 3, Olivebridge, NY 12461: 9- Lot Subdivision**

The Ulster County Final Action Report was completed and signed by Heidi Emrich. It will be submitted to Marianne Ananew at [mdav@co.ulster.ny.us](mailto:mdav@co.ulster.ny.us), along with a copy of the Resolution.

It is remarked that the road is in and John Ingram said that they have already started construction on the first house. Ed Kahil reminded Mr. Ingram that the conditions of the approval was that the applicant needed to provide a licensed engineering certification that the road was constructed in compliance with the submitted

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plans, as well a licensed engineer certifying that the SWPPP plan was followed. The NYS approved CPS-7 also needs to be provided for the files.

### **12.0 AGENDA**

The board set the agenda for the next meeting, scheduled for July, date and location to be determined. The Planning Board has scheduled a public hearing for the Peck application. They will also vote on the Mark Brand application. They will hold further review of the Ashokan Foundation-Office application if the amended documents are received in time. Janelle Perry remarked that there will probably be an application from Matt Gillis for a lot line revision for properties owned by his mother-in-law, Isabel Bengtson, on the corner of Mill Road and Acorn Hill Road. The Zoning Board of Appeals has already granted variances to allow for a non-conforming lot and setback allowances needed. There are four non-conforming lots in a 3-acre zone, all four lots add up to less than six acres and there are two houses involved. They are looking to condense into two lots creating a conforming 3-acre lot with one house and a second lot that is less non-conforming with the other house.

John Ingram said that the Building Department has moved forward with trying to get the Winchell's Corner property owned by Lopez cleaned up and a site plan to be submitted. He also mentioned property on Ridge Road owned by Lazala that the Building Office has a problem with. Janelle Perry remarked that the Planning Board did receive the lot line revision request from Mr. Lazala and that can go on the July agenda. John Ingram remarked that he does not want to give the Lazala application to the Planning Board until the other issue is cleared up. They will be in court on June 15<sup>th</sup>.

Janelle Perry read an email she received from Suzanne Stucki regarding a commercially zoned parcel she owns on Ronson Road. John Ingram remarked that Ms. Stucki was here this evening and briefly spoke to him, she will be in to see him in the office tomorrow. John Ingram said that he will advise her that she needs to come up with a specific plan to submit.

### **13.0 ADJOURNMENT**

Ed Kahil made a motion to adjourn the meeting at 9:19 pm, Nick Burgher seconded it, and all members agreed.

Sincerely,

Janelle Perry, Planning Board Clerk