



# *Town of Olive Planning Board*

P.O. Box 513, Shokan, NY 12481

**DATE: July 5, 2023**

**PLACE: AMERICAN LEGION 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  
Don DiMartini  
Edwin Maldonado

## **3.0 MINUTES**

Chairman Dibbell asked if there were any corrections or comments regarding the June 6, 2023 minutes. He noted that he didn't find any mistakes but feels there should be clarity regarding a sentence on Page 2, third line up from the bottom of the page. The sentence reads, "It is understood that the estate is being handled by a county attorney." It should be changed to read, "It is understood that the estate is being handled by the Ulster County Attorney's office". Chairman Dibbell also pointed out that on Page 4, Section 9.0, first paragraph, six lines up from the bottom, "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." This should be amended to read, "...when guests aren't on site." Nick Burgher asked for a change on Page 2, fifth paragraph, the sentence "Nick Burgher and the members of the Planning Board reviewed the final map." Nick Burgher feels his name should be removed and it should read, "The members of the Planning Board reviewed the final map." With no other changes Nick Burgher made a motion to accept the minutes of June 6, 2023 with the noted amendments, Heidi Emrich seconded the motion and all members agreed.

## **4.0 REGULAR MEETING**

Chairman Dibbell said that there were a few minutes before the public hearing and wanted to briefly discuss the note that was sent to the Planning Board from the Building Department requesting that the Lot Line Adjustment application from Luis Lazala be pulled from the July agenda. Since Mr. Ingram is present at the meeting Chairman Dibbell asked for a brief explanation. John Ingram said that Mr. Lazala is continuing to operate some type of wood processing operation after receiving a Stop Work Order. The Building Department wants to deal with the wood processing operation before allowing them to move forward with their Lot Line change. Chairman Dibbell pointed out that the map will need some amendments before the Planning Board considers it a final map.

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### **5.0 PUBLIC HEARING**

#### **7:10 pm - 23-Sub-8 Peck (Represented by Nancy Keller Bacon), 307 Peck Road, Shokan, NY 12481: 2-Lot Subdivision**

Present at the meeting to represent the Peck family is Nancy Keller Bacon. Chairman Dibbell asked Ms. Keller Bacon to explain the proposal. She explained the Peck family owns the property at 307 Peck Road in Shokan and they are looking to do a small subdivision. The property is currently 33.9-acres and they wish to create a 5.3-acre parcel with the house and existing outbuildings and the remaining 28.6-acres will be a vacant lot staying with the Peck family. Ms. Keller Bacon presented the final map, pointing out that the issues of the topography and the two neighbors at the back side of the property have been corrected. The small piece of land across the street now has topography and the names of the neighbors have been added to the map.

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. He also asked the members of the Planning Board if they had any other questions for the applicant. It is noted that the Checklist and SEQRA Part 2 have been completed at a previous meeting. Chairman Dibbell again asked if there is anyone in the audience regarding this application, with no response he 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 7:16 pm.

Heidi Emrich made a motion to approve 23-Sub-8, the 2-Lot Subdivision of lands owned by the Peck family, with no conditions; Nick Burgher seconded the motion. A roll call vote was taken and resulted as follows: Steve Dibbell voted in favor, Ed Kahil voted in favor, Heidi Emrich voted in favor, Nick Burgher voted in favor, Ed Maldonado voted in favor, Paul Wright voted in favor, and Don DiMartini voted in favor. Chairman Dibbell completed the Resolution. The Planning Board members signed and sealed the maps.

### **6.0 LOT LINE REVISION/SUBDIVISION**

#### **23-Sub-10 Isabel Bengtson (Represented by Matt Gillis), 189 & 201 Mill Road & 139 Acorn Hill Road, Olivebridg, NY 12461: Lot Line Adjustments**

Present at the meeting is Matt Gillis. Chairman Dibbell asked him to explain the proposed lot line adjustments. Mr. Gillis explained that currently there are four non-conforming lots and the intent is to combine them to create one conforming lot and a larger lot that will still be non-conforming. Another part of the lot line adjustment will allow the existing well to be on the same parcel as the existing house. Matt Gillis noted that the existing lots are 1.003-acre, 1.043-acre, 1.095-acre, and 2.311-acre parcels, and they will be creating a conforming 3.821-acre parcel with an existing house, and a 1.631-acre parcel with an existing house.

Ed Kahil asked Mr. Gillis if he has been before the Zoning Board, he responded that he has been before the Zoning Board of Appeals for the variances he needed to move forward with the lot line adjustments. Ed Kahil asked if they were area variances. Janelle Perry, clerk to both the Planning Board and ZBA, reported that area variances were granted to allow for the residential lot of less than three acres in the R/R-3A zone, and to change the required lot depth of 400' to 257.02'. The ZBA also granted variances to change a side yard setback and a rear yard setback for existing structures on the property.

Heidi Emrich asked if the four tax lots were described as separate parcels in a deed. She feels that the survey is a bit confusing as it only shows parcels 1, 2, and 3 but there are four tax numbers in the area table. There was a brief discussion about how these are shown on the map. The Planning Board would like to see the parcel numbers removed from the map and only show the parcels with the four SBL numbers.

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The Planning Board also asked that the surveyor note the amendment dates on the map so they know they are reviewing the most recent version. Chairman Dibbell asked about the utility poles, they are located on the map. The survey map states it is page 1 of 2, Matt Gillis said it is only one page. This needs to be corrected on the map.

Heidi Emrich pointed out that the map is titled, Prepared for Matt Gillis, she feels that the map should have the property owners name on it. It is agreed that the map should be changed to reflect Isabel Bengtson's name as the property owner of the parcels and her signature is needed on the map as the owner. Chairman Dibbell asked if the Planning Board has received a Letter of Agent from Mrs. Bengtson allowing Mr. Gillis to represent her. In looking through the application it is determined that a Letter of Agent has not been received, the Planning Board told Mr. Gillis that this will be required.

Heidi Emrich read aloud, and the Planning Board completed the Checklist. Ed Kahil made a motion to waive the need to show contours, all members were in agreement. 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. Janelle Perry remarked that Isabel Bengtson's name is not noted on the SEQRA, at this meeting her name was added to the SEQRA form.

The Planning Board feels that if the revised material can be presented on time the Planning Board will schedule a public hearing for 7:10 pm on August 1<sup>st</sup>. Janelle Perry remarked to Mr. Gillis that the application fee was not received, and at the same time she had a note that the ZBA fee was not submitted. Matt Gillis said that the check had been mailed to the Building Office, the clerk will check with that office to confirm if the payment has been received.

### **7.0 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 Robyn Gullickson of Alfandre Architecture. Ms. Gullickson pointed out that they have made the corrections to the site plan that were asked for at the last meeting. The Planning Board reviewed the revised drawings. Nick Burgher pointed out that on the smaller sketch the building was being shown in the right spot but on the larger drawing from Medenbach and Eggers it still looks like the building is encroaching on the walkway. Ms. Gullickson stated that the walkway is going to be moved and pointed out that there are some dotted lines showing that the walkway is going to be adjusted.

Chairman Dibbell asked for an explanation about the possible septic noted on the sketch. Peter Cook pointed out the location of two tanks on the sketch and said that the one originally assigned to this building hasn't been used in about ten years. He said that the septic will be hooked up to one of these two tanks and from there it gets pumped up to the pump house where it will go out to the leach field. They will get pumped out every year. Chairman Dibbell also pointed out that the few parking spaces that had been referenced to be by the building are not shown on the sketch. Robyn Gullickson said that they are not formal parking spaces and it will be just used as it is, as a driveway and drop-off for people. There was a brief discussion and it was explained that this is not a formal parking area for guests. Chairman Dibbell asked that if people are using it for parking it should be noted on the sketch plan so the Planning Board can look at the placement and determine whether it is going to impede on anything.

Chairman Dibbell asked Peter Cook about the new cabins that had been recently approved by the Planning Board, Mr. Cook said that they are already on the property. Chairman Dibbell advised Mr. Cook that since the

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cabins are in place, they should be shown on the diagram. He also asked Peter Cook about the road and walking paths on the sketch map. Heidi Emrich said that the way they are depicted on the map at the edges it is a little confusing. Chairman Dibbell suggested that since they will be cleaning up the sketch map they should make it more obvious what is walking path and what is road.

Chairman Dibbell asked the members of the Planning Board if they had any other questions or concerns. The Planning Board feels that if the revised material can be presented on time the Planning Board will schedule a public hearing for 7:25 pm on August 1<sup>st</sup>.

Heidi Emrich asked Mr. Cook if the facility is open 24/7 and if there is lighting, she feels it should be indicated on the site plan. Peter Cook said that there is very low lighting used at night because of the easement with Rondout. He will have it noted on the sketch.

### **7.0 OLD BUSINESS**

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

Chairman Dibbell explained that there is some housekeeping to take care of with regard to this application. At the last meeting the Planning Board was not able to take a vote as they did not have a quorum of members. He noted that the other paperwork was completed at the June meeting.

Chairman Dibbell asked Nick Burgher to briefly explain the proposed request so that the newest member of the Planning Board, Ed Maldonado, can be brought up to speed on this project. Nick Burgher presented the map and explained it is a lot line adjustment of property located at 41 Kelder Highway. One lot is 2.67-acres and has three dwelling units on it, the other lot is 17.3-acres having no road frontage, it is accessed through a 16.5' right-of-way. The reason for the lot line adjustment is because the current tenant wants to buy the larger parcel but wants to have road frontage on Kelder Highway. 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.

Ed Maldonado asked about the reason for the placement of some of the new lines, Nick Burgher explained why it was being done to give the property as much clearing as possible and to also give more setback for the well. It is noted that there isn't much grade change on the property.

Ed Kahil made a motion to approve 23-Sub-7, a lot line adjustment for lands of Mark Brand, Don DiMartini seconded the motion. A roll call vote was taken and resulted as follows: Steve Dibbell voted in favor, Ed Kahil voted in favor, Heidi Emrich abstained, Nick Burgher abstained, Ed Maldonado voted in favor, Paul Wright voted in favor, and Don DiMartini voted in favor. Chairman Dibbell completed the Resolution. The Planning Board members signed and sealed the maps.

Chairman Dibbell remarked that the board still has to decide on a secretary since Heidi Emrich has been named Vice-Chairman. He asked the members of the board if there are any volunteers. Ed Kahil asked what the job description is. Chairman Dibbell said that the job description is, if there is a formal letter that needs to be sent the Planning Board crafts the letter and the secretary signs and sends it off. Heidi Emrich said that it was an occasional piece of correspondence or following up on something that had been sent. Don DiMartini volunteered for the position of secretary, and all of the members agreed to name him as secretary.

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### **8.0 REGULAR MEETING**

Chairman Dibbell remarked that some of the board members may know Edwin Maldonado, but for those who do not, he asked Ed to introduce himself.

Ed Maldonado said that he has lived in Krumville with his wife and daughter since 1999. At that time he got a license to sell real estate and married his wife. He explained that he has been doing real estate ever since. Edwin Maldonado noted that in 2007 he became a member of the Planning Board and remained on the Planning Board until he resigned in 2019. He said that he is happy to be back.

Mr. Maldonado said that he is with Howard Hanna Rand Realty, is a former president of the Ulster County Board of Realtors, and a former realtor of the year for the Ulster County Board of Realtors. He noted that he served on the state level on professional standards, and has been on several committees, and Chair of organizational planning for NYS. He explained that currently he is an appointed member of the NYS Professional Standards Steering Committee.

Ed Kahil welcomed Edwin Maldonado back, he remarked that Ed has been a very valuable member of the Planning Board. He pointed out that Mr. Maldonado handles himself professionally and he noted that two Eds are better than one.

Present in the audience is Dom Covello, asking to briefly speak to the members of the Planning Board about properties he owns. Mr. Covello explained that he owns two under-sized adjoining parcels, one is off of Shokan Park Road and the other is off of Route 28. Dom Covello explained that one of the parcels is a residential two-family and the other is a residential one-family. He said that he has hired Colin Houston to do a survey and he has suggested to do a lot line adjustment as part of the parking lot for the parcel off of Route 28 is partially on the parcel off of Shokan Park Road. Mr. Houston suggested that the line be moved so that each parcel is equally sized and the parking will be all on the one parcel. The wells and septic systems will not be affected. Mr. Covello said that he isn't sure if it will be a good idea to do this and is asking the Planning Board their opinion.

There was a brief discussion. Heidi Emrich asked about a line, Dom Covello said it was an easement he gave to the state to put a culvert pipe from the Route 28 catch basin to the small tributary swale that runs between houses.

Ed Maldonado asked what the size of the lots would be with this change, Mr. Covello said that each lot would be about .26-acres in size. Chairman Dibbell asked Dom Covello if he knows where the septic systems are, he said he knows where they both are.

Chairman Dibbell said that the only concern that he had that should be considered is if the line change would create any new violation of the setback codes. Mr. Covello said that this will be something that he will look into before moving forward with a full survey.

John Ingram briefly explained a telephone call he received from the property owner next door to the post office in Olivebridge. She was asking what she should do because they are paving the post office parking lot and it is actually part of her property, including five feet of the garage in the back. Mr. Ingram asked her if she has a survey and she said she does. He advised her not to stop the paving and suggested that she reach out to a lawyer to help with the property line dispute.

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Chairman Dibbell asked Mr. Ingram how Ashokan Acres is progressing. John Ingram remarked that they were in with a building plan today. Chairman Dibbell asked Janelle Perry if there has been a response from Mr. Dietz of the Ulster County Department of Public Works (DPW) regarding his concerns with the road into the subdivision. She responded that when she sent the email response, there was an email message that he was on vacation. Ed Kahil is wondering why it is being questioned now since there was a letter from the UC DPW stating that they had approved the three entries off of the county road. Ed Kahil said that he has driven by there and does see the concern about the visibility but if they cut some trees and remove some of the stone ledge it should be an improvement. Chairman Dibbell said that Mr. Petersheim had agreed to that when the board did their site visit.

### **9.0 AGENDA**

The board set the agenda for the next meeting, scheduled for August 1<sup>st</sup>. The Planning Board has scheduled a public hearing for the Bengtson/Gillis application and the Ashokan Foundation site plan application if the revised materials are received in time. Depending upon the outcome of the Jeffrey Lane interpretation request before the Zoning Board of Appeals, his site plan application could be on the August agenda.

### **13.0 ADJOURNMENT**

Ed Kahil made a motion to adjourn the meeting at 8:30 pm, Don DiMartini seconded it, and all members agreed.

Sincerely,

Janelle Perry, Planning Board Clerk