



Town of Olive Planning Board

P.O. Box 513, Shokan, NY 12481

DATE: August 1, 2023

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
Don DiMartini
Edwin Maldonado

3.0 MINUTES

Chairman Dibbell asked if there were any corrections or comments regarding the July 5, 2023 minutes. Paul Wright noted that on Page 3, fourth paragraph, the second sentence should not begin with "The", it should be "Janelle Perry remarked...". Chairman Dibbell remarked that he had a minor change on Page 5, under Section 8.0, the second paragraph from the bottom, it reads "Chairman Dibbell said that the only concern that should be considered is..." and he wants it to read "Chairman Dibbell said that the only concern that he had that should be considered is...". With no other changes Paul Wright made a motion to accept the minutes of July 5, 2023 with the noted amendments, Ed Maldonado seconded the motion and all members agreed.

4.0 REGULAR MEETING

Chairman Dibbell pointed out that there were a few minutes before the public hearing could begin and asked if there was anything to briefly discuss. Janelle Perry pointed out that in the audience is Raecine Shurter who wanted to make a statement to the Planning Board. Ms. Shurter said that she has had a concern with something that has been happening in Samsonville and she understands that Brian Burns is now going to put in a larger culvert upstream from her property. She explained that she had gotten into politics many years ago and was on the Town Board, the Planning Board, and attended seminars put on by the Association of Towns, and storm water planning meetings so she is familiar with what she is speaking about. Ms. Shurter said that she was active with these boards when the development near Jomar Lane was put in and there was no talk of retention ponds. She said that her property is downstream from the new project going in and she wants to remind the board that when these subdivisions keep happening in 100-year flood plain areas, the properties below the project need to be considered and developers can be required to put in retention ponds. Chairman Dibbell explained that the Planning Board did require the developers to hire engineers to design the

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Storm water drainage systems. He told Ms. Shurter that she can see all of the engineered plans for retention ponds for the recent Samsonville development that is going in. Ed Kahil asked Ms. Shurter what culvert she is referring to, she said it is on Jomar Lane. She said that back when the Hills development began there was problems with the run off from the road coming down on the Samsonville side and flooding the stream and backing up on to the properties. The previous Superintendent of Highways put in a larger culvert which in turn created a problem where her driveway was flooded out. Raecine Shurter said that she put in a larger culvert but run-off coming down off the mountain into her neighbor, Liz Hansen's pond still washes her driveway out. She is afraid that if a larger culvert is put in upstream it will create the water to rush down faster. Chairman Dibbell asked Ms. Shurter if she has talked to Brian Burns about this, she said that she has. She just wanted to be on record about this and also remarked that she will be at the Town Board meeting tomorrow night. She remarked that she doesn't want to keep spending thousands of dollars to fix what she feels is poor planning. Chairman Dibbell thanked Ms. Shurter for her comments, she responded by thanking the board members for their work because she has been on this side and it is really thankless and appreciates all the work that is being done.

5.0 PUBLIC HEARING

7:10 pm - 23-Sub-10 Isabel Bengtson (Represented by Matt Gillis), 189 & 201 Mill Road & 139 Acorn Hill Road, Olivebridge, NY 12461: Lot Line Adjustments

Present at the meeting to represent Mrs. Bengtson is Matt Gillis, he presented the amended maps for consideration. Matt 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. The members of the Planning Board noted that the requested changes have been made. Chairman Dibbell asked Janelle Perry if the board has received the Letter of Agent, it has been provided. Heidi Emrich acknowledged that the applicant has provided the variance approvals that the property has received from the Zoning Board of Appeals. There was a brief discussion regarding the way his surveyor, Dan McCarthy, is showing the four separate parcels on the map and the newly created parcels. Ed Kahil remarked that the parcel table shows what is being changed. Chairman Dibbell asked the members if they have any questions or concerns with the way the map is now. The members feel that they can move forward with the map as it is being presented.

Chairman Dibbell asked Matt Gillis to briefly explain the proposal for the members of the audience. Matt Gillis explained that there are currently four non-conforming lots, 1.003-acre, 1.043-acre, 1.095-acre, and 2.311-acre parcels, and they will be creating two lots. One lot will be a conforming 3.821-acre parcel with an existing house, and the second will be a 1.631-acre parcel with an existing house. Another part of the lot line adjustment will allow the existing well to be on the same parcel as the existing house.

Chairman Dibbell opened the public hearing and the public comment period at 7:19 pm, and asked if there was anyone in the audience with questions or concerns regarding this application and invited them up to view the map if they would like. Allison Irwin was in the audience and asked if there were already two houses and wells on the property. Matt Gillis acknowledged that there are currently two houses and the lot line adjustment will put the appropriate well on each of the parcels. Chairman Dibbell again asked if there is anyone in the audience regarding this application, with no further response he asked that the record reflect that there were no concerns made from the audience. Chairman Dibbell closed the public comment portion and the public hearing at 7:21 pm.

It is noted that the Checklist and SEQRA Part 2 have been completed at a previous meeting. Heidi Emrich made a motion to approve 23-Sub-10, the Lot Line Adjustments of lands owned by Isabel Bengtson, with no conditions; Nick Burgher seconded the motion. A roll call vote was taken and resulted as follows:

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Steve Dibbell voted in favor, Ed Kahil voted in favor, Heidi Emrich voted in favor, Nick Burgher voted in favor, Paul Wright voted in favor, Don DiMartini voted in favor, and Ed Maldonado voted in favor. Chairman Dibbell completed the Resolution. The Planning Board members will move on to the next public hearing and will come back to sign and seal the maps.

7:25 pm - 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. Janelle Perry handed out the amended site plan sketches that were supplied for consideration. Ms. Gullickson pointed out that they have extended the paths, and denoted the walking paths and auto roads, they have noted the exterior lighting on the building and have shown the unofficial parking area on the side of the building. It is also pointed out that the recently placed cabins are now shown on the sketch plan. Chairman Dibbell asked about the septic tank that will be used, it had been previously remarked that there were two different tanks. Mr. Cook explained that it will first go into a tank outside of the building and then it will be pumped from there to a larger field. Heidi Emrich acknowledged that the Planning Board has received a letter from Barry Medenbach explaining that the current wastewater system is sufficient to handle the addition as there will be no population increase. Chairman Dibbell asked the members of the Planning Board if they had any other questions or comments, they acknowledged that the amended site plan sketch is complete to consider for approval.

Chairman Dibbell asked the applicants to briefly explain their request to the audience. Peter Cook explained that the Ashokan Center located at 477 Beaverkill Road is an outdoor education center. They are proposing to remove part of an existing building that is being used for administrative offices that currently has mold, and they would like to rebuild it for their office use and to include an infirmary for use for their school programs. Mr. Cook explained that the building is in the center of the property and has no impact on Beaverkill Road.

Chairman Dibbell opened the public hearing and the public comment period at 7:30 pm, and asked if there was anyone in the audience with questions or concerns regarding this application and invited them to come up to view the sketch plan. With no response, Chairman Dibbell asked that the record reflect that there were no concerns made from the audience. Chairman Dibbell closed the public comment portion and the public hearing at 7:31 pm.

The Planning Board had Peter Cook correct and initial question 5(b) on the SEQRA Part 1 to read N/A. Chairman Dibbell 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. Don DiMartini made a motion to approve SP4-23 Ashokan Foundation-Office, for the removal and replacement of an existing Office Building, with no conditions; Heidi Emrich 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, Paul Wright voted in favor, Don DiMartini voted in favor, and Ed Maldonado voted in favor. Chairman Dibbell completed the Resolution. The application fee of \$75.00 was remitted at this time.

At this time the Planning Board members signed and sealed the maps for 23-Sub-10 of Isabel Bengtson.

6.0 SITE PLAN

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

Present at the meeting is Jeff Lane. The members of the Planning Board reviewed the Interpretation determination by the Zoning Board of Appeals stating that the mobile RV repair shop is a personal service

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business and is an allowed use in the BV-1/2 district with a Special Use Permit. It was stipulated that motor engine repair is not allowed.

Chairman Dibbell remarked that the application should include a more detailed sketch of the property showing the location of the buildings on the property as well as proposed parking spaces for the RVs being worked on. Chairman Dibbell asked Mr. Lane if he works on the RVs inside the building or outside. Jeff Lane said that most of his work is done inside but on occasion he does do work on them in the driveway, but it isn't for an extended period of time.

Nick Burgher remarked that he was recently visiting at the house directly across the road from Park Drive and noted that Mr. Lane's property is very clean.

Chairman Dibbell asked the members of the Planning Board if they would like to see a more detailed sketch. Mr. Lane presented a photograph of the building that he had used in his presentation to the Zoning Board of Appeals. The board asked Mr. Lane to create a more detailed plan using an aerial view of the tax map showing placement of the buildings and parking to scale. The dimensions should be shown on the sketch. Jeff Lane believes he might have this type of diagram from when he applied for his original building permit. 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 September 5th. Mr. Lane was informed that the application fee of \$75.00 is still needed, he will submit it at the next meeting.

7.0 SUBDIVISION

23-Sub-11 Vanacore, Tisch, Berryann (Represented by Don Brewer, PLS), Markle Road, Shokan, NY 12481: Lot Line Adjustments

Present at the meeting to represent the applicants is Don Brewer, PLS. Mr. Brewer pointed out that while he was waiting, he noticed an error on the map that he will correct. His Planning Board signature line shows Town of Shandaken instead of Town of Olive. Chairman Dibbell pointed out that two signature lines are needed.

The members of the Planning Board reviewed the map and pointed out that some of the lots are missing the name(s) of the owners. Heidi Emrich asked that a Lot Area Summary Table be included because it is easier to see where the acreage is being distributed.

Chairman Dibbell asked what is driving these lot line adjustments. Mr. Brewer said he believes there was a problem paying taxes and this was a solution being offered by the adjoining property owners. Chairman Dibbell asked what zone the property falls into; it is noted that it is in R/E-1A zone. Ed Kahil asked that the well and septic locations be shown on Lot 2 to determine that they are staying with the parcel. Nick Burgher asked if the property is in a flood zone, the SEQRA shows that there are wetlands.

Heidi Emrich questioned if Markle Road is a Town owned road, Chairman Dibbell said that Brian Burns can confirm the ownership. She wonders if there are any easements that would go with the road if it is private.

Ed Kahil would like to see an approximate location of the houses on the adjoining lots so the Planning Board can determine if the new lot lines are creating a setback issue. The board would also like to see the new proposed lot lines labeled on the map. Chairman Dibbell wonders if there are any easements for the utilities. Heidi Emrich asked if there are any road maintenance agreements for Markle Road. Heidi Emrich looked up the road and found that Markle Road is a Town road part way up. The board asked Mr. Brewer for clarity on the possession of the road. They have also asked for SBLs to be labeled on the lots. Chairman Dibbell asked the members if they feel topo is necessary, the board agreed to waive the need for topo to be shown on the map.

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Ed Kahil asked if there needs to be a note for the vacant Lot 1. Heidi Emrich pointed out that Lot 1 is already an existing lot with an SBL, it is only being increased in size, she doesn't feel it needs to show a proposed septic design. Nick Burgher pointed out that he presented a similar situation to the board a few months ago and the property owner was asked to get a letter from an engineer stating that the parcel could sustain a septic system. Paul Wright pointed out that in that situation the parcel didn't have access for building and the adjustment was giving the parcel road frontage making it a buildable lot. The board decided that a letter from an engineer wasn't needed for this lot line adjustment.

Don DiMartini asked why the municipal addresses aren't shown on the application but are on the SEQRA. The application and map should include all of the municipal addresses for the properties in question. The board recapped what they would like added to the map. The signature block needs to be fixed, add a note with the zoning district, add an acreage table, show the well and septic on Lot 2, show all of Lot 3, show the house and owners name on the Swenson lot, label new and old lines, show electric lines, add the SBLs to each lot, and add the addresses to the title block. Mr. Brewer was given a copy of the Checklist.

Chairman Dibbell asked the members if they feel the application would be ready for a public hearing in September. Nick Burgher feels that there are too many changes to be made, he suggested that the board review it at the next meeting before considering to schedule a public hearing. The members concurred.

23-Sub-9 Luis Lazala, 46 & 50 Ridge Road, Shokan, NY 12481: Lot Line Adjustments

Present at tonight's meeting are Luis and Abe Lazala. Abe Lazala explained that his father, Luis Lazala, owns three lots, two that are smaller and one larger lot. The intent is to enlarge the two smaller lots making them both 1.60-acres, and the rear lot will become 4.0-acres. Abe Lazala said that they are waiting for the approval of the lot line adjustments before they apply for the rights-of-way and easements for the proposed sewer project coming to this area. He explained that they are planning for sewer inlets on all three parcels.

Nick Burgher pointed out that the lines on the map that are labeled "property lines to be adjusted", should say "to be removed" and the new lot lines should be labeled. Ed Kahil asked how the owners of the property labeled Davis access their property. Abe Lazala stated that there is a right-of-way over the property that the owners use for access, he said it has been that way since about 1976. Heidi Emrich asked that the surveyor reference the liber and page for the deeded right-of-way with the note on the map. Nick Burgher pointed out that they will need to have the zoning boundary line shown and the two different zoning districts noted on the map, they are Village Business and 1-acre R/E. Chairman Dibbell asked if there are any houses on the lots now, Abe Lazala said that they are all vacant parcels. Chairman Dibbell said that the vacant lots will need to have Board of Health septic approval, or an engineer's note stating that they can sustain a septic system. There was a discussion about the applicant's intent to hook these parcels up to the proposed sewer project coming to Shokan. The members reviewed the SEQRA and acknowledge that there are some wetlands in the area, but no designated area according to the state and federal wetlands mapper. Ed Kahil suggested that the members go for a site visit, Chairman Dibbell agreed. Chairman Dibbell pointed out that question 5(b) on the SEQRA also needs to be corrected.

Ed Kahil referred to a letter the board had received from the Code Enforcement Officer, John Ingram, regarding a violation on the property and not to proceed with the application. Chairman Dibbell responded that since that letter the Lazala's submitted a letter to the Building Office stating that they are not running a wood processing business on their property and the CEO has now passed the application on to the Planning Board. In the audience is a neighbor, Erika Davis, and she remarked that it isn't the Lazala's running the business it is the person they rent to. Abe Lazala remarked that they don't rent the property, the firewood and trucks are his. There was a brief interaction before Chairman Dibbell informed the members of the audience that there will be an opportunity to bring their concerns up during a public hearing at a later time.

Janelle Perry told Abe Lazala that he will need to submit a Letter of Agent from Luis Lazala giving his permission to represent him at the meetings.

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Heidi Emrich asked if there had been a decision with regard to the Board of Health approvals. The members said that they would accept a note stating that the lots are not buildable until the proposed sewer project is completed and the lots can be hooked up to that. Ed Kahil remarked that there is a process for a landowner with vacant property to apply to be part of the sewer district. Abe Lazala said that they have already had a conversation with Nick Lamont and it was discussed where the manhole covers and tie-ins would be placed. Ed Kahil remarked that there would be a condition of the approval that the lots are not buildable until the sewer district is in place. Chairman Dibbell explained that this would need to be noted on the map.

The Planning Board held a brief discussion regarding the property's location and distance from State Route 28. It was determined that they will not need to present this to the Ulster County Planning Board as it is just lot line adjustments to three existing lots.

Heidi Emrich pointed out that the property line goes to the center of Ridge Road and should be noted that it is subject to the rights of the public. It is also noted that they will need to include names of the owners of the property across the road. It is determined that the owners of the properties across Ridge Road are not included on the list of surrounding property owners. The applicant was told to update the neighbor list and to provide the necessary addressed and stamped envelopes. Nick Burgher also pointed out that the third parcel address should be included on the title block on the map.

Chairman Dibbell said that the members of the board would like to do a site visit, Ed Kahil asked if an appointment is necessary or can the members visit the property on their own. Abe Lazala said he would like to be present to answer any questions that might come up. He provided the members with his telephone number. Chairman Dibbell said that the members can make arrangements for small groups to visit, instead of a group visit as a meeting. He advised the applicants that the members would be calling to make an appointment to see the property and the rest of the amended material should be presented in a timely manner so that the board can further review it at the September meeting.

8.0 CORRESPONDENCE

Chairman Dibbell said that the last thing on the agenda is to discuss the July 21, 2023 email and Invoice from Grant & Lyons LLP for legal advice pertaining to NYS Town Law 280-a queries for Ashokan Acres and Simon Strauss/Indian Trail. Chairman Dibbell reported that he had approval from Supervisor Sofranko to reach out to Jim Lyons with these questions and the Town Board will be granting approval to pay the invoice from their funds.

9.0 REGULAR MEETING

Ed Kahil pointed out that the Ashokan Acres subdivision approval was granted with conditions. It is noted that Chuck Petersheim has progressed with his project putting in the road and storm water plans, however, the Planning Board has not yet received the state certifications that the road and SWPPP were constructed as per the engineered plans, and the CPS-7 approval. The Planning Board discussed how they should proceed with this. It was decided that a letter should be sent to Mr. Petersheim asking him what timeframe he plans on following to provide these certifications to the Planning Board and Building Office.

Ed Maldonado remarked that he and Steve Dibbell sit on the Zoning Committee and there have been some recommendations and adjustments to the zoning code. He explained that the committee is at a place now where Drew Boggess has asked that we ask the Planning Board for suggestions and input on what changes they feel need to be addressed. Don DiMartini asked if there is a draft to comment on, the response is that the Zoning Committee is just looking for new ideas. Chairman Dibbell remarked that the Town has just hired a

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consultant to draft some of the changes using the proper language. Ed Kahil remarked that since Boiceville is being bulldozed down, the commercial zone should be moved south along Route 28. The members agreed with this comment. Ed Maldonado said that any ideas that you have should be sent in an email to him and Steve Dibbell to convey to the committee when they meet again. Heidi Emrich remarked that she was just working with another town that has a great storm water law, and she has reached out asking for them to send her a copy of this local law. Ed Kahil remarked that New Paltz also has this type of law. Don DiMartini asked if the DEP has representation on the Zoning Committee, they do not. Nick Burgher remarked that the DEP is contacted whenever anything is happening around their lands and they don't usually do anything about it. Don DiMartini remarked that there will be changes coming up that involves water management and grants for relocation so that is something to keep in mind. Ed Kahil and Nick Burgher remarked that this plan has been in effect for a while.

Janelle Perry reported that Medenbach and Eggers has reached out asking whether the moratorium will be extended and she has reached out to Drew Boggess and was told that the Town Board is going to vote on extending it for another 6 months. She assumes that the Planning Board will now receive a request from them for a 4-lot minor subdivision for lands located on Route 213 in Olivebridge.

10.0 AGENDA

The board set the agenda for the next meeting, scheduled for September 5th. The Planning Board has scheduled a public hearing for the Jeff Lane site plan. They will also be reviewing the amended applications of Vanacore, Tisch, Berryann and Luis Lazala if the new material is received in time.

11.0 ADJOURNMENT

Ed Kahil made a motion to adjourn the meeting at 9:05 pm, Don DiMartini seconded it, and all members agreed.

Sincerely,

Janelle Perry, Planning Board Clerk