



Town of Olive Planning Board

P.O. Box 513, Shokan, NY 12481

DATE: September 5, 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
Nicholas Burgher
Paul Wright
Don DiMartini

ABSENT

Heidi Emrich
Edwin Maldonado

3.0 MINUTES

Chairman Dibbell asked if there were any corrections or comments regarding the August 1, 2023 minutes. Chairman Dibbell said he had a question pertaining to the discussion on Page 5, first paragraph. During the discussion on application 23-Sub-11 of Vanacore, Tisch, Berryann, there was a reference to a previous application that had been submitted to the Planning Board by Nick Burgher regarding the need for an engineer's letter stating that the parcel could sustain a septic system. Chairman Dibbell felt that the minutes didn't reflect the outcome that had been decided on application 23-Sub-11, Nick Burgher said that the decision was that an engineer's letter wasn't needed. Chairman Dibbell wanted it clarified and noted in the minutes. With no other changes Nick Burgher made a motion to accept the minutes of August 1, 2023 with the noted amendment, Ed Kahil seconded the motion and all members agreed.

4.0 REGULAR MEETING

Chairman Dibbell noted that the board has to wait a few minutes before moving to the public hearings and asked to look at the 2024 Budget Worksheet. There was a discussion regarding the figures presented, it was noted that the amount on the Worksheet only represented a voucher for Janelle Perry for the first four months of the year, she is presenting another voucher for signature tonight. Chairman Dibbell feels that the budgeted amount of \$10,000 for the Planning Board is accurate and should remain the same for next year. Don DiMartini asked if there is more of a line-item breakdown that is provided. Chairman Dibbell explained that the majority of the expenditure is for the clerk's time and the post office box rental. Ed Kahil asked if any costs for legal advice comes out of the Planning Board budget, Chairman Dibbell remarked that the General Fund pays

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for that type of service. Don DiMartini mentioned the costs for training sessions and the planning consultant. They are not part of the Planning Board budget. At this time the Planning Board moved on to the advertised public hearing and will come back to the Budget Worksheet later in the meeting.

5.0 PUBLIC HEARING

7:10 pm - SP5-23 Jeff Lane, 12 Park Drive, Olivebridge, NY 12461: Mobile RV Repair

Present at the meeting is Jeff Lane. Mr. Lane has presented an amended site plan diagram. Chairman Dibbell opened the public hearing at 7:10 pm, and asked Jeff Lane to briefly explain his project to the audience before opening up the public comment portion of the meeting.

Jeff Lane explained that he operates a mobile RV repair service. He had put up a garage that he was using to store his equipment and it was brought to his attention that he needed approval from the town to operate his business out of the garage. He explained that he mostly fixes the campers off-site, in the field, but on occasion he does have a camper in the garage working on it. Mr. Lane said he has talked with his neighbors and they have no problem with what he has been doing. He said that Pete Nissen attended the Zoning Board of Appeals meeting on his behalf and gave a glowing review of his operation and told the board that he had no objections. Mr. Lane stressed that he doesn't do anything with oils that could be bad for the environment, he does no chassis and engine work. He explained that he works on the water heaters and appliances in the campers.

Chairman Dibbell remarked to the audience that Mr. Lane did appear before the Zoning Board of Appeals and asked them for a determination if his business would be an allowed use in his zoning district, BV-1/2 acre, and they agreed that it was, citing that it is a personal service business.

Chairman Dibbell asked if there is anyone in the audience regarding this application, with no 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 7:13 pm. He asked the members if they had any additional questions for Mr. Lane. Don DiMartini asked what the hours of operation would be, Janelle Perry read the narrative which stated 8:00 am-6:00 pm. Don DiMartini asked if it noted the days of the week, Jeff Lane said he doesn't work on Sunday because he lives right across the street from the church. He said that he is very considerate of his neighbors. Nick Burgher asked Mr. Lane if he uses air tools a lot, Jeff Lane said that he did put a compressor in but he never uses it. He uses battery operated tools. Chairman Dibbell asked Jeff Lane if he was ok with the Planning Board restricting the days of operation to Monday-Saturday, Mr. Lane had no problem with that.

Chairman Dibbell asked the members if they are ready to make a motion. Nick Burgher asked what the conditions of the approval would be, Chairman Dibbell said that the applicant would need to comply with the narrative presented with the application and that the hours of operation would be 8:00 am-6:00 pm, Monday through Saturday. It is further stipulated that no engine or transmission repair is allowed on site. Nick Burgher made a motion to approve site plan application SP5-23 with the noted conditions, 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 was absent, Nick Burgher voted in favor, Paul Wright voted in favor, Don DiMartini voted in favor, and Ed Maldonado was absent. Chairman Dibbell completed the Resolution.

Don DiMartini 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.

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6.0 SUBDIVISION

23-Sub-13 Estate of M. Lane (Represented by Don Brewer, PLS), 3852 Route 28, Boiceville, NY 12412: 2- Lot Subdivision

Present at the meeting to represent the applicant is Don Brewer, PLS. Mr. Brewer pointed out that Maurice (Skip) and Karen Lane had subdivided this property and received approval a few years ago. After that time Maurice Lane had a stroke and within a year he passed away, and the subdivision was never filed with Ulster County. Don Brewer stated that the estate is now presenting the subdivision again so it can get approved and filed. Chairman Dibbell pointed out that the letter that was submitted with the application giving Don Brewer the authority to act for the estate is from the Ulster County Department of Finance. Ed Kahil asked who would be responsible for signing the maps, Don Brewer believes that the attorney would be responsible for signing everything. He has been dealing with Josh Koplovitz.

Don Brewer remarked that he has gone back out to the property and the only changes are that the property is all cleaned up and the equipment is all gone. Chairman Dibbell asked Mr. Brewer if he has made any changes to the map. Don Brewer said that a shed has been removed that was by the sawmill and he isn't sure if it was moved over to the other parcel, but there is now a shed on Lot 2. Ed Kahil asked if there was a copy of the older map available. Don Brewer presented a copy of the original map from March 2021.

Chairman Dibbell stated that he likes to have the SBL numbers shown on the map for the surrounding properties. Janelle Perry pointed out that the ownership has changed for the parcel currently showing Patricia Kelder and Maurice Lane as owners. Nick Burgher asked Mr. Brewer if he had checked the adjoining to see if anything had changed in the past few years. Chairman Dibbell asked that the ownership of the adjoining neighbors be checked and updated, Nick Burgher asked if NYC-DEP is on the list. Janelle Perry remarked that the DEP is not on the list and it does appear that the list was updated because Patricia Kelder is not on it but it wasn't changed on the map. Chairman Dibbell asked Mr. Brewer to verify and update the ownership of the surrounding properties on the map and the list, the SBL's should be added to the map, and verify the ownership or title for the signature line. Chairman Dibbell suggested that if Josh Koplovitz is the person who will be signing the maps on behalf of the estate, then he should provide the Planning Board with the letter of agent.

The members feel that a public hearing could be scheduled for October 3rd at 7:10 pm if Mr. Brewer can get the updated material to them in a timely manner.

23-Sub-12 Ashokan Realty, LLC (Represented by Medenbach & Eggers, PC), 5093 Route 213, Olivebridge, NY 12461: 4-Lot Subdivision

Present at the meeting to represent the applicant is Brian Renn of Medenbach & Eggers, PC. Mr. Renn explained that they have applied for Board of Health approvals for the four lots. He pointed out that there is a roadway coming into the property to access the four lots and there is a 50' easement. Ed Kahil asked if the intention is for it to be a private road or a town road. Mr. Renn said he wasn't sure what is planned, Chairman Dibbell advised that even if it is a private road it would need to be built to town road standards. Ed Kahil asked Mr. Renn what the length of the road will be because there is a maximum of 1200' or less to be a dead-end road. Brian Renn said that he will have to look into this.

Janelle Perry remarked that the Planning Board has received an email today from Merle Borenstein stating her concerns. Mrs. Perry acknowledged the email and advised Ms. Borenstein that there will be additional review and a public hearing on this subdivision. Ms. Borenstein stated that the previous owners, the Fox family, were told that they couldn't subdivide any further. There was another neighbor in the audience, Jennifer Perillo, who stated the same thing. Chairman Dibbell said that it wouldn't be that they couldn't subdivide, it would become

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a major subdivision if it was done within five years. Chairman Dibbell stated that the Planning Board will need to check the records to determine when the property was subdivided last. Jennifer Perillo asked what the difference is between a major and minor subdivision. Chairman Dibbell explained that a subdivision of four lots or less is a minor subdivision, and five or more lots is a major subdivision. There was a brief discussion about the subdivisions or lot line adjustments to the property. Brett Fox was present and explained that he recently did the lot line adjustment with a different parcel. The original subdivision of the farm was done in 2005 or 2006. Brett Fox said that they were told when the estate was settled that any further subdivision would create a major subdivision. There was mention that the town currently has a moratorium on major subdivisions.

Chairman Dibbell stopped the audience from further discussion and advised them that they will have to wait for the public hearing to further voice their opinions.

Chairman Dibbell asked Brian Renn what is being planned with regard to the houses on the parcels. Mr. Renn said that they are planned to be 4-bedroom, single-family homes, approximately 30' x 50'. Mr. Renn said that he isn't sure if the property owner plans on developing the property or just wants to sell the lots. The requested Board of Health approvals are for the larger four-bedroom standards.

Present in the audience is Mike Mena, he explained that he walked away from buying the property because he was concerned about a seasonal stream that runs through the property where the road would need to be placed and was designated as federal wetlands. He also said that 75% of the property is shaded in orange regarding endangered species. Chairman Dibbell said that this could be for the bald eagle but if there isn't a nest on the property it isn't a concern. Chairman Dibbell told Mr. Renn that they will need to see the wetlands noted on the map.

Nick Burgher also asked to have the zoning districts drawn on the map. Chairman Dibbell asked Mr. Renn why the roadway hugs the property line on one side. Brian Renn said that it creates a straighter line, he said that they have already talked with the town and got approvals for placement of the road entrance. Chairman Dibbell said that the Planning Board will need to see this document. The Planning Board will also need to see the Board of Health permits for the four lots. Chairman Dibbell asked if there is any intent to further subdivide. Brian Renn said that he doesn't believe so, the owner is moving forward with the four lots. Ed Kahil remarked that the Planning Board can place a condition stating that there can't be any future subdivisions, he said that the owner should be made aware of this. Brian Renn said that they may be present for the next meeting.

The Planning Board advised Mr. Renn that there needs to be an engineered plan for the road. Nick Burgher pointed out that currently the road doesn't go with any lot, who would own the road. Mr. Renn said that he would need to clarify with the surveyor, he thought the road would go with Lot 1 and an easement. Chairman Dibbell felt that the owner of Lot 1 wouldn't want to be responsible to maintain the road for everyone. Mr. Renn said he will need to get clarification. Chairman Dibbell remarked that a CPS-7 covers some of these issues.

Nick Burgher advised that they will need to find out if the stream is classified. Ed Kahil provided Mr. Renn with the road requirements; he took a picture with his phone.

Chairman Dibbell asked Mr. Renn what the plan is moving forward. Brian Renn said that the applicants are looking to get this approved. He will get answers for the board regarding the development, and he will work on the road. Chairman Dibbell feels that the Planning Board will want to do a site visit, Ed Kahil feels that the board should wait for another round of review before a visit is planned. Brian Renn is hoping to have the Board of Health approvals by that time. Chairman Dibbell would like to see an overhead view with regard to where the tree lines are. He also recalled seeing a note regarding a SWPPP, this needs to be presented. Don DiMartini pointed out on the SEQRA, #14 Agricultural use. He would like to know the historic background for the property and if pesticides were used. He also pointed out #17 that notes that a SWPPP will follow.

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Chairman Dibbell pointed out that on #13 the answer is Yes but it does not identify the area that is noted as wetlands. Is the wetland on the property being subdivided or is it lands adjoining the proposed action. Chairman Dibbell also asked for more clarification regarding #9, state energy code requirements.

Brian Renn said he hopes to get answers to be back on the agenda for next month, he asked what the deadline is, Chairman Dibbell remarked that it is two weeks prior to the meeting.

7.0 CORRESPONDENCE

Janelle Perry brought up the CPS-7 that has been received from Ashokan Acres. Chairman Dibbell remarked that he wasn't happy that Chuck Petersheim didn't provide anything regarding the construction of the road and the storm water plan. Janelle Perry referred to an email that Mr. Petersheim sent stating that, "the site engineer is monitoring all infrastructure improvements regarding the road and storm water and will provide a report as the project is completed. That's standard operating procedure." Chairman Dibbell feels the Planning Board should be made aware of who is the engineer and when can we expect a report. The members of the board asked John Ingram if he has been to the site and how many houses are currently being constructed. John Ingram said he has been there a number of times, they have three or four homes started. Ed Kahil asked Mr. Ingram if the road is complete, John Ingram feels that it is complete and may only need some additional drainage around the sites. The members held a brief discussion and they feel that the engineer must be inspecting it as it progresses and is taking notes, Nick Burgher feels that there has to be some record of them being there. Ed Kahil would like to know what percentage has been completed, and what the plan and timeframe is for completion. The Planning Board would like Mr. Petersheim to have the engineer give the board an update and the status of the project, what percentage is complete, and what the timeline is for completion.

8.0 DISCUSSION

Chairman Dibbell announced that the board will now discuss Gateway Meetings and Planning Review. Chairman Dibbell referred to Heidi Emrich's email asking for this to be added to the agenda and the remark that applicants feel the process is too long, he personally hasn't heard any complaints. He feels that it shouldn't be a surprise if the applicants are made aware right from the beginning that the process will take at least two months with review and a public hearing, and if they are not well prepared for the first meeting then it will take longer than that. If that is explained upfront on the application then people might not expect to be done in one meeting. Nick Burgher feels that it will take two or three meetings in any town that you go to. The decision needs to be made whether we ask people to pay more money and use a planner to do an initial review before it goes to the Planning Board. It is pointed out that if the surveyor first comes with a sketch plan, it will need revisions and another review before the public hearing is scheduled. The members feel that the Checklist can be refined, Nick Burgher feels that the Town of Shandaken has a good Checklist. The subdivision application can be redone, Leslie Dornfeld did the site plan application.

Chairman Dibbell feels that the planner can be used for major subdivisions. He pointed out that Heidi Emrich had suggested using the planner to review major subdivisions and site plans, but he doesn't feel that it is necessary to ask an applicant like Jeff Lane to pay extra money to have a simple site plan reviewed. Chairman Dibbell wonders if the site plans can be classified, simple or complex, he would understand a complex site plan like Bread Alone being reviewed by a planner ahead of time. Don DiMartini feels that there can be a simple streamline process that would determine which applications would require prior planner review.

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Ed Kahil doesn't feel that the Gateway Meetings would work because everyone are volunteers and it would be hard to get anyone to commit to additional time during the middle of the week. He feels that some decision and a process about who needs the planner review would be the way to go. Chairman Dibbell suggested that the applicant could also be presented with the option to use the planner if they didn't feel comfortable doing it themselves, depending upon what the fee would be.

Don DiMartini remarked that he is uncomfortable with a planner who has been hired without the process for other planners to apply. He feels that Leslie Dornfeld is a nice person, with a good background but it doesn't mean that she is experienced in NYS law. Ed Kahil suggested that Supervisor Sofranko should put out an RFP and go through that process.

Don DiMartini agrees with Ed Kahil that the Gateway Meetings wouldn't work, but he feels that a Gateway process being part of a regular meeting could be beneficial. A prospective applicant could ask to have 15 minutes during a regularly scheduled meeting and invite Brian Burns and the fire chief if you feel their input would be helpful. Chairman Dibbell said that the process that was just done with Ashokan Realty, reviewing a sketch map and giving input is a lot like a Gateway meeting. We can invite our Highway Superintendent and fire chief if we feel their input would be needed. The board further discussed allowing a Gateway meeting during a regular Planning Board meeting, allowing a perspective applicant a 10-15 minute window to present their intended project prior to submitting it to the Building Department and Planning Board for official review. The members pointed out that this has been done a few times already, John Barringer came to a meeting to ask a few questions, and the glamping applicants came to discuss their proposed project prior to presenting a full package. Ed Kahil and Chairman Dibbell feel that the sketch plan process already falls in the Gateway category. Paul Wright said that he doesn't have an issue with adding a Gateway review to a regular scheduled meeting since he is already committing the time for the evening.

The members unanimously agreed that a Gateway meeting can be held during a scheduled Planning Board meeting before submitting an official application. They also agreed that before moving forward with offering Planning Review, the Town of Olive should do an RFP to see what planners are out there and available to work with the Planning Board.

With regard to the Budget Worksheet, Chairman Dibbell said that he would sign off on the proposed \$10,000 budget for 2024 and get the paperwork to Marlies Rosier.

9.0 AGENDA

The board set the agenda for the next meeting, scheduled for October 3rd. The Planning Board will schedule a public hearing for the Estate of Maurice Lane application if Mr. Brewer gets the amended material submitted in time. They will also be holding further review on the amended applications of Ashokan Realty, Vanacore, Tisch, Berryann and Luis Lazala if the new material is received in time.

10.0 ADJOURNMENT

Ed Kahil made a motion to adjourn the meeting at 8:50 pm, Don DiMartini seconded it, and all members agreed.

Sincerely,

Janelle Perry, Planning Board Clerk