



# ***Town of Olive Planning Board***

P.O. Box 513, Shokan, NY 12481

**DATE: October 3, 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  
Edwin Maldonado

### **ABSENT**

Don DiMartini

## **3.0 MINUTES**

Chairman Dibbell asked if there were any corrections or comments regarding the September 5, 2023 minutes. Heidi Emrich remarked that she found two small grammatical mistakes, otherwise the minutes were great and helped her as she missed the meeting. She pointed out on Page 5, under 8.0 Discussion, in the first paragraph, fifth line down, "...and if they are not well prepared for the first meeting **than** it will take..." should be **then**. The same correction needs to be made in the next sentence. With no other changes Paul Wright made a motion to accept the minutes of September 5, 2023 with the noted corrections, Heidi Emrich seconded the motion and all members agreed.

## **4.0 OLD BUSINESS**

Chairman Dibbell noted that the board has some time before moving to the public hearings and suggested that they sign the maps for 23-Sub-4 Rinaudo, 1380 County Road 2, Olivebridge, NY 12461: 3- Lot Subdivision. The Planning Board has received a letter dated September 15, 2023 from the Building Department confirming that the shed wasn't on the assessment records and a demolition permit was not needed. Photographs have been received acknowledging that the shed has been removed from the property. The final maps were signed and sealed by the Planning Board.

## **5.0 PUBLIC HEARING**

**7:10 pm - 23-Sub-13 Estate of M. Lane (Represented by Don Brewer, PLS), 3852 Route 28, Boiceville, NY 12412: 2- Lot Subdivision**

## **TOWN OF OLIVE PLANNING BOARD MINUTES**

**DATE: October 3, 2023**

**PAGE 2**

Present at the meeting to represent the applicant is Donald Brewer. Chairman Dibbell opened the public hearing at 7:10 pm, and asked Mr. Brewer to briefly explain the application. Donald Brewer explained that Maurice (Skip) and Karen Lane had subdivided this property and received approval a few years ago. Unfortunately, after the approval was granted Skip Lane passed away, and the subdivision was never filed with Ulster County. Don Brewer stated that the estate has to go through the subdivision process again to get approved and have it filed. Mr. Brewer explained that Skip Lane had originally built a second house on his property for his mother and after she died his daughter lived in the house. The intent is to subdivide the property so each home has their own parcel of land.

Chairman Dibbell opened the public comment portion of the hearing and asked if there is anyone in the audience regarding this application. 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 7:13 pm. He asked the members if they had any additional questions or concerns.

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. Nick Burgher read aloud, and the Planning Board completed the Checklist. Heidi Emrich pointed out that the spelling of the Ulster County Commissioner of Finance, Roseann Daw, is incorrect on the map (Roseann Dae). Donald Brewer will correct that on the maps for signature and seal. He does not have them at tonight's meeting. He will bring them to the Building Office when he has the Owners signature and the Planning Board will sign off on the maps at the soonest available time.

Nick Burgher made a motion to approve subdivision, 23-Sub-13 for the Estate of Maurice Lane, Ed Kahil 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 was absent, and Ed Maldonado voted in favor. Chairman Dibbell completed the Resolution.

### **6.0 SUBDIVISION**

#### **23-Sub-9 Luis Lazala, 46, 48 & 50 Ridge Road, Shokan, NY 12481: Lot Line Adjustments**

Present at the meeting to represent the applicant is Abraham Lazala. Chairman Dibbell asked Mr. Lazala to explain what changes were made to the application. Abe Lazala explained that they have added the neighbors across Ridge Road to the map and supplied envelopes addressed to them. He pointed out that the labeling of the lot lines to be removed have been corrected on the map, and the note was added that the lots are not approved for building until the sewer district is in place. He also pointed out that the third lot number was added to the block in the lower right-hand corner of the map. Mr. Lazala also pointed out that the right-of-way has been added to the Notes. The applicant has also submitted a corrected SEQRA showing 5(b) as N/A.

It was noted that a Letter of Agent was received but Chairman Dibbell felt that it wasn't correct. He pointed out that it was addressed to the Town of Olive Building Department but should be addressed to the Planning Board. The letter also referenced that it was for actions necessary for the processing, issuance, and acceptance of this permit or certification, Chairman Dibbell remarked that the Planning Board is considering an application for lot line adjustments, not issuing a permit. Mr. Lazala will present a corrected Letter of Agent.

Chairman Dibbell asked the members if they felt the submission is ready to move forward to a public hearing. Ed Kahil remarked that he did ride in to look at the property and noticed a garage being built on the parcel he drove past and wonders if it should be shown on the map. There was a brief discussion whether it should be

## **TOWN OF OLIVE PLANNING BOARD MINUTES**

**DATE: October 3, 2023**

**PAGE 3**

added to the map. Chairman Dibbell suggested to the applicant that they can get information from the building department and the surveyor could include it on the map without having to go out to the property.

The members feel that a public hearing could be scheduled for November at 7:10 pm. The Planning Board will have to look into the Town calendar to determine when the meeting will be scheduled. They are suggesting Thursday, November 9<sup>th</sup>. Janelle Perry will get back to the applicant with regard to a meeting date.

### **23-SUB-14 Turner, 4682 Route 213, Olivebridge, NY 12461: 2-Lot Subdivision**

Present at the meeting is Doug Turner. Chairman Dibbell asked Mr. Turner to explain what they would like to do. Mr. Turner said that they are looking to do a minor subdivision to create a lot that his nephew can build a house on. They own 28+ acres and the lot being created would be 1.867-acres. Heidi Emrich asked if they have Board of Health approval for a septic system. Mr. Turner acknowledged that they have provided the septic permit with the application.

Chairman Dibbell pointed out that there is a very old inset map which is showing the State University of New Paltz as a surrounding property owner. Chairman Dibbell asked that the surveyor update the inset map. He also pointed out that the SEQRA notes that there are wetlands but nothing is shown on the map. Chairman Dibbell asked that this be clarified. Heidi Emrich has searched the wetlands question and found that it is on an adjoining property, not on the applicant's parcel.

Heidi Emrich asked that the actual address be noted on the title block on the map and not just "near Davis Corners".

Chairman Dibbell advised Mr. Turner that they will need to get approval from either the county or the state for the driveway. Doug Turner said that he was going to give them the rights to use his driveway to access the lot. He was advised that he will need to decide what they will be doing so that it can be accurately noted on the map if there is to be a new curb cut or a right-of-way easement.

Nick Burgher pointed out that the SBL for the aqueduct needs to be added to the map. Paul Wright noted that the SBL is also missing from both of the Turner parcels. Their name should also be included on the two lots.

In looking at the list of neighbors and the map it appears that not all of the neighbors are on the list. Missing are Feldman, NYC DEP, Shashaty/Leonard, and the Ashokan Foundation.

The members feel that a public hearing could be scheduled for November if the changes can be done and presented within the next two weeks. The public hearing could be scheduled for 7:25 pm.

### **23-Sub-15 Nicholls/Schnell, 351 Acorn Hill Road, Olivebridge, NY 12461: 2-Lot Subdivision**

Present at the meeting are Michael Nicholls and Barbara Schnell. Also present is the surveyor, John Post. Chairman Dibbell pointed out that the neighbor across Crispell Road is not noted on the map, and they will need to determine if the name and address are on the list of neighbors.

Heidi Emrich asked for clarification regarding the access to the proposed new lot. Mike Nicholls explained that Anderson Road is 1/10-mile long and is a Town road. Chairman Dibbell feels that the notation about the unimproved wood road that extends beyond Anderson Road is confusing and should be moved up on the map indicating where it runs. Chairman Dibbell suggested that Brian Burns should take a look at the access off of Anderson Road to determine that it is adequate.

Chairman Dibbell explained that since a new lot is being created the Planning Board will require a septic permit from the Health Department, or an engineer's letter showing that the parcel can support a septic system in the

## **TOWN OF OLIVE PLANNING BOARD MINUTES**

**DATE: October 3, 2023**

**PAGE 4**

future. Barbara Schnell remarked that they had originally thought about building on the upper property and had test holes done. Chairman Dibbell said that the engineer who did the test holes should be able to write a note that the property can support a septic system. Mike Nicholls remarked that they used Medenbach and Eggers. Heidi Emrich pointed out that the septic and reserve area for the existing home needs to be shown on the map.

Chairman Dibbell asked John Post if he had a copy of the checklist that outlines what should be shown on the map, he was given a copy. It is noted that the utility poles and power lines are not shown. Heidi Emrich asked that the topo also be shown on the map. She also remarked that to be consistent the Planning Board should question the setback of the dilapidated shed on Lot 4A. Mike Nicholls said that he has moved the shed before and would be prepared to move it if he had to. Ed Kahil pointed out that the rear yard setback would be 75'.

Nick Burgher asked if the lines to the Erlich property at the top of the map indicate a driveway or a road, it is a driveway. Heidi Emrich and Ed Maldonado also wondered about the end of the wood road that goes over onto the Glass property. Mike Nicholls said that there is a right-of-way to the property but the owners of the Glass property bought the surrounding property and have access off of Weber Lane. Chairman Dibbell advised that the right-of-way still needs to be indicated on the map.

Paul Wright pointed out that the wetlands also need to be indicated on the map. Chairman Dibbell feels that there are a number of changes that need to be addressed and the submission is not ready for a public hearing.

### **23-Sub-16 Golden Woodlands LLC/Leelah RE Inc./Conley, 489 High Point Mtn. Road, West Shokan, NY 12494: Lot Line Adjustments**

Present at the meeting representing the applicants is John Post. Chairman Dibbell asked Mr. Post to explain what is being proposed. John Post said that Golden Woodlands would like to convey 3.5-acres to Conley and 2+ acres to Leelah RE. Chairman Dibbell noted that since the properties are in the three-acre zone it will put the Conley property in compliance.

It is noted that the missing adjoining neighbors need to be added to the map, as well as the utility poles, the members determined that since these are only lot line adjustments and no new lots are being created, they will waive the need for topo on this map. Chairman Dibbell pointed out that the new acreage of the Conley and Leelah lots is not large enough to subdivide the parcels.

Nick Burgher feels that the wooded area can be removed, even though it is indicated on the checklist. The members would like to see the driveways indicated on the map. Paul Wright feels the telephone line right-of-way should be indicated, as well as the approximate locations of the wells and septic on the two house lots.

Nick Burgher asked Mr. Post to include an area table. John Post asked if the Planning Board would like to have this included on the Nicholls map also. They didn't feel it was as necessary since that was a simple subdivision but this proposal has a number of lot line changes. Mr. Post will work on getting the changes on both applications in time for the November meeting.

## **7.0 OLD BUSINESS**

**22-Sub-2 Simon Strauss Open Development, 45 Indian Trail Road, Shokan 12481: 3-Lot Subdivision and Lot Line Adjustments – 9/13/23 Applicant has submitted a request to rescind the application and requests return of unused escrow funds in the amount of \$930.00**

## **TOWN OF OLIVE PLANNING BOARD MINUTES**

**DATE: October 3, 2023**

**PAGE 5**

Chairman Dibbell made a motion that the Planning Board accept Simon Strauss's request to rescind his Open Development application and close the file, the members unanimously agreed. The members also agreed to refund Mr. Strauss's unused escrow funds. Nick Burgher noted that Mr. Strauss is questioning the payment of \$320.00 to C. T. Male for engineering review. Chairman Dibbell asked Janelle Perry to reach out to Kathryn Serra for details on what was done in those two hours.

### **8.0 DISCUSSION**

Chairman Dibbell opened up further discussion on the Planning Boards need for a revised application and stressed that it needs to be clear in what expectations are required for timely processing of the application. Heidi Emrich remarked that she didn't think that Leslie Dornfeld would be carving out anymore time to amend the subdivision application so she has started to work on one.

Chairman Dibbell said that Nan Stolzenburg is now working on changes to the zoning as part of the moratorium and she made a comment that reading through the zoning and what the process is for subdivisions is outdated. Chairman Dibbell is hoping that he will be able to provide Ms. Stolzenburg's suggestions for changes within the next few months. He suggested to Mrs. Emrich that she might not want to go too far into the project until we see what Nan Stolzenburg is proposing to change. Ed Kahil asked how close the Town is for holding a public hearing on these changes, Chairman Dibbell feels that we are still months away.

Heidi Emrich remarked on the notes from last month and wanted to know how she should proceed with discussing gateway meetings with Supervisor Sofranko. Chairman Dibbell feels that the board can proceed with having the process done during a regular meeting and just invite the right people for the discussion. Heidi Emrich wonders how the board wants to convey the idea of an RFP for a planner to the town because she feels that Leslie Dornfeld is already contracted for that purpose. Chairman Dibbell wonders how long the contract goes for; we could ask for an RFP when it ends.

Heidi Emrich also announced that on Thursday she will be presenting for public review, a zoning map that she has been working on since January. She explained that there are three areas where there has to be a determination on the area the properties will be falling in. Paul Wright asked if they have approved the critical environmental areas yet, Chairman Dibbell said that they have not yet been voted on.

Present in the audience are Erika Davis and Gina Kothe, neighbors of Luis Lazala. Ms. Davis explained that she has had a major problem with the illegal firewood business that they have been operating and she has had a number of conversations with John Ingram. She doesn't feel it is right that they can be here asking for lot line changes while they are renting out their property to this illegal operation. She presented photographs of the number of vehicles that go in and out of the road in front of her house on a daily basis from 8:00 am and, like tonight, until 6:30 pm. She explained that they have set two forest fires in the past year and a half and rangers have been out to the site. She thought there were at least four stop work orders. Chairman Dibbell asked John Ingram what the situation is. Mr. Ingram thought that this case was still in limbo and not settled. He said that he will be at the court tomorrow night to see where all of the cases are that have been brought to court. He feels that the Planning Board shouldn't be considering the lot line adjustments if the court case hasn't been settled. The members of the Planning Board recall that they have received a letter from the Building Office saying they could move forward with the application. Chairman Dibbell said that we will need to look into the situation if the Planning Board can consider a subdivision/lot line adjustment application on a property if they are not compliant with a land use. It is noted that the Planning Board is not a code enforcement agency. John Ingram said that if the person isn't code enforcement compliant the Planning Board shouldn't consider the application because they won't know what the result of the non-compliance will be and if it will affect anything. Edwin Maldonado suggested that the Code Enforcement Officer write a letter to the Planning Board telling them not to consider the application.

## **TOWN OF OLIVE PLANNING BOARD MINUTES**

**DATE: October 3, 2023**

**PAGE 6**

Ms. Davis said that the gentleman that rents the property, Marcellino, is very nice and she doesn't have a problem with him personally but does have a problem with what is going on. She also remarked that about once a month Karl Edmundson drives in and dumps a huge amount of topsoil and sometimes blue stone. Then this material goes out little by little. She has seen the workers at houses working, probably doing landscaping. She saw their trucks and equipment at a home on Black Road. Ed Maldonado asked if the trucks have any names on them, they don't have a company name. Ms. Davis and Gina Kothe said that the workers said that they used to operate on property in Chichester that Mr. Lazala owned and when he sold that property, he moved their operation to this property.

The Planning Board said that they will wait to hear from John Ingram before setting a public hearing for Lazala.

John Ingram brought up that there is now an issue with property on Route 28 in Shokan where the Phoenicia Soap Company is operating, the town has received notice that there is someone wanting to sell cannabis from this location. It was noted that the home owner was given site plan approval for her design studio and had then added that she would be offering products from the Phoenicia Soap Company in her studio. It now looks like the Phoenicia Soap Company is advertising their business at this location. John Ingram said that they will need to place a stop work order on her and have her explain what she is doing at this location.

Mr. Ingram also reported that he had a lengthy meeting with representatives from NYC regarding proposed work for the replacement of the bridge over the reservoir and buildings that they are looking to construct. He said that he advised them that they need to keep the town well informed on what they plan on doing. It is remarked that the Planning Board won't have any say in this.

John Ingram said that they have been remiss on keeping up with the people that the Building Department has sent to court. He said that the operation at Winchell's Corners needs to be shut down because they continue to ignore the violation notices. He said that he is also very unhappy with the court because they haven't done much about the violation notices that have been referred to them.

### **9.0 AGENDA**

The board set the agenda for the next meeting, scheduled for November. The Planning Board will schedule a public hearing for the Turner application if the amended material is submitted in time, and depending upon further communication from John Ingram and if amended material is received, they will be holding a public hearing on the Lazala application. They will also be holding further review on the amended applications of Michael Nicholls and Golden Woodlands if the new material is received in time.

### **10.0 ADJOURNMENT**

Heidi Emrich made a motion to adjourn the meeting at 9:10 pm, Nick Burgher seconded the motion, and all members agreed.

Sincerely,

Janelle Perry, Planning Board Clerk