



Town of Olive Planning Board

P.O. Box 513, Shokan, NY 12481

DATE: December 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
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 November 8, 2023 minutes. Ed Kahil pointed out that on Page 3, in the last paragraph, the word "stacked" (appears twice) should be "staked". Heidi Emrich noted that on Page 3, under Golden Woodlands, third line down, "right of ways" should be "rights of way". She also felt that on Page 4, in the first paragraph, the second sentence, "Chairman Dibbell asked if there were any thoughts about how the drainage would be handled, there has been concerns brought up at a previous meeting", should be "there have been concerns." Heidi Emrich said that she also has a comment, but not a correction. On Page 1 under Regular Meeting there was a comment about the old firehouse in Boiceville being torn down and the Town of Olive eventually taking ownership of the vacant property. Mrs. Emrich pointed out that the Town Board, by resolution, will not take ownership of this parcel as it is surrounded by NYC land, the DEP will retain ownership of that parcel. Chairman Dibbell also pointed out that he may have misspoke, on Page 1 under Regular Meeting, the consultant is working on the "subdivision laws", not the "zoning laws". Heidi Emrich made a motion to accept the minutes of November 8, 2023 as amended, Nick Burgher seconded the motion and all members agreed.

4.0 REGULAR MEETING

Chairman Dibbell asked the members if they had anything to report before the start of the first public hearing. Heidi Emrich announced that the zoning map is on the Town Board agenda for their meeting next Tuesday. Chairman Dibbell wonders if there has been a decision on the Critical Environmental Areas that have been proposed. Janelle Perry reported that Dawn Giuditta, Town Clerk, handed her a packet this afternoon that has both areas being adopted in a Resolution dated November 14, 2023.

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It is noted that the Turner's (23-Sub-14) were present at the meeting with additional maps that required the Planning Board signatures and seal. The members took care of this prior to the meeting starting.

5.0 PUBLIC HEARING

7:10 pm - 23-Sub-15 Nicholls/Schnell, 351 Acorn Hill Road, Olivebridge, NY 12461: 2-Lot Subdivision

Present at the meeting are Michael Nicholls and his surveyor, John Post. Chairman Dibbell asked the applicant to briefly explain what they are proposing. Michael Nicholls explained that they are looking to subdivide 21 acres off of their 30.88-acre parcel. Mr. Nicholls pointed out that the parcel would be accessed by a town road that is approximately 1/10 of a mile long. The Planning Board members reviewed the most current map submitted. It is noted that the shed has been relocated and now satisfies the required setback from the proposed new property line, the additional neighbors have been added to the map, and the scale bar has been corrected. Chairman Dibbell pointed out that the arrow for the "proposed new lot line" doesn't point to the line. It appears that when the lot line was moved the arrow wasn't adjusted to point to the new location. Nick Burgher also pointed out that there is a random line on Lot 3 and some of the bearings and distances are hard to read.

Chairman Dibbell opened the public hearing at 7:15 pm and then 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. The clerk, Janelle Perry, reported that letters were sent out to all of the surrounding neighbors, and the addresses were checked against what is on record at the Town, but an envelope was returned that was addressed to Adrian Adolphe. She noted that the Planning Board has not received any correspondence or concerns on this matter. Chairman Dibbell closed the public comment portion and the public hearing at 7:17 pm.

Chairman Dibbell asked the members how they wanted to proceed since there are a few changes to be made to the map. The corrections are to remove the extra line, adjust the arrow so it points to the proposed new lot line, and make the bearings and distances easier to read. Heidi Emrich also pointed out that there is an overlay on the map reference and there is an extra bearing on Lot 1. John Post made notes of the requested corrections. Heidi Emrich read aloud, and the Planning Board completed the Checklist.

The Planning Board decided that they will wait to vote on the application until the corrected maps are received. They will put this application on the January 2, 2024 agenda. Michael Nicholls presented the recording clerk with the \$400.00 application fee.

7:25 pm - 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 to represent the applicants is John Post. Chairman Dibbell asked the applicant to briefly explain what they are proposing. John Post explained that the intent is to decrease the lot owned by Golden Woodlands and increase the lots owned by Leelah RE Inc. and John Conley. He said that there are three lot line adjustments, no new lots will be created.

The Planning Board members reviewed the new map and confirmed that all of the amendments have been made. The scale bar has been corrected, the neighbor has been added, the parcel addresses were added, and the endorsement block was enlarged.

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Chairman Dibbell opened the public hearing at 7:31 pm and then 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 7:32 pm.

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 made a motion to approve subdivision, 23-Sub-16 for Golden Woodlands LLC/Leelah RE Inc./Conley, Paul Wright 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 required application fee of \$100.00 has not yet been received, John Post said that the attorneys were taking care of that. It was agreed that the finalized maps would be held at the Building Office until the application fee is received.

7:40 pm - 23-Sub-9 Luis Lazala, 46 & 50 Ridge Road, Shokan, NY 12481: Lot Line Adjustments

Present at the meeting to represent Luis Lazala is Abraham Lazala. Chairman Dibbell asked the applicant to briefly explain what is being proposed. Abraham Lazala explained that the proposal is to decrease the larger lot in the back and to increase the front two lots along Ridge Road, making them each 1.6-acres. The Planning Board reviewed the map and noted that the corrected changes have been made. The neighbors across the street were added and the envelopes were provided.

Chairman Dibbell opened the public hearing at 7:41 pm and then opened the public comment portion of the hearing and asked if there is anyone in the audience regarding this application. Present is a neighbor, Richard VanDreason, he said that he doesn't have any concerns but would like to see the map to see the changes. He came forward and reviewed the map. Chairman Dibbell asked that the record reflect that there were no concerns made from the audience. Chairman Dibbell pointed out that by increasing the acreage of the two front lots it now brings them both into compliance of the 1-acre zone. Chairman Dibbell closed the public comment portion and the public hearing at 7:53 pm.

Paul Wright pointed out that the Owner's signature block and signature are missing on the map. Don DiMartini pointed out that the map does not include the zoning block noting the two districts the property is in. Heidi Emrich read aloud, and the Planning Board completed the Checklist. The applicant submitted the required \$100.00 application fee.

Edwin Maldonado 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.

Heidi Emrich made a motion to approve subdivision, 23-Sub-9 for Luis Lazala with the conditions that the final map is presented with the Owner's signature block and signature, and the Bulk Regulation Block, 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 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

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completed the Resolution. The applicant is to deliver the updated maps to the Building Department and the Planning Board will get them signed and sealed. They suggested that this be done in a timely manner so that the maps can be filed with Ulster County before the end of the year.

6.0 SUBDIVISION

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. Chairman Dibbell asked Mr. Renn if he was aware of the emails that have been sent regarding the determination of declaring the proposed application as a major subdivision instead of a minor subdivision.

Mr. Renn said that the initial proposal was sent for a 9-lot subdivision but was rejected because there was a moratorium in place so it was reduced to the proposed 4-lot subdivision. Chairman Dibbell pointed out that the larger subdivision was never presented to the Planning Board for consideration. Brian Renn said that he has been here for a few meetings and the site visit was requested but never happened because Medenbach & Eggers received the emails questioning the designation as a minor or major subdivision. Mr. Renn said that he has ceased working on the application awaiting tonight's discussion.

Chairman Dibbell explained that it was discovered that in the wording of minor subdivision, it says they are not to involve any new street or road. Chairman Dibbell said that there would be an option to take it to the Town of Olive Town Board to ask for an exception. There was a brief discussion on the wording and options, and the definitions of street or road. It was also suggested to send it to the ZBA for their determination of a street or road. Ed Kahil asked how far the Town is into the moratorium. Chairman Dibbell said that it was renewed once and the next time it could be considered for an additional 6-month extension is February. Brian Renn said that he will take these options to his client.

7.0 SITE PLAN

SP6-23 Salvemini/Phoenicia Soap, 3107 Route 28, Shokan, NY 12481: Hinterland Design Studio and Phoenicia Soap Co. Makers Space

Present at the meeting is the proprietor of the Phoenicia Soap Co., Barbara Mansfield, the owner of the property, Jennifer Salvemini, is out of town. Chairman Dibbell asked if there was a map to scale presented. Mrs. Mansfield thought that Ms. Salvemini submitted what was asked for. The Planning Board reviewed what was submitted. There was a new sketch showing the dimensions of the retail areas. Chairman Dibbell noted that they still did not receive the calculations for the parking area for the noted retail spaces. Ed Kahil asked if the size of each parking area is being shown, each space requires 9' x 20'. It is determined that the seven parking spaces shown are adequate.

Chairman Dibbell asked Barbara Mansfield about the classes that she advertises and the concern about the classes and parking. Mrs. Mansfield explained that if she does have six people sign up for a class, she has an arrangement with the owner of the Olive Plaza across the street allowing them to park in their lot. Heidi Emrich suggested that the overflow parking be included in the narrative. Chairman Dibbell asked that the calculations for the parking be added to the map, Heidi Emrich suggested that it go in Section 4 of the application.

Chairman Dibbell asked that the site map be blown up to a full page, and the legend on a separate page. It is pointed out that the Phoenicia Soap Co. website advertises up to 12 people for a class/party. Barbara Mansfield remarked that this needs to be changed on her website because her space isn't sufficient for that many people. That was for her space in Mount Tremper, she will change this.

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Chairman Dibbell asked if the list from the Building Department has been satisfied. Mrs. Mansfield said that she wasn't sure about everything regarding Hinterland, but the requirements for her retail space have been met and she is allowed to operate.

Janelle Perry pointed out that Ms. Salvemini submitted an amended site plan narrative for Hinterland because she had submitted specs for a new sign showing another company operating out of Hinterland. Mrs. Mansfield said that Alison Zavracky Design Studio had always been a part of the design group with a wall of her knobs and things but now she plans on taking up additional space in the studio with her cabinetry and other items, as well as meeting with her clients.

Chairman Dibbell also pointed out that there were questions unanswered on the SEQRA form. Mrs. Mansfield was presented with a copy to note the corrections on. Question #1 should be No, #5b should be N/A, #9 is blank should be Yes, #11 should say private existing septic, #13b should be No, #14 is blank and should be Urban and Suburban, note that there are no bald eagle nests on the property. Later in the meeting it is noted that #8c should be Yes and note the Rail Trail.

The Planning Board said that if the material is received in time the application can be considered at the January 2, 2024 meeting.

SP7-23 Ashokan Store It, 3216 Route 28 & 7 Ridge Road, Shokan, NY 12481: Expansion of Self-Storage Facility

Present at the meeting to represent the applicants is Kimberly Snyder of North Engineers and Design Consultants. Ms. Snyder presented the application fee to the recording clerk. Kimberly Snyder explained that the proposal is to add additional storage units to the current site.

Chairman Dibbell said that it had been remarked that the original site plan that had been approved called for more storage units than had been erected on the property. Ms. Snyder is not aware of this, Chairman Dibbell said that the Planning Board will look into receiving the original site plan documents to review. Kimberly Snyder said that there was another question brought up by the Building Department regarding the Business zone and the Residential zone. Chairman Dibbell said that there was another question regarding the removal of the lot line creating one parcel. Ms. Snyder said it is her understanding that there was a lot line revision done, the Ulster Parcel Viewer shows it as one parcel and Undefined as owner. It appears it was done through the County and not through the Planning Board.

Chairman Dibbell remarked that there has also been some concern regarding the storm water, he asked Kimberly Snyder to look into this. Ms. Snyder said that according to the DEP there is no requirement to do a SWPPP for this because it is under the area of disturbance. She pointed out on the map where the water currently flows on the property and under Route 28. Dominick Covello owns the land on the other side of Route 28 and he feels that a storm water plan needs to be put in place because his property gets flooded. Ms. Snyder said that they will have a meeting with the DEP to discuss this issue.

Chairman Dibbell said that the site plan sketch should show the names of the neighbors. He also pointed out that the issue of screening needs to be addressed. Ms. Snyder remarked that the Building Office did point out that a lot of the screening that had been required on the original site plan is dead.

Nick Burgher asked that the setback lines be shown all around the property. Chairman Dibbell asked that a new updated SEQRA be submitted. Don DiMartini asked for clarity on the roads and the ingress and egress to the site.

Kimberly Snyder pointed out the retaining wall that will be put up between the lower portion of the property and the upper portion. Chairman Dibbell asked if the tree line will be kept in place, Ms. Snyder said that they

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will keep as much as possible and will only remove what will need to be taken out to complete the project. Nick Burgher asked that topo be shown around the drainage areas.

It is pointed out that Shokan Park Road loops around and has two accesses onto Route 28, the sketch map incorrectly shows Christopher Road as the westerly access.

Chairman Dibbell remarked that the SEQRA shows a wetland and he would be interested in seeing it noted where the wetlands are. Ms. Snyder said that there are no wetlands being shown, Heidi Emrich pointed out that there is a small creek on the DEP property that may be flagging that to show up on the EAF.

Heidi Emrich said that the application isn't ready yet but at some point, it will need to be presented to the Ulster County Planning Board. Chairman Dibbell told Ms. Snyder that the SEQRA form will need to be cleaned up and pointed out that #8b regarding public transportation services should be yes as the Ulster County bus runs along Route 28. The answer to 5b was corrected but they need to make sure it is marked as N/A when the new SEQRA is submitted. Chairman Dibbell also remarked that #14 marked as Agricultural/grasslands doesn't sound right.

Present at the meeting is a neighbor, Allison Irwin, and she asked about a pond that she recalled was on the back property when the original site plan was being reviewed but she doesn't see a retention pond on this submission. Chairman Dibbell said that the board will have to look at the original application.

Chairman Dibbell asked Ms. Snyder what is currently run out of the shop. She doesn't know, it is noted as an existing shop. It is believed to be an auto body shop run by the Oakes family.

Chairman Dibbell advised Ms. Snyder that there needs to be a new sketch map submitted with the requested changes, along with the amended SEQRA. The documents need to be received at least two weeks before the January meeting date. There was additional discussion regarding drainage and if a SWPPP will be required. Heidi Emrich feels the applicant needs to submit a proper accounting of the area of disturbance. Nick Burgher asked what is being considered as the side yard and the rear yard. There was discussion about whether the parcel is all considered as business or is the back part of the parcel considered residential when considering the setbacks. The Code Enforcement Officer might be able to answer the question. Allison Irwin asked if the roadways need to meet the setbacks, Chairman Dibbell responded that there are no setback requirements for roadways and driveways. Ed Kahil asked what the incentive was to combine the lots. Kimberly Snyder didn't know why the applicants did it. Ed Kahil feels that by combining the two lots they may have created an issue.

Heidi Emrich asked what the maximum percentage of building coverage is in our code, she feels this proposal may be close to that. It is believed to be 30% and the application states that it is at 24%. Nick Burgher asked if the site has been surveyed, Ms. Snyder said that Colin Houston has drawn it up but thinks the topo was pulled from the GIS website. Nick Burgher feels that it should be noted. Heidi Emrich feels that the bearings and distances aren't shown on all the lines.

Chairman Dibbell also asked Kimberly Snyder to show the location of the abutting neighbor's house on Ridge Road. Nick Burgher asked if there is a well and septic associated with the shop, it should be noted on the map as well.

Kimberly Snyder said that she has a lot of homework to do on this. She remarked that the applicants are not planning on doing anything until spring.

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8.0 CORRESPONDENCE

The Planning Board determined that Simon Strauss was satisfied with the explanation with regard to the refund of \$930.00 for the unused escrow funds.

9.0 DISCUSSION

Chairman Dibbell asked the members if they had a chance to look at the updates to the Subdivision Code that Nan Stolzenburg has prepared. Chairman Dibbell said that he has given some feedback to her already. Don DiMartini asked if there is a red line version. The members asked Chairman Dibbell if he could send them his suggestions so that they don't have to duplicate something he has already addressed. There was a brief discussion on some of the suggested updates.

9.0 AGENDA

The board set the agenda for the next meeting, scheduled for January 2, 2024. The Planning Board will finalize the Nicholls/Schnell application. There will be further review of the Salvemini/Phoenicia Soap Co. and Ashokan Store It site plans if amended material is received in time.

10.0 ADJOURNMENT

Ed Kahil made a motion to adjourn the meeting at 9:50 pm, Heidi Emrich seconded the motion, and all members agreed.

Sincerely,

Janelle Perry, Planning Board Clerk