



Town of Olive Planning Board

P.O. Box 513, Shokan, NY 12481

DATE: February 6, 2024

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
Paul Wright
Edwin Maldonado

ABSENT

Nick Burgher
Don DiMartini

3.0 MINUTES

Chairman Dibbell asked if there were any corrections or comments regarding the January 2, 2024 minutes. Edwin Maldonado pointed out a typo on Page 2, under 4.0 Site Plan, third paragraph. The sentence has the word description with a typo, "descript9ion". There were no other corrections, Edwin Maldonado made a motion to accept the minutes of January 2, 2024 as amended, Heidi Emrich seconded the motion and all members agreed.

4.0 PUBLIC HEARING

7:10 pm - 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 their surveyor, Don Brewer. Mr. Brewer presented an amended map for consideration. He explained that he is now presenting a final survey showing the neighbors across from the property on Bonnie Brae and Bostock, and the house and septic location on the neighbor's property. It is noted that the new lot line running down the center of Markle Road was not labelled. The Planning Board is not making the applicants come back with additional maps.

Chairman Dibbell asked Mr. Brewer to explain the proposed lot lone adjustments. Donald Brewer explained that the 6+-acre house lot owned by the Berryann family is being reduced with a portion of the property across Markle Road being added to Lot #3, and a portion of the property being added to Lot #1, leaving the Berryann property with 1.5+-acres. It is a boundary line adjustment between three properties. Chairman Dibbell opened the public hearing at 7:19 pm and then opened the public comment portion of the hearing and asked if

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there is anyone in the audience looking to speak on 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 7:20 pm.

Heidi Emrich asked if it had been determined whether Markle Road was a private road or a Town road. Chairman Dibbell remarked that it was determined to be a Town road.

Edwin Maldonado read aloud, and the Planning Board completed the Checklist. 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.

Heidi Emrich made a motion to approve subdivision, 23-Sub-11 for Vanacore, Tisch, Berryann, Lot Line Adjustments, 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 was absent, Paul Wright voted in favor, Don DiMartini was absent, and Ed Maldonado voted in favor. Chairman Dibbell completed the Resolution.

The Planning Board members will sign and seal the maps after the next public hearing is finished.

7:25 pm - 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 owner of the property, Jennifer Salvemini. Chairman Dibbell asked Ms. Salvemini to explain what she is proposing. Jennifer Salvemini explained that she is looking to expand the retail enterprise at her property located at 3107 Route 28 by adding the Phoenicia Soap Co.

Chairman Dibbell opened the public hearing at 7:35 pm and then opened the public comment portion of the hearing and asked if there is anyone in the audience looking to speak on this application. Penny Schetzel was in the audience. She noted that she lives on High Point Mountain Road, she asked Ms. Salvemini what the Phoenicia Soap Co. does. Ms. Salvemini explained that the Phoenicia Soap Co. makes zero-waste carbon neutral soap from local botanicals and she retails the soaps and body care products from the space. Jennifer Salvemini explained that there is a design space and the Phoenicia Soap Co. retail space and between them there are workshops offered by local female makers. She said that at times there will be art exhibits in the studio. Penny Schetzel asked if there would be a sign announcing any of the workshops. Ms. Salvemini said that aside from the sign announcing Hinterland, Alison Zavracky Design Studio, and the Soap Co., there is usually a sign announcing the event on the day of. There was a brief discussion on the name Hinterland and how Ms. Salvemini chose it. Allison Irwin asked the applicant if she intended to sell marijuana as it had been mentioned at some point. Jennifer Salvemini said that at one point there was a farm out of Montgomery who was collaborating with the Phoenicia Soap Co. and the state required a location be noted, this is no longer a conversation as they have moved to New Paltz with their products. Ms. Salvemini said that this is not something that she is looking to do at Hinterland. Chairman Dibbell asked if there were any other questions from the public, with no further response he closed the public comment portion and the public hearing at 7:41 pm.

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.

Heidi Emrich made a motion to approve site plan SP6-23 Salvemini/Phoenicia Soap, Edwin Maldonado 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 was absent, Paul Wright voted in favor, Don DiMartini was absent, and Ed Maldonado voted in favor. Chairman Dibbell completed the Resolution.

At this time the Planning Board members signed and sealed the maps for 23-Sub-11 Vanacore, Tisch, and Berryann.

5.0 LOT LINE REVISION/SUBDIVISION

24-Sub-1 NINOLIO LLC/Stender, 441 Upper Sahler Mill Road, Olivebridge, NY 12461: 2-Lot Subdivision

Present at the meeting are Dan McCarthy, surveyor, Chris Zumtobel, and Nina Stender. Chairman Dibbell asked who the officer is in Ninolio LLC, Nina Stender said that she was. Chairman Dibbell said that the Planning Board will need a Letter of Agent from Ms. Stender for Ninolio to allow Mr. Zumtobel or Mr. McCarthy to represent her when discussing the application. It is noted that there was not one submitted with the application. Mr. McCarthy presented a copy of the map with highlights showing the proposed 2-lot subdivision. He explained that there is one large parcel that is on both sides of Upper Sahler Mill Road, the intent is to create Lot #1 as a 4.215-acre lot referred to as the "house lot" which has the house, barn, and outbuildings, he also noted a swale that is being shown. The remaining 47.646-acres has a few buildings on the property. The owners plan on selling the small parcel with the house and they will keep the larger parcel with the garage and outbuilding to be used as storage. Mr. McCarthy said that there is a well and septic on the house lot, he said that there is nothing adjacent that will affect the well and septic.

Chairman Dibbell asked the property owners what their intent was for the larger parcel. Mr. Zumtobel said that they would like to build on it at some point in the future. He explained that they have fixed the house up and have lived in it for about four years but they are looking for a change.

Edwin Maldonado said that he believes there is a large elevation difference on the property. The members would like to see topo on the map. Mr. McCarthy asked if that would be necessary at this time since there are no plans to build on that part of the property. Ed Kahil asked Mr. McCarthy who he works for, he remarked that it is Praetorius and Conrad, Ed Kahil said that it should be easy to use USGS topo. Dan McCarthy feels that it would be time enough to show topo when they come back with a proposal to build. Chairman Dibbell explained that they would not need to come back to the Planning Board unless further subdivision was being proposed, the Building Department would be working with the homeowner on new construction. Chairman Dibbell said that the Planning Board would like a topo overlay.

Edwin Maldonado would also like the width of the gap between the house lot and the portion of land on the same side of the road noted on the map. The guess is it is about 50'. Chairman Dibbell feels that the proposal looks like they are prepping for additional subdivision in the future. He explained that the Planning Board is chartered with looking at projects with an eye to the future. Mr. Zumtobel said that he has planted a lot of trees on both sides of the road and he loves the property but they don't have any immediate plans. He remarked that they are planning on moving to Kingston right now but plans on using the property to garden and plant additional trees. Chairman Dibbell explained that the Planning Board has been requiring proof that a parcel is buildable when a subdivision creating a vacant lot is being proposed. He said that this can be a letter from an engineer stating that the land can support a septic system, or actual Department of Health septic approval.

Ed Kahil asked if this property falls in a Critical Environmental Area. Heidi Emrich looked at the mapping and a portion of the property does fall in a CEA area.

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Heidi Emrich asked Chairman Dibbell if he recalls what the real estate attorney might have said regarding a property that is split by a roadway. She remarked that by creating a new lot line the buildings do not meet the required setbacks. Dan McCarthy said that they are pre-existing nonconforming, Heidi Emrich noted that they are pre-existing but the new lot line would make them nonconforming. Present at the meeting is the Town of Olive Code and Enforcement Officer, John Ingram, and he remarked that he had concerns with the submission. He feels that the garage and outbuildings should go along with the house lot. Chris Zumtobel said that traffic on Upper Sahler Mill Road has gotten busier over the past four years and he feels that the property really feels divided by the road and that was the thought when planning the subdivision. He feels that it was probably different years ago when it was a farm with less traffic on the road. Mr. Zumtobel said that when they bought the property and the barn was there it did feel different, but since the barn burned down it is different. He said that they would hate to lose the garage because they do use it for storage and they love the property. Chairman Dibbell said that it is possible but it will require an application to the Zoning Board of Appeals to decide on an area variance. There was discussion regarding how to determine the setbacks with the roadway. Chairman Dibbell said he would check with the town attorney about a road running through a lot and whether it will be pre-existing nonconforming. Mr. McCarthy feels that they wouldn't get a variance because the issue is self-created.

Chairman Dibbell asked when it was last subdivided, Mr. Zumtobel said he thought it was in 2014. Chairman Dibbell advised the applicants that they will need to make some decisions before coming back for additional review of the application. Janelle Perry remarked that the Planning Board did receive a letter from an adjoining neighbor with their concerns. She was asked to send it on to the applicants.

6.0 SITE PLAN

SP1-24 Ariel Siso/Jennifer Mulak Retreat, 64 Chase Road, Shokan, NY 12481: Retreats related to energy work, herbalism, earth stewardship and/or music.

Present at the meeting is Ariel Siso, he said that Jennifer Mulak is sick and couldn't come to the meeting. Chairman Dibbell asked him to explain what they are looking to do. Ariel Siso said that they currently run a Short-Term Rental and they would like to host small group retreats. He explained that he is a musician and would like to have song writing workshops, and Ms. Mulak is an herbalist, they would invite people to the house for the workshops. Chairman Dibbell asked if the STR is permitted through the Town, Mr. Siso said that it is. He said that there are four bedrooms to house eight people. Ed Kahil asked about the cottage on the property, Mr. Siso said that they live in the cottage.

Chairman Dibbell asked John Ingram why his office issued a Cease and Desist to Mr. Siso and Ms. Mulak. John Ingram said that the code says anything other than a single or two-family house requires a site plan. Chairman Dibbell asked about the STR law, and if it precludes events. Chairman Dibbell wonders if the proposed use would be an accessory use to the STR.

Ariel Siso said that it is already been happening because teachers from the city have stayed in the STR and held a workshop meeting. Chairman Dibbell asked Mr. Siso to explain some of the sketches that were presented with the application. Mr. Siso explained that they have a 41-acre property and there wouldn't be anymore traffic or people coming to the house than they currently have with the STR. Heidi Emrich asked how they would control the number of people participating in the retreat. Mr. Siso said that they live on the property.

Chairman Dibbell pointed out that the Planning Board has received a number of complaints from the neighbors about traffic and noise, he doesn't feel that traffic would really be an issue over what traffic is there because of the STR. Chairman Dibbell remarked that the application talks about music and asked Mr. Siso what that would involve. Ariel Siso said that he is a musician and has played his drums until 2:00 am and hasn't gotten

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any complaints. Chairman Dibbell asked if the music was inside or outside. Mr. Siso said that the music is inside, though he has had some parties in the past.

Ed Kahil asked about the letter from the Zoning Board of Appeals dated August 8, 2019. Mr. Siso said that back in 2019 it was more about development when they were considering building yurts on the property to house retreat participants. He said that they gave up on that idea and they wish to host small retreats in the farmhouse. Ed Kahil wonders if the August 2019 letter means that the current request to run a retreat would be a permitted use. Chairman Dibbell also wants to look at the STR law to see about events because if it states that events aren't allowed then the retreats couldn't be considered as an accessory use to the STR. Ariel Siso said that they wouldn't want to give up the STR because they only want to do these retreats about 4-6 times a year.

Bruce LaMonda, a neighbor to the applicant, is present and wonders about the septic with extra people on the property. Chairman Dibbell pointed out that they already have a permitted STR for a four-bedroom house with eight occupants. Mr. LaMonda said that he lives downhill from the applicants and wants to know if the septic is built to handle this use, and if it isn't then their STR permit should be revoked. Chairman Dibbell said that this is not a public hearing. John Ingram asked Mr. Siso if the building that he lives in is connected to the same septic system as the house. Mr. Siso said that there are two different septic systems.

Chairman Dibbell asked John Ingram if there were issues specifically raised to his office. He said that he hasn't had a chance to look into it, Janelle Perry said that the Planning Board has received some letters which she has passed on to the members for their review.

Ariel Siso was told that his submission has to have a better site plan sketch starting with his survey map and showing the buildings and parking spaces to scale on one diagram. It was explained that they need to show the square footage of the building that is going to be used for the sessions, ingress and egress onto the property, the number of people, hours of operation, etc. Mr. Siso said that it is very frustrating because what they are proposing is no different than what is already being done on the property with the STR. Chairman Dibbell explained the process of site plan review to Mr. Siso.

7.0 DISCUSSION

Chairman Dibbell asked John Ingram his thoughts on the retreat application and why it was referred to the Planning Board. Mr. Ingram said that the code states that all uses except single-family and two-family homes require site plan approval. He said the short-term rentals are getting very complicated and when you add other activities to the short-term rentals it is getting crazy.

Heidi Emrich remarked that the issue of septic capacity was brought up today at a meeting she was at with the DEP. She said that what was discussed is that the DEP and DOH don't keep records anymore and it is up to the homeowner to figure it out and any engineer is not going to attest to what may or may not be in the ground if they didn't design it and oversaw the installation. Chairman Dibbell said that with the STR regulations there isn't any way to police that. The building inspector will determine the amount of people the STRs can house, probably on the number of bedrooms that the septic system was designed for. Heidi Emrich said that a lot of the other towns are also struggling with this.

Present at the meeting are Erik and Diane Rockwell for the Ninolio subdivision. Mr. Rockwell said that the Upper Sahler Mill property has a lot more issues that goes with it. They were questioning if the property could be subdivided again because when their family subdivided the property in 2016 they thought it couldn't be subdivided again. Chairman Dibbell explained the difference between a minor and a major subdivision and the look back time of five years. Diane Rockwell said that when the applicants first bought the property, they drilled a number of wells all over the property and they feel that the goal is to subdivide further. Mr. Rockwell said that the swale that was referred to actually is a full stream that runs as much as the creek does on the

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other side. It runs into a pond that was next to the barn that burnt down. There was a discussion regarding the wetness of the property.

Ed Kahil feels that something needs to be done about the site plan applications that are being presented. Chairman Dibbell said that he and Edwin Maldonado have talked about it with the Zoning Committee. Chairman Dibbell remarked to John Ingram that the code states that the site plan application is to be certified for completeness by the Zoning Enforcement Officer. Chairman Dibbell said that the Planning Board plans on clarifying what they require from people with regard to the application and with regard to what is in the zoning. Chairman Dibbell feels that there should be a few examples that people can relate to. Bread Alone is good for the involved business application, but we need something simpler for a small two-person business. Chairman Dibbell remarked that he isn't looking for people to spend thousands of dollars to have a site plan drawn up but the applications need to look better. Heidi Emrich feels that you can have something drawn up on a deed plot that shouldn't cost more than \$600-\$900. Chairman Dibbell would like to know what a company would charge to draw up a simple site plan. Heidi Emrich suggested that C.T. Male might be able to supply some generic site plan samples. Chairman Dibbell asked Heidi Emrich to follow up with C.T. Male or other outlets for getting some samples.

8.0 ELECTION OF OFFICERS

Chairman Dibbell pointed out that the Town Board appoints the Planning Board Chairman, and they have appointed him as the Planning Board Chairman. Chairman Dibbell said that the Planning Board has to elect officers. Ed Kahil made a motion to stay with the same officers as last year, Steve Dibbell as Chairman, Heidi Emrich as Vice-Chairman, and Don DiMartini as Secretary, Edwin Maldonado seconded the motion, and all members agreed.

9.0 AGENDA

The board set the agenda for the next meeting, scheduled for March 5, 2024. The Planning Board will do further review of the Ninolio subdivision and the Siso/Mulak Retreat site plan if amended material is received in time.

10.0 ADJOURNMENT

Ed Kahil made a motion to adjourn the meeting at 9:20 pm, Edwin Maldonado seconded the motion, and all members agreed.

Sincerely,

Janelle Perry, Planning Board Clerk