



Town of Olive Planning Board

P.O. Box 513, Shokan, NY 12481

DATE: March 5, 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
Nick Burgher
Paul Wright
Don DiMartini
Edwin Maldonado

ABSENT

Heidi Emrich
Ed Kahil

3.0 MINUTES

Chairman Dibbell asked if there were any corrections or comments regarding the February 6, 2024 minutes. Nick Burgher pointed out a typo on Page 3, under 24-Sub-1 NINOLIO LLC/Stender, second line, it should be Ninolio "LLC" not "LLS". Don DiMartini pointed out a typo on Page 5, "7.0 Discission" should be "Discussion". Paul Wright had a question regarding a sentence in the first paragraph under 24-Sub-1 NINOLIO LLC/Stender. The sentence reads, "The remaining 47.646-acres has a few dilapidated buildings on the property." He believes the dilapidated buildings may be referencing buildings on the house lot and not on the larger parcel. The board decided to remove the word dilapidated as there are buildings on the 47.646-acre parcel. Chairman Dibbell questioned Page 2, under SP6-23 Salvemini, second paragraph, the last sentence says, "With no response 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." He feels the first, "With no response" should be removed, and the sentence should begin with, "Chairman Dibbell asked if there were any other questions..." There were no other corrections, Edwin Maldonado made a motion to accept the minutes of February 6, 2024 as amended, Nick Burgher seconded the motion and all members agreed.

4.0 LOT LINE REVISION/SUBDIVISION

24-Sub-2 Lisa Hubbard, 342-344 Watson Hollow Road, West Shokan, NY 12494: 2-Lot Subdivision

Chairman Dibbell invited Lisa Hubbard to the table to explain her proposed subdivision. Lisa Hubbard said she would like to split her 12.079-acre property into two lots. Lot #1 would be 5.908-acres with two houses on it. Lot #2 would be a vacant 6.171-acre lot with improvements, there is a shed. Chairman Dibbell asked Ms. Hubbard what her intentions are. Lisa Hubbard said that she intends to sell the parcel with the houses and

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build a home on the vacant lot. Chairman Dibbell asked if the two houses are currently being used as short-term rentals. Ms. Hubbard said that they were.

Chairman Dibbell asked Ms. Hubbard if she had gone through the checklist, she said that she had gone through the checklist that she was given. Chairman Dibbell remarked that he would like to see the tax map numbers (SBL) for the neighboring properties shown on the map. Edwin Maldonado read aloud, and the Planning Board completed the Checklist. The Planning Board members asked Ms. Hubbard to add 20' topo to the map, they said that pulling an overlay from USGS or Ulster County would be fine. In reviewing the map Nick Burgher feels there is some confusion with the lines being used for the right-of-way and the adjoiner line. Chairman Dibbell would like to see the width of the right-of-way shown on the map, not just as a single line. The Planning Board also asked the applicant to have her surveyor confirm the lines and to use a different line type to distinguish the two lines. Nick Burgher asked if the two houses go into one septic system, Ms. Hubbard said that there are two systems, it is noted that there are two wells on the property also. The members asked that the wells and septic locations be shown on Lot #1. With further review of the map Nick Burgher asked that the setback line be shown from the house to the new proposed lot line.

Chairman Dibbell pointed out that since Lot #2 is intended to be a building lot it will require a letter from an engineer stating that the property would be able to sustain a septic system or get a Department of Health septic approval.

Nick Burgher asked Ms. Hubbard why she is creating a little leg going across Watson Hollow Road. Lisa Hubbard said that she would like to have some of the creek and also have access to the city land. Nick Burgher asked if the city property is marked with yellow signs, if it is that means there is no public access to the land. Nick Burgher also asked that the overhead power lines to the house be shown on the map.

Chairman Dibbell pointed out a corner of the property and remarked that it tends to have a water issue at times. Edwin Maldonado said that the Ulster Parcel Viewer shows a little stream in that area that is not shown on the survey map. Lisa Hubbard said that it is on the other side and comes down through a culvert. Nick Burgher said that all waterways and culverts need to be shown on the survey map. Lisa Hubbard remarked that the town did put a culvert in a few years ago and a berm. She said that there is still a problem and would like more berm or a deeper ditch. Chairman Dibbell suggested that she talk to Brian Burns.

Edwin Maldonado pointed out that there is also some flood plain designation, the Planning Board briefly discussed this issue. Chairman Dibbell suggested to Ms. Hubbard that she should look into the flood plain designation X to be assured that the lot will not have issues when she goes to build on the parcel.

Chairman Dibbell looked through the SEQRA Part 1 that was presented with the application. Lisa Hubbard made some notes of the corrections that need to be made. She will present a corrected SEQRA when she presents the amended maps. The applicant was also told there is a \$400.00 application fee which can be brought to the next meeting.

5.0 NEW BUSINESS

Present at the meeting is Donald Hopper on behalf of John and Carol Smith. He said that the Smiths have some questions regarding Lot Line Adjustments they want to make to their property located between Brodhead Road and High Point Mountain Road. Janelle Perry acknowledged that the Smiths sent an email stating that they are giving Mr. Hopper the authority to represent them at tonight's meeting.

Don Hopper said that what the Smiths want to do is to facilitate the sale of their house, and they are building a new home down in the back where his shops are. Mr. Hopper pointed out all of the parcels that the Smiths own and presented what they are proposing to do. It is explained that there is one small triangular parcel that is owned by a business owned by John and Carol Smith, and they are currently working to transfer that parcel to them personally. Once that is done, they are proposing to merge that parcel with the large parcel which will give them road frontage to the shops and new home.

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The Planning Board explained to Mr. Hopper that this will be a Lot Line Revision request with a number of different lot changes. There will be five lots made into three lots. The Planning Board advised that the applicant will need to provide the approval for the new septic system.

Donald Hopper thanked the Planning Board for their guidance and will work on getting the application in order.

6.0 DISCUSSION

The recording secretary, Janelle Perry, reported that she has received an email regarding 3-17 Beechview Gardens, Boiceville and their interest in building an event space on the property. They want to know what is required in order to complete a submission for site plan approval. Chairman Dibbell suggested that they come before the Planning Board for a preliminary discussion regarding what they would like to have on the property.

Janelle Perry remarked that the Planning Board as received some additional emails regarding the proposed retreat on Chase Road since the last meeting. She reported that she hasn't received any updated material from the applicants. Chairman Dibbell said that this is an interesting issue because the Short-Term Rental (STR) law in the Olive Town Code specifically states that the house being used as a STR cannot be used for any other commercial services. It is Chairman Dibbell's feeling that the applicants cannot pursue this, and since it isn't in the zoning there is no recourse to grieve it before the Zoning Board of Appeals. John Ingram remarked that there was also a petition presented to not allow the retreat. Chairman Dibbell was aware of the petition, but feels that the complaint in the petition about additional septic use and traffic to the area isn't an issue because the homeowners already have the approved STR for eight people. Edwin Maldonado agrees that the use isn't allowed in the STR and pointed out that the retreat for up to eight people running for three days would be less traffic than eight different people staying in the STR for one night over three separate nights. Edwin Maldonado said that would be three times the traffic and probably even more use to the septic system.

Janelle Perry asked the Planning Board members how she should proceed with the application since nothing more has been received from the applicant. The members feel that there should be a response that at this point in time it is the Board's interpretation that the retreat would not be allowed in the STR. If the applicants want to pursue it further, they would have to talk to the Town Board about it. Chairman Dibbell noted that the STR law is 114-3 in the Town Code.

Don DiMartini asked what body defines the definition of retreat, is it the town, the state. Chairman Dibbell said that there isn't really an answer, it would have to be the town or ZBA. There was a brief discussion regarding the definition of a retreat. Don DiMartini said that there would be a lot of questions surrounding a retreat, would the Health Department get involved if there is food being served, etc.

Janelle Perry noted that the Planning Board has not gotten any new amended material for the other application from last month, the subdivision of land by Ninolio. The surveyor asked if the Planning Board had received any information regarding the question about a road dividing the property. Chairman Dibbell said that the attorney has been asked the question but there hasn't been a response to report on. Chairman Dibbell said that he did do some additional research on the topic and in the Town Code the definition of a lot states, a parcel of land not divided by a street or highway. Paul Wright remarked that he did drive past the property recently and there was a surveyor working down below the buildings. Chairman Dibbell said that the setbacks are the issue and the question is if the buildings are non-conforming or existing non-conforming, he is waiting for an answer from the attorney.

Janelle Perry reported that she has just received a pdf of a map for the Senecal property which was a subdivision request from a few years ago. She has not heard from Mr. Senecal directly the map was sent by Catskill Art Supply for the surveyor, Ken Keefe. She mentioned that she didn't think that the map reflected the changes the board was asking for a few years ago. Chairman Dibbell asked that this be raised with James Senecal prior to moving forward with a new subdivision request.

The recording secretary also reported that the town's attorney, Dan Heppner, reached out asking for all of the emails that the Planning Board had with Karen Faulkner Lane. Edwin Maldonado asked if the application had

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been resolved. Janelle Perry reported that the subdivision map was filed by Don Brewer for the Lane Estate but it appears that the legal issue between the Lane's and the Town is still an issue.

7.0 AGENDA

The board set the agenda for the next meeting, scheduled for April 2, 2024. The Planning Board has not scheduled any public hearings but will hold further review of the Hubbard subdivision if amended material is received in time. If any new applications or material is submitted, they will be added to the April agenda

8.0 ADJOURNMENT

Edwin Maldonado made a motion to adjourn the meeting at 8:39 pm, Don DiMartini seconded the motion, and all members agreed.

Sincerely,

Janelle Perry, Planning Board Clerk