



Town of Olive Planning Board

P.O. Box 513, Shokan, NY 12481

DATE: April 2, 2024

DRAFT

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
Heidi Emrich
Ed Kahil
Nick Burgher
Paul Wright
Don DiMartini
Edwin Maldonado

3.0 MINUTES

Chairman Dibbell asked if there were any corrections or comments regarding the March 5, 2024 minutes. Chairman Dibbell remarked that he had a comment regarding the fifth paragraph on Page 2 that suggested Ms. Hubbard look into the flood plain designation on her property. He said that he has looked into this and it falls in the 500-year flood plain. He asked Mr. Ingram if that has any impact on building, Mr. Ingram said that it does not. Chairman Dibbell also noted that on Page 4, under Agenda, in the second line there was a typo, "bur" should be "but". Ed Kahil pointed out that he was not present at the meeting as was noted. Edwin Maldonado made a motion to accept the minutes of March 5 2024 as amended, Don DiMartini seconded the motion and all members agreed.

Present in the audience is Sue and Michael Biondo, Mrs. Biondo asked the members to introduce themselves for those in the audience who are not familiar with the members. The members all introduced themselves.

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 and remarked that he had reviewed the map and has noted that all of the requested changes have been made. Ed Kahil asked if the septic question on the vacant lot came up at the last meeting, he feels that something needs to be presented. Chairman Dibbell responded that the board had requested that at a minimum she would need to supply a letter from an engineer stating that the property could sustain a septic system. Chairman Dibbell advised Ms. Hubbard that the letter would need to be submitted to the Planning Board before an approval could be granted. Chairman Dibbell also advised Ms. Hubbard that being on a County road she would need a driveway permit for access to the vacant lot. Lisa

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Hubbard said that there has been an existing driveway when she bought the property, she said that there has always been a culvert in place. It is near where the shed currently sits.

Chairman Dibbell asked the members if they had anything else to discuss regarding the application. The members feel that a public hearing could be scheduled for the next meeting, May 7, 2024 at 7:10 pm. Lisa Hubbard was reminded that she needs to remit the \$400.00 application fee and the engineer's letter at the next meeting.

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

Present at the meeting is Chris Zumtobel. He presented a new survey map showing a revised lot line change that now has the outbuildings across the road going with the house parcel, Lot #1.

Chairman Dibbell remarked that the Planning Board has received some comments from the Town's land-use attorney. He explained to Mr. Zumtobel that had they left the subdivision request as previously presented it would require a variance from the Zoning Board of Appeals. Chairman Dibbell said that the attorney determined that the Town considers a lot a parcel that is not divided by a road, and this could be a 3-lot subdivision with a vacant lot and the house lot on one side of the road, and one vacant lot on the other side of the road, but that would require a variance. Chairman Dibbell told Mr. Zumtobel that it was a recommendation from the land-use attorney it wasn't a requirement.

Chairman Dibbell said that the request being presented now shows the property and building locations as pre-existing. Heidi Emrich agrees with Chairman Dibbell that what is being created is nothing different than what is currently functioning. Chairman Dibbell pointed out that the conditions are not getting any worse, nothing is physically changing. The members did acknowledge that if the applicant left Lot #1 as presently shown, and then divided the rest of the property into two additional lots on each side of the road. Chris Zumtobel said that this could be something to consider, at this time they are only planning on selling the parcel with the house. He felt that leaving the rest of the property as one parcel would be less vulnerable to development. Chairman Dibbell remarked that they could put covenants in place if they did sell the property that could hinder future development in the area. Chris Zumtobel asked the board if there was a preferable way they would want his to proceed. Edwin Maldonado said that he doesn't feel that the board has a preference one way or the other.

Paul Wright asked if there has been any septic approval or engineer's determination that the proposed vacant lot can support a septic system. The board told Chris Zumtobel that the engineer's letter would need to be presented prior to any approvals. Chairman Dibbell pointed out the benefits the applicant has by making the submission a 3-lot subdivision but it was also pointed out that it would require additional fees and another engineer's letter pertaining to both lots, and Ed Kahil remarked that the taxes would be more on two separate lots opposed to one larger parcel. The assessor can give him advice on that issue.

Chairman Dibbell advised Mr. Zumtobel that he can be on the May 7, 2024 agenda if they make a decision on which way they want to proceed. A public hearing would be scheduled for 7:25 pm. The applicant was reminded that the application fee needs to be made, if they stay with two lots the fee would be \$400.00, or \$600.00 if they opt for three lots. They need to let Janelle Perry know by April 24th if they will be ready for the May meeting.

5.0 SITE PLAN

SP2-24 Primo Stropoli, 2063 County Road 3, Olivebridge, NY 12461: Yoga Studio and Gym Space

Present at the meeting is Primo Stropoli. He explained that the proposed location is in the house by Tetta's

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Market that his parents started building but it was never finished. Mr. Stropoli said that the house is now in his name. He said that the house is basically used as storage, and he has been using the garage as his personal gym. He felt that since the building is in the Business/Village zone he wanted to consider opening it as a yoga studio. Primo Stropoli said that he has been driving 30 minutes to Kingston or 45 minutes to New Paltz to do jiu-jitsu and there are others in the area that he attends class with that would enjoy not having to drive so far.

Chairman Dibbell noted that the application states that there would be no employees, is the intent to run it out of Tetta's Market? Primo Stropoli explained that his plan is to maintain the gym space and he would have instructors come in to run their classes.

Ed Kahil asked if the bathroom is just a bathroom, or would there be showers. Primo Stropoli said that there would be no shower. Ed Kahim asked if they have a copy of the septic approval, it should be on file with Ulster County. It is also pointed out that it should be on file in the Town of Olive Building Office when the building permit was acquired for the construction of the home. Primo Stropoli said he would look into this. John Ingram asked if the septic was ever used. Primo Stropoli said that there is a bathroom that has been in use.

Heidi Emrich wonders if the hour of operation going until 9:00 pm if there would be sufficient lighting for safety issues in the parking lot. She pointed out that there is one light by the garage but wonders about the area of parking that is out closer to the road. Primo Stropoli said that at that intersection there is a street light that shines over to that area of the property.

Chairman Dibbell wonders if the application needs to be presented to the Ulster County Planning Board. He referred to the UCPB Referral Guide and the board determined that the request is exempt as it met the conditions to determine it is a re-occupancy or reuse of an existing structure,

Don DiMartini wonders if the code requires a shower for use in a gym or yoga studio. There was a brief discussion and it is remarked that a lot of yoga studios and boxing gyms do not provide a shower area. Don DiMartini asked if the bathroom is handicapped accessible, Primo Stropoli said that it is.

Nick Burgher asked if there will be wi-fi as there is no cell phone service in the area. Chairman Dibbell said that the site plan should include a notice providing emergency contact information with wi-fi access and password. Chairman Dibbell advised that the applicant would want some type of insurance to cover this use. Mr. Stropoli said that he has already looked into that, and he would be using instructors that have their own insurance.

Chairman Dibbell asked the members if they had anything else to discuss regarding the application. The members feel that a public hearing could be scheduled for the next meeting, May 7, 2024 at 7:40 pm. The board reminded the applicant of the additional material to present for the public hearing.

6.0 DISCUSSION

Preliminary discussion regarding The Perch, 3-17 Beechview Garden, Boiceville, NY – Event Space

Present at the meeting is Hugh Cummings to discuss the Event Space that they would like to propose on the property operating as The Perch along Route 28 in Boiceville. They wanted to get some input before presenting a site plan application. Mr. Cummings presented a sketch plan which is based off of the site plan submission for The Perch.

Chairman Dibbell pointed out to Mr. Cummings that the Event Space would have to be an accessory use to the cottages. Mr. Cummings said that they get inquiries for small weddings or reunions and celebrations and

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wanted to do this correctly. Chairman Dibbell cautioned that the use has to be subordinate to the primary use, what the site plan would need to show is how many events would be held, the number of guests, the hours of operation, the location of tents, hours of music, bathroom facilities, will alcohol be served, show where additional parking will be. Don DiMartini pointed out that environmental impact of the stream has to be considered.

The Planning Board suggested to Mr. Cummings to look into a similar site plan that the board considered, Ashokan Dreams. Chairman Dibbell believes that they were limited to six events a year, and 75 people.

Hugh Cummings asked if a project like this would need traffic studies. Chairman Dibbell said that the application needs to show adequate parking, considering two people per car for an event so for 100 people there should be 50 parking spaces. He said that there also needs to be a narrative pointing out traffic control for the beginning and end of the event,

Chairman Dibbell announced to the members of the audience that this is not a public hearing but anyone wishing to voice their concerns can send an email to the clerk, Janelle Perry, and the members will gladly read and consider their concerns.

There was a remark about the location being along the creek. Chairman Dibbell asked if there was access to the creek, Mr. Cummings said that there is a set of stairs and some picnic tables.

Heidi Emrich remarked that any lighting sources need to be described, is it dark sky compliant and downward facing. Don DiMartini also pointed out that the property borders the Town of Shandaken and wonders if there are any regulations that would pertain to the project. Chairman Dibbell said that this would need to go to the Ulster County Planning Board since it is on Route 28. Hugh Cummings asked if Ashokan Dreams went to the County for review, the response was it didn't have to because it was on a town road.

Hugh Cummings asked when they would need to present a change in signage. Chairman Dibbell said that the sign requirements would be presented to the town and being in the Catskill Park would also be a consideration. Nick Burgher said that the sketch map has to be updated to show what is currently in place.

Don DiMartini asked if the proposal has all of the occupants in the cottages as part of the event, or would there be separate occupants in the cottage. Mr. Cummings sees it that all of the cottages would be occupied by the event guests. Chairman Dibbell asked if there was a thought about the maximum event size. Hugh Cummings said that he was thinking about 100 because the cottages currently house about 50 people to stay the night. Edwin Maldonado suggested that they figure out how many parking spaces they have and then can figure out the number of people from that. Mr. Cummings was told the site plan has to show proposed ten locations, catering sites, and bathrooms. Chairman Dibbell said that the Planning Board will be looking at the safety of the participants right along Route 28.

Edwin Maldonado asked Mr. Cummings what the occupancy of guests the cottages currently allow. Hugh Cummings said that the Board of Health has it at 49. Ed Kakil asked if they have thought about noise and music. Mr. Cummings isn't sure if noise monitors would need to be installed. He was told that this isn't in the Town Code but it is something that the Planning Board could require. Chairman Dibbell pointed out that the site map will need to show all of the neighbors, including across the street, and what the distances are. Members of the audience asked if this would also include neighbors across the Esopus Creek who would be impacted also as sound carries across the water. Chairman Dibbell said that it will depend upon the distances, directly across the creek is a parcel shown as undefined.

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Hugh Cummings said that they plan on bringing in trailers for the bathrooms and the outside food and drinks would be handled by professional caterers with their own Board of Health approval.

Chairman Dibbell asked the members if they had any other questions. With nothing more to discuss, Hugh Cummings was advised that the site plan application can be found on the Town website, Chairman Dibbell remarked that the Narrative is very important. He advised Mr. Cummings to not plan on holding any events this summer as this site plan process will take a while.

7.0 OLD BUSINESS

21-Sub-6 Way Back Acres/Senecal, 87 Mountain Road, Shokan, NY 12481: 2-Lot Subdivision

Present at the meeting is James Senecal. He presented the newest map that has been drawn up. Chairman Dibbell asked Mr. Senecal to refresh the members on this project. James Senecal said that this is the third time this has been presented. He explained that it was originally presented by George Thomas for his daughter Kylene in 2016 but it was not completed because they decided not to buy the property. Mr. Senecal said that he picked up the project again in 2021 using Ken Keefe as his surveyor. James Senecal said that nothing has changed since he originally presented the subdivision application, there have been a few meetings and a public hearing. Mr. Senecal pointed out that the only thing different on the map is the easement and right-of-way that the Planning Board a problem with. He said that it now has a piece that gives the 25' of road frontage to the back parcel. Mr. Senecal said that he has been approached by Lamont Engineers for a portion of that road frontage for the sewer project but he is not willing to give up a portion of the property, he feels they can move the location for a pump station. Chairman Dibbell asked if any agreement was signed with Lamont, Jim Senecal said that he hasn't.

Edwin Maldonado remarked that he was not on the board when this application was submitted and he asked Mr. Senecal to briefly explain his project. Mr. Maldonado pointed out that there could be a slight line adjustment that would allow the pump station to be placed where Lamont Engineers is proposing but James Senecal said that he wasn't interested in doing this.

Chairman Dibbell asked if everything was in place to allow for the construction of the bridge. James Senecal said that it is all been approved. He explained that the way that he proposes to construct the bridge is to go back 6' from the edges of the creek and put in footings and place a steel base. He said that George Thomas was proposing to dig into the creek and put in a culvert which was making the project too difficult so they stopped pursuing the purchase of the property. James Senecal said that he has already approached Brian Burns about the bridge and his only requirement is that it has to be a 30-ton bridge so that a fire truck can cross it.

Chairman Dibbell asked the board what else would be needed to move forward, he doesn't understand why this came to a halt two years ago. Chairman Dibbell asked what is different with this map from the last one presented in 2021. Mr. Senecal said that he has changed it making it a flag lot with 25' of road frontage. Janelle Perry read the notes from the December 7, 2021 minutes stating that the applicant needed to change the language in note #2 to read that a "Road Maintenance Agreement is to be filed concurrently with the map to the Ulster County Clerk", and the board was also asking for the actual metes and bounds measurements for the driveway easement to be shown on the map. The Planning Board members acknowledged that these changes have been made. Janelle Perry also read from the minutes that Ed Kahil asked that Mr. Senecal present the document from the Board of Health that he has a permit to construct in his name. The application packet contains the original permit to construct from 2016 in Kylene Thomas's name and a 2021 document for a name change from Kylene Thomas to James Senecal. Heidi Emrich asked James Senecal to present the actual permit to construct.

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Nick Burgher asked Mr. Senecal if Ken Keefe has updated all of the surrounding neighbors being shown on the map. Janelle Perry said that she did look into that using the Ulster Parcel Viewer site and it appears that the parcel being shown as owned by Donna Winne is no longer in her name. James Senecal remarked that Donna Winne passed away in 2004. The current owner is Hudson Valley Hamlets LLC. Chairman Dibbell asked that this be updated to show the current owner. Nick Burgher also asked about the parcel in the upper right-hand corner that is not labeled with a property owner. Heidi Emrich looked on the Parcel Viewer and noted that it is Lisa Baker. Nick Burgher feels that the map should reflect the current snapshot of the area. Chairman Dibbell asked that Mr. Senecal have his surveyor correct the map to note the current owner of the Winne parcel and to add Lisa Baker's name to the parcel on the top. James Senecal was having a problem about going back to the surveyor again for these changes which will cost him more money. Don DiMartini pointed out that the surveyor recently signed off on these maps and made the mistake of not checking to see if the information was correct, he suggested that the surveyor should make these changes at no charge. The Board also asked Mr. Senecal to present the Board of Health permit to construct document in his name.

Ed Kahil asked if the board needs to hold another public hearing since this has been open since December 2021, Chairman Dibbell doesn't feel that much has changed and it shouldn't require another public hearing. There was a brief discussion regarding the need to change the names on the map as it states being owned "now or formerly". Nick Burgher feels that if the surveyor signs and dates the map it should be a snapshot of what is out there, including adjoiners. Chairman Dibbell asked Mr. Senecal to have his surveyor check and update the adjoiners names on the map and present a copy of the permit to construct from the Board of Health. Chairman Dibbell suggests that we get a clean copy of the SEQRA so it can be redated and initialed.

Chairman Dibbell said that he had another topic to briefly discuss before the meeting adjourns. He said that he had a conversation with the Zoning Committee about the application process and it had been agreed that the Building Office will be responsible to assure that a complete application has been submitted. Chairman Dibbell said to help them with the process we will need to beef up the current application even more. He feels the update to the zoning needs to be more specific but also give the Planning Board the ability to waive certain items that may not make sense for a simple site plan. Chairman Dibbell said that it should be more specific to tell the applicants to show the square footage and use and the calculations for the required number of parking spaces. The members held a brief discussion on what else can be amended to make the application cleaner. Chairman Dibbell said that Drew Boggess is looking to focus on this matter and will probably want more information from us. Heidi Emrich asked what other parts of the site plan application can be enhanced aside from the parking calculations. Chairman Dibbell felt that lighting and signage can be described better and the sections of the code can be incorporated into the site plan checklist.

Chairman Dibbell also reported that there has been a lot of work done on the comprehensive plan and the housing initiatives. He reported that there will be hamlet outreach meetings over the next few months.

Don DiMartini wonders if there are any site plan decisions that are state driven. He feels that the applicant for The Perch will need to meet other agencies requirements like the Board of Health, he feels that with the yoga studio and gym having a shower is not unreasonable. Chairman Dibbell said that the Planning Board's responsibility is to ensure that the zoning code is met and there is nothing about showers.

Heidi Emrich asked the chairman who he would like to work on the site plan updates. She was able to work on the original update but she doesn't have the time right now. Chairman Dibbell said that he will be able to look into it.

The members held a brief discussion on the future of additional properties in Boiceville. John Ingram reported on the status of the Lopez site plan for Winchell's Corners.

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8.0 AGENDA

The board set the agenda for the next meeting, scheduled for May 7, 2024. The Planning Board has scheduled public hearings for the Hubbard, NINOLIO, and Stropoli applications. They will consider Jim Senecal's map if the requested material is received in time. If any new applications or material is submitted, they will be added to the April agenda

9.0 ADJOURNMENT

Ed Kahil made a motion to adjourn the meeting at 9:05 pm, Paul Wright seconded the motion, and all members agreed.

Sincerely,

Janelle Perry, Planning Board Clerk