



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

P.O. Box 513, Shokan, NY 12481

**DATE: September 3, 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  
Nick Burgher  
Paul Wright  
Don DiMartini  
Edwin Maldonado

## **3.0 MINUTES**

Chairman Dibbell asked if there were any corrections or comments regarding the August 6, 2024 minutes. Ed Kahil said there was a minor typo on Page 6, third paragraph, second sentence. The sentence says, "...the size **if** the crowd..." should be "of the crowd." Chairman Dibbell feels there should be clarification regarding the remark on Page 2, in the second paragraph of Section 6, it states that, "Chairman Dibbell also pointed out that the sewer system is at least another two years out before construction of the sewer district begins." He remarked that this was based off of the understanding that there weren't any funds for the project, but now reports that funding has been found. Chairman Dibbell asked that a letter be sent to Mr. Mina pointing out this new information and suggest that he get the official time line from the Town sewer committee and Tim Cox of the CWC. Janelle Perry reported that the Planning Board has received a hand-written note from Youssef Mina thanking us for the time he was given to explain his project and that he will re-evaluate taking into consideration the concerns that were raised. He said it will be a few months before he gets things together to submit a new plan. With no other comments, Chairman Dibbell made a motion to accept the minutes of August 6, 2024 as amended, Ed Kahil seconded the motion and all members agreed.

## **4.0 LOT LINE REVISION/SUBDIVISION**

24-Sub-4, Allison and David Wolfe, Represented by Medenbach, Eggers and Carr, 248 Wynkoop Road, Olivebridge, NY 12461: 2-Lot Subdivision

Chairman Dibbell asked if there was anyone present to represent and discuss the application. With no response from the audience the Planning Board decided to move on in the agenda and will defer the application to the October agenda. Janelle Perry said that she had reached out to Medenbach and Eggers to remind them again of the meeting.

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### **5.0 PRELIMINARY APPLICATION CONFERENCES**

Suzanne Stucki was present to further discuss her two proposed site plan/special use applications for her property located at: 1025 Cold Brook Road, Boiceville, NY 12412: Special Events/Catered Venues and Camping Site rentals Usage. and 51 Ronson Road, Boiceville, NY 12412: Special Events/Catered Venues, Camping Site rentals, and Seasonal Economic Activities (food truck, farmer's/craft/flea market).

Chairman Dibbell said that he hasn't had time to review the new material that was recently sent. Suzanne Stucki presented the sketch that she has drawn up for the Cold Brook Road property and she passed out some copies. Chairman Dibbell asked Ms. Stucki to point out which parcel has her house on it and which parcel is the vacant field. She explained that both parcels are shown but she hasn't shown the lot lines but the field spans both properties. Suzanne Stucki pointed out that the vacant parcel is 3.8-acres with an existing gazebo.

Chairman Dibbell asked Suzanne Stucki if she has amended her narrative. She said that she hasn't because she was having trouble with her computer and printer last night but she has made some notes. She asked if anyone had questions. Chairman Dibbell said that he has something to discuss with the members, he said that he has looked at the zoning code and brought up the issue regarding the school house in Krumville that wanted to use it as an event space. Chairman Dibbell said that he wants to get this correct before it moves further. He said that he has looked through the zoning code and doesn't see anything that really fits for a mixed-use event space. He has suggested that it be referred to the Zoning Board of Appeals (ZBA) for a ruling on what this is and if it would in fact be allowed. He pointed out that the proposal encompasses two parcels.

Chairman Dibbell said that the same would be the case for the property in Boiceville but that is a little different because it is in a business district, Highway Business. The food trucks might be an allowed use. Chairman Dibbell suggested that if she is going to the Zoning Board of Appeals anyway she should ask about the Ronson Road parcel also. Suzanne Stucki said that she only came up with the Ronson Road ideas because of the survey that had been sent out by the Town regarding the properties that have been cleared in the flood buyout.

Suzanne Stucki asked what it means to go to the ZBA. Chairman Dibbell explained that the ZBA can interpret the zoning code so when things are questionable, whether they fit the zoning code or are they allowed, the ZBA can make a determination. Chairman Dibbell explained that Ms. Stucki needs to present this to the Zoning Board of Appeals and see what their determination is if her proposal falls in the zoning code. He told Ms. Stucki that she needs to refer to the Permitted Uses section of the zoning code. Chairman Dibbell told Ms. Stucki that she needs to put a cap on her proposed events. Her narrative needs to outline the maximum number of events and people per event. She said that she has done this on her sketch that she worked on. Chairman Dibbell asked Ms. Stucki to type all of that up into her narrative.

Janelle Perry remarked that the Planning Board has received a letter from Sue Biondo, a neighbor on Cold Brook Road. Sue Biondo said that this is the first she has heard of this proposal and based on the zoning map she points out that the road falls in the Exurban/Residential. She referred to Home Occupations in the code where it states that, "There shall be permitted no sharing, letting or subletting of space for use by others in conduct of their profession, trade or business." She asked how this can happen. Chairman Dibbell said that is why the ZBA should weigh in on this but he feels that this does not fall under a home occupation.

Suzanne Stucki asked what she needs to present to the Zoning Board of Appeals. Heidi Emrich said that what she has submitted to the Planning Board would be sufficient. Chairman Dibbell pointed out that she needs to refer to Section 155-17 Schedule for residence and business district uses. There is a list of permitted principal uses in each zone and permitted accessory uses. Accessory use is a use of land that is subordinate, incidental, and customarily found in association with a principal use on the same lot. Ms. Stucki questioned the vacant property. Chairman Dibbell said it may be considered accessory to the home or primary with regard to the vacant parcel. The ZBA will need to make an interpretation and give the Planning Board guidance.

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Ms. Stucki was given a brief explanation on how to complete the ZBA application. It was explained that she needs to review the permitted uses in the zoning code and suggest why her proposals would fit into that particular permitted use.

Suzanne Stucki asked if the same thing pertains to her Ronson Road parcel. Chairman Dibbell feels that as a business location there is more available uses, but he suggested that she also bring it up to the ZBA, i.e. tell them you plan on doing a seasonal flea market and ask if it would be a permitted use. Ed Kahil asked about the concept of a campground. Suzanne Stucki said it would be two RV's which she doesn't even own yet. There was a brief discussion regarding this use and the fact that it is in a flood zone.

There was a woman in the audience who felt that the Planning Board should have a better method of helping applicants through the process. Chairman Dibbell explained that this was not a public hearing with open discussion from the audience. Heidi Emrich explained the process and the need for the Zoning Board of Appeals to give an interpretation so that the Planning Board can move forward with an application that does not clearly fall into a use outlined in the zoning code.

Heidi Emrich asked the members if they had concerns with regard to the Ronson Road property since it is in a business zone. Chairman Dibbell and Ed Kahil said that they aren't as concerned with the uses Suzanne Stucki is proposing. Chairman Dibbell asked Ms. Stucki if her primary thought for Ronson Road was camping. She said it wasn't, she said it would more be for merchant vendors to set up a tent on the vacant parcel to sell their products, a flea market. Heidi Emrich said that this is very different from the campers and she isn't sure that the site plan could go in both directions. Ms. Stucki said that it wouldn't be both at the same time. Nick Burgher asked if it would be a permanent flea market like the one in Margaretville, Ms. Stucki said it would be seasonal, only open for a few days at a time. Chairman Dibbell read from Section 155-17 E-3 that states, "In addition to Subsection E(1) and (2) above, on 1/2 acre lots, retail and personal service businesses\* designed to meet the day-to-day and convenience type needs of the townspeople primarily such as food, clothing, soft goods, hardware and other merchandise stores, business and professional offices, cultural, social and artistic enterprises and facilities, and other uses deemed similar and appropriate by the Board of Appeals. Such uses may be provided individually or in combined groups as convenience or community shopping centers\*." He said that is where the Board of Appeals comes in. Chairman Dibbell went on to read Section F, Permitted principal uses in Business/Highway B/H-1/2 Districts. "(1) All uses as permitted and regulated in Subsection E(3) above, except that a special permit shall not be required." Chairman Dibbell noted that the Ronson Road parcel is in the B/H-1/2 District.

There was a brief discussion regarding the uses that Ms. Stucki is proposing, Heidi Emrich remarked that the Planning Board has not ever considered two very different uses on a site that would change from day to day. Suzanne Stucki said it would be seasonal, she did feel that a camper with all of the bells and whistles could be used year-round. She said that she may even use it if she had to rent out her family home. Paul Wright asked if she intends to put in electric. Ms. Stucki said that she may, but it will need to be permitted. She said that she has already looked into that and the requirements that would be needed. She has already gotten a Base Flood Elevation (BFE) certificate. Heidi Emrich said that she had met with Ms. Stucki several years ago in her capacity as the County Environmental Planner and Technical Advisor to the town for flood plan management. Heidi Emrich pointed out on a map that in the blue zone you can have a pad but no permanent structure, and a trailer cannot be on the site for more than 180 days.

Chairman Dibbell noted again that the Planning Board will need clarification from the Zoning Board of Appeals on what is being proposed for your sites. Heidi Emrich said that the confusion is the flexible uses on the lots. Chairman Dibbell said that the Cold Brook property will be more difficult and suggested to Ms. Stucki to read Section 155-17 and see where she believes what she is proposing fits into the code so that when she goes to

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the ZBA you can explain how your proposal fits into the specific code. There was a brief discussion explaining the difference between an area variance and a use variance.

Suzanne Stucki was advised to look at the Town of Olive Short-Term Rental laws with regard to campers. The Planning Board suggested to Ms. Stucki that she can move forward with a flea market concept on her Ronson Road property and it wouldn't require clarification from the ZBA. She was told that if she still wanted to put a camper on the property they can't be rented but it could be for personal use but there are also limitations by the town regarding the length of time it can be used on the property.

### **6.0 CORRESPONDENCE**

Janelle Perry remarked that she has sent the members an email that she has received from Luca Farinelli. He had been to a meeting to discuss his proposed lot line adjustment with his neighbor. Mr. Farinelli had some questions regarding the fees and who should be the applicant. Janelle Perry explained that she was able to answer these questions but there is also a question regarding the survey. Luca Farinelli said that he has been told by surveyors that his whole parcel wouldn't need to be done, as it would be excessive, Janelle Perry explained that she told Mr. Farinelli that the Planning Board had advised that the whole parcel be done. She asked the Planning Board what they would like to see. Ed Kahil said that he looked at the subdivision law and it doesn't say that it is a requirement to survey the entire parcel, but deferred to Nick Burgher on his thoughts. Nick Burgher said that it would be in Mr. Farinelli's best interests to survey the whole property, he said that if he needs to go to a bank for a loan to build the house the bank will require a full survey. Don DiMartini concurred that as a banker it is correct that they will require a full survey of the parcel. Ed Kahil asked the question if the Ulster County Clerk's office will accept a partial survey of a parcel. Heidi Emrich said that they would accept a deed plot. Chairman Dibbell feels that if it shows the Planning Board what they need to know to make a decision then he would be fine with the map.

The Planning Board said that Mr. Farinelli should submit the map that his surveyor has drawn up and the members will discuss it at that time to determine if they will accept it. It is mentioned that a map can be drawn up using the deed plot without having to survey the entire parcel.

Janelle Perry brought up another question that has been emailed to the Planning Board from Allison Irwin. She is asking about the new Major Subdivision zoning code that Nan S. wrote that was signed into law a few months ago. Mrs. Allison wrote, "They had in there that the person who wanted to develop had to contact the neighbors if they were in the AG District. Is that something that the PB has ever done?" Chairman Dibbell said that the Planning Board notifies the neighbors whenever there is a subdivision being reviewed. He believes there may be two AG Districts that touch the edge of the town. Chairman Dibbell said that we can look into this and get her a better answer. Heidi Emrich brought up the AG District on the viewing screen. John Ingram said that he doesn't recall anything ever coming up that was in the AG District over the last 35 years.

Heidi Emrich asked if there is anything in the code that would give guidance in this case, Chairman Dibbell doesn't believe there is anything in the code that refers to the AG District. This designation gives a tax break to a farmer. John Ingram said that the only time the AG District would come up is through the Assessor's Office. There was a brief discussion regarding AG Districts and how they are determined.

### **7.0 AGENDA**

The board set the agenda for the next meeting, scheduled for October 1, 2024. The Planning Board will review the Wolfe subdivision. If any new applications or material is submitted, they will be added to the October agenda.

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**8.0 ADJOURNMENT**

Ed Kahil made a motion to adjourn the meeting at 8:21 pm, Nick Burgher seconded the motion, and all members agreed.

Sincerely,

Janelle Perry, Planning Board Clerk