



Town of Olive Planning Board

P.O. Box 513, Shokan, NY 12481

DATE: October 1, 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
Don DiMartini

ABSENT

Nick Burgher
Edwin Maldonado

3.0 MINUTES

Chairman Dibbell asked if there were any corrections or comments regarding the September 3, 2024 minutes. Paul Wright pointed out on Page 4 under 6.0 Correspondence, first paragraph second to last sentence says "...will accept a parcel survey of a parcel" it should be **partial** survey of a parcel. Ed Kahil noted that in that same sentence the word **of** should be "**if** the Ulster County Clerk's office..." Chairman Dibbell pointed out that in the next sentence the word "the" should be "they" and "than" should be "then", "...shows the Planning Board what **they** need to know to make a decision **then** he would be fine with the map." Heidi Emrich asked for further clarification to the sentence before, "Heidi Emrich said that they would accept it." She feels it should note that they would accept a deed plot. Chairman Dibbell pointed out on Page 3, fifth paragraph, seventh line down, "Heidi Emrich said that she **has meet** with Ms. Stucki several years ago..." should be "had met". Chairman Dibbell also pointed out that on Page 2, last paragraph, fourth sentence, "There is a list of permitted principal uses in each zone **ad** permitted accessory uses." The word "ad" should be "and". Chairman Dibbell explained that he has looked up the verbiage for accessory use and feels the following sentence should be amended. "Accessory means it is related to the principal use but trivial in nature and impact." Chairman Dibbell feels that trivial is the wrong word and asked that it be amended to state that an accessory use is a use of land that is subordinate, incidental, and customarily found in association with a principal use on the same lot.

Chairman Dibbell also mentioned that while looking up the definition he found an article by the Long Island Land Use and Zoning that referenced the Town of Olive's back and forth on Ashokan Dreams to allow a wedding venue as a customary and incidental accessory use.

Heidi Emrich pointed out another correction to the minutes on Page 3, fourth paragraph, sixth line down the "i"

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is missing in Stucki. With no other comments, Paul Wright made a motion to accept the minutes of September 3, 2024 as amended, Heidi Emrich 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

Present at the meeting to represent the applicants is Bill Eggers. Chairman Dibbell asked Mr. Eggers to explain the submission. Bill Eggers said it is a two-lot subdivision of property located at the corner of Lower Sahler Mill Road and Wynkoop Road. Lot #1 is proposed to be 2.67-acres, and Lot #2 is the remaining lands of 8.92-acres. There is an existing house under construction on Lot #2. Mr. Eggers stated that they already have Board of Health approval for Lot #1. Heidi Emrich asked if Wynkoop Road is publicly maintained, it is. Paul Wright asked if both lots are in the Town of Olive. Bill Eggers said that they are, and pointed out that the town lines are shown on the map. Chairman Dibbell pointed out that this property is either in or adjoins a Critical Environmental Area (CEA) as noted on #7 of the SEQRA, there is also a small wetland shown on the map. Ed Kahil asked what the zoning district is on this property. Bill Eggers remarked that the zoning district line runs through the property, Lot #1 is entirely in the E/R 1-acre zone and Lot #2 is split by the line between the 1-acre zone and the R/R 3-acre zone.

Chairman Dibbell referred to the Checklist that was submitted with the application and noted that contours is checked off but the map does not have contours. It was decided that the Planning Board would like to have the contours noted on the map. Ed Kahil asked if the applicants have the documents showing Board of Health approvals, Mr. Eggers said that they do and will supply both for the file.

Chairman Dibbell asked the members if they have any concerns with the map as it is presented. Heidi Emrich pointed out that there needs to be a bearing on the lot line being created. Chairman Dibbell remarked that the signature lines for the Planning Board just need to be member, it doesn't have to have the Chairman's signature. It is also noted that the property address should be in the title block.

John Ingram was present at the meeting and he said that he has spent a lot of time on this property watching the house being built. He said that there is a cleared strip that runs down towards what will be Lot #1 and it appears to be over an acre and is stumped with no ground cover on it. He said that the vertical rise is probably 75-80' straight up. Mr. Ingram said that they have sent a letter asking for an explanation and suggests that any decisions be put on hold until there are some answers because it is a huge erosion problem. Chairman Dibbell asked Bill Eggers to look into this and provide answers to the Planning Board, it may require a SPDES. Heidi Emrich asked if there are plans to build on Lot #1, it may require a full disclosure of disturbance. The SEQRA needs to show the area of disturbance. Chairman Dibbell also told Mr. Eggers to alert the applicants to the fact that the property is in a CEA area and what that means, particularly with regard to the clearing that has been going on.

Janelle Perry reported that one of the letters that was sent to surrounding property owners was returned as undeliverable. It was addressed to Second Renaissance Holding, Chairman Dibbell suggested that Mr. Eggers check with our Tax Assessor as she may have more current information.

24-Sub-5 Luca Farinelli & Jenny Hubbard and Ronald & Antoinette Boedigheimer, 296 Sheldon Hill Road, Olivebridge, NY 12461: Lot Line Revision

Chairman Dibbell invited the applicants to come to the table. Present at the meeting is Luca Farinelli and Ronald Boedigheimer.

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Luca Farinelli presented larger maps to the members for their review. There was a brief discussion regarding the size of the survey map for submission to the Ulster County Clerk. Heidi Emrich feels that the County will want to see a full survey of the Farinelli parcel which can be done by a deed plot which should be fairly easy for the surveyor to do. Luca Farinelli said that the sketch he produced of the property was done by the deed description, he will have the surveyor do it as his official survey map. It is noted that there should be four lines for each of the named owners to sign. Chairman Dibbell asked if the map needs to have the contours shown, Heidi Emrich doesn't feel it is necessary on a lot line adjustment.

Janelle Perry remarked that the board did receive a letter from a neighbor, Robert Keith, who had concerns about any run-off from the creation of a driveway. Chairman Dibbell asked Luca Farinelli to look into this concern and how it will be addressed. Luca Farinelli said that this boundary line is delineated by a stone wall. He said that Brian O'Connor told him that there was a logging road that had gone back to his parcel at one time along this strip. Chairman Dibbell asked about a culvert on Sheldon Hill. Ronald Boedigheimer said that there is a ditch running down Sheldon Hill Road along the length of his property and a culvert under his driveway continuing down Sheldon Hill Road. A member of the audience said that the ditch runs in both directions and is a concern for properties in that direction of Sheldon Hill Road. Chairman Dibbell asked Mr. Farinelli to show how the drainage is to be handled on the survey map. Luca Farinelli said that he has talked with Brian Burns, Town of Olive Highway Superintendent, and a culvert was discussed. Ed Kahil told Mr. Farinelli that he will need a driveway permit and suggested that he get that and present it to the Planning Board as part of the application.

Heidi Emrich pointed out that with the proposed construction of the house and driveway, the SEQRA should show the projected area of disturbance. Luca Farinelli was given a Checklist and was asked to complete it and return it at the next meeting. The Planning Board asked that the contours be shown on the map, which the surveyor can do by pulling up the panel for this parcel. Heidi Emrich also pointed out that the land owner across Sheldon Hill Road should be shown on the survey map, as well as across County Road 2. Heidi Emrich said that there should be one comprehensive map showing everything being discussed.

24-Sub-6 Bengtson Trust and Laura Conner & Mark Granfors, Represented by Praetorius and Conrad, 201 Mill Road, Olivebridge, NY 12461: Lot Line Revision

Present at the meeting is Khatarr Elmassalemah, of Praetorius and Conrad, P.C., he explained that they were here for this project a year ago and it was approved. He explained that they found that there was a drafting error and the house was flipped which made it only a few feet away from the property line. They are proposing this lot line adjustment to correct the mistake. The exchange between the two areas are exactly the same so the total acreage of the parcel does not change. Mr. Elmassalemah said that there was already an area variance granted to allow for this 1.631-acre parcel in a three-acre zone. A setback variance was also granted at the time for a setback from 50' to 25.62 and this is now 19.85'. Chairman Dibbell asked the members of the Planning Board if this needs to go back to the Zoning Board of Appeals to amend the setback variance to this new measurement. Heidi Emrich feels that the letter of record has to match the survey map. The Planning Board is referring the applicants to the Zoning Board of Appeals for an amended variance determination.

Paul Wright pointed out that the proposed new lot line by the house is incorrectly labeled on the survey map. Mr. Elmassalemah said that this will be corrected.

There was a brief discussion and Janelle Perry will check with the Zoning Board of Appeals if they can meet earlier on November 7th and then the Planning Board can meet later on the same date. Chairman Dibbell suggested that the Planning Board hold a public hearing on this matter on the same evening, the members are in agreement.

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5.0 SITE PLAN

SP4-24 Hernandez/Beer Store, 3998 Route 28, Boiceville, NY 12412: Amend Site Plan and License change to Tavern Beer/Wine on premise

Present at the meeting are Keith Hernandez and Matt McDonagh. Mr. Hernandez explained that after a year in business they have decided to change the class of their license from a grocery/beer license to a tavern beer/wine license. They have had a number of instances where they have been asked if they could sell a pint of beer for consumption on premises and they have had to say no. Mr. Hernandez said that there will be no physical change to the interior or exterior of the building. He said that they already have a small tap room being used as a to-go growler filling station and will be adding small tables and chairs as well as on the outside deck. The plan is to put in a 6-tap kegerator and there is already a fully functioning sink and small bar in place. They see the change as a way to host community and private events in the store. Keith Hernandez said that for frame of reference the Rough Draft in Kingston, VanDusen's in Lexington, and the Catskill Outpost in Stamford are how they want to use their license. The intent is retail first with the added ability to purchase a beer for on-site consumption. Mr. Hernandez said that the hours of operation will only slightly change because they do not want to be a late-night bar.

Keith Hernandez said that they have discussed this change with their neighbors on both sides, Brunel Park and the Boiceville Inn who are fully supporting us.

Chairman Dibbell asked the applicants what they envision with regard to events, will there be music. Keith Hernandez said that there wouldn't be music, they have had small fly-fishing groups and Brunel Park approach them to have a gathering and a few beers and they have turned them down. Chairman Dibbell asked about parking and if they still have a deal in place with the Boiceville Inn. Mr. Hernandez said that they do, Matt McDonagh said that John Parete and his family have been supportive regarding their change in license and have no problem with any overflow parking that is needed. Mr. McDonagh said that they have some vendors who are interested in having a small holiday market in the store. Ed Kahil and Chairman Dibbell asked that they get something in writing from the Parete's with regard to the parking and support.

Ed Kahil asked if they are required to have food offerings with this license. Mr. Hernandez said that you are required to offer some food items and soups and sandwiches are the recommended fare. Chairman Dibbell asked if that falls under Ag and Markets Retail as opposed to Board of Health approval. Mr. Hernandez wasn't sure. Matt McDonagh believes if you don't have plates and silverware to wash you don't have an issue. Keith Hernandez said that they will check with their lawyers and have an answer for the next meeting. Ed Kahil said that as long as it is 50% or more as takeout then you are ok. Ed Kahil asked if there is a public bathroom. Keith Hernandez said that they do have one, he said that with the SLA license they are applying for a one-bathroom waiver and the lawyers don't think that will be a problem as they are a small space. Ed Kahil asked how many seats they are planning on having, Mr. Hernandez said that it will be around 20. Ed Kahil said that is the cutoff requiring a public restroom, if you have 19 seats you don't need to offer a public restroom.

Chairman Dibbell said that they need to further explain the number and size of any events they are planning on having in a narrative. They also need to correct the site plan to show the change of hours of operation.

Chairman Dibbell remarked that there were two different SEQRA forms submitted and he wondered if the EAF Mapper site was used. Mr. Hernandez said that the two different forms were because Janelle Perry had reached out after receiving the first document and pointed out corrections that needed to be made and a revised form was submitted. Keith Hernandez said that the Mapper tool wasn't working for him. Chairman Dibbell presented a corrected form and asked that he use that to complete a final completed SEQRA.

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There was a brief discussion regarding signage and a way that patrons would be able to see them.

6.0 PRELIMINARY APPLICATION CONFERENCES

Oleg Mikhalev and Ornatti, LLC to discuss a proposed 4-Lot minor subdivision of a 30.5-acre parcel located on Brown Road in Olivebridge NY

Present at the meeting are Paul Holsberger of Colliers Engineering and Design out of Albany, Oleg Mikhalev, and Leo Stanik. Mr. Holsberger presented a diagram showing the proposed four-lot subdivision that will be accessed via an existing dirt road running off of Brown Road. He also pointed out that there may be an existing easement that runs into an existing parcel also owned by Ornatti LLC, if not they intend to create an easement. Chairman Dibbell asked if there is an existing logging road there, Paul Holsberger said that there is. Paul Wright believes there is a shaded roadway there, Mr. Stanik said that part of the roadway has been shaded. Chairman Dibbell asked how far in has been stoned, the applicant wasn't able to provide a distance. Paul Holsberger said that the intent is to turn the logging access road into a graveled road and then the additional easement for access to the other parcel.

Chairman Dibbell noted that there are faint lines showing an additional subdivision of the adjoining parcel. Paul Holsberger said that there are no plans on doing a further subdivision now or in the future.

Chairman Dibbell pointed out that even with the four-lot subdivision to be accessed from one access road would be considered a major subdivision. Mr. Holsberger said that the intent is for a private access drive with no municipal utilities, it wouldn't be a road. Chairman Dibbell pointed out that if there isn't going to be a road then each lot would require a 25' access to a marked mapped town road. Chairman Dibbell pointed out that this is a State law, 280A, that no building permit for the erection of any building shall be issued unless there is at least a 25' access to a mapped public road. Chairman Dibbell acknowledged that they could apply to the Zoning Board of Appeals for a variance to this requirement but he doesn't know what their response would be. Mr. Holsberger said he will have to confer with his clients. Heidi Emrich said that this is a reasonable proposal and you would probably want a road built to town specs that can be maintained. Ed Kahil asked if they were aware of the requirements, he explained that the road would need to be constructed using town specs but it wouldn't need to be paved.

Chairman Dibbell suggested that they look into the new subdivision laws that were adopted. The Planning Board told the property owners that there really isn't that much different between a minor and major subdivision. Chairman Dibbell said that one thing would be that you would need to show a proposal for a conservation subdivision and a regular subdivision.

Paul Holsberger wanted to clarify that in order to continue with a minor subdivision they would need to present four separate 25' flag lots. Chairman Dibbell said that this is correct but pointed out that the access that is put in doesn't have to use the flags. Mr. Holsberger said that otherwise they would need to go to the Zoning Board for a variance to not construct a road to town specs. Ed Kahil said that there is a lot of case study that points to that not being successful, he said that it has come up before.

Chairman Dibbell said that part of the Planning Board's mission is to look into future development and this presentation looks like there is an additional subdivision planned. Ed Kahil asked what the length of the road is on the proposal being shown. Paul Holsberger said that he believes it is about 1,000'. Chairman Dibbell made Mr. Holsberger aware that if they go to the Zoning Board of Appeals they will need to show that the access they are proposing has adequate access for emergency vehicles. He also pointed out that if the road is 1,200' they would probably require that it loop around or exit to another road, Ed Kahil said that 1,200' is the maximum for a dead-end road. Don DiMartini pointed out that it is close to the Town of Rochester line.

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The Planning Board outlined the necessary documents and process for moving forward with their subdivision. Chairman Dibbell also made Mr. Holsberger aware of a CPS7 and HOA for the parcels.

7.0 CORRESPONDENCE

Chairman Dibbell acknowledged an email that the Planning Board has received from Allison Irwin regarding AG Districts and he remarked that he has looked into this. He explained that there are properties in the town that fall within the AG Districts 3 and 4. AG Districts are a NYS ruling that gives you some leeway with zoning laws and allows you to get an AG assessment. Chairman Dibbell told Mrs. Irwin that the 25 properties that she had listed in her email, he believes are listed because they have been approved as AG assessment which gives you a little tax relief. The AG assessment is open to any agricultural property and it doesn't have to be in an AG District. Chairman Dibbell said that he was going to talk with the assessor about a few items and suggested to Mrs. Irwin that she can talk with the assessor if she had questions. Mrs. Irwin said that she knows of someone who applied for AG assessment and didn't get it. Chairman Dibbell said that there are conditions to getting the AG assessment and the main one is that you have to show that you have generated \$10,000 worth of revenue on the property through agricultural means.

Chairman Dibbell also reported that he has received the worksheet for the 2025 budget right after the Planning Board meeting in September and they wanted it back by the 20th. He said that he did submit the form to the bookkeeper but told her that it might change after he speaks with the Planning Board. Chairman Dibbell said that last year the Planning Board had a budget of \$10,000 and \$2,500 for Planning/Contractual. He believes that the contractual is when he asks a question of the lawyers for clarification and not anything being charged to the applicant. Chairman Dibbell said that the numbers that are provided on the form for current are as of 8/21 and only show \$5,000. Janelle Perry pointed out that the voucher that was signed last month was not reflected in that number, it would be an additional \$2,000 through August. Heidi Emrich pointed out that there was a moratorium and now that it has lifted there will probably be more applications. Chairman Dibbell said that the board has only used \$449 of the \$2,500. Chairman Dibbell did say that he reported that the budget stay the same but it can be increased. The Planning Board requested an increase to \$11,500. There was a brief discussion about the application fees and it is felt that they should be increased.

Chairman Dibbell remarked that he isn't sure where everyone stands with their training hours but noted that the NY Planning Federation offers a lot of good webinars and classes. He pointed out that the annual fees to be a part of the federation are charged to the Planning Board budget. He suggested any member needing credit should reach out to them, nypf.org. He passed out a print out of the offerings.

8.0 AGENDA

The Planning Board discussed when they would hold their November meeting. It was decided that they will meet on Thursday, November 7th after the Zoning Board of Appeals meeting. The board set the agenda for the next meeting, scheduled for November 7, 2024. The Planning Board will hold a public hearing for the Bengtson Trust lot line revision and will hold additional review of the Wolfe subdivision if the changes arrive in time. They will also review additional material for the Farinelli and Hernandez applications if they are received in time. If any new applications or material is submitted, they will be added to the November agenda.

9.0 ADJOURNMENT

Ed Kahil made a motion to adjourn the meeting at 9:15 pm, Don DiMartini seconded the motion, and all members agreed.

Sincerely,
Janelle Perry, Planning Board Clerk