

# TOWN OF AUSTERLITZ

Columbia County  
New York

Lee Tilden

Planning Board Chairman

**Planning Board Meeting  
March 3, 2022  
7:00 p.m.**

**\*\*\*\*\*AGENDA\*\*\*\*\***

- 1.) Call Planning Board Meeting to Order**
- 2.) Moment of Silence, Followed by the Pledge of Allegiance**
- 3.) Roll Call**
- 4.) Minutes**
- 5.) Old Business**
  - A.) PL-2022-04 Brittany Tessitore**
    - Minor Subdivision / map correction**
  - B.) PL-2022-01 Austerlitz Holding Co., LLC / Max Zacker**
    - Major subdivision**
- 6.) New Business**
- 7.) Public Comment**
- 8.) Adjournment**

Town of Austerlitz  
Planning Board Meeting  
February 3, 2022

The Planning Board Meeting was held via Zoom in accordance with the Governor's Executive Order. Meeting instructions were on the Town website.

Present: Lee Tilden, Chairman. Deborah Lans, Jane Magee and Eric Sieber, Members. Susan Haag, Town Clerk and Tiffeny Cantu, Planning Board Clerk also present.

Joseph Catalano, Attorney for the Town present.

Regular Meeting called to order at 7:05 p.m.

Pledge of Allegiance, followed by a Moment of Silence

**Minutes**

A motion to accept the January 6, 2021 Regular Planning Board Meeting minutes was made by Deborah Lans and seconded by Jane Magee.

**Roll Call:**

Lee Tilden: Yes

Deborah Lans: Yes

Eric Sieber: Yes

Jane Magee: Yes

Motion carried 4:0

**Old Business**

**Planning Board Application PL-2021-13 American Tower**

Property Owner: Estate of Hildegard Loudon

Applicant: American Tower / Estate of Hildegard Loudon

Representative: Darryl Gresham

Project Property: 77 Loudon Rd., Ghent, NY 12075

Zoning: Rural Residential

Project: Site Plan Review (non-residential)

Applicant Representative, Darryl Gresham states that Verizon wants to remove old equipment from the existing tower and replace with new equipment.

Chairman Lee Tilden asked if the new equipment will be taking the same place as the old equipment on the tower and Mr. Gresham confirms, yes. Chairman Tilden also asks if there is any new equipment or additional equipment being installed either lower on the tower or on the ground and Mr. Gresham answers, no.

Deborah Lans asked to confirm location of the tower. Mr. Gresham confirms the location is in the Town of Austerlitz and not the Town of Ghent. He says that this was their issue since the

original application was submitted and they needed to confirm if the location of the tower was in the Town of Ghent or the Town of Austerlitz. It has since been verified that the location is in the Town of Austerlitz.

Attorney for the Town, Joseph Catalano asks Mr. Gresham to confirm again that nothing on the ground is changing, that there are no modifications happening to the existing infrastructure. Mr. Gresham apologizes and confirms that yes – there will actually be a small equipment change on the ground, inside the equipment cabinet that is located inside their lease area. They will be changing out electronic cards. Joseph Catalano asks to confirm that the footprint of the equipment cabinet will not change and Mr. Gresham confirms this is correct. Mr. Gresham confirms for Deborah Lans that the purpose of the project is to upgrade the outdated equipment to keep up with changing technology.

Chairman Tilden confirms with Joseph Catalano that we are modifying an existing site plan. Mr. Catalano confirms yes and that he interprets this as a “replacement in-kind” and the replacements will actually be less pieces than are currently there and asks Darryl Gresham to confirm. Mr. Gresham confirms yes and that by removing the 12 coax cables it actually reduces a lot of stress on the tower.

Joseph Catalano says this is a Type II Action Under SEQRA and the only thing the Planning Board needs to do is to confirm the site plan and give site plan approval for replacement of the equipment. Chairman Tilden asks Joseph Catalano to confirm that the Planning Board can approve this tonight and that no public hearing is needed. Joseph Catalano confirms this is correct. Mr. Catalano confirms that since this is a site plan modification a public hearing is not required because the equipment is taking the place of old equipment in the same location on the tower and the Company has a pre-existing right to use this space on the tower.

Chairman Tilden asks if the Planning Board would need to do part two of the SEQRA. Joseph Catalano says, not if the Planning Board agrees that this is a Type II action. Lee responds, understood. Mr. Catalano says if it's a Type II action all the Planning Board has to do is make a motion that it's a Type II action and then SEQRA of process is complete. Chairman Tilden then asks Mr. Gresham to confirm again that the antennas proposed to replace the existing equipment is actually less in number and the same type of equipment although more modern, Mr. Gresham confirms, yes.

Mr. Catalano reads the provision in SEQRA for a Type II and says that according to this provision he does believe this project falls in line with this.

A motion to classify Site Plan Application #2021-12, a modification of the existing ground based and tower mounted equipment as indicated on the project plans, as a Type II Action Under SEQRA was made by Eric Sieber and seconded by Jane Magee.

**Roll Call**

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Jane Magee: yes

Motion carried 4:0.

Chairman Tilden states the site plan application should be modified to show that the location is in the Town of Austerlitz.

A motion to approve Site Plan Application #2021-13, a modification of the existing ground based and tower mounted equipment as indicated on the project plans, with a new site plan application completed and submitted showing this project is in the Town of Austerlitz, was made by Deborah Lans and seconded by Eric Sieber.

**Roll Call:**

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Jane Magee: yes

Motion carried 4:0.

Chairman Tilden comments to Darryl Gresham that the application is approved but that he needs to modify the application to show that the tower is located in the Town of Austerlitz. Mr. Gresham agrees and confirms that he will write the Town of Austerlitz on the documents. The physical address is discussed and is confirmed to be 77 Loudon Rd., Austerlitz, NY. Mr. Gresham agrees that he will get these changes made on the application. Joseph Catalano confirms that Mr. Gresham will need to submit paper copies for the Planning Board Chair to sign. Mr. Gresham confirms he will do this.

**Planning Board Application PL-2021-14 – Keith Bogdanovich**

Property Owner: Steve Bakunas

Applicant: Roaring Twenties Venture LLC (Keith Bogdanovich / James Strickler)

Representative: Keith Bogdanovich

Project Property: 319 State Route 203, Spencertown, NY

Zoning: Rural Residential

Project: Site Plan Review / Special Use Permit

Chairman Tilden opens the conversation with asking Deborah Lans to take the lead.

Deborah Lans opens by confirming the finding of the discrepancy between the resolution that the Planning Board actually passed when first presented to the Planning Board by Steve Bakunas on behalf of Joe Beats LLC and the letter that he received from the Planning Board. The actual resolution approved the site plan that Joe Beats LLC put forward, but not a special use permit. Mr. Bakunas was informed that both the site plan and special use permit had been approved. Mr. Bakunas then went forward and constructed the site according to the plans that he had filed with the Planning Board. Erin Reis has confirmed this. Deborah Lans states that while ordinarily the special use permit runs with the land and so it would run to the proposed purchasers, the difficulty here is that the use that was approved for a Bed & Breakfast actually lapsed more than 2 years before the application. Where the Planning Board is now is to consider a special use permit and a site plan. The Planning Board's understanding from current Applicants of Roaring Twenties LLC at the last meeting was they did not plan to change anything that was on the site

plan that's been approved, nor did they intend to change the use that their special use permit application recited. The items to consider are the modifications found when Erin Reis walked the property with Keith Bogdanovich on January 25, 2022. These are documented in the record file. Deborah Lans spoke with Joe Catalano and then suggested to Keith Bogdanovich that he take the existing site plan and literally mark it up to show the additional things that were done on the outside of the building. Mr. Bogdanovich has marked up the site plan and it is part of the record file. Deborah Lans says that if this is acceptable to the Planning Board as a site plan with the hand drawn modifications then she feels this could be deemed complete by the Planning Board if Joseph Catalano agrees and to move forward with the steps needed to have a public hearing and approval of the plan and the special use permit. Deborah Lans asks Joe Catalano to confirm that she is correct with this summary. Mr. Catalano agrees with this synopsis and says it's the consideration of the Planning Board to say if this application is complete as their first order of business to move this project forward.

Steve Bakunas is requesting to speak.

Chairman Tilden acknowledges Mr. Bakunas' request yet needs to poll Planning Board members first. First is Eric Sieber who says it didn't seem to him that the additional improvements were substantial and said he would go along with accepting the hand-drawn modifications.

Joseph Catalano responds and says that the modifications to the site plan are really just a depiction as to what is already present on the site. This makes it easier to not worry about the scale of the hand-drawn depictions on the site plan as these items are already there. Deborah Lans agrees and confirms there are photos of the modifications and these can be used as the benchmark in case something else changes.

Next polled is Jane Magee who states she is comfortable proceeding based on what she is hearing.

Chairman Tilden confirms that he has read through all correspondence and Erin Reis, the Town of Austerlitz Building Inspector's work and agrees that the changes are not dramatic and the building was not structurally changed and didn't change the site plan much.

Chairman Tilden invites the applicant, Keith Bogdanovich to speak first. Mr. Bogdanovich thanks everyone and confirms the outside additions are minor and would be happy to move forward. Steve Bakunas speaks and reviews his process of building the Bed & Breakfast noting that he was in the understanding that he had Site Plan Approval and Special Use Permit approval when he made the modifications. He also stated that he worked very closely with the then Town of Austerlitz Building Inspector, Glenn Smith, through every step of the process. Mr. Bakunas states that the shed was there before the building was built and is under 120 sq.ft and didn't require a permit. Mr. Bakunas states the generator came in during the construction of the building and he did get inspections with Glen Smith. Mr. Bakunas then added the overhang over the patio and confirmed Glen Smith never asked for a permit on any of these items. Mr. Bakunas states that he had the Health Department there and spent an additional \$25,000.00 for a more involved water filtration system than was previously there. Mr. Bakunas describes the use of the B&B property by Columbia County during COVID but that because of COVID he could not

serve breakfast which resulted in the permit lapse. He wants everyone to know he's not looking to cut any corners and wants the Planning Board to approve this project moving forward. He once again confirms that the shed was there prior to the building.

Deborah Lans says she understands the frustration and inconsistency in the records and how COVID affected everything yet the Planning Board is bound to a series of laws and needs to make sure everything is accurate to move forward. Deborah Lans says that's why she asked Keith Bogdanovich to make the drawing changes by hand to avoid needing new engineering drawings. Deborah Lans confirmed the lapse in use and referenced the town's code on a special use permit states that it lapses with 2 years of non-use and renting space to the County is not the same as using it as a B&B with individuals coming in/out. She confirms that the Planning Board wants to work with them to move this along as expeditiously as they can. The application came to the Planning Board in January 2022 and they are working to move this along while still following their responsibilities. Mr. Bakunas said that Deborah Lans stated this clearly and he will be patient and let the course go the way it needs to go. Deborah Lans thanks him and Mr. Bakunas says he appreciates the effort to make this go as smoothly and as quickly as possible.

Deborah Lans states to Chairman Tilden that she feels the Planning Board is at a place where a motion can be entertained to deem the Site Plan Review / Special Use Permit application complete.

A motion to deem Site Plan Review / Special Use Permit Application #2021-14 to re-open a Bed & Breakfast as a complete application is made by Deborah Lans and seconded by Eric Sieber.

**Roll Call:**

Deb Lans: yes

Lee Tilden: yes

Eric Sieber: yes

Jane Magee: yes

Motion carried: 4:0

Chairman Tilden moves to make a motion for a public hearing and asks Joseph Catalano to confirm. Mr. Catalano confirms yes. Keith Bogdanovich asks if the public hearing can be avoided but Joseph Catalano answers, no, because it's a Special Use Permit and requires the Public Hearing and that the Planning Board must adhere to the Zoning law on having the Public Hearing. Mr. Catalano also states that one of the things we don't have on record is that usually a Special Use Permit involves information on how the business will be operated so the Planning Board can make certain determinations that are required in the Zoning law – for example does the use meet the character of the area. This is currently missing from the record. The public hearing would be a step and following that would be a Planning Board decision which would tie up all loose ends. Keith Bogdanovich says this sounds good. Jane Magee asks if the public hearing can be held earlier than the next regularly scheduled Planning Board meeting. Keith Bogdanovich says that he is good with this if everyone else is. Joseph Catalano says if we get notices out quickly we could have the public hearing 2 weeks from tonight. Mr. Catalano says if the notice goes in the paper and Sue Haag says it can go in on Monday or Tuesday of next week and Keith Bogdanovich needs to notify the neighbors as well. Chairman Tilden looks at the calendar for trying to schedule an earlier public hearing. After conversation about dates it is

decided that the meeting can be on February 22<sup>nd</sup> at 7pm and that Keith Bogdanovich will pick up names and addresses from the Town Hall and mail the notices to neighbors by certified mail.

Keith Bogdanovich confirms it's about 8-9 neighbors but Town Code says they must be notified. Chairman Tilden asks Joseph Catalano if we hold a public hearing can they act on the application at the same time that night – Mr. Catalano says yes as long as it's noted as a special meeting and the Planning Board says they are comfortable with this. Eric Sieber asks to confirm it will only be this application that will be discussed – Chairman Tilden confirms yes however Joseph Catalano says he usually leaves the meetings open-ended in case anything comes up but that this would be the only thing on the agenda. Chairman Tilden says if everyone is comfortable with the public hearing he moves to make 2 motions.

A motion to schedule a Public Hearing for the Site Plan Review / Special Permit Application #2021-14 for Roaring Twenties Venture LLC to re-open the Bed & Breakfast, on Tuesday, February 22, 2022 at 7pm is made by Jane Magee and seconded by Eric Sieber.

Lee Tilden: yes

Eric Sieber: yes

Jane Magee: yes

Deborah Lans: yes

Motion carried: 4:0

A motion is made to schedule a Special Meeting for The Site Plan Review / Special Use Permit Application #2021-14 for Roaring Twenties Venture LLC to re-open a Bed & Breakfast at 319 State Route 203 in Spencertown on Tuesday, February 22, 2022 at 7pm, by Eric Sieber and seconded by Deborah Lans.

Lee Tilden: yes

Eric Sieber: yes

Jane Magee: yes

Deborah Lans: yes

Motion carried: 4:0

Chairman Tilden confirms with Keith Bogdanovich that he is on the agenda for Tuesday, February 22, 2022 at 7pm and needs to see the Planning Board Clerk for the information on sending the notification letters out to neighbors. Joseph Catalano adds it would be nice to have for the public hearing, a statement from Keith Bogdanovich as to the intended use of the property.

### **New Business**

#### **Planning Board Application PL-2022-01**

Property Owner: Matthew Saltzman

Applicant: Austerlitz Holding Co, LLC

Representative: Matthew Saltzman / Max Zacker

Project Property: Intersection of Rigor Hill Road and Loudon Road SBL:94.-1-19.1

Zoning: Rural Residential

Project: Major Subdivision

Chairman Tilden opens by giving the floor to Max Zacker.

Max Zacker, attorney for the Austerlitz Holding Co. LLC, discusses the 135+ acres (there are connection bandwidth issues on Mr. Zacker's side). The proposal is to subdivide the acreage into 4 residential parcels: 1 @ 25 acres, 1 @ a little over 3 acres, 1 @ a little over 20 acres and one @ a little over 81 acres. Mr. Zacker states that all proposed subdivisions, with the exception of one, are already bound by existing property lines, state highway and local roads. Mr. Zacker submitted a new survey done by Robert Ihlenburgh in addition to an old survey. Mr. Zacker states that the 81.5 acre parcel located SE of the Taconic State Parkway didn't need a new survey because it's already bound by existing property lines & the Taconic State Parkway. The remaining three parcels were the subject of the new survey and don't involve any change in the scheme of the property use as they will all be rural residential parcels. Mr. Zacker states the only new property lines that need to be established are with Parcel C on the new survey. Parcel C is a 3.3 acre corner to parcel B.

Chairman Tilden is confirming the Taconic State Parkway bisects some of the parcels. Max Zacker says yes and that the existing deed for the properties contains two legal descriptions. One is parcel A and one is parcel B that's reflected on the old survey. Mr. Zacker says that the Taconic State Parkway cuts through all of the land but that it's all on one deed with one tax map ID number.

Max Zacker discusses the map locations and all boundaries of all of the parcels. Chairman Tilden asks if all of the proposed parcels front on a public roadway. Mr. Zacker says they do and parcel D (81.5 acres) fronts on Rigor Hill Rd. and that it looks like all of the parcels do have some border of highway stating that Parcel B has Rigor Hill Rd. and Loudon Rd., this is the same for Parcel C, and for Parcel A and mentions that parcel B looks like it has a dirt road that connects it to Rigor Hill Rd. and specifies this is the Rigor Hill Road that is East of the Taconic State Parkway.

Mr. Tilden asks to confirm that they are all on one deed and Mr. Zacker confirms, yes. Mr. Zacker states that the deed that he submitted with his application does distinguish between parcel A and parcel B and there is 2 separate legal descriptions but only one tax map ID number. Chairman Tilden asks if these 2 descriptions are because of the Parkway and Mr. Zacker says he believes so. Chairman Tilden asks if anyone has questions.

Eric Sieber asks about parcel D and says he cannot see where parcel D has access to Rigor Hill Rd. (Max Zacker is having connection issues with the Zoom meeting). Mr. Zacker refers to the old survey for parcel D and is looking at a dirt road, a farm road and Eric Sieber says comparing maps from the application with Google Maps he cannot see where parcel D has access to Rigor Hill Rd. Max Zacker says he's having issues with the video connection and everyone is frozen, then says the old survey shows parcel D has a dirt road or farm road that connects this parcel to Rigor Hill Rd. Eric Sieber discusses that it looks like that old farm road goes across Parkway property to get to Rigor Hill Rd. and wants to make sure there is actually a right of way and says that it looks on Google Maps that this old road goes to Parkway property to connect to Rigor Hill Rd and he's wondering how this is working.



Sue Haag notifies everyone that Matthew Saltzman is asking to speak. Chairman Tilden says yes to allowing him to speak. Mr. Saltzman thanks the Planning Board and confirms there is a dirt road, which is an old County road on the maps that gives access to Rigor Hill Rd – near the Mobil station and this leads into the 81 acres. Mr. Saltzman states that there is no intention to develop this parcel and wants to subdivide because that parcel sits across the Taconic Parkway on its' own, it does have the old County road access and wants this piece on a separate deed. Max Zacker's connection is lost and instead he calls in on the phone.

Chairman Tilden asks Joseph Catalano to confirm that the 4 parcels can be a minor subdivision if all parcels are on a public roadway. Joseph Catalano agrees and Chairman Tilden says it needs to be confirmed that all resulting parcels are indeed on a public roadway to be a minor subdivision and if they are not, this would be considered a major subdivision and Mr. Catalano agrees.

Joseph Catalano suggests the applicant needs to confirm access to Rigor Hill Rd and that even though the large parcel of 81.5 acres (Parcel D) is still part of the subdivision because it's creating a new lot even though it's bound by the Parkway. Mr. Catalano says that looking at the Zoning Law there needs to be a minimum lot frontage of at least 75' in the rural residential zone and believes this should be frontage on a public road or an approved private road and asks if the old road is an abandoned County road or a maintained County road. Matthew Saltzman says he believes it's an abandoned County road but still sits on the County records as a road with access. Mr. Saltzman says though that he cannot confirm the width of frontage of Rigor Hill Rd. Eric Sieber says his google maps 2020 view shows no sign of any road and the old survey shows what could have been an old road that went to the Taconic Parkway and then curved around to meet Rigor Hill Rd and confirms this is his question, we need to determine that this right of way still exists and has the right frontage. Deborah Lans says that the old deed talks about a series of abandoned roads in relation to parcel D.

Joseph Catalano says the Planning Board cannot approve the division of a parcel that does not have legal access and though it seems there is not access this would be deemed a major subdivision and would need to show that there is a legal right for the parcel that is South of the Taconic Parkway to be able to access Rigor Hill Rd. Matthew Saltzman asks if this would preclude them from being able to do what they need to do with the other parcels that have multiple, major road frontages that are clearly maintained roads. Joseph Catalano responds that the Planning Board cannot do one without the other so they need to demonstrate there is some legal right of access to the lower lot. Max Zacker confirms they filed the application as a major subdivision and asks if this still requires the legal right of access. Joseph Catalano says taking this as a major subdivision would bring them to the next step of a public hearing which is a further detail on the proposed subdivision and that the Planning Board is constrained to view this as a major subdivision because of the access issue. It would not holdup the process but should get documentation from the County showing the right to access the property south of the Parkway and that may be showing something from the County saying you can use the abandoned road.

Eric Sieber says the State would also have to approve using the abandoned road since the road crosses State land. Joseph Catalano says yes, this is the issue – that the Planning Board cannot

approve a land-locked parcel. Planning Board needs evidence that it's not land-locked or can show that a neighboring property would give right of way. It's now up to them if they want the Planning Board to proceed and if they would be ready to tackle this issue before the Planning Board's next meeting. Joseph Catalano suggests the title company may be able to help as well.

Matthew Saltzman says the buyer they have lined up is the neighboring property and wants to append this land to his property. Mr. Catalano says if this is the case they can do a subdivision and boundary line adjustment and that the boundary line adjustment would be the property south of the Parkway annexing it to the neighbor/buyer property and then be free to go on with the 3 lots on the other side of the parkway. The Planning Board needs to approve the annexation of the parcel to the buyers existing property. Mr. Catalano suggests doing a subdivision map and application that includes the proposal of a subdivision and boundary line of Matt Saltzman's property and a letter of consent from the neighboring property owner – and if approved this land would be annexed to the buyers' property. Max Zacker feels he has a rough idea on what needs to be done. Mr. Catalano says we can give Max Zacker his contact information to confirm what he needs.

Chairman Tilden agrees that because the land locked parcel has ambiguous access, he's not comfortable to proceed with the application as it is. It's reviewed that the application would need to be supplemented to include the boundary line adjustment to the neighbors' property and submit a new map that identifies neighbor's property and what is parcel D under the old map. It has to be shown on the map so the County Clerk will know how to merge the two properties and create the 3 new lots on the other side of the Parkway.

Max Zacker will get in touch with the attorney for the owner of the adjoining property to see if they have any maps and talk to the surveyor.

The Planning Board Clerk will place this matter on the March meeting agenda.

Joseph Catalano tables this for tonight to give them time to supplement the application or give an update and be on the agenda for March 3<sup>rd</sup>. 2022.

### **New Business**

#### **Planning Board Application PL-2022-03**

Property Owner: Alex Blumberg

Applicant: SunCommon

Representative: Lorelee Reidy

Project Property: 217 Beale Rd., Chatham, NY 12037 SBL: 77.-1-12.120

Zoning: Rural Residential

Project: Site Plan Review / Solar Installation

Chairman Tilden opens by speaking to Lorelee Reidy who represents Alex Blumberg on behalf of SunCommon to request a small, ground mounted solar electric for one house on the property. Lorelee Reidy states the system will be located in the rear yard of the 6 acre property – it is an 804 sq. ft. array in the 01 zoning class and is in compliance with height at 11'tall at the highest

point. Ms. Reidy also says they are in compliance with the set-back requirements. They will have 38 modules, 2 inverters APA racking. Loralee asks if anyone has questions.

Chairman Tilden asks Joseph Catalano if they should do SEQRA action first or application complete first. Mr. Catalano replies that we've been characterizing this as a Type II Action Under SEQRA so you don't have to do SEQRA first and can go forward to decide if you will accept the application or not. It is up to the Planning Board if a public hearing is needed based on a site plan application. Chairman Tilden says he needs a motion to declare this a Type II action under SEQRA.

A motion is made to classify Site Plan Application #2022-03, an installation of a solar electric system designed to offset the electrical usage of one residential home, as a Type II Action Under SEQRA was made by Eric Sieber and seconded by Deborah Lans.

Lee Tilden – yes

Deborah Lans – yes

Eric Sieber – yes

Jane Magee – yes

Motion is carried: 4:0

A motion is made to deem Site Plan Application #2022-03, an installation of a solar electric system designed to offset the electrical usage of one residential home, as complete by Deborah Lans and seconded by Eric Sieber.

Lee Tilden – yes

Deborah Lans – yes

Eric Sieber – yes

Jane Magee – yes

Motion is carried: 4:0

Deborah Lans says she is comfortable to not have a public hearing because it so clearly meets the law requirements. Chairman Tilden agrees that the set-backs and height are fine and is comfortable and motions to waive the public hearing.

A motion is made to waive the Public Hearing on application #2022-03, an installation of a solar electric system designed to offset the electrical usage of one residential home, by Jane Magee and seconded by Deborah Lans.

Lee Tilden – yes

Deborah Lans – yes

Eric Sieber – yes

Jane Magee – yes

Motion is carried: 4:0

Joseph Catalano directs the Planning Board to the actual site plan that's in the packet to confirm its accurate depiction so that the building inspector will be able to find this and know it's in the right location. Deborah Lans states that this is already staked out and the inspector will be able to find it. Joseph Catalano says it's ok for the Planning Board to approve tonight.

A motion is made to approve the Site Plan Application #2022-03, an installation of a solar electric system designed to offset the electrical usage of one residential home, with a Site Plan dated 12/21/2021 as prepared by SunCommon for property at 217 Beale Road, by Eric Sieber and seconded by Chairman Tilden.

**Roll Call:**

Lee Tilden – yes

Jane Magee – yes

Eric Sieber – yes

Deborah Lans – yes

Motion is carried 4:0 Application is approved

Chairman Tilden can stamp these next week. Lorelee Reidy agrees. Once Chairman Tilden signs the maps, we can hand them to the building inspector.

**New Business**

**Planning Board Application PL-2022-04**

Property Owner: Brittany Tessitore

Applicant: Brittany Tessitore

Representative: Brittany Tessitore

Project Property: 19 Stonewall Rd. / 270 State Route 203, Spencertown, NY 12165

SBL: 87.-2-4

Zoning: Rural Residential

Project: Minor Subdivision

Brittany Tessitore describes scenario stating she bought the property and what was in the records is not how large the property actually is. Ms. Tessitore wants the piece she doesn't actually own to be officially sliced off and put onto her father's record as he is the adjoining property owner. Brittany Tessitore states that she owns a 4.65 acre parcel but the Town shows this as 6.7 acres, which she says is not accurate. Joseph Catalano asks if there was a mistake in the deed. Brittany Tessitore states that her father's deed is correct and what happened was that this is all family property and her father's house was built on the wrong parcel which needs to be handled by her father and cousin. Brittany Tessitore states there was an issue with a previous surveyor moving pins and made errors. Brittany Tessitore's surveyor mapped out the property as it's supposed to be, making all of the corrections and now needs the Town to approve the correct acreage.

Sue Haag states that the updated meeting packet included the Assessor's property cards.

Chairman Tilden asks if what needs to be done is to subdivide the piece that is on Brittany Tessitore's parcel in error off of her parcel and she confirms, yes. Joseph Catalano asks Brittany Tessitore if this piece that needs to be subdivided will be annexed to the lands currently owned by Michael Tessitore and she confirms, yes and that the piece that is going to be taken off is actually what he has in his deed. Brittany Tessitore says that the survey map states that this piece is the original area of Michael Tessitore.

Joseph Catalano states that he feels this is an application to correct a deed and in essence is a boundary line adjustment adding 0.886 acres to lands owned by Michael Tessitore. Brittany

Tessitore says, yes. Joseph Catalano says that if this is already included in Michael Tessitore's deed, for a boundary line adjustment we want to make sure that it is going to be annexed so that there's not a new lot that is created.

There is discussion to confirm property lines of Michael Tessitore and David Vieni. Brittany Tessitore says that this was originally part of the issue because they thought this was a 6.7 acre plot but once the surveyor, Robert Ihlenburg, came out and did his survey it was actually a 5.536 acre plot but the father's (Michael Tessitore) deeded property was actually part of this plot which is how they got down to 4.65 acres because they couldn't legally buy the plot that belonged to Michael Tessitore. This is the issue that Brittany Tessitore had corrected with her lawyers. It was Brittany Tessitore's lawyer who told her to come to the TOA Planning Board to initiate this change or they would be taxed on the whole amount.

Joseph Catalano asks if Brittany Tessitore submitted these deeds with her application to the Planning Board. Brittany Tessitore answers no. Mr. Catalano says that he feels in order for the Planning Board to sign this map that they need to make sure it's consistent with the deed and asks if it's possible to submit the deed for the 4.65 acres and the deed of Michael Tessitore. Brittany Tessitore confirms yes. Joseph Catalano confirms that a copy of the executed deeds are what is needed. We can take copies of her deeds. There is discussion if the Vieni deed is required however it's decided it's not needed because this scenario is only between Brittany and Michael Tessitore's land.

Joseph Catalano says this is more of a corrective map action and Brittany Tessitore agrees. Chairman Tilden states that Brittany Tessitore should submit her deed and Michael Tessitore's deed to the Planning Board to show the acreage that's on the map that was submitted and they hope to be able to approve a corrected map that shows this should be a lot line adjustment. Chairman Tilden confirms they cannot just go by the map, they will need the copies of the deeds to show Brittany Tessitore's lot and Michael Tessitore's lot. Brittany Tessitore agrees. Joseph Catalano asks if the Planning Board wants to make a motion to approve pending this review or does the Planning Board want to table this until the deeds are submitted. Chairman Tilden says to table this until the deeds are received. The rest of the Planning Board agrees.

### **New Business**

#### **Planning Board Application PL-2022-05**

Property Owner: William Louie

Applicant: Hudson River Solar

Representative: Robert Baerga / Jim Goff

Project Property: 64 May Lane, Spencertown, NY 12165 SBL: 86.-2-18.120

Zoning: Rural Residential

Project: Site Plan Review / Solar

Jim Goff speaks – discussing their project of a solar ground rack project for a rural residence William Louie on May Lane. Discusses that the property is fairly hidden and not much chance that people would see these two solar arrays that are approximately 8' tall and 200' away from the home. Mr. Goff offers to share his computer screen to show the site map. Chairman Tilden

agrees for Mr. Goff to share his screen. The screen is shared and Mr. Goff talks through the drawing labeled A-101.00. Asks for approval to construct the array.

Chairman Tilden asks to confirm that the height is only 8' and Mr. Goff confirms, yes they are 8' tall at the highest point and approximately 3' high on the front edge. Chairman Tilden asks to confirm there are no close neighbors and Mr. Goff confirms that standing at the site you cannot see any other homes.

Joseph Catalano says he does not see a drawing in relation to the position of the array to the house – Mr. Goff points out these locations on his drawing that is shared on the screen. Mr. Catalano asks about the other equipment like the generator and utility meter and if it will be near the house. Mr. Goff says yes, these items are already there and changes his screen to show drawing number A-102.00. Mr. Goff also points out the underground trench to the house and states that the AC disconnect will be in the basement of the house. Mr. Goff returns to drawing A-101.00 to show the set-back information. Mr. Catalano states that the difference between this map and the map the Planning Board previously approved on another project is that this map does not identify the exact location of the solar arrays in relation to the house with measurements. Mr. Goff shows on the drawing that the solar arrays will be away from the house out near the Studio building. Mr. Goff changes to drawing T-001.00 to show a better aerial photo of the house, studio building and approximate location of the solar arrays. Chairman Tilden asks for dimensions to be added to the site plan from the corner of the house to the corner of the array for the purpose of the permanent site plan so that the code enforcement officer can say the array was placed in the approved upon location as far as an approval.

Chairman Tilden states that if the Planning Board is to conditionally approve this project tonight, the dimension would be added to the site plan from the corner of the house to the corner of the array so that when Erin Reis, the Town of Austerlitz Building Inspector, goes out to inspect that she can say the array was placed in the correct position according to the approved site plan. Mr. Goff agrees to add this dimension to their drawings. Joseph Catalano asks if this would be better to have a measurement from the out-building (the studio building) to the array and Chairman Tilden says it's whatever Mr. Catalano thinks is best. Mr. Goff agrees to add the measurements and notes.

Eric Sieber asks what the other small square is behind the studio and between where the solar array will be. Mr. Goff confirms this is a small compressor for an AC unit related to the studio building. There are no other questions and screen sharing is stopped.

A motion is made to accept the completed application for the site plan for the Site Plan Review Application #2022-05, an application to install a 17.6 kW solar system on a ground-mounted rack, on May Lane with the condition of dimensions from the out-building to the solar panel array being added to the Site Plan, by Eric Sieber and seconded by Jane Magee.

**Roll Call:**

Lee Tilden – yes

Jane Magee – yes

Deborah Lans – yes

Eric Sieber – yes

Motion is carried 4:0

A motion is made to classify Site Plan Application #2022-05, an application to install a 17.6 kW solar system on a ground-mounted rack, as a Type II Action Under SEQRA was made by Deborah Lans and seconded by Jane Magee.

**Roll Call:**

Lee Tilden – yes

Jane Magee – yes

Deborah Lans – yes

Eric Sieber – yes

Motion is carried 4:0

A motion that the Planning Board should waive the Public Hearing on Site Plan Application #2022-05, an application to install a 17.6 kW solar system on a ground-mounted rack, on May Lane is made by Deborah Lans and seconded by Jane Magee.

**Roll Call:**

Lee Tilden – yes

Jane Magee – yes

Deborah Lans – yes

Eric Sieber – yes

Motion is carried 4:0

A motion to approve the Site Plan Application #2022-05, an application to install a 17.6 kW solar system on a ground-mounted rack, with map dated 12/14/2021 modified to include dimensions from the small out-building to the array for the purpose of locating the solar array on the property and shown on the Site Plan, by Deborah Lans and seconded by Eric Sieber.

**Roll Call:**

Lee Tilden – yes

Jane Magee – yes

Deborah Lans – yes

Eric Sieber – yes

Motion is carried 4:0

Chairman Tilden tells Jim Goff to get the new drawings in and he will sign them and Jim Goff agrees and thanks everyone for taking care of this on such short notice and appreciates the support.

**Public Comment** None

Sue Haag asks the Planning Board members to pick up their mail.

**Adjournment**

A motion to adjourn was made by Jane Magee and seconded by Deborah Lans. Chairman Tilden confirms all are in favor. Meeting adjourned at 8:59pm.

Sue Haag asks to confirm if Joseph Catalano will prepare the public notice for the special hearing on the Bed & Breakfast or if Sue Haag and Tiffeny Cantu should prepare a draft for review by Mr. Catalano. It's agreed that Sue Haag and Tiffeny Cantu will prepare a draft for review by Joseph Catalano.

Respectfully Submitted,  
Tiffeny Cantu, Planning Board Clerk

DRAFT



Town of Austerlitz  
Public Hearing / Special Meeting - Planning Board  
February 22, 2022

The Planning Board Public Hearing / Special Meeting was held via Zoom in accordance with the Governor's Executive Order. Meeting instructions were on the Town website.

**Present:**

Lee Tilden, Chairman. Jane Magee and Eric Sieber, Members.  
Susan Haag, Town Clerk and Tiffeny Cantu, Planning Board Clerk also present.

Joseph Catalano, Attorney for the Town present.

Public Hearing called to order at 7:00p.m.

**Minutes**

Chairman Tilden calls to order the Public Hearing for Roaring Twenties Venture LLC and their application for a Bed & Breakfast at 319 Route 203 in Spencertown for a Site Plan and Special Use Permit to operate a Bed & Breakfast. Chairman Tilden says the first order of business is to ask the Applicants to speak and give the narrative of their application and any information they would like to share with the public. Keith Bogdanovich reads aloud his intended use statement and states that this will serve as his personal residence as well.

Chairman Tilden asks if smoking will be allowed outside – Keith Bogdanovich says he feels people could smoke outside on the porches of each unit or the parking lot and Chairman Tilden says they will want a dedicated space for smoking.

Chairman Tilden asks to confirm no parties and Keith Bogdanovich says that the way he reads the Town Code is that they would need a permit anyway.

Chairman Tilden states that they will probably put a restriction in the approval for the emergency generator to do its' exercise at a time when it will not disturb neighbors.

Chairman Tilden asks for occupancy limit and Keith Bogdanovich says he believes the code says 10 and L. Tilden also confirms that the length of stay is no longer than 30 days.

Chairman Tilden asks Jane Magee if she has any questions. Jane Magee has no questions and says she is a neighbor to this property and is satisfied this will be managed in an acceptable way.

Eric Sieber has no questions.

Chairman Tilden opens the Public Hearing to Public Comment at 7:07 and confirms with Planning Board Clerk, Tiffeny Cantu that that there were no email or postal mail comments received by the Planning Board.

Chairman Tilden confirms that this Public Hearing was posted on the Town of Austerlitz's website and also in the official newspaper and certified return receipt notices were sent and copies are part of the official file. Chairman Tilden asks for anyone who wants to speak to do the Zoom wave to notify Sue Haag they would like to be un-muted.

**Public Comments:**

Barbara Perlmutter – lives on Fire Hill Road.

Barbara Perlmutter asks if anyone has researched the background of the group that wants to takeover this “unfortunate” building and if anyone found out anything about other businesses they’ve controlled or managed or is it anyone’s obligation to do so? Chairman Tilden asks Joseph Catalano to answer. Mr. Catalano says that the jurisdiction of the Planning Board is limited to what comes before the Planning Board and how the Applicant has managed other properties is not relevant to this particular application. The Planning Board’s job is to review the merits of the application. Barbara Perlmutter says OK.

Erlyn Madonia

Asks if it’s correct that there will be no more than 10 guests on the property. Chairman Tilden confirms this is number of guests and that the owner occupants are not included in this number. Joseph Catalano confirms this is according to the Town of Austerlitz Zoning Law.

Lisa Perlmutter

Lisa Perlmutter and asks about the no children rule and if there is an explanation to that. Chairman Tilden confirms this rule is up to the operators of the B&B. Keith Bogdanovich says when they are limited to 10 people and in 4 of the rooms there are is only one bed which limits the amount of people you can have in a room and limits noise level. Chairman Tilden asks if the establishment is ADA compliant and Keith Bogdanovich says he imagines it meets current codes. Lisa Perlmutter is finished with questions.

Manuel Ytuarte – Lives on Fire Hill Rd.

Was hoping to hear some of the conditions of how this will be operating and is happy to hear the information. Mr. Ytuarte has confusion over 317 and 319 Route 203 locations. Keith Bogdanovich and Chairman Tilden both confirm this application has nothing to do with 317 Route 203 and Mr. Ytuarte may have seen a typographical error and that the application is only for a site plan and special use permit on 319 route 203. Mr. Ytuarte says terrific and has no other questions.

Rochelle Bartolo

She does not have any questions and says she thinks it’s a plus for the area and as a real estate broker she would send people there because there is nothing like this in the area.

Chairman Tilden asks if anyone else has questions and there is no reply.

Chairman Tilden confirms that Deborah Lans is not on the call tonight.

At 7:22, Chairman Tilden says he will give this public testimony portion of the meeting 3 more minutes.

Joseph Catalano asks Keith Bogdanovich to discuss the status of the septic system. Keith Bogdanovich says the current SPDES permit is good until the end of 2022 but it would need to be transferred by July 2022. This permit requires quarterly water tests to be done and sent to a lab with results going direct to the DEC. Keith Bogdanovich states that the septic system at this location is overseen by NY State and that Taconic Engineering is doing the sampling and turning this information into the State. Mr. Catalano asks to confirm that the DEC is involved because the septic is discharged into an adjacent pond and Keith Bogdanovich says yes, this is his understanding. Mr. Catalano confirms that once the purchase is closed that the SPDES permit will be assigned to Keith Bogdanovich.

Mr. Catalano asks if the water quality test results are transmitted to anyone other than the DEC or can the Town of Austerlitz be included on that. Mr. Bogdanovich states that these do go to the Columbia County Board of Health but would have to check to see if these can also go to the Town.

Keith Bogdanovich confirms that although the property is not in use as a Bed & Breakfast at this time, the water tests still have to happen every quarter and is up to date.

Chairman Tilden asks if anyone else wants to be heard as part of the Public Hearing. No one is asking to speak.

A motion is made to close the **Public Hearing for the Site Plan and Special Use Permit application of Roaring Twenties Venture LLC for a Bed & Breakfast at 319 Route 203, Spencertown at 7:28pm by Eric Sieber and is seconded by Jane Magee.**

**Roll Call**

Lee- yes

Jane - yes

Eric – yes

Motion is carried 3:1

Deborah Lans is absent from this meeting.

Chairman Tilden opens the Special Meeting to consider the application of Roaring Twenties Venture LLC to approve the Site Plan and Special Use Permit to operate a Bed & Breakfast at 319 Route 203, Spencertown at 7:28pm.

Chairman Tilden begins by stating that because they are missing the fourth member of the Planning Board for this meeting, and because of the way this was handled in 2017, he would like to take time to digest public comment, re-read the file, and confirm information on the septic system and table the meeting until the March 3<sup>rd</sup> regularly scheduled Planning Board Meeting.

Eric Sieber says that he is comfortable in moving this forward. Mr. Sieber states that all of the water samples that are taken have to be posted electronically which automatically sends the results to the Columbia County Health Department and confirms that because of the SPDES permit, this is done automatically, every quarter.

Jane Magee says she is comfortable moving forward however maybe contingent on L. Tilden checking with Deborah Lans to confirm she is ok to move forward. Chairman Tilden asks Joseph Catalano if they can do a conditional read-through tonight and then approve this at the

next, regular Planning Board meeting. Joseph Catalano says they cannot do a final approval tonight if the Planning Board is going to require input from Deborah Lans. Mr. Catalano says the Planning Board can go through the Resolution tonight and have this ready for the following meeting. Chairman Tilden says that if Eric Sieber and Jane Magee are comfortable with moving forward and although Deborah Lans wasn't present at the Public Hearing, they can go ahead tonight and move through the SEQRA short form first and then the Resolution.

Joseph Catalano states that there are items in Part 1 of the Short Environmental Assessment Form that need to be corrected and that L. Tilden can make these modifications on the copy of the form that we have in-hand. Mr. Catalano runs through these items with L. Tilden. In Part 2, the applicant checked off answers to the questions although this should have been completed by the Planning Board. Joseph Catalano runs through each question number 1-11 with the Planning Board. Chairman Tilden makes note of this on the form and takes a voice vote for each question in the order of L. Tilden, Eric Sieber and then Jane Tilden. All Planning Board members answer, "No, or small impact may occur" to all questions numbered 1-11.

Joseph Catalano says because the Planning Board confirms that because all of those questions are now answered as no or small impact but the Planning Board, they can check the 2<sup>nd</sup> box on the bottom of page 4 stating the proposed action will not result in any significant, adverse environmental impact. The Planning Board agrees verbally, first L. Tilden, second is Eric Sieber, third is Jane Magee.

Joseph Catalano advises Chairman Tilden **how to finish filling out the bottom of the Short Environmental Assessment Form showing the Town of Austerlitz Planning Board dated February 22, 2022.**

A motion to accept the **Environmental Assessment form for this application of a Special Use Permit for Roaring Twenties Venture LLC to operate a Bed & Breakfast at 319 Route 203, Spencertown, NY as amended and as completed by the Planning Board is made by Jane Magee and seconded by Eric Sieber.**

**Roll Call:**

Lee - yes

Jane - yes

Eric - yes

Motion is carried 3:1

Deborah Lans is absent from this meeting

Joseph Catalano now discusses the proposed resolution and he confirms that Deborah Lans did review this document and her only comments were to correct areas where the term Special Permit was mentioned and to correct the language to say Special Use Permit. Mr. Catalano confirms he has corrected all of the ten areas where this occurred in the resolution. Mr. Catalano then continues to read through the resolution details and confirms there have been no email or postal mail comments received.

Joseph Catalano continues to read through the resolution and discusses all of the details and conditions with the Planning Board.

A motion is made to adopt the Resolution as presented and modified by the Planning Board for the Special Use Permit and Site Plan approval for Roaring Twenties Venture LLC to operate a Bed & Breakfast at 319 Route 201, Spencertown, NY by Eric Sieber and seconded by Jane Magee.

**Roll Call:**

Lee – yes

Jane – yes

Eric – yes

Motion is Carried 3:1

Deborah Lans is absent from this meeting

Decision/Resolution of Town of Austerlitz Planning Board Re: Site Plan/Special Use Permit Application - 319 Rte 203

PB Resolution: February 22, 2022

At a special meeting of the Planning Board of the Town of Austerlitz, held via Zoom video-conference in accordance with Covid - 19 Executive Orders, the following resolution was presented:

Whereas, Keith Bogdanovich, on behalf of Roaring Twenties Venture, LLC, a limited liability company with Mr. Bogdanovich, Teresa Bogdanovich, Melania Bogdanovich and James Strickler, as members (hereinafter referred to as the “Applicant”), submitted an application for a special use permit and site plan review for purposes of re-opening a building that was previously constructed on an approximately 1.07-acre parcel of property located at 319 Route 203 (Tax Map No. 87.-2-44.11) in the Town of Austerlitz (hereinafter the “Property”); and

Whereas, it is the Planning Board’s understanding that Roaring Twenties Venture, LLC, is under contract to purchase the Property contingent on obtaining the requisite Planning Board approvals for operating the Property as a Resident Occupant Bed and Breakfast (hereinafter the “B&B”); and

Whereas, the application proposes to re-open the existing building on the Property that is two-stories comprising approximately 7,000 square feet that contains one apartment and 5 guest units; and

Whereas, this building was previously proposed by the current owner, Joe Beats, LLC, and the site plan was approved by the Planning Board on July 6, 2017; and

Whereas, this matter is now before the Planning Board because the Code Enforcement Officer (“CEO”) could not verify that the Planning Board reviewed and approved the special use permit that is required under the Town Zoning Code for a B&B and she also could not determine whether the building had been in operation as a B&B for the time period to avoid the special use permit from lapsing, even if a special use permit has been approved by the Planning Board; and

Whereas, the CEO did verify that the interior of the B&B had been constructed in accordance with the prior site plan approval and building plans but she did note there were some discrepancies in the exterior of the building from the approved site plan such as a covered porch in the rear of the building, an asphalt side walk in the front of the property and a fenced-in generator; and

Whereas, as a result of the uncertain present zoning status of the Property, the Planning Board determined that it would be best to review the B&B proposal again for this Applicant; and

Whereas, the Applicant submitted a site plan and special use permit application which requested approval for the above-described B&B proposal the Planning Board allowed the Applicant to re-submit the site plan which was approved on July 6, 2017, with the Applicant indicating on said site plan the existing features which were not included on the original plan; and

Whereas, after review of the application and supporting documents, the Planning Board accepted the application as complete at its meeting held on February 3, 2022 and a public hearing on the special use permit and site plan application was duly noticed and scheduled for February 22, 2022; and

Whereas, the Applicant submitted a Short Form Environmental Assessment Form, with Part 1 completed, together with the application materials and, at its February 3, 2022 meeting, the Planning Board determined the Application complete; determined that the proposed project constituted an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and scheduled a hearing on the Application and a special meeting for February 22, 2022; and

Whereas, the public hearing regarding the application was held remotely via video-conference on February 22, 2022, at which time the Applicant's representatives, Mr. Bogdanovich and Mr. Strickler, were present and made a presentation to the Planning Board and there were five members of the public in attendance who spoke with respect to the application and no written comments were received for the hearing; and

Whereas, after the Applicant and representatives answered all of the questions that were posed by the Planning Board, the floor was open to the public of which all that were present were given a full and fair opportunity to be heard, and after further questioning of the Applicant by the Board and acknowledgement that no written comments that were received up to the present time, the Planning Board closed the hearing by motion; and

Whereas, after consideration and review of the above, the Planning Board is ready to make its decision on this Application;

Now, Therefore, Be It Resolved as follows:

1. The Planning Board makes the following findings:

- a. **Proposed Improvements:** This special use permit and site plan application proposes to reopen an existing building on the Property located at 319 Route 203 in the Town of Austerlitz. The Building consists of two-stories, comprising approximately 7,000 square feet that had been constructed for use as a 5 guest unit B&B with one apartment for the resident occupant who will operate the B&B on-site. All site improvements including driveway, parking area, walkways and septic system are already in place. No further improvements are proposed. The NYS DEC has confirmed that SPDES the septic system approval is current.
  - b. **Proposed Use:** The Applicant proposes to operate a B&B with five guest bedrooms or suites to be supervised by a resident occupant residing in the apartment in the building. The business will operate year round. The Applicant stated that breakfast will be provided in the building to the guests by a locally sourced restaurant or caterer. There will be no events or activities provided by the B&B for guests on the Property. A more detailed description of the proposed use of the Property entitled "Project Narrative" is attached hereto and made a part hereof.
  - c. **Zoning:** The Property is in the Rural Residential district of the Town. The Planning Board has identified the proposed use as being under the category of a Bed and Breakfast Establishment which is an allowed use in the Rural Residential district upon issuance of a special use permit and site plan approval. The Zoning Code defines the term "Bed and Breakfast Establishment" as follows: "A dwelling having a resident host in a private single-family home with common dining and leisure rooms and lodging rooms for overnight accommodation, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained and no other commercial services are offered. The bed-and-breakfast establishment shall have not more than 10 occupants as lodgers in at least three and not more than five rooms." After hearing further details from the Applicant, the Planning Board hereby confirms its interpretation of the application as properly categorizing the use as a Bed and Breakfast Establishment and the Applicant's statement of the proposed use conforms with that definition since there will be a resident host at all times and the building and property will only be used for lodging and overnight accommodations.
  - d. **Public Comment:** The public hearing on the Application was held and closed on February 22, 2022. At the public hearing, the Applicant (and representatives) made presentations detailing the various components of the proposal, the Planning Board asked the Applicant questions and received satisfactory responses to those questions, and comments were made by neighbors of the property and the general public. All the information provided by the Applicant and all of the public comments have been taken into consideration by the Planning Board in its deliberation on this matter.
2. **SEQRA:** Along with the application form and materials, the Applicant submitted a short environmental assessment form (EAF) pursuant to SEQRA. The Planning Board reviewed the EAF at its meeting held on February 3, 2022 after receiving a complete application. The Planning Board made the initial determination that the Application is considered an Unlisted Action under SEQRA and there are no other involved agencies as that term is defined under SEQRA. The

Planning Board decided to await further information that may be gathered at the public hearing before making a SEQRA determination. The Planning Board has reviewed the EAF with Part 1 prepared by the Applicant together with all of the application submissions. Prior to the presentation of this Resolution, the Planning Board discussed and determined that the Short EAF was acceptable under the SEQRA regulations and it hereby waives the requirement set forth in Zoning Code section 195-30(C)(1) for a long form EAF for a site plan application pursuant to its authority to do so as set forth in Zoning Code section 195-31(B). Such waiver is based on the fact that the project is essentially reopening an existing building which had been previously approved with no further improvements being proposed. Also prior to the presentation of this Resolution, the Planning Board discussed and answered the questions on Part 2 of the EAF. In so doing, the Planning Board did not find any moderate or large or potential adverse environmental impacts that would result from the proposed improvements and use as it is proposed by the Applicant. The Planning Board based such determination mainly on the facts that the proposed improvements and use will result in minimal impact and the building and site improvements have been existing for approximately 4 years. The Planning Board hereby accepts the EAF as complete and determines that the issuance of a special use permit and site plan approval for the proposed use will not result in any significant environmental impact and, as such, a negative declaration applies. The reasoning for this determination is as follows:

- a. that the application does not propose any new construction or installation that is not in keeping with the environmental conditions of the Property;
  - b. that the Property is of sufficient size and character that will adequately support the proposed new building, parking, drainage, on-site septic and water systems and driveway without any significant adverse impact to neighboring properties;
  - c. that the Property driveway and parking that is proposed will be adequate to accommodate the relatively small amount of traffic that the use will generate;
  - d. that the septic system designed to accommodate wastewater treatment from the building remains in good standing with the County Health Department;
  - e. the rural residential nature of the area will not be altered in accommodating this B&B use since it has existed for approximately 4 years; and
  - f. the conditions and restrictions placed on the special use permit as set forth below and as discussed with the Applicant during the review process will further mitigate and/or eliminate any potential environmental concerns.
3. The Planning Board hereby approves and grants the special use permit and site plan approval to the Applicant as set forth herein for a Bed and Breakfast Establishment comprising of 5 guest suites and one residential dwelling unit or apartment as shown on the site plan prepared by Taconic Engineering, DPC, dated June, 2017 (hereinafter referred to as the "Site Plan"), with the additional modifications made by the Applicant to show the additional improvements not shown on the site plan approved by the Planning Board on July 6, 2017, as discussed in the paragraphs above and subject to the following conditions and restrictions:
- a. The use allowed by this special use permit and site plan approval is for only a Bed and Breakfast Establishment as described above and on the attached Project Narrative with no other use permitted.



- b. Any changes in the site plan or in the above terms, restrictions and conditions of the special use permit will require approval of the Planning Board before such changes can be implemented.
  - c. This site plan approval and issuance of the special use permit for the Bed and Breakfast Establishment as described herein shall be null and void if the Applicant does not acquire title to the Property.
  - d. That the Bed & Breakfast operator adhere to the terms and restrictions set forth Project Narrative annexed hereto and made a part hereof.
  - e. That the Applicant assume the obligations and responsibilities of the existing DEC SPDES permit for discharge from the septic system on site and that the SPDES be renewed and/or continued as the responsibility of the Applicant as may be required by the DEC with uninterrupted continuation of all of the testing and reporting requirements.
4. This special use permit has been issued pursuant to the criteria set forth in section 195-33 and section 195-28 of the Austerlitz Zoning Law after the Planning Board has duly considered the public health, safety and welfare, potential environmental impacts and surrounding properties; the Planning Board concludes that the proposed project together with the conditions imposed above comply with said criteria as follows:
- a. **Objectionable Impacts.** That the character, nature, type, scale and intensity of the proposed use, particularly how it will be operated, and its location and distance from adjacent roads, properties and residences, is consistent with the rural character of the Town and is not more objectionable to nearby properties by reason of noise, odors, vibration, dust, illumination or other potential nuisance than the operation of any allowed use in the district.
  - b. **Compatibility.** That the proposed use is of a character, nature, type, scale and intensity compatible with the area in which the special use is to be located and that it will consist only of lodging and overnight accommodations for up to 10 guests.
  - c. **Vehicular Access and Traffic.** That the existing roads are adequate for access and the new use will not cause any significant changes in current traffic patterns. The parking area is more than adequate for parking for the limited use approved herein.
  - d. **Historic character.** That the Bed and Breakfast Establishment and its use on the Property will not alter the traditional and historic character of the Town, the Property, and the surrounding area.
  - e. **Site Plan.** That the proposed use and development is consistent with the requirements for site plan approval and the Site Plan is hereby approved, and the Planning Board Chair is authorized to sign the Site Plan, as approved, for the purposes described herein.

Upon motion made by Planning Board Member Sieber, seconded by Planning Board Member McGee, the foregoing Resolution was duly adopted by the Planning Board on February 22, 2022 by vote of a majority of its members as follows:

<u>Planning Board Member</u>	<u>yes</u>	<u>no</u>	<u>absent/abstain</u>
Lee Tilden, Chair	<u>X</u>	<u>  </u>	<u>  </u>
Deborah Lans, Member	<u>  </u>	<u>  </u>	<u>X</u>
Eric Sieber, Member	<u>X</u>	<u>  </u>	<u>  </u>
Jane McGee, Member	<u>X</u>	<u>  </u>	<u>  </u>

Draft

Project Narrative

Roaring Twenties Venture LLC plans to reopen and operate the "Country Suites" at 319 Route 203 in Austerlitz.

The plan is to offer seven day a week lodging for visitors to the area, with five unique suites and a locally sourced gourmet breakfast.

A host will be residing on the premises and occupying the premises at all time for guests who will be checking in at 3:00 pm and checking out at 11:00 am.

The Inn will have general house rules and conditions with check in and check out times. We will not offer 24 hour reception service.

No Pets

No Smoking

No Children

No Candles / Incense

Length of Stay will be less than 30 days

Noise and Parties -

As this house is also our home. We will ask all guest to be considerate of excessive noise levels, especially from 10pm-7am. Parties are not allowed. If a guest requests to host an event on the property, it must be approved in advance. We will not have activities that are planned for the guest.

General maintenance of the inn grounds and building will be completed during normal business hours, such as grass cutting, generator maintenance and any other outside maintenance needs.

Roaring Twenties is owned by Keith, Teresa and Melanie Bogdanovich of Claverack and James Strickler of Hudson, all long-term residents of Columbia County.

We look forward to contributing to the local economy by providing accommodations in Austerlitz / Spencertown for guests and newcomers.

Thank You,  
Jim, Keith , Teresa and Melanie

Chairman Tilden asks Joseph Catalano if there is public comment as part of the special meeting and Mr. Catalano says yes, if that is what the Planning Board would like. Chairman Tilden asks the members of the public who are on the Zoom meeting if they would like to comment.

Manuel Ytuarte – says this meeting has been great and very helpful and thanks the Planning Board for the meeting.

Keith Bogdanovich thanks everyone for the work they've done on this project.

Rochelle Bartolo thanks everyone for their hard work, it's very much appreciated and feels this is a big step in the right direction.

Joseph Catalano says he will revise the resolution as adopted tonight and it will become part of the minutes for the next meeting and will notify the Code Enforcement Officer this is approved and copy of the resolution, once finalized, will be sent to the Applicant and the Code Enforcement Officer as well.

The Planning Board should all come into the Town Hall to sign the resolution however Deborah Lans should not sign it as she was absent.

A motion to adjourn this Special Meeting is made by Jane Magee and seconded by Eric Sieber by voice vote Chairman Tilden and Eric Sieber is made and everyone agrees.

The Special Meeting is adjourned at 8:15pm

Respectfully Submitted,  
Tiffeny Cantu, Planning Board Clerk

**PL-2022-04**

**Brittany Tessitore**

**Minor Subdivision / Map Correction**

THIS INDENTURE, made as of the 28<sup>th</sup> day of May 2021

**BETWEEN**

Charles P. Vieni II, David J. Vieni and Nicole C. Baker, as trustees of **The Charles and Mary Ann Vieni Trust**, with an address at P.O. Box 226, Claverack, New York 12513 as to one half interest; and Cosimo Joseph Vieni, as trustee of the **Revocable Trust Agreement between Cosimo Joseph Vieni, Grantor and Cosimo Joseph Vieni, Trustee, dated June 10, 2010**, with an address at 109 Torrey Pines Drive, Clayton, North Carolina 27527, parties of the first part, and

**Shawn McMann and Brittany Tessitore**, as husband and wife, with an address at 270 State Route 203, Spencertown, New York 12165, parties of the second part,

**WITNESSETH**, that the parties of the first part, in consideration of Nineteen Thousand Five Hundred Sixty-One and 50/100 (\$19,561.50) Dollars and other valuable consideration paid by the parties of the second part, does hereby grant and release unto the parties of the second part, the heirs or successors and assigns of the parties of the second part forever

**ALL** that plot or parcel of land lying in the Town of Austerlitz, County of Columbia, State of New York, more particularly described as follows:

**BEGINNING** at a point on the northerly side of the State Highway, known as Route No. 203, at a point at Station No. 169.02 on the map of said highway in file in the County Clerk's Office, thence in a easterly direction along the northerly line of said highway until it meets the division line of the land hereby conveyed and the division line with the land formerly of Mary Guttenberg, at Station 172.03 on said Map; thence along said division line in a northeasterly direction to the westerly boundary of the Macedonia-Red Rock Road; thence in a northerly direction along said Macedonia-Red Rock for a distance of three hundred and twenty-three feet (323 ft.) or, a total distance of four hundred feet (400 ft.) from the northerly side of said State Highway; thence in a westerly direction and parallel with said State Highway a distance of four hundred and fifty feet (450 ft.); thence in a southerly direction four hundred feet (400 ft.), to the point or place of beginning; together with all right, title and interest in the Macedonia-Red Rock Road.

Intended to be the same premises conveyed by deed made by Charles P. Vieni to Charles P. Vieni II, David J. Vieni and Nicole C. Baker, as trustees of The Charles and Mary Ann Vieni Trust by deed dated April 14, 2017 and recorded in the Columbia County Clerk's Office on April 18, 2017 in Book 845 of Official Records page 196, as to one half interest the party of the first part and as conveyed by deed to Cosimo J. Vieni by deed dated November 3, 2010 and recorded in the Columbia County Clerk's Office on November 9, 2010 in Book 695 of Official Records page 366, as one half interest.

**TOGETHER** with all right, title and interest, if any, of the parties of the first part, in and to any streets and roads abutting the above-described premises to the center lines thereof;

**TOGETHER** with the appurtenances and all the estate and rights of the parties of the first part in and to said premises;

**TO HAVE AND TO HOLD** the premises herein granted unto the parties of the second part, the heirs or successors and assigns of the parties of the second part forever.

**AND** the parties of the first part, in compliance with Section 13 of the Lien Law, covenants that the parties first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and



year first above written.

IN PRESENCE OF

Grantors:

As to The Charles and Mary Ann Vieni Trust

Charles P. Vieni II, Trustee

David J. Vieni, Trustee

Nicole C. Baker, Trustee

As to the Revocable Trust Agreement between Cosimo Joseph Vieni, Grantor and Cosimo Joseph Vieni, Trustee, dated June 10, 2010

Cosimo Joseph Vieni, Trustee



STATE OF NEW YORK

ss.

COUNTY OF NASSAU

On the 26<sup>th</sup> day of May, 2021 before me, the undersigned, personally appeared **Charles P. Vieni II**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted executed the instrument.

Notary Public

STACY COLLINS  
Notary Public, State Of New York  
No. 01CO0066392  
Qualified in Nassau County  
Commission Expires 11/13/2021

STATE OF NEW YORK

ss.

COUNTY OF ALBANY

On the 24 day of May, 2021 before me, the undersigned, personally appeared **David J. Vieni**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within instrument and acknowledged to me that he executed the same in his capacity, and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted executed the instrument.

Notary Public



STATE OF MISSISSIPPI

ss.

COUNTY OF Lumbard

On the 25<sup>th</sup> day of May, 2021 before me, the undersigned, personally appeared **Nicole C. Baker**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted executed the instrument.

Notary Public

STATE OF NORTH CAROLINA

ss.:

COUNTY OF JOHNSTON

On the 20 day of May, 2021 before me, the undersigned, personally appeared **Cosimo Joseph Vieni**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted executed the instrument.



Notary Public

My Commission Expires: 3-22-2022



**Record and Return to:**

James Kleinbaum, Esq.  
18 Park Row  
Chatham, New York 12037

cc Box #12



STATE OF NEW YORK  
COLUMBIA COUNTY



I, Holly C. Tanner, Clerk of the County of Columbia of the County Court of said County and of the Supreme Court, both being courts of Record having a common seal, DO HEREBY CERTIFY that I have compared this copy with the original

DESCRIPTION: DEED (OLD)  
DATE: 08/17/1993  
BOOK/PAGE: 737 / 242

filed, recorded, or entered in this office and that the same is a correct transcript thereof and of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County and Courts on

Date: 08/31/2021

*Holly C. Tanner*

Holly C. Tanner  
Columbia County Clerk

By: *[Signature]*



THIS INDENTURE, made the 16 day of August, nineteen hundred and ninety three

BETWEEN

Citicorp Mortgage Inc., 15851 Clayton Road, St. Louis, Missouri

party of the first part, and

Michael Tessitore, Jr. and Peggy M. Tessitore, Star Route Box 40,  
Spencertown, NY

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain tract of land lying and being in the Town of Austerlitz County of Columbia, State of New York, being more particularly described as follows:

BEGINNING at a point on the northerly side of the state highway No. 203, at a point in the division line of the land of Joseph Vieni and the land hereby conveyed; thence in a northerly direction along said division line for a distance of 450 feet; thence in a westerly direction and parallel with said state highway, a distance of 150 feet; thence in a southerly direction, in a line parallel with the aforesaid division line, a distance of 450 feet to the said state highway; thence along the northerly side of the said state highway, a distance of 150 feet to the point or place of beginning. CONTAINING 1.4 acres or land, be the same more or less.

Being all the same land and premises conveyed to Citicorp Mortgage, Inc. herein by the Referee's Deed of H. Neal Conolly, dated 5/20/92 and recorded on 7/17/92 in the Columbia County Clerk's Office in Liber 702 of Deeds, page 154.

This transfer does not constitute all or substantially all of the assets of the corporation.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.



CITICORP MORTGAGE, INC.

BY:

TITLE:

KIMBERLYA GENTILE, ASST V.P

STATE OF MISSOURI )  
COUNTY OF ST. LOUIS ) ss.:

On the 6 day of August, 1993, before me personally came NUMBERLY A GENTLE to me known, who, being by me duly sworn, did depose and say that he resides at Clayton Road; that he is the VP of CHICORP MORTGAGE INC the corporation described in and which executed the foregoing instrument; that he knows the seal of said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Karen Morrissey  
NOTARY PUBLIC

KAREN MORRISSEY  
NOTARY PUBLIC STATE OF MISSOURI  
ST LOUIS COUNTY  
MY COMMISSION EXPIRES FEB 25, 1995



Record & Return to: SEP-3 1993  
Michael & Peggy Tessitore, Jr.  
Star Route Box 40  
Spencerburg, NY 12165

BOOK 737 PAGE 244

COLUMBIA COUNTY CLERK'S OFFICE  
COURTHOUSE, HUDSON, NY 12534  
(518) 828-3339

\*\* RECORDING PAGE \*\*

Type of Instrument:

Recorded:

Recording Fee: DEED  
\$ 11.00  
Location: AUSTERLITZ

At: 8/17/1993  
In Liber: 11:02 AM  
Of: 0737  
At Page: DEED  
0242

Control No: 9308170037

EXAMINED AND CHARGED AS FOLLOWS:

Transfer  
Amount:

\$ 79,900.00

Tax received on above Deed:

Mortgage  
Amount:

\$ .00

Tax received on above Mortgage:

Exempt

Basic: \$ .00 NO  
Add: \$ .00 NO  
Spec Add: \$ .00 NO

Total:

\$ 320.00

Exempt

NO

TT No.

93000113

Total: \$ .00

MT No.

(THIS PAGE IS PART OF THE INSTRUMENT)



JOHN C. HILLIARD  
COLUMBIA COUNTY CLERK

CITICORP MORTGAGE INC.,  
TESSITORE, MICHAEL JR

**PL-2022-01**

**Austerlitz Holding Co, LLC – Matthew  
Saltzman / Max Zacker**

**Major Subdivision**