

TOWN OF AUSTERLITZ  
Columbia County  
New York

Lee Tilden

Planning Board Chairman

**Planning Board Meeting  
June 2, 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.) PUBLIC HEARING:**
  - A.) PL-2022-01 – Austerlitz Holding Co., LLC**
    - Minor Subdivision / Boundary Line Adjustment**
  - B.) PL-2022-10 – Reginald Brantner (Frederick Haley – Surveyor)**
    - Minor Subdivision**
- 6.) NEW BUSINESS:**
  - A.) PL-2022-12 - Jody Kipper - 174 Ten Broeck Road Parcels**
    - Minor Subdivision**
- 7.) OLD BUSINESS:**
  - A.) PL-2022-07 – Paula Bednarcik**
    - Minor Subdivision (Oleynek)**
- 8.) Public Comment**
- 9.) Adjournment**

Town of Austerlitz  
Planning Board Meeting  
May 5, 2022

Reference Material

JUN 02 2022

Planning Board Meeting

The Planning Board Meeting was held in-person.

Present: Lee Tilden, Chairman, Eric Sieber, Eric Spiegel, Members.  
Also Present: Tiffeny Cantu, Planning Board Clerk

Absent: Deborah Lans, Jane Magee

Joseph Catalano, Attorney for the Town present.

Meeting called to order at 7:04 beginning with the Public Hearing

**Public Hearing**

**Planning Board Application: PL-2022-06**

Property Owners: Caroline Jackson / Eric Wegerbauer

Applicant: Caroline Jackson / Eric Wegerbauer – Richard Sardo of Sardo Land Surveying

Representative: Richard Sardo, Sardo Land Surveying

Project Property: 607 Stonewall Road, East Chatham, NY 12060 – Portion of 68.-1-4

Zoning: Rural Residential

Project: Minor Subdivision

Chairman Tilden asks Mr. Sardo for a brief description of the project. Chairman Tilden confirms all notices were sent to neighboring land owners, the Public Hearing was posted in the newspaper and no postal or email replies to the Planning Board. Joseph Catalano asks if all return receipts were received back and Mr. Sardo confirms that not all of them returned and he has given the Planning Board all that were received.

Mr. Sardo discusses the parcels being divided up. There will be a total of 3 parcels.

Mr. Sardo addressed the North American Bat on the new maps – note number 8. Mr. Sardo says it's most likely not affected because it's deep in the woods and shouldn't affect the property but that if there is any future development of the wooded area they need to abide by rules for the bat habitat.

Mr. Sardo brought new map copies with added notes from the last Planning Board meeting addressing the Bats and the typos.

Chairman Tilden reviews the access to all parcels and asks for any questions from the Planning Board – there are no questions. Chairman Tilden asks the audience if they have any comments – there are no comments. Chairman Tilden comments that he will leave the public hearing open until 7:15 or 7:20. Mr. Sardo will wait and then we'll close the public hearing.

Chairman Tilden opens the regular Planning Board meeting at 7:09pm.

Pledge of Allegiance followed by a Moment of Silence.

**Old Business:**

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

Property Owners: Austerlitz Holding Co., LLC

Applicant: Matthew Saltzman

Representative: Max Zacker

Project Property: Intersection of Rigor Hill Road and Loudon Road & Southeast of Taconic Parkway

Zoning: Rural Residential

Project: Property Line Adjustment and Minor Subdivision

Chairman Tilden calls Mr. Max Zacker forward to review the project. Mr. Zacker talks through the property and how it is represented in the Deed. Mr. Zacker discusses that the lands were inherited by his client, Mr. Saltzman. The proposal is a minor 3 lot with a boundary line adjustment. The three lots are located at the intersection of Rigor Hill Road and Loudon Road. All three lots are considered rural residential.

Mr. Zacker discusses that the deed parcel B which is Southeast of the Taconic State Parkway has a fully executed contract of sale with the abutting property owner at 365 Rigor Hill Road contingent upon the boundary line adjustment. Deed parcel B is landlocked and does not have the minimum 75' of road frontage but this has been addressed by the consent to the boundary line adjustment letter from the abutting property owner who does have the minimum 75' road frontage. All updated maps are received by the Planning Board Clerk.

The Planning Board discusses the maps and all of the parcels

Joseph Catalano confirms all of their work resolves what the initial dilemma was in dealing with the south portion of the property. Mr. Catalano also confirms that he looked over the application and all other materials submitted and everything is in order and says the Planning Board's role now is to deem the application complete

A motion is made by Eric Spiegel to consider the materials that have been submitted including the Deed, the contract of sale for the lot line adjustment and the application are all complete and seconded by Eric Sieber.

**Roll Call:**

Chairman Tilden – Aye

Eric Sieber - Aye

Eric Spiegel - Aye

Motion is carried: 3:0:2

Deborah Lans and Jane Magee are not present for this meeting.

Reference Material

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A motion is made by Eric Sieber to list this project as an unlisted action under SEQRA and seconded by Eric Spiegel.

**Roll Call:**

Chairman Tilden – Aye

Eric Sieber - Aye

Eric Spiegel - Aye

Motion is carried: 3:0:2

Deborah Lans and Jane Magee are not present for this meeting.

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A motion is made by Eric Spiegel to schedule on June 2, 2022 at 7pm a Public Hearing on this application and seconded by Eric Sieber.

**Roll Call:**

Chairman Tilden – Aye

Eric Sieber - Aye

Eric Spiegel - Aye

Motion is carried: 3:0:2

Deborah Lans and Jane Magee are not present for this meeting.

Joseph Catalano confirms that Mr. Zacker will send out the notification letters to the adjacent property owners and that Mr. Catalano will draft this letter and send to Mr. Zacker.

**Minutes**

A motion to accept the April 7, 2022 regular Planning Board Meeting minutes was made by Eric Sieber and seconded by Eric Spiegel.

Lee Tilden – Aye

Eric Sieber – Aye

Eric Spiegel – Aye

Motion carried: 3:0:2

Deborah Lans and Jane Magee are not present for this meeting

A motion to close the public hearing at 7:27pm for the minor subdivision of Caroline Jackson and Eric Wegerbauer was made by Eric Spiegel and seconded by Eric Sieber.

**Roll Call:**

Chairman Tilden – Aye

Eric Sieber - Aye

Eric Spiegel - Aye

Motion is carried: 3:0:2

Deborah Lans and Jane Magee are not present for this meeting.

Chairman Tilden calls Mr. Sardo back to discuss his application and new maps. Mr. Tilden checks the notes on the map. Eric Sieber reviews the map.

Joseph Catalano says that the first thing is to complete the SEQRA review. Chairman Tilden reviews questions in part II – on SEQRA form. All answers given by the Planning Board are “No or Small Impact”.

On question #4 – Eric Spiegel asks if the wording on the map clarifies the issue with the bat and confirms that anyone going forward has a condition of approval and must meet the standards of the Northern Long Eared Bat. Joseph Catalano reviews items for a new property owner and that the notice is on the map and will be a condition for any future property owner.

Joseph Catalano confirms that because the Planning Board answered all SEQRA questions as, No or Small Impact, the Planning Board can go to the conclusions which are based on the information that the Planning Board has from the SEQRA form showing that the action will not result in any significant adverse environmental impacts.

A motion is made by Eric Sieber to accept the Environmental Assessment Form as completed by the Planning Board tonight with the conclusion that the project will not have any significant adverse environmental impacts and seconded by Erik Spiegel.

**Roll Call:**

Chairman Tilden – Aye

Eric Sieber - Aye

Eric Spiegel - Aye

Motion is carried: 3:0:2

Deborah Lans and Jane Magee are not present for this meeting.

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A motion to adopt the resolution is made by Eric Spiegel to approve the subdivision map for the property of Eric Wegerbauer Revocable Trust and Caroline Jackson Revocable Trust as prepared by Richard Sardo and dated 2/1/2022 as presented to the Planning Board and seconded by Eric Sieber

**Roll Call:**

Chairman Tilden – Aye

Eric Sieber - Aye

Eric Spiegel - Aye

Motion is carried: 3:0:2

Deborah Lans and Jane Magee are not present for this meeting.

Planning Board Clerk, Tiffeny Cantu, will email Richard Sardo when the maps are ready at the Town Hall.

**New Business:**

**Planning Board Application - PL-2022-09**

Property Owners: Andra Miller

Applicant: Andra Miller

Representative: SunCommon – Grayson Ball / Hanna Ferguson

Project Property: 831 State Route 203

Zoning: Rural Residential

Project: Residential Solar Installation

Reference Material

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Hannah Ferguson is representing SunCommon and discusses the project and location on the property. Joseph Catalano confirms this is to supply power just to the residence on the site – and Ms. Ferguson confirms yes.

Chairman Tilden reviews the map. Joseph Catalano asks how far away the array will be from the boundary lines – Hannah reviews the measurements from 4 property lines and refers to page 2 of the site plan. Joseph Catalano discusses neighboring properties with Hannah. Eric Spiegel asks if neighboring properties need to be notified. Joseph Catalano confirms that it's up to the Planning Board to determine if this notification is necessary as it's not mandated to have a public hearing on this project type.

Hannah Ferguson confirms that the reason it's placed 21' from the tree line to get the most amount of sunlight and the code says 20' and this does meet Zoning Code requirements. Joseph Catalano asks about barn locations – one is on neighbors' property and one is on this property. Chairman Tilden is discussing other measurement details with the Eric Spiegel and Eric Sieber. Hannah confirms measurements with Joseph Catalano and he reviews them with the Planning Board.

Joseph Catalano continues to discuss the set back measurements with Hannah Ferguson. Eric Sieber points out discrepancy on drawing for number of modules and Hannah Ferguson checks this. It is not discussed further.

Eric Spiegel discusses boundary of property on the N/W side of map in relation to a way to close off the view of solar panels to adjoining properties. Joseph Catalano confirms the Planning Board has the authority to require reasonable conditions. Eric Spiegel is discussing if he were a neighbor, he would want a type of burne. Hannah Ferguson points out the overhead view map and shows Spiegel the tree lines and shrubbery.

Eric Sieber says he did look at this on Google Earth and can see the tree lines for privacy. Eric Sieber confirms with Joseph Catalano that typically in the past they have not required public hearings but have required reasonable screening. Joseph Catalano discusses with Eric Sieber and confirms that the board can require public hearing if they feel inclined.

Eric Spiegel says he's fine with it and Chairman Tilden confirms it's at the very back of the property. Eric Spiegel asks Hannah Ferguson if the property goes to the creek – she says she

doesn't believe so. Joseph Catalano asks if the arrays are flagged on the property – Hannah Ferguson replies, yes.

Joseph Catalano asks Ms. Ferguson if she knows if the neighboring properties are aware of the project and she replies that she does not know. Joseph Catalano reviews details and says it's all clear for the Code Enforcement Officer to review and confirms this is a Type II action under SEQRA and it is not required to do the form. Chairman Tilden confirms the short form is not required even though it's been filled out by the Applicant.

Chairman Tilden discusses potential approval conditions with Joseph Catalano. The Planning Board discusses details and Hannah Ferguson confirms the panels are facing South and adding screening would hinder sunlight.

A motion is made by Eric Sieber to accept the application as complete and to determine that this is a Type II Action Under SEQRA and is seconded by Eric Spiegel.

**Roll Call:**

Chairman Tilden – Aye

Eric Sieber - Aye

Eric Spiegel - Aye

Motion is carried: 3:0:2

Deborah Lans and Jane Magee are not present for this meeting

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A motion is made by Eric Spiegel to approve the Site Plan as set forth on the map prepared by SunCommon for 831 State Route 203 for Andra Miller dated 12/29/2021 as presented with the condition that prior to the issuance of the building permit of the Code Enforcement Officer of the Town confirms and determines that sufficient natural screening for the neighbors' properties and seconded by Eric Sieber.

**Roll Call:**

Chairman Tilden – Aye

Eric Sieber - Aye

Eric Spiegel - Aye

Motion is carried: 3:0:2

Deborah Lans and Jane Magee are not present for this meeting

The Planning Board discusses that the site plans will be stamped and signed by Chairman Tilden during the week following this meeting and a copy will be given to Erin Reis, Code Enforcement Officer. Joseph Catalano tells Hannah Ferguson to call Erin Reis during the next week to set up an inspection for the building permit.

**New Business:**

**Planning Board Application - PL-2022-10**

Property Owners: Reginald Brantner

Applicant: Reginald Brantner

Representative: Frederick Haley

Project Property: 42 East Hill Road

Zoning: Rural Residential

Project: Minor Subdivision

Reference Material

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Chairman Tilden calls the Brantners and Frederick Haley to discuss their minor subdivision project. Maps are distributed for review.

Mr. Haley discusses lot sizes and that the center line of the river will be halfway mark for division line. The Planning Board reviews the map.

Chairman Tilden asks if any of the properties fall in the Hamlet District of Austerlitz. Mrs. Brantner answers yes. Chairman Tilden asks to confirm that they still meet the minimum area to build a structure. Chairman Tilden confirms this is in the Hamlet District which only requires 1 acre and still meets the minimum area to build a structure but that they need to be mindful of the setbacks when they set a structure.

Chairman Tilden asks Mr. Haley if there are any restrictions or oddities when working with a river in the middle of a piece of property. Mr. Haley says that they are not doing anything with the river and there is the 100' set back that they show on the map which is essentially the same as the flood plain.

Mr. Haley says they are also showing that the area is in a freshwater wetland and the adjacent property is the Historical Society and confirms items he will need to present to the Building Inspector because the Building Inspector can't give a building permit if you're in a flood plain. Mr. Haley confirms that this application has no items for building in it and that this is just to create a property line down the center of the river.

Chairman Tilden asks if Mr. Haley is aware that the Town just updated their Subdivision Laws and Mr. Haley says he would be happy to add any notes wanted by the Planning Board. Chairman Tilden explains the Planning Board is supposed to be more forward thinking when they look at subdivisions and to consider how the land will be used going forward and not looking to add any burden to anyone – explaining why he is asking questions about usage because of the waterway.

Eric Spiegel asks Joseph Catalano about the cemetery shown on the map. Mr. Catalano confirms these are governed by different NYS statutes which protect cemeteries but confirms that this cemetery is not part of the property and is located within the property and is on its own deed. Joseph Catalano states he will double check any set back requirements for the cemetery and confirms there has to be access to the cemetery.



Chairman Tilden asks the Planning Board if there are any questions. Everyone answers no and everything is complete

A motion is made by Eric Spiegel to accept the application as complete and is seconded by Eric Sieber.

**Roll Call:**

Chairman Tilden – Aye

Eric Sieber - Aye

Eric Spiegel - Aye

Motion is carried: 3:0:2

Deborah Lans and Jane Magee are not present for this meeting

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A motion is made by Eric Sieber to designate the project as an Unlisted Action Under SEQRA and is seconded by Eric Spiegel.

**Roll Call:**

Chairman Tilden – Aye

Eric Sieber - Aye

Eric Spiegel - Aye

Motion is carried: 3:0:2

Deborah Lans and Jane Magee are not present for this meeting

A motion is made by Eric Spiegel to set a Public Hearing for June 2, 2022 as the second order of business at 7:15pm and is seconded by Eric Sieber

**Roll Call:**

Chairman Tilden – Aye

Eric Sieber - Aye

Eric Spiegel - Aye

Motion is carried: 3:0:2

Deborah Lans and Jane Magee are not present for this meeting

Joseph Catalano will send Mr. Haley a revised letter for the public hearing and the notice for the newspaper.

**Public Comment**

Chairman Tilden calls the Oleynek family members up for their comments. The Oleynek family states they are saving the lot line adjustments for a later date and will now just focus on the minor subdivision which is the 35 acre parcel being divided into two parcels. Their question is what exactly they need to do now to move forward. They also state that they are having trouble securing a surveyor as they are all very busy.

Joseph Catalano confirms that in addition to the issue with finding a surveyor, they need someone who can survey the entire property and also refers to the pending issue with the road and says that the project will hinge on the road and says the idea is to have the Oleynek's move forward without incurring significant expense. Mr. Catalano says that after their family discussion of what they want to do, is to see if the Planning Board will accept an application that

is not based on a full survey to get the project moving. Mr. Catalano states that when the Planning Board receives the application, they won't be able to hold a public hearing and says that because of the Condition from the past approval and the road regulation - the Planning Board will have to officially refer to the Highway Superintendent and the Town Board for a consent to waive the maximum five lot requirement for a private road. Mr. Catalano states that he thought that perhaps with the submission of the Short Environmental Assessment Form and a good decent survey or sketch of what the proposal is, the Planning Board could get the project moving forward contingent upon a survey being supplied to the Town Board.

Chairman Tilden asks if Mr. Catalano thinks that the Town Board would move forward with the preliminary sketch and Mr. Catalano says, yes. Chairman Tilden then says he does not have a problem moving forward preliminarily.

Reference Material

Chairman Tilden does confirm that eventually they will need a final drawing to file with the County and asks the rest of the Planning Board what their thoughts are.

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Joseph Catalano says that in order to convey the parcels that they Oleynek family would like to divide, they will need a field survey of that parcel in order for the County Clerk to accept. Chairman Tilden confirms that the County will not accept a sketch and will need a signed and stamped, formal survey.

Eric Sieber says that he has questions. Mr. Sieber asks if the basic question is that the Planning Board is requesting the Town Board to waive the requirement – why is the Planning Board doing that? He says that he understands the hardship but says the question is for the future. Mr. Sieber lives on a private road with 5 plots at this time and asks hypothetically if his neighbor were to come to him saying he wants to split his lot up but can't afford to bring the road up to the Town Code and says he wants the same exception, how are we setting the precedent of the Planning Board saying this is the reason behind the exception. Mr. Sieber apologizes saying maybe he missed this at the last meeting but is trying to understand why we're doing this.

Joseph Catalano states that we're doing this because it is a procedure that is set forth in the Town Code. He states that in the provision of the Town Code that deals with private roads, it says that the maximum amount is 5 lots that can be serviced by a private road, unless that road is at Town Road specifications. Eric Sieber agrees. Joseph Catalano states that the procedure outlined is that the Planning Board has the authority to waive that requirement if and only if the Highway Superintendent and the Town Board agrees also to waive that requirement. Mr. Catalano confirms that there are three separate departments of the Town that would all have to agree. Mr. Sieber says he understands that but that it sets a precedent and wants to understand clearly what the standard is to say the Planning Board wants to do this.

Mr. Sieber states that it's not because he's opposed to it but wants to understand moving forward that the next time this comes up, the Planning Board can say we already did this. He compares this to Solar projects and how the community wants to go with Solar and wants to encourage these types of projects and that as long as it's not going to be a burden on the next-door neighbor, they typically view Solar as something the Planning Board pushes through without a long process and he personally goes by that standard since he's been on the Planning Board. Mr.

Sieber states that going forward, the Planning Board is saying we're going to ask for this exception in the Oleynek project because...? Mr. Catalano says that it's because first the property owners are asking for it, and the Planning Board is not doing it on its own. Mr. Sieber also states that other property owners will ask for it as well. Mr. Catalano says that the standard is in place for reasons and discusses emergency vehicles, etc and says that even though they've never done this before the base line is – is it safe, and is it a reasonable requirement that only 5 lots can be accessed off of the road and if not, what needs to be done to the road to make it safe.

Mr. Sieber again confirms that he has no questions about how the Oleynek's maintain the road but that with long term thinking, we don't know who will be living on this road and who will maintain it and that he wants to make sure he understands why we're doing this.

Ms. Oleynek speaks and confirms that she has had the same thought process of “why are we special” to do this and it came back to not that they're special but that the law was a knee jerk reaction to a situation on Herrington Drive that happened in the past. She describes the situation that happened and says this drove the Town, at the time, to review their road laws and came up with what she calls an arbitrary number. Ms. Oleynek states that the family would like to propose to the Town Board to revisit that law and look at it more on a safety level rather than a paved condition and focus more on checking of the boxes of safety, width, passing width and things like that. Ms. Oleynek says she thinks the paving is in direct contrast to the comprehensive plan where 60 or 70% of the people are against putting pavement on gravel.

Chairman Tilden agrees that this would establish precedent and confirms that this is not only the Planning Board that is involved and confirms the Highway Superintendent's office for their approval and the Town Board needs to weigh in to waive this condition that is in the approval that the Oleynek parents received approximately 17-18 years ago. There is mention of politics involved between the parties in the past and also mention of the condition of the road in question related to Town roads.

Chairman Tilden confirms that everything the Planning Board does may establish precedent. He also states that in the future if all of the Oleynek's sell their properties and there is a whole different group of people on the road, the Planning Board has to think about this. He also states that he does not have a problem helping them to move this along but confirms that in the end, there has to be a surveyor or engineer drawn map that has to be sent to the County office in Hudson to make the deeds transfer.

Joseph Catalano confirms that the Planning Board will need a subdivision application, environmental assessment form and a map to be discussed and then the Planning Board can accept the application for the purposes of only dealing with the road issue. Mr. Catalano then says the Oleynek family can refer this to the Highway Superintendent and the Town Board. Chairman Tilden says they would then need to come to the Planning Board first and then the Planning Board would refer it to them, meaning Highway Superintendent and the Town Board.

Joseph Catalano suggests that for now they use the subdivision map and clearly identify the lots and the new lot. Chairman Tilden says to do this as neatly as possible. Chairman Tilden also

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confirms that Peter Fitzpatrick has already been to the road and knows about the situation but has not officially made a report at this time.

Joseph Catalano says that if they can use the existing survey that's been approved in 2008, clearly define what they are intending to do, fill out the subdivision application, SEQRA form and the fee, then the Planning Board can start things moving and everything will be contingent upon receiving all of these items. Chairman Tilden says then the Planning Board can discuss it and forward everything to the appropriate Town agencies and the Town Board and see what comes back.

Chairman Tilden says he will include this information in his Planning Board Report to the Town Board.

The Oleynek's say they will be at the next Planning Board meeting with everything in hand and Joseph Catalano confirms they are to submit all of these items prior to the next meeting to be put on the agenda and they agree.

**Next meeting is scheduled for 6/2/22**

**Adjournment**

A motion to adjourn was made at 8:25pm by Eric Sieber and seconded by Eric Spiegel

All approve

Lee Tilden – Aye

Eric Sieber – Aye

Eric Spiegel – Aye

Deborah Lans and Jane Magee are absent from this meeting

Motion carried: 3:0:2

Meeting adjourned at 8:26pm.

Respectfully Submitted,  
Tiffeny Cantu, Planning Board Clerk

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**PL-2022-01**

**Austerlitz Holding Co., LLC**

**Minor Subdivision / Boundary Line  
Adjustment**

**Reference Material**

JUN 02 2022

Planning Board Meeting

SHaag

**From:** dominic ammerman <dominicammerman@gmail.com>  
**Sent:** Tuesday, May 17, 2022 3:49 PM  
**To:** SHaag  
**Cc:** Assessor; Sara E. Kolb  
**Subject:** Town Hall Mtg on 6/2 - Comments re: Conveyence of 81 acre parcel

Susan,  
As you are aware, I Dominic Ammerman of 365 Rigor Hill LLC am the owner of 130 acres on Rigor Hill Rd in Austerlitz. I am writing in my support of the conveyance to join the 81 acre parcel with boundaries of my property and the Taconic Parkway to my exiting parcel.

As a long time land owner and tax payer in the town of Austerlitz my goal to enjoin my property with this otherwise land locked parcel is to continue to enjoy the freedoms of land ownership in Columbia County, Town of Austerlitz and to continue to upgrade the es aesthetic appearance of the land which is visible to all nearby roads. For years it has been overgrown and not well cared for and ideally in the near term it will more closely mirror the beauty of my enhanced work on land. As a landowner it is a privledge to enjoy these rights and I take great pride in my land, nature and our barn structures which date back pre 1900’s etc.

In joining these 2 parcels I will continue to be a supporter of the Town and only improve what exists currently.

I look forward to the support of these efforts and contiune to be a good neighbor to all.

Kind regards,  
Dominic  
365 Rigor Hill LLC

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**PL-2022-10**

**Reginald Brantner / Deborah Brantner-  
Jones**

**Represented by: Frederick Haley**

**Minor Subdivision**

NOTES

FRANCESCO J. FALLO, J.D.  
1218 STATE ROUTE 43  
STEPHENTOWN, NY 12169  
Tel (518) 577-3044  
e-mail: [francesco.fallo@att.net](mailto:francesco.fallo@att.net)

**CLIENT:**

**OWNER INFORMATION:**  
REGINALD BRANTNER &  
DEBORAH BRANTNER-JONES  
P.O. BOX 142  
AUSTERNITZ, NY 12017

**DEED INFORMATION:**  
BOOK 843, PAGE 379  
DEED DATED DECEMBER 21, 2007

PROJECT TITLE:  
LANDS OF  
REGINALD BRANTNER &  
DEBORAH BRANTNER-JONES

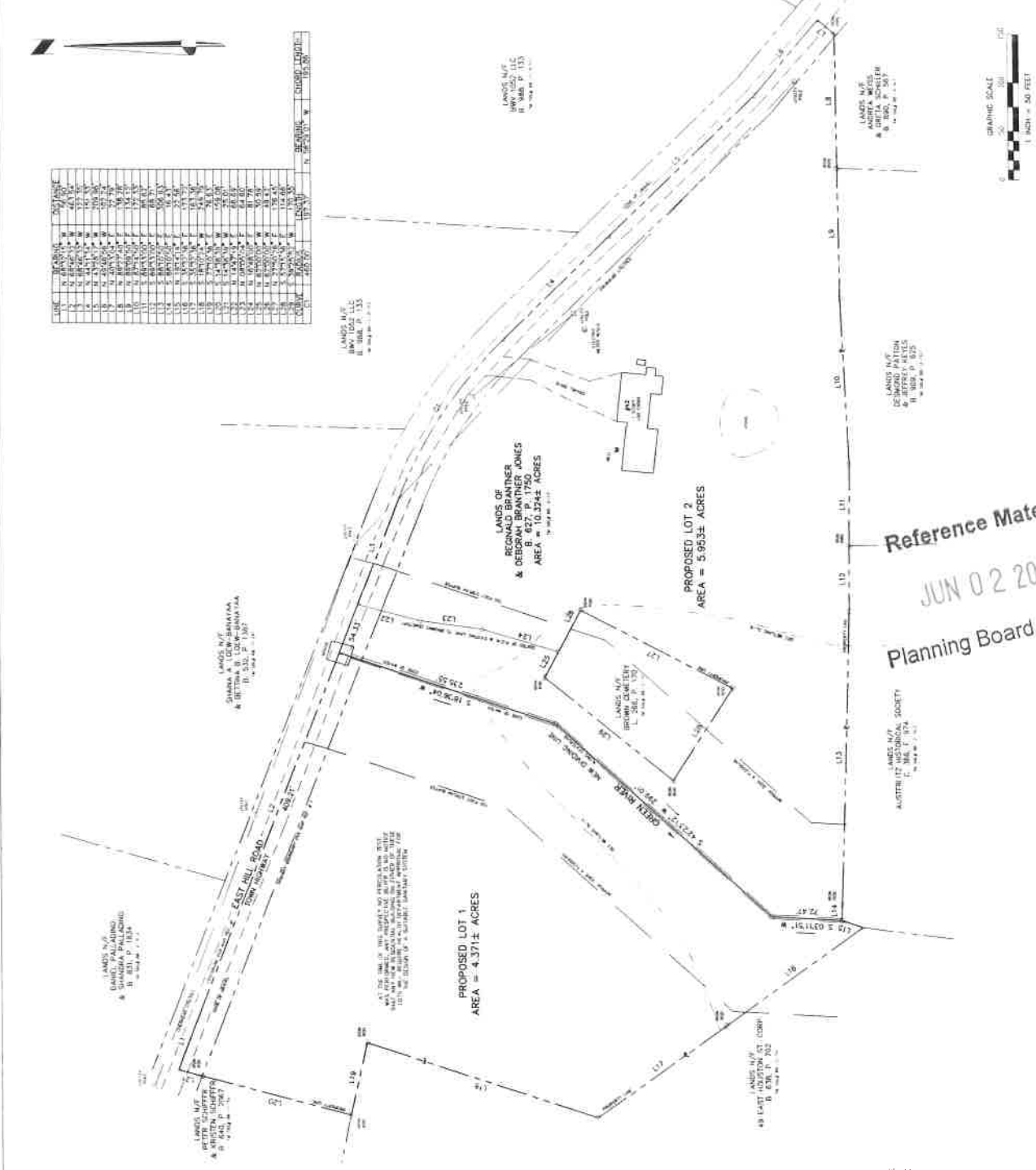
42 EAST HILL ROAD  
AUSTERLITZ, NEW YORK

SHEET TITLE

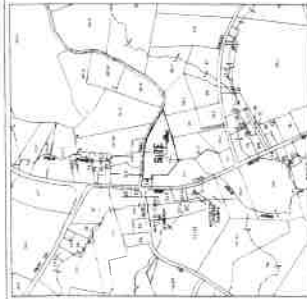
MINOR 2 LOT  
SUBDIVISION PLAN

SCALE: 1 INCH = 50 FEET

DATE FEBRUARY 23 2022



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LOCATION MAP  
TOWN OF AUSTERLITZ TAX MAPS

**ZONING NOTE:**  
TOWN OF AUBURNVILLE ZONING NOTE  
ALL AREAS SHOWN HEREON ARE ZONED A-MH  
MINIMUM LOT SIZE 1 ACRE  
MINIMUM FRONT YARD SETBACK (FEET) 30  
MINIMUM SIDE YARD SETBACK (FEET) 10  
MINIMUM REAR YARD SETBACK (FEET) 15  
MINIMUM LOT FRONTAGE (FEET) 30  
MINIMUM LOT WIDTH 30

ENVIRONMENTAL RESOURCE NOTE:  
TOWN OF AUSTRIE RESOURCE NOTE  
PROPERTY SUBJECT TO  
RESO- ENVIRONMENTAL RESOURCE OVERLAY DISTRICT

HYDROSC WAS IDENTIFIED THE OCCURRENCE  
OF THE NORTHERN LONG-EARED BAT  
IN THE TOWN OF AUSTERLITZ  
THUS TREE REMOVED BETWEEN NOV 1 & MAR 31  
SHOULD BE BY PERMIT ONLY

NOTES:

2. DATA PROVIDED BY INTERVIEWEES: 1. VALUES FROM AN ANNUAL FIELD SURVEY COMPLETED IN FEBRUARY 2022.
3. APPROPRIATE UTILITY: HERZON IS APPROXIMATE MAGNETIC PER METER REF 1.
4. UNDERGROUND UTILITIES, IF ANY, ARE NOT SHOWN.
5. PARCELS SURVEYED WITHOUT BENEFIT OF AND IS SUBJECT TO THE REVIEW OF A COUNTY AND UP-TO-DATE ABSTRACT OF TITLE.
6. GRADING CONTOURS SHOWN HEREON, IF ANY, ARE APPROXIMATE USGS.
7. PARCELS SURVEYED ARE FURTHER REFERENCED TO THE TOWN

## MAP REFERENCES

MAP REFERENCES

1. "MURKIN OF PROPERTY OF SANDRA G. DOTLICH AND DOUGLASS FASZOL, TRUSTEES OF THE FORESTRIE ESTATE LIVING TRUST, TO BE CONVEYED TO RICHARD BRANNITH AND MEGHAN BRANNITH," JUNE 15, 2007, DATED NOVEMBER 14, 2007 AS PREPARED BY ALVIN B. JONES. L.S.

2. "MURKIN OF PROPERTY OF RICHARD BRANNITH & MEGHAN BRANNITH, JAMES," DATED MARCH 23, 2008 AS PREPARED BY CHAMBERLAIN & ASSOCIATES, FIGHTING, P.C. AND FILED IN THE COLUMBIA COUNTY FILING OFFICE JULY 2012--55

3. "SURVEY OF PROPERTY OF REGINALD BRANTNER & DEBORAH BRANTNER JONES" DATED MARCH 23, 2008 AS PREPARED BY (BRANTNER & ASSOCIATES ENGINEERING, P.C. AND FILED IN THE COLUMBIA COUNTY CLERK'S OFFICE AS MAP 2012-53



**PL-2022-12**

**'Jody' Mary J Kipper**

**Minor Subdivision**

**Town of Austerlitz  
Planning Board  
Application for Subdivision Review**

Reference Material  
JUN 02 2022  
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Application Date: 05/25/2022

**Applicant: (Property Owner)**

Name: Kipper Farm LLLP Email: mjkipper@mac.com  
Street Address: 174 Ten Broeck Road Mailing Address: same  
City: Chatham State: NY Zip: 12037 Phone Number: 917-447-6874

**Representative: (If Any)**

Name: 'Jody' Mary J Kipper Email: mjkipper@mac.com  
Phone Number: 917-447-6874

**Surveyor or Engineer:**

Name: CYNTHIA ELLIOTT  
Phone Number: 518-469-2879 License Number: \_\_\_\_\_

Tax Map Number: 67.-1-28.111

**Property Location: (Brief Description of Location)**

Parcel(s) between 174 Ten Broeck Road and Pierson Road

**Names of Abutting Property Owners:**

Doyle

**Easements or Restriction:**

30 Acres currently in the conservancy, 19.54 ag exempt-- both parcels' designations to remain as is.

The undersigned hereby requests approval by the Planning Board of the above identified subdivision Plat.

Signature: \_\_\_\_\_

Title: OWNER

Date: 05-25-2022

**FOR OFFICE USE ONLY**

**SUBMISSION DATES and APPROVALS**

Applic, Fees & Preliminary	Public Hearing	SEQRA Determination	Final Approval
_____	_____	_____	_____

Project ID \_\_\_\_\_

TOWN OF AUSTERLITZ  
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Appendix B  
Short Environmental Assessment Form

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further evaluation. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or use full to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Divide a single parcel of 49.54 acres back to original 2 parcel status- as it was prior to 2011- making one 30 Acre parcel and one 19.54 Acre			
Project Location (describe, and attach a location map): Parcel 67.-1-28.111 Currently a 49.54 acre parcel of which 30 acres is in the conservancy and 19.54 is a cow pasture Situated between 174 Ten			
Brief Description of Proposed Action: In 2008, I purchased the main property (house, barn, pond) which encompassed 3 parcels— a 10 Acre parcel, the 2.7 Acre parcel and a 30 Acre parcel that is in the conservancy. In 2011, I purchased an additional 19.54 Acre parcel from the Doyle's. (They continue to pasture their cows on that parcel.) When the 19.54 Acre parcel purchase occurred in 2011, it was merged with the 30 Acre parcel creating the current 49.54 Acre parcel 67.-1-28.111.  At this time, I would like to revert back to the original parcel arrangement— I would like to have the 19.54 acre parcel separated from the 30 acres that is in the conservancy. I propose no other changes and will continue to use the 19.54 as a cow pasture.			
Name of Applicant or Sponsor: Jody Mary J. Kipper		Telephone: 917-447-6874 E-Mail: mjkipper@mac.com	
Address: 174 Ten Broeck Road			
City/PO: Chatham		State: NY	Zip Code: 12037
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		49.54 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		77.97 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <div style="display: flex; flex-wrap: wrap;"><div style="width: 50%;"><input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)</div><div style="width: 50%;"><input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify: _____)</div><div style="width: 50%;"><input type="checkbox"/> Parkland</div></div>			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify:	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation service(s) available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water:	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment:	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>Jody Mary J Kipper</u> Date: <u>05-25-2022</u> Signature: <u>[Signature]</u>		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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COLUMBIA COUNTY

RESET

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Reference Material

JUN 02 2022

Planning Board Meeting

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

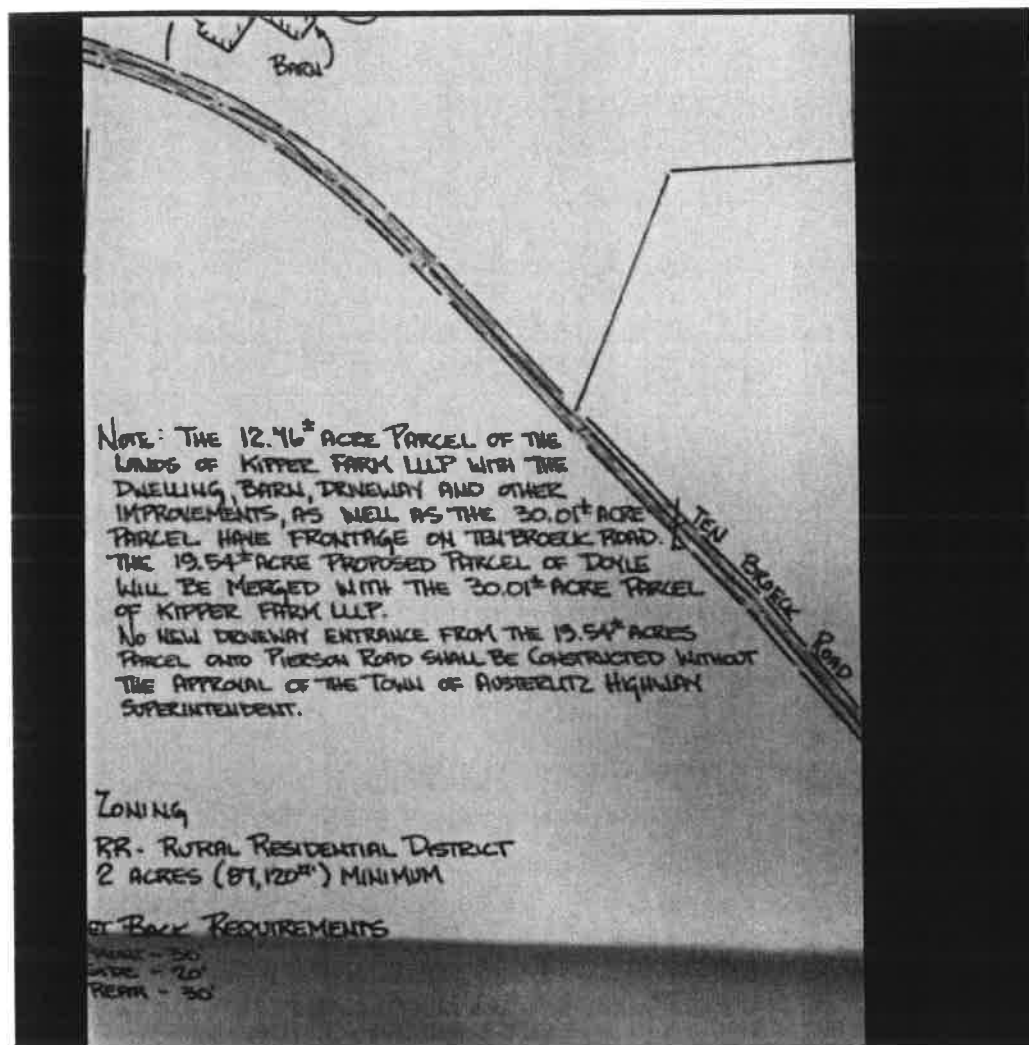
Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT

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PLANNING  
BOARD  
COLUMBIA COUNTY

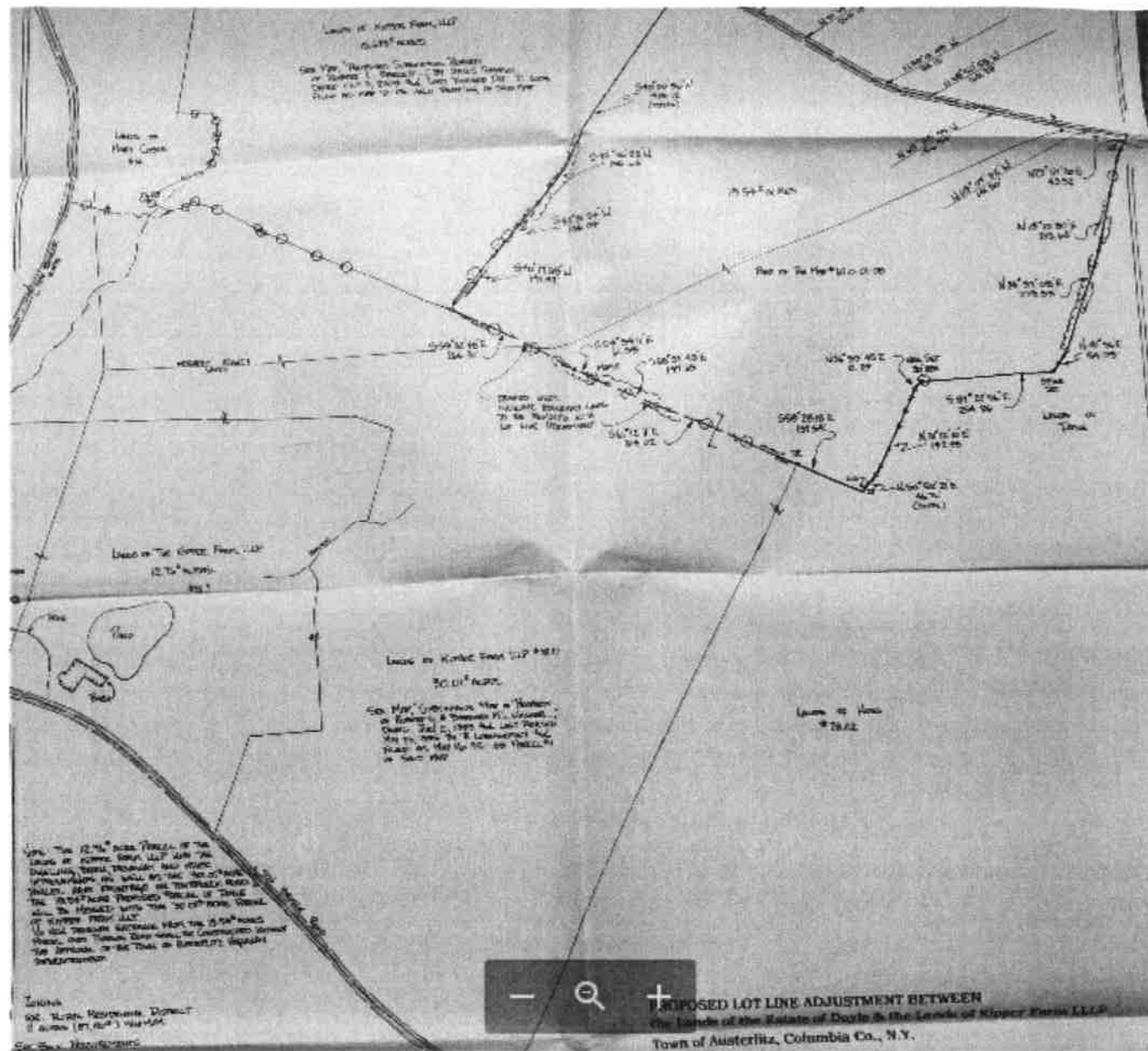


Reference Material

JUN 02 2022

Planning Board Meeting





Reference Material  
 JUN 02 2022  
 Planning Board Meeting



**PL-2022-07**

**Paula Bednarcik Oleynek**

**Minor Subdivision**

Jeanne Oleynek  
88 Indian Trail  
Chatham, Ny 12037  
Gioleynek1@gmail.com  
June 1, 2022

Dear Austerlitz Planning Board members,

Enclosed for your review is an application for request to divide one parcel (#2) into two parcels on an existing subdivision.

Thank you for your consideration.

We look forward to seeing you tomorrow night,

Jeanne

Reference Material  
JUN 02 2022  
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**Town of Austerlitz  
Planning Board  
Application for Subdivision Review**



**Application Date:** 06/02/2022

**Applicant: (Property Owner)**

Name: Estate of Gloria Oleynek Email: MGauth200@gmail.com

Street Address: 18 Indian Trail Mailing Address: \_\_\_\_\_

City: Chatham State: NY Zip: 12037 Phone Number: \_\_\_\_\_

**Representative: (If Any)**

Name: Marguerite Gauthier (executor) Email: MGauth200@gmail.com **Reference Material**

Phone Number: 518-929-9847

**Surveyor or Engineer:**

Name: \_\_\_\_\_ **Planning Board Meeting**

Phone Number: \_\_\_\_\_ License Number: \_\_\_\_\_

**Tax Map Number:** 77.-2-5

**Property Location: (Brief Description of Location)**

18 Indian Trail Chatham, NY 12037 Private road off Bloody Hollow Rd

**Names of Abutting Property Owners:**

Paula and Ed Bednarcik, Steve Oleynek, Sue Geel, Charles Marino, Steve Somlow, Paul Iappini

**Easements or Restriction:**

None

The undersigned hereby requests approval by the Planning Board of the above identified subdivision Plat.

**Signature:** Marg Gauthier

**Title:** Executor

**Date:** 6/1/22

**FOR OFFICE USE ONLY**

**Project ID** \_\_\_\_\_

**SUBMISSION DATES and APPROVALS**

Applic, Fees & Preliminary	Public Hearing	SEQRA Determination	Final Approval
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Appendix B  
Short Environmental Assessment Form

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Instructions for Completing

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Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
To divide an existing 35 acre plat into a 5 acre lot with a house, and a 30 acre lot			
Name of Action or Project: Estate of Gloria Oleynek		Reference Material	
Project Location (describe, and attach a location map): 18 Indian Trail, Chatham NY 12037		JUN 02 2022	
Brief Description of Proposed Action: Due to the death of our mom, we the family must sell her home. The house is currently on an odd shaped lot of 35 acres. The house is surrounded by 5 acres which connects via a strip of land (acrosss the private road) to the other 30 acres. These 30 acres across the road are located between and surrounded by other family land. We wish to separate and sell the house and the 5 five acres.		Planning Board Meeting	
Name of Applicant or Sponsor: Estate of Gloria Oleynek		Telephone: 401-487-3738 or 518-528-4225	
		E-Mail: pbednarcik2@gmail.com	
Address: Paula Bednarcik			
City/PO: 106 Indian Trail, Chatham		State: ny	Zip Code: 12037
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		5.4 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		35 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____		
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: _____ Date: _____		
Signature: _____		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

<div>Reference Material</div> <div>JUN 02 2022</div> <div>Planning Board Meeting</div>	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Reference Material  
JUN 02 2022  
Planning Board Meeting

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☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

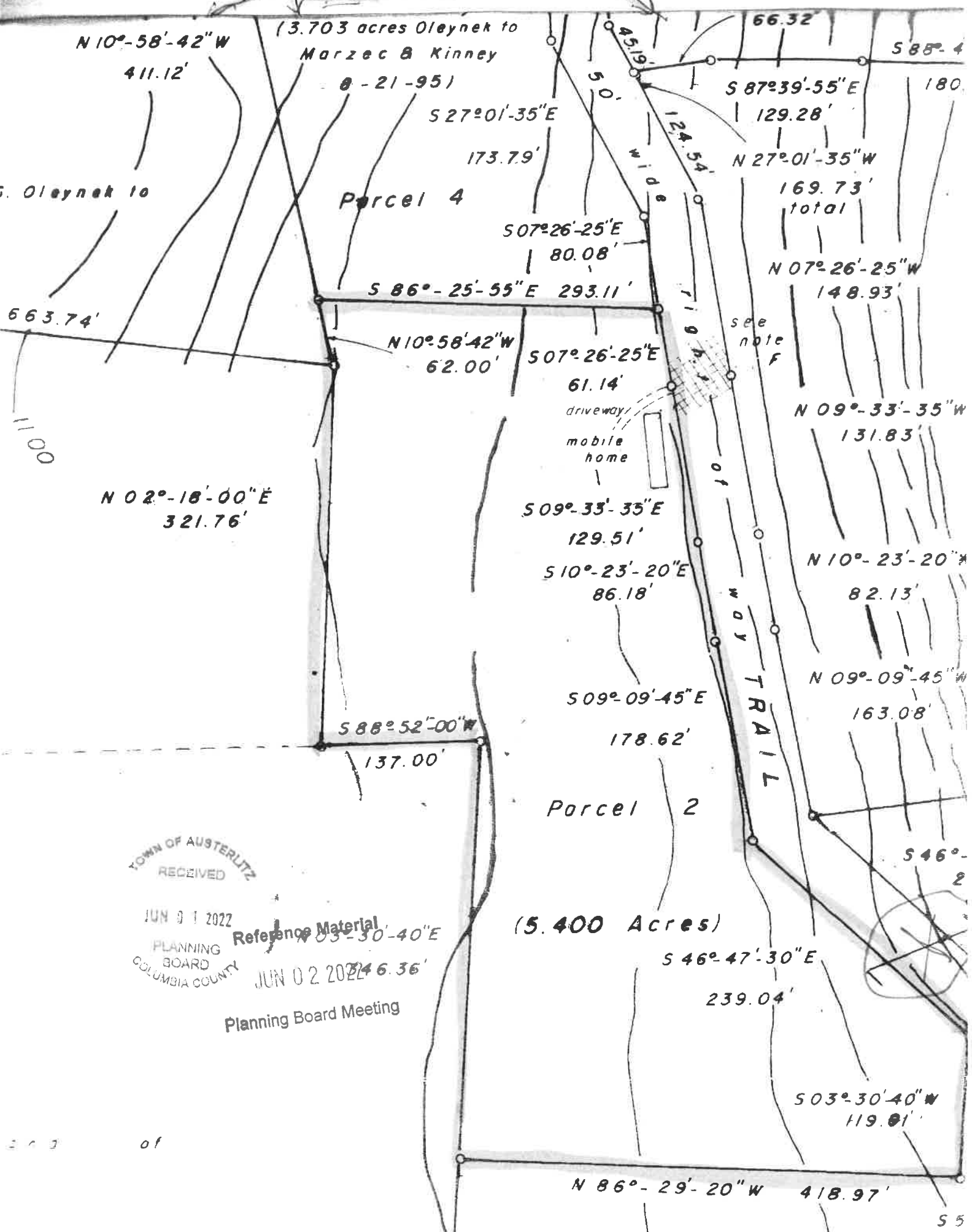
Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

No. + Part of Subdivision



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COLUMBIA COUNTY

Reference Material

JUN 02 2022

Planning Board Meeting



