TOWN OF AUSTERLITZ

Columbia County New York

Deborah Lans

Planning Board Chairman

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

*********AGENDA*******

- 1.)Public Hearing: PL-2022-07 Oleynek Minor Subdivision/Boundary Line Adjustment
- 2.) Call Regular Planning Board Meeting to Order
- 3.) Roll Call
- 4.) Minutes
- 5.) Old Business
 - A.) PL-2022-07 Oleynek Minor Subdivision/Boundary Line Adjustment
 - B.) PL-2022-18 Hi Roc LLC Minor Subdivision
- 6.) New Business
 - A.) Michael Krieger: Boundary Line Adjustment Discussion
 - B.) PL-2022-19 Steve and Alaine Thorne Minor Subdivision
- 7.) Public Comment
- 8.) Adjournment

Town of Austerlitz Planning Board Meeting October 6, 2022

The Planning Board meeting was held in-person.

Present: Deborah Lans, Chair, Eric Sieber, and Chris Ferrone. Member Steve Lobel absent due to illness. Joseph Catalano, Attorney for the Town, also present.

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

By consensus of the Board, J. Catalano will take notes of the meeting and prepare the minutes.

Minutes

A motion to approve and accept the August 2022 Planning Board Meeting minutes as presented, was made by E. Spiegel and seconded by C. Ferrone.

Voice vote Reference Material

Deborah Lans: yes

Eric Sieber: yes

NOV 0 3 2022

Chris Ferrone: yes

Steve Lobel: absent

Motion carried 3:0:1

Planning Board Meeting

Old Business - Planning Board Application PL-2022-07 Oleynek Minor Subdivision and Boundary Line Change

Chair Lans gave a brief explanation of the background and process for the benefit of Member Ferrone since he is new to the Board. The Board previously determined that the application was not complete due to the survey not being completed. However, the Board allowed the applicant to proceed with obtaining the necessary waivers from the Highway Superintendent and the Town Board to allow an additional lot to be accessed by the private road, Indian Trail Way. Those waivers were granted subject to the completion of the PB process and certain conditions. The applicant's surveyor, Fred Haley, was present and he was asked to present the proposal and explain the survey details. After much discussion and questions from the Board, the Board requested that certain notes be added and revised on the survey map. The Board also received the Agricultural Data Statement and the easement for the private road where it encroaches on a neighboring property. Since the private road is owned by one lot (currently Paula and Edward Bednarcik) there is no need for a road maintenance agreement except what was incorporated on the original subdivision map. The Planning Board requested the applicants to submit consents in writing from all parcel owners whose parcels are affected by the proposed additional lot and lot line adjustments as shown on the map submitted, at or before the public hearing.

A motion was made by E. Sieber, to accept the application as complete subject to receipt of the consents from the parcel owners and revised map notes, and seconded by C. Ferrone:

Roll Call

Deborah Lans: yes

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Eric Sieber: yes Chris Ferrone: yes Steve Lobel: absent Motion carried 3:0:1

As no further comments were made, a motion was made by E. Sieber to schedule the public hearing on the application for the next PB meeting to be held on November 3rd at 7:00 pm, and seconded by C. Ferrone:

Roll Call:

Deborah Lans: yes Eric Sieber: yes Chris Ferrone: yes Steve Lobel: absent Motion carried 3:0:1

Reference Material

NOT 0 3 2022

Planning Board Meeting

There was no other item of old business on the agenda.

New Business

Planning Board Application PL-2022-17 Mitchell Site Plan Review

Donald Mitchell of Mitchell Orchards appeared before the Board and explained that he wishes to develop an apple orchard on his property located at 38 Knox Lane. The property is approximately 24 acres with 10 acres in Austerlitz (Tax map # 106-1-23) and the remainder in the Town of Hillsdale. His site plan application is submitted for permission to remove all or most of the trees on the property for planting and operation of an apple tree orchard. He explained that the property was once farm fields but is now mostly woods except for approximately 1-acre of open field and the access road. There are approximately 1332 mature trees on the property that he wants to replace with 1400 apple trees and also construct a single-family home on the property. He has been advised by a consultant with Farm Net that DEC jurisdiction over his plan, normally a requirement due to the extensive clearcutting, is preempted by USDA regulation (Natural Resources Conservation Service). The Board requested legal authority for that position and Mr. Mitchell said he would provide documentation. Mr. Mitchell was directed to the Appendix in the Town Zoning Code that addresses the requirements for site plan review of extensive clearing for agricultural purposes. The Board and Mr. Mitchell agreed to work together and Mr. Mitchell will keep the Board informed as his plans develop for the orchard. It was the consensus of both the Board and Mr. Mitchel that his plans need to be developed further with more detail and documentation on the appropriate jurisdictional authority for erosion and drainage control, as well as the requirements of the zoning law.

Planning Board Application PL-2022-18 Hi Roc, LLC Minor Subdivision

David Hammon and Kevin Hartka of Hi Roc, LLC, presented a proposed subdivision map for subdivision of an approximately 51-acre parcel into 3 lots. The access for the 51-acre lot is via a long driveway from Crow Hill Road that seems to be a shared driveway. The applicants went over the map with the Board and there was a lengthy discussion and questions about the proposal and a prior subdivision that created the 51-acre parcel. Based on the Planning Board files, when the 51-acre parcel was created in 2007, along with an adjoining lot, now owned by Melissa Hartka, the driveway in question was to have been approved by the Highway Superintendent as a condition

PB minutes 10-6-22 page 2

of the subdivision approval. The Certificate of Occupancy for the residence was not to be issued until the driveway was approved as acceptable to the Superintendent. Apparently, that approval never occurred. The Board reviewed with the applicants the various requirements in the Town Code for private roads/driveways and the Board advised that the private road would have to meet those requirements. The Zoning Code requirements were also discussed and there was a discussion that the parcel/driveway lacked the required 75-foot road frontage on a Town Road, Crow Hill. This may have occurred because the prior subdivision was approved prior to the Zoning Code being adopted by the Town. The Board also pointed out to the applicants that the private road cannot be a stand-alone parcel as depicted on the map but has to be part of one of the 3 parcels proposed.

The conclusion of the discussion resulted in the following: the applicants will revise the map in accordance with the PB discussion; present the revised map to the Highway Superintendent and Fire Company for input and approval; provide the Board with written approvals from both; and return to the Board with the revised map. At this point the application was deemed incomplete until the above issues are addressed.

Public Comment

There were no members of the public present and accordingly no public comments were heard.

Adjournment

A motion to adjourn was made by E. Sieber and seconded by C. Ferrone; and motion carried 3:0:1 by voice vote: Meeting adjourned at 9:00 p.m.

Respectfully Submitted, Joseph Catalano, Attorney for Town

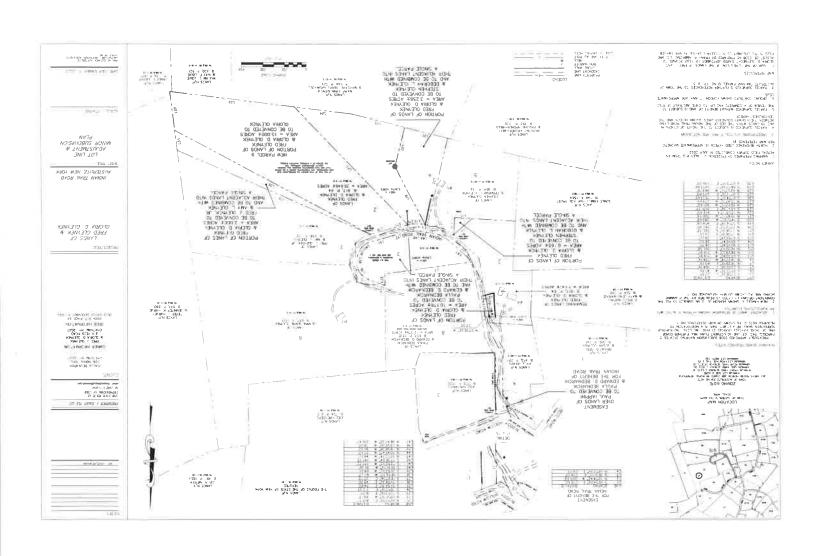
Reference Material

NOV 03 2022

Planning Board Meeting

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Estate of Gloria Oleynek
PL-2022-07
Minor Subdivision/Boundary Line Adjustment
Public Hearing



Reference Material

NOV 03 2022

Planning Board Meeting

SHaag

From: Deborah Lans

Sent: Wednesday, November 2, 2022 7:59 PM

To: Catalano imelyahoo con, Eric Sieber; Steve Lobel; Chris Ferrone; Dale Madsen; SHaag

Subject: Re: oleyneck Indian Trail pvt rd

Reference Material

NOV U 3 2022

Sent from my iPad

Planning Board Meeting

On Nov 2, 2022, at 2:45 PM, Peter Fitzpatrick <PFitzpatrick@austerlitzny.com> wrote:

Nov,1,2022

To the Austerlitz Planning Board

On October 29, 2022 I visited the private road Indian Trail to meet with Steve Oleyneck and to check that they made the improvements to the road that I required in my report, dated July 11, 2022. There were two conditions in my report. First, that the section of the road 300 feet in from Bloody Hollow Road be widened and, second, that additional material be added to various sections of the road where the road surface has lost material.

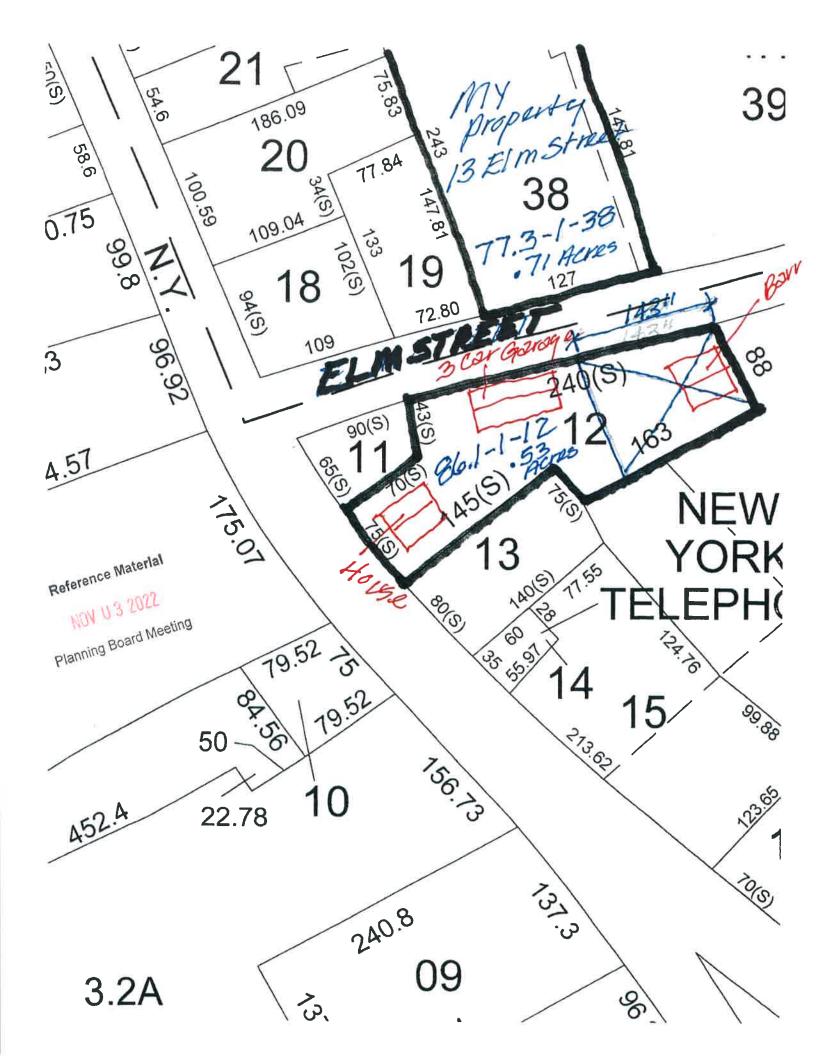
Based on my site visit, gravel has been added to the road where needed and work was done to widen the beginning of the road. In my opinion, the work done minimally satisfies the requirements set forth in my previous report, dated July 11 2022, to allow an additional lot.

This does make it much easier for two vehicles to pass each other safely and overall the road is in good condition.

Thank You

Peter Fitzpatrick Austerlitz Highway Supt. Michael Krieger

Discussion: Boundary Line Adjustment



Steve and Alaine Thorne
PL-2022-19
Minor Subdivision (with Town of Ghent)

TOWN OF AUSTERLITZ PLANNING BOARD APPLICATION FOR SUBDIVISION REVIEW AUSTERLITZ TOWN LAW CHAPTER 167



NOV 0 3 2022

		PLANNING
Application Date: <u>BCC 3 2027</u>	Project No.	OLUMBIA COUNT
Property Owner: Name Steve & ALAINE THORNE Mailing Address 1432 512 Zo3 Email Address: Phone Number:	CHAMAN	
Surveyor or Engineer: Name VANAGIANIE Email Address PETER & UAL Phone Number 518 392 780 License Number 050704	25	1. Com Reference Material
Other Representative (if any): Name		NOV 0 3 2022
Email Address Phone Number		lanning Board Meeting
Please provide owner's letter of authorization		
Property Address: 1437 5'2 203 C HATHATTAX Map Number: 661-47 661-2 Current Land Use: Proposed Lots: XION C. Use of Abutting Lands: Nature and Details of any Subdivisions in Past 10 years:		
NONE		
Date(s) of Planning Board Approvals:		
Easements or Restrictions: Ag. District: Yes/No (If yes to either, provide Ag Data Statement)		
Reason(s) for Proposed Subdivision: Watt To Separa	ap House	_

(Subdivision App. P. 2)

Alaine V. Horre

Willian Showing

Signature

Date

App. Fees

Public

Hearing

App. Complete

Final Approval

Prelim Mtg

SEQRA Desig

SEQRA Determination

Reference Material

NOV 03 2022

Planning Board Meeting

REV'D 9/6/22

AUSTALIZ

TOWN OF GHENT PLANNING BOARD

2306 STATE ROUTE 66 ~ P. O. BOX 98 GHENT, NY 12075

AGRICULTURAL DATA STATEMENT

Reference Material

	NUV U 3 2022
TAX PARCEL#	661-ZO Planning Board Meeting
APPLICANT NAME	STEVE + ALANE THORAGE
PROPERTY ADDRESS	1432 S. R. 203
	CHATILM NY 12037
AUTHORIZED REP	PETED Vm Ausylie
CONTACT PHONE	518-392-2844
CONTACT E-MAIL	Peter @ VALAND SURVEY. Com
AG DISTRICT#	10
TYPE OF APPLICATION S	SUBMITTED
☐ SPECIAL USE PERM	IIT SITE PLAN REVIEW
☐ AREA VARIANCE	☐ LOT LINE ADJUSTMENT
☐ USE VARIANCE	MINOR MAJOR SUBDIVISION APPROVAL

DESCRIPTION OF PROPOSED PROJECT AND ACREAGE INVOLVEDSINGLE FAMILY DWELLING, MULTI-FAMILY DEVELOPMENT, COMMERCIAL OR INDUSTRIAL FACILITY, ETC.

[APPLICANT'S SIGNATURE]

LOCATION OF PROPOSED PROJECT

TAX MAP OR OTHER MAP SHOWING PROJECT SITE AND LOCATION OF AGRICULTURAL OPERATION(S) SHOULD BE ATTACHED.

IDENTIFICATION OF FARM OPERATION(S) WITHIN AGRICULTURAL DISTRICT #_____

LOCATED WITHIN 500 FEET OF BOUNDARIES OF PROPERTY ON WHICH THE PROPOSED PROJECT WILL BE SITUATED. OPERATION#1: OWNER ADDRESS 1279 Devre 203

Type of Operation Hay 12037 OPERATION#2: OWNER WEIZE MEHAN
ADDRESS 1515 Reve 203

Type of Operation CHIZE HORSES OPERATION #3: OWNER Reference Material Address MOV 0 3 2022 Type of Operation Planning Board Meeting OPERATION #4: OWNER **ADDRESS** Type of Operation

Peter Van Alstyne PO Box 152 Kinderhook, NY 12106

peter@valandsurvey.com

518-392-2864

RE: Thorne 66.-1-47 1432 s.r. 203 Ghent

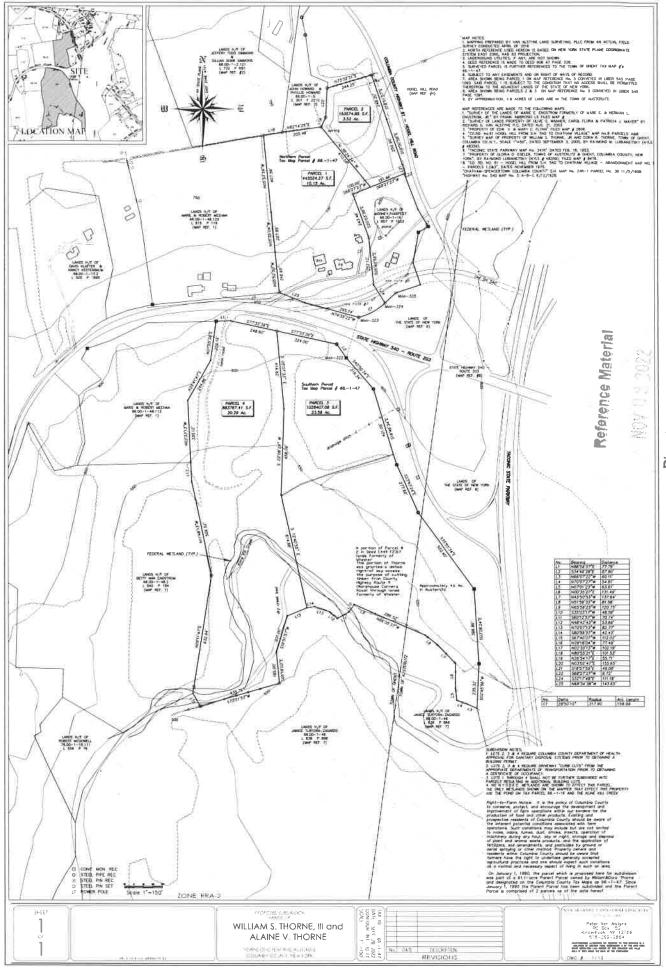
Dear Planning Board of Chairman:

Please be advised that William S. Thorne has given Peter Van Alstyne permission to represent my interests as it applies to a four lot subdivision in the Town of Austerlitz.

Reference Material

NOV 0 3 2022

Planning Board Meeting



Short Environmental Assessment Form Part 1 - Project Information

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 verification. 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 useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information		
Name of Action or Project: PROPOSED SUBDIVISION OF THORNE		
Project Location (describe, and attach a location map): INTERESCTION OF NYS 203 AND THE TACONIC PARKWAY		
Brief Description of Proposed Action: SUBDIVIDE A 53Ac. PARCEL INTO FOUR LOTS	Reference	Material
	NOV U 3	2022
	Planning Boar	rd Meeting
Name of Applicant or Sponsor:	Telephone:	
WILLIAN & ALAINE THORNE E-Mail:		
Address: 1432 SR 203		
City/PO: CHATHAM	State: NEW YORK	Zip Code: 12037
 Does the proposed action only involve the legislative adoption of a plan, local administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the emay be affected in the municipality and proceed to Part 2. If no, continue to question 	nvironmental resources the	at NO YES
2. Does the proposed action require a permit, approval or funding from any other of Yes, list agency(s) name and permit or approval:	er government Agency?	NO YES
a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	53 acres 0 acres 53 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercia ☐ Forest ☑ Agriculture ☐ Aquatic ☐ Other(Special Commercial ☐ Parkland	al 🚺 Residential (subur	ban)

Meference Material

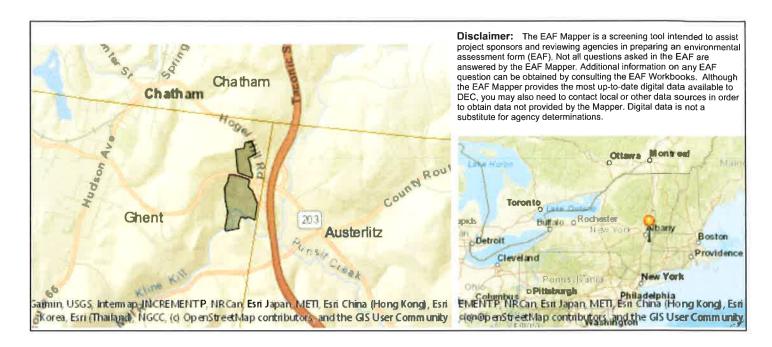
5.		Is the proposed action,	NO	YES	N/A
	á	a. A permitted use under the zoning regulations?		V	
	١	b. Consistent with the adopted comprehensive plan? Planning Board Meeting		V	
				NO	YES
6.		Is the proposed action consistent with the predominant character of the existing built or natural landscape?			✓
7.		Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
If Y	Yε	es, identify:		7	
				NO	YES
8.	i	a. Will the proposed action result in a substantial increase in traffic above present levels?		7	
	1	b. Are public transportation services available at or near the site of the proposed action?	ì	V	Ħ
		Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		✓	
9.		Does the proposed action meet or exceed the state energy code requirements?		NO	YES
Iftl	he	e proposed action will exceed requirements, describe design features and technologies:			
					V
				,	
10.		Will the proposed action connect to an existing public/private water supply?		NO	YES
		If No, describe method for providing potable water:		_	
11.		Will the proposed action connect to existing wastewater utilities?		NO	YES
		If No, describe method for providing wastewater treatment:			
-			_		\checkmark
12.		a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district		NO	YES
		ch is listed on the National or State Register of Historic Places, or that has been determined by the imissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the		П	V
		e Register of Historic Places?			
				V	
arc	h	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for aeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		V	
13.	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?		NO	YES	
				✓	
		b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		V	
lfY	Y	es, identify the wetland or waterbody and extent of alterations in square feet or acres:			
=	_				
-					
				1	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
Shoreline 🗸 Forest 🗸 Agricultural/grasslands 🗸 Early mid-successional		
☑ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered?	V	
16. Is the project site located in the 100-year flood plan?	NO	YES
		\checkmark
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	V	
a. Will storm water discharges flow to adjacent properties?	✓	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	V	
The Cost of the Co		
18. Does the proposed action include construction or other activities that would result in the impoundment of water	NO	YES
or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	163
If Yes, explain the purpose and size of the impoundment:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste	NO	YES
management facility? If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
		ш
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE B	EST OF	
MY KNOWLEDGE		
Applicant/sponsor/name:		
Signature:Title:		

Reference Material

Planning Board Meeting

EAF Mapper Summary Report



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

Reference Material
MOV 0.3 2022
Planning Board Meeting