

TOWN OF AUSTERLITZ

Columbia County
New York

Lee Tilden

Planning Board Chairman

Planning Board Meeting/Public Hearing May 6, 2021 7:00 p.m.

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

- 1.) Public Hearing: PL-2021-02 Special Use Permit Crown Castle as agent for T-Mobile**
- 2.) Open Regular Planning Board Meeting**
- 3.) Moment of Silence, Followed by the Pledge of Allegiance**
- 4.) Roll Call**
- 5.) Minutes**
- 6.) New Business**
 - A.) PL-2021-04 Minor Subdivision Goggins**
 - B.) PL-2021-05 Minor Subdivision Davis**
 - C.) PL-2021-06 Colton**
- 7.) Old Business**
 - A.) PL-2021-03 Boundary Line Adjustment, David Vieni**
 - B.) PL-2021-02 Special Use Permit Crown Castle as agent for T-Mobile**
 - C.) PL-2021-01 Special Use Permit 648 State Rte 203 LLC**
- 8.) Public Comment**
- 9.) Adjournment**

Town of Austerlitz
Planning Board Meeting
April 1, 2021

The April 1, 2021 Planning Board Meeting was held via Zoom in accordance with the Governor's Executive Order 202.1. Meeting instructions were on the Town website.

Present: Lee Tilden, Chair, Deborah Lans, Jane Magee, Eric Sieber and Perry Samowitz, Members. Susan Haag, Town Clerk also present.

Joseph Catalano, Attorney for the Town, joined the meeting at 7:35 p.m.

Meeting called to order at 7:02 P.M.

Moment of Silence, followed by Pledge of Allegiance.

Minutes

A motion to accept the March 4, 2021 Public Hearing and Regular Planning Board Meeting minutes was made by P. Samowitz and seconded by J. Magee.

Roll call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: abstain

Perry Samowitz: yes

Jane Magee: yes

Motion carried 4:1

Reference Material

A handwritten signature in blue ink is written over a red date stamp that reads "APR 06 2021".

Planning Board Meeting

Old Business

Planning Board Application PL-2021-01.

Property Owner: 648 Rte 203 LLC, Dale Madsen

Applicant: Taconic Engineering, DPC, Andy Didio

Project Property: 648 State Route 203 SBL:86.-2-10

Zoning: Rural Residential

Project: The proposed project consists of building a 4800 sf building, 26.4' tall at ridge line, 1 story and using the building for storage of construction equipment and materials.

Planning Board Chairman Lee Tilden advised that E. Sieber, D. Lans and himself made a site visit to the project property on March 16, 2021.

Chairman Tilden questioned the applicant concerning how many vehicles will be involved with this project mobilizing on a daily basis. How many employees? Deliveries? Owner Dale Madsen noted that there are 3 service trucks that operate to and from the shop on a daily basis. One dump truck and 2 pick-up trucks leave the site in the morning and come back at night. D. Madsen continued that his wife would work part time in the office coming in mid-morning to early afternoon on a part-time, sporadic basis. There are no regular deliveries to the business address. Fed-Ex or UPS drops off supplies here and there, maybe once every couple of weeks.

There are no daily or weekly deliveries. Member Samowitz questioned how many employees will be bringing cars to the sight. D. Madsen stated there are currently 6 employees.

Member Lans notes that the site plan submitted for tonight's meeting is different from the previous plan. Applicant Andy Didio advises that the site plan submitted for tonight's meeting shows where the well will be located and screening trees that the Applicant added. The trees proposed are deer resistant and fast growing. Member Samowitz asked if there were any proposed screening trees to the north and south of the project. Applicant Didio advised there was not any additional screening proposed. The building will be built below grade with growth already in place in the rear of the property line. Same with the front since there is a fairly healthy tree line already there and with no intention of clearing this area. Without leaves on the trees during the winter, the building is somewhat visible. The east side has a tree line that is fairly dense and again there is no intention of clearing this area.

Member Lans asked if any material would be stored onsite. Owner Madsen advised that there would be some, but it would be under cover. Nothing major outside in plain sight. Applicant Didio noted that the idea is to use this material as soon as possible so it would only need short time storage.

Chairman Tilden questioned the Planning Board thoughts concerning the SEQRA form. L. Tilden does not believe this project rises to the level to require the long SEQRA form.

A motion to waive the use of the long EAF SEQRA form was made by E. Sieber and seconded by J. Magee.

By roll call vote:

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0.

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Chairman Tilden read each section of the short SEQRA form with the following:

1. All agree with no/small impact
2. L. Tilden and J. Magee no/small impact; D. Lans, P. Samowitz and E. Sieber moderate impact.
3. All agree no/small impact
4. All agree no/small impact
5. L. Tilden, D. Lans, J. Magee and E. Sieber no/small impact; P. Samowitz moderate impact.
6. All agree no/small impact
7. First section: All agree no/small impact: Second section: All agree no/small impact
8. All agree no/small impact
9. All agree no/small impact
10. All agree no/small impact
11. All agree no/small impact

The Planning Board discussed section 3. Member Lans believes this is a change of use or intensity change from a residential to commercial use. The level of human interaction and the amount of property affected on a day-to-day activity basis. Member Magee feels this area already has commercial uses. Applicant Didio read the NYSDEC Guidelines on the meaning of these sections, specifically section 3. Based on these definitions, Member Sieber changes his mind on the impact of section 3 noting he feels there is no/small impact. Chairman Tilden advises that since there is now a majority that all section have no/small impact, there is no need to complete Part 3 of the SEQRA form.

A motion for a negative SEQRA declaration on Planning Board Project PL-2021-01 was made by E. Sieber and seconded by J. Magee

By roll call vote:

Lee Tilden: yes

Deborah Lans: yes notwithstanding her one issue

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0.

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Chairman Tilden noted that the Planning Board has a completed application, additional comments, a public hearing, SEQRA, and asked if there are any other questions by the Planning Board.

Member Lans asked if more screening can be added to the south side. D. Madsen did not object to this request.

In formulating an approval resolution, Chairman Tilden advised that since a special use permit that is granted lives with the property, not the owner, restrictions placed are geared towards that end. A draft proposed resolution was read by Chairman Tilden and discussed by the Planning Board.

The following subjects were discussed in detail:

*Site view pulling out of the driveway. Member Lans wants to write the NYSDOT concerning the accident potential. D. Lans and P. Samowitz believe that the traffic traveling down the hill will be going to fast and will cause an accident when someone is pulling out of the driveway. D. Lans notes this is not about the amount of traffic.

*Storage of fuel onsite and whether to place restrictions here or not. Attorney Catalano advised to leave the language as is with an addition to it being subject to an amendment by site plan review.

*A. Didio wants the allowance of temporary short-term storage of materials that are not for resale. Discussion on what temporary means. D. Madsen noted that at the current rented business site there is no outside equipment being stored. The equipment is on specific job sites. D. Madsen is concerned with not being able to have material outside. This is also not consistent with how other businesses in the area are operating. Materials are being stored outside. This request is very restrictive compared to the other businesses in the area. When asked how much

material and for how long it would be stored outside, D. Madsen answered that most of the time there would only be a few yards that is left over from a job. This material would be there for a very short-term basis. Only stored until needed for another job. Estimation of a triaxle load for no longer than a month. A triaxle load amounts to roughly 15 yards. Chairman Tilden asked if the equipment will fit inside the building during off seasons. D. Madsen advised that he does not have an off season. The equipment comes and goes and any equipment that is onsite would only be there for a few days tops. Member Samowitz asked where the bulk material will be stored. D. Madsen advised on the east side which is the most protected from neighbors and also down in level. Discussion on how it could be determined which dirt pile is there for a month when dirt comes and goes, is added to and subtracted from. P. Samowitz would like screening in this area. Member Sieber noted that other contractors use cement blocks for screening and storage. Can this be done? A. Didio noted using these would help D. Madsen. Applicant Didio screen shared, pulling up the site plan and showed the Planning Board Members where screening could be done. A. Didio can add a contingency on the site plan for the Board Member's concerns. Chairman Tilden advised that the site plan should allow for storage of new, not old, material with no time limit up to a total of 20 yards. Member Lans asked if the material should be covered because of dust or dispersion. A. Didio noted that this only happens when unloading and loading.

*A section was added to the proposed resolution concerning reviewing an updated site plan with modifications before giving a final site plan approval.

A motion to approve Resolution #1-2021, PL-2021-01, as presented to and revised by the Planning Board, was made by P. Samowitz and seconded by J. Magee.

Discussion:

Member Lans noted that concerns were raised with traffic issues and questioned if the resolution covers this. Attorney Catalano advised that if there are concerns with traffic this is an issue. J. Catalano noted that if the NYSDOT has approved the driveway entrance it would have first looked at the site distance, type of traffic on State Route 203 and the speed limit. If the NYSDOT has approved the driveway entrance it must have determined that there is sufficient site distance. The Planning Board can send a letter to the NYSDOT, but most likely they will not revisit this decision. Applicant Didio stated that according to the NYSDOT there is sufficient site distance per DOT standards. Member Samowitz asked if the Planning Board can request that signs are put up. Attorney Catalano advised that the Town has no jurisdiction over a State road, but the Planning Board can certainly ask the NYSDOT to look into this and ask for additional signage.

By roll call vote:

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0.

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[Signature]
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Resolution #1-2021, Site Plan/Special Use Permit Application - 648 Rte 203, LLC

WHEREAS, 648 Rte 203, LLC, a limited liability company with Dale Madsen as a member (hereinafter referred to as the "Applicant") submitted an application for a special use permit and site plan review for purposes of constructing and operating a heavy equipment storage and office facility on an approximately 5.52-acre vacant parcel of property located at 648 Route 203 (Tax Map No. 86.-2-10) in the Town of Austerlitz (hereinafter the "Property"); and

WHEREAS, the application proposes to construct a building on the Property that will be one-story, 26.4 feet in height and comprising 4,800 square feet that is intended to be used for the storage of heavy construction equipment and an office for an excavation company; and

WHEREAS, the Applicant submitted a site plan application, dated January 25, 2021 which requested approval for the above-described proposal - the Planning Board considered the application as requiring both site plan and special permit review and the application was subsequently corrected to include both; and

WHEREAS, after review of the application and supporting documents, the Planning Board accepted the application as complete at its meeting held on February 4, 2021 and a public hearing on the special use permit and site plan application was duly noticed and scheduled for March 4, 2021; and

WHEREAS, the Applicant submitted a Short Form Environmental Assessment Form, with Part 1 completed, together with the application materials and at its February 4th meeting, the Planning Board determined the Application complete and determined that the proposed project constituted an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the application was referred to the Columbia County Planning Board as required under the General Municipal Law, and the County Planning Board, by letter dated February 16, 2021, concluded the application did not have any significant county-wide or inter-community impacts associated but made a number of comments on the application for consideration by the Austerlitz Planning Board; and

WHEREAS, the public hearing regarding the application was held remotely in person and via video-conference on March 4, 2021, at which time the Applicant's representative Dale Madsen and Andrew Didio from Taconic Engineering were present and made a presentation to the Planning Board and there were four members of the public in attendance who spoke with respect to the application and one written comment received for the hearing was read; 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 all written comments that were received up to the present time would be made part of the hearing record, the Planning Board closed the hearing by motion; and

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WHEREAS, on March 16, 2021, the Planning Board Chair, and Members Lans and Sieber, visited the site with the Applicant's engineer in order to see the site and the surrounding properties but they did not deliberate on the application or receive any additional information that had not already been discussed at the hearing; and

WHEREAS, since the public hearing, additional written comments have been received as follows: letter, dated March 25, 2021, from attorney James Potter representing James and Mary Mannion; and Steve Lobel; and

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

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may
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NOW, THEREFORE, BE IT RESOLVES as follows:

Planning Board Meeting

1. The Planning Board makes the following findings:

- a. Proposed Improvements: This special permit and site plan application proposes to construct, install and operate a commercial storage and office facility on the Property located at 648 Route 203 in the Town of Austerlitz. The facility is proposed to consist of one building that will be one-story, 26.4 feet in height, and comprising 4,800 square feet that is intended to be used for the indoor storage of heavy construction equipment and an office for an excavation company. A parking area for the employees of the business consisting of 10 parking spaces is also included in the site plan. There is an existing driveway that will be extended and will be resurfaced. The site will also be improved by a septic system and water well which is pending Columbia County Department of Health review and approvals.
- b. Proposed Use: The Applicant proposes to utilize the proposed improvements for rental to an excavation business known as Madsen Excavation now located at 397 West Hill Road in Austerlitz. The site will be utilized to store its trucks and equipment inside the building and will be the business's principal base and office. The business currently has 6 employees plus the owner and his wife who works in the office. The business operates year-round. The Applicant stated that there will be no outdoor storage of construction materials, supplies or equipment except for under lean-to attached to proposed building. The office proposed inside the building will accommodate the business employees. 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 Construction and Lawn Care Businesses which are an allowed use in the Rural Residential district upon issuance of a special permit and site plan approval. The Zoning Code defines the term "Construction and Lawn Care Businesses" as follows: "The principal location of a business engaged in residential or commercial construction and general contracting; excavation, plumbing, electrical, landscaping, lawn care or similar business." After hearing further details from the Applicant, the Planning Board hereby confirms its interpretation of the application as properly categorizing the use as a Construction Business.

d. Public Comment: The public hearing on the Application was held and closed on March 4, 2021. At the public hearing, the Applicant (and representatives) made presentations detailing the various components of the proposal, the Planning Board asked the Applicant numerous 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 4, 2021 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 for 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 information submitted as part of the application materials provided sufficient supplemental environmental information the fact that proposed project is an allowable use by permit with limited commercial vehicle traffic. 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. 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 significant 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 stormwater drainage system designed to accommodate stormwater runoff from access driveway and parking area together with the building is sufficient to manage the stormwater runoff generated from the impermeable surfaces proposed and prevent same from entering neighboring properties;
- e. the rural residential nature of the area will not be altered in accommodating this added use and it will be mostly hidden from public views so it will not result in a new or uncharacteristic feature in the area; and

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- 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 Construction Business comprising of indoor storage of equipment and machinery and an office for the business to be constructed, installed and operated at 648 Route 203 as shown on the site plan prepared by Taconic Engineering, DPC, dated 1/22/21 as last revised 3/19/21 (hereinafter referred to as the "Site Plan"), with the modifications discussed in the paragraphs below and subject to the following conditions and restrictions:
- a. The use allowed by this special permit and site plan approval is for only a Construction Business as described above and the attached Project Narrative with no other use permitted.
 - b. The storage aspect of the proposed use is to be limited for only indoor storage and no outdoor storage of construction vehicles, equipment, materials or supplies is allowed except for materials in an area to be delineated on the site plan and occasional temporary storage of equipment for no more than a week in an area also to be delineated on the site plan.
 - c. All outdoor lighting shall be limited to what is proposed on the building and shall be shielded and directed downward to avoid glare. The driveway and parking area shall not be illuminated by lighting fixtures.
 - d. The Applicant shall provide the additional screening as shown on the revised site plan and also the addition of 5 similar spruce trees on south side such screening shall be continuously maintained in good condition.
 - e. There shall be no operation of equipment on the Property except what is necessary for loading, unloading, maintenance and repairs and that should be limited to those hours set forth on the Project Narrative.
 - f. There shall be no dumping or storage of construction debris either in bulk or in dumpsters.
 - g. There shall be no on-site bulk storage of fuel for the trucks or equipment except by amendment of the site plan and review and approval of DEC.
 - h. Any changes in the site plan or in the above terms, restrictions and conditions of the special permit will require approval of the Planning Board before such changes can be implemented.
 - i. The site plan modifications indicated above shall be presented to the Planning Board for its further review and approval.
4. This special 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

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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 since the construction business will be located at a considerable distance from roads and adjoining properties and will fit in with the farm fields, general topography, existing trees and vegetation on the Property.
- 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 Planning Board is in receipt of a communication from the NYS DOT, dated January 20, 2021, which indicates that the DOT has reviewed and approved the proposed driveway and the Planning Board defers to the DOT's jurisdiction and expertise that traffic safety issues resulting from the driveway access onto and from Route 203 has been addressed. The parking area is more than adequate for parking for the limited use approved herein.
- d. Historic character. That the design of the proposed campground and its placement 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.

Chairman Tilden asked Applicant Didio to submit a revised site plan to the Planning Board for approval at the May Planning Board Meeting.

Applicant Didio and Owner Madsen thanked the Planning Board for their consideration and time. A. Didio will have an updated site plan for the next meeting.

Reference Material
APR 16 2021

Planning Board Application PL-2021-02

Property Owner: Goosetown Network Services LLC

Applicant: Richard Zajac/Crown Castle as agent for T-Mobile

Project Property: 321 West Hill Road SBL:87.-2-51.112-1

Zoning: Rural Residential

Planning Board Meeting

Project: The proposed project consists of T-Mobile proposing to add eight (8) antennas and ancillary equipment to existing cell tower. T-Mobile also proposing a 16'x21' compound expansion to accommodate new equipment cabinets as well as a 40 kw diesel backup generator.

Chair Tilden noted that there was a letter from Goosetown Network Services LLC giving authorization to R. Zajac to act in consideration of this proposed modification and paperwork showing where this tower would land if it fell. Applicant Richard Zajac advised that the engineer's report shows that this tower is able to sustain the additional load.

R. Zajac gave a brief overview of the project noting the proposed project consists of T-Mobile proposing to add eight (8) antennas and ancillary equipment to existing cell tower. T-Mobile

also proposing a 16'x21' compound expansion to accommodate new equipment cabinets as well as a 40 kw diesel backup generator.

A motion to designate Planning Board Application PL-2021-02 as an unlisted action under SEQRA was made by J. Magee and seconded by P. Samowitz.

By roll call vote:

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0.

A motion to accept Planning Board Site Plan Application PL-2021-02 as complete was made by D. Lans and seconded by J. Magee.

By roll call vote:

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0

A motion to schedule a public hearing for Planning Board Site Plan Application PL-2021-02 for May 6, 2021 at 7:00 p.m. via Zoom was made by D. Lans and seconded by E. Sieber.

By roll call vote:

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0

Chairman Tilden advised that since there seems to be an issue with the US Postal System time in delivery, he asked that the notices to the neighbors be sent out as soon as possible. Member Lans would like the neighbors to be notified as soon as possible.

New Business

Planning Board Application PL-2021-03

Property Owner: Cosimo and Charles Vieni

Applicant: David Vieni, Trustee for Charles Vieni

Project Property: Stonewall Road SBL: 87.-2-6

Zoning: Rural Residential

Project: Boundary Line Adjustment

Reference Material

May
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Applicant David Vieni came before the Planning Board explaining that as the family was trying to sell property on Stonewall Road it came across an issue with boundary lines. Property owned by Michael Tessitore, the neighboring parcel owner, does not line up with the current deed and the family needs clear title in order to sell the property they want to sell. D. Vieni clarified the boundaries as shown on the provided map noting that Michael Tessitore's house is not on the current deeded parcel, but rather on land owned by Cosimo and Charles Vieni. This boundary line adjustment is to correct this by adding additional acreage to Michael Tessitore. D. Vieni also noted a 100 foot area of property accessing State Route 203 on the one side of the property that the family owns.

Attorney for the Town, Joseph Catalano, clarified that no new lot was being created. Because no additional lot is being created, the Planning Board can approve this boundary line adjustment by motion this evening if they agree to the proposed boundary lot adjustment. This is a type 2 action under SEQRA which does not require further SEQRA review or completion of the SEQRA form. Discussion on the 100 foot area of property accessing State Route 203.

A motion to declare Planning Board Project PL-2021-03 as a Type 2 action under SEQRA and to approve Planning Board Project PL-2-21-03 was made by J. Magee and seconded by P.

Samowitz.

By roll call vote:

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0

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Attorney Catalano questioned D. Vieni on how this boundary line adjustment was going to be handled to which D. Vieni noted the plan was to get a new survey with the boundaries corrected through a quick claim deed. Attorney Catalano advised that once the survey map is finalized, D. Vieni will need to provide 4 copies to Chairman Tilden for stamping; 2 are kept at the Town and 2 copies are for the County Clerk.

Miscellaneous

Planning Board Member Lans believes that the Town Law 10 day public notice requirement does not give enough time to residents. There have been 2 instances where residents feel like they have been done wrong because they have not had enough time ahead of a public hearing to prepare. Attorney Catalano advised that the Town Law allows for more time than the State statute does and the Austerlitz Town Code, in his experience, is consistent with standard practice across the State. Chair Tilden notes that the postal mail delivery has been horrendous lately, although he is not sure about certified mail. The Planning Board does not look good when people do not go to the website for information and they do not get their mail in a timely fashion. Attorney Catalano advised that the public notices in the last couple of projects have worked because the neighbors have attended the public hearings and were able to make comments. The Planning Board can request that the notices are sent out earlier, but the law should not be changed. The fault is not with the Town, but rather the mail system. If the Planning Board feels

differently, it can advocate to the Town Board for a change in law. The current law is balanced between the rights of the public and the rights of the applicants. Established laws have been litigated by many courts and are a culmination of what works.

Public Commit

Erlyn Madonia is concerned with the notice time frame as well asking what kind of problem does this pose for the Town if a resident gets a notice late. Attorney Catalano advises that if the public gets the notice before the public hearing the Town is legally covered. In addition, if the public does not feel like it has the time it needs, it can ask the Planning Board to keep the public hearing open. The Planning Board has the right to hold over a public hearing to help with these types of situations. E. Madonia notes that if situations change, the law should change to accommodate the changes in situations. Which situation makes the Town look like the Town is not meeting the needs of the people? It is about perception. Attorney Catalano advises that he agrees, but the law does not need to be changed to accommodate these needs. The Planning Board can put it's own requirements in place and in addition, the Planning Board has the authority to hold a public hearing open if it feels the public did not receive notices timely.

Planning Board Member Magee feels that since there is flexibility in the system, why change the law. Chairman Tilden understands the frustration, but after hearing an explanation from Attorney Catalano he realizes there is flexibility.

Adjournment

A motion to adjourn was made by P. Samowitz and seconded by E. Sieber.

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0. Meeting adjourned at 9:46 p.m.

Respectfully Submitted,
Susan Haag, Town Clerk

Reference Material


APR 06 2021

Planning Board Meeting

PL-2021-04

Reference Material
MAY 06 2021
Planning Board Meeting

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

Application Date: 04/19/2021

Applicant: (Property Owner)

Name: WALTON S. GOGGINS, JR. Email: lmfarms@mac.com
Street Address: _____ Mailing Address: 11812 San Vicente Blvd, 4th Fl.
City: Los Angeles State: CA Zip: 90049 Phone Number: 323-806-9030

Representative: (If Any)

Name: Daniel Russell Email: drussell@crawfordandassociates.com
Phone Number: 518-821-2158

Surveyor or Engineer:

Name: Daniel Russell
Phone Number: 518-821-2158 License Number: 050639

Tax Map Number: 106.-1-4.112

Property Location: (Brief Description of Location)

135 LABRANCHED ROAD (BOTH SIDES OF ROAD) APPROXIMATELY 0.3 (THREE-TENTHS)
OF A MILE SOUTH OF ITS INTERSECTION WITH DUGWAY ROAD

Names of Abutting Property Owners:

PLEASE SEE ATTACHED SHEET WITH ADJOINER INFORMATION

Easements or Restriction:

WATER PIPELINE EASEMENT IN C374 F665 (DOES NOT AFFECT PARCEL 2)

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

Signature: W. S. Goggins, Jr.

Title: LANDOWNER

Date: APRIL 19, 2021

FOR OFFICE USE ONLY

Project ID: _____

SUBMISSION DATES and APPROVALS

Applic, Fees &
Preliminary

Public
Hearing

SECRA
Determination

Final
Approval

WALTON S. GOGGINS, JR. ADJOINING OWNERS:

BARRACKS NINE HOLDINGS LLC
61 FLINTS CROSSING RD, CANAAN, NY 12029

MATTHEW C. PAPAS
241 La Branche Rd.
Hillsdale, NY 12521

KEVIN AND DENISE WILLIAMSON
229 WARREN ST., JERSEY CITY, N.J. 07302

ERIC DIMENSTEIN AND KELLY APLIN
136 PACIFIC ST. APT. 1
BROOKLYN, NY 11201

JONATHAN AND PENNY METSCH
2 CONSTITUTION ST. APT. 603
HOBOKEN, N.J. 07030

ESTATE OF ASBJORN LUNDE
C/O JOHN VN PHILIP
260 WEST 91ST ST., APT. 3A
NEW YORK, NY 10024

Reference Material
MAY 06 2021
Planning Board Meeting

 Crawford & Associates Engineering & Land Surveying, PC
Engineering Consultants, Planners, Surveyors
4411 Route 9, Suite 200 • Hudson, New York 12534
TEL (518) 828-2700 • FAX (518) 828-2723
www.crawfordandassociates.com

JOB GOGGINS ADJOINING OWNERS
SHEET NO. 2 OF 2
CALCULATED BY _____ DATE _____
CHECKED BY _____ DATE _____
SCALE _____

WILLIAM E. III AND JANE A. MAHAR
84 LA BRANCHE RD., HILLSDALE NY 12521

ANTHONY AND LISAMARIE CONZA
92 NORTH BEECH ST.
MASSAPEQUA, NY 11758

JILLEN B. AXELROD AND SHERMAN RHEIFFER
96 FIFTH AVENUE APT. 1-C
NEW YORK, N.Y. 10011

JAMES S. ADAMS
13801 VENTURA BLVD.
SHERMAN OAKS, CA 91423

WILLIAM MICHAELCHECK
620 PARK AVENUE
NEW YORK, N.Y. 10065

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617.20
Appendix B
Short Environmental Assessment Form

Planning Board Meeting

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:

GOGGINS MINOR SUBDIVISION

Project Location (describe, and attach a location map):

135 LABRANCHE ROAD IN TOWN OF AUSTERLITZ

Brief Description of Proposed Action:

124.01 Acres to be divided into two parcels of 112.279 acres and 11.731 acres. The 112.279 acres has an existing driveway, well, septic system and residence. A new residence, well, septic system and driveway is to be installed on the 11.731 acres.

Name of Applicant or Sponsor:

Daniel Russell (on behalf of Walton S. Goggins, Jr)

Telephone: 518-821-2158

E-Mail: drussell@crawfordandassociates.com

Address:

Crawford and Associates - 4411 Route 9, Suite 200

City/PO:

Hudson

State:

NY

Zip Code:

12534

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?

NO YES

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.

☒ ☐

2. Does the proposed action require a permit, approval or funding from any other governmental Agency?

NO YES

If Yes, list agency(s) name and permit or approval:

AUSTELRITZ PLANNING BOARD - SUBDIVISION APPROVAL, COLUMBIA CO. HEALTH DEPT. - SEPTIC APPROVAL

☐ ☒

3.a. Total acreage of the site of the proposed action?

124.01 acres

b. Total acreage to be physically disturbed?

± 0.5 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?

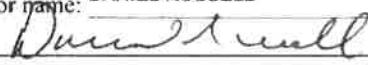
124.01 acres

4. Check all land uses that occur on, adjoining and near the proposed action.

- ☐ Urban ☒ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
☒ Forest ☒ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

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		NO	YES	N/A
5. Is the proposed action,				
a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If the proposed action will exceed requirements, describe design features and technologies: _____				
10. Will the proposed action connect to an existing public/private water supply?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If No, describe method for providing potable water: <u>Proposed New Well</u>				
11. Will the proposed action connect to existing wastewater utilities?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If No, describe method for providing wastewater treatment: <u>Proposed New Septic</u>				
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____				
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 checked="" 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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes,				
a. Will storm water discharges flow to adjacent properties?		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		<input type="checkbox"/> NO	<input type="checkbox"/> YES	
If Yes, briefly describe: _____				

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"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: DANIEL RUSSELL		Date: 04/19/2021
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?"

	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"/>

Reference Material

	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.

<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<div> <div>Name of Lead Agency</div> <div>Date</div> </div>	
<div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>	
<div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div>	

Reference Material

PRINT

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RESET

Planning Board Meeting

Date of conveyance 12/17/2020

Reference Material

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Planning Board Meeting

EXECUTOR'S DEED

THIS INDENTURE, Made the 10th day of December, Two Thousand Twenty

BETWEEN

JOHN VN PHILIP, as Executor of the Estate of ASBJORN R. LUNDE, Deceased, with a mailing address of 260 West 91st Street, Apartment 3A, New York, New York 10024,

party of the first part, and

WALTON SANDERS GOGGINS, JR., as Trustee of the WALTON SANDERS GOGGINS, JR. FAMILY TRUST, with a mailing address of 11812 San Vicente Boulevard, 4th Floor, Los Angeles, California 90049,

party of the second part,

WITNESSETH, that the party of the first part, to whom Letters Testamentary were issued by the Surrogate's Court, Bronx County, New York, on July 15, 2019, and by virtue of the power and authority given by Article 11 of the Estate, Powers and Trusts Law, and in consideration of the sum of ONE MILLION SIX HUNDRED THOUSAND and 00/100 DOLLARS (\$1,600,000.00), lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors, heirs and assigns forever,

ALL that certain tract or parcel of land together with the buildings and improvements thereon situate, lying and being in the Town of Austerlitz, Columbia County, New York, bounded and described as follows:

SEE SCHEDULE "A" ATTACHED

BEING the same premises conveyed to Asbjorn R. Lunde by deed from Birch Hill Farm, Inc. dated December 23, 1980 and recorded January 16, 1981 in the Columbia County Clerk's Office in Liber 553 page 586.

THE SAID Asbjorn R. Lunde having died a resident of Bronx, New York on September 30, 2017 and Letters Testamentary having been issued to John VN Philip by the Bronx County Surrogate's Court on July 15, 2019 under File No. 2017-2565.

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 centerline thereof.

Reference Material

MAY 06 2021

Planning Board Meeting

Fidelity Title Insurance Company

Title Number: **20-SPA2494**

Page 1

SCHEDULE A DESCRIPTION

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Austerlitz, County of Columbia and State of New York, more particularly bounded and described as follows:

BEGINNING at an iron pipe monument set on the westerly side of the public highway known as La Branche Road at the division line between Parcel 5 and Parcel 6 conveyed to Birch Hill Farm, Inc. by Vige E. Juhring by Deed dated July 3, 1968, recorded in the County Clerk's Office of Columbia County on July 10, 1968 in Liber 446 of Deeds at Page 192, at a point approximately 1650 feet distant from the intersection of the westerly side of said La Branche Road with the southerly side of the public highway known as Dugway Road, said point also being approximately 550 feet distant from the Southeast corner of lands, located on the westerly side of said La Branche Road, formerly of Birch Hill Farm, Inc., later of Mallory and now of John P. Coyne and Judith Wederholt;

RUNNING THENCE along the westerly side of said La Branche Road in a generally southerly direction approximately 3,000 feet to an iron pipe monument at the northeast corner of lands now of Weill;

THENCE along a stone wall and said lands now of Weill North 70 degrees 18 minutes West 3 chains 86 links (254.75 feet);

THENCE North 69 degrees 48 minutes West 3 chains 78 links (249.48 feet);

THENCE South 44 degrees 42 minutes West 1 chain 14 links (75.24 feet) to the easterly side of abandoned road now right of way;

THENCE along the easterly line of said road South 16 degrees 48 minutes East 15 links (9.9 feet);

THENCE crossing the same South 86 degrees 48 minutes West 2 chains 10 links (138.6 feet);

THENCE North 45 degrees 48 minutes West 36 links (23.76 feet);

THENCE South 85 degrees 12 minutes West 1 chain 60 links (105.6 feet);

THENCE North 6 degrees 27 minutes East 1 chain 67 links (110.22 feet);

THENCE North 51 degrees 12 minutes East 2 chains 66 links (175.56 feet) to the easterly side of said abandoned road;

THENCE North 41 degrees 48 minutes West 1 chain 75 links (115.5 feet) along same;

THENCE North 28 degrees 18 minutes West 6 chains 60 links (435.6 feet) along same;

THENCE South 79 degrees 12 minutes West 24 links (15.84 feet);

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Fidelity Title Insurance Company

Title Number: **20-SPA2494**

Page 1

SCHEDULE A DESCRIPTION

Updated

ALL that piece or parcel of land with the buildings and other improvements thereon situate in the Town of Austerlitz, Columbia County, New York bounded and described as follows:

BEGINNING at a point marked by an iron rod recovered in the easterly line of La Branche Road, approximately three-tenths (3/10) of a mile south of its intersection with Dugway Road, said point is the southwesterly corner of lands of Kevin and Denise Williamson and is a point of the herein described parcel, all as shown on the below referenced map;

PROCEEDING THENCE along lands of Williamson and partially along a stone wall South 56 degrees 13 minutes 50 seconds East 69.57 feet, South 57 degrees 40 minutes 40 seconds East 141.03 feet, South 53 degrees 47 minutes 00 seconds East 126.68 feet, South 57 degrees 18 minutes 00 seconds East 124.93 feet to an iron pipe recovered, North 78 degrees 08 minutes 50 seconds East 56.96 feet to an iron pipe recovered, North 44 degrees 15 minutes 20 seconds East 112.72 feet, North 45 degrees 01 minutes 00 seconds East 132.25 feet to an iron rod recovered;

THENCE along lands of Eric Dimenstein and Kelly South 34 degrees 18 minutes 40 seconds East 220.61 feet and South 52 degrees 40 minutes 20 seconds East 68.74 feet to an iron pipe recovered;

THENCE along lands of Jonathan and Penny Metsch South 05° degrees 1 minute 00 seconds East 226.27 feet, South 67 degrees 12 minutes 00 seconds East 98.08 feet to a twelve (12) inch birch stump and South 37 degrees 24 minutes 10 seconds East 116.72 feet to a point in a stream;

THENCE along other lands of Asbjorn R. Lunde South 55 degrees 26 minutes 00 seconds West 136.41 feet, North 40 degrees 27 minutes 00 seconds West 179.87 feet to an iron rod recovered in a stonewall, continuing along said stonewall South 33 degrees 57 minutes 40 seconds West 492.79 feet, South 33 degrees 27 minutes 00 seconds West 122.46 feet, South 47 degrees 37 minutes 00 seconds West 234.32 feet, South 47 degrees 58 minutes 30 seconds West 284.07 feet, leaving said stonewall South 13 degrees 59 minutes 20 seconds West 492.70 feet to an iron pipe recovered, North 77 degrees 15 minutes 00 seconds West 460.00 feet to an iron rod set and North 77 degrees 15 minutes 00 seconds West 22.42 feet to the centerline of La Branche Road;

THENCE following La Branche Road the following five (5) courses,

1. South 11 degrees 19 minutes 18 seconds West 128.01 feet,
2. South 06 degrees 16 minutes 05 seconds West 169.92 feet,
3. South 06 degrees 41 minutes 39 seconds West 314.98 feet,
4. thence with a curve turning to the right with an arc length of 282.81 minutes, with a radius of 475.00 minutes and,
5. South 40 degrees 48 minutes 27 seconds West 47.39 feet;

THENCE along lands of James S. Adams partially along stone wall North 69 degrees 10 minutes 30 seconds West 30.98 feet to an iron rod recovered, North 69 degrees 10 minutes 30 seconds West 195.19 feet, North 66 degrees 40 minutes 36 seconds West 63.32 feet, North 69 degrees 38 minutes 27 seconds West 55.08 feet, North 67 degrees 34 minutes 34 seconds West 160.21 feet

Fidelity Title Insurance Company

Title Number: **20-SPA2494**

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to an iron pipe recovered, South 46 degrees 26 minutes 01 seconds West 76.26 feet to an iron pipe recovered, South 15 degrees 03 minutes 59 seconds East 9.90 feet and South 88 degrees 32 minutes 01 seconds West 16.68 feet;

THENCE along lands of William Michaelcheck, partially along stone wall and fence North 06 degrees 25 minutes 09 seconds East 18.49 feet, North 14 degrees 22 minutes 35 seconds West 120.38 feet, North 19 degrees 05 minutes 35 seconds West 42.16 feet, North 31 degrees 15 minutes 17 seconds West 30.50 feet, North 37 degrees 36 minutes 34 seconds West 52.15 feet to an iron pipe recovered, North 39 degrees 42 minutes 34 seconds West 102.35 feet to an iron pipe recovered, North 31 degrees 57 minutes 08 seconds West 132.56 feet, North 22 degrees 22 minutes 00 seconds West 82.26 feet, North 25 degrees 35 minutes 22 seconds West 220.34 feet to an iron pipe recovered in a stonewall, South 80 degrees 38 minutes 44 seconds West 15.84 feet, North 14 degrees 14 minutes 02 seconds West 505.39 feet to an iron rod recovered, North 01 degrees 38 minutes 42 seconds East 496.14 feet, North 00 degrees 02 minutes 41 seconds West 159.23 feet, North 04 degrees 28 minutes 32 seconds East 122.30 feet, North 02 degrees 05 minutes 41 seconds East 428.00 feet, North 02 degrees 48 minutes 22 seconds East 416.17 feet, North 01 degrees 10 minutes 03 seconds East 206.30 feet to an iron pipe recovered in a stonewall;

THENCE along lands of Richard and Gillian Watt South 80 degrees 48 minutes 30 seconds East 957.01 feet to an iron rod recovered;

THENCE along lands of Matthew Papas and partially along stone wall South 59 degrees 41 minutes 39 seconds East 221.67 feet, South 55 degrees 14 minutes 29 seconds East 65.20 feet, South 66 degrees 00 minutes 19 seconds East 50.79 feet, South 58 degrees 45 minutes 39 seconds East 146.36 feet, South 56 degrees 56 minutes 39 seconds East 136.01 feet, South 59 degrees 51 minutes 49 seconds East 78.51 feet, South 60 degrees 10 minutes 09 seconds East 101.46 feet to an iron rod recovered and South 60 degrees 10 minutes 09 seconds East 30.52 feet to the centerline of La Branche Road;

THENCE the following two (2) courses along said road,

1. South 28 degrees 43 minutes 00 seconds West 85.79 feet,
2. South 24 degrees 11 minutes 44 seconds West 85.10 feet;

THENCE South 56 degrees 13 minutes 50 seconds East 14.31 feet to the point of beginning.

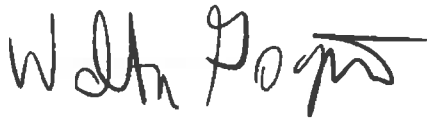
CONTAINING 124.01 acres of land as shown on a map entitled: "Survey of Property of Asbjorn R. Lunde to be conveyed to Walton Sanders Goggins, Jr as Trustee of the Walton Sanders Goggins, Jr. Family Trust, Town of Austerlitz, Columbia County, New York" said map was prepared by Daniel J. Russell, LS and is dated November 4, 2020.

For Information Only: 135 La Branche Road, Austerlitz, NY

TO THE MEMBERS OF THE TOWN OF AUSTERLITZ PLANNING BOARD:

**THIS LETTER IS TO AUTHORIZE DANIEL J. RUSSELL, LAND SURVEYOR
TO APPEAR BEFORE THE AUSTERLITZ PLANNING BOARD ON MY
BEHALF IN CONNECTION WITH A SUBDIVISION OF MY PROPERTY
LOCATED AT 135 LABRANCHE ROAD AS SHOWN ON SURVEY MAPS
BEING PRESENTED TO THE BOARD DATED MARCH 25, 2021.**

SINCERELY,

A handwritten signature in black ink, appearing to read "Walton Sanders Goggins, Jr.", with a stylized flourish at the end.

**WALTON SANDERS GOGGINS, JR., TRUSTEE OF THE WALTON SANDERS
GOGGINS, JR. FAMILY TRUST**

DATED APRIL 19, 2021

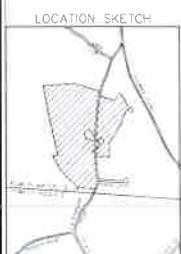
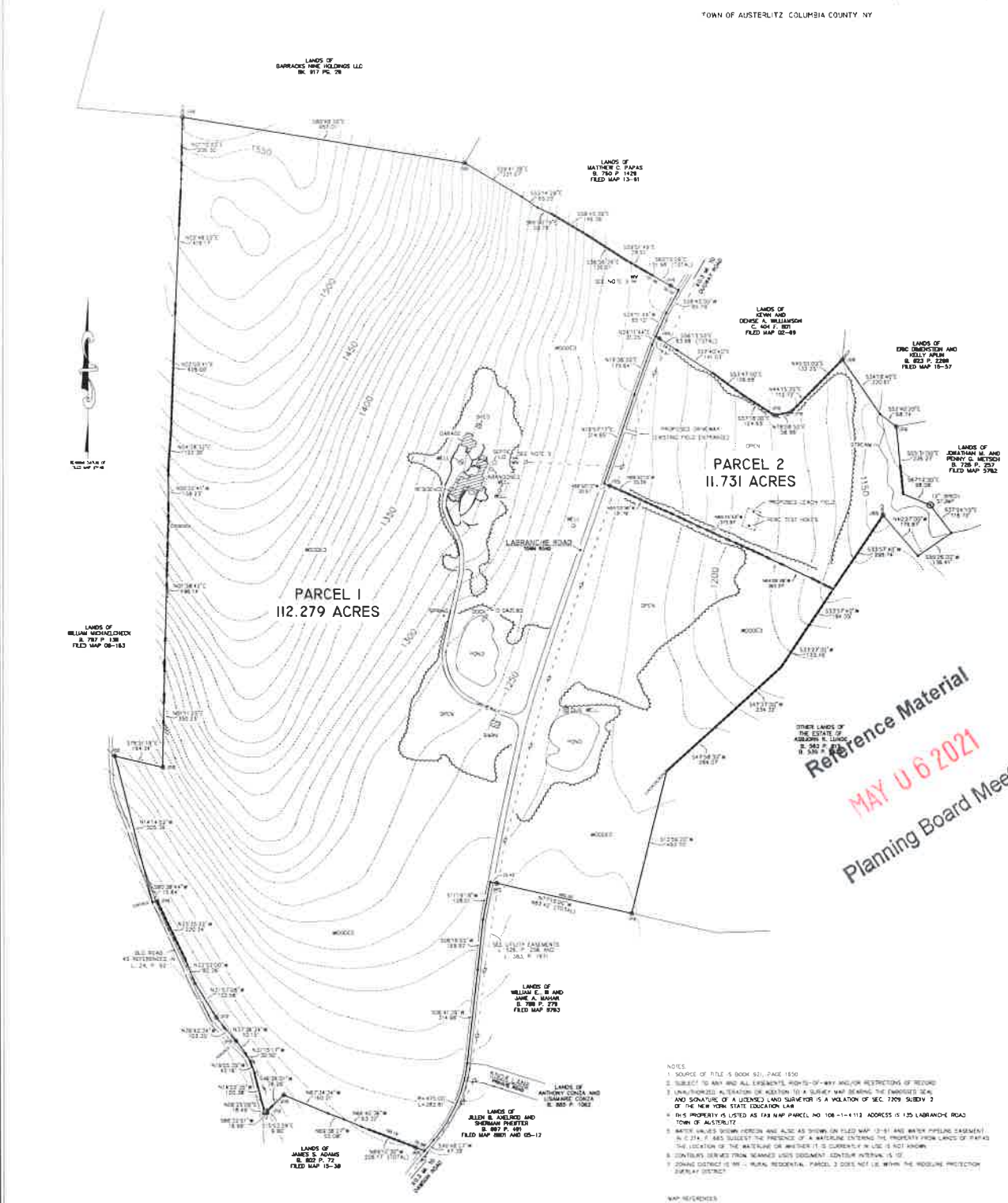
Reference Material

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Planning Board Meeting

SUBDIVISION OF PROPERTY OF
WALTON SANDERS GOGGINS, JR.,
 TRUSTEE OF THE WALTON SANDERS GOGGINS, JR. FAMILY TRUST
 TOWN OF AUSTERLITZ, COLUMBIA COUNTY, NY

0.15	ONE FIVE SIX
0.14	ONE FOUR FIVE
0.13	ONE THREE FOUR
0.12	ONE TWO THREE
0.11	ONE ONE TWO
0.10	ONE ZERO ONE
0.09	ONE ZERO ZERO
0.08	ONE ZERO ZERO
0.07	ONE ZERO ZERO
0.06	ONE ZERO ZERO
0.05	ONE ZERO ZERO
0.04	ONE ZERO ZERO
0.03	ONE ZERO ZERO
0.02	ONE ZERO ZERO
0.01	ONE ZERO ZERO



- NOTES:
1. SOURCE OF TITLE: 3 BOOK 301, PAGE 1550
 2. SUBJECT TO ANY AND ALL EXISTING RIGHTS-OF-WAY AND/OR RESTRICTIONS OF RECORD
 3. UNAUTHORIZED ALTERATIONS OR ADDITIONS TO A SURVEY MAP BEARING THE SURVEYOR'S SEAL AND SIGNATURE OF A LICENSED LAND SURVEYOR IS A VIOLATION OF SEC. 7209 SUBDIV 2 OF THE NEW YORK STATE EDUCATION LAW
 4. THIS PROPERTY IS LISTED AS TAX MAP PARCEL NO. 106-1-1-113 ADDRESS IS 125 LABRANCHE ROAD TOWN OF AUUSTERLITZ
 5. WATER VALUES SHOWN HEREON ARE ALSO AS SHOWN ON FILED MAP 13-81 AND WATER PIPELINE SEGMENT IN 2.114. IT IS SUGGESTED THE PRESENCE OF A WATERLINE ENTERING THE PROPERTY FROM LANDS OF PARCEL 2, THE LOCATION OF THE WATERLINE OR WHETHER IT IS CURRENTLY IN USE IS NOT KNOWN
 6. CONTIGUOUS BORDERS FROM RECORDED LOTS DOCUMENT IDENTICAL INTERVIEW: 15-107
 7. ZONING DISTRICT IS RM - RURAL RESIDENTIAL. PARCEL 3 DOES NOT LIE WITHIN THE REGULATORY PROTECTION ZONING DISTRICT
- MAP REFERENCES:
1. "SURVEY OF PROPERTY OF BROWN HILL FARM, INC. TOWN OF AUUSTERLITZ, COUNTY OF COLUMBIA, STATE OF NEW YORK" PREPARED BY RANDOLPH W. LABRANCHE, DATED DECEMBER 22, 1980 AND FILED IN THE COLUMBIA COUNTY CLERK'S OFFICE AS FILED MAP NUMBER 7148
 2. "SURVEY OF PROPERTY OF RICHARD W. WATTS AND FRANKIE WATTS TO BE CONVEYED TO MATTHEW C. PAPAS, TOWN OF AUUSTERLITZ, COLUMBIA COUNTY, NEW YORK" PREPARED BY DANIEL J. RUSSELL, LAST REVISED MARCH 22, 2013 AND FILED IN THE COLUMBIA COUNTY CLERK'S OFFICE AS FILED MAP NUMBER 13-81
 3. "SURVEY OF PROPERTY OF RICHARD W. WATTS AND OLIVIA W. WATTS, TOWN OF AUUSTERLITZ, COLUMBIA COUNTY, NEW YORK" PREPARED BY DANIEL J. RUSSELL, DATED OCTOBER 22
 4. "PROPOSED BOUNDARY LINE ADJUSTMENTS BETWEEN LANDS OF PETER AND OLIVIE GREEN AND ALBION R. LINDSEY, TOWNS OF AUUSTERLITZ AND AUUSTERLITZ, COLUMBIA COUNTY, NEW YORK" PREPARED BY ALVIN B. HARKINS, LAST REVISED JUNE 3, 2013 AND FILED IN THE COLUMBIA COUNTY CLERK'S OFFICE AS FILED MAP NUMBER 13-163
 5. "PROPERTY OF J. L. SOUVEREIGN AND SUSAN LEMMAN TOWNS OF AUUSTERLITZ AND AUUSTERLITZ, COLUMBIA COUNTY, NEW YORK" PREPARED BY PAUL P. WATSON, DATED MARCH 1, 2017 AND FILED IN THE COLUMBIA COUNTY CLERK'S OFFICE AS FILED MAP NUMBER 17-038
 6. "MAP OF TOWN STATE TOWNS OF AUUSTERLITZ AND AUUSTERLITZ, COLUMBIA COUNTY, NEW YORK SOLD BY GEORGE J. CHASE TO MR. SANDERS" PREPARED BY LINDSEY LADY, DATED FEBRUARY 1915 AND FILED IN THE COLUMBIA COUNTY CLERK'S OFFICE IN MAP BOOK 1, PAGES 24 AND 25

SURVEY BY:
 DANIEL J. RUSSELL, PLS
 PLY LICENSE NUMBER 050638
 FOR ALVIN B. HARKINS, PROFESSIONAL LAND SURVEYOR
 A DIVISION OF GARDNER & ASSOCIATES ENGINEERING, P.C.
 4411 ROUTE 9, SUITE 200, HADDON, NEW YORK 12534
 TELEPHONE: (518) 828-2700
 DATED: MARCH 25, 2021

Reference Material
 MAY 16 2021
 Planning Board Meeting

PL-2021-05

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

Reference Material
MAY 06 2021
Planning Board Meeting

Application Date: 04/21/2021

Applicant: (Property Owner)

Name: Roberta B. Davis Email: abi66@protonmail.com
Street Address: 131 Schoolhouse Rd Mailing Address: _____
City: Ghent State: NY Zip: 12075 Phone Number: 518-653-6272

Representative: (If Any)

Name: Daniel Russell Email: drussell@crawfordandassociates.com
Phone Number: 518-828-2700 ext 1150

Surveyor or Engineer:

Name: Daniel Russell
Phone Number: 518-821-2158 License Number: 050639

Tax Map Number: 105.-1-3

Property Location: (Brief Description of Location)

Both sides of Schoolhouse Road
at intersection with Taylor Hollow Road (partly in Town of Hillsdale)

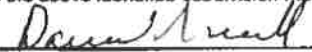
Names of Abutting Property Owners:

Please see attached sheet

Easements or Restriction:

Easement over former Stagecoach Road for Unwin

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

Signature: 

Title: Owner's representative

Date: 04/21/2021

FOR OFFICE USE ONLY
SUBMISSION DATES and APPROVALS

Project ID _____

Applic, Fees &
Preliminary

Public
Hearing

SEORA
Determination

Final
Approval

Roberta B. Davis - ADJOINING OWNERS

BUENAVISTA MOUNTAIN LLC
23 Old Kings Highway S., Apt. 200
Darien, CT 06820

HANSEL AND ROSEMARY SCHOBER
187 SCHOOLHOUSE RD.
GHENT NY 12075

CHRIS AND JENNIFER SCHOBER
59 TAYLOR HOLLOW ROAD
GHENT NY 12075

HEIDI M. UNKIN
16 TAYLOR HOLLOW RD.
GHENT NY 12075

JOHN AND GIANNOULA HALOULAKOS
558 COUNTY ROUTE 21
HILLSDALE NY 12529

JOAN M. SIMARD
PO BOX 319, PHILMONT NY 12565

Reference Material
MAY 06 2021
Planning Board Meeting

617.20
Appendix B
Short Environmental Assessment Form

Reference Material

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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																		
ROBERTA DAVIS SUBDIVISION																		
Name of Action or Project: ROBERTA DAVIS SUBDIVISION																		
Project Location (describe, and attach a location map): 131 SCHOOLHOUSE ROAD NEAR TAYLOR HOLLOW ROAD (PARTLY IN TOWN OF HILLSDALE)																		
Brief Description of Proposed Action: 116.887 ACRES TO BE DIVIDED INTO TWO PARCELS OF 33.112 ACRES AND 83.775 ACRES																		
Name of Applicant or Sponsor: DANIEL RUSSELL ON BEHALF OF ROBERTA B. DAVIS		Telephone: 518-828-2700 EXT 1150 E-Mail: drussell@crawfordandassociates.com																
Address: 4411 ROUTE 9, SUITE 200																		
City/PO: HUDSON		State: NY	Zip Code: 12534															
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.			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="text-align: center;">NO</td><td style="text-align: center;">YES</td></tr><tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr></table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<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: HILLSDALE AND AUSTERLITZ PLANNING BOARDS FOR SUBDIVISION APPROVAL			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="text-align: center;">NO</td><td style="text-align: center;">YES</td></tr><tr><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr></table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
NO	YES																	
<input type="checkbox"/>	<input checked="" type="checkbox"/>																	
3.a. Total acreage of the site of the proposed action? 116.887 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? 116.887 acres																		
4. Check all land uses that occur on, adjoining and near the proposed action. <table style="width: 100%;"><tr><td><input type="checkbox"/> Urban</td><td><input checked="" type="checkbox"/> Rural (non-agriculture)</td><td><input type="checkbox"/> Industrial</td><td><input type="checkbox"/> Commercial</td><td><input checked="" type="checkbox"/> Residential (suburban)</td></tr><tr><td><input checked="" type="checkbox"/> Forest</td><td><input checked="" type="checkbox"/> Agriculture</td><td><input type="checkbox"/> Aquatic</td><td colspan="2"><input type="checkbox"/> Other (specify): _____</td></tr><tr><td><input type="checkbox"/> Parkland</td><td colspan="4"></td></tr></table>				<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 checked="" type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____		<input type="checkbox"/> Parkland				
<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 checked="" type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____															
<input type="checkbox"/> Parkland																		

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5. Is the proposed action, a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 checked="" 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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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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"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: DANIEL J RUSSELL		Date: 04/21/2021
Signature: <i>Daniel J Russell</i>		

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 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:	<input type="checkbox"/>	<input type="checkbox"/>
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.

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<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<div> <div>Name of Lead Agency</div> <div>Date</div> </div>	
<div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>	
<div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div>	

PRINT

RESET

Reference Material

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Planning Board Meeting

Executor's Deed

AUSTERLITZ HILLSDALE
105.-1-3 + 105.-1-5

SUBJECT

This Indenture, made the 8th day of May, in the year Two Thousand and Fifteen

Between

ROBERTA B. DAVIS, having an address of 131 Schoolhouse Road, Ghent, New York 12075, Individually and as Executrix of the Estate of Baruch J. Davis a/k/a Baruch Joel Davis, late of the Town of Ghent, Columbia County, New York, deceased,

party of the first part, and

ROBERTA B. DAVIS, having an address of 131 Schoolhouse Road, Ghent, New York 12075,

party of the second part,

Witnesseth, that the party of the first part, by virtue of the power and authority to her given in and by the said Last Will and Testament, and in consideration of --- ZERO and 00/100ths Dollars --- (\$0.00) --- lawful money of the United States, actual consideration, paid by the party of the second part, does hereby grant and release unto the party of the second part, her heirs, grantees and assigns forever,

ALL those certain tracts or parcels of land, together with the buildings and improvements thereon, situate, lying and being in the Towns of Austerlitz and Hillsdale, County of Columbia, State of New York is bounded and described as follows:

WEST PARCEL - (with buildings and improvements erected thereon)

BEGINNING at a point in the center line of the Town Road known as Schoolhouse Road, which point marks the southerly most corner of the herein described parcel, the southeasterly corner of lands now or formerly of the Estate of Wallace C. Rudd and said point also being distant approximately 0.35 mile northeasterly of the center line of Schoolhouse Road with the center line of Columbia County Route #21. Proceeding thence along lands now or formerly of the Estate of Wallace C. Rudd N18-29-15W 30.24 feet to an iron rod set, N18-29-15W 346.39 feet to an iron rod set, N18-24-26W 303.49 feet to an iron rod set, S86-11-28W 279.47 feet to an iron rod set (the previous two (2) courses and distances being generally along a stone wall), N13-16-11W 237.02 feet to an iron rod set, N06-17-34W 374.06 feet to an iron rod set, N77-27-53E 271.46 feet to an iron rod set, N85-50-08E 413.80 feet to an iron rod set, N04-42-26W 578.95 feet to an iron rod set in a stone wall and N22-13-00W along said stone wall 81.40 feet to an iron rod set in a stone wall intersection, said iron rod set marks northwesterly corner of the herein described

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parcel and the southwesterly corner of lands now or formerly of Hansel H. & Rosemarie T. Schober. Proceeding thence along lands now or formerly of Hansel H. & Rosemarie T. Schober and along a stone wall N69-53-35E 59.25 feet, N65-03-02E 78.89 feet, N74-14-52E 86.76 feet, N67-17-48E 41.38 feet, N80-25-48E 49.99 feet, N73-33-08E 47.90 feet, N79-29-51E 162.68 feet, N87-07-04E 208.32 feet, S84-06-13E 33.01 feet, S76-31-26E 87.72 feet, S88-44-48E 85.59 feet, N85-51-33E crossing a brook 179.92 feet, S84-59-16E 281.12 feet to an iron pipe found and S84-59-16E 21.50 feet to a point in the center line of said Schoolhouse Road, said point marks the northeasterly corner of the herein described parcel. Proceeding thence along the center line of Schoolhouse Road S20-52-05W 45.31 feet, S16-14-20W 120.59 feet, S08-58-00W 96.93 feet, S03-03-00E 241.92 feet, on a curve to the right and tangent to the previous course having a radius of 175.00 feet for a length of 109.04 feet, S32-39-00W 117.28 feet, S29-29-35W 147.79 feet, S25-31-55W 351.68 feet, S27-43-56W 200.23 feet, S32-19-10W 372.11 feet, S33-40-56W 109.61 feet, S38-18-12W 85.36 feet, S44-14-00W 120.75 feet, on a curve to the right and tangent to the previous course having a radius of 300.00 feet for a length of 186.14 feet, S79-47-00W 73.31 feet, S76-37-38W 146.50 feet to a point where said center line of Schoolhouse Road passes over a culvert and brook, continuing thence along said center line of Schoolhouse Road S70-23-25W 80.32 feet, S64-56-27W 93.25 feet and S62-00-19W 14.59 feet to the point and place of beginning.

CONTAINING 57.497 acres of land (15.489 acres lying within the Town of Hillsdale and 42.008 acres lying within the Town of Austerlitz) all as shown the hereinafter referenced survey map.

EAST PARCEL - (vacant land)

BEGINNING at a point in the center line of the Town Road known as Schoolhouse Road, which point is the northeasterly corner of the West Parcel, above described and the southeasterly corner of lands now or formerly of Hansel H. & Rosemarie T. Schober. Proceeding thence along the center line of said Schoolhouse Road N20-52-05E 29.00 feet to a point, said point being the northwesterly corner of the herein described parcel. Proceeding thence along lands now or formerly of Hansel H. & Rosemarie Schober and along a wire fence S63-41-46E 25.47 feet to an iron rod set, S63-41-46E 47.93 feet to an 18" cherry, S79-44-11E 54.06 feet, S86-55-44E 48.59 feet, N79-40-05E 25.48 feet, N78-46-12E 52.26 feet and S71-13-39E 15.14 feet to an iron rod set; continuing thence along lands now or formerly of said Schober and along a stone wall S02-08-50W 23.81 feet, S10-11-01E 66.00 feet, S03-25-55E 66.46 feet, S05-09-49E 109.32 feet, S08-38-51E 89.02 feet and S13-34-27E 31.43 feet; continuing thence along lands now or formerly of Schober and along a line of no physical bounds S03-44-03E 186.97 feet to an iron rod set in stones, S03-44-03E 45.70 feet to a point in the center line of the Town Road known as Taylor Hollow Road. Proceeding thence along the center line of said Taylor Hollow Road S27-22-14W 22.85 feet; continuing thence along lands now or formerly of Schober S14-01-23E 66.03 feet to a 60d nail set in the west base of a 10" basswood and S24-15-32E along a stone wall 71.67 feet to an iron rod found.

Proceeding thence along lands now or formerly of Peter W. & Heidi M. Gabel and along a stone wall S18-28-13E 43.77 feet, S12-36-13E 90.34 feet, S06-07-34E 63.57 feet, S01-34-12W 50.85 feet and S03-49-30E 122.36 feet to an iron rod found. Proceeding thence along lands now or formerly of Hans H. & Rosemarie T. Schober S01-46-58E 76.60 feet, S03-16-57W 216.82 feet to an iron rod found (the previous two (2) courses and distances being partly along a stone wall); continuing thence along lands now or formerly of said Schober an along a line of no physical bounds S75-52-39E crossing a brook 567.60 feet to an iron rod set and S23-07-39E 465.30 feet to an iron rod found. Proceeding thence along lands now or formerly of John & Giannoula Haloulakos and along a line of no physical bounds S23-07-39E 182.40 feet to an iron rod found, said iron rod found marks the most easterly corner of the herein described parcel and N86-48-02W 512.59 feet to an iron rod set. Proceeding thence along lands formerly of Rebecca Heydenberk N86-51-52W 155.55 feet to the beginning of a stone wall; continuing thence along lands formerly of Heydenberk and along a stone wall N87-53-58W 107.41 feet, N85-12-14W 83.37 feet, N88-42-49W 35.05 feet to the end of said stone wall; continuing thence along lands formerly of Heydenberk N86-28-41W 186.23 feet to an iron rod found in a stone wall; continuing thence along lands formerly of Heydenberk and along a stone wall S07-47-38W 233.68 feet, S01-10-55W 77.78 feet, S10-26-15W 68.23 feet, S01-12-29E 61.85 feet and S04-09-33W crossing a brook 131.04 feet to an iron rod found. Proceeding thence along lands now or formerly of George C. Simard and along a stone wall S00-11-43W 30.19 feet, S14-47-43W 134.74 feet to an iron rod found, said iron rod found marks the most southerly corner of the herein described parcel; N60-37-51W 311.43 feet, N63-04-41W 168.84 feet to an iron rod found and N76-58-00W 59.71 feet to a point at the end of the stone wall. Proceeding thence along lands now or formerly of the Estate of Wallace C. Rudd and along a line of no physical bounds N62-29-17W 526.04 feet to an iron rod set, N61-02-17W 519.70 feet to an iron rod found and N61-02-17W 35.91 feet to a point in the center line of said Schoolhouse Road, said point being the westerly most corner of the herein described parcel and said point bears N62-00-19E from and 14.59 feet distant from the point of beginning of the West Parcel, above described. Proceeding thence along the center line of said Schoolhouse Road N64-56-27E 93.25 feet, N70-23-25E 80.32 feet to a point where said center line of Schoolhouse Road passes over a culvert and brook, N76-37-38E 146.50 feet, N79-47-00E 73.31 feet, on a curve to the left and tangent to the previous course having a radius of 300.00 feet for a length of 186.14 feet, N44-14-00E 120.75 feet, N38-18-12E 85.36 feet, N33-40-56E 109.61 feet, N32-19-10E 372.11 feet, N27-43-56E 200.23 feet, N25-31-55E 351.68 feet, N29-29-35E 147.79 feet, N32-39-00E 117.28 feet, on a curve to the left and tangent to the previous course having a radius of 175.00 feet for a length of 109.04 feet, N03-03-00W 241.92 feet, N08-58-00E 96.93 feet, N16-14-20E 120.59 feet and N20-52-05E 45.31 feet to the point and place of beginning.

CONTAINING 59.390 acres of land (15.656 acres lying within the Town of Austerlitz and 43.734 acres lying within the Town of Hillsdale) all as shown on the hereinafter referenced survey map.

THE above described west and east parcels containing a total of 116.887 acres and being shown on a certain survey map entitled "Property of Baruch J. Davis and Roberta B. Davis, Towns of Austerlitz and Hillsdale, Columbia County, New York" prepared by James Tomaso, NYPLS No. 049826, dated April 9, 2005 and filed in the Columbia County Clerk's Office on May 3, 2006 as Map No. 06-124.

BEING the same premises conveyed by Baruch J. Davis and Roberta B. Davis to Baruch J. Davis and Roberta D. Davis as Tenants in Common by Deed dated November 5, 1999 and recorded in the Columbia County Clerk's Office on November 5, 1999 in Book 348 of Deeds, at Page 1076. Said Baruch J. Davis died a resident of Columbia County, New York on March 8, 2008, leaving a Last Will and Testament that was duly admitted to probate in the Columbia County Surrogate's Court on April 30, 2015 thereby appointing Roberta B. Davis as Executrix of his estate.

SUBJECT TO a Boundary Line Agreement dated April 20, 2006 and recorded in the Columbia County Clerk's Office on May 3, 2006 in Book 575 of Official Records at Page 946.

TOGETHER with all right, title and interest of the Grantors in and to and to the use of any public highway or thoroughfare abutting or running through the premises, to the centerline thereof, subject however, to the rights of the public in and to and to the use of the same.

TOGETHER WITH AND SUBJECT to covenants, restrictions, easements and rights-of-way of record, if any, to the extent that the same may affect the premises herein described.

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April 5, 2021

AND AUSTERLITZ

TO THE HILLSDALE ~~PLANNING~~ BOARD:

BY THIS LETTER I HEREBY GIVE DANIEL J. RUSSELL, LAND SURVEYOR
PERMISSION TO REPRESENT ME IN FRONT OF THE HILLSDALE *AND AUSTERLITZ*
PLANNING BOARD FOR A SUBDIVISION OF MY PROPERTY AT 131
SCHOOLHOUSE ROAD (HILLSDALE TAX MAP PARCEL 105.-1-5).

(AUSTERLITZ " " " 105.-1-3)

Sincerely,

Roberta B Davis

ROBERTA B. DAVIS

Reference Material

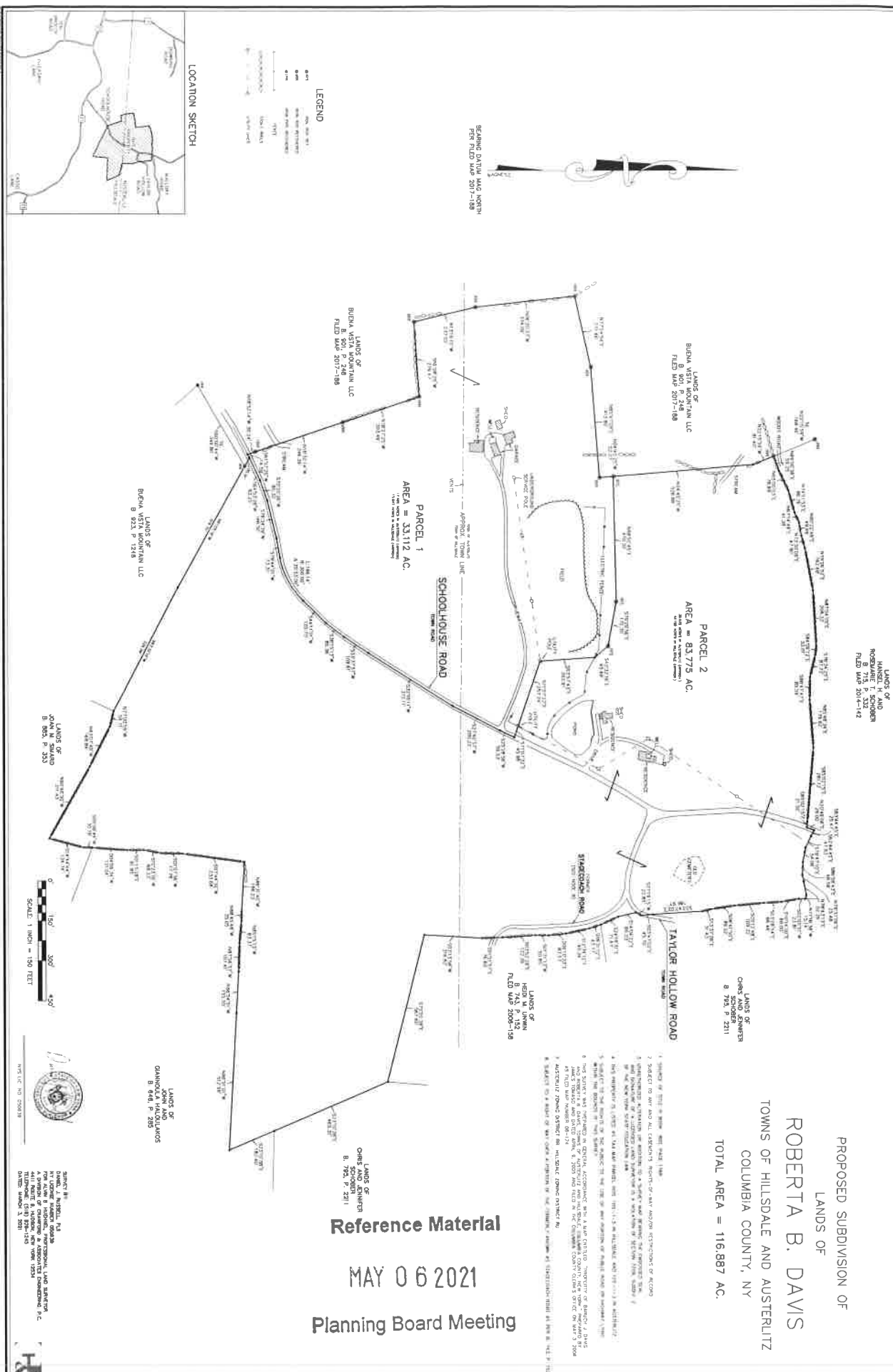
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LANDS OF

COLUMBIA COUNTY, NY

TOTAL AREA = 116.887 AC.



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PL-2021-06

Kevin B. Thiemann
Attorney at Law
Admitted in New York and Connecticut

One Hudson City Centre Suite 304
Hudson, New York 12534

Tel. (518) 755-6227

kbtmann@yahoo.com

April 28, 2021

VIA E-MAIL TRANSMISSION

Lee Tilden, Chairman
Austerlitz Planning Board
P.O. Box 238
Spencertown, NY 12165

Reference Material

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Planning Board Meeting

Re: Michael Colton
63 Norton Road, Austerlitz, New York

Dear Mr. Tilden:

I am assisting Michael Colton with the proposed sale of a portion of his property located at 63 Norton Road, in Austerlitz, New York.

As shown on the enclosed copy of a subdivision map, the subject property consist of four (4) parcels which have been previously approved by the Austerlitz Planning Board [Tax Map Id. No. 69.-1-5.100] and a separate 45 acre parcel [Tax Map Id. No. 69.-1-10]. Access to the properties is provided by means of a driveway, which borders Lots 3 and 4, runs through the 45 acre parcel, and provides access to Lots 1 and 2. The subject driveway is highlighted on the enclosed map.

Mr. Colton wishes to sell Lot No. 1, retaining ownership of Lots 2,3,4 and the 45 acre parcel. Mr. Colton would also like to convey the subject driveway with the sale of Lot No. 1, retaining access to the remaining properties by means of an easement agreement. In this matter, Mr. Colton would avoid liability for travel over the driveway and responsibility for its maintenance.

Our question is whether the Town of Austerlitz would allow this transfer to be made 1) by means of a lot-line adjustment between the various parcels, with the driveway being consolidated with Lot No. 1, or 2) by means of a minor subdivision, which would approve the driveway as a separate lot which would then be combined with Lot No. 1.

Austerlitz Planning Board/Colton
April 26, 2021
Page 2

We would appreciate the Austerlitz Planning Board's guidance on what course of action would be most acceptable. We would also respectfully request that this matter be added to the agenda of the May Planning Board meeting for discussion purposes.

Please let me know if you need any additional information.

Very truly yours,



Kevin B. Thiemann

Enc.

Reference Material
MAY 06 2021
Planning Board Meeting

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

Reference Material

MAY 06 2021

Planning Board Meeting

Application Date: 04,28,2021

Applicant: (Property Owner)

Name: Michael Colton Email: macolton@michaelacoltonpc.com
Street Address: 63 Norton Road Mailing Address: _____
City: Austerlitz State: NY Zip: 12017 Phone Number: 518-392-2789

Representative: (If Any)

Name: Kevin B. Thiemann Email: kbtmann@yahoo.com
Phone Number: 518-755-6227

Surveyor or Engineer:

Name: _____
Phone Number: _____ License Number: _____

Tax Map Number: 69.-1-5.100; 69.-1-10

Property Location: (Brief Description of Location)

See attached letter of explanation

Names of Abutting Property Owners:

None

Easements or Restriction:

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

Signature: _____

Title: council

Date: April 28, 2021

FOR OFFICE USE ONLY

Project ID: _____

SUBMISSION DATES and APPROVALS

Applic. Fees &
Preliminary

Public
Hearing

SEORA
Determination

Final
Approval

617.20
Appendix B
Short Environmental Assessment Form

Reference Material

MAY 06 2021

Planning Board Meeting

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																		
Michael A. Colton																		
Name of Action or Project: Lot line adjustment or minor subdivision creating one (1) new lot																		
Project Location (describe, and attach a location map): 63 Norton Road																		
Brief Description of Proposed Action: Lot line adjustment transferring driveway shown on attached map from Lots 2, 3, 4 and adjoining 45 acre parcel and combining driveway with Lot 1, or subdivision of driveway from adjoining lots to be then combined with Lot 1.																		
Name of Applicant or Sponsor: Michael A. Colton		Telephone: 518-392-2789																
		E-Mail: macolton@michaelacoltonpc.com																
Address: 63 Norton Road																		
City/PO: Austerlitz		State: NY	Zip Code: 12017															
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.			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; text-align: center;">NO</td><td style="width: 50%; text-align: center;">YES</td></tr><tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr></table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<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:			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; text-align: center;">NO</td><td style="width: 50%; text-align: center;">YES</td></tr><tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr></table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
3.a. Total acreage of the site of the proposed action? 4.5 +/- acres																		
b. Total acreage to be physically disturbed? _____ acres																		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres																		
4. Check all land uses that occur on, adjoining and near the proposed action. <table style="width: 100%;"><tr><td><input type="checkbox"/> Urban</td><td><input checked="" type="checkbox"/> Rural (non-agriculture)</td><td><input type="checkbox"/> Industrial</td><td><input type="checkbox"/> Commercial</td><td><input type="checkbox"/> Residential (suburban)</td></tr><tr><td><input type="checkbox"/> Forest</td><td><input type="checkbox"/> Agriculture</td><td><input type="checkbox"/> Aquatic</td><td colspan="2"><input type="checkbox"/> Other (specify): _____</td></tr><tr><td><input type="checkbox"/> Parkland</td><td colspan="4"></td></tr></table>				<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential (suburban)	<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____		<input type="checkbox"/> Parkland				
<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential (suburban)														
<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____															
<input type="checkbox"/> Parkland																		

Reference Material

		NO	YES	N/A
5. Is the proposed action,				
a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?			<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: _____			NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?			<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____			<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/> Forest <input 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
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,			NO	YES
a. Will storm water discharges flow to adjacent properties?		<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____		<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		

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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: _____

Planning Board Meeting

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: _____

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: _____

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Michael A. Cotton Date: April 28, 2021

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?"

	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

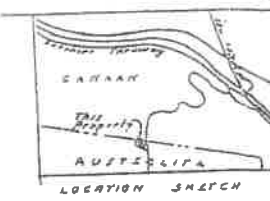
MAY 06 2021

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<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<div> <div>Name of Lead Agency</div> <div>Date</div> </div>	
<div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>	
<div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div>	

PRINT

RESET



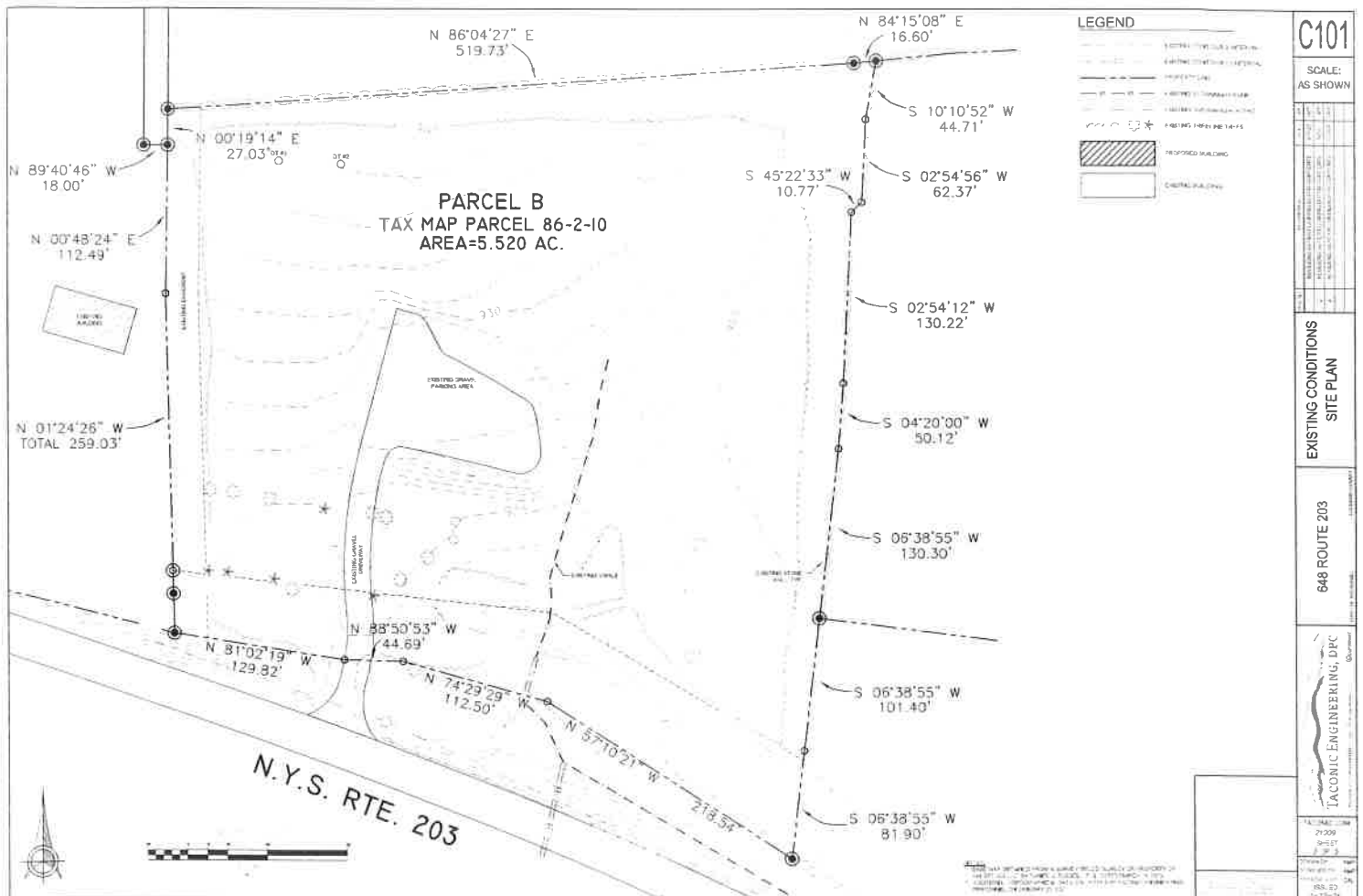
PROPOSED SUBDIVISION
PORTION OF LANDS OF
MICHAEL A. COLTON
Towns of Austerlitz & Condon, Col. Co., N.Y.

PL-2021-01

MAY 06 2021
Planning Board Meeting

7:009
WEST
OF 1

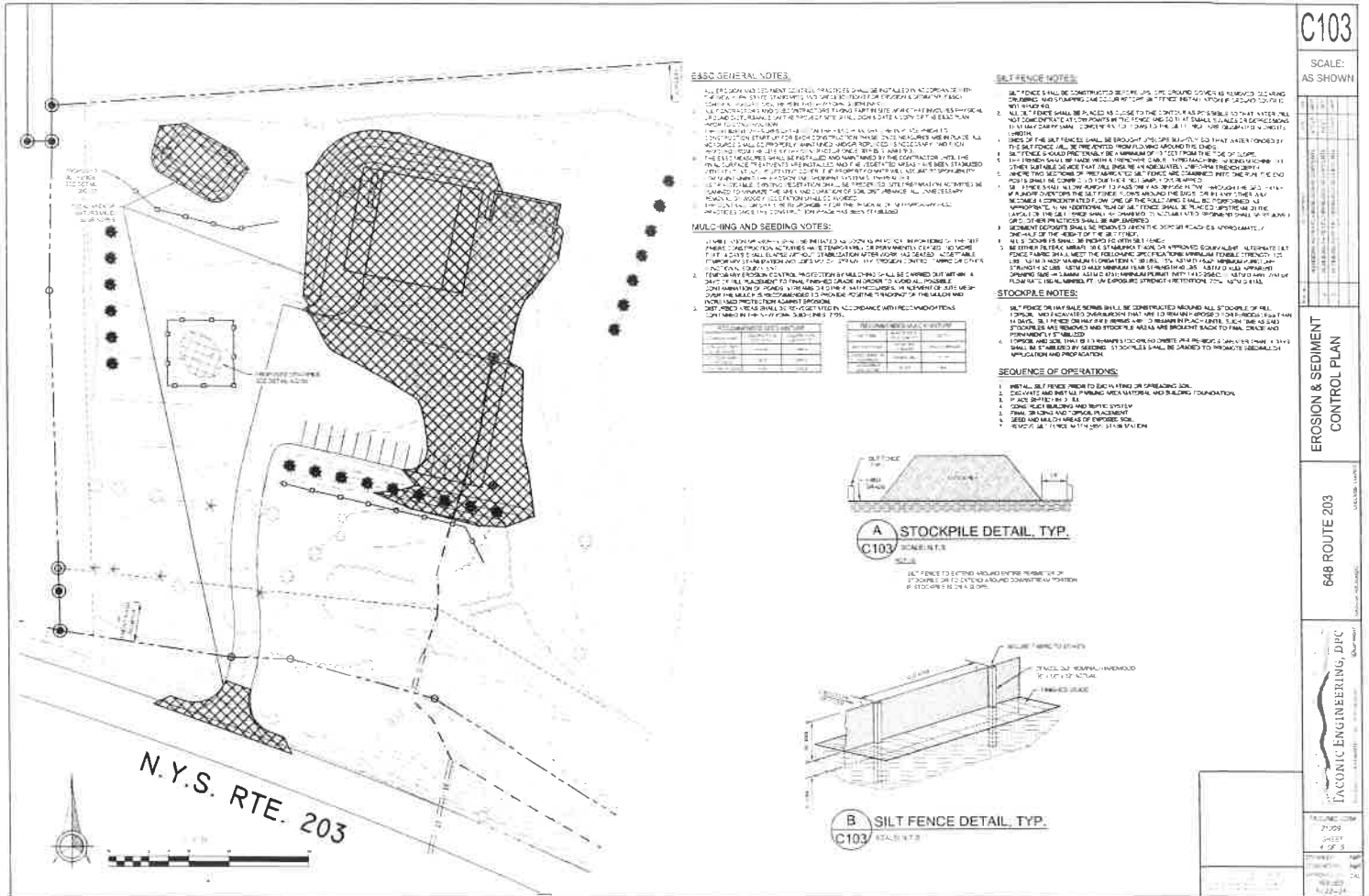
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Reference Material

MAY 06 2021

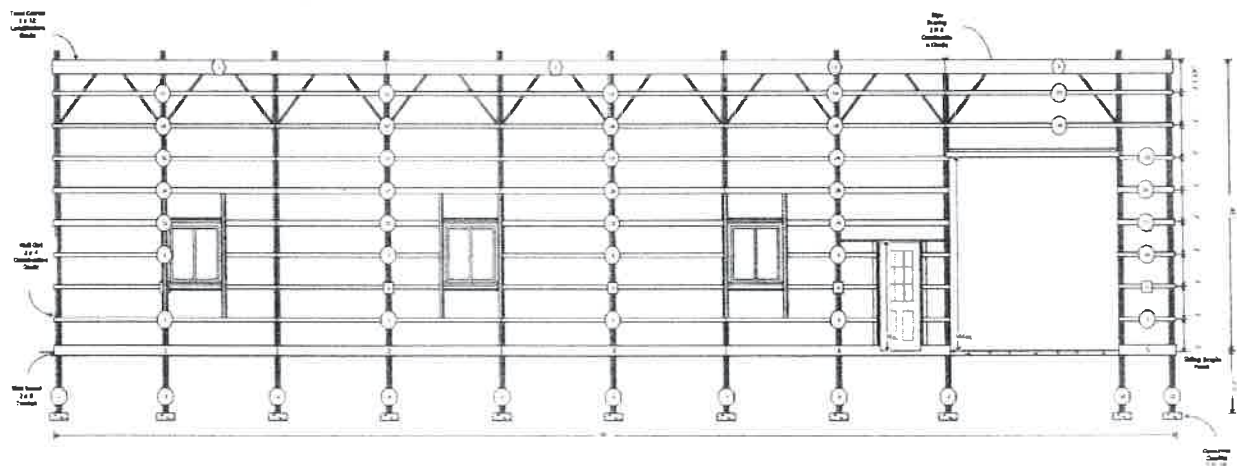
Planning Board Meeting



Reference Material
MAY 06 2021
Planning Board Meeting



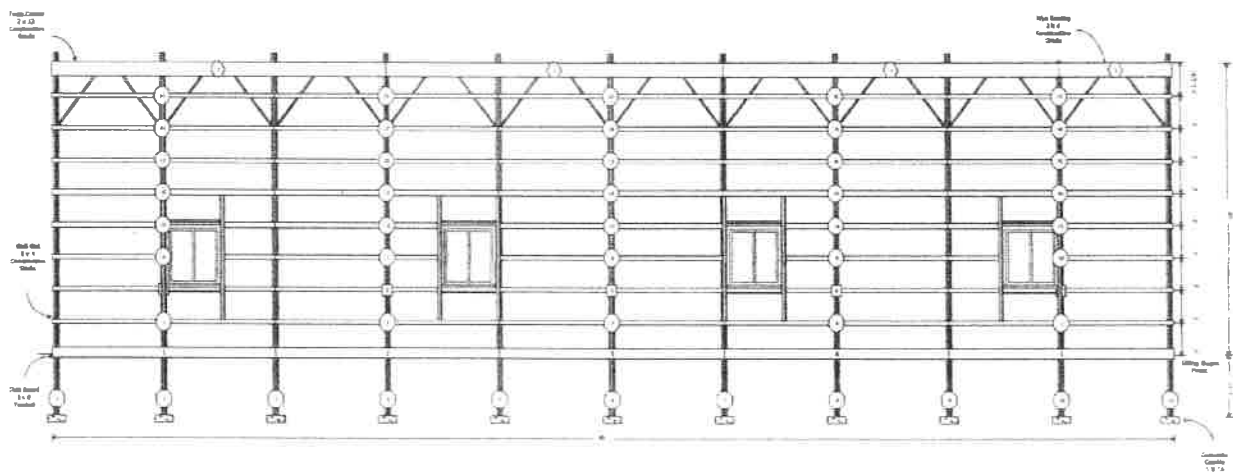
NORTH SIDE-EAVE SIDE 2 WALL GIRT VIEW



MAY 06 2021
Planning Board Meeting

MAY 06 2021

Planning Board Meeting

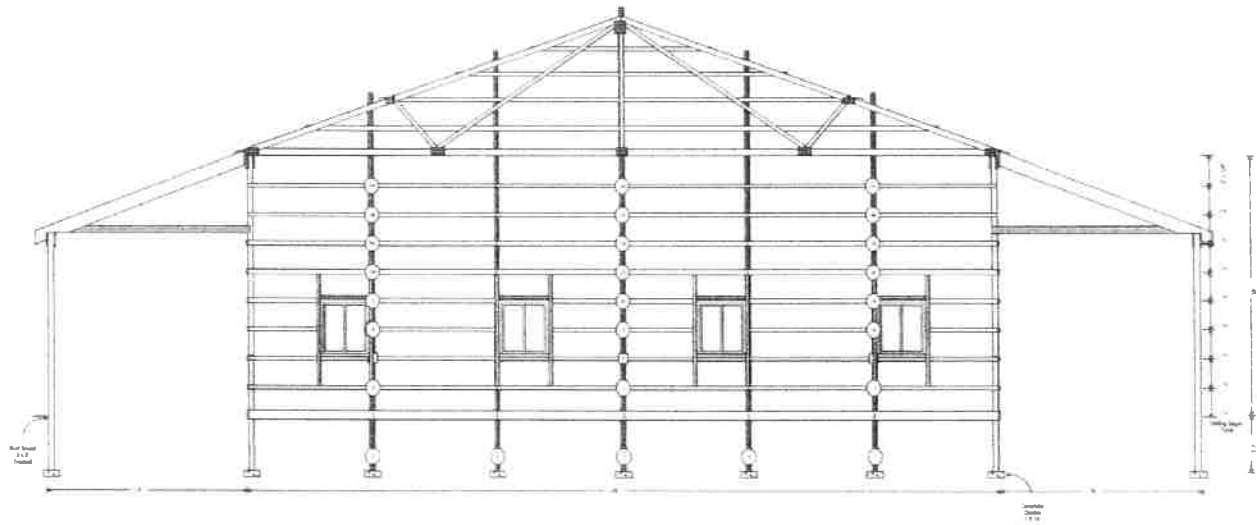


2017 Model
 Estimate Number: 1028
 427071

Reference Material
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WEST SIDE-GABLE SIDE 1 WALL GIRT VIEW



Page 12 of 12
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MAY 06 2021



Structural drawing of a building frame showing a cross-section with a gabled roof, internal columns, and a staircase. Dimensions are provided for height and width.

John Matthews
1 Liberty Way, North, Kent
TN11 8JF

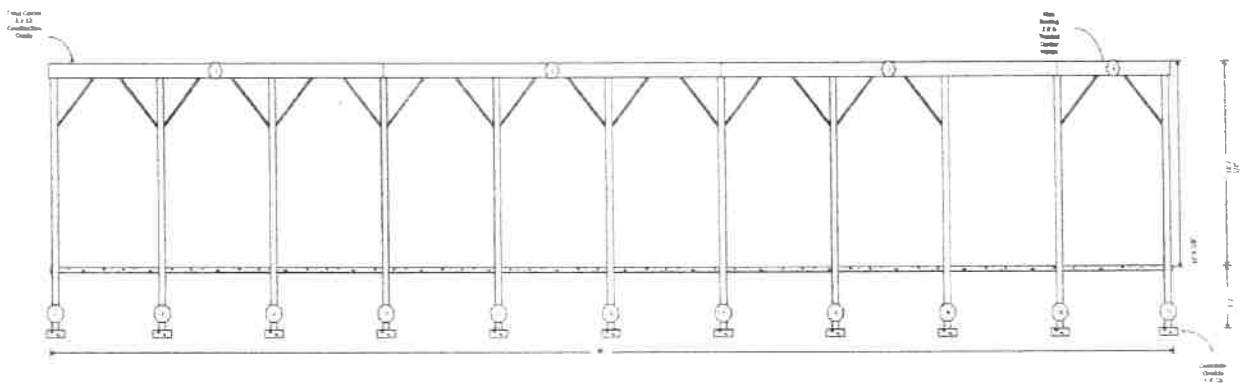
Reference Material

MAY 06 2021

Planning Board Meeting



NORTH SIDE-EAVE SIDE 2 PORCH/LEAN TO WALL GIRT VIEW



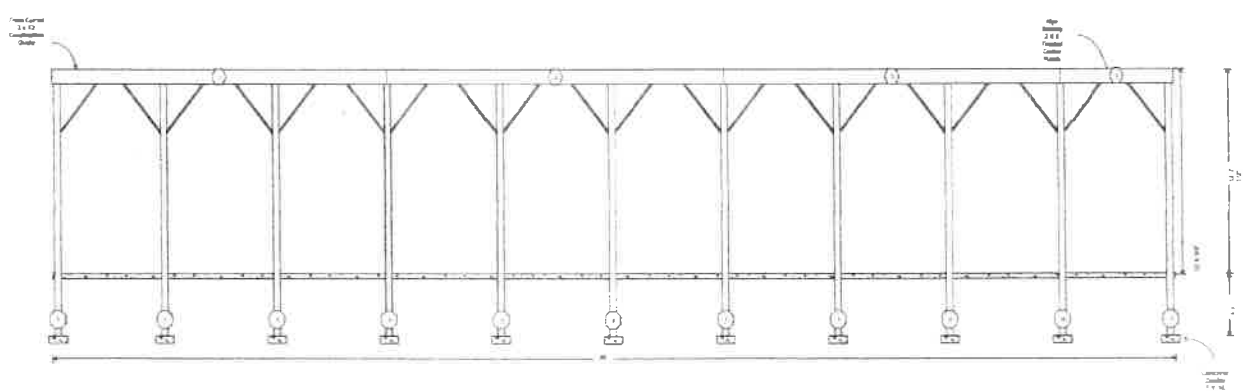
Reference Material

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SOUTH SIDE-EAVE SIDE 1 PORCH/LEAN TO WALL GIRT VIEW



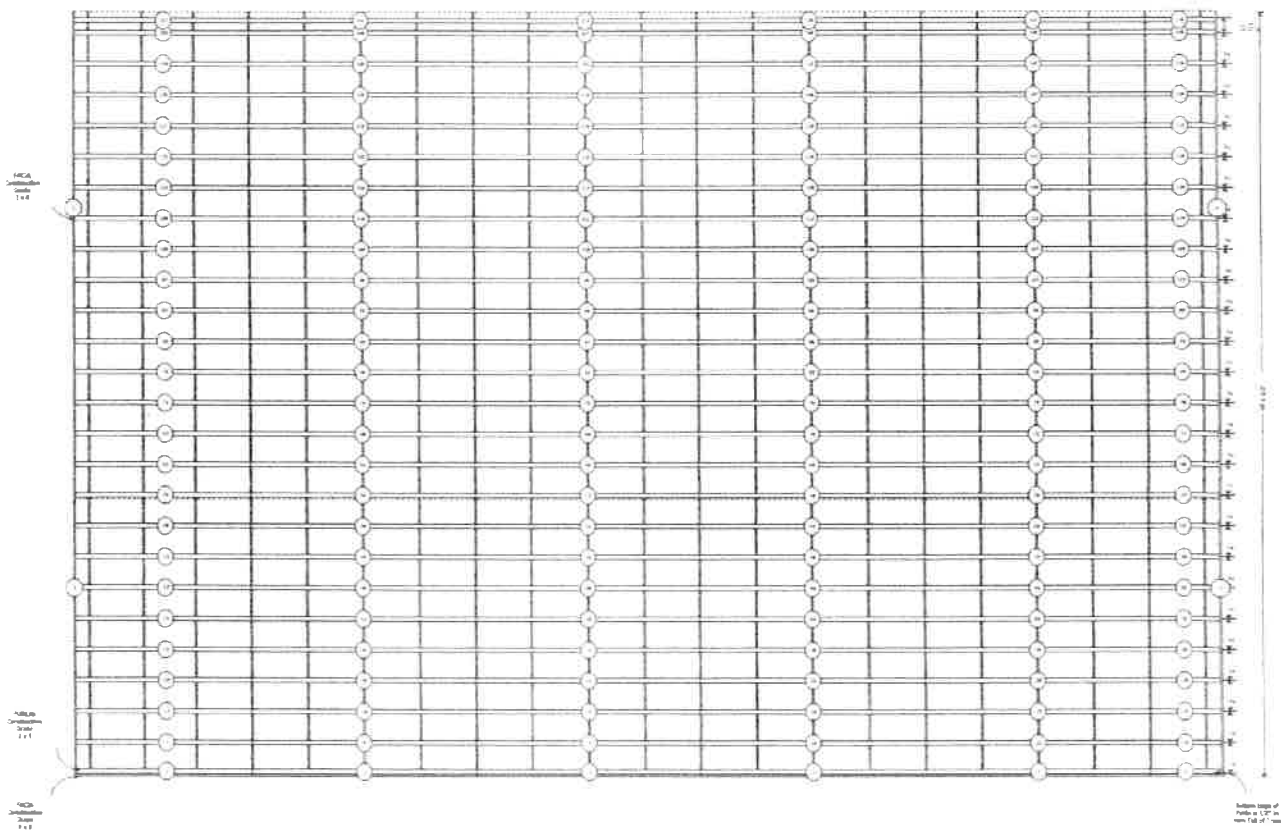
Reference Material

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NORTH SIDE-EAVE SIDE 2 TRUSS AND PURLIN LAYOUT



DATE: 5/1/2021
DRAWN BY: [Name]
CHECKED BY: [Name]

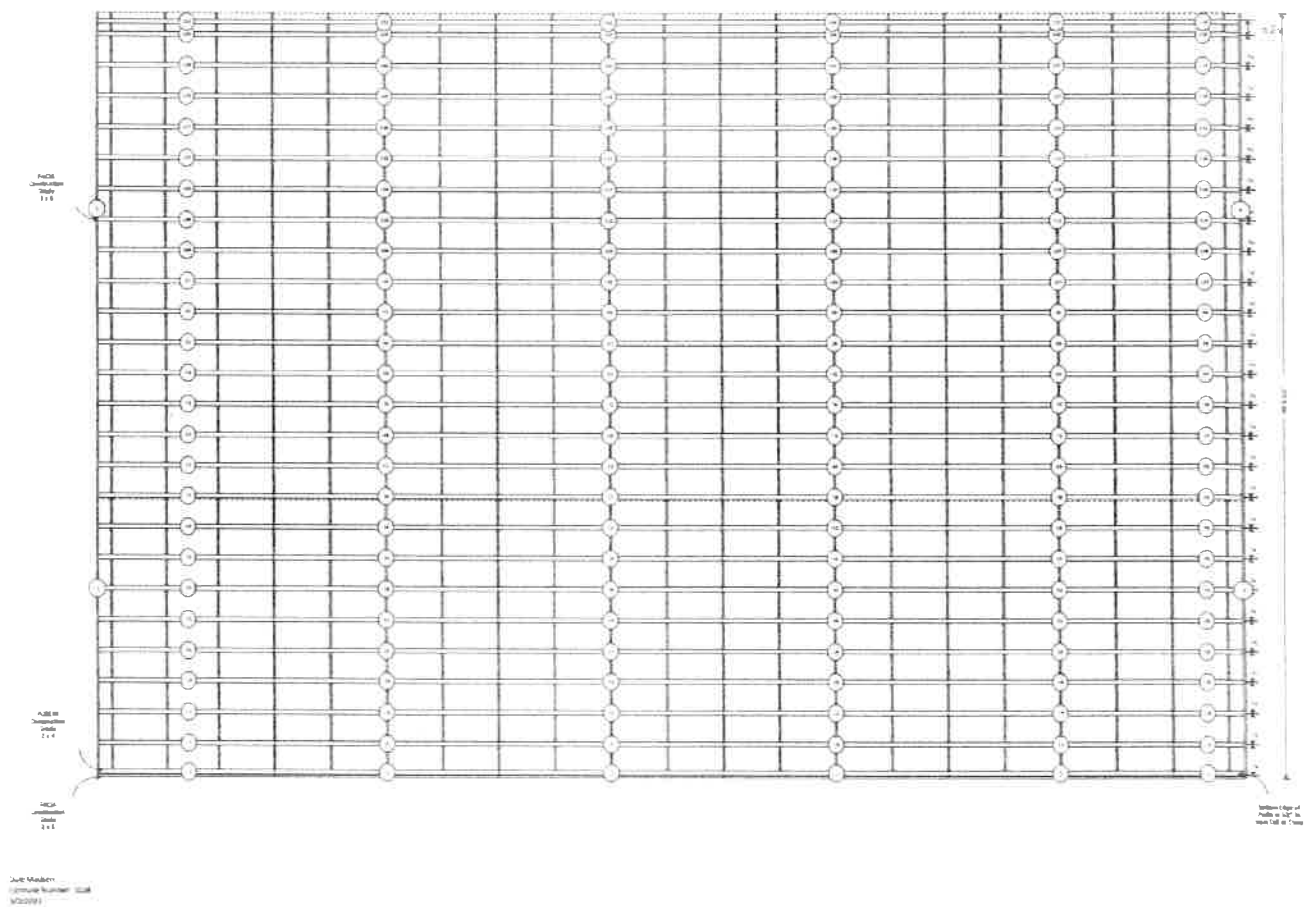
Reference Material

MAY 06 2021

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SOUTH SIDE-EAVE SIDE 1 TRUSS AND PURLIN LAYOUT



Reference Material

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GABLE1 CROSS SECTION

ROOF LAYER 1: FOIL/WHITE DOUBLE BUBBLE 1/4 IN
X 48 IN X 125 FT
ROOF LAYER 2: CHARCOAL LYNX EVERLAST II
TRADITIONAL STEEL PANEL

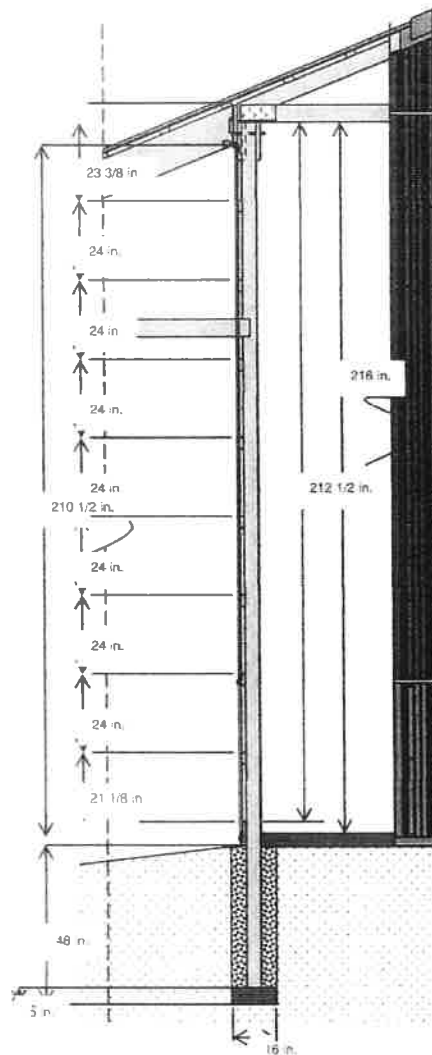
PURLINS: 2 X 4 CONSTRUCTION GRADE FASTENED
LAYING FLAT
SUB FACIA: 2 X 6 CONSTRUCTION GRADE
FACIA COVERING: CHARCOAL STEEL #10 6 IN. POST
TRIM 6 X 10 FT 2 IN
UNDEREAVE: EVERLAST ROOFING PAINTED 16 IN X
12 FT ALUMINUM CENTER VENT SOFFIT

CORNER POSTS: GLULAM 3 PLY 4.5 X 5.25
INTERMEDIATE POSTS: GLULAM 3 PLY 4.5 X 5.25
SPACING 8 FT O.C.
EXTERIOR CARRIER: CONSTRUCTION GRADE 2 X 12
INTERIOR CARRIER: CONSTRUCTION GRADE 2 X 12
EXTERIOR WALL GIRTS: CONSTRUCTION GRADE 2 X 4
WALL LAYER 1: TYVEK HOUSE WRAP
WALL LAYER 2: SLATE LYNX EVERLAST II
TRADITIONAL STEEL PANEL

EXTERIOR SKIRT BOARD: TREATED 2 X 8

SIDING BEGINS 4 5/8 IN. BELOW THE TOP OF SKIRT
BOARD

EARTH GRADE BEGINS 7 IN. BELOW THE TOP OF SKIRT
BOARD



4/12 PITCH TRUSS SYSTEM WITH A STANDARD HEEL
(HEEL HEIGHT: 0-5-12 OR 5 3/4 IN.)
TRUSS SPACING: 48 IN. O.C.
TRUSS LOADING INFORMATION: TOLL/TCOL/BCOL/BCOL
60-7-0-10
TOTAL TRUSS LOADING = 77 P.S.F.
BRACE PER TRUSS MANUFACTURER'S
RECOMMENDATIONS

INTERIOR FINISHED FLOOR HT. WILL BE 3 1/2 IN.
BELOW THE TOP OF THE SKIRT BOARD
4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH -
3500 P.S.I.
UNDISTURBED SOIL OR COMPACTED SAND FILL
BACKFILL 16 IN. HOLE WITH SAND/GRAVEL FILL &
COMPACT
PIER FOOTING: PRECAST 5000 P.S.I. 16 IN. X WIDE 5
IN. THICK CONCRETE PAD

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GABLE2 CROSS SECTION

ROOF LAYER 1: FOIL/WHITE DOUBLE BUBBLE 1/4 IN X 48 IN X 125 FT
ROOF LAYER 2: CHARCOAL LYNX EVERLAST 11 TRADITIONAL STEEL PANEL

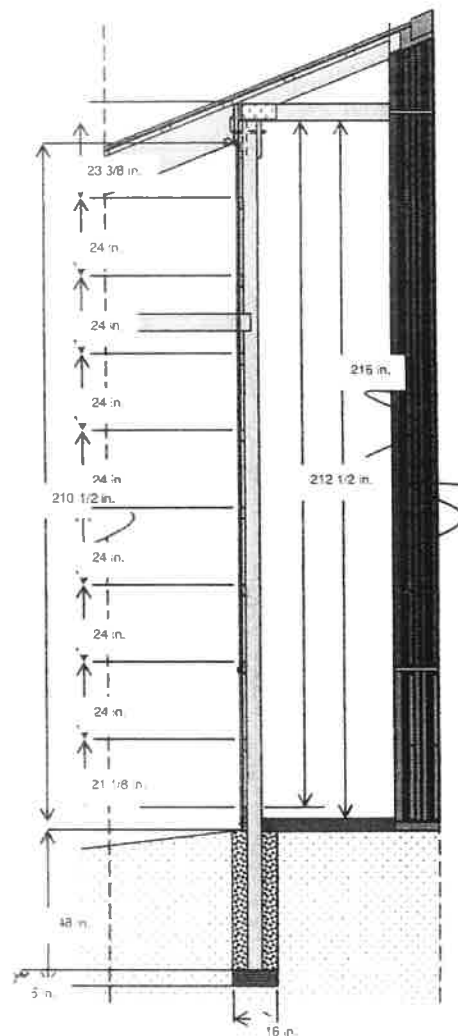
PURLINS: 2 X 4 CONSTRUCTION GRADE FASTENED LAYING FLAT
SUB FACIA: 2 X 6 CONSTRUCTION GRADE
FACIA COVERING: CHARCOAL STEEL #10 6 IN. POST TRIM 6 X 10 FT 2 IN
UNDEREAVE: EVERLAST ROOFING PAINTED 16 IN X 12 FT ALUMINUM CENTER VENT SOFFIT

CORNER POSTS: GLULAM 3 PLY 4.5 X 5.25
INTERMEDIATE POSTS: GLULAM 3 PLY 4.5 X 5.25 SPACING 8 FT O.C.
EXTERIOR CARRIER: CONSTRUCTION GRADE 2 X 12
INTERIOR CARRIER: CONSTRUCTION GRADE 2 X 12
EXTERIOR WALL GIRTS: CONSTRUCTION GRADE 2 X 4
WALL LAYER 1: TYVEK HOUSE WRAP
WALL LAYER 2: SLATE LYNX EVERLAST 11 TRADITIONAL STEEL PANEL

EXTERIOR SKIRT BOARD: TREATED 2 X 8

SIDING BEGINS 4 5/8 IN. BELOW THE TOP OF SKIRT BOARD

EARTH GRADE BEGINS 7 IN. BELOW THE TOP OF SKIRT BOARD



4/12 PITCH TRUSS SYSTEM WITH A STANDARD HEEL (HEEL HEIGHT: 0-5-12 OR 5 3/4 IN.)
TRUSS SPACING: 48 IN. O.C.
TRUSS LOADING INFORMATION: TOLL/TODL/BCLL/BODL 60-7-0-10
TOTAL TRUSS LOADING = 77 P.S.F.
BRACE PER TRUSS MANUFACTURER'S RECOMMENDATIONS

INTERIOR FINISHED FLOOR HT. WILL BE 3 1/2 IN. BELOW THE TOP OF THE SKIRT BOARD
4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH - 3500 P.S.I.
UNDISTURBED SOIL OR COMPACTED SAND FILL
BACKFILL 16 IN. HOLE WITH SAND/GRAVEL FILL & COMPACT
PIER FOOTING: PRECAST 5000 P.S.I. 16 IN. X WIDE 5 IN. THICK CONCRETE PAD

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GABLE1 LEFT PORCH SECTION

ROOF LAYER 1:
FOIL/WHITE DOUBLE BUBBLE 1/4 IN X 48 IN X 125
FT
ROOF LAYER 2:
CHARCOAL LYNX EVERLAST 11 TRADITIONAL STEEL
PANEL

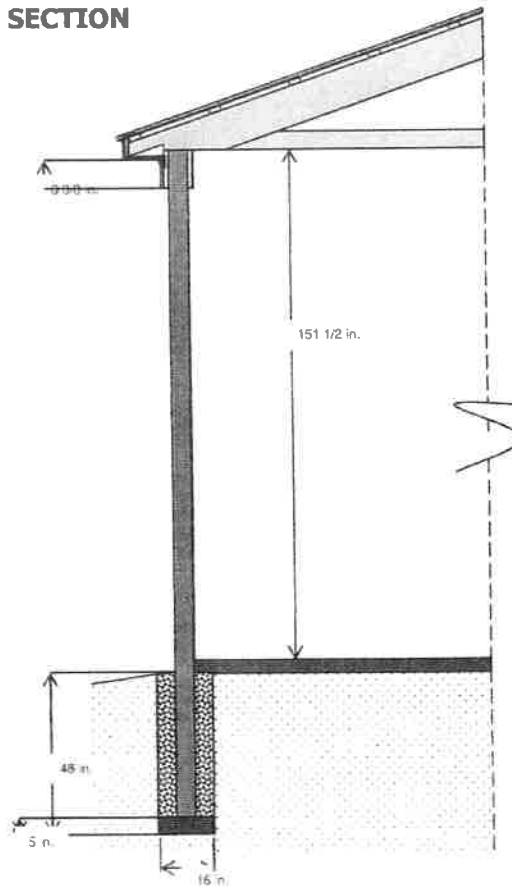
PURLINS:
2 X 4 CONSTRUCTION GRADE FASTENED LAYING FLAT
SUB FACIA:
2 X 6 CONSTRUCTION GRADE
FACIA COVERING: CHARCOAL STEEL #10 6 IN. POST
TRIM 6 X 10 FT 2 IN
UNDEREAVE:
EVERLAST ROOFING PAINTED 16 IN X 12 FT
ALUMINUM CENTER VENT SOFFIT

EXTERIOR CARRIER:
CONSTRUCTION GRADE 2 X 12
INTERIOR CARRIER:
CONSTRUCTION GRADE 2 X 12
EXTERIOR WALL GIRTS:
CONSTRUCTION GRADE 2 X 4
WALL LAYER 1:
TYVEK HOUSE WRAP
WALL LAYER 2:
SLATE LYNX EVERLAST 11 TRADITIONAL STEEL PANEL

EXTERIOR SKIRT BOARD:
TREATED 2 X 8

SIDING BEGINS 4 5/8 IN. BELOW THE TOP OF SKIRT
BOARD

EARTH GRADE BEGINS 7 IN. BELOW THE TOP OF SKIRT
BOARD



4/12 PITCH CONSTRUCTION GRADE 2 X 12 RAFTER
SYSTEM
HEEL HEIGHT: 5 3/4 IN.
RAFTER SPACING: 48 IN. O.C.
2 X 6 CEILING JOISTS ON THE END WALLS ONLY, HAS
OPEN CEILING

INTERIOR FINISHED FLOOR HT. WILL BE 3 1/2 IN.
BELOW THE TOP OF THE SKIRT BOARD
4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH -
3500 P.S.I.
UNDISTURBED SOIL OR COMPACTED SAND FILL
BACKFILL 16 IN. HOLE WITH SAND/GRAVEL FILL &
COMPACT
PIER FOOTING: PRECAST 5000 P.S.I. 16 IN. X WIDE 5
IN. THICK CONCRETE PAD

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Overlaid Roofing (2x4 Synch Overlaid 11 Traditional Shingles)

2x4 in. x 10 in. x 1/2 in. insulation

Metal Drip Edge

Fascia Board

Fascia Cover

3/4 in. x 1 in.

12 in.

3 x 12 Construction Studs

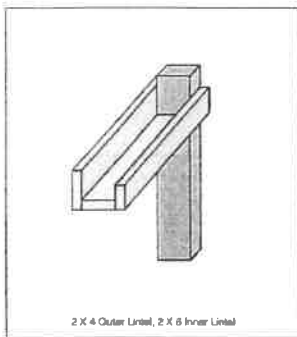
2 x 12 Construction Studs

4 in. x 8 in. (Glue) 1/2 in.

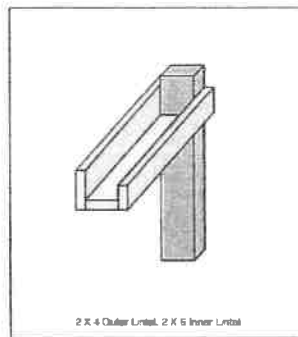
See Detail 1-10 for Wall Layer Information

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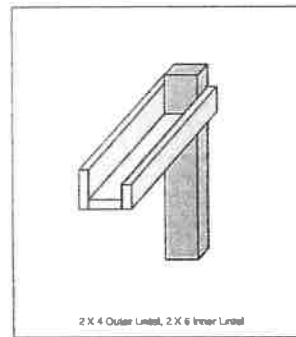
Header Details



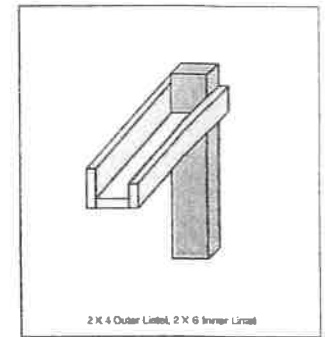
Header Detail for Opening # 1 on Gable 1



Header Detail for Opening # 2 on Eaves 2



Header Detail for Opening # 2 on Gable 1

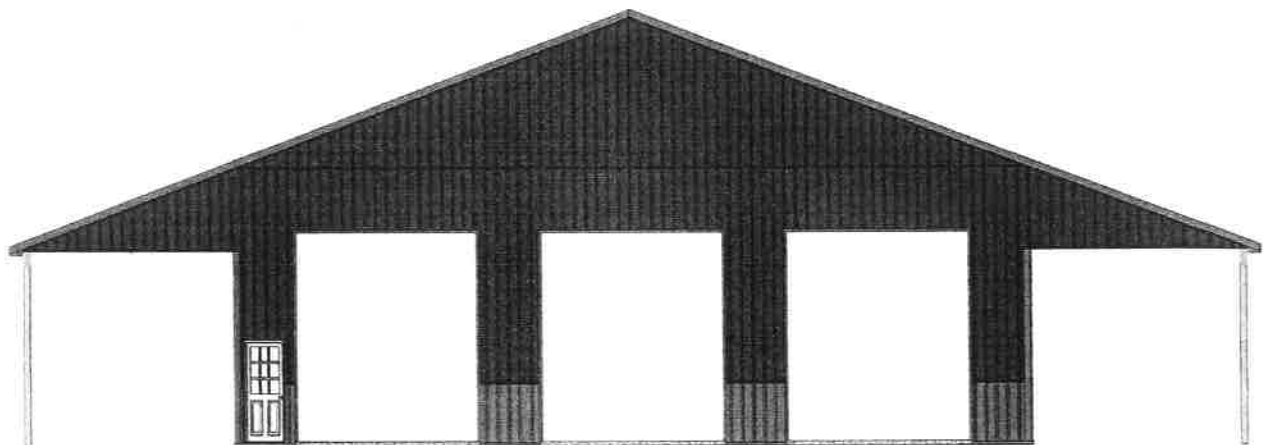


Header Detail for Opening # 3 on Gable 1

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Date Received: 10/25/2011
 Estimate Number: 30725
 VZB001

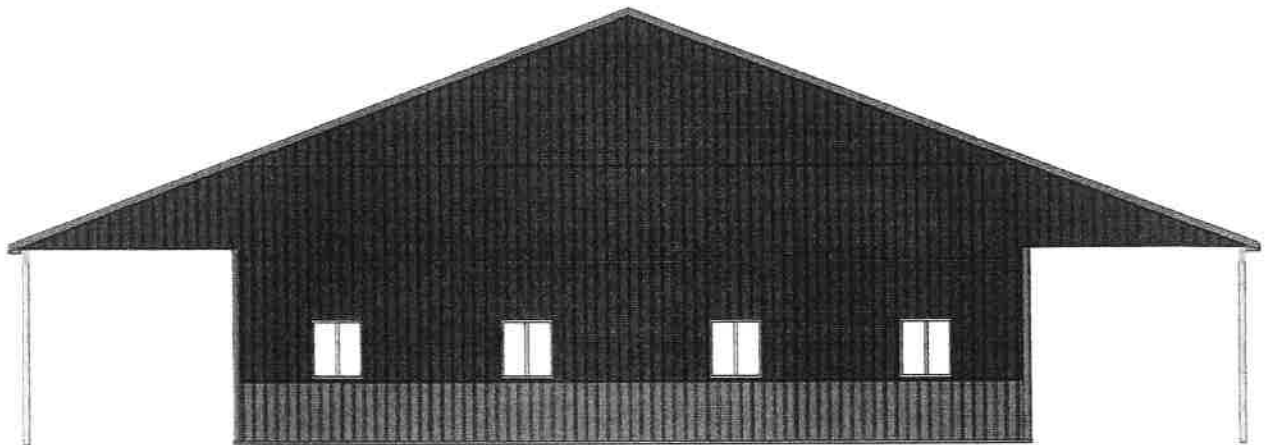
Reference Material

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WEST SIDE-GABLE SIDE 2 ELEVATION



Task Master:
Completed by: [Name]
V2/2021

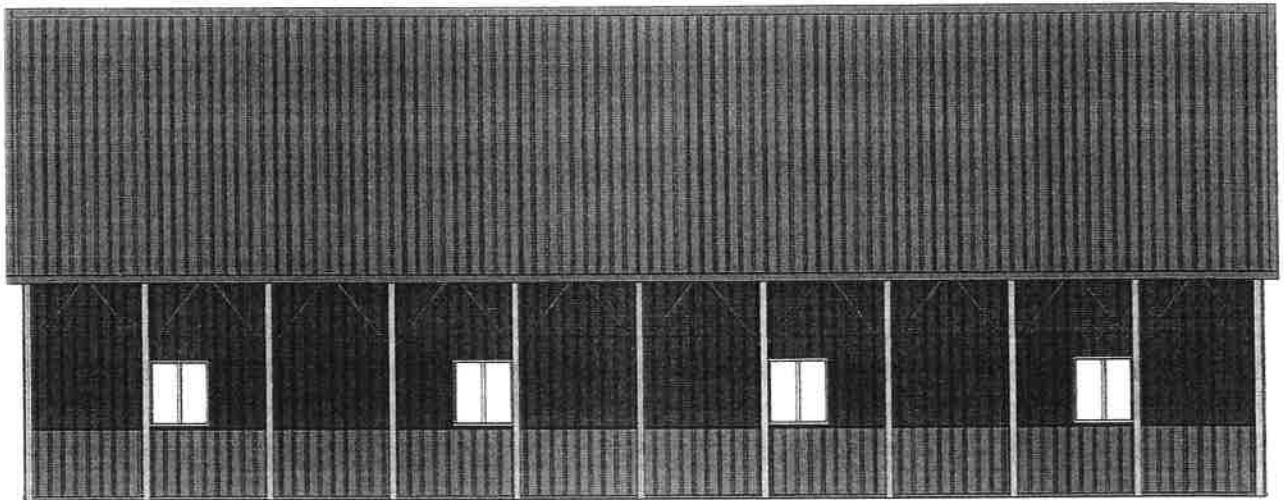
Reference Material

MAY 06 2021

Planning Board Meeting



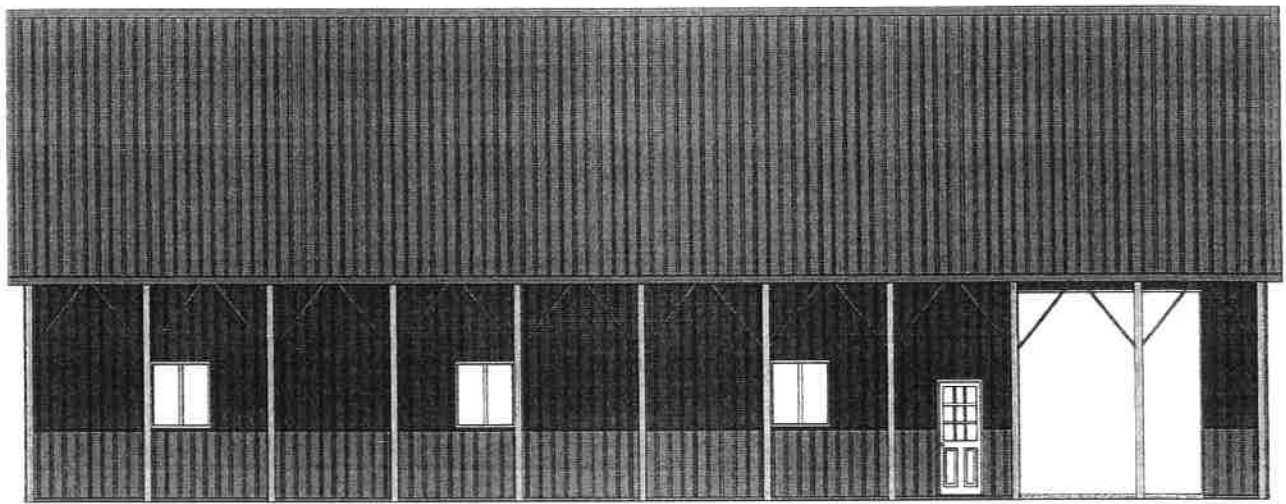
SOUTH SIDE-EAVE SIDE 1 ELEVATION



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NORTH SIDE-EAVE SIDE 2 ELEVATION



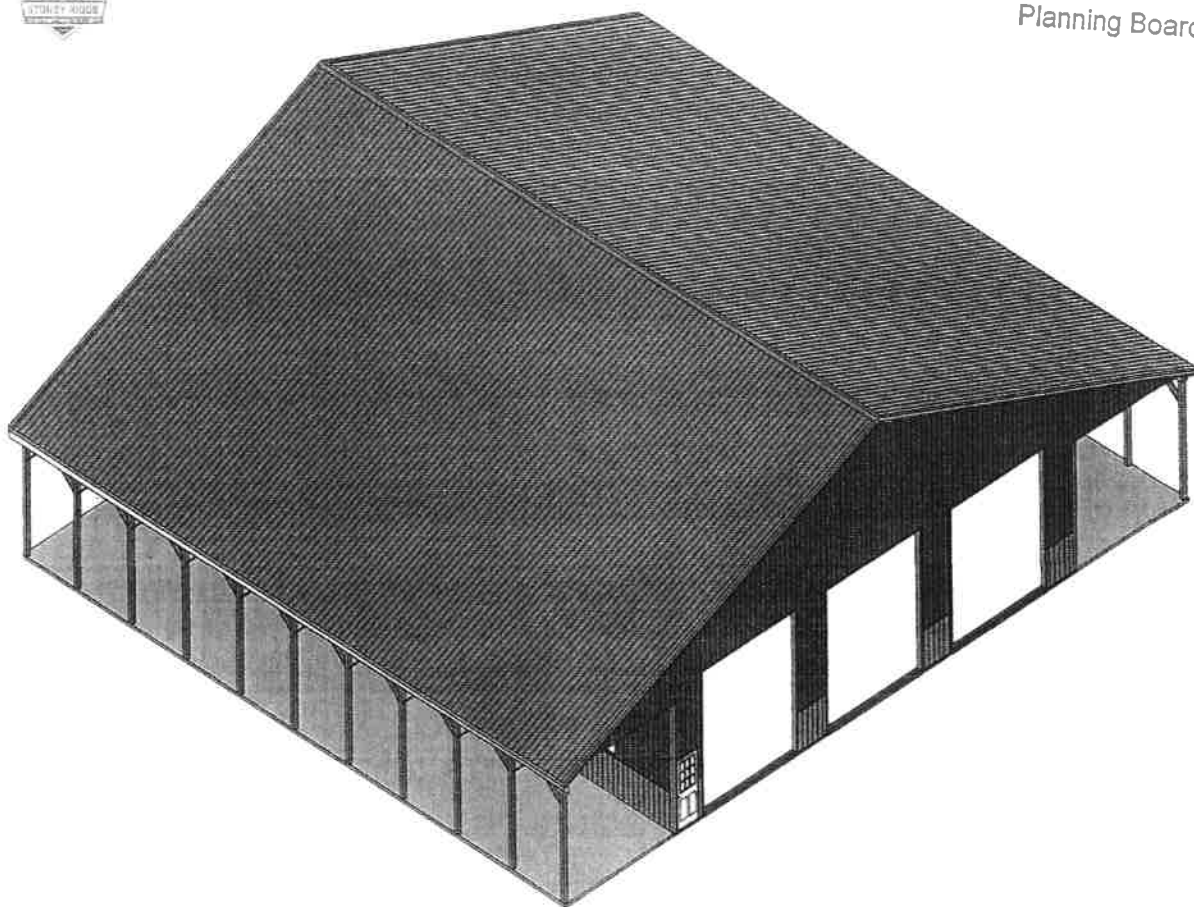
Date: May 06, 2021
Estimate Number: 3038
1/2/2021



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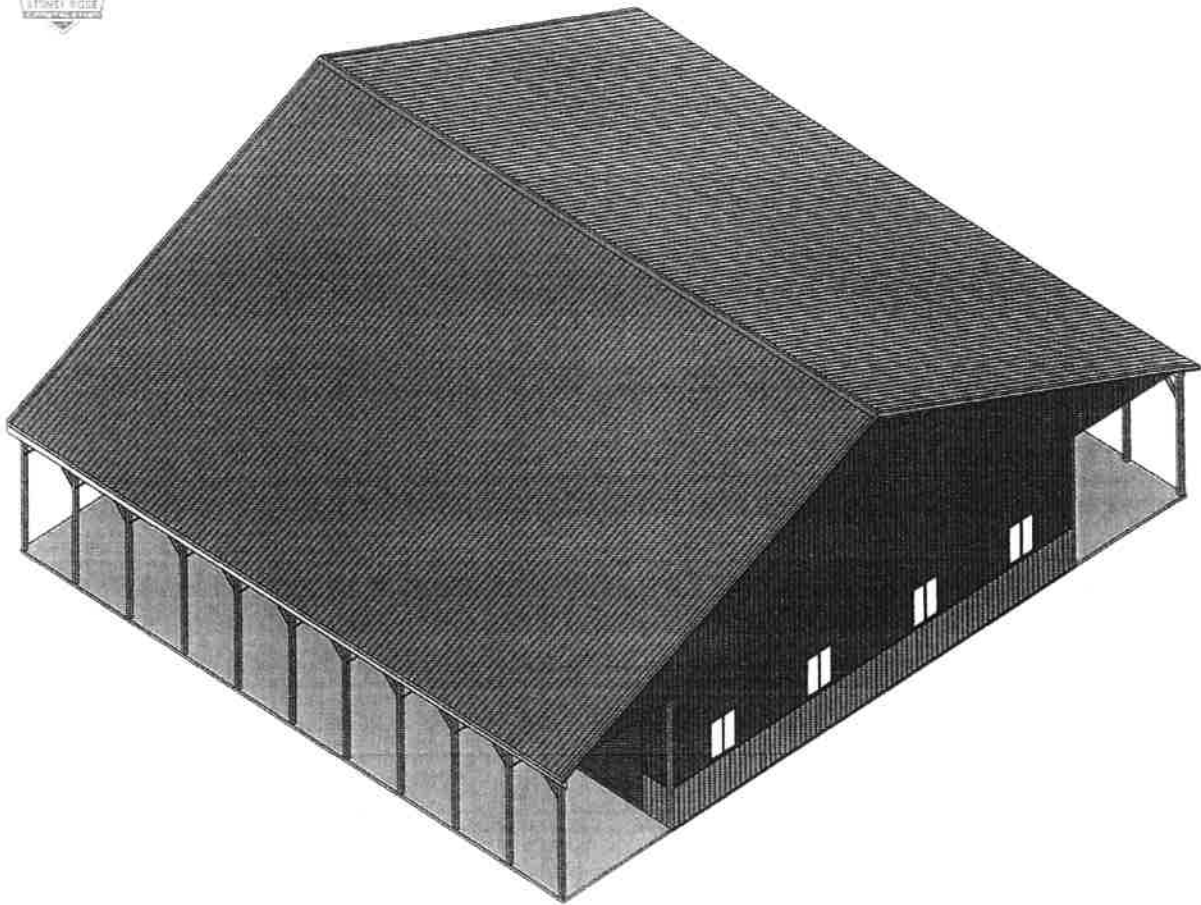


Date: Madsen
Estimate Number: 3028
3/2/2021

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Dave Madsen
Estimate Number 3028
3/2/2021



121 STATE STREET
ALBANY, NEW YORK 12207-1693
TEL: 518-436-0751
FAX: 518-436-0751
E-MAIL: RECEPTION@HSPM.COM

JAMES T. POTTER
E-MAIL: JPOTTER@HINMANSTRAUB.COM

April 26, 2021

VIA US MAIL AND EMAIL (shaag@austerlitzny.com)

Planning Board
Town of Austerlitz
816 Route 203
PO Box 238
Spencertown, NY 12165

Reference Material

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Attention: Susan Haag, Town Clerk

Re: Planning Board Application #1-2021
Property Owner: 648 Rte 203 LLC, Dale Madsen
Project Property: 648 State Route 203 SBL: 86.-2-10

Dear Ms. Haag:

I represent James and Mary Mannion, who reside at 662 Rte 203. I am writing concerning the Planning Board's approval of the project application of 648 Rte 203, LLC, on April 1, 2021. The Planning Board issued its approvals based on erroneous information. It will be greatly appreciated if you could provide this letter to the Planning Board as soon as possible in advance of its meeting scheduled for May 6, 2021.

The Planning Board was required to engage in a review under the State Environmental Quality Review Act ("SEQRA") before it issued any approvals. 6 NYCRR 617.3 (a). In this case, the New York State Department of Transportation ("DOT") is an involved agency under SEQRA, because the project requires a commercial driveway permit and possibly a work permit for work on Route 203. When more than one agency issues approvals for an unlisted action, an agency can conduct either "coordinated review" or "uncoordinated review" under SEQRA. 6 NYCRR 617.6 (b)(2). In this case, the Planning Board proceeded directly to uncoordinated review. When an agency uses uncoordinated review, it cannot proceed unless and until it determines that an action will not have significant impacts on the environment or, if it does, determines how the adverse impacts can be adequately mitigated. 6 NYCRR 617.6 (b)(4).

At the Planning Board's meeting of April 1, 2021, several board members raised the question of the project causing potential adverse traffic impacts on Route 203 from slow moving construction vehicles entering and exiting the project site while vehicles travel downhill on Route 203. The Board decided to approve the project, without considering traffic impacts,

Planning Board Meeting

because it was represented to the Board that DOT already had reviewed and approved the project. In fact, the minutes of the February 4, 2021 Planning Board meeting state that the applicant's engineer provided the following information on the traffic issue: "NYS Department of Transportation has also been onsite and approve State Route 203 entrance to site. Applicant to provide Town with NYSDOT approval notice." The minutes of the March 4, 2021 Planning Board meeting reflect that the applicant's engineer then stated that "NYSDOT has given a conceptual approval for the driveway cut noting required improvements to the area."

Following the Board's April 1 approval of the applicant's special use permit and site plan, I contacted DOT and learned that the applicant has not even applied for a permit with DOT yet, and that DOT has not yet studied the potential traffic impacts of the project. I received confirmation from Tina J. Reilly, a DOT Permit Engineer, that the project does not have a commercial driveway permit, the applicant never submitted an application for a commercial driveway permit, and the Town never sent DOT a lead agency designation. I have attached a copy of my emails with Tina Reilly concerning this subject.

As a result, the Planning Board made the determination that the project will have no potential adverse environmental impacts or small or moderate environmental impacts based on erroneous information. The Board could not simply pass over the potential traffic impacts several members identified on the assumption that DOT had addressed or would correct the problem. The proper procedure was for the Planning Board to utilize coordinated review under SEQRA and involve DOT in its environmental review process or, if it wished to pursue uncoordinated review, to require the applicant to order the necessary studies to permit the Board to make an informed decision about potential adverse traffic impacts. At this point, the Board should revoke the approvals it issued on April 1 based on the erroneous information it was given and start the process over in the proper way.

I also note that the Board failed to consider potential adverse impacts in the area of archeology when it issued its approvals. The applicant's Short Environmental Assessment Form acknowledged that the property is "located in an archeologically sensitive area." This acknowledgement was generated automatically through the Department of Environmental Conservation's EAF Mapper. A review of the information available from the NY State Historic Preservation Office (SHPO) archeological site inventory shows that this property is nearby to a Native American site. The SHPO website shows that the project is in or very close to the Spencertown Historic District, as well as close to five buildings listed on the National Register. The Board had no information before it from which it could conclude that there were no adverse archeological impacts or that those impacts were small to moderate. At the very least, the Board should have requested that SHPO provide input on this project before it proceeded with issuing approvals on the assumption that there are no adverse archeological impacts.

The manner in which the applicant added stockpiles, outdoor storage and above ground petroleum storage to the project after the close of the public hearing was also concerning. While we appreciate that the Board approved only the site plan as presented, and is requiring the applicant to come back for an amended site plan for the outdoor storage, stockpiles and above ground petroleum storage, this should have been done by the applicant in the original application. The manner in which the applicant approached this with the Board and public was

effectively a bait and switch, resulted in a segmented review that is improper under SEQRA and deprived the public of the opportunity to address the project in its totality when it was presented for approval to the Planning Board. At the very least, the Board should not approve the proposed amended site plan until it is presented to the public for review and the Board holds a public hearing pursuant to section 195-34 (B) of the Town Code so the public has an opportunity for comment.

Respectfully,



James T. Potter

JTP:ltd
Encs.

4823-2712-3686, v. 1

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James Potter

From: Reilly, Tina (DOT) <Tina.Reilly@dot.ny.gov>
Sent: Thursday, April 8, 2021 4:51 PM
To: James Potter
Cc: Duval, Michael (DOT)
Subject: {EXTERNAL} RE: 648 Rte 203, Austerlitz Commercial Driveway/Access Permit--Additional questions

Good afternoon, Mr. Potter ~

As a follow-up to our phone call earlier, please be advised that Mr. Madsen does not have an approved commercial driveway permit. I met with him on-site in January and followed up with the email and driveway detail you referenced. To date he has not submitted an application for this driveway, so nothing further was discussed.

To date we have not received anything related to SEQR for this project. Municipalities are the lead agencies for SEQR determinations, and we have not received a Lead Agency Designation letter from the Town of Austerlitz.

Just for your information, how the process is generally supposed to work is that a resident or business owner petitions their Planning Board. The Planning Board works through the details with the applicant, and then the Planning Board lets NYSDOT know what that is via the approved proposal package. Then we review it to make sure it meets our standards for things like driveway openings, sight distances, and if necessary things like striping and signing, etc. Depending on the scope of the project, traffic studies and drainage studies may be required.

I hope this helps. Please let me know if you need any additional information.

Thank you,

Tina J. Reilly
Permit Engineer, Residency 8-1
New York State Department of Transportation, Hudson Valley Region
307 Route 66, Hudson, NY 12534
(518) 828-9401 | <Tina.Reilly@dot.ny.gov>



Reference Material
MAY 06 2021
Planning Board Meeting

From: James Potter <jpotter@hinmanstraub.com>
Sent: Thursday, April 8, 2021 1:26 PM
To: Reilly, Tina (DOT) <Tina.Reilly@dot.ny.gov>
Cc: Gorney, Lance (DOT) <Lance.Gorney@dot.ny.gov>
Subject: RE: 648 Rte 203, Austerlitz Commercial Driveway/Access Permit--Additional questions

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Ms. Reilly,

On Monday, April 5, I sent you the three emails appearing in the chain below. I have a very limited window in which to evaluate this project. Consequently, it would be greatly appreciated if you could respond as soon as possible.

Thank you,
Jim Potter

James T. Potter
Hinman Straub, PC
121 State Street
Albany, NY 12207
T: (518) 689-7274
F: (518) 436-4751
C: (518) 339-5471
www.hinmanstraub.com

Reference Material
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From: James Potter
Sent: Monday, April 5, 2021 3:25 PM
To: tina.reilly@dot.ny.gov
Subject: RE: 648 Rte 203, Austerlitz Commercial Driveway/Access Permit--Additional questions

Sorry, one more question. Has DOT issued a permit here? I am reading the DOT Policy and Standard for the Design of Entrances to Highways. It states a preference for coordinated review with the municipality serving as a lead agency. It says at 5A.2.1.3 that DOT will not issue a Highway Work Permit until all the SEQR requirements are met. Unless DOT conducted its own uncoordinated review and made a determination under SEQR, a permit should not have been issued yet. If a permit has been issued, can you share with me a copy of the permit, the Environmental Assessment Form, and any SEQR determinations made by DOT.

Thank you,
Jim Potter

From: James Potter
Sent: Monday, April 5, 2021 2:46 PM
To: tina.reilly@dot.ny.gov
Subject: RE: 648 Rte 203, Austerlitz Commercial Driveway/Access Permit

Dear Ms. Reilly,

I have reviewed the Town's SEQR papers. They conducted their own SEQR review, but it does not appear that they conducted a coordinated review. Did DOT conduct its own SEQR review of this project?

Thank you,
Jim Potter

From: James Potter
Sent: Monday, April 5, 2021 11:11 AM
To: tina.reilly@dot.ny.gov
Subject: 648 Rte 203, Austerlitz Commercial Driveway/Access Permit

Dear Ms. Reilly,

I represent the owners of property located next door to 648 Rte 203 in the Town of Austerlitz. On April 1, the Town Planning Board issued a special use permit to 648 Rte 203, LLC for the construction of a commercial storage facility.

At the meeting, several members of the Planning Board questioned the traffic impacts of slow moving commercial vehicles entering and exiting the site, which is located on a downhill portion of Route 203. Ultimately, rather than consider the traffic impacts under SEQRA, the Board deferred to what it considered to be the traffic analysis and approval given by DOT to the project based on your email of January 20, 2021, which is attached above.

It would be greatly appreciated if you could give me a call to discuss what review DOT conducted of the traffic impacts of the proposed project on Route 203. Specifically, I am curious to know if DOT considered issues of sight lines and traffic safety in sufficient detail that the Planning Board could rely on DOT's SEQRA analysis to conclude that the proposed project would not have potential adverse impacts on traffic.

I look forward to hearing from you.

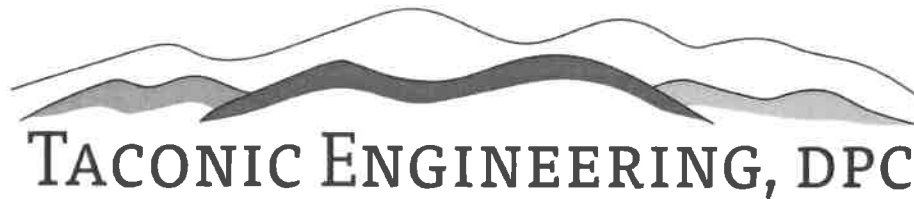
Jim Potter

James T. Potter
Hinman Straub, PC
121 State Street
Albany, NY 12207
T: (518) 689-7274
F: (518) 436-4751
C: (518) 339-5471
www.hinmanstraub.com

Reference Number
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Attention:

This e-mail is privileged and confidential. If you are not the intended recipient please delete the message and notify the sender. Any views or opinions presented are solely those of the author.



P.O. Box 272
Chatham NY 12037
(518) 392-6660
Info@taconicengineering.com

Via Email: ltilden@austerlitzny.com

May 3, 2021

Town of Austerlitz Planning Board
816 State Route 203
Spencertown, NY 12165
ATTN: Lee Tilden, Chair

Reference Material

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Planning Board Meeting

**Re: Additional Information
648 Rte 203, LLC
Taconic #: 21009**

Dear Mr. Tilden,

Taconic Engineering, DPC (Taconic) is contacting you on behalf of our client, 648 Rte 203, LLC regarding the project currently before the Planning Board for the proposed shop building at 648 State Route 203, Spencertown, NY. As you are aware, the Board has received correspondence from James Potter on behalf of the neighboring property to the west, owned by James and Mary Mannion. Mr. Potter's letter makes assertions regarding the applicant's coordination with the NYS Department of Transportation, references the project site is "close" to Nationally Registered historic properties, and references that the applicant has changed the Site Plan and proposed use of the property after the closing of the public hearing. The following and the attached provide additional information that demonstrates that the Board has proceeded appropriately with this application under the SEQRA and that the items called into question have been reviewed sufficiently by the Board throughout this application.

NYSDOT

Per our discussions during the Planning Board meetings, as well as the email correspondence that was provided to the Board from Tina Reilly of the NYSDOT (dated Jan. 20, 2021), the applicant met with Ms. Reilly in January of 2021 at the project site. The applicant and Ms. Reilly discussed the proposed use of the site, reviewed the proposed driveway entrance location and gave a verbal conceptual approval to the applicant. Ms. Reilly's Jan. 20, email to the applicant was to follow up on their discussion and to provide the detail of the entrance that would need to be constructed in the location shown on the Site Plan.

As is customary, the NYSDOT does not issue a Highway Work Permit to a permittee until the SEQR process is complete. They do, however, wish to be informed of a proposed entrance request and use during the planning process to ensure that a suitable location is identified (sight distance, drainage, etc.). This was done by the applicant in January 2021, prior to the application to the Planning Board. Taconic contacted Ms. Reilly to request clarity on the NYSDOT coordination to-date and provide concurrence that the Planning Board may proceed with

approval of the Site Plan, contingent upon issuance of the NYSDOT permit. See attached email from Ms. Reilly, dated April 29, 2021.

SHPO

As is identified on the Short EAF form and was discussed during the Planning Board meetings, the project site falls within the State Historic Preservation Office's (SHPO) grey buffer area identified as being within approximately ½ mile from an Archaeological Sensitive Area. Also as discussed at the meetings, a note was added to the plan to identify the customary procedure issued by SHPO: "...construction shall cease if any historical artifacts are encountered."

Mr. Potter's letter suggests that the property is "very close" to Nationally Registered buildings as well as the Spencertown Historic District. The nearest Nationally Registered building to the project site is the Daniel & Clarissa Baldwin House, which is over 2,000 feet from the nearest point of the site. The Spencertown Historic District is over ½ mile (nearly 2,900 feet) from the site (SHPO Map attached).

It is generally accepted in the SEQRA process that projects within 500' of a State or Nationally Registered building or site shall be considered as being potentially impacted by a given project. Given the long distance to any registered sites, as well as the presence of the Town Highway Garage and the several commercial sites operated within close proximity to the project site, it was appropriate for the Board to find that there would be "no or small impact" for Question 8 of the SEAF Part 2 form.

SITE PLAN UPDATES

As you are aware, the applicant and Taconic have discussed the proposed use of the project site with the Board since our initial application. At both the February and March meetings, the applicant had discussed the temporary storage of equipment on the site as a necessity to store for short durations between projects. As the discussion regarding the applicant's business operations continued with the Board, it was determined that locations should be identified on the plan for the outdoor equipment and bulk material storage areas.

It is customary in the Site Plan review processes for a Board to request certain elements of a project site's use to be incorporated into the plan. This was entirely appropriate for the Board to request and was not a change in the intended use of the site but was a prudent request by the Board to identify on the Site Plan.

Please see the updated Site Plan as requested by the Board at the April meeting to incorporate the aggregate storage location, the temporary equipment storage location, and the additional screening plantings. Please note that the outdoor storage locations have been located on the east side of the building to shield from the view of the Mannion property to the greatest extent practicable.

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Should you have any questions, or need additional information, please contact me at (518) 392-6660 ext. 102 or adidio@taconicengineering.com.

Sincerely,

Taconic Engineering, PDC



Andrew Didio

Cc: Joseph Catalano, Esq., PB Attorney
Susan Haag, PB Clerk
Dale Madsen, Owner

Reference Material
MAY 06 2021
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Andy Didio

From: Reilly, Tina (DOT) <Tina.Reilly@dot.ny.gov>
Sent: Thursday, April 29, 2021 2:43 PM
To: Andy Didio
Cc: Samantha Cummings; Madsen Excavation
Subject: RE: 648 State Route 203, Austerlitz
Attachments: PERM33-COM_04_15_rev 040715.pdf

Good afternoon, Andy ~

Thank you for contacting us. In general, the state will not deny anyone access to their property. We try to work with property owners to find the safest location for their driveway by looking at things like sight distances. Yes, I met with Mr. Madsen on-site and conceptually agreed that the current location of his temporary access (which I believe was an existing residential driveway) meets the criteria for a permanent location. We agree that Mr. Madsen can proceed with Site Plan approval, and we understand that a permit application is forthcoming (attached for your convenience).

Generally a resident or business owner petitions their Town Planning Board. The Planning Board works through the Town's requirements with the applicant, and then the Planning Board lets NYSDOT know what has been approved via the proposal package. We review it to make sure it meets our standards for things like driveway openings, sight distances, and if necessary things like striping and signing, etc. Depending on the scope of the project, traffic studies and drainage studies may be required.

Please let me know if you have any other questions or require additional information.

Thank you,

Tina J. Reilly

Permit Engineer, Residency 8-1

New York State Department of Transportation, Hudson Valley Region

307 Route 66, Hudson, NY 12534

(518) 828-9401 | Tina.Reilly@dot.ny.gov



**Department of
Transportation**

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From: Andy Didio <adidio@taconicengineering.com>

Sent: Thursday, April 29, 2021 2:24 PM

To: Reilly, Tina (DOT) <Tina.Reilly@dot.ny.gov>

Cc: Samantha Cummings <scummings@taconicengineering.com>; Madsen Excavation <madsen@fairpoint.net>

Subject: 648 State Route 203, Austerlitz

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Tina,

I just wanted to follow up on our call regarding a project we are working on at 648 State Route 203, Austerlitz. We are currently seeking Site Plan approval from the Town for the proposed shop building of Madsen Excavation. I know you had met Mr. Madsen onsite in January of this year to review the property and the proposed driveway entrance location. There has been a question raised regarding the entrance and DOT's involvement to-date. As we have discussed, you met with Mr. Madsen onsite, reviewed the proposed entrance location/sight distances, discussed the intermittent truck traffic to/from the site, approved the location of the entrance and provided him with a detail of the entrance he will need to provide for the proposed shop use, as well as gave him a copy of the Highway Work Permit application for a Minor Commercial Entrance.

It would be very helpful if you could confirm this to help clarify for the Board that you have reviewed these items and comfortable with them proceeding with Site Plan approval, with a contingency that the NYSDOT Entrance Permit be issued, as is customary. We will be completing the application and providing stamped plans to the Department in the coming weeks for your review/approval.

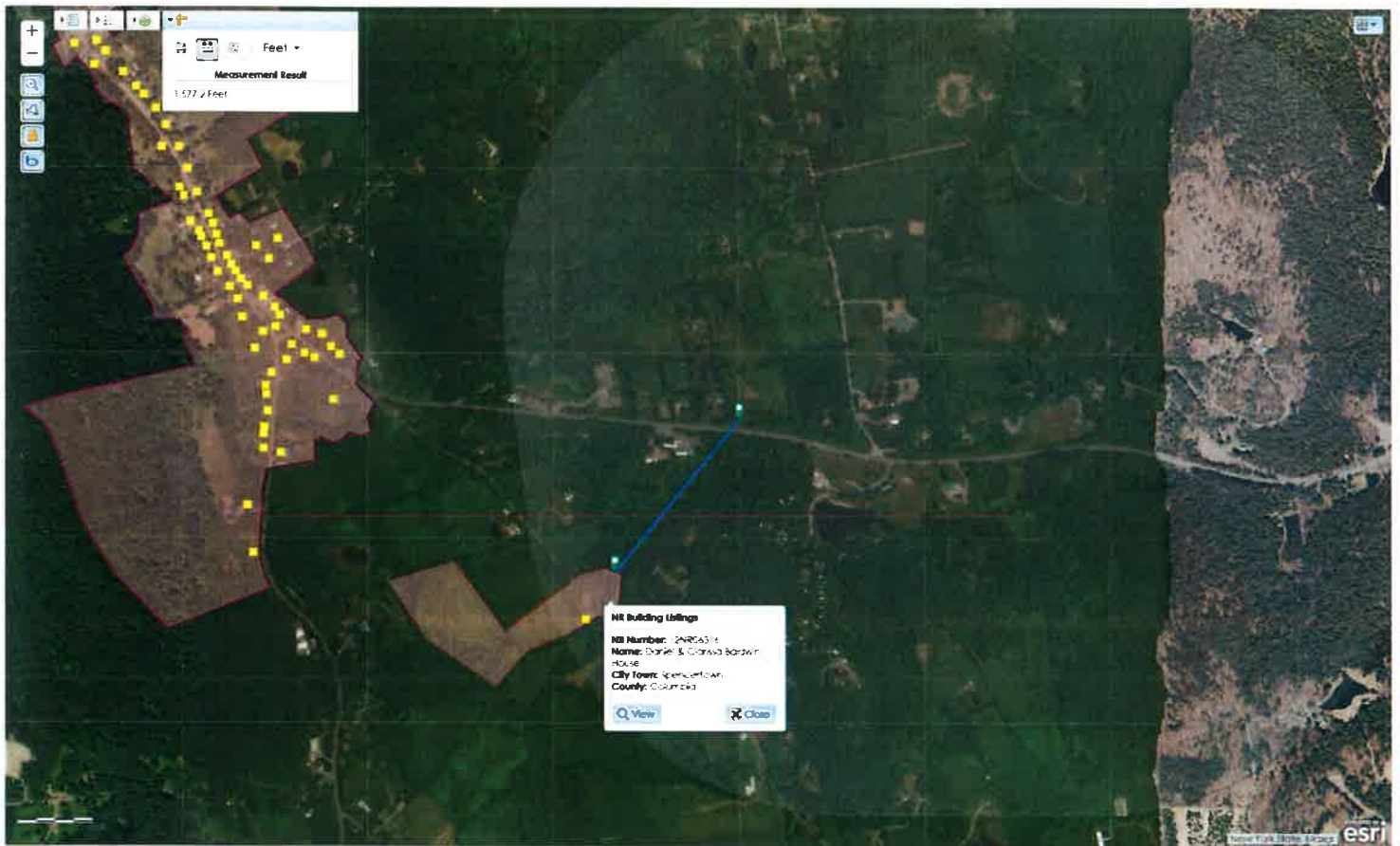
Thank you very much for taking the time to address this.

Don't hesitate to contact me to discuss further.

Thanks again!
Andy

Andrew Didio
TACONIC ENGINEERING, DPC
Structural & Civil Engineering
P(518) 392-6660 x102
C(518) 522-2639

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MAY 06 2021
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Reference Material
MAY 06 2021
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SHaag

From: James Newberry [REDACTED]
Sent: Thursday, April 15, 2021 7:43 PM
To: SHaag
Subject: Fw: Copy of: Special Use Application by 648 Rte 203 LLC

Sue,

Please find below the town's copy of my letter. I did not know you were missing it until the April 1 Planning meeting packet, having assumed the Chairman's lack of mention as an oversight at that meeting.

Thanks for sorting this out.

From: Town of Austerlitz <noreply@austerlitzny.com>
Sent: Thursday, March 11, 2021 4:44 PM
To: [REDACTED]
Subject: Copy of: Special Use Application by 648 Rte 203 LLC

This is a copy of the following message you sent to Loren Brink via Town of Austerlitz

This is an enquiry email via <https://austerlitzny.com/> from:
James R. Newberry <james.r.newberry@hotmail.com>

Mr. Lee Tilden
Planning Committee
Town of Austerlitz

Dear Sir (and all members of this committee):

I write to express my strong objection to the above referenced application. Among what seems to be a growing list of questions and concerns, I perceive inaccuracies by the applicant, what seems to be improper procedure by the committee, as well as an unfortunate bias to circumvent the intent of our Comprehensive Plan and Zoning Regulations. I am also concerned with what has sometimes been referred to as "development creep."

By degrading our existing Residential Zoning you will not only allow degradation of the site area, including adjoining properties such as the Campground, but also an already burdened state corridor with more toxins, dust, air and noise pollution. This may lead to a loss of valuation of properties all along the state route in our town. Furthermore, the idea that a proposal associated with potentially slow moving dump trucks entering and exiting, some hauling trailers with excavators, will have little negative impact on the safety of traffic at this spot on the state route is preposterous. Also, please note the reply on page 2 of the application, under Detailed Description: Storage of construction equipment and materials. In my opinion, this is not what was discussed at the Public Hearing and would seem to be a material misrepresentation of fact. I seem to recall (in discussion and submitted documents) something about more than one bathroom, office space and a one thousand gallon in-ground tank with associated septic field for capacity of more than half dozen employees.

In conclusion, please reconsider whether you actually have the information you need, such as the real scope of the project, and then please reject on the merits since this application does not meet the intent of the Comprehensive Plan of the Town of Austerlitz.

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Yours most sincerely,
James R. Newberry

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