

# TOWN OF AUSTERLITZ

Columbia County  
New York

Lee Tilden

Planning Board Chairman

**Planning Board Meeting/Public Hearing  
September 2, 2021  
7:00 p.m.**

**Reference Material**

SEP 02 2021

Planning Board Meeting

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

- 1.) Public Hearing: PL-2021-010 Site Plan Special Use Permit/Solar for Powers**
- 2.) Open Regular Planning Board Meeting**
- 3.) Moment of Silence, Followed by the Pledge of Allegiance**
- 4.) Roll Call**
- 5.) Minutes**
- 6.) Old Business**
  - A.) PL-2021-03 Boundary Line Adjustment Vieni**
  - B.) Proposed Boundary Line Adjustment by Olynek**
- 9.) New Business**
  - A.) PL-2021-11 Subdivision Ballinger**
- 10.) Public Comment**
- 11.) Subdivision Law Proposal**
- 12.) Adjournment**

Town of Austerlitz  
Planning Board Meeting  
August 5, 2021

SEP 02 2021

Planning Board Meeting

Present: Lee Tilden, Chair, Deborah Lans, Eric Sieber and Perry Samowitz, Members. Joseph Catalano, Attorney for the Town and Angela Rothermel, Planning Board Clerk also present.

Public Hearing for Planning Board Project PL-2021-09 Minor Subdivision Verenazi

Public Hearing called to order at 7:01 p.m.

Frederick Haley, Surveyor, provided the Planning Board with six updated maps as the previous maps had the wrong SBL. Mr. Haley reviewed the project with the Planning Board explaining that the Property owner is requesting to divide 21 acres into two parcels of; 14.89 acres and 7.01 acres. The property does not have any restricted easements and there is road frontage with sides on both proposed parcels.

No comments were made from the public in attendance and no written comments were received.

A motion to close the public hearing was made by P. Samowitz and seconded by E. Sieber.

Roll call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Motion carried 4:0 Public Hearing closed at 7:24p.m.

Regular Meeting called to order at 7:06 p.m.

Moment of Silence, followed by Pledge of Allegiance.

**Minutes**

A motion to accept the August 2021 Public Hearing and Regular Planning Board Meeting minutes was made by

P. Samowitz and seconded by E. Sieber.

Roll call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Motion carried 4:0

**Old Business**

**Planning Board Application PL-2021-03 Boundary Line Adjustment Vieni**

No new documentation has been submitted by the property owner. The property owner has been notified by postal mail and E-mail. The application will expire in 180 days if the property owner does not submit the required documentation. **Reference Material**

**Planning Board Application PL-2021-09 Minor Subdivision Verenazi**

The application has been completed and the Public Hearing has been closed. **SEP 02 2021**  
Lee Tilden, Chairman, reviewed part 2 of the SEQRA and with the Board members' input answered no to all required questions. It was determined that there will be no significant adverse environmental effects. **Planning Board Meeting**  
Motion to adopt SEQRA EAF parts 2 and 3, as prepared by the Planning Board for application PL-2021-09, with the conclusion that the project will not result in a significant adverse environmental impact was made by D. Lans, and seconded by E. Sieber.

Roll call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Roll Call 4:0, motion carried.

Motion to resolve to approve the minor 2 lot subdivision, based on the map prepared by Fredereick J Haley dated march 31, 2021, as presented with no conditions by D. Lans and seconded by E. Sieber.

Roll call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Roll Call 4:0, motion carried.

**New Business**

**Planning Board Application PL-2021-10 Site Plan Special Use Permit Solar Powers**

Property Owner: Emily Powers

Applicant: Anthony Sicari / NYS Solar Farm, Inc.

Representative: Anthony Sicari

Project Property: 417 Rigor Hill Road Ghent SBL: 94.-1-10

Zoning: Rural Residential

Project: Special Use Permit for Solar

Representative Anthony Sicari discussed the project with the Planning Board and explained that the power will be directly sent and used exclusively for the residents. J. Catalano asked the representative about the vegetative screening around the site. Mr. Sicari explained that the panels face the road, so screening could not be in front but there are no adjacent homeowners close by and there is a significant tree line along the road. The panels are 72 feet from the road. The Panels will be installed, tested and locked up until ready to use. J. Catalano explained that he would like to see where the panels are being placed in relation to the houses. Mr. Sicari showed him on his laptop the panels were being constructed and explained that he can flag the actual

location for code enforcement to be able to see. The Board members agreed they would like to see all four corners staked. Members asked the representative to bring additional, larger images to the Public Hearing, scheduled for September 2, 2021. **Reference Material**

A motion to approve the application as complete made by E. Sieber seconded by P. Samowitz

Roll call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Roll Call 4:0, motion carried.

SEP 02, 2021  
Planning Board Meeting

A motion to designate application PL-2021-10 a Type II Action for SEQRA made by D. Lans and seconded by E. Sieber.

Roll call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Roll Call 4:0, motion carried.

A motion to set a public hearing, as the first order of business at the September 2<sup>nd</sup> meeting, for Planning Board Application PL-2021-10 was made by P. Samowitz and seconded by E. Sieber.

Roll call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Roll Call 4:0, motion carried.

### **Proposed Boundary Line Adjustment by Olynek**

The Planning Board members met with the applicant and had a general discussion about the proposal, reviewing photos and maps of the property. The family wants to address a boundary line adjustment and subdivision of remaining lot. The property has a condition that no further subdivisions are to be granted. Town Attorney J. Catalano is going to do some research regarding the conditions and will get in touch with the applicant at his earliest convenience.

### **Public Comment**

None

### **New Subdivision Law Proposal**

The members of the Board discussed the Subdivision Law proposal that Town Attorney J. Catalano emailed to the members on July 21, 2021. J. Catalano explained that the current Subdivision law needs to be updated to include Boundary Line Adjustments, as they are currently missing from the law, as well as more in-depth procedures, as there is currently not a step-by-step process provided in the current law. The proposed update will create general

guidelines and standards that the Planning Board can apply to Subdivisions. Currently there is no Article 8, design and environmental standards, in the Subdivision Law. J. Catalano suggests that the board members review the proposed document next month, explaining that down the road Air BnB and Cannabis laws could affect the Planning Board down the road.

**Reference Material**

**Adjournment**

A motion to adjourn was made by P. Samowitz and seconded by D. Lans.

Roll Call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Motion carried 4:0. Meeting adjourned at 8:37p.m.

SEP 02 2021

Planning Board Meeting

Respectfully Submitted,  
Angela Rothermel, Planning Board Clerk

**Reference Material**

SEP 02 2021

Planning Board Meeting

PL-2021-10

Powers



**Reference Material**

SEP 02 2021

Planning Board Meeting

Town of Austerlitz  
**Attn: Planning Dept**  
816 Route 203  
PO Box 238  
Spencertown, NY 12165



Dear Sir/Madam:

Enclosed please find for **Powers, 417 Rigor Hill Road, Ghent, NY 12075** the following:

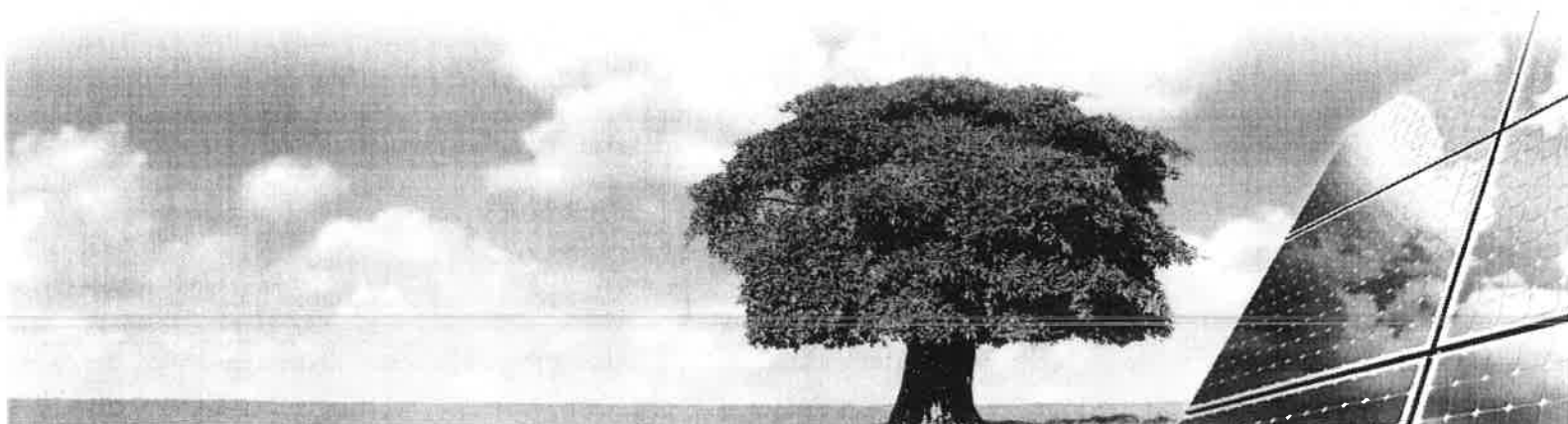
- Town of Austerlitz Planning Board – Site Plan/Special Use Permit App
- SEAF – Part 1 Completed
- Abutters List
- Parcel print outs / Property Photos
- Columbia County Parcel Report
- 2021 Tentative Assessment Roll – pg. 198
- Insurance Certificates
- 2 Sets of Plans
- 2 Sets of Plot Plans

If there is any additional documentation needed, please do not hesitate to email or call our office at 845.256.6051 and we will gladly forward it.

Thanking you in advance for all your help!

Sincerely,

Kathy Dennett  
NYS Solar Farm, Inc.  
1938 Route 44/55  
Modena, NY 12548  
[Kathy@nyssf.com](mailto:Kathy@nyssf.com)  
845.256.6051 - Direct



SEP 02 2021

**Town of Austerlitz Planning Board**  
**Application for Site Plan Review/Special Use Permit**

Planning Board Meeting

RECEIVED

JUL 28 2021

PLANNING  
BOARD  
COLUMBIA COUNTYApplication Date: 6 / 3 / 2021

Approval Request for: (check all that apply)

Site Plan ☐ Site Plan Amendment ☐ Special Use Permit ☒

Applicant: Name: Anthony Sicari / NYS Solar Farm, Inc. Email: Kathy@nyssf.com  
Mailing Address: 1938 Route 44-55  
City: Modena State: NY Zip: 12548 Telephone: 845-256-6051

Owner: If different than applicant, if more than one owner provide information for each on separate sheet  
Name: Emily Powers Email: emily.c.powers@gmail.com  
Street Address: 417 Rigor Hill Rd.  
City: Ghent State: NY Zip: 12075 Telephone: 917-664-6043

Project Information: Tax Map Number: 94.-1-10 Parcel Acreage 56.00Location of Project/Street Address: 417 Rigor Hill Road, Ghent, NY 12075Current Land Use of Site: 240 - Rural ResidentialCurrent Condition of Site: Please see Site PlanCharacter of abutting parcels: 210 - Family Residential



Reference Material

SEP 02 2021

Planning Board Meeting

Proposed Use(s) of site:

- ☐ Utilities ☐ Multi-family project  
☐ In-Home Business ☐ Commercial Project ☒ Other (describe use below)

Detailed Description of Proposed Use, including primary and secondary uses (use separate sheet if necessary):

PV Solar Install - Ground Mounted System

System Size: 11.445 kW DC

SunPower (35) PV Modules - E20-327-E-AC

Description of buildings to be used height, number of stories, square feet:

For residential projects include the number of dwelling units and size in square feet

572 sq ft Ground Area

Is the property within 500 feet of ?

- ☐ A municipal boundary  
☐ County or State Park or recreation either existing or proposed  
☐ State or County road or right-of-way, either existing or proposed  
☐ State or County owned building or institution  
☐ Stream or drainage channel owned by County or for which channel lines have been established  
☐ Active farm operation within an Agricultural District

If any of the above is true the site plan must also be reviewed by the County Planning Board.

Applicants Signature: \_\_\_\_\_ Date: 06/03/21

FOR OFFICE USE ONLY

Date Received: \_\_\_\_\_ Project ID: \_\_\_\_\_

Preliminary Review Date: \_\_\_\_\_ Final Review Date: \_\_\_\_\_

Final Decision: \_\_\_\_\_ Site Plan Unnecessary \_\_\_\_\_ Approved  
\_\_\_\_\_ Approved with conditions \_\_\_\_\_ Denied

SEP 02 2021

Planning Board Meeting

617.20  
Appendix B

## Short Environmental Assessment Form

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further 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:

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

Brief Description of Proposed Action:

Name of Applicant or Sponsor:

Telephone:

E-Mail:

Address:

City/PO:

State:

Zip Code:

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:

☐☐

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

\_\_\_\_\_ 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.

☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)

☐ Forest ☐ Agriculture

☐ Aquatic

☐ Other (specify): \_\_\_\_\_

☐ Parkland

# Reference Material

|  |  | NO                          | YES                          | N/A                      |
|--|--|-----------------------------|------------------------------|--------------------------|
| 5. Is the proposed action,   |  |                             |                              |                          |
| a. A permitted use under the zoning regulations?   |  | <input type="checkbox"/>    | <input type="checkbox"/>     | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?   |  | <input type="checkbox"/>    | <input 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 type="checkbox"/>     |                          |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?   |  | NO                          | YES                          |                          |
| If Yes, identify: _____  |  | <input type="checkbox"/>    | <input type="checkbox"/>     |                          |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?   |  | NO                          | YES                          |                          |
|  |  | <input type="checkbox"/>    | <input type="checkbox"/>     |                          |
| b. Are public transportation service(s) available at or near the site of the proposed action?  |  | <input type="checkbox"/>    | <input type="checkbox"/>     |                          |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?   |  | <input type="checkbox"/>    | <input type="checkbox"/>     |                          |
| 9. Does the proposed action meet or exceed the state energy code requirements?   |  | NO                          | YES                          |                          |
| If the proposed action will exceed requirements, describe design features and technologies: _____  |  | <input type="checkbox"/>    | <input type="checkbox"/>     |                          |
| 10. Will the proposed action connect to an existing public/private water supply?   |  | NO                          | YES                          |                          |
| If No, describe method for providing potable water: _____  |  | <input type="checkbox"/>    | <input type="checkbox"/>     |                          |
| 11. Will the proposed action connect to existing wastewater utilities?   |  | NO                          | YES                          |                          |
| If No, describe method for providing wastewater treatment: _____   |  | <input 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 type="checkbox"/>    | <input type="checkbox"/>     |                          |
| b. Is the proposed action located in an archeological sensitive area?  |  | <input 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 type="checkbox"/>    | <input type="checkbox"/>     |                          |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  |  | <input 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 type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><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 type="checkbox"/>    | <input type="checkbox"/>     |                          |
| 16. Is the project site located in the 100 year flood plain?   |  | NO                          | YES                          |                          |
|  |  | <input type="checkbox"/>    | <input type="checkbox"/>     |                          |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?   |  | NO                          | YES                          |                          |
| If Yes,  |  | <input type="checkbox"/>    | <input type="checkbox"/>     |                          |
| 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)?  |  | <input type="checkbox"/>    | <input type="checkbox"/>     |                          |
| If Yes, briefly describe: _____  |  | <input type="checkbox"/> NO | <input type="checkbox"/> YES |                          |

## Reference Material

|  |                          |                          |
|--|--------------------------|--------------------------|
| <p>18. Does the proposed action include construction or other activities that result in a permanent or temporary loss of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> | NO                       | YES                      |
| SEP 02 2024<br>Planning Board Meeting  | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p>   | NO                       | YES                      |
|  | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p>   | NO                       | YES                      |
|  | <input type="checkbox"/> | <input type="checkbox"/> |
| <p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>   |                          |                          |

**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<br>small<br>impact<br>may<br>occur | Moderate<br>to large<br>impact<br>may<br>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"/>                       |

### Reference Material

|   |   |  |
|---|---|--|
| SEP 02 2021<br>Planning Board Meeting   | No, or<br>small<br>impact<br>may<br>occur | Moderate<br>to large<br>impact<br>may<br>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.   |
| _____<br>Name of Lead Agency                                      | _____<br>Date  |
| _____<br>Print or Type Name of Responsible Officer in Lead Agency | _____<br>Title of Responsible Officer  |
| _____<br>Signature of Responsible Officer in Lead Agency          | _____<br>Signature of Preparer (if different from Responsible Officer)   |

**PRINT**

**RESET**

**Reference Material**

SEP 02 2021

Planning Board Meeting

417 RIGOR HILL ROAD, GHENT, NY 12075

ABUTTERS LIST

94.-1-24 – Janet & Robert Sweikert, 436 Rigor Hill Road, Ghent, NY

94.-1-11 – Shawn Greene, 403 Rigor Hill Road, Ghent, NY

94.-1-9.11 – Gerald Pratt, Jr. & Erin Campion, 7 Spring Hill Lane, Austerlitz, NY

91.-1-22.1 – 365 Rigor Hill, LLC, 365 Rigor Hill Road, Ghent, NY

94.-1-23 – Joseph Hamersky, 38 Rigor Hill Road, Ghent, NY



# CERTIFICATE OF LIABILITY INSURANCE

SEP 02 2021

 DATE (MM/DD/YYYY)  
06/14/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| <b>PRODUCER</b><br>Integrated Brokerage Services, Inc.<br>303 Sunnyside Blvd<br>Suite 25<br>Plainview NY 11803 |        | <b>CONTACT NAME:</b> Kieran Basra<br><b>PHONE (A/C, No, Ext):</b> (516) 551-2858<br><b>FAX (A/C, No):</b> (516) 997-2910<br><b>E-MAIL ADDRESS:</b> kieranb@ibsinsurance.com  |  |         |        |  |       |  |       |  |       |            |  |            |  |            |  |
|--|--------|--|--|---------|--------|--|-------|--|-------|--|-------|------------|--|------------|--|------------|--|
| <b>INSURED</b><br>New York State Solar Farm Inc.<br>1938 Route 44/55<br>Modena NY 12548                        |        | <b>INSURER(S) AFFORDING COVERAGE</b><br><table border="1"> <tr> <th>INSURER</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A: Westchester Surplus Lines Insurance Company</td> <td>10172</td> </tr> <tr> <td>INSURER B: American Zurich Insurance Company</td> <td>40142</td> </tr> <tr> <td>INSURER C: Hartford Fire Insurance Company</td> <td>19682</td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table> |  | INSURER | NAIC # | INSURER A: Westchester Surplus Lines Insurance Company | 10172 | INSURER B: American Zurich Insurance Company | 40142 | INSURER C: Hartford Fire Insurance Company | 19682 | INSURER D: |  | INSURER E: |  | INSURER F: |  |
| INSURER  | NAIC # |  |  |         |        |  |       |  |       |  |       |            |  |            |  |            |  |
| INSURER A: Westchester Surplus Lines Insurance Company   | 10172  |  |  |         |        |  |       |  |       |  |       |            |  |            |  |            |  |
| INSURER B: American Zurich Insurance Company   | 40142  |  |  |         |        |  |       |  |       |  |       |            |  |            |  |            |  |
| INSURER C: Hartford Fire Insurance Company   | 19682  |  |  |         |        |  |       |  |       |  |       |            |  |            |  |            |  |
| INSURER D:   |        |  |  |         |        |  |       |  |       |  |       |            |  |            |  |            |  |
| INSURER E:   |        |  |  |         |        |  |       |  |       |  |       |            |  |            |  |            |  |
| INSURER F:   |        |  |  |         |        |  |       |  |       |  |       |            |  |            |  |            |  |

## COVERAGES

CERTIFICATE NUMBER: CL2161418842

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE   | ADDL INSD   | SUBR WVD | POLICY NUMBER   | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS  |                                   |
|----------|---|---|----------|-----------------|-------------------------|-------------------------|---|-----------------------------------|
| A        | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY  |   |          | G71201600003    | 11/05/2020              | 11/05/2021              | EACH OCCURRENCE \$ 1,000,000  |                                   |
|          | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR                            |   |          |                 |                         |                         | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000                             |                                   |
|          | GEN'L AGGREGATE LIMIT APPLIES PER:  |   |          |                 |                         |                         |   | MED EXP (Any one person) \$ 5,000 |
|          | <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC |   |          |                 |                         |                         | PERSONAL & ADV INJURY \$ 1,000,000  |                                   |
|          | OTHER:  |   |          |                 |                         |                         | GENERAL AGGREGATE \$ 2,000,000  |                                   |
|          |   |   |          |                 |                         |                         | PRODUCTS - COM/OP AGG \$ 2,000,000  |                                   |
|          |   |   |          |                 |                         |                         | Pollution/Profess. Liab. \$ 1,000,000 each                                      |                                   |
|          | <b>AUTOMOBILE LIABILITY</b>   |   |          |                 |                         |                         | COMBINED SINGLE LIMIT (Ea accident) \$  |                                   |
|          | <input type="checkbox"/> ANY AUTO   |   |          |                 |                         |                         | BODILY INJURY (Per person) \$   |                                   |
|          | <input type="checkbox"/> OWNED AUTOS ONLY   | <input type="checkbox"/> SCHEDULED AUTOS              |          |                 |                         |                         | BODILY INJURY (Per accident) \$   |                                   |
|          | <input type="checkbox"/> HIRED AUTOS ONLY   | <input type="checkbox"/> NON-OWNED AUTOS ONLY         |          |                 |                         |                         | PROPERTY DAMAGE (Per accident) \$   |                                   |
|          |   |   |          |                 |                         |                         | \$  |                                   |
|          | <b>UMBRELLA LIAB</b>  |   |          |                 |                         |                         | EACH OCCURRENCE \$  |                                   |
|          | <b>EXCESS LIAB</b>  |   |          |                 |                         |                         | AGGREGATE \$  |                                   |
|          | DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>  |   |          |                 |                         |                         | \$  |                                   |
| B        | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>  |   |          | WC 48-37-526-01 | 06/01/2021              | 06/01/2022              | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER |                                   |
|          | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)                               | <input type="checkbox"/> Y <input type="checkbox"/> N | N/A      |                 |                         |                         | E.L. EACH ACCIDENT \$ 2,000,000   |                                   |
|          | If yes, describe under DESCRIPTION OF OPERATIONS below  |   |          |                 |                         |                         | E.L. DISEASE - EA EMPLOYEE \$ 2,000,000   |                                   |
|          |   |   |          |                 |                         |                         | E.L. DISEASE - POLICY LIMIT \$ 2,000,000  |                                   |
| C        | Contractor's Equipment - Installation Floater   |   |          | 12MSBI5789K1    | 11/05/2020              | 11/05/2021              | Any one premises: \$150,000   |                                   |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

## CERTIFICATE HOLDER

## CANCELLATION

|   |   |
|---|---|
| Town of Austerlitz<br>816 Route 203<br>PO Box 238<br>Spencertown NY 12165 | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.<br>AUTHORIZED REPRESENTATIVE<br> |
|---|---|

SEP 02 2021

Planning Board Meeting



Workers'  
Compensation  
Board

# CERTIFICATE OF INSURANCE COVERAGE DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

## PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

1a. Legal Name & Address of Insured (use street address only)  
NEW YORK STATE SOLAR FARM, INC.

1938 ROUTE 44/55  
MODENA, NY 12548

Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)

1b. Business Telephone Number of Insured  
518-610-8164

1c. Federal Employer Identification Number of Insured  
or Social Security Number  
320239169

2. Name and Address of Entity Requesting Proof of Coverage  
(Entity Being Listed as the Certificate Holder)

Town of Austerlitz  
8'6 Route 203  
PO Box 238  
Spencertown, NY 12165

3a. Name of Insurance Carrier

ShelterPoint Life Insurance Company

3b. Policy Number of Entity Listed in Box "1a"  
DBL362330

3c. Policy effective period  
07/15/2020 to 07/14/2022

4. Policy provides the following benefits:

- ☒ A. Both disability and paid family leave benefits.  
☐ B. Disability benefits only.  
☐ C. Paid family leave benefits only.

5. Policy covers:

- ☒ A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.  
☐ B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 5/4/2021

By

(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that Insurance carrier)

Telephone Number 516-829-8100

Name and Title Richard White, Chief Executive Officer

**IMPORTANT:** If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

## PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)

### State of New York Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.

Date Signed \_\_\_\_\_ By \_\_\_\_\_

(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number \_\_\_\_\_ Name and Title \_\_\_\_\_

**Please Note:** Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.





SEP 02 2021



**Workers'  
Compensation  
Board**

**CERTIFICATE OF**

Planning Board Meeting

**NYS WORKERS' COMPENSATION INSURANCE COVERAGE**

|   |   |
|---|---|
| <p>1a. Legal Name Address of Insured (use street address only)</p> <p>Justworks Employment Group LLC</p> <p>NEW YORK STATE SOLAR FARM INC.</p> <p>1938 Route 44/55</p> <p>Modena, NY 12548</p> <p>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)</p> | <p>1b. Business Telephone Number of Insured</p> <p>(888) 534-1711</p> <p>1c. NYS Unemployment Insurance Employer Registration Number of insured</p> <p>1d. Federal Employer Identification Number of Insured or Social Security Number</p> <p>320239169</p>   |
| <p>2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)</p> <p>Town of Austerlitz</p> <p>816 Route 203 PO Box 238</p> <p>Spencertown, NY 12165</p>  | <p>3a. Name of Insurance Carrier</p> <p>American Zurich Insurance Company</p> <p>3b. Policy Number of Entity Listed in Box "1a"</p> <p>WC 48-37-526-01</p> <p>3c. Policy effective period</p> <p>6/1/2021 to 6/1/2022</p> <p>3d. The Proprietor, Partners, or Executive Officers are included. (Only check box if all partners/officers included) all excluded or certain partners/officers excluded.</p> |

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. (To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy). The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box 3c, whichever is earlier.

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: Douglas Jones

(Print name of authorized representative or licensed agent of insurance carrier)

Approved by:

6/3/2021

(Signature)

(Date)

Title: Vice President

Telephone number of authorized representative or licensed agent of insurance carrier:

(480)951-4177

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

# Short Environmental Assessment Form

## Part 1 - Project Information

Reference Material

SEP 02 2021

### Instructions for Completing

Planning Board Meeting

**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.

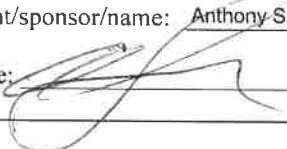
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

|   |  |  |  |
|---|--|--|--|
| <b>Part 1 – Project and Sponsor Information</b>   |  |  |  |
| Sponsor/Applicant: Anthony S. Sicari, Jr. / NYS Solar Farm, Inc. (for Emily Powers)   |  |  |  |
| Name of Action or Project:<br>Emily Powers - Ground Mounted PV Solar Install  |  |  |  |
| Project Location (describe, and attach a location map):<br>417 Rigor Hill Rd., Ghent, NY 12075  |  |  |  |
| Brief Description of Proposed Action:<br>PV Solar Install - Ground Mounted System<br>(35) SunPower E20-327-E-AC PV Modules<br>System Size: 11.445 kw DC<br>Solar PV Ground Mounted Array Area: 572 sq ft  |  |  |  |
| Name of Applicant or Sponsor:<br><br>Anthony S. Sicari, Jr. / NYS Solar Farm, Inc.  |  | Telephone: 845-256-6051<br><br>E-Mail: kathy@nyssf.com |  |
| Address:<br>1938 Route 44-55  |  |  |  |
| City/PO:<br>Modena  |  | State:<br>NY   | Zip Code:<br>12548   |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.  |  |  | NO<br><input type="checkbox"/><br>YES<br><input checked="" type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?<br>If Yes, list agency(s) name and permit or approval: Town of Auzterlitz Building Department Permit Approval   |  |  | NO<br><input type="checkbox"/><br>YES<br><input checked="" type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action?   |  | 56.00 acres  |  |
| b. Total acreage to be physically disturbed?  |  | 572 sq ft acres  |  |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?  |  | 56.00 acres  |  |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:  |  |  |  |
| 5. <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)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):<br><input type="checkbox"/> Parkland |  |  |  |

| Reference Material   |                        | NO  | YES  | N/A                      |
|--|------------------------|---|--|--------------------------|
| 5. Is the proposed action,   |                        |   |  |                          |
| a. A permitted use under the zoning regulations?   | SEP 02 2021            | <input type="checkbox"/>                  | <input checked="" type="checkbox"/>        | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?   | Planning Board Meeting | <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<br><input type="checkbox"/>            | YES<br><input checked="" type="checkbox"/> |                          |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?   |                        | NO  | YES  |                          |
| 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?   |                        | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |                          |
| b. Are public transportation services 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 the 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?   |                        | NO  | YES  |                          |
| If the proposed action will exceed requirements, describe design features and technologies:<br>_____<br>_____  |                        | <input type="checkbox"/>                  | <input checked="" type="checkbox"/>        |                          |
| 10. Will the proposed action connect to an existing public/private water supply?   |                        | NO  | YES  |                          |
| If No, describe method for providing potable water: _____<br>N/A   |                        | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                   |                          |
| 11. Will the proposed action connect to existing wastewater utilities?   |                        | NO  | YES  |                          |
| If No, describe method for providing wastewater treatment: _____<br>_____  |                        | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                   |                          |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? |                        | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |                          |
| b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  |                        | <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<br><input type="checkbox"/>            | YES<br><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: _____<br>_____<br>_____   |                        |   |  |                          |

SEP 02 2021

Planning Board Meeting

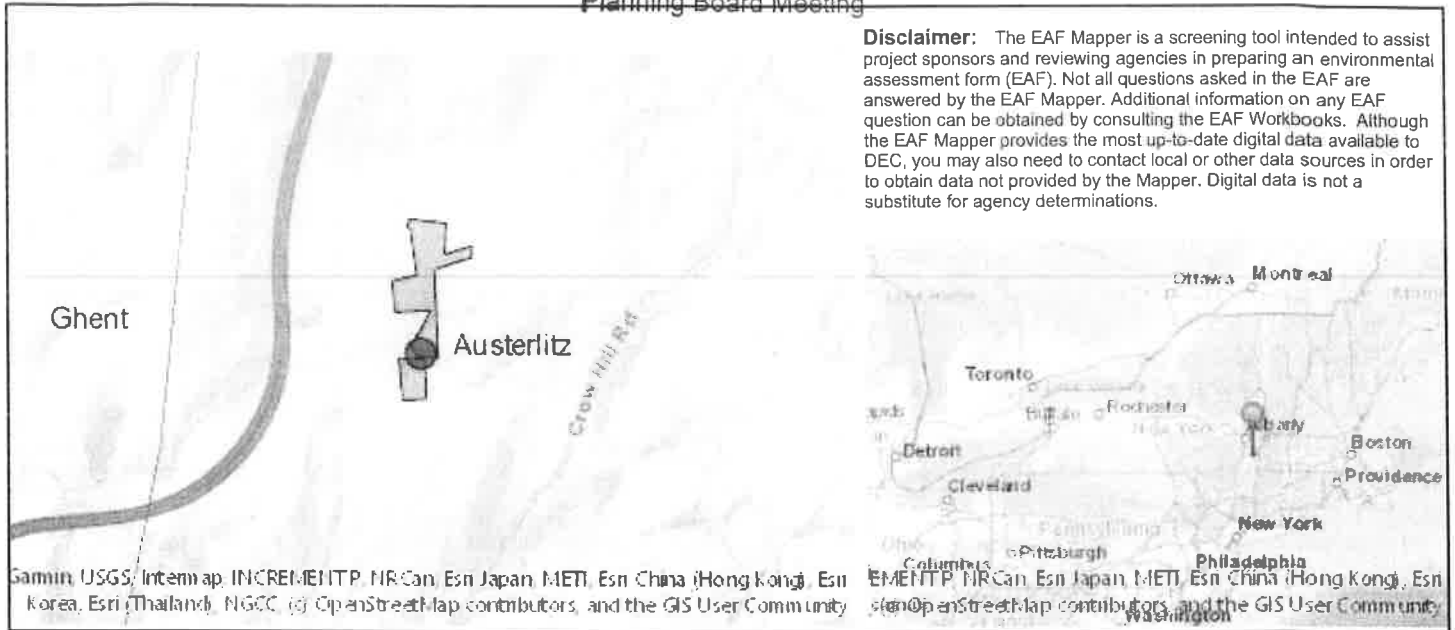
|   |                                 |  |
|---|---------------------------------|--|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:  |                                 |  |
| <input type="checkbox"/> Shoreline  | <input type="checkbox"/> Forest | <input type="checkbox"/> Agricultural/grasslands |
| <input type="checkbox"/> Wetland  | <input type="checkbox"/> Urban  | <input checked="" 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 plan?   |                                 |  |
| 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?  |                                 |  |
| NO  | YES                             |  |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/>        |  |
| If Yes,   |                                 |  |
| a. Will storm water discharges flow to adjacent properties?   |                                 |  |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/>        |  |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?   |                                 |  |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/>        |  |
| If Yes, briefly describe:   |                                 |  |
| <hr/>   |                                 |  |
| <hr/>   |                                 |  |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? |                                 |  |
| NO  | YES                             |  |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/>        |  |
| If Yes, explain the purpose and size of the impoundment:  |                                 |  |
| <hr/>   |                                 |  |
| <hr/>   |                                 |  |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?                                      |                                 |  |
| NO  | YES                             |  |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/>        |  |
| If Yes, describe:   |                                 |  |
| <hr/>   |                                 |  |
| <hr/>   |                                 |  |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?                                    |                                 |  |
| NO  | YES                             |  |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/>        |  |
| If Yes, describe:   |                                 |  |
| <hr/>   |                                 |  |
| <hr/>   |                                 |  |
| <b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>   |                                 |  |
| Applicant/sponsor/name: <u>Anthony S. Sicari, Jr. / NYS Solar Farm, Inc.</u> Date: <u>06/01/21</u>  |                                 |  |
| Signature:  Title: <u>Founder</u>  |                                 |  |

## EAF Mapper Summary Report

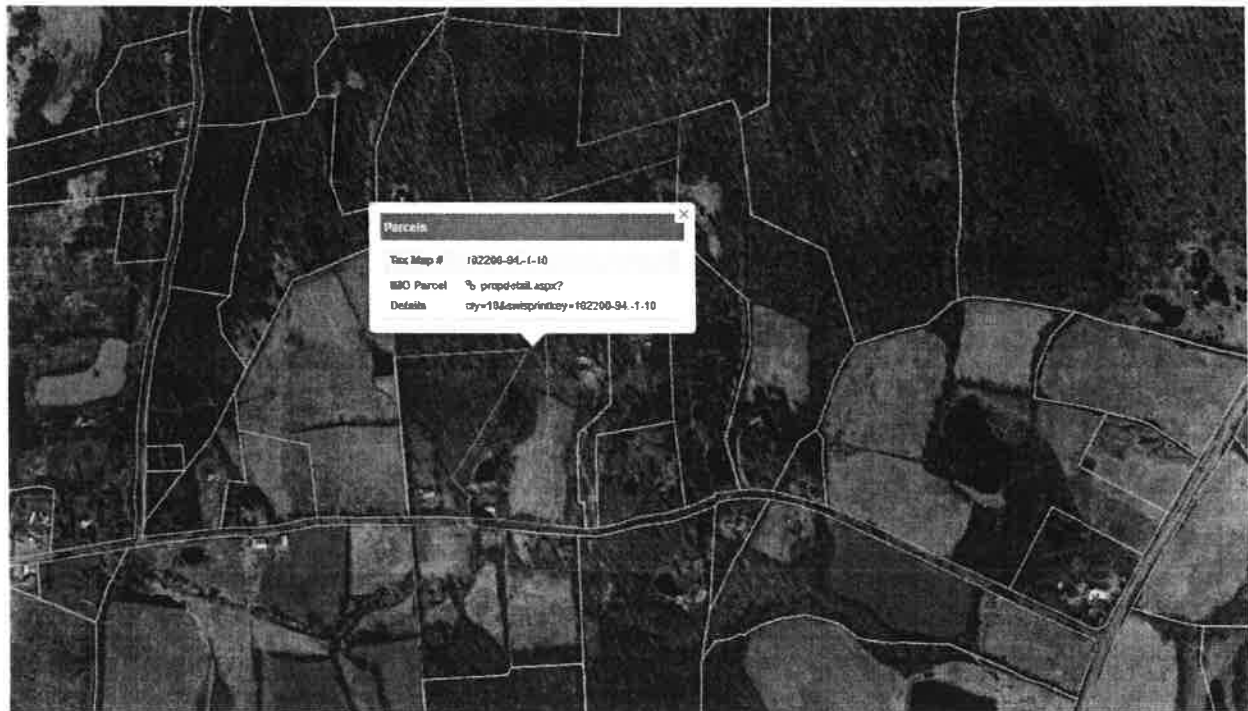
SEP 02 2021

Tuesday, July 13, 2021 3:03 PM

## Planning Board Meeting



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



**Reference Material**

SEP 02 2021

Planning Board Meeting



Reference Material

SEP 02 2021

Planning Board Meeting



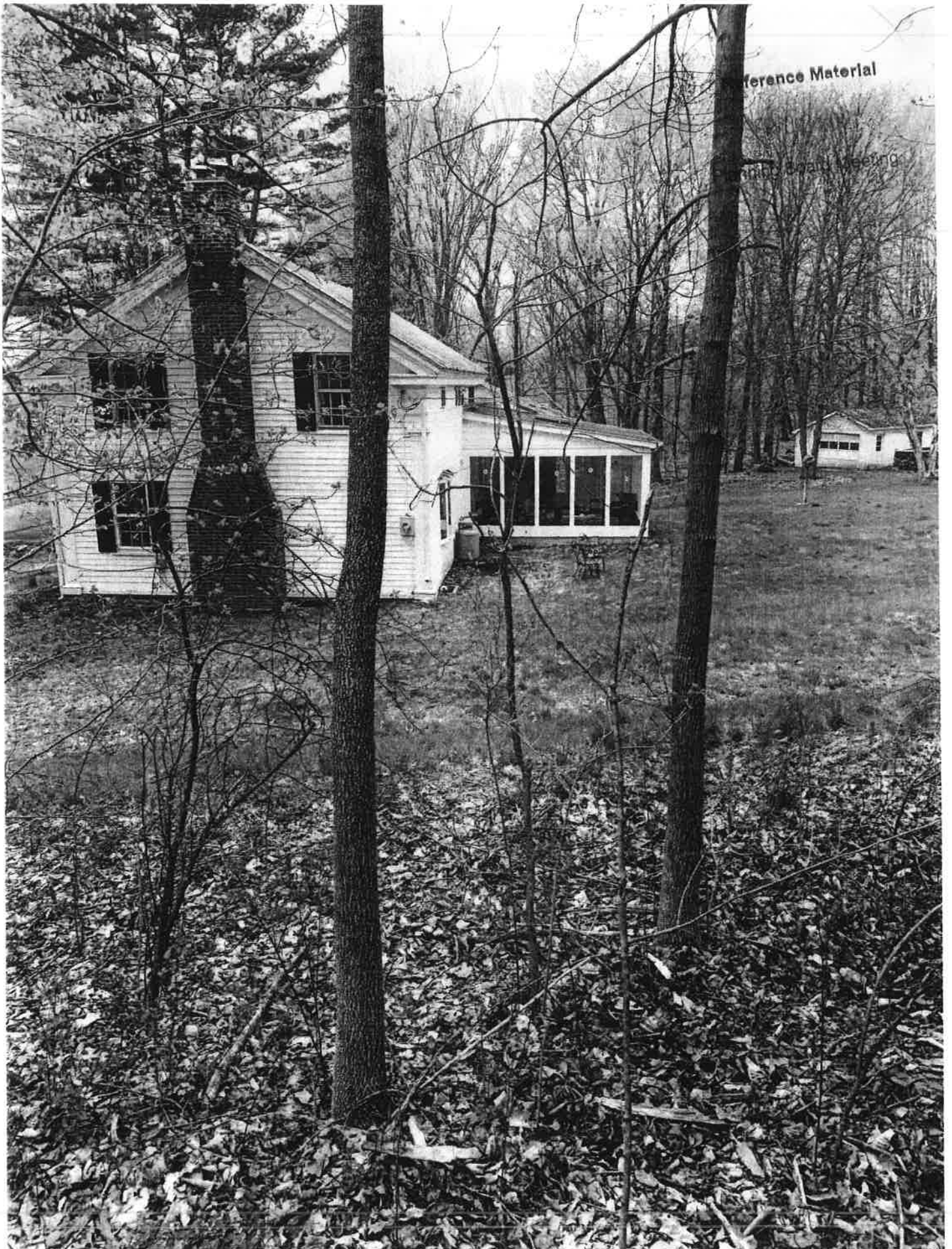
Reference Material

SEP 02/2021

Planning Board Meeting







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SEP 02 2021

Planning Board Meeting

Google Maps 417 Rigor Hill Rd

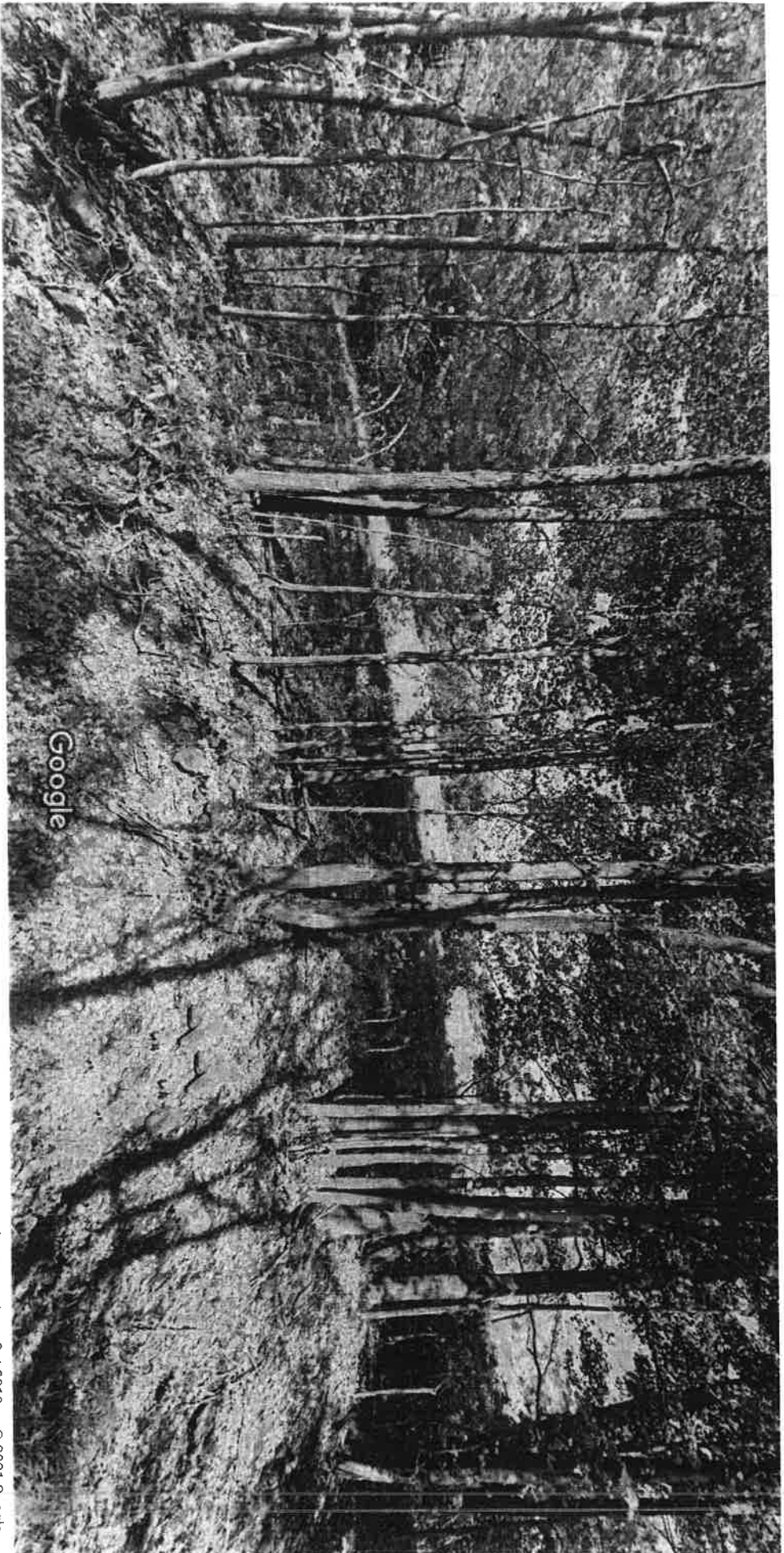


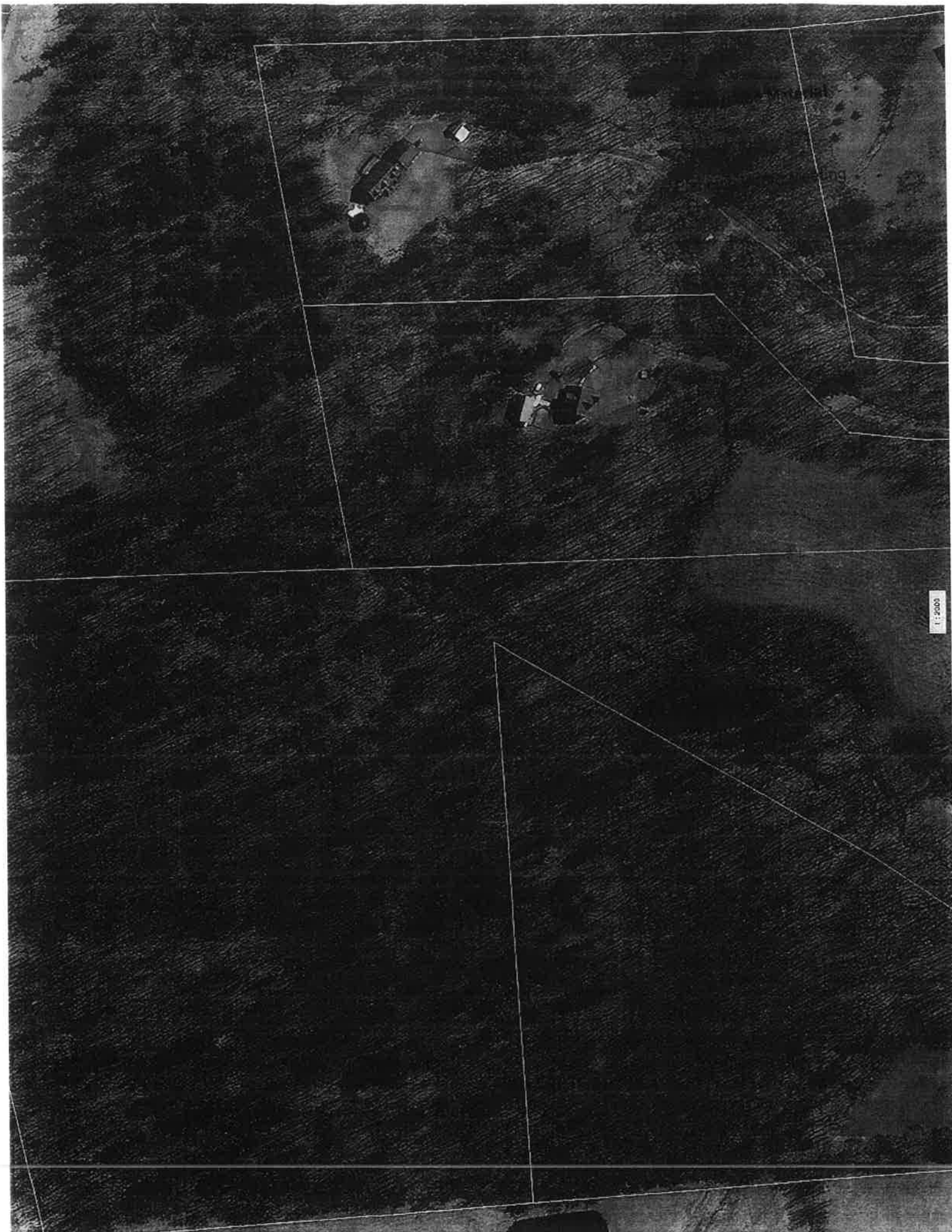
Image capture: Oct 2019 © 2021 Google

Chent, New York



Street View







## Property Description Report For: 417 Rigor Hill Rd, Municipality of Austerlitz

### Reference Material

SEP 02 2021

Planning Board Meeting

No Photo Available

|                            |   |                             |   |
|----------------------------|---|-----------------------------|---|
| <b>Total Acreage/Size:</b> | 56.00   | <b>Status:</b>              | Active  |
| <b>Land Assessment:</b>    | 2021 - Tentative<br>\$313,000<br>2020 - \$313,000 | <b>Roll Section:</b>        | Taxable   |
| <b>Full Market Value:</b>  | 2021 - Tentative<br>\$572,400<br>2020 - \$572,400 | <b>Swls:</b>                | 102200  |
| <b>Equalization Rate:</b>  | 2021 - Tentative<br>100.00%<br>2020 - 100.00%     | <b>Tax Map ID #:</b>        | 94.-1-10  |
| <b>Deed Book:</b>          | 880   | <b>Property Class:</b>      | 240 - Rural res                                   |
| <b>Grid East:</b>          | 743574  | <b>Site:</b>                | RES 1   |
|                            |   | <b>In Ag. District:</b>     | No  |
|                            |   | <b>Site Property Class:</b> | 240 - Rural res                                   |
|                            |   | <b>Zoning Code:</b>         | 01  |
|                            |   | <b>Neighborhood Code:</b>   | 02207   |
|                            |   | <b>School District:</b>     | Copake-Taconic Hills                              |
|                            |   | <b>Total Assessment:</b>    | 2021 - Tentative<br>\$572,400<br>2020 - \$572,400 |
|                            |   | <b>Property Desc:</b>       | Micro-11522                                       |
|                            |   | <b>Deed Page:</b>           | 1831  |
|                            |   | <b>Grid North:</b>          | 1262093   |

### Area

|                               |               |                                   |               |
|-------------------------------|---------------|-----------------------------------|---------------|
| <b>Living Area:</b>           | 2,549 sq. ft. | <b>First Story Area:</b>          | 1,526 sq. ft. |
| <b>Second Story Area:</b>     | 0 sq. ft.     | <b>Half Story Area:</b>           | 243 sq. ft.   |
| <b>Additional Story Area:</b> | 0 sq. ft.     | <b>3/4 Story Area:</b>            | 780 sq. ft.   |
| <b>Finished Basement:</b>     | 0 sq. ft.     | <b>Number of Stories:</b>         | 1.7           |
| <b>Finished Rec Room:</b>     | 0 sq. ft.     | <b>Finished Area Over Garage:</b> | 0 sq. ft.     |

### Structure

|                             |               |                                 |              |
|-----------------------------|---------------|---------------------------------|--------------|
| <b>Building Style:</b>      | Old style     | <b>Bathrooms (Full - Half):</b> | 2 - 1        |
| <b>Bedrooms:</b>            | 3             | <b>Kitchens:</b>                | 1            |
| <b>Fireplaces:</b>          | 1             | <b>Basement Type:</b>           | Full         |
| <b>Porch Type:</b>          | Porch-covered | <b>Porch Area:</b>              | 108.00       |
| <b>Basement Garage Cap:</b> | 2             | <b>Attached Garage Cap:</b>     | 0.00 sq. ft. |
| <b>Overall Condition:</b>   | Normal        | <b>Overall Grade:</b>           | Average      |
| <b>Year Built:</b>          | 1810          |                                 |              |

### Owners

|   |  |
|---|--|
| Emily C Powers<br>417 Rigor Hill Rd<br>Ghent NY 12075 | Joshua M Rudder<br>417 Rigor Hill Rd<br>Ghent NY 12075 |
|---|--|





Workers' Compensation Board

# CERTIFICATE OF INSURANCE COVERAGE DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

Reference Material

SEP 02 2021

Planning Board Meeting

## PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

|  |  |
|--|--|
| <p>1a. Legal Name &amp; Address of Insured (use street address only)<br/>NEW YORK STATE SOLAR FARM, INC.<br/><br/>1938 ROUTE 44/55<br/>MODENA, NY 12548</p> <p>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)</p> | <p>1b. Business Telephone Number of Insured<br/>518-610-8164</p> <p>1c. Federal Employer Identification Number of Insured or Social Security Number<br/>320239169</p>  |
| <p>2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)<br/><br/>Town of Austerlitz<br/>86 Route 203<br/>PO Box 238<br/>Spencertown, NY 12165</p>  | <p>3a. Name of Insurance Carrier<br/>ShelterPoint Life Insurance Company</p> <p>3b. Policy Number of Entity Listed in Box "1a"<br/>DBL362330</p> <p>3c. Policy effective period<br/>07/15/2020 to 07/14/2022</p> |

### 4. Policy provides the following benefits:

- ☒ A. Both disability and paid family leave benefits.  
☐ B. Disability benefits only.  
☐ C. Paid family leave benefits only.

### 5. Policy covers:

- ☒ A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.  
☐ B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 5/4/2021 By   
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 516-829-8100 Name and Title Richard White, Chief Executive Officer

**IMPORTANT:** If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

## PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)

### State of New York Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.

Date Signed \_\_\_\_\_ By \_\_\_\_\_  
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number \_\_\_\_\_ Name and Title \_\_\_\_\_

**Please Note:** Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.



**James A. Koppenhaver, P.E.**  
304 Logan Avenue, Wyomissing, PA 19610  
(484) 794-9949 koppenhaverpe@gmail.com

May 19, 2021

Installer: Mr. Anthony Sizari, New York State Solar Farm  
871 State Route, #208,  
Gardiner, NY, 12525

Location: Emily Powers  
417 Rigor Hill Rd  
Chenot, NY 12075

Re: As-Built Certification for Solar Energy Ground Mount System

To Whom It May Concern:

I have evaluated the subgrade at the Project Location for its ability to withstand the loads from the supports of the proposed solar panel system. Deflection and stresses of the structural components shall remain within the industry standards for their respective materials. Compliance Method is through an Engineered Design in accordance of the 2020 Building Code of New York State and Risk Category II for Wind Pressures from 112 mph, 3-sec. gust, Exposure B, and a Ground Snow Load of 40 psf, as applicable to a site structure. Posts are driven to 7 feet deep. Support locations and racking methods are as indicated in our plan submission.

From the NRCS soils report, the existing subgrade is verified to be structurally adequate to support the reactions of the solar panel supports. Racking support piles are placed into the native Bernardsville sandy gravel. This material provides the presumptive load bearing value of 3,000 psf., and lateral restraint of 600 psf.

It is my professional opinion, with a reasonable degree of engineering certainty and probability, that the structural integrity of the solar panel support system will remain sound with supported by the existing subgrade. Should you have any questions with regard to the information contained in this letter, please do not hesitate to contact me.

Submitted,



PA35748E NY77142 CT29571 NJ32140 MD16053 OH78077 FL71888 VA402052001

Reference Material

SEP 02 2021

Planning Board Meeting

Indicate Model E-Series Q XS (R) (N) (S) (K) (H) (A) (C) (U) (D)

Model Configuration Examples:

E20-327-QS-K-A-C-U-D

E19-320-QS-K-A-C-U-D

E20-327-QS-K-A-C-U-D

E19-320-QS-K-A-C-U-D

E20-327-QS-K-A-C-U-D

E19-320-QS-K-A-C-U-D

E20-327-QS-K-A-C-U-D

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E20-327-QS-K-A-C-U-D

E19-320-QS-K-A-C-U-D

@240 VAC

320 VA

315 VA

710 V / 31.2 A

1.31

1.2 (single phase)

97.5%

65.1%

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@208 VAC

240 VA

235 VA

208 V / 22.5 A

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1.0 (two phase wye)

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Warranties

25 year limited power warranty

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25 year limited power warranty

SPR-E20-327-EAC

320 VA

315 VA

710 V / 31.2 A

1.31

1.2 (single phase)

97.5%

65.1%

97.5%

97.5%

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SPR-E19-320-EAC

320 VA

315 VA

710 V / 31.2 A

1.31

1.2 (single phase)

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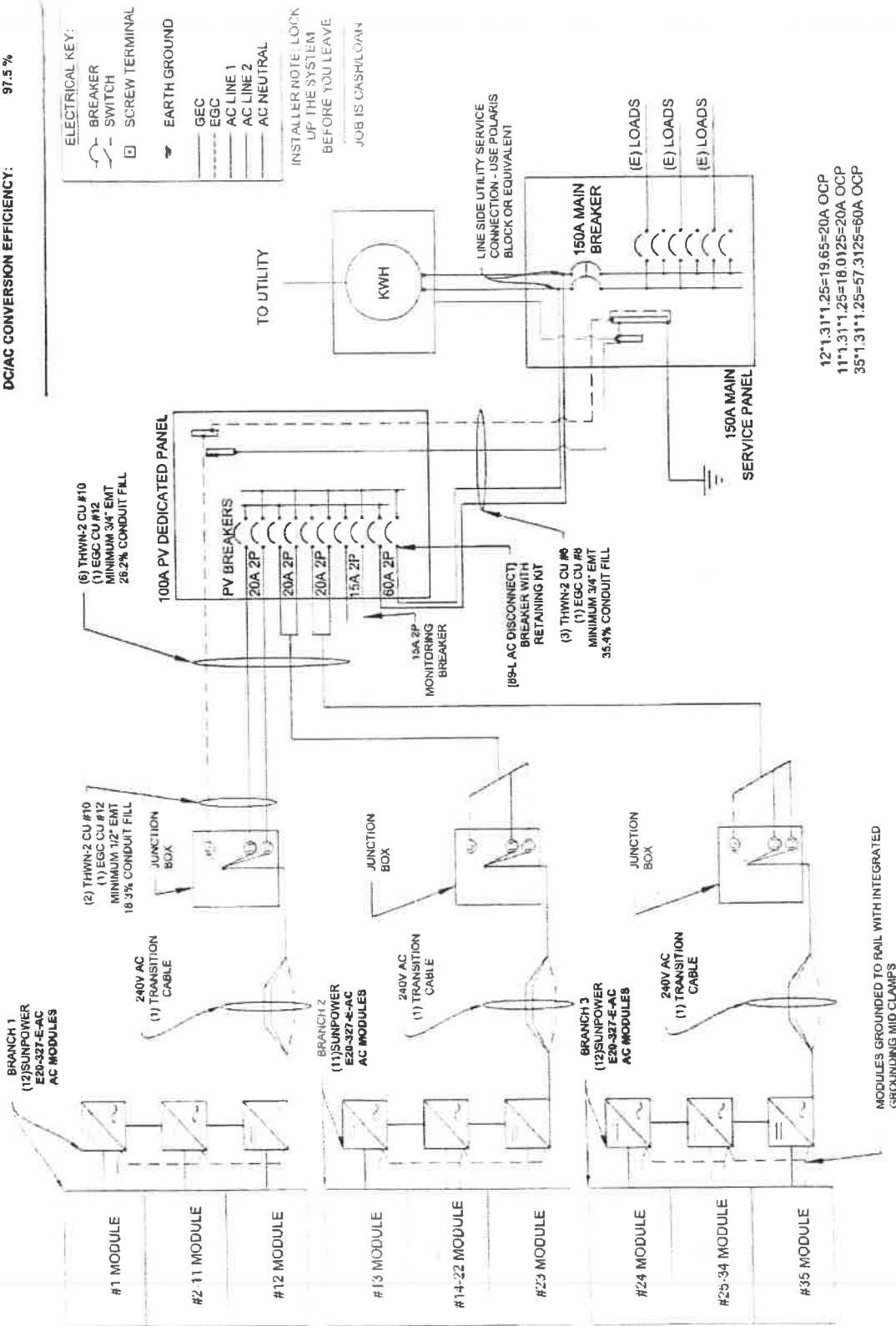
97.5%



# CONFORMING TO 2020 RESIDENTIAL CODE OF NEW YORK STATE & 2017 NEC

See included documentation from the manufacturer indicating that there is no neutral conductor required between the micro inverters and the PV dedicated panel

SUNPOWER 327 WATT AC MODULE SPECS:  
NOMINAL OPERATING AC VOLTAGE: 240 V  
NOMINAL OPERATING AC FREQUENCY: 60 HZ  
MAXIMUM AC POWER: 320 WATT  
MAXIMUM AC CURRENT: 1.31 A  
MAXIMUM OVERCURRENT DEVICE RATING: 20A  
DC/AC CONVERSION EFFICIENCY: 97.5 %



ELECTRICAL KEY:  
- BREAKER  
- SWITCH  
- SCREW TERMINAL  
- EARTH GROUND  
- EGC  
- AC LINE 1  
- AC LINE 2  
- AC NEUTRAL

INSTALLER NOTE: LOOK UP THE SYSTEM BEFORE YOU LEAVE  
JOB IS CASH/LOAN

NEW YORK STATE SOLAR FARM INC  
871 STATE ROUTE 208  
GARDINER, NY 12525 USA  
PHONE: 1.877.SOLAR.95

BuySolarLocal.com  
**SUNPOWER®**  
by  
New York State Solar Farm

CUSTOMER:  
JOSHUA RUDDER & EMILY POWERS  
RESIDENCE  
417 RIGOR HILL RD  
GHENT, NY 12075  
CUSTOMER ID# 21859

PV SYSTEM CONFIGURATION:  
SYSTEM SIZE: 11.445 kW DC  
SYSTEM SIZE: 11.025 kW AC  
PV MODULES: (35) SUNPOWER  
E20-327-E-AC  
MICRO INVERTER: (3 BRANCHES)

DRAWN BY: NYSOLAR-AS  
DATE: 5-5-2021  
REV: 0  
INSTALLER CODE: 0

**SHEET #: PV2**  
SHEET TITLE: ELECTRICAL  
2 OF 10 SHEETS  
SCALE: N/A

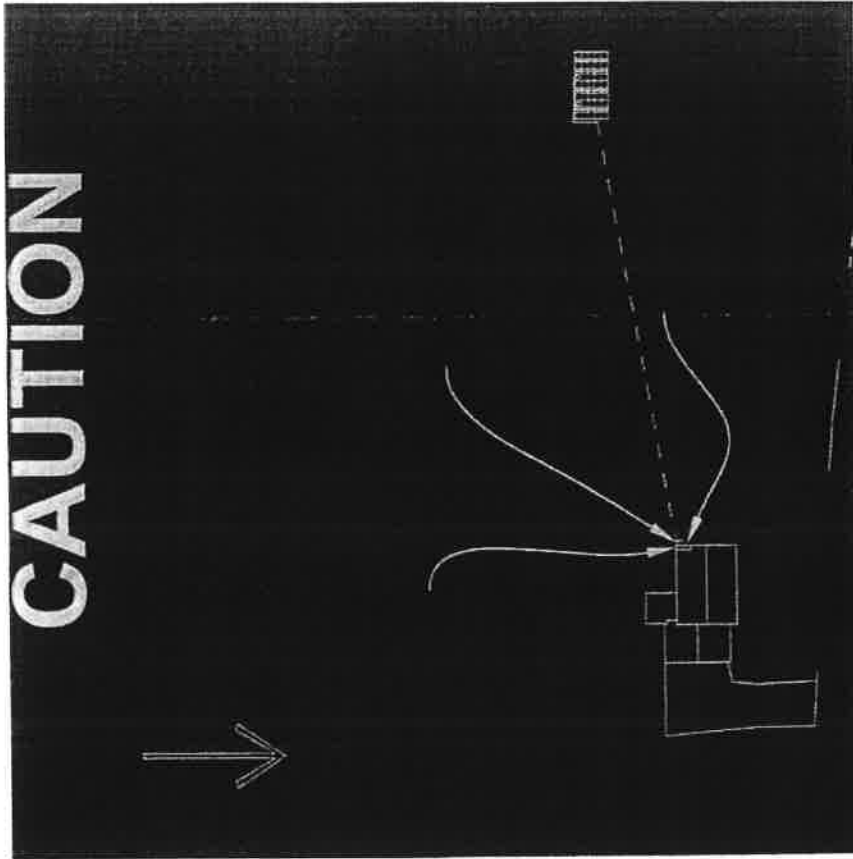
SOLAR ARRAYS AND THEIR SYSTEM COMPONENTS SHALL BE INSTALLED IN CONJUNCTION WITH LOCAL CODES, 2020 RESIDENTIAL CODE OF NEW YORK STATE & 2017 NEC

Reference Material

SEP 02 2021

Planning Board Meeting

NEC 690.14(D)(4) LINKS TO 705.10 DIRECTORY  
A permanent plaque or directory denoting all electric power sources on or in the premises must be installed at each service equipment location and all interconnected electric power production sources.



NEW YORK STATE SOLAR FARM INC

871 STATE ROUTE 206

GARDINER, NY 12525 USA

PHONE: 1.877.SOLAR.95

BuySolarLocal.com  
**SUNPOWER®**

by  
New York State Solar Farm

CUSTOMER:  
JOSHUA RUDDER & EMILY POWERS

RESIDENCE  
417 RIGOR HILL RD  
GHENT, NY 12075

CUSTOMER ID#:  
21839

PV SYSTEM CONFIGURATION:  
SYSTEM SIZE: 11.445 KW DC  
SYSTEM SIZE: 11.025 KW AC  
PV MODULES: (35) SUNPOWER  
E20-327-E-AC  
MICRO INVERTER: (3 BRANCHES)

DRAWN BY: NYSOLAR AS  
DATE: 5-5-2021  
REV: 0  
INSTALLER CODE: 0

**SHEET #: PV4**

SHEET TITLE: LABELS  
4 OF 10 SHEETS  
SCALE: N/A

SOLAR ARRAYS AND THEIR SYSTEM  
COMPONENTS SHALL BE INSTALLED  
IN CONJUNCTION WITH LOCAL  
CODES, 2020 RESIDENTIAL CODE OF  
NEW YORK STATE & 301.1.4.5.1

Reference Material

SEP 02 2021

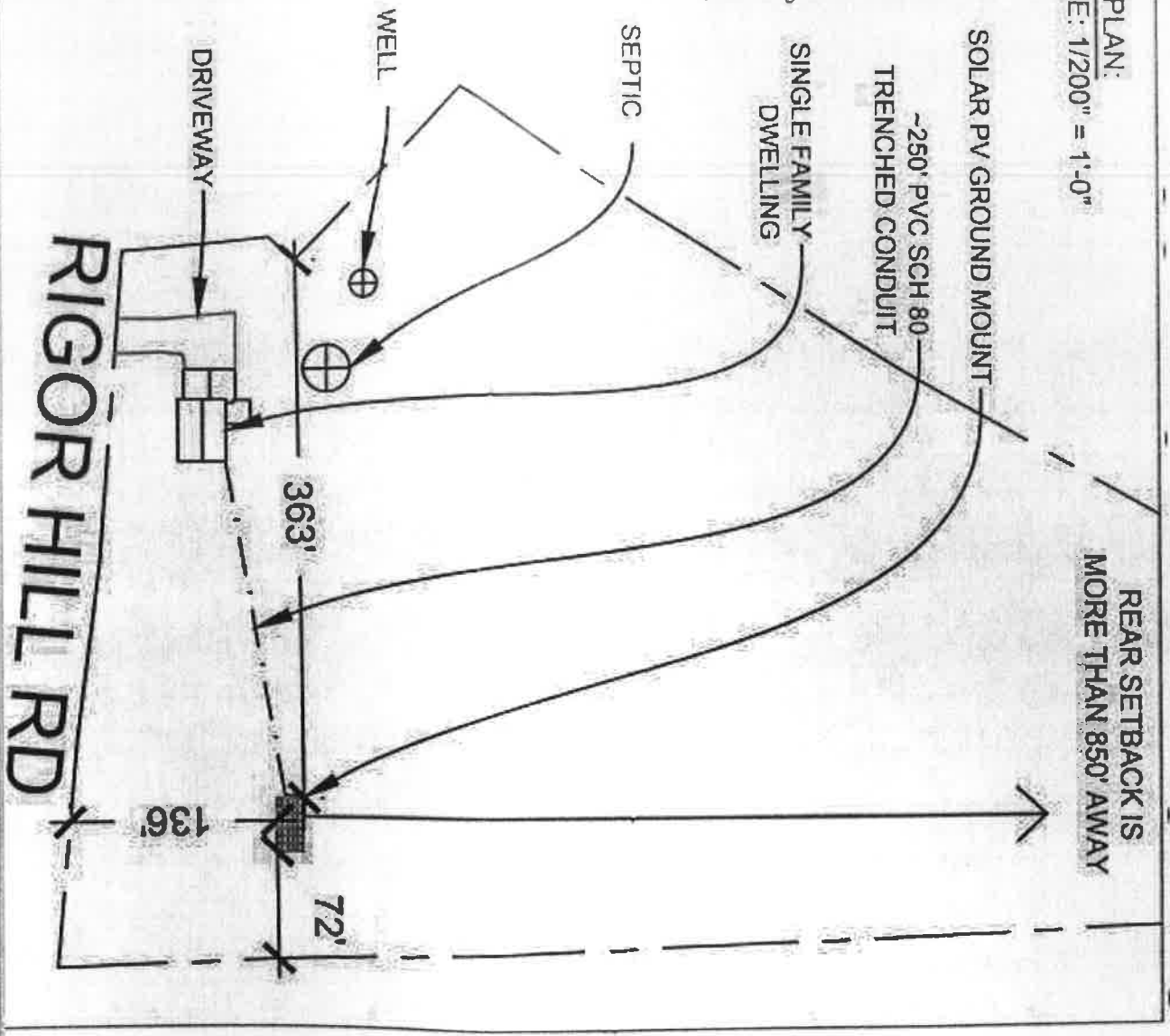
Planning Board Meeting

Reference Material

SEP 02 2021

Planning Board Meeting

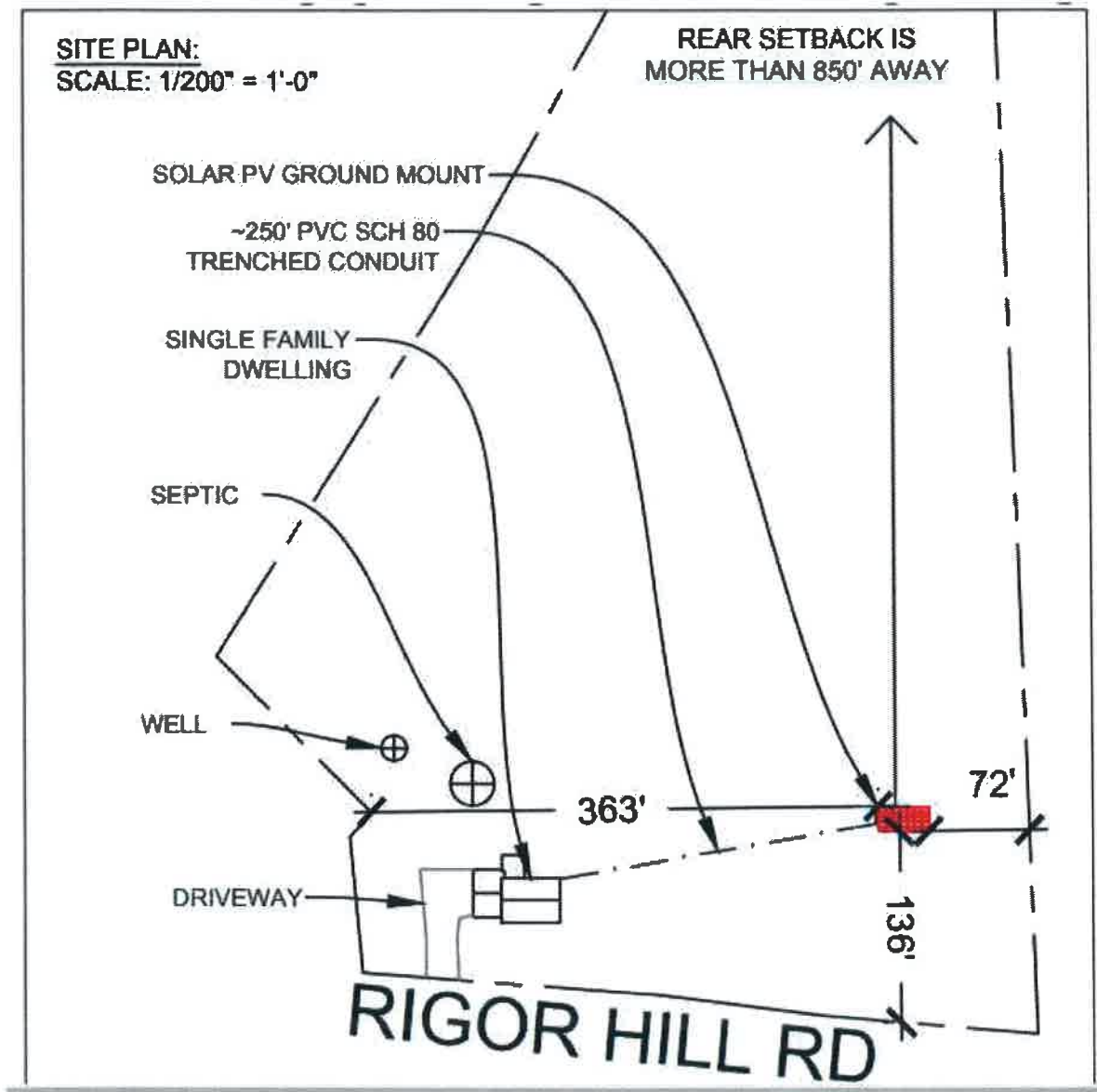
SITE PLAN:  
SCALE: 1/200" = 1'-0"



Reference Material

SEP 02 2021

Planning Board Meeting



\*\*\*\*Emily Powers - 417 Rigor Hill Road, Ghent, NY 12075

Proposed PV Ground Mounted Solar Installation

August 23, 2021

**Reference Material**

Via Certified Mail, Return Receipt Requested

SEP 02 2021

To: Name & address of property owner listed on site plan application

Planning Board Meeting

Re: Notice of Hearing of Town of Austerlitz Planning Board

Dear Property Owner:

You have been identified as an owner of property adjacent to a parcel of property located at 417 Rigor Hill Road in the Town of Austerlitz (Tax Map #94.-1-10) owned by Emily Powers. The applicant proposes to install a ground-mounted 11.445kW solar array as an accessory energy source for her residence. The array will consist of 35 panels. The property is about 56 acres in size and the proposed solar array is approximately 572 square feet in size. The subject property is located in the rural residential zoning district.

This letter is to notify you that the Town Planning Board has scheduled a public hearing on this application to be held on September 2, 2021 at 7:00 pm at the Austerlitz Town Hall, 816 Route 23, Spencertown for the purpose of providing an opportunity for all those wishing to comment on this application. Written comments will also be accepted at the hearing. A copy of the application is available for review by contacting the Planning Board Clerk at 518-392-3260. Written comments will be accepted prior to the hearing via email to the PB Clerk at [arohermel@austerlitzny.com](mailto:arohermel@austerlitzny.com). If you have any questions, please contact the Planning Board Clerk.

Sincerely,

---

by: Anthony Sicari  
NYS Solar Farm, Inc.  
on behalf of Austerlitz Planning Board

**Angela Rothermel**

**Reference Material**

**From:** T Downey  
**Sent:** Thursday, August 26, 2021 6:45 PM  
**To:** Angela Rothermel; Jerome Downey; Tamara Downey  
**Subject:** Supporting site plan application for 417 Rigor Hill Road

SEP 02 2021

Planning Board Meeting

To the Austerlitz Planning Board:

We are writing in support of Ms. Emily Powers' application to install a solar array on her property located at 417 Rigor Hill Road.

We live about a mile away from this property and often walk past it. We can't think of any way that solar panels would negatively affect her property, the neighborhood, or the general rural feeling around us. Our neighbors just across the creek have a solar array, which ends up blending into the land.

We generally feel that using solar energy is an excellent step in the right direction for helping to reduce climate change and think that Ms. Powers should be commended for her own contribution.

Kind regards,  
Tamara & Jerome Downey  
415 Schoolhouse Road  
Austerlitz

Angela Rothermel

Reference Material

**From:** Ramona Von Moritz  
**Sent:** Wednesday, August 25, 2021 11:04 AM  
**To:** Angela Rothermel  
**Subject:** solar array

**Reference Material**

SEP 02 2021

Planning Board Meeting

To whom it may concern,

We're all for alternative energy sources. We would encourage a vote to approve Ms. Powers' request.

sincerely, Ramona and Hans von Moritz

PL-2021-11

Ba Illinger

Reference Material

SEP 02 2021

Planning Board Meeting





LAW OFFICE OF MITCHELL KHOSROVA

Reference Material

SEP 02 2021

Planning Board Meeting



August 11, 2021

**VIA PERSONAL DELIVERY**

Chairman Tilden and Members of the  
Town of Austerlitz Planning Board  
Town of Austerlitz Town Hall  
816 Route 203  
P.O. Box 238  
Spencertown, New York 12165

Re: Subdivision of the Lands of Douglas Ballinger – Angell Hill Rd., Austerlitz  
Tax Map ID: 76.00-1-23.1

Dear Chairman Tilden and Members of the Planning Board:

Please be advised that I am representing Douglas Ballinger (the “Applicant”) in connection with this matter. The Applicant owns a 51.816-acre parcel on Angell Hill Road in the town of Austerlitz and wishes to subdivide the parcel into two smaller parcels, being approximately 29.089 acres and 22.7 acres, respectively.

Enclosed the Board will find five copies of the Planning Board application, SEQRA short form, copies of the survey map, and relevant deeds.

Please let us know if the Board requires anything else to reach a determination regarding the subdivision approval.

Very truly yours,

Mitchell Khosrova

Enclosure

cc: Client

SEP 02 2021

Planning Board Meeting

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

Application Date: 8/10/21**Applicant: (Property Owner)**Name: Douglas Ballinger Email: douglas@themodclub.comStreet Address: 43 MILLHILL RD Mailing Address: \_\_\_\_\_City: Woodstock State: VT Zip: 12498 Phone Number: (917) 346-0056**Representative: (If Any)**Name: Mitchell Khosravi, Esq. Email: mitch@mknylaw.comPhone Number: (518) 392-3329**Surveyor or Engineer:**Name: R. Sardo Land Surveying Services, PLLC (Richard Sardo)Phone Number: (518) 821-9547 License Number: 050560Tax Map Number: TG. -1-23.1**Property Location: (Brief Description of Location)**Vacant land on Angell Hill Road, Austerlitz  
- Approx. 51.816 acres**Names of Abutting Property Owners:**Philip + Anita T. Pearlman, Susan P. Grybas, Debra H. Swords,  
Mary Ahern, Stephen + Katee Scoble, Gray Michael Ballinger,  
Talkin Family Trust**Easements or Restriction:**barrier agreement, right of first refusal

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

Signature: Mitchell KhosraviTitle: attorneyDate: 8/10/21FOR OFFICE USE ONLY  
SUBMISSION DATES and APPROVALS

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

Applic, Fees &  
PreliminaryPublic  
HearingSEQRA  
DeterminationFinal  
Approval

617.20  
Appendix B  
Short Environmental Assessment Form

Reference Material

SEP 02 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.

|  |                          |                                |  |    |     |                                     |                          |
|--|--------------------------|--------------------------------|--|----|-----|-------------------------------------|--------------------------|
| <b>Part 1 - Project and Sponsor Information</b>  |                          |                                |  |    |     |                                     |                          |
| Name of Action or Project:<br>Subdivision of the Lands of Douglas Ballinger  |                          |                                |  |    |     |                                     |                          |
| Project Location (describe, and attach a location map):<br>Vacant land on Angell Hill Rd, A-sterlitz Tax map I.D.: 76-1-23.1   |                          |                                |  |    |     |                                     |                          |
| Brief Description of Proposed Action:<br>Subdivide 51.816 acre Parcel into 2 smaller parcels<br>approximately 29.089 acres + 22.7 acres respectively   |                          |                                |  |    |     |                                     |                          |
| Name of Applicant or Sponsor:<br>Douglas Ballinger   |                          | Telephone: (917) 346-0056      |  |    |     |                                     |                          |
|  |                          | E-Mail: douglas@themudclub.com |  |    |     |                                     |                          |
| Address:<br>43 Mill Hill Road  |                          |                                |  |    |     |                                     |                          |
| City/PO:<br>Woodstock  |                          | State:<br>NY                   | Zip Code:<br>12498   |    |     |                                     |                          |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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"><tr><td>NO</td><td>YES</td></tr><tr><td><input checked="" type="checkbox"/></td><td><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?<br>If Yes, list agency(s) name and permit or approval:   |                          |                                | <table border="1"><tr><td>NO</td><td>YES</td></tr><tr><td><input checked="" type="checkbox"/></td><td><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? <u>51.816</u> acres   |                          |                                |  |    |     |                                     |                          |
| b. Total acreage to be physically disturbed? <u>51.816</u> acres   |                          |                                |  |    |     |                                     |                          |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>51.816</u> acres   |                          |                                |  |    |     |                                     |                          |
| 4. Check all land uses that occur on, adjoining and near the proposed action.<br><input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)<br><input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____<br><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 type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?   |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" 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?   |  | NO                                  | YES                                 |                                     |
| 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?   |  | 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?   |  | NO                                  | YES                                 |                                     |
| If the proposed action will exceed requirements, describe design features and technologies: _____  |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| 10. Will the proposed action connect to an existing public/private water supply?   |  | NO                                  | YES                                 |                                     |
| If No, describe method for providing potable water: <u>N/A - vacant</u>  |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| 11. Will the proposed action connect to existing wastewater utilities?   |  | NO                                  | YES                                 |                                     |
| If No, describe method for providing wastewater treatment: <u>N/A - vacant</u>   |  | <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?  |  | <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<br><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?   |  | NO                                  | YES                                 |                                     |
| If Yes,  |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| 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)?  |  | <input type="checkbox"/> NO         | <input type="checkbox"/> YES        |                                     |
| If Yes, briefly describe: _____  |  |                                     |                                     |                                     |

### Reference Material

|   |                                     |                          |
|---|-------------------------------------|--------------------------|
| 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)? <span style="float: right;">SEP 02 2021</span><br>If Yes, explain purpose and size: _____<br><div style="text-align: right; margin-right: 100px;">Planning Board Meeting</div> | <b>NO</b>                           | <b>YES</b>               |
|   | <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?<br>If Yes, describe: _____   | <b>NO</b>                           | <b>YES</b>               |
|   | <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?<br>If Yes, describe: _____   | <b>NO</b>                           | <b>YES</b>               |
|   | <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: Mitchell K. Rogers      Date: 8/10/21

Signature: M. K. Rogers

**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"/>           |

## Reference Material

|   |   |  |
|---|---|--|
| SEP 02 2021<br>Planning Board Meeting   | No, or<br>small<br>impact<br>may<br>occur | Moderate<br>to large<br>impact<br>may<br>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.   |
| _____  | _____  |
| Name of Lead Agency                                      | Date   |
| _____  | _____  |
| Print or Type Name of Responsible Officer in Lead Agency | Title of Responsible Officer   |
| _____  | _____  |
| Signature of Responsible Officer in Lead Agency          | Signature of Preparer (if different from Responsible Officer)  |

**PRINT**

**RESET**

OFFICE OF LISA LEWICKI  
COLUMBIA COUNTY CLERK  
560 WARREN ST., HUDSON, N.Y. 12534  
(518) 828-3339

379 1092

Reference Material

SEP 02 2021

Planning Board Meeting

COLUMBIA COUNTY  
RECORDING PAGE

Return To:

JOHN CONNOR JR ESQ  
11 S 4TH STREET  
PO BOX 427  
HUDSON NY 12534

JUL 06 2001

BALLINGER  
ALEXANDRA  
BALLINGER  
DOUGLAS

Index LAND RECORDS

Book 00379 Page 1086

No. Pages 0007

Instrument DEED

Date : 5/25/2001

Time : 12:16:40

Control # 200105250028

DOC #

DOC # 07 2001 002383

Employee ID CLERK05

|            |    |       |
|------------|----|-------|
| REC FEES   | \$ | 26.00 |
| DOC STAMPS | \$ | .00   |
|            | \$ | .00   |
|            | \$ | .00   |
|            | \$ | .00   |
|            | \$ | .00   |
| REC MGMT   | \$ | 5.00  |
| E & A      | \$ | 25.00 |
| MISC       | \$ | 5.00  |
| MISC2      | \$ | .00   |
| Total:     | \$ | 61.00 |

STATE OF NEW YORK  
COLUMBIA COUNTY

TRANSFER TAX

WARNING: DO NOT DETACH!!  
THIS SHEET CONSTITUTES THE CLERKS ENDORSEMENT  
REQUIRED BY SECTION 316-a(5) & SECTION 319 OF  
THE REAL PROPERTY LAW OF THE STATE OF NY.

TRANSFER AMT \$ .00

TRANSFER TAX \$ .00

LISA LEWICKI  
COUNTY CLERK

*Lisa Lewicki*

◇◇ THIS IS NOT A BILL ◇◇

Reference Material

NY Quitclaim Deed

SEP 02 2021

Planning Board Meeting

THIS INDENTURE, made the 25 day of  
May, Two Thousand and One,

Between

ALEXANDRA BALLINGER  
268 Angell Hill Road  
Chatham, NY 12037

Party of the First Part, and

DOUGLAS BALLINGER  
268 Angell Hill Road  
Chatham, NY 12037

Party of the Second Part,

WITNESS, that the party of the first part, in consideration of one dollar (\$1.00) lawful money of the United States, paid by the party of the second part, does hereby remise, release and quitclaim, unto the party of the second part, his heirs and assigns forever,

PARCEL I

ALL that piece or parcel of unimproved land situate in the Town of Austerlitz, County of Columbia, State of New York, bounded and described as follows:

BEGINNING at a point in the northeasterly corner of lands reserved by Byron S. Davis in that certain deed of conveyance to George Robinson and Gladys S. Robinson, his wife, dated April 29, 1971 and recorded in the Columbia County Clerk's Office in Book 478 of Deeds at Page 28, said point being also shown as a corner in the easterly line of the 71.79 acres of land formerly owned by Albert Wessner, as shown on that certain map by James M. Duffy dated May 7, 1951 and running thence North 85 deg. West 6.52 chains; thence North 12 deg. West 7.33 chains; thence North 18 deg. East 1.15 chains; thence North 27 deg. 15' East 3.80 chains; thence North 62 deg. East 1.67 chains; thence North 46 deg. East 3.11 chains; thence North 56 deg. 75' East 1.32 chains; thence North 72 deg. 30' East 1.54 chains; thence South 83 deg. East 1.47 chains; thence in a southerly direction to the point and place of beginning.



SEP 02 2021

Planning Board Meeting

**BEING ALSO DESCRIBED AS FOLLOWS:**

ALL that piece or parcel of vacant land situate in the Town of Austerlitz, County of Columbia, State of New York is bounded and described as follows:

BEGINNING at an iron rod set in a stone wall, said iron rod set being on the property line of lands of Jarmo & Margaret Moore Maunu on the east, lands of Carl S. & Sharon F. Matuszek on the southwest and the herein described parcel on the northwest. Thence along lands of Carl S. & Sharon F. Matuszek and partly along a stone wall S85-40-36W 130.34 feet and S85-22-25W, 204.76 feet. Thence partly along lands of Matuszek and partly along lands of John L. & Jean McComb Campbell Beaven S88-20-16W 95.26 feet to an iron rod set in a stone wall intersection. Thence continuing along lands of Beaven and a stone wall N24-40-49W 126.71 feet. Thence continuing along lands of Beaven and partly along the remains of a wire fence N20-09-41W 354.68 feet to an iron rod set, N8-52-18E 75.90 feet, N18-07-18E 250.80 feet to the base of an iron rod set in stones, N52-52-18E 110.22 feet, N 36- 52-18E 205.26 feet, N47-07-18E 87.12 feet, N63-22-18E 101.64 feet and N87-52-18E 97.02 feet to an iron rod set. Thence along lands conveyed by Ruth Wald to Alexandra Ballinger (Book 788 of Deeds at Page 57) and along a line of no physical bounds S2-46-49E 434.08 feet. Thence along lands of Jarmo & Margaret Moore Maunu S32-27-32W 52.17 feet to an iron rod set, S1-19-05E 340.30 feet and S11-23-55E 258.80 feet to the point of beginning, containing 10.93 acres of land.

ALL as shown on a survey map entitled "Property to be Acquired by Alexandra Ballinger, Parcels A & B Lands of Leila Seigel, Parcels C & D Lands of Ruth Wald" dated December 27, 1994 and revised January 20, 1995 by James Tomaso, N.Y.S. Lic. 3049826 L.S.

BEING a portion of the premises conveyed by Deed from Helen Fish to Ruth Wald dated February 28, 1964 and recorded in the Columbia County Clerk's Office on March 6, 1964 in Liber 402 of Deeds at page 121; and a second deed from Leila Seigel to Ruth Wald by Deed dated October 28, 1966 and recorded in the Columbia County Clerk's Office on November 25, 1966 in Liber 429 of Deeds at Page 599.

BEING the same premises conveyed by Ruth Wald to Alexandra Ballinger by deed dated February 26, 1996 and recorded in the Columbia County Clerk's Office on March 15, 1996 in Liber 820 of Deeds at page 311.

**PARCEL II**

**PARCEL A** - ALL that piece or parcel of vacant land situate in the Town of Austerlitz, County of Columbia, State of New York is bounded and described as follows: BEGINNING at a point on the northwesterly line of Angel Hill Road, a town road, said point being on the property line of lands of Martin J. & Naomi Goldstein on the northwest and the herein described parcel on the southwest, said point also bears N60-32-12W from and 33.11 feet distant from an iron rod set at the most northerly point of Parcel B, hereinafter described. Thence along the northwesterly line of Angel Hill Road S34-

379 1083

SEP 02 2021

Planning Board Meeting

04-41W 96.93 feet, S29-15-51W 177.86 feet, S32-51-48W 216.59 feet, thence on a curve to the right and tangent to the previous course having a radius of 533.50 feet for a length of 125.23 feet and S46-18-45W 125.47 feet. Thence along lands of Ruth Wald N38-32-54W 1208.07 feet to the southeasterly side of an old highway, and lands of Reginald M. Nettleton. Thence along the southeasterly side of the old highway and lands of Reginald M. Nettleton and partly along the remains of a wire fence N49-34-06E 230.93 feet, N42-49-06E 108.70 feet and N38-51-06E 405.63 feet to an iron pipe found. Thence along lands of Philip & Anita T. Pearlman and partly along the remains of a wire fence and partly along a stone wall S58-05-24E 31.05 feet to an iron pipe found, S9-55-14E 761.0 feet to an iron pipe found and S77-37-12E 254.32 feet. Thence continuing partly along lands of Pearlman and partly along lands of Martin J. & Naomi Goldstein S75-42-12E 272.38 feet to an iron pipe found. Thence continuing along lands of Goldstein S75-42-12E 8.30 feet to the point of beginning. Said parcel contains 15.150 acres.

PARCEL B - ALL that piece or parcel of vacant land situate in the Town of Austerlitz, County of Columbia, State of New York is bounded and described as follows: BEGINNING at an iron rod set on the southeasterly side of Angel Hill Road, a town road, said iron rod set being on the property line of lands of Richard A. & Wendy L. Best on the northeast and the herein described parcel on the southeast, said iron rod set also being the most northerly point of the herein described parcel as referred to for Parcel A, above described. Thence along lands of Richard A. & Wendy L. Best and partly along a stone wall S73-11-48E 105.25 feet, S68-32-03E crossing a marshy area 72.35 feet, S72-37-43E 301.05 feet and S74-42-10E 82.08 feet to an iron pipe found in a stone wall intersection. Thence along lands of John E. Sr. & Jeanne M. Anderson and along a stone wall S11-39-18W 67.66 feet and S8-23-41W 284.44 feet. Thence along lands of Ruth Wald N72-30-39W 698.66 feet to the southeasterly side of Angel Hill Road. Thence along the southeasterly side of Angel Hill Road N32-51-48E 83.26 feet, N29-15-51E 177.51 feet and N34-04-41E 98.21 feet to the point of beginning. Said parcel contains 5.000 acres.

THE above two parcels of land being all of Parcel A and Parcel B as shown on a survey map entitled "PROPERTY TO BE ACQUIRED BY ALEXANDRA BALLINGER, PARCELS A & B LANDS OF LEILA SEIGEL, PARCELS C & D OF RUTH WALD" dated December 27, 1994 and revised January 20, 1995 by James Tomaso, N.Y.S. Lic. No. 049826 L.S.

BEING the premises conveyed to Leila Seigel by Deed from Leila Seigel, as Administratrix of the Estate of Janet Seigel, deceased, dated May 24, 1960 and recorded in the Columbia County Clerk's Office on June 1, 1960 in Liber 365 of Deeds at Page 117; and a second Deed from Ruth Wald dated October 28, 1966 and recorded in the Columbia County Clerk's Office on November 25, 1966 in Liber 429 of Deeds at Page 595.

BEING the same premises conveyed by Leila Seigel to Alexandra Ballinger by deed dated February 8, 1995 and recorded in the Columbia County Clerk's Office in Liber 788 of Deeds at page 63.

SEP 02 2021

Planning Board Meeting

**PARCEL III**

**PARCEL C** - ALL that piece or parcel of land with buildings and improvements thereon, situate in the Town of Austerlitz, County of Columbia, State of New York is bounded and described as follows: BEGINNING at a point on the northerly side of Angel Hill Road, a town road, said point being on the property line of lands of John A. & Edith A. Mesick on the northwest and the herein described parcel on the northeast, said point also bears N10-07-42W from and 33.21 feet distant from an iron rod set on the southeasterly side of Angel Hill Road on the property line of lands of Golden on the southwest and Parcel D, hereinafter described, on the southeast. Thence along lands of John A. & Edith A. Mesick N 10-07-42W 10.0 feet to an iron rod set, N10-07-42W 285.37 feet to an iron rod set, N 00-52-42W 89.10 feet to an iron rod set, N23-37-42W 124.08 feet to an iron rod set and N13-22-42W 425.09 feet to an iron rod set on the southeasterly side of an old highway and lands of Reginald M. Nettleton (the previous course being along the remains of a wire fence). Thence along the southeasterly side of the old highway and lands of Nettleton and along the remains of a wire fence and stone wall N40-22-46E 18.25 feet, N51-59-56E 137.57 feet, N66-42-26E 141.46 feet, N71-22-36E 199.65 feet, and N72-03-56E 164.14, N64-36-16E 113.83 feet, N65-52-06E 156.09 feet, N62-26-06E 37.16 feet, N50-40-06E 135.76 feet, N41-02-46E 124.63 feet, N46-06-36E 98.48 feet, N49-49-16E 67.10 feet and N46-16-26E 212.44 feet. Thence along lands of Leila Seigel S38-32-54E 1208.07 feet to a point on the northwesterly side of Angel Hill Road. Thence along the northwesterly side of Angel Hill Road S46-18-45W 270.02 feet, thence on a curve to the right and tangent to the previous course having a radius of 433.50 feet for a length of 180.05 feet, S70-06-36W 993.99 feet and S73-24-26W 632.22 feet to the point of beginning, containing 44.546 acres.

**PARCEL D** - ALL that piece or parcel of land with buildings and improvements thereon, situate in the Town of Austerlitz, County of Columbia, State of New York is bounded and described as follows: BEGINNING at an iron rod set on the southerly side of Angel Hill Road, a town road, said iron rod set being on the property line of lands of Michael & Ann B. Golden on the southwest and the herein described parcel on the southeast, said iron rod set also bears S10-07-42E from and 33.21 feet distant from the point of beginning of Parcel C, above described. Thence along the southerly side of Angel Hill Road N73-24-26E 636.91 feet, N70-06-36E 994.94 feet, thence on a curve to the left and tangent to the previous course having a radius of 466.50 feet for a length of 193.76 feet, N46-18-45E 395.50 feet, thence on a curve to the left and tangent to the previous course having a radius of 566.50 feet for a length of 132.98 feet and N32-51-48E 134.36 feet. Thence along lands of Leila Seigel S72-30-39E 698.66 feet. Thence along lands of John E. Sr. & Jeanne M. Anderson and along a stone wall S8-23-41W 124.75 feet and S6-05-09W 195.57 feet to a point, said point bears S83-43-07E from and 0.52 feet distant from a parkway monument found. Thence along lands of The People of the State of New York, being the Taconic State Parkway S9-23-00W 213.19 feet to a point, said point bears S74-47-16W from and 3.41 feet distant from a parkway monument found, said point also being 440.9 feet distant southeasterly at right angles from station 4101+70.96 of the Taconic State Parkway baseline, thence S47-09-40W 399.40 feet to a point, said point bears N33-14-58W from and 1.97 feet distant from a parkway monument found, S63-09-40W 265.0 feet to a point, said point bears N45-02-18W from and 1.17 feet distant from a parkway monument found, S35-17-20W 295.45 feet to a point, said point bears S28-46-52W from and 0.51 feet distant from a parkway monument

SEP 02 2021

Planning Board Meeting

found, S12-13-10E 200.0 feet to a point, said point bears S28-47-39W from and 1.23 feet distant from a parkway monument found, said point also being 234.17 feet distant southeasterly at right angles from station 4091+27.85 of the Taconic State Parkway baseline and S14-40-50W 16.19 feet to the centerline of the now or former Stever Hill Road, an old road unmaintained. Thence along the centerline of the now or former Stever Hill Road and lands of Saul & Elayne L. Cohen S79-16-12W 53.12 feet, S60-54-22W 197.59 feet and S64-45-49W 130.58 feet to an iron rod set on the northwesterly side of said road. Thence continuing along lands of Cohen and along a line of stones N10-44-10W 149.16 feet and N6-14-10W 198.0 feet to an iron rod set. Thence continuing along lands of Cohen and along a stone wall S73-30-50W 118.35 feet, S73-02-25W crossing a ditch 58.53 feet, S80-23-12W 130.43, S79-13-59W 93.06 feet and S81-31-06W 248.20 feet to an iron rod found. Thence along lands of Jarmo & Margaret Moore Maunu and partly along the remains of a wire fence and stone wall S80-55-49W 83.50 feet, N83-53-11W 180.48 feet, S81-04-19W 152.11 feet, S87-57-34W 105.43 feet, S80-54-39W 85.0 feet to the north face of a 36" oak, N83-02-06W 213.68 feet, N71-26-51W 79.19 feet to an iron rod set and along a line of stones S32-27-32W 222.39 feet to a point. Thence along reputed lands of Ruth Wald N2-46-49W 434.08 feet to an iron rod set. Thence partly along lands of John L. & Jean McComb Campbell Beaven and partly along lands of Michael & Ann B. Golden N10-07-42W crossing a stream 156.52 feet to the point of beginning.

THE above mentioned Taconic State Parkway baseline is described as follows: Beginning at station 4088+39.42, thence N13-44-15E to a 100d nail found at station 4089+91.10, thence N26-00-15E to station 4092+67.10, thence, N27-22-05E to a 100d nail found at station 4102+13.87, thence N46-45-35E to station 4107+48.10. All bearings being approximate true north per the Taconic State Parkway maps of record. Said parcel contains 52.727 acres.

THE above two parcels of land being all of Parcel C and Parcel D on a survey map entitled "PROPERTY TO BE ACQUIRED BY ALEXANDRA BALLINGER, PARCELS A & B LANDS OF LEILA SEIGEL, PARCELS C & D LANDS OF RUTH WALD" dated December 27, 1994 and revised January 20, 1995 by James Tomaso, N.Y.S. Lic. No. 049826 L.S.

THE grantor herein quitclaims any and all title she has to a 2.48 acre parcel of land contained with Parcel D on the within survey map, and lying southerly on the dotted line labeled on the survey map as "Property Line per F.M. #5786 and L562, P997 in error," which parcel is contained in the conveyance from Robert G. Berg, as Executor of the Last Will and Testament of Thomas L. Berg to Sol Cohen and Elyane L. Cohen by Deed recorded in Liber 562 at page 997, as shown on filed map no. 5786.

BEING a portion of the premises conveyed by deed from Helen Fish to Ruth Wald dated February 28, 1964 and recorded in the Columbia County Clerk's Office on March 6, 1964 in Liber 402 of Deeds at Page 121; and a second deed from Leila Seigel to Ruth Wald by deed dated October 28, 1966 and recorded in the Columbia County Clerk's Office on November 25, 1966 in Liber 429 of Deeds at Page 599.

SEP 02 2021

Planning Board Meeting

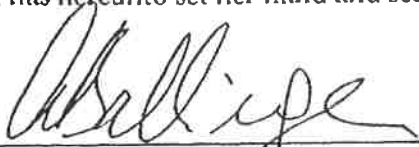
379 1091

BEING the same premises conveyed by Ruth Wald to Alexandra Ballinger by deed dated February 8, 1995 and recorded in the Columbia County Clerk's Office in Book 788 of Deeds at page 57.

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

TO HAVE AND TO HOLD, the premise granted herein granted unto the party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above mentioned.

 L.S.  
ALEXANDRA BALLINGER

STATE OF NEW YORK )  
COUNTY OF *Columbia* ) ss.:

On the *10th* day of May, 2001, before me, the undersigned, personally appeared ALEXANDRA BALLINGER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and she acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.



**RANDR**  
JOHN CONNOR JR., ESQ.  
11 S. 4th Street  
P.O. Box 427  
Hudson, New York 12534  
1-(518)-828-2712

Coreen Ward  
Notary Public, State of New York  
No. 01 WAS073262  
Qualified in Columbia County  
Commission Expires Feb. 18, *2003*



COLUMBIA COUNTY - STATE OF NEW YORK  
HOLLY C. TANNER, COUNTY CLERK  
560 Warren Street, Hudson, New York 12534

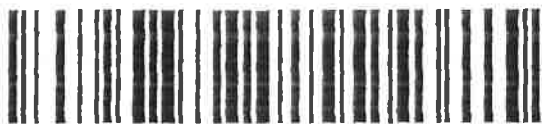
Reference Material

SEP 02 2021

Planning Board Meeting

COUNTY CLERK'S RECORDING PAGE

\*\*\*THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH\*\*\*



BOOK/PAGE: 807 / 742  
INSTRUMENT #: 20150005766

Receipt#: 392370  
Clerk: CC  
Rec Date: 06/19/2015 10:45:32 AM  
Doc Grp: D  
Descrip: DEED (RES)  
Num Pgs: 4  
Rec'd Frm: ARCADIAN ABSTRACT

Party1: BALLINGER DOUGLAS  
Party2: TOLKIN STEPHEN AS TRUSTEE  
Town: AUSTERLITZ  
76.-1-22.

Recording:

|                           |        |
|---------------------------|--------|
| Cover Page                | 5.00   |
| Recording Fee             | 35.00  |
| Cultural Ed               | 14.25  |
| Records Management - Coun | 1.00   |
| Records Management - Stat | 4.75   |
| TP584                     | 5.00   |
| CC Supplemental Tax Form  | 5.00   |
| RP5217 Residential/Agricu | 116.00 |
| RP5217 - County           | 9.00   |

Sub Total: 195.00

|                           |         |
|---------------------------|---------|
| Transfer Tax              |         |
| Transfer Tax - State      | 1620.00 |
| Transfer Tax - Columbia C | 510.00  |

Sub Total: 2130.00

Total: 2325.00  
\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 1795  
Transfer Tax - One Family Residence  
Consideration: 405000.00

|                           |         |
|---------------------------|---------|
| Transfer Tax - State      | 1620.00 |
| Transfer Tax - Columbia C | 510.00  |

Total: 2130.00

Record and Return To:

MARC GOLD ESQ  
12 HUDSON ST  
PO BOX 510  
KINDERHOOK, NY 12106  
BOX 39

WARNING\*\*\*

\*\* Information may change during the verification process and may not be reflected on this page.

*Holly C. Tanner*

Holly C. Tanner  
Columbia County Clerk

Reference Material

SEP 02 2021

Planning Board Meeting

THIS INDENTURE, made the / 9 day of June, 2015

BETWEEN DOUGLAS BALLINGER, 268 Angell Hill Road, Chatham, NY 12037,

grantor,

and STEPHEN TOLKIN and D. GAREN TOLKIN AS TRUSTEES OF THE  
TOLKIN FAMILY TRUST, 1924 North Wilton Place, Los Angeles, CA 90068,  
grantee.

WITNESSETH, that the grantor, in consideration of TEN (\$10.00) Dollars, paid by the grantee, hereby grants and releases unto the grantee, and the heirs or successors and assigns of the grantee forever,

ALL that real property described on the attachment hereto.

TOGETHER with all right, title and interest, if any, of the grantor in and to any streets and roads abutting the above described premises to the center lines thereof, and together with the appurtenances and all the estate and rights of the grantor in and to said premises.

SUBJECT to all covenants, restrictions, conditions, easements and other matters of record.

BEING a portion of the premises conveyed to the grantor by deed dated May 25, 2001 from Alexandra Ballinger recorded in the Columbia County Clerk's office in Cartridge 379, Frame 1086.

TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever. AND the said grantor covenants that the grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever. This deed is subject to the trust provisions of Section 13 of the Lien Law. The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

Grantor and grantee agree that any barrier (fence, stonewall, etc.) constructed between the property being sold and the remaining lands of the grantor on the north side of Angel Hill Road shown as Parcel-1 (51.816 acres) on the map referred to in the attachment shall be constructed in an aesthetic manner and by mutual agreement.

Grantee shall have a right of first refusal on the remaining lands of grantor on the north side of Angel Hill Road shown as Parcel-1 (51.816 acres) on the map referred to in the attachment. Said right applies only if grantor receives a bona fide offer on said parcel. If so, such offer shall be forwarded in writing by grantor to grantee at the address shown in this deed or to any other address which grantee has given grantor to send such offer. Grantee shall have fifteen (15) days after receipt of same to advise in writing if grantee is exercising the right to purchase same under the same terms and conditions as set forth in the offer. If the right is exercised, the closing shall take place within sixty (60) days of the right being exercised. This right of first refusal shall not apply in the event grantor deeds all or a portion of his remaining lands to an immediate family member.

Recorded By:  
ARCADIAN ABSTRACT COMPANY  
414 Union Street  
Hudson, N.Y. 12534  
(618) 822-9309  
T-13135

RR  
Marc I Gold

IN WITNESS WHEREOF, the grantor has executed this deed the day and year first above written.

Reference Material

SEP 02 2021

Planning Board Meeting  
L.S.

DOUGLAS BALLINGER

L.S.

STEPHEN TOLKIN, Trustee

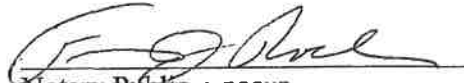
L.S.

D. GAREN TOLKIN, Trustee

STATE OF NEW YORK  
COUNTY OF COLUMBIA

SS.:

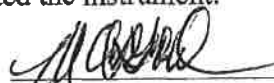
On this 19 day of June, 2015, before me, the undersigned, a Notary Public in and for the said State, personally appeared DOUGLAS BALLINGER, personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Notary Public  
Francis J. ROCHE  
Notary Public, State of New York  
No. 31-4500785  
Qualified in Columbia County  
Commission Expires March 30, 2019

STATE OF NEW YORK  
COUNTY OF COLUMBIA

SS.:

On this 19 day of June, 2015, before me, the undersigned, a Notary Public in and for the said State, personally appeared STEPHEN TOLKIN, personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

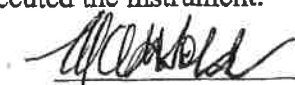
  
Notary Public  
MARC I. GOLD

STATE OF NEW YORK  
COUNTY OF COLUMBIA

SS.:

Notary Public, State of New York  
Qual. in Columbia Co. - No. 6555905  
My Commission Expires January 31, 2019

On this 19 day of June, 2015, before me, the undersigned, a Notary Public in and for the said State, personally appeared D. GAREN TOLKIN, personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Notary Public

MARC I. GOLD  
Notary Public, State of New York  
Qual. in Columbia Co. - No. 6555905  
My Commission Expires January 31, 2019



SEP 02 2021

Commitment No. ~~PA-15-04009~~ Planning Board Meeting

## SCHEDULE A

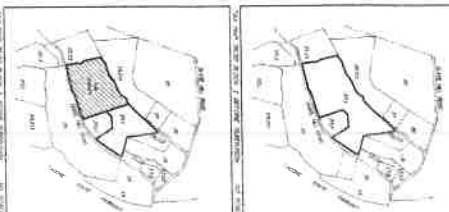
ALL that piece or parcel of land with buildings and improvements thereon situate in the Town of Austerlitz, County of Columbia and State of New York bounded and described as follows:

Beginning at an iron rod set, said iron rod being distant 1254.13 feet westerly from an iron rod found on the dividing line of the lands of Douglas Ballinger and Diedre H. Swords and being on the northerly right of way line of Angel Hill Road, a town road; thence through aforementioned lands of Douglas Ballinger along a line of no physical bounds N 0° 26' 48" W 555.00 feet to an iron rod set; N 76° 36' 27" E 257.76 feet to an iron rod set; S 72° 43' 18" E 407.29 feet to an iron rod set and S 17° 19' 21" E 300.00 feet to an iron rod set on aforementioned northerly right of way of Angel Hill Road, a town road; thence along said northerly right of way of Angel Hill Road, a town road S 59° 36' 23" W 212.53 feet on a curve to the right with a radius 433.50 feet and length of 180.05 feet; S 83° 23' 38" W 374.31 feet to the point or place of beginning. FOR DEED PURPOSES ONLY, containing 7.923 acres.

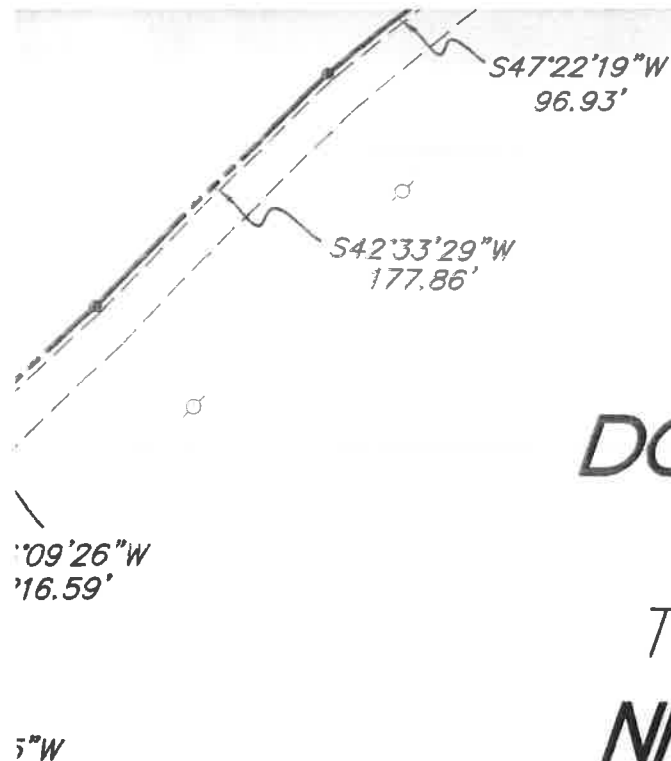
All as shown on a survey map entitled "Property of Douglas Ballinger to be conveyed to The Tolkin Family Trust" dated August 11, 2014 by R. Sardo Land Surveying Services, PLLC.

All as is shown as Parcel 2 on a survey map entitled "Subdivision of Property of Doug Ballinger, Town of Austerlitz, Columbia County, New York" dated 2/12/15 by Richard W. Sardo N.Y.S.L.S. #050560 and recorded in the Columbia County Clerk's Office as filed Map #00-81.

| DATE  | DESCRIPTION | AMOUNT | BALANCE |
|-------|-------------|--------|---------|
| 1/15  | DEPOSIT     | 100.00 | 100.00  |
| 1/25  | WITHDRAWAL  | 50.00  | 50.00   |
| 2/10  | DEPOSIT     | 75.00  | 125.00  |
| 2/20  | WITHDRAWAL  | 25.00  | 100.00  |
| 3/05  | DEPOSIT     | 150.00 | 250.00  |
| 3/15  | WITHDRAWAL  | 75.00  | 175.00  |
| 3/25  | DEPOSIT     | 100.00 | 275.00  |
| 4/10  | WITHDRAWAL  | 50.00  | 225.00  |
| 4/20  | DEPOSIT     | 125.00 | 350.00  |
| 5/01  | WITHDRAWAL  | 100.00 | 250.00  |
| 5/15  | DEPOSIT     | 75.00  | 325.00  |
| 5/25  | WITHDRAWAL  | 50.00  | 275.00  |
| 6/10  | DEPOSIT     | 100.00 | 375.00  |
| 6/20  | WITHDRAWAL  | 75.00  | 300.00  |
| 6/30  | DEPOSIT     | 150.00 | 450.00  |
| 7/10  | WITHDRAWAL  | 100.00 | 350.00  |
| 7/20  | DEPOSIT     | 125.00 | 475.00  |
| 7/31  | WITHDRAWAL  | 50.00  | 425.00  |
| 8/10  | DEPOSIT     | 100.00 | 525.00  |
| 8/20  | WITHDRAWAL  | 75.00  | 450.00  |
| 8/31  | DEPOSIT     | 150.00 | 600.00  |
| 9/10  | WITHDRAWAL  | 100.00 | 500.00  |
| 9/20  | DEPOSIT     | 125.00 | 625.00  |
| 9/30  | WITHDRAWAL  | 50.00  | 575.00  |
| 10/10 | DEPOSIT     | 100.00 | 675.00  |
| 10/20 | WITHDRAWAL  | 75.00  | 600.00  |
| 10/31 | DEPOSIT     | 150.00 | 750.00  |
| 11/10 | WITHDRAWAL  | 100.00 | 650.00  |
| 11/20 | DEPOSIT     | 125.00 | 775.00  |
| 11/30 | WITHDRAWAL  | 50.00  | 725.00  |
| 12/10 | DEPOSIT     | 100.00 | 825.00  |
| 12/20 | WITHDRAWAL  | 75.00  | 750.00  |
| 12/31 | DEPOSIT     | 150.00 | 900.00  |



PROPERTY OF  
DOUGLAS BALLINGER  
PARCEL -1  
TO BE CONVEYED TO  
NICOLAS BALLINGER  
PARCEL -2  
TO BE RETAINED BY  
DOUGLAS BALLINGER



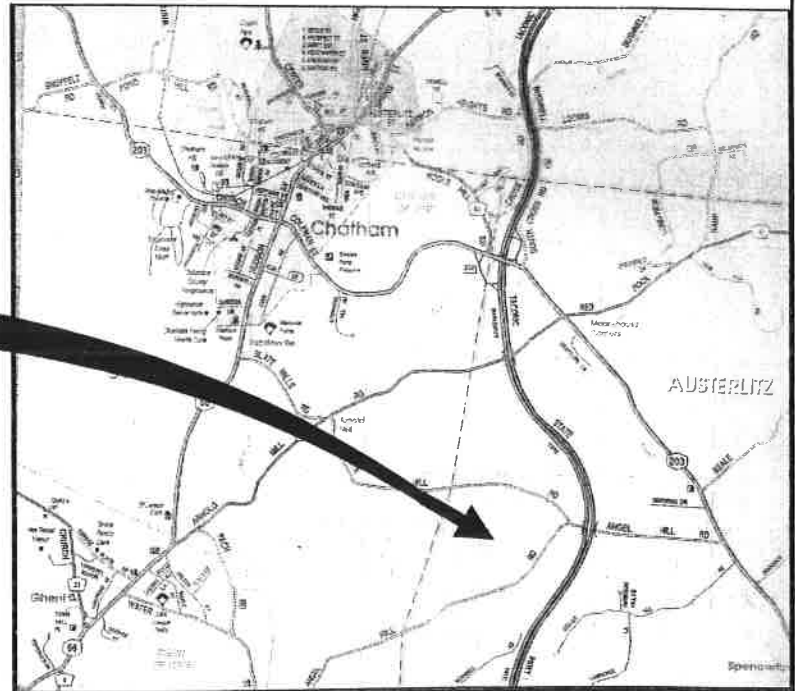
Reference Material

SEP 02 2021

Planning Board Meeting

PROPERTY OF  
**DOUGLAS BALLINGER**  
 PARCEL-1  
 TO BE CONVEYED TO  
**NICOLAS BALLINGER**  
 PARCEL-2  
 TO BE RETAINED BY  
**DOUGLAS BALLINGER**  
 TOWN OF AUSTERLITZ, COLUMBIA COUNTY, NEW YORK

SITE



PROJECT: 21035  
 DATE: 5/28/2021  
 REVISED:  
 DRAWN BY: RWS  
 FILE: 21035submap.dwg  
 TAX #: PORTION OF 76.00-1-23.1

DRAWING:

SB-2

SEP 02 2021



MAG. 2/16/2012

SCALE: 1"=100'

LANDS OF  
JIP PEARLMAN AND  
VITA T. PEARLMAN  
B.547 P.347

LANDS OF  
SUSAN P. GRYBAS  
B.803 P.1005

SEP 02 2021

Planning Board Meeting

Oleynek  
Proposed  
Boundary Line  
Adjustment /  
Subdivisions

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

Reference Material

SEP 02 2021

Planning Board Meeting

**Application Date:** 07/30/2021

**Applicant: (Property Owner)**

Name: Gloria Oleynek (Estate of) Email: pbednarcik2@gmail.com

Street Address: 18 Indian Trail Rd Mailing Address: 18 Indian Trail Rd

City: Chatham State: NY Zip: 12037 Phone Number: 4014873738

**Representative: (If Any)**

Name: Marguerite Gauthier (executrix) Email: MGauth200@gmail.com

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

**Surveyor or Engineer:**

Name: \_\_\_\_\_

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

**Tax Map Number:** \_\_\_\_\_

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

Indian Trail is a private road off of Bloody Hollow Road, which is off of Reed Rd in Spencertown

**Names of Abutting Property Owners:**

Fred Oleynek/Steve Oleynek/Paula and Ed Bednarcik

**Easements or Restriction:**

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

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

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

FOR OFFICE USE ONLY  
SUBMISSION DATES and APPROVALS

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

Applic, Fees &  
Preliminary

Public  
Hearing

SEQRA  
Determination

Final  
Approval

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

Reference Material

SEP 02 2021

**Instructions for Completing**

Planning Board Meeting

**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:

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

Brief Description of Proposed Action:

Name of Applicant or Sponsor:

Telephone:

E-Mail:

Address:

City/PO:

State:

Zip Code:

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:

☐

☐

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

\_\_\_\_\_ 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.

☐ Urban

☐ Rural (non-agriculture)

☐ Industrial

☐ Commercial

☐ Residential (suburban)

☐ Forest

☐ Agriculture

☐ Aquatic

☐ Other (specify): \_\_\_\_\_

☐ Parkland

Reference Material

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



|  | NO                       | YES                      |
|--|--------------------------|--------------------------|
| <b>Reference Material</b><br>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)?<br>If Yes, explain purpose and size: _____<br><div style="text-align: right; margin-right: 50px;">SEP 02 2021</div> <div style="text-align: right; margin-right: 50px;">Planning Board Meeting</div> | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe: _____  | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe: _____  | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b><br>Applicant/sponsor name: _____ Date: _____<br>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:   | <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"/>           |

| Reference Material  | No, or small impact may occur | Moderate to large impact may occur |
|---|-------------------------------|------------------------------------|
| SEP 02 2021<br>Planning Board Meeting   |                               |                                    |
| 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> |  |

MEMORANDUM

SEP 02 2021

To: Austerlitz Town Board

Planning Board Meeting

From: Joe Catalano & Greg Vogler

Re: Summary - differences between proposed draft of subdivision law and existing law

Date: July 12, 2021

---

The following is a summary of the principal changes in the new draft of the subdivision law and the one currently in the Town Code.

1. The most significant change is the addition of regulations for Boundary Line Adjustments (BLA). This is an area entirely unregulated in current law. It is a common component of most subdivision regulations and a frequent agenda item of the PB. Basically, a BLA will not have to comply with more rigorous requirements for minor and major subdivision if the BLA does not create a new lot nor reduce the size of a lot so that it no longer meets minimum zoning requirements. The number of lots stays the same with a BLA.
2. Expands and clarifies procedures for each type of application (minor subdivision, major subdivision, BLA)
  - a. the same basic procedures are provided in both laws - set by state statute
  - b. proposed law attempts to clarify procedures in a more user-friendly format. Note: in the past, Planning Board has struggled with what procedures and requirements applied to each type of application - proposed law provides step by step procedures.
  - c. Provides the PB with guidance and authority to maintain rural character and provide consideration to environment, natural features.
3. Other features included are:
  - a. Fees included in proposed law (includes PB consultant fees if necessary)
  - b. References to other local laws and comprehensive plan provided
  - c. Adds requirements for new roads proposed in subdivisions
  - d. Adds requirements for infrastructure such as drainage facilities, roads
  - e. Requires performance guarantees ensuring completion of proposed infrastructure
  - f. Adds administration and enforcement provisions
  - g. Adds authority to require parkland to be set aside (for large subdivisions)
  - h. Deletes PB ability to make variances based on hardship (legally questionable)
  - i. Expands definitions of terms

**Article I      General Provisions**

SEP 02 2021

**§101 Legislative authority; policy; title.**

Planning Board Meeting

A. Authority. By the authority of the resolution of the Town Board of the Town of Austerlitz and this Local Law, and pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Austerlitz is authorized and empowered to approve preliminary and final plats of subdivisions, showing lots, blocks or sites, with or without roads or highways; to approve the adjustment or elimination of boundary lines between existing lots; and to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the county. This Local Law is adopted and enacted pursuant to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, Article 2 of the New York Statute of Local Governments and Article 16 of the New York State Town Law.

B. Policy. It is to be the policy of the Planning Board to consider land subdivision plats and boundary line adjustments as part of a plan for the orderly, efficient, environmentally and economically sound development of the Town of Austerlitz in accordance with the Town Comprehensive Plan adopted in September 2004, as may be amended from time to time, and the Town Zoning Law, as may be amended from time to time. This policy requires, but is not limited to, meeting the following general standards:

(1) Land to be subdivided shall be of such character that, when it is used for building purposes, it will be safe and without danger to health or peril from fire, flood or other menace.

(2) That the quality of soil, water, air, natural vegetation and natural wildlife and resources shall be considered and adequately protected with respect to any subdivision of land.

(3) That proper provision shall be made for drainage, water supply, sewage, utilities and other needed improvements.

(4) That all proposed lots shall be so laid out and of such size as to be in compliance with the Town of Austerlitz Zoning Law and in harmony with the development pattern of the neighboring properties and the traditional and rural character of the Town.

(5) That new development is integrated into the existing road network to the maximum extent possible and any proposed new roads shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the goals shown within the Town of Austerlitz Comprehensive Plan and be built in conformance with the Town of Austerlitz Road Law (as amended) to follow the natural contours of the land, and to facilitate emergency access.

(6) That proper provision shall be made for open spaces or for parks, trails and recreational areas.

Planning Board Meeting

(7) That due consideration be given to the protection and enhancement of the environment, and that human and community resources be given appropriate weight with social and economic consideration in reaching decisions regarding the subdivision of land. Proper provision shall be made for leaving undeveloped natural areas and corridors to mitigate the adverse environmental impacts of subdivision, to sustain a diversity of native vegetation and wildlife, and to protect water resources and scenic view sheds and the implementation of conservation subdivisions where appropriate.

(8) That protection of land used for agricultural purposes and the continuation of agricultural activities be encouraged.

C. Title. In order that land subdivisions may be made in accordance with this policy, this Local Law shall be entitled "The Town of Austerlitz Subdivision Law." It is the intention of the Town Board of the Town of Austerlitz that this Local Law shall repeal and replace the entirety of the Town's existing Land Subdivision regulations which were adopted as Town of Austerlitz Local Law No. 4 of 2005. This Local Law and the corresponding chapter in the Town Code shall be known as, and may be cited as, the "Town of Austerlitz Subdivision Law," having been duly adopted by the Town in accordance with applicable law.

**§ 102 Interpretation of provisions.**

All provisions of this chapter shall be construed to fulfill the purposes and policies stated in § 101 above.

**§ 103 Conflict with other provisions.**

Should this chapter conflict with or otherwise be inconsistent with any provision of any regulation of the Town of Austerlitz, the more stringent provision shall apply.

**Article II Terminology**

**§ 201 Word usage.**

- A. Words used in the present tense include the future.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- C. The word "shall" is always mandatory. The word "may" is permissive.

D. A "building" or "structure" includes any part thereof. "Building or other structure" includes all other structures of every description, regardless of dissimilarity to conventional building forms.

E. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

F. The word "person" includes a partnership or corporation, as well as an individual. This chapter shall be interpreted as gender neutral.

G. The word "lot" includes the word "plot" or "parcel."

## **§ 202 Definitions.**

For the purpose of this chapter, certain words and terms used herein are defined as follows:

### **APPLICANT**

The person or persons or legal entity who applies to the Planning Board for a subdivision of land. If the Applicant is not the owner of the land proposed to be subdivided, the Applicant shall provide a written statement from the Owner that authorizes the Applicant to make application on the Owner's behalf.

### **AQUIFER**

An underground body of permeable rock or sediment that holds groundwater.

### **BOUNDARY LINE ADJUSTMENT**

A Boundary Line Adjustment (BLA) is the process for adjusting property lines between legally existing lots. This process cannot create a new lot nor can it reduce the size of a lot so that it contains insufficient area and dimension to meet minimum requirements of the Town Zoning Law unless an area variance is first obtained.

### **BOUNDARY LINE ADJUSTMENT MAP**

A map that is prepared by a licensed surveyor showing by field survey the existing and proposed change of the lot boundaries, the amount of acreage involved in the adjustment, the acreage of the lots before and after the boundary line adjustment; the record owners of each lot involved and such other information as may be pertinent to the adjustment.

### **CODE**

The official compilation of the local laws of the Town of Austerlitz.

### **CHAPTER**

Unless otherwise indicated, the use of the word Chapter shall mean this Subdivision Law which is codified in the official Town of Austerlitz Code as Chapter 167.

### **CLERK OF THE PLANNING BOARD**

That representative of the Town who is designated to perform the clerical duties of the Planning Board for purposes of this Chapter.

#### COMPREHENSIVE PLAN

The plan adopted by the Town of Austerlitz on September 9, 2004, as it may be amended from time to time.

#### CONSERVATION EASEMENT

An easement, covenant, restriction or other interest in real property, created under Article 49 of the Environmental Conservation Law of the State of New York, which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archeological, architectural, or natural condition, character, significance or amenities of the real property in a manner consistent with the public policy and purpose stated in § 49-0301 of the Environmental Conservation Law of the State of New York.

#### EASEMENT

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

#### HOMEOWNERS' ASSOCIATION (HOA)

An incorporated organization or other legal entity that owns or maintains property for the common benefit of individual homeowners or lot owners where the homeowners or lot owners are required to contribute to the maintenance of a private road or common property or where the homeowners or lot owners are required to join the HOA as a condition of their ownership of the home or lot. As much as this definition conflicts with any definition of "homeowners' association" in state law, the Town intends to supersede state law on the definition of "homeowners' association" for purposes of this Chapter.

#### IMPROVEMENTS

Those physical changes to the land or installation of certain infrastructure, landscaping, or structures, necessary to produce usable and desirable lots, blocks, or sites from raw acreage, including, but not limited to, water and septic systems, grading, pavement, curbs, gutters, storm drains and betterments to existing watercourses, sidewalks and other pedestrian ways, road signs, shade trees, sodding or seeding and monuments, whether intended to be dedicated and maintained by the public or held in private ownership.

#### OFFICIAL MAP

The map, if any, which may be established by the Town Board under § 270 of the Town Law showing roads, highways and parks and drainage theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town Board or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

SEP 02 2021

Planning Board Meeting

**ONE-HUNDRED YEAR FLOOD**

A flood having a one percent (1%) or greater chance of being equaled or exceeded in any given year. (Also know as "Base Flood")

**ONE-HUNDRED-YEAR FLOOD AREA**

Area of land where a one-hundred year flood may occur.

**OPEN SPACE**

Includes any area that is characterized by natural scenic beauty or whose condition or quality is such that it will enhance the present or potential value of surrounding developed lands or enhance the conservation of natural or scenic resources or preserve the community's historic character.

**OWNER**

The person or persons or legal entity that holds the title of record for a parcel of land.

**PARCEL**

An area of land with definite boundaries, all parts of which have the same Owner, the boundaries of which are established either by the filing of an approved subdivision plat or by the recording of a deed prior to the adoption of subdivision regulations by the Town of Austerlitz in May of 1973.

**PARENT PARCEL**

A lot, as recorded in the Assessor's office, existing in the Town of Austerlitz on the date of adoption of the Town of Austerlitz Zoning Law, Chapter 195 of the Code.

**PERCOLATION TEST (a/k/a PERC TEST)**

A test to determine the water absorption of soil in preparation for the construction of a septic drain field (a/k/a leach field). This test may be required to show that a proposed building lot can support an on-site septic system.

**PHASE DEVELOPMENT**

Development that is approved for and/or which occurs in defined stages.

**PLANNING BOARD or BOARD**

The Planning Board of the Town of Austerlitz, Columbia County, New York.

**PLAT, FINAL**

A drawing, clearly marked or stamped by the Planning Board as "final," showing the layout of the proposed subdivision, as specified in this Chapter, and containing in such additional detail all information required to be shown on a preliminary plat and the



## Planning Board Meeting

modifications, conditions, or notes, if any, required by the Planning Board at the time of approval of the preliminary plat if such preliminary plat has been so approved.

**PLAT, PRELIMINARY**

A drawing or drawings, clearly marked "preliminary plat," showing the layout of a proposed subdivision, as specified in this chapter, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to fully apprise the Planning Board of the layout of the proposed subdivision.

**ROAD**

A public or private way which affords vehicular access to abutting property. The definition of "road" is further defined in Chapter 160, Article I, Street Specifications, of the Code of the Town of Austerlitz, which establishes standards for the design and construction of Town roads, private roads and driveways in the Town of Austerlitz, or as may be amended.

**ROAD, DEAD-END OR CUL-DE-SAC**

A road or a portion of a road with only one vehicular traffic outlet.

**SEPTIC SYSTEM**

A sewage disposal system designed for the on-site treatment of sanitary waste. All septic systems for new lots shall be designed in compliance with state and county health regulations. Any design for septic systems shall be based on a recent percolation test.

**SEQR (STATE ENVIRONMENTAL QUALITY REVIEW)**

Review of an application according to the provisions of the State Environmental Quality Review Act, 6 NYCRR Part 617 (statutory authority: Environmental Conservation Law, § 8-0113), which incorporates the consideration for environmental, social and economic factors into the planning, review and decision-making processes of state, county and local government agencies.

**SETBACK**

A minimum horizontal distance from a given point or line of reference, such as from a road edge or right-of-way, within which development is restricted.

**SKETCH PLAN**

A sketch of a proposed subdivision showing the information specified in this chapter to enable the owner or applicant to reach conceptual agreement with the Planning Board as to the prospective layout of a subdivision and compliance with the objectives of this chapter.

**SKETCH PLAN CONFERENCE**

**Planning Board Meeting**

An optional initial Planning Board review of the project proposal with the applicant. The sketch plan conference provides an opportunity for an applicant to learn from the Planning Board what the subdivision submission requirements will be prior to submitting the plat. Sketch plan review does not constitute formal submission of an application and SEQRA does not apply to the sketch plan submission because no final decisions are made at this stage of the process.

**START OF CONSTRUCTION**

The initiation of any physical alteration of the property, excluding planning and design, during any phase of a project and shall include land preparation, such as clearing, grading and filling; installation of roads; excavation for a basement, footings, or foundations; or the erection of temporary forms. "Start of construction" also includes the placement and/or installation on the property of accessory buildings, storage trailers and building materials.

**STRUCTURE**

Anything constructed or built, any edifice or building of any kind, which requires location on the ground or is attached to something having a location on the ground, including, but without limitation, swimming pools, covered patios, towers, poles, sheds, signs or tanks, excepting outdoor areas such as paved areas and walkways.

**SUBDIVISION**

The division of a parcel into two or more lots. A subdivision is determined to be Major or Minor depending on the dimensions of the original parcel as it existed at the time of the adoption of the Zoning Law June 11, 2009.

**SUBDIVISION, MAJOR**

Any subdivision including, but not limited to, subdivisions of five or more lots from the same parcel of land, or any subdivision requiring any new road. Major subdivisions are reviewed in at least a two-step process involving both a preliminary plat and final plat. This process provides the opportunity to comprehensively address the concerns of larger scale development. See the Town of Austerlitz Zoning Law, Chapter 195, section 15 which establishes dimensional and density requirements and limitations for the number of lots that may be created depending on the size of the parent parcel.

**SUBDIVISION, MINOR**

Any division of land consisting of four lots or less that fronts on an existing road; where no new roads are created, where the development of the remainder of the parcels or adjoining property is not adversely affected, is not in conflict with any provision or portion of the Comprehensive Plan, Official Map, site plan review regulations, or any other law, ordinance or regulation of the Town of Austerlitz; and where the land has not been the subject of a prior subdivision(s) within the last 5 years from the date of the new application submission that would result in the creation of more than four lots within that

SEP 02 2021

Austerlitz

Subdivision Law

Planning Board Meeting Draft July 2021

five-year period. If the application does not meet the above requirements, said application shall be considered a Major Subdivision.

**SURVEYOR**

A person licensed as a land surveyor by the State of New York.

**TOWN ENGINEER**

The duly designated Engineer for the Town, licensed by the State of New York.

**TOWN CODE**

Compilation of the local laws of the Town of Austerlitz.

**TRACT**

An area of land composed of two or more contiguous lots.

**WATERCOURSE**

A channel in which a flow of water occurs, either continuously or intermittently.

**WATER, UNDERGROUND**

A source of water contained in the ground or flowing from the ground such as contained in an aquifer or flowing from a spring or well..

**WATER, SURFACE**

Water contained in streams, rivers, ponds, wet areas, lakes and other water bodies and watercourses or that drains across land.

**WETLANDS**

Lands and submerged lands, commonly called "marshes," "swamps," "sloughs," "bogs" and "flats," supporting aquatic or semiaquatic vegetation, as determined by federal and/or state environmental agencies.

**ZONING CODE**

The Zoning Law adopted by the Town Board of the Town of Austerlitz, as may be amended from time to time, as codified in the Town of Austerlitz Code as Chapter 195.

**ARTICLE III Preliminary Subdivision Procedures**

**§ 301 Application Required**

No person shall subdivide any parcel or land, create new parcels or lots, or make any changes to the boundaries of existing parcels of land without full adherence to this local law. Whenever any subdivision of land or boundary line adjustment is proposed to be made, and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted,

SEP 02 2021

Austerlitz

Subdivision Law

Draft July 2021

## Planning Board Meeting

the owner or their duly authorized agent shall apply, in writing, for approval of such proposed subdivision or boundary line adjustment pursuant to the following procedures.

**§ 302 Sketch plan requirements.**

A. Any owner of land is encouraged to have a sketch plan of a proposed subdivision be reviewed by the Planning Board prior to the submission of an application. In order to do so the owner or their representative must submit to the Clerk of the Planning Board, at least ten (10) days prior to the regular meeting of the Board, six (6) paper copies and a pdf copy of a sketch plan of the proposed subdivision for the purposes of classification of the subdivision and preliminary discussion of the application.

B. The sketch plan initially submitted to the Planning Board may be based on Tax Map information or some other similarly accurate base map, at a scale preferably not less than 400 feet to the inch to enable the entire parcel of land to be subdivided to be shown on one sheet.

C. This plan must be submitted on a sheet of paper no smaller than 8.5 inches by 11 inches.

D. The sketch plan should show the following information:

(1) The location of the land, or portion thereof, to be subdivided in relation to adjacent parcels and roads.

(2) The location of all existing structures, existing property lines, wooded areas, streams or watercourses, wetlands and other significant physical features within the area to be subdivided and within 500 feet should be indicated as best as practicable so that a fairly accurate approximation of the location of such features can be ascertained.

(3) The kind of development proposed (such as residential, commercial, mixed use, conservation, etc.).

(4) The proposed pattern and approximate dimensions and areas of lots (including lot width and depth), building sites, road and driveway type and configuration, North arrow, acreage involved and any other pertinent information (e.g.: surface waters, easements, existing buildings, water and/or septic systems, etc.) that would help in the discussion of the proposed subdivision.

(5) All existing restrictions on the use of the land, such as easements, covenants, and conservation easements should be noted.

(6) An aerial image of the subject property, as of the type found at "Google Earth," or other similar service would be helpful.

(7) For boundary line adjustments, the sketch plan needs to show only a map as described in Subsection D(1) above, the names of the owner and of adjoining owners whose lot lines will also be changed, and the revised lot layout.

**§ 303 Review of sketch plan.**

A. The owner or applicant, or their duly authorized representative, shall attend the meeting of the Planning Board to discuss the sketch plan and the requirements of this chapter and other Town laws as applicable. The intent of the sketch plan conference is to enable the applicant to discuss the proposal with the Planning Board prior to the preparation of a detailed subdivision plan. It is also a meeting for the Planning Board to review the basic site design concept, advise the applicant as to potential problems or concerns, and to generally determine the information to be required on the subdivision plat.

B. The Planning Board shall determine whether the sketch plan meets the purposes of this chapter and shall, where it deems it necessary, make specific, written recommendations to be incorporated by the owner or applicant in the next submission to the Planning Board.

C. Upon acceptance of the sketch plan, the Planning Board will determine whether it is a boundary line adjustment, minor subdivision or major subdivision, as defined in this chapter. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions.

D. Within six months after classification of the sketch plan, the owner or applicant shall submit an application for approval of a minor or major subdivision preliminary plat. Otherwise, any conceptual agreement made by the Planning Board shall lapse.

E. If the Sketch Plan is classified as a Minor Subdivision, the applicant shall then comply with the procedure outlined in Article III, Section 3 of this local law. If it is classified as a Major Subdivision, the applicant shall then comply with the procedures outlined in Article III, Section 4, Section 5, and Section 6 of this local law. If it is classified as a Boundary Line Adjustment, the applicant shall comply with the procedures outlined in Article V of this Local Law.

**Article IV General Requirements For All Applications****Section 401. Submissions.**

The owner/applicant shall submit the required application, supporting materials and maps as set described in Articles V, VI and VII below. Six copies of the application and complete set of application maps and materials shall be submitted to the Clerk of the Planning Board at least seven (7) days prior to the scheduled meeting of the Planning Board in order to be guaranteed placement on that meeting agenda. Where the owner or applicant has not obtained input from the Planning Board pursuant to the sketch plan review, or such input has lapsed, the requirements of

Article III for sketch plans shall also be applied to the application and such materials submitted by the owner or applicant. <sup>Planning Board Meeting</sup>

**Section 402. Fees.**

All applications for plat approval shall be accompanied by the required fee as established and amended by the Town Board from time to time. Whenever the Planning Board deems it appropriate to retain a consultant(s) (including an engineer, planner, attorney and/or surveyor) to assist the Planning Board in reviewing a subdivision proposal, said costs shall be reimbursed by the applicant as part of the subdivision fee. A consultant may be appropriate when a subdivision proposal involves technical issues for which review by an independent consultant would assist the Planning Board in making a decision. In such a case, the Board shall provide the applicant the reasons for retaining the consultant and require the applicant to submit a deposit based on the consultant's estimate for services to be rendered in connection with the proposed subdivision. Said estimate for consultant services shall be approved by the Planning Board. Said sum shall be held by the Town to pay its consultant for such services and shall be considered part of the subdivision fee. The estimate may be modified or the initial deposit may have to be supplemented by the applicant during the review process depending on the issues encountered during the review process. The Town shall return the portion of the deposit which is not used by Town for payment of consultant fees. The consultant must submit detailed invoices describing the services rendered and the time spent for such services. The applicant shall receive copies of invoices prior to payment. All costs for consultants retained by the Planning Board, including engineering, planning, and/or legal consulting or other project costs deemed necessary by the Planning Board, for either a minor or a major subdivision, shall be borne by the applicant and be paid in full prior to the endorsement of the subdivision map.

**Section 403. Attendance at Planning Board meeting required.**

The owner or applicant, or that person's duly authorized representative, shall attend the meeting of the Planning Board to discuss the subdivision plat.

**Section 404. Official submission date and completeness of application.**

The time of submission of the subdivision plat shall be considered to be the date of the Planning Board's regular meeting on or before which the application for plat approval, complete and accompanied by the required fee and all data required by this chapter, has been filed with the Clerk of the Planning Board. The application shall not be considered complete for purposes of the commencement of the review time periods and scheduling of the public hearing until the Planning Board determines, by motion passed at a meeting of the Planning Board, that the application and all of the required materials and submissions have been made, are complete and are compliant with this local law. The time periods for review of the plat shall begin upon the Planning Board's determination of completion.

**Section 405. Consideration of plat.**

The Planning Board shall study the practicability of the application and plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of roads, their relation to the topography of the land, road requirements or road maintenance agreements, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet not subdivided, the environmental assessment form and impact statement, if any, and the requirements of the Comprehensive Plan, the Official Map, and the Town Zoning Law.

**Section 406. Subdivisions requiring access from highway.**

In any application for a subdivision that will require access from a state, county or Town highway, the applicant will forward copies of the plat to the appropriate agency for review and comment, with proof of such submission to be filed with the application, along with responses received from those agencies up to the date of submission and continuing through the Planning Board review process.

**Section 407. Agricultural Data Statements.**

(A) Applications requiring agricultural data statements. Any application for subdivisions that would occur on property within an agricultural district containing a farm operation or on property within 500 feet of a farm operation located in an agricultural district shall include an agricultural data statement. The agricultural data statement must contain the name and address of the applicant, a description of the proposed project and its location, the name and address of any owner of land within the agricultural district, whose land contains farm operations and is located within five hundred (500) feet of the boundary of the property upon which the project is proposed, and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement. The Planning Board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district.

(B) Upon receipt of such application by the Planning Board, the Clerk of such Board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for said project. The cost of mailing said notice will be borne by the applicant.

## Planning Board Meeting

(C) . In the case of any proposed residential development that abuts agricultural uses, the Planning Board shall require the applicant to issue a disclosure, as per New York State Agriculture and Markets 25-aa, to potential purchasers of lots or dwelling units as follows: "This property adjoins land used for agricultural purposes. Farmers have the right to apply approved chemical and organic fertilizers, pesticides, and herbicides, and to engage in farm practices which may generate dust, odor, smoke, noise and vibration." This disclosure shall be required as a note on a subdivision plat.

**Section 408: Waivers.**

The Planning Board may waive certain application information requirements where it determines that such information is not relevant to, or is not otherwise required, to conduct review of the application. The Planning Board may waive, when reasonable, any requirements for improvements for the approval, approval with modifications, or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in event any such requirements or improvements are found not to be requisite in the interest of the public health, safety, and general welfare, or inappropriate because of the particulars of the subject property, surrounding area and properties, and the features of the proposed subdivision. Such waiver, however, shall not have the effect of nullifying the intent and purpose of this local law.

A. The applicant shall apply for and justify a request for waiver in writing.

B. The Planning Board, in consideration of a request for a waiver, shall consider the impact of granting the waiver, and may require that the requested waiver be a subject for the public hearing.

C. When granting a waiver, the Planning Board shall issue, in writing, its decision and reasons for granting such waiver.

**Section 409. Maximum Density & Open Space Lots Bonus Density.**

A. Maximum Density - per Zoning Code section 195-15

For all subdivisions in any zoning district, each lot shall conform to the minimum lot area required under section 195-15(A) of the Town Zoning Code. For any subdivision located, in whole or in part, within the Rural Residential (RR) zoning district of the Town where the parcel to be subdivided is equal to or greater than 4 acres, the maximum number of lots allowed for the parent parcel shall adhere to density set forth in Table B of section 195-15(B) of the Zoning Code.

B. Open Space (Bonus Density)

For any subdivision located, in whole or in part, within the Rural Residential (RR) zoning district of the Town where the parcel to be subdivided is equal to or greater than 30 acres, the maximum



Planning Board Meeting

number of lots allowed may be increased at the option of the owner or applicant if open space is set aside and maintained pursuant the requirements of Table C of section 195-15(C) and the open space is created and maintained pursuant to the requirements of section 195-16.

C. Pursuant to section 195-15(D) of the Town Zoning Code, parcels of land subdivided after the effective date of the Zoning Code (June 2011) may not be further subdivided in a manner to create a greater number of subdivided lots than would be permitted with the original subdivision of the parent parcel under section 195-15 excluding boundary line adjustments.

D. The applicant shall designate on the subdivision map how many lots each parcel may have in future pursuant to this section and section 195-15 of the Zoning Code.

### **Section 410 – Design and Required Improvements**

All subdivisions shall meet the design and environmental standards set forth in Article VIII and the required improvements set forth in Article IX of this Law as they may apply to the particular subdivision being proposed.

## **Article V Boundary Line Adjustment Process.**

### **Section 501: Boundary Line Adjustment Procedures**

The adjustment of lot boundaries or simultaneous division and transfer of land between adjacent parcels of property be exempt from the procedural requirements for Major or Minor subdivisions provided such division of land does not (1) create a new lot or (b) reduce the size of any existing lot area, dimensions or building setbacks below the minimum requirements for the zoning district, as provided by the Zoning Law, in which such land is located. This exemption is based on the intended result of the boundary line adjustment that no new lot is created. The purpose of this exemption is to allow property owners to adjust the boundaries of existing lots with minimal delay and expense. When a boundary line adjustment is proposed, the Board must determine if the adjustment will adversely affect or change the character of any parcel involved. A boundary line adjustment is permitted for lots with pre-existing nonconformities related to lot size, setbacks or other dimensions and an area variance from the Zoning Board of Appeals shall not be required, provided the degree of nonconformity is not increased, or a new nonconformity is not created. A boundary line adjustment shall not create any new lot and shall not impede the maintenance of existing or future access or utility service to any lot that is the subject of a boundary line adjustment.

#### **A. Exemption from Subdivision Procedural Requirements**

Austerlitz

The line or lines to be changed in the boundary line adjustment shall be surveyed. The Planning Board may require the entire portion of the parcel or parcels on which the Boundary Line Adjustment is to take place to be surveyed in order to meet Columbia County requirements.

#### B. Submission Requirements

Six (6) paper copies and a pdf copy of a Boundary Line Adjustment map, as defined in this local law, and an Application for Boundary Line Adjustment as available from the Planning Board Clerk or Town Clerk shall be submitted.

#### C. Review.

If the Planning Board cannot make such a finding, it shall process the application as a minor subdivision under the procedures set forth in this local law. If no adverse changes are foreseen, the Planning Board may waive the procedural requirements of minor subdivision review and allow the boundary line adjustment without further evaluation. No public hearing is required for a boundary line adjustment but the Planning Board may require a public hearing if it is deemed by the Planning Board that the proposed boundary line adjustment has the potential to: (a) affect properties other than the properties involved in the adjustment, or (b) adversely affect the neighborhood character or other criteria set forth in Article I of this local law.

#### D. Action.

Within sixty-two (62) calendar days of the Planning Board determination that the Boundary Line Adjustment application and Map are complete, the Planning Board shall act to approve, conditionally approve with or without modifications, or disapprove the proposed Boundary Line Adjustment and so indicate on the Boundary Line Adjustment Map. Failure by the Planning Board to act within the stated time period, or a mutually agreed upon extension thereof, shall constitute approval of said Map. The Planning Board's decision granting conditional approval, with or without modification of the Map, shall also empower a duly authorized officer to sign the Map as approved, upon compliance with such conditions and requirements as may be stated in the conditions of approval. This approval authorizes filing of the approved map with the Columbia County Clerk.

#### E. Filing.

The Boundary Line Adjustment Map must be filed with the Columbia County Clerk within sixty (60) calendar days of the Planning Board's approval shall become null and void and the applicant will have to reapply. The applicant shall draft and file new deeds with the County Clerk within ten days of the filing of the approved Boundary Line Adjustment Map with the County Clerk. The deed shall contain the survey descriptions of the affected parcels as per the approved Boundary Line Adjustment Map approved by the Planning Board. A copy of the recorded new deed or deeds effectuating the boundary line adjustment shall be filed by the applicant with the

SEP 02 2021

Planning Board within ten days of recording the deed or deed and the portion of land divided from a parcel and transferred to the receiving parcel and the receiving parcel to which such land is being annexed or joined shall be considered one lot for purposes of all present and future uses.

**F. Fees.**

A fee, pursuant to a fee schedule as may be established by resolution of the Town Board, shall be paid prior to Planning Board consideration of a boundary line adjustment.

**G. Lot Merger.**

When two existing lots are proposed to be completely merged into one lot, the owner of the lots shall obtain approval from the Town Assessor and no application or approval from the Planning Board is required.

## **Article VI Minor Subdivisions**

### **Section 601: Classification.**

As set forth in Article III above, the Planning Board, during the Sketch Plan/Pre-Application Stage or upon official submission of an application (section 404 above), shall determine whether a proposed subdivision of land will be classified as a Minor or Major Subdivision as such terms are defined in this Chapter (see Article II). Such determination shall be based upon the information provided by the Applicant on the Sketch Plan or application submission. If the Planning Board classifies the application as a Minor Subdivision, the Applicant shall then comply with the procedures set forth in this Article VI.

### **Section 602: Purpose of Classification.**

The purpose of distinguishing proposed subdivisions of land into either Minor or Major Subdivision classifications is to save the applicant time and expense by waiving, where appropriate, certain requirements applicable to Major Subdivisions, including, among other things, the requirements of the Preliminary Plat submission, review and approval.

### **Section 603: Criteria for Minor Subdivision.**

A. A Minor Subdivision is the division of a parcel of land (a) into no more than four (4) lots; (b) both of which front an existing road; (c) which does not involve a new proposed road or extension of municipal facilities; (d) which does not adversely effect the development of the parcel or adjoining properties; (e) which does not adversely affect the surrounding environment (i.e., that the application is appropriate for the issuance of a negative declaration pursuant to SEQRA); (f) which has not been previously subdivided for a period of five (5) years ; and (g) is in conformance with the Comprehensive Plan, the requirements of the Zoning Law and the

## Planning Board Meeting

objectives of this local law. However, even if the above conditions for a Minor Subdivision classification are met, the Planning Board may still require that a Minor Subdivision comply with all or certain of the requirements for a Major Subdivision if the Planning Board deems that such requirements are necessary, under the circumstances involved, for the protection of the health, safety and general welfare of the public.

B. No more than a total of five (5) lots may be created either simultaneously or sequentially from a parent parcel under classification as a minor subdivision. Should more than that total number of lots be applied for at any time in the future, the applicant will have to include all the information required of a major subdivision for the previously subdivided lots as well as for the lots under consideration in the application.

### Section 604: Application Procedures of Minor Subdivisions.

A. Submission of Minor Subdivision Plat: The Applicant shall submit a Minor Subdivision Plat, a completed EAF Form, a completed Minor Subdivision application, and the other documents and information specified in Paragraph "B", below, to the Planning Board Clerk ten (10) days prior to the regularly scheduled Planning Board meeting.

B. Submission Requirements: The Minor Subdivision Plat and other submissions for a Minor Subdivision to the Planning Board Secretary shall include the following:

1. Six (6) paper copies and a pdf copy of the Minor Subdivision Plat drawn accurately to a scale not less than 200 feet to the inch which shall show:

a. all existing and proposed property lines, present zoning and building setbacks lines, easement and right-of-way lines with dimensions, bearings or angle data, and curve data;

b. the name and address of the Applicant and record owner (if different from the Applicant). If the Applicant is not the owner of record, but an authorized representative of the owner, a notarized letter of consent signed by the land owner must also be submitted;

c. the bearings, distances, and locations of all iron pipes and other survey monuments, such pipes or monuments to be labeled existing or proposed;

d. all contiguous land owned or under purchase contract or option by the Applicant and/or record owner (parcels with large amounts of remaining lands may be shown on an insert map at a small scale, where appropriate, with the permission of the Planning Board);

e. existing adjacent roads;

f. names of owners of all adjacent property;

Planning Board Meeting

g. a location map, legend, scale and north arrow;

h. location of existing, as well as existing driveways, culverts, water lines, electric, cable and telephone utility lines. The Planning Board shall, wherever practical, require underground installation of electric, telephone, and cable wires along private driveways. Where circumstances are considered impractical or the neighborhood character will not be adversely impacted, the Planning Board may waive this requirement;

i. location and lines of all existing permanent and intermittent water courses, drainage courses, lakes, ponds, wetlands, streams, one hundred (100) year flood plain boundaries, significant single trees or significant stands of trees, open fields, ridgetops, and other important land features such as state, federal, or local designated critical habitats;

j. contour lines with intervals of no more than 5 feet for the buildable area or building envelope and driveway unless otherwise specified by the Planning Board;

k. location of existing or proposed water wells (with proof of potable water supply) and septic systems (with percolation tests approved by the County Board of Health and any site modifications necessary for the installation of the system). As an alternative, the Applicant may provide, if an on-site water supply is to be utilized, a note stating that all lot sales are contingent upon a contract addendum for the location of such water supply, water flow capacity, and potability, as well as acceptable conditions for septic systems in accordance with New York State and Columbia County Health Department standards;

l. the name, address, signature, and seal of a professional engineer and/or surveyor duly licensed by the State of New York.

m. boundary lines of the zoning district for parcel and any boundary line of an overlay district if such exists for parcel.

n. location of any actively farmed field, farm access road, and boundary of New York State certified agricultural district within 500 feet of the parcel;

o. For all minor subdivisions and all lots consisting of five acres or less, all on-site sanitation water supply facilities shall be shown on the plat and shall be designed to meet the minimum specifications of and be under the permit of the Columbia County Department of Health, and the plat shall bear the stamp of the Department so stating prior to filing with the County Clerk, if required herein.

2. A copy of the current deed or deeds of all involved parcels;

3. A completed Town of Austerlitz Minor Subdivision Application form;

SEP 02 2021

4. Short Environmental Assessment Form with ~~Part 1~~ <sup>Planning Board Meeting</sup> completed by Applicant (the Planning Board may require the full EAF form to be submitted where appropriate);

5. A check in the amount of the fee for a Minor Subdivision review as determined by the Town Board from time to time which is set forth on the fee schedule;

6. A Stormwater Pollution Prevention Plan (SWPPP) if required by the DEC regulations;

7. An Agricultural Data Statement if required pursuant to section 407 of this local law;

8. A note, prominently placed, on the plat indicating the number of total lots eligible to be created from the parent parcel as per Article V, Section 504 of this local law;

9. Whether the property to be subdivided has an agricultural or forestry exemption and, if so, the information regarding such exemption.

10. Any other information required by the Planning Board as stated in the Planning Board report issued as a result of the Sketch Plan review and Pre-Application Conference. The Planning Board reserves the right to waive any of the above-mentioned requirements where appropriate with reasons for such waivers noted in the record;

C. Escrow and Consulting Services: Where the Planning Board deems services such as engineering, architectural, planning, or other professional services are advisable to assist in the examination of the proposed subdivision, the applicant shall be required to pay the cost of all such services pursuant to section 402 above. The Town Board shall establish an escrow account for this purpose.

E. SEQRA Requirements: The Planning Board shall follow all requirements as per Part 617 SEQRA.

F. Referral to Neighboring Municipalities: Pursuant to General Municipal Law §239-NN, for a subdivision review under this section involving property located within five hundred (500) feet of an adjacent municipality, notice of any public hearing shall be given by mail or electronic transmission to the clerk of the adjacent municipality not less than ten (10) days prior to the date of said hearing.

G. Receipt of Complete Minor Subdivision Plat: The application for a Minor Subdivision Plat shall be deemed submitted and complete by the Planning Board pursuant to section 404 above.

SEP 02 2021

Austerlitz

Subdivision Law

Planning Board Meeting

Draft July 2021

H. Public Hearing: The Planning Board shall schedule and hold a public hearing on the proposed subdivision within sixty-two (62) days after the Planning Board has determined that the Minor Subdivision Application is complete.

I. Public Hearing Notice: Notice of the public hearing shall be posted on the a Town Website and advertised in the Town's Official Newspaper at least five (5) days before such hearing. In addition, the Applicant shall deliver a copy of the public hearing notice, by certified mail, return receipt requested, to all owners of the property which abut, are adjacent to, or are situated across an established road or right of way from the proposed boundary lines of the property which is the subject of the hearing. Applicant shall also provide notice to such other persons as the Planning Board may direct. The Applicant shall bear all costs for the mailings.

J. Decision: Within sixty-two (62) days from the close of the public hearing on the proposed subdivision, the Planning Board shall, by resolution, conditionally approve (with or without modification), disapprove, or grant final approval. The time in which the Planning Board must take such action on the Minor Subdivision Plat may be extended by mutual consent of the Applicant and the Planning Board. Any decision of the PB shall contain the reasons for such decision. Any conditional approvals or disapprovals shall be explained in writing.

K. Notification & Filing of Decision: Within five (5) days of the date of the adoption of the resolution stating the decision of the Planning Board on the Minor Subdivision Plat, the Chairman or other duly authorized member of the Planning Board shall: (i) cause a copy of such decision to be filed in the office of the Town Clerk; and (ii) cause a copy a decision to be mailed to the Applicant within five (5) business days of the date the decision was rendered.

L. Effects of Decisions:

1. Final Approval: If the Planning Board grants approval, that approval authorizes the signing of the Minor Subdivision Plat as approved for purposes of filing the same with the Columbia County Clerk and the Town Clerk of the Town of Austerlitz. At least two (2) endorsed copies of the plat shall be filed with the Town Clerk and the Applicant shall receive four (4) endorsed copies of the plat its own use and for filing with the Columbia County Clerk's Real Property office.

2. Conditional Approval: if the Planning Board grants conditional approval, the Planning Board shall empower the Chairperson or other duly authorized member of the Planning Board to sign the Minor Subdivision Plat subject to completion of requirements, including modifications, if any, which are stated in the resolution granting final approval. Within five (5) days of the resolution granting final approval, the Minor Subdivision Plat shall be certified by the Clerk of the Planning Board as conditionally approved. A copy of the final approval shall be filed in the Town Clerk's office and a copy mailed to the Applicant. The copy shall also include statement of any requirements, which when completed, will authorize the signing of the conditionally approved Minor Subdivision Plat. The requirements of the conditional approval

SEP 02 2021

must be met, and copies of the Minor Subdivision Plat shall be submitted for signature within one hundred eighty (180) days after the date of the resolution granting conditional approval or such approval shall expire. The Planning Board may extend the time in which a conditionally approved Minor Subdivision Plat must be submitted for signature, if in the Board's opinion, such extension is warranted under the circumstances. Such extension shall not exceed two (2) additional periods of ninety (90) days each.

## **Article VII Review Procedures for Major Subdivisions**

### **Section 701: Introduction.**

The Planning Board shall determine whether a proposed subdivision of land will be classified as a Major Subdivision, as set forth in Section 702 below and as defined in Article II of this Law. The determination shall be based upon the information provided by the Applicant pursuant to the Sketch Plan review (Article III) or upon its initial application to the Planning Board. If an application is classified as a Major Subdivision, such proposed subdivision is subject to two formal stages of review, the Preliminary Plat review stage and Final Subdivision Plat review stage. A separate public hearing shall be held on the Preliminary Plat and the Final Plat unless the Planning Board determines that the hearing for the Final Plat is not necessary pursuant to Section 610 below.

### **Section 702: Criteria for Major Subdivision.**

A Major Subdivision is any proposed subdivision of land into five (5) or more lots. The Planning Board may also classify a division of land into less than five (5) parcels as a Major Subdivision if the Planning Board deems that such requirements are necessary, under the circumstances involved, for the protection of the health, safety and general welfare of the public.

### **Section 703: Preliminary Plat Submission Requirements.**

A. Submission: For a Major Subdivision, an Applicant shall submit eight (8) paper copies and a pdf copy of the Preliminary Plat together with a completed Full EAF Form, Major Subdivision application, and such other documents and information as specified in Paragraph "B" below, to the Planning Board Secretary at least seven (7) days prior to a regularly scheduled Planning Board meeting.

B. Submission Requirements: The Preliminary Plat and other submissions for a Major Subdivision to the Planning Board Secretary shall include the following:

1. Eight (8) paper copies and a pdf copy of a map clearly marked "Preliminary Plat", drawn accurately to a scale not less than 200 feet to the inch, which shall show:



Planning Board Meeting

a. the proposed buildable area and building envelope, all existing and proposed property lines, present zoning, zoning overlay district and building setback lines, easement and right-of-way lines with dimensions, bearings or angle data, and curve data;

b. the name and address of the Applicant and record owner (if different from the Applicant). If the Applicant is not the owner, a notarized letter of consent and authorization signed by the owner must also be submitted;

c. the bearings, distances, and locations of all iron pipes and other survey monuments, such pipes or monuments to be labeled existing or proposed;

d. all contiguous land owned or under purchase contract or option by the Applicant and/or record owner;

e. existing adjacent and/or proposed roads;

f. names of owners of all adjacent property;

g. location map, legend, scale, and north arrow;

h. location of existing and/or proposed structures, water wells and septic systems;

i. proposed use of each lot;

j. percolation test information and sites of percolation tests;

k. all existing and/or proposed driveway locations;

l. location of all existing and proposed electrical, telephone and cable utility lines. The Planning Board shall, wherever practicable, require underground installation of electric, telephone, and cable wires along private driveways. Where circumstances are considered impractical, or the neighborhood character will not be adversely impacted, the Planning Board may waive this requirement;

m. the name, address, signature and seal of a professional engineer and/or surveyor duly licensed by the State of New York;

n. boundary lines of zoning district for parcel and any boundary line of an overlay district if such exists for parcel.

o. For all major subdivisions and all lots consisting of five acres or less, all on-site sanitation water supply facilities shall be shown on the plat and shall be designed to meet the

SEP 02 2021

minimum specifications of and be under the permit of the Columbia County Department of Health, and the plat shall bear the stamp of the Department so stating prior to filing with the County Clerk, if required herein. For all lots of 5 acres or less, a recent percolation test shall be performed and the results provided to the Planning Board.

2. Compliance with Open Space Management Requirements. An open space management plan, as described in Section 410B, shall be prepared and submitted along with the preliminary subdivision plat if Open Space is proposed as defined in Article II and described in Section 410B of this Local Law ;

3. A copy of the current deed or deeds of all involved parcels;

4. Completed Town of Austerlitz Major Subdivision application;

5. Full Environmental Assessment Form form with Part I completed by the Applicant;

6. A summary table listing the number of lots proposed to be created, the size of each lot, total acreage of parcel, linear feet of roads and acreage devoted to roads and other right of ways, and acreage devoted to parks, recreational areas and/or open space areas along with a note, prominently placed on the plat, indicating the number of total lots eligible to be created from the parent parcel as per Section 410A of this Local Law and Zoning Code Section 195-215B;

7. A property owner submitting a subdivision plan shall be required to specify on the plan and on any approved final plat which lot or lots shall carry with them the right to erect or place any unused allocation of dwelling units the tract may have;

8. Grading, drainage, erosion control and/or buffer or screening plans as may be required by the Planning Board;

9. Design of all proposed on-site septic and water supply facilities which meet the minimum standards of the New York State Department of Health and Columbia County;

10. Proposed construction detail sheets which show the following information:

a. plans and road profiles of the location and a typical section and cross-section of road pavements, including shoulders, curbs, drainage facilities, culverts, proposed bridges, if any, and such other facilities as may be applicable;

b. where steep slopes exist, elevations of all proposed roads shall be shown at every five (5) feet along the center lines of all roads and each property abutting said road;

SEP 02 2021

11. Agricultural data statement if required pursuant to Planning Board Meeting 7 of Article IV of this Local Law;

12. If any road or area will be shared in common with the owners of the lots in the proposed subdivision, a statement and description of the arrangements for such ownership and maintenance of those common areas.

13. A check in the amount of the applicable fee for Preliminary Plat review as determined by the Town Board from time to time; and

14. Any other information required by the Planning Board as stated in the Planning Board report issued as a result of the Sketch Plan review and Pre-Application Conference. The Planning Board may, where it deems appropriate, waive any of the above submission requirements provided their explanation for waivers is documented.

#### **Section 704: Review Procedures for Major Subdivisions.**

A. When Preliminary Plat Application Is Complete: The application for a Major Subdivision Plat shall be considered official submitted and complete pursuant to section — of Article IV of this local law.

B. SEQRA Requirements: The Planning Board shall follow all requirements as per Part 617 SEQRA.

C. Escrow and Consulting Services: Where the Planning Board deems services such as engineering, architectural, planning, or other professional services are advisable to assist in the examination of the proposed subdivision, the applicant shall be required to pay the cost of all such services pursuant to section 402 above.

D. Referral to Neighboring Municipalities: Pursuant to General Municipal Law §239-nn, for a subdivision review under this section involving property located within five hundred (500) feet of an adjacent municipality, notice of any public hearing shall be given by mail or electronic transmission to the clerk of the adjacent municipality not less than ten (10) days prior to the date of said hearing.

E. Public Hearing: The Planning Board shall schedule and hold a public hearing on the proposed Major Subdivision within sixty-two (62) days after the Planning Board has determined that the Major Subdivision Application is complete.

F. Public Hearing Notice: Notice of the public hearing shall be advertised in the Town's Official Newspaper at least five (5) days before such hearing. In addition, the Applicant shall deliver a copy of the public hearing notice, by certified mail, return receipt requested, to all owners of the property which abut, are adjacent to, or are situated across an established road or

**Planning Board Meeting**

right of way from the proposed boundary lines of the property which is the subject of the hearing. Applicant shall also provide notice to such other persons as the Chairman of the Planning Board may direct.

G. Decision: As set forth in more detail in Section 705 below, within sixty-two (62) days from the close of the public hearing on the proposed subdivision and after the SEQRA process has been completed, the Planning Board shall, by resolution, conditionally approve (with or without modification), disapprove, or grant approval on the Preliminary Plat. The time in which the Planning Board must take such action on the Preliminary Plat may be extended by mutual consent of the Applicant and the Planning Board.

**Section 705: Decisions on Preliminary Plat.**

A. Where Environmental Impact Statement (EIS) Not Required: In the case where the Planning board or other agency, as lead agency, has not required the submission of an Environmental Impact Statement (EIS) with respect to the Preliminary Plat application and has determined that the proposed subdivision does not have the potential to cause significant adverse environmental impacts (a/k/a a "Negative Declaration"), the Planning Board shall approve, with or without modifications, or disapprove the Preliminary Plat within sixty-two (62) days after the date that the public hearing on such Preliminary Plat was held and closed. When approving a Preliminary Plat with modification, the Planning Board shall state, in writing, the modifications it deems necessary for submission of the Plat in final form. However, the sixty-two (62) day period in which the Planning Board must take action on the Preliminary Plat may be extended by mutual consent of the Applicant and the Planning Board.

B. Where EIS Is Required: In the case where the Planning Board or other agency, as lead agency, has required the submission of an environmental impact statement (EIS) with respect to the Preliminary Plat application, the Final Environmental Impact Statement (FEIS) shall be filed within forty-five (45) days following the close of the public hearing. Within thirty (30) days, the Planning Board or other agency, as lead agency, shall issue a written statement of findings with respect to the SEQRA review of the project. Following the filing by the lead agency of the written findings statement required by SEQRA, the Planning Board shall approve, with or without modifications, or disapprove the Preliminary Plat. The Planning Board shall incorporate any requirements indicated in the FEIS written statement of findings as conditions on, or changes to the preliminary plat. To the maximum extent practicable, the Planning Board's decision on a Preliminary Plat for which a final environmental impact statement is required, shall occur within sixty-two (62) days of the date that the public hearing was held. However, the period in which the Planning Board must take action on the Preliminary Plat may be extended by mutual consent of the Applicant and the Planning Board and/or where the Planning Board or other agency, as lead agency, determines that additional time is necessary to adequately prepare the final environmental impact statement.

**Planning Board Meeting**

C. Effects of Decisions: Approval of the Preliminary Plat without any modifications means that the Applicant is authorized to submit a Final Plat that is in conformance with the Preliminary Plat. Approval of the Preliminary Plat with modifications means that the Applicant must incorporate all of the modifications specified by the Planning Board in its Preliminary Plat approval into the Final Plat. Disapproval of the Preliminary Plat means that the Applicant is not authorized to submit a Final Plat but may start the application process over with the submission of a different Preliminary Plat together with all of the required application submissions as specified in Section 703(B) above.

**Section 706: Notification of Decision and Filing of Preliminary Plat.**

Within five (5) days of the date of the adoption of the resolution stating the decision of the board on the Preliminary Plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk. A copy of the resolution shall also be mailed to the Applicant within five (5) business days of the date the decision was rendered.

Within five (5) days of the approval of the Preliminary Plat, two (2) copies of the Preliminary Plat shall be certified by the Clerk of the Planning Board as having been granted preliminary approval. The Clerk shall file one certified copy of the Preliminary Plat in the Clerk's office, and shall mail one certified copy to the Applicant.

**Section 707: Revocation of Approval of Preliminary Plat.**

The Applicant must submit the Final Plat within six (6) months of the approval of the Preliminary Plat. If the Final Plat is not submitted within six (6) months, approval of the Preliminary Plat may be revoked by the Planning Board.

**Section 708: Submission of Final Plat.**

A. Submission: Within six (6) months from the date that the Planning Board approved, with or without modification, the Preliminary Plat, the Applicant must submit the plat in final form (such plat to be hereinafter referred to as the "Final Plat") to the Planning Board Secretary at least ten (10) days prior to a regularly scheduled Planning Board meeting. If the Final Plat is not submitted within the six (6) month time period referred to in the previous sentence and in Section 607 above, the Planning Board may revoke the Preliminary Plat approval.

B. Submission Requirements: The Final Plat submission shall include the following drawings, documents information and detail:

1. Eight (8) paper copies and a pdf copy of a map clearly marked "Final Plat", drawn accurately to a scale not less than 50 feet to the inch, which shall show all information and detail required to be shown on the Preliminary Plat as set forth in Section 603 (b)(1)(a-q) and the

SEP 02 2021

Austerlitz

Subdivision Law Planning Board Meeting Draft July 2021

modifications, if any, required by the Planning Board at the time of the approval of the Preliminary Plat, if such Preliminary Plat had been so approved;

2. A final summary table listing the number of lots proposed to be created, the percentage of development potential of the parent parcel included in this subdivision, the size of each lot, the total acreage of the entire parcel, the linear feet of roads and total acreage devoted to roads and other right-of-ways, and acreage devoted to parks, recreational areas and/or open space areas;

3. Grading, drainage, erosion control and/or landscaping plans as may be required by the Planning Board;

4. Final design of all proposed on-site septic and water supply facilities as approved and endorsed by the New York State Department of Health and the Columbia County Health Department;

5. Final construction detail sheets which show the following information:

a. plans and road profiles of the location and a typical section and cross-section of road pavements, including: shoulders, curbs, drainage facilities culverts, proposed bridges, if any, and such other facilities as may be applicable;

b. where steep slopes (where grade is greater than 15%) exist, two (2) foot contour lines shall be delineated in all proposed right-of-ways and any areas of proposed grading or at least within 150 feet of the center line of all roads; and USGS

c. final designs of any bridges, culverts or other such structures;

6. An offer of cession, easements or dedication in a form approved by the Planning Board of all land included in public right of ways, easements, recreation areas, roads, drainage facilities, culverts, and passive open space areas not specifically reserved by the Applicant. All easements for drainage facilities and other infrastructure shall be perpetual in duration and shall specify obligations for maintenance and repair;

7. Letters of recommendations or approvals with respect to the adequacy of the proposed water supply and septic system as required by the Public Health Law and/or the Environmental Conservation Department of New York State;

8. Deed, easement, or other required description and proof of ownership and title insurance of any land to be ceded to the Town, at no cost or expense to the Town;

Planning Board Meeting

9. Protective covenants and restrictions in proper form for recording, including covenants or restrictions governing the maintenance of public spaces or reservations that are not dedicated to the Town, if applicable;

10. A completed Final Plat application;

11. All other requirements associated with clustered/conservation subdivisions pursuant to Article VII of this local law;

12. A check in the amount of the applicable fee, if any, for Final Plat review pursuant to section 402 of this Local Law; and

13. Any other information required by the Planning Board as provided at the time of approval of the Preliminary Plat. The Planning Board reserves the right to waive any of the above-mentioned Final Plat submission requirements as it deems appropriate.

**Section 709: Initial Review of Final Plat.**

At the first Planning Board meeting in which the Planning Board considers the Final Plat, the Planning Board shall determine: (1) whether the Final Plat is in substantial agreement with the approved Preliminary Plat; (2) whether any additional information or detail is required to be submitted; and (3) whether further review under SEQRA is required.

**Section 710: Final Plats In Substantial Agreement With Approved Preliminary Plats.**

When the Planning Board determines that a submitted Final Plat does not have substantive changes and is in substantial agreement with a Preliminary Plat approved pursuant to this Article, the Planning Board shall, by resolution, conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such Final Plat, within sixty-two (62) days of its receipt by the Secretary of the Planning Board. Upon notification of final approval, or conditional approval with or without modifications, the Applicant shall submit two (2) mylar and two (2) paper copies of the Final Plat as so approved for purposes of signing and filing.

**Section 711: Final Plats Not In Substantial Agreement with Approved Preliminary Plats.**

A. Further SEQRA Review: If the Planning Board determines that a submitted Final Plat is not in substantial agreement with the approved Preliminary Plat, the Planning Board shall either issue a new determination of significance and/or require a draft or supplemental environmental impact statement, whichever may be appropriate under the circumstances of the SEQRA review conducted at the Preliminary Plat review stage.

## Planning Board Meeting

B. Scheduling Public Hearing: If a draft or supplemental environmental impact statement is not required by the Planning Board or other lead agency designated for the project, the Planning Board shall schedule and hold a public hearing within sixty-two (62) days of the receipt by the Planning Board Secretary of the Final Plat and other required documents as specified in Section 608 above. If a draft or supplemental environmental impact statement is required, the public hearing shall be scheduled and held within sixty-two (62) days of the date that such environmental impact statement has been accepted as complete by the Planning Board or other lead agency over the project. The public hearing on the Final Plat shall be held concurrently with the public hearing on the environmental impact statement, if such hearing is deemed necessary.

C. Decision on Final Plat: If a supplemental or final environmental impact statement is not required by the Planning Board or other lead agency designated for the project; the Planning Board shall, by resolution, conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat, within sixty-two (62) days after the date of the public hearing.

If a supplemental or final environmental impact statement (FEIS) has been required, the environmental impact statement shall be filed within forty-five (45) days following the close of the public hearing on the Final Plat. Within thirty (30) days of the filing of the FEIS, the Planning Board shall issue a written findings statement on such FEIS, and shall, by resolution, conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of the Final Plat. The grounds for modification(s), if any, or the grounds for disapproval, shall be stated upon the records of the Planning Board.

**Section 712: Extension of Time.**

Notwithstanding the foregoing provisions of this Article, the time in which the Planning Board must take action on any plat may be extended by mutual consent of the Applicant and Planning Board.

**Section 713: Endorsement of State and County Agencies Prior to Final Plat Approval.**

Prior to final plat approval, the following approvals shall be submitted to the Planning Board:

A. County Department of Health: Water and septic facility proposals contained in the Final Plat shall be properly endorsed and approved by the Columbia County Department of Health. Applications for approval of plans for sewer or water facilities shall be filed by the Applicant with all necessary Town, County and State Agencies;

B. Transportation/Public Works Department: Ingress and egress onto County or State roads must bear the proper endorsement of the County Public Works Department or the New York State Department of Transportation;



## Planning Board Meeting

C. Department of Environmental Conservation: Stormwater Pollution Prevention Plans, wetland disturbance permits, and other approvals required by the NYS DEC shall receive the proper endorsement of the NYS DEC prior to final Plat approval; and

D. If a home owners' association (HOA) is proposed as part of subdivision, New York State Department of Law approval for an HOA offering plan or instead an exemption pursuant to Cooperative Policy Statement 7 (CPS-7), or a "no-action" letter from the Department. If there are easements or maintenance agreements proposed for areas to be used in common, those easements and agreements must be referenced in or made part of the offering plan or CPS-7.

**Section 714: Conditional Approval of Final Plats.**

A. Certification of Plat: Upon resolution granting conditional approval of a Final Plat, the Planning Board shall empower a duly authorized officer to sign the Plat subject to completion of any requirements as may be stated in the resolution. Within five (5) days of such resolution, the Plat shall be certified by the clerk of the Planning Board as conditionally approved and a copy filed in such clerk's office. A certified copy of the resolution shall be mailed to the owner, which copy shall include a statement of such requirements that, when completed, will authorize the signing of the conditionally approved Final Plat.

B. Duration of Approval: Upon completion of such requirements, the Plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a Final Plat shall expire within one hundred eighty (180) days after the date of the resolution granting conditional approval, unless such requirements have been certified as completed.

C. Extension of Time: Notwithstanding the foregoing provisions of this section, the Planning Board may extend the time in which a conditionally approved Plat in final form must be submitted for signature if, in its opinion, such extension is warranted by the particular circumstances thereof, which shall not exceed two additional periods of ninety (90) days each.

**Section 715: Approval of Plat in Sections.**

In granting conditional or final approval of a Plat in final form, the Planning Board may permit the Plat to be subdivided and developed in two (2) or more sections, and may in its resolution granting conditional or final approval, state that such requirements as it deems necessary to insure the orderly development of the Plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of sections of a Final Plat may be granted concurrently with conditional or final approval of the entire Plat, subject to any requirements imposed by the Planning Board.

Upon the Planning Board's approval of the final plat and the applicant's completion of all applicable conditions and requirements of the Planning Board's approval, the applicant shall provide at least six (6) paper copies and a pdf copy of the corrected final plat to the Chair of the Planning Board for stamping and signing the final plat as approved.

#### **Section 716: Expiration of Approval.**

The signature of the duly authorized officer of the Planning Board constituting final approval of the Planning Board of a Plat as herein provided; or the approval by the Planning Board of the development of a Plat or Plats already filed in the office of the Columbia County Clerk if such Plats are entirely or partially undeveloped; or the certificate of the Town Clerk as to the date of the submission of the Final Plat and the failure of the Planning Board to take action within the time herein provided, shall expire within sixty-two (62) days from the date of such approval, or from the date such certificate is issued, unless within such sixty-two (62) day period, such Plat or a section thereof shall have been duly filed or recorded by the owner in the office of the County Clerk. In the event the owner shall file only a section of such approved Plat in the office of the County Clerk, the entire approved Plat shall be filed within thirty (30) days of the filing of such section with the Town Clerk in each town in which any portion of the land described in the Plat is situated. Such section shall encompass at least ten (10) percent of the total number of lots contained in the approved Plat, and the approval of the remaining sections of the approved Plat shall expire unless said sections are filed before the expiration of the exemption period to which such Plat is entitled under the provisions of subdivision two of section two hundred sixty-five-a of this Article 16 of the Town Law.

#### **Section 719: Subdivision Abandonment.**

The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of Section 560 of the New York State Real Property Tax Law.

### **Article VIII Design and Environmental Standards**

#### **Section 801: Purpose. this is more proscriptive - do we want it**

In considering applications for the subdivision of land, the Planning Board shall be guided by the design and environmental standards which are set forth in this Article and requirements set forth in the Town of Austerlitz Zoning Law. The purposes for such standards are to facilitate sound, functional, and attractive subdivisions and related development, to minimize adverse impacts on neighboring properties, the community and the environment, and to ensure that a project will be an asset to the community. These standards shall be considered to be minimum requirements in which to guide the Planning Board and applicants for the convenience, health, safety, and welfare of the residents of the Town.

**Section 802: General Considerations and Standards.**

A. Character of Land: Land to be subdivided and/or developed shall be of such character that it can be used safely for building and related purposes without danger to health or peril from fire, flood, erosion, or other menace. Land subject to such hazards shall not be subdivided nor developed for residential purposes, nor for such other uses as may increase danger to health, life or property, or aggravate a flood hazard, but such land may be set aside for such uses as shall not involve such danger nor produce unsatisfactory living and/or environmental conditions. The optimal use and conservation of natural and physical resources shall be the guide for determining the inherent constraints and potentials for development on the proposed site.

B. Conformance to Zoning Law, Comprehensive Plan and Official Map: Subdivisions and/or developments shall conform to the Town Zoning Law, Comprehensive Plan, and to the Official Map of the Town, as such may be amended from time to time.

C. Frontage on Improved Roads: The area proposed to be subdivided and/or developed, and each lot therein, shall have frontage on and direct access to a public road on the Official Map of the Town in compliance with the requirements of the Town Zoning Law or, if such road is private, it shall be improved pursuant to the requirements of Article I of Chapter 160 of the Town of Austerlitz Code as well as any additional conditions imposed by the Planning Board. Proposed driveways shall conform to the requirements of Article II of Chapter 160 of the Town of Austerlitz Code.

D. Specifications for Required Improvements: All required improvements shall be designed, constructed, installed, and maintained to conform to Town specifications, if any, and/or the conditions imposed by the Planning Board.

E. Preservation of Existing Natural Features and Cover: Land to be subdivided and/or developed shall be laid out and improved in reasonable conformity to existing topography in order to minimize grading, cut, and fill, and to retain, to the maximum extent practicable, the natural contours and features of or on the subject land, limit storm water runoff, and conserve the natural cover and soil. Existing natural features that enhance the attractiveness of the site, and that add value to residential or other development, or to the Town as a whole, such as trees, vegetation, stone walls, hedgerows, watercourses, ponds and similar resources, shall be preserved insofar as possible by harmonious design of the subdivision and building areas. The Planning Board may make reasonable modifications in standards for the layout and construction of roads to accomplish the preservation of existing natural features and land cover. Where practicable, the Planning Board may request that natural boundaries, i.e., water courses, stone walls, forested edges, hedgerows, etc., be incorporated into the boundary configuration of new lots.

## Planning Board Meeting

All Major Subdivisions shall meet the following standards to minimize adverse impacts on natural features:

1. The proposed subdivision shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table through careful planning of vegetation and land disturbance activities. Low impact development methods to control stormwater shall be used to the maximum extent practical.
2. Disturbance to streams, drainage swales, wetlands, and areas with seasonally high water tables shall be minimized.
3. Because of their resource values, all woodlands on any parcel proposed for subdivision shall be evaluated by the applicant to determine the extent to which such woodlands should be conserved or developed. Evaluation criteria for this shall include size, present conditions, site potential, ecological functions, and relationship of woodlands on adjoining properties. Woodlands along roadways, property lines, streams, and hedgerows, shall be preserved. Lot layout should preserve the largest, un-fragmented expanse of woodlands possible.
4. Preferred locations for development include the non-prime agricultural soils and lower topographic settings where development will be visually less intrusive.
5. Areas of steep slope shall be preserved to the extent possible. In addition, grading on slopes greater than fifteen percent (15%) shall be minimized; no site disturbance shall be allowed on slopes exceeding twenty-five percent (25%).

F. Rural Siting Guidelines: The Planning Board may require the following design standards to protect agriculture, natural resources and the environment, and to promote the exiting rural character of the Town:

1. All subdivisions shall be platted to preserve the maximum amount of prime and statewide important farmland soils for continued agricultural use. During subdivision review and insofar as practicable, building envelopes shall be identified and located in a manner to protect the maximum amount of prime and statewide important farmland soils as follows:
  - a. On the least fertile soils for agricultural uses, and in a manner which permits access to active agricultural land. Prime farmland soils and soils of statewide importance should be avoided;
  - b. Within any woodland contained within the parcel, or along the far edges of open fields adjacent to any woodland, so as to reduce impact on agricultural operations and enable new construction to be visually absorbed by natural landscape features;

## Planning Board Meeting

- c. In locations least likely to block or interrupt scenic vistas as seen from public roadways;

## 2. Rural Siting Principles

- a. Siting of all structures shall, to the maximum extent practicable, avoid placement on lands within the parcel that have been identified as having steep slopes greater than fifteen percent (> 15%).
- b. Wherever feasible, retain and reuse existing old farm roads and lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls).
- c. Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.
- d. Use existing vegetation and topography to buffer and screen new buildings if possible. Group buildings in clusters or tuck them behind treelines or knolls rather than spreading them out across the landscape in a "sprawl" pattern.
- e. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.
- f. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selectively cutting small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees. Existing vegetation shall be preserved to the maximum extent practical. Structures should blend in with natural surroundings through preferred use of natural or neutral colors. All outdoor light sources mounted on poles or buildings or trees to illuminate driveways, sidewalks, walkways, parking lots, or other outdoor areas shall use fully shielded light fixtures. All electric, telephone, television, and other communication lines, both main and service connections, servicing new development, shall be provided by underground wiring within easements of dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services. Cut and fills are minimized, and where practical, driveways are screened from public view.

SEP 02 2021

Austerlitz

Subdivision Law

Planning Board Meeting Draft July 2021

- g. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas.
- h. Where possible, place utility lines and driveways on less productive land and site driveways on the edge of farm fields, rather than through the middle.
- i. Locate new development so that the flow of water to farm properties is not impeded, such that it flows in ways that are compatible with existing field drainage patterns.

### **Section 803: Lots.**

A. General: The lot size, width, depth, shape, and orientation, as well as the minimum building setback lines, shall be appropriate for the location of the subdivision, the type of development and use contemplated, and shall be in compliance with the Zoning Law. To the maximum extent practical, natural boundaries such as streams, hedgerows, or woodland edges shall be used to configure new lots.

B. Layout and Access: The layout or arrangement of lots shall not create foreseeable difficulties, for reasons of topography or other existing natural conditions, with respect to constructing a structure(s) in compliance with the requirements of the Zoning Law, and in providing safe driveway access to structures. The lot layout or arrangement shall be such as to promote a sound and attractive design for the location and type of subdivision and/or development. Ingress/Egress points along Town, County, and State roads should be limited to decrease vehicle and pedestrian hazards, and the integrity of the existing pedestrian pathways should be maintained. Access from private roads shall be acceptable only if such roads are designed and improved in accordance with this local law.

C. Dimensions and Corner Lots: Density, lot area, and dimensions shall conform to the requirements of the Zoning Law (Town Code Chapter 195, Section 195-15). In general, corner lots shall be larger and have extra width than interior lots to provide for compliance with the front yard setback from both roads, and to provide a desirable building site. Where lots are more than double the minimum area required by the Zoning Law, the Planning Board may require that such lots shall be of such dimensions and arrangement as will allow further subdivision and the opening of future roads where necessary to serve potential lots which will also be in compliance with the Zoning Law and this local law. The Zoning Law provisions relating to large lot development (Town Code Chapter 195, Section 195-20) shall also be considered.

## Planning Board Meeting

D. Lot Lines and Setbacks: Side lot lines shall be substantially at right angles to straight roads, and radial to curved road lines, unless a variance from this rule will provide a better road or lot plan. Where extra width has been dedicated as a right of way for widening an existing road, lots shall begin at such right of way line and lot dimensions, and setbacks shall be measured from such line.

E. Access Across a Water Course: Where a water course separates the buildable area of a lot from the road by which it has access, provisions shall be made for installation of a culvert or other structure in compliance with the Department of Environmental Conservation permitting standards, and of a design approved by the Planning Board.

F. Monuments and Lot Corner Markers: Permanent monuments of either concrete or metal shall be set at such lot corners, angle points, points of curves in roads, and other points as the Planning Board may require, and their location shall be shown on the plat. Other methods of providing permanent markings of lot corners and/or angle points may be accepted by the Planning Board if demonstrated by the Applicant to be an appropriate and accurate method.

G. Driveway Grade: The design, grade and installation of driveways shall conform to (Town Code Chapter 160, Article II).

**Section 804: Roads Layout & Design.**

A. General: The arrangement, character, extent, width, grade, and location of all proposed roads shall conform to the Town Code, in particular Chapter 160, Article I of the Town Code, as well as the Comprehensive Plan and Official Map of the Town, and shall be considered in their relation to: (1) existing and planned roads, (2) the accommodation of prospective traffic, (3) existing topography and natural features, (4) public convenience and safety, including access for emergency vehicles, (5) the proposed uses of the land to be served by such roads, and (6) character of the neighborhood. The road layout shall form an interconnected system of roads primarily in a rectilinear grid pattern. In any hamlet, new development should maintain the existing road grid pattern. Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, such parcels shall be arranged so as to allow the opening of future roads and logical further re-subdivision in accordance with the requirements contained in this section.

B. Relation to Topography: The proposed roads of a proposed subdivision shall bear a logical relationship to the topography of the property. All roads shall be arranged so as to obtain as many of the building sites as possible at or above the grade of roads. Grades of roads shall conform as closely as possible to the original topography.

## Planning Board Meeting

C. Arrangement: The arrangement of roads in the subdivision shall provide for the continuation of principal roads of adjoining subdivisions and for proper projection of principal roads into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water, and drainage facilities.

D. Provision for Future Re-Subdivision: Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that roads and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in this local law.

E. Dead-End Roads: Dead-end roads including cul-de-sacs, shall be discouraged, and should only be utilized when inclusion of this road design facilitates preservation of open space, agricultural lands, or rural character in a way that grid or modified grid roads could not. Subdivisions containing twenty (20) lots or more shall have at least two (2) road connections with existing public roads, or roads shown on the Official Map, if such exists, or roads on an approved Subdivision Plat for which a bond has been filed.

F. Improvements: Roads shall be constructed in accordance with standards established by the Town. Roads shall be graded and improved with pavement, curbs, gutters, storm drainage facilities, water and/or sewage facilities, road signs, lights, shade trees, and fire hydrants (also, fire ponds) as the Planning Board may require for the public, health, safety, and general welfare. Installation of, and specifications for fire hydrants, shall be in conformity with all State requirements.

G. Utilities:

1. In Roads: The Planning Board shall, wherever practicable, require underground utilities (electric, telephone, cable wires, water, sewer, and gas utilities) and require that such utilities be placed in the road right-of-way to simplify location and repair of lines. The Applicant shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the road is paved.

2. Easements: Where topography is such as to make impracticable to the inclusion of utilities within the road right-of-way, perpetual unobstructed easements at least twenty (20) feet in width shall be otherwise provided with satisfactory access to the road. Wherever possible, easements shall be continuous from block to block, and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

H. Town Highway Superintendent and Engineer Review and Input: The Planning Board shall refer any subdivision that proposes new roads or roads or connects to existing Town roads to the Town Highway Superintendent, and the Town Engineer, for their review, input and Town specifications and requirements pertaining to such roads or roads. Such review, input,



SEP 02 2021

Planning Board Meeting

specifications and requirements shall include all relevant road or road design issues including, but not limited to, grades of all roads or roads, changes in grade, curve locations and radii, sight distances, watercourse crossings, drainage, layout and improvements.

I. Watercourses: Where a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer. Where a subdivision is traversed by a watercourse, drainage way, or channel of stream, there shall be provided a storm water easement or drainage right-of-way as required by the Town Engineer and in no case less than twenty (20) feet width.

### **Section 805: Road Names.**

No road shall have a name which will duplicate, or so nearly duplicate as to be confused with, the names of existing roads in the area. A continuation of an existing road shall have the same name. Generally, roads shall have names, and not numbers or letters. Names of new roads and new names for roads shall be approved by the Town Board.

### **Section 806: Easements.**

A. Utilities: Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twenty (20) feet wide.

B. Drainage Way: Where a subdivision is traversed by a water course, channel, or drainage way, as defined herein, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose.

### **Section 808: Water Management.**

In addition to the following, all Town of Austerlitz Code requirements (e.g.: Chapter 101 - Flood Damage Prevention) related to stormwater management shall be met. To the maximum extent practical, water management techniques shall utilize low impact methods.

A. Removal of Spring and Surface Water: The applicant may be required by the Planning Board to carry away by pipe or open channel any spring or surface water that may exist either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

B. Drainage Structure to Accommodate Potential Development Upstream: A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run off from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of the facility based on the anticipated run-off under conditions of total potential development permitted by the Zoning Law in the watershed.

SEP 02 2021

Planning Board Meeting

C. Responsibility from Drainage Down Stream: The applicant's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision. This study shall be reviewed by the Town Engineer. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a "ten (10) year storm", the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall require alternative drainage measures, if any, until provision has been made by the Town Board for the improvement of said condition off-site.

D. Storm Water Management:

1. Design of the storm water management system shall be consistent with general and specific concerns, values, and standards of the Town Comprehensive Plan and Code, and applicable county, regional, and state storm drainage control programs, if applicable. Design shall be based on environmentally sound site planning and engineering techniques, and shall be designed to result in stormwater run-off rates after development equal to the run-off rates prior to development.

2. The appropriate technology shall be used to minimize off-site storm water runoff, increase on-site filtration, encourage natural filtration functions, simulate natural drainage systems, and minimize off-site discharge of pollutants to ground and surface water. Such technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces, and swales.

3. Easements within the subdivision or project site to ultimate point of stream discharge shall be furnished.

4. The pattern of drainage shall be included in the grading plans if such plans are required by the Planning Board. This plan clearly indicate the direction of flow of all surface water, the location, size, and type of drainage structures, and notation as to final point of discharge of the surface water. The applicant shall make suitable entrances to private driveways, and driveway culverts shall be installed as approved by the Planning Board.

5. The Planning Board reserves the right to require special provisions in any case where, in the opinion of the Planning Board, runoff cannot be adequately handled by the drainage structures shown on the typical sections.

6. All subdivisions shall be laid out to be compatible with the drainage pattern affecting the areas involved, with proper provision to be made for adequate storm drainage facilities. Storm drainage plans shall reflect potential surface runoff within the drainage area after development.

SEP 02 2021

Austerlitz

Subdivision Law

Planning Board Meeting

Draft July 2021

7. Right-of-way for storm drainage must be sufficient for facilities to handle not only the anticipated discharge from the property being subdivided, but also the anticipated run-off that will occur when property at a higher elevation in the drainage basin is developed.

8. Whenever possible, lots shall be graded so that drainage from the lot flows to a road, municipally owned drainage facility, or natural watercourse, without crossing other lots.

E. Land Subject to Flooding/Compliance with Flood Damage Prevention Law:

1. In addition, and for all other designated flood plain areas, pursuant to the Town's Flood Damage Prevention Law (Town Code Chapter 101), a flood plain development permit may be required if the proposed subdivision is located in areas of special flood hazard as defined in said Flood Damage Prevention Law. If such is the case, the Planning Board and the Applicant shall consult with the Town's Code Enforcement Officer for consideration of, and compliance with, the Flood Damage Prevention Law. The Applicant may be required to provide base flood elevation data if such data is not available from other sources. The Planning Board shall consult with the Code Enforcement Officer for purposes of reviewing a proposed subdivision, in order to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards as set forth in the Flood Damage Prevention Law.

2. Land subject to flooding by a hundred (100) year frequency storm or less, or land deemed by the Planning Board to be uninhabitable shall not be subdivided for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy such hazardous conditions.

F. Wetlands: If any wetlands of any kind or size lie within the boundaries of the proposed subdivision or within one hundred (100) feet of the proposed subdivision, the Applicant shall comply with the requirements of the New York State Freshwater Wetlands Act and the Army Corps of Engineers, if applicable. The Final Plats shall indicate such compliance prior to approval by the Planning Board.

**Section 809: Environmental Considerations.**

A. Preservation of Natural Features: The Planning Board shall, wherever possible, require the preservation, conservation and/or maintenance of all natural features which add value to residential developments and to the community, such as large trees or groves, water courses, lakes, ponds, wetlands, waterfalls, beaches, stone walls, hedgerows, bedrock outcropping, historic structures/sites, scenic vistas, and similar irreplaceable assets.

1. Natural Terrain: Subdivision design shall preserve, so far as possible, the natural terrain, natural water courses, improvements, and drainage areas. Subdivision design shall preserve all trees and shrubs which exist on the site to the maximum extent practical. On individual lots or parcels, care shall be taken to preserve selected trees to enhance the landscape treatment of the development. Significant single trees or significant stands of trees shall not be removed unless such tree or trees are within the right-of-way of a road as shown on the Final Plat. Removal of additional trees shall be subject to the approval of the Planning Board.

2. Soil: Natural fertility of the soil shall be preserved by disturbing it as little as possible, and no topsoil shall be removed from the site.

B. Flood Areas: Land subject to serious or regular flooding shall not be subdivided for residential occupancy or for such other uses as may increase danger to life or property, or aggravate the flood hazard. Such land may be used for such uses, subject to the Zoning Code or other applicable laws, or in such a way, that the flood danger to this property and other upstream or downstream properties will not be increased and periodic or occasional inundation will not be a substantial threat to life or property. The provisions of this section shall apply to all land falling within the one hundred (100) year flood limit as shown on maps prepared and amended by the Federal Emergency Management Agency.

C. Steep Slopes: Development of steep slopes, over fifteen percent (15%), will be conditionally acceptable only if there is no prudent or feasible alternative site, and erosion and sedimentation control measures are incorporated in the design, construction, and operation of the development.

D. Vegetation: Development shall preserve, to the maximum extent practicable, existing vegetation within a development site. This includes, where necessary, planting of appropriate native species.

E. Wildlife Habitat: Development shall preserve, to the maximum extent practicable, existing wildlife habitat within a development site.

F. Erosion and Sediment Control: The Applicant shall provide effective erosion and sediment control measures for planning and construction of subdivisions. Where appropriate, the Applicant shall be required to submit a plan which shows acceptable control measures for the mitigation of erosion from the site. Such plan shall also include the time schedule and placement for installation of such measures and their removal, if of a temporary nature. Use of the following technical principles shall be applied as deemed appropriate by the Planning Board and, where applicable, Columbia County Soil and Water Conservation:

1. The smallest practical area of land shall be exposed at any one time during the development.

Planning Board Meeting

2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

3. Temporary vegetation and/or emulsion shall be used to protect critical areas exposed during development.

4. Sediment basins, debris basins, silting basins and/or silt traps, shall be installed and maintained to remove sediment from run off waters on land undergoing development.

5. Provision shall be made to effectively accommodate the increased run off caused by changing soils and surface conditions during and after development.

6. Permanent final vegetation and structures should be installed as soon as practical in the development.

7. The development plan should be fitted to the type of topography and soils so as to create the least erosion potential.

8. Wherever feasible, natural vegetation should be retained and protected.

G. Performance Standards: The interpretation of design and environmental standards will be guided by the following performance criteria such that the subdivision:

1. Will not result in undue water or air pollution;

2. Will have sufficient water available for the reasonably foreseeable needs of the subdivision or development;

3. Will not cause unreasonable burden on an existing water supply if one is to be utilized;

4. Will not cause unreasonable soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

5. Will not have post development run off greater than pre-development run off;

6. Will not cause unreasonable highway congestion or unsafe condition with respect to the use of the highway, existing or proposed;

7. Will not cause an unreasonable burden on the ability of a municipality to provide educational services;

8. Will not place unreasonable burden on the ability of local governmental services;

9. Will not have an undue adverse effect on the scenic or natural beauty and aesthetics of the area, historic sites, or irreplaceable natural areas;

10. Will be in conformance with the Town's Comprehensive Plan and Zoning Code and other Town laws as applicable;

## Planning Board Meeting

11. Will have suitable soils existing on site to adequately maintain a proper treatment of household wastes;

12. Will not have an adverse impact upon wildlife, vegetation, and/or an ecosystem.

H. Special Circumstances (Waiver): Where the Planning Board finds that, due to the special circumstances of a particular subdivision, the provision of certain required improvements is not required in the interests of the public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent, or in proximity to, the proposed subdivision, it may waive such requirements subject to appropriate conditions and pursuant to Article IV, Section 409 of this local law, provided that such waiver will not have the effect of nullifying the intent of the Official Map, the Comprehensive Plan, the Zoning Code, or this local law as well as any other law or regulation which may be applicable.

I. Design Innovations: When design concepts which are beneficial to the public interests are proposed by an Applicant, the Planning Board may modify the requirements and standards as set forth above and impose additional conditions as necessary to permit the accomplishment of such concepts.

## Article IX Required Improvements

### Section 901: General.

Pursuant to Section 277 of the Town Law, the Planning Board, in its discretion, shall require that the Applicant complete the installation of, and/or furnish financial guarantees to insure the completion and maintenance, of all improvements required by the Planning Board prior to the approval, or as a condition to the approval of, a Final Plat prior to development. All required improvements shall be made by the Applicant at the Applicant's expense, without reimbursement by the Town.

### Section 902: Construction Plans.

A. Approval Required Before Construction: During the subdivision application process as described in Articles III through VII, the Applicant shall have prepared, at the Applicant's expense, construction plans for all improvements required by the Planning Board. The installation of such improvements, development and/or construction work of any kind shall not be commenced until: (1) after the applicable construction plans have been approved by the Planning Board or the Town Engineer in accordance with this local law; (2) after the applicable construction plans have been approved and endorsed on such plans or drawings by the appropriate County, State, or other agencies having jurisdiction by law for same; and (3) after the Applicant has paid to the Town an amount equal to the estimated Town fees for inspecting the construction and work.

B. Modifications: If at any time before or during the construction of the required improvements, the Applicant and Town Engineer determine that unforeseen conditions make it necessary to modify the location or design of such required improvements, or that additional improvements be provided, the Planning Board or Town Engineer may require such modifications upon written request of the Applicant, provided such modifications are within the spirit and intent of the Planning Board's subdivision approval, and do not extend or waive, or substantially alter the function of any improvement required by the Planning Board. The Town Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board for its records.

C. Installation: All required improvements shall be installed in accordance with approved construction plans or drawings.

D. Estimated Cost of Improvements: The Applicant shall submit an engineer or contractor's estimate of the full cost of all required improvements, and the Planning Board shall review the cost estimates for accuracy.

### **Section 903: Completion of Improvements and Guarantees of Performance.**

A. Purpose: The Planning Board may require the full completion of all improvements, or appropriate guarantees for such full performance, or both, prior to its signing of the Final Plat. Improvement guarantees shall be provided to insure the complete and proper installation and maintenance of required roads, utilities, and other improvements required by the Planning Board. Such guarantees may include actual completion of the required improvements, or financial guarantees in proper form. As such, the Applicant shall be subject to the procedures set forth in Paragraphs "B", "C", and/or "D" of this section, as will be determined by the Planning Board.

B. Completion of Improvements: The Planning Board may require that the Applicant shall complete all required improvements to the satisfaction of the Planning Board and/or Town Engineer before the Planning Board signs the Final Plat, and before any building permits are issued. The Planning Board may also require the Applicant to file, with the Town, a financial guarantee, in one of the forms provided in paragraph "C" below, in an amount determined by the Planning Board to be adequate to assure the preservation of existing topographic and natural assets, pursuant to Section 810, above, as well as continued satisfactory conditions of the subdivision improvements for a period of one (1) year following their completion. Such financial guarantee shall be satisfactory to the Town Attorney and the Town Board as to form, sufficiency and manner of execution. The financial guarantee shall be released only by resolution of the Town Board when all requirements have been satisfactorily met. The construction and completion of improvements may be placed in conjunction with the approval of sections of Plats as set forth in Section 615 of Article VI.

## Planning Board Meeting

C. Financial Guarantees: Before the Planning Board signs the Final Plat, or as a condition of approval of the Final Plat, and before any building permits are issued, the Planning Board may require that the Applicant furnish to the Town a financial guarantee for performance of the required improvements within one (1) year from conditional approval of the Final Plat in one of the forms discussed below. The time allowed for installation of the improvements, for which the performance guarantee has been provided, may be extended by the Planning Board. The following forms of security must be provided pursuant to a written security agreement with the Town, approved by the Town Board. It must also be approved by the Town Attorney as to form, sufficiency, manner of execution, and, if not delivered to the Town, such security shall be held in a Town account at a bank or trust company.

1. Performance Bond: Such bond shall be in an amount not to exceed one hundred twenty percent (120%) of the cost of installation for improvements. Such bond shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution, and satisfactory to the Town Board as to the surety. The bond shall be released only by resolution of the Town Board when all requirements and completion of improvements have been satisfactorily met by the Applicant.

2. Letter of Credit: An irrevocable letter of credit from a bank located and authorized to do business in the State of New York may be accepted in lieu of a performance bond. Such letter of credit shall be satisfactory to the Town Attorney as to form, sufficiency, manner of execution, and institution.

3. Escrow Account: The deposit of cash, by the Applicant, in, or a certificate of deposit issued by, a bank or trust company located and authorized to do business in the State of New York, to be held in escrow pursuant to an escrow agreement. The escrow agreement shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution, and financial institution.

4. Obligations: Obligations of the United States of America or any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements.

D. Maintenance Guarantee: The Planning Board may also require the Applicant to provide a maintenance guarantee for a period not to exceed two (2) years after final acceptance of the improvements, in an amount not to exceed fifteen percent (15%) of the costs of such improvements. Such maintenance guarantee may be in one of the forms described in Paragraph "C" above, as the Planning Board may prescribe.

E. Other Agencies: In the event that other governmental agencies or public utilities will own the utilities or improvements simultaneously with the completion of installation of such utilities or improvements, or the improvements are covered by performance and maintenance guarantees to another governmental agency, no performance and/or maintenance guarantee shall be required by the Planning Board for such utilities or improvements so covered.



F. Applicant's Responsibility: If the Town Engineer or other authorized inspector finds, upon inspection, that any of the required improvements have not been constructed or installed in accordance with approved construction plans, the Applicant shall be responsible for the completion of such improvements to the satisfaction of the Planning Board. Wherever the cost of improvements is covered by a performance bond, the Applicant and the bonding company shall be jointly and severally liable for completing said improvements to the satisfaction of the Planning Board.

For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Board in its resolution approving the Plat, the approval shall be deemed to have expired. In cases where a performance bond has been posted and required improvements have not been completed within the term of such bond, the Town Board may thereupon declare said performance bond to be in default.

#### **Section 904; Inspection of Improvements.**

A. General Requirements: The Planning Board shall provide for the inspection of required improvements during construction to insure satisfactory completion of the required improvements. The Applicant shall pay to the Town an inspection fee in accordance with a fee schedule or fee estimate, if such inspection is to be performed by an engineer retained by the Town for that purpose, that will be provided to the Applicant by the Planning Board. The Final Plat shall not be signed by the Planning Board until such fee has been paid.

B. Timing of Inspection: In order to facilitate inspection of required improvements during construction, the applicant shall notify the Town Engineer at least three (3) days before he proceeds with each of the following stages of construction:

1. Grading of roads and/or lots;
2. Back-filling of underground utilities and/or drainage facilities;
3. Paving or surface treatment; and
4. Within three (3) days after completion of all improvements.

C. Copy of Contract Specifications: Prior to the start of construction of any required improvements, the Applicant shall furnish to the Planning Board and/or Town Engineer a copy of the specifications included in any contract entered into by the Applicant for such construction.

D. Supervision of Construction: The construction of all required improvements shall be supervised by a licensed professional engineer, employed by the Applicant. After completion of

Planning Board Meeting

construction, the said engineer shall certify to the Planning Board that all required improvements have been constructed as required and approved by the Planning Board, or as such requirements have been modified under Section 902(B), above.

E. Reports: The Town Engineer or representative of the Town and the Applicant's engineer shall make reports to the Planning Board after each inspection. If the engineer or an authorized inspector finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved construction plans, he shall inform the Applicant and the Board in writing.

F. Responsibility for Completion: The Applicant is solely responsible for completion of required improvements in accordance with the approved plans.

G. Certificates of Completion: The Planning Board shall not give final approval of required improvements, nor recommend to the Town Board, the release of a bond or other performance guarantee, until the Engineer has submitted a report stating that all required improvements have been satisfactorily completed, and until the Applicant's engineer or surveyor has furnished a statement certifying that all improvements conform to such record drawings and the standards and specifications of the agency having jurisdiction.

## **Article X Parkland, Reservations and Dedications**

### **Section 1001: General Requirements and Plat.**

Pursuant to Section 277 of the Town Law, before the approval of a Plat by the Planning Board, such plat shall show in proper cases, and when required by the Planning Board, a park or parks suitably located for playground or other recreation purposes. Reservation of land for road purposes, drainage ways, and easements also may be required by the Planning Board and by County or State agencies having jurisdiction. Any land offered for dedication or reserved by the owner for a particular purpose, and all easements, shall be shown and appropriately marked on the Plat.

### **Section 1002: Parkland.**

A. Finding by Planning Board: Pursuant to Town Law Section 277, land for park, playground, or other recreational purposes, may not be required unless the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular subdivision plat will contribute. If the Planning Board makes such finding, the portion of land to be set aside for such

a park or parks shall not be more than five (5) to ten percent (10%) of the area proposed for development, unless land in excess of such amount is offered to be set aside by the Applicant.

B. Fee in lieu of land: In the event the Planning Board makes a finding pursuant to paragraph A of this Section that the proposed subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board (pursuant to a fee schedule adopted by the Town Board). In making such determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for parks or recreational facilities. The Planning Board shall also examine practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning Board in lieu of land for park, playground, or other recreational purposes, pursuant to the provisions of this Section, shall be deposited into a trust fund to be used by the Town exclusively for park, playground, or other recreational purposes, including the acquisition of property.

## **Article XI Administration & Enforcement**

### **Section 1101: General.**

A. Jurisdiction: Pursuant to Section 278 of the Town Law, no Plat of a subdivision of land showing lots, blocks or sites, with or without roads, shall be filed or recorded in the office of the Columbia County Clerk until it has been approved by the Planning Board, and such approval is endorsed in writing on the Plat.

B. Compliance Mandated: No subdivision or portion thereof shall be offered for sale or sold and no clearing, grading, or construction work of any kind shall be commenced within such subdivision until: (1) a Final Plat of such subdivision shall be filed with, and approved by the Planning Board, (2) a Final Plat endorsed as approved by the Planning Board shall have been filed in the office of the Clerk of Orange County, and (3) a copy certified, or a filing receipt issued, by the Orange County Clerk's office showing such filing dates, shall have been thereafter filed in the office of the Town Clerk of the Town of Austerlitz. No construction, grading, excavation, site preparation or demolition shall take place within any subdivision and no building or zoning permit shall be issued until such filings herein required are complete.

C. The Planning Board and its employees, including the Secretary of the Planning Board, shall be responsible for processing applications for the subdivision of land within the Town. This local law shall be deemed the minimum requirements for the future growth and development of the Town, which will provide adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health, and general welfare of its population.

SEP 02 2021

**Section 1102: Variance.****Planning Board Meeting**

A. Review by Code Enforcement Officer: The Town Code Enforcement Officer, pursuant to authority from the Town Board, is authorized to review subdivision Plats or applications that propose to divide a parcel of land into two (2) lots, either by referral from the Planning Board or upon an Applicant's own initiative, for the limited purpose of determining whether such proposed lots meet the minimum dimensional requirements of the Zoning Law, and rendering a written determination as to whether such proposed lots, if approved by the Planning Board pursuant to its review of the proposed Plat, comply with such Zoning Law requirements.

B. Appeal to Zoning Board of Appeals: An Applicant of any party aggrieved by such determination of the Code Enforcement Officer may be allowed to appeal such determination to the Zoning Board of Appeals.

C. Determination: The determination of either the Code Enforcement Officer or Zoning Board of Appeals shall be binding upon the Planning Board for the limited purpose that such determination is intended, subject to any conditions the Zoning Board of Appeals or Planning Board may deem appropriate and subject to all of the other applicable requirements set forth in this local law.

D. Area Variances: Where a Plat contains one (1) or more lots which do not comply with the Town Zoning Code, application may be made to the Zoning Board of Appeals for an area variance pursuant to Section 277-b of the Town Law, without the necessity of a decision or determination by the Code Enforcement Officer. In reviewing such application for an area variance, the Planning Board shall provide a written recommendation concerning the proposed variance to the Zoning Board of Appeals.

**Section 1103: Enforcement Authority.**

Pursuant to Section 268 of the Town Law, and the Local Laws of the Town of Austerlitz, the Code Enforcement Officer has the authority to enforce the requirements and provisions of this local law. The Code Enforcement Officer may issue notices of violation, and stop-work orders and/or appearance tickets for the enforcement of this local law.

**Section 1104: Violations, Penalties and Remedies.**

A. Penalties and Fines For Violations A violation of any of the provisions of this local law or of a decision of the Planning Board shall be enforced in the same manner with the same penalties or other remedies as is set forth in Article XIII of the Town Zoning Code.

B. Pursuant to Section 268(2) of the Town Law, in the case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure

SEP 02 2021

or land is used, or any land is divided, or cleared in anticipation of being divided, into lots, blocks, or sites in violation of this local law or the Zoning Code, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceeding, to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or division of land, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

**Section 1105: Severability.**

Should any section or provision contained in this local law, or as amended hereafter, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the local law as a whole or any part thereof other than the part so declared to be invalid.

**Section 1106: Court Review.**

Any person aggrieved by any decision of the Planning Board relative to a subdivision application, or a decision rendered by the Planning Board, may have such decision reviewed by the Supreme Court, Columbia County in the manner provided by Article 78 of the Civil Practice Law and Rules, providing the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the Planning Board, as all set forth in Section 282 of Town Law.

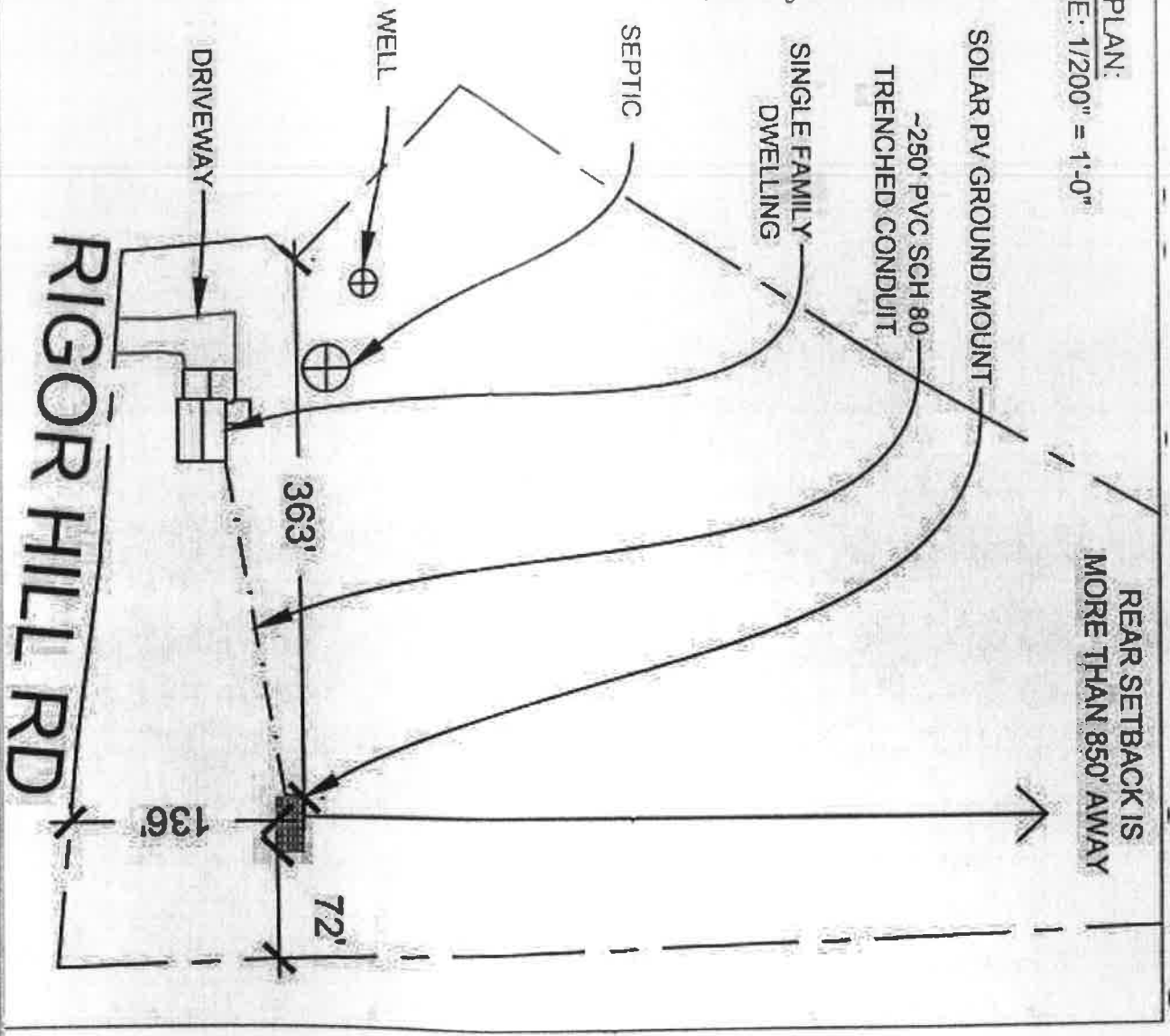
END OF LAW

Reference Material

SEP 02 2021

Planning Board Meeting

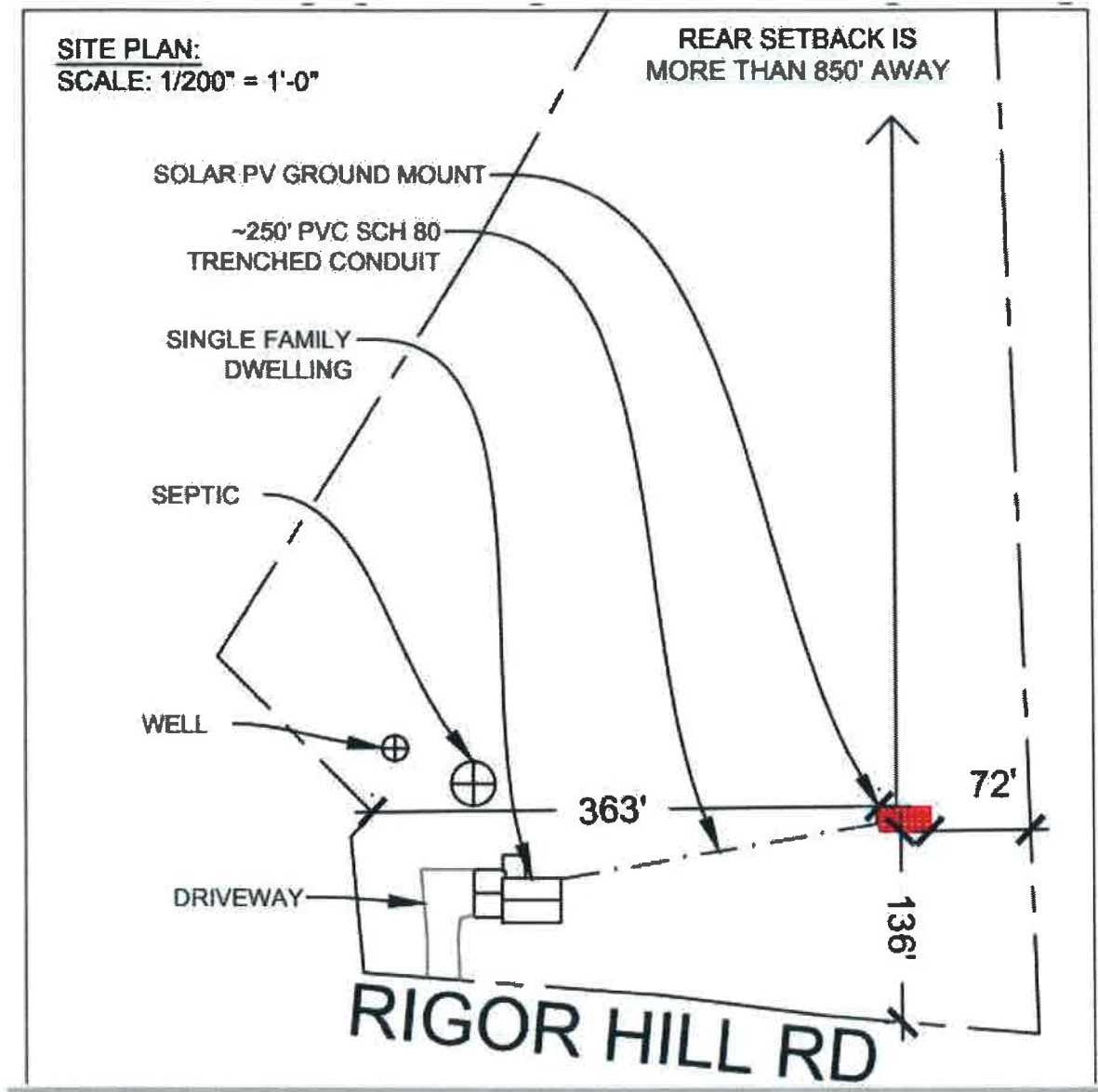
SITE PLAN:  
SCALE: 1/200" = 1'-0"



Reference Material

SEP 02 2021

Planning Board Meeting



TOWN OF AUSTERLITZ  
RECEIVED  
AUG 31 2021  
HIGHWAY  
CLERK  
COLUMBIA COUNTY

\*\*\*\*Emily Powers - 417 Rigor Hill Road, Ghent, NY 12075

Proposed PV Ground Mounted Solar Installation