

Town of Austerlitz
Planning Board Meeting
March 7, 2024

Present: Deborah Lans, Board Chair, Planning Board Members: Chris Ferrone, Steve Lobel, Dale Madsen and Eric Sieber. Also present: Joseph Catalano, Attorney for the Town and J Lotus, Planning Board Clerk.

Public Hearing: Michael O'Brien, MOB Builders: PL-2024-01, SBL# 87.-2-50.3, Re: Minor (3-lot) Sub-Division

The Public Hearing was called to order by Chair Lans at 7:02 p.m. on March 7, 2024. The Chair asked Mr. O'Brien for a summation of what he was looking to accomplish through the sub-division. Mr. O'Brien's replied that his goal was for 'single family residential use' with the driveway approximately be 180 feet from the road. The Board queried as to whether the potential house location was a building envelope? Very close, by 20-30 feet. The orientation of the house has been turned slightly clockwise on the new plat maps.

Chair Lans called for questions or comments from other members of the board. There were none. Chair Lans noted that the return receipts from letters to the neighbors were in the file, the application was deemed complete at the February 1st Planning Board meeting. Chair Lans asked whether the letter from the U.S. Army Corps. of Engineers had been received yet. Mr. O'Brien stated that all information has been submitted to them and that he expected a letter of "No Permit" once they've studied the site. He is nowhere near the wetlands with this minor sub-division project hence, Mr. O'Brien expects their response to be "No Permit" necessary.

A Motion to close the public hearing was made by Member Sieber. Member Lobel seconded.

Roll Call Vote:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Yes

The Motion Carried 5:0:0.

The Regular Meeting of the Austerlitz Planning Board was called to order by Chair Lans at 7:08 p.m. on March 7, 2024.

February Draft Minutes:

Chair Lans called the Board's attention to the Draft Meeting Minutes from February and asked for comments and amendments. No amendments were proffered. Member Sieber made a motion to accept the February 1, 2024 Planning Board Minutes as written. Member Ferrone seconded.

Roll Call Vote:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Yes

The Motion Carried 5:0:0.

Old Business: Michael O'Brien PL-2024- 3 Parcel Minor Subdivision

Property Owner: Michael O'Brien

Applicant: Michael O'Brien

Project Property: SBL #87.-2-50.3

Zoning: Rural Residential

Chair Lans stated that the application was deemed complete at the February Planning Board meeting as well as SEQR Part II. We have the letters and receipts from mailing the letters of intent to all parcel neighbors. Chair Lans called upon the Board to deliberate on the application to decide how they wanted to vote. The Planning Board passed out new "satellite" maps and discussed the maps with the applicant and each other. The overall consensus was that this subdivision and subsequent building plans posed no threat to the local wetlands.

Mr. O'Brien was asked whether his company would be doing the building and he replied affirmatively.

Member Sieber made the Motion to approve the subdivision with the conditions that: the houses be constructed where the general house locations appear on the approved map or, at the very least that they be constructed no further South towards the wetlands before a building permit is issued and that the file must contain the U.S. Army Corps. of Engineers letter of "No Permit". Member Madsen seconded the motion.

No further discussion was deemed necessary.

Roll Call Vote:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Yes

The Motion Carried 5:0:0.

New Business:

James Dohr, represented by Dustin James, PLS of Crawford and Associates: PL-2024-02, SBL#88.-1-33.12 and #88.-1-33.2: Boundary Line Adjustment.

Dustin James introduced himself as the representative for James Dohr and as a Surveyor with Crawford and Associates.

Mr. James was asked to give the Board a brief statement as to the purpose of the Boundary Line Adjustment. Mr. James stated that Mr. Dohr desired to move two acres from the larger parcel into the smaller vacant parcel which he would then retain for himself. Once the boundary line adjustment is completed, the parcel with the house on it will be sold. Mr. James stated Mr. Dohr's proposition to define two "no-cut" zones as a part of this boundary line adjustment in order to maintain privacy between the house that Mr. Dohr will build for himself and the house on the property that he will sell. Chair Lans stated that the set-backs look fine. The location of the utilities is precise. Most of the no cut boundaries are on Parcel A1 of the map. Parcel A2, as delineated on the map, is being merged with Parcel B. There is an old road on the property that is unimproved access. There is already a culvert at the end of the access road. The Town of Austerlitz Driveway law states: "The driveway return radius has to be at least 15 feet". Mr. James stated that 'return radius' refers to the edge of the driveway and the edge of the town road's driving surface. Therefore, this has nothing to do with the property line. It is a 'turning radius issue' so that a larger truck can turn into the driveway. The Board has agreed that it does not appear to be a problem as depicted on the map. The Planning Board also determined that the return radius would not affect any neighbors.

The Board discussed SEQR and determined this to be a Type II action under SEQR. Member Seiber made a motion to acknowledge that this is a SEQR Type II action, Member Madsen seconded.

Roll Call Vote:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Yes

The Motion Carried 5:0:0.

It is within the Planning Board's discretion to decide whether there is a need for a Public Hearing. The Board members returned that they did not find a need.

Member Seiber made a motion to determine the Dohr Boundary Line Adjustment application as complete. Member Madsen seconded that motion.

Roll Call Vote:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Yes

The Motion Carried 5:0:0.

Member Seiber made a motion to approve the proposed Boundary Line Adjustment Map, dated 1-24-24 and last revised 3-6-24. Member Madsen seconded the motion.

Roll Call Vote:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Yes

The Motion Carried 5:0:0.

Other Business: The Board entertained a small discussion of whether they had further thoughts on the Draft Comprehensive Plan and requesting greater specificity with regards to such.

Attorney for the Town, Joseph Catalano, brought the Board's attention to the Town Board's desire to finalize and adopt the comprehensive plan during the next few months and at that point, the Town Zoning Laws will need to be adapted. For these reasons, the Moratorium put in place last year will be continued for another nine months.

Thus far, the thinking is to utilize broad categories e.g. a retail category, personal service, animal care. Each category has to be named and defined. If something does not fit, by the law's terms it would be prohibited and then applicants would require a Use Variance. Mr. Catalano stated that the Zoning Law will set specific standards to each Use, rather than general standards applying to all. Attorney Catalano queried the Planning Board as to their feelings regarding design standards. Most standards will apply to Commercial projects rather than Residential. Perhaps the Zoning Board would use a generic description for Residential projects. Another idea would be to have different standards in the Hamlet than outside of it. There will be regulations on lighting, parking, environmental issues, screening, etc. The Zoning Board is looking to give the Planning Board better guidance. The Planning Board will be given a draft of changes in order gain Planning Board input and insight.

Member Seiber stated that the Planning Board would benefit from more clarification re: the public gatherings. Also, Member Seiber raised a question about how much short-term rentals have made residents think again about the zoning law. The Comprehensive Plan may have an amendment re: Short Term Rentals. All of these questions will require a schedule and definitions, standards and applicable issues.

Public Comment: None

Adjournment:

Member Seiber made a motion to adjourn the March 7th, 2024 Planning Board. The motion was seconded by Member Madsen.

Roll Call Vote:

Deborah Lans: Yes

Chris Ferrone: Yes
Steve Lobel: Yes
Dale Madsen: Yes
Eric Sieber: Yes
The Motion Carried 5:0:0.

The Planning Board meeting ended at 8:00 p.m.

Minutes Respectfully Submitted by

J Lotus

Town of Austerlitz Planning Board Clerk