

Town of Austerlitz  
Planning Board Meeting  
February 1, 2024

Present: Deborah Lans, Chair, Chris Ferrone, Eric Sieber, and Steve Lobel, Planning Board Members. Also present: Planning Board Clerk, J Lotus.

The regular meeting of the Austerlitz Planning Board was called to order by Chair Lans at 7:00 pm.

**Minutes**

A motion to accept the January 4, 2023 Planning Board Meeting Minutes as read was made by Member Sieber and Seconded by Member Ferrone.

Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Eric Sieber: Y

Motion Carried 5:0:0

**New Business**

**1- Michael O'Brien, MOB Builders: PL-2024-01, SBL#87.-2-50.3 - Minor Subdivision**

Mr. O'Brien, the applicant, also represented the Fizzinoglia Living Trust so as to create a three parcel Minor Subdivision. The current forty-acre parcel would be subdivided into two, twenty-acre parcels which will have plenty of road frontage. The Highway Department driveway review will be happening soon and Mr. O'Brien is still waiting to hear back from the Army Corp of Engineers letter regarding the national wetlands in the area. Any construction will be at least a couple of hundred feet back from any water course. MOB Builders, Mr. O'Brien's company, will also be staying away from tributaries and drainage courses. The driveway will move and be about 350 feet long and in the shape of a "C" so that there will be tree-line privacy protection. There is not yet a proposed location for the wells. Mr. O'Brien was provided with the list of adjacent property owners. Mr. O'Brien also obtained a dated Board of Health letter stating that there is usable soil. There is also an easement, from Harrington drive in the SE of the property, for access to hunting. There is property that is higher in elevation all around the forty-acre parcel so the Planning Board does not have to look into whether there are ridgeline restrictions.

Member Sieber made a motion to deem this subdivision to be an unlisted action under SEQRA. Member Ferrone seconded.

Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Eric Sieber: Y

Motion Carried 5:0:0

Chair Lans and the Planning Board answered all of the SEQRA Part II questions and all answers were No or Small Impact.

A Motion was made to determine that the proposed action will not result in a significant environmental impact by Member Sieber, seconded by Member Madsen.

Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Eric Sieber: Y

Motion Carried 5:0:0

A Motion was made to schedule a public hearing on the O'Brien Minor Subdivision to be held at the March 7, 2024 Planning Board meeting at 7:00 p.m. by Member Sieber, seconded by Member Ferrone.

Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Eric Sieber: Y

Motion Carried 5:0:0

### **Old Business:**

#### **A. Discussion of the Comprehensive Plan**

- 1) The Board discussed the draft Comprehensive Plan with reference to how it effects the Planning Board's ability to do their job and how it effects the Code Enforcement Officer. The Code Enforcement Officer, upon

invitation, joined the Planning Board Members so as to qualify and clarify what might be helpful regarding Enforcing the Town Code.

- 2) The Planning Board looked at the zoning audit with the following questions at the forefront: a. Do we agree that everything needs to be redressed? b. What are the priorities - from the perspective of the Planning Board?

The Board also discussed the draft Comprehensive Plan, from the vantage point of issues that have arisen or might in the future arise before the Board and ways that the Town's laws might be rewritten to address them. After the meeting, the Planning Board will provide its notes to Greg Vogler, who chairs the Comprehensive Plan Committee.

The Board's suggestions to CPAC were as follows:

**NOTES FROM THE PLANNING BOARD TO THE COMPREHENSIVE PLAN  
COMMITTEE ON THE DRAFT COMPREHENSIVE PLAN**

**February 2, 2024**

The Austerlitz Planning Board members and clerk (PB) met on February 1, 2024 to discuss the group's thoughts concerning the draft Comprehensive Plan (Plan).

As an initial matter, the PB congratulates the Plan committee on its extensive, thoughtful work and presentation made. The PB focused its review on Part 1 and the Zoning Audit and attempted to avoid personal views on the issues in favor of considerations as to how the goals of the Plan might be implemented through zoning that would be applied by the board.

The PB concurs with the zoning audit in most respects. Two concerns were of primary importance to the group. First, the rewriting of the zoning code would appear to be a massive job, even with professional help (which is assumed). In the interim, if the current moratorium lapses, the PB is concerned that the current code in certain respects is both ambiguous and outdated in ways that can lead to development that would be out of character with the current landscape. Accordingly, we hope either that the moratorium be continued or that, as a priority, the use tables, Home Occupancy Level 2 provisions, density, lot size and conservation subdivision provisions be revised. As a group, we agree that an important goal is to minimize the current development pattern of urban sprawl.

Second, while the PB believes that the revised law should not be overly prescriptive (for example, site plans for residential properties should not, in our view, specify types of vegetation, lighting or architectural style), at the same time, many of the current or anticipated laws need to have sufficient detail so that the PB can apply them in an even-

handed, consistent way<sup>1</sup>. Examples include (among many) ridgeline protection, senior housing, affordable housing, short term rental and conservation subdivision provisions. In addition, the PB believes that current site plan laws, which allow the Planning Board to specify the location and to a degree type of landscaping to protect neighbors and viewsheds, are probably adequate to our needs when commercial sites are considered.

The PB believes that overlay districts may be appropriate for some purposes – e.g., ridgelines – whereas other types of uses may be better handled by creating incentives that drive uses to particular areas of the town (such as, through bonus density), rather than absolute prohibitions. Senior and affordable housing were the examples that came to mind.

The PB agrees that the natural resource attributes of a site should be considered in connection with applications. The PB believes that the law should require the applicant to provide all levels of National Risk Index (FEMA) maps to the PB as part of an application, rather than burdening the PB to do so. In addition, as our preliminary efforts to use the National Risk Index (FEMA) maps have been challenging, the PB will appreciate some training.

Related to ridgeline/viewshed protections, the Planning Board believes that clear-cutting should be more limited than is currently the case.

The PB has seen that enforcement of the laws and even its own resolutions is problematic. We believe consideration should be given to stiffer penalties for violations and enhancing our enforcement capability.

To the extent that consideration of emergency access is done as a matter of practice, not legal requirement, the PB believes that such should be mandated. As a small but important matter, notice should be given to the fire departments of all solar installations, in light of the associated hazards.

The Plan discusses the desire to increase transparency throughout the town's operations. The PB has observed that most town residents do not understand the PB's authority and functions vs. the effect of the laws. We would suggest allowing the streaming of PB meetings so that they can be attended more easily by residents; however, all PB members, applicants, their representatives and members wishing to speak at public hearings would be present (except in extraordinary circumstances).

As a final matter, we believe that the committee that rewrites the zoning law should include either the attorney for the town or another skilled zoning practitioner and a member of the PB who can bring the process and practicalities of the laws to the table.

With thanks again for your work,

<sup>1</sup> This is the kind of issue we would prefer be handled through community education, not mandates.

Deb Lans  
Eric Sieber  
Steve Lobel  
Chris Ferrone  
Dale Madsen  
J Lotus

**B. Discussion of Resolution Protocol**

It was agreed that the Board would provide the Code Enforcement Officer with a brief memo as to all approvals, reflecting any special terms or conditions with regards to Applications that come before the Planning Board, especially anything controversial.

**C. Public Comment**

No members of the public were present.

**Adjournment:** Member Sieber made a motion to adjourn the Planning Board meeting. Member Ferrone seconded the motion.

Voice Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Eric Sieber: Y

Motion Carried 5:0:0

The Planning Board meeting ended at 8:45 p.m.

Respectfully Submitted by

J Lotus  
Town of Austerlitz Planning Board Clerk