

Town of Austerlitz
Town Board Workshop
June 17, 2010

Present: Jeffrey Braley, Supervisor, Bryan Geel, Matthew Verenazi, Carol Pinto, Town Board Members, Susan Haag, Town Clerk, Tal Rappleyea, Attorney for the Town, Barbara Smith, Chairman of the Comprehensive Plan Oversight Committee and Tim Stalker, Member of the Comprehensive Plan Oversight Committee.

Paul Bernstein and Bryan Geel absent.

Workshop called to order at 7:30 p.m. Workshop called for discussion with our attorney concerning a number of issues.

Supervisor Braley informed the Town Board that he has applied for a credit card from First Niagara. He is requesting only one card for security reasons. Once he has the particulars, a resolution will be presented for approval.

The Town Board discussed a possible noise ordinance to help with motorcycle track issues on the Otto Maier property. Supervisor Braley has collected enacted laws from other townships and noted that any law passed would need to be non-restrictive. J. Braley questioned if this was an area the Town Board would like to explore. Attorney Rappleyea noted that a noise ordinance is not the answer and it is not easy to enforce. These types of laws are most times ineffective. Equipment is very expensive, needs trained people to operate, and the laws are hard to implement, etc. Public nuisance laws were discussed, but Attorney Rappleyea noted that these must impact a large number of people, not just a couple. In the current situation, there are only 2 families involved. Discussed the previous lawsuit with Otto Maier and the parameters. Another avenue that could be explored are changes in the Zoning Law.

After much discussion, the Town Board feels that they have exhausted all possible avenues to address this situation, and any possible corrective measures would not be effective, efficient or enforceable. A Town cannot regulate bad neighbors.

Supervisor Braley asked Attorney Rappleyea to comment concerning the Columbia County 911 Dispatch Plan as it affects the local first responders. Attorney Rappleyea will look into this and get back to Supervisor Braley.

The Town Board discussed a couple areas of the Zoning Law that they would like changed, namely portions of the ridge-line protection section, enforcement section dealing with penalties for violations, and portions of the Agricultural sections. Town Board Member Pinto feels that the ridge-line protection section is very subjective making it difficult for the person empowered to make the decision as to what is protected and what is not. Discussed placement of houses on top of ridge-lines or on the side of a ridge noting clearing of trees makes a difference to the aesthetics. Attorney Rappleyea advised that the law needs a definitive way to determine ridge-lines

and this is normally done through mapping, and then regulations are put into place determining construction issues.

Criminalizing through fines was discussed verses jail time for violations in the enforcement section of the Zoning Law.

Town Board Member Pinto also question an Agricultural section noting that what is currently said seems to make it more difficult for farmers.

Supervisor Braley noted that the Planning Board has asked for the subdivision regulations to be reviewed as well since there was an issue with the boundary line adjustment section. The Town of Austerlitz lost a court case that questioned this very issue. Attorney Rappleyea noted that the judgment rendered stated that the current law is ambiguous.

The Town Board formed a committee comprised of Town Board Members Pinto and Verenazi and Comprehensive Plan Oversight Committee Members Stalker and Smith to make recommendations on proposed changes to the Zoning Law and to the Subdivision Law. This committee will also look into mapping of ridge-lines.

Attorney Rappleyea noted that the Shared Services Contract signed for Building Inspector and Code Enforcement Services authorized at the June 10, 2010 Town Board Meeting was changed and needed to be resigned. There were two minor changes made that were only applicable to the Town of Hillsdale.

A motion to authorize Supervisor Braley to sign the modified Shared Building Inspector and Code Enforcement Services Agreement Pursuant to Article 5-G of General Municipal Law was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

Motion carried.

Workshop adjourned at 9:00 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk