

Town of Austerlitz  
Town Board Workshop  
March 25, 2010

Meeting called to order at 7:02 p.m.

Roll call. Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Bryan Geel, Matt Verenazi, Town Board Members, Leslie Coons, Clerk, and Tal Rappleyea, Attorney for the Town.

Susan Haag, Town Clerk, absent due to previous commitment.

Topics of Discussion:

Regulating Wood Boilers in Town. B. Geel gave a brief history. There are no current issues. Regulations would prevent future problems. The board does not want to burden the residents with over regulation. Once regulations are in place, they can be amended as needed. All agree to keep the law minimal. Something should be done, especially in the hamlet.

EPA program:

Phase 1 – Manufacturers are producing an Orange Tag model, which is 70 percent cleaner than the pervious models.

Phase 2 – Manufacturers are producing a White Tag model, which is 90 percent cleaner than the previous models.

Recommend only White tag models be approved in the hamlet. Rural areas can be white or orange tag models with no older models permitted. At some point, the law will only allow these models. The models are \$1,000 difference in price.

Tal Rappleyea, Attorney for the Town, relates Copake's law is very strict. Stuyvesant's law is more close to what is being discussed here. J. Braley read some of Copake's restrictions.

In summary, these points need to be reviewed as part of the regulation:

- White or orange tag only
- Stack height
- Set back
- Permit needed; Code enforcer to inspect electrical, plumbing, set back, etc.
- Site plan required in some instances
- Start date and shut off date
- Stand alone law or zoning law
- Grandfather Law for existing owners

J. Braley will get a draft together for the attorney for the town to review. Discussion will continue at the next meeting.

Next Topic:

2. T. Rappleyea to speak of Zoning Law. Comprehensive Plan is up for review. The current plan is good. It is specific and/or general when and where needed.

Regarding wind mills, folks want clean energy, but not “in their back yard.” Refer to section goal H, page 26.

A historical district in Austerlitz is mentioned. Members agree wording should be suggestive and not restrictive. Public hearings suggested for input. Examples of current buildings in the town were discussed in regards to design and what will be acceptable to the public. There was question of how future boards will interpret the plan.

T. Rappleyea, Attorney for the Town, commented on Zoning Law:

- Town of Austerlitz ZBA has the power to define zoning lines and most ZBA's do not have this power, which is good.
- Outlawed mining entirely – threshold was discussed
- Geologist water survey mentioned.
- Conservation/cluster subdivisions language may cause confusion.
  - The law conflicts with the main body and definition between Planning Board and Zoning Board.
- Ridgelines zoning amendments discussed.
- Default approval language – Applicants should be given all paperwork and timeline when they submit their initial application. The Town's web site is an excellent resource.

T. Rappleyea comments the enforcement proceeding should be added/defined. Most towns have it, including jail time for noncompliance. Some are taking it out because of the need or use of attorneys, which will tie up progress, keep from moving forward.

400 ft. driveway and if it is reasonable for a large lot is mentioned. Road law was questioned in regards to site plan.

Next Topic:

T. Rappleyea suggests regulation of wind turbines.

Next Topic:

T. Rappleyea also suggests regulation of adult amusement. Spell out where and what kind can be in town, as it cannot be zoned out since it falls under freedom of speech and is protected by the Supreme Court stating “reasonable opportunity.” Get around it by making it difficult to comply. Example was given of Cairo-Durham – Three lots only on the other side of a gully. Options were mentioned.

Next Topic:

Codifying the Laws. T. Rappleyea agrees it is expensive, but would be worth the expense to have ease of use, laws that have been enacted and we do not know about will be found. J. Braley reminds it is budgeted over two years.

Final Topic:

T. Rappleyea relates loss of lawsuit against town by Bervy. It was Jeff Baker's case, but he will give opinion. J. Braley wants to fix the law and move on and spend no more money on it. Copies of the minutes were handed out.

T. Rappleyea relates he received the decision on-line last week. He did not analyze it.

- Appeal would cost \$5,000 to \$10,000 more. It is a lot of work that would take nine months or more and is expensive. He suggests a second opinion on appealing. He suggests to always get a second opinion. He would be willing to review.

J. Braley relates Baker's opinion is unknown. States timeline for appeal is 30 days. Case was not well-known to the Town Board. Planning Board was directly involved. Subdivision law apparently took away lot line adjustment. T. Rappleyea relates Justice Czjaka make ruling. Local judge makes the difference in the ruling.

P. Bernstein makes motion to close at 8:18 p.m.

B. Geel reminds Fire Co. has a signed contract as of last Friday, 3/19/10, and is now on PB docket for 4/1/10. He hopes to be able to move ahead after the next two meetings and be done. One problem is the taxes have not been paid in two years on the property, by previous owner. Legally, subdivision maps cannot be filed until the taxes are paid.

J. Braley thanks T. Rappleyea for advice and being present.

J. Braley seconds motion to close at 8:22 p.m.

Meeting Closed 8:22 p.m.

Respectfully Submitted,  
Leslie M. Coons, Clerk