

Town of Austerlitz  
Planning Board Meeting  
May 6, 2021

The May 6, 2021 Planning Board Meeting was held via Zoom in accordance with the Governor's Executive Order 202.1. Meeting instructions were on the Town website.

Present: Lee Tilden, Chair, Deborah Lans, Jane Magee, Eric Sieber and Perry Samowitz, Members. Susan Haag, Town Clerk also present.

Joseph Catalano, Attorney for the Town, joined the meeting at 7:45 p.m.

Public Hearing for Planning Board Project PL-2021-02, Special Use Permit Crown Castle as agent for T-Mobile.

Public Hearing called to order at 7:00 p.m.

Town Clerk Haag noted that the public hearing notice was legally posted April 13, 2021 in the Hudson Register Star.

Richard Zajak gave a brief description of the project noting that the proposed project consists of T-Mobile proposing to add eight (8) antennas and ancillary equipment to existing cell tower. T-Mobile also proposing a 16'x21' compound expansion to accommodate new equipment cabinets as well as a 40 kw diesel backup generator. R. Zajak continued stating that notices were sent to the adjoining property owners on April 19, 2021. R. Zajak also submitted an authorization letter from Goosetown Network Services LLC to the Planning Board. Chairman Tilden noted that all notification paperwork is in the file.

Town Clerk advised Chair Tilden that no emails or letters in the mail were received to date on this project.

No one wished to make a comment. Chairman Tilden advised that he would move onto other business and give the public until 7:15 p.m. to come onto the Zoom meeting and make a comment.

James Newberry questioned the backup generator fuel consumption rates and the run times. R. Zajak advised that these generators will typically recycle every 2 weeks or so and he is not sure of the fuel consumption rates but is sure they are in the paperwork provided. J. Newberry mentioned 20 minutes tops. Planning Board Member Samowitz asked if the time these ran could be determined and R. Zajak answered yes. The noise level is typical to a window air conditioner.

All those wishing to be heard were heard.

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  
Jane Magee: yes  
Motion carried 5:0 Public Hearing closed at 7:23 p.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 April 1, 2021 Public Hearing and Regular Planning Board Meeting minutes was made by J. Magee and seconded by P. Samowitz.

Roll call

Lee Tilden: yes  
Deborah Lans: yes  
Eric Sieber: yes  
Perry Samowitz: yes  
Jane Magee: yes  
Motion carried 5:0

### **New Business**

#### **Planning Board Application PL-2021-04**

Property Owner: Walton Goggins, Jr.

Applicant: Walton Goggins, Jr.

Representative: Daniel Russell

Project Property: 135 LaBranch Road (Both Sides of the Road) SBL:106.-1-4.112

Zoning: Rural Residential

Project: Minor Subdivision-Original acreage 124.01 dividing into 2 parcels: 112.279 acres and 11.731 acres.

Representative Dan Russell gave a description of project noting that the applicant is requesting that a parcel containing 124.01 acres be subdivided into 2 parcels, 112.279 and 11.731. The 11.731 parcel will be sold. The septic approval was submitted and D. Russell is waiting on a driveway placement approval from Highway Superintendent Robert Meehan. R. Meehan has given a verbal okay.

Walton Goggins stated to the Planning Board that he is excited to be a member of this community. He has been coming to this area for 16 years as his family owns property in Chatham. W. Goggins and his wife's best friends will be the buyers of the 11.731 parcel.

Chairman Tilden reviews the file and questions D. Russell concerning the water main easement. D. Russell explained that the previous owner, A. Lunde, originally owned additional lands and specially, the land now owned by Papas. There is a pipe that runs from a pond on the Papas property to the Goggins property to which A. Lunde reserved an easement to get water from this pond. This is not being used and has nothing to do with the current use of the Goggins property.

There is no dependence on this water pipe. In addition, this pipe does not go across the road to the 11.731 acre property that is to be subdivided off and sold.

A motion to declare that application PL-2021-04 is an unlisted action under SEQRA was made by D. Lans and seconded by J. Magee.

Roll call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0

A motion to declare application PL-2021-04 complete and to schedule a public hearing for June 3, 2021 at 7:00 p.m. was made by D. Lans and seconded by P. Samowitz.

Roll call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0

D. Russell advised that he will send out the legal notice to the neighbors. Planning Board Member Lans asked that these notices be sent out as soon as possible since the mail has been delayed at times.

#### **Planning Board Application PL-2021-05**

Property Owner: Roberta Davis

Applicant: Roberta Davis

Representative: Daniel Russell

Project Property: 131 Schoolhouse Road (Both Sides of the Road) SBL:105.-1-3

Zoning: Rural Residential

Project: Minor Subdivision-Original acreage 116.887 dividing into 2 parcels: 33.112 acres and 83.775 acres.

Representative Dan Russell advised that the applicant is requesting that a parcel containing 116.887 acres be subdivided into 2 parcels of 33.112 acres and 83.775 acres. A portion of this acreage is in the Town of Hillsdale. This project does not need septic or driveway approval since an existing house is already there. D. Russell came to the Town of Austerlitz first and will apply to the Town of Hillsdale next.

Chairman Tilden noted that the file has all the paperwork. Planning Board Member Sieber questioned that there seems to be a driveway that goes to 2 other parcels of land. Is there a road maintenance agreement in place? D. Russell explained that what Member Sieber is looking at is Taylor Hollow Road which is a Town road. Part of Taylor Hollow road was abandoned by the

Town and is now a deeded easement. For a minor subdivision application, D. Russell does not feel that a road maintenance agreement is needed. D. Russell advised that this deeded easement does not go away with the acreage to be split out.

A motion for the Town of Austerlitz to be the lead agency in application PL-2021-05 for SEQRA purposes was made by P. Samowitz and seconded by J. Magee.

Roll Call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0

A motion to declare application PL-2021-05 an unlisted action under SEQRA was made by J. Magee and seconded by D. Lans.

Roll Call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0

A motion to declare application PL-2021-05 complete was made by E. Sieber and seconded by P. Samowitz.

Roll Call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0

A motion to schedule a public hearing for application PL-2021-05 for June 3, 2021 at 7:15 p.m. was made by D. Lans and seconded by J. Magee.

Roll Call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0

### **Planning Board Application PL-2021-06**

Property Owner: Michael Colton

Applicant: Michael Colton

Representative: Kevin Thiemann

Project Property: 63 Norton Road SBL:69.-1-5.100 and 69.-1-10

Zoning: Rural Residential

Project: Conveyance of a driveway with the sale of lot 1 by means of an easement agreement.

Requesting the Planning Board to grant transfer of this driveway by means of a lot line adjustment between the various parcels (lots 1,2,3,4), with the driveway being consolidated with lot #1 or lot #2 by means of a minor subdivision which would approve the driveway as a separate lot which would then be combined with lot #1.

Attorney Thiemann representing Applicant Michael Colton asked for the Planning Board's guidance concerning this project to ascertain if this project should be considered a minor subdivision or a boundary line adjustment. Attorney Thiemann noted that the 45 acres shown on the submitted map are not part of the 1986 subdivision application and the driveway is still part of the 45 acre parcel. The applicant would like to join the driveway with parcel #1.

Chairman Tilden advised that he is leery of doing any additional subdivision because the 1986 minutes state that no additional subdivisions are allowed. There are no written descriptions in the file to give a clear understanding of specifics.

Attorney Thiemann noted that the driveway abuts parcels 4 and 3 and runs through the 45 acre parcel and gives access to parcel 1 and 2. There is a house on parcel 1, parcel 4 is an office for M. Colton. Chairman Tilden would need a more detailed map to understand this request better. Attorney Thiemann understands and will provide whatever the Planning Board requires. K. Thiemann approached the Board to understand how the Board would like to proceed.

Clarification was made as to where on the map the 45 acres is shown noting it is on the bottom section of the 4 parcels. The driveway runs through the 45 acre parcel. Attorney Thiemann states that M. Colton is looking to move the driveway itself and attach it to parcel #1, not actually moving the driveway boundary line. Planning Board Member Sieber stated that this seems to leave the rest of the parcels without access. Attorney Thiemann advises that an easement agreement would be put in place for the other parcels to use this driveway.

The subdivision question was discussed noting that the Planning Board really needs to see a better description of what is being asked and how this will look. Member Sieber noted the zoning regulations concerning subdivisions and the number of allowable parcels. This was framed within the 1986 project parameters.

Planning Board Member Lans asked what is being accomplished by this change. Attorney Thiemann stated that M. Colton wants to sell parcel #1. By combining the driveway with this parcel, it eliminates road maintenance and liability for access over this driveway. Access would be granted by easement and a road agreement without M. Colton being responsible for the roadway itself. There is no road maintenance agreement in place currently because M. Colton still owns all the parcels. Planning Board Member Sieber states that the current Zoning Code now requires a road maintenance agreement for the number of parcels in play in this project.

Chairman Tilden notes again that a boundary line adjustment through a parcel does not seem workable when the driveway is actually moving instead and subdividing the driveway out as an additional parcel is not allowed per the 1986 minutes. Chair Tilden asked for a more descriptive drawing of the whole area in play so the Planning Board can better see what is being asked.

Member Lans asked if a road maintenance agreement can be done between the 4 parcels where the buyer of parcel 1 understands what he has to undertake. Attorney Thiemann believes it can be done that way, but for issues of road maintenance responsibility and liability he would prefer to combine the driveway with parcel 1 and put an easement in place.

In addition to a larger scale map showing a better depiction of the project, Member Lans would like to see the deeds as well. Chairman Tilden noted when these items are received the Board can revisit this project and help M. Colton come to a resolution. Attorney Thiemann will submit the requested documentation for the next Planning Board meeting.

Attorney Catalano believes that what M. Colton is looking to do can be accomplished with an easement and road maintenance agreement putting all the burden on parcel 1. With the permission of the Planning Board, Attorney Catalano will speak with Attorney Thiemann. Permission was granted.

### **Old Business**

#### **Planning Board Application PL-2021-03**

No new map submitted to date.

#### **Planning Board Application PL-2021-02**

Property Owner: Goosetown Network Services LLC

Applicant: Richard Zajac/Crown Castle as agent for T-Mobile

Project Property: 321 West Hill Road SBL:87.-2-51.112-1

Zoning: Rural Residential

Project: The proposed project consists of T-Mobile proposing to add eight (8) antennas and ancillary equipment to existing cell tower. T-Mobile also proposing a 16'x21' compound expansion to accommodate new equipment cabinets as well as a 40 kw diesel backup generator.

Chairman Tilden noted that the Planning has a completed application and a closed public hearing, so the Board will move to part 2 of the short form SEQRA review. The applicant completed part 1. Chairman Tilden read each question in part 2 of the SEQRA form and he and each member responded no or small impact for every question.

A motion to declare that SEQRA part 2 as prepared by the Planning Board for application PL-29021-02, that the project will not result in a significant or an adverse environmental impact was made by E. Sieber and seconded by J. Magee.

Roll Call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes  
Motion carried 5:0

A motion to approve application PL-2021-03 for minor alterations to the tower on 321 East Hill Road to add antennas, minor electrical appliances, backup generator, 16x2 addition to fenced in area as describe in the application was made by D. Lans and seconded by E. Sieber.

Roll Call

Lee Tilden: yes  
Deborah Lans: yes  
Eric Sieber: yes  
Perry Samowitz: yes  
Jane Magee: yes  
Motion carried 5:0

Richard Zajak thanked the Planning Board.

### **Planning Board Application PL-2021-01.**

Property Owner: 648 Rte 203 LLC, Dale Madsen  
Applicant: Taconic Engineering, DPC, Andy Didio  
Project Property: 648 State Route 203 SBL:86.-2-10  
Zoning: Rural Residential

Project: The proposed project consists of building a 4800 sf building, 26.4' tall at ridge line, 1 story and using the building for storage of construction equipment and materials.

Chairman Tilden asked the Planning Board if they had a chance to see all the submissions that came throughout the day.

Applicant Andy Didio advised the Planning Board what Taconic Engineering had submitted per the request of the Board. An updated site plan was submitted showing the material and equipment storage and the additional screening. Between the April Planning Board meeting and tonight's meeting, A. Didio noted the letter received from Attorney James Potter. A Didio submitted a response. Attorney Potter submitted an additional letter that A. Didio just received and answered as follows:

1. NYSDOT concerns: A. Didio stated that the Planning Board voted for an unlisted action under SEQRA and because of this, the NYSDOT does not have to be an involved agency. A. Didio cited law sections. It is appropriate that the Planning Board is the lead agency. A. Didio read an email from Tina Reilly, Permit Engineer NYSDOT, stating what was done with the NYSDOT ahead of the submitted application. This letter stated that T. Reilly did meet at the project site with Dale Madsen and conceptually agreed that the current location of his temporary access meets the criteria for a permanent location. There was an agreement that Mr. Madsen can proceed with site plan approval and understanding that a NYSDOT permit application is forthcoming. A. Didio stated that this project does not rise to the SEQRA level of NYSDOT being an involved agency, but rather they are an interested party.

2. SHPO: A. Didio has seen nothing that states that the State Historic Preservation Office has to be an involved agency with an unlisted action. A note was added to the site plan that if anything of historic value was found during construction, the work would stop. This is the customary procedure issued by SHPO. A. Didio advised that the Planning Board could add to this by indicating that proper notifications will also be made. A. Didio advised that the closest Nationally Registered building is over 2000 feet from the project and the Spencertown Historic District is over a ½ mile away. It was proper for the Planning Board to find that there was no significant impact on the SEQRA form.
3. Site Plan Updates: A. Didio noted that Attorney Potter's letter suggests that there have been secrets kept by the applicant and the application is incomplete. There have been discussions concerning the storage of material and equipment between the Planning Board and the applicant. These discussions prompted the requirement for these storage areas to be noted on the site plan. J. Potter suggests that the question of the inclusion of fuel storage was sprung on the Planning Board. A. Didio noted that the possibility of fuel storage was included in the project narrative when the application was submitted. These fuel tanks have been discussed with the Planning Board who also asked for this to be added to the site plan. These are 2 1000 gallon tanks that have to be monitored by the NYSDEC. A. Didio advised that the Planning Board can add a provision that the NYSDEC bulk storage regulations shall be complied with even if only one tank is installed. Discussion was heard concerning the NYSDEC regulations parameters.

A. Didio responded to the additional letter from Attorney Potter that was submitted to the Planning Board late this afternoon which he just received. A. Didio spoke concerning a segmented review process as suggested by Attorney Potter. A. Didio explained what a segmented review process was under the law noting that nothing the applicant is proposing is rising to the level of a segmented project that requires a different SEQRA review process. The Planning Board asked for items to be added to the site plan and they were. The applicant is not pitching a project that will have future add-ons. This is a single and complete application.

Much of the additional comments in Attorney Potter's letter have already been discussed. A. Didio noted that the application has been complete. What was added to the site plan was asked of by the Planning Board as a natural outcome of discussions as the project moved through the process. Items were asked for and provided.

Access to the fuel tanks and filling is done as it would be for a residential property.

A. Didio stated that the Planning Board has reviewed this application under the proper procedures and the applicant has done everything appropriately and with sensitivity to the neighbors. The applicant has demonstrated that he is willing to work with the Planning Board and with the neighbors.

Attorney Catalano noted that at the April Planning Board meeting a resolution was adopted that included decisions made. The Planning Board concluded there was no significant or adverse effect for SEQRA, a Special Use Permit was approved and a Site Plan approval was held over to this month for approval due to modifications that the Planning Board asked to have included. What is before the Planning Board tonight based on this process, is to approve or deny the Site



Plan application. The decision made last month was made under the understanding that the NYSDOT had given an application approval. Although the Planning Board did not ask the applicant to put the fuel tanks on the Site Plan, the applicant offered to add these. The Planning Board needs to discuss these two areas. Does the Planning Board still feel comfortable with the SEQRA determinations already made knowing that the NYSDOT has not given a final or formal approval.

Planning Board Member Lans asked for clarification for the NYSDEC oversight concerning the fuel tanks.

Concerning NYSDOT issues on SERQA, does the Planning Board Members feel the original conclusion under SEQRA are still the same.

By roll call

D. Lans feels that the SEQRA is good. D. Lans was concerned over the safety of the traffic, not if there is an impact of more traffic.

P. Samowitz: yes

E. Sieber: Asked if Attorney Potter was present to speak in relation to his concerns. He was advised that J. Potter did receive a zoom invite, but is not present. E. Sieber would not change his vote on SEQRA.

J. Magee: Would not change anything on SEQRA.

L. Tilden: Would not change anything on SEQRA

Attorney Catalano ask the Planning Board if they were still in agreement concerning the archeological resources section. Does the Planning Board want to add anything else on the Site Plan or is the Planning Board fine with what is already in place?

By roll call

D. Lans: Comfortable with what is in place. Believes there is already a notation on the Site Plan that is sufficient.

P. Samowitz: Is fine

E. Sieber: Is fine

J. Magee: Is fine

L. Tilden: Is fine. There are notations on the Site Plan. Applicant will add additional notation.

Attorney Catalano questioned the Planning Board with respect to the fuel storage. Is the Planning Board comfortable with anything in the Site Plan that was not subject to the public hearing? Was the pumping station and bulk storage discussed at the public hearing and is the Planning Board comfortable with this being covered?

By roll call

D. Lans: Does not believe the storage area was discussed at the public hearing.

P. Samowitz: Does not remember the fuel tanks being discussed.

E. Sieber: Changes made to the Site Plan reflect what was heard at the public hearing. The bulk storage was a way to mitigate what was heard. The fuel tanks were noted as a future feature.

J. Magee: The applicant has been responsive to concerns and what is before the Planning Board currently J. Magee is comfortable approving with the fuel storage notation and that the applicant will comply with the NYSDEC rules and regulations.

L. Tilden: Can not recall if fuel storage was discussed. The thought though is that this business is obviously going to use fuel. The amount to be stored is not egregious and will be monitored by the NYSDEC. This is a response to what was brought to the Planning Board.

A. Didio noted that these are free standing above ground tanks with leak protection and a secondary containment is required. There is leak protection monitoring. A. Didio advised that D. Madsen would be fine with only putting in 1 1000 gallon tank with safety requirements by the NYSDEC.

Attorney Catalano advised that based on the Planning Board's previous process and the process at tonight's Planning Board meeting, the Planning Board needs to review the modified Site Plan and decide whether to deny the application, approve the application or approve the application with additional conditions. This decision must be made within 62 days of the public hearing or the application is deemed approved.

Attorney Catalano advised that since it appears that the Planning Board is comfortable with the process to date, it can put a few conditions on the Site Plan. Per the Planning Board direction, J. Catalano outlined the conditions as follows:

1. No construction or site work until there is driveway approval from the NYSDOT.
2. The Planning Board or the applicant should send a copy of the application, the resolution and the modified site plan to the NYSDOT. The Planning Board could include a cover letter to the NYSDOT that requests trucks entering or exiting this driveway would not adversely affect the safety of the traffic along this route. Member Samowitz asked that the letter include that the NYSDOT look at adding signage along this stretch of State Route 203. Chairman Tilden would like the applicant to submit the paperwork to the NYSDOT with a copy to the Planning Board. Chairman Tilden will send a letter to the NYSDOT on behalf of the Planning Board expressing their safety concerns.
3. A notation should be made on the map that states if any artifacts are discovered during construction or excavation on the site that have historical significance, all work stops, SHPO is notified. The consensus of the Planning Board is that what is already noted on the maps is sufficient.
4. The Planning Board needs to decide if it is comfortable with the fuel storage. There can be conditions surrounding this or it can be taken off the Site Plan until there is an approval by the NYSDEC. If the Planning Board would like to approve this, J. Catalano suggests that the Planning Board put some parameters around the fueling hours to avoid trucks idling at certain times of the day. Member Sieber asked what would be in these tanks. A. Didio advised that one would have road diesel for trucks and one would have off-road diesel for excavators and other equipment. Chair Tilden asked if the equipment comes to the site for fueling or is the fuel put into a transportation tank for fueling offsite. D. Madsen advised that normally fueling is done in the afternoon to be ready for the morning. Some service trucks are used to carry the fuel to the project site. Electric fueling is done which is virtually silent. Consensus of the Planning Board is to only have a note added to the site plan that vehicles will not be left idling while fueling and left idling while unattended.

5. Attorney Catalano asked if the Planning Board is comfortable with the screening that is already noted on the Site Plan. The consensus of the Planning Board is that they are fine with what is already noted.

Member Sieber noted that 3 members of the public would like to speak. A. Didio commented that a public hearing was already held and closed. Chairman Tilden advised that there was a public hearing that was held and the Planning Board heard comments made at that time. Currently the Planning Board is in the midst of deliberations.

Chair Tilden polls the Planning Board if all are comfortable with the current conditions on the table and if any other conditions should be stipulated. Consensus of the Planning Board is that they are comfortable with the current stipulated conditions.

A motion was made by L. Tilden and seconded by E. Sieber to approve the Special Use Permit, Resolution and Site Plan as discussed with the following conditions: No construction will occur without NYSDOT driveway approval; Applicant shall send paperwork to the NYSDOT for driveway approval and the Planning Board will send a letter to the NYSDOT noting the safety concerns, added signage and site view concerns; and vehicles shall not be left to idle unattended outside of building.

Roll Call

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0.

Chairman Tilden thanks the Planning Board and Attorney Catalano.

Dale Madsen thanks the Planning Board for their time and consideration.

### **Public Comment**

Erlyn Madonia takes umbrage that she was not allowed to talk during deliberations. In consideration of openness and transparency, E. Madonia does not understand why 3 people could not have spoken before the vote. Although Mr. Madsen seems very responsible, there is the future to consider. If Mr. Madsen puts in one 1000 gallon tank, he is not under any regulations, whereas if he puts in 2 1100 tanks there are regulations. E. Madonia would have like to have seen a condition to ensure that regulations are met regardless of the number or size of tanks involved.

Maureen Wilson would like go on record to the Planning Board that the Town Attorney suggested that because these tanks or pumping station was not discussed at the public hearing this could be an issue. Yet, the Planning Board approved this anyway. In addition, M. Wilson finds it interesting that the person speaking for the applicant advised the Planning Board as to what they should do and the public was not allowed to speak.

Jim Mannion asked everyone that was on the zoom meeting tonight, if they had a piece of property worth a million dollars and learned that a business was coming next door with fuel tanks and this would drop the worth of your property by 50% in value, how would you vote. How would you feel? J. Mannion feels it is disgraceful that the public was not allowed to speak before the vote. This decision was all set to go before the public hearing. Mr. Madsen has lived in the Town for his whole life. J. Mannion has lived in Town for 15 years, put a fortune in his property and now it will not be worth anything.

Attorney Catalano made note that the applicant had made an offer to abide by the NYS DOT regulations regardless of the tank size and number and this will be part of the terms of approval to which Chair Tilden stated that this is correct.

Chairman Tilden thanks Attorney Catalano and his fellow Planning Board Members for all the hard work and feels that the Planning Board process was above board. L. Tilden stated that he did not allow the public to speak before the vote tonight because there was a public hearing and he did not think the comments would change. The Planning Board deliberated this correctly and did not change their opinion. L. Tilden feels that the Planning Board handled this process in a way that was fair to all parties concerned.

Attorney Catalano expressed his admiration to the Planning Board for being full and frank in discussing this project not only in tonight's meeting, but in previous meetings. This project is an allowed use pursuant to the site plan and special use process under the Town of Austerlitz' Zoning Code. The Planning Board has to follow the Zoning Code and make the best decision possible and J. Catalano believes the Planning Board did that. Chair Tilden agrees with this.

Chair Tilden noted that he will be having surgery and the Planning Board currently does not have a Deputy Chairman. Chair Tilden would like to ask if Member Lans would step into this roll, especially for signatory duties.

A motion to appoint Deborah Lans as the Deputy Chairman for the remainder of the 2021 year was made by L. Tilden and seconded by P. Samowitz.

Lee Tilden: yes  
Deborah Lans: yes  
Eric Sieber: yes  
Perry Samowitz: yes  
Jane Magee: yes  
Motion carried 5:0.

Chair Tilden also advised that he would like to look at the subdivision application. There are revisions that are needed. This will be brought back to the Planning Board for approval.

### **Adjournment**

A motion to adjourn was made by J. Magee and seconded by D. Lans.

Lee Tilden: yes  
Deborah Lans: yes  
Eric Sieber: yes

Perry Samowitz: yes

Jane Magee: yes

Motion carried 5:0. Meeting adjourned at 9:23 p.m.

Respectfully Submitted,  
Susan Haag, Town Clerk