

# TOWN OF AUSTERLITZ

Columbia County

New York

Karl Gabosh

Zoning Board of Appeals Chairman

## **Zoning Board of Appeals Meeting**

**March 2, 2023**

**7:00 p.m.**

### **\*\*\*\*\*AGENDA\*\*\*\*\***

#### **1.) Public Hearing**

**A.) ZBA-2023-01 Gabosh, Area Variance**

#### **2.) Call ZBA Meeting to Order**

#### **3.) Roll Call**

#### **4.) Minutes**

#### **5.) Old Business**

**A.) ZBA-2023-01 Gabosh, Area Variance**

#### **6.) New Business**

#### **7.) Public Comment**

#### **8.) Adjournment**

TOWN OF AUSTERLITZ PLANNING BOARD  
APPLICATION FOR SUBDIVISION REVIEW  
AUSTERLITZ TOWN LAW CHAPTER 167

Application Date: 12/13/22

Project No. PL-2022-20

Property Owner: Name Leslie F. Gabosch  
Mailing Address P.O. Box 274 Spencer town, NY 12165  
Email Address: KGABOSCH @ Gmail. com  
Phone Number: 518-755-2756

Surveyor or Engineer: Name Cynthia K. Elliott  
Email Address CKELANDSURVEYOR @ AOL. com  
Phone Number 518-992-5927  
License Number 49608

Other Representative (if any): Name \_\_\_\_\_  
Email Address \_\_\_\_\_  
Phone Number \_\_\_\_\_

Please provide owner's letter of authorization

Reference Material  
Planning Board Meeting

Property Address: 338 Fire Hill Road  
Tax Map Number: 86-2-26  
Current Land Use: RESIDENTIAL  
Number of Proposed Lots: 2  
Use of Abutting Lands: \_\_\_\_\_

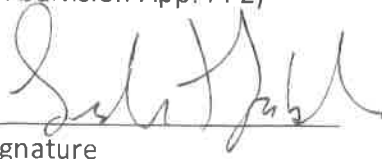
Nature and Details of any Subdivisions in Past 10 years: None  
\_\_\_\_\_  
\_\_\_\_\_

Date(s) of Planning Board Approvals: \_\_\_\_\_

Easements or Restrictions: \_\_\_\_\_  
Ag. District: Yes/No  
(If yes to either, provide Ag Data Statement)

Reason(s) for Proposed Subdivision: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Subdivision App. P. 2)

  
Signature

12/10/22  
Date

App. Fees	Public Hearing	App. Complete	Final Approval
Prelim Mtg	SEQRA Desig	SEQRA Determination	

Reference Material

Planning Board Meeting

REV'D 9/6/22

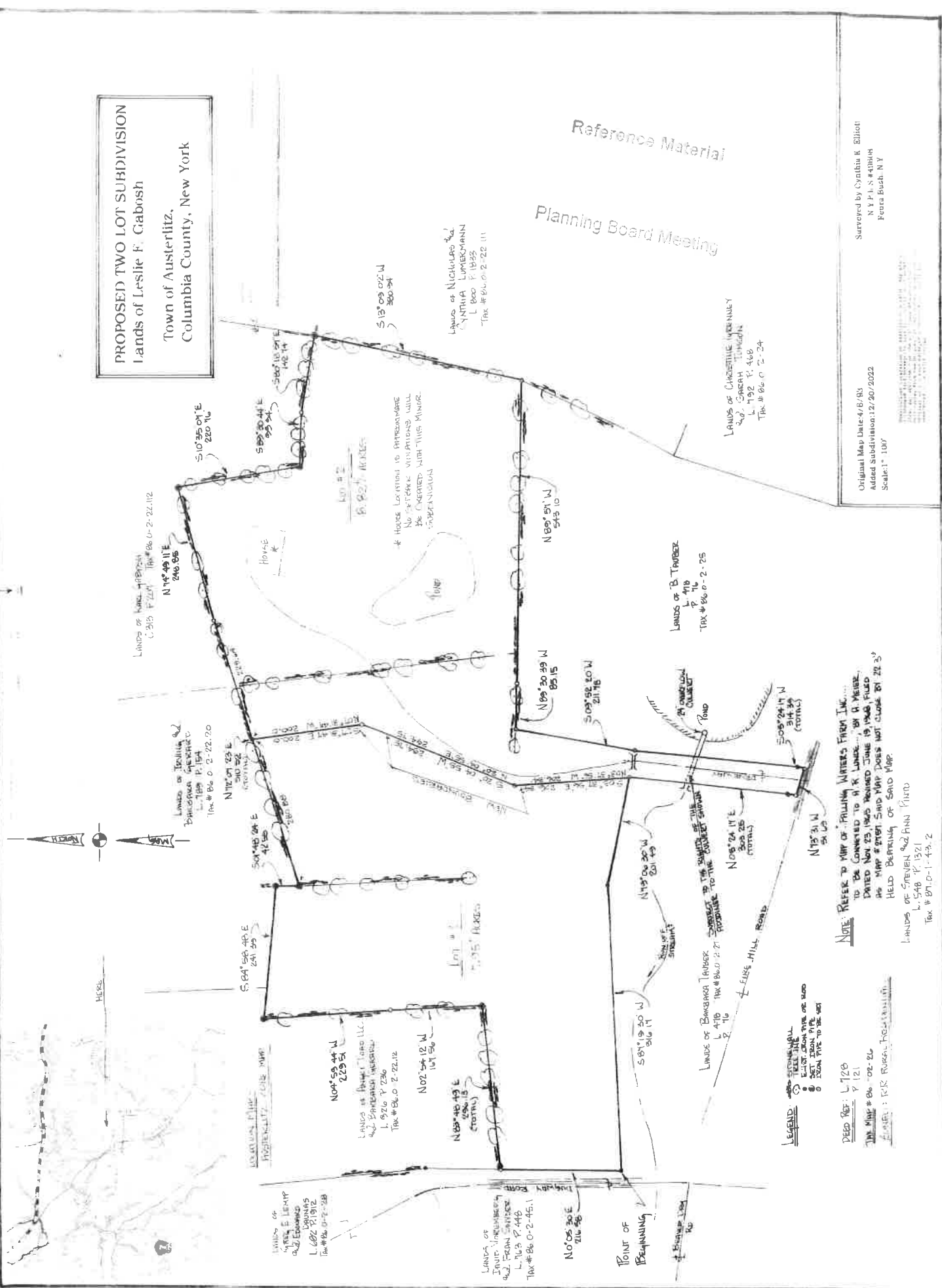
**PROPOSED TWO LOT SUBDIVISION**  
 Lands of Leslie F. Gabrath  
 Town of Austerlitz,  
 Columbia County, New York

Reference Material

Planning Board Meeting

Surveyed by Cynthia R. Elliott  
 N.Y.P.L.S.#40104  
 Forestburgh, N.Y.

Original Map Date: 4/6/85  
 Added Subdivision: 12/20/2022  
 Scale: 1" = 100'



Lands of Nicholas &  
 Cynthia Lumbachinn  
 L. 800 P. 18555  
 Tax # 86.0-2-22-111

LANDS OF CHRISTINE WERNERLY  
 202 S. GARAH TOWN  
 L. 192 P. 468  
 Tax # 86.0-2-24

LANDS OF B. TAMBER  
 L. 418  
 P. 76  
 Tax # 86.0-2-25

**NOTE:** REFER TO MAP OF MILLING WATERS FARM, INC. TO BE CONVEYED TO R. LUNDY, BY H. MEIER DATED NOV. 23, 1965 RECORDED JUNE 19, 1966 FILED IN MAP # 87.0-1-43.2. THE MAP # 87.0-1-43.2 DOES NOT SHOW THE HELD BEARING OF SAID MAP.

LANDS OF STEVEN & ANN PINTO  
 L. 548 P. 1321  
 Tax # 87.0-1-43.2

**LEGEND:**  
 ○ SURVEY POINT  
 ● EXIST. IRON PIPE OR MARK  
 ○ EXIST. IRON PIPE TO BE SET

DEED REF: L. 121  
 P. 121  
 TAX MAP # 86.0-2-26  
 FILED: TOWN OF AUSTERLITZ

\* HOUSE LOCATIONS TO APPROXIMATE  
 NO SURFACE VISIBLE WALLS  
 BE CREATED WITH THIS MAP.  
 SUBDIVISION

LOT # 2  
 8,827 SQUARE FEET

LOT # 1  
 7,915 SQUARE FEET

LANDS OF  
 W. E. LEMPI  
 422 EQUUS  
 L. 682 P. 1518  
 Tax # 86.0-2-28

LANDS OF  
 Frank J. Laro, LLC  
 422 BARKHILL WALKER  
 L. 926 P. 236  
 Tax # 86.0-2-22-12

LANDS OF  
 N. B. 49 E  
 236.15  
 (cont'd)

LANDS OF  
 J. J. VAN BUREN  
 422 FRANK TAMBER  
 L. 763 P. 448  
 Tax # 86.0-2-46.1

LANDS OF  
 N. O. S. 30 E  
 716.86

POINT OF BEGINNING

BRIDGE RD



HERE

TOWN OF AUSTERLITZ  
RECEIVED

JAN 9 8 2023

PLANNING BOARD  
TOWN OF AUSTERLITZ

Town of Austerlitz Zoning Board of Appeals  
Area Variance Application

Reference Material

Planning Board Meeting

Application Date: 1/9/23

Applicant: Name: Leslie GABOSH Email: LGABOSH@gmail.com

Property Address: 338 Fire Hill Road

Mailing Address: P.O. Box 274

City: Sperantown State: NY Zip: 12165 Phone: 518-392-2572 (H)  
755-2756 (m)

Tax Map Number: 86-2-26

Describe, and identify by section number, the Zoning Law requirements from which you seek relief.

Area Variance For 23.31 FT of Frontage on  
existing Driveway entrance to enable this lot to  
be divided into 2 lots

Describe the impact to abutting property owners and the neighborhood that would result from granting your request for a variance.

None

Describe other means you have considered to accomplish your objective that do not require a variance and your reasons for rejecting them.

There are no other solutions to this  
issue.

Please attach a drawing showing all features relevant to the variance you are seeking, such as the location of the structure, and the adjoining properties, roads, etc.

Applicants Signature: [Signature] Date: 1/9/23

FOR OFFICE USE ONLY

Date Received: \_\_\_\_\_

Project ID: \_\_\_\_\_

Final Decision: \_\_\_\_\_ Approved

\_\_\_\_\_ Denied

Town of Austerlitz Zoning Board of Appeals  
Appeal Statement

Reference Material  
Planning Board Meeting

Application Date: \_\_\_/\_\_\_/\_\_\_

Determination you are appealing from: Planning Board  
Permit Denial  Finding of a Violation

Applicant: Name: Leslie GABOSH Email: KGABOSH@GMAIL.COM  
Mailing Address: P.O. BOX 274  
City: SPENCERTOWN State: NY Zip: 12165 Phone: 518.755-2756

Tax Map Number: 86-2-26

What is your understanding of the reason for the Zoning Enforcement Officer's determination?

There is not enough frontage for lot 1 in the proposed 2 lot subdivision

Describe the errors you believe were made by the Zoning Enforcement Officer.

Please attach a copy of the Zoning Enforcement Officer's written determination.

Applicants Signature: [Signature] Date: 1/9/23

FOR OFFICE USE ONLY

Date Received: \_\_\_\_\_  
Final Decision: \_\_\_\_\_ Approved

Project ID: \_\_\_\_\_  
\_\_\_\_\_ Denied

Town of Austerlitz  
Zoning Board of Appeals Meeting  
January 26, 2023

The Zoning Board of Appeals (ZBA) meeting was held in-person at the Austerlitz Town Hall.

Present: Karl Gabosh, chair; Loren Brink; Gerald Seligman; David Voremberg  
Absent: Steve Pearlman

No public hearing is scheduled for this evening.

**Regular meeting called to order by the Chair at 7:00 PM**

Karl Gabosh made a motion: "I make a motion for David Voremberg to take meeting notes and prepare the meeting minutes". The motion was seconded by Seligman.

Gabosh	yes
Brink	yes
Seligman	yes
Voremberg	yes

Motion carried.

Gabosh explained that the reason for the meeting involved his wife Leslie Gabosh's application for an Area Variance to create a minor subdivision. He therefore recused himself and made a motion: "I move to designate Gerald Seligman as Chair on the Gabosh area variance application". The motion was seconded by Voremberg.

Gabosh	yes
Brink	yes
Seligman	yes
Voremberg	yes

Motion carried.

Gabosh stated that the variance request was for estate planning purposes, and that the Town attorney (Joseph Catalano) indicated that the Area Variance submission file was complete. Gabosh presented a large map of the property and adjoining area, with the proposed division of parcels identified with different outline colors. Using the map, he explained the variance request in detail, including the rationale and advantages for the Town and neighbors if the request was granted, as explicated in detail, in the attached submission entitled "Reasons for granting an Area Variance". In summary:

1. The variance will help preserve the beauty and utility of the historic hay field fronting on Dugway Road by not creating a 75' wide strip that would serve no purpose and would reduce the size of the existing productive field by c. 33%.
2. The resulting overgrowth of the 75' wide strip would negatively impact the visual aesthetics of the neighboring (unrelated) parcel, and would result in a loss of nesting area for the endangered Bobolink population.
3. A variance would help maintain the future agricultural value of the hay field.

Gabosh responded to Board questions regarding the planned subdivision.

Seligman commented regarding the advantage of not having an unnecessary second driveway and the importance of retaining the rural, agricultural tone of the property.

Voremberg commented that the expected inevitable overgrowth of the 75' wide strip would certainly be a negative for views from the adjoining property of the field and wider area looking north and west.

Without any further questions or comments, Brink made a motion: "I move to accept this application as complete". Seligman seconded.

Brink           yes

Seligman       yes

Voremberg      yes

Motion carried.

Seligman made a motion: "I move to classify the application under SEQRA -as a Type II action", (area variance for a residential use). No further action required." Voremberg seconded.

Brink           yes

Seligman       yes

Voremberg      yes

Motion carried.

Brink made a motion: "I move to hold a Public Hearing at the Austerlitz Town Hall on the Gabosh Area Variance application N0. ZBA-2023-1 on March 2, 2023 at 7:00 pm." Seligman seconded.

Brink           yes

Seligman       yes

Voremberg      yes

Motion carried.

With the completion of discussion regarding the Gabosh application, Karl Gabosh resumed the role of Chair. He made a motion "I move to hold the next meeting of ZBA on March 2<sup>nd</sup>, and that the meeting will commence immediately upon the close or adjournment of the Area Variance hearing."

Brink seconded.

Gabosh          yes

Brink           yes

Seligman       yes

Voremberg      yes

Motion carried.

Gabosh then stated that from the Chair's perspective there was no other ZBA business to discuss at this time. The other members did not present any matters for discussion.

Gabosh therefore motioned to adjourn the meeting; Voremberg seconded.

Gabosh          yes

Brink           yes

Seligman       yes

Voremberg      yes

Motion carried and the meeting adjourned at 7:40 PM.