

**TOWN OF AUSTERLITZ**

Columbia County

New York

Karl Gabosh

Zoning Board of Appeals Chairman

**Zoning Board of Appeals Meeting**

**January 14, 2021**

**7:00 p.m.**

**\*\*\*\*\*AGENDA\*\*\*\*\***

- 1.) Moment of Silence, Followed by the Pledge of Allegiance**
- 2.) Roll Call**
- 3.) Minutes**
- 4.) ZBA-2020-01 Area Variance-Robert Schierloh**
- 5.) Adjournment**

**COPY**

Town of Austerlitz  
Zoning Board of Appeals  
December 10, 2020

The December 10, 2020 regular Zoning Board of Appeals Meeting was held via Zoom in accordance with the Governor's Executive Order 202.1. Meeting instructions were on the Town website.

Present via Zoom: Karl Gabosh, Chair, Stephen Pearlman, Michael Fabiano, and Gerald Seligman, Members, Susan Haag, Town Clerk.

Loren Brink absent.

Robert Schierloh, Applicant, not in attendance.

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

**ZBA-2020-01 Robert Schierloh**

Property Location: 174 Spencer Road, Austerlitz, New York

SBL: 80.-1-18

Project: Area Variance-Town of Austerlitz Code Article V 195-15, Establishment of Dimensional Requirement-4 foot encroachment into the 20 foot easement into the adjacent property of Lewis Cole, 148 Spencer Road, Austerlitz, NY, SBL 80.-1-17.

Chairman Karl Gabosh noted that this application is pretty straight forward and explained what the applicant was looking to accomplish. This proposed addition will bring the current building closer to the property line, although the nearest neighbor has submitted a letter that he is okay with this. The encroachment only involves the corner of the building.

The ZBA discussed the following considerations:

- 1.) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of an area variance?
- 2.) Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?
- 3.) Is the requested area variance substantial?
- 4.) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
- 5.) Is the alleged difficulty for the applicant self-created? Member M. Fabiano would like the applicant to answer whether the kitchen has to be on this side of the house, but feels this is minor.

A motion to set a public hearing for ZBA-2020-01, Robert Schierloh, to be held for January 14, 2021 beginning at 7:00 p.m. via Zoom was made by S. Pearlman and seconded by K. Gabosh.

Karl Gabosh: yes

Michael Fabiano: yes

Stephen Pearlman: yes

Loren Brink: absent  
Gerald Seligman: yes  
Motion carried 4:1.

**COPY**

**Public Comments**

None

**Adjournment**

A motion to adjourn was made K. Gabosh and seconded by S. Pearlman.

Karl Gabosh: yes

Michael Fabiano: yes

Stephen Pearlman: yes

Loren Brink: absent

Gerald Seligman: yes

Motion carried 4:1.

Meeting adjourned at 7:15 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Short Environmental Assessment Form

COPY

TOWN OF AUSTERLITZ  
RECEIVED  
DEC 18 2020  
ZONING BOARD

Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <i>AREA VARIANCE APPLICATION</i>			
Project Location (describe, and attach a location map): <i>174 SPENCER RD., AUSTERLITZ, NY 12017</i>			
Brief Description of Proposed Action: <i>ENCROACH 4' INTO THE 20' PROPERTY LINE CONSTRUCTION OFFSET.</i>			
Name of Applicant or Sponsor: <i>ROBERT SCHIERLOH</i>		Telephone: <i>340-277-2866</i>	
Address: <i>174 SPENCER RD.</i>		E-Mail: <i>ROBSTX24@GMAIL.COM</i>	
City/PO: <i>AUSTERLITZ</i>		State: <i>NY</i>	Zip Code: <i>12017</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres		<i>N/A</i>	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

RESET



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>ROBERT SCHIENLICH</u>		Date: <u>12-17-20</u>
Signature: <u>[Signature]</u>		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

COPY

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
<hr/> Name of Lead Agency	<hr/> Date
<hr/> Print or Type Name of Responsible Officer in Lead Agency	<hr/> Title of Responsible Officer
<hr/> Signature of Responsible Officer in Lead Agency	<hr/> Signature of Preparer (if different from Responsible Officer)

**PRINT**

**RESET**