

TOWN OF AUSTERLITZ

Columbia County
New York

Deborah Lans

Planning Board Chair

Planning Board Meeting

August 3, 2023

7:00 p.m.

*****AGENDA*****

1. Vieni Public Hearing PL 2023-09, SBL# 87.-2-6, Minor Sub-division

2. Call Planning Board Meeting to Order

Reference Material

3. Roll Call

JUL 31 2023

4. July 2023 Minutes

Planning Board Meeting

5. Old Business

David Vieni PL 2023-09, SBL# 87.-2-6, Minor Sub-division

6. New Business

Kevin Hartka for Hi-Roc LLC: PL 2022-18, SBL#104.-1-6.220, Modification of Hi-Roc, LLC Sub-division approval

7. Other Business

8. Public Comment

9. Adjournment

TOWN OF AUSTERLITZ, NY PLANNING BOARD
ADDENDUM FOR ALL APPLICATIONS

Applicant's Name: The Charles and Mary Ann Vieni Trust & Cosimo Joseph Vieni Trust
Property Address: Stonewall Road, Austerlitz New York
Tax Map No.: 87.00-2-6
Application for: Minor Subdivision PL -2023-09

Tax Map No. of Adjacent Properties Owned by Applicant or Related Parties:

87.-2-5

Reference Material

AUG 03 2023

Planning Board Meeting

PLEASE ATTACH COPIES OF:

- DEED (S) FOR THE PROPERTY
- NON-UTILITY EASEMENTS
- ROAD MAINTENANCE
- OTHER AGREEMENTS THAT PERTAIN TO THE PROPERTY

Was/were the lot(s) in question the result of a subdivision in the past 10 years?

Yes ___ No . If yes, provide:

Application No. of prior subdivision: _____

Name of prior applicant: _____

Date of prior application: _____

Was/were the lot(s) in question the subject of any other Planning Board activity within the past 10 years? Yes _____ No . If yes, provide:

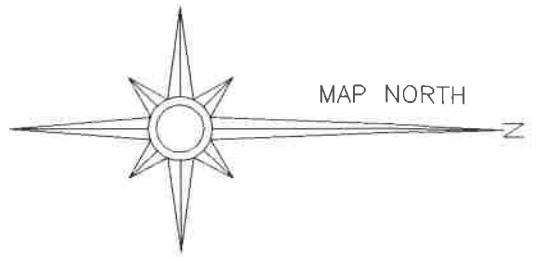
Application No. of prior action: _____

Name of prior applicant: _____

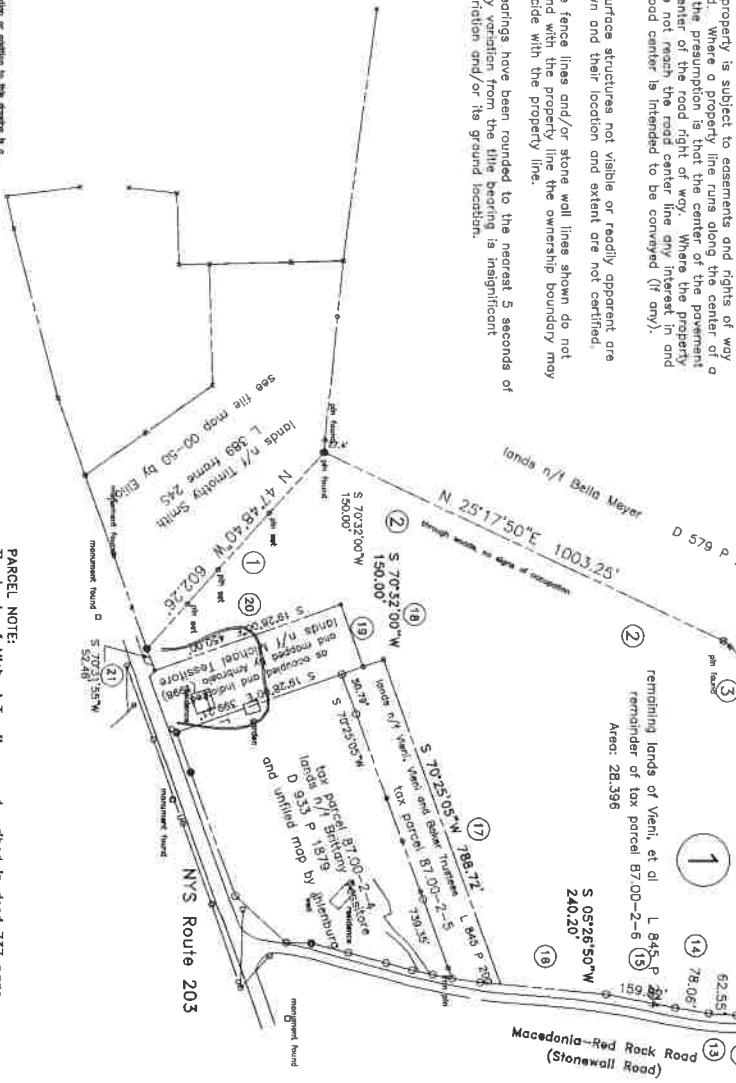
Date of prior application: _____

Has the property been the subject of any code enforcement activity in the past 5 years? If yes,

Provide the date and nature; N/A



- NOTES:
- 1) This map was prepared from an accurate field survey. The property lines shown are established from deeds of record and existing monumentation as indicated.
 - 2) This property is subject to easements and rights of way of record. Where a property line runs along the center of a highway the presumption is that the center of the pavement is the center of the road right of way. Where the property line does not reach the road center line any interest in and to the road center is intended to be conveyed (if any).
 - 3) Sub-surface structures not visible or readily apparent are not shown and their location and extent are not certified.
 - 4) Where fence lines and/or stone wall lines shown do not correspond with the property line the ownership boundary may not coincide with the property line.
 - 5) All bearings have been rounded to the nearest 5 seconds of arc. Any variation from the true bearing is insignificant in its variation and/or its ground location.

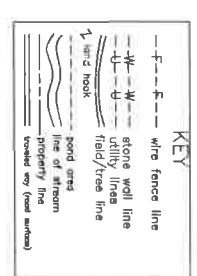


DIVISION LOT 1			DIVISION LOT 2		
COURSE	BEARING	DISTANCE	COURSE	BEARING	DISTANCE
Lot 1-1	N 47°48'40"W	602.25'	Lot 2-40	S 75°10'25"E	241.50'
Lot 1-2	N 25°17'50"E	1003.25'	Lot 2-41	S 75°37'10"E	428.09'
Lot 1-3	N 41°29'35"E	101.58'	Lot 2-42	S 57°01'00"E	47.28'
Lot 1-4	N 43°06'05"E	134.66'	Lot 2-43	S 45°48'35"E	44.65'
Lot 1-5	N 37°06'35"W	239.93'	Lot 2-44	S 27°40'00"E	44.65'
Lot 1-6	N 29°49'30"W	89.39'	Lot 2-45	S 04°05'45"E	46.67'
Lot 1-7	N 35°46'50"W	98.82'	Lot 2-46	S 07°15'40"W	50.35'
Lot 1-8	S 83°23'35"E	954.20'	Lot 2-47	S 07°15'40"W	50.35'
Lot 1-9	S 01°25'25"E	70.47'	Lot 2-48	S 07°15'40"W	50.35'
Lot 1-10	S 06°58'40"E	267.55'	Lot 2-49	S 83°23'35"E	954.20'
Lot 1-11	S 00°40'45"W	60.26'	Lot 2-50	N 45°37'25"W	175.13'
Lot 1-12	S 04°40'45"W	62.55'	Lot 2-51	N 45°37'25"W	175.13'
Lot 1-13	S 06°56'30"W	78.06'	Lot 2-52	N 43°44'55"E	347.17'
Lot 1-14	S 11°21'10"W	159.82'			
Lot 1-15	S 05°26'50"W	240.20'			
Lot 1-16	S 07°25'05"W	788.72'			
Lot 1-17	S 19°28'00"E	48.21'			
Lot 1-18	S 70°52'00"W	150.00'			
Lot 1-19	S 19°28'00"E	49.00'			
Lot 1-20	S 70°51'55"W	52.46'			
Lot 1-21	S 05°26'50"W	240.20'			

Reference Material

APR 2 2023

Planning Board Meeting



PARCEL NOTE:
 737 lands of Michael Testatore as described in deed 737 page 242
 242 lands of Michael Testatore as described in deed 737 page 242
 The 150 foot wide parcel currently occupied by Michael Testatore
 map for Charles Vieni prepared by Frank Ambrose and dated January 9, 1989. The residence shown existed at that time
 Correction deeds should be executed to set and establish these boundaries as agreed to by the property owners.

revised subdivision lot 1 layout August 3, 2023 no new field work
 dated subdivision December 24, 2020

GRAPHIC SCALE - FEET
 200 0 200 400 600

SUBDIVISION PLAN FOR:
 THE CHARLES and MARY ANN VIENI TRUST
 COSIMO JOSEPH VIENI TRUST

TOWN OF AUSTERLITZ
 COUNTY OF COLUMBIA
 STATE OF NEW YORK

tax parcel 87-00-2-6
 deed 845 page 204

SURVEY INFORMATION BY:
 ROBERT J. HILLENBURG, LAND SURVEYOR
 137 STARBUCK ROAD
 SUYVESANT, NEW YORK 12173
 (518) 828-7468 rjhil@optonline.com

2023
 2020

MAP No. SHEET

July 24, 2023

Letter No: 001

The Charles and Mary Ann Vieni Trust
Cosimo Joseph Vieni Trust
PO Box 226
Claverack, NY 12513

RE: Notification of Public Hearing; Stonewall Road; Minor Subdivision Tax Parcel 87.00-2.6

Dear Neighbor,

The Charles and Mary Ann Vieni Trust and Cosimo Joseph Vieni Trust have applied to the Austerlitz Planning Board for a Minor Subdivision for the property located on Stonewall Road in the Town of Austerlitz, Tax Map 87.00-2-6. The Trust's are proposing to subdivide the 39.60-acre parcel into two (2) parcels of 29.10 acres and 10.497 acres. At this time the property is vacant.

The Application No. is PL -2023-09

The site is located on Stonewall Road, Tax Parcel 87.00-2-6

A public hearing has been scheduled before the Planning Board for August 3rd at 7:00 p.m. at the Austerlitz Town Hall, during which the application will be presented and questions and comments entertained.

The relevant provisions of the Town Law governing the application can be found on the Town's Website at

§167-501 (boundary line adjustments)
§167-101 and following (subdivisions)
§195-29 through 195-31(site plans)
§ 195-32 through 195-35 (special use permit)
§ 195-1 through 195-28 (general provisions)

The application file is available for public review at Town Hall during regular hours of operation.

Sincerely,



David J Vieni Trustee

Reference Material

AUG 03 2023

C: Brian J Herman ESQ

Town of Austerlitz

REV'D 9/06/22

Planning Board Meeting

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Reference Material

AUG 03 2023

Planning Board Meeting

Town of Austerlitz
Planning Board Meeting
July 6, 2023

Present: Deborah Lans, Chair, Chris Ferrone, Steve Lobel, Dale Madsen, Planning Board Members.
Also present: Joseph Catalano, Attorney for the Town and Planning Board Clerk, J Lotus.
Member Sieber absent.

The regular meeting was called to order by Chair Lans at 7:03 pm.

Minutes

A motion to accept the June 2023 Public Hearing and Regular Planning Board Meeting minutes was made by Member Chris Ferrone, seconded by Member Dale Madsen.

Voice Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Motion Carried 4:0:1

Old Business

Gellert PL-2023-04 Minor Subdivision

Property Owners: Phil Gellert

Applicant: Yaghoobzadeh/Schwarzc

Project Property: Kern Drive, Ghent SBL: 104.-1-26.121

Zoning: Rural Residential

Background:

Mr. Gellert revised his subdivision application from major subdivision to minor subdivision in his letter dated May 22, 2023. The original subdivision application involved the Towns of Ghent and Austerlitz with the majority of the parcel in Ghent.

Mr. Gellert was not present at the meeting so the application for the Minor Subdivision was held over until the August 3rd Town of Austerlitz Planning Board meeting.

Reference Material

Melissa Hartka PL-2023-11 Driveway Approval

Property Owner: Melissa Hartka

Applicant: Melissa Hartka

Project Property: 4447 Crow Hill Road SBL: tax map #104.-1-11.222

Zoning: Rural Residential

JUL 31 2023

Planning Board Meeting

The Hartka site plan application for approval of an already-constructed driveway off Crow Hill Road was presented by Dana Salazar, an attorney representing the owner: Melissa Hartka. Chair Lans explained that the driveway is subject to site plan review because of its length (in excess of 500'). The owner has begun proceedings to evict Dale Hartka and plans to sell the property, for which there is an identified buyer. The owner was reminded that the property is zoned for residential use only. The expectation is that the unauthorized use of the property for non-residential purposes has ceased and will

not recur (absent appropriate application to and approval of the Planning Board). Neighbors of the property were invited to speak about the uses they have witnessed and the negative impacts on their use and enjoyment of their property. The Highway Department Supervisor and Fire Chief have both inspected the driveway and advised the Planning Board that it meets their approval. Subject to the owner/applicant providing the Planning Board with proof of approval of the driveway curb cut from the County, the Board approved the driveway site plan, after determining that a public hearing was not necessary in light of the fact that the driveway has already been installed.

Member Ferrone made a motion to deem the application complete, pending confirm that the county has given the curb cut approval. Member Lobel seconded.

Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Motion Carried 4:0:1

Chair Lans made a motion to resolve that this application represents a Type 2 Seqra Action since it concerns a single-family residence. Member Madsen seconded.

Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Motion Carried 4:0:1

Member Ferrone made a motion to accept the application for a less intensive review and to waive the public hearing. Member Madsen seconded.

Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Motion Carried 4:0:1

Reference Material

JUL 31 2023

Planning Board Meeting

Chair Lans stated to the public that by approving the Motion to resolve approval of the driveway as presented; for single family use only, with the conditions of Columbia County approving the curb cut, would solve most of the neighbor's issues with the current owners of the property as the property is being sold.

Member Ferrone made a motion to approve the driveway at present pending that the county approve the curb cut for the driveway. Member Lobel seconded.

Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Motion Carried 4:0:1

Chair Lans stated to Ms. Salazar the when the Columbia County Highway Department approves the curb cut, the Planning Board is willing to provide a certification form indicating what was decided so that the sale can be made.

The Planning Board clerk is to certify that the Planning Board made that commitment.

Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Motion Carried 4:0:1

Reference Material

JUL 31 2023

Planning Board Meeting

New Business

David Vieni PL-2023-09

Property Owners: Charles P. Vieni Trust & Cosimo Vieni

Applicant: David Vieni

Project Property: Stonewall Road SBL: 87.-2-6

Zoning: Rural Residential

Mr. David Vieni appeared with old maps and explained the change to the application. The application is to subdivide the 39.6 acre parcel into a 10.497 acre parcel and a 29.103 acre parcel. Mr. Vieni is in the process of having the updated maps generated. Access to the 10.497 parcel will be on Stonewall Road. The parcel is 10+ acres and, as such, meets the minimum zoning requirements. Mr. Vieni stated that he has a motivated buyer for the 10.497-acre parcel.

The Board required: submission of the new maps, the surveyor note on the new map that the Tessitore boundary issue does not affect the parcel in question and, Mr. Vieni will need to notify all of his neighbors abutting the 39.6 acre parcel of his intent to subdivide.

The D. Lans made a motion to deem the application for subdivision complete for the purpose of scheduling a public hearing subject to: receipt of the correct maps as described above. Member Madsen seconded.

The Planning Board Clerk is to give Mr. Vieni a list of neighbors that he has to notify and a form letter for the notification. Mr. Vieni asked whether the neighbors across from the property are considered abutting neighbors and require notification and the answer was yes. The notifications must be sent by certified mail with return receipt requested. The receipts for the notifications and copies of all notifications have to be returned to the Clerk by 10 days before the hearing. Chair Lans explained the procedural process to D. Vieni.

Member Ferrone made a motion to schedule a public hearing. Member Madsen seconded.

Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Motion Carried 4:0:1

Reference Material

JUL 31 2023

Planning Board Meeting

Olivia Dawedeit PL-2023-12 Site Plan Review

Property Owner: Olivia Dawedeit

Applicant: Olivia Dawedeit

Project Name: Divergence Works Farm

Project Property: 182 NY 203 Austerlitz, NY 12017 SBL: 87.-2-69

Zoning: Rural Residential/Agricultural

This application was held over from the June 1, 2023. Julie Motes, Olivia's mother and owner of the property, supports Olivia in her endeavor to develop the current 24 acre hobby farm into a farm where autistic adults can come to develop life skills, which will then help them to find future work.

Olivia works professionally with autistic adults at Pathlight. She would bring the autistic adults to and from the farm. It is therapeutic for the autistic adults to work with animals. They will develop useful skills while receiving the therapeutic benefits. Ms. Dawedeit rents the farm from her family.

The real farm work is done by volunteers who are not autistic. There is no plan to create a non-profit organization. The farm and this endeavor are expected to lose money. Making money was never the goal. Helping others is the goal. No new structures will be built. There will only be renovation of the buildings that are currently on the farm and fence building for the goats. There is a beautiful website and Ms. Dawedeit was asked whether they are already implementing the above plan. They have not, however, they would like it to happen soon. The job skills training might be involved with Pathlight in the future. Olivia plans on having a butterfly barn and a petting zoo, both free to all visitors. Mr. Catalano, the attorney for the town, states that bringing people in to work on plants and agricultural does not require Planning Board approval. Member Ferrone asked whether there would be increased traffic into the driveway and whether there is any certification that Ms. Dawedeit will require to run a job training program. Ms. Dawedeit has a plan to work with her Pathlight boss to figure out certification requirements.

Ms. Motes asks: What do they have to do before the moratorium? Mr. Catalano states that the moratorium will not affect this endeavor and explained that the moratorium will only affect special use permits.

Maureen Wilson, a neighbor of the property, asked the building inspector to tell her what was happening on the property as the professional looking website concerned her. After hearing what the plans are, Maureen stated that she has no objection to anything that Ms. Dawedeit is planning to do; i.e.: hiking trails and petting zoo and, further stated that she thinks that what Ms. Dawedeit is looking to accomplish is great. Mr. Catalano asked whether admission would be charged somewhere down the road. Olivia said no. The purpose of the butterfly barn and petting zoo are to direct people to the farm stand. Ms. Dawedeit was informed that the farm stand is an allowed use of land and does not require a special permit or site plan.

Board conclusion: nothing that they have to do at this point.

If somehow something changes and she goes into business with Pathlight, check again with the board. The board allowed Ms. Dawedeit to keep the application fee and thanked Ms. Motes and Ms. Dawedeit for what they are doing.

Alice M. LeBlanc PL-2023-0: Correction to Parcel 2 final maps

An application for a correction of the previously approved final maps, tax map 86.-2-37, was submitted by Richard Sardo, Land Surveyor. Mr. Sardo has to submit the corrected large maps which Chair Lans will then sign and stamp.

Member Ferrone made a motion to approve the Boundary Line Correction map dated 6-26-2023.
Member Lobel seconded.

Vote:

Reference Material

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Motion Carried 4:0:1

JUL 31 2023
Planning Board Meeting

Hemlock Trust PL-2023-14 Parcel Merger

Property Owner: James E. Lieber, Trustee of the Hemlock Trust

Applicant: James E. Lieber, Trustee of the Hemlock Trust

Project Name: Parcel Merger

Project Properties: SBL#78.-1-38 and 78.-1-42

Zoning: Vacant Land

Chair Lans states that there is a difficulty in the procedure. Have received a digital survey map, deeds and the application. Mr. Lieber lives in Paris so will be unable to personally attend the meeting.

Member Ferrone made a motion that there be no objection to the merger of lots 78.-1-38 and 78.-1-42.
Member Madsen seconded.

Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Motion Carried 4:0:1

Other Business

Planning Board Process (flow chart). Thanks to Member Ferrone for editing.

Fee Review: Mr. Catalano, attorney for the town, is to prepare a formal resolution regarding the new fees and this will be voted on by the Town Board during their July 20, 2023 meeting.

Public Comment: Virginia Johnson: A neighbor to the Gellert property requested an update on what is happening with the property. Chair Lans gave an update re: it is now a minor subdivision and Mr. Gellert has gone before the Ghent Planning Board who have made a series of requests.

Chair D. Lanz made a motion to adjourn the meeting. Member Madsen seconded.

Vote:

Deborah Lans: Y

Chris Ferrone: Y
Steve Lobel: Y
Dale Madsen: Y
Motion Carried 4:0:1

The meeting ended at 8:41 p.m.

Respectfully submitted,

J Lotus

Town of Austerlitz Planning Board Clerk

Reference Material

JUL 31 2023

Planning Board Meeting

J Lotus

From: kevin hartka
Sent: Sunday, July 30, 2023 8:52 PM
To: Deborah Lans; J Lotus
Subject: request to modify Hi-Roc subdivision approval

Dear Austerlitz Planning Board,

I would like to request a modification to the Hi-Roc LLC. subdivision approval at 4375 county route 7. Specifically, to remove the berm that blocks the access to the adjacent property 4445 county route 7, and replace it with a locked gate used as access for construction and emergency vehicles only.

I have been working out of a shop at 4445 throughout the lengthy excavation and construction process there and I have accumulated a ton of equipment, tools, and materials that now will need to be moved from that premise to 4375 where I am beginning a new construction project. With the recent developments at 4445 that have come to light, it couldn't happen fast enough, and the berm makes it way more difficult!

I need to be able to go from the premise of 4445 to the property at 4375 at least for the duration of this transitional phase without having to go down and around on county route 7. If I could put a locked gate that only I have access to it would make my life a world easier!

A gate would also allow fire trucks easy access in the event of a fire to either residence and to the large pond located at 4445 as a water source, as well as help with the flow of the emergency traffic. I would propose the gate as a permanent solution to be kept locked under my supervision (4375 property owner) and unlocked only for the access of construction and emergency vehicles.

Thank you in advance for your attention to this matter!

Sincerely,

Crystal Peak Construction
4375 county route 7
Ghent, NY 12075

Kevin Hartka
(970) 846-0552

Reference Material

JUL 31 2023

Planning Board Meeting