

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 Eric 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 C. Ferrone, seconded by Member D. Madsen.

Voice Vote:

D. Lans: Y

C. Ferrone: Y

S. Lobel: Y

D. Madsen: Y

E. Sieber: absent

Motion Carried 4:0:1

Old Business

Gellert PL-2023-04 Minor Subdivision

Property Owners: Phil Gellert

Applicant: Phil Gellert

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 tabled until the August 3rd Town of Austerlitz Planning Board meeting.

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

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 and they aired their concerns and experiences. 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 confirmation that the county has given the curb cut approval. Member Lobel seconded.

Vote:

D. Lans: Y

C. Ferrone: Y

S. Lobel: Y

D. Madsen: Y

E. Sieber: absent

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:

D. Lans: Y

C. Ferrone: Y

S. Lobel: Y

D. Madsen: Y

E. Sieber: absent

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:

D. Lans: Y

C. Ferrone: Y

S. Lobel: Y

D. Madsen: Y

E. Sieber: absent

Motion Carried 4:0:1

Chair Lans stated to the public that it is hoped that, by approving the driveway as presented in the context of a property zoned for single family use only, with the conditions of Columbia County approving the curb cut, the neighbors' issues with the current owners of the property will be resolved once the property is sold.

Member Ferrone made a motion to approve the site plan application on the condition that the applicant provide proof that the county has approved the curb cut for the driveway. Member Lobel seconded.

Vote:

D. Lans: Y

C. Ferrone: Y

S. Lobel: Y

D. Madsen: Y

E. Sieber: absent

Motion Carried 4:0:1

Chair Lans stated to Ms. Salazar that 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:

D. Lans: Y

C. Ferrone: Y

S. Lobel: Y

D. Madsen: Y

E. Sieber: absent

Motion Carried 4:0:1

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. The notifications must be sent by certified mail with return receipt requested at least 10 days before the hearing. The receipts for the notifications and copies of all returned receipts are to be provided to the Board at the hearing.

Member Ferrone made a motion to schedule a public hearing for the Board's August 3rd meeting. Member Madsen seconded.

Vote:

D. Lans: Y
C. Ferrone: Y
S. Lobel: Y
D. Madsen: Y
E. Sieber: absent
Motion Carried 4:0:1

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

Ms. Dawedeit described the proposed use: 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.

Ms. Dawedeit 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 do not expect to earn a profit. 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 are not; however, the applicant would like it to happen soon. The job skills training program 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. Only small additional traffic is expected. Ms. Dawedeit will determine whether there are any certification requirements for working with the autistic adults.

Mr. Catalano asked whether admission would be charged somewhere down the road. Olivia said no. The applicant said no. Ms. Dawedeit was informed that the farm stand is an allowed use of land and does not require a special permit or site plan.

The Board concluded that there is no permit or approval needed from it for the described use.

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

An application for a correction of the previously approved final map, tax map 86.-2-37, was submitted by Richard Sardo, Land Surveyor. The Board resolved to approve the minor correction, resolving that no hearing or further process was required. Mr. Sardo will submit signed maps.

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

Vote:

D. Lans: Y

C. Ferrone: Y

S. Lobel: Y

D. Madsen: Y

E. Sieber: absent

Motion Carried 4:0:1

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 specified in the Town Code in that a process is needed for Board approval. A lot merger application for these parcels has been created and filed by the applicant, together with a digital survey map and deeds. As the Applicant lives in Paris, the submission was accepted based upon the documents filed.

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

Vote:

D. Lans: Y

C. Ferrone: Y

S. Lobel: Y

D. Madsen: Y

E. Sieber: absent

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. The two Boards are in communication and have shared their communications with Mr. Gellert.

All those wanting to be heard were heard.

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

Vote:

D. Lans: Y

C. Ferrone: Y

S. Lobel: Y

D. Madsen: Y

E. Sieber: absent

Motion Carried 4:0:1

The meeting ended at 8:41 p.m.

Respectfully submitted by:

J Lotus

Planning Board Clerk