

Town of Austerlitz
Planning Board Meeting
June 1, 2023

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

Public Hearing Called to Order at 6:59 p.m.

Public Hearing for PL-2023-06 Subdivision Build

Property Owners: Hooman Yaghoobzadeh and Deborah Melincof and Robert and Monica Schwarcz

Applicant: Yaghoobzadeh/Schwarcz

Project Property: 187 Schoolhouse Road SBL: 95.-1-31

Zoning: Rural Residential

Project:

The minor subdivision of a 62.78 acre vacant parcel was presented by Jasmine Zhang of Crawford & Associates Engineering.

Background:

This parcel is owned by two couples, Hooman Yaghoobzadeh and Deborah Melincof, and Robert and Monica Schwarcz. The applicants propose a roughly equal division of the parcel into two lots, each about 31 acres, one of which will be conveyed to each couple. An existing driveway will be widened and improved and will be shared between the two proposed lots and covered by a road maintenance agreement, which the applicants submitted to the Planning Board on May 4, 2023. The shared portion of the driveway is approximately 400' in length.

This Public Hearing is the continuation of the Public Hearing on the two-lot subdivision proposed by Yaghoobzadeh and Schwarcz on Schoolhouse Road that was held over from the May 4, 2023 Public Hearing.

Jasmine Zhang, Crawford and Associates Engineering, represented the property owner.

Ms. Zhang submitted the final stamped surveys that were requested by the Planning Board at the May Hearing along with the final draft of the Maintenance Agreement.

Chair Lans asked whether there were any changes to the plans that were discussed in the previous Public Hearing. Ms. Zhang replied no.

A motion was made by Chair Lans to close the Public Hearing, seconded by Member Ferrone.

Roll Call Vote:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Yes

Motion Carried 5:0:0 The Public Hearing was closed at 7:04 p.m.

The regular meeting was called to order by Chair Lans at 7:04 pm.

The following Members were present:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Yes

Minutes

A motion to accept the May 2023 Public Hearing and Regular Planning Board Meeting minutes was made by Member Lobel, seconded by Member Madsen.

Voice Vote:

Deborah Lans: Yes

Chris Ferrone: Abstained

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Abstained

Motion Carried 3:0:2

Old Business

Gellert PL-2023-04 Single Subdivision Build

Property Owners: Phil Gellert

Applicant: Yaghoobzadeh/Schwarcz

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

Zoning: Rural Residential

Mr. Gellert revised the subdivision application from major subdivision to two-lot minor subdivision. Mr. Gellert did not appear. The application was tabled until the next Planning Board July 6, 2023. Both the original and revised subdivision applications involve the Towns of Ghent and Austerlitz with the majority of the parcel in Ghent. It is not known whether Ghent will handle this subdivision as a new application or an amendment of an existing application. The Planning Board will continue to coordinate with the Ghent Planning Board.

Motion was made by Member Ferrone, seconded by Member Lobel, that the new application for a two-lot subdivision was incomplete.

Vote:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Yes

Motion Carried 5:0:0

Yaghoobzadeh/Schwarcz PL-2023-06

Property Owners: Hooman Yaghoobzadeh and Deborah Melincof and Robert and Monica Schwarcz

Applicant: Yaghoobzadeh/Schwarcz

Project Property: 187 Schoolhouse Road SBL: 95.-1-31

Zoning: Rural Residential

The Planning Board commenced discussion of the two-lot subdivision by reviewing the short Environmental Assessment Form, (EAF). Chair Lans read each question on Part 2 of the EAF and invited responses from each Board Member to each question. All responses were none or small impact to each of the questions. The Members also agreed that the appropriate conclusion to indicate on Part 3 of the EAF was that the proposed action would not have a significant adverse environmental impact.

A motion was made by Member Madsen, seconded by Member Sieber, to accept the EAF as completed by the Planning Board with the conclusion that the proposed action would have no significant adverse environmental impacts calling for a negative declaration.

Voice Vote:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Yes

Motion Carried 5:0:0

A motion was made by Member Ferrone to resolve that the application of Yaghoobzadeh/Schwarz for a 2-lot subdivision to be approved as presented and to authorize the Chairperson to sign the subdivision maps as approved, and seconded by Member Lobel:

Roll Call Vote:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Seiber: Yes

Motion carried 5:0:0

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. Vieni could not attend the meeting. The Planning Board tabled Vieni's application until the next Planning Board meeting on July 6, 2023.

Beulah 624 LLC PL-2023-10 Proposed Site Plan/Special Use Permit

Property Owners: Beulah 624 LLC c/o Misook Kim

Applicant: Beulah 624 LLC

Project Property: 270 Harrington Drive SBL: 106.-1-9

Zoning: Rural Residential

Chair Lans began with a summary of the Planning Board's appreciation for the input from the community local re: the Beulah property, stating that their input was not needed yet and that they would not be heard in person tonight. Chair Lans stated that there would be other meetings when they, the local community, would be heard in person.

Samantha Cummings, Taconic Engineering representative, stated that she was representing the property owner, Beulah 624 LLC. Misook Kim was also present. Ms. Cummings reviewed the site map and explained the project to the Planning Board as follows.

The existing barn location would be where the proposed new barn would be built. The existing residence would remain where it is. Ms. Cummings referred to an erosion sediment control plan as 22 acres might be affected. Ms. Cummings already met with the health department concerning the septic system. Ms. Cummings stated that the major proposed usage of the property would be for religious retreats with some educational seminars. Beulah anticipates 100-150 people attendees per retreat. They also expect to use the site as a public wedding venue with attendees capped at 200.

Mitch Kasarova, attorney representing Beulah, stated that the owner is affiliated with a church in New Jersey and that the retreats will be mostly for that New Jersey community. The name of the religious institution is: Love and Truth Church. He also stated that Beulah 624 LLC is a for profit organization.

Member Madsen asked whether Beulah intended to use the road that goes to Route 22 from the property. The response was "not at this time"; the physical shape of the road makes it less desirable to use that road.

Member Sieber asked why would they need only 67 parking spaces if the venue was designed to have 200 attendees. He stated that usually 1 or 2 people travel in each car to weddings. Ms. Cummings explained that since the Austerlitz Zoning Code did not have specific parking requirements, the engineer used a standard calculation which figures 3 people in each car.

Member Sieber stated that there would not be enough parking for a 200 wedding guests plus servers. Ms. Cummings stated Beulah's intention to preserve the beauty of the property, thus

only 67 parking spaces. She was asked what kind of parking lot they were planning and responded; “There will be a top parking lot with an overflow lot at the bottom of the property.”

Ms. Cummings was asked whether they would be using the existing gateway to the property or would it be removed. The answer was that their current intention is to not remove the gateway.

Question: Is the driveway wide enough for two cars to pass? Answer: They plan to make it 20 feet wide. Question: Will meals be served at the retreats and weddings? Answer: Yes. There will be no cooking onsite. Meals will be brought in from offsite and warmed up onsite. The kitchen will be used only for reheating and storing utensils.

Question: Will this wedding venue be only for church members or open to the public. Answer: Open to the public. Chair Lans asked how many retreats and weddings Beulah expected to have per year. Answer: 20 retreats and 35 weddings per year. Retreats will run for multiple days.

Question: Where will you house 100 to 150 occupants if the house is 5 bedrooms and the residence at the top of the property has only 4 bedrooms. Answer: Planning on utilizing local inns and hotels.

Chair Lans stated that the deed to the property has to be submitted.

Question: Were any traffic studies done? No.

Question: Were noise studies done? No. Ms. Cummings stated that the weddings and retreats will be inside so there won't be any noise. Also, the natural features and topography of the property and the distance to nearby properties would mitigate noise.

Attorney Catalano pointed out that there was a fundamental issue with the application in that a wedding venue does not, in his opinion, appear to be allowed by the Town's Zoning Code. The Table of Uses does not have a category that fits Beulah's entire proposal. In reference to the wedding venue, if a use is not set forth as an allowable use in the Zoning Code it is deemed to be prohibited. Attorney Catalano asked that the Applicant submit an analysis or justification that the proposal is allowed under the Zoning Code. Mr. Catalano also stated that for the Site Plan application; the Planning Board would need a landscaping plan, a lighting plan, elevations and the scale of new structures and what the new structures would look like. Chair Lans said that the Planning Board would also want a traffic study re: the impact of this significant level of traffic to the site. However, the first thing to straighten out is whether a wedding venue is permissible. The Planning Board will need more information to determine whether a noise study is warranted. The Planning Board will also need to know exactly how Beulah LLC plans on managing the events, the hours of operation and, whether there would be any outdoor activities on retreats and what exactly they would be. There is also the issue of whether or not the Planning Board should retain an Engineer to review the plans and technical documents. Beulah will need to submit funds for an escrow account to reimburse the town's consultant fees. This will be discussed further once more information is presented. Attorney Kasarova stated that this meeting was just for information exchange at this point. He also stated that the Board's comments were thorough and helpful.

A motion was made by Chair Lans, seconded by Member Sieber, that the Beulah application was incomplete at this time.

Voice Vote:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Yes

Motion Carried 5:0:0

New Business

Dale Hartka PL-2023-11 Site Plan Review

Property Owner: Melissa Hartka

Applicant Representative: Dale Hartka

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

Zoning: Rural Residential

Mr. Hartka explained to the Planning Board that the application for a driveway was for a residence. The work on the property is being done under a building permit.

Mr. Hartka was asked whether the property was occupied. His reply: somewhat. They do not have a certificate of occupancy because the driveway is not yet approved. It is more than 500 feet in length so needs the Planning Board's approval. The Planning Board expressed concerns that the property might be used as an excavation or property moving equipment company. They asked Mr. Hartka whether the equipment on the property was being used for a business. Mr. Hartka said no. He is planning to get rid of the equipment and has not yet done so. The Planning Board asked: Has the driveway been completed? Answer: Yes. The planning board asked whether the Highway Superintendent could come to inspect the driveway. Answer: Yes.

The Planning Board stated that the driveway needs turnarounds every 400 to 500 feet. Mr. Hartka said that there is one turnaround half-way up the driveway. The Planning Board is requiring that the Fire Chief and the Highway Superintendent inspect the road. Mr. Hartka was asked how wide the right-of-way for the driveway is. His answer was: 50 feet.

The Planning Board told Mr. Hartka that he will need to submit an up-to-date (including the new road) stamped survey created by a surveyor (3 copies of the survey), the Addendum Form, A copy of the Deed to the property and the road will need to be inspected by the Fire Chief and the Highway Superintendent.

A motion was made by Chair Lans, seconded by Member Sieber, that the Hartka application was incomplete at this time.

Voice Vote:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Yes

Motion Carried 5:0:0

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 did not attend the meeting. As such, her application was tabled until the next Planning Board Meeting on July 6, 2023.

Other Business

Website Review: Chair Lans asked the Board Members to look at the website for the Planning Board to see if there is any other information that would be helpful for the public to see.

J Lotus to clean up the planning board process (flow chart).

Member Christopher Ferrone has an edit.

Fee Review: Chair Lans stated that she had done some research comparing our fees to those of other towns. She created a spreadsheet with all the information that she collected. Her recommendation was that the Planning Board go to the Town Board and request an increase in the Town of Austerlitz's fees. Chair Lans stated that the fees charged for different applications need to increase so as to be more realistic in covering the costs in the review process and to be more in line with what other nearby towns are charging.

Chair Lans made a motion to recommend to the Austerlitz Town Board that the fees be reviewed and increased.

Voice Vote:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Yes

Motion Carried 5:0:0

Public Comment:

Chair Lans announced that this portion of the Planning Board meeting was not to be used to comment on 270 Harrington Drive (Beulah). She stated that comments on Beulah would be allowed during a future hearing.

Attorney Bill Better of Kinderhook, representing the community surrounding the 270 Harrington Drive property, requested to speak on 270 Harrington stating that he felt that his clients' views needed to be heard.

Mr. Better paraphrased a letter that he sent to the Planning Board. His comments and questions in addition to the letter:

Is a commercial wedding venue allowed under the definition of a retreat in the town ordinance?

Mr. Better suggested that the Code Enforcement officer be the first place that applicants go prior to approaching the Planning Board. He said that the applicant would probably be using buses to bring people to the property. Mr. Better spoke of other properties that have a right to use the old road on the Beulah property that goes to Route 22 and discussed the width of the old town road: 10 feet.

Mr. Better asked whether Old Dugway Road (now Sawyer Road) was ever properly abandoned and whether the Applicant has a right to use that road for access purposes to their project. Harrington Road is 18 feet wide and the current specs say roads need to be 20 feet wide. He stated that the large amount of people traversing the road will have a huge impact on the substandard road. Mr. Better pointed out that the nearest property line is much less than the 1/3 mile that Beulah claimed.

Chair Lans commented that the Planning Board does not have a complete application and it is premature to get into the details. However, the Planning Board is always happy to hear from constituents and lawyers.

The final comment from Mr. Better was praise for Austerlitz's Town Historian, Tom Moreland.

As no other comments were made,

Chair Lans made a motion to adjourn the meeting. Member Ferrone seconded.

Voice Vote:

Deborah Lans: Yes

Chris Ferrone: Yes

Steve Lobel: Yes

Dale Madsen: Yes

Eric Sieber: Yes

Motion Carried 5:0:0

The meeting ended at 8:14 p.m.