

Town of Austerlitz
Planning Board Meeting
August 3, 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 7:01 p.m.

Public Hearing for PL-2023-09 Minor Subdivision

Property Owners: The Charles P. Vieni Trust & Cosimo Vieni

Applicant: David Vieni

Project Property: Stonewall Road, Austerlitz, NY SBL#: 87.-2-6

Zoning: Rural Residential

Project Description:

The application is to subdivide the 39.6 acre parcel into a 10.497 acre parcel and a 29.103 acre parcel. Mr. Vieni submitted new maps with a surveyor note on them explaining which part of the 39.6 acre parcel is affected by the Tessitore boundary issue. The 10.497 acre parcel that Mr. Vieni wishes to subdivide is not affected by said issue. Mr. Vieni provided the Board with the postal receipts from notifying the neighbors on abutting lands of the scheduled public hearing, that were requested by the Planning Board at the July 7, 2023 meeting.

D. Vieni notified seventeen property owners of the Public Hearing; however, the notices were only mailed out eight days prior to the Hearing and the requirement is ten days.

Two members of the public who were in attendance were invited to speak. One declined, saying he was simply attending to understand the nature of the application. Maureen Wilson noted no objection to the application but indicated that she saw a discrepancy between the survey map and the map on the county website.

Prior to the next Planning Board meeting, Mr. Vieni is to contact his surveyor re: a discrepancy between the county tax map and the surveyor maps as pointed out by Town Board member M. Wilson.

A motion was made by C. Ferrone to continue the Public Hearing until September 7, 2023 because the letters to the abutting properties were not mailed at least ten days before the hearing, the motion was seconded by Member D. Madsen.

Roll Call Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y
Dale Madsen: Y
Eric Sieber: Y
Motion Carried 5:0:0

The regular meeting of the Austerlitz Planning Board was called to order by Chair Lans at 7:19 pm.

Minutes

A motion to accept the July, 2023 Planning Board Meeting minutes was made by Member D. Madsen, seconded by Member S. Lobel.

Voice Vote:
Deborah Lans: Y
Chris Ferrone: Y
Steve Lobel: Y
Dale Madsen: Y
Eric Sieber: Y
Motion Carried 5:0:0

Old Business

David Vieni for PL-2023-09 Minor Subdivision

Property Owners: The Charles P. Vieni Trust & Cosimo Vieni
Applicant: David Vieni
Project Property: Stonewall Road, Austerlitz, NY SBL#: 87.-2-6
Zoning: Rural Residential

The Vieni application was deferred to the September meeting.

New Business

Hi-Roc LLC PL-2022-18 Modification to Driveway Approval Request

Property Owner: Hi-Roc LLC
Applicant: Kevin Hartka for Hi-Roc LLC
Project Property: 4375 County Route 7, Ghent, NY 12075 SBL #104.-1-6.220
Zoning: Rural Residential

The Board noted that the berm, now located between the driveway for Hi-Roc's subdivision and Melissa Hartka's property, is not of a permanent nature. The berm "being of a permanent nature" was a requirement of the Board's resolution approving the minor three-lot Hi-Roc subdivision. It became known to the Board that the berm has been removed and put back multiple times.

Mr. Kevin Hartka wrote a letter to Board Chair, Deborah Lans, requesting that the board amend the resolution to allow him to install a locked gate to which only he would have a key. In this way Mr. Hartka hopes to have more time and a more direct route to

removing his equipment and belongings from the Melissa Hartka property and onto the Hi-Roc property.

Mr. Hartka presented to the Board that he has been on the land that is now Hi Roc's while using the shop on Melissa Hartka's land for some time and is building his house on Hi-Roc's property. If the berm is present, to travel from Hi-Roc's land to Melissa Hartka's house and barn requires Mr. Hartka to travel down his road and up the driveway to Ms. Hartka's house and then back down her driveway to the shop, rather than traveling the 800 ft. direct route, if the berm wasn't required to be present. Also, Mr. Hartka suggested that the pond on Ms. Hartka's property would be important for the fire company to use in the event of a fire on either of their properties. His proposal, as opposed to a permanent Berm, is a locked gate between his property and the Melissa Hartka property that is only to be used for construction or emergency purposes. The gate would be on Kevin's property and he and Melissa Hartka would have a key.

Melissa Hartka stated that there are wetlands on the Hi-Roc subdivision and that Mr. Hartka could put his own pond there.

Dana Salazar, attorney for Ms. Hartka, stated that Ms. Hartka is in the process of selling her property at 4447 Crow Hill Road and has given Mr. Hartka an eviction notice. Ms. Salazar also stated that the Town of Austerlitz Building Inspector sent a notice of immediate evacuation of the house premises, on Melissa Hartka's property, as the residents are there illegally because there is no Certificate of Occupancy for that property. Ms. Salazar stated that Mr. Hartka was given the notice of eviction proceedings 30 days ago and had done nothing toward moving out of Ms. Hartka's property with his equipment or personal belongings. Ms. Salazar said that Ms. Hartka is willing to give Mr. Hartka 10 days to remove his property from her property and that she might be willing to wait as long as 2 weeks for that to happen.

The Board asked Mr. Hartka what his preferred timeline looked like. Mr. Hartka stated that he wants to move into his new house before next winter. He would be moving his things onto his own property once he built a barn or shop to house them. K. Hartka stated that if the Melissa Hartka property at 4447 Crow Hill Road were sold, as it currently stands, it would take him months to move his construction equipment off of the 4447 property.

Attorney Catalano reminded Mr. Hartka that the Hi-Roc subdivision is not zoned for commercial purposes. Construction equipment can be used for the development of the three approved lots but cannot be stored on the Hi-Roc properties.

Ms. Salazar reiterated that Ms. Hartka will give ten days to two weeks for Mr. K. Hartka's property to be removed from Melissa Hartka's property which would include all possessions, equipment, materials and the stumps that Mr. K. Hartka had disposed of onto Ms. Hartka's property.

The Planning Board discussed Mr. Hartka's request.

E. Sieber made a motion to temporarily lift the requirement of a permanent barrier between the two parcels for a limited time, from August 4th until August 18th, 2023, and to require that Mr. K. Hartka erect a permanent berm when the allotted time is expired. The motion was seconded by C. Ferrone.

Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Eric Sieber: Y

Motion Carried 5:0:0

Finally, the Board noted that Mr. Hartka can, if he wishes, file a formal application to amend the Board's resolution of approval so as to permit a gate in lieu of a permanent barrier, supported by all documentation that the application would include.

Other Business

None

Public Comment:

None

C. Ferrone made a motion to adjourn the meeting. The motion was seconded by D. Madsen.

Vote:

Deborah Lans: Y

Chris Ferrone: Y

Steve Lobel: Y

Dale Madsen: Y

Eric Sieber: Y

Motion Carried 5:0:0

The meeting ended at 7:52 p.m.

Respectfully Submitted by

J Lotus

Town of Austerlitz Planning Board Clerk

