

TOWN OF AUSTERLITZ

Columbia County

New York

Deborah Lans

Planning Board Chairman

Planning Board Meeting

February 2, 2023

7:00 p.m.

*******AGENDA*******

- 1.) Call Planning Board Meeting to Order**
- 2.) Roll Call**
- 3.) Minutes**
- 4.) Old Business**
 - A.) PL-2022-20 Gabosh: Minor Subdivision**
- 5.) New Business**
 - A.) PL-2023-01 Graham/Jensen**
- 6.) Public Comment**
- 7.) Adjournment**

Town of Austerlitz
Planning Board Meeting
January 5, 2023

Reference Material
FEB 02 2023
Planning Board Meeting

The Planning Board meeting was held in-person.

Present: Deborah Lans, Chair, Eric Sieber, Chris Ferrone. Steve Lobel and Dale Madsen, Members. Joseph Catalano, Attorney for the Town, also present.

By consensus of the Board, J. Catalano will take notes of the meeting and prepare the minutes.

No Public Hearings are scheduled for this evening.

Regular Meeting called to order by the Chair at 7:03 p.m.

Minutes

A motion to approve and accept the December 1, 2022 Planning Board Meeting minutes as presented, was made by C. Ferrone and seconded by E. Sieber.

Voice vote

Deborah Lans: yes

Eric Sieber: yes

Chris Ferrone: yes

Steve Lobel: yes

Dale Madsen - yes

Motion carried 5:0

Old Business - Planning Board Application PL-2022-13 Madsen Minor Subdivision and Boundary Line Change

This application and subdivision/boundary line change was approved by the Planning Board at the August 2022 PB meeting and the Chair signed the maps as approved shortly thereafter. The applicant made a recent request to have the maps resigned or date of signature changed since the signed maps were not timely filed with the County Clerk's office. J. Catalano explained that failure to file the signed maps within 62 days of the date they were signed renders the approval null and void and the County Clerk will not accept the maps for filing. After discussion, the Board members decided that it was not necessary to require the application process to start over and expressed a desire to reauthorize the maps signatures by the Chair once new maps were presented as long as the maps are the same as previously approved.

A motion was made by E. Sieber, to authorize the Chair to sign the Madsen subdivision/boundary line change maps once the maps are resubmitted provided the maps are the same maps as approved by the Planning Board in August 2022, and seconded by C. Ferrone.

Roll Call

Deborah Lans: yes

Eric Sieber: yes

Dale Madsen: abstained
Chris Ferrone: yes
Steve Lobel: yes
Motion carried 4:0:1

Planning Board Application PL-2022-20 Leslie Gabosh Minor Subdivision

Karl Gabosh presented the application and subdivision map. He is authorized to represent Leslie Gabosh per the consent/authorization letter from Leslie Gabosh that was submitted as part of the application. Mrs. Gabosh was present as well. This subdivision, for estate planning purposes, consists of dividing the current Gabosh residential property consisting of 16.87 acres into two lots: Lot 1 at 7.95 acres and Lot 2 at 8.82 acres. Lot 1 would be vacant with approximately 216 feet of road frontage on Dugway Road. The existing single-family house would then be located on Lot 2 which will have access on Fire Hill Road via the existing driveway but the total road frontage for Lot 2 would then be only approximately 51 feet whereas the required minimum road frontage under the Zoning Law is 75 feet. The Board members discussed the application as being generally acceptable but because it would create a lot that is not in compliance with the Zoning Law regarding minimum road frontage, the Board decided it could not accept the application as complete without the applicant first obtaining an area variance from the ZBA.

A motion was made by C. Ferrone, to refer the application to the ZBA for the applicant to obtain an area variance for the proposed subdivision as to the road frontage issue, and seconded by E. Sieber.

Roll Call
Deborah Lans: yes
Eric Sieber: yes
Dale Madsen - yes
Chris Ferrone: yes
Steve Lobel: yes

Motion carried 5:0

A motion was made by E. Sieber, to notify the ZBA that, outside of the road frontage issue, the Planning Board has no other issues with the proposed subdivision, and seconded by D. Madsen.

Roll Call
Deborah Lans: yes
Eric Sieber: yes
Eric Spiegel: yes
Chris Ferrone: yes
Steve Lobel: yes

Motion carried 5:0

Reference Material
FEB 07 2023
Planning Board Meeting

The Board discussed with the applicant the logistics of scheduling a public hearing with the ZBA so as to have the hearings necessary for both the variance and the subdivision scheduled for the PB's March meeting.

A motion was made by S. Lobel, to accept the 2-lot subdivision application as complete for purposes of holding a hearing on March 2nd, 2023, at a time to be determined, and to allow that hearing to be a joint hearing with the ZBA if that is acceptable to the ZBA, and seconded by E. Sieber:

Roll Call

Deborah Lans: yes

Eric Sieber: yes

Chris Ferrone: yes

Steve Lobel: yes

Dale Madsen: yes

Motion carried 5:0

There were no other items of old business on the agenda.

New Business

There was no new business on the agenda

Public Comment

There were no members of the public present and accordingly no public comments were heard.

Adjournment

The regular meeting of the Board was adjourned at 7:40 by motion and voice vote.

Training

The Board then entered into a training session with attorney J. Catalano. ZBA members David Voremberg and Steve Pearlmans, were also present and participated in this training session. This session addressed the administrative process, and its basic components. It also discussed the importance of understanding that the first part of the process is generally concerned with creating the record upon which the decision is made. As such, it is important to have an understanding of what aspects or issues are involved in the decision-making portion of the process so that the Board can decide what information is necessary during the record-making part of the process in order to have a complete record and to make a well-informed decision. Issue spotting and various examples were discussed showing how the first part of the process informs the second, deliberation and decision-making, part. Training session time was approximately 60 minutes.

Respectfully Submitted,
Joseph Catalano, Attorney for Town

Reference Material

FEB 02 2023

Planning Board Meeting

Town of Austerlitz Planning Board
Application for Site Plan Review/Special Use Permit

Application Date: 01¹⁹ 2023

Approval Request for: (check all that apply)

Site Plan Site Plan Amendment Special Use Permit

Applicant: Name: Graham Stone
Alexandra Jensen Email: graham@grahamstone.com
Mailing Address: 104 E Hill Road
City: Austerlitz State: NY Zip: 12017 Telephone: 860-318-6295

Owner: If different than applicant, if more than one owner provide information for each on separate sheet
Name: _____ Email: _____
Street Address: _____
City: _____ State: _____ Zip: _____ Telephone: _____

Project Information: Tax Map Number: 88.-2-5 Parcel Acreage 37.9

Location of Project/Street Address: 104 E Hill Road, Austerlitz NY 12017

Current Land Use of Site: Residential, full-time dwelling of applicants.
Applicants are artists who work from home, and both maintain workspaces
on the property. There is a 3 bedroom house, and a detached-former garage
now music studio, with a loft apartment.

Current Condition of Site: Rural residential site, all structures are in excellent condition.

Character of abutting parcels: Abutting parcels are rural residential parcels.

TOWN OF AUSTERLITZ, NY PLANNING BOARD
ADDENDUM FOR ALL APPLICATIONS

Applicant's Name: _____

Property Address: _____

Application For: _____

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

Was/Were the lot(s) in question the result of a subdivision within the past 10 years: Yes ___
No ___

Provide: Application number of prior subdivision: _____
Name of prior applicant: _____
Date of prior application: _____

Was/Were the lot(s) in question the subject of other prior Planning Board activity within the past 10 years:

Provide: Application number and year of prior subdivision: _____
Name of prior applicant: _____
Date of prior application: _____

By signing here, you certify the accuracy of your application: _____

10/31/22

Proposed Use(s) of site:

- Utilities
- Multi-family project
- In-Home Business
- Commercial Project
- Other (describe use below)

Detailed Description of Proposed Use, including primary and secondary uses (use separate sheet if necessary):
see separate 2 page pdf attached

Description of buildings to be used height, number of stories, square feet:

For residential projects include the number of dwelling units and size in square feet

House: 1600 sq ft. rased ranch, upper level is our primary residence

lower level: basement / utility room (265 sq ft), guest suite w/ bath (535 sq ft)

Studio Building lower level (672 sq ft.): music production studio

Studio building upper level (364 sq ft.): guest suite with bathroom

Is the property within 500 feet of ?

- A municipal boundary
- County or State Park or recreation either existing or proposed
- State or County road or right-of-way, either existing or proposed
- State or County owned building or institution
- Stream or drainage channel owned by County or for which channel lines have been established
- Active farm operation within an Agricultural District

If any of the above is true the site plan must also be reviewed by the County Planning Board.

Applicants Signature:  Date: 1/19/2023

FOR OFFICE USE ONLY

Date Received: _____ Project ID: _____

Preliminary Review Date: _____ Final Review Date: _____

Final Decision: _____ Site Plan Unnecessary _____ Approved
 _____ Approved with conditions _____ Denied

617.20
Appendix B
Short Environmental Assessment Form

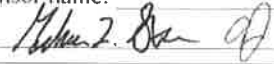
Instructions for Completing

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.

| Part 1 - Project and Sponsor Information | | | |
|--|--|--------------------------------|--|
| Name of Action or Project: 104 East Hill Road Special Use Permit | | | |
| Project Location (describe, and attach a location map): 104 E Hill Road, Austerlitz NY 12017 | | | |
| Brief Description of Proposed Action: Special use permit for owners to operate 2 home businesses with occasional guests from the public coming as collaborators. On the lower parcel of the property we would like to create a small parking area for 15-20 cars on level dry ground. | | | |
| Name of Applicant or Sponsor: Graham Stone and Alexandra Jensen | | Telephone: 860-318-6295 | |
| | | E-Mail: graham@grahamstone.com | |
| Address: 104 E Hill Rd. | | | |
| City/PO: Austerlitz | | State: NY | Zip Code: 12017 |
| 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 <input type="checkbox"/> |
| | | | YES <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: Austerlitz NY Planning Board | | | NO <input type="checkbox"/> |
| | | | YES <input checked="" type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? | | 37.9 acres | |
| b. Total acreage to be physically disturbed? | | less than 1 acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | 37.9 acres | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. | | | |
| <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) | | | |
| <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ | | | |
| <input type="checkbox"/> Parkland | | | |

| | | | |
|---|--|--|--|
| <p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p> | <p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>YES</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> | <p>N/A</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> |
| <p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p> | <p>NO</p> <p><input type="checkbox"/></p> | <p>YES</p> <p><input checked="" type="checkbox"/></p> | |
| <p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> | |
| <p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation service(s) available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | |
| <p>9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____</p> | <p>NO</p> <p><input type="checkbox"/></p> | <p>YES</p> <p><input checked="" type="checkbox"/></p> | |
| <p>10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Existing private well</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> | |
| <p>11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Two Existing Septic Systems</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> | |
| <p>12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?</p> <p>b. Is the proposed action located in an archeological sensitive area?</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | |
| <p>13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | |
| <p>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</p> <p><input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional</p> <p><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban</p> | | | |
| <p>15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> | |
| <p>16. Is the project site located in the 100 year flood plain?</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> | |
| <p>17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,</p> <p>a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES</p> <p>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | |

| | | |
|---|-------------------------------------|--------------------------|
| 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"/> |
| I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE | | |
| Applicant/sponsor name: Graham Stone & Alexandra Jensen | Date: 1/19/2023 | |
| Signature:  | | |

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 type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Will the proposed action impair the character or quality of the existing community? | <input 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 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 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 type="checkbox"/> | <input type="checkbox"/> |
| 7. Will the proposed action impact existing: | <input type="checkbox"/> | <input type="checkbox"/> |
| a. public / private water supplies? | <input type="checkbox"/> | <input type="checkbox"/> |
| b. public / private wastewater treatment utilities? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | <input 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 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 type="checkbox"/> | <input type="checkbox"/> |
| 11. Will the proposed action create a hazard to environmental resources or human health? | <input 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.

- 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.
- 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.

| | |
|--|---|
| _____ | _____ |
| Name of Lead Agency | Date |
| _____ | _____ |
| Print or Type Name of Responsible Officer in Lead Agency | Title of Responsible Officer |
| _____ | _____ |
| Signature of Responsible Officer in Lead Agency | Signature of Preparer (if different from Responsible Officer) |

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Description of proposed use (104 E Hill Road):

We live and work on our property at 104 E Hill Road. We are both artist-entrepreneurs. Alex is a Graphic Designer and Art Director, and Graham is a Musician and Producer. Our goal with the property is to responsibly provide a home for our individual businesses, in a way that will *not* impact the quiet rural nature of the surrounding area, but also enables us to collaborate and share our offerings with the community. Graham has converted the 2 car detached garage into his music studio (Stone Studio Music, LLC) within the original and existing footprint of the building. The studio was professionally designed and is extremely soundproof. A majority of Graham's work is done remotely, and is not attended by outside collaborators. Alex operates her design studio (Manifest It Collective, LLC) from the sunroom in our house. Occasionally we invite outside collaborators and artists to work with us. For example, this may be musicians attending a mixing session for a song and having a meeting with a design client. We think the quiet natural surroundings of our property and the Austerlitz area are an incredible asset to our businesses, both for our own inspiration, and for the occasional visiting client.

Our 37.9 acre property comprises 3 subdivided parcels (lots A/B/C). This subdivision was done by a previous owner in 2006 and was approved by the Columbia County Clerk's office. **Our only proposed site change is adding a small parking area to Lot B and access to it from East Hill Rd.**

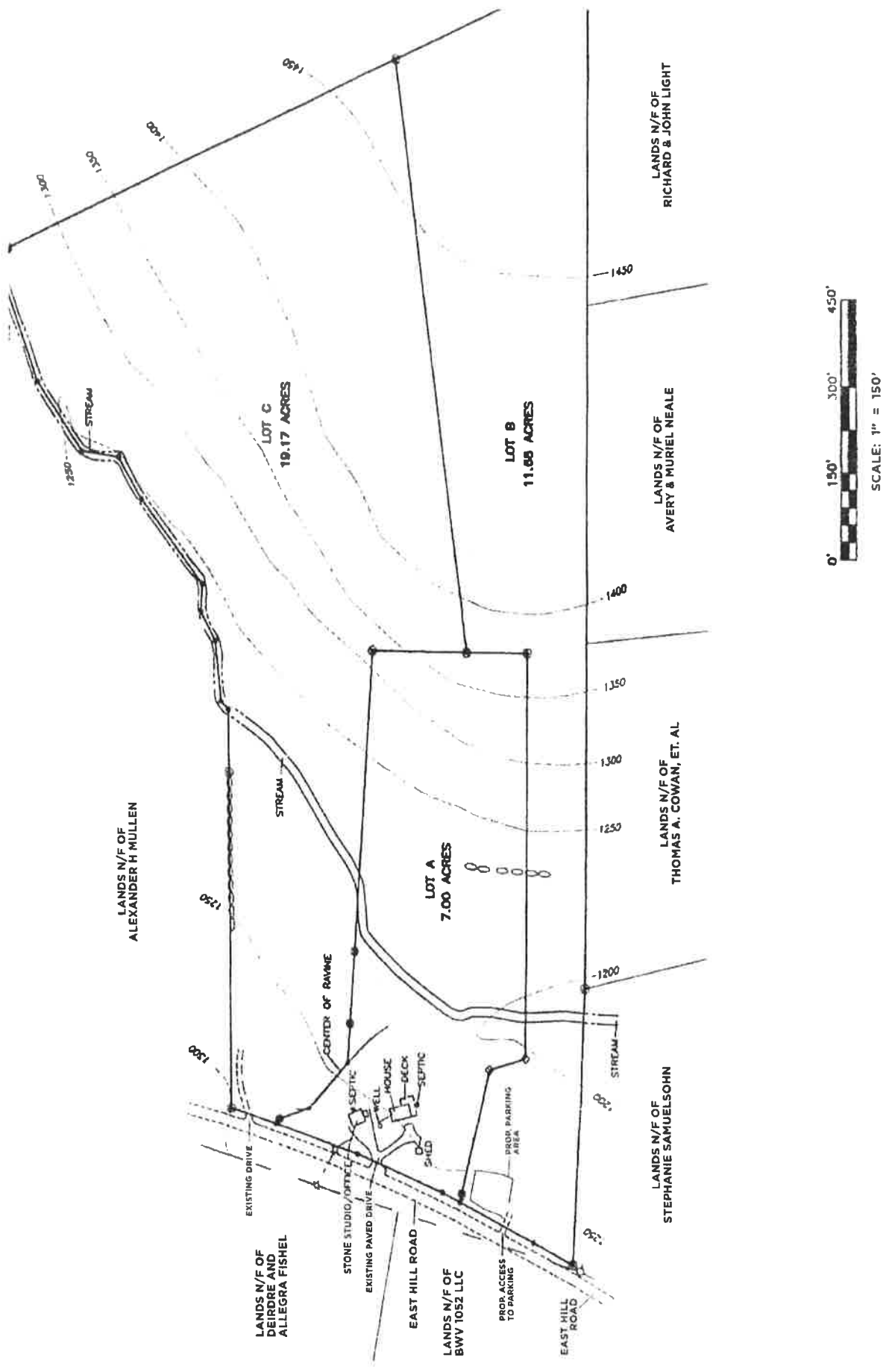
Lot A (7 acres) **No proposed change.** This lot consists of our 1600 square foot home, and a renovated 672 square foot building that houses the music studio on the ground level, and a pre-existing small studio apartment above on the 2nd level. This building was originally built in 2002, and the ground level was previously a garage. Graham completed this renovation in June 2022, and has a certificate of occupancy for personal use of the studio. The existing parking on the premises is sufficient for the needs of both of our businesses and allows for occasional collaborators to park without issue.

Lot B (11.68 acres): For our proposed use of this site, we plan on making a small parking area for overflow parking of up to 15-20 cars for guests and attendees of occasional gatherings on a small portion of the lot close to the road access. This is easily done as the upper area of the lot is very flat, and only requires the removal of some trees. This location is also intentionally chosen because it's dry and no drainage will be required or disrupted.

Lot C (19.17 acres): **No proposed change.**

In order to expand our community and develop our businesses, we would like to periodically host intimate gatherings on the property. This may include a songwriter performance in Stone Studio where we invite friends to attend, or a design meet-up to share ideas and inspiration. With the above proposed parking area in Lot B, traffic will not be a concern or disruption to any neighbors for these intimate gatherings. The frequency of these types of gatherings will be about once a month. On the rare occasion that we are hosting and it exceeds our onsite parking ability (at most one time a year), we will request a special exception from the Highway

Department (as was approved previously) to park additional vehicles *only* along our property border on the uphill-traffic side of East Hill Road. This stretch of road is wide, has a wide shoulder, is very straight and has great visibility. Our neighbors on East Hill Rd. comfortably park cars along the road when they have parties and need overflow parking, which has not been a disruption.



104 EAST HILL ROAD PROPOSED SITE PLAN