

Town of Austerlitz  
Planning Board Meeting Minutes  
April 6, 2023

The Planning Board meeting was held in person.

Present: Deborah Lans, Chair; Chris Ferrone, Steve Lobel, Dale Madsen, Members; Joseph Catalano, Attorney for the Town; and DeeAnn Veeder, Planning Board Clerk. Absent was Board Member Eric Sieber due to mandatory Fire Department Training.

**Public Hearing for Planning Board Application PL-2023-01 Stone/Jensen Site Plan Review**

The Public Hearing was called to order at 7:03.

D. Lans explained to the room that applicants will make their presentation first, then the public may make comments or ask questions. D. Lans also stated that written comments were received via email and identified the names of those who submitted such comments.

Graham Stone and Alex Jensen, the applicants, gave a presentation of their plans for Home Occupation Level 2 businesses of a design studio and a music studio. Neither business has any employees other than the home owners. The applicants also sought permission to make a 14-car parking area to facilitate monthly gatherings of 30-40 people and one annual event for 60+. Comments received prior to the hearing were noted for the record. Numerous comments were received from members of the public – primarily East Hill Road residents: Allegra and Deirdre Fishel, Andrea Weiss (whose statement is also attached), Greta Schiller, Lynn Rubin, and Rob Lagonia and others. The Board questioned the applicants.

Comments revolved primarily around issues of noise, traffic, the compatibility of the proposed gatherings and the parking area for the studio businesses with the residences on East Hill Road. No opposition was expressed as to the two studios being home businesses per se so long as it would not interfere with the residential neighborhood. Some public comments were skeptical that the parking would be adequate and how these gatherings would be supervised to limit the number of attendees.

Applicants acknowledged that a parking area was only needed in connection with gatherings, as adequate parking exists for the studio business operations.

Numerous questions were raised concerning a 2022 event at the site involving parking on the road, ticketing and a food truck as well as discrepancies between the applicants' current statements and Event Bright documents and applicants' business website. Road residents expressed concern about a repetition of such events.

The applicants were given the opportunity to respond to all questions and comments. The public hearing was closed at 8:10 p.m.

A motion to close the Public Hearing for the Stone/Jensen Site Plan Review was made by C. Ferrone and seconded by S. Lobel.

D. Lans: yes

C. Ferrone: yes

S. Lobel: yes

D. Madsen: yes

E. Sieber: Absent

Motion carried 4:0:1

Public Hearing was closed at 8:10 pm.

**The Regular Meeting was called to order by the Chair at 8:10 p.m.**

A motion was made by D. Madsen and seconded by S. Lobel to approve the February 2023 minutes. C. Ferrone abstained due to his absence from that meeting.

D. Lans: Yes

C. Ferrone: Yes

S. Lobel: Yes

D. Madsen: Abstain

E. Sieber: Absent

Motion carried 3:0:2

A motion was made by C. Ferrone and seconded by S. Lobel to approve the March 2023 minutes.

D. Lans: Yes

C. Ferrone: Yes

S. Lobel: Yes

D. Madsen: Yes

E. Sieber: Absent

Motion carried 4:0:1

**Old Business**

**Planning Board Application PL-2023-04, Gellert PL-2023-04 Minor Subdivision**

The Board discussed the subdivision proposed by Phillip Gellert that involves property primarily in Ghent that also includes a small amount of acreage in Austerlitz off Fern Hill Drive. The Board previously designated the Ghent Planning Board as lead agency under SEQRA. Our Board has received a package of materials from the Ghent Board concerning the project as well as a letter prepared for concerned neighbors by CPL outlining concerns. The Board will consider its response and respond to the Ghent Board by letter. Neighbors of the proposed project who were present (Diane Schmidt Poland, Tom Schley, Virginia Johnson) also encouraged the Board members to make a site visit.

**Planning Board Application PL-2023-02, LeBlanc Boundary Line Adjustment**

Richard Sardo presented the correlated boundary line adjustment applications of Alice LeBlanc and 5100 South Street LLC. The owners propose to trade a small portion of each property to the other to improve setback areas. No other properties are affected. The applications were deemed complete. No SEQRA review was necessary as the application was a Type 2. The Board agreed no public hearing was necessary, and the applications were approved.

A motion was made by C. Ferrone and seconded by D. Madsen to accept the applications as complete.

D. Lans: Yes

C. Ferrone: Yes

S. Lobel: Yes

D. Madsen: Yes

E. Sieber: Absent

Motion carried 4:0:1

A motion was made by D. Madsen and seconded by C. Ferrone to deem a public hearing unnecessary;

D. Lans: Yes

C. Ferrone: Yes

S. Lobel: Yes

D. Madsen: Yes

E. Sieber: Absent

Motion carried 4:0:1

A motion was made by C. Ferrone and seconded by D. Madsen to approve the application.

D. Lans: Yes

C. Ferrone: Yes

S. Lobel: Yes

D. Madsen: Yes

E. Sieber: Absent

Motion carried 4:0:1

### **Planning Board Application PL-2023-01, Stone/Jensen Site Plan Review**

The Stone/Jensen application was discussed and attorney Catalano was asked to prepare a proposed written resolution granting the application in part and denying it in part for Planning Board review at the May meeting.

### **New Business**

### **Planning Board Application PL-2023-05, Spencertown Country Store Site Plan**

The site plan and special use permit application of Spencertown Country Store Acquisition LLC was presented. Elena Carlson proposes to operate a bagel café/grocery store at the Spencertown Country Store. Because the use of the store had been discontinued for several years, a new application/review was required. The proposed use, business plan, hours of operation and site plan including parking were presented by Ms. Carlson, her attorney Dan Tuczinski and Andrew Didio of Taconic Engineering. The Board made a number of inquiries. The project is a SEQRA unlisted action. The application was deemed sufficiently complete to proceed to a public hearing at the May meeting at which time SEQRA determinations will be made. Mr. Catalano will transmit the application to the County Planning Board to obtain its recommendations.

A motion was made by D. Madsen and seconded by S. Lobel to deem the application complete for purposes of a public hearing.

D. Lans: Yes  
C. Ferrone: Yes  
S. Lobel: Yes  
D. Madsen: Yes  
E. Sieber: Absent  
Motion carried 4:0:1

A motion was made by S. Lobel and seconded by C. Ferrone to schedule a public hearing for May 4, 2023, at 7:00 p.m.

D. Lans: Yes  
C. Ferrone: Yes  
S. Lobel: Yes  
D. Madsen: Yes  
E. Sieber: Absent  
Motion carried 4:0:1

### **Planning Board Application PL-2023-06, Yaghoobzadeh/Schwarz Minor Subdivision**

The minor subdivision of a 62.78-acre vacant parcel on Schoolhouse Road proposed by Hooman Yaghoobzadeh and Robert Schwarcz was reviewed. Evan Young and Yasmin Zhang of Crawford & Associates Engineering presented for the applicants. The applicants propose a roughly equal division of the parcel into two lots, each about 31 acres, one of which each of them will then own. An existing driveway will be co-owned, improved and covered by a road maintenance agreement. The application was deemed sufficiently complete to schedule a public hearing for the May meeting at which time SEQRA issues will be reviewed as this application is classified as an Unlisted Action. Applicants will submit a proposed road maintenance agreement prior thereto. (Attorney Catalano will contact the applicants' representative concerning minor survey additions required to comply with the Subdivision law).

A motion was made by C. Ferrone and seconded by D. Madsen to deem the application sufficiently complete to move to a public hearing.

D. Lans: Yes

C. Ferrone: Yes

S. Lobel: Yes

D. Madsen: Yes

E. Sieber: Absent

Motion carried 4:0:1

A motion was made by D. Madsen and seconded by S. Lobel to schedule the public hearing for May 4, 2023, at 7:00 p.m.

D. Lans: Yes

C. Ferrone: Yes

S. Lobel: Yes

D. Madsen: Yes

E. Sieber: Absent

Motion carried 4:0:1

### **Planning Board Application PL-2023-07, Ghent Southeast Site Plan**

The remaining items on the agenda (telecommunication tower improvements) were not discussed as the applicants did not appear and the applications had not been submitted the required 10 days before the meeting. Attorney Catalano will contact the applicants prior to the May meeting.

### **Resolution**

The Board resolved that all future applications must be submitted both in hard copy and digitally to simplify the clerk's preparation of the Board package and hopefully allow for earlier provision of the package to the Board. An appropriate notice will be placed on the website.

A motion was made by C. Ferrone and seconded by D. Madsen that all applications must be submitted digitally as well as in hard copy.

D. Lans: Yes

C. Ferrone: Yes

S. Lobel: Yes

D. Madsen: Yes

E. Sieber: Absent

Motion carried 4:0:1

### **Public Comments**

None

### **Adjournment**

A motion was made by D. Lans and seconded by C. Ferrone to adjourn the Planning Board meeting at 9:26 p.m.

Respectfully Submitted

DeeAnn Veeder  
Planning Board Clerk