

Town of Austerlitz
Planning Board Meeting
January 5, 2023

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

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 Pearlmen, 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