

Town of Austerlitz
Planning Board Meeting
November 3, 2022

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.

Public Hearing for Planning Board Application PL-2022-07 Oleynek Minor Subdivision and Boundary Line Change

Public Hearing called to order at 7:00 p.m.

Frederick Haley, the applicant's surveyor, explained the nature of the application, the history of the current road configuration and the resolution passed by the Town Board to waive the limitation that a private road only service 5 lots on certain conditions, and the applicant's compliance with those conditions. Mr. Haley also explained the revision to the notes on the map that provides specific references to the original approved subdivision map to clarify the lot restrictions and road maintenance provisions. Additional documents were received: confirmation from the Highway Superintendent that the modifications to the road required by the Town Board had been made, consents from all road abutters to the subdivision and boundary line adjustments, receipts from the mailing of notices to the owners of neighboring properties, another copy of the Agricultural Data Sheet, and surveys with the revised notes requested by the Planning Board to clarify the road situation. Members of the Board asked certain questions to clarify the application. No members of the public were present and the Board decided that the public hearing could be closed.

As no further comments were made, a motion to close the Public Hearing for the Oleynek application was made by E. Sieber and seconded by Chris Ferrone.

Roll Call

Deborah Lans: yes

Eric Sieber: yes

Chris Ferrone: yes

Steve Lobel: yes

Dale Madsen: yes

Motion carried 5:0 Public Hearing closed at 7:17 p.m.

Regular Meeting called to order by the Chair at 7:17 p.m.

Minutes

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

Voice vote

Deborah Lans: yes
Eric Sieber: yes
Chris Ferrone: yes
Steve Lobel: yes
Dale Madsen - abstain
Motion carried 4:0:1

Old Business - Planning Board Application PL-2022-07 Oleynek Minor Subdivision and Boundary Line Change

Part II of the SEQRA form was completed with J. Catalano facilitating the Board through the questions on Part II of the EAF form. The Board answered each question with a no or small impact answer. The conclusion of the Board was to issue a negative declaration.

A motion was made by E. Sieber, to accept the Environmental Assessment Form as completed by the Planning Board tonight with the conclusion that the project will not result in any significant adverse environmental impacts, and seconded by C. Ferrone.

Roll Call
Deborah Lans: yes
Eric Sieber: yes
Eric Spiegel: yes
Chris Ferrone: yes
Steve Lobel: yes
Motion carried 5:0

Chair Lans and Board Members then deliberated on the application and discussed the issue whether granting the subdivision with the waiver of the limitation of lots on a dead-end road would be setting a precedent. The Board noted the distinguishing features of this application that would limit the precedential value of the approval. Given the requirements of the waiver provisions in the Town Code and to highlight the distinguishing features, the Board expressed the preference to have J. Catalano prepare a written resolution for the Board to review before officially approving the application.

A motion was made by C. Ferrone, to direct J. Catalano to prepare a resolution that approves the subdivision and boundary line adjustment map for the next meeting, and seconded by E. Sieber.

Roll Call
Deborah Lans: yes
Eric Sieber: yes
Eric Spiegel: yes
Chris Ferrone: yes
Steve Lobel: yes
Motion carried 5:0

Planning Board Application PL-2022-17 Hi Roc, LLC Minor Subdivision

David Hammon and Kevin Hartka of Hi Roc, LLC, presented a revised subdivision map based on the Board discussion at the previous meeting. This is for a subdivision of an approximately 51-acre parcel into 3 lots. The access for the 51-acre lot via a long driveway from Crow Hill Road will be a shared driveway but is now depicted as part of a lot instead of as a separate lot. The revised map now conforms to the Town's private road and driveway laws. The applicant was requested to present the map to both the Highway Superintendent and the Fire Department for approval and to provide the Board with written approvals by both. The Board discussed the SEQRA process.

A motion was made by E. Sieber, to determine that the application presented an Unlisted action under SEQRA and to defer completing the SEQRA review process until after the public hearing in case there was more information presented at the hearing concerning environmental matters, and seconded by C. Ferrone.

Roll Call

Deborah Lans: yes

Eric Sieber: yes

Eric Spiegel: yes

Chris Ferrone: yes

Steve Lobel: yes

Motion carried 5:0

The Board determined that the application was otherwise complete subject to receipt of the written confirmations from the Highway Superintendent and Fire Department referred to above and was ready for scheduling a public hearing for the December meeting.

A motion was made by E. Sieber, to accept the application as complete for purposes of scheduling the public hearing subject to receipt of the written confirmations from the Highway Superintendent and Fire Department, and seconded by D. Madsen:

Roll Call

Deborah Lans: yes

Eric Sieber: yes

Chris Ferrone: yes

Steve Lobel: yes

Dale Madsen: yes

Motion carried 5:0

As no further comments were made, a motion was made by E. Sieber to schedule the public hearing on the application for the next PB meeting to be held on December 1st at 7:00 pm, and seconded by D. Madsen:

Roll Call

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

Motion carried 5:0

The requirements and mechanics of public notification were discussed with the applicant, as well.

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

New Business

Michael Krieger: Boundary Line Adjustment Proposal

Michael Krieger informally presented a concept he has been exploring to acquire of a portion of property owned by the Meyer Estate on Elm Street (which it would subdivide from its lot) and then add it to his property on Elm Street by boundary line adjustment. Mr. Gabosh, ZBA Chair, joined the conversation, and the Attorney for the Town explained that if an application were to be made, the Planning Board would initially refer it to the ZBA, as both lots are non-conforming in size and the proposed action, while increasing the size of Mr. Krieger's nonconforming lot, would decrease the size of the Meyer lot, and a ZBA area variance would be required as a precondition to a subdivision. Issues were generally discussed as to the location and functionality of the Meyer well and septic and the effect a subdivision might have on those, as well as the viability of the Meyer lot to support the existing buildings on that lot. The suggestion was made that Mr. Krieger assess the septic/water issues with the aid of a civil engineer. Mr. Krieger is considering his options and will determine whether he/the Meyers will make the necessary applications.

Steve and Alaine Thorne: Planning Board Application from Town of Ghent involving a portion of land in Austerlitz PL-2022-17 Hi Roc, LLC Minor Subdivision

Steve and Alaine Thorne presented a minor subdivision of their parcel near Route 203 and the Taconic one small portion of which lies in Austerlitz although that portion will not be affected by the subdivision. The bulk of the property lies in the Town of Ghent and a subdivision application is before its Planning Board. The Board determined that as the small portion of the property that lies in Austerlitz will not be affected by the application the Board Chair would notify Ghent that the Board will not need to take further action on the application.

Public Comment

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

The Board discussed beginning training with the Attorney for the Town at its next meeting and the creation of "decision-trees" to show the flow of typical applications for internal purposes and to display on the website to assist the public's understanding of the Planning Board procedures.

Adjournment

A motion to adjourn was made by E. Sieber and seconded by S. Lobel; and motion carried 5:0 by voice vote: Meeting adjourned at 9:12 p.m.

Respectfully Submitted,
Joseph Catalano, Attorney for Town