

Town of Austerlitz
Planning Board meeting
March 5, 2015

In attendance Chairman Jay Engel, Susan Geel, Deborah Lans, Town Attorney Joseph Catalano
Abs. Richard Madonia, Marie Meehan

Public Hearing called to order.

1. Martin Philips Minor subdivision on Slate Hill Road

Peter Van Alstyne, surveyor, appeared for the applicant and explained the proposed subdivision to the Board and those in attendance. There were two individuals at the hearing who received a letter notice about the hearing and they had questions about the subdivision. Mr. Van Alstyne reviewed the proposed subdivision map for these neighbors, Martha and Martin Phillips. A question was posed about the purpose of the subdivision and that question was satisfactorily answered by Mr. Van Alstyne as being for residential use. It was noted that the Town of Ghent Planning Board approved the subdivision as it pertained to land in the Town of Ghent conditioned upon review and approval of the Town of Austerlitz Planning Board. With no further questions the public hearing was closed by motion of the Board, all in favor.

2. Public Hearing Diane Glick-Minor subdivision

Aaron DePaolo, the attorney for the applicants, attended the hearing and presented the revised subdivision maps to the Board. The map was also shown to the one individual, Charles Vieni, who was present from the public having received notice of the public hearing by mail. Mr. Vieni was provided an opportunity to view the map showing the proposed subdivision and to ask questions. He stated that he had no opposition to this application and his questions were more about his own land and the process and requirements for a future subdivision of his land.

Attorney Aaron DePaolo also submitted a listing of neighbors notified of public hearing and the receipts for notices sent. The subdivision map was reviewed by the Board. The map bears the notation, per request of Planning Bd. members, on both the right of way for use, as well as responsibility for improving, constructing and maintaining former Cadman Road, from Stonewall Road to point of access to Lot 4, prior to issuance of a Certificate of Occupancy.

Several areas of concern about the map were noted by the Board including that the names of owners for abutting properties shown on map does not correspond with present owners and the list of property owners who were sent the notice of the public hearing and that the properties abutting Cadman Road were not sufficiently identified. The Board also wanted to receive a copy of the easement or right-of-way that is noted on the map for the lands identified as Nesbit abutting the eastern side of Cadman Road. These concerns were discussed with Attorney DePaolo and the hearing was closed by motion of the Board, all in favor.

General Meeting called to order.

Unfinished Business - Glick-Casey minor subdivision

The Planning Board reviewed the SEQRA EAF form and went through the questions on part 2 of the EAF with the assistance of the Town's attorney. The Board answered all of the questions on Part 2 of the EAF as none or small impacts would result from the approval of the subdivision. A motion was made by Sue Geel, seconded by Deborah Lans, to accept the EAF as completed by the Board with the conclusion that no significant adverse environmental impacts would result from the approval of the subdivision. Motion carried, 3 yes and 2 absent.

The Board then discussed further whether to approve the subdivision at this time with conditions or wait for a revised map to be submitted. After much discussion, the Board decided to approve the subdivision with conditions and modifications to the subdivision map. A motion was made by Deborah Lans, seconded by Sue Geel, to approve the Glick-Casey subdivision with the following conditions and authorized the Planning Board Chairman to sign the revised map if the conditions have been met:

1. That the map be revised to accurately reflect the current owners of abutting properties and that the abutting properties to the east of Cadman Road be shown with respect to the current lots and property owners that abut Cadman Road;
2. That a copy of the right-of-way noted on the map over Cadman Road for the lot or lots that abut Cadman road to the east be provided to the Planning Board Chairman;
3. That the list of the property owners to whom the public hearing notice was sent correspond with the updated map regarding abutting property owners;
4. That a copy of the proposed easement or right-of-way from lot 4 through the Casey parcels be provided to the Board and noted on the map; and
5. That a proposed deed annexing or merging the 22.050 parcel to the north of the existing 4.0 acre Casey parcel with that Casey parcel be provided to the Board Chairman. Motion carried by vote of 3 yes and 2 absent.

Unfinished business- Martin Phillips minor subdivision

Peter Van Alstyne submitted to the Planning Board Committee:

- a. Receipts for public notices sent.
- b. Letter from Mitchell Khosrova, attesting to Ghent Planning Board review and approval of the proposed subdivision.

SEQR Form, having been reviewed, approved at the February Planning Board Meeting with a negative declaration and with all requirements being in order, a motion was called for approval of the minor subdivision.

Motion to approve the minor sub-division map without changes or conditions: Deborah Lans, Second: Susan Geel. Approved by all.

Jay Engel stamped the copies of the subdivision maps.

Two maps, when stamped by Ghent Planning Board, will be returned to Austerlitz for our files.

Motion called for approval of February meeting minutes.

With decision to note that in a reference to a required letter from state attorney, inclusion of "attorney" was incorrect. With the deletion of the word "attorney" minutes would meet approval. Motion for approval of minutes: Susan Geel, Second: Deborah Lans . Approved by vote of 3 yes and 2 absent.

Board members then reviewed status of Colleen Safford application which is still on hold due to the applicants having not acquired the property as yet. It was confirmed that although the special permit was granted, the site plan review of the project had not yet commenced since the Board had previously determined that the site plan application and materials were incomplete. Site plan review will resume when the applicant submits a completed application and supporting materials.

Related to Planning Board protocol, a suggestion was made that the Planning Board request the Town Board to include a written clause in the subdivision regulations that would allow for an expedited review of lot line adjustments or merger of parcels. This would apply where it is evident that the application has no environmental harm, or harmful activity present to other parties, etc. The result, a possible removal of extraneous requirements that either cause delays or use of extended periods of time before approvals to applicants.

Towards a better informed Board, two requests will be made to Planning Board Clerk Mary Davis.

1. That a list of abutting neighbors to a property, scheduled for a public hearing, be provided, signed by Planning Board clerk, or listed on Austerlitz Town Board stationery, be with the other materials now provided to Planning Board Committee members prior to meetings.
2. That a copy of newspaper notice or affidavit of publication which complied with the Town notice of the public hearing be among materials provided to Planning Board members prior to meetings.

Motion to adjourn meeting at 8:40. Motion Deborah Lans , Susan Geel, Approved by All
Next meeting, April 6, 2015

Respectfully submitted,
Constance Mondel