

**Town of Austerlitz Planning Board
Regular Meeting Minutes
May 2, 2013**

The Austerlitz Planning Board meeting:

Members present included Chairman Charles Knauss, Susan Geel, and Richard Madonia. Deputy Chair Charles Lawson was absent, as well as new member, Beth Meehan.

Also present:

Jean Duff (Earth Foods)

Terry Cozzolino, Real Estate Agent/Jesus Flores, buyer

Reggie and Debbie Brantner (Audience)

Mr. Knauss calls regular meeting to order at 7:00pm.

New Business:

1. *Jean Duff (Earth Foods): Site Plan Review for 4 rental units on State Rt. 203*

Information regarding the request for a site plan review of 4 rental units located on State Rt. 203 was presented to the board by property owner, Jean Duff of Earth Foods. Charles Knauss immediately explained that the underlying issue preventing this review from going forward is the cottage that is also located on the property- which is not up to code. Mr. Knauss recalls that there was a cease and desist order placed on the front door of in which Mrs. Duff agrees that she took down at one point. Mrs. Duff explains that she had made arrangements with her current tenant in which agreed to help her repair the building. Mrs. Duff has since spent a lot of money to make improvements such as repairing the well, and installing a separate water tank. Her tenant however, has not participated in any of the agreed repairs. Mrs. Duff understands that she will need to evict the current tenant in order to move forward. Lastly, Mrs. Duff expressed her concern to the board that this issue was handled in an inappropriate manner by the previous building inspector, and that she had not received any correspondence in the mail.

Mr. Knauss actions Mrs. Duff to contact the building inspector, and once all of the above issues are rectified she can come back to the board for further review. Richard Madonia agrees, seconded by: Sue Geel.

2. *Apra- (Terry Cozzolino representing from Cozzolino Real Estate): Site Plan Review to clear cut 30 acres for horse pasture on Mallory Rd*

Information regarding the site plan review to clear 30 acres for a horse pasture on Mallory Road was presented by Jesus Flores (Apra, seller- not present) with Terry Cozzolino, of Cozzolino Real Estate. Mr. Flores begins by explaining that this will be for his personal use of horses, and not for public use. Mr. Cozzolino assures that there will be no visual impact from the clearing, and goes on to explain that Mr. Flores plans to leave some trees between the pond and the 5 acres partial, as this could be a potential house site, as well as re-planting trees throughout the property. There will be a 12-stall horse barn with 2-2 bedroom apartments in which will allow for the help (horse trainer and maintenance) to live on-site. Richard Madonia inquired about the driveway plans, in which Mr. Flores confirms that there is an existing driveway which is approximately 1000ft. Mrs. Geel inquires about an arena for hay and where the equipment will be stored, in which Mr. Flores describes that there will be an outdoor arena (open), and a shed for equipment storage. Mr. Flores will be living in the existing single-family house located on the property. Mr. Flores and Mr. Cozzolino explain that there is a contingency listed in the existing contract that states he is allowed to do this.

Mr. Knauss advises Mr. Cozzolino and Mr. Flores that they will have to check with Lee Heim, building inspector, to determine whether or not they will need to have a forester draw a plan for the harvesting of the timber. They will then need to attend another meeting for the site plan review, and include a topographical map (with forester plan, if determined by the building inspector as necessary). Mr. Knauss also asks that they sketch something more to scale- detailing exactly what they plan on clearing. He also goes on to advise that they will need to have the surveyor get involved with the specs- to clarify what's existing and exactly what will be changed. Mr. Knauss explains that once the checklist is completed, they can then move forward to a public hearing. Therefore, Mr. Cozzolino will need to send out certified letters with return receipts to all of the surrounding neighbors for approval, in which they will have an option to show up to the hearing to voice any concerns they may have. Mr. Knauss explains that there will be \$250 application fee to go through the site review, in which he can bring with him to the next meeting, made payable to The Town of Austerlitz.

Richard Madonia clarifies that the seller should be notified that there will be no moves made until all of this is approved.

Charles Knauss agrees, seconded by: Sue Geel

Public Comments:

Reggie and Debbie Brantner- Neighbor/Trash issue

Reggie and Debbie Brantner come forward from the audience to discuss an issue they are having with their neighbor, in regards to trash over-flowing onto their property. Reggie and Debbie own the land to the left of the Austerlitz Post Office (referencing a surveyor map that they brought with them). Mr. and Mrs. Brantner explain to the board that this has been going on for approximately 5 years, and that they have already discussed this issue with their neighbor, in which the neighbor is willing to purchase the parcel in concern. The Brantner's are considering selling him the ¼ acre (200ft by 56ft) of land. Mr. Knauss explains that a realtor would need to assess the price. Richard Madonia suggests that they contact Mr. Cozzolino, of Cozzolino Real Estate (or any realtor) to agree on a price, or they might want to consider building a fence to separate the property in efforts to resolve the issue. Mr. Knauss suggests that there may be a chance that they will need a new survey if they decide to sell the parcel.

Mr. Knauss actions Mr. and Mrs. Brantner to advise the Town (contact Mary Davis) 10 days ahead of time of their plans, and to include payment of \$100 (form fee), so that it can be placed on the next agenda.

Richard Madonia agrees, seconded by: Sue Geel.

No further Public Comments

February Minutes:

Motion to approve the February Planning Board minutes made by: Sue Geel,

Seconded by: Charles Knauss.

Approved 3-0

Correspondence:

Mr. Knauss reminds all board members of upcoming SEQR training on October 7th 2013.

Reminder: Next meeting scheduled for Thursday, June 6th 2013

Meeting adjourned by Mr. Knauss: 7:45pm

Submitted by:

Heather Tompkins