

TOWN of AUSTERLITZ
Planning Board Meeting
July 3, 2014

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

Jay Engel called the Planning Board meeting to order, at 7:15pm, followed by Call to order of the **Public Hearing - Colleen Safford Site Plan Review/Special Use Permit**
Present: Colleen Safford ,John Manning , Attorney Ken Dow.
Colleen Safford was invited to present to the public the specifics of the request for Site Plan Review and Special Permit for At Home Dog Training ; public questions and comments from public would follow.

Presentation included the aims of the center, Colleen Safford's qualifications, training and field experience in NYC and Chatham, NY; description of site, location, acreage, abutting properties; training center barn to be constructed (pictures of interior provided).
Also included, no. of employees, with Colleen Safford and her husband John Manning, no more than four; their duties: no. of animals to be outside of center at one time,15; arrival days, Mondays and Thursday; daily training routine training, indoors and outdoors, kennels ,fencing, dog runs, water supply.

Public Questions and Comments

Three members of the public **Erica Nance, Aaron Lieberman, Greg Mountain** spoke in support of the program noting the success of Training Center in Chatham in terms of any negative impact from noise, or training program activities. Also cited was the acceptance by neighbors of the program and its aims and recognition of owner qualifications.

Marie De Rosa asked if permit is approved does the right stay with the property?

A public comment : Allowance of this business will open the area to other large bus. enterprises.
(Bd. response to question: Planning Bd. governs such determinations.)

Specific to **shared driveway**.

Kyle Skerolpv spoke of the increased traffic flow on gravel driveway his family shares with the property in question. The increase will occur due to arrival and departure of dogs at training center, with deliveries and possible visits to the dogs. He stated further that he did not consider ownership of the abutting property giving that owner entitlement to more than half the use of the driveway. **Attorney Vincent Mackowski** submitted the original easement which called for reasonable use and noted that this business, in essence, will give a residential use driveway over to a commercial use. Vincent Mackowski questioned whether the Austerlitz town policy for licensing dogs will be applied in this facility.
(Clarification by owner about dog visits, allowance for dogs visits will not be permitted.)

Specific to **animals** : **Richard McNeil**: Will there be inspections of the facility to see that regulations for care of animals is followed? What about any change in operation.?

Questions posed on dog food storage, no. of deliveries, dog waste, septic & leach field.
(Bd. response: Change in operation requires Bd. approval.)
(Owner outlined dog waste decomposition treatment.)

Specific to **property value**

Matt Verenazi referred to the presence of the training center as a deterrent to receiving full value for the sale of the family home, which is close to the property in question. .

Tracy Tassinari of Gabel Real Estate, addressed this issue in a letter to the Planning Bd. indicating that the seller (Claire Verenazi) could receive 50% less than the appraised value and asking price of \$895,000 for the sale of her house . A further comment from **Matt Verenazi** indicated his belief that the land purchase, size and cost to build the training center, clearing of land, etc. seems to indicate a desire to have an expanded business from what has been presented.

Specific to **site**:

What kind of signage will be used? Are dog runs and fencing close to road? What of barking at night?

Once built will there be inspection to see it was done properly?

(Owner response : No sign. Dog runs and fencing are next to barn, sound muffling system is used in kennels and building . Described as well were the results of a sound study submitted to the Board using the topography of the land. (This study was not generated on the property) .

(PB response: Ans. Inspection checks made by Code Enforcement Officer).

Ann Macintyre of Lawrence Lane read from notes, to be shared with the Board, about the area in which she lives, close to proposed training center, as one that people chose for quiet, privacy, light and scenic views. The proposed training center changes the area significantly, devaluing the surrounding properties. The needed clearing for barn construction and driveway are considered, by Ann and her neighbors, to be a change in area and demographics.

Ren Martin of Lawrence Lane objected to having a business “plopped down” and also considers it unfair to neighbor sharing driveway. Mr. Martin considers it important that a sound study be conducted on the property .

Two final questions came from Board members ,one on lighting (ans. simple residential lighting) and the other on the amount of cleared land required for driveway and barn construction . Surveyor indicated that two acres would be required. He stated further that the building will be one story high, situated on a plateau, with surrounding trees, 60 ft. high.

Recommendations to the Bd. in the course of public comment exchanges:

That a sound study be conducted on the property.

That the Fire Department assess the required access and turn around for emergency vehicles.

That the Planning Board members visit the site as part of their deliberation process.

(Chairman Jay Engel has visited the property.)

With no further questions Jay Engel announced the end to the July 3rd public hearing and called for a ten minute recess

Following recess , Jay Engel called for a **motion** to keep the public hearing open for written materials only from the public, to be received before or no later than July 30^t. Additional written materials from applicant Safford would be due by July 15th.

Motion: Richard Madonia, Second: Marie Meehan, Motion approved by all.

Regular Planning Board Meeting –Jay Engel called meeting to order at 9:10

Motion for approval of June minutes: Richard Madonia, Second: Sue Geel, Motion approved by all .

1. Safford Site Plan Review/Special permit Use

Planning Bd. Members and Town Attorney Joe Catalano reviewed briefly the next steps in the process with Colleen Safford, John Manning and attorney Ken Dow.

Due to the continuation of public hearing ,through written communications, the site plan review will occur after additional materials are received from both the public and applicant Safford.

Jay Engel reminded Colleen Safford to note the recommendations in the letter recently received from County Planning Board.

Fred Haley, surveyor, noted the importance of having Fire Dep't personnel assess the turnaround at shareholder's driveway.

Joe Catalano, Town Attorney, outlined the process of Special Permit, allowing purchase of the property, and Site Plan Review.

2.Hans Schober –Minor subdivision on Schoolhouse Rd

Dan Russell, Surveyor, outlined the petition for minor subdivision of the property, one to be 90 acres and the other,10 acres. Noted on map copies were the areas of wetlands. One wetland is located in a cemetery on the property , the other wetland is not close to any structure or a cause of any type of disturbance.

All pages of the SEQR have been satisfactorily completed and submitted to the Board .

Certified Mail Notices stubs were submitted for the file.

The check fee for minor subdivision has been received.

Motion for Board acceptance of the form as completed, indicating there is no potential for large or further significant environmental damage.

Motion: Sue Geel, Second: Deborah Lans . Motion approved by all.

Motion to approve the Hans Schober Minor subdivision.

Motion: Sue Geel, Second: Deboral Lans. Motion approved by all

Maps to be stamped on Monday July 7, 2014 with notification to Dan Russell when ready for pick-up. .

NEW BUSINESS

1. David Seth Michaels-Minor subdivision- State Road 203

Attorney William Better briefly reviewed the history of this minor division request.

The request is for division of 54 acres into 2 parcels; Parcel 1, 17 acres, with a house, barn and drive way and access to State Route 203. Parcel 2 will contain 33.69 acres, with road ownership and a shared road use agreement with Green, Maloney, Shattens and Platt.

A Planning Board requirement before approval can be given is a signed maintenance agreement by the users of the road. Owner of Parcel 2 will require use of this road, therefore, this agreement requires signatures of the four users. The agreement is required to provide a continued assurance of road maintenance should ownership changes occur in the future.

Mr. Better indicated his recent attempt to have a signed agreement was unsuccessful. The difficulty is having assurance that there be equal decision making for signers of agreement, related to materials to be used, the cost and cost payments.

Chairman Jay Engel, suggested that Mr. Better discuss with his client, David Seth Michaels, formulated terms of a maintenance agreement that can meet the suggested criteria neighbors outlined, or give consideration to a different means of access from Parcel 1 to Parcel 2,

Mr. Better agreed to do so and will inform the Board as to progress made.

2.Click/Casey Four Lot Division

Attorney Paul Freeman used revised large maps, delivered to Board mid June, showing the entire property, with lines indicating the present lot divisions and their roads of access.

Map indicates the existing lots with Stonewall Road used for egress.

The entire property is 126.59 acres. The largest section will be Parcel 4, the outer limit of which borders New Hampshire, with an appropriate driveway for entrance and egress.

Robert Meehan, Chairman of the Austerlitz Highway Dep't., after assessment of site and its possibilities, suggested that an existing road, namely Engel/Cadman Road, be considered for access to Parcel 4 . Engel/Cadman Road is built on the Glick/Casey property at one perimeter of Parcel 1 and Parcel 4. Parcel 4 could be accessed with a cut in to the property, farther north, from Engel/Cadman Road, the state road leading to a the tower in Austerlitz.

Questions surfaced about the permission for access from a point on the state road, This question needs study and an answer before further progress can be made.

A decision about the use of the road would also have to address the continued use of the road under any change in ownership. Paul Freeman agreed to seek the answers and to keep the Board informed after which the Planning Board can address the minor subdivision request.

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Before close of the Board meeting, board members and Joe Catalano reviewed the status of the Safford Site Plan Review/Special Permit .

Since the public hearing is still open, with possible additional comments being received by July 30th board member deliberations are on hold . Additional relevant materials from Safford are due by July 15th.

Joe Catalano referred to the fact that the resolution on the petition has to address every objection that has been raised.

Motion to adjoin: Deborah Lans. Second: Marie Meehan. Motion approved by all.

Meeting adjointed at 10:30pm