

Town of Austerlitz  
Planning Board Meeting  
February 3, 2022

The Planning Board Meeting was held via Zoom in accordance with the Governor's Executive Order. Meeting instructions were on the Town website.

Present: Lee Tilden, Chairman. Deborah Lans, Jane Magee and Eric Sieber, Members. Susan Haag, Town Clerk and Tiffeny Cantu, Planning Board Clerk also present.

Joseph Catalano, Attorney for the Town present.

Regular Meeting called to order at 7:05 p.m.

Pledge of Allegiance, followed by a Moment of Silence

**Minutes**

A motion to accept the January 6, 2021 Regular Planning Board Meeting minutes was made by Deborah Lans and seconded by Jane Magee.

**Roll Call:**

Lee Tilden: Yes

Deborah Lans: Yes

Eric Sieber: Yes

Jane Magee: Yes

Motion carried 4:0

**Old Business**

**Planning Board Application PL-2021-13 American Tower**

Property Owner: Estate of Hildegard Loudon

Applicant: American Tower / Estate of Hildegard Loudon

Representative: Darryl Gresham

Project Property: 77 Loudon Rd., Ghent, NY 12075

Zoning: Rural Residential

Project: Site Plan Review (non-residential)

Applicant Representative, Darryl Gresham states that Verizon wants to remove old equipment from the existing tower and replace with new equipment.

Chairman Lee Tilden asked if the new equipment will be taking the same place as the old equipment on the tower and Mr. Gresham confirms, yes. Chairman Tilden also asks if there is any new equipment or additional equipment being installed either lower on the tower or on the ground and Mr. Gresham answers, no.

Deborah Lans asked to confirm location of the tower. Mr. Gresham confirms the location is in the Town of Austerlitz and not the Town of Ghent. He says that this was their issue since the

original application was submitted and they needed to confirm if the location of the tower was in the Town of Ghent or the Town of Austerlitz. It has since been verified that the location is in the Town of Austerlitz.

Attorney for the Town, Joseph Catalano asks Mr. Gresham to confirm again that nothing on the ground is changing, that there are no modifications happening to the existing infrastructure. Mr. Gresham apologizes and confirms that yes – there will actually be a small equipment change on the ground, inside the equipment cabinet that is located inside their lease area. They will be changing out electronic cards. Joseph Catalano asks to confirm that the footprint of the equipment cabinet will not change and Mr. Gresham confirms this is correct. Mr. Gresham confirms for Deborah Lans that the purpose of the project is to upgrade the outdated equipment to keep up with changing technology.

Chairman Tilden confirms with Joseph Catalano that we are modifying an existing site plan. Mr. Catalano confirms yes and that he interprets this as a “replacement in-kind” and the replacements will actually be less pieces than are currently there and asks Darryl Gresham to confirm. Mr. Gresham confirms yes and that by removing the 12 coax cables it actually reduces a lot of stress on the tower.

Joseph Catalano says this is a Type II Action Under SEQRA and the only thing the Planning Board needs to do is to confirm the site plan and give site plan approval for replacement of the equipment. Chairman Tilden asks Joseph Catalano to confirm that the Planning Board can approve this tonight and that no public hearing is needed. Joseph Catalano confirms this is correct. Mr. Catalano confirms that since this is a site plan modification a public hearing is not required because the equipment is taking the place of old equipment in the same location on the tower and the Company has a pre-existing right to use this space on the tower.

Chairman Tilden asks if the Planning Board would need to do part two of the SEQRA. Joseph Catalano says, not if the Planning Board agrees that this is a Type II action. Lee responds, understood. Mr. Catalano says if it’s a Type II action all the Planning Board has to do is make a motion that it’s a Type II action and then SEQRA of process is complete. Chairman Tilden then asks Mr. Gresham to confirm again that the antennas proposed to replace the existing equipment is actually less in number and the same type of equipment although more modern, Mr. Gresham confirms, yes.

Mr. Catalano reads the provision in SEQRA for a Type II and says that according to this provision he does believe this project falls in line with this.

A motion to classify Site Plan Application #2021-12, a modification of the existing ground based and tower mounted equipment as indicated on the project plans, as a Type II Action Under SEQRA was made by Eric Sieber and seconded by Jane Magee.

**Roll Call**

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Jane Magee: yes

Motion carried 4:0.

Chairman Tilden states the site plan application should be modified to show that the location is in the Town of Austerlitz.

A motion to approve Site Plan Application #2021-13, a modification of the existing ground based and tower mounted equipment as indicated on the project plans, with a new site plan application completed and submitted showing this project is in the Town of Austerlitz, was made by Deborah Lans and seconded by Eric Sieber.

**Roll Call:**

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Jane Magee: yes

Motion carried 4:0.

Chairman Tilden comments to Darryl Gresham that the application is approved but that he needs to modify the application to show that the tower is located in the Town of Austerlitz. Mr. Gresham agrees and confirms that he will write the Town of Austerlitz on the documents. The physical address is discussed and is confirmed to be 77 Loudon Rd., Austerlitz, NY. Mr. Gresham agrees that he will get these changes made on the application. Joseph Catalano confirms that Mr. Gresham will need to submit paper copies for the Planning Board Chair to sign. Mr. Gresham confirms he will do this.

**Planning Board Application PL-2021-14 – Keith Bogdanovich**

Property Owner: Steve Bakunas

Applicant: Roaring Twenties Venture LLC (Keith Bogdanovich / James Strickler)

Representative: Keith Bogdanovich

Project Property: 319 State Route 203, Spencertown, NY

Zoning: Rural Residential

Project: Site Plan Review / Special Use Permit

Chairman Tilden opens the conversation with asking Deborah Lans to take the lead.

Deborah Lans opens by confirming the finding of the discrepancy between the resolution that the Planning Board actually passed when first presented to the Planning Board by Steve Bakunas on behalf of Joe Beats LLC and the letter that he received from the Planning Board. The actual resolution approved the site plan that Joe Beats LLC put forward, but not a special use permit.

Mr. Bakunas was informed that both the site plan and special use permit had been approved. Mr. Bakunas then went forward and constructed the site according to the plans that he had filed with the Planning Board. Erin Reis has confirmed this. Deborah Lans states that while ordinarily the special use permit runs with the land and so it would run to the proposed purchasers, the difficulty here is that the use that was approved for a Bed & Breakfast actually lapsed more than 2 years before the application. Where the Planning Board is now is to consider a special use permit and a site plan. The Planning Board's understanding from current Applicants of Roaring Twenties LLC at the last meeting was they did not plan to change anything that was on the site

plan that's been approved, nor did they intend to change the use that their special use permit application recited. The items to consider are the modifications found when Erin Reis walked the property with Keith Bogdanovich on January 25, 2022. These are documented in the record file. Deborah Lans spoke with Joe Catalano and then suggested to Keith Bogdanovich that he take the existing site plan and literally mark it up to show the additional things that were done on the outside of the building. Mr. Bogdanovich has marked up the site plan and it is part of the record file. Deborah Lans says that if this is acceptable to the Planning Board as a site plan with the hand drawn modifications then she feels this could be deemed complete by the Planning Board if Joseph Catalano agrees and to move forward with the steps needed to have a public hearing and approval of the plan and the special use permit. Deborah Lans asks Joe Catalano to confirm that she is correct with this summary. Mr. Catalano agrees with this synopsis and says it's the consideration of the Planning Board to say if this application is complete as their first order of business to move this project forward.

Steve Bakunas is requesting to speak.

Chairman Tilden acknowledges Mr. Bakunas' request yet needs to poll Planning Board members first. First is Eric Sieber who says it didn't seem to him that the additional improvements were substantial and said he would go along with accepting the hand-drawn modifications.

Joseph Catalano responds and says that the modifications to the site plan are really just a depiction as to what is already present on the site. This makes it easier to not worry about the scale of the hand-drawn depictions on the site plan as these items are already there. Deborah Lans agrees and confirms there are photos of the modifications and these can be used as the benchmark in case something else changes.

Next polled is Jane Magee who states she is comfortable proceeding based on what she is hearing.

Chairman Tilden confirms that he has read through all correspondence and Erin Reis, the Town of Austerlitz Building Inspector's work and agrees that the changes are not dramatic and the building was not structurally changed and didn't change the site plan much.

Chairman Tilden invites the applicant, Keith Bogdanovich to speak first. Mr. Bogdanovich thanks everyone and confirms the outside additions are minor and would be happy to move forward. Steve Bakunas speaks and reviews his process of building the Bed & Breakfast noting that he was in the understanding that he had Site Plan Approval and Special Use Permit approval when he made the modifications. He also stated that he worked very closely with the then Town of Austerlitz Building Inspector, Glenn Smith, through every step of the process. Mr. Bakunas states that the shed was there before the building was built and is under 120 sq.ft and didn't require a permit. Mr. Bakunas states the generator came in during the construction of the building and he did get inspections with Glen Smith. Mr. Bakunas then added the overhang over the patio and confirmed Glen Smith never asked for a permit on any of these items. Mr. Bakunas states that he had the Health Department there and spent an additional \$25,000.00 for a more involved water filtration system than was previously there. Mr. Bakunas describes the use of the B&B property by Columbia County during COVID but that because of COVID he could not

serve breakfast which resulted in the permit lapse. He wants everyone to know he's not looking to cut any corners and wants the Planning Board to approve this project moving forward. He once again confirms that the shed was there prior to the building.

Deborah Lans says she understands the frustration and inconsistency in the records and how COVID affected everything yet the Planning Board is bound to a series of laws and needs to make sure everything is accurate to move forward. Deborah Lans says that's why she asked Keith Bogdanovich to make the drawing changes by hand to avoid needing new engineering drawings. Deborah Lans confirmed the lapse in use and referenced the town's code on a special use permit states that it lapses with 2 years of non-use and renting space to the County is not the same as using it as a B&B with individuals coming in/out. She confirms that the Planning Board wants to work with them to move this along as expeditiously as they can. The application came to the Planning Board in January 2022 and they are working to move this along while still following their responsibilities. Mr. Bakunas said that Deborah Lans stated this clearly and he will be patient and let the course go the way it needs to go. Deborah Lans thanks him and Mr. Bakunas says he appreciates the effort to make this go as smoothly and as quickly as possible.

Deborah Lans states to Chairman Tilden that she feels the Planning Board is at a place where a motion can be entertained to deem the Site Plan Review / Special Use Permit application complete.

A motion to deem Site Plan Review / Special Use Permit Application #2021-14 to re-open a Bed & Breakfast as a complete application is made by Deborah Lans and seconded by Eric Sieber.

**Roll Call:**

Deb Lans: yes

Lee Tilden: yes

Eric Sieber: yes

Jane Magee: yes

Motion carried: 4:0

Chairman Tilden moves to make a motion for a public hearing and asks Joseph Catalano to confirm. Mr. Catalano confirms yes. Keith Bogdanovich asks if the public hearing can be avoided but Joseph Catalano answers, no, because it's a Special Use Permit and requires the Public Hearing and that the Planning Board must adhere to the Zoning law on having the Public Hearing. Mr. Catalano also states that one of the things we don't have on record is that usually a Special Use Permit involves information on how the business will be operated so the Planning Board can make certain determinations that are required in the Zoning law – for example does the use meet the character of the area. This is currently missing from the record. The public hearing would be a step and following that would be a Planning Board decision which would tie up all loose ends. Keith Bogdanovich says this sounds good. Jane Magee asks if the public hearing can be held earlier than the next regularly scheduled Planning Board meeting. Keith Bogdanovich says that he is good with this if everyone else is. Joseph Catalano says if we get notices out quickly we could have the public hearing 2 weeks from tonight. Mr. Catalano says if the notice goes in the paper and Sue Haag says it can go in on Monday or Tuesday of next week and Keith Bogdanovich needs to notify the neighbors as well. Chairman Tilden looks at the calendar for trying to schedule an earlier public hearing. After conversation about dates it is

decided that the meeting can be on February 22<sup>nd</sup> at 7pm and that Keith Bogdanovich will pick up names and addresses from the Town Hall and mail the notices to neighbors by certified mail.

Keith Bogdanovich confirms it's about 8-9 neighbors but Town Code says they must be notified. Chairman Tilden asks Joseph Catalano if we hold a public hearing can they act on the application at the same time that night – Mr. Catalano says yes as long as it's noted as a special meeting and the Planning Board says they are comfortable with this. Eric Sieber asks to confirm it will only be this application that will be discussed – Chairman Tilden confirms yes however Joseph Catalano says he usually leaves the meetings open-ended in case anything comes up but that this would be the only thing on the agenda. Chairman Tilden says if everyone is comfortable with the public hearing he moves to make 2 motions.

A motion to schedule a Public Hearing for the Site Plan Review / Special Permit Application #2021-14 for Roaring Twenties Venture LLC to re-open the Bed & Breakfast, on Tuesday, February 22, 2022 at 7pm is made by Jane Magee and seconded by Eric Sieber.

Lee Tilden: yes

Eric Sieber: yes

Jane Magee: yes

Deborah Lans: yes

Motion carried: 4:0

A motion is made to schedule a Special Meeting for The Site Plan Review / Special Use Permit Application #2021-14 for Roaring Twenties Venture LLC to re-open a Bed & Breakfast at 319 State Route 203 in Spencertown on Tuesday, February 22, 2022 at 7pm, by Eric Sieber and seconded by Deborah Lans.

Lee Tilden: yes

Eric Sieber: yes

Jane Magee: yes

Deborah Lans: yes

Motion carried: 4:0

Chairman Tilden confirms with Keith Bogdanovich that he is on the agenda for Tuesday, February 22, 2022 at 7pm and needs to see the Planning Board Clerk for the information on sending the notification letters out to neighbors. Joseph Catalano adds it would be nice to have for the public hearing, a statement from Keith Bogdanovich as to the intended use of the property.

### **New Business**

#### **Planning Board Application PL-2022-01**

Property Owner: Matthew Saltzman

Applicant: Austerlitz Holding Co, LLC

Representative: Matthew Saltzman / Max Zacker

Project Property: Intersection of Rigor Hill Road and Loudon Road SBL:94.-1-19.1

Zoning: Rural Residential

Project: Major Subdivision

Chairman Tilden opens by giving the floor to Max Zacker.

Max Zacker, attorney for the Austerlitz Holding Co. LLC, discusses the 135+ acres (there are connection bandwidth issues on Mr. Zacker's side). The proposal is to subdivide the acreage into 4 residential parcels: 1 @ 25 acres, 1 @ a little over 3 acres, 1 @ a little over 20 acres and one @ a little over 81 acres. Mr. Zacker states that all proposed subdivisions, with the exception of one, are already bound by existing property lines, state highway and local roads. Mr. Zacker submitted a new survey done by Robert Ihlenburgh in addition to an old survey. Mr. Zacker states that the 81.5 acre parcel located SE of the Taconic State Parkway didn't need a new survey because it's already bound by existing property lines & the Taconic State Parkway. The remaining three parcels were the subject of the new survey and don't involve any change in the scheme of the property use as they will all be rural residential parcels. Mr. Zacker states the only new property lines that need to be established are with Parcel C on the new survey. Parcel C is a 3.3 acre corner to parcel B.

Chairman Tilden is confirming the Taconic State Parkway bisects some of the parcels. Max Zacker says yes and that the existing deed for the properties contains two legal descriptions. One is parcel A and one is parcel B that's reflected on the old survey. Mr. Zacker says that the Taconic State Parkway cuts through all of the land but that it's all on one deed with one tax map ID number.

Max Zacker discusses the map locations and all boundaries of all of the parcels. Chairman Tilden asks if all of the proposed parcels front on a public roadway. Mr. Zacker says they do and parcel D (81.5 acres) fronts on Rigor Hill Rd. and that it looks like all of the parcels do have some border of highway stating that Parcel B has Rigor Hill Rd. and Loudon Rd., this is the same for Parcel C, and for Parcel A and mentions that parcel B looks like it has a dirt road that connects it to Rigor Hill Rd. and specifies this is the Rigor Hill Road that is East of the Taconic State Parkway.

Mr. Tilden asks to confirm that they are all on one deed and Mr. Zacker confirms, yes. Mr. Zacker states that the deed that he submitted with his application does distinguish between parcel A and parcel B and there is 2 separate legal descriptions but only one tax map ID number. Chairman Tilden asks if these 2 descriptions are because of the Parkway and Mr. Zacker says he believes so. Chairman Tilden asks if anyone has questions.

Eric Sieber asks about parcel D and says he cannot see where parcel D has access to Rigor Hill Rd. (Max Zacker is having connection issues with the Zoom meeting). Mr. Zacker refers to the old survey for parcel D and is looking at a dirt road, a farm road and Eric Sieber says comparing maps from the application with Google Maps he cannot see where parcel D has access to Rigor Hill Rd. Max Zacker says he's having issues with the video connection and everyone is frozen, then says the old survey shows parcel D has a dirt road or farm road that connects this parcel to Rigor Hill Rd. Eric Sieber discusses that it looks like that old farm road goes across Parkway property to get to Rigor Hill Rd. and wants to make sure there is actually a right of way and says that it looks on Google Maps that this old road goes to Parkway property to connect to Rigor Hill Rd and he's wondering how this is working.

Sue Haag notifies everyone that Matthew Saltzman is asking to speak. Chairman Tilden says yes to allowing him to speak. Mr. Saltzman thanks the Planning Board and confirms there is a dirt road, which is an old County road on the maps that gives access to Rigor Hill Rd – near the Mobil station and this leads into the 81 acres. Mr. Saltzman states that there is no intention to develop this parcel and wants to subdivide because that parcel sits across the Taconic Parkway on its' own, it does have the old County road access and wants this piece on a separate deed. Max Zacker's connection is lost and instead he calls in on the phone.

Chairman Tilden asks Joseph Catalano to confirm that the 4 parcels can be a minor subdivision if all parcels are on a public roadway. Joseph Catalano agrees and Chairman Tilden says it needs to be confirmed that all resulting parcels are indeed on a public roadway to be a minor subdivision and if they are not, this would be considered a major subdivision and Mr. Catalano agrees.

Joseph Catalano suggests the applicant needs to confirm access to Rigor Hill Rd and that even though the large parcel of 81.5 acres (Parcel D) is still part of the subdivision because it's creating a new lot even though it's bound by the Parkway. Mr. Catalano says that looking at the Zoning Law there needs to be a minimum lot frontage of at least 75' in the rural residential zone and believes this should be frontage on a public road or an approved private road and asks if the old road is an abandoned County road or a maintained County road. Matthew Saltzman says he believes it's an abandoned County road but still sits on the County records as a road with access. Mr. Saltzman says though that he cannot confirm the width of frontage of Rigor Hill Rd. Eric Sieber says his google maps 2020 view shows no sign of any road and the old survey shows what could have been an old road that went to the Taconic Parkway and then curved around to meet Rigor Hill Rd and confirms this is his question, we need to determine that this right of way still exists and has the right frontage. Deborah Lans says that the old deed talks about a series of abandoned roads in relation to parcel D.

Joseph Catalano says the Planning Board cannot approve the division of a parcel that does not have legal access and though it seems there is not access this would be deemed a major subdivision and would need to show that there is a legal right for the parcel that is South of the Taconic Parkway to be able to access Rigor Hill Rd. Matthew Saltzman asks if this would preclude them from being able to do what they need to do with the other parcels that have multiple, major road frontages that are clearly maintained roads. Joseph Catalano responds that the Planning Board cannot do one without the other so they need to demonstrate there is some legal right of access to the lower lot. Max Zacker confirms they filed the application as a major subdivision and asks if this still requires the legal right of access. Joseph Catalano says taking this as a major subdivision would bring them to the next step of a public hearing which is a further detail on the proposed subdivision and that the Planning Board is constrained to view this as a major subdivision because of the access issue. It would not holdup the process but should get documentation from the County showing the right to access the property south of the Parkway and that may be showing something from the County saying you can use the abandoned road.

Eric Sieber says the State would also have to approve using the abandoned road since the road crosses State land. Joseph Catalano says yes, this is the issue – that the Planning Board cannot

approve a land-locked parcel. Planning Board needs evidence that it's not land-locked or can show that a neighboring property would give right of way. It's now up to them if they want the Planning Board to proceed and if they would be ready to tackle this issue before the Planning Board's next meeting. Joseph Catalano suggests the title company may be able to help as well.

Matthew Saltzman says the buyer they have lined up is the neighboring property and wants to append this land to his property. Mr. Catalano says if this is the case they can do a subdivision and boundary line adjustment and that the boundary line adjustment would be the property south of the Parkway annexing it to the neighbor/buyer property and then be free to go on with the 3 lots on the other side of the parkway. The Planning Board needs to approve the annexation of the parcel to the buyers existing property. Mr. Catalano suggests doing a subdivision map and application that includes the proposal of a subdivision and boundary line of Matt Saltzman's property and a letter of consent from the neighboring property owner – and if approved this land would be annexed to the buyers' property. Max Zacker feels he has a rough idea on what needs to be done. Mr. Catalano says we can give Max Zacker his contact information to confirm what he needs.

Chairman Tilden agrees that because the land locked parcel has ambiguous access, he's not comfortable to proceed with the application as it is. It's reviewed that the application would need to be supplemented to include the boundary line adjustment to the neighbors' property and submit a new map that identifies neighbor's property and what is parcel D under the old map. It has to be shown on the map so the County Clerk will know how to merge the two properties and create the 3 new lots on the other side of the Parkway.

Max Zacker will get in touch with the attorney for the owner of the adjoining property to see if they have any maps and talk to the surveyor.

The Planning Board Clerk will place this matter on the March meeting agenda.

Joseph Catalano tables this for tonight to give them time to supplement the application or give an update and be on the agenda for March 3<sup>rd</sup>, 2022.

### **New Business**

#### **Planning Board Application PL-2022-03**

Property Owner: Alex Blumberg

Applicant: SunCommon

Representative: Lorelee Reidy

Project Property: 217 Beale Rd., Chatham, NY 12037 SBL: 77.-1-12.120

Zoning: Rural Residential

Project: Site Plan Review / Solar Installation

Chairman Tilden opens by speaking to Lorelee Reidy who represents Alex Blumberg on behalf of SunCommon to request a small, ground mounted solar electric for one house on the property. Lorelee Reidy states the system will be located in the rear yard of the 6 acre property – it is an 804 sq. ft. array in the 01 zoning class and is in compliance with height at 11' tall at the highest

point. Ms. Reidy also says they are in compliance with the set-back requirements. They will have 38 modules, 2 inverters APA racking. Loralee asks if anyone has questions.

Chairman Tilden asks Joseph Catalano if they should do SEQRA action first or application complete first. Mr. Catalano replies that we've been characterizing this as a Type II Action Under SEQRA so you don't have to do SEQRA first and can go forward to decide if you will accept the application or not. It is up to the Planning Board if a public hearing is needed based on a site plan application. Chairman Tilden says he needs a motion to declare this a Type II action under SEQRA.

A motion is made to classify Site Plan Application #2022-03, an installation of a solar electric system designed to offset the electrical usage of one residential home, as a Type II Action Under SEQRA was made by Eric Sieber and seconded by Deborah Lans.

Lee Tilden – yes

Deborah Lans – yes

Eric Sieber – yes

Jane Magee – yes

Motion is carried: 4:0

A motion is made to deem Site Plan Application #2022-03, an installation of a solar electric system designed to offset the electrical usage of one residential home, as complete by Deborah Lans and seconded by Eric Sieber.

Lee Tilden – yes

Deborah Lans – yes

Eric Sieber – yes

Jane Magee – yes

Motion is carried: 4:0

Deborah Lans says she is comfortable to not have a public hearing because it so clearly meets the law requirements. Chairman Tilden agrees that the set-backs and height are fine and is comfortable and motions to waive the public hearing.

A motion is made to waive the Public Hearing on application #2022-03, an installation of a solar electric system designed to offset the electrical usage of one residential home, by Jane Magee and seconded by Deborah Lans.

Lee Tilden – yes

Deborah Lans – yes

Eric Sieber – yes

Jane Magee – yes

Motion is carried: 4:0

Joseph Catalano directs the Planning Board to the actual site plan that's in the packet to confirm its accurate depiction so that the building inspector will be able to find this and know it's in the right location. Deborah Lans states that this is already staked out and the inspector will be able to find it. Joseph Catalano says it's ok for the Planning Board to approve tonight.

A motion is made to approve the Site Plan Application #2022-03, an installation of a solar electric system designed to offset the electrical usage of one residential home, with a Site Plan dated 12/21/2021 as prepared by SunCommon for property at 217 Beale Road, by Eric Sieber and seconded by Chairman Tilden.

**Roll Call:**

Lee Tilden – yes

Jane Magee – yes

Eric Sieber – yes

Deborah Lans – yes

Motion is carried 4:0 Application is approved

Chairman Tilden can stamp these next week. Lorelee Reidy agrees. Once Chairman Tilden signs the maps, we can hand them to the building inspector.

**New Business**

**Planning Board Application PL-2022-04**

Property Owner: Brittany Tessitore

Applicant: Brittany Tessitore

Representative: Brittany Tessitore

Project Property: 19 Stonewall Rd. / 270 State Route 203, Spencertown, NY 12165

SBL: 87.-2-4

Zoning: Rural Residential

Project: Minor Subdivision

Brittany Tessitore describes scenario stating she bought the property and what was in the records is not how large the property actually is. Ms. Tessitore wants the piece she doesn't actually own to be officially sliced off and put onto her father's record as he is the adjoining property owner. Brittany Tessitore states that she owns a 4.65 acre parcel but the Town shows this as 6.7 acres, which she says is not accurate. Joseph Catalano asks if there was a mistake in the deed. Brittany Tessitore states that her father's deed is correct and what happened was that this is all family property and her father's house was built on the wrong parcel which needs to be handled by her father and cousin. Brittany Tessitore states there was an issue with a previous surveyor moving pins and made errors. Brittany Tessitore's surveyor mapped out the property as it's supposed to be, making all of the corrections and now needs the Town to approve the correct acreage.

Sue Haag states that the updated meeting packet included the Assessor's property cards.

Chairman Tilden asks if what needs to be done is to subdivide the piece that is on Brittany Tessitore's parcel in error off of her parcel and she confirms, yes. Joseph Catalano asks Brittany Tessitore if this piece that needs to be subdivided will be annexed to the lands currently owned by Michael Tessitore and she confirms, yes and that the piece that is going to be taken off is actually what he has in his deed. Brittany Tessitore says that the survey map states that this piece is the original area of Michael Tessitore.

Joseph Catalano states that he feels this is an application to correct a deed and in essence is a boundary line adjustment adding 0.886 acres to lands owned by Michael Tessitore. Brittany

Tessitore says, yes. Joseph Catalano says that if this is already included in Michael Tessitore's deed, for a boundary line adjustment we want to make sure that it is going to be annexed so that there's not a new lot that is created.

There is discussion to confirm property lines of Michael Tessitore and David Vieni. Brittany Tessitore says that this was originally part of the issue because they thought this was a 6.7 acre plot but once the surveyor, Robert Ihlenburg, came out and did his survey it was actually a 5.536 acre plot but the father's (Michael Tessitore) deeded property was actually part of this plot which is how they got down to 4.65 acres because they couldn't legally buy the plot that belonged to Michael Tessitore. This is the issue that Brittany Tessitore had corrected with her lawyers. It was Brittany Tessitore's lawyer who told her to come to the TOA Planning Board to initiate this change or they would be taxed on the whole amount.

Joseph Catalano asks if Brittany Tessitore submitted these deeds with her application to the Planning Board. Brittany Tessitore answers no. Mr. Catalano says that he feels in order for the Planning Board to sign this map that they need to make sure it's consistent with the deed and asks if it's possible to submit the deed for the 4.65 acres and the deed of Michael Tessitore. Brittany Tessitore confirms yes. Joseph Catalano confirms that a copy of the executed deeds are what is needed. We can take copies of her deeds. There is discussion if the Vieni deed is required however it's decided it's not needed because this scenario is only between Brittany and Michael Tessitore's land.

Joseph Catalano says this is more of a corrective map action and Brittany Tessitore agrees. Chairman Tilden states that Brittany Tessitore should submit her deed and Michael Tessitore's deed to the Planning Board to show the acreage that's on the map that was submitted and they hope to be able to approve a corrected map that shows this should be a lot line adjustment. Chairman Tilden confirms they cannot just go by the map, they will need the copies of the deeds to show Brittany Tessitore's lot and Michael Tessitore's lot. Brittany Tessitore agrees. Joseph Catalano asks if the Planning Board wants to make a motion to approve pending this review or does the Planning Board want to table this until the deeds are submitted. Chairman Tilden says to table this until the deeds are received. The rest of the Planning Board agrees.

### **New Business**

#### **Planning Board Application PL-2022-05**

Property Owner: William Louie

Applicant: Hudson River Solar

Representative: Robert Baerga / Jim Goff

Project Property: 64 May Lane, Spencertown, NY 12165 SBL: 86.-2-18.120

Zoning: Rural Residential

Project: Site Plan Review / Solar

Jim Goff speaks – discussing their project of a solar ground rack project for a rural residence William Louie on May Lane. Discusses that the property is fairly hidden and not much chance that people would see these two solar arrays that are approximately 8' tall and 200' away from the home. Mr. Goff offers to share his computer screen to show the site map. Chairman Tilden

agrees for Mr. Goff to share his screen. The screen is shared and Mr. Goff talks through the drawing labeled A-101.00. Asks for approval to construct the array.

Chairman Tilden asks to confirm that the height is only 8' and Mr. Goff confirms, yes they are 8' tall at the highest point and approximately 3' high on the front edge. Chairman Tilden asks to confirm there are no close neighbors and Mr. Goff confirms that standing at the site you cannot see any other homes.

Joseph Catalano says he does not see a drawing in relation to the position of the array to the house – Mr. Goff points out these locations on his drawing that is shared on the screen. Mr. Catalano asks about the other equipment like the generator and utility meter and if it will be near the house. Mr. Goff says yes, these items are already there and changes his screen to show drawing number A-102.00. Mr. Goff also points out the underground trench to the house and states that the AC disconnect will be in the basement of the house. Mr. Goff returns to drawing A-101.00 to show the set-back information. Mr. Catalano states that the difference between this map and the map the Planning Board previously approved on another project is that this map does not identify the exact location of the solar arrays in relation to the house with measurements. Mr. Goff shows on the drawing that the solar arrays will be away from the house out near the Studio building. Mr. Goff changes to drawing T-001.00 to show a better aerial photo of the house, studio building and approximate location of the solar arrays. Chairman Tilden asks for dimensions to be added to the site plan from the corner of the house to the corner of the array for the purpose of the permanent site plan so that the code enforcement officer can say the array was placed in the approved upon location as far as an approval.

Chairman Tilden states that if the Planning Board is to conditionally approve this project tonight, the dimension would be added to the site plan from the corner of the house to the corner of the array so that when Erin Reis, the Town of Austerlitz Building Inspector, goes out to inspect that she can say the array was placed in the correct position according to the approved site plan. Mr. Goff agrees to add this dimension to their drawings. Joseph Catalano asks if this would be better to have a measurement from the out-building (the studio building) to the array and Chairman Tilden says it's whatever Mr. Catalano thinks is best. Mr. Goff agrees to add the measurements and notes.

Eric Sieber asks what the other small square is behind the studio and between where the solar array will be. Mr. Goff confirms this is a small compressor for an AC unit related to the studio building. There are no other questions and screen sharing is stopped.

A motion is made to accept the completed application for the site plan for the Site Plan Review Application #2022-05, an application to install a 17.6 kW solar system on a ground-mounted rack, on May Lane with the condition of dimensions from the out-building to the solar panel array being added to the Site Plan, by Eric Sieber and seconded by Jane Magee.

**Roll Call:**

Lee Tilden – yes

Jane Magee – yes

Deborah Lans – yes

Eric Sieber – yes

Motion is carried 4:0

A motion is made to classify Site Plan Application #2022-05, an application to install a 17.6 kW solar system on a ground-mounted rack, as a Type II Action Under SEQRA was made by Deborah Lans and seconded by Jane Magee.

**Roll Call:**

Lee Tilden – yes  
Jane Magee – yes  
Deborah Lans – yes  
Eric Sieber – yes  
Motion is carried 4:0

A motion that the Planning Board should waive the Public Hearing on Site Plan Application #2022-05, an application to install a 17.6 kW solar system on a ground-mounted rack, on May Lane is made by Deborah Lans and seconded by Jane Magee.

**Roll Call:**

Lee Tilden – yes  
Jane Magee – yes  
Deborah Lans – yes  
Eric Sieber – yes  
Motion is carried 4:0

A motion to approve the Site Plan Application #2022-05, an application to install a 17.6 kW solar system on a ground-mounted rack, with map dated 12/14/2021 modified to include dimensions from the small out-building to the array for the purpose of locating the solar array on the property and shown on the Site Plan, by Deborah Lans and seconded by Eric Sieber.

**Roll Call:**

Lee Tilden – yes  
Jane Magee – yes  
Deborah Lans – yes  
Eric Sieber – yes  
Motion is carried 4:0

Chairman Tilden tells Jim Goff to get the new drawings in and he will sign them and Jim Goff agrees and thanks everyone for taking care of this on such short notice and appreciates the support.

**Public Comment** None

Sue Haag asks the Planning Board members to pick up their mail.

**Adjournment**

A motion to adjourn was made by Jane Magee and seconded by Deborah Lans. Chairman Tilden confirms all are in favor. Meeting adjourned at 8:59pm.

Sue Haag asks to confirm if Joseph Catalano will prepare the public notice for the special hearing on the Bed & Breakfast or if Sue Haag and Tiffeny Cantu should prepare a draft for review by Mr. Catalano. It's agreed that Sue Haag and Tiffeny Cantu will prepare a draft for review by Joseph Catalano.

Respectfully Submitted,  
Tiffeny Cantu, Planning Board Clerk