

Town of Austerlitz  
Planning Board Meeting  
April 7, 2022

The Planning Board Meeting was held in-person.

Present: Lee Tilden, Chairman. Deborah Lans, Eric Sieber, Jane Magee, Eric Spiegel, Members.  
Also Present: Tiffeny Cantu, Planning Board Clerk

Joseph Catalano, Attorney for the Town present.

Pledge of Allegiance, followed by a Moment of Silence

Regular Meeting called to order at 7:04 p.m.

**Minutes**

A motion to accept the March 3, 2022 regular Planning Board Meeting minutes was made by Eric Sieber and seconded by Jane Magee.

Lee Tilden – Aye

Deborah Lans – Aye

Eric Sieber – Aye

Jane Magee – Aye

Eric Spiegel – abstain due to tonight's meeting being his first meeting as a Planning Board member.

Motion carried: 4:1

A motion to accept the February 22, 2022 Public Hearing / Special Meeting minutes was made by Jane Magee and seconded by Eric Sieber.

Lee Tilden – Aye

Deborah Lans – abstained due to not being present at this meeting

Eric Sieber – Aye

Jane Magee – Aye

Eric Spiegel – abstained due to tonight's meeting being his first meeting as a Planning Board member.

Minutes Approved: 3:2

**New Business**

**Planning Board Application PL-2022-06**

Property Owners: Caroline Jackson / Eric Wegerbauer

Applicant: Caroline Jackson / Eric Wegerbauer - Richard Sardo

Representative: Richard Sardo, Sardo Land Surveying

Project Property: 607 Stonewall Road, East Chatham, NY 12060 – Portion of 68.-1-4

Zoning: Rural Residential

Project: Minor Subdivision

Chairman Tilden asks Mr. Sardo to discuss the project. The request is to subdivide existing property into three parcels. Mr. Sardo shares his maps and describes the parcels and existing right of way to the rear of the property. There is one parcel with an existing residence and existing right of way – a gravel driveway. In the past, these parcels were consolidated but now they want to parcel it out again but make it two lots instead of one. The third parcel would be the “remainder” land shown on the map. There is discussion with Joe Catalano about the access and frontage.

Chairman Tilden confirms with Mr. Sardo that this is indeed a subdivision of technically 3 lots and Mr. Sardo confirms, yes.

Chairman Tilden asks about the deed and if all 3 parcels are on the deed. Mr. Sardo says the deed describes two parcels – but this is the current parcels 1 & 2 together plus the remainder. The remainder would be considered Parcel 3.

Chairman Tilden asks Mr. Sardo when the consolidation happened. Mr. Sardo guesses it was more than 10 years ago. Mr. Sardo offered to get the correct amount of years.

Chairman Tilden asks Joe Catalano if the easement should be affected by the new subdivision law recently passed and Mr. Catalano says it does not appear to be. Mr. Sardo explains the easement was used to access both lots.

There is discussion about length of time on subdivision laws.

Chairman Tilden talks through the application and asks the Planning Board if anyone has any other questions. Joe Catalano points out a note that needs to be fixed on the map by Mr. Sardo.

Chairman Tilden asks about a SEQRA designation – Joe Catalano confirms this is an unlisted action.

A motion is made by Deborah Lans to designate this project an unlisted action under SEQRA and the motion is seconded by Jane Magee.

Lee Tilden – Aye

Deborah Lans – Aye

Jane Magee – Aye

Eric Sieber – Aye

Eric Spiegel - Aye

Motion Carried: 5:0

Joseph Catalano asks for details about the note referring to the Northern Long Eared Bat in the EAF. Chairman Tilden asks if the DEC needs to be brought in as an involved agency. Joseph Catalano says the Planning Board needs to know what the note about the Bat actually means. Mr. Sardo says construction work limitations are usually during mating season and that he can make a note of this on the map. Chairman Tilden confirms that this note of construction work

limitations during the Bat mating season would be a condition of approval by the Planning Board and passed on to the Code Enforcement Officer.

Mr. Sardo states that the condition with this particular Bat is that you cannot do land clearing during the mating season. The mating season dates need to be confirmed.

Deborah Lans asks to confirm if the Planning Board should have the written law that protects the bats to be included in the resolution. Joseph Catalano says yes. Discussion continues about land clearing and the Bat habitat. Chairman Tilden discusses that the condition regarding the Bat habitat is important to include in the resolution because the Planning Board needs to be forward thinking and making sure any future owners of the property know about this condition. Mr. Sardo agrees and also states he will make this note on the map as well.

A motion is made by Deborah Lans to accept the application and supporting materials as complete and is seconded by Jane Magee.

**Roll Call:**

Lee Tilden – Aye  
Deborah Lans- Aye  
Jane Magee – Aye  
Eric Sieber – Aye  
Eric Spiegel – Aye  
Motion carried: 5:0

A motion is made by Eric Sieber to schedule a public hearing for public comment on the application for subdivision 2022-06 as the first order of business at the regular Planning Board meeting on Thursday, May 5<sup>th</sup> at 7pm and is seconded by Eric Spiegel.

**Roll Call:**

Lee Tilden – Aye  
Deborah Lans – Aye  
Jane Magee – Aye  
Eric Sieber – Aye  
Eric Spiegel - Aye  
Motion Carried: 5:0

Mr. Sardo will need a form letter to send out and will return the cards that are sent out to the Planning Board Clerk.

Tiffany Cantu can email the form letter to Mr. Sardo. Mr. Sardo's list of adjoining property owners does include neighbors across the street. Joseph Catalano suggests Mr. Sardo add these property owners to his map as well.

Joseph Catalano will write the form letter and public notice and send to Tiffany Cantu.

## **New Business**

### **Planning Board Application - *currently no number has been applied***

Property Owners: Paula Bednarcik  
Applicant: Estate of Gloria Oleynek – Paula Bednarcik  
Representative: Paula Bednarcik  
Project Property: Indian Trail private road  
Zoning: Rural Residential  
Project: Major Subdivision

Chairman Tilden asks the Oleynek family to speak about their project. Sue Geel speaks for the family reviewing the history up to this point. Ms. Geel states they are asking for a minor subdivision and explains that the plan for the land was to give each child a parcel and that their Father started the process many years ago and shares a hand drawn map representing their plan.

The Oleynek family currently has 5 parcels and they want to make changes to then have 6 parcels. Chairman Tilden confirms that in 2008 that there is a condition in the subdivision approval that if there is any further subdivision that their private road needs to be brought up to Town Code. Mr. Tilden confirms this is a condition that cannot be overlooked. Eric Sieber asks about culvert measurements and the Oleynek family says they passed all of the culvert inspections.

Chairman Tilden asks about the phone call to Peter Fitzpatrick. Also at the time, Peter Fitzpatrick received a package of documents from Attorney, Bill Better who had also talked with Joseph Catalano about the project. The Oleynek family states that Bill Better is no longer their lawyer because he was not making any progress. They then read a letter that they brought with them. It is mentioned that back in 2008, Robert Meehan and Fred Oleynek used an 18' pole and walked the full length of Indian Trail to confirm that there were no sections on the road that were less than 18' wide except for where the utility pole is located and the road was approved by Mr. Meehan. There is also discussion by the Oleynek Family that the road has enough room for emergency vehicles to access it.

Joseph Catalano discusses that all of the information is very well stated but that this Planning Board has to consider the condition of the previous plan from 2008 and the current Town Code which cuts off the amount of lots that can be accessed by a private road to 5. Mr. Catalano says that he did explain to their attorney, Bill Better, that there is a way to grant a variance but only upon approval by the Town Board and the Highway Superintendent and this has to happen before the PB can approve anything.

Joseph Catalano says the Planning Board cannot accept the hand drawn map presented by the Oleynek's as an approved subdivision map. The Oleynek's first confirm that the land is going to be surveyed but then discuss that their surveyor says it may be a mute point if the project is not approved and that he is expensive. Mr. Catalano and Chairman Tilden confirm that a formal survey map is required. The Oleynek family does state that Bill Better is no longer their attorney.

Chairman Tilden and Joseph Catalano talk about details.

Joseph Catalano confirms that there are next steps and proceeds to read law about Town Code and then summarizes these steps for the Oleynek's.

Eric Sieber states that he feels that Peter Fitzpatrick should voice his opinion first to see if he has any issues with the Road.

Joseph Catalano says he will ask Peter to drive to this location and provide opinion to the Planning Board for the next scheduled meeting. Mr. Catalano then states that the Planning Board will then have the opinion of the Highway Superintendent to then make a resolution to the Town Board. Chairman Tilden asks for photos and documentation, copies of all deeds, an official completed application with payment and the SEQRA short form.

Joseph Catalano confirms that final decisions can't be made until all aspects are covered and that multiple approvals are required.

Chairman Tilden confirms that a formal map must be provided at some point to move this forward.

**Public Comment** None

Tiffany Cantu offers a reminder to the Planning Board that education hours are required and once it is completed to please send copies of the certificates.

**Next meeting is scheduled for 5/5/22**

**Adjournment**

A motion to adjourn was made at 7:58pm by Eric Sieber and seconded by Jane Magee.

Lee Tilden – Aye

Deborah Lans – Aye

Eric Sieber – Aye

Jane Magee – Aye

Eric Spiegel – Aye

Motion carried: 5:0 Meeting adjourned at 7:58pm.

Respectfully Submitted,  
Tiffany Cantu, Planning Board Clerk