

**TOWN OF BERNE
PLANNING BOARD
P.O. Box 57
Berne, New York 12023**

REGULAR MEETING

Date: October 18, 2007

Present: Gerard Chartier, Chairman; Timothy Lippert, Alan Rockmore and Michael Vincent, Planning Board Members; Carol Crouse, Town Board Liaison.

Guests: Robert Anderson; Carolyn Anderson; David Clark; Holly Clark; Ben Gannett; Robert Crevatas; Judy Petrosillo; Thomas Petrosillo; Timothy Gerard; Glen Paris; Edward Hampton; Mark Raven.

The Chairman called the meeting to order at 8:33 PM and the minutes from the previous meeting were reviewed. Mr. Lippert stated that the minutes should include his request of a view shed map from Nan Stolzenburg. Mr. Lippert made a motion to approve the minutes as amended. Mr. Vincent seconded it. All were in favor.

Anthony – 132 East Hill Road, Parcel ID No.112-1-27

Mr. Chartier stated that he has received no response from Peter Schaming, the Building and Zoning Administrator, concerning the non-compliance to subdivision approval provisions by Ms. Anthony. Mr. Chartier stated that he would follow up with Mr. Schaming.

Hoffman/Walter – 1207 Switzkill Road, Parcel ID No.102-1-12

Mr. Chartier stated that both the request for special use permit to allow a massage therapy business as well as the request to sell products from other vendors at the farm be considered at the upcoming Zoning Board of Appeals (ZBA) meeting on October 29, 2007.

East Berne Hamlet Study

Mr. Chartier stated that a press release was mailed to Town residents concerning the October 8, 2007 meeting to discuss the East Berne Hamlet Study. Mr. Chartier added that the meeting will be held at 7:00 PM at the East Berne Firehouse.

Mr. Chartier stated that a copy of the study can be found on the Capital District Transportation Committee (CDTC) website in PDF format, adding that copies are also available for review at the Town Hall and library. Mr. Chartier stated that posters or flyers could be placed in the hamlet.

Mr. Lippert questioned if this was an informational meeting, to which Mr. Chartier replied, "Yes", adding that the meeting would be chaired by Kevin Crosier, Town Supervisor. Ms. Crouse stated that Nan Stolzenburg and Jason Purvis would also be present.

Mr. Chartier stated that Ms. Stolzenburg is working with the CDTC on the study, with the Planning Board (PB) as lead agency.

Paris – 1174 Bradt Hollow Road, Parcel ID No.77-1-11.1, No.77-1-11.2, No.77-1-12 and No.78-2-21.1

Mr. Chartier stated that Mr. Paris' subdivision was approved at the last PB meeting. Mr. Paris stated that the subdivision was "simple", adding that "everything seen from the house is forever wild".

Mr. Paris stated that his property has been used for weddings, which have been held at the front of the house. Mr. Paris added that a wedding has not taken place at his property in over a year.

Paris (Continued)

Mr. Paris stated that improvements have been made to the property to accommodate such events, which include a gravel base and drainage, a 75 car compacted parking area, and a compacted area for wedding ceremonies. Mr. Paris added that all functions take place on his property.

Mr. Paris stated that he wished to obtain a special use permit to operate a business to hold weddings at his home. Mr. Chartier stated that the process "starts here", adding that a site visit would be conducted by members of the PB. Mr. Chartier stated that the site visit would be discussed at a PB meeting, with a recommendation made to the ZBA. Mr. Chartier added that the ZBA would then hold a public hearing and render a decision. Mr. Paris questioned when those actions would be undertaken. Mr. Chartier questioned if Mr. Paris had any information for review by the PB. Mr. Vincent suggested to Mr. Paris that he present a business plan. It was also stated that a special use permit application would need to be completed and the appropriate fee paid.

Mr. Paris questioned when the site visit could be completed. Mr. Chartier replied that the issue would be placed on the agenda for the November 1, 2007 PB meeting.

Mr. Paris questioned if he would require a lawyer for this request, to which the reply was "No".

Mr. Vincent suggested photographs of previous weddings be provided as part of Mr. Paris' business plan. Mr. Chartier stated that Mr. Paris should include common items such as parking and toilet facilities. Mr. Rockmore stated that safety measures, such as exits and lighted signs, should also be included. Mr. Paris stated that the buildings have egress. Mr. Paris questioned what other items should be included. Mr. Chartier suggested including the anticipated number of people.

Mr. Lippert questioned if the PB could act on the application, to which Mr. Chartier replied that it was "too soon". Mr. Vincent questioned if Mr. Paris was under a time constraint, to which there was no reply.

Mr. Paris questioned if the application would then move on to the ZBA, to which Mr. Chartier replied, "Yes", adding that a public hearing would be scheduled.

Clark – 1930 Switzkill Road, Parcel ID No.89-2-15.12

Mr. and Mrs. Clark and Mr. Hampton wish to construct a wind tower on their property. Mr. Clark presented copies of a site plan, with an "X" indicating the location of the tower. Mr. Clark also provided copies of letters signed by adjacent landowners with indicate their acceptance of such a structure.

Mr. Rockmore questioned the height of the tower, to which it was replied, "120 feet". Mr. Lippert questioned if the tower would be for home use, to which the reply was "Yes". Mr. Hampton stated that it is their intent to sell back the unused power. Mr. Rockmore questioned the blade length, to which Mr. Hampton replied, "28 foot diameter". Mr. Rockmore stated that, with the blades, the tower would be 134 feet, adding that a tower of that height could come down on adjacent structures. Mr. Clark stated that the "crumple zone" must be within the property lines, adding that the location was moved back. Mr. Rockmore questioned the placement, to which Mr. Clark replied that the tower was placed at the highest point on the property. Mr. Rockmore questioned if the 14 foot blade length affected the location, to which the reply was "No".

Mr. Lippert questioned the wind rating at the property, adding that a rating of 1 is lowest and 5 is highest. Mr. Clark replied that the property is rated as a "2". Mr. Lippert stated that the wind rating was low, to which Mr. Clark replied that a wind rating of 1 would be too low.

Mr. Lippert questioned the size of the base. Mr. Hampton replied that the base would be approximately 20 feet by 20 feet by 5 to 6 feet deep, with approximately 80 cubic yards of concrete and "big rebar". Mr. Clark stated that the base would allow for 50,000 pounds of torque.

Clark (Continued)

Mr. Hampton stated that NYSERDA regulations must be adhered to in order to obtain funds for the tower. Mr. Lippert stated that NYSERDA requires a SEQRA review, with the PB as lead agency. Mr. Chartier stated that, if public funds were not being obtained, a special use permit would not be required. Mr. Chartier added that the PB would conduct a site review and, if approved, will sign off on the NYSERDA forms.

Mr. Rockmore stated that the PB is reviewing a draft of a wind energy ordinance with the Conservation Board (CB), with the Clark application possibly being considered in conjunction with that review. Mr. Chartier stated that a joint site visit will be conducted with the CB. Mr. Hampton stated that a marker for the tower location is located on the property.

Mr. Chartier questioned if there were any other issues. Mr. Hampton stated that they did not have a set of specifications for the tower but he would obtain them.

Mr. Rockmore questioned the size of the property, to which Mr. Clark replied, "10 acres". Mr. Rockmore questioned if the property could be subdivided, to which Mr. Clark replied that there isn't enough road frontage.

Mr. Vincent stated that studies have been conducted concerning sunrise and sunset, as well as the flicker issue. Mr. Rockmore stated that PB member Katherine Hill-Brown has provided a math calculation to determine the flicker rate. Mr. Clark stated that there is heavy tree growth on the property which would shield the surrounding area. Mr. Vincent cited the noise issue, to which Mr. Clark replied that it was discussed in the letter to the adjacent homeowners. Mr. Chartier stated that, per Ms. Hill-Brown, the noise levels are determined by the manufacturers.

Mr. Vincent questioned if the manufacturer has visited the property. Mr. Clark replied that the vendor, Mr. John Pratt, has visited the site.

Mr. Lippert questioned if the property was within a scenic vista area. Mr. Chartier reviewed the scenic escarpment map as well as the scenic and historic resources map, with the property not indicated on these maps. Mr. Vincent stated that the "balloon test" could be completed. Mr. Lippert stated that the property is not within the scenic district.

Mr. Rockmore questioned if NYSERDA has given approval, to which Mr. Hampton replied that Mr. Pratt is "trusted by NYSERDA" and assuring the guidelines are met. Mr. Lippert questioned if NYSERDA would pre-approve the application prior to installation. Mr. Hampton stated that Mr. Pratt was to be present at this meeting to address such questions. Mr. Rockmore suggested the NYSERDA be contacted. Mr. Chartier stated that Mr. Pratt did not use a dealer, installing his wind tower himself then approaching NYSERDA. Mr. Rockmore suggested that the Clarks and Mr. Hampton "protect yourself".

Mr. Vincent stated that Mr. and Mrs. Clark and Mr. Hampton will be contacted when the site visit is scheduled. Mr. Chartier suggested that the Clarks and Mr. Hampton go to the NYSERDA website and obtain the local information forms. Mr. Vincent stated that PB requirements also be reviewed.

Mr. Rockmore questioned if the applicants were familiar with SEQRA. Mr. Chartier stated that the SEQRA has a short and a long form, and an Environmental Assessment Form (EAF) is also required. Mr. Chartier added that the EAF is a self-assessment. Mr. Chartier stated that all forms could be obtained from the New York State Department of Environmental Conservation (DEC) website. Mr. Vincent stated that a building permit form should also be obtained from the Building Department.

Mr. Vincent questioned if a moratorium on wind tower construction would be imposed until a law or ordinance is adopted, to which the reply was "No".

There being no further business before the Board, Mr. Lippert made a motion to adjourn the meeting. Mr. Vincent seconded the motion. The meeting was adjourned at 9:27 PM.

Respectively submitted,

Jacqueline Murray, Secretary