

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

**REGULAR MEETING
PUBLIC HEARING**

Date: October 4, 2007

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

Guests: Gabrielle Shultes, Ron Shultes, Kathy Walls, Carl Walls, Margaret Lassiter, Marge McCoy, Penny Donovan, Edward Hampton, David Clark, Lou Ismay, and Bill Berdan from Buckman & Whitbeck.

PUBLIC HEARING

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

The Chairman called the Public Hearing regarding the Paris subdivision to order at 7:30 p.m. Neighbors present were Ron & Gabrielle Shultes and Carl & Kathy Walls.

Bill Berdan from Buckman & Whitbeck who is representing Mr. Paris explained the parcels and subdivision to the neighbors and the board. He explained how they were taken land from certain areas to make one large lot. He explained that Mr. Paris was reserving the right to build one house on the new lot with a 99 year restriction on development. Mr. Chartier read a letter from Mr. Paris dated 2/26/07 stating his intent to include a non-development clause in the deed.

Mr. Rockmore stated that he felt that what the board approved on a plot plan should be stated in the deed.

Mr. Vincent has the report from Conservation Board. Mr. Vincent stated his concern of losing agricultural land.

Mr. Chartier asked if there were any comments or questions from the audience. Mrs. Shultes stated that she felt there were being lots of restrictions being put on landowners. Mrs. Shultes asked how many times a parcel of land could be subdivided. Mr. Chartier explained the differences between minor and major subdivisions.

Mr. Lou Ismay arrived at 9:15 pm and asked the outcome of the Paris subdivision. He was told it was approved.

There were no further comments from the board. Mr. Rockmore recommends approval. Mr. Lippert and Mr. Vincent recommended approval. Mr. Chartier made a motion to close hearing. Mr. Rockmore made motion to approve subdivision with deed restriction. Mr. Vincent seconded motion, all were in favor and motion was carried.

REGULAR MEETING

Mr. Chartier called the regular meeting to order and the minutes from the previous meeting were reviewed. An email from Jim Hamilton was received requesting a correction to page 5 of minutes regarding seasonal dwellings; and correction on page 6 regarding the town board's review of the draft. Mr. Chartier read Mr. Hamilton's email. (Mr. Hamilton's email is attached to original minutes filed in the Planning Board

minutes book.) Mr. Chartier made motion to approve changes. Mr. Rockmore seconded motion and all were in favor.

Mr. Vincent requested two corrections to 9/6/07 minutes regarding Miller & Vincent. "Mrs. Miller should be Mr. Emerich" and "1085 should be changed to 1075".

Morning Fog Farm

Mr. Chartier stated that the ZBA hearing is scheduled for 10/29/07 and action is needed to be taken by the Planning Board regarding the farm stand. Mr. Chartier stated that the board needed to make a recommendation on that request.

Mr. Rockmore stated that because produce is sold there that does not come from their land that a Special Use Permit is needed. Mr. Rockmore made a motion that the Planning Board send a positive recommendation to the Zoning Board approving this. Mr. Vincent seconded the motion, all were in favor. The recommendation will be sent to the Zoning Board Chairman.

Zoning Ordinance – Definition of Agriculture

Mr. Chartier suggested to Ms. Crouse that the definition of agriculture should be amended to include a whole range of agricultural activities and products whether or not they originate on a farm in question. Mr. Chartier made a motion to pass and all were in favor.

Zoning Amendment – Berne Hamlet

Mr. Chartier asked Ms. Crouse if they had heard back from the Albany County Planning Board. Ms. Crouse replied she had not.

East Berne Hamlet Study

Mr. Chartier stated that he and Mr. Rockmore and Mr. Vincent went over every page of the study with Nan Stolzenberg. Mr. Chartier felt the report was very good and had excellent ideas in it. Ms. Crouse stated that the Town Board would have their comments to Nan Stolzenberg by Friday, October 5, 2007.

Mr. Chartier spoke with Ms. Stolzenberg and Jason Pervis from CDTC regarding the Berne Hamlet Study Public Meeting. A tentative date is scheduled for 7pm on November 8, 2007 at the East Berne Fire House. Mr. Chartier felt the board members should be present.

Berne Sewer Project

Mr. Chartier informed the Board that staff from Lamont Engineers were at a meeting to show families where the pipes would be to hook up to sewer system. Twelve or thirteen families were present and various corrections were made to the plans. Mr. Chartier thought they were ready to submit the plans to DEC.

NEW BUSINESS

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

Mr. Chartier got a call from Beth at Buckman & Whitbeck regarding the purchaser for Lot #3 but in the process of getting mortgage insurance lender suggested cutting out the house and certain number of acres from the parcel. Mr. Rockmore felt that if you wanted to cut something up for a mortgage or whatever that you should come before the planning board for a subdivision. Mr. Chartier stated that the issue is road frontage. There is not sufficient road frontage to split it up. Mr. Chartier stated that the previous subdivision was approved with no further subdivision.

Mr. Chartier has not heard back from the building department about compliance with the approval conditions. A letter was sent to the building department on 9/7/07. The building department made a site visit and sent a recommendation back to the planning board and that was sent to the town board and Attorney Conboy. Action should be taken by the code enforcement officer.

Anderson – 260 Willsie Road, Parcel ID No.102-2-16.2

Mr. Chartier read a letter from Helderberg Ambulance regarding several concerns regarding the private road. Road standards were discussed. Mr. Vincent stated that the Fire Commissioners would need to respond to some of these issues. Chief Dave Clark was present and discussed recommendations for fire trucks to turn around. The letter will be read and addressed at the public hearing scheduled for October 18, 2007.

OTHER BUSINESS

Dave Clark and Ed Hampton were present and were requesting to be put on agenda for next meeting regarding a wind generator.

Mr. Chartier asked if this was a NYSERDA funded project. Mr. Clark said yes and it was the same unit as Mr. Pratt's. The property is located at 1930 Switzkill Road. They will use the power for personal use and sell back unused power. Mr. Clark stated construction would be next spring.

Mr. Hampton stated they were at 1100 feet from the nearest residence.

Mr. Chartier informed them of questions that would be asked and they would be put on the agenda for 10/18/07.


Mr. Lippert discussed the Biodiversity Assessment training. There is a grant available for members to train. He wanted to know if the planning board or conservation board would like to send a member? He will present it to the conservation board on October 15. It was also discussed if the school could be contacted to see if any students would be interested in doing this as a project.

Judith Petrosillo stopped in and asked some questions regarding road frontage.

There being no further business before the Board, Mr. Rockmore made motion to adjourn the meeting. Ms. Brown seconded the motion. The meeting was adjourned at 9:30 p.m.

The next meeting is scheduled for October 18, 2007.

Respectively submitted,



Anita C. Clayton
Deputy Town Clerk