

PLANNING BOARD  
TOWN OF BERNE  
PO Box 57  
Berne, NY 12023

**Date:** February 1, 2018

**Present:** Debra Bajouwa (Chair), Todd Schwendeman, Mike Vincent, Emily Vincent, Dawn Jordan (Town Board Liaison), Kathy Brown (Secretary) and other interested citizens.

**Regular Meeting:**

Ms. Bajouwa called the meeting to order at 7:00 p.m.

**Minutes:** The Board reviewed the minutes from the January 18, 2018 meeting. Mr. Vincent moved to approve the minutes as amended. Ms. Vincent seconded and the motion passed, 4-0.

**Old Business:** none

**New Business: Use Variance – 555 Helderberg Trail/John Wright, SBL #91.-2-29**

Applicant is seeking a use variance to locate an automotive repair business. The parcel is zoned RAF and is .93 acres. Mr. Wright gave the board a brief description of his plans for the business and stated the lot had been previously used as an automotive repair shop. Ms. Bajouwa reviewed a timeline of the property and the following: schedule of uses, criteria for granting variances, density control schedule, and assessors' tax classification codes (see attached). Ms. Bajouwa said that it has been over two years since the lot has been used as an automotive repair shop and therefore the use is considered "abandoned." Ms. Vincent and Mr. Schwendeman reviewed a site visit report (see attached). Ms. Bajouwa stated that according to FEMA maps, areas within the property are considered a moderate risk for flooding. Mr. Wright said that according to the previous owner, buried petroleum tanks had been removed and that he'd done some excavating on the site and found none existing. Ms. Vincent said she'd smelled "solvents" during the site visit. Mr. Wright stated that it could be from the ground asphalt millings he has used as fill. Ms. Bajouwa reviewed her site visit report (see attached). Mr. Vincent said that the property looks improved and that such a convenient business is needed in the community. Mr. Vincent moved to send a positive recommendation to the Zoning Board of Appeals (ZBA). There was no second to the motion. Ms. Vincent moved to send a negative recommendation to the ZBA based on Berne Town Law, lot size, environmental concerns, flooding potential and abandonment of use. Mr. Schwendeman seconded and the motion passed, 3-1, with Mr. Vincent opposing the motion. Mr. Wright gave permission for the Conservation Board to visit the site.

**Other:**

Mr. Vincent discussed the Town Board's decision to split the solar law into residential and commercial (large scale). He stated that inspections will be needed.

Resident Scott Green spoke in support of Mr. Wright's variance application stating that businesses such as the one proposed are needed in the community. Mr. Vincent said that problems with the site can be "ameliorated."

There being no further business before the Board, Mr. Vincent moved to adjourn the meeting at 8:23 p.m. - seconded by Ms. Vincent - and the motion carried, 4-0.

Respectfully submitted,

Kathy Brown  
Planning Board Secretary