

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

**Date:** March 2, 2017

**Present:** Debra Bajouwa (Chair), Mike Vincent, Todd Schwendeman, Emily Vincent, Dawn Jordan (Town Board Liaison), Kathy Brown (Secretary), Tim Lippert (Building and Zoning Administrator)

**Guests:** Michael and Erika Robert, Robert Stout, Bob Altieri, Victor and Lois Porlier and other interested citizens.

**Public Hearing:**

**Subdivision/Lot-line Adjustment: Porlier, Hilltop Lane, East Berne, SBL# 69.00-2-40.221.** Mr. Vincent moved to open the public hearing. Mr. Schwendeman seconded and the motion passed, 4-0. The applicant is requesting a subdivision/lot-line adjustment for 37+/-acres to be conveyed to the adjoining property owners, Michael and Lauralee Altieri. Ms. Bajouwa said that the Ag Data Statement was in the file. There were no public comments and no written responses to public notification were received. Mr. Schwendeman moved to close the public hearing. Ms. Vincent seconded and the motion passed, 4-0.

Both Mr. Vincent and Ms. Bajouwa said that they'd conducted separate site visits and found no issues regarding going forward with approval. Reports were submitted for the file. Albany Co. Planning Board decided the project would have no impact and deferred to local recommendation. Ms. Bajouwa addressed Mr. Lippert's assertion that the lot-line adjustment should be considered as a major subdivision. Ms. Bajouwa disagreed, citing New York Department of State literature which said if no new lot is created then the action is not considered a subdivision. Mr. Altieri said that the legal language the Planning Board requested (*Subdivision approval contingent upon deed merger of newly created parcel and lands N/F Michael & Lauralee Altieri Tax Map #80.0-2-9.21*) was added to the plat map.

The State Environmental Quality Review Act Environmental Assessment Form Part 1 was reviewed and Parts 2 and 3 were completed and read into the record by Mr. Schwendeman. The Board decided upon a negative determination and that the project will have no significant environmental impact. Mr. Schwendeman moved to approve and allow the Chair to sign, according to Board agreement, the Environmental Assessment Form, the Albany Co. Planning Board recommendation, the Agricultural Data Statement and to approve the Porlier subdivision/lot-line adjustment application as presented. Ms. Vincent seconded and the motion passed, 4-0.

**Regular Meeting:**

Ms. Bajouwa called the meeting to order at 7:25 p.m.

**Minutes:** The minutes from the February 16, 2017 meeting were not reviewed. A quorum of Board members who attended that meeting was not present.

**Old Business:**

**Area Variance: Robert, 65 Betts Lane, East Berne, SBL #70.13-1-34.** The applicants are asking that a 7'6" variance be granted for a roof that is a height of 35'. Mr. Schwendeman asked Mr. Stout to address the ZBA conditions of approval of the building permit appeal. Mr. Stout stated that the accessory structure would not be allowed to accommodate overnight sleeping, interior stairs be reconstructed to meet residential building code and an area variance be obtained for the height of the building. Mr. Robert agreed to allow site visits on the property prior to the next meeting.

**New Business:**

**Site-Plan Review for co-location of cell tower: T-Mobile, 496 Long Rd., East Berne SBL #80.-2-431.** Materials including a site plan application received on 2/25/2017 were distributed to Board members for review.

**Other:**

**Solar Ordinance Workshop:** Ms. Jordan reported that the Town Board extended the ground-mounted solar power moratorium for an additional six months. The Board decided to separate small-scale (residential) solar power and large-scale (commercial) solar power into two separate sections to be submitted to the Town Board (see attached). Ms. Vincent will research hazards of locating solar panels near bodies of water. Setbacks were discussed.

**Clean Energy Program:** Mr. Schwendeman reported that NYSERDA and the Carey Institute in Rensselaerville will be hosting a clean energy program on March 20<sup>th</sup> at 7:00 p.m.

There being no further business before the Board, Mr. Schwendeman moved to adjourn the meeting at 8:35 p.m. - seconded by Ms. Vincent - and the motion carried, 4-0.

Respectfully submitted,

Kathy Brown  
Planning Board Secretary