

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

Date: March 16, 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 (phone conference), Allen Hinkley, John Crosier and other interested citizens.

Ms. Bajouwa called the meeting to order at 7:03 p.m.

Minutes: The minutes from the February 16, 2017 meeting were reviewed. Mr. Vincent moved to approve the minutes. Mr. Rapp seconded and the motion passed, 4-0 with Mr. Schwendeman abstaining. The minutes from the March 2, 2017 meeting were reviewed. Mr. Vincent moved to approve the minutes as amended. Ms. Vincent seconded and the motion passed, 4-0 with Mr. Rapp abstaining.

Old Business:

Area Variance: Robert, 65 Betts Lane, East Berne, SBL #70.13-1-34. The applicants are asking that a 7'6" height variance be granted for a roof on an accessory building. Mr. Robert said that the height of a planned house on the same lot will be approximately 35'. Mr. Rapp said that the 7'6" variance was 37% over the height limit per Town code. Mr. Stout said that the proportionality of the two buildings will be maintained if the variance is approved. Mr. Rapp stated his concern that there was no elevation shown on the architectural plans for the proposed house. Mr. Rapp and Mr. Vincent asked the applicant about fill being used to raise ground level and whether the site was in a flood plain. Mr. Tim Lippert stated that Albany Co. had approved the plans for the septic system. Mr. Vincent pointed to pictures taken in 2011 that show the accessory structure in flood waters. Mr. Vincent asked Mr. Robert whether he had brought fill in to elevate the site for the proposed house. Mr. Robert said he had brought in enough material to raise the level seven feet above the previous grade. Mr. Rapp asked that the Chair contact the Town Attorney about the applicant using fill to raise the ground elevation in a flood plain. Ms. Vincent said that she had issue with the fact that the applicant knew the height restriction of 20' for an accessory structure and built it 7' higher than code. She said it would be precedent setting to approve the variance and had concerns going forward.

Mr. Rapp moved to provide the ZBA with a negative recommendation on the height variance because he said the request is 37½% over what the zoning law allows and is excessive. Ms. Vincent seconded, and the motion was approved, 5-0.

Site-Plan Review for co-location of antennas on existing tower: T-Mobile, 496 Long Rd., East Berne, SBL #80.-2-431. Mr. Hinkley from NB+C (Network Building and Consulting) addressed questions from the Board members concerning an application from T-Mobile to co-locate cell phone antennas on an existing tower on Long Rd. owned by American Tower. Mr. Rapp said that the application is still lacking a long-form EAF, a copy of the FCC license, and a letter from American Tower that owns the tower authorizing the shared use. The POA/lease agreement will be reviewed by the Town Attorney. Mr. Hinkley said that there will be no increase in the tower height or footprint and that the tower is designed for and can withstand the load of the additional antennas but will be at 94% structural capacity. A concrete pad and small exterior cabinet will be added to the site and six new antennas added to tower ten feet below the existing Verizon arrays. Mr. Hinkley stated that

American Tower is responsible for the property/tower maintenance. Mr. Vincent asked about the cumulative effect of the combined antennas and whether it was within FCC regulations. Mr. Hinkley said he would provide documentation. The Board reviewed the proposed coverage area and will conduct site visits before the April 6th meeting.

New Business:

Subdivision: Mariana Crosier – Filkins Hill Rd. SBL# 91.-1-30.11: Mr. Crosier approached the board with a sketch plan for dividing an 80-acre parcel into three: two five-acre lots and the remaining land being approximately 70 acres. Mr. Crosier said the land has previously been subdivided. Mr. Rapp read Town Code Article 6 Sec. 1 which allows the Town Board to waive requirements. Mr. Rapp said the current law is very limiting and burdensome to large land owners and suggested that the Planning Board address the definition of a major subdivision. Mr. Crosier will return with a completed application.

Other:

Solar Ordinance Workshop: The Board decided to hold a solar workshop on April 20th to finalize small-scale solar. Members are to review the NY uniform solar permit application.

Mr. Vincent asked about delinquent properties in Town and the possibility of grants available to improve these sites.

Ms. Vincent stated she was concerned about fill being added to a lake.

There being no further business before the Board, Mr. Rapp moved to adjourn the meeting at 9:15 p.m. - seconded by Ms. Vincent - and the motion carried, 5-0.

Respectfully submitted,

Kathy Brown
Planning Board Secretary