

**Zoning Board of Appeals
Town of Berne
Berne, NY 12023**

Date: May 17, 2017

Present: Ronald Jordan (Chair), George Christian, Rick Otto, Samuel Clayton, Denise Manning, Dawn Jordan (Town Board Liaison), Kathy Brown (Secretary)

Guest: Catherine Froman

Regular Meeting: Mr. Jordan called the meeting to order at 7:00 p.m.

Review of Minutes: The Board reviewed the minutes from the April 19, 2016 ZBA meeting. Mr. Christian moved to approve the minutes. Mr. Clayton seconded and the motion passed 5-0.

The Board discussed attending Zoning Board meetings at nearby municipalities for informational purposes.

Mr. Christian moved to close the regular meeting. Ms. Manning seconded and the motion passed, 5-0.

Public Hearing (continued from April 19, 2017):

Froman/Smith Area Variance – Willsie Rd., SBL #102.-2-12.100: Catherine Froman is seeking a 238' variance from the 300' Town requirement of road frontage. Ms. Froman stated that she had previously submitted copies of two deeds indicating subdivisions from an original lot which occurred in 1975, prior to the Town adopting its zoning ordinance in 1988. Mr. Jordan asked whether she had a copy of the deed that bisects the lot. She said she did not. Mr. Jordan said he saw no evidence of a right-of-way connecting the two lot sections. Mr. Jordan closed the hearing to public comment. Mr. Jordan noted that on item #4 on page 1 of the NYS SEQRA assessment form Section 1, should be RAF not Residential and that on page 2 #14 should be noted as "forest" not "suburban." The Board reviewed and filled out Part II of SEQRA and determined that the action would have no significant adverse environmental impacts.

Mr. Jordan said he'd spoken with Town Attorney Conboy regarding the bisected lot and Mr. Conboy was of the opinion that the lot remains one piece of property thereby already having 300' of road frontage. Ms. Froman stated that the two pieces were being taxed separately. Mr. Jordan stated that if the Board were to view the pieces as "separate" the variance for the road frontage would be over 80%. Ms. Froman argued that without the variance, the upper piece of land would be unusable.

Mr. Otto said he knew of some private roads on private property which were then designated as Town roads which allowed for the required road frontage.

Mr. Jordan stated that the recommendation from the Planning Board was to not approve the

variance, as was the opinion of the Albany County Planning Board.

Mr. Christian moved to deny the 238' variance request due to its substantial variation from the 300' Town zoning requirement. Mr. Otto seconded and the motion passed, 5-0.

Other Business: none

Mr. Christian moved to close the meeting. Mr. Otto seconded and the motion passed, 5-0.

Respectfully submitted,

Kathy Brown