

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

Date: June 1, 2017

Present: Richard Rapp (Chair), Debra Bajouwa, Mike Vincent, Todd Schwendeman, Dawn Jordan (Town Board Liaison), Kathy Brown (Secretary), Tim Lippert (Building and Zoning Administrator), Randy Bashwinger (Highway Superintendent) and other interested citizens.

Public Hearing:

Site-Plan Review for co-location of antennas on existing tower: T-Mobile, 496 Long Rd., East Berne, SBL #80.-2-431. Mr. Rapp stated that public notice had been placed in a local paper and written notices were sent to abutters. Mr. Lippert asked that the name Rissacher be removed from the agenda in association with the application hearing. The Board agreed. Mr. Lippert stated that he was in favor of the application. Mary Alice Molgard said she was representing the Berne Fire District which owns land adjacent to the site and asked about the antennae placement. John Valachovic stated he was in favor of the application. No written responses were received. Mr. Vincent moved to close the public hearing. Ms. Bajouwa seconded and the motion passed, 4-0.

Albany Co. Planning Board submitted a determination to defer to local consideration. No Conservation report was received. Upon a recent site visit Mr. Vincent stated he saw waste that needed attention. Mr. Lippert said he'd contact Mr. Rissacher. The State Environmental Quality Review Act Environmental Assessment Long Form Part 1 was reviewed and Parts 2 and 3 were completed and read into the record by Ms. Bajouwa (see attached). 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 Part 3 of the NYS Environmental Assessment Form, the Albany Co. Planning Board recommendation, the Agricultural Data Statement and to approve the T-Mobile site plan application as presented. Mr. Vincent seconded and the motion passed, 4-0.

Regular Meeting:

Mr. Rapp called the meeting to order at 7:15 p.m.

Minutes: The minutes from the May 18, 2017 meeting were reviewed. Ms. Bajouwa moved to approve the minutes as amended. Mr. Schwendeman seconded and the motion passed, 4-0.

Old Business:

Subdivision: Mariana Crosier – Filkins Hill Rd. SBL# 91.-1-30.11: The applicant would like to subdivide an 80-acre parcel into three: two five-acre lots and the remaining land being approximately 70 acres. Mr. Rapp said a letter had been received from the Albany Co. Dept. of Health dated 5/5/2017 regarding well and septic. Mr. Rapp asked if the applicant's surveyor could note distance between Route 443 and the next property line on Filkins Hill Rd. Mr. Schwendeman moved to schedule the public hearing for July 6, 2017. Ms. Bajouwa seconded and the motion passed, 4-0.

Site Plan, Special Use Permit, Historic Review: Fox Creek Market/Cecunjanin – 1634 Helderberg Trail. Mr. Valachovic of Kaaterskill Assoc. submitted a boundary survey and a site plan for an application to expand the store/restaurant by adding a dining area upstairs, a deck off the second floor and additional parking. He reviewed property boundaries, drainage and Town easements. Mr. Valachovic stated that 23 parking spots are required and that 10 are available in the Town park below the building and 15 more will be made available around the building. Ms. Bajouwa said that according to Town code, businesses are allowed to use Town parking for planned overflow

only if the owners have satisfied the Town parking requirements within their own land. The Board had concerns regarding traffic flow, parking spot delineation and pedestrian safety. Estimated patron count based on a submitted sketch plan was discussed. Ms. Bajouwa read the Town code on parking requirements for businesses which stated that municipal parking would be considered as overflow if within 400' of the business. Mr. Rapp stated that he understands the code to read that the applicant has to satisfy the minimum parking requirement before Town parking can be considered. Mr. Vincent suggested that the applicant provide the Board with a business plan. Liability issues were raised regarding restaurant patrons parking on Town property. Highway Superintendent Randy Bashwinger said that the access road to the Town Park is not plowed in the winter months. Historical review and handicap access were discussed. Mr. Lippert said that the old septic tank was filled in with sand.

Minor subdivision, 765 Bradt Hollow Rd. – Pruden, SBL #100.-1-1: John and Elenore Pruden plan to subdivide their 174.23 acre parcel into two lots, lot #1 to be 167.45 acres and lot #2 being 6.78 acres. John Valachovic of Kaaterskill Assoc. submitted an updated application due to a change in the purpose of the subdivision. Mr. Valachovic said the property would not expand the Long Path but rather would add holdings to the New York/New Jersey Long Path Conference, Inc. A public hearing is scheduled for July 6, 2017.

New Business: none

Other:

Mr. Rapp stated that the hotel on the Evangel property on Route 443 is scheduled to be demolished within in the next week or so. Timeline and notification of neighboring properties was discussed.

Sign and solar ordinances will be discussed on June 15th.

Mr. Bashwinger told the Board about a possible new sign proposal for the Helderberg Ambulance Co. on Cole Hill Rd. and Route 443.

Ms. Jordan requested that the record reflect that in the Board discussion that took place on May 4th the subdivision portion of the Zoning Ordinance, which was adopted on March 9, 1988, was referenced.

There being no further business before the Board, Mr. Vincent moved to adjourn the meeting at 8:53 p.m. - seconded by Ms. Bajouwa - and the motion carried, 4-0.

Respectfully submitted,

Kathy Brown
Planning Board Secretary