

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

Date: August 3, 2017

Present: Richard Rapp (Chair), Mike Vincent, Debra Bajouwa, Emily Vincent (left early), Dawn Jordan (Town Board Liaison), Tim Lippert (Building and Zoning Administrator), and other interested citizens.

Regular Meeting:

Mr. Rapp called the meeting to order at 7:00 p.m.

Minutes: The minutes from the July 6, 2017 meeting were reviewed. Ms. Vincent moved to approve the minutes. Mr. Vincent seconded and the motion passed, 3-0.

Old Business:

Site Plan Review/Fox Creek Market: Cecunjanin – 1634 Helderberg Tr.: Applicant did not show.

Area Variance: Puzulis – 1707 Thacher Park Rd: The Board reviewed the application. Mr. Puzulis stated that when he was on vacation, a contractor built a shed/car port attached to a garage on his property without a building permit. The applicant stated that the shed is within 2-3' of the side property line. He is requesting a 48' variance from the 50' required. The property is zoned Medium Density Residential. A 2011 survey of the property was reviewed which listed setbacks. Mr. Rapp stated that many of the properties in that area are non-conforming regarding setbacks. Ms. Bajouwa stated that no more than 20% of a lot can be developed for accessory use, according to Town Code. Mr. Rapp said that there was approximately 2650 sq. feet of accessory structure without rear yard sheds (applicant states he is going to tear down) which would be about 11% coverage. Mr. Lippert said he had not visited the site and made measurements. A building permit was submitted in April 2017. The shed was built in the fall of 2016. Mr. Puzulis stated the neighbor has no issues with the structure as is, but doesn't want the final wall enclosed. Ms. Bajouwa moved to recommend a negative decision (denial) on the area variance request. Ms. Vincent seconded the motion, and the motion passed 3-1, with Mr. Rapp voting against the motion. Mr. Vincent said he would go to the site and take measurements before the ZBA hearing.

New Business:

Pre-application meeting for special use permit: White Sulfur Springs property – Helderberg Tr.: A church organization from Elizabeth, NJ is interested in purchasing the property and establishing a camp/retreat center for its congregation on weekends during the summer months. A local caretaker would be employed. A maximum of approximately 150-200 could be expected to attend 6-8 times during the season. Mr. Lippert reviewed with the Board the various structures and the associated uses including dining hall and dormitory. Buses would be used to transport the visitors so parking needs would be reduced. Mr. Lippert stated the water quality was excellent on the property and that Albany County would be involved in septic and water testing/flow and maximum usage. The Board discussed the bridge and safety concerns regarding first responders reaching the dormitory. Mr. Rapp stressed that this would be a primary concern for the Board going forward. Ms. Bajouwa was concerned about the potential for noise coming from the property and disturbing nearby neighbors. Religious services would be held in the large barn. Charles Fuller, who owns a neighboring property, told the applicants to be aware that they could be under contract for a

property that they may not be able to use. The applicants were asked to submit a completed application to the Town before the next meeting.

Other:

The Board reviewed some comments on the draft solar policy from Nan Stolzenberg. Ms. Jordan said the Town Board intends to split the draft solar policy into small-scale and large-scale sections for separate review and approval. Mr. Rapp will talk with Ms. Stolzenberg and Mr. Conboy regarding changes to be discussed at the next meeting.

Ms. Jordan relayed a request from the ZBA that the Planning Board elaborate on the reasoning behind its decisions.

Ms. Bajouwa said the ownership of the yellow house next to the Fox Creek Market is unclear and that might affect the special use application going forward.

There being no further business before the Board, Ms. Vincent moved to adjourn the meeting at 9:16 p.m. - seconded by Ms. Bajouwa - and the motion carried, 3-0.

Respectfully submitted,

Kathy Brown
Planning Board Secretary