

PLANNING BOARD
TOWN OF BERNE
PO Box 57
Berne NY 12023

Date: November 29, 2018

Present:

Planning Board Members: Mike Vincent (Acting Chair), Todd Schwendeman, Mark Sengenberger, Emily Vincent, Alexis Goldsmith (Alternate), Dawn Jordan (Town Councilmember / Board Liaison), Cathy Shultes, Secretary

Guests Present: Chance Townsend, Town Building and Zoning Administrator, Karen Schimmer (Town Councilmember) Phoebe Schimpf, Evan O'Donnell, Travis O'Donnell, Jeff Alexander, Christopher Smith

Regular Meeting:

Mike Vincent called the meeting to order at 7:00 pm.

Minutes:

Mark Sengenberger made a motion, seconded by Todd Schwendeman to approve the minutes from October 18, 2018. Motion carried with the following members voting aye: Todd Schwendeman, Mark Sengenberger, Emily Vincent and Mike Vincent.

Mark Sengenberger made a motion, seconded by Todd Schwendeman to approve the minutes from November 1, 2018 (with a minor change on page 2 – last bulleted item to read, Caryn Mlodzianowski will provide details for the gooseneck lighting and both of the simulations). Motion carried with the following members voting aye: Todd Schwendeman, Mark Sengenberger, Emily Vincent and Mike Vincent.

Old Business:

Chris Smith: SBL#7931-1-35 / 1651 Helderberg Trail, Berne, NY 12023 / Continuation of the Historic Review

- Todd Schwendeman reviewed pertinent sections of the Town's Comprehensive Plan and Historic District Ordinance. The proposed design/construction does not meet the requirements for outside lighting and gridded windows (required for front and both sides, not required for the back).
- Contingent Planning Board approval, with final approval granted upon review of suitable modifications for the outside lighting fixtures and window gridding. Chance Townsend will work/monitor the progress with Chris Smith on these action items and will report to the Planning Board to obtain final approval.

Phoebe Schimpf and Evan O'Donnell: SBL#92.-2-20.1 119 Pinnacle Rd, East Berne, NY 12059 / Continuation of Subdivision Request

- Phoebe Schimpf and Evan O'Donnell, the applicants, are requesting approval for a two lot subdivision of their currently owned 16.65 acre lot. The lot is currently improved by an

existing single family dwelling on the 15.81 acre parcel located on the north side of Pinnacle Road. The applicants propose to construct a new single family dwelling on the vacant .8 acre parcel located south of Pinnacle Road that has shoreline on Helderberg Lake. The applicants plan to live in the new house on the .8 acre lot and to sell the existing home and remaining 15.81 acre lot to Mr. O'Donnell's brother.

Mr. Sengenberger explained to the applicants that their property is in a Town designated Residential/Agricultural/Forestry (RAF) land use zone and that the .8 acre lot did not meet the minimum 5 acre lot size. Furthermore, the proposed new house location did not meet the minimum lot width at building line, the front setback, or the side setback.

Mr. Sengenberger stated that the Planning Board could not approve the project as proposed and that their potential recourse was to appeal to the Zoning Board of Appeals (ZBA) after the Planning Board made the decision to deny the project.

Mr. O'Donnell asked if they should subdivide the property on the north side of the road so as to add acreage to the .8 acre parcel to meet the 5-acre minimum lot size. Mr. Sengenberger said that "gerrymandering" the northern parcel might not make sense if they would not have a practical use for that land because the two parcels would be on opposite sides of the road. Other Board Members commented that there might be practical difficulties in subdividing the 15.81 acre parcel on the north side of the road given the narrow lot width, the locations of the existing driveway, house and septic system, and the long key-hole shape of the parcel. The applicants were advised that it was up to them to design their project and if they had a different subdivision proposal, it would need to be reflected in a change to the submitted survey map.

Mr. O'Donnell was concerned about how soon the Planning Board could decide on the subdivision so they could appeal to the ZBA. The Planning Board offered to hold a public hearing as soon as possible and to make a decision on the project at our Planning Board meeting immediately following the close of the Public Hearing. There was a discussion about the need to provide public notice for the public hearing.

Mr. Sengenberger stated to the applicants that there was no hardship issue here because they already lived in the house on the property and had full use of their property on both sides of Pinnacle Road. The applicants were advised by the Planning Board that it could not pre-judge what the ZBA might decide and that if the applicants proceeded with site and building designs it was at their own risk.

Planning Board members encouraged the applicants to get letters from adjoining property owners in support of their proposed project if possible. The applicants were advised to revise the Zoning Information chart shown on the sketch plan map to remove reference to the MDR zoning information which is not relevant to the proposed subdivision.

- Albany County Department of Health has reviewed the existing site for water supply and sewage facility. Per an October 23 correspondence, Percolation test results indicate that the subsoil is suitable for the installation of a conventional in ground sewage disposal system for both lots. However, it has been stated in an October 23 correspondence that "no building permits for residential dwellings can be issued until

such time as this Department has reviewed and/or inspected and approved the water supply system for Lot 2.”

- A sketch plan has been completed – documents provided.
- Phoebe Schimpf and Evan O'Donnell Subdivision will also require an area variance for building.
- A Public Hearing is intended to be scheduled for Thursday, January 3, 2019. Cathy Shultes intends to send letters to all adjoining property owners, the Helderberg Lake Association and publish the legal notice.

Helderberg Christian School: SBL# 80.-2.25 / 96 Main Street, East Berne, NY

- The ZBA meeting scheduled for 12/19/18 to discuss this matter will need to be cancelled. Albany County Planning Board needs to review and they are scheduled to meet on December 20. We need to provide documents to Albany County by December 10.
- Todd Schwendeman completed a site visit.
- Chance Townsend recommended a yearly permit (two year permit would be the maximum advisable).

Houlihan / Primax Properties, LLC– SBL #80.-2-40

- No further action taken as the requested lighting plan was not available. Approval for the minor subdivision and site plan will be revisited at our regularly scheduled meeting on December 6.
- Options for the snowmobile trail that currently goes through the property was discussed.

Mark Sengenberger – update of application materials and guidance materials

- Mark has been reworking our forms and instructional materials. Copies were distributed to Planning Board members for review and comment.
- Additionally Mark recently attended a Planning and Zoning School and shared copies of the handout materials.

Adjourn

There being no other business before the Board, Todd Schwendeman made a motion, seconded by Emily Vincent to adjourn the meeting. Motion carried with the following members voting aye: Todd Schwendeman, Mark Sengenberger, Emily Vincent and Mike Vincent.

Respectfully submitted
Cathy Shultes, Planning Board Secretary