

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

Date: December 3, 2015

Present: Alan Rockmore; (Chair), Gerard Chartier, Mike Vincent, Richard Rapp, Debra Bajouwa, Todd Schwendeman (alternate), Wayne Emory (Board Liaison), Kathy Brown (Secretary)

Guests: Joseph Hammond, Ann Hein, Jim Kaufman, Sue Hawkes-Teeter, Ralph Mariani, Kevin Demarest, Steven Yuhasz

Public Hearing – Lot Line Adjustment: Steve Yuhasz, 21 Myers Lane, East Berne. Mr. Rockmore called the public hearing to order at 7:00 p.m. The applicant wants to move a property line to allow annexation of 4.51+/- acres of 56.51 acres to lands owned by Steven Kurowaski. All notices were sent and published in the *Altamont Enterprise* and property owners with properties abutting this lot were notified via certified mail. No written correspondence from adjacent land owners was received. Mr. Rapp moved to close the public hearing. Mr. Vincent seconded and the hearing closed at 7:07PM on a vote of 5-0. Mr. Rockmore read the Albany County Planning Board decision to defer to local consideration into the record. Members deemed perk test not applicable and waived requirement. Ms. Bajouwa submitted a site visit review.

The Board reviewed the application under the State Environmental Quality Review Act as a Type II Action. Mr. Chartier moved that the proposed subdivision will not result in significant adverse environmental impact. Mr. Vincent seconded and the motion passed, 5-0.

Mr. Vincent moved to approve the application for the lot-line adjustment as presented. Mr. Rapp seconded and the motion passed, 5-0.

Public Hearing – Minor Subdivision: Vogel-Nagengast. Mr. Rockmore called the public hearing to order at 7:20 PM. This is a minor subdivision application of land owned by Ms. Vogel-Nagengast to divide a 10.45+/- acre parcel into two parcels; lot #1 consisting of 5.43 +/- acres and lot #2 at 5.02+/- acres. All notices were sent and published in the *Altamont Enterprise* and property owners with properties abutting this lot were notified via certified mail. No written correspondence from adjacent land owners was received. Ms. Bajouwa moved to close the public hearing. Mr. Vincent seconded and the hearing closed at 7:25 PM on a vote of 5-0.

Mr. Hammond told the Board that the perk test on lot #2 on the east side of Dyer Road failed.

Mr. Hammond stated that the applicant wishes instead of subdividing the parcel, to annex a portion of it to a neighbor. Mr. Rockmore said that the application will have to be modified and a new public hearing scheduled. Mr. Chartier moved to readvertise and reschedule the public hearing. Ms. Bajouwa seconded and the motion passed, 5-0.

The applicant agreed to submit a new application for a lot-line adjustment. Mr. Vincent requested that the Town Board be asked to waive the fees.

Regular Meeting of December 3, 2015

Mr. Rockmore called the meeting to order at 7:40 p.m.

Minutes: The minutes from the November 5, 2015 meeting were reviewed. Mr. Chartier moved to approve the minutes, as amended. Mr. Vincent seconded and the minutes passed, 5-0.

Old Business:

Minor Subdivision: Walter and Marta Chomanczuk, 624 Sickle Hill Rd., Berne. : The applicant wishes to subdivide his 29.8 acre property into two parcels. Mr. Hammond told the board that one of the parcels will be used for seasonal purposes and that a trailer may be put on the lot. Board

members discussed temporary vs. permanent housing. The applicant was reminded that the application fee is due prior to the next meeting.

Area Variance: Ann Hein, 24 Lakeview Rd., East Berne. Applicant is seeking a 7'1" area variance into a side-yard setback from a 10' requirement. Ms. Hein wishes to erect a 6'x8'7"x7'3" greenhouse on a concrete slab. Mr. Rockmore reminded the Board that the applicant is seeking a 70% variance into the set back and that this property has already received an area variance for a previous project. Mr. Rapp moved to send the application to the ZBA with a neutral (no recommendation negative or positive) decision. Mr. Chartier seconded and the motion passed, 5-0. Mr. Rockmore requested that someone take pictures of the property. Mr. Vincent said he would do so.

Lot-line Adjustment: Art Ritter, 1209 Helderberg Tr., Berne. The applicant wishes to remove five property lines from four parcels and create a new parcel consisting of 5.04 acres. This would create a new conforming lot (5-acre zoning) out of four non-conforming parcels. Ms. Bajouwa said she'd done a site visit and found the property to be sloped but felt that new lot would be practical. Mr. Rapp moved to send the application to public hearing. Mr. Chartier seconded and the motion passed, 5-0.

P. Johnson, 47 Smith Lane, Berne, Subdivision Map Adjustment: Surveyor Mark Blackstone told the Board that there had been a clerical error in the surveying of Ms. Johnson's property. Lot #1 should be a total of 6.7 acres instead of 6.6 acres. Mr. Chartier moved to authorize the Chair to sign the corrected plats. Mr. Vincent seconded and the motion passed, 5-0.

Special Use Permit, Albany County Communications Tower, Jansen Lane: Representatives of the Albany County Sheriff's Office told Board members that a balloon test is scheduled for December 19th from 9 a.m. to 2 p.m. at the location site with an alternate date of December 20th. Photographs of the balloon will be taken from different vantage points around the area. Board members voiced concerns regarding electromagnetic emissions from the proposed tower and FCC limits. A representative from Motorola said that emissions would be within FCC guidelines. Ms. Bajouwa asked that "Colonie" be changed to "County" or "Town of Berne" in the SUP application where needed. Mr. Chartier spoke about concerns regarding erosion and discharge from the site. He added the applicant needs to address these with culverts, ditches, grading, water breaks, re-seeding and silt traps where needed. Mr. Rapp said he felt the amount of land disturbance would be more than the .62 acres proposed by applicant. He also asked for a geotechnical report as well as a list of possible threatened/endangered species that might be on the site. Applicant stated that there were no habitats for such animals on the site. Alternate sites for tower location were discussed. Mr. Vincent asked that there be training for local fire departments regarding the tower. The applicant stated that there would be training provided. Mr. Vincent also asked that the applicant address the possibility of removing the tower at their expense should the technology become obsolete.

New Business: none

Other Business:

Mr. Rockmore submitted the year-end report for the Town Board. See attached.

There being no further business before the Board, Ms. Bajouwa moved to adjourn the meeting at 9:20 p.m., seconded by Mr. Vincent, and the motion carried, 5-0.

Respectfully submitted,

Kathy Brown
Planning Board Secretary

MEMO

To: Berne Town Board
From: Al Rockmore – Planning Board
Subject: 2015 Year End Report
Date: December 3, 2015

As the 2015 year ends, there are a number of topics we wish to bring to your attention.

1. In conformance with Resolution #10, February 8, 2012; at our November meeting we recommend the following appointments for the 2016 term as per the rotation policy: Richard Rapp as Chairperson and Debra Bajouwa as acting chair in the absence of the Chairperson.
2. Training: Some members met the training requirement (8 hours) this year and some made a good-faith effort to meet the requirements. The problem being that two providers of courses in past years (Duanesburg and Albany Law School) did not provide courses this year. What remained were courses that were quite a distance to attend and others that were of marginal benefit. Since we are the only town in the area with an eight hour requirement, I would suggest that it would be reviewed in light of the onerous nature for a volunteer. No ethics training was given as required.
3. Please accept my resignation from the Planning Board effective 12/31/2015. It has been my pleasure serving these past seven years and working with the qualified and dedicated members. I believe it is time to move on.



Alan Rockmore, Planning Board Chair