

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

Date: April 17, 2019

Present:

ZBA Members: Ron Jordan, Chair, Denise Manning, Donald Bauer, Richard Otto, Cathy Shultes (ZBA Secretary), Dawn Jordan (Town Councilmember / Board Liaison)

Guests Present: Mike Vincent (Planning Board), Todd Schwendeman (Chair, Planning Board) and other concerned citizens

Regular Meeting:

Ron Jordan called the meeting to order at 7:00pm.

Review of Minutes: Minutes from the February 20, 2019 will be reviewed for approval at the May 15 meeting.

Public Hearing:

Schimpf, Phoebe and O'Donnell, Evan Property: SBL # 921.-2-20.1 / 119 Pinnacle Road, East Berne, NY 12059 – Public Hearing for Variances on proposed 6+ Acre Subdivision

Ron Jordan opened the Public Hearing and introduced the members of the Zoning Board of Appeals.

The applicants (Phoebe Schimpf and Evan O'Donnell) were unable to attend the hearing, however the public was invited to speak to voice their support or concern(s) regarding the variances for the proposed 6+ acre subdivision.

1. There was much confusion in the audience regarding the Public Hearing and its purpose. Per request from the audience/public, Ron Jordan explained the entire scenario for this property as follows:
 - a. In January 2019, the original .8 acre subdivision request was denied by the Planning Board.
 - b. This Public Hearing is to hear support or concerns from the public regarding requested variances (road frontage, front, left side, right side) needed to build a house on the .8 acre lakefront lot, which is part of a proposed 6+ acre subdivision, divided by Pinnacle Road.
 - c. If the variance(s) were approved, the Planning Board would review the subdivision request of 6+ acre for approval.
2. Several interested citizens voiced concerns of drilling a new well and installing a septic system and the impact on the lake, and neighboring properties. It was mentioned that previously another Helderberg Lake resident drilled a new well, which in turn created water issues with another property. It was also stated, if the variances and subdivision were approved for Schimpf and O'Donnell property, it would set a precedent for subdividing and additional building with other Helderberg Lake properties.

3. After all interested parties stated their support / concerns, Ron Jordan, ZBA Chair suspended further public comment until the May 15 ZBA meeting at which point the applicants, Phoebe Schimpf and Evan O'Donnell will be able to speak and support their application(s).
4. Ron Jordan read a statement from Albany County requesting the proposed driveway be moved due to issues with sight distance, and suggested 25 feet of trees be removed from the Helderberg Lake Association property. The report was based on the speed limit on Pinnacle Road.
5. Ron Jordan stated that the Albany County Department of Health had approved the installation of a septic system.
6. Ron Jordan read a correspondence from Todd Schwendeman, the Planning Board Chair with the recommendation to deny the variance application.
7. Ron Jordan read several (10) written correspondences by concerned citizens regarding the proposed variances and subdivision.
8. *Denise Manning made a motion seconded by Richard Otto to adjourn the Public Hearing until May 15. Motion carried with the following members voting aye: Ron Jordan, Denise Manning, Richard Otto and Donald Bauer.*

ZBA Area Variance Worksheet

Richard Otto made a motion seconded by Denise Manning to adopt the new ZBA Area Variance worksheet. Motion carried with the following members voting aye: *Ron Jordan, Denise Manning, Richard Otto and Donald Bauer.*

PERMA /PESHA Training

The Sexual Harrassment and Workplace Violence modules are required by NYS Law. If you have completed this training at your current workplace, please provide a certificate of completion, otherwise the online education modules will be made available.

Adjourn:

Denise Manning made a motion, seconded by Richard Otto to adjourn the meeting at 7:50pm. Motion carried with the following voting aye: Ron Jordan, Denise Manning, Richard Otto and Donald Bauer.

Respectfully Submitted,
Cathy Shultes