

**Town of Berne  
Planning Board  
P.O. Box 57  
Berne, NY 12023**

**Date:** June 7, 2007 **Started:** 7:35pm

**Present:** Gerard Chartier (Chair) G.C., Kathy Hill-Brown (K.H.B.), Alan Rockmore (A.R.), Michael Vincent (M.V.) and Carol Crouse, Town Board Liaison.

**Guests Present:** Keith Vincent, Richard Dietz, Albert Raymond (Conservation Bd Member), John Crosier, and Wendy Anthony.

Gerard Chartier chairperson of the Planning Board, called the meeting to order.

Minutes of 5/17/07 were reviewed, correct the phrase "owned" property should be "adjacent" to property and approved as written.

**Old Business:**

Keith Vincent:

New map presented to the Board, 2.5 acres added to middle section. G.C. thanked K.V. for meeting them at the site visit this evening. K.V. informed the Board that he will get 5 copies of the map made and dropped off to Pat Favreau during the week. The Board reviewed the calendar for a public hearing to be Thursday, 7/5 at 7:30p. Letter to adjacent properties and notice will be mailed 10 days prior to 7/5 and the Thursday before to the Enterprise. It was agreed by the Board to have it on 7/5 as long as we have a quorum.

R.Dietz for Ed Pitcher estate:

- o Letter from the Ed Pitcher's attorney was reviewed.
- o M.V. informed R.D. that he walked the property.
- o The Board is requesting a perc test. The perc test is not needed as his sons have no intentions of building, he just wants to settle the estate.
- o G.C. asked R.D. to tell us about the will, 2 parcels by Wood Road through Thompson's Lake Road, the road splits the land, good divisions to break up the 2 lands with a small creek, land, and to leave them something.
- o R.D. set up the split of the properties as his uncle didn't stipulate.
- o G.C. walked it today to Mr. Berger's land. G.C. enjoyed the view and walk.
- o M.V. spoke of his experience. The pond is a small wetland. R.D. stated all he wants is to settle the will. Letter from the estate Atty was copied.
- o R.D. stated there was questions about the road that the lawyer and Whitbeck & Assocs assumed that the property line was the center of the road and it's not the center of the road. It's the old stonewall fence that runs along, 3 feet past the road. That is the property line. We don't want to do anything with that road or anything of that nature.
- o G.C. we have to assume in the future that we would be concerned about it.
- o G.C. explained how it operates on this, in approving the subdivision, you have to insure that there is access, he understands, that is one of the things we are stipulating. Also, initially the Board is concerned at this point, here the road (pitcher's driveway) initially became a 4x4 in a trail. Question is will the purchaser have further access out with an emergency vehicle?
- o R.D. understands the Board's point, he still trying to get across that he's trying to finish a will that's been going on for 17 months.
- o G.C. the board understands his point. G.C. the estate atty's letter was reviewed and spoke of Wood Road, main road, and the user road not maintained by the Town of Berne. R.D. explained to the Board that Wood Road is Mr. Berger's access road, and need to keep him informed.

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- G.C. doesn't understand the points she's making in the report? She said you resketched the subdivision, was she suggesting a change to this map?
- R.D. stated no, we restructured the subdivision because she had (she spoke of) assumed the property line was the center of the road and it was not, it is the stonewall which you've both have seen. We did want to change the map, but we will.
- A.R. asked where is the easement that she's talking about?
- R.D. the easement is for him to give up the road. M.V. the old road is the right away. R.D. questioned the surveyor which they said they "always go down the center of the road".
- M.V. because it becomes a private road and then they can enter into a maintenance agreement and get the easement as a right away.
- G.C. lets get to the Conservation Board report, some observations here in terms of the perc test.
- R.D. states that right now that is a complete waste of time, money and energy.
- The Planning Board site visit is to look at the ground and at the stakes. The Conservation Board looks at the birds and mice. This entire land via hunting, walking, farming, I lived on the other side of Rte 157A, currently my son and his wife live there now.
- R.D. explained to the Board via the map re: the wetlands. Across the old road when farmed the swamp land referred to a pond. He stated he farmed the hill which he defers with CB as wetland for 30 yrs.
- G.C. stated the CB was out there March 24, the weather was after we had a lot of snow. M.V. stated he didn't see any problems with the wetland when he did his site visit. Alan from CB noted that it's not considered wetland, it was considered an area of coastal wetland, just a wet area per M.V. The appearance of the way it was drawn up was one of the last available 2nd lot farther away from the road for the possible 2 bldg sites, what do you mean buildable (M.V.)? Alan from CB stated seems like set backs in areas.
- G.C.'s general impression was an amble through the woods, it was pretty dry and nice open in that field and pretty nice. It was noted that the Board agreement that its a buildable lot. MV its 9 acres and 28 acres. R.D. a good portion the big acres is the side hill and unbuildable. Anything on this side hill has not been farmed in 45 years.
- G.C. back to the issue of the perc test. R.D. you state there is no plans into your sons getting this. R.D. yes, my sons are getting this. G.C. There is no plans at all in the near future to do anything with this land other than hunt it. R.D. Like I said my one son lives in the old house by the pond and probably will remain there for some time. My other son lives in Middleburgh and he has no need to come to Berne. This was simply done as a gesture from my uncle because of the family.

**Comments from the Board:**

- M.V. what's the rule? G.C. John Crosier do you want to pipe up from the audience as to what the rule is? Sure, J.C., The Board has a right to waive the perk test if there decides to be an adverse effect on the Town. R.D. mentioned if his sons want to build at another spot on the property then the tests will be a wash out. J.C. mentioned to the Board that if the sons want to build in the future, they will have to come to the Town for bldg permits and go through the process.
- M.V. made the motion for future site issues for the Planning Board a conditional approval to disclose the new buyer with these issues.
- A.R. spoke of the TOB had the road and maintained it until the bridge collapsed and land locked it. That road was legitimately through Thompson's Lake road, you can take that to court, the road should be the Town Road.
- M.V. beavers flooded it and then the bridge collapsed. Minutes are cut and filed in every file. Years ago they fell into the black hole of the past.

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- o G.C. we will schedule Public Hearing for July 5th, public notes and letters to neighbors within 10 days. R.D. to provide dated maps along with estate Atty's letter, we should be in a condition to approve it. Will stamp up the drawings and will be done.
- o R.D. noted that's what he's been looking for the last 3 months. Note in the minutes, when R.D. was here in May, you were next. R.D. stated no one told him he was on the schedule, I initially came down to see exactly what goes on. G.C. informed we had a busy meeting in May. G.C. We were going to ask you to come to the table but you left.
- o G.C. noted that no letters can be drafted for approval now, the minutes are clear that we discussed, resolved the major points and waived the perk tests.

Paris - on hold - currently in the hospital - keep on agenda.

Wendy Anthony is here to pick up her letter and stamped maps. Approval letter with conditions and maps were signed and stamped for our files. W.A. stated hopefully taxes will be paid next week. The letter needs to be cc'd and stapled to the stamped prints. The ZBA and Town Board needs the 5 copies.

Stempel/Schwenk reviewed. GC was reminded by the Board to speak with the building inspectors about the girls issues. GC didn't do it. The next step for the girls is to go to ZBA for a special use permit. Fwd to the chair the minutes and set up public hearing prior to 6/20 meeting. The bad septic tank was spoken to Alan of CB. ZBA is conditional approval. ZBA gets our approval.

Site report TBd - CB site visit of 5/31 for Pat Favreau - nothing scheduled as of yet for public hearing. Nan needs a copy of CB report and a short letter to be written to Mr. Thomas with cc to Nan, PB, CB, ZB. Site plan review - import comments and considerations for site plan development (Senior Housing). MV stated he made a recommendation for a particular logger to come in to cut that off that does a nice job without ruining the other trees, need to get him scheduled in there. MV spoke that at the last church supper he was asked from the entire town seniors when is the housing going to be developed?

Conklin - engineers were to get something. Zoning maps for the change from Nan - no changes made.

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**New Business:**

John Crosier - 60 acres side hill to subdivide Walt & Dot Long's property to a gentlemen in NJ who would like to hunt. Directly across from Camp Woodstock campsites. A simple subdivision. The piece of pond goes into the lake by the campsites, comes out by the swamp. Cut off the house with 10 acres and selling the rest of the land. GC - why? The major parcel is the 10 acres with the house. Mr. Long is in the hospital and he's not coming home. That's why they couldn't be there this evening. Crosier filled out the application with no signatures, copy made for our file. Will bring in next week. This is an agriculture subdivision for recreational to hunt. To protect ourselves we'll have to have conditions in the approval. GC well have to spell out for the file that we waive certain conditions for septic, that this is for recreational purposes. JC to get owner signature on the application. Waive the perk test. Site visit scheduled for 6/21 at 6pm to meet at Camp Woodstock driveway and bring you high boots. Public Hearing to be July 5th. JC mentioned to save the Town money, mail posting to the Association to post on the board and send out ASAP.

**Upcoming Training:**

Planning and Zoning Summer School through The Association of Towns of NYS, NYS Planning Federation & NY Conference of Mayors for 2007 was distributed.

A motion for adjournment was made by MV and seconded by AR, all were in favor.

Meeting adjourned at 8:40pm.

Respectfully submitted,

Audra J. Stempel

/ajs