

**TOWN OF BERNE
ZONING BOARD OF APPEALS
P.O. Box 57
Berne, New York 12023
PUBLIC HEARING MEETING**

Date: September 20, 2006

Present: Peter Vance (P.V), John Carsten (J.C.), James Fallon (J.F.), Werner Knopp (W.K.), Terry Adams (T.A.) –absent. Carol Crouse, Town Board Liaison absent

Peter Vance called the meeting to order, and introductions were made to the public.

Public Hearing:

Mr. Vance stated the definition of an area variance. Mr. Vance questioned if the adjacent landowners were informed by certified mail, all landowners were informed and the town received back the official copy of receipt, per the zoning board secretary Andrea G. Cornwell. The adjacent landowners were in attendance for the public hearing (see attached sign in sheet).

Mr. Vance asked that Mr. Campbell come forward and submit his application for review by the zoning board.

Mr. Campbell stated that he would like to build a 12'w x 28'l x 10'h gazebo on an existing slab that is on his property at 50 East Shore Drive. Mr. Campbell explained that in the past he had used various camping trailers and no longer wished to do that. Mr. Campbell stated he would like to erect the gazebo because it would more suit his family for day use and would like to rebuild the storage shed.

Mr. Vance asked if Mr. Campbell if he wished to revise his application for construction of a new shed? Mr. Campbell responded that he would like to build a new shed.

The zoning board had the following questions/comments in regards to the application:

W.K. Why didn't you make the lot more RV suitable?

- Mr. Campbell- the gazebo was more suited for day use, which is what they use the property for mostly. The RV just became too much work to move out and store for six months of the year.

J.F. What about winter security for the property?

- Mr. Campbell- there would be none. The gazebo has move down windows and normal latches.

P.V. What about the toilet facilities?

- Mr. Campbell- I have looked into a composting toilet, which I would like to put in the shed or in the new shed.

Mr. Vance addressed the neighbors and asked for their comments and questions about the application for an area variance.

Nancy Rissacher:

- The lot is undersized, what is the definition of an undersized lot and what size is Mr. Campbell's lot?
- The composting toilet is going to be in the shed? The shed is currently right on the property line and we would have a problem with the toilet being in this building.
- Could we see a picture of the gazebo?

Mike Leonard:

- The lake has rule and there are also deed restrictions that were put in place in 1927 when the Lake association was started.
- The composting toilet is going to be in the shed, and what kind of toilet will it be?
- The current shed is on the property line and also on the lake association's property.
- A temporary stockade fence has been set along side the shed and this violates the deed restrictions for the property.
- Handouts of the deed restrictions were given to the board members for review.
- There has been overnight camping on the property that is unsupervised and there is a concern about this happening in the future.

Board Members questions to neighbors and Mr. Campbell:

- P.V.- any lot less than 15000 sq feet in the town is considered under sized, zoning laws, Mr. Campbell's lot approximately 6300 sq feet.
- W.K. - Has there been a problem with vandalism? What about the toilet, didn't the motor home make more sense for the property?
Mr. Leonard- there is always a little vandalism in the area, based teenagers and the time of year, but not much. Mr. Campbell – no longer have the motor home and really just want to use the property for day use.
- P.V. - This new gazebo structure will not be a camp or a house?
Mr. Campbell responded no, it would be mostly used for day use, maybe occasionally for overnight.
- P.V. -Would Mr. Campbell be willing to move the existing shed and put it along the new gazebo area?
Mr. Campbell- it is no problem to move the storage shed and there is plenty of room next to the gazebo.
- J.C. – Composting toilets are used regularly in the Adirondacks and they dissolve down to almost nothing, with usually no smell or problems.
- W.K.- would the neighbors still be in objection if the shed were moved, the composting toilet was used in a new shed along side the gazebo, and if the Campbell's were restricted in use due to the structure would not be a camp or a house?

Elena Rissacher stated that she believes the lot is too small for a permanent structure, and there has never been one on this lot, she would not want the structure to become a house.

- A motion to approve the area variance with stipulations was made by John Carsten (J.C.) and seconded by Werner Knopp (W.K.). The vote was J.C.; W.K.; P.V. in favor of variance and J.F. not in favor of the variance.

-The area variance shall have the following stipulations:

1. The existing shed shall be removed and a new storage area be constructed next to the proposed gazebo;
2. The temporary fencing shall be removed and no fence shall be erected that would be in violation of the deed restrictions;

3. The gazebo shall not be used more than four nights in a row on an overnight basis and that the overnight stays shall be limited to twenty nights in any given calendar year.

The secretary shall prepare a letter of approval for the Campbell and forward it to the building department, per the chairman of the zoning board, and the town clerk.

Regular meeting;

The minutes from the previous meeting were reviewed and approved with the correction of John Carsten's name on page two, remove the space.

Other business:

A discussion of the town's attorney being present at the zoning board of appeals meetings. J.F. made a motion for the town attorney to be present at the zoning board of appeals meetings this motion was not seconded. P.V. passed out a letter that the zoning board was carbon copies on; the letter is from P.V. requesting that the town board require training for the zoning board members.

No other business before the zoning board at this time.

J.F. made a motion to adjourn the meeting and was seconded by W.K.; all were in favor of adjournment.

Peter Vance adjourned the meeting.

Submitted by:

Andrea G. Cornwell