

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

Date: November 29, 2006

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

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

The adjacent landowners have been notified of the public hearing. The return receipts have been received, Anthony Delposo receipt has not been returned to the board as of this time. The conservation board has made a notation that this application has no environmental impact, therefore no site visit was required.

The chairman of the zoning board of appeals Peter Vance asked that JF could summarize the 11/2/06 meeting of the planning board in regards to the Palmer application. JF read the summary from the 11/2/06 minutes of the planning board into record.

PV read the requirements for a variance:
(P31-section D), (section 1), (D3-6 and 1-5), and (section C).

PV asked if there are any questions about the variance requirements as read.
PV opens discussion of the application to the board members.

-JF clarifies the variance requested: that the requirement is 50 feet for a set back and the applicant wishes to place the shed 15 feet from the property line.

-JC asked for clarification of original permit and the original placement of shed. Mr. Palmer has been issued a building permit to place shed in an alternate location. Mr. Palmer would like to move the shed to the best location considering the current layout of house, etc.

-TA is there any comments from neighbors that are affected by the placement?
-Michael and Brenda Sharer – have no objections to the placement of the shed.

-JC – what is the road location?

-JF – the board needs to consider what the minimum variance needed?
-Michael and Brenda Sharer- indicated that they have no problem with proposed placement of shed.
-Requesting a 35 foot variance
-Mr. Parker stated that their back yard is 200 ft from the proposed shed and I have no objections to the Palmers placing the shed in proposed location.

JC- questioned the height of the shed? – 14 ft high

TA- I am Inclined to grant the variance, but shy of 50', example the 15' variance instead or maybe 25' instead.

-Michael and Brenda Sharer indicated they do not mind a 50' variance, the hedgerow is large and would block the shed.

JF- I prefer a different location, rather than granting a 35' variance or minimizing the amount of the variance.

November 29, 2006
Zoning Board of Appeals
Page 2

JC- Questioned why that particular location? Any other location would be a problem to locating a planned garage.

-Mr. and Mrs. Palmer – there are very large pine trees that would interfere with placement of shed and would require a 50' + movement of trees, based on layout of everything on property this is the best placement.

PV- Are there any questions and comments?

TA- There appears to be a documented hardship.

PV- Are there any motions?

A motion was made by TA to grant a variance of 35' from the 50' required (side yard requirement); the motion was seconded by JF.

Vote:

TA- yes

JF- yes

JC-yes

The motion was carried.

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

Peter Vance adjourned the meeting.

Submitted by:

Andrea G. Cornwell