

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

Date: November 17, 2020

Present:

Ron Jordan, Chair, Donald Bauer, Lee Godin, Sandra Kisselback, Cathy Shultes (ZBA Secretary), Matt Harris (Town Councilmember / Board Liaison) Javid Afzali (Town Attorney) and other interested citizens

Regular Meeting:

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

Old Business:

- Public Hearing
Grippy Mine Special Use Permit
138 Cole Hill Road, Berne, NY 12023
SBL: 115.-1-17 and 115.-1-18

1. Motion:

Sandra Kisselback made a motion, seconded by Don Bauer to open the Public Hearing for the Grippy Mine Special Use Permit. Motion carried with the following members voting aye: Ron Jordan, Donald Bauer, Leo Godin and Sandra Kisselback.

2. Ron Jordan opened the meeting to public comments:

- a. A written statement regarding concerns of noise from Olin McDonald was presented.
- b. Tony Piscionere offered a statement in support of the Grippy Quarry application via Zoom.

3. Don Larned had the following comments and requested provisions be stated in the Special Use Permit:

- a. Mr. Larned suggested changing the permit renewal to NYS standards of 5 years.
- b. Further explanation regarding the required \$10,000 is requested. Mr. Larned suggested that any invoicing regarding the Grippy Mine could be sent directly to them for payment.
- c. A clause regarding a change in operating hours with advance notice during emergency situations be added to the Special Use Permit.

4. Motion:

Don Bauer made a motion seconded by Leo Godin to close the Public Hearing for the Grippy Mine. Motion carried with the following members voting aye: Ron Jordan, Donald Bauer, Leo Godin and Sandra Kisselback.

5. Motion:

Ron Jordan made a motion seconded by Don Bauer to approve the Special Use Permit for 3 years with provisions. Motion carried with the following members voting aye: Ron Jordan, Donald Bauer, Leo Godin and Sandra Kisselback.

- Public Hearing
Bernard and Cathy Borelli
1040 Huntersland Road
Middleburgh, NY 12122

1. Motion:

Dob Bauer made a motion, seconded by Sandra Kisselback to open the Public Hearing for Bernard and Cathy Borelli's Variance application. Motion carried with the following members voting aye: Ron Jordan, Donald Bauer, Leo Godin and Sandra Kisselback.

2. Ron Jordan opened the meeting to public comments – there were no public comments (written or via Zoom).

3. Motion:

Sandra Kisselback made a motion, seconded by Don Bauer to close the Public Hearing for Bernard and Cathy Borelli's Variance application. Motion carried with the following members voting aye: Ron Jordan, Donald Bauer, Leo Godin and Sandra Kisselback.

4. The ZBA will postpone additional action until the recommendation from the Albany County Planning Board is available. The ACPB is scheduled to meet on Thursday, November 19, 2020, with the needed documentation being available within a few days. The ZBA will revisit this application on Thursday, December 17, 2020.

New Business:

Other:

Adjourn:

- **Motion:**

Leo Godin made a motion, seconded by Don Bauer to adjourn the meeting at 7:45pm. Motion carried with the following members voting aye: Ron Jordan, Donald Bauer, Leo Godin, and Sandra Kisselback.

Respectfully Submitted,
Cathy Shultes, Administrative Assistant