

**Town of Bergen Planning Board
Minutes for January 26th, 2012
Bergen Town Hall**

Present: Gary Fink, Norm Pawlak, Mark Gerhardy, and Kathi McLaughlin

Not Present: Dominick Camelio, Bill Robinson and Scott Householder

Also Present: Dave Mason, Clyde and Kelly Bianchi, Kris Banister, Laura Banister, Richard Cordaro, Christopher Wilcox, Wayne Sherman, and Mr. and Mrs. Roggow

The meeting was called to order by Chairman Fink at 7:00 p.m. A motion to approve the December 2011 minutes with changes was made by Kathi McLaughlin, seconded by Mark Gerhardy, voted and carried.

Mr. and Mrs. Bianchi – Special Use Permit. Clyde and Kelly Bianchi attended the board meeting a second time as a follow-up to see if there were any more questions or concerns regarding their plan to put a used car lot on the corner of Route 19 and Peachey Road. Since the lot is located in a residential area, the biggest concern expressed by board members was how neighbors were going to react to the proposal. It was suggested that the Bianchis take the time to speak personally with the neighbors about their plan. By doing this, they may have an easier time going through the whole process if people are informed. Other points that needed to be considered were landscaping (to separate the residential from the commercial lot), what type of lighting was going to be used, and the hours of operation. It was also decided that the actual car lot was going to be limited to the gravel area on the property.

As for the building located on the property, the plan is to keep the main footprint and do renovations. There is a section of the building that they will not use do to significant damage that is beyond repair. The building will be used as an office and for car detailing. Mark Gerhardy thought that it would be in their best interest to have a drain and an oil separator so that washing the cars could be done onsite. Mr. Bianchi said that he would take that into consideration and again stated that no mechanical work was going to be done.

The septic for the trailer was located but the septic system for the building has not been located yet. It was suggested that the Health Department be contacted to see if they could determine it's location.

The next step for the Bianchis will be to hire an engineer to design a site plan. This will then have to be brought before the board for review and approval.

Wayne Sherman – Extension for a Special Use Permit. Mr. Sherman came to the board to extend his special use permit for the temporary structure located on his Swamp Road property. The temporary structure is an RV that he has been living in and out of since his house burnt down in August of 2011. His permit expires on February 8th, 2012. Also located on his lot are a car port, shed, and “seasonal tools.” The car port and shed are full of belongings. Mr. Sherman feels that he is months away from having his property completely cleared out. He informed the board that he is closing on a house in 30-60 days and that after that time it will be easier to move everything as he will have a place to move it to.

Neighbors on Swamp Road have expressed concern about the rate and progress of Mr. Sherman cleaning up his property. Dave Roggow, who lives two houses down from the property, spoke to the board. He stated that not only has progress of clean-up been almost “non-existent” but that there were a number of hazards on the property. Electrical wires, the swimming pool, and structures located too close to the road all posed as safety hazards. He also worries surrounding properties will have a decrease in value due to the appearance of Mr. Sherman’s lot. Mr. Roggow also pointed out that the local zoning law states that “*in the event of an emergency situation, the ZEO may issue a temporary permit for **one mobile home** on any lot where a residential, commercial or industrial structure exists, outside of mobile home parks, which permits shall expire 90 days after issuance.*” In Mr. Sherman’s case, the permit was issued for an RV and not a mobile home like the law states. Mr. Roggow believed that this mistake needed to be corrected immediately.

Kris Banister, another resident near Mr. Sherman’s property also spoke to the board. She said she is tired of hearing excuses as to why Mr. Sherman cannot move his things off the property. She said that she wants to hear plans and goals as to when and how things will be moved off the property. Mr. Sherman replied back stating that his plan involved buying another house so that he can start moving his things to another property once he closes.

After everyone had their chance to speak, board members discussed their options. It was decided that since a wrongly issued permit was given, it was best to speak to the town attorney. Chairman Fink said that he would contact the Dan Bryson the following day and go over the following points: 1) Can the trailer remain on the property even though it does not comply with local law and if it meets the required setbacks and 2) what should the process be to correct a wrongly issued permit. Chairman Fink declared the situation tabled until answers could be given from the lawyer.

Chris Wilcox – Subdivision. Chris Wilcox presented the board with a subdivision for 6065 West Sweden Road. His client, Eugene Lowe, is purchasing property and merging it with his own. Board members reviewed the maps and concluded that there weren’t any predicaments. Before any action can take place, Mr. Wilcox needs to obtain five maps and signatures from the Health Department and Real Tax. It will then have to go to the county for approval due to its location on a county road.

Richard Cordaro/Luke Giannone – Subdivision. Richard Cordaro returned to the board to follow-up on the L-shaped piece of land that he and Luke Giannone will be purchasing and then subdividing. He stated that he and Luke have no plans to build and just want to keep the land as vacant property. This brought up the issue of required perk testing. Mr. Cordaro felt that this requirement was ridiculous because he has no intention of building. Dave Mason also explained that even if he did decide to build in the future, he would have to have another perk test done anyway. An engineer will not draw up a site plan unless a perk test has been done recently. Board members went over the idea of writing the building lot requirements on the actual plat. That way, it's there for future building reference and must be followed. Chairman Fink said he would discuss this with the town attorney, Dan Bryson, to see if that could be done. Mr. Cordaro and Luke Giannone still have to purchase the land, so until that is complete, not much action can be taken by the board.

No further discussion took place.

A motion to adjourn was made by Kathi McLaughlin and seconded by Mark Gerhardy. The meeting ended at 9:55 p.m.

Respectfully Submitted,

Laura Smith, secretary

Cc: Michelle Smith, Town Clerk
Don Cunningham, Town Supervisor
Anne Sapienza, Bergen Assessor