

Minutes of Public Hearing on the Town Junk Law held on August 14, 2008 at the Germantown Town Hall, Germantown, NY, commencing at 7:00pm

Present: Supervisor Roy Brown
Councilwoman Joan Snyder
Councilwoman Graceann Lamberta
Councilman Joel Craig
Councilman Jeremy Smith

Recorded by: Town Clerk, Charlene Diehl

Supervisor Brown led the Pledge to the Flag.

The Town Clerk read the Notice to Meet

Supervisor Brown inquired from the board if they had any comments on the proposed Junk Law.

Councilwoman Snyder said her major concern is the number of permits that will be required, i.e. if you want to sell a car you'll need a permit, and that Germantown is a rural community.

Supervisor Brown said that a 'cookie cutter' template taken from the State was used and that tonight's comments will be taken back to the committee. He also stated he would not like to have to get a permit to sell a car.

Councilman Smith recalled that a draft was done years ago by the Safety Committee and handed off to the town board, which left out the junkyard licensing aspects. He asked why there was such a significant change in this draft; they used the same draft from the State and, because they didn't want the junkyard information, they didn't include that section.

Bruce Bohnsack spoke and said that the Economic Development Committee was asked to draft it, and it can be modified as the town sees fit. Ordinance #1 of the Junk Yard Ordinance should be held against it; this tightens it up and puts more onus on the owner and the town board and goes further than the 1965 law. It's a strong law, though some sections make no sense for Germantown, and will go a long way to alleviate neighbor vs. neighbor.

Councilwoman Snyder and Mr. Bohnsack agreed that enforcement of the law is the main priority.

Public Comments

Dale Hinkein spoke and said that he collects old cars and doesn't want to have to buy a permit to sell a car from his lawn. According to New York State law, selling three cars in one year constitutes a dealership, and there are regulations already in place for that. He reminded the audience that not everything that looks like 'junk' is.

Ellen Epstein thanked the committee for its efforts and the document gives the board a lot of latitude. She agrees that enforcement is the key. Another issue she mentioned is the water quality from oil and other fluids seeping into the ground from vehicles parked for extended periods.

She wants the town board to involve the Planning Board as well, and expressed concern about the mention of 12-foot high fences, as fences do not enliven streetscapes.

She brought up the issue that when the C & D building was destroyed debris was there for an extended period of time and hopes that doesn't happen again.

Supervisor Brown said he had spoken with the owner of the C & D building and because the gentleman was doing the work himself it was taking longer to clean up.

Dave Black said he was on the original committee and echoes Councilman Smith's sentiment that they didn't feel the larger law applied. He said one or two properties were problematic; this is overkill and should be tailored back to what Germantown is.

Corrine Curry gave the number of 866-789-8627 for people interested in getting rid of a vehicle. Supervisor Brown said that Bruce Bohnsack has brought in a sign as well that advertised buying junk cars. He said there are signs appearing all over for those interested in selling vehicles, as there is an increased market for it.

Councilman Craig thanked Bruce and the committee for their effort and said he would like to see an enforceable ordinance. He agrees with most of the comments made; sees no need for a junkyard in Germantown, and there is a good definition of junk that will protect folks from selling a car vs. having automobiles on their lawn for an extended time. There are zoning definition of junkyards and motor vehicle junkyard that conflict with the 1965 ordinance and 1970 zoning and thinks it should be brought together into one concise document. He is looking forward to a cleaner town.

Councilman Smith said he wasn't clear who would enforce the law and Supervisor Brown said it would be the police or the Code Enforcement Officer after someone comes to him with a complaint.

Bruce Bohnsack said the logic would be similar to speed limits in that police would enforce and could write a ticket. If the police understood the ordinance they could issue a ticket of non-compliance.

Councilwoman Snyder said the Code Enforcement Officer would probably feel safer with the police accompanying him.

Councilman Smith said he doesn't want this problem to be neighbor vs. neighbor and Councilman Craig said that these steps would alleviate it by having the town, via Code Enforcement Officer, enforce it; the police could initiate as well. Mr. Craig said a town-wide clean up day would help and perhaps someone could contract with the town to do a roadside clean up.

Roger Rekow said that Councilman Smith was right about the previous draft, and the main concern is that we don't have to involve a 'community beautification police force'. He thinks we're trying to solve a small problem with an atomic weapon; the existing law should be amended, this new one is overkill.

Cheryl Rekow said that we do have a law in place and that John Fieser follows through on complaints, as she has brought in pictures to the board that they referred to John for follow-up. She respects what the committee has done; we should look at what we have and bring it up to date - don't hurt legitimate good stuff.

Councilman Smith remarked that he doesn't want to put auto repair shops out of business and doesn't want to have to license them. New businesses are limited to how many cars can be parked on their premises, though he's not sure about older businesses and what requirements they had.

Bruce Bohnsack said auto repair shops shouldn't be impacted by this law, and that the standard should be set for everybody. He doesn't think the government should have any enforcement; folks should be able to make a complaint and if it falls within the law it should be enforced.

Supervisor Brown thanked everyone for coming and for their comments. He will be taking the comments and suggestions back to the committee.

Supervisor Brown closed the public hearing.

Respectfully submitted,