

GERMANTOWN ZBA MINUTES

FEBRUARY 16, 2017

Members in attendance: Chairman Ed Colwell, Steve Bathrick, Joe Guida and Teresa Repko. Attorney Rappleyea is also in attendance. There are 10 people in audience.

Chairman Colwell opens the meeting at 7:00 p.m. and minutes are reviewed. On a motion made by Teresa and seconded by Steve, minutes are accepted as written, with all in favor and none opposed.

Attorney Rappleyea clarified that the Board had set Public Hearing for the Bernstein appeal for this meeting and due to a change in the Newspapers deadline that the Town was unaware of, Notice could not be circulated. Therefore, it is requested that we move the Appeal of Bernstein to March and a motion is needed by the Board. Member Joe made a motion to set Public Hearing for March 16, 2017, seconded by Teresa, with all in favor and none opposed.

D'SOUZA: AREA VARIANCE Ms. D'Souza stated to the Board that in 2012 she was given a Building Permit for an 8 foot high fence and was not told that she needed a variance. She stated the fence has been there 5 years and would like to keep it at that height.

Chairman Colwell asked for a motion to accept, but is directed by Tal that a Public Hearing needs to be set. Motion is made by Joe to set Public Hearing for March 16, 2017, seconded by Teresa, with all in favor and none opposed.

Attorney Rappleyea offered background on Ms. D'Souza's request by stating that the Planning Board determined that as part of the Site Plan review before them, that an Area Variance for the height of the fence could be sought to keep the fence at 8 feet in height. The Board is required to look at the 5 standards of review before they can make any determinations. Member Joe asked if the Planning Board (PB) has given permission for the fence, and member Teresa reminded all that the ZBA referred her to Planning Board for Site Plan Review. The Resolution determined by the ZBA addressed several issues, the fence being only one and this is the request of the Area Variance, Attorney Rappleyea stated that the PB stated asking for a variance would give modification to height not location.

Mr. Cady stated this is an open meeting and asked the Board if it is necessary to redefine Area Variance by definition of horizontal to justify the height of the fence. What area is being varied? Will it need to be deemed Agricultural to allow for the 8 foot height? He is answered by member Joe, who stated we determined the location is not Agricultural. Mr. Savoris asked if the fence has been moved from other person's property or if Ms. D'Souza has complied with any of the resolutions by the ZBA? It is stated by member Teresa that we cannot determine that at this time. Chairman Colwell stated we are here for Variance only and can discuss with all at next meeting, that this is not a Public Hearing. Mr. Cady responded it's an Open Meeting and they are entitled to speak. It is clarified by Chairman this is an Open Meeting, and member Joe stated that means for attendance of meeting not for comment and that is confirmed by Attorney Rappleyea.

On a motion by Joe and seconded by Steve with all in favor and none opposed, this meeting is closed.

Jami L. DelPozzo-Secretary Planning and Zoning

