Germantown Planning Board Meeting

Thursday, October 27, 2016

Members in attendance: Chairman Steve Reynolds, Peter Dedrick, Keri Abela, Margaret della Cioppa and Rao Gaddipati. Town Attorney Tal Rappleyea also in attendance.

Meeting was opened at 7:00p.m. by Chairman Reynolds, minutes were reviewed and amended to record that the Planning Board met September 1, 2016 with Town Board and resolution of Draft Scoping was accepted. On a motion by Margaret and seconded by Rao with all in favor and none opposing the amendment, the minutes were accepted.

Rumke- Subdivision: Mr. William Archbold presented to the Board an application for subdivision for Nadine Rumke of 55 acres into 2 parcels. Parcel 1: 35 acres and Parcel 2: 20 acres. The Board reviewed the site plan, Chairman Reynolds explained that the surveyor maps should include neighbors names, bldgs., tax map id’s and utililties to be complete. It was stated by Mr. Archbold there are no deed restrictions on the property and the parcels are being split to family members and concluded by stating the property is accessible by Eastern Parkway.

The Board declared itself Lead Agency on a motion by Keri and seconded by Rao with all in favor and none opposed. Rao made a motion to classify as a Minor Subdivision seconded by Margaret with all in favor and none opposed. Public hearing will be set for December.

Jornov- listed on agenda for Special Use Permit, made no appearance to Board. Mr. Gaeschel asked if he could share information pertaining to Jornov application and was told that Public Hearing will not be set until first visit of applicant, and he would have his opportunity at that time.

D’Souza-Site Plan Review; Mrs. D’Souza stated to the Board that she has been referred by the Zoning Board of Appeals. She stated she feels violated and that the Building Department did wrong and not herself and that she doesn’t know what she is supposed to do now.

Attorney Rappleyea addressed the Board to clarify and review the process that brought Mrs. D’Souza to apply for site plan review: Mrs. D’Souza was given permits by Building Inspector/Code Enforcement Officer John Feiser. Several neighbors came too late to appeal their first attempt. A year later complaints were made to the Code Enforcement Officer, they were investigated and a letter was written by John with the assistance of the Town Attorney stating his determination found no violations. At that time the Neighbors applied for an Appeal to the Zoning Board. Attorney Rappleyea concluded by stating that there were no errors created by the D’Souzas, and that the CEO should have referred them to the Planning Board for Site Plan Review of Fence, Animal Pens, Metal Shed and ponds prior to issuing a Building Permit.

Chairman Reynolds explained to Mrs. D’Souza that the Board will need a detailed plan of what she would like to have on her property clearly outlining property lines, placement of fencing, number of pens and animals, size and color of shed and intentions of pond size and use. A map, stamped by a licensed surveyor showing the fence posts in relation to the property line, needs to be prepared. Mrs. D’Sousa is presented with a letter and copy of Zoning Law outlining protocol for Site Plan Review.

Member Keri asked if the board can revoke permits and is answered that they can be rescinded/modified.

Margaret stated that the fence is too high and that the D’Souza’s are not approved for AG use/district, therefore the fence has to be lowered to 6’.

Peter asked about the time limit for filing a complaint and filing an appeal and whether we are still within the time frame to do so.

Attorney Rappleyea explained that in regards to the fence permit, that the D’Souzas can appeal to the Zoning Board for an Area Variance.

Chairman Reynolds suggested to Mrs. D’Souza to present something to the Board in writing on her intent of numbers and sizes so that we can “start somewhere” and present at next meeting.

Mr. Savoris, Chairman of ZBA, stated that the case should have first been reviewed by Planning Board and that is why they referred her to them. He continued to describe in detail all features on the property that are in violation of the zoning code and asked that Ms DSouza consider glare, color and size when proposing solutions to these violations.

Peter asked how it is up to her to list changes and couldn’t the board mitigate the changes for her, and without taking down the structures. There was further discussion by Board members concerning the colors that the shed could be painted and plantings to be used as screening that would mitigate the impact to the neighbors.

Mrs. D’Souza requested a copy of any map the board may have to help in her process of preparation of site plan, and board agreed to give copy presented to them by Primax. Margaret offered to give her a copy.

Attorney Rappleyea stated that the pond cannot be evaluated by Board that is decided by the DEC. It needs the approval of the DEC on drainage impacts. The Board is told to consider all impacts that are reasonable during their review.

Atttorney Zapp- Photo Review Primax: Mr. Zapp presented to the Board photos and noted all red indicators of location taken. He told the Board that during their review they can locate any suggested locations they would like to see photos taken from and stated Primax will have the photographs retaken.

Margaret stated that photos should be taken from a view where the visibility of the store would have the potential for the greatest negative impact. New locations are noted on photos and are submitted for the record and presented to Mr. Zapp after board review and acceptance.

The Board selected December 1, 2016 for their next meeting date and will hold no meeting in November. On a Motion by Peter and seconded by Steve with all in favor and none opposed this meeting was closed at 8:40 p.m.

Jami L. DelPozzo-Planning and Zoning Secretary