

## Germantown Planning Board Minutes

June 28, 2018

Members in attendance: Chairman Steve Reynolds, Peter Dedrick, Margaret della Cioppa, Emil Ericson, Tim Otty and George Sharpe.

Meeting is opened at 7:00 p.m. Minutes from May 21, 2018 are reviewed with the following amendments: Primax/Dollar General: add in paragraph one, " Public Hearing, previously scheduled for tonight" and "newspaper, due to a change in policy, did not publish Public Notice." Margaret made a motion to accept minutes as amended, seconded by George with all in favor and none opposed. Minutes from May 31, 2018 are reviewed with the following amendments: Lithe Sebesta: omit entire last sentence, "The board explained that in the near future Zoning Law will be reviewed but their opinions varied on whether or not that would affect future plans/applications." Jornov: Omit entire first sentence "The Jornov's are not present at this meeting." correct spelling of Jornov in first paragraph, and add "Motion to postpone the Public Hearing was made, as the Jornov's are not present at this meeting." Tim made a motion to accept minutes as amended, seconded by Peter with all in favor and none opposed. Minutes from June 11, 2018 are reviewed with the following amendments: Remove entire paragraph 5, and add to paragraph 2, "He concluded by saying that this Public Hearing is also being recorded and that a transcript will be filed with these minutes for the record." Peter made a motion to accept minutes as amended, seconded by Steve with all in favor and none opposed.

**Nitkin: Lot Line Adjustment:** Helen Nitkin presented to the board her application for a Lot Line Adjustment at her property located at 136 Dales Bridge Road, Germantown to result in 2 conforming lots for total acreage of the proposed site of 24. 980 acres, Parcel A: 19.255 acres and Parcel B: 5.725 acres. The board reviewed Part C page 93 and reviewed maps for completeness and determined this application meets all criteria to waive subdivision review and public hearing. Tim made a motion to declare the Board Lead Agency, seconded by Margaret with all in favor and none opposed. The Board reviewed Part 2 of the SEAF, and determined that this Lot Line Adjustment would not adversely affect the site's development or neighboring properties would not alter the essential characteristics of the neighborhood or adversely affect the health, safety and welfare of Town residents. Motion is made by Tim to approve this application, seconded by George, with all in favor and none opposed.

**Jornov: Special Use Permit Annual Review/Public Hearing:** Mr. and Mrs. Jornov appear before the board for the Public Hearing/ Annual Review of their Special Use Permit for the parking of Refrigeration Trucks 18,000+pounds on their property located at 110 Round Top Road, Germantown, represented by their attorney Mr. French. Mr. French informed the board that the 1 vehicle over 18,000+lb owned in April of 2017 was sold in March of 2018, and stated that their business without a truck of that size is conforming and questioned the need for a Special Use Permit. In addition he stated that the business has been operated at this site prior to Mr. and Mrs. Jornov's ownership and therefore should be grandfathered in. Chairman Reynolds explained that the previous Code Enforcement Officer (CEO) submitted to the board a letter, (filed with these minutes for the record) stated the violation of Article VI paragraph Y.1 and referred the Jornov's to the Planning Board for Special Use Permit, and added that Town Attorney Rappleyea has requested to CEO Harkins, a letter stating if the Jornov's are within regulations. It is discussed by the board that there was a change of use by the Jornov's, that now included the refrigeration unit(s), and Mr. French responded that nothing in the Zoning stated no refrigeration. Chairman Reynolds stated that to further review, our Attorney should be present.

Mr. French stated that the Jornov's are requesting to withdraw the Special Use Permit.

Motion is made to open the Informal Public Comment Period by Peter, seconded by Steve with all in favor and none opposed. Chairman Reynolds asked for any comments from the audience.

Eric Dubac: Read from Zoning Law, asked the board to consider the tandem and axel trailer, and categorized trailers and the configuration of each truck, stated the use of the company has changed and should not be considered "grandfathered", he stated he is a neighbor of the Jornov's and does not support their business or Special Use.

Donald Dubac: Read from letters presented by Peter Setero and referenced Article 12, C.2, stated criteria has not been met, unreasonable business and that the neighborhood is diminished, feels that SEAF was incorrect that there is adverse effects to the neighbors, concluding he is a neighbor and does not support this Special Use Permit or business.

Jeremy Gaeschel: stated he reported first complaint to the CEO, and that the Jornov's have complied by about 90%, stating there are several occasions that he has recorded and video taped for the board to view. He asked the board if the process of filing a complaint has to be restarted every time there is a new CEO.

No further comments are made by the audience. Margaret made a motion to close the Public Hearing, seconded by Tim with all in favor and none opposed.

**New Business:**

The board reviewed invoice dated June 1, 2018 from Attorney Rapplevea, motion is made by Tim to approve, seconded by Peter with all in favor and none opposed.

Chairman Reynolds stated that the Town Board has asked the Planning Board for input in regards to the Commercial Event Venue Law:

Steve stated some ordinances enforce time constraints and noise ordinance. George discussed tax revenue, and asked what the deadline is for input of the Planning Board to the Town Board and if it was possible to break up into small groups to discuss and create a response.

Motion is made to set Special Meeting of Primax/Dollar General for July 23, 2018 at the Town Hall at 7:00p.m. by Peter, seconded by Tim with all in favor and none opposed.

Regular meeting of July 26, 2018 will not be held unless there is business for Agenda.

Motion to close meeting at 8:40 is made by Peter, seconded by Margaret with all in favor and none opposed.

Jami L. DelPozzo-Secretary Planning and Zoning Board