Germantown ZBA Meeting

Thursday, August 18, 2016

Members in attendance: Chuck Abraham, Ed Colwell, Teresa Repko, and Joe Guida as acting Chairman. Town Attorney Rappleyea also in attendance.

Meeting is opened at 7:05 by Joe Guida who introduced himself as acting Chairman in absence of Steve Savoris. Minutes are reviewed and on a motion by Teresa and seconded by Chuck are accepted as written with all in favor and none opposed.

Acting Chairman Guida announced that this meeting is not open for public comment and the agenda for this meeting is to review the resolution of Bangiola, Thomas and Cady—D’Souza. Mr. Guida asked the Town Attorney to explain the process of review and present the resolution.

Attorney Rappleyea explained that the process after public hearing was to contact each board member for an attorney client discussion, the opinions and analysis are then formed into a resolution. The resolution is drafted, reviewed at meeting where questions and amendments by board are taken. After this review, the board will vote and that will conclude the meeting. Where after a Notice of Action and Amended Resolution are drawn up, are not given at the meeting this evening, but are filed with minutes and become public records.

After review explanation, Attorney Rappleyea proceeded to review page 1-13 of Draft Resolution with the Board. He explained that he will read each page and as a question or change is needed the board will advise. The following amendments are noted for the record: Page 1-Amend Date to 8/18/2016. Page 1 Paragraph 2- strike “a”. Page 3 Paragraph 3 second sentence strike “to”. Page 4 first listed comment 2106 to 2016, third comment 2016 to 2015, fifth comment add “not” after but. Page 8 first paragraph after law. Insert “based upon the testimony of all parties, photographs and submissions and in particular the various aerial photographs taken over time. This same insert added to page 10 second paragraph first sentence after “fence”. Page 11 strike” that the” in first sentence. Page 11 start new paragraph with “Article V.”, and in final paragraph first sentence of page 11 insert “application” after permit. Teresa asked the attorney how the D’Souzas will proceed after this review, and is answered that they will submit a Site Plan Review application to the Planning Board. Acting Chairman Guida asked about the Stream Classification and is answered that it will be reviewed during the SEQR process. Attorney Rappleyea asked the Board for any further questions, concerns or amendments and there are none.

On a motion by Teresa Repko, seconded by Charles Abraham the Board voted as follows:

Steve Savoris-absent, Joseph Guida-Aye, Teresa Repko-Aye, Edward Colwell-Nay and Charles Abraham-Aye. By a vote of 3 to 1, with 1 absent the matter is referred to the Planning Board for site plan review and/or area variance. Additionally, the final argument with respect to a request that the Landowners must obtain a site plan review for the existing garden center use is denied.

On a motion by Teresa seconded by Chuck with all in favor and none opposed this meeting was closed at 7:40 p.m.

Jami L. DelPozzo- Secretary