

Germantown ZBA MEETING

Thursday

December 15, 2016

Members in attendance: Chairman Steve Savoris, Chuck Abraham, Ed Colwell, Joe Guida and Teresa Repko. Also in attendance, Town Attorney Tal Rapplelea.

4 members in Audience.

Meeting is opened at 7:05 and minutes are reviewed. On a motion by Teresa and seconded by Ed minutes are accepted as written with all in favor and none opposed.

Chairman Savoris stated that this meeting is an open Public Hearing pertaining to the Area Variance request of Mr. Chris Brown of 44 Main Street Germantown for the 6 foot fence in his front yard. It is stated by Chairman Savoris that Mr. Brown is not in attendance and the members of the audience are asked for any further comments/concerns. Mr. Cady, also a resident on Main Street, stated that he would like to restate that he had a conversation with Mr. Brown prior to the fence being placed and that Mr. Brown told him he knew the law was for 4 foot height, and stated that Mr. Brown stated that at the first meeting held on November 17, 2016.

Board member Teresa asked member Joe if he had the opportunity to visit the site in question. Joe replied yes and said a 2 foot cut off of fence seemed like an acceptable solution.

Chairman Savoris asked for any further comments of the audience, none given.

A motion is made by Joe to close the Public Hearing seconded by Teresa, with all in favor and none opposed.

The Board moved to review General Standards for Area Variance and answered as follows:

Question A/B: 5 yes C: 5 yes D: no-2 yes-3 E: no-5 F: yes-5

Ed made a motion to vote on the Area Variance seconded by Joe with all in favor and none opposed. With a vote of 4-1 and on a motion by Joe to Deny the Application for Area Variance seconded by Teresa with all in favor and none opposed. A Resolution and Notice of Action will be submitted with these minutes for the record and filed within 5 days to the Town Clerk.

Appeal: Ms. Judy Bernstein and Stephen Thompson of 220 Northern Blvd appear to the board for an interpretation of the Zoning Law as it pertains to the SVO. Judy stated to the board that after review of the drawings and concerns of the plans for a single family dwelling to be built at 222 Northern Blvd. she shared photos and corresponded with the CEO/Building Dept. She stated that she believes the application that was issued a Building Permit in November 2016 should have been sent for a Site Plan Review because the location is in the SVO. She feels it is in violation and stated she has submitted a letter which the board has for review. Others concerns are: Building Mass, Garage, Breezeway, Height of the House, decrease in her home value and loss of River view.

She stated that her neighbor also has concerns. Sarah Kilbourne approached the board and handed to Secretary DelPozzo her own application for appeal that will be reviewed with Town Attorney. Sarah stated her concerns of the project at 222 Northern Blvd and voiced that the design layout and size were 2 of many concerns. She stated that the straight expanse of the home will create a wall effect, and will be built on a ridge which is not compliant to code as in the Zoning Law, and seeks a Site Plan Review as well.

Chairman Savoris stated he knows that the SVO is complicated and needs further review and discussion for being so complex. He continued that the SVO is to consider how the home will impact the surrounding residence and landscape.

The Board took a moment and viewed the plans of the home to be constructed that are presented by Judy Bernstein and Stephen Thompson. Sarah said it should be questioned the number of bedrooms and bathrooms, and the impact it will have on the value of the surrounding houses.

Chairman Savoris stated we should have more conversations about the viewshed, and asked for further comments of the appellants. The appellants stated they feel Jay didn't review large issues at hand and only reviewed the details of the architect. Sarah asked about provisions in the SVO, and Attorney Rappleyea responded that we do not have the authority to say it requires Site Plan Review.

The Board felt the application was complete. Ed made a motion to schedule a Public Hearing seconded by Chuck with all in favor and none opposed.

Judy Berstein asked if the homeowners were notified, and why they weren't present. Secretary DelPozzo responded that the Architect Chip Bohl was notified of the appeal and that homeowners contact would need to be confirmed. She was also answered that it was told that the meeting was informational and for gathering the application and determining completeness.

On a motion by Teresa and seconded by Ed with all in favor and none opposed, meeting was adjourned.

Jami L. DelPozzo-Secretary Planning and Zoning