

GERMANTOWN ZBA MINUTES

JANUARY 19, 2017

Members in attendance: Chairman Ed Colwell, Steve Bathrick and Teresa Repko. Town Attorney Rappleyea also in attendance.

Meeting is opened at 7:00 p.m. by Chairman Colwell, minutes are reviewed and on a motion by Teresa seconded by Ed with all in favor and none opposed are accepted as written.

Bernstein/Thompson/Kilborne and Cady: Appeal for Interpretation of the Zoning Law as it pertains to the Scenic View shed Overlay (SVO): Attorney Rappleyea addressed the audience and explained appellants have brought an appeal application to the ZBA , and are returning for second informational meeting which is taking place as previously the notification to the property owners was not received and they were unaware of the appeal, this meeting giving them a chance to appear and make their presentation and what their position was. It is also explained by Attorney Rappleyea that new petitioners Sarah Kilborne and Arthur Cady have been added to the appeal. It is stated by Attorney Rappleyea that under the case law and statute a petitioner must be an aggrieved individual, and that is defined as someone who could have potential for injury and typically within $\frac{3}{4}$ to 1 mile distance from the said property where home is to be built and therefore recommended that the board remove Arthur Cady from the appeal, adding that Mr. Cady not be a petitioner of the appeal but can participate at the Public Hearing. Mr. Cady commented he thinks that is a premature request. The position of the applicants was heard at the December 2016 ZBA meeting and they are given an opportunity to add comment tonight. Mr. Thompson of the appeal offered his sentiment by stating that he previously met the landowners and they seem like lovely people and will be nice neighbors adding that this is not anything personal for them appealing but to protect the view shed and are asking for the Towns thorough review.

Attorney Richard Cantor introduced himself and is representing property owners Mr. Corpuel and Ms. Pfister. He intends to appear and oppose this appeal and stated that the permit was issued and is in compliance with the SVO and that Mr. Trapp the Code Enforcement Officer/Building Inspector has made a correct determination. Attorney Cantor introduced landowners and stated they are in attendance to this meeting. He will present at Public Hearing written and testimonial information in opposition to the appeal. In addition he asked permission of the board to bring a stenographer to the Public Hearing and the board is in agreement to allow a stenographer. Attorney Rappleyea added that the approved minutes of our board is what is filed for the Town record and are official, and that the stenographer record can be used as evidence when making their determination. It was asked who pays for stenographer, with a reply from Attorney Rappleyea that the parties who bring the stenographer pays. Attorney Cantor thanked the board for allowing him to be heard. He then added that the full record of Mr. Trapp should be copied and presented to the Board

Member Teresa stated that although we have heard from Attorney Cantor did the landowners have anything to say. Mr .Corpuel stated they would like to state they are endeavored to comply and do what they need to do, they feel they are following codes, look forward to building a home and retiring in Germantown.

A motion is made by Teresa for a Public Hearing to be scheduled seconded by Steve with all in favor and none opposed.

Motion is made by Teresa and seconded by Ed to close this meeting.

Jami L. DelPozzo- Planning and Zoning Secretary