

Minutes of July 14, 2020 Germantown Town Board meeting via Zoom, commencing at 7:07pm.

Present: Supervisor Beaury
Councilman Sullivan
Councilman Kukon
Councilmember Suarez
Councilman Christian

Town Attorney, Corinne Smith

Recorded by: Town Clerk, Joyce Vale

Motion to open regular meeting made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

Motion to approve June 9, 2020 Public Hearing and regular meeting minutes made by Councilman Kukon, seconded by Councilmember Suarez, with all in favor and none opposed.

Motion to pay audited bills made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

Written Communications to Town Clerk

No communications to Town Clerk.

Old Business

- Local Law No. 1 of 2020 Establishing a Department of Public Works.
- SEAF 1 and 2. Town Board reviewed Part I of the SEAF for Local Law No. 1 of 2020. Supervisor Beaury declared Town of Germantown as lead agency. Motion made that Town of Germantown is lead agency made by Councilman Sullivan and seconded by Councilman Kukon, with all in favor and none opposed.
- Attorney Smith directed Supervisor Beaury to sign Part 1.
- Supervisor Beaury read Part II Questions 1-11, and all were answered “no” by the Town Board.

Motion determining that the proposed action will not have any significant adverse environmental impacts and issuing a negative declaration made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

- Resolution.

Supervisor Beaury read the following Resolution:

TOWN BOARD
TOWN OF GERMANTOWN
COLUMBIA COUNTY, NEW YORK
RESOLUTION ADOPTING LOCAL LAW

Dated: July 14, 2020

WHEREAS, Local Law No. 1 of 2020, a local law establishing the Town of Germantown Department of Public Works, a copy of which is annexed hereto, was laid on the desks of the members of the Town Board for at least 10 days; and

WHEREAS, a public hearing was duly noticed and opened on June 9, 2020 and such public hearing remained open until and including July 14, 2020, said July date being duly noticed, during which time members of public had to opportunity to submit oral and written comments on the local law; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act (6 NYCRR Part 617) (“SEQR”), the Town Board declared itself as lead agency, determined that the action is an Unlisted Action, caused Part 2 of the Short Environmental Assessment Form (“SEAF”) to be prepared, and issued a negative declaration after thoroughly reviewing all potential environmental impacts.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Germantown that Local Law No. 1 of 2020 is hereby adopted.

Introduced by Councilman Kukon
Seconded by Councilmember Suarez

The question of the adoption of the foregoing Resolution was duly put to vote, which resulted as follows:

Supervisor Beaury- yes
Deputy Supervisor Sullivan- yes
Councilmember Christian- yes
Councilmember Kukon- yes
Councilmember Suarez- yes

This Resolution having been approved by a majority of the Board, the same was declared duly Adopted.

- Re-opening Plan.
 - Justice Court- limited to certain types of arraignments. Not fully open yet.
 - Activity Building- hold off on opening. Evaluate as requests come in.
 - Parsonage. Staff only with a plan. Town Board will re-visit visitors in the Parsonage. Supervisor Beaury will let Tom Shannon know the plan.
 - Playground- Supervisor Beaury doesn't know of any towns that re-opened their playgrounds because of the guidelines of cleaning after each use. Will re-visit this at the end of July.
- Board and Committee meetings. Supervisor Beaury thinks this plan is working out well. Councilman Sullivan said we should be consistent with all committees and boards. Councilmember Suarez said the smaller committees want to meet in person outdoors. Supervisor Beaury said we should be transparent across the board and he also said the public should be able to access all meetings. As long as the meeting is open via Zoom and recorded, committees can meet in-person. They have to follow Covid guidelines as well. There is a potential issue with Wifi. Supervisor Beaury asked Councilman Christian to talk with Devin Overington about the technology.
- Update notice of status of Town facilities July 15-31. We will leave the current status on re-opening in place for the next couple of weeks and revisit at the end of the month.
- Update from the Technology Committee. Councilman Sullivan sent along changes for the website. Councilmember Suarez said Matthew set up a log-in and they can now make edits to the current website. Matthew will help with the set-up.

New Business

- Community Garden. Supervisor Beaury said we will hold off on this for now. Plan to put in place for next year. Councilmember Suarez said she invited Eliza to the next meeting and the Park Commission is interested in collaborating.
- Internship at the Parsonage. Ethan Dickerman received a \$500 stipend with the Town last year. Tom is very pleased with his work

Motion to approve internship of Ethan Dickerman to the History Department with a stipend of \$500 made by Councilmember Suarez, seconded by Councilman Kukon, with all in favor and none opposed.

- Tiny houses. Supervisor Beaury asked Corinne to explain this to us. Corinne said tiny houses either on wheels or on a permanent foundation are a complicated issue. Tiny houses on wheels are considered by NYS as an RV and in the Town of Germantown are only allowed in Mobile Home Parks. Tiny houses on a fixed foundation are considered an accessory apartment to a single-family residence which is permitted in all zoning districts except BD. Corinne said setbacks and density requirements need to be met. Each situation could be different depending on the lot, how it is zoned and what the landowner intends to do with it.

Supervisor's Report

- Economic update. Supervisor Beaury said sales April and May tax receipts are down about 35% for the County. Supervisor Beaury said that approximately 15% of our budgeted income comes from fund balance and we need to fix this. This is a serious problem for the town and has been for years. Supervisor Beaury went on to say what helped us these last few years was a good economy and more sales tax revenue than budgeted. There will be cuts to the budget for next year and maybe the year after that. He will be briefing us each month.
- Sewer upgrade complete in July. Substantially complete will be finalized by the end of the month. EFC long term financing in the approximate amount of \$1,950,000 and the closing will take place in December. Supervisor Beaury will keep us informed.
- Court's decision regarding Primax. Corinne said the Appellate division for the third department of the Supreme Court issued a decision reversing the lower court and dismissing the Article 78 petition filed against the Town and Primax. The original site plan and subdivision approval issued by the Planning Board stands. Zoning law provision states the horizontal façade should generally not exceed 50' in length. The 50' horizontal length is a guideline in the zoning code. Councilman Christian asked if a 1,000' building is allowed? Corinne stated that during the SEQR process and site plan review, the Planning Board would look at the length of a proposed building in conjunction with everything else in the zoning code, the Comprehensive Plan, and SEQR. Councilman Christian asked if there is a process for turning that back into a requirement instead of a guideline? Corinne answered saying the zoning would have to be amended so that the provision read "shall not exceed 50'" rather than saying "should generally." Supervisor Beaury said for zoning changes they would have to look at all the pieces together and that could be a problem. Corinne said any zoning revisions would also have to be in compliance with the Comprehensive Plan. More discussion on this matter was held. Supervisor Beaury said it's a complicated issue and would take more time to study.
- Supervisor Beaury asked for a motion to amend the agenda to include the discussion request from the Park Commission to remove a brush pile at Palatine Park.

Motion to amend the agenda to include the discussion request from the Park Commission to remove a brush pile on the trail at Palatine Park made by Councilmember Suarez, seconded by Councilman Kukon, with all in favor and none opposed.

- The Park Commission would like to remove the brush pile on the trail and work with the town on removal. Councilmember Suarez talked to Anthony, they will remove 50% then do a control burn. Supervisor Beaury said the town will supply the truck and labor and the Park Commission will cover dump fees and help with labor. All Town Board members agreed to this.

Motion to approve Park Commission request to remove the brush pile on the trail at Palatine Park made by Councilman Christian, seconded by Councilmember Suarez, with all in favor and none opposed.

- Next meeting is August 11, 2020 at 7:00pm.

Comments from Councilmembers

Councilmember Suarez received communication from a resident in regards to crowding at Dales Bridge Park. The problem was addressed. A sign was put up at the park.

Comments and questions from the public limited to those received in writing before the meeting, and may be submitted via email to Townboard@germantownny.org

Motion to amend the agenda to allow public comments because it says written comments on the agenda made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

Frank Mammone asked if the Dollar General was a done deal? Corinne said the original site plan approval from 2017 by the Planning Board stands, and Dollar General will have to meet the conditions set forth in that approval. Mr. Mammone is questioning a 9,000 square foot building and how is this consistent in a historic district. Supervisor Beaury said it was handled by the Planning Board in a lengthy process and they received their approval. Supervisor Beaury also said it went through the process and was litigated.

Leo Wurtzberg asked Mr. Mammone to give him a call and he would give him some background on this issue.

Marie Uridia said thank you to Corinne for giving the legal side on Tiny houses. Marie said her family wanted to park a tiny house on wheels on their property. After talking to Sam Harkins they are allowed to park the tiny house on their property but not live in it. Tiny houses are permitted on foundations, but not on wheels in accordance with the Building Code. Marie asked where is the discrepancy? The Building Code changes only apply to tiny houses on foundations; DMV licensing requirements apply to tiny homes on wheels. Corinne said there are also density and setback requirements and limitations based on lot size in the Zoning Code. Corinne also said her lot is undersized and would require a use variance from the ZBA.

Jen Crawford chair of the Planning Board said she is available to consult with applicants.

Motion adjourn the meeting made by Councilman Kukon, seconded by Councilmember Suarez, with all in favor and none opposed.

Meeting closed at 8:18pm.

Supervisor Beaury thanked Corinne for all her help with the issues tonight.

Respectfully submitted,