

Germantown Zoning Board of Appeals

MINUTES

January 20, 2022

This meeting was conducted at the Town Hall with the following members in attendance: Chairwoman Teresa Repko, Amy Jo Davison, Joe Guida, Rachel Levine and Randy Phelan. Town Attorney Corinne Smith was also in attendance. All interested parties and applicants were welcomed to attend the meeting via zoom.

Meeting was opened at 7:06 PM. Pledge of Allegiance. Minutes of December 16, 2021, were reviewed and on a motion by Randy, seconded by Rachel, are accepted as written with all in favor and none opposed.

Public Hearing (s):

Laura Sink was present along with her attorney, Mitchell Khosrova, who stated that Gatherwild started 5.5 years ago with 4 tents and 4 cabins and that it is not a campground but a short-term rental. He concluded by stating that prior authorization was given from the building department to proceed with rentals. Attorney Smith asked Attorney Khosrova to explain the events that take place at the location of Gatherwild. He listed the following as activities: not "a farm" in the sense of farming, "true organic" roots, multi acres, with pond, beautiful valley views, fleura vegetation, weekend stays only 2 nights at a time, cabin or tent, can not bring their own tents, and those rentals are on foundations. Applicant Laura Sink added that yoga is done at the location and that is mirrors a home occupation, stating that there are no pizza parties. The reported pizza party was a personal party in the past. There is a main house present, that houses no guests, just the owner and her family.

Member AmyJo asked the applicant if meals were being prepared for guests and if they have access to a facility for meals. Laura responded that there are (2) grills, and what they call "an outdoor kitchen." AmyJo concluded by asking the approximate headcount of guests in 2020-2021, in which the applicant does not have, but stated there are sometimes families of 3-4 and that it varies each week.

Motion is made to open the public hearing by Amy, seconded by Rachel, with all in favor and none opposed.

Chairwoman Repko opened to attendees by show of hand, if there are any comments, questions or concerns:

Genette Picicci- stated she may be impacted by the determination of the ZBA, and read her comments submitted by email, which are included for the record with these minutes.

William Kimmel- in support-he does not address short-term rentals but believes that Gatherwild should be able to continue.

Michelle Storm, Attorney- representing Genette Picicci- she would like to reiterate the comments of Ms. Picicci and caution the Board that this "Glamping" is not being disputed but asking for clear interpretation as it conforms to code. She proceeded by stating that the Town Board should change/clarify in its Subdivision and Zoning Law and comply with the Comprehensive Code.

Claudia Kiel-in support- she is a Germantown Resident, feels that Gatherwild is environmentally sound.

Everett Kramer- has watched the development of Gatherwild from the beginning and is in full support.

Jan Borchert-in support- lives on Roundtop Road, sees no problem, there is no traffic, and he loves what is developing.

Julie Elke-concerned-stated her husband was born and raised here and asked the CEO about Yurts in that past and was told "you can not do that", she asked "so if he went ahead and did them, and didn't listen to the CEO, would he be in trouble?" she proceeded to state she is not opposed to the operation, she is opposed that Laura Sink didn't follow the laws. And asked if there were any concerns for the sanitation and water.

Barbara Huey- in support. – stated that she lives across from the main entrance to Gatherwild. She has submitted her letter for the record, has the highest regard for Laura and Paul. There has been no trespassing to her property, and she stated that she is the closest neighbor.

Patty Hinkein- in support-stated that past minutes should be reviewed from subdivision application as Laura sink stated then what Gatherwild would be. She stated that there have been ongoing problems in the building department that there are many who have permits with no certificate of compliance.

Faith Victoria Palmer-in support- stated that she has a unique perspective, and that Germantown has a unique opportunity to have Gatherwild here.

Chairwoman Repko asks for any final comments from attendees, none given. Secretary DelPozzo stated that all email comments were given to the town by Laura Sink and entered into the record. On a motion by Joe, seconded by AmyJo, this public hearing was closed.

Attorney Smith, explained to Attorney Khosrova, that the proper affidavit be signed and entered, as it pertains to sign posting of Public Notice Requirements. Secretary DelPozzo confirmed that this was completed by the applicant and filed.

Laura Sink made final comment that she had visited the CEO for explanation on how to proceed, she was told he would define the operation as a Campground, complete a letter of denial, and refer her to the ZBA for Interpretation.

In consideration of time for review of this matter, outside of meetings by Attorney Smith, motion is made by Rachel, seconded by AmyJo, to establish an escrow account in the amount of \$1,000.00, with all in favor and none opposed.

No decision will be made on this matter until the ZBA February meeting, when the board will review their resolution and make a determination.

Virginia Sibbison along with her husband, were in attendance, being represented by Daniel Russell, of Crawford and Associates. Motion is made by Amy to open the Public Hearing, seconded by Randy, with all in favor and none opposed. Mr. Russell explained that the Sibbisons sought a Subdivision with the GPB and were referred for an Area Variance. It was stated from the owners that the primary reason for their request is that they would like to have their son live near them.

Chairwoman Repko opened to attendees, by show of hand, if there are any comments, questions or concerns:

Patrick and Michelle Hillman-in support- have lived on Hunterstown Road since 1986, have no objection and support the variance fully.

Gil Tunnell-in support-neighbor in favor of their request.

Motion is made to close public hearing by AmyJo, seconded by Joe, with all in favor and none opposed.

The ZBA proceeded to review the general standards of Section 11-Subsection D, with a 5-0, unanimous decision that the standards have been met and on a motion by AmyJo, seconded by Rachel, with all in favor and none opposed, approved this Area Variance. A Notice of Action will be completed, filed with the Town Clerk and the applicant will be referred to the Germantown Planning Board.

New Business:

Genette Picicci of 230 Church Avenue, requested and Appeal/Interpretation of the Zoning Law as it pertains to issued Building Permits. Ms. Picicci stated that she would like to clarify the determination of the issued Building permits of Laura Sink. She stated that the return to the Building Department for issuance of Certificates of Compliance, should be the responsibility of the applicant, not the Code Enforcement Officer. She proceeded to read her submitted email to the ZBA, which is submitted for the record with these minutes.

She concluded by stating: "I wholeheartedly support the farm-related business activities conducted by Laura as they fit into our current zoning, and I wish them much success. Exempt from that, in the interest of our community, I encourage the ZBA to recommend to the Town Board an amendment be made to our current Subdivision and Zoning Code for commercial activities that allow landowners to creatively use their land to generate income."

Ms. Picicci has withdrawn her appeal.

There is no Old or Other Business discussed. On a motion by Randy, seconded by Rachel, this meeting was adjourned, with all in favor and none opposed, at 8: 45p.m

Jami L. DelPozzo
Planning and Zoning Secretary

