

Germantown ZBA
Minutes
June 23, 2022

This meeting was held at the Town Hall with the following members in attendance: Chairwoman Theresa Repko, Joe Guida, Rachel Levine, and AmyJo Davison. Attorney Corinne Smith was in attendance.

Meeting was opened at 7:07pm.
Pledge of Allegiance.

The Draft Minutes of May 19, 2022, were reviewed and on a motion by Amy, seconded by Joe, with all in favor and none opposed were accepted as written.

Public Hearing:

The public hearing continued from May 19, 2022, in the matter of Laura Sink/Gatherwild review for a Use Variance for Gatherwild Ranch at 331 Roundtop Road for use as a campground.

This application was referred to the CCPB for review and recommendations and a copy of their response is submitted with these minutes for the record.

Chairwoman Repko addressed the audience and asked for public comment:

Patty Hinkein- in favor- read a prepared letter and a copy is submitted for the record from her email.

Noel O'shea- neighbor-in favor-stated we need valuable businesses in town, feels there is not impact to the area.

Genette Picicci- via zoom- neighbor- opposed- stated people need to stop calling out blame to Town Officials and stated there is no responsibility being placed on applicant Laura Sink, and that in making their decision, the ZBA should seriously consider that.

Attorney Smith stated to submit the letter from the CCPB dated 6/21/22 and read the letter. In addition, she added that an AG Data Statement as requested by the CCPB has been completed by the applicant and a copy will be mailed to the appropriate neighbor as it pertains to that farm.

Laura Sink: applicant- referenced Jay Trapp and a letter to Ed Colwell and submitted a copy of the email for her record, in addition a letter from Dennis Clancy and that the ZBA members received and recognized his submitted correspondence.

Attorney Smith added that the building permits from CEO Trapp, were for decks, and that there was no site plan submitted or extent of use for the decks, and as the use of Short-Term Rental was outside of usual and customary when there is discussion of how it was utilized.

Laura Sink responded that she wanted to make a point that it was former CEO that said she was a short-term rental.

Genette Picicci: added that a 4H application was rejected a Use Variance.

Attorney Smith reviewed and read all requirements of a Use Variance review Section 267.B that must be met by applicant and what the applicant must prove to show it was not a self-created hardship.

Member Joe would like it on record that applicant will have to show how this will be essential to the neighborhood and will not alter the characteristics of the neighborhood and not increase traffic issues. In addition, he questioned could the board limit uses with no further expansion. He also asked if the property was sold, would there be a loss to the applicant, as claims were made of loss of income but there is no documentation.

Attorney Smith recommended to the applicant that if she were still be represented by an attorney, it would be in her interest to ask him/her the best way to prove all requirements.

Member Amy asked if Yoga was still being done for an income in the home/property, the answer from applicant was no. She also asked the zone of the property owned across the street and was answered it is zone RR (rural residential) and included on map with the property under review.

The applicants husband Paul asked to comment to the board that the property they purchased that is under review sat on the market for 7 years and was not cultivated, and was and overgrown orchard, it is not a unique property, they bought it, and Laura found a use for it.

Because of scheduling conflicts, the board has rescheduled their regular meeting from July 21, 2022, to July 26, 2022, on a motion by Joe, seconded by Rachel, with all in favor and none opposed. Public Notice will be given.

The Board has set the date of July 19, 2022, as the deadline for Laura Sink to submit all information from her attorney via email or regulatory mail.

This Public Hearing is adjourned until July 26, 2022.

On a motion by AmyJo, seconded by Joe, with all in favor and none opposed, this meeting was closed at 7:48pm.

Jami L. DelPozzo-Planning and Zoning Secretary