

Germantown ZBA
Minutes
April 20, 2023

The meeting was held at the Town Hall with the following members in attendance: AmyJo Davison, Joe Guida, Rachel Levine and Randy Phelan.

The meeting was opened at 7:04 p.m., by Secretary DelPozzo and a motion was made by Randy to appoint member Joe Guida as Acting Chairman in the absence of Chairwoman Repko, seconded by Amy Jo with all in favor and none opposed.

Pledge of Allegiance

The Draft Minutes of March 16, 2023, were reviewed and with a motion by AmyJo, seconded by Rachel, were accepted as written, with all in favor and none opposed.

Public Hearing:

William Utter appeared before the board for his application for an Area Variance for a Manufactured Home Park that does not meet the minimum required lot size of 10 acres at their property located at 4851 Route 9G.

Member Randy made a motion to open the Public Hearing, seconded by AmyJo, with all in favor and none opposed.

The applicant's son William Utter stated to the board that they would like to reopen the existing mobile park to provide affordable housing. As stated previously at their initial meeting they hope to rent 4 mobile homes and have two vacant mobile homes on the property for storage for tenants, they have previously had the Germantown CEO, an engineer and the Department of Health visit their property. A letter from the Department of Health was filed with the application stating no permit would be required from them, an Unsafe and Uninhabitable structure document from the Germantown CEO was submitted to this record and no documentation was received from any engineer.

The Board had conducted site visits on different days and discussed the following with the property owner (s): it is answered to the board that there has not been anyone living at the mobile home park since July 2019, that there is no intent on doing any clean up or sewer inspections/repair until they are granted an approval, the grey cinderblock building on the property is currently being rented, the oldest mobile home is dated 1980, there are no plans to remove any of the storage units, and they have no engineer report for the structures or septic.

Ralph DelPozzo: stated he is the longest neighbor there and has witnessed the deterioration of the mobile home park, that started once the septic clogged and created odors.

Laura Hensel and Mark Lavine: stated they are neighbors to the back of the property, asked if there are any permits for property, they hear generators running 24 hours a day 7 days a week, they have seen

people in and out of the homes for over 2 years, witnessed people living in cars on the property, stated that people appear to be working and are loud. They concluded by stating that they are not opposed to the application but would like all codes to be followed, they would like to see condemned buildings removed and replaced with new homes.

Angus Mordant: stated that he is a neighbor, that the requested variance is quite large, has a concern for condemned septic and questioned if it has entered drinking water, people have continued to live on the property, loud generators are running 24 hours a day 7 days a week, has heard that the school got involved because children lived there, and that he is not opposed to affordable housing but does not feel there is enough evidence to give this variance with the size of property, and would setbacks be met.

Flint Elmendorf: stated that there was someone living in their car on the property and left when asked.

Mr. Utter: stated that if there was a problem the Department of Health would have put it on record.

Mr. Mordant: asked if the homes could be relocated and the Zoning and Subdivision code stated they need to be 30 feet apart.

Mary Lew Fink: stated that she is a neighbor of the property and that the property closed 12 years ago, there is bad water, the sewer is clogged and that she has not seen any remedy.

No comments were received from the Zoom waiting room after being checked three times.

A Motion is made by Rachel to close the Public Hearing, seconded by AmyJo, with all in favor and none opposed.

The board proceeded to review the general standards that must be met Sub Section D-3 and answered as follows: a-no, b-yes, c-no, d-yes, e-yes, f-yes, g-yes. On a 4-0 unanimous vote this application was denied. A Notice of Action will be filed in the ZBA record and with the Town Clerk.

New Business:

Emma Rosenbush presented to the board a Zoning Interpretation application for a proposed use Winery/Cidery and accessory tasting room at her property located at 4514 Route 9G. She presented her application along with Architect Liam Turkle and submitted the following documents for review: Ag Data Statement, Zoning Map Analysis, Owner's statement of proposed use, SEAF, Architectural Concept Site Plan and Survey.

The board proceeded to review all submitted documents and discussed the following with the applicants: there are existing Buildings, there are plans for some new buildings, existing barns will remain, the packing shed will be fixed or replaced, there are no plans for a restaurant, the tasting room will be rustic and hold 40 max patrons, they will use existing orchard as well as locally sourced grapes, there will be no food service, no bands or events and the owner will continue to live on premises.

A motion is made to set Public Hearing for the boards May meeting by Randy, seconded by AmyJo, with all in favor and none opposed.

Live Summer New York LLC:

Peter Jacobson appeared before the board representing Sarah Haviland, property owner of 516 Hover Avenue Extension, who seeks an Area Variance to construct a pool between her building line and street. It is presented to the board that the property is surrounded by streets on all sides.

The board proceeded to review all submitted documents that included a map, building permit with all dimensions, and discussed the following with the Mr. Jacobson: setbacks would be met, pool will be positioned behind building and have a privacy fence, that is already there.

A motion is made by Rachel, to set Public Hearing for the boards May Meeting, seconded by AmyJo, with all in favor and none opposed.

There is no Old or Other business discussed.

On a motion by AmyJo, seconded by Rachel, with all in favor and none opposed the meeting was closed at 8:00p.m.

Jami L. DelPozzo
Planning and Zoning Secretary