

Germantown Planning Board
MINUTES
April 27, 2023

This meeting was conducted at the Town Hall with the following members in attendance: Chris Brown, Jennifer Crawford, Benjamin Davison, Garrett Montgomery and Lauren Williams. Member Kerrie Abela attended via Zoom audio/video conferencing and appeared later in person.

The meeting was opened at 7:00 p.m., and on a motion made by Lauren, seconded by Chris, with all in favor and none opposed, Jennifer Crawford was appointed Acting Chairwoman in the absence of Chairman Tim Otty.

Pledge of Allegiance.

The minutes of March 30, 2023, were reviewed and with a motion from Garrett, seconded by Chris, with all in favor and none opposed were accepted as written.

Public Hearing:

Larry Black and Natasha Sweeten with Architect Peter Ballman, return to the board for a continued review and public hearing for their application of a Site Plan Review to demolish and rebuild a non-conforming structure, Artist Studio at their property located at 50 Anchorage Road. Peter Ballman presented to the board and audience by way of screen sharing the most recent amended drawings and the following was stated: a structure of 430 square feet to be built on a concrete foundation, wood structure, setbacks have been reviewed, windows and doors have been relocated, plan is to preserve existing foundation, after several reviews and modifications, this new structure will be smaller than the garage that will be demolished, the wall is history and will be preserved, there is open space under the structure that will remain open, the roof will slope as to mimic the land and shed roof, and that solar panels will be considered in the future. A rendition was shown by 3D imaging and Mr. Ballman stated that the East side of the building will be four more feet away from the neighbors than the existing garage. Chairwoman Crawford explained to the applicant that although addressed the foundation will be reviewed by the Code Enforcement Officer and not the Planning Board.

Member Ben made a motion to open the Public Hearing, seconded by Chris, with all in favor and none opposed. For the record we received supportive emails, and they are filed in applicants record.

Simon Burstall: stated that he is the neighbor to the east of the building, opposed to this application and read his comments which will be filed with these minutes.

Gary Kapetta: neighbor at 39 Anchorage Road, if this is commercial use, he is concerned with parking, lights, how many people can be in the building and hours of operation.

Quinn Levine: neighbor at 46 Anchorage Road, what will the future look like if this is approved, the future use of the studio should be considered.

The Zoom waiting room was checked at 7:29, 7:30 and 7:31 p.m. and no comments were received.

On a motion from Chris, seconded by Ben, with all in favor and none opposed, the Public Hearing was closed.

Peter Ballman was given the opportunity after the Public Hearing to respond to the commercial use comments/concerns and stated the following: this will be a private studio not commercial use and that this has been told since the initial review started.

Final Board comments were as follows: if the use is to change it would come back to the board for change of use review, a review of any expansion of the septic and the engineer stated that if the septic is replaced/modified his recommendation would be to replace with a Jet System, and concluded that the existing system does not show faulty and that drainage is a non-issue, there are no plans for a bedroom, this will be a private painting studio and there will be no addition of occupancy.

Code Enforcement Officer Mullins commented that the Department of Health only comments when the septic is new and that if needed, he will request their review.

On a motion by Ben, seconded by Chris, the Public Hearing was reopened, with all in favor and none opposed.

Simon Burstall: asked about foundation and draining and was answered that the review would be conducted by the Code Enforcement Officer, and in the future if there are new residents can they have up to 10 people in the building as stated in Zoning and Subdivision Law? The board responded that further review would be conducted by the Code Enforcement Officer.

Motion is made by Ben to close the Public Hearing, seconded by Chris, with all in favor and none opposed.

The Board reviewed the definitions of Customary Accessory Structure and Artist Studio.

Motion was made by Ben to Declare the Planning Board Lead Agency, seconded by Garrett, with all in favor and none opposed. Part 2 of the SEAF was reviewed and the board made a "negative declaration" determining that it had not received evidence of significant negative environmental impacts and will list as a condition of approval that this use is categorized as a Customary Accessory Structure and by a unanimous 6-0 vote approved this Site Plan.

New Business:

Angus Mordant seeks a Site Plan Review to demolish and rebuild a non-conforming structure, a new garage, at his property located at 403 Northern Boulevard. He stated that initially he was referred to the ZBA, that review was stopped and referred to the planning board and that he hopes to build a functional garage away from property line.

The board proceeded to review all submitted documents, a letter from neighbor that abuts property, and maps, reviewed Article XI section D2 and received comment from the Code Enforcement Officer that he feels that by age of the existing structure that his determination is this is a natural disaster, he does not feel this review needs a public hearing and supported the letter submitted by neighbor, Mr. Fink.

A motion is made by Lauren to appoint the board as Lead Agency, seconded by Chris, with all in favor and none opposed. Part 2 of the SEAF was reviewed and the board made a “negative declaration” determining that it had not received evidence of significant negative environmental impacts and will list as a condition of approval that this structure be of same height or less and if it exceeds the height will need ZBA approval and by a unanimous 6-0 vote approved this Site Plan.

Joseph Gullo was represented by Patricia Hinkein for an application for Subdivision to Divide 30 acres into 2 parcels, at the property located at 428 South Road. Ms. Hinkein stated to the board that the property sold last year, is in an NR Zone, has an odd shape, one lot has a house/barn, and that the owner would like to create two lots.

The board reviewed all submitted documents and maps and noted the following: the table on map needs to be corrected from 2 to 10 acres, all properties should be labeled with owner’s name, SEAF #13 a- will be amended from no to yes, #14 amended to show Forest, Ag and Wetlands. The board requested that a new SEAF be submitted with amendments, and a new Agricultural Data Statement submitted: stating that land is in active use along Sawmill Road and instructed that the applicant send to the active neighboring farms in 500 feet by certified mail notice of Public Hearing.

On a motion by Garrett, seconded by Ben, with all in favor and none opposed, the Public Hearing is set for the May meeting of the board.

Karen Targove presented to the board an application for Subdivision of 18.46 acres into two parcels at her property located at 1075 Woods Road. She stated to the board that plans upon approval will be to build a home, a previous lot line adjustment was approved, but she meets the time allowed to subdivide again.

The board reviewed all submitted documents and the following was discussed: bulk regulation table is correct on map; new parcel will need to show new septic and water and demonstrate that it doesn’t flow to the south, application was amended from yes to no answer, that the land is not in an Agricultural District, and then proceeded to review part 1 of the Short EAF and declared itself Lead Agency on a motion by Kerrie, seconded by Ben, with all in favor and none opposed.

On a motion by Ben, seconded by Lauren, with all in favor and none opposed, the Public Hearing is set for the board's May meeting.

Randolph Myers presented to the board an application for a Special Use Permit for an Accessory Apartment to a Single-Family Dwelling at his property located at 58 Eastern Parkway. Mr. Myers stated he would like to construct a new building as the existing building is less than 800 square feet to be an

accessory apartment and will meet dimensional standards, he was not sure of the height, but will verify at public hearing and stated there is no second floor, he spoke with the Board of Health and was told he could combine both leach fields near new home.

The Board proceeded to review all submitted documents and reviewed section XII of the Zoning and Subdivision Law and confirmed that Special Use Permits do not need a Site Plan Review. The board requested the following from the applicant: Agricultural Data Statement and proof that neighbors get notified by him of public hearing, which includes 2 farms. With a continued review of the map, they requested: to indicate well and septic and how it is connected, indicate new well if it is placed, add existing and proposed driveways and the access to them, and show setbacks for proposed building. Part 1 of the Short EAF was reviewed, and the board declared this a Type II action.

A motion is made by Kerrie to declare the board as Lead Agency, seconded by Ben, with all in favor and none opposed.

The board stated that they would list the following conditions for approval: that the Department of Health needs to agree that septic supports new building, and conditional approval after review of setbacks to determine if a ZBA variance would be needed.

On a motion by Kerrie, seconded by Ben, with all in favor and none opposed, the public hearing is set for the board's May meeting.

Other Business:

Patty Hinkein stated to the board that the applications are hard to understand and fill out for the applicants and suggested there should be a liaison person prior to initial meetings, she feels applicants are afraid and feels it will be helpful. Additionally, she questioned the term grandfathered being used by realtors to applicants and changes of use, and what should be sent for review from the CEO to the GPB and ZBA.

The board clarified that there is the option to request a sketch plan review and that can be rediscussed in the building department and with the Zoning Committee.

On a motion by Kerrie, seconded by Lauren, with all in favor and none opposed, the meeting was closed at 9:00 p.m.

Jami L. DelPozzo- Planning and Zoning Secretary

