

Germantown ZBA
Minutes
May 18, 2023

The meeting was held at the Town Hall with the following members in attendance: Chairwoman Teresa Repko, Joe Guida and AmyJo Davison. Attorney Corinne Smith attended via Zoom audio/video.

The meeting was opened at 7:15 p.m. due to technical difficulties.

Pledge of Allegiance.

The Draft Minutes of April 20, 2023, were reviewed and with a motion by AmyJo, seconded by Joe, were accepted as written, with all in favor and none opposed.

Public Hearing:

Emma Rosenbush

A motion to open the Public Hearing was made by Joe, seconded by AmyJo, with all in favor and none opposed. Emma Rosenbush returned to the board for her application for a Zoning Interpretation for a proposed use of a Winery/Cidery and accessory Tasting Room at her property located at 4514 Route 9G. She reintroduced her plans to the board that were stated at her initial review and added that she would serve a limited menu to meet SLA requirements. Town Attorney Corinne Smith stated that the ZBA is reviewing this application to determine its use, and that in the future this application may need a Use Variance from the ZBA or a Site Plan review by the Planning Board. After a review of the ZSL, it is determined that there is no definition for Winery, and no bar permitted in the zoned district of this property. Both the applicant and the Town Attorney are waiting for correspondence from Ag and Markets. It was discussed that two options for this applicant could be an interpretation from Ag and Markets asking for guidance, and the second to apply for a Use Variance, or limit to cider would be a permitted use now. The Board proceeded to discuss Ag and Market review and guidance, income from cider versus wine and the need for the Town Attorney to reach out to Ag and Market. An escrow account in the amount of \$750.00 was established for the review of this application and filed in this record. The Zoom Waiting was checked for comments and received the following:

J. Dortmans: in support of applicant, stating “everyone loves a winery/cidery”

A motion was made by AmyJo to Adjourn this Public Hearing until the ZBA June meeting, seconded by Joe, with all in favor and none opposed.

Attorney Smith stated to the board that this is a Type 2 action, which needs no further review with SEQR.

Live Summer New York LLC

A motion to open the Public Hearing was made by Joe, seconded by AmyJo, with all in favor and none opposed.

Peter Jacobson of Mountain Pools attended this meeting via Zoom representing the applicant for an Area Variance to construct a pool on their property at 516 Hover Avenue. He explained that the property is surrounded by streets on all sides, that all setbacks are met, the pool will be located behind buildings and there will be a privacy fence and additional fencing for safety barrier.

The Zoom waiting room was checked for comments and the following was received:

J. Dortmans: in support of, stated that he has no objections, asked where the pool would be located, and confirmed that pool will not be located in the front yard.

No further comments were received and on a motion from Joe, seconded by AmyJo, with all in favor and none opposed, the Public Hearing was closed.

The board approved this application with a 3-0 unanimous vote. A Notice of action will be completed and filed with the Code Enforcement Officer, Town Clerk and the record of application.

New Business:

Aron Himmelfarb appears before the board seeking an Area Variance to construct an addition to a Single-Family Dwelling at his property located at 170 Church Avenue. The applicant stated to the board that the proposed project would be a 581 square foot addition to his home, creating a larger bedroom and bathroom to the rear of his property, seeking a 45% ask of variance. The board proceeded to review all submitted documents and discussed the location of septic in relation to the dwelling.

A motion is made by AmyJo to set Public Hearing for the June ZBA meeting, seconded by Joe, with all in favor and none opposed.

Other Business:

Chairwoman Teresa discussed with the board her concerns for the quality of the recorded Zoom meetings stating that they sound very muffled, can here talking and paper movement throughout the whole recording and that she will email Supervisor Helsley her concerns and asked the board for suggestions. A suggestion was offered to use Teams for meetings or invest in a better audio system, along with inquiries as to why there is difficulty in the start-up of

meetings to sign on and use of equipment. In addition, she mentioned the need and requirements for annual continued training and asked for continued mailings from the NYS Federation, and a phone list of ZBA members to be created.

No Old Business was discussed and on a motion by AmyJo, seconded by Joe, with all in favor and none opposed the meeting was closed at 8:30 p.m.

Jami L. DelPozzo
Planning and Zoning Secretary