

Germantown ZBA
DRAFT Minutes
June 15, 2023

The meeting was held at the Town Hall with the following members in attendance:
Chairwoman Teresa Repko, Joe Guida, Rachel Levine and Alternate member Simon Burstall.
Member AmyJo Davison and Town Attorney Corinne Smith attended via Zoom Audio/Video.

The meeting was opened at 7:00 p.m.

Pledge of Allegiance.

The Draft Minutes of May 18, 2023, were reviewed and with a motion by Joe, seconded by AmyJo, were accepted as written, with all in favor and none opposed.

Public Hearing:

Emma Rosenbush:

Continued Public Hearing in the application of Emma Rosenbush for an Interpretation for a proposed use of a Winery/Cidery and accessory Tasting Room at her property located at 4514 Route 9 G.

Member Rachel Levine recused herself from this application.

Emma appeared before the board with her Attorney Andrew Howard and he stated the following: after review of the Germantown ZSL, that AG and Market refers to the ZBA as the Home Base Rule and that if the board is restrictive they will get involved, a letter has been submitted and filed with this application/record defining agriculture from the Germantown ZSL, intentions of the applicant for use and development, governing of the State Liquor Authority, and that the applicant does not seek to engage in Agri-tourism, but rather to operate their farm for the production and non-industrial processing of apples and grapes for sale of agricultural commodities.

The board continued their review and discussed the following: the existence, absence and growing of grapes, that under SLA grapes must come from New York, that a temporary license has been granted by the SLA to the applicant, structures on property as storage, doors, entry ways and spacing, parking for possibly 12 spaces and applicant stated this will be small and family run not looking to expand parking at this time.

Rachel Petach: is a neighbor and is in favor of the applicant and presence of the landscape and use.

Karen Targove: is on the new Zoning Committee, stated this is exactly what we need and is in full support.

Danielle Kays: in support of applicant, state this is a perfect business for the community and great to bring people together, and hopes it maintains the landscape of Germantown to enhance and fit in.

No further comments were received from the audience or Zoom attendees.

On a motion by Rachel, seconded by Joe, with all in favor and none opposed, the Public Hearing was closed.

Alternate Simon Burstall was appointed to sit in, in the absence from recusal of member Rachel Levine.

Attorney Smith read the resolution, with a motion from Joe, seconded by AmyJo, the question of the adoption of the filed resolution was duly put to vote, which resulted in a 1-absent, 1-recused from application, 4-0 yes vote to approve the resolution.

Public Hearing:

Aron Himmelfarb returned before the board for his application for an Area Variance at his property located at 170 Church Avenue. No further comments from the applicant were received.

On a motion by Rachel, seconded by AmyJo, with all in favor and none opposed the Public Hearing was opened.

No comments were received from the audience or Zoom waiting room.

On a motion by AmyJo, seconded by Rachel, with all in favor and one opposed the Public Hearing was closed.

The board proceeded to review the general standards that must be met Sub Section D-3, and on a unanimous 4-0 vote this application was approved. A Notice of Action with no conditions of approval will be filed in the ZBA record, Code Enforcement Officer and Town Clerk.

New Business:

Angus Mordant appeared before the board for an Area Variance at his property located at 403 Northern Boulevard. Site Plan approval was granted from the Germantown Planning Board to Demolish and Rebuild a Non-Conforming Accessory Structure with the condition of “this structure be of same height or less and if it exceeds the height will need ZBA approval.” Angus stated that he hopes to build a two-car garage with storage space above, and that the current building does not allow for two cars and the current height is not tall enough.

The board proceeded to review the application, and all submitted documents and discussed the following: the size change of 3 feet higher and 3 feet wider with a final height of 21 feet tall, the site of building, which will be in the same location, and the setbacks.

Motion is made by Rachel to set Public Hearing for July 20th, 2023, seconded by AmyJo, with all in favor and none opposed.

Karen Targove and Angela Olszewski: appeared before the board for and Area Variance at their property located at 1075 Woods Road for Front Yard Setbacks to construct a Single-Family Dwelling. Karen and Angela stated that they would like to have the new home line up with existing home and garage at 40 feet to create continuity, that most homes on Woods Road are less than 75 feet and submitted pictures filed with their application and received a Subdivision from the Germantown Planning Board.

The board proceeded to review the application, and all submitted documents and discussed the following: home on 5-acre parcel lot 2B, and the setback of home is at 40-45 feet.

Motion is made by Rachel to set Public Hearing for July 20th, 2023, seconded by AmyJo, with all in favor and none opposed.

There is no Other or Old Business.

On a motion by Rachel, seconded by Joe, with all in favor and none opposed, the meeting was closed at _____.

Jami L. DelPozzo
Planning and Zoning Secretary