

Germantown Planning Board
FINAL Minutes
August 31, 2023

The meeting was held at the Town Hall with the following members in attendance: Chairman Garrett Montgomery, Simon Burstall, Jennifer Crawford, Benjamin Davidson and Lauren Williams. Member Kerrie Abela attended via Zoom and appeared in person after 8pm. Town Attorney Corinne Smith was also in attendance via zoom.

The meeting was opened at 7:00pm.

Pledge of Allegiance

The minutes of July 27, 2023 were reviewed and on a motion by Ben, seconded by Jen, with all in favor and none opposed were approved with the following amendments:

Page 2, change one to none opposed paragraph 7.

Page 2, change from an Unlisted action to a Type 2 action to, Type 2 action to an Unlisted action, paragraph 8.

Public Hearing:

Taconic Biosciences representatives Broch Juusola, Tad Johnston and Aileen Daley returned before the board for the continued review of the Site Plan review for property located at 273 Hover Avenue to replace the existing WWTP.

Motion was made by Ben to reconvene the Public Hearing, seconded by Jen, with all in favor and none opposed. Chairman Garrett discussed with the board the need to establish an escrow account and ask for attorney review and recommendations. On a motion by Kerrie, seconded by Ben, with all in favor and none opposed the escrow account was set and filed in the applicant record.

The board proceeded to review the application and Attorney Smith stated the following: the board has to complete SEQR before any Public Hearing of the Site Plan, timeframe doesn't start until SEQR is completed, the short SEAF was initially submitted and is replaced with the LEAF, the application was sent to the DEC and no correspondence has been received, letter from Taconic Biosciences was received after a site plan review with board members and filed in the record and that the board has the 4 following options:

- 1- Request a Hydrogeological Study
- 2- Review the EAF find no impact and mitigate and declare negative impact and complete part 3 of the EAF
- 3- Conditional approval after review of EAF and list the boards conditions which have been discussed as: - not going to increase flows
And future not to exceed current flows
- 4-Complete Parts 2&3 of the EAF, if moderate to large is the boards determination, then they can't mitigate with conditions or otherwise and proceed to DRAFT EIS and the full SEQR process.

Members of the board commented the following: will the water withdrawal increase, will the flow increase, and if it exceeds daily or historic discharge records they are more comfortable with conditions being set, or another site plan review to discuss the WWTP or the need for a hydrogeological study, they would like applicant to abide by the town's water protection plan and felt that the submitted letter from Taconic Biosciences was too vague and not detailed to their request of water reports requested and could studies be submitted to the town. In addition the board added that they do have jurisdiction for their request of water protection plan. One member stated that they felt the board was in part off track in their review by stating the applicant is not going to use more water, that this upgrade is for waste and another member agreed.

Taconic Biosciences reviewed with the board, they have DEC and SPEDES permitted allowances, they are under or within those parameters, they are seeking to improve by replacing what is currently there and have reviewed this at the sketch plan stating the replacement will be to keep them in compliance with the EPA. They also stated they are unclear as to what the board is actual requesting from them, they can not set a site plan review until they meet with Taconic Biosciences and have a date set, it is stated that there will not be any increase, and no increase to the amounts permitted by report, and if there were, they would have to return for an additional application and review.

Attorney Smith stated that conditions can be set, but they can NOT be regarding future limits of discharge and if there is a negative declaration, you can set limits to not exceed an amount and state to return for a Hydrogeological Study and if conditional approval it will circulate to the DEC.

The board and applicant agreed to set a second sketch plan meeting. Members to attend will be Jen, Simon and Ben.

The Public Hearing is adjourned on a motion by Jen, seconded by Ben, with all in favor and none opposed.

Jen Crawford returned before the board for the continued review of her application for a Conservation Subdivision at 4365 Route 9G, she stated that not all final materials are submitted and that her escrow has been established and paid to the town, she submitted additional documents to the record and town attorney, met with Highway Superintendent Anthony Cidras who she said has no concerns with her driveway plans, she will discuss new entrance on 9G with the Department of Transportation and that she understands that the board would like her to apply for a lot line adjustment at a later date, she is in the process of the sewer review, the town engineer will also review this, and that she is waiting for appraiser's comments. She proceeded by stating that she needs to talk to the Town Board to be benefitting party and not hold easement.

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

Attorney Smith stated that it is premature to set/open the Public Hearing as the board has to review SEQR first, and proceeded to read to the board the ZSL as it pertains to conservation subdivisions. She recommended that the board members visit the site of the application, no set back or lot size

requirements for a conservation subdivision, and that the town will be deeded the parcel that is the highest conservation value.

Sidewalks, Pedestrian crossing and nature trail were also discussed. Scenic Hudson was contacted but the area was too small and of no interest because of size.

No public comments were received. On a motion by Kerrie seconded by Ben, with all in favor and none opposed the Public Hearing was closed.

New Business:

Paul Haas/Five Hares LLC presented to the board his application for a Special Use Permit for an Accessory Dwelling at his property located at 375 Viewmont Road. He explained to the board that he previously applied for an Area Variance to the ZBA of the larger structure located on his property and their suggestion was to stop their review and apply for a Lot Line Adjustment so that each parcel had a dwelling listed on it. He is asking to reclassify his dwellings to be compliant with all town guidelines. After revisiting Brandon Mullins, it was recommended to return to the Planning Board and seek the Special Use Permit converting the area on the drawings to a storage area and make the living space 799 square feet into a permitted sized Accessory Dwelling and the use would be for future rental. The Planning Board determined that the change in space and usage of the structure would be best reviewed by the ZBA for an Area Variance, the board stopped their review and referred this matter back to the Building Department.

Moses Land Holdings, LLC did not attend meeting and there was no review of their application conducted.

There is no Old or Other Business discussed and on a motion by Lauren, seconded by Ben, with all in favor and none opposed the meeting was closed at 9:30pm.

Jami L DelPozzo
Planning and Zoning Secretary