

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

February 7, 2012

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Taylor Conard at 7:30 p.m. On roll call the following members are present: Taylor Conard, Michelle Granger, Paul Lunde, Joseph Szpak, and Denise Eskoff, Alternate. Kevin Veitch is absent.

January 3, 2012 MINUTES

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of January 3, 2011, as submitted.

VOTE: Ayes: Conard, Eskoff, Granger, Lunde, Szpak

Noes: None

Absent: Veitch

NEW BUSINESS

DAVID MANDEL – Area Variance, Case #882

(Eva Sara David LLC) Plank Road

Kurt Heiss is present for the applicant. T. Conard reviews that the applicant is seeking 2 variances for frontage to subdivide this lot. Lot 1 would require a variance of 216.27 feet and Lot 2 would require a variance of 160.42 feet. The Board would like copies of the previously approved variance for this property (Sinnott, Case # 791).

RESOLUTION – D. Mandel, Area Variance

MOTION: P. Lunde

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of David Mandel (Eva Sara David LLC) as complete and schedules a public hearing for March 6, 2012 at 7:30 p.m.

VOTE: Ayes: Conard, Eskoff, Granger, Lunde, Szpak

Noes: None

Absent: Veitch

OLD BUSINESS

CAROL RICHMOND – Area Variance, Case #803

North Greenfield Road

T. Conard reviews that this is a request for an extension of a previously granted variance. G. McKenna's notes indicate that this would be the 5th extension of this variance, which is about to expire. The February 7, 2012

variance is for a 5' left side yard variance and a 5' right side yard variance. This is a pre-existing, non-conforming lot of .51 acres. P. Lunde questions that this is due to the current economy. C. Richmond agrees. P. Lunde asks if they may be able to do something this year and asks if the house is being built for the applicant. C. Richmond states that she hopes it will be done this year, that she has a contractor with house plans to fit into this lot and he is trying to get someone to buy it. M. Granger states that she has a concern and does not know how long we can keep extending this. J. Szpak asks if the concern is that we want to minimize giving variances, we don't really have a build plan and so why keep carrying this. M. Granger states that is part of it. The other side is that this is not a substantial request; it is a pre-existing, non-conforming lot. She is just raising the issue to see how her fellow Board members feel about it. P. Lunde states that the neighborhood around it is similar so there would be no negative impact to the neighborhood. He does not have any problem with it. T. Conard states that historically we have not carried year after year the same variance, generally. P. Lunde states that is also if someone is doing some work on it. He states that if we don't grant it, someone could come back next month and do the same thing. C. Richmond states that the economy is really not good and 5' is such a small amount. P. Lunde states that is not the issue. What some of the Board members have concerns with is that nothing has been done in 5 years. We usually don't let things go that long. In all reality, we could say no and the applicant could come back within a year and request the same thing. T. Conard states that technically if it is turned down the applicant could not come back in the same year for the same thing. M. Granger states that if there is a buyer, wouldn't that be considered a change in circumstances? T. Conard states that he would consider it a change in circumstances. J. Szpak states that the applicant is trying to keep it marketable by saying that she could more likely get a buyer if she has the variance. He does not have a problem with that and understands the concern in keeping it dragging on. P. Lunde states that if the applicant is back here next year, she might not get a favorable response.

RESOLUTION – C. Richmond, Area Variance

MOTION: P. Lunde

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals grants the request of Carol Richmond for an extension of an area variance for property located at 142 North Greenfield Road, Tax Map # 125.1-1-5, as follows:

- **5' left side yard variance**
- **5' right side yard variance**

This is based on the following criteria:

- **No negative impact to the neighborhood or the environment**
- **The request is minimal**
- **No significant changes to the neighborhood**
- **This is an extension of an existing variance for one year**
- **This is about as small a variance as one can get**

VOTE: Ayes: Conard, Granger, Lunde, Szpak

Noes: Eskoff

Absent: Veitch

DISCUSSION

M. Granger asks if anyone else attended the class on ethics at the recent conference. She thought that one of the issues that was brought up might be applicable to our Board and that was a member from February 7, 2012

other Boards appearing before the ZBA. She didn't know if anyone else had any concerns with that. She states that as she understood it, appearing on a paid basis, that might be considered an ethical challenge for the Board in terms of how that is viewed. P. Lunde states that his understanding is that it is not illegal but that it could be considered unethical. P. Lunde states that has occurred here a couple of times with Tonya Yasenchak representing Habitat. T. Conard states that, to be safe, we need to have full disclosure, which she has done. It is a gray area, but there are a lot of gray areas in Boards particularly Boards in small towns because everyone knows everyone and if you wanted to recuse yourself every time someone you knew came in, you might not have a quorum. T. Conard states that what they are usually looking for is if there is some monetary connection or making a profit. D. Eskoff states that it becomes an issue if someone is in constantly. If its once or twice over a period of time, that is different. P. Lunde states that our concerns will be recorded in the minutes. J. Szpak states that he thinks it is a gray area; those things are going to happen, you cannot avoid them and he thinks that there should be full disclosure. He thinks it is a case-by-case basis and he has no concerns with previous cases. It is better to discuss it up front before you are under the gun. M. Granger states that she does not have an issue with anything in the past and just brought it up because the presentation was very helpful on a number of different levels, it was helpful to attend, and to recognize some of those issues that we may or may not face as a Board. P. Lunde states that he has been on the Board for 17 years and he hasn't dealt with anything like that.

Meeting adjourned 7:45 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland