

**TOWN OF GREENFIELD**  
**Zoning Board of Appeals**

**June 1, 2021**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order at 7:00 p.m. by Denise Eskoff. On roll call the following members are present: D. Eskoff, N. Toussaint, K. Taub, A. Wine and S. MacDonald, Alternate. C. Kolakowski is absent. S. MacDonald has full voting privileges for the entirety of the meeting. M. Waldron, Zoning Administrator/Code Enforcement Officer is present.

**Minutes**

May 4, 2021

MOTION: N. Toussaint  
 SECOND: K. Taub

VOTE: Ayes: D. Eskoff, N. Toussaint, K. Taub. and A. Wine  
 Noes: None  
 Abstain: S. MacDonald  
 Absent: C. Kolakowski

Roeckle, R. Case #1027  
 TM# 150.-1-46

Area Variance  
 445 North Creek Road

Robert Roeckle is present. D. Eskoff states the project is a Public Hearing for property located at 445 North Creek Road. She opens the Public Hearing at 7:01 p.m. and asks if there any correspondence for this project. K. McMahon states no. N. Toussaint asks if the Applicant spoke with his neighbors. R. Roeckle states that he went over there yesterday but no one was home. D. Eskoff states that notice was provided for this project. R. Roeckle states that he is looking for relief of 72 square feet over the 1,000 of the house and 228.2 square feet over the 40% the maximum allowed Principal Permitted Residence. D. Eskoff states that there being no one is present and no correspondence, she closes the Public Hearing at 7:05 p.m. A. Wine states that it was indicated at the last meeting that the Applicant could achieve this by making it a little bit smaller. If we requested that, he's not sure that making it a little bit smaller would change the impact, if any. D. Eskoff states she looks at these as unique situations most of our properties in Greenfield are fairly unique. This is a fairly well protected property, the best she can tell and thinks the pictures demonstrate that a little bit more. She feels anything you can do to buffer it from a neighbor obviously is to an advantage in this case. Basically, you're building a garage with an apartment over it. We don't allow second houses on any parcel in Town, but we do allow in-law apartments and we allow garage apartments, to a certain size,

and that's where we are with this. We've had others before us, and everyone is unique. R. Roeckle states there will not be any windows or lighting on the side where his neighbors will be seen. K. Taub asks why R. Roeckle can't use the existing garage. D. Eskoff states that if he does, he won't have the use of the current garage. K. Taub states his concern is that it seems to be, and states he does not want to use the term volatile because it's too strong a word, but it seems to be inconsistent with the intent of the law that we don't have second houses that we just have garage apartments and you have a very substantial garage, and without offending anybody the Applicant can certainly build an apartment above that garage. It seems like what the Applicant wants to do is create a second house. And you can't do that. So, in order to accomplish that you're basically saying well I'm going to put a two-car garage on the bottom and put the apartment on top. I'm not saying I'm opposed to that because the square footage doesn't bother me. In other words, the extra square footage, the variance for that purpose doesn't bother me at all. But it does seem like the intent here is to create a second dwelling, a rental unit within your property and K. Taub assumes that you'll never be able to sell that separate from your house, that is, you're not going to be able to say that it. R. Roeckle states that technically my property could be subdivided. Unfortunately, he doesn't believe the Code is specific as to what they define in that the garage apartment can only be the principal garage. He has 5.86 acres. K. Taub states he thinks the Applicant is right and seeing is how the neighbors are not here to protest and they're the ones that have the most interest in this. K. Taub states that he's going to wait to hear what his colleagues on the Board say but he's persuaded by that argument that the Code is kind of vague as to what constitutes a garage apartment, and the size of it is not the thing that bothers, it really isn't. It's the fact that you're going to have to separate these garages of substantial size and could eliminate it by putting the apartment above the garage you have although that's not as desirable because if you're renting it out then you're going to be in closer proximity to your house which isn't good for you and it's not good for the tenant either. D. Eskoff states she thinks every case is different, this is what we have to work with and she agrees with K. Taub. We've had this before where people have built the garage apartment and then later built a home on the property. We've had all kinds of scenarios. K. Taub states that it is what it is and effectively it is a second type home but it is a rental type of the legal loophole that was his point does not see how you can ultimately then subdivide and sell off separately. The other thing is we can as a Board do something to assure ourselves that the ground floor will only be used as a garage, and not used for living space. K. Taub states because to him to not have that somehow in there as a limitation would be volatile of the whole idea. D. Eskoff states I believe this is going to be subject to a Special Use Permit. That will go through the Planning Board, they will look at the plans, and then it will go through the Building Department, again and Mr. Waldron can address that question. K. Taub states that the idea is that if we're going to approve this, I want to be sure that going forward in perpetuity. The ground floor remains a garage with garage doors. Obviously, everyone who has a garage in Town can convert that garage to a recreational room or what you want, especially if it's attached to the house, but this is unique situation because we're in essence creating living space where none existed, and it's somewhat volatile of the, intent the idea of having an apartment above the garage that's with the house. The statute is vague enough that it allows for this, he would hate to come back in five years from now and see that, in actuality, what we have is a 2500 square foot house not a garage and he doesn't know how we can ensure that if there is any writing is specifically as a

garage apartment as our Code defines it as a ground floor level that would be constituted in the living square footage as 40% or more than 1000 square feet. And then when it comes in for a building permit that would be of the plan specifically looking for the garage area, and the calculation of living areas may comply with the rule as well Special Use Permit all be handled in process step between the Zoning Board to approve and the Planning Board. N. Toussaint states there are no undesirable characteristics to the neighborhood. A. Wine and K, Taub concur. (County referral waived by County Planning Board.)

MOTION: K. Taub  
SECOND: N. Toussaint

RESOLVED, that the Town of Greenfield Zoning Board of Appeals hereby grants an Area Variance for a Garage Apartment for property located at 445 North Creek Road, TM# 150.-1-46, Case #1027 as follows:

- 228.8 square feet over the 40% maximum allowed of Principal Permit Residence
- 72 square feet over 1,000 square feet over the maximum allowed

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible because it is not advantageous under the circumstances of the existing property, building and requested need.
- There are no undesirable changes to the neighborhood character or detriment to the nearby properties in the location, project designed to shield from neighboring properties.
- The request is somewhat substantial but balanced by the size of the principal home in allowance and challenges to upgrade current garage versus new building to accommodate apartment space on property.
- There are no detrimental adverse environmental effects.
- This is self-created but not determinative.

VOTE: Ayes: D. Eskoff, N. Toussaint, K. Taub. A. Wine, and S. MacDonald  
Noes: None  
Abstain: None  
Absent: C. Kolakowski

Yasenchak, T. Case #1028  
TM# 138.-2-57.1

Area Variance  
77 Wilton Road

Tonya Yasenchak is present. D. Eskoff states that this project is also a Public Hearing. She states that the Board received both the photos and the map, and the other information that the Applicant submitted. D. Eskoff opens the Public Hearing at 7:23 p.m. and asks if there any correspondence for this case. K. McMahon states no. T. Yasenchak states that on the first Application, we placed more in the center of the lot. It still needed two variances. She states that she talked to her neighbor and she is okay with this. The neighbor doesn't like chickens, and the Applicant mentioned that the number she would probably have would be small. T. Yasenchak states that her neighbor's main hesitancy about chickens was if they were free-

range specifically because there was another neighbor who had free-range chickens and her free-range cats got killed on our road. The cats were chasing the chickens that were free ranging, unfortunately. T. Yasenchak states that she did tell her that any animals that are on my lot will be contained at all times. I do not let them free range and nor do I have any electronic fence. I believe that all pets in ownership should be contained and any chickens I have will be. Due to this, she thought moving the chicken coop furthest away from her house would be the best bet. They will be contained and she did provide information about fencing that would be above and around the chickens. So, instead of asking for two side yard variances, she is requesting rear setback variance, and a side yard setback. D. Eskoff asks the Applicant to confirm what she is now requesting. T. Yasenchak states it was a change from when she first came in. She was asking for a 50' left side yard setback, it was a change from when I first came in. She was asking for a 50' right, yard setback, side setbacks on both sides, right, this would be a 50' side yard setback variance on the east side, which that was on the original east side instead of 100' on the back for the rear she's asking for 52' on the rear. D. Eskoff asks is the east side what the Board would consider the right yard, or the left yards, that the east side is on the left. T. Yasenchak states she thought that would be the least impact. Her neighbor's property is a keyhole lot. D. Eskoff states that she realizes the Applicant is trying to accommodate the Board and the neighbor is not present to voice her opinion. Again, the neighbors were sent notice. N. Toussaint asks if there will not be any roosters. T. Yasenchak states no. There being no on present and no correspondence for or against, D. Eskoff closes the Public Hearing at 7:23 p.m. N. Toussaint states that he is glad that the chickens will not be free-ranging and there will not be any roosters. T. Yasenchak states the coop will be a fenced in coop. M. Waldron states Hobby Farm/Personal Farm zoned for 6 acres. D. Eskoff states that the section of the Code is broader and the Applicant is only asking for limited for chickens. (County referral waived by County Planning Board.)

MOTION: N. Toussaint  
 SECOND: K. Taub

RESOLVED, that the Town of Greenfield Zoning Board of Appeals hereby grants Area Variances for property located at 77 Wilton Road, TM#138.-2-57.1, Case #1028, as follows:

- I. For an addition to Existing Residence
  - 34' Front Yard Setback
- II. For the Personal Farm Activities/Hobby Farm specifically for Keeping of Chickens on property to be limited to the maximum of six (6) chickens (no roosters) to be contained within an enclosed area on the property
  - 50' Left Side Yard Setback
  - 50' Rear Yard Setback
  - 4.8 Acres

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible to the Applicant. The addition will follow the removal of an older porch area and result in an improvement to the existing residence. The property, being pre-existing, cannot meet current zoning or allow for Personal Farm Activities to include the keeping of chickens
- There are no undesirable changes to the neighborhood character or detriment to the nearby properties. The design and addition to the house is consistent with neighboring homes and personal farming limited to the keeping of chickens is suitable to the rural character of the neighborhood which includes nearby farms
- The request is substantial but offset due to this being a pre-existing non-conforming property and being consistent with the present neighborhood.
- There are no detriment adverse environment effects.
- This is not self-created as this is a pre-existing non-conforming property. The project will be an improvement to the residence structure and the keeping of chickens allows for self-sufficiency.

VOTE: Ayes: D. Eskoff, N. Toussaint, K. Taub, A. Wine, and S. MacDonald  
 Noes: None  
 Abstain: None  
 Absent: C. Kolakowski

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355 Grange Road, LLC Case #1029  
 TM# 151.-2-28.1

Area Variance  
 355 Grange Road

Gerry McKenna is present. D. Eskoff states this project is for an Area Variance for apartments. N. Toussaint asks are there 32 apartments and are they two story or single story? G. McKenna states two story individual apartments. N. Toussaint states this was in front of the ZBA a few years ago for storage units. G. McKenna states yes, and we withdrew the Application. D. Eskoff states that wasn't there a water issue with this parcel. G. McKenna states they have done substantial testing in the last few years. If you look at the map it is quite a few feet back on the property. They did 15-20 test pits about 350' back at the property about 10'-15' deep. The front of the property is rock. N. Toussaint asks if G. McKenna has documentation on that. G. McKenna states yes, it is with the engineer. A. Wine asks how many feet will be between buildings. G. McKenna states 25' between each building. K. Taub states the buildings are going to be 89'x37'. G. McKenna states they will be one- and two-bedroom apartments. There will be parking in the front and the back of the buildings. A. Wine states that he would like pictures of what the buildings will look like and how many apartments will be in each building. G. McKenna states eight units in each building. K. Taub states it is 825 square feet. D. Eskoff states 1.5 per dwelling unit a variance of about 42 acres. M. Waldron states in Section 105 Table 2 of the Town's Code 1.5 acres for multifamily units occupying eight families per unit equaling 32 dwellings with 6.213 acres relief of 41.7 acres. D. Eskoff states this is a substantial relief. She would like this case to be referred to the Planning Board for an advisory opinion. N. Toussaint asks if the last Application (for this parcel) should come into play with the current Application. D. Eskoff states no this is a totally different Application. The Planning Board would request a detailed map. She would like photos or drawings. She asks the Board what they want from the Applicant. A. Wine states this is a big project and he would like a site plan showing how far the stakes went into the ground. G. McKenna states that his stakes were done in the back of the property. This is only preliminary for tonight. He does not feel this

project is ready for the Planning Board. A. Wine requests renderings of the buildings. K. Taub asks G. McKenna if there are any other apartment buildings in Town. G. McKenna states yes, on Maple Ave. The buildings will look like Eric Carlson's on Maple Ave. D. Eskoff states this project will require a Special Use Permit. G. McKenna states that when they first started this project it was 16 units, they have cut it down to eight units. D. Eskoff states there are limited factors. M. Waldron states it will be on the plot plan and that will be addressed there.

MOTION: D. Eskoff  
SECOND: N. Toussaint:

RESOLVED, that the Town of Greenfield Zoning Board of Appeals hereby tables and refers this Application to the Planning Board for an advisory opinion for the property located at 355 Grange Road, TM# 138.-2-58.1, Case #1029 and requests the following information from the Applicant be submitted prior to Application review:

- Updated map/plan showing distance including the distance including the property line to the buildings
- Example photos or renderings of what the apartment buildings are going to look like
- Photos of the land to and from neighboring property and of the building area
- Other information that may be requested/submitted to the Planning Board during their advisory opinion review of the proposed project

VOTE: Ayes: D. Eskoff, N. Toussaint, A. Wine, and S. MacDonald  
Noes: None  
Abstain: K. Taub  
Absent: C. Kolakowski

Kirchhoff, D. Case #1030  
TM# 136.-2-13.1

Area Variance  
19 Humes Road

David Kirchhoff is present. D. Eskoff states this case is for 19 Humes Road. The garage is 1.5' over the setback and is in LDR District which requires a 75' setback. The garage is on a 45-degree angle. K. Taub states that he drove by the property and it is beautiful. D. Kirchhoff states that he has already talked to all his neighbors and he states they don't have any problems with this.

MOTION: K. Taub  
SECOND: N. Toussaint

RESOLVED, that the Town of Greenfield Zoning Board of Appeals hereby accepts the Application of David Kirchhoff, Case #1030, for Area Variance for 1.5' on property located at 19 Humes Road, TM# 136.-2-13.1, and sets a Public Hearing for July 6, 2021 at 7:00 p.m.

VOTE: Ayes: D. Eskoff, N. Toussaint, K. Taub, A. Wine, and S. MacDonald  
Noes: None  
Abstain: None  
Absent: C. Kolakowski

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Meeting closes at 7:48p.m. All members in favor.

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Respectfully submitted by,

Kimberley McMahon  
ZBA Administrative Assistant

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