

TOWN OF GREENFIELD
Zoning Board of Appeals

September 7, 2021

REGULAR MEETING

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

Minutes

August 3, 2021, 2021

MOTION: C. Kolakowski
SECOND: K. Taub

RESOLVED, The Zoning Board of Appeals waives the reading of, and accepts the August 3, 2021 Minutes with minor corrections.

VOTE: Ayes: D. Eskoff, C. Kolokowski, K. Taub, A. Wine
Noes: None
Abstain: N. Toussaint
Absent: None

Keefer, R. Case #1033
TM# 139.-1-96

Area Variance
11 Bockes Road

Robert Keefer is present. D. Eskoff states that this parcel is in MDR-2 District. The front and rear yard setbacks are 75'. D. Eskoff opens the Public Hearing at 7:04 p.m. D. Eskoff reads a letter from Benita Anderson of 3194 Route 9N and Margaret Clark of 15 Bockes Road that are both in favor of the project. C. Kolakowski asks why the garage can't be placed within the setbacks. R. Keefer states that because in the location of the wetlands and the well. D. Eskoff states that no one is present and has read the correspondence she closes the Public Hearing at 7:07p.m. C. Kolakowski states that he drove past the property and it certainly fits in with the character of the neighborhood. D. Eskoff agrees and the Applicant is putting it in place of the temporary structure that is currently there.

MOTION: C. Kolakowski
SECOND: K. Taub

RESOLVED, that the Town of Greenfield Zoning Board of Appeals hereby grants an Area Variance for a detached garage for property located at 11 Bockes Road, TM#138.-1-96, Case #1033, as follows:

- 55' front yard setback
- 15' side yard setback

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible to the Applicant; this is a pre-existing non-conforming lot with an existing well location to work around.
- There are no undesirable changes to the neighborhood character or detriment to the nearby properties.
- The request is not substantial as granted it will not seriously impact the neighbors who are in support of the Area Variance for this project.
- There are no detrimental adverse environmental effects.
- This is a self-created request (which is relevant, but not determinative). The Applicant has no other option where to site the garage given the location of the existing well on the property.

VOTE: Ayes: D. Eskoff, N. Toussaint, C. Kolakowski, K. Taub and A. Wine

Noes: None

Abstain: None

Absent: None

DeLorenzo, F. & J. Case #1034
TM# 162.6-1-9

Area Variance
3 Lower Meadow Lane

Frank DeLorenzo is present. D. Eskoff states that this parcel is in MRD-1. The rear yard setbacks are 50'. D. Eskoff opens the Public Hearing at 7:11 p.m. She reads a letter from Joseph Carbonaro and Susan Miller of 1 Lower Meadow Lane in favor of this project. C. Kolakowski states that this parcel is oddly shaped. F. DeLorenzo states yes, that is why he was not sure if he would even need an Area Variance depending on what was actually considered as his back yard. The ZBA understands what the Applicant is saying. D. Eskoff closes the Public Hearing at 7:14 p.m. as there is no one is present to speak on the project and there is no other correspondence.

MOTION: K. Taub

SECOND: C. Kolakowski

RESOLVED, that the Town of Greenfield Zoning Board of Appeals hereby grants an Area Variance for an inground pool with deck for property located at 3 Lower Meadow Lane, TM#162.6-1-9, Case #1033, as follows:

- 15' rear yard setback

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible to the Applicant.

- There are no undesirable changes to the neighborhood character or detriment to the nearby properties. Property shape necessitates Variance for placement to avoid well. Neighbor is in support of the project.
- The request is not substantial.
- There are no detrimental adverse environmental effects.
- This is self-created based on the criteria (which is relevant, but not determinative) but the Applicant has no other option.

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

Hanna, K. /Farfan, M. & E. Case #1035
 TM# 137.6-1-3

Area Variance
 19 Medbury Road

Kevin Hanna is present as the Authorization of Agent. K. Hanna states that he was not present when the property owners were in front of the ZBA earlier this year. He states that he had an "as built" survey and the foundation is 1.5' outside the building envelope. D. Eskoff states that the Applicant's need a 20' front yard setback and a 3' side yard setback. C. Kolakowski asks how much is left to finish the house. K. Hanna states that the house is done all that needs to be is install the cabinets. C. Kolakowski asks if the surveyor is the one that is unable to do the survey correctly or is it the builder. K. Hanna states that the surveyor went off the neighbors. The bank requested the survey. C. Kolakowski states that this has been happening frequently. M. Waldron states that when his first started working for the Town and he was reviewing plans and the Town did not require an "as built" survey it is now required. A. Wine asks if that was in effect February 4, 2019. M. Waldron states that to date the "as built" survey is required if not inside the building envelope. That is why we are here tonight. C. Kolakowski asks if the proposal was verified on the map and is it scalable and is that always required. M. Waldron states it has been for at least 1.5 years. D. Eskoff states that it definitely laps here. A. Wine asks if the ZBA has the Authorization of Agent. K. McMahon states yes.

MOTION: A. Wine
 SECOND: C. Kolakowski

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application for Area Variances for a single-family dwelling at 19 Medbury Road. TM# 137.-1-3, Case #1035 and sets a Public Hearing for October 5, 2021 at 7:00 p.m. contingent upon receipt of the following information to the Building Department by September 14, 2021:

- Complete documentation from the previous Area Variances (granted by the ZBA for this property on March 4, 2021) to specifically include all property drawings and maps that were submitted to the Building Department/ZBA.

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

Hurd, D. Case #1036
TM# 136.-1-24.1

Area Variance
642 Sand Hill Road

David Hurd is present. D. Eskoff states that the Applicant is looking to put up a pole barn. D. Hurd states that he is looking to put a pole barn and attaching it to their existing garage to keep their camper, truck, and tractor under cover. A. Wine states that the Applicant provided pictures of their property. D. Eskoff states that she would like an over view photo. The Board agrees. C. Kolakowski states that the Applicant provided letters from neighbors in favor of the project. D. Hurd states they have provided four letters from Ron Fuelner, Nancy Waite, Patricia Kellerhouse, and Jeffrey and Rhonda Wagner all in favor of the project.

MOTION: A. Wine
SECOND: K. Taub

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application for an Area Variance for a pole barn at 642 Sand Hill Road, TM# 136.-1-24.1, Case #1036 and sets a Public Hearing for October 5, 2021 at 7:00 p.m. contingent upon receipt of the following information to the Building Department by September 14, 2021:

- Complete building plans and overhead photo

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

Whitaker, K. & H. Case #1037
TM# 123.-2-29

Use Variance
374 Plank Road

Korey Whitaker is present. K. Whitaker provides a letter and reads it to the ZBA. D. Eskoff states that Use Variances are not usually granted. C. Kolakowski asks if this case is 100% a Use Variance. D. Eskoff states yes, M. Waldron states that there is specific language in the Code. N. Toussaint asks if either of the buildings are built. K. Whitaker states that they are looking to build a single-family home with a detached garage with an apartment. D. Eskoff states that a garage apartment is an allowable use that has nothing to do with the ZBA to review with that. This is difficult to look at and to compare to other Use Variances. She reads the criteria and explains a Use Variance. C. Kolakowski states that all of the four criteria's and all must be met. This is difficult to achieve. K. Taub asks about the cost of complying for six bedrooms. M. Waldron states this project is our local code. K. Taub asks what is the cost and how big of the footprint of this project. K. Whitaker states that he does not know the cost because the topography on the property. The property needs to be leveled more and they are going probably have to blast or remove a substantial amount of rock. K. Taub asks if a perc test was done. K. Whitaker states it is on the plot plan. C. Kolakowski states that the Applicant will need to get the cost for one septic system verses two septic systems from an engineer. It is a requirement for the ZBA. D. Eskoff states that the ZBA needs to follow the information. A. Wine

states that maybe the Applicant's should study the Use Variance and they might find out that they need more information. There is a substantial amount of slope to this property. C. Kolakowski states that is a reason why financial information is needed and the evidence of cost is needed. D. Eskoff agrees and states that something needs to be provided. K. Whitaker asks if estimates for septic systems (1 and 2) would work. C. Kolakowski states absolutely. D. Eskoff states in order for the Use Variance to be granted all four of the criteria must be met and the Applicant has to show the ZBA this is not self-created. K. Whitaker asks what the four criteria that need to be met are. Of the four criteria how many must be met. D. Eskoff states all of them, which is why it is such a difficult thing to get approval for. K. Whitaker states that he is very confident that he can get everything to the ZBA by next Tuesday September 14, 2021 to have a Public Hearing on October 5, 2021. A. Wine states that if the Applicant can get everything into the ZBA by September 14, 2021 then the ZBA can have a Public Hearing on October 5, 2021 even if they need adjourn it. K. Taub states that he would feel better if the Board had more information before setting a Public Hearing. He feels it would help to know everything and to make sure that this is not self-created. D. Eskoff states that the ZBA is looking for specific information. D. Eskoff states that they could set a Public Hearing and adjourn if they need to. She asks what the Applicant would like to do. K. Whitaker states that he would like to move forward. A. Wine states that if the Applicant can't provide the information that the ZBA is requesting then they can't move forward. K. Taub agrees. C. Kolakowski states that the ZBA doesn't close the Public Hearing and he would like to move forward. This is an allowed use and if they can provide the information on the cost then they can move forward. D. Eskoff states they can set a Public Hearing contingent upon the information being provided and that way the ZBA can find more direction. M. Waldron states K. Whitaker has worked expeditiously. D. Eskoff states that this is not their average case. K. Whitaker asks how to meet the break down of one to two septic systems. K. Whitaker states the topography is unique of surrounding properties, this is not self-created. M. Waldron states be specific on the soil types. D. Eskoff states they should provide anything and beyond what the ZBA has requested from the Applicant.

MOTION: C. Kolakowski
SECOND: K. Taub

RESOLVED, that the Zoning Board of Appeals hereby accepts an Application for Use Variance for a septic system under Greenfield Town Code §105-124 (D)(4)(b), for property located at 374 Plank Road, TM# 123.-2-29, Case #1037 and sets a Public Hearing for October 5, 2021 at 7:00 p.m. contingent upon the receipt and completeness of the following supplemental information to be provided to the Building Department no later than September 14, 2021:

- Substantial competent financial evidence, including alternatives and costs, to meet the Zoning Code (proof as to why you cannot realize a reasonable return).
- Why the alleged hardship is unique and does not apply to a substantial part of the neighborhood.
- Why the requested variance will not alter the essential character of the neighborhood.
- Why the alleged hardship is not self-created.

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

Absent: None

Meeting adjourned at 8:14 p.m. All members in favor

Respectfully submitted by,

Kimberley McMahon
ZBA Administrative Assistant