

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

April 5, 2022

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, A. Wine, C. Kolakowski, S. MacDonald and T. Flynn, Alternate. K. Taub is absent. T. Flynn has full voting privileges. M. Waldron, Zoning Administrator/Code Enforcement Officer is present.

Minutes

December 7, 2021

MOTION: C. Kolakowski

SECOND: A. Wine

RESOLVED, The Zoning Board of Appeals waives the reading of, and accepts the December 7, 2021.

VOTE: Ayes: D. Eskoff, A. Wine, and C. Kolakowski

Noes: None

Abstain: S. MacDonald and T. Flynn

Absent: K. Taub

March 1, 2022

MOTION: T. Flynn

SECOND: A. Wine

RESOLVED, The Zoning Board of Appeals waives the reading of, and accepts the March 1, 2022.

VOTE: Ayes: D. Eskoff, A. Wine and T. Flynn

Noes: None

Abstain: C. Kolakowski and S. MacDonald

Absent: K. Taub

Keenan Family Trust, Case #1042
 TM# 153.13-1-23

Interpretation
 453 Maple Ave.

Therese Keenan, Applicant and Elizabeth Coreno, Attorney/Agent are present. E. Coreno states that she submitted the requested information from the Board. She states that this is a long standing pre-existing non-conforming lot. This driveway has been in place for at least 50 years. There is a provision in the Code and the Town of Greenfield recognizes

nonconforming she feels variances are not needed for this case/project. The Town Board passed legislation for things like this use. The ZBA is empowered by New York States. The date of this structure and driveway were constructed before Zoning was adopted in the Town of Greenfield. D. Eskoff opens the Public Hearing for the case at 7:07 p.m. E. Coreno states that the picture that she provided shows the break in pavement and the curb that will be replaced. There is no space to do anything different. There is commercial property all along Route 9 and this is clearly a pre-existing non-conforming site. She states that she talked to a traffic engineer. There clearly is lots of pavement and clearly it is pre-existing non-conforming. K. McMahon provides proof of notice publication. There is no correspondence. D. Eskoff states that there being no one present for or against she closes the Public Hearing at 7:11 p.m. She states the sections of the Code were put in the ZBA members folders. She asks M. Waldron if he has anything for the Board. M. Waldron states that he does not have anything for the ZBA unless the Board has questions for him. The Board reviews and reads through Code §105-42(B)(2)(a) that states: *A nonconforming structure may be the site of a minor exterior structural addition or alteration (defined as an unenclosed porch, deck, stairway or other similar facility), provided that such proposed construction conforms in all respects to the affected district's height, setback and yard requirements and does not increase the degree of any yard, bulk, parking or other nonconformity of the existing property. The enlargement or addition may be initiated without a variance upon issuance of a building permit in accordance with Chapter 54, Fire Prevention and Building Construction, of the Code of the Town of Greenfield, New York.* D. Eskoff states that they did look into the history of the Zoning and found nothing specific to this but that the legislation was passed on March 22, 2007. D. Eskoff states that the ZBA had two previous cases on Route 9 in fairly recent years. 499 Maple Ave/Rt. 9 was one and the variances in those cases were not for the driveways. They did grant a variance for an addition for 463 Maple/Rt. 9. E. Coreno states that they did file an Application for Area Variance. They will be going forward with the Application for Area Variance if the Interpretation isn't granted. C. Kolkowski reads the Code. He states that it's an access and it is a requirement by the Code. The required access can be substantial even if it is ramps and things that are needed to meet that. It can be substantial. D. Eskoff states that two things stand out to her possible bulk and parking. L. Coreno states this is not bulk. She states that the addition doesn't increase any of the listed existing nonconforming parts of the property. They increased their parking to meet the parking requirements. She states that Planning Board has not voted on their case. The Planning Board wouldn't give them a waiver for the parking. D. Eskoff states that is not for the ZBA's determination. M. Waldron's determination needs to be balanced and taken into consideration. T. Flynn asks what are the setbacks in this Zoning District. If the addition is not a minor condition, will it still be in the setbacks. L. Coreno states that the addition is conforming. D. Eskoff states that the driveway has been there. Their job is to determine relief. It is going to come down to the Zoning Code. A. Wine states that he agrees with the Zoning Officer and reads the Code. D. Eskoff states that the driveway is longer than 50'. This would apply more for setting a precedent. E. Coreno states that the Code (NYS) requires certain specific items to be met for a medical building such as handicapped parking. D. Eskoff agrees. C. Kolakowski states that even if it is required it can still be substantial. In his opinion this is not minor. D. Eskoff states that at 499 Rt. 9 they only added a ramp on the side and they still required variances. E. Coreno states that her job is that she makes her case. A. Wine states if this is nonconforming it could be minor. M. Waldron provides the setbacks for the OR District. T. Flynn states if it was just a covered ramp he would consider it as minor. D. Eskoff states they will need to have ingress and egress in the addition. A. Wine states that the variance will go with the property. D. Eskoff states that still leads us there. She asks how big of an addition will there be. T. Keenan states 13'x12'. D. Eskoff asks about the enclosed porch. T. Keenan states that the porch is not enclosed it only has a roof. E. Coreno states it is a covered porch. A. Wine asks if the treatment room will be in the existing structure. T. Keenan states the

covered porch is how you entered the building. T. Keenan and E. Coreno explain the addition and the layout of the property. The project is designed around the interior stairwell to meet handicapped needs. D. Eskoff states that clears things up. They still have to meet the parking requirements. E. Coreno states that driveway is not part of the parking. D. Eskoff states that the driveway is part of the parking under Code. L. Coreno states that there is a Supreme Court case regarding this and a savings clause. They do meet the parking. D. Eskoff states that the driveway is still part of the parking. A. Wine states that the Board is looking at the ramp, and covered porch and interior stairway with the 13'x12' addition. D. Eskoff asks what the footprint of the addition is. T. Keenan states that she has not looked at it in a long time, but thinks it is 13'x12'. D. Eskoff asks it is just a building addition. T. Flynn states that is how he is looking at. C. Kolakowski states that this may not be a minor condition to him. D. Eskoff states that it is not just nonconforming it is also a change in use. E. Coreno states that the addition is 14'x15.3'. D. Eskoff states that is about 210 square feet. C. Kolokowski states that it is a good portion of the building. A. Wine states this can't be minor. D. Eskoff states that this is a serious addition, this can't be minor. The Board agrees. C. Kolokowski states that the Board needs to make it compliant. T. Flynn states that this could be based on the addition of increased to the 210 square feet. D. Eskoff states the Board is looking at exterior of the structure not the interior.

MOTION: C. Kolakowski

SECOND: T. Flynn

RESOLVED, the Zoning Board of Appeals hereby agrees with the determination of the Town of Greenfield Zoning Enforcement/Codes Enforcement Officer regarding the Request for Interpretation by Keenan Family Trust for property located at 453 Maple Avenue/NYS Rt. 9 (OR Zoning District), TM# 153.13-1-23, Case #1042 as follows:

§105-42 Regulation of nonconforming uses and structures states that: *Except as provided herein, no nonconforming uses or structure may be enlarged, extended, reconstructed, substituted or structurally altered.* This section of the Town Code was adopted into Local Law on May 22, 2007 as part of a larger town zoning revisions.

The project at issue involves a pre-existing nonconforming residential structure in the Town's OR District which the Applicant seeks to change to office use for a medical office. The project would include a handicapped access enclosed stairwell with covered porch to meet access requirements.

The Zoning Administrator's determination concluded that this project was a change of use in the OR District and was only permissible under Site Plan Review by the Town Planning Board and that §105-121(A)(2)(b) of the Town of Greenfield Supplemental Zoning requirements for Parking and Driveway were applicable due to the change of use and that any relief required from such must be heard the ZBA.

§105-42(B)(2)(a) states that: *A nonconforming structure may be the site of a minor exterior structural addition or alteration (defined as an unenclosed porch, deck, stairway or other similar facility), provided that such proposed construction conforms in all respects to the affected district's height, setback and yard requirements and does not increase the degree of any yard, bulk, parking or other nonconformity of the existing property. The enlargement or addition may be initiated without a variance upon issuance of a building permit in accordance with Chapter 54, Fire Prevention and Building Construction, of the Code of the Town of Greenfield, New York.*

Based on the addition of the interior egress stair, the ZBA feels that the addition is not a minor exterior structural addition per §105-42(B)(2)(a) as the building footprint is increased by about 210 square feet.

Due to the change of use from residential to office, parking requirements differ and must be otherwise met. Parking is regulated under Supplemental Zoning Regulation §105-121 *Parking, landscaping, loading, curb, sidewalk and buffer* under the purview of the Town of Greenfield Planning Board. Under §105-121(A)(2)(b), the driveway is subject to the requirements stated therein.

§105-121(A)(2)(b) states that: *Driveways providing access to parking aisles shall be at least 10 feet in width for one-way traffic and 18 feet in width for two-way traffic, except that twelve-foot-wide driveways are permissible for two-way traffic when the driveway is not longer than 50 feet and it provides access to not more than six spaces, with sufficient turning space provided so that vehicles need not back onto a public street.*

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

D. Eskoff states that the Board will move forward with the Application for Area Variance. E. Coreno asks if this project can be noticed for the Board to move forward to a determination to the next meeting. D. Eskoff states no. The Board has 62 days to make a determination and did not know if they would make a determination on the Interpretation tonight or not. The Application for Area Variance was not put on tonight's Agenda. The Zoning Administrator will review the Application for variance needs for the ZBA. The Board has a process to follow.

Crowe, B. & T. Case #1043
 TM# 164.6-1-7

Area Variance
 10 Old Stone Ridge

Douglas Adams, Agent is present. D. Adams states that he was retained by the Crowe's and there was a previous action on this property for a garage. This project is an addition to the garage. D. Eskoff states when the previous action/approval of the Area Variance was approved no one here was on the Board at that time. D. Adams states they are looking to add an addition on to the garage so they don't have keep their snowmobiles inside the garage. The Board reviews the Application. D. Eskoff states this is a complete application. The Board agrees. D. Adams asks what the next step is; he has never been in front of a Zoning Board before. D. Eskoff explains the process. If they can get letters from the neighbors it will help. A. Wine states he has no issues.

MOTION: A. Wine
 SECOND: S. MacDonald

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application for Area Variance for an addition to a garage, TM# 164.6-1-7, and sets a Public Hearing for May 3, 2022 at 7:00 p.m.

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

D. Adams states that he won't be in Town that week. D. Eskoff states someone needs to be present. M. Waldron asks does the proposed addition include the overhang. D. Adams states yes.

Meeting adjourned at 8:20 p.m. All members in favor.

Respectfully submitted by,

Kimberley McMahon
ZBA Executive Secretary

