

ZONING BOARD OF APPEALS

May 4, 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, and A. Wine. S. MacDonald, Alternate, is absent. M. Waldron, Zoning Administrator/Code Enforcement Officer is also absent. This meeting was held via ZOOM.

Minutes

April 6, 2021

MOTION: C. Kolakowski
SECOND: K. Taub

RESOLVED, The Zoning Board of Appeals waives the reading of and accepts the April 6, 2021 Minutes with minor corrections.

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

OLD BUSINESS & PUBLIC HEARING

Hubbard, J. Case #1026
TM #163.-2-2

Area Variance
399 Middle Grove Road

John Hubbard is present. D. Eskoff States the project is a Public Hearing tonight. She opens the Public Hearing at 7:06 p.m. J. Hubbard is looking to remove the old garage and replace it with a new smaller garage. The ZBA received the photos that J. Hubbard provided. This property is located in two Zoning Districts Town Center and MDR-1 but the buildings are all in Town Center. D. Eskoff asks K. McMahon if there is any correspondence from the neighbors for this project. K. McMahon states yes and provides the letter to D. Eskoff. D. Eskoff reads the letter into the record and states that the neighbor is in favor of this project. A. Wine asks if the Variance would be for 4'. D. Eskoff states that is what is recommended by the Zoning Administrator/Code Enforcement Officer. There being no one present for or against and no other correspondence, she closes the Public Hearing at 7:08 p.m. K. Taub states that this might be achieved by some other way, but he feels that the cost would be higher. It won't change the character of the neighborhood. D. Eskoff states that the footprint of the new garage is going to be 16' smaller than what is there now. N. Toussaint agrees and states it will be an improvement. K. Taub states that there will be a portion of the slab exposed. It is not self-created in fact it is an improvement. This is 4' east side Area Variance. A. Wine asks J.

Hubbard if he will have to remove any trees. J. Hubbard states that mostly they will stay in place. As they remove the old building, they might have to trim some limbs. A. Wine asks if there are any plans for the 16' exposed slab. J. Hubbard states they will probably use it as a patio. He will probably make a separation between the new garage to eliminate run-off. N. Toussaint and C. Kolokowski agree with the ZBA Members.

MOTION: K. Taub

SECOND: N. Toussaint

RESOLVED, that the Town of Greenfield Zoning Board of Appeals hereby grants an Area Variance for garage replacement for property located at 399 Middle Grove Road, TM#163.-2-2, Case #1026, as follows:

4' Right Side Yard Setback

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible to the Applicant due to the economic impacts and the impediments of how the property is being used.
- There are no undesirable changes to the neighborhood character or detriment to the nearby properties in fact it is an improvement to the property.
- The request is not substantial; it is an improvement where the size of the replacement garage will be smaller than the existing one.
- There are no detrimental adverse environmental effects and the remaining extra portion of the slab in the back can be used as a patio.
- This is not self-created based on the need to replace due to condition of the existing garage, the existing layout of its location on the property, and in being pre-existing non-conforming.

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

Noes: None

Abstain: None

Absent: S. MacDonald

NEW BUSINESS

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

Area Variance
445 N. Creek Road

Robert Roeckle is present. D. Eskoff states this project is located at 445 North Creek Road for a garage apartment. The ZBA did receive the rendering of the elevations. R. Roeckle states that this is a garage apartment on a new garage 1,072 square feet. It meets everything except the square footage in size and exceeds the 40% of home requirement. He wants a two-bedroom garage apartment. D. Eskoff asks about the garage apartment verses an in-law apartment. R. Roeckle states the new garage will not be attached to his home. D. Eskoff asks R. Roeckle why not use his current garage. R. Roeckle states no this way the renter will have access to a garage and it would be much more costly and difficult to add to the existing garage. D. Eskoff states this project is on a County road so it will need a County referral. She would like to see photos from property bordering the Applicant's property, of the proposed location and to

the neighbors. D. Eskoff asks if the Applicant has a pool what the fencing. R. Roeckle states no it has been removed. D. Eskoff also asks for an aerial over-head photo as well. N. Toussaint states he agrees and would like see photos of the property looking to the neighbors and the proposed location of the new garage. R. Roeckle asks if electronic submission is okay. D. Eskoff states no the ZBA need copies submitted to the Building Department two weeks before the next meeting. K. Taub asks if the detailed floor plan has an addendum. R. Roeckle states there is a floorplan of the house and a single page floor plan of the garage. K. Taub asks if the Applicant has detailed plans. R. Roeckle states not yet he does want to spend the money if he doesn't get the Variance. N. Toussaint states he would like to see plans. K. Taub states that it looks like the neighboring property is close to where the new garage is proposed. He asks if the Applicant has spoken to the neighbors yet. R. Roeckle states no he is going to do that this weekend. R. Roeckle states that the Code reads that the garage apartment can only be 40% of his home the garage apartment would be limited to 845 square feet and without the Area Variance he won't be able to have a two-bedroom apartment and he would like a two-bedroom apartment.

MOTION: A. Wine

SECOND: C. Kolakowski

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application of Robert Roeckle, Case #1027, for Area Variances for a garage apartment on property located at 445 North Creek Road., TM# 150.-1-46, and sets a Public Hearing for June 1, 2021 at 7:00 p.m. pending receipt of the following by May 18, 2021:

- Photos of the property including the location of the of proposed garage apartment, from the boundaries of the neighboring property, and on an aerial view of the property.

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

Noes: None

Abstain: None

Absent: S. MacDonald

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

Area Variance
77 Wilton Road

Tonya Yasenchak is present. D. Eskoff states this project is for an addition and for personal farming. The Applicant is located in LDR District and needs six acres for personal farming/chickens she would also need a 50' right and left side yard Area Variance. The Zoning Administrator/Code Enforcement Officer has provided the ZBA with a letter but he is not present to clarify the six acres. The Applicant will need 75' for the addition, she has 40' currently and will need a 35' Area Variance. T. Yasenchak states she is requesting the two Area Variances. A front yard setback of 40' is needed. She will provide a new map for the ZBA. She has a 1.2 acre lot and describes how the lot and area was subdivided prior to the zoning change. She does not feel this is a substantial request. It is consistent with the neighborhood. There are two farms on her road. One right next to her and one down the road a bit. She will provide an aerial overhead view. She states there are no environmental issues. She would like to have chickens and that is why she needs the 50' Area Variances to have them. She states that she feels Town Council didn't really follow through when the Zoning Committee was writing the Zoning Laws on

this. She states that in Geyser Crest (in Milton) you can have personal farming with less than three acres. Her lot is a 1.2 acre lot and in LDR District six acres is required for personal farming/chickens. D. Eskoff asks if T. Yasenchak wants any other animals besides the backyard chickens. T. Yasenchak states no. D. Eskoff asks how many chickens T. Yasenchak would like to have. T. Yasenchak states no more than ten probably six. D. Eskoff asks where the chicken coop would be. D. Eskoff asks if the chickens will be fenced in. T. Yasenchak states they will be in a movable chicken coop. They will be able to move it every day. They won't be free range. D. Eskoff states that she would like it drawn out for the next meeting and photos of the back yard. She states that she knows the Code needs work. C. Kolakowski asks if there are any chickens near the Applicant's property. T. Yasenchak states yes. D. Eskoff asks about the property next to T. Yasenchak for possible purchase or lessen or not need the Variances. T. Yasenchak states no she tries every year to purchase the property to the west her or even a portion of the property. N. Toussaint states that it is well located. T. Yasenchak states yes. K. Taub states that T. Yasenchak has made a compelling argument and asks what the addition will look like. Will it be a minimum of two stories and can she provide pictures. T. Yasenchak states that she has wanted chickens for a long time. She states that she is doing this in the proper process. A. Wine asks if the shed has anything to do with the chickens or is it separate. T. Yasenchak states the one furthest to the south has fallen down and the other one is in the process of coming down as well. D. Eskoff states this project is on a County road so it will need a County referral.

MOTION: C. Kolakowski
SECOND: K. Taub

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application of Tonya Yasenchak, Case #1028, for Area Variances for an addition and chickens on property located at 77 Wilton Road, TM# 138.-2-57.1, and sets a Public Hearing for June 1, 2021 at 7:00 p.m. pending receipt of the following by May 18, 2021:

- Photos of the property including the location of the of proposed addition and where chickens would be kept, from the boundaries of the neighboring property, and on an aerial view of the property.
- A new map

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

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

Respectfully submitted by,
Kimberley McMahon
ZBA Administrative Assistant