

TOWN OF GREENFIELD
Zoning Board of Appeals

August 1, 2023

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, K. Taub and B. Etson, alternate. Stacey MacDonald is absent. J. Reckner is present. B. Etson has full voting privileges for the entirety of the meeting. D. Eskoff welcomes Bill Etson to the Zoning Board of Appeals. T. Flynn arrives at 7:15 p.m.

Minutes

May 2, 2023

MOTION: A. Wine
 SECOND: K. Taub

RESOLEVED, that the Zoning Board of Appeals waives the reading of, and accepts the corrected May 2, 2023 minutes.

VOTE: Ayes: D. Eskoff, A. Wine, K. Taub, B. Etson
 Noes: None
 Abstain: None
 Absent: S. MacDonald, T. Flynn

Correspondence & Other Business

D. Eskoff acknowledges receipt of correspondence to the Board and on file with the ZBA Secretary. Kasselmann Solar Case #1048 withdrawal on June 2, 2023. Letter from Karen Wadsworth and Jamey Gamble regarding Airbnb.

A. Wine welcomes J. Reckner.

New Business

Bonacio Construction, Case #1056 (corr.)
 TM# 111.-1-6.2

Area Variance
 290 Miner Road

Russ DeRidder is present. D. Eskoff states that this project is in the LDR District. R. DeRidder states that he is the project manager for Bonacio Construction and the gentleman that was in charge of this project is no longer employed by Bonacio Construction. He is going to try to do his best tonight. The home owners are looking to do a small addition and add a bathroom to the master bath with a crawl space. They are looking for a 25' Area Variance. D. Eskoff asks why did they select that side of the house. R. DeRidder states the land drops off on that side with a creek on it. D. Eskoff states that she would like to see overhead photo and pictures from

or to the other properties. Something that tells them more about the property without going out there. A. Wine states that he can see where the well is he assumes that the septic is in the back. R. DeRidder states yes. A. Wine asks the Board if they need the location of the septic on the map. D. Eskoff states that she does not think that the Board needs that. She states that the map shows all the requirements. D. Eskoff asks J. Reckner what is the Area Variance. J. Reckner that in the LDR District it is a 50' setback and they need 25.3' Area Variance. A. Wine asks if that includes soffits and overhang. J. Reckner states yes. R. DeRidder states that currently the house is 25' off the property line. J. Reckner states correct, but it was built before the current setbacks. K. Taub states that it would appear that the land from the south would be undeveloped and it drops down. R. DeRidder states it drops down to the creek. K. Taub states that he will not be present for the next meeting but he feels that pictures would satisfy the Board. D. Eskoff states it can be contingent on them. A. Wine states that he feels that this is a pretty complete Application. D. Eskoff agrees and states that besides the photos that the Application is complete. A. Wine asks if there has been any other Area Variances for this property. D. Eskoff states that K. McMahon will have to do a history check on this. She states that the current owner has owned that property since 2003, but it was built in 1976. R. DeRidder asks if email is ok. D. Eskoff states no they have to be brought in person (or mailed). The more pictures the better.

MOTION: K. Taub
SECOND: B. Etson

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application of Bonacio Construction as complete for an Area Variance for an addition at 290 Miner Road (LDR), TM# 111.-1-6.2, Case #1056 (corr.) and sets a Public Hearing for September 5, 2023 at 7:00 p.m. contingent upon receipt of the following information by August 22, 2023:

- Photos showing overview of property and back of property's drop-off area
- Verification of the property's history for any prior zoning action

VOTE: Ayes: D. Eskoff, A. Wine, K. Taub, B. Etson
Noes: None
Abstain: None
Absent: S. MacDonald, T. Flynn

Cox, R. - Case #1057 (corr.)
TM# 111.-2-42

Area Variance
82 Allen Road

Robert and Stacey Cox are present. D. Eskoff states that this project is in the LDR District. R. Cox states that he is slightly unprepared he didn't realize that he would have to speak this evening. D. Eskoff states to speak as you feel comfortable. She states that is part of the process the Board has the Applicant to present to the Board and Board may have questions. Code Enforcement Officer will have an opportunity to present his side. She states if the Applicant is not comfortable presenting he can have an agent speak on his behalf. He states that he now knows what the Board is looking for why he needs an Area Variance. D. Eskoff states yes. R. Cox states that he needs another garage for storage. He states that he is looking to build a 30'x 40' metal garage. The reason he needs the Area Variance because there is nowhere else to put it on his property. D. Eskoff states J. Reckner will give the Board the numbers on this project. J. Reckner states he believes this project is in the LDR District and

there is a 50' side yard setback. This project is almost mirrored from the last project. D. Eskoff states that the problem she has with this and the Board generally has the same problem with it is if the Board does not have something drawn to scale. The Board does not like giving variances that are not to exact. The Board does not know what is to the right or the left although they do appreciate the hand drawing. The Board needs to see something on a map, it can be an existing survey from the County or it could be something that comes off your neighbor's survey that was filed with the County. It not only helps J. Reckner to verify the numbers, but it also helps the Board as well. To know who own the lands next to you. Right now, the Board does not have what they need the ZBA needs to see things like elevation and they can provide photos to back that up. You can go to google earth, go to edge of your property or you neighbor's and take photos and submit those. In the meantime, the County Clerk's office you can give your tax map number and see what they have. Then get that information to J. Reckner that way he can verify the numbers. T. Flynn arrives and joins the Board. D. Eskoff reiterates the ZBA can't work off hand drawn. T. Flynn reviews the drawing and what is needed from the Applicant. R. Cox states that this is what he did 13 years ago. D. Eskoff states that this property is in LDR and they don't want to encroach on the neighbor's property. R. Cox states that he can go to the County Clerk's office to see what he can find and provide pictures of the property. D. Eskoff states that your neighbor's will be noticed. A. Wine explains how a Public Hearing works. S. Cox states why are they just learning about this now. R. Cox asks if this is a Public Hearing. D. Eskoff states this is a public meeting not a Public Hearing. D. Eskoff states that she understands that they will need an Area Variance. Tonight, they are looking for the ZBA to accept your application and set a Public Hearing for next month. That is the goal and that is not where we are we need more details. S. Cox states why are they just learning about this now. D. Eskoff states K. McMahon is the ZBA Secretary she is not the Zoning Administrator. The Town was also changing personnel when this application was submitted. She states that they are not the first people to do this. They know the history of their property so they are ahead on that matter. These things can take a month or two. Usually if your neighbors are not opposed to it and the ZBA is not opposed to their project, they will follow through but the Board does need to have that information. On a map, all on one page and to scale, it does not have to be extremely detailed. If you have a question on that you can talk to J. Reckner. A. Wine states that he would like to see the well and the septic on the map. T. Flynn states that a survey is also required. J. Reckner states that with a garage like this he would need to see a survey it could be an existing survey, but he does need to see a survey. D. Eskoff confirms. S. Cox states that our property was owned by R. Cox's father so she does not know if there was ever a survey done. D. Eskoff states that if a neighbor did a survey because sometimes a portion of your property will show up on your neighbor's survey. S. Cox states that they only have one neighbor and he bought the house recently. D. Eskoff states that if they bought it recently they may have had a survey done. K. McMahon states this evening she looked to see what building permits the Applicant's have had on the property and there are two building permit's that are in the archives and states that she will look for them. She is not sure what is there, but she will look. D. Eskoff states that she feels that the Board can't make this contingent but, the Board can give the Applicant's a list of items that are needed. K. Taub states that he is looking at this parcel via satellite view and he sees where they are proposing to put the garage, but he can't figure what type of structure immediately to the north where your neighbor's property is. He asks if they know what they are? R. Cox states that he has no idea. K. Taub states that he is just trying to figure out what is there. D. Eskoff states get some photos of the property line showing what is there if anything that will help. K. Taub states that he assumes the Applicant's chose this location for the garage because of where the driveway is located there. R. Cox states that if he were to put it on the other side of the house there is a hill there and it would be very difficult. D. Eskoff states put the elevations on the map too. R. Cox asks how long. D. Eskoff states September and it will still need to be submitted to the office by

August 22, 2023 to be on the September 5, 2023 agenda and if the ZBA has everything that they need they will have a Public Hearing in October.

MOTION: A. Wine

SECOND: K. Taub

RESOLVED, that the Zoning Board of Appeals hereby tables review of the Application of R. Cox for an Area Variance for a detached garage at 82 Allen Road (LDR), TM# 111.-1-6.2, Case #1057 (corr.) until September 5, 2023 contingent upon receipt of the following information by August 22, 2023:

- Copy of property survey, map or similar document with scalable drawing of the proposed project and relation to adjoining properties, etc.
- Photos showing overview of property

VOTE: Ayes: D. Eskoff, A. Wine, K. Taub, T. Flynn, B. Etson

Noes: None

Abstain: None

Absent: S. MacDonald

Zabielski, A. - Case #1058 (corr.)
TM# 151.-1-32

Area Variance
131 Middle Grove Road

Anthony Zabielski and Lindsey Hladik are present. D. Eskoff states that this project is in LDR District for a detached garage. D. Eskoff states that the Board received photos. A. Wine thanks the Applicant for the photos. A. Zabielski states that from an overhead view you can't see his house. D. Eskoff states that she had a roofer come out to her property and he told her that he couldn't find her property either so she understands what he saying. She asks if the Board can get some photos looking towards the neighbor's property. A. Zabielski shows the ZBA a photo of the neighboring property. D. Eskoff asks if that is vacant property. A. Zabielski states that the neighbor has a barn like structure that is roughly 475' from his property. D. Eskoff asks that you can't see it. A. Zabielski states you cannot see it. He states that his neighbor's house is 2000' from his home. D. Eskoff asks if there is anyone across the street. A. Zabielski states yes, two homes that are pretty far away from him. A. Wine asks if the Board could get a survey. A. Zabielski states that he went to the County Clerk's Office and they have nothing on file. D. Eskoff asks if there has been any new neighbor's that have moved in recently. A. Zabielski states that he does not believe so because when he went to speak to the neighbor on the left who had recently bought the house from his father and moved here from Connecticut so he would say no. He states that when he spoke to the neighbor he stated that there was absolutely no problem with him building a detached garage. D. Eskoff states if you could get a letter of support or if he came to the Public Hearing, if scheduled, that would be helpful. The Board still has the map issue in front of them. A. Zabielski states that his well is behind where he is proposing the garage. A. Wine asks how far behind the proposed garage. A. Zabielski states roughly 30' and the septic and leach field are to the right of his house and he has a sunroom over there and unfortunately he can't put the garage there. K. Taub states that this lot is a small lot and he feels that should be factored into the Board's decision. A. Wine states that the Board wants to know what is around the Applicant's property. D. Eskoff states that the Board holds everyone to the same criteria. D. Eskoff asks J. Reckner what he will need if the Board approves this project. J. Reckner states that he will definitely need something to

scale. T. Flynn states that J. Reckner will need to verify it. K. Taub agrees and states that the ZBA doesn't know. J. Reckner states you could schedule a time for him to go out to the property. A. Zabielski states that he will. He states that he walked the property and there are stakes in the rock wall on the edge of his property. T. Flynn explains how a map is made to scale and he understands that the stakes are there, but J. Reckner is going to need to see it to scale. D. Eskoff states that they need something that is scalable. K. Taub states that the ZBA gives variance that are specific number from the edge of your building to the property line and the can't know where the property line is. A. Zabielski states that corner is exactly 25' and he has a rock wall that runs completely around his property with actual survey stakes in the rock wall in each corner with pink ribbon on it. D. Eskoff states that someone had a survey done on this property. D. Eskoff asks if this was part of any subdivision. A. Zabielski states that there are four beautiful homes across the street from him and he is trying to make his home beautiful. D. Eskoff states that she knows exactly where his house is. She states that someone was concerned enough to put the stakes in the rock wall. Someone behind you had to do a survey. Even if it was to find out where their property was and where yours ends. A. Zabielski states that his house was built in 1991 and he went to the County Clerk's Office and the lady there looked through all the books from 1991-2010 and found nothing. D. Eskoff asks when did the neighbor build the barn. A. Zabielski states that the neighbor said that he bought it from his father. Lindsey Hladik states that the neighbor has 28 acres. D. Eskoff asks J. Reckner if he has any suggestions. J. Reckner states that he can ask the Assessor, but if she doesn't have anything then there is nothing he can do. He states that we are typically looking for a plot plan. D. Eskoff states then you will need a survey and it would be in the Applicant's best interest. It needs to be on some type of a map so it can be scaled correctly. A. Wine states that sometimes Applicant's come in front of the Board and have already been in front of another Board and already has the map. K. Taub states why don't you put the garage to the east. A. Zabielski states that he would have to take down approximately 45 trees and he would have to put the garage in front of his house and astatically it wouldn't look good and he thinks that the neighbors wouldn't like it. B. Etson asks if there has been any septic work done recently. A. Zabielski states no all he has done when he purchased the property the septic man emptied it and he does not have to have it emptied for 10 years. B. Etson states that when he does a renovation they would have a plot plan. A. Zabielski states that the person he bought the house from brought them to him and it is just the house. B. Etson states to call around to different surveyors they are happy to look to see if they have done it in the past and they may have it. He states that he does find them it is not that hard. D. Eskoff states that someone did that for a reason. T. Flynn ask if there is a cap on any of the stakes, because it may have the surveyor's name on it. A. Zabielski states that he will look. K. Taub states that it is hard to believe that this property is plotted out so accurately and there is nothing. B. Etson states that he can ask his neighbors if they have had survey's done. A. Wine states that it does not need to be a stamped map. D. Eskoff states if the Applicant can scale this into a map and show where everything is if they can not locate a survey. D. Eskoff states that in the end they may need to get a survey, but they can try to get around it at this juncture. L. Hladik states that she has brought a lot of the paperwork over to the Building Department she thought by no means she is not trying to argue with the Board because that is not the case, she thought what they provided was the next best thing. D. Eskoff states that they treat everyone the same the Board needs to have the minimum of things. The Board is not looking from them to go overboard for a garage. The Board is looking for it to be scaled better with a little more information. L. Hladik states that the neighbor came over and is in favor of their project. D. Eskoff states that helps support your case, but it has nothing to do with the Board's decision on the Application. A. Wine states that from his perspective other than that it is a complete Application. D. Eskoff states yes, the other parts are, but they are missing the scalable map. The ZBA has the photos. A. Wine asks if there is a way that the ZBA can provisionally accept this Application assuming they can get the

information to the Board within two weeks. D. Eskoff states that would be contingent upon the Public Hearing. She states that it is not her favorite thing to do because K. McMahon has to prepare the Public Hearing Notices and if it doesn't go through. A. Wine states that then they don't send out the Public Hearing Notices. D. Eskoff states that it is up to the Board and if they are comfortable with that. T. Flynn states that is they can get it to a larger scale and go over with J. Reckner and show where the well and the septic is he feels that is acceptable. The Applicant can sketch in where all the trees are and show that it is a hardship. The idea is that the ZBA is trying to help them. The ZBA has other cases that are similar circumstances. D. Eskoff states that there is supporting information and then there is basic information. A. Zabielski states that if J. Reckner can come out to the property and meet them. J. Reckner states that he can come out and possibly give them an advisory opinion. D. Eskoff states keep looking for the survey, that they have done a great job so far but it needs to be fine-tuned.

MOTION: T. Flynn

SECOND: A. Wine

RESOLVED, that the Zoning Board of Appeals accepts the Application of A. Zabielski for an Area Variance for a detached garage at 131 Middle Grove Road (LDR), TM# 151.-1-32, Case #1058 (corr.) and sets a Public Hearing for September 5, 2023 contingent upon receipt of the following information by August 22, 2023:

- Copy of property survey, map or similar document with a more detailed scalable drawing of the proposed project including well and septic locations, existing vegetation area(s) and property lines, etc.

VOTE: Ayes: D. Eskoff, A. Wine, K. Taub, T. Flynn, B. Etson

Noes: None

Abstain: None

Absent: S. MacDonald

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

Respectfully submitted by,

Kimberley McMahon
ZBA Executive Secretary