

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

December 4, 2012

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Taylor Conard at 7:30 p.m. On roll call the following members are present: Taylor Conard, Michelle Granger, Kevin Veitch and Denise Eskoff, Alternate. Paul Lunde and Joseph Szpak are absent.

November 6, 2012 MINUTES

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of November 6, 2012, as submitted.

VOTE: Ayes: Conard, Eskoff, Granger, Veitch

Noes: None

Absent: Lunde, Szpak

NEW BUSINESS

NICK WASHCO – Area Variance, Case#909

Squashville Road

Nick and Susan Washco are present. T. Conard reviews that the applicant would like to subdivide a 5-acre parcel into two equal lots of 2 ½ acres. This is the MDR2 zone and requires a 3-acre minimum. Therefore the applicant needs a half-acre variance for each lot. D. Eskoff asks that the applicant make a couple of minor corrections on the SEQRA application. This is done at this time.

RESOLUTION – N. Washco, Area Variance

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Nick Washco for an area variance for property located at 200 Squashville Road, TM#137.-1-59, as complete and schedules a public hearing for Wednesday, January 2, 2013 at 7:30 p.m.

VOTE: Ayes: Conard, Eskoff, Granger, Veitch

Noes: None

Absent: Lunde, Szpak

OLD BUSINESS

JOSEPH & DEBORAH RUSSO – Area Variance, Case #908

Greenfield Manor Road

Leslie McLain is present for the applicants. T. Conard reviews that the applicants have submitted a new drawing. A public hearing is opened at 7:35 p.m. There being no public comments, this public hearing is closed at 7:36 p.m.

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L. McLain states that they did submit the new plot plan and are only requesting an area variance for the front setback and the left side setback, which is less than what was originally proposed. T. Conard states that is exactly what the Board was looking for. T. Conard states that it is definitely a substandard lot so there is no other way of obtaining relief.

RESOLUTION – J. & D. Russo, Area Variance

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals approves the application of Joseph and Deborah Russo for area variances for property located at 5 Greenfield Manor Road, TM#112.-1-68, as follows:

- **23.9 foot front yard setback variance**
- **23.2 foot left side yard setback variance**

This approval is based on the following:

- **No negative impact on the surrounding properties**
- **The situation is not a self-created hardship**
- **No environmental impacts**
- **No other means to build in that area without a variance**
- **Part of the discussion at the last meeting was that the Board did not want this to revert to the 2003 setbacks so that the Board is not setting a precedent and the applicant did make adjustments in the location of the house, which helped to reduce the variance**

VOTE: Ayes: Conard, Eskoff, Granger, Veitch

Noes: None

Absent: Lunde, Szpak

DEREK BRADLEY – Area Variance, Case #907

Young Road

Derek Bradley is present. T. Conard reviews that the applicant is seeking a variance to build a pole building structure for storing a camping trailer. A public hearing is opened at 7:41 p.m. There being no public comments, this public hearing is closed at 7:42 p.m.

T. Conard states that it seems to him that there were no residences near where the structure is going; they are all forward of it. K. Veitch asks why this location was chosen, why he needs it this close to the boundary lines. D. Bradley states that this is the only area that is not heavily forested. It is the easiest spot to place the building and the neighbor who is the closest to it has contacted him and has no issues. K. Veitch states that then the applicant is basically keeping the area wooded. D. Bradley states that he will keep it wooded as much as he can. D. Eskoff states that then the area that surrounds the building will be wooded. D. Bradley states that you might be able to see it at this time of the year, but in the summer you won't be able to see it. No one on Rebecca Drive will be able to see this. K. Veitch states that there are a lot of thick woods in this area.

RESOLUTION – D. Bradley, Area Varaince

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals approves the application of Derek Bradley for an area variance for property located at 50 Young Road, TM#162.-1-69, as follows:

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- **37' left side yard setback variance**

This approval is based on the following:

- **Because of the heavily forested area, he has no other clear areas to place the building**
- **It will not have a negative impact to the surrounding properties**
- **No negative environmental impact**

VOTE: Ayes: Conard, Eskoff, Granger, Veitch
Noes: None
Absent: Lunde, Szpak

STEPHEN DOTY – Area Variance, Case#904

Maple Avenue

No one is present for this application. T. Conard reviews that there has been no change on the property to his knowledge. We have not heard from the applicant. M. Granger states that it seems to her that we should send the applicant a letter and ask for an update as to whether or not this is still on the table, if he is still looking to occupy that building. If we do not hear from the applicant, the letter should state that the Board will not table this any further.

RESOLUTION – S. Doty, Area Variance

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals tables the application of Stephen Doty for area variances for property located at 472 Maple Avenue, TM#153.13-1-11 to the January 2, 2013 meeting, with a letter to be sent to the applicant requesting response as to whether or not he intends to pursue these variances.

VOTE: Ayes: Conard, Eskoff, Granger, Veitch
Noes: None
Absent: Lunde, Szpak

PETER BARBER – Area Variance, Case#902

Greene Road

Peter Barber is not present. T. Conard reviews that the applicant is to meet with the Town Board. R. Rowland explains that the applicant had to do a lot line adjustment due to the driveway location off of the private road. This has been done and P. Barber will be filing that with the County. He will be meeting with the Town Board on December 13, 2012 for the final details. Board consensus is that the applicant has done everything that has been asked of him, he has been very cooperative and attended all meetings.

RESOLUTION – P. Barber, Area Variance

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals tables the application of Peter Barber for an area variance for property located at 481 Greene Road, TM#126.-1-20.2 to the January 2, 2013 meeting.

VOTE: Ayes: Conard, Eskoff, Granger, Veitch
Noes: None
Absent: Lunde, Szpak

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JOSEPH VAN GELDER – Area Variance, Case #881

Ballou Road

Joe Van Gelder is present. T. Conard reviews that the applicant is requesting an extension and it is good that the applicant came back before the variance ran out. He states that this is the applicant with the school district line issue.

Peter Barber arrives and the Board explains that his application has been tabled to the January 2, 2013 meeting.

JOSEPH VAN GELDER – cont'd

T. Conard reiterates that the applicant had attempted a lot line adjustment and because of a school district line, the line cannot be moved. Board consensus is that they have no problem with extending this variance.

RESOLUTION – J. Van Gelder, Area Variance

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals approves an extension to Joseph Van Gelder for an area variance for property located at 420 Ballou Road, TM#110.-1-22, as follows:

- **45' right side yard setback variance**
- **Extension to January 3, 2014**

This approval is based on the following criteria:

- **The hardship was created by other factors than his own as far as the boundary line being a school district boundary line**
- **There is no other way for the applicant to address this**
- **No negative impact to the neighborhood**
- **No negative environmental impacts**

VOTE: Ayes: Conard, Eskoff, Granger, Veitch

Noes: None

Absent: Lunde, Szpak

CAROL RICHMOND – Area Variance, Case#803

North Greenfield Road

No one is present for this application. T. Conard states that it is interesting that this has been coming back since March of 2008. M. Granger states that this is the one who is asking for a variance because she is hoping to sell it. M. Granger states that last year she said that she would not vote to extend this again, because this is going on 5 years. She states that she is not in favor of granting another extension at this time. K. Veitch states that nothing stops the applicant from coming in and reapplying or any potential buyer. T. Conard states that if we turn someone down on a zoning issue, they cannot come back for a year with that same plan. M. Granger states unless there is a change in circumstances, if they were under contract, if there were a different person applying she would say that was a change in circumstances and we could consider that. This variance will expire on February 7, 2013. K. Veitch states that he is also ok with not granting an December 4, 2012

extension. D. Eskoff states that there is not specific wording in the Town Code. T. Conard states that it has been carried on so long now that it is getting a little ridiculous to keep year after year approving this. K. Veitch states that it is almost like abusing the system. D. Eskoff states that it also sends a message to others to do the same. T. Conard states that normally with a variance the Board wants to see some improvements. When the Board grants an extension they want to see some progress being made. There is no progress being made on this because it is just a vacant lot. K. Veitch states that, based on the fact that no action has been taken to implement the variance, to solidify it, and there has been no effort, therefore he does not think that the Board should extend this again. Carrying this out for years is setting a precedent. He states that the ZBA has been more than reasonable. He states if there is a hardship – selling the property is not. D. Eskoff states that last year the applicant discussed the economy and there is no one here tonight. K. Veitch states that if we don't grant the extension, she still has until February 7, 2013 to appeal that, to argue her case. T. Conard states that he thinks that the only way the Board can reconsider something is if the entire Board votes in favor of reopening a case for reconsideration. M. Granger states that she thinks that if the applicant comes back and there is a change in circumstance, but at this time she agrees with K. Veitch that there has been no action taken for 4 years and it is not appropriate to set a precedent for that. There are other avenues that the applicant can explore. It is not a dead issue for her. D. Eskoff states that obviously, anyone who ends up with this property to build something is going to have to come back here. K. Veitch states that the applicant is kind of buying futures, betting on the future.

RESOLUTION – C. Richmond, Area Variance

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals denies the extension request of Carol Richmond for property located at 142 North Greenfield Road, TM#125.1-1-5, based on the following:

- **There has been no visible action taken on the property**
- **This variance has been extended for four years**
- **There are other avenues that can be explored, if there is a change in circumstances, for obtaining the variance in the future**

VOTE: Ayes: Conard, Eskoff, Granger, Veitch

Noes: None

Absent: Lunde, Szpak

Meeting adjourned 7:56 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary