

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

December 5, 2017

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Denise Eskoff, Chair, at 7:35 p.m. On roll call the following members are present: Denise Eskoff, Curt Kolakowski, Andrew Wine, and Neil Toussaint, Alternate. Laura Sanda and Joe Szpak are absent. D. Eskoff states that N. Toussaint will be a full voting member for the entirety of the meeting because Laura Sanda and Joe Szpak are absent.

Minutes

November 7, 2017

MOTION: C. Kolakowski
SECOND: N. Toussaint

RESOLVED, The Zoning Board of Appeals waives the reading of and accepts the November 7, 2017 Minutes with minor corrections.

VOTES: Ayes: D. Eskoff, C. Kolakowski, and N. Toussaint
Noes: None
Abstain: A. Wine
Absent: L. Sanda and J. Szpak.

NEW BUSINESS

None

OLD BUSINESS

Denise Smith & Pat Fehling - Case #991
Area Variance, 383 Clinton Street
TM# 152.-2-10.31

Denise Smith and Pat Fehling are present. D. Eskoff states that this is an Area Variance for 383 Clinton Street. D. Eskoff states that the Applicants would like to build an In-Law Apartment in the MDR2 District. In order have an In-Law Apartment in this district they are required to have 3 acres and the Applicants have 1.5 acres and will need an Area Variance for 1.5 acres, they also have a rear setback of 40' and it requires 75' in this district so the Applicants will need an Area Variance of 35'. D. Eskoff states that this is a Public Hearing and

opens it at 7:37 p.m. and asks if there is anyone here from who would like to speak regarding this case? D. Eskoff states that there being no one from the public is present to speak she closes the Public Hearing 7:37 p.m. D. Eskoff states that they received the information that was requested by the ZBA and the photos and asks the Board if they have had an opportunity to review everything? The Board members concur. D. Eskoff thinks that the photos that the Applicants provided show the area nicely and the distance, and there is quite a bit of distance between the Applicant's house and neighbors and the railroad tracks behind and states that she does not have any issues with this project. D. Eskoff asks the Board if they have any questions or concerns with the project. C. Kolakowski states that he went by there and you can't see anything and the trees are on the neighbor's property. D. Eskoff states that the In-Law Apartment will be in the back away from the road and going toward the railroad tracks. D. Eskoff states that she thinks it is a very well thought out design. D. Eskoff states that the Applicants have presented a very well put together application and the Board appreciates that. A. Wine asks on the other side of the property on the northern side is there a neighbor there? D. Smith states no. A. Wine asks is it totally vacant? D. Smith states yes. D. Smith and P. Fehling state it is very narrow. A. Wine states that he does not have an issue with this project. D. Eskoff states that the Applicants have put a lot of thought into this project, and the Board had asked the Applicants to measure the property and this is for an elderly parent situation. A. Wine states that he has read the application and the minutes and then realized it was in the back of the property, and does not have a problem with the project.

RESOLUTION: D. Smith & P. Fehling, Area Variance -- Case #991

MOTION: C. Kolakowski

SECOND: N. Toussaint

RESOLVED, that the Zoning Board of Appeals hereby grants an Area Variance for 1.5 acres and 35' of rear setback for an In-Law Apartment for property located at 383 Clinton Street, TM# 152.-2-10.31, for the following reasons:

- The benefit cannot be achieved by other means feasible to the Applicant. Based on the fact that they need the addition to be attached to the house, location of the septic and the well.
- There is no undesirable change to the neighborhood character or determinate to the nearby properties. It is not visible from the road or neighbor's property. The property behind is a railroad.
- The request is not substantial.
- There are no adverse physical or environmental effects.
- The alleged difficulty is not self-created as the addition has to be attached to the home.

VOTES:

Ayes: D. Eskoff, C. Kolakowski, N. Toussaint, A. Wine

Noes: None

Abstain: None

Absent: L. Sanda, J. Szpak

Justin Goodson – Case #992
Area Variance, 253 Plank Road
TM# 124.-1-52.11

No one is present for this application. D. Eskoff states that someone was supposed to be here, we do have a Public Hearing. D. Eskoff opens the Public Hearing at 7:42 p.m. there being no one present closes the Public Hearing at 7:42 p.m. D Eskoff states that last month the Board asked for more information to the application that was left out, the Applicant has done that and also submitted many additional photographs. D. Eskoff states that this is a pre-existing non-conforming lot and L. Sanda had questioned whether they needed an Acreage Variance as well because it is a 6 acre zone. D. Eskoff states that she checked with the Codes Enforcer and the Applicant does not require the acreage variance because it is a pre-existing non-conforming it just has to have setbacks. The only thing they need is a front setback an Area Variance of 36'. D. Eskoff states they have 39' and the zoning requires 75' and the Applicant is going to put a garage on the existing slab that had a garage on it and burned down many years ago. D. Eskoff states that the Applicant will not be changing the character. D. Eskoff states the applicant stated last month that upstairs of the garage will be cold storage and the Board requested that the Applicant add that to the Application, in other words if the Applicant wants to do something more with upstairs in the garage the Board would not be approving that. A. Wine asks if that would hypothetically include electrical. D. Eskoff states she thinks it has electrical and lighting. D. Eskoff states that the design is very well engineered. A. Wine states yes six nice ledger size sheets of design. D. Eskoff states that J. Goodson had significant plans drawn up to present to the Board and the upstairs is basically for cold storage if J. Goodson wants to do something with that he will have to come back to the Board. C. Kolakowski states that he feels comfortable with the additional information that J. Goodson has provided the Board. D. Eskoff states that Mariah Jones (J. Goodson's fiancée) called the secretary and stated that she would be present maybe the weather is a factor, and J. Goodson is out of town on business. D. Eskoff states that this project is very straight forward, it is on Plank Road and at one point it did have a garage there. D. Eskoff states that the project fits in with the character of the neighborhood. C. Kolakowski states that no one can see it. D. Eskoff states that it is very rural and wooded area especially in the summer. C. Kolakowski states that the house is about the same distance from the road. D. Eskoff states that it is pre-existing non-conforming it has been there awhile. A. Wine asks if they still need an Area Variance even though there was a building there? D. Eskoff states they do because a garage was not built there within a year it if burning. D. Eskoff explains if you take it down a building and put one right back on its footprint you usually don't need to get a variance because you are replacing it you would just have to get a Building Permit. A. Wine asks if it would count as pre-existing non-conforming. D. Eskoff states that it is pre-existing non-conforming but, he cannot just request a Building Permit he has to go the ZBA because it has been down for so long. A. Wine asks if there was a variance in place there before the garage burned down? D. Eskoff states that she does not know. A. Wine states that one would think that if they had a variance that it would just carry through. D. Eskoff states that she thinks that the garage went with the original house pre current zoning, and there was a fire, it wasn't replaced within a year, the Applicant cannot just go get a Building Permit. D. Eskoff states that the Applicant and agent are a young couple and thinks they recently purchased the house. K. McMahan states yes in January. A. Wine states that makes sense. D. Eskoff states that the slab is already there and thinks that anyone that can afford to build a garage would probably want one. D. Eskoff states that she feels it is a pretty standard request and the Boards biggest concern was the acreage and that's not an issue and she checked with G. McKenna and the

fact that J. Goodson does not put an In-Law/Garage Apartment or something the Board does not know about. D. Eskoff states that it is always a concern that someone does something that is not to Code. A. Wine states that we can't check on that once it is there. D. Eskoff states no we can't but, we go on faith and the Building Permit and the Building Department follows up on that. D. Eskoff states they are not here and if the Board is comfortable we can move forward. A. Wine asks can the Board move forward without the Applicant and Agent being present. D. Eskoff states yes absolutely. C. Kolakowski states he feels that they have answered all of the Boards questions from last month by providing the additional information. D. Eskoff concurs. D. Eskoff states that M. Jones did intend on being here, we had the Public Hearing scheduled here and no one was opposed or was present. D. Eskoff asks was there any correspondence? K. McMahon states no. D. Eskoff states we can move forward. D. Eskoff states that the Board has four members present and when there are three people voting out of five, three Board members have to vote together or it's a negative but when there are four members present it is better for the Applicant. D. Eskoff states we do offer that option to the Applicant if there is some indication from the Board that might be going a different direction. A. Wine states without a conflict of the Applicant and Agent not being present it seems they have acted in good faith. D. Eskoff states the Applicant has followed through and seems to be very anxious to move ahead with the project. A. Wine states he has no objection.

RESOLUTION: J. Goodson, Area Variance -- Case #992

MOTION: C. Kolakowski

SECOND: N. Toussaint

RESOLVED, that the Zoning Board of Appeals hereby grants an Area Variance for 36' of front setback for a free standing garage for property located at 253 Plank Road, TM# 124.-1-52.11, for the following reasons:

- The benefit cannot be achieved by other means feasible to the Applicant, based on the fact that there lines and a foundation that would have to be torn up to move the slab.
- There is no undesirable change to the neighborhood character or determinate to the nearby properties. The house is already the same distance from the road. It is pre-existing non-conforming.
- The request is not substantial. It is pre-existing non-conforming.
- There are no adverse physical or environmental effects. There was already a garage there before with an existing foundation on the ground.
- The alleged difficulty is not self-created as there was already a garage there before with an existing foundation on the ground.

VOTES:

Ayes: D. Eskoff, C. Kolakowski, N. Toussaint, A. Wine

Noes: None

Abstain: None

Absent: L. Sanda, J. Szpak

Meeting adjourned at 7:50 p.m. All Members in favor.

Respectfully submitted,

Kimberley McMahon
Town of Greenfield
Executive Secretary

DRAFT