

**TOWN OF GREENFIELD**  
**ZONING BOARD OF APPEALS**

**December 6, 2011**

**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, Paul Lunde, Joseph Szpak, Kevin Veitch and Denise Eskoff, Alternate.

**November 1, 2011 MINUTES**

MOTION: K. Veitch

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of November 1, 2011, as submitted.

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

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**NEW BUSINESS**

**JOSEPH VAN GELDER – Area Variance, Case#881**

Joseph Van Gelder is present. T. Conard reviews G. McKenna's notes that the applicant would like to move the existing old farmhouse and build an addition on to it. The applicant owns both sides of the property line, but due to school district boundaries, the lots cannot be joined. The applicant is requesting a 45' variance. J. Van Gelder explains that there is work that needs to be done on the 120-year-old house, it needs to be raised and foundation work needs to be done, so they have decided to move it to the other side of the property where it is flat. He did go to the Planning Board; his request for a lot line adjustment was approved. When it was filed at the County, the County refused to combine the lots due to the fact that the adjoining property line is also the school district boundary line. P. Lunde states that this will certainly not affect anyone where it is. T. Conard states that this is certainly not a self-created situation, as this has to do with school lines, although he does not understand why it cannot be merged.

**RESOLUTION – J. Van Gelder, Area Variance**

MOTION: P. Lunde

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals accepts the application of Joseph Van Gelder for an area variance for property located at 420 Ballou Road, TM#110.-1-22 and sets a public hearing for January 3, 2012 at 7:30 p.m.

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

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## **OLD BUSINESS**

### **CARMEN BURTON for Martin Burton, Jr. – Area Variance, Case#880**

Carmen Burton and Lawrence Duquette are present. T. Conard reviews G. McKenna's notes that this is a pre-existing, non-conforming lot that requires a frontage variance, right and left side yard variances and a lot size variance. A public hearing is opened at 7:36 p.m. There being no public comments, this public hearing is closed at 7:37 p.m.

J. Szpak asks if TM#98.-2-11.2 and 98.-2-11.1 are owned by the same person. He states that they are both non-conforming based on the new zoning. T. Conard states that is correct. P. Lunde asks how long ago the mobile home was removed. Owner states that the mobile home was removed approximately two years ago, it had been there since the 1980's and there was a mobile home on the property previous to that. P. Lunde asks if the same size home will be placed here. C. Burton states that it is 14 x 75. P. Lunde states that the septic and electric are currently there. T. Conard states that the septic needs to be verified, which has been done. T. Conard states that he does not have a problem with this. It is basically putting back the same thing that was there and it is a substandard lot anyway. P. Lunde states that there were no public comments against it. J. Szpak states that he feels it is a substantial request. He is concerned about the change in the neighborhood character. Although it existed there before, it is not there now and it doesn't seem consistent with the Town's plan and desire to have larger lots in those areas, and the desire to upgrade that neighborhood in the Brookhaven Golf course, which is a public golf course in that area. P. Lunde states that if you drive up that road, there are a number of mobile homes right there so he does not think that it is going to negatively affect the neighborhood at all because it is the neighborhood. If you look at the lots around this, by zoning right now, he would say 70% of the lots you couldn't build on now. They are all pre-existing, non-conforming. P. Lunde states that he does not have a problem with where this is located; it is what the neighborhood is. T. Conard states that the zoning law changes made it more possible to put a mobile home on lots. Originally we only allowed mobile homes on lots of 6 acres or more in the previous zoning. He states that now we allow mobile homes on lots as small as one acre. In that zoning law change we actually made it a little easier to be able to place mobile homes. J. Szpak states in areas that are zoned for that. T. Conard states that this area is zoned for it, we just have a substandard size lot, which is of no fault of theirs. He states that it is not that the applicants have subdivided it after the fact and that this is a legal area for mobile homes. J. Szpak states that they are here for a variance because of the zoning. T. Conard states that is true, but you wouldn't be able to put a house in there either. The owner would just have a vacant lot. T. Conard asks J. Szpak if that is what he is saying. J. Szpak states that he is because we changed that zoning in that area for a purpose. T. Conard states that the zoning was not changed to force people to join lots. It is a pre-existing lot. There has to be an allowance for pre-existing lots. You cannot force someone to buy their neighbor's lot to enlarge a substandard lot. J. Szpak states that it is not automatic that we have to approve this. T. Conard states that is correct. J. Szpak states that we could, to strive to make the area more consistent with the plan for that area, in this scenario where the owner owns a 4-acre lot and a 1-acre lot, we could disapprove this request. It would make that area more consistent to what the Town plan is for that area, the ultimate Town plan. P. Lunde states that the Town plan is only good as long as the zoning stays. Another supervisor might come in and they want to sit down and re-do the zoning, it could change tomorrow, or a year or two. He states that the whole purpose for this board is to give people relief from decisions made by the Town as a whole versus a neighborhood. K. Veitch states that you have to think about planning as planning ahead. When you have larger size lots and you are going to see subdivisions go in, obviously the municipality is planning to have those larger lots subdivided into a more restrictive plan where they are going to have to be larger. When you take existing conditions, he does not think that really falls into the planning. It is there, but they cannot make any of those lots meet. In looking at those lots along Tannery Hill, it is rare that you would see those go back into the larger size that planning would like to see. You are always going to have that mix in there. K. Veitch states that he thinks that the plan, as J. Szpak is speaking about, is to make sure that any of those larger size lots would be restricted.

**RESOLUTION – C. Burton, Area Variance**

MOTION: P. Lunde

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals grants the application of Carmen Burton for area variances for property located at 187 Alpine Meadows Road, TM#98.-2-11.2 as follows:

- **5 acre area variance**
- **125' road frontage variance**
- **25.5' right side yard variance**
- **25.5' left side yard variance**

This is based on the following criteria:

- **This lot, even though Zoning has changed, has been used for the same use for approximately the last 30 years**
- **It will not negatively affect the neighborhood as there are existing mobile homes and the same size lots**

VOTE: Ayes: Conard, Granger, Lunde, Veitch

Noes: Szpak

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Meeting adjourned 7:48 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland