

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

January 2, 2013

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 and Kevin Veitch. Denise Eskoff, Alternate is absent.

December 4, 2012 MINUTES

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of December 4, 2012, as submitted.

VOTE: Ayes: Conard, Granger, Veitch

Noes: None

Abstain: Lunde, Szpak

Absent: Eskoff

OLD BUSINESS

NICK WASHCO – Area Variance, Case#909

Squashville Road

Nick and Susan Washco are present. T. Conard states that the applicant is seeking an area variance for acreage to subdivide a 5-acre lot into two 2.5-acre lots. The zoning requires 3 acres. A public hearing is opened at 7:32 p.m. Kathy Henry-Starace, Squashville Road, states that she is ok with one house but feels that 2 houses on five acres is a lot. She states that they moved to Greenfield from a subdivision in Saratoga and really appreciate their open space and would like to continue that. She states that having two houses on the subject property aesthetically takes away from that, and she feels it would take away from the value of the house to be built and the neighboring houses. Himanee Gupta-Carlson, Squashville Road, states that they purchased their house 2 years ago; it is a very old house on high ground and that is not the case for some of their neighbors who have basement flooding. She has concerns about what 2 houses on a relatively small piece of land will do to the water table. She states that they grow a lot of their own produce. J. Carlson states that his concerns are similar. There are a lot of wetlands in that area and a lot of sand, the homes are already close to the water table. He thinks it is a bit frightening to see a lot of development in an area that is very wet and may affect everyone. It is a very open area and it would be taking away from it to have it densely built. Marsha Smith, Squashville Road, states that she has no problem with 1 house and feels that 2 houses there would be a lot. It is a small area. She is not trying to ruin the applicant's plans but they like the openness of not having a whole bunch of houses in the neighborhood. There being no further public comments, this public hearing is closed at 7:37 p.m.

T. Conard states that the applicant is looking at dividing this into 2 2.5-acre lots. N. Washco indicates how he plans to subdivide this on a map. T. Conard states that his personal concern is that the intention in the change in zoning was to keep lots larger the further you get away from Saratoga. Looking around this area, not until you get over to North Creek Road, is there anything under close to 4 acres. He feels that maybe 2.5 acres is too much to change the nature of the neighborhood. While the ZBA can make variances to the Zoning Laws, they were changed for a purpose in order to make it less dense as you leave Saratoga Springs. N. Washco states that he is aware that the zoning changed in 2007. T. Conard states that

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is his personal concern. J. Szpak states that he has mixed feelings. He has the same concerns about the impact to the entire neighborhood. On the other hand, this is a 3 acre zoned area. He does think that it is a reasonable request, although he also has a tendency to support the larger lot zoning in the area. N. Washco states that if he does build two houses, or even one house, it is going to be 150 to 200 feet back so you will not be seeing it from the road. M. Granger states that she would tend to concur with the other two Board members that she does have a concern because the zoning was changed so that we are not increasing the density in terms of the number of houses we are going to put relative to the acreage. She understands what the applicant is saying about not seeing the house from the road, however, that still does increase the density. She is concerned as well for setting a precedent. S. Washco states that the house that they are going to build will not have a basement. It will be built on a slab and storage will be over the garage. K. Veitch states that that does not really come into play as far as he is concerned. Those are aesthetic things; they do not affect the actual zoning. He states that he has seen requests like this come in when it has been a subdivision and there has been need for it, but the density has been higher, and he does not have a problem with those kinds of things. When you are talking about an area like this that is not a subdivided, developed development, he feels the same way. Reducing the lot sizes was not the intent of the Town Board. He does feel that this will be setting a precedent. P. Lunde asks if the applicant owns the lot behind this. N. Washco does not. P. Lunde states that if the applicant had three acres, he would not even be here. J. Szpak states that the other thing he was considering was that if the applicant knew the concerns of the neighbors, had he considered mitigating actions to maybe the aesthetics of the area. N. Washco states that the house or houses will not be able to be seen from the road, only maybe in the winter. K. Veitch states that it still affects the density. He asks how long the applicant has owned this property. N. Washco states he believes they purchased it in 2003. M. Granger states that the applicant is not the first person to come before the Board to say that prior to this they could have done x, y and z. She states that she cannot get past the fact that the Town Board changed the zoning, we would be going backwards and she is concerned that we would be setting a precedent for others. P. Lunde and K. Veitch state that they agree.

RESOLUTION – N. Washco, Area Variance

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals denies the application of Nick Washco for an area variance for property located at 200 Squashville Road, TM#137.-1-59, based on the following:

- **This does have a major impact on the density of the area**
- **No hardship was created by this**
- **It would have a drastic change to the neighborhood**
- **If this were granted, it would make these the two smallest lots within approximately a half mile radius**
- **This would set a precedent for others**

VOTE: Ayes: Conard, Granger, Lunde, Szpak, Veitch

Noes: None

Absent: Eskoff

PETER BARBER – Area Variance, Case#902

Greene Road

T. Conard states that Peter Barber could not be here tonight, but he is still working on getting the language for the deed. The public hearing is still open. P. Lunde states that he was at the Town Board meeting and he is constantly trying to do things. M. Granger states that his attendance here indicates that he has been actively pursuing what is needed.

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RESOLUTION – P. Barber, Area Variance

MOTION: M. Granger

SECOND: P. Lunde

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 February 5, 2013 meeting, based upon his continued actions to solve all issues before the Board.

VOTE: Ayes: Conard, Granger, Lunde, Szpak, Veitch

Noes: None

Absent: Eskoff

STEPHEN DOTY – Area Variance, Case #904

Maple Avenue

No one is present for this application. T. Conard states that we did send the applicant a letter as of December 13th; we have not heard from the applicant as to whether he is continuing to consider moving into this building; the ZBA is within it's rights to close this or we could table this to the next meeting to see if we do hear from him. J. Szpak states that other than the letter, when was the last time he has made contact with Greenfield. M. Granger states that we have not seen them at a meeting in at least 2 or 3 months. J. Szpak states that it is then likely that this is a dead issue. K. Veitch asks if the applicant has had any communication with G. McKenna. R. Rowland states that he has not. M. Granger states that she feels there would be a change in circumstances if the issues that are outstanding have been addressed and the applicant wanted to reapply. We could certainly consider the application at that time. K. Veitch states that in comparing these two cases for tabling applications, on the one hand we have someone who has been here, is communicating, and is in constant contact throughout the whole process. The second one has been a no show, no comment and hasn't responded to communication from the Town. If any action we take creates a hardship, it was self-created. The public hearing is reopened at 7:51 p.m. There being no public comments, this public hearing is closed at 7:52 p.m.

RESOLUTION – S. Doty, Area Variance

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals denies the application of Stephen Doty for area variances for property located at 472 Maple Avenue, TM#153.13-1-11, as follows:

- **There seems to be a lack of interest from the application in this case**

VOTE: Ayes: Conard, Lunde, Szpak, Granger, Veitch

Noes: None

Absent: Eskoff

Meeting adjourned 7:53 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary