

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

JANUARY 6, 2009

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 Stanley Weeks. Paul Lunde and Stefan Strakos, Alternate, are absent. Gerry McKenna, Zoning Administrator, is present.

DECEMBER 2, 2008 MINUTES:

MOTION: M. Granger

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of December 2, 2008 as submitted.

VOTE: Ayes: Conard, Granger, Veitch, Weeks

Noes: None

Absent: Lunde

OLD BUSINESS

TERI & WILLIAM CROWE – Case #814, Area Variance

Old Stone Ridge

No one is present for the application. The variance being requested is for an outdoor wood boiler. The applicant has asked to have their application tabled.

RESOLUTION – T. & W. Crowe, Area Variance

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals tables the application of Teri and William Crowe for an area variance for property located at 10 Old Stone Ridge Road, TM#164.6-1-7, to February 3, 2009 at 7:30 p.m.

VOTE: Ayes: Conard, Granger, Veitch, Weeks

Noes: None

Absent: Lunde

SCOTT GERMAIN – Case # 816, Temporary Use Variance

Porter Corners Road

T. Conard reviews that this is a request to place a mobile home on their property while they renovate the house. The public hearing was left open from the last meeting. T. Conard asks if there are any

January 6, 2009

comments at this time. There being no public comments, this public hearing is adjourned to the February meeting. The applicant wishes to have the application tabled.

RESOLUTION – S. Germain, Temporary Use Variance

MOTION: S. Weeks

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals tables the application of Scott Germain for a temporary use variance for property located at 181 Porter Corners Road, TM# 124.-2-17 to February 3, 2009, contingent upon:

K. Veitch states that in talking with G. McKenna he understands that the situation has gotten worse since the last meeting. He does not have a problem with the motion and agreeing with the tabling, but he thinks that at the next meeting if the status has not improved, we should not continue with the tabling and should deny. The applicant is obviously not making a good effort to resolve this. M. Granger states that she agrees with that. She visited the property today and thinks that there are still outstanding issues with it that do not indicate to her that the applicant is sincere about moving forward at this time or just not able to. T. Conard asks if correspondence can be sent to the applicant to warn him. M. Granger states that language should be included on the Board's position regarding the proposed site to the applicant. She asks if G. McKenna will make an inspection prior to the next meeting. G. McKenna states that he will. S. Weeks states that he thinks that we gave the applicant the impression that we would be willing to continue to table it. T. Conard states that is why he wants to make sure that the applicant is aware that the Board feels that there is not good progress, even on cleaning up the yard in order to get the mobile home on. G. McKenna states that the applicant has not done anything and there is another car there. S. Weeks states that he does not think that we made it clear that we expected to see progress. He thinks that the Board just indicated that the applicant could continue to table. K. Veitch states that he believes that the intent was that the ZBA would continue to table to give the applicant some time to continue to get it cleaned up to the point where the ZBA could make a decision. Also, that shows that he was to make a good faith effort. S. Weeks states that he has no problem as long as the applicant is informed. T. Conard states that as long as the applicant is informed early enough to take some action. K. Veitch states that the applicant should understand that the way he is going he is threatening his chances of approval. G. McKenna states that he was asked to provide a timetable showing a reasonable timeframe of what he is going to do. M. Granger suggests that a letter be sent out indicating that failure to comply with the cleanup of the property as well as providing a timetable will result in the denial of the application unless the applicant chooses to withdraw.

- **Motion is amended to indicate that** the Board's position is that the applicant is to cleanup the property or the request may be denied which will result in the applicant not being able to reapply for another year, or he has the option to withdraw the application.

VOTE: Ayes: Conard, Granger, Veitch, Weeks

Noes: None

Absent: Lunde

RONALD MOREHOUSE – Case#818, Area Variance

Old State Road

Ronald Morehouse is present. T. Conard explains that this is a pre-existing, non-conforming lot and the applicant has removed an old mobile home and would like to replace it with a newer double wide. The acreage requirement for this area is 1.5 acres and this is .21 acres, a pre-existing, non-conforming lot. The applicant needs a 125' frontage variance. A public hearing is opened in this case. There is no correspondence. There being no public comments, this public hearing is closed.

January 9, 2009

T. Conard comments that this looks to be further from the neighbors side yards because it appears to be a squarer configuration. T. Conard asks the age of the new mobile home. R. Morehouse states that it will be within the 10 year age limit. He has not purchased one yet as he wanted to make sure that he got the variances. Discussion takes place that a standard size is 24 x 44 and this is what he will buy. S. Weeks asks if the public hearing sign was posted on the property. The applicant indicates that it is. M. Granger asks if there is an existing shed on that property. The applicant states that there is. S. Weeks asks when the existing mobile home was removed. G. McKenna states it was removed about 2 months ago and had been there since the 1960's. R. Morehouse indicates that he does not know the year but it will be the 24 x 44 size. T. Conard reiterates that if it is within 10 years that is fine. The Board members feel that this will be an improvement over what was there.

RESOLUTION – R. Morehouse, Area Variance

MOTION: M. Granger

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals grants the application of Ronald Morehouse for area variances for property located at 14 Old State Road, TM#164.08-2-7.13 as follows:

- **125' frontage variance**
- **2.79 acreage variance**
- **15' front yard setback variance**
- **26' rear yard setback variance**

This is based on the following criteria:

- **Benefit cannot be achieved by any other means**
- **No undesirable change to the neighborhood, in fact it is an improvement to the neighborhood**
- **No adverse physical or environmental effects**

VOTE: Ayes: Conard, Granger, Veitch, Weeks

Noes: None

Absent: Lunde

KRISTA REVILLE – Case #819, Area Variance

Middle Grove Road

Krista Reville is present. T. Conard states that the applicant would like to put an addition on an existing garage and will require a 34' front yard setback variance. A public hearing is opened. T. Conard reads from letters from Michele and Scott Morrissey and Dawn and Daniel Rodecker in support of the request. There being no further public comments, this public hearing is closed.

T. Conard states that there is a response from the County Planning Board with a concern regarding the distance from the power lines. C. Reville indicates that he believed that the structure would be 24' from the powerlines. M. Granger states that the original proposal was for the addition to be 34' by 41' but that it could be reduced to 20' by 41'. C. Reville states that 24' is the minimum for a two-car garage. K. Reville indicates that the house is a passive solar house and has limited closets, no basement or attic so everything goes in the existing garage and they cannot park in the existing garage. They need some additional space for storage and would like to get a tractor. M. Granger asks what exactly the applicant is looking for then. C. Reville states that he would like 28 at a minimum for a two-car garage with some extra space. G. McKenna states that he based his numbers on 34'. K. Reville states that 34' would give them everything that they

January 9, 2009

need. M. Granger states that the ZBA is to grant the minimum variance possible. If the applicant says that 34' is the dream but they can make it work with 28'... Discussion takes place that if the applicant goes to 28' that will be a 6' reduction. K. Veitch states that this would increase the distance to the power lines also. T. Conard agrees and states that this would also increase the distance to the bank, which was of a little concern to him.

RESOLVED – K. Reville, Area Variance

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals grants the application of Krista Reville for property located at 180 Middle Grove Road, TM#163.-2-47.311 as follows:

- **28' front yard setback variance**

This is based on the following criteria:

- **No other location to place the addition**
- **No negative impact to the neighboring properties**
- **Minimized the request to lessen the impact**
- **No adverse environmental impacts**

This approval is contingent upon:

- **There is to be a vegetative buffer planted around the structure per the submitted plans**

VOTE: Ayes: Conard, Granger, Veitch, Weeks

Noes: None

Absent: Lunde

STEPHANIE & GENE VETTER – Case #820, Area Variance

Wilton Road

Stephanie Vetter is present. T. Conard reviews that the applicant is requesting a variance from the 50' requirement from a stream. A public hearing is opened. There being no public comments, this public hearing is closed.

G. McKenna states that there appeared to be a couple of different variances. In the narrative it is 30' and on the drawing 20'. With the deck it is a 33' setback variance from the stream. T. Conard reviews that the minutes state that the deck will be 17' from the stream. G. McKenna states that is where the 33' variance comes from. S. Vetter agrees that is what she is asking for. M. Granger asks if she got anything back from Army Corp. S. Vetter states that she did not, that they would not come out until the spring. She did have a delineation done. Based on the soils they do have wetlands up against the drainage ditch but there is no vegetation and her project does not impact that. They will be 17' away. That was the best she could do within the timeframe. K. Veitch questions that the measurement is not from the center of the stream but from the edge of where the wetland starts. S. Vetter states from the edge of the stream. G. McKenna states that if these are ACOE wetlands, the applicant can build right up to them. S. Weeks questions whether this is actually a stream or not. G. McKenna and S. Vetter state that there is a stream. G. McKenna explains that ACOE will regulate wetlands down to a puddle, but they will let you build right up to it. The DEC will only regulate down to 12 acres and you must stay 100' away. The Town of Greenfield now requires the 50'

January 9, 2009

setback. K. Veitch states that we are really not impacting anything environmental because we are not going against any regulations. S. Weeks states that the letter from Delaware Engineering says that you are not located within any jurisdictional water of the United States and he understands that, but that has nothing to do with the 50'. K. Veitch states that he just wanted to make sure that we are not allowing something to be closer than what any of those government agencies would allow. S. Vetter states that there are three things going on – there is the Town, the DEC and the ACOE, and that the variance is strictly for the Town's requirement. K. Veitch states that the environmental impact has been addressed. M. Granger states that considering that and the fact that the septic is on the other side where it would be nice to do an addition, but it's not going to work out for that. K. Veitch states that he would rather see the septic system farther away and the building closer. M. Granger states that she does not have a problem because, under the circumstances and the way the lot was laid out, the applicant has addressed the environmental issues. S. Weeks states that he is concerned about wildlife; he is concerned about streams; he thinks that is why the Town has that reg in there, to try to keep structures away from streams, which he thinks is a good thing to do in general. M. Granger asks if the applicant can offer the Board any alternatives in terms of making the deck smaller to move it back a little bit. S. Vetter states that she can try, she can go back to the drawing board and take a look at it. She states that they protect the stream, they take care of it and make sure that it is lined continually with stone, because they use it. She is an engineer and works with a lot of environmental people and she is on board with all of that. She will do her best during construction to make sure that they do not impact the stream. She can look at the size of the deck but would like to be close to the stream, it is a beautiful spot. K. Veitch states that he thinks that when we talk about streams, he certainly would be more protective of Kayaderosseras Creek and a main source to that. The impact to that would be severe. We need to take into consideration what is a stream and what is a ditch that allows water to flow through. S. Vetter states that this is truly a drainage feature. Obviously it is a tributary at some point to the Snookkill, but it goes through a series of tributaries. The water that feeds this ditch comes from the development across the street, Brittany Chase. Most of the drainage goes into those wetlands and then some is diverted onto this property and that is what actually runs through her backyard. S. Vetter states that they maintain this, they have mitigated the drainage and the mosquito issues. They stoned the actual swale to keep it clean and now things don't stagnate. S. Weeks asks if it flows all year round. S. Vetter states that it does. S. Weeks states that is not a ditch. S. Vetter states that it is fed by underground springs. K. Veitch states that it supports plant life and asks if it is stocked. S. Vetter states that there are no fish, just frogs and salamanders. It is too shallow for fish. K. Veitch asks if Brittany Chase has constructed water basins to trap water. G. McKenna states that was developed before the use of basins. S. Vetter states that it functions really well. The wetlands look great back there, they use them, they skate on them in the winter, etc. She does not collect samples and do the chemistry on them, but they seem to be functioning very well and some of that flow comes onto her property, and she has never had a problem with anything. M. Granger asks if the applicant were to propose decreasing the deck size, would S. Weeks feel any better about moving forward on this application. K. Veitch states that he does not look at the deck as having an impact because if they do not have a deck, they will have a yard and they will have people standing in the yard. What the deck does is be part of the yard. His feeling is that the deck has no impact. It is not a solid structure like a building, which does have an impact with runoff. He asks how big the deck is. T. Conard states that it is 15 x 15 on the plans. S. Weeks states that the deck is less intrusive than a roofline. G. McKenna states that the deck is elevated. S. Weeks states that he is probably ok with it, he is very sensitive to streams and the 50' setback was put in by the Town to try to protect all the streams in this town. That is why he has pause and thinking can we get a little further away, is there something else we can do that wouldn't encroach quite as close on the stream. T. Conard states that he thinks it is good to take it seriously. K. Veitch states that he respects what is being said and he agrees that, especially when it comes to solid structures that are going to have an impact on the water runoff and shedding, and that is why he stated that he does not think that the deck will have impact. S. Weeks asks the applicant if this is going to become a screened-in porch someday. S. Vetter states that it is not. M. Granger states that she thinks it is clear from the conversation that other options have been explored. She agrees that we cannot take the impact on the stream lightly, but she thinks that as K. Veitch has pointed out, it is not a solid structure. If it were a solid structure, she thinks that we would have a different conversation. S. Weeks states that if there were fish there, it would be a different case. S. Vetter reiterates

that we are not talking about fish, it is not really a stream, it is not a classified stream, it is more a drainage feature, so as it comes onto the property and then goes on it tends to feather out. The neighbors down the street may have a pond, feathers out down there and then it goes through natural wetlands, and in her professional opinion, the water quality is good by the time it finally does make its way to a major waterway. She states that it is not a stream per se. It kind of trickles. M. Granger states that she thinks it might be helpful for the Board to make sure that they are not giving a blanket precedent here so that we don't have a case where someone comes back and says that on this particular property a 33' setback was given. We have to look at the uniqueness of this situation. K. Veitch states that to make S. Weeks feel a little bit better, can we make a stipulation that the deck cannot become anymore than a deck, that it cannot become any more of a structure than the original design is. It cannot be enclosed or roofed. S. Weeks agrees with this. T. Conard states that he thinks it is somewhat unique in that the applicant has a pole barn behind and has a split, deep lot. That in itself makes it an odd situation.

RESOLVED – S. & G. Vetter, Area Variance

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals grants the application of Stephanie and Gene Vetter for property located at 385 Wilton Road, TM#126.-1-27.12, as follows:

- **33' setback variance from a waterbody or stream**

This is based on the following criteria:

- **The applicants have researched the criteria for the impacts that would concern ACOE and DEC, and have mitigated those to the point where it just falls under the Zoning of the Town**
- **No negative impact**
- **Benefits cannot be achieved by other means because of the existing septic system and well**
- **The 33' setback is based on the location of an elevated deck and therefore can never have a roof in order to minimize any impact on the stream**
- **Hardship is not self-created**

VOTE: Ayes: Conard, Granger, Veitch, Weeks

Noes: None

Absent: Lunde

Meeting adjourned 8:18 p.m., all members in favor.

Respectfully submitted,

MaryAnn Johnson
Town Clerk