

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

July 2, 2013

REGULAR MEETING

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

June 4, 2013 MINUTES

MOTION: K. Veitch

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of June 4, 2013, as submitted

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

Noes: None

Absent: Conard

NEW BUSINESS

BALLSTON MOURNINGKILL ASSOC. LLC – Case#915, Area Variance

Maple Avenue

Eric Carlson is present. P. Lunde states that the applicant would like to join three existing lots, remove all existing structures and build a 5000 square foot office building and 4 duplex residential units (8 dwelling units). Both uses require Site Plan Review by the Planning Board. A variance of 1.16 acres is required for each use. P. Lunde states that this is a unique part of Greenfield. The applicant did not complete a SEQRA form. E. Carlson states that he did not know exactly where we were going with the applications. K. Veitch asks how many structures will be on the property. E. Carlson states that there will be two structures. The residential will be at the rear of the property with the office/retail in the front. M. Granger asks for information regarding other structures on adjoining properties and the distances to those. E. Carlson states that he was looking at the County maps today, they are generally all .66 acre lots and they are all either converted residences or in some cases up to 21,000 square foot office buildings on the one end and Kings Glass is right across the street. He states that this property currently consists of two very dilapidated, old residences that no one will ever fix up. M. Granger states that we would be looking for a completed SEQRA and something that shows the surrounding buildings and the distances from them. D. Eskoff asks if the applicant is looking at a total teardown of what is there now. E. Carlson concurs. M. Granger asks how many residents are anticipated in each of the duplexes that are being proposed. E. Carlson states that it is 8 one-bedroom units; you will get 8 to 10. More often than not you will get singles or couples. D. Eskoff asks what made the applicant decide on that type of duplex. E. Carlson states that he just finished building a complex in Rotterdam. They are primarily one-bedroom apartments and in 30 days all 54 units were rented. They are 850 square feet, hardwood floors, and black appliances. They rent very quickly. There are a lot of people building \$1200-\$1800 apartments. These would be in the \$850 to \$950 range, one-bedroom, no kids.

RESOLUTION – Ballston Mourningkill Assoc. LLC

MOTION: K. Veitch

SECOND: M. Granger

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RESOLVED, that the Zoning Board of Appeals accepts the application of Ballston Mourningkill Associates LLC for an area variance for property located at 464 Maple Avenue, TM# 153.13-1-13.1, 464 Maple Avenue Rear, TM#153.13-1-35 and 466 Maple Avenue, TM#153.13-1-13.2 as complete and sets a public hearing for August 6, 2013 at 7:30 p.m., contingent upon receipt of:

- **Completed SEQRA form**
- **Distance to structures on adjoining lots**

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

MICHELLE LEWIS – Case#916, Area Variance

Wilton Road

Michelle Lewis is present. P. Lunde states that the applicant would like to have an in-law apartment in an existing attached garage. This is a permitted use. The applicant would require an area variance of 4.99 acres and 20.25-feet of road frontage. M. Granger asks for surrounding structures and the distances to those structures. K. Veitch questions that this is attached to the garage. M. Lewis states that it is actually there already. J. Szpak states that from the outside everything will pretty much look the same. M. Lewis states that is correct, but they will be making improvements. She states that the footprint is there, it is an old garage that she would like to convert into a little house for her mother. It is right behind the big metal building, it will remain one floor. She shows the Board a copy of a floor plan, indicates the area on the plans and that it will incorporate a section of an existing wood shed and they will be adding a bay window to the rear of the structure. P. Lunde asks if there are any structures in the lot behind this. M. Lewis states that it is a farm. R. Rowland states that that is part of the horse farm.

RESOLUTION – Michelle Lewis, Area Variance

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Michelle Lewis for an area variance for property located at 69 Wilton Road, TM#138.-2-60.1 as complete and sets a public hearing for August 6, 2013 at 7:30 p.m., contingent upon receipt of:

- **Distance to structures on adjoining lots**

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

OLD BUSINESS

WILLIAM A. DENNISON – Case#914, Area Variance

Brigham Road

William Dennison is present. R. Rowland states that the applicant did provide some information, however it is not in the file and she is not sure if G. McKenna removed it when he was reviewing the file. D. Eskoff asks if the applicant has spoken directly to Ag and Markets. W. Dennison states that he did and was told that they have no regulations on doggie day care, the only regulations they have is for breeding and selling. P. Lunde states that he also went to the website and found absolutely nothing. W. Dennison states

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that everything refers you to the local regulations. D. Eskoff states that we just wanted to make sure that the applicant did not fall into the other. She states that the word 'license' in our definition of kennel is the one that, because we don't have a definition, we had to refer back to the State to make sure that he did not fall into that category. K. Veitch states that it seems that a kennel qualifies as a kennel if you are breeding, grooming, training or selling. D. Eskoff states that other towns have regulations so we need to be very clear on that. K. Veitch states that in this situation, G. McKenna made some good points about putting some contingencies on this to make sure that it does not turn into a kennel. D. Eskoff states that some of the laws are actually in the Ag and Markets; they are under the business law section for pet dealers. P. Lunde states that he went into regulations for pet sitting and he didn't find anything. K. Veitch states that if it becomes an issue, a nuisance, there are regulations that it can be addressed under. P. Lunde states that it is amazing how many regulations there are for dogs. A lot of them are to make sure that the dogs are not mistreated and then there is legal recourse. K. Veitch states that we are going to call this a doggie day care, so does that mean that the dogs are only going to be there during the day? W. Dennison states that he may have some overnight but he has the barn for their housing. There will be ten 6 x 12 pens. M. Granger states that then we are kind of into a kennel situation. D. Eskoff states that a lay definition would be that it is a kennel, but it does not fit our definition because we don't license so it is just a home business and it is a home business that is a doggie day care, animal care. P. Lunde states that it is no different than boarding horses there. K. Veitch reiterates that a kennel is breeding, grooming, training or selling, not boarding. D. Eskoff states that the State definition and our definition do include boarding, but we don't license for that and the applicant is not doing any of the other things, which is really what Ag and Markets tends to focus on in this State. P. Lunde asks if we do approve the variance, can that be worded in the variance so that there is a contingency to help the variance. K. Veitch states that contingencies or restrictions can be made. D. Eskoff states that we did check the deeds and he does have ingress and egress, because it is a land locked parcel, for any purpose and that is there, so there is no issue with that. P. Lunde states that it is pre-existing, non-conforming. M. Granger states that we are looking at about 30% in terms of variance size for a home occupation type 2. Are we setting a precedent and is there concern for that? P. Lunde states that there could be, but then again, what is the zoning for boarding horses, is it similar. R. Rowland states that it depends on if you have a small or large stable, small being up to 5 horses. P. Lunde states that is the use of the property now. D. Eskoff states that the Ag and Markets rules are different for horses and dogs. P. Lunde states that the land has been used for this. D. Eskoff agrees. K. Veitch states that being dogs, it actually minimizes the use. D. Eskoff states that as long as they are contained, yes. P. Lunde states that the Town has leash laws and the applicant has to go before the Planning Board, also. M. Granger asks if the applicant is currently boarding horses on the same property. W. Dennison states yes. M. Granger asks space wise he has room for how many horses and how many dogs. W. Dennison states that he is going to go more to the dogs and keep 1 horse. D. Eskoff states that the applicant had stated that he was going to convert the barn into actual kennel space for the dogs. P. Lunde asks if he hasn't had a horse there since the winter. W. Dennison states that the one horse comes every year. P. Lunde questions that if the applicant did not have a horse there for more than a year he would lose the ability to use it for that. R. Rowland states that is correct, but what W. Dennison is doing is a seasonal type of thing, keeping this one horse. K. Veitch states that as long as that horse is there one day a year, he keeps the pre-existing use. Discussion takes place that the Planning Board will be going through this in depth. K. Veitch states that any conditions the ZBA puts on, he would only make if the Planning Board agrees. The Planning Board might want different conditions. J. Szpak states that he is not interested in putting conditions on. K. Veitch states that he thinks there should be conditions, and he would state them here, but only as long as the Planning Board agrees. If the Planning Board comes up with stricter conditions, then the applicant has to go by those. M. Granger states that part of the discussion she got from last months meeting was the number of dogs, additional discussion regarding no breeding, grooming, training or selling, and she thinks that has to be part of it. That is not a contingency she would feel comfortable leaving to the Planning Board because based on the discussion of the Ag and Markets law and what we do not have on books, and based on the discussion that this Board has had, it seems that we need to address those particular activities and be clear about that. K. Veitch states that he agrees. Does she think that the ZBA locking in on a number of dogs, but if the Planning Board comes up with something and makes a determination that that number is too many, and they want to change it? M. Granger and D. Eskoff agree. J. Szpak questions why the contingency would have to state that there would be no grooming, if grooming requires a different license

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anyway. K. Veitch states that it kind of reinforces. We have to be specific sometimes because in his line of work, they have gone back and there hasn't been real specifics. There are specifics discussed, but they never make it into the motion for a variance itself. M. Granger states that a variance runs with the land, so unless we clearly define what that variance is so that everyone knows and everyone involved is happy and it is clear, then she does not feel that the ZBA is doing its job and she thinks that with this particular piece of property for a home occupation type 2 with a 30% variance, we already have horses that are seasonally boarded there, there is already some use associated with animals and to her that is the differentiation, because she is not interested in setting precedent going forward for other home occupation type 2 situations. There may be something else that is proposed to this Board that does not seem appropriate for that neighborhood, etc.

RESOLUTION – W. Dennison, Area Variance

MOTION: K. Veitch

SECOND: J. Szpak

RESOLVED, that the ZBA grants area variances to allow for a Home Occupation, Type 2 to operate a doggie day care to William A. Dennison for property located at 364 Brigham Road, TM#126.-1-47.21 as follows:

- **2.7 acre variance**
- **250' of road frontage**

This is approved with the following contingencies:

- **No breeding, no grooming, no training and no selling**
- **No more than 10 dogs on the property at any given time unless the Planning Board decides that it should be more restrictive**

This approval is based on the following criteria:

Being that there are already horses on the property and animals have been kept on the property,

- **It is not an undesirable change to the neighborhood or the character to the nearby properties**
- **The request is not substantial. While it seems to be substantial, the frontage is offset by the fact that there is deeded ingress and egress to the property**
- **No adverse physical or environmental impacts**
- **The difficulty is not self-created**
- **Benefit cannot be achieved by other means**

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

Noes: None

Absent: Conard

Meeting adjourned 8:04 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary