

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

**June 7, 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 and Kevin Veitch. Joseph Szpak, Alternate is absent.

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**May 3, 2011 MINUTES**

MOTION: P. Lunde

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of May 3, 2011, as submitted.

VOTE: Ayes: Conard, Granger, Lunde, Veitch

Noes: None

Absent: Szpak

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**NEW BUSINESS**

**PAUL DAVIS – Area Variance, Case#870**

Locust Grove Road

Paul Davis is present. T. Conard reviews that the applicant would like to replace an existing mobile home with a new one and will require a 23.5' front yard setback variance and a 43.5' rear yard setback variance. P. Lunde questions that the only thing that is really changing is the front, the rear stays the same. T. Conard states that there is no difference in the sides so he is not concerned about the locations of neighbors.

**RESOLUTION – P. Davis, Area Variance**

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals accepts the application of Paul Davis for area variances for property located at 442 Locust Grove Road, TM#138.-2-54.2 as complete and sets a public hearing for July 5, 2011 at 7:30 p.m.

VOTE: Ayes: Conard, Granger, Lunde, Veitch

Noes: None

Absent: Szpak

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**TERI ARNOLD – Area Variance, Case #871**

Boyhaven Road

Teri Arnold is present. T. Conard states that the applicant would like to build a 24' wide garage 35' from the right side of the property and a 15' right side yard setback variance is required. Discussion takes place that the lot to the right is vacant.

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**RESOLUTION – T. Arnold, Area Variance**

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Teri Arnold for an area variance for property located at 3459 Boyhaven Road, TM#162.-1-76 as complete and sets a public hearing for July 5, 2011 at 7:30 p.m.

VOTE: Ayes: Conard, Granger, Lunde, Veitch

Noes: None

Absent: Szpak

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**GREGORY & REBECCA LOCKWOOD – Area Variance, Case #872**

Grange Road

Gregory and Rebecca Lockwood are present. T. Conard states that the applicants would like to add a small addition to an existing home and require a 22' front yard setback variance. He states that there is a vacant lot on the one side; they are no closer to the neighbors or the road. The addition is in the middle of the structure.

**RESOLUTION – G. & R. Lockwood, Area Variance**

MOTION: M. Granger

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals accepts the application of Gregory and Rebecca Lockwood for an area variance for property located at 58 Grange Road, TM#138.-1-20.2 as complete and sets a public hearing for July 5, 2011 at 7:30 p.m.

VOTE: Ayes: Conard, Granger, Lunde, Veitch

Noes: None

Absent: Szpak

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**DONALD & DEBORAH BRYSON – Area Variance, Case #873**

Pine Robin North

Donald Bryson is present. T. Conard explains that the applicants would like to install an inground pool. The lot is a pre-existing, non-conforming lot. They need a 15' left side yard setback variance. M. Granger states that she would like a map showing the distances to neighboring structures by June 21, 2011. T. Conard comments that they have to put the pool in this location because of where the leach field is situated.

**RESOLUTION – D. & D. Bryson, Area Variance**

MOTION: M. Granger

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals accepts the application of Donald and Deborah Bryson for an area variance for property located at 10 Pine Robin North, TM#138.19-1 24 as complete and sets a public hearing for July 5, 2011 at 7:30 p.m., contingent upon:

- **Map showing dimensions to neighboring structures**

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

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**COREY & KIMBERLY BARSS – Area Variance, Case#874**

Allen Road, Rear

Corey and Kimberly Barss are present. T. Conard states that they would like to place a mobile home on a pre-existing, non-conforming lot, which has no road frontage. The area requires 250' of road frontage. K. Barss provides an aerial photo indicating the right of way to the lot.

**RESOLUTION – C. & K. Barss, Area Variance**

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals accepts the application of Corey and Kimberly Barss for an area variance for property located at 45 Allen Road, Rear, TM#111.-2-21.16 as complete and sets a public hearing for July 5, 2011 at 7:30 p.m.

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

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**OLD BUSINESS**

**JOHN AND HETAL HERZOG – Temporary Use Variance, Case #850**

Coy Road

John Herzog is present. T. Conard reviews that the applicants were granted a temporary use variance on July 6, 2010. J. Herzog states that because of the delays with the whole process, they now require an extension. T. Conard states that this is a simple thing to do because it is an extension of an already existing variance.

**RESOLUTION – J. and H. Herzog, Temporary Use Variance**

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals grants an extension of a Temporary Use Variance to John and Hetal Herzog for property located at 812 Coy Road, TM#137.-1-3, as follows:

- **Temporary Use Variance extension of one year to July 6, 2012**

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

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**JOHN AND HETAL HERZOG – Area Variance, Case #869**

Coy Road

John Herzog is present. T. Conard asks if the applicant has decided not to withdraw this application and is requesting that it be reinstated at this time. He states that we had a lot of discussion on this. J. Herzog June 7, 2011

concur. K. Veitch states that there was a great concern on his part that this was a pretty excessive variance and that it was a new request for something that is not in Greenfield. The case of the 75' barns makes sense. He states that he had a discussion with the Town Supervisor and a couple of the Board members who told him that they felt that although we may be setting a precedent, it was a precedent in a positive manner. The Town Board plans on changing the ordinance to allow that type of height in these types of residential areas. K. Veitch states that knowing that makes him feel a little better; the size of the lot is way beyond what is required; the location is far off the road; he feels that the negative impact would be small. He states that he would be willing to make a motion to grant the applicant's request for an area variance for height. M. Granger asks if that is going to be contingent upon the Town Board actually making that change. K. Veitch states that he does not know that he can do that. If he makes it contingent, then the applicant is still in the same spot. He would certainly feel strongly about going back to the Town Board and explaining to them that this needs to happen. He states that his expression to the Town Board was that he felt that, as a Zoning Board, we are kind of being held hostage by these old ordinances. He understands and respects that they want to see this type of structure come into Greenfield, but he felt that he would rather err on the side of caution than just give away excessive variances to the Zoning Laws. With all those things considered, he does not see any reason why we cannot approve this. P. Lunde states that with the uniqueness of this piece of property, where it is and the size, he does not see any problem with this whatsoever. He states that if we approve it with the contingency that it has a sprinkler system, if someone else were to come before this Board and want something similar, in order for them to get it it could also be contingent on a sprinkler. He states that we are setting a precedent, but the precedent is the piece of property, where it is plus the safety issue that we had and forcing the applicant to install a sprinkler system. M. Granger asks if it is K. Veitch's understanding that the Town Board is going to make the change to allow for a 75' height. K. Veitch states that what they explained to him was that this would fit within their change. J. Herzog states that his understanding was that they are going to match the non-residential height. He states that after the Town approves this there is a process it has to go through with the State which takes time. P. Lunde states that he spoke with the Town Supervisor and Dan Pemrick and he got the same feeling. K. Veitch states that the ZBA sits here, represents the Town and he didn't feel that without the Town Board knowing what was going on that it was a good decision for the ZBA to make. Now the Town Board has that information, they have voiced their opinion and they feel strongly that it is something that is going to happen, that they do not have a problem with us approving it. M. Granger questions that K. Veitch is going to clarify the criteria in his motion so that if this case does come back, if for some reason we don't get approval from the State going through the process, because we are still opening the door for precedent. She understands that K. Veitch has spoken to the Town Board members and she has no problem supporting it, but she thinks that as a Board we need to be forward looking and make sure that everything is very clear as it pertains to this particular case.

**RESOLUTION – J. & H. Herzog, Case# 869**

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals approves the application of John and Hetal Herzog for an area variance for height for property located at 812 Coy Road, TM#137.-1-3, as follows:

- **Height variance of 17' 7"**

This approval is based on the following criteria:

- **This district does allow structures, although agricultural, to be permitted at this height with 20 acres of land**
- **An agricultural structure could be converted to a residential structure and there would be no control over that**
- **This neighborhood could have as many as eleven properties that would allow a 75-foot tall structure, although they would currently be agricultural**

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- **Visual impact – if the concern is the visual impact, the property has buffering around it and will not be visible from the road**
- **This structure will have a sprinkler system**
- **No environmental impact**
- **Based on the condition of the property and the lay of the land with the vegetative buffer it does not create a negative visual impact**
- **This will not take away from the character of the neighborhood**
- **By the Town Board’s statements, it looks like we will be having more of these large homes coming into the community**
- **The Zoning Ordinance needs to be updated to keep up with changes in structural design**

T. Conard states that we are not talking about a 75’ height on this structure. If you look at the front of the house, it is not that high. It is the walkout basement in the rear, so the actual height that you will see from the road.

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

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T. Conard states that he would like to thank Stan Weeks who has retired from the Zoning Board to join the Planning Board. He did an excellent job here; he was a tremendous asset to the Board. T. Conard states that he wants to acknowledge our appreciation for his service on this Board and doing such a nice job. We wish him the best on the Planning Board.

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Meeting adjourned 7:55 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland