

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS
SEPTEMBER 1, 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, Paul Lunde, Kevin Veitch, Stanley Weeks and Joseph Szpak, Alternate. Michelle Granger is absent. Gerry McKenna, Zoning Administrator is present.

AUGUST 4, 2009 MINUTES:

MOTION: P. Lunde

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of August 4, 2009 as submitted.

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

Absent: Granger

Noes: None

NEW BUSINESS

PEG RONK – Case #832, Area Variance

Spier Falls Road

Tonya Yasenchak is present for this application. T. Conard reviews that this is a request for an area variance on Spier Falls Road in the LDR district. The applicant would like to start a Type I Home Occupation, the lot size must be 6 acres and she has 1.5 acres. T. Conard points out that a correction needs to be made to the application and the SEQRA form, question #8. The variance being requested is 4.5 acres, not 3.5 acres. G. McKenna states that the setbacks are fine. P. Lunde asks if the applicant is operating her business here now. She is not.

RESOLUTION – P. Ronk, Area Variance

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals accepts the application of Peg Ronk for an area variance for property located at 112 Spier Falls Road, TM#112.-1-79 and sets a public hearing for October 6, 2009 at 7:30 p.m.

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

Absent: Granger

Noes: None

OLD BUSINESS

TERI & WILLIAM CROWE – Case #814, Area Variance

Old Stone Ridge

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No one is present for the application. T. Conard states the applicant is awaiting a law change for outdoor wood boilers. They have asked to have the application tabled until that change takes place. T. Conard states that it would be nice to have some correspondence with the applicant. T. Conard states that he thinks that we should ask the applicant to withdraw the application, as we do not know when the law change will take place. N. Kmen states that she spoke with W. Crowe the other day and he intended to be here tonight. The Board has no problem tabling the application but would like some communication from the applicant. If the applicant withdraws the application, he can immediately reapply, if necessary, once the code is changed.

RESOLUTION – T. & W. Crowe, Area Variance

MOTION: K. Veitch

SECOND: S. Weeks

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 October 6, 2009 at 7:30 p.m.

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

Absent: Granger

LORRAINE & PAUL VARLEY

Ballou Road

Lorraine and Stephanie Varley and Justin Burwell are present. T. Conard reviews that the applicants would like to subdivide an existing 10.098-acre lot. When it was originally purchased in 1996 it was two lots, one at 4.392 acres and one at 5.706 acres, and it was combined. The applicant is requesting a 2.294-acre variance and a 3.608-acre variance. The applicants would like to give the lot to their daughter to build a home on. This property is in the Kayaderosseras Ridge Overlay District and requires 8 acres. A public hearing is opened at 7:38 p.m. Mark Fitzgerald, Ballou Road, asks if the lots would be back to what they originally were and where the driveway would be. Butch Duffney, Brigham Road, states that the applicants are requesting that the property be put back to what it originally was. He states that there are a lot of 5 acre lots in this area in addition to some that are only 1 acre or smaller. Stephanie Varley and her fiancé, Justin Burwell, are both firefighters, and J. Burwell is an EMT, in the Town of Greenfield and want to build a home here. B. Duffney states that J. Burwell is his neighbor. Both these young people are up at all hours of the day and night to make sure that everyone else is safe. B. Duffney states that S. Varley found his mother on the ice where she had fallen and broken her hip. He states that for this town to lose two young people like this would be a shame. Being that they are requesting the original lot lines, nothing changed except for the zoning since them. He would like to see these two young people be able to build their home and raise their families here. K. Veitch asks if the two residents are saying that they do not feel that this has a negative impact to the surrounding properties. B. Duffney states that there are small lots all throughout the area and M. Fitzgerald agrees with K. Veitch's question. There being no further public comments, this public hearing is closed at 7:40 p.m.

S. Weeks states that having the tax map of the surrounding area is very helpful, it helps to put things in perspective. J. Szpak states that it sheds a different light being able to see the neighboring lots. T. Conard states that it tends to be what he would consider an extensive request, if he were not looking at the map. From the map you can see that this was a development that was smaller lots. The request is for lots that are at least as large as or larger than a number of the lots in the neighborhood. K. Veitch asks when the lots were joined together. L. Varley states at the closing in 1996. T. Conard questions that there is a house on the lot currently. L. Varley's home is on the lot. G. McKenna states that this was previously 3-acre zoning. P. Lunde states that it would appear that you can only put the house in one location. G. McKenna states that

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there is a very small building envelope with the current setbacks. P. Lunde states that the Board is supposed to give the least amount of variance and asks if the applicant has given any thought to splitting this in half and doing 5 acres each and/or maybe splitting it differently. He states that it looks like if they split it in the other direction they might have a larger building envelope. G. McKenna states that there is a creek on the rear of this property. K. Veitch states that putting it back to the way it was originally will fit in with the configuration of all the other lots. S. Weeks states that it would give you a bigger building envelope if they went with 5 and 5. It would give them more room. S. Varley states that they had discussed doing 5 acre lots, that it was always the intention to build a second house there and there is a clearing and kind of a driveway. K. Veitch asks if the applicant would object to two 5.05-acre lots. L. Varley states they would not. S. Weeks states that he thinks that gives some advantage to the second lot and he thinks that it requires less of a variance on that second lot. J. Szpak asks if there are any disadvantages to splitting it in this manner, if there are any costs that the applicant will incur. K. Veitch states that they will have to have a survey done, the line will have to be moved over and it will open up the building envelope. T. Conard states that at 5.05 acres, these lots will be on par with the other lots in the neighborhood. Discussion takes place that each lot would require a 2.95-acre variance. T. Conard states that it is a substantial variance, but, from his standpoint, based upon the surrounding lots, it puts it in line with the surrounding lots. We could justify it in that way, because of the nature of the community and neighborhood, it is certainly not changing anything.

RESOLUTION – L. & P. Varley, Area Variance

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals grants the request of Lorraine and Paul Varley for area variances for property located at 345 Ballou Road, TM# 111.-1-65 as follows:

- **2.95 acre variances for each of the two lots with each lot to be equal to 5.05 acres**

This approval is based on the following criteria:

- **No negative impact to the environment or surrounding community**
- **The Board has minimized the substantiality of the request**

This approval is conditioned on:

- **The lot with the existing residence must maintain 250-feet of road frontage**

T. Conard states that he would like to note for the record that this lot was already subdivided into two lots and then recombined at the time of purchase of the house.

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

Absent: Granger

Meeting adjourned 7:56 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary