

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

September 2, 2014

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, Denise Eskoff, Michelle Granger, Joseph Szpak, Kevin Veitch and Laura Sanda, Alternate.

August 2, 2014 MINUTES

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of August 2, 2014, as submitted.

VOTE: Ayes: Conard, Eskoff, Granger, Sanda

Noes: None

Abstain: Szpak, Veitch

NEW BUSINESS

GERALD FERRIS – Area Variance

North End Road

Gerald Ferris is present. T. Conard reviews that the applicant is seeking an area variance for frontage to subdivide the existing lot. This is a land locked parcel with no road frontage and requires 250' of frontage variance. This will also be going before the Town Board for an Open Development Area. T. Conard asks if the entrance is off of a right-of-way. G. Ferris states that it is off of a right-of-way that is given to all of the property owners at that end of the lake. D. Eskoff asks if the right-of-way is in the deeds. G. Ferris states that is correct. D. Eskoff questions that this will also be going back to the Planning Board for subdivision approval and they will be dealing with some of the other issues and easement language. R. Rowland states that is correct.

RESOLUTION – G. Ferris, Area Variance

MOTION: D. Eskoff

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Gerald Ferris for an area variance for property located at 571 North End Road, TM#122.-1-22.1 as complete and formally refers this application to the Town Board for consideration of an Open Development Area, and sets a public hearing for October 7, 2014 at 7:30 p.m.

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

Noes: None

CARL & MARIANNE GAGE and DAVID & CATHY DOMOZYCH – Interpretation Request

Allen Road

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Applicants are present. T. Conard reviews the request and states that the Board will be scheduling a public hearing for the next meeting for comment and giving the Board time to review. D. Eskoff states that the application is complete as it stands and we should probably have a complete copy of the Town Board minutes referred to in the application. T. Conard states that we will ask the Town Attorney to review the application. He states that if someone is not able to attend the public hearing, they can write letters to the Board and those will become part of the public record.

RESOLUTION – C. & M. Gage and D. & C. Domozych, Interpretation Request

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals accepts the application of Carl & Marianne Gage and David & Cathy Domozych for an interpretation request for property located at 336 Allen Road, TM#124.-2-45 as complete and sets a public hearing for October 2, 2014 at 7:30 p.m., contingent upon:

- **Receipt of Town Board minutes**
- **Receipt of any input from the Town Attorney**

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

Noes: None

M. Gage provides the Board with a copy of the Town Board minutes.

OLD BUSINESS

EDWARD ESPOSITO – Area Variance, Extension

E. Esposito is present. T. Conard reviews that this was previously approved. M. Granger asks what the status of the project is. E. Esposito states that they have just paid off the land, they have a design for the house, have one contractor's estimate and are getting another estimate. M. Granger states that she has no problem, the applicant has demonstrated progress and affirmation to move forward.

RESOLUTION – E. Esposito, Area Variance

MOTION: M. Granger

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals approves an extension of an Area Variance for Edward Esposito for property located at 485 Greene Road, TM#126.-1-112, as follows:

- **25' rear yard setback variance**

This approval is based on the following:

- **The limitations of the 100' wetland buffer that currently exists there, the information presented to the Board and the fact that the applicant can be in compliance with the right side yard setbacks**
- **The benefit cannot be achieved by other means**
- **There is no undesirable change in the neighborhood character or to nearby properties**
- **The request is not substantial**
- **There will be no adverse physical or environmental effects as the applicant is staying out of the wetlands buffer**

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

WESLEY & CATHERINE MONTGOMERY – Area Variance

Ivy Lane

W. Montgomery is present. T. Conard reviews that the applicant has moved the structure and it is now 26' from the side yard and would require a 9' area variance. T. Conard states that that is a good reduction in the variance being requested. M. Granger asks if the front setback being requested is still the same. W. Montgomery states that he also got the driveway permit from W. Barss. M. Granger thanks the applicant for working with the Board to reduce the amount of variance requested. D. Eskoff states that the applicant cannot move the garage back any further due to the slope.

RESOLUTION – W. & C. Montgomery, Area Variance

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals approves the request of Wesley and Catherine Montgomery for an area variance for property located at 3 Ivy Lane, TM#124.7-1-20, as follows:

- **33' front yard setback variance**
- **9' left side yard setback variance**

This approval is based on the following:

- **Benefit cannot be achieved by other means feasible to the applicant due to the location of the well, septic and slope of the land**
- **The applicant has worked to minimize the variance granted. It has decreased from approximately a 20' variance to a 9' variance.**
- **There is no undesirable change in the neighborhood character or to nearby properties**
- **It is not a substantial request**
- **No adverse physical or environmental effects**
- **Although you could argue that it is self-created, the applicant has minimized the variance**

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

HARVEY ZIROFSY – Temporary Use Variance

Brigham Road

Harvey Zirolfsky is present. T. Conard reviews the application for a temporary use variance. A public hearing is opened at 7:48 p.m. and closed as there are no public comments.

M. Granger states that she has no issue, this is a common occurrence. K. Veitch states that usually the Board gives a deadline to remove the existing home. T. Conard states that generally if it is a mobile home the applicant is granted 30 days. Discussion takes place about a deadline of 90 days. H. Zirolfsky states that that was his intention and that there are things in the old house that he will be using in the new house and he would like to get the CO in the spring.

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RESOLUTION – H. Zirowsky, Temporary Use Variance

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals approves the application of Harvey Zirowsky for a Temporary Use Variance for property located at 366 Brigham Road, TM#126.-1-46.1, based on the following criteria:

- **Temporary Use Variance granted to allow applicant to keep the existing house while a new house is being built**
- **New house must comply with local zoning**
- **This is not out of the ordinary in comparison to the mobile homes we have done in the past**
- **No negative impact to the surrounding neighborhood or the environment**

This approval is contingent upon:

- **Existing home being removed within 90 days after receipt of CO**

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

Noes: None

Meeting adjourned 7:50 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary