**TOWN OF GREENFIELD**

**ZONING BOARD OF APPEALS**

**August 6, 2024**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by D.

Eskoff, Chair, at 7:00 p.m. On roll call the following members are present: D. Eskoff, T. Flynn,

B. Etson, K. Taub, and J. Pollard, alternate. S. MacDonald is absent. J. Pollard has full voting

privileges for the entirety of the meeting. J. Reckner is present.

**Minutes**

July 2, 2024

MOTION: B. Etson

SECOND: K. Taub

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the corrected Minutes.

VOTE: Ayes: D. Eskoff, K. Taub, and B. Etson

Noes: None

Absent: S. MacDonald

Abstain: T. Flynn and J. Pollard

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**Other Business**

The board discusses an alternate date for the September meeting and decides to change the meeting to Thursday, September 5, 2024 at a tentative time of 8:00 p.m. The meeting will be held in either Town Hall or in the Community Center, to be determined based on availability. D. Eskoff asks the applicants present if they or their representatives would be available for the change in scheduling should they be on the agenda and all state yes.

**New Business**

Patrick, D. Case #1073 Area Variance

TM# 136.-1-31.22 2 Brookstone Drive

Daniel Patrick is present. D. Eskoff states that this case involves a violation and he is trying to remedy that. He was previously before the board for an interpretation. D. Patrick states that he is looking for an area variance for his existing chicken coop. Currently he has 10 chickens. He states that he has 77’ on the side yard. He is in the LDR (Low Density Residential) district and has 1 acre and he needs an area variance to keep the chickens. He is also looking to add up to 6 ducks and up to 4 turkeys and/or geese. He states that for a Hobby Farm he will need 5 acres. D. Eskoff states that the Board will get clarification on that the Board is not trying to complicate matters but the Code chart for personal farm activities requires 6 acres without sewer. She states that he is free to follow up on that. D. Patrick states that he has provided the same plan and one with a satellite overlay. D. Eskoff asks if the coop runs to the fencing. D. Patrick describes the location and that his coop has four walls and roof. The roof is plex roofing material. K. Taub asks what are D. Patrick’s intentions for the coop. He is not trying to delay the Public Hearing. T. Flynn asks how many livestock is he looking for. D. Patrick states that currently he has 10 chickens. K. Taub asks how many roosters? D. Patrick states 2. D. Eskoff asks how many chickens are you asking for? D. Patrick states 12 chickens. T. Flynn asks how many ducks does he have. D. Patrick states that he does not have any yet, he is requesting them. K. Taub asks if he had made an application for the animals before he did this. D. Patrick states that he bought the property in 2016 and before that he inquired about having the coop not for having animals on any property. Under Town Code, he thought the “Right to Farm” meant just that. He did check with the Building Inspector at the time and he didn’t seem to have a problem with it. K. Taub states that he just assumed.

DATE: August 6, 2024

MOTION: K. Taub

SECOND: T. Flynn

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application for Area Variance by Daniel Patrick for property located at 22 Brookstone Drive (LDR), TM# 126.-1-31.22, Case #1073, and sets a Public Hearing for September 5, 2024 at 8 p.m. (time tentative) contingent upon receipt of seven (7) copies of the following information by August 22, 2024:

* Additional photos showing the coop and entire yard area surrounding it.

VOTE: Ayes: D. Eskoff, K. Taub, T. Flynn, B. Etson and J. Pollard

Noes: None

Abstain: None

Absent: S. MacDonald

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Richard, C. Case #1074 Area Variance

TM# 139.-1-50.1 195 Wilton Road

Chad Richards is present. D. Eskoff states that this application is for an above ground pool. K. Taub asks if the pool was gifted to him. C. Richards states yes, his neighbors gave it to him. D. Eskoff asks how big is his lot. T. Flynn states that the parcel is 1.031 acres. D. Eskoff states this project is in the LDR District (Low Density Residential District). K. Taub asks if the pool can be moved. C. Richards states no, because when he snowblows he won’t have room for that. He states that when it was subdivided the property was cut in half. T. Flynn asks if the pool can be moved to the south west. C. Richards states no he has huge trees there. D. Eskoff asks if the lot is pre-existing. T. Flynn states if he can get a letter from the neighbor or come to the Public Hearing that would be helpful to the Board. The Board asks J. Reckner what is the relief that is needed. J. Reckner states 35’ rear relief. K. Taub asks who owns the property immediate behind him. C. Richards states the people who gave him the pool.

MOTION: T. Flynn

SECOND: B. Etson

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application for Area Variance by Chad Richard for property located at 195 Wilton Gansevoort Road (LDR), TM# 139.-1-50.1, Case #1074, and sets a Public Hearing for September 5, 2024 at 8 p.m. (time tentative).

VOTE: Ayes: D. Eskoff, K. Taub, T. Flynn, B. Etson and J. Pollard

Noes: None

Abstain: None

Absent: S. MacDonald

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Faiola, K. Case #1075 Area Variance

TM# 153.13-1-1 15 Brower Lane

Kim Faiola is present. D. Eskoff states that this case is in front of the Board tonight because of a violation. This case is in the OR (Office Residential) District. This went in front of the Planning Board when it was referred to them from the ZBA for an Advisory Opinion for subdivision. Following that, the applicant withdrew her prior ZBA application. She states that K. Faiola is back in front of the Board for an area variance for dimensional relief. K. Faiola states that she has provided everything that she has done all along. The Planning Board stated that they can’t approve a subdivision, because of the size of the lot. The Planning Board suggested that she go in front of the ZBA and request an area variance to proceed forward. K. Taub states that there are three buildings on the property including another garage. K. Faiola states that they do use that garage in winter to park her car. K. Taub states that garage is screened in. K. Faiola states no. K. Taub states that he drove by their house. K. Faiola states yes there is, she forgot that, her husband uses it as a workshop. K. Taub asks what gave you the right to use the other building as a second dwelling if you knew you were not allowed to. K. Faiola states that G. McKenna told them that they could. She states 18 years ago they were told that they could do this. It was never to be long term. Now that they are retired they can use the money by renting it out. K. Taub states that he is surprised that they would just go ahead and do it after G. McKenna wrote them letters. T. Flynn reads the letter from G. McKenna from 2006. D. Eskoff asks if it ever looked like a garage. K. Faiola states no. T. Flynn reads another letter from G. McKenna that was dated 2008. K. Faiola states that a lady was walking by their property and noticed the small house and asked if she could write an article for the newspaper. She was not aware that would cause issues. She states that is the issue because G. McKenna told her that the Code was going to change. D. Eskoff states that we don’t have any proof of that. K. Faiola states that she and G. McKenna had a verbal conversation and G. McKenna made her remove everything including the bed. The zoning should have changed. D. Eskoff states that they never checked back with the Town. K. Faiola states their original intent was to not bring any attention to it. They do need the income because they are retired. D. Eskoff asks if they have any information on the septic that is attached to the house. She states that they got a Certificate of Compliance for a garage. K. Faiola asks what would the Board need for the septic. K. Taub states that they will need to know the size of the tank. K. Faiola states that she does not know the size of the septic tank but her husband does. J. Reckner states that he will give an example of what he would need: a written report from a septic professional stating that the fields are in working condition and the size of the tank. B. Etson states that the original septic design should have the size of the tank on the plans. That would be helpful for J. Reckner. D. Eskoff states to get that information to J. Reckner to review it. T. Flynn states that she can submit a FOIL request into the Town for the septic system drawings. B. Etson states ask for a copy of the septic plans. D. Eskoff states this is for dimensional relief. She asks if the Board would like anything else that the Board doesn’t already have. T. Flynn states that what the Board has is not scalable. J. Reckner states that anything she submits will need to be to scale. K. Taub questions if the Board needs anything on the economic disadvantage. D. Eskoff states that many cases involve financial reasons but what pertains is the five factor test for an area variance which is not the same extent of financial information for a use variance. T. Flynn states that the ZBA is only allowed to give judgement within their purview. That is why they are asking.

MOTION: T. Flynn

SECOND: B. Etson

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application for Area Variance by K. Faiola for property located at 15 Brower Road (OR), TM# 153.13-1-1, Case #1075, and sets a Public Hearing for September 5, 2024 at 8 p.m. (time tentative) contingent upon receipt of the following information by August 22, 2024:

* Two (2) copies of Floorplan Sheet A-3
* Seven (7) copies of the additional requested dimensional information on the septic and tiled field location from the boundary property lines.

VOTE: Ayes: D. Eskoff, K. Taub, T. Flynn, B. Etson and J. Pollard

Noes: None

Abstain: None

Absent: S. MacDonald

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Conant, E. Case #1076 Area Variance

TM# 139.-1-35.2 & 35.1 163 & 175 Wilton Road

Elizabeth Conant is present. D. Eskoff states that this project is in LDR (Low Density Residential) District. E. Conant states that her father became the director of the performance venue in 1974 after his retirement she became the director. Now they are dismantling the business and put it back on the tax roll and selling it. She is looking to subdivide the parcel so that her mother has her own driveway. One of the buildings dates back to the early 1800’s. D. Eskoff states that this is pre-existing from the current zoning. She explains that this an area variance request involving subdivision and will need to be referred to the Planning Board for an Advisory Opinion then it will come back in front of the ZBA. E. Conant asks how does she get on the docket for the Planning Board. D. Eskoff states that they will refer this but she is not sure of their schedule. E. Conant states that it could be October before she gets back on the ZBA docket. D. Eskoff states yes but you will be ahead with the Planning Board. D. Eskoff states if she can provide letters from the neighbors in favor of this project this can help at the ZBA though it does not necessarily make the ZBA’s decision. K. Taub states they she wants to keep the Studio on another lot. E. Conant states yes, she is looking to configure the space.

MOTION: T. Flynn

SECOND: K. Taub

**RESOLVED**, an Application for Area Variance has been submitted to the Town of Greenfield Zoning Board of Appeals by E. Conant involving properties located at 163 and 175 Wilton Gansevoort Road (LDR), TM# 139.-1-35.1 and TM# 139.-1-35.2, ZBA Case #1076. This proposed project requires Subdivision approval by the Town of Greenfield Planning Board under Greenfield Town Code. The Zoning Board of Appeals hereby refers this Application to the Town of Greenfield Planning Board for an Advisory Opinion under Greenfield Town Code §105-84 (C)(1) requesting the Planning Board’s opinion on the potential for Subdivision of this property.

**BE IT FUTHER RESOLVED**, that the Town of Greenfield Zoning Board of Appeals hereby tables this Application for Area Variance pending the receipt of the Advisory Opinion by the Town of Greenfield Planning Board for this Application, and

**BE IT FURHTER RESOLVED**, that the Applicant shall submit the following information to the Zoning Board of Appeals prior to any further review of this Application by the Zoning Board of Appeals:

Seven (7) Copies of:

* Any information that may be requested and submitted to the Town of Greenfield Planning Board during their Advisory Opinion review of this proposed project.

VOTE: Ayes: D. Eskoff, K. Taub, T. Flynn, B. Etson and J. Pollard

Noes: None

Abstain: None

Absent: S. MacDonald

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**Correspondence**

None

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Meeting adjourned at 8:15 p.m. All members in favor.

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Respectfully submitted by,

Kimberley McMahon

Executive Secretary

Zoning Board of Appeals