

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

MARCH 7, 2006

PUBLIC HEARING

A public hearing is opened at 7:25 p.m. in the case of David Englehart for area variances for frontage and right side yard setback. There being no public comment, this public hearing is closed at 7:26 p.m.

A public hearing is opened at 7:26 p.m. in the case of Darlene Duguay for an area variance for a rear yard variance setback. There being no public comment, this public hearing is closed at 7:27 p.m.

A public hearing is opened at 7:27 p.m. in the case of Thomas Ellis for a front yard setback and two vegetative buffer setbacks. T. Conard explains that the Planning Board found the need for the vegetative buffer setbacks for the front and the side yard. There being no public comment, this public hearing is closed at 7:29 p.m.

A public hearing is opened at 7:29 p.m. in the case of Gerald and Rhonda Mahay for an area variance for frontage. David Jacques provides the Board with a copy of a survey map for the exact location of the driveway and states that this is the only area authorized for use by the applicant. He states that there are other neighbors who have landlocked parcels to the southerly boundary line and he would like to help those property owners un-landlock them by providing them with rights-of-way across his property along this same location. He brings this to the attention of the Board as he feels it is significant and that this may eventually be used as access for more than one house in the future. He states that Lake Desolation Road is rather steep here and the 'S' turns are here. He states that this affords the maximum line of sight and is the safest location he could come up with and in terms of a dangerous intersection it should be looked at carefully. He states that this is adequate for this variance, but as it is developed down the road it could be more complicated. He states that if there are other codes or problems, he would be glad to accommodate them. He states that as to the nature of which the Mahay's will cross his property, the deed is being drafted now. The terms and conditions have been worked out and he is totally satisfied with it. He asks that the Board postpone this case for one additional month, as he is sure that the documents will be recorded in Ballston Spa. He states that this has been a very complicated issue and has gone on for about 7 years, that were lots of legal issues to be worked out, it was complicated so once the Board sees the document, they will have absolutely everything. He states that he agrees with the variance. T. Conard reads letters from Lorrell Wallace, Paul Fetterroll and Charles Fetterroll in opposition to the variance until all legal matters are taken care of. Jeanne Fetterroll states that she is one of the property owners, that they all met today and reached agreement. She states that the letters read were from family members and were written before the agreement reached today. Rhonda Mahay provides the Board with a copy of a letter signed by all involved parties to be added to the file. There being no further public comment, this public hearing is closed at 7:37 p.m.

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Taylor Conard at 7:37 p.m. On roll call the following members are present: Taylor Conard, Michelle Granger, Paul Lunde, Stanley Weeks and Stefan Strakos, Alternate. Kevin Veitch is absent. Gerry McKenna, Zoning Administrator, is present.

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FEBRUARY 7, 2006 MINUTES:

MOTION: M. Granger

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of February 7, 2005 as submitted.

VOTE: Ayes: Conard, Granger, Lunde, Strakos, Weeks

Noes: None

Absent: Veitch

NEW BUSINESS

NICK & SUSAN WASHCO – Area Variance, Case #746

Clinton Street

Nick and Susan Washco are present and are requesting a 26' right side yard variance to build a barn to help block the Skidmore dorm project which has clear-cut quite a bit of land. N. Washco states that he is unsure of the exact variance that they will need as he is unsure of the accurate location of the property line. G. McKenna states that from the survey map that is in the file, he had tried to scale off the amount necessary. N. Washco states that there is no scale on the map so it does make it difficult. He states that anyone who wants to review the situation can drive down the driveway and scope it out right there. T. Conard explains that the Board needs as accurate a measurement as possible to grant this. N. Washco states that he will attempt to find the rods in the ground and call the office with a specific measurement.

RESOLUTION – N. & S. Washco, Case #746

MOTION: P. Lunde

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Nick and Susan Washco for an area variance for property located at 356 Clinton Street, TM#152.-2-10.11 and sets a public hearing for April 4, 2006 at 7:25 p.m., contingent upon:

- **The applicant providing an accurate measurement of the variance required.**

VOTE: Ayes: Conard, Granger, Lunde, Strakos, Weeks

Noes: None

Absent: Veitch

ROSE SCHUMACHER – Area Variance, Case #747

Brandell Lane

No one is present representing this application. T. Conard reviews that this was a variance that was previously granted, no building permit was issued and has lapsed as variances are only good for one year. A front yard setback of 11.5' and a right side yard setback of 12.5' are being requested. S. Weeks asks if this is the same amount of variance issued before. G. McKenna states that this has to go to the County as it is within 500 feet of another municipality and that the SEQRA needs to be completed. T. Conard states that if this is adding bedrooms, the applicant may need to bump up the septic system. M. Granger states that the application is not specific as to the use of the room. G. McKenna comments that the applicant may not have enough room to add to the septic system. T. Conard states that the use does not affect the ZBA process; it will affect the building permit process.

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RESOLUTION – Rose Schumacher, Case #747

MOTION: P. Lunde

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of Rose Schumacher for an area variance for property located at 5 Brandell Lane, TM#163.-2-70 and sets a public hearing for April 4, 2006 at 7:25 p.m., contingent upon:

- **SEQRA being completed**

VOTE: Ayes: Conard, Granger, Lunde, Strakos, Weeks

Noes: None

Absent: Veitch

ANTHONY VACCARIELLI – Area Variance, Case #748

Triple J Way

Anthony Vaccarielli is present and is requesting three area variances. G. McKenna explains that these were variances previously granted to John Jordan who had subdivided this property. The variances would be 44.59' for lot 1; 225' for lot 2 and 163.36' for lot 3. G. McKenna states that this property was subdivided in 1993 when frontage was allowed on private roads or rights-of-way. That was changed in 1997. Subdivisions are protected from zoning changes for 3 years unless they are built out. The variances are needed for this property to keep the subdivision alive. There is currently a building permit for lot 3 on which a home is being built. S. Weeks questions that this is considered a shared driveway setup. G. McKenna states it is a private road. A. Vaccarielli states that they are pending approval for a Town Road, there are underground utilities in place and it was designed for a town road but has not been transferred. S. Weeks states that there is a big difference between a shared driveway and a town road. P. Lunde states that the road definition has to be met for fire department access. G. McKenna agrees that a town road must meet specs and that an engineer will have to inspect it. A. Vaccarielli states that he has had the Highway Department, DOT, everyone out there to look at the road. S. Weeks asks about the adjacent property owners names that are requested in the application. G. McKenna explains that the office is doing this because most applicants are not knowledgeable enough about looking up this information and that this has been done this way for a number of years because there were problems in the past. Discussion takes place about revising the application.

RESOLUTION – A. Vaccarielli, Case #748

MOTION: P. Lunde

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of Anthony Vaccarielli for area variances for property located at 4434 Route 9N, TM#99.-1-2.12; 4436 Route 9N, TM#99.-1-2.13 and 4440 Route 9N, TM#99.-1-2.11 and sets a public hearing for April 4, 2006 at 7:25 p.m.

VOTE: Ayes: Conard, Granger, Lunde, Strakos, Weeks

Noes: None

Absent: Veitch

OLD BUSINESS

DAVID ENGLEHART – Area Variance, Case #742

Locust Grove Road

David Englehart is present. T. Conard reviews that the applicant is requesting a 16' front yard setback and 10' right side yard setback. D. Englehart states that they purchased this house with an old front

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stoop which the previous owners had removed the roof of. He removed the old cement stairs and that the new porch will not come out as far as the old one did. S. Weeks states that it helped that D. Englehart added the neighbor's house to the map.

RESOLUTION – D. Englehart, Case #742

MOTION: P. Lunde

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals grants an Area Variance to David Englehart for property located at 417 Locust Grove Road, TM#138.-2-89, as follows:

- **16-foot front yard setback variance**
- **10-foot right side yard setback variance**

This variance is based on the following criteria:

- **There will be no detriment to the neighborhood**

VOTE: Ayes: Conard, Granger, Lunde, Strakos, Weeks

Noes: None

Absent: Veitch

DARLENE DUGUAY – Area Variance, Case #744

Southwest Pass

D. Duguay is present. T. Conard reviews that she needs a 45-foot rear yard setback variance to install an above ground pool. P. Lunde questions that there are no homes behind her house and only woods. D. Duguay confirms this. T. Conard states that the applicant's side yard slopes. M. Granger comments that the application states that the largest pool the applicant might install is a 24' pool but that she might go with 21'. D. Duguay confirms this also. P. Lunde asks about fencing requirements. G. McKenna states that most above ground pools are built so that they do not require fencing. D. Duguay states that it will be 52' high.

RESOLUTION – D. Duguay, Case #744

MOTION: M. Granger

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals grants an Area Variance to Darlene Duguay for property located at 33 Southwest Pass, TM#163.05-1-34, as follows:

- **45' rear yard setback variance**

This variance is based on the following criteria:

- **There will be no negative environmental impact**
- **There will be no negative impact to the neighborhood**

VOTE: Ayes: Conard, Granger, Lunde, Strakos, Weeks

Noes: None

Absent: Veitch

TOM ELLIS – Area Variance, Case #745

Maple Avenue

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T. Ellis is present. T. Conard reviews that we now have multiple requirements for variances on this lot. Originally it was for a 54' front yard setback variance and then on further investigation by the Planning Board, it was found that we also need a vegetative buffer in this zone – 20-foot front yard buffer and a 8-foot right side yard buffer. S. Weeks questions that the front yard variance was for the handicapped ramp. G. McKenna comments that this zone requires a uniform setback with neighboring properties. T. Ellis explains that after the Planning Board meeting, the plans are being changed to have a sidewalk come from the parking lot to the south side of the building so that pedestrians are not walking in the driveway. He explains that he will be putting in additional landscaping. P. Lunde questions the variance to the right side being from the structure or from the sidewalk. G. McKenna states that the Board can give the variance from the sidewalk which would make it a 12' variance. P. Lunde comments that this is a unique area. T. Conard states that this application is not out of the ordinary.

RESOLUTION – T. Ellis, Case #745

MOTION: P. Lunde

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals grants Area Variances to Tom Ellis for property located at 422 Maple Avenue, TM#153.17-2-25.1, as follows:

- **54-foot front yard setback variance**
- **20-foot front yard vegetative buffer variance**
- **12-foot right side yard property line buffer variance**

This variance is based on the following criteria:

- **This is a unique area and there will be no change to the neighborhood**
- **The variance was increased, but the changes in the plans will make it much safer to the general public**

VOTE: Ayes: Conard, Granger, Lunde, Strakos, Weeks

Noes: None

Absent: Veitch

GERALD & RHONDA MAHAY – Area Variance, Case #708

Lake Desolation Road

T. Conard states that it appears that this may be coming to a conclusion and that the variance requested was for 350-feet. He recommends that the Board table this to the next meeting due to the possible agreement by the parties. M. Granger agrees and states that this seems reasonable. She questions if the owners intent to allow this to be used by other neighbors should be an issue for the ZBA or the Planning Board in terms of safety on Lake Desolation Road. T. Conard states that anyone else would have to come to the ZBA for variances for their property as well. He comments that there are also new zoning laws being written. G. McKenna states that the Planning Board will not look at it if there is only one use. He is unsure how this will be handled. G. Mahay states that Paul Fetterroll would also be able to use this right-of-way as he is also landlocked. P. Lunde questions that this will be deeded to three different people. G. Mahay states that this spot was chosen by Ted Serbalik and that he, G. Mahay, paid \$15,000 for this right-of-way. T. Serbalik is to go back and look at the construction of the right-of-way, the culvert, etc, which is the applicant's responsibility to build. G. McKenna states that anyone else would have to come back to the ZBA and request a variance before being allowed to build. S. Weeks questions reopening the public hearing at the next ZBA meeting. T. Conard states that we do not need to hold another public hearing, the one tonight was not required it was just held for the new Board members and that the Board has 62 days after closing tonight's meeting to make a decision. G. Mahay thanks the Board for everything. M. Granger asks the

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applicant if it is there expectation that between this meeting and the next that they will get the paperwork filed in the County Clerk's office.

RESOLUTION – G. & R. Mahay, Case #708

MOTION: P. Lunde

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals tables the application of Gerald and Rhonda Mahay for an area variance for property on Lake Desolation Road, TM#149.-1-1 to the April 4, 2006 meeting.

VOTE: Ayes: Conard, Granger, Lunde, Strakos, Weeks

Noes: None

Absent: Veitch

DISCUSSION

S. Strakos asks if the Board can receive public hearing comments with the ZBA mailing. R. Rowland states that she will include them if they have been received, but that sometimes they are received a day or two before the public hearing and sometimes even the day of. Discussion takes place that you cannot limit when public comments are to be received. S. Weeks comments on changes to the application. G. McKenna states that this is the application form that was in use when he started working here. He explains that there are people without the knowledge to look up the adjacent property owners' names and it is easier for the office to compile those. He states that there have been issues with Article 78's in the past. He is hoping that we can change the requirement to 500-feet from the center of the lot versus 500-feet from the property lines, and that the new software can provide that list for us. S. Weeks states that his concern is with someone giving the Board a hard time about not receiving notice. R. Rowland states that a list of the adjacent property owners receiving notice is kept in each of the files. P. Lunde asks who makes changes to the application. G. McKenna states that he will make changes and then it will be submitted to the Town Board. S. Weeks comments on his concerns with the shared driveways. T. Conard states that the County is pushing for this. S. Weeks states that the Board will have to grant some huge variances. G. McKenna states that is not necessarily true, that shared driveways are sometimes used in the case of sight distance issues and he states that he personally likes shared driveways as they cut down on curb cuts. Discussion takes place about fire truck access and the turn around requirements, etc. S. Weeks comments on his concerns for the shared driveway on the Greene Road subdivision. G. McKenna asks how much safety can the Town assess? S. Strakos asks who maintains them. T. Conard states that he is sometimes against it too, but in some cases he can see where there are advantages. R. Rowland explains that in the case of subdivisions, the Planning Board does require that the shared driveway deed language be provided to the Town Attorney for their approval and that the County report on shared driveways has sample deed language. S. Weeks states that he thinks that it is important for the Board members to take a look at these sites before voting on them. T. Conard states that he does try to look at some of them, especially if it is one that could potentially have an impact. He states that if the Board feels that there is one that they would like to visit, we could probably set up a time to go together. G. McKenna states that during the application acceptance process you could ask applicants for permission to visit the site. T. Conard states that most can be seen from the road. The Planning Board's spring site walk is discussed.

Meeting adjourned 8:30 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary