

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

MAY 1, 2007

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, Kevin Veitch, Stanley Weeks and Stefan Strakos, Alternate. Paul Lunde is absent. Gerry McKenna, Zoning Administrator is present.

MARCH 6, 2007 MINUTES:

MOTION: M. Granger

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of March 6, 2007 as submitted.

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

Noes: None

Absent: Lunde

NEW BUSINESS

TODD GLOGOWSKI – Area Variance, Case #780

Alpine Meadows Road

G. McKenna states that this application is currently on hold due to a previous violation that needs to be taken care of.

SUSAN & NICK WASHCO – Area Variance, Case #781

Clinton Street

Susan and Nick Washco are present, they received a variance April 4, 2006 and it has lapsed. They would like to have a 25' setback variance to put their barn 10' away from the property line.

RESOLUTION – S. & N. Washco, Area Variance

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of Susan and Nick Washco for an area variance for property located at 356 Clinton Street, TM#152.-2-10.11 and sets a public hearing for June 5, 2007 at 7:30 p.m.

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

Noes: None

Absent: Lunde

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MICHAEL VINCENT – Area Variance, Case #782
Allen Road

Michael Vincent, Barry and Virginia Guild are present. T. Conard reviews that the applicant is seeking a 4 acre variance on two lots, that the applicant has been before the Planning Board discussing a possible subdivision since 2002 and that a completed application was not received before the zoning change. M. Vincent states that they had an agreement with the highway department to clear the corner. B. Guild states that there was an issue with snow removal at that corner and it would also give the applicant better sight distance for the subdivision. M. Vincent states that they hired a traffic engineer and one of the things that has been holding them up is that it was mentioned that they might need to get another traffic report after the roadwork has been done. The work on the corner just got started in January and B. Guild states that as far as they are concerned, the work has not been completed by the highway department. M. Vincent states that they do not expect the highway department to do everything. B. Guild states that this whole process was based on the highway department shaving this corner, making this all workable and safe for the community and workable for the applicant. He states that they went to the Planning Board, he also met with the Town Board and was told that there was no activity since 2003. 2003 to 2007 was the time frame that it took before the highway department acted upon shaving the corner. B. Guild states that he met and walked the property twice with W. Barss. He disputes the Planning Board minutes and states that he was not told that he must file an application, he was asked if he had filed an application. He states that he wanted to make sure everything was in line before making application and had he known that making an application would make or break this subdivision, he would have done it. M. Vincent reads from March 11, 2003 minutes and M. Young's comments regarding the work on the corner. He states that the traffic study indicated that they did not meet by 18'. B. Guild states that at that time the question was raised as to whether there was a zoning law as to how close to the neighbor's property they could put the driveway. They were told there was not. B. Guild states that they could move the proposed driveway 18' closer to the neighbor. M. Vincent states that even if they left the driveway where it was proposed, the summary of the traffic reports suggests removing a small section of an existing stone wall and some trees would increase the sight distance. He states that he spent \$500 on the traffic study and may need to get another, in addition to the cost of the survey. K. Veitch asks if the applicant is saying that his delay was caused basically be the waiting for the Town to do their portion of the work. B. Guild states yes, because they did not know that the acreage was going to change, and the work is still not completed and the sand washes into his yard. K. Veitch states that the ZBA cannot help with that, but their job is to try to give the applicant the relief they are applying for in their area variance. He states that we can pass the information on to the highway department. T. Conard explains that tonight's meeting is only to accept the application as complete or to ask for additional information. He states that the applicant has a good record, they should bring that again, provide as much background information as they can and present it to the ZBA at the next meeting. What they presented tonight was good information. K. Veitch asks if and how the applicant gets along with the neighbors. B. Guild states fine, that he sold the property to L. Wait. B. Guild states that his mother, grandmother and uncles were born and bred here and if they are not living here now it is because they are in a nursing home or they have passed away. He asks if that holds any clout in this Town. M. Granger states that the Board has to frame the answer in the context of what the ZBA is legally bound to do by law and there is criteria that the ZBA is bound to follow by the Town and the State when they grant or deny a variance, regardless of how they might feel personally. V. Guild states that they only missed it by 7 days. M. Granger states that they gave a very good oral rendition and asks the applicant to assemble that package together with the relevant dates, the conversations, etc. and to get that back to this Board prior to the public hearing, at least two weeks before that. She states that it would be very helpful, because with the new zoning laws that have been adopted, that the record is going to have to be established should this proceed forward so that no precedent is set for the ZBA. S. Weeks states that the March 2003 minutes note that there is an additional 6.6. acres behind this. B. Guild explains that he owns this on a separate deed. He explains that he owned the mobile home and lived there, then decided to buy the house next door. He subdivided the mobile home lot and sold it. He does own the other parcel and planned to give two acres each to his other three children, and now understands that he cannot do that. He feels that they have been stripped of that right and can swallow that,

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but not in this case. V. Guild explains that they were before the Planning Board 8 or 10 times between 2002 and 2003 and that they have spent money on the survey, traffic study, etc. S. Weeks states that the date of the survey would also be helpful. M. Grange reiterates that the applicant needs to establish the record, a time line, etc.

RESOLUTION – M. Vincent, Area Variance

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of Michael Vincent for an area variance for property located at 430 Allen Road, TM#124.-2-1 and sets a public hearing for June 5, 2007 at 7:30 p.m., contingent upon:

- **Receipt of documentation, timeline, etc., two weeks prior to the public hearing (May 22, 2007)**

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

Noes: None

Absent: Lunde

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

Respectfully submitted,

Rosamaria Rowland
Secretary