

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

OCTOBER 2, 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, Stanley Weeks, Stefan Strakos and Kevin Veitch. Paul Lunde is absent. Gerry McKenna, Zoning Administrator is present.

SEPTEMBER 4, 2007 MINUTES:

MOTION: M. Granger

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of September 4, 2007 as submitted.

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

Noes: None

Absent: Lunde

NEW BUSINESS

JOHN COUSE – Case #795, Area Variance

Brigham Road

John Couse is present. T. Conard states that the applicant would like to build a garage, this parcel was in the R1 zone, which was changed to LDR. This is an application for a 70' rear setback variance and a 45' right side yard setback variance. J. Couse states that he kept the house as close as possible to the far left property line. He would like the garage at the end of his driveway and the house was put in this location because it was the only dry spot.

RESOLUTION – J. Couse, Area Variance

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of John Couse for an area variance for property located at 69 Brigham Road, TM#138.01-2-60 and sets a public hearing for November 6, 2007 at 7:30 p.m.

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

Noes: None

Absent: Lunde

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DAVID MURRAY – Case#796, Area Variance

Route 9N

David Barass is present for the application. T. Conard states that lot #4 of this proposed subdivision has no frontage and will use a shared driveway. D. Barass states that the only way to get two lots in the rear is to have a shared driveway. T. Conard states that the applicant will need the full 250' of frontage. S. Weeks asks G. McKenna if there are any new requirements on shared driveways. G. McKenna states that there are not, other than that the Planning Board requires a deeded easement and language. The County has a template, which applicants can use and then it goes to the Town Attorney for his approval. M. Granger states that she thinks that we need a Planning Board recommendation. D. Barass asks if the Planning Board did not send a favorable recommendation as they had discussed. R. Rowland states that the minutes of that meeting were forwarded to the ZBA. S. Weeks states that the minutes do state that it was discussed and that there were no Planning Board issues. They did not give a negative recommendation.

RESOLUTION – D. Murray, Area Variance

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of David Murray for an area variance for property located at 1665 –1673 Route 9N, TM#151.-2-9.12 and sets a public hearing for November 6, 2007 at 7:30 p.m.

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

Noes: None

Absent: Lunde

OLD BUSINESS

J & J ENTERPRISES – Case #786, Expansion of Use Variance

Route 9N

John H. Brennan and his son, John A. Brennan are present. T. Conard explains that this is a request for a modification of the conditions on an existing use variance. M. Schachner, Town Attorney, has responded that it is ok for the Board to go ahead and do this. M. Granger states that she thinks that we need clarification that we did not get statutory language in terms of what criteria we are bound by to make this evaluation. The Board, according to the Town Attorney, can revisit a previously imposed condition and modify it. It is up to the Board to decide what that condition would be and how we are going to approach it. K. Veitch questions that there are current conditions. T. Conard states that he would like to have a public hearing on this also. M. Granger states that she thinks it is an absolute necessity because this is a use variance and the individuals who are within the 500' should be notified regarding this; they should have an opportunity to be heard on this. S. Weeks states that we ought to have a public hearing because this is a fairly major change, and he would like to hear any public comments. K. Veitch asks the applicants if they recall the restrictions placed on the property. He asks how many vehicles are on the property. J. A. Brennan states that it varies from day to day. M. Granger states that she counted last month before the meeting and there were 40. J. A. Brennan states that they could have that many coming and going. K. Veitch asks if they realize that right now the maximum allowed is 22. J. A. Brennan states for sale, yes. There are other cars that have been traded in and cars that are arriving which are getting ready for sale. He states that is why they are here, to increase that number. K. Veitch states that for any vehicles that they bring, it is their intention to sell them. J. A. Brennan states that is correct, except the ones that are traded in that they are disposing of. K. Veitch states that they do not always resell the vehicles they take in as a trade, they may take them to auction. J. A. Brennan concurs. K. Veitch states that is inventory but not inventory for sale. He states that a condition was that absolutely no maintenance or repairs were to be allowed on the premises and questions

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what exactly that is supposed to mean. M. Granger asks what the applicant actually does in the garage on the property. J. A. Brennan states minor stuff, mostly detailing, prepping, they do not do inspections or anything like that. S. Strakos asks if they do any oil changes or things like that. J. A. Brennan states not really – just minor stuff like bulbs changed before they send it out to be inspected or wind shield wipers. S. Strakos asks who does their service. J. A. Brennan states that they have a bunch of different shops who do it. M. Granger asks if the applicant is saying that they never do an oil change? They might do an oil change? She is just asking for clarification because the applicants' response to that question was not direct. J. A. Brennan responds, 'have we ever done an oil change there, probably'. M. Granger asks of the vehicles that are taken in on trade in that they do not intend to turn around and sell, they dispose of them? J. A. Brennan states that it depends on the vehicle. K. Veitch questions that the applicant generally stays within a quality and price range of a vehicle, and sometimes they go out to auction if they do not meet the criteria. He states that the reason a lot of these questions are being asked is because the restrictions are set and the applicants are asking for a variance to allow a change in those conditions. He questions that they are only looking for a change in the amount of vehicles on the premises. J. A. Brennan states right now they are. K. Veitch asks if they are asking for any other changes. J. A. Brennan states not right now, no. M. Granger states that the applicant is looking to expand to the other side of that ravine/creek. She asks how the original number of vehicles was determined. J. A. Brennan states that at the time they thought that was an appropriate number for their expenses and the amount of vehicles they thought they would be able to sell. It is not working as well as they thought it would with that number of vehicles and they need to sell more vehicles. M. Granger asks about when she has looked at the lot at various times and seen anywhere from 35 – 40 vehicles, how is that number working? J. A. Brennan states that they can always try to sell more. M. Granger states that from her observations when she has been to their place of business to look, they do seem to have more than the 22 that they are currently zoned for, so her understanding at this point is that they can actually have more vehicles on in the current spot. J. A. Brennan states that they might have enough room for that many, it does get congested and that is why they are looking to use the other portion of the land that they have. He states that they could put more vehicles on the current portion, but it is not neat, they are not displayed properly that way and they want to have it look nice. K. Veitch asks if the applicant recalls what their original request was for the number of vehicles. The minutes indicate that the amount of cars was reduced to a maximum of 22 cars and that is from the Planning Board minutes. So his question is, did the applicant come in with a higher number? J. H. Brennan states that he thinks they did, but they said that due to the area that they had, 22 was the number they would be allowed. K. Veitch states that then the Planning Board's decision was based on the location where they are and the size that they have right now. They wanted to see 22 cars. J. H. Brennan states that he forgets the number that they originally wanted, but it was reduced and it was said that was the maximum number they would like to see on that location. K. Veitch questions that the applicant sees a need to have more cars there and they want to extend into the other area, and that is where they want to put the additional vehicles. He states that they are leaving the current condition, 22 cars, and they want to add the additional to the other site. J. A. Brennan concurs. J. H. Brennan states that they are still going to have a problem with the trade-ins and cars coming in. K. Veitch asks if that is what the back row is. The applicant concurs. S. Strakos asks what they will do with the extra cars they have right now. Will they put them on the other piece or will they keep them on this spot? J. H. Brennan states that they will not, they will leave them in this area. They want to juggle them around; they will all be cars that will be for sale. S. Strakos asks how many cars they are planning on having all together. J. A. Brennan states 40 for sale. M. Granger asks if the applicant's proposal to the Board is to be permitted to have 40 cars total or 40 cars for sale. The applicant responds 40 cars for sale. S. Strakos asks how many they have for sale right now. J. A. Brennan states 20-something. M. Granger states that they then have additional vehicles on the lot. So, is their intention to have 40 cars for sale plus additional vehicles on the lot? J. H. Brennan states that is right. He states that they take trade-ins. J. A. Brennan states that if someone brings a car in on trade if they cannot go dispose of a vehicle they already have there, that vehicle would sit there for a week or two until it goes to auction. K. Veitch states that they have two types of inventory there. They have an inventory of approximately 22 vehicles right now that they are marketing for sale and an additional inventory right now that is what they have brought in for the trade-ins that they plan on disposing of but not by marketing them on that property. J. A. Brennan states also vehicles that they are buying and getting ready for sale. S.

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Strakos asks if some of the ones they take in on trade, they probably sell some of them. J. A. Brennan states that some of them they do. K. Veitch states that what we need to be clear on, what we need to make sure that the ZBA is going to allow, is the maximum number of vehicles that will be allowed to be sold and marketed on that property, and then there is the storage issue. J. H. Brennan states that they also have some maintenance vehicles that they plow the lot with and their own personal vehicles, there will be more than 22 cars there. K. Veitch states that he wants to visit the site and look at it again.

RESOLUTION – J. & J. Enterprises

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals tables the application of J. & J. Enterprises for property located at 820 Route 9N, TM#164.8-2-2 and sets a public hearing for November 6, 2007 at 7:30 p.m.

K. Veitch states that we need to be clearer on what we are talking about with the numbers and truly understand what is allowed, what isn't allowed, what we are marketing, what we are not. T. Conard asks the applicant to bring in some figures for, as a rule, what they have on the lot as far as the cars that are traded in at any given time, at the same time what they are selling – that would be helpful to the Board to know total cars roughly, it is going to vary obviously. K. Veitch states that one other thing he would like to know is if the applicant expects with the larger inventory that they plan on marketing and selling, do they expect a larger inventory of those other types of vehicles. J. A. Brennan states that he would assume so. If they sell more, they are going to get more in on trade and buy more. K. Veitch asks how often they go and take those off site, do they have a schedule or do they go once a month. J. A. Brennan states that it varies. K. Veitch asks if it depends on what they have to get rid of. S. Strakos asks if they have someone pick the cars up. J. A. Brennan states that it depends, sometimes they drive them. T. Conard reiterates that the applicant should be prepared to give the Board a better idea of the number as far as the cars and what they would expect with the added cars.

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

Noes: None

Absent: Lunde

JOSEPH CUVA – Case#792, Area Variance

Howe Road

T. Conard states that this is an application for a 34' right side yard variance. A public hearing is opened at 7:55 p.m. Charlene Cuva states that the application was changed and that the request is for 29' as they had measured from their neighbor's fence, which they had forgotten, is on their property. There is a signed note in the file from that neighbor. There being no further public comment, this public hearing is closed at 7:57 p.m.

M. Granger states that on the revised drawing it looks like now the size of the structure has changed. C. Cuva states that originally her husband had included the overhang of the roof and was told that the Town measures from the footprint. T. Conard comments that it looks like this wood shed is going to be near a barn anyway. G. McKenna states that this is the last lot in the Town of Greenfield and is right next to a mobile home demolition company.

RESOLUTION – J. Cuva, Area Variance

MOTION: K. Veitch

SECOND: S. Weeks

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RESOLVED, that the Zoning Board of Appeals grants an Area Variance to Joseph Cuva for property located at 157 Howe Road, TM#99.-1-11.11, as follows:

- **Right side yard variance of 29 feet**

This is based on the following criteria:

- **No negative impact on the neighborhood**
- **Not a substantial request**
- **No environmental impact**

VOTE: Ayes: Conard, Granger, Strakos, Veitch, Weeks
Noes: None
Absent: Lunde

C. Cuva asks if she can be sent another copy of the public hearing fee notice.

DAVID ENGLEHART – Case #793, Area Variance

Locust Grove Road

David Englehart is present. T. Conard states that this is for a variance that was granted and has expired, and it is now for less than was originally granted because the applicant is no longer asking for a side yard variance. A public hearing is opened at 8:01 p.m. There being no public comment, this public hearing is closed at 8:02 p.m.

T. Conard states that this is pretty straightforward; it is what was already agreed to and is less of a variance as far as the number of variances being granted. K. Veitch asks the applicant if he is not asking for the side yard variance to make it less of a request for variance or he really does not want to put the porch there. D. Englehart states that he does not want to do it, he wants to quit working on this place.

RESOLUTION – D. Englehart, Area Variance

MOTION: K. Veitch

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**

This is based on the following criteria:

- **No negative impact on the neighborhood**
- **The variance was already granted**
- **No other deterring factors**

VOTE: Ayes: Conard, Granger, Strakos, Veitch, Weeks
Noes: None
Absent: Lunde

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MICHAEL LIENHARD – Case #794, Area Variance
Maple Drive

Michael Lienhard is present. G. McKenna states that the original subdivision is no longer protected from the cluster setbacks. The applicant is looking for a right side yard variance of 35'. A public hearing is opened at 8:05 p.m. Brian Eichorst, Maple Drive, states that he is concerned about the size of the building being 24 x 40, it seems awfully big and is afraid that it might look like an arc. B. Eichorst states that the applicant owns the property and he doesn't like to put restrictions on what people can do. He states that it is as big as the neighbor's house. There being no further public comment, this public hearing is closed at 8:07 p.m.

Discussion takes place as to the size of houses in the neighborhood. M. Lienhard states that his house is about 1800 square feet. M. Granger asks why he chose this location. M. Lienhard states that he cleared that area and does not want it too close to the house. M. Granger asks why it cannot be moved closer to the house. M. Lienhard states that he does not want it to look like it is attached to the house. T. Conard states that it puts it awful close to the neighbor's house. K. Veitch states that the applicant could move it and not need a variance. M. Lienhard states that he needs 50' from the property line. K. Veitch states that we could split the difference, there is nothing between that and the house – no septic system, no well – that is stopping him from moving it other than that he cleared that area and asks if the applicant can clear more. M. Lienhard states that there is a tree between the house and proposed pole barn. M. Granger asks if he is willing to move it closer to the house? M. Lienhard states that it depends on how far as he does not want it too close to the house. M. Granger states that part of the concern is to make sure that not only for the neighbor now, but for future neighbors, it is not a detriment. We really like to have people be good neighbors whenever we can. M. Lienhard states that he could move it another 10 feet. K. Veitch asks if that will still keep the structure away from the tree. K. Veitch states that would reduce the variance request to 25'. S. Weeks states that that is beginning to approach how far the neighbor is from the line with his garage. M. Granger asks if there would be any kind of vegetative buffer or would the applicant be willing to put something back. M. Lienhard states that he would be willing to landscape it.

RESOLVED – M. Lienhard, Area Variance

MOTION: M. Granger

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals grants an Area Variance to Michael Lienhard for property located at 4 Maple Drive, TM#137.-1-66, as follows:

- **25' right side yard variance**

This is contingent upon:

- **A vegetative buffer being maintained between himself and lot #3**

This is based on the following criteria:

- **No undesirable change in the neighborhood as the distance from the lot line is consistent with the adjacent property**
- **No adverse physical or environmental impacts**

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

Noes: None

Absent: Lunde

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PAUL & PATRICIA KOMORNY – Case#788, Area Variance
Lake Desolation Road

Patricia Komorny and Amy Clark are present. The public hearing was adjourned and is reopened at this time. T. Conard reviews that the original variance was granted June 2006 and expired. The request has been changed slightly and the applicants are looking for a front yard setback variance of 21 feet. There being no public comment, this public hearing is closed at 8:16 p.m.

K. Veitch comments that this was held only for a more detailed map. P. Komorny states that they did provide that. G. McKenna comments that the applicant no longer needs a side yard variance. T. Conard states that there are fewer variances required. M. Granger asks G. McKenna if the 50' from the stream is now met based upon the diagram submitted. G. McKenna confirms this.

RESOLUTION – P. & P. Komorny, Area Variance

MOTION: M. Granger

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals grants an Area Variance to Paul and Patricia Komorny for their property located at 147 Lake Desolation Road, TM#149.-1-56.1, as follows:

- **21' front setback variance**

This is based on the following criteria:

- **No undesirable change in the neighborhood**
- **No adverse environmental impacts**
- **The variance now granted is less than originally proposed by the applicant**

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

Noes: None

Absent: Lunde

Meeting adjourned 8:20 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary