

**TOWN OF GREENFIELD**

**ZONING BOARD OF APPEALS**

**OCTOBER 3, 2006**

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

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**SEPTEMBER 5, 2006 MINUTES:**

MOTION: P. Lunde

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of September 5, 2006 as submitted.

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

Noes: None

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**NEW BUSINESS**

**MICHAEL & MAUREEN TAGLIAFIERRO – Area Variance, Case #771**

Route 9N

Michael Tagliafierro is present and states that this request is to allow the applicant to purchase .40 acres from Dorothy Clarke, increasing their parcel to 1.4 acres and reducing the Clarke parcel to 2.6 acres. T. Conard comments that the house behind them is on a rise, which makes sort of a natural barrier there anyway so they would not be changing too much. M. Tagliafierro states that when they purchased this, the zoning was 1- acre zoning. D. Clarke has talked about possibly selling her property and the applicant would like to stay where they are; their children play in that area and if it is not a relative, that might be a problem. P. Lunde asks if the property owner should be applying for the variance. Discussion takes place that an Authorization of Agent should be completed by D. Clarke.

**RESOLUTION – M. & M. Tagliafierro, Area Variance**

MOTION: P. Lunde

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of Michael and Maureen Tagliafierro for an area variance for property located at 4403 and 4407 Route 9N, TM#99.-1-33.12 and TM#99.-1-33.112, and sets a public hearing for November 7, 2006 at 7:30 p.m., contingent upon:

- **Receipt of Authorization of Agent from Dorothy Clarke**

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

Noes: None

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**MARGARITA LUPI – Area Variance, Case#772**

Middle Grove Road

Margarita Lupi is present and T. Conard reviews that the applicant is seeking an area variance to renovate to a two family residence. The applicant will need an area variance for acreage of 4.27 acres. This is an allowed use and requires 5.25 acres. P. Lunde asks about the surrounding neighborhood. G. McKenna explains that it is across from the Middle Grove Park and the Methodist Church, not far from the Middle Grove Fire Department. K. Veitch asks if this needs Site Plan Review. G. McKenna states that it is not necessary and she is not adding on to the house. P. Lunde asks if any variances are need for septic for adding a kitchen or bathroom. G. McKenna states that septic systems are designed by bedrooms and she is not adding any.

**RESOLUTION – M. Lupi, Area Variance**

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals accepts the application of Margarita Lupi for an area variance for property located at 431 Middle Grove Road, TM#162.08-1-12 and sets a public hearing for November 7, 2006 at 7:30 p.m.

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

Noes: None

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**CHATFIELD-ROCKWELL CONSTRUCTION – Area Variance, Case #773**

North Greenfield Road

Lawrence Hamilton, Attorney, is present for this application. G. McKenna points out that the lot line adjustment for this property was approved by the Planning Board and the maps signed, but they were never picked up to file at the County. He states that this will be referred back to the Planning Board for reapproval.

**RESOLUTION – Chatfield-Rockwell Construction, Area Variance**

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals accepts the application of Chatfield Rockwell Construction for an area variance for property located at 110 North Greenfield Road, TM#125.1-1-24.2 and TM#125.1-1-24.3 and sets a public hearing for November 7, 2006 at 7:30 p.m., contingent upon:

- **Planning Board reaffirming its approval of the Lot Line Adjustment**

M. Granger asks that this also be contingent upon receipt of a copy of the easement language.

- **Receipt of copy of easement language**

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

Noes: None

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**SCOTT WAGNER – Temporary Use Variance, Case #774**  
Middle Grove Road

Scott Wagner and Carol Treadway Wagner are present. T. Conard reviews that the applicant would like to live in the existing mobile home while constructing a new home. He states that the one thing missing from the plans is the location of the new home. G. McKenna asks if the applicant is going to use the existing septic and well. S. Wagner states that they will be putting in a new septic and well. T. Conard states that he would like to see the location on the plans. M. Granger asks C. Wagner if she is the executor of the estate and if ownership and title is going to transfer so that it is not a problem. R. Rowland explains that C. Wagner will be living in the house with her son, he is just doing the paperwork. M. Granger asks if any variances will be needed for the house in the new location. G. McKenna explains. C. Wagner explains that her other son, Kyle, still wants 5 acres and that she is trying to figure out how to get this done so that she can get a house up by December and still give Kyle the 5 acres. She asks G. McKenna for direction. G. McKenna explains that the two do not have any bearing on each other. Question about mortgages is raised and G. McKenna suggests that the applicant check with her bank to see how they are going to want to proceed.

**RESOLUTION – S. Wagner, Temporary Use Variance**

MOTION: P. Lunde

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of Scott Wagner for a Temporary Use Variance for property located at 410 Middle Grove Road, TM#163.-2-4.1 and sets a public hearing for November 7, 2006 at 7:30 p.m., contingent upon:

- **Completion of item #6 of SEQRA form**
- **Proposed location of the house**

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

Noes: None

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**OLD BUSINESS**

**TIMOTHY & KATHY MONICA – Temporary Use Variance, Case #767**

North Greenfield Road

Timothy & Kathy Monica are present. A public hearing is opened at 7:47 p.m. There being no public comment, this public hearing is closed at 7:48 p.m.

T. Conard asks how long the applicant thinks it will take to do the entire job. T. Monica states 4 to 6 months. K. Monica asks if they are allowed a certain amount of time. T. Conard explains that generally a temporary use variance is granted for 1 year and the ZBA can extend it if there are extenuating circumstances, but the Board really likes to see good progress if they are going to extend. Board feels that it will be a nice improvement.

**RESOLUTION – T. & K. Monica, Temporary Use Variance**

MOTION: P. Lunde

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals approves the application of Timothy & Kathy Monica for a Temporary Use Variance to live in their mobile home during the construction of a modular home, for property located at 123 North Greenfield Road, TM#124.-2-8.6, contingent upon:

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- **Variance to expire in one year (October 3, 2007)**
- **Mobile home to be removed 30 days after receipt of CO**

P. Lunde asks if the applicant has purchased the land. K. Monica states that the closing is set for Thursday, the plans were ordered on September 5, 2006, they have an estimate for the well and septic, the septic has been designed. T. Conard explains that should the applicant need to, they should come back before the variance expires.

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

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**STEPHEN SMERO – Area Variance, Case #768**

Route 9N

Stephen Smero is not present. T. Conard reviews that this is a request for area variances for buffers. G. McKenna states that in the end, when this is all done and landscaped, it will be a lot better for the neighbors. It will be better than it was, but it will not meet code.

A public hearing is opened at 7:52 p.m. There being no public comment, this public hearing is closed at 7:53 p.m.

Discussion takes place that this is going to improve the neighborhood.

**RESOLUTION – S. Smero, Area Variances**

MOTION: P. Lunde

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals approves the application of Stephen Smero for Area Variances for property located at 3100 Route 9N, TM#138.01-2-25 as follows:

Section 105-109-G-9

- **20' Street setback variance**
- **2' Right side yard setback variance**
- **9' Left side yard setback variance**

Section 105-109-G-10

- **22' Right side yard setback variance**
- **29' Left side yard setback variance**

These variances are based on the following criteria:

- **This is granted with the understanding that this is definitely bringing the property closer to code to use the parking reasonably**
- **Definitely an improvement to the neighborhood**

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

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**JAMA PEACOCK-BIRSETT, GREENFIELD COUNTRY MEDICINE – Area Variances, Case#769**  
Route 9N

Jama Peacock-Birsett is present. A public hearing is opened at 7:55p.m. There being no public comment, this public hearing is closed at 7:56 p.m.

T. Conard reviews that the request is for a 5’ variance on sign A; 2’ variance on sign C; and a variance for an additional sign, B. P. Lunde asks what the business is listed as. J. Peacock states that it is Greenfield Country Medicine. She states that the original application was Doc Peacock’s Greenfield Country Medicine but in discussion with her attorneys they kept the ‘Doc Peacock’s’ as an additional portion of it due to the size. When she was thinking about signs she wanted to keep it smaller. She explains that when she originally proposed the third sign she had two concerns – one being because of the State right of way which goes over the porch of the building, the free standing sign is literally set back behind the building on the North side which makes it invisible to traffic coming from the South which is where most of her clients will be coming from. The Doc Peacock’s sign is the only one that fits the size code for Town Center. She also wanted to avoid, for people coming from the South, not being able to see the free-standing sign until you get on top of the building or through the light, and she wants to avoid an accident. M. Granger asks if you cannot see the free-standing sign, why is the applicant having it? T. Conard states that it will be visible coming from the other direction. M. Granger asks the purpose of the sign on the porch. J. Peacock states that it will be visible from Wilton Road. P. Lunde states that when this belonged to the Masons they had a double sided sign and one on the front of the building, and asks if the applicant considered doing something like that. T. Conard states that would require a variance also. K. Veitch states that he has driven by from different directions and does not believe that you will be able to see any more than two signs at one time no matter what the applicant does. He states that it really doesn’t matter; that obviously we have someone putting a big investment into this community, and having an extra sign is not a detriment whatsoever. He believes that it addresses a public safety issue. T. Conard states that the Board has allowed larger than normal signs when it was felt that there was a danger because people could not see the regular, legal signs as easily. S. Weeks asks if lettering on windows or doors is considered to be a sign. G. McKenna states that there is a quirky thing in our code that if it is inside the building, it doesn’t count. He states that the Town banned neon signs on the exteriors of buildings, but the code doesn’t say anything about neon on the inside.

**RESOLUTION – J. Peacock-Birsett, Area Variances**

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals approves the application of Jama Peacock-Birsett, Greenfield Country Medicine, for Area Variances for signs for property located at 3100 Route 9N, TM#138.01-2-25, as follows:

- **5-square foot area variance for Sign A**
- **2-square foot area variance for Sign C**
- **Variance allowing Sign B**

This is based on the following criteria:

- **This brings the building more into compliance with code**
- **Without the third sign there could be a significant increase in the potential for an accident**

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

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**DISCUSSION**

S. Weeks asks that the legal notices be posted on the bulletin board in the lobby and that they be 8 1/2" x 11". He believes this will encourage people to come into the Town Hall. R. Rowland provides an example of the format sent to the Gazette. This will be used for posting.

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Meeting adjourned 8:10 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary