

TOWN OF GREENFIELD

ZONING BOARD OF APPEALS

NOVEMBER 7, 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 Stefan Strakos, Alternate. Stanley Weeks is absent. Gerry McKenna, Zoning Administrator, is present.

OCTOBER 3, 2006 MINUTES:

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of October 3, 2006 as submitted.

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

Noes: None

Absent: Weeks

NEW BUSINESS

JESSE BOUCHER – Use Variance, Case#775

Wilton Road

Jesse Boucher is present. T. Conard reviews that this is a pre-existing, non-conforming use. P. Lunde asks if it is pre-existing, why is the applicant seeking a variance. G. McKenna states that there is no building permit for the log cabin which was built around 1984. The use variance would allow two principle dwellings on 1 piece of property. This is an R3 zone and requires 5 ¼ acres for a 2-family home. P. Lunde asks how this came to light. G. McKenna explains that the septic system on the mobile home is failing and he cannot give the applicant a building permit because it is an illegal use. The applicant is asked to provide better dimensions between the cabin and the mobile home, setbacks to property lines, etc. J. Boucher provides a photo of the mobile home and an aerial photo from the County of the property. He states that he bought the property in February; the current tenants have lived there for 10 years and do not wish to move immediately. He states that he does not want to spend the money on the septic system only to be told that the tenants must move out. K. Veitch explains that temporary use variances are only good for 1 year. T. Conard explains that usually a temporary use variance is granted in the case of someone living in a mobile home during the construction of a home and both structures are not occupied. J. Boucher explains that the application requests that the use be temporary as he was present in another town where someone was asking for a relative to live on the same parcel temporarily. T. Conard explains what is required for the approval of a use variance. J. Boucher reiterates that he does not want to spend the money on a survey. T. Conard states that he does not need a survey, just better measurements on the map he already provided.

RESOLUTION – J. Boucher, Use Variance

MOTION: K. Veitch

SECOND: P. Lunde

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RESOLVED, that the Zoning Board of Appeals accepts the application of Jesse Boucher for a use variance for property located at 430 Wilton Road, TM#126.-1-23 and sets a public hearing for December 5, 2006 at 7:30 p.m. contingent upon:

- **The applicant providing better measurements**

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

OLD BUSINESS

MICHAEL & MAUREEN TAGLIAFIERRO – Area Variance, Case #771

Route 9N

Michael Tagliafierro and Dorothy Clarke are present. A public hearing is opened at 7:42 p.m. for a .4 acre area variance for Michael and Maureen Tagliafierro acting as agent for Dorothy Clarke. There being no public comment, this public hearing is closed at 7:43 p.m.

T. Conard reviews that this would be for a lot line adjustment to the rear of the Tagliafierro property and asks how far Dorothy Clarke's home is from the proposed property line. M. Tagliafierro states that it is greater than 75'. P. Lunde questions the setback on the garage. T. Conard states that received a variance to be built.

RESOLUTION – M. & M. Tagliafierro, Area Variance

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals grants the request for an area variance for Michael and Maureen Tagliafierro, as agents for Dorothy Clarke, for property located at 4403 and 4407 Route 9N, TM#99.-1-33.12 and TM#99.-1-33.112, as follows:

- **Reducing the size of Dorothy Clarke's lot, TM# 99.-1-33.112, by 4/10ths of an acre**

This is based on the following criteria:

- **Does not change the nature of the neighborhood even though a substandard lot is being created and another substandard lot is being brought more into conformance**

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

MARGARITA LUPI – Area Variance, Case#772

Middle Grove Road

No one is present representing this application. A public hearing is opened at 7:45 p.m. T. Conard reviews that this is an area variance for 4.27 acres to convert a single family residence into a 2-family home with no increase in the number of bedrooms. Discussion takes place as to whether this would go before the

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Planning Board for a site plan review and G. McKenna states that it would not. There being no public comment, this public hearing is closed at 7:46 p.m.

M. Granger states that she believes this is a substantial request and there is also the issue of safety with the inadequate parking on two roads that are heavily traveled. G. McKenna states that a septic certification may be required. M. Granger states that this is a self-created hardship. T. Conard states that he is not comfortable with that amount of variance. Normally we require more area because of our septic systems. The application is adding a whole other family there which means not only more people, more laundry, etc. He thinks it may be a bit excessive. G. McKenna states that 3 acres are required for a single-family residence. Discussion takes place regarding tabling this to another meeting or making a decision. K. Veitch states that he is looking at the reason the applicant stated for the request, 'too large for one person to live in and heat', although right now it is being rented to multiple people. He states that does not sound like a substantial reason and that she is just going to be redistributing the number of people between two apartments. He believes the benefit can be achieved by other means. P. Lunde comments on the Middle Grove area having a mobile home park nearby, it is pretty intense right now and the application would not change the neighborhood.

RESOLUTION – M. Lupi, Area Variance

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals denies the request of Margarita Lupi for an area variance for property located at 431 Middle Grove Road, TM#162.08-1-12.

This denial is based on the following criteria:

- **The request is too substantial**
- **Self-created hardship**
- **Benefit can be achieved by other means**

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

Noes: None

Absent: Weeks

CHATFIELD-ROCKWELL CONSTRUCTION – Area Variance, Case #773

North Greenfield Road

Lawrence Hamilton, Attorney, is present for this application. A public hearing is opened at 7:55 p.m. and T. Conard reviews that the applicant is requesting a 185.63-foot frontage variance and a 1.05-acre area variance. M. Granger states that an attorney in the law firm that she works for handled the closing for the Stancanelli's; she was not associated with it and is not recusing herself for that reason. J. Stancanelli, 112 – 114 North Greenfield Road, states that her property is the one that the easement goes through. She states that they are opposed to this variance as the problem is self-created by the owner of the property as this person owned all the lots when it was initially subdivided and could have done something other than making a rear property that had no access to it; all transfers of title with the easement appear to be between family members and was not initially put on record. When this house was built and sold, the subdivision map was not filed at that point and then not properly filed. The easement is 42' over a drainage easement, which leaves 20' of the easement closest to the existing house, the easement runs over the Stancanelli's well and septic system, and through a rear corner of the house. J. Stancanelli states that this would be a hardship to them to have this easement going over their well and septic. Mr. Stancanelli states that this area requires 250' of frontage and the applicant has no frontage, only the easement. T. Conard questions the location of

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the Stancanelli's septic system. G. McKenna asks when the house was built. J. Stancanelli states that it was around 1987-89. Mr. Stancanelli states that there is no record of the easement in the title and in researching it they find that it is not referenced properly. The Stancanelli's purchased the house in 2003. There being no further public comment, this public hearing is closed at 8:00 p.m.

T. Conard questions that this was approved by the Planning Board at one time. L. Hamilton states that it was a 2-lot subdivision in 1990, the Town changed the zoning from 2 acres to 5 acres, they have gone to the Planning Board and done a lot line adjustment, and they have no way of using the property other than by using that easement. He states that the easement was placed on the property after he owned it. He purchased the house from Chatfield Rockwell. The easement is a matter of public record and recorded at the County Clerk's office. M. Granger asks if L. Hamilton sold the house to Thomas Richmond. L. Hamilton states that he sold it to Leslie Richmond. M. Granger asks the relationship between Thomas and Leslie. L. Hamilton states that they were brothers. M. Granger states that she is trying to understand the sequence. L. Hamilton states that he bought the house from Chatfield Rockwell and then sold it to Leslie Richmond, who then sold it to someone else. L. Hamilton states that the easement was placed on the property in 1990 when the subdivision was approved. T. Conard asks if it was filed at that time. The copy provided indicates April 26, 1990. P. Lunde comments that that would indicate that this is a legal easement and the question is whether the Board gives them frontage to build on the lot. L. Hamilton states that they are looking for two variances – one from 5 acres to 4 acres, and one for road frontage from 250' to 64' so that they can put in a driveway along the easement. P. Lunde asks if a driveway can be put over a septic system. G. McKenna states that physically you can, but you are not allowed to. Discussion takes place regarding the drainage easement and that this is a County road so the County owns it, not the Town of Greenfield. T. Conard states that the County can dig this up anytime they please. He states that he would like to have some input from the County on this matter. P. Lunde states that he thinks it is important for someone to go to the site to see if the ZBA gives the variance to allow them to build, is it feasible to put a driveway where the applicant is asking that it be put based on the information that we have. He asks why we would want to give the applicant road frontage if, in essence, he couldn't do what they are proposing anyway. L. Hamilton states that they cannot do anything with the property and that they have an easement to get to the property. P. Lunde states that if there is a septic within that easement, how can the applicant put in a driveway? P. Lunde states that he is not comfortable making a decision unless the Board knows that they can do what they are proposing. K. Veitch asks J. Stancanelli how long they have owned the house. J. Stancanelli states 3 years. K. Veitch asks if there is anyway that they can find out where the septic system is and put it on a map. G. McKenna states that the Town's building records could be checked, but since this is from 1987 – 89 there might not be anything. K. Veitch comments on the easement going through the corner of the house and asks if there is a deck off the back of the house. J. Stancanelli states there is but not at ground level. P. Lunde states that there are a lot of questions to be answered before proceeding. The applicant is asked if they agree to table this to the next meeting. L. Hamilton agrees with this. The Building Department files will be checked; the application will be sent to the County for referral; J. Stancanelli is asked to draw in the area of the septic system, deck, etc. that is to the rear of the house. L. Hamilton asks if we should not have someone verify this independently of the parties. K. Veitch states that we can do that if necessary and he is sure that the County will have some say in this. M. Granger asks if there is any relationship between Richmond and Chatfield Rockwell. L. Hamilton states that T. Richmond was the President of Chatfield Rockwell. J. Stancanelli provides copies of the information she has.

RESOLUTION – Chatfield-Rockwell Construction, Area Variance

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals tables the application of Chatfield Rockwell Construction for area variances for property located at 110 North Greenfield Road, TM#125.1-1-24.2 and TM#125.1-1-24.3, as the Board is waiting for a response from Saratoga County Planning, in addition to the Building Department researching the location of the septic system on the adjoining lot.

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

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

Scott Wagner and Carol Treadway Wagner are present. A public hearing is opened at 7:12 p.m. T. Conard reviews that this is a request to live in their existing mobile home during the construction of a modular home. There being no public comments, this public hearing is closed at 7:13 p.m.

The applicant provided the requested information regarding the location of the proposed house. Discussion takes place regarding the process for seeking an extension if necessary.

RESOLUTION – S. Wagner, Temporary Use Variance

MOTION: K. Veitch
SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals grants the request of Scott Wagner for a Temporary Use Variance for property located at 410 Middle Grove Road, TM#163.-2-4.1, contingent upon:

- **Variance is good for one year (November 7, 2007)**
- **Existing mobile home to be removed 30 days after receipt of Certificate of Occupancy**

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

Meeting adjourned 8:19 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary