

**Town of Greenwich
Zoning Board of Appeals
January 7, 2010**

The Town of Greenwich Zoning Board of Appeals held a meeting at the Town Office Building, 2 Academy Street, Greenwich, New York on Thursday January 7, 2009 at 7:00 pm.

MEMBERS PRESENT:

John Farndell	ZBA Chairman
Gregory Smith	ZBA Member
Dawn Sharts	ZBA Member
Roland Mann	ZBA Member (Alternate)

ABSENT: Tammara Van Ryn ZBA Member

OTHERS PRESENT: Amanda Willetts- Clerk, Code Enforcement Officer Dan O'Connor, Town Supervisor Sara Idleman, David Roe, and Michael Hayes.

Clerk Amanda Willetts called roll.

RESOLUTION NO. 01-2010
App. of Minutes 12/03/2009

Resolution by ZBA Member Dawn Sharts
Seconded by ZBA Member Gregory Smith

and passed unanimously by said Board,

RESOLVED, that the minutes of December 3, 2009 be approved and accepted as submitted.

ACTIVITIES/CORRESPONDENCE:

ZBA Chairman John Farndell wanted to remind the Board that they are invited to attend the Planning Board workshop meeting on January 14, 2010 at 7:00 pm to discuss the Zoning Ordinance.

ZBA Chairman John Farndell wanted to remind the Board of the Planning and Zoning Conference that will be taking place on January 25, 2010.

The Board reviewed the month of December budget report submitted by Deputy Budget Officer Kellie Blake.

NEW BUSINESS:

Area Variance # 2010-01 – Submitted by Linda Roe, being represented by David and Jo Roe. Area variance request concerns property located at 743 County Route 77, Greenwich. Applicant had a car port erected on her property and it does not meet the required 50 ft front yard setback, the carport is only 42 ft from the front yard property line. Applicant is asking for an 8 ft area variance in order to keep the car port up year round. Parcel is located in a Rural Agricultural District. Parcel # 220.-2-35.

ZBA Chairman John Farndell asked if the car port was already erected. ZBA Member Dawn Sharts said yes. David Roe stated that his sister, Linda Roe had spoken with the Town

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and was told that because the car port is a temporary structure it could be erected while they were going through the area variance process. ZBA Chairman John Farndell asked Dan O'Connor if that was correct. Dan stated that he had spoken with Ms. Roe and since the structure was a temporary structure she could erect it but it must be taken down after 6 months. Ms. Roe decided that she would like to keep the structure up longer than the 6 months which is why she is now seeking an area variance. ZBA Chairman John Farndell stated that the house is 30 ft from the road and the car port is 42 ft from the road so the car port sits back from the house 12 ft. ZBA Chairman John Farndell told Mr. Roe that there is still a \$100.00 application fee due which they would need before scheduling a public hearing. Mr. Roe submitted a check for the application fee. After some discussion the Board decided to set the public hearing for the area variance.

RESOLUTION NO. 02-2010
Public Hearing on Area Variance # 2010-01

Resolution by ZBA Chairman John Farndell
Seconded by ZBA Member Roland Mann

and passed unanimously by said Board,

RESOLVED, that Area Variance # 2010-01, submitted by Linda Roe, be granted a Public Hearing that will take place on Thursday, February 4, 2010 at 7:10 pm at the Town Office Building, 2 Academy Street, Greenwich.

Mr. Roe submitted a check in the amount of \$100.00 for the application fee and cash in the amount of \$ 27.70 for the certified mailings of the public hearing.

Fees submitted: \$100.00 application fee and \$27.70 certified mailing fee.

Area Variance # 2010-02 – Submitted by Mike Hayes residing at 54 Robertson Road. Applicant would like to erect a garage that would be attached to the north side of his house. The Applicant would like to build the garage to use for storage of construction vehicles and equipment that he uses for his construction business. The proposed garage would be 30.8 ft from the property line. Applicant is asking for a 19.2 ft variance. Parcel is located in a Rural Agricultural District which requires 50 ft setbacks. Parcel # 213.-1-6.2.

ZBA Chairman John Farndell asked Michael Hayes if his lot was level. Mr. Hayes said that it is not, it slopes off to the right on the south side. ZBA Chairman John Farndell explained to Mr. Hayes that the Board has taken a position that if a house or structure is not in compliance, that is pre-existing, and the property owner wants to add to the structure as long as it does not infringe on the setbacks any further it is allowable. John said this means that Mr. Hayes will have to prove his case and address the 5 factors. John read the 5 factors and gave Mr. Hayes a copy. 1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties? 2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance? 3. Whether the requested variance is substantial? 4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood? 5. Whether the alleged difficulty was self-created?

ZBA Chairman John Farndell stated that this will have to be referred to the County Planning Board because it is on a municipal boundary. After some discussion the Board decided to set the public hearing for the area variance.

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RESOLUTION NO. 03-2010
Public Hearing on Area Variance # 2010-02

Resolution by ZBA Chairman John Farndell
Seconded by ZBA Member Roland Mann

and passed unanimously by said Board,

RESOLVED, that Area Variance # 2010-02, submitted by Michael Hayes, be granted a Public Hearing that will take place on Thursday, February 4, 2010 at 7:30 pm at the Town Office Building, 2 Academy Street, Greenwich.

Mr. Hayes submitted cash in the amount of \$ 22.16 for the certified mailings of the public hearing.

Fees submitted: \$100.00 application fee and \$22.16 certified mailing fee.

DISCUSSION:

ZBA Chairman John Farndell wanted to welcome the new Town Supervisor Sara Idleman. John explained to Sara how they developed the Zoning Ordinance and about what they do as a Board. ZBA Member Dawn Sharts said that zoning is important to her because she would like to keep the rural agricultural character of the town preserved. Dan O'Connor said that when he has questions he is grateful that he can turn to the ZBA to help him. Sara Idleman said she remembered when there was talk in the 1970's of zoning and there was a lot of resistance from people and she thinks it is fantastic that there finally is zoning in place. ZBA Chairman John Farndell stated that Bill Tomkins once said that *the Town has a rural character here but we also want to keep the rural characters here*, and that is why the Town zones light. ZBA Member Gregory Smith said that the zoning issues that have come before them have been enlightening, especially some things they never would have thought of. ZBA Chairman John Farndell stated that the ZBA was going to meet with the Planning Board next week to discuss some possible changes to the Zoning Ordinance. Further discussion ensued regarding the possible changes.

Motion by ZBA Member Dawn Sharts
Seconded by ZBA Chairman John Farndell

and passed unanimously by said Board,

That the meeting be adjourned at 7:44 pm.

Respectfully Submitted,

Amanda Willetts,
ZBA Clerk