

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

April 2, 2019

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Denise Eskoff, Chair, at 7:00 p.m. On roll call the following members are present: Denise Eskoff, J. Szpak, A. Wine and K. Taub, Alternate. C. Kolakowski and N. Toussaint are absent. Michael Waldron, Zoning Administrator/Codes Enforcement Officer is also present. D. Eskoff states that K. Taub is the new alternate for the Zoning Board of Appeals and he has full voting privileged this evening.

Minutes

March 5, 2019 Minutes

MOTION: J. Szpak
 SECOND: A. Wine
 ABSTAIN: K. Taub

RESOLVED, The Zoning Board of Appeals waives the reading of and accepts with minor corrections the February 5, 2019, Minutes.

VOTE: Ayes: D. Eskoff, J. Szpak, and A. Wine
 Noes: None
 Abstain: K. Taub

NEW BUSINESS

Ovitt, G. & Berrigan, J. Case #1013
 TM# 124.-1-38.26

Area Variance
 122 Plank Road

Gerard Ovitt and Jackie Berrigan are present. D. Eskoff states that this case is in the LDR District. D. Eskoff states that the Applicants have 2.12 acres. In 2013 they received an Area Variance for the house and now they want to install a pool. G. Ovitt states yes. D. Eskoff asks that they would need side and yard setbacks. G. Ovitt states yes. D. Eskoff asks M. Waldron if the ZBA has measurements on this case as far as the setbacks. She is wondering what he has and what he needs. M. Waldron states that in the LDR District side yard setback is 50' and rear yard setback is 75'. G. Ovitt has 43' side yard 25' rear yard setback. He believes there are also, wetlands on there as well. G. Ovitt states that they get more sun hours in the back than the front and in the back they have a deck. . Eskoff states that she does not think that they would want it in the front. Most people don't request that. How much spacing is the deck and where the pool will go? G. Ovitt states 12'. D. Eskoff states that because it is drawn in it looks like there is more than that. K. Taub asks what the size of the pool going to be is. G.

Ovitt states 18'x36'. D. Eskoff asks M. Waldron if he thinks it needs to be to scale. M. Waldron states that it sure wouldn't hurt, but dealing with the given conditions the Applicant is working with he does not feel this is anything self-inflicted. A. Wine asks about the trees in relationship to where the property line is. That would affect how far away from the house the Applicant is building the pool. The 12' measure between the house and the pool is really misleading it looks like it is only 12' from the pool to the tree line. D. Eskoff asks A. Wine if he wants to see a map to scale as far as the plot plan goes. A. Wine states yes. D. Eskoff asks and the location of the trees. J. Szpak states he would like a few more measurements that show the 18'x36' pool and the dimensions of the deck to the pool. M. Waldron asks does that include the fencing. D. Eskoff states make sure that is clear on the plot plan to scale with more dimensions on it for the pool, the deck, and the fence. As far as the fencing you will have to indicate that. A. Wine asks for pictures from the house to the tree line. M. Waldron states that he would be able to determine how much relief the Applicants will need once they have all the information. D. Eskoff states once M. Waldron reviews it he can provide the ZBA with an exact variance they will need. It is important for the ZBA to give the least amount of variance. K. Taub asks if opinion of a budding neighbors count. D. Eskoff explains that there will be a Public Hearing for every variance that goes before the ZBA. They will have an opportunity to come forward at that time or providing something in writing. M. Waldron states that it is quite isolated out there. A. Wine asks M. Waldron about the wetlands. M. Waldron states the septic is in the front yard. D. Eskoff states that because of the topography. A. Wine asks if the ZBA should be looking for a map that shows the wetlands. D. Eskoff states what M. Waldron is saying is that it impacts where on the property the Applicant can put the pool. A. Wine states he understands.

MOTION: J. Szpak

SECOND: A. Wine

RESOLUTION: Ovitt, G. and Berrigan, J. 122 Plank Road – Case #1013

RESOLVED, the Town of Greenfield Zoning Board of Appeals accepts the Application and sets a Public Hearing on May 7, 2019 for Case #1013, 122 Plank Road, TM# 124.-1-38.26 and requests the following information by April 17, 2019:

- Plot plan to scale with the deck, the pool and the fencing
- The dimensions of the pool
- Photo from the deck to where the pool area is going to be
- Photo from where the pool is going to be to the house

VOTE: Ayes: D. Eskoff, J. Szpak , A. Wine and K. Taub, Alternate

Noes: None

Abstain: None

Absent: C. Kolakowski and N. Toussaint

Mahay, J. & A. Case #1014
TM# 149.-1-1

Area Variance
300 Lake Desolation Road

Jared Mahay is present. D. Eskoff states that this case is on Lake Desolation Road, the Applicants have no frontage. J. Mahay states correct. J. Mahay states that they have an easement and they are looking to build in the rear of the lot. The house is about 300' off the

side. It's about 900' off the front. D. Eskoff explains when the ZBA gets cases that have no frontage the Applicant has to get an Open Development Permit and in order for the ZBA to act on the Area Variance the ZBA has to refer it to the Town Board because they are the only ones that can provide the Open Development Permit if they so wish to do so. The process at this point would be to review this case and before the ZBA can do anything refer it to the Town Board. It can be a lengthy process. A. Wine asks do we (the ZBA) want request items to make the Application more complete or do we want to wait. D. Eskoff states that because this is a process of the Town Board granting or not granting it might be premature to do that. If there is something lacking that would help the Town Board. A. Wine states that the maps are very helpful. A. Wine agrees. D. Eskoff states that there is a lot of information with the Application that the Town Board will have to review. D. Eskoff states that the ZBA can't accept this case but we can refer it to the Town Board.

RESOLUTION: Mahay, J. & A. 300 Lake Desolation Road-Case#1014

MOTION: J. Szpak

SECOND: A. Wine

RESOLVED, that the Zoning Board of Appeals hereby tables and refers the application of Mahay, J & A, Case #1014, request for an Area Variance for 250' of frontage to the Greenfield Town Board, with the applicants approval for postponement, for Open Development Area review for property located at 300 Lake Desolation Road, TM# 149.-1-1.

VOTE: Ayes: D. Eskoff, J. Szpak, A. Wine, and K. Taub, Alternate

Noes: None

Abstain: None

Absent: C, Kolakowski and N. Toussaint

OTHER BUSINESS

County Planning Referral

D. Eskoff states that the ZBA members received a copy of a memo from 2004. This had gone out to all Towns in Saratoga County from the Saratoga County Planning Board. It's a memorandum of understanding regarding referrals of local planning and zoning actions. At that time they asked the Town Board, the Planning Board, and the Zoning Boards to respond to this. It requires the Board Chair of each Board to sign the memorandum. At the time the Town Board and the Planning Board each signed one. No one knows why the ZBA get one or didn't sign one. So, there is not one on record. They are trying to correct that at this time. The motion or vote would for the ZBA to allow D. Eskoff to sign the memorandum. It basically makes the process swifter and allows the County Planning Department for when we refer items to them within 500' of anything owned by the County. There some other limitation on that. There are certain cases that the ZBA has that the County also reviews them. She feels it is a positive thing and for whatever reason it was an over sight.

MOTION: J. Szpak

SECOND: K. Taub

RESOLVED, that the Town of Greenfield ZBA, approves the ZBA Chair to sign the County Planning memorandum.

VOTE: Ayes: D. Eskoff, J. Szpak, A. Wine, and K. Taub, Alternate

Noes: None

Abstain: None

Absent: C, Kolakowski and N. Toussaint

D. Eskoff asks if there is any other business. Leigh Lally states that she thought they were on the agenda this month for an extension of their Variance. D. Eskoff states that anything that is on the agenda is something that has to be submitted to the Building Department 2 weeks before the next meeting. Was something submitted? L. Lally states no they received a phone call. D. Eskoff states that they have to file an Application requesting the extension. Provide all the information that is needed. M. Waldron asks what this is in regards to. L. Lally states that they have a proposed subdivision at 50 Ure Way. D. Eskoff states that it has been a year so they need an extension.

Meeting adjourned at 7:24 p.m. All members in favor.