

**TOWN OF GREENFIELD**  
**ZONING BOARD OF APPEALS**

**September 6, 2011**

**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, Joseph Szpak, and Denise Eskoff, Alternate.

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**August 2, 2011 MINUTES**

MOTION: P. Lunde

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of August 2, 2011, as submitted.

VOTE: Ayes: Conard, Lunde, Szpak

Noes: None

Abstain: Granger, Veitch

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**NEW BUSINESS**

**SARATOGA-WILTON ELKS LODGE #161 – Area Variance, Case#877**

NYS Route 9 (Maple Avenue)

Tom Klotz and Eric Olson are present. T. Conard reviews that the applicants are seeking an area variance of 14 square feet for a sign. He asks if this is going to be an internally lit sign and states that the Town Code does not allow this type of sign. E. Olson states that the sign was modeled after the Stewart's and Fire Department Signs. T. Conard states that those were before the Zoning Law changed. T. Klotz states that can be changed. K. Veitch asks if there are any State regulations. R. Rowland is asked to check on that.

**RESOLUTION – Saratoga-Wilton Elks Lodge #161, Area Variance**

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals accepts the application of Saratoga-Wilton Elks Lodge #161 for area variances for property located at 1 Elk Lane, TM#153.17-2-22.1 and sets a public hearing for October 4, 2011, contingent upon:

- **Information regarding State regulations**

K. Veitch questions some type of plot plan such as photo shop or something, showing the location of the sign on the property. E. Olson states that the reason for the sign and it being internally lit is due to the location of the building so far back on the lot. He states that the new LED lighting is really a soft glow versus the older fluorescent lights. The applicant is asked to post the public hearing sign that they will be receiving in the mail in the location that the sign is intended to be.

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

Noes: None

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**THOMAS ROCK – Area Variance, Case #878**

North Milton Road

Thomas Rock is present. T. Conard reviews that the applicant is seeking an area variance to build an attached garage and needs a 14' variance. K. Veitch asks if the applicant can provide a layout showing the distances between the applicant's boundary line to the neighboring structures. T. Rock states that there are about 12 to 13' of woods and then another 25' to the neighboring house. K. Veitch asks if the applicant can bring in a drawing 2 weeks prior to the next meeting.

**RESOLUTION – T. Rock, Area Variance**

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Thomas Rock for an area variance for property located at 126 North Milton Road, TM#164.-1-11 and sets a public hearing for October 4, 2011, contingent upon:

- **Map showing distances to neighboring structures**

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

Noes: None

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**OLD BUSINESS**

**GERALD & RHONDA MAHAY – Area Variance, Case #858**

Lake Desolation Road

Rhonda Mahay is present. T. Conard states that the applicants are seeking an extension on their frontage variance of 250'. J. Szpak asks if anything has changed since the approval. R. Mahay states that in March they found out that her husband had cancer, he is undergoing treatment and they have not been able to proceed. Discussion takes place as to the length of an extension.

**RESOLUTION – G. & R. Mahay, Area Variance**

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals grants an extension on the approval of an area variance to Gerald and Rhonda Mahay, as they have not been able to proceed due to illness, for property located at 300 Lake Desolation Road, TM#149.-1-1, as follows:

- **Extension of one year to October 5, 2012**
- **250' Frontage Variance**

This approval is based on the following criteria:

- **The parties have agreed to this and the easement language specifically states that they have the right to build a house and have a driveway for ingress and egress**
- **This variance was previously granted**
- **Under the circumstances, it is not a self-created hardship**
- **It is not substantial because they need access to a land locked property**

This variance is contingent upon:

- **Compliance with Section 105-43, Driveway Standards**

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

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**TERRI ARNOLD – Area Variance, Case #871**

Boyhaven Road

Terri Arnold is present. T. Conard reviews that the applicant was granted an area variance at the July 5, 2011 ZBA meeting. T. Arnold had originally applied for a 15' right side yard variance and was granted a 10' variance. She is asking for an amendment back to the 15' as she has not been able to make the 10' variance work. T. Arnold states that her father and brothers have plotted out the garage with the 10' variance and it does not leave a lot of room. She states that the house is a Cape so it very tall and she wants a tall garage and 10' with the two structures does not look right. Her driveway is also 12 ½ feet rather than 10'. P. Lunde expresses a concern that the garage would only be 4' from the porch. M. Granger states that the porch is not an enclosed structure. She states that she would not have a problem granting the additional 2-½ feet to accommodate the driveway. She states that the applicant could also set the garage back so that it is not even with the front of the house. K. Veitch states that when it comes to aesthetics, that is really hard to justify. The Board's requirements are more because of some kind of hardship. T. Arnold states that it takes up 5 more feet of her yard. She is not going to use the side closer to the neighbors and the owner of that property next to hers stated that he was not concerned because he is not going to build there. M. Granger reiterates that she would go the additional 2 ½ feet because she did not realize that the driveway did not line up, but the Board is supposed to grant the minimum variance while still trying to work with the applicant. T. Arnold states that when they put the house there, her father did not understand that the code had changed. J. Szpak states that we are judging based on one criterion whether something is a desirable or undesirable change to the neighborhood, and that does have an aesthetic element to it. Certainly we don't want anybody, not this case or any others, to do something that did not look desirable to the neighborhood. T. Arnold states that the air conditioner also sits in that space. D. Eskoff asks if the applicant could put on a connecting breezeway at some point. T. Arnold states that she probably could. J. Szpak states that he does not have a problem with this but does respect the fact that the ZBA is supposed to grant the minimum variance. He does not have a problem with the extra 5'. K. Veitch states that he does not have a problem with it either. J. Szpak states that he also has a backhoe and does work around other people's homes, and 10' is just too tight to get around stuff. D. Eskoff states that as far as anyone purchasing the property next to the applicant in the future, they would be buying it knowing what is there. She comments on some of the other properties in the area and states that it is very well maintained.

**RESOLUTION – T. Arnold, Area Variance**

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals approves the request for an amendment to an area variance for Terri Arnold for property located at 3459 Boyhaven Road, TM#162.-1-76, as follows:

- **Amendment to Area Variance granted July 5, 2011 for 10' to an additional 5' for a total of a 15' right side yard variance.**

This approval is based on the following criteria:

- **No environmental impact**
- **No negative impact to the neighborhood**
- **Does not change anything**

VOTE: Ayes: Conard, Lunde, Szpak, Veitch  
Noes: Granger

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**MARK LORENO – Area Variance, Case #875**

North End Road

Mark Loreno is present. T. Conard reviews that the applicant is seeking an area variance to build a deck in the Lake Desolation area. A public hearing is opened at 7:53 p.m. There being no public comments, this public hearing is closed at 7:54 p.m.

T. Conard comments that all the lots in Lake Desolation are very small and he certainly does not find anything negative about trying to put a deck around a house. The minutes of the previous meeting discussed this in more detail.

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

MOTION: J. Szpak

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals approves the application of Mark Loreno for Area Variances for property located at 563 North End Road, TM#122.19-1-7, as follows:

- **Front yard setback variance of 22'**
- **Left side yard setback of 3'**

This approval is based on the following criteria:

- **No undesirable change to the neighborhood**
- **Benefit cannot be achieved by other means**
- **Not a substantial request**
- **No impact on the environment**

T. Conard states that in looking at the SEQRA, there are no adverse impacts.

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

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**RONALD COLEMAN – Area Variance, Case #876**

Hoffman Road

Ronald Coleman is present. T. Conard reviews that the applicant would like to put a storage shed on a pre-existing, non-conforming lot. A public hearing is opened at 7:58 p.m. There is one letter from David and Linda Ingram stating that they do not have a problem with this request. There being no further public comments, this public hearing is closed at 7:59 p.m.

P. Lunde questions that the paper road does not actually exist. R. Coleman states that it is a paper road and he provides a map. K. Veitch asks if the applicant is going to remove the other shed. R. Coleman states that it will be removed. There would be no environmental impact in reviewing the SEQRA.

**RESOLUTION – R. Coleman, Area Variance**

MOTION: K. Veitch

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals approves the application of Ronald Coleman for Area Variances for property located at 28 Hoffman Road, TM#135.12-2-20, which is a pre-existing, non-conforming lot, as follows:

- **Front setback variance of 35'**
- **Right side yard setback variance of 19.84'**
- **Left side yard setback variance of 40'**
- **Rear setback variance of 39.81'**

This approval is based on the following criteria:

- **No negative impact to the environment or surrounding properties**
- **It is an improvement to the lot**

This approval is contingent upon:

- **Removal of the existing shed (indicated on the map) closest to Hoffman Road**

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

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### **DISCUSSION**

Robert Lovely, Lake Desolation, is present and asks how he can go about purchasing a piece of an adjoining lot and attaching it to his lot. R. Rowland explains that he might not be able to do that if this property is all located in the LDR Zone and if the lots are less than the required acreage. K. Veitch reiterates the same. R. Lovely is told that he should begin by speaking with Gerry McKenna, Zoning Administrator, who would take a look at the properties and walk R. Lovely through the procedures.

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Meeting adjourned 8:08 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland