

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

July 1, 2014

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Kevin Veitch at 7:30 p.m. On roll call the following members are present: Denise Eskoff, Michelle Granger, Kevin Veitch and Laura Sanda, Alternate. Taylor Conard and Joseph Szpak are absent.

June 3, 2014 MINUTES

MOTION: D. Eskoff

SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of June 3, 2014, as submitted.

VOTE: Ayes: Eskoff, Sanda, Veitch

Noes: None

Absent: Conard, Szpak

Abstain: Granger

NEW BUSINESS

WESLEY & CATHERINE MONTGOMERY – Area Variance

Ivy Lane

Wesley and Catherine Montgomery are present. K. Veitch reviews that the applicants would like to build a garage and require a 33' front yard setback variance and a 20' left side yard setback variance. M. Granger states that the applicant has indicated that the reason he needs the variances is because of the septic location and the embankment, but there are no dimensions to those on the map. She requests that information by July 22, 2014 for the next meeting.

RESOLUTION – W. & C. Montgomery, Area Variance

MOTION: D. Eskoff

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Wesley and Catherine Montgomery for area variances for their property located at 3 Ivy Lane, TM# 124.7-1-20 and sets a public hearing for August 5, 2014 at 7:30 p.m., contingent upon:

- **Receipt of map with additional dimensions by July 22, 2014**

VOTE: Ayes: Eskoff, Granger, Sanda, Veitch

Noes: None

Absent: Conard, Szpak

RAY BARNES – Area Variance

North Greenfield Road

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Ray Barnes is present. Applicant wishes to replace a mobile home which was removed from this lot some time ago. Lot size variance of 1.16 acres and frontage variance of 11.05' are requested. The applicant will be using the existing concrete pad and does not require any setback variances.

RESOLUTION – Ray Barnes, Area Variance

MOTION: D. Eskoff

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Ray Barnes for area variances for property located at 131 North Greenfield Road, TM# 124.-2-8.5 and sets a public hearing for August 5, 2014 at 7:30 p.m.

VOTE: Ayes: Eskoff, Granger, Sanda, Veitch

Noes: None

Absent: Conard, Szpak

RYAN CHRISTOPHER – Area Variance

Murray Road

No one is present for the application. K. Veitch reviews that the applicant is seeking a right side yard variance of 15'. M. Granger states that there are no dimensions between the other structures on this lot as well as what structures are next to this property and the distance to those. L. Sanda would also like to know the distance to well and septic on the neighboring property.

RESOLUTION – R. Christopher, Area Variance

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals accepts the application of Ryan Christopher for an area variance for their property located at 970 Murray Road, TM# 162.-1-81.1 and sets a public hearing for August 5, 2014 at 7:30 p.m., contingent upon:

- **Receipt of map with dimensions between structures on his property**
- **Receipt of map indicating location of structures on neighbor's property and location of septic and well**

VOTE: Ayes: Eskoff, Granger, Sanda, Veitch

Noes: None

Absent: Conard, Szpak

OLD BUSINESS

MULLEYVILLE SNOWMOBILE CLUB – Area Variance

Ormsbee Road

The Mulleyville Snowmobile Club has requested postponement. K. Veitch requests that we send the applicant a letter requesting their intentions as the Board cannot table this application indefinitely.

RESOLUTION – Mulleyville Snowmobile Club

MOTION: M. Granger

SECOND: D. Eskoff

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RESOLVED, that the Zoning Board of Appeals tables the application of the Mulleyville Snowmobile Club for a frontage variance for property located at Ormsbee Road, TM# 110.-1-4 to the August 5, 2014 meeting based upon their request, contingent upon:

- **Receipt of information from the applicant as to their intentions regarding this application**
- **If the Board does not hear from the applicant, the Board may not table the application further**

VOTE: Ayes: Eskoff, Granger, Sanda, Veitch

Noes: None

Absent: Conard, Szpak

BALLSTON MOURNINGKILL – Area Variance

Maple Avenue

Eric Carlson is present. K. Veitch reviews that the applicant was granted variances August 12, 2013 and is requesting an extension. D. Eskoff states that according to the Planning Board minutes there have been some changes since the applicant was before the ZBA. E. Carlson states that there are no changes to the overall concept. M. Granger asks if there is anything that affects the variances granted. E. Carlson state there is not.

RESOLUTION – Ballston Mourningkill

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals grants an extension to Ballston Mourningkill for area variances granted to property located at 464 Maple Avenue, TM#153.13-1-13.1; 464 Maple Avenue, Rear, TM#153.13-1-35 and 466 Maple Avenue, TM#153.13-1-13.2, as follows:

- **Extension of Area Variances to August 6, 2015**
- **“Building A” – the four duplex, residential units – 1.16 acre area variance**
- **“Building B” – the commercial space – 1.16 acre area variance**

This approval is based on the following:

- **Although the request is substantial, it is consistent with the surrounding neighborhood and character of nearby properties**
- **This will be an improvement to the lots because three lots will be combined into one and it will offer a much needed option for residents of this community, hopefully with a lower rent available to them**
- **It will not have adverse physical or environmental effects**

This approval is contingent upon:

- **No further variances will be granted with this project. If there are any changes that need to be made, that the applicant has agreed to make any changes necessary to conform to any other zoning codes or regulations that may come into play based upon what the Planning Board requires, including the buffers**

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VOTE: Ayes: Eskoff, Granger, Sanda, Veitch
Noes: None
Absent: Conard, Szpak

GALE & WILLIAM HIKA – Area Variance

Lake Desolation Road

Gale and William Hika are present. K. Veitch reviews that the applicant would like to change the use of an existing apartment to a café in the building that currently houses and will continue to house the post office. A public hearing is opened at 7:48 p.m. and closed as there are no public comments.

M. Granger questions that the applicant has two lots and does not want to combine them if she is not granted permission to change the use. G. Hika confirms that this is correct because as they currently exist the second lot is a buildable lot. M. Granger explains that the applicant is requesting a variance of 1.36 acres and that by combining the lots the variance would be reduced to 1.04 acres. The ZBA is required to give the minimum variance. D. Eskoff states that she has some concerns. She is very glad to see this project going forward and it is a good project. She states that she lives in the Middle Grove area and that she knows that the applicant is dealing with the parking situation and the post office, which is already a little bit difficult. She asks if the applicant would be amenable to some type of buffer, and she knows that the Planning Board will be looking at this also, between where the business is going to be and the house that is next door. G. Hika states that they are going to be within 25' of this property line with the parking proposal that they came in with. In between they plan on doing landscaping and also a fence. She is working with an engineer who will be working on the septic system and the parking. She explains that in looking at the property, to the right, there is a large tree which will be removed to improve the post office parking area. She is also showing 14 spaces for the café and is required to have 10 spaces. L. Sanda asks where the new septic is proposed. G. Hika states that they currently have a 1000 gallon tank and the engineer is thinking that they may be able to keep that in the current location, add a grease trap and extend the leach lines. She explains that she has had the water tested, has not gotten the results back and is working with DOH. M. Granger states that she would think an approval would be contingent upon the combining of parcels; dealing with all Planning Board issues and any issues that may come from the Country Planning Board; the Planning Board will be dealing with the buffer issues and the ZBA would request that they pay close attention to this. D. Eskoff states that the applicant has a very good plan.

RESOLUTION – G. & W. Hika

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals grants the request of Gale and William Hika for an area variance for property located at 3 Lake Desolation Road, TM#162.8-1-13.2, as follows:

- **Acreage variance of 1.04 acres**

This approval is contingent upon the following:

- **Combining of the lots, contingent upon receiving Planning Board approval**
- **Comply with all Planning Board and County Planning Board requirements**
- **The ZBA asks the Planning Board to pay close attention to buffering between the proposed business and the adjoining residential property**

This approval is based on the following:

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- **Benefit cannot be achieved by other means feasible to the applicant**
- **No undesirable change to the neighborhood character or to nearby properties, and in fact it is consistent with the Town Center zoning**
- **Although the request is substantial, there is improvement to both the community and the surrounding area**
- **No adverse physical or environmental effects, those are all being addressed by the various engineers and other professionals involved with evaluating the project**

VOTE: Ayes: Eskoff, Granger, Sanda, Veitch
Noes: None
Absent: Conard, Szpak

THOMAS ROBARGE – Area Variance

Ormsbee Road

Thomas Robarge is present. K. Veitch explains that the applicant would like to build a seasonal use structure on an existing lot that is located on a right-of-way. There is no road frontage and would therefore require a 250' frontage variance. A public hearing is opened at 7:59 p.m. and closed as there are no public comments. M. Granger states that one of her concerns is the reference that we had to written authorization from the land owners. It appears based upon what she has read from other meeting minutes that the applicant has had some discussion with them. T. Robarge states that he has spoken to all the neighbors and is in the process of getting a legal right-of-way. The Town Board approved what he had. M. Granger states that she is looking at the Town Board minutes and it refers simply to getting the legal matter taken care of. From her perspective, that is the biggest thing because we have been sitting here in the middle of some legal battles with people down the road and would hate to put this applicant in that position. T. Robarge states that he has hired a land surveyor to survey the road. There is already an easement there now and he is going 1100 feet passed that. Nothing is really going to change as far as the easement goes. He states that he has letters if the Board would like to see them. D. Eskoff states that if the applicant has correspondence in support, he should submit it to the Board for the record. She states that this is the difficult part, that part of it is civil and we have to work around that. There is that requirement that in order for the applicant to get to where he needs to be, these things have to be in place. Discussion takes place that an approval can be contingent upon the legal right-of-way. T. Robarge states that this is on an abandoned Town Road. D. Eskoff states that we have had several cases in that area and one recently, unlike T. Robarge's, sometimes we do have opposition.

RESOLUTION – T. Robarge, Area Variance

MOTION: D. Eskoff

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals grants the request of Thomas Robarge for an area variance for frontage for property located at 513 Ormsbee Road, Rear, TM#110.-1-10, as follows:

- **250' Road frontage variance**

This approval is based on the following:

- **The Town Board granted an Open Development Area on June 12, 2014 and this approval is based on that granting**
- **Benefit cannot be achieved by any other means feasible to the applicant**
- **No undesirable change to the neighborhood character or to nearby properties**
- **Although the request is substantial, it is necessary for the applicant to be able to access this property and use it**
- **No adverse physical or environmental effects to the property**

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- **Difficulty is not self-created because this is a land locked parcel**

This variance is contingent upon:

- **Legal right-of-way easement that the applicant is seeking and will be getting**
- **Language to be reviewed and approved by the Town Attorney**

VOTE: Ayes: Eskoff, Granger, Sanda, Veitch
Noes: None
Absent: Conard, Szpak

ZACHARY DAKE – AREA VARIANCE

Greene Road

Zachary Dake is present. K. Veitch reviews that the applicant would like to construct a garage and cannot comply with the required front setback due to the existing pond. The applicant needs a variance of 15'. A public hearing is opened at 8:06 p.m. and closed as there is no public comment. D. Eskoff states that the application is very much in order and the SEQRA is not required as this is under 4000 square feet.

RESOLUTION – Z. Dake, Area Variance

MOTION: M. Granger

SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals grants the request of Zachary Dake for an area variance for front setback for property located at 175 Greene Road, TM#125.-2-24.31, as follows:

- **Front setback variance of 15'**

This approval is based upon:

- **Benefit cannot be achieved by any other means given the location of the pond**
- **No undesirable change in the neighborhood character or to nearby properties**
- **It is not a substantial request**
- **No adverse physical or environmental impacts**
- **Not a self-created hardship**

VOTE: Ayes: Eskoff, Granger, Sanda, Veitch
Noes: None
Absent: Conard, Szpak

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

Respectfully submitted,

Rosamaria Rowland
Secretary