

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

June 3, 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, Joseph Szpak, Kevin Veitch and Laura Sanda, Alternate. Taylor Conard and Michelle Granger are absent

May 6, 2014 MINUTES

MOTION: J. Szpak

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of May 6, 2014, as submitted.

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

NEW BUSINESS

GALE & WILLIAM HIKA – Area Variance

Lake Desolation Road

Gale and William Hika are present. J. Szpak reviews G. McKenna's notes. A site plan review will also be required. The applicant is seeking a 1.36 area variance. D. Eskoff asks if this is a county road and therefore will need Saratoga County Planning Board referral. D. Eskoff would like a more detailed drawing of the parking in relation to the building. G. Hika explains that they own the lot next door and they plan to have additional parking in that area.

RESOLUTION – G. & W. Hika, Area Variance

MOTION: D. Eskoff

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals accepts the application of Gale and William Hika for an area variance for property located at 3B Lake Desolation Road, TM#162.8-1-13.2 as complete and sets a public hearing for July 1, 2014 at 7:30 p.m., contingent upon:

- **Receipt of additional map as discussed by June 17, 2014**

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

THOMAS ROBARGE – Area Variance

Ormsbee Road

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Thomas Robarge is present. K. Veitch reviews that this is an area variance for 250' of frontage. D. Eskoff states that the application is in order but she would like better map information. T. Robarge states that it is currently a vacant piece of property. D. Eskoff asks if the applicant has a survey of any kind. T. Robarge states that he has a deed and tax map. There is no power, no water. D. Eskoff asks that the applicant provide a map that shows where the road is in relation to this property. Somewhere there is a road and we have to find the connection that gets a road anywhere near that property. T. Robarge states that it is an abandoned road. T. Robarge shows the Board a larger map. D. Eskoff states that they need something that shows where the actual Town Road ends and the old road begins. T. Robarge states that there is access thru a driveway that is just an old logging road. K. Veitch suggests asking G. McKenna for help with a map. D. Eskoff explains that this application requires an open development area permit from the Town Board. This will be going to the Town Board prior to the next Zoning Board meeting. D. Eskoff states that the right-of-way or easement information will have to be in place preferably with the Town before they give the open development area and before it comes back to the ZBA. K. Veitch asks if the applicant can get that to the ZBA by June 17th. T. Robarge states that there it really is only a wooded lot, there is no road, it is not on a county or state road, it may be difficult to come up with anything.

RESOLUTION – T. Robarge, Area Variance

MOTION: D. Eskoff

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals accepts the application of Thomas Robarge for an area variance for frontage for property located at 513 Ormsbee Road, Rear, TM#110.-1-10, as complete and schedules a public hearing for July 1, 2014 at 7:30 p.m., contingent upon:

- **Lot requires an open development area permit from the Town Board**
- **Right-of-way and/or easement will be determined before it returns to the ZBA for variance approval**

VOTE: Ayes: Eskoff, Sanda Szpak, Veitch

Noes: None

Absent: Conard, Granger

ZACHARY DAKE – AREA VARIANCE

Greene Road

Zachary Dake is present. K. Veitch reviews that the applicant is seeking a front setback variance to build a garage. He cannot make the setbacks because there is a pond. He has 60' and is seeking a variance of 15'. Applicant completed a SEQRA form and R. Rowland will check to see if it is required. Z. Dake states that it is a man-made pond.

RESOLUTION – Z. Dake, Area Variance

MOTION: J. Szpak

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals accepts the application of Zachary Dake for an area variance for front setback for property located at 175 Greene Road, TM#125.-2-24.31 as complete and sets a public hearing for July 1, 2014 at 7:30 p.m.

VOTE: Ayes: Eskoff, Sanda Szpak, Veitch

Noes: None

Absent: Conard, Granger

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OLD BUSINESS

ERIC RUTLAND – Temporary Area Variance

North Creek Road

Larry Rutland, Eric and Donna Rutland are present. A public hearing is opened at 7:46 p.m. and as there are no public comments, closed.

J. Szpak reads from G. McKenna's notes that the applicant is seeking a right side temporary area variance.

RESOLUTION – E. Rutland, Temporary Area Variance

MOTION: J. Szpak

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals approves the application of Eric Rutland for a Temporary Area Variance for property located at 390 North Creek Road, TM# 150.-1-71, as follows:

- **19' temporary right side yard area variance**

This approval is based on the following criteria:

- **No other means feasible to achieve**
- **No undesirable change to the neighborhood**
- **The request is not substantial**
- **No adverse impacts to environment**
- **This is not a self-created hardship in the fact that he is improving the property and will be demolishing an older structure**

VOTE: Ayes: Eskoff, Sanda Szpak, Veitch

Noes: None

Absent: Conard, Granger

CHRIS LAMICA – Area Variance

Braim Road

A public hearing is opened at 7:50 p.m. Phil Carrico, Wilton Road, states that he lives across the street and he is in support of the applicant's effort to improve his property. Zachary Carrico, Wilton Road, states that he supports the applicant's application. There being no further public comments, this public hearing is closed. The Board reviews the application and plans.

RESOLUTION – C. Lamica, Area Variance

MOTION: J. Szpak

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals approves the application of Chris Lamica for an area variance for property located at 997 Braim Road, TM#139.-1-45, as follows:

- **20' 9" left side yard setback variance**

This approval is based on the following criteria:

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- **Plan is well laid out**
- **Benefit cannot be achieved by any other feasible means**
- **No undesirable change to the neighborhood or nearby properties and neighbors are supportive**
- **No adverse physical effects on the environment**
- **This is not a self-created hardship**

C. Lamica questions that this includes the area variance for the front porch. The Board reviews the application and notes that it did request a second variance.

Motion is amended by J. Szpak
Second by D. Eskoff

Applicant is also granted a:

- **43' front yard setback variance**

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

MULLEYVILLE SNOWMOBILE CLUB – Area Variance
Ormsbee Road

The Mulleyville Snowmobile Club has requested postponement.

RESOLUTION – Mulleyville Snowmobile Club

MOTION: J. Szpak
SECOND: D. Eskoff

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 July 1, 2014 meeting based upon their request.

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

G. DAVID EVANS – Area Variance
Plank Road

G. David Evans, Greg Raczkowski and E. Kowalewski are present. Minutes are reviewed and the public hearing was closed at the prior meeting. D. Eskoff reviews the correspondence received on this application: E-mail from Mike Hill regarding speaking with E. Kowalewski and their agreement on easement language, and M. Hill suggests a contingency to any approval based on finalization; E-mail from Mike Chandler regarding satisfaction with improvements made to the easement for fire department access; E-mails from D. Evans and S. Miller; Letter from W. & M. O'Connell in support of application. E. Kowalewski explains the portion of the easement language that he is working on with M. Hill and that they are in agreement.

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D. Eskoff states that she wanted to address D. Evans and S. Miller's correspondence. The Board did appreciate hearing from them and putting into writing an explanation of what happened. She explains that a lot of what transpired is not really the purview of the Zoning Board and some of the things that the ZBA asked for was because they needed to have fire safety in order for this area variance to go thru. That was the main concern after the Town Board declared this an open development area. However, that had to be worked out amongst themselves and neighbors, it is really not the ZBA's area to review, but we are glad that it has been worked out. K. Veitch states that sometimes it is confusing when you come to a meeting like this, you think that all things are pertinent in the decision making and that is not necessarily true. The Board is glad to see that the possible civil issues have been resolved.

RESOLUTION – G. D. Evans, Area Variance

MOTION: J. Szpak

SECOND: E. Eskoff

RESOLVED, that the Zoning Board of Appeals approves the application of G. David Evans for an area variance for frontage for property located at 366 Plank Road, TM# 123.-2-33, as follows:

- **Frontage variance of 250'**

This approval is based on the following criteria:

- **Benefit cannot be achieved by other means**
- **No undesirable change to the neighborhood because of this variance or character of nearby properties, all efforts have been made to mitigate any impacts**
- **No adverse physical or environmental impacts**
- **This is not a self-created hardship**

This approval is contingent upon:

- **Receipt of revised easement language to be reviewed and approved by the Town Attorney**

VOTE: Ayes: Eskoff, Sanda Szpak, Veitch

Noes: None

Absent: Conard, Granger

DISCUSSION

J. Szpak states, for the D. Evans application, that the variance was for the 250' frontage. The adverse impact that was mitigated wasn't really caused by the variance, it was caused by the access. D. Eskoff states that it was caused by the process of them trying to get to the ZBA to get a variance. She states that she would like us to consider at some point, as a Board, because these cases were somewhat difficult, contentious and got to the ZBA at a stage where things should have been dealt with prior to coming to the ZBA. More and more of these may be coming up, and we have another coming up now, that we may have to consider asking the Town Board to look more carefully at the procedure of dealing with ODA cases. Many towns have made a very formal procedure for dealing with them. They have a separate application, they have separate requirements. It just allows everyone to go thru a check list, make sure the Town has everything, so that by the time it gets to the ZBA, we are just simply giving an area variance, because there really is not much else that the ZBA can do. K. Veitch asks R. Rowland to get that request to the Town Board. D. Eskoff states that because the Town is looking at zoning, she thinks it benefits the town, it benefits the people who own property in town and it makes the process easier and less contentious because the ZBA does not want to be on the other end of something slipping thru the cracks. K. Veitch states that as

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we are still on the record here, we are making an official request. D. Eskoff states that she has pulled up other towns just to try to see what they are doing with these, because it felt very jarring to come in to see this much contention over the fire department, easements, lack of understanding of who the ZBA is, of who the Town Board is, of who makes what decisions, etc. Maybe if there is a better, clearer process it would make it easier for the Town and the public.

Meeting adjourned 8:12 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary