

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

**July 7, 2015**

**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 is absent.

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**June 2, 2015 MINUTES**

MOTION: J. Szpak

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of June 2, 2015, as submitted.

**VOTE:** Ayes: Eskoff, Sanda, Szpak, Veitch

Noes: None

Absent: Conard

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**PUBLIC HEARING**

K. Veitch opens a public hearing at this time for Friday/Saratoga Escape for a 24 square foot sign variance for property located at 265 Brigham Road at 7:35 p.m. There being no public comments, this public hearing is closed.

**NEW BUSINESS**

**UMH NY BROOKVIEW MHP, LLC – Area Variance**

Case#951, NYS Route 9N

Attorney David Engle and Peter Kelleher, engineer, are present for the application. D. Engle reviews that approximately 10 years ago, the applicant sought to enlarge this mobile home community. It was approved by the Planning Board in 2007 with a density of 10,500 square feet per unit. The applicant also obtained approvals from DOH, DOT, DEC, etc. and began site development in 2007. With the down turn in the economy, the project came to a halt in 2008 and has been in a state of suspended animation. The Code changed in 2007 to require 10,500 square feet per unit. He states that UMH has a tradition of upgrading its communities to the highest standards possible; however, it is not feasible to observe these stricter requirements. The applicant is seeking a ruling from the ZBA to proceed under the code under which they were originally approved. J. Szpak questions that D. Engle meant to state that the previous code was less than the 10,500 square feet. D. Engle states that the previous code required an overall density of 10,500 square feet per unit and the new code requires each mobile home lot to be 10,500 square feet. P. Kelleher states that they have proceeded with all required mitigation measures. D. Eskoff asks the secretary if it is possible to get a copy of the code language under which this was initially approved. L. Sanda requests that the applicant provide a map of the expansion area to be added to the application. D. Engle states that they do have the plans and will submit them. P. Kelleher reiterates that this met the code in 2007.

**RESOLUTION – UMH NY BROOKVIEW MHP, LLC, Area Variance**

MOTION: J. Szpak

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals accepts the application of UMH NY Brookview

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MHP, LLC for an area variance for property located at 2025 NYS Route 9N, TM#151.-2-7 as complete and sets a public hearing for August 4, 2015 at 7:30 p.m., contingent upon receipt of the following information by July 21, 2015:

- **Map of the site layout**

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

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**COLIN & LISA QUINN – Area Variance**

Case#952, Lake Desolation Road

Colin Quinn and Tonya Yasenchak, engineer, are present for the application. T. Yasenchak states that this is pretty straight-forward. The applicants would like to build a 26 x 40, 4 stall garage as they have collectible cars, with an in-law apartment above. The apartment would be for C. Quinn's in-laws who visit in the summer, but reside in Florida. Access to the apartment would be thru the living room of the house. T. Yasenchak states that she provided a map of the area as they are requesting an area variance for the overall size of the lot; to show that it is consistent with the area; and that this lot is larger than most. She states that they will be able to fit a septic system on the lot without impacting any other wells. The lot is .49 acres and 6 acres are required. Since this is a corner lot it is considered to have two fronts and two sides, therefore front setback variances of 42' and 41' are requested; and 1 side setback variance of 30' is requested. The house is existing on the lot so the other side would not require a variance. T. Yasenchak reiterates that this is consistent with the density and the character of the area, there should be no detrimental environmental effects. D. Eskoff requests a copy of the house plan showing the entrances. J. Szpak asks about obstruction of views. T. Yasenchak explains the surrounding area and states that they can provide photos.

**RESOLUTION – C. & L. Quinn, Area Variance**

MOTION: J. Szpak

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals accepts the application of Colin and Lisa Quinn for area variances for property located at 493 Lake Desolation Road, TM#135.12-2-1 as complete and sets a public hearing for August 4, 2015 at 7:30 p.m., contingent upon receipt of the following information:

- **House layout showing entrances**
- **Information regarding views**

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

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**OLD BUSINESS**

**J. FRIDAY for SARATOGA ESCAPE – Area Variance**

Case#950, Area Variance

Joe Friday is present for Saratoga Escape. K. Veitch explains that the pre-existing, non-conforming sign is to be replaced however it will remain in the same place and be the same size. J. Friday confirms that they will be taking the posts out which are currently only sitting in the ground; replacing them with 4 x 4 posts which are cemented into sono tubes and then putting the sign back. It is a single sided sign which faces Brigham Road. Actually, the new sign is a bit smaller because of the change to the logo. R. Rowland states that a question arose at the Planning Board meeting as to whether the sign is lit. J. Friday states that it is not.

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There is a light post which is set back from the sign and uses two 30 watt bulbs. It is not intended to directly illuminate the sign. J. Szpak states that although it is a substantial sign variance, it is appropriate for the use as a park/lodge/resort and not out of place. It would be abnormal if the sign met the current requirements. They are not asking to go any larger than the existing sign. K. Veitch states that safety issues could be considered if this were brought down to the required size as someone looking for the campgrounds could miss the entrance. He agrees that the sign is already there and does not see harm in allowing it to remain. He suggests sending a note to the committee reviewing the zoning code suggesting that they look at the sign requirements and allow for some flexibility. D. Eskoff agrees with the comments made, that the new sign will blend in with the environment and that it is not internally lit. L. Sanda comments that it is also 30' off the road according to the plan submitted so it will not obstruct sight distance. J. Friday states that the height will also appear lower because of the flower bed that is around the sign and that actually, Brigham Road is at a higher elevation.

**RESOLUTION – J. Friday for Saratoga Escape, Area Variance**

MOTION: J. Szpak

SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals grants the request of Joe Friday for Saratoga Escape for an area variance for a sign for property located at 265 Brigham Road, TM#126.-1-81., as follows:

- **24 square foot area variance for entry sign replacement**

This approval is based on the following criteria:

- **Benefit cannot be achieved by other means**
- **No undesirable change to the neighborhood character or to nearby properties**
- **No adverse physical or environmental effects**
- **Difficulty is not self-created**
- **This is an upgrade to a pre-existing, non-conforming condition**
- **The area geography warrants a larger sign**

VOTE: Ayes: Eskoff, Sanda, Szpak, Veitch

Noes: None

Absent: Conard

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**STEWART'S SHOPS #360 – Area Variance**

Case#945, Middle Grove Road

K. Veitch reviews that this is a request for an area variance for signs and for internal illumination. There are already pre-existing, non-conforming signs. Chad Fowler and Ryan Roubideaux are present for the applicant. C. Fowler states that Stewart's is changing the signs on their 331 shops due to the new logo. He explains that the signs have been at the Middle Grove Stewart's since 1994; he explains which signs are currently there and that they will be eliminating 2 signs on the canopy and keeping the one on the building which is being reduced in size. The free standing sign will be getting a new face only, the posts will remain. The LED will be for the gas prices, which has become a standard in the industry and it will make it easier to change the prices from inside the store vs. an employee standing on a ladder or changing the signs with a pole. D. Eskoff asks the height of the sign. C. Fowler states that it is 14' and will remain the same. D. Eskoff asks if the timer has been adjusted. C. Fowler states that they did find that there was a broken timer, as per the letter they submitted. Mr. & Mrs. Wilcox, neighboring property owners, have noticed the change. C. Fowler explains that the lights will really only be off for about 3 hours. They were not aware that there was a problem. D. Eskoff asks about the levels of intensity. C. Fowler states that they will be going the middle of the road, a medium setting, and that it is not adjustable such as on a dimmer switch. K. Veitch questions the lighting of the building sign. L. Sanda states that the plans submitted explains where there will

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be LED and where the fluorescents will remain. R. Roubideaux explains that the older signs are being retrofitted with the LEDs. L. Sanda questions that the illumination will be about the same. C. Fowler states that it will be and explains that they will be saving on energy. The existing sign is looking a little rough.

K. Veitch reopens the public hearing at 8:13 p.m. and closes it as there are no public comments. K. Veitch reviews that these are pre-existing, non-conforming signs, the applicant has made concessions, they will be removing two canopy signs, the signs on the building are getting smaller and being relocated. He states that one of the things he has noticed is that the free standing sign is off the road quite a bit and due to the trees, you don't see it very clearly. He does not believe there will be a change in the visual impact of that sign. D. Eskoff states that due to the placement on the building, that sign may also be less visible. L. Sanda states that she feels that these signs are applicable for this type of business; the internal illumination makes the sign easier to be seen; due to the changes there will be less square footage of overall signs and the illumination will be similar to what is there now. K. Veitch states that the ZBA should send a note to the Zoning Code change committee to review the current sign ordinances. J. Szpak reviews that the applicant will need a 22 square foot variance for the freestanding sign and an 8' height variance; and the building sign will need a 7 square foot variance.

### **RESOLUTION – Stewart's Shops #360, Area Variance**

MOTION: J. Szpak

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals grants the request of Stewart's Shops #360 for area variances for signs for property located at 465 Middle Grove Road, TM#162.12-1-6, as follows:

- **Building sign – 7 square foot variance**
- **Free standing sign – 22 square foot variance**
- **Free standing sign – 8' height variance**
- **Variance granted to allow for internal illumination**

This approval is based on the following criteria:

- **Benefit cannot be achieved by other means**
- **No undesirable change to the neighborhood character or to nearby properties**
- **Request will not have adverse physical or environmental effects**
- **Difficulty is not self-created**
- **This is an upgrade to the pre-existing, non-conforming condition**
- **The request is somewhat substantial but conditions are mitigated as follows: two signs are being eliminated on the canopy so there are less total signs and the size of the building sign is being reduced**

VOTE: Ayes: Eskoff, Sanda, Szpak, Veitch

Noes: None

Absent: Conard

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### **STEWART'S SHOPS #310 – Area Variance**

Case #947, NYS Route 9N

K. Veitch reviews that these are pre-existing, non-conforming, internally illuminated signs. The building sign will be getting larger by one square foot and the total height of the free standing sign is 11'5", which will remain the same. D. Eskoff asks if the store signs are made in specific standard sizes. C. Fowler confirms this. He explains that this store has been at this site since 1992 and that Stewart's was originally a tenant and then purchased the property. K. Veitch questions that they then inherited the sign. C. Fowler explains that the 'swish' on the new logo is what requires the additional size. He states that they checked the

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outside lighting and that nothing was defective. D. Eskoff asks if all the shops have the same hours. C. Fowler states that they do not, some are open 24 hours.

K. Veitch reopens the public hearing at 8:30 p.m. and closes it as there are no public comments. J. Szpak questions how the size requirement applies since all the tenants are listed on the free standing sign. R. Rowland states that she believes it is the same size – 10 square feet for the entire sign. J. Szpak states that this is a substantial request, but these are upgrades. Discussion takes place that it would be difficult to read the sign if it were made smaller due to the number of businesses that are listed and could also cause traffic issues. D. Eskoff states that there has been no public opposition to the signs. K. Veitch states that there will be no change to the character of the neighborhood. D. Eskoff states that there will be a one square foot change to the building sign due to the logo and that this is the smallest standard size that is made.

**RESOLUTION – Stewart’s Shops #310, Area Variance**

MOTION: J. Szpak

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals grants the request of Stewart’s Shops #310 for area variances for signs for property located at 2532 NYS Route 9N, TM#138.3-1-34, as follows:

- **Building sign – 7 square foot variance**
- **Free standing sign – 70 square foot variance**
- **Free standing sign – 5’5” height variance**
- **Variance granted to allow for internal illumination**

This approval is based on the following criteria:

- **Benefit cannot be achieved by other means**
- **No undesirable change to the neighborhood character or to nearby properties**
- **Request will not have adverse physical or environmental effects**
- **Difficulty is not self-created**
- **This is an upgrade to the pre-existing, non-conforming condition**
- **The request is somewhat substantial but this will be an upgrade to current non-conforming conditions, there is no public opposition to the proposal or to the previously non-conforming conditions; the sign is used for multiple business; the sign would be difficult to read at 55 mph if the size were reduced and could cause safety concerns**

VOTE: Ayes: Eskoff, Sanda, Szpak, Veitch

Noes: None

Absent: Conard

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**DISCUSSION**

J. Szpak questions the outcome of the Zeh application. R. Rowland states that it was approved; however, it may be coming back to the ZBA as there was an issue with plotting the house.

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Meeting adjourned at 8:39 p.m.

Respectfully submitted,

Rosamaria Rowland  
Secretary