

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

August 1, 2017

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Denise Eskoff, Chair, at 7:30 p.m. On roll call the following members are present: Denise Eskoff, Curt Kolakowski, Joe Szpak, and Neil Toussaint, Alternate. Laura Sanda and Andrew Wine are absent.

D. Eskoff states that L. Sanda will be arriving later and that A. Wine will not be able to attend due to a schedule conflict, therefore, N. Toussaint, Alternate, will serve as full voting member for this meeting.

July 5, 2017 Minutes

At this time, the Zoning Board of Appeals requests to wait until the end of the meeting to review and vote on the July 5, 2017 minutes.

OLD BUSINESS

PUBLIC HEARING

**Conlon, J. Case# 984
TM# 100.-2-7**

Area Variance

John Conlon is present as the applicant. D. Eskoff states that this is a Public Hearing for the project. There being no one present from the public to speak for this case and there being no correspondence, D. Eskoff opens and closes the public hearing at 7:33. D. Eskoff states that the ZBA will now review this case. J. Szpak states that the applicant would like to move the existing carport six (6) feet to build a mudroom. D. Eskoff states that is correct. J. Szpak states that he has forty four (44) feet and needs fifty (50) feet, so J. Conlon is looking for a six (6) foot variance. D. Eskoff states correct, the applicant is requesting a six (6) foot right side yard variance. D. Eskoff states that this a straight forward case and thanks Mr. Conlon for coming forward with his request and that not everyone does so, especially on smaller request, though they are required to do so no matter the size. D. Eskoff asks the Board if they have any questions for Mr. Conlon. The Board states no.

RESOLUTION: J. Conlon, Area Variance

MOTION: J. Szpak

SECOND: C. Kolakowski

RESOLVED, that the Zoning Board of Appeals hereby grants an Area Variance for Case# 984, TM# 100.-2-7, 32 Cohen Road, for six (6) feet based on the following:

- There is no significant undesirable change to the neighborhood.
- The request is not substantial.
- There are no adverse physical or environmental effects.
- The alleged difficulty is not self-created given the pre-existing non-conforming condition.
- The benefit cannot be achieved by any other feasible means.

VOTES: Ayes: D. Eskoff, C. Kolakowski, J. Szpak, N.Toussaint
Noes: None
Absent: L. Sanda, A. Wine

Heritage, T. & S. Case# 965
TM# 98.-2-37.2

Area Variance Extension

Tammey and Scott Heritage are present for the application. D. Eskoff explains that T. & S. Heritage were granted an Area Variance and it will expire on August 2, 2017 and they were also granted a Temporary Use Variance for their existing home at the same time that will also expire on August 2, 2017 and they are looking for an extension for one (1) year for both prior to the current variances expiring. S. Heritage states that they had everything ready with the original manufactured home company but the company raised the price \$17,000.00 so they had to start all over again. S. Heritage states that they finally found a company and time has just ran out for them. D. Eskoff reads the original Area Variance and the accompanying Temporary Use Variance that was granted on August 2, 2016 to the board for consideration.

RESOLUTION: T. & S. Heritage, Area Variance

MOTION: J. Szpak

SECOND: C. Kolakowski

RESOLVED, that the Zoning Board of Appeals hereby grants Tammey and Scott Heritage a one (1) year extension of the existing Area Variance for the construction of a new home for property located at 45 Tannery Hill Road, TM#98.-2-37.2, as follows:

- Left side yard setback variance of 23'
- Right side yard setback variance of 23'

This approval is based on the following criteria:

- The request will not have any adverse physical or environmental effects
- The benefit cannot be achieved by other means feasible to the applicant.
- This will be an upgrade to the neighborhood as this will be a new structure.
- This is a pre-existing non-conforming lot.
- The difficulty is not self-created

VOTE: Ayes: D. Eskoff, C. Kolakowski, J. Szpak, N.Toussaint

Noes: None
Absent: L. Sanda, A. Wine

RESOLUTION: T. & S. Heritage, Temporary Use Variance

MOTION: J. Szpak

SECOND: C. Kolakowski

RESOLVED, that the Zoning Board of Appeals hereby grants a one (1) year extension of the existing Temporary Use Variance to Tammy & Scott Heritage to live in their existing mobile home during the construction of a new home for property located at 45 Tannery Hill Road, TM#98.-2-37.2, contingent upon:

- Mobile home to be removed 60 days after receipt of Certificate of Occupancy

VOTE: Ayes: D. Eskoff, C. Kolakowski, J. Szpak, N.Toussaint
Noes: None
Absent: L. Sanda, A. Wine

Laura Sanda arrives at 7:43 p.m.

NEW BUSINESS

**Bailey, K. (Jenks, S.) Case# 987
TM# 125.-1-1**

Area Variance

Kevin Bailey, the Applicant/Agent and Sharon Jenks, property owner, are present. D. Eskoff states that this is a request for an area variance for ground mounted solar in MDR-2. The size of the lot involved is .83 acres but requires three (3) acres for ground mounted solar so the applicant would need a variance of 2.17 acres. J. Szpak asks if we have photos. K. Bailey states no but he will get them to the Board. D. Eskoff states that all solar must go through the Planning Board also. J. Szpak asks the Board if everyone ok with the application. D. Eskoff asks if they can describe the project further. S. Jenks explains that the front of her property is very shaded the only sunny part of the property is in the back where they are seeking to put in the ground mounted solar panels. S. Jenks states that the home has been there since 1944. D. Eskoff states that their neighbors will be notified. K. Bailey provides some dimensions of the solar panels. C. Kolakowski states that he would like pictures. S. Jenks states that she has them on her phone but has no way of printing them out. D. Eskoff asks K. Bailey if he can assist his clients with the photos. K. Bailey states that he will provide them.

RESOLUTION: Bailey, K. (Jenks, S.), Area Variance Application

MOTION: J. Szpak

SECOND: N. Toussaint

RESOLVED, that the Zoning Board of Appeals accepts the application of Kevin Bailey (S. Jenks) for an area variance for property located at 4017 NYS Route 9N, TM# 125.-1-11, contingent upon providing pictures of the property to be submitted to the ZBA/Building Department by August 22, 2017. A Public Hearing is set for September 5, 2017.

VOTE: Ayes: D. Eskoff, C. Kolakowski, L Sanda, J. Szpak,
Noes: None
Absent: A. Wine

**Bailey, K. (M. & K. Gaschel) Case# 988
TM# 163.-2-8.112**

Area Variance

Kevin Bailey, the Agent Applicant and Matthew and Kristina Gaschel, property owners, are present for the application. D. Eskoff states that this is also for an area variance for ground mounted solar and this property is located in MDR-1 with Code requiring 150 feet of road frontage. D. Eskoff states that the applicant has 53.64 feet of frontage and would need a variance for 96.36 feet. K. Bailey states it is new construction. D. Eskoff states that the application seems to be complete as written. C. Kolakowski states that he would like to see photos for this project also. J. Szpak states that he would like pictures showing views from the house from the east. D. Eskoff asks if there any other neighboring buildings. K. Bailey states that he is unsure. L. Sanda states that she would like the applicant to provide an aerial map and they can go to the Saratoga County for help if you need it. D. Eskoff states that any map would be helpful. M. & K. Gaschel state that they have some photos on their phone. D. Eskoff asks K. Bailey if he can assist his clients with the photos for this case also. K. Bailey states that he will provide photos.

RESOLUTION: Bailey, K. (Gaschel M. & K.), Area Variance Application

MOTION: J. Szpak
SECOND: C. Kolakowski

RESOLVED, that the Zoning Board of Appeals accepts the application of Kevin Bailey (Gaschel M. & K.) for an area variance for property located at 50 Sand Hill Road, TM# 163.-2-8.112, contingent upon map(s) and photos to be submitted by August 22, 2017. A Public Hearing is set for September 5, 2017.

VOTE: Ayes: D. Eskoff, C. Kolakowski, L Sanda, J. Szpak,
Noes: None
Absent: A. Wine

**Vanderzee, D. Case# 985
TM# 137.-2-49**

Area Variance

George Smith is present for the Applicant, David Vanderzee. D. Eskoff explains the she has spoken to Town Counsel regarding the Authorization of Agent process that although a Power of Attorney signed by D. Vanderzee was submitted to the Building Department authorizing G. Smith as Agent, that Power of Attorney is not a substitute for the required Town of Greenfield *Authorization of Agent* form and that it still needs to be completed. D. Eskoff

explains what is necessary to complete the form for the case to move forward. D. Eskoff also states that a SEQRA review will need to be done and the lead agency for SEQRA is generally the Planning Board. G. Smith asks what SEQRA is and D. Eskoff refers to the State Environmental Quality Review Act form that the applicant submitted with the variance application. D. Eskoff states that while the applicant/agent have already completed and submitted a SEQRA form as part of their application, G. Smith should review the form again to make sure it covers all involved parcels. D. Eskoff asks if G. Smith if can attend the August 8, 2017 Planning Board Workshop meeting. G. Smith states that he can. D. Eskoff states that she has spoken to the Planning Board Chair and this being a referral from the ZBA the applicant/agent will not need to have everything that is normally required to the Planning Board two weeks prior to the August 8 Workshop meeting. The purpose of G. Smith attending the Workshop meeting on August 8th is for the Planning Board to address their requirements with the applicant/agent. D. Eskoff states that ZBA will provide G. Smith and D. Vanderzee with a list of the ZBA's requirements, including those that are outstanding, as discussed tonight as well as submission deadlines. J. Szpak states that at a Planning Board Workshop meeting they will go through SEQRA and make sure there aren't any adverse environmental effects on the property. D. Eskoff states that there are significant wetlands on the rear landlocked property that the variance application before them is seeking to access and there are also wetlands on portions of the National Grid/Niagara Mohawk land that separates the applicant's front and rear parcels. D. Eskoff states that the Planning Board will need a current Wetlands Delineation Map, probably within five years. L. Sanda states that Army Corp is usually good for three years and that G. Smith should get a hold of Army Corp and find out what they need to do. L. Sanda states that DEC is online so they can find the DEC information that way. D. Eskoff states that if it turns out that the applicant/agent do not have a current map and need to have one done it could delay the process longer. D. Eskoff reviews with the Board that D. Vanderzee is trying to make a keyhole lot and that they are seeking to cross through a bordering lot owned by National Grid in order to access a large landlocked rear parcel. D. Eskoff states that, should this case move forward, the applicant will at some point in the future, per Town Counsel, need to provide the Town with a draft of any written easement from National Grid to be approved by Town Counsel prior the signage of any such easement. G. Smith states that he has a verbal agreement with National Grid and was hoping that is good enough and would like to take it one step at a time. D. Eskoff states that the Board will address the need for a written easement again in the future if and when the case moves forward.

RESOLUTION: D. Vanderzee, Area Variance Application

MOTION: D. Eskoff

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals hereby postpones the application of David Vanderzee & Over the Hedges Farms, LLC, Case #985 for an Area Variance for TM# 137.-2-49 and refers this case to the Town of Greenfield Planning Board to serve as Lead Agency for the State Environmental Quality Review Act (SEQRA) review of this proposed project, contingent upon the following requirements:

- The Applicant submit a signed Authorization of Agent form for Case #985 for the second owner of the parcel, Over the Hedges Farms, LLC in order to complete the Variance Application. The signed Authorization of Agent form is to be submitted to the Building Department by August 15, 2017 so that a completed Application can be referred to the Planning Board. The Power of Attorney that was submitted by the Applicant is not a substitute for the Building Department's Authorization of Agent form that is contained within the Application.

- The Applicant submit verifying documentation for the Power of Attorney form submitted to the Building Department/Zoning Board of Appeals by David Vanderzee by providing a copy of the Articles of Organization for Over the Hedges Farms, LLC that show David Vanderzee's authority to sign for and authorize Power of Attorney for the LLC as either Managing Member or Sole Member of the LLC. The verifying documentation, for this purpose, shall also be submitted to the Building Department by August 15, 2017 and be approved by Greenfield Town Counsel prior to this case moving forward to Planning Board for SEQRA review.
- All authorization forms required by the Zoning Board of Appeals, including the already submitted Power of Attorney form, the required Authorization of Agent form for Over the Hedges Farms, LLC and Articles of Organization for Over the Hedges Farms, LLC, shall be shared with the Planning Board for their purposes.
- The Zoning Board of Appeals defers this project to the Planning Board to serve as Lead Agency for SEQRA review purposes prior to any further action or review by the Zoning Board of Appeals. The case will be returned to the Zoning Board of Appeals for continued Area Variance Application consideration after the Planning Board has made a final SEQRA determination on the case.
- In order for the Planning Board to make a SEQRA determination, the Applicant shall submit to the Building Department/Planning Board a completed SEQRA Application that covers the entire project area to be affected, including all involved parcels, by August 15, 2017.
- The Applicant shall also submit a current corresponding Wetlands Delineation Map for the project area to the Building Department/Planning Board as part of the SEQRA Application review. The Applicant should attend the workshop meeting of the Planning Board on Tuesday, August 8, 2017 for information and any further requirements by the Planning Board.

VOTE: Ayes: D. Eskoff, C. Kolakowski, L Sanda, J. Szpak,
 Noes: None
 Absent: A. Wine

Szpak, J. Case# 989
TM# 164.-1-83.112

Area Variance

Joseph Szpak is present for the application and recuses himself from the Board for this case. J. Szpak addresses the Board and states that he wants to add a carport to an existing garage. D. Eskoff asks what is on either side of the garage now. J. Szpak states that you can't see anything on either side of the garage. J. Szpak states that he had an area variance granted by the ZBA in 2002. D. Eskoff states that J. Szpak is looking for a fifteen foot variance at this time. J. Szpak concurs. D. Eskoff states that she would like some photos, one showing towards the hill and one looking toward the road. J. Szpak states he will provide photos. L. Sanda asks J. Szpak if he did not finish the project when the original variance was approved. J. Szpak states that he did not and that his present request is for a lesser variance amount than was originally requested and granted.

RESOLUTION: Szpak, J., Area Variance Application

MOTION: C. Kolakowski
SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals accepts the application of Joseph Szpak for an area variance for property located at 24 Lester Park Road, TM# 1164.-1-23.112, contingent upon the receipt of the requested photos to the ZBA/Building Department, including a photo of the property towards the hill and a photo looking toward the road, to be submitted by August 22, 2017. A Public Hearing is set for September 5, 2017.

VOTE: Ayes: D. Eskoff, C. Kolakowski, L Sanda, N.Toussaint
Noes: None
Absent: A. Wine
Abstain: J. Szpak (Recused)

July 5, 2017 Minutes

MOTION: J. Szpak
SECOND: C. Kolakowski

RESOLVED, The Zoning Board of Appeals waives the reading of and accepts the July 5, 2017 minutes as written with minor corrections.

VOTES: Ayes: D. Eskoff, L. Sanda, J. Szpak, C. Kolakowski, N. Toussaint
Noes: None
Absent: A. Wine

Meeting adjourned at 8:17 p.m. All members in favor.

Respectfully submitted,

Kimberley McMahon