

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

May 2, 2017

REGULAR MEETING

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

MINUTES:

March 7, 2017 Minutes

MOTION: J. Szpak

SECOND: C. Kolakowski

RESOLVED, The Zoning Board of Appeals waives the reading of and accepts the March 7, 2017 minutes with one minor correction.

VOTES: Ayes: D. Eskoff, L. Sanda, J. Szpak, C. Kolakowski, and A. Wine

Noes: None

Abstain: None

April 4, 2017 Minutes

MOTION: J. Szpak

SECOND: L. Sanda

RESOLVED, The Zoning Board of Appeals waives the reading and accepts the April 4, 2017 minutes with minor corrections.

VOTES: Ayes: D. Eskoff, L. Sanda, J. Szpak, C. Kolakowski

Noes: None

Abstain: A. Wine

NEW BUSINESS

**Garden Homes/ Park Place
Case # 982**

**Area Variance
TM# 137.-2-8.1**

Applicant is requesting a fourteen foot Area Variance for a sign in the MDR-2 district. Tom O'Brien and Blake Phillipi were present for the application. D. Eskoff states that they have to sign the signatory page in order for the ZBA to accept the application. D. Eskoff asks if all the signs at all of their properties are the same size. T. O'Brien responds that yes they are except for Bennington Vermont where they have stricter requirements. D. Eskoff states that Greenfield also has strict signage requirements. Board discusses sight distance, speed limit, and distance

from the ground to the bottom of the sign. D. Eskoff states that the proposed sign size is twenty feet and are allowed 6 square feet and would require a variance of fourteen square feet. L. Sanda requests for pictures from the road by May 23, 2017. T. O'Brien states that they purchased the parks a year and a half ago, and they are changing and upgrading the parks including the signage. D. Eskoff states that when you go to each town you have to abide by the town's codes or get a variance. D. Eskoff asks if they have ever had to make smaller signs, or do you just prefer to stick with this size. D. Eskoff also asks if all the ones they have done have been this size. T. O'Brien states that they definitely want to follow the law. J. Szpak asks if that is a size and setback request. D. Eskoff states that we do not have setback requirement per se for signs. D. Eskoff states that unless the Code enforcer has an issue, I think we are looking just at a size variance but will check with our Codes Enforcer. T. O'Brien asks if the board wants them to measure where they are off the road. D. Eskoff states that would be helpful. T. O'Brien states that he would like to do the same for both signs. D. Eskoff states that T. O'Brien does not know what the right of way was. L. Sanda explains it's really a sight distance issue and it can't be within the town or the county's right of way. And it can't be a sight distance obstruction. L. Sanda states that if you are putting this back where the existing signs are it would help us if we had pictures at the road going where the sign is. L. Sanda states a picture of the sign and whatever is around that area. L. Sanda states that it needs to be the Zoning Department two weeks prior to meeting. L. Sanda states that we need the distance from the ground to the bottom of the sign. D. Eskoff states that would be setting a Public Hearing for June 6, 2017 for these cases.

**Garden Homes/ Della Park
Case #981**

**Area Variance
TM# 124.-3-35**

The same Applicant is also requesting a ten foot area variance in the Town Center District. The proposed sign is 20 square feet, 10 square feet is allowed. Board requests that pictures from the road for this sign area also to be submitted by to the Zoning Department by 5/23/2017. D. Eskoff reminds the board that these sign locations are in two different districts with different variance requirements.

MOTION: J. Szpak
SECOND: C. Kolakowski

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

RESOLUTION : Garden Homes/ Park Place & Garden Homes /Della Community

RESOLVED, that The Zoning Board of Appeals accepts the applications for Case # 981 TM# 124.-3-35 & Case # 982 TM# 137.-2-8., for area variances for signage contingent upon receipt of photos and requested materials by May 23, 2017 to the Zoning Department. Public Hearings for these cases are both set for June 2, 2017.

OLD BUSINESS

**Gage, C
Case# 977**

**Area Variance
TM# 137-2-27.112**

Carl Gage is present for the application. D. Eskoff opens the Public Hearing at 7:45 and asks if there any correspondence for this case. K. McMahon states that there is none. D. Eskoff asks if there anyone hear from the public that would like to speak regarding this case. There being no one, D. Eskoff closes the Public Hearing at 7:46 p.m. D. Eskoff states that Mr. Gage wants to build a garage in line with existing driveway and will require an area variance he has a side yard setback of eighteen feet and will require a variance of seventeen feet. D. Eskoff states he is in MRD2 District. J. Szpak states that C. Gage already has paved drive. C. Kolakowski states the lot vacant. J. Szpak states that it is somewhat substantial. Because it is close to the house. D. Eskoff states that it will cost him more to move the driveway to build the garage. A. Wine asks next to the walk between the drive and the house is it grass or gravel C. Gage states grass. L. Sanda D. Eskoff states that if you look at the picture it is from the base of the driveway it's a shallow area to begin with. L. Sanda asks if he has approximately thirty six or thirty five feet from house to the garage. C. Gage states correct. J. Szpak states that he feels it's a good spacing use. Of the property. D. Eskoff asks where the septic and well is. C. Gage states that the septic is in front well are/would be behind the garage. C. Gage states that he just does not want to move the garage.

MOTION: J. Szpak

SECOND: C. Kolakowski

VOTES: Ayes: D. Eskoff, L. Sanda, J. Szpak, C. Kolakowski, A. Wine

Noes: None

RESOLUTION: C. Gage Area Variance

RESOLVED, that The Zoning Board of Appeals approves the application for an area variance of seventeen feet for a garage at 218 Bockes Road TM# 137.-2-27.112 based on the following:

- The benefit cannot be achieved by any other feasible means
- No undesirable changes to the neighborhood or character to the nearby properties
- Size of lot in relation to new garage is somewhat small and there are no other dwellings close by to the new garage area
- No adverse or physical effects
- Not self-created given the pre-existing lot size

Cochran, D
Case# 978, & 978-2

Area Variance
TM# 136.-1-55.1

Daniel Cochran and Heidi Montaro are present for the application. D. Eskoff opens Public Hearing for this case at 7:52 p.m. D. Eskoff asks if there is anyone here to speak regarding this case. There being no one present for the Public Hearing, D. Eskoff closes the Public Hearing at 7:53 p.m. D. Eskoff asks if there is any correspondence on this case. K. McMahon states there is none. D. Eskoff states they are just going to go back to both cases

because we were only able to accept the second half of it at our last meeting and if you review the minutes from April it has a good part of what the discussion. J. Szpak was very involved in the discussion. L. Sanda believes the summary was to not relocate the property line and try to create a driveway separately if there was going to be environmental impact doing so moving the property line was a better option all around. D. Eskoff states that we have two variances involved but they actually go together for 342 Lake Desolation Road, one is the left side yard of 39.9 feet and they require 50 feet. The variance is 10.7 feet for the second property which is the Veitch property and that needs the right side variance for thirty feet because they have twenty feet and the setback is fifty feet.

MOTION: J. Szpak
SECOND: C. Kolakowski

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

RESOLUTION: D. Cochran Area Variances

RESOLVED, that The Zoning Board of Appeals approves the applications for the two area variances for 342 Lake Desolation Road for 10.7 feet and the second variance for 330 Lake Desolation Road for thirty feet.

- The benefit provided eliminates the need for shared driveway and eliminates disturbing the natural environment and no other feasible way to achieve that.
- No undesirable change to the neighborhood or nearby properties
- Request is somewhat substantial but, provides the best long term solution for both the current owner and any future owners.
- No adverse physical or physical effects.
- This action will improve any past self-created difficulties.

Piper, P
Case # 980

Area Variance
TM# 138.-2-9

Patrick Piper and Scott Masse are present for the application. D. Eskoff states that we have a Public Hearing for this case. D. Eskoff states that the applicant would like to subdivide one six acre lot from an existing 43.52 acres due to lack of road frontage and an area variance is required. He has one hundred and ninety two feet of road frontage and he requires two hundred and fifty feet for a key hole lot. He needs a variance of fifty eight feet. D. Eskoff opens and closes the Public Hearing at 7:57 there being no one else present for this case. D. Eskoff asks if there is any correspondence. K. McMahon states there is none. P. Piper states that he owns 43.52 acres and wishes to sell six acres and states that he was asked to provide picture and does so. The first photo is of looking North of the proposed driveway and the second one is of looking south of the proposed driveway. P. Piper explains the photos and where they belong. D. Eskoff states that they have one hundred and ninty two feet of road frontage. L. Sanda asks anyone lives across the street. P. Piper states there is its vacant the Boy Scouts own it. D. Eskoff states that we have gone through different cycles and have preexisting nonconforming houses. D. Eskoff states that the character of the neighborhood and that's what she was trying

to establish even in certain areas whether it be LDR, MDR, there is still certain character to certain neighborhoods.

MOTION: J. Szpak

SECOND: C. Kolakowski

VOTES: Ayes: D. Eskoff, L. Sanda, J. Szpak, C. Kolakowski, A. Wine

Noes: None

RESOLUTION: P. Piper Area Variance

RESOLVED, that The Zoning Board of Appeals approves the application for an area variance for a key whole lot frontage of fifty eight feet based on the following:

- The benefit cannot be achieved by any other feasible means.
- There is no undesirable change to the neighborhood consistent with the character of the neighborhood
- The request is not substantial given the needs/nature of the property
- There are no adverse physical or environmental effects
- The situation is not self-created given the nature of the lot

**Royal Rhino
Case # 974**

**Area Variance
TM# 164.-1-40**

Kevin Perrotte is present for the applicant. D. Eskoff states that they closed the Public Hearing and this case was postponed because the board requested a response from the Applicant by the last meeting and we did not hear from them by the last meeting so we had kept the Public Hearing open until we heard from you. D. Eskoff states that she drove by on Saturday and saw that the signs that you installed had been removed I don't know what you have done since then. K. Perrotte states that he temporarily removed them to get them out of the right away. D. Eskoff states our question to you was are you OK with one sign in a different location back to back? That was our offer to you two months ago the size I believe we weren't really as concerned with them as we had determined the size was suitable to the requirement given its layout but we were concerned with the two signs and the locations of the two signs, the siting of the two signs, and that if you would do one sign double sided or if you didn't want to destroy those two signs back them up then you could with draw your application then you wouldn't need a variance. K. Perrotte states that they do want to keep two signs. D. Eskoff states then we are back to the original request. D. Eskoff states that it would have been nice if you came last month and told us that but, in any event we will continue the case this evening. J. Szpak asks what the size of the sign was. D. Eskoff states size and that they want to put the signs at both north and south entrances L. Sanda asks you are thinking roughly where they were just pushed back out of NYS right away. C. Kolakowski asks how far back do you think that is. K. Perrotte states north end six feet and south end five feet. L. Sanda south entrance had a wider right of way. A. Wine states that the Royal Rhino signs were set back quite away anyway. D. Eskoff states that the biggest issue is the second sign. D. Eskoff states that she is

not for two signs and our town does not allow two signs for a business. L. Sanda there purpose was to identify the neighborhood, they do not have street signs in the neighborhood so that is why they wanted the two signs however, where the two signs were placed and the fact that they are white on the backs it's beyond the driveway if you are coming from the south heading north if you ,is the road when you keep going you are going to just the white back and won't know to turn in the next entrance. L. Sanda feels that one sign back to back is actually giving you more information., and better direction for the traveling public. L. Sanda asks is there a reason you want the two signs other than what we previous have discussed. K. Perrotte states that the owners want the two signs and we have two entrances. D. Eskoff states that some of our other parks have two entrances and only one sign. A. Wine states that it doesn't necessary make it easier to get into that park especially when they change the traffic pattern that is near the self-storage at Brookview they have a sign in the middle and coming around the corner you can't see their sign they have a road to get in there going toward Saratoga you pass two of three entrances and he is fairly confident that if you miss those two then you see the sign the last one you can't not turn left into the park so you have to figure out where you are going to take a U turn to get into the park I know that is a separate situation but you have a sign in a position that doesn't actually serves a purpose. L. Sanda states that these two signs have the same effect as having one sign in the middle doesn't matter the difference facing that direction. You are getting the same value. D. Eskoff states that she feels there are other things that we have discussed and you could work with a planter and make a functional entrance and once you are within the property you can put entrance signs. D. Eskoff reminds the Applicant that they did not put these signs in with the authority of the Zoning & Building Department. So there are things that could have been done ahead of time to prevent the cost that you have put into this. A. Wine asks where would you put them if you had to put them back to back the place that he is envisioning is when you are going towards the Stewart's plant in front of the big tree in the middle is that the general area you would be looking at, if so isn't that someone plot in the park or can you actually put a sign there. K. Perrotte states no we can put a sign there. D. Eskoff states that we are not telling you that you have to put them back to back what she's saying is the Town allows one sign two sided and you have two signs, you have the cost involved in two signs we would be allowing you basically to reuse those signs otherwise you have the option of making a new sign. D. Eskoff states that she would much rather see them work on the entrance cleaning it up, not sure if they can have private road signs but they can work with the Codes Enforcer and the Planning Board on those issues. A. Wine states one sign pick a side north or south. D. Eskoff states that is their choice. L. Sanda states that we do not feel two signs are necessary in this case but the question is are these signs actually necessary. D. Eskoff states that is the only issue we have. D. Eskoff states we are generally very strict on signs. A. Wine asks we don't offer it as precedent we still have to consider each case. D. Eskoff states yes in relative of that but you don't want a fly in the face of precedent either. She does not know of a case at least in recent history of having two signs. D. Eskoff states that is why we allow two sided signs. D. Eskoff states that L. Sanda does a lot of work with roads. L. Sanda feels if the two signs were more functional that I would agree with this but, I don't. D. Eskoff states that we can't give you the authority to have street signs. D. Eskoff states that the Planning Board can work with you on lighting and signs for your entrance when/where its allowed with site plan review. D. Eskoff states that you can have on premise signs, you can have a directional signs for the convenience of the general public identifying the entrance and the exists are subject to site plan review, etc.

MOTION: J. Szpak

SECOND: C. Kolakowski

VOTES: Ayes: D. Eskoff, L. Sanda, J. Szpak, C. Kolakowski,

Noes: None

Abstain: A. Wine

RESOLUTION: Royal Rhino Area Variance for Signage

RESOLVED, that The Zoning Board of Appeals denies the application for an area variance for signage for Royal Rhino, Case #974, TM at NYS Rt.9N for the following reasons:

- The benefit can be achieved by any other feasible means by using one double sided sign.
- Allowing two signs would produce an undesirable change to the neighborhood inconsistent with the character of other business/premises signage in the neighborhood
- The request is substantial given the nature of the request
- While there are no imminent adverse physical or environmental effects, visual as well as placement, site distance, distraction and other issues have the potential to raise additional issues.
- The situation was self-created by the Applicant placing the two signs prior to contacting the Zoning & Building Department and/or obtaining the required sign permit(s).

Meeting adjourned at 8:32 p.m. All members in favor.

Respectfully Submitted,

Kimberley McMahon
Secretary