

**TOWN OF GREENFIELD**  
**Zoning Board of Appeals**

**July 5, 2022**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by D. Eskoff, Chair at 7:00 p.m. On roll the following members are present. D. Eskoff, A. Wine, and K. Taub. S. MacDonald, C. Kolakowski, and T. Flynn are absent. M. Waldron, Zoning Administrator, is absent.

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**MINUTES**

June 7, 2022

MOTION: K. Taub  
 SECOND: A. Wine

RESOLVED, that the Town of Greenfield Zoning Board of Appeals tables the June 7, 2022 minutes until their next meeting.

VOTE: Ayes: D. Eskoff, A. Wine, and K. Taub  
 Noes: None  
 Abstain: None  
 Absent: C. Kolakowski, S. MacDonald

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Miles 1, LLC Case #1049  
 TM# 136.-1-31

Area Variance  
 498 Coy Road

Dan Wheeler, Survey Associates, is present. D. Eskoff asks if D. Wheeler has a copy of the LLC paperwork for the Applicant. D. Wheeler states no, but he can get that. D. Eskoff states that this is a 10' Variance for frontage. D. Wheeler states that this is a four-lot subdivision and there is a keyhole lot involved with the proposed parcel. That parcel is intended for the Applicant. He states that he was out there measuring and realized that this was a site distance issue and it is just under 10'. D. Eskoff states that this is in the LDR District and it was reviewed by the Zoning Administrator and his determination is that the Applicant needs 9.59' of relief. D. Wheeler states that the project is under the Planning Board's direction that is why we are present. K. Taub questions about the frontage required. D. Eskoff states that is at the Planning Board's discretion. K. Taub states that this is confusing to him. D. Wheeler states that it is the Planning Board's discretion. D. Eskoff states that all subdivisions are at the discretion of the Planning Board not the ZBA. K. Taub states that he has nothing more. A. Wine states that this is a complete application for information. He asks if the land has been cleared. D. Wheeler states that it has not been cleared but has been logged. A. Wine states there is a cemetery on the property. D. Eskoff states that the ZBA usually asks for an overview photo.

MOTION: A. Wine  
 SECOND: K. Taub

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application of an Area Variance by Miles 1, LLC for frontage for driveway relief for property located at 498 Coy Road (LDR), TM# 136.-1-31, Case # 1049 and sets a Public Hearing for August 2, 2022 at 7:00 p.m. contingent upon the receipt of the following information to be submitted no later than July 19, 2022:

- Receipt of copy of the Articles of Organization or Certificate of Organization for MILES 1 LLC, in support of your Application and Authorization of Agent to Survey Associates, LLC.

VOTE:

Ayes: D. Eskoff, A. Wine. And K. Taub

Noes: None

Abstain: None

Absent: C. Kolakowski and S. MacDonald

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Loreen Harvey/Kasselmann Solar Case #1048  
 TM# 151.-3-69.1

Area Variance  
 2 Middy Groves Road

Alex Martin, Kasselmann Solar and Bradley Howe, owner, are present. D. Eskoff asks if A. Martin has an Authorization of Agent. A. Martin states that they did provide that with the original application. D. Eskoff explains that what was submitted does not name A. Martin. B. Howe states that he is the homeowner and they can do that now. A. Martin states that this is an Area Variance for the setbacks because the setbacks cannot be met. There is a lot of shading on the parcel. The parcel goes up to the east side. This is a solely for onsite consumption. It is a 10kW solar array. D. Eskoff states that M. Waldron is not present and reads his response. She states that there was not a scalable map submitted so he was unable to determine how much relief is needed. K. Taub states that he is assuming the Applicant needs 55'. D. Eskoff states that the request needs to be very specific the ZBA can't just assume. A. Wine states that otherwise the application is fairly complete. B. Howe shows the distance to the ZBA on the pictures. D. Eskoff explains how the ZBA needs to get the measurements that are needed to grant the relief. K. McMahon suggests that if the property has ever been filed with the Saratoga County they could get a scalable map from there. A. Martin states that the map needs to be scalable. D. Eskoff states that there is not enough information to accept this Application. A. Wine asks if there will be a buffer to the road or will it be cleared. B. Howe states that there is brush and lawn there now. D. Eskoff feels that the ZBA should table this application while they are trying to determine the exact relief.

MOTION: D. Eskoff  
 SECOND: K. Taub

RESOLVED, the Zoning Board of Appeals hereby tables the Application for Area Variance for a Ground Mount Solar Installation by Kasselmann Solar for property located at 2 Maddy Groves Road (LDR), TM# 151.-3-69.1, Case #1048, as incomplete at this time. The Zoning Board of

Appeals requests the following information be submitted to and received by the ZBA no later than July 19, 2022 for consideration for inclusion on their August 2, 2022 Agenda:

- A scalable Plot Plan which includes the Zoning District setback(s) in scalable format from which to make a Zoning Determination for the minimum relief required. This submission must be reviewed by the Town Zoning Administrator prior to further Application review by the ZBA.
- A completed Town of Greenfield Authorization of Agent form, signed by the owner and naming the representatives of Kasselmann Solar, LLC, who will appear as Agent before the ZBA at future meetings for this case. (*Please also review the name of the Applicant as it was submitted on the Application for this case to make sure it is correct.*)
- Indicate/draw the location of the proposed Ground Mount Solar on photos (such as the same photos already submitted). Additional larger scale overhead photos may also be helpful.

VOTE:

Ayes: D. Eskoff, A. Wine and K. Taub

Noes: None

Abstain: None

Absent: C. Kolakowski and S. MacDonald

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Gormley, E. Case #1045  
TM# 111.-1-54

Area Variance  
419 Ormsbee Road

Elizabeth Gormley is present. D. Eskoff states that this project is a Public Hearing. She opens the Public Hearing at 7:22 p.m. K. McMahon presents proof of publication. A. Wine reads letters from neighbors; Paula and John Schultz and Lynne and Clinton Acker. Both letters are in favor of this project. D. Eskoff reads M. Waldron's determination of 32' of rear yard setback relief. There being no one present and no further correspondence, D. Eskoff closes the Public Hearing at 7:25 p.m. A. Wine thanks the Applicant for the entire additional photos. D. Eskoff states that she has no issues with this project.

MOTION: K. Taub

SECOND: A. Wine

RESOLVED, the Zoning Board of Appeals hereby grants an Area Variance for an addition to property located at 419 Ormsbee Road (LDR), TM# 111.-1.-54, Case #1045 as follows:

- 32' - Rear Yard Setback Relief

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible to the Applicant in order to achieve the desired outcome of more defined space within the home.
- There is no undesirable change to the neighborhood character or detriment to nearby properties.

- The 32' request is not substantial given the overall open land surrounding this property and proximity to neighbors
- There are no adverse physical or environmental effects.
- The alleged difficulty is self-created but reasonable and not determinative.

VOTE:

Ayes: D. Eskoff, A. Wine and K. Taub

Noes: None

Abstain: None

Absent: C. Kolakowski and S. MacDonald

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Doyle, J. Case #1046  
TM# 125.-2-24.32

Area Variance  
177 Greene Road

James Doyle, Applicant, and Michael Perri, Architect, are present. D. Eskoff states this project is also a Public Hearing. She opens the Public Hearing at 7:29 p.m. K. McMahon presents proof of publication. Lee Acker, 175 Greene Rd., states that he is the property owner right next door and he is not in favor of this project. D. Eskoff explains that this property is pre-existing non-conforming. L. Acker states that the septic will need to go back. There was a fire there last year and he met M. Waldron out there. D. Eskoff states that the Applicant's goal is to clean it up and make it more presentable. L. Acker states this doesn't belong here. D. Eskoff states these are neighbor issues not ZBA. Don Clements, 171 Greene Road, states that he has 10.5 acres and his property is adjoining property to L. Acker. He states that most of the properties on this road and it has become supper popular and he is concerned with traffic and the character of the neighborhood. This is a small lot and he is concerned with the site distance, contamination on the property, and the water quality. D. Eskoff states that septic water is already in the ground. D. Clements states that the plans (septic plans) will require a larger septic system and it will increase density. The woods were set on fire last year and the property has been neglected. He states that the greatest value is the land and he shares two ponds with L. Acker. K. Taub states that the demolition is not something that the ZBA handles. He states that a new home is what is needed in Town. D. Clements states that the property needs to be cleaned up and they wanted an outrageous amount of money for the property. A. Wine asks if D. Clements was going to buy it. D. Eskoff asks if any neighbors looked into purchasing the property. D. Clements states that it was one price then another plus the demolition. J. Doyle states that they will never have 10 acres as the neighbors have. K. Taub states that the lots are not 10 acres. L. Acker states that the lot is 2 acres. D. Eskoff states that this lot is pre-existing non-conforming. M. Casvant states he is building a subdivision in the back and that his property abuts J. Doyle's and he is willing to sell the him some property. D. Eskoff states that is also a private matter. J. Doyle states he is not interested in purchasing additional land at this time. He states that the well is in front of the property. He states that the septic will be adequate for the house and the house is modest. D. Eskoff asks if he removed the mobile home and asks how much bigger the house will be than the mobile home. J. Doyle states that he has removed a lot of old tin and waste from the property. He states that he is not building a new house and not remove the debris also. The home would be outside the wetlands and he does not feel that it will affect the neighbor's water. He states that he bought the property at an auction and he understands that the neighbor's knew it was on the auction. D. Eskoff asks J. Doyle if the septic has been removed. J. Doyle states that he has already drained the septic and yes, it will be moved. He states that he hasn't done too much more. He states that M.

Waldron seemed to be in accord with this project. K. Taub asks if J. Doyle has attempted to remove the contamination. D. Eskoff states sometimes people dump on properties once they are vacated. K. Taub states the house was abandoned he is not sure if there is any contamination on the property. J. Doyle states that he has not come across anything on the property while he has been cleaning it up. D. Eskoff states that the goal here is to improve the property. She states that the Board does not sit in judgement of clean-up. A. Wine states that the house is consistent with the neighborhood. K. Taub states that this is pre-existing non-conforming. D. Eskoff states that with the current zoning, or in the future, this could happen to any of us. She states that she sees this as an improvement. J. Doyle states that he is cleaning it up. A. Wine states that the ZBA can set buffers. D. Eskoff states that the ZBA can do that. She asks J. Doyle if he is open to a buffer. J. Doyle states that he can add some Evergreens and Arborvitaes. D. Eskoff states that the deer eat them you could be limited in options. K. Taub states that he can't see how the ZBA can require a buffer. D. Eskoff states that the ZBA has done that with other cases. A. Wines asks the ZBA members for their opinions. K. Taub states that this is an improvement. He states that the neighbor's don't have a right to bully and this is a pre-existing non-conforming lot. D. Eskoff states that if there is no one else present to speak on behalf of this property how does the ZBA feel about closing the Public Hearing. A. Wine and K. Taub agree to close the Public Hearing. D. Eskoff states that the M. Waldron's notes state that the relief amounts are right to the soffit. K. Taub asks if he would consider moving the house. J. Doyle states that he has no interest in moving the house. There being no one else present for or against and not correspondence, D. Eskoff closes the Public Hearing at 8:08 p.m. A. Wine states that this would be an improvement. He states that the lots get smaller the closer to 9N you go. He states that there is diversity to the road. D. Eskoff states that this is located in the LDR District and is in character to the overall neighborhood. A. Wine states it is an improvement on Greene Road. K. Taub states that he does not feel that it will add to the congestion on the road. D. Eskoff agrees and states that it is pre-existing non-conforming. K. Taub asks what the size of the proposed home is. M. Perri states 2,000 square feet. D. Eskoff asks 37' in depth and 50' in width. D. Eskoff states that it is similar to the footprint of the mobile home. M. Perri states that he is using this house so it fits within the criteria of a modest home. A. Wine asks if he would be clearing trees or moving stone walls. J. Doyle states no, he likes the stone wall. M. Perri states that they have room could move the home back if they need to. D. Eskoff states that they could, but M. Waldron would need to review if there's a change as well as the Board. J. Doyle states he is not moving the home back further. A. Wine states that he would like to get the Boards feedback. M. Perri states that DEC requires 100' buffer from the wetlands and there are rules to be followed. The Town and the State have requirements. The septic designer is familiar with the requirements. A. Wine asks where the cedar trees run. M. Perri states that they run down the property line. D. Eskoff states that buffering can do a lot. The Board continues to review the variance criteria. K. Taub states that he feels this parcel is pre-existing non-conforming. He asks if this could otherwise be considered a taking of the property. D. Eskoff states yes. She asks if K. Taub would like to make a motion with a buffer to enhance the area and it can go longer than the home and garage.

MOTIO: K. Taub

SECOND: A. Wine

RESOLVED, that the Zoning Board of Appeals hereby approves the Application for an Area Variance to James G. Doyle for a single-family residence for property located at 177 Greene Road (LDR), TM# 125.-2-24.32, Case #1046, and grants relief for this property as follows:

- Acreage – 5.01 Acres
- Frontage – 150'

- Right Yard Setbacks – 27'
- Left Yard Setback – 27'

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible for this lot to be used to build a new house. This is a pre-existing non-conforming lot for which the property was purchased in order to replace a pre-existing non-conforming deteriorating structure with a new home.
- There is no undesirable change to the neighborhood character or detriment to nearby properties. The goal of this project is to clean-up and improve the existing site in order to build a new small single-family home with a similar front facing footprint which will be a significant improvement to the dilapidated mobile home that presently exists on this lot.
- The request is not substantial, this is a pre-existing and non-conforming lot, relief is necessary to meet current zoning requirements in order to replace the current structure.
- There are no adverse physical or environmental effects, the goal of this project is to clean-up and improve these aspects in what is presently on this lot.
- The alleged difficulty is not self-created. This is a pre-existing, non-conforming lot, the project seeks to replace the existing structure with a similarly sized new home.

This approval is contingent upon the following condition:

- An evergreen landscape buffer of at least 40 feet in length, as practical for the location, to be created along the western side of the property the length of which should coincide with the perimeter length of the house to be built on that same side.

VOTE:

Ayes: D. Eskoff, A. Wine, and K. Taub

Noes: None

Abstain: None

Absent: C. Kolakowski and S. MacDonald

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Dejnozka, V. Case #1047  
TM# 149.-2-5

Area Variance  
362 Coy Road

Vernon Dejnozka is present. D. Eskoff states that is project is a public hearing. K. McMahon presents proof of publication. D. Eskoff opens the Public Hearing at 8:33 p.m. Eric LaRoche, neighbor, states that he has reviewed the Application and he is favor of this project. Marianne LaRoche, neighbor, states that she is also in favor of this project. V. Dejnozka states that the property was inherited to him and now he is looking to give his son a parcel and sell his neighbor a piece. He states that if he gets his approval he is looking to subdivide some of the property. He is looking to sell ½ acre to Mr. Douglas as a Lot Line Adjustment. K. Taub does not think that he needs anything more from the Applicant. There being no one else present for or against and no correspondence, D. Eskoff closes the Public Hearing 8:37 p.m. A. Wine states this is for 39' side yard setback relief. D. Eskoff states because of the existing structure and approval must be contingent upon the merging of the ½ acre portion of land of V. Dejnozka with the Douglas property. The Board reviews the variance criteria in favor.

MOTION: A. Wine  
 SECOND: K. Taub

RESOLVED, the Zoning Board of Appeals hereby grants an Area Variance to Vernon Dejnozka for the purpose of a Lot Line Adjustment with existing accessory structure for property located at 362 Coy Road (LDR), TM# 149.-2-5, Case #1047 as follows:

- 39' - Left Side Yard Setback
- Approval is contingent upon this section of this property to be merged with TM# 149.00-2-8

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible to the Applicant; the plan creates a six-acre lot to remain and also allows a smaller neighboring property to enlarge.
- There is no undesirable change to the neighborhood character or detriment to nearby properties. It will improve the character by increasing the size of the smaller neighboring property toward current zoning.
- The 39' request is not substantial given the location of the existing shop structure within the overall lands while allowing for an increase to the size of the neighboring property.
- There are no adverse physical or environmental effects.
- The alleged difficulty is self-created but not determinative.

VOTE:

Ayes: D. Eskoff, A. Wine and K. Taub

Noes: None

Abstain: None

Absent: C. Kolakowski and S. MacDonald

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Meeting adjourned at 8:44 p.m. All members in favor.

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Respectfully submitted by,

Kimberley McMahon  
 ZBA Executive Secretary