

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

**November 7, 2023**

**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 call the following members are present: D. Eskoff, A. Wine, T. Flynn, K. Taub, and B. Etson, Alternate. S. MacDonald is absent. J. Reckner is present.

**Minutes**

October 5, 2023

MOTION: T. Flynn

SECOND: K. Taub

RESOLVED, that the Zoning Board of Appeals waives the reading of, and accepts the corrected October 5, 2023 minutes.

VOTE: Ayes: D. Eskoff, A. Wine, K. Taub, T. Flynn and B. Etson

Noes: None

Abstain: None

Absent: S. MacDonald

**New Business**

Kwalik, K. & R, Case #1062  
TM# 164.6-1-27

Area Variance  
28 Old Stone Ridge Road

K. Kwalik and John Degan are present. D. Eskoff states that this project is for a garage apartment. Our Code states that garage apartments can be no bigger than 1,000 square feet or 40% of the existing single-family residents and K. Kwalik is requesting 1,300 square feet garage apartment. K. Kwalik states that his home was built in 2019 and the garage apartment was supposed to be done at the same time and COVID hit and they never got to do it then. Now they are looking to do this project. He has received approval from the Home Owners Association for this project. He states that when they were putting this project together they didn't realize that the Code states 1,000 square feet or under. D. Eskoff asks if this was on the original plot plan. J. Degan states that he believes that it does show it on the original plot plan. K. Kwalik states the apartment is for a relative. D. Eskoff states this is not an in-law apartment which runs with the house. This will require a Special Use Permit approval from the Planning Board. The ZBA can request an Advisory Opinion from the Planning Board. K. Taub states that this is a very big garage. It is 42' deep. It can fit 6 cars in it. K. Taub states that he would like to see the plans of the garage. T. Flynn states that it will need to be scalable. A. Wine states that he would like to table this application until the ZBA gets everything that is requested. T. Flynn asks what is the acreage. A. Wine states 2.1 acres and that needs J. Reckner's blessing. D. Eskoff states that letters or emails from neighbors in favor of your project would be helpful.

MOTION: T. Flynn  
 SECOND: K. Taub

RESOLVED, that an Application for Area Variance for a Detached Garage with Garage Apartment by K. & R. Kwalik has been submitted to the Town of Greenfield Zoning Board of Appeals for property located at 28 Old Stone Ridge (MDR-1), TM# 164.6-1-27, Case #1062. This project requires Special Use Permit approval by the Town of Greenfield Planning Board under Greenfield Town Code. The Zoning Board of Appeals hereby refers this Application to the Town of Greenfield Planning Board for an Advisory Opinion on this proposed project under Greenfield Town Code §105-84 (C)(1), and,

BE IT FUTHER RESOLVED, that the Town of Greenfield Zoning Board of Appeals hereby tables this Application for Area Variance for the proposed project pending the receipt of the Advisory Opinion by the Town of Greenfield Planning Board for this Application, and

BE IT FURHTER RESOLVED, that the Applicant shall submit the following information to the Zoning Board of Appeals prior to any further review of this Application by the Zoning Board of Appeals for the proposed project:

Seven (7) Copies of:

- Any information that may be requested and submitted to the Town of Greenfield Planning Board during their Advisory Opinion Review of this proposed project.
- ½ Scaled Building Plans (12x18 or appropriate scale for ease of use) of general layout/floor plan, and Elevations etc., for the proposed detached garage with garage apartment.
- Approval letter from Homeowners Association (HOA).
- Photos of the property including views of property to and from neighboring lots and from the road, obstructions or line of sight issues if any, house with proposed detached garage/apartment area from distance and from cul-de-sac, etc.
- Any additional supportive information for the proposed project.

VOTE: Ayes: D. Eskoff, A. Wine, K. Taub, T. Flynn and B. Etson  
 Noes: None  
 Abstain: None  
 Absent: S. MacDonald

Scuola, M. Case #1066  
 TM#125.-2-32.111, 125.-2-29

Area Variance  
 656-658 Locust Grove Road

Peter Loyola and Bill Sparkman are present. D. Eskoff states that this is a proposed Subdivision on Locust Grove Road. B. Sparkman states this project is at 656 and 658 Locust Grove Road and it is in front of the Planning Board for a Minor Subdivision and they do have a land locked parcel and need relief for this parcel and frontage for another parcel. D. Eskoff states that they are trying to get a keyhole lot for the land locked parcel. The Subdivision approval is by the Planning Board and SEQRA needs to be done the ZBA can defer to them for SEQRA and Advisory Opinion so the ZBA can get a general feeling from the Planning Board because they will be the ones ultimately making the approval for the Subdivision. P. Loyola

asks if they will need the Planning Board's full approval. D. Eskoff states no. P. Loyola states they need a negative to be on the ZBA December 5, 2023 agenda. D. Eskoff states yes. D. Eskoff states that the ZBA has five separate criteria that they review and at this time the Board does not feel that they can't go through that now. She states that the Planning Board has the authority to review the SEQRA for the Subdivision. A. Wine states yes, the ZBA has never done SEQRA. D. Eskoff commends the detailed Application. T. Flynn asks what side the variance request is on. B. Sparkman states the left southern side. P. Loyola states that the pool is a couple feet over the property line. D. Eskoff states that may be a private matter to be worked out. K. Taub asks what structures are going to get removed. P. Loyola states M. Scuola has stated that all of them are. J. Reckner states that it depends on if there was a building permit for the pool. D. Eskoff states that the Board will need a copy of the LLC for Peerless Groves. P. Loyola states that this is strictly with M. Scuola not the LLC. T. Flynn asks if the structures that are going to be removed to be blown up on the map. P. Loyola states providing that they got a building permit for the pool. D. Eskoff states that the ZBA can't give approval for someone else's property. P. Loyola states that if the pool didn't get approval what happens then. D. Eskoff states that is up to J. Reckner.

MOTION: T. Flynn

SECOND: B. Etson

RESOLVED, that an Application for Area Variances for frontage, front setback and side setback by M. Scuola for property located at 656 Locust Grove Road (Lot #4) TM#125.-2-32.111 (LDR), involving access to property at 658 Locust Grove Road (Lot #5) TM# 125.-2-29, Case #1066, has been submitted to the Town of Greenfield Zoning Board of Appeals as part of the "656 Locust Grove Road Subdivision" proposed Subdivision project. This project requires Subdivision approval by the Town of Greenfield Planning Board under Greenfield Town Code and SEQRA Review. The Town of Greenfield Zoning Board of Appeals wishes to coordinate SEQRA Review for this proposed project with the Town of Greenfield Planning Board and hereby requests that the Town of Greenfield Planning Board serve as Lead Agency for SEQRA Review for the proposed project and,

BE IT FUTHER RESOLVED, that the Town of Greenfield Zoning Board of Appeals also hereby refers this Application for Area Variances for the proposed project to the Town of Greenfield Planning Board for an Advisory Opinion on this proposed project under Greenfield Town Code §105-84 ©(1), and,

BE IT FUTHER RESOLVED, that the Town of Greenfield Zoning Board of Appeals hereby tables this Application for Area Variances for the proposed project pending the receipt of SEQRA Review and Advisory Opinion by the Town of Greenfield Planning Board for this Application, and

BE IT FURHTER RESOLVED, that the Applicant shall submit the following information to the Zoning Board of Appeals prior to any further review of this Application by the Zoning Board of Appeals for the proposed project:

Seven (7) Copies of:

- Any information that may be requested and submitted to the Town of Greenfield Planning Board during their SEQRA Review and Advisory Opinion Review of this proposed project.
- An enlarged Site Plan showing existing structures and plan for their removal.
- Defined Frontage and Front and Side Yard setback areas per Area Variance requests
- Clarification of pool location and any encroachment issues.
- Any additional information in support of this proposed project.

VOTE: Ayes: D. Eskoff, A. Wine, K. Taub, T. Flynn and B. Etson

Noes: None

Abstain: None

Absent: S. MacDonald

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Meeting adjourned at 7:47 p.m. All members in favor.

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Respectfully submitted by,

Kimberley McMahon  
ZBA Executive Secretary

