

TOWN OF GREENFIELD
Zoning Board of Appeals

October 4, 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 call the following members are present: D. Eskoff, A. Wine, K. Taub, S. MacDonald and T. Flynn, Alternate. C. Kolakowski is absent. M. Waldron is absent.

Minutes

September 6, 2022

MOTION: K. Taub

SECOND: S. MacDonald

RESOLVED, The Zoning Board of Appeals waives the reading of, and accepts the September 6, 2022 minutes.

VOTE: Ayes: D. Eskoff, K. Taub and S. MacDonald

Noes: None

Abstain: A. Wine and T. Flynn

Absent: C. Kolakowski

Kasselman Solar Case #1048
TM# 151.-2-69.1

Area Variance
2 Maddy Groves Road

Alex Martin, Kasselmann Solar and Bradly Howe, property owner, are present. D. Eskoff states that this project is in the LDR District. A. Martin submitted a new site plan because it was misaligned on the previous submission and the variance request has been reduced. He states that the array will be 10kW. The height of the solar panels is 8'-16' and it is not in the viewshed of anyone. K. Taub asks what the height of the structure is. A. Martin states 11' off the ground in relation to the road. T. Flynn asks what the elevation of the grade to the road is. A. Martin states that the road continues to go up. T. Flynn asks what the elevation is as it slopes up. A. Martin states the angle of the array is 30 degrees. K. Taub asks if the array will be shadowed. B. Howe states completely. It won't be seen. K. Taub asks why not roof-mount solar. B. Howe states that their roofline has 12 parts so they don't have the opportunity to do that. T. Flynn states that is probably because of the Fire Code. D. Eskoff states that they did submit new information and the Board may need to table the Public Hearing after tonight due to the changes and continue next month. D. Eskoff opens the Public Hearing at 7:10 p.m. K. McMahon presents proof of publication. S. Stubing, 1 Maddy Groves Road, states that his concern is the deed. The deed states that there are different things that restrict residents from doing certain things. The original developer put that in the deeds. He states that it is great place to live. He states that he is against this project and this may be a detriment to his property. He asks if the panels make noise. J. Wimet, 400 Middle Grove Road, states that he submitted a letter to the

Board. He states that he is not in favor of this project. D. Eskoff states that the Board did receive a letter from J. Wimet and that he is not in favor of this project. J. Wimet states that this project is in the LDR District and 6 acres are required in this district for development. He states that the ZBA plays a valuable role for things of this nature. He feels that the project should be denied. He asks the Board to please take the time to read his letter. He feels that this project will affect MDR-1 and MDR-2 Districts. J. Wimet states this Application states that it will be 10 kW. If it is 5'x5' it will be 12 kW. D. Eskoff explains Level 1 Solar Code. B. Howe states that he did look at his deed restrictions. She asks if some concerns are a private matter. He will reach out to the developer regarding this. D. Eskoff states that the Board does have control over buffering. If the Applicant can come up with a plan that will help the ZBA move forward with this project possibly different options would be helpful. B. Howe states that every Town has different Codes and they have looked into different screening options to keep the array buffered. D. Eskoff states they will need nine copies of a chart and if they could draw something on the buffering plan showing what it is. B. Howe responds to the concern on noise and states that there is no noise coming from the solar panels. D. Eskoff asks A. Martin for the chart and to have that submitted two weeks prior to the meeting. B. Howe states that J. Wimet lives at 400 Middle Grove Road and he is quite a bit of a distance from his house and he will never see it. T. Flynn states that to him it is about setting a precedent. He asks why can't it be moved. He states a solar pad sun diagram would be helpful. B. Howe states they can't move it because of where his leach fields are and the higher they go the harder it is to screen.

MOTION: D. Eskoff
SECOND: A. Wine

RESOLVED, the Zoning Board of Appeals hereby adjourns the Public Hearing and tables the matter for 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, with the Applicant's permission, for continuance of the Public Hearing on this matter on November 1, 2022 at 7 p.m.

Please provide the following information to the Zoning, Planning and Building Department by October 18, 2022:

- A chart showing the requested variance relief requested (setbacks etc.) as well as confirmation of all applicable measurements for the solar project area including all dimensions of the complete solar array to be installed. Information should also detail the kW output per panel and number of panels proposed as to not exceed 10kW (Level I, Residential Solar) in total.
- A buffering plan for the proposed solar area including any photos, plans or drawings, etc. to demonstrate the screening/buffering effect.

VOTE:

Ayes: D. Eskoff, A. Wine, S. MacDonald and T. Flynn

Noes: K. Taub

Abstain: None

Absent: C. Kolakowski

Shane Gavitt, Agent for Applicant, is present. He submits new colored photos with drawing on foliage areas to the Board. S. Gavitt states that they wish to keep as much vegetation as possible. It will be all natural buffering. D. Eskoff opens the Public Hearing at 7:30 p.m. K. McMahon presents proof of publication. There is no correspondence. D. Eskoff states this property needs 50' of frontage and the Board's biggest concern was buffering. She asks what the size of the home is. S. Gavitt states he believes it is 1,300 square feet. D. Eskoff states that this is a tight parcel and the septic and the well will have to meet as determined through the Building Department. T. Flynn states that the size of the home is 2,000 square feet in total with garage. D. Eskoff states that this is not the first request for relief for a small parcel and it won't be the last. She states that the Town has several small lots. D. Eskoff states that there being no one present and no correspondence, she closes the Public Hearing at 7:34 p.m. A. Wine states that his biggest concern is the left side yard buffering not so much the right side. D. Eskoff states that the Board can grant variances for this project with contingencies. S. Gavitt proposes a conifer buffering. D. Eskoff states that the Board could also request fencing. She asks S. Gavitt if the property owner has spoken to the neighbors. S. Gavitt states that he thinks so, but he is not sure and he is aware of the challenges. T. Flynn asks if more fill will be brought into the site. S. Gavitt states that he believes so. D. Eskoff states this is definitely a tight lot. The neighbor does have a fence around the whole yard. S. Gavitt states that he feels that they did a good job with the setbacks. A. Wine agrees. D. Eskoff states that the Board has not received anything from the neighbors and this was noticed.

MOTION: A. Wine

SECOND: T. Flynn

RESOLVED, the Zoning Board of Appeals hereby approves the Application for Area Variances by Shane Gavitt for a single-family residence for property located at 36 Locust Grove Road (MDR1), TM #164.-1-48, Case #1051 and grants relief as follows:

- Frontage - 50'
- Acreage - .44 Acres

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible to the Applicant in order to site the home and require less relief.
- There is no undesirable change in the neighborhood character or detriment to nearby properties, the home size and location is comparable.
- The request is not substantial in the grand scheme in that it is an appropriate use of the property within the space allowed for lot size.
- There are no adverse or environmental effects, areas of existing vegetation will be left and buffering contingencies will apply.
- The alleged difficulty is self-created (which is relevant but not determinative) in choosing to build on a small lot.

This approval is contingent upon the following:

- To keep as much of the existing vegetative buffer on the North side of the property as feasible or provide an alternative buffer, i.e., suitable fencing, adding trees/shrubs/plantings, or combination thereof, etc., to the neighboring property on the North side.
- To keep as much of the existing vegetative buffer as possible on the South side of the property in order to retain appropriate buffering to the neighboring property on the South side.

VOTE:

Ayes: D. Eskoff, A. Wine, K. Taub, S. MacDonald and T. Flynn

Noes: None

Abstain: None

Absent: C. Kolakowski

Chandler, T. Case #1052
TM# 125.-1-17.1

Area Variance
142 North Greenfield Road

Thomas Chandler is present. D. Eskoff states that this project is in the MDR-2. T.Chandler states that they are looking to put a single-family home on this property for his son and his family. He states that he purchased the home a couple of years ago. They did change the relief so they will only need relief on the west side of the property. The home was purchased from Chatfield Rockwell. He states that they will now need a 25' variance on the west side. He states that originally, they were trying to center the home, but it makes more sense to put to the west. K. Taub ask when you pull into the driveway will fill be brought in. T. Flynn agrees with that question. T. Chandler states that is correct. He states that they are trying to keep the cost down as much as possible. A. Wines states that the only thing that he would like to see is some pictures. T. Chandler states that Paul Male is working on the septic system design. T. Flynn asks if there will be a porch on the home. T. Chandler states no just the entrance and they are within the Code with all the other setbacks.

MOTION: T. Flynn

SECOND: S. MacDonald

RESOLVED, the Zoning Board of Appeals hereby accepts the Application for Area Variance for a single-family residence for property located at 142 North Greenfield Road (MDR-2), TM# 125.-1-1-5, Case #1053 and sets a Public Hearing for November 1, 2022 at 7 p.m. contingent upon receipt of the following information by October 18, 2022:

- Additional outstanding information to the Town Zoning Administrator/Zoning, Planning & Building Department, including Plot Plan and any necessary accompanying documentation for updated relief request determination to the ZBA.

VOTE:

Ayes: D. Eskoff, A. Wine, S. MacDonald, K. Taub and T. Flynn

Noes: None

Abstain: None

Absent: C. Kolakowski

Cross, C. Case #1053
TM# 111.-2-17.1

Area Variance
119-121 Allen Road

Candace Cross, Applicant, is present. D. Eskoff states that this project is in the LDR District and it does not have any frontage. She states that this project is Open Development. C. Cross states they are looking to subdivide the 52 acre parcel to make her a 6 acre lot, but they do not have any road frontage. D. Eskoff states that this project requires the Town Board's approval and she reviews the Open Development process. She states that at this time they can't accept the Application because it needs referral to the Town Board.

MOTION: D. Eskoff
SECOND: K. Taub

RESOLVED, that the Zoning Board of Appeals hereby tables and refers the Application of Candace Cross, Case #1053, request for an Area Variance for 250' of frontage, to the Greenfield Town Board, with the Applicants approval for postponement, for Open Development Area review for property located at 119-121 Allen Road, LDR District, TM# 111.-2-17.1 (TM Reference: 148 Alpine Meadows Road Rear).

VOTE:

Ayes: D. Eskoff, A. Wine, K. Taub, S. MacDonald and T. Flynn

Noes: None

Abstain: None

Absent: C. Kolakowski

Aldrich, W. Case #1054
TM# 113.-1-35.1 & 35.2

Interpretation
250 & 280 Greene Road

John Cannie, Esq. is present for the Applicant. D. Eskoff states that this project is in the LDR District. J. Cannie states that they are requesting an appeal of the Interpretation by the Codes Enforcement Officer. Currently they have two parcels which they will combine into one parcel. He presents a slideshow to the Board and states that this project is a Recreation Facility with hiking trails, biking, and snowshoeing. He states that this property was vacant for 20 years before his clients purchased the property in 2018. They were shut down by the Town for not getting approval for this project. Originally the trail system was done during COVID-19 for the Applicant's children and their friends to enjoy then the Applicant opened it up to the public. He states that there are 5 miles of novice trails and they are really good for kids. He states that the Planning Board requested a formal Interpretation from Code Enforcement to see what the setbacks would be and he refers to table 105 part 2. He states that there is not a building or structure of any kind on the site. He states that the Code is very broad regarding Recreation Facilities. He states that the Comprehensive Plan talks about trails and construction. He reviews the Comprehensive Plan with the ZBA. The Application is appealing Code Enforcement's Interpretation. D. Eskoff states that this was in front of the Town, because no one came to the Town to get any approvals. A. Wine asks what the time line for this project is. J. Cannie states that he does not know. The stop work order was put in place in April of 2022, but he believes that it was opened in 2021. He states that he is not in front of the Board this evening for the use. D. Eskoff states that the Applicant is in front of the Planning Board for

Special Use Permit. A. Wine states that it is manifesting. He asks if there are any picnic tables at the site, based on photo shown. J. Cannie states the only thing at the site is the trails, sign, and two signs inside the trail system. D. Eskoff asks if there is a time when the trails would be open and closed. J. Cannie states that is the discretion of the Planning Board. D. Eskoff states that yes, the Planning Board will look at everything. A. Wine asks if the use should be classified as a nature preserve. D. Eskoff explains what J. Cannie is referring to. A. Wine states the Application is pretty complete.

MOTION: K. Taub
SECOND: A. Wine

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application for Interpretation by William Aldrich, Trustee of the William C. Aldrich and Jennifer E. Aldrich Trust, for property located at 250 & 280 Greene Road (aka Tupelo Community Forest), LDR District, TM# 113.-1-35.1 and TM# 113.-1-35.2 and sets a Public Hearing for November 1, 2022 at 7 p.m.

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

Meeting adjourned at 8:16 p.m. All members in favor.

Respectfully submitted by,

Kimberley McMahon
ZBA Executive Secretary