

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

October 5, 2021

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, C. Kolakowski, K. Taub, A. Wine, and S. MacDonald, Alternate. N. Toussaint is absent. S. MacDonald has full voting privileges. M. Waldron, Zoning Administrator/Code Enforcement Officer is also present.

Minutes

September 7, 2021

MOTION: C. Kolakowski

SECOND: K. Taub

RESOLVED, The Zoning Board of Appeals waives the reading of, and accepts the September 7, 2021 Minutes with minor correction.

VOTE: Ayes: D. Eskoff, C. Kolakowski, K. Taub, A. Wine, And S. MacDonald

Noes: None

Abstain: None

Absent: N. Toussaint

OLD BUSINESS & PUBLIC HEARING

Hanna, K/Farfan, M. & E. Case #1035
TM# 137.6-1-3

Area Variance
19 Medbury Road

Kevin Hanna is present. D. Eskoff explains that this case is Public Hearing. She opens the Public Hearing at 7:01 p.m. She states that K. Hanna did submit the extra information that was requested. This property was granted an Area Variance on March 12, 2021 including an 18' left side yard setback and now they are requesting an additional 3' left side yard setback and 20' for front yard setback. The Board has not received any correspondence. A. Wine asks if the plans are a mirror image. K. Hanna states that he didn't realize this until the bank (for the mortgage) asked for the "as built" survey. A. Wine asks if the garage is on the other side. K. Hanna states it is on the opposite side, but everything is exactly the same meaning the

dimensions. D. Eskoff states that yes, the garage is on the opposite side of the house, but understands what K. Hanna is saying. A. Wine states this is kind of frustrating. D. Eskoff agrees. There being no one else present for this case and no correspondence, D. Eskoff closes the Public Hearing at 7:05 p.m. A. Wine asks if K. Taub drove by the property. K. Taub states yes, he did and asks how does the ZBA help this to stop keep happening. K. Hanna suggests that in the future possibly ask the surveyor to do an "as built" survey. K. Taub asks who would be paying for the survey. K. Hanna states that he hasn't gotten paid for it yet so it would be him. D. Eskoff states that is the process M. Waldron discussed at the last ZBA meeting and he has put in place from when he started working for the Town. K. Hanna states that, in this case, the bank asked for it. The house is right in line with others in neighborhood. D. Eskoff asks if there are different numbers from the beginning. K. Hanna states they are 67'. C. Kolakowski states this is frustrating for the ZBA. The general contractor should know the setbacks. However, this is a now a self-created problem and a substantial request of relief. D. Eskoff states this is a pre-existing non-conforming lot, the ZBA will just have to do their best.

MOTION: C. Kolakowski

SECOND: K. Taub

RESOLVED, that the Zoning Board of Appeals hereby grants approval for the Application of Kevin Hanna for Manuel & Elizabeth Farfan, Case #1035, for additional Area Variances for a single-family dwelling on property located at 19 Medbury Road, TM# 137.6-1-3 as follows:

- 3' Right Yard Setback (this 3' Variance is in addition to the previous 18' granted by the ZBA on March 2, 2021 for a Total Right Yard Setback Variance of 21')
- 20' Front Yard Setback (this 20' Variance is in addition to the previous 13' granted by the ZBA on March 2, 2021 for a Total Front Yard Setback of 33')

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible to the Applicant; the house is already built on a pre-existing non-conforming lot.
- There are no undesirable changes to the neighborhood character or detriment to the nearby properties the property is consistent to neighboring properties.
- The request is substantial but the house is already built on a pre-existing non-conforming lot, it is necessary to achieve what is needed by the Applicants.
- There are no detrimental adverse environmental effects.
- This is now a self-created adversity, which is relevant but not determinative.

VOTE: Ayes: D. Eskoff, A. Wine, C. Kolakowski, K. Taub and S. MacDonald

Noes: None

Abstain: None

Absent: N. Toussaint

Hurd, D. Case #1036
TM# 136.-1-24.1

Area Variance
642 Sand Hill Road

David Hurd is present. D. Eskoff states the Applicant is requesting a 30' Area Variance. M. Waldron confirms the amount of relief that is needed. D. Eskoff states this is 30' for a right

yard setback. The information that was requested by the ZBA was provided and she opens the Public Hearing at 7:13 p.m. She states they have letters from neighbors Patricia Kellerhouse, Nancy J. Waite, Ron Fuelner, and Jeffrey and Rhonda Wagner all in favor of this project and reads these letters into the record. M. Waldron states the relief that is needed for this case in 27.9', but suggests 30' for the over hangs. D. Eskoff asks if anyone on the ZBA has driven past this property. K. Taub states yes. There being no one else present and no other correspondence, D. Eskoff closes the Public Hearing at 7:18 p.m. K. Taub states that he is satisfied with this case and the neighbors are all in favor of this project.

MOTION: K. Taub
SECOND: S. MacDonald

RESOLVED, that the Zoning Board of Appeals hereby approves the Application of David Hurd and grants an Area Variance for a pole barn for property located at 642 Sand Hill Road, TM# 136.-1-24.1, Case #1036 as follows:

- 30' Right Yard Setback:

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible to the Applicant, pole barn is needed for Recreational Vehicle storage.
- There are no undesirable changes to the neighborhood character or detriment to the nearby properties where located.
- The request is not highly substantial given the need and overall conditions of the property.
- There are no detrimental adverse environmental effects.
- This is a self-created adversity (which is relevant but not determinative) that is offset by the need for RV storage within the property.

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

NEW BUSINESS

Hillerich, C. Case #1038
TM# 138.19-1-121

Area Variance
Pine Robin Road

Chris Hillerich is present. D. Eskoff states this request is for a two-story garage 30' x 48' in LDR District and the Applicant included 4 letters from his neighbors in favor of this project. 75' is what is required for this District. D. Eskoff and A. Wine agree this is a very complete Application. C. Hillerich states to thank M. Waldron for that. M. Waldron states 17' right yard setback and 62' rear yard setback is what is requested. D. Eskoff asks what will the upstairs in

the garage be used for. C. Hillerich states storage. D. Eskoff asks cold storage. M. Waldron asks if there will be a dwelling upstairs in the garage. C. Hillerich states absolutely not. K. Taub asks if there is going to be plumbing and heating C. Hillerich states not at this time. D. Eskoff asks if there will be power in the garage. C. Hillerich states yes. K. Taub asks if there will be dormers on it. C. Hillerich states that he believes so. A. Wine asks if there is going to be electricity upstairs. C. Hillerich states yes, and natural light. He does not have any intention for a garage apartment.

MOTION: A. Wine
SECOND: K. Taub

RESOLVED, that the Zoning Board of Appeals hereby accepts an Application of Christopher Hillerich for an Area Variance for a detached garage for property located at 20 Pine Robin Road, TM# 138.19-1-121, Case #1038, and sets a Public Hearing for November 2, 2021 at 7:00 p.m.

- The Applicant will provide seven (7) copies of photo(s) of example garage type/style/size to the ZBA via the Building Department prior to the November 2, 2021 Public Hearing on this case.

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

Colson K. & J. Case #1039
TM# 124.-2-32

Area Variance
345 North Greenfield Road

Keith and Joan Colson are present. D. Eskoff states this project is in Town Center District for a front yard setback for porch. K. Colson states this is a right side yard request for a small open porch the length of the house and they are also currently putting an addition on the property. J. Colson states that the house was built in the 1930's or the 1940's. K. Colson states that the depth of the porch will be no further than the length of the house. M. Waldron states that he believes that there is some miscommunication. He had a conversation with Dawn Watson and asked her to provide a plot plan and unfortunately the Board needs a survey or a plot plan that is scalable for him to determine the relief that is needed for this project. K. Colson explains how and from where they measured. M. Waldron states that it needs to be measured from the boundary line. D. Eskoff states that if M. Waldron can't determine the relief, then the ZBA can't accept the Application and set a Public Hearing for November 2, 2021. M. Waldron looks for a plot plan or a survey for this project and was unsuccessful in finding a plot plan or a survey. K. Taub asks M. Waldron for some clarity. M. Waldron states that the if boundary line is the center of the road there lies the problem he can't determine. The Applicant needs to provide a scalable plot plan or survey to determine relief. If there has ever been a survey filed with Saratoga County Real Property or the County Clerk's Office that is scalable then he would be able to determine relief.

MOTION: D. Eskoff
SECOND: A. Wine

RESOLVED, that the Zoning Board of Appeals hereby tables the Application of Keith & Joan Colson for an Area Variance for a porch addition at 345 North Greenfield Road, TM# 124.-2-32, Case #1039 pending receipt by the Building Department and review by the Town Zoning Administrator of the following information:

- Survey map of the property/comparable document required to determine the amount of relief sought per the Town Zoning Administrator

VOTE: Ayes: D. Eskoff, C. Kolakowski, A. Wine, K. Taub and S. MacDonald

Noes: None

Abstain: None

Absent: N. Toussaint

Whitaker, K. Case #1040
TM# 123.-2-29

Area Variance
374 Plank Road

Korey Whitaker is present. D. Eskoff states that the Applicant withdrew his Application for a Use Variance and submitted a new Application for an Area Variance due to necessary changes. The Applicant is seeking dimensional area relief due to unique physical characteristics to the land for this case. K. Whitaker states that he is a Nuclear Submarine Officer in the United States Navy. He is looking to build a new home with a garage apartment at the same time. The Town Code states that anyone requesting to do this must have a separate septic system the garage apartment. His request is for one septic that would be big enough for both dwellings. If this Area Variance gets approval, then he will be on the Planning Board's docket for October 26, 2021. D. Eskoff states that the Applicant submitted everything that was requested by the Board on time but it was determined that Application needed to be changed. There would have been a Public Hearing on that previous application tonight that is now not being held due to that necessary change. She has the ability to call an additional meeting for the ZBA for October 19, 2021 if the Board can be present for a quorum. D. Eskoff, A. Wine, K. Taub and S. MacDonald all state they are available. C. Kolakowski is not sure if he is available but feels it is a good idea. A. Wine agrees. D. Eskoff states that the Application is extremely complete. K. Taub discusses the change to request for Area Variance for this project and states that he went past the property and understands all the topography. K. Whitaker states no one will see the septic system and he will add trees to cover anything.

MOTION: S. MacDonald

SECOND: A. Wine

RESOLVED, that the Zoning Board of Appeals hereby accepts an Application of Korey and Hannah Whitaker for an Area Variance for dimensional relief for septic system under Greenfield Town Code §105-124 (D)(4)(b), for property located at 374 Plank Road, TM# 123.-2-29, Case #1040 and sets a Public Hearing for October 19, 2021 at 7:00 p.m.

VOTE: Ayes: D. Eskoff, C. Kolakowski, A. Wine, K. Taub and S. MacDonald

Noes: None

Abstain: None

Absent: N. Toussaint

OTHER BUISINESS

D. Eskoff states that the Board received a written request from Gerard McKenna for 355 Grange Road LLC to withdraw the Application for Case #1030.

Meeting adjourned at 7:58 p.m. All members in favor.

Respectfully submitted by,

Kimberley McMahon
ZBA Administrative Assist