

TOWN OF GREENFIELD
Zoning Board of Appeals

April 4, 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, C. Kolakowski, S. MacDonald and T. Flynn, alternate. K. Taub is absent. M. Waldron is absent. T. Flynn has full voting privileges for the entirety of the meeting.

Minutes

March 7, 2023

MOTION: C. Kolakowski
SECOND: T. Flynn

RESOLEVED, that the Zoning Board of Appeals waives the reading of, and accepts the corrected March 7, 2023 minutes.

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

Old Business & Public Hearing

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

Area Variance
148 Alpine Meadows Road/Allen Road

Candace Cross is present. D. Eskoff states this project is a 250' frontage Area Variance for Open Development. This project was referred to the Town Board and then referred to the Planning Board. The Planning Board received letters from EMS, the Highway Superintendent, and the Fire Department on the safety of this project. All are in favor of this project. The Town Board approved Open Development on February 9, 2023. D. Eskoff opens the Public Hearing at 7:03 p.m. C. Cross states that this road is an abandoned Town Highway. D. Eskoff closes the Public Hearing at 7:05 p.m. there is no correspondence or no one is present to speak about this project. C. Kolakowski states the 250' frontage is the minimal because it is pre-existing, non-conforming. T. Flynn asks if this is subdivided now. C. Cross states the requirement in this Zone is minimum of 6 acres and it will be over that. T. Flynn states can the ZBA approve this with contingency on the 250' frontage Area Variance. D. Eskoff states that is for subdivision which is not for the ZBA that is Planning Board. C. Kolakowski states that he does not have any problems with this project. The ZBA agrees.

MOTION: T. Flynn

SECOND: C. Kolakowski

RESOLVED, that the Zoning Board of Appeals hereby approves the Application of Candace Cross and grants an Area Variance for Open Development for 250' frontage for property located at 148 Alpine Meadows Road, TM# 111. -2-17.1, Case #1053

This approval by the Zoning Board of Appeals for an Area Variance is based on the following criteria:

- The request is substantial but is the minimum necessary, the property has no frontage.
- The benefit cannot be achieved by other means, the property has no frontage.
- There is no undesirable change to the neighborhood or character of nearby properties/
- There are no adverse physical or environmental effects.
- This is not a self-created difficulty, given the location of the property and the absence of any frontage.

This approval by the Zoning Board of Appeals does not grant any right of access to the property or extend any access rights to this property that might exist.

This approval by the Zoning Board of Appeals for an Area Variance is subject to any requirements of the Town of Greenfield Town Board's approval for Open Development made on February 9, 2023 for this property.

VOTS:

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

Noes: None

Abstain: None

Absent: K. Taub

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

Area Variance
2 Maddy Groves Road

Alex Martin and Bradley Howe are present. D. Eskoff states that in the process of reviewing this case going back to before this property was subdivided they found minutes from this subdivision and that this property had prior ZBA action. D. Eskoff asks K. McMahon for proof of Publication. K. McMahon states yes. D. Eskoff opens the Public Hearing at 7:16 p.m. A. Martin states that there have been a number of changes made to this project. They have provided a planting plan with a variety of plantings to make it look more of a natural character to the neighborhood. They have provided two surveys with the no build zone and an easement. The property developer's survey shows where the house is. As for the changes that they made they have decreased to kw to 9.5 kw and moved some panels to the roof. B. Howe states the power production 10 kw at maximum capacity. The inverter was maxed out at 10 kw, 9.5 kw is max production. He states that this way it makes the size of the array smaller though they are spending more money on this project. A. Martin confirms that maximum is 9.5 kw. B. Howe states they are putting more panels on the roof. D. Eskoff states when looking at the map it does have a no build zone. We found minutes from 2000 for the buffer zone and asks if it is still there. B. Howe states yes, he believes it is on his neighbor's property. D. Eskoff states that the

ZBA does not put no build zones on property they may put buffer zones. It would help to have the Planning Board give an advisory opinion and see where they are then. A. Wine asks about the rear yard setbacks. D. Eskoff states 37' front yard setback and 38' rear yard setback. She asks if that sounds right for current numbers. A. Martin states yes. D. Eskoff states that the neighboring survey may give more information on the buffers. The hash mark area is not something that the ZBA does. If they could get an overlay to see what and where the buffer is. D. Eskoff asks when he bought the property was the house built. B. Howe states yes, he bought the property in 2017. He states that he did a F.O.I.L. request for the ZBA Minutes from 2000. D. Eskoff states the Board did look into that. B. Howe states that he will submit another F.O.I.L. request for the Planning Board Minutes from 2000 with the submitted. D. Eskoff states that the ZBA never knows how projects are going to go they never know if the Area Variances will be granted. She states that a Planning Board advisory opinion can give the ZBA more information. B. Howe states that he talked to Barbara Glasier and she said that with his property there was a lot of ambiguity during the subdivision. C. Kolakowski states this case is very comprehensive. D. Eskoff states possibly stake out the plan and possibly revise the number of solar panels and the footprint of the solar panels. She asks if that is the only way the solar panels come. A. Martin states that the drawing is only an example of the array. She reviews the correspondence from Sand Stubbing, John Lefner, and Barbara Glassier. C. Kolakowski reviews the map and asks what is the purple balloon. A. Martin states it is 150' buffer. D. Eskoff states that he didn't build the house. B. Howe states he is the third owner of the property. J. Wimet asks with the ZBA referring to this project to the Planning Board will the Public Hearing still be opened. D. Eskoff states yes, and she explains the advisory opinion process. J. Wimet states that he has comments from S. Stubbing and himself and asks if he can submit them to the ZBA. D. Eskoff states yes, he can submit them. J. Wimet states that he will wait to submit anything. D. Eskoff states that with the overlay the ZBA can see the buffer and confirm it. B. Howe asks about the buffer and if an Area Variance is granted does it last forever. D. Eskoff states yes. No one knew about it. B. Howe asks if he can request an overturn of the original ZBA determination. D. Eskoff states they would have to broach that once the ZBA figures it out. B. Howe states that he does not know what or where the buffer is. He just purchased the property. D. Eskoff states take some pictures of his property looking towards his neighbor's. B. Howe asks how long will this take because they are up against the tax credit. He thought he had more time that he actually does with his application with NYS. D. Eskoff states that they can't give a hard line on that. J. Wimet states it still will go to the Planning Board if it is approved by the ZBA. D. Eskoff states yes, and this will be a preliminary review for the Planning Board and then back to the ZBA. She states the concern is with the no buffer zone. The more information the Board has the better it will be. C. Kolakowski states that it would be good to know what the no buffer zone is. Something could be misconstrued. D. Eskoff agrees and looking at all five factors the Board has to review. D. Eskoff adjourns the Public Hearing at 7:52 p.m.

MOTION: D. Eskoff

SECOND: C. Kolakowski

RESOLVED, the Zoning Board of Appeals hereby adjourns the Public Hearing and tables the matter for the Applicant 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 May 2, 2023 at 7:00 p.m.

FURTHER RESOLVED, the Zoning Board of Appeals hereby refers this matter to the Town of Greenfield Planning Board for their Advisory Opinion.

VOTE:

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

Noes: None

Abstain: None

Absent: K. Taub

Meeting adjourned at 7:54 p.m. All members in favor.

Respectfully submitted by,

Kimberley McMahon
ZBA Executive Secretary

DRAFT