

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

April 1, 2014

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Taylor Conard at 7:30 p.m. On roll call the following members are present: Taylor Conard, Denise Eskoff, Michelle Granger, Joseph Szpak, and Laura Sanda, Alternate. Kevin Veitch is absent.

March 4, 2014 MINUTES

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of March 4, 2014, as submitted.

VOTE: Ayes: Conard, Eskoff, Granger, Szpak

Noes: None

Absent: Veitch

Abstain: Sanda

NEW BUSINESS

MULLEYVILLE SNOWMOBILE CLUB

Ormsbee Road

T. Conard reviews that the applicant is seeking a 250' area variance for frontage. They have been before the Town Board and an open development area permit has been approved. We did receive the additional information requested at the previous meeting.

RESOLUTION – Mulleyville Snowmobile Club

MOTION: M. Granger

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals accepts the application of the Mulleyville Snowmobile Club for a frontage variance for property located at Ormsbee Road, TM# 110.-1-4 and sets a public hearing for Tuesday, May 6, 2014 at 7:30 p.m.

VOTE: Ayes: Conard, Eskoff, Granger, Sanda, Szpak

Noes: None

Absent: Veitch

G. DAVID EVANS – Area Variance

Plank Road

G. David Evans is present. T. Conard reviews that the applicant is seeking an area variance for frontage. This is a land locked parcel needing road frontage of 250'. This application will have to be referred to the Town Board for an open development area and approved before the ZBA can rule on this.

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RESOLUTION – G. D. Evans, Area Variance

MOTION: D. Eskoff

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals refers the application of G. David Evans for an area variance for frontage to the Town Board for an Open Development area for property located at 366 Plank Road, TM# 123.-2-33.

VOTE: Ayes: Conard, Eskoff, Granger, Sanda, Szpak

Noes: None

Absent: Veitch

T. Conard states that once the Town Board approves the open development area, the ZBA can then accept it and make a decision. D. Evans asks when the Board can rule. He states that this property is under contract, there is a builder lined up and this is part of an approved subdivision formerly on a public road. T. Conard states that this is no longer a public road. D. Evans states that if the Town costs him this contract, they will cost him a lot of money. T. Conard states that the Town is not costing him the contract. We are just following the laws. D. Evans asks if there is any additional information that the Board will need. D. Eskoff states that the application looks complete. D. Evans states that he was lead to believe, by G. McKenna, that this application could be accepted tonight and sent to the Town Board so that it could possibly be approved at the May 6, 2014 ZBA meeting. M. Granger states that G. McKenna's notes state that an open development permit is required. D. Evans asks who has the last word on whether this is a legal subdivision already without the frontage. M. Granger states that what is front of us is from 1984-85 and the zoning has changed significantly. D. Evans states that he has read the zoning laws and analyzed them, and as he understands them, he is in compliance without a variance and that G. McKenna is wrong on a couple of issues. This did have frontage at the time. Ed Kowalewski asks to address the Board. He is the attorney for the purchaser and he only found out about this today. He states that he spent some time on the phone today with G. McKenna and he did express that time is of the essence. They were supposed to drill a well on Wednesday, if that doesn't happen, the whole project gets pushed back. G. McKenna explained the process as being that the ZBA could accept the application this evening, send it to the Town Board for approval, and then provided that something happens on April 3 or April 10, it could come back to the ZBA for a public hearing on May 6. M. Granger states that it could be contingent upon. D. Eskoff states that we have done that in other instances, but we just did one extremely similar. T. Conard states that usually we are asking for more information. J. Szpak asks what could be the worst case scenario if we schedule the public hearing and then couldn't have it. R. Rowland states that if you advertise the public hearing, you have to open it and then adjourn it. She states that she did speak to MaryAnn Johnson, Town Clerk, today about this application and dependent on tonight's meeting, M. Johnson would put it on Thursday night's agenda meeting to be on the April 10, 2014 Town Board meeting. The Town Board could require additional information. D. Eskoff states that she has no problem with that, but is there a difference between the application we just did for Mulleyville. R. Rowland states that the Mulleyville application no one was present and it was not accepted as complete as there was additional information that the ZBA requested.

RESOLUTION – G. D. Evans, Area Variance

MOTION: D. Eskoff

SECOND: J. Szpak

RESOLVED, that the Zoning Board of appeals withdraws the previous motion and accepts the application of G. David Evans as complete for an area variance for property located at 366 Plank Road, TM# 123.-2-33, and sets a public hearing for May 6, 2014 at 7:30 p.m. contingent upon:

- **Town Board approval of the open development area**

VOTE: Ayes: Conard, Eskoff, Granger, Sanda, Szpak

Noes: None

Absent: Veitch

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GREENFIELD COMMUNITY & BUSINESS ASSOCIATION – Area Variance
Wilton Road and Route 9N

Butch Duffney and John Bokus are present representing the Greenfield Community and Business Association. T. Conard reviews that the applicant is requesting an area variance to build a sign to be used as a banner board for their members. D. Eskoff states that letter I on the application was not completed regarding previous variances of this property. R. Rowland states that there have not been any applications over the last 13 years. D. Eskoff questions the exact size of the sign. B. Duffney states that it is 6'8" wide. He explains a little about the GCBA and the reasoning behind putting up this sign. They would like to offer their members a way to promote their businesses as a way to give back for their support of the GCBA. J. Szpak states that then for profit and non-profits can use this. D. Eskoff asks if they have a photo as she is curious as to what they are describing as a banner. J. Bokus states that it will be a vinyl banner. J. Szpak comments that the ZBA did not allow a variance for a sign that was going to be 4' x 8'. J. Bokus provides some photos of other signs throughout the area. B. Duffney explains the location in relation to the existing Hairport sign and states that the GCBA is also going to rebuild that sign. D. Eskoff asks if this will be the same size as the one at the Baptist Church, similar to the Town Hall sign. T. Conard states that he thinks that the design looks very nice. He states that when we allow signs, if people have multiple businesses in a given place, you can have multiple signs. This would not be multiple businesses all the time, but multiple businesses would be using it. B. Duffney explains that they would like for this to be two sided. It will be solid so that there is no chance of the wind getting under and behind the banner to break it loose. He states that the height is so that there is clearance underneath because if you sit at the light in a regular car you would be able to see underneath it.

RESOLUTION – Greenfield Community & Business Association, Area Variance

MOTION: M. Granger

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals accepts the application of the Greenfield Community and Business Association as complete for an area variance for a sign for property located at 20 Wilton Road, TM#138.1-2-24 and sets a public hearing for Tuesday, May 6, 2014 at 7:30 p.m.

VOTE: Ayes: Conard, Eskoff, Granger, Sanda, Szpak

Noes: None

Absent: Veitch

OLD BUSINESS

CASEY CORNELL – Area Variance

South Greenfield Road

Casey Cornell is present. T. Conard explains that this is a request for an extension of a previously approved area variance for the old firehouse located at 14 South Greenfield Road. He is aware that the applicant has been involved in a lot of different projects – subdivisions, etc. The Board can rule on this tonight as everyone was in favor previously and there is not much that can be done with the fire house. He thinks it is a good option. D. Eskoff asks if the two properties have been combined. C. Cornell states that they have not yet. He did not get much farther than the ZBA. There is engineering that needs to be done to get on to the next step with this property and he did not get to it because he has been working on the engineering for the other properties. M. Granger asks if he anticipates making more progress this year. C. Cornell states he definitely wants to make more progress on this and getting it wrapped up. D. Eskoff states that the house up the road came out very nicely and when you take your time, it shows.

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RESOLUTION – C. Cornell, Area Variance

MOTION: M. Granger

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals grants the request of Casey Cornell for an extension of the previously approved area variance for property located at 14 South Greenfield Road, TM#138.3-1-1, as follows:

- **Area Variance of 1.26 acres**

This approval is contingent upon:

- **Lots TM#138.3-1-1, 14 South Greenfield Road, and TM#138.3-1-3.2, 12 South Greenfield Road, are to be combined**
- **Meeting Planning Board requirements as to parking and the Site Plan Review**

This approval is based on:

- **The use is consistent with the surrounding neighborhood, therefore there is no undesirable change**
- **Benefit cannot be achieved by other means**
- **No adverse physical or environmental impacts**
- **Hardship is not self-created, it is a pre-existing, non-conforming lot**
- **This is an extension of a variance previously granted on May 7, 2013**

VOTE: Ayes: Conard, Eskoff, Granger, Sanda, Szpak

Noes: None

Absent: Veitch

Meeting adjourned 7:56 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary