

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

August 7, 2018

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Denise Eskoff, Chair, at 7:00 p.m. On roll call the following members are present: Denise Eskoff, L. Sanda and J. Szpak and Neil Toussaint, Alternate. Curt Kolakowski and Andrew Wine are absent. N. Toussaint has full voting privileges for the entirety of the meeting.

Minutes

July 2, 2018, minutes will be reviewed at the September 4, 2018 meeting for quorum purposes.

NEW BUSINESS

Ramsey, J. Case #1005
TM#164.8-2-7.13

Area Variance
14 Old State Road

Joshua Ramsey is present. D. Eskoff asks if this is an Application to build an addition for a playroom. J. Ramsey states yes. D. Eskoff states to a pre-existing non-conforming lot the lot is quite small it is .29 acres. It has 155' of road frontage. The rear yard setback is 10' he needs 50' and would require a variance of 40'. Right side yard setback he has 25' the Code requires 25' and he would need 3+/-' so he not right to the limit of the line because the lot tappers and 25' does not allow for any mistakes based on what the Town Codes Enforcement Officer is saying. The Board would give him a small variance for that if they felt it was justified. J. Ramsey states the addition would be in the driveway. The driveway is 16' x 80' long. They are making the driveway smaller. D. Eskoff states that J. Ramsey has supplied the Board with a picture of the home and the area that it is in. D. Ramsey asks if his house is behind 9N. J. Ramsey states yes. D. Eskoff asks if that is within 500' of Route 9N. J. Ramsey states yes. D. Eskoff states that the Board will have to notify the state. D. Eskoff asks how big is the addition going to be. J. Ramsey states 24x20'. D. Eskoff asks how big is the house. J. Ramsey states 24x40'. J. Szpak states that those are both on the map that was provided. D. Eskoff states she is asking for the record. N. Toussaint states that he would like to see some pictures of the driveway from the ground it's hard to view from the aerial map. D. Eskoff asks if this is the road that is hard to see. J. Ramsey states it is auto sales are right behind him. D. Eskoff states that it is pretty private back there. J. Szpak states that there is a house on the side of the driveway where the addition will go and it puts it closer to a house that is there between Route 9N and his house, maybe a picture. If the Applicant is standing in his driveway and takes a picture of his neighbor's driveway showing what kind of buffer is there, J. Ramsey asks the house on the hill. J. Szpak states that it would be good for him to have in the record to show he is encroaching on the neighbor, but here is what is between his house and the neighbor. D. Eskoff states that one buffer is easily seen, but the other isn't. D. Eskoff states that there will be a Public Hearing and the neighbors will get notice so if they have any concerns the Board will hear about it. D. Eskoff asks if he communicates with his neighbors. J. Ramsey says he does. J. Szpak asks if the

Application is complete. D. Eskoff states that she believes so, it is a simple addition. There is no septic involved or changes with the well. J. Szpak asks the location of the septic is it in the front. J. Ramsey states on the other side. D. Eskoff states it's on the picture toward the other house where the buffer is. L. Sanda asks if there will be enough clearance with the addition to the well. J. Ramsey states yes.

MOTION: J. Szpak
SECOND: L. Sanda

RESOLUTION: J. Ramsey Case #1005

RESOLVED, the Town of Greenfield Zoning Board of Appeals accepts the Application and sets a Public Hearing for September 4, 2018, for an Area Variance for Joshua Ramsey, Case #1005, 14 Old State Road, TM# 164.82-7.13, pending receipt of the following information by August 21, 2018 to be submitted to the Greenfield Building Department/ZBA:

- Additional requested photos of the driveway from the road, and photo of the house facing on the north side from his driveway.

Ayes: D. Eskoff, L. Sanda, J. Szpak, N. Toussaint
Noes: None
Abstain: None
Absent: C. Kolakowski and A. Wine

OLD BUSINESS

Stewart's Shop's Case #997
TM# 138.-1-24

Area Variance
2535 Route 9N

Ryan Rabadeau is present for the Applicant. D. Eskoff states that the Board received a letter from Stewart's after last month's meeting. The Board granted an Area Variance for Stewart's for their multiple use sign at their last meeting. They tried very hard to minimize the variance as much as possible, unfortunately when they went to put it into motion they were not able to do so. They are back to the Board with an amended version of that request to entertain and basically in order to do that the Board needs to look at what Stewart's is asking for. The Board will have to set a new Public Hearing date for next month and then the Board can potentially review and amend it from there. R. Rabadeau asks if they have to have a Public Hearing. D. Eskoff states yes, because the case is reopening for change from the variance granted they have a variance that runs with the land that is not going to be used. As it exists now, according to the Code Enforcement Officer's notes the sign is 91.333 square feet by 11' 5" tall. Six units are advertised and 10 square feet is allowed by Code so a max size sign would be 60 square feet. According to Code Enforcement, for what they want now, the existing sign size is 92 square feet 60 square feet is allowed and they would need a variance of 32 square feet +/- . The existing sign height 11' 5', 6' is allowed requiring a variance of 5.5'. J. Szpak asks how this is different from the original request. R. Rabadeau states originally they were going to take the bottom portion of the sign off to minimize the variance, but they are unable to do it. It is actually 80' signage. D. Eskoff states correct. R. Rabadeau states it is not segmental construction the only thing they can do is they can remove the panels. D. Eskoff states that it was not going to work for them. In Greenfield when someone changes a sign they go back to zero to determine size. It's not like just taking the 80' and adding on to it. They have start back to zero start at the

Code and build up from there. Right now they have a variance they aren't able to use. The Board would just be entertaining new numbers and their new lay out. R. Rabadeau states that they are looking for 80' so it would be 20 square feet total. Or 12 square foot amendment. D. Eskoff states she will read part of a letter from Chuck Marshall (Stewarts) "...Because the type of construction differs from previously perceived, Stewart's requests that approval for case # 997 be amended to read 68 square feet of retail signage and an overall sign of 80 square feet. The bottom is 1.5 feet previously thought able to be removed with be covered by a solid burgundy face. Drawings of the intended elevation are attached." The drawings are the ones R. Rabadeau is showing the Board now. The Board is entertaining that difference. What they were unable to do with the first height relief and size relief that the Board gave them for the sign. L. Sanda asks if the sign will be exactly the same as it is now. They are just changing the gas and adding the diesel is that correct. R. Rabadeau state exacts same. D. Eskoff states the Board had asked them to take it off the column which the Board did not know was there since it would now be where they want it so their customers can see it. Instead of being just red it's going to be internally lit with green and red gas prices. Any amendment or any change will have to include that internally lit component because they have to allow for that in the variance if they accept it. She thinks that they need to set a Public Hearing and review those numbers. J. Szpak asks how does the 80 square feet compare to the 91.333 existing. R. Rabadeau states that the sign is 11' 5" high so the Codes Enforcement Officer might be thinking 11' 5" and 8'. D. Eskoff states that she thinks he may be overestimating for a reason as last time. R. Rabadeau states 10' for signage by 8' of signage so that makes it 80 square feet. L. Sanda states that she believes that our Code reads poles are supposed to be included in that. D. Eskoff states yes. J. Szpak states from the posts to the ground up. D. Eskoff states that she thinks that he is doing that. The Board will make sure they are covered for whatever is necessary. D. Eskoff states that's why she thinks he had it written last time and the Board just did it for the sign, but they also knew they weren't changing out the sign they were just basically putting in a new section of the sign. If you look at the total number the Applicant/Agent might want to measure it themselves just to be sure G. McKenna and he are on the same page. The 32 square feet request because the amount of advertising they are doing they need signage for other parties. It's a multiple use sign area. Then the 5.5' for the height. The height is the bigger part but the sign is not going to change, as Town Code reads that they have to go back to zero when they review the cases.

MOTION: J. Szpak
SECOND: N. Toussaint

RESOLUTION: Stewart's Shop's Case #997

RESOLVED, the Town of Greenfield Zoning Board of Appeals reopens Case #997, accepts the Application as amended and sets a Public Hearing for September 4, 2018, for a sign Area Variance for Stewart's Shop's, 2535 Route 9N, TM# 138.-1-24,

Ayes: D. Eskoff, L. Sanda, J. Szpak, N. Toussaint
Noes: None
Abstain: None
Absent: C. Kolakowski and A. Wine

OLD BUSINESS & PUBLIC HEARINGS

Stonybrook Preservation & Development Case #1000

Area Variance

Clark Wilkinson is present for the Applicant. D. Eskoff opens the Public Hearing at 7:15 p.m. No one from the public is present to speak on behalf of the case. C. Wilkinson states that this is a pre-existing non-conforming lot in the MDR-1 Zone. The MDR-1 Zone requires one acre. The lot is 20,000 Square feet. As such the side setbacks in the MDR-1 Zone require 25' on each side which minimizes the available lot to build on and he is requesting a setback variance of 10' on each side. One side is 10' the other is 5'. He has submitted photos of some of the houses in the neighborhood. There are three existing locations with site of this lot that have houses that are closer than what he is proposing to the neighbor. It's approximately 25' from the neighbor's house to the house as far as setback goes. The reason for the Application was the Applicant has spoken to the Building Department and had indicated to him that the side setbacks were 10'. The owner finalized plans for a house and ordered it and the house was on order when they submitted the building permit. The building permit was rejected for the side setbacks. That is what has brought him to the ZBA. The house has been postponed due to be delivered next week pending tonight's outcome. D. Eskoff states that she wants to reiterate that this is a pre-existing non-conforming lot. The Board is not concerned with the overall lot size. They are concerned with the right and left yards setbacks. It's a pretty small lot, fairly minimal variance request asking for 9.9' on the right and 4.10' on the left. J. Szpak asks this is a pre-existing non-conforming lot why is the Board not acting on an area variance. D. Eskoff states that the Board is, it is an area variance. J. Szpak states that he is referring to the size of the lot. D. Eskoff states that because the only thing that is regulated is the setbacks. Lot size or frontage unless the proposed use requires a Special Use Permit or Site Plan Review it would not be in play. This is per the Town's Code Enforcer. C. Wilkinson states because it is a pre-existing lot. L. Sanda asks if anyone has communicated to the neighbor to the north. C. Wilkinson states that that lot was just sold recently does not know who the new owner is. He can research it. He knows that they are aware of the Application he spoke to the real estate agent to make them aware. That is the best that they can do. D. Eskoff states these are particularly small lots. They are difficult to work with. J. Szpak states just to clarify they are requesting a right yard setback 10'. C. Wilkinson states correct. J. Szpak asks the left yard setback 4.10'. D. Eskoff states 9.9' and 4.10 per Code Enforcement Officer. C. Wilkinson states 10'. D. Eskoff states that the Board has to minimize as much as possible. J. Szpak asks if the foundation is already poured for this. C. Wilkinson states that no it is not. J. Szpak asks the house is going to show up and the foundation is not there. C. Wilkinson states the house is scheduled to show up and the foundation contractor is scheduled to start working tomorrow. D. Eskoff states that they did stall this to come in front of the Board. J. Szpak states that the reason he says that is he is nervous about giving a 9.9' variance if the foundation is not in place. D. Eskoff asks if J. Szpak would prefer to do the variance for 10'. J. Szpak yes. C. Wilkinson states that he did give the surveyor a copy of the deed and the final layout of the house. The surveyor is staking out the house. It is going to be within inches, but he agrees. Why find out later that it is 2" off and they don't meet the setback requirements. L. Sanda suggests 10' and 5' variance. D. Eskoff states that they just don't want to go on someone else's property. C. Wilkinson thanks the Board and states that he feels it will save everyone's time. D. Eskoff states that the house closest would be the biggest concern, but the Applicant states they are aware of it but they are not present. D. Eskoff closes the Public Hearing at 7:22 p.m. C. Wilkinson asks about SEQRA and D. Eskoff states it was not indicated.

RESOLUTION: Stonybrook Preservation & Development, LLC Case #999

MOTION: J. Szpak

SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals hereby grants an Area Variance for a right yard setback of 10' and left yard setback of 5' for a new house for property located at 32 Locust Grove Road, Case #999, TM# 164.-1-50 for the following reasons:

- The benefit cannot be achieved by other means feasible to the Applicant. The house is already purchased and variance is necessary.
- There is no undesirable change to the neighborhood character or detriment to the nearby properties.
- The request is substantial but the property is pre-existing non-conforming.
- There are no adverse physical or environmental effects.
- The alleged difficulty is self-created, but it is a pre-existing non-conforming lot.

Ayes: D. Eskoff, L. Sanda, J. Szpak, N. Toussaint

Noes: None

Abstain: None

Absent: C. Kolakowski and A. Wine

**464 Maple Ave. Case #1000
TM# 153.13-1-40**

**Area Variance
464 Maple Ave.**

Eric Carlson is present for the Applicant. D. Eskoff asks if there is anyone present from the public regarding this case and opens the Public Hearing at 7:25 p.m. There is no one present from the public. D. Eskoff states that 464 Maple Ave/Mr. Carlson has been before the Board previously for an area variance for this property. He was granted a 1.16 acre area variance on June 7, 2016, which she believes is the last variance the Board granted. They had previously granted a variance and it expired for this property. D. Eskoff asks E. Carlson to review for the Board what the project consisted of. E. Carlson states that the project is two buildings. The front building is office use. The rear building is eight apartments units. The front building where the commercial use is there is an eye doctor. The doctor would like to have a sign and that is what brought him to the Board. D. Eskoff asks if he is requesting for a multiple use sign. E. Carlson states yes. D. Eskoff states that the picture he has provided indicates a much bigger sign for one office and asks how much office space is there. E. Carlson states that there is 2,200 square feet currently and it could easily be subdivided. D. Eskoff states then that there could potentially be more offices down the road. D. Eskoff states that there are a couple of concerns; they need to address them as a Board. When the Board granted his variance back on June 7, 2016, the Board had already granted that variance and it had lapsed and then they granted him a renewal. That renewal lapsed as well. Then he came back and asked for another renewal and the Board did grant it. D. Eskoff reads the Resolution the ZBA gave to him June 7, 2016 which states that "No further variances will be granted for this project. If there are any changes that need to be made, the Applicant has previously agreed to make any changes necessary to conform to any other zoning Codes of regulations that may come in to play based upon what the Planning Board requires, including the buffers." D. Eskoff states that he started the project and they did not perceive it to be anything more than an area variance at that time. The sign variance kind of comes in sideways to what the Board held as no more variances for

this project. They have a Public Hearing for this project and are going to keep it open while the Board discusses what they want to do with this case. She knows there is some potential under the multiple use sign Code that he may not have to have a sign variance for, but if he has his heart set on this design that he submitted to the Board then the Board will go forward with that. Her other concern is if the Board moves forward in pursuing the sign as he has it presently designed and the variance request then she believes this case will have to go back to the Planning Board to determine whether or not everything was met since the ZBA was not part and parcel to that part of the case. N. Toussaint asks what is the other option with the sign. D. Eskoff states that the Town has a multiple sign Code to allow for certain things, for instance Stewart's has a multiple use sign, but they have multiple tenants and it has been there for years. E. Carlson currently only has one tenant. The Applicant is looking for a sign for an eye doctor. Signage is expensive and wants to make it so he can add to it as he gets new tenants. She asks if he will be advertising for only the businesses. E. Carlson states correct. D. Eskoff states that he is not looking for it to be internally lit. E. Carlson states that he worked with person who made/designed the signs that he provided pictures of however he is not sure which ones. D. Eskoff states she is familiar with several of them but some are not in Greenfield they are in Wilton or in Saratoga. E. Carlson states the reason he is saying that is they are pretty much in character with the signs that are on that road. J. Szpak states just for clarifying G. McKenna has commented that perhaps the Code would allow a larger sign. D. Eskoff states yes that may accommodate the Applicant's need and still comply with the Code. Meaning he might not actually need a variance. J. Szpak asks if what. D. Eskoff states depending on how the sign was put together size wise. J. Szpak states that he is asking for a variance. J. Szpak asks if E. Carlson has a sign designed already. E. Carlson states yes. J. Szpak states that if the sign is already designed how could it perhaps meet Code it does or doesn't. D. Eskoff states it is just a design it hasn't been built so it could be re-designed. What G. McKenna is saying is if it turns out that the Board is not granting anymore variances for this project then somehow Mr. Carlson has to accommodate to do his signage. He is still entitled to signage. J. Szpak states that he still does not understand G. McKenna's comment. His comment says perhaps that section of the Code were to accommodate the Applicant's need and still comply with the Code. D. Eskoff states right, the multiple sign portion which is what the Board looked at for other multiple use signs. J. Szpak states why they don't have a multiple sign Application. D. Eskoff states that it basically is a multiple sign Application. J. Szpak asks why is the variance required. D. Eskoff states that currently there is one business. E. Carlson states there is exactly one. D. Eskoff asks how many businesses can go in there. E. Carlson states that he can theoretically make into 500 square foot spots. He does not anticipate that happening. The number he picked was three; he could easily get three smaller tenants there. It wouldn't be unreasonable to have 1,000 square foot office tenant, possibly an insurance agent. D. Eskoff states that what she had was originally he was asking for 8' and requirement is 6'. He was asking for a 2' variance on the height and the total size was 56 square feet required 10' and a variance of 46 square feet. That's for a basic simple sign not for a multiple use sign. J. Szpak asks what he is trying to determine is what Code actually applies to this sign. D. Eskoff states that she believes the multiple use sign Code if it is for multiple use businesses. J. Szpak states that if it is going to be built as a multiple use sign that has three panels in it. D. Eskoff states that if they are looking at three then it would be three parcels which would be included in the three multiple uses. J. Szpak asks what the Code would require for that. The Board would have to look that up or have G. McKenna redo those numbers. If the Board wants to entertain that she suggests that the Board refer it to the Planning Board to make sure that everything on the Site Plan was as requested before the Board goes any further with the variance request. It may turn out that he won't need a variance if that is applied directly, she is not sure of that at this point. L. Sanda asks if he has the actual dimensions. It states 8' tall is that in the center. Is it 7' wide at the widest point? Compared to the Stewart's sign that accommodates eight businesses. This

accommodates three and it is essentially the same size. D. Eskoff states it's quite large. L. Sanda states with the solid bottom, not being able to see through there she is concerned about possible site distance issues. It just seems like a very large sign. L. Sanda states that she would also like the Site Plan reviewed. D. Eskoff states that if the Board does that then they will leave the Public Hearing open. J. Szpak to clarify what would the Planning Board do. D. Eskoff states they would like the Planning Board to review if it conforms to what the ZBA thought it to be. If he recalls the ZBA sent it the Planning Board for buffers and left it up to them to complete whatever had to be done regarding any concerns they had regarding giving the area variance. The ZBA has no verification at this point. J. Szpak states they are waiting on that first. D. Eskoff states the Board can, it was a couple years ago, because he is now in for a variance and the Board stated no further variances even then the Board was basically referring it as an overall variance. If the ZBA refers it the Planning Board for an opinion for them they should have that back to the ZBA hopefully by next month. The ZBA would then be able to proceed and E. Carlson could look more closely at his numbers in the meantime and G. McKenna could look a little more closely at the multiple use sign numbers and possibly come up with a better solution that is all she is suggesting. E. Carlson states that he is as confused as J. Szpak is. He is in front of the Board because G. McKenna told him he could not use 10 square feet and multiply it times the number of tenants. D. Eskoff states that it does not work quite that way, it is a different portion of their Code. Its §105 123-13. L. Sanda reads the multiple use sign Code. The Board would have to figure out what the potential uses are, what the available sign size is, and how many businesses. E. Carlson would have to clarify what his future intent is. If he decides to subdivide the space and add a forth business then the sign does not accommodate the forth business and he comes back for another variance and it says no further variances will be granted. E. Carlson states that if he understands that correctly he won't be back in front of them if G. McKenna interprets that to mean four tenants will get him full. D. Eskoff states that what he is saying is it could potentially be depending on how he designs his sign. There still is a height requirement involved. The one he is proposing she does not think will work it's too big. L. Sanda agrees. Just because the panels are 10 square feet meets the overall area of this sign. She would like to see the actual dimensions of the sign. E. Carlson states they are 8'. L. Sanda states they are 8'x7', but it doesn't identify whether the 8' is to the very top of that point or not. That is all important and feels that needs to be clarified with G. McKenna. Get his definition on the sign, if he is looking for a multiple use sign then that is what he should be asking for. That would be the minimum variance. D. Eskoff states these sign cases can get a little bit confusing because there are variables. Stewart's had a pre-existing sign so the Board knew exactly what they are working with. In this case the Applicant is designing something to try to fit and for the Board to try to minimize the variance in any case much less a case where they already gave a variance. J. Szpak states that he wants to minimize the variance and he is thinking what is the reasonable number of tenants that he can have in that building. That is probably the smartest choice for building a sign. D. Eskoff states that she thinks the Planning Board can help give them that information. The Public Hearing is still open. She feels it is best to refer to the Planning Board and refer back to the Town's Code Enforcement Officer. Maybe Mr. Carlson has another discussion with G. McKenna within that time period to get the information and the Board can move forward from there and make a more informed decision. J. Szpak agrees and states that if E. Carlson comes back and we find that it is three businesses that will fit in there and the sign ends up being 30 square feet. Can he make that meet his needs then no variance is required. He agrees he does not have enough information to make a decision. D. Eskoff states at 7:37 p.m. she would like to table the Public Hearing until next month pending receipt of report on this case from the Planning Board and for further discussion with the Codes Enforcement Officer. D. Eskoff states that the ZBA wants to refer this to the Planning Board for an opinion regarding meeting the requirements of the Site Plan within their previous request to them regarding follow up on the area variance of June 7, 2016. J. Szpak

states the Planning Board assessment of reasonable number of business units that could be put in this facility. D. Eskoff states the Planning Board may have already determined that. L. Sanda states based on that they have a revision from G. McKenna on what the sign variance is and if this is still the sign E. Carlson wants to have if he could provide the actual dimensions with the update or if he wants to revisit the sign size. If G. McKenna comes up with 40 square feet and he can find a sign that will work with that he would be done and not need a variance. D. Eskoff states that the report will come back to the ZBA from the Planning Board which the Codes Enforcer would have access to. Potentially they will know by next month, if the Planning Board has time to review it. K. McMahon can inform the Applicant when he would be on that schedule so that he could go before them and review the case. It would be on their regular schedule.

MOTION: D. Eskoff

SECOND: J. Szpak

RESOLUTION: 464 Maple Ace, LLC Case # 1000

RESOLVED, that the Zoning Board of Appeals tables the Public Hearing and refers case #1000 to the Planning Board for an opinion for 464 Maple Ave, TM# 153.13-1-40, for the following reasons:

- 1) To review and determine if the contingencies previously set forth by the Zoning Board of Appeals in a Resolution granting an Area Variance for 1.1.6 acres for this property (formally TM# 153.13-1-13.1, TM#153.13 -1- 35 and TM#153.-13-1-13.2), dated June 7, 2016, directed to the Planning Board have been met by the Applicant.
- 2) For the Planning Board to provide to the ZBA with a general assessment of a reasonable total number of businesses that could potentially operate at this location, including both at the present time and in the future, to help guide the ZBA in determining the number of potential businesses that may require signage as part of a multiple business sign for this property under Town Code §105-123 B (13), including any concerns recommendations pertaining to size, location, site distance and/or other contributing factors for signage at this location.

Ayes: D. Eskoff, L. Sanda, J. Szpak, N. Toussaint

Noes: None

Abstain: None

Absent: C. Kolakowski and A. Wine

Dragonette, T. Case #1002
TM# 153.17-1-15

Area Variance
441 Maple Ave.

Thomas Dragonette is present. D. Eskoff asks if there is anyone from the public present to speak regarding this case and opens the Public Hearing at 7:43 p.m. There is no one present from the public to speak. T. Dragonette states that he sent in photos and a rough layout of what they are proposing to do that the Board had requested. D. Eskoff states that it is an

improvement. He is taking down a very old garage that is kind of falling down in parts. She asks what is the age of that structure. T. Dragonette states that he is not sure how old it is. D. Eskoff refers to it then as vintage. T. Dragonette states that they are looking for a variance because their property only has 50' road side frontage. They have .96 acres and thinks the Code states that they are supposed to have 2 acres with 120'. D. Eskoff states correct. This is a pre-existing non-conforming lot and for frontage they have 50'. They require 120' of frontage and they will need a variance of 70'. Size is .96 acres requires 2 acres will need a variance of 1.04 acres according to Code Enforcement. They are proposing to build a garage with a studio in it that is for personal use. T. Dragonette states yes. The Board reviews Code Enforcement notes and discusses why frontage and acreage is necessary for this variance on a pre-existing non-conforming lot with the Applicant. L. Sanda states that the Code states a studio has to be reviewed for Site Plan Review. T. Dragonette asks if the Board needs any other information from him. D. Eskoff states that they had a studio and are losing it and need a place to work. T. Dragonette states yes they bought the house a year ago. They had a studio in down town Saratoga for nine years and they got bought out of a spot and forced out. Instead of trying to find another place in Saratoga since they bought the house have the old garage that is wasting space they thought maybe they could build a studio in the garage on their property and not ever have to worry about getting kicked out again. D. Eskoff states and to make the property better where she is sitting this is an improvement. The variance is because of the size of the property and the restrictions of that area. There are pictures and a drawing to the neighbor's house. N. Toussaint asks is the building next door commercial or a house. T. Dragonette asks the one on the left. N. Toussaint states yes. T. Dragonette states it used to be an accounting firm they sold it to a man that has a pool repair business. He rents out the house part. D. Eskoff asks if it is residential is it a mixed use. T. Dragonette states yes. D. Eskoff states it is generally a mixed area, some of it goes back and forth, it is very hard to determine and without knowing. T. Dragonette states yes that there is also a very big garage on property that sits behind the house. D. Eskoff states there not being anyone here for or against this Application she closes the Public Hearing at 7:49 p.m.

RESOLUTION: T. Dragonette, Case #1002

MOTION: J. Szpak

SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals hereby grants an Area Variance for a 70' of frontage and 1.04 acres, Case #1002, TM# 153.17-1-15 for the following reasons:

RESOLUTION: T. Dragonette, Case #1002

MOTION: J. Szpak

- The benefit cannot be achieved by other means feasible to the Applicant.
- There is no undesirable change to the neighborhood character or detriment to the nearby property. It is an upgrade.
- The request is substantial but the property is pre-existing non-conforming.
- There are no adverse physical or environmental effects.
- The alleged difficulty is not self-created, because it is a pre-existing non-conforming lot.

This case will require a Site Plan Review.

Ayes: D. Eskoff, L. Sanda, J. Szpak, N. Toussaint

Noes: None

Abstain: None
Absent: C. Kolakowski and A. Wine

Cornell, B. & D. Case #1003
TM# 124.-2-12

Area Variance
210 N. Greenfield Road

Betty and Duane Cornell are present. D. Eskoff opens the Public Hearing at 7:52 p.m. and asks if there is anyone present for or against this project. No one is present from the public. Two of the ZBA members were not here last month and asks the Applicant to explain the project. D. Cornell states the slab is not where it is supposed to be and it does not meet the 75' setback. The 75' setback should have also included an 8' area for a porch on the front of the house. D. Eskoff states that the Applicant's amended the Application so they can look at both of them together. D. Cornell states they are seeking a variance to be able to leave the slab where it is and to be able to intrude farther into that space. D. Eskoff asks if that is in front of the house and toward the road. D. Cornell states correct. D. Eskoff asks it is not toward the neighbor's. D. Cornell states correct. D. Eskoff states that G. McKenna gave the Board three options as they try to minimize the variance. They are looking for 8' for the porch. They have one version with the setback. A version with a 2'-5' front porch and a version with a 3-7' for the porch. Which one are they looking to do. D. Cornell gave the drawing three separate options. The one they would like the best would be to make it 16' long, the house is 48'. 16' would be 1/3 of it. The door of the house is not centered. To put the porch 16' wide would center the entrance of the house to the front porch. Once again they are trying to move away from the manufactured home look. D. Eskoff states that they want it to fit into the neighborhood and not look like a manufactured home and thinks it is very admirable. D. Cornell states the other reason why 16' works is where the windows set in the front of the house. The window sets right next to the door, uncomfortably next to door. So they have to start from that point and go past the first set of windows give or take 16'. D. Eskoff states 16' length wise not setbacks. D. Eskoff states as long as they can get a setback the Board is happy with. L. Sanda asks should the setback include the distance to the front steps. D. Eskoff states yes. L. Sanda states that all the dimensions the Applicant has provided are for the porch dimensions but the steps come out further. D. Cornell states to which he does not know what that distance is because he does not know how high the porch is. N. Toussaint asks if they can put them off the side. D. Eskoff states she thinks they would have to if they only give them 7' they would have to find access to that porch. N. Toussaint doesn't see any reason why they couldn't put them on the side of the porch. D. Eskoff states the way they appear interpreted by the Codes Enforcer was the maximum was 7' in version three as a setback. They have 57.8' requires 75', they would need a variance of 17'. If he is talking steps that is beyond what the Application has been submitted for, not sure if they want to go there. L. Sanda asks if they have a lot plan that shows the house sitting on the lot where the slab is. N. Toussaint states yes. L. Sanda states that the slab was put in incorrectly in what way. D. Cornell explains. The slab sits as the surveyor says and to bring the Board up to the history of that. The front line that starts the measurement is 60' off the center of the road. Typically it is 50'. They are 10' what is past is typical. That is really where the county has their right of way and in addition to that the well was also put in and has a county easement. L. Sanda asks that it is 60' from the center of the road to the highway boundary. D. Cornell states yes. N. Toussaint states it's a very wide right of way. D. Eskoff states it is an oversized right of way. The Applicants were able to get an easement from the county. D. Cornell states to take a rough estimate of the measurements he scaled it out to 16' from the

center of the house. 64' is from the corner of the house to the nearest part of the curve. If you stand on the front corner of the slab and go parallel to the side of the slab, right straight out to back corner or right straight out to center line of the road. There is 139' that's how far off he is the center of the road. L. Sanda asks when he said the slab was installed incorrectly was the slab moved closer to the road. Which way was it incorrect. D. Eskoff states that the front is too close to the road. L. Sanda asks 64.8' is the new number is that correct. D. Eskoff and D. Cornell state correct. D. Eskoff states that it would be a 10' variance. L. Sanda states that they need 75' and it was put in at 64.8'. D. Eskoff states correct. D. Cornell states that it was supposed to 75' including the 8' for the porch. It should have been 75' including 8' for the corner of the slab to where they measured from. L. Sanda asks why their surveyor isn't with them. D. Cornell states that he has many sore subjects and that is one of them. D. Eskoff states if the Board knew the size of the steps they could technically give them a variance as a separate component of the area variance. In other words to minimize the variance. If the Board gives a variance that says 18', or 20' that allows them to build all the way to the line assuming the building permit. If the Board is more specific as to what they can do with that they can help to minimize the variance that way. L. Sanda states that the driveway comes in on that side of the house so the stairs on the side might make sense. The stairs on the front of the porch might look awkward. Have they thought about putting them on the side. D. Eskoff asks if it is visual. D. Cornell states yes for two reasons. 1. To build a dormer style roof they are now shedding. Stairs the other way are coming under the eve. L. Sanda agrees. D. Cornell states running water and so forth. To him it is a visual thing. D. Eskoff states 8' is a pretty deep porch. D. Eskoff asks if they have considered lesser depth of a porch. D. Cornell states what he is also trying to do is to bring it into proportion at 16' long only 4' wide. D. Eskoff states she was thinking 6' or 7'. That would help them to give more footage to the steps. The Board does a lot of balancing and try to help people get area variances. D. Cornell states the 16' version he thinks he spaced out at 7'. D. Eskoff states that is what the Codes Enforcer is going by 7' not 8'. D. Cornell states that originally they had planned on having 8'. D. Eskoff states she feels that is pretty wide for the size of their house. How deep is the house. D. Cornell states 48'x28'. L. Sanda feels that if they are going to have a larger porch on the front of their home that porch would make the home, it would give it a nicer feel with the roof like that. She feels with the 16' to be usable space it does have to be wider, of they have the railing there. D. Eskoff asks if 7' is ok. J. Szpak states he is comfortable with 8' because if they are going to put furniture on it. L. Sanda states in the grand scheme of things they are talking about a foot. D. Eskoff asks what do they do with the steps. L. Sanda states they tack on 4' for the steps. If they give the 4' for the steps and 7' for the porch that gives them 11'. D. Eskoff asks what would the total be. L. Sanda states 75'-11'. J. Szpak states that he is looking at the picture that has the pre-formed steps it looks like a 2' ledge and 3' 8" steps. L. Sanda states that there won't be a ledge if he has the porch. It will just go down. So 4' will be enough. 4' will cover a good change in elevation in case it ends up being steeper. This way they are not boxed in and have to come back to the Board again. D. Eskoff asks if their Application clearly asks for 16' of porch. The amended Application. D. Cornell doesn't think so. D. Eskoff states that because they didn't they are leaving it up to the Board. They were looking at steps and little porch not sure where they were going. D. Cornell gave three options and that gave them a little bit of room. A smaller porch would be a little narrower. D. Eskoff states that she thinks a larger porch will make it look less like a pre-made home, which she thinks was their goal all along. L. Sanda states she feels the larger porch will look nice and it will be an improvement for sure. With it being so far off the road with the right of way being so deep no one will notice. Having the nicer porch would be a benefit to them in the long run. D. Eskoff states they will have the option of going up to the size that the Board gives them within some variables. L. Sanda asks when the Applicants were here last time was it the neighbors that came and they were not happy with the idea of a mobile home so it would be a benefit to them as well. The Board agrees. She feels

the Board should give them the variance for the porch and add in some dimension for the steps. J. Szpak asks if 4' is adequate. D. Eskoff closes the Public Hearing at 8:05 p.m.

RESOLUTION: B. & D. Cornell Case #1003

MOTION: J. Szpak

SECOND: N. Toussaint

RESOLVED, that the Zoning Board of Appeals hereby grants a 22' front yard setback Area Variance to accommodate the location of the slab foundation and allow for the addition of a 16' long x 7' deep attached porch to the front of the home with the remainder of the Variance (4.8') to allow for step/access to the porch, Case #1003, TM# 124.-2-12 for the following reasons:

- The benefit cannot be achieved by other means feasible to the Applicant.
- There is no undesirable change to the neighborhood character or detriment to the nearby property. It is an upgrade.
- The request is not substantial considering the right away is larger than average plus the reasonable need for a porch and steps
- There are no adverse physical or environmental effects.
- The alleged difficulty is somewhat self-created but not the fault of the Applicant considering the right away is larger than average plus the reasonable need for a porch and steps and it is a pre-existing non-conforming lot.

Ayes: D. Eskoff, L. Sanda, J. Szpak, N. Toussaint

Noes: None

Abstain: None

Absent: C. Kolakowski and A. Wine

**Bangert, D. Case #1004
TM# 126.-1-112**

**Area Variance
475 Greene Road**

David Bangert is present. D. Eskoff opens the Public Hearing at 8:10 p.m. No one is present for or against this project. There was a letter submitted for this case in favor of this project last month by neighbors, Denise and Peter Barber. Barber's property was in front of the Board at one point for a variance and they border this property. D. Bangert states to the south. D. Eskoff states that the Applicant owns two lots. D. Bangert states he owns 475 which is 4 acres and acquired 485 which is 4.5 acres. D. Eskoff states that 485 is the property that had the variance, but lapsed. D. Bangert states that the Esposito's had that for several years and it lapsed. D. Eskoff states yes they didn't do anything with it. They do have it in their records and there was 100' wetland buffer in there that existed. D. Bangert states yes it is 4.5 acre lot with probably 3000' due to DEC. D. Eskoff states that the Board has two members that were not here last month asks if he can explain the project. D. Bangert states that he wants to put up a large garage. There is a map in the back showing the orientation of the building. Kind of east to west. They would actually prefer to have north to south so they could have additional doors on the side that is the way they currently have it shown. The rear corner where it is positioned is the only place it can be built on that 4.5 acre lot. What they are looking for is some relief on the

rear to push it to the back away from the wetlands. D. Eskoff states 36' variance in the rear yard setback. D. Bangert states that they request 25' setback at the rear which he believes is a 75'. D. Eskoff states that it is 75' according to the Codes Enforcer. They have 39+/- and would require a variance of 36'. D. Bangert states on the Application he requested a 50' variance of the 75'. So he could build within 25' of the Barber property. Someone asked for approximate dimensions last month. D. Eskoff states the previous one that was granted was a 25' rear yard setback variance. Her understanding D. Bangert is in the process of combining 475 and 485 into one parcel. D. Bangert states yes. What they are looking for is a 50' variance to be able to build within 25' of the Barber property. To the west is wetlands to the rear the Barber's they have no intentions of building back because it is not a buildable area. He provided a couple of aerial maps. L. Sanda asks where D. Bangert's house is and where is the proposed garage going to be. They will never see that. D. Bangert states no it is impossible. D. Eskoff states no basement this is a garage and asks how far from the wetlands. D. Bangert states 25' from the buffer. L. Sanda states he could actually build on the buffer if he chooses. He is asking for 50' verses from the back. D. Eskoff states which is what they had partially for the other lot. Which will eventually be one lot. L. Sanda states that he said the Barber's don't plan on building back there, but is it wet. D. Bangert states that it is wet behind his property. There is a low spot that comes down from the Barber's. It accumulates water and it rolls down through the back side of this property. That ends up dumping down in the marsh in the Snook Kill. L. Sanda asks if there are any mapped wetlands there. D. Bangert states down below. L. Sanda states that she just wants to know if there are any wetlands to prohibit building. If nothing can go there then that 25' is not a big deal. D. Eskoff states it is going to run with the land, but the only property it is affecting would be the property that they are combining with their own property and the Barber property which is actually a significant property, but it is length wise. D. Bangert states Mr. Barber has already attested to it and it is not an issue. D. Eskoff states yes. J. Szpak asks what makes it feasible to not move it closer to the wetlands. D. Bangert states the grade, it starts getting steep. D. Eskoff states that they are minimizing the environmental impact as far as the location. He does not want to have any issues once it is built. D. Bangert states no that is why he is going through the planning to find out where and how close he can position it to the back. D. Eskoff closes the Public Hearing at 8:17 p.m. and states let the record affirm that Denise and Peter Barber have submitted a letter in support of this project as bordering neighbors of this property. N. Toussaint states to the north you can see what a drop off it is. D. Eskoff state that she does not know why the Codes Official has 39' instead of 50'. L. Sanda thinks he read it as 39' instead of 37'. D. Bangert states that was an Esposito number that the Board is referring to. L. Sanda states no he wrote down 37'. D. Bangert states with his bad handwriting the Codes Enforcer probably interpreted that as 39'. D. Eskoff states she is trying to figure out where he came up with that too. If the Board goes by what he submitted, the Applicant is actually looking for 50'. D. Bangert states yes. D. Eskoff states because he wants that 25' buffer. The Board can make that part of then variance for the 50' setback also. That can be a requirement. That is the reason for it. J. Szpak states that is part of the balancing test. L. Sanda states that it sounds like he is limited. D. Eskoff states the Board can also make it contingent upon the joining of the two properties. It just makes for a larger over all parcel for which this variances would be granted, and in turn, does minimize somewhat. D. Bangert states that has been in the process for about 3-4 weeks. D. Eskoff states that can take a while. J. Szpak asks if that will hold up the building at all. D. Eskoff states she does not know. L. Sanda states if the Board makes it contingent upon the lots being combined then does it mean that he cannot move forward with his garage until the lots are combined. Are they locking him into that. J. Szpak states that is what he is concerned about. D. Eskoff states that they have done it in the past. It was just presented to the Board like that. It is in the process so they will take his word for that. L. Sanda states in her mind them needing a rear setback variance isn't linked to the size of the lot. D. Eskoff states in trying to minimize the variance a bigger lot can lessen a

variance in the overall scheme. L. Sanda states that Board is talking setback not size. D. Eskoff agrees. L. Sanda states it is really not impacting it. She would not make it contingent upon that because she would not want it to be locked. D. Eskoff states she is fine with that and that the the parcel they are attaching has also been before them and was granted variances even though they were not used. The Board took a careful look at this area before for other properties.

RESOLUTION: D. & J. Bangert Case #1004

MOTION: J. Szpak

SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals hereby grants a 50' rear yard setback Area Variance to build a garage, 475 Greene Road, Case #1004, TM# 126.-1-112 for the following reasons:

- The benefit cannot be achieved by other means feasible to the Applicant due to the restraints of the wetlands.
- There is no undesirable change to the neighborhood character or detriment to the nearby property. This will be best placed on property in regards to wetlands and topography.
- The request is not substantial considering the wetlands and the topography
- There are no adverse physical or environmental effects due to the buffer.
- The allege difficulty is not self- created due to the wetlands and buffer required.

Ayes: D. Eskoff, L. Sanda, J. Szpak, N. Toussaint

Noes: None

Abstain: None

Absent: C. Kolakowski and A. Wine

Meeting adjourned at 8:23 p.m. All members in favor.

Respectfully Submitted,

Kimberley McMahon
ZBA Secretary