

**TOWN OF GREENFIELD**  
**ZONING BOARD OF APPEALS**

**February 5, 2019**

**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, C. Kolakowski, L. Sanda, A. Wine and N. Toussaint, Alternate. J. Szpak, is absent. N. Toussaint, Alternate, has full voting privileges for the entirety of the meeting. Michael Waldron, Zoning Administrator/Codes Enforcement Officer is also present.

**Minutes**

January 2, 2019 Minutes

MOTION: L. Sanda  
SECOND: A. Wine

RESOLVED, The Zoning Board of Appeals waives the reading of and accepts the January 2, 2019, Minutes.

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

**OLD BUSINESS & PUBLIC HEARING**

**Gibbons, G. Case #1009**  
**TM# 138.-2-16.3**

**Area Variance**  
**474 Locust Grove Road**

Gary Gibbon is present. D. Eskoff opens the Public Hearing at 7:03 p.m. G. Gibbons states that he is in front of the ZBA to resolve a violation issue. No one is present from the Public. D. Eskoff states that he went to the Building Department and they helped him out with some aerial photos and measurements. G. Gibbons states that he put a lean-to on the existing barn and he did not get a building permit because he did not think it was required and it is too close to the road. D. Eskoff states that she spoke to the Building Department after the last meeting so the ZBA could verify the actual need for the variance. There is a 46' setback from the existing barn to the proposed line. A Variance of 29' is a required to meet the 75' setback. The ZBA will be considering giving G. Gibbons a 29' Area Variance. N. Toussaint asks when the Applicant did the barn did he just not have the money to do the lean-to? G. Gibbons states that is correct. D. Eskoff states then the Zoning changed. G. Gibbons states that this year he is

planning on doing the same thing on the other side. A. Wine asks if that is in the planning stage or has it happened yet? G. Gibbons states that it has not happened yet. There being no one present for the public and no correspondence, D. Eskoff closes the Public Hearing at 7:05 p.m. The ZBA does not have any concerns with this case.

MOTION: L. Sanda

SECOND: N. Toussaint

**RESOLUTION: Gibbons - G. 474 Locust Grove Road - Case #1009**

RESOLVED, the Town of Greenfield Zoning Board of Appeals hereby grants an Area Variance for a Front Yard Setback of 29' to meet the setbacks for property located at 474 Locust Grove Road, Case #1009, TM# 138.-2-16.3 for the following reasons:

- The benefit cannot be achieved by other means feasible to the Applicant, because of the size of the lot.
- There is no undesirable change to the neighborhood character or detriment to the nearby properties.
- The request is somewhat substantial.
- There are no adverse physical or environmental effects.
- The alleged difficulty is not self-created; this is a pre-existing lot.

VOTE: Ayes: D. Eskoff, L. Sanda, J. Szpak, A. Wine and N. Toussaint, Alternate

Noes: None

Abstain: None

Absent: C. Kolakowski

**Isles, M. & S. Case #1012  
TM#150.-2-49**

**Sign Variance  
660 Coy Road**

Michael and Stacey Isles are present. D. Eskoff states that this is in the LDR District. D. Eskoff opens the Public Hearing at 7:07 p.m. S. Isles states that they are hoping to get an Area/Sign Variance that is approximately 3'x4'. It is not quite the full 12 square feet. It seems to be 75% of the 12 square feet. D. Eskoff states that at last meeting the Applicants stated that they wanted to set the sign back off the road 50' for sight line distance and asks if that is still the thought? S. Isles states that they were under the impression that it had to be 50' from the road. D. Eskoff states that with any sign will go through the Building Department and as part of the permit process they will look at sight line distance to make sure it is not blocking another sign or another driveway and it is not in a right of way, etc. 50' is fairly far back for a sign. L. Sanda asks what the highway boundary is in that area they would need to be outside the highway boundary for that area. There being no one present from the public and no correspondence, D. Eskoff closes the Public Hearing at 7:09 p.m. N. Toussaint asks if 50' would be behind the tree line. M. Isles states that yes it would be behind the 3 or 4 tree line there. N. Toussaint asks if they would be clearing those trees to make it more visible. M. Isles states the few trees that are there do not obscure the area. D. Eskoff states what actually stands out more the size of the sign or is it how the sign is placed. What does someone see when they drive by? She sees the posts. The ZBA discussed last meeting that the posts would have to go behind the sign. If the posts are behind the sign, they would be looking at a one sided sign not a two sided sign. They

could have a 2 sided sign. She feels it is a very large sign for the LDR District, but they do need to have an appropriate sign that reflects their business. M. Isles states the reason is that company that they have used to make all their signs have certain prefab sizes that are about 12 square feet. They have certain size that they offer, that is the smallest that they offer that best fits. He is not concerned whether or not the posts stand out. D. Eskoff states they want visibility for trucks and they are in front of the ZBA for a Variance requesting an increase. M. Isles states that his biggest concern is when someone is pulling up they know and can see they are at the right place. This particular size worked because it is available from the company that has printed all of their other signs and they want them the same. D. Eskoff asks if they know what the actual footage of the sign is. The Applicants do not know. N. Toussaint states that he is sure that a local sign company could use the same logo, he does not think that they have to use that vendor, unless it is already made. M. Isles states that they wouldn't have to, but the nice thing is printed on a material that won't rot. They don't have to worry about maintenance. D. Eskoff states that the ZBA has seen a lot of this type of sign and when they are thin signs or when they are not solidified structurally they don't tend to hold up as well. Also visual issue for people to notice them. That type seems to be more supported by the posts. L. Sanda states that she does not have a problem with it if they will be keeping it under the 6' limit for height and it is almost 50' from the road. A. Wine states the further back it goes he is wondering what the point of the sign. L. Sanda states to identify their property. M. Isles states they are not looking to get the attention of someone driving down Coy Road. They are looking specifically for people that are already coming to them to confirm. D. Eskoff states this is the LDR District and it is the strictest district the Town has that is why this may be more of a concern than if it was in another district. But also, take into account that it is a very large property. C. Kolakowski states that he was going to ask about the sign being 50' back. Now he knows why. He agrees with L. Sanda if in fact the setback is 50' off the road. L. Sanda states that she would like to know what the highway boundary width is there. The Tax maps will sometimes show if it gets wider in some areas. Typically it is not that wide. There has to be a reason G. McKenna said 50'. If it has to be 50' then she feels better about granting the Variance. If it could be closer to the road the ZBA could potentially evaluate a smaller sign closer to the road. They are in the LDR District but are very close to the line for MDR-2 District, it is still the same size requirements. D. Eskoff states that 50' is not in excess of that boundary so it won't be in anybody's sight line.

MOTION: C. Kolakowski  
 SECOND: N. Toussaint

**RESOLUTION: Isles, M. & S. – 660 Coy Road – Case #1012**

RESOLVED, the Town of Greenfield Zoning Board of Appeals hereby grants an Area/Sign Variance for a 6 square feet Area/Sign Variance with a minimum of 50' off the road from either the highway boundary line or the property line whichever is further back for property located at 660 Coy Road, Case #1012, TM# 136.-1-21.1 for the following reasons:

- The benefit cannot be achieved by other means feasible to the Applicant – sign has to be 50' off the road.
- There is no undesirable change to the neighborhood character or detriment to the nearby properties.
- The request is somewhat substantial but it will be 50' off the road.
- There are no adverse physical or environmental effects.
- The alleged difficulty is not self-created.

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

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**Youngs, J. Case #1010**  
**TM# 124.-2-2.12**

**Area Variance**  
**404 Allen Road**

Jason Youngs is present. D. Eskoff opens the Public Hearing at 7:34 p.m. The ZBA has received correspondence for this case from J. Youngs that is written by his neighbor, Danielle Guild and comprised of two statements which D. Eskoff reads into the record. One statement is in regards to J. Youngs' temporary structure stating J. Youngs has permission for the temporary structure to breach the Guild's property, for the time being, so the Board may confirm that there is no present violation regarding this concern. The other statement is in support of a Variance request. J. Youngs verifies these statements for the Board. J. Youngs states that he is applying for an Area Variance to build a detached garage. D. Eskoff states this is for a single family home. J. Youngs states that when he was building the house it was easier not go for the Variance for the house and wait until he was going to build the garage. L. Sanda asks if the revised number is now 15' not 10'. J. Youngs states correct. L. Sanda asks if the Applicant moved the garage. J. Youngs states that he just tried to fine tune things. D. Eskoff asks if the garage is angled for a reason. J. Youngs states that he was doing it for aesthetics. D. Eskoff states that the Variance could be lessened if the garage was straight on. Anything the Applicant can do to help the ZBA to mitigate the situation. The Variance would run with the Applicant's property. L. Sanda states that this is clearly not to scale how did the Applicant get those numbers? J. Youngs states that he staked it out and pinned it. N. Toussaint states that he has a good amount 29' between the house and the garage. He could still pivot it a little bit and not change the distance and gain a little more on the property line. D. Eskoff agrees and it would line up more with the house. She is concerned with the setback line. L. Sanda would like a plot plan to scale. A. Wine asks what kind of aesthetic the Applicant is looking for. J. Youngs states because of the way the driveway is, it is a horse shoe shaped. He thought if it was angled it would be easier to pull into the garage verses being parallel with the house. A. Wine states the way it is drawn it looks like there is some distance between the garage and the driveway. Is this distance an accurate representation of what is going to be separating the garage from the driveway or would the garage be closer to the driveway? J. Youngs states that it would be closer to the driveway. There might be 8'-10' off the existing driveway. A. Wine states that an option there would be to push the garage forward to get it out of the setbacks and closer to the driveway and possibly not need a Variance. L. Sanda states that she would like a scale map. If it was drawn to scale it would be much easier to see the aesthetics the Applicant is talking about. Right now it looks like the Applicant wants to build a garage that is bigger than his house. It may help the Applicant if it is to scale get a Variance. D. Eskoff states that the ZBA is going to need an actual measurement. The Town has a new Zoning Administrator/Codes Enforcer and if the Applicant brought in plans in that are to scale to work with and review with him then the ZBA would have better numbers. The ZBA could table the Public Hearing until then because the information may change. J. Youngs states that there are a lot of things that aren't drawn to scale but as far as the placement on his property he has pinned it all out and has measured it off the property line so the numbers are not going to be able to be changed. L. Sanda asks what the length of the house is. J. Youngs states it is 26'x 54'. C. Kolakowski states that the ZBA has to minimize. There is zoning law that the ZBA is required to uphold. The way this is drawn right now makes it hard for the ZBA to say this is a requirement that the

Applicant must have. J. Youngs states he is trying to clarify it and that he has pinned out the exact measurements where it is going to be. L. Sanda states that it is very hard to tell but possibly the Applicant could pivot it and gain a couple of feet closer to the house and be much closer to the setback line. If the Applicant drew it to scale it would probably look much different and it would not be easier for him to get within the boundary lines. C. Kolakowski states the Applicant says he is 8' off the driveway according to the drawing he is 30'. J. Youngs states that a plot plan is a pre-existing plan that he used for the house. K. McMahon states that he did not provide anything else. J. Youngs states that is correct. J. Youngs asks if the ZBA is talking about cocking the garage parallel with the house so he wouldn't need a Variance at all. L. Sanda states that it does not have to be perfectly parallel, but what is the minimum distance the Applicant would need between the house and the garage? Is there equipment that needs to go through there? If it is drawn to scale he might not need a Variance or it possibly a smaller Variance. D. Eskoff states that they do not have the distance from the front edge of the house front edge of the garage. She feels that it would be prudent to look at those numbers. J. Youngs states that if there was a septic and well there then he could see it but there isn't. C. Kolakowski states that he did not have an opportunity to look at it on Google Earth. D. Eskoff states that she did and how it looks overhead concerns her. The house is very visible, and the property lines are very visible. It does not look as it does on the drawing. It actually looks like there is less room on the side where he wants to put the garage. The ZBA has to have an actual measurement. An actual measurement for the Variance does not just have to come from the Applicant it has to come from the Town Zoning Administrator/Codes Enforcer. M. Waldron, Town Zoning Administrator/Codes Enforcer, asks if there is some sort of survey. J. Youngs states that it was surveyed back in 2015 when he brought the property. D. Eskoff states that this could give the Applicant time to look for the survey and talk to M. Waldron. The ZBA has to know the correct Variance. They have to have an actual number. J. Youngs states that he understands, but what the ZBA asked for at the last meeting was what is the least amount of a Variance that he needs from the property line and where he wants to put it. D. Eskoff states that he started at 10' and the ZBA may ask for additional items as they go through this process. They also had no one to fully review this Application because there was a vacancy. Given how close the Applicant is to the property line, if there is a way to do this that suits the Applicant and the ZBA can mitigate this project away from the neighbor's property that is what they are going to try to do. L. Sanda asks how he located the property line. J. Youngs states that the property line is marked through the forest with markers, he had his son stand at the property line and he measured over to him. He asks what will the ZBA require for next month? L. Sanda asks if the Applicant has a survey of the property with the house on it. C. Kolakowski asks if he had a plot plan when he was building the house. L. Sanda asks when he says survey; a surveyor came out to his property and staked the property. J. Youngs states that he is not 100% sure. L. Sanda states that if he has a plot plan that is a perfect place to start. It should have his house on it drawn to scale and the setbacks on it. From there draw in the garage to scale. Then the Board will know what the distance is. All of that will help make the case for his Variance request. If the Applicant has a survey or a plot plan to scale bring it into the Building Department so they can work with you. They have programs that may assist with measurements. If the ZBA is going to grant a Variance they want to give it for the right amount and for the right reasons. J. Youngs asks what number that has to be. L. Sanda states that is not for the ZBA to decide what that number needs to be. It's for the Applicant to decide what he needs to request for whatever that needs to be and everything needs to be justified. D. Eskoff states that if the Applicant does not have a professional plot plan or survey it makes it harder for the ZBA and for the Applicant.

MOTION: D. Eskoff

SECOND: C. Kolakowski

**RESOLUTION: Youngs, J. – 404 Allen Road – Case #1010**

RESOLVED, the Town of Greenfield Zoning Board of Appeals hereby tables the Public Hearing for Case #1010, 404 Allen Road, TM# 124.-2-2.12 and requests the following information:

- Plot Plan to scale to show the dimension between the barn and house both at an angle and straight line.
- A survey if available.
- Barn with dimensions shown on overhead view (i.e. GIS, Google Earth, etc.).
- Contact the Building Department for an appointment to review above information.

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

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**OLD BUSINESS**

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

**Sign Variance  
 464 Maple Ave.**

E. Carlson Applicant/Agent is not present. D. Eskoff states the Public Hearing for this case was closed last month and the decision was postponed until this evening. A. Wine asks if it is the Applicant's opinion that they have no reason to be in front of the Board. D. Eskoff states that she is not sure why he does not show up to the meetings. He has been contacted and in contact with the Secretary and there has been both email and letter correspondence. He does not have to be present for the ZBA to make a decision. It has always been in the Applicant's best interest to be available for questioning and to answer questions as well as provide the ZBA with information. There comes a point where the ZBA has to make a decision. The ZBA discusses the request. L. Sanda asks who provided the interpretation letter. D. Eskoff states that was the Zoning Administrator/Codes Enforcement Officer at the time G. McKenna. She requested the number of businesses that could occupy the office building from him. Based on the configuration of the building, there is only one tenant that can utilize the first floor at this time. There is no Certificate of Occupancy for the second floor it was approved for storage only. The facts are that it is a busy road and is a mixed commercial district. A few years ago the ZBA granted a Variance for the property. There are apartments in the back and a business in the front of the property. The way the sign case was presented to the ZBA was for a multiple use sign. It has been determined that it is only a single business at this location. There are several other businesses that are on this road that have received Sign Variances in the Town in the past. It is not unheard of. The problem is the Applicant/Agent never came back to clarify or to acknowledge that this was only one business. In the meantime, he has also submitted a sign permit Application to the Building Department that is for a smaller much less detailed sign for one business while awaiting the Variance request. The building is presently occupied by an eye doctor. The Board discusses the Variance request and reviews information submitted by Applicant. C. Kolakowski feels the Board should not get into the design of the sign and the Board agrees. The Board discusses that if a Variance is granted for a single business sign the Applicant would have to apply for a new Sign Variance to request any future changes and that

request would entail the entire sign. L. Sanda states that she does not feel the ZBA can grant a Variance for a sign that was meant for three businesses. D. Eskoff states that they would not be as it would be limited to one business. The Applicant would have flexibility regarding the text area size for the one business. The Board continues discussion on the size and review standards. L. Sanda states she feels a sign that will fit three businesses when there is only one business legally there now is too large. L. Sanda refers to photos and dimensions of other area signs submitted by the Applicant. The Board reviews these items and discusses other signs on Maple Avenue/Rt. 9 both in Greenfield and bordering areas. D. Eskoff states that the Board remains somewhat divided on sign size for one business despite much discussion on the matter. She asks if the Board would like to proceed with consideration of a proposed motion. The Board agrees is it time to move forward to a vote.

MOTION: D. Eskoff

SECOND: N. Toussaint

**RESOLUTION: 464 Maple Ave. LLC 464 Maple Ave. Case # 1000**

RESOLVED, the Town of Greenfield Zoning Board of Appeals hereby grants a Sign Area Variance for 464 Maple Ave LLC, Case #1000, TM# 153.13-1-40 for property located at 464 Maple Avenue as follows:

This Sign Area Variance granted is for:

- A maximum Sign Area Variance of 46 square feet in overall size and a maximum of 2 square feet in height based on sign requirements for freestanding business signs in the OR District. This Sign Area Variance allows for an 8' tall x 7' wide maximum overall sized sign including the top roof style area, the side posts and the decorative base.
- The overall design of the sign will be as it has been presented to the Zoning Board of Appeals and the Planning Board except that the ZBA hereby limits the sign's business listing text area to consist of one (1) panel listing the one (1) business that can occupy the building per Zoning Administration/Codes Enforcement determination of occupancy/CO. The two (2) additional requested business listing panels, as shown on the Applicant's submitted sign design, shall not be included. ("Signs shall be considered to be accessory to the principal use of the premises and shall pertain only to activities or products available on the premises" per §105-123 (8)(7) of Town Code.)
- This business listing text portion of the sign, consisting of the one (1) panel stating the name of the one (1) business, shall not exceed a maximum of 24 square feet.
- The sign shall not by its "size, location, construction or manner of display, obstruct the vision necessary for traffic safety or otherwise endanger public safety" per §105-123 (A) of Town Code and as emphasized by the Planning Board in their referral opinion that the sign location and size should not interfere with the sight line from the project driveway.
- This Sign Area Variance allows for a two-sided sign with one (1) panel listing the one (1) business per side in the text portion as well as the address number on the top roof style portion of the sign.
- This Sign Area Variance does not allow for internal illumination and such internal illumination has not been requested by the Applicant

This Sign Area Variance was granted for the following reasons:

- The benefit cannot be achieved by other means feasible to the Applicant. This building is located on an increasingly busy road in the OR District on Maple Avenue (Route 9), which is a mixed use commercial area with many other businesses and competing signage nearby. The Applicant's building presently houses an Eye Doctor's office. Other signage in this district has received variances for increased size due to visibility issues in the past. A larger sign will allow space for a highly visible address number to be included at the top of the sign as well as the listing of the tenant business located at this address.
- There is no undesirable change to the neighborhood character or detriment to the nearby properties - other larger signage already exists in this mixed use and commercial area of both Greenfield and the bordering Town of Wilton. The sign shall be placed so it does not interfere with the sight line of driveways or signage on neighboring and other nearby properties.
- The variance request for the size increase of this sign is substantial; however, it is similar in request to other previously granted Sign Area Variances for other businesses in this area due to traffic, location and visibility concerns.
- There are no adverse physical or environmental effects.
- The alleged difficulty is not self-created because of the traffic, location and visibility concerns at this location and that a larger sign is not inconsistent with other signage already present in this area of Greenfield as well as in the bordering area of the Town of Wilton

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

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Meeting adjourned at 8:53 p.m. All members in favor.

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Respectfully submitted,

Kimberley McMahon  
ZBA Secretary