

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

February 7, 2017

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Kevin Veitch at 7:30 p.m. On roll call the following members are present: Kevin Veitch, Denise Eskoff, Laura Sanda, and Andrew Wine, Alternate. Absent C. Kolakowski and J. Szpak

January 3, 2017 MINUTES

MOTION: D. Eskoff

SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of January 3, 2017 with one minor correction.

VOTE: Ayes: Eskoff, Veitch, Sanda, Wine

Noes: None

Abstain: Kolakowski and Szpak

NEW BUSINESS

Gage, C. Case#977
218 Bockes Rd.

Area Variance

Applicant is requesting an area variance. Carl Gage is present for the application. K. Veitch explains the process. K. Veitch asks how far back do you think the well casing is? C. Gage states that it is straight back from the driveway. D. Eskoff asks for photos from the stone wall facing the house, from the driveway facing the house facing the walkway and from the road angle. K. Veitch asks if there are any neighboring properties? C. Gage states that there is actually there is a key hole lot. K. Veitch asks if there is a structure there? C. Gage states no, nothing is there. L. Sanda states we are missing the "I do hear by swear" page. K. Veitch asks if the applicant can get the photos to us by 2/21/2017. A. Wine asks the stone wall between you and the neighbor how high is it? C. Gage states that depends it varies one part is 7" and another part is 12". K. Veitch states that it is an old stone wall, so it's an old pasture wall for the cows. C. Gage states that it goes back along the whole property.

MOTION: D. Eskoff

SECOND: K. Veitch

Votes: Ayes: K. Veitch, D. Eskoff, L. Sanda, A. Wine

Noes: None

Absent: C. Kolakowski and J. Szpak

RESOLUTION: Carl Gage Area Variance

RESOLVED, that The Zoning Board of appeals accepts application for case # 977 of Carl Gage, for an area variance contingent upon photos to be submitted 2 weeks prior to the March 7, 2017 meeting as well as the signature page. Set a public hearing for March 7, 2017.

OLD BUSINESS

ROYAL RHINO OWNER, LLC

Case#974, NYS Rt. 9N

Area Variance

K. Perrotte is present for the applicant. K. Veitch states that we are opening the public hearing up at 7:37 p.m. and asks if anyone would like to speak regarding this case? K. Veitch states that they are looking for a variance for signs. One for two (2) free standing signs and the second variance is for the sign size. What is allowed is 30 sq. ft. for signage and they are looking for two (2) 32 sq. ft. signs that they have already installed prior to the application. K. Veitch asks if there is anyone from the town that would like to speak regarding this variance? Diane Bennette raises her hand and states her name and address which is 845 NYS Rt. 9N is a tenant of the park and used to manage the park with the old owner, and states that she is for the signs. D. Bennette feels that both signs are needed. When she ran the park they only had the one and many people could not find the park. The new owners have really cleaned up the park. K. Veitch asks is there anyone else that would like to comment? Darien Wine is also a tenant and she supports the signs as well. The old signs were real low and couldn't see it. Now when you come up you can find it, especially when people are delivering pizza or anything. K. Veitch states that if there is no one else to comment. do we have any correspondence for this case? D. Eskoff states we do have information that the park has sent in, we have asked for additional information that we asked for and they submitted it. K. Veitch states that if there is no other comments or any correspondence then we will close the public hearing for Royal Rhino Owner, LLC case # 974 at 7:43 p.m. K. Veitch explains the process. K. Veitch states that he is glad to see that you contacted NYSDOT. K. Veitch asks did they make a determination? K. Perrotte states they are looking at a drawing from 1938. They gave him an approximate determination of the right of way for the sign at the lower end and the upper end and he bought rough estimates that he received from Chad Koval from NYSDOT. K. Perrotte states that he is providing exhibits A, B, C, and D, which is in Mr. Gindi's letter, Authorization of Agent, and measurements and site plan showing the location of the sign, additional measurements that we took and a variety of measurements that were asked at the last meeting, measurements from lower sign to the upper sign, distance from the road to the signs. D. Eskoff asks if they have meet with DOT? D. Eskoff states that they have two issues, the first being that they have two (2) signs and the second is that they did not get the permit to install it. K. Veitch asks was the sign within the right away or not? K. Perrotte states that he has an email. K. Perrotte states that if I read the email correctly it states that the lower is approximately 50' from the center. L. Sanda states that at the entrance from the south it appears to be approximately 50' feet from the center of the line of NYS Rt. 9N at the entrance to the north it appears to be 32' feet from NYS Rt. 9N. K. Perrotte states that when he drives past the signs on Rt. 9N at 40 miles per hour he doesn't see any obstruction. D. Eskoff states that there is a bit of an issue at the bus stop at the park. D. Eskoff states that this is not the trailer parks issues but, it is an issue with that entrance. K. Veitch states that it is unsafe there with the bus stop. K. Veitch states that possibly a call should be made to the bus garage or the police. K. Perrotte states that the lower sign was put in the same holes that the old sign had used. D. Eskoff states that the upper sign was not supposed to be there because it was not authorized, it definitely has some other issues that need to be looked at. K. Perrotte asks if the sign needs to be adjusted 3' or 5'? D. Eskoff states that she would not be opposed to a double sided sign or 2 signs together. K. Veitch states that there are other issues that need to be addressed. D. Bennette states this has been a problem for years. D. Eskoff states that it is a site distance problem. A. Wine states that is not a zoning issue. D. Eskoff states this is a sight distance issue and traffic issue. K. Veitch states that obviously it is a complicated little intersection, we just want to make sure with putting the sign into play isn't adding to that problem. D. Eskoff states that what she is saying this as a precaution. D. Eskoff states that she knows they are trying to make the mobile home park better, trying to improve signage and put things in the right place, you don't want to cause any problems it to that intersection, and the fact that there wasn't a sign there previously and now there is a sign. People see signs, people slow down. D. Eskoff states that it may be, or would it be better if the sign was further down. A. Wine asks if the email from them NYSDOT say that they need 32' at the top or it is 32'? L. Sanda states what it is saying is that what he thinks the state right of way is because, their sign needs to be

out of the state right away. If the sign was in the state right away it would absolutely have to moved. A. Wine asks if K. Perrotte has measured that? K. Perrotte states that they did measure it and that the south right of way is 50' from the center line of 9N and the upper end is 32'. D. Eskoff states that she is not opposed to 2 signs if there is a need. K. Veitch states if we approved this or any sign we certainly would make a condition that you comply with NYS regulations complying regarding the sign placement. K. Veitch states that when you do this and we give you the approval you will have to make sure that you comply with NYS regulations, we are not asking you for an answer now we are just saying it's your responsibility when the time comes, that's why we wanted you to contact NYSDOT. K. Veitch states that if the state has a problem with it they will contact us we will have tell you that you didn't meet the requirements of NYSDOT. K. Perrotte states they put two (2) signs up to curb the appeal and the overall attraction are planning on putting in a fence. D. Eskoff states that she feels it needs a fence. A. Wine states that they started moving a trailer in March and half of it is still there. K. Perrotte hopes to have that taken care of by April 1- 15, 2017. D. Eskoff asks if they have a plan to beautify the entire front section? K. Perrotte states we want to do that to the whole park? L. Sanda asks if the streets in the park are named? K. Perrotte states that the tenants mailing address is 845 NYS Rt. 9N and they each have a lot numbers. L. Sanda states that her concern with the new upper sign is that it's measure at 8' to the public roadway. L. Sanda asks if the intersection site distance has been checked so that it won't be blocking the cars site distance. K. Veitch states NYSDOT should be able to answer that. K. Perrotte states that he has to get NYSDOT out there. L. Sanda states that it looks like you have the right away on this plan. K. Perrotte asks if they can tell where the state right away is? K. Veitch states it's the black line. L. Sanda states that because the signs are already in place, you are looking for a variance to add the second sign and a variance for the size of the sign and then if we granted the variances he would have to go through the sign permit process with the town to get his sign permitted that would then evaluate all those other things. Normally the sign would be put in place after that process. L. Sanda asks to get ahold of people who made the signs to get the dimensions. K. Veitch goes through the New York Planning Federation Area Variance Criteria. D. Eskoff states that they do not need 2 signs. L. Sanda states when you meet with the state check on everything and find out the size of the signs. K. Veitch states that you need to get a sign application. K. Perrotte states that he will make an appointment to meet with the state and get that information back to us. D. Eskoff states that there are three issues 1) is you have that you have two signs 2) The square footage and 3) you didn't ask for permission before you put them up. L. Sanda states that you didn't get permits that are required. L. Sanda asks the sign size is shown 8' wide and 4' tall but the tall is to the top of the rounded portion - is this part open? K. Perrotte states no. L. Sanda asks so does that detract them from the area? L. Sanda states that he is probably technically under 30". L. Sanda states that whoever made the sign have them tell you exactly what the area of the sign is. We should have those dimensions. D. Eskoff states that the reason we are bringing this up is when you have things that are put in that don't meet code that you didn't get proper permission for, then we have a chose that do we keep them or take them down and do something different. If you keep them we can ask you to modify them, or we can ask you to do something in-lieu of taking them down. We often ask people to buffer things, or to move things or, to maybe move two (2) signs together. We have a lot of options on the table so anything you can present to us from your end would be greatly helpful. K. Veitch explains there is a criteria that you have to meet to get an Area Variance and reads them off. K. Veitch states that you are asking for twice as much than everyone else is getting in town, I just wanted to point that out to you. K. Veitch states that you are not giving us accurate numbers and maybe you may not even need a variance I don't want to give you a variance for something that you don't need. D. Eskoff states that it would help us because if we can take it off the table there are two (2) signs technically you could make one (1) sign by putting them together in a central location, and you wouldn't lose your two (2) signs. K. Veitch states that he understands the need to a sign at each entrance and it is important. K. Veitch states that it is important to be able to see it coming around the corner to make a safe entrance in the park. K. Veitch states that he is going to recommend to you tonight if we were able to table this for another 30 days until next month that would allow you to get all the information from NYSDOT, and get real accurate measurements on that sign and that might change what you are asking for with the variance, it might reduce the substantiality request. L. Sanda states that when you meet with NYSDOT you can go over sight distance and traffic issues. That's really the big thing in our code, can't be in the right of way, and the upper sign may be in the right of way. When the state comes ask them to check to make sure that the sign is not causing a hazard to traffic. If the state, states that it is in the right away that sign can't go there so then maybe we are not looking at a variance anymore, maybe there is a

different solution. L. Sanda states that she feels that K. Perrotte does need those answers from the state and hopefully he can find something more recent than 1938. D. Eskoff states that it is a serious intersection just from the issues that have been raised and maybe that could help elevate that. L. Sanda states that if we know the signs you are installing are actually 30 sq. ft. or less then we are not asking for larger signs we are asking for standard signs but, in two locations because, your park has two entrances and there is no other way to indicate who the home owners are, because it's very confusing and a valid point. We just want to make sure we are not granting you a variance from something that actually meets our code, is within the state right of way, or disruption to traffic. K. Veitch states that we are not asking you to take the signs down but, we are asking that you get that information from NYSDOT, be clear on your dimensions. K. Veitch states that unfortunately you have to come back. K. Perrotte states that he does need full clarification. K. Veitch asks if K. Perrotte has the application for the sign? K. Veitch states that the Town of Greenfield has specific sign applications. D. Eskoff states that you go to the town or call the town to get an application to get an application for those signs. K. Veitch states that with the provisions from the code book it would give you all those things that you need to do. K. Veitch states that then you will be able to answer all the stuff you need from us. K. Perrotte asks if he should get a sign application and file that before he comes to the next meeting next month? K. Veitch states that you are going to have to file it anyway so you might as well. K. Veitch states that G. McKenna is a great resource, he's the building inspector. K. Veitch states that it is better to ask questions and know than not to know. D. Bennette states that in his defense we brought the sign to him and we didn't know about the requirements. K. Veitch states that he understands and things happen and this is why we are here and we just make sure we get everything done in a reasonable and acceptable manner.

RESOLUTION- Royal Rhino Owner, LLC Area Variance

MOTION: K. Veitch

SECOND: L. Sanda ,

RESOLVED: that the Zoning Board of Appeals tables the application of Royal Rhino Owner, LLC Case # 974 for an area variance for the property at 845 NYS Rt. 9N TM# 164.-1-40 until March 7, 2017

VOTE: Ayes: Eskoff, Sanda, Wine, Veitch

Noes: None

Absent: C. Kolakowski and J. Szpak

PATRICIA FORD – Area Variance

Case# 975, 468 Maple Avenue

Patricia Ford is requesting to table her application until March 7, 2017 to allow them more time to provide the information previously requested.

RESOLUTION – P. Ford Area Variance

MOTION: L. Sanda

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals tables the application of Patricia Ford, Case # 975 for an area variance for the property on 468 Maple Avenue TM# 153.13-1-12 and sets a public hearing for March 7, 2017, contingent upon receipt of any requested and supplemental information by February 7, 2017.

VOTE: Ayes: Eskoff, Sanda, Veitch, Wine

Noes: None

Absent: C. Kolakowski and J. Szpa

KASLEMAN SOLAR

Case# 976, Lake Desolation Rd.

Lindsey Halse is present for the applicant. K. Veitch explains the case and opens the public hearing at 8:05 p.m. L. Halse states that she has a site plan and letter from a neighbor (John D. Butler) in support of the project to present to the Board. K. Veitch states they also have an approval letter from Floyd Clifford Older. K. Veitch states that seeing as there is no one here to speak regarding this case we will close the public hearing at 8:06. D. Eskoff asks if what is on the property is it a shed? L. Halse states that is another residence, it's Floyd Clifford Older's residence. K. Veitch asks if L. Halse knows how the age of the applicant's home is? L. Halse states no she does not. D. Eskoff states that the solar was passed recently, and that this property is an LDR we require 6 acres and this property is 8.24 so we are 2.24 acres over it's really just a setback because of the way entrance to the lot is. D. Eskoff states the way the law was written each of the areas would reflect the same type of frontage set back, acreage, minimum requirements that we have for any other type of building. K. Veitch states that is why he asks the age of the building because it's either a preexisting nonconforming and obviously it was ok to build that building there at that location with that frontage I don't see adding a solar panel being that big of a issue. D. Eskoff states that in the code was to look at the solar panel would be a small building. L. Halse states that she also has site plans. K. Veitch asks what is the building on the site plan? D. Eskoff states that if they approve it the Planning Board would be reviewing this and checking to see how this will be laid out and to make sure it doesn't obstruct anyone's view and that there aren't any glare issues, no color issues or nature issues, our system is set up so that we get the checks and balances together. K. Veitch states we are looking at the pictures here and there are a small structure to the back is that there property? L. Halse states that it is a shed and it is larger than the solar panels. K. Veitch states that looking at the satellite view of the property and the plant growth I don't think anyone will be able to see the panels. D. Eskoff states that it is frontage and you are not going to see it from the road, and she states that even if they had the frontage you would not be able to see them. A. Wine asks if the property is already cleared where the panels will be going? L. Halse states yes the property is already cleared. A. Wine asks if there is an elevation change? L. Halse asks between the road and the house? A. Wine asks between the road and the house? L. Halse between the road and the house? A. Wine asks between the front of their driveway and their house? L. Halse states that she does not know, she did the elevation change from this residence to their residence and the Witham's property is about 36' under the adjacent property. K. Veitch states that he doesn't have an issue with the project. L. Sanda states that she just wants to be sure that she understands the map. The frontage that they are talking about is actually frontage on Lake Desolation Road? K. Veitch states yes. L. Sanda states but, they access their property through Older Mountain Road. L. Hales states yes. L. Sanda states so they don't even access the property on Lake Desolation Road. L. Halse states that it is approximately 310' from Older Mountain Road and approximately 800' from Lake Desolation Road. L. Sanda states so we are talking about frontages that are over 800' away? D. Eskoff states it's a distance. L. Sanda states that as long as the neighboring properties have no issue with it, the setbacks are my concern. D. Eskoff states that it is way off the road; it's just the frontage K. Veitch explains the size of the property and how long the driveway is and that they are not asking for any setbacks. A. Wine states that the neighbors are high enough up too.

RESOLUTION – Kasselman Solar, Area Variance

MOTION: L. Sanda

SECOND: K. Veitch

RESOLVED: That the Zoning Board of Appeals hereby grants an area variance for Kasselman Solar Case# 976 for the property located at 377 Lake Desolation Rd, TM# 136.-1-2.12.

- **Frontage Variance of 167 feet for Ground Mount Solar panels.**

This is approval is based on the following criteria:

- **Benefit can not be achieved by any other means feasible to the applicant**
- **No undesirable change in neighborhood neighborhood character or detriment to nearby properties**
- **Request is not substantial given the pre-existing, non-conforming shape to the lot, while the request variance is for frontage the overall lot acreage also far exceeds the minimum required acreage for solar in this district**
- **No adverse physical or environmental effects**
- **The difficulty was not self-created**

VOTE: Ayes: K. Veitch, D. Eskoff, L. Sanda
Noes: None
Absent: C. Kolakowski and J. Szpak

Meeting adjourned at 8:28 p.m. all members in favor.

Respectfully submitted,

Kimberley McMahan
Secretary