

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

**January 2, 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, L. Sanda, J. Szpak, A. Wine and N. Toussaint, Alternate. C. Kolakowski is absent. N. Toussaint, Alternate, has full voting privileges for the entirety of the meeting.

**Minutes**

December 4, 2018 Minutes

MOTION: L. Sanda

SECOND: A. Wine

RESOLVED, The Zoning Board of Appeals waives the reading of and accepts the December 4, 2018 Minutes.

VOTE: Ayes: D. Eskoff, L. Sanda, and A. Wine

Noes: None

Abstain: J. Szpak and N. Toussaint

Absent: C. Kolakowski

**NEW BUSINESS**

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

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

Gary Gibbons is present. D. Eskoff states this case is a setback issue. There is a lean-to attached to the existing barn. This property is located in the LDR District and has 2.29 acres. This is a residential property. L. Sanda states that her page number 4 of the Application is not completed. D. Eskoff asks the Applicant to complete that page of the Application, the Board needs the questions answered so they can fully review the Application. D. Eskoff states the Applicant is requesting this variance so he can get a Building Permit. G. Gibbons states when he built the pole barn there was different Zoning requirements and he assumed that they had not changed and did not realize that he needed a Building Permit for the lean-to section. D. Eskoff states that zoning may change and he should always call the Building Department to check on requirements. She does not believe there is a problem with sight distance. L. Sanda states that it appears that the house is setback farther than the garage. G. Gibbons states yes.

L. Sanda states that the setback requirement is 75' for this district. D. Eskoff states that it depends on what the use is but because this is a pole barn type garage it would be 75'. L. Sanda states that he has 59.6' and 57.7'. G. Gibbons states that if it is from the center line then he is really close. D. Eskoff states it should be from the boundary line that is how the Board is processing it. G. Gibbons states that he measured 53.9' and 53.6' as shown on photos submitted. D. Eskoff states there is a slight angle to the property and that the Board will check with the Building Department regarding the measurement.

**RESOLUTION: Gibbons, G. 474 Locust Grove Road, Case # 1011**

MOTION: J. Szpak

SECOND: L. Sanda

RESOLVED, the Town of Greenfield Zoning Board of Appeals accepts the Application for an Area Variance as complete for 474 Locust Grove Road, Case #1009, TM # 138.-2-16.3, and sets a Public Hearing for February 5, 2019 at 7:00 p.m.

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

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 this case is a sign variance request for the Applicants who have a 97+ acre horse facility in LDR District. This is a new home and barn. The current Code allows for a 2x3 square foot sign and the Applicants are requesting a 3x4 square foot sign. J. Szpak asks what are the typical people that would be visiting the facility for a sign to be helpful for. M. Isles states that one problem that they are having is deliveries or on a rare occasion someone comes with a horse trailer the GPS isn't always clear as to where the entrance is. When someone is just driving a vehicle it isn't that big of a deal. It is not for advertising to draw people in. D. Eskoff states if they put it closer it would be helpful. D. Eskoff asks if they do boarding there. S. Isles states yes. D. Eskoff asks how many horses they currently have. S. Isles states that they have 8 horses now and their barn has 12 stalls. D. Eskoff asks that they are looking to board 4 more horses and it will be a specific group of people then. S. Isles states yes. D. Eskoff asks why they want to put the sign 50' back off the road. S. Isles states whatever the setback is. D. Eskoff states it cannot be in the right-of-way and meet site view. The further they put it back the bigger the sign they might need. If it is closer they might not need a variance, the Board appreciates what they are trying to do and asks if they have thought that through. If it was commercial area it might be different. The Board tries to avoid an unnecessary variance or minimize the variance. This is not a huge request that they are asking for but they are asking for it in LDR District. This is not a situation where a lot of people or traffic is coming and going where in those cases the Board has allowed some of signs to be bigger. It predicates on the need for them to have a larger sign verses just wanting a bigger sign. 2'x3' is quite large if it is closer to the road so if they don't know where to go so the sign would be helpful. N. Toussaint asks what the speed limit is. M. Isles states 45 m.p.h. L. Sanda requests an aerial view of where the sign is going to go. S. Isles provides a site plan and explains where they want to put it. L. Sanda asks how high it will be. M. Isles states he is not sure. D. Eskoff states that they are limited to 6' unless the Applicants are

asking for that in the Variance also. M. Isles states then it will be 6' high. M. Isles states it will be single sided. D. Eskoff states signs can be two sided. J. Szpak asks if it only one sided the posts will be behind the sign then. The size includes the posts. M. Isles states if that is what needs to be done. L. Sanda asks has this location been approved by the Planning Board. D. Eskoff states she does not think they looked at the sign site. S. Isles states they did not. D. Eskoff states the Planning Board did Site Plan Review. N. Toussaint asks if there is any intention for lighting on the sign. S. Isles states no.

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

MOTION: J. Szpak

SECOND: N. Toussaint

RESOLVED, the Town of Greenfield Zoning Board of Appeals accepts the Application for an Area/Sign Variance as complete for 660 Coy Road, Case #1009, TM # 150.-2-49, and sets a Public Hearing for February 5, 2019 at 7:00 p.m.

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

Noes: None

Abstain: None

Absent: C. Kolakowski

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

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

Jason Youngs is present. D. Eskoff states this is a garage setback that is still in the planning development stage. If built, it will set approximately 10' from the property line. L. Sanda states that she would like an aerial view of the Applicant's property and all properties bordering and nearby surrounding the Applicant's properties. J. Youngs states in the packet there is a photo of that. J. Youngs states to the left of his property is vacant land. D. Eskoff looks at the photos submitted and asks if the structure shown is on somebody else's property? J. Youngs states yes there is a temporary type structure there but in order for someone to build a house on that property they would not have the proper road frontage. D. Eskoff states but he has a structure on someone else's property. J. Youngs states yes but that he asked for permission from the owner. D. Eskoff states that if the Applicant does not have permission there could be a problem with that and she is requesting that the Applicant provide proof of permission from the neighbor. The Board has to be sure there are no potential violations. J. Youngs asks if they would need a note. D. Eskoff states yes, if they have a Public Hearing they will get notification anyway and she realizes it is a temporary structure but it is someone else's property and the Board needs to know there are no existing violations given what is showing in the photo to the Board. D. Eskoff asks if his neighbor's property is a land locked. J. Youngs states that they don't have enough road frontage to put a house on. On the side of where the garage would be they would have to put a longer driveway to get back deeper into the lot. L. Sanda states a larger view would help her. D. Eskoff states if the Applicant did an overhead view it would show a lot more properties. It would also be supportive for him if his neighbor wrote a letter or came to the meeting in support of this. D. Eskoff states it is quite a distance from the house to the garage as shown, the Board looks at granting the least amount of variance. Why is it so far to the left when he has space to the right? J. Youngs states that it is not to scale. The Board states it needs measured to scale dimensions. D. Eskoff asks the Applicant to also think about alternative plans for the next meeting. J. Youngs states that he does not want to crowd his property. D. Eskoff states the Board will be balancing the Applicant

crowding his own home and property verses crowding the property of another property owner, it is still someone else's property nearby that is involved.

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

MOTION: J. Szpak

SECOND: L. Sanda

RESOLVED, the Town of Greenfield Zoning Board of Appeals accepts the Application for an Area Variance as complete for 404 Allen Road, Case #1012, TM # 124.-2-2.12, and sets a Public Hearing for February 5, 2019 at 7:00 p.m. contingent upon the receipt of the following by January 22, 2019:

- A letter from the neighboring property owner stating that the Applicant has permission to have the existing temporary structure that is presently located on neighbor's property
- An aerial view of the Applicant's property and all properties bordering and nearby surrounding the Applicant's properties
- The exact measured dimensions between the proposed garage and the Applicant's house, and the dimensions between the proposed garage and the Applicant/neighbor property line
- Photos from the proposed garage toward the house.

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

Noes: None

Abstain: None

Absent: C. Kolakowski

**OLD BUSINESS & PUBLIC HEARING**

**McCleery, M. Case #1011**  
**TM# 150.-2-49**

**Area Variance**  
**157 Dunham Pond Road**

Mary McCleery is present. D. Eskoff states this case has a Public Hearing scheduled and opens it at 7:36 p.m. D. Eskoff asks if there is any correspondence for this case and states that no one is present from the public. K. McMahon states no. M. McCleery states she is looking to remove existing addition and replace it with a larger addition. D. Eskoff states that the Board received the photos that they requested. This is a small older home. The addition would be 15'x30' currently it is 23'x35.5'. J. Szpak asks if it would be a front yard variance. D. Eskoff asks front yard and rear setbacks? M. McCleery states correct. L. Sanda states it would be a 27' variance. D. Eskoff states this property is in MDR-1 District. The setback in this district is 50' L. Sanda states that the Applicant needs a 4.5' rear yard setback and a 27' front yard setback. The Board agrees that a 5' rear yard setback would be appropriate if they approve it. There being no one present from the public and no correspondence, D. Eskoff closes the Public Hearing at 7:42 p.m. She states that the Variance request is keeping in the character of the neighborhood and it is an upgrade and an improvement to the home.

**RESOLUTION: McCleery, M. 157 Dunham Pond Road, Case # 1011**

MOTION: J. Szpak

SECOND: L. Sanda

RESOLVED, the Town of Greenfield Zoning Board of Appeals hereby grants an Area Variance for a Front Yard Setback of 27' and a Rear Yard Setback of 5' for property located at 157 Dunham Pond Road, Case #1011, TM# 150.-2-49 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 but it is a pre-existing small lot.
- 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

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

**Sign Variance**  
**464 Maple Ave.**

Eric Carlson the Applicant/Agent for this Application is not present. D. Eskoff states that E. Carlson has also recently submitted an Application for a regular sign permit for this property to the Building Department. This is in addition to the Variance request. He has not been present for several months, has requested postponements, been contacted numerous times by the ZBA Secretary/Building Department and is again not present tonight. L. Sanda states the Board requested by Resolution and notified the Applicant/Agent that the Board wanted him to be present for this meeting so they can discuss this request. D. Eskoff states that Mr. Carlson also spoke to K. McMahon on two occasions, since the last ZBA meeting, regarding his presence at this meeting and he stated to her that he would be attending. D. Eskoff states that the Board has an Interpretation letter from G. McKenna, Zoning Administrator/Codes Enforcer dated November 21, 2018, and that she reads to the Board stating that "...Based on the current configuration of this building only one tenant could utilize the first floor. The second floor was approved as storage only; no Certificate of Occupancy has been issued for the second floor." L. Sanda asks if the Board should close the Public Hearing and refers to the Resolution made last month. L. Sanda asks just to clarify the Applicant is proposing a smaller sign. D. Eskoff states he is not for the Variance request, to the Board's knowledge, he has applied for a single sign for temporary purposes pending his Variance request outcome. The Variance Application shows a 3 business sign. It would be easier to know what the Applicant wishes at this time or if he would be amenable to a different request but he is still not present before the Board to discuss the matter. J. Szpak asks if the Applicant is attempting to get a Certificate of Occupancy for the second floor. D. Eskoff states not that she is aware. L. Sanda feels the Board should close the Public Hearing and make a decision. There is no one present from the public. D. Eskoff asks if there is any public correspondence. K. McMahon states no. There being no one present for this Application and no correspondence, D. Eskoff states that she would like to re-open the Public Hearing from its tabled status and close the Public Hearing at 7:48 p.m. with approval

from the Board. The Board agrees. The Board discusses their intention to move forward toward a decision on this case at their February meeting.

**RESOLUTION #1: 464 Maple Ave, LLC 464 Maple Ave, Case # 1000**

MOTION: D. Eskoff

SECOND: J. Szpak

RESOLVED, the Town of Greenfield Zoning Board of Appeals, hereby re-opens and closes the Public Hearing for 464 Maple Ave LLC, Case #1000, TM # 153.13-1-40 for property located at 464 Maple Ave.

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

Noes: None

Abstain: None

Absent: C. Kolakowski

**RESOLUTION #2: 464 Maple Ave, LLC 464 Maple Ave, Case # 1000**

MOTION: L. Sanda

SECOND: J. Szpak

RESOLVED, the Town of Greenfield Zoning Board of Appeals hereby continues to table the Application for an Area/Sign Variance for 464 Maple Ave, Case #1000, TM# 153.13-1-40 for a decision for property located at 464 Maple Ave., to February 5, 2019 and requests the presence of the Applicant/Agent at that meeting. The Town of Greenfield Zoning Board of Appeals further requests that the Applicant/Agent inform the Building Department/Zoning Board of Appeals of the current status of this case and to submit any changes to the accepted Application as originally submitted for this case to the Building Department/Zoning Board of Appeals by January 22, 2019, 3:00 p.m. The Board intends to move forward with a decision in this case.

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

Noes: None

Abstain: None

Absent: C. Kolakowski

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Meeting adjourned at 7:56 p.m. All members in favor.

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Respectfully submitted,

Kimberley McMahon  
ZBA Secretary

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