

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

July 2, 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, Curt Kolakowski, Andrew Wine and Neil Toussaint, Alternate. L. Sanda and J. Szpak are absent. N. Toussaint has full voting privileges for the entirety of the meeting. Justin Grassi, Town Counsel, arrives at 7:30 p.m.

NEW BUSINESS

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

Area Variance
441 Maple Ave.

Thomas Dragonette is present. D. Eskoff states that the Applicant is looking to build a garage with a workshop for private use. This is an Application for an Area Variance for 441 Maple Ave. in the OR District. T. Dragonette provides photos to the Board. He states that the existing structure is small 10x20' garage that is in rough shape. He and his wife were renting studio space in the City of Saratoga Springs, they have an art studio. They were recently evicted from that space. They are hoping they could take the structure that is currently down and replace it with something a little bigger where they could put their artist studio on the property where the garage is. It won't be a place where customers will be coming. D. Eskoff asks if it is going to their personal work space. T. Dragonette states yes. C. Kolakowski asks if they are referring to the building in the back of the property. T. Dragonette states yes, it's like a one garage. D. Eskoff states that the Applicant has .96 acres and in the OR District 2 acres are required 120' of road frontage. She does not have the Applicant's road frontage and asks if he knows what it is. T. Dragonette thinks it is 55'. N. Toussaint asks if the Applicant has plans yet. T. Dragonette states not yet, has rough idea probably 20'x24'-30' currently what is there now is 10'x20'. D. Eskoff states that it is an older structure, basically this is pre-existing non-conforming lot that is substandard to what would called for today. It is a much older house. T. Dragonette states that it was built in 1920. A. Wine asks if they are planning on using it for anything else. T. Dragonette states it would be workspace. They are thinking on doing half or above finished space. And the other have or downstairs would be dirty space. For instance cutting frames things like that it would a lot of dust. N. Toussaint asks if it is a mix use area isn't there commercial next to them. T. Dragonette states that they are zoned for commercial all around them, there is a commercial next to them. A. Wine states that he drove by there and feels it is a uniquely kept street front side it's tough to tell there is a garage there. N. Toussaint asks for a potential layout and of the structure. T. Dragonette asks like measurements and drawings. N. Toussaint states no just a rough idea of the size. D. Eskoff states that T. Dragonette can even use an overhead photo or Google Earth and draw on there. A. Wine asks for distance of the plan to the sides of the property. T. Dragonette states that he thinks the Code states that he has to be 10' on the left and 15' on the right. Which limits him to a max of 24' or 25' and they don't want to put all to the edge. C. Kolakowski states it is two acres is the minimum lot size. D. Eskoff states .96 acres that on the Application it states .96 total site

acreage Section 105 attachment 4 table 2 requires 2 acres and 120' of road frontage. C. Kolakowski asks if they would be required to get two Variances. D. Eskoff states that she thinks the Board is looking at acreage and a road frontage. It is a two part application request. She asks the Applicant if he understands this. T. Dragonette states no. D. Eskoff asks the Applicant if he had a chance to speak to anyone in the Building Department regarding the Application. T. Dragonette states that he was in and spoke to the Building Inspector. He helped T. Dragonette fill out the Application a little bit some of it he did not understand. D. Eskoff asks if the Building Inspector states that the acreage is smaller than it would normally be. If you were to build a new house or make a new lot the Town has many pre-existing, non-conforming lots. This is an old Town with different sections and this comes up quite a bit. The road frontage is 120' is quite an expanse and the Applicant has a much smaller spot there. If the Applicant would need a Variance for both of those under one Application are fine. C. Kolakowski asks if it would be the width of the lot and the acreage. D. Eskoff states it would be a two part request. T. Dragonette states that the Building Inspector said that the frontage the 50'. D. Eskoff states that the Building Inspector may be looking at this Application as a pre-existing, non-conforming lot for the acreage too. He may be allowing that. The Board won't have that finalized until next meeting. At this point the Board is reviewing your Application and making sure all the information is provided by you and if it is complete. If the Board wants anything additional from you so when they do review the Application they have enough information in front of them as possible. C. Kolakowski asks if the Applicant could take some photos of where ever he is proposing the project. Is it going to be where the existing garage is. T. Dragonette states yes. C. Kolakowski states one other thing may be helpful some photos from that point to the neighbor's property. So the Board can see how close it will be to the neighbor's. T. Dragonette states there is a fence around it. So I would just take photos of that. C. Kolakowski states that is fine. The Board would need both sides of the property, the neighbors on both sides.

MOTION: A. Wine
SECOND: C. Kolakowski

RESOLUTION: T. Dragonette, Case# 1002

RESOLVED, the Town of Greenfield Zoning Board of Appeals accepts the Application and sets a Public Hearing on August 7, 2018 for an Area Variance for Thomas Dragonette, Case #1002, TM# 153.17-1-15, pending receipt of the following information by July 24, 2018 to be submitted to the Greenfield Building Department/ZBA:

- Photos of your property toward your neighbors
- Drawing of the layout of the proposed studio

VOTES:

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

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

**Area Variance
N. Greenfield Road**

- Duane and Betty Cornell are present. D. Eskoff states this is in the MRD-2 District. D. Eskoff states the Applicants have a slab installed that does not meet

required setbacks. This is in MDR-2 District on North Greenfield Road. Duane Cornell states they had an approved plot plan that was given to the well driller and the contractor and neither one of them hit the mark and they don't satisfy the 75' setbacks. The slab was installed the water line is installed the wiring and the septic system is installed and inspected. D. Eskoff asks if the Applicant if they have received a Variance from the County regarding the well. D. Cornell states that they have an easement and he can provide it. B. Cornell states that they don't actually have anything from the attorney yet. D. Eskoff asks if the Board can keep the copy of the easement. B. Cornell states yes. D. Eskoff states that they are looking at just under 10'. D. Cornell states yes. D. Eskoff states that the Applicant's slab was installed at 64.8' instead of the 75' that is required. D. Cornell states that is correct. In addition to that the 75' was to include an 8' porch in front of the house so they are shy of that as well. Whether or not the porch becomes a possibility at this point. D. Eskoff states that it depends on what they want to put into their Variance request. Do you want to pursue the porch as well, because right now the Board is looking at a slab. D. Cornell states that is correct. At this point they don't think the porch will be what they originally planned on. Although they will need some kind of porch for egress on and off. They have not finalized what they want. D. Eskoff states they the Applicant's will need some kind of steps and they would extend in that direction. Is that the only direction they can put the steps in. D. Cornell states yes. D. Eskoff feels that it needs to be included in the Application. C. Kolakowski agrees. D. Eskoff states that if the Board could have all this information two weeks before the next meeting they could set a tentative Public Hearing assuming they have a time restraint. As far as time restraint. D. Cornell states yes and it has been over a year with this process they would like to expedite this as much as possible. D. Eskoff states that the Board needs the porch verified so they are not parking their cars in the wrong place. They will not get Occupancy without it. A. Wine suggests they amend their Application and resubmit it. D. Eskoff states that it is the Board's job to grant the smallest variance as possible. D. Cornell states that typically on a County Road it is 50' they have 60'. The left corner of the slab is 130' to the center line on the road. A. Wine asks when the slab was poured. D. Cornell states April 18, 2018. C. Kolakowski asks who the contractor's is. D. Cornell states Health and Hawk.

MOTION: C. Kolakowski
 SECOND: N. Toussaint

RESOLUTION: D. & B. Cornell Case #1003

RESOLVED, the Town of Greenfield Zoning Board of Appeals accepts the application and sets a Public Hearing on August 7, 2018 for an Area Variance for Duane and Betty Cornell, Case #1003, TM# 124.-2-12, pending receipt of the following information by July 24, 2018 to be submitted to the Greenfield Building Department/ZBA:

- Updated Application regarding the porch
- Updated plan proposal of the porch including minimum dimensions.

VOTES:

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

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

Area Variance
475 Greene Road

David Bangert is present. D. Eskoff states this is in the LDR District. D. Eskoff states this is an on-going Variance since 2012. D. Bangert explains that he has 4.5 acres due to the angle with the existing setbacks it is a small triangle. The property behind him is owned by the Barber's and they submitted a letter in favor of this project. C. Kolakowski states plan on your setbacks being 25'. He would like to see on a drawing of the distance of the wetlands and the Barber property. What is the distance to the buffer line and what are the other properties next to you. A. Wine asks for photos of the area including to the road side toward Snook Hill.

MOTION: C. Kolakowski

SECOND: A. Wine

RESOLUTION: D. Bangert, Case #1004

RESOLVED, the Town of Greenfield Zoning Board of Appeals accepts the application and sets a Public Hearing on August 7, 2018 for an Area Variance for David and Jane Bangert, Case #1004, TM# 126.-1-112, pending receipt of the following information by July 24, 2018 to be submitted to the Greenfield Building Department/ZBA:

- Additional requested photos of the area including to the road side toward Snook Hill
- Distance of wetlands and the Barber property.

VOTES:

Ayes: D. Eskoff, C. Kolakowski, A. Wine, N. Toussaint

Noes: None

Abstain: None

Absent: L. Sanda, J. Szpak

Minutes

June 5, 2018

MOTION: A. Wine

SECOND: N. Toussaint

RESOLVED, The Zoning Board of Appeals waives the reading of and accepts the June 5, 2018 Minutes with minor corrections already submitted.

VOTE: Ayes: D. Eskoff, N. Toussaint, A. Wine

Noes: None

Abstain: C. Kolakowski

Absent: L. Sanda, Szpak

OLD BUSINESS

Stonybrook Preservation & Development, LLC Case #999
TM# 164.-1-50

Area Variance
32 Locust Grove Road

Clark Wilkinson is present. C. Wilkinson states that he was asked to submit proof of the LLC, photos including house across from the property and from the North of the property, and plans for the septic which he did previously. Justin Grassi, Town counsel arrives at 7:30 p.m. D. Eskoff states this is in the MDR-2 District. D. Eskoff explains this is a pre-existing non-conforming lot. They are requesting an Area Variance for the size. C. Wilkinson explains that they have ordered the house they put the delivery date on hold awaiting approval from the ZBA.

MOTION: A. Wine
 SECOND: N. Toussaint

RESOLUTION: Stonybrook Preservation & Development, LLC Case #999

RESOLVED, the Town of Greenfield Zoning Board of Appeals accepts the application and sets a Public Hearing on August 7, 2018 with the amendments made for an Area Variance for Stonybrook Preservation & Development, Case #999, TM# 164.-1-50:

VOTES:

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

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

Area Variance
464 Maple Ave.

Eric Carlson is present. D. Eskoff states this is in the OR District. D. Eskoff states that E. Carlson was in front of the Board back in 2016 for an Area Variance for the same property and it was granted. She asks E. Carlson if he has the Authorization of Agent, proof of LLC. E. Carlson provides the Authorization of Agent and the proof of the LLC to the Board. D. Eskoff states this is an Area Variance for a sign. The Variance is for height and total square feet. E. Carlson is requesting an 8' high sign and 56 sq. ft. The Variance request is 2' for height and 46 sq. ft.

MOTION: C. Kolakowski
 SECOND: A. Wine

RESOLUTION: 464 Maple Ave. LLC, Case #1000

RESOLVED, the Town of Greenfield Zoning Board of Appeals accepts the Application and sets a Public Hearing on August 7, 2018 with the amendments made, for an Area Variance for 464 Maple Ave, LLC, Case #1000, and TM # 153.13-1-40:

VOTES:

Ayes: D. Eskoff, C. Kolakowski, A. Wine, N. Toussaint

Noes: None

Abstain: None

Absent: L. Sanda, J. Szpak

Stewart's Shop's Case #997
TM# 138.-1-34

Area Variance
2532 Route 9N

Chuck Marshall is present. D. Eskoff states this is a Public Hearing. C. Marshall explains that they want to add a diesel price sign to the existing sign. D. Eskoff states per Town Code, if you change or add to an existing sign the sign must now be code compliant. D. Eskoff opens the Public Hearing at 7:40 p.m. No one is present and there is no correspondence and closes the Public Hearing at 7:41 p.m. D. Eskoff states 5.5' and the total size is 82' C. Marshall asks isn't it 10sq. ft. per use. D. Eskoff states in the previous Variance that was granted the ZBA granted a Variance for 70sq. ft. A. Wine asks if that was the original Variance. D. Eskoff states yes. C. Marshall states 5.5' and reads the code. The Board agrees. C. Marshall states in the plaza the all the stores are rented and they don't need the bottom row of the signage. They will be removing it they are trying to minimize the Variance. C. Kolakowski asks if they take off the bottom row can they lower the sign. C. Marshall states that he is not sure if Akito's sign would be seen if they lower it. D. Eskoff asks if they are not changing the sign. C. Marshall just larger supports. D. Eskoff asks if will be internally lit. J. Grassi states there is no greater relief. D. Eskoff states she is not sure when the internally lit sign was put there. N. Toussaint asks if they will be removing the bottom row. C. Marshall states yes. C. Kolakowski asks if the Applicant needs a Variance for the internally lit sign. The Board agrees it will. C. Marshall states on the column an internally lit small diesel sign was added to the canopy. D. Eskoff states the internally lit column signage was removed in Middle Grove. A. Wine asks is the LED pricing over each pump. C. Marshall states that is correct.

RESOLUTION: Stewart's Shop's Case #997

MOTION: C. Kolakowski

SECOND: A. Wine

RESOLVED, that the Zoning Board of Appeals hereby grants an Area Variance for 2532 NYS Route 9N, TM# 138.-1-34, Case #997 as follows:

- Building sign 8 square foot variance to complete multiple use sign measurements
- Variance granted to allow for internal illumination
- Conditioned upon the removal of existing interlay lit Diesel sign attached to column at pumps and the removal of the bottom two sign inserts on the sign

This Variance is granted 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 properties.

- The request is not substantial in that this sign had a previous variance and the size is being mitigated to the minimum necessary for upgrade
- There are no adverse physical or environmental effects.
- The alleged difficulty is not self-created given the existing condition of the sign and previously existing variance

VOTES:

Ayes: D. Eskoff, C. Kolakowski, A. Wine, N. Toussaint

Noes: None

Abstain: None

Absent: L. Sanda, J. Szpak

**355 Grange Road, LLC Case #994
TM# 151.-2-58.1**

**Use Variance
355 Grange Road**

Joe Zappone is present for the Application. D. Eskoff states the Board is reopening this case and will keep it open after this evening. J. Zappone states that he is a member of 355 Grange Road, LLC. He believes Mr. McKenna has supplied the Board with a few sets of documents. He appreciates that the Public Hearing will be held open for the folks that have showed up. They would like an opportunity if there isn't submitted or if there is information they were not aware of, have the opportunity, to submit more information through the continuance and have an opportunity to address some of the comments from the folks he has not heard any. He would like to hear what they have to say and keep the Public Hearing open. He would like to remind the Board that they are in front of the Planning Board for SEQRA review. If the recommendation goes one way or the other and he feels as this process proceeds they will have a lot more to say. D. Eskoff states that they will go through the process tonight listening to the Public's comments and taking any written submissions, which we have had. Then they will continue and the SEQRA will be continuing. They will discuss once the Board closes the Public Hearing and have questions at that time. J. Grassi Town Counsel, states that just for the purposes of everyone here and the Board one of the reason's the Zoning Board of Appeals can't take action today is because the State Environmental Quality Review Act requires a SEQRA determination and the Zoning Board of Appeals referred that action to the Planning Board. It is required that the Planning Board takes action for SEQRA to review the environmental impacts of the Application and they have to take that action before the Zoning Board of Appeals can make a determination on the Variance. That is why they will be keeping the Public Hearing open for purposes of comments on the Application and any SEQRA review. D. Eskoff states that there are quite a number of people here this evening and before they start she wants to indicate that for the record the Board received additional correspondence from Braymer Law. Ms. Braymer is representing Mr. and Mrs. Foster. D. Eskoff reopens the Public Hearing at 8:00 p.m. and asks those in attendance to please keep your comments under five minutes. Dave Shantz, Grange Road, states that he would like to put the Board in his mind frame. He is going to ask each of you to sit yourselves down at your home and now discover that your Town is considering in your residential area on your very residential street is now considering a commercial storage unit business right next to you. At first you are probably incredulous. How can this be done this street is zoned residential but then you start to get worried. Then you realize that one of the Applicant's is a member of the Town Government. You start to think the fix is in. He asks the Board why is this even being considered. If you have driven down Grange Road you would see how rural and residential it is. He understands this is

in front of them because the owners claim hardship. He bought his property from Serotta 27 years ago he told him what is now 355 Grange Road was a buffer zone between the trailer park and his house. His house, at that point my house. Since the owner of the park then really couldn't do anything with the land. He actually sold the top soil and he sold it to the Town to help with widening of the road. This was done before he bought the house probably done in 1989. Since then that property has been bedrock and swamp. He asks the Board what has changed to make this a hardship for 355 Grange Road, LLC since they purchased it a year ago. Nothing. The land sits the same way it did then. Suddenly they find it is a hardship. Did the owners not look at the land before they bought it. Difficult to believe because one of the owners owns the trailer park. Are they now looking at a poor real estate's judgement where the owners are asking the Town to bail them out. Or worse that that are they looking at someone that said I know the process I can get the Zoning changed no problem. Traffic on that road not only granting this variance would bring in cars; it would bring in trucks for storage units. There is a rise on Grange Road to travel south bound just beyond the trailer park. A number of years ago reduced the speed limit from the 55 miles per hour to 45 recognizing this is a residential area. Despite that people come flying off the rise of that road. He comes out of his driveway cautiously. Entrance to 355 Grange Road is 100' closer to the rise. Does the Town need to completely regrade that portion of Grange Road in order to accommodate 355 Grange Road, LLC. If this is granted he will lose \$10,000.00 in property value. More importantly he, and his immediate neighbors and the residents of Greenfield will have the quality of their lives reduced. If the Board grants this variance you can't put it back in. The road would be granting a variance on a rural road for a commercial enterprise. They are setting a precedent for commercializing not only Grange Road, but any road in Greenfield. It would be difficult to deny his variance request if he decides to sell his property to a Bar and Grill. He can prove that he has suffered hardship from the granting of this use. If this happens on Grange Road it could happen on any road in the Town. What value does the variance offer the Town. The Applicant's don't even live in the Town. The proposal is a direct conflict with the Comprehensive Plan that the Town paid for and accepted a number of years ago. What is the purpose of that plan if we don't abide by it. A friend of his called it not just a plan it's a promise to the residents of Greenfield. He prays that the fix is not in. The Board can answer his question in good conscious does the Board represent the residents of Greenfield or outside commercial interests. D. Eskoff asks where D. Shantz lives on Grange Road. D. Shantz states 357 Grange Road. D. Eskoff asks if he did not receive the previous notices regarding this case. D. Shantz states no he did not. She asks because they were sent and the Public Hearing was held open for several months. D. Eskoff states why he was speaking tonight why he was holding onto this vs. coming in prior to this. D. Shantz states again he cannot believe this is even being considered. Ryan Shantz, Southwest Path, states he grew up in Greenfield since 1990. Cars speed on Grange Road it is a blind hill. This is an accident waiting to happen. Someone is going to get t-boned. He has personally held the hand of a woman through her shattered side window at the intersection of Middle Grove Road and Grange Road. Frequently there are accidents there. They would be making an already dangerous intersection even more dangerous. He hopes that the Board gives this serious consideration because it is a serious safety concern. It does not belong here. Duane Palmateer, lives in Middle Grove, he feels D. Shantz has brought up some good points. Why does the Town pay for the Comprehensive Plan and say this is what we are going to do and just through it out the window. He feels it is wrong. He moved here and raised a family here. They moved here because of the rules and how this town was set up. He would like to live here another 25 years not being worried that someone could set up a commercial shop next to my property. Does not feel it is necessary. His point is that he moved here for the Town Laws and would like to see them stay. Anna Emery, Grange Road, states that she grew up in this Town. Throughout the years the increase in traffic is tremendous. It has reached the point where Grange Road is the main point between Ballston and Corinth. They have tractor trailers going

up the road whether they are allowed to or not. There are people that hit the railroad tracks and hit the gas are flying by. There would be no way someone would be able to stop if someone was coming out of 355 Grange Road. There have been a number of times the police have done speed traps it would last for a day and as soon as they are gone they are back to flying up the road. If they are not going by their house doing 65-70 miles per hour they are not doing 30. The speed limits are posted but are ignored. If 355 becomes a commercial property someone will get killed. It's bad enough Middle Grove and Grange Road intersection has a few fatalities. She has nothing against the storage unit being there. Her main concern is the kids in the trailer court on their bicycles no one would be able to stop for them. By allowing a commercial use there you are inviting trouble. She is not in favor of it at all. Fred Emery, Grange Road, the road predicaments are terrible. In front of his house is flat and they fly up the road and scares the hell out of his. He states that at 81 years old he tries to keep his property up to snuff but if the storage units are allowed if it turns out like the trailer park is trash. The park manager needs to clean up the park. The park manager cut down trees and put them on another person's lot they need to clean up the park. D. Eskoff asks is there anything about the storage units that you would like to speak about. F. Emery states no. Jon Foster, Middle Grove Road, owner of Adirondack Storage Inc. is present along with his wife. J. Foster states that it is a self-created hardship by our Building Inspector and Mr. Zappone. The land was excavated out before Mr. Zappone bought it and sold it to the Town of Greenfield years ago by a Town employee. That property has sold several times knowing this bedrock is there. They have two more buildings to build on their property and haven't because of the demand. You Store It Joanne Grandy's property is less than three miles from him on Washington St. in Saratoga. They never fill up to 100% of capacity and that is why they have not continued on with their last two buildings. He has pictures of Shantz property showing the amount of fill that has been taken out. There is also a picture showing the berm left by the road 6-8 feet high that is how much property was excavated out of there to help build Canty and Grange Roads up way back when it was a dirt road. There is definitely a self-inflicted hardship. They have done a lot of work and the information Mr. McKenna has submitted to the Board is not accurate at all. The \$137,000.00 to bring fill in 10,000 yards of fill is not the case. He also kept in the raised septic system. If you are bringing in \$137,000.00 of fill you won't keep a raised septic system. The numbers don't add up. He said he paid \$35,000.00 for the property but it was filed at the county \$15,000.00 what is it the higher number or the lower number? There is a lot more to this than meets the eye that we have talked to our Town Supervisor about and are going to the Town Board about. As far as the property is concerned there have been several properties that have been built on ledge rock including right next to his house that a local builder brought in 3,000 yard and has a walk out basement on ledge rock. That is Mr. Pileckas who has subdivided property into four building lot. If other houses can build on ledge rock then Mr. Shantz has a right to have a home next to him instead of another facility on top of a facility already on a commercial corridor of Greenfield. Which our business, we went through this zoning process to build our business and that was before the Comprehensive Plan. They met the criteria on the main corridor and believe Greenfield allowed which I guess are allowed as self-storage let Mr. Roohan to build 13 units over on Rt. 9. He does not feel they should be classified as self-storage. They are really just a row of garages for the apartments. D. Eskoff states that was his request. J. Foster states that was his request, he wanted self-storage. That is fine. With that said he thinks there can be other uses. Does not think this is a hardship. He hopes that Mr. Shantz has said and hopes the Town is doing their due diligence with their Building Inspector. He thinks it gives the Town a black eye that he does not live in this Town he is our Inspector and he knows the rules and codes of the Town. Up until today we finally gotten his plot plan which they requested a month ago they got today. He told the Planning Board that the ZBA had it. It wasn't at the last meeting Tuesday. That has been put off which he is sure the ZBA has that information. They are not against someone building self-storage in the proper area of this Town where it is allowed. To

keep the Town going in the direction of the Comprehensive Plan. He has lived here all of his life and has watched this Town change from Middle Grove Road to commercial entities where all the neighbors fought with attorneys for a long time for a business not to go in and it went in. Just because it was a junk yard by a previous owner the transfer of the property does not transfer the junk yard to them. They went through the process with the attorneys fighting it and that business went in. There are several other businesses in his Town that has happened. He thought Greenfield was bedroom community and they identified these zones. Now we are still doing the same thing not following the Comprehensive Plan. Doesn't think it is good practice that our Building Inspector doing this and putting the Town in an ethics issue. This has been done in two other Town's. One of them Bolton Landing. New York State is looking into regulations to make sure even though Town Counsel has looked into it that it is legal but frowned upon. He is not happy as a longtime resident of the Town with what is going on and how it is being done. It almost to him felt like a back door issue. How no one knew about it. Mr. Shantz and he believes the winery was not notified either he is pretty sure they are within 500'. In all fairness the whole Town should know what is happening. There were a lot of people that could not make it tonight. As long as the hearing stays open I think you will be hearing from them. D. Eskoff states the notices did go out last time and can supply the list if anyone wants to see it. Obviously it's been reopened and you have an opportunity. It is also in the paper. We have followed protocol regarding that. At the conclusion for this evening's discussion of whoever else wishes to come forward for the Public Hearing, the Board will table it and hold it open for the next meeting. If they want to come to the next meeting their comments will be heard. Claudia Braymer, Mr. and Mrs. Foster's attorney, wants to follow up on Mr. Foster's and the other's comments. In addition to her correspondence that was sent by mail and email. If you walk through the criteria it fails to meet any of the criteria for granting a Use Variance. Most importantly this Applicant purchased the property in September of 2017 clearly after the Zoning was in effect. This alleged hardship has been is entirely self-created. Right there you would need to deny the Use Variance request. In addition the property is not unique. Other site have brought properties where the soil is very shallow and people are able to build properties on those properties. This is not something that is so unique that they must have a Use Variance granted to them. This is a residential neighborhood. It's rural on a rural road. Commercial Self-storage unit would not be in harmony with it and it conflicts with the Comprehensive Plan that your Town spent a lot of money putting together and has been trying to follow since then. For all of those reasons this Use Variance should be denied. Finally they submitted evidence about the Applicant's ability to earn a reasonable return. The Applicant has not proven that it cannot realize a reasonable return. Then that burden is on them as the Applicant. They did provide some financial evidence but as the Board heard tonight the Applicant only paid \$15,000.00 for the property. That is based on the County Clerk record. On the transfer tags. The amount that they are telling the Board she is not sure where that is coming from the \$35,000.00. Also there is no proof in the record that they marketed the 6 acres site as a vacant property in order to sell it to someone. They have evidence in the record about trying to market it when it was 15-17 acres in size. It didn't sell. That is not before the Board they have a 6 acre lot with no evidence and affect they tried to market it. In contrast they did provide evidence of the ability to develop this as residential uses. Market it and sell it as a reasonable profit. Finally on Mr. Foster's point she feels the Board is in a prickly situation by having the Building Inspector as the Applicant. As she recommended or suggested to the ZBA could in one of her letters they could contract with an outside building inspector to shepherd this through the process. It will take a little bit longer while the Planning Board looks at it and to make sure that everyone in the public can feel confident that there isn't any conflicts or bias or problems with the notices being sent out she urges the Board to look at that. She thanks the Board for keeping the Public Hearing open. Ultimately they ask the Board to deny the Use Variance. D. Shantz asks if the Public Hearing is staying open. D. Eskoff states that they would be back one month from today for the August

meeting which is August 7, 2018. Rodney, Grange Road, has lived there for 53 years. The road is a very busy road. Has a traffic study been done. His bigger issue is everyone is saying they have not heard anything about this project. He is far enough away that he would not get notice. D. Eskoff states she is concerned about it. They do have the list and the clerk is here. She is the one that does the mailings. The Building Inspector does not send out notices. Rodney states that he is not saying that no one is at fault. D. Eskoff states that she is stating that so everyone is aware of how they went out and further states that to be honest no one showed up absolutely no one to this date. It was in the paper and the notices did go out. That's all she can say. Rodney states it's a tough road with a blind hill and would you want it next to your house. Ryan Shantz asks if it was purchased for \$15,000.00 he and his wife would consider putting a home there. D. Eskoff states that she only knows the information that was provided to them. This is someone's attorney making that claim. The Board needs to weigh that information. D. Eskoff states that when they purchased the land by the one partner it was bought with the Mobile Home Park and there was a second transaction. That is as much as she can tell him. Mike Spiak, Grange Road, states that he did not receive a notice and thinks???. D. Eskoff states they kept the Public Hearing open for 3-4 months. It was a concern for us as well especially when it is something that is controversial. Use Variances area always controversial. She does not know where there is a Town where they are not. To have no one show up indicates nobody really seemed to care and it was held open and no contact. Anna Emery, Grange Road, when the trailer park was put it was owned by Mr. Heckman who owned the Saratoga Men's and Boy's shop. The trailer park is a mess and if that is how he is going to maintain the self-storage property. If it is a new facility and it is going to be a problem. If he is not going to maintain the park then she believes he won't maintain the 355 Grange Road. Damion Fantozzi, lives up Middle Grove off Escort Drive. He knows the intersection and has witnessed an accident there. His biggest concern is why would they want a storage unit there. Wouldn't it become a white elephant. It's out of the way. It's rural and he does not understand it how it is even being considered. Would hate to see it happen. Where else will it happen. Meg Shantz, Grange Road, asks what are the current deed restrictions on that parcel. D. Eskoff asks regarding this property. M. Shantz states any restrictions that are placed on that parcel. D. Eskoff states that the Board does not ask for the deed. It is not part of our Application process. Sometimes it does come up if there is an easement or if they are looking at an Open Development case but generally they don't deal with the deed or the Town Attorney would deal with the deed. M. Shantz asks if that is something that the Board could look into. She knows someone that was looking at that property and she could not determine it but said it was a valid question. J. Grassi states that generally unless there is a very obvious restriction or easement that completely prohibits or prevents concludes an Applicant from getting approval they generally advise that it is private property matter. If someone else wants to enforce deed restrictions they can you can also distinguish deed restrictions. If the Applicant would have a deed restriction and get approval from this Board they could then try to extinguish the restriction they has. So for that reason generally that it is not within the Boards prevue unless there is an obvious one. M. Shantz states she did not know if there was a restriction in place and whether that would impact the Boards decision. J. Grassi, Town Counsel, states that the only reason even if it's obvious look at it so they are not spinning their wheels and taking months to review something. That just simply can't be done. In that case they may ask the Applicant how they wish to try to extinguish whatever obstacle is allowing that use. In this instance there was a deed provided it is the deed simply from 353 Grange Road, LLC to 355 Grange Road, LLC unless there are restrictions identified within this deed that is usually as far as they will look into it. Unless something else was brought to their attention. D. Eskoff states some of these deeds can go very far back. M. Shantz states that she is curious about she believes Ben Serotta requested a variance for commercial use for that property many years ago as a Town resident he owned their house and it was denied. D. Eskoff states that is nice history to know, doesn't

know if the Board was aware of that they can look into that. M. Shantz states that as she looks up at the Town's plaque it states that this building was built in 1793 and their house was built in 1790 and the house across the street was built in shortly after that there are so many historical buildings on that road including the Grange. This is not appropriate here. Judith Porter, Rt. 9N, their property joins Foster's Adirondack Self-Storage. A. Emery is right about the garbage. Mr. Foster's tenants throw garbage on his property and on ours. The zoning should really be taken care of because there is a trailer park across the street had it been zoned it would have been no way. Hopefully a housing development. She would hate to see another commercial place go in a rural section. J. Foster states that he is also under the understanding that Ben Serotta who ran his bike shop out of the bar years ago came to the Town and they turned him down. He went up to Middle Grove and ran a shop out of there. He had it two other places before it was up over Cady Hill with his bike shop. D. Eskoff asks if he knows what time frame that was. J. Foster states that it was in the 80's. D. Eskoff states that they will check to see if there was a request for a variance just so they know a little more history of the property.

MOTION: D. Eskoff

SECOND: A. Wine

RESOLUTION: 355 Grange Road, LLC, Case # 994

RESOLVED, the Town of Greenfield Zoning Board of Appeals hereby tables the Public Hearing for 355 Grange Road, LLC TM# 151.-2-58.1 until August 7, 2018:

VOTES:

Ayes: D. Eskoff, C. Kolakowski, A. Wine, N. Toussaint

Noes: None

Abstain: None

Absent: L. Sanda, J. Szpak

**Vanderzee Over the Hedge Farms, Case #985
TM# 137.-2-49**

D. Eskoff states that this case has not had any activity. This case was submitted to the ZBA June 21, 2017. This was difficult because there were easement problems. In January 2018, Town Counsel sent a letter requesting a response Applicant and Agent. To date no word was given back by the Authorized Agent or the Applicant. The ZBA needs to make a decision on what to do with this case. A. Wine asks if Application is rejected do they have to wait a year if they chose to reapply. D. Eskoff states no and the Board does not have any confirmation that they are dealing with National Grid issue. A. Wine states the Board would need a letter granting them permission. C. Kolakowski agrees.

MOTION: N. Toussaint

SECOND: A. Wine

RESOLUTION: D Vanderzee & Over Hedges LLC, Case #985

RESOLVED, At the July 2, 2018 Zoning Board of Appeals Meeting, the Board rejects the Application of David Vanderzee and Over the Hedges, LLC, for an Area Variance for TM# 137.-2-49, Case #985 as incomplete. This Application was originally submitted to the Building Department/ZBA seeking an Area Variance on June 21, 2017. This action by the ZBA requires that should you chose to pursue an Area Variance for this property, going forward, you will need to file a new complete Application with applicable fees to the Building Department.

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

Meeting adjourned at 8:48 p.m. All members in favor.

Respectfully submitted,

Kimberley McMahon
ZBA Secretary

DRAFT