

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

**July 5, 2017**

**REGULAR MEETING**

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

MINUTES:

June 6, 2017 Minutes

MOTION: J. Szpak

SECOND: A. Wine

RESOLVED, The Zoning Board of Appeals waives the reading of and accepts the June 6, 2017 minutes.

VOTES: Ayes: D. Eskoff, L. Sanda, J. Szpak, A. Wine

Noes: None

Abstain: C. Kolakowski

---

**NEW BUSINESS**

**Vanderzee D. Case# 985**  
**TM# 137.-2-49**

**Area Variance**

George Smith is present for the applicant. D. Eskoff explains the process. G. Smith states that they are looking to create a keyhole lot. G. Smith states that D. Vanderzee owns four lots and the one lot in question is land locked and the only way to get to the property is to take forty feet from one of the lots in front of it. D. Eskoff asks if the applicant is seeking Open Development Area and a lot line adjustment. D. Eskoff states that the front property was part of an approved 2005 subdivision. G. Smith states that they are looking to put an agriculture farm in. D. Eskoff asks agriculture farm or solar farm. G. Smith states solar farm. D. Eskoff explains that solar frontage may differ from lot frontage requirements depending on the Level of solar and the applicant should also be familiar with those requirements should they be seeking large scale solar. G. Smith explains that there are wetlands on the land locked back parcel and the usable area will be limited. D. Eskoff states that Mr. Vanderzee is the only applicant listed on the application and there are two owners of record for this property, therefore, the application is lacking complete property ownership information and Authorization of Agent signed by that missing owner. D. Eskoff states the applicant's intended private drive would run directly through the property of National Grid. G. Smith states that he contacted National Grid by phone and

they stated that they did not have any issues with that. D. Eskoff states that they will check with Town Counsel regarding this, the applicant may need to produce something in writing from National Grid. J. Szpak states that we should not accept the application tonight because it is incomplete. D. Eskoff states she would also like clearer maps from the applicant for the proposed project area and any alternatives they may wish the Board to also consider before the Board's next meeting.

MOTION: J. Szpak  
SECOND: C. Kolakowski

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

**RESOLUTION: D. Vanderzee, Area Variance**

RESOLVED, that the Zoning Board of Appeals postpones the application of David Vanderzee, Case# 985, TM# 137.-2-49 to their August 1, 2017 meeting due to an incomplete application and requires the application contain complete ownership information, the signature of the second owner for an Authorization of Agent and that the applicant(s) submit any additional requested materials to the Building Department by July 18, 2017.

---

**Shemroske, J. Case# 986  
TM #151.-3-55**

**Area Variance**

J'mae Shemroske and Alan Van Dyck are present for the application. D. Eskoff explains that they have .953 of an acre property and are seeking an Area Variance to re-build a current shed and covered pavilion. D. Eskoff states that a railroad runs behind the rear of the property and asks the applicant to clarify what railroad is it. J. Shemroske states it is the North Creek Railroad that runs to Corinth and back. D. Eskoff asks the applicant to also clarify some additional information about the property and asks if the applicant if she is running a daycare on the premises. J. Shemroske states yes. D. Eskoff states that Town Code has requirements for daycares and there appears to be nothing on record with the Town for this property for this use. D. Eskoff asks the applicant if they have farm animals such as goats and chickens on the property because it appears there is nothing on record for this property for this use either. D. Eskoff states that there was an article in one of the papers regarding their daycare that also mentioned farm animals on the property and that she is familiar with the location of the property from driving by it and has seen goats there in a contained/fenced area with shelter for them in the past. J. Shemroske states that they do have goats but that they are not currently on the property because they are grazing on other property in the spring, fall and summer. D. Eskoff explains that the Town of Greenfield Code has a section for Hobby Farms, with corresponding Area and Use Charts, which limits the number and type of farm animals one can have on their property within the Town, dependent on the zone. In the applicant's zone, MDR-2, there is a minimum Area requirement of two acres for Hobby Farm Use for two goats, etc. D. Eskoff states that J. Shemroske should speak to the Town Code/Zoning Enforcement Officer, G. McKenna, as soon as possible regarding this matter and provide all pertinent information because there may be potential violations which would preclude the ZBA from moving forward with the application. J. Szpak states that we cannot act on anything with a potential violation. J. Szpak states that when you do come back in front of the ZBA for this application we would like

photos of the property. D. Eskoff states that photos showing all directions of the property and different angles would be needed. A. Wine asks if there is an existing shed there. J. Shemroske states yes. L. Sanda states that she would like photos of the area near the house and the shed and an aerial map. A. Van Dyck states that where they are proposing putting the shed is on the most level part of the property because it is a difficult lot to work with grade wise. L. Sanda states that the applicant could also write a narrative up stating why they need the variance, if they wish to do so, and then show everything on the map. D. Eskoff asks the applicant if she would like to withdraw the application at this time or postpone it due to what has been discussed. J. Shemroske states that she would like the application postponed. D. Eskoff states that the Board can postpone the application but the Board expects the applicant to speak to G. McKenna as soon as possible. D. Eskoff states that if the applicant/property is in compliance then the applicant will be on the agenda August 1, 2017 to have their application considered for acceptance.

MOTION: J. Szpak  
SECOND: L. Sanda

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

**RESOLUTION: J. Shemroske, Area Variance**

RESOLVED, that the Zoning Board of Appeals hereby postpones the application of J'mae Shemroske, Case# 986, TM# 151.-3-55 to their August 1, 2017 meeting, contingent upon the applicant speaking to the Town's Code/Zoning Enforcement Officer regarding any compliance issues and/or any potential violations that may exist on this property and for compliance authorization by the Town's Code/Zoning Enforcement Officer for this applicant/property, prior to any further ZBA action on this application.

---

**Conlon, J. Case# 984  
TM# 100.-2-7**

**Area Variance**

John Conlon is present for the application. D. Eskoff explains this is a request for a six (6) foot Area Variance in the LDR district. J. Conlon wants to move a carport to put in an addition/mudroom. J. Conlon explains this is for snow removal purposes. A. Wine asks if we have a survey. J. Conlon states that he gave one to G. McKenna. D. Eskoff states that they would like photos of the carport and views from existing driveway. D. Eskoff states that the next Public Hearing date would be on August 1, 2017.

MOTION: J. Szpak  
SECOND: L. Sanda

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

**RESOLUTION: J. Conlon, Area Variance**

RESOLVED, that the Zoning Board of Appeals accepts the application of John Conlon, Case# 985, TM# 100.-2-7 and sets a Public Hearing for August 1, 2017 pending receipt by the ZBA/Building Department of the requested photos of the property including those showing to the carport and views from the existing driveway.

---

## **OLD BUSINESS**

**Evans, G. David Case# 983  
TM# 123.-2-21**

### **Area Variance**

G. David Evans is present for the application. D. Eskoff states that the Board has consulted with the Town Attorney who has reviewed the case and the application should be transferred to the Town Board for an Open Development Area determination. D. Eskoff states that once the Town Board makes a determination then the ZBA would be able to review the application. G. Evans states that he wants to do this as quick as possible. J. Szpak states that the most expeditious way is to table your application and get on the Town Boards agenda so that they can review it for the necessary Open Development determination. D. Eskoff asks the Board if there is anything additional they would like to see from G. Evans. L. Sanda states that we have established that there is not an easement. A. Wine asks is there a verbal agreement. J. Szpak states that we have maps. G. Evans states that it is an abandoned road. D. Eskoff states that that access to this property is a private civil matter that needs to be worked out among neighbors and there is nothing the ZBA, as a Board, can do to confirm or confer any existing or other right of access to his property. D. Eskoff states that outside of the Zoning Board of Appeals level, G. Evans may need to prove a right of access/easement prior to getting a building permit should the Town grant an Open Development Area and the ZBA grant the requested variance. D. Eskoff asks the Board if they want to set a Public Hearing date or wait for the Town Board to act first. C. Kolakowski, J. Szpak, and A. Wine do not want to advertise a Public Hearing given the close time frame for the next Town Board meeting and the uncertainty of timing of that Public Hearing and when the Town Board would make a final decision on it. D. Eskoff asks G. Evans if he agrees to table his application for later acceptance by the ZBA and for the ZBA to send it directly to the Town Board for Open Development approval/denial at this time. G. Evans agrees.

MOTION: J. Szpak  
SECOND: L. Sanda

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

### **RESOLUTION: G. D. Evans, Area Variance**

RESOLVED, that the Zoning Board of Appeals hereby tables and transfers the application for G. David Evans request for an Area Variance for 250' of frontage to the Greenfield Town Board, with the application's approval for postponement, for an Open Development Area review for the property located at 388 Plank Road Rear, TM# 123.-2-21.

---

**Cornell, D. & B. Case# 984  
TM# 124.-2-12**

**Area Variance-Public Hearing**

Duane and Betty Cornell are present. D. Eskoff reviews the variance request and states that there is a Public Hearing for this application tonight. D. Eskoff opens the Public Hearing at 8:12 p.m. and asks if there is anyone from the public that wishes to speak. Jaimy Lewis and Jason Greenhaul who live at 220 North Greenfield Road are present to speak. J. Greenhaul states that the property is actually in MDR2 District not MDR 1 which is on the application. D. Eskoff acknowledges that J. Greenhalgh is correct, the property is in MDR-2. J. Greenhalgh states that he lives on the left side of the applicant's property. J. Greenhaul states that putting a mobile home next door to his property will reduce the value of his property. J. Greenhalgh states that when he bought the property the realtor told them there will never be anyone living on the applicant's property. D. Eskoff states they should never have told the applicant that. J. Greenhalgh states that the new house will line up with their home and asks if the Cornell's can put up a privacy fence. J. Lewis states that she is concerned about their well. J. Greenhalgh states that they tried to purchase the applicant's property but it was too expensive/over-priced at the time. J. Lewis and J. Greenhalgh also submit a letter of opposition and concern to the board regarding the Cornell's requested variance. D. Cornell states that it is a narrow lot and they would like to put in a forty-eight foot mobile home. A. Wine asks if there is a buffer. D. Eskoff asks what other homes are like in the area. K. McMahon states that the neighbor to the other side of the property came to the Building Department to inquire what this project was about when they received the Public Hearing notice and stated that they have a mobile home and had no issues. The Board looks at photos supplied by the applicant and some online aerial photos. D. Eskoff states this is a pre-existing non-conforming lot where they do not have enough frontage or acreage to meet current zoning. D. Eskoff asks if there is anyone else that would like to come forward. Since there is no one else wishing to speak, D. Eskoff closes the Public Hearing at 8:25 p.m. D. Eskoff asks if there are any other written correspondence. K. McMahon states no. J. Szpak states that we should go through the variance test, it's a tough spot and we want to make good use of the property. D. Cornell states that at one point there was an advertisement on the property for a mobile home for \$220,000. D. Cornell states that they could put the same type of home in modular home form but it would cost \$20,000-\$30,000 more. D. Cornell states that they will be doing landscaping on the lot and want to be good neighbors. D. Cornell states that if they put the mobile home farther back it will be too much in line with the other neighbor. D. Eskoff asks if the Board wants to wait for more information. The Board agrees that they feel they have enough information. J. Szpak asks if the Cornell's are planning on doing a paved driveway. D. Cornell states yes eventually they are. D. Eskoff asks if they have considered turning the home. D. Cornell states that is would not look right, D. Eskoff agrees. D. Eskoff asks J. Greenhaul and J. Lewis where their property is most impacted in terms of privacy and how long a distance is involved. J. Greenhaul states that their home is approximately 75 feet from the edge of road and has an addition and a patio in back. A. Wine suggests the Cornell's put up a fence. The Board discusses the fence option but the slope of the property would preclude a fence from providing enough privacy. J. Szpak states that if the Cornell's put a twenty-foot buffer between their home and the neighbors, plant evergreens, it would help the situation and he adds that they can get free advice from the Cornell Cooperative Extension on the trees. D. Eskoff states that five six-foot tall evergreens, planted at an appropriate distance, should cover the most impacted privacy need area for the neighbors. The Board discusses lighting impacts. L. Sanda asks the Cornells what their time frame is. D. Cornell states that the potential closing for this property is in July and it has been pushed back due to the variance. D. Cornell states that the contractor suggests that the septic in the back

and local well driller thinks it will be about two hundred feet down. L. Sanda states that it meets the criteria. C. Kolakowski states he feels trees should be planted near the property line. The Board agrees that an evergreen buffer of trees is the best solution but that some flexibility is needed to further determine the best layout and growth potential for the trees.

MOTION: J. Szpak  
SECOND: L. Sanda

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

**RESOLUTION: D. & B. Cornell, Area Variance**

RESOLVED, that the Zoning Board of Appeals hereby grants an Area Variance for Case# 984, TM# 124.-2-12, for 1.2 acres and 60 feet of road frontage with the following condition:

The ZBA imposes a mitigation requirement of five (5) six (6)-foot tall evergreen trees be planted as a buffer on the West side of the property to be placed at a sightline that helps address the neighbor's privacy concerns and where the evergreen tree row will extend to cover the length of distance from neighbor's house to their back shed.

The granting of this Area Variance is based on the following:

- The benefit cannot be achieved by any other feasible means
- There is no significant undesirable change to the neighborhood, however, the ZBA has imposed a mitigation requirement for privacy reasons for a neighboring property
- The request is not substantial given the pre-existing non-conforming lot size
- There are no adverse physical or environmental effects
- The alleged difficulty is not self-created given the pre-existing non-conforming lot size.

---

**Garden Homes/Della Community, Case #981  
TM# 124.-3-35**

**Area Variance- Public Hearing**

**Garden Homes/Park Place, Case #982  
TM# 137.-2-8.1**

**Area Variance – Pubic Hearing**

Tom O'Brien is present for the applicant. D. Eskoff states that she is re-opening the Public Hearing for both Della Community Mobile Home Park and Park Place Mobile Home Park due to amended applications submitted by the applicant and as was indicated by the ZBA at their June, 6, 2017 meeting. There being no one else present for this Public Hearing and there being no other correspondence on this case, D. Eskoff opens and closes the Public Hearing at 9:15 pm. D. Eskoff states that the parks are in two different zoning districts. D. Eskoff states that Case# 981 is in the Town Center District and Case# 982 in if the MDR-2 District. D. Eskoff asks if T. O'Brien the dimensions of the Vermont Park signs. T. O'Brien states that he was not aware that the Board asked for that. D. Eskoff states that they had asked the previous representatives of Garden Homes for both photos and size/dimension information on the signs

the company has in Vermont because they were smaller than they are presently requesting in Greenfield. D. Eskoff asks the applicant if they still want to go ahead with 8.5' signs. T. O'Brien states yes. L. Sanda states instead of 8.5' high she would prefer 6'. C. Kolakowski states that both signs should not be higher than six feet high. D. Eskoff states that they should both be the same height/dimensions just with different names for continuity. L. Sanda asks what is the big advantage of six feet vs. eight feet. A. Wine states that he would prefer six foot high signs. The board discusses the height of the signage. D. Eskoff states that one possibility is to give width but not height. J. Szpak states that this is a large area variance and we are trying to compare with signs in the area and to make it look more aesthetically pleasing. D. Eskoff asks who on the board has looked at the signs. N. Toussaint states that the signs are big. L. Sanda states that she doesn't feel that they need three different contacts listing on the signs, perhaps they could make better use of the signage area that way. D. Eskoff states that if given a choice would the applicant prefer less height or larger area. T. O'Brien states larger. L. Sanda states that size of the signs is still too big. The board agrees that the proposed signs are very nice. J. Szpak asks the Board what is the maximum square foot size that the Board will accept. D. Eskoff states that we want the signs to be the same for consistency and continuity purposes. L. Sanda states the signs from post to post should be no wider than five feet and not exceed 15 square foot without air space. J. Szpak asks what if the Board says 15 square feet with maximum height of six (6) feet and no wider than five (5) feet from outside of pole to outside of pole. C. Kolakowski states we are denying the request for eight foot high sign then. L. Sanda states yes. The Board agrees that these dimensions are those that are best suited for the signs that are the subject of these variances.

MOTION: J. Szpak

SECOND: A. Wine

VOTES: Ayes: D. Eskoff, C. Kolakowski, L. Sanda, J. Szpak, A. Wine

Noes: None

**RESOLUTION: Garden Homes, Area Variances (2)**

RESOLVED, that the Zoning Board of Appeals hereby grants an Area Variance for signage at Garden Homes/Della Community, Case# 981, TM#124.-3-35 and an Area Variance for signage at Garden Homes/Park Place, Case #982, TM#137.-2-8.1 with the following requirements:

Signage for both Case #981 and Case #982, Garden Homes, shall not exceed six (6) feet in height, shall not exceed five (5) feet in width from post to post and shall not exceed 15 square feet in overall signage area. These variances are granted for the following reasons:

- improvement over the older signage presently in place,
- Benefit sought by the applicant has been reduced to smaller size signage than requested
- The requested variance is substantial but has been reduced to a practical size that is suitable for both signs that are in two different zones so that the signage matches and is recognizable
- There are no adverse physical or environmental effects
- The alleged difficulty is self-created in its request for larger signs, however, new signage is often necessary as replacement, and in this case, it is a vast improvement over the older signage.

There is no undesirable change to the character of the neighborhood, new signage will be

---

Meeting adjourned at 9:50 p.m. All members in favor.

---

Respectfully submitted,

Kimberley McMahon