

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

**June 2, 2015**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Taylor Conard at 7:30 p.m. On roll call the following members are present: Taylor Conard, Denise Eskoff, Michelle Granger, Joseph Szpak, Kevin Veitch and Laura Sanda, Alternate.

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**May 5, 2015 MINUTES**

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of May 5, 2015, as submitted.

VOTE: Ayes: Conard, Eskoff, Granger, Szpak, Veitch  
Noes: None

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**NEW BUSINESS**

**J. Friday for Saratoga Escape – Area Variance**

Case#950, Area Variance

No one is present for the application. D. Eskoff asks if the new sign will be the same size as the existing sign. R. Rowland states that it will be. T. Conard reads from G. McKenna's notes that this is a pre-existing, non-conforming sign and will be replaced with a sign of the same size. This requires a 24 square foot variance. D. Eskoff asks if they are changing what they do there or just the name. R. Rowland states just the name; it will still be a camp ground. The applicant provided renderings of the current sign and the proposed sign. D. Eskoff asks if the applicant had a variance before for the sign. R. Rowland states that she does not believe so, that it is just pre-existing as no variances were found. They were before the Planning Board for a site plan review for a septic system. K. Veitch asks if there is any lighting on the sign. R. Rowland states that she does not think so.

**RESOLUTION – J. Friday for Saratoga Escape, Area Variance**

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Joe Friday for Saratoga Escape for an area variance for property located at 265 Brigham Road, TM#126.-1-81.1 as complete and sets a public hearing for July 7, 2015 at 7:30 p.m.

VOTE: Ayes: Conard, Eskoff, Granger, Szpak, Veitch  
Noes: None

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**OLD BUSINESS**

**STEWART'S SHOPS #360 – Area Variance**

Case#945, Middle Grove Road

June 2, 2015

**STEWART'S SHOPS #310 – Area Variance**

Case #947, NYS Route 9N

No one is present for the Stewart's applications.

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**JOHN GUAY – Area Variance**

Case#948, Brandell Lane

John Guay is present. T. Conard reviews that this is a pre-existing, non-conforming lot and the applicant is seeking an area variance for an in-law apartment. They would require a 1.852 acre variance and the frontage complies.

A public hearing is opened at 7:35 p.m. Letters in support were provided by the applicant with the application and are part of the record. There being no comments at this time, the public hearing is closed at 7:37 p.m.

T. Conard states that the additional information requested was supplied. J. Szpak states that it seems to him that this is appropriately placed on the lot considering that it is already a non-conforming lot. It doesn't seem to have any impact on the neighbors or the environment. D. Eskoff asks what the current square footage of the house is. J. Guay states 1870 and he is not sure how much is being added. He explains that the mudroom, ground level entrance and one additional room are being added to the home. R. Rowland states that the limit is 40%. J. Szpak states that it is a very reasonable and modest addition. The only reason that it is a substantial request is because it is on a pre-existing condition. T. Conard states that as an in-law apartment, that is almost doubling the size of the lot. T. Conard states that that is the only concern that he has in looking at it. The lots around it are not particularly big either so you have a higher density of people. J. Szpak asks what part will become the in-law apartment. It is already in the existing footprint except for the one room on the back. R. Rowland asks J. Guay if the mud room is shared. J. Guay states that it is. Their concern is that his father-in-law is 80, they wanted a ground level entrance and that is why the mud room, and then the additional room just to expand the space. T. Conard states that he has no problem with the expansion of the house. He is more concerned with the area variance being given for the in-law apartment – the amount of the variance required. D. Eskoff states that it is a very large variance. She asks where the entrance is into the house. J. Guay states that you would come in thru the mudroom on the side and then there is a doorway into the family room. D. Eskoff asks how he would get from the main living quarters to his own, just thru the mudroom or is there a direct route. J. Guay states the door between the mudroom and the family room. M. Granger states that she agrees with T. Conard in his concern for the amount of the variance. J. Guay states that he raised a family of 4 in this home and it is currently just his wife and himself. There would be 3 individuals living there with his father in-law. J. Szpak asks if they are eliminating any bedrooms. J. Guay states that they are going to 2 bedrooms upstairs vs. 3 bedrooms. J. Szpak asks if there are currently bedrooms downstairs. J. Guay states that there are not but there will be one with the apartment. D. Eskoff asks if there is finished space in the basement. J. Guay states that the entire family room is finished and they are utilizing all of that. D. Eskoff asks how close the nearest neighbor is. R. Rowland states that some photos were submitted with the application. T. Conard states that the site plan indicates dimensions to property lines and that it is wooded around the lot so it does offer a buffer. D. Eskoff states that it is an odd shaped lot. M. Granger states that we have a pre-existing, non-conforming lot and we have the number of bedrooms staying the same. D. Eskoff states that we are adding a bathroom. T. Conard states that that is not unusual for a two or three bedroom house either. M. Granger states that in terms of differentiation, we are looking at a pre-existing, non-conforming lot; we have maintained the number of bedrooms; the shape of the lot is unique as well. J. Szpak states that if he was a neighbor his biggest concern would be that he sees what is being done with it now but would be worried about what could happen with it later. Is it going to be rented to a family and this is going to become a two-family home? J. Szpak states that it is a one bedroom, so he is not that concerned about the increase in traffic or change to the character of the

June 2, 2015

neighborhood at all with this particular setup. T. Conard states that he thinks J. Szpak is right. The other in-law apartment that comes to mind most recently is the one that was rented to a bunch of college students. D. Eskoff states that this is inside the house.

**RESOLUTION – J. Guay, Area Variance**

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals grants the request of John Guay for an area variance for an in-law apartment for property located at 7 Brandell Lane, TM#163.-2-67, as follows:

- **Variance of 1.852 acres**

This approval is based on the following criteria:

- **We have a pre-existing, non-conforming lot with an unusual shape**
- **The number of bedrooms is going to remain the same**
- **In this particular proposal, there does not seem to be any possibility that this can be converted into any kind of two family situation since the bedrooms are remaining the same, there will be no increase in density and part of the addition is shared**
- **Benefit cannot be achieved by other means**
- **No undesirable change to the neighborhood character or to nearby properties**
- **Despite the fact that it is a substantial request, when you look at the other factors, they do outweigh the additional criteria we should consider when deciding whether or not to grant an area variance**
- **There will not be any adverse physical or environmental effects**

VOTE: Ayes: Conard, Eskoff, Granger, Szpak, Veitch

Noes: None

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**DAVID GATES – Area Variance**

Case#949, Miner Road

David Gates is present. T. Conard reviews that the applicant is seeking an area variance to build a new home and needs a 13' variance.

A public hearing is opened at 7:51 p.m. and closed as there are no public comments.

T. Conard states that this is a very narrow lot. M. Granger states that given the topography and the fact that it is a pre-existing, non-conforming lot and we are not looking at a substantial request; she does not see other options available to the applicant; she does not see an undesirable change to the character or the neighborhood. D. Eskoff states that she believes that the applicant stated he was building in this location due to it being more level. The applicant confirms this. D. Eskoff states that it is the most practical place to build the home. J. Szpak states that it is wooded and he does not have any concerns. T. Conard states that there are no buildings behind this, it is a very oddly shaped lot and there is no other way to build.

**RESOLUTION – D. Gates, Area Variance**

MOTION: J. Szpak

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals grants the request of David Gates for an area variance for property located at 311 Miner Road, TM#111.-1-14, as follows:

June 2, 2015

- **Rear yard setback variance of 13'**

This is based on the following criteria:

- **Benefit cannot be achieved by other feasible means**
- **No undesirable changes to the neighborhood character or to nearby properties**
- **The area is surrounded by a wooded buffer**
- **The request is not substantial**
- **There are no adverse physical or environmental effects**
- **It is not a self-created hardship**
- **Given the fact that this is a pre-existing, non-conforming lot and in consideration of the topography, these are key factors in consideration of this variance**

VOTE: Ayes: Conard, Eskoff, Granger, Szpak, Veitch  
Noes: None

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**STEWART'S SHOPS #360 – Area Variance,**

Case#945, Middle Grove Road

**STEWART'S SHOPS #310 – Area Variance**

Case #947, NYS Route 9N

T. Conard states that no one from Stewart's is here yet. R. Rowland states that the applicant was asked to bring back some additional information which they have not. A. Wilcox asks if the applicant is no longer doing this project. R. Rowland states that the office has not been contacted. B. Wilcox states that nothing has changed and the lights are still on all night. M. Granger states that is a key piece of information. A. Wilcox states that it is not for them but their neighbors who couldn't make it here. It shines in their bedroom window; they keep their shades drawn at all times. D. Eskoff asks if they could write a letter and let the Board know. M. Granger states that the Planning Board made a notation that they did not seem to support the internally lit sign, they were concerned. She states that one of the key things for her also is that there seems to be different levels of those LED's. If there are 5 different levels how bright do these signs really need to be, if the ZBA indeed does decide to grant this. What was initially presented is not what we came to conclude last time – we need a height variance – there are about 3 different variances connected with this. D. Eskoff asks if all the lights are on all night long including the canopy lights. B. Wilcox believes that all the lights are on. K. Veitch states that without any of that information he is not prepared to go any further, we could table this and give the applicant an opportunity to come back, but they didn't even submit the information that we wanted. D. Eskoff states that she has done a lot of traveling over the last few weeks and has been by many Stewart's. She has seen some without signs at all, with no free standing signs, one that was externally lit, etc. There are a lot of variations and we have a lot of options. K. Veitch states that who knows what they may be discussing with the Planning Board. R. Rowland states that they are not before the Planning Board, the comments were just from the Planning Board's referral. D. Eskoff states that we are not supposed to have them in town and she is still unclear why we have them, but it goes back so far. J. Szpak states that he is open to hear an argument that the overall change would benefit the neighbors and he thinks that there are ways to do that, to design it and engineer it. One of the things is to shut off all the lights when you don't have the place open. That would open the door for an argument to him if they could make a case that shows that it is actually better for the neighbors. He likes the signs. D. Eskoff states that they are better looking than the old ones. J. Szpak states that they are an improvement to what is there, but he has the same concerns as the rest of the Board – the internal illumination and he certainly would never keep the condition the same or make it worse. He would consider making the overall condition better for the neighbors. T. Conard states that they could also be leaving lights on for security purposes, if they are security lights, for example, behind the building, etc. M. Granger states that the representative said that they

June 2, 2015

would be on a timer and going off. T. Conard states that the security lights would not go off. At the Route 9N store the security lights never go off and he can see them from his house when the leaves are off the trees. M. Granger states that would be an argument from her perspective. They don't need a bigger sign there because part of what they are asking for is was the 22 square foot vs the 17 square foot because you can't find their store. T. Conard states that the security lights are not lighting the store, they are getting the lights from the back. M. Granger states that she understands that, but in that particular instance they want a bigger sign over the entrance to their establishment. D. Eskoff states that that did not make sense at all, the sign is on the road, that is going to locate it – it is not a hospital, it is not even a vet or someplace you are going with an emergency, etc. M. Granger states that it is reasonable to table this for a month to see if we get the information. She thanks A. & B. Wilcox for attending the meeting. A. Wilcox states that they live in the woods and it doesn't really affect them. D. Eskoff asks if there are more lights on the back of the building since the addition went on. B. Wilcox states there are not. They see very little of it, they sit far enough back and are wooded enough. A. Wilcox states that sometime they see some light, but there is also a fence.

**RESOLUTION – Stewart's Shops #360, Case # 945 and Stewart's Shops #310, Case # 947**

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals tables the applications of Stewart's Shops #360, Case#945, 465 Middle Grove Road, TM#162.12-1-6 and Stewart's Shops #310, Case #947, 2532 NYS Route 9N, TM#138.3-1-34 for area variances to replace signs for property and requests the following information, as requested at the May 5, 2015 meeting:

- **Verification of the status of the timers including the canopy that is currently left on all night**
- **Confirmation of the height of the free standing sign from the ground to the top of proposed sign**
- **Various settings that are available on the dimmer options for the LED**
- **Information justifying the size of the sign – 17 vs 22 square feet**
- **The Board also requests that a representative be present for the July 7, 2015 meeting to provide information or decide that they want to withdraw the applications**

VOTE: Ayes: Conard, Eskoff, Granger, Szpak, Veitch

Noes: None

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**DISCUSSION**

J. Szpak states that he has been looking at signs around Town because of the sign cases that the ZBA has had and he is starting to get the feeling that it might be appropriate to have a larger sign code than what we have right now. It does seem appropriate for a lot of these signs, that are non-conforming right now, they seem appropriate for the sizes – the church on Wilton Road, some of the Stewart's signs, etc. D. Eskoff states that the Code Committee has been looking at some of the signs. She is not sure what has been decided on. K. Veitch states that he thinks the committee was looking more at the signs that businesses wanted for locator signs. Like businesses off the beaten path that want directional signs. J. Szpak states that he thinks that minimum size wise, especially in areas that are being more developed, that the maximum size sign seems awfully small compared to other areas and compared to the size of the lot and the buildings that they are around. K. Veitch asks if anyone has gone by Middle Grove Stewart's and looked at the sign. He asks if they have seen how far off the road it is. He states that from one side you can't see it because the neighbor has a huge tree and from the other side, it is so far in that it is pretty obvious that there is a Stewart's there before you get there. D. Eskoff states that she has driven by several of them that don't have signs, but you know it's a Stewart's. J. Szpak states that that was part of his reasoning in saying that the sign is there and he does not have a problem with upgrading the sign to a nicer sign, but where is the overall benefit that is going

June 2, 2015

to occur. It is really not going to occur to the customers, but if they want it to occur to the neighbors, to him that would be an argument. D. Eskoff states that usually when an application is filled out the rationale is that the clientele won't find the business. L. Sanda states that she travels a lot in a lot of really rural locations. She may leave her house at 4:00 a.m. and have to go somewhere in the middle of nowhere and if she has to use a restroom, she is looking for a Stewart's. There is no other option. If she is driving down a rural road in a rural county, she looks for that sign. For her that is a sign that it is a Stewart's, it is a safe place that she can go. Out in Montgomery and Fulton County those are the only places that she can go and she knows that there are a lot of people who work in the construction industry, etc., who are up that early in the morning and late at night, and that is a safe haven. M. Granger states that she agrees. K. Veitch questions how many times one might pull into a Stewart's late at night because the lights are on and they aren't open. L. Sanda states that she does work with Stewart's so she knows that they are not open passed 11:00. She states that when they say it is safer for the customers to have the sign, she will vouch for that. D. Eskoff states that to her there is just something about Stewart's that they just kind of stick out over other convenience stores. R. Rowland states that she would agree with L. Sanda because when her daughter was going to college in Potsdam she felt the same way - that a Stewart's was a safe place to be able to stop. She states that to J. Szpak's comments, when you look at G. McKenna's notes regarding the Saratoga Escape, the maximum sign size is 6 square feet. That is very small for something like a campground. L. Sanda states that she can provide studies on the lettering height, width, what you can see at what distance at what speed, etc. K. Veitch states that you have to remember that a lot of times when these ordinances are created; they are created to control so that something does not get out of hand, so you start small. After time, you realize that it is not an appropriate size, that the reality is that it does need to be a little bigger. Changing it is not a terrible thing. T. Conard states that we shouldn't be making variances for almost every sign. K. Veitch states that if we are sitting here making a lot of variances because they are justified, then we need to start thinking about changing the size. L. Sanda states that someone should be approving the location of signs because you don't want a large sign to be poorly located for sight distance purposes.

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Meeting adjourned 8:10 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary