

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

**May 5, 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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**April 7, 2015 MINUTES**

MOTION: K. Veitch

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of April 7, 2015, as submitted.

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

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**NEW BUSINESS**

**JOHN GUAY – Area Variance**

Case#948, Brandell Lane

John Guay is present. T. Conard reviews that the applicant is seeking an area variance for an in-law apartment. The use requires 3 acres with 200' of frontage and the lot is 1.148 acres and would need a 1.852 acre variance. J. Szpak asks for clarification of the area marked as addition on the map and if that is the in-law apartment. The deck to the right of the home will also be new and will replace two decks they are removing on the rear. The applicant does not need a variance for the deck. J. Szpak states that it appears that it is wooded between the applicant and his neighbors. D. Eskoff asks for an interior layout of the in-law apartment. R. Rowland states that she can get that for the Board from the building permit application.

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

MOTION: K. Veitch

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals accepts the application of John Guay for an area variance for property located at 7 Brandell Lane, TM#163.-2-67 as complete and sets a public hearing for June 2, 2015 at 7:30 p.m.

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

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**DAVID GATES – Area Variance**

Case#949,

David Gates is present. T. Conard reviews that the applicant is seeking an area variance to build a new home. He would require a 13' rear yard setback variance. J. Szpak asks what the topography issue is. D. Gates states that he chose this location as it is level in this spot. K. Veitch asks how steep the grade is. D. Gates states that from the property line to the house location it would be 10'. J. Szpak asks what is behind

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the house on the other side of the stone wall fence. D. Gates states it is wooded. M. Granger asks if there are surrounding houses or structures. D. Gates states that there are not.

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

MOTION: K. Veitch

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals accepts the application of David Gates for an area variance for property located at 311 Miner Road, TM#111.-1-14.1 as complete and sets a public hearing for June 2, 2015 at 7:30 p.m.

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

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**OLD BUSINESS**

**SHAWN & KATHERINE HARRIS – Area Variance**

Case# 944, Liberty Drive

No one is present for the application. T. Conard reviews that this application was tabled from the previous meeting and is a request for a variance for an in-law apartment. He states that it seems that the attorney has asked for the ZBA to table this indefinitely, which the Board normally does not do. K. Veitch asks the reason behind that. T. Conard states that there is an e-mail that came today. He states that there are new owners who will be taking over the property and he thinks that that makes it a new application. T. Conard states that there is no penalty for denying this in that now it becomes a new application – there are new owners, the circumstances have changed, etc. – so there is not a one year waiting period.

**RESOLUTION – S. & K. Harris, Area Variance**

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals denies the application of Shawn and Katherine Harris for an area variance for property located at 3 Liberty Drive, TM# 151.20-1-30, based on the following:

- **There is no further need for the application in the Harris' name**
- **There has been a change in ownership and circumstances to the property**
- **The ZBA is historically trying not to table applications indefinitely**

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

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

Case#945, Middle Grove Road

Chris Potter is present for the application. T. Conard reviews the application. A public hearing is opened. Joshua Friedel, Middle Grove Road, states that he would like to know what is being proposed. T. Conard explains the request. J. Friedel states that he is not concerned with signs; he thought that Stewart's was making a proposal for rezoning of the property. Seth Bathrick, Middle Grove Road, asks if there will be a change in the illumination, lumens, or if it will stay the same. C. Potter states that it will stay the same. The only difference is that they are using LED gas price instead of the slide in numbers. S. Bathrick asks if that will increase the light. C. Potter states that it will not. T. Conard states that as far as light intensity, he would say that LED is probably going to be brighter than a fluorescent particularly as fluorescents get a little older – they tend to fade in brightness. The LED is probably going to be a little brighter. S. Bathrick asks a 'little'

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or 'a lot'. T. Conard states that he cannot tell him that, it depends on the lighting. S. Bathrick asks if Stewart's would be presenting that. T. Conard reiterates that it would be a little brighter, a little more noticeable. K. Veitch states that it is internally illuminated so the lights are on the inside and will be shaded by the actual material that is the sign itself. Although there may be some brightness in the bulb itself, you are still going to have that plastic or whatever material you use. It is going to be more of a glow than a brightness. Brian Wilcox, Middle Grove Road, states that they live behind the store and asks if it is just the one sign that is going to be added, is there other lighting that is going to be changed on the front of the store or under the canopy. T. Conard states that there is the one on the front of the store itself. K. Veitch reviews the plans with B. Wilcox and S. Bathrick. A referral letter was received from Saratoga County Planning Board stating that there would be no county wide impact. There being no further public comments, this public hearing is closed.

D. Eskoff asks if C. Potter has brought pictures as requested. M. Granger asks if it is just the gas price that is going to be illuminated or the whole sign. C. Potter states that the whole sign will be illuminated and it will be all LED. L. Sanda states that the information provided states that the free-standing sign will be internally illuminated with fluorescent lighting. C. Potter states that the building sign will be LED and the gas price area will be LED. K. Veitch states that the current Code does not allow internally lit signs. T. Conard states that we have never allowed them, although there are some and there have been variances given – the vet on Route 9 has an internally illuminated sign. D. Eskoff asks how long these signs have been up. R. Rowland states that Middle Grove is from the early-1990's. T. Conard states that Route 9N has been there for a long time also. J. Szpak states that he likes the new signs better than the existing signs. It is an upgrade in his mind, it looks nicer but he states that the ZBA would have a hard time giving anybody permission to have a new internally illuminated sign in that area. M. Granger states that the code specifically says that 'non-conforming signs which existed prior to the adoption of this section may not be relocated or altered except in conformance with this section'. J. Szpak states that is why it is here and needs a variance. M. Granger asks how it is that we are not setting a precedent for someone to come back to the Board and request a variance as well. T. Conard states that this is a pre-existing condition that was already in place. J. Szpak states that a justification would be that it is an upgrade from the pre-existing condition. T. Conard states that the main sign is not being changed in size and they are getting rid of 2 signs on the front of the building. M. Granger states that she agrees with the Middle Grove location that there is an improvement being made because we are decreasing the number of signs that are on the property, but we consistently discuss as a Board being careful not to set a precedent unless there is justification. She understands there are two sides to this, but she is asking what is to prevent someone else from coming forward because we have a lot of applicants who come and say that a condition has been there forever, the zoning changed and why should I be faulted now. J. Szpak states that is why it is important for him to clarify that we are reducing the number of signs and upgrading the current non-conforming condition. D. Eskoff states that the code states "content" change and the only difference she is seeing on this is the credit card signs in the photos. M. Granger states that the code does say that internally lit signs are prohibited and with the change, we are adding another kind of illumination there. T. Conard states that he does not think it is starting a precedent for everyone to want an illuminated sign. This is an already existing sign and we have the capability of saying no, this is because it was already there. We have very few in town, it was already there. D. Eskoff and J. Szpak state that it is an improvement from the existing condition. T. Conard states we are also reducing the total number of signs on the property. There are not precedent setting things there. He thinks if you cover it that way, it is not setting a precedent. K. Veitch states that you can also consider this maintenance because if that sign is as old as we are saying it is, 1990, there is probably a good chance that it needs to be changed. D. Eskoff states that it could become one of those half-lit signs that doesn't look real good. T. Conard states that we don't want to have new signs come in, that is definitely true. K. Veitch states that the sign is there and the sign will remain, it is hard to dismiss that the sign is not there. It is there, this is an improvement because it is over 20 years old, it has already had its impact on the area, we are not getting complaints from the neighbors of what is already existing as far as the illumination and even if we made the applicant go to an exterior illuminated sign, there could still be bad lighting or illumination change because there could be brighter bulbs, etc. L. Sanda asks if we can discuss the need for internally vs. externally lit for this type of business. Not every business would necessarily need a sign that is internally lit, not every business runs early in the morning and late into the evening and has the number of customers that these Stewart's Shops

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see on a daily basis. She feels that the benefit to customers has to be considered as well. J. Szpak asks if this store is open 24/7. C. Potter states that he believes it is 4:30/5:00 a.m. to 11 p.m. D. Eskoff asks if there are any shops that have externally lit signs. C. Potter states that there are some. M. Granger asks the justification for maintaining the size, are they saying in terms of safety for customers. A free standing sign shall not exceed 10 square feet and the applicant is requesting 32 square feet. K. Veitch asks R. Rowland if these signs were included in the building permit process. R. Rowland states that she was not here at the time, she has been here for 15 years and it is her understanding that that Stewart's was built around 1994 – 95. Mrs. Wilcox states that they moved their house from that property back into the woods in 1994. M. Granger asks how high the sign is off of the ground. C. Potter states that he does not know, but would guess it is about 12'. Discussion takes place that this application would also require a height variance and C. Potter is asked to get the exact height for the Board. M. Granger reviews that we are now looking at a size variance, a height variance and the lighting variance. T. Conard states that we don't have the height information. K. Veitch suggests that C. Potter provide any history information that they might have in their records that indicate how those signs got there. M. Granger states that one of the issues that was raised in the public hearing comments was if there is any way to quantify that to help the neighbors. That would be very helpful. Compare what you are seeing now vs what they will see when they add that illuminated pricing. C. Potter states that the LED pricing can be dimmed. He believes there are 5 levels of intensity on that. M. Granger states that is good to hear given the concerns of the neighbors. D. Eskoff states that they don't want it any brighter. C. Potter states that if it is at the highest setting it is too bright and you can't read it. K. Veitch questions that the signs get turned off after hours. C. Potter states yes, they are on a timer. B. Wilcox states that they never go off. C. Potter states that something could be wrong with the timer. There is a photocell and a timer; there could be something wrong with the timer. They should stay on for approximately an hour after the shop closes, which allows the employees to get out safely. J. Szpak states that is another thing that would help their case, if they were able to shut the lights off. C. Potter will look into that. J. Szpak asks if there is any other information that we need to ask from the applicant so that we can act on this at the next meeting. He states that right now we are saying that what makes this unique from others is that this is an upgrade, the appearance of the current sign and that we are reducing the number of total signage. With the information we just talked about, he would be satisfied. M. Granger states that one of the other clarifications she needs is that with the new proposed sign, they are going to be removing two signs on the Middle Grove store, she questions that the new sign with the new logo is a 17 square foot building sign. The code says 10 square feet. What alternative is the applicant offering? Is this like a standard size? She states that often we ask applicants for alternatives or options. C. Potter states that their standard sizes are 17 and 22 square feet. They are proposing to go from 2 signs to one. L. Sanda comments that they are proposing the 17 square foot for Middle Grove.

#### **RESOLUTION – Stewart's Shops #360**

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals tables the application of Stewart's Shops #360 for area variances to replace signs for property located at 465 Middle Grove Road, TM#162.12-1-6 to the June 2, 2015 meeting, for the following information:

- **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**

Discussion takes place regarding reopening the public hearing based on the new information that has been requested. Additional variances are also being added. Board concurs.

- **Public Hearing to be reopened based on the new information**
- **The Board requests the above information by May 18, 2015**

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

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

Case #947, NYS Route 9N

Chris Potter is present for the application. T. Conard states that the Stewart's shop on Route 9N abuts his property but he has no financial dealings with Stewart's. A public hearing is opened at 8:12 p.m. and closed as there are no public comments.

M. Granger states that it is helpful that the applicant indicated that they received a variance in 1996 for a 6' sign variance. C. Potter states that the only difference is that the free standing sign does have the tenants' signs that will remain. M. Granger states that there will be one building sign at 22 square feet. K. Veitch states that a portion of the sign on Route 9N is getting changed. M. Granger states that the store sign is going from 16 to 22 square feet. T. Conard states that we need a height variance for this also. L. Sanda asks if there are standards regarding the size of the store vs. the size of the sign that is proposed on the store. Why would this one be the 22 and Middle Grove be 17? C. Potter states the size of the building itself. D. Eskoff asks the reasoning behind wanting to be so much larger. C. Potter states that if you look at the height of the lettering itself, on the current sign that is there the "S" is 1' 8 1/2" and the proposed sign is only 1'3". What kicks them into the extra square footage is the 'wave' that is under the wording. M. Granger states that on the Middle Grove store they are proposing the same sign but at 17 square feet, therefore they have the option to do 17 square feet with the same logo and they currently have 16 square feet. J. Szpak states that it would make the lettering smaller than it is today. C. Potter states that it would be quite a bit smaller. D. Eskoff questions why they would want it bigger on one store than the other. T. Conard states that he would think that it is because you are going by faster at Route 9N. K. Veitch states that it is proportionate to the size of the building also. J. Szpak questions what other information we need for this application. We need the height. T. Conard states that this is basically the same as the other application plus a slightly different size variance. D. Eskoff states that her only concern is that if you are driving by quickly, you are looking for that free standing sign or are you looking for the one on the building. T. Conard states that he would assume that you are looking for the free standing sign. D. Eskoff states that she is trying to rationalize that 6' need. T. Conard states that is something to barter on, something to think about whether they can reduce the size of the building sign to the 17 square feet. D. Eskoff states that the applicant may have statistics or something that they would want to provide. K. Veitch states that he thinks that the sign is more of an indicator of where the Stewart's Shop is in that building. J. Szpak states that because we have to minimize the variance, for him if there is some type of justification for going with the larger sign, he would like the applicant to bring that next time. Otherwise the argument wasn't that strong for him to raise the variance. M. Granger asks if there is a 22 square foot sign on a Stewart's that the Board could go look at. C. Potter will get that information for the Board. M. Granger states that we are looking at the same items for this variance request – the size of the sign, the height, the variance for the lighting. K. Veitch states also the justification for the larger sign. J. Szpak states that his biggest concern is not necessarily for this particular case, it is setting a precedent and making sure that we are real clear why we would offer this variance.

### **RESOLUTION – Stewart's Shops #310**

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals tables the application of Stewart's Shops #310 for area variances to replace signs for property located at 2532 NYS Route 9N, TM#138.3-1-34 for the following information:

- **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**

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- **Information justifying the size of the sign – 17 vs 22 square feet**
- **Various settings that are available on the dimmer options for the LED**
- **Public Hearing to be reopened based on the new information**
- **The Board requests the above information by May 18, 2015**

Discussion takes place that the size variance would be from the requirement of 10 square feet.

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

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**DEREK & JENNIFER ZEH – Area Variance**

Case# 944, Bump Hill Road

Derek Zeh and Al Packard are present for the application. T. Conard reviews that the applicant is seeking variances for a pre-existing, non-conforming lot in order to put additions on their home, to replace an existing porch and add an attached garage. A public hearing is opened and closed as there are no public comments.

T. Conard states that there is a very small building area on this lot. A. Packard states that it is 9.5% of the lot. L. Sanda questions that the driveway will remain in roughly the same location that it is now. D. Zeh confirms this. L. Sanda asks why they chose the angle of the garage to the breezeway and house. D. Zeh states that it is because of the way they pull into the driveway now and the aesthetics. M. Granger questions that they do not have a garage currently. D. Zeh states that they do not. There is a screen porch off that side which they will be removing and rebuilding in the same location and extending it to the garage. K. Veitch states that they are trapped between the front set back and the rear setback; they can't get any movement either way without having to increase and decrease the variances in either direction. D. Zeh concurs. T. Conard states that there is no way to relieve this. L. Sand questions that there is any way that they can pivot the garage and realign the driveway, or would that require a lot of tree removal. A. Packard states that they thought about pushing the garage towards the front, but the trouble is that when you do that, it cuts the view from the house in that direction. D. Zeh indicates that there are trees there also. J. Szpak states that when looking at the balancing test and what the justification would be – he is not thinking of any other feasible means, it is an upgrade so that is good for the neighborhood, are there any mitigating conditions for encroaching on the boundaries, but it looks like it is wooded already. D. Eskoff states that in reality the applicant is trying to keep the screen porch they have and adding a garage that they need. T. Conard states that they are expanding the size of the house also. J. Szpak states that it is not substantial, it does not have any adverse physical or environmental effects and it is not really self-created. K. Veitch states that they could try to change this aesthetically any way they want and they are still going to be looking at variances, you are only shifting the numbers. He states that he would rather see the greater variance on the rear as that has less impact to the surrounding properties.

**RESOLUTION – D. & J. Zeh, Area Variance**

MOTION: J. Szpak

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals approves the application of Derek & Jennifer Zeh for area variances for property located at 53 Bump Hill Road, TM#138.-1-70, as follows:

- **Front yard setback variance of 8'**
- **Rear yard setback variance of 15'**
- **Left side yard setback variance of 1'**

This approval is based on the following criteria:

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- **Benefit cannot be achieved by any other feasible means**
- **No undesired change to the neighborhood or character or nearby properties**
- **Not a substantial request**
- **No adverse physical or environmental affects**
- **This was not self-created**
- **This is a pre-existing, non-conforming lot and no matter how you rotated the proposed additions and changes to the structure, one way or the other you would still have to have additional variances. This is the best compromise as presented to the Board and is as minimal as it can be.**

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

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Meeting adjourned 8:37 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary