

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

**November 5, 2019**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by D. Eskoff, Chair, at 7:00 p.m. On roll call the following members are present: D. Eskoff, C. Kolakowski, N. Toussaint, A. Wine and Ken Taub, Alternate. J. Szpak is absent. M. Waldron Zoning Administrator/Code Enforcement Officer is also present.

**Minutes**

July 2, 2019

MOTION: K. Taub  
SECOND: N. Toussaint

RESOLVED, The Zoning Board of Appeals waives the reading of, and accepts the July 2, 2019 Minutes.

VOTE: Ayes: D. Eskoff, C. Kolakowski N. Toussaint, A. Wine, and K. Taub  
Noes: None  
Abstain: C. Kolakowski  
Absent: J. Szpak

**NEW BUSINESS**

**Zirofsky, H. Case #1016**  
**TM# 126.-1-45 & 46**

**372 Brigham Road**  
**Area Variance**

Harvey Zirofsky and Will Dennison are present. D. Eskoff states that this project is looking for an Area Variance for a right yard setback relief for a residence requested at 2' and a rear yard setback for relief a deck and stairs of 10'. H. Zirofsky states that they built the house and thought it was in the right place and it is off by a few feet. It was a mistake. On one side it is off by about 6" and the other side is the deck that is off by a few feet. C. Kolakowski asks when the house was built. H. Zirofsky states last year. C. Kolakowski asks if the foundation was staked out before they started. W. Dennison states that he did but must have been a little off. C. Kolakowski asks how about the deck. W. Dennison states that he did not do the deck. C. Kolakowski asks how high the door the deck of the house. H. Zirofsky states that he believes 15'. M. Waldron states that the house permit is separate from the deck permit. This year he has started requiring a final survey of all new residences for this reason. The final survey came back and obviously is over 6". Looking at this from the road the right rear of the home on this map is scaled at 6" but it does not delineate if it is the soffit overhang or the foundation so he made the relief from 6" to 2' to give enough room. The deck in the rear of the home part of the

Variance is 10' because a portion of the deck is out of the building envelope. The house does not have a Certificate of Occupancy. D. Eskoff asks if the house has been completed. M. Waldron states correct. D. Eskoff states that when Mr. Zirowsky submitted the Application it was not dated would he please do so. H. Zirowsky dates the Application. A. Wine asks if the roof overhangs the first floor of the house. M. Waldron states the soffit. A. Wine states that he would like photos of the deck. He would like to see what the deck looks like. The Board also requests photos from the neighboring lines.

MOTION: N. Toussaint

SECOND: K. Taub

RESOLVED, that the Town of Greenfield Zoning Board of Appeals hereby accepts the Application for an Area Variance as complete for 372 Brigham Road, Case #1016, TM # 126.-1-45 &46, and sets a Public Hearing for December 3, 2019 at 7:00 p.m. contingent upon:

- Photos of property from neighboring lines to be received by November 19, 2019

VOTE: Ayes: D. Eskoff, C. Kolakowski, N. Toussaint, A. Wine and K. Taub

Noes: None

Abstain: None

Absent: J. Szpak

**Gupta-Carlson, J. & H. Case # 1017**  
**TM# 137.-2-36.112**

**141 Squashville Road**  
**Area Variance**

Jim and Hominee Gupta-Carlson are present. Kurt Bedore, K.B. Engineering & Consulting PLLC, is also present with the Applicants. D. Eskoff states that the Board received a large packet of information the Applicants. This Application is somewhat complex. The Applicants, in general, are seeking to remedy compliance issues at a current property. They have a purchase contract for another property. They have a farm type operation at their present location that they would like to move to 141 Squashville Road (the property they have a purchase contract with). The Variance is somewhat complicated. Reading from the map, the ZBA is looking at a house, a request for agriculture processing for poultry, agriculture uses and structures, and a farm stand. The house is a principal permitted use the property is just under 5 acres in the MRD-2 District. The agriculture processing besides a Variance will require a Special Use Permit. The house does have some Variance issues, but it is a permitted use. The agriculture use and structures would require a Special Use Permit from the Planning Board. The farm stand looks ok under the Variance that would require Site Plan Review. D. Eskoff states that she has quite a few questions because they want to make sure they get this completely correct and this Application has many factors to it. D. Eskoff commends the Applicants on the depth of information that they submitted to the Board. D. Eskoff states that the Applicants stated in their Ownership Intention on page 2 of the Application, which she reads from, that they became aware in April 2019 that their activities at the present location while in compliance with Town and State Right to Farm Laws were in violation of the Town Zoning Law. D. Eskoff asks the Applicants if they understand that they do not fall under the Right to Farm Law. J. Gupta-Carlson states that they don't fall under Right to Farm Law per the Code. D. Eskoff states that they are not in an Agriculture District. It's not per the Board, the Right to Farm Law applies to those properties of parcels that are within an Agricultural District and the property they own now and the property that they are seeking to purchase are not within an Agricultural

District. In order to have those protections, they would need to fall within an Agricultural District. They would have to apply to the County for that. The County has certain time period in which they apply and they would need to speak to the County Planning Department. D. Eskoff asks if this is an Agricultural pursuit is that something that they would want to pursue now or in the future. That would give the Board more of an indication that they are on the commercial side of things verses the Hobby Farm side of things. Our Code basically has Right to Farm as do many other towns in New York State. It's not a unique thing to Greenfield. Most town's if not all owns have supported the Right to Farm, but basically it's more for a farmer's protection for private nuisance claims. It doesn't just say that someone can move into a town and have a Right to Farm. It's a complicated thing. They do not fall in that category. She just wanted to bring that up, because they have it in the Application. She wants to be clear so that everyone is on the same page as far as that information is concerned. J. Gupta-Carlson states yes that is actually one of the things that they can do with purchasing the new land. There are two requirements for an Agricultural Exemption one is that they have more than \$10,000.00 a year in sales, which they do. The other is that they would be using 7 acres of land for agricultural use. With the additional land they would qualify. D. Eskoff asks what their intentions for their present property are. Are they looking to combine these two properties as part of their farm operation as far as their agricultural operation? They have a house on this survey that they submitted to the Board and they already have a residence on the property that they currently own. The Board is confused as to their intentions. J. Gupta-Carlson states that their intentions are to move their animals to the 141 Squashville lot and continue their vegetable production at 178 Squashville Road. D. Eskoff asks where they intend to live. J. Gupta-Carlson states that they intend to live on 178 Squashville Road and they intend to build a house at 141 Squashville Road for three reasons. It seems that to build a barn, it is considered an accessory structure. There has to be a primary structure on the property to build a barn. They also need to do extensive re-modeling on their house which will have them without plumbing and electricity for months. He states they can't run a farm from a hotel. There are many times of the year for instance when their goats are having kids and he is on two hour animal checks. It would be much easier on him physically to have a residence to live at while that is happening. D. Eskoff asks do they have any intention of speaking to someone, particularly the Town Assessor, in their pursuit of an Agriculture Assessment since that seems to be one of their goals because they mention the \$10,000.00 and the limitations. The way this property and their other property is they can have combined parcels as part of productions and they can have property elsewhere too and have it all be part of their operation. There are many facets to this. The Board does not sit in judgement of that just like they don't with the Agricultural District but it might help the Applicants and the Board if they could tell the Board exactly how much land is going to be in this farm. They are talking about having two houses and a house will to some degree be taken out of the total amount of land because they are not farming the houses. J. Gupta-Carlson states that there are two properties and together will be 8 acres. D. Eskoff states that there may or may not be because where they are living is not part of their Agricultural Assessment. They would need to speak to the Town Assessor regarding that. They will probably be required to have more information from Soil and Water. They will look at the entire property, what is usable and what is not. It has to be viable farm land. They will look at support land. It's complicated. If they are interested in doing that that they may want to ahead and do it. That information would be helpful for the Board in making a clearer determination of what the Applicants are actually looking at here. They are looking at a property that would have a primary use a single family lot for a house. They are also looking to use it for agricultural processing, which is different. That is not necessarily an accessory use. The Board has to be able to make those determinations. If different, if they are going to have these two properties in play. The Board is trying to remedy something that is on one parcel with something that the Applicants wish to do on another parcel. K. Taub asks what the sizes of the two houses are going to be. J. Gupta-Carlson states the

house that exists currently at 178 Squashville Road is approximately 1,400 square feet and the new house will be 1,000 square feet. K. Taub asks what the percentage of wetlands is at 141 Squashville Road that can't be used. J. Gupta-Carlson states he is not exactly sure how many square feet. The wetlands can actually be used for agricultural. They can put their goats on there. K. Bedore states that it looks like it is lower third. K. Taub asks what percentage is of the cemetery of the property is the old cemetery. K. Bedore states it is not computed. D. Eskoff states that the Board would like the wetlands computed including the buffer. The map states that the Applicants met with DEC. The Board would like that information, because they have to look at the environmental impacts. D. Eskoff states that J. Gupta-Carlson stated that they can put the goats there but what about the manure and run off. The Board has to look at all that. It would be helpful for the Board to make determination of the useful agricultural land on the lot compared to the lot they are currently using. Again, they have two parcels in play even though the Variance request is for 141 Squashville Road the Board in trying remedy the situation. The Board wants Applicants to pursue the outcome they are seeking. If they make an appointment with the Town Assessor she will review all these things with them and possibly clarify some things so they have a better indication and they could come back to the Board with that indication if they chose to do that. There is fencing on the perimeter for the wetlands. She didn't see any indication of any other fencing that is something the Board will be asking them for on the properties. J. Gupta-Carlson states yes there is going to be fencing with the exception of the wetlands. D. Eskoff states the use is there, not that this is a Use Variance these are Area Variances, but how they will be calculating them. They will also need a final calculation on the lot coverage. The Board is looking to M. Waldron for final clarification of lot calculation. The Board is looking to M. Waldron for these points before the Board moves forward with this Application. The Board will need to have the principal use worked out. M. Waldron states that as he understands it the principal use requirement to show the farm stand that is clearly in the definition as accessory building. D. Eskoff states correct, she is more concerned with the agriculture processing. M. Waldron states the 105 Attachment 4 for MDR- 2 for principal use and the Applicants will have to go in front of the Planning Board for Special Use Permit and Site Plan Review. D. Eskoff states that they are not listed as accessory uses. Special Use Permit for agricultural processing in MRD-2. Special Use Permit for agricultural uses. Farm stand is also on the map that is proposed and that would require Site Plan Review. Personal farming and they do not have that determination. D. Eskoff states the problem they face is that the Applicants have commercial farm operations that maybe could have an Agricultural Assessment or be on larger parcels of land. Those that fall into Agricultural Districts have protection under Right to Farm. There are others in Town with Agricultural Assessments. Then the Town has Hobby Farming. On the Applicants' current three acres a Hobby Farm is allowed as a personal farm activity as written in the Town Code which is limited to 12 chickens, 2 goats, etc. The Applicants fall in a grey area with this. The Board through the Zoning Administrator/Code Enforcement Officer are trying to determine the best way to approach this. M. Waldron states that he believes that in the zoning guidelines if it is determined to be under agricultural use then the barns are not accessory principal use. D. Eskoff states yes, they can stand alone. M. Waldron states that is where he believes the grey area comes in MDR-2 for accessory buildings any building other than the primary building and the house are considered accessory, but there in which they must lie the principal use which is the home. Being in this District he would say in MDR-2 the structures would be accessory to principal use. Principal use being the residents. Unless it is a declared agricultural property. D. Eskoff states that the Board is not in the position to declare they need to have that determination made before they move forward on the right footprint on this Application. M. Waldron states that would give them a clear path. A. Wine asks if the County would do that. D. Eskoff states she does not think the County will be able to provide an Ag District determination by the time the Board moves forward to the next meeting. The Board can find out more information regarding these properties. A. Wines states that it is

part of the mission of granting the least disruptive Variance. D. Eskoff states they are looking at a fairly tiny Variance on it's face for a single family home with accessory uses right now but if it turns out that the agricultural processing or the agricultural structures stand on their own because they are of a commercial type nature then the Board might be looking at a larger Variance because each one would be an actual use for that particular lot. A. Wine states then the Applicants would need a Variance for each. D. Eskoff states that the Board wants to be looking at the right Variance. There would be a Public Hearing. M. Waldron states that he has yet to find in the Zoning Code. He feels he is going to seek legal counsel regarding this. D. Eskoff states that this is an unusual situation. It is not a pre-existing type farm situation that has been going on this particular parcel. It is moving to a new parcel that maybe many years ago had a timber stand on it. This is small scale. In our Town small scale is generally backyard farming Hobby Farm. H. Gupta-Carlson states that they are not looking at a large commercial operation they are basically two people. D. Eskoff asks that then they do not feel they are a Hobby Farm and don't want to be. H. Gupta-Carlson states no they are not a Hobby Farm. J. Gupta-Carlson states that they sell at farmer markets. They sell at many places. D. Eskoff states that she understands that and that is what they have stated. That is what makes it difficult because they are on a size property that would traditionally be the Hobby Farm in this particular area. Yet they want to be a small scale commercial. Is it supplemental, is this part of their main income. They have investments into it and making much greater investments. There are very few Agricultural Districts in Greenfield. She provides copies of a satellite map to the Board and the Applicants that shows the two properties, area and shows the closest Agricultural District to the Applicants. She understands that the parcel is quite wooded. J. Gupta-Carlson states that it is ideal for raising goats and animals. D. Eskoff asks if it is possible for that Applicants to get photos. The Board would like to know what the wetlands look like from the neighboring property. A. Wine asks if they are looking to expand is there any thought to selling where the Applicants live now and moving to a larger parcel and do everything at one parcel in an Agricultural District or trying to go through this review again to keep things on a parcel of land that better conforms to what the regulations that are laid out by that the Town, the County. J. Gupta-Carlson states in eight years from when they bought the property they were excited to see an open pasture where they could have a garden and their neighbors told them nothing would ever grow there. The family that lived there before them had been racing motor cycles there it looked like a baseball feild. Eight years of working the soil with their animals and growing vegetables they now have a foot of top soil. D. Eskoff states that unfortunately what they have been doing is not allowed to be done there. J. Gupta-Carlson states right, but that was not the question it is why they are so committed to staying there. A. Wine states the Applicants don't want to leave because of the work that they put in. J. Gupta-Carlson states and the next owner could very well before they are finished building the farm. Their next step is the pine trees that they are cutting down to plant fruit and nut trees. D. Eskoff asks that they realize that someday another owner will buy the property. She says that only because the Area Variance will run with the land. If the Board grants that Variance it will go on past their ownership of this property. It is a protective nature for the Town and the ZBA to look at every angel of this and to determine what is best for this property. C. Kolakowski states that the Board is tasked with doing the minimum variance as possible. That is one of the reasons they are asking about moving down the street or is there another way that would be less. J. Gupta-Carlson states that their Plan B is to move to Washington County. They looked at the property across from them that is 88 acres, but it sold a couple of weeks ago. H. Gupta-Carlson states that their assessment was that it would be significantly more difficult. J. Gupta-Carlson states that it swampy. H. Gupta-Carlson states it would be difficult to clear and put animals on. This property is nice and compact. It does have a great deal of brush. D. Eskoff states that she knows they have intentions with the goats and there are wetlands. H. Gupta-Carlson states they are very interested in protecting wetlands. D. Eskoff states she is unsure of the protection

for their animals as wetlands may present particular issues for goats. C. Kolakowski asks in the area of "what the practical difficulties are" and this goes back to the Board trying to do the minimum Variance to accommodate the Applicant. One of the questions is "what is the practical difficulty which would be caused by a strict Application of the Zoning Law. The Applicants answer was "It would prevent any agricultural use on a property historically used for agriculture." He is not sure what the Applicants are trying to get at. He does not know how the Zoning Law prevents agricultural use on a property historically. J. Gupta-Carlson state that property is part of the original Bens Farm which was subdivided and put for sale. It is actually still being farmed in that it has red pines planted that were intended to be harvested that haven't been harvested yet. C. Kolakowski states that J. Gupta-Carlson is stating by not granting the Variance that the parcel that was previously used for agriculture would not be used based on their Application. J. Gupta-Carlson states yes. C. Kolakowski states not that the Town's zoning prevents agricultural use on a property that was historically used for agriculture. H. Gupta-Carlson states from what she sees it encourages agriculture farm lots that are 5 acres and this lot is just shy of it. D. Eskoff states that it is. It is not so much that the Board realizes that it looks like a small Variance but if they are determined to be different uses with different requirements that are not accessory, i.e. chicken processing. That is not something the average Hobby Farmer is doing in the backyard. The Board may be looking at a larger Variance because there may be separate requirements for each of those and that is what M. Waldron is going to be looking into. The Board needs to have that figured out before they can proceed. She asks K. McMahon if the Authorization of Agent was submitted. K. McMahon states yes. D. Eskoff states that as the Board moves forward with this they will be looking for photos. D. Eskoff states that as the Board moves forward with this they will be looking for photos from different angles and suggests they may wish to take them now before the weather gets worse. K. Taub asks if they have a purchase agreement is it contingent upon being granted the Variance is there an expiration date and does that require they get it by a certain time in order for the seller not to back out. H. Gupta-Carlson states that it does have an expiration date and it is coming up, but they have been in contact with the seller. D. Eskoff states that it is sellers' land and the Applicants are in front of the Board authorized by sellers. H. Gupta-Carlson states that they appear to be willing to work with them. D. Eskoff states the process has started it's just not a simple house with a house addition type of situation. C. Kolakowski asks the Board has the right to grant other restrictions when the Variance is granted. D. Eskoff states yes. C. Kolakowski states that is why he wants clarity on what is the primary use. The Board would be granting a Variance for a house with processing that might be different that would permit processing and it could be different if it falls under another use with a house. D. Eskoff states there are two houses on the eight acres and that is something that would affect their assessment but does not know to what extent. K. Taub asks what the usage is of the adjoining properties on either side now. J. Gupta-Carlson states right now they are residential. K. Taub asks single family homes on both sides. J. Gupta-Carlson states yes. H. Gupta-Carlson states that there is a farming operation up the road a bit. D. Eskoff asks if this was originally a farm is it still a working farm or is it mostly timber. J. Gupta-Carlson states that on the original Bens Farm they did dairy and in the 1960's they planted red pine trees. D. Eskoff states that they are no longer producing dairy then. K. Bedore states that one thing that jumped out to him at 141 Squashville Road in looking at the Code the lot now is non-conforming in terms of frontage. He highly doubts that the Town would approve a subdivision of a lot that has a sub-par frontage on it. Perhaps it was created before current zoning. D. Eskoff states that it could be they have several that fall into those. K. Bedore states that it is an inherited hardship. D. Eskoff states it may be pre-existing non-conforming fully or to some extent. That is for M. Waldron to determine, there are different cut-offs for that. Part of that are State regulations that have to conform and it has several parts to it. Also, again is the Board to be looking at these as different uses. The Applicants will have two parcels with two primary homes and one will be potential horticulture pursuits and the other they

want to move the animals. She asks the Applicants what is the number of animals the Board is looking at. J. Gupta-Carlson states that depending on the time of year they do raise goats for meat. In the winter they keep 12 goats. In the summer it depends on how many kids they have. Right now they have 5 kids. D. Eskoff asks a maximum of 12-17 goats then. J. Gupta-Carlson states they are looking to downsize their goat herd. D. Eskoff states that at some point the Board will have to wrestle with that too. How concentrated are they going to be. How many birds do they have? Does the number vary during the year? H. Gupta-Carlson states that it does vary. J. Gupta-Carlson states that they raise chickens, ducks, and geese. Chickens and ducks for eggs and meat. Their geese run around and protect everyone. Right now they probably have about 60 hens. D. Eskoff states the Applicants in talking about the 1,000 Bird Limit Rule in their Application that has to do with federal inspections. J. Gupta-Carlson states yes. N. Toussaint asks how many are they processing now. J. Gupta-Carlson states 3 or 4 a week. Less than 150 a year. H. Gupta-Carlson states that is also seasonal. J. Gupta-Carlson states that they have no intentions of growing any bigger than what they are. If they did they would have to hire help. D. Eskoff reviews that if they could get photos to the Board before the next meeting that would be helpful going forward. H. Gupta-Carlson asks if they also need to get a report from the Assessor. D. Eskoff states that they don't have to meet with the Assessor or give the Board a report it was a suggestion as it could be helpful to the Applicant and if they wish to do so to share that information with the Board it would help the Board in their determination too. J. Gupta-Carlson asks what is the importance of getting an Agricultural Assessment on the property because neither the Town or the State requires it. D. Eskoff states they do not have to pursue one she is not saying that. J. Gupta-Carlson brought it up when he stated \$10,000.00 income level which is part of that assessment determination. J. Gupta-Carlson states right. D. Eskoff states most people in business want to pursue a tax break if they qualify for one or if purchasing property want to know if it qualifies. J. Gupta-Carlson states that they would purchase the property anyway with or without an Agricultural Assessment. K. Taub asks if they do not have designation they would not have that protection from a civil suit. D. Eskoff states that is Right to Farm and Agricultural Districts not Agricultural Assessment. J. Gupta-Carlson states that is in the State's Law for Agricultural Markets specifically states in article 305 that they don't need to have an agricultural exemption or be in an Agricultural District to be protected from nuisance laws provided several conditions are met and one of them is that they are an actual business. They are doing sales. D. Eskoff states that one has to be in an Agricultural District for Right to Farm protections. J. Gupta-Carlson states no you don't. D. Eskoff states yes for Ag Districts and that the Applicants may wish to seek counsel on this.

MOTION: K. Taub

SECOND: C. Kolakowski

RESOLVED, that the Town of Greenfield Zoning Board of Appeals hereby tables and postpones the review of the Application for an Area Variance for 141 Squashville Road, Case #1017, TM # 137.-2-36.112 until the December 3, 2019 Zoning Board of Appeals meeting.

VOTE: Ayes: D. Eskoff, C. Kolakowski, A. Wine, N. Toussaint, and K. Taub

Noes: None

Abstain: None

Absent: J. Szpak

D. Eskoff provides the Applicants with a copy of *Guidelines for Review of Local Laws That Define "Farm Operations", "Farm", "Agriculture", "Farmland", or Any Similar Term* from the New York State Agriculture & Markets website and states there is more information on the website too. K. Bedore asks how long they have to provide information to the Board to be on

the Agenda. D. Eskoff states that the Applicant's will be back in front of the Board on December 3, 2019 to continue review of their Application. There is no pending timeframe for any additional information the Applicants wish to submit to the Board prior to that meeting.

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**Bayer, L. Case #1018**  
**TM# 151.2-1-12**

**43 Locust Grove Road**  
**Area Variance**

Louise Bayer is present. D. Eskoff states this project is in MDR-1 District. The Applicant is looking to build a garage. The Applicant needs 8' but the Building Inspector feels relief should be 10' for safety measures. D. Eskoff states this is an existing house. L. Bayer states yes. C. Kolakowski asks that the driveway goes up and is that where the Applicant wants to put the garage? L. Bayer states yes. K. Taub states that the Applicant's description is accurate, he drove past the property. N. Toussaint states that every of home on that road has a garage. L. Bayer states she will be the last one if she gets approval from the Board. K. Taub states that he believes the side of the property she is proposing to put the garage abuts a much larger parcel L. Bayer states yes, it does. D. Eskoff asks if the Applicant can provide photos. L. Bayer states that she brought some. A. Wine asks if the shed if the will be moved. L. Bayer states the shed found a new home. A. Wine asks if the garage will infringe on the deck in the back. L. Bayer states no, the garage actually is slightly less than what the house is. D. Eskoff states this is a simple garage. C. Kolakowski asks if the Applicant could take pictures neighbor's property. L. Bayer states on the south side of her is Saratoga Farmstead Bed & Breakfast she is not sure if she can get back there she could get back just to the woods. C. Kolakowski states that they Board can drive by and see it. She has already formally spoke with the neighbor's and let them know what she wants to do. D. Eskoff states that they will receive notices.

MOTION: K. Taub  
SECOND: N. Toussaint

RESOLVED, that the Town of Greenfield Zoning Board of Appeals hereby accepts the Application for an Area Variance as complete for 43 Locust Grove Road, Case #1018, TM # 151.2-1-12, and sets a Public Hearing for December 3, 2019 at 7:00 p.m.

VOTE: Ayes: D. Eskoff, C. Kolakowski, N. Toussaint, A. Wine and K. Taub  
Noes: None  
Abstain: None  
Absent: J. Szpak

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## **DISCUSSION**

Some residents are present. A gentleman from the audience asks if he can ask a question. He states they are neighbors of 141 Squashville Road and asks if they have to wait to speak regarding that case until the Public Hearing. D. Eskoff states yes and explains that the Board has not accepted the Application it has been tabled to continue review next month. If and when the Board accepts the Application then it would go to a Public Hearing the following month. The gentleman asks if the determination won't be made on December 3, 2019. D. Eskoff states only on whether the Board will accept the Application. Tonight the Application was before the Board for review it wasn't quite complete, as they heard the Board discussing the

Board needs more information. They will come back next month and the Board hopes to have more information and if they are confident with that information then the Board may accept the Application. The process is after accepting any Application that the Public Hearing will be set for the following month. C. Kolakowski states that the earliest possible Public Hearing will be the January meeting. D. Eskoff states that they are welcome to submit anything in writing in the meantime. The gentleman asks how he can speak at the Public Hearing. D. Eskoff states that she will open it up to the public and the public will have an opportunity to come forward and speak to the Board. The gentleman asks if he will get notice. D. Eskoff states that if they are within 500' they would receive notice but either way they can still come to the Public Hearing. C. Kolakowski states they can call and ask. D. Eskoff states that Agendas are also online. The general rule is 500' for neighboring properties for notice but the Public Hearing is open to anyone it does not matter where they live and they do not have to be a neighbor. M. Waldron states this Application is about 141 Squashville Road but is also about the Applicant's current property at 178 Squashville Road where the violations are. D. Eskoff agrees it involves two properties and states that the Chair can direct further notice but does not want to get into further discussion until the Board has accepted the Application. In this case, the Board is looking at a broader area because there are two properties involved.

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## **Minutes**

August 6, 2019

MOTION: C. Kolakowski

SECOND: A. Wine

RESOLVED, The Zoning Board of Appeals waives the reading of, and accepts the August 6, 2019 Minutes.

VOTE: Ayes: D. Eskoff, C. Kolakowsk, N. Toussaint, and K. Taub

Noes: None

Abstain: A. Wine

Absent: J. Szpak

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Meeting adjourned at 8:02 p.m. All members in favor.

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Respectfully submitted by,

Kimberley McMahon  
ZBA Secretary