

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

**October 2, 2018**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Denise Eskoff, Chair, at 7:00 p.m. On roll call the following members are present: Denise Eskoff, C. Kolakowski, L. Sanda and J. Szpak and N. Toussaint, Alternate. A. Wine is absent. N. Toussaint has full voting privileges for the entirety of the meeting.

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**Minutes**

July 2, 2018 Minutes

MOTION: N. Toussaint  
SECOND: C. Kolakowski

RESOLVED, The Zoning Board of Appeals waives the reading of and accepts the July 2, 2018 Minutes with minor corrections already submitted.

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

September 4, 2018 Minutes

MOTION: J. Szpak  
SECOND: L. Sanda

RESOLVED, The Zoning Board of Appeals waives the reading of and accepts the September 4, 2018 Minutes with minor corrections already submitted.

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

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**OLD BUSINESS**

1. Christopher, R. Case #1006

Area Variance

TM# 162.12-1-24

Young Road

R. Christopher is not present. D. Eskoff states that R. Christopher provided an updated Application and photos of the garage from the road, from the rear and the general area, as well as overview Google maps. She thinks that from looking at this the building itself is fairly well situated to the corner of the property. The Planning Board has asked Mr. Christopher for more information before they can make their referral back to the ZBA. Basically it is still with them at this preliminary stage and they have asked to see the consistency of the existing site with the approved plan. They are concerned about the setback and the building type being very tight to the property line. They have requested a site plan with a survey. Those are all things that the ZBA will also look at too. The Board has the option of leaving this case as incomplete and allowing the Planning Board to complete their referral before they determine whether to accept this Application as complete on their end. Then the Board would be setting a Public Hearing from there where they could try to go forward. She feels it would be in the best interest not to accept since it is still incomplete for the reasons stated for Planning Board input as to what might be needed for this case. N. Toussaint states that he does not see a layout of the proposed building. L. Sanda thinks that was in the original submittal. N. Toussaint states just a sketch. The Board looks at the layout that is located with the original submittal. It is a tight piece of property. D. Eskoff agrees. J. Szpak states that R. Christopher wanted it like that so he could drive vehicles straight in and still have enough room to get in the deep side bay of the existing garage. L. Sanda states that R. Christopher does not want to block the door and still maintain the building. The pictures show a big truck driving in there. D. Eskoff states that is a reason why the Planning Board will be looking at this more.

**RESOLUTION: Christopher, R. - Case #1006**

MOTION: J. Szpak  
SECOND: L. Sanda

RESOLVED, that the Town of Greenfield Zoning Board of Appeals tables the review for acceptance of the Application for an Area Variance for 970 Murray Road, Case #1006, TM # 162.12-1-2, as incomplete pending their receipt of the following:

- Determination of the Planning Board opinion regarding any potential Planning Board issues with this case including the information requested of the Applicant by the Planning Board.

VOTES:

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

2. DeLorenzo, N., Case # 1007  
TM# 162.-1-9.11

Area Variance  
Boyhaven Road

Nancy DeLorenzo is present. D. Eskoff states that the Board reviewed the Application last month and knows that the Applicant resubmitted an amended Application, additional maps and photos as well as a letter from New York State DEC regarding the wetlands. N. DeLorenzo states that the Board requested map, photos and to fix the Application. D. Eskoff states that the ZBA will be working in conjunction with the Planning Board, the process can be a bit confusing. It very much depends on the case that is involved. In this case, the ZBA is looking at an existing subdivision of three lots. The lot that the Applicant purchased was part of a three lot older subdivision. Now the Applicant wants to make that into another smaller subdivision of two lots. Those types of things may involve the Planning Board as well as the ZBA. Also this case is going to require SEQRA review and the ZBA does not normally do that, they generally refer SEQRA to the Planning Board for review. N. DeLorenzo asks what that is. D. Eskoff states that is a review of the State Environmental Quality Review Act form it was the part of the Application with all the check mark boxes on it. The Planning Board, as part of the ZBA referral on this case, has also requested additional information from the Applicant which in turn will help the ZBA when it gets back to them with the Planning Board opinion regarding the subdivision the Applicant is requesting. D. Eskoff goes over a few of the questions on the SEQRA form for the Applicant's and ZBA's clarification. D. Eskoff states that the Applicant is asking the ZBA to make two substandard lots per current zoning. As the Applicant, the ZBA would like to have her opinion as to why the Applicant has stated on her Application that this request does not conflict with that. N. DeLorenzo states that it does conflict that is why she is asking for the Variance. N. DeLorenzo states that she does not totally understand the SEQRA/Application. D. Eskoff states that the ZBA understands that people applying don't do this every day. They will work with the Applicant and to do the best they can to help her move through the process. D. Eskoff asks if the Applicant would like to change her answer. N. DeLorenzo states yes. D. Eskoff states so the ZBA has a better understanding of what the Applicant is requesting or what she is not requesting of the ZBA. There are people who may say it the other way. The ZBA does not want to infer someone's intent she asked because there was no explanation provided. D. Eskoff states to the Board that the ZBA is in the same situation as they are with the Christopher case where the Planning Board has requested specific information in order to complete their referral. In this case they need a map of the property, whether the wetlands are NYS DEC or Army Corp, suggested driveways to make sure they are safe, and the Planning Board has concerns regarding an easement from the overhead wires. The ZBA is then waiting for that information too. N. DeLorenzo states that she would prefer not to have a survey done until her request is granted. D. Eskoff states that sometimes they may need one if there is nothing on record. There is no building there now. It's a process of going to the ZBA and the Planning Board and she may have to go back to the Planning Board for a more formal review depending upon how this turns out. It is a difficult request for them. Generally they have people come before the ZBA that have pre-existing non-conforming lots where they can't possibly meet the setbacks or the sizes and they asking the ZBA for relief from that. In this case, N. DeLorenzo is asking the ZBA to take the Town Code and go in the other direction which is a serious request. D. Eskoff asks if the Applicant is seeking a wetlands determination from Army Corp. N. DeLorenzo states that she is not sure she needs to do that. D. Eskoff states the ZBA needs the Planning Board to review SEQRA. N. DeLorenzo states that she already has the wetland map with Army Corp and DEC on them and Army Corp. had nothing to do with it. It was strictly DEC. D. Eskoff states they want to know that and that is what they are requesting. The ZBA is going to need the Applicant go through the SEQRA process then it comes back to the ZBA which helps them determine if there are any environmental concerns for the ZBA to be worried about. Environmental concerns are part of the ZBA process of going through the steps of whether or not they should grant the variance. She knows the lot is wet and there was another lot near it before the ZBA previously that was also wet. That will help the ZBA to determine whether or not it is an issue in this case. The Planning Board is also requesting more on the driveways and an

easement for the overhead wires. N. DeLorenzo states there is no easement for the overhead wires. This is dating back to the 50's about 66 years ago National Grid came in pulled the electric and moved it to the road. They left what still says NY Tel on it. D. Eskoff asks about the wires she saw them the other day. N. DeLorenzo states they are Verizon wires at this point and she has contacted Verizon through a period of steps and did speak to someone to do something about it. Verizon agrees it is a default wire. They will come and pull the poles and the wire. She does not have a time frame and she does not have that in writing. D. Eskoff reiterates that the ZBA should refer SEQRA to the Planning Board for review and once they get that back then they can more easily move forward. J. Szpak states that they need to refer it back to the Planning Board for any requested information and the SEQRA review by the Planning Board. D. Eskoff states yes and that SEQRA review is the most important thing to clarify to the Planning Board that they do need them to serve as Lead Agency. Once they have all that they will have a more complete Application to move forward to be able to set a Public Hearing. J. Szpak asks that they cannot commit the Applicant to any kind of time frame to continue the Application review this case. D. Eskoff states no, in waiting they need to table the case. L. Sanda states that the Applicant may want to call the Army Corp. number listed and have them come out to the property. She states that often times Army Corp. are not mapped in a way that they can be found online they have to go out and delineate them. With the weather changing, if the Applicant does not get that done before the snow falls that will hold up the Application. N. DeLorenzo states that she had it all delineated. Hence, got DEC there. The DEC wetlands are off the charts wrong. L. Sanda asks if the delineation is Army Corp wetlands. N. DeLorenzo states that she is not sure because, she thinks that DEC would take precedence over anything. On this one map which includes that one area has Army Corp and DEC on it. L. Sanda states that she just didn't want her held up on weather and if she is confident. N. DeLorenzo states that all of the delineations are done. D. Eskoff states that as long as she can provide that when the Planning Board does SEQRA review and if they need more they will ask for it and L. Sanda has warned her that if she needs to contact them for any reason to do it now for time sake. L. Sanda states yes it was a better safe than sorry thing. N. DeLorenzo states the particular area is a residential area and many of the lots there are already substandard but because they prior existed she has a farm there. She is trying to build two building lots for her children. She is looking to help her children out. D. Eskoff states that was originally a three lot subdivision and each lot was 10 acres. The ZBA had someone in front of them for a subdivision of one of those lots. They did not grant the subdivision as they did not lean in the direction of granting it. The Applicant opted to withdraw the case prior to a decision. N. DeLorenzo asks if this is regarding the road frontage, she has road frontage on both sides. D. Eskoff states it's a matter of taking a standard lot and making it into two substandard lots and making her case for that, she understands the Applicant's purpose. That case was a little different because it was a realtor trying to sell the lot and they were saying they couldn't sell the lot with 10 acres. L. Sanda states, at this point, the ZBA is looking to approve her Application. That is information the Applicant can provide to them after her Application is approved. That is information that she can provide to the ZBA when they decide whether to grant the Variance. D. Eskoff states yes and just wants the Applicant to be aware that is the back ground as she may want to look into that further. N. DeLorenzo states that she is aware that it was part of a 3 lots subdivision and states that the upper lot was actually only 9 acres and it only had road frontage on Boyhaven. D. Eskoff states the ZBA will look at options, her property being next to it, they will look at the entire picture. At this point they simply want to get everything they can in the packet and get moving since they have to go between the Planning Board and them.

**RESOLUTION: DeLorenzo, R & N - Case #1007**

MOTION: J. Szpak

SECOND: N. Toussaint

RESOLVED, the Town of Greenfield Zoning Board of Appeals tables the acceptance of the Application for an Area Variance for 23 Young Road, Case #1007, TM # 162.-1-9.11, as incomplete and requests receipt of the following additional information from the Applicant:

- Complete all pertinent sections of the Variance Application and the SEQRA form
- Map of proposed subdivision
- Aerial Map/photos showing proposed subdivision area
- Photos of surrounding area and of property from and to the road

The Zoning Board of Appeals hereby refers this case to the Planning Board to serve as Lead Agency for SEQRA Review and requests receipt of SEQRA Review as well as their previous request for the:

- Determination of the Planning Board opinion regarding any potential Planning Board issues with this case including the information requested of the Applicant by the Planning Board.

VOTES:

Ayes: D. Eskoff, C. Kolakowski, L. Sanda, J. Szpak, N. Toussaint

Noes: None

Abstain: None

Absent: A. Wine

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### **OLD BUSINESS & PUBLIC HEARING**

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

**Area Variance  
464 Maple Ave.**

The Applicant/Agent is not present. D. Eskoff states the ZBA referred this case to the Planning Board for their opinion regarding a request for a sign variance and the ZBA asked them to review how many businesses could be on that particular parcel. The Planning Board reviewed the case in August. They did not have the formal letter back for the September 4, 2018 meeting because of the timing. Also, in that time period Mr. Carlson, the Applicant/Agent for the case, contacted the Building Department and requested that the case be postponed by the Planning Board for review, therefore the ZBA did not review this case again until today. This case is still in Public Hearing which was previously tabled and the Applicant/Agent is not present to ask any questions. The ZBA is in somewhat of a difficult position. Mr. Carlson was notified that this case was on tonight's agenda. K. McMahon called him again and he is not present. They have some review information from the Planning Board for 464 Maple Ave, LLC, Case #1000 and is requesting the following: 1) the location of the sign is such that it does not inhibit the site distance for vehicles that are exiting or entering onto the property, 2) that the sign that they are referring to is the design that has been presented and no change to the sign including the 24 square feet text area and 3) they are requesting that the ZBA clarify the intentions for lighting

noting that the Zoning Code does not allow for internally lit signs. Any lighting for this sign shall not shine off site only in the directly onto the sign to deter traffic. They can certainly do that this Applicant has not requested internally lit signage it is an externally lit sign. As far as the 24 square feet of text, she feels they are getting into the variance area. They haven't determined the actual size request. She does not know if the Applicant can address that. L. Sanda asks if the Board can clarify to the Planning Board what they are looking for from them as a recommendation on what sign he qualifies for. L. Sanda states that she does not think the Planning Board understood the ZBA's request. D. Eskoff agrees and suggests that they continue to table the Public Hearing as there is no one present for or against this case at this time and they have not had any correspondence on this case and the Applicant/Agent is also not present. She feels that they do need to clarify to the Planning Board what they actually want from them so they can make a determination on this case and move forward. L. Sanda states the Planning Board not did not answer any of their questions. D. Eskoff states that they could ask for re-clarification of the previously requested information so they can move forward.

**RESOLUTION: 464 Maple Ave, LLC, Case #1000**

MOTION: J. Szpak  
SECOND: L. Sanda

RESOLVED, the Town of Greenfield Zoning Board of Appeals tables the Public Hearing for this Application for an Area Variance for 464 Maple Ave, Case #1000, TM# 153.13-1-40 for clarification in reference to the Zoning Boards of Appeals previous request to the Planning Board for their Referral for Opinion:

- The ZBA wishes to inform the Planning Board that this request for a Sign Variance is not for an internally lit sign.
- The ZBA cannot determine the exact design or the size of the proposed sign at this time and will require further information from the Applicant.
- The ZBA requests the Planning Board's determinations of the requests made in the ZBA's Resolution for a Referral for Opinion to the Planning Board for this case on August 7, 2018, that stated:
  - 1) To review and determine if the contingencies previously set forth by the Zoning Board of Appeals in a Resolution granting an Area Variance for 1.1.6 acres for this property (formally TM# 153.13-1-13.1, TM#153.13 -1- 35 and TM#153.-13-1-13.2), dated June 7, 2016, directed to the Planning Board have been met by the Applicant.
  - 2) For the Planning Board to provide to the ZBA with a general assessment of a reasonable total number of businesses that could potentially operate at this location, including both at the present time and in the future, to help guide the ZBA in determining the number of potential businesses that may require signage as part of a multiple business sign for this property under Town Code §105-123 B (13), including any concerns recommendations pertaining to size, location, site distance and/or other contributing factors for signage at this location.

VOTES:

Ayes: D. Eskoff, C. Kolakowski, L. Sanda, J. Szpak, N. Toussaint

Noes: None  
 Abstain: None  
 Absent: A. Wine

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## **NEW BUSINESS**

### **1. Kenyon, D., Case #1008 TM# 138.-1-66.12**

**Area Variance  
 54 Bump Hill Road**

Delbert Kenyon is present. D. Eskoff states this is in MDR-2 district he wishes to build a detached garage. He is requesting a side yard setback. She addresses the concerns raised by Applicant's statement that his lot is illegal where he answered, under the project questions, if there were any violations that the lot being in MDR-2 meant that he and a whole lot of his neighbor's houses were illegal. D. Kenyon states that he does not know who came through and zoned it all 3 acres. D. Eskoff states that they changed it. L. Sanda states that it is a pre-existing non-conforming lot. D. Eskoff states that can happen when the Zoning changes based on studies or the Comprehensive Plan or something done by the Town. Property can now fall into a new category, but it doesn't mean it's illegal. It just means if it doesn't meet the current Code he has to go before the ZBA to request a variance which is exactly what he is doing. C. Kolakowski states that if his neighbor were to do something to their lot that is brand new they would have to conform to the new Zoning. He was already there. His lot was already substandard. He falls into the old rules. L. Sanda states pre-existing non-conforming. She asks because it is pre-existing non-conforming they don't need to request a variance for the size of the lot. D. Eskoff states they don't unless it is going to need certain other things. The Applicant's request is for a 20' variance. The Code Enforcement Officer thinks it may be closer to 25' but here is no plot plan on file with the Town. The ZBA needs some type of plot plan or a survey from the Applicant. Something that tells us where that borderline is for this property so they can determine the correct amount of distance to provide a variance for. D. Kenyon states that he submitted a survey map. D. Eskoff states that K. McMahon will look for it. When the Code Enforcer looked at this he did not have one. D. Kenyon states that he attached it to the last page. SEQRA was not indicated, this is for a garage. The ZBA does not have any photos or plot plan they don't have anything like that. They need to have something that specifically allows the Code Enforcer to determine the actual amount of the variance request. D. Eskoff asks D. Kenyon that if K. McMahon cannot locate it could he get that to the office within two weeks' time before the next meeting so the Code Enforcer can determine the exact amount. If so, she feels the ZBA can move forward. D. Kenyon states he can. L. Sanda asks if they can accept the Application tonight. D. Eskoff states she thinks they can pending receipt of the survey, the Applicant has stated that he has one and has submitted it. If they do not have or do not receive the information then this case does not move forward. D. Kenyon states there are different ways of doing the garage. D. Eskoff states that he needs to determine that and he is going to need to provide the ZBA with a map/layout. L. Sanda states even if he has the survey map the Board needs it drawn in where the garage is going to be. D. Eskoff states the ZBA will also need photos. D. Kenyon asks of what? L. Sanda states photos of his property where the garage is going to go, pictures toward his neighbors properties. D. Eskoff states to show the ZBA whatever the Applicant can make copies of and submit them to K. McMahon so they can move forward with a Public Hearing next month. J. Szpak states this is pending a lot of things. What is he actually asking for? D. Eskoff states if he wants to wait the Board can. L. Sanda states they can accept the Application for the fact that they want a side yard setback and fill in

the actual number once they find the map. D. Kenyon states that he has not submitted any photos. C. Kolakowski states to submit those two weeks before the next meeting. L. Sanda states that if D. Kenyon provides the ZBA with the map and photos by October 23, 2018 they will hold a Public Hearing on November 6, 2018. If not, then they would have to push it out to the December 4, 2018. D. Eskoff states that they will notify him because K. McMahon will send him the information about a Public Hearing. D. Kenyon states that he was hoping to have the garage before winter. D. Eskoff states that they will not make a decision tonight. It's a process, it's at least a two month process. So the earliest he would have a decision based on this time line would be November 6, 2018. C. Kolakowski states that they have to have a Public Hearing and they have to be able to advertise it. It's Town Law. D. Kenyon asks if he was going to change he garage into an addition and garage, what does he do about that? D. Eskoff states that if he decides to do that then he back to square one. They would have to nullify any decision to move forward and he would have to fill out a new Application. If he desires to change that he will have notify the Building Department and re-apply. He would be back in front of the ZBA and they would have to review the new Application.

**RESOLUTION: Kenyon, D., Case #1008**

MOTION: J. Szpak  
SECOND: L. Sanda

RESOLVED, the Town of Greenfield Zoning Board of Appeals accepts the Application for an Area Variance for 54 Bump Hill Road, Case #1008, TM # 138.-1-66.12, and sets a Public Hearing for November 6, 2018 at 7:00 p.m. contingent upon the receipt of:

- The survey - receipt of survey to be verified by the Building Department
- Plot Plan
- Photos of the property from various locations including looking towards neighboring parcel(s)

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Meeting adjourned at 7:47 p.m. All members in favor.

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Respectfully Submitted,

Kimberley McMahon  
ZBA Secretary

DRAFT