

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

**October 3, 2017**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to Order by Denise Eskoff, Chair, at 7:30 p.m. On roll call the following members are present: Denise Eskoff, Curt Kolakowski, Joe Szpak, Laura Sanda, and Neil Toussaint, Alternate. A. Wine is absent. D. Eskoff states that N. Toussaint has full voting member for the entirety of the meeting because A. Wine is absent.

**Minutes**

The Board defers the review of the September 5, 2017 Minutes until the end of the meeting.

**OLD BUSINESS**

**Lally, A. & L. Case #990**  
**TM# 126.-1-111**

**Area Variance**

Leigh Lally is present as the applicant. D. Eskoff states that this case is in the LDR District and it will require an Area Variance for lack of road frontage, and they will need Open Development Area Permit from the Town Board. They will also need subdivision approval from the Planning Board to build the second house. D. Eskoff states that there was additional information that the Board had requested and believes that the Board has everything they had asked for. D. Eskoff states that we are not in a position to accept and move forward with this application because we have to hear from the Town Board but, we can see if it is complete enough for us to refer it to the Town Board and that will be our purpose tonight. L. Lally asks if there are any concerns that the Board may have that she can answer tonight. D. Eskoff states that all the information that she has provided to the Board will be forwarded to the Town Board for Open Development Area review and based on their decision it may come back to the ZBA. This project is little more complex, it will go to the Planning Board for any subdivision so there are three levels. J. Szpak states that there were four items the Board has asked for: 1.) a more definitive map 2.) where the existing house is, 3.) the purposed location of new home, and 4.) a size comparison of the two homes and that is in the narrative which is 1960 square feet to 3000 square feet. D. Eskoff asks if the map is to scale. L. Lally states that it is. L. Lally states that they do not have a house plan decided yet this is based on what they want to do. J. Szpak states that they do not have a design plan yet. D. Eskoff states that the Lally's are in the planning stage at this point and they don't want to get the plans if they do not get the approvals they need. D. Eskoff states that at this point this is as detailed as they can get. D. Eskoff asks if this is a private road. L. Lally states yes. D. Eskoff asks how long have they been there. L. Lally states that they have lived there for four years, the house itself has been there longer, she believe since 1990. D. Eskoff states that their purpose is that the Lally's like the area, like the land and don't want to move to a different area in Greenfield. L. Lally states that they like the property and they were originally looking for property for something that had a three season cabin or maybe a small trailer on it but, this property fell into their lap and couldn't pass it up. D. Eskoff states that they are looking at this as doing a subdivision and now it will be separate property and asks are they going to rent that property or what are they looking to do with that

property. L. Lally states that they would sell the property. D. Eskoff states that they would be losing some of the land by doing this. L. Lally states that it is a large parcel. D. Eskoff asks the Board if they feel it is ready to go to the Town Board. L. Sanda states that the only other item that we discussed was the potential requesting a maintenance easement or an explanation as to how Ure Way is maintained. L. Lally states that there is not an easement on file it was kind of grandfathered in with the deeds of the three (3) properties. D. Eskoff states that this is a private road. L. Lally states that they have discussed that it would be a good idea to get that into the easement written up officially. D. Eskoff states that that may be required at some point that would be a discussion with the Town Counsel down the road but, that should not preclude it from going to the Town Board. L. Lally states that she thinks currently that it is on their property to maintain the road because technically their property is part of the road. D. Eskoff states that the Town Board will be looking at safety, and the ability for fire trucks to get in and out and we will look at many of those issues too should it come back to us. L. Lally states that they are aware of this.

**RESOLUTION – Lally, A. – Area Variance**

MOTION: D. Eskoff

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals hereby tables and refers the application of A. Lally, Case #990, request for an Area Variance for 250' of frontage to the Greenfield Town Board, with the applicants approval for postponement, for Open Development Area review for property located at 50 Ure Way, TM# 126.-1-111.

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

Noes: None

Absent: A. Wine

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D. Eskoff states that the Board needs to review the two solar projects from last month for correction. D. Eskoff states that the hearings for these cases were opened and closed at the September 5 meeting with no opposition. D. Eskoff states that after the September 5 ZBA meeting the magnitude of the variances granted was determined to be insufficient due to an incomplete transfer of information in the board's notes that these decisions were based on. D. Eskoff states that in re-visiting these two cases tonight we can correct that understatement and we are not holding up the Applicant's case schedule for the Planning Board in moving forward. D. Eskoff states that if the Board is in agreement with granting variances in the corrected amounts, the board will need to make a resolution to rescind the previous resolution made, for reason of correction, and then the board would need to make a new resolution that is inclusive of the actual amounts required for each of these cases before they move forward. In doing so, the board will review the five factor Area Variance Test for each case also.

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**Bailey, K. (Sharon Jenkins) Case# 987  
TM# 125.-1-11**

**Area Variance**

No one is present for this application. The Applicant was informed of tonight's agenda and the boards need to review this case for correction. D. Eskoff reviews the area

requirements for this case in MDR-2 and states it requires a 2.17 acre variance, which the ZBA granted on September 5, 2017, but, for corrective purposes, this case also requires 40' of frontage for Level I Ground Mount Solar. The frontage requirement was omitted and therefore, the magnitude of the variance was understated. The board discusses the requirements of the case and unanimously agrees that correction is needed.

**RESOLUTION – Bailey, K., Area Variance**

MOTION: J. Szpak  
SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals hereby rescinds the Area Variance granted by the Zoning Board of Appeals on September 5, 2017 for 2.17 acres for Level I Ground Mount Solar case #987, TM#125.-1-11 located 4017 NYS Route 9N for the following reason:

- The magnitude of the Area Variance required for Level I Ground Mount Solar was understated by the Zoning Board of Appeals in its initial determination.

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

**RESOLUTION – Bailey, K., Area Variance**

MOTION: J. Szpak  
SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals hereby grants an Area Variance for 2.17 acres and 40' of frontage for Level I Ground Mount Solar, case #987, TM#125.-1-11, for property located 4017 NYS Route 9N based on the following:

- The benefit cannot be achieved by other feasible means to the applicant
- There is no undesirable change to the neighborhood or character to the nearby properties, the property is heavily shielded with foliage
- The request is substantial but, it is offset by being a pre-existing non-conforming lot
- The request will not have any adverse environmental affects to the property or the surrounding properties.
- The difficulty was not self-created because roof mounted Solar is not feasible due to the degree angle of the roof.

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

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**Bailey, K. (Matthew & Kristina Gashel) Case# 988  
TM# 163.-2-8.112**

**Area Variance**

No one is present for this application. The applicant was informed of tonight's agenda and the boards review of this case for correction. D. Eskoff states that the board granted a variance for 47 feet of road frontage and the actual requirement needed was 96.36 frontage to meet 150 feet. L Sanda asks if the frontage should be 200 feet D. Eskoff states no because this case is in MDR-1 District. C. Kolakowski asks if only need a variance for 96.36 feet. D. Eskoff states yes they have the acreage it and it is a keyhole lot. At the September meeting, the board had gone by the first case looking at the chart for this case too. In order to correct the magnitude, and if the board wants to approve the full amount requested, the full variance needed for this case is 96.36 feet for Level I Ground Mount Solar. The board discusses the requirements of the case and unanimously agrees that correction is needed.

**RESOLUTION – Bailey, K., Area Variance**

MOTION: J. Szpak  
SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals, hereby rescinds the Area Variance granted by the Zoning Board of Appeals for 47' of road frontage on September 5, 2017 for a Level I Ground Mount Solar for case# 988, TM # 163.-2-8.112 for property located at 50 Sand Hill Road for the following reason:

- The magnitude of the Area Variance required for Level I Ground Mount Solar was understated by the Zoning Board of Appeals in its initial determination.

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

**RESOLUTION – Bailey, K., Area Variance**

MOTION: J. Szpak  
SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals, hereby grants an Area Variance for road frontage of 96.36' for Level I Ground Mount Solar for case# 988, TM # 163.-2-8.112 at 50 Sand Hill Road for the following reasons:

- The benefit cannot be achieved by other feasible means to the applicant without construction changes this being new construction
- There is no undesirable change to the neighborhood or character to the nearby properties
- The request is not substantial, this is a keyhole lot
- The request will not have any adverse environmental affects to the property or surrounding properties.
- The difficulty was not self-created, this being a keyhole lot.

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

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**Minutes**

September 5, 2017

MOTION: L. Sanda  
SECOND: J. Szpak

RESOLVED, The Zoning Board of Appeals waives the reading of and accepts the September 5, 2017 minutes as written with minor corrections and with supplemental notation regarding Cases# 987 & 988.

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

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

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Respectfully submitted,

Kimberley McMahon  
Zoning Board of Appeals  
Secretary