

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

**October 4, 2011**

**REGULAR MEETING**

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

**September 6, 2011 MINUTES**

MOTION: J. Szpak

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of September 6, 2011, as submitted.

VOTE: Ayes: Eskoff, Granger, Lunde, Szpak

Noes: None

Absent: Conard, Veitch

**NEW BUSINESS**

**DARLENE MYERS AND ALICE MANZI – Area Variance, Case#879**

North Creek Road

Alice Manzi and Daniel Morelli are present. P. Lunde reviews G. McKenna's notes stating that this is also a Type I Home Occupation, which requires 3 acres, and the lot is a pre-existing, non-conforming lot of only .75 acres. The applicant would like to build an addition, which would be 25' to the left side property line. P. Lunde asks if the applicants are living in the building that is on the lot now. A. Manzi states that they are living in the home in the front of the property. P. Lunde states that it is his understanding that if this request is approved, it would be a temporary use variance until the other home is completed, and then the applicant would have to dismantle the front building so that they could not live there. G. McKenna would have to okay that the kitchen, for instance, has been removed. Unless the applicants are seeking a variance to have two residences on the same property, which is extremely difficult to approve. A. Manzi states that that was not the plan. Presently the building in the back is a sculpture studio and the idea is to enlarge that building, make it into a home and use the small house in the front as a smaller sculpture studio. They are switching the uses. P. Lunde states that it is his understanding that they would have to put in another septic system. M. Granger asks if there are any other structures nearby or if it is just wooded. A. Manzi states that it is mainly wooded. There is a freestanding gazebo that has no foundation. M. Granger asks in terms of neighboring structures on the neighbor's property, are there any buildings that are close to the property line. A. Manzi states that there are not, it is actually a horse pasture. The neighbor's house on that south side is close to the road also.

**RESOLUTION – D. Myers & A. Manzi, Area Variance**

MOTION: J. Szpak

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Darlene Myers and Alice Manzi for area variances for property located at 1112 North Creek Road, TM# 124.-1-29.1 and sets a public hearing for November 1, 2011 at 7:30 p.m.

October 4, 2011

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

A. Manzi asks if there is any possibility of having something prior to this as she is trying to get bank approval and trying to get into the ground before winter. P. Lunde explains the process. D. Morelli states that they are proposing a front porch off the proposed structure and it has come about that they would like to wrap that porch around to the non-conforming side so they would be seeking 6' more. D. Morelli will be submitting additional information.

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## **OLD BUSINESS**

### **THOMAS ROCK – Area Variance, Case #878**

North Milton Road

Thomas Rock is present. A public hearing is opened at 7:37 p.m. Mike McNally, North Milton Road, states that he is the neighbor who shares the property line and he sees no problem with T. Rock's plan. He states that any consideration that the ZBA can give to the applicant would be a good idea. There being no further public comment, this public hearing is closed at 7:38 p.m.

P. Lunde states that the applicant did provide some additional information and photos. He asks if the two sheds on the left side of the building are to be removed. T. Rock states that they are a wood shed and a storage shed and they are both coming down. M. Granger asks if the trees are on T. Rock's property. T. Rock states that they are on both properties, with the majority being on M. McNally's property. He states that the two sheds are going to come down and that he is basically going to trim some of the smaller trees if needed. M. Granger asks if he would be willing to maintain as much of a vegetative buffer as possible. T. Rock states that he is. M. Granger asks if the existing garage is going to be converted to living space. T. Rock states that he is not sure. It is a small house and his motorcycle is in the garage and storage.

### **RESOLUTION – T. Rock, Area Variance**

MOTION: J. Szpak

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals approves the application of Thomas Rock for an area variance for property located at 126 North Milton Road, TM#164.-1-11, as follows:

- **14' left side yard setback variance**

This variance is based on the following criteria:

- **No significant impact to the neighborhood**
- **This is a reasonable request**
- **The septic system and chimney are on the right side of the house, no other apparent option to the applicant**
- **The well is located to the rear**

This approval is contingent upon:

- **Maintaining the greatest amount of vegetative buffer possible**
- **Removal of the current storage sheds**

October 4, 2011

D. Eskoff asks if the two sheds are going to be destroyed or if they are going to be moved elsewhere on the property. T. Rock states that they are going to be destroyed.

VOTE: Ayes: Eskoff, Granger, Lunde, Szpak

Noes: None

Absent: Conard, Veitch

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**SARATOGA-WILTON ELKS LODGE #161 – Area Variance, Case#877**

NYS Route 9 (Maple Avenue)

Tom Klotz is present. A public hearing is opened at 7:38 p.m. M. Granger states that for disclosure purposes her daughter is participating in the Elks Soccer Shootout tonight, but she does not feel that will have any impact on her ability to treat this applicant fairly before the Board. There being no further public comments, this public hearing is closed.

P. Lunde states that there was a referral from the Planning Board in which they discussed the LED lighting; the concern about the size and one Board member felt that a larger sign in an area like this might be helpful. The Planning Board also commented that the ZBA should look into the sight issue from Route 9 as well as driveways onto Route 9. The NYS DOT was contacted. R. Rowland states that she spoke with Chad Corbett, NYS DOT, who told her that from the location where the Board had asked the applicant to post the public hearing notice, there did not appear to be any sight distance issues. C. Corbett stated that he would put something in writing for the ZBA, but we have not received anything yet. P. Lunde states that the Saratoga County Planning Board states that there are no significant impacts. The sign variance for the Central National Bank is discussed from 2000. P. Lunde states that he believes that variance was approved for safety reasons. They were asking for a 46 square foot sign and the Elks are requesting 24 square feet, which is about half the size of what was granted on that same piece of property. T. Klotz states that they have a problem with the bumper place next to them, their sign is right on the edge of the road and it is hard to pull out. M. Granger states that is one of the questions she has. She went to look at the property and saw the bumper sign and the location where the Elks are proposing their sign. T. Klotz states that is where the front edge of the sign would be; the base would be back farther per the photo in the file. M. Granger states that she likes that idea much better in terms of the visual. P. Lunde states that the other issue was how the sign was going to be lit. T. Klotz states that they had stated at the last meeting that they will not light it internally, although that is what they were initially proposing. P. Lunde states that the Planning Board seemed to like the idea of the LED, but that is out of our hands. The Town Board would have to change the regulations to allow that type of sign. T. Klotz states that that is not a big concern of theirs, they will light it from the outside. M. Granger reiterates that it is going to be a double-sided sign and the outside edge is going to be approximately where the pink public hearing sign is posted. She thinks that location makes much more sense to her for sight distance concerns. P. Lunde states that this sign will clean up that area. Instead of having three or four signs for different events, they will have one sign on which they can change the letters. M. Granger asks if the applicant feels that 6 x 4 is the minimum size that will make this work. T. Klotz states that they currently leave the signs up for a couple of weeks. They would probably be changing this on a daily basis and then for special events. They do feel that is the minimum so that they can function properly.

**RESOLUTION – Saratoga-Wilton Elks Lodge #161, Area Variance**

MOTION: J. Szpak

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals approves the application of Saratoga-Wilton Elks Lodge #161 for area variances for property located at 1 Elk Lane, TM#153.17-2-22.1, as follows:

- **14 square foot area variance for sign**
- **2' height variance for sign**

October 4, 2011

This is based on the following criteria:

- **Improves safety posture of that local traffic area and it improves the appearance**
- **Positive change to the character of the neighborhood**
- **No undesirable change to the neighborhood character or nearby properties**
- **No adverse physical or environmental impacts**
- **It is the ZBA's understanding that the leading edge of the sign will be set behind the trees as discussed (see photo in file)**
- **Sign will be externally lit**
- **Sign does not fall within New York State's right-of-way**

VOTE: Ayes: Eskoff, Granger, Lunde, Szpak

Noes: None

Absent: Conard, Veitch

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**ANTHONY VACCARIELLI – Area Variance, Case#861**

NYS Route 9N

Anthony Vaccarielli is present and is requesting an extension of the variances previously granted. P. Lunde reviews that the applicant is looking for an extension of variances originally granted in 2008, the Zoning changed, variances are good for one year unless the Board approves differently. The variances allow 3-acre lots and under current zoning they would need to be 6-acre lots. P. Lunde states that there are some problems on the property that the Board has been made aware of. The road in question has been a problem in the past. A. Vaccarielli states that it has been, in relative terms, but there is a letter for the record from one of the residents and he feels that they are on the same page. P. Lunde states that the letter indicates that it has not been as much of a problem. P. Lunde questions the road bond. A. Vaccarielli states that the road bond is tied into the Planning. He states that he has not posted that bond, he has not moved ahead on any of the infrastructure. Because of the economics, their situation is to just maintain the existing road, and try to get some pre-sales for the rest of the site. With a pre-sale, the bank would lend. Right now with the state of the economy in lending, they are not lending for any infrastructure. P. Lunde states that then the applicant does not foresee anything in the foreseeable future that anything is going to change, especially at this time of the year. A. Vaccarielli states that there are not a lot of sales right now. It would be great if it changed. It could happen. P. Lunde states that there comes a point that the variance may not be re-approved. A. Vaccarielli states that there are a lot of non-conforming lots in many towns. In some towns you have to renew variances each year and some you don't. He states that it is his objective to build this out. P. Lunde asks if the applicant has done anything with the Planning Board. A. Vaccarielli states that he has established what he needs to do to go forward and what updated information he needs to provide to the Town. M. Granger questions what happens if this goes on for another 10 years and the people feel like there are still issues in terms of the road, etc. That still leaves them in a bit of a difficult situation and the Town cannot go in and do anything because it's still the applicant's. A. Vaccarielli states that is true, it would be a worse scenario if it wasn't granted because the property would be less marketable and then it would not be feasible to put in the road and the infrastructure, and leave it private. He states that he wants to be proactive and finish the development. P. Lunde questions that there is a time frame that the applicant would feel comfortable with if the ZBA approved this for say 90 days or 180 days, etc., and then the variance expires if the road bond is not in place. A. Vaccarielli states that he is not in a financial position to get a bond. He states that he could not do that. P. Lunde states that the letter provided by Andrew Fischer states that there is an improved relationship with the people who are living there and the condition of the road. A. Vaccarielli states that residents would like to see this road deeded over to the Town, he has been talking with the neighbors and wants to be pro-active in trying to market the neighborhood. The residents are assisting him in this and he is using one of the houses for his open house. D. Eskoff asks about previous stipulations on the variance

October 4, 2011

regarding the road. R. Rowland provides a copy of the previous approval letter. M. Granger states that October 2010 approval was contingent upon the road bond or letter of credit being put in place and that has not happened. A. Vaccarielli states that it has not. P. Lunde states that unless the applicant sells a lot, it doesn't sound like it is going to get fulfilled. If we do approve it, this could be the same next year. If we don't do it, it could be worse. A. Vaccarielli states that it definitely would be worse. J. Szpak questions another scenario that could play out if this is not granted. Can the property be sold? P. Lunde states that it could be, but the underlying issue is that if he sells 4 lots, the money for the road is there. If he sells two lots who knows if it is or not. P. Lunde asks how much it would cost to bring it up to where the Town would take over the road. A. Vaccarielli states that the scenario is that he did not do the original design, it was done by a previous owner. There were some grandfathered lots. What they have up there is a very long road with very few lots and the lineal cost is very expensive. He states that some of the lots have 500' of road frontage. For him, technically, he has one big 15-acre lot on a private road and he would not pave it, he cannot pave it or afford to pave it if he had the one lot. Those resident's could not economically get a paved road. There are a lot of green practices now. A lot of Town's won't adopt them, like using gravel roads for drainage and so forth. Getting those green initiatives passed with low impacts is an uphill battle. That is a Planning issue and government issue, not a zoning issue. J. Szpak states that if another developer owned this, what is going to change? The only thing he is thinking is that if another developer has another initiative that has resources and clientele to build something high-end on that, and come back to the Zoning Board for variance approval. P. Lunde states that what the applicant is asking for and what the ZBA's authority is, is just to re-grant or not re-grant what is there. J. Szpak states that what he is saying is that if we don't re-grant, what other scenario could be played into? He states that he does not think the only scenario would be nothing. P. Lunde states that if it is not economically feasible now with twice as many lots, realistically, unless you put million dollar houses in there. J. Szpak states that it might not be economically feasible for this developer, that does not mean that it is not economically feasible for another developer. J. Szpak states that he is not saying that we could control that in any way. He is just saying that he does not accept the answer that it is only going to get worse. He thinks there are other options. P. Lunde states that the people living there seem to be more satisfied than in the past. He does not see any negative by granting this. He personally sees more negatives by not granting it. A. Vaccarielli states that he really wants to make it work and is really disappointed. P. Lunde states that by putting a time frame on filing the bond, which is unrealistic, he didn't make it the last time, so by putting a 90 day or 180 day, etc., unless the applicant sells some property he won't make the bond this time either. Tabling the application is discussed. M. Granger states that she take encouragement from the Fischer letter stating that the snow removal and access to Route 9N has become better in the winter and more consistent. M. Granger states that she would be leaning towards granting it for one more year and that is based primarily on the fact that the one resident has indicated that there has been improvement on the applicant's behalf in terms of the road. D. Eskoff states that she is unsure of the history but would want to know how long has this gone on with other developers. The economy is what it is. P. Lunde states that one thing that could be a positive would be when they start hiring for the plant in Malta. A. Vaccarielli states that he is a realtor also and everyone thought that home sales would be happening, but the apartment business is unbelievable. He states that he built a spec home in Latham and it is rented for one and half times what a mortgage would be. D. Eskoff states that the precedent is here and she does not know how many other developers are sitting in the same situation. R. Rowland states that we do have another subdivision that was approved and has been re-approved several times, because that applicant is trying to sell the whole thing to a developer and it is not selling. A. Vaccarielli states that he has met with the residents and they are participating in trying to market this property. P. Lunde states that he recalls from the meeting last year that the residents want the applicant to sell this because they want a neighborhood.

**RESOLUTION – A. Vaccarielli, Area Variances - Extension**

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals grants a one year extension to area variances for Anthony Vaccarielli for property located at 4440 NYS Route 9N, TM#99.-1-2.11, as follows:

October 4, 2011

- **Lot #1 - 2.809 acres**
- **Lot #2 - 2.923 acres**
- **Lot #3 - 2.675 acres**
- **Lot #4 - 2.968 acres**

These variances are based on the following criteria:

- **No undesirable change to the neighborhood based on the lots already existing in that subdivision**
- **Does not change the characteristics of the nearby properties**
- **By granting this variance and allowing a road to be built to the standards of the municipality, it reduces the need for the frontage variances which reduces the substantiality of the request**
- **No adverse impact on the environment**
- **Project has been underway since 2004 or earlier**
- **There are already three existing structures in the development on similar size lots**
- **The applicant has made a good faith effort in trying to maintain the road more safely during the past year based on the letter from Andrew Fischer**

The variances are contingent upon:

- **Road bond/letter of credit being put in place, recognizing that that is part of the Planning Board process**

VOTE: Ayes: Eskoff, Granger, Lunde  
Noes: Szpak  
Absent: Conard, Veitch

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Meeting adjourned 8:15 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland