

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

**October 6, 2020**

**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, K. Taub, A. Wine, and S. MacDonald, Alternate. M. Waldron, Zoning Administrator/Code Enforcement Officer is present. N. Toussaint is absent. S. MacDonald will have full voting privileges for the entirety of the meeting.

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**Minutes**

September 1, 2020

MOTION: K. Taub

SECOND: S. MacDonald

RESOLVED, The Zoning Board of Appeals waives the reading of, and accepts the September 1, 2020 Minutes with a minor corrections.

VOTE: Ayes: D. Eskoff, K. Taub, A. Wine, and S. MacDonald

Noes: None

Abstain: C. Kolakowski

Absent: N. Toussaint

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**OLD BUSINESS & PUBLIC HEARING**

Kasselmann Solar Case #1022  
TM# 137.-1-13

Area Variance  
880 Coy Road

Scott Rakowski for Kasselmann Solar and Adam Wood, owner, are present. D. Eskoff states this case is a Public Hearing. She opens the Public Hearing at 7:06 p.m. D. Eskoff states the Applicant is seeking relief for 11' right yard setback, a 15' front yard setback, and 2.15 kilowatts. D. Eskoff asks if there is any correspondence. K. McMahon states no. S. Rakowski states the ZBA asked how much ground space the array would cover. D. Eskoff states correct. S. Rakowski states the entire array would cover 18' 4" north and south and east and west it would 34' 4". D. Eskoff asks if it was reduced to 10 kilowatts what would the ZBA be adding or subtracting from that. S. Rakowski states the Applicant would lose 5 panels in order to make it look attractive. He states it would be 75 square feet, but that is at an angle. The customer would be getting significantly less than what they need. D. Eskoff asks then it would be one whole row that the customer would be losing. D. Eskoff asks him to explain what that translates to the homeowner for usage for this particular homeowner. She asks if the homeowner is

restricted to 10 kilowatts what the homeowner would not be able to use or to do. S. Rakowski states that would cover about 60% of the homeowner's bill. About 3/5<sup>th</sup>s of their bill. 60% as opposed to 100% of their bill. The homeowners don't have a Jacuzzi, they are not heating their home with electricity, and they have a baby on the way. D. Eskoff states that the Applicant's goal is to get 100% coverage. A. Wood states that he put a 4 bedroom addition on as well. S. Rakowski states the usage is on the prior owner prior to any additional use. A. Wood states that is correct. D. Eskoff states that S. Rakowski stated that roof mount won't work on this particular structure. S. Rakowski states correct. D. Eskoff states she is asking S. Rakowski to make the case for that extra 2.15 kilowatt is what the ZBA needs to hear. S. Rakowski states it will cover either 60% or 100% of A. Wood's bill. A. Wood probably would not want to move forward with only 60% of his bill. Most people want to do their entire bill. That is what makes the home worth more to perspective buyer. If you are selling a home that does not have an electric bill it makes it more attractive to a perspective buyer. It makes it more attractive to a homeowner that they don't have an electric bill. With the exception of this Town that has a moratorium on ground mounts, he is not sure why that came about. He would love to hear more about why it is 10 kilowatts if there is some reasoning on it. D. Eskoff states that is something you could take to the Town Board. The ZBA does not change the law. We are trying to accommodate the best the ZBA can. She believes this is the first request of this size. Obviously lots are oddly shaped and they might need a setback. She is not sure if the other ZBA members are concerned with these numbers. She is focusing her questions on the kilowatts. S. Rakowski states typically this is not a large. His personal solar system in his house in Wilton is more than this system and he didn't have any permitting issues. There are very few Towns that have any sort of zoning requirements for solar. D. Eskoff states that it was done several years ago. S. Rakowski states he knows that some Town's got nervous around commercial solar projects. He knows that Skidmore did a large project at one point. He does not know if that fell in the ZBA's jurisdiction. D. Eskoff states that was the Planning Board. S. Rakowski states that people got nervous around this large system. D. Eskoff states that she thinks it is part of checks and balances and also there is a Special Use Permit with this. D. Eskoff states that not every case would come to the ZBA but there is some extra level protection. K. Taub asks if this system will be owned or rented. S. Rakowski states he will own them. K. Taub states this is a modest house that they are not using electric heat does he feel that 10 kilowatt restriction is not reasonable. S. Rakowski states he does. K. Taub states unless he is missing something this system isn't particularly large to service this house. S. Rakowski states that it is not. He does not have a pool or a hot tub or electric heat he does not have additional refrigeration. These are regular domestic needs. He has a very modest home. D. Eskoff asks this is an average or less than average home that installation that they are doing for that size home. S. Rakowski states less than average. C. Kolakowski asks if there is a buyback program if he purchases the solar panels. S. Rakowski states yes there is a buyback program but that is not how it works in New York. Basically you either consume the energy that the system making on site if the refrigerator is running it will utilize that power. The excess power at that point and time will if not being utilized on site it physically spins the meter backwards and they get a credit from the electric company. There is no dollar value to that credit it only means Mr. Wood can draw that power back in. At night time when the solar system is not making any power they are always designed in the fashion where they meet 110% because there is no value for the excess electricity. It will just be lost to the homeowner or whoever owns the system. It's not any sort of financial gain by making money by selling power to the power company. C. Kolakowski asks if they don't do 100% then the payback becomes more difficult. S. Rakowski states that it does. It is very costly to do a small system. They have a cut off of 8 kilowatts. On a ground mount financially they can't make it make sense for the customer. A. Wine asks if there is a scenario where they could add storage to this system that has been proposed in the future. S. Rakowski asks like batteries. A. Wine states yes. S. Rakowski states sure they can have batteries now. They are

pretty expensive right now. A. Wood states the technology is not there. S. Rakowski states batteries are definitely coming in the future. It is an expensive proposition. D. Eskoff asks if this is an expandable system in the future if it needs to be. S. Rakowski states nothing would change physically on the exterior of the building. If they wanted a battery it would be lithium. D. Eskoff asks this is sufficient for now it would be up to the homeowner. S. Rakowski states it is up to the homeowner and it won't impact anyone's vision. A. Wine asks if it wouldn't impact of the impact of the total square footage of the ground. A. Wood states the loss of power in Greenfield is also another reason for this. D. Eskoff states backup is a positive thing. A. Wine states that it would not help them at night if there is a power outage. A. Wood states no it wouldn't but he wouldn't have to keep his generator running when the sun comes up. He wouldn't have to worry about heating his housed. There being no correspondence and no one else present for or against, D. Eskoff closes the Public hearing at 7:20 p.m.

MOTION: A. Wine

SECOND: C. Kolakowski

RESOLVED, the Zoning Board of Appeals hereby grants Area Variances for 11' right side yard setback, 15' frontage and 2.15 kilowatt relief for Case #1022, Kasselmann Solar LLC for owners Adam and Aurora Wood for property located at 880 Coy Road, TM# 137.-1-13.

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible to the Applicant in order to have solar power installed that is based on the economy of scale necessary for an affordable system to be installed.
- There are no undesirable changes to the neighborhood character or detriment to the nearby properties given the positioning of this field on the property as based on the photos that were provided.
- The request is not substantial as this is the smallest installation that can be completed to achieve the kilowatts need required for 100% usage.
- There are no detrimental adverse environmental effects. There is a trench being dug to the house but not determined to be an issue.
- This is not a self-created adversity, this is an older home it can't support roof mount solar panels. Ground mount solar is the best way to achieve the need.

VOTE: Ayes: D. Eskoff, C. Kolakowski, K. Taub, A. Wine, and S. MacDonald

Noes: None

Abstain: None

Absent: N. Toussaint

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## **OLD BUSINESS**

1. Kirchhoff, D. Case #1020  
TM# 124.-1-48

Area Variance  
187 Plank Road

Applicant, David Kirchhoff and Agent, Kristen Darrah are present. D. Eskoff states this case had a discrepancy on the size of the property at it last month that was resolved two days after last month's meeting. She thanks D. Kirchhoff and K. Darrah for correcting that immediately. She received a response two days later from Anna Stanco of Saratoga County Real Property stating that she received a call from K. Darrah and the acreage on the tax map was calculated as estimated as depicted. There is a map that states the difference. Basically, it was corrected to 10.26 acres. Real Property records showed 9.3 and it was approximate as K. Darrah had said. But, they are dealing with a subdivision and the ZBA has to know the actual acreage. K. Darrah corrected that and it was done very quickly. As far as D. Eskoff is concerned that is satisfied. She also asked Mr. Kirchhoff to give the ZBA pictures and he submitted those along with other paperwork. D. Kirchhoff states that is correct. She also received correspondence from D. Kirchhoff asking if the ZBA wanted to do a site visit to the property. She asks if it was mainly to see the frontage. She thinks if ZBA members can do a drive by that would be a great. D. Kirchhoff states that he tried to put cones there and circle them. D. Eskoff states most of the time they do drive by properties and that visits the winter can get a little tricky. When it is frontage that is easy to see individually and especially with COVID-19 to not group together if the ZBA is alright with that. It is 10.26 acres and he is looking to divide the property to a new lot of 6.026 acres and reserving 4.238 acres where the house and garage presently is. The Applicant is looking for an acreage Variance of 1.762 acres. K. Darrah has the frontage as 200' on the map without sewer frontage it is 250' in LDR District. D. Kirchhoff states 260' for the house and 703' for the property. D. Kirchhoff states that he has 960'. She asks if he has enough for the reserved property. She is seeing 170' and 175'. K. Darrah states yes and another 80'. C. Kolakowski asks if 260.19 is correct. K. Darrah states yes. D. Eskoff states the only thing that looks to need to be corrected for the Planning Board then is the minimum frontage. The ZBA is looking at a strict acreage Variance on one lot. The setbacks are basically where the perk test is. D. Kirchhoff states correct. D. Eskoff states that anything that reduces the request is always a favorable thing. She asks if the Applicant could explain more because one of the ZBA members was not able to attend last month's meeting. D. Kirchhoff states that he has a house on Plank Road and it has a lot of road frontage where the house is. It is 960' of road frontage. The land does not have any benefit going up the hill to the house the way the terrain is. He is looking to sell it to a friend, but the friend does not want the house and he wondered if there was a potential to subdivide so that is why he is here. D. Eskoff states that the ZBA has a letter she asks if that is from his friend. D. Kirchhoff states yes but the house is too small for him and wishes to build a house. D. Eskoff states that this property is owned by a rental company and asks if the house being rented at this time. D. Kirchhoff states that it is owned by his LLC and that it is in contract to be sold. He states that they don't want all the land. D. Eskoff states that the Applicant is looking to take one lot that is in LDR and make it into two lots. One lot will meet the minimum and one would be substandard using the house that is presently there as the substandard lot. D. Eskoff feels this is something that needs to go to the Planning Board preliminarily because it involves a subdivision which is their area of expertise. The ZBA can refer this to them for an advisory opinion and also because this is a pretty contained case the ZBA could probably move forward and set a Public Hearing. D. Kirchhoff states that there was a subdivision done to the property that adjoins his on the western side. They only have 120' of road frontage. They were able to subdivide that into two lots so they made two non-conforming road frontage lots just a few years ago. D. Eskoff states that when the ZBA has the Public Hearing the ZBA will go into far more detail. Then the Applicant can make his case and the ZBA will want to know about the neighbors. They will want to know about the character of the neighborhood. If D. Kirchhoff has the dates for when that subdivision had occurred that would help as to when was it done old zoning or new zoning. A lot of things go on and the ZBA is not always privy to them if not before them. D. Kirchhoff states that it was

in 2012 which LDR was in affect then. D. Eskoff states that she is not sure when the actual subdivision was done. D. Kirchhoff states 2012. D. Eskoff states that she does not remember giving Variances for that subdivision that is why she is asking. There may have been something preliminary to that she does not know. A. Wine states that is something the ZBA would consider that next month. D. Eskoff states correct. That is good information and she appreciates it and whatever the Applicant can tell the ZBA about that would be great. D. Kirchhoff asks if he has another ZBA meeting. D. Eskoff states that what the ZBA is preparing to do is to vote at this time to accept the Application that was not accepted last meeting because of the discrepancy and also refer for a preliminary review and opinion to the Planning Board which the ZBA has the prerogative to do to get their feedback. In some ways that may help to steer Applicant's in whatever direction they need to go. A. Wine asks does that mean if it is referred to the Planning Board this evening that the Planning Board will be able to meet on this and make an opinion on this and make a decision before next month's meeting. D. Eskoff states that our Code says that we have the option to refer to the Planning Board at least two weeks before the Public Hearing for the matter. The Planning Board has to give the ZBA their opinion before the ZBA makes their final decision. We can make our decision when we finish the Public Hearing but have a certain amount of days to make that decision. If the ZBA does not hear from the Planning Board by that time of decision then there is no opinion, but she fully expects there will be one. D. Kirchhoff asks if it is Election Day. D. Eskoff states it is. D. Kirchhoff asks if the Community Center is a polling location. D. Eskoff states yes she thinks it is and we might have to be in Town Hall. If there is a change it would be within that week and have to have a quorum. K. McMahon states the only reason we are at the Community Center is due to COVID-19. The Board room in Town Hall is smaller. D. Eskoff states that right now this is the only case on the Agenda and it wouldn't be a problem. If the ZBA has more caseload we may have to rethink it.

MOTION: D. Eskoff

SECOND: A. Wine

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application of David Kirchhoff, Case #1020, for Area Variances for subdivision of property located at 187 Plank Road, TM #124.-1.48, presently consisting of one parcel of 10.26 acres into two lesser parcels of 6.026 acres and 4.238 acres, owner Kirchhoff Rental Properties LLC, and sets a Public Hearing for November 3, 2020\* at 7:00 p.m.

It is further RESOLVED, that the Zoning Board of Appeals hereby refers this case to the Town of Greenfield Planning Board for their preliminary review and advisory opinion under Greenfield Town Code § 105-84(C)(1).

\*Date of November 2020 Zoning Board of Appeals meeting/Public Hearing subject to change due to meeting facility availability under Covid-19 restrictions.

VOTE: Ayes: D. Eskoff, C. Kolakowski, A. Wine, K. Taub and S. MacDonald

Noes: None

Abstain: None

Absent: N. Toussaint

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Meeting adjourned at 7:38 p.m. All members in favor.

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Respectfully submitted by,

Kimberley McMahon  
ZBA Administrative Assistant