

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

**September 4, 2012**

**REGULAR MEETING**

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

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**August 7, 2012 MINUTES**

MOTION: D. Eskoff

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of August 7, 2012, as submitted.

VOTE: Ayes: Eskoff, Szpak, Veitch

Noes: None

Absent: Lunde, Granger

Abstain: Conard

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**OLD BUSINESS**

**PETER BARBER – Area Variance, Case#902**

Greene Road

Peter Barber is present. T. Conard explains that we have not heard from the Town Board or the Town Attorney regarding this application and therefore the ZBA cannot move forward. The ZBA is going to send a message to the Town Board to try to expedite it as much as we can. P. Barber states that he has been attending meetings and he did attend the Town Board meeting on August 9<sup>th</sup>. The draft minutes state that they did review this; Town Counsel stated that this could be done for multiple lots or a single lot. The Town Counsel did state that he was familiar with this law and the Town Board did agree to forward this to the Planning Board. P. Barber asks if there is anything that he can do. K. Veitch states that we are going to send a letter back to the Town Board so it probably would not hurt to show up at the next Town Board meeting.

**RESOLUTION – P. Barber, Area Variance**

MOTION: K. Veitch

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals tables the application of Peter Barber for an area variance for property located at 481 Greene Road, TM#126.-1-20.2 to the October 2, 2012 meeting and the Zoning Board would like to make a formal request to the Town Board to discuss this issue and make a decision so that the Zoning Board can move forward.

VOTE: Ayes: Conard, Eskoff, Szpak, Veitch

Noes: None

Absent: Lunde, Granger

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September 4, 2012

**STEPHEN DOTY – Area Variance, Case #904**

Maple Avenue

Stephen Doty and Stuart Thomas are present. T. Conard opens a public hearing at 7:35 p.m. There being no public comments, this public hearing is adjourned to the October 2, 2012 meeting.

T. Conard states that a letter was received from Saratoga County Planning stating that the application was incomplete and that they would like to see a complete site plan. S. Thomas states that they took care of that. T. Conard states that we need to hear back from them. Also, a violation has been issued against the property owner for abandoned vehicles. S. Thomas states that they talked with the owner who will be dealing with G. McKenna and S. Thomas states that does not have bearing on the Zoning Board as much as they are also in front of Planning. T. Conard states that it does have bearing on the ZBA because the ZBA technically and legally cannot make a decision as long as there is a violation against the property. D. Eskoff states that it is the property that is at issue, not the applicant. S. Thomas states that they will have to work that out but there is a question as to whether G. McKenna submitted the violation correctly because the vehicles don't seem to be on the property. Whether or not there is a violation is in dispute, whether or not those vehicles are actually on the property. D. Eskoff states that the violation is in place nonetheless and the ZBA cannot do anything. K. Veitch states that there is a violation whether or not the owner is guilty. S. Thomas asks if we can review the rest of it, the map that was submitted. T. Conard asks if the map is complete. D. Eskoff states that the map that was submitted is much better than the original. T. Conard reiterates that the Board cannot do anything until the violation issue is settled. S. Thomas states that he was hoping that the Board could review what was submitted and that the Board would be ok with it or they could take care of anything outstanding now. T. Conard states that he does not think that there is any other information that the ZBA needs and we have to officially hear back from the County. S. Thomas states that he wants to get a handle on this. He states that they are seeking relief on four things and all the things have to do with the change in zoning, they are not self-created, they are all pre-existing. This is a pre-existing, non-conforming lot based on the changes in zoning. He states that he is trying to find out what it is the ZBA wants them to do. He asks if we are going to close the public hearing. T. Conard states that we might as well leave it open if we are not making a decision tonight. It won't hurt to leave it. S. Thomas states that his thought is that the Planning Board has left open their public hearing. He states that they are going to a public hearing for the same thing with two different boards. The Planning Board also has the violation, which came up as something to be looked into. He states that they are lead in the sense of the violation. The Planning Board also said that they will not move on the Planning Board application without the ZBA approval. So the ZBA meets once a month and the Planning Board meets every two weeks. He does not think that the nature of the law is being violated since they are actually lead, to go ahead and approve pending Planning Board approval and clarification of the violation. He states that he is looking at it as the Planning Board is lead agency because they won't do anything without the ZBA and they are the ones who have the public hearing, so to have two public hearings open over the same thing and then to have to wait longer for it. K. Veitch states that the public hearings being held by each board are for different purposes. The Planning Board is for their purposes of the issues they are going to address and the ZBA is for the variances. He states that with the ZBA not coming to any resolution here might even benefit the applicant to have that open, because it would give the applicant the opportunity to get support from neighbors who are ok and getting them to send in a letter that supports the applicant. That will go on record if the public hearing is still open. S. Thomas states that they already have the support from the neighbors at the other public hearing and they in fact have no problem with S. Doty's application, their problem is with the landlord. D. Eskoff states that keeping the public hearing open is not going to make the ZBA make a decision tonight or not, because the Board cannot make a decision tonight. We might as well keep the public hearing open to the applicant's possible benefit until the next meeting when the Board can hopefully make a decision. S. Thomas states that his problem is timing. He has been in front of a lot of Boards and as far as he is concerned, he welcomes public hearings because it is actually a protection to him that the public actually responds. His concern is the format or timing. Unfortunately the ZBA's next meeting is in October. T. Conard states that is correct and the ZBA cannot do anything until the next meeting anyway so keep the public hearing open, it won't matter. It September 4, 2012

doesn't change the timing at all. S. Thomas asks what we can do to let the Planning Board know that everything is ok other than these items. D. Eskoff states that they are going to look at their own set of determinations as to what they need which may not be exactly the same as what the ZBA needs, but they still need the County to say whether or not they are ok with this, they need to know whether or not the ZBA is ok with this or not, and that cannot happen until there is another meeting. S. Thomas asks if there is anyway we can communicate with the Planning Board about what would be outstanding issues. He states that his problem with them was they had no County problems, they only had the Town violation and then there were some engineering calculations that the applicant had to do as well. He states that his other problem is that he would like to have something to present to the landlord saying you are the one holding this up, this is what the outstanding issue is. D. Eskoff states that she appreciates that but there are just some things that cannot be controlled. T. Conard states that is the outstanding issue. We could have the public hearing; we could close it and make a ruling tonight if it wasn't for a violation being issued. We have to hear back from the County as well. So there are two reasons we can't do it tonight – if we hear back from the County and the violation is cleared up, there is no reason we can't rule on this next month. S. Thomas asks if the ZBA could do a letter to the Planning Board. K. Veitch states that the Planning Board gets the minutes. D. Eskoff states that the Boards read each other's minutes. T. Conard states that he does not see any real problem with this, but we haven't really discussed this as a Board and we are not going to do that until the violation is off. Technically we are not really supposed to be discussing it now because of the alleged violation. D. Eskoff states that there are procedural things that are holding us up. K. Veitch states that in the meantime that gives the applicant time to clear up the issues with the landlord and get the paperwork from the State that we need still.

**RESOLUTION – S. Doty, Area Variance**

MOTION: K. Veitch

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals tables the application of Stephen Doty for Area Variances for property located at 472 Maple Avenue, TM#153.13-1-11 to the October 2, 2012 meeting

VOTE: Ayes: Conard, Eskoff, Szpak, Veitch

Noes: None

Absent: Lunde, Granger

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Meeting adjourned 7:49 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary