

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

September 1, 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, N. Toussaint, K. Taub, A. Wine, and S. MacDonald, Alternate. C. Kolakowski is absent. M. Waldron, Zoning Administrator/Code Enforcement Officer, is also absent. S. MacDonald will have full voting privileges for the entirety of the meeting.

Minutes

August 4, 2020

MOTION: N. Toussaint

SECOND: K. Taub

RESOLVED, The Zoning Board of Appeals waives the reading of, and accepts the July 7, 2020 Minutes.

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

Noes: None

Abstain: None

Absent: C. Kolakowski

OLD BUSINESS & PUBLIC HEARING

Mahay, J. & A. Case 1014

TM# 149.-1-1

Area Variance

300 Lake Desolation Road

Jared and Aimee Mahay are present. D. Eskoff states this case has a public hearing tonight. They are seeking 250' of frontage on Lake Desolation Road following an Open Development granting by the Town Board. D. Eskoff opens the Public Hearing at 7:02 p.m. She asks K. McMahon if there are any correspondence. K. McMahon states no. D. Eskoff states the ZBA has a correspondence response from the Board's referral to the Saratoga County Planning Board. The ZBA received a letter from Jeffery Williams, Planner, which states there is no significant County wide or intercommunity impact and they are good with this project. The ZBA sent them a referral because the property is within 500' of County road. There being no other correspondence and no one present for this case, she closes the Public Hearing at 7:04 p.m. J. Mahay states that he owns 119 acres on Lake Desolation Road. It has been in their family since 1960's. He states that they have been improving it for 20+ years. D. Eskoff asks if he got the property from his father. J. Mahay states yes, it was his great-grandparents. They are 4 generations that have owned it. D. Eskoff states that the driveway is in. J. Mahay states yes.

D. Eskoff states that her understanding is initially from the Zoning Administrator/Code Enforcement Officer, who is not present, that the driveway was to the Fire Department standards. It has the correct turn-offs, and all the safety have been met. She believes that the Applicants had to do that before the Open Development was granted. J. Mahay states yes. D. Eskoff asks if the Applicants had any other issues that the Boards had the Applicants address. J. Mahay states just the first 100' of the driveway is supposed to be at 3% grade and currently they are at 5% grading. A. Mahay states that the people that own the easement want them to wait until they do construction at the site. D. Eskoff states that is a private issue between them and the people who own the easement. A. Mahay states yes. D. Eskoff states that the plans have been reviewed and they have been in front of the Planning Board because of scheduling meetings around Covid-19. That has all been cleared. Basically the ZBA is looking at the same issues that Open Development looks at but they are looking at in terms of frontage. This is a land locked lot. There is no way the Applicants can have frontage. It's a very usable lot and it's a very large lot. The house is setback even further from the property lines. The ZBA needs to determine if the ZBA wants to grant frontage based on Area Variance standards. A. Wine states that the paperwork was pretty complete last month. D. Eskoff states this has been a long process. Before coming in front of the ZBA they were in front of the Town Board and the Planning Board. She states M. Waldron will check before there is a Building Permit issued.

MOTION: N. Toussaint

SECOND: K. Taub

RESOLVED, the Zoning Board of Appeals hereby grants an Area Variance for property located at 300 Lake Desolation Road, TM# 149.-1-1, as follows:

- 250' of road frontage

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible to the Applicant. There is an easement to access the property.
- There are no undesirable changes to the neighborhood character or detriment to the nearby properties and is consistent to neighboring properties
- The request is not substantial based on the neighborhood the 250' of frontage is what is needed
- There are no detrimental adverse environmental effects
- This is not a self-created adversity, this is essentially a pre-existing, non-conforming, land locked parcel.

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

Noes: None

Abstain: None

Absent: C. Kolakowski

NEW BUSINESS

TM# 124.-1-48

187 Plank Road

David Kirchhoff and Kristen Darrah are present. D. Kirchhoff states that he is the owner of 187 Plank Road. He has two people interested in the property. One person is interested in the home and one person interested in the land. Kristen Darrah is the surveyor. D. Eskoff states that D. Kirchhoff has not sold the property, but has interested in making a subdivision into two parcels. For one lot, the Applicant is aiming to be at the 6 acre minimum. This is in Low Density Residential District (LDR). She states that the other lot would need a significant acreage Variance on. D. Kirchhoff states initially a friend of his was interested in the house. D. Eskoff states the Applicant would need Variances before he can go forward with the subdivision. If the ZBA approves them to be able to go forward with the process, and, also sometimes, when the ZBA is looking at Variances regarding subdivisions the ZBA does refer the case to the Planning Board for a preliminary opinion. M. Waldron is not present tonight so she does not know exactly what he discussed with the Applicant. She states that there is an issue the ZBA has with the information on the Application. She states that the Applicant is seeking relief on 10.26 acres. Referring to the survey map submitted with the Application, the Applicant has 4.28 acres on the parcel with the house and 6.026 acres on the parcel without the house. The County property records and the records the Town has access to state that the current property only has 9.3 acres for the address lot. She states that she does not know where the discrepancy is coming from, but the Board cannot hear this case until that is resolved because they have to give a specific variance if the ZBA decides to grant the variance. It is very critical to the ZBA that it be correct. The property record for this parcel, 124.-1-40 at 187 Plank Road, lists in a 9.30 acres. She asks if they have an explanation. K. Darrah states that they performed a property boundary survey of the parcel. This is the acreage that they calculated. D. Eskoff states that is what the ZBA sees on the map and she gets that from what is surveyed, but she does not know why this is the way it is until this is clarified or rectified. K. Darrah asks if D. Eskoff knows what the original acreage was. D. Eskoff states that sometimes over the years there might have been a lot line adjustment or something that isn't recorded with the original deed. She states that she does not know. She states this was brought to the Zoning Administrator/Code Enforcement Officer's attention and he brought it to her attention. She states that somehow the Applicant/Agent is going to have to research this and hopefully they will be able to do this soon. The ZBA can't go forward with accepting the Application because of this discrepancy. K. Darrah states that in her experience a lot of times tax maps have been surveyed and not filed. D. Eskoff states that is up to them to clarify with the Taxation Department. They are being taxed on 9.3 acres. That has nothing to do with the ZBA. All she knows is that the property records that are official to the Town would be the 9.3 acres. D. Kirchhoff states that is why he hired a licensed land surveyor to verify what the actual land is. At some point there a final survey was filed. K. Darrah states there is a specific acreage. D. Eskoff states that the Board is in this position and cannot hear this case until this is rectified and they are off by an acre. D. Kirchhoff asks who he needs to rectify this with. He states this is why they are in front of the ZBA. D. Eskoff states no, they are here to apply for a Variance ask for a specific Variance for a very specific amount. She states that D. Kirchhoff is talking about a subdivision. She states that the Applicant is asking for two acre Variance basically off one lot and he could be asking for three acres. That is huge. This needs to be correct as possible. She states that she spoke to Town Council and M. Waldron has seen this and the ZBA should not proceed with this case. A. Wine asks D. Eskoff what paper she holding up as he cannot see it from where he is seated. D. Eskoff states it is a property record. K. McMahon states from the Assessor's Office. K. Darrah states if they can get some kind of documentation from Saratoga County Real Property. D. Eskoff states she would start with the Assessor or Real Property and hopefully get this resolved. She states they have a survey and they can provide that. She states this is an opportunity to correct information and it is important because they

don't want to be giving Variances on land that someone doesn't own. The ZBA is not in judgement of the survey it's about the discrepancy. D. Kirchhoff states basically what they need to do is get the map from the County that states what the determinations are. D. Eskoff states yes, the ZBA needs to know actual size to move forward. This was brought to the ZBA's attention and this is the position they are in. K. Taub asks about survey measurements. K. Darrah explains. K. Darrah states that this should be very simple to clear up. If it had been brought to the Applicant's attention before tonight she could have had a letter in hand. D. Eskoff states let's aim for the next meeting. They would need to submit that two weeks prior to the next meeting. D. Eskoff states this is the best we can do. The offices were shut down for months due to COVID-19 and there are other cases. The ZBA is doing this the best they can. The ZBA is taking cases as they came into the office. The Applications have to go to her and she may have questions, it's a process. A subdivision request is not a quick turn around and patience is in order. D. Kirchhoff asks who needs to see this information. D. Eskoff states that it needs to be submitted to the Building Department by September 22, 2020. The ZBA will review it and if there is an issue with it they won't be on the Agenda. If there is not an issue they can expect to be on the Agenda. If they have scheduling issues to contact Kim McMahon.

MOTION: D. Eskoff

SECOND: N. Toussaint

RESOLVED, The Zoning Board of Appeals, hereby tables and adjourns review of the Application for Area Variance(s) for Case #1020, TM# 124.-1-48, for property located 187 Plank Road, pending receipt of additional information to be submitted to the Building Department by September 22, 2020 to include:

- Proof of Total Acreage size for property (TM# 124.-1-48)
- Survey Map that shows total acreage and proposed lot sizes consistent with submitted Proof of Acreage
- Photos of property from road and boundaries

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

Noes: None

Abstain: None

Absent: C. Kolakowski

Gyarmathy, M. Case #1021
TM# 124.-1-23

Interpretation
16 Plank Road

D. Eskoff states the case is Gyarmathy of 16 Plank Road for an Interpretation. The ZBA received correspondence from the Applicant's Agent, Attorney Stephanie Ferradino requesting that the Application for Interpretation to be tabled and adjourned for the time being. They are not present this evening.

MOTION: D. Eskoff

SECOND: S. MacDonald

The Zoning Board of Appeals hereby tables and adjourns review of the Application for Interpretation for Case #1021, TM# 124.-1-23, on request of the Applicant/Agent, for property

located at 16 Plank Road, pending further determination by the Zoning Administrator and the receipt of additional Application information to be submitted to the Building Department.

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

Noes: None

Abstain: None

Absent: C. Kolakowski

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

Area Variance
880 Coy Rd.

Scott Rakowski is present for the Applicant. D. Eskoff states this is for an Area Variance at 880 Coy Road for Solar panels. They are seeking an 11' right yard setback, 15, front yard setback and 2.15 kW relief. S. Rakowski states yes. He states to cover all the customer's needs they feel they need 12.15 kW is adequate. They have somewhat of a smaller parcel. It drops off in the back. As it drops down the hill it is poor location for solar because the trees get bigger and bigger. D. Eskoff states that the Application was pretty full. The ZBA appreciates the photos and for doing that up front. The ZBA also has additional information such as photos of the home. She asks if 12 kW is average. Town Code limit is 10 kW for Residential Solar from when that part of the Code was written. S. Rakowski states that he has a 26 kW at his house for all his heating and cooling and everything. He states this is request is just domestic needs. D. Eskoff asks if the is strictly residential. S. Rakowski states yes. D. Eskoff states if the ZBA accepts the case and grants the Variance and sets a Public Hearing, the Applicant still has to go in front of the Planning Board for a Special Use Permit. K. Taub asks if the neighbors have been consulted. S. Rakowski states that he does not believe so. He knows that his clients are in good standing with the neighbors. S. Rakowski states what they (Kasselman Solar) does is look at the Applicant's electricity bill to see what they need to meet their needs. They look at the trees and how they impact the panels. K. Taub asks how they determine if they put them on the roof or ground mount. S. Rakowski that if the roof is an ideal situation that can be utilized. They do usually target the roof. D. Eskoff asks what 2 kW means size wise as far as panels. S. Rakowski states about 400 watt panels 2 kW's is four solar panels. D. Eskoff asks what the size of each panel is. S. Rakowski states 3'x5'. D. Eskoff asks how far apart the panels are or are they right together. She states that she is looking at how much land will the solar panels take up over the 10 kW. S. Rakowski states that six rows going across the property. D. Eskoff asks if that is in a drawing. S. Rakowski states yes. D. Eskoff states that as long as the ZBA has the information to make a determination. A. Wine states that he believes the ZBA has the information. D. Eskoff states that the ZBA would like to know what the average is that would be covered. D. Eskoff states that the ZBA is looking for lot coverage. S. Rakowski states that he believes it will be 5'x8'. N. Toussaint asks if the panels are not movable. S. Rakowski states correct. He states that he will get that information to the ZBA. D. Eskoff states that she just wanted him to be prepared. K. Taub states that this would not sufficient to cover central air and electric heat. S. Rakowski states yes. K. Taub states 10kW are basically for someone who heats with propane. He states this size system is just domestic needs. D. Eskoff states basic essentials. S. Rakowski states that it is designed to meet the client's needs.

MOTION: S. MacDonald

SECOND: K. Taub

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application of Kasselmann Solar for an Area Variance for 11' right side yard setback, and 15' frontage and 2.15 kilowatt relief for property located at 880 Coy Road, owners Adam and Aurora Wood, and sets a Public Hearing for October 6, 2020 at 7:00 p.m.

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

Noes: None

Abstain: None

Absent: C. Kolakowski

Meeting adjourned at 8:05 p.m. All members in favor.

Respectfully submitted by,

Kimberley McMahon
ZBA Administrative Assistant