

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

September 4, 2018

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Denise Eskoff, Chair, at 7:00 p.m. On roll call the following members are present: Denise Eskoff, L. Sanda J. Szpak and Andrew Wine are present. C. Kolakowski and Neil Toussaint, Alternate are absent.

Minutes

July 2, 2018 Minutes will be reviewed at the October 2, 2018 meeting for quorum purposes.

August 7, 2018 Minutes

MOTION: J. Szpak
SECOND: L. Sanda

RESOLVED, The Zoning Board of Appeals waives the reading of and accepts the August 7, 2018 Minutes with minor corrections already submitted.

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

Stewart's Shop's Case #997
TM# 138.-1-34

Area Variance
2535 Route 9N

Ryan Rabdeau is present for the Applicant. D. Eskoff states that before the Board opens the Public Hearing they need to rescind their previous Resolution in order to proceed with the Public Hearing. The Board has reopened this case and the Applicant has amended their Application. The Board had previously granted on July 2, 2018 an Area Variance to Stewart's for their sign change.

RESOLUTION #1: Stewart's Shop's Case #997

MOTION: D. Eskoff
SECOND: A. Wine

RESOLVED, that the Zoning Board of Appeals hereby rescinds the following Area Variance for 2532 NYS Route 9N, TM# 138.-1-34, Case #997, granted by the Zoning Board of Appeals on July 2, 2018:

- Building sign 8 square foot Variance to complete multiple use sign measurements
- Variance granted to allow for internal illumination
- Conditioned upon the removal of existing internally lit Diesel sign attached to column at pumps and the removal of the bottom two sign inserts on the sign

This Variance was granted for the following reasons:

- The benefit cannot be achieved by other means feasible to the Applicant.
- There is no undesirable change to the neighborhood character or detriment to the nearby properties.
- The request is not substantial in that this sign had a previous Variance and the size is being mitigated to the minimum necessary for upgrade
- There are no adverse physical or environmental effects.
- The alleged difficulty is not self-created given the existing condition of the sign and previously existing Variance.

The terms of the above Area Variance cannot be met by the Applicant.

VOTES:

Ayes: D. Eskoff, L. Sanda, J. Szpak, and A. Wine

Noes: None

Abstain: None

Absent: C. Kolakowski and N. Toussaint, Alternate

D. Eskoff states that the terms of above Variance cannot be met by the Applicant and opens the Public Hearing at 7:05 p.m. R. Rabadeau states that they thought that they would be able to remove the bottom panel of the sign to mitigate the Variance. It is a 10'x8' frame they propose to fill in the bottom panel with their store color, burgundy. D. Eskoff states that the Codes Enforcement Officer went out and measured the sign and he has determined based on the multiple business portion of their sign Code section that six units are advertised and 10 square feet is allowed by Code. Maximum sign size would be 60 square feet and 6 feet tall. The Code Enforcement Officer is saying that they need a Variance of 38.40 square feet and height Variance of 4'10". That would allow the Applicant to keep the sign as is and put in the green diesel internally lit sign. A. Wine asks is there a cost for a new sign so that they would not have to put the burgundy color panel there. R. Rabadeau states that they do not want to replace the sign because the building has enough space to house two more businesses. Two businesses occupy two businesses spaces. In the future that could be a possibility. D. Eskoff states that it is a more practical option. If they removed them they would have to come back to the ZBA to get another Variance to put them back in. They did give them a Variance a few years ago to put in the internal illumination in the front because they had it over the pumps. This has had several Variances and has kept it in accordance as best possible way that they can. A. Wine asks if the diesel pricing going on the column when he looks at it looks like it is going on the top. D. Eskoff states that the Board asked them to remove them from the column. R. Rabadeau states that the pump top pricing is not the bright LED. The green diesel on the columns was removed. A. Wine states that he just read the resolution from last time and thinks it got a little turned around. D. Eskoff states that it was conditioned upon the removal of the existing internally lit diesel sign attached to the column located at the pumps. J. Szpak asks if the Applicant was to add two more businesses they would already have the Variance. D. Eskoff states they would already have the sign. They are all set size wise. J. Szpak states that it would still require this Variance. They would not have to go get another Variance for that. D.

Eskoff states she does not think so. When G. McKenna measured it, he measured it for the amount of size that is there. L. Sanda states that they would be granting them a larger sign than they need if there were two more businesses. D. Eskoff and L. Sanda think they should not need another Variance. L. Sanda states that the Variance that they have will more than accommodate. D. Eskoff states that it does now. They were trying to mitigate the size of the Variance and trying to make it easier for the Board. A. Wine states that the Board has to give the smallest Variance. D. Eskoff agrees. They would have ended up with a smaller sign and they would have to go back to the ZBA if they filled the other two businesses and ask for a larger sign. D. Eskoff states this is the smallest it is going to be. It does not change anything other than moving one internally lit sign to another internally lit sign. D. Eskoff closes the Public Hearing at 7:10 p.m. there being no one present for or against and the Board has not received any correspondence.

RESOLUTION #2: Stewart's Shop's Case #997

MOTION: D. Eskoff

SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals hereby grants an Area Variance for a sign located at 2532 NYS Route 9N, TM# 138.-1-34, Case #997, as follows:

- A 38.40 square feet overall sign size and 4' 10" sign height Area Variance is granted in accordance with multiple business use sign measurements per Town Code.
- This Area Variance is granted to allow for internal illumination of sign.
- This Area Variance is conditioned upon the removal of the existing internally lit Diesel sign that is presently attached to the column located at the pumps.

This Area Variance is granted for the following reasons:

- The benefit cannot be achieved by other means feasible to the Applicant.
- There is no undesirable change to the neighborhood character or detriment to the nearby properties.
- The request is not substantial in that this sign has a previous existing Variance, including internal illumination, and overall size is being mitigated to the minimum necessary for upgrade needs.
- There are no adverse physical or environmental effects.
- The alleged difficulty is not self-created given the existing conditions of the sign and the previously existing Variance.

VOTES:

Ayes: D. Eskoff, L. Sanda, J. Szpak, and A. Wine

Noes: None

Abstain: None

Absent: C. Kolakowski and N. Toussaint, Alternate

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Ramsey, J. Case #1005
TM# 164.8-2-7.13

Area Variance
14 Old State Road

Joshua Ramsey is present. D. Eskoff states this case has a Public Hearing and opens the Public Hearing for this case at 7:13 p.m. No one is present for this case from the public. J. Ramsey states he is asking to put a 20'x24' addition going into his driveway. D. Eskoff explains that this property angles a little bit. The request is for a Rear Yard Setback of 40' +/- Variance and a Right Yard Setback of 3' and that is to allow for the lot tapering. It does have 25' and required is 25' but the potential is there for it to go over. That is why 3' is included in the request. This is a pre-existing non-conforming lot .29 acres. 155' road frontage. A. Wine asks if the Applicant is planning on putting the addition where the driveway is - cut away some of the Applicant's driveway? J. Ramsey states yes. L. Sanda refers to the photos and asks where the addition will be. She asks about coverage in the winter and will they be able to see the neighbor's property? J. Ramsey states yes and they can also see Route 9N too. How close is the neighbor's house? J. Ramsey refers to the photo and explains. D. Eskoff asks if there was any correspondence regarding Route 9N? K. McMahon states no. J. Szpak states that across the street there is some property between them and Route 9N like J. Ramsey stated in the winter you can see the front of the property from Route 9N. There are neighbors on the side where the Applicant would be building. There is some of a buffer there between the properties. D. Eskoff asks if there is enough of a buffer that the Board does not have to be concerned about. J. Szpak states that they should consider a buffer. There are evergreen trees there. It is not feasible to put an additional buffer on his property because it is so tight. The neighbor's certainly to have an opportunity to come and comment. D. Eskoff states they are not here. J. Szpak states they have additional buffers on their property. D. Eskoff agrees. J. Szpak states that personally he does not see the need for additional buffers. D. Eskoff states it's an option in most of their cases she was just checking. J. Szpak asks if the trees that are there now are they on the Applicant's property or neighbor's property. J. Ramsey states they are his neighbor's property. J. Szpak states that they could not even ask him to maintain that buffer then. D. Eskoff states that the neighbors are not present or corresponded and the Board does not know how they feel but they were aware of this. If they had a concern they would have hopefully come forward. It's a tight property and the Applicant is trying to put an addition into his driveway. Basically make his driveway smaller. D. Eskoff closes the Public Hearing at 7:14 p.m.

MOTION: J. Szpak
 SECOND: L. Sanda

RESOLVED, that the Zoning Board of Appeals hereby grants an Area Variance for a Rear Yard Setback of 40' and a Right Yard Setback of 3' for an addition to property located at 14 Old State Road, Case #1005, TM# 164.8-2-713 for the following reasons:

- The benefit cannot be achieved by other means feasible to the Applicant.
- There is no undesirable change to the neighborhood character or detriment to the nearby properties.
- The request is somewhat substantial but it is scaled back to the minimum feasible and it is a pre-existing non-conforming lot with an odd lot shape.
- There are no adverse physical or environmental effects.
- The alleged difficulty is not self-created; this is a pre-existing non-conforming lot.

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

Christopher, R. Case #1006
TM# 162.12-1-24

Area Variance
970 Murray Road

Ryan Christopher is present. D. Eskoff states the Applicant is looking to put an addition on an existing Auto Garage. R. Christopher states yes. D. Eskoff states that there was a Variance granted for this property in 2010 for this property for an addition to the building. A Special Use Permit was granted for this property in 2007 by the Planning Board. Her only concern with this, not for the project, is that it went through the Planning Board and generally even though they are just doing a Variance the Board's do go back and forth on the cases sometimes. There is an existing Special Use Permit and a Site Plan Review went along with that. Now the Applicant is requesting to change that slightly by adding this addition. R. Christopher states that he knew he would have go in front of both Boards. D. Eskoff states that it would be prudent before they accept the Application which puts the Board into a forward motion with this project, to get an opinion from the Planning Board and it will also put the Applicant ahead on that respect. She does not think it will be a lengthy process they just need to know if there are any Planning Board issues. Once back to the ZBA, the ZBA will proceed with the Application. Then, if a Variance is granted, probably back to the Planning Board for the rest of that process. It is a little unclear at this point because it is pre-existing whether the ZBA should move on it without hearing from the Planning Board first. R. Christopher states it is for the 12' in the back. J. Szpak asks if the Applicant could take the drawing and show the Board where the project is now and what he would like to change. R. Christopher states that they want to add four bays on the main garage. He shows where the rear property is. D. Eskoff asks if there is a fence in the back. R. Christopher states yes. D. Eskoff states she thinks they just need a simple opinion from the Planning Board because they know the Site Plan and the Special Use Permit and the ZBA does not. The ZBA does not have the actual information in front of them. She thinks that he could be back to the ZBA next month with a basic opinion on that. R. Christopher states that he figured they would be communicating with the Planning Board. D. Eskoff states that it is a more complex situation than if he was just putting in an addition on a house or a basic garage for your own personal use it's a little more complicated than that. A. Wine asks if this is a rejection of the Application. D. Eskoff states no the Board is not rejecting the Application they would be putting the Application on hold to table the Application until the Board has more information. We want an Application that is complete as possible so we can move forward with this case. She does not think they have all that information at this point. A. Wine asks if it is incumbent on the Applicant to reach out to the Planning Board or can the ZBA set a stipulation in their tabling. D. Eskoff states no the ZBA would be doing an official referral from the ZBA to the Planning Board for an opinion on this. The ZBA has done this before and some of them have gone automatically but they have gone to a process of sending them one by one as they need to in the Application process. Also, it would provide the Applicant the opportunity to include with the Application anything the ZBA might need to move forward such as photos, and a more detailed design. They can request that at this time. L. Sanda states she would like to see a map, an actual plot plan of the Applicant's lot and

an aerial map that shows the lot line and the surrounding houses and where everything sits on the plot. In addition she feels that the Application needs to be complete. Has this property been part of a ZBA action use, then reference the Zoning Action? It is within 500' of a county highway. D. Eskoff states that the ZBA can go ahead and ask the County for that opinion at this time it will be needed as part of the Application process. L. Sanda is correct and to go to the Building Department and make sure the Application is complete before coming back to the Board. L. Sanda states anything that says "please explain" add in their description there. When the ZBA comes back to review to approve the Application the Board should have everything they need. R. Christopher asks how to get an aerial photo. D. Eskoff states Google Earth. L. Sanda states that Saratoga County has an online tax maps that show a Google map of his/everyone's tax maps. D. Eskoff states that if the Applicant needs help with that they can ask and the County could help him as well. J. Szpak asks on the drawing is that an existing parking lot? R. Christopher states yes. J. Szpak asks if it is all paved. R. Christopher states that it is all paved. J. Szpak asks why they can't use a certain area. R. Christopher states that there is an existing house that needs to be torn down. J. Szpak states it is awfully close to the property line and if he moves the addition he would not need a Variance. If they could drive around or straight. Mrs. Christopher explains that it is confusing and the roof line goes a certain way and so the width would not allow for cars or larger trucks and they would not be able to put lifts that way, because they have the door and the office and the deck. It limits their space. D. Eskoff states that she thinks that the Planning Board will take a closer look at that. She thinks that they will have to go back to them even if they get a Variance. A. Wine states he is looking at Google map and feels that an overhead map will help immensely. Mrs. Christopher states that they can take a photo from the road. D. Eskoff states that would be good. L. Sanda states that even if they show an aerial map and have to block out certain things. So they can get a rough idea of where property lines are and what is there. The fact that there is not a house there is helpful. D. Eskoff states that they could get that information in time so that could be included what they are sending to the Planning Board and it would help them in their process. Basically the ZBA would be tabling this Application for those reasons and also referring it to the Planning Board prior to accepting this Application and setting a Public Hearing.

MOTION: J. Szpak

SECOND: L. Sanda

RESOLUTION: Christopher, R, Case #1006

RESOLVED, the Town of Greenfield Zoning Board of Appeals tables the acceptance of the Application, for an Area Variance for 970 Murray Road, Case #1006, and TM # 162.12-1-2, as incomplete, and requests receipt of the following:

- Complete all pertinent sections of the Application
- Aerial view of the current conditions of the property
- Completed Application
- Photos from the road looking at the current structures

And, referral to the Planning Board for their opinion regarding any potential Planning Board issues with this case due to previous SUP/SPR.

VOTES:

Ayes: D. Eskoff, L. Sanda, J. Szpak, A. Wine

Noes: None

Abstain: None

Absent: C. Kolakowski and N. Toussaint, Alternate

DeLorenzo, R. & N. Case # 1007
TM# 162.-1-9.11

Area Variance
23 Young Road

No one is present for the Application. D. Eskoff states that the Board has a basic Application that is requesting a 10 acre parcel be subdivided into two substandard 5 acre lots in LDR District which requires 6 acre parcels. The ZBA had a previous case on Boyhaven Road that asked for substandard parcels on it. She believes the purpose of this request is that they want to give the lots to their children. The Applicants own a significant amount of acreage in that area and have larger parcels in that area. This is another case she would like to see it go to the Planning Board for their opinion. The Applicants are asking for a subdivision for one parcel in front of the other parcel. The other thing is they will be subdividing and believes SEQRA may be in order they may have to go through it. Generally they refer that to the Planning Board. L. Sanda states their Application is very incomplete. D. Eskoff agrees and states now it would be the juncture as which they would refer it to the Planning Board prior to a Public Hearing would be the best way to do that. She does not believe the Board is in a position to accept this Application tonight. L. Sanda agrees and states the Applicant is not showing the proposed split of the property. A. Wine states that they just show the property. L. Sanda states that the 10 acre parcel is not even shown on the map. The Application is almost completely incomplete. There is very little information provided and unclear as to what they are asking for and what they are intending to do. They need to provide updated maps that show proposed subdivision. They need to fill out the Application, provide all the explanations. D. Eskoff states that she is not sure if the Applicants went through the Application with G. McKenna. The total site area is not filled in; the Zoning classification isn't filled in either. The Board has notes from the Codes Enforcer, but the Applicant has to take responsibility for their Applications and fill them in to the best of their ability. L. Sanda states their SEQRA is incorrect there is no mention of future water supply. D. Eskoff states that she is concerned and would like to table this Application. She is also concerned the Planning Board needs to look at this juncture for a cursory opinion and the ZBA needs a determination whether SEQRA would be necessary. However, they are going to have to get more information in before they can proceed with it. J. Szpak asks what makes this a potential SEQRA. D. Eskoff states because they are looking at an Area Variance for a subdivision. Taking an existing subdivision lot and subdividing it which puts it somewhat out of the realm of a typical building lot. She is unsure and they do not have Council present tonight but have time to get that clarified. She states the Planning Board is generally in the best position for SEQRA review.

MOTION: D. Eskoff
 SECOND: J. Szpak

RESOLUTION: DeLorenzo, R & N - Case #1007

RESOLVED, the Town of Greenfield Zoning Board of Appeals tables the acceptance of the Application, for an Area Variance for 23 Young Road, Case #1007, and TM # 162.-1-9.11, as incomplete, and requests receipt of the following:

- Complete all pertinent sections of the Variance Application and the SEQRA form
- Map of proposed subdivision

- Aerial Map/photos showing proposed subdivision area.
- Photos of surrounding area and of property from and to the road

And, refers Application request to the Planning Board for their opinion regarding any potential Planning Board issues with this case including potential for subdivision and potential for SEQRA review.

VOTES:

Ayes: D. Eskoff, L. Sanda, J. Szpak, A. Wine

Noes: None

Abstain: None

Absent: C. Kolakowski and N. Toussaint, Alternate

Meeting adjourned at 7:43 p.m. All members in favor.

Respectfully submitted,

Kimberley McMahon
ZBA Secretary

DRAFT