

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

**February 6, 2024**

**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, A. Wine, T. Flynn, and K. Taub. S. MacDonald and B. Etson, alternate are absent. J. Reckner is present.

**Minutes**

January 2, 2024

MOTION: T. Flynn

SECOND: K. Taub

RESOLVED, that the Zoning Board of Appeals waives the reading of, and accept the corrected Minutes.

VOTE: Ayes: D. Eskoff, A. Wine, K. Taub, and T. Flynn,  
Noes: None  
Absent: S. MacDonald  
Abstain: None

**Old Business**

Scuola, M. Case #1066  
TM# 125.-2-32.111 & 125.-2-29

Area Variance  
656-658 Locust Grove Road

Mike Scuola and Bill Sparkman are present. D. Eskoff opens the Public Hearing at 7:01 p.m. B. Sparkman states that this project remains three lots as stated last time we were in front of the Zoning Board of Appeals. They are requesting a frontage Area Variance and they did research and got those documents regarding the subdivision regarding the neighbor's. They provided the subdivision map with the pool and the resolution from 2003 when it was originally subdivided. They are seeking five Area Variances, side yard, front yard, frontage, the pool, and the fence for the pool. All on the lot on the west side of Locust Grove Road. They review the numbers. D. Eskoff explains that a fence is required by the Code. T. Flynn asks if the fence will go the length of the pool. D. Eskoff states that the ZBA needs to make sure that they have the exact feet for the variances. B. Sparkman states they need 30' relief for the pool fence. J. Reckner states that this parcel was previously subdivided and approved in 2003 and refers to the filed map. The pool does not need a variance. J. Welden, 660 Locust Grove Road, states that she opposed to the project. She states that the due diligence is not being followed. It is a change in the neighborhood. This Town is called Greenfield and wants to keep the green in Greenfield. She states it is not necessary to do a keyhole lot and does not want a house behind her family's house. She asks where is the water going to go and states that her parent's house has flooded and the Town came out and added a new culvert, they have all the paper work from when this happened. She is concerned about stormwater and other impacts. B. Sparkman states that the house is 1,600' away from the neighbor's house. They intend to keep the lot

wooded. D. Eskoff states when it comes to subdivision approval that is the Planning Board's purview, not the ZBA's. J. Welden states that there will be increased traffic on the road that if she wanted to live with houses on top of theirs she would live in Saratoga. D. Holbrook, 663 Locust Grove Road, asks if that is the only dwelling on that parcel. M. Scuola states yes. There being no one else present wishing to speak and no correspondence, D. Eskoff closes the Public Hearing at 7:25. T. Flynn questions no variance for the pool needed only the fence. T. Flynn states that he would ask for a variance for the house. D. Eskoff states that the pool was installed in the 1980's and there were not any regulations found for the pool. She states that its location was approved by the Planning Board at the time of the subdivision. T. Flynn states that the barns are being removed but if they were staying they would need variances. He asks why doesn't the house need one. That is why he is bringing it up. K. Taub states that the subdivision was done many years ago. There is nothing the ZBA can do about it. D. Eskoff agrees. A. Wine states that there are drainage problems in Greenfield nothing they can do about it. D. Eskoff states that the size of the lot is going to change because of the variance for the keyhole. A. Wine asks if Code Enforcement agrees with the numbers. J. Reckner states yes. D. Eskoff states the ZBA needs to minimize the variance for the fence. It is right on the property line. She asks to clarify the length. M. Scuola asks maybe a 33' Area Variance from apron to apron. 33' is then corrected to 36 feet. D. Eskoff states that would be a maximum. The Board discusses a contingency for buffering if frontage is granted for the keyhole. B. Sparkman states that the parcel is quite buffered now and asks if they have to buffer where it already is buffered. The Board agrees that retaining existing vegetation as a buffering plan is practical for the neighboring side.

MOTION: A. Wine

SECOND: K. Taub

RESOLVED, the Zoning Board of Appeals hereby approves the Application of Michael Scuola for four (4) Area Variances for an existing single-family residence with pool and proposed key hole lot frontage at 656-658 Locust Grove Road (LDR), TM# 125.-2-32.111, TM# 125.2.29, Case #1066, and grants relief as follows:

1. Existing House Lot Frontage: 61.73' frontage (Lot 2, TM# 125.-2-32.111) to accommodate a keyhole driveway for proposed lot/subdivision (Lot 3, TM# 125.2.29)
2. Existing House Front Setback: 64' (TM# 125.-2-32.111)
3. Existing House Left Side Yard Setback: 10' 8" (TM# 125.-2-32.111)
4. Fencing Code for Existing Pool [§105-135 (F)], Left Side Yard Setback: Maximum 2' x 36' (length of fence) (TM# 125.-2-32.111)

This approval by the Zoning Board of Appeals for Area Variances is based on the following criteria:

- The benefit cannot be achieved by other means feasible to the Applicant. This is the most practical and economic approach for the Applicant to gain access to the landlocked parcel and for the existing structures.
- There is no undesirable change in the neighborhood character or detriment to nearby properties as the aerial view and plot plan indicate similar size structures and distances from the road to the existing house on Lot 2. There is large wooded acreage and a buffering plan can be utilized to help minimize the impact of keyhole frontage and driveway to neighboring property.

- The request is substantial but there are pre-existing non-conforming aspects to the property and existing structures. The keyhole approach is necessary to access a landlocked parcel. Previous changes due to a prior approved subdivision by the Planning Board many years ago affect the existing pool and property.
- There are no known adverse physical or environmental effects in the property's existing use. There will be limited to no environmental impacts on Lot 2 as the existing property will be improved as the two larger wood framed structures are removed decreasing impervious area and would increase green space/vegetation.
- This alleged difficulty is self-created (which is relevant but not determinative) in part but reasonable given the pre-existing non-conforming aspects of the property and structures compounded by a previous subdivision approval.

The Zoning Board of Appeals approval for the above listed Frontage Area Variance is based on the following conditions:

- Retain existing vegetative buffer, as practical, on frontage from Lot 2 around entrance to proposed Lot 3 keyhole driveway on neighboring property side.
- Retaining the existing tree line in a vegetative buffer along the neighboring property side to reduce impact of the proposed keyhole driveway (Lot 2 to Lot 3) is recommended to the Planning Board.

VOTE: Ayes: D. Eskoff, A. Wine and K. Taub  
 Noes: T. Flynn  
 Abstain: None  
 Absent: S. MacDonald

Doyle, J. Case #1067  
 TM# 125.-2-24.32

Area Variance  
 177 Greene Road

James Doyle is present. D. Eskoff states that this project has received approval in July of 2022, but it has expired. This project is a Public Hearing and opens the Public Hearing at 8:01 p.m. James Doyle apologizes to the ZBA after listening to the last project. He states that he is looking to do the exact same thing he didn't realize that his Variance expired. He states that the lot had a lot of metal and debris and it is all cleaned up. He states that the only thing that he is lacking is the septic system design for this project. D. Eskoff states that there is no correspondence and no one is present to speak about this project she closes the Public Hearing at 8:07 p.m. T. Flynn is in favor of this project and wants to move forward.

MOTION: T. Flynn  
 SECOND: K. Taub

RESOLVED, the Zoning Board of Appeals hereby approves the Application for Area Variance to James G. Doyle for a single-family residence for property located at 177 Greene Road (LDR), TM# 125.-2-24.32, Case #1067, and grants relief for this property as follows:

- Acreage - 5.01 Acres
- Frontage – 150'
- Right Yard Setback – 27.7' (increase due to roof overhang clearance)

- Left Yard Setback – 28.3' (increase due to roof overhang clearance)

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible for this lot to be used to build a new house. This is a pre-existing non-conforming lot for which the property was purchased in order to replace a pre-existing non-conforming deteriorating structure with a new house.
- There is no undesirable change to the neighborhood character or detriment to nearby properties. The goal of this project was to clean-up and improve the existing site, which has occurred, in order to build a new small single-family home with a similar front facing footprint which will be a significant improvement to the dilapidated mobile home that was on this lot.
- The request is not substantial, this is a pre-existing and non-conforming lot, relief was necessary to meet current zoning requirements in order to replace the current structure.
- There are no adverse physical or environmental effects, the goal of this project was to clean-up and improve these aspects of the lot. The site has been cleaned up and is overall improved.
- The alleged difficulty is not self-created. This is a pre-existing, non-conforming lot, the project will replace the structure that existed with a similarly sized new home.

This approval is contingent upon the following condition:

- An evergreen landscape buffer of at least 40 feet in length, as practical for the location, to be created along the western side of the property the length of which should coincide with the perimeter length of the house to be built on that same side.

VOTE: Ayes: D. Eskoff, A. Wine, K. Taub and T. Flynn

Noes: None

Abstain: None

Absent: S. MacDonald

### **New Business & Application Review**

Patrick, D. Case #1068  
TM# 126.-1-31.22

Interpretation  
2 Brookstone Drive

Daniel Patrick is present. D. Eskoff states that this Interpretation is in front of the ZBA due to a violation. D. Patrick states that the neighbor's complained which is how he found out about the undersized lot. D. Eskoff states that the ZBA has been waiting on this project for a sketch plan which has now been provided. D. Patrick states that the existing structure of the house is 51' to the right yard setbacks, and 63' for the rear yard setbacks. He states that the property has fruit trees that he harvests. D. Eskoff asks where are the birds being housed. D. Patrick refers to the sketch plan and states that the coop is a raised up 4' and it is 6'-8'. K. Taub asks how many chickens does he have. D. Patrick states 17 birds (chickens and guinea fowl). D. Eskoff explains the Interpretation process. T. Flynn asks if this will fall into hobby farming. J. Reckner states hobby farm and personal farming. D. Patrick states that he is a personal hobby farmer. D. Eskoff states the ZBA will make a determination.

MOTION: K. Taub  
SECOND: A. Wine

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application of Daniel Patrick for an Interpretation for property located at 22 Brookstone Drive (LDR), TM# 126.-1-31.22, Case #1068, and sets a Public Hearing for March 5, 2024 at 7 p.m.

VOTE: Ayes: D. Eskoff, A. Wine, K. Taub and T. Flynn  
Noes: None  
Abstain: None  
Absent: S. MacDonald

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**Correspondence**

None

**Other Business**

The ZBA discusses and reviews the new Applications and Instructions.

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Meeting adjourned at 8:47 p.m. All members in favor.

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Respectfully submitted by,

Kimberley McMahon  
ZBA Executive Secretary