

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

October 1, 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 D. Eskoff, T. Flynn, K. Taub, B. Etson, and J. Pollard, alternate is present. S. MacDonald is absent. J. Reckner is present. J. Pollard has full voting privileges for the entirety of the meeting.

Minutes

September 5, 2024

MOTION: T. Flynn

SECOND: B. Etson

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

VOTE: Ayes: D. Eskoff, T. Flynn, B. Etson, J. Pollard

Noes: Noes

Abstain: K. Taub

Absent: S. MacDonald

Old Business & Public Hearing

Horse Race Capital Corp. Case #1077

TM# 138.-1-63

Area Variance

38 Bump Hill Road

Alison Yovine is present. D. Eskoff opens the public hearing at 7:02 p.m. A. Yovine states that she was in front of the Board last month and provided pictures and the floor plan with the elevations that the Board requested. D. Eskoff asks K. McMahon if the Board has proof of publication. K. McMahon states yes. D. Eskoff states this lot is 1.94 acres and in the MDR-2 District 3 acres are required. They need 1.06 acres and 70' of frontage relief. A. Yovine states that they are not seeking a variance for setbacks because they are not needed. T. Flynn asks if the foundation is setback for the over hangs. A. Yovine states yes. D. Eskoff states that they Board received two letters for this project and they are both in favor of this project. The letters are from John and Judy Eckman and Vernon Hinkle and Mary Sanders Shartle. John Eckman, Bump Hill Road, states that Jon Romano is an investor seeking to maximize on his return and commends him for that. The last time what he was seeking was way overboard. Jon Romano has brought neighbors together with single-family residence that fits the rural character and he does not object to this as long as the rest of the properties follow single family zoning and not try to do a run around in Greenfield Center. There being no one else present wishing to speak and no further correspondence, D. Eskoff closes the public hearing at 7:09 p.m.

MOTION: K. Taub

SECOND: T. Flynn

RESOLVED, that the Zoning Board of Appeals hereby approves the Application of Horse Race Capital, Corp. and grants Area Variances for a single-family residence for property located at 38 Bump Hill Road (LDR), TM# 138.-1-63, Case #1077 as follows:

- 1.06 Acres
- 70' Frontage

This approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible to the Applicant, this project is for a new single-family residence.
- There are no undesirable changes to the neighborhood character or detriment to the nearby properties. The project is in keeping with the single-family residence and rural nature of the neighborhood. Neighbors are in favor of the project.
- The request is substantial but offset because this is a pre-existing nonconforming lot size made prior to current zoning.
- There are no detrimental or adverse environmental effects. The property will adhere to all required septic and other requirements for a new single-family residence.
- The alleged difficulty is not self-created, the property was plotted out prior to the Applicant's purchase of the property.

VOTE: Ayes: D. Eskoff, K. Taub, T. Flynn, B. Etson and J. Pollard

Noes: None

Abstain: None

Absent: S. MacDonald

Old Business

Patrick, D. Case #1073
TM# 126.-1-31.22

Area Variance
2 Brookstone Drive

Daniel Patrick is present. D. Eskoff states that this project is in the LDR District. She states that the Board closed the public hearing for this project at the last meeting and did not keep the record open. K. Taub states that he was not here last month, but he was here the month before and he has read the minutes from the last meeting a few times and is up to date on the case. The Board reviews the information that was provided. He has two roosters that are the bone of contention for the neighbors. T. Flynn asks about the new Code for Personal Farm Activity/Hobby Farm. D. Eskoff states they are still working on the new Law. T. Flynn states that his concern is containment. D. Eskoff states that the area can be reinforced. She states that years ago they had someone in front of the Board that lived in the Town Center District for the personal farm activities and they had several chickens and they were denied. The Board also approved another one on Wilton Road in LDR next to Town Center where they asked for six chickens and no roosters that the Board did approve. T. Flynn reads J. Reckner's letter. D. Eskoff states that D. Patrick is also requesting ducks, geese, and turkeys. J. Pollard asks if the Board is looking to put restrictions on number of chickens. K. Taub states that it is a high-end neighborhood, suburban in nature. The Board agrees. D. Eskoff states she and J. Reckner reviewed all the information. B. Etson states with fencing and the run should be contained

altogether. K. Taub states that he hears roosters at his house and he can hear them from a long-ways away. D. Eskoff states sound travels in rural areas but there is a strong sense for people to want to have chickens and be more sustainable. K. Taub states that he was anti-chicken but is learning from the Board. D. Eskoff states that she does not want to take away the hens. T. Flynn suggests six hens for 1 acre. B. Etson states he feels that they should approve twelve hens. J. Pollard agrees and states that he has had 12 chickens in a small area with no issues. D. Eskoff states 1 acre is okay it is also about how they are kept and cared for.

MOTION: D. Eskoff

SECOND: B. Etson

RESOLVED, that the Zoning Board of Appeals hereby approves in part and denies in part the Application for Area Variance(s) by Daniel Patrick for Personal Farm Activities/Hobby Farm for property located at 2 Brookstone Drive (LDR), TM# 126.-1-31.22, Case #1073 as follows:

1) The Zoning Board of Appeals approves the following Area Variances:

- 23' South Side Yard Setback
- 5 Acres

For Personal Farm Activities/Hobby Farm for poultry/livestock to be specifically limited to the keeping of Chickens on this property for personal use and to be specifically limited to a maximum number of 12 Hen Chickens to be contained within the proposed existing enclosed area on the property. No Roosters shall be allowed. Secure fencing and additional buffering to shield this activity from neighboring properties is encouraged.

2) The Zoning Board of Appeals denies the Applicant's request to extend Personal Farm Activities/Hobby Farm for the keeping of any other type of poultry (ducks, turkeys, geese, etc.) or livestock on this property.

This limited approval is based on the following criteria:

- The benefit cannot be achieved by other means feasible to the Applicant. The property cannot meet current zoning to allow for Personal Farm Activities to include at least the basic keeping of chickens toward the back of the lot.
- There are no undesirable changes to the neighborhood character or detriment to the nearby properties when chickens are limited in number and properly contained with the least potential impact to neighbors and cared for with best management practices. Further limiting the chickens to only Hen Chickens with no Roosters allowed on the property greatly reduces noise issues. Personal Farm Activities limited to the keeping of Hen Chickens is suitable to the rural character of the surrounding area which includes nearby farms.
- The request is substantial but is being made due to the existing size restrictions of the property with the desire to keep a small contained chicken flock for self-sufficiency.
- There are no detrimental adverse environmental effects expected if the chickens are kept and cared for in accordance with best management practices.
- This is a self-created adversity (but not determinative).

VOTE: Ayes: D. Eskoff, K. Taub, T. Flynn, B. Etson and J. Pollard
 Noes: None
 Abstain: None
 Absent: S. MacDonald

Faiola, K. Case #1075
 TM# 153.13-1-1

Area Variance
 15 Brower Lane

Kim Faiola is present. D. Eskoff states this case was also held over from last month for decision. The Board received correspondence from K. Faiola that she did not want to withdraw her application so the Board will move forward. K. Faiola asks if they can discuss the letter she wrote to the Board. D. Eskoff states that the Board went through the application based on what was applied for and that letter did not raise anything different than what has already been stated or included in the application. D. Eskoff states that K. Faiola needs to apply for a use variance. K. Faiola asks why is this not an area variance. D. Eskoff states that the Board has a procedure they follow. The Board is looking to deny this application. D. Eskoff asks K. Faiola if she wants to withdraw her application otherwise the Board will proceed with a decision. K. Faiola states that she will withdraw her application. She states the structure is locked up for the winter she will decide what to do in the spring and about the Use Variance. D. Eskoff asks K. Faiola to please confirm her application withdrawal in writing through the Building Department. D. Eskoff states she can still pursue change with the Town Board if she wishes. T. Flynn states that she can still use the structure as storage. J. Reckner states she can use it for what it was approved for office/workshop. That is what she received the Certificate of Occupancy for. The case remains tabled pending written confirmation of withdrawal of the application.

New Business

Peyser, C. Case #1078
 TM# 138.-2-29

Area Variance
 137 Wilton Road

Paul Davis, Agent, and Cathy Peyser, Applicant, are present. D. Eskoff states that this case is also in front of the Planning Board for a Minor Subdivision and it seems that the Planning Board is in favor of it, the ZBA has already received their Advisory Opinion. She states that this is on a County Road and it will have to be referred to the Saratoga County Planning Department. P. Davis states that they are doing the subdivision so that his daughter and C. Peyser's son and daughter can all have their own parcels to build homes on. They are going to keep the back of the property forever wild. P. Davis states that the Planning Board did have concerns with the site distance and they have addressed those. K. Taub asks why not do four separate driveways this seems to be more dangerous having shared driveways. P. Davis states that they are leaving the paper driveways there. K. Taub states it appears they will need easements to protect the families. The homes may not be family homes forever. P. Davis agrees. J. Pollard states it will need to be in the deeds. D. Eskoff states the Board will look at it overall in balance against health, welfare, and safety. She asks P. Davis to provide any changed or updated plans as soon as possible.

MOTION: J. Pollard
 SECOND: K. Taub

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application for Area Variance by Cathy Peyser for property located at 137 Wilton Road (LDR), TM# 138.-2-29, Case #1078, and sets a Public Hearing for November 5, 2024 at 7 p.m.

VOTE: Ayes: D. Eskoff, K. Taub, T. Flynn, B. Etson and J. Pollard
Noes: None
Abstain: None
Absent: S. MacDonald

Correspondence

Other Business

Meeting adjourned at 7:51 p.m. All members in favor

Respectfully submitted by,

Kimberley McMahon
Executive Secretary
Zoning Board of Appeals