

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

**July 7, 2020**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by N. Toussaint, Vice Chair, at 7:00 p.m. On roll call the following members are present: N. Toussaint, K. Taub, A. Wine, and S. MacDonald, Alternate. D. Eskoff and C. Kolakowki are absent. S. MacDonald has full voting privileges for the entirety of the meeting. M. Waldron, Zoning Administrator/Code Enforcement Officer, is also present.

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**Minutes**

March 3, 2020

MOTION: A. Wine

SECOND: N. Toussaint

RESOLVED, The Zoning Board of Appeals waives the reading of, and accepts the March 3, 2020 Minutes.

VOTE: Ayes: N. Toussaint, A. Wine, and S. MacDonald

Noes: None

Abstain: K. Taub

Absent: D. Eskoff and C. Kolakowski

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**OLD BUSINESS**

**Ford, P. & L'Heureux K./Oxmoor Associates, LLC Case #1019  
 TM#153.13-1-4**

**499 Maple Ave.  
 Area Variance**

Corrina Martino is present for the application. N. Toussaint opens the Public Hearing at 7:03 p.m. N. Toussaint asks if there is anyone from the public who wishes to speak on this case. K. Taub states that he would like an update on this case. He was absent for the March 3, 2020 meeting. K. Taub states that he noticed the property went on market to be sold and wants to know who the Applicant is, is it the perspective new purchaser or the seller? C. Martino states the Applicant is in the process to purchase the property. K. Taub asks if the plan is still the same for the patients will be there for 50 minutes or so and 2 doctors will be treating them and, therefore, there will only be 1 or 2 patients there for an hour at a time? C. Martino states correct. There being no one else present and no further correspondence, N. Toussaint closes the Public Hearing at 7:05 p.m. N. Toussaint asks if there are 3 different variances. A. Wine states yes. N. Toussaint states front yard setback, an acreage setback, rear property line setback. A. Wine agrees. N. Toussaint states that he believes it was modified by M. Waldron. M. Waldron asks the front yard or the rear yard. N. Toussaint believes it was rear yard. There

was an 11.2' front yard setback and an 8.3' rear setback. The acreage size changed a little from 1.32 to 1.39. The ZBA did have correspondence from the County Planning Board which was in favor of this project. The Town Planning Board was concerned about parking. M. Waldron states that the Town Planning Board gave a positive declaration for this project. The Planning Board is requiring 2 parking spaces for the apartment above the office along with handicapped parking. A. Wine asks M. Waldron if that needs to be demonstrated on the plan for the Applicant's Site Plan. M. Waldron states the engineer of record has done such as she has demonstrated all that needs to be done. K. Taub states that he believes that the second floor would be occupied by residential tenants. C. Martino states that her understanding is that the Applicants are not planning to have that occupied. They would like to leave the possibility open for the future should it be needed. The plan is to not have it occupied full time by tenants. K. Taub states sometimes a tiny bit off can make a huge difference. The ZBA has seen in other cases where even one that is seriously not compliant not be a problem given the nature of it. He would certainly feel better knowing that only out of necessity if the second floor was not occupied. He asks if it is occupied now. C. Martino states that she believes it is a two-family. She does not know if they are both occupied. K. Taub states that given the non-compliance it would be nice to know the usage of property including the driveways in and out are not going to be taxed compared to the way they are. Patients coming every hour would clearly represent an increase. On the other hand, not having traffic coming in and out at night would be a decrease. He does not know if the ZBA can consider granting the usage with the limitation of the second floor not be used for residential space. He does not know this and he is not saying that he is predicating his vote on that at all. N. Toussaint states that he does not think so due to the nature of the neighborhood. K. Taub states he feels the same. A. Wine states that he agrees with N. Toussaint and K. Taub. He asks if there is outside entrance to the upstairs apartment. C. Martino states that it is a separate entrance with stair from the interior of the building. A. Wine asks if there is access from the interior to get up to the apartment. C. Martino states that she is not sure and does not believe so, because it is a true two-family residence. A. Wine states that the picture of the back entrance has substantial amount of stairs. M. Waldron states for clarification, with granting approval of the variance from the ZBA this project, will go back to the Planning Board for the final determination with the approval of the Planning Board for mix use occupancy. Including with the Planning Board the driveway, landscape buffering, and a number of different items, also the building plans will be reviewed for a two hour fire rating between the occupancy. K. Taub states the way he is understands this that if the ZBA approves this there is still a second review. M. Waldron states correct. It will go back to the Planning Board for final approval for Site Plan Review. The resolution of that would dictate how the occupancies would be classified. In the Building Department, any kind of plans received and any kind of plans for revision or mediation or remodel so forth and so on would make sure it is compliant with the approval of the Planning Board as well as whatever was issued from the ZBA. A. Wine asks M. Waldron if the surrounding properties to this one average the same lot size. M. Waldron states Maple Avenue is a mix bag of nuts. Town of Greenfield restrictions are a little tighter than surrounding Town's. He would say that it is consistent with the neighborhood. That is his personal opinion. D. Eskoff states that this is a County road so it will need to be referred to by the County Planning Board and K. McMahon will do that.

MOTION: N. Toussaint

SECOND: K. Taub

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application of Jared and Aimee Mahay, for a frontage Variance for property located at 300 Lake Desolation Road, TM # 149.-1-1, and sets a Public Hearing for September 1, 2020 at 7:00 p.m contingent upon receipt of

- The signature page
- Copies of the map that already exist

VOTE: Ayes: D. Eskoff, C. Kolakowski, K. Taub, N. Toussaint, and A. Wine

Noes: None

Abstain: None

Absent: None

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Meeting adjourned at 7:14 p.m. All members in favor.

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Respectfully submitted by,

Kimberley McMahon  
ZBA Administrative Assistant