

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

March 3, 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, C. Kolakowski, N. Toussaint, A. Wine, and S. MacDonald, Alternate. Ken Taub is absent. S. MacDonald has full voting privileges for the entirety of the meeting. M. Waldron, Zoning Administrator/Code Enforcement Officer, is also present.

Minutes

February 4, 2020

MOTION: N. Toussaint

SECOND: A. Wine

RESOLVED, The Zoning Board of Appeals waives the reading of, and accepts the February 4, 2020 Minutes.

VOTE: Ayes: D. Eskoff, C. Kolakowski, N. Toussaint, A. Wine, and S. MacDonald

Noes: None

Abstain: None

Absent: K. Taub

OLD BUSINESS

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

**499 Maple Ave.
 Area Variance**

Applicant, Kimberly L'Heureux/Oxmoor Associates, LLC, and Agent, Corinna Martino PE, Martino Engineering, PLLC are present. D. Eskoff states that C. Martino has submitted a few different new items. C. Martino states that she submitted the septic inspection. The Planning Board will review that as part of their Site Plan Review process. She states that she also submitted revised narrative to clarify several things. At the Planning Board meeting it was discussed that her terminology, for the Zoning Code for the Town of Greenfield, should be strictly office. D. Eskoff asks if it is for office space then. C. Martino states that is correct. The terminology is now correct. D. Eskoff states that the ZBA has the septic inspection. C. Martino states correct. D. Eskoff states that the ZBA has the setback graphic. C. Martino states that it shows where the setbacks are so the Board can better see graphically. The narrative in its entirety has relatively not changed. D. Eskoff states that ZBA sent this project for referrals for Planning Board and they did report back to the ZBA and the County Planning Board and they reported back to the ZBA also. The ZBA has that information moving forward for a Public

Hearing. C. Kolakowski states the Planning Board mentioned, in their referral, the determination from Code Enforcement regarding frontage, side and the rear setbacks. D. Eskoff states that M. Waldron, Zoning Administrator, will be informing the ZBA of these determinations which are his purview. M. Waldron reads his zoning determination letter to the ZBA (letter on file in Building Department) for the variance amounts needed by the Applicants. M. Waldron also states the Assessor's Office is taxing this property for 0.61 acre not 0.68 acre in size. C. Martino had requested the relief provided by the surveyor but is now requesting what is shown on the Town of Greenfield Zoning at 0.61. D. Eskoff confirms that C. Martino would like the larger relief. C. Martino states yes. D. Eskoff states that the Board is looking at three things then: minimum lot size without sewer for 0.61 acre, front yard setback of 11.2', and a rear yard setback of 8.3'. S. MacDonald asks for a copy of the County Planning Board referral letter. D. Eskoff reiterates that the ZBA asked for referrals from the Town Planning Board and the County Planning Board and both have submitted back correspondence to the ZBA. The County Planning Board submitted correspondence on February 25, 2020 and correspondence from the Town Planning Board on February 27, 2020. A. Wine states that the ZBA received a lot of good information to make a determination.

MOTION: C. Kolakowski
SECOND: N. Toussaint

RESOLVED, that the Zoning Board of Appeals hereby accepts the Application of Patricia Ford & Kimberly L'Heureux/Oxmoor Associates, Case #1019, as complete for request for Area Variances for property located at 499 Route 9, TM # 153.13-1-4, and sets a Public Hearing for April 7, 2020 at 7:00 p.m.

VOTE: Ayes: D. Eskoff, C. Kolakowski, N. Toussaint, A. Wine and S. MacDonald
Noes: None
Abstain: None
Absent: K. Taub

OLD BUSINESS & PUBLIC HEARING

Gupta-Carlson, J. & H. Case #1017
TM# 137.-2-36.12

141 Squashville Road
Area Variance

Jim and Himanee Gupta-Carlson are present. D. Eskoff states that the ZBA received correspondence from Stephanie Ferradino, Esq. which the ZBA has before them. She states K. McMahon's understanding was that the Applicants are withdrawing their Application, though the letter does not state that. J. Gupta-Carlson states no they are adjourning their Application. D. Eskoff states they are requesting an adjournment then for an undetermined time. She asks if potentially the Applicants will be back on the agenda for April. H. Gupta-Carlson states they will contact the Board. J. Gupta-Carlson states they or Ms. Ferradino will. D. Eskoff apologizes for any misunderstanding, she did not see the letter until a few minutes ago. D. Eskoff asks K. McMahon if she spoke to Ms. Ferradino. K. McMahon states she did briefly and thought she said the Applicants were withdrawing. She states that she has the letter and apologizes to the Applicants. H. Gupta-Carlson states that is ok. D. Eskoff states the ZBA will make a motion regarding the Applicants request for Board approval. She states that the ZBA would appreciate that this be in a reasonable time. M. Waldron states that he received an email today from S. Ferradino, Esq. asking for an appointment to meet with him on March 9, 2020. D. Eskoff states

obviously there has been some confusion on what was happening with this case. There were some people here tonight and others asking K. McMahon prior to this evening if there was a Public Hearing and it was her understanding the Applicants were withdrawing their Application. The ZBA will move forward with a formal adjournment. C. Kolakowski asks because it is adjourned does the Board have re-notice the Public Hearing. D. Eskoff states that the ZBA adjourned it last month to be continued this month. She does not know given this now, K. McMahon can check with Town Counsel on that. The Board discusses the indefinite time frame. A. Wine asks if there language in place that the Applicants will notify the ZBA within a certain amount of time for the next meeting when they are ready to be in front of the ZBA. A. Wine states this is different than tabling. D. Eskoff states the Applicants are requesting that the ZBA adjourn meaning there is no Public Hearing tonight and the Board does not discuss anything other than what they are discussing now. A. Wine states that he understands. D. Eskoff states the ZBA waits to hear from the Applicants/Applicant's attorney. A. Wine states this is an indefinite thing does this need to be brought up in a month. D. Eskoff states that the ZBA might need to re-visit this within the next few months if they do not hear, she does not know and Town Counsel is not present tonight. H. Gupta-Carlson states that she would like to emphasize that the letter states what they are requesting. D. Eskoff reads S. Ferradino's letter. She states that K. McMahon has apologized for her misunderstanding. The Board discusses the motion for further adjournment. A. Wine states that placing the case back on the Agenda to continue the Public Hearing should be up to the ZBA. The Board agrees.

MOTION: D. Eskoff

SECOND: S. MacDonald

RESOLVED, The Zoning Board of Appeals hereby acknowledges receipt of correspondence from S. Ferradino, Esq., for the Applicants Jim and Himanee Gupta-Carlson, dated March 2, 2020, and the in-person request made by the Applicants Jim and Himanee Gupta-Carlson on March 3, 2020, to adjourn the Public Hearing for Case #1017, request for Area Variances for property located at 141 Squashville Road, TM#137.-2-36.112. The Public Hearing for Case #1017 is further adjourned until the Zoning Board of Appeals reinstates this case to the Agenda for continuance of the Public Hearing.

VOTE: Ayes: D. Eskoff, C. Kolakowski, N. Toussaint, A. Wine and S. MacDonald

Noes: None

Abstain: None

Absent: K. Taub

Meeting adjourned at 7:22 p.m. All members in favor.

Respectfully submitted by,

Kimberley McMahon
ZBA Secretary

