

**TOWN OF DEERFIELD  
ZONING BOARD OF APPEALS**

**Minutes of April 16, 1998**

**Members present: F. Olszewski, Acting Chair; R. Sadoski; S. Barrett, Clerk Pro Tem; L. Grybko, Sr.; C. Sakowicz**  
**Also present: Town Counsel, Bud Pepyne;**

**Discussion began regarding approval of the previous meeting's minutes (March 26, 1998). Grybko disputed section of minutes regarding who owns the tower on the Town's property abutting Delta Material's land. Grybko made a motion to delete this section. No one seconded this motion. Approval of Minutes postponed until all members involved could give approval.**

**Meeting called to order for public hearing on the application of Steven C. Upton, for a variance, 179-4(F)(1) to maintain two gazebos closer than fifty feet from Plain Road East on the premises of the Yankee Candle Co., Inc. located at the corner of Mill Village Rd. and Plain Road East, S. Deerfield.**

**Mr. Pepyne said that it should be noted that Sadoski directs traffic for Yankee Candle and Barrett sells bags to them and asked if there were any objections to these two members participating in this hearing. No objections were heard.**

**Mr. Upton stated that he is requesting a variance for the placement of the two gazebos. When he submitted the building permit application, he had the front of the building setback of 50' on Mill Village Road and side setback of 25' from Plain Road East forgetting that Plain Road East is also a town road and that the setback should have been 50'. He stated that the gazebos are obscured from vision because of pine trees and that they could not have been placed anywhere else because of the septic system and parking area is at a premium. They are also located off the break area which was their intended purpose. Mr. Richard Asmann, Building Commissioner, stated that he also was at fault for not catching the mistake. He looked at application showing 55' setback to Plain Road East. He didn't look at the second map showing a 25' setback.**

**Sakowicz made a motion that a variance pursuant to 179-4(F)(1) for 25' setback from Plain Road East be granted to Steven Upton. Barrett seconded motion. Vote was unanimous, 5-0 for granting variance.**

**Motion made to close meeting and seconded.**

**Respectfully submitted by,**

**Julie Gray**

