

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

**April 3, 2012**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Joseph Szpak at 7:30 p.m. On roll call the following members are present: Michelle Granger, Joseph Szpak, and Denise Eskoff, Alternate. Taylor Conard, Paul Lunde and Kevin Veitch are absent.

---

**March 6, 2012 MINUTES**

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of March 6, 2012, as submitted.

VOTE: Ayes: Eskoff, Granger, Szpak

Noes: None

Absent: Conard, Lunde, Veitch

---

**NEW BUSINESS**

**LEIGH O'CONNOR – Area Variance, Case #885**

Locust Grove Road

Leigh O'Connor is not present. J. Szpak reviews that the applicant would like to subdivide two lots into three. One of which would be a 6-acer keyhole lot and the other two would be 2.45-acre lots. D. Eskoff states that the application appears to be in order. L. O'Connor arrives. J. Szpak reviews with the applicant that he would like to create three lots and area variances are required. M. Granger agrees that the application appears to be complete.

**RESOLUTION – L. O'Connor – Area Variance**

MOTION: D. Eskoff

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Leigh O'Connor for area variances for property located at 928 and 932 Locust Grove Road, TM# 112.-2-25.1 and TM#112.-2-25.2, as complete and sets a public hearing for May 1, 2012 at 7:30 p.m.

VOTE: Ayes: Eskoff, Granger, Szpak

Noes: None

Absent: Conard, Lunde, Veitch

---

**STEPHEN JAMES – Area Variance, Case #886**

Bockes Road

Stephen James is present. J. Szpak reviews that the applicant would like to build a shed on an existing small lot. M. Granger asks if there are neighbors and how close neighboring structures are to the April 3, 2012

subject property. She asks that a new drawing be submitted with the distances to the neighboring structures. D. Eskoff states that the SEQRA form needs to be dated.

**RESOLUTION – S. James, Area Variance**

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals accepts the application of Stephen James for area variances for property located at 192 Bockes Road, TM# 137.-2-23.2, as complete and sets a public hearing for May 1, 2012 at 7:30 p.m., contingent upon receipt of:

- **Plot plan showing distances to neighboring structures**
- **Signature page of SEQRA must be dated**

VOTE: Ayes: Eskoff, Granger, Szpak

Noes: None

Absent: Conard, Lunde, Veitch

---

**LAURA FARRAR & PAUL PILECKAS – Area Variance, Case#887**

Sand Hill Road

Laura Farrar and Paul Pileckas are present. J. Szpak reviews that the applicants are seeking an area variance to install an inground pool. M. Granger requests distances to neighboring structures. L. Farrar states that she will provide that information. D. Eskoff states that the application appears to be in order.

**RESOLUTION – L. Farrar & P. Pileckas, Area Variance**

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals accepts the application of Laura Farrar and Paul Pileckas for an area variance for property located at 482 Sand Hill Road, TM# 137.-1-42.122, as complete and sets a public hearing for May 1, 2012 at 7:30 p.m., contingent upon receipt of:

- **Plot plan showing distances to neighboring structures**

VOTE: Ayes: Eskoff, Granger, Szpak

Noes: None

Absent: Conard, Lunde, Veitch

---

**OLD BUSINESS**

**BONNIE & GARY MIDDLEBROOK – Area Variance, Case#883**

Plank Road

Bonnie and Gary Middlebrook are present. J. Szpak opens a public hearing at 7:40 p.m. There being no public comments, this public hearing is closed at 7:41 p.m.

M. Granger states that this appears to be an appropriate variance, it is not substantial and it would also be an improvement to the area. J. Szpak reviews that the variances being requested are a right side yard setback variance of 17' and a front setback variance of 16'.

April 3, 2012

**RESOLUTION – B. & G. Middlebrook, Area Variance**

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals approves the application of Bonnie & Gary Middlebrook for area variances for property located at 72 Plank Road, TM#124.-1-33 as follows:

- **Right side yard setback variance of 17'**
- **Front yard setback variance of 16'**

This approval is based on the following criteria:

- **Benefit cannot be achieved by other means feasible to the applicant**
- **No undesirable change to in the neighborhood character or to nearby properties**
- **It is not substantial**
- **No adverse physical or environmental effects**
- **This is not self created, the new home will be built in the same location as the existing home**

VOTE: Ayes: Eskoff, Granger, Szpak

Noes: None

Absent: Conard, Lunde, Veitch

---

**CYNTHIA UPPLING – Use Variance, Case#884**

Coy Road

Cynthia Uppling is present. J. Szpak reviews that this application is for a use variance, a new use for the property for a registered repair shop. C. Uppling requests that the application be adjourned to the next meeting, as there has been a change to the business plan. R. Rowland explains that the public hearing must be opened as advertised, the public can either speak tonight or the public hearing can be kept open to the next meeting.

A public hearing is opened at 7:45 p.m. Vernon Dejnozka and Henry Dejnozka are present. A letter is on file. V. Dejnozka presents the Board with photos and states that the property is being used for salvage. He states that the property slopes towards his father, Henry Dejnozka's house. D. Eskoff asks where the house is located in relation to these photos. V. Dejnozka states that the concern is for the well. If they do have a repair shop or salvage, the vehicles are going to be in a condition where they can leak and in the winter when the ground is frozen fluids would run in their direction. He states that the applicant has been taking stuff in and out on flatbeds. H. Dejnozka states that the water table fluctuates up and down, but the lay of the land is that it is downhill and ethylene glycol, or transmission fluid, is a deadly poison. He states that he is 88 years old so he is not concerned about himself but he is concerned for future generations. Who wants to drink ethylene glycol, because it is a deadly poison? He states that it is also the noise. His wife has difficulty sleeping and they are proposing 24 hour towing. V. Dejnozka states that the Town recently increased the size of the lots to 6 acres and that is good as far as keeping everything country-ish. He states that with keeping that in mind, a salvage or auto repair shop doesn't fit in. He comments that we do have two businesses already – Gaba Brothers and Cornell's – who are both in business. There are also 2 repair shops in Middle Grove – Ryan Christopher's and Mike Baldwin's. He does not see the need for another shop. Why infringe on an area that is zoned residential and the mines are bad enough up there. There have been spills there where the Town of Greenfield has been called in. M. Granger asks where the business cards were obtained. V. Dejnozka states that his wife obtained them. M. Granger states that she did notice that there were a number of vehicles on the property when she went to look at it today. V. Dejnozka states that April 3, 2012

they have not been pulling in and out as much, it has been slower. H. Dejnozka states that when they unload the damaged cars it makes a terrible noise and it can be at any time of day or night. V. Dejnozka states that he did have two mobile homes for rent and they decided that they did not want them there due to the image of the neighborhood. There are lots there with septic and electricity but they decided not to have them. They have been trying to upgrade. H. Dejnozka states that when the well was put in, they went down 65' and he asked if there was enough water for 5 trailers. He was told that they could not pump the aquifer dry; they had 35 gallons of water a minute. He states that he does not want someone to come in and ruin the drinking water. V. Dejnozka states that the Town did condemn a house up the road and it was torn down, it was just not good for the neighborhood. He states that they were glad to see that happen and that there have been a lot of upgrades going on in the neighborhood. H. Dejnozka states that a beautiful house was built in its place and it has increased the value of all the homes in the neighborhood. People want to move into clean places. V. Dejnozka asks if they should come back for the next meeting. J. Szpak states that they can if they would like. Jack Miller, Coy Road, questions if there have been any complaints about the existing permit. He states that it is 20 years old. M. Granger states that D. Chandler received a special use permit when the zoning changed. J. Miller states that is true and then it was transferred to Jason Miller. He states that D. Chandler used it as a repair shop for heavy equipment and storage for a great number of years. J. Szpak states that he does not know if there were any complaints regarding the property, as the Zoning Board of Appeals is not a compliance board, we would have to research that. J. Miller states that the permit the applicant is seeking is to amend Jason Miller's permit. D. Eskoff states that it is changing it from a special use permit. J. Miller states that they all include the same thing – gasoline, oil and antifreeze. D. Eskoff states that the issue is a legal one – it is the difference between a special use permit and a use variance. While those aspects may come into comparison, legally they are not the same threshold. We are looking at a totally different legal threshold than what the Planning Board was looking at. They were looking at something that was harmonious to the area; it was before the zoning changed and there was also the excavation pit behind it, the gravel pit, which is related - the excavation. There are ties along that line. Now we are looking at something completely different in a residentially zoned area that has an overlay for the gravel pit, so that changed. It is difficult to take what is there now out of it, but as far as what we are looking at, we have different criteria and tests that have to be met. J. Szpak states that he thinks that K. Veitch gave the applicant the criteria the last time the applicant was here. He briefly reviews the criteria. J. Miller states that the use of this property at this site for this type has existed for a number of years. D. Eskoff states that even if it has, environmental type concerns, health concerns can come up at any time and if we are at the point where the property has changed or someone is requesting something different, they will be brought into it, the applicant has filled out the SEQRA application, they are changing their application and that will have to be amended, so DEC is going to be involved to some level and you basically go back to square one, and that is where we are. Even though the history is important, we are still at a new threshold. J. Szpak states that what J. Miller is trying to say is that there has been a business there for quite some time and he does not know of any issues or complaints that have existed. V. Dejnozka states that a business has been there all these years, he was a friend of D. Chandler's and at the time they did agree with the special use permit. It was supposed to be just for a garage for his vehicles, but it has expanded through the years. D. Chandler had a flatbed truck, a dump truck, a backhoe, a jeep, a recreational vehicle; none of which were damaged and now the applicant is bringing in damaged vehicles. Darian Boghosian states that he has been looking at the zoning map and V. Dejnozka brought up Gaba's, which is in the Town of Milton. M. Granger states that this is a public hearing and we are not here to discuss the merits of the application. D. Boghosian questions that Cornell's is also in a residential area. M. Granger states that she thinks that we are beginning to discuss the application and the purpose of this is the public hearing. J. Szpak states that if D. Boghosian wants to go on record with a statement, that is fine. If he has relevant information to this case, he can state it to the Board. D. Boghosian states that Cornell's is in a residential zone and it is being allowed as a full-blown junkyard. Mary Carol Roods, property owner on Coy Road, states that her concern is for the devaluation of property. She states that it is her understanding that a special use permit ends when a property changes hands. A use variance continues with the property when it changes hands. It concerns her that the property would be devalued if there is commercial activity going on. She states that if this use were approved she is concerned

that different kinds of uses might be applied in the future. There being no further public comments, this public hearing is adjourned to May 1, 2012.

**RESOLUTION – C. Uppling, Use Variance**

MOTION:

SECOND:

RESOLVED, that the Zoning Board of Appeals adjourns the application of Cynthia Uppling for property located at 328 Coy Road, TM#149.-2-2.11 to May 1, 2012, contingent upon:

- **Receipt of amendment to application**

VOTE: Ayes: Eskoff, Granger, Szpak

Noes: None

Absent: Conard, Lunde, Veitch

---

Meeting adjourned 8:06 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland