

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
DECEMBER 18, 2023**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present Byron Elias, Karen Stanislaus, Lenora Murad, and Daniel McNamara. Board Members absent: Tim Tallman and Michele Mandia. Also in attendance were Town Attorney Herbert Cully, Christina Lacy, Admin., and Secretary Dory Shaw. Everyone in attendance recited the Pledge of Allegiance. Chairman Bogar introduced the Board Members and explained the procedures for tonight's meeting. He further explained that two Board Members were absent and it is up to the applicant whether to proceed without a full Board.

The application of **Nihad Erzaij, 4 Ealy Avenue, New Hartford, New York**. The application of Nihad Erzaij, 4 Ealy Avenue, New Hartford, New York. The applicant is seeking a 5' 7"± left side yard Area Variance for the 22' x 16'± addition off the back of the pre-existing, non-conforming building. The left side of the home is well into the side yard setback, therefore, the structure is pre-existing, non-conforming as it does not meet the requirements of the lot development standards. The new addition will meet the rear yard setbacks. Tax Map #329.010-3-16; Zoning: Medium Density Residential. Mr. Nihad Erzaij, Ms. Yasmeen Farran and Mr. Zaid Erzaij appeared before the Board.

Ms. Farran approached the Board and interpreted what her brother-in-law (Nihad) is planning to construct. The existing kitchen is very small and would not work with the size of his family. The house needs renovations as well. The addition will be straight back from the existing structure. Plans were presented with the proposal. It is already a non-conforming structure. They use materials to match the existing home.

The Board Members did not have any questions. Mr. Steve Getz, Andover Avenue, called and said he had no problems with this request. Also, it was stated that Codes Officer Lary Gell had no concerns with this application. The Public Hearing closed at approximately 6:10 P.M.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response: no - all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response: no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;

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- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Motion was made by Board Member Karen Stanislaus to approve the application as presented, and that a Building Permit be obtained within one year of approval date; seconded by Board Member Byron Elias.
Vote taken:

Chairman Randy Bogar – yes
Board Member Karen Stanislaus – yes
Board Member Dan McNamara – yes

Board Member Byron Elias – yes
Board Member Lenora Murad – yes

Motion was **approved** by a vote of 5 – 0.

Board Member Byron Elias addressed the applicant and referred to the trailer placed in the front yard of this home, which is not allowed. The applicant said he will move this trailer from the front of the yard right away. He is planning to put in a driveway on the side of the house this summer. He will also clean up the property.

Minutes of the November 20, 2023 Zoning Board meeting were reviewed and approved by motion of Chairman Randy Bogar; seconded by Board Member Byron Elias. All in favor.

The meeting adjourned at approximately 6:30 P.M. by motion of Chairman Randy Bogar; seconded by Board Member Byron Elias. All in favor.

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

dbS