

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
APRIL 21, 2025**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present are Michele Mandia, Lenora Murad, Dominick Timpano, Dan McNamara, Byron Elias, and Michele DeTraglia. Also in attendance were Town Attorney Herbert Cully, Codes Officer George Farley, Darlene Abbatecola, Assessor, and Dory Shaw, Secretary. Chairman Bogar introduced the Board Members, and explained the procedures for tonight's meeting.

The application of **Mr. Frank Spartano, 9805 Roberts Road, Sauquoit, New York 13456**. Mr. Spartano is proposing to construct a 24'x32'± garage on his property. He has two existing accessory structures and this application will make a total of three (3), thus necessitating an Area Variance. Tax Map #350.000-2-45; Zoning: Agricultural. Mr. Spartano appeared before the Board.

Mr. Spartano explained that he needs this additional accessory building to house his truck, tractor and lawn mower. He's lived at this address for 36 years and has accumulated equipment to maintain his property. No commercial use. Farm equipment is placed in the other building. The structure will be 22' off the property line. His hobby is growing apples at this site. Adjacent to his property is a farmer and a cemetery.

Mention was made of Section 118.3g and whether a variance would be needed. Discussion ensued.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing ended at approximately 6:12 PM. Responses were received from Oneida County Planning and Oneida County DPW with no recommendations.

No further discussion was addressed with this application especially with the comment regarding Section 118.3g. Therefore, a motion was presented (and the Board Members agreed) by Board Member Lenora Murad to approve this application as presented; seconded by Board Member Michele Mandia. All in favor.

The application of **Mr. Tjaart Kruger, 8713 Tibbitts Road, New Hartford, New York**. Mr. Kruger is requesting to construct an addition to the rear of his home. This is an existing non-conforming lot which requires a 50' rear yard setback. A 28'± rear yard setback Area Variance is needed. Tax Map #339.000-1-43; Zoning: Agricultural. Mr. Kruger appeared before the Board.

Mr. Kruger explained that he needs the additional living space for a bedroom and bathroom suite - this will carry the same roofing. Everything will match with the existing house. He is in the process of purchasing 30'x40' from his wife's relative. It is a small lot which is already nonconforming. The issue is in the back of the property. A survey is being prepared.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing ended at approximately 6:25 PM. Response was received from and Oneida County DPW with no recommendations. The Board Members reviewed the following:

- 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;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: yes, all in agreement.

Motion was made by Board Member Dominick Timpano 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 Lenora Murad – yes
Board Member Dan McNamara - yes
Board Member Michele DeTraglia - yes

Board Member Dominick Timpano - yes
Board Member Michele Mandia - yes
Board Member Byron Elias – yes

Motion **approved** by a vote of 7 – 0.

The application of **Mr. Mario Sanchez, 198 ½ Valley View Road, New Hartford, New York.**

Mr. Sanchez is requesting to place a single family home on his property. Lot frontage requires 100 feet and Mr. Sanchez has 60.25 feet available. Therefore, he is seeking a 39.75± foot frontage Area Variance. Mr. Sanchez and Mr. Donald Ehre, PE appeared before the Board.

Mr. Ehre explained the history/situation with this property. There is a lot of land at this site and Mr. Sanchez wants to build a home (not near the road) but needs the additional frontage as required by Town Code. Mr. Sanchez explained he was told he could build at this site but would probably need a variance.

Discussion ensued regarding the proposed home which would set 210' from the road. Discussion also was held regarding the original subdivision for this property. Mr. Sanchez was not involved with the original subdivision.

Chairman Bogar asked if there was anyone present to address this application:

Mr. Anthony LaPaglia, 196 Valley View Road
Mr. Anthony Cappelli, 210 Valley View Road

These gentlemen came to the table and reviewed the paperwork that was submitted. Their concerns were privacy, location of the proposed home, vegetative screening.

Mr. Ehre explained that Mr. Sanchez picked the most suitable place for this home which is the least intrusive to him and his neighbors. This is the only home proposed at this site at this time. One of his children may want a home in the distant future. It was stated that there won't be a subdivision at Tax Map #340.007-1-45.

Considerable discussion ensued between the Board Members and residents present regarding the placement of the home, square footage, frontage and driveway width, and possible screening with trees. Board Member Byron Elias indicated his feelings regarding whether this actually required a variance – discussion continued.

Chairman Bogar stated that Oneida County Planning and Oneida County DPW had no recommendation. Letters were received from Ms. Sylvia Gentile of 202 Valey View Road and Mr. Tom Arcuri of 204 Valley view Road in opposition to this proposal. These copies have been made a part of the file and copies were also distributed to each Board Member. The Public Hearing ended at approximately 7:00 PM.

Town Attorney Cully explained the zoning and the frontage requirements.

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: possibly/disagree;
- 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: yes, 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: possibly, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: yes, all in agreement.

Motion was made by Board Member Dominick Timpano to **approve** the application as presented; and that a Building Permit be obtained within one year of approval date; seconded by Board Member Michele Mandia. Vote taken:

Chairman Randy Bogar – no
Board Member Lenora Murad – yes
Board Member Dan McNamara - no
Board Member Michele DeTraglia - yes

Board Member Dominick Timpano - yes
Board Member Michele Mandia - yes
Board Member Byron Elias – yes

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Motion **approved** by a vote of 5 - 2. There was no requirement for the placement of trees.

Draft minutes of the March 17, 2025 Zoning Board meeting were approved by Board Member Byron Elias; seconded by Chairman Randy Bogar. All in favor.

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

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