

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
MAY 19, 2025**

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

The application of **Mrs. Susan George, 12 Lindale Avenue, New Hartford, New York**. Mrs. George is proposing to construct a 36'x48'+ detached garage on her property to match her house. The proposed garage will be 9' over the required height of 15', thus, necessitating an Area Variance. Mrs. George is requesting a 9' height Area Variance. Tax Map #340.000-1-36.7; Zoning: RA Residential/Agricultural. Mrs. George appeared before the Board.

Mrs. George explained the need for this garage – they have 3 ½ acres and have plenty of space. The exterior will be the same look of her home but detached. This is for storage only – no commercial use. The driveway to this structure will be paved, and she addressed drainage on this site. She explained why this type of garage is needed for their use, etc. type of cars and maintenance – the second floor will be for stacked cars. She also explained the type of hydraulic lift.

Chairman Bogar asked if this could be accomplished any other way – Mrs. George said no and this is the best garage for their type of use. They have a few other vehicles at other locations but want to house them at her residence.

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

-Mr. Paul Sirtoli, 9435 Chapman Road. He addressed the height of a structure and what about other variance requests. Chairman Bogar explained each case is handled individually.

There being no further input, the Public Hearing ended at approximately 6:25 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;
- 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 Chairman Randy Bogar. Vote taken:

Chairman Randy Bogar – yes
Board Member Lenora Murad – yes
Board Member Dan McNamara - yes

Board Member Dominick Timpano - yes
Alternate Board Member John D’Amore - no
Board Member Michele DeTraglia – yes

Motion **approved** by a vote of 5 – 1.

Note: Board Member Byron Elias had indicated previously that he supports this application

The application of **Mr. Colin LaReaux, 53 Arlington Terrace, Utica, New York** (Town of New Hartford). Mr. LaReaux is proposing to install a circular driveway off of the current shared driveway. Maximum impervious surface is 40% and the proposed driveway will increase the percentage to 42.6%, thus a 2.6%± Area Variance is required. Tax Map #329.020-7-12; Zoning: Low Density Residential. Mr. LaReaux appeared before the Board.

Mr. LaReaux explained the layout of his property and that he gets along very nicely with his neighbor. He needs the additional space and he has very minimal room. He feels the variance isn’t intrusive. It fits into the neighborhood perfectly. He spoke with his neighbor, Mr. Moser, and he had no objection. He addressed the driveway where it started and ended. Any of the shared portion isn’t going to be touched.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing ended at approximately 6:35 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;
- 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 Lenora Murad to **approve** the application as presented; and that a Building Permit be obtained from the Highway Department within one year of approval date; seconded by Board Member Michele DeTraglia. Vote taken:

Chairman Randy Bogar – yes
Board Member Lenora Murad – yes
Board Member Dan McNamara - yes

Board Member Dominick Timpano - yes
Board Member Michele DeTraglia - yes
Alternate Board Member John D'Amore - abstained

Motion **approved** by a vote of 5 – 1 (abstention).

The application of **Mr. Mark Benson, 9515 Mallory Road, New Hartford, New York**. Mr. Benson is proposing to construct a 24' X 28'± two car garage on his property. The proposed garage will be 20' high. Maximum height allowed is 15'; therefore, a 5' Area Variance is required. Tax Map #340.000-4-30; Zoning: Residential/Agricultural. Mr. Benson appeared before the Board.

Mr. Benson explained the use for a woodworking hobby; they are trying to minimize the yard space. This would match the character of his home, an 21800 farm house. There is a barn on site. They need the square footage for his personal projects and cars. The second floor will be for storage only. This is no business, just personal. He has spoken with Mr. Frank Gerace who has no problem with this request.

Chairman Bogar asked if there was any other way to accomplish this without a variance – Mr. Benson said no because of the layout of the land. There is still about 25' from the garage to the property line. The barn will be painted red.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing ended at approximately 6:45 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;
- 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 Dan McNamara to **approve** the application as presented; and that a Building Permit be obtained within one year of approval date; and that the structure be painted red; seconded by Board Member Dominick Timpano. Vote taken:

Chairman Randy Bogar – yes

Board Member Dominick Timpano – yes

Board Member Lenora Murad – yes
Board Member Dan McNamara - yes

Board Member Michele DeTraglia - yes
Alternate Board Member John D’Amore – yes

Motion **approved** by a vote of 6 – 0.

The application of **Mr. Aldin Djozo, 1 Wadsworth Lane, Utica, New York (Town of New Hartford)**. Mr. Djozo is requesting to place a 6’ fence on his property, which is a corner lot. To install a fence in the front of the house, an Area Variance is required, thus, the Area Variance request. Tax Map #340.008-2-44; Zoning: Low Density Residential. Mr. Djozo appeared before the Board.

Mr. Djozo explained that he needs the fence for the safety of his children and animals. He doesn’t set too closely to the corner so traffic isn’t an issue. He showed the members where the fence will be placed. The fence will be inside the trees. The house sets further back.

Chairman Bogar has concerns with regard to the left side, the right of way. Discussion ensued regarding the amount of feet for the right of way. Mr. Djozo would like to get started right away installing this fence. Staff will contact the Highway Superintendent regarding the right of way.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing ended at approximately 7:05 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;
- 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 once we consult with the Town Attorney or Highway Superintendent to confirm the setback right of way; and that a Building Permit be obtained within one year of approval date; seconded by Alternate Board Member John D’Amore. Vote taken:

Chairman Randy Bogar – yes
Board Member Lenora Murad – yes
Board Member Dan McNamara - yes

Board Member Dominick Timpano - yes
Alternate Board Member John D’Amore - yes
Board Member Michele DeTraglia – yes

Motion **approved** by a vote of 6 – 0.

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Codes Officer George Farley will not issue the permit until he gets the information regarding the right of way.

NOTE: secretary Dory Shaw spoke with Highway Superintendent Rick Sherman on Tuesday morning, May 21, 2025 and he told her that the right of way is 25' from the center of the road on a Town road. Mr. Djozo was notified

Minutes of the April 21, 2025 Zoning Board meeting were approved by motion of Chairman Randy Bogar; seconded by Board Member Dominick Timpano. All in favor.

There being no further business, the meeting adjourned at approximately 7:30 P.M.

Respectfully submitted,

Dolores Shaw
Zoning Board Secretary

dbb