

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
APRIL 20, 2026**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present are Byron Elias, Michele DeTraglia, Lenora Murad, Michele Mandia, Dan McNamara and Dominick Timpano. Also in attendance were Town Board member David Reynolds, 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 **Mr. Bradley Fromma, 80 Pratt Avenue, Clark Mills, New York** (Town of New Hartford). Mr. Fromma is requesting to replace an existing garage with a 30 x 32± foot pole garage. The maximum height of an accessory structure is 15' and the proposed building will be 17'6"±. Therefore, the applicant is requesting a 2'6"± height Area Variance. Tax Map #315.000-4-1; Zoning: MH (Manufactured Housing). Mr. Fromma appeared before the Board.

Mr. Fromma explained why he needs this metal garage, i.e. he needs a 10' overhead door and for future use in case he has any changes. This size is basically for performance more than anything for the garage door height (he cannot have a 10' door without this variance, not enough clearance especially for the door opener). He will be taking down the garage there now as it has been there for over 100 years. This garage is for personal use only.

Discussion ensued as this Board has been receiving applications for additional garage height variances. (Discussion of why or how this height requirement was made was addressed).

Chairman Bogar opened the Public Hearing and asked if there was anyone in attendance to address this application. No one in attendance. The Public Hearing ended 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;
- 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 of Mr. Fromma as requested and a Building Permit obtained with one year of approval date; seconded by Board Member Michele Mandia. Vote taken:

Chairman Randy Bogar – yes

Board Member Byron Elias – yes

Board Member Michele DeTraglia - yes

Board Member Dan McNamara - yes

Dominick Timpano- yes

Board Member Lenora Murad- yes

Board Member Michele Mandia – yes

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

The application of **Dr. Matthew Sanchez** who is requesting a 40'± frontage Area Variance for property he owns on Cascade Drive for a proposed single family home with a garage. This property has 60' of frontage. Zoning in this area is Low Density Residential which requires 100' of frontage, thus, the 40'± Area Variance request. Tax Map #330.019-1-25; Acreage size: 51.9 Acres; Zoning: Low Density Residential. Mr. Donald D. Ehre, PE and Dr. Sanchez appeared before the Board.

Mr. Ehre presented the plan for the house and the property surrounding it. They like the view and placed the home for this reason. This home will be on 4.77 acres of this entire parcel. The previous owner of this property left 60' frontage rather than the required 100', thus, the variance request. Dr. Sanchez would like to construct a single family home on this parcel for his daughter. He referred to the location of the existing driveway, which is about 300' long. He referred to the slopes and contours of the area. He further explained the road situation. Also, Mr. Ehre explained the swale along the south side of the existing driveway with rip rap and which carries water back through the property. There is an existing culvert and a ditch line that was part of the original work. They will put in some catch basins to direct the water so it doesn't go on the driveway and not towards the neighbors in any direction. If this variance is granted, then the applicant goes to the Planning Board for subdivision approval.

Discussion ensued between the Board Members regarding water issues on Cascade Drive and what has transpired in the Town regarding this issue. Mr. Ehre addressed the issue as it pertains to this lot, which he feels will not affect the properties in the surrounding area. He also stated that the applicant is not the cause of the water issue. Less than 1% of the ground will be disturbed. Continuous discussion was held between the Board Members regarding the water issue on Cascade Drive, clogged areas, water runoff, possible other house placement location on the property, and a possible retention basin. There is no catch basin planned as there is one there already, and it is not feasible as this home shouldn't affect it. Chairman Bogar also commented about the location of the home, drainage, water issues, etc.

Town Attorney Cully asked if there is something they can do to accommodate the concerns of the residents because there is a water issue at the bottom of Cascade Drive. He also addressed the variance procedure and then the Planning Board subdivision review. Everyone at the Planning Board will be aware of the water issue, including the part time Town Engineer John Dunkle. The water issue comments continued.

Chairman Bogar opened the Public Hearing and asked if there was anyone in attendance to address this application.

-Mr. Kevin Collins, 22 Cascade Drive. He displayed pictures of water in his driveway – water accumulation gets worse every year. Water runs downhill and he is concerned about his home and the street. He has brought this issue to the Town and the problem still exists, minor things done but nothing permanent. This area is zoned Low Density Residential and that is why he built there. Where the potential house is going to be, the first 20' is pretty level then it grades down. He feels the applicant should have done their homework before buying this land with this 60' of frontage.

-Ms. Jennifer Bowman, 33 Cascade Drive. She has continually contacted her councilman, nothing done has fixed the pipes; flooding started many years ago and at one time the road washed away. There hasn't been a permanent fix. Water comes across the road – it is a recurring issue. Her sump pump runs continuously. She is concerned with additional development and increased water problems.

It was stated that there is no proof that this house would cause any additional problems. Discussion ensued whether it would or would not.

Chairman Bogar asked Mr. Ehre how long the driveway is, 300' total/gravel. Mr. Ehre explained that his client's property isn't going towards Ms. Bowman's property. He referred to the Town Highway Superintendent to take a look at this, as well as the Town's engineer.

-Ms. Sharon Piccone, 28 Cascade Drive. She questioned why they need a variance when they have a lot of land. The variance procedure was explained.

-Mr. Peter Gutowski, 31 Cascade Drive. Another issue is traffic on the road, a lot of curves. He is concerned about one home or maybe 3 or 4 more homes.

-Dr. Cicily Talerico, 38 Cascade Drive. She is on the upside of the water issue. Her concern is definitely water, and no one talked about the cleared space at the top – there are big drain pipes and also old metal pipes are coming down from where the farm was at the top. Where do the pipes go? Discussion ensued about the pipes and their function. Dr. Talerico did contact the Zoning Board secretary Dory Shaw to review the plan and made arrangements to review the application.

Mr. Ehre is assuming the pipes are field drains that farmers put in years ago. Mr. Ehre further explained this house does not create any additional water issues. He again stated that the Town should look at Cascade Drive as there are issues stated by the property owners.

-Dr. Talerico asked if there were any additional homes planned – Mr. Ehre said not at this time. Dr. Sanchez has other children but this is for one of his children to have a home. Dr. Talerico wants this area investigated further because there isn't a guarantee this won't create problems.

-Mrs. Tracey Collins, 22 Cascade Drive. She referred to the 40' request. The frontage requirement is 100' and that figure was determined for a reason.

Additional traffic was also brought up as an issue.

At this time, the Public Hearing closed at approximately 7:00 P.M.

County Planning 239 review was received with no comments.

Town Attorney Cully suggests giving a copy of the minutes to Highway Superintendent Rick Sherman and the Town Board members as well as the part time engineer, John Dunkle for their review.

Board Member Murad tried to explain the procedure of the Zoning Board for review and comment.

Chairman Bogar asked how long Dr. Sanchez has owned the property – since 2021.

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: yes, difference of opinion;
- 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, but part of the original property -response: difference of opinion;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: discussion ensued, difference of opinion;
- 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 not approve the application of Dr. Sanchez as requested; seconded by Chairman Randy Bogar. Vote taken:

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

Board Member Michele DeTraglia – yes
Board Member Dominick Timpano – no
Board Member Byron Elias – no

Vote was 4 no's and 3 yes. Motion was made to deny and did not carry.

The Board then, at this time, again 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: yes, difference of opinion;
- 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, but part of the original property -response: difference of opinion;

- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: discussion ensued, difference of opinion;
- 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 made by Board Member Byron Elias to **approve** the application of Dr. Sanchez as discussed subject to specific notices to the Planning Board as they are going to review the subdivision, but also steps be taken for storm water detention; seconded by Board Member Lenora Murad. Vote taken:

Board Member Byron Elias – yes
 Board Member Dan McNamara – no
 Board Member Michele DeTraglia – no
 Chairman Randy Bogar - no

Board Member Lenora Murad - yes
 Board Member Michele Mandia – yes
 Board Member Dominick Timpano – yes

Motion **passed** by a vote of 4 – 3.

Draft minutes of the February 23, 2026 Zoning Board meeting were approved by motion of Board Member Byron Elias; seconded by Chairman Randy Bogar. All in favor.

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

Respectfully submitted,

Dolores Shaw, Secretary
 Zoning Board of Appeals

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