

**MINUTES OF THE REGULAR MEETING  
ZONING BOARD OF APPEALS  
TOWN OF NEW HARTFORD MUNICIPAL BUILDING  
JANUARY 27, 2020**

The Regular Meeting was called to order at approximately 6:00 P.M. by Chairman Randy Bogar. Board Members present were John Montrose, Taras Tesak, Karen Stanislaus, Lenora Murad and Fred Kiehm. Board Member absent: Byron Elias. Also in attendance were Codes Officer Lary Gell, Councilman David Reynolds; Town Attorney Herbert Cully; 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 also explained that one Board Member is absent and it is up to the applicant whether to proceed.

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The application of **Mr. John D'Amore, 4067 State Route 12, New Hartford, New York**. Mr. D'Amore is seeking a quantity Area Variance to erect a 24' x 50' accessory structure on his property. This structure will be the 6<sup>th</sup> on the property, therefore, necessitating a quantity Area Variance. Also, the applicant is seeking a height Area Variance of 7'± to erect a 22'± tall building. Tax Map #338/000-3-33.2; Lot size: approximately 19.64 Acres; Zoning: Low Density Residential.

\*\*Applicant did not appear. Scheduled for the February 24, 2020 Zoning Board of Appeals meeting.

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The application of **Mr. Paul Serianni/Serianni Signs, for a sign at Mitsuba Restaurant, Consumer Square, 4759 Commercial Drive, New Hartford, New York**. The applicant is located in a C1 zoning district, which allows for a 41 square foot sign. They are seeking two Area Variances. 1) a 28± sf Area Variance for signage at the front of the building. Total square footage of the sign on the front of the building will be 69± square feet. 2) a 22± square foot Area Variance for signage for the back of the building facing the main driveway in and out of Consumer Square. Total square footage of the driveway sign will be 63± square feet. Mr. Paul Serianni appeared before the Board.

\*\*Applicant did not appear. Scheduled for the February 24, 2020 Zoning Board of Appeals meeting.

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The application of **Design Shop Signs & Graphics for Cell Phone Repair shop at 4848 Commercial Drive, New Hartford, New York**. The applicant is located in a C1 General Business zone which allows 32 square feet of signage. The applicant is seeking a 13± square foot Area Variance for signage at the front of the building. Total square footage of the new sign will be 45± square feet. Tax Map #317.013-3-18.4; Zoning: C1 General Commercial. Mr. Timothy O'Connor appeared before the Board.

Mr. O'Connor explained how the company wanted the logo to appear on the front of the building – there will be no signage on the rear of the building. The sign will be placed above the awning. It will be centered and look better.

Chairman Bogar asked if there was anyone in attendance for this application – no response. The Public Hearing ended at approximately 6:15 P.M.

Responses were received from OC Planning and NYSDOT with no comments. A call was received from a resident on Royal Brook Lane who wanted to make sure there was no sign lit on the back of the building – there is no sign in the back.

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 John Montrose to grant this application as requested/submitted; seconded by Board Member Karen Stanislaus; and that a Building Permit be obtained within one year of approval date. Vote taken:

Chairman Randy Bogar - yes  
Board Member John Montrose – yes  
Board Member Karen Stanislaus – yes

Board Member Fred Kiehm - yes  
Board Member Taras Tesak - yes  
Board Member Lenora Murad - yes

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

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\*\*Motion was made by Chairman Randy Bogar to postpone the applications of Mr. John D'Amore and Mr. Paul Serianni, without prejudice, to the February 24, 2020 Zoning Board meeting; seconded by Board Member Karen Stanislaus. All in favor.

Town of New Hartford  
Zoning Board of Appeals Minutes  
January 27, 2020  
Page 3

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Draft minutes of the November 18, 2019 Zoning Board meeting were approved by Board Member Karen Stanislaus; seconded by Board Member John Montrose. All in favor except Board Member Lenora Murad who was not at this meeting.

There being no further business, the meeting adjourned at approximately 6:25 P.M.

Respectfully submitted,

Dolores Shaw, Secretary  
Zoning Board of Appeals

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