

**MINUTES OF THE REGULAR MEETING  
ZONING BOARD OF APPEALS  
TOWN OF NEW HARTFORD MUNICIPAL BUILDING  
OCTOBER 19, 2020**

The Regular Meeting was called to order at approximately 6:00 P.M. by Acting Chairman Fred Kiehm. Board Members present were John Montrose, Lenora Murad, Michele Mandia, Byron Elias, and Karen Stanislaus. Absent: Chairman Randy Bogar. Also in attendance were Town Attorney Herbert Cully; and Secretary Dory Shaw. Everyone in attendance recited the Pledge of Allegiance. Acting Chairman Kiehm introduced the Board Members and explained the procedures for tonight's meeting. He also mentioned that one Board Member is absent and it is up to the applicant whether to proceed.

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The application of **Saxton Sign Corporation for Price Chopper, 4535 Commercial Drive, New Hartford, New York**. The applicant is located in a C1 zone which requires that the maximum signage area is 200 square feet per use, and the maximum wall sign is 100 square feet. The three existing signs are 299± square feet wall signs. The applicant has proposed a new main wall signage of 177± square feet. This and the replacement of two other wall signs will bring the signage total to 218± square feet wall signs. This will necessitate an Area Variance of 77± square feet on the main sign and an 18± square feet variance over the maximum allowable signage. Mr. Thomas Lee appeared before the Board representing Price Chopper.

Due to the State mandated restrictions, all attendees will be required to wear face masks continuously covering nose and mouth, and six (6) foot "social distancing" will be observed. Applicants and attendees must strictly adhere to the above and to the stated hearing time. The Town of New Hartford further reserves the right to limit the number of participants in each hearing.

Mr. Lee submitted a colored rendering of what the proposed signage will look like. He explained the wall signage request as Price Chopper is going to start advertising as Market 32. Also, the pharmacy sign needs to be displayed by law.

The Board Members reviewed the application and had no questions or concerns.

Acting Chairman Kiehm asked if there was anyone in attendance to address the application – no response. The Public Hearing was closed at approximately 6:10 P.M.

OC Planning 239 and NYSDOT responded and were received with no adverse comments.

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 John Montrose to approve this application as requested/submitted as the applicant has shown a need for the variance; seconded by Board Member Lenora Murad; and a Building Permit be obtained within one year of approval date. Vote taken:

Acting Chairman Fred Kiehm - yes  
Board Member Byron Elias – yes  
Board Member Lenora Murad – yes

Board Member John Montrose – yes  
Board Member Karen Stanislaus – yes  
Board Member Mandia - yes

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

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Draft minutes of the September 21, 2020 Zoning Board meeting were approved by motion of Board Member Byron Elias seconded by Board Member Lenora Murad. All in favor.

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There being no further business, the meeting adjourned at approximately 6:20 P.M.

Respectfully Submitted,

Dolores Shaw, Secretary  
Zoning Board of Appeals

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