

Minutes of the Regular Meeting
Zoning Board of Appeals
Town of New Hartford Municipal Building
March 15th, 2021

The regular meeting was called to order at approximately 6:00 P.M. by Chairman Randy Bogar. Board members present were: Michele Mandia, Byron Elias, John Montrose, Karen Stanislaus, and Fred Kiehm. Absent: Lenora Murad. Everyone in attendance recited the Pledge of Allegiance. Chairman Randy Bogar 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. The applicant will need four votes for approval.

The application of Mr. Mariano Jellencich II (CNY Sealcoating & Concrete) , 8142 Seneca Turnpike, Clinton, New York (Town of New Hartford). The applicant is applying for 174+/- sf of signage for a proposed use which is within the allowed amount for a sign. However, the applicant is seeking other allowances: a proposed 84+/- square foot LED freestanding /pylon sign (the Code only allows for a 62 sf sign). Therefore, the applicant is seeking a 22 +/- sf Area Variance for the LED free standing sign. Tax Map #328.000-2-17: Zoning: C2 Commercial Retail.

Mr. Mariano Jellencich appeared before the board. The sign will be 8 ft. out of the right of way. The sign will dim at night. He stated he wants to use the sign he already had and that the reason for this is to purchase a new sign would cost him \$100,000 which is cost prohibitive. The sign is the same as Danielle's sign which is located down the street on the same side of the road. It will stay lit 24/7 but will dim at night as he stated before. Business hours are Showroom – M-F 9am to 6pm. Saturday is 10 am to 4pm. The workers are on site 6am to 9 pm.

At this time the board opened up to the audience to which there were no comments from the audience. There was one email sent in by a neighbor who owns the property next to Mr. Jellencich II. Randy Williams sent a letter in that he is opposed to the application. His email is a part of the file.

The New York State DOT responded and the board made their comments a part of the file.

The board went through the criteria:

1. An undesirable change in the neighborhood or to nearby properties – response – no all in agreement.
2. The benefit sought by the applicant can be achieved by some method, other than an area variance – response – no – all in agreement.
3. The requested variance is substantial – response - no – all in agreement.
4. The proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood – response – no – all in agreement.
5. The alleged difficulty was self-created – response – no – all in agreement.

Motion was made by board member Karen Stanislaus to **approve** this application as requested: seconded by board member Michele Mandia. Vote taken:

Chairman Randy Bogar – Yes
Board member John Montrose- Yes
Board member Fred Kiehm – Yes
Board member Karen Stanislaus – Yes
Board member Byron Elias – Yes
Board member Michele Mandia – Yes

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

Motion was made by Board Member John Montrose to approve the minutes of the February 22nd, 2021 Zoning Board meeting; seconded by Board Member Michele Mandia. All in favor.

There being no further business, the meeting adjourned at approximately 6:20p.m.

Respectfully submitted,

Randy Bogar
Chairman Zoning Board of Appeals