

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
MAY 17, 2021**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present were Byron Elias, Lenora Murad, John Montrose, Michele Mandia, Karen Stanislaus, and Fred Kiehm. Also in attendance were Town Attorney Herbert Cully; Councilmen Richard Lenart and David Reynolds, 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.

The application of **Mr. Rocco F. Arcuri II, 533 Higby Road, New Hartford, New York**. Mr. Arcuri is proposing a 40' x 30'± (20' 6"± tall) accessory structure. This is located in a Residential/Agricultural district and the maximum height of an accessory building shall be one story or 15 feet – the highest height level shall be measured at the peak of the building. Therefore, the applicant is seeking a height Area Variance of 5' 6"± to construct the 40' x 30'± (20' 6"± high) accessory structure. Tax Map #340.000-2-29; Lot Size: approximately 2.2 Acres; Zoning: Residential/Agricultural. Mr. Arcuri appeared before the Board.

Mr. Arcuri explained that this building will be for personal use only, he has cars and equipment to store. The pole barn will be located far back in the yard. The structure and look will be like what he presented. He will have electric in it and it will have two doors in the front with a side door. The pole barn is ground level with a slab to get in.

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

-Ms. Sandra Bosco, 2127 Tilden Avenue. She wanted to know if it was visible from Tilden Avenue – answer is no.

-Ms. Joan Bohling, 2133 Tilden Avenue. She has no objection.

There being no further discussion, the Public Hearing closed at approximately 6:20 P.M. Oneida County Planning and Oneida County DPW had 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;
- 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: possibly.

Motion was made by Board Member John Montrose to **approve** this application as requested/submitted; and that a Building Permit be obtained within one year of approval date; seconded by Board Member Lenora Murad. Vote taken:

Chairman Randy Bogar - yes
Board Member Karen Stanislaus – yes
Board Member Byron Elias - yes
Board Member Michele Mandia - yes

Board Member John Montrose – yes
Board Member Fred Kiehm - yes
Board Member Lenora Murad – yes

Motion was **approved** by a vote of 7-0.

The application of **Mr. David Giglio, 211 Higby Road, Utica, New York (Town of New Hartford)**. Applicant is located in a LDR Zone district which in schedule “B” Lot Development Standards allow for a Maximum Impervious Surface for a dwelling unit of 40% (forty percent). Applicant has added approximately 3,692 \pm square feet of concrete driveway/parking area (prepared surface). The additional impervious area is for parking of vehicles and commercial registered, inspected trailers on a prepared surface. The additional impervious surface exceeds the statutory impervious surface area allowed by TONH Schedule “B”. Therefore the applicant is seeking an Area Variance of 8 % (eight percent) \pm Impervious Surface area allowance. Mr. Giglio appeared before the Board.

Mr. Giglio explained he is putting in a driveway around their house to the back which alleviates parking problems. He has four children and there are nine cars in the household. Higby Road is a treacherous road and he wants to keep his family safe. This would allow for a turnaround.

Board Member Murad questioned the exact location. The area in question is behind the house. Mr. Giglio mentioned he has a temporary trailer in the front of the house – that is not staying there.

Town Attorney Cully explained how this matter came up and why Mr. Giglio is before this Board. He explained the police report that was filed regarding spillage and how it was handled. He is creating extra impervious surface – it is a concern. Mr. Giglio explained what happened at that time, he was not at home and tried to handle it.

Discussion ensued regarding his son’s equipment and business and how they dispose of oil (it is a sealcoating business). His sons are in college and this is what they do for income. There are no customers that come to the house – they go on site. The trailer is parked there three months out of the year because the kids go back to school in August and the trailer is empty. Mr. Giglio referred to some of the pictures presented, the red trailer is his and they have a small trailer. The equipment would be in the back and out of the front of the house. The materials for this business is through Westmoreland and the truck is left with oil in it but never full. They clean it in a bucket, let it dry and discard it.

This application has been forwarded to the Town's contract engineer, John Dunkle, for his review. Mr. Giglio is paying for his service. He has asked for additional time to review the material and render a decision. Chairman Bogar felt it is important to get his report. Board Member Elias would like to table this application until such time as Mr. Dunkle can review it.

Mr. Giglio referred to the pool. He also stated there is no flooding problem on his property. He reiterated his needs the additional percentage for impervious. He stated the issue becomes storm water because he is on a hill.

Board Member Kiehm referred to a dry well. Mr. Giglio said there is one there now. He put it in a couple of years ago. The dry well is xx4x4. The runoff from the sidewalk goes into the dry well.

Mr. Giglio was asked, knowing your occupation and engineering background, did you consider all the possibilities before you did this – Mr. Giglio said he just wanted to keep moving along.

Mr. Giglio was asked if he was okay with waiting for the report from the Town's contract engineer – Mr. Giglio said yes.

Board Member Elias stated that if he had spillage that made it out to the street, he knows he has to take care of it. Mr. Giglio stated the tank was right next to the street then but now it is in the back. It was stated that you can't release oil anywhere. A question as to whether the NYSDEC was ever notified when this first happened. Town Attorney Cully stated to review the police report. It was stated that NYSDEC was not notified, and he also explained to everyone why this issue/application came up. Chairman Bogar wondered if this should have been reported to NYSDEC, but it was not.

Mr. Giglio was asked how long they have been working at this site – this is the third season.

Motion was made by Board Member Byron Elias to table this application until the next Zoning Board meeting and a report is received from the contract engineer John Dunkle; seconded by Chairman Randy Bogar. All in favor.

Minutes of the April 26, 2021 Zoning Board meeting were approved by Board Member Byron Elias; seconded by Chairman Randy Bogar. All in favor.

There being no further business, the meeting adjourned at approximately 7:00 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

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