

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
JUNE 21, 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; Councilman Richard Lenart, Codes Officer Lary Gell, 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. 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. Tax Map #329.020-7-50; Lot Size: 162' x 190'; Zoning: Low Density Residential. THIS ITEM WAS TABLED AT THE MAY 17, 2021 ZONING BOARD MEETING. Mr. Giglio appeared before the Board.

Mr. Giglio stated that he spoke with his neighbor at 209 Higby Road, Mr. Feldman, who supports his application and he would make himself available if needed. Board Member Elias read Mr. Al Swierczek's, P.E. (Mr. Giglio's engineer) remarks as well as remarks from the Town's contract Engineer, John Dunkle. Discussion ensued about the property, aesthetics, etc. Mr. Giglio stated that this property will be in the family forever and he will keep it looking good.

Codes Officer Gell asked Town Attorney Cully: does this require a grading permit? Answer: yes, if he is moving dirt; the Town Contract Engineer will check it. Mr. Giglio said he will make sure it is up to grade.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing closed at approximately 6:20 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; possibly, 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; possibly, difference of opinion;
- The requested variance is substantial – response: possibly, 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: possibly, 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: possibly, difference of opinion.

Motion was made by Board Member Michele Mandia to approve the 8% application as requested/submitted and that the recommendations of Town Contract Engineer John Dunkle be addressed; Also, that a Building Permit, if necessary, be obtained within one year of approval date; seconded by Board Member Lenora Murad. Vote taken:

Chairman Randy Bogar - no
Board Member Karen Stanislaus – yes
Board Member Byron Elias - no
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 5 – 2.

The application of **C. Lewis Tomaselli, Architects, for Mr. Wyatt Robinson, 13 Dixon Road, New Hartford, New York**. Mr. Robinson is proposing to build a 9'6"x17'± front porch. The proposed addition will extend into the existing non-conforming front yard setback area by 14'10"±. Therefore, the applicant is seeking a 14'10"± Area Variance into the front yard setback. Tax Map #328.012-2-24; Lot Size: 210'x120'; Zoning: Medium Density Residential. Mr. Chuck Tomaselli appeared before the Board.

Mr. Tomaselli presented a larger scale of the proposal. This is a non-conforming property. The drawings are based on tax maps and aerial photographs. They want an entrance way into the house. He referred to the peak but it is yet to be designed. Siding will match the existing home. Stairs are proposed on the driveway side of the home.

Discussion ensued regarding the eave height – Codes Officer Gell addressed it.

Chairman Bogar asked if there was anyone in attendance for the Public Hearing – Mr. Tomaselli presented signatures of neighbors who support this application:

14 Dixon Road; 18 Dixon Road; 15 Osborn Road; 14 Osborn Road; 13 Osborn Road

The Public Hearing closed at approximately 6:35 P.M.

Oneida County Planning 239 and NYSDOT had no 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: no, all in agreement.

Motion was made by Board Member Byron Elias to approve this application as requested/submitted; and that a Building Permit be obtained within one year of approval date; seconded by Board Member John Montrose. 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 **Olson Sign Company for Kohl's Department Store at 8625 Clinton Street, New Hartford, New York**. Total allowed sign per use is 200 sf, as well as not more than one exterior building mounted sign shall be permitted for each business on each wall facing a public street or private parking area. Also, a proposed replacement of 156± square feet of signage and the addition of a new 51± square foot new additional driveway wall signage over one of the front entrances of the structure. The applicant is seeking a 251± square foot Area Variance for their total allowed signage for the use and one more than the allowed wall signage to the parking lot side of the building. Tax Map #3316.020-1-13.2; Zoning: C1 General Commercial. Mr. Rich Olson appeared before the Board.

Mr. Olson referred to the packet sent to all Board Members and explained the new concept for Kohl's signage. He was asked about the sign facing Route 840 – it is just a panel change and does not require a variance.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing closed at approximately 6:10 P.M. Oneida County Planning 239 and NYSDOT had no issues with this request.

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 Michele Mandia 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.

Minutes of the May 17, 2021 Zoning Board of Appeals minutes were approved by Board Member Byron Elias; seconded by Board Member John Montrose. All in favor.

There being no further business, the meeting adjourned at approximately 6:45 PM.

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

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