

**MINUTES OF THE REGULAR MEETING  
ZONING BOARD OF APPEALS  
TOWN OF NEW HARTFORD MUNICIPAL BUILDING  
JULY 19, 2021**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present were Byron Elias, John Montrose, Michele Mandia, Karen Stanislaus, and Fred Kiehm. Board Member absent: Lenora Murad. Also in attendance were Town Supervisor Paul Miscione, Asst. Town Supervisor Anthony Trevisani, 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, and that we are down one Board Member. It is up to the applicant whether to proceed or try to wait for a full Board.

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The application of **Mr. James Toomey, Jr., 24 Liberty Avenue, Whitesboro, New York (Town of New Hartford)**. Mr. Toomey is requesting approval to build a 28' x 34'± garage with a second story storage at 21'± tall. This will require the applicant to seek a height Area Variance of 6'± to erect a 21'± tall garage with a second story storage trusses. Also, the applicant requires a quantity Area Variance to erect an additional accessory structure. Tax Map #316.016-5-61; Lot Size: 90' x 160'; Zoning: Medium Density Residential. Mr. Toomey appeared before the Board.

Mr. Toomey presented 18 signatures of surrounding residents who support his application. This has been made a part of the file. He presented a drawing of the proposed garage. The home was built years ago and there is limited storage. He is looking to renew the expired building permit as he did not proceed at that time – it was approved by Codes Officer Tom Rowlands. He is looking for additional storage for his possessions, i.e., cars, lawn mower, etc. The trusses will match the existing roof line. Materials will match his home.

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, NYSDOT, and OC DPW have no concerns. The Board Members asked about materials, etc. but had no major concerns.

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;
- 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 approve the application as requested/submitted; Also, that a Building Permit be obtained within one year of approval date; seconded by Board Member Michele Mandia. Vote taken:

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

Board Member John Montrose – yes  
Board Member Fred Kiehm - yes  
Board Member Michele Mandia – yes

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

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The application of **Sign Studio, Inc. for Hoffman Car Wash, 8538 Seneca Turnpike, New Hartford, New York**. The applicant is proposing a 162± square foot free standing pylon sign. The Code allows for 62 square feet of signage, therefore, this necessitates a 100± square foot Area Variance for the free standing/pylon sign. Further, total signage for the use allowed is 200 square feet. Applicant is applying for 162± square feet of freestanding sign plus the 66± square feet of wall signage for a total of 228.6± square feet of signage. Thus, this requires an additional Area Variance of 28.6± square feet for the allowed use. Tax Map #328.012-1-69; Zoning: C1 General Commercial. Mr. Ronald J. Levesque of Sign Studio appeared before the Board.

Mr. Levesque presented some business identification signs for the Board to review. He explained the logo, kiosks, free standing signs, and pylon signs. He explained where they are located on the property and for what purpose. He further explained the circulation process of entering and exiting this location and why the signs are designed for better traffic flow. On the back of the building there will be signs but it can't be seen from Seneca Turnpike.

Board Members Fred Kiehm, Byron Elias and Michele Mandia asked for clarification of the sign designs and exact locations. Entrance into the car wash is in the back and then around. One sign is on Seneca Turnpike and the rest of the signs are all building signs. He does not know the hours of operation yet but there will be hours designated; this facility is staffed. There are no bays, a single entrance, free vacuums on site. The pylon sign is a small portion LED and repeats every couple of minutes. Codes Officer Gell said there are regulations on LED signs and he will explain it to the applicant. It is outside of the NYSDOT easement area more than the required setback.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing ended at approximately 6:22 P.M. Oneida County Planning and NYSDOT have no concerns.

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 Michele Mandia to approve the application as requested/submitted; Also, that a Building Permit be obtained within one year of approval date; seconded by Board Member Fred Kiehm. Vote taken:

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

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

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The application of **Mrs. Joanne Donaruma Wade, 69 Ironwood Road, New Hartford, New York.** The applicant is proposing a 1740± square foot addition of living space and a 3 car garage to her home. The left side of the structure extends into the side yard setback requirements by 7± feet, which makes this non-conforming. This is located in a Low Density Residential zone. The placement of this addition meets the setback requirements other than the above referenced. Therefore, the applicant is seeking a 1740± square foot Area Variance for the construction of an addition to the existing non-conforming structure. Tax Map #340.001-2-35; Zoning: Low Density Residential. Mr. Paul Miscione appeared at the request of Mr. & Mrs. Wade.

Mr. Miscione presented the plans for the structure – they own all three parcels. When the Wade’s added their bedroom onto the house last year it made the property non-conforming and that is why they are here now. He is keeping Lot 1 as green space. He received calls from the neighbors and they were in support of the applicant. The Wade’s will now be comfortable with this addition. The building where the garage is will enhance the neighborhood, especially when you first come into the neighborhood. There is a single garage there but it is too small. Everything is going to move to the right side, there is plenty of room for this. All colors will be the same and roof line the same. Lots 2 and 3 were merged into one. The driveway will stay at the same location.

Chairman Bogar asked if there was anyone in attendance to address this application – no response. The Public Hearing ended at approximately 6:35 P.M. Oneida County Planning and Oneida County DPW had no comments.

The Board Members reviewed the application and had no questions.

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 Karen Stanislaus to approve the application as requested/submitted; Also, that a Building Permit be obtained within one year of approval date; seconded by Board Member Michele Mandia. Vote taken:

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

Board Member John Montrose – yes  
Board Member Fred Kiehm - yes  
Board Member Michele Mandia – yes

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

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Minutes of the June 21, 2021 Zoning Board meeting were approved by motion of Board Member Byron Elias; seconded by Board Member John Montrose. All in favor.

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There being no further business, the meeting adjourned at approximately 6:35 P.M.

Respectfully submitted,

Dolores Shaw, Secretary  
Zoning Board of Appeals

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