

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
FEBRUARY 28, 2022**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present Lenora Murad, John Montrose and Fred Kiehm. Board Member absent: Byron Elias, Karen Stanislaus and Michele Mandia. Also in attendance were Town Attorney Herbert Cully, Councilmen David Reynolds and Richard Lenart, Codes Officer Lary Gell, and 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. H. Daniel Morehouse, 16 Tennyson Road, New Hartford, New York**. The applicant is proposing to install a 12' x 16' shed 20'± into the required front yard setback. The applicant is seeking an Area Variance for the location of an accessory building in the front yard and a 20'± front yard setback Area Variance requirement. Tax Map #329.0123-3-32; Lot Size: 185' x 222'. Mr. H. Daniel Morehouse appeared before the Board.

Mr. Morehouse explained that he combined his lots. There is a right-of-way through the vacant lot. It is relatively flat there and he would like to place the shed at this location. He cannot place it anywhere else. He needs the shed for lawn equipment, etc. The Town owns the right-of-way. He is not sure about the color of the shed right now but it won't be anything bright.

Chairman Bogar asked if there was anyone present to address this application – no response. There was one phone call but it was just an inquiry. The Public Hearing ended at approximately 6:12 P.M. Oneida County Planning 239 and NYSDOT 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: no, all in agreement.

Motion was made by Board Member Fred Kiehm to **approve** the application as requested/submitted; also, that a Building Permit be obtained within one year of approval date; seconded by Board Member John Montrose. Vote taken:

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Chairman Randy Bogar - yes
Board Member John Montrose - yes
Board Member Karen Stanislaus -

Board Member Fred Kiehm - yes
Board Member Lenora Murad - yes

Motion was **approved** by a vote of 4 – 0.

The amended application of **Buell Fuels (Gulf Station), 28 Kellogg Road, New Hartford, New York**. The applicant has installed replacement signage. The replacement signage that was installed on the canopy is lit and not allowed by the Town Code without a variance. Being that the canopy has lit signage installed on them, this requires an Area Variance for the three 13 square feet \pm lighted signs on the canopy on each public face of the canopy for a total of 39 square feet \pm . With an additional variance allowing for the pump signage to exceed the exempt signage of 2.1 square feet \pm for a total of 4.2 square feet \pm on the pumps. Tax Map #339.015-1-15; Zoning: C2 Commercial Retail Business. This application was tabled at the Zoning Board meeting of January 24, 2022 to submit additional information. Mr. Thomas Kilts appeared before the Board.

Mr. Kilts explained that the hours of operation are 6:00 A.M. - 10:00 P.M. If this Board would like the lights off when closed, they are agreeable. If the hours ever change, he will contact this Board and Mr. Gell. Mr. Kilts supplied Codes Officer Gell with what he needed to continue the application and he thinks he has addressed the Board Member's concerns.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing ended at approximately 6:25 P.M. Oneida County Planning 239, Oneida County DPW and NYSDOT 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: possibly, 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 John Montrose to approve the application as requested/submitted; but that the lights are to be turned off at 10:00 P.M.; 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 Fred Kiehm – yes

Board Member John Montrose - yes
Board Member Lenora Murad - yes

Motion was **approved** by a vote of 4 – 0.

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Minutes of the January 24, 2022 meeting were approved by motion of John Montrose; seconded by Board Member Fred Kiehm. All in favor.

There being no further business, the Zoning Board meeting adjourned at approximately 6:30 P.M.

Note: A few people contacted the Board Members regarding an issue on Bolton Road. Town Attorney Cully explained the procedure to follow.

Respectfully submitted,

Dolores Shaw

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