

**MINUTES OF THE REGULAR MEETING  
ZONING BOARD OF APPEALS  
TOWN OF NEW HARTFORD MUNICIPAL BUILDING  
MAY 16, 2022**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present Byron Elias, Michele Mandia, Karen Stanislaus (6:15 PM), Fred Kiehm, and John Montrose. Board Member absent: Lenora Murad. Also in attendance were Town Attorney Herbert Cully, 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.

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The application of **Mr. Ralph Giovinazzo, 1 Morgan Lane, New Hartford, New York**. Mr. Giovinazzo is proposing a 6' tall privacy style fence 28'± into the side facing a road. The proposed fence will be 23'± off the edge of the road. Therefore, the applicant is seeking a 28'± Area Variance for a fence into the front yard area setback. Tax Map #338.008-2-18; Lot Size: 95' x 130'; Zoning: Low Density Residential. Mr. Ralph Giovinazzo appeared before the Board.

Mr. Giovinazzo explained that he is putting in a swimming pool shortly and needs the fence for safety and privacy reasons. They recently cut down trees on their property because they were unsafe. They want to extend their fence out 28' (he displayed a copy of the proposed 6' fence which has been made a part of the file). He explained the exact location of the fence by the neighbors. He contacted some neighbors and they do not have a problem with this request. He will put the lattice top fence in but would like a solid fence in the back.

Chairman Bogar asked if there was anyone present to address this application – no response. Secretary Dory Shaw read two letters that came in supporting this application:

-Tony & Kimberly Ferrucci, 26 Morgan Lane  
-Elizabeth Coombs, 11 Morgan Lane

which have been made a part of the file. The Public Hearing closed at approximately 6:10 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: 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** 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:

Chairman Randy Bogar – yes  
Board Member Fred Kiehm - yes  
Board Member John Montrose - yes

Board Member Michele Mandia - yes  
Board Member Byron Elias – yes

Motion was **approved** by a vote of 5 – 0.

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The application of **Mr. George Palmer, 9287 Sessions Road, Sauquoit, New York**. Mr. Palmer would like to place a shed on his property. He is located in a Residential/Agricultural area on a corner lot. He is proposing a 12' x 24'± pre-built shed 4 feet± in front of his home. Mr. Palmer is seeking a 28'± Area Variance into the front yard setback. Tax Map #349.000-2-1.2; Lot Size: 341' x 125'; Zoning: Residential/Agricultural. Mr. & Mrs. George Palmer appeared before the Board.

Mr. Palmer explained that there is no other place he can locate this shed – it is for residential purposes only. It will be an Amish shed placed in what they consider the back of the house. His neighbors did not have a problem with this request. He further explained the layout of his property.

Chairman Bogar asked if there was anyone present to address this application – no response. Secretary Dory Shaw read from an email from Elizabeth Van Dyk of 9288 Sessions Road who has no objection and which was made a part of the file. 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: 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** 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 Michele Mandia - yes
Board Member Fred Kiehm - yes	Board Member Byron Elias – yes
Board Member John Montrose - yes	

Motion was **approved** by a vote of 5 – 0.

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The application of **Mr. Richard Zalewski, 2 Gilbert Road, New Hartford, New York**. Mr. Zalewski is proposing a 5' wire mesh fence on his property at Gilbert and Paris Road. He is proposing this fence 33'± into the side facing Gilbert Road and 74'± into the Paris Road side. Therefore, the applicant is seeking an Area Variance for a fence into the front yard area setback. Tax Map #329.017-2-25; Lot Size: 1 Acre; Zoning: Low Density Residential. Mr. Zalewski appeared before the Board.

(Board Member Karen Stanislaus joined the meeting).

Mr. Zalewski explained that the fence is for the safety of his children – it is an existing open weave fence. He displayed photos of the fence. He is keeping the same fence. He has permission on the corner of Compton Road and he would like to keep the fence on the tree line. Also, along 30' on Paris Road side. He is just extending the length on the property. There is no change on Gilbert Road.

Chairman Bogar asked if there was anyone present to address this application – no response. Secretary Dory Shaw stated that an email was received from Melynda Freetage, 9 Longfellow Drive who opposes this fence. Mr. Zalewski gave the Board two letters of approval from his neighbors, Mr. Kevin Grant, 2 Gilbert Road and Mr. David Lemire, 6 Gilbert Road which were read into the file. There being no further input, the Public Hearing ended at approximately 6:25 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: 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 Fred Kiehm - yes  
Board Member John Montrose - yes

Board Member Michele Mandia - yes  
Board Member Byron Elias – yes  
Board Member Karen Stanislaus - yes

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

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Chairman Bogar referred to the packets given to the Board Members relating to a Public Hearing to be held at the June 27, 2022 Zoning Board meeting for a proposed solar farm on Oxford Road. Chairman Bogar encouraged the members to contact Mr. Scot Owens, who is the owner of this property.

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Minutes of the February 28, 2022 Zoning Board meeting were approved by motion of Board Member John Montrose; seconded by Board Member Byron Elias. All in favor.

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The meeting was adjourned by motion of Board Member Byron Elias; seconded by Board Member Michele Mandia at approximately 6:32 P.M. All in favor.

Respectfully submitted,

Dolores Shaw, Secretary  
Zoning Board of Appeals

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