

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
JUNE 20, 2022**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present Byron Elias, Karen Stanislaus, Fred Kiehm, and John Montrose. Board Members absent: Michele Mandia and Lenora Murad. Also in attendance were Town Attorney Herbert Cully, Councilman 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 **Ms. Mary Heintz, 7933 Seneca Turnpike, Clinton, New York (Town of New Hartford)**. Ms. Heintz is requesting a quantity Area Variance to install an inground pool which is considered an accessory structure. This will be the 3rd accessory structure on the property, thus, necessitating a quantity Area Variance of one additional structure. Tax Map #327.000-7-19; Lot Size: Approximately 1.9 Acres; Zoning: C2 Commercial Retail Business. Ms. Heintz appeared before the Board.

Ms. Heintz explained that she has almost two acres of property. There was a pool originally which had been taken down. When she found out that a variance was required, she completed the necessary paperwork. Ms. Heintz presented photos of her property and she has plenty of room for her structures. The pool is ready to be put in as soon as she gets approval. Her neighbors are in support of her application. Discussion ensued regarding a fence also. She was advised by the Board Members that she will not need a variance for a fence. The pool will be in the back of the house.

Chairman Bogar asked if there was anyone present to address this application. There being no response, the Public Hearing closed at approximately 6:15 P.M.

NYS DOT and Oneida County Planning 239 had no recommendations on this application.

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 John Montrose - yes
Board Member Fred Kiehm - yes	Board Member Byron Elias – yes
Board Member Karen Stanislaus - yes	

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

The application of **Mr. Michael Wileczka, 12 Homestead Court, Clinton, New York (Town of New Hartford)**. Mr. Wileczka is proposing a 6' tall privacy style fence 7 feet± into the side facing a road of the home. The proposed fence will be 43 feet± off the property line. Therefore, the applicant is seeking a 7 foot± Area Variance for a fence beyond the face of the house into the front yard area setback. Tax Map #328.005-1-7; Lot Size: 117' x 200'; Zoning: Low Density Residential. Mr. Wileczka appeared before the Board.

Mr. Wileczka explained that he is proposing to replace a 6' high stockade fence moving it approximately 8' from its current location toward Homestead Road East. He will need a 7' variance as he is moving into the front yard from the house 7' toward the road. He indicated that the reason he is doing this is he wants to place a deck adjacent to the pool and cannot do so in its current location. The fence is similar to the other fence already existing on the property.

He presented the Board with a list of neighbors who support this application.

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 Karen Stanislaus. Vote taken:

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

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Board Member Karen Stanislaus - yes

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

Minutes of the May 16, 2022 Zoning Board of Appeals were approved by Board Member Fred Kiehm; seconded by Board Member Karen Stanislaus. All in favor.

Chairman Randy Bogar reminded the Board Members about the Zoning Board of Appeals meeting/Public Hearing at 6:00 P.M. on Monday, June 27, 2022 for area variances for a proposed solar application at 3715 Oxford Road, New Hartford.

There being no further business, the meeting was adjourned by motion of Board Member Fred Kiehm; seconded by Board Member Karen Stanislaus. All in favor.

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

dbS