

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
DECEMBER 19, 2022**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present Byron Elias, Karen Stanislaus (telephone participation), Fred Kiehm, Lenora Murad and Michele Mandia. (One Board Member vacancy at this time). Also in attendance were Town Attorney Herbert Cully, Councilmen Richard Lenart and 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, in particular that we are down one Board Member due to John Montrose's retirement, and it is up to the applicant whether to proceed.

Chairman Bogar mentioned that John Montrose resigned from the Zoning Board of Appeals after over 20 years of being a member. We wish him well and thank him for the many hours he dedicated to the Town of New Hartford.

Town Attorney Cully explained that due to weather conditions Board Member Stanislaus could not make the meeting, however, she is available for phone participation.

Continuation of the application of **Ms. Judith DeFina, 201 Gilbert Road, New Hartford, New York.** Ms. DeFina is seeking Area Variances for an inground pool and fence on her property. Because this is a corner lot, she needs variances for the location of this pool and fence on the corner of Gilbert Road and Woodstream Court. Corner lots have two frontages, hence, the request for Area Variances at this location. It has been determined that she needs a 10'± front yard setback Area Variance for the pool and fence. Tax Map #339.001-1-6; Zoning: Low Density Residential. Ms. DeFina appeared before the Board with Mr. Phil Cittadino.

This application was tabled at the November 21, 2022 Zoning Board meeting for additional information/submittal. The Public Hearing was not closed at that time.

The Public Hearing reopened at 6:00 P.M. Ms. DeFina passed out additional information to the Board Members outlining the placement of the pool. She also displayed a picture of the fence, which is exactly like the neighbors and which she will connect her fence (her neighbor has no problem with the connection to their fence). She feels this pool will be of no danger to anyone. Ms. DeFina also stated that the fence could be 4' or 6', whichever the Board prefers.

Discussion ensued regarding placement of the fence and distance from the road. Board Member Elias reviewed the map layout with Ms. DeFina.

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Town Attorney Cully noticed that there is discrepancy with the write up of this application, and the variance is more like 47'. Because of this change, the write up will have to be resent to the newspaper and residents within 500' circumference re-notified. Also, while the applicant is here this evening, the

Board discussed an informal poll on how they felt regarding this change and how it affects her application.

Chairman Bogar had discussed this application with Highway Superintendent Rick Sherman who has concerns with water discharge in this area. Chairman Bogar doesn't want to see a worse situation. A question was asked about water discharge – it was stated that there is no back discharge so there is no problem. Mr. Cittadino referred to a catch basin near the property that catches water. He feels if there are storm water problems, this application shouldn't affect it.

Chairman Bogar has concerns with this application. Town Attorney Cully wanted to know how the Board felt about an informal vote as to how this new information works out for Ms. DeFina before another notice is sent out. After a discussion, motion was made to readvertise this variance application and meeting to held on January 23, 2023 with no cost to the applicant; seconded by Board Member Lenora Murad. All in favor.

Board Member Murad stated for the record that she and Ms. DeFina were once neighbors but she can be fair and impartial on this application.

Draft minutes of the November 21, 2022 meeting were received by each Board Member. Motion was made by Board Member Fred Kiehm to approve as received; seconded by Chairman Randy Bogar. All in favor. Board Member Murad abstained as she was not at the meeting.

There being no further business, the meeting adjourned at approximately 6:42 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

dbb