

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
JULY 17, 2023**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present Byron Elias, Tim Tallman, Karen Stanislaus, and Daniel McNamara. Board Members absent: Michele Mandia and Lenora Murad. Also in attendance were Town Attorney Herbert Cully, Codes Officer George Farley, 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. He explained that we are down two (2) Board Members and it is up to the applicant whether to proceed.

The application of **Mr. James D'Onofrio, 2 Compton Road, New Hartford, New York**. Mr. D'Onofrio is planning to construct a detached 24' x 26'± garage on the side yard. The maximum allowed height of a garage is 15'. The proposed garage is approximately 17'9"±. Therefore, the applicant is seeking a height Area Variance of approximately 2'9"±. Tax Map #329.017-2-38; Lot Size: approximately 1 Acre; Zoning: Low Density Residential. Mr. D'Onofrio appeared before the Board.

Mr. D'Onofrio explained the setup for the construction of this garage and how it will set on the property. He submitted drawings of the proposal. He needs this garage for his vehicles and extra storage. He spoke to his neighbor, Dr. Migliaccio, 123 Paris Road, and he supports his application. The outside will match the existing home. Mr. D'Onofrio explained the drainage at this site and it is addressed, he will enhance the drainage at this site.

Board Member Elias asked about if there will be stone on this garage. Mr. D'Onofrio said yes - he will make it aesthetically pleasing. Codes Officer Farley mentioned the stone will look good on this structure.

Chairman Bogar asked if there was anyone present to address this application - no response. 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, it benefits the area - 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 Tim Tallman to approve the application as presented, and 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 Tim Tallman – yes
Board Member Dan McNamara – yes

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

Motion was **passed** by a vote of 5 - 0.

The application of **Mr. Salvatore Mott (Salvatore’s Italian Bakery), 9270 Kellogg Road, New Hartford, New York**. Mr. Mott is proposing a 10’x28’ walk-in freezer that will extend 3’± beyond the existing concrete pad and roof line of the structure. A 10’x10’ walk-in cooler is proposed to be installed 5’± beyond the existing 5’ side walk at the end of the building into two (2) existing parking spaces. Therefore, the applicant is seeking an Area Variance for the addition of the two (2) walk-in units to a pre-existing non-conforming building. Tax Map #339.016-1-69; Zoning: C2 Commercial Retail Business. Mr. Mott appeared before the Board with Mr. Frank Cristiano (owner of the property).

Mr. Mott explained he is expanding his business and he needs the equipment necessary to proceed with his business. He explained the location of the coolers and why they have to be at this location. They will be placed where snow accumulation won’t be a problem. The owner of the property, Mr. Cristiano, is not opposed to this proposal. All interior will be for production.

Chairman Bogar asked if there was anyone present to address this application - no response. The Public Hearing closed at approximately 6:20 P.M. County Planning 239 and NYSDOT has no adverse comments regarding 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, it benefits the area - 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 presented, and that a Building Permit be obtained within one year of approval date; seconded by Board Member Dan McNamara. Vote taken.

Chairman Randy Bogar – yes
Board Member Tim Tallman – yes
Board Member Dan McNamara – yes

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

Motion was **passed** by a vote of 5 - 0.

The application of **Atomic Sign Works LLC, for property at 4488 Commercial Drive (proposed Mattress Express), New Hartford, New York** (property owned by 470 French Road LLC). Total allowed sign per use is 200 square feet. The applicant has two existing awning signs that they want to rebrand. Each existing awning sign is 220± square feet. One faces the driveway and the other at the front entrance/road side. Existing freestanding sign is 52± square feet - total for the use is 492± square feet. Therefore, the applicant is seeking an Area Variance of 292± square feet for their total allowed signage. Tax Map #328.011-1-15; Zoning: C1 General Commercial. Mr. Daniel Gill appeared before the Board.

Mr. Gill presented a colored sketch of what the proposed signage would look like. He is replacing the wording on the canopy to reflect the new business. He explained that when he spoke with Codes Officer Lary Gell he understood what was required for the variance. Nothing changes as far as size; everything stays the same except for the lettering. LED lighting is under the canopy and on at night. Signage is very necessary at this site as this business sets quite a distance from the road.

Chairman Bogar asked if there was anyone present to address this application - no response. The Public Hearing closed at approximately 6:25 P.M. County Planning 239 and NYSDOT has no adverse comments regarding 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, it benefits the area - 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.

Town of New Hartford
Zoning Board of Appeals Minutes
July 17, 2023
Page 4

Motion was made by Chairman Randy Bogar to approve the application as presented, and that a Building Permit be obtained within one year of approval date; seconded by Board Member Byron Elias. Vote taken.

Chairman Randy Bogar – yes
Board Member Tim Tallman – yes
Board Member Dan McNamara – yes

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

Motion was **passed** by a vote of 5 - 0.

Minutes of the June 19, 2023 meeting were approved by motion of Board Member Byron Elias; seconded by Board Member Karen Stanislaus. All in favor.

There being no further business, the meeting adjourned at approximately 6:46 P.M. .

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

dbS