

MINUTES OF THE REGULAR MEETING
FEBRUARY 27, 2006

The Regular Meeting was called to order by Chairman Randy Bogar at 7:00 P.M. Board Members present were Fred Kiehm, Kristen Shaheen, Bob Schulman, John Montrose and Steve Welty. Also in attendance was Codes Enforcement Officer Jerry Back, Councilman David Reynolds and Dolores Shaw, Secretary. Everyone in attendance recited the Pledge of Allegiance. Chairman Bogar introduced the Board Members and explained the procedures for tonight's meeting.

Chairman Bogar advised the applicants that this Board is minus one (1) Board Member and asked if they wanted to continue with their applications – each applicant proceeded.

The application of **Mr. Randolph B. Soggs, 8 Gilbert Road, New Hartford, New York**, Mr. Soggs is proposing to construct a 1,406 square foot addition onto his existing home. The addition will be 11' from the left side-yard property line. Zoning in this area is Low Density Residential, which requires a side-yard setback of 15', therefore, Mr. Soggs is requesting a 4' left side-yard setback Area Variance. Tax Map #329.017-2-28; Lot Size: 1 Acre; Zoning: Low Density Residential. Legal Notice was published in the Observer Dispatch on February 16, 2006 and residents within 500' were notified.

Mr. Soggs appeared before the Board with a display/sketch of the proposed addition. He is looking to increase the side of his home off the back of the garage with a second story. They would not be coming any closer to the property line than the existing structure. From the road, no one will see any difference in the structure. He mentioned how the house was originally constructed and why he is limited to where he can expand. They would like to construct a mud room and a family room – they need the additional storage also. Mr. Zalewski is his contractor who would match the new roof line with the existing home – materials will match the existing home. Mr. Soggs referred to the criteria and feels he met the requirements. He tried to construct this addition without the need for a variance, but it could not be accomplished.

Chairman Bogar asked if there was anyone present to address this application – there was no response. There were no calls or letters submitted regarding this application. The Public Hearing closed at 7:10 P.M.

The Board went through the criteria necessary for the granting of 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 – the addition will enhance the property.
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response: no because he would like to place it where it is aesthetically pleasing and due to the layout of the lot.
- The requested variance is substantial – response: no.
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – the response was no as it will enhance the area.
- The alleged difficulty was self created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no.

Motion was made by Board Member Steve Welty to grant the Area Variance as requested in that he has met the criteria; and that a Building Permit be obtained within one (1) year of approval date; seconded by Board Member Kristen Shaheen. Vote taken:

Chairman Randy Bogar – yes	Board Member Kristen Shaheen – yes
Board Member Bob Schulman – yes	Board Member Fred Kiehm – yes
Board Member Steve Welty – yes	Board Member John Montrose – yes

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

The application of **Mrs. Wendy Ventura, 9304 Sessions Road, Sauquoit, New York**. Mrs. Ventura is proposing to construct a 24' x 24' addition onto her existing home. Zoning in this area is Residential/Agricultural 2, which requires a 50' front-yard setback and a 25' side-yard setback, therefore, Mrs. Ventura is requesting a 10' front-yard setback Area Variance and a 15' side-yard setback Area Variance. Tax Map #349.008-1-6; Lot Size: 98' x 176'; Zoning: Residential/Agricultural 2. Legal Notice was published in the Observer Dispatch on February 16, 2006 and residents within 500' were notified.

Mr. Rick Ventura appeared before the Board with a sketch of the proposed addition. He explained that they ran into problems with foundation work, crumbling walls, etc. and needed to do something to provide them with additional living space. He is correcting some foundation problems that exist on the lot now. This addition makes it more feasible to utilize the garage. They also picked this type of addition because of the layout of the property (garage with living space above it). He will have two (2) 8' doors. They cannot expand anywhere else.

Board Member Shaheen asked about the existing roof line. Mr. Ventura said roof lines will all match and windows in the front will be replaced and all match. They want to make the house more aesthetically pleasing. New materials will match the existing house also (siding). He submitted letters from Mr. Frank Twitchell, 9300 Sessions Road and Mrs. Evelyn Malara of 9308 Sessions Road who support this application.

Mr. Ventura referred to his lot and the driveway situation that exists at this time. By means of the addition, he will be able to drive into the garage easily without making a turn. Mr. Ventura said he cannot accomplish this addition by any other means.

Chairman Bogar asked if there was anyone present to address this application – there was no response. The Public Hearing closed at 7:20 P.M.

The Board Members discussed this application and went through the criteria necessary for the granting of 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 – the addition will enhance the property.
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response: no because he would like to place it where it is aesthetically pleasing and due to the layout of the lot.
- The requested variance is substantial – response: no.
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – the response was no as it will enhance the area.
- The alleged difficulty was self created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no.

Motion was made by Board Member Fred Kiehm to grant the Area Variance as requested in that he has met the criteria and that Mr. Ventura clarified where the addition would be located; and that a Building Permit be obtained within one (1) year of approval date; seconded by Board Member John Montrose. Vote taken:

Chairman Randy Bogar – yes
Board Member Bob Schulman – yes
Board Member Steve Welty – yes

Board Member Kristen Shaheen – yes
Board Member Fred Kiehm – yes
Board Member John Montrose – yes

Motion approved by a vote of 6 – 0.

The application of Mr. Donald D. Ehre, PE, who is representing P3 Development, is proposing to convert the former **Karrat's Restaurant, 8181 Seneca Turnpike, Clinton, New York (Town of New Hartford)** into offices with the addition of approximately 2,732 square feet on the Midland Avenue side of the property. The applicant will need two (2) Area Variances:

- Zoning in this area is Planned Highway Business and the new addition will be approximately 3.8' off Midland Place. The front yard setback requirement in this zone is 50', therefore, the applicant will need a 46.4' front-yard setback Area Variance.
- With the proposed addition, the applicant will be covering approximately 67% of lot coverage. Zoning in this area requires a maximum of 50%, therefore, the applicant will need a 17% lot coverage Area Variance. Tax Map #328.005-4-33; Lot Size: .78 Acres; Zoning: Planned Highway Business.

Mr. Donald Ehre appeared before the Board with his client, Mr. Kevin Phillips. Mr. Ehre explained that the existing building is non-conforming and the addition would not be any closer to Midland Place than the existing building and it cannot be accomplished by any other means. He said Mr. Phillips would like to have offices at this site and referred to a sketch of the layout of the building/addition. He also referred to green space on the property. Mr. Ehre explained that they didn't want to go back any further with the addition because that would cause more of a reduction in green space. He also referred to the parking plan on the eastern part of the property (37 parking spaces) and zoning requires only twenty-eight (28) spaces.

Mr. Ehre presented photos of the site – this building hasn't been used as a restaurant for several years and is in need of repair. He also referred to the businesses in the area and also the residential homes. He also explained that the adjacent home is on a separate piece of property.

Mr. Phillips said would like to upgrade this building and lot and place his business in one office (a secretary and two (2) employees at this time). He has three (3) vans at this time with an anticipated growth for five (5) vans. He currently has his business on Court Street. They service air conditioning/heating units for schools, banks, etc. They do not store large equipment and it would be interior storage only – no outside storage. Also, no vehicles will be parked outside. He has vans that would come in from the Midland Avenue side to pick up service parts and then leave the site through the property to Seneca Turnpike – the vans are taken home by his employees – he explained that he needs the height of the garage because vans carry ladders on the roofs. Hours of

operation would be 8 AM to 5 PM, Monday thru Friday – no Saturdays or evenings. He explained that he doesn't know what tenant would be in the other area, but that he is looking for an office-type use. On the front of the building he would like to place tan stucco.

The Board Members asked Codes Enforcement Officer Jerry Back to read the allowed uses for this property (refer to Planned Highway Business Uses) and which uses, for example, are a restaurant, bank, tavern, etc. and which could create more traffic, longer hours of operation, etc.

Chairman Bogar asked if there was anyone present to address this application:

-Mr. Scott Whittemore, 9 Stratford Drive. He wanted an explanation of the proposed addition and what is meant by a non-conforming building. He is concerned about the safety of the children in the area and traffic as Midland Place is a narrow road. He is also concerned about vans coming to the building off Midland as he doesn't want any stacking of vans outside or parking on the street – he doesn't feel there is enough room for a van to pull into the garage. He asked the applicant to consider another means of access on the site. He also referred to water runoff problems on the site of some of the neighbors.

Mr. Whittemore was advised that this project, if approved, needed to appear before the Planning Board for Site Plan Review and such things as storm water runoff would be addressed. Mr. Ehre briefly explained storm water on this site.

-Mr. Don Midlam, 3 Midland Place. He explained that there is no other inlet there. Children get the school bus on the corner and he is concerned about their safety. Also, he is concerned about encroachment on a residential area and how it affects his property values. Mr. Midlam is worried about the possibility of tractor trailers coming onto the site. He would like to see better utilization of the inside of this property.

Mr. Midlam was made aware of the zoning of this property and adjacent properties by Codes Enforcement Officer Back.

Mr. Phillips stated that there would be no tractor trailers coming to the site. He and Mr. Ehre again explained how the vans would come into and also leave the site and they feel it is a better and safer approach to this property. Mr. Ehre also referred to the width of Midland Place and how it coincided with other Town roads.

Board Member Schulman referred to the uses that could be placed on this site without a variance.

-Mr. Jeff McDonald, 2 Midland Place. He is asking that something be done about water runoff as his property floods.

Mr. McDonald was advised to approach the Planning Board when this item was on the agenda.

-Mrs. Deborah Talerico, 6 Stratford Drive and Ms. Joan Green, 8 Stratford Drive – they are concerned about children walking to the bus stop.

The residents were advised to take their concerns to the School Board regarding the bus stop and perhaps something could be done about it.

County Planning Department 239 was returned with no comments.

There being no further comments, the Public Hearing ended at 8:25 P.M.

The Board Members reviewed the application and allowed uses on this site.

Mr. Whittemore asked the Board if he could make another comment as he wants this Board to know that most of them aren't opposed to the use, but are concerned about water runoff, traffic and safety.

Codes Enforcement Officer Back mentioned that he has had many complaints regarding the existing condition of this property and that Mr. Phillips intends to upgrade it.

Chairman Bogar had a concern about making a decision when we don't know what the other use is. Board Member Shaheen stated that Mr. Phillips can only put in something what the Code provides and he would have to come back if he didn't meet that Code.

The Board Members went through the criteria necessary for the granting of Area Variances:

- 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 – the addition will enhance the property and it is the best use for this location.
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response: no because of the lot and the existing building is non-conforming.
- The requested variance is substantial – response: there is a difference of opinion.
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – the response was that

this application has to be presented to the Planning Board for approval and Site Plan Review where runoff can be addressed.

- The alleged difficulty was self created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: yes.

Motion was made by Board Member Fred Kiehm to grant the Area Variance as requested in that he has met the criteria and that Mr. Phillips clarified where the addition would be located; and that a Building Permit be obtained within one (1) year of approval date; seconded by Board Member John Montrose. Vote taken:

Chairman Randy Bogar – no
Board Member Bob Schulman – yes
Board Member Steve Welty – yes

Board Member Kristen Shaheen – yes
Board Member Fred Kiehm – yes
Board Member John Montrose – yes

Motion approved by a vote of 5 – 1.

There being no further business, the meeting adjourned at 8:48 P.M.

Respectfully submitted,

Dolores Shaw
Secretary

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