

## MINUTES OF THE REGULAR MEETING

MAY 21, 2007

The Regular Meeting was called to order by Chairman Randy Bogar at 7:00 P.M. Board Members present were Tim Tallman, Fred Kiehm, Kristen Shaheen, Bob Schulman, John Montrose, and Board Member Steve Welty. Also in attendance were Councilmen David Reynolds, Codes Enforcement Officer Jerry Back 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. Anthony Munki, 6 Harrogate Road, New Hartford, New York**, who is requesting to put a new roof over the existing front porch of his home. This structure will set 21' 8" from the front property line. Zoning in this area is High Density Residential, which requires a 30' front yard setback, thus, the applicant is requesting an 8' 4" front yard setback Area Variance. Tax Map #339.011-3-42; Lot Size: 117' x 125'; Zoning: High Density Residential. Legal Notice was published in the Observer Dispatch on May 11, 2007 and residents within 500' were notified.

Mr. Munki appeared before the Board stating he wants to place a roof over an existing porch to enhance the appearance of the house and neighborhood. He displayed a sample of the vinyl shakes and color he would like to place on part of the front porch to blend in with the existing vinyl. The roof will match with the existing house also. Mr. Munki also presented pictures of other homes in his neighborhood with roofed porches.

Chairman Bogar asked if there was anyone present to address this application – there was no response. There were no calls received on this application. Therefore, the Public Hearing ended at 7:10 P.M.

The Board Members 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 benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response: no.
- 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.
- 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 Bob Schulman to approve this application with the condition that the siding and roof shingles presented tonight match the existing home; he feels that this will enhance the home and neighborhood; 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 Bob Schulman – yes
Board Member Fred Kiehm – yes	Board Member Kristen Shaheen – yes
Board Member John Montrose – yes	Board Member Tim Tallman – yes
Board Member Steve Welty - yes	

Motion **passed** by a vote of 7 – 0.

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The application of Mr. Jeff Peck for **Mr. Frank Tirado, 22 Sycamore Drive, New Hartford, New York**, who is requesting to construct an accessory apartment onto this residence. This area is zoned Medium Density Residential, which allows for an accessory apartment providing it does not exceed the size of the principal dwelling by 25%. Therefore, the applicant is seeking an Area Variance for 480 square feet. Tax Map #328.015-3-43; Lot Size: 70' x 267'; Zoning: Medium Density Residential. . Legal Notice was published in the Observer Dispatch on May 11, 2007 and residents within 500' were notified.

Mr. Jeff Peck explained what has transpired with this application at the Planning Board level (they received a Special Permit for the accessory apartment). Mr. Peck later found out that his clients needed an Area Variance because the addition cannot be more than 25% of the main residence. They would like to have a kitchen in the apartment as Mrs. Tirado's mother will be residing in that apartment. They will build an addition no matter what happens this evening, but they would like to have this kitchen as part of their plan. He checked with Mr. Donald Ehre, P.E., and although he has nothing in writing, he said Mr. Ehre thought they had 70% of green space. Mr. Ehre had also stated to him that this is the most feasible type of addition for them as if it is done differently, it could cause a problem because of the roof structure. There is a problem now and he would like to correct this.

Mr. Peck provided an aerial photo of the property which appeared to show that the general area has 70% of green space.

The Board Members discussed setback requirements, zoning in this area, etc. Discussion also ensued regarding enforcement of the in-law use for this apartment and what could transpire in the future. Codes Enforcement Officer Back explained how the Town addressed the introduction of the in-law/relative type apartment use to the zoning, and that an annual Certificate of Occupancy is required for this apartment.

Board Member Kristen Shaheen asked about whether they checked with the adjacent neighbors – Mrs. Tirado said she spoke to the neighbors most affected and they are not opposed, and the neighbors also received letters from the Zoning Office regarding this.

Codes Enforcement Officer Back said this is the second Public Hearing for this applicant as the Planning Board required one also.

Chairman Bogar asked if this addition could be downsized. Mr. Peck said no, that this is the least amount of square footage to accommodate what they need. Mr. Peck also advised the Board that he is providing a front entrance as well as a rear entrance for safety purposes. There will be a sidewalk from the front driveway to the front entrance.

Chairman Bogar asked if there was anyone in attendance regarding this application – there was no response. There were no calls received on this application. Therefore, the Public Hearing ended at 7:25 P.M.

The Board Members 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 benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response: no.
- 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.
- 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 approve this application as the applicant has shown a need for this addition; and that a Building Permit be obtained within one (1) year of approval date; seconded by Board Member Tim Tallman. Vote taken:

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

Board Member Bob Schulman – yes  
Board Member Kristen Shaheen – yes  
Board Member Tim Tallman – yes

Motion **passed** by a vote of 7 - 0.

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The Board Members discussed a change in the time of the Zoning Board meetings. It was the consensus of the Board Members to start meeting at 6:30 P.M. Motion was made by Chairman Randy Bogar to start the Zoning Board meetings at 6:30 P.M.; seconded by Board Member Kristen Shaheen. Vote taken:

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

Board Member Bob Schulman – yes  
Board Member Kristen Shaheen – yes  
Board Member Tim Tallman – yes

Motion **passed** by a vote of 7 - 0.

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There being no further business, the meeting adjourned at 7:50 P.M.

Respectfully submitted,

Dolores Shaw  
Secretary/Zoning Board of Appeals

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