

**MINUTES OF THE REGULAR MEETING**  
**ZONING BOARD OF APPEALS**  
**OCTOBER 27, 2008**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:30 P.M. Board Members present were Bob Schulman, John Montrose, Kristen Shaheen, Fred Kiehm and Tim Tallman. Absent: Board Member Kimberly Carolan-Faga. Also in attendance were Codes Enforcement Officer Joseph Booth, 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 also mentioned that there is one (1) Board Member absent and it was up to the applicants whether they would like to proceed.

\*\*\*\*\*

The application of **Mr. Stanley Badger, 22 Allman Place, New Hartford, New York**, who is requesting to construct a 7' x 16' roofed front porch onto his home. Zoning in this area is Medium Density Residential, which requires a 30' front yard setback and a 10' side-yard setback. Therefore, the applicant is seeking an 11.5' front yard setback Area Variance and a 5' right side-yard setback Area Variance. Tax Map #328.012-3-12; Lot Size: 50' x 130'; Zoning: Medium Density Residential. Legal Notice was published in the Observer Dispatch on October 17, 2008 and residents within 500' were notified. Mr. Badger appeared before the Board and presented photos of homes in his area with similar porches.

Mr. Badger wants to construct a traditional porch with a roof. He feels it would add to the character of his home as well as protect the front of his home. He is taking out the existing stoop – the new porch will not be in front of the bow window. Mr. Badger talked to some of his neighbors and they had no objection to his request.

Board Members Montrose and Tallman are concerned that the proposed steps at the location shown will come out too far from the front and they suggested placing them at another location (to the side). Mr. Badger would like the placement of the porch and steps as presented as he feels it would look nicer and have better access from the house. Mr. Badger said there will be a railing on the steps.

Chairman Bogar asked if there was anyone present to address this application – there was no response. However, Ms. Diane Wright, 18 Allman Place called Secretary Dory Shaw stating she had no objection.

The Public Hearing closed at 6:45 P.M. The Board Members discussed the application as presented and also other alternatives.

At this time, 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 – difference of opinion;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – no;
- The requested variance is substantial – difference of opinion;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – no;
- The alleged difficulty was self created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – difference of opinion.

Motion was made by Board Member Kristen Shaheen to accept the application as presented; and that a Building Permit be obtained within one (1) year of approval date; seconded by Board Member Fred Kiehm. Vote taken:

Chairman Randy Bogar – yes	Board Member Kristen Shaheen – yes
Board Member Fred Kiehm – yes	Board Member John Montrose – no
Board Member Tim Tallman – no	Board Member Bob Schulman – yes

Motion was **approved** by a vote of 4 – 2.

\*\*\*\*

The application of **Mrs. Jessica McNair, 79 Sanger Avenue, New Hartford, New York**, who is requesting to construct a 6' x 11' addition to the front of her home. Zoning in this area is Low Density Residential, which requires a 30' front yard setback. Therefore, the applicant is seeking a 9.7' front yard setback Area Variance. Legal Notice was published in the Observer Dispatch on October 17, 2008 and residents within 500' were notified. Mr. & Mrs. McNair appeared before the Board.

Mr. & Mrs. McNair explained that they need the additional living space. Mr. McNair presented information concerning this expansion and comments made by an architect. This is the most suitable place to construct this addition and where it would be the most aesthetically pleasing and least intrusive. They would like to square off the house and put on a new roof – this variance would allow them to do this. Mrs. McNair said the dimensions are different than what she thought, which is now 8' x 12'. The exterior materials would be vinyl sided.

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

Mr. Ryan Orilio, 81 Sanger Avenue – he supports this request

Secretary Dory Shaw received telephone calls from the following in support:

-Gail Evans, 7 Claridge Court	-Mark Stappenbeck, 61 Sanger Avenue
-Jane Reilly, 4 Terrace Hill Drive	-Katherine Stam, 58 Sanger Avenue
-Janet Hefferon, 2 Claridge Court	-Kate Ferguson, Claridge Court
-Adam Hovak, 4 Claridge Court	-Kathleen O'Brien, 3 Claridge Court

There being no further discussion, the Public Hearing closed at 7:00 P.M.

At this time, 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 – no;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – no;
- The requested variance is substantial –no;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – no;
- The alleged difficulty was self created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – no.

Motion was made by Board Member John Montrose to approve the application as presented; 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 Kristen Shaheen – yes
Board Member Fred Kiehm – yes	Board Member John Montrose – yes
Board Member Tim Tallman – yes	Board Member Bob Schulman – yes

Motion was **approved** by a vote of 6 - 0.

The application of **Mr. Michael Galligano, 9603 Sessions Road, Sauquoit, New York**, who is proposing to construct a 28' x 32' attached garage onto his existing home (corner lot). Zoning in this area is Agricultural, which requires a 25' side yard setback. The applicant is seeking a 7' right side-yard setback Area Variance. Tax Map #350.000-2-61.4; Lot Size: 100' x 132'; Zoning: Agricultural. Legal Notice was published in the Observer Dispatch on October 23, 2008 and residents within 500' were notified. Mr. Galligano appeared before the Board. Board Member Kristen Shaheen abstained from this portion of the meeting.

Mr. Galligano presented information, as well as a photo of his property, to the Board Members. He stated that there is no garage or shed on this site (the buildings shown in the photo belong to the adjacent property owner – he does not have any buildings on his lot). Mr. Galligano is a contractor but he works from another location. There will be no business activity at his home. He needs the garage for his vehicle and storage.

The Board Members reviewed the application and additional information.

Chairman Bogar asked if there was anyone present to address this application – there was no response. Secretary Dory Shaw received a response from Mrs. Peg Jones, 9611 Sessions Road, and she is in support of this application.

There being no further discussion, the Public Hearing closed at 7:10 P.M.

At this time, 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 – no;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – no;
- The requested variance is substantial – no;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – no;
- The alleged difficulty was self created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – no.

Motion was made by Board Member John Montrose to approve the application as presented; and that a Building Permit be obtained within one (1) year of approval date; seconded by Board Member Fred Kiehm. Vote taken:

Town of New Hartford  
Zoning Board of Appeals Minutes  
October 27, 2008  
Page 5

Chairman Randy Bogar – yes  
Board Member John Montrose – yes  
Board Member Bob Schulman – yes

Board Member Fred Kiehm – yes  
Board Member Tim Tallman – yes

Motion was **approved** by a vote of 5 – 0. (Board Member Kristen Shaheen abstained).

\*\*\*\*

There being no further business, the meeting adjourned at 7:20 P.M.

Chairman Bogar reminded the Board Members that the Zoning Board would meet at the New Hartford Library commencing with the November 17, 2008 meeting as the Kellogg Road Community Center Building is closed for the winter months.

\*\*\*\*

Respectfully submitted,

Dolores Shaw, Secretary  
Zoning Board of Appeals

dbS