

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
NOVEMBER 16, 2009**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present were John Montrose, Bob Schulman, Tim Tallman, George Koury and Karen Stanislaus. Board Member absent: Fred Kiehm. Also in attendance was Councilman David Reynolds, and Dory Shaw, Secretary. Everyone in attendance recited the Pledge of Allegiance. Chairman Bogar introduced the Board Members and explained the procedures for tonight's meeting.

The application of **Mr. Paul Gardner, 9336 Sessions Road, Sauquoit, New York** who is requesting a 14' x 24' addition onto his existing home for a living room/bedroom. Zoning in this area is Residential/Agricultural 2, which requires a 50' front yard setback and a 25' side-yard setback. Applicant is seeking a 30' front-yard Area Variance and a 5' right side-yard Area Variance. Section 118-69 of the Code prohibits expansion on a non-conforming building. Tax Map #349.008-1-13; Lot Size: 100' x 175'; Zoning: Residential/Agricultural 2. Legal Notice was published in the Observer Dispatch on November 6, 2009 and residents within 500' were notified. Mr. & Mrs. Paul Gardner and their designer, Mr. Mike Mead, appeared before the Board.

Mr. & Mrs. Gardner explained that they need the additional living space; their existing living room is only 10' x 10'. There are two (2) bedrooms upstairs and they need three (3). They presented photos of their home. Also, they want to center the existing vestibule and make it a little wider when the addition is constructed – this makes the house look more aesthetically pleasing. It would be no closer to the road. They will reside the entire home and garage and carry the same roof line. They talked to their neighbors and there was no opposition.

Chairman Bogar asked if there was anyone present to address this application – there was no response. Mr. Bill Quinn, 9332 Sessions Road, called and he had no opposition.

The Public Hearing closed at 6:10 P.M.

The Board Members reviewed the file and went thru 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 Bob Schulman to approve the application as presented as the additional living space is needed; that a Building Permit be obtained within one year of approval date; seconded by Board Member George Koury. Vote taken:

Chairman Randy Bogar – yes	Board Member Tim Tallman – yes
Board Member Bob Schulman – yes	Board Member John Montrose – yes
Board Member George Koury – yes	Board Member Karen Stanislaus - yes

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

The application of **Mr. John R. Strachen, Claim Masters, Inc., 9307 Chapman Road, New Hartford**. The number of the existing signs and square footage of signs exceed limits of Section 118-54. Applicant is seeking a quantity Area Variance for two (2) signs and a square footage Area Variance of 112 square feet. Tax Map #339.016-1-42; Lot Size: .26 Acres; Zoning: Retail Business 2. Legal Notice was published in the Observer Dispatch on November 6, 2009 and residents within 500' were notified. Legal Notice was published in the Observer Dispatch on November 6, 2009 and residents within 500' were notified. Mr. John Strachen appeared before the Board.

The Board Members reviewed photos of the existing signs on the building. Mr. Strachen stated the signs were put up about three (3) years ago – he transferred them from a previous building site. He wasn't aware of the sign situation until this time. He needs the signage for exposure of his business.

Chairman Bogar suggested Mr. Strachen replace the lights in the front building sign. He stated that the Sign Ordinance changed, but these signs still exceed the square footage. Board Member Tallman asked Mr. Strachen if he could place a free-standing pylon sign in the front – Mr. Strachen said no, there isn't enough room.

Chairman Bogar asked if there was anyone present to address this application – there was no response. The Public Hearing closed at 6:20 P.M.

The Board Members reviewed the file and went thru 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 – perhaps.

Motion was made by Board Member John Montrose to approve the application as presented for the signs and the square footage as this business needs the exposure; and Building Permits be obtained within one year of approval date; seconded by Board Member Tim Tallman. Vote taken:

Chairman Randy Bogar – yes	Board Member Tim Tallman – yes
Board Member Bob Schulman – yes	Board Member John Montrose – yes
Board Member George Koury – yes	Board Member Karen Stanislaus - yes

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

The application of **Mr. David Maier, 9293 Mallory Road, New Hartford, New York** who is proposing to add a third bedroom onto the 2nd floor of his home. A non-conforming building cannot be expanded per Section 118-69A. The new addition will be only 12' from the right side property line. Property is zoned Residential/Agricultural 1, which requires 15'. The applicant is seeking a 3' right side-yard setback Area Variance. Tax Map 339.020-1-5; :opt Size: 72' x 264'; Zoning: Residential/Agricultural 1. Legal Notice was published in the Observer Dispatch on November 6, 2009 and residents within 500' were notified. Mr. & Mrs. Maier appeared before the Board.

Mrs. Maier presented a drawing and plot plan of their property. They aren't changing the existing floor plan – they are constructing upwards. They need the additional living space – they want to expand on the third bedroom. The entire home is stone except the wall that will be taken out – that is clapboard, and this would be vinyl sided. The existing stone won't be touched. Also, they have a flat roof now and it is too hard to maintain. They have talked to their neighbors and they have no objection.

Chairman Bogar asked if there was anyone present to address this application – there was no response. The Public Hearing closed at 6:35 P.M.

The Board Members reviewed the file and went thru 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 as they need the additional living space; a Building Permit be obtained within one year of approval date; seconded by Board Member Bob Schulman. Vote taken:

Chairman Randy Bogar – yes
Board Member Bob Schulman – yes
Board Member George Koury – yes

Board Member Tim Tallman – yes
Board Member John Montrose – yes
Board Member Karen Stanislaus - yes

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

Chairman Bogar referred to the December Zoning Board meeting date. It was decided by all Board Members to change the meeting date to Monday, December 7, 2009 at 6:00 P.M. Proper notification will be made by Dory Shaw, Zoning Board Secretary.

There being no further business, the meeting adjourned at 6:45 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Zoning Board of Appeals

dbS