

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
RODGER REYNOLDS MEETING ROOM
BUTLER MEMORIAL HALL, NEW HARTFORD, NEW YORK
JULY 26, 2011**

The Regular Meeting was called to order at 6:00 P.M. by Chairman Randy Bogar. Board Members present were Fred Kiehm, Tim Tallman, John Montrose, Taras Tesak and Karen Stanislaus. Also in attendance was Town Attorney Herbert Cully, and Codes Enforcement Officer Joseph Booth.. 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 **Mrs. Rosann Coupe, 8769 Tibbitts Road, New Hartford, New York**, who is proposing a 18' x 30' bathroom/bedroom addition onto her existing home. This property is located in an Agricultural zone which requires a 50' front yard setback and a 25' side yard setback. The applicant is seeking a 9' front yard setback Area Variance and a 12' left side yard setback Area Variance. Tax Map #339.000-1-37; Lot Size: 110' x 200'; Zoning: Agricultural. Legal Notice was published in the Observer Dispatch on July 18, 2011 and property owners within 500' were notified. Mr. & Mrs. Coupe appeared before the Board.

Mr. & Mrs. Coupe explained their need for the renovations at their home to accommodate handicap accessibility.

At this time, 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 – response: no, 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 John Montrose to approve the application as presented in that a need was demonstrated; 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 John Montrose - yes
Board Member Taras Tesak - yes

Board Member Tim Tallman - yes
Board Member Karen Stanislaus – yes
Board Member Fred Kiehm - yes

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

The application of **Mr. Albert Shaw, 11 Grandview Avenue, New Hartford, New York** who is proposing to place a 12' x 16' shed on his property. The applicant's property is a through lot which means it has two (2) front yards. Therefore, the applicant is seeking a 16' front yard setback Area Variance from NYS Route 12. Tax Map #329.013-1-95; Lot Size: 50' x 128'; Zoning: Medium Density Residential. Legal Notice was published in the Observer Dispatch on Monday, July 18, 2011 and property owners within 500' were notified. Mr. Shaw appeared before the Board.

Mr. Shaw explained why he needed to place the shed at this particular location.

At this time, 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 – response: no, 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 Fred Kiehm to approve the application as presented; and that a Building Permit be obtained within one (1) year of approval date; seconded by Board Member Karen Stanislaus. Vote taken:

Chairman Randy Bogar - yes
Board Member John Montrose - yes
Board Member Taras Tesak - yes

Board Member Tim Tallman - yes
Board Member Karen Stanislaus – yes
Board Member Fred Kiehm - yes

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

The application of **Mr. Bradlee Barfield, 40 Beechwood Road, New Hartford, New York** who is proposing to construct dormers onto the existing home. Zoning in this area is Low Density Residential, which requires a side-yard setback of 15'. The applicant is seeking to expand a legal non-conforming structure which is prohibited by Section 118 of the Code of the Town of New Hartford. Therefore, the applicant is seeking a 9' right side-yard setback Area Variance and a 5' left side-yard setback Area Variance. Legal Notice was published in the Observer Dispatch on Monday, July 18, 2011 and property owners within 500' were notified. Tax Map #339.000-3-50; Lot Size: 75' x 165'; Zoning: Low Density Residential.

**This application was postponed until the August 15, 2011 Zoning Board of Appeals meeting.

The application of **Mr., Gordon Kelly, 3536 Bleachery Avenue, Chadwicks, New York** who is proposing to erect a 8' x 12' shed on his property. Zoning in this area is Medium Density Residential which requires an accessory structure to be setback 5' from the side and rear property lines. The applicant is seeking a 2' 4" side-yard setback Area Variance. Tax Map #349.012-1-49; Lot Size: 51' x 112'; Zoning: Medium Density Residential. Legal Notice was published in the Observer Dispatch on Monday, July 18, 2011 and property owners within 500' were notified. Mr. Kelly appeared before the Board.

Mr. Kelly explained why he needs the shed and how he has to place it on the existing lot.

At this time, 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 – response: no, 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 (1) year of approval date; seconded by Board Member John Montrose. Vote taken:

Chairman Randy Bogar - yes
Board Member John Montrose - yes
Board Member Taras Tesak - yes

Board Member Tim Tallman - yes
Board Member Karen Stanislaus – yes
Board Member Fred Kiehm - yes

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Motion was approved by a vote of 6 – 0.

There being no further business, the meeting adjourned at approximately 7:00 P.M.

Respectfully submitted,

Dolores Shaw
Recording Secretary

Dbs

Note: These minutes/notes were taken by the Town Attorney and Codes Officer in the absence of Dory Shaw.