

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
NEW HARTFORD PUBLIC LIBRARY
MARCH 19, 2012**

The Regular Meeting was called to order at 6:00 P.M. by Chairman Randy Bogar. Board Members present were Fred Kiehm, Tim Tallman, Karen Stanislaus, Lenora Murad and John Montrose. Board Member absent: Taras Tesak. Also in attendance were Town Attorney Herbert Cully, Codes Enforcement Officer Joseph Booth, and Recording 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 indicating one (1) Board Member is absent.

The application of **Allied Sign Company for First Source Federal Credit Union, 4451 Commercial Drive, New Hartford, New York**. The applicant is seeking a quantity Area Variance to add an additional freestanding sign to site. Additionally, the square footage of the freestanding signs will exceed the maximum of 64 square feet by 117 square feet. Therefore, applicant is also seeking a 117 square foot Area Variance. Tax Map #328.007-1-1; Lot Size: 3.75 Acres; Zoning: Retail Business 1. John DelVecchio, Esq. of Cardinale & DelVeechio; Mr. Kenneth Colton of Allied Sign Company; Ms. Claire Kalka, Asst. V-P Operations/First Source; and Mr. Stan Kocyba, Facilities Manager/First Source appeared before the Board.

Attorney DelVecchio explained the application and need for the two (2) signs. He addressed the quantity issue first in that there are currently two (2) signs existing. Each Zoning Board member was given pictures previously. They are seeking to remove these signs and put in new signs that are more aesthetically pleasing.

Board Member Kiehm asked if they are going in the same locations – Attorney DelVecchio and Mr. Colton said one (1) is. The one (1) on Commercial Drive has a structural issue – they want to move it slightly north downhill with a new base (about 8'-10' north). Attorney DelVecchio stated they aren't increasing the non-conformity – it was stated they are decreasing the non-conformity. Safety-wise these signs are not as wide and cars can see around them easier.

With respect to the square footage – Mr. Colton explained the graphic area and how he calculated the square footage - he wondered if they needed a variance after all.

Codes Officer Booth doesn't agree with his calculations and it was discussed further. The Area Variance for square footage requirement proceeded.

Board Member Montrose how much of the signs will be lit. Mr. Colton said just the lettering on top – both signs will be lit – just the graphics.

Board Member Kiehm asked Codes Officer Booth if the two (2) existing signs were allowed previously – Mr. Booth said yes. Codes Officer Booth also stated that even though it is a corner

lot a single sign at the corner wouldn't work for them because they don't own all the property on the corner. Board Member Tallman asked if there would be additional signage placed – Mr. Colton said no.

Board Member Stanislaus asked if the signs are the same size – Mr. Colton said they are a little different – one (1) is smaller than the other.

Chairman Bogar asked if there was anyone present to address this application – there was no response. The Public Hearing ended at 6:20 P.M. Chairman Bogar addressed the responses from OC Planning who indicated no recommendation; NYSDOT who had comments regarding rights-of-way; OCDPW who also addressed rights-of-way/permit – these letters have been made a part of the file.

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 as it met the criteria necessary for the granting of an Area Variance; and 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 John Montrose - yes
Board Member Fred Kiehm – yes

Board Member Tim Tallman - yes
Board Member Karen Stanislaus – yes
Board Member Lenora Murad – yes

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

Respectfully submitted,

Dolores Shaw
Recording Secretary
dbs

