

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

The Regular Meeting was called to order at 6:00 P.M. by Chairman Randy Bogar. Board Members present were Tim Tallman, Lenora Murad, Fred Kiehm, John Montrose, and Karen Stanislaus. Board Member absent: Taras Tesak. Also in attendance were Town Supervisor Patrick Tyksinski, 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. Further, that one (1) Board Member was absent and it is the applicant's option whether to proceed or postpone.

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The application of **Mr. Eric Olsen for 3i Graphics and Signs**. Mr. Olsen is seeking a 9 square foot Area Variance on two (2) signs facing Commercial Drive as well as a quantity Area Variance for two (2) signs on each side of the building at the new **Moe's Southwest Grill at 4630 Commercial Drive, New Hartford, New York**. Zoning is retail Business 1 which only allows 1.5 square feet of signage per lineal foot of building and one (1) sign per side. Legal Notice was published in the Observer Dispatch on November 13, 2012 and property owners within 500' were notified. Tax Map #328.008-1-8.1; Lot Size: 1.36 Acres; Zoning: Retail Business 1. Mr. Eric Olsen appeared before the Board.

Mr. Olsen explained that the applicant for the franchise would like to be consistent with what they have at other sites. They are within the Code facing the parking lot but not Commercial Drive. He calculated the square footage including the lettering. The owner feels it is to his advantage for having signage on both elevations.

Board Member Kiehm asked Mr. Olsen if one of the signs on the canopy is calculated in this application – Mr. Olsen said yes.

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; it is located on Commercial Drive and feels it is an appropriate request especially with the other businesses in the area;

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and it has met the criteria for an Area Variance; also, 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 Lenora Murad – yes

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

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

Mr. Olsen publicly wanted to express his appreciation for the services of Codes Officer Joseph Booth and Zoning Board Secretary Dory Shaw regarding this application.

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Draft minutes of the October 22, 2012 Zoning Board of Appeals were received by each Board Member. Motion was made by Board Member Karen Stanislaus to approve these minutes as written; seconded by Board Member Tim Tallman. All in favor.

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The Board Members were advised that there is an agenda for the December 17, 2012 meeting.

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There being no further business, the meeting adjourned at 6:20 P.M.

Respectfully submitted,

Dolores Shaw  
Secretary/Zoning Board of Appeals

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