

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
BUTLER MEMORIAL HALL
SEPTEMBER 16, 2013**

The Regular Meeting was called to order at 6:00 P.M. by Chairman Bogar. Board Members present were John Montrose, Fred Kiehm, Byron Elias, Tim Tallman, Lenora Murad and Karen Stanislaus. Also in attendance were Town Attorney Herbert Cully, Codes 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.

The application of **Ms. Elizabeth Johnson, 3248 Oneida Street, Chadwicks, New York** who is requesting to construct a 16' x 24' detached garage on her property. Zoning in this area is Medium Density Residential, which requires a 5' side yard setback. The applicant is seeking a 4.5' left side yard setback Area Variance. Tax Map #358.008-2-9; Lot Size: 50' x 217'; Zoning: Medium Density Residential. Ms. Johnson appeared before the Board.

Ms. Johnson stated the existing garage has been at this location since the 1920's and it is falling apart. She would like to rebuild it at the same location as a concrete pad is there. She would like to make it a little bigger, but it wouldn't infringe any more that it is now to the side. If she moved the garage over, it would affect a sewer line on the property/ Also, an emergency vehicle wouldn't be able to get through if it was relocated somewhere else. She needs the garage for her vehicle and storage.

Ms. Johnson may build a pole-type structure as it has become difficult for her to find a contractor – she is not sure at this time, pole barn or stick built. The structure will be sided.

Board Member Kiehm asked if the existing garage was in violation of the zoning – Mr. Johnson said yes.

Chairman Bogar asked if there was anyone present to address this application – there was no response. There were no calls or letters submitted. The Public Hearing closed at 6:10 P.M.

At this time, the Board Members reviewed the criteria for 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; also, as he feels the applicant has presented the need; and that the structure be sided; also, a Building Permit be obtained within one year of approval date; seconded by Board Member Fred Kiehm. Vote taken:

Chairman Randy Bogar - yes
Board Member John Montrose - yes
Board Member Karen Stanislaus – yes
Board Member Lenora Murad - yes

Board Member Fred Kiehm - yes
Board Member Byron Elias – yes
Board Member Tim Tallman – yes

Motion was **approved** by a vote of 7 – 0.

The application of **Mr. Mark McGauley for Mr. Hal Meyers, 81 Merritt Place, New Hartford, New York**. Mr. Meyers would like to place a new roof structure over the existing front steps. This is a non-conforming structure, which may not be expanded upon. Therefore, the applicant is seeking a 2' right side yard setback Area Variance. Tax Map #328.016-4-41; Lot Size: 57' x 110'; Zoning: Medium Density Residential. Mr. McGauley appeared before the Board.

Mr. McGauley stated that his customer has front steps and he would like to place a roof over them to provide shelter, especially during the winter months. Also, he feels this would enhance the look of the house and neighborhood. He gets ice accumulation and this would prevent it. It will be a pitch roof.

Chairman Bogar asked if there was anyone present to address this application – there was no response. There were no calls or letters received. The Public Hearing closed at approximately 6:18 P.M.

At this time, the Board Members reviewed the criteria for 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 Lenora Murad to approve the application as presented as she feels the applicant has presented the need; and a Building Permit be obtained within one year of approval date; seconded by Board Member Karen Stanislaus. Vote taken:

Chairman Randy Bogar - yes
Board Member John Montrose - yes

Board Member Fred Kiehm - yes
Board Member Byron Elias – yes

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

Board Member Tim Tallman – yes

Motion was **approved** by a vote of 7 – 0.

The application of **Mrs. Judy Gorea, 9 Waterford Lane, Utica, New York (Town of New Hartford)**, who is proposing to construct a 22' x 35' attached garage on to her existing home. Zoning in this area is Low Density Residential, which requires a 15' side yard setback from the property line. The applicant is seeking a 14' right side-yard setback Area Variance. Tax Map #330.012-8-64; Lot Size: 100' x 200'; Zoning: Low Density Residential. Ms. Judy Gorea and her contractor, Mr. Dean Zumpano, appeared before the Board.

Ms. Gorea stated that the new garage is 50' from the end of the driveway to the neighbor's home. She isn't going forward any further from the existing garage (the existing garage won't be used as a garage once the new structure is built). There is an existing tree that she owns which will come down. She can provide a survey for the Building Permit if necessary. Her neighbor most affected is not in opposition. She contacted other neighbors who aren't in opposition either. The garage will be sided to match the house.

Chairman Bogar stated to make sure she is 1' from the property line – Ms. Gorea said she knows where the pins are located as she had a fence installed.

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

-Mr. Tom Durso, 11 Waterford Lane. He and his wife, Janice, are not in opposition and they are the neighbors most affected.

The Public Hearing closed at 6:25 P.M.

At this time, the Board Members reviewed the criteria for 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.

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

Chairman Randy Bogar - yes
Board Member John Montrose - yes
Board Member Karen Stanislaus – yes
Board Member Lenora Murad - yes

Board Member Fred Kiehm - yes
Board Member Byron Elias – yes
Board Member Tim Tallman – yes

Motion was **approved** by a vote of 7 – 0.

Minutes of the July 15, 2012 Zoning Board meeting were approved by a motion of Board Member Fred Kiehm; seconded by Board Member Tim Tallman. All in favor.

Next meeting is October 21, 2013.

Respectfully submitted,

Dolores Shaw
Secretary

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