

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
BUTLER MEMORIAL HALL
MARCH 17, 2014**

The Regular Meeting was called to order at 6:05 P.M. by Chairman Randy Bogar. Board Members present were Fred Kiehm, Byron Elias, Tim Tallman, Lenora Murad, and Karen Stanislaus. Board Member absent: John Montrose. Also in attendance were Town Attorney Herbert Cully, Codes Officer Joseph Booth, Councilman James Messa, 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. He also mentioned that the Board has one member absent and it is up to the applicants whether to proceed or wait for a full Board.

The application of **Mr. William Alsheimer, 5 Collins Avenue, Whitestown, New York (Town of New Hartford)**. Mr. Alsheimer is requesting to add a 384 sf family room onto his existing home. The home is a non-conforming structure in a Medium Density Residential zone, therefore, he is seeking a 9'6" left side-yard setback Area Variance and a 2.8' front-yard setback Area variance for this addition. Tax Map #317.013-3-51; Lot Size: 100' x 209'; Zoning: Medium Density Residential. Mr. & Mrs. Alsheimer appeared before the Board.

Mr. Alsheimer distributed photos of his home. The addition will be to the rear, right side of his home. They aren't encroaching any further. The materials will match the existing home the best that he can. They would like the additional space.

Chairman Bogar asked if there was anyone present to address this application – no response. There were no calls or letters received on this application. The Public Hearing closed at 6:15 P.M.

The Board Members did not have any issues with this application. They stated that this was a nice piece of property and properly maintained.

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 Fred Kiehm to approve the application as presented; 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 Fred Kiehm - yes
Board Member Byron Elias – yes	Board Member Karen Stanislaus – yes
Member Tim Tallman – yes	Board Member Lenora Murad - yes

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

The application of **Mr. Michael McCarthy** for vacant property located on **Huxford Place, Chadwicks, New York (Town of New Hartford)**. The applicant is seeking an Area Variance of 11,314 sf to build a two-family home on this vacant parcel. The property is zoned Medium Density Residential, which requires 10,000 sf per unit. The lot size is 8,686 sf. Mr. Earl McCarthy (father) appeared before the Board representing Mr. Michael McCarthy.

Mr. McCarthy stated that his son does not live in the area. He purchased this property two years ago with the intent of placing a two-family home on it to rent. When this property came up for sale, his son purchased it as they own the property next door. Mr. McCarthy said he would maintain this property as he does for the other parcel.

Chairman Bogar referred to the purchase of this property. Also, there is no garage, where would parking be located. Mr., McCarthy said there is a gravel parking area near the pole barn. His son is looking to combine the two properties. Board Member Kiehm referred to parking and is the parking located on this particular parcel – Mr. McCarthy said yes. The pole barn is on the other lot.

Board Member Tallman asked Codes Officer Booth, even having the other lot with the house it still wouldn't be big enough for two houses? You have to consider the one that is there.

Both Board Members Elias and Stanislaus stated they feel the lot is too small for a two-family home.

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

-Mrs. Cindi Manzer, 3665 Huxford Place. She is an adjacent neighbor. She is concerned about several things, 1) absentee landlord; 2) lot being in a flood zone; 3) parking; 4) safety; 5) parking in the street as Huxford is a narrow street and this lot is small; 6) interpretation of a Medium Density Residential zone (Codes Officer Booth explained what is allowed in this zone and that this particular property is a lot of record He explained the process for a single family and/or a two-family home in this zone; 7) is this area zoned for storage (Mr. Booth said no).

-Diane Dillabrough, 9241 Willowvale Avenue. She recently moved to this area as she liked the openness and tranquility. If this application is approved, it would be a large structure in her back yard. She is opposed to this variance.

-Julie McCarthy, 9233 Willowvale Avenue. This home would block her visibility. She is concerned about an absentee landlord. There is not a lot of traffic now and with a two-family home, you could have four cars in and out. She is concerned about safety.

-Mrs. Tina Dunn, 9229 Willowvale Avenue. She is also concerned about an absentee landlord, safety, and agrees with other comments mentioned.

-Mr. Ron Jasinski, 9234 Willowvale Avenue. He has lived in this area for over 40 years. He knows of several people who wanted to put homes up in this area and were told they couldn't. He can't understand why this is being considered. He mentioned that this street is First Street, not Huxford. (It was stated that on old maps, First Street was listed but it is actually Huxford Place).

Mr. McCarthy stated he takes care of the other property and makes sure it is clean. He put a lot of time and effort to keep it looking nice. He doesn't feel an absentee landlord is an issue. There are a few properties in this area that are run down.

Someone stated that a house used to be on this lot in the 1950's.

-Mr. Michael Dunn, 9229 Willowvale Avenue. He feels the size of this lot is not conducive for a two-family structure. He feels it will set a precedent if approved. He is a landlord himself; and has to pay close attention to the Ordinances of the Town.

Board Member Murad asked Codes Officer Booth if a single family home could be placed on this lot – Mr. Booth said yes. Mr. Booth feels this is a small lot, but it is a lot of record. Mr. Booth explained a lot of record.

One call was received on this application and it has been recorded in the file, Ms. Cindi Manzer.

There being no further discussion, the Public Hearing was closed at 6:35 P.M.

The Board Members discussed this application and it was the consensus of the Board that this lot is too small for a two-family home. Two units are beyond what the lot can accommodate. Also, parking could be a problem. It was stated that the absentee landlord was not an issue, but the lot is too small for this request.

Board Member Tallman mentioned for the record that he noticed porches and patios were not figured in either.

Chairman Bogar feels the lot is too small and that they only purchased the lot two years ago and now they want relief from this Board. He is not against an absentee landlord but feels you have to keep a close eye on properties.

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: yes – 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: – yes - in agreement;
- The requested variance is substantial – response: yes – 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: perhaps – 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: yes – all in agreement. They bought the lot knowing it was too small.

Motion to deny the application was made by Chairman Randy Bogar as the application did not meet the criteria for an Area Variance; seconded by Board Member Karen Stanislaus. Vote taken:

Chairman Randy Bogar - yes	Board Member Fred Kiehm - yes
Board Member Byron Elias – yes	Board Member Karen Stanislaus – yes
Board Member Tim Tallman – yes	Board Member Lenora Murad - yes

Motion to **deny** the application was approved vote a vote of 6 – 0.

Minutes of the February 24, 2014 meeting were approved by motion of Board Member Tim Tallman; seconded by Board Member Lenora Murad. All in favor.

The Board Members discussed the April Zoning Board meeting. It has been changed to **Monday, April 28, 2014**.

There being no further business, the meeting adjourned at 6:50 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Zoning Board of Appeals

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