

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
BUTLER MEMORIAL HALL
MAY 19, 2014**

The Regular Meeting was called to order at 6:00 P.M. by Chairman Randy Bogar. Board Members present were John Montrose, Byron Elias, Tim Tallman, and Karen Stanislaus. Board Members absent: Lenora Murad and Fred Kiehm. 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. He also mentioned that the Board has two members absent and it is up to the applicants whether to proceed or wait for a full Board.

The application of Mr. Anthony DePerno of Victory Sign, Inc., **for Hannaford Supermarket & Pharmacy, 4593 Commercial Drive, New Hartford, New York**. Mr. DePerno is seeking an Area Variance of 75 sf to erect a 155 sf wall sign in a Retail Business 1 zone. Property is owned by Tehan's, Inc. Tax Map #328.008-1-27.1; Lot Size: 1.77 Acres; Zoning: Retail Business 1. Mr. Louis DePerno appeared before the Board.

Mr. DePerno presented a sketch of the proposed signage, which is slightly smaller than the existing sign. It will change from neon to LED, which is much more efficient and cost effective. Hannaford's is remodeling and they would like to change the sign at the front of the building.

Mr. DePerno was asked if the sign could be seen from Commercial Drive. Mr. DePerno stated although it is smaller, there is still going to be a good view of this sign.

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

Chairman Bogar stated that County Planning 239 was received with no comments.

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; 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 Byron Elias – yes
Board Member Karen Stanislaus – yes	Board Member Tim Tallman – yes

Motion was **approved** by a vote of 5 – 0.

Minutes of the April 28, 2014 Zoning Board of Appeals meeting were approved by Board Member Byron Elias; seconded by Board Member Tim Tallman. All in favor.

The application of **Mr. Timothy Decker from Oneida County Department of Public Works** who is proposing to install a 4' chain link fence into the front yard at **1221 Pleasant Street, Utica, New York (Town of New Hartford) (property owned by Mr. Richard Alpert)**, which is located in a Low Density Residential zone. This applicant is seeking a 25' front yard setback Area Variance to erect this fence at this location. Tax Map #331.017-4-18; Lot Size: 155' x 176'; Zoning: Low Density Residential.

Mr. Decker and Mr. Alpert were not in attendance at this meeting. A neighbor was in attendance who had concerns regarding this application.

Motion was made by Chairman Randy Bogar to table this application and address it at the June 16, 2014 Zoning Board meeting. Secretary Dory Shaw will notify Mr. Decker, who is the applicant.

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

Respectfully submitted,

Dolores Shaw
Secretary/Zoning Board of Appeals

dbS