

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

The Regular Meeting was called to order at 6:00 P.M. by Chairman Randy Bogar. Board Members present were Tim Tallman, Byron Elias, John Montrose, Lenora Murad, Fred Kiehm, 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.

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The application of **Ms. Giovanna Riccardo, 1122 Pleasant Street, Utica, New York** (Town of New Hartford). Ms. Riccardo is proposing to add living space (several rooms) onto her existing home. The existing home is only setback 26' from the rear property line, therefore, the home is non-conforming. This property is located in a Low Density Residential zone, which requires a 40' rear yard setback. The applicant is seeking a 14' rear yard setback Area Variance. Tax Map #330.016-2-2; Lot Size: .42; Zoning: Low Density Residential. Ms. Riccardo appeared before the Board.

Ms. Riccardo stated that there was a fire at her parent's house a few years ago. What remains is where she is living. She wants to add on to the existing home to accommodate her ill grandmother and uncle. Ms. Riccardo stated who her neighbors are, which is the former Bogner Greenhouse and the reservoir. She referred to the sketches prepared by Roberts Engineering.

Ms. Riccardo said the new addition will have vinyl siding to match the existing home. She mentioned that they need the extra space for the garage.

Chairman Bogar asked if this could be accomplished by any other means? Ms. Riccardo said no. They tried a different way previously but to no avail. Their structure wouldn't hold a second floor.

Board Member Tallman asked Codes Officer Booth if this is an in-law apartment, - Codes Officer Booth said no, it is an addition.

Chairman Bogar asked if there was anyone present to address this application – no response. Oneida County DPW had no jurisdiction for this property and Oneida County Planning has no comments. The Public Hearing closed at 6:15 P.M. The Board Members had been to this site and had no concerns with the request. The Board Members didn't feel this would change the character of the neighborhood. and the applicant expressed the need for this request.

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 Karen Stanislaus – yes  
Board Member Tim Tallman - yes

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

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

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The application of **Mr. Steven Karrat**, who is requesting to build a single family home on a vacant lot on Stratford Drive in the Town of New Hartford. The applicant's lot is not located on a public street and has zero frontage. Zoning in this area is Low Density Residential, which requires 100' of frontage. Mr. Karrat is seeking a 100' frontage Area Variance. Tax Map #328.006-3-70; Lot Size: 171' x 120'; Zoning: Low Density Residential. NOTE: THIS MATTER WAS TABLED AT THE OCTOBER 20, 2014 ZONING BOARD MEETING TO BE DISCUSSED FURTHER ON NOVEMBER 17, 2014. Mr. & Mrs. Karrat appeared before the Board.

Town Attorney Cully stated that he had raised some legal questions previously regarding access or ingress and egress and some sort of easement for utilities. Mr. Karrat was suggested to contact a lawyer, which he retained Peter Hobaica, Esq. Attorney Hobaica is representing the trust as well and provided all the legal documents stating that the trust is legal and existing and authority to grant the driveway. Also submitted was a survey and deed (copies are in the applicant's files and every Board Member received a copy for review). Attorney Cully is satisfied with the legal requirements and access for purposes of ingress and egress. Further, conveys is the .414 acres of land – that is to be conveyed to Mr. Karrat and it shows the deeded access. Attorney Cully referred to the bottom of the deed and statement. Attorney Cully feels all issues were addressed. There is no road – this is for a private driveway. It has to be maintained like a driveway.

Board Member Elias feels the map is excellent and explains what Mr. Karrat wants to do. He asked Mr. Karrat where he is bringing the water in – Mr. Karrat said at Midland and Stratford.

Board Member Tallman asked what the driveway would be made of – Mr. Karrat said crusher run stone on filtered fabric and eventually paved. He also asked if he would be doing the driveway and road before

the house – Mr. Karrat said yes.

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

-Mr. Jeff McDonald – he lives nearby and has no problem with this request. He wishes Mr. Karrat the best of luck.

There being no further input, the Public Hearing closed at 6:25 P.M. The Board Members stated that they are happy with the paperwork submitted by Attorney Hobaica.

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 Byron Elias to approve the application as presented; conditioned upon Mr. Karrat having a signed deed from Karam Trust as the document wasn't signed; and a Building Permit be obtained within one year of approval date; seconded by Board Member Lenora Murad. Vote taken:

Chairman Randy Bogar - yes  
Board Member John Montrose - yes  
Board Member Karen Stanislaus – yes  
Board Member Tim Tallman - yes

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

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

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Draft Minutes of the October 20, 2014 meeting were reviewed by each Board Member. Motion was made by Chairman Randy Bogar to approve the minutes as written; seconded by Board Member Tim Tallman. All in favor.

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There being no further business, the meeting adjourned at 6:35 P.M.

Respectfully submitted,

Dolores Shaw  
Secretary/Zoning Board of Appeals

