

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
BUTLER MEMORIAL HALL
MARCH 16, 2015**

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 Councilman David Reynolds, 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 and stated that one (1) Board Member was not present at this time. It was up to the applicant whether to proceed or wait for a full Board. (Note: Board Member Byron Elias appeared at 6:15 P.M.).

The application of **Sangertown Square Mall, 8555 Seneca Turnpike, New Hartford, New York**. The applicant is seeking permission to add a third pylon sign (Commercial Drive) within 1000 feet of another pylon sign. Therefore, the applicant is seeking a 270 lineal feet Area Variance. Tax Map #328.008-1-12.1; Zoning: C1 General Commercial. Mr. Tom Gianni of Imageone Industries and Mr. Luke Condon of Sangertown Square Mall appeared before the Board.

Mr. Gianni referred to the existing three (3) signs on the site. They have been there since the early 1980's and they need to be updated. Sangertown has been updating their mall and modernizing the entire facility. He referred to the sizes of the signs and how the new signs would reduce square footage. They want to give the signs a 2015 look. LED lighting is proposed, low energy, and will work on a timer. Not having the exposure for their tenants would be a detriment. Distance to the road is the same with no vision problems.

Chairman Bogar asked if this could be accomplished by any other means. Mr. Gianni said no. The signs have been there for over thirty (30) years and to take even one of them away would hurt their identification for the vendors. The vendors need exposure.

Mr. Condon said the tenants would go on the new sign in the same way they are on the old signs.

Board Member Elias appeared and was brought up-to-date. He thought the concept looked nice and asked about the sizes of the signs. Mr. Gianni explained.

Chairman Bogar to Codes Officer Booth: one sign on Route 5 doesn't need a variance? Mr. Booth said no; they are here for the distance between the two (2) signs.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing ended at 6:20 P.M. County Planning 239 and NYSDOT comments were received with no recommendation.

Board Member Elias felt the monument sign was low. Mr. Condon said shrubs would be placed around the base. The Board Members felt this was an improvement to the area being more modern and up-to-date.

At this time, the Zoning Board Members reviewed 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 Karen Stanislaus to approve the application as presented; and a Building Permit be obtained within one year of approval date; seconded by Board Member John Montrose. 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.

Chairman Bogar referred to a request received today from **Mr. Brian Sagrestano, 100 Chestnut Place, New Hartford, New York** who appeared before the Zoning Board of Appeals on December 15, 2014. Mr. Sagrestano could not attend tonight's meeting but asked the Board to rule on the application he submitted previously. He attached a letter to this request explaining what the engineer indicated to him. (This correspondence has been made a part of the file).

Chairman Bogar felt that based on the motion given at the December 15, 2014 meeting and the discussion, he felt we did not receive the information requested. He referred to the Town Attorney.

Town Attorney Cully stated we need to get information that was requested. We can disregard this letter and see if Mr. Sagrestano comes back, which keeps the application open or deny it without prejudice subject to his right to come back without an application fee with engineering information.

The Board Members discussed this. Motion was made by Board Member Byron Elias to deny the application without prejudice as there has been insufficient information provided with leave to the applicant to reapply at no cost at such time as he has the additional information requested by the Board; seconded by Board Member Fred Kiehm. Vote taken:

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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 to **deny** carried by a vote of 7 – 0.

Secretary Dory Shaw will notify Mr. Sagrestano.

Motion was made by Chairman Randy Bogar to approve the minutes of the December 15, 2014 Zoning Board of Appeals meeting; seconded by Board Member Karen Stanislaus. All in favor.

Note: Mr. Sagrestano will be sent a copy of the December 15, 2014 minutes as well.

There being no further business, the meeting adjourned at approximately 6:30 P.M.

Respectfully Submitted,

Dolores Shaw
Secretary/Zoning Board of Appeals

DbS