

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
BUTLER MEMORIAL HALL
APRIL 18, 2016**

The Regular Meeting was called to order at 6:00 P.M. by Chairman Randy Bogar. Board Members present were Byron Elias, John Montrose, Taras Tesak and Fred Kiehm. Board Members absent: Karen Stanislaus and Lenora Murad. Also in attendance were Town Attorney Herbert Cully, Assessor Darlene Abbatecola, Councilman David Reynolds, and Secretary Dory Shaw. Codes Officer Joseph Booth was absent. Everyone in attendance recited the Pledge of Allegiance. Chairman Bogar introduced the Board Members and explained the procedures for tonight's meeting. He also stated that two Board Members are absent this evening and it is up to the applicant whether to proceed.

Chairman Bogar stated that the application of **Ms. Kristen Stanley, 11 Liberty Avenue, Whitesboro, New York (Town of New Hartford)** has been withdrawn. Ms. Stanley forwarded an email to Dory Shaw, Zoning Board Secretary, cancelling the application.

The application of **Mr. Mo Athari dba Midlothian Allyster, LLC**, who is requesting to build a covered porch 13' 9" behind the front property line at **28 Root Street, New Hartford, New York**. This will extend approximately 11' beyond the average setback of adjacent homes. Therefore, the applicant is seeking an 11' front yard Area Variance. Mr. Athari appeared before the Board.

Board Member Tesak asked Town Attorney Cully or Codes Officer Booth to explain exactly what the application represents. Codes Officer Booth that Mr. Athari is putting a porch on approximately 6' deep, which would then come out 6' closer to the property line and therefore be 13' 9"; thus, necessitating the 11' front yard Area Variance.

Mr. Athari stated he is improving the house, which improves the neighborhood. He talked with the neighbors and they are happy to see this – it is a desirable change. There was a concrete step there before. Chairman Bogar asked if this is as wide as the door – Mr. Athari said yes.

Board Member Tesak asked if there was any other way to accomplish this – Mr. Athari said no – this is the best suitable for the house. This will be open with white vinyl. It is a sitting porch.

Board Member Montrose asked if this was his residence – Mr. Athari said no, he is an investor. However, he lives in New Hartford.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing closed at approximately 6:15 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 – possibly/ - it is a home improvement.

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 John Montrose. Vote taken:

Chairman Randy Bogar - yes
Board Member John Montrose - yes
Board Member Taras Tesak - yes

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

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

Draft minutes of the March 21, 2016 Zoning Board meeting were approved by motion of Board Member Byron Elias; seconded by Board Member John Montrose. All in favor.

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

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

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