

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
BUTLER MEMORIAL HALL
MAY 16, 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, Lenora Murad, Fred Kiehm, Taras Tesak and Karen Stanislaus. Also in attendance were Town Attorney Herbert Cully, Codes Officer Joseph Booth, Councilman David Reynolds, 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.

The application of **Ms. Joan Teuchert- Shkane, 16 Slaytonbush Lane, Utica, New York (Town of New Hartford)**, who is requesting a construct a 13' x 14' sunroom onto her existing home. The home is non-conforming and it is only 1' from the left side property line. Therefore, the applicant is seeking a 14' left side-yard Area Variance to place an addition on the opposite side of the home. Tax Map #341.005-2-15; Lot Size: 165' x 151'; Zoning: Low Density Residential. Mrs. Teuchert-Shkane appeared before the Board.

She stated that when she bought the house years ago, she didn't realize the garage was that close to the property line. Codes Officer Booth made her aware of this. The proposed sunroom is on the other side of the house (more like a four-season room). There was a structure there before, an in ground swimming pool, but she had it filled in a few years ago. She can't put in a big sunroom as she doesn't want it setting over the filled in pool – it will be about 60' or so from the neighbor. This will blend in nicely with the neighborhood.

Board Member Elias asked for a rendering of the proposed sunroom. Mrs. Teuchert-Shkane doesn't have a copy but it will look exactly like the house – same materials.

Board Member Tesak asked if there was any other place to build this sunroom without infringing on the Code. Mrs. Teuchert-Shkane said no, it is going on the opposite side of her home. There is a slight drainage issue so she can't locate it anywhere else. Codes Officer Booth said this is the best location.

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

-Mr. William Luker, 92 North Fourth Street, Ilion, New York. He is in the process of negotiating with Mr. Owens who owns nearby property. How does this affect him? It was stated that this does not affect the back of the home at all. The addition is on the side of the home.

Board Member Tesak asked Mr. Luker how close her house is to Mr. Owens' property. Mr. Luker said it is a long way away. It was explained to Mr. Luker that there is no difference with the back of her home.

There being no further input, the Public Hearing closed at 6:10 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 – no; however discussion took place about the balancing act in relation to criteria and granting a variance.

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 Fred Kiehm - yes
Board Member John Montrose - yes	Board Member Byron Elias – yes
Board Member Lenora Murad – yes	Board Member Karen Stanislaus – yes
Board Member Taras Tesak - yes	

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

The application of **Mr. Randy Shephard, 4 Hilltop Terrace, New Hartford, New York** who is requesting to construct a closet and shower in the downstairs of his existing home. He is located in a Medium Density Residential zone, which requires a 10’ side yard setback. The applicant is seeking a 2’ left side yard setback Area Variance. Tax Map #328.020-1-27; Lot Size: 50’ x 120’; Zoning: Medium Density Residential. Mr. Shephard appeared before the Board with Mr. Nick Palmieri.

Mr. Shephard explained that he would like to bring his master bedroom downstairs with a suitable closet and bathroom. They are getting older and can’t use the stairs. They have lived there since 1999, and the house is small – it was built in 1952. He spoke with his neighbors and they aren’t concerned with this request. A neighbor was concerned about runoff but he will be putting gutters up and it should help the situation. He isn’t going any further to the property line. He doesn’t feel it will change the character of the neighborhood as many of the homes in this area are not non-conforming.

Board Member Tesak asked if there is any other way to do this – answer: no. Any other way would enter into the kitchen, which wouldn’t work.

Board Member Tesak addressed the changes in the Code and zoning and how much work went into this process with the Town Board, Councilmen and Codes Officer Booth.

Mr. Palmieri stated that this allows Mr. & Mrs. Shephard to have better living all being within the downstairs.

Chairman Bogar asked if there was anyone present for this application – no response. The Public Hearing closed at 6:25 P.M.

The Board Members discussed balancing the criteria regarding applications and how it affects the Town and property owners.

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 – no; however discussion took place about the balancing act in relation to criteria and granting a variance.

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 Byron Elias. Vote taken:

Chairman Randy Bogar - yes	Board Member Fred Kiehm - yes
Board Member John Montrose - yes	Board Member Byron Elias – yes
Board Member Lenora Murad – yes	Board Member Karen Stanislaus – yes
Board Member Taras Tesak - yes	

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

Minutes of the April 18, 2016 Zoning Board meeting were approved by motion of Board Member Byron Elias; seconded by Board Member Fred Kiehm. All in favor.

There being no further business, the meeting adjourned at 6:45 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

dbS