

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
BUTLER MEMORIAL HALL
SEPTEMBER 18, 2017**

The Regular Meeting was called to order at 6:00 P.M. by Chairman Randy Bogar. Board Members present were John Montrose, Lenora Murad, Karen Stanislaus, Byron Elias, Taras Tesak and Fred Kiehm. Also in attendance were Town Attorney Herbert Cully, Councilman David Reynolds and Assessor Darlene Abbatecola. Absent: 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.

The application of **Ms. Tonya Bianco, 5 Hilltop Terrace, New Hartford, New York** (corner lot). The applicant is located in a Low Density Residential zone which does not allow a fence to be positioned forward of the home. Ms. Bianco is seeking a 4' ± front yard Area Variance to place a 6' fence in the front yard. Tax Map #328.016-4-37; Lot Size: 50' x 120'; Zoning: Low Density Residential. Ms. Bianco and Mr. James DeValle appeared before the Board.

Mr. DeValle stated he took the existing fence down. He'd like a dark brown wooden fence 10 feet from the road and 10 feet from the house – it would look like other fences in the area

Chairman Bogar asked if there was anyone present to address this application. No calls or letters were received.

Discussion ensued regarding possibly approving a 4' fence. It was also discussed about placing shrubs.

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; difference of opinion;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; yes;
- The requested variance is substantial – response: difference of opinion;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: yes – couldn't put a fence on Town property.

Motion was made to approve a 4' fence; and that a Building Permit to be obtained within one year of approval date. Vote taken:

Chairman Randy Bogar - yes
Board Member John Montrose - yes
Board Member Taras Tesak – no
Board Member Lenora Murad - yes

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

Motion was **approved** by a vote of 6 – 1.

The application of **Mr. Scott Rugaris, 23 Meadowbrook Drive, New Hartford, New York**. This property is zoned Low Density Residential, which requires a 15' side yard setback. The applicant is applying for a 5'± side yard Area Variance to construct a 15' x 22' two-story addition. Tax Map #340.014-1-31; Lot Size: 109' x 146'; Zoning: Low Density Residential. Mr. Rugaris and his contractor, Mr. Richard Cahoon, appeared before the Board and explained what was needed at this property.

This is the expansion of a non-conforming house. He is coming out 15' at the back corner of garage.

Chairman Bogar asked if there was anyone present to address this application. No calls or letters received.

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;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response: no;
- The requested variance is substantial – response: no;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no.

Motion was made to **approve** the application as presented; and that a Building Permit to be obtained within one year of approval date. Vote taken:

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

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

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

Town of New Hartford
Zoning Board of Appeals Minutes
September 18, 2017
Page 3

Draft minutes of the August 21, 2017 Zoning Board meeting were received by each Board Member. Page 3, last sentence of 3rd paragraph of Parisi application – wording added to end of sentence. Approved.

There being no further business, the meeting adjourned at 6:46 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

DbS

NOTE: Minutes were taken by Board Member Karen Stanislaus in Mrs. Shaw's absence.