

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
BUTLER MEMORIAL HALL
NOVEMBER 19, 2018**

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; Code Officer Joseph Booth; Assessor Darlene Abbatecola; 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. Michele Spinella, 10 Mulvihill Drive, New Hartford, New York**. The applicant is proposing to add an 11' x 21' addition to her home. Ms. Spinella is located in a Medium Density Residential zone, which requires a 10' side yard setback. The applicant is seeking a 2.5'± left side yard Area Variance. Tax Map #328.020-1-40; Lot Size: 57' x 162'; Zoning: Medium Density Residential. Ms. Spinella appeared before the Board.

Ms. Spinella explained that her mother will be living with her and they wanted her own bathroom. She presented photos of her existing house and property and explained that she will not go any further than the edge of the home. She is squaring off the home. Materials will match the existing home. There is nothing behind her but woods. She also submitted drawings from the architect. There will not have an entrance from the outside – you have to go through the house.

Board Member Tesak is concerned that this may become a two-family home – Ms. Spinella said no – just a bathroom for her mother. He also asked if there was any other way to accomplish this without a variance – Ms. Spinella said no – this is the only option.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing closed at approximately 6:10 P.M.

Ms. Spinella said she approached a couple of her neighbors and they didn't have any concerns. Chairman Bogar stated that Oneida County Planning and NYSDOT didn't have any recommendations.

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;

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- 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 this application as presented; and that a Building Permit be obtained within one year of approval date; seconded by Board Member Fred Kiehm. Vote taken:

Chairman Randy Bogar - yes
Board Member Byron Montrose - yes
Board Member Karen Stanislaus – yes
Board Member Byron Elias - yes

Board Member Fred Kiehm - yes
Board Member Taras Tesak – yes
Board Member Lenora Murad - yes

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

Minutes of the October 15, 2018 Zoning Board of Appeals meeting were received by each Board Member. Motion was made by Board Member Fred Kiehm to approve these minutes as received; seconded by Board Member Karen Stanislaus. All in favor.

There being no further business, the meeting adjourned at approximately 6:15 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Zoning Board of Appeals

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