

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
JANUARY 28, 2019**

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; Assistant Code Officer Lary Gell; 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 **First Source Federal Credit Union, 4451 Commercial Drive, New Hartford, New York**. The applicant is requesting the following:

- 1) 118-82-E-2-(D); turn radius. The minimum allowable inside vehicle turning radius for parking areas shall be 15 feet. The applicant is proposing a turn radius of 10', therefore, they are requesting 5'+ reduction in the turn radius variance.
- 2) 118-82-C-4: Maximum parking standards. The maximum number of off-street parking spaces for any nonresidential building in the C-1 shall not exceed more than 120% of the number of spaces required in Schedule C. The applicant has proposed an increase to the parking to 176% of the allowed number of parking spots.
- 3) 118-82-E-1-(B): For non-residential uses, parking shall not be allowed within 15' of the public right-of-way. The applicant is proposing a 10' setback, which necessitates a 5'+ area variance.

Messrs. Ric Maar of Dunn & Sgromo Engineers, Mr. Stan Kocyba and Ms. Clair Kalka of First Source Federal Credit Union, appeared before the Board.

Board Member Byron Elias recused himself from this application.

Board Members Tesak, Murad, and Kiehm asked for further explanation. Mr. Maar explained why they needed this change for variances from the last application. Mr. Maar said now they have other properties that they own and can utilize in other areas. The previous appearance was for a quick fix to their parking problem, but after re-planning, they decided to go ahead with this new request. They want to maximize parking on the main office site. This is to meet the needs for employee and customer parking. This is for 30 spaces from the previous request of 16. This will be a permanent fix for them. He does not feel the customers or employees will be inconvenienced with the 9 x 18 parking size. New parking is for employees only. There will be no negative effect with emergency access. Board Member Murad had concerns and asked them to work with the NYSDOT to try to better the section on Middle Settlement Road. Board Member Tesak agrees. Chairman Bogar explained that NYSDOT will be part of the process of the Planning Board review also as well as other agencies.

The recessed area will be filled in and runoff will be addressed by the Planning Board. They are taking

care of runoff with storm water management to the basin to the other side of the building.

Board Member Stanislaus referred to non-residential uses/public right-of-way. They are not in the public right-of-way. They are within 10'. This is to maximize parking.

Board Member Tesak asked about the second floor occupancy – it is occupied by employees and administrative – not a leased use. The annex building is employees – no building expansion is planned.

Board Member Montrose asked about turning radius and emergency vehicles. Mr. Maar said an emergency vehicle can access without any problem, i.e. fire truck. After considerable discussion, Mr. Maar explained how this was determined and at what location.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing closed at approximately 6:40 P.M. Chairman Bogar also stated that replies were received from Oneida County Planning, Oneida County DPW and NYSDOT with no adverse comments.

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: possibly, 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: yes, all in agreement.

The Board Members will address each variance request individually:

- 1) 118-82-E-2-(D); turn radius. The minimum allowable inside vehicle turning radius for parking areas shall be 15 feet. The applicant is proposing a turn radius of 10', therefore, they are requesting 5'+ reduction in the turn radius variance.

Motion was made by Board Member Fred Kiehm to grant the variance above as shown with the statement by the applicant that an emergency vehicle can get through every entrance; seconded by Chairman Randy Bogar. Vote taken:

Chairman Randy Bogar - yes
Board Member John Montrose - yes
Board Member Karen Stanislaus – yes

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

Board Member Byron Elias abstained.

Motion approved by a vote of 6 – 0.

- 2) 118-82-C-4: Maximum parking standards. The maximum number of off-street parking spaces for any nonresidential building in the C-1 shall not exceed more than 120% of the number of spaces required in Schedule C. The applicant has proposed an increase to the parking to 176% of the allowed number of parking spots.

Discussion ensued regarding the turning radius on this site by the Middle Settlement Road area. Town Attorney Cully mentioned that this Board could defer action subject to our contract Town Engineer's further review.

Motion was made by Board Member Fred Kiehm to approve this variance subject to Mr. Maar's statement that an emergency vehicle will have access without any problems; seconded by Board Member Taras Tesak. Vote taken:

Chairman Randy Bogar - yes
Board Member John Montrose - yes
Board Member Karen Stanislaus – yes

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

Board Member Byron Elias abstained.

Motion approved by a vote of 6 – 0.

- 3) 118-82-E-1-(B): For nonresidential uses, parking shall not be allowed within 15' of the public right-of-way. The applicant is proposing a 10' setback, which necessitates a 5'+ area variance.

Motion was made by Board Member Taras Tesak to approve this variance as requested; seconded by Board Member John Montrose. Vote taken:

Chairman Randy Bogar - yes
Board Member John Montrose - yes
Board Member Karen Stanislaus – yes

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

Board Member Byron Elias abstained.

Motion approved by a vote of 6 – 0.

Board Member Byron Elias returned to the meeting.

The draft Zoning Board of Appeals minutes of December 17, 2018 were approved as written by Board Member Byron Elias; seconded by Board Member John Montrose. All in favor.

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There being no further business, the meeting adjourned at approximately 7:00 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Zoning Board of Appeals

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