

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
AUGUST 17, 2020**

The Regular Meeting was called to order at approximately 6:00 P.M. by Chairman Randy Bogar. Board Members present were John Montrose, Michele Mandia, Byron Elias, Karen Stanislaus, and Fred Kiehm. Board Member absent: Lenora Murad. Also in attendance were Councilmen David Reynolds and Richard Lenart; Town Attorney Herbert Cully; 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. He explained that one Board Member is absent and it is up to the applicant whether to proceed.

The application of **Mr. James Messa, 25 Sherrill Lane, New Hartford, New York**. The applicant would like to install a roof and rebuild a 6' x 12'± front deck. Zoning in this area is Medium Density Residential, which requires the front yard setback to be 30'. The proposed roof will extend into the required front setback by 9'±. Therefore, the applicant is seeking a 9'± front yard Area Variance. Tax Map #339.007-6-49; Lot Size: 80' x 110'; Zoning: Medium Density Residential.

Due to the State mandated restrictions, all attendees will be required to wear face masks continuously covering nose and mouth, and six (6) foot "social distancing" will be observed. Applicants and attendees must strictly adhere to the above and to the stated hearing time. The Town of New Hartford further reserves the right to limit the number of participants in each hearing.

Mr. Messa appeared before the Board. He explained what he would like to accomplish with the existing porch. He noted that many homes in his area have the same type of front entrances. He would like to avoid the snow and ice accumulation during the winter and it is also for the safety of walking into the home. He also feels this change would provide better curb appeal. He submitted drawings for the Board's review, which included landscaping and redirection of the walkway.

Chairman Bogar asked if there was anyone present to address this application: no response. The Public Hearing ended at approximately 6:15 P.M. There were no calls or letters received on this application.

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 – response: no, all in agreement.

Motion was made by Board Member John Montrose to grant this application as requested/submitted; seconded by Board Member Fred Kiehm; and a Building Permit be obtained within one year of approval date. Vote taken:

Chairman Randy Bogar - yes
Board Member John Montrose – yes
Board Member Byron Elias – yes

Board Member Fred Kiehm - yes
Board Member Michele Mandia - yes
Board Member Karen Stanislaus - yes

Motion was **approved** by a vote of 6 – 0.

The application of **Mr. Brian Stanistreet, 6 Shepherd Avenue, Whitesboro, New York (Town of New Hartford)**. The applicant would like to erect a 5 1/2'± tall picket style fence 15'± off the side of the home extending onto Powell Avenue. The fence will be 2'± off the property line and 23'± off the road. Therefore, the applicant is seeking a 15'± front yard setback Area Variance. (Rescheduled from the July 20, 2020 Zoning Board meeting and correction in fence height).

Due to the State mandated restrictions, all attendees will be required to wear face masks continuously covering nose and mouth, and six (6) foot “social distancing” will be observed. Applicants and attendees must strictly adhere to the above and to the stated hearing time. The Town of New Hartford further reserves the right to limit the number of participants in each hearing.

Mr. Stanistreet appeared before the Board. He explained that he needs the fence for the safety of his daughter and also to keep several dogs in the neighborhood out of his yard. These dogs run free and have become an issue. He has called Animal Control several times, however, nothing has been done. The proposed fence will be 170' long and stockade but with 2" spaces between the pickets. This fence will not affect visibility. Most of the neighbors in this area have fences and the one most affected is Nadine Campola who supports this application (her letter has been made a part of the file). The color of the fence will be determined later as he is thinking of painting his home. Mr. Stanistreet also stated that he spoke with other neighbors who support his application. He will maintain the fence so it will always look good.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing closed at approximately 6:25 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/possibly, 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/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: no, all in agreement.

Motion was made by Board Member Michele Mandia to grant this application as requested/submitted; seconded by Board Member Karen Stanislaus; and that a Building Permit be obtained within one year of approval date. Vote taken:

Chairman Randy Bogar - yes
Board Member John Montrose – yes
Board Member Byron Elias – yes

Board Member Fred Kiehm - yes
Board Member Michele Mandia - yes
Board Member Karen Stanislaus - yes

Motion was **approved** by a vote of 6 – 0.

Draft minutes of the July 20, 2020 Zoning Board of Appeals meeting were approved by motion of Board Member Fred Kiehm; seconded by Board Member Karen Stanislaus. All in favor.

There being no further business, the meeting adjourned at approximately 6:35 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

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