

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
DECEMBER 7, 2009**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present were Tim Tallman, George Koury, Fred Kiehm and Karen Stanislaus. Board Members absent: John Montrose and Bob Schulman. Also in attendance was Councilman David Reynolds, and Dory Shaw, Secretary. Everyone in attendance recited the Pledge of Allegiance. Chairman Bogar introduced the Board Members and explained the procedures for tonight's meeting. Also, he explained that two (2) Board Members are absent tonight and it was their decision whether to move forward with their application.

The application of **Mr. William Yount, 12 Mayberry Place, New Hartford, New York** who is proposing a 50' x 48' addition onto the existing home. Zoning in this area is Medium Density Residential, which requires a 30' front yard setback. Applicant is seeking a 15' front yard setback Area Variance. Tax Map #329.013-1-70; Lot Size: 150' x 175'; Zoning: Medium Density Residential. Legal Notice was published in the Observer Dispatch on November 27, 2009 and residents within 500' were notified. Mr. & Mrs. Yount appeared before the Board. His architect and engineer were present also.

He presented a packet explaining his application, which also included photos of the property. He stated the house was built in the 1950's. The plan is to have the addition for his mother to reside with him. He will be expanding into the two (2) adjacent lots. The addition will not encroach any closer than the existing structure. There is a front porch there now and they will rebuild it to make it look more aesthetically pleasing.

Board Member Kiehm asked about siding and roofing – Mr. Yount said the existing house, addition and roof will match – this is being done to insulate properly. The two (2) existing garages on the right are coming off.

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

-Mr. William Bonsted, 18 Mayberry Place: he has no objection, and stated most of the homes in this area are set back the same.

-Mr. Tom Bolanowski, 11 Merritt Place: he has no objection as it will make the house more aesthetically pleasing.

County 239 Planning and NYSDOT comments were received with no recommendation.

There being no further comment, the Public Hearing closed at 6:10 P.M.

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

Motion was made by Board Member Fred Kiehm to approve the application as presented as Mr. Yount has proven a need for the addition; and that a Building Permit be obtained within one (1) year of approval date; seconded by Board Member Tim Tallman.

Vote taken:

Chairman Randy Bogar – yes
Board Member Fred Kiehm – yes
Board Member Karen Stanislaus - yes

Board Member Tim Tallman – yes
Board Member George Koury – yes

Motion was **approved** by a vote of 5 – 0.

The application of **Mr. Tony DeSarro for Mr. & Mrs. Christopher Grisham, 15 Tilton Road, Utica, New York (Town of New Hartford)**, who is proposing to expand on existing former roof at the left side of the existing home. Zoning in this area is Low Density Residential, which requires a 15' setback from the side property line. Applicant is seeking a 6' left side-yard setback Area Variance. Legal Notice was published in the Observer Dispatch on November 25, 2009 and residents within 500' were notified. Mr. Tony DeSarro, contractor, and Mr. Christopher Grisham appeared before the Board.

Mr. Grisham presented some pictures for the Board's review. They aren't going over to the neighbor's property line – just raising the roof. He is not changing the footprint of the home at all. The house is non-conforming. He talked to his adjacent neighbor and they don't have any problems with the application. Mr. Grisham would like to make the house more aesthetically pleasing.

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

Mr. Jeff Friedel, 25 Westminster Road – he has no objection.

Co. 239 was received with no recommendation. There being no further input, the Public Hearing closed at 6:20 P.M.

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

Motion was made by Board Member Karen Stanislaus to approve the application as presented and that a need has been shown; and a Building Permit be obtained within one (1) year of approval date; seconded by Board Member George Koury. Vote taken:

Chairman Randy Bogar – yes
Board Member Fred Kiehm – yes
Board Member Karen Stanislaus - yes

Board Member Tim Tallman – yes
Board Member George Koury – yes

Motion was **approved** by a vote of 5 – 0.

The application of **Mr. Jeffrey Friedel, 25 Westminster Road, Utica, New York (Town of New Hartford)**, who is proposing to enclose an existing 10' x 14' patio to enlarge a family room in the rear of his home. Section 118-69A of the Town Code prohibits expansion of a non-conforming building. This house is located 21' from the front property line and zoning in this area is Low Density Residential which requires a 30' front yard setback. Therefore, the applicant is seeking a 9' front yard setback Area Variance. Tax Map #329.020-8-12; Lot Size: 85' x 160'; Zoning: Low Density Residential. Legal Notice was published in the Observer Dispatch on November 28, 2009 and residents within 500' were notified. Mr. Jeff Friedel appeared before the Board with his contractor, Mr. Jamie Zalewski.

Mr. Friedel explained that he has a large family and he needs the additional living space. Mr. Zalewski presented photos of the property and also a sketch of the proposed addition. Mr. Zalewski stated this addition will make the flow of the house nicer. The kitchen will open into the family room.

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

Mr. Christopher Grisham, 15 Tilton Road: he has no objection.

Mrs. Shirley Brill, 28 Lower Woods Road called and said she has no objection.

There being no further input, the Public Hearing closed at 6:30 P.M.

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

Motion was made by Board Member Karen Stanislaus to approve the application as presented and that a need has been demonstrated; and 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 Fred Kiehm – yes

Board Member Karen Stanislaus - yes

Board Member Tim Tallman – yes

Board Member George Koury – yes

Motion was **approved** by a vote of 5 – 0.

Chairman Bogar referred to the Association of Towns mailings and requested information. The Board Members did not have a problem with requested information.

Town of New Hartford
Zoning Board of Appeals Minutes
December 7, 2009
Page 5

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

Respectfully submitted,

Dolores Shaw
Secretary/Zoning Board of Appeals

dbb