

**MINUTES OF THE REGULAR MEETING  
ZONING BOARD OF APPEALS  
TOWN OF NEW HARTFORD MUNICIPAL BUILDING  
APRIL 15, 2024**

The Regular Meeting was called to order by Board Member Byron Elias at 6:00 P.M. Board Members present Karen Stanislaus, Lenora Murad, Tim Tallman and Michele Mandia. Also in attendance were Town Attorney Herbert Cully, and Secretary Dory Shaw. Everyone in attendance recited the Pledge of Allegiance. Absent: Chairman Randy Bogar, Board Member Dan McNamara and Christina Lacy. Board Member Elias introduced the Board Members and explained the procedures for tonight's meeting. He also explained that two Board Members are absent and if the applicants wanted to postpone until another time, they could do so. The applicants went forward.

The application of **Utica Sign & Graphics for 50 Kellogg Road, New Hartford, New York (Excellus Resource Center)**. The store front is 40' wide which will allow one sign up to 60 square feet of wall sign. The applicant is proposing a new 129± square foot wall sign. Therefore, the applicant is seeking an Area Variance of 69± square foot addition to the allowed square foot wall signage. Tax Map #339.015-2-2-Zoning: C2 Commercial Retail Business. Mr. John Vella appeared before the Board. existing space, but it didn't work. He worked on this concept and it fits perfectly. Signage is very important to his clients. The sign faces a parking lot and it blends in with the existing businesses. The sign will be lit but not on all night. It will be off when the other businesses in the plaza are off, i.e., possibly 10:00 P.M.

Chairman Bogar opened the Public Hearing: there was no one present to address this application. The Public Hearing closed at approximately 6:10 P.M. Oneida County Planning and Oneida County DPW had no recommendation 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 Lenora Murad to approve the application as presented, and that a Building Permit be obtained within one year of approval date; seconded by Board Member Karen Stanislaus. Vote taken:

Board Member Byron Elias – yes  
Board Member Tim Tallman – yes  
Board Member Lenora Murad - yes

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

Motion was approved by a vote of 5 – 0.

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The application of **Mr. Tony Chen** for a building sign (**Mr. Kimchi Korean BBQ and Hotpot**) at 4631 Commercial Drive, New Hartford, New York (former Chuck E Cheese). He has proposed a 107± square foot building mounted sign facing the private parking lot. Maximum allowed square footage is 100 square feet. Therefore, the applicant is seeking an Area Variance of 7± square feet. Tax Map #328.008-1-3; Zoning: C1 General Commercial. Mr. Tony Chen appeared before the Board with Mr. Kevin Wu.

Mr. Wu spoke for Mr. Chen and stated that Rome Signs installed this sign and after, it was found out that the sign didn't conform to signage requirements. When the applicant was informed about this matter, Mr. Chen immediately filed for a variance. They are here this evening to get approval. The sign is already on the building and it faces a parking lot. It fits beautifully on this site

Chairman Bogar opened the Public Hearing: there was no one present to address this application. The Public Hearing closed at approximately 6:20 P.M. Oneida County Planning and NYSDOT had no recommendation 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 Michele Mandia to approve the application as presented, and that a Building Permit be obtained within one year of approval date; seconded by Board Member Tim Tallman. Vote taken:

Board Member Byron Elias – yes  
Board Member Tim Tallman – yes  
Board Member Lenora Murad - yes

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

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

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Minutes of the March 18, 2024 meeting were approved by Board Member Tim Tallman; seconded by Board Member Lenora Murad. All in favor.

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At this time, Board Member Elias addressed the Board on information relating to Battery Energy Storage Systems, and what could happen in the future with regard to sites, applications, etc. It was a general discussion with no particular site or application.

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There being no further business, motion to adjourn was made by Board Member Byron Elias; seconded by Board Member Tim Tallman at approximately 6:50 P.M. All in favor.

Respectfully submitted,

Dolores Shaw, Secretary  
Zoning Board of Appeals

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