

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
MAY 20, 2024**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present Karen Stanislaus, Lenora Murad, Tim Tallman, Dan McNamara, Byron Elias and Michele Mandia. Also in attendance were Town Attorney Herbert Cully, Christina Lacy, 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 **Mr. Mariano Jellencich/CNY Custom Concrete & Masonry**, 8142 Seneca Turnpike, Clinton, New York (Town of New Hartford). The applicant has proposed an expansion of 20' wide by 62' long cold storage area. This proposed expansion will extend into the 20' side yard setback. Therefore, the applicant is seeking a 20'± Area Variance for this addition. The existing structure is 20'± off the property line – property located in a C2 Commercial Retail zone. Mr. Mariano Jellencich appeared before the Board.

Mr. Jellencich explained that he needs the additional space to keep his equipment, stock, etc. to keep his property looking nice and not crowded. It is a 20'x62' cold storage building. He explained the layout of his property and what he has done in the past to make the property look nice. The addition will be 30' back with a fence and landscaping. There is no problem with setbacks, about 7' from the property line.

Chairman Bogar opened the Public Hearing: there was no one present to address this application. The Public Hearing closed at approximately 6:15 P.M. Oneida County Planning and NYSDOT responded 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: 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: yes, all in agreement.

Motion was made by Board Member Karen Stanislaus to approve the application as presented, and that a Building Permit be obtained within one year of approval date; seconded by Board Member Lenora Murad. Vote taken:

Chairman Randy Bogar – yes	Board Member Dan McNamara - yes
Board Member Byron Elias – yes	Board Member Michele Mandia - yes
Board Member Tim Tallman – yes	Board Member Karen Stanislaus – yes
Board Member Lenora Murad - yes	

Motion was approved by a vote of 7 – 0.

The application of **Mr. James Salerno, 1910 Tilden Avenue, New Hartford, New York**. Zoning: Low Density Residential. Mr. Salerno is requesting an **Interpretation** for a large scale solar energy system on vacant land to the rear of his property at 1910 Tilden Avenue. An Interpretation is needed as Local Law 118-74 states free standing or ground mounted systems shall not be permitted in residential districts; however, the Town’s Schedule “A” shows that ground mounted, free standing energy systems/collectors are allowed in all zoning districts with an “SP” designation. An **Interpretation** is also needed on what an SP means as it is not listed in Schedule “A”. The Code sections and schedules can all be found on the Town of New Hartford website www.townofnewhartfordny.gov Mr. James Salerno appeared.

The attorney for Mr. Salerno, Ralph Fusco, Esq. could not appear this evening. Town Attorney Herbert Cully suggested tabling this application until the June 24, 2024 Zoning Board meeting when Mr. Salerno’s attorney could attend and renotify everyone. Mr. Salerno agreed to postpone.

Motion was made by Board Member Byron Elias to table this application until the June 24, 2024 Zoning Board meeting; seconded by Board Member Tim Tallman. Vote taken:

Chairman Randy Bogar – yes	Board Member Dan McNamara - yes
Board Member Byron Elias – yes	Board Member Michele Mandia - yes
Board Member Tim Tallman – yes	Board Member Karen Stanislaus - yes
Board Member Lenora Murad - yes	

Motion was passed to table this application by a vote of 7 – 0.

Attorney Cully addressed Interpretations, Solar Energy Systems, Zoning, etc. as he wanted to explain the documents he passed along to the Board Members.

Note: Ms. Barbara Morris of 1901 Sherman Drive approached the table and stated that she could not stay for the meeting but wanted to let the Board know she is against this project.

Approval of the April 15, 2024 Zoning Board of Appeals minutes were approved by Board Member Karen Stanislaus; seconded by Board Member Michele Mandia. All in favor.

Chairman Bogar thanked Zoning Board Member Karen Stanislaus, Esq. for her many years of service to the Zoning Board of Appeals. She will be leaving the area and her residence in New Hartford shortly.

There being no further business, the meeting adjourned at approximately 6:30 P.M.

Respectfully submitted,

Dolores Shaw
Zoning Board Secretary

dbS