

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
SEPTEMBER 16, 2024**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present are, Dan McNamara, Michele Mandia, and Byron Elias. Board Members absent: Dominick Timpano, Lenora Murad and Tim Tallman. Also in attendance were Town Attorney Herbert Cully, Town Councilman David Reynolds, 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, in particular that there are several Board Members not in attendance.

The application of **Ms. Sara Reale, 13 Upper Woods Circle, New Hartford, New York**. The applicant is requesting to construct a 27' x 8'± front porch onto her existing home. The proposed covered porch requires a front yard Area Variance of 8'± as it sets 54'± from the center line of the roadway. Therefore, necessitating the Area Variance request. Tax Map #330.017-1-35; Zoning: Low Density Residential. Ms. Reale and Mr. Shawn Fuess appeared before the Board.

Town Attorney Cully explained that there was a discrepancy in the calculations for this application. It is an expansion of a non-conforming structure. He further explained the re-noticing procedure for this application to its correct proposal and the legal requirements to do so, which would require the applicants to attend another meeting. Attorney Cully wants to make sure this is done legally and proper.

Ms. Reale and Mr. Fuess approached the Board with Mr. Michael Grassi who explained the details of their proposal and presented the survey of this property. It was stated that the porch would be natural wood and shingles to match the house. They have the support of their neighbors for this request. Discussion continued between the Board Members regarding how to proceed, i.e. amendment.

Board Member Elias felt the Board could proceed and explained; he reviewed the survey and doesn't feel this is substantial. The 4' shown is within the plus or minus in this particular case because of the nature of it. Further discussion on the road boundary continued.

Chairman Bogar asked if there was anyone in attendance to address this application – no one appeared. The Public Hearing closed at approximately 6:16 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 - 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 Dan McNamara to move forward and approve the application as presented for this application for the porch with shingles to match the home; and that a Building Permit be obtained within one year of approval date; seconded by Board Member Michele Mandia. Vote taken:

Chairman Randy Bogar – yes
Board Member Byron Elias – yes

Board Member Dan McNamara - yes
Board Member Michele Mandia – yes

Motion was **approved** by a vote of 4 – 0.

The application of **Mr. Thomas Fiorentino, 197 Paris Road, New Hartford, New York**. The applicant is proposing a 40' x 60'± with a 13' x 36'± open lean-to storage/shop structure with a height of 26' 11"± to the peak. The proposed building will replace a similar structure that had to be removed due to storm damage. This additional height will require an Area Variance of 11' 11"± to erect the 26' 11"± tall garage. Also, the applicant has two other accessory buildings on the site. Therefore, an additional variance on the quantity of accessory buildings (total of 3) is required. Tax Map #338.000-3-8.1; Zoning: Low Density Residential. Mr. Thomas Fiorentino appeared before the Board.

Mr. Fiorentino explained that a storm took down a structure he had on the property. He doesn't have a large garage on his property, and he would construct a two-stall garage and on the back side of the property will be a wood shop/hobby shop. He will use the wood shop just his own use – no business.

Town Attorney Cully referred to his neighbor and a property line – Mr. Fiorentino explained and everything is good with the neighbor, Mr. Barone. The building will be 40'x60' with metal siding, two tone, round columns. The old building was two-story, this will be one story – it looks big until things are put in it. The front is a two-stall garage and the back side will be a nice shop space. He has been working with Boulder Consultants and he did show this to Mr. Barone. He explained the contour of the land. He also stated his neighbors have no problem with his request.

Discussion ensued and it was stated that he has four (4) structures. Mr. Fiorentino stated that if there was any chance of not being approved, he wouldn't have demolished the building that was damaged. That is off the property. His conversation with Codes Officer Gell was about height and quantity. Board Member Elias explained the non-conforming use to him.

This application needs to be changed, a corrected legal notice published and residents renotified for the October 21, 2024 Zoning Board meeting. Mr. Fiorentino is now proposing an open lean to storage/shop structure with a height of 22'3". The proposed building will replace a similar structure; he would have four (4) accessory structures.

Town of New Hartford
Zoning Board of Appeals Minutes
September 16, 2024
Page 3

Motion was made by Board Member Byron Elias to table this application to be addressed at the October 21, 2024 Zoning Board meeting; seconded by Board Member Michele Mandia. Vote taken:

Chairman Randy Bogar – yes
Board Member Byron Elias – yes

Board Member Dan McNamara – yes
Board Member Michele Mandia – yes

Motion was **approved** to table this application by a vote of 4 – 0.

Minutes of the August 19, 2024 meeting were approved by motion of Board Member Byron Elias; seconded by Chairman Randy Bogar. All in favor.

There being no further business, the meeting adjourned at approximately 7:30 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

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