

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
OCTOBER 21, 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, Byron Elias, Dominick Timpano, Lenora Murad and Tim Tallman. Also in attendance were Town Attorney Herbert Cully, Town Councilman David Reynolds, Highway Superintendent Richard Sherman, 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.

The reapplication of **Mr. Thomas Fiorentino, 197 Paris Road, New Hartford, New York**. Tax Map #338.000-3-8.1; Zoning: Low Density Residential. The applicant is in a pre-existing, non-conforming property in a Low Density Residential (LDR) zoning district. He is proposing a 40' x 60'± building with a height of 22' 3"± to the peak that includes a 13' x 36'± covered patio entrance. The applicant's site had four accessory buildings one of which had to be removed due to storm damage. The proposed replacement building is similar to the one that had to be removed. The height of the replacement building will require the applicant to seek an Area Variance of 7' 3"± as well as an additional variance on the quantity of accessory buildings. Tax Map #338.000-3-8.1; Zoning: Low Density Residential. Mr. Thomas Fiorentino appeared before the Board.

Mr. Fiorentino explained the reapplication for his Area Variance request. He adjusted some of the footage by the road, and spoke to his neighbors so they are aware of what he is doing. Location of the garage was discussed. He will not be running a business from his property; the garage is for his personal use. The garage is going from two story to a one story structure. Town Attorney Cully explained that Mr. Fiorentino is replacing one of the buildings that was destroyed by a storm.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing closed at approximately 6:10 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 Lenora Murad to approve the application as presented for this addition; the additional variance on the quantity of accessory buildings; 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 – no
Board Member Lenora Murad - yes
Board Member Tim Tallman - yes

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

Motion was **approved** by a vote of 6 - 1.

The application of **Mr. Jace Volo, 19 Eagle Ridge Drive, New Hartford, New York**. The applicant is proposing a 475± square foot addition to the southeast side of the structure, with a front porch. The property has a 10 foot of 20 foot drainage easement along this property line. The addition with the porch will extend into 15' required side yard setback and into the easement. Therefore, the applicant is seeking an Area Variance for 7'7"± into the side yard. The front porch also extends 2'7"± into a 20 ft. drainage easement. Mr. Volo appeared before the Board with his contractor.

Mr. Volo addressed the Board stating that there was some confusion about the drainage easement so he withdrew that request. The only variance he is seeking now is on the 15' setback, which he does not meet by 5'. He presented another plan that shows he is out of the easement. This addition fits beautifully into the neighborhood.

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

-Mr. Frank Driscoll, 17 Eagle Ridge Drive. He spoke with Mr. Volo. He feels it is an increase in value to the neighborhood and he supports this application.

Letters of support were received from William Borrill, Esq., 10 Eagle Ridge Drive; Carl E.D. Schmitt, Jr., 21 Eagle Ridge Drive; and Chad Carstensen, 12 Eagle Ridge Drive.

Highway Superintendent Richard Sherman has no objection as long as the addition does not go into the easement.

There being no further input, the Public Hearing closed at approximately 6:20 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 Byron Elias to approve the application as presented for this addition showing that the addition does not go into the easement; that Mr. Volo is seeking a 5' Area Variance; and that a Building Permit be obtained within one year of approval date; seconded by Board Member Tim Tallman. Vote taken:

Chairman Randy Bogar – yes
Board Member Byron Elias – yes
Board Member Lenora Murad - yes
Board Member Tim Tallman - yes

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

Motion was **approved** by a vote of 7 – 0.

The application of **Mr. Andrew Bailey of LaFave, White & McGivern, LS PC, for Mr. & Mrs. Louis Inkawhich, 4913 Henderson Street, Whitesboro, New York.** The applicant has proposed a 2-lot minor subdivision in a Medium Density Residential zone. The parcel currently has two homes on one lot. New Lot 1 will meet the requirements of the Town's Schedule "B" with the lot road frontage being in Whitesboro. The proposed Lot 2 will require a variance for the lack of frontage and an inground pool that is installed too close to the property line. The swimming pool has been installed 8.1± feet off the property line. Therefore, the applicant is seeking a 1.9± Area Variance for the pool. The existing frontage is 53.41' of the required 80 feet. Therefore, the applicant is seeking an additional Area Variance for the reduction of 26.59 feet off the Schedule "B" requirement. Tax Map #317.013-3-6.1; Zoning: Medium Density Residential. Mr. Andrew Bailey appeared before the Board with a map of this project.

Mr. Bailey explained that the applicants want to do estate planning and would like to get their property in order legally. He will be attending the Whitestown Planning Board meeting for their review. He explained where the houses are located – two existing homes. Before the property can go before the Town of New Hartford Planning Board, this requires a variance. Also, the pool is too close to the side yard. There won't be any easement between the lots – totally separate.

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

-Mr. Carl Santa Maria, 2 Horace Street, Whitesboro, New York. He is here to review the application.

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

Highway Superintendent Richard Sherman referred to Collins Avenue – no concerns.

It was mentioned that Mr. Steve Cox, Planning Board Chairman for Whitestown, would be addressing this subdivision at their meeting on Wednesday, October 23, 2024. He and/or applicant will get back to Dory Shaw with any 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: no, all in agreement.

Motion was made by Board Member Byron Elias to approve the application as presented for this proposed subdivision, frontage and pool location; seconded by Board Member Dominick Timpano. Vote taken:

Chairman Randy Bogar – yes
Board Member Byron Elias – yes
Board Member Lenora Murad - yes
Board Member Tim Tallman - yes

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

Motion was **approved** by a vote of 7 – 0.

Secretary Dory Shaw will notify Whitestown Planning Board of this Board’s decision.

Minutes of the September 16, 2024 Zoning Board meeting were approved by motion of Board Member Michele Mandia; seconded by Board Member Dan McNamara. All in favor.

Chairman Bogar addressed the Board Members regarding notification of attendance to meetings with Secretary Dory Shaw.

There being no further business, the meeting adjourned at approximately 6:45 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals
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