

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
NOVEMBER 18, 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, Codes Officer Lary Gell 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 application of **Clifford Fuel Co., Inc., 1701 Burrstone Road, New Hartford, New York**. The zoning of this business is C2 Commercial Retail and is allowed one 64 square foot freestanding sign, with a total allowed 200 square feet of signage per use. The applicant was also granted an Area Variance of 82± square feet previously. The applicant is now proposing adding an additional 50± square feet to the freestanding sign. With the additional square footage, the sign will be 132± square feet. Therefore, the applicant is seeking an Area Variance for 50± square feet total overage on the previously approved Area Variance. Also, the applicant will be seeking a 55± square foot variance for the additional square footage to the allowed signage per use. Tax Map #317.000-2-22. Mr. Dylan Lyon appeared.

Mr. Lyon explained the reason for the need of this additional signage. They would like to place the Subway sign which was taken down previously. They changed to Citgo which required more signage than what was there previously so they took the Subway sign off this structure. However, they need to place the Subway sign back on. He presented pictures of what the sign would look like – it is being placed on the bottom of the sign like before. All of the sign is very visible from any direction.

Chairman Bogar asked if there was anyone present to address this application – no response. The Public Hearing closed at approximately 6:10 P.M. County 239 and NYSDOT responded with no 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 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 Byron Elias.
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 **Signs Unlimited, Inc. for Take 5 Oil Change, 4794 Commercial Drive, New Hartford, New York**. Total allowed sign per use is 200 square feet. No more than one 100 square foot exterior building mounted signs shall be permitted for each business on each wall facing a public street or private parking area. The applicant has two wall signs on the front of the building. One of the signs will be 22± square feet and the second sign will be 48± square feet for a total of 70± square feet of signage on the front of the building., By permitting two wall signs on the front of the building, the applicant will only have 169± square feet of onsite signage. Therefore, the applicant is seeking an Area Variance for one more than the allowed wall signage to the road side of the building. Mr. James Callahan of Saxton Signs appeared before the Board. Also, Mr. Scott Gill, District Manager and Mr. Rick Niewczyk, Director of Operations.

Mr. Callahan explained signage helps because this business is new to the area and they need the exposure. Lighting was discussed, and he explained that there is no lighting on the back of the building – only lights over the doors to illuminate them. Discussion ensued regarding lighting and it can be adjusted – they are willing to do so. The signs are time censored.

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

Ms. Jean Milewski, 16 Royal Brook Lane. She lives behind this project and there is always a problem, especially with 7 Brew, with noise and lighting. She submitted a letter which has been made a part of the file. She mentioned placing shrubbery in the back of the building to look better. The lights from 7 Brew bother her as they come on at 5 AM and turn off at 11 PM.

Mr. Scott Gill said he would walk the site with her to see what kind of adjustments could be made.

The Public Hearing closed at approximately 6:25 P.M. County 239 and NYSDOT responded with no comments.

Board Member Elias would like the applicants to work with the timing of the lights and that the lens shine down.

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 for this sign subject to the lighting being on one hour before opening and one hour after closing (as well as during regular hours) and that the manager does research about placing a cover over the lens in the back of the building; 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 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.

Draft minutes of the October 21, 2024 Zoning Board meeting were approved by motion of Board Member Byron Elias; seconded by Board Member Michele Mandia. All in favor.

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

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

dbS