

**MINUTES OF THE REGULAR MEETING
SEPTEMBER 17, 2007**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:30 P.M. Board Members present were Tim Tallman,, Kristen Shaheen, Steve Welty, and John Montrose. Board Members absent: Fred Kiehm and Bob Schulman. Also in attendance were Councilman David Reynolds, Codes Enforcement Officer Jerry Back, 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 **Charlene Vehoski, 3332 Church Street, Chadwicks, New York and Heather Payne, 3334 Church Street, Chadwicks, New York**, who are each requesting a 5' side yard setback Area Variance for an aboveground pool. Zoning in this area is Medium Density Residential, which requires a 5' side yard setback from the property line, thus, necessitating a 5' side yard setback Area Variance for each applicant. Tax Map #'s Vehoski: 350.017-1-32; Payne: 350.017-1-33; Lot Size: Vehoski: 69' x 113'; Payne: 34' x 124'. Zoning: Medium Density Residential. (This application was tabled at the August 27, 2007 meeting). Mr. & Mrs. Vehoski and Ms. Payne appeared before the Board.

Chairman Bogar explained to the applicants that the Board received a letter from the Town Attorney, which was read into the record by Secretary Dory Shaw. It stated that he felt the granting of this variance was not practical, especially for liability purposes (a copy of this letter has been placed in the file). Chairman Bogar suggested that the pool be moved to the Payne residence, where her property was 34' wide and with the pool being 24', she would have 5' on each side of the pool (based on the dimensions of the lot that he read). At least the pool would be on one property, not two. He feels this Board would be receptive if they needed a variance on either side if they moved the pool – the Board Members agreed.

Mrs. Vehoski said she talked with the pool company and they are willing to move the pool. Codes Enforcement Officer Back said he would be willing to meet them at the site and help determine if they need a different variance or perhaps none is needed.

This application is **tabled** until a determination is made after the pool is moved.

-The application of Ms. Ling Qui Xu, 8 Wilbur Road, New Hartford, New York, who is requesting to construct a 7' x 26' enclosed front porch onto her existing home. The proposed addition will be 13' from the front property line. This area is zoned Medium Density Residential, which requires a 30' front yard setback, therefore, the applicant is requesting a 17' front yard setback Area Variance. Tax Map #329.013-2-37; Lot Size: 70' x 97'; Zoning: Medium Density Residential. Legal Notice was published in the Observer Dispatch on September 7, 2007 and residents within 500' were notified. Ms. Xu appeared before the Board. Ms. Xu, her contractor and Attorney Herbert Cully appeared before the Board.

Attorney Cully explained that her home is non-conforming and she has a practical difficulty with where the house sets. She is not asking to do anything greater than what already exists. She just wants to go sideways and expand the width of the porch. What triggers the variance is she wants to put a roof over the porch. He stated that her contractor said the roof will divert water from where it's ponding now, which creates a water problem for her. He will be using drain/gutters so that water will flow into the driveway and not onto the neighbor's. Attorney Cully feels this will add to the character of the neighborhood, it doesn't hinder anything, and would make her home more aesthetically pleasing.

Ms. Xu's contractor stated that the porch will be vinyl and it will match her home.

There were no calls or letters received on this application. The Public Hearing closed at 6:55 P.M. The Board Members went through the criteria necessary for the granting of 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.
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response: no.
- The requested variance is substantial – response: no.
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – no
- The alleged difficulty was self created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance–response: no.

Motion was made by Board Member Kristen Shaheen to approve this application as presented as long as the front fascia of the roofing matches the existing home; and that a

Building Permit be obtained within one (1) year of approval date; seconded by Board Member Tim Tallman. Vote taken:

Chairman Randy Bogar – yes	Board Member Tim Tallman – yes
Board Member Steve Welty – yes	Board Member John Montrose – yes
Board Member Kristen Shaheen – yes	

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

-The application of Mr. Joseph Fariello, Sweetwater Hollow, New Hartford, New York, who is proposing to construct a 14' x 18' addition onto the side of his existing home. The proposed addition will be approximately 13' 4" from the right side property line. Zoning in this area is Low Density Residential, which requires a 15' side yard setback, thus, the applicant is requesting a 1' 6" right side yard Area Variance. Tax Map #339.007-6-72; Lot Size: 100' x 371'; Zoning: Low Density Residential. Legal Notice was published in the Observer Dispatch on September 7, 2007 and residents within 500' were notified. Mr. & Mrs. Fariello appeared before the Board with their contractor, Mr. Tony Milo.

Mr. Fariello explained that he is building over an existing deck as supports are there now – it looks like the former owner had an intention of adding a room at one time. He needs the additional living space and would like to construct a bedroom. He will follow the roof line now, and the existing roof will be just a little higher. They will match the existing siding or place cedar shakes, and everything will be constructed according to Building Code. The inside will be roof cut lumber. The main structure of the home is logs. A foundation will be put in also.

Board Member Welty asked whether at some time they may want another deck. Mr. Fariello explained the layout of his home as there is a small front porch their now.

Mr. Fariello contacted his neighbor most affected, Mr. Heinlein, 129 Oxford Road, who has no objection.

-Ms. Linda Frisillo, 2 Beechwood Road, stated she has no objection.

There were no calls or letters received on this application. The Public Hearing closed at 7:05 P.M.

The Board Members went through the criteria necessary for the granting of 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.
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response: no.
- The requested variance is substantial – response: no.
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – no
- The alleged difficulty was self created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance–response: no.

Motion was made by Board Member John Montrose to approve this application as presented with the condition that the addition match the existing home with either shakes or something rustic; that a Building Permit be obtained within one (1) year of approval date; seconded by Board Member Kristen Shaheen. Vote taken:

Chairman Randy Bogar – yes
Board Member Steve Welty – yes
Board Member Kristen Shaheen – yes

Board Member Tim Tallman – yes
Board Member John Montrose – yes

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

-The application of Mrs. Sheryl Stressel, 4004 Oneida Street, New Hartford, New York, who is proposing a 32'± long by 7' wide covered porch onto the front of her existing home. This porch will set 24' back from the front property line. Zoning in this area is Low Density Residential, which requires a 30' front yard setback. Therefore, the applicant is requesting a 6' front yard setback Area Variance. Tax Map #339.012-1-17; Lot Size: Approximately 1 Acre; Zoning: Low Density Residential. Legal Notice was published in the Observer Dispatch on September 7, 2007 and residents within 500' were notified. Mr. & Mrs. Stressel appeared before the Board.

Mrs. Stressel presented pictures of what the proposed porch would look like. She explained that the side door of her home presents a problem and they will have to take it out. The porch will add to the character of the home. It won't have a concrete deck, but the porch will be vinyl and the bottom will have treated lumber. They will landscape around it. The whole house will be resided eventually.

Board Member Shaheen asked if the trees in the front will remain – yes.

There were no calls or letters received on this application. The Public Hearing closed at 7:15 P.M. The Board Members went through the criteria necessary for the granting of 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.
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response: no.
- The requested variance is substantial – response: no.
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – no
- The alleged difficulty was self created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance–response: no.

Motion was made by Board Member John Montrose to approve the application as presented; and that a Building Permit be obtained within one year of approval date; seconded by Board Member Steve Welty. Vote taken:

Chairman Randy Bogar – yes
Board Member Tim Tallman – yes
Board Member Kristen Shaheen – yes

Board Member John Montrose – yes
Board Member Steve Welty – yes

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

Correspondence:

The Board Members addressed the status of the Interpretation made at the August 27, 2007 Board Member regarding Mr. James Becker, 12 Allman Place, New Hartford.

It was determined by the Board that Mr. Becker's sport net was a fence and he was granted thirty (30) days to apply for an Area Variance. To date we have not heard from Mr. Becker and he has until September 26, 2007. If he does not apply by that date, the Codes Department will send him a letter asking that it be removed immediately. (NOTE: since this writing, Mr. Becker has applied for an Area Variance).

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The Board Members discussed the update of the Zoning Law as it pertains to signage in the Town. The Board will be asking the Town Attorney and Town Board for insight into this and the time frame for this to be addressed, or some other type of action.

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

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

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