

**ZONING BOARD OF APPEALS  
REGULAR MEETING – MINUTES  
JULY 23, 2013 –7:00PM  
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

**PRESENT:** Chairman Mary Lou Rayno, Bert Brander, Scott Goff, Paul Griffin, John Rouleau; Alternate John Wilhelm; Zoning Enforcement Officer Rista Malanca, CZEO.

**ABSENT:** Alternate Lew Chappel.

Chairman Mary Lou Rayno called the meeting to order at 7:00PM. The entire proceedings were recorded digitally and are available in the Town Hall.

**1. PUBLIC HEARINGS CONTINUED:**

**A. Eric Budney, 634 West Hill Road – Special Exceptions per New Hartford Zoning Regulations Article 7, Section 7.1C for 0.27 Floor Area Ratio and per Article 7, Section 7.1B to Increase Size of Nonconforming Structure.**

Ms. Malanca informed the Board that the applicant had requested a continuance of the public hearing to the August 27, 2013 regular meeting.

**2. PUBLIC HEARINGS:**

**A. David Pergola, 640 West Hill Road – Special Exception per Section 7.1C of the Town of New Hartford Zoning Regulations for up to 0.19 Floor Area Ratio to Tear Down Existing 2-Car Garage and Construct 3-Car Garage.**

Ms. Rayno read into the record the legal notice for this matter. David Pergola addressed the Board regarding this application, and he submitted proof of notice to abutting neighbors. Mr. Pergola explained that he wanted to take down the existing 2-bay garage and replace it with a 3-bay garage. He stated that he had obtained permission from the Farmington Valley Health District two years ago to add an additional bay onto the existing garage, and he had installed the foundation the previous year. However, instead of this addition, he now wanted to construct a new garage where there would be two regular-size bays and one higher bay for storing his boat. On the side of the garage with the two regular bays, he wanted to have a 24x24 storage room above. Ms. Rayno asked what the current height of the garage was versus what was proposed. Mr. Pergola stated that the current garage was 18 feet from finished floor to peak; the proposed new garage would be 27 feet high. The Board reviewed the maps and plans.

Mr. Brander questioned why additional approvals were needed if Mr. Pergola had already obtained them. Ms. Malanca explained that Mr. Pergola had originally proposed a 12-foot addition to the side of the existing garage, and he had obtained all necessary Inland Wetlands and zoning approvals. However, Mr. Pergola now wished to make the garage taller and add the second floor storage, which therefore modified the zoning permit. Mr. Pergola stated that he had originally planned to extend the existing roof; however, he then decided he would prefer to build a new garage with a room above. Members of the Board verified with Mr. Pergola that the room would only be for storage purposes.

Ms. Malanca stated that the proposed garage met all required setbacks, and Mr. Pergola already had Inland Wetlands approval; the only outstanding issue was the floor area ratio. She noted that Farmington Valley Health District approval was in the file. Ms. Malanca explained that the proposal had originally totaled 18.3% in floor area; it was now 18.7% floor area as there were portions of the basement that counted toward floor area ratio calculations.

Mr. Brander asked for the square footage of the house. Ms. Malanca said that the foundation of the first floor was 1726 square feet; the square footage of the foundation of the garage was 864 square feet. The Board reviewed the square footage calculations for the property. Mr. Brander questioned how tall the house was, and Mr. Pergola stated that it was approximately 26 or 27 feet tall; he explained that the land sloped down from the road toward the lake. The Board again reviewed the maps and plans for the project. Mr. Pergola then briefly reviewed his plans for the exterior appearance of the garage, noting that he planned to put new siding on his home to match the garage.

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Ms. Rayno opened the floor to public comment; however, no one was present who expressed a desire to speak.

**MOTION** Mr. Brander, second Mr. Griffin, to close the public hearing in the matter of **David Pergola, 640 West Hill Road – Special Exception per Section 7.1C of the Town of New Hartford Zoning Regulations for up to 0.19 Floor Area Ratio to Tear Down Existing 2-Car Garage and Construct 3-Car Garage**; unanimously approved.

### 3. PENDING APPLICATIONS:

- A. **Eric Budney, 634 West Hill Road – Special Exceptions per New Hartford Zoning Regulations Article 7, Section 7.1C for 0.27 Floor Area Ratio and per Article 7, Section 7.1B to Increase Size of Nonconforming Structure.**

This matter was tabled to the August 27, 2013 regular meeting.

- B. **David Pergola, 640 West Hill Road – Special Exception per Section 7.1C of the Town of New Hartford Zoning Regulations for up to 0.19 Floor Area Ratio to Tear Down Existing 2-Car Garage and Construct 3-Car Garage.**

Ms. Rayno questioned whether the Board could require that the second floor of the garage only be used for storage, not for as living space. Ms. Malanca responded affirmatively, stating that the Board could require that the area above the garage could not be used for living space without first obtaining all required permits.

**MOTION** Mr. Griffin, second Mr. Goff, to approve the application in the matter of **David Pergola, 640 West Hill Road – Special Exception per Section 7.1C of the Town of New Hartford Zoning Regulations for up to 0.19 Floor Area Ratio to Tear Down Existing 2-Car Garage and Construct 3-Car Garage** as per all oral and written testimony, with the condition that the second floor of the garage cannot be used as living space without first obtaining all required permits; unanimously approved.

### 3. NEW APPLICATIONS:

No business was discussed.

### 4. READING OF THE MINUTES:

- A. **June 25, 2013 regular meeting.**

**MOTION** Mr. Goff, second Mr. Griffin, to approve the minutes of the June 25, 2013 regular meeting as written; unanimously approved.

### 5. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

- A. **Election of Officers.**

**MOTION** Mr. Griffin, second Mr. Brander, to nominate Mary Lou Rayno for the position of Chairman; unanimously approved.

**MOTION** Mr. Goff, second Mr. Brander, to nominate Paul Griffin, for the position of Vice-Chairman; unanimously approved.

**MOTION** Mr. Goff, second Mr. Rouleau, to adjourn at 7:22PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik  
Board Clerk