

**ZONING BOARD OF APPEALS
REGULAR MEETING – MINUTES
MAY 28, 2013 –7:00PM
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

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

ABSENT: John Rouleau; Alternates Lew Chappel and John Wilhelm.

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:

Ms. Rayno read into the record the legal notice for both public hearings.

A. Nelson Sly, 57 Aquatic Road - Special Exception per Article 7, Section 7.1B of the New Hartford Zoning Regulations to Construct 2 Additions (8-2/3' x 4' & 16-1/2' x 4') to a Nonconforming Structure, which are partially located within the Side Yard Setback & are no closer to the property line than the existing structure.

Ms. Rayno verified that proof of notice to abutting neighbors was present in the file. Nelson Sly then addressed the Board regarding this matter, explaining that he wished to construct two small additions to his house in order to transition it to a more year-round home. Mr. Sly explained that the two additions would add space to a bedroom and a bathroom, and he then reviewed the plans with the Board. Mr. Brander questioned why the bathroom addition was so small, and Mr. Sly explained that he was limited on that side of the house by the presence of the kitchen window. Mr. Goff clarified that the additions would not extend beyond the current roofline. Mr. Sly pointed out the pictures which showed the proposed additions superimposed on the existing building, noting that the roofline would remain the same.

Ms. Malanca explained that the two additions, while located within the side yard setback, were no closer to the property line than the existing house. One addition would be 19 feet from the northern property line, and the other would be 12.5 feet from the northern property line. She reminded the Board that, as this was a special exception application, they could consider the requirements of Section 8.5 such as whether the proposed additions were in harmony with the neighborhood. Mr. Sly pointed out that there was a wooded area between the house and the property to the north, the side on which the additions were proposed. Ms. Malanca pointed out that Mr. Sly had merged two lots to make his property more conforming.

Mr. Sly, Ms. Malanca, and the Board then briefly discussed the recent amendments to the floor area ratio requirements in the Zoning Regulations. Ms. Rayno opened the floor to public comment; however, no one present expressed a desire to speak.

Hearing no further comments or questions from the Board or the members of the public:

MOTION Mr. Brander, second Mr. Griffin, to close the public hearing in the matter of **Nelson Sly, 57 Aquatic Road - Special Exception per Article 7, Section 7.1B of the New Hartford Zoning Regulations to Construct 2 Additions (8-2/3' x 4' & 16-1/2' x 4') to a Nonconforming Structure, which are partially located within the Side Yard Setback & are no closer to the property line than the existing structure;** unanimously approved.

B. Bryan & Gina Gill, 761 Steele Road – Special Exception per Article 7, Section 7.1B of the New Hartford Zoning Regulations to Tear Down Existing 7-1/2' x 11-1/4' Shed and Replace with 17' x 19' Addition, located partially within the Front Yard Setback & no closer to property line than existing structure. APPLICATION WITHDRAWN.

Ms. Malanca informed the Board that the applicant had withdrawn this application.

2. **PENDING APPLICATIONS:**

- A. **Nelson Sly, 57 Aquatic Road - Special Exception per Article 7, Section 7.1B of the New Hartford Zoning Regulations to Construct 2 Additions (8-2/3' x 4' & 16-1/2' x 4') to a Nonconforming Structure, which are partially located within the Side Yard Setback & are no closer to the property line than the existing structure.**

Members of the Board observed that this was a very modest request and noted that the additions were in character with the rest of the dwelling and the neighborhood.

MOTION Mr. Goff, second Mr. Griffin, to approve the application in the matter of **Nelson Sly, 57 Aquatic Road - Special Exception per Article 7, Section 7.1B of the New Hartford Zoning Regulations to Construct 2 Additions (8-2/3' x 4' & 16-1/2' x 4') to a Nonconforming Structure, which are partially located within the Side Yard Setback & are no closer to the property line than the existing structure** as per all oral and written testimony; unanimously approved.

- B. **Bryan & Gina Gill, 761 Steele Road – Special Exception per Article 7, Section 7.1B of the New Hartford Zoning Regulations to Tear Down Existing 7-1/2' x 11-1/4' Shed and Replace with 17' x 19' Addition, located partially within the Front Yard Setback & no closer to property line than existing structure. APPLICATION WITHDRAWN.**

No business was discussed.

3. **NEW APPLICATIONS:**

- A. **Allynda & Jeffrey Deloy, 724 West Hill Road – Special Exception per Article 7, Section 7.1C of the New Hartford Zoning Regulations for 0.14 Floor Area Ratio.**

Ms. Malanca explained the changes to the floor area ratio requirements that had been adopted by the Planning and Zoning Commission on May 8, 2013 with an effective date of May 20, 2013. She explained how the Board would now be responsible for hearing all special exception applications where applicants were requesting modification of the floor area ratio requirement; this application was the first one for the Board to review under this new special exception process. Ms. Malanca recommended that the Board request professional review by the Town's planning and engineering consultants. Members briefly reviewed the application, building plans and elevations, and septic system and well information, noting topography issues with the lot.

The Board agreed to hold a public hearing for the matter of **Allynda & Jeffrey Deloy, 724 West Hill Road – Special Exception per Article 7, Section 7.1C of the New Hartford Zoning Regulations for 0.14 Floor Area Ratio** at the June 25, 2013 regular meeting, and they requested the Zoning Enforcement Officer to arrange review of and report on this application by the Town's engineering and planning consultants.

4. **READING OF THE MINUTES:**

- A. **April 23, 2013 special meeting.**

MOTION Mr. Griffin, second Mr. Goff, to approve the minutes of the April 23, 2013 regular meeting as written; unanimously approved.

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

- A. **Election of Officers.**

Ms. Rayno explained that this item would have to be tabled to the June 25th meeting since the full Board was not present at this meeting.

MOTION Ms. Rayno, second Mr. Brander, to adjourn at 7:34PM; unanimously approved.

Respectfully submitted,
Stacey M. Sefcik, Board Clerk