

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
TOWN OF NEW HARTFORD MUNICIPAL BUILDING
FEBRUARY 23, 2026**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present are Byron Elias, Alternate Board Member Maria McNiel, Alternate Board Member John D'Amore, Michele Mandia, and Dominick Timpano. Absent: Dan McNamara, Lenora Murad and Michele DeTraglia. Also in attendance were Town Attorney Herbert Cully, Assessor Darlene Abbatecola, Codes Officer George Farley, and Dory Shaw, Secretary. Chairman Bogar introduced the Board Members, and explained the procedures for tonight's meeting.

The application of **Ms. Connie Wheelock for 3328 Oneida Street, New Hartford, New York**. This application is for approval of a proposed subdivision (pre-existing, non-conforming) of the captioned property which requires Area Variances as listed. Attorney Michael Arcuri and Ms. Wheelock appeared before the Board. Variances required:

-Frontage, a minimum of 100 feet is required and this property has approximately 64.85± feet. A 35.15± foot area variance is requested.

-Area lot size, a minimum of 20,000 square feet is required and this property has approximately 5,933± square feet. A 14,067± square foot area variance is requested.

-Left side yard setback, a minimum of 20 feet is required and this property has 16.6± feet. A 3.4± feet left side yard setback variance is requested.

-Right side yard setback, a minimum of 20 feet is required and this property has 3.2± feet. A 16.6± right side yard setback variance is requested.

Town Attorney Cully explained what attorney Michael Arcuri submitted for this application. This lot didn't meet the criteria for a subdivision (setbacks), thus, requiring action from the Zoning Board. Attorney Arcuri explained the history of this parcel, two houses built on one lot. They are intending to take some land from #38 and join it with #39 as shown on the map. There are two houses on one lot and they want to sell #39. They want to increase the size and to do this they need to take some out of #38 into #39. This makes the property conforming, which it isn't now. Also, now they will have 64' of frontage. He further explained the area and descriptions of this parcel. There are meets and bounds descriptions also submitted.

Board Member Elias likes the idea to take frontage from one to the other to conform. This allows the property to be sold and to move forward. Alternate Board Member D'Amore asked if they were going to take green space for parking – No. There may be an easement on the driveway on the side – no additional pavement. Board Member Mandia asked if there was a shared driveway – perhaps. This property is still in negotiations. It looks like they may get an easement for the driveway – easement would have to be on #38 and worked out with the concerned parties. What happens if the owner of #39 says no or #38 doesn't like it – Attorney Arcuri said there is land on the other side with a partial driveway – something to negotiate if needed.

Board Member DeTraglia wasn't present but referred to the driveway situation – Attorney Arcuri stated there is a driveway on both sides that can be used – no more traffic than usual.

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

-Ms. Driskell, 3325 Oneida Street, Chadwicks, NY – no opposition
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-Mr. Cory, 3324 Oneida Street, Chadwicks, NY- no opposition

Oneida County 239 was received with no comment. The Public Hearing closed at approximately 6:13 PM.

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: yes, but part of the original property -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 of Ms. Wheelock as requested; seconded by Board Member Michele Mandia. Vote taken:

Chairman Randy Bogar – yes

Dominick Timpano- yes

Board Member Byron Elias – yes

Alternate Board Member Maria McNeil - yes

Alternate Board Member John D’Amore - yes

Board Member Michele Mandia - yes

Motion **approved** by a vote of 6 – 0. This needs Planning Board approval also and application will be made.

Zoning Board minutes of December 22, 2025 were approved by motion of Byron Elias; seconded by Board Member John D’Amore. All in favor (Board Member Maria McNeil was not present at this meeting).

Motion to adjourn the meeting at approximately 6:30 PM was made by Board Member Michele Mandia; seconded by Chairman Randy Bogar. All in favor.

Respectfully submitted,

Dolores Shaw, Secretary
Zoning Board of Appeals

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