

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS MINUTES
August 23, 2010**

Chairman Stephen Bodnar called the meeting to order at 7:00 p.m. and led the flag salute.

Chairman Stephen Bodnar explained the *Rules of the Board*.

Zoning Clerk Linda McCabe called the roll: Chairman Stephen Bodnar – present, Clifford Hanehan – present, Thomas Carrangi – absent, Barbara Faraone – present, William Moreau – absent, James Burke – present, Clarence Fosdick – absent, and Alternate John Deyoe – present.

Due to the absence of several Board Members, Chairman Stephen Bodnar elevated Alternate John Deyoe to full voting status.

Also present: Zoning Officer Gil Albert, Town Attorney William Reynolds, Mr. and Mrs. Barney Drumm. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: **A motion was made by Chairman Stephen Bodnar and seconded by Board Member Barbara Faraone, to accept the minutes of the June 28, 2010 meeting.** Chairman Stephen Bodnar–aye, James Burke – aye, Barbara Faraone– aye, Thomas Carrangi - absent, Clifford Hanehan -aye, William Moreau - absent, Clarence Fosdick - absent, Alternate John Deyoe – aye.

Carried 5 – 0

Approved

Order of Business:

Business Sign Variance

**Shane Drumm #10-09
1120 Rt. 29
Schuylerville, NY 12871
S/B/L 156.-3-11 Rural Residential**

Applicant is seeking a business sign variance of 43 sq. ft. along with a height variance of 3' in order to be compliant with the Town regulations for business signs.

Mr. Drumm appeared before the Board on behalf of his son, the Applicant, since he could not be here this evening, and stated it seems that the sign the Applicant has put up is too large and needs a variance.

Chairman Stephen Bodnar stated that is correct and proceeded to read over the application to Mr. Drumm explaining why the Applicant needs the variance.

Zoning Officer Gil Albert explained the procedures of getting a sign permit to Mr. Drumm and added that the Applicant failed to do the necessary steps required.

The Zoning Officer spoke with Tia Wilkson, in April, 2010, prior to their appearance at the Planning Board meeting for their Special Use Permit for their business. He explained the sign size she needed to stay within so they wouldn't need a variance, and told her they were to contact him in order to obtain the permit for the business sign, once they received a Special Use Permit through the Planning Board for their business. They went ahead and put up their sign without obtaining a sign permit or consulting him regarding size and restrictions. The sign is noncompliant with Town regulations. After the sign was erected the Zoning Officer stopped in and told them they needed to come in for a variance

for the sign within 30 days. They did not come in. In the beginning of June 2010, Tia Wilkson came in and was given the application and told exactly what they needed to do and the time frame in which it needed to be done, but they never came back in. The Zoning Officer sent an Order to Remedy on July 14, 2010 for the sign and that is what brought the Applicant before us today.

Board Member Clifford Hanehan questioned why the Applicant never came in for the permit and why the Applicant didn't check with the Zoning Officer about it before erecting it; stating since the Applicant isn't here his questions go unanswered.

Mrs. Drumm asked what the Applicant needs to do now to be compliant.

Zoning Officer Gil Albert stated if the Board approves the variance the Applicant needs to see him, the Zoning Officer, and pay \$50.00 for the permit.

Chairman Stephen Bodnar asked if there were any other questions from the Board. Board Member Barbara Faraone said she has issues that the Applicant didn't carry through on what was required; this would be a non-issue if they had listened to what the Planning Board said.

Board discussion continued on the different signs in the area; ones that needed permits and ones that didn't. Town Attorney William Reynolds stated it seems the Board Members have questions that cannot be answered since the Applicant isn't here. He believes the Board should table this until next month so the Applicant can answer their questions. Chairman Stephen Bodnar asked the Board if they want to continue or postpone until next month.

Board Member Clifford Hanehan made a motion, seconded by Chairman Stephen Bodnar to table this until next month so the Applicant can appear before the Board and answer their questions.

Chairman Stephen Bodnar—aye, James Burke – aye, Barbara Faraone— aye, Thomas Carrangi - absent, Clifford Hanehan -aye, William Moreau - absent, Clarence Fosdick - absent, Alternate John Deyoe – aye. **Carried 5 – 0**

Tabled

Old Business: None

New Business: Board Member Barbara Faraone spoke with the Board concerning the Brown Rd. PUD stating evidently they drilled four test wells without notifying anyone and the surrounding neighbors' water turned muddy, clay and filled with sediment. Zoning Officer Gil Albert said they hydro-fractured two of the wells and that is how this happened; he was told they went down over 500' for a couple of them. Barbara Faraone said one neighbor lost his August rental due to not being able to use their water. Clifford Hanehan said it sounds like they drilled a well not a test pit.

Chairman Stephen Bodnar questioned the Zoning Officer on the situation with Mr. Taras stating he's been pulling a lot of sand out of there. Zoning Officer Gil Albert responded he's being watched by DEC and he's taking 700 yards from one lot and 700 yards from the one next to it etc. It's now in the hands of the DEC. Mr. Taras is trying to get a mining permit through NYS DEC and once that is accomplished he must then get one through the Town.

Barbara Farone made a motion, seconded by James Burke, to adjourn the meeting at

7:56 p.m. Chairman Stephen Bodnar—aye, James Burke – aye, Barbara Faraone— aye, Thomas Carrangi - absent, Clifford Hanehan -aye, William Moreau - absent, Clarence Fosdick - absent, Alternate John Deyoe – aye. **Carried 5 – 0**

Adjourned

The next Zoning Board of Appeals meeting will be held September 27, 2010.

Respectfully submitted,

Linda McCabe
ZBA Clerk