

**TOWN OF SARATOGA**  
**ZONING BOARD OF APPEALS DRAFT MINUTES**  
**July 23, 2012**

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, Clarence Fosdick – present, G. William Moreau – present, James Burke – present, John Deyoe – present.

Also present: Town Zoning Officer Gil Albert, Town Attorney William Reynolds, James Roberts and Jodi Druzba. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: **A motion was made by John Deyoe and seconded by Clarence Fosdick, to accept the minutes of the May 21, 2012 meeting.** Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, James Burke – aye, Thomas Carrangi - absent, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye. **Carried 6 - 0**  
**Approved**

**Order of Business:**

**Area Variance**

**James T. Roberts #12-03**  
**105 Coveville Rd. Ext.**  
**Schuylerville, NY 12871**  
**S/B/L 183.-1-51 Rural**

Returning Applicant seeks an area variance of 33 square feet to erect a free standing sign for his business. The proposed sign will be approximately 53 square feet in total, including the free space between the poles.

Applicant James Roberts appeared before the Board stating he revised the location of the sign since the May 21<sup>st</sup> meeting; it was 10 feet from the edge of the road and he has moved it back an additional 10 feet. He said he has been to NYS DOT survey office on Wolfe Rd. and that he was told the NYS DOT right-of-way is 60 feet from Rt. 4 and he is requesting a variance to erect a sign in the NYS DOT right-of-way. He said he was told by the NYS DOT survey office that it is up to the Town to issue a permit for a sign in their right-of-way, not NYS DOT. He also told the Board that while at that office he was told that NYS DOT does not issue sign permits. He then said that NYS DOT took his land back in the 1950s; that it's his land and he should be able to put a sign anywhere on his land that he wants.

Chairman Stephen Bodnar stated he wasn't at the May meeting and asked the Applicant if he has an updated survey of his property so the Board can see where his property boundary lines are. The Applicant said he has a survey map.

Chairman Stephen Bodnar asked to see the map.

The Applicant gave him a map and Chairman Stephen Bodnar stated the map is ten years old. The Applicant then stated he has not had a survey done himself; the map is from the previous owner.

Chairman Stephen Bodnar reiterated it is not a current map; the Board had asked the Applicant at the May 2012 meeting to provide a current survey map to prove his boundary lines.

Clarence Fosdick stated that the map the Applicant is showing is incorrect; the right-of-way is 29 feet across not 10 feet in a specific area on that map.

Zoning Officer Gil Albert stated he went and took measurements and the entire triangular area of the property, which includes the area the Applicant would like to have his sign, is in the NYS DOT right-of-way.

Attorney William Reynolds stated the Board should not grant variances in NYS DOT right-of-ways without documentation of a NYS DOT permit approval.

A lengthy discussion continued between the Board Members, Town Attorney William Reynolds, Zoning Officer Gil Albert and the Applicant. It was decided the Applicant needs to provide an updated survey proving his boundary lines and if the Applicant wants his sign in the NYS DOT right-of-way he needs to provide the Board with a copy of his NYS DOT permit and documentation. The Board agreed that if NYS DOT grants the Applicant a sign permit and he stays within the Town's sign size regulation, they will have no issue with granting his variance.

**A motion was made by Chairman Stephen Bodnar and seconded by John Deyoe, to take no action until the Applicant provides an updated survey of his land and documents from NYS DOT.** Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, James Burke – aye, Thomas Carrangi - absent, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye.

**Carried 6 - 0**

**Returning**

**Old Business:** The Board Members were provided new updated maps of the Town of Saratoga.

**New Business:** The Board is looking forward to a joint meeting with the Planning Board in the fall to review certain regulations.

**A motion was made by Chairman Stephen Bodnar and seconded by Clarence Fosdick to adjourn the meeting at 8:15 p.m.** Chairman Stephen Bodnar – aye, Clifford Hanehan - aye, James Burke – aye, Thomas Carrangi - absent, William Moreau - aye, Clarence Fosdick - aye, John Deyoe – aye. **Carried 6– 0**

**Adjourned**

The next Zoning Board of Appeals meeting will be held August 27, 2012.

Respectfully submitted,

Linda McCabe  
ZBA Clerk