

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS DRAFT MINUTES
May 21, 2012**

Vice Chairman Clifford Hanehan called the meeting to order at 7:00 p.m. and led the flag salute.

Vice Chairman Clifford Hanehan explained the *Rules of the Board*.

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

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

Approval of Minutes: **A motion was made by Clarence Fosdick and seconded by John Deyoe, to accept the minutes of the March 26, 2012 meeting.** Chairman Stephen Bodnar – absent, Clifford Hanehan -aye, James Burke – absent, Thomas Carrangi - aye, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye. **Carried 5 – 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**

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

The Applicant appeared before the Board requesting a variance to erect a business sign on his property and stated he needs the variance because his sign is larger than town regulations allow; the total size will be 53 square feet from the ground to the top of the sign, including the posts. The sign itself will be about the size of a sheet of plywood, 4' x 8' and that will be between two posts. The sign is for his construction company and he's trying to get his name out there.

Vice Chairman Clifford Hanehan asked for questions from the Board.

Clarence Fosdick stated it looks like the sign is in the easement.

The Applicant showed the Board where he'd like to locate the sign and Zoning Officer Gil Albert stated that location is in the right-of-way for the state; it cannot be located there. He explained to the Applicant that his sign has to be out of the right-of-way of a state road and 10' from his own property line. The Applicant needs to validate his property boundary lines; he really needs a survey showing exactly where his boundary lines are. He also added the Applicant needs to validate the location of the state's right-of-way and documentation that he is not in that right-of-way.

The Applicant questioned if there are any codes on easements and Zoning Officer Gil Albert responded that he can't impede the neighbor's ingress or egress. The Applicant stated he can have the sign right along the side of the easement.

Vice Chairman Clifford Hanehan asked the Applicant what type of business he has and the Applicant responded home remodeling. Vice Chairman Clifford Hanehan stated the Board tries to encourage business but they must also stay within regulations.

Zoning Officer Gil Albert stated that when he initially issued the Applicant a permit, the placement of the sign was to be back on Coveville Rd. and now he wants to locate it on Rt. 4. The Applicant responded he wanted it moved closer to Rt. 4.

Zoning Officer Gil Albert reiterated that the original permit says the sign is to be located on Coveville Rd. and since the Applicant has decided to move it to a different location he has to provide documentation that proves he is off the state's right-of-way and provide proof of his own boundary lines in order for us to be sure it is placed 10' from his own property line.

Clarence Fosdick stated the Applicant needs to go to NYS DOT at 50 West High St. in Saratoga Springs and tell them he needs to find the state right-of-way along his property and they will help him.

Vice Chairman Clifford Hanehan then asked Town Attorney William Reynolds if he had any questions. Town Attorney William Reynolds asked the Applicant if he will be compliant with the Board's placement of the sign and the Applicant responded he's not sure.

Vice Chairman Clifford Hanehan then read the letter from the Saratoga County Planning Board which stated no significant county wide or intercommunity impact.

After providing Proof of Notice in the Saratogian on March 16, 2012, Vice Chairman Clifford Hanehan opened the Public Hearing at 7:39 p.m. asking those wishing to speak concerning this application to please stand and state their name and address:

Jodi L. Druzba addressed the Board on behalf of her mother, neighbor to the Applicant. She stated that her mother is disabled and they are concerned with the proposed size and location of the sign. They don't want the sign to impede their line of sight, view shed or their own sign. She also stated concerns of hitting the sign with the snow plow since they plow that road during the winter, even though the Applicant owns it, they are the only ones who maintain it. She also would like to see the sign placed on the opposite side of the road to help negate confusing people; she's afraid that if the sign is erected in the location where the Applicant proposes, people will be misdirected toward her mother's driveway, which is gated. She explained that when a vehicle approaches that drive, a beeper goes off in her mother's house and she has to answer it; she's worried if the sign directs people in that direction, her mother will be constantly answering the beeper. She added they do not object to the Applicant's livelihood or his having a sign, they prefer it to go on the other side of the road and that it be a bit smaller. She reiterated that she doesn't want the sign misleading people to her mother's house.

Vice Chairman Clifford Hanehan asked if she addressed all her concerns and she responded yes.

Vice Chairman Clifford Hanehan asked if there were any questions from the Board.

John Deyoe stated since the Building Inspector issues the permits and deals with the location, he believes the Board need only establish the size of the sign.

Vice Chairman Clifford Hanehan asked the opinion of the Town's Attorney.

Town Attorney William Reynolds stated the Board needs more information and suggested the Board defer until measurements can be taken. He also added if it's an issue of placement the Board needs facts; there may be more than an area variance needed, he may also need a setback variance.

Vice Chairman Clifford Hanehan stated his agreement with the Town Attorney. He suggested postponing until next month to give the Applicant time to clarify where his boundary lines are and to find out where the state's right-of way is located.

Vice Chairman Clifford Hanehan asked the Board if there were any other questions; finding none
Vice Chairman Clifford Hanehan closed the Public Hearing at 7:52 p.m.

A motion was made by Bill Moreau and seconded by John Deyoe, to postpone for one month in order for the Applicant to gather and provide information concerning the location of the state's right-of-way as well as proof of the Applicant's property lines. Chairman Stephen Bodnar – absent, Clifford Hanehan -aye, James Burke – absent, Thomas Carringi - aye, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye. **Carried 5 – 0**

Returning

Old Business: Clarence Fosdick announced to the Board that we now have new maps; same zoning districts but with original measurements back on them.

New Business: Zoning Officer Gil Albert spoke with the Board concerning a joint workshop meeting with the Planning Board to clarify certain zoning regulations; the Board agreed and would like to do so in the near future.

A motion was made by Bill Moreau and seconded by John Deyoe to adjourn the meeting at 8:17 p.m. Chairman Stephen Bodnar – absent, Clifford Hanehan - aye, James Burke – absent, Thomas Carringi - aye, William Moreau - aye, Clarence Fosdick - aye, John Deyoe – aye.

Carried 5 – 0

Adjourned

The next Zoning Board of Appeals meeting will be held June 25, 2012.

Respectfully submitted,

Linda McCabe
ZBA Clerk