

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS MINUTES
September 27, 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 – present, Barbara Faraone – present, William Moreau – present, James Burke – absent, Clarence Fosdick – present, and Alternate John Deyoe – present.

Due to the absence of Board Member James Burke, Chairman Stephen Bodnar elevated Alternate John Deyoe to full voting status.

Also present: Zoning Officer Gil Albert, Lawrence Mitchell, Shannon Phillips and Shane 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 Barbara Faraone, to accept the minutes of the August 23, 2010 meeting.** Chairman Stephen Bodnar–aye, James Burke – absent, Barbara Faraone– aye, Thomas Carrangi - aye, Clifford Hanehan - aye, William Moreau - aye, Clarence Fosdick - aye, John Deyoe – aye.

Carried 7 – 0

Approved

Order of Business:

Chairman Stephen Bodnar stated since the first Applicant is not here, the Board will begin with Mr. Mitchell.

Area Variances

**Lawrence & Tammy Mitchell #10-10
115 Schuyler St. P.O. Box 225
Victory Mills, NY 12884
S/B/L 170.38-1-24 Village Extension
Location: 102 Hill St.**

Applicants are seeking an area variance of 11,300' to build a house at 102 Hill St. in order to be compliant with the Town zoning regulations.

The Applicant appeared before the Board, stating he lives at 115 Schuyler St. and would like to build a house with a garage at 102 Hill St. and move into that new house. He stated it will be no larger than 40' x 80'; more likely less than that, but he decided to put the largest footprint on the application to be safe.

Zoning Officer Gil Albert questioned if this is to be a single story home. The Applicant responded he is not certain at this time. Zoning Officer Gil Albert stated this is a pre-existing lot; the Applicant added that this lot has been the same size since the 1800's and that his family has paid taxes on this land for over 100 years.

John Deyoe stated he went by the land and there are other houses in that neighborhood on smaller lots. He also noted that the Applicant had gone to 12 – 13 neighbors and they have no issues with him building there.

Chairman Stephen Bodnar stated 3200 sq. ft. is big. The Applicant responded the house will be 1800 sq. ft. plus a garage and reiterated he only did the setbacks and footprint that size so he won't have to come back to the Board if he decides to go a bit larger, up to the 40' x 80' size. Chairman Stephen Bodnar then questioned if this is for a single family and the Applicant responded yes. Chairman Stephen Bodnar asked if there were any other questions from the Board; there were none.

After providing Proof of Notice in the Saratogian on September 17, 2010, and noting that this falls under the county waiver agreement with the Town, Chairman Stephen Bodnar opened the Public Hearing at 7:15 p.m. asking those wishing to speak to please stand and state their name and address.

No one came forward. Chairman Stephen Bodnar asked the Board if there were any more questions; finding none, **Chairman Stephen Bodnar closed the Public Hearing at 7:16 p.m.**

Clifford Hanehan made a motion, seconded by Barbara Faraone, to approve the variance as requested, with the building envelope not to exceed 40' x 80', noting this pre-existing lot dates back to the 1800's and meets all requirements other than area and it remains in character with the surrounding neighbors. Chairman Stephen Bodnar—aye, James Burke – absent, Barbara Faraone – aye, Thomas Carrangi - aye, Clifford Hanehan -aye, William Moreau - aye, Clarence Fosdick – aye, John Deyoe – aye. **Carried 7– 0**

Approved

**Shannon & Jessica Phillips #10-11
253 Evans St.
Victory, NY 12884
S/B/L 170.38-1-3 Village Extension**

Applicants are seeking to build a 22' x 45' attached garage to their existing house and require the following variances: 7% building coverage variance, a 13' front set back variance and a 4' two-side set back variance in order to be compliant with the town zoning regulations.

The Applicant appeared before the Board stating he wants to add a large two-car garage with storage above it, 22' x 45', onto his house and would like it to be the same height as the house. He explained they have a small three bedroom home and he just wants a place for his car and perhaps a place to put up a ping-pong table for his children for the winter months.

Chairman Stephen Bodnar asked if the Applicant will be removing the carport and the Applicant responded he will be removing the pool and carport. Chairman Stephen Bodnar questioned how high the garage would be and the Applicant responded about 20' to the peak, adding there will be no plumbing or water, only a couple of outlets. The Applicant also stated he sent out notifications to all the neighbors and no one had any objections with his plans. Chairman Stephen Bodnar then asked Zoning Officer Gil Albert for his opinion and he responded he has no problem with this; it's not out of character for the area, it's not impeding any neighbors and the two-side setback of 4' is for the garage since they have an existing house.

Chairman Stephen Bodnar then read the Summary of Area Criteria and went through it line by line with the Board, and they found it proved in favor of the Applicant. He then asked if there were any other Board questions; there were none.

After providing Proof of Notice in the Saratogian on September 17, 2010, and noting that this falls under the county waiver agreement with the Town, Chairman Stephen Bodnar opened the Public Hearing at 7:34 p.m. asking those wishing to speak to please stand and state their name and address.

Lawrence Mitchell, 115 Schuyler St., Victory Mills stated he has no issue with this.

Chairman Stephen Bodnar asked the Board if there were any more questions; finding none, **Chairman Stephen Bodnar closed the Public Hearing at 7:35 p.m.**

Barbara Faraone stated that although the building will be large, with what the Applicant has to work with, it seems that this is needed. **Barbara Faraone made a motion, seconded by John Deyoe, to approve the variances as applied for: 7% building coverage, no larger than 22' x 45', no plumbing or water, 13' front setback, and 4' two-side setback.** Chairman Stephen Bodnar –aye, James Burke – absent, Barbara Faraone – aye, Thomas Carrangi - aye, Clifford Hanehan -aye, William Moreau - aye, Clarence Fosdick – aye, John Deyoe – aye. Carried 7– 0
Approved

Business Sign Size Variance

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

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

Returning Applicant appeared before the Board, apologized for his tardiness and proceeded to explain that he is before the Board due to a misunderstanding concerning his business sign on Rt. 29.

Clifford Hanehan questioned if he was unaware that the posts were included in the overall size of the sign and the Applicant responded correct, adding that the Zoning Officer has explained that the sign is also too high. He thought as long as he went no larger than 4' x 6' that he was within regulations and the main sign is 4' x 6'. He stated he was unaware that the posts would be included along with the additional tag signs.

Zoning Officer Gil Albert responded he told the Applicants that they needed to get with him before putting up a sign; the Applicants failed to do so. He went to them again, after the sign was up, and told them they needed to get a permit for the sign; again they failed to come in. Zoning Officer Gil Albert stated it is 9' in height which puts it three feet over town regulations. He then explained that when measuring a sign you measure from the ground up, and according to state code all signs need to be placed behind the power poles, so he would like to see a letter from the state giving its approval for the placement of this sign.

Clifford Hanehan questioned that business signs maximum size is 20 sq. ft. so this is in violation by 43 sq. ft. along with a 3' height variance violation. Zoning Officer Gil Albert responded that is correct, business signs can be no larger than 20 sq. ft. and no higher than 6'; he then proceeded to read the regulation to the Board.

Board discussion continued with the consensus that they're trying to encourage and promote business, not discourage business. Since it is located on Rt. 29, and Rt. 29 is becoming more and more a commercial corridor, as long as the Applicant gets state approval in writing saying they are within state guidelines the Board will be fine with this. Once the letter is received by Zoning Officer Gil Albert, the Applicant must get a permit from the Zoning Officer. If they do not get that letter, they must get in compliance with the state.

Barbara Faraone added it is a very nice looking sign, it's on a very busy road so although it is out of regulation, it seems less hazardous than a smaller sign, where a driver may turn his head around to see it and possibly cause an accident and the sign is not out of character with the surrounding area. Zoning Officer Gil Albert agreed.

Barbara Faraone made a motion, seconded by Clifford Hanehan, to approve this variance contingent on a letter from the state, to Zoning Officer Gil Albert, stating the Applicant is within state guidelines; if not the Applicant must get in compliance with the state and he must get a permit from the Zoning Officer. Chairman Stephen Bodnar–aye, James Burke– absent, Barbara Faraone– aye, Thomas Carrangi-aye, Clifford Hanehan-aye, William Moreau-aye, Clarence Fosdick-aye, John Deyoe – aye. **Carried 7 – 0**
Approved

Zoning Officer Gil Albert also stated he doesn't believe there should be any hardships or variances for business signs and perhaps the town needs to review and make changes to this regulation. The Board agreed and asked Zoning Officer Gil Albert to put in writing the changes he thinks are needed and bring them to the next ZBA meeting and then present it to the Town Board. Zoning Officer Gil Albert responded he will do so and added the regulations cannot be any less than what the state allows. He also added that he'd like to see something in our regulations concerning hydro-fracture drilling (hydro-fracking) and the Board agreed.

Old Business: None

New Business: None

Board Member John Deyoe made a motion, seconded by Chairman Stephen Bodnar, to adjourn the meeting at 8:30 p.m. Chairman Stephen Bodnar–aye, James Burke– absent, Barbara Faraone– aye, Thomas Carrangi-aye, Clifford Hanehan-aye, William Moreau-aye, Clarence Fosdick-aye, John Deyoe – aye. **Carried 7 – 0**
Adjourned

The next Zoning Board of Appeals meeting will be held November 22, 2010.

Respectfully submitted,

Linda McCabe
ZBA Clerk