

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS DRAFT MINUTES
March 23, 2015**

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, William Moreau – present, Thomas Carringi – absent, Clarence Fosdick – absent, John Deyoe - present, Chris Benn – present.

Also present: Zoning Officer Gil Albert and Dan Barber. (Sign-in sheet is on file in the Clerk’s office)

Approval of Minutes: **A motion was made by Chairman Stephen Bodnar, seconded by Chris Benn, to accept the meeting minutes of October 27, 2014 and February 23, 2015.** Chairman Stephen Bodnar - aye, Clifford Hanehan -aye, Thomas Carringi - absent, William Moreau – aye, Clarence Fosdick - absent, John Deyoe – aye, Chris Benn - aye. **Carried 5 - 0**

Approved

Area Variance

**Saratoga Builders, LLC #15-01
2 Corinne Court
Saratoga Springs, NY 12866
S/B/L 155.15-1-21 Rural Residential
Location: 37 Ashleigh Lane**

Returning Applicant seeks a 9' front setback for 37 Ashleigh Lane because they've built a house over the front setback line.

Dan Barber, Saratoga Builders LLC., appeared before the Board and reviewed the original survey with the correct placement for the house and the current survey. He stated he doesn't know how or when the survey stakes were moved, but they were and he didn't realize it until the house was up. They've built 33+ houses in that development and always relied upon his surveyor, Tommell & Associates and never have had a problem.

Clifford Hanehan asked why he didn't measure from the road and Dan Barber replied they measure from the stakes, relying on their surveyor for proper placement of those stakes.

Zoning Officer Gil Albert stated they raised the site up and measuring from the road is not always right unless you add an additional 10' - 20' and then that line also varies. He added that they've constructed over 33 homes there and have had no issues; you trust your surveyor and you don't always double check the surveyor's work when 33+ home sites were done correctly. The Board agreed with him.

Board Member Bill Moreau stated he's seen where surveyors measured wrong, not often, but it does happen. A foundation worker could have accidentally hit it and you don't realize it's been moved and you work from your stakes; mistakes happen.

Chairman Stephen Bodnar questioned if he used a reputable surveyor and Dan Barber replied absolutely.

Zoning Officer Gil Albert remarked that Tommell & Associates have been before the Planning Board many times and are well respected by that Board.

Chairman Stephen Bodnar stated he does not believe this was done intentionally; no one gains from this. The Board members agreed. He then asked if the owner was okay with the position of the house and Dan Barber said the owner is fine with it.

Chairman Stephen Bodnar asked for the Zoning Officer's opinion. Zoning Officer Gil Albert responded Saratoga Builders is a good company and Tommell & Associates is a good company. He believes this was a mistake and he's fine with the Board granting the variance.

Chairman Stephen Bodnar asked if there were any Board questions; there were none.

Chairman Stephen Bodnar then reviewed the Summary of Area Criteria Balancing Test and went through it line by line with the Board; the Board found in favor of the Applicant.

Chairman Stephen Bodnar said, as stated at the last meeting, the public hearing was postponed until tonight and we now have a quorum and can go forward.

After providing Proof of Notice in the Saratogian on February 13, 2015, 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 spoke.

Chairman Stephen Bodnar then asked the Board if there were any other questions; finding none **Chairman Stephen Bodnar closed the Public Hearing at 7:16 p.m.**

A motion was made by John Deyoe, seconded by Chris Benn to grant the 9' variance as requested because this was not maliciously done. Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, Thomas Carrangi - absent, William Moreau – aye, Clarence Fosdick - absent, John Deyoe – aye, Chris Benn - aye. **Carried 5- 0**
Granted

Old Business: Zoning Officer Gil Albert updated the Board with the ongoing work of the zoning amendments.

New Business: none

A motion was made by Clifford Hanehan, seconded by Bill Moreau, to adjourn the meeting at 7:43 p.m. Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, Thomas Carrangi - absent, William Moreau – aye, Clarence Fosdick - absent, John Deyoe – aye, Chris Benn - aye.

Carried 5 - 0

Adjourned

The next Zoning Board of Appeals meeting will be held April 27, 2015.

Respectfully submitted,

Linda McCabe
ZBA Clerk