

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS DRAFT MEETING MINUTES
November 28, 2022**

***Meeting Minutes are not verbatim**

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

Chairman William Moreau welcomed everyone to the meeting and proceeded to review the *Rules of the Board*.

Due to the absence of Zoning Clerk Linda McCabe, Dorothy Lavazzo called the roll: Chairman William Moreau – present, Christopher Benn – present, Steve Mehan – present, Mark Solan – present, Clifford Hanehan – present, Thomas Carrangi – present, Rick Burke – present.

Also present: Zoning Officer Gil Albert, Shannon Phillips, Shane Drumm, Ian Murray, Ross Pusatere and Bob Flansburg. (Sign-in sheet is on file in the Clerk's office.)

Approval of Minutes: **A motion was made by Mark Solan, seconded by Christopher Benn, to accept the minutes of October 24, 2022 as written.** Chairman William Moreau – aye, Clifford Hanehan - aye, Mark Solan – aye, Christopher Benn - aye, Steve Mehan - aye, Thomas Carrangi – aye, Rick Burke – aye.

Carried 7 - 0

Public Hearings

**Shannon Phillips #22-12
253 Evans St.
Victory Mills, NY 12884
S/B/L 155.-1-29 Rural Residential
Location: 865 Rt. 29**

Applicant seeks an area variance of .02 acre in order to open his business on Rt. 29. He has 2.8+/- acres and a Special Use Permit calls for 3 acres.

Applicant Shannon Phillips stated Dan Willard completed his survey two weeks ago. He said there are side issues as well which was confirmed with the newly placed stakes. He said they are currently remodeling the house and will be splitting the building use.

Chairman William Moreau requested the Applicant bring in the full survey before they can act on the side variances and the building use.

Zoning Officer Gil Albert suggested the Board give the variance on the acreage only tonight, and have the Applicant return for the January 2023 meeting for resolution of the new setbacks and building use.

Chairman William Moreau asked if there were further questions of the Board; there were none.

Proof of Notice having been furnished by newspaper on November 18, 2022, Chairman William Moreau opened the Public Hearing at 7:19 p.m., asking those wishing to speak to the Board to please stand, state their name and address.

Seeing as no one wished to speak, **Chairman William Moreau closed the Public Hearing at 7:20 p.m.**

Chairman William Moreau asked if there were any further Board questions; there were none. Chairman William Moreau went through the Balancing Test, line by line, with the Board:

1. *Whether benefit can be achieved by other means feasible to applicant* – the entire Board responded no.
2. *Undesirable change in neighborhood character or detriment to nearby properties* – The entire Board responded no.
3. *Whether request is substantial* –the Board unanimously responded no.
4. *Whether request will have adverse physical or environmental effects* – the Board responded no.
5. *Whether alleged difficulty is self-created, relevant but not determinative* – the entire Board responded no.

Chairman William Moreau asked if there were any further questions; there were none.

A motion was made by Christopher Benn, seconded by Mark Solan, to approve the application for the .02 area variance. Chairman William Moreau – aye,

Clifford Hanehan - aye, Mark Solan – aye, Christopher Benn - aye, Steve Mehan - aye, Thomas Carrangi – aye, Rick Burke – aye.

Carried 7 - 0

**Shane Drumm #22-12
136 Hathaway Rd.
Schuylerville, NY 12871
S/B/L 182.-2-19.11 Rural**

Returning Applicant seeks 45' front setback variance to keep his single family home in its present location.

Applicant Shane Drumm presented the requested full survey of this location. He stated this is a preexisting structure, originally used as a barn with a bathroom downstairs with an upper level office.

Christopher Benn said the survey presents the location of the residence at 37.4' from the center of the road, including 24' from the center of the road and 12' from the right of way.

Clifford Hanehan questioned the base of the original building and the Applicant responded it was on a concrete slab.

Chairman William Moreau questioned the septic tank.

Applicant Shane Drumm responded there was a bathroom in the original building and he installed a new tank. The leach field is on the opposite side of the driveway.

Chairman William Moreau questioned the location of the well.

Applicant Shane Drumm responded it is 50' from the septic system.

Renovation of this building was done without a permit.

Applicant Shane Drumm responded he was unaware a permit was required and he had a two month deadline for moving.

Zoning Officer Gil Albert suggested the Board approve the variance for a revised 63' variance at this time. He will then inspect the residence to make sure all is up to code. He added the Department of Health will be contacted for their approval to keep the septic system at its present location.

Chairman William Moreau asked if there were further questions of the Board; there were none.

Proof of Notice having been furnished by newspaper on November 18, 2022, Chairman William Moreau opened the Public Hearing at 7:32 p.m., asking those wishing to speak to the Board to please stand, state their name and address.

Seeing as no one wished to speak, **Chairman William Moreau closed the Public Hearing at 7:33 p.m.**

Chairman William Moreau asked if there were any further Board questions; there were none. Chairman William Moreau went through the Balancing Test, line by line, with the Board:

1. *Whether benefit can be achieved by other means feasible to applicant* – Chairman William stated yes, as the building could have been located elsewhere. Board agreed.
2. *Undesirable change in neighborhood character or detriment to nearby properties* – Chairman William Moreau stated no, however, this was never a legal building. Board agreed.
3. *Whether request is substantial* – Chairman William Moreau said very substantial at 63'; Board agreed.
4. *Whether request will have adverse physical or environmental effects* – Board members unanimously said no.
5. *Whether alleged difficulty is self-created, relevant but not determinative* – Chairman William Moreau stated yes, Board agreed.

Chairman William Moreau asked if there were any further questions; there were none.

A motion was made by Christopher Benn, seconded by Mark Solan to approve the application with the amended 63' front setback. Chairman William Moreau – aye, Christopher Benn - aye, Clifford Hanehan - nay, Mark Solan – aye, Thomas Carringi – aye, Rick Burke – aye, Steve Mehan – nay.
Carried 5-2

Old Business: Ross Pusatere, 1294 Rt. 9P, appeared unscheduled before the Board to discuss obtaining a new variances on a proposed new residence.

Chairman William Moreau advised him to fill out and submit an application with a new survey and to contact the Building Inspector and Zoning Clerk's office for an application and directions. Submittal deadline is January 9, 2023, no later than 8:45 a.m.

New Business: None.

A motion was made by Chairman William Moreau, seconded by Christopher Benn, to adjourn the meeting at 8:25 p.m. Chairman William Moreau – aye, Clifford Hanehan - aye, Mark Solan – aye, Christopher Benn - aye, Steve Mehan - aye, Thomas Carrangi – aye, Rick Burke – aye.

Carried 7 - 0

Meeting Adjourned

The next regular meeting will be January 23, 2023 at 7:00 p.m.

To be on the agenda, all submittals must be to the Zoning Clerk's Office no later than 8:45 a.m. January 9, 2023.

Respectfully submitted,

Dorothy Lavazzo

~Meeting dates are subject to change~