

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS MINUTES
February 28, 2011**

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 – absent, Thomas Carrangi – present, Barbara Faraone – present, Clarence Fosdick – present, William Moreau – present, James Burke – present, Alternate John Deyoe – present.

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

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

Approval of Minutes: **A motion was made by Clarence Fosdick and seconded by Bill Moreau, to accept the minutes of the January 24, 2011 meeting.** Chairman Stephen Bodnar–aye, Clifford Hanehan -absent, James Burke – aye, Barbara Faraone– aye, Thomas Carrangi - aye, William Moreau - aye, Clarence Fosdick - aye, John Deyoe – aye. **Carried 7 – 0**

Approved

Order of Business:

Area Variance

**Todd & Diane Yellen #11-02
179 Swamp Rd.
Schuylerville, NY 12871
S/B/L 182.-2-6.12 Rural**

Applicants seek a front setback variance of 15' in order to build a house due to a deep drop-off on the property.

The Applicants appeared before the Board stating they would like to build a new home and when it came to the back setback on the property there is a deep drop-off or ravine and that is why they seek this variance. The house would be within one foot from the drop-off and they would be more comfortable if the structure of the foundation was pushed forward to have a stronger, level surface. The Applicant also stated they are not interested in a walk-out basement, due to all the breakable shale there.

Chairman Stephen Bodnar stated he noticed the For Sale sign up on their current home and questioned if this will be their new home. The Applicants responded yes.

Board Member John Deyoe questioned if there is an active stream on the property and was told no, but the neighboring property has, and Zoning Officer Gil Albert confirmed this.

John Deyoe asked how many homes are on that road and the Applicant responded currently 4, there will be 5 when they build the new house.

Bill Moreau questioned if they could move the land; shape it around as they did with their current home and the Applicant responded no, they are limited with what they can do with pushing the land due to the raised system in place for the current home. They have to be careful not to do too much pushing and disturbing of that land. If they could move the building envelope 15' forward it would provide them with a decent backyard, otherwise they'd be stepping off into the ravine. The ravine side is the high side of the lot. Bill Moreau stated that, it looked to him, with a bit of bulldozer work it could give them a

pretty good backyard; according to the map it looks as if it's only five feet of fill or less that's needed. The Applicant reiterated they want their foundation on firm ground not filled. Bill Moreau responded it would be firm ground; you have an eight foot foundation which means you have to go down three feet below the five foot ravine, so you would be on solid ground.

Zoning Officer Gil Albert stated it drops off quickly and he understands why the Applicants want to do this. The width is 50' by 64' long and this is all shale. John Deyoe asked how deep until you hit shale and was told 18".

Zoning Officer Gil Albert stated they have 3 test pits and with each one there is shale with clay soil on top.

Bill Moreau questioned if the foundation dirt will be used to fill out in the back and was told yes and then covered with soil.

Chairman Stephen Bodnar asked for the Zoning Officer's opinion. Zoning Officer Gil Albert stated he has no problem with this request; they need it and he doesn't feel that this is that adverse of a variance. Chairman Stephen Bodnar asked for the Town Attorney's opinion; he had none.

After providing Proof of Notice in the Saratogian on February 18, 2011, Chairman Stephen Bodnar opened the Public Hearing at 7:23 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 other questions; finding none, **Chairman Stephen Bodnar closed the Public Hearing at 7:24 p.m.**

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

Clarence Fosdick made a motion, seconded by Barbara Faraone, to approve the requested 15' front setback variance due to the fact it has met the required criteria for the variance and will not create any problem. Chairman Stephen Bodnar—aye, Clifford Hanehan -absent, James Burke – aye, Barbara Faraone– aye, Thomas Carrangi - aye, William Moreau - aye, Clarence Fosdick - aye, John Deyoe – aye. **Carried 7 – 0**

Approved

Old Business: None

New Business: Zoning Officer Gil Albert had a lengthy discussion with the Board concerning amending certain zoning regulations for clarity, adding he had the same discussion with the Planning Board. He read over his list and asked the Board members to please get their lists to him as soon as possible so he can begin working on coordinating both Boards' lists and once approved by both Boards, present it to the Town Board.

Town Attorney William Reynolds reviewed area variances and the 267B Town Law with the Board and also reminded the Board to be specific with criteria.

Board Member Bill Moreau made a motion, seconded by Barbara Faraone, to adjourn the meeting at 8:35 p.m. Chairman Stephen Bodnar—aye, Clifford Hanehan -absent, James Burke – aye, Barbara Faraone– aye, Thomas Carrangi - aye, William Moreau - aye, Clarence Fosdick - aye, John Deyoe – aye. **Carried 7 – 0**

Adjourned

The next Zoning Board of Appeals meeting will be held March 28, 2011.

Respectfully submitted,

Linda McCabe
ZBA Clerk