

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS DRAFT MINUTES
July 29, 2013**

Chairman Stephen Bodnar called the meeting to order at 7:02 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 Carringi – present, Clarence Fosdick – present, G. William Moreau – present, James Burke – present, John Deyoe – present, Alternate Chris Benn - present.

Also present: Town Attorney William Reynolds and Mr. Labarr. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: **A motion was made by James Burke and seconded by Clarence Fosdick, to accept the minutes of the June 24, 2013 meeting.** Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, James Burke – aye, Thomas Carringi - aye, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye. **Carried 7 – 0**

Approved

Order of Business:

Public Hearing for Area Variance

**Bill and Tina Maher #13-05
7 Wright Rd.
Saratoga Springs, NY 12866
S/B/L 206.-1-33.4 Rural District II**

Representative: Mr. Labarr

Applicants are putting in a new modular home and seek a 7.8' front setback variance in order to correct an error made by their contractor and to comply with the Town's zoning regulations.

Mr. Labarr, the Applicant's contractor, appeared before the Board on their behalf. He stated that he made an error while putting in the foundation for the Maher's house. The Town requires 75' and he is at 67.2' and he is seeking a 7.8' front setback variance to correct his error. He stated he takes full responsibility for this.

Chairman Stephen Bodnar, upon viewing the plot plan, asked Mr. Labarr to explain how this error occurred.

Mr. Labarr stated his subcontractor didn't pay attention and he was not present at the time of the foundation going in. He said the error wasn't caught until the survey was complete. He admitted he should have waited for the final survey before beginning, but he went off the original building envelope.

Clifford Hanehan questioned if he had a plot plan with the building envelope when he started and Mr. Labarr responded yes he did. He had it marked out, but the mason went on the wrong end of it when pouring the foundation and he was not present at that time. When he returned he found the error and that is why he needs the variance.

A lengthy discussion continued between the Board and Mr. Labarr.

The Board agreed this is a costly mistake and the Applicants are okay with the current placement of the foundation. The Applicants also asked Mr. Labarr to come in for the variance on their behalf, which they need in order to finalize their mortgage. Chairman Stephen Bodnar stated there is no cost effective way to mitigate this. Clifford Hanehan questioned the cost so far and Mr. Labarr responded \$30,000.00. John Deyoe added it's not subdividable and it's just over 7' that is needed; he thinks it would be okay to grant the variance.

After providing Proof of Notice in the Saratogian on July 19, 2013, Chairman Stephen Bodnar opened the Public Hearing at 7:20 p.m. asking those wishing to speak to please stand and state their name and address; no one spoke.

Chairman Stephen Bodnar read a letter from **Chris and Mary Beth Macica, Brown Rd.**, who expressed their concern on how this happened. Chairman Stephen Bodnar stated this occurred due to human error. It was put in according to the original building envelope but we have all learned that going forward, it would be best to have a survey in hand. He also stated the Macica's are concerned with another property on Brown Rd. but it does not pertain to this Applicant.

Chairman Stephen Bodnar asked the Board if there were any other questions; finding none **Chairman Stephen Bodnar closed the Public Hearing at 7:21 p.m.**

Chairman Stephen Bodnar asked the opinion of Zoning Officer/Building Inspector Gil Albert. Zoning Officer/Building Inspector Gil Albert stated errors are made and Mr. Labarr took care of the side setback mistake by purchasing the needed land. He added he believes it would be alright to approve the 7.8' front setback variance.

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

Clarence Fosdick made a motion, seconded by James Burke, to approve the 7.8' front setback variance as requested. Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, James Burke – aye, Thomas Carrangi - aye, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye. **Carried 7 – 0**
Approved

Old Business: None.

New Business: None

Chairman Stephen Bodnar made a motion, seconded by Clifford Hanehan, to adjourn the meeting at 8:00 p.m. Chairman Stephen Bodnar – aye, Clifford Hanehan - aye, James Burke – 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 August 26, 2013.

Respectfully submitted,

Linda McCabe
ZBA Clerk