

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS DRAFT MINUTES
August 26, 2024**

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*.

Zoning Clerk Linda McCabe called the roll: Chairman William Moreau – present, Clifford Hanehan – present, Christopher Benn – present, Rick Burke – present, Mark Solan – present, Thomas Carringi– present, Steve Mehan – absent.

Also present: Zoning Officer Gil Albert, Eric, Melissa & Max Jackson, Edwin Crusado, Paul & Gail Bonczkowski, Paul & Debra Carkner, James Sullivan and Holly Kimball. (Sign-in sheet is on file in the Clerk’s office.)

Approval of Minutes: **A motion was made by Christopher Benn, seconded by Thomas Carringi, to accept the minutes of July 10, 2024 as written.** Chairman William Moreau – aye, Clifford Hanehan - aye, Christopher Benn - aye, Rick Burke – aye, Mark Solan – aye, Thomas Carringi – aye, Steve Mehan - absent.
Carried 6 - 0

Public Hearing

**Eric M. Jackson #24-04
135 Franklin Beach Rd.
Saratoga Springs, NY 12866
S/B/L 193.5-1-23 Lake Residential District
Location: Down the road from his home**

Returning applicant seeks a 13’ front setback variance and a 12’ two-sides setback variance in order to construct a garage with a second-floor apartment. (*Incorrect numbers – should be 15’ front setback, 12’ two-sides and 8’ one-side setback variances.*)

Applicant Eric Jackson appeared before the Board.

Zoning Officer/Building Inspector Gil Albert said the submitted revision has made this worse than his original application. The new revision has accurate numbers with the drip edge - 15’ front setback, 12’ two-sides setback and 8’ one-side setback, which makes this worse.

Applicant stated he wants to build a house for his sons on that parcel.

Chairman William Moreau said it’s still tight; the Town changed zoning regulations in that district in the past to help mitigate giving so many variances, due to it being so tight there.

Clifford Hanehan asked if there were any structures/any previous structures on the property.

Applicant Eric Jackson responded not as far as he knows.

After a discussion, Chairman William Moreau asked if the Board had any comments or

questions; seeing none, he asked Zoning Officer/Building Inspector Gil Albert for his opinion.

Zoning Officer/Building Inspector Gil Albert stated it needs to be reduced down and the applicant doesn't address parking or traffic on the road. He needs better access for parking. As mentioned earlier, the Town changed zoning regulations in that district to save from giving so many variances.

Mark Solan suggested instead of centering the house, move it off to one side.

Zoning Officer/Building Inspector Gil Albert added with the zoning changes made, the Town wanted to keep a minimum of 20' on one side, so as not to worry about fire code and to make it easier to get to the back/rear of property. This is making it worse.

Proof of Notice having been furnished by newspaper on August 16, 2024, Chairman William Moreau opened the Public Hearing at 7:17 p.m., asking those wishing to speak, to please stand and clearly state their name, address and direct their comments to the Board. The following addressed the Board:

Debra Carkner, 162 Franklin Beach Rd., spoke in opposition of this application. In summary, her concerns were the lot is too small, there were no previously issued variances for the property and she opposes the granting of requested variances.

Seeing as no one further wished to speak, Chairman William Moreau closed the Public Hearing at 7:27 p.m. He then asked if there were any further questions or comments of the Board; there were none.

Chairman William Moreau went through the Balancing Test for Area Variance, line by line, with the Board to balance benefit to the Applicant with detriment to health, safety & welfare of the community:

1. *Whether benefit can be achieved by other means feasible to applicant* – Mark Solan stated yes as the applicant can build smaller; Chairman and all Board members agreed.
2. *Undesirable change in neighborhood character or detriment to nearby properties* – Clifford Hanehan said yes, as drainage is an issue and adding another residence can add to that. Board agreed.
3. *Whether request is substantial* – Christopher Benn said yes based upon the lot size and the percentage of coverage; all Board members agreed.
4. *Whether request will have adverse physical or environmental effects* – Rick Burke said it's swampy there already and Clifford Hanehan added everyone out there is doing the same thing, so it would increase adverse effects, but not substantially. Board members agreed
5. *Whether alleged difficulty is self-created (relevant but not determinative)* – Mark Solan stated it's a small lot. Chairman William Moreau said yes, self-created as lot is small and the Town changed zoning regulations to help mitigate this. Clifford Hanehan added they knew when purchasing that it was not a buildable lot. Board members agreed.

Applicant Eric Jackson stated as far as drainage issues behind there, they've only had issue when beavers are back there and clog it up. A few residents on Franklin Beach Rd. and Point Breeze Rd. clean it out when needed. Concerning congestion on the road, not many new residences

have been built and congestion is no more/no less than it's been. He said he can build the house smaller, but he doesn't want to keep having to redo his application. He'll have his architect redraw plans per Board suggestions. He really wants to build for his boys.

Zoning Officer/Building Inspector Gil Albert asked the Board to help guide the applicant and asked what setbacks do they want; what size variance is acceptable.

Chairman William Moreau said they're in our code. If he can design the house within our code, he's good to go. Thomas Carrangi and Christopher Benn agreed.

Applicant Eric Jackson stated he understands code and asked if there's any consideration for a variance because without it the house will be a postage stamp size.

Clifford Hanehan agreed with him.

Zoning Officer/Building Inspector Gil Albert stated the applicant needs to know the Board's priorities. There're parking issues, so he said he'd like to see the house shifted to one side and have at least 5.5' to widen the driveway and parking access.

Chairman William Moreau said reduce the front, parking needs to be larger and give access to the rear of the lot.

Christopher Benn said they need to look at the width of the structure, even with shifting to one side, go 6' and put more on other side to make it more functional.

Applicant Eric Jackson tabled his application to have his architect redraw his plans.

Returning

John Richter #24-06
152 Franklin Beach Rd.
Saratoga Springs, NY 12866
S/B/L 180.17-1-17 Lake Residential

Applicant seeks a 14' front setback variance in order to construct a garage.

Applicant John Richter stated he has an existing garage and is looking to double it as he needs a larger garage for his car collection and his toys. He'll be keeping the driveway as is. He said the Board has given variances to other properties in the last 6 years so this should be in-line with those.

Chairman William Moreau asked if there were any comments.

Zoning Officer/Building Inspector Gil Albert said he's not moving it any closer to the front and he can park 6 cars there.

Proof of Notice having been furnished by newspaper on August 16, 2024, Chairman William Moreau opened the Public Hearing at 7:47 p.m., asking those wishing to speak, to please stand and clearly state their name, address and direct their comments to the Board. The following addressed the Board:

Debra Carkner, 162 Franklin Beach Rd., stated the applicant only needs one variance and definitely needs a new garage, but rumors for years have been he'll build a two-car garage with two apartments. She's fine with a garage but opposes the apartments. He went before the

Planning Board to subdivide the property, so she's not trusting he's only wanting a garage. No building plans have been submitted and she believes his intent is to get the variance and go ahead and build as he pleases. She went through the Town's regulations and said a garage built larger than any home on the road says something. She opposes this and believes the Board should consider that he went to Planning first and is now before them for a variance.

Edward Crusado, 164 Franklin Beach Rd., supports both Eric Jackson and John Richter applications. He said the previous speaker was allowed to build her garage.

Seeing as no one further wished to speak, Chairman William Moreau closed the Public Hearing at 7:54 p.m. He then asked if there were any further questions or comments of the Board.

Zoning Officer/Building Inspector Gil Albert asked the Board to restrict the garage to a single floor and reduce the size to keep it within Town code, as this is a continuous problem at the lake and needs to be addressed. He stated the Town has regulations for a reason.

Clifford Hanehan questioned why there are no designs/drawings for the Board to look at; it's hard to make a decision without that. Is this request for a one story or two story – application doesn't tell us that. In his opinion, the Board cannot approve without the information.

Applicant John Richter responded he needs the storage space.

Chairman William Moreau went through the Balancing Test for Area Variance, line by line, with the Board to balance benefit to the Applicant with detriment to health, safety & welfare of the community:

1. *Whether benefit can be achieved by other means feasible to applicant* – Mark Solan stated yes, as the applicant can push further back. Chairman and Board members agreed.
2. *Undesirable change in neighborhood character or detriment to nearby properties* – Christopher Benn said it depends on the structure. Chairman William Moreau said yes, due to lack of information it's hard to answer. Board agreed.
3. *Whether request is substantial* – Christopher Benn said no, in comparison to the neighbors. Chairman William Moreau agreed and added he's aligning it with the old one.
4. *Whether request will have adverse physical or environmental effects* – Christopher Benn said it is what it is, yes, but it'll take his boat storage out of sight. Clifford Hanehan reiterated it's hard to make a decision without drawings and information. Board members agreed.
5. *Whether alleged difficulty is self-created (relevant but not determinative)* – Mark Solan stated yes, he can build within bounds of zoning regulations and move further back from the road. Chairman William Moreau said he can adjust by building to the rear by 5'. Board agreed.

Clifford Hanehan stated he understands Zoning Officer/Building Inspector Gil Albert's concerns. The Town doesn't want apartments above garages.

Chairman William Moreau asked the applicant if he'd amend his application by moving the structure to the rear by 5' and the front setback to be 30'. Applicant John Richter agreed. He then asked the applicant if he'd like to Table his application in order to submit drawings and information to the Board or for the Board to vote on the application as presented.

Applicant John Richter replied vote.

A motion was made by Mark Solan, seconded by Clifford Hanehan, to accept the amended application for the front setback to be at 30', granting a 10' front setback variance instead of 14'. Chairman William Moreau – aye, Clifford Hanehan - aye, Christopher Benn - nay, Thomas Carrangi - aye, Rick Burke – nay, Mark Solan – aye, Steve Mehan – absent.

Carried 4 - 2

James Sullivan #24-07

11 Pearl St.

Schuylerville, NY 12871

S/B/L 169.-2-11.3

Location: 117 Rt. 32 South

Applicant seeks a frontage variance of 61' to build a garage with an in-law apartment. He currently has 239' of frontage, but 300' is required for this property. The Planning Board has sent the applicant to the ZBA for a variance, as one is required before a special use permit may be issued for the proposed allowable second dwelling on the property.

Applicant James Sullivan appeared before the Board and reviewed his application along with the history of the property. He said there's an existing garage and home on the property and he'd like to build a garage with two homes, one attached on each side of the garage.

Zoning Officer/Building Inspector Gil Albert stated that was not approved by Planning and won't be. It's not in our code to have two additional homes on one parcel. One additional dwelling is allowed, as long as all setbacks and regulations are met, but not two. Even with a variance he's only allowed to build a single dwelling on the property.

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

Proof of Notice having been furnished by newspaper on August 16, 2024, Chairman William Moreau opened the Public Hearing at 8:17 p.m., asking those wishing to speak, to please stand and clearly state their name, address and direct their comments to the Board.

Seeing as no one wished to speak, Chairman William Moreau closed the Public Hearing at 8:18 p.m. He then asked if there were any further questions or comments of the Board; there were none.

Chairman William Moreau went through the Balancing Test for Area Variance, line by line, with the Board to balance benefit to the Applicant with detriment to health, safety & welfare of the community:

1. *Whether benefit can be achieved by other means feasible to applicant* – Mark Solan stated no, you can't change the lot size; Chairman and Board members agreed.
2. *Undesirable change in neighborhood character or detriment to nearby properties* – Entire Board said no.
3. *Whether request is substantial* – Entire Board said no.
4. *Whether request will have adverse physical or environmental effects* – Board members said no.

5. *Whether alleged difficulty is self-created (relevant but not determinative)* – Clifford Hanehan said no, the lot was formed in the 1980's and regulations have changed; the Board agreed.

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

A motion was made by Christopher Benn, seconded by Rick Burke, to accept the application as presented and grant the 61' frontage variance for an additional single-family dwelling on the parcel. Chairman William Moreau – aye, Clifford Hanehan - aye, Christopher Benn - aye, Thomas Carringi – aye, Rick Burke – aye, Mark Solan – aye, Steve Mehan - absent.

Carried 6 - 0

Old Business:

New Business:

A motion was made by Christopher Benn, seconded by Clifford Hanehan, to adjourn the meeting at 8:23 p.m. Chairman William Moreau – aye, Clifford Hanehan - aye, Christopher Benn - aye, Thomas Carringi – aye, Rick Burke – aye, Mark Solan – aye, Steve Mehan - absent.

Carried 6 - 0

Meeting Adjourned

The next regular meeting will be September 23, 2024, at 7:00 p.m.

***All submittals must be to the Clerk no later than 8:45 a.m. September 9, 2024, to be on the agenda.**

Respectfully submitted,

Linda McCabe
ZBA Clerk

~Meeting dates are subject to change~