

TOWN OF SARATOGA
ZONING BOARD OF APPEALS DRAFT MINUTES
November 18, 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*.

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

Also present: Zoning Officer Gil Albert, Eric and Melissa Jackson, Sam Jackson, Donna Jladick, Ed Crusado, John Richner and Kevin (no last name provided). (Sign-in sheet is on file in the Clerk's office.)

Approval of Minutes: **A motion was made by Thomas Carrangi, seconded by Mark Solan, to accept the minutes of September 23, 2024 as written.** Chairman William Moreau – aye, Clifford Hanehan – aye, Thomas Carrangi – aye, Mark Solan – aye, Rick Burke – aye, Christopher Benn – aye, Steve Mehan – absent.

Carried 6 - 0

Area Variance Revisit

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's public hearing was opened and closed at the August 2024 ZBA meeting, and at that time, the applicant tabled his application. He was now before the Board in consideration of a motion on his application.

Applicant Eric Jackson stated he would like the Board consideration on the newly submitted application in comparison to the original application. He said the difference from the first application to this one is the building size has been reduced from 65 x 34 to 53 x 32, which now included a drip edge and porch and positioned now 30' off the street. He said it now has clearance of 12' on one side and 6' on the opposite side.

Chairman William Moreau remarked with the last application, the building size was 32 x 48. This measurement did not include the 10' porch or the required drip edge. The new dimensions including all, is 53 x 32.

Clifford Hanehan questioned how much shorter the depth size was from the original application.

Applicant Eric Jackson responded 7'. The first application was 27' front and 25' in the back, now it's 30' in front and 17' in the back. The lot coverage now is 30%, down from the original application of 35%.

Chairman William Moreau expressed concern that if the variance is approved at 20' on one side, and 10' on the other, emergency vehicles and/or fire apparatus could not access the site.

Chris Benn said there has been no change in the width of the building from the original application, this just makes it 5' shorter.

Applicant Eric Jackson stated it has been cut down from 34' to 32' with the drip edge.

Chris Benn stated this application is not being built to fire code, the 6' side set back is insufficient.

Applicant Eric Jackson mentioned that the lot next to this property is vacant with a small shed on it.

Chairman William Moreau said unfortunately, the Board cannot take that into account as this could change in the future. He then asked if there were any further questions or comments from 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* – Chris Benn said the home can be made smaller; Board members agreed.
2. *Undesirable change in neighborhood character or detriment to nearby properties* – Entire Board said no
3. *Whether request is substantial* – Mark Solan said this is a tiny lot and at 35% this is pushing its limits; Board members agreed.
4. *Whether request will have adverse physical or environmental effects* – Chris Benn said this is the same as the entire neighborhood; Board members agreed.
5. *Whether alleged difficulty is self-created (relevant but not determinative)* – The Board agreed that the unit can be made smaller.

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

Chairman William Moreau said reducing the width of the home would be compliant with our current regulations.

Mark Solan said although it's reduced with this application, its not reduced enough.

Chris Benn stated even with this smaller footprint, nothing really has been gained.

A motion was made by Christopher Benn, seconded by Rick Burke, to deny the Applicant his petition. Chairman William Moreau – aye, Clifford Hanehan – aye, Thomas Carringi – aye, Mark Solan – aye, Rick Burke – aye, Christopher Benn – aye, Steve Mehan – absent.

Carried 6 - 0

Chairman Willaim Moreau advised the applicant that he'd have to start the entire process over to comply with the Town regulations.

Melissa Jackson, applicant's spouse, expressed frustration that they've invested a lot of time and money into this application and that guidance was not provided with the application.

Mark Solan mentioned the requirements were outlined fully in the August 2024 public hearing.

Melissa Jackson stated that campers will be put there instead of a home.

Zoning Officer/Building Officer Gil Albert advised that cannot be done year round, that they are not considered permanent structures.

Chairman William Moreau reiterated the parameters were outlined in prior meetings and the end goal was clearly stated. He also mentioned again that a new application will be necessary by law, and the applicant can contact Zoning Officer/Building Officer Gil Albert for any necessary information.

Old Business: None

New Business: None

A motion was made by Christopher Benn, seconded by Rick Burke, to adjourn the meeting at 7:55 p.m. Chairman William Moreau – aye, Clifford Hanehan – aye, Thomas Carrangi – aye, Mark Solan – aye, Rick Burke – aye, Christopher Benn – aye, Steve Mehan – absent.

Carried 6 - 0

Meeting Adjourned

The next regular meeting will be January 27, 2025, at 7:00 p.m.

***All submittals must be to the Clerk no later than 8:45 a.m. January 11, 2025, to be on the agenda.**

Respectfully submitted,

Dorothy Lavazzo

lmc

~Meeting dates are subject to change~