

**TOWN OF SARATOGA**  
**ZONING BOARD OF APPEALS DRAFT MINUTES**  
**April 22, 2013**

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 – absent, Clarence Fosdick – present, G. William Moreau – absent, James Burke – present, John Deyoe – present.

Also present: Town Attorney William Reynolds, Joseph Urbanski, Terri Korb, Harold & Monica Hulett, Sandra & Bud Lacy, Ruth Masiewicz and other interested persons. (Sign-in sheet is on file in the Clerk’s office)

Approval of Minutes: **A motion was made by James Burke and seconded by John Deyoe, to accept the minutes of the March 25, 2013 meeting.** Chairman Stephen Bodnar – aye, Clifford Hanehan -absent, James Burke – aye, Thomas Carrangi - absent, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye. **Carried 4 – 0**  
**Approved**

**Order of Business:**

**Area Variance**

**Joseph Urbanski #13-02**  
**32 Gronczniak Rd.**  
**Stillwater, NY 12170**  
**S/B/L 206.6-1-12 Lake Residential**  
**Location: 1201 Rt. 9P Rear**

Applicant is under contract to purchase a parcel with an abandoned building and trailer on it which he would like to remove and then construct a new single family home. The Applicant is seeking a lot area variance of 1,000’ and a frontage variance of 100’ in order to do so.

The Applicant appeared before the Board and reviewed his proposed plan. He went over the Summary of Use & Area Criteria with the Board and stated that he abuts no public road, his area variance coverage is at 6% of the lot size, the use isn’t changing and he will be tied into the sewer system. He told the Board that Zoning Officer Gil Albert had asked if he was building two structures and he told him no, the area on the map that is marked 30’ x 40’ is a parking area not a building.

Chairman Stephen Bodnar asked how large the house will be and the Applicant replied 1600 sq. ft. and he meets all setbacks according to town regulations.

Attorney William Reynolds questioned if Rodgers Lane is a private road and the Applicant responded it is. The Applicant stated his attorney found access in the deed; though he would prefer to come onto the property via Rodgers Lane and go left and up to come in on the front of the property.

Chairman Stephen Bodnar asked if he can go off Rt. 9P and the Applicant replied he could, but it's very steep.

James Burke asked how long the Applicant has owned the parcel and the Applicant responded he is under contract to purchase, depending upon the outcome of this meeting and the decision of the Zoning Board.

The Applicant then handed Town Attorney William Reynolds the contract he has with the owner as proof that the owner approves his application for the variances. He stated he has not had the property surveyed yet; he's awaiting the outcome of the meeting. If approved, he will have a survey done. Attorney William Reynolds stated he also needs to have the plot plan on the certified survey.

A lengthy discussion continued on access, the character of the surrounding neighborhood, drainage and the fact that the town has no jurisdiction on private roads or water issues out there.

**After providing Proof of Notice in the Saratogian on April 12, 2013, Chairman Stephen Bodnar opened the Public Hearing at 7:24 p.m. asking those wishing to speak to please stand and state their name and address.**

The following persons addressed the Board with water, drainage, snow and easement litigation concerns:

Ruth Masiewicz, 1202 Rt. 9P  
Mrs. Rudolph, 9 Hillside Ave.  
Terri Korb, 17 Hill Rd.

Town Attorney William Reynolds explained this application is for an area variance; the Zoning Board has no jurisdiction over their concerns.

Chairman Stephen Bodnar stated there are ways they can circumvent their water issues. Town Attorney William Reynolds reiterated this Board has no jurisdiction over well issues.

Monica Hulett, 87 Rodgers Lane, stated she would like a guarantee from the Applicant that if the bottom of Rodgers Lane gets torn up from the use of back hoes/track hoes, that he will fix and repave that part of the road. She said they have already paved and repaved that section due to it being torn up when he built the duplex out there.

The Applicant responded that, upon approval, he will be more than happy to sit down with her, take pictures of the road and draw up papers stating he will take care of any damages he creates with that part of the road and he will repave it if needed.

Chairman Stephen Bodnar asked the Board if there were any other questions; finding none  
**Chairman Stephen Bodnar closed the Public Hearing at 8:04 p.m.**

**Chairman Stephen Bodnar then read the letter from the Saratoga County Planning Board which stated no significant county wide or intercommunity impact.**

Chairman Stephen Bodnar reviewed the Summary of Area Criteria Balancing Test and went through it line by line with the Board.

John Deyoe stated he believes the new home will improve the property; the Board agreed. He also stated he believes this is not a substantial request; the Board does this all the time in that district due to the size of the lots. He then said he sees no adverse or environmental effects to the area. The Board agreed with him and they agreed this is not self created.

Chairman Stephen Bodnar stated in the past the Board has granted Conditional Approvals with the Applicant providing the certified survey to Building Inspector Gil Albert so he can ascertain it corresponds with the application.

Town Attorney William Reynolds suggested they table this until the Applicant brings a written letter by the owner stating approval for these variances, a title company certification or attorney certification stating he has proper access/easement from Rodgers Lane to Rt. 9P, a letter stating he can tie into the sewer and a survey with the plot plan.

Clarence Fosdick suggested they table this application until the Board receives answers to their questions, a survey, which they acknowledge could be conditional if the Applicant were to provide one to the Building Inspector. Clarence Fosdick also stated he'd like more information on what is to be done on the parcel. He then directed the Applicant to talk to Building Inspector Gil Albert and have Building Inspector Gil Albert talk to the Board.

**A motion was made by Clarence Fosdick and seconded by Chairman Stephen Bodnar, to Table this application until further information can be provided.** Chairman Stephen Bodnar – aye, Clifford Hanehan -absent, James Burke – aye, Thomas Carrangi - absent, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye. **Carried 4 – 0**

**Tabled**

The Applicant asked, to recap, what the Board is requiring of him: proof of deeded access to Rt. 9P, certified survey with plot plan, owner approval that the Applicant is coming for the variance and written confirmation he can tie into the sewer.

Chairman Stephen Bodnar stated that is correct.

The Applicant thanked the Board.

**Old Business:** None.

**New Business:** None

**John Deyoe made a motion, seconded by James Burke, to adjourn the meeting at 8:40 p.m.**

Chairman Stephen Bodnar – aye, Clifford Hanehan - absent, James Burke – aye, Thomas Carrangi - absent, William Moreau - absent, Clarence Fosdick - aye, John Deyoe – aye.

**Carried 4 – 0**

**Adjourned**

The next Zoning Board of Appeals meeting will be held May 20, 2013.

Respectfully submitted,

Linda McCabe  
ZBA Clerk