

**TOWN OF SARATOGA  
ZONING BOARD OF APPEALS MINUTES  
April 28, 2014**

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 – present, Thomas Carrangi – present, Clarence Fosdick – present, G. William Moreau – present, John Deyoe – present, Chris Benn – present.

Also present: Town Attorney William Reynolds, Mr. & Mrs. Sisco, Gordon Clothier, Jim Jennings and other interested persons. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: **A motion was made by Chairman Stephen Bodnar and seconded by Clarence Fosdick, to accept the minutes of the February 24, 2014 meeting.**

Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, Thomas Carrangi - aye, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye.

**Carried 7 - 0**

**Approved**

**Order of Business:**

**Area & Use Variance**

**Mr. George T. Sisco #14-02  
1264 Rt. 9P  
Saratoga Springs, NY 12871  
S/B/L 193.14-1-21 Lake Residential**

Applicant seeks a 2.4' side variance and a 3.8' area variance in order to remove and replace his existing two-car garage and apartment. He is also seeking a use variance in order to build a new apartment above the garage.

The Applicant appeared before the Board, reviewed his proposal explaining that he'd like to remove the existing garage and apartment and build a new garage with an apartment above it. He stated the realtor who sold him the property told him it was a two family property and that the previous owners rented out the main house while they lived in the garage apartment. He then passed out additional photos showing the interior of the existing garage, providing proof it had an apartment and is in need of being rebuilt. He stated that after talking with Building Inspector Gil Albert he was informed he needs multiple variances to do so and he is here seeking those required variances. He added that the apartment will be for his mother-in-law and in the future, for visiting family members; it will not be a rental property. He also stated he'd like to be able to complete the renovations within two years and he is awaiting results from his engineer concerning the condition of the house to determine if that will need to be demolished or renovated.

After a lengthy discussion between the Applicant and the Board, it was decided he would move the garage location 3' to avoid needing the side variance. Clifford Hanehan

questioned the Applicant if the realtor sold it to him as a two-family home and the Applicant responded yes, adding that property has been vacant for 12+ years and is in great disrepair.

Zoning Officer Gil Albert stated the Applicant still needs an area variance due to lot width not meeting town regulations.

Chairman Stephen Bodnar stated they could grant the use variance since there was a preexisting apartment there. Clifford Hanehan added they could grant it based on time of completion. Zoning Officer Gil Albert stated he agreed with that, they could put limits on it as the Planning Board does for use permits; clarifying that area variances stay with the property and use variances are for changing the use of the property, so one can put limits on that variance.

Chairman Stephen Bodnar believes replacing the garage is a good thing and two family units are allowed if they are attached. He questioned if the Applicant would consider attaching the garage to the house. The Applicant responded they need somewhere to live while working on the house and the house may end up needing to be demolished which would require a new foundation. They would like to live in the garage apartment while working on the house.

Town Attorney William Reynolds suggested they attach it with a breezeway and the Applicant said he was trying to keep it separate so his mother-in-law can move in and have her own space.

Zoning Officer Gil Albert reviewed the photos with Town Attorney William Reynolds. Town Attorney William Reynolds stated that since no one's lived there in 12+ years it's considered abandoned and removes it from 'pre-existing conditions'. You can't have two single dwelling units on the same lot in that district. Chairman Stephen Bodnar stated either the Applicant attaches it with a breezeway or attaches it to the home at some point or they cannot go forward.

A lengthy discussion continued on garage placement, maintaining the lake view and the time frame of completion. Chairman Stephen Bodnar asked the opinion of Zoning Officer Gil Albert who responded he'd like to see a compromise between the Applicant and the Board and a way for granting the requested variances. The Applicant stated he is willing to make changes.

**After providing Proof of Notice in the Saratogian on April 18, 2014, Chairman Stephen Bodnar opened the Public Hearing at 7:34 p.m. asking those wishing to speak to please stand and state their name and address.**

**Doug Niles**, Rt. 9P, stated the house has been empty 12+ years and feels the Applicant will do a good job with this project. He thinks attaching the garage to the house will be advantageous and the Board should go through with granting the requested variances.

Chairman Stephen Bodnar asked the opinion of Town Attorney William Reynolds. He stated if the Applicant's requests are changing, then this application is out the window. The Applicant will need a new sketch plan and go forward from there.

Chairman Stephen Bodnar questioned if the Applicant has to reapply to begin the new project and if another public hearing is needed. Town Attorney William Reynolds replied no, you can amend this one.

The Applicant asked for guidance on the variances needed and he'll come back with new drawings; he needs the correct numbers for setback. Zoning Officer Gil Albert stated 10' – 15' from property line.

Bill Moreau asked if he can come up with a reasonable plan and the Applicant responded yes, if it were around 15' because 20 would impact the view. He can pull it forward to attach it to the house and keep the tree for a buffer.

The Board had no problem with the 15' and decided to table this until the May meeting to provide the Applicant time to amend the project redraw.

Chairman Stephen Bodnar asked if there were any other questions; finding none

**Chairman Stephen Bodnar closed the Public Hearing at 7:40p.m.**

**Clifford Hanehan made a motion, seconded by Chris Benn to Table this application until the May 19, 2014 meeting.** Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, Thomas Carrangi - aye, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye. **Carried 7 - 0**  
**Tabled**

**Mr. Gordon Clothier #14-03**  
**230 Haas Rd.**  
**Schuylerville, NY 12871**  
**S/B/L 170.-1-26 Rural**

Applicant seeks a 19' front setback variance in order to build a deck on the front of his house.

The Applicant appeared before the Board stating he'd like to construct a 19' deck onto the front of his house and needs a variance to do so. It will not have a roof now, but he will construct it in such a way that he can add a roof in the future. He questioned if he will need a variance for the roof also and was told no, just a building permit.

The Board agreed this will improve the house and can see no reason not to grant this. Chairman Stephen Bodnar asked if there were any questions from the Board; there were none.

**After providing Proof of Notice in the Saratogian on April 18, 2014, Chairman Stephen Bodnar opened the Public Hearing at 7:55 p.m. asking those wishing to speak to please stand and state their name and address.**

**Jim Jennings**, Minnie Bennett Rd., questioned why the Applicant needed to acquire 88 signatures and who determined that.

It was explained that neighbor notifications are sent to all property owners within 500' of an applicant's property according to regulations and past practice. Zoning Officer Gil Albert stated we allowed this applicant to go door to door and get signatures which held

back the expense; normally and in future, applicants must send certified, return receipt requested letters to each property owner within the 500' parameter.

Town Attorney William Reynolds stated he will look into who determines that.

Chairman Stephen Bodnar asked if there were any other questions; finding none

**Chairman Stephen Bodnar closed the Public Hearing at 8:04 p.m.**

**Chairman Stephen Bodnar made a motion, seconded by Bill Moreau to grant the variance as proposed.** Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, Thomas Carrangi - aye, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye. **Carried 7 - 0**

**Granted**

**Old Business:** Clarence Fosdick and Zoning Officer Gil Albert gave updates to the Board on the work of the Joint Committee; the Rural District II boundary is being moved and clarifying certain definitions as well as the fee changes. Clarence Fosdick also stated that the Use Variance class held at the Saratoga County Planning Conference was very interesting and he learned a lot from it.

**New Business:**

**A motion was made by Bill Moreau, seconded by Chris Benn, to adjourn the meeting at 8:17 p.m.** Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, Thomas Carrangi - aye, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye.

**Carried 7 - 0**

**Adjourned**

The next Zoning Board of Appeals meeting will be held May 19, 2014

Respectfully submitted,

Linda McCabe  
ZBA Clerk