

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS MINUTES
January 24, 2011**

Due to the absence of Chairman Stephen Bodnar, Vice Chairman Clifford Hanehan called the meeting to order at 7:00 p.m. and led the flag salute.

Vice Chairman Clifford Hanehan explained the *Rules of the Board*.

Zoning Clerk Linda McCabe called the roll: Chairman Stephen Bodnar – absent, Vice Chairman Clifford Hanehan – present, Thomas Carrangi – present, Barbara Faraone – absent, William Moreau – absent, James Burke – present, Clarence Fosdick – present, and Alternate John Deyoe – present.

Due to the absence of Chairman Stephen Bodnar, and Board Members Barbara Faraone and William Moreau, Vice Chairman Clifford Hanehan elevated Alternate John Deyoe to full voting status.

Also present: Zoning Officer Gil Albert. (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 November 22, 2010 meeting.** Vice Chairman Clifford Hanehan -aye, Chairman Stephen Bodnar-absent, James Burke – aye, Barbara Faraone-absent, Thomas Carrangi - aye, William Moreau - absent, Clarence Fosdick - aye, John Deyoe – aye.

Carried 5 – 0

Approved

Order of Business:

Area Variance

**Thomas A. Marotta #11-01
1380 Rt. 9P
Saratoga Springs, NY 12866
S/B/L 193.6-1-21 Lake Residential**

Applicant seeks a building coverage variance to keep a shed on his property that Zoning Officer Gil Albert told him he could not build without first obtaining an additional building coverage variance, since he was already 1.6% over the allowable percentage of building coverage with building his new house; the Applicant constructed the shed regardless of the Zoning Officer's direction.

Vice Chairman Clifford Hanehan stated that although the Applicant is not here, the Board will give him an additional 15 minutes to arrive. Vice Chairman Clifford Hanehan then reviewed the application with the Board.

Town Attorney William Reynolds arrived at 7:13 p.m.

The Board questioned Zoning Officer Gil Albert if the shed was stick built and he responded no. The Board questioned Zoning Officer Gil Albert what happens if they deny the Applicant and Zoning Officer Gil Albert responded he then issues an Order to Remedy and if non-compliant he would then contact the Town Attorney.

A motion to adjourn was made at 7:19 p.m. by John Deyoe and seconded by Clarence Fosdick. Vice Chairman Clifford Hanehan -aye, Chairman Stephen Bodnar-absent, James Burke – aye, Barbara

Faraone– absent, Thomas Carrangi - aye, William Moreau - absent, Clarence Fosdick - aye, John Deyoe – aye.

Carried 5 – 0

Adjourned

As the Board was leaving, the Applicant walked in stating he thought the meeting began at 7:30 p.m.. Vice Chairman Clifford Hanehan questioned the Board and the Town Attorney if they'd like to reconvene this meeting and they agreed.

Vice Chairman Clifford Hanehan reconvened the meeting at 7:20 p.m. and explained the *Rules of the Board*. He then asked the Applicant to come forward stating his name and address and explain his case.

The Applicant stated he is asking to keep the shed he built on his property. He stated that Zoning Officer Gil Albert did indeed tell him not to build it without first applying for a variance, but he had family members to help him at that time so went ahead and put it up and is now asking for a variance to keep the shed.

Vice Chairman Clifford Hanehan stated the Applicant had gone to each neighbor with a letter asking them to support this project; they've all signed it and it is on file in the Clerk's office. He then asked if there were any questions from the Board; there were none.

Vice Chairman Clifford Hanehan read the letter from the Saratoga County Planning Board indicating no significant county wide or intercommunity impact.

After providing Proof of Notice in the Saratogian on January 14, 2011, Vice Chairman Clifford Hanehan opened the Public Hearing at 7:27 p.m. asking those wishing to speak to please stand and state their name and address. No one came forward.

Vice Chairman Clifford Hanehan asked the Board if there were any other questions; finding none, **Vice Chairman Clifford Hanehan closed the Public Hearing at 7:28 p.m.**

Vice Chairman Clifford Hanehan then asked Town Attorney William Reynolds for his input. Town Attorney William Reynolds questioned if the side yard setbacks and yard dimensions are affected by this and Zoning Officer Gil Albert responded no. Town Attorney William Reynolds then questioned if this variance is only for lot coverage and Zoning Officer Gil Albert responded that is correct. Vice Chairman Clifford Hanehan then asked for the Zoning Officer's input. Zoning Officer Gil Albert stated the Applicant was told not to build it because he was already 1.6% over the allowable percentage of building coverage for his property, so regardless that he had family members to help him he should have at least made application to show intent; he did not.

Clarence Fosdick read the Summary of Area Criteria and went through it line by line with the Board. **Clarence Fosdick made a motion, seconded by John Deyoe, to deny the Applicant keeping the shed on this property due to the Applicant already being 1.6% beyond the allowable percentage of building coverage on the property and this issue was self-created.** Chairman Stephen Bodnar– absent, James Burke – aye, Barbara Faraone– absent, Thomas Carrangi - aye, Vice Chairman Clifford Hanehan -aye, William Moreau - absent, Clarence Fosdick - aye, John Deyoe – aye.

Carried 5 – 0

Denied

The Applicant questioned what the corrective action is and Vice Chairman Clifford Hanehan responded there is none. Town Attorney William Reynolds stated the Applicant can hire an attorney and appeal this decision to the Supreme Court.

Vice Chairman Clifford Hanehan stated the Board has rules and it is the charge of the Board to follow those rules and to do so with the best of conscience.

Old Business: None

New Business: None

Board Member James Burke made a motion, seconded by Thomas Carringi, to adjourn the meeting at 7:45 p.m. Vice Chairman Clifford Hanehan -aye, Chairman Stephen Bodnar-absent, James Burke – aye, Barbara Faraone– absent, Thomas Carringi - aye, William Moreau - absent, Clarence Fosdick - aye, John Deyoe – aye.

Carried 5 – 0

Adjourned

The next Zoning Board of Appeals meeting will be held February 28, 2011.

Respectfully submitted,

Linda McCabe
ZBA Clerk