

**TOWN OF SARATOGA**  
**ZONING BOARD OF APPEALS DRAFT MINUTES**  
**July 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, G. William Moreau – present, Thomas Carrangi – present, Clarence Fosdick – present, John Deyoe - present, Chris Benn – present.

Also present: Town Attorney William Reynolds, Zoning Officer Gil Albert, Sharon Urban, Tony & Lori Scalera and Neil Pelone. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: **A motion was made by Clarence Fosdick, seconded by Chris Benn to accept the meeting minutes of June 23, 2014.** 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 Variance**

**Antoinette Mormile #14-07**  
**1117 NYS Rt. 9P**  
**Saratoga Springs, NY 12866**  
**S/B/L 206.9-2-47 Lake Residential**

**Representative: Sharon Urban**

Applicant is seeking a 45' two-side variance and 19' side variance for the new covering over the door and walkway to her home.

Sharon Urban, daughter of the Applicant, appeared on behalf of her mother. She stated the 17 yrs. old cover was in disrepair and needed to be replaced for safety reasons. It was a bit small and created water buildup and ice buildup in the winter because it didn't cover the walkway completely. The new covering is a bit larger and covers the walkway completely and has gutters, which makes for a safer walkway. She apologized for not being aware they needed a permit to replace the covering. She had questioned her contractor if she needed to get a permit and was told no since this was just a replacement.

Chairman Stephen Bodnar explained the need for variances and town zoning regulations. He then asked if there were any Board questions.

Zoning Officer/Building Inspector Gil Albert stated he's not against this but had she come in for a permit, or her contractor, he could have saved her some money. This structure must meet fire codes and must be built with fire rated materials. Anything under 3' from the property line must be constructed of fire rated material according to NYS Fire Code. The posts have to be of fire rated material as does the roof; they do make posts that are fire rated for this purpose. He then asked her what the roof was made of and she responded it's a rolled roof. He said that's not allowed and told her he'll go take a look at it and let her know for certain what needs to be used.

He believes Sharon Urban is trying to make this safer for her mother. Unfortunately, it is quite typical of some contractors out to the lake telling folks they don't need permits.

Chairman Stephen Bodnar questioned if her mother lives there year round and Sharon Urban responded yes she does. Board discussion continued.

Clifford Hanehan stated it looks like there's two options here; either we have her tear it down, or we grant the variances and have them rebuild it properly and bring it to code.

Chairman Stephen Bodnar asked if there were any other questions; there were none. He then asked Zoning Officer/Building Inspector Gil Albert his opinion. He responded due to the options he's not against this. Houses are built really close together out there and this will make it safer.

**After providing Proof of Notice in the Saratogian on July 18, 2014, Chairman Stephen Bodnar opened the Public Hearing at 7:15 p.m.** asking those wishing to speak to please stand and state their name and address; no one spoke.

Chairman Stephen Bodnar asked the Board if there were any other questions; finding none  
**Chairman Stephen Bodnar closed the Public Hearing at 7:16 p.m.**

Board discussion continued and a couple members had concerns of the neighbors liking this. Several Board Members stated the neighbors have all been notified and if there were issues they would be at this public hearing. Board Members also agreed that this covering should not be allowed to be enclosed as if creating another room due to it being so close to the neighbor.

Chairman Stephen Bodnar stated he believes this was done unintentionally on the Applicant's part, though the contractor must know he should have gotten a permit. He then asked if there were any more questions; there were none.

Chairman Stephen Bodnar then reviewed the Summary of Area Criteria Balancing Test and went through it line by line with the Board; the Board found in favor of the Applicant.

**A motion was made by John Deyoe, seconded by Chris Benn to approve the variances as presented, contingent upon the covering being brought up to fire code and the covering cannot be enclosed as to create another room.** Chairman Stephen Bodnar – aye, Clifford Hanehan -nay, Thomas Carrangi - aye, William Moreau – abstained, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye. **Carried 5 - 1**  
**Granted with contingencies.**

**Anthony Scalera #14-05  
2701 Doelner Circle  
Castleton, NY 12033  
S/B/L 206.9-2-37 Lake Residential  
Location: 9 Palmers Maple Shade**

**Representative: Neil Pelone, Architect  
18 2nd St. Suite 1R  
Troy, NY 12180**

Returning Applicant seeks numerous variances in order to construct a single family house once demolition of the existing structure is complete.

Returning Architect Neil Pelone appeared before the Board on behalf of the Applicant and reviewed the amended proposal of this project. He stated at last month's meeting the Board asked for clearer plans. He provided spread sheets, photos and an updated map and plans. He reviewed them with the Board and answered their questions. The new house with a deck is 1783 sq. ft. It is smaller than his original plan of 2200 sq. ft., and will remain within code for the height. He also stated they came away from the southwest corner with this smaller house staying within the existing footprint, which keeps them more in compliance and removes the side setback variance.

Clifford Hanehan agreed that all of this is an improvement.

Town Attorney William Reynolds questioned if there is a NYS DEC regulation on how close to a stream one can build.

Zoning Officer/Building Inspector Gil Albert yes, but he will check with NYS DEC to see if a DEC permit is required.

Board discussion continued. Chairman Stephen Bodnar asked the opinion of the Town Attorney William Reynolds; he had none. He then questioned Zoning Officer/Building Inspector Gil Albert who stated this is not out of character with the area.

Chairman Stephen Bodnar then reviewed the Summary of Area Criteria Balancing Test and went through it line by line with the Board; the Board found in favor of the Applicant.

**A motion was made by Clarence Fosdick, seconded by John Deyoe to grant the variances as requested since it satisfied the balancing test and fits in with the surrounding neighborhood.** 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:** none

**New Business:** none

**A motion was made by Chris Benn, seconded by Clifford Hanehan, to adjourn the meeting at 8:18 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 August 25, 2014.

Respectfully submitted,

Linda McCabe  
ZBA Clerk