

**TOWN OF SARATOGA  
ZONING BOARD OF APPEALS DRAFT MINUTES  
June 23, 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 – absent, Clarence Fosdick – present, John Deyoe - aye, Chris Benn – present.

Also present: Town Attorney William Reynolds, Zoning Officer Gil Albert, Tony Scalera, Charles Macejka 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 to accept the meeting minutes of May 19, 2014.** Chairman Stephen Bodnar - aye, Clifford Hanehan -aye, Thomas Carrangi - absent, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye. **Carried 6 - 0**

**Approved**

**Order of Business:**

**Area Variance**

**Charles Macejka #14-06  
1270 Rt. 9P  
Saratoga Springs, NY  
S/B/L 193.14-1-4 Lake Residential**

Applicant seeks a 13' front setback variance in order to build a front deck onto his existing house.

The Applicant appeared before the Board and handed each member a photo of his home and reviewed the location of the proposed deck.

Chairman Stephen Bodnar questioned why so large a deck and asked if the Applicant would consider going smaller. The Applicant replied they have a large family and really need the size requested.

Chairman Stephen Bodnar asked if there were any questions from the Board.

Chris Benn questioned if they would be adding a roof in the future and the Applicant replied no. John Deyoe stated he thinks it would improve the property and Zoning Officer Gil Albert stated it keeps within the character of the surrounding properties.

Chairman Stephen Bodnar asked for the opinion of Town Attorney William Reynolds. Town Attorney William Reynolds questioned if this would interfere with any of the neighbors viewshed and was told no. He then said he is okay with this.

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

**After providing Proof of Notice in the Saratogian on June 13, 2014, Chairman Stephen Bodnar opened the Public Hearing at 7:10 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 7:11 p.m.**

Chairman Stephen Bodnar 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.

**Clarence Fosdick made a motion, seconded by John Deyoe to approve the variance as presented.** Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, Thomas Carrangi - absent, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye.

**Carried 6 - 0**

**Granted**

**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**

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

Architect Neil Pelone appeared before the Board on behalf of the Applicant and reviewed the proposed project with the Board. He explained they positioned the proposed house to balance the setbacks and to keep frontage as wide as possible. He added the one variance they do not need is height.

Chris Benn stated he has concerns with emergency vehicles having proper access due to the size of the proposed house, as it is very close to the property line as well as the neighboring house. He thinks the Applicant needs to shift the proposed structure a bit as to not make access worse than it already is.

John Deyoe agreed and stated it's really tough to get in there with a normal truck, he can't imagine an ambulance getting down there.

Zoning Officer Gil Albert also agreed with him, but noted having him reposition the house is not enforceable through NYS building codes.

Chairman Stephen Bodnar stated there are no measurements on the submittal for the proposed house and also asked what the existing footprint measures. Neil Pelone stated the existing structure is 1700 - 2000 sq. ft. including the deck and porch. He added that the proposed structure will be 4000 sq. ft. of living space.

Bill Moreau stated that's double the living space. He then stated it's crucial to establish the flood plain; the Applicant may have to make adjustments due to that and the upper floor may end up not being useable space. He then questioned the garage size and was told 14' x 22'.

Neil said they will comply with building codes and adjustments can be made; this will be the

Applicant's primary residence if approved.

Discussion continued with the Board agreeing the proposed house is in character with the surrounding homes. Town Attorney William Reynolds stated that this is a substantial area variance request and an owner who voluntarily removes an existing, livable house does not have the right to build on the same footprint, it does not "grandfather" that in.

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

**After providing Proof of Notice in the Saratogian on June 13, 2014, Chairman Stephen Bodnar opened the Public Hearing at 7:47 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 7:50 p.m.**

Neil Pelone asked the Board to postpone voting at this time and asked for suggestions and guidance on acceptable compromises. The Board appreciated his willingness to compromise and reviewed the Summary of Area Criteria Balancing Test and went through it line by line with Neil Pelone. Chairman Stephen Bodnar stated it's a balancing act and he feels bad the Board can't provide answers the Applicant would like at this time, but he is hopeful some of the things they discussed will be helpful.

Board members stated they are not totally against this project, but they need some changes made.

Neil Pelone thanked the Board for their help.

**Tabled**

**Schuyler Park # 14-04  
893 Rt. 29  
Schuylerville, NY 12871  
S/B/L 155.-1-27.11**

**Representatives: Park Committee Co-Chair Laurie Griffen  
and Park Committee Member Ian Murray**

The Schuyler Park Committee seeks a sign variance of 46' to erect an entrance sign to Schuyler Park.

Chairman Stephen Bodnar questioned the placement of the sign and was told it will be 10' back from the N.Y. S. right-of-way and it will be perpendicular to the road. He added that it will be much safer for drivers to find than the current state signs that have you going up Loudon Rd. or onto a neighboring property; the Board agreed.

**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 asked if there were any questions; there were none.

**After providing Proof of Notice in the Saratogian on June 13, 2014, Chairman Stephen Bodnar opened the Public Hearing at 8:30 p.m.** asking those wishing to speak to please stand and state their name and address; no one addressed the Board.

Chairman Stephen Bodnar asked the Board if they had any questions; finding none **Chairman Stephen Bodnar closed the Public Hearing at 8:31 p.m.**

**A motion was made by Chris Benn, seconded by Clifford Hanehan to grant the requested sign variance.** Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, Thomas Carrangi - absent, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye.  
**Carried 6 - 0**  
**Granted**

**Old Business:** none

**New Business:** none

**A motion was made by John Deyoe, seconded by William Moreau, to adjourn the meeting at 8:33 p.m.** Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, Thomas Carrangi - absent, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye.  
**Carried 6 - 0**  
**Adjourned**

The next Zoning Board of Appeals meeting will be held July 28, 2014.

Respectfully submitted,

Linda McCabe  
ZBA Clerk