

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS DRAFT MINUTES
June 24, 2013**

Due to the absence of Chairman Stephen Bodnar, Clifford Hanehan will be Acting Chairman. Acting Chairman Clifford Hanehan introduced Chris Benn as the Board's new Alternate Member.

Acting Chairman Clifford Hanehan called the meeting to order at 7:08 p.m., led the flag salute and explained the *Rules of the Board*.

Zoning Clerk Linda McCabe called the roll: Chairman Stephen Bodnar – absent, Clifford Hanehan – present, Thomas Carrangi – absent, Clarence Fosdick – present, G. William Moreau – absent, James Burke – present, John Deyoe – absent, Alternate Chris Benn - present.

Due to the absence of several board members, Alternate Member Chris Benn was elevated to full voting status.

Also present: Town Attorney William Reynolds, Mr. and Mrs. Dave Scripter, Mr. Richard Motts, Joseph Urbanski and other interested persons. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: **A motion was made by Clarence Fosdick and seconded by James Burke to accept the minutes of the May 20, 2013 meeting.** Chairman Stephen Bodnar – absent, Clifford Hanehan -aye, James Burke – aye, Thomas Carrangi - absent, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – absent, Chris Benn - aye. **Carried 4 – 0**
Approved

Order of Business:

Area Variances

**David Scripter #13-04
19 Canterbury Rd.
Clifton Park, NY 12065
S/B/L 193.6-1-50 Lake Residential
Location: 1376 Rt. 9P**

The Planning Board has sent the Applicant to the Zoning Board of Appeals because he seeks to subdivide his 2.5+/- acre, 150' frontage parcel into two lots. The Applicant would like to have the existing home with 90' of frontage as Lot 1 and Lot 2 will have the remainder 60' of frontage. The Applicant would like to build a new single family home on Lot 2. In order to do this he needs numerous variances.

The Applicant appeared before the Board explaining that the Planning Board has sent him before the ZBA because he needs an area variance and frontage variance to move forward with his proposed subdivision. He stated he believes his parcel is the last one with 2.5+/- acres and 150'

frontage on the road; all other parcels are approximately 40' – 60' wide. He'd like to leave the existing house where it is and create a building lot in order to build his retirement house.

Zoning Officer/Building Inspector Gil Albert stated Ian Murray, the Planning Board Chairman, told him that the building envelope for the proposed new house needs to be set. Zoning Officer/Building Inspector Gil Albert reviewed his idea to minimize the distances on both sides of the building envelope by moving it further back on the parcel so it's not next to the existing house. He also stated there is nothing one can do with the existing house, but area and frontage variances are needed in order to subdivide. He doesn't believe the Applicant is asking anything extreme from what the Board has normally approved in that district.

Acting Chairman Clifford Hanehan stated it looks like there is 47' from the corner of the building to the property line. He asked what the Applicant's hardship or appeal is based upon.

The Applicant responded he doesn't have a hardship, he was before the Planning Board proposing a two-lot subdivision and they sent him to the Zoning Board for needed variances.

Clarence Fosdick stated that the Board wants to keep density limited at the lake.

The Applicant explained that upon purchasing the property, he was told he could build a duplex or a row of four townhouses on the property. He would prefer subdividing it and building his retirement home there, which would keep the density lower than building four townhouses.

Acting Chairman Clifford Hanehan asked if the Applicant built the existing house.

The Applicant responded no, he believes it was built 40 – 50 years ago. He stated he's researched the area and the majority of the surrounding properties have 40' – 60' of frontage, so allowing this would be consistent in that area.

James Burke questioned the size of the new house and the Applicant responded 1800 – 2000 sq. ft. and it will be a two-story home.

Acting Chairman Clifford Hanehan asked Town Attorney William Reynolds if he had any questions or comments; he had none.

Acting Chairman Clifford Hanehan asked Zoning Officer/Building Inspector Gil Albert for his opinion; he reiterated he sees nothing wrong with granting the variances as requested.

Acting Chairman Clifford Hanehan asked if there were any further Board questions; there were none.

Acting Chairman Clifford Hanehan 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 14, 2013, Acting Chairman Clifford Hanehan opened the Public Hearing at 7:30 p.m. asking those wishing to speak to please stand and state their name and address.

Quido Carbone, 1372 Rt. 9P, questioned if there will be modifications to the existing house. The Applicant responded no.

Mr. Carbone then said he'd like a barrier put up between his property and the Applicants. Acting Chairman Clifford Hanehan responded that Mr. Carbone has the right to put up a barrier on his own property.

The Board had a discussion concerning drainage issues, fill and location of the building envelope for the proposed new house. Zoning Officer/Building Officer Gil Albert explained that the Board designates the location and size of the building envelope and the Applicant can build anything within that envelope.

Acting Chairman Clifford Hanehan asked the Board if there were any other questions; finding none **Acting Chairman Clifford Hanehan closed the Public Hearing at 7:38 p.m.**

Clarence Fosdick made a motion, seconded by Chris Benn to grant the two variances as presented for lot 1 and lot 2. Chairman Stephen Bodnar – absent, Clifford Hanehan -aye, James Burke – aye, Thomas Carringi - absent, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – absent, Chris Benn - aye. **Carried 4 – 0**
Approved

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

Returning 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.

Returning Applicant stated that at the last meeting he was told to provide a letter from the owner giving approval for him to come before this Board. At that last meeting he had provided a copy of the signed contract to the Board, but the Town's attorney said that wasn't sufficient proof. Instead of a letter, Mr. Richard Motto, owner/seller of the property, appeared before the Board with the Applicant. He stated he couldn't understand why he needed to write a letter or state that he approves Mr. Urbanski appearing for the variances since he has a valid, binding contract with him and he thought that should have been evidence enough.

Acting Chairman Clifford Hanehan and the Board reviewed the application.

James Burke stated he's for this project and Clarence Fosdick agreed.

Acting Chairman Clifford Hanehan then asked Zoning Officer /Building Inspector Gil Albert his opinion. Zoning Officer/Building Inspector Gil Albert responded he is for this project, the request is not out of the ordinary and he's got the amount of frontage needed, it's just on a private road. The Planning and ZBA Boards, in joint workshops, are working on changing road frontage regulations to include private roads.

A motion was made by James Burke, seconded by Clarence Fosdick to grant the 1000' area variance and the 100' frontage variance as requested. Chairman Stephen Bodnar – absent, Clifford Hanehan -aye, James Burke – aye, Thomas Carringi - absent, William Moreau – absent,

Clarence Fosdick - aye, John Deyoe – absent, Chris Benn - aye. **Carried 4 – 0**
Approved

Old Business: Zoning Officer/Building Inspector Gil Albert suggested the Board have an addition of Owner Approval Signature line and/or Third Party Designation line to the ZBA applications since the Board has been insisting on this at the Town Attorney’s urging lately. Town Attorney William Reynolds agreed and said they need to amend the application to include that requirement.

A motion was made by Clifford Hanehan, seconded by Chris Benn to add Owner Approval Signature Line and/or Third Party Designation Line to the Zoning Board of Appeals applications. Chairman Stephen Bodnar – absent, Clifford Hanehan -aye, James Burke – aye, Thomas Carrangi - absent, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – absent, Chris Benn - aye. **Carried 4 – 0**
Approved

New Business: Workshop meeting of the joint Boards will be held June 26, 2013 at 7:30 p.m.

James Burke made a motion, seconded by Clarence Fosdick, to adjourn the meeting at 8:11 p.m. Chairman Stephen Bodnar – absent, Clifford Hanehan - aye, James Burke – aye, Thomas Carrangi - absent, William Moreau - absent, Clarence Fosdick - aye, John Deyoe – absent, Chris Benn - aye. **Carried 4 – 0**
Adjourned

The next Zoning Board of Appeals meeting will be held July 29, 2013.

Respectfully submitted,

Linda McCabe
ZBA Clerk