

**TOWN OF SARATOGA**  
**ZONING BOARD OF APPEALS DRAFT MINUTES**  
**June 27, 2011**

Due to the absence of Chairman Stephen Bodnar, Vice Chairman Clifford Hanehan called the meeting to order at 7:04 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, Clifford Hanehan – present, Thomas Carringi – absent, Barbara Faraone – present, Clarence Fosdick – present, William Moreau – absent, James Burke – present, Alternate John Deyoe – present.

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

Also present: Town Zoning Officer Gil Albert, Susan Davis, Shannon Phillips 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 John Deyoe, to accept the minutes of the April 25, 2011 meeting.** Vice Chairman Clifford Hanehan -aye, Chairman Stephen Bodnar – absent, James Burke – aye, Barbara Faraone – aye, Thomas Carringi - absent, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye. **Carried 5 – 0**  
**Approved**

**Order of Business:**

**Area Variance**

**Shannon Phillips #11-06**  
**253 Evans St.**  
**Victory Mills, NY 12884**  
**S/B/L 170.38-1-3 Village Extension**

The Applicant came before this Board in September, 2010 and received variances to construct an attached garage to their home. Town Building Inspector/Zoning Officer Gil Albert is asking for those variances to be rescinded, if possible, since they did not build the garage. They instead began building an addition on the opposite side of the house from where they were approved to construct the garage. He put a stop work order on this project since the Applicant began constructing this without a permit. The Applicants are now seeking a side setback variance of 8' for the addition of a 12½' x 19' room and a small bathroom, which they are in the process of building without a permit. This variance is needed in order to meet town regulations and to obtain the required building permit.

Shannon Phillips appeared before the Board stating he had started building an addition of a master bedroom with a small bathroom, without a permit, for his Grandmother who has moved in with them since her husband passed away. Zoning Officer Gil Albert gave him a stop work order since he did not have a building permit for the project. He stopped work immediately; it is framed out and has ¾ of the siding on it and there is no plumbing or electric in it. He needs the variance in order to get the building permit so he can continue to build the addition. He stated he received a variance last September to

build a garage but has not constructed the garage. The Applicant is willing to rescind that variance; make it null and void, in order to obtain this one.

The Board discussed the location of where the garage was to be located in comparison to where the addition is being constructed. John Deyoe stated the Applicant will be using less space for the addition than he would have for the garage.

Barbara Faraone asked if the Applicant thought he didn't need a permit and the Applicant replied no, he just tried to build it without one and got caught. Vice Chairman Clifford Hanehan stated that is not the way to conduct business.

John Deyoe stated the Board is here to say if he can or cannot have the variance to build the addition, and it is not out of character with the surrounding neighborhood; Barbara Faraone agreed.

Vice Chairman Clifford Hanehan asked if there were any other questions of the Board; there were none.

**After providing Proof of Notice in the Saratogian on June 17, 2011, Vice Chairman Clifford Hanehan opened the Public Hearing at 7:17 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 7:18 p.m.**

Clarence Fosdick then read the Summary of Area Criteria Balancing Test and went through it line by line with the Board, which found in favor of the Applicant.

**A motion was made by Clarence Fosdick and seconded by Barbara Faraone, to approve the requested variance for the 12½' x 19' addition and bathroom, since the Applicant, Shannon Phillips, has voluntarily rescinded his original variance given September 27, 2010 to construct a garage; this vacates/voids that variance. If in the future the Applicant wishes to construct a garage, he will have to appear before this Board.** Vice Chairman Clifford Hanehan -aye, Chairman Stephen Bodnar-absent, James Burke - aye, Barbara Faraone- aye, Thomas Carrangi - absent, William Moreau - absent, Clarence Fosdick - aye, John Deyoe - aye. **Carried 5 - 0**

**Approved**

**Susan Davis, Architect #11-07  
510 Broadway Suite 33  
Saratoga Springs, NY 12866  
S/B/L 180.17-1-21.2 Lake Residential  
Location: 112 Point Breeze Rd.**

**Owner: Thomas Tarnowski  
Adams European Contraction  
589 Johnson Ave.  
Brooklyn, NY 11237**

Thomas Tarnowski proposes to remove the existing house and build a new larger house, located at 112 Point Breeze Rd. The Applicant is seeking an area variance of 4,966 sq. ft., a front setback variance of 19'4.5", a two-side setback variance of 1½' and a one side setback variance of 13½' in order to meet town regulations.

Susan Davis, Architect, appeared before the Board on behalf of Thomas Tarnowski. She presented schematic renderings of the proposed home and explained the unusual lot, a peninsula, and that she met with Zoning Officer/Building Inspector Gil Albert to better understand the buildable area of the

lot. The property has an existing small, seasonal house on it and the owner would like to remove it in order to build a larger, year round home in its place. The exterior wall of the proposed house will not be any closer to the neighbor than the existing one. She described and showed photos of the neighboring homes, explaining that this will not be out of character in the area. She reviewed the sketch plan, explaining where the existing house is and where the new house will be. Due to the lot being surrounded by water on three sides, she believes this is the only building envelope that will work. Also since this parcel can be seen from the bridge and due to its location and great views, the owner would like a little prominence with the house but nothing over the top. It will be a two-story house, 2600 square feet plus a garage and no higher than the neighbors house. The lot is 13,000 square feet. Due to the shape of the lot it is hard to maintain the 50' front setback and they need a variance for that. The proposed house will not be out as far as the existing house in the back and will not be out beyond the neighbors, so the neighbor's view will not be impaired. The living area of the proposed house will face the water, toward the point of the property, and with the construction of the garage they will still be below the 20% allowable lot coverage. Susan Davis submitted neighbor notification receipts to the Clerk and gave two letters from neighbors in support of this project.

Vice Chairman Clifford Hanehan read those letters to the Board.

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

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

**After providing Proof of Notice in the Saratogian on June 17, 2011, Vice Chairman Clifford Hanehan opened the Public Hearing at 7:50 p.m. asking those wishing to speak to please stand and state their name and address.**

**Mr. Robert Hodorowski**, 109 Point Breeze Rd. had a brief discussion with the Board and then stated he is in favor of this project.

Vice Chairman Clifford Hanehan asked the Board if there were any other questions; finding none **Vice Chairman Clifford Hanehan closed the Public Hearing at 7:54 p.m.**

Vice Chairman Clifford Hanehan asked for Zoning Officer Gil Albert's opinion. Zoning Officer Gil Albert stated the majority of the lots at the lake need variances; he sees nothing wrong with granting the requested variances.

Vice Chairman Clifford Hanehan asked the Clerk if there was any word from the Town Attorney with concerns on this application since he was not present; there was none.

Town Attorney William Reynolds arrived shortly thereafter and the Applicant quickly reviewed the project once again at the request of the Vice Chairman. Vice Chairman Clifford Hanehan asked for Town Attorney William Reynolds' opinion and he responded unless there is a legal question, he has no opinion.

Clarence Fosdick read the Summary of Area Criteria Balancing Test and went through it line by line with the Board, which found in favor of the Applicant.

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

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

**A motion was made by Clarence Fosdick and seconded by James Burke to approve the requested variances for the removal of the old camp and construction of the new house as it is consistent with the surrounding neighborhood.** Chairman Stephen Bodnar–absent, Clifford Hanehan -aye, James Burke – aye, Barbara Faraone– nay, Thomas Carrangi - absent, William Moreau - absent, Clarence Fosdick - aye, John Deyoe – aye. **Carried 4 – 1**

**Approved**

**Old Business:** Clarence Fosdick reviewed the zoning map and showed the clarifications he has been working on making.

**New Business:** There was a lengthy Board discussion on enforcing staying within the parameters of the variances, the legality of rescinding variances, sign variances, and concerns on when zoning lines cross property lines; should one consider the property in the zone of the primary resident or go by the zoning district each portion the property lies in.

**James Burke made a motion, seconded by John Deyoe, to adjourn the meeting at 8:56 p.m.**

Chairman Stephen Bodnar–absent, Clifford Hanehan -aye, James Burke – aye, Barbara Faraone– aye, Thomas Carrangi - absent, William Moreau - absent, Clarence Fosdick - aye, John Deyoe – aye.

**Carried 5 – 0**

**Adjourned**

The next Zoning Board of Appeals meeting will be held July 25, 2011.

Respectfully submitted,

Linda McCabe  
ZBA Clerk