

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS DRAFT MINUTES
March 28, 2011**

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 – absent, Thomas Carrangi – absent, Barbara Faraone – present, Clarence Fosdick – present, William Moreau – present, James Burke – present, Alternate John Deyoe – present.

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

Also present: Town Zoning Officer Gil Albert, Mr. and Mrs. Przekop and Diane Davis. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: **A motion was made by James Burke and seconded by John Deyoe, to accept the minutes of the February 28, 2011 meeting.** Chairman Stephen Bodnar – aye, Clifford Hanehan - absent, James Burke – aye, Barbara Faraone – aye, Thomas Carrangi - absent, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye. **Carried 6 – 0**

Approved

Order of Business:

Area Variance

**Michael and Mary Przekop #11-03
103 George Endries Dr.
Schenectady, NY 12303
S/B/L 206.6-2-41, 43.12, 43.112 Lake Residential
Location: 65 Spring Water Dr.**

Applicants seek a 100' frontage variance in order to construct an addition to their house.

The Applicants appeared before the Board stating they would like to construct a garage with a second story master bedroom above. They will remove the existing porch and the roofline will go in the opposite direction of the existing roofline; the overall height will be 28'. There is nothing behind them aside from the old railroad bed.

John Deyoe asked if they are proposing a new driveway and was told yes. The Applicant explained the driveway needs to be in the front of the property since the road dead-ends at the Ambrosy property, next door, and Mr. Mincher owns the road and the land beside them. Mr. Mincher has given the home owners out there an easement to use the road and allows them to use it to get to the back of their property but it is not their road.

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

Zoning Officer/Building Inspector Gil Albert questioned if the Applicant has catch basins installed in order to take any ground water/surface water away and was told no. He then asked if the Applicant can take care of that and the Applicant replied yes. Zoning Officer/Building Inspector Gil Albert stated that during the construction process they'll keep an eye on it and that the Applicant also needs to take care of roof runoff and show him where he's tiled in and to be sure to have a ditch and catch basin in there; the Applicant responded okay, adding they check the tiling at the house all the time to be sure they're open.

Bill Moreau asked what size drain tiles are there and the Applicants responded they are not certain, either 4 inch or 6 inch. Bill Moreau suggested that while they are doing their earth work they may as well put in new tiling and the Applicant stated that the tile looks in good shape but he will check them out.

Chairman Stephen Bodnar read a letter from Mr. and Mrs. Dufresne, neighbors of the Applicant, stating they have no problem with this project, only water concerns and would like those concerns addressed by the Board.

Zoning Officer/Building Inspector Gil Albert stated one cannot control what comes off that hill behind them; its nature and when the rain and snow come down you can't control that. All of these water concerns will be dealt with during the building permit process.

After providing Proof of Notice in the Saratogian on March 18, 2011, Chairman Stephen Bodnar opened the Public Hearing at 7:24 p.m. asking those wishing to speak to please stand and state their name and address. No one came forward.

Chairman Stephen Bodnar asked the Board if there were any other questions; finding none, **Chairman Stephen Bodnar closed the Public Hearing at 7:26 p.m.**

Chairman Stephen Bodnar asked if there were any more questions from the Board; Barbara Faraone questioned if they have an easement on the road and the Applicant responded yes, it is in their deed.

Chairman Stephen Bodnar 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.

Clarence Fosdick made a motion, seconded by William Moreau, to approve the requested 100' frontage variance due to the fact that it has met the required criteria for the variance and will not create any problem. Chairman Stephen Bodnar—aye, Clifford Hanehan -absent, James Burke – aye, Barbara Faraone– aye, Thomas Carrangi - absent, William Moreau - aye, Clarence Fosdick - aye, John Deyoe – aye. **Carried 6 – 0**

Approved

**Susan Davis, Architect #11-04
510 Broadway
Saratoga Springs, NY 12866
S/B/L 193.18-1-60 Lake Residential
Location: 1225 Rt. 9P**

**Owner: Mark Horine
30 W. 71 St. Apt. BC
New York, NY 10023**

Applicant seeks the following variances: an area variance of 9,716.5', a front setback variance of 46.1', a back setback variance of 10', two-sides setback variance of 33'9", side setback variance of 16'6", a lot width variance of 50', and a frontage variance of 49.64' in order to rebuild a house that burned down last year, with some modifications from the original building footprint.

Susan Davis, Architect, appeared before the Board on behalf of the owner. She stated she knows she is asking for a lot of variances but this is at the lake. The original building was very small and sunken down from the road and has burned down. Based on a survey given them from way back, they have the footprint of what was there. She explained the owner is looking for a compact, vertical house with a total square footage of 1600 sq. ft. excluding the deck although it was included with the lot coverage calculations. The owner would like to improve on the old footprint by bringing the first floor up 8', level with the road. She went over her design for the house with the Board. She stated they have tried to

be conscious of the house size due to the lot size. They will not go beyond the original distance of the front and side footprint and will not be going out as far as the original camp toward the lake; they will be adding more to the north-side, the deck will go on the lakeside of the house. They will be over the original footprint a bit, but keeping it close. They have NYS lands on one side of the parcel; this parcel is on both sides of the road and they're building on the lake-side of the road. She stated she is trying to make the best of the situation and keeping as much as possible within the original footprint. The lot itself is only 50' wide, so she cannot meet the setbacks but is doing her best to conform. She questioned Zoning Officer /Building Inspector Gil Albert if the height of a chimney is included in the height regulation.

He responded no, it is exempt and explained that height is measured midway from the eave to the ridge of the roof and is to be no higher than 30'.

Chairman Stephen Bodnar questioned if the upper floor is the bedroom area and was told yes.

John Deyoe stated he thinks this is an excellent design plan for the size of the space. The Board agreed.

Chairman Stephen Bodnar asked Zoning Officer Gil Albert for his opinion.

Zoning Officer/Building Inspector Gil Albert stated he thinks Susan Davis has done a good job in keeping within the parameters of what she has to work with and he has no problem with this.

The Board agreed she has done a wonderful job with the design of the house.

Chairman Stephen Bodnar asked if there were any more Board questions; there were none.

After providing Proof of Notice in the Saratogian on March 18, 2011, Chairman Stephen Bodnar opened the Public Hearing at 8:03 p.m. asking those wishing to speak to please stand and state their name and address. No one came forward.

Chairman Stephen Bodnar asked the Board if there were any other questions; finding none, **Chairman Stephen Bodnar closed the Public Hearing at 8:04 p.m.**

Clarence Fosdick made a motion, seconded by John Deyoe, to approve the variances and accept the application as written, per design, due to the existing lot size. Chairman Stephen Bodnar-aye, Clifford Hanehan -absent, James Burke – aye, Barbara Faraone– aye, Thomas Carringi - absent, William Moreau - aye, Clarence Fosdick - aye, John Deyoe – aye. **Carried 6 – 0**

Approved

Old Business: None

New Business: There was a lengthy discussion between Zoning Officer Gil Albert and the Board on zoning regulations concerning drainage and easements for lake residences and on height regulation clarification and restrictions. The Board questions if height regulations are needed in all districts, not just in the lake and hamlet districts. Zoning Officer Gil Albert also mentioned height regulations for vertical wind turbines are needed. He again asked Board members to please get their lists to him in order for him to get a final list together to present to the Town Board.

Board Member Barbara Faraone made a motion, seconded by Chairman Stephen Bodnar, to adjourn the meeting at 8:37 p.m. Chairman Stephen Bodnar-aye, Clifford Hanehan -absent, James Burke – aye, Barbara Faraone– aye, Thomas Carringi - absent, William Moreau - aye, Clarence Fosdick - aye, John Deyoe – aye. **Carried 6 – 0**

Adjourned

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

Respectfully submitted,

Linda McCabe
ZBA Clerk