

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS MINUTES
October 28, 2013**

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 – present, Clarence Fosdick – present, G. William Moreau – absent, James Burke – absent, John Deyoe – present, Alternate Chris Benn - present.

Due to the absence of Clifford Hanehan, William Moreau and James Burke, Chairman Stephen Bodnar elevated Alternate Chris Benn to full voting status.

Also present: Town Attorney William Reynolds, Doug & Carol Post, Adrienne Petroski, Tonya Yasenchak, Christopher Eatz, Lance Orcutt 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 Chris Benn, to accept the minutes of the September 23, 2013 meeting.** Chairman Stephen Bodnar – aye, Clifford Hanehan -absent, James Burke – absent, Thomas Carrangi - aye, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye.

Carried 5– 0

Approved

Order of Business:

Area Variance

**Douglas Post #13-07
1260 Rt. 9P
Saratoga Springs, NY 12866
S/B/L 193.14-1-13 Lake Residential
Location: 1260 Rt. 9P**

Applicant is seeking a 15' front setback variance and a 7.5' side setback variance in order to construct an attached garage and an 8' x 14' front porch.

The Applicant appeared before the Board and stated he's seeking a 7.5' one side setback to build a 24' x 24' attached garage and also a 15' front setback to build a front porch.

Chairman Stephen Bodnar questioned the location of the well and the Applicant responded it is in the northeast corner of the property. There was a brief discussion between the Applicant and the Board concerning the driveway, cellar access, and the 8' x 14' proposed front porch.

After providing Proof of Notice in the Saratogian on October 18, 2013, Chairman Stephen Bodnar opened the Public Hearing at 7:12 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 7:13 p.m.**

Clarence Fosdick made a motion, seconded by John Deyoe, to approve the variances as applied for. Chairman Stephen Bodnar – aye, Clifford Hanehan -absent, James Burke – absent, Thomas Carrangi - aye, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye. **Carried 5– 0
Approved**

**Adrienne Petroski #13-08
46 Saratoga St.
Schuylerville, NY 12871
S/B/L 182.-2-15.112 Rural
Location: 173 Coveville Rd. (Co. Rd. 69)**

Applicant seeks a 7' front setback variance in order to build a 7' x 50' front porch onto her house, located on Coveville Rd/Co. Rd. 69.

Board Member Clarence Fosdick recused himself due to being a friend of the Applicant.

The Applicant appeared before the Board and stated she bought the land with the existing foundation and is putting a modular home onto that foundation; the foundation needed some repair work, which is now completed. The home is 30' x 50' and she would like to build a front porch with a roof, 50' long, going the entire length of the house. The property is 2.69 acres in size.

Chairman Stephen Bodnar asked if there were any Board questions; there were none. Chairman Stephen Bodnar asked Building Inspector/Zoning Officer Gil Albert his thoughts. Building Inspector/Zoning Officer Gil Albert responded he has no issue with this and feels it's a good fit with the house. Chairman Stephen Bodnar asked Town Attorney William Reynolds if he had any comment; he did not.

After providing Proof of Notice in the Saratogian on October 18, 2013, Chairman Stephen Bodnar opened the Public Hearing at 7:20 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 7:21 p.m.**

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

Thomas Carrangi made a motion, seconded by Chris Benn, to approve the requested variance. Chairman Stephen Bodnar – aye, Clifford Hanehan -absent, James Burke –

absent, Thomas Carrangi - aye, William Moreau – absent, Clarence Fosdick - recused, John Deyoe – aye, Chris Benn - aye. **Carried 4– 0**
Approved

Christopher Eatz #13-09
2 Stone Creek Dr.
Stillwater, NY 12170
S/B/L 206.9-2-24 Lake Residential
Location: 1100 Rt. 9P

Applicant: Lance Orcutt
138 Prospect Ave.
Gloversville, NY 12078

Applicant seeks a 30' front setback, a 14' two-side setback and 15' side setback variances in order to construct a single family home, located at 1100 Rt. 9P.

Tonya Yasenchak and Christopher Eatz appeared before the Board on behalf of the Applicant. They stated that originally the Applicant was building the house for himself but it is now under contract to be sold once completed. They reviewed the layout of the proposed house, the neighboring properties, as well as the covenants which are in place to keep the height of the house down in order to protect the neighbors' views of the lake.

Chairman Stephen Bodnar questioned the size of the proposed house. Tonya Yasenchak responded that the house will be 72' x 34' including an attached garage and was designed to keep the height of the house down. The property line is approximately 10' from the road. The old camp was approximately 48' x 28'. The land to the south will not be developed; it belongs to Mr. Eatz and is his access to the lake.

Chairman Stephen Bodnar stated the house size seems extreme.

Tonya Yasenchak responded the house will be consistent with the neighborhood. She also stated the person under contract to purchase this house has a family of 5 children, they need a larger home; in fact, the house being built across from this one is larger than this proposed house and on a smaller lot than this.

Chairman Stephen Bodnar asked if there were any Board questions; there were none. **After providing Proof of Notice in the Saratogian on October 18, 2013, Chairman Stephen Bodnar opened the Public Hearing at 7:52 p.m.** asking those wishing to speak to please stand and state their name and address.

Cindy Quaide, a neighbor, stated she is in favor of the project and believes it will enhance the neighborhood.

Town Attorney William Reynolds and Mr. Eatz discussed the map, restricted covenants and deeds and the sewer easement. Town Attorney William Reynolds asked if the covenants and restrictions have been recorded and Mr. Eatz responded that some have been. The restrictions for this project will be filed as part of the deeds to keep the lands as is and to protect the views; since he sits on top of the hill he wants to maintain his views. He stated they have all worked hard on fitting the house into the constraints of the lot. Some of the side lot restrictions were to protect the stand of trees and the lay of the land.

Building Inspector/Zoning Officer Gil Albert stated that prior to issuing the C.O. the Applicant will have to provide him with a copy of the deed for the file. Mr. Eatz

responded that is correct. Building Inspector/Zoning Officer Gil Albert also said that in reality, the percentage of coverage is less than the Z.B.A. has granted in the past; it appears the house is large because the topography causes the proposed house to be placed closer to the road and all the land is behind the proposed house.

Chairman Stephen Bodnar stated they could cut into the ridge and move it further back. Building Inspector/Zoning Officer Gil Albert responded that would be extremely costly and the Board has issued larger variances in the past than this request.

Tonya Yasenchak reiterated that the reason the house is long and narrow is to keep the peak down to protect the neighbors' views. She also added they don't want to cut into the ridge because in doing so they'd have to remove 100 yr. old trees in which bald eagles roost; they don't want to disturb that.

Chairman Stephen Bodnar stated it looks extremely large for the parcel. Tonya Yasenchak responded the parcel is larger than many of the lots by the lake.

Chairman Stephen Bodnar asked the Board if there were any other questions; finding none
Chairman Stephen Bodnar closed the Public Hearing at 8:10 p.m.

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

John Deyoe made a motion, seconded by Clarence Fosdick, to approve the variances as requested. Chairman Stephen Bodnar – nay, Clifford Hanehan -absent, James Burke – absent, Thomas Carrangi - aye, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn – aye. **Carried 4 – 1**
Approved

Old Business: Building Inspector/Zoning Officer Gil Albert stated the next joint workshop will be on November 12, 2013 at 7 p.m. and the focus will be on forming the mixed-use district, so please review our current districts and their allowable uses.

New Business: None

Chairman Stephen Bodnar made a motion, seconded by John Deyoe, to adjourn the meeting at 8:40 p.m. Chairman Stephen Bodnar – aye, Clifford Hanehan -absent, James Burke – absent, Thomas Carrangi - aye, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye. **Carried 5– 0**
Adjourned

The next Zoning Board of Appeals meeting will be held November 25, 2013.

Respectfully submitted,

Linda McCabe
ZBA Clerk