

**TOWN OF SARATOGA  
ZONING BOARD OF APPEALS DRAFT MINUTES  
September 22, 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, William Moreau – absent, Thomas Carrangi – present, Clarence Fosdick – present, John Deyoe - present, Chris Benn – present.

Also present: Town Attorney William Reynolds, Zoning Officer Gil Albert, Gregory & Natalie Adler - Pinto, William Maher, Joe & Dawn Giroux, John Van Oort, Vicki Bucciantini, Earl McCauley, Walter Taras, Ashraf Ahmed and Tony Saouma. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: **A motion was made by Clarence Fosdick, seconded by Tom Carrangi to to accept the meeting minutes of August 25, 2014.** Chairman Stephen Bodnar - aye, Clifford Hanehan -aye, Thomas Carrangi - aye, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye. **Carried 6 - 0  
Approved**

**Area Variance**

**William Maher #14-10  
7 Wright Rd.  
Stillwater, NY 12170  
S/B/L 206.-1-42 Rural Residential II**

Applicant seeks a 6' front setback variance in order to keep a shed and chicken coop he has constructed and placed too close to the road.

The Applicant appeared before the Board and explained that when he moved into his new home he brought his shed from his previous home with him because he doesn't have a garage. He uses his shed as a workshop and it's equipped with electric and an air conditioner. He said he also added a chicken coop to the side of his shed and honestly didn't know anything about setbacks or the need for a variance until Building Inspector Gil Albert talked with him. He said he was unaware that he needed a permit to do that and was before the Board to make it right.

After a lengthy discussion between the Applicant and the Board it was determined that this was an error and the Applicant now knows to check with the Building inspector prior to adding anything else.

**After providing Proof of Notice in the Saratogian on September 12, 2014, Chairman Stephen Bodnar opened the Public Hearing at 7:08 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 7:09 p.m.**

**Chairman Stephen Bodnar then 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.**

**A motion was made by Clifford Hanehan, seconded by Clarence Fosdick to grant the variance as requested since it is a very minor variance with no impact to any neighbors or the community.** Chairman Stephen Bodnar – nay, Clifford Hanehan -aye, Thomas Carrangi - aye, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye.  
**Carried 5 - 1  
Granted**

**Paul E. Morse #14-11  
755 Glen Rd.  
Jenkintown, PA  
S/B/L 193.10-1-10 Lake Residential  
Location: 1326 Rt. 9P**

**Representative: Joseph & Dawn Giroux**

Applicant seeks a 4981 sq. ft. area variance, a 27.8' two-sides variance, a 9' side variance, a 50.75' lot width variance and a 50.75' frontage variance in order to remove the old wooden structures on the property and replace it with a 26'8" x 46' manufactured home, which will be placed on a slab foundation.

Joseph Giroux appeared before the Board on behalf of the Applicant. He reviewed the project with the Board and said the Applicant will comply with all building codes but needs the variances in order to demolish and replace the old structures with a new modular home. He stated it will improve the property, the neighborhood and that area of Rt. 9P nicely. He then added that there is an existing well but they'll be putting in a new one and will also be connecting to the county sewer system.

The Board questioned if anyone is living there and Mr. Giroux responded no. The Board liked the proposed placement of the new home and agreed this will improve the property.

Town Attorney William Reynolds questioned if they own the property to the north and was told yes. He then questioned if the property is all on one deed and was told no. Joseph Giroux stated the Applicant wants to keep that separate for his daughter. These variances are needed for 1326 Rt. 9P not 1328. Town Attorney William Reynolds then asked for clarification of the parcels owned by the Applicant and Joseph Giroux showed Town Attorney William Reynolds the separate parcels on the survey and the separate deeds. Town Attorney William Reynolds thanked him.

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

**After providing Proof of Notice in the Saratogian on August 15, 2014, Chairman Stephen Bodnar opened the Public Hearing at 7:23 p.m.** asking those wishing to speak to please stand and state their name and address:

**Walter Taras, 182 Co. Rd. 69,** addressed the Board in favor of this project.

Chairman Stephen Bodnar asked if there were any other questions, there were none. He then asked the opinion of Zoning Officer/Building Inspector Gil Albert. Zoning Officer/Building Inspector Gil Albert responded he is for granting the variances.

Chairman Stephen Bodnar then asked the Board if there were any other questions; finding none  
**Chairman Stephen Bodnar closed the Public Hearing at 7:25 p.m.**

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

**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.**

Chairman Stephen Bodnar then stated he has never before seen a better prepared application come before the ZBA and thanked Joseph Giroux.

**A motion was made by Clarence Fosdick, seconded by Tom Carringi to grant the variances as submitted.** Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, Thomas Carringi - aye, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye.

**Carried 6 - 0**

**Granted**

**Vicki Bucciantini #14-12**

**1158 Rt. 9P**

**Saratoga Springs, NY 12866**

**S/B/L 206.6-2-46 Lake Residential**

Applicant seeks a 23.63' front setback variance, a 14.5' back setback and 4.27' two-sides variances in order to build a 2-story addition and a deck/porch to her existing home.

Vicki Bucciantini and her architect, John Van Oort, appeared before the Board and reviewed her application for an addition to her existing home. They stated the design of the addition will follow the style of the existing home and the addition will be 14' x 30'. The current house is 1200 sq. ft. and is currently at 9% of building coverage; with the addition it will be at 20+%. They will also build a 10' x 15' octagonal shape deck. Currently there is a 3' walking deck off the front of the house. The master bedroom will be on the first floor, as well as the kitchen, living room etc. The second floor will house two bedrooms.

Chairman Stephen Bodnar stated the lot is 7825 sq. ft. and Mr. Van Oort replied that is correct.

Chairman Stephen Bodnar stated building coverage of 20% is allowed; the application shows you're at 9% and looking for an additional 14%, bringing it to 23% with the addition of the deck.

Clifford Hanehan questioned that there will be no changes with the front or back property lines and Mr. Van Oort replied that's correct. He added that looking at the survey, the angle of the setback changes due to the addition, but the property lines do not change. That side, with the addition, goes from 33' down to 27'.

Board discussion continued concerning the setback measurements.

Clifford Hanehan questioned if there was a deck on the house when it was purchased and Vicki Bucciantini responded yes and proceeded to show the Board photos of the house when she purchased it as well as a current photo of the house.

Chris Benn questioned if the addition will mimic what is now there and was told yes.

Mr. Van Oort said currently there is only one bedroom in the home. They'd like to build a master bedroom on the first floor and reconfigure the one bedroom on the second floor and construct a second one. The dormer windows will be added for legal egress of those two second floor bedrooms. The height will remain within the allowable regulation.

John Deyoe questioned if they were adding dormers to the existing house.

Mr. Van Oort replied right now there are skylights in the ceiling of the existing bedroom, but both the current and the proposed bedrooms on the second floor will have dormers, which will give both bedrooms legal egress.

Zoning Inspector/Building Inspector Gil Albert said they need to watch their height and was told it will be within regulation.

**After providing Proof of Notice in the Saratogian on August 15, 2014, Chairman Stephen Bodnar opened the Public Hearing at 7:54 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 7:55 p.m.**

**Chairman Stephen Bodnar then 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.**

**A motion was made by Clarence Fosdick, seconded by Chris Benn to grant the variances as requested since it satisfies the balancing test and fits in with the surrounding neighborhood.** Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, Thomas Carrangi - aye, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye.

**Carried 6 - 0**

**Granted**

**Gregory Pinto & Natalie Adler #14-08  
1338 Rt. 9P  
Saratoga Springs, NY 12871  
S/B/L193.10-1-3  
Location: 1336 Rt. 9P Lake Residential**

Applicants seek a 29.5' two-sides variance and a 10' side variance in order to remove the existing camp and construct a new garage.

Gregory Pinto and Brian Hall, contractor, appeared before the Board and reviewed the application. The Applicant and his family live at 1338 Rt. 9P and purchased 1336 Rt. 9P. The 1336 property has an old cabin and garage on it which they would like removed and once

removed they would like to build a new garage. The Applicant added they will not be connecting the garage to the house and it will be parallel to the house.

He then said they had a preliminary permit from NYS DOT to add the driveway, which will come straight in off of Rt. 9P. He added that there is an old curb cut in place, but due to its location they won't be using it.

Building Inspector/Zoning Officer Gil Albert stated not to make it a horseshoe shape (not to connect the two driveways) because DOT will make him take it out.

The Board discussed maintaining setbacks and fire codes, possibly having the garage moved a bit closer to the house, and that there is to be no living space above the garage.

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

**After providing Proof of Notice in the Saratogian on August 15, 2014, Chairman Stephen Bodnar opened the Public Hearing at 8:16 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 8:17 p.m.**

**Chairman Stephen Bodnar then 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.**

**A motion was made by Chris Benn, seconded by John Deyoe to grant the variances as requested since it satisfied the balancing test and fits in with the surrounding neighborhood.** Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, Thomas Carrangi - aye, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye.

**Carried 6 - 0**

**Granted**

**Martyna & Ashraf Ahmed #14-13  
15 Palmers Maple Shade  
Saratoga Springs, NY, 12866  
S/B/L 206.9-2-70 Lake Residential**

Applicants seek numerous variances in order to demolish the existing house and build a new 2-story house with an attached garage. They need a 12,169' lot area variance, a 28% building coverage variance, a 38' front setback, a 5' back setback, a 43' two-sides set back, an 18.5' side setback, a 70' minimum lot width variance and an 88' frontage variance.

The Applicant appeared before the Board and reviewed his application and explained that he'd like to demolish the existing structure and construct a new 2-story home with an attached garage. The new home will be 1350 sq. ft. He said they plan to extend the house 2' from the property line and the wall with the adjoining property line will be fire rated as per building code. He said they would like to have a family room, dining room and kitchen on the first floor, as well as an attached garage and 3 bedrooms and a bath on the second floor. He added the dimensions of the new house will be 25' x 40'.

Chairman Stephen Bodnar questioned what the current square footage is.

The Applicant replied it is 600 sq. ft. The current house is a raised ranch with a deck and a two-car garage below it. The house consists of a 10' x 10' bedroom, a bath, a kitchen, dining and living area. He said it is a weekend and summer home now, but will be his retirement home in the future.

Town Attorney William Reynolds questioned if the existing house is still in use and the Applicant replied yes, but the current house shakes and moves when walking in it; it is not of sound structure.

Zoning Officer/Building Inspector Gil Albert stated there is a right-of-way that is 13.85' wide, which is owned by the Applicant. Unfortunately, the Applicant's drawing shows the proposed house being inside the right-of-way, which is not allowed; the house has to be moved back out of that. The right-of-way has to be kept open.

The Board reviewed the existing footprint and compared it with the proposed footprint. The Board explained that they need actual dimensions in order to go forward. They asked the Applicant if he can provide that information at a later date and he responded yes. The Board also told the Applicant he will have to redraw his plans and have the house out of the right-of-way.

Zoning Officer/Building Inspector Gil Albert suggested the Board give the Applicant exact numbers he can work with. He then questioned if they would allow the Applicant to square it up and give a bit more on the back toward the lake.

Chris Benn and Clarence Fosdick agreed with that suggestion as did John Deyoe. Tom Carringi added that he has a beautiful view there and that he needs 2-stories.

Zoning Officer/Building Inspector Gil Albert stated due to the right-of-way, what if he maintains existing side setbacks and you let him go back toward the lake more; it shrinks it down and it's no more than the Board has granted in the past.

John Deyoe and Clifford Hanehan stated they are open to that suggestion and would like to review that.

The Applicant stated if the Board tells him what he can do, then he can design the house accordingly.

**After providing Proof of Notice in the Saratogian on August 15, 2014, Chairman Stephen Bodnar opened the Public Hearing at 9:00p.m.** asking those wishing to speak to please stand and state their name and address.

**Tony Saouma, 13 Palmers Maple Shade**, stated he's happy the Applicant is wanting to develop and upgrade the property and is in favor of the project.

Chairman Stephen Bodnar asked the Board if there were any other questions; finding none  
**Chairman Stephen Bodnar closed the Public Hearing at 9:04 p.m.**

**Chairman Stephen Bodnar then 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.**

After a lengthy discussion between the Board and the Applicant it was decided to postpone to give the Applicant time to develop a new plan.

**Returning**

**Old Business:** none

**New Business:** Zoning Officer Gil Albert stated a joint meeting of the Planning and Zoning Boards will be held on October 8, 2014 at 7 p.m. to continue working on zoning amendments; please be sure to bring your notes with you.

**A motion was made by Tom Carringi, seconded by Clifford Hanehan, to adjourn the meeting at 8:18 p.m.** Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, Thomas Carringi - aye, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye.

**Carried 6 - 0**

**Adjourned**

The next Zoning Board of Appeals meeting will be held October 27, 2014.

Respectfully submitted,

Linda McCabe  
ZBA Clerk