

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS DRAFT MINUTES
September 23, 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 Carringi – present, Clarence Fosdick – present, G. William Moreau – absent, James Burke – present, John Deyoe – present, Alternate Chris Benn - present.

Chairman Stephen Bodnar elevated Alternate Chris Benn to full voting status due to the absence of two Board Members.

Also present: Town Attorney William Reynolds, Michael Giovanone, Mr. & Mrs. Hodorowski and Matt Kwiecien. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: **A motion was made by Tom Carringi and seconded by Clarence Fosdick to accept the minutes of the July 22, 2013 meeting.** Chairman Stephen Bodnar – aye, Clifford Hanehan -absent, James Burke – aye, Thomas Carringi - aye, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn- aye.

Carried 6 – 0

Approved

Order of Business:

Area Variances

**Michael Giovanone #13-06
5 Champion Lane
Saratoga Springs, NY 12866
S/B/L 180.18-1-19 & 20 Lake Residential
Location: Point Breeze Rd.**

Applicant is seeking numerous variances in order to construct a triplex on Point Breeze Rd.

Board Member Tom Carringi recused himself due to being a neighbor.

The Applicant appeared before the Board and stated he has purchased two lots on Point Breeze Rd. He has merged the two lots, which totals .61 acre with 144.42 feet of frontage. To do this project the regulations say he needs an acre, so he is seeking an area variance, as well as a lot size variance and frontage variance. He has received a letter from the sewer department stating he can attach the multi-family unit to the sewer. He then handed the Board Members the building plans for the multi-family structure. He said he originally thought he'd need side setback variances, but he's changed the plans from a triplex to a fourplex and with this plan he can stay within the side setback regulations.

He stated there is a specific need for 'over 50' housing at the lake and that is what this would be. He plans to bring the road in onto his property, and the property will be fully fenced and heavily landscaped.

Chris Benn questioned if the footprint of the fourplex is smaller than the triplex.

The Applicant responded that is correct; much smaller and it will enhance the neighborhood. He added he has cleaned up the shoreline and has put up fencing, at the request of a neighbor, to keep snowmobiles out. He's removed the old bunker, crawl space and pipes that were left on the property when the old buildings were removed prior to his owning the property. This plan will leave more open space than what was there in the past. He explained that the triplex footprint is larger than this fourplex plan.

Chairman Stephen Bodnar questioned the overall height of the building. The Applicant responded no more than is allowed. Zoning Officer Gil Albert said 30' is the limit at the lake and the Applicant said 30' then.

The Applicant then stated the structure will be on a crawl space. He'd like to pave the road, and if the neighbors would join in with him it would be great; if not, he will pave in front of his property. He said this building will be set back farther than any other home on that road and there will be on-site parking in the back and on the side, a front lawn, landscaping, side patios and bay windows in the front for the views.

Clarence Fosdick questioned that the Applicant will market this to folks 50 and over? The Applicant stated it's tough to do legally, but in the rental process it is doable. He does not want anyone with late night drinking parties on his property and there will be careful screening done.

Zoning Officer Gil Albert stated he sees no problem with this project. The Applicant is not increasing density, he's going to improve the road and he will provide off-street parking. In essence, the variances end up being the building envelope. He then explained that if the Applicant were building a duplex he wouldn't need any variances. This structure will take up a smaller footprint than a duplex, but because it's for a multi-family structure he needs the variances.

John Deyoe stated that the property is much larger than any other on that road; it will have a lot of open space also. He then asked the size of the structure and the Applicant responded it will be 38' x 65'.

Chairman Stephen Bodnar asked if there were any Board questions at this time; there were none. **After providing Proof of Notice in the Saratogian on September 13, 2013, Chairman Stephen Bodnar opened the Public Hearing at 7:39 p.m. asking those wishing to speak to please stand and state their name and address.**

Robert Hodorowski, 109 Point Breeze Rd., addressed the Board with drainage concerns.

Two letters in objection of this project were then read by Chairman Stephen Bodnar; one from Antonio Ballesterio, 371 Anthony Rd., King of Prussia, PA and one from Mel Ikler, 105 Point Breeze Rd., Saratoga Springs, NY.

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 asked the opinion of Zoning Officer Gil Albert. Zoning Officer Gil Albert stated he has no objections with this project; he thinks it will be an improvement to the neighborhood and believes this can be approved contingent upon Planning Board approval.

Chairman Stephen Bodnar then asked Town Attorney William Reynolds if he had anything to add; Town Attorney William Reynolds stated no.

Chairman Stephen Bodnar reviewed the Summary of Area Criteria Balancing Test line by line with the Board which found in favor for the Applicant. Chairman Stephen Bodnar asked if there were any questions; there were none.

Chris Benn made a motion, seconded by Clarence Fosdick to approve the area, frontage and width variances as requested contingent upon Planning Board approval for the special use permit. Chairman Stephen Bodnar – aye, Clifford Hanehan -absent, James Burke – aye, Thomas Carrangi - recused, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn. **Carried 5 – 0**
Approved

Board Member Tom Carrangi rejoined the Board.

Old Business: The Board Members would like the Joint Board to get together to work on some of the zoning amendments and have set a tentative date of 10/1/13 at 7 p.m. Clerk Linda McCabe will pass this information on to the Planning Board.

New Business: None

John Deyoe made a motion, seconded by James Burke, to adjourn the meeting at 8:28 p.m. Chairman Stephen Bodnar – aye, Clifford Hanehan - absent, James Burke – aye, Thomas Carrangi - aye, William Moreau - absent, Clarence Fosdick - aye, John Deyoe – aye. **Carried 6– 0**
Adjourned

The next Zoning Board of Appeals meeting will be held October 28, 2013.

Respectfully submitted,

Linda McCabe
ZBA Clerk