

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS DRAFT MEETING MINUTES
October 24, 2022**

***Meeting Minutes are not verbatim**

Chairman William Moreau called the meeting to order at 7:00 p.m. and led the flag salute.

Chairman William Moreau welcomed everyone to the meeting and proceeded to review the *Rules of the Board*.

Zoning Clerk Linda McCabe called the roll: Chairman William Moreau – present, Christopher Benn – present, Steve Mehan – absent, Mark Solan – present, Clifford Hanehan – present, Thomas Carringi – present, Rick Burke – present.

Also present: Zoning Officer Gil Albert, Amanda Warner, Bob Flansburg, Randy & Katherine Kunker, Claude Eldaye, Michelle DeGarmo, Ed Pieper, Julia & Warren Mabb. (Sign-in sheet is on file in the Clerk’s office.)

Approval of Minutes: **A motion was made by Mark Solan, seconded by Christopher Benn, to accept the minutes of September 26, 2022 as written.** Chairman William Moreau – aye, Clifford Hanehan - aye, Mark Solan – aye, Christopher Benn - aye, Steve Mehan - absent, Thomas Carringi – aye, Rick Burke – aye.

Carried 6 - 0

Public Hearings

**Jason & Amanda Warner #22-16
216 Hayes Rd.
Schuylerville, NY 12871
S/B/L 169.-1-25 Rural**

Applicants seek a 23.5’ front setback variance in order to construct a new porch to the front of their home.

Applicant Amanda Warner appeared before the Board and stated they’d like to replace the current front porch, or stoop, as it is rotting out. They’d like the proposed front porch to go the length of the house and have a roof.

Mark Solan questioned if the variance included the overhang.

Applicant Amanda Warner wasn’t certain as she did not have the papers with her.

Zoning Officer Gil Albert said she’ll need a 24.5’ variance for the extra overhang foot of the roof.

Clifford Hanehan said 8’ in depth and questioned the size of the existing porch.

Applicant Amanda Warner responded existing is really a small stoop.

Chairman William Moreau said it’s on their information that was submitted.

Chairman William Moreau then asked if there were further questions of the Board; there were none.

Proof of Notice having been furnished by newspaper on October 14, 2022, Chairman William Moreau opened the Public Hearing at 7:07 p.m., asking those wishing to speak to the Board to please stand, state their name and address.

Seeing as no one wished to speak, **Chairman William Moreau closed the Public Hearing at 7:08 p.m.**

Chairman William Moreau asked if there were any further Board questions; there were none. Chairman William Moreau went through the Balancing Test, line by line, with the Board:

1. *Whether benefit can be achieved by other means feasible to applicant* – Christopher Benn and Chairman William Moreau said no, as did the Board.
2. *Undesirable change in neighborhood character or detriment to nearby properties* – Christopher Benn responded no; all Board members agreed and Clifford Hanehan stated it'll enhance the property.
3. *Whether request is substantial* – Christopher Benn and the Board responded no unanimously.
4. *Whether request will have adverse physical or environmental effects* – Christopher Benn said no and the entire Board agreed.
5. *Whether alleged difficulty is self-created, relevant but not determinative* – Chairman William Moreau said no, it's preexisting and the stoop is deteriorated; they need to do something for safe ingress/egress of the house and Board members agreed.

Chairman William Moreau asked if there were any further questions; there were none.

A motion was made by Christopher Benn, seconded by Thomas Carringi, to approve the application with the amended measurements, changing the proposed front setback from 51.5' to 50.5' and the variance needed from 23.5' to 24.5'. Chairman William Moreau – aye, Mark Solan – aye, Christopher Benn - aye, Clifford Hanehan - aye, Thomas Carringi – aye, Rick Burke – aye, Steve Mehan – absent.

Carried 6 – 0

**Claude & Erin Eldaye #22-17
6 Dynamo Ct.
Niskayuna, NY 12309
S/B/L 193.10-1-58 Lake Residential
Location: 1340 Rt. 9P**

Applicants seek a 15.9' two-sides setback variance and a 7.2' side setback variance in order to construct a new carport to the north-west back corner of their home.

Robert Flansburg appeared on behalf of the applicants and handed Board members photos and enlarged surveys. He then reviewed the property with the Board and showed the current layout of the house, garage and the paved driveway/parking area. He said the paved area is 11' and the homeowners would like to build a carport as an addition for the house. The garage is quite a

distance from the house, and in inclement weather it would be nice to be undercover while bringing in groceries, etcetera. He added the rear balcony is being removed.

A lengthy discussion pursued concerning the placement of the carport, the reason it cannot be moved and the position of the carport roof.

Zoning Officer Gil Albert asked if there is a soil swale there and was told yes, but they want to fill and seed that area and put in a culvert or French drains. Zoning Officer Gil Albert was good with that. He then questioned the distance from the back of the house to the existing garage and was told approximately 80'.

Clifford Hanehan questioned if the piers are inside the overhang and was told yes, they are tucked under the overhang.

Chairman William Moreau questioned if these are individual piers and was told yes.

Chairman William Moreau asked if there were further questions of the Board; there were none.

Proof of Notice having been furnished by newspaper on October 14, 2022, Chairman William Moreau opened the Public Hearing at 7:22 p.m., asking those wishing to speak to the Board to please stand, state their name and address.

Seeing as no one wished to speak, **Chairman William Moreau closed the Public Hearing at 7:22:36 p.m.** He then asked for the opinion of Zoning Officer Gil Albert.

Zoning Officer Gil Albert responded he is fine with this proposal.

Chairman William Moreau asked if there were any further Board questions; there were none. Chairman William Moreau went through the Balancing Test, line by line, with the Board:

1. *Whether benefit can be achieved by other means feasible to applicant* – Mark Solan said yes, he can move it as there is room in back and Clifford Hanehan agreed.
2. *Undesirable change in neighborhood character or detriment to nearby properties* – Board members unanimously said no.
3. *Whether request is substantial* – Clifford Hanehan said yes, Christopher Benn said he'd agree, but it's an open carport and access is open, so he's okay with this. Chairman William Moreau agreed that it is substantial, as did the Board members.
4. *Whether request will have adverse physical or environmental effects* – Board members unanimously said no.
5. *Whether alleged difficulty is self-created, relevant but not determinative* – Mark Solan and Clifford Hanehan said yes, Board agreed.

Clifford Hanehan stated you have to consider neighboring homes and what they've also done. He asked Zoning Officer Gil Albert if this is in-line with nearby properties.

Zoning Officer Gil Albert responded it is and moving it back is not as easy as you think. This is better, aesthetically speaking.

Chairman William Moreau noted if moved to the back, it will make them have to add more pavement.

Zoning Officer Gil Albert responded we are now an MS4 town so we're trying to minimize impervious hardscape. He does not believe it's good for the property to move it back. He noted that the Town has changed some requirements for that district as well.

Chairman William Moreau asked if there were any further questions; there were none.

A motion was made by Christopher Benn, seconded by Thomas Carringi, to approve the application as presented. Chairman William Moreau – aye, Christopher Benn - aye, Clifford Hanehan - aye, Mark Solan – nay, Thomas Carringi – aye, Rick Burke – nay, Steve Mehan – absent.

Carried 4 - 2

**Warren & Julia Mabb #22-18
281 Burgoyne Rd.
Schuylerville, NY 12871
S/B/L 169.-1-2**

Representative: Michelle DeGarmo, Flatley Read

Applicants seek a 46' front setback variance, a 53.5' two-sides setback variance and an 18.5" side setback variance in order to install a new manufactured home.

Michelle DeGarmo, Flatley Read, appeared before the Board on behalf of the Applicants. She reviewed the proposal for the new mobile home and explained it cannot be placed in the location of the previous one, due to location of the well and septic system.

Zoning Officer/Building Inspector Gil Albert stated the contour drops off in the back, so it needs to go forward a bit; Christopher Benn agreed.

Chairman William Moreau asked if there were further questions of the Board; there were none. He then stated the new one will be situated approximately in the same location, which tells them how steep it is there.

Proof of Notice having been furnished by newspaper on October 14, 2022, Chairman William Moreau opened the Public Hearing at 7:35 p.m., asking those wishing to speak to the Board to please stand, state their name and address.

Seeing as no one wished to speak, **Chairman William Moreau closed the Public Hearing at 7:36 p.m.**

Chairman William Moreau asked if there were any further Board questions; there were none. Chairman William Moreau went through the Balancing Test, line by line, with the Board:

1. *Whether benefit can be achieved by other means feasible to applicant* – Chairman William Moreau said no, not with the lay of the land; entire Board agreed.
2. *Undesirable change in neighborhood character or detriment to nearby properties* – Clifford Hanehan said no and it is improving the property; Board members agreed.
3. *Whether request is substantial* – Christopher Benn yes, but its due to the lot; Board agreed.

4. *Whether request will have adverse physical or environmental effects* – Clifford Hanehan said no, it'll improve with a new septic system; Board agreed.

5. *Whether alleged difficulty is self-created, relevant but not determinative* – Chairman William Moreau said no, it's a preexisting lot. Board members agreed.

Chairman William Moreau asked if there were any further questions; there were none.

A motion was made by Clifford Hanehan, seconded by Mark Solan, to approve the application as presented, as it is clear this is a preexisting lot and he's making it better.

Chairman William Moreau – aye, Mark Solan – aye, Christopher Benn - aye, Rick Burke – aye, Clifford Hanehan - aye, Thomas Carrangi – aye, Steve Mehan – absent.

Carried 6 – 0

**Edward L. Pieper #22-10
230 Co. Rt. 68
Saratoga Springs, NY 12866
S/B/L 195.5-1-4
Location: 443 Rt. 32 South**

Returning Applicant seeks a 10' front setback variance to construct a new porch.

Applicant Edward Pieper appeared before the Board and reviewed his application. He stated he's seeking a 10' front setback variance to build a new front porch to his home. He added the previous porch was removed as it was 4' from the house with a 5.6' overhang and 6' wide; as well as being non-conforming. He would like the new porch to go the length of the front of the house.

The Board discussed the concrete foundation for the porch, the overhang and agreed this will improve the property.

Chairman William Moreau asked if there were further questions of the Board; there were none.

Proof of Notice having been furnished by newspaper on October 14, 2022, Chairman William Moreau opened the Public Hearing at 7:40 p.m., asking those wishing to speak to the Board to please stand, state their name and address.

Seeing as no one wished to speak, **Chairman William Moreau closed the Public Hearing at 7:40:30 p.m.**

Chairman William Moreau asked if there were any further Board questions; there were none. Chairman William Moreau went through the Balancing Test, line by line, with the Board:

1. *Whether benefit can be achieved by other means feasible to applicant* – Christopher Benn said no, the house is existing; Board agreed.

2. *Undesirable change in neighborhood character or detriment to nearby properties* – Christopher Benn and Clifford Hanehan said no; Board members agreed.

3. *Whether request is substantial* – Thomas Carrangi and Christopher Benn said no, Chairman William Moreau said no, it's just on a state road; Board members agreed.

4. *Whether request will have adverse physical or environmental effects* – Christopher Benn, Chairman William Moreau and Clifford Hanehan said no, as did the the Board.

5. *Whether alleged difficulty is self-created, relevant but not determinative* – Christopher Benn said no, he's making it better, Mark Solan and Clifford Hanehan agreed, as did the remainder of the Board.

Chairman William Moreau asked if there were any further questions; there were none.

A motion was made by Mark Solan, seconded by Christopher Benn, to approve the application as presented for the 31.6' variance. Chairman William Moreau – aye, Mark Solan – aye, Christopher Benn - aye, Clifford Hanehan - aye, Thomas Carrangi – aye, Rick Burke – aye, Steve Mehan – absent.

Carried 6 – 0

Old Business: None.

New Business: Board discussed the upcoming training.

A motion was made by Mark Solan, seconded by Rick Burke, to adjourn the meeting at 7:49 p.m. Chairman William Moreau – aye, Mark Solan – aye, Christopher Benn - aye, Clifford Hanehan - aye, Thomas Carrangi – aye, Rick Burke – aye, Steve Mehan – absent.

Carried 6- 0

Meeting Adjourned

The next regular meeting will be November 28, 2022 at 7:00 p.m.

To be on the agenda, all submittals must be to the Zoning Clerk's Office no later than 8:45 a.m. November 14, 2022.

Respectfully submitted,

Linda McCabe
ZBA Clerk

~Meeting dates are subject to change~