

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS DRAFT MEETING MINUTES
SEPTEMBER 26, 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 – present, Mark Solan – present, Clifford Hanehan – present, Thomas Carrangi – present, Rick Burke – absent.

Also present: Zoning Officer Gil Albert, Robert Hess, Robert Engle, Victor Mazzotti. (Sign-in sheet is on file in the Clerk’s office.)

Approval of Minutes: **A motion was made by Christopher Benn, seconded by Mark Solan, to accept the minutes of August 22, 2022 as written.** Chairman William Moreau – aye, Clifford Hanehan - aye, Mark Solan – aye, Christopher Benn - aye, Steve Mehan - aye, Thomas Carrangi – aye, Rick Burke – absent.

Carried 6 - 0

Public Hearings

**Robert & Amanda Engle #22-14
1100 Rt. 9P
Saratoga Springs, NY 12866
S/B/L 206.9-2-76 Lake Residential**

Applicants seek a 9’ front setback variance and a 7’5” side setback variance in order to keep their pre-existing pavilion.

Attorney Robert Hess appeared on behalf of both applicants. He stated he is the attorney for both the Engle’s and the next applicant, the Mazzotti’s, for nearly identical issues. He reviewed the applications with the Board, stating that when each applicant purchased their homes, the pavilions were existing on the properties. The previous owner, who built the pavilions, did so without a permit. There have been no complaints from anyone and the pavilions have been there since 2014/2015. The applicants were unaware their new property was noncompliant. He said the Engle’s are looking for the variances in order to keep the existing pavilion. He said the lot is too small for it to be moved anywhere else on the property, it is pre-existing since 2014/2015 with no complaints to date, it fits in nicely with the neighborhood, there are no adverse impacts, it doesn’t block any lake views, the north side meets regulations, but the southern does not. It is 2½’ from the Mazzotti property and they have no issue with it; again, this was existing when purchased.

Mark Solan questioned if the backyard setback applies and if they exceed land coverage.

Zoning Officer/Building Inspector Gil Albert responded no, they meet that setback and actually they own into the lake with the boundary line. He then added the Town has no regulations on

hardscape, so it's not considered lot coverage. He noted the applicant recently purchased this, so this is pre-existing. He added that both pavilions, Engle's and Mazzotti's, were built by the same builders and it was the Assessor who brought this to his attention. He then contacted both owners, which is why they are before the Board tonight.

Steve Mehan said they don't know what it looked like prior to this and Clifford Hanehan said they're preexisting and we need to deem if any action is needed.

Chris Benn noted they are nicer than many other properties out there and fits in with surrounding the neighborhood.

Zoning Officer Gil Albert and Attorney Robert Hess reviewed the survey with the Board. Zoning Officer Gil Albert found Mark Solan was correct and a back setback variance of 8' is needed. Attorney Robert Hess stated if the Board will allow, he will amend the application to include the 8' back setback variance. The Board was agreeable to that.

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

Proof of Notice having been furnished by newspaper on September 16, 2022, Chairman William Moreau opened the Public Hearing at 7:24 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 7:25 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, as did the Board.
2. *Undesirable change in neighborhood character or detriment to nearby properties* – Clifford Hanehan said no and it's beautiful; Board members agreed.
3. *Whether request is substantial* – Mark Solan, Clifford Hanehan and Board members said yes.
4. *Whether request will have adverse physical or environmental effects* – Christopher Benn said no, along with Chairman William Moreau, Clifford Hanehan, Tom Carrangi and Steve Mehan. Mark Solan said yes.
5. *Whether alleged difficulty is self-created, relevant but not determinative* – Chairman William Moreau said no, it's preexisting. 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 Mark Solan, to approve the application as presented, along with the amended addition of the 8' back setback variance. Chairman William Moreau – aye, Mark Solan – aye, Christopher Benn - aye, Steve Mehan - aye, Clifford Hanehan - aye, Thomas Carrangi – aye, Rick Burke – absent.

Carried 6 – 0

Victor & Liz Mazzotti 22-15
2 Stone Creek Dr.
Stillwater, NY 12170
S/B/L 206.9-2-75 Lake Residential
Location: Rt. 9P

Applicants seek a 30'7" front setback variance in order to keep their pre-existing pavilion.

Attorney Robert Hess appeared before the Board for the applicant. He reviewed the application with the Board and stated the situation is the same, as was with the first applicant, aside from this being a substantial variance request.

Clifford Hanehan said it's a trade-off; it's preexisting.

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

Proof of Notice having been furnished by newspaper on September 16, 2022, Chairman William Moreau opened the Public Hearing at 7:30 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 7:31 p.m.** He then asked if there were any further questions or comments of the Board; 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, all Board members agreed.
2. *Undesirable change in neighborhood character or detriment to nearby properties* – Chairman William Moreau said no, it's within the character of the neighborhood with no detriment to the surrounding neighbors and all Board members agreed.
3. *Whether request is substantial* – Clifford Hanehan and Chairman William Moreau said yes, as did the rest of the Board.
4. *Whether request will have adverse physical or environmental effects* – Christopher Benn said no, along with the Board.
5. *Whether alleged difficulty is self-created, relevant but not determinative* – All Board members said no, it's pre-existing.

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

A motion was made by Clifford Hanehan, seconded by Steve Mehan, to approve the application for the 30.7' front setback variance as presented. Chairman William Moreau – aye, Mark Solan – aye, Christopher Benn - aye, Steve Mehan - aye, Rick Burke – absent, Clifford Hanehan - aye, Thomas Carringi – aye.
Carried 6 – 0

Old Business: None.

New Business: None

A motion was made by Mark Solan, seconded by Christopher Benn, to adjourn the meeting at 7:36 p.m. Chairman William Moreau – aye, Mark Solan – aye, Christopher Benn - aye, Steve Mehan - aye, Clifford Hanehan - aye, Thomas Carringi – aye, Rick Burke – absent.
Carried 6- 0
Meeting Adjourned

The next regular meeting will be October 24, 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. October 10, 2022.

Respectfully submitted,

Linda McCabe
ZBA Clerk