

**TOWN OF SARATOGA  
ZONING BOARD OF APPEALS MINUTES  
June 16, 2025**

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, Steve Mehan – present, Christopher Benn – present, Thomas Carringi – present, Mark Solan – present, Alternate Andy Ellis – present, Clifford Hanehan – absent, Rick Burke – absent.

Due to the absence of a couple Board members, Alternate Andy Ellis was elevated to full member status.

Also present: Zoning Officer Gil Albert and Michael Stewart.  
(Sign-in sheet is on file in the Clerk's office.)

Approval of Minutes: **A motion was made by Christopher Benn, seconded by Thomas Carringi, to accept the corrected minutes of May 19, 2025 as written.** Chairman William Moreau – aye, Christopher Benn – aye, Steve Mehan – aye, Andy Ellis – aye, Thomas Carringi – aye, Mark Solan – aye, Clifford Hanehan – absent, Rick Burke – absent.  
**Carried 6 - 0**

**Area Variance**

**Michael J. Stewart #25-05  
1310 Rt. 9P  
Saratoga Springs, NY 12866  
S/B/L 193.10-1-22 Lake Residential**

Applicant seeks a 26' front setback variance to increase the size of his front deck.

Applicant Michael Stewart appeared before the Board stating he wants to increase the size of his front porch/deck and he may move the stairs a bit and he believes this is a simple request.

Christopher Benn questioned that he's moving the stairs?

Applicant Michael Stewart responded no, he's keeping them but may move them 90 degrees. He said he wants to extend the deck out to where the built-in planter currently is located.

Chairman William Moreau stated he wasn't on the Board in 2018, but Board member Clifford Hanehan was, and he informed him that the applicant stated at that 2018 meeting, that the deck would be 9' with no staircase.

Zoning Officer/Building Inspector Gil Albert replied that's correct. He added that a 3' wide staircase isn't considered part of it, but any larger would be.

Chairman William Moreau reiterated the applicant said it would be 9', correct?

Zoning Officer/Building Inspector Gil Albert responded correct.

Steve Mehan questioned why the applicant wants this.

Applicant Michael Stewart responded it's too tight, so they want a larger deck, plus there's an issue with the sun, it's too bright, so they want an umbrella or canopy on it.

Chairman William Moreau asked if he's currently in-line with neighboring properties.

Andy Ellis said it's similar and Zoning Officer/Building Inspector Gil Albert stated the Board denied the neighbor's extension. The neighbor then put it on hardscape, which we have no jurisdiction with until the Town changes it.

Christopher Benn said he hadn't looked at the planter bed and asked if that's being removed.

Applicant Michael Stewart responded his wife wants to keep it; that will have to be looked at. He said there will be 3 – 4 posts coming out.

Zoning Officer/Building Inspector Gil Albert said he may not be able to keep it, depending on the build.

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

**Proof of Notice having been furnished by newspaper on June 6, 2025, Chairman William Moreau opened the Public Hearing at 7:10 p.m.**, asking those wishing to speak to please stand at the podium, state their name and address and direct their comments to the Board.

Seeing no one, **Chairman William Moreau closed the Public Hearing at 7:10 p.m.**

Chairman William Moreau went through the Balancing Test for Area Variance, line by line with the Board, to balance benefit to the Applicant with detriment to health, safety & welfare of the community:

1. *Whether benefit can be achieved by other means feasible to applicant* – Christopher Benn said no, technically there's no other way to expand. Chairman William Moreau and the Board members agreed.
2. *Undesirable change in neighborhood character or detriment to nearby properties* – Steve Mehan stated yes, if you let one do it, more and more will want to and that's a precedence we don't want to set. The Board agreed.
3. *Whether request is substantial* – Mark Solan said in that area, yes. Christopher Benn added they had him reduce the deck previously in order to grant him a variance. Board agreed.
4. *Whether request will have adverse physical or environmental effects* – Board members said no.
5. *Whether alleged difficulty is self-created (relevant but not determinative)* – Christopher Benn and Chairman William Moreau said yes, this was addressed with the prior granted variance and now he wants to change it. All Board members agreed.

Chairman William Moreau asked if there were any further questions or comments; there were

none. He then asked for the Zoning Officer's opinion.

Zoning Officer Gil Albert stated the Board should keep in mind what they did to the neighbors – the Board denied one an extension and had another neighbor tear their deck down, due to encroachment.

Chairman William Moreau said that's correct.

**A motion was made by Christopher Benn, seconded by Steve Mehan, to deny the variance requested. Steve Mehan stated the Board previously granted this applicant a variance for his porch/deck based upon his agreement to reduce the size of the deck to 9'; the applicant now wants to increase the size of his porch /deck. As a Board, we have to hold the line to uphold Town Regulations, this is firmly denied.** Chairman William Moreau – aye, Christopher Benn – aye, Steve Mehan – aye, Andy Ellis – aye, Thomas Carringi – aye, Mark Solan – aye, Clifford Hanehan – absent, Rick Burke – absent.

**Denied 6 - 0**

**Old Business:** None

**New Business:** None

**A motion was made by Christopher Benn, seconded by Mark Solan, to adjourn the meeting at 7:26 p.m.** Chairman William Moreau – aye, Christopher Benn – aye, Steve Mehan – aye, Andy Ellis – aye, Thomas Carringi – aye, Mark Solan – aye, Clifford Hanehan – absent, Rick Burke – absent.

**Carried 6 - 0**

**Meeting Adjourned**

**The next regular meeting will be July 28, 2025, at 7:00 p.m.**

**\*All submittals must be to the Clerk's office no later than 8:45 a.m. July 14, 2025, to be on the agenda.**

Respectfully submitted,

Linda McCabe

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Zoning Clerk