

**TOWN OF SARATOGA**  
**ZONING BOARD OF APPEALS DRAFT MINUTES**  
**April 22, 2024**

Chairman William Moreau called the meeting to order at 7:08 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, Clifford Hanehan – present, Thomas Carrangi – present, Christopher Benn – present, Steve Mehan – present, Rick Burke – present, Mark Solan – absent.

Also present: Zoning Officer Gil Albert, Michael Giovanone, Brian Sipperly, John Taginski, Burt Bouchey, Heather & Kyle Chisamore, Mary & Dan Delorier. (Sign-in sheet is on file in the Clerk's office.)

Approval of Minutes: **A motion was made by Christopher Benn, seconded by Steve Mehan, to accept the minutes of March 25, 2024 as written.** Chairman William Moreau – aye, Clifford Hanehan - aye, Christopher Benn - aye, Steve Mehan - aye, Rick Burke – aye, Thomas Carrangi – aye, Mark Solan – absent.

**Carried 6 - 0**

**Public Hearings**

**Michael Giovanone, Boat N RV Condos, LLC. #24-02**  
**1428 Rt. 9P**  
**Saratoga Springs, NY 12866**  
**S/B/L 180.18-1-12, 180.18-1-29, 193.6-1-2.1 Lake Commercial District**  
**Location: 1428, 1436 & 1438 Rt. 9P**

Returning Applicant has revised his plan and now seeks a 13.67' back setback variance to expand his Boat N RV Condos business.

Board member Thomas Carrangi recused himself from this application.

Brian Sipperly appeared on behalf of the applicant. He reviewed the concerns and suggestions the Board had expressed at last month's meeting and his subsequent meeting with the Planning Board as requested by this Board. The Planning members agreed with the Zoning members concerns and comments. Last month the applicant was seeking a front setback variance. Since meeting with the Planning Board, the applicant has revised the site plan as requested, removed entrance gates and reversed the ingress/egress to incorporate a new traffic circulation to relocate parking for the lake lockers and to mitigate possible stacking of traffic on Rt. 9P. The applicant now seeks a 13.67' back setback variance, no longer needing a front setback.

Chairman William Moreau questioned if the County Planning Board has seen the revised plan. Zoning Officer/Building Inspector Gil Albert said he had not been contacted yet. Clerk McCabe responded she provided the County with the new site plan and gave their response to Chairman William Moreau.

Christopher Benn and Rick Burke stated they appreciate the changes they've made.

Chairman William Moreau said it looks like all issues have been addressed. With the new traffic pattern and the removal of the gate, stacking problems on Rt. 9P have been eliminated.

Brian Sipperly added he submitted the revised map to Saratoga County Planning Board and NYS DEC as well.

Chairman William Moreau asked if there were further questions of the Board; there were none. He then read the comments from the Saratoga County Planning Board regarding this application:

*“Re: SCPB Referral Review #24-50 – Area Variance – Boat N RV Condos, LLC*

*Received from the Town of Saratoga Zoning Board of Appeals on March 18, 2024 (map dated 1/4/2024) indicating front setback request.*

*Received updated relief request on April 15, 2024 (map dated 4/2/2024) indicating rear setback request.*

*Reviewed by the Saratoga County Planning Board on April 18, 2024.*

*Decision: No significant County-wide or Intercommunity impact with comments.*

*Comments: The Saratoga County Planning Board expressed concern with the access point to the site with regards to stacking on NYS Rt. 9P, creating potential traffic jams. Due to the size of a truck with a trailer attached the number of vehicles that can pull up to the gate at one time is extremely limited. A review to increase the distance of the access gate further from NYS Rt. 9P to avoid the stacking of vehicles and trailers on the road may be considered.”*

Chairman William Moreau stated the County reviewed both the original submitted map and the most recently submitted map. The comments are based upon the original plan, as the updated plan has addressed and mitigated the concerns of the County Planning Board. The Board agreed. Chairman William Moreau asked if there were any questions from the Board; there were none.

**Proof of Notice having been furnished by newspaper on April 12, 2024, Chairman William Moreau opened the Public Hearing at 7:18 p.m.**, asking those wishing to speak, to please stand and clearly state their name, address and direct their comments to the Board; no one spoke.

**Seeing as no one further wished to speak, Chairman William Moreau closed the Public Hearing at 7:19 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 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* – Clifford Hanehan said no, other means have been addressed and changes made. All Board members agreed.
2. *Undesirable change in neighborhood character or detriment to nearby properties* – Clifford Hanehan and Chairman William Moreau said no and Board members agreed.
3. *Whether request is substantial* – Clifford Hanehan said no, it’s now only a 13.67’ request. Board members all said no.

4. *Whether request will have adverse physical or environmental effects* – Board members said no. Christopher Benn said they'll work within wetland constrictions and NYS DEC regulations.

5. *Whether alleged difficulty is self-created (relevant but not determinative)* – Clifford Hanehan said yes, they could have gone smaller. Christopher Benn and Board members agreed.

**A motion was made by Rick Burke, seconded by Clifford Hanehan, to accept the proposed application and grant the amended back setback variance of 13.67'.** Chairman William Moreau – aye, Clifford Hanehan - aye, Christopher Benn - aye, Steve Mehan - aye, Rick Burke – aye, Thomas Carrangi – recused, Mark Solan – absent.

**Carried 5 – 0, 1 recusal**

**Kyle & Heather Chisamore #24-03  
185 River Rd.  
Schuylerville, NY 12871  
S/B/L 209.13-1-7 Conservancy District**

Applicants seek to remove their current home and replace it with a new modular home. To do so, the following variances are needed: 11% lot area, 31.8' front setback, 7.6' back setback, 80.10' two-sides setback and 34.9' side setback.

Applicant Heather Chisamore appeared before the Board, presented a new survey and explained that they had planned to gut and renovate the existing house, but due to its age and decaying issues, they believe it better to remove it and replace it with a new modular home with garage. The parcel is pre-zoning, making it a pre-existing, non-conforming lot. The lot is .32+/- acre in size.

Zoning Officer/Building Inspector Gil Albert stated width is existing, lot size is existing; it is a pre-existing, non-conforming parcel. He and the Board reviewed the survey. He added the new home will be bigger, but the Board has given bigger variances in that area, as there are quite a few parcels the same size as this in that section of the Town. He added the variance is required, as they can't go further back due to marsh area and to not interfere with the septic at the rear of the property.

Steve Mehan added it looks in line with the neighboring properties.

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

**Proof of Notice having been furnished by newspaper on April 12, 2024, Chairman William Moreau opened the Public Hearing at 7:28 p.m.,** asking those wishing to speak, to please stand and clearly state their name, address and direct their comments to the Board. The following spoke:

John Taginski, 193 River Rd., stated this is a welcome improvement to the property and he welcomed the Chisamore's to the neighborhood. He questioned if this will be in alignment with the neighboring home.

Applicant Heather Chisamore responded it will be in alignment with her neighbor and will not be in contact with any property off of Wilbur Rd.

Dan Delorier, 183 River Rd., stated after listening to the discussion of this application he has no issues with this and supports the applicants.

**Seeing as no one further wished to speak, Chairman William Moreau closed the Public Hearing at 7:30 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 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, it's a pre-existing, tiny lot. All Board members agreed.
2. *Undesirable change in neighborhood character or detriment to nearby properties* – Clifford Hanehan said the neighbors say it's a desirable change, so no; all Board members agreed.
3. *Whether request is substantial* – Clifford Hanehan said yes, but it is a pre-existing, non-conforming lot and this is making the property better. Chairman William Moreau and the Board agreed.
4. *Whether request will have adverse physical or environmental effects* – Board members said no, they'll work within wetland constrictions and NYS DEC regulations.
5. *Whether alleged difficulty is self-created (relevant but not determinative)* – Christopher Benn said technically yes, but due to changing and no, as it's improving the property. Rick Burke said absolutely no, it will be improving the property. Chairman William Moreau and the Board agreed.

**A motion was made by Clifford Hanehan, seconded by Christopher Benn, to approve and grant the following variances, with changes reflective in the survey map: 11% lot area, 31.8' front setback, 7.6' back setback, 80.10' two-sides setback and 34.9' side setback. Clifford Hanehan also added this is a very nice improvement to the property.** Chairman William Moreau – aye, Clifford Hanehan - aye, Christopher Benn - aye, Steve Mehan - aye, Rick Burke – aye, Thomas Carringi – aye, Mark Solan – absent.

**Carried 6 - 0**

**Old Business:**

**New Business:**

**A motion was made by Mark Solan seconded by Rick Burke, to adjourn the meeting at 7:38 p.m.** Chairman William Moreau – aye, Clifford Hanehan - aye, Mark Solan – absent, Christopher Benn - aye, Steve Mehan - aye, Rick Burke – aye, Thomas Carringi – aye.

**Carried 6 - 0**

**Due to Memorial Day, the next meeting will be held on May 20, 2024 at 7:00 p.m.**

\*Any and all submittals must be to the Clerk no later than 8:45 a.m. May 6, 2024 to be on the May agenda.

Respectfully submitted,

Linda McCabe, ZBA Clerk  
Dorothy Lavazzo

~Meeting dates are subject to change~