

TOWN OF SARATOGA
ZONING BOARD OF APPEALS DRAFT MINUTES
August 27, 2012

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*.

Due to Clerk Linda McCabe being on vacation, Roll Call was taken by Chairman Stephen Bodnar: Chairman Stephen Bodnar – present, Clifford Hanehan – present, Thomas Carrangi – present, Clarence Fosdick – present, G. William Moreau – absent, James Burke – present, John Deyoe – present.

Also present: Town Zoning Officer/Building Inspector Gil Albert, Town Attorney William Reynolds, Robert Flansburg, Janet & Roger Marriotti and Gerry Magoolaghan. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: **A motion was made by Clarence Fosdick and seconded by Tom Carrangi, to accept the minutes of the July 23, 2012 meeting.** Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, James Burke – aye, Thomas Carrangi - aye, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye. **Carried 6 - 0**
Approved

Order of Business:

Area Variance

Robert L. Flansburg, P.E., Dreamscapes Unlimited #12-04
6 Meghan Ct.
Saratoga Springs, NY 12866
S/B/L 206.9-2-29.12
Location: 1105 Rt. 9P

Applicant seeks a 609 sq. ft. (2.85%) lot coverage variance and a two-side setback variance of 14 ft. in order to construct a new house, located at 1105 Rt. 9P.

The Applicant appeared before the Board explaining he is here on behalf of his clients and he handed in his receipts of certified neighbor notifications for this public hearing. He then reviewed his building plan and said they would like to have the home 16' off the north boundary; the northern most corner of the property. They are removing the garage 10.9' off the same property line and by doing so they meet the front yard setback. They are also seeking a lot coverage increase of 2.85% (605 sq. ft.).

Chairman Stephen Bodnar stated the height looks to be 27+' and he questioned where the Applicant measured from. The Applicant responded he measured from the ground of the front door to the mean. Clifford Hanehan asked exactly where "mean" is. The Applicant responded halfway between the ridge (highest point) and the eave. Clifford Hanehan stated that is an average measurement; what is the highest point of the roof? The Applicant responded another seven feet.

The Board members stated they have always measured to the highest point and regulations state no higher than 30'. Clifford Hanehan added that Town Building Inspector Gil Albert told him that the "mean" is what they go by. Building Inspector Gil Albert explained that after researching and reviewing the town regulations, you have to measure from the main entry level of the house, (the grade) regardless of the roof pitch, and halfway between the eave and the highest peak. So whatever height the peak is, that measurement has to be 30' or below. Clifford Hanehan stated it will be over that, it'd be 35'. A lengthy discussion continued between the Applicant, the Zoning Board and the Town Building/Zoning Inspector Gil Albert.

Chairman Stephen Bodnar noted that the survey map presented by the Applicant is not stamped or signed and asked Town Attorney William Reynolds if it is okay for them to conditionally accept it and Town Attorney William Reynolds said yes. The Applicant responded he will ensure the Building Inspector receives a stamped survey map.

Chairman Stephen Bodnar asked if there were any Board questions, there were none.

Chairman Stephen Bodnar then read the letter from the Saratoga County Planning Board which stated no significant county wide or intercommunity impact. Letter is on file in the Clerk's office.

After providing Proof of Notice in the Saratogian on August 17, 2012, Chairman Stephen Bodnar opened the Public Hearing at 7:20 p.m. asking those wishing to speak to please stand and state their name and address:

Gerry Magoolaghan, 42 Vista Dr., Saratoga Springs, NY stated he is in favor of the project.

Chairman Stephen Bodnar asked if there were any questions from the Board; there were none.

Chairman Stephen Bodnar then read the Summary of Area Criteria Balancing Test and went through it line by line with the Board. The Board found in favor of the Applicant.

Chairman Stephen Bodnar asked if anyone had any questions. Town Attorney William Reynolds suggested that the Board be sure to stipulate in the resolution/Notice of Action the removal of the existing garage. Chairman Stephen Bodnar agreed.

A motion was made by Chairman Stephen Bodnar and seconded by Clifford Hanehan, to grant the variances as requested upon the following conditions:

- 1. The existing garage is removed from the property and properly disposed of.**
- 2. The Applicant is to contact NYS DOT for the curb cut for the driveway.**
- 3. The Applicant is to provide a signed, sealed survey map to Building Inspector Gil Albert prior to the issuance of a Certificate of Occupancy.**

Chairman Stephen Bodnar – aye, Clifford Hanehan -aye, James Burke – aye, Thomas Carringi - aye, William Moreau – absent, Clarence Fosdick - aye, John Deyoe – aye. **Granted 6 - 0**
Approved

Town Building Inspector Gil Albert stated he likes to see the survey map after the foundation is in, that way it's documented that they are doing exactly what we've been told. The Applicant stated he has no problem with that.

The Applicant thanked the Board.

Old Business: Clifford Hanehan asked how the signage issue is going on Rt. 4. Zoning Officer Gil Albert responded that Donna Giroux moved her sign back and both she and Mr. Roberts were denied by the State; he has heard nothing concerning Mr. Roberts.

New Business: The Board asked if there is a tentative date set for meeting with the Planning Board; not as of yet. Chairman Stephen Bodnar reminded the Board to prepare their lists for that meeting.

A motion was made by Chairman Stephen Bodnar and seconded by Clarence Fosdick to adjourn the meeting at 7:33 p.m. Chairman Stephen Bodnar – aye, Clifford Hanehan - aye, 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 September 24, 2012.

These Minutes have been prepared from a recording of the 08/27/12 meeting.
Respectfully submitted,

Linda McCabe
ZBA Clerk