

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS MINUTES
July 27, 2009
7:00 PM**

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*.

Zoning Clerk Linda McCabe called the roll: Chairman Stephen Bodnar – present, Clifford Hanehan – present, Thomas Carrangi – absent, Barbara Faraone – present, William Moreau – absent, James Burke – present, Clarence Fosdick – present, and Alternate John Deyoe – present.

Also present: Zoning Officer Gil Albert, Town Attorney William Reynolds, Thomas Marotta, and other interested persons. (Sign-in sheet is on file in the Clerk’s office)

Chairman Stephen Bodnar elevated Alternate Member John Deyoe to full voting status due to the absence of Board Members Bill Moreau and Tom Carrangi.

Approval of Minutes: **A motion was made by Clifford Hanehan and seconded by Clarence Fosdick, to accept the minutes of the June 22, 2009 meeting as written.** Chairman Stephen Bodnar–aye, James Burke– aye, Barbara Faraone– aye, Thomas Carrangi-absent, Clifford Hanehan-aye, William Moreau-absent, Clarence Fosdick-aye, Alternate John Deyoe – aye.

Carried 6 – 0

Approved

Order of Business:

**Thomas A. & Paula A. Marotta #09-07
2000 Barrett Rd.
Ballston Spa, NY 12020
S/B/L 193.6-1-21 Lake Residential**

**Location: 1380 Rt. 9P
Saratoga Springs, NY
12866**

Returning Applicant is seeking a height variance of less than 6 inches because he does not meet zoning regulations.

The Applicant appeared before the Board and stated that his final survey submission puts him less than 6” over the 30’ height regulation and he is awaiting Board action since he doesn’t know what to do. Zoning Officer Gil Albert stated that Mr. Marotta is compliant on everything else; he is only non-compliant with this height issue of less than 6”. Clifford Hanehan questioned how this went from being 15” over to less than 6” and the Applicant responded that he had estimated the height because his survey had not been complete at that time; since then he has received it and it shows the overage being less than 6”. Zoning Officer Gil Albert stated that at the last meeting one of Mr. Marotta’s neighbors made a statement that Mr. Marotta went above the height regulation “on purpose”. Zoning Officer Gil Albert decided he should speak with people who have worked with Mr. Marotta in the past to see if this statement would prove true. Zoning Officer Gil Albert said that statement made by that neighbor was wrong and far from the truth; Mr. Marotta does not skirt about trying to get around regulations; he has an honorable reputation in his field of business and in general. Zoning Officer Gil Albert then stated he believes the Board should grant this minor variance. Chairman Stephen Bodnar stated this is not a public hearing tonight; the Applicant is here providing the Board with further information that was asked of him. He has provided the updated survey which shows the roof is less than 6” over the 30’ regulation. Chairman Stephen Bodnar stated even though this is not a public hearing, an opposing letter was received by the Board and he then read the letter, which

is on file. John Deyoe questioned what the original height was and Zoning Officer Gil Albert answered on the original application it was 29' 9³/₈"', but when the Applicant had asked us how high he could go, in error we told him the maximum height he could go was 35' and he is below that. Chairman Stephen Bodnar asked if there were any other questions from the Board; there were none.

Chairman Stephen Bodnar questioned Town Attorney William Reynolds, for clarification, since the Public Hearing on this application was held last month, we are here tonight to look at the information we asked the Applicant to provide us; this is not a public hearing, correct, and Town Attorney William Reynolds responded that is correct, this is not a public hearing tonight.

Barbara Faraone made a motion, seconded by Chairman Stephen Bodnar to grant the less than 6" height variance as requested because it is a negligible amount, the Applicant has never given the Board anything other than what has been planned or expected, this was not purposefully done, the Board has granted much more in the past and it causes no significant change in the neighborhood. Chairman Stephen Bodnar-aye, James Burke- aye, Barbara Faraone- aye, Thomas Carrangi-absent, Clifford Hanehan-no, William Moreau-absent, Clarence Fosdick-aye, Alternate John Deyoe – no.

Carried 4 – 2

Granted

Old Business: None

New Business: None

Mr. George Pravda and Mr. Yar Zujovic had questions for the Board. They asked why they could not present to the Zoning Board of Appeals and it was explained to them that they first must have a formal denial from either the Zoning Officer or the Planning Board; this is an Appeals Board. Mr. Pravda stated the Planning Board let Mr. Zujovic withdraw his application and it was explained to Mr. Pravda that it was Mr. Zujovic's choice to withdraw; he had been told by the Planning Board that he could continue with the public hearing and be denied by that Board and sent to Zoning, or he could withdraw and he chose to withdraw. Mr. Pravda then stated that it was his application and Mr. Zujovic had no right to withdraw his application. Chairman Stephen Bodnar explained that this Board could not help him with this matter and he needs to talk with the Planning Board. Mr. Pravda said it was his application and Yar was not representing him. Again Chairman Stephen Bodnar explained the Zoning Board cannot help him he needs to go to the Planning Board.

There was a discussion between the Board and Zoning Officer Gil Albert on detailed summarizing at the end of every granted/approved application, on time constraints for returning applicants and building timetables.

Barbara Faraone made a motion, seconded by Clarence Fosdick, to adjourn the meeting at 7:53 p.m. Chairman Stephen Bodnar-aye, James Burke- aye, Barbara Faraone- aye, Thomas Carrangi-absent, Clifford Hanehan-aye, William Moreau-absent, Clarence Fosdick-aye, Alternate John Deyoe-aye. **Carried 6– 0**

Adjourned

The next Zoning Board of Appeals meeting will be held August 24, 2009

Respectfully submitted,

Linda McCabe
ZBA Clerk