

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS Draft MINUTES
November 30, 2009**

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 – present, Barbara Faraone – present, William Moreau – present, James Burke – present, Clarence Fosdick – present, and Alternate John Deyoe – present.

Also present: Town Attorney William Reynolds, and other interested persons. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: **A motion was made by Barbara Faraone and seconded by James Burke, to accept the minutes of the October 26, 2009 meeting as written.** Chairman Stephen Bodnar–aye, James Burke– aye, Barbara Faraone– aye, Thomas Carrangi-aye, Clifford Hanehan-aye, William Moreau-aye, Clarence Fosdick-abstained.

Carried 6 – 0

Approved

Order of Business:

Area Variance

**Wilame Vieira Piteri #09-09
265 Evans St.
Victory, NY
S/B.L 170.30-1-1 Village Extension**

Applicant is seeking an area variance and a back setback variance because his shed is too close to the back property line and he does not meet zoning regulations.

Mr. Piteri appeared before the Board explaining he has built a shed and was unaware he needed a permit or variances, but Zoning Officer Gil Albert explained this to him and that is why he is now here. Chairman Stephen Bodnar stated he has been by the property and Alternate member John Deyoe added he too had gone by the property. Board member Bill Moreau questioned if there had been a previous shed there and Zoning Officer Gil Albert responded not to his knowledge. Chairman Stephen Bodnar questioned who owns the alley and Zoning Officer Gil Albert stated it is a paper alley. Chairman Stephen Bodnar then asked for the Town Attorney's opinion on the paper alley. Town Attorney William Reynolds said it is not for the Board to determine ownership, adding he hasn't looked at it, but back in the beginning of the century the alleys (streets) were mapped into lots and those 'streets' only exist on those filed maps; in all likelihood ownership is people who abut them. Alternate member John Deyoe questioned if the Applicant then owns to the middle of the paper alley; which would give him more area. Town Attorney William Reynolds responded yes, in all likelihood. Chairman Stephen Bodnar questioned what the use of the shed would be and the Applicant responded he uses it for office space; for paperwork only. There is no water or sewer but he does use an electric extension cord from his house to supply lights if working there after dark. Chairman Stephen Bodnar asked if there were any other questions from the Board, there were none. Chairman Stephen Bodnar asked Zoning Officer Gil Albert for his opinion and Zoning Officer Gil Albert

responded he sees nothing wrong with granting the variances and since variances are for lifetime and due to the paper alley, he thinks, as the Town Attorney explained, that it is safer to give the variance in case something comes up in the future, then the Applicant is covered. Chairman Stephen Bodnar noted that when he looked at the placement of the shed, he felt the Applicant could have come in on the property more had he known about setbacks. Zoning Officer Gil Albert agreed.

After providing Proof of Notice in the Saratogian on November 19, 2009, Chairman Stephen Bodnar opened the Public Hearing at 7:13 p.m. asking those wishing to speak to please stand and state their name and address. No one came forward.

Chairman Stephen Bodnar asked the Board if there were any more questions; finding none, **Chairman Stephen Bodnar closed the Public Hearing at 7:16 p.m.**

Chairman Stephen Bodnar made a motion, seconded by Thomas Carringi to approve the variance application as applied for because it will not infringe on anyone's useable property and it is consistent with the area. Chairman Stephen Bodnar-aye, James Burke-aye, Barbara Faraone-aye, Thomas Carringi-aye, Clifford Hanehan-aye, William Moreau-aye, Clarence Fosdick-aye,

Carried 7 - 0

Approved

Zoning Officer Gil Albert addressed the Board concerning the need for clarification of the zoning setback regulations for accessory buildings in the lake residential district, in order to eliminate confusion. A lengthy discussion continued between the Board, Zoning Officer and the Town's Attorney. At the end of the discussion, **Clarence Fosdick made a motion, seconded by Barbara Faraone to ask the Town Board to establish uniformity and clarification of the Town of Saratoga Zoning Regulations for a minimum of 10' from side and rear property lines for accessory buildings.** Chairman Stephen Bodnar-aye, James Burke-aye, Barbara Faraone-aye, Thomas Carringi-aye, Clifford Hanehan-aye, William Moreau-aye, Clarence Fosdick-aye.

Carried 7 - 0

Approved

Old Business: None

New Business: None

Clarence Fosdick made a motion, seconded by William Moreau, to adjourn the meeting at 8:16 p.m. Chairman Stephen Bodnar-aye, James Burke-aye, Barbara Faraone-aye, Thomas Carringi-aye, Clifford Hanehan-aye, William Moreau-aye, Clarence Fosdick-aye.

Carried 7 - 0

Adjourned

The next Zoning Board of Appeals meeting will be held January 25, 2010.

Respectfully submitted,

Linda McCabe
ZBA Clerk