

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS DRAFT MINUTES
June 22, 2015**

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, William Moreau – present, Thomas Carringi – present, Clarence Fosdick – present, John Deyoe - present, Chris Benn – present.

Also present: Town Attorney William Reynolds, Zoning Officer Gil Albert, Penny Hardenstine and Ralph Pascucci. (Sign-in sheet is on file in the Clerk's office.)

Approval of Minutes: **A motion was made by Clifford Hanehan, seconded by Clarence Fosdick, to accept the meeting minutes of May 18, 2015.** Chairman Stephen Bodnar - aye, Clifford Hanehan -aye, Thomas Carringi - aye, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye.

Carried 7 - 0

Approved

Area Variance

**Constance Favreau #15-05
Penny Hardenstine
1258 Rt. 9P
Saratoga Springs, NY 12866
S/B/L 193.14-1-13.1 Lake Residential**

Applicants seek a 4,700' lot area variance and a 6' side variance in order to build a two car garage.

Penny Hardenstine appeared before the Board and reviewed her application. She stated they need a two-car garage for their vehicles and also storage for their snow blower, lawn mower, etc.

Chris Benn asked why the placement of the garage looks skewed. Penny Hardenstine responded it's at that angle in order to get into the garage. They are unable to go back further with it due to the creek behind it. They've tried to see if they can attach to the house, but you would be unable to get to the backyard, they tried moving it up more, but you wouldn't be able to get into the house. This is the only option they have.

Bill Moreau questioned why a two-story garage.

Penny Hardenstine replied that they need the additional second story to store lawn furniture, their canoes, and other things that need storage. She explained that their

basement floods so they are unable to store anything in it. They have nowhere to put anything right now and they'd like to be able to get things stored instead of having to leave it all on their property.

Chairman Stephen Bodnar stated there has been a problem in the past with folks putting in a two-story garages saying they need it for storage and then turning it into an apartment. If the Board does approve this tonight, he will make it contingent upon the second story remaining unfinished; she had no problem with that.

Chairman Stephen Bodnar then asked to see the photos, which the Board viewed.

John Deyoe questioned if they will be paving their driveway to the garage and was told yes.

Clarence Fosdick questioned the location of the creek and suggested they move the garage back two feet.

Penny Hardenstine explained again that due to the location of the creek they are unable to move it back as suggested.

Clarence Fosdick asked Zoning Officer Gil Albert's opinion of the placement since he'd been out there several times.

Zoning Officer Gil Albert stated if one went and stood back there, you'd see what she's talking about as far as access to the backyard and the ability to maneuver around. He then stated if it's moved, that corner will be right near the privacy trees; there's really not a lot of walking room and technically you don't want to get closer to the property lines because there are all kinds of fire codes that would then kick in. She just has no room back there to work with.

Board discussion continued.

Chairman Stephen Bodnar then read the letter from the Saratoga County Planning Board which indicated no significant county wide or intercommunity impacts.

After providing Proof of Notice in the Saratogian on June 12, 2015, Chairman Stephen Bodnar opened the Public Hearing at 7:15 p.m. asking those wishing to speak to please stand and state their name and address. Seeing as no one spoke, **Chairman Stephen Bodnar closed the Public Hearing at 7:16 p.m.**

Chairman Stephen Bodnar reviewed 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.

Bill Moreau questioned if the stream is seasonal and Zoning Officer Gil Albert said no and it's also not significant enough to trigger DEC or Army Corp.

Chairman Bodnar asked if Town Attorney William Reynolds had an opinion; he replied no.

Zoning Officer Gil Albert questioned what gain there is in moving it back 2'; this is 6' versus 4'. Board discussion took place on ways to change the location of the garage to attain the 2' Clarence Fosdick would like to see. They found there really was no way to do so.

Chairman Stephen Bodnar asked if there were any other questions; there were none.

A motion was made by John Deyoe, seconded by Chris Benn, to grant the variances as proposed contingent upon keeping the second floor unfinished and for storage only; there is to be no living space on the second floor. Chairman Stephen Bodnar - aye, Clifford Hanehan - aye, Thomas Carrangi - aye, William Moreau - aye, Clarence Fosdick - aye, John Deyoe - aye, Chris Benn - aye.

Carried 7 - 0

Approved

The Applicant thanked the Board.

Ralph & Jean Pascucci #15-06

929 Rt. 29

Saratoga Springs, NY 12866

S/B/L 193.10-1-46.2

Location: 1277 Rt. 9P Lake Residential

Applicant seeks a 2,824' lot area variance and a 46' front setback variance in order to remove and replace the current failing structure.

Ralph Pascucci appeared before the Board and reviewed his application. He explained they want to replace the existing, failing structure with a modular chalet house. The prints say it will be 26' x 47' but the numbers were mistakenly transposed by the planner. The actual size will be 27' x 46'. He would like to move it 6' south of the original location; he can't move it any further due to a tree there. He thinks the tree was struck by lightning at one time and he has had the dead branches removed and it seems to be doing better now.

Clifford Hanehan would like to see the tree removed if it's not healthy and gain the additional 4'.

Ralph Pascucci replied the tree is not dead and it's doing better and his wife does not want it removed.

Chris Benn questioned if there is a reason he can't change the placement of the house and was told that the Applicant wants to keep it oriented as the existing house is so it won't compromise the view of the home across the road.

Discussion continued with the Board and Zoning Officer Gil Albert. Zoning Officer Gil Albert stated that Ralph Pascucci is trying to move it to get the 20' needed on one side; he's making the situation better.

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

Chairman Stephen Bodnar asked for Zoning Officer Gil Albert's opinion. Zoning Officer Gil Albert stated he believes this is making it better and he's doing the best he can. He believes they should approve this project.

Chairman Stephen Bodnar then read the letter from the Saratoga County Planning Board which indicated no significant county wide or intercommunity impacts.

After providing Proof of Notice in the Saratogian on June 12, 2015, Chairman Stephen Bodnar opened the Public Hearing at 7:49 p.m. asking those wishing to speak to please stand and state their name and address. Seeing as no one spoke, **Chairman Stephen Bodnar closed the Public Hearing at 7:50 p.m.**

Chairman Stephen Bodnar reviewed 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.

A motion was made by Clarence Fosdick and seconded by Bill Moreau to approve the variances as requested. Chairman Stephen Bodnar - aye, Clifford Hanehan -aye, Thomas Carrangi - aye, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye.

Carried 7 - 0

Granted

The Applicant thanked the Board.

Old Business: none

New Business: none

A motion was made by Chairman Stephen Bodnar, seconded by Bill Moreau, to adjourn the meeting at 8:07 p.m. Chairman Stephen Bodnar - aye, Clifford Hanehan - aye, Thomas Carrangi - aye, William Moreau – aye, Clarence Fosdick - aye, John Deyoe – aye, Chris Benn - aye.

Carried 7 - 0

Meeting Adjourned

The next Zoning Board of Appeals meeting will be held July 27, 2015.

Respectfully submitted,

Linda McCabe
ZBA Clerk