

**TOWN OF SARATOGA
ZONING BOARD OF APPEALS DRAFT MINUTES
November 23, 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 – absent, John Deyoe - present, Chris Benn – present.

Also present: Town Attorney William Reynolds, Walt Borisenok, Richard & Darlene Zeh, Joanne Darcy Crom, Mike Cirillo, Todd Cirillo and Alice Cirillo. (Sign-in sheet is on file in the Clerk's office.)

Approval of Minutes: **A motion was made by Chris Benn, seconded by Tom Carringi, to accept the meeting minutes of October 26, 2015.** Chairman Stephen Bodnar - aye, Clifford Hanehan -aye, Thomas Carringi - aye, William Moreau – aye, Clarence Fosdick - absent, John Deyoe – aye, Chris Benn - aye.

Carried 6 - 0

Approved

Area Variance

**Walt Borisenok #15-11
1136 Rt. 9P
Saratoga Springs, NY 12866
S/B/L 206.9-2-5.1 Lake Residential**

Applicant seeks a 9% building coverage variance, a 31'5" front setback variance, a 9' back setback variance and a 9' two-sides setback variance in order to construct a 2,900 sq ft addition to his home.

The Applicant appeared before the Board and stated he had submitted a plot plan and renderings that the Board received in their packets. He explained he'd like a 2900+/- sq ft addition with an elevator since his 92 yr. old father and 88 yr. old mother-in-law have a hard time climbing stairs. He then reviewed his project and explained the design is unique due to the layout of his property. On the south side there is a 20' section of land that belongs to his neighbor. He'd like to build a year round, heated and cooled breezeway to connect the addition to the house. The proposed breezeway will be located in front of the 20' section due to the u-shaped parcel.

The Applicant stated he hired Boswell Engineering to do the merging of his three parcels and in so doing they completed a new survey. Boswell came back with a distance from the property to the right-of-way of 37' not 52' and explained it was due to eminent domain for the county sewer. The Board now has the new survey and he pointed out the following variances he is now seeking due to the new survey are as follows: a 41' front setback variance, a 6.6' back setback variance and an 8' two-sides setback variance to build the addition to his home

Chairman Stephen Bodnar questioned if the Applicant was asking for a variance to build on his neighbor's property.

The Applicant responded no, he doesn't own that piece of land; the breezeway will be in front of the 20' section of land. He said he approached his neighbor, Mr. Cirillo, in the past to consider doing a lot-line adjustment or selling him that 20' section of land, but his neighbor didn't want to do either, hence the design. He then approached the Board and showed them photos of the existing house, where the proposed breezeway will go and the location of the proposed addition. He explained he merged the three lots together to create one parcel and it has been filed with the county, after review by the Town of Saratoga Planning Chairman. He also stated he removed two other buildings/houses that were on the property and in the state's right-of-way. There will be a bit less lot coverage with the addition he's proposing compared to the lot coverage of those demolished buildings.

Chairman Stephen Bodnar questioned who owns that 20' piece of land.

The Applicant responded the Cirillo Family Limited Partnership. He went through the photos he brought of the current home, renderings of the proposed addition and showed where the stakes of the Cirillo property are located.

Town Attorney William Reynolds said he has a copy of the deed showing the entire parcel created by the merging of the three parcels and the updated deed language which agrees.

Chris Benn questioned why they have a new survey in front of them tonight.

The Applicant replied he hired Boswell Engineering to do the merging of the parcels and in so doing they completed a new survey; they came back with a distance of 37' not 52' from the right-of-way and explained it was due to eminent domain for the county sewer. He immediately contacted Zoning Officer/Building Inspector Gil Albert once he saw the numbers. The new survey map shows different frontage than the originally submitted map and that is why he brought in the new survey maps.

Town Attorney William Reynolds questioned why there were no dimensions on the map for the buildings.

The Applicant responded that the outline of the building may be less, at this point they're trying to sketch out what it may be prior to finalizing architectural plans.

Town Attorney William Reynolds stated the Board needs more exact measurements before they can commit to an approval or disapproval.

Bill Moreau questioned if their numbers are based on the submitted survey in their packets or the new survey received at the meeting.

The Applicant replied they were based on the old survey.

Bill Moreau said so the numbers changed from your submittal information.

The Applicant replied yes; he now needs a 9% coverage variance, a 41' front setback, 6.6' back setback and 8' two-sides setback.

Zoning Officer/Building Inspector Gil Albert stated one side is pre-existing; the side from the existing house to the side line so he only needs a variance for the right side (south side).

Town Attorney William Reynolds asked if this is to be a two family home.

The Applicant replied no, it's for his family. He's removing the kitchen from its current location and building a new large one in the new addition; the house will have only one kitchen. He stated his father is 92 yrs. of age (his Mother has passed away) and his mother-in-law is 88 yrs. of age and they have a hard time getting into the house, which is why he is having an elevator installed in the addition.

Zoning Officer/Building Inspector Gil Albert stated although duplexes are allowed, this is for his family; it will be a single family residence only .

Chairman Stephen Bodnar asked if the Town Attorney had any comment.

Town Attorney William Reynolds asked the height of the structure and questioned if the front setback is 9.2'.

The Applicant responded it is 34' in height which is within regulations and yes, 9.2' for the front setback.

Chairman Stephen Bodnar asked for the Zoning Officer/Building Inspector's opinion.

Zoning Officer/Building Inspector Gil Albert stated this is extreme, but the Board has given this amount of variances in the past.

Chairman Stephen Bodnar responded similar, yes.

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 November 13, 2015, Chairman Stephen Bodnar opened the Public Hearing at 7:40 p.m. asking those wishing to speak to please stand and state their name and address.

Joanne Darcy Crom, Attorney, 50 Beaver St., Albany, NY, addressed the Board on behalf of their neighbor, Mike Cirillo, stating he has a camp lot there and is adamantly against the proposal and feels the scale of the addition is obscene. She said he has concerns with the cutting and filling that will also have to be done there for parking.

Chairman Stephen Bodnar asked if there was anyone else wishing to speak; there was no one.

Town Attorney William Reynolds stated that Attorney Crom gave a narrative on behalf

of the Cirillo's and it would be helpful if she submitted that to the Board for the January meeting.

The Applicant clarified that he purchased the three properties over the past 20 yrs. Mr. Cirillo could have bought those parcels but he didn't. He doesn't want to purchase them, but he wants to control the views and what can/cannot be done with them; that isn't right. The Applicant reiterated he tried to buy the 20' section and was willing to pay any amount Mr. Cirillo wanted. He proposed a lot-line adjustment and offered every possible way he could so they both would be happy, but Mr. Cirillo wouldn't budge, yet he wants to tell him what he can and cannot do with his land. This project falls in with what is typically being done on Rt. 9P. He'd love to have that 20' section and move the addition 6' over, but it is what it is.

The Applicant then stated he's been on that lake all his life, as well as cleaning up around it and this is his permanent home; Mr. Cirillo doesn't reside there. He reiterated that he supplied the Board with the full survey, the site plan was adjusted due to the new survey, which the Board now has and he contacted the Zoning Officer as soon as he learned about the new survey results; it was/is a proper survey. The sketch plan was put together prior to Bosley Engineering completing the new survey and they also had the new deed drawn up that matches the new survey. When the new survey was completed they found the lot-line was angled up and that's why there was a bit of a difference.

Zoning Officer/Building Inspector Gil Albert stated if the Board is postponing/tabling this until the next meeting, it will give the Applicant time to possibly do some changes. There are drainage issues, runoff etc. but that's through NYS DEC and his office. It can and will be dealt with; but it's no issue to for the Zoning Board.

Chairman Stephen Bodnar asked the Board for their opinion:

Tom Carringi stated he understands both parties but it is the Applicant's land. Blocking the view; it's like this all over the lake. Mr. Cirillo had ample time to buy the land if he wanted to. This looks like a good project.

John Deyoe stated he agreed with Tom; it's difficult at the lake and the Applicant's point is well taken as is Mr. Cirillo's.

Clifford Hanehan stated trying to balance it is challenging, especially at the lake. He's uncomfortable with the size and scope of the project. He'd entertain an option to build smaller. He's not ready to vote on this and if pushed to do so tonight, he'd have to vote against it.

Chris Benn stated he understands both sides. Looking at the scope of it the Applicant needs to do this due to the 20' bump-out of Cirillo's property.

Bill Moreau stated the view shed is a concern, but if the property was bought as two separate lots each lot could have a 37' tall home on them. The Applicant combined the parcels and has the right to build; he understands the view shed but the Applicant is trying to make it look right. The Board knows how many huge houses are out there now; the Applicant sent 65 letters out and only 1 neighbor is here. He understands Mr. Cirillo's point, but the Applicant bought the land fair and square. Anyone else who bought those parcels would be in for variances also.

Zoning Officer/Building Inspector Gil Albert stated half of the agenda, really 3/4 of the agenda, is full of variances at the lake.

Town Attorney William Reynolds suggested the Board keep the public hearing open until the next meeting so the Applicant can provide more information.

The Applicant stated as far as the Cirillo's attorney pointed out, the Board has all of that information. She's brought no new information to the Board. This may affect Cirillo's view but he has no view easement. He tried to work with Mr. Cirillo to no avail.

Chairman Stephen Bodnar made a motion, seconded by Clifford Hanehan to table the Public Hearing for tonight at 8:59 p.m. and resume the Public Hearing at the January 25, 2016 meeting. Chairman Stephen Bodnar - aye, Clifford Hanehan -aye, Thomas Carrangi - aye, William Moreau – aye, Clarence Fosdick - absent, John Deyoe – aye, Chris Benn - aye. **Carried 6 - 0**
Tabled

Richard & Darlene Zeh #15-12
1298 Rt. 9P
Saratoga Springs, NY 12866
S/B/L 193.10-1-31 Lake Residential

Applicants seek a 10' front setback variance because they would like to build a front porch onto their home.

The Applicants appeared before the Board and reviewed their application stating that with the addition of the porch it would be 40' back from the right-away of the road.

Clifford Hanehan questioned if the porch is to be the full width of the house.

The Applicant responded yes, of the existing house. The Applicant also stated that their neighbor's home is only 5' from the road.

Chairman Stephen Bodnar questioned the dimensions of the house.

The Applicant responded it is 37' x 101' deep.

Chris Benn asked if they will be removing the patio.

The Applicant responded yes, it's uneven and that is why they want to build a porch.

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

Chairman Stephen Bodnar asked for Zoning Officer Gil Albert's opinion.

Zoning Officer Gil Albert stated he is okay with the project.

Chairman Stephen Bodnar asked if the Town Attorney had any comment; he did not.

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 November 13, 2015, Chairman Stephen Bodnar opened the Public Hearing at 9:04 p.m. asking those wishing to speak to please stand and state their name and address; no one addressed the Board and **Chairman Stephen Bodnar closed the Public Hearing at 9:05 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 Chris Benn, seconded by Thomas Carringi, to grant the 10' front setback variance as proposed since it creates no harm to the neighborhood.

Chairman Stephen Bodnar - aye, Clifford Hanehan -aye, Thomas Carringi - aye, William Moreau – aye, Clarence Fosdick - absent, John Deyoe – aye, Chris Benn - aye.

Carried 6 - 0

Approved

The Applicant thanked the Board.

Old Business:

New Business:

A motion was made by Bill Moreau, seconded by Chris Benn to adjourn the meeting at 9:20 p.m. Chairman Stephen Bodnar - aye, Clifford Hanehan -aye, Thomas Carringi - aye, William Moreau – aye, Clarence Fosdick - absent, John Deyoe – aye, Chris Benn - aye. **Carried 6 - 0**

Meeting Adjourned

The next Zoning Board of Appeals meeting will be held January 25, 2016 at 7:00 p.m..

Respectfully submitted,

Linda McCabe
ZBA Clerk