

ZONING BOARD OF APPEALS MEETING HELD MARCH 28, 2013.

PRESENT: Kevin Cronin
Michael N'Dolo
Sharon Lloyd

Mark Marion
Sharyn Marchione

Also Present: Dixie Lee Sacks
Brian Theriault, Malta CEO
Peter Sheridan
Stephanie Ferradino, Attorney
Dave Blair
Sharon Walsh
Lydia Hoffman
Michael Roets
Rozanne DiNatale

Thomas Peterson, Village Attorney
Mary Jo Lanahan
Carrie Woerner
Don Hillman, Attorney
Josh Cottrell
Phyllis Wildberger
Tom Bergin
Dom DeLorio
David Joffe

The Zoning Board of Appeal meeting was called to order at 7:00 p.m. by Mr. Cronin.

APPROVAL OF MINUTES

The Zoning Board of Appeal members reviewed the minutes and made some corrections.

MOTION by Mrs. Marchione to approve the minutes of the February 19, 2013 Zoning Board of Appeals meeting as corrected, SECONDED by Ms. Lloyd.

Appeal 2013-01:

Mr. Bergin asked if the Zoning Board is here to hear the appeal or to talk about the various points of contention.

Mr. Cronin stated that he left the last meeting thinking that the applicant and the neighbors were going to meet to discuss the issues that they have with the house.

Ms. Walsh, one of the applicants, stated that she agrees with Mr. Bergin. The neighbors had listed the concerns and the validity of the building permit. The meeting with Mr. Blair did not change their appeal.

Mr. Hillman, Attorney for Mr. Blair, stated that he has an update and he is hoping they can narrow the issues with the house. They have gone through the list the applicant supplied. Mr. Blair has a building permit; the house has now been built. The neighbors claim that there are issues with the footprint and setbacks. The builder is looking for variances. The stop work order needs to be lifted so he can continue the work.

In a communication from Wayne Hoffman, CEO for the Town of Malta, he lists items that need to be corrected:

1. The foot print exceeds the old building. Mr. Hillman commented that the footprint is the same on three (3) sides except on the west side.
2. Fire rating on the rear and west wall of the house.
3. Water run-off on the rear of the building. This will be reduced, there is uncertainty as to the rear overhang is on the neighbor's property.
4. Concerned that it does not bring the eaves and gutter within the confines of the property. The owner is willing to cut back the overhang with the exception of the cantilever on the front of the house.

Ms. Walsh stated that another concern is that the steps on the side exit of the house will be on the neighbor's property.

Mr. Hillman replied that the pre-existing house had a porch that was on the neighbor's property.

Mr. Blair commented that the steps on the porch will turn and come down the side of the house.

Ms. Walsh stated that there was to be a drainage plan that would be approved by the Village engineer. Was that plan ever completed? If so she never saw it.

Mr. Blair stated that he had agreed to provide a drainage plan for the engineer's approval but cancelled it when he was given a stop work order by the Code Enforcement Officer.

Mr. Hillman stated that Dave Blair purchased the property at the Saratoga County tax auction. The house was in terrible condition.

Ms. Lloyd asked if he is aware that this is a historic village which speaks of narrow streets and unique houses. This house is something that is going to last for 100 years. This house devalues the rest of the houses on the block. It's like an elephant in the stable in Saratoga with the beautiful race horses.

Mayor Sacks stated that Dave Blair came into the Village office and said that he had to demolish the old house and was going to build a cute little cottage.

Mr. Hillman presented a copy of an email dated November 19, 2012 that was sent to the Village office with measurements of the house and an attached photo of the house.

Mr. Cronin read the email to the Zoning Board members and public.

Mr. N'Dolo commented that there are a lot of issues going around concerning this house. There are questions about acting in good faith. Mr. N'Dolo believes that the building permit should not have been issued.

MOTION by Mr. N'Dolo to strike building permit # A2012-020, issued by Mr. Gizzi, SECONDED by Ms. Lloyd.

UNANIMOUSLY APPROVED

Mr. Hillman stated that Mr. Blair will be applying for a new permit and returning to the Zoning Board of Appeal for the necessary variances for the house.

MOTION by Mr. Marion to adjourn the Zoning Board of Appeal meeting at 7:49 P.M.

MEETING ADJOURNED

Respectfully submitted,

Lois J. Whitbeck
Village Clerk