ZONING BOARD OF APPEALS

MINUTES
MONDAY, FEBRUARY 4, 2019
6:30 P.M.
RECREATION CENTER

CALL TO ORDER: Keith Kaplan, Vice Chairman, called the meeting to order at 6:30 P.M.

SALUTE TO THE FLAG:

PRESENT: Keith Kaplan, Vice Chairman; Brad Gallagher; Secretary; Susan Steer; Cheryl Grey; Jerry Luhn; Chris Hemstead

ABSENT: Bill Moore, Chairman

STAFF: Bradley Birge, Administrator, Planning and Economic Development, City of Saratoga Springs

ANNOUNCEMENT OF RECORDING OF PROCEEDING:

The proceedings of this meeting are being recorded for the benefit of the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript of the recording.

ANNOUNCEMENT OF ADJOURNED APPLICATIONS:

#3024 FAHY RESIDENCE, 166 Lincoln Avenue area variance to construct a new single-family residence; seeking relief from the minimum average lot size width and minimum lot size requirement for a second single-family residence, to permit more than one principal building on a lot and minimum rear yard setback requirements in the Urban Residential-2 District.

#3022 DEVALL SUBDIVISION, 59 Franklin Street, area variance associated with a two-lot subdivision; seeking relief from the minimum average lot width for the proposed lot and minimum side yard setback to parking in the Urban Residential-4 District.

#2953 STATION PARK MIXED USE DEVELOPMENT, Washington Street and Station Lane, area variance for a proposed multi-use development containing a 110 room hotel, 88 senior housing units, 41 assisted living units, 90 townhouses, and 26,060 square feet of retail; seeking relief from the frontage build to and build out, minimum two story and maximum building height requirements in the Transect-5 District.

NEW BUSINESS:

1. #20190030 FALVEY MULTI-USE BUILDING, 65 Beekman Street, consideration of SEQR Lead Agency (area variance) for a new 2-story, multi-use building within the Neighborhood Complementary Use-1 District.

DISCLOSURE:

Keith Kaplan, Vice Chairman stated he did see Sue Davis, SD Atelier Architecture on Friday evening on Beekman Street. They did not discuss this application. Keith Kaplan, Vice Chairman disclosed his wife is part of the Co-op on Beekman Street. He does not have any financial interest in this application and can rule objectively.

Agent: Sue Davis, SD Atelier Architecture
Applicant: Matthew Falvey

Ms. Davis stated this went through approvals in 2006-2007. We are looking at this project again with some minor changes. The goal is to keep this an owner occupied 2-family home with gallery space on the first floor. It does have to go through the Planning Board and we are here tonight for SEQRA Lead Agency for SEQRA.

Keith Kaplan, Vice Chairman asked the Board if they were in agreement to defer Lead Agency Status to the Planning Board.

Susan Steer made a motion to defer Lead Agency Status to the Planning Board for this application. Cerie Grey seconded the motion.

Keith Kaplan, Vice Chairman asked if there was any further discussion. None heard.

VOTE:

Keith Kaplan, Vice Chairman, in favor; Brad Gallagher, Secretary, in favor; Susan Steer, in favor; Jerry Luhn, in favor; Cheryl Grey, in favor; Chris Hemstead, in favor

MOTION PASSES: 7-0

OLD BUSINESS:

1. #3080 DOGRA SIGN, 3 Gick Road, area variance to construct a sign identifying a home occupation; seeking relief from the maximum size requirement for such sign in the Urban Residential-2 District.

This application was heard on January 28, 2019 and the public hearing was opened and remains open. The applicant was requested to provide the Board with some revised plans for the proposed signage which has been received by the Board.

Applicant: Sajan Dogra; Laura Dogra

Ms. Dogra stated per the Boards request the sign has been reduced to four square feet.

Keith Kaplan, Vice Chairman stated the complexity of the sign was also reduced.

Cerie Grey stated she is comfortable with this type of variance for the freestanding sign.

Discussion ensued among the Board regarding the size of the proposed sign. It was the consensus of the Board that the newly submitted sign size would be appropriate in this area.

PUBLIC HEARING:

Keith Kaplan, Vice Chairman stated the public hearing was opened and remains open.

Keith Kaplan, Vice Chairman asked if anyone in the audience wished to comment on this application. None heard.

Keith Kaplan, Vice Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next Zoning Board of Appeals Meeting scheduled for February 25, 2019.

2. #3081 KOTELLY TERRACE, 47 Walnut Street, area variance to maintain a constructed terrace to an existing single-family residence; seeking relief from the minimum yard setback requirement for a patio/terrace in the Urban Residential-2 District.
This application was heard before the Board on January 28, 2019. The public hearing was opened and remains open. No additional information was requested from the applicant.

**PUBLIC HEARING:**

Keith Kaplan, Vice Chairman stated the public hearing was opened and remains open.

Keith Kaplan, Vice Chairman asked if anyone in the audience wished to comment on this application. None heard.

Keith Kaplan, Vice Chairman closed the public hearing at 6:50 P.M.

Brad Gallagher, Secretary presented the following resolution.

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3081
IN THE MATTER OF THE APPEAL OF
Doug Kotelly
47 Walnut Street
Saratoga Springs, NY 12866
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From a determination of the Building Inspector involving the premises located at 47 Walnut Street in the City of Saratoga Springs, New York, tax parcel number 165.73-2-20 on the Assessment Map, of said City.

The Applicant having applied for an area variance under the Zoning Ordinance of said City to permit the maintenance of a constructed terrace to an existing single-family residence in a UR-2 District and public notice having been duly given of hearings on said application held on January 28, 2019 and February 4, 2019.

In consideration of the balance between benefit to the Applicant with detriment to the health, safety and welfare of the community, I move that the following area variances for the following amount of relief:

<table>
<thead>
<tr>
<th>TYPE OF REQUIREMENT</th>
<th>DISTRICT DIMENSIONAL REQUIREMENT</th>
<th>PROPOSED</th>
<th>RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Rear Yard Setback: Terrace</td>
<td>10 ft.</td>
<td>9 ft.</td>
<td>1 ft. (10%)</td>
</tr>
</tbody>
</table>

As per the submitted documents, or lesser dimensions, be APPROVED for the following reasons:

1. The Board finds the Applicant demonstrated that the benefit sought cannot be achieved by other means feasible to the Applicant. The Applicant constructed the terrace within the setback requirements. To remedy the oversight would require the Applicant to remove and reinstall of a large portion of the terrace. This would require the removal of compacted soil and portions of the perimeter wall and pavers that form the top of the terrace. The cost of this re-installation project is not proportional to the requested relief and, thus, is not reasonable in considering the feasibility of other means.

2. The Board finds the Applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The terrace is 9’ from the North adjacent property line, which is further than the existing house that is 8.5’ from the property line. The portion of the terrace requiring relief is not visible from the North adjacent property because of the location of the garage on the adjacent property and the existing vegetation.

3. The Board finds the relief requested of 1’ for a terrace is not considered substantial. The Board notes that if the Applicant had constructed a ground-level patio, a variance would not have been required.
4. The Board finds that the variances will not have significant adverse physical or environmental effect on the neighborhood or district. The terrace is constructed of pavers, which allow for drainage.

5. The alleged difficulty is self-created insofar as the Applicant made an oversight in constructing a terrace within the setback requirements, but this is not necessarily fatal to the application.

Cherie Grey seconded the motion.

Keith Kaplan, Vice Chairman asked if there was any further discussion. None heard.

VOTE:

Keith Kaplan, Vice Chairman, in favor; Brad Gallagher, Secretary, in favor; Susan Steer, in favor; Jerry Luhn, in favor; Cheryl Grey, in favor; Chris Hemstead, in favor

MOTION PASSES: 7-0

3. #3082 RICHTER RESIDENCE. 23 Eureka Avenue, area variance for an addition to an existing single-family residence; seeking relief from the maximum principal building coverage requirement in the Urban Residential-1 District.

This application was heard before the Board at the January 28, 2019 ZBA meeting. A public hearing was opened at that time and remains open. Additional information concerning statistics on lot coverage for the surrounding properties was requested. Additional information concerning the feasibility of reducing the footprint was also requested.

Agent: Edward Lewis, Gallarneau Builders

Mr. Lewis stated additional information was provided to the Board along with aerial views of the neighborhood. Mr. Lewis provided information on the calculations he submitted for the Board’s information.

Keith Kaplan, Vice Chairman questioned if there were feasible alternatives to the proposed plan to reduce the lot coverage.

Mr. Lewis stated the applicant does not wish to give up the screen porch.

Keith Kaplan, Vice Chairman stated there will be a condition on the resolution stating no additional accessory structures will be allowed.

Keith Kaplan, Vice Chairman asked on the Board had any questions or comments. None heard.

PUBLIC HEARING:

Keith Kaplan, Vice Chairman stated the public hearing was opened and remains open.

Keith Kaplan, Vice Chairman asked if anyone in the audience wished to comment on this application. None heard.

Keith Kaplan, Vice Chairman closed the public hearing at 7:07 P.M.

Keith Kaplan, Vice Chairman presented the following resolution:

#3082
IN THE MATTER OF THE APPEAL OF
Diona Richter
23 Eureka Ave
Saratoga Springs, NY 12866
from the determination of the Building Inspector involving the premises at 23 Eureka Ave. in the City of Saratoga Springs, New York being tax parcel number 166.11-1-45 on the Assessment Map of said City.

The appellant having applied for an area variance under the Zoning Ordinance of said City to permit the construction of an addition to an existing single-family residence in a UR-1 District and public notice having been duly given of a hearing on said application held on the 28th day of January and the 4th day of February 2019.

In consideration of the balance between benefit to the applicant with detriment to the health, safety and welfare of the community, I move that the following area variance for the following amount of relief:

<table>
<thead>
<tr>
<th>TYPE OF REQUIREMENT</th>
<th>DISTRICT DIMENSIONAL REQUIREMENT</th>
<th>PROPOSED</th>
<th>RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Principal Building Coverage</td>
<td>20%</td>
<td>26.9%</td>
<td>6.9% or 34.5% relief</td>
</tr>
</tbody>
</table>

As per the submitted plans or lesser dimensions, be approved for the following reasons:

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicants. The house is a one-story structure and, per the applicant, adding a second story is not feasible. Any addition would expand the footprint of the residence; the benefits of adding a bedroom, bathroom and screened porch are the drivers of this variance.

2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. Information provided by the applicant indicates that the principal lot coverage is consistent with nearby properties on the west side of Eureka Avenue.

3. The Board finds these variances to be substantial on a percentage basis; however, the substantiality is mitigated by the revised proposal’s consistency with nearby properties’ principal coverage. Also note condition, below.

4. These variances will not have significant adverse physical or environmental effect on the neighborhood or district. The lot as shown in the application materials will still well exceed permeability requirements of 30%.

5. The alleged difficulty is self-created insofar as the applicant desires to construct the proposed addition, but this is not necessarily fatal to the application.

Condition: No further accessory structures on this property.

Cherie Grey seconded the motion.

Keith Kaplan, Vice Chairman asked if there was any further discussion. None heard.

**VOTE:**

Keith Kaplan, Vice Chairman, in favor; Brad Gallagher, Secretary, in favor; Susan Steer, in favor; Jerry Luhn, in favor; Cheryl Grey, in favor; Chris Hemstead, in favor

**MOTION PASSES: 7-0**

**APPROVAL OF MEETING MINUTES:**

Approval of meeting minutes was deferred to the February 25, 2019 meeting.
MOTION TO ADJOURN:

There being no further business to discuss Keith Kaplan, Vice Chairman adjourned the meeting at 7:10 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 3-4-19