



ZONING BOARD OF APPEALS

MINUTES (FINAL)

MONDAY, SEPTEMBER 23, 2019

6:30 P.M.

RECREATION CENTER

CALL TO ORDER: Keith Kaplan, Chairman, called the meeting to order at 6:32 P.M.

SALUTE TO THE FLAG:

PRESENT: Keith Kaplan, Chairman; Cheryl Grey; Gage Simpson; Christopher Mills;
Kathleen O'Connor, Alternate

ABSENT: Brad Gallagher, Vice Chairman; Suzanne Morris

STAFF: Amanda Tucker, Senior Planner, City of Saratoga Springs
Tony Izzo, Assistant City Attorney
Mark Schachner, Counsel to the Land Use Boards-arrived at 6:40 P.M.

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:

1. **#20190687 LOECK RESIDENCE**, 4 Cherry Tree Lane, area variance to permit the construction of a dwelling unit in a detached two-story garage accessory structure for an existing single-family residence; seeking relief from the minimum lot size requirements and front yard setback in the Rural Residential (RR) District.
2. **#3022 DEVAL 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.
3. **#20190156 MAIORIELLO RESIDENCE**, 663 Crescent Avenue, area variance associated with a proposed two-lot subdivision, seeking relief from the maximum average lot width and minimum lot size requirements for the Rural Residential District.
4. **#20190052 WILLARD RESIDENCE**, 832 North Broadway, area variance for a new single-family residence and detached garage; seeking relief from the minimum front yard setback (Fourth St.) for the detached garage (accessory structure) in the Urban Residential-1 District.
5. **#20190025 ELDER RESIDENCE**, 704 North Broadway, area variance to convert an existing detached garage to a guest house and construction of a pool cabana; seeking relief from the minimum front yard setback and to permit more than one principal building on a lot for the guest house and to permit finished space in an accessory structure for the pool cabana in the Urban Residential-1 District.

ZBA APPLICATIONS UNDER CONSIDERATION

PROCEDURAL ITEM:

1. **#20190849 OPLINGER RESIDENCE**, 28 Bog Meadow Run, consideration to rehear previously denied area variance to maintain a carport structure as constructed for an existing single-family residence; seeking relief from the side yard setback in the Rural Residential (RR) District.

Amanda Tucker, Senior Planner stated this application for a variance was previously denied back in 2002. In order to re-hear an application which was previously before the ZBA the Board must unanimously vote to agree to rehear the application. We will hear a brief presentation by the owners and the Board will vote if the application will be reheard at a subsequent meeting.

Keith Kaplan, Chairman stated it would be inappropriate for the Board to vote on whether to rehear this application without members of the Board reviewing the prior information. We will hear the applicant's presentation. No action will be taken this evening. The application will be placed on a subsequent agenda.

Applicant: Sam and Lauren Oplinger

Mr. Oplinger stated they are the new owners of 28 Bog Meadow Run. The Oplingers have reviewed the previous appeal and feel that the application was not completed thoroughly. Nothing has changed in the last 17 years, and they are requesting the Board vote to re-hear their application.

Keith Kaplan, Chairman stated the Board will review the previous application and will render a decision on October 7, 2019 whether to re-hear this application.

NOTE: Mark Schachner, Counsel to the Land Use Boards joined the meeting at 6:40 P.M.

NEW BUSINESS:

1. **#20190188 MOTO HOLDINGS RESIDENCE**, 77 South Franklin Street, extension of previously approved area variance to construct a new single-family residence and detached garage; seeking relief from the minimum mean lot width and minimum lot size and minimum front and rear yard setbacks and maximum principal building coverage requirements for the house and minimum side and rear yard setbacks and maximum accessory building coverage for the detached garage in the Urban Residential-3 (UR-3) District.

Keith Kaplan, Chairman stated this is an application for an extension of a previously approved area variance for a new single family residence and detached garage.

SEQRA:

Action appears to be a Type II action and therefore exempt from further SEQRA review.

PARCEL HISTORY:

Area variance was granted in April 2018 for a new single-family residence with detached garage.

Applicant: Tony Dawson, owner

Mr. Dawson stated the property is located at 77 Franklin Street. We appeared before this Board and received variances to Build four houses. Three of the houses front on Cobb Alley, one home faces South Franklin Street. DPW had issues with front setbacks originally approved by the ZBA. Differences were resolved and on June 3, 2019, 3 of the 4 area variances were approved. This action extended the effective date as of the modification granted on June 3, 2019. This parcel did not have the benefit of a new effective date. There have been no significant changes on the site, in the neighborhood or with the circumstances upon which the original variance was granted.

Discussion ensued among the Board regarding the extension request.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 6:55 P.M.

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

Keith Kaplan, Chairman closed the public hearing at 6:55 P.M.

Cherie Grey presented the following resolution.

#20180188
IN THE MATTER OF THE APPEAL OF
Anthony Dawson / Moto Holdings, Inc.
274 Greenfield Ave
Ballston Spa, NY 12020

Based on the submitted evidence that the application for an extension of a granted area variance does not differ from the original application and approval, and that there have been no changes in the condition of the property or neighborhood warranting otherwise, the Board moves that the application of Anthony Dawson/Moto Holdings, Inc. for the property located at 77 South Franklin Street in the City of Saratoga Springs, and identified as tax parcel 165.66-2-66 granted on April 25, 2018 for construction of a single family residence in the UR-3 District, be approved and that the variance approval be extended from 18 months from the date that such resolution would have expired, October 25, 2019 with the new expiration date to be April 25, 2021. The variance shall expire on April 25, 2021 unless the necessary building permit has been issued and actual construction begun as per the Zoning Ordinance or otherwise further extended.

Christopher Mills seconded the motion.

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

VOTE:

Keith Kaplan, Chairman, in favor; Cherie Grey, in favor; Gage Simpson, in favor; Kathleen O'Connor, Alternate, in favor; Christopher Mills, in favor

MOTION PASSES: 5-0

2. #20190861 EVERT RESIDENCE, 3 Haggerty Lane, area variance to construct a detached two-car garage for a new single-family residence; seeking relief from the minimum front yard setback in the Suburban Residential-2 (SR-2) District.

SEQRA:

Action appears to be a Type II action and therefore exempt from further SEQRA review.

PARCEL HISTORY:

- Pre-existing nonconforming lot.
- Existing single-family house to be removed for proposed plan.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Maximum principal building coverage	25%	29.4%	4.4% (15.0%)
Accessory structure to front	30 ft.	16 ft	14 ft (46.7%)

Applicant: Denise Evert

Agent: Trevor Flynn, Balzer Tuck Architecture

Mr. Flynn provided a visual presentation of the site as well as the surrounding non conforming lots in the area around Saratoga Lake as well as some site constraints on the lake area. A site survey was provided for the Board. The proposed house and accessory structure are positioned in a way to allow access from Haggerty Lane to the existing non-conforming lot. Two alternative designs were considered which proved difficult to vehicular circulation and would require an increase in retaining walls. Floor plans were provided and reviewed as well as materials proposed. The majority of the proposed detached garage will be buried into the existing topography minimizing the visual impact on the neighbors in all directions. The applicants are proposing a vegetative roof. This proposal will maintain and improve drainage and water management on the site. Driveway material choices are currently being reviewed by the applicant.

Keith Kaplan, Chairman asked if there were any further questions or comments from the Board.

Discussion ensued among the Board regarding the amount of relief requested.

Keith Kaplan, Chairman stated no additional information has been requested from the applicant.

PUBLIC HEARING:

Keith Kaplan, Chairman, opened the public hearing at 7:15 P.M.

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

Keith Kaplan, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA meeting scheduled for October 7, 2019.

3. #20190840 ABNEY RESIDENCE, 118 Middle Avenue, area variance to construct a detached accessory structure for use as habitable space for an existing single-family residence; seeking relief to permit habitable/finished space in an accessory structure in the Urban Residential-3 (UR-3) District.

SEQRA:

Action appears to be a Type II action and therefore exempt from further SEQRA review.

AREA VARIANCE CONSIDERATION:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Habitable Space in an Accessory Structure	Not permitted	Permitted	100.0%

Applicant: Karen Abney and Robert Rebnish

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated the applicants have downsized from a larger home to this home. Mr. Rebnish is an extreme coral and tropical fish hobbyist. They originally felt the tanks could be placed in the basement, however, due to bedrock located under the house; the basement area is limited to the rear half of the home with very limited headroom. The existing stairs are also too narrow for the aquarium equipment. Extensive structural renovations and excavation would be required. An addition to the home was considered however they are considering placing an addition on the home later and wanted to keep their options open. They are proposing a 12 x 20 accessory structure with heat and water for the hobby space. A copy of what the applicants are proposing has been provided. There is a small storage area overhead. A garage exists on the site and that will be removed. We are not asking for a bathroom only a utility sink, no exterior lighting and a two inch water line to the site will be required. There will be no noise or odors or people coming and going to the structure. There are no environmental issues, and there will be no excavating. The coverage of this accessory structure including the overhangs and option pergola is 338 square feet. The 7.2% coverage is 2.8% less than the 10% allowed by zoning as well as under the percentage for permeability.

Discussion ensued among the Board concerning the approval going with the property and the location of the structure.

Keith Kaplan, Chairman voiced concern that the structure looks like a small house. Any heating and air conditioning proposed? Also can this be changed to a garage at a later time?

Ms. Yasenchak stated there is no reason why this cannot be changed into a garage in the future. Any future renovations to place a toilet in the structure would become more extreme and you would need a different waste pipe and more excavation and construction inside for this renovation. Ms. Yasenchak stated she will check out the heating and air conditioning concern.

Christopher Mills requested additional information on similar type structures in this area.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 7:35 P.M.

Keith Kaplan, Chairman asked if anyone in the audience wished to comment on this application.

Beverly LaBarge, 183-185 Lake Avenue. She stated this sets a precedent. It would be difficult for a homeowner in the future to convert this into a garage and it being open underneath is also a concern.

Bob Kabala, Lake Avenue. His concern is the scale and height of the project. Also, there is an old tree in this area and he is concerned that the tree would be removed. Also he is concerned regarding the materials.

Keith Kaplan, Chairman stated the public hearing will remain open. We will prepare and present a resolution at the next ZBA Meeting scheduled for October 7, 2019.

4. #20190862 HABITAT FOR HUMANITY RESIDENCE, 8 Locust Grove Road, area variance to construct a new single-family residence; seeking relief from the total side yard setback in the Rural Residential (RR) District.

SEQRA:

Action appears to be a Type II action and therefore exempt from further SEQRA review.

PARCEL HISTORY:

Lawful pre-existing non-conforming lot from a split in 1952 as confirmed with the County.

AREA VARIANCE CONSIDERATION:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Total side yard setback:	100 ft.	68 ft.	32ft. (32%)

Applicant: Habitat for Humanity

Agent: Adam Feldman, Executive Director, Habitat for Humanity; Tonya Yasenchak, Engineering America

Mr. Feldman stated they are proposing a single-family affordable housing unit at this location in partnership with the City of Saratoga Springs.

Ms. Yasenchak stated Habitat along with the help of the City of Saratoga Springs is in the process of procuring property on Locust Grove Road. The lot is too narrow and the property lines are angled along with extreme wetlands in the rear and extreme topography differences. In order to stay 100 feet from the wetlands we needed to bring the house as far forward as possible. We also need to fit a septic system on this property and it needs to be cited away from the wetlands as well as from a well. We are not asking for and setback variances from the front but because of the angled property lines we are asking for them on the side. The house proposed to be constructed is only one story and small in nature. As noted in the application, Habitat works with volunteers, so keeping the home one story and the roof at a low pitch volunteers are able to work on the construction without scaffolding or hiring crews, therefore keeping this an affordable home. The home will not be visually intrusive and is consistent with the moderate sized single family homes on either side of the project and along the street. We are not causing environmental issues with this construction and we should improve the existing ditch conditions along the west side of the street. There are some DEC permits required for this project.

Mr. Feldman stated they have been working with the DEC and have received a final permit for the submitted plans approximately one week ago.

Discussion ensued among the Board concerning adjacent properties to the site, tree removal and the location of the home and the proposed drainage and runoff and how that might affect neighboring properties.

Mr. Feldman stated Environmental Design Partnership provided a full analysis. We are receiving federal funds for this project and whenever federal funds are granted there is extra due diligence. Lindsay Connors from the City of Saratoga Springs is working closely with HUD to assure that property protocols are being adhered to.

Keith Kaplan, Chairman stated this is a very uniquely shaped project noting why relief is requested.

Cherie Grey requested the applicant's agent provide some comparable total sides on properties nearby.

Ms. Yasenchak stated she will provide the requested information to the Board.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 7:53 P.M.

Keith Kaplan, Chairman asked if anyone in the audience wished to comment on this application.

Keith Kaplan, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA meeting scheduled for October 7, 2019.

RECUSAL: Board member Cherie Grey recused from the following application.

5. #20190071 STELLATO RESIDENCE, 148 Woodlawn Avenue, area variance for an addition to an existing single family dwelling and carport addition to the existing carriage house and to permit a dwelling unit as constructed in an accessory structure; seeking relief from the minimum principal building coverage; maximum number of principal buildings on one lot, minimum lot size requirements, and maximum setbacks for a principal building in the Urban Residential-3 District.

SEQRA:

Action appears to be a Type II action, and therefore exempt from further SEQRA review.

AREA VARIANCE CONSIDERATION:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Minimum Lot Size	13,200 ft.	6,500 square ft.	6,700 square ft. (50.8%)
Minimum Average Width	120 ft.	50 ft.	70 FT. (58.3%)
Maximum Principal Building Coverage	30%	54.0%	24.0% (44.4%)
Setback-Front-Carriage, Long Alley	20 ft.	0 ft.	10 ft. (100%)
Setback- Side 1	4 ft.	3 ft.	1 ft. (25.0%)
Total Side (Carriage House)	12 ft.	8 ft.	4 ft.(33.3%)
Two Principal Buildings on one lot	1	2	1 (100.0%)

Applicant: Tony and Gerilyn Stellato

Agent: Bob Flansburg, Dreamscapes Unlimited

Mr. Flansburg stated his clients were before the Board in March and they proposed adding the garage and carriage house space to the principal residence. It was a much larger structure. They have listened to the comments provided by the Board, and scaled both structures down to about 1/3 of what was originally presented. The existing carriage house is a legal pre-existing non conforming structure. A visual of the site plan was provided to the Board. What we are proposing is the addition of the garage portion underneath and an 8 foot addition toward the house. By stacking the vehicles this will house four cars, along with a one car carport to the left of the carriage house. We are proposing to keep the two structures separate. Floor plans of the principal residence renovations and the proposed addition to the carriage house were provided. A review of all elevations was provided to the Board.

Amanda Tucker, Senior Planner stated the city has no record of this being a lawful pre-existing use. The garage may be pre-existing but we do not have any record of the conversion of the garage structure to a habitable residence, which is why we have added the two principal buildings on one lot added to the application.

Mr. Stellato stated the reason there is no record of the apartment being added to the garage is that it has always been there. The garage actually pre-exists the house and was built prior to 1875. There is documented evidence that this has been a dwelling space since at least 1875. It was there prior to zoning.

Amanda Tucker, Senior Planner stated she will investigate the city records and advise the Board.

Discussion ensued among the Board regarding two principal structures on one lot and the amount of relief requested.

Keith Kaplan, Chairman stated this is better than their previous submission, however he still has concerns and is uncomfortable regarding two principal structures on one lot. We will wait and see what the research of city records reveal.

Mr. Flansburg stated they have provided statistical comparables in the area. They are well within the permeability requirements for the area.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 8:24 P.M.

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

Keith Kaplan, Chairman stated the public hearing will remain open. We are awaiting some information from city staff. Our next meeting is scheduled for October 7, 2019.

NOTE: Board member Cherie Grey resumed her position on the Board.

6. #20190880 SJK PROPERTIES RESIDENCE, 78 Mitchell Street, area variance to finish a detached accessory structure as habitable space for a single-family residence; seeking relief to permit habitable/finished space in an accessory structure and minimum setback for a patio in the Urban Residential-3 (UR-3) District.

SEQRA:

Action appears to be a Type II action and therefore exempt from further SEQRA review.

PARCEL HISTORY:

Previous variance granted March 18, 2019 for principal coverage and minimum setback of principal building to accessory structure.

AREA VARIANCE CONSIDERATION:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Habitable Space in an Accessory Structure	Not permitted	Permitted	100.0%
Minimum distance to adjacent lot line (patio)	10ft.	6 ft.	4 ft. (40.0%)
Minimum Off-street parking	2	0	2 (100.0%)

Applicant: SJK Properties

Agent: Bob Flansburg, Dreamscapes Unlimited

Mr. Flansburg stated this application appeared before the Board in this past winter. A visual of the site was provided noting the garage pavilion. The size has not changed. Originally proposed for the garage were two golf carts to be accessed from Snyder's Lane. The grade became an issue and so the owners have done away with this portion of the project. The pavilion portion was the bulk of the structure. Mr. Flansburg provided a visual of the project noting it has not changed in size. Floor plans were provided to the Board noting the bathroom, dining room and storage area for which approvals were granted. There was no approval granted at that time for kitchen facilities. Habitable space in an accessory structure requires a variance and that is what we are requesting. This is not habitable; it is not a dwelling unit. You cannot bathe here. There is no second story space it is a large wide open pavilion with large windows and a sliding door systems which opens to the yard. The owners are here for the track season and it is not largely used the

remainder of the year. There will be fundraisers and large groups of people utilizing the outdoors. It will be used largely for entertaining during the track season. Mr. Flansburg explained the site and the underground bowling alley and the water table on the site, necessitating the raising of the site by 4 to 6 feet with retaining walls around the property line. Views of the proposed retaining wall with planting bed is proposed about 3 feet wide and does become about five feet in height in some areas. Two tiers of 2½ feet each are basically what the applicant is proposing. Views from all elevations were provided to the Board. We are proposing habitable, finished space, no bathing but they would like a kitchen. It is a dining pavilion.

Keith Kaplan, Chairman questioned procedurally does the Board needs to modify or reference the change in plans in the resolution.

Mark Schachner, Counsel to the Land Use Boards stated the Building Inspector has indicated that there are no additional areas of relief necessary. A reference to it would be appropriate, and why the fill has occurred and why the elevations have changed.

Keith Kaplan, Chairman stated we should have a bridge from what was originally proposed and approved and what is currently being proposed.

Discussion ensued among the Board concerning the size of the structure, the addition of a kitchen in this structure and setting precedent, along with the possibility of heating and air conditioning in the area. Concerns were discussed regarding the compatibility with the neighborhood.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 8:55 P.M.

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

Keith Kaplan, Chairman stated the public hearing will remain open. The next ZBA meeting is scheduled for October 7, 2019.

8:56 P.M. The Board recessed.

8:59 P.M. The Board reconvened.

OLD BUSINESS:

RECUSAL: Board Alternate Kathleen O'Connor recused from the following application.

1. #20190786 FLEMING RESIDENCE, 75 Ludlow Street, area variance for the construction of two porch additions, a swimming pool, and new detached garage to an existing single-family residence; seeking relief from the minimum front and side yard setbacks, maximum accessory coverage, and to permit swimming pool in the front yard in the Urban Residential-3 (UR-3) District.

This is a previously opened application. The public hearing was opened and remains open. Additional information requested from the applicant has just been provided. A resolution has not been prepared. The additional information will be reviewed with the applicant.

SEQRA:

Action appears to be a Type II action and therefore exempt from further SEQRA review.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Maximum Accessory Coverage	10%	18.4%	8.4% (84%)
Setback front screen porch	10 ft.	9.5 ft.	0.5 ft. (5.0%)
Side yard-side 1	4 ft.	3.9 ft.	0.1 ft. (2.5%)
Accessory to front	10 ft.	8 ft.	2 ft. (20%)
Swimming pool in the front yard	0%	100.0%	100.0% or (100%)

Applicant: Daniel Fleming, owner

Agent: Tom Frost, Frost Hurff Architecture

Mr. Frost stated what has been provided to the Board is a minor revision to the site plan you have seen before. The main thing is we haven't changed the garage which is an accessory structure. We haven't changed the primary residence which we have added two porches to, that stays the same. The only thing is the 16 x 30 swimming pool which is an accessory structure.

Keith Kaplan, Chairman questioned staff by pushing the pool back is it still considered in the front yard.

Amanda Tucker, Senior Planner stated by moving the pool beyond the face of the house it is considered in the side yard. Now it is considered in the side yard.

Keith Kaplan, Chairman stated that the applicant has reduced the amount of coverage.

Mr. Frost provided information concerning coverage.

Discussion ensued among the Board concerning the concrete around the pool and how that is calculated.

Keith Kaplan, Chairman stated we would need to obtain the final numbers and amount of relief requested. Even though the applicant has reduced the amount of relief requested it still is a lot, he is happy to see an area of relief has been taken away. The pool may not be obtrusive, he is still struggling with this application. It is a substantial amount of relief.

Keith Kaplan, Chairman asked if there were any further questions or comments from the Board.

Cherie Grey stated her concern is setting a precedent. Looking at all the coverages is disconcerting as well as the existing carriage house and house from the 1800's in the historic district. This is setting a very large precedent whether it's a pool or not.

Mr. Fleming spoke regarding other projects in the area which have allowed pools.

Keith Kaplan, Chairman stated if you have any questions perhaps you should set up a meeting with City staff and the building department.

PUBLIC HEARING:

Keith Kaplan, Chairman stated the public hearing has been opened and remains open.

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

Keith Kaplan, Chairman stated the public hearing will remain open. The next meeting of the ZBA is scheduled for October 7, 2019.

NOTE: Board Alternate Kathleen O'Connor resumed her position.

2. #20190731 CRISAFULLI RESIDENCE, 94 North Street, area variance for the construction of a new single-family residence; seeking relief from the minimum principal building coverage in the Urban Residential-3 District.

Keith Kaplan, Chairman stated this is a previously opened application. The public hearing was opened and remains open.

Amanda Tucker, Senior Planner stated the Board requested additional information from the applicant concerning the height of the building and it has been provided. The height of the proposed structure is 28 feet to the peak.

PUBLIC HEARING:

Keith Kaplan, Chairman stated the public hearing has remained open.

Keith Kaplan, Chairman closed the public hearing at 9:17 P.M.

Christopher Mills presented the following resolution.

#20190731
IN THE MATTER OF THE APPEAL OF
 Laura A. Crisafulli
 94 North Street
 Saratoga Springs, NY 12866

from the determination of the Building Inspector involving the premises at 94 North Street in the City of Saratoga Springs, New York being tax parcel number 166.45-2-25 in the UR-3 district, on the Assessment Map of said City.

The appellant having applied for an area variance for maximum principal coverage under the Zoning Ordinance of said City to permit the construction of a new single-family home in a UR-3 District and public notice having been duly given of a hearing on said application held on the 16th day of September and 23rd day of September 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:

TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
Maximum Principal Coverage	30%	38.1%	8.1% OR 21.3%

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 applicant notes that in order to make the house financially and aesthetically viable, the existing home on the property will be demolished and replaced with a new home that will provide needed square footage for the property owner, a design that is more attractive and consistent with neighboring homes than the previously approved design and more closely conforming to the zoning ordinance.
2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The proposed demolition of the existing home and construction of a new home that is more conforming to the ordinance will actually provide relief to the neighbors on all sides.
3. The Board finds this variance to be substantial on a percentage basis, however the relief requested to construct the new home is less than what was previously approved by the ZBA, which mitigates the impact of their substantiality in this case.
4. This variance will not have significant adverse physical or environmental effect on the neighborhood or district, as the new structure will require less relief and will be more in compliance with the zoning ordinance.
5. The alleged difficulty is self-created insofar as the applicant desires to construct a new home, but this is not necessarily fatal to the application.

Conditions:

1. Future accessory structures limited to 1.9% coverage.

Cherie Grey seconded the motion.

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

VOTE:

Keith Kaplan, Chairman, in favor; Cherie Grey, in favor; Gage Simpson, in favor; Christopher Mills, in favor; Kathleen O'Connor, Alternate, in favor

MOTION PASSES: 5-0

6. **#20190863 BEYER RESIDENCE**, 201 West Circular Street, area variance to maintain an AC unit, pool pump and new single family home as constructed; seeking relief from the maximum principal building coverage and minimum front and side yard setbacks for principal and accessory structures in the Urban Residential-2 (UR-2) District.

Keith Kaplan, Chairman stated this is a previously opened application. The public hearing was opened and remains open. No additional information was requested from the applicant.

PUBLIC HEARING:

Keith Kaplan, Chairman stated the public hearing has remained open.

Keith Kaplan, Chairman closed the public hearing at 9:27 P.M.

Cherie Grey presented the following resolution.

**#20190863
IN THE MATTER OF THE APPEAL OF
Donald Jeffrey Beyer
201 West Circular Street
Saratoga Springs, NY 12866**

from the determination of the Building Inspector involving the premises at 201 W. Circular Street in the City of Saratoga Springs, NY, being tax parcel number 165.73-2-46.2 on the Assessment Map of said City. The Applicant having applied for an area variance to install an A/C Condenser, Heat Pump and Pool Pump and also construct a landing and staircase at the existing residence in the UR-2 District and public notice having been duly given of a hearing on said application September 16 and 23, 2019.

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

TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	TOTAL RELIEF REQUESTED
Maximum principal building coverage:	30%	31%	1% (3%)
Minimum front yard setback: Accessory A/C cond.	10'	8.5'	1.5' (15%)
Minimum front yard setback, Accessory Heat pump	10'	9.7'	.3' (3%)
Minimum front side setback Accessory Pool pump	5'	4.7'	.3' (6%)

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 applicant. The applicant states that the A/C unit and pump were located as close to the house as possible. The pool pump was located as required for access to the pool. The staircase and landing is necessary to exit a side doorway, increasing the principal building lot coverage to 31%. This area was kept to the minimum required to be useable.
2. The applicant has demonstrated that granting this variance will not produce an undesirable change in neighborhood character or detriment to the nearby properties. The lot is a corner to an alley and requires 10' of accessory distance to the units with the above distances available. The units do not impact any neighbors and are placed nearest the mechanicals in the interior of the cellar. The pool pump is located behind fencing and not visible to any neighbors.
3. The request for relief is not considered substantial at 3% for the staircase and landing as constructed for the maximum principal building coverage. Setback allowances of 15% 3%, 6% and 21% are not considered substantial for the locations to the front and side setbacks. Previous variance was granted on March 19, 2018 for accessory building coverage of 15%, however, the

garage and pool coverage were 14.8% with the new pumps and condenser totaling .2%, keeping the accessories to the 15% allowable.

4. The Applicant has demonstrated that granting this variance will not have an adverse physical or environmental effect on the neighborhood. Due to Saranac Alley being next to the location of all of the units, there is substantial distance to the neighbor.
5. The request for relief is a self-created hardship. However, self-creation is not necessarily fatal to the application.

Conditions:

1. No further accessory structures.

VOTE:

Keith Kaplan, Chairman, in favor; Cherie Grey, in favor; Gage Simpson, in favor; Christopher Mills, in favor;
Kathleen O'Connor, Alternate, in favor

MOTION PASSES: 5-0

APPROVAL OF MEETING MINUTES:

Approval of meeting minutes was deferred to the October 7, 2019 meeting.

MOTION TO ADJOURN:

There being no further business to discuss Keith Kaplan, Chairman adjourned the meeting at 9:32 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 10-28-19