



ZONING BOARD OF APPEALS

MINUTES (FINAL)

MONDAY, NOVEMBER 1, 2021

6:30 P.M.

CITY COUNCIL ROOM

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

SALUTE TO THE FLAG:

PRESENT: Keith Kaplan, Chair, Brad Gallagher, Vice Chair, Cherie Grey; Gage Simpson; Emily Bergmann; Matthew Gutch;

LATE ARRIVAL: Terrance Gallegly arrived at 6:37 PM.

STAFF: Aneisha Samuels, Senior Planner, City of Saratoga Springs
Jackie White, Counsel to the Land Use Boards

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.

APPROVAL OF MEETING MINUTES:

Cherie Grey made a motion to approve the minutes of the October 18, 2021, Zoning Board of Appeals Meeting with amendments as submitted. Gage Simpson seconded the motion.

VOTE:

Keith Kaplan, Chair, in favor; Brad Gallagher, Vice Chair, in favor; Cherie Grey, in favor; Gage Simpson, in favor; Matthew Gutch, in favor; Emily Bergmann, in favor

MOTION PASSES: 6-0

ZBA APPLICATIONS UNDER CONSIDERATION:

NEW BUSINESS:

1. **#20211022 LASH BLVD. AREA VARIANCE**, 120 S. Broadway, area variance to erect one freestanding 48in. x 72 in. monument internally lit LED sign within the Transect-5 (T-5) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Freestanding sign	12 sq. ft.	24 sq. ft.	12 sq. ft. or 100%

Applicant: Lash Boulevard, Inc.

Agent: Russ Hazen, Ray Signs, Inc.

Mr. Hazen provided a visual of the site, noting the sizes of signage for businesses in the area surrounding the site. These examples and information have been submitted to staff. The proposed signage is like what exists in the surrounding area. The applicant is proposing one wall and one freestanding sign which is allowed in this district. Mr. Hazen questioned the setbacks required

in this area since he is having difficulty contacting the owner for a site plan. Mr. Hazen stated the proposed visual presented to the Board was an approximate guestimate for placement based on signage in the area.

Keith Kaplan, Chair stated this appears fairly straightforward.

Cherie Grey questioned if the signage is for the building in front and not in the rear.

Mr. Hazen stated there are two entrances for the business. The signage will be placed only in this location.

Aneisha Samuels, Senior Planner stated the applicant has the right to one wall as well as one freestanding sign.

Mr. Hazen stated he can place additional signage on the building.

Keith Kaplan, Chair stated the applicant's agent may wish to clarify with the applicant if this is the complete sign package request. Otherwise, this will necessitate a return before the ZBA.

Discussion ensued among the Board regarding the proposed size of the signage.

Keith Kaplan, Chair, stated since the property is located within the Architectural Review District an Advisory Opinion is required from the DRC prior to the ZBA rendering a decision on the matter.

Cherie Grey made a motion in the matter of the Lash Boulevard Area Variance, 120 S. Broadway, application, the ZBA requests an Advisory Opinion from the DRC as required. Matthew Gutch seconded the motion.

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

VOTE:

Keith Kaplan, Chair, in favor; Brad Gallagher, Vice Chair, in favor; Cherie Grey, in favor; Gage Simpson, in favor; Matthew Gutch, in favor; Emily Bergmann, in favor; Terrance Gallogly, in favor

MOTION PASSES: 7-0

PUBLIC HEARING:

Keith Kaplan, Chair, opened the public hearing at 6:45 P.M.

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

Keith Kaplan, Chair stated the public hearing will remain open. Once the Advisory Opinion is received the application will be placed back on the ZBA Agenda.

2. #202107795 3D TOMAHAWK TRAIL AREA VARIANCE, 3D Tomahawk Trail, area variance for finished space above the detached garage to be used as a home/family office space within the Sub-Urban Residential -2 (SR-2) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Finished Space in Accessory	Not permitted	Permitted	100%

Applicant: Steve & Felicia Hoffman

Agent: Bob Flansburg, Dreamscape Unlimited

Mr. Flansburg stated this is a straightforward application. This garage has existed as a detached garage. A visual of the site was provided to the Board. The floor plans and elevations were provided to the Board. The applicants are proposing adding finished office space above the garage. The applicants are proposing a half bath in this area, a kitchenette but no cooking appliances.

Brad Gallagher, Vice Chair, questioned the file storage room location in the ½ bath, which is odd and could be misconstrued as an area for a bathtub. Also, the applicants are aware no overnight stays in this area.

Discussion ensued among the Board regarding the home office site and additional vehicles on the site, the current footprint of the garage will remain the same.

PUBLIC HEARING:

Keith Kaplan, Chair, opened the public hearing at 6:58 P.M.

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

Keith Kaplan, Chair stated the public hearing will remain open until the next meeting scheduled for November 15, 2021. No additional information has been requested from the applicant. A resolution may be prepared and presented at that time.

3. #20210788 42 CIRCULAR AREA VARIANCE, 42 Circular Street, area variance to replace a rear deck and build carriage style garage within the Urban Residential-4 (UR-4) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Side 1 (rear deck)	20 ft.	15.3 ft.	4.7 ft. or 23.5%
Patio to side	10 ft.	3.2 ft.	6.8 ft. or 68%

Applicant: Julie Furey

Agent: Sue Davis, SD Atelier Architecture; Jeff Rettig, Redbud Design and Landscape Architects

Ms. Davis provided a site overview of the project. It overlooks Congress Park and is a prominent building in the Historic District. Views of the existing property were provided noting no defined driveway, no rear deck. We are before the Board tonight for a side yard variance. The carriage house is currently zoning compliant. Views of the neighboring properties were provided. Ms. Davis provided information on the existing lot coverage and the proposed lot coverage percentages. Along with the carriage house construction, the applicants are proposing to remove the rear deck and provide a rear porch, rear mudroom entry and stairs to the basement. Currently the basement cannot be accessed from inside the house. We are fine with the principal lot coverage. Accessory coverage allowed is 15% and we are at 7%. Required distance is 5 ft. and that will be compliant. We are proposing the addition of a small second story balcony on the home where a door currently exists. We are proposing minor window changes, but we are working with the original windows as much as possible. The second story of the carriage house will be used for storage. There are no plans for finished space in this area. Reviews of all elevations as well as floor plans were provided as well as a review of the garage elevations. A small exercise room will be built off the garage with a small half bath and closet.

Keith Kaplan, Chair, questioned Ms. Davis regarding the request for finished space in the accessory building. Ms. Davis noted the first-floor addition to the carriage house garage houses the exercise room and small ½ bath with closet space. The second story of the carriage house will remain unfinished at this time. We are looking for a variance for the exercise room.

Aneisha Samuels, Senior Planner stated she will speak with the Zoning Officer to clarify the amounts of relief requested.

Keith Kaplan, Chair, stated the Board will request an Advisory Opinion from the DRC.

Ms. Davis stated the application is on the agenda for the DRC meeting scheduled for November 3, 2021.

Discussion ensued among the Board regarding the relief requested, the location of the patio, conditioning the resolution stating no full bath, no cooking facilities, and no overnight stays.

Mr. Rettig spoke regarding the proposed landscaping plan and a proposed 18" proposed landscaped wall and a fire pit.

Aneisha Samuels, Senior Planner, stated she will review these plans with the Zoning Office for further clarification and determination.

Discussion ensued among the Board regarding the relief requested.

Cherie Grey made a motion in the matter of the 42 Circular Area Variance, 42 Circular Street, application, the ZBA requests an Advisory Opinion from the DRC as required. Gage Simpson seconded the motion.

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

VOTE:

Keith Kaplan, Chair, in favor; Brad Gallagher, Vice Chair, in favor; Cherie Grey, in favor; Gage Simpson, in favor; Matthew Gutch, in favor; Emily Bergmann, in favor; Terrance Gallogly, in favor

MOTION PASSES: 7-0

PUBLIC HEARING:

Keith Kaplan, Chair, opened the public hearing at 7:34 P.M.

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

Keith Kaplan, Chair stated the public hearing will remain open until the next meeting scheduled for November 15, 2021. The applicant will return following their appearance before the DRC.

CONTINUED BUSINESS:

4. **#20210714 2254 NY-50 AREA VARIANCE**, 2254 NY-50, area variance for one freestanding non-illuminating, 25 sq. ft. sign within the Rural Residential District.

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

Applicant: Chad Beatty

Agent: Rick Bolt, Fast Signs of Saratoga Springs

Mr. Bolt stated the Board was awaiting Saratoga County Planning Board Approval. No changes have been made to the application. Everything remains the same.

Aneisha Samuels, Senior Planner, stated Saratoga County Planning Board referral was received on October 21, 2021.

PUBLIC HEARING:

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

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

Keith Kaplan, Chair, closed the public hearing at 7:40 P.M.

Matthew Gutch presented the following resolution.

**DRAFT MOTION #20210714
IN THE MATTER OF THE APPEAL OF
Chad Beatty
2254 NY Route 50
Saratoga Springs NY 12866**

In the matter of the appeal from the Building Inspector's determination involving a parcel at 2254 NY Route 50, in the City of Saratoga Springs, New York, being Tax Parcel 190.2-18 on the assessment map of said City.

The applicant having applied for an area variance under the Zoning Ordinance of said City to permit an increase in the square footage of a free-standing sign in the Rural Residential (RR) District and public notice having been duly given of a hearing on said application held on September 13 through November 1, 2021.

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 REQUIREMENT	PROPOSED	TOTAL RELIEF REQUESTED
Free Standing Sign Size	6 sq. ft.	25 sq. ft.	19 sq. ft. or 316.7% relief

As per the submitted plans or lesser relief, be **approved** as per this Board's consideration of the following factors:

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. The applicant desires to increase square footage for a free standing sign, from a previous use variance granted in 1994. The applicant noted that the current permitted dimensions do not provide sufficient visibility for traffic traveling on Route 50. Applicant wishes to have a sign which can be sufficiently visible for both businesses being advertised. The applicant further noted that the sign they are requesting would be more in line with other business located in the same vicinity.
2. The applicant has demonstrated that granting these variances will not create an undesirable change in neighborhood character or detriment to nearby properties. Per the applicant, the proposed sign will not be illuminated, will be similar to signage found nearby, and will not impose upon any of the neighboring properties. The Board notes that this property is on a relatively higher-speed thoroughfare, and a larger sign advertising the location of the business on site is consistent with neighborhood context.
3. The Board notes the requested variances are substantial. However, the Board notes that the substantiality is mitigated by the lack of impact on the neighboring properties, as noted above.
4. The applicant has demonstrated this variance will not have an adverse physical or environmental effect on the neighborhood, as noted above, the Board notes the need for a larger sign as consistent with neighborhood context and conducive to motorist safety and visibility.
5. The alleged difficulty is considered self-created insofar as the applicant desires to install the proposed sign. However, this is not necessarily fatal to the application.

Cherie Grey seconded the motion.

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

VOTE:

Keith Kaplan, Chair, in favor; Brad Gallagher, Vice Chair, in favor; Cherie Grey, in favor; Gage Simpson, in favor; Matthew Gutch, in favor; Emily Bergmann, in favor; Terrance Gallogly, in favor

MOTION PASSES: 7-0

5. #20210774 150 5th AVENUE AREA VARIANCE, 150 5TH Avenue, area variance to construct three dormers to the existing roof and replace the existing front porch within the Urban Residential-1 (UR-1) District.

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

Applicant: Paul & Veronica Fallisi

Agent: Matthew Hurff, Frost, Hurff Architecture

Mr. Hurff stated the Board currently there are two curb cuts for the property, which has remained in effect for over 34 years when the house was built. The Board requested additional information on the driveway issue. Mr. Hurff was not able to obtain a response from DPW in this regard.

Aneisha Samuels, Senior Planner, stated she has spoken with DPW, and the applicant does not need any approvals. DPW notes the driveway has been in existence since 2007 and there is no need for any further investigation or approvals from DPW.

Mr. Hurff stated the applicant has agreed to demolish the shed which is on the property line.

PUBLIC HEARING:

Keith Kaplan, Chair, stated the public hearing remains open.

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

Keith Kaplan, Chair, closed the public hearing at 7:49 P.M.

Matthew Gutch presented the following resolution.

**DRAFT MOTION #20210774
IN THE MATTER OF THE APPEAL OF
Paul and Veronica Fallisi
150 Fifth Ave
Saratoga Springs, NY 12866**

In the matter of the appeal from the Building Inspector's determination involving a parcel at 150 5th Ave, in the City of Saratoga Springs, New York, being Tax Parcel 166. 14-4-26.1 on the assessment map of said City. The applicant having applied for area variance under the Zoning Ordinance of said City to permit the construction of three dormers to the existing roof and to replace the existing front porch in the UR-1 District and public notice having been duly given of a hearing on said application held on the 18th day of October 2021 through the 1st day of November 2021.

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
Minimum Front Setback	30 ft.	10.9 ft.	19.1ft or 63.7% relief
Max Driveway Width	48 ft.	96.5 ft.	48.5ft or 101% relief

As per the submitted plans, be **approved** as per this Board's consideration of the following factors:

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. The applicant is seeking to construct three dormers to the existing roof and to replace the existing front porch. The applicant noted that the three dormers will be added to the second floor of the house and will be within the footprint of the existing building, which is technically an expansion of the pre-existing non-conforming. The Board notes that the front setback relief is not triggered by the dormers, but by the replacement of the porch, which will only increase the encroachment over the front setback by _6.1ft more than existing. The Board also notes a previous

1986 Area variance for front setback, permitting up to 12ft. The Applicants note that a smaller porch like the existing configuration was found not to be functionally sufficient by the applicant. Regarding the driveway, the Board notes those conditions are pre-existing prior to 2007 and are not being changed by the applicant.

2. The applicant has demonstrated that granting this variance will not create an undesirable change in the neighborhood character or detriment to nearby properties. A visual context of the neighborhood was provided, and the applicant noted that both the new dormers and porch relative to the front property line will be in line with neighboring homes.

3. The Board notes the requested variances are substantial. However, the Board notes that the substantiality is mitigated by the lack of adverse impact on the neighboring properties, as noted above.

4. These variances will not have a significant adverse physical or environmental effect on the neighborhood or district. Permeability will meet the district requirement.

5. The alleged difficulty may be considered self-created insofar as the applicant's desire to construct new dormers and a front porch to the existing building, but this is not necessarily fatal to the application

Condition: Removal or repositioning of existing shed to not encroach over required setbacks for accessory structure.

Cherie Grey seconded the motion.

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

DISCLOSURE:

Emily Bergmann stated she has viewed the webcast and materials and feels comfortable voting on the application.

Gage Simpson stated he has viewed the webcast and materials and feels comfortable voting on the application.

Terrance Gallogly stated he has viewed the webcast and materials and feels comfortable voting on the application.

VOTE:

Keith Kaplan, Chair, in favor; Brad Gallagher, Vice Chair, in favor; Cherie Grey, in favor; Gage Simpson, in favor; Matthew Gutch, in favor; Emily Bergmann, in favor; Terrance Gallogly, in favor

MOTION PASSES: 7-0

6.#20210748 24 BENSONHURST AREA VARIANCE, 24 Bensonhurst, area variance to bring into compliance existing non-compliant structures and construct a new addition to the residence within the Urban Residential-2 (UR-2) District.

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

Applicant: Robert Doolin

Agent: Stephanie Ferradino, Attorney

Ms. Ferradino stated nothing has changed since the last appearance before the Board.

PUBLIC HEARING:

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

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

Keith Kaplan, Chair closed the public hearing at 8:01P.M.

Keith Kaplan, Chair presented the following resolution.

#2021748
IN THE MATTER OF THE APPEAL OF
 Robert Doolin
 24 Bensonhurst Ave.
 Saratoga Springs, NY 12866

In the matter of the appeal from the Building Inspector's determination involving a parcel at 24 Bensonhurst Avenue, in the City of Saratoga Springs, New York, being Tax Parcel 165. 57-1-83 on the assessment map of said City. The applicant having applied for area variances under the Zoning Ordinance of said City to permit the correction of existing non-compliant structures and to construct a new addition to the residence in the UR-2 District and public notice having been duly given of a hearing on said application held on the 27th day of September 2021 through the 1st day of November 2021.

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
Max Principal Coverage %:	30%	37.5%	7.5% or 25% relief
Rear Yard Setback	25 ft.	17.9 .ft.	7.1ft. or 28.4% relief
Accessory to Principal	5.ft.	0 ft.	5 ft. or 100% relief
Patio-(Rear) Setback	10 ft.	3.2 ft.	6.8 ft. or 68% relief
Patio-(Right Side) Setback	10 ft.	5.3 ft.	4.7 ft. or 47% relief
Max Driveway Width	25%	43.70%	18.7% or 74.8% relief

As per the submitted plans, be **approved** as per this Board's consideration of the following factors:

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. The applicant noted the current patio was in place when the applicant acquired the home. Since owning the home, they covered the patio area and installed a stone wall around it. The applicant notes he is looking to age in the home and since there is no additional area for expansion and all bedrooms are upstairs, he is proposing an addition that will eventually serve as a bedroom for them as they get older. The applicant also notes there was no other land available for purchase on adjacent properties.
2. The applicant has demonstrated that granting these variances will not create an undesirable change in the neighborhood character or detriment to nearby properties. The applicant noted that their entire backyard is enclosed with a 6ft. high white privacy fence and that their current neighbors are supportive of the proposed projects. It was also noted by the applicant that the driveway and the extension of the sidewalk from the backyard to the front provides an area for additional parking that helps to relieve traffic congestion on the narrow street.
3. The Board notes the requested variances are substantial. However, the Board notes that the substantiality is mitigated by the lack of adverse impact on the neighboring properties, as noted above.
4. These variances will not have a significant adverse physical or environmental effect on the neighborhood or district. Permeability will meet the district requirement at 38%, district requirement min. permeability is 25%.
5. The alleged difficulty may be considered self-created insofar as the applicant's desire permit the correction of existing non-compliant structures and to construct a new addition to the existing building, but this is not necessarily fatal to the application.

Conditions:

Since Lot Coverage is now 40.6% (Principal and Accessory Coverage %), No future accessory or principal structures will be permitted on this property.

Cherie Grey seconded the motion.

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

DISCLOSURE:

Emily Bergmann stated she has viewed the webcast and materials and feels comfortable voting on the application.

Gage Simpson stated he has viewed the webcast and materials and feels comfortable voting on the application.

Terrance Gallogly stated he has viewed the webcast and materials and feels comfortable voting on the application.

VOTE:

Keith Kaplan, Chair, in favor; Brad Gallagher, Vice Chair, in favor; Cherie Grey, in favor; Gage Simpson, in favor; Matthew Gutch, in favor; Emily Bergmann, in favor; Terrance Gallogly, in favor

MOTION PASSES: 7-0

7. #20210743 21 GRIDLEY AREA VARIANCE, 21 Gridley Street, area variance to construct a garage, a small residential addition, and front porch to residence within the Tourist Related Business (TRB) District.

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

Applicant: Greg & Renee Malta, owners

Mr. Malta stated the have nothing to add, and no additional information has been requested by the Board.

PUBLIC HEARING:

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

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

Keith Kaplan, Chair closed the public hearing at 8:15 P.M.

Terrance Gallogly presented the following resolution.

#20210743
IN THE MATTER OF THE APPEAL OF
Greg Malta
21 Gridley Street
Saratoga Springs, NY 12866

from the determination of the Building Inspector involving the premises at 21 Gridley Street in the City of Saratoga Springs, New York being tax parcel number 179.29-3-16.2 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 construction of residential additions to the existing house in the Tourist Related Business (TRB) District and public notice having been duly given of a hearing on said application held on the 27th day of September through the 1st day of November 2021.

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:

TYPE OF REQUIREMENT	DISTRICT REQUIREMENT	PROPOSED	RELIEF REQUESTED
Maximum Principal coverage	20%	33.5%	13.5% (or 67.5%)
Min. Front Yard Setback (Gridley St.)	40 ft.	1 ft.	39 ft.(or 97.5%)
Min. Front Yard Setback (Jackson St.)	40 ft.	19 ft.	21 ft. (52.5%)
Min. Side Yard Setback	20 ft.	12.5 ft.	7.5 ft. (or 37.5%)
Accessory to Side Setback (East)	10 ft.	5 ft.	5 ft. (or 50%)
Accessory to Side Setback (North)	10 ft.	5 ft.	5 ft. (or 50%)

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

1. The applicant has demonstrated that this benefit cannot be achieved by other means feasible to the applicant. The applicant desires to build additions to the existing principal structure in order to add living space, as well as a covered front porch and a garage. Per the applicant, due to the unique nature of the applicant's residential property being located in the Tourist Related Business District and the significant constraints resulting therefrom, the benefits sought by the applicant are not able to be accomplished without the requested variances. The Board notes that this is a permitted residential lot within The Tourist Related Business District and the significant Right-of-Way contributes to the more favorable appearance of the 1ft setback off Gridley Street.
2. The applicant has demonstrated that granting these variances will not create an undesirable change in neighborhood character or detriment to nearby properties. Per the applicant, the proposed additions have been designed to be architecturally and aesthetically consistent with neighboring homes. In addition, the applicant notes that a significant portion of the proposed additions will be to the South and West sides of the house and, therefore, will be positioned away from closest neighboring residential structures. Per the applicant, the properties that are located closest to the proposed additions are commercial in nature, namely horse stables. Furthermore, the applicant notes that there is a substantial right of way between the applicant's property and Gridley Street and, as such, the proposed covered porch will not directly abut the street. Finally, the
3. The Board notes the requested variances are substantial, however, the substantiality of these variances is mitigated by the lack of adverse impact on the neighborhood as noted above.
4. These variances will not have a significant adverse physical or environmental effect on the neighborhood or district. Permeability will meet the district requirement.
5. The alleged difficulty is considered self-created insofar as the applicant desires to build the additions to the existing home. However, this is not necessarily fatal to the application.

Condition:

- The existing shed to be moved to a five (5) foot setback.
- No additional accessory structures.

Cherie Grey seconded the motion.

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

DISCLOSURE:

Emily Bergmann stated she has viewed the webcast and materials and feels comfortable voting on the application.
 Gage Simpson stated he has viewed the webcast and materials and feels comfortable voting on the application.
 Terrance Gallogly stated he has viewed the webcast and materials and feels comfortable voting on the application.

VOTE:

Keith Kaplan, Chair, in favor; Brad Gallagher, Vice Chair, in favor; Cherie Grey, in favor; Gage Simpson, in favor; Matthew Gutch, in favor; Emily Bergmann, in favor; Terrance Gallogly, in favor

MOTION PASSES: 7-0

4. #20210722 3 ORENDAS SPRINGS AREA VARIANCE, 3 Orendas Springs Drive, Area Variance for existing carport within the Urban Residential-1 (UR-1) District.

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

Applicant: Greg Morales

Mr. Morales stated at his previous appearance before the Board it was requested to provide proper survey plans. Those were provided noting the modified plans to the carport.

Gage Simpson questioned the applicant if there were any views of what the proposed carport would look like. You are tearing this down and will rebuild. Therefore, it is a clean slate. The new carport will look like the one presented only smaller. He does not feel like the current carport blends in with the neighborhood.

Emily Bergmann questioned if the carport was open and visible from the street.

Mr. Morales stated the carport is open on the sides.

Cherie Grey stated she has an issue with the carport. The property has a two-car garage and now this carport as well as a shed on the property. She is struggling with the carport addition.

PUBLIC HEARING:

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

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

Keith Kaplan, Chair, closed the public hearing at 8:41 P.M.

Gage Simpson presented the following resolution.

**#20210722
IN THE MATTER OF THE APPEAL OF
Greg Morales
3 Orendas Spring Drive
Saratoga Springs NY 12866**

from the determination of the Building Inspector involving the premises at 3 Orendas Spring Dr. in the City of Saratoga Springs, New York being tax parcel number 190.12-4-2 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 construction of a carport in an Urban Residential-1 (UR-1) District and public notice having been duly given of a hearing on said application held on the 27th day of September through the 1st day of November 2021.

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 REQUIREMENT	PROPOSED	RELIEF REQUESTED
Side Yard Setback	12 ft.	7.2 ft.	4.8ft. (40%)

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. Per the applicant, a request to purchase a portion of the neighbor's yard was not successful and there is no other feasible location on the property to fulfill the desired function of the structure.

2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The carport will be built to be consistent with current exterior fascia of the house and, per the applicant, will conceal items that would normally be stored on the property in plain sight.
3. The Board notes the requested variance of 40% is substantial, however, this is mitigated by the facts mentioned in paragraph 2, and that it is a relatively small structure (~184 sq. ft.).
4. This variance will not have a significant adverse physical or environmental effect on the neighborhood or district. The property will still maintain a minimum permeability of 30%.
5. The alleged difficulty is considered self-created insofar as the applicant desires to build the carport. However, this is not necessarily fatal to the application.

Condition: Existing rear shed to be placed in a zoning compliant position.

Cherie Grey seconded the motion.

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

DISCLOSURE:

Emily Bergmann stated she has viewed the webcast and materials and feels comfortable voting on the application.

Gage Simpson stated he has viewed the webcast and materials and feels comfortable voting on the application.

Terrance Gallogly stated he has viewed the webcast and materials and feels comfortable voting on the application.

VOTE:

Keith Kaplan, Chair, in favor; Brad Gallagher, Vice Chair, in favor; Cherie Grey, opposed; Gage Simpson, opposed; Matthew Gutch, in favor; Emily Bergmann, opposed; Terrance Gallogly, in favor

MOTION PASSES: 4-3

9. #20210696 85 NELSON USE VARIANCE, 85 Nelson Avenue, use variance to permit existing three family residence to be used as a three-family residence within the Urban Residential-2 (UR-2) District. **ADJOURNED TO DECEMBER 6TH, 2021 MEETING.**

MOTION TO ADJOURN:

There being no further business to discuss Keith Kaplan, Chairman adjourned the meeting at 8:50 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

Approved: December 28, 2021