



ZONING BOARD OF APPEALS

MINUTES (FINAL)

MONDAY, JANUARY 10, 2022

6:30 P.M.

ZOOM WEBINAR

CALL TO ORDER: Keith Kaplan, Chair, 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; Matthew Gutch, Terrance Gallogly; John Daley, Alternate

ABSENT: Emily Bergmann

STAFF: Amanda Tucker, Senior Planner, City of Saratoga Springs
Mark Schachner, Counsel to the Land Use Boards

COMMENTS FROM THE CHAIR:

Keith Kaplan, Chair, stated we will hear a short address from the newly elected Mayor.

Mayor Ron Kim addressed the Board introducing himself and Deputy Mayor, Angela Rella. The mayor thanked the Board for their challenging work and volunteerism on behalf of the City of Saratoga Springs. The mayor also noted that he and the Deputy Mayor were available, and their door was always open.

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:

Deferred until the end of the meeting.

ZBA APPLICATIONS UNDER CONSIDERATION:

NEW BUSINESS:

1. **#20211117 85 BEEKMAN MODIFICATION**, 85 Beekman Street, Modification for an Area Variance to permit finished space in a detached accessory structure within the Neighborhood Complementary Use-1 (NCU-1) District.

AREA VARIANCE CONSIDERATIONS:

| TYPE OF REQUIREMENT | REQUIRED | PROPOSED | TOTAL RELIEF REQUESTED |
|--|---------------|---------------|------------------------|
| Finished Space in a Detached Accessory Structure | Not permitted | Not permitted | 100% |

Applicant: Mike Phinney & Jonathan Haines, Phinney Design Group

Mr. Phinney provided an overview of the project noting they received approval. They do not want to modify the size, footprint, height, or anything associated with the structure. This is a heated, temperature-controlled storage and garage with a small ½ bath in the garage. They are proposing to spray foam the entire structure. Code requires a thermal protection between occupied space and the spray foam. Thermal protection is typically sheet rock. The building department determined finished space is having

sheet rock on the walls and ceiling. This was brought forward in applying for the building permit. "Finished space" is not allowed on the second floor of an accessory structure without a variance, they have requested that area of relief. This is a garage and is not intended for any time of living space simply temperature-controlled storage.

Jonathan Haines provided a visual of the floor plans for the Boards review noting the areas to be sheet rocked. The second floor is one single room open to below. According to the building inspector based upon prior interpretations they do require approval for the second-floor habitable space to put a finish on the walls. A variance is not required for first floor sheet rock and insulation.

Discussion ensued among the Board.

PUBLIC HEARING:

Keith Kaplan, Chair, opened the public hearing at 6:52 P.M.

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

Mark Konieczny, 81 Beekman Street. He supports the project. He is concerned regarding the lower level being an extension of the restaurant for a food prep, or an office space for the architecture project. There is equipment and money going into this project.

Keith Kaplan, Chair, stated the public hearing will remain open until the next meeting scheduled for January 31, 2022. We have not requested any additional information and expect to have a resolution at that time. He noted that any resolution would be conditioned regarding activities allowed in the second-floor space.

2. #20211138 35 HYDE STREET AREA VARIANCE, 35 Hyde Street, Area Variance to renovate existing front porch and modify the driveway for a single-family residence within the Urban Residential-2 (UR-2) District.

AREA VARIANCE CONSIDERATIONS:

| TYPE OF REQUIREMENT | REQUIRED | PROPOSED | TOTAL RELIEF REQUESTED |
|----------------------------|-----------------|-----------------|-------------------------------|
| Setback – Front Porch | 10 ft. | 3.8 ft. | 6.2 ft or 62% |
| Maximum Access Drive Width | 25% | 36.1% | 11.1% or 44.4% |

Application: Achim Bergmann

Agent: Mike Tuck, Balzer Tuck Architecture

Mr. Tuck provided architectural drawings showing the proposed home and what currently exists. The applicants are proposing a wraparound front porch with an overhang that exists to the garage. Photographic views from the street and elevations were also provided. Floor plans were also reviewed along with a site plan. Mr. Tuck reviewed the requested variances as well as providing photographs noting how this is in character with the neighborhood. Mr. Tuck stated there is 97 ft. of frontage. They are allowed up to 25% maximum access driveway width. Currently this home has 68% of the frontage in existing curb cuts. We have had conversations with public works, and they have agreed that we can have two curb cuts, but they do not have any documentation showing approval for the existing curb cuts. They do have documentation showing these curb cuts in existence since 2003-2004, when the permit was approved for the large addition. This home was built closer to the street than would support parking in front of the garage. Parking in the driveway would obstruct the sidewalk. We would like to keep the use of the existing side yard driveway understanding that there is missing curbing. We are proposing infilling these areas to add additional permeability. We would reduce the size of the driveway at the north side of the driveway. Reduce the size of the driveway on the south side of the property and will do the same with the curbs. There was a detached garage which serviced this side yard driveway. Mr. Tuck provided images of what occurs on the street which is near the high school and parking on the street in this area is not an option.

DISCLOSURE:

Keith Kaplan, Chair, disclosed that this is the residence of one of the ZBA members who is not present tonight. The Board know the applicant. The Chair noted he has no financial interest in this application and can be fair and impartial in voting.

Mark Schachner, Counsel to the Land Use Boards provided information to the Board regarding disclosure and recusals.

Terrance Gallogly reviewed the setbacks for the stairs, porch, current sidewalk, size of the curb cuts, and the width of the driveways.

Brad Gallagher, Vice Chair questioned if the applicants had given any consideration in the reduction in the size of the porch.

Mr. Tuck stated they are attempting to have a uniform roof shape as well as partially cover the stairs, while providing a porch that engages the street and provides seating.

Keith Kaplan, Chair, stated he agrees with depth of porches in general, to provide a depth that is reasonable. He is concerned regarding this variance. Relative to Hyde Street, it is a narrow street, and this project comes in remarkably close to the street. Aesthetically just mass and scale the breadth of the porch is quite large and seems to loom out at you due to its width on the left side being so close to the property line. Is it feasible to reduce the width of the porch in this area?

Cherie Grey stated she appreciates the fact that they are reducing the size of the driveways but is always cognizant of setting a precedent. This is the only home that has 36% of driveway coverage and she would not like to see other driveways in the area with this same coverage. This is an exceptionally large porch across the entire property. There is on street parking on this street.

Mr. Tuck stated he does not feel this property is the only one with the high rate of overall property width. He did provide examples of other homes on the street.

Matthew Gutch stated the mass and scale of the porch is too large, too close to the street. Other feasible alternatives would be helpful to review.

Gage Simpson spoke regarding the size of the wraparound porch in proximity to the street, it seems excessive.

John Daley spoke about the parking and proximity to the high school.

PUBLIC HEARING:

Keith Kaplan, Chair, opened the public hearing at 7:35 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 on January 31, 2022. The Board has voiced concerns regarding the project and has requested feasible alternatives.

3. #20211095 150 HENRY STREET AREA VARIANCE, 150 Henry Street, Area Variance to construct a two-family residence in the Urban Residential-4A (UR4-A) District.

AREA VARIANCE CONSIDERATIONS:

| TYPE OF REQUIREMENT | REQUIRED | PROPOSED | TOTAL RELIEF REQUESTED |
|----------------------------|----------|----------|------------------------|
| Minimum Average Width | 80 ft. | 64.6 ft. | 15.4 ft. or 19.3% |
| Maximum Principal Coverage | 30% | 38.0% | 8.0% or 26.7% |
| Rear Setback | 25 ft. | 17.7 ft. | 7.3 ft. or 29.2% |

Applicant: William Allerdice

Agent: Sue Davis, SD Atelier Architecture; Dave Carr, LA Group

Ms. Davis provided a visual of the proposed two-family home. An aerial view of the property site was also provided noting it is in an area where there are small carriage house garages in the rear of the Spring Valley Apartments. A visual of the existing site and context of the neighborhood was also provided. The applicant is proposing a two-family residence bridging the gap between large commercial structures and smaller carriage style garages. The existing site plan was provided showing the new structure with a 10 ft. front yard setback which will not extend as far as the existing garage. We have kept the minimum requirements and staggered the units which helps due to the angling of the lot. Ms. Davis provided existing site calculations for the Board noting the parking requirement

calculations. Ms. Davis provided comparables for properties with lot coverages over 30%. A visual of the proposed project was provided showing it being built into the hill and how it fits into the neighborhood. All elevations were provided as well as the proposed plans, and floor plans.

Cherie Grey questioned the zoning for this area is UR-4A. Why a single-family home was not considered which would occupy less room. She also questioned the driveway percentages.

Amanda Tucker, Senior Planner stated this area is zoned UR-4A.

Ms. Davis stated UR-4A complies with the setbacks we have proposed. UR-4 District does not. This has always been a separate lot.

William Allerdice stated this property was purchased as a separate lot and remains a separate lot. We are looking at developing this as another rental opportunity to be kept within the family.

Amanda Tucker, Senior Planner, provided history of this area noting this area was used as an old railroad spur that went through this area and an alley that split this lot. These were never joined.

Mr. Carr stated he has been working with the Allerdices for years. This was originally thought about as a single-family home but given the Spring Valley Apartments across the street which creates the neighborhood, a two-family home was felt to fit the neighborhood better. The UR-4A zone was created around Spring Valley Apartments.

Ms. Davis stated she feels this is not out of character for the neighborhood, especially with the apartments across the street.

Mr. Carr stated the driveway calculations would be about 34%. There is water and sewer available, as well as drainage. We do not see an issue with that. We will have conversations with staff regarding curbs cuts and those calculations if the project moves forward.

Ms. Davis stated parking is an issue and the possible legality of parking in a front yard setback or the need to obtain a waiver for parking.

Keith Kaplan, Chair, stated a discussion with staff is in order. We may need to work in additional variance for parking and an additional variance for parking.

Amanda Tucker, Senior Planner, stated Ms. Davis is correct there is no parking in the front yard setback in this zone. The question would be are we asking for a waiver from minimum parking requirement or a waiver to permit parking in the front yard setback.

Ms. Davis stated she would like to request a waiver to permit parking in the front yard setback.

Keith Kaplan, Chair, stated he would find it more impactful to have a car jutting out. He would rather just have the two-car variance.

Mr. Carr stated if a sidewalk is required, it would run into the Spring Valley Building. There is a sidewalk across the street. From the garage to the curb, you have over 25 ft. for both buildings, it will not go to the street.

Cherie Grey questioned the height of the proposed building.

Ms. Davis stated it is 37 ft.

Keith Kaplan, Chair, stated we will need to have the areas of relief verified prior to the next appearance before the Board.

Amanda Tucker, Senior Planner, questioned if there were any plans for egress wells.

Ms. Davis stated the areas in the rear of both homes' houses storage areas and not habitable space. This will be code compliant.

Gage Simpson stated the proposed project fits the lot and that he had no problems with the application.

PUBLIC HEARING:

Keith Kaplan, Chair, opened the public hearing at 8:16 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 ZBA Meeting scheduled for January 31, 2022.

4. #20211112 60-62 GREENFIELD AREA VARIANCE, 60-62 Greenfield Avenue, area variance to convert an existing two family to a single-family and construct a two-car garage and pool in the Urban Residential-3 (UR-3) District.

AREA VARIANCE CONSIDERATIONS:

| TYPE OF REQUIREMENT | REQUIRED | PROPOSED | TOTAL RELIEF REQUESTED |
|--|---------------|-----------|------------------------|
| Maximum Accessory Coverage % Pool & Garage | 10% | 20.3% | 10.3% or 103.0% |
| Front Setback – West Side Bay window | 10 ft. | 7.1 ft. | 2.9 ft. or 29% |
| Finished Space in Accessory Structure | Not Permitted | Permitted | 100% |

Applicant: Charles & Amy Pinckney

Mr. Pinckney stated they are seeking approval to convert the two-family townhome structure to a single-family residence, adding a garage and a pool as well as additional renovations. We are requesting three variances which the Chair read into the record.

Mr. Pinckney provided a visual of the current structure outlining their proposal for the property and where the variances would be required on their property and the reasoning for the relief requested. Mr. Pinckney provided the current plot plan for the property. They spoke with Susan Barden, Principal Planner, and her suggestion was for us to be completely transparent with our plans for a proposed pool in the future. We did include that in our plans using the largest calculations. We are unsure of the pool size currently. We are looking in totality of the square footage of the pool. It may not necessarily be that size or shape. The proposed garage structure has an overhang that would serve as a space adjacent to the pool. There is a ½ bath contemplated on the first floor which would serve the proposed future pool. The finished space above the garage is proposed as one large room. We have provided floor plans of this space. The space would never be rented or occupied. They are both working professionals and an additional office space is something which is contemplated. Mr. Pickney provided elevations of the proposed garage noting it is oversized and their desire to use the garages for their two SUV's.

Brad Gallagher, Vice Chair, questioned if the overall ask could be brought down to keep the request at 40%. You are working with a blank slate on the accessory structure and keeping under the 40% precedent. He is fine with the finished space over the garage for use a home office. He has no issue with the bay window variance.

Mr. Pickney stated they will collaborate with the architect and see what can be done to keep the coverage under 40%.

Keith Kaplan, Chair, stated he agrees with Brad regarding the pool and the blank slate. He understands the need for a home office in an accessory structure. We do impose restrictions on a finished space.

Cherie Grey questioned the roof overhang on the elevation which houses the bay window. She also questioned if there is a proposed room added to the side of the garage.

Mr. Pinckney stated the roof overhang over the bay windows has been considered in the calculations. The garage does house an accessible area for the pool and an enclosed area for the bathroom access as proposed on the plans. The coverage of the garage is inclusive of the overhang area for the pool along with storage on the back side of the garage.

Gage Simpson stated this is very well done, great presentation. The 1% reduction in accessory coverage is not an unreasonable ask since the project has not yet been completed.

Brad Gallagher, Vice Chair, stated we have not spoken about the A/C compressors being included in the coverage.

Mr. Pinckney stated they are included in the coverage request.

Keith Kaplan, Chair, stated we do have a bit of homework for the applicants. The plans as submitted show an overage of coverage at 40%. We are requesting the applicants shave a bit off their request and reduce the request to 40% which is required in this zone and return to the Board with the feasibility of that. There is no further information the Board is requesting.

PUBLIC HEARING:

Keith Kaplan, Chair, opened the public hearing at 8:35 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 ZBA meeting scheduled for January 31, 2022. Please provide the revisions, thoughts, and comments one week prior to the meeting.

5. #20211120 69 CAROLINE USE VARIANCE, 69 Caroline Street, Use Variance to permit the conversion the Children's Museum into an educational and community workshop center within the Urban Residential-4 (UR-4) District.

Applicant: John Haller

Agent: Stephanie Ferradino, Attorney; Chris Bennett

Ms. Ferradino provided a visual of the site the Children's Museum located on Caroline Street. This area is a mixed area with four different zones in a one block radius. The project is named The Saratoga Joinery which is a not-for-profit organization which will provide community educational/professional workshop space. In the beginning it will be focusing on woodworking. There will be classes and workspace available for individual projects with the availability of a multitude of state-of-the-art tools. There will be people available to show the safe use of the tools, participation in the classes and make use of the equipment, find inspiration, talk about problems, issues you are having with a project. It is a community resource focused on woodworking to start with adding additional areas as the space evolves. Ms. Ferradino reviewed information regarding the use variance requirements. The first of which is the applicant cannot realize a reasonable return – as demonstrated by competent financial evidence. The listing/purchase price was initially listed at \$2,250,000, which decreased as the property stayed on the market. The cost to convert to a residential use which are the predominant uses in the UR-4 district was \$2-\$2.1 million. The inability to sell is relevant evidence of impossibility of a reasonable return. There was high interest in the property, 2021 market. 12 showings only 2 for the allowable use – cost was prohibitive to convert. With the cost of the property and the cost to convert you are more than 4 or 5 times what the assessed value is. More than 4 times what the fair market value of \$2 million is. That is the price the applicant is contracted to purchase the property for. The burden of proof can be met if the applicant uses the land in the permissible manners, they will incur a monetary loss. That would be the case here. In the UR-4 zone the uses are residential based with single and two and multi-family homes. Everything else requires site plan and special use permits. We provided financial information regarding residential conversion. On the non-residential conversion there are three uses, school, religious institution, convenience sales. None of which this building is suited for. In 1999 the Children's Museum obtained the original variance under the UR-4 standards with a prior finding on this standard which we believe is applicable today. It stated the applicant has demonstrated that the property could not be converted to a permitted residential use in an economically feasible manner. The relaxed standard at that time stated further use of the premises as the Children's Museum incorporate by an organization organized as a tax qualified 501c3 entity, which means the otherwise stringent financial test required for a use variance may be relaxed. That would be applicable here. The next standard is uniqueness which states it does not apply to a substantial portion of the district or neighborhood. Ms. Ferradino reviewed the history of uses for this building dating back to 1880's where it was a duplex. For the last 50 years or so it has been utilized for nonresidential uses, a restaurant, medical office, children's museum, and rental office space. The building layout also contributes to the uniqueness of the property. This layout works perfectly for the project proposed. Modifications to the building over the years made the property less able to conform. The stairwell and elevator shaft assume about ¼ of the footage of the space. There are structural posts in the center of the space on both floors. Plumbing is problematic since all the plumbing is stacked on the northerly side of the building. To convert this space to apartments this aspect would require significant modifications to the structure. The surrounding properties are allowed to be used as currently zoned. The property also borders a commercial district to the west and has existed harmoniously as a medical office and children's museum complements the natural progression of development in the neighborhood. The request use variance will not alter the essential character of the neighbor which is mixed. Four different zones in a one block radius which includes, bars, restaurants, commercial retail, professional, B&B, non-profit, church, library, offices, single/two/multifamily, fire station, hotel, salon, and a spa. This use will be even less intense than the Children's Museum which had 100 – 110 visits a day. Ms. Ferradino provide information concerning a noise study which they performed and the decibel readings in the surrounding areas. Lastly, the self-created hardship criteria. This hardship occurred on multiple fronts none of which was self-created. The Children's Museum must move due to issues which arose following covid. The structure itself has created its own

uniqueness due to the configuration of the structure and prior uses. Rezoning occurred while the property was an allowable business use. The 2009 variance speaks of the hardship as it relates to education uses and is what the structure will continue to be used for. The prior uses within the last 50 years are noncompliant with current zoning. In the UR-4 district the strict application of the zoning law has result in unnecessary hardship. History of the prior uses and change of zone during the prior uses dictates the need for a variance. As a UR-4 property there is no reasonable use to be made of the parcel as zoned. Under the UDO we are seeing an expansion of uses in the UR-4 and is consistent with that shift. Also, the prior findings which established that the cost of conversion to residential use was not feasible and meets all other standards. The County Planning Board noted we met all four standards and did not create any county wide or inter community impact.

Keith Kaplan, Chair, stated he wants to focus on the non-profit portion of the application. He requested back up information on the \$500,000 for recent improvement.

Ms. Ferradino stated they will provide that information from the Children's Museum to the Board.

Keith Kaplan, Chair, stated he would like to hear from Mark Schachner regarding the relevance of the 501c3 for the educational type of organization proposed use on both the financial return and on self-creation.

Mark Schachner stated he is not sure how much of the applicant's contention is related to use as the Children's Museum versus the newly proposed use. He is unclear not having reviewed the materials to what extent the newly proposed use is educational. Does the Board understand the extent that this is educational?

Keith Kaplan, Chair, stated he does not know to that extent. What he gathered from the materials is that it was presented as a 501c3. Does the exception require there to be religious or educational programming or does the not profit nature satisfy the relaxed standard?

Mark Schachner stated he will elaborate on this at the next meeting. To the best of his recollection, mere non-profit status alone does not place someone under the relaxed standard. Relaxed standards apply to religious uses and educational. There may be more public educational uses than private, and he will investigate and review this for the next meeting.

Keith Kaplan, Chair, stated once we have clarified the mission, established that there is a significant educational component, and then determine how does that figure into the reasonable financial return test and the self-creation test.

Mark Schachner stated one of the things which might be relevant is the extent to which the proposed activity will or will not be subject to oversight by the Department of Education. There are distinct levels of formality regarding educational uses.

Ms. Ferradino stated they were pointing out the precedent value of Attorney Izzo's statement in the prior variances. She noted they are unsure if the Children's Museum was under the Department of Education's purview. The applicant plans to reach out to the local Schools including Saratoga High School, the BOCES program, the Waldorf School, and Montessori Schools and other programming to integrate what is happening in that space and make that available. This is a new concept, and we are not yet into the planning and vetting out to see what it entails to make that happen. The educational component relates not only to student outreach and bringing people into what the Preservation Foundation related that to about re-teaching people crafts because we so desperately need that in the work force. Also, for classes to teach people how to operate a particular tool to make something.

Mark Schachner stated certainly the Waldorf School, and Montessori School and other schools like that certainly are subject to oversight by the Department of Education and integration with those programs would lead to being deemed an educational use subject to relaxed standards.

Keith Kaplan, Chair, noted his view that regardless of the question of whether relaxed standards apply, the numbers presented thus far support the financial return criterion being met, and that he would like to see additional financial information provided. He further noted there appears to be a path to self-creation, from the changes in the market conditions for the Children's Museum by Covid-19 related restrictions. He stated it would make the path wider if the relaxed standards were applicable to this application, but if we cannot establish the relaxed standard, it does not mean he would be opposed to this application.

Ms. Ferradino stated she is not saying they do not meet the standards; she feels they meet the standards very solidly with or without the relaxation of this standards. She offered this as part of the prior precedent which noted two things which were relevant to this application. One, Attorney Izzo's statement about the 501c3 and his statement about the educational use in two different variances. She was highlighting that.

Mark Schachner stated based on the presentation the applicant feels they clearly go through and meet the criteria for the use variance as a standalone without being conditioned and being hinged on different standards.

Ms. Ferradino stated that is correct.

Mark Schachner stated he agrees with the Chair, but all the thresholds do seem to be met and addressed and meet the Use Variance criteria without resorting to new standards.

Keith Kaplan, Chair, asked the applicant if there was any information he would like to add regarding the educational aspects of the application.

John Haller stated there are aspects of this space and the educational purpose is one of several. There are so many opportunities, and we are learning more as we obtain potential partners. There is grant monies available for educational programs and funding for these workshops which exist all over the country.

Keith Kaplan, Chair requested examples of grant programs that similar institutions that have been provided in recent years that clearly have an educational component to that grant that would help the Board understand what you would be pursuing.

Brad Gallagher, Vice Chair, stated the correlation between what is being proposed and how efforts to convert it to a residential property would not be feasible. With or without the relaxed standards he feels the applicant has met the standards providing the additional information requested by the Chair.

Cherie Grey disclosed for full transparency there is social website for the neighborhood which posts questions and answers what is going on in the neighborhood. There was one regarding this property which she answered stating an application was pending before the ZBA and information can be accessed through the City's website. Stephanie and John both answered questions on this site without realizing it was Cherie commenting. An outline of what would happen on a given day in this space might help clear up the educational aspect. She voiced concerns regarding additional traffic with delivery situations, noise level from equipment being used, and flow from the parking lot.

Ms. Ferradino stated they will provide this information with the submission of the next materials.

Gage Simpson stated he feels it is an innovative idea and hope it works.

Keith Kaplan, Chair, stated there a significant amount of information which has been requested from the applicant. The next meeting is scheduled for January 31, 2022.

PUBLIC HEARING:

Keith Kaplan, Chair, opened the public hearing at 9:25 P.M.

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

Samantha Bosshart, Executive Director, Saratoga Springs Preservation Foundation stated she has provided correspondence to the Board. There was a great deal of information provided regarding the importance of the preservation trades and what it can do for the workforce. There are different models out there. One model has been done through the State Preservation Office here in NYS who partnered with Historic Albany to provide classes for certification and education for different trades. There are ways to have certification and education. Historic Preservation Trades have been identified as a national priority. Whether it be a homeowner or a contractor, Saratoga has been a leader in Historic Preservation. To have an opportunity to have this available in a community that is known for their preservation and preserving its historic resources. The Foundation supports this. This is not an easy space to use, and it is a historic building. Preserving the building and not having it vacant is a fantastic opportunity. John Haller is a member of the Board of Directors of the Preservation Foundation and has never approached the Foundation requesting support. The Board feels this is an important project to support.

Keith Kaplan, Chair, stated the public hearing will remain open.

9:31 P.M. The Board Recessed.
9:36 P.M. The Board Reconvened.

CONTINUED BUSINESS:

DISCLOSURE:

Board Member Alternate, John Daley disclosed that he did review the webcast and materials. He feels well informed and able to vote on these continued business items.

1. #20211023 235 NELSON AVENUE VARIANCE, 235 Nelson Avenue, area variance to construct a residential addition including garage, sunroom, home office, and master suite within the Urban Residential -3 (UR-3) District.

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

Agent: Matthew Hurff, Frost Huff Architects

Mr. Hurff stated based on the last appearance before the Board, three areas were requested the applicant to provide clarification on. One was the addition of condensers as accessory structures added to the site plan which was provided noting their location and showing the setbacks. The second request was to reduce the amount of relief requested. We have reduced the amount of relief for maximum principal coverage to 33.1%. Lastly, the breakdown of the area regarding the percentage of the garage and the percentage of the principal structure. The garage is about 600 sq. ft., or 8% lot coverage, the principal structure is 1960 sq. ft., 25.5% lot coverage to 33% total.

Amanda Tucker, Senior Planner, stated at the last meeting she provided information regarding the pergolas do not count as part of the principal coverage. If they are attached to the principal structure than they are included as part of the coverage and the setback. The original coverage percentage of 37.2% is the correct coverage amount.

Keith Kaplan, Chair, questioned if the pergola is attached or detached.

Mr. Hurff stated in the current proposal it is attached.

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 9:45 P.M.

Matthew Gutch presented the following resolution.

**#20211023
IN THE MATTER OF THE APPEAL OF
RACHEL & DYLAN BECK
235 NELSON AVENUE
SARATOGA SPRINGS, NY 12866**

In the matter of the appeal from the Building Inspector's determination involving a parcel at 235 Nelson Avenue, in the City of Saratoga Springs, New York, being Tax Parcel 166.53-1-36 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 an addition in the UR-3 District and public notice having been duly given of a hearing on said application held on the 6th day of December 2021 through the 10th day of January 2022.

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% | 37.2% | 7.2% or (24%) |

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 is seeking to construct an attached garage with living space, sunroom, office, and second floor master suite. Applicant noted if they were to detach the garage, the project would meet lot coverage requirements, but would still likely need a variance for finished space in an accessory structure. The Board notes the main purpose stated was to have an upper story bedroom attached to the main residence, so a detached garage would not appear to meet the needs of 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. An overview of the neighborhood surrounding properties was provided, and the applicant noted that mass and scale of the new addition will be consistent with neighboring homes. The applicant notes that the driveway and garage doors will not be visible from Nelson Avenue.
3. The Board finds the variance at 24% not to be substantial. The Board notes that substantiality is mitigated by the fact that this proposal is consistent with neighborhood context and within the total lot coverage of 40%.
4. This variance will not have a significant adverse physical or environmental effect on the neighborhood or district. Permeability will meet the district requirements.
5. The alleged difficulty may be considered self-created insofar as the applicant's desire to construct an addition to the existing building, but this is not necessarily fatal to the application.

CONDITIONS:

1. Accessory structures to be limited to 2.8%.

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; Terrace Gallogly, in favor; John Daley, in favor

MOTION PASSES: 7-0

2. **#20211050 114 YORK AREA VARIANCE**, 114 York Avenue, area variance to renovate roof within the Urban Residential-3 (UR-3) District.

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

Applicant: Monette Carli

Ms. Carli provided photographs of the proposed renovations of the roof. She noted the house is currently 3 ft. distance from the property line. With the renovations the roof soffit will extend an additional 1'5". There are no further changes to the plans.

Keith Kaplan, Chair, stated the requested relief will remain as proposed.

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 9:55 P.M.

Cherie Grey presented the following resolution.

**#20211050
IN THE MATTER OF THE APPEAL OF
MONETTE CARLI
114 YORK AVENUE
SARATOGA SPRINGS, NY 12866**

from the determination of the Building Inspector involving the premises at 114 York Avenue in the City of Saratoga Springs, New York, being tax parcel 166.45-3-30 on the Assessment Map of said City.

The applicant having applied for an area variance under the Zoning Ordinance of said City to permit a change in a rear roof to an existing single-family residence in a UR-3 District and public notice having been duly given of a hearing on application held on December 6, 2021, and January 10, 2022.

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

| TYPE OF REQUIREMENT | DISTRICT DIMENSIONAL REQUIREMENT | PROPOSED | RELIEF REQUESTED |
|----------------------------------|----------------------------------|----------|------------------|
| Minimum side yard setback (east) | 4 ft. | 1.8 ft. | 2.2 ft or (55%) |

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 proposed to alter the roof on an existing one-story rear addition, indicating it will make the interior space more usable. The applicant stated the current flat roof creates a low ceiling height, plus restructuring the roof to the same peak as the current roof will create a better structure overall. The Board notes that the house is pre-existing, non-conforming and is positioned close to the property line on the east side. The eave on the rear addition, pitched roofline will match the current eave directly adjacent to this alteration. The eave as proposed would be no closer than the current eave.
2. The applicant has demonstrated that granting this variance will not produce an undesirable change in the neighborhood character or detriment to the nearby properties. The Board notes the alteration in the roofline is at the rear of the house and will not be visible from the street.
3. The Board finds that the variance at 55% is substantial but notes this is due to the pre-existing nonconformance of the placement of the house on the property.
4. The Board finds this variance will not have an adverse physical or environmental effect on the neighborhood. All permeability requirements will be met. Applicant stated she will make proper alterations to drainage issues from the close proximity to the neighboring property line.
5. The alleged difficulty is self-created insofar as the applicant's desire to construct a new rear roof to an existing single-family home, but this is not necessarily fatal to the application.

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; Terrace Gallogly, in favor; John Daley, in favor

MOTION PASSES: 7-0

APPROVAL OF MEETING MINUTES:

Keith Kaplan, Chair, made a motion to accept the December 6, 2021, minutes of the ZBA as amended.

Cherie Grey 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; Terrace Gallogly, in favor; John Daley, in favor

MOTION PASSES: 7-0

MOTION TO ADJOURN:

There being no further business to discuss Keith Kaplan, Chair, adjourned the meeting at 10:00 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

Approved: February 14, 2022