



ZONING BOARD OF APPEALS

MINUTES (FINAL)

MONDAY, MAY 18, 2020

6:30 P.M.

ZOOM WEBINAR

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

SALUTE TO THE FLAG:

PRESENT: Keith Kaplan, Chairman; Brad Gallagher, Vice Chairman; Cherie Grey; Gage Simpson; Christopher Mills; Matthew Gutch;

ABSENT: Suzanne Morris

STAFF: Susan Barden, Principal Planner, City of Saratoga Springs
Bradley Birge, Administrator, Planning and Economic Development, City of Saratoga Springs
Jacquelyn Poulos White, Counsel to the Zoning Board of Appeals

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.

ZBA APPLICATIONS UNDER CONSIDERATION:

NEW BUSINESS:

1. **#20200102 McDONALD'S SIGNAGE**, 197 Broadway, area variance to erect signage; seeking relief from the maximum number of freestanding signs, minimum height clearance for a freestanding sign over a drive, and minimum separation distance between freestanding sign requirements in the Transect-5 District.

Keith Kaplan stated the applicant is before the Board for consideration of area variance associated with relief for signage. The amounts of relief requested are as follows.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Maximum Number of Freestanding Signs	1	7	6 or 600%
Minimum Distance Between Signs	50ft.	16.5ft.	33.5ft or 67%
Minimum Distance Between Signs	50ft.	5.9ft.	44.1ft. or 88.2%
Minimum Distance Between Signs	50ft.	14ft.	36ft. or 72%
Minimum Distance Between Signs	50ft.	15ft.	35 ft. or 70%
Minimum Distance Between Signs	50ft.	5.9ft.	44.1 ft. or 88.2%
Minimum Distance Between Signs	50ft.	12ft.	38ft. or 76%
Minimum Distance Between Signs	50ft.	21.5ft.	28.5ft. or 57%
Minimum Distance Between Signs	50ft.	21.5ft.	28.5ft. or 57%
Minimum Distance Between Signs	50ft.	21.5ft.	28.5ft. or 57%
Minimum Signage Height	10 ft.	9.1 ft	.9ft or 9%
Minimum Signage Height	10 ft.	9.1 ft.	.9ft. or 9%
Minimum Signage Height	10 ft.	9 ft.	1ft. or 10%
Maximum signage area	12ft.	13.7ft.	1.7ft. or 14.2%
Maximum signage area	12 ft.	13.7 ft.	1.7 ft or 14.2%

SEQRA:

This is a Type II action and therefore exempt from further SEQRA review.

Keith Kaplan, Chairman noted the Board is in receipt of communication from the Saratoga County Planning Board dated March 19, 2020 indicating no significant countywide or intra community impact.

Applicant: Clark Brink, owner

Agent: Jim McFarland, Zoning Resources

Mr. McFarland provided a visual presentation of the site to the Board noting the location of the menu boards and what currently exists and what is being proposed. Circulation diagram of the drive thru was provided along with the approved site plan from 2010 and the proposed location of the new pre-browse signage and the menu boards. What is being proposed is to transition from a static board to a more current modern more efficient way to get traffic off the road and increase the speed of traveling through the drive thru. The new menu boards are smaller in square footage and there is a decrease in graphic elements. These new boards adjust for lighting for the time of day and will not be lit 24/7. The lack of use of the lobby has increased the pressure on the drive thru. The old menu boards being phased out. We are continuing to improve the site. We have received no comments or from other neighborhood businesses or neighbors. The new boards will reduce the overall square footage of the signs. There will be a reduction of signage, reduction of stacking and reduction in the amount of light spillage. We do want this to be a conforming site and feel we meet the criteria for the area variance.

Keith Kaplan, Chairman stated he was on the Board when this was initially presented to the Zoning Board. This has come full circle. The finalized design was an excellent product and it has been great ever since. The Chair requested the applicants superimpose what currently exists to what is being proposed and how that is going to change. So we can evaluate what the impact will be.

Mr. Brink suggested the Board visit the Exit 12 McDonald's to experience the new digital menu boards. The decrease in light spillage will have no impact on the neighbors. These tri-boards will not be seen from the street and are basically well hidden.

Gage Simpson agrees with the Chair. He questioned if the canopies will remain and is the entire drive thru being replaced.

Mr. Brink stated he is in discussion with corporate. At this time they are only looking at the menu boards.

Chris Mills also questioned if the current height will remain the same height. He also voice concern regarding light pollution and the number of lumens which will be used.

Mr. McFarland stated he will provide this information to the Board.

Cherie Grey stated her confusion here is we allow one freestanding sign and the variance is requesting 7. Specifically what 7 freestanding signs are you counting?

Mr. McFarland stated there are two menu boards at the main order point, we are adding two additional pre browse board for 4, and both the canopies have graphics on them that is 6 and the drive thru clearance bar which is 7. Those are the 7 signs requested.

Cherie Grey stated there are a number of signs and she feels possibly precedent setting. She is struggling with the pre-browser signage most of all.

Mr. Brink stated these signs were approved under the current guidelines. These do not impact the street or the neighbors while dealing with the corporate guidelines.

Mr. McFarland stated the new pre browsers will be smaller in size than the current one.

Discussion ensued among the Board concerning the number of signs currently on the site, what has been approved and what is currently being requested and the number and sizes of variances requested.

Susan Barden, Principal Planner stated she looked at the area variance resolution from 2010. It identified 3 freestanding signs, so perhaps they can show which ones were approved and then we will know which will need relief.

Keith Kaplan, Chairman stated the Board has requested additional information from the applicant and some questions we would like answered. Pictorial simulations of the site currently and what is proposed will be helpful.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 7:28 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 June 8, 2020.

2. #20200121 BARDSLEY SINGLE-FAMILY ADDITION, 7 Iroquois Drive, area variance to construct an addition to an existing single-family residence; seeking relief from the minimum front and side yard setback, and maximum principal building coverage in the Urban Residential-1 District.

Keith Kaplan stated the applicant is before the Board for consideration of area variance associated with relief for the addition. The amounts of relief requested are as follows.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Minimum Front Yard Setback	30 ft.	21.5 ft.	8.5 ft.
Minimum Side Yard Setback	12 ft.	9.5 ft.	2.5 ft.
Minimum Total Side Yard Setback	30 ft.	27.2 ft.	2.8 ft.
Maximum Principal Building Coverage	20%	25%	5%

SEQRA:

This is a Type II action and therefore exempt from further SEQRA review.

Applicant: Stephen and Lynn Bardsley

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak apologized for the lack of noticing for this project. The Bardsleys are proposing an addition to their home by adding 8 feet to the garage to provide for a mudroom and laundry room, add a bit to the garage and their existing living room. A visual of the site was provided to the Board along with the neighboring properties. The existing site plan was provided noting 12.9 feet from the corner of the garage to the property line, and 25.9 from the front of the property to the property line. This lot is 96 feet wide and is a pre-existing non-conforming lot. The home was built in 1967 and predates zoning. Currently 100 feet wide is required in this zoning district. The applicants are proposing to move their garage about one foot forward and add some garage width about 3 feet to the north side will give them 23ft. 4in appropriate for a two car garage. This will give them enough depth to add 8 feet. As far as the maximum coverage going from 20% to 25% this includes the stoop, the addition and the front covered stoop. The existing survey shows a deck on the rear of the home and probably was done without approval. This home was purchased one year ago and and this was pre-existing. In order to allow for the garage addition, we are proposing to remove the non-conforming deck, and we need a 3 foot stoop out the patio door by code so we are looking at a small stoop and the garage addition. Yes, a variance for coverage is still required, but we are staying consistent with what we have. We have 25% coverage with the deck, taking the deck off and the new proposal will keep us at 25%. There are no issues with drainage and no environmental impact. This does remain in the character of the neighborhood.

Matthew Gutch questions any alternatives to placing the addition to the rear of the home?

Ms. Yasenchak reviewed the entire alternative and options the applicant's had and reviewed such as the location of the brick fireplace and the pitch of the roof as well as the proximity of neighbor's yard.

Cherie Grey questioned reducing the size of the laundry/mudroom.

Ms. Yasenchak stated 6 foot is the minimum suggested for the laundry room. Equipment is 30-32"inch in depth plus a 4" clearance would leave approximately 3 foot in front of the appliance to the wall. We are trying to eliminate relocating the switchbox which is located in this location, and requires a 3 foot access to the panel.

Cherie Grey again she questioned making the garage smaller in size.

Ms. Yasenchak stated currently it is shown at 20 ft in depth. Typically a standard parking space is 9ft x 18 ft. You would need some space to walk around the vehicle and access to the home. This is a standard size garage.

Cherie Grey questioned if there are any accessory structures on the lot, such as a pool, pumps, and accessory structures on the lot etc., on the lot and requested the percentages.

Ms. Yasenchak stated she did provide a letter of coverage and they do meet the permeability requirements. She reviewed the area calculations, principal building coverage's and permeability.

Chris Mills the front yard setback and if other homes in the neighborhood have similar setbacks or will this protrude and impact other neighbors.

Ms. Yasenchak stated she will drive by and review the neighborhood. However, the garage portion will be the only area protruding an additional four feet. She did provide photographs of neighborhood properties and the porches in the neighborhood which are basically stoops.

Keith Kaplan, Chairman asked for measurements from the homes on either side of this property for context.

Gage Simpson questioned what it looks like from the front encroachment. He has more concern on the side adding 3 more feet to the northern neighbor.

Brad Gallagher, Vice Chairman stated the presentation was very thorough and he has no problem with what has been proposed.

Keith Kaplan, Chairman stated the Board has requested additional information concerning context. The next ZBA meeting is scheduled for June 8th and we carry this application to that meeting as well as opening the public hearing at that time.

3. #20200136 BARNES POOL HOUSE DWELLING, 495 Union Avenue, area variance to demolish an existing pool house accessory structure and construct a new detached structure with dwelling unit for an existing single-family residence; seeking relief from the maximum number of principal buildings in the Suburban Residential-1 District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Principal Building Structure	1	2	100%

DISCLOSURE:

Keith Kaplan, Chairman disclosed while visiting the site yesterday, the property owner showed him the site and provided him with Information concerning the location of what is being proposed. They did not discuss the merits of this application. He has no financial interest in this application and can be objective in deliberating on this matter.

SEQRA:

This is a Type II action and therefore exempt from further SEQRA review.

Applicant: Dr. Bill Barnes, owner

Dr. Barnes stated he is proposing to demolish and reconstruct the existing detached pool house on his 2.66 acre property. The primary purpose is to modernize the house and construct a house for his boat and create a venue for entertainment and guests and family. He did speak about subdividing the property however that is not an option. We would like to rebuild the garage adjacent to the pool. It will not create an undesirable change to the neighborhood. Photographs were provided for the Boards review noting the location of the proposed pool cottage and reconstruction of the patio. There is no change in density and there will be no adverse environmental impact. This pool house is approximately 1,080 square feet and we are increasing the height to 1½ stories with a dormer in the rear. The style will mimic that of the house. It is currently an eyesore and this will improve the property.

Keith Kaplan, Chairman spoke regarding the size of the parcel which is over 2 acres. We have reviewed applications requesting more than one primary structure on a parcel. SR-1 mandates a size of 40,000 square feet, which is a little under an acre. This parcel has over 2 acres and we are dealing with an application for 2 primary structures.

Chris Mills questioned the use of the secondary structure, and where it will be located on the site.

Dr. Barnes stated primarily the pool house is for when his grandchildren come and visit. Floor plans were provided to the Board noting what is currently being proposed. It is not his intention to have this be a permanent dwelling. Dr. Barnes stated the proposed new construction will be on the north side of the lot line. A visual of the survey was provided noting the location of the new pool house.

Brad Gallagher, Vice Chairman questioned if the height and size would be similar to his neighbor.

Dr. Barnes stated this proposed structure would be smaller.

Cherie Grey spoke regarding the secondary principal residence requiring a 100% variance. In this zone we would look favorably upon an accessory pool house building with a garage, storage and a 2 piece bathroom. She would feel more comfortable with this type of arrangement. Please explain why a secondary residence is requested. Once the variance is granted it stays with the property.

Dr. Barnes stated he does not want to be non-compliant; the size of the lot and its placement makes it invisible from the road.

Gage Simpson stated he is happy the structure is being moved away from the property line. It is being upgraded and basically you are building a second primary residence however you do have twice the lot size needed. Updated drawings would be appreciated.

Matthew Gutch echoed the sentiments of fellow Board members regarding the secondary structure and setting a precedent.

Keith Kaplan, Chairman stated it would be helpful if we can have updated drawings indicating the location of the structure 15 feet from the property line and include overhangs. We would be more comfortable if it was further inside the building envelope.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 8:39 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 June 8, 2020. If the applicant can provide the information requested to the Board as early as possible to provide time for the Board to review prior to the next meeting.

4. #20200176 SQUILLACIOTI RESIDENCE, 25 Horizon Drive, area variance to construct a 3-season sun porch; seeking relief from the minimum rear setback in the Water's Edge/Woodlands PUD.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Minimum Rear Yard Setback	25 ft.	17.5 ft.	7.5 ft

DISCLOSURE:

Keith Kaplan, Chairman disclosed he visited the site and had a conversation with the neighbor across the street who was a former employer and a good friend. The Chairman disclosed he has no financial interest in the property and feels he can rule objectively in this matter.

SEQRA:

This is a Type II action and therefore exempt from further SEQRA review.

Applicant: Leonard & Carol Squillaciotti

Mr. Squillaciotti stated they are proposing to add a three season room off the back of their home. The lot is good size but narrow. The sun room would not do well on the side of the home where there is more space available due to the orientation of the home on the lot and would not get the sun or have access to the rear doors of the home. Included with the application is an updated plan of the property with the recent porch which was added on. Photographs were also provided of our home on the lot and views of the neighbor's property showing the distance and orientation. Each of these homes has a similar room which we are requesting. We have approval from our HOA for this project which was included in the application.

Brad Gallagher, Vice Chairman questioned the barrier between the neighbors home and the applicants home. Also were other alternatives pursued with regard to the location of this sunroom?

Mr. Squillaciotti stated there is a 20 foot buffer between the properties which exists throughout the neighborhood. Mr. Squillaciotti stated Placing the home on the side of the home would defeat the purpose of the sunroom and access would be difficult and costly from inside the home.

Cherie Grey questioned the size of the addition. Was there any consideration given to a smaller size sunroom.

Mr. Squillaciotti explained the reasoning for the size of the proposed sunroom. The deck will be removed and the sunroom will be built in its place just larger. This type of request is common in our neighborhood. Listing of neighbors who have also added this type of room will be provided to staff.

Keith Kaplan, Chairman stated the lot shape and configuration is really what is driving this addition in this location. If the applicant can provide the information requested to the Board as early as possible to provide time for the Board to review prior to the next meeting.

Keith Kaplan, Chairman asked if there were any further questions or comments. None heard.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 8:59 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 June 8, 2020. We will have a resolution prepared to be presented at that time.

5. #20200179 LEONARD RESIDENCE, 166 Lake Avenue, areas variance to construct an in ground pool; seeking relief to permit the pool 3 feet from the property line and to increase maximum coverage for an accessory structure in the Urban Residential-3 District.

SEQRA:

This is a Type II action and therefore exempt from further SEQRA review.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Minimum Setback to pool wall	8 ft.	3 ft.	5 ft.
Maximum Accessory building coverage	10%	14.5%	

DISCLOSURE:

Chris Mills disclosed that he knows the Leonard family. His children play baseball with the Leonard children. He has no financial interest in the property and feels he can rule objectively in this matter. There is no reason to recuse

Applicant: Michael and Nicole Leonard

Mr. Leonard stated they are proposing to install an in ground pool in their backyard. A garage is located in the rear yard as well. It is rather tight. Installing the pool with the current regulations would place the pool too close to the garage and maintenance of the pool would be inaccessible. We are looking to move the pool away from the garage. We own the adjacent lot to the west which currently is empty. Also the addition of the pool would put the applicant over the accessory building coverage to 14.5%. This will require a variance as well. Since the pool will be in ground this will not affect the neighbors as an above ground structure would. A visual of the site was provided.

Keith Kaplan, Chairman asked if a smaller pool would be feasible. This is a large variance being requested.

Mr. Leonard stated the lot size makes this difficult. We did consider decreasing the path on the property line of the pool making it for maintenance only.

Keith Kaplan, Chairman stated what is making this difficult is the width of the property being only 50 feet. He is uncomfortable with the substantiality of this area variance request and is opposed to application at this time.

Mr. Leonard stated perhaps he could move the pool another foot away from the property line.

Keith Kaplan, Chairman stated the eight foot requirement which exists for pools is pretty small in terms of a requirement. A 62 ½% variance. Even moving the pool over a foot makes it a 50% variance which is still significant. The Chair stated he would be more comfortable if this was a little further away from the property line. Something needs to change with the pool.

Brad Gallagher, Vice Chairman stated he shares Keith’s thoughts. The pool has to come off the lot line significantly. Three feet is just too close, way too close. There needs to be a reduction in the pool size or shape to reduce the coverage. That would be my recommendation, and would not be in favor of the variance.

Cherie Grey stated she has been investigating standard pool sizes and the most common in ground pool size is 16 x 32. So, with those type of dimensions there could be a possibility of pulling the pool to a different location. Is there is a reason why this size would not work for you.

Mr. Leonard stated information they received stated the longer the pool the bigger the shallow end for the children and to play games. He indicated they are at the starting point right now and are looking for advice and what the City would be allowing.

Cherie Grey stated also the pool pump and air conditioning units or generators count in the coverage percentage. She is not comfortable with the application as it is currently presented.

Chris Mills stated he does not know what percentage the main residence covers on that lot. What is the total percentage of coverage? coverage of the primary residence and accessory coverage information would be helpful for the Board.

Mr. Leonard provided information regarding concerning the 7,550 lot size and 1,518 house size for a total of 19.5%.

Keith Kaplan, Chairman stated in the UR-3 zone 30% coverage is the maximum. Currently you have 11% wiggle room. Does this include the additions, and overhangs. More specific and precise figures on the principal structure would be very helpful. Included in these numbers would be the front porch and overhangs.

Mr. Leonard stated they will rework the numbers for the home and the pool.

Matthew Gutch stated he agrees with his fellow Board members and the amount of variance requested is large. Perhaps other options can be investigated.

Gage Simpson agrees with his fellow Board members regarding decreasing the size of the pool. The 3 foot concrete walkway Does pose concerns with drainage coming off the property line.

Keith Kaplan, Chairman stated we will carry this application over to the next meeting scheduled for June 8, 2020. The public hearing will be opened at that time.

APPROVAL OF MEETING MINUTES:

Gage Simpson made a motion to approve the meeting minutes of the March 9, 2020, and May 11, 2020 meetings of the Zoning Board of Appeals with changes as submitted. Cherie Grey seconded the motion.

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

VOTE:

Keith Kaplan, Chairman, in favor; Brad Gallagher, Vice Chairman, in favor; Cherie Grey, in favor; Matthew Gutch, in favor; Christopher Mills, in favor; Gage Simpson, in favor

MOTION PASSES: 6-0

MOTION TO ADJOURN:

There being no further business to discuss Keith Kaplan, Chairman adjourned the meeting at 9:30 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 7-8-20