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

SALUTE TO THE FLAG:

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

LATE ARRIVAL: Suzanne Morris arrived at 6:37 P.M.

STAFF: Amanda Tucker, Senior Planner, City of Saratoga Springs
   Tony Izzo, Assistant City Attorney
   Mark Schachner, 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.

ANNOUNCEMENT OF ADJOURNED APPLICATIONS:

1. #3022 DEVALL SUBDIVISION, 59 Franklin Street, area variance associated with a two-lot subdivision; seeking relief from the minimum average lot width for the proposed lot and minimum side yard setback to parking in the Urban Residential-4 District.

2. #20190156 MAIORIELLO RESIDENCE, 663 Crescent Avenue, area variance associated with a proposed two-lot subdivision, seeking relief from the maximum average lot width and minimum lot size requirements for the Rural Residential District.

3. #20190071 STELLATO RESIDENCE, 148 Woodlawn Avenue, area variance for an addition to an existing single family dwelling and construction of a carport addition to the existing carriage house, seeking relief from the maximum side yard, total side yard and rear yard setbacks and maximum principal building coverage requirements in the Urban Residential-3 District.

4. #20190052 WILLARD RESIDENCE, 832 North Broadway, area variance for a new single-family residence and detached garage; seeking relief from the minimum front yard setback (Fourth St.) for the detached garage (accessory structure) in the Urban Residential-1 District.

5. #20190025 ELDER RESIDENCE, 704 North Broadway, area variance to convert an existing detached garage to a guest house and construction of a pool cabana; seeking relief from the minimum front yard setback and to permit more than one principal building on a lot for the guest house and to permit finished space in an accessory structure for the pool cabana in the Urban Residential-1 District.

COMMENTS FROM THE CHAIR:

Keith Kaplan, Chairman thanked the previous Board Chair, Bill Moore for his ten years of service on the ZBA.
ZBA APPLICATIONS UNDER CONSIDERATION

PROCEDURAL ITEM:

1. #20190842 VERIZON WIRELESS FACILITY, 25 Lake Avenue, Initiation of Coordinated SEQRA Review and consideration of Lead Agency Status for an area variance to construct a telecommunications facility on the roof of an existing hotel building; seeking relief from the maximum building height in the Transect-6 (T-6) District.

Keith Kaplan, Chairman, stated this is a procedural item for the Board. The ZBA this evening will initiate coordinated SEQRA review. The Planning Board is an involved agency.

SEQRA:

This appears to be an Unlisted Action.

AREA VARIANCE CONSIDERATION:

<table>
<thead>
<tr>
<th>TYPE OF REQUIREMENT</th>
<th>REQUIRED</th>
<th>PROPOSED</th>
<th>TOTAL RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum height</td>
<td>70 ft.</td>
<td>80.8 ft.</td>
<td>10.8 ft. (15.4%)</td>
</tr>
</tbody>
</table>

Applicant: Verizon Wireless

Agent: Dave Brennan, Young, Sommers Attorneys

Mr. Brennan stated they are proposing to install a set of antennas on the roof of the Hampton Inn and Suites Hotel. A visual of the site was provided for the Boards review. They are proposing to co-locate antennas on the roof for a total of six in a stealth structure of a brick composition, samples were provided for the Boards review. We are requesting an area variance for height since 70 feet is the maximum height allowance for the T-6 District.

Amanda Tucker, Senior Planner, City of Saratoga Springs requested from the applicant the basis for how the building was measured and how the amount of variance requested was achieved. This can be provided to staff or presented at the next appearance before the ZBA.

Keith Kaplan, Chairman stated if the Board feels comfortable we will Coordinate SEQRA Review and in this instance we usually defer to the Planning Board for Lead Agency.

Mark Schachner, Counsel to the Land Use Board spoke regarding what the Planning Board would review during the SEQRA review process.

It was the consensus of the Board to defer Lead Agency Status to the Planning Board.

Cherie Grey made a motion in the matter of the Verizon Wireless Facility, 25 Lake Avenue that the Zoning Board of Appeals defers Coordinate SEQRA Review and defer SEQRA Lead Agency Status to the Planning Board should they choose to seek it. Brad Gallagher, Vice Chairman 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; Gage Simpson, in favor; Suzanne Morris, in favor; Christopher Mills, in favor; Kathleen O'Connor, in favor

MOTION PASSES: 7-0
NEW BUSINESS:

1. **#20190731 CRISAFULLI RESIDENCE**, 94 North Street, area variance for the construction of a new single-family residence; seeking relief from the minimum principal building coverage in the Urban Residential-3 District.

SEQuA:

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

PARCEL HISTORY:

Applicant received a variance on March 18, 2019 for an addition to the existing home on the property.

AREA VARIANCE CONSIDERATIONS:

<table>
<thead>
<tr>
<th>TYPE OF REQUIREMENT</th>
<th>REQUIRED</th>
<th>PROPOSED</th>
<th>TOTAL RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum principal coverage</td>
<td>30%</td>
<td>38.1%</td>
<td>8.1% (21.3%)</td>
</tr>
</tbody>
</table>

Applicant: Laura Crisafulli
Agent: Mike Crisafulli

Mr. Crisafulli stated this project was before the Board and received prior approval back in March of 2019. At that time the applicant proposed to build upon the existing foundation, which is not feasible. We have returned with a plan to remove the home entirely and build an entirely new home. In doing so, we are now only asking for relief for maximum principal building coverage in the amount of 8%. A visual of the proposed new home on the site was provided for the Board.

Discussion ensued among the Board regarding lot coverage alternatives for the home. It was discussed and determined by the Board that a condition will be placed on the resolution no accessory structures larger than 2% be allowed on the property site. The Board requested the height of the proposed structure which the applicant will provide.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 6:57 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.

Keith Kaplan, Chairman stated a resolution will be prepared and presented at the next ZBA meeting scheduled for next Monday, September 23, 2019.

2. **#20190687 LOECK RESIDENCE**, 4 Cherry Tree Lane, area variance to permit the construction of a dwelling unit in a detached two-story garage accessory structure for an existing single-family residence; seeking relief to from the minimum lot size requirements and front yard setback in the Rural Residential (RR) District.

SEQRA:

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

PARCEL HISTORY:

- A variance was previously granted for front yard setback for a new single family residence on September 28, 2015. The application was granted.
- The existing single family home does have an existing attached 2½ car garage.
- Additional principal structures are permitted in the RR district.
AREA VARIANCE CONSIDERATIONS:

<table>
<thead>
<tr>
<th>TYPE OF REQUIREMENT</th>
<th>REQUIRED</th>
<th>PROPOSED</th>
<th>TOTAL RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size</td>
<td>174,240sq. ft.</td>
<td>88,383.2 sq. ft.</td>
<td>85,856.8 sq ft. (49.3%)</td>
</tr>
<tr>
<td>Minimum average lot width</td>
<td>400 ft.</td>
<td>248.73 ft.</td>
<td>151.27 ft. (37.8%)</td>
</tr>
<tr>
<td>Front setback</td>
<td>60 ft.</td>
<td>38 ft.</td>
<td>22 ft. (36.7%)</td>
</tr>
</tbody>
</table>

Applicant: John Loeck

Mr. Loeck stated they built this home in 2016. The primary impetus to this is to add a home office above the new proposed two car garage. We are requesting a full bath and bedroom area. We have no intention to rent out to third parties. Mr. Loeck provided letters of support from his neighbors. We have placed the location of the structure hoping it provides some balance to the property.

Keith Kaplan, Chairman voiced concern regarding the ability to have a dwelling space in an accessory structure as well as the amount of relief requested, which is substantial. It would be more acceptable if this were simply office space and a ½ bath. If this were attached to your home it might not be as much of an issue.

Cherie Grey questioned the addition of a second two car garage on the site.

Mr. Loeck stated the garage space is overflowing at this time.

Discussion ensued among the Board concerning the creation of a dwelling space with a full bath and kitchenette in the new office space.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 7:12 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.

Keith Kaplan, Chairman stated a resolution will be prepared and presented at the next ZBA meeting scheduled for Monday, September 23, 2019.

RECUSAL:

Board member Christopher Mills recused from the following application.

3. #20190804 ISRAEL RESIDENCE, 184 Spring Street, area variance to maintain a constructed 2 story addition with covered porch and living space above on an existing single-family residence; seeking relief from the minimum side yard setback requirement in the Urban Residential -3 District.

SEQRA:

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

PARCEL HISTORY:

Received variance in October 2018 for rebuilding of front porch.

AREA VARIANCE CONSIDERATIONS:

<table>
<thead>
<tr>
<th>TYPE OF REQUIREMENT</th>
<th>REQUIRED</th>
<th>PROPOSED</th>
<th>TOTAL RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum side yard setback side 1</td>
<td>4 ft.</td>
<td>1.4 ft</td>
<td>2.6ft (65%)</td>
</tr>
</tbody>
</table>

Applicant: Katarzyna Israel
Mrs. Israel thanked the Board for the previous approval for the rehabilitation of this home. In the further rehabilitation of this home it was determined that the pre-existing structure was unsafe, did not have appropriate foundations, was sagging and pulling back the brick wall of the house. The structure was rebuilt in the same footprint as the original to preserve the historic look. There are no changes to the setback or the neighborhood and there are no changes to the size or location of the house due to rebuilding the pre-existing condition. This is necessary to provide the appropriate foundations and save this historic house.

**DISCLOSURE:**

Keith Kaplan, Chairman disclosed he has known the Israel family for a long time. He has no financial interest in this project and can objectively vote on this project.

Cherie Grey disclosed she has known the Israel family for a long time. She has no financial interest in this project and can vote objectively on this project.

No further questions or comments from the Board.

**PUBLIC HEARING:**

Keith Kaplan, Chairman opened the public hearing at 7:18 P.M.

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

Keith Kaplan, Chairman closed the public hearing at 7:18 P.M.

Keith Kaplan, Chairman presented the following resolution.

#20190804
IN THE MATTER OF THE APPEAL OF
Katarzyna Israel
184 Spring St.
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 184 Spring St. in the City of Saratoga Springs, New York being tax parcel number 166.69-1-16 on the Assessment Map of said City.

The appellant having applied for an area variance under the Zoning Ordinance of said City to maintain a constructed two-story addition on an existing single-family residence in a UR-3 District and public notice having been duly given of a hearing on said application held on the 16th day of September, 2019.

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 following amount of relief:

<table>
<thead>
<tr>
<th>TYPE OF REQUIREMENT</th>
<th>DISTRICT DIMENSIONAL REQUIREMENT</th>
<th>PROPOSED</th>
<th>RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Side Yard Setback</td>
<td>4'</td>
<td>1.4'</td>
<td>2.6' or 65%</td>
</tr>
</tbody>
</table>

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

Background: The Board notes that this residence has undergone extensive renovation, and came before the Board in late 2018, receiving relief relating to the rebuilding of the front porch consistent with previously existing design for this older structure.

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. Per the applicant, the purpose of the project was to rebuild an existing addition that encroached over the setback line, while maintaining the footprint of the existing house. The applicant states that she was not aware of the need for relief that was triggered by this rebuilding project, and so the project was undertaken and constructed. It was only after the rebuilding project was over that the
need for relief became clear. Therefore, the only way to reduce the encroachment that resulted over the setback is to at least partially demolish the addition, which is not financially feasible to the applicant.

2. The applicants have demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. As noted by the applicant, “The structure is the same as it has been for decades, no changes to setback or neighborhood.”

3. The Board finds this variance to be substantial; however, the substantiality is mitigated by the project’s consistency with previously existing footprint.

4. This variance will not have significant adverse physical or environmental effect on the neighborhood or district, as the footprint will not change and will not cause a lot permeability issue or any other physical incremental change.

5. The alleged difficulty is self-created insofar as the applicant desired to construct the addition, but this is not necessarily fatal to the application. As noted in the prior resolution, the Board further notes that this is a restoration project and the positioning of the house dates to before zoning was in effect.

Notes:
1. DRC approval in place.

Cherie Grey seconded the motion.

Keith Kaplan, Vice Chairman asked if there was any further discussion.

VOTE:
Keith Kaplan, Chairman, in favor; Brad Gallagher, Vice Chairman, in favor; Cheryl Grey, in favor; Gage Simpson, in favor; Suzanne Morris, in favor; Kathleen O’Connor, Alternate, in favor

MOTION PASSES: 6-0

NOTE:
Board Member Christopher Mills resumed his position on the Board.

RECUASAL:
Katherine O’Connor, Alternate recused from the following application.

4. #20190786 FLEMING RESIDENCE, 75 Ludlow Street, area variance for the construction of two porch additions, a swimming pool, and new detached garage to an existing single-family residence; seeking relief from the minimum front and side yard setbacks, maximum accessory coverage, and to permit swimming pool in the front yard in the Urban Residential-3 (UR-3) District.

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

AREA VARIANCE CONSIDERATIONS:

<table>
<thead>
<tr>
<th>TYPE OF REQUIREMENT</th>
<th>REQUIRED</th>
<th>PROPOSED</th>
<th>TOTAL RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Accessory Coverage</td>
<td>10%</td>
<td>18.4%</td>
<td>8.4% (84%)</td>
</tr>
<tr>
<td>Setback front screen porch</td>
<td>10 ft.</td>
<td>9.5 ft.</td>
<td>0.5 ft. (5.0%)</td>
</tr>
<tr>
<td>Front existing entry porch</td>
<td>10 ft.</td>
<td>6.3 ft.</td>
<td>3.7 ft. (37%)</td>
</tr>
<tr>
<td>Side yard-side 1</td>
<td>4 ft.</td>
<td>3.9 ft.</td>
<td>0.1 ft. (2.5%)</td>
</tr>
<tr>
<td>Accessory to front</td>
<td>10 ft.</td>
<td>8 ft.</td>
<td>2 ft. (20%)</td>
</tr>
<tr>
<td>Swimming pool in the front yard</td>
<td>0%</td>
<td>100.0%</td>
<td>100.0% or (100%)</td>
</tr>
</tbody>
</table>

Applicant: Daniel Fleming, owner
Mr. Frost provided a model of the proposed project for the Board’s review noting its orientation on the lot and in the neighborhood. We are proposing the addition of a screen porch on the Caroline Street side which is the north side of the home and requires an area variance for a setback, which is basically the roof overhang. A visual of the site plan was also provided for the Board. The accessory structure being proposed is a 2 car garage which is basically a story and a half. The pool which is being proposed runs east—west on the site with a fencing surround and additional landscaping.

Keith Kaplan, Chairman questioned the need for the relief on the existing front porch Ludlow Street side.

Amanda Tucker, Senior Planner stated per Patrick Cogan, Zoning Officer/Building Inspector noted that the relief for the pre-existing nonconforming front porch entrance is not required if there is no alteration or expansion.

Discussion ensued among the Board concerning the siting of the pool in the front yard and requested comparables in the neighborhood, the two car garage addition, the amount of relief requested and the amount of coverage allowed in the district.

Keith Kaplan, Chairman stated the amount of coverage for the site is too much for the property and he is not in favor this application at this time. There are some alternatives you can consider that might make the coverage more acceptable for the site and require fewer variances. The Board has requested lot coverages from the neighborhood.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 7:50 P.M.

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

Keith Kaplan, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA meeting scheduled for Monday September 23, 2019.

NOTE:

Kathleen O’Connor resumed her position on the Board.

5. #20190863 BEYER RESIDENCE, 201 West Circular Street, area variance to maintain an AC unit, pool pump and new single family home as constructed; seeking relief from the maximum principal building coverage and minimum front and side yard setbacks for principal and accessory structures in the Urban Residential-2 (UR-2) District.

SEQRA:

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

PARCEL HISTORY:

-Previously received a variance for maximum accessory building coverage (15%) and minimum side yard setback to pool is 5’4”.
-Front setback for the covered porch is not required.

AREA VARIANCE CONSIDERATIONS:

<table>
<thead>
<tr>
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<th>REQUIRED</th>
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<th>TOTAL RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Principal Coverage</td>
<td>30%</td>
<td>31.0%</td>
<td>1.0% (3.2%)</td>
</tr>
<tr>
<td>Setback front</td>
<td>10 ft.</td>
<td>7.9 ft.</td>
<td>2.1 ft. (24.0%)</td>
</tr>
<tr>
<td>Accessory to front (A/C Condenser)</td>
<td>10 ft.</td>
<td>8.5 ft.</td>
<td>1.5 ft. (15%)</td>
</tr>
<tr>
<td>Accessory to front (heat pump)</td>
<td>10 ft.</td>
<td>9.7 ft.</td>
<td>0.3 ft. (3.0%)</td>
</tr>
<tr>
<td>Accessory to side (pool pump)</td>
<td>5 ft.</td>
<td>4.7 ft.</td>
<td>0.3 ft. (6.0%)</td>
</tr>
</tbody>
</table>
Amanda Tucker, Senior Planner stated per Patrick Cogan, Zoning Officer/Building Inspector noted that the relief for the setback front for the uncovered front steps is not required and exempt from setback requirements.

Applicant: Jeff Beyer, owner

Mr. Beyer stated the applicant has appeared before the Board previously working through some variances in building their home. Along the way the subcontractors placed the A/C unit and pool pump in less visible locations and would have presented an adverse appearance to the neighborhood if placed within the front yard setback. The units are placed as close to the main house as possible to allow proper function. The structures are behind the garage and shielded from the neighbors by a 6’ high fence. The side lot is an alley way between the house and Allerdice Rental. A 6’ fence exists on the Allerdice side of the alley. A visual of the site was provided for the Board’s review.

Discussion ensued among the Board concerning the variances requested and what is considered accessory structures.

Cherie Grey stated she did meet the applicant when she visited the site.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 8:02 P.M.

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

Keith Kaplan, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA meeting scheduled for Monday September 23, 2019.

6. #20190834 BYRNE RAMP ADDITION, 203 Church Street, to construct an ADA compliant ramp to an existing office building; seeking relief from the minimum front, side and total side yard setback in the Office Medical/Business-2 (OMB-2) District.

SEQRA:

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

AREA VARIANCE CONSIDERATIONS:

<table>
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<tr>
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<th>PROPOSED</th>
<th>TOTAL RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback</td>
<td>40 ft.</td>
<td>17 ft.</td>
<td>23 ft. (57.5%)</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>15 ft.</td>
<td>4.1 ft.</td>
<td>10.9 ft. (72.7%)</td>
</tr>
<tr>
<td>Total yard setback</td>
<td>30 ft.</td>
<td>10.3 ft.</td>
<td>19.7 ft. (65.7%)</td>
</tr>
</tbody>
</table>

Applicant: Sharon Byrne

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated the property was previously used as Mrs. Byrne’s husband’s dental office. The practice has moved and this building has been vacant. The applicant is proposing to renovate the building as an office for her daughter an attorney. We would like to add a handicapped ramp to the building for accessibility. The lot is pre-existing nonconforming at 50 feet. Other alternatives were reviewed. Moving the ramp closer to the building would not align the existing parking area and may also cause issues with drainage and snow. Relocating the ramp along the back, however, this would require changes to the interior layout of the home as it exists and it is configured for main access from the front porch. There is a permanent easement for parking on the adjacent lot. The coverage with the addition will still remain under 30% required in this district.

Discussion ensued among the Board regarding the location and placement of the ramp as well as the location of the parking area.

DISCLOSURE:

Board Member Gage Simpson disclosed he lives within 500 feet of this property. He has no financial interest in this application and feels he can render an impartial decision.
Brad Gallagher, Vice Chairman disclosed that Mrs. Byrne was his realtor and he has used her daughter as an attorney. However, he has no financial interest in the application and can be impartial in this application for an ADA compliant ramp.

Keith Kaplan, Chairman disclosed that his family previously were patients of the former dentist some time ago. He has no financial interest in this application and feels he can render an impartial decision.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 8:17 P.M.

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

Keith Kaplan, Chairman closed the public hearing at 8:17 P.M.

Gage Simpson presented the following resolution.

#20190834
IN THE MATTER OF THE APPEAL OF
Sharon Byrne
454 Maple Ave
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 203 Church Street in the City of Saratoga Springs, New York being tax parcel number 165.50-1-70 on the Assessment Map of said City.

The appellant having applied for an area variance under the Zoning Ordinance of said City to permit the construction of an ADA compliant accessible ramp addition to the existing building at 203 Church Street in an OMB-2 (Office/Medical Business) District and public notice having been duly given of a hearing on said application held on the 16th day of September, 2019.

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

<table>
<thead>
<tr>
<th>TYPE OF REQUIREMENT</th>
<th>DISTRICT DIMENSIONAL REQUIREMENT</th>
<th>PROPOSED</th>
<th>RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Yard Setback- Side (West)</td>
<td>15'</td>
<td>4.1'</td>
<td>10.9' or 73%</td>
</tr>
<tr>
<td>Minimum Yard Setback- Total Sides</td>
<td>30'</td>
<td>10.3'</td>
<td>19.7' or 66%</td>
</tr>
<tr>
<td>Minimum Yard Setback- Front (South)</td>
<td>40'</td>
<td>17.0'</td>
<td>23.0' or 58%</td>
</tr>
</tbody>
</table>

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

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. Per the applicant, a) relocation of the ramp closer to the main building to reduce the variance is difficult as it would not align with the parking area for access. Also, location closer to the main building may cause issues with roof drainage and snow between the building and ramp. b) Relocation of the ramp along the back of the main building would reduce the number of variances required by eliminating the required front setback variance. However, the building interior layout is configured for the main access to be from the front porch. Significant interior renovations would be required to allow for exterior access from the rear of the building. c) A Handicap lift was reviewed but not considered due to cost and lack of consistency with the architecture of the main building. A ramp may be blended better to the landscape and is not required to be covered.

2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The applicant notes that a) the dense use and development coverage of the Saratoga Hospital is directly adjacent to this project site. The addition of this proposed ramp is minor in comparison of scale to the Hospital complex. b) The ramp is designed to be consistent in scale with the existing building and buildings
adjacent to the East. Furthermore, the ramp design must be approved by the City Design Review Commission for its proposed architectural character. c) The ramp location provides better circulation from the parking area to the building to the main entry along Church Street. d) the height of the ramp rail will only be 36-42", much less than a full wall or roof covered structure. The variance will have minor visual impact. e) The ramp will be located adjacent to property that is deeded for parking, therefore the impact on the property to the West is minimal as it directs pedestrian traffic on the project site and not on the existing adjacent lot sidewalk.

3. The Board notes these requested setback variances, at 73%, 66%, and 52%, are substantial, however the impact of the substantiality is mitigated by the following: a) The required lot width in this zoning district is 100' and the pre-existing lot is 50'. The lot width is 50' less than that required and is similar to lots to the East and South. b) The pre-existing West side setback is approximately 12' instead of the 15' required. The ramp is located 8' closer to the adjacent parking lot than what currently exists. This is not substantial and was already out of compliance. c) The porch of the main house is located 15.2' from the front property line and was built in 1902. The proposed ramp is located 17' from the property line. The 23' variance is not deemed substantial since the existing porch is closer to the front property line and is out of compliance. d) The ramp area is proposed to be 140 sq ft; only 1.7% of the site. The minor nature of the proposed addition is not substantial.

4. This variance will not have a significant adverse physical or environmental effect on the neighborhood or district. a) The ramp is located so to contain runoff from the roof and to contain snow between the building and the ramp. b) The ramp is located so as to encourage pedestrian traffic directly onto the project site, reducing pedestrian travel on the adjacent property sidewalk. c) The construction of the ramp is proposed to be on piers which would not require any major excavation. d) No large or significant trees are proposed to be removed for this project. e) The ramp slope drains onto the project site and not towards adjacent lots. f) The overall Principal Building coverage, including the ramp, is 21.1%; well under the 30% maximum coverage allowed. g) The permeability of the lot is 53%; well above the 30% minimum permeability required.

5. The alleged difficulty may be considered self-created insofar as the applicant desired to construct the ramp, but this is not necessarily fatal to the application.

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

MOTION PASSES: 7-0

OLD BUSINESS:

1. #20190225 BISHOP SUBDIVISION, 223 Maple Avenue, area variance associated with a proposed two-lot subdivision seeking relief from the minimum average lot width and minimum lot size requirements for proposed lot 2 in the Urban Residential-2 District.

DISCLOSURE:

Cherie Grey disclosed she was absent from the last ZBA Meeting. She has viewed the webcast and information and is prepared to vote on this application this evening.

Keith Kaplan, Chairman stated this is a previously opened application. The public hearing was opened and remains open. There was a request for additional information.

Applicant: Todd Bishop
Agent: Tonya Yasenchak, Engineering America
Ms. Yasenchak stated the Board indicated there was a Special Use Permit granted for this property in 1992 which was conditioned on the three lots being joined. That was not with the current owner Mr. Bishop. He was unaware of this and does not have a home office on this property. He is in full favor of nullification of the Special Use Permit for this property.

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

PUBLIC HEARING:

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

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

Keith Kaplan, Chairman closed the public hearing at 8:30 P.M.

Keith Kaplan, Chairman presented the following resolution.

#20190225
IN THE MATTER OF THE APPEAL OF
Todd Bishop and Linda Martelli-Bishop
223 Maple Ave
Saratoga Springs NY 12866

from the determination of the Building Inspector involving a parcel at 223 Maple Avenue in the City of Saratoga Springs, New York being tax parcel number 166.29-1-363, in an Urban Residential-2 district on the Assessment Map of said City.

The appellants having applied for an area variance under the Zoning Ordinance of said City to permit a subdivision to create two parcels, in which the currently existing improvements on the property are sited on “Lot 1” consisting of 12,400 square feet fronted by both Green St and Maple Ave, and with a new “Lot 2” fronted by Maple Avenue consisting of 6,413 square feet, and public notice having been duly given of a hearing on said application held on the 12th day of August and the 16th day of September 2019.

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 variances for the following amount of relief:

<table>
<thead>
<tr>
<th>TYPE OF REQUIREMENT</th>
<th>DISTRICT DIMENSIONAL REQUIREMENT</th>
<th>PROPOSED</th>
<th>RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size: Lot 2</td>
<td>6600 sq ft</td>
<td>6413 sq ft</td>
<td>187 sq ft or 2.8%</td>
</tr>
<tr>
<td>Minimum average lot width: Lot 2</td>
<td>60’</td>
<td>50’</td>
<td>10’ or 16.7%</td>
</tr>
</tbody>
</table>

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

1. The applicants have demonstrated this benefit cannot be achieved by other means feasible to the applicant. The applicant notes that there are no available lands to purchase on the eastern side of Lot 2, and even a 1 foot addition to the western lot line bordering Lot 1 would come 0.1’ to the allowed setback from the house on Lot 1, risking future complications with repairs or updates to that home. The applicant further notes that a squared-off line on Lot 2, as in the proposed plan, is ideal from planning practices and precludes future maintenance and neighbor issues.

2. The applicants have demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The applicants note that the proposed new boundary and lot configuration will provide sufficient space for a zoning-compliant home on Lot 2. The Board notes no variances are required for Lot 1.

The applicants further provided the Board with information on comparable lots in the neighborhood, making it clear that this new Lot 2 would be consistent with neighborhood context. While the Board is generally not in favor of creating non-compliant sized new lots, the shortfall in total lot size in this case is not significant; see note 3, below.
3. The Board notes that neither the lot size nor lot width variances are substantial.

4. This variance will not have a significant adverse physical or environmental effect on the neighborhood or district. Permeability of Lot 1 will be 58.5% per the applicant, well in excess of the UR-2 requirement of 25%.

5. These areas of relief are self-created insofar as the applicants desire to subdivide this parcel, but that by itself is not fatal to the application.

Notes:
1. City Planning Board approval needed for subdivision
2. This subdivision will nullify a Special Use Permit granted in 1992 for a home occupation on this site.
3. County Planning Board granted a favorable opinion on March 29, 2019.

Condition:
1. Removal of existing driveway and curb cut on Maple Ave, and repair to city standards with new sidewalk and curbing.

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; Cheryl Grey, in favor; Gage Simpson, in favor; Suzanne Morris, in favor; Christopher Mills, in favor; Kathleen O’Connor, Alternate, in favor;

MOTION PASSES: 7-0

2. #20190649 SMITH & DELFAVERO RESIDENCE, 10A Nelson Avenue, area variance for the construction of a new single-family residence; seeking relief from the minimum front, rear, and side yard setbacks, total side yard setback, maximum principal building coverage and minimum lot permeability in the Rural Residential (RR) District.

Keith Kaplan, Chairman stated this is a previously opened application. The public hearing was opened and remains open. There was a request for additional information from the applicant regarding which was provided.

Applicant: Kara Smith & Jim DelFavero

Cherie Grey stated she is uncomfortable with this application allowing setbacks without any plans.

Ms. Smith stated plans were submitted for a home, 35 feet in height and 1800 square feet in size. This is in keeping with the neighborhood character.

PUBLIC HEARING:

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

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

Keith Kaplan, Chairman closed the public hearing at 8:46 P.M.

Suzanne Morris presented the following resolution.

20190649
IN THE MATTER OF THE APPEAL OF
Kara Smith, James DelFavero
951 Van Hoesen Rd
Castleton on Hudson, NY 12033

from the determination of the Building Inspector involving the premises at 10a Nelson Avenue in the City of Saratoga Springs, New York being tax parcel number 179-2-13 in the RR district, on the Assessment Map of said City.
The appellant having applied for an area variance for relief from the RR zoning designation and minimum lot size width, rear, front and side yard setback requirements, and minimum permeability under the Zoning Ordinance of said City to permit the construction of a single-family residence in a RR District and public notice having been duly given of a hearing on said application held on the 12th day of August and 16th day of September 2019.

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

<table>
<thead>
<tr>
<th>TYPE OF REQUIREMENT</th>
<th>DISTRICT DIMENSIONAL REQUIREMENT</th>
<th>PROPOSED</th>
<th>RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Building Coverage</td>
<td>15%</td>
<td>20%</td>
<td>5.0%</td>
</tr>
<tr>
<td>Minimum front yard setback</td>
<td>60 FT</td>
<td>41.6 FT</td>
<td>18.4 FT OR 30.7%</td>
</tr>
<tr>
<td>Minimum rear yard setback</td>
<td>100 FT</td>
<td>26.5 FT</td>
<td>73.5 FT OR 73.5%</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>30 FT</td>
<td>27.2 FT</td>
<td>2.8 FT OR 9.3%</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>30 FT</td>
<td>17 FT</td>
<td>13 FT. OR 43.3%</td>
</tr>
<tr>
<td>Total side yard setback</td>
<td>100 FT</td>
<td>44.2 FT</td>
<td>55.8 FT OR 55.8%</td>
</tr>
<tr>
<td>Minimum Lot Permeability</td>
<td>80%</td>
<td>59%</td>
<td>21% OR 26.3%</td>
</tr>
</tbody>
</table>

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

1. The Applicants have demonstrated this benefit cannot be achieved by other means feasible to the Applicants. The Applicant notes and the Board agrees that due to the pre-existing nonconforming lot, any building would require variances. Additionally, there is no adjacent land available for purchase which might eliminate the need for some or all of the variances.

2. The Applicants have demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The residence will architecturally resemble traditional homes in the neighborhood. The house will be of similar "proportion, scale and design to the neighboring homes."

3. The Board notes the requested relief for maximum principal building coverage at 20% may be considered substantial, however, this is offset by the fact that the garage is attached to the home and is equal to the combined allowance for principal and accessory coverage. The Board further finds that the request for relief from the setbacks could all be considered substantial; however, the applicant has shown that the proposed home is "comparable to homes to its immediate right and left" that are also situated on nonconforming lots. While the relief from the minimum lot permeability could be considered substantial at 26.3%, the applicant has provided findings from an Engineer that the lot can "support the development of a single family home" without significant impact on neighboring properties.

4. This Applicant has demonstrated that granting this variance will not have an adverse physical or environmental effect on the neighborhood or district. The Applicant's agent has demonstrated that the lot is of sufficient size, layout, and soils to accommodate the necessary septic system required to build on this lot without impact to neighboring properties.

5. The alleged relief may be considered a self-created hardship. However, self-creation is not necessary fatal to the application.

Conditions:

1. No further accessory structures.

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; Cheryl Grey, in favor; Gage Simpson, in favor; Suzanne Morris, in favor; Christopher Mills, in favor; Kathleen O'Connor, Alternate, in favor;

MOTION PASSES: 7-0

APPROVAL OF MEETING MINUTES:
Keith Kaplan, Chairman made a motion to approve the July 8, 2019 ZBA meeting minutes as amended.
Cherie Grey seconded the motion.

VOTE:
Keith Kaplan, Chairman, in favor; Brad Gallagher, Vice Chairman, in favor; Cheryl Grey, in favor; Suzanne Morris, in favor;

MOTION PASSES: 7-0

Keith Kaplan, Chairman made a motion to approve the July 22, 2019 ZBA meeting minutes as amended.
Cherie Grey seconded the motion.

VOTE:
Keith Kaplan, Chairman, in favor; Brad Gallagher, Vice Chairman, in favor; Cheryl Grey, in favor; Suzanne Morris, in favor; Kathleen O'Connor, Alternate, in favor

MOTION PASSES: 5-0

Keith Kaplan, Chairman made a motion to approve the August 12, 2019 ZBA meeting minutes as amended.
Cherie Grey seconded the motion.

VOTE:
Keith Kaplan, Chairman, in favor; Brad Gallagher, Vice Chairman, in favor; Cheryl Grey, in favor; Suzanne Morris, in favor; Gage Simpson, in favor;

MOTION PASSES: 5-0

MOTION TO ADJOURN:
There being no further business to discuss Keith Kaplan, Chairman adjourned the meeting at 8:55 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 10-7-19