ZONING BOARD OF APPEALS

MINUTES

MONDAY, FEBRUARY 22, 2016
7:00 P.M.
CITY COUNCIL ROOM

CALL TO ORDER: Bill Moore, Chairman, called the meeting to order at 7:05 P.M.

SALUTE TO THE FLAG:

PRESENT: Bill Moore, Chairman; Keith Kaplan, Vice Chairman; Gary Hasbrouck; James Helicke; Susan Steer; Oksana Ludd, alternate; Cheryl Grey, alternate

ABSENT: Skip Carlson, Adam McNeill, Secretary

STAFF: Susan Barden, Senior Planner, City of Saratoga Springs
Tony Izzo, Assistant City Attorney
Steve Shaw, Building Inspector, Code Enforcement Officer

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:

#2856 MOORE HALL, 28 Union Avenue/35 White Street, area variance to convert the existing building to a 53 unit Apartment building; seeking relief from the minimum lot size and minimum parking requirement in the Urban Residential-4 District.

#2877 DUGAS POOL HOUSE, 65 York Avenue, area variance to construct a pool house; seeking relief from the minimum side yard setback requirement for an accessory structure in the Urban Residential-3 District.

#2865 BOUGHTON GARAGE, 1 Alger Street, area variance to construct an attached garage with second-story master suite addition to an existing single-family residence; seeking relief from the minimum front yard setback (Alger), minimum total side yard setback and maximum principal building coverage requirement in the Urban Residential-3 District. Adjourned to March 7, 2016.

NEW BUSINESS:

1. #2807.1 MURPHY LANE SINGLE-FAMILY RESIDENCE, 39 Murphy Lane, area variance modification for proposed changes to a previously approved barn conversion to single-family residence; seeking additional relief from the minimum front yard and rear yard requirements in the Urban Residential-3 District.

This application is a modification to the previously approved “renovation and conversion of existing barn structure to a single family house”. The extent of construction (including full basement) resulted in a stop work order being issued by the Building Department.

SEQRA

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

PARCEL HISTORY:

Area variances approved March 23, 2015 to permit the renovation and conversion of an existing barn structure.

AREA VARIANCE-ORIGINAL ACTION:

	REQUIRED	PREVIOUSLY APPROVED FOR RENOVATION/CONVERSION	PROPOSED FOR NEW CONSTRUCTION	TOTAL RELIEF REQUESTED
Minimum lot size	6,600 sq. ft.	2,500 sq. ft.	No change	4,100 sq. ft. (62%)
Minimum average lot width	60 ft.	50 ft.	No change	10 ft. (17%)
Minimum front yard	10 ft.	3 ft.	3.2 feet	6.8 ft. (68%)
Minimum total side yard	12 ft	11.4'		
Minimum rear	25'	15.7'	15.8'	9.2 ft. (37%)
Maximum principal building coverage	30%	44.1%	43.2%	13.2% (44%)
Minimum parking	2'	1'	No change	1 (100%)

NEIGHBOR INPUT:

Email from Linda and Tom Davis, 78 White Street, received February 7, 2016.
Email from Loretta Martin, received February 1, 2016.
Email from Mike Winn, received February 1, 2016.
Letter from Susan and Brian Rodems, received January 31, 2016.

Applicant: Jean D'Agostino
Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated we originally submitted this application in March of 2015 for the renovation of an existing barn. Variances were received on April 2, 2015. The applicant at that time did not own the property she was under contract pending approval of the variances. Therefore, the applicant was unable to perform some investigatory work as to the condition of the property. We did expect to put in a new foundation and repair and replace the studs during construction. As the new frost wall foundation was being installed the applicant decided she would rather have a full basement. This provided extra space for storage as well as mechanicals. Due to the full basement installation the structure was higher from the grade to the floor. So in doing that we required some extra stairs to get to grade. It was determined at that time that the applicant needed to return to the Board for additional approvals. The intention all along was to save the building as much as possible. Not only the same location, but the same size, and shape. Construction drawings are available for the Board's review to see what the exterior of the proposed structure looks like. Also relief was granted for one parking space. We had intended all along to provide this by removing some of the barn structure for parking. We were attempting to save as much of the original roof as possible and now we find we need to add new elements such as a new roof. We are able to make changes to the project so we can actually reduce the variances. Modifications were provided to the Board. The installation of the full basement created the first floor level of the home to be approximately two feet higher than originally proposed. We modified the front stoop and the overhangs to reduce the relief required. The side overhangs have been reduced by 6 inches and we have also eliminated the need for one variance. Some risers are being introduced on the front stoop which will not be covered. They are not counted in the total coverage. We needed to add stairs in the rear. We are proposing a small patio. No additional variance for the back patio. Roof overhangs have been reduced as well. The new renovations which have been introduced have made this building more compliant than originally presented.

Keith Kaplan, Vice Chairman questioned the rear setback for the deck. He appreciates the elimination of the variance. In looking at what transpired, given the fact that you are both in the industry and are both not ignorant of Board requirements, why is it, that when you decided to do the full basement you did not return before this Board at the time?

Mr. Yasenchak deferred that question to Ms. D'Agostino, saying it was not Ms. Yasenchak's decision, adding they did go through the concept with the Building Inspector. Ms. D'Agostino stated at the time since we had such a small yard that I felt I could use it for storage.

Keith Kaplan, Vice Chairman stated that is perfectly reasonable however, my question is about process. We are being presented with a building which is already in existence and the building is now raised. This is a change in what was originally presented. My question to you is why, when you were making the decision to pour the foundation knowing it would change what was submitted to us and what was approved, did you not come to us at that time?

Ms. D'Agostino stated I read the plans wrong thinking it would not change the height because we were digging down for the basement. I did not know. I guess it was my bad.

Ms. Yasenchak stated when the applicant appeared originally before the Board we had not gone through the design developments. A variance was never granted for height. Aside from the stairs being added there is no change to the project.

Susan Steer stated she voted against this when it originally was presented. I look at this and I am appalled.
You did not appreciate what the consequences would be. I have no intention of approving this. This is very discouraging. If you did not have neighbors monitoring this situation I wonder how far this would have gone.
It took a stop work order to make it stop. Occasionally we have applications return before us due to a miscalculation of most often inches. That is not what this is. I am very concerned about this.

Gary Hasbrouck stated as per submitted plans. That seems to be the argument here. Why was there a stop work order issued.

Steve Shaw, Zoning and Building Inspector, stated he received multiple complaints from homeowners that the building project as it is proceeding is not what was presented to them. We prefer to be consulted when plans change, so we have updated plans to perform our inspections on. That did not happen. It would not have been a huge issue, but we felt there was an increase in the amount of non compliance and that is why the stop work order was issued. The entire structure was being raised which increases the pre-existing, non-conforming attributes.

James Helicke asked how this is going to be a renovation. What percentage of the old barn is being used and/or renovated. The outside appearance of the structure appears new. How does this height compare to those of the neighborhood.

Ms. Yasenchak stated the height of the building will not create an undesirable change in the neighborhood.
We have decreased the overhangs, thereby decreasing the coverage. We have increased the permeability of the site, drainage will be improved. Permeability calculations have been submitted.

Bill Moore, Chairman questioned the height of the second floor. Prior walls were 6 ft but with the addition of the basement they are now 8 ft. This increases the size of the floor by 2 ft.

Ms. Yasenchak stated she will provide additional calculations of the height of the second floor to the Board.

Bill Moore, Chairman stated when he originally approved this application he pictured the barn with additional windows and a small cottage type structure. I did not picture what is there now; I would not have approved what is there now, which is a brand new house.

James Helicke stated he voted against this the last time and intends on voting against this again. However, in reviewing the resolution it states to permit the renovation and conversion of an existing barn structure. That is what was given to us as per the submitted application. The application states tearing down the barn and building new is a detriment to the neighborhood. This barn has been in existence since 1900.

Cherie Grey questioned the height of the prior structure. You now have 2 feet on the floor, 9 feet on the first floor and 8 feet on the second level and still the existing peak area. This is a barn re-use. Anytime you do a barn re-use it should look like a barn not a new house. There are many barn re-uses in Saratoga and they pretty much look like the original barn with the addition of some windows and a few doors. It is not the same and it is not a re-use. It is non-conforming, maybe less non-conforming but it is still nonconforming. Two feet on a basement is a huge change.

Keith Kaplan, Vice Chairman asked if the applicant could provide the following information, the height from grade to peak as it was and from grade to peak as you are proposing.

Steve Shaw, Building Inspector stated this property was flat when the renovations started. There has been additional fill brought in. There is a good foot or so added from the increase in fill.

Keith Kaplan, Vice Chairman asked the applicant to provide a height from the level of Murphy Lane to the peak of the old structure and to the peak of the new structure.

James Helicke also requested the height of the homes and other structures on the Alley for comparatives.

PUBLIC HEARING:

NEIGHBOR CORRESPONDENCE:

-Email from Linda and Tom Davis, 78 White Street, received February 7, 2016.
-Email from Loretta Martin, received February 1, 2016.
-Email from Mike Winn, received February 1, 2016.
-Letter from Susan and Brian Rodems, January 31, and February 22, 2016.
-Letter from Paul and Maggie Moss Tucker, February 22, 2016

Dan Martin, adjacent property owner. I did not object to the renovation project of the barn. There is no barn left. When the barn does not exist it is new construction.

Rachel Dunn, 74 White Street. We purchased this property in April of last year. We thought this would be a cute cottage as well. This is no longer a barn. The barn is gone. The variances approved were for the renovation of a barn. These variances are for the approval of new construction.

Blain Dunn, 74 White Street. Photographs of the barn and what it looks like currently. History of the project was provided to the Board. Building materials were placed on our property as well as vehicles. Different stories on ownership/occupancy.

Loretta Martin, 17 Stratton St. We were told that it will be permeable now next to the building. It always has been. It was never paved. My husband took very good care of that grass. Photographs submitted.

Keith Kaplan, Vice Chairman stated the Board is in receipt of some photographs, commentary and questions and answers and was composed by Cynthia Behan.

Cynthia Behan 17 White Street. This will impact me as an immediate neighbor. Photographs showing the dismantling of the barn and the increase in the height of the structure. We took measurements, the old barn was 22 feet tall and the new structure by counting clapboards is 30 feet an increase of 8 feet. Ridge line to ridge line. This is substantial.

Evan Williamson 18 Clark Street. We are a tight knit community and this would affect the character of the neighborhood. I care about the character of the neighborhood.

Barbara Opitz 20 Clark Street. Read into the record information from Paul and Maggie Tucker, 22 Clark St. summarizes what all the neighbors feel. Request that the applicants cease and desist. Return to the original height.

Susan Rodems 84 White Street. I have a picture of what is left of the barn and it wasn't taken apart delicately it was just trashed. This is a loss, loss for the neighborhood. The new variances should be denied.

Brian Rodems 84 White Street. Respectfully request the variance be denied.

Lilly Mae Olsen 8 Southeast Street. My family walked by this barn many times. Broken promises by the applicant to the Board. What prevents other people from doing the same thing.

Bill Moore, Chairman stated the applicant has been asked for additional information. We will place this application on the agenda for the March 7, 2016 Zoning Board of Appeals meeting.

2. #2876 BENTON SUBDIVISION 58 Fifth Avenue, motion for an Advisory Opinion from the Planning Board for a two-lot residential subdivision; relief required from the minimum average lot width (both lots) requirements in the Urban Residential-2 District.

RECUSAL:

Bill Moore, Chairman recused himself from this application.
Keith Kaplan, Vice Chairman assumed the duties of the Chair.

DISCLOSURE:

Cheryl Grey, alternate Board member noted she lives at 38 Fifth Avenue.

SEQRA:

Action appears to be unlisted. Applicant has submitted a short EAF.

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Minimum average lot width: Lot 1	100 feet	90.8 feet	9.2 feet (9%)
Minimum total side yard setback: Lot 1	12,500 sq. ft	9,149 sq. ft.	3,351 sq. ft. (27%)
Minimum average lot width: Lot 2	100 feet	75.7 feet	24.3 feet (24%)
Minimum lot size: Lot 2	12,500 sq. ft	7,500 sq. ft.	5,000 sq. ft. (40%)
Minimum total side yard setback: Existing house on proposed lot 1	30 feet	13.6 feet	16.4 feet (55%)
Maximum principal building coverage: Existing house on proposed lot 1	20%	28.6%	8.6% (43%)

NOTIFICATIONS/APPROVALS/CONDITIONS OF APPROVAL:

-Per 8.4.6 City Planning Board Advisory Opinion is required.
-Planning Board subdivision approval is required.

Applicant: Benton Family Trust

Agent: Michael Toohey, Attorney

Mr. Toohey stated this was before the Planning Board for an Advisory Opinion. On February 11, 2016 a positive Advisory Opinion was obtained from the Planning Board. Mr. Toohey provided some history of the Benton family and their property holdings. The lots having been owned and used in common since 1950 and have been consolidated on one deed identified as parcels I and II. Lots are in conformance and configuration to neighboring properties.

Discussion ensued among the Board concerning making one lot conforming and grant relief to the other lot. Also the Board discussed moving the property line so lot #1 would be conforming.

PUBLIC HEARING:

Keith Kaplan, Vice Chairman opened the public hearing at 9:26 P.M.

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

Chris Benton, 18 Madison Street. The family respects the government process as it is implemented and the process. He spoke regarding the 2 separate lots. We tried to make this an acceptable proposal.
It will not negatively impact the neighborhood.

NOTIFICATION/APPROVALS/CONDITIONS OF APPROVAL:

-Per 8.4.6 City Planning Board advisory opinion required.
-Planning Board subdivision approval required.

NEIGHBOR INPUT:

-Jim Birnby and Angela Rella, 63 Fifth Avenue.
-Bill and Sue Jeffreys, owners of 64 Fifth Avenue.
-Arnold and Diane Redbord, 65 Fifth Avenue.
-Frank and Bernice Grear, 62 Fifth Avenue.
-Kate Petronis

Keith Kaplan, Vice Chairman stated the public hearing will remain open. A resolution will be prepared and presented for the next Zoning Board of Appeals meeting on March 7, 2016.

Bill Moore, Chairman resumed the duties of the Chair.
Keith Kaplan, Vice Chairman resumed the duties of the Vice Chair.

3. #2647.1 NELSON & WILEY PORCH, 317 Nelson Avenue, area variance to construct a screened porch addition to an existing single-family residence; seeking relief from the minimum rear yard setback and maximum principal building coverage requirements in the Urban Residential-3 District.

SEQRA:

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

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Maximum principal building coverage:	30%	33.5%	3.5% (12%)
Minimum rear yard setback:	25 feet	20.2 ft.	4.8 feet (19%)

Applicant: Howard Nelson & Jean Wiley

Mr. Nelson stated he wants to build a screen porch from the rear of the building. We have a very small

lot and a very limited area with which to build.

Bill Moore, Chairman asked if there were any further questions or comments from the Board.

None heard.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 9:35 P.M.

Bill Moore, Chairman asked if anyone in the audience wished to comment on this application.

None heard.

Bill Moore, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next Zoning Board of Appeals meeting on March 7, 2016.

4. #2759.1 ANW HOLDINGS RESIDENTIAL DEVELOPMENT, 27 Jumel Place, area variance to demolish existing structure and build seven-unit condominium project; seeking relief from the maximum principal building coverage, minimum front yard setback and maximum height for a residential fence requirements in the Urban Residential-3 District.

SEQRA:

-Action appears to be Unlisted – Part 1 of a short EAF was submitted. The Board will need to complete Part 2.
-Negative SEQRA Declaration issued October 28, 2013 for the seven unit condominium project.
-The Board reaffirmed the Negative Declaration in review of the area variance modification in 2014.

PARCEL HISTORY:
April 28, 2014 area variance modification for additional relief for the two units fronting on Jumel Place.
October 28, 2013 area variance application approved "to construct a seven unit condominium development".
September 11, 2013 favorable advisory opinion issued by the Planning Board.
February 8, 2013 applications for Van Zandt "Ballet School" withdrawn by the applicant.
November 5, 2012 application for use and area variances to permit two additional residential units and an additional educational/training facility, while maintaining the ballet school and two apartments permitted by prior variance.
January 11, 2010 applications for Malta Montessori School withdrawn by the applicant.
November 2009, application for an interpretation and use variance modification; alternatively, a new use variance for Malta Montessori School.
The interpretation request was that the proposed use was a modification of the existing use variance granted September 23, 1996 for a ballet school and two apartments. The modification of the use variance was a request to remove the word "ballet" so as to allow a school and two apartments. Modification of a condition of the approval that specifies the hours of operation for the ballet school from 3:00 PM to 7:30 PM, Tuesday through Saturday; and to 8:45 PM on evening.
Alternatively, a new use variance was requested to use the property as a School for children ranging in age from 3 to 12 and two apartments.
November 6, 1996 Planning Board Site Plan Approval.
September 18, 1996 Use Variance approved to convert the existing building into a ballet school and two apartments.
September 18, 1996 Area Variance approved for minimum front yard setback, minimum side yard setback, minimum rear yard setback and maximum percent of building lot coverage.
July 10, 1980 Area Variance approved to construct a covered loading dock addition to the existing Adirondack Stihl Building.
October 14, 1957 ZBA issued favorable advisory opinion to the City Council for rezoning request by Tarrant Manufacturing.
January 5, 1953 ZBA issued an unfavorable advisory opinion to the City Council for rezoning request by Tarrant

Manufacturing.

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Maximum principal building coverage: 7 units combined	30%	46%	16% (53%)
Maximum principal buildings on one lot:	1	7	6 (600%)
Minimum front yard setback: (two buildings)	10 ft.	1 ft.	9 ft. (90%)
Minimum rear yard setback: (two buildings)	25 ft.	6 ft.	19 ft. (76%)
Maximum height residential fence	6 ft.	8 ft.	2 ft. (33%)

Applicant: John Witt, President, ANW Holdings

Mr. Witt stated he is before the Board due to approvals having lapsed approximately 4 months ago. Nothing has changed with the project. An estate issue arose in closing on the properties. Engineering is close to being completed. We will demolish the old structure and re-create these units with a creative use of space. A visual presentation was provided to the Board. Radiant heated brick street which goes into seven individual homes/condos. Every yard is private and each home is designed to be private. This will be a maintenance free community. The buildings cover 49% of the site. We are allowed 4 duplexes and we are proposing 7 single family residences fronting a private street. Lot statistics were provided. Streetscape views were also provided. Views of the neighborhood were also provided. These units will be different sizes 1,800 square feet up to 3,000 square feet. We will be using reclaimed brick as a focal point. This project will be built all at once. Nothing has changed with the plans since our previous application. The request is minimal and less than what currently exists on the property. Permeability exceeds the minimum at 35.10% and parking accommodations are onsite.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 9:50 P.M.

Bill Moore, Chairman asked if anyone in the audience wished to comment on this application.

Max Peter, 204 Lake Avenue. We have lived here for 12 years. We love our backyard. We have some concerns that this variance will have adverse effects on our yard. A three story building will be off my backyard.

Sam Brewton, 206 Lake Avenue. Mr. Witt builds beautiful homes, no question. It is the scope of what is being proposed which has the neighbors concerned.

Jane Valetta 31 Jumel Place. I do welcome the development of the site. The site now is totally deteriorated. This project is huge compared to the neighborhood. Too large with too many large variances. Only single family and two family homes are allowed in a UR-3 zone. How do single family homes become condominiums? This will overcrowd the neighborhood. Please give this consideration before approval.

Kiera Cullen 208 ½ Lake Avenue. Read into the record a letter from her mother. My home borders on the property. I support the project. I do not support the variances requested which are too large.

Maureen Curtin addressed the zoning in the area. UR-3 zone which allows single and two-family homes. Condominiums are not allowed in the UR-3. This is not in conformance with the Comprehensive Plan.

Deb Matteson 206 Lake Avenue. There are a multitude of substantial variances requested. This is a very dense project.

Mr. Witt stated each home was designed to fit in this space perfectly. It will feel very comfortable and fit very well into the space and the community around the site. This will be individual and unique.

James Helicke requested a site plan which depicts where the buildings will be imposed on the neighborhood.

Jerry Matteson 206 Lake Avenue. Are these condos or individual homes.

Bill Moore, Chairman stated these are individual homes in a condo development. It is a type of ownership. The property is owned in common, individuals own the walls and the property inside.

Mr. Witt stated there is a new concept for the City, this is individual and unique.

Bill Moore, Chairman stated the Board requested some additional information from the applicant. The applicant will return at the next Zoning Board of Appeals Meeting on March 7, 2016.

5.2875 PERRON RESIDENTIAL ADDITION, 35 Greenfield Avenue, area variance to construct a three car attached garage to an existing single-family residence; seeking relief from the minimum front yard setback (Woodlawn) and maximum principal building coverage requirements in the Urban Residential-1 District.

SEQRA:

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

PARCEL HISTORY:

-Area variances associated with a previous lot line adjustment approved December 15, 2014.

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	EXISTING	PROPOSED	TOTAL RELIEF REQUESTED
Minimum front yard setback: Woodlawn	30 feet	4 feet	5 feet	25 feet (83%)
Maximum principal building coverage	20%	16.8%	27.2%	7.2% (36%)

Applicant: Jean-Pierre Perrone, Marianne Terratore

Agent: Sue Davis, Michael – SD Atelier Architecture

Ms. Davis stated this home is considered a contributing home on the national register. A visual presentation of the proposed project was provided to the Board. We want to be sensitive to the style of the house. The applicant has been in conversations with neighbors as well as the Preservation Foundation who have been very helpful with regard to moving the carriage house which is also a historic structure. A visual view of the relocation of the carriage house was provided to the Board and we will work around the trees on the property. The total lot coverage will be 27.2%. All of the designs will extend over the 30 foot setback since it is already nonconforming. Surrounding views of the neighborhood were provided. The placement of the addition to the rear off of Woodlawn maintains the lot layout, curb cut and view of the house from Greenfield. The site will remain permeable at 30%. Revised site plans were provided to the Board.

Keith Kaplan, Vice Chairman exited the meeting at 10:50 P.M.

Discussion ensued regarding lot coverage, and downsizing to a two car garage.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 10:55 P.M.

Bill Moore, Chairman asked if anyone in the audience wished to comment on this application.

Samantha Bosshart, Executive Director, Saratoga Springs Preservation Foundation. This is a contributing building to the National Register District. To have an owner who is willing to consider saving the carriage house speaks volumes. Please take that into consideration and not penalize the owner who is willing to save such an historic building.

Jim Gold, neighbor to the north. We bought our carriage house in 1987. I would like to echo what Sue and Samantha have said. Thanks for saving the carriage house.

Bill Moore, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next Zoning Board of Appeals Meeting on March 7, 2016.

5. #2878 REED DECK, 12 Clubhouse Drive, area variance to maintain an existing rear deck to an existing single-family residence, seeking relief from the minimum rear yard setback in the Urban Residential-4 District.

SEQRA:

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

PARCEL HISTORY:

-Area variance for one-story master bed/bath addition granted January 26, 2016.

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	EXISTING	PROPOSED	TOTAL RELIEF REQUESTED
Minimum rear yard setback:	25'	19'	19'	6' (24%)

Applicant: Pat Reed, owner

In the process of having plans drawn for the addition it was determined there was an issue with the back deck.
I was instructed to apply for a variance which is the reason for this application. A photograph of the deck was provided.
The deck was on the home when the applicant purchased the property.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 11:02 P.M.

Bill Moore, Chairman asked if anyone in the audience wished to comment on this application.

None heard.

Bill Moore, Chairman closed the public hearing at 11:03 P.M.

Gary Hasbrouck presented the following resolution.

IN THE MATTER OF THE APPEAL OF
PAT REED
12 CLUBHOUSE DRIVE
SARATOGA SPRINGS, NY 12866

From the Building Inspector's determination for the same premises, identified as Tax Parcel no. 179.53-1-16, Inside District of the City of Saratoga Springs, NY.

Whereas, the appellant has applied for an area variance for relief from the City Zoning Ordinance for maintaining an existing deck in a UR-4 zoning district; and public notice having been duly given of a hearing on said application held on February 22, 2016.

Whereas, in consideration of the balance between benefit to the applicant with detriment to the health, safety and welfare of the community, the Board makes the following resolution that the requested area variance for the following relief or lesser dimensions, be approved:

	Required	Existing	Proposed	Total Relief Requested
Minimum Rear Yard Setback	25'	19'	19'	6' (24%)

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. The application states, "The deck is existing since 1985 when the townhouse was purchased. Existing deck was extended by owner 25 years ago." Applicant indicates no land is available for purchase.

2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The application states, "The entire yard is fenced and deck is minimally visible". It should be noted, the new addition to the side of the residence will mostly shield the view of the existing deck from the road.

3. The relief requested may be considered substantial at 24%. The Board notes the existence of decks throughout the neighborhood and this deck is already in place.

4. The applicant has demonstrated this variance will not have an adverse physical or environmental effect on the neighborhood. It appears the project well exceeds the minimum 15% permeability requirement.

5. The difficulty may be considered self-created. This, however, is not necessarily fatal to the application.

Cheryl Grey seconded the motion.

Bill Moore, Chairman asked if there was any further discussion.

None heard.

VOTE:

Bill Moore, Chairman, in favor; Susan Steer, in favor; Gary Hasbrouck, in favor; Cheryl Grey, in favor; James Helicke, in favor; Oksana Ludd, in favor

MOTION PASSES: 6-0

APPROVAL OF MINUTES:

Approval of meeting minutes was deferred to the March 7, 2016 Zoning Board of Appeals Meeting.

MOTION TO ADJOURN:

There being no further business to discuss Bill Moore, Chairman adjourned the meeting at 11:07 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary