



ZONING BOARD OF APPEALS

MINUTES

MONDAY, SEPTEMBER 26, 2016

7:00 P.M.

CITY COUNCIL ROOM

CALL TO ORDER: Keith Kaplan, Vice Chairman, called the meeting to order at 7:00 P.M.

SALUTE TO THE FLAG:

PRESENT: Keith Kaplan, Vice Chairman; Susan Steer; Adam McNeill, Secretary; Gary Hasbrouck; Skip Carlson; Cheryl Grey, alternate

SKYPE: James Helicke

ABSENT: Bill Moore, Chairman

STAFF: Susan Barden, Senior Planner, City of Saratoga Springs
Steve Shaw, Zoning and Building Inspector
Tony Izzo, Assistant City Attorney

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:

AGENDA ITEM #2

#2914 SAMES MIXED USE BUILDING, 20 Bowman Street, area variance to convert existing one-story building to eating and drinking and add a second story for a residential unit, seeking relief from the minimum front and side yard setbacks for the second story addition and minimum front, side and rear yard setbacks to parking in the Tourist Related Business district. Adjourned to October 11.

AGENDA ITEM #15

#2910 PET LODGE OF SARATOGA, vacant lands on the east side of Route 9/South Broadway (tax parcels nos. 191.8-1-1-6), coordination of SEQRA review and area variance to construct a pet boarding facility and associated site work in the Tourist Related Business and Rural Residential Districts. Adjourned to October 11.

#2907 DELARM RESIDENTIAL ADDITION, 96 Quevic Drive, area variance for construction of an attached garage addition to an existing single-family residence and maintenance of a shed; seeks relief from the minimum front yard and side yard setbacks for the residential addition and minimum side yard and maximum accessory building coverage for the shed in the Urban Residential-1 District.

#2786.2 RITE AID SIGNAGE, 90 West Avenue/242 Washington Street, area variance for proposed sign package for a new pharmacy/retail establishment; seeking relief from the maximum number of wall signs, maximum area for wall signs, placement of wall signs above the first floor level of the building, maximum area for a freestanding sign, to permit directional signage, maximum area for directional signage, and to permit temporary signage (banner) in the Transect-5 District.

#2778.1 GUARINO/HANER EXTENSION, 21 Park Place, area variance extension for construction of two (2) two family residences; relief from the minimum front yard setback and maximum principal building coverage granted

December 15, 2014. Adjourned to October 11, 2016.

#2903 CAPOZZOLA HOME OCCUPATION, 57 Gilbert Road, area variance to maintain a home occupation in a detached garage; seeking relief to permit a home occupation in an accessory structure (residential), to exceed the maximum floor area and number of employees for home occupations in the Rural Residential District.

#2889 CDJT DEVELOPMENT MULTI-FAMILY, 124 Jefferson Street, use variance to convert an existing 6-unit senior housing development to multi-family residential including workforce housing; seeking relief from the permitted uses in the Urban Residential-2 District

#2880 ARMER/DESORBO RESIDENCE, 117 Middle Avenue, area variance for additions to an existing single-family residence; seeking relief from the minimum side and rear yard setbacks and maximum principal building requirements in the Urban Residential-4 District.

#2980 BARLOW RESIDENCE, 2 Cherry Tree Lane, area variance to construct an attached garage and breezeway to an existing single-family residence; seeking relief from the minimum side yard setback requirements in the Rural Residential District.

2891 BALLSTON AVENUE PARTNERS SUBDIVISION, 96 Ballston Avenue, area variance to provide for a proposed 22 Lot subdivision and construct 22 townhouse units; seeking relief from the minimum lot size and minimum average lot width requirements for each of the proposed lots, minimum side yards, minimum total side yard and maximum principal building coverage requirements for each of the townhouse units in the Urban Residential-2 District.

NOTE:

Board member James Helicke participating by videoconference for the first application #2900 only.

1. **#2900 MAPLE SHADE CORNERS, LLC OFFICE**, 34 Marion Avenue, use variance for a medical office; seeking relief from the permitted uses in an Urban Residential-2 District.

Keith Kaplan, Vice Chairman stated this application was heard at the June 20 meeting and adjourned to July 11, 2016. The public hearing was opened and remains open. Additional information was submitted by the applicant on July 1, 2016. The application was further adjourned to July 18, 2016. Two affidavits were submitted by the applicant's attorney.

SEQRA:

Action appears to be Unlisted. A short EAF was submitted.

PARCEL HISTORY:

-Use variance denied 1987.

NEIGHBORHOOD INPUT:

- Letter from Gary Dake, President of Stewart's dated May 23, 2016.
- Letter from Tracy Millis III, Neighborhood Association President, dated June 20, 2016.
- Email from Tracy Millis, 37 Maple Dell, submitted June 20.
- Email from Todd Wolfe, 28 Maple Dell to Tracy Millis, submitted June 20, 2016.
- Email from Michael Davis, 22 Maple Dell to Tracy Millis, submitted June 20, 2016.
- Letter from Michael Davis to Ms. Ferradino, submitted June 20, 2016.
- Email from Denise Dupras, 20 Maple Dell to Tracy Millis, submitted June 20, 2016.
- Email from John and Laura Manhey, 30 Maple Dell to Tracy Millis, submitted June 20, 2016.
- Email from Laura Manhey, 30 Maple Dell to Tracy Millis, submitted June 20, 2016.
- Letter from Barbara Talerico, 79 Covell Avenue, dated May 24, 2016.

- Email from Jeff Waldron, owner 382 Maple Ave., and Jeff Waldron & Gerard Kaluser, owners 384 Maple Avenue to Tracy Millis, submitted June 20, 2016.
- Email from Richard Richmond and Warren Richmond, 5 Avenue A to Tracy Millis, submitted June 20, 2016.
- Email from Anthony Kenney, 386 Maple Avenue to Tracy Millis, submitted June 20, 2016.
- Email from Suzanne Sinicropi, 32 Maple Dell to Tracy Millis, submitted June 20, 2016.
- Email from Louisa Foye, 6 Marion Avenue to Tracy Millis, submitted June 20, 2016.
- Email from Joshua Ramsdill to Tracy Millis, submitted June 20, 2016.

NOTIFICATIONS/APPROVALS/CONDITIONS OF APPROVAL

- Planning Board site plan review required.
- County Planning Board referral required.

Applicant: Maple Shade Corners, LLC

Agent: Stephanie Ferradino, Tuszynski, Cavalier and Gilchrist; John Primo, Architect; Jay Vero, Real Estate Agent

Ms. Ferradino stated an affidavit was provided to the Board by the owner of the property reviewing his ownership and subsequently what has occurred over the last 30 years. We have also provided affidavits from real estate agents. A letter was submitted to the Assistant City Attorney which was provided to the Board. Ms. Ferradino presented a visual presentation of the existing site and reviewed the standards for a Use Variance. Ms. Ferradino stated she will review reasonable return on investment, uniqueness of the property and financial hardship, and the altering of the essential character of the neighborhood. There has been no return on their investment since there is no use for this property as it is currently zoned. Ms. Ferradino reviewed the cost to construct a home. Impediments of parking and the cost to construct and the size of the property. No viable offers were made on the property. Property and school taxes were provided as well as and the maintenance costs were estimated at \$138,404 which is the current purchase price. Data from present value on investment was provided. This property is located on the corner of a very busy intersection. When the property was purchased in 1982 with a residence on it Marion Avenue and Maple Avenue were predominantly residential roadways that did not have high traffic volume. Since that time the roadway is now classified as an Urban Minor Arterial with approximate daily traffic volumes of 12,586 cars on an average day. The amount of development along this corridor in the last decade has increased dramatically, changing its nature from residential to commercial. The area is a mix of commercial and residential uses. The proposed structure is residential scale, one story and size (3,000 square feet) is comparable with the neighborhood. Parking is located in the rear behind the building and accessed from Maple Dell. No curb cut is proposed off of Marion Avenue. The use proposed will be significantly less intense than the other commercial uses across Maple Dell including doctors/therapist offices, convenience and liquor stores and the physical therapist located near the subject parcel, as the applicant anticipates using the property as a satellite office and anticipates seeing one patient per hour. Ms. Ferradino stated the cumulative negative factors with regard to development of this site. Increased traffic over 42% in this area. It is a corner lot, on a busy intersection. The safety of the site, with no view, intersection is commercial surrounding the property. Currently the property is vacant land, and the size of the lot. A screening plan was submitted to the Board.

Discussion ensued among the Board concerning the standards for a Use Variance, and criteria presented.

NOTE:

Cheryl Grey stated she did view the webcast of the prior meeting and feels comfortable voting this evening.

PUBLIC HEARING:

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

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

NOTE:

Adam McNeill, Secretary spoke to a member of the public who was referred by the Mayor's Office concerning this application. The merits of this application were not discussed merely noting it was on the agenda. I also have viewed the webcast of the meeting I was absent from when this item was on the agenda. I do feel confident voting on this application this evening.

Keith Kaplan, Vice Chairman stated the reasoning for the placement of this item first on the agenda was to accommodate Board member James Helicke.

Tracey Millis, Maple Dell Neighborhood Homeowners Association. Mr. Millis provided a petition of Neighborhood Association documents and affidavits and signatures for the Board. Mr. Millis spoke of two new homes built in the area, and two more proposed. He spoke regarding the neighborhood. They are trying to protect their neighborhood. This is the northern gateway, single family residential homes. This is the biggest investment in our lives. Keep this a residential area.

Jack Wallace, 32 Maple Dell. Comp Plan Zoning was zoned residential. The person selling this property wants this property to be zoning commercial.

Mike Davis, 22 Maple Dell. This is common sense. This property was never rented. This is purely self created.

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

SEQRA

The Board reviewed the EAF Short Form Part II. No large or important areas or concern were noted.

Gary Hasbrouck made a motion in the matter of the application Maple Shade Corners, LLC Office, 34 Marion Avenue for a SEQRA Negative Declaration.

Adam McNeill, Secretary seconded the motion.

VOTE :

Keith Kaplan, Vice Chairman, in favor; Susan Steer, in favor; Adam McNeill, Secretary, in favor; Gary Hasbrouck, in favor; Skip Carlson, in favor; Cheryl Grey, alternate, in favor; James Helicke, in favor

MOTION PASSES: 7-0

Keith Kaplan, Vice Chairman stated since new information has been provided to the Board. At this time we will defer to the next meeting for a resolution and a vote.

Discussion ensued among the Board. It was the consensus of the Board to vote on this application this evening.

Cheryl Grey presented the following resolution.

2900
IN THE MATTER OF THE APPEAL OF
MAPLE SHADE CORNERS, LLC
4 EXECUTIVE PARK DRIVE
ALBANY, NY 12203

From the determination of the Zoning and Building Inspector involving the premises at 34 Marion Avenue in the City of Saratoga Springs, New York, being tax parcel number 165.5-3-25 on the Assessment Map of said City.

The appellant having applied for a use variance for a medical office, seeking relief from the permitted uses in an Urban Residential-2 District (UR-2) and public notice having been duly given of a hearing on said application on June 20, July 11 and September 26, 2016.

In consideration of the balance between the benefit to the applicant with detriment to the health, safety and welfare of the community, I move that a use variance to permit a medical office in the UR-2 zoning district, as per the submitted plans or lesser dimensions, BE DENIED for the following reasons:

1. To begin with, the Applicant has provided evidence demonstrating that granting the variance requested would not significantly impact the essential character of the neighborhood. The Board notes that the property in question is located at a busy intersection in the immediate vicinity of several businesses, including physical therapy offices and a convenience store across Maple Dell and a banking facility and a gas station across Marion Avenue (Route 9). It is also located a short distance from several newly developed commercial properties, most notably the Fresh Market complex which includes a supermarket, restaurants and other retail businesses. The Board concurs that this property's location along a busy corridor and its location on the corner negatively impacts the value of the parcel as a residentially-zoned property.
2. Similarly, the Board finds that the applicant has demonstrated lack of a reasonable return for a permitted use. Per the applicant, their investment has aggregated \$138,000 while the proposed purchase price is \$140,000. The Board finds this to be sufficient and convincing evidence that a reasonable return is not attainable.
3. The Applicant has not demonstrated that the financial hardship alleged is unique and does not apply to a substantial portion of the neighborhood. Although the location of this property on a corner may impact its value, difficulties, especially those related to traffic, are experienced by multiple neighboring or nearby properties which, nonetheless, maintain continued residential use. The Board concludes any financial hardship due to traffic, congestion and commercial activity also applies to a substantial portion of the neighborhood, especially multiple residential properties immediately to the north of the property on Marion Avenue.
4. Finally, the Applicant has not demonstrated that the alleged hardship has not been self-created. The Board notes that the current owner of the property acquired the property in question as an investment property at a time that it knew or should have known that commercial growth near the property was already underway. In particular, the board notes the existence of a convenience store on Maple Dell, a gas station across Marion Avenue, and other nearby businesses along the Marion Avenue/ Route 9 corridor at the time of acquisition. Subsequent attempts were made to use the property for commercial purposes, which included an unsuccessful use variance application to this Board in 1987.

The Board, moreover, notes that the property was marketed for years as a commercial property and at prices substantially higher than immediately adjacent properties, complicating its sale. The Board, therefore, finds that the property owner's decision to market the property as commercial rather than residential contributed to the long duration of a potential sale and the related costs of maintaining the property, including the payment of accrued taxes and demolition, and constitutes a self-created hardship. The Board further notes a residence existed at the time the property was acquired. The home was not maintained and was left to deteriorate until its demolition several years ago, a self-created factor that negatively impacts the present value of the property.

Counsel for the Applicant has indicated that the alleged hardship was not self-created by the Applicant, since any self-created hardship occurred under separate ownership. The Board does not find this argument compelling, since the self-creation test concerns the purchase of property, by any person, with knowledge that its intended use is not permitted. The Board notes that although the Applicant, who seeks to purchase the property is not personally responsible for any such hardship, the Applicant nonetheless had actual or constructive knowledge of the property's history.

Susan Steer seconded the motion.

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

Discussion ensued among the Board concerning the resolution.

Keith Kaplan, Vice Chairman spoke concerning an amendment to paragraph #2 of the resolution. The Board will recess while the resolution is modified.

8:45 P.M. The Board recessed.

9:00 P.M. The Board reconvened.

Cheryl Grey read the revised portion of the resolution, paragraph #2.

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

None heard.

VOTE :

Keith Kaplan, Vice Chairman, opposed; Susan Steer, in favor; Adam McNeill, Secretary, in favor; Gary Hasbrouck, opposed; Skip Carlson, opposed; Cheryl Grey, alternate, in favor; James Helicke, in favor

MOTION PASSES: 4-3

NOTE:

Board Member James Helicke exited the meeting.

NEW BUSINESS:

3. **#2911 NATHAN HOME OCCUPATION**, 36 Bensonhurst Avenue, area variance to construct a detached garage with second story home occupation, seeking relief to permit a home occupation in an accessory structure, to permit habitable/finished space in an accessory structure and to exceed the maximum square footage for a home occupation in an Urban Residential-2 District.

SEQRA:

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

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Home occupation conducted entirely within the structure	Activity conducted within principal structure	Activity conducted within detached garage	To permit activity within detached accessory structure (residential)
Maximum area of total floor area of dwelling: 1914 sq. ft. dwelling	15% (287 sq. ft.)	42.45% (812.5) sq. ft.	27.45% (183%)

DISCLOSURE:

Keith Kaplan, Vice Chairman disclosed he came upon the owner when viewing the property yesterday. We did not discuss the merits of the application only the location of the garage.

Applicant: Ben Nathan, homeowner

Mr. Nathan stated they are seeking relief to permit a home occupation in an accessory structure, to permit habitable/finished space in an accessory structure and to exceed the maximum square footage for a home occupation.

Susan Steer requested information on the proposed business including visitors and parking issues.

Mr. Nathan stated this would be his wife's business. She is an interior decorator. Primarily it is all homework for her. Occasional she receives a delivery or two. 99% of her work is off site, on construction sites or homes. No parking issues.

Susan Steer stated her concern is the size of the proposed garage home office.

Mr. Nathan stated they currently do not have a garage. They own two vehicles and would like to park both vehicles in the garage. Above the garage space is significant in size and we wanted to take advantage of the square footage up there. A half bath with a sink is proposed.

Susan Steer requested a copy of the floor plan to be submitted to staff. Also, she questioned the applicant if the driveway on Division Street could be removed.

Mr. Nathan stated it was there plan to remove the curb cut and driveway on Division Street.

Discussion ensued concerning the amount of relief requested, scale of the building compared to other homes in the area and home office versus home occupation discussion.

PUBLIC HEARING:

Keith Kaplan, Vice Chairman opened the public hearing at 9:15 P.M.

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

None heard.

Keith Kaplan, Vice Chairman stated we will keep the public hearing open. The Board has asked for additional information be provided to staff. A resolution will be prepared and presented at the next ZBA meeting scheduled for October 11, 2016.

4. #2915 OBSTARCZYK GARAGE, 147 Spring Street, area variance to construct a detached, two car, two story garage, seeking relief from the minimum side yard setback and minimum distance between accessory and principal structure in the Urban Residential-3 District.

SEQRA:

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

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Minimum side yard setback	5 ft.	3 ft.	2 ft. (40%)
Minimum accessory to principal building setback:	5 ft.	2.7 ft.	2.3 ft. (46%)

Applicant: Chris Obstarczyk

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated the applicants have recently purchased this property. Looking to add a two car garage. Barn on the property will be demolished. Attaching the garage is not feasible. The proposed garage is 20' feet wide which is the smallest recommended for two cars. The existing structure could possibly be repaired but would require the structure to be lifted for a new foundation. The variance for minimum distance to the principal structure will not be visible from Spring Street and therefore have little or no effect on the neighborhood. Visually the garage will not appear closer than the required 5' from the house when viewed from the street. The site is within a DRC district. The aesthetics of the new structure will be reviewed for architectural consistency with the house and neighborhood prior to permitting construction. The proposed garage is under the maximum accessory building coverage. No large trees will be removed for this project. Photographs were provided to the Board. Permeability calculations will be 35.7% following construction with a 30% minimum in this area.

NOTIFICATIONS/APPROVALS/CONDITIONS OF APPROVAL

Keith Kaplan, Vice Chairman stated a letter was received this date from Samantha Bosshart, Saratoga Springs Preservation Foundation, noting the barn is a contributing structure. Discussion ensued concerning obtaining an Advisory Opinion from the DRC. Keith Kaplan, Vice Chairman also requested some further clarification and the feasibility of a tandem garage.

Susan Barden, Senior Planner explained there are two approvals required for this application one for demolition and one for construction. You can ask for an Advisory Opinion concerning the demolition. Following that determination the Board then can act on the area variances requested for new construction.

Keith Kaplan, Vice Chairman made a motion for an Advisory Opinion concerning the demolition of the existing barn structure.

Susan Steer seconded the motion.

VOTE:

Keith Kaplan, Vice Chairman, in favor; Susan Steer, in favor; Adam McNeill, Secretary, in favor; Gary Hasbrouck, in favor; Skip Carlson, in favor; Cheryl Grey, in favor

MOTION PASSES: 6-0

PUBLIC HEARING:

Keith Kaplan, Vice Chairman opened the public hearing at 9:30 P.M.

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

None heard.

Keith Kaplan, Vice Chairman stated the public hearing will remain open. The applicant will return before the ZBA following the Advisory Opinion from the DRC.

5. **#2916 COSTELLO GARAGE**, 109 Elm Street, area variance to finish the interior of an existing detached garage, seeking relief to permit finished/habitable space in an accessory structure in an Urban Residential-2 District.

SEQRA:

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

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
To permit finished/habitable space in an accessory structure (residential):	Unfinished/uninhabitable space	Finished/habitable space	100%

DISCLOSURE:

Keith Kaplan, Vice Chairman stated he did come across the owner while he was touring the site. We did not discuss the merits of the application.

Applicant: Jim and Karen Costello

The applicants would like to finish the area which is already there. The use is to be determined. Perhaps a craft area.

Keith Kaplan, Vice Chairman questioned the feasibility of a breezeway.

The applicant stated it is 20 feet from the house and a bluestone patio currently exists. The exit from the home and the entrance to the garage do not line up. Financially and aesthetically it is not feasible.

Keith Kaplan, Vice Chairman questioned if floor plans could be submitted to the staff.

PUBLIC HEARING:

Keith Kaplan, Vice Chairman opened the public hearing at 9:40 P.M.

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

None heard.

Keith Kaplan, Vice Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA meeting scheduled for October 11, 2016.

RECUSAL:

Board member Susan Steer recused from the following application.

6. #2912 BATES SINGLE –FAMILY RESIDENCE, 5 Swanner Lane, area variance to construct residential additions to an existing warehouse building and use as a single-family residence; seeking relief from the rear setback and maximum principal building coverage in the Urban Residential-3 District.

DISCLOSURE:

Cheryl Grey, alternate, stated she does know the applicant and the architect. This will in no way influence her voting or decision making. No recusal, simply a disclosure.

SEQRA:

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

PARCEL HISTORY:

- Use variance to permit the renovation/rehabilitation of the existing warehouse and office nonconforming use approved June 14, 2000.
- Area variance to renovate/rehabilitate the existing warehouse and office nonconforming use approved June 14, 2000.

AREA VARIANCE CONSIERATION:

	REQUIRED	EXISTING	PROPOSED	TOTAL RELIEF REQUESTED
Maximum principal building coverage:	30%	34.76%	40.37%	10.37% (34.5%)
Minimum rear yard setback	25'	0'	5.6'	19.4' (77.6%)

Applicant: Lisa Bates, owner

Agent: Tom Frost, architect, Frost Hurff Architects

Mr. Frost stated this building was converted to a residence prior to Ms. Bates ownership. The building is on the property line on one side and against the rear property line. No setbacks in those two locations. What we are proposing in the rear there is a cut out of the building where the mechanical equipment is housed. We are proposing enclosing the area with a fence and roofing. The other addition to the building is an open porch with a roof over the entry on the side of the building, is a necessity and not achievable by any other means. These two proposed additions total 268 sq. ft. The two structures that cause the need for the variance are fairly minimal given the existing building mass and their almost inconsequential change to the site. What the applicant is proposing is taking the property from a nonconforming warehouse/office to residential will result in a positive impact to the neighborhood. It will make the building look like a residence versus a commercial building. The percentage of permeable area will remain well above 25%. There was no additional land available for purchase.

Ms. Bates provided some history/background of the property for the Board.

Keith Kaplan, Vice Chairman requested the lot size.

Mr. Frost stated he will provide lot size and permeability projection to staff.

Cheryl Grey, alternate, questioned the mechanical area enclosure.

Mr. Frost provided the drawing noting the location and proposed enclosure.

PUBLIC HEARING:

Keith Kaplan, Vice Chairman opened the public hearing at 9:50 P.M.

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

None heard.

Keith Kaplan, Vice Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA meeting scheduled for October 11, 2016.

Board Member Susan Steer resumed her position on the Board.

7. **#2913 DIULIO GARAGE**, 122 North Street, area variance to construct a detached, two car, two-story garage with second story living space; seeking relief to permit finished/habitable space in an accessory structure in an Urban Residential-3 District.

SEQRA:

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

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
To permit finished/habitable space in an accessory structure (residential):	Unfinished/uninhabitable space	Finished/habitable space	100%

Applicant: Jason Diulio, owner

The current garage is in bad shape. We are proposing demolition of the old one story one car garage and replace it with a two car, two story garage in the same location. We would like to build livable space on the second floor. The building will be approximately 26 feet in height. There are many garages of different sizes along the alley. Some appear to be more comparable in size to principal structures. We are located in a UR-3 zone where two-family residences are permitted on larger lots. We have considered an addition to the primary residence however this would reduce the green space/lawn area, due to the increased length of the driveway. We have no plans for rentals. Bathroom upstairs on the second level and this will increase home space. This will increase the coverage by 3.7%. The garage will be shorter than the home in height.

PUBLIC HEARING:

Keith Kaplan, Vice Chairman opened the public hearing at 10:15 P.M.

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

Sarah Foss, a neighbor is concerned for privacy. She would like to confirm that a survey was done.

Keith Kaplan, Vice Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA meeting scheduled for October 11, 2016.

8. **#2917 PATRICIA ADDITION**, 8 McAllister Drive, area variance to construct a rear porch addition to an existing single-family residence; seeking relief from the maximum principal building coverage in an Urban Residential-1 District.

SEQRA:

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

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	EXISTING	PROPOSED	TOTAL RELIEF REQUESTED
Maximum principal building coverage	20%	22%	28%	8% (40%)

Applicant: Ann Patricia, owner

Agent: Chris Semenza

Mr. Semenza stated the applicant is looking to add a screen porch. Looking for an area variance since the existing home occupies 25.48% of the lot, and we are looking for an additional 5.33%. A survey was submitted to staff.

Discussion ensued regarding relief requested. No additional information was requested from the applicant.

Mr. Shaw, Zoning and Building Inspector provided some additional information concerning ingress/egress window which was not calculated or shown in the plans for a previous variance in 1988. Currently the home is not in compliance. We would like to bring this home into compliance. Coverage numbers would be necessary.

Mr. Semenza stated he can provide this information to the Board.

PUBLIC HEARING:

Keith Kaplan, Vice Chairman opened the public hearing at 10:25 P.M.

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

None heard.

Keith Kaplan, Vice Chairman stated a resolution will be prepared and presented at the next ZBA meeting scheduled for October 11, 2016.

OLD BUSINESS:

NOTE:

The agenda was heard out of order.

10.#2582.4 DEMASI & DUNN RESIDENCE, 27 Garside Road, area variance modification for a new single-family residence; seeking relief from the minimum side yard and minimum total side yard setback requirements in the Green Acres PUD.

This application was heard at the September 12, 2016 meeting and adjourned. The public hearing was opened and remains open.

Keith Kaplan, Vice Chairman stated no additional information was requested from the applicant.

PUBLIC HEARING:

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

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

None heard.

Keith Kaplan, Vice Chairman closed the public hearing at 10:32 P.M.

Gary Hasbrouck presented the following resolution.

IN THE MATTER OF THE APPEAL OF
JAMES DEMASI AND JUDY DUNN
27 GARSIDE ROAD

SARATOGA SPRINGS, NY 12866

From the determination of the Building Inspector involving the premises at 27 Garside Road in the City of Saratoga Springs, NY, being tax parcel number 180.17-1-28 in the Outside District of the City of Saratoga Springs, New York.

Whereas, the appellant has applied for area variances for relief from the current City Zoning Ordinance for minimum side yard setback, minimum total side yard setback, and maximum principal building coverage in the Green Acres PUD Zoning District, in order to demolish an existing structure and construct a new single-family residence; and public notice having been duly given of a hearing on said application held on September 12 and 26, 2016.

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

Type of Requirement	Required	Previously Approved 2010	Previously Approved 2015	Proposed	Relief Requested
Minimum Side Yard Setback	10 feet	4 ft. (6 ft. or 60%)	No change	3.6 feet	6.4 feet (64%)
Minimum Total Side Yard Setback	20 feet	14 ft. (6 ft. or 30%)	No change	13.6 feet	6.4 feet (32%)
Maximum Principal Building Coverage	15%	Not required	15.5% (.5% or 3%)	No change	No change

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. The application states, "Attempts at various designs failed due to the narrow and unusual lot dimensions". It should be noted, the current application remains virtually unchanged from the previously approved variance granted on November 22, 2010 with the exception of an additional .5% maximum principal building coverage request for relief. The applicant also switched the garage configuration. The application states, "The garage is now a front-load..." as described in Appendix E of the Green Acres PUD Area and Bulk Schedule Exceptions. It should be noted the additional requested variances of 6 inches each for Minimum Side Yard setback and Minimum Total Side Yard setback were calculation errors by the applicant. No change in actual construction is contemplated.
2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to the nearby properties. The application states, "Every effort has been made to assure that the profile & roof line will be attractive & keeping with the lake aesthetic". The original approval states, "The new house will be in compliance on the front and rear and is located so that it will not produce an undesirable change for the adjoining neighbors". The additional 6 inches of relief requested appears not to impact neighborhood character.
3. The relief requested for side yard and total side yard setback is substantial, however, the house to be constructed is in the widest area of the lot. The request for maximum principal building coverage is not substantial. The additional 6 inches is de minimis in nature.

4. The applicant has demonstrated this variance will not have an adverse physical or environmental effect on the neighborhood. Minimum percent to remain permeable requirements are met. Sanitary sewer to be provided by Saratoga County Sewer District as per letter dated November 9, 2010.
5. The difficulty may be considered a self-created hardship. This, however, is not necessarily fatal to the application.

Cheryl Grey seconded the motion.

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

None heard.

VOTE:

Keith Kaplan, Vice Chairman, in favor; Susan Steer, in favor; Adam McNeill, Secretary, in favor; Gary Hasbrouck, in favor; Skip Carlson, in favor; Cheryl Grey, in favor

MOTION PASSES: 6-0

11. #2901 PARTHEMOS RESIDENCE, 3 Mohegan Court, area variance to maintain a constructed deck, dining room addition and rear enclosed porch to an existing single-family residence; seeking relief from the minimum rear yard setback in the Urban Residential-2 District.

This application was heard at the September 12, 2016 meeting and adjourned. The public hearing was opened and remains open.

Keith Kaplan, Vice Chairman stated no additional information was requested from the applicant.

PUBLIC HEARING:

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

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

None heard.

Keith Kaplan, Vice Chairman closed the public hearing at 10:39 P.M.

Keith Kaplan, Vice Chairman presented the following resolution.

IN THE MATTER OF THE APPEAL OF
CHRIS PARTHEMOS
3 MOHEGAN COURT
SARATOGA SPRINGS, NY 12866

From the determination of the Building Inspector involving the premises at 3 Mohegan Court in the City of Saratoga Springs, NY, being tax parcel number 177.20-4-3 on the Assessment Map of said City.

The Applicant having applied for an area variance to maintain a constructed deck, dining room addition and rear enclosed porch to an existing single-family residence; seeking relief from the minimum rear yard setback in the Urban

Residential – 2 District and public notice having been duly given of a hearing on said application on September 12 and 26, 2016

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

	Required:	Proposed:	Total relief requested:
Minimum rear yard setback: dining room addition	30 ft.	20 ft.	10 ft. (33%)
Minimum rear yard setback: deck addition	30 ft.	9 ft.	21 ft. (70%)
Minimum rear yard setback: enclosed porch addition	30 ft.	17 ft.	13 ft. (43%)

As per the submitted plans or lesser dimensions, BE APPROVED for the following reasons:

1. The Applicant has demonstrated this benefit cannot be achieved by other means feasible to the Applicant. The Applicant desires to maintain constructed additions to his property either prior to his purchase and/or based on erroneous rear property line information. As the application states, "The dining room was built in 1980 and the screen room sometime in the 80's, according to my neighbors and the deck in 2010".
2. The Applicant has demonstrated that granting this variance will not produce an undesirable change in neighborhood character or detriment to the nearby properties. All of the constructed improvements are at the rear of the existing house and would not be visible from the street. The encroachments to the rear abut vacant, City-owned property.
3. The request for relief is substantial at 33%, 43% and 70%. As the application states, "As the photos show there is a wooded area behind my house with no rear neighbors and no effect on anyone".
4. The Applicant has demonstrated that granting this variance will not have an adverse physical or environmental effect on the neighborhood. No construction is proposed and the lot appears to exceed the minimum 25% of site to remain permeable.
5. The request for relief may be considered a self-created hardship. However, self-creation is not necessarily fatal to the application.

Gary Hasbrouck seconded the motion.

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

None heard.

VOTE:

Keith Kaplan, Vice Chairman, in favor; Susan Steer, in favor; Adam McNeill, Secretary, in favor; Gary Hasbrouck, in favor; Skip Carlson, in favor; Cheryl Grey, alternate, in favor

MOTION PASSES: 6-0

12.#2805.1 THE HAMLET SIGNAGE, 56 Marion Avenue, area variance for construction of freestanding and wall signs; seeking relief from the maximum size for a freestanding sign, placement of wall signs on a building façade without street frontage and to be and to be above the first floor level of the building in the Transect-5 District.

This application was heard at the September 12, meeting and adjourned. The public hearing was opened and remains open. Additional information was provided.

Agent: Daniel Roicki, Adirondack Sign Company

PUBLIC HEARING:

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

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

None heard.

Keith Kaplan, Vice Chairman closed the public hearing at 10:40 P.M.

Gary Hasbrouck presented the following resolution.

**#2805.1
IN THE MATTER OF THE APPEAL OF
Prime Beechwood, LLC
56 Marion Avenue
Saratoga Springs, NY 12866**

From the determination of the Building Inspector involving the premises at 56 Marion Avenue in the City of Saratoga Springs, NY, being tax parcel number 166.30-2-13, Inside District on the Assessment Map of said City.

Whereas, the appellant has applied for an area variance for relief from the City Zoning Ordinance for the placement of wall signs on a façade without street frontage and maximum size for a freestanding sign for an existing structure in a T-5 zoning district; and public notice having been duly given of a hearing on said application on September 12 and 26, 2016.

Whereas, in consideration of the balance between the 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 variances for the following relief or lesser dimensions, be approved:

Type of Requirement	Required	Proposed	Relief Requested
Placement of wall sign on façade without street frontage: Wall sign on north west interior	On façade facing street	On rear/parking lot side of building	Placement on rear of bldg. (100%)
Placement of wall sign on façade without street frontage: Wall sign on north east interior	On façade facing street	On rear/parking lot side of building	Placement on rear of bldg. (100%)
Placement of wall sign on façade without street frontage: Wall signs on north west interior corner (two signs)	On façade facing street	On side of building	Placement on side of bldg. (100%)
Placement of wall sign on façade without street frontage: Wall sign on north east interior corner	On façade facing street	On side of building	Placement on side of bldg. (100%)
Max. size freestanding sign	12 sq. ft.	24 sq. ft.	12 sq. ft. (100%)

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. The businesses requesting the interior facing signage are only accessible from the interior parking lot of the project. Wall signs for those businesses would not be feasible on the street side. The placement of a sign on the street side combined with the lack of an entrance for those businesses on the street side would confuse pedestrian and vehicular traffic. The larger freestanding sign would be installed instead of 2 freestanding signs on separate parcels.
2. The applicant has demonstrated that granting this variance will not produce an undesirable change in neighborhood character or detriment to the nearby properties. The application states, "Internal parking signs are only seen from within the complex". The application also states, "The freestanding sign...would only face city property".
3. The relief requested is substantial. Signing not facing a street is not allowed and therefore a substantial variance is requested. This however is mitigated by the fact that additional signage will not be visible from residential areas and contained only within view of the parking lot.
4. The applicant has demonstrated this variance will not have an adverse physical or environmental effect on the neighborhood. No additional impermeable surfaces are planned.
5. The Board finds the difficulty is self-created which is not fatal to the application.

Cheryl Grey, alternate, seconded the motion.

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

None heard.

VOTE:

Keith Kaplan, Vice Chairman, in favor; Susan Steer, in favor; Adam McNeill, Secretary, in favor; Gary Hasbrouck, in favor; Skip Carlson, in favor; Cheryl Grey, alternate, in favor

MOTION PASSES: 6-0

10. #2905 MCGUIRE PORCH, 97 Lawrence Street, area variance for a rear porch addition to an existing single-family residence; seeking relief from the minimum side yard setback requirement in the Urban Residential-2 District.

This application was heard at the July 18, 2016 meeting and adjourned to July 25, 2016. The board requested that the applicant submit a survey, which was provided to staff. The public hearing was opened on July 18, 2016 and remains open. At the September 12, 2016 meeting the Board requested the applicant provide all dimensions on the survey.

PUBLIC HEARING:

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

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

None heard.

Keith Kaplan, Vice Chairman closed the public hearing at 10:50 P.M.

Skip Carlson presented the following resolution.

#2905
In The Matter of the Appeal of
Ben McGuire
97 Lawrence Street
Saratoga Springs, New York 12866

From the determination of the Building Inspector involving the premises at 97 Lawrence Street in the City of Saratoga Springs, New York 12866, being tax parcel 165.51-1-9 in the inside tax district on the assessment map of said City.

The applicant having applied for an area variance for a rear porch addition to an existing single-family residence; seeking relief from the minimum side yard setback and the minimum total side yard setback requirements in the Urban Residential—2 District. Public notice having been duly given of a hearing on July 18, 2016, July 25, 2016, September 12, 2016 and September 26, 2016.

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

Minimum Side Yard Setback:	Required: 8 feet	Existing: 4.5 feet	Proposed: 4.5 feet	Total Relief Requested: 3.5 feet (43.75%)
Minimum Total Side Yard Setback:	20 feet	17.5 feet	18.6 feet	1.4 feet (7%)

As per the submitted plans or lesser dimensions, BE APPROVED for the following reasons:

- 1.) The applicant has demonstrated that the benefits cannot be achieved by other means feasible. The applicant states that the proposed location for the porch is extremely limited due to the location of the current exit from the kitchen and the location of the laundry room exhaust.
- 2.) The applicant has demonstrated that granting this variance will not produce an undesirable change in the character of the neighborhood nor a detriment to nearby properties. The side setback of 4.5 ft. already exists and would be maintained with the addition of the larger porch.
- 3.) The relief requested at 43.75% may be considered substantial. The existing setback is pre-existing nonconforming and all other setbacks will not be affected. The relief requested for total side yard setback at 1.4 feet or 7% is not substantial.
- 4.) The relief requested will not produce any adverse physical or environmental effect on the neighborhood. As the applicant states, "The proposed porch will be slightly larger than the existing porch but much more aesthetically pleasing to the eye". The applicant also stated "no major trees will be harmed in the construction."
- 5.) The request for relief is considered self-created. The self-created difficulty is not necessarily fatal to the application.

Adam McNeill, Secretary seconded the motion.

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

None heard.

VOTE:

Keith Kaplan, Vice Chairman, in favor; Susan Steer, in favor; Adam McNeill, Secretary, in favor;

Gary Hasbrouck, in favor; Skip Carlson, in favor; Cheryl Grey, alternate, in favor

MOTION PASSES: 6-0

13. #2908 HOVER RESIDENCE, 43 Long Alley, area variance to maintain a two-family residence; seeking relief to maintain residential use on the first floor level of the building in the Transect-6 District.

This application was heard at the September 12, 2016 meeting and adjourned. The public hearing was opened and remains open.

PUBLIC HEARING:

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

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

None heard.

Keith Kaplan, Vice Chairman closed the public hearing at 10:55 P.M.

Susan Steer presented the following resolution.

IN THE MATTER OF THE APPEAL OF
MARK AND CATHERINE HOVER
43 LONG ALLEY
SARATOGA SPRINGS, NY 12866

From the determination of the Building Inspector involving the premises at 43 Long Alley in the City of Saratoga Springs, NY, being tax parcel number 165.51-3-14.2 on the Assessment Map of said City.

The Applicants having applied for an area variance to maintain a two-family residence, seeking relief to maintain a residence on the first floor of a building in the Transect-6 District and public notice having been duly given of hearings on said application on September 12 and 26, 2016.

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

Type of Requirement	District Dimensional Requirement	Proposed	Relief Requested
Residential Uses Second Floor and Above	Second Floor and Above	First and Second Floor	Residential on the First Floor (100%)

As per the submitted plans or lesser dimensions, BE APPROVED for the following reasons:

1. The Board finds that the Applicants have demonstrated this benefit cannot be achieved by other means feasible to the Applicants. The property is zoned for commercial use on the first floor. In 2010, this Board approved an area variance to permit the entire property to be used for residential use as a single-family residence. That variance, however, was conditioned upon the prior Applicant obtaining a building permit to convert the building to entirely residential use. That permit, however, was never obtained so the variance expired. Since that time, the property was sold and the first floor has never been used commercially and, instead, has been in use as a separate residential space. At the time this Board granted the variance to permit residential use on the first floor, it found that "the neighborhood is predominately large business offices with frontage on either Broadway

or Woodlawn Avenue." This Board further found that this property differs from the others in that neighborhood in that it is "smaller in square footage" and there is "no one-site parking and located on a one way alley." As such, it has very limited commercial use and residential use provides the most benefit. We agree with the Applicants' assertion that "the best and most affordable use for the property will be to serve as a rental property downstairs."

2. The Board finds that the Applicants have demonstrated that granting this variance will not produce an undesirable change in neighborhood character or detriment to the nearby properties. Long Alley is predominately characterized by commercial property. The Applicant asserts, and this Board agrees, that "having residents on the street has decreased loitering and trespassing to private commercial property" and it will not increase traffic or pose any negative effects on the neighboring properties.
3. The Board finds that the requests for relief at 100% is substantial, however, substantiality is offset by the fact that it has been in use solely as a residential property for at least the past 5 years.
4. The Board finds that the Applicants have demonstrated that granting this area variances will not have an adverse physical or environmental effect on the neighborhood and will, in fact, result in an improvement of the "property's appearance and overall energy efficiency." This Board agrees with the 2010 resolution, where we found that "since commercial usage is generally more intense in terms of vehicular and foot traffic, the potential residential use of the property will have a positive effect on the neighborhood ..."
5. The request for relief may be considered a self-created hardship. However, self-creation is not necessarily fatal to the application.

Cheryl Grey, alternate, seconded the motion.

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

None heard.

VOTE:

Keith Kaplan, Vice Chairman, in favor; Susan Steer, in favor; Adam McNeill, Secretary, in favor;
Gary Hasbrouck, in favor; Skip Carlson, in favor; Cheryl Grey, in favor

MOTION PASSES: 6-0

14.#2909 GASLIGHT APARTMENTS, LLC MULTI-FAMILY, 69-71 Hamilton Street/10 South Federal Street, area variance to maintain conversion of a portion of existing interior space to an additional residential unit; seeking relief from the minimum lot size per dwelling unit and from the minimum parking requirement in the Urban Resieential-5 District.

This application was heard at the September 12, 2016 meeting and adjourned. The public hearing was opened and remains open.

PUBLIC HEARING:

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

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

None heard.

Keith Kaplan, Vice Chairman closed the public hearing at 11:05 P.M.

Keith Kaplan, Vice Chairman presented the following resolution.

#2909
IN THE MATTER OF THE APPEAL OF
Gaslight Apartments, LLC
c/o Burns Management
1732 Western Ave
Albany NY 12203

From the determination of the Building Inspector involving the premises at 69-71 Hamilton Street and 10 South Federal Street in the City of Saratoga Springs, NY, being tax parcel number 165.75-1-27 on the Assessment Map of said City. The Applicant having applied for an area variance to maintain an existing studio apartment unit within one of the buildings in an apartment complex in the Urban Residential – 5 District and public notice having been duly given of a hearing on said application on September 12 and 26, 2016.

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

Type of Requirement	District Dimensional Requirement	Proposed	Relief Requested
Minimum lot size per dwelling unit- incremental unit	3000SF/dwelling unit	0 SF	3000SF, 100%
Minimum Parking spaces per residential unit	1 space	0 spaces	1 space, 100%

As per the submitted plans or lesser dimensions, BE APPROVED for the following reasons:

1. The Applicant has demonstrated this benefit cannot be achieved by other means feasible to the Applicant. The board notes that the unit exists as of now, having been given a certificate of occupancy in 2011. The central question is whether to allow its continuance. As for the alternative of breaking down the wall to another unit to create a larger unit: per the applicant, there is much less demand for large apartments. The applicant notes that there is a great deal of demand for studio apartments, and this is the only studio apartment in this complex.
2. The Applicant has demonstrated that granting this variance will not produce an undesirable change in neighborhood character or detriment to the nearby properties. The neighborhood context is this large parcel containing a set of multifamily buildings, and a relatively high-rise apartment building, plus a community center and shopping center to the north and residential areas to the south with commercial mixed in. No evidence has been brought to the board's attention to lead to a conclusion that this incremental unit in this development has been harmful or significantly impactful to this neighborhood.

The board further notes, based on observation of the site and information from the applicant, that the parking lot and off-street parking options in the area of this complex, appear to meet the needs of the complex, including this unit.

3. Both areas of relief are 100% and therefore substantial in and of themselves. However, the complex has 70 permitted units, and this is one incremental unit. That increment is 1.43% relative to 70 permitted units, which is not substantial. Furthermore, the remaining units are one and two-bedroom units, with about 60% of the units

being 2 bedroom units, per the applicant. The board does not view the potential crowding brought about from one studio apartment to be substantial in terms of parking and local traffic.

4. The Applicant has demonstrated that granting this variance will not have an adverse physical or environmental effect on the neighborhood. The Applicant has stated that the existing footprints of the buildings are not changed, nor has permeable surface.
5. The request for relief may be considered a self-created hardship due to the applicant's desire to maintain this unit; however it should be noted that a certificate of occupancy has been issued for this unit. In any case, self-creation is not necessarily fatal to the application.

Cheryl Grey, alternate, seconded the motion.

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

None heard.

VOTE:

Keith Kaplan, Vice Chairman, in favor; Susan Steer, in favor; Adam McNeill, Secretary, in favor;
Gary Hasbrouck, in favor; Skip Carlson, in favor; Cheryl Grey, alternate, in favor

MOTION PASSES: 6-0

APPROVAL OF MINUTES:

Keith Kaplan, Vice Chairman made a motion to approve the minutes of the September 12, 2016 Zoning Board of Appeals Meeting with additions or corrections as submitted.

Cheryl Grey, alternate, seconded the motion.

VOTE:

Keith Kaplan, Vice Chairman, in favor; Susan Steer, in favor; Adam McNeill, Secretary, abstained;
Gary Hasbrouck, abstained; Skip Carlson, in favor; Cheryl Grey, alternate, in favor

MOTION PASSES: 4-0-2

MOTION TO ADJOURN:

There being no further business to discuss Keith Kaplan, Vice Chairman adjourned the meeting at 11:10 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 10/24/16