



ZONING BOARD OF APPEALS

MINUTES (FINAL)

MONDAY, JANUARY 9, 2017

7:00 P.M.

CITY COUNCIL ROOM

CALL TO ORDER: Bill Moore, Chairman, called the meeting to order at 7:04 P. M.

SALUTE TO THE FLAG:

PRESENT: Bill Moore, Chairman; Keith Kaplan, Vice Chairman; Adam McNeill, Secretary;
Susan Steer; James Helicke; Cheryl Grey

LATE ARRIVAL: Gary Hasbrouck arrived at 7:05 P.M.

STAFF: Susan Barden, Senior Planner, City of Saratoga Springs
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:

#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.

#2933 PLAZA 15 STORAGE, LLC, vacant parcel off of Jones Road/Plaza Road (private road), consideration for Coordinated SEQRA Review for construction of a 70,000 sq. ft. self-storage building; seeking relief from the frontage build-to and build-out requirements in the Transect-4 District.

#2932 DEVALL CARRIAGE HOUSE, 59 Franklin Street, area variance for construction of a three-car carriage house with a second story dwelling unit; seeking relief from the minimum front yard setback (Cherry St.) and minimum side yard setback.

#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.

#2931 LAKE LOCAL, 550 Union Avenue, consideration for Coordinated SEQRA Review for expansion and construction of eating and drinking establishment, marina and docks and tourist accommodations in the Water Related Business and Rural Residential Districts.

NEW BUSINESS:

1. **#2876.1 BENTON SUBDIVISION,** 58 Fifth Avenue, consideration of rehearing of a previously determined area variance application for a two-lot subdivision in the urban residential-1 district.

DISCLOSURE:

Bill Moore, Chairman disclosed that he had previously recused from this application. He was involved with the earlier application which included different parties and was over two years ago. No need for recusal at this time.

The Board passed a motion on December 19, 2016 that the proposed two lot subdivision is a new application.

SEORA:

Action appears to be Unlisted. A short EAF was submitted by the applicant. Part II of the SEORA to be completed by the Board.

PARCEL HISTORY:

-Area variance for two-lot subdivision-approval motion failed to pass on March 7, 2016.

AREA VARIANCE CONSIDERATION:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Minimum average lot width: Lot 1	100 feet	91.5 feet	8.5 feet (8.5%)
Minimum lot size: Lot 1	12,500 sq. ft.	9,150 sq. ft.	3,350 sq. ft. (27%)
Minimum average lot width: Lot 2	100 feet	75 feet	25 feet
Minimum lot size: Lot 2	12,500 sq. ft.	7,500 sq. ft.	5,000 sq. ft. (40%)
Minimum total size yard setback: Existing house on proposed lot 1	30 ft.	10.3 ft.	19.7 feet (66%)
Maximum principal building coverage: Existing house on proposed lot 1	20%	32%	12% (60%)

Agent: Michelle Anderson, Anderson Burns, Attorney for the applicant; Dave Carr, LA Group

Applicant: Tom Roohan, Managing Partner, 519 Broadway, LLC

Ms. Anderson stated the applicant is before the Board for consideration of a two lot subdivision. In reviewing the application it is in keeping with the character of the neighborhood. Mr. Carr will provide information on how it is consistent with the neighborhood.

Mr. Carr provided an aerial view of the neighborhood noting the existing home and proposed site of the new lot as well as a view of the neighboring properties. We are seeking variances which would create a lot which is consistent in size, lot width, and setbacks with the adjacent residential lots on Fifth Avenue bordering the Oklahoma Track. We are looking to create one building lot which is substandard in size given the existing zoning. We are looking for variances for lot width for each lot, lot size for each lot, existing setback would require a variance, the new setback would require a variance and also principal building coverage.

Ms. Anderson spoke about the front yard setback and its consistency with the neighborhood.

Bill Moore, Chairman stated this application will be forwarded onto the Planning Board. Bill Moore, Chairman asked if there were any further questions from the Board.

Susan Steer questioned if there were any feasible alternatives considered. Has the applicant considered the possibility of one conforming lot and one non conforming lot and why wouldn't either work.

Mr. Carr reviewed the proposed lot figures and what would be available for a building envelope with one conforming lot which would not be enough to construct a home that would be marketable in this neighborhood.

Susan Steer questioned the variances required for the side yard setback.

Mr. Carr provided some information concerning what is requested.

Keith Kaplan, Vice Chairman questioned the building envelope.

Discussion ensued concerning the areas of relief requested and lot size.

Susan Steer questioned if information could be provided on the maximum principal building coverage for the neighbors and neighborhood within the general proximity.

James Helicke questioned the applicant if they would be returning for additional variances on Lot #2.

Mr. Carr stated they would. We were directed to take this route first by staff, since we need to have a lot first before we can request variances to build a home on it. We have tentative plans for the home on this site. Mr. Carr did review some of the proposed variances which will be requested once the property is subdivided.

Discussion ensued among the Board concerning variances which will be requested and the marketability of the property.

Tom Roohan, applicant stated their intent was to update the existing home with today's amenities and market this home.

Susan Steer questioned the permeability of lot 1.

Keith Kaplan, Vice Chairman made a motion to send this application to the Planning Board

James Helicke seconded the motion.

VOTE:

Bill Moore, Chairman, in favor; Keith Kaplan, Vice Chairman, in favor; Susan Steer, in favor;
Adam McNeill, Secretary, in favor; Gary Hasbrouck, in favor; Cheryl Grey, in favor; James Helicke, in favor

MOTION PASSES: 7-0

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 7:23 P.M.

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

Frank Rapp, 55 Fifth Avenue, which is across the street from the proposed change. I have lived here for over 20 years. We have a great relationship with the Benton's. I am against the proposal presented this evening. Over the years homes have been upgraded from one end to the other. If we start putting a smaller house in the subdivision it will affect the neighborhood and set a bad precedent and adversely affect the property value of my home.

Diane Redbord, 65 Fifth Avenue, stated she is concerned regarding taking away green space and there is little left available. I am worried about the approval of variances. The neighborhood has changed dramatically.

Bill Moore, Chairman stated the public hearing will remain open and the application will return before the ZBA following their appearance before the Planning Board.

2. #2937 QUAY GARAGE, 111 Catherine Street, area variance to finish the interior of an existing garage; seeking relief to permit finished/habitable space in an accessory structure in the 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
Unfinished and uninhabitable space in an Accessory structure (residential)	Unfinished/uninhabitable space	Finished/habitable space	100%

Applicant: Linda Polumbo-Quay

Agent: Sue Davis, SD Atelier Architecture

Ms. Davis stated ten years ago we worked on this home. The home was completed and the garage was built. Site photographs were provided to the Board. The approval was granted at that time to finish the second floor, however financially they decided not complete the second floor of the garage. The new drawings submitted indicate that the interior stairs will be relocated and dormers on the south and north sides would be constructed in addition to the work to finish the space for studio space and crafts, including insulation and a powder room. There is no basement in their home and no room in the home. Ms. Davis reviewed the design approved earlier and a proposed design sketch. Discussion was held with the neighbor concerning the dormers. New windows will be placed in the shed dormers and they will match the windows on the home. There will be no increase in density, traffic or noise and should therefore have no adverse environmental effects.

Cheryl Grey questioned the width of the garage and the dormers and if there was any other window options.

Ms. Davis reviewed the dormers and windows and the tree buffer which does exist. No one is going to be living in this area. This will be a sporadic use.

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

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 7:43 P.M.

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

None heard.

Bill Moore, Chairman stated a resolution will be prepared and presented at the next ZBA meeting scheduled for January 23, 2017.

ELECTION OF OFFICERS

Tony Izzo, Assistant City Attorney stated as an initial step this evening is the nomination and election of officers for the 2017 year. There are seven members of the Board present tonight.

Tony Izzo, Assistant City Attorney conducted the annual elections for the year 2017.

The nomination for officers will be held in the order in which they appear on the letterhead.

Board Chair: A nomination of Bill Moore to continue as Chairman of the Zoning Board of Appeals was moved by James Helicke. Motion was seconded by Cheryl Grey. No further nomination for the office of chair. James Helicke made a motion to close the nominations for the office of Chair. Cheryl Grey seconded the motion. All signify by saying aye. All in favor - Ayes all, nays none. Motion carries 7-0.

Board Vice-Chair: A nomination of Keith Kaplan for the office of Vice Chairman was moved by Adam McNeill, Secretary. Motion seconded by Bill Moore, Chairman. No further nominations for the office of Vice-Chair. Bill Moore, Chairman made a motion to close the nominations for the office of Vice Chair. Adam McNeill, Secretary seconded the motion. All signify by saying aye. All in favor - Ayes all, nays none. Motion carries 7-0.

Board Secretary: A nomination of Adam McNeill for the office of Secretary was moved by Keith Kaplan, Vice Chairman. Motion seconded by Cheryl Grey. No further nominations for the office of Secretary. Bill Moore, Chairman made a motion to close the nominations for the office of chair. James Helicke seconded the motion. All signify by saying aye. All in favor Ayes all, nays none. Motion carries 7-0

Vote for Chair: Votes in favor of electing Bill Moore, Chairman were unanimous. 7-0.

Vote for Vice-Chair: Votes in favor of electing Keith Kaplan, Vice Chairman were unanimous. 7-0.

Vote for Secretary: Votes in favor of electing Adam McNeill, Secretary were unanimous. 7-0.

3. #2941 HENNESSEY RESIDENCE, 101 North Street, area variance for additions to 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.

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Minimum side yard setback:	4 feet	2.4 feet	1.6 feet (40%)

Agent: George Yasenchak, Engineering America

Mr. Yasenchak stated this building was constructed in 1900 and he provided the Board with a history of the property. The applicants would like to put an addition onto their home including a tandem garage on the right, eliminating the bump out on the left corner of the home. Mr. Yasenchak provided information concerning the relocation of the addition or garage. The applicants are trying to maintain the existing tree in the backyard. Permeability is not even close to district requirements.

Discussion ensued among the Board concerning the variance requested and alternative designs.

Cherie Grey questioned the possibility of a detached garage.

Mr. Yasenchak stated a section of the two story garage will house a portion of the master suite. The size and location of the addition will limit the disturbance to the rear yard area, preserving more visual green space. Drainage from the addition roof will be attenuated on the property.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 7:56 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 ZBA Meeting scheduled for January 23, 2017.

4. #2940 STEIMLE TWO-FAMILY, 63 Ash Street, area variance to construct a detached garage; seeking relief from the minimum average lot width and minimum lot size requirements for a second single family residence, to permit more than one principal building on a lot, minimum total side yard setback, minimum rear yard setback and maximum principal building coverage (two structures combined) requirements in the Urban Residential-3 District.

DISCLOSURE:

Susan Steer disclosed that she has known the Steimle's for years. Their daughters are friends. She has no financial interest in this application and therefore can render an impartial decision. There is no need for recusal simply disclosure.

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 lot size: Second single family	6,600 sq. ft.	0 sq. ft.	6,600 sq. ft. (100%)
Minimum average lot width: Second single family	60 ft.	0 ft.	60 ft. (100%)
Maximum principal building coverage: Two structures combined	30%	47%	17% (57%)
Minimum total side yard setback:	12 ft.	9.8 ft.	2.2 ft. (18%)
Minimum rear yard setback:	25 ft.	5.3 ft.	19.7 ft. (79%)

Applicant: Jennifer & Scott Steimle

Agent: Jesse Boucher, Kodiak Construction

Mr. Boucher stated this project entails a duplex with tenants. The applicants are looking to convert this duplex into a one family home for their family. In doing so they have three teenage children and this project is proposed in phases. Build the garage first and make that into living space while the duplex is gutted and renovated into their new home. Once the home is completed this living space would be available for their college age son. There is no garage on the site presently but the applicants do need the storage. The basement is purely for mechanicals. Detached garage versus attached was discussed. Detached allows for a little back yard area. If the garage were attached it would reduce the back yard area substantially. The garage is considered a second primary structure. The neighborhood as depicted in the packet has two family homes or more residential structures. There are 28 in total.

Keith Kaplan, Vice Chairman stated the really critical question is this whole consideration of what the structure is. I am very troubled about the second structure on this property and he questioned the available green space.

Discussion ensued among the Board concerning two single family residences on one lot.

Keith Kaplan, Vice Chairman stated this is a huge precedent setting decision to allow a second principal structure on the property. A lot of people want to have living space over their garages and the ability to have overnight stays. We recently had a very spirited discussion about that a couple of months ago. I cannot be supportive of this application in its current form. I suggest the applicant and their agent take a look at a feasible alternatives and having this be a part of the principal structure.

James Helicke stated the substantiality of this project is worth noting. He has serious concerns. Not in favor of this application.

Keith Kaplan, Vice Chairman stated it is one thing to have dimensional relief and substantial dimensional relief that is one thing but I see this as a different plane when we allow overnight stays in an accessory structures or multiple principal buildings on a lot.

Susan Steer questioned if the applicant would be agreeable to attaching the garage.

Mr. Steimle stated the house is very long and narrow now. Our thoughts were if we were to add on it would look out of character for the neighborhood and we thought it would be better for our family needs.

Gary Hasbrouck stated he is not worried about the precedent setting issue of this application. If you could connect the garage to the house it might solve the issue at hand. There is no tremendous impact to the neighborhood. There are a number of other options available.

Discussion ensued among the Board concerning the variances requested.

Bill Moore, Chairman stated he lives close to this area. He is also worried about setting a precedent.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 8:19 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. The applicant has been given some information and concerns the Board has. The applicant will return in two weeks.

5. **#2938 FOX TWO-FAMILY**, 217 Caroline Street, area variance for an addition to an existing multi-family residence seeking relief from the minimum side yard setback and maximum size of freestanding signs in the Transect-5 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
Minimum side yard setback: rear addition	4 ft.	n/a	3 ft.	1 ft. (25%)
Minimum side yard setback: rebuilt side	4 ft.	.5 ft.	.5ft.	3.5 ft. (87.5%)
Maximum principal building coverage:	30%	44%	53%	23% (77%)

DISCLOSURE:

Susan Steer disclosed that she has known Kurt Fox for a long time. She has no financial interest in this property and is able to render an impartial decision. No need for recusal, simply disclosure.

Applicant: Kurt Fox, owner

Agent: Sue Davis, SD Atelier Architecture

Ms. Davis stated the current home is a 3 family home on a very small substandard lot. A visual presentation of the property was provided as well as a view of the neighboring homes noting the mixture of sizes. The proposed design is for an additional 300 square feet to allow for a required interior exit stair which is code compliant. There is no adjacent land for sale, and we have developed the design based on code requirements for egress and appropriate design for the residence. The proposed addition is replacing an addition that does not blend appropriately with the main residence. The change of the current 3 family back to a 2 family will mean less parking requirements, less noise and less impact to the neighborhood. This will be owner occupied. The proposed design will integrate with the historic design and details of the original residence. DRC Historic Review is required.

Discussion ensued concerning the variances and amount of relief requested.

James Helicke, Board member exited the meeting at 8:45 P.M.

Adam McNeill, Secretary requested a neighborhood assessment of lot coverages and alternative designs.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 8:46 P.M.

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

Susan Ricksenburg, 215 Caroline Street. Some of the design elements are a concern.

Ian Fleming, 75 Ludlow Street. I know the applicant and it will be attractive and a positive impact to the neighborhood.

Bill Moore, Chairman stated the public hearing will remain open. We will review this application again at the next ZBA meeting in two weeks.

OLD BUSINESS:

5.#2930 THE SPRINGS SIGNS, 60 Weibel Avenue, area variance for additions to two existing freestanding signs, seeking relief from the maximum size of freestanding signs in the Transect-5 District.

The application was heard at the November 21, 2016 meeting and adjourned to December 12, 2016. Additional information was requested by the Board and submitted by the applicant. The application was further adjourned to December 19, 2016. The public hearing was opened on November 21, 2016 and remains open.

SEORA:

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

DISCLOSURE:

Susan Steer disclosed that she works with Dan Roicki's wife.

Agent: Daniel Roicki, Adirondack Sign Company

Bill Moore, Chairman questioned the Board if there were any further questions or comments, noting that the speed limit has been reduced to 30 MPH now on Weibel Avenue.

Cheryl Grey feels that the size of the signage is way too big.

Keith Kaplan, Vice Chairman stated the Board had requested alternative design options.

Alternative designs were forwarded to the Board but did not address the questions that Board members still have.

Discussion ensued concerning the size of the proposed signage. Additional rendition of the proposed signs on the south entrance are to be provided to the Board. The applicant will return in two weeks.

PUBLIC HEARING:

Bill Moore, Chairman stated the public hearing will remain open.

APPROVAL OF MINUTES:

Keith Kaplan, Vice Chairman made a motion to approve the minutes of the June 6, 2016 meeting minutes with additions and corrections as submitted.

Cheryl Grey seconded the motion.

VOTE:

Bill Moore, Chairman, in favor; Keith Kaplan, Vice Chairman, in favor; Susan Steer, in favor;
Adam McNeill, Secretary, in favor; Cheryl Grey, in favor; Gary Hasbrouck, abstained

MOTION PASSES: 5-0

Keith Kaplan, Vice Chairman made a motion to approve the minutes of the November 21, 2016 meeting minutes with additions and corrections as submitted.

Cheryl Grey seconded the motion.

VOTE:

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

MOTION PASSES: 6-0

Keith Kaplan, Vice Chairman made a motion to approve the minutes of the December 12, 2016 meeting minutes with additions and corrections as submitted.

Cheryl Grey seconded the motion.

VOTE:

Bill Moore, Chairman, in favor; Keith Kaplan, Vice Chairman, in favor; Susan Steer, in favor;
Adam McNeill, Secretary, abstained; Gary Hasbrouck, in favor; Cheryl Grey, in favor;

MOTION PASSES: 5-0

MOTION TO ADJOURN:

There being no further business to discuss Bill Moore, Chairman adjourned the meeting at 9:08 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 2/13/17