



# ZONING BOARD OF APPEALS

## MINUTES (FINAL)

MONDAY, FEBRUARY 13, 2017

7:00 P.M.

CITY COUNCIL ROOM

**CALL TO ORDER:** Bill Moore, Chairman, called the meeting to order at 7:01 P.M.

**SALUTE TO THE FLAG:**

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

**STAFF:** Susan Barden, Senior Planner, City of Saratoga Springs  
Tony Izzo, Assistant City Attorney, City of Saratoga Springs

**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:**

**#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.

**#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:**

**#2942 TEAKWOOD BUILDERS SHOWROOM**, 75 Church Street, area variance for an addition to an existing commercial building; seeking relief from the build-to, build out and two story requirement 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      | PROPOSED     | TOTAL RELIEF REQUESTED |
|-------------------|---------------|--------------|------------------------|
| Build-to-line     | 0-12 ft.      | 40 ft.       | 28 ft. (233%)          |
| Build-out         | 70%           | 0%           | 70% (100%)             |
| Minimum two-story | 3,000 sq. ft. | 3.235 sq ft. | 235 sq. ft. (8%)       |

Applicant: Jim Sasko, President, Teakwood Builders

Agent: Dave Carr, LA Group; Brett Balzer, Architect; Dennis McGowan, Balzer & Tuck Architecture

Dave Carr stated the applicant is before the ZBA for area variances for the proposed expansion of an existing building at 75 Church Street. A visual presentation was provided for the Board noting the proposed site is .22 acres. This was the former site of a locksmith shop most recently, and prior a gas station. A survey was provided for the Board's review. The entire site consists of the building or pavement. Very little green space. Two curb cuts currently exist on the site. The current building is the proposed site of the applicant's showroom and the expansion will house storage and work space area. Parking is proposed in the front of the building with 10 spaces available. We have added green around the site and some buffering along the front of the site. We are seeking three variances. The first is relief from the two story building, the existing building is one story, and we are proposing a one story addition. The current building is not constructed in a way that would allow a second story. The second variance is because it is a T-5 zone and there is a frontage build out requirement which is 70%. Obviously we are seeking complete relief from that. We need parking on the site and that will be in the front as it is today. The third variance is relief from the build to line.

Brett Balzer provided a visual of the proposed site. The applicant is under contract to purchase this building contingent upon Land Use Board approval. This application will appear before all 3 Land Use Boards. The applicant is looking to restore the building which is a retro type gas station and repeat it in kind with the addition. We have a two bay gas station which includes the corner office of the gas station. We will repeat the overhead garage doors in the addition with simulated garage doors. This will serve as Teakwood Builders' offices as well as a cabinetry showroom. Mr. Balzer reviewed the proposed addition noting to the north of the structure will house light storage for either delivery to the showroom or delivery to the clients. There is a side entry which will be retained. Front access will remain noting the entry with stamped pavement etc., Floor plan of the proposed structure as well as views of all elevations were provided for the Board's review.

Mr. Sasko, president and owner stated there is some historic significance and history to the box style garage. The retro style will offer a visual into the showroom from Church Street. It is economically feasible to maintain the structure.

James Helicke stated he would like to see some other designs which were entertained by the applicant. Also he questioned why the applicant did not build towards Lawrence Street which would be more consistent with the build to lines.

Brett Balzer explained this side of the building is being used as proposed in its entirety retaining the existing corner office. If we spread the usage of the building around the function does not suit the applicant as they need a large showroom. The east end of the project serves their needs well. They also need a loading area for the cabinetry deliveries and pickups and the north end of the building serves this need well. The goal was to stretch out the elevation along Church Street and retain what was there aesthetically.

Gary Hasbrouck questioned the possibility of a second story.

Mr. Sasko stated it was not economically feasible, not of use for our needs and structurally the building could not support a second story.

Cheryl Grey questioned the possibility of adding two stories just on the front of the garage toward Church.

Mr. Sasko stated not at all, it is of no use to us and it loses its appeal as a retro type garage.

Dave Carr stated we are tight on the site with relation to the property line and the street. Anything forward would not allow safe parking on the site. 10 parking spaces are required.

Keith Kaplan, Vice Chairman questioned signage in terms of streetscape. Will there be signage on the building?

Brett Balzer stated they did look at signage in the band across the front of the building. However the applicant's logo seemed squeezed in. Possibility of a site sign or window signage.

Keith Kaplan, Vice Chairman stated his concern is that it is not a pedestrian friendly streetscape.

Susan Steer questioned the possibility of flipping the building.

Brett Balzer stated one of the issues is the flow of traffic through the site, we would lose that and secondly, architecturally we would lose the idea of restoring the garage.

Dave Carr stated we need 11 parking spaces we can provide 10 but we are allowed to count street parking. There would be no other space on the site available for parking.

Adam McNeill, Secretary questioned the curb cut.

Dave Carr stated there is a curb cut on Church Street but the one on Lawrence Street is big.

Adam McNeill, Secretary stated he believes the window logos are seen well. The applicant is allowed a pedestal sign as well. His reservations are based on the lack of build out, but given the site restrictions and the use of the existing building he does support the project.

Cheryl Grey questioned how will it be more pedestrian friendly.

Dave Carr stated we have a sidewalk which is a change in paving to bring people to the door. It is a small site, a little over 9,000 square feet, we need the parking, and the building exists. The best we can do is adding a sidewalk from Church Street and add a little plaza on the site.

**PUBLIC HEARING:**

Bill Moore, Chairman opened the public hearing at 7:31 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. No additional information has been requested from the applicant. A resolution will be prepared and presented at the next ZBA meeting scheduled for February 27, 2017.

**#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.

**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 front yard setback:          | 30 ft.   | 21 ft.   | 9 ft. (30%)            |
| Minimum side yard:                   | 12 ft.   | 8 ft.    | 4 ft. (33%)            |
| Minimum rear yard:                   | 30 ft.   | 25 ft.   | 5 ft (17%)             |
| Maximum principal building coverage: | 20%      | 27.28%   | 7.28%                  |

Applicant: Tom Roohan

Agents: Dave Carr, LA Group; Matt McPadden, contractor; Michele Anderson, Attorney

Mr. Carr stated since our last appearance before this Board we have been before the Planning Board and received a

unanimous positive recommendation on the variances. We have submitted additional graphic information. The combination of proposed principal and accessory structures would be 35.6% where 28% is permitted in this district. The applicant has provided an overview of principal building coverages in the immediate neighborhood. There is a range from 8.8% to 24.5%. The variances requested are not substantial in relation to the existing lots and improvements located along Fifth Avenue where nearly all of the lots in this neighborhood are preexisting nonconforming with regard to the UR-1 requirements for lots and single family residences on lots. The variances will not create an undesirable change in the character of the neighborhood.

Susan Steer discussed the advantage of having the garage attached.

**PUBLIC HEARING:**

Bill Moore, Chairman stated the public hearing was opened and remains open.

Bill Moore, Chairman asked if anyone in the audience wished to comment on the subdivision portion of the application on 58 Fifth Avenue.

**Chris Benton**, former owner provided some background on the history of the lot coverage and how the home evolved.

James Helicke questioned if a house could be built on the lot without variances.

Mr. McPadden stated you could build something small, but it would not be in conformance or in proportion with the neighborhood. Our goal is that it not be a detriment to the neighborhood. When we are done with what we are proposing the streetscape would look correct.

Tom Roohan stated taking a cue from the last meeting we re-examined the project to better fit the neighborhood. Trying to do some urban infill that will look nice and fit in with the neighborhood.

Michele Anderson stated this application is in keeping with the Comprehensive Plan and do some urban infill and develop walk ability and keep the neighborhood consistent. The variances are very consistent with what is there. What we are asking is to complete this streetscape and not do something that would diminish from it.

Discussion ensued among the Board concerning the amount of relief being requested.

Keith Kaplan, Vice Chairman stated what the applicants are trying to do here is answer the questions on the application, and they have answered the question that they can build a small home on this lot.

Bill Moore, Chairman closed the public hearing on the two lot subdivision application at 8:00 P.M.

The Board reviewed Part II of the SEQRA Environmental Form. No large or important areas of concern were noted.

James Helicke made a motion for a SEQR negative declaration.

Keith Kaplan, Vice Chairman seconded the motion.

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

None heard.

**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**

Susan Steer presented the following resolution.

**IN THE MATTER OF THE APPEAL OF  
ROSEMARY H. BENTON TRUST/519 BROADWAY, LLC  
58 FIFTH AVENUE  
SARATOGA SPRINGS, NY 12866**

From the determination of the Building Inspector involving the premises at 58 Fifth Avenue in the City of Saratoga Springs, NY, being tax parcel number 166.13-2-45 on the Assessment Map of said City. The Applicant having applied for an area variance to subdivide one lot into two lots to allow for a single-family residence to be constructed on the undeveloped lot in a UR-1 District and public notice having been duly given of a hearing on said application on December 19, 2016, January 9 and February 13, 2017.

By way of background, the lots have been owned in common and use since 1950, were consolidated on one deed and identified as parcels 1 and 2, have one tax parcel number, and are considered to be one lot. In March 2016, this Board failed to approve an application to subdivide this lot into two parcels. Based upon comments made by Board members at the hearings for that application, changes were made to the side yard lot line resulting in this Application. On December 19, 2016, this Board found that this Application is a materially meaningful modification from the prior one and therefore this matter could properly proceed as a new Application

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

| TYPE OF REQUIREMENT                      | DISTRICT DIMENSIONAL REQUIREMENT | PROPOSED       | 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. feet                  | 9,150 sq. feet | 3,350 sq. feet (27%) |
| Minimum Total Side Yard Setback: Lot 1   | 30 feet                          | 10.3 feet      | 19.7 feet (66%)      |
| Maximum Principal Building Coverage: Lot | 20%                              | 32%            | 12% (60%)            |
| Minimum Average Lot Width: Lot 2         | 100 feet                         | 75 feet        | 25 feet (25%)        |
| Minimum Lot Size: Lot 2                  | 12,500 sq. feet                  | 7,500 sq. feet | 5,000 sq. feet (40%) |

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

1. The Board finds that the Applicant has demonstrated that the benefit cannot be achieved by other means feasible to the Applicant. The Applicant considered other alternatives that would allow one lot to remain conforming and the other nonconforming, but explained that placement of a new house on the new substandard lot would require significant requests for dimensional relief on that lot to build a house that would be marketable and consistent with this neighborhood. The Applicant states that no additional land can be acquired.
2. The Board finds that the Applicant has demonstrated that granting these variances will not produce an undesirable change in neighborhood character and will not be a detriment to the nearby properties. The Applicant provided tax maps showing that many of the neighboring lots are nonconforming with respect to lot size and lot width and that 18 of them are less than 8,000 square feet. Thus, the lots proposed, while substandard, would be consistent with those along the south side of Fifth Avenue and consistent with the historic pattern of the neighborhood.
3. The Board finds that the requests for relief for lot size and width may be considered substantial however substantiality is mitigated by the fact that most of the neighboring lots are preexisting nonconforming with respect to these requirements. Further, the request for relief for lot coverage on lot 1 may be considered

substantial at 32%, however substantiality is mitigated by the fact that the garage is attached to the home and if it was a separate, accessory structure, the Applicant would be permitted total lot coverage of 28%.

4. The Board finds that the Applicant has demonstrated that granting these variances will not have an adverse physical or environmental effect on the neighborhood. Construction of a single-family home on the undeveloped lot is consistent with the neighborhood, only one curb cut will be created for access to Lot 2 and the lot coverage will not exceed the permeability requirements of this zoning district.
5. The request for relief may be considered a self-created hardship; however self-creation alone is not fatal to the application.

Conditions: No additional accessory structures permitted on Lot 1.

Note: A warranty deed dated January 14, 1949 and recorded in the Saratoga County Clerk's Office in Book 545 of Deeds at page 64 contains a number of conditions and restrictions relative to the construction of buildings and driveways, and other restrictions on the use of the property, and that subsequent deeds may exist that contain references to those conditions and restrictions. Nothing in this resolution shall be construed as giving relief from any or all such private conditions and restrictions.

Planning Board issued a favorable advisory opinion on this subdivision on January 26, 2017.  
Planning Board subdivision approval required.

Keith Kaplan, Vice Chairman seconded the motion.

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

None heard.

**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, in favor; James Helicke, in favor

**MOTION PASSES: 7-0**

**#2943 BENTON TRUST RESIDENCE**, 58 Fifth Avenue, Area Variance to construct a single-family residence; seeking relief from the minimum front yard, minimum side yard, minimum total side yard and minimum rear yard setbacks, and maximum principal building coverage requirements in the Urban Residential-1 District.

Applicant: Tom Roohan

Agents: Dave Carr, LA Group; Matt McPadden, Contractor; Michele Anderson, Attorney

**AREA VARIANCE CONSIDERATIONS:**

|                                      | REQUIRED | PROPOSED | TOTAL RELIEF REQUESTED |
|--------------------------------------|----------|----------|------------------------|
| Minimum front yard setback:          | 30 ft.   | 21 ft.   | 9 ft. (30%)            |
| Minimum side yard:                   | 12 ft.   | 8 ft.    | 4 ft. (33%)            |
| Minimum rear yard:                   | 30 ft.   | 25 ft.   | 5 ft. (17%)            |
| Maximum principal building coverage: | 20%      | 27.28%   | 7.28%                  |

Mr. Carr provided a visual presentation of the proposed project. A rough sketch of the home provided by Matt McPadden.

Mr. McPadden stated the proposed rendering is very much in keeping with what is on the street currently and as far as the materials go and the proportions of the home will be in keeping with the character of the neighborhood. Floor plans of the proposed home were provided to the Board. We have to make the home saleable today. We are asking for the minimum variances to build this type of home.

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

Susan Steer questioned the reasoning regarding the recent decision to detach the garage and the proposed size.

Mr. McPadden stated he believes the garage is 24 x 22 and falls within the 8% allowed for an accessory structure, which includes the eaves.

Mr. Roohan stated with the accessory structure it provided more privacy on that side of the yard.

Susan Steer stated the variance request is not something she is troubled with.

Adam McNeill, Secretary confirmed the requested variances.

Keith Kaplan, Vice Chairman stated this is a blank slate and he is concerned regarding the variances requested. He did view the initial renderings and floor plans. This floor plan is somewhat different. He questioned feasible alternatives.

Mr. McPadden stated none of the rooms in the proposed home are in excess. If needed I could shave a few inches here or there. The master suite would need to go. This is what we need to make this doable.

Discussion ensued concerning the footprint of the home and the lot coverages of homes in the area.

Cheryl Grey questioned the location of the driveway, the amount of space between the driveways and why they are side by side.

Mr. Carr stated 14 feet exists between the driveways.

Mr. Roohan stated the reason the driveway was sited on this side is of the home to avoid placing the driveway alongside the neighbor's bedroom. In this configuration the driveway is alongside the kitchen and the garage.

Cheryl Grey questioned the lack of a porch on this home.

Mr. McPadden stated they are planning on selling this home the way it is portrayed tonight.

Gary Hasbrouck questioned the need for a basement egress window.

Mr. McPadden stated Gary is absolutely correct. Discussion ensued concerning the available space needed to house the egress windows.

Cheryl Grey asked the applicant to reduce the percentages somewhat to reduce the amount of relief requested.

**PUBLIC HEARING:**

Bill Moore, Chairman opened the public hearing at 8:24 P.M.

Bill Moore, Chairman asked if anyone in the audience would like to speak on this application.

None heard.

Bill Moore, Chairman stated the Board has requested additional information. The application will be placed on the agenda when the information has been received. The public hearing will remain open.

8:25 P.M. The Board recessed.

8:27 P.M. The Board reconvened.

**#2944 MCCARTHY TWO-FAMILY**, 14 Stratton Street, area variance for construction of additions to an existing two family residence; seeking relief from the minimum front and side yard setback requirements 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 | EXISTING | PROPOSED | TOTAL RELIEF REQUESTED |
|-----------------------------|----------|----------|----------|------------------------|
| Minimum side yard setback:  | 8 ft.    | 5.8 ft.  | 5.8 ft.  | 2.2 ft (27.5%)         |
| Minimum front yard setback: | 10 ft.   | 4.4 ft.  | 4.4 ft.  | 5.6 ft. (56%)          |

**DISCLOSURE:**

Board member Cheryl Grey did meet the property owner at the site visit. We did speak but it does not impact her decision making abilities.

Applicant: Shannon McCarthy and Chris Williams

Agent: Bob Flansburg, Dreamscapes Unlimited

Mr. Flansburg stated the owners are proposing giving the home a facelift and extending the addition. This is not in a historic district but the applicant is proposing adding some historic features. The additional ornamental details which are proposed to the exterior of the house will improve the styling of the home in relation to the neighborhood. The proposed renovation rebuilding of the front porch and the one-story side addition within the existing footprints necessitates the variances. The only variances sought are to allow existing conditions to continue as existing conditions. Both existing dimensions are preexisting and nonconforming setbacks. The proposed new addition in the rear is zoning compliant. This home became a two family in the 50's and will remain a 2 family.

**PUBLIC HEARING:**

Bill Moore, Chairman opened the public hearing at 8:35 P.M.

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

None heard.

Bill Moore, Chairman stated we have asked the applicant for no additional information. A resolution will be prepared and presented at the next ZBA meeting scheduled for February 27, 2017.



**#2944 BONACIO RESIDENCE**, 22 Greenfield Avenue, area variance for additions to an existing single-family residence; seeking relief from the minimum front yards (Greenfield and Woodlawn) and minimum side yard setbacks, and maximum principal building coverage (two structures combined) requirements in the Urban Residential -1 District.

**SEQRA:**

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

**DISCLOSURE:**

Bill Moore, Chairman disclosed that Mr. Bonacio's company built his home two years ago. He has no financial interest in this project. There is no need for recusal simply disclosure.

**AREA VARIANCE CONSIDERATIONS:**

|   | REQUIRED | PROPOSED  | TOTAL RELIEF REQUESTED |
|---|----------|---|------------------------|
| Minimum front yard setback: (Greenfield)<br>Main House addition               | 30 ft.   | 25. 25 ft.  | 4.75 ft. (16%)         |
| Minimum front yard setback: (Woodlawn)<br>Carriage House addition             | 30 ft.   | 0 ft.   | 30 ft.                 |
| Minimum side yard setback:<br>Main house garaged addition                     | 12 ft.   | 5.5 ft.   | 6.5 ft.                |
| Maximum principal building coverage:<br>Main house & carriage house combined. | 20%      | 38.4% (25.6% Main house and 12.8% carriage house) | 18.4% (92%)            |

Applicant: Julie and Sonny Bonacio

Agent: Brett Balzer, Dennis McGowan, Balzer & Tuck Architecture

Mr. Balzer provided a visual presentation of the proposed project; information was supplied to the Board. This project is located at the southeast corner of Woodlawn and Greenfield Avenues. This property is located in a UR-1 District on a ½ acre lot. There is a carriage house currently occupied by Sonny's in-laws located within the setback. The carriage house includes a dwelling unit and is considered a second principal structure; therefore the coverages of the two structures are combined requiring relief of 92%. In conversations with Susan Barden and Steve Shaw the goal of the applicant was to connect these two primary structures to provide safe access for the in-laws to travel to and from the main residence. It was determined that this was not feasible after reviewing the ordinance. We are currently proposing two story additions to the main house, bedroom space and living space, along with a one story garage and mudroom attached to the rear of the residence. There is an existing carport to the carriage house which will be removed and replaced within its footprint along with an additional 5 feet with a drive through porte cochere to the proposed garage addition. Concerning the variances 3 pertain to the home additions and one pertains to the carriage house for both set back and building coverage. The existing carriage house encroaches in the ROW along Woodlawn Avenue. We missed that in our application so we are looking to pull the porte cochere back to within the property line. This is a historic home but not in a historic district. Mr. Balzer provided an overview presentation of the proposed garage and photographs were provided to the Board concerning the additions to the main home as well as the garages proposed. The proposed two story addition to the main residence projects past the Greenfield Avenue front yard setback but is intentionally stepped back from the existing front façade. The proposed two story addition to the main residence projects past the Greenfield Avenue front yard setback but is intentionally stepped back from the existing front façade. The additions will be consistent with the character of the existing residence and carriage house and will not create an undesirable change to the neighborhood. The main residence addition and the garage addition have been located away from the street to the extent possible to maintain streetscapes and minimize visual impact. The additions will not have an adverse physical or environmental effect to the neighborhood. They are being kept back from the streets and will be within the current height of the existing home.

Mr. Bonacio stated we want to alter it in a way to make it more comfortable for us and my in-laws.

Gary Hasbrouck questioned alternative designs.

Mr. Balzer stated alternatives configurations and locations for both the addition to the main house and garage addition but it was determined that the locations suggested in this application create the least amount of impact to the site and maintain the existing lawn area.

Cheryl Grey questioned other alternatives instead of the 5 bay garages as well as the proximity to the neighbor.

James Helicke questioned the existing lot coverage with the main house and the carriage house?

Mr. Balzer stated the current building coverage is currently 25.9% and we are looking to increase to 38.5%.

Keith Kaplan, Vice Chairman stated the existing carriage house is 11.9% of the calculations. Your application is only advocating an additional .9% being added to the carriage house. This is a big area of relief which is being requested. What would you be losing if you were at 20% losing 5%. Are the additions more important on the home or the garages?

Mr. Balzer stated three garage bays would be lost trying to get to the 20%.

Keith Kaplan, Vice Chairman stated the relief is substantial, what are the feasible alternatives.

Discussion ensued concerning the request and the substantiality of the request.

#### **PUBLIC HEARING:**

Bill Moore, Chairman opened the public hearing at 9:21 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. Additional information was requested from the applicant. A resolution will be prepared and presented at the next ZBA Meeting scheduled for February 27, 2017.

#### **NEIGHBORHOOD INPUT:**

-Letter from Dirk Lentini, 183 Woodlawn Avenue dated January 28, 2017.

-Letter from Michelle Riggi, 639 Broadway, dated February 7, 2017.

-Letter from Michael Emory, neighbor, Quad Graphics.

**#2946 HOMEWOOD SUITES SIGNS**, 3368 South Broadway, area variance for construction of three wall signs; seeking relief from the maximum number of wall signs, placement above the first floor level of the building and for placement of a wall sign on a building façade without street frontage requirements in the tourist related business district.

#### **SEQRA:**

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

#### **PARCEL HISTORY:**

- PB site plan review approved hotel project.
- DRC architectural review approved for the building.

**AREA VARIANCE CONSIDERATIONS:**

|   | REQUIRED    | PROPOSED                   | TOTAL RELIEF REQUESTED                                      |
|---|-------------|----------------------------|---|
| Maximum placement of wall sign above first floor level of the building              | First floor | Above first floor – 49.5'  | To permit placement above first floor level - 49.5' (100%)  |
| Maximum number of wall signs: So. Broadway front                                    | 1           | 1                          | 1 (100%)  |
| Placement of wall sign on elevation without street frontage: Right side of building | 0           | 1                          | 1 (100%)  |
| Placement of wall sign above first floor level: Right side of building              | First Floor | Above First Floor – 37.75' | To permit placement above first floor level - 37.75' (100%) |

Applicant: David Wyler

Agent: Brian Straughter, Turf Hotels; Mike Hoffman, Turf Hotels;

Mr. Straughter stated this project was started many years ago beginning with the change in zoning. We were looking to change the entrance to the City with the hotel and add some curb appeal. The project is proceeding with a target date for opening of April 1, 2017. We are proposing 3 wall signs. The proposed sign package is appropriate for the type of business (hotel) and for the mass and scale of the building. This building is set back 216 feet from the Route 9 property line with traffic traveling 55 MPH. We investigated mounting signs lower on the building but they were difficult to see when traveling highways speeds of 55 MPH. The front elevation of the hotel has no other viable location than that which is proposed on the building. One sign is on the south side of the building up high, one is on the west side of the building, also up high and the third is beneath the porte cochere, at the entrance. Concerning neighbors on the south side we have a wooded area; to the north of us is the old driving range which is currently abandoned. To the west of us the NYS tree farm and to the east of us is an additional wooded area with Four Winds beyond. Our most active neighbor is Saratoga Honda which is down the road. We are before the ZBA with the request for these variances because we are trying to make it so that our building is visible for people who are not from the area. We want to make our hotel visible for people who do not know the area while traveling at 55 MPH. Other hotels in the area do have signage above the first floor.

Adam McNeill, Secretary requested plans which show the signage on the building and what signs go where.

The applicant's agent indicated the first sign- sign A is in the tower on the building. The second sign-sign B is underneath the canopy above the revolving door, sign C is on the south side of the building facing the wooded area and would be visible from the highway.

Adam McNeill, Secretary requested square footage of two signs the hotel tower sign and signage above the porte cochere. A pedestal sign is also allowed.

Mr. Hoffman stated 118 square feet in total. Sign B will not be lit. Sign A will be backlit as well as Sign C

Susan Barden, Senior Planner stated 100 square feet is the maximum signage allowed without requiring a variance.

Mr. Straughter stated the team has discussed the possibility of no sign on the south side.

Bill Moore, Chairman stated we will now need a variance for the size of signage requested and we are requesting perhaps a photo simulation showing the proposed signage as well as different sizes for comparison.

Discussion ensued concerning sign – C on the south sign of the building. The Board requested a photograph from the road to provide information concerning visibility.

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 9:45 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. Information has been requested from the applicant. A resolution will be prepared and presented at the next ZBA meeting scheduled for February 27, 2017.

**OLD BUSINESS**

**#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.

This application was heard at the September 26, 2017 meeting and adjourned awaiting an Advisory Opinion as requested from the DRC. The public hearing was opened and remains open. The DRC issued a favorable Advisory Opinion on January 8, 2017, stating "The Commission did not have significant objection to the requested dimensional relief proposed by the applicant and does not envision any substantial changes to the mass, scale or location of the proposed structure".

**SEQRA**

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

Applicant: Chris Obstarczyk

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated we were before the Board back in September and were adjourned pending an Advisory Opinion from the DRC since the property is located within a Historic Design Review District. We are proposing to remove an existing accessory structure. In order to be able to do so we needed a referral from the DRC along with some intense discussion with them concerning whether the building could be removed. We have a referral from the DRC stating that this was a contributing structure and because of the nature of the condition of the structure that it is unable to be saved. We are proposing a new structure a two car garage with storage on this property. We have discussed the proposed post demolition plan with the DRC. In our prior appearance before the ZBA we requested several variances. Today we are presenting a plan which will require two less variances than our previous submissions. Copies of the plans were provided to the Board.

Cheryl Grey questioned the bump out on the garage.

Ms. Yasenchak provided information concerning the bump out and stated this area will house bicycles and yard equipment for the applicant, and is not included in any relief being requested.

**PUBLIC HEARING:**

Bill Moore, Chairman stated the public hearing was opened and remains open.

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 10:03 P.M.

Keith Kaplan, Vice Chairman presented the following resolution.

**#2915  
IN THE MATTER OF THE APPEAL OF  
Chris Obstarczyk  
147 Spring St  
SARATOGA SPRINGS, NY 12866**

From the determination of the Building Inspector involving the premises at 147 Spring Street in the City of Saratoga Springs, NY, being tax parcel number 166.61-3-33 on the Assessment Map of said City. The Applicant having applied for an area variance to construct a detached garage with second-story storage seeking relief from side yard setback and setback from principal building requirements in the Urban Residential – 3 District and public notice having been duly given of a hearing on said application opened on the 26<sup>th</sup> day of September 2016 through the 13<sup>th</sup> day of February 2017.

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 side yard setback-accessory structure | 5 feet                           | 3 feet   | 2 feet (40%)     |
| Minimum distance to Principal Building        | 5 feet                           | 2.7 feet | 2.3 feet (46%)   |

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 construct a detached two-car garage to be used for parking and storage as a replacement for an existing carriage house that the applicant notes is smaller than the proposed structure. The alternatives explored included limiting the garage to one car, and the use of a serial parking arrangement. The applicant has indicated the one-car option was not cost-feasible; the construction costs are so high as to not be worthwhile to build a structure that can only accommodate one car.

As to the serial parking arrangement, which could enable a narrower building that would reduce the proposed setback encroachment, the Board notes that this arrangement would have limited effect on setbacks due to the arrangement of the house on the narrow property, and the need for the driveway to be a straight line to the garage opening. This was illustrated by an alternate plan presented by the applicant showing the serial arrangement.

The Board further notes during this appeal process, the applicant has revised the plan to decrease the size of the bump-out area on the west side of the structure, which has the effect of increasing the distance to property line at two points.

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 existing accessory structure actually encroaches more than the proposed garage. The Board further notes the neighborhood is relatively densely constructed and most residences and carriage houses and garages are located close to one another and near

the roads and sidewalks. The Board concludes constructing the garage at this location would be consistent with the neighborhood context.

3. The request for relief for side yard setback and distance to principal building is substantial, but this mainly due to the fact that the subject property is only 52 feet wide, which is pre-existing/ non-conforming narrower than the required 60 feet.
4. The Applicant has demonstrated that granting this variance will not have an adverse physical or environmental effect on the neighborhood. The lot permeability will be 35.7% which exceeds the zoning district's requirement of 25%.
5. The request for relief may be considered a self-created hardship due to the applicant's desire to construct this addition. However, self-creation 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; Keith Kaplan, Vice Chairman, in favor; Susan Steer, in favor;  
Adam McNeill, Secretary, in favor; Cheryl Grey, in favor; Gary Hasbrouck, in favor; James Helicke, in favor

**MOTION PASSES: 7-0**

7. **#2933 PLAZA 15 STORAGE, LLC**, vacant parcel off of Jones Road/Plaza Road (private road), consideration for Area variance for construction of a 70,000 square foot two-story, self storage building; seeking relief from the Frontage build-to and build-out requirements in the Transect-4 District.

Bill Moore, Chairman stated this is a previously opened application. We have not requested any information from the applicant.

**PUBLIC HEARING:**

Bill Moore, Chairman stated the public hearing was opened and remains open.

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 10:03 P.M.

Adam McNeill, Secretary presented the following resolution.

**#2933**  
**IN THE MATTER OF THE APPEAL OF**  
Plaza 15 Storage  
30 Gick Road  
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 30 Gick Road in the City of Saratoga Springs, New York being tax parcel number 153.00-1-1.3 in the Inside District, on the Assessment Map of said City.

The appellant having applied for an area variance under the Zoning Ordinance of said City to permit the construction of a self storage facility and associated site work in an T-4 district and public notice having been duly given of a hearing on said application held on the December 12<sup>th</sup>, 2016, January 23<sup>rd</sup>, and February 13<sup>th</sup>, 2017.

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

|                | REQUIRED  | PROPOSED | TOTAL RELIEF REQUESTED |
|----------------|-----------|----------|------------------------|
| Build-to-line: | 12-18 ft. | 122 ft.  | 104 ft. (578%)         |
| Build-out      | 50%       | 0%       | 50% (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 size of the lot and its width is preexisting. There does not appear to be a design alternative that can follow the build-out and build-to requirements on this parcel due to the odd configuration of the lot and the multiple existing easements. Plaza Road runs along the entire north and eastern property lines creating multiple frontage requirements according to the City of Saratoga Springs Zoning Ordinance and an unnamed private driveway extends the entire length of the western property line. The arc shape along the easterly side prevents any building from following the build-out line while the northern easements that belong to the City of Saratoga Springs, SCSD #1 and National Grid prevent any building from being placed along the build-to line. The proposed building has been located in the best place possible in relationship to the easterly side, remaining out of all easements and maintaining as much existing vegetation as possible. Purchasing additional land would not help in this case because of the existing road that runs around the entire site.
2. The board notes that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. This proposal is an expansion of an existing use within a zoning district that has a vision for both commercial and residential type uses. Self-storage facilities are considered a non-intensive use because of limited noise impacts and limited vehicular traffic once completed. The building and access drives have been placed in locations that allow for the western portion of the existing woods to remain to the greatest extent possible, screening the western residential properties. The building is placed as close as possible to northern and eastern build-to lines. The entire site is surrounded by existing deciduous and coniferous forests except to the south where the existing commercial properties are located.
3. All areas of relief requested may be considered substantial; however, the board recognizes all surrounding residential properties will continue to be screened by existing woods offsite. The building has been placed as close as possible to the build-to lines that make up the frontage. Since the building is not allowed within any of the cross easements, the requested variances are for the minimum length to stay out of those areas.
4. The board concludes this variance will not have significant adverse physical or environmental effect on the neighborhood or district because the building as proposed is actually closer to the commercial areas to the east and south of the property and further from the residential areas that border the north and western portions of the property. Environmental impacts will be minimal because site engineering will follow all NYSDEC and EPA guidelines for stormwater design and most of the site already has been disturbed due to the amount of infrastructure in place from all the cross easements. Since this is an expansion, the existing stormwater area can be used as the final destination for stormwater runoff eliminating the need to create new catchments. The building as located, also leaves the existing woods to the greatest extent possible to the western portion of the property.
5. The alleged difficulty is self-created insofar as the applicant desires to construct the proposed building, but this 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; Keith Kaplan, Vice Chairman, in favor; Susan Steer, in favor;  
Adam McNeill, Secretary, in favor; Cheryl Grey, in favor; Gary Hasbrouck, in favor; James Helicke, in favor

**MOTION PASSES: 7-0**

**#2939 SBDT VENTURES, LLC LOTS**, 34 & 36 Newton Avenue, area variance to create two residential building lots; seeking relief from the minimum average lot width and minimum lot size requirements for each of the lots in the Urban Residential-2 District.

Bill Moore, Chairman stated application was heard on January 23, 2017 and February 13, 2017. We have not requested any further information from the applicant. The public hearing was opened and remains open.

Cheryl Grey questioned if the building on the property was going to be demolished.

Dave Trojanski, applicant stated the building on the property will need to be demolished it has been deemed condemned. All three lots will be empty.

**PUBLIC HEARING:**

Bill Moore, Chairman stated the public hearing was opened and remains open.

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 10:15 P.M.

**SEQRA:**

A short EAF was submitted by the applicant.

The Board reviewed Part II of the SEQRA short EAF. No large or important areas of concern were noted.

James Helicke made a motion for a SEQRA negative declaration.

Cheryl Grey seconded the motion.

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

None heard.

**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, in favor; James Helicke, in favor



**MOTION PASSES: 7-0**

Keith Kaplan, Vice Chairman presented the following resolution.

**#2939**  
**IN THE MATTER OF THE APPEAL OF**  
SBDT Ventures, LLC  
18 Division St.  
Saratoga Springs, NY 12866

from the determination of the Building Inspector involving the premises at 34 and 36 Newton Ave in the City of Saratoga Springs, New York being tax parcel numbers 165.57-1-45 and 165.57-1-46 on the Assessment Map of said City.

The appellant having applied for an area variance under the Zoning Ordinance of said City to permit the creation of two single-family residential building lots in the UR-2 District and public notice having been duly given of a hearing on said application held on the 23<sup>rd</sup> day of January and 13<sup>th</sup> day of February 2017.

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

| TYPE OF REQUIREMENT             | DISTRICT DIMENSIONAL | PROPOSED     | RELIEF REQUESTED    |
|---------------------------------|----------------------|--------------|---------------------|
| Minimum Average Lot Width-Lot 1 | 60'                  | 50'          | 10' or 16.7%        |
| Minimum Lot Size-Lot 1          | 6600 sq. ft.         | 6000 sq. ft. | 600 sq. ft. or 9.1% |
| Minimum Average Lot Width-Lot 2 | 60'                  | 50'          | 10' or 16.7%        |
| Minimum Lot Size-Lot 2          | 6600 sq. ft.         | 6000 sq. ft. | 600 sq. ft. or 9.1% |

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

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. Per the applicant, creating one conforming lot to confine the variances to the other lot, so as to reduce the number of nonconforming parcels, would not be feasible due to the total 100 feet of width across both properties, resulting in the non-conforming property having a maximum of 40 feet of lot width. This would not only result in larger lot width and size variances on that lot, but also it would result in the need for very substantial side setback variances for any prospective house. The eventual result of such a choice, would be one lot with no variances, and a second lot with very significant variances. Per the applicant, the plan is to build 30-foot-wide homes on both lots, which would preclude the need for side setback variances given the lot widths requested on this appeal are 50 feet. It should be noted these parcels exist with these dimensions and have been owned in common.
2. The applicant has demonstrated that granting these variances will not create an undesirable change in neighborhood character or detriment to nearby properties. The applicant has provided the Board with neighborhood dimensional maps, which demonstrate the lot widths and sizes requested would be consistent with other parcels in the immediate area.
3. The Board notes the variances, at 9.1% and 16.7%, are not substantial.
4. This variance will not have a significant adverse physical or environmental effect on the neighborhood or district. As noted above, the dimensions are consistent with nearby properties and will allow the building of homes in the future without the need for dimensional relief.

5. The alleged difficulty is self-created insofar as the applicant desires to create these lots, but this is not necessarily fatal to the application. The Board further notes these parcels pre-date zoning and it is their ownership in common that causes the need for a variance.

Cheryl Grey seconded the motion.

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

Cheryl Grey stated she is not supporting the application she believes these lots should be consolidated into 2 not 3 lots.

James Helicke stated he believes this is consistent with the neighborhood.

**VOTE:**

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

**MOTION PASSES: 6-1**

**APPROVAL OF MINUTES:**

James Helicke made a motion to approve the minutes of the January 9, 2017 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; James Helicke, in favor

**MOTION PASSES: 7-0**

**MOTION TO ADJOURN:**

There being no further business to discuss Bill Moore, Chairman adjourned the meeting at 10:20 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

APPROVED 3/13/17