



ZONING BOARD OF APPEALS

MINUTES (FINAL)

MONDAY, FEBRUARY 24, 2020

6:30 P.M.

RECREATION CENTER

CALL TO ORDER: Keith Kaplan, Chairman, called the meeting to order at 6:30 P.M.

SALUTE TO THE FLAG:

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

ABSENT: Suzanne Morris

STAFF: Amanda Tucker, Senior Planner, City of Saratoga Springs
Mark Schachner, Counsel to the Land Use Boards-arrived at 6:36 P.M.
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:

#20191030 FLAHERTY RESIDENCE, 172 Fifth Avenue, area variance to remove existing shed and construct a detached pool house accessory structure for use as habitable space and to maintain an existing single-family residence; seeking relief to permit finished space in an accessory structure and minimum front yard setback in the Urban Residential-1 (UR-1) District.

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

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

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

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

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

#2953 STATION PARK MIXED-USE DEVELOPMENT, Washington Street and Station Lane, area variance for a proposed multi-use development containing a 110 room hotel, 88 senior housing units, 41 assisted living units, 90 townhouses, and 28,060 square feet of retail; seeking relief from the frontage build-t0 and build-out, minimum two-story and maximum building height requirements in the Transect-5 District.

#20191162 HANLEY RESIDENCE, 74 Fifth Avenue, area variance to demolish an existing single-family residence and to construct a new single-family residence with attached garage; seeking relief from the maximum principal building coverage and minimum front, rear side and total side yard setbacks in the Urban Residential-1 (UR-1) District.

ZBA APPLICATIONS UNDER CONSIDERATION:

RECUSAL:

Brad Gallagher, Vice Chairman recused from the following application.

PROCEDURAL ITEM:

1. **#20200087 MCALLISTER SUBDIVISION**, 313 Jefferson Street, Initiation of Coordinated SEQRA Review and consideration of Lead Agency Status for an area variance associated with a proposed two-lot subdivision; seeking relief from the minimum rear yard setback for lot 1 in the Urban Residential-2 (UR-2) District.

Keith Kaplan, Chairman stated this is a procedural item. Materials were provided to the Board. This application is a coordinated review with the Planning Board. The ZBA will determine if this Board would like to be SEQRA Lead Agency for this application or defer to the Planning Board.

The Board requested the applicant's agent provide additional information.

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated her client Mr. McAllister owns the larger lot which is before the Board requesting an area variance associated with a proposed two-lot subdivision. A visual of the site was provided to the Board noting the location of Mr. McAllister's home. This site is .47 of an acre and has been on the market for some time. It does not fit the neighborhood anymore since the development of this area. This property is on the corner of Jefferson and Taylor. Photographs were provided. Each lot will be over the minimum acreage requirements for two lots. With the proposed new lot line, the rear setback which is now compliant as a side setback at 8 feet for the existing home will become a rear setback and not meet the requirement. We have reviewed several options. We would like this subdivision to match those of the neighbors which are all newer homes. Nothing is changing the existing house will remain and not be moved.

Keith Kaplan, Chairman stated we will not be opening up the public hearing for this application this evening.

Keith Kaplan, Chairman asked if the Board has any questions concerning Lead Agency Status. None heard.

Cherie Grey made a motion in the matter of the McAllister Subdivision, 313 Jefferson Street the ZBA defers Lead Agency Status for SEQRA to the Planning Board. Christopher Mills seconded the motion.

Keith Kaplan, Chairman asked if there was any further discussion. None heard.

VOTE:

Keith Kaplan, Chairman, in favor; Cherie Grey, in favor; Matthew Gutch, in favor; Christopher Mills, in favor; Gage Simpson, in favor; Kathleen O'Connor, in favor

MOTION PASSES: 6-0

Brad Gallagher, Vice Chairman resumed his position on the Board.

NEW BUSINESS:

1. **#20200055 KETCHOYIAN POOL HOUSE**, 11 Liz Ann Drive, area variance to construct a detached pool house accessory structure for an existing single-family residence; seeking relief from the minimum rear yard setback for an accessory structure in the Rural Residential (RR) District.

DISCLOSURE:

Keith Kaplan, Chairman disclosed that when he visited the property on February 23, 2020 the homeowner was at home, invited the Chair in and showed him the specifics of the project and the location. There was no discussion of the merits of the application.

SEQRA:

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

PARCEL HISTORY:

-Parcel is a part of Louden Meadows II Subdivision. A special setback was approved by the Planning Board at 50 feet for a principal structure and 15 feet for an Accessory Structure for the rear yard.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Rear yard setback	15 ft.	6 ft.	9 ft. or (60%)

Applicant: Mike Ketchoyian

Mr. Ketchoyian provided a visual of his odd shaped lot which is 2 plus acres. The PBA fields are behind his home and neighbors are quite a distance away from him. There are not many options with the odd shaped lot. The proposed location is the only viable one. The proposed structure would not be visible to neighbors at all. The structure would be surrounded by woods on all three sides. The siting of the pool and proposed pool house on the property site was difficult due to the shape of the parcel. The applicant states he has reforested his property to maintain their privacy.

Discussion ensued among the Board regarding the amount of relief requested. It was the consensus of the Board that the requested variance is too large for a newly proposed project. There was a general lack of support for the variance requested. The Board suggested the applicant revisit the project and attempt to reduce the amount of relief requested to satisfy the concerns of the Board.

Mr. Ketchoyian stated he will go back and revisit the project and try to reduce the variance request.

Keith Kaplan, Chairman stated it would be helpful if you go back to the survey and perhaps enlist the services of a landscape architect to help review the numbers that you would like to work with. More specific drawings regarding what you are proposing would also be helpful to the Board. We are meeting again on March 9, 2020 and again March 23, 2020. You can return with additional information.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 6:58 P.M.

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

Douglas Morbido questioned since the property line is angled is a full 6 feet or 6 feet from the closest corner.

Keith Kaplan, Chairman explained the 6 ft relief is to the closest point of the structure.

Keith Kaplan, Chairman stated the public hearing will remain open.

2. #20200066 BOTTINI GARAGE ADDITION, 57 East Avenue, area variance to construct an addition to an existing accessory structure for an existing single-family residence; seeking relief from the maximum accessory building coverage in the Urban Residential-2 (UR-2) District.

SEQRA:

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

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Maximum Accessory Structure	10%	15.2%	5.2% or 52%

Agent: Douglas Morbido

Mr. Morbido provided a visual of the site in question. An existing pergola on the site has been removed. The proposed plan is to add a second story addition to the existing accessory structure for needed storage space. The homeowner is looking for additional storage space to store overflow furniture from his business Bailey’s Café and band equipment. This is 4-6 minutes from the bar and will be more cost effective than renting storage space. Mr. Morbido stated the accessory garage is offset to the back of the property and will not obstruct any views nor will it be an eyesore to the neighbors. This will be unheated storage space.

Discussion ensued among the Board concerning the size of the current lot and the size of the proposed space. The Board noted this was a substantial addition to the accessory structure. The Board also requested from the applicant the principal building coverage. It was the consensus of the Board that this is a substantial variance in terms of relief requested and the mass and scale of the project. Concerns were voiced regarding the potential of conversion to an apartment. Additional information was requested regarding the permeability of the site, and the total percentage coverage of the principal structure including all overhangs, any other small accessory structures such as an air conditioning unit.

Keith Kaplan, Chairman stated additional information was requested from the applicant. Currently there is little support from the Board for this project. The Board encourages the applicant to review the project and return with a revised project or course of action to pursue.

PUBLIC HEARING:

Keith Kaplan, Chairman opened the public hearing at 7:15 P.M.

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

Keith Kaplan, Chairman stated the public hearing will remain open. Our next meeting is scheduled for March 9, 2020.

OLD BUSINESS:

RECUSAL:

Board Member Cherie Grey recused from the following application and exited the meeting at 7:16 P.M.

DISCLOSURE:

Keith Kaplan, Chairman disclosed he was absent for the previous meeting. He has reviewed the webcast and additional information supplied by the applicant. He is comfortable voting on this application this evening.

- 3. **#20190071 STELLATO RESIDENCE**, 148 Woodlawn Avenue, area variance for an addition to an existing single family dwelling and carport addition to the existing carriage house and to permit a dwelling unit as constructed in an accessory structure; seeking relief from the minimum principal building coverage; maximum number of principal buildings on one lot, minimum lot size requirements, and maximum setbacks for a principal building in the Urban Residential-3 District.

This is a previous opened application. The public hearing was opened and remains open.

Applicant: Gerilyn and Tony Stellato

Mr. Stellato stated he appreciates all the work the Board has performed as well as staff for their project.

PUBLIC HEARING:

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

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

Keith Kaplan, Chairman closed the public hearing at 7:17 P.M.

Brad Gallagher presented the following resolution.

#20190071
IN THE MATTER OF THE APPEAL OF
Tony & Jerilyn Stellato
148 Woodlawn Ave
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 148 Woodlawn Ave in the City of Saratoga Springs, New York being tax parcel number 165.44-1-52 on the Assessment Map of said City.

The appellants having applied for an area variance under the Zoning Ordinance of said City to permit the construction of an addition to a single-family residence and carport addition to the existing carriage house in the UR-3 District and public notice having been duly given of a hearing on said application held between March 2019 through February 24, 2020.

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

TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
Maximum Principal Building Coverage	30%	52.2%	22.2% or 74%
Total Side yard Setback (Carriage House)	12 ft.	11.5 ft.	0.5 ft. or 4.2%
Front Yard Setback (Carport)	10 ft.	3 ft.	7 ft. or 70%

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

1. The applicants have demonstrated this benefit cannot be achieved by other means feasible to the applicant.

The Carriage House Structure:

The applicants have demonstrated that the current configuration of the accessory garage space does not accommodate four vehicles, as it is only approximately 32 feet deep. Thus, the current configuration of the garage leaves almost 1/3 of the existing garage space unusable for storage of vehicles, according to the applicants. As such, the applicants seek to construct a bump-out that is 5 feet deep by 23 feet wide. According to the applicants, this bump-out follows the footprint of an existing concrete foundation that was attached to the rear of the garage that was previously demolished. Per the applicants, the additional covered vehicular storage space is necessary because of the black walnut trees that drop nuts, which has caused damage to vehicles in the past. The Board finds that the applicants have demonstrated that the bump-out is the most feasible option to maximize the garage storage space for vehicles, protecting the existing black walnut trees, and avoids having additional vehicles parked on the street.

The Principal Residence Structure:

The applicants have demonstrated that the replacement of the existing stairway to a safe, code compliant stairway is not feasible without the requested relief. According to the applicants, the current stairway has steep riser heights, shallow depth and are too narrow to accommodate a handrail. The condition of the current stairway has resulted in numerous falls per the applicants. The applicants have demonstrated that the proposed, new code compliant stairway is the most feasible option.

The applicants have further demonstrated that the addition of a first floor full bath and stairway to accommodate a guest room configuration is the minimum feasible size.

The applicants desire to replace the existing deck with a new deck that is similar in size and orientation. The applicants have demonstrated that the dimensions of the new deck are necessary to accommodate an outdoor dining table and barbecue grill. The proposed plan is the most feasible plan that meets the desired benefit.

2. The applicants have demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties.

The Carriage House Structure:

The applicants have demonstrated that the bump-out addition to the existing carriage house previously existed at the property. Moreover, the carriage house/garage is pre-existing non-conforming, as it is approximately 17.6%. Thus, the applicants are seeking to increase the lot coverage of this structure by 3.8%.

The Principal Residence Structure:

Moreover, the Board finds that the increase of 4.0% to the coverage for the principal residence structure will not have a negative effect on the neighborhood character or serve as a detriment to nearby properties. Indeed, the applicants demonstrated that the majority of the principal building coverages for neighboring properties exceed the request of the applicants.

For the foregoing reasons, the Board finds that increase in lot coverage of the house and carriage house structures will not have an undesirable change on the neighborhood character.

3. The Board finds the lot coverage variance to be substantial on a percentage basis, but this is mitigated by considering lot coverage for the both existing structures is 44.4% and the current requested relief is for 52.2% a relatively small amount of relief at 7.8%. The Board realizes that the variance for front yard setback to be substantial at 70%, however, this is mitigated by 0' front yard setback for the existing Carriage House. The Board finds the total side yard setback variance for the Carriage House to be minimal at 4.2%.
4. These variances will not have significant adverse physical or environmental effect on the neighborhood or district. The lot permeability, proposed at 35.5%, will exceed the permeability requirements of 25%.
5. The alleged difficulty is self-created insofar as the applicants desire to expand the proposed structures, but this is not necessarily fatal to the application.

Conditions:

1. Accessory structures limited to 1.0% of lot area.

Gage Simpson seconded the motion.

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

Discussion ensued among the Board regarding calculations in the resolution.

7:30 P.M. The Board recessed.

7:39 P.M. The Board reconvened.

The proper calculations were made and adjusted in the resolution.

VOTE:

Keith Kaplan, Chairman, in favor; Brad Gallagher, Vice Chairman, in favor; Gage Simpson, in favor; Matt Gutch, in favor; Christopher Mills, in favor; Kathleen O'Connor, in favor

MOTION PASSES: 6-0

APPROVAL OF MEETING MINUTES:

Christopher Mills made a motion to approve the minutes of the February 10, 2020 meeting of the Zoning Board of Appeals with changes as submitted. Gage Simpson seconded the motion.

Keith Kaplan, Chairman asked if there was any further discussion. None heard.

VOTE:

Keith Kaplan, Chairman, in favor; Brad Gallagher, Vice Chairman, in favor; Matthew Gutch, in favor; Christopher Mills, in favor; Gage Simpson, in favor; Kathleen O'Connor, in favor

MOTION PASSES: 6-0

MOTION TO ADJOURN:

There being no further business to discuss Keith Kaplan, Chairman adjourned the meeting at 7:45 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 8-3-20