



# ZONING BOARD OF APPEALS

## MINUTES (FINAL)

MONDAY, FEBRUARY 27, 2017

7:00 P.M.

CITY COUNCIL ROOM

**CALL TO ORDER:** Bill Moore, Chairman, called the meeting to order at 7:02 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.

**#2876.1 BENTON SUBDIVISION**, 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. Adjourned to March 13, 2017.

**NEW BUSINESS:**

1. **#2926 TEPPER/LANE RESIDENCE**, 144 Spring Street, area variance for a front porch addition to an existing single family residence; seeking relief from the minimum front yard and side yard setback requirements in the Urban Residence – 3 District.

**SEQRA:**

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

**PARCEL HISTORY:**

-City Council authorization/agreement for encroachment of proposed porch in ROW dated February 7, 2017.

**AREA VARIANCE CONSIDERATIONS:**

	REQUIRED	EXISTING	PROPOSED	TOTAL RELIEF REQUESTED
Minimum side yard setback:	4 ft.		1.5 ft.	2.5 ft. (62.5%)
Minimum front yard setback:	10 ft.	0 ft. (-2')	0 ft. (-2')	10 ft. (100%)

**DISCLOSURE:**

Cherie Grey disclosed she knows the applicant. She does not have any financial interest in this application and it will not impact her decision.

Agent: Matthew Hurff, Frost Hurff Architecture

Mr. Hurff stated the applicant did make a previous application which was never acted upon since they required an easement from the City Council. The applicants have successfully obtained an easement on February 7, 2017. They are now before this Board requesting an area variance for a front porch addition to their single family home. The application includes a portion of the City's historic Sandborn maps that shows the residence with a similar porch and indicates that there was such a porch on the building as recently as 1961. A visual presentation of applicants request was provided to the Board and is very much in keeping with the character of the neighborhood. It is very consistent with what exists in the neighborhood presently. The requested variance will not have an adverse physical and environmental effect on the neighborhood because of its relatively minor nature and small scale, its architectural impact will be positive in the neighborhood.

Cherie Grey questioned any alternative designs.

Mr. Hurff stated an alternative that was investigated was to locate the covered porch to the East of the entry porch, extending back. Aside from being perceived as not as pleasant location as the front of the house, it didn't enhance the appearance of the building as well, and it brought the principal building lot coverage over the 30% limit.

Discussion ensued among the Board concerning the easement granted by the City and how it effects this construction.

**PUBLIC HEARING:**

Bill Moore, Chairman opened the public hearing at 7:14 P.M.

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

None heard.

Bill Moore, Chairman stated we will keep the public hearing open. A resolution will be prepared and presented at the next ZBA Meeting scheduled for March 13, 2017.

2. **#2947 POWER RESIENCE**, 84 Walworth Street, area variance for a rear deck and stair addition to an existing residence; seeking relief from the minimum rear yard setback 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:**

	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>	<b>TOTAL RELIEF REQUESTED</b>
Minimum rear yard setback	25 ft.	3.7 ft.	10.08 ft.	14.92 ft. (59.68%)

Applicant: Clayton Power, owner

Mr. Power stated this deck and stairway has actually been built alongside the building. We received approval and upon completion it was determined that it did not meet the setback requirement.

Keith Kaplan, Vice Chairman stated he visited the site. He questioned the setbacks and the placement of the deck and any feasible alternatives.

Mr. Power stated we chose this area for placement of the deck and stairs because visually we thought the placement was best in this location and it makes sense in this location. There is room there. Placement in other locations would have infringed on the driveway, aesthetically would not have looked right. Where it is currently is located it is at the rear of the building obscured by a fence and only the tenants at 84 Walworth will see the stairway and deck. It has absolutely no effect on the neighborhood.

**PUBLIC HEARING:**

Bill Moore, Chairman opened the public hearing at 7:27 P.M.

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

None heard.

Bill Moore, Chairman stated we will keep the public hearing open. A resolution will be prepared and presented at the next ZBA Meeting scheduled for March 13, 2017.

**OLD BUSINESS:**

- 3. **#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.

This application was heard at the February 13, 2017 meeting and adjourned to February 27, 2017. The public hearing was opened and remains open.

**NEIGHBOR INPUT:**

- Email from Jim Morrell, received February 21, 2017.
- Email from Elizabeth Gormley, 71 Church Street, received February 20, 2017.
- Email from Nancy Moultrie-Smith, 82 Church Street, received February 20, 2017.
- Email from Richard Kline, 63 Church Street, received February 17, 2017.

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

None heard.

**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 7:30 P.M.

James Helicke presented the following resolution.

**DRAFT MOTION #2942  
IN THE MATTER OF THE APPEAL OF  
Teakwood Builders, Inc.  
8 Butler Place  
SARATOGA SPRINGS, NY 12866**

From the determination of the Building Inspector involving the premises at 75 Church Street in the City of Saratoga Springs, NY, being tax parcel number 165.51-1-70 on the Assessment Map of said City. The Applicant having applied for an area variance to construct an addition to an existing commercial building seeking relief from the frontage build-to and build-out and two-story requirements in the Transect -5 District and public notice having been duly given of a hearing on said application held on February 13 and 27, 2017.

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

Type of Requirement	District Dimensional Requirement	Proposed	Relief Requested
Build-to line: (Church St.)	0-12 ft.	40 feet	28 feet (233%)
Minimum Build-out: (Church St.)	70%	0%	70% (100%)
Minimum Two-story:	Max. one-story 3,000 sq. ft.	3,235 sq. ft.	235 sq. ft. (8%)

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 proposes to construct a 1,830 sq. ft. addition to an existing 1,405 sq. ft. commercial building for a showroom for the business. The existing structure, located toward the rear of the property is preexisting nonconforming with the frontage and two-story requirements. The alternatives explored included adding a second-story to the existing building but, as the application states, "Adding an additional story to the existing building is not feasible in that the structure would not support an additional story". In addition, as the application states, "Expanding the building to the front build-to-line is not feasible and would not allow on-site parking". Moreover the applicant seeks to maintain the existing architecture of a two-bay gas station and alternative designs would detract from this historic design.
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 proposed addition is located along the rear and interior side of the existing building. The applicant presented elevation drawings that supported the stated desire to preserve the box-type gas station with the addition presenting as two additional garage bays. As the application states, "The variances being requested will provide the opportunity for the applicant to improve the aesthetic of an existing structure and site".

3. The request for relief from the frontage requirements is substantial, but this is mitigated by the applicant's desire to preserve the existing structure, which is preexisting nonconforming per the T-5 requirements as it is setback approximately 40 feet from the front property line along Church Street and is a one-story structure.
4. The Applicant has demonstrated that granting this variance will not have an adverse physical or environmental effect on the neighborhood. It is noted that the site layout is more of a suburban rather than an urban style with parking in front of the building serviced by three curb cuts. The site plan does identify, however, a crosswalk connection from the two streets to the building so pedestrian visitors to the site could safely cross the parking area. These site elements and the appropriate number and configuration of on-site parking spaces will be considered by the Planning Board during site plan review.
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.

**NOTES:**

Saratoga County Planning Board referral response of "No Significant Countywide or Intercommunity Impact" on January 19, 2017. City Planning Board special use permit and site plan review required. DRC architectural review required.

Cherie 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; Gary Hasbrouck, in favor; Cheryl Grey, in favor; James Helicke, in favor

**MOTION PASSES: 7-0**

4. **#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.

This application was heard at the February 13, 2017 meeting and adjourned to February 27, 2017. The public hearing was opened and remains open.

**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 7:41 P.M.

Cherie Grey presented the following resolution.

#2944  
 IN THE MATTER OF THE APPEAL OF  
 SHANNON MCCARTHY  
 14 STRATTON STREET  
 SARATOGA SPRINGS, NY 12866

From the determination of the Building Inspector involving the premises at 14 Stratton Street in the City of Saratoga Springs, NY, being tax parcel number 166.77-1-41 on the Assessment Map of said City. The Applicant having applied for area variances to alter the roof and eaves on an existing one story addition at said residence and further to repair/replace an existing porch across the front of the house in the UR-2 District and public notice having been duly given of hearings on said application on February 13 and 27, 2017.

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	Existing	Proposed	Relief Requested
Minimum Side Yard Setback	8 feet	5.8 feet	5.8 feet	2.2 feet (27.5%)
Minimum Front Yard Setback	10 feet	4.4 feet	4.4 feet	5.6 feet (56%)

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

1. The Board finds that the Applicant has demonstrated this benefit cannot be achieved by other means feasible to the Applicant. The addition is existing and the roof work proposed will only conform to existing architecture of the home. The porch and detail work will compliment the style and historic value of the house. There is no additional property to be purchased to alleviate this variance on either the side of the house or the front.
2. The Board finds that the Applicants has demonstrated that granting this variance will not produce an undesirable change in neighborhood character and not be a detriment to the nearby properties. As per the applicant, the structure currently exists and will be enhanced.
3. The Board finds that the requests for relief are substantial, but substantiality is offset by the fact that the lot and house have existed in this condition for many years and will not impact neighboring properties.
4. The Board finds that the Applicant has demonstrated that granting these area variances will not have an adverse physical or environmental effect on the neighborhood. Permeability appears to exceed the minimum requirement of 25%.
5. The request for relief may be considered a self-created hardship, however self-creation alone is not fatal to the application.

Gary Hasbrouck 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**

5. **#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.

This application was heard at the February 13, 2017 meeting and adjourned to February 27, 2017. The public hearing was opened and remains open. Additional information was provided by the applicant's architect.

**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 7:46 P.M.

Gary Hasbrouck presented the following resolution.

#2945  
IN THE MATTER OF THE APPEAL OF  
Sonny & Julie Bonacio  
22 Greenfield Avenue  
Saratoga Springs, New York 12866

from the Building Inspector's determination for the same premises, identified as Tax Parcel Section 165.44-1-73.

WHEREAS, the appellant has applied for AREA VARIANCES for relief from the current City Zoning Ordinance for minimum side yard setback, minimum front yard setbacks, and principal building coverage for an addition to an existing single family house in an Urban Residential – 1 zoning district; and public notice having been duly given of a hearing on said application held on February 13<sup>th</sup> & February 27<sup>th</sup>, 2017

WHEREAS, in consideration of the balance between benefit to the applicant with detriment to the health, safety and welfare of the community, the Board makes the following resolution that the requested AREA VARIANCE for the following relief or lesser dimensions be APPROVED:

	Required:	Proposed:	Total relief requested:
Min. front yard setback: (Greenfield) Main house addition	30 ft.	25.25 ft.	4.75 ft. (16%)
Min. front yard setback: (Woodlawn) Carriage house addition	30 ft.	0 ft.	30 ft. (100%)
Min. side yard setback: Main house garage addition	12 ft.	5.5 ft.	6.5 ft. (54%)
Max. Principal building coverage: Main house and carriage house combined	20%	38.4% (25.6% main house and 12.8% carriage house)	18.4% (92%)

- 1) The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. The applicant considered reducing the number of garage bays and replacing those with a covered walkway. The applicant indicated this option would not be feasible since they wish to have all vehicles inside a garage and out of the weather. This option, if feasible, would have only reduced the requested principal building coverage variance from 18.4% to 15.2% per the applicant letter of 2-17-2017. In regards to the front yard setback from Greenfield Ave, the existing house is already 8' 3 3/4" from the property line. The addition is proposed to be another 17' further back. The addition to the pre-existing, nonconforming Carriage house will be stepped back to be completely on the subject property. Any extension to the front of this building would need a significant variance since it sits directly on the property line and contains some overhangs extending onto city property. The application states, "The existing carriage house footprint is expanded to allow for a wider port cochere and drive lane, done for vehicular ease and safety of maneuvering into the proposed auto court. The garage addition to the main house causing the side yard setback variance could not be moved toward the center of the property because of the applicants desire to maintain the green space in the front yard. The application states, "...to allow for a safe distance for vehicles to maneuver in and out of the driveway." The application also notes that no land is for sale adjacent to the proposed project.
- 2) The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The application states, " The main residence addition and garage addition have been located away from the street to the extent possible to maintain streetscapes and minimize visual impact." The applicant's letter of 2-17-2017 also notes an existing building 90' in length on the neighboring property behind the proposed garage that runs along the 122' of shared property line. The Board notes, based upon survey and site plan submitted by the applicant, the neighbor's building would in fact cover over half the back of the proposed garage. The view of the garage and the first floor of the addition to the main house would be obscured by the subject property's hedgerow of evergreen foliage running along Woodlawn Ave and Greenfield Ave. A small opening in the evergreens would allow a limited view from Greenfield Ave. The carriage house currently has a "lean to carport" attached to the North side of the building. The applicant's plans show this being replaced and enlarged with architectural features similar to the existing house.
- 3) The relief requested may be considered substantial in all aspects with the exception of the requested minimum front yard setback to Greenfield for the main house addition. The front yard setback variance on Woodlawn for the carriage house is numerically large but in practicality insignificant. As noted previously, the existing building is pre-existing and nonconforming. The addition only adds 5' 10" to the frontage along Woodlawn. The substantiality of the garage portion of the project is almost entirely mitigated by the lack of it being able to be seen from outside the property boundaries.
- 4) The applicant has demonstrated this variance will not have an adverse physical or environmental effect on the neighborhood. The Board notes no request for permeability variances and the applicant notes the large front yard will be preserved. Per the applicant's letter dated 2-17-2017 and from the application, drywells will be added on site to take care of storm water from the driveway and roof of garage. The applicant notes the addition will allow for "6 family members to keep vehicles off the street."
- 5) The difficulty may be considered self-created. This, however, is not necessarily fatal to the application.

Cherie Grey seconded the motion.

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



Cherie Grey stated she feels the variance requested is excessive. I would like to see less garages. I am opposed to the variance.

James Helicke stated he is not opposed to the setbacks due to the nature of the property. We are looking at significant variances. Believes there are other alternatives. He is opposed to the variance.

Keith Kaplan, Vice Chairman stated he was very much opposed to the number of garages. Letter received was excellent in its explanation. It is an unusual situation. The difference between the alternatives is 3%.

**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, opposed; James Helicke, opposed

**MOTION PASSES: 5-2**

**#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.

This application was heard at the February 13, 2017 meeting and adjourned to the February 27, 2017 meeting. The public hearing was opened and remains open.

Agents: Brian Straughter, Dave Wylie, Mike Hoffman, Turf Hotels

Mr. Straughter stated at our last appearance before this Board you requested we revisit the signage on the right side of the building. We have discussed this and agree that we will no longer be requesting this signage. Three variations of the higher signage were provided to the Board. We have reduced the size of the signage on the lower portion of the building. Mr. Straughter stated they of course prefer the original request. However they are agreeable to the two signs at 106 sq. ft.

Bill Moore, Chairman thanked the applicant for providing the additional information.

**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 8:01 P.M.

Adam McNeill, Secretary presented the following resolution.

**#2946**  
**IN THE MATTER OF THE APPEAL OF**  
3368 South Broadway  
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 3368 South Broadway in the City of Saratoga Springs, New York being tax parcel number 178.00-2-16 in the Outside 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 of signage in the Tourist Related Business District and public notice having been duly given of a hearing on said application held on the 13<sup>th</sup> and 27<sup>th</sup> 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:

Max. placement of wall sign above first floor level of the building:	Required: First floor	Proposed: Above first floor - 49.5'	Total relief requested: To permit placement above first floor level – 49.5' (100%)
Maximum no. of wall signs: South Broadway front	1	2	1 (100%)
Max. size wall sign(s): Two combined on South Broadway façade	100 sq. ft.	110.8 sq. ft.	10.8 sq. ft. (10.8%)

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 explored keeping the sign below the second floor of the building, however this option was not feasible to the applicant as their building is set back 216' from a busy road which experiences highway speeds. The applicant notes, a lower sign elevation would not provide the visibility necessary to advertise their location. The application originally included a sign on the south side of the building however, upon further inspection, the applicant has determined "the opportunity for moving traffic to view the sign is limited," and have removed this sign from their application, reducing their overall need for variances from the zoning code. The applicant has also explored minimizing the overall size of the two remaining signs to comply with the maximum size allowed for all signs; however they have deemed, for the same reason for which they have requested to have one sign above the first floor, that this would not be appropriate for their needs.
2. The board notes that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The Tourist Related Business District is populated by commercial entities such as restaurants, hotels, auto dealerships, etc. The proposed signage is not out of character with the intent or existing properties within the district.
3. The Board notes that the majority of requested variances could be considered substantial.
4. The applicant has demonstrated that granting this variance will not have an adverse physical or environmental effect on the neighborhood. The back-lighted nature of the proposed signage will minimize any possible negative environmental effects of adding these two signs to the building.
5. The alleged difficulty is self-created insofar as the applicant desires to construct the proposed signage; however this is not necessarily fatal to the application.

James Helicke seconded the motion.

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

Cherie Grey stated she is opposed to signage over the first floor and feels a precedent is being set in this corridor.

James Helicke stated he does not feel this is setting a precedent, due to the speed limit on this road.

**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, opposed; James Helicke, in favor

**MOTION PASSES: 6-1**

**APPROVAL OF MINUTES:**

Cheryl Grey made a motion to approve the minutes of the January 23, 2017 ZBA meeting minutes.

James Helicke seconded the motion.

**VOTE:**

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

**MOTION PASSES: 6-1**

**MOTION TO ADJOURN:**

There being no further business to discuss Bill Moore, Chairman adjourned the meeting at 8:15 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

APPROVED 3/13/17