



ZONING BOARD OF APPEALS

MINUTES (FINAL)

MONDAY, MARCH 18, 2019

6:30 P.M.

RECREATION CENTER

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

SALUTE TO THE FLAG:

PRESENT: Bill Moore, Chairman; Keith Kaplan, Vice Chairman; Brad Gallagher; Secretary; Cheryl Grey; Jerry Lund; Chris Hemstead; Rebecca Kern

STAFF: Susan Barden, Principal Planner, Planning and Economic Development, City of Saratoga Springs
Tony Izzo, Assistant City Attorney, City of Saratoga Springs
Justin Grassi, Counsel to the Land Use Boards

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:

1. **#20190029 VAL-KILL RESIDENCE**, 40 Second Street, area variance to permit a dwelling unit as constructed in an accessory structure, seeking relief from the minimum side yard and rear yard setbacks, maximum principal building coverage, maximum number of principal buildings on a lot and minimum lot size requirements in the Urban Residential-2 District.
2. **20190071 STELLATO RESIDENCE**, 148 Woodlawn Avenue, area variance for an addition to an existing single family dwelling and construction of a carport addition to the existing carriage house, seeking relief from the maximum side yard, total side yard and rear yard setbacks and maximum principal building coverage requirements in the Urban Residential-3 District.
3. **#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.
4. **#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.

NEW BUSINESS:

1. **#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.

Bill Moore, Chairman stated the public hearing has not yet been noticed. The public hearing will be noticed following SEQRA determination and Advisory Opinion from the Planning Board.

SEQRA:

- Action appears to be Unlisted, a short EAF was submitted.
- Planning Board is identified on Part I of the EAF as the only other involved agency.
- The EAF identifies wetlands and floodplain on the property.
- The ZBA could initiate Coordinated SEQRA review and defer Lead Agency Status to the Planning Board.

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Minimum principal building coverage	200 ft.	156 ft.	44 ft (22%)
Minimum average lot width	200 ft.	126 ft.	74 ft (37%)
Minimum lot size	87,120 sq. ft.	20,049 sq. ft.	67,071 sq. ft. (77%)

NOTIFICATIONS/APPROVALS/CONDITIONS OF APPROVAL

- Per 8.4.6 City Planning Board advisory opinion required.
- Planning Board subdivision review and approval required.

DISCLOSURE:

Keith Kaplan, Vice Chairman disclosed that he has viewed the February 25, 2019 webcast. He feels informed on the application and can vote on the issues this evening.

Applicant: Mr. Maioriello

Agent: Matt Webster, VanDusen Steves Land Surveyors

Mr. Webster stated Mr. Maioriello is requesting subdivision of his parcel. This property is in the Rural Residential Zone. His parcel is currently subdivided by Crescent Avenue. The lot on the lake side of Crescent Avenue is currently vacant. His home is on the other side of Crescent Avenue. He has been maintaining his property on the lake side. The road has become busier over the years and is becoming a safety factor for him and his family. He would like to build a home on the lake side of the property. Surrounding this vacant site are lots of similar size. This would not be a detriment to surrounding properties.

Bill Moore, Chairman stated since the application has not been noticed we will move this application to the Planning Board for an Advisory Opinion as required.

Keith Kaplan, Vice Chairman made a motion in the matter of the Maioriello Residence, 663 Crescent Avenue application be forwarded to the Planning Board for an Advisory Opinion. Cheryl Grey seconded the motion.

VOTE:

Bill Moore, Chairman, in favor; Keith Kaplan, Vice Chairman, in favor; Brad Gallagher, Secretary, in favor; Cherie Grey, in favor; Jerry Luhn, in favor; Chris Hempstead, in favor; Rebecca Kern, in favor

MOTION PASSES: 7-0

Bill Moore, Chairman requested a motion for the Zoning Board of Appeals to defer Lead Agency Status to the Planning Board.

Keith Kaplan made a motion in the matter of the Maioriello Residence, 663 Crescent Avenue application that the ZBA defer Lead Agency Status for SEQRA to the Planning Board should they choose to accept it. Rebecca Kern seconded the motion.

VOTE:

Bill Moore, Chairman, in favor; Keith Kaplan, Vice Chairman, in favor; Brad Gallagher, Secretary, in favor; Cherie Grey, in favor; Jerry Luhn, in favor; Chris Hempstead, in favor; Rebecca Kern, in favor

MOTION PASSES: 7-0

2. **#2019164 MARZOLI RESIDENCE**, 103 Fifth Avenue, area variance for an addition of an egress escape well to an existing single-family residence; seeking relief from the maximum principal building coverage requirement 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
Maximum principal building coverage:	20%	21.32%	1.32% (7%)

Agent: Thad Smith, Teakwood Builders

Mr. Smith stated the basement on the home was finished prior to the applicants purchasing the home. We did some further renovations inside the home. We enhanced the access to the basement with an open stair. There is a requirement for an egress window and meeting that requirement increases our maximum principal building coverage and the request for an area variance.

Jerry Lund questioned if the applicant will be requesting any further accessory structures.

Mr. Smith stated the applicants have been in the home for several years and are not planning any further accessory structure.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 6:40 P.M.

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

Bill Moore, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the April 8, 2019 meeting.

3. **#3022 DEVAL SUBDIVISION**, 59 Franklin Street, area variance associated with a two-lot subdivision; 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.

SEQRA:

- The agency acting as Lead Agency will need to consider the entire action-area variance for the subdivision, subdivision, area variance for new construction on the new lot, historic review of the new construction on the new lot.
- Action appears to be Unlisted, a short EAF was submitted.
- Planning Board and DRC are involved agencies.
- ZBA initiated Coordinated SEQRA Review and deferred Lead Agency status to the Planning Board on May 7, 2018.
- A SEQRA determination has not yet been made by the Planning Board.

PROJECT HISTORY:

- Unfavorable advisory opinion issued by the Planning Board on October 18, 2018.
- Pending area variance application for construction of a new carriage house submitted November 2016.

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Minimum average lot width: Cherry St. lot	100 ft.	58.1ft.	41.9 ft. (42%)
Minimum side yard setback: to parking	25 ft.	0 ft.	25 ft. (100%)
Minimum side yard setback: to parking	25 ft.	5 ft.	20 ft. (80%)
Minimum total side yard setback: to parking	45 ft.	5 ft.	40 ft. (89%)
Minimum front yard setback: to parking	25 ft.	11 ft.	14 ft. (56%)

Applicant: David and Richard DeVall

Mr. DeVall stated the property in question is located at 59 Franklin Street which is a UR-4 zone and is under the auspices of the DRC review. We have previously appeared before this Board approximately one year ago. We were referred to the DRC concerning the position and orientation of the proposed subdivision. The DRC approved the positioning of the residence but did not like the garage attached and preferred a detached garage and did not like the fact that the new residence mimicked the Greek revival style of the existing building, and we have changed that. We then were referred to the Planning Board. A visual of the site plan was provided to the ZBA which is what was presented to the Planning Board. We have returned from the Planning Board. They have accepted Lead Agency Status, requested a full EAF and further renderings. We have completed a major overhaul we have moved the residence by 10 feet to the east, we have reoriented the driveway, removed the curb cut on the alley. Mr. DeVall reviewed the decreased areas of relief requested. The applicants returned before the Planning Board for a second hearing and they never took any action for SEQRA and they issued a Negative Advisory Opinion to the ZBA.

Mr. DeVall stated he does not understand the Negative Advisory Opinion issued and read from the Zoning Ordinance concerning subdivision of property. Mr. DeVall stated they have the largest lot on the street. Substandard is the norm on Franklin Street. He provided information from the previous submission noting required variances. Mr. DeVall provided the updated areas of relief requested to the Board.

Keith Kaplan, Vice Chairman spoke regarding building a secondary principal building on this lot versus subdividing this lot, which would eliminate several variances. As this is currently structured there are substantial variances and he is opposed to this as submitted. What are the positives that you would yield other than monetary with a subdivision?

Mr. DeVall stated we tried the other approach with the plans for a carriage house. The Planning Board was not in favor of this proposal.

Keith Kaplan, Vice Chairman questioned why not another house.

Mr. DeVall stated there is no way to put another structure on this property without some relief.

Keith Kaplan, Vice Chairman spoke regarding the requested variances and the creation of the substandard lot. It still seems the applicant could move in the direction of two principal structures on one lot versus the creation of a substandard lot.

Mr. Richard DeVall spoke regarding home ownership versus rental properties.

Susan Barden, Principal Planner, City of Saratoga Springs provided information to the Board on the applicant's original submission for a carriage house and 3 bay garage for this site as well as the proposed variances requested.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 7:08 P.M.

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

Bill Moore, Chairman stated he will leave the public hearing open. The applicant will return before the Board following a SEQRA determination prior to returning to the ZBA.

NOTIFICATIONS/APPROVALS/CONDITIONS OF APPROVAL

- Per 8.4.6 City Planning Board advisory opinion required and response received dated
- Planning Board subdivision review and approval required.

NEIGHBOR INPUT

- Letter from Saratoga Springs Preservation Foundation.

4. #20190204 AIROSMITH DEVELOPMENT, 318 West Avenue, area variance associated with a proposed mixed use office and residential development; seeking relief from the frontage build-to-line in the Transect-4 District.

The application indicates that survey information that was used to develop the site plan was erroneous as to the location of the easements for water and sewer lines at the rear of the property.

SEQRA:

- Action was classified as Unlisted.
- The Planning Board Coordinated Review and was designated as Lead Agency.
- The DRC proactively deferred Lead Agency Status to the Planning Board.
- Negative SEQRA Declaration issued.
- ZBA is now a involved agency and should defer Lead Agency to the Planning Board for reconsideration of SEQRA review.

PARCEL HISTORY:

- Planning Board Special Use Permit issued and Site Plan approved.
- Planning Board lot line adjustment approved administratively by the Chair.
- DRC Architectural review approved.

AREA VARIANCE CONSIDERATION:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Frontage build-to-line	12-18 ft.	6 ft.	6 ft. (50%)

NOTIFICATIONS/APPROVALS/CONDITIONAL OF APPROVAL:

-Planning Board site plan modification required.

Applicant: Smith Cassier Real Estate Holdings, LLC

Agent: Michael Toohey, Attorney; Matt Brobston, LA Group

Mr. Toohey stated this is a wireless company which was started in Saratoga Springs and is now looking to locate their corporate offices here and they had received all approvals to do so. The property location is 318 West Avenue and we are here tonight to request a frontage build to line variance, requesting 6 ft. or 50% relief. The applicant was closing on the property and an easement issue arose. A visual of the property site was provided to the Board. The original project survey was provided to the Board noting the easement of the large sewer line to the rear of the property as well as a forced main line which was being avoided. We were able to place paved surfaces above but nothing structurally built above that. Since that time they discovered during a title search an additional easement of the County Water Authority on the property and a 36 inch water main. During the initial contact with the County Water Authority we were given a diagram and plan that showed the water line being designed and located on the east side of the existing sanitary sewer easement and main. The applicant took that information, went through designs and through all the Boards and received necessary approvals. We verified with the County Water Authority that this is the as built location of the water main and that the easements shown here are the filed easement encumbering the parcel. We needed to modify our plan. In this T-4 zone the build to line is 12-18 feet. We were avoiding the rear of the parcel. We had to determine how to shrink the building. We were able to squeeze 6 feet out of the building. We then needed to obtain an additional 6 ft which forced us to move the building forward. Mr. Toohey reviewed the six tests required for an area variance.

Discussion ensued among the Board regarding the variance requested.

Bill Moore, Chairman stated the public hearing has not yet been noticed for this application.

PUBLIC COMMENT:

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

Keith Kaplan, Vice Chairman made a motion in the matter of the Airosmith Development, 318 West Avenue, and the ZBA defer Lead Agency Status to the Planning Board for reconsideration of SEQRA review.

Cherie Grey seconded the motion.

VOTE:

Bill Moore, Chairman, in favor; Keith Kaplan, Vice Chairman, in favor; Brad Gallagher, Secretary, in favor; Cherie Grey, in favor; Jerry Luhn, in favor; Chris Hempstead, in favor; Rebecca Kern, in favor

MOTION PASSES: 7-0

OLD BUSINESS:

5. **#20190030 FALVEY MULTI-USE BUILDING**, 65 Beekman Street, area variance for a new 2 story multi-use building; seeking relief from the minimum front yard (Beekman and Oak Sts.) and maximum principal building coverage requirements within the Neighborhood Complementary Use-1 District.

This application was heard at the February 25, 2019 meeting and adjourned. The public hearing was opened and remains open. Additional information was requested from the applicant.

SEQRA:

- Action appears to be Unlisted.
- The ZBA initiated Coordinated Review and proactively deferred Lead Agency status to the Planning Board on February 4, 2019.
- The DRC proactively deferred Lead Agency status to the Planning Board on February 6, 2019.
- It is anticipated that the Planning Board will begin to consider the environmental review of the project on March 7, 2019.

PARCEL HISTORY:

- Area variance approved November 26, 2007.
- Area variance approved September 25, 2006.

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Minimum front yard setback: Beekman	10 ft.	0 ft.	10 ft. (100%)
Minimum front yard setback: Oak	10ft.	0 ft.	10 ft. (100%)
Maximum principal building coverage:	30%	44%	14% (47%)
Minimum average lot width: Two-family	80 ft.	46 ft.	34 ft. (42%)
Minimum lot size: Two-family	8,000 sq. ft.	5,410 sq. ft.	2,590 sq. ft. (32%)
Minimum front yard setback to parking: Oak	10 ft.	0 ft.	10 ft. (100%)

Agent: Sue Davis, SD Atelier Architecture

Applicant: Matthew Falvey

Ms. Davis stated the Board requested percentage of lot coverages for surrounding properties which was submitted.

Bill Moore, Chairman stated the applicant used total building versus one floor.

Ms. Davis stated she looked at the information on the County’s website and can provide that. She used the footprint.

Bill Moore, Chairman stated he reviewed several of the submitted calculations and the County’s information is for both floors.

Ms. Davis stated she was not aware of how this information is calculated. Had she known earlier she would have re-calculated the information prior to tonight’s meeting. She can provide updated data to the Board. This project is consistent with the neighborhood.

Mr. Falvey, owner spoke regarding the data requested and provided by the applicant's agent.

Ms. Davis requested the Chair to poll the Board concerning where the Board stands on the application as a whole.

Bill Moore, Chairman stated he is fine with polling the Board.

Jerry Lund stated he is in favor of the application.

Rebecca Kern stated she is in favor of the application.

Keith Kaplan, Vice Chairman stated he is in favor.

Brad Gallagher stated he is in favor.

Cherie Grey stated she is not comfortable with the lot coverage and the lack of space for parking.

Brad Gallagher stated he is concerned about the parking but is generally in favor of the project.

Bill Moore, Chairman stated he is in favor of the project generally but is concerned about the parking. He lives in the area and knows firsthand what the parking is like.

Discussion ensued among the Board concerning ways to achieve more parking on the site.

Bill Moore, Chairman stated he does not believe the Board is prepared with a resolution. He would like to have correct figures and a resolution can be prepared for the next meeting.

Keith Kaplan, Vice Chairman discussed obtaining an Advisory Opinion from the Planning Board concerning the parking waiver.

Justin Grassi, Attorney for the Land Use Board provided information to the ZBA concerning their ability to request the Advisory Opinion from the Planning Board prior to the applicant's next appearance before the ZBA.

Keith Kaplan, Vice Chairman made a motion in the matter of the Falvey Multi-Use Building, 65 Beekman Street, that the ZBA request an Advisory Opinion from the Planning Board concerning parking for this project.

Rebecca Kern seconded the motion.

VOTE:

Bill Moore, Chairman, in favor; Keith Kaplan, Vice Chairman, in favor; Brad Gallagher, Secretary, in favor; Cherie Grey, in favor; Jerry Luhn, in favor; Chris Hempstead, in favor; Rebecca Kern, in favor

MOTION PASSES: 7-0

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 stated the public hearing will remain open. The applicant will return before this Board following their appearance before the Planning Board.

OLD BUSINESS:

- #20190079 SJK PROPERTIES**, 78 Mitchell Street, area variance for a new single-family residence and accessory structures; seeking relief from the maximum principal and accessory building coverage's, minimum rear yard setback and minimum setback from principal to accessory building for the detached garage in the Urban Residential-3 District

This application was heard at the February 25, 2019 meeting and adjourned. The public hearing was opened and remains open. The applicant submitted additional information as requested at the March 4th.

Applicant: SJK Properties

Agent: Bob Flansburg, Dreamscapes Unlimited

Mr. Flansburg stated the project has been modified. A visual of the site was provided to the Board. The applicant is requesting 2 variances down from 4. We have pulled the project 5 feet from the alley. We have reduced the depth of the front porch. We have eliminated the pool. The house is at 27% coverage. We are here for the underground bowling alley. We have reduced the principal coverage to 35.2 from 36.3.

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Maximum principal building coverage	30%	35.2%	5.2% (17%)
Minimum setback principal and accessory buildings	5 ft.	1 ft.	4 ft. (80%)

Discussion ensued regarding the proposed plans and amount of relief requested.

PUBLIC HEARING:

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

Bill Moore, Chairman asked if anyone wished to comment on this application. None heard.

Bill Moore, Chairman closed the public hearing at 8:11 P.M.

Keith Kaplan, Vice Chairman presented the following resolution.

#20190079
IN THE MATTER OF THE APPEAL OF
SJK Properties
87 Chestnut St.
Boston MA 02108

from the determination of the Building Inspector involving the premises at 78 Mitchell St. in the City of Saratoga Springs, New York being tax parcel number 166.70-1-13 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 single-family residence in a UR-3 District and public notice having been duly given of a hearing on said application held on the 25th day of February and 18th day of March 2019.

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 REQUIREMENT	PROPOSED	RELIEF REQUESTED
Maximum Principal Building Coverage	30%	35.2%	5.2%, or 17.3% relief
Minimum Setback, Principal Building to Accessory Structure	5'	1'	4' or 80%

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 proposed residence includes an underground bowling alley, which due to its shape and size as well as the configuration of the lot, extends from the main structure, to close proximity to the detached garage. The Board notes the applicant has already modified the proposal to eliminate two areas of relief.
2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The applicant notes that the underground bowling alley triggering these areas of relief will not be visible from above ground. The applicant further notes that the principal structure, aside from the added coverage of the bowling alley, is less than the 30% permitted in a UR-3 district.
3. The Board notes the coverage variance requested is not substantial, while the principal-to-accessory setback relief, at 80%, is substantial. The Board notes the visual impact of the substantiality is mitigated by the fact that the portion of the residence proximate to the accessory building will be underground.
4. This variance will not have a significant adverse physical or environmental effect on the neighborhood or district. Permeability requirement of 25% will be easily met under the submitted plans.
5. The alleged difficulty is self-created insofar as the applicant desires to construct the proposed residence, but this is not necessarily fatal to the application.

Condition: No additional construction above bowling alley per revised plan submitted March 8, 2019.

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; Brad Gallagher, Secretary, in favor; Cherie Grey, in favor; Jerry Luhn, in favor; Chris Hempstead, in favor; Rebecca Kern, in favor

MOTION PASSES: 7-0

3. **#20190076 CRISAFULLI RESIDENCE**, 94 North Street area variance to permit a dwelling unit seeking relief from the minimum side yard (both sides), total side yard and rear yard setbacks and maximum principal building coverage requirements in the Urban Residential-3 District.

This application was heard at the March 4, 2019 meeting and adjourned. The public hearing was opened and remains open. The applicant submitted additional information as requested on March 11, 2019 and has been received.

Applicant: Laura Crisafulli, owner

Agent: Edward Sossner, Attorney

Mr. Sossner stated there are 6 lots with coverage similar to what is being proposed. There will be no undesirable change to the neighborhood.

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 8:10 P.M.

Chris Hempstead presented the following resolution.

#20190076
IN THE MATTER OF THE APPEAL OF
Laura A. Crisafulli
94 North St
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 94 North Street in the City of Saratoga Springs, New York being tax parcel number 166.45-2-25 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 addition to an existing single-family dwelling to a residence in the UR-3 district and public notice having been duly given of a hearing on said application held on the 4th and 18th days of March 2019.

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 amounts of relief:

TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
Minimum Side Yard Setback	4'	1'	3' or 75% Relief
Minimum Side Yard Setback	4'	3'	1' or 25% Relief
Minimum Total Side Yard Setback	12'	4'	8' or 67% Relief
Minimum Rear Yard Setback	25'	18'	7' or 28% Relief
Max. Principal Building Coverage	30%	43%	13% or 43% Relief

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, the pre-existing and non-conforming lot is especially narrow (pre-existing width is 50') making alternative design challenging. The applicant cited aesthetic reasons for removing the existing non-conforming space in the rear and using the front yard as expansion area in order to align to existing walls of the house and create greater green space in the rear yard.
2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The applicant notes, and the Board agrees, that use of the front yard as expansion area, and addition of a second story is consistent with the aesthetic of the neighborhood.
3. The Board notes that certain aspects of requested variance are substantial, however the Board finds that the substantiality is mitigated by the design challenges associated with the pre-existing and non-conforming lot, removal of the existing non-conforming space in the rear, and improved consistency with neighborhood aesthetic.
4. This variance will not have a significant adverse physical or environmental effect on the neighborhood or district. Per the applicant, the removal of the existing non-conforming space in the rear, and use of front yard as expansion area allows for creation of more green space in the rear.

5. The alleged difficulty is self-created insofar as the applicant desired to construct the proposed addition, but this is not necessarily fatal to the application.

Condition: No future accessory buildings

Rebecca Kern seconded the motion.

VOTE:

Bill Moore, Chairman, in favor; Keith Kaplan, Vice Chairman, in favor; Brad Gallagher, Secretary, in favor; Cherie Grey, opposed; Jerry Luhn, in favor; Chris Hempstead, in favor; Rebecca Kern, in favor

Cherie Grey stated she is voting against this application due to the principal building coverage's

MOTION PASSES: 6-1

APPROVAL OF MEETING MINUTES:

Cherie Grey made a motion to approved the February 25, 2019 Zoning Board of Appeals Meeting Minutes with amended changes as submitted.

Chris Hempstead seconded the motion.

VOTE:

Bill Moore, Chairman, in favor; Keith Kaplan, Vice Chairman, abstained; Brad Gallagher, Secretary, in favor; Cherie Grey, in favor; Jerry Luhn, in favor; Chris Hempstead, in favor

MOTION PASSES: 5-1

Keith Kaplan, Vice Chairman made a motion to approve the March 4, 2019 Zoning Board of Appeals Meeting Minutes with amended changes as submitted.

Chris Hempstead seconded the motion.

VOTE:

Keith Kaplan, Vice Chairman, in favor; Brad Gallagher, Secretary, in favor; Cherie Grey, in favor; Jerry Luhn, in favor; Chris Hempstead, in favor

MOTION PASSES: 5-0

MOTION TO ADJOURN:

There being no further business to discuss Bill Moore, Chairman adjourned the meeting at 8:25 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 4/22/19