



ZONING BOARD OF APPEALS

MINUTES

MONDAY, FEBRUARY 25, 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; Brad Gallagher; Secretary; Cheryl Grey; Jerry Luhn; Chris Hemstead; Kathleen O'Connor, Alternate; Rebecca Kern, Alternate

ABSENT: Keith Kaplan, Vice Chairman

STAFF: Susan Barden, Senior 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:

#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.

#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 to and build out, minimum two story and maximum building height requirements in the Transect-5 District.

NEW BUSINESS:

1. **#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 is the same project and request for relief as previously approved in 2006 and 2007.

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%)

DISCLOSURE:

Bill Moore, Chairman disclosed he lives several hundred feet from this property. Recusal is not necessary simply disclosure.

Agent: Sue Davis, SD Atelier Architecture

Applicant: Matthew Falvey

Ms. Davis stated this project has some history to it. It went through all approvals in 2006-2007. Nothing was done with the approvals. We have a new owner and we are looking at this project again with some minor revisions. Ms. Davis provided a visual of the site as well as a perspective along Beekman Street noting the height and mass of the proposed building is consistent with the neighborhood character. Ms. Davis provided what was previously approved and noted that this project has not changed much. Ms. Davis spoke regarding the lot and its location on a street corner which is the reason for the area variance request for minimum front yard setback. We are currently at 44% coverage. It is a small lot while trying to maintain the side yard setback at 4 ft and we are not moving the garage. We would like to have two cars in the garage and two cars parked in front of the garages. This presents an encroachment issue with a 10 foot front yard setback. We are requesting to allow the onsite parking which is preferable for the neighborhood. Elevations were reviewed for the Board, noting the building will be fronting on Beekman Street. This structure is a little smaller than what was previously proposed. The goal is to keep this an owner occupied 2 family home with gallery space on the first floor along with an apartment in the rear. Ms. Davis provided some photographs of the parking in the area at different times of the day, noting it does become busier in the evening.

Becky Kern questioned the previous design for this project.

Ms. Davis stated the reduction from a 3-family to a 2-family home is the biggest change. We do not want to build out to the corner. We want it cut out for visibility purposes and keep it pedestrian friendly. The applicant is proposing adding some street trees.

Mr. Falvey stated he is proposing to rebuild the sidewalks as part of the project.

Discussion ensued regarding the parking requirements.

Ms. Davis stated the parking calculation requirements are 9 spaces. We will appear before the Planning Board where we will request a waiver.

Discussion ensued among the Board regarding two residential units and one commercial unit and the 2 family calculation presented.

Cherie Grey requested the garage calculations. Also concern was voiced regarding parking.

Bill Moore, Chairman requested comparable lot coverages for the area.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 7:07 P.M.

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

Bob Rothschild 60 Beekman Street, stated this is a great project for the street.

Bill Moore, Chairman stated the public hearing will remain open. The Board has requested some additional information from the applicant.

- 2. **#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.

SEQRA:

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

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUIRED
Minimum front yard setback: Garage	30ft.	0 ft.	30ft. (100%)

Applicant: William Willard

Mr. Willard stated they are the owners of the 832 North Broadway property and they are beginning to advance the project on their lot. The property is located at the corner of North Broadway and Fourth Street. A visual of the proposed site was provided to the Board. The property along Fourth Street is considered a "front" requiring a 30 ft. setback. A side would require a 5 foot setback for a garage. The applicant stated there is an existing 50 foot right of way that creates a buffer from Fourth Street, which is the way the new residence will be oriented. Access will be relocated from North Broadway to Fourth Street. Mr. Willard reviewed the existing conditions. They would like to build up to the property line. Mr. Willard stated before they move forward with the project they have come to the Board for an area variance to accomplish building up to the property line.

Chris Hemstead stated the applicant would need to present some feasible alternatives and why they would not work.

Bill Moore, Chairman stated the Board always asks for alternatives. We do need to visually see the plans along with the additional information and alternatives requested.

Bill Moore, Chairman stated the applicant will return before the Board with the additional information requested.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 7:17 P.M.

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

John Irving 6 Bryant Street. One home has a garage that opens up on Fourth Street. There is no impact on the neighborhood with this project.

3. **#20190049 CARRUTHERS RESIDENCE**, 52 Walton Street, area variance for an addition to an existing single-family residence; seeking relief from the minimum side yard setback requirement in the Urban Residential-3 District.

SEQRA:

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

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Minimum side yard setback:	4 ft.	0 ft.	4 ft. (100%)

Agent: Matt Hurff, Frost Hurff Architects

Mr. Hurff stated this block of Walton Street has 6 houses on the southern side of it. Most of the houses were built uptight to the West property line. What the applicant would like to do is add an addition over the one-story portion of the house so all the bedrooms will be upstairs. The available location for the proposed bedroom is limited by the footprint of the existing first story, which is pre-existing non-conforming within the setback. The proposed second story addition would be a vertical expansion of a pre-existing non-conforming setback. It does not appear that the addition would be visible from the street. Adjacent properties have similar form and massing on the rear of their buildings consistent with the nature of this proposed addition.

Jerry Luhn questioned if there were any further alternatives within this footprint or is what you are proposing the best alternative for what the applicant is trying to achieve.

Mr. Hurff stated the proposed addition would not increase the footprint of the existing residence. There will be no increase in run-off and the addition will not significantly impact access to natural light on adjoining properties.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 7:25 P.M.

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

Bill Moore, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA Meeting scheduled for March 4, 2019.

NOTE:

Agenda was heard out of order due to lack of representation for the application. The application was deferred to the end of the meeting.

5. **#20190074 BRADSHAW RESIDENCE**, 14 Greenridge Place, area variance for an addition to an existing single-Family residence; seeking relief from the minimum side yard and total 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	PROPOSED	TOTAL RELIEF REQUESTED
Minimum side yard setback:	8 ft.	2 ft.	6 ft. (75%)
Minimum total side yard setback:	20 ft.	11.7 ft.	8.3 ft. (41%)

Applicant: Nancy & Michael Bradshaw

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated the applicants are proposing a rear addition to a single-family residence adding a master suite on the second floor. Their lot is pre-existing non-conforming in width at 34 feet when the minimum is 60 feet in the district. This home was built in 1865. The proposed second story addition would be located above an existing single-story portion of the residence that is pre-existing non-conforming to the side yard setback. The second story addition would encroach further into the side yard setback by approximately 2 feet. The new addition will cantilever over the first floor. This is necessary to align the new 2nd story with the existing 2nd floor hallway for access and is what brings us before the Board for the requested variances. Other design options were considered but were not possible on this narrow lot. There will be no change to the neighborhood character. This will not be seen from the street and the project is in keeping with the character of the neighborhood. A perimeter gravel drain would accommodate the additional roof run-off. The site will have 45% permeability where the minimum in the district is 25%.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 7:44 P.M.

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

-Email received from Stacie Mihalek, 12 Greenridge Place dated February 22, 2019.

Bill Moore, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA Meeting scheduled for March 4, 2019.

6. **#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.

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:	30%	36.3%	6.3% (21%)
Maximum accessory building coverage:	10%	13.1%	3.1% (31%)
Minimum rear yard setback: Garage	5 ft.	3 ft.	2 ft. (40%)
Minimum setback principal and accessory buildings	5 ft.	1 ft.	4 ft. (80%)

Agent: Bob Flansburg, Dreamscapes Unlimited

Mr. Flansburg stated the pre-existing home on the site was demolished. A visual of the site prior to demolition was provided to the Board. A survey was just completed and was provided to the Board. Mr. Flansburg reviewed the proposed project and the requested variances. The relief requested from the maximum principal building coverage is required for a portion of the structure that is below grade. The relief requested from the setback from the principal building to accessory building is also due to the location of the portion of the principal structure that is below grade. Mr. Flansburg provided information concerning the specifics of the project including the underground bowling alley. The lot is vacant and is a conforming 10,500 square feet and 75 feet wide. The proposed plans will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. All drainage will be Maintained on site. The site will remain permeable at the district requirement minimum of 25%.

Brad Gallagher questioned if the applicant is proposing a 3-car garage, as well as the size of the proposed pool and the length of the bowling alley, can it be reduced

Mr. Flansburg stated he would like to reduce the bowling alley length as well.

Cherie Grey questioned if the applicant could reduce the size of the garage.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 8:02 P.M.

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

Bill Moore, Chairman stated the public hearing will remain open. A resolution will be prepared and presented at the next ZBA Meeting.

OLD BUSINESS:

1. **#3080 DOGRA SIGN**, 3 Gick Road, area variance to construct a sign identifying a home occupation; seeking relief from the maximum size requirement for such sign in the Urban Residential-2 District.

This application was heard on January 28, 2019 and the public hearing was opened and remains open. The applicant was requested to provide the Board with some revised plans for the proposed signage which has been received by the Board.

Applicant: Sanjay Dogra; Laura Dogra

Ms. Dogra stated per the Boards request the sign has been reduced to four square feet.

Discussion ensued among the Board regarding the size of the proposed sign. It was the consensus of the Board that the newly submitted sign size would be appropriate in this area.

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 8:03 P.M.

Cherie Grey presented the following resolution.

#3080
IN THE MATTER OF THE APPEAL OF
Laura and Sajan Dogra
3 Gick Road
Saratoga Springs, NY 12866

From the determination of the Building Inspector involving the home at 3 Gick Road in the City of Saratoga Springs, NY, being tax parcel number 166.6-1-16 on the Assessment Map of said City.

The Applicant having applied for an area variance to permit signage for a home occupation and seeking relief in the UR-2 District and public notice having been duly given of a hearing on said application January 28, February 4 and 25, 2019.

In consideration of the balance between the benefit to the Applicants 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	TOTAL RELIEF REQUESTED
Maximum size	1.5 square feet	4 square feet	2.5 square feet (63%)
Home occupancy sign	Wall mounted	Freestanding	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 wall mounted sign and/or window signage would not be visible from the road due to the close proximity to a major intersection. The district requirement of 1.5 square feet was deemed to be too small for visibility.
2. The applicant has demonstrated that granting this variance will not produce an undesirable change in neighborhood character or detriment to the nearby properties. Although there are no other signs in the immediate UR-2 district, there are many home occupancy freestanding signs in other similar districts and this signage will not impact the neighborhood.
3. The Board does find the variance to be substantial at 63% and 100%, however, on this well-travelled area of Gick Road and on the corner of Route 50, the size and location of the sign will be safer.
4. The Applicant has demonstrated that granting this variance will not have an adverse physical or environmental effect on the neighborhood.
5. The request for relief may be considered a self-created hardship. However, self-creation is not necessarily fatal to the application.

Condition: No lighting

Note: Design Review Commission review required.

Becky Kern seconded the motion.

Bill Moore, Chairman asked if there was any further discussion. None heard.

VOTE:

Bill Moore, Chairman, in favor; Brad Gallagher, Secretary, in favor; Becky Kern, in favor; Jerry Luhn, in favor; Kathleen O'Connor, Alternate in favor; Cherie Grey, in favor; Chris Hempstead, in favor

MOTION PASSES: 7-0

NOTE:

Agenda item deferred earlier due to lack of representation.

- 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.

SEQRA:

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

AREA VARIANCE CONSIDERATIONS:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
To permit two principal buildings on one lot:	1	2	100%
Minimum front yard setback: Bryan Street	10ft.	0 ft.	10 ft. (100%)
Minimum side yard setback:	8 ft.	0 ft.	8 ft. (100%)
Minimum side yard setback: Pool cabana	12 ft.	8 ft.	4 ft. (33%)
To permit finished space in pool cabana	Not permitted	Permitted	100%

Applicant: Katie Elder, LLC

Agent: Thomas Baio, Architect

Mr. Baio stated this is an oversized property in this UR-1 zone. The applicant is requesting to convert an existing garage into a caretaker’s house with a cabana. We are also requesting to construct a pool cabana. The cabana conforms to the setbacks. The applicants are seasonal residents. The cabana which is being proposed has 2 bathrooms. The applicants do host lawn events with more than family. The garage doors will not be removed but maintained and sealed. The guest house will require two additional parking spaces which can be accommodated on the site. A parking plan has been submitted.

Bill Moore, Chairman stated a second principal residence is very rare for this Board to grant. Garages with finished areas above are an exceptional rarity as well and we do not allow overnight stays in this area. The pool house with two bathrooms as well, we have never granted this before and we do not wish to grant variances for structures which could be used as something else. The Chair stated he has great trepidations with allowing a second principal structure on one lot and feels he could not vote on that at all. The Chairman also stated the cabana is too large in his estimation.

Cherie Grey stated she also does not want to set a precedent in this area for allowing two principal structures on one lot. We have so many of these possibilities in the North Broadway area and we do not want this to take over. Ms. Grey spoke regarding her feelings on this project. This will impact the entire neighborhood.

Mr. Baio stated the applicants are not looking to sell the property. They are willing to have a deed restriction. He will speak to the applicants regarding the size of the cabana.

Susan Barden, Senior Planner stated we did have a similar application several months ago where the property was subdivided. Ms. Barden did review this application for the Boards information.

Bill Moore, Chairman asked if the Board had any suggestions to provide Mr. Baio with.

Brad Gallagher, Secretary stated the cabana is too large for the residential neighborhood. Cherie Grey stated some alternative to the caretaker being in the converted garage. Garage conversions are not something which I have been in favor of.

Becky Kern stated she echoes the comments Brad has made.

Jerry Luhn stated the Board has captured his concerns.

Bill Moore, Chairman suggested several options to be provided to the Board.

PUBLIC HEARING:

Bill Moore, Chairman opened the public hearing at 8:25 P.M.

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

John Irving Bryant Street. My home is directly behind this main structure. Mr. Irving spoke about the area and rental properties and parking which is at a premium. This would mean more cars to the neighborhood. I do not know why they need a carriage house to live in. The owners of this property have more properties.

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

APPROVAL OF MEETING MINUTES:

Approval of meeting minutes was deferred to the March 4, 2019 meeting.

MOTION TO ADJOURN:

There being no further business to discuss Bill Moore, Chairman adjourned the meeting at 8:30 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 3-18-19