



ZONING BOARD OF APPEALS

MINUTES (FINAL)

MONDAY, JULY 8, 2019

6:30 P.M.

RECREATION CENTER

CALL TO ORDER: Bill Moore, Chairman, called the meeting to order at 6:35 P.M.

SALUTE TO THE FLAG:

PRESENT: Bill Moore, Chairman; Keith Kaplan, Vice Chairman; Cheryl Grey; Chris Hemstead; Suzanne Morris;

ABSENT: Brad Gallagher, Secretary; Jerry Lund

STAFF: Amanda Tucker, Senior Planner, City of Saratoga Springs
Susan Barden, Principal Planner, City of Saratoga Springs-exited at 7:25 p.m.
Patrick Cogan, Zoning Officer, Assistant Building Inspector
Tony Izzo, Assistant City Attorney, City of Saratoga Springs-exited at 7:55 P.M.
Vince DeLeonardis, City Attorney, City of Saratoga Springs-arrived at 6:53 P.M. - exited at 7:25 P.M.
Mark Schachner, 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. **20190171 AGIUS PROPERTIES**, Tomahawk Lane (Arrowhead Road rear), Initiation of Coordinated SEQRA Review and consideration of LEAD AGENCY status for an area variance associated with a proposed three-lot subdivision; seeking relief from the minimum average lot width for two of the proposed lots, minimum rear yard setback on proposed lot 1, and minimum front and rear yard setbacks on proposed lot 2 in the Suburban Residential-2 District.
2. **#20190225 BISHOP SUBDIVISION**, 223 Maple Avenue, area variance associated with a proposed two-lot subdivision seeking relief from the minimum average lot width and minimum lot size requirements for proposed lot 2 in the Urban Residential-2 District.
3. **#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 side 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.
4. **#3022 DEVALL 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.
5. **20190414 ECS PSYCHOLOGICAL SERVICES**, 210 Church Street, area variance for a second-story open deck and additions on an existing medical office building; seeking relief from the minimum side yard setback and overall minimum lot permeability in the Office/Medical Business-2 (OMB-2) District.

- 6. **#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.
- 7. **#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.
- 8. **#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.
- 9. **#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.
- 10. **#20190516 DGD HOLDINGS, RESIDENCE**, 19 Shaw Drive, area variance to construct a new single-family residence; seeking relief from the maximum principal building coverage in the Urn Residential-3 District (UR-3).

NEW BUSINESS:

- 1. **#2019053 ABLAMSKY RESIDENCE**, 41 Webster Street, area variance for the construction of a second-story addition to an existing 1 ½ story single-family residence; seeking relief from the minimum side yard setback 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:

	PROPOSED	REQUIRED	TOTAL RELIEF REQUESTED
Minimum Side yard setback 2 nd story addition	4.8'	8'	3.2' or 40%
Minimum Side yard setback existing sunroom	6.4'	8'	1.6'

Applicant: Brynya & Derek Ablamsky

Agent: Jamie Hinman, Kimberly Hinman – Hinman Construction

Mrs. Ablamsky stated they are proposing the ½ story addition to their home in order to gain a full height use of the second floor. The current footprint of the home will not change with this design. Regarding the sunroom it will not be touched, they are simply rectifying something which occurred prior to their ownership. In the design we took careful consideration to not change the footprint of the home. The structure's relation to the existing property line will not change. The applicant has taken into consideration the current location of the existing adjacent structure. Given the decent setback from the shared property line, the two structures should remain sufficiently separated to allow light and access. There are no feasible alternatives because it would require altering their existing structure and site to an extent which would be cost prohibitive. The variance will have no substantial effect on any of the nearby properties since the footprint of the house will remain the same.

Keith Kaplan, Vice Chairman questioned what the height of the home is currently and what will the height be following construction.

Jamie Hinman, Hinman Construction stated the fascia will be 20 feet from the ground and currently is about 16 feet.

Keith Kaplan, Vice Chairman questioned any feasible alternatives.

Ms. Ablamsky stated any deviation from this design would not achieve what we are trying to achieve which are three bedrooms upstairs.

Cherie Grey questioned if the roof pitch would change.

Mr. Hinman stated it will replicate the same as is shown in the current photos.

PUBLIC HEARING:

Bill Moore, Chairman, opened the public hearing at 6:54 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 July 22, 2019.

2. #20190555 SATKOWSKI RESIDENCE, 166 Circular Street, area variance to replace an existing six (6) foot high fence with a new eight (8) foot high fence on a residential property; seeking relief from the maximum height for a residential fence in the Urban Residential-3 (T-3) District.

SEQRA:

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

	PROPOSED	REQUIRED	TOTAL RELIEF REQUESTED
Maximum height for residential fence	8'	6'	2 ft. or 25%

Applicant: Jonathan Satkowski

Mr. Satkowski states 162 Circular Street is a not for profit company that provides safe housing for clients with mental disabilities and addiction. There is a large number of clients, support staff, friends, family and taxi services that come to the home, therefore there is a greater need for privacy than a traditional setting. The applicant states the fence is a cost effective and quick solution to privacy issues with our neighbors. Shrubbery or trees are an expensive alternative that take a long period of time to establish and grow to an effective height. This is as much for us as well as our neighbors.

Suzanne Morris questioned the difference from 6ft to 8ft and what would that accomplish.

Mr. Satkowski stated they are proposing 64 feet of fencing. We are currently working with the neighbor's property management personnel.

Keith Kaplan, Vice Chairman verified the location of the fencing.

Cherie Grey stated she does not like the precedent of an 8 foot high fence in a residential neighborhood.

PUBLIC HEARING:

Bill Moore, Chairman, opened the public hearing at 7:04 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 July 22, 2019.

OLD BUSINESS:

RECUSAL:

Keith Kaplan, Vice Chairman recused from the following application and exited the meeting at 7:05 P.M.

1. **#20190069 ARTISANAL BREW WORKS**, 41 Geysers Road, appeal of Zoning Officer determination that the existing brewery use, identified as "bottling plant", in the Industrial General District does not permit retail, eating and drinking or outdoor activities (such as food vending, recreational activities or special events).

This is a previously opened application. This application was heard at the June 17, 2019 meeting. The public hearing was opened and remains open.

Applicant: Kurt Borchardt, Artisanal Brew Works

Mr. Borchardt stated they had their first food and beverage permit in 2016-2017. At the urging of the City we needed to have a Food and Beverage Permit. We did with Burger 21. In 2017-2018 we again had a permit with Burger 21 as well as Sunshine Catering. There was conversation this evening concerning precedent and I believe precedent was set here. He stated he has invested his life savings in this business.

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 7:07 P.M. A resolution will be prepared and presented at the next ZBA meeting scheduled for July 22, 2019.

Keith Kaplan, Vice Chairman resumed his position on the Board.

2. **#20190500 DELARM RESIDENCE**, 96 Quevic Drive, area variance for the demolition of an existing 1-story garage and construction of a 2-story residential addition, construction of a 1-story single car garage, and maintenance of a shed; seeking relief from the minimum front and side yard setbacks for the residential addition and minimum side yard setback for the shed maintenance in the Urban Residential-1 (UR-1) District.

This is a previously opened application. This application was heard at the June 17, 2019 meeting. The public hearing was opened and remains open.

Applicant: Marybeth DeLarm

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated the applicant was before this Board in 2016 and received variance approvals which were never acted upon and they have expired. There are minor changes to the footprint of the prior project. Ms. Yasenchak reviewed the prior project. In order to give the front of the house more relief by pulling the side garage forward and

keeping the front door covered. The revisions we are requesting are minor and are not changing the coverage of the accessory structures will remain the same. So, the only changes proposed are pulling the side garage forward and the front stoop covered. At our last meeting the Board requested additional information which was submitted concerning the pool surround. I did submit calculations with the wood surround and without the concrete surround.

Amanda Tucker, Senior Planner stated we added the wood deck as part of the accessory coverage, taking out the concrete. So the accessory coverage goes from 8% to 8.5% it is essentially a .5% variance we would be asking for.

Ms. Yasenchak stated the second issue was the Board requested moving the garage forward. I did provide some options to the applicant. It is still an issue for her and made the lineal home even more of a plane and did not meet her satisfaction. The third item was a large oak tree which we are trying to stay away from and our concern is the root system of the tree.

Chris Hempstead stated he is sympathetic to the applicant's preference and in keeping the tree. He has no issue as proposed.

Cherie Grey spoke regarding precedent in moving the porch close to the lot line.

Patrick Cogan, Zoning Officer and Assistant Building Inspector. One of the things I would like to point out in the entire Geysers Crest subdivision is that the main house was not to be any closer than 20 feet to the road. In this case the only thing which is closer is the small covered porch which was specifically excluded from this requirement. The front porches were allowed to be closer. There were deed restrictions placed on the home but they excluded porch overhangs. This was the tool that they used at this time. This would be allowed even with the deed restriction.

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 7:21 P.M.

Chris Hempstead presented the following resolution.

#20190500
IN THE MATTER OF THE APPEAL OF
Mary Beth Delarm
96 Quevic Dr.
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 96 Quevic Dr. in the City of Saratoga Springs, New York being tax parcel number 190.8-5-5 on the Assessment Map of said City.

The applicant having applied for an area variance under the Zoning Ordinance of said City to permit demolition of an existing one-story garage, construction of a two-story residential addition and a one-story single car garage, and maintenance of an existing shed to a residence in the UR-1 district and public notice having been duly given of a hearing on said application held on June 17 and July 8, 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
Principal Building: Minimum Front Yard Setback	30'	19'	11' (or 36.7%)
Principal Building: Minimum Side Yard Setback	12'	8.5'	3.5' (OR 29.2%)
Accessory Structure: Minimum Side Yard Setback	8%	8.5%	0.5% (OR 5.9%)

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 Board agrees that shifting the proposed addition towards the rear of the property to allow for additional front setback would encroach on an existing deck and pool, as well as the root system of a large tree.
2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The Board agrees that the proposed addition is consistent with the aesthetic of the neighborhood, and preserves green space in the backyard.
3. The Board notes that certain aspects of requested variance are substantial; however, the front yard is consistent with the neighborhood aesthetic.
4. This variance will not have a significant adverse physical or environmental effect on the neighborhood or district. The proposed addition is being constructed in a manner to limit drainage onto the neighboring lot. In addition, the location of the proposed addition is intended to prevent encroachment on the root system of an existing, large tree and preserve green space.
5. The alleged difficulty is self-created insofar as the applicant desires to construct the proposed addition, but this is not necessarily fatal to the application.

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; Cherie Grey, in favor; Chris Hempstead, in favor; Suzanne Morris, in favor

MOTION PASSES: 5-0

3. **#20190504 DRAMBOUR RESIDENCE**, 42 Newton Avenue, area variance to construct an addition to connect an Existing single-family residence to an existing accessory garage; seeking relief from the minimum side yard setback And minimum total side yard setback in the Urban Residential-2 District (UR-2).

This is a previously opened application. This application was heard at the June 17, 2019 meeting. The public hearing was opened and remains open.

Applicant: Elizabeth Drambour

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated at the last appearance before the Board it was questioned how we were dealing with the in-law residence and what the code states for the connection. The owner is taking out the cooking facilities in the space. It will be a larger room as we continue with the renovations to meet the City Code. Also, since the last meeting she has begun to remove the stoop on the south side of the building. Photographs were provided. Also, as part of rectifying the situation when we join the barn to the residential structure will increase the coverage. Parts of the deck were removed as well as the proposed relocation of the sheds which were non compliant. We are making progress. The upper deck with the stairs, the stairs will be removed. We are still requesting several variances.

Cherie Grey questioned the percentage of lot coverage.

Keith Kaplan, Vice Chairman questioned if there are revised calculations on the denial.

Patrick Cogan, Zoning Officer, Assistant Building Inspector stating this requires a separate permit even if it's considered part of the original structure it will be considered a temporary building structure which requires its own permit and needs to meet specific criteria. The shed also requires a building permit.

Amanda Tucker, Senior Planner stated everything will require a building permit even some of the work which was previously performed without a permit.

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.

Kate Kennerly Farley, 29 Bensonhurst. The backyard neighbor. The two story shed is obtrusive. It is fairly obtrusive and hurts our property values. This is not a shed.

Sandra Jensen, a backyard neighbor. I have lived in my home for 10 years and have seen what is going on in the backyard. The blue shed is an addition to the home. I am concerned about the property values.

Bill Moore, Chairman closed the public hearing at 7:41 P.M.

Cherie Grey presented the following resolution.

#20190504
IN THE MATTER OF THE APPEAL OF
Elizabeth Drambour
42 Newton Avenue
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 42 Newton Avenue in the City of Saratoga Springs, New York being tax parcel number 165.57-1-69 on the Assessment Map of said City.

The applicant having applied for an area variance under the Zoning Ordinance of said City to permit the attachment of an existing finished two-story barn structure to an existing single-family residence in a UR-2 District and public notice having been duly given of a hearing on application held on June 17 and July 8, 2019.

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 variance for the following amount of relief:

TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
Minimum side yard setback-North	8 ft	3 ft	5 ft (62.5%)
Minimum side yard setback-South	8 ft	5 ft	3 ft (37.5%)
Total minimum side yard setback	20 ft	8 ft	12 ft (60%)

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. Due to the pre-existing nonconforming placement of both the residence and the two-story barn, the only feasible solution to joining the two structures is in their existing footprint on the property. The kitchen will be eliminated in the barn area and the intention is to maintain a single family residence.
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 the two structures will be attached, they will not be any closer to the property line than what currently exists. The applicant will be removing an existing wood porch on the south which will result in the setback being 5' from the present distance of 1.2'.
3. Although the variance is substantial at 62.5, 37.5 and 60%, this is due to the fact that the structures were built prior to present zoning regulations and will not encroach any closer to the lot line than is current. The principal building coverage will be under the requirement of 30%.
4. The Applicant has demonstrated that granting this variance will not have any adverse physical or environmental effect on the neighborhood. The primary structures will remain in the location they have been.
5. The alleged difficulty is self-created insofar as the applicants desire to attach the structures, but this is not necessarily fatal to the application.

Conditions:

- The shed in the rear of the property will be moved to meet zoning requirements.
- The shed on the rear deck attached to the house will be moved to a location compliant with zoning for an accessory building.
- Neither shed will be habitable.

Keith Kaplan, Vice Chairman seconded the motion.

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

Discussion ensued regarding conditions placed on the proposed resolution.

Mark Schachner, Attorney for the Land Use Boards spoke regarding placing conditions as part of the resolution for enforceability.

Bill Moore, Chairman stated the only way to clean up the property and make it substantially more compliant is to support this application.

VOTE:

Bill Moore, Chairman, in favor; Keith Kaplan, Vice Chairman, in favor; Cherie Grey, in favor; Chris Hempstead, in favor; Suzanne Morris, in favor

MOTION PASSES: 5-0

- 4. **#20180178 (3024) FAHY RESIDENCE.** 166 Lincoln Avenue, area variance to construct a single-story addition to an Existing single-family residence; seeking relief from the minimum side yard setback in the Urban Residential-2 District (UR-2).

This is a previously opened application. This application was heard at the June 17, 2019 meeting. The public hearing was opened and remains open. We have asked for no 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 7:54 P.M.

Suzanne Morris presented the following resolution.

**#20180178
IN THE MATTER OF THE APPEAL OF
Joe Fahy and Jennifer Williams
166 Lincoln Avenue
Saratoga Springs NY 12866**

from the determination of the Building Inspector involving the premises at 166 Lincoln Avenue in the City of Saratoga Springs, New York being tax parcel number 161.77-4-3 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 an addition to an existing single-family residence in a UR-1 District and public notice having been duly given of a hearing on said application held on the 17th day of June and the 8th day of July 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 variance for the following amount of relief:

TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
Minimum Side Yard Setback (West)	8'	3.2'	4.8' or 60%

As per the submitted plans 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 applicants. The applicants note that an alternative design was contemplated and brought before this Board, which rejected that proposal. This application is limited to an addition of 134 square feet contained in one story of new construction and does not call for any expansion beyond the proposed setback encroachment in this one-family residence.

2. The applicants have demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The proposed addition conforms to the width of the existing house, and does not crowd neighboring properties which include an adjacent and robust commercial establishment, and similarly-sized residential properties.
3. The Board finds this variance request to be substantial on a percentage basis; however, the encroachment is a continuation of the structure's existing setback.
4. This variance request will not have significant adverse physical or environmental effect on the neighborhood or district, as the expanded footprint contemplated will only change slightly to the extent of the small rear addition area. Further, the proposed addition will be shielded from visibility from the street and adjacent properties by virtue of its placement, small size, and fencing already in place.
5. The alleged difficulty is self-created insofar as the applicant desires to construct the proposed addition, but this is not deemed fatal to the application in the circumstances of this case.

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; Cherie Grey, in favor; Chris Hempstead, in favor; Suzanne Morris, in favor

MOTION PASSES: 5-0

6. #20190520 MALONEY RESIDENCE, 30 Ludlow Street, area variance to construct a covered porch attached to an Existing single-family residence; seeking relief from the maximum principal building coverage and the minimum setback from an accessory structure in the Urban Residential-3 District. (UR-3)

This is a previously opened application. This application was heard at the June 17, 2019 meeting. The public hearing was opened and remains open. We have asked for no additional information.

Mr. Maloney reviewed the structure and the overhangs. He changed the overhangs to match that of the existing home. It also reduced the lot coverage. Updated survey was provided to the Board.

Cherie Grey thanked the applicant for reviewing the project and reducing the variance requested.

PUBLIC HEARING:

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

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

Bill Moore, Chairman closed the public hearing at 7:57 P.M.

Keith Kaplan, Vice Chairman presented the following resolution.

#20190520
IN THE MATTER OF THE APPEAL OF
Timothy Maloney
30 Ludlow Street
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 30 Ludlow Street in the City of Saratoga Springs, New York being tax parcel number 166.69-2-14 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 covered porch addition to an existing single-family residence in a UR-3 District and public notice having been duly given of a hearing on said application held on the 17th day of June and the 8th day of July 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 variance for the following amount of relief:

TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
Maximum Principal Building Coverage	30%	34.3%	4.3% or 12.5%

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. An alternative design was contemplated and brought before this Board, who then suggested a smaller porch to eliminate additional relief from minimum setback from an accessory structure. The applicant willingly made the porch smaller to eliminate the additional relief as originally proposed.
2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The proposed addition conforms to the characteristic of the existing house and does not crowd neighboring properties.
3. The relief requested is not considered substantial at 12.5%.
4. The applicant has demonstrated that the variance request will not have significant adverse physical or environmental effect on the neighborhood or district, as the expanded footprint is well within the setbacks of the property and will contribute minimally to any runoff.
5. The alleged difficulty is self-created insofar as the applicant desires to construct the proposed porch addition, but this is not deemed fatal to the application in the circumstances of this case.

Conditions:

- No further accessory structures.
- Approval is based on removal of brick driveway along Mitchell St. as stated by the applicant.
- Removal of existing wood deck along Mitchell St.

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; Cherie Grey, in favor; Chris Hempstead, in favor; Suzanne Morris, in favor

MOTION PASSES: 5-0

7. **#20190460 TOWNE RESIDENCE**, 18 MacArthur Drive, area variance for the demolition of an existing 1-story garage and reconstruction of a 2-story garage with second floor living area; seeking relief from the minimum side yard setback, minimum front yard setback, total side yard setback, and maximum principal building coverage in the Urban Residential-1 (UR-1) District.

Applicant: Stephen and Suzanne Towne

Agent: Jim McLagan, Tru-North Design Development

This is a previously opened application. The public hearing was opened and remains open. We have asked for no additional information.

Mr. McLagan stated at the prior appearance before the Board we received some pushback on the first design. Taking this into consideration we re-designed the project and we are satisfied that this meets the needs and concerns of both the client and the ZBA. This has been submitted. A concern was water runoff from the roofing in the first design. The other concern was the massing of the 1 ½ -2 story addition and the proximity to the neighbor and the side yard setbacks. With our new design we are requiring no side yard setback variance. We moved the addition to the center of the home. The garage will be moved forward 8 feet closer to the home. Coverage is now 24%. The client and I are happier with the design.

Cherie Grey appreciates the applicant reviewing the project and making changes to it.

Keith Kaplan, Vice Chairman complimented the applicant and the applicants agent on their receptiveness to modifying the proposal to reflect feedback from the Board on neighborhood impact.

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 8:14 P.M.

Chris Hempstead presented the following resolution.

#20190460
IN THE MATTER OF THE APPEAL OF
Stephen and Susanne Towne
18 MacArthur Drive
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 18 MacArthur Drive in the City of Saratoga Springs, New York being tax parcel number 166.14-2-27 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 an addition to an existing single-family residence in a UR-1 District and public notice having been duly given of a hearing on said application held on the 3rd day of June and the 8th day of July 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 variance for the following amount of relief:

TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
Maximum Principal Building Coverage	20%	23.8%	3.8% or 16%
Minimum Front Yard Setback	30'	28.4'	1.6' or 5.3%
Minimum Side Yard Setback	12'	4.4'	7.6' or 63.3%
Total Side Yard Setback	30'	15'	15' or 50%

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 originally submitted plans to construct a two-story addition on the south side of the property, immediately adjacent to the property line. After discussion with the Board, the applicant made a modification to the application which resulted in reducing the impact on the adjacent property. The size of the lot and desire for additional living space necessitated the request for several variances.
2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. While the property is in a neighborhood of mostly single-story ranch homes, the proposed addition is similar in characteristic to the setbacks and lot coverage of other homes in the neighborhood.
3. The Board finds the variances for both the side yard and total side yard to be substantial on a percentage basis; however, keeping the structure at 1 story mitigates the impact on the side yard and the addition follows the existing side yard setback. The relief for maximum principal coverage and front yard setbacks are not considered substantial.
4. The applicant has demonstrated that the variance request will not have significant adverse physical or environmental effect on the neighborhood or district. The proposed plan will contain snow and water runoff on the applicant's property based on the design of the roof.
5. The alleged difficulty is self-created insofar as the applicant desires to construct additional living space. This, however, is not necessarily fatal to the application.

Conditions:

- The relief from the side yard setback is for a single-story expansion of the garage only and shall not exceed one story.

Cherie Grey seconded the motion.

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

Bill Moore, Chairman noted that he did view the previous webcast where the applicant presented. He is informed regarding this application and feels confident in voting for this application.

VOTE:

Bill Moore, Chairman, in favor; Keith Kaplan, Vice Chairman, in favor; Cherie Grey, in favor; Chris Hempstead, in favor; Suzanne Morris, in favor

MOTION PASSES: 5-0

APPROVAL OF MEETING MINUTES:

Keith Kaplan, Vice Chairman made a motion to approve the April 22, 2019 Zoning Board of Appeals Meeting as amended.

Cherie Grey seconded the motion.

VOTE:

Bill Moore, Chairman, in favor; Keith Kaplan, Vice Chairman, in favor; Cherie Grey, in favor; Chris Hempstead, in favor; Suzanne Morris, abstained

MOTION PASSES: 5-0

Keith Kaplan, Vice Chairman made a motion to approve the June 3, 2019 Zoning Board of Appeals Meeting as amended.

Cherie Grey seconded the motion.

VOTE:

Bill Moore, Chairman, abstained; Keith Kaplan, Vice Chairman, in favor; Cherie Grey, in favor; Chris Hempstead, in favor; Suzanne Morris, in favor

MOTION PASSES: 4-0

MOTION TO ADJOURN:

There being no further business to discuss Keith Kaplan, Vice Chairman adjourned the meeting at 8:17 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 9-16-19