



ZONING BOARD OF APPEALS

MINUTES (FINAL)

MONDAY, JULY 18, 2022

6:30 P.M.

CITY COUNCIL CHAMBERS

CALL TO ORDER: Gage Simpson, Chair, called the meeting to order at 6:31 P.M.

SALUTE TO THE FLAG:

PRESENT: Gage Simpson, Chair; Cheryl Grey; Emily Bergmann; Justin Farrington;
Brendan Dailey; Alice Smith, Alternate

ABSENT: Brad Gallagher, Vice Chair; Matthew Gutch

STAFF: Aneisha Samuels, Senior Planner, City of Saratoga Springs
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.

ZBA APPLICATIONS UNDER CONSIDERATION:

NEW BUSINESS:

1. **#20220478 188 WASHINGTON STREET AREA VARIANCE,** 188 Washington Street, Area Variance to replace a covered porch with a two-story addition in the Urban Residential-2 (UR-2) District.

Applicant: Michelle Roemer

Agent: Ben Nathan, Contractor

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIREMENT	PROPOSED	TOTAL RELIEF REQUESTED
Maximum Principal Coverage	30%	39.5%	9.5 % or 31.7%
Patio to side	10 ft.	0 ft.	10 ft. or 100%

Mr. Nathan stated they are seeking relief to construct a two-story addition at the rear of the property. This will be constructed in the current screen porch which will be demolished. The porch was constructed prior to the purchase of the property without a building permit, and the lot coverage was exceeded. It was pre-existing non-conforming, so we are proposing an addition within the existing building footprint and seeking relief currently. A visual of the site plan was provided to the Board. This has appeared before the DRB and has been reviewed and approved.

DISCLOSURE:

Emily Bergmann stated she knows the applicant. She has no financial interest in this application. She can be objective in voting.

Cherie Grey questioned the applicant regarding the coverage percentage at 39.5% and remaining at 39.5%. There is an accessory structure on the property, and we would need the percentage of coverage on that as well as any air conditioning unit condensers will need to be included in the coverage as well. Also, there is a patio which is on the lot line. Is there any possibility of reducing the variance for the patio when you return before the Board.

Gage Simpson, Chair, questioned the applicant if the neighbors have been notified of the project and if they have any concerns. Providing the neighbors with this information noting the project and what is being proposed is helpful. Also, a listing of neighborhood comparables would be helpful as well as attempting to reduce the amount of relief requested.

PUBLIC HEARING:

Gage Simpson, Chair, opened the public hearing at 6:41 P.M.

Gage Simpson, Chair, asked if anyone in the audience wished to comment on this application. None heard.

Gage Simpson, Chair, stated the public hearing will remain open until the next meeting scheduled for Monday, July 25, 2022. Information must be provided to staff by Wednesday of next week to be included on the agenda for that meeting.

2. **#20220480 5 LIZ ANN DRIVE AREA VARIANCE,** 5 Liz Ann Drive, Area Variance to permit an addition to the existing home within the Rural Residential (RR) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIREMENT	PROPOSED	TOTAL RELIEF REQUESTED
Setback - Rear Property Line	50 ft.	45 ft.	5 ft. or 10%

Applicant: Jeff & Michele Gallo

Mr. Gallo stated they are proposing an addition to their existing home. They hired an architect and submitted plans. We were informed that we were out of compliance and obtained a survey which showed we were out of compliance. We then looked at how we could become compliant. Alternative designs were considered, and we cannot move the addition since our driveway and septic tank is in the alternate location. We then turned the addition to decrease the width of the addition and we are now requesting 5 ft. of relief.

Brendan Dailey questioned the applicant if their property abutted the PBA property in the rear.

Ms. Gallo stated yes, their property abuts the PBA land in the rear. Also, they were unaware of how close their property line was when they purchased this home. The survey was done to locate the property lines. No trees will need to be removed for this project.

DISCLOSURE:

Cherie Grey disclosed that she is a friend of the applicant's architect. That does not influence her objectivity in voting on this matter.

Cherie Grey stated the shed is currently outside of your property line. It needs to be moved about 5 ft. off the property line.

If the applicant moves the shed, she has no issues.

Mr. Gallo stated they have every intent of moving it to comply with zoning regulations.

Gage Simpson, Chair, stated the rear of the property is wooded and the request is minimal.

PUBLIC HEARING:

Gage Simpson, Chair, opened the public hearing at 6:47 P.M.

Gage Simpson, Chair, asked if anyone in the audience wished to comment on this application. None heard.

Gage Simpson, Chair, closed the public hearing at 6:47 P.M.

Gage Simpson, Chair, stated we have a resolution.

Brendan Dailey presented the following resolution.

**#20220480
IN THE MATTER OF THE APPEAL OF
Jeffrey & Michelle Gallo
5 Liz Ann Drive
Saratoga Springs NY 12866**

from the determination of the Building Inspector involving the premises at 5 Liz Ann Drive in the City of Saratoga Springs, New York being tax parcel number 167.-6-1 on the Assessment Map of said City.

The applicant having applied for an area variance under the Zoning Ordinance of said City to permit an addition to the existing home within the Rural Residential (RR) District and public notice having been duly given of a hearing on said application held on July 18, 2022.

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 REQUIREMENT	PROPOSED	RELIEF REQUESTED
Rear yard Setback	50'	45'	5' (10%)

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 want to build a rear addition on the rear of the house. The lot is part of a conservation subdivision as such the setbacks have been modified from 100ft to 50ft to accommodate the conservation. The applicants note they have considered other alternatives however the currently proposed option results in the need for the least amount of relief and is more consistent with the neighborhood.
2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The rear addition is in the rear of the house and not visible from the front of the location. Many properties in the neighborhood have rear addition. The property is deep and can accommodate the rear addition with no other variances required.
3. The Board notes the requested variance of 10% is not substantial.

4. This variance will not have a significant adverse physical or environmental effect on the neighborhood or district. Permeability requirements will meet district requirements.
5. The alleged difficulty is considered self-created insofar as the applicant desires to construct the rear addition. However, this is not necessarily fatal to the application.

Cherie Grey seconded the motion.

Gage Simpson, Chair asked if there was any further discussion. None heard.

VOTE:

Gage Simpson, Chair, in favor; Cherie Grey, in favor; Emily Bergmann, in favor; Justin Farrington, in favor; Brendan Dailey, in favor; Alice Smith, Alternate, in favor

MOTION PASSES: 6-0

3. #20220479 127 GILBERT ROAD AREA VARIANCE, 127 Gilbert Road, Area Variance to allow a shed to remain in its existing location within the Rural Residential (RR) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIR ED	PROPOS ED	TOTAL RELIEF REQUESTED
Accessory to Side	30 ft.	5 ft.	25 ft. or 83.3%
Accessory to Rear	30 ft.	17 ft.	13 ft. or 43.3%

Applicant: Kevin Ture

Mr. Ture stated he has owned the property since 1986. He built the shed himself about 7-8 years ago. He made an error when he built it, he thought the setback requirements were 5 ft. and he did not investigate. He would like permission to leave the shed where it is. A visual of the shed and its location on the property was provided to the Board. The neighbor to the rear has a new fence and only sees the top of the shed and the neighbor to the side also has a large fence and sees only the gable. They have no objections to the shed.

Gage Simpson, Chair, asked what the detriments would be in moving the shed and could the shed be moved.

Mr. Ture stated the shed could be moved; it does not have a foundation.

Emily Bergmann questioned how it is the applicant is before the Board.

Mr. Ture stated he was issued a violation.

Justin Farrington stated the applicant appears to have a lot of land on his property and could move the shed.

Mr. Ture stated it would not be aesthetically pleasing but it could be moved.

Emily Bergmann stated she is conflicted about this application. The property is large enough to move the shed, However, it has been in this location for about 7 years.

Brendan Dailey stated he does not have an issue with it being where it is.

Cherie Grey stated it is the zoning requirement for variances to be as low of a percentage as possible. Also, this can be

setting a precedent for the shed placement. Would you consider moving the shed to help reduce the amount of relief requested.

Gage Simpson, Chair, stated if you could reduce the size of the variance, or reconsider placement on the site and provide this information to the Board then we could consider the lesser relief requested. If this information could be provided to staff by Wednesday for the meeting scheduled for next week or our next scheduled meeting is September 12, 2022.

Mr. Ture questioned the Board if he is assuming correctly the Board would not grant the variance requested as it is.

Gage Simpson, Chair, stated if he were to take the temperature of the Board and the questions which have been asked, he feels it does not look great.

Mark Schachner, Counsel to the Land Use Boards stated the Board cannot commit to what it is thinking at this time. The applicant has been requested to develop additional information for the Board that would help the Board in deciding based on the information and criteria submitted to assist the Board.

PUBLIC HEARING:

Gage Simpson, Chair, opened the public hearing at 7:06 P.M.

Gage Simpson, Chair, asked if anyone in the audience wished to comment on this application. None heard.

Gage Simpson, Chair, stated the public hearing will remain open until the applicant returns before the Board.

4. #20220504 61 SECOND STREET AREA VARIANCE, 61 Second Street, Area Variance to connect front roofline to porch within the Urban Residential-2 (UR-2) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIREMENT	PROPOSED	TOTAL RELIEF REQUESTED
Side Setback - west side	8 ft.	4 ft.	4 ft. or 50.0%

Applicant: Jonathan & Sue Batchelder

Mr. Batchelder stated they are proposing to connect the front roof line to the porch. Their lot size is 77 x 140. A visual of the property site was provided, as well as drawing of what they are proposing and the inspiration for the project. The idea is that the roof line would stay consistent and look as if it were always there. The left of the house is approximately 7ft. to a fence. The house is sited way to the left. Our request is minimal, and sketches were also provided to the Board.

Cherie Grey stated this appears to be like an eave, stopping where the house stops.

Mr. Batchelder stated it is about 18 inches off the house. The main accomplishment is to make the standing seam metal roof be left to right on the house. It is decorative in nature and provides some protection from the sun while making the house seem balanced.

PUBLIC HEARING:

Gage Simpson, Chair, opened the public hearing at 7:14 P.M.

Gage Simpson, Chair, asked if anyone in the audience wished to comment on this application. None heard.

Gage Simpson, Chair, closed the public hearing at 7:14 P.M.

Cherie Grey presented the following resolution.

#20220504
IN THE MATTER OF THE APPEAL OF
Jonathan Batchelder
61 Second Street
Saratoga Springs, NY 12866

From the determination of the Building Inspector involving the premises at 61 Second Street in the City of Saratoga Springs, NY, being tax parcel number 166.29-1-57 on the Assessment Map of said City. The Applicant having applied for an area variance to permit alterations on the existing front porch and changes to the driveways to an existing home in the UR-2 District and public notice having been duly given of a hearing on said application July 18, 2022.

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 REQUIREMENT	PROPOSED	RELIEF REQUESTED
Side yard setback (To Decorative Feature on west side only):	8 ft.	4 ft.	4 ft. (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 states that the porch has been in existence and wants to rebuild it to extend to west edge of the pre-existing, non-conforming house. This will be an architectural feature, tying in the porch to the rest of the façade of the house.
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 Board notes that the house has always been in the setback and this alteration in the design will not change or impact the neighborhood.
3. Although the variance is substantial at 50%, the substantiality is mitigated by the reasons stated above.
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 is a self-created hardship. However, self-creation is not necessarily fatal to the application.

Emily Bergmann seconded the motion.

Gage Simpson, Chair asked if there was any further discussion. None heard.

VOTE:

Gage Simpson, Chair, in favor; Cherie Grey, in favor; Emily Bergmann, in favor; Justin Farrington, in favor; Brendan Dailey, in favor; Alice Smith, Alternate, in favor

MOTION PASSES: 6-0

5. **#20220506 131 MIDDLE AVENUE AREA VARIANCE,** 131 Middle Avenue, Area Variance extension of a previously granted area variance to construct a new single-family residence with a detached garage; seeking relief from the Maximum accessory building coverage and minimum patio setback to an adjacent lot line in the Urban Residential-3 (UR-3) District.

Applicant: Michael and Kimberly Southern

Agent: Dennis McGowan, Balzer & Tuck Architectures

Mr. McGowan stated in 2020 the applicants appeared before the Board and were granted variances. As finalization of the project continued the overall cost of materials and supplies has put the project on hold until there is some stabilization in the cost of materials. They are hoping to move forward with the project soon.

Aneisha Samuels, Senior Planner stated in the previous approval the Planning Board did stipulate for the preservation of a tree. That tree has since been removed. The Board should consider having that as part of your condition as a note.

Mr. McGowan stated the removal of the tree was communicated with the Planning Board and the status of that is unknown. It was never a part of the condition as far as he is aware.

Aneisha Samuels, Senior Planner, stated that the Planning Board has since recommended that a large specimen tree on Middle Avenue and a small specimen tree on York Street be added.

Cherie Grey questioned some background on the tree and the neighbor's concern.

Mr. McGowan stated when the property was subdivided it was stipulated that the tree remain. As they went through the construction process the likelihood of the tree's survival and the condition of the tree did not lend itself for the tree to remain. The applicant went back to the Planning Board and advised them of the condition of the tree as well as concerns by a neighbor on York Street regarding the health of the tree and the possibility of it coming down on a home. The application remains as was initially presented.

PUBLIC HEARING:

Gage Simpson, Chair, opened the public hearing at 7:24 P.M.

Gage Simpson, Chair, asked if anyone in the audience wished to comment on this application. None heard.

Gage Simpson, Chair, closed the public hearing at 7:24 P.M.

Emily Bergmann presented the following resolution.

**#20220506
IN THE MATTER OF THE APPEAL OF
Michael and Kimberly Southern
124 York Ave
Saratoga Springs, NY 12866**

The Board moves that the application of Michael and Kimberly Southern for the property located at 131 Middle Avenue in the City of Saratoga Springs, and identified as tax parcel 166.46-3-52 that was granted on December 14, 2020 for construction of a patio and garage with external stairs in the UR-3 District, be approved and that the variance approval be extended from 18 months from the date that such resolution would have expired, June 14, 2022, with the new expiration date to be December 14, **2023**. The variance shall expire on December 14, 2023, unless the necessary building permit has been issued and actual construction begun as per the Zoning Ordinance or otherwise further extended.

Based on the submitted evidence that the application for an extension of a granted area variance does not differ from the original proposal and approval. The Board notes there has been changes to the condition of the property as such, the Applicant shall coordinate with the City Arborist and plant a large specimen tree in the City Right of Way (ROW) on Middle Avenue and a small specimen tree in the ROW on York Avenue as **mitigation for removing the Heritage trees.**

Cherie Grey seconded the motion.

Gage Simpson, Chair asked if there was any further discussion. None heard.

VOTE:

Gage Simpson, Chair, in favor; Cherie Grey, in favor; Emily Bergmann, in favor; Justin Farrington, in favor; Brendan Dailey, in favor; Alice Smith, Alternate, in favor

MOTION PASSES: 6-0

6. #20220559 815 N. BROADWAY AREA VARIANCE. 815 N. Broadway, Area Variance to construct three new signs at the North Broadway Skidmore College campus entrance within the Institutional Educational (INST-ED) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIREMENT	PROPOSED	TOTAL RELIEF REQUESTED
Number of Freestanding Signs	1	3	2 or 200%
Size of Signage	24 sq. ft.	42 sq. ft.	18 sq. ft. or 75%
Size of Signage	24 sq. ft.	42 sq. ft.	18 sq. ft. or 75%

Applicant: Skidmore College - Dan Rodecker, Head of Facilities

Agent: Dave Carr, LA Group

Mr. Carr stated the applicant are seeking area variances for signage. Skidmore College has had plans to improve their signage for entrances for years. We have met with the Skidmore community, neighbors on North Broadway, The Preservation Foundation, Public Works, and City Staff. We feel we have a good plan. Relief wise the variances may seem substantial. Skidmore College is different than other parcels in the area at over 300 acres and frontage on 7 streets. We are only allowed one sign on the property however the UDO does state one for each frontage, but this is under the old zoning requirements. The Right of Way on North Broadway is very wide at 120 ft. Normally the Right of way is about 50-60 ft. We are double that width in the **normal city street the curb to the right of way is about 13½ ft. we are at 50 ft.** We have performed visual analysis which was provided with the application information. The proposed signage sits on walls which are 6 ft. in height, made of granite. The design is to make the signage appear as an extension of the stone wall. It will be made of granite topped with bluestone; lettering will be black aluminum. We are trying to make it understated.

Mr. Rodecker provided information that Skidmore College owns the property all the way down to Fourth street and then on the east side all the way down to Glenridge Road. From a neighbor impact they will not see the signage.

Mr. Carr stated the land across the street from the college is in the Town of Greenfield. Sidewalk improvements are also proposed. The sign is proposed to have LED ground lighting and plantings as well.

Justin Farrington questioned what the neighbors' complaints were when this was initially proposed.

Mr. Carr stated the biggest difference, and our office was not involved in the project at that time was the signage was in the right of way. The neighbors on North Broadway and The Preservation Foundation strongly felt that the design make it seem like the end of North Broadway was Skidmore College. The signs were not built on Skidmore Property. Today, all the signs are on Skidmore Property. Everything about a college is leading prospective students into the college. Skidmore has paid attention to moving people from the right of way into the campus. That is the thought process.

Alice Smith, Alternate, questioned if there was any correspondence from the neighbors on this plan.

Mr. Rodecker stated the college did have informational meetings concerning their master plan. This was part of that plan.

He will provide information to the Board in this regard.

Cherie Grey questioned where the proposed signage will be located on the Skidmore property.

Mr. Carr stated the current Skidmore sign is where one of these signs will be placed, and the other two signs will be on either side.

The middle sign is 8 sq. ft.

Brendan Dailey questioned if the rock walls will be removed.

Mr. Carr stated the rock walls will be removed and used to point up the existing wall where necessary.

Gage Simpson, Chair, stated the applicant has done their homework and he has no problem or issue with it.

PUBLIC HEARING:

Gage Simpson, Chair, opened the public hearing at 7:45 P.M.

Gage Simpson, Chair, asked if anyone in the audience wished to comment on this application. None heard.

Gage Simpson, Chair, closed the public hearing at 7:46 P.M.

Justin Farrington presented the following resolution.

#20220559
IN THE MATTER OF THE APPEAL OF
Skidmore College
815 North Broadway
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 815 North Broadway in the City of Saratoga Springs, New York being tax parcel number 152-1-3 on the Assessment Map of said City.

The applicant having applied for an area variance under the Zoning Ordinance of said City to permit Three Signs within the Institutional -Educational (INST-ED) District and public notice having been duly given of a hearing on said application held on July 18, 2022.

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 REQUIREMENT	PROPOSED	RELIEF REQUESTED
Number of Signs	1	3	2 (200%)
Size of sign #1 (Skidmore)	24 sq. ft.	42 sq. ft.	18 sq. ft. (75%)
Size of sign #1 (Skidmore)	24 sq. ft.	42 sq. ft.	18 sq. ft. (75%)

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 applicants due to visibility. The applicant wishes to increase both the size and number of signs at their Broadway entrance. The applicant notes they have considered other alternatives and consulted neighbors and this current proposal is the most feasible alternative to achieve their needs.
2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties.
3. The Board notes the requested variances of 200% and 75% are substantial. However, substantiality is mitigated by the lack of adverse impacts as noted above.
4. This variance will not have a significant adverse physical or environmental effect on the neighborhood or district.
5. The alleged difficulty is considered self-created insofar as the applicant desires to increase both size and number of signs. However, this is not necessarily fatal to the application.

Cherie Grey seconded the motion.

Gage Simpson, Chair asked if there was any further discussion. None heard.

VOTE:

Gage Simpson, Chair, in favor; Cherie Grey, in favor; Emily Bergmann, in favor; Justin Farrington, in favor; Brendan Dailey, in favor; Alice Smith, Alternate, in favor

MOTION PASSES: 6-0

7. #20220620 110 LAWRENCE STREET AREA VARIANCE, 110 Lawrence Street, Area Variance to permit a second addition within the Urban Residential-2 (UR-2) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIREMENT	PROPOSED	TOTAL RELIEF REQUESTED
Side 1 - Setback	8 ft.	3 ft.	5 ft. or 62.5%
Total Side Setback	20 ft.	14 ft.	6 ft. or 30%

Applicant: O'Connor's

Agent: Matt Tyler, Architect

Mr. Tyler stated what the applicant is proposing is to use their existing non-conforming footprint and extend what is now the existing garage above it, as well as enclosing what is their side porch now and placing the front door on the front façade of the house with a new front porch on the front. These changes to their home necessitate the requested variances.

Everything is within the existing footprint. Currently the house is setback off the street and the proposed project will bring it more in conformance with other homes in the neighborhood. A visual of what the applicant is proposing was provided to the Board.

Brendan Dailey questioned if the neighbors are aware of what the applicant's proposing and would the proposed addition

block any sunlight for the neighbors. Also, is there a plan for water runoff?

Mr. Tyler stated the applicants have not spoken to the neighbors but are aware of the project due to the requirement of noticing.

The house next to the garage is set back and would not impede on their sunlight. We are proposing guttering to manage water runoff.

Cherie Grey questioned the shrubbery and if it will remain to help with the water mitigation, and the proposed roofline and changes.

Emily Bergmann questioned if any of the proposed windows would be intrusive to the neighbors.

Mr. Tyler reviewed all elevations and location of the windows.

Gage Simpson, Chair, stated initially he thought the applicant was simply building a second story over the garage.

Are you bringing the structure more forward?

Mr. Tyler stated the only thing which is moving forward is the small eyebrow roof over the garage doors. The front wall is moving back several inches to accommodate the eyebrow roof. Mr. Tyler provided photographs of neighborhood comparables.

PUBLIC HEARING:

Gage Simpson, Chair, opened the public hearing at 8:03 P.M.

Gage Simpson, Chair, asked if anyone in the audience wished to comment on this application. None heard.

Gage Simpson, Chair, stated the public hearing will remain open. The next scheduled ZBA meeting is Monday, July 25th, 2022.

We should have a resolution prepared to present at this time.

8. #20220622 14 WEST HARRISON AREA VARIANCE, 14 West Harrison Street, Area Variance to permit a lot line

Adjustment and renovation of an existing home in the Urban Residential-4 (UR-4) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIR ED	PROPOS ED	TOTAL RELIEF REQUESTED
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Minimum Average Width	100 ft.	75 ft.	25 ft. or 25%
Setback - Front	25 ft.	4 ft.	21 ft. or 84.0%
Side 1 - Setback - north	20 ft.	0.8 ft.	19.2 ft. or 96.0%
Side 2 - Setback - south	20 ft.	19 ft.	1 ft. or 5.0%

Applicant: Ashley Edwards

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated when the application was submitted it was done under the old zoning regulations, the old house is pre-existing non-conforming at .08 ft. from the side property line. To continue and renovate a back screen porch, we would like to keep the side wall the same. Asking for a 0.8ft. variance would have kept that sidewall the same location. The pre-existing zoning prior to the UDO required any addition to the right side of the building (which was in the side setback), the old zoning required a setback of 20 ft. and the building being wider than that any addition to the right side, which is on the interior of the lot, required a variance. Also, the total side setbacks, were 45 ft. and we only had 27.8 ft. and we requested a variance for that as well.

Aneisha Samuels, Senior Planner, stated that is not correct. You do not need a total side yard setback. The total side yard setback is fine under the previous zoning.

Ms. Yasenchak stated she is unsure how to proceed. She can proceed with the application now under the old zoning. However, if she chose to be considered under the new UDO, she would need to withdraw this application and re-apply under the new UDO guidelines. The lot width now is large, the neighbor questioned purchasing a portion of the lot and a lot line adjustment is required. In doing so the applicant's lot width would be under 100 ft. which is required for the old zoning, but the new zoning frontage is 60 ft. We are asking for 75 ft. So, we would be doing away with some of the variances which we have requested under the old zoning.

Aneisha Samuels, Senior Planner, stated the lot line adjustment will not go before the Planning Board until the application receives variances from the ZBA.

Cherie Grey requested the applicant's agent provide a brief overview of the project which would not change with re-applying.

Ms. Yasenchak provided a visual of the property site. The applicant is proposing selling a portion of the property to neighbor to allow them to have off street parking. In doing this their frontage changes and becomes smaller. Under the UDO the lot width is acceptable, under the old zoning the new lot width would require a variance. This would be required prior to requesting a lot line adjustment from the Planning Board. Also, they will be rebuilding the current home porch as well as a new screen porch in the rear.

In returning before the Board, we would be requiring one variance for the north property line since it is 0.8 ft. from the property line.

Currently there is a front porch which encroached over the property line, which is to be removed and a small stoop is proposed.

They are also proposing a detached garage and pool but that will meet all zoning requirements and regulations. We also meet coverage requirements. Ms. Yasenchak stated she would like to discuss the options of re-filing under the new UDO requirements. with her clients.

Justin Farrington questioned the applicant's agent regarding the status of the property being listed an inn/lodge on the County Tax roll.

Ms. Yasenchak stated the property was formerly a boarding house. We currently have an existing building permit for interior renovations. The house has been gutted and it will be converted into a one family home.

Cherie Grey questioned staff regarding the entire width of the house is still not 20ft. from the property line.

Aneisha Samuels, Senior Planner stated under the current zoning, the entire house is in the setback. No matter what side they build on it would be in the setback and therefore would require a variance.

Ms. Yasenchak stated the applicant will return before the Board.

PUBLIC HEARING:

Gage Simpson, Chair, opened the public hearing at 8:18 P.M.

Gage Simpson, Chair, asked if anyone in the audience wished to comment on this application. None heard.

Gage Simpson, Chair, stated the public hearing will remain open. The next scheduled ZBA meeting is Monday, July 25th, 2022.

Aneisha Samuels, Senior Planner, stated part of the property is in the Historic District and part is in the Architectural District.

This does not require review by the DRB.

CONTINUED BUSINESS:

9. #20220487 81 PHILA STREET AREA VARIANCE, 81 Phila Street, Area Variance to construct a two-family home seeking dimensional relief in the Urban Residential-4 (UR-4) District.

Gage Simpson, Chair, stated this is a previously opened application. The public hearing was opened and remains open.

Applicant: Scot Trifilo, Terrace Home Builders, owner

Mr. Trifilo stated at the previous meeting we spoke about the site plan. We changed the front planting bed and is reflected in the site plan which was provided. We also provided revised information on the elevations.

Cherie Grey questioned if the applicant considered a front porch since it is prevalent in this area.

Mr. Trifilo stated he understand the porches are a big part of Saratoga. He likes to bring more plants and more natural plantings to the property.

PUBLIC HEARING:

Gage Simpson, Chair, stated the public hearing was opened and remains open.

Gage Simpson, Chair, asked if anyone in the audience wished to comment on this application. None heard.

Gage Simpson, Chair, closed the public hearing at 8:29 P.M.

Cherie Grey presented the following resolution.

**#20220487
IN THE MATTER OF THE APPEAL OF
Scot Trifilo**

54 Nelson Avenue
Saratoga Springs NY 12866

In the matter of the appeal from the Building Inspector's determination involving a parcel at 81 Phila Street, in the City of Saratoga Springs, New York, being Tax Parcel 165.68-1-34 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 construction of a two-family home on an existing vacant parcel in the UR-4 District and public notice having been duly given of a hearing on said application held on the 27th day of June through the 18th day of July 2022.

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 Lot Size	6000ft	4978ft	1022ft or 17%
Minimum Avg Width	100ft	50ft	50%
Maximum Principal Coverage %	25%	34%	9% or 36%
Minimum Front Yard Setback	25ft	5ft	20ft or 80% relief
Side 1	20ft	4ft	16ft or 80%
Side 2 (to stairs only)	20ft	12ft	8ft or 40%
Total Side Yard Setback	45ft	16ft	29ft or 64% relief

As per the submitted plans or lesser dimension, be **approved** as per this Board's consideration of the following factors:

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. The applicant desires to construct a two-family home on an existing vacant parcel. The applicant noted that without variances the lot would be unusable in UR-4 zoning. Applicant noted that other designs were reviewed but were cost prohibitive and that the current design provided the least amount of required relief.

2. The applicant has demonstrated that granting this variance will not create an undesirable change in the neighborhood character or detriment to nearby properties. The applicant noted that the proposed relief will allow for the transformation of an unkempt lot into a new home that will enhance the neighborhood. The house will be in line with neighboring homes on that side of Phila Street which are similar in width, and do not conform to UR-4 zoning in terms of setbacks. The applicant provided neighborhood context of other homes which have similar designs for their nonconforming lots. The applicant noted that great length was taken in the design of the house to ensure the house was architecturally pleasing both visually and as it appears from the street with varying roof sizes.

3. The Board notes the requested variances are substantial. However, the Board notes that the relief requested is mitigated by the neighborhood context and lack of significant adverse impact on the neighboring properties, as noted above.

4. These variances will not have a significant adverse physical or environmental effect on the neighborhood or district. **The Property will not exceed district requirements for permeability.**

5. The alleged difficulty may be considered self-created insofar as the applicant's desire to build a two-family home on an existing vacant parcel, but this is not necessarily fatal to the application.

Emily Bergmann seconded the motion.

Gage Simpson, Chair asked if there was any further discussion. None heard.

VOTE:

Gage Simpson, Chair, in favor; Cherie Grey, opposed; Emily Bergmann, in favor; Justin Farrington, in favor; Brendan Dailey, in favor; Alice Smith, Alternate, opposed

MOTION PASSES: 4-2

10. #20220087 126 WEST AVENUE AREA VARIANCE, 126 West Avenue, Area Variance to permit the construction of a mixed use development including 4 townhouses, office space, and a studio apartment within the Transect-4 (T-4) District.

Gage Simpson, Chair, stated this is a previously opened application. The public hearing was opened and remains open.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIR ED	PROPOS ED	TOTAL RELIEF REQUESTED
Front Setback	12 ft.	5 ft.	7 ft. or 58.3%
Front Awning	6 ft.	0 ft.	6 ft. or 100%
Side Setback -1 Parking	12 ft.	5 ft.	7 ft. or 58%
Side Setback -2 Parking	12 ft.	9 ft.	3 ft. or 25%

Agent: Joseph Hens, Ingalls, and Associates

Mr. Hens since our last appearance before the ZBA we have appeared before the Planning Board for an Advisory Opinion. They recommended approval of the project. They also performed a SEQRA review and issued a SEQRA Negative Declaration on June 9, 2022. The project remains the same as presented. The Planning Board did review other options for the parcel stated this is a mixed-use development at the corner of West Avenue and Grand Avenue. There is a large right of way on the property frontage. We are proposing 4 town house units, office space and a studio apartment above the office space in the T-4 District. This is a good mix for the area and will complete the corridor. A visual of the site was provided noting the unique shape of the lot which necessitated the request for the variances. Parking spaces are proposed in the rear of the property where we are also proposing the garages for the townhomes. The request for the front setback variance will allow us to place the front steps and stoops along the property line. A sidewalk connection to West and Grand Avenues is proposed from the front of the townhomes. Mr. Hens stated in collaborating with the architect we have developed visual elevations of the project. Mr. Hens provided visual elevations of the property to the Board. We will be required to appear before the DRC for final approval. The large frontage right of way will provide us with an opportunity to provide additional park like space in conjunction with DPW. Additional buffering is being provided to the neighbors from the parking.

Cherie Grey questioned the applicant regarding the variances required, if there were any changes to the project and if the initial variances are still required. Parking and buffering to the neighbor were also discussed.

Mr. Hens stated the variances remain as requested. Parking request remains as requested. Additional buffering from the parking to the neighbor’s property will be provided.

Emily Bergmann questioned the parking and the ability to navigate the parking lot.

Mr. Hens provided information on the parking and will provide turning movements to the Board.

Brendan Dailey questioned if an EV charging station is proposed.

Mr. Hens stated he believes there is an EV charging proposed, he will verify and provide that information to the Board.

Gage Simpson, Chair, questioned the parking, and availability for visitors, guests. The Board also questioned if the applicant could consider moving the parking 3 ft. to eliminate a variance. It currently meets the parking space requirement.

PUBLIC HEARING:

Gage Simpson, Chair, stated the public hearing was opened and remains open.

Gage Simpson, Chair, asked if anyone in the audience wished to comment on this application. None heard.

APPROVAL OF MEETING MINUTES:

Cherie Grey made a motion to approve the minutes of the June 6, 2022, Zoning Board of Appeals Meeting with amendments as submitted. Emily Bergmann seconded the motion.

Gage Simpson, Chair, asked if there was any further discussion. None heard.

VOTE:

Gage Simpson, Chair, in favor; Cherie Grey, in favor; Emily Bergmann, in favor; Justin Farrington, in favor; Brendan Dailey, Alternate, in favor; Alice Smith, Alternate, in favor

MOTION PASSES: 6-0

MOTION TO ADJOURN:

There being no further business to discuss Gage Simpson, Chair adjourned the meeting at 8:57 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

Meeting Minutes approved September 12, 2022