



ZONING BOARD OF APPEALS

MINUTES (FINAL)

MONDAY, JULY 25, 2022

6:30 P.M.

ZOOM WEBINAR

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 Farrington; 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. **#20220650 173 EXCELSIOR SHED.** 173 Excelsior Avenue, Area Variance to permit the location of a shed in the Urban Residential-1 (UR-1) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIREMENT	PROPOSED	TOTAL RELIEF REQUESTED
Accessory to Side	5ft.	1 ft.	4 ft. or 80%

Applicant: David Massaroni

Mr. Massaroni provided a visual of the property noting the shed and its proximity to the large trees in his yard. He would like to have the trees remain keep the shed in its current position and has requested a variance to do so.

Justin Farrington questioned if the rear setback meets zoning requirements, and if he could provide photographs of his rear yard property. Also, how is it this application appears before the ZBA?

Mr. Massaroni stated the rear setback is fine. Photographs of his property were provided. Mr. Massaroni stated his reasoning for the fencing is the school on Veteran's Way. The students throw trash on his property as well as intrude on the property. Also, the shed in the current location does provide a barrier to the students and privacy to the homeowners as well as used for storage. In checking with the building inspector, he was informed he would need a variance to place the structure in this location.

Cherie Grey questioned why the shed could not have been cited in the location of the horse trailer. Is there any reason the shed could not be sited anywhere on the site other than in this location.

Mr. Massaroni stated the photographs do not provide an accurate rendering of the amount of space in the horse trailer location, it would not accommodate the shed. This location does provide more privacy and screening and privacy.

Emily Bergmann agrees with Cherie since there does appear to be enough property to house the shed in another location.

Mr. Massaroni stated they have just completed renovating their patio and fire pit along with the installation of arborvitae.

He does not believe the shed could be sited in this location.

Emily Bergmann questioned the applicant if there was a better way to provide a visual of the trees on his property and their location.

Mr. Massaroni stated the whole left side of the property is landscape pavers, a fire pit and arborvitae. A photo can be provided.

Mr. Massaroni stated if he does not get the variance, he will remove the trees.

Alice Smith, Alternate, questioned the privacy issue and the installation of the fence to afford privacy to the homeowner.

Mr. Massaroni stated on his deck he does see over the fence.

Justin Farrington questioned the applicant if the deck spans the entire rear of the house or just a small portion.

Also,

what is on the left side of the property, any chance to move the shed in this location.

Mr. Massaroni the deck is not the entire portion of the house. Also, moving the shed in this location would not be feasible to the homeowner/applicant.

Aneisha Samuels, Senior Planner, stated she believes the Board should request an updated Plot Plan. The applicant mentioned a patio and that is not seen on this rendering, and he also mentioned a fire pit which both require setbacks. Measurements or a plot plan would be needed to determine the amount of relief.

Gage Simpson, Chair, requested the applicant provide the Board with an updated plot plan, noting the location of the trees. Also, which tree is proposed to be removed if the shed needs to be moved, how far both the patio and fire pit are from the house and the lot line. Also, justification for the shed placement and feasible alternatives.

PUBLIC HEARING:

Gage Simpson, Chair, opened the public hearing at 6:57 P.M.

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

Gage Simpson, Chair, stated the public hearing will remain open. We have requested additional information from the applicant.

Our next scheduled meeting is September 12, 2022.

2. #20220621 29 WATERBURY AREA VARIANCE, 29 Waterbury Street, Area Variance to replace the existing detached garage in the Urban Residential-2 (UR-2) District.

AREA VARIANCE CONSIDERATIONS:

TYPE OF REQUIREMENT	REQUIREMENT	PROPOSED	TOTAL RELIEF REQUESTED
Accessory to Side	5 ft.	2.5 ft.	2.5 ft. or 50%
Accessory to Rear	5 ft.	2.5 ft.	2.5 ft. or 50%

Applicant: Maddy Zanetti & Zach Novik

Ms. Zanetti stated they have attempted to save the existing garage currently on the site. It is in a state of disrepair, with holes in the roof, structural decay, and insufficient structural support. There is no foundation beneath the garage, which was constructed in 1922, and will collapse soon if it is not removed. We are looking to construct a new garage in the same footprint as the current garage. We are also proposing to reconstruct the garage to provide a straight pull in access to the new garage and provide more greenspace in the backyard.

DISCLOSURE:

Gage Simpson, Chair disclosed that Zach and Maddy were his former neighbors. He has no financial interest in this project and can remain impartial in voting on this project.

Brendan Dailey requested the applicant elaborate on the driveway and garage positioning.

Mr. Novik provided a visual of the existing property marked up to show the garage location without the variance for offsets. The outline of the driveway does remove a good portion of the backyard. The stairs to access the upstairs of the garage are too close to the tree. Maneuverability around the house would be difficult.

Brendan Dailey questioned the area over the garage and for what is it to be used? Can you provide information on garages in the neighborhood for neighborhood context.

Ms. Zannetti stated she is co-owner of a business in Saratoga, and she uses this area for additional storage from the store. We based our new garage on a garage built around the corner.

Alice Smith, Alternate, questioned how far the garage was from the property line on the left side. Have you spoken to your neighbors regarding your plans or intentions for the garage.

Mr. Novik stated it is 1.6 ft. from the existing property line. The new garage if approved would be 2.5 ft. from the property line. We did not know if we were allowed to discuss the project prior to the noticing.

Alice Smith, Alternate stated in visiting the site she came upon the neighbors who were interested in what was being done. She directed them to attend the Zoom meeting or contact you or city hall regarding the project.

DISCLOSURE:

Cherie Grey disclosed that she knows Maddy Zanetti. She has no financial interest in the application and can be impartial in voting on this application.

Cherie Grey stated the ZBA likes to minimize as many of the variances as possible. What is the current distance from the rear of the garage in the back. What is the length and width of the current barn. Is it possible to move the garage over more than 2.5 ft. from the side setback.

Discussion ensued among the Board with the applicants regarding the garage placement, the variances requested, neighbors' concerns, maneuverability of vehicles to access garages, driveway proximity to the home and rear yard setbacks.

Mr. Novik stated the new garage is proposed to be 30 ft. long by 24 ft. in width and does not include the staircase.

Emily Bergmann agrees with Cherie's comment and the requested relief is 2.5 ft. from each property line.

Gage Simpson, Chair, stated the applicants are proposing to demolish a garage that is currently in bad disrepair. We can all agree with that. There is no foundation under the current garage. The proposal includes a new garage with a new concrete slab. The applicants are currently request a relief of 2.5 ft. from each side property line and rear property line. The reasoning for the 2.5 ft. of relief from side yard property lines is to realign the driveway for better accessibility, maintain greenspace and less asphalt.

Justin Farrington requested a larger plan with the 2.5 ft. on each side.

Mr. Novik stated they can provide an additional view of the property with the 2.5 ft. variance in place on each side. The pitch of the roof will go from front to back. A visual of the roofline was also provided.

Gage Simpson, Chair, stated he does not have any issues and understands the project.

Gage Simpson, Chair, asked if there were any further questions or comments from the Board.

Alice Smith, Alternate, questioned the width of the current garage.

Mr. Novik stated it is 36 ft. wide, the new garage will be 30 ft. wide.

Cherie Grey questioned the applicants if they could provide alternative options.

Justin Farrington stated he is still having difficulty visualizing the plan. Could a larger visual be provided.

Gage Simpson, Chair, requested the applicant provide to the Board additional schematics for the garage. Speak to the neighbors and have them submit public comments.

Mark Schachner, Counsel to the Land Use Board provided information to the applicants regarding speaking to the neighbors concerning the project.

PUBLIC HEARING:

Gage Simpson, Chair, opened the public hearing at 7:47 P.M.

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

Gage Simpson, Chair, stated the public hearing will remain open. We have requested additional information from the applicant,

Our next scheduled meeting is September 12, 2022.

CONTINUED BUSINESS:

3. #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.

Applicant: Ashleigh Edwards

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated at our last appearance before the Board we spoke about modifying the application to reduce the variances.

The variances we originally requested were the front setback from the road to the front stoop; as well as the left setback from the property line to the wall of a rebuilt screen porch and we were also looking at lot width variances. The owner has decided not to pursue the lot line adjustment. We no longer require a lot width variance. We have submitted a revised plan which indicates the removal of the lot line adjustment and the removal of that variance. The new plans show the mudroom addition to the right side and the new stoop, and the setbacks required for those.

Emily Bergmann questioned if the work on the property has already begun.

Ms. Yasenchak stated the applicant has an active current building permit for the interior renovation of the house. There is no building permit for the front stoop or the side and rear addition.

Emily Bergmann stated we are looking at the removal of the existing front porch and installation of a new front stoop at the property entry. The removal of a covered porch and the replacement of a screened porch at the northeast portion of the property and constructing a new mudroom with covered entry on the south of the existing house.

Ms. Yasenchak stated yes, the project is as you have stated and a visual of the revised plot plan was shown to the Board.

Ms. Yasenchak reviewed the variances requested and the rationale for the areas of relief and the alternatives they researched prior to the revised plans be submitted.

Cherie Grey questioned if the shed is in compliance as far as the side setback.

Ms. Yasenchak stated the shed is not in compliance is pre-existing and has been built prior to zoning. It is not something which was done recently. Also, it is not something that will survive moving.

Aneisha Samuels, Senior Planner, stated if the shed predates zoning than it will be pre-existing nonconforming.

Gage Simpson, Chair, stated they have requested no additional information from the applicant or applicant's agent.

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 location. None heard.

Gage Simpson, Chair, stated the public hearing will remain open. We have not requested additional information from the applicant, Our next scheduled meeting is September 12, 2022, and a resolution will be prepared and presented at that time.

4. #20220620 110 LAWRENCE STREET AREA VARIANCE, 110 Lawrence Street, Area Variance to permit a second addition within the Urban Residential-2 (UR-2) District.

Applicant: Kevin & Lindsey O'Connor

Agent: Matthew Tyler, Architect

Mr. Tyler stated they appeared before the Board at the last meeting requesting two variances a rear side yard variance and total side variance to permit the construction of a second-floor addition to their home. All work proposed meets the conformity of the lot. The applicants have spoken to their neighbors and no objections to the proposed plans were made either verbally or in writing.

Gage Simpson, Chair asked if there were any further questions or comments from the Board. None heard.

PUBLIC HEARING:

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

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 8:03 P.M.

Brendan Dailey presented the following resolution.

#20220620
IN THE MATTER OF THE APPEAL OF
Kevin and Lindsey O'Conner
110 Lawrence Street
Saratoga Springs NY 12866

From the determination of the Building Inspector involving the premises at 110 Lawrence Street in the City of Saratoga Springs, New York being tax parcel number 165.43-1-42 on the Assessment Map of said City.

The applicant having applied for an area variance under the Zoning Ordinance of said City to permit a second-floor addition within the Urban Residential -2 (UR-2) District and public notice having been duly given of a hearing on said application held on 18th through July 25th 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 Side 1 (North)	8'	3'	5' (62.5%)

Total Side	20'	14'	6' (30%)
------------	-----	-----	----------

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 wants to build an addition on the current garage. The applicants note they have considered other alternatives however they have noted that additional relief would be required for the other options. The currently proposed option aligns with the existing non-conformity and results in the least amount of relief.
2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The addition is consistent with other homes in the neighborhood and does not alter the current character of the street.
3. The Board notes the requested variance of 62.5% is substantial. The substantiality is mitigated per the statement 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 construct the 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

5. **#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.

No representative present for this application . Agenda item deferred to the end of the meeting.

6. **#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: Michele Merola

Agent: Ben Nathan, Contractor

Ms. Merola stated they last appeared before the Board on July 18, 2022. At that time, the Board request additional information.

We submitted information explaining the reasoning for the issues which were raised. This project was reviewed and approved by the DRB prior to the appearance before this Board and was reviewed by the Building Department. Our application is seeking a variance for lot coverage. The property involves a nonconforming structure that existing prior to their purchase of the property in 2015.

The back deck and adjoining mudroom were already built onto the property. The prior owner did not obtain proper permitting for the project. We are looking to enclose the outdoor porch area make it all indoor space and raise it up to the second floor. We are asking the Board to approve the nonconforming use. We are not changing the footprint of the structure at all. Blue stone has existed for about 5 years and the permeability on the site is about 35.3% permeability above the 30% minimum.

Gage Simpson, Chair, stated he believes they also discussed the patio being within 5 ft. of the property line.

Aneisha Samuels, Senior Planner stated there is a 10 ft. requirement for the patio from the lot line. The options would be to request relief or have it removed. Pre-existing nonconforming only applies to buildings built prior to 1961. Since your rear patio and deck were not built prior to 1961 it is not considered pre-existing non-conforming.

Mr. Nathan, contractor stated he spoke to Susan Barden, Principal Planner, City of Saratoga Springs. Mr. Nathan stated the patio is being removed prior to construction since that porch area is being demolished. We will revisit the patio following construction. We cannot make the building smaller. We are not changing the footprint and cannot make any concessions due to the current state of the building.

Gage Simpson, Chair, stated prior to your purchase of the building it was a non-conforming structure. As staff noted pre-existing non-conforming is anything built prior to 1961. The patio will be removed during construction. If you want to replace it following construction, it will have to be 10 ft. from the property line.

Aneisha Samuels, Senior Planner, stated under the UDO the patio will need to be 8.5 ft. from the property line.

Gage Simpson, Chair, asked if there was any further questions or comments from the Board. None heard.

PUBLIC HEARING:

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

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 8:18 P.M.

Brendan Dailey presented the following resolution.

20220478
IN THE MATTER OF THE APPEAL OF
Michelle Merola
188 Washington Street
Saratoga Springs NY 12866

In the matter of the appeal from the Building Inspector's determination involving a parcel at 188 Washington Street, in the City of Saratoga Springs, New York, being Tax Parcel 166.66-1-43 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 replacement of a rear porch with the construction of a two-story addition to an existing principal structure in

the UR-2 District and public notice having been duly given of a hearing on said application held on the 18th day of July through the 25th 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 variances for the following amount of relief:

TYPE REQUIREMENT	OF	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
Maximum Principal Coverage %		30%	39.5%	9.5% or 31.7% relief

As per the submitted plans or lesser dimension, be **approved** for the following reasons:

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. The applicant proposes the replacement of a rear porch with the construction of a two-story addition and rear steps. The applicant noted that other designs were considered, but the present plan provided the best option based on their needs. The applicant noted they would be willing to remove the existing non-conforming patio.
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 provided neighborhood context and noted that the proposed relief will allow the house to be more in line with neighboring homes. The applicant notes the principal coverage will remain the same as the new build will be in the same building footprint.
3. The Board notes the requested variance is 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. This variance 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 replace a rear porch with the construction of a two-story addition and rear steps, but this is not necessarily fatal to the application.

Condition:

The applicant shall remove the existing patio and repositioning of existing shed to a position that is consistent with the current zoning requirements.

Notes:

1. The applicant needs DRC approval.
2. The property currently exceeds 40% coverage; therefore, no additional construction is permitted (Accessory or principal)

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. #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.

Applicant: B & D Properties

Agent: David Ingalls, Joe Hens, Ingalls & Associates

Mr. Hens stated there was a request by the Board for a review of the eastern parking setback. We provided to the Board an updated site plan which shows typical turning movements for a pickup truck. The parking lot is tight, and we do need the additional maneuvering area. We also reviewed the adjacent residence and noted there are no windows along this side and lights will not be an issue to the homeowner, but we will add additional buffering as requested.

Gage Simpson, Chair, asked if there was any further questions or comments from the Board. None heard.

PUBLIC HEARING:

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

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 8:31 P.M.

Cherie Grey presented the following resolution.

#20220087
IN THE MATTER OF THE APPEAL OF
B&D Properties
2603 Guilderland Avenue
Schenectady, NY 12306

from the determination of the Building Inspector involving the premises at 126 West Avenue in the City of Saratoga Springs, New York being tax parcel number 165.72-1-22.1 on the Assessment Map of said City.

The applicant having applied for an area variance under the Zoning Ordinance of said City to permit new construction of an office building and townhomes in T-4 District and public notice having been duly given of a hearing on application held on March 14 through to July 25, 2022.

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	PROPOSE D	RELIEF REQUESTED
Minimum front yard setback	12'	5'	7' (58.3%)
Minimum front yard setback— to awning	6'	0'	6' (100%)
Parking in side yard setback- north side	12'	5'	7' (58.3%)
Parking in side yard setback -east side	12'	9'	3' (25%)

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 is proposing to demolish an existing building on this property and build new construction of an office building (with a studio apartment) and attached townhomes. Due to the right of way on the corner of West and Grand Avenue, a substantial part of what appears to be the lot is not buildable. The city was approached and is not interested in selling the right of way property on either West or Grand Avenues. The applicant states that in order to create the building both the townhomes and awning on the front door of the office need to be built as close to West Avenue as possible. The Board notes that the buildings in the neighborhood have been built closer to the street than this applicant has projected. The applicant is also required to have enough parking on the property for all of the uses and has provided information to the Board regarding the turning radiuses required for all parking on the property, including into attached garages. The parking required necessitates the setbacks for parking to the side setbacks. The applicant did approach the neighboring property for any shared driveway possibilities, but they were not interested.
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 lot has been vacant for many years and prior to the vacancy was commercial property with parking on the property. The proposed buildings will be in keeping with the new construction that has been occurring over the last decade, including apartments across the street and commercial/retail on the east side of West Avenue.
3. Although the variances are substantial, this is due to the fact that there is a very large right of way forcing the setback requests stated above.
4. The Board finds this variance will not have an adverse physical or environmental effect on the neighborhood. The buildings will be constructed to reflect newer buildings on West Avenue. Permeability requirements will meet district requirements.
5. The alleged difficulty is self-created insofar as the applicant's desire to construct the proposed addition, but this is not necessarily fatal to the application.

Conditions:

The application needs DRC Review and Site Plan approval from the Planning Board.

Note: The Board recommends appropriate light filtering methods to prevent light pollution in the neighboring residential lot.

Emily Bergmann seconded the motion.

Gage Simpson, Chair, asked if there was any further discussion.

Discussion ensued regarding additional buffering added as a noted to the resolution.

Mark Schachner, Counsel to the Land Use Board provided input regarding a note versus a condition on the resolution.

A note is not an enforceable condition.

Aneisha Samuels, Senior Planner, stated she edited Cherie's resolution and re-circulated the new version which includes the note regarding light filtering.

Mr. Ingalls stated we can work out the final screening with the Planning Board along the common property line.

VOTE:

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

MOTION PASSES: 5-1

8. #20220477 111 WHITE STREET AREA VARIANCE, 111 White Street, Area Variance to demolish existing single-family home and construct a new single-family home in the Urban Residential-3 (UR-3) District.

Applicant: Robin Scotland

Agent: Les Ackerman, Charette Associates Architects

Mr. Ackerman stated the applicants recently appeared before the Board requesting area variances for demolition and construction of a new single-family home at 111 White Street. Mr. Ackerman provided a visual of the site and provided a complete overview of the project. This was formerly a two-family dwelling, and the applicants are proposing to remove the existing owner-occupied single-family home and replacing it with a much more functional updated and energy efficient home which will more adequately meet the family's need. We are proposing to replace the structure with energy efficient construction while maintaining aesthetic compatibility with the neighborhood. We will comply with all the UR-3 zone setback requirements. We are requesting an area variance for a noncompliant existing lot width. UR-3 requires a 60' lot width and the existing property has a 50' lot width which is consistent through the block and neighborhood. Photographs of the neighboring properties were provided to the Board. We are also eliminating the side setback encroachments with the new construction. We are also proposing a 2-car garage on the site with access off North Lane. Space has been allocated for a future backyard pool. Total square footage of the new home is 2858 sq. ft.

Emily Bergmann thanked the applicant's agent for the presentation. The overall variance request is minimal, and you are fixing an issue on the site with the encroachment. She questioned staff if this property were in the Historic District.

Aneisha Samuels, Senior Planner, stated it is not in the Historic District, but it does neighbor a Historic District. For neighborhood context you may wish to consider the historical impacts of demolishing this building.

Gage Simpson, Chair, stated this application requests a variance for lot width which exists on the entire block and is why the ZBA exists. Also, the fact that the applicant is rectifying an existing encroachment is also a positive. The only request we might have is input from the DRB regarding demolishing of the current structure.

Aneisha Samuels, Senior Planner, stated it is not an approval from the DRB it would be an Advisory Opinion. If the Board decides

to proceed in that manner, it is not required in this case. Since one of the criteria listed in requesting an area variance is neighborhood impact, the Board could request an Advisory Opinion.

Gage Simpson, Chair, questioned the Board regarding their opinion on the need for an Advisory Opinion from the DRB.

Discussion ensued among the Board regarding proceeding with a request from the DRB Advisory Opinion. The Board was split on the decision for the Advisory Opinion.

Ms. Scotland the owner stated they took time and effort to ensure that the home they are proposing aligned with the historical homes on the street. Even though it will be a new home it will have the same look, same shape, and appeal as those historical homes.

Our neighbors are very appreciative of what we have done with the cleanup on the property, and we feel they will be accepting of what is being proposed.

Cherie Grey requested staff to explain the difference between an Advisory Opinion and when they are required to appear before the DRB.

Aneisha Samuels, Senior Planner, stated when the property falls in a Historical or Architectural District it is required to appear before the DRC for approval not just an Advisory Opinion. However, in this case sometimes the Board does request an Advisory Opinion prior to approval. In this case the applicant's property is not within the Historical or Architectural District so they are not required to have an Advisory Opinion or approval from the DRB. **However, if you decide to proceed the DRB does look at the façade of the building and the context and how it fits in with the neighborhood context.**

Mark Schachner, Counsel to the Land Use Boards added, then the ZBA will obtain feedback from the DRB that is not binding on you.

It is an Advisory Opinion; a recommendation and you can adopt what the DRB suggests but you are not obligated to as opposed to DRB Approval authority then the applicant must comply with the DRB approval.

Gage Simpson, Chair, questioned if the Boards decision would need to wait for the DRB's review and Advisory Opinion.

Ms. Scotland requested a timeline in going to the DRB.

Aneisha Samuels, Senior Planner, stated if you are requesting an Advisory Opinion from the DRB this would potentially be sometime in October.

Mr. Ackerman stated that potentially puts construction to the Spring versus this Fall.

Gage Simpson, Chair, stated this is an optional requirement. The city has set rules and guidelines for referral and deferral to other Land Use Boards and the Chair does not wish to add additional requirements for the applicant.

Discussion ensued among the Board regarding requesting an Advisory Opinion from the DRB. The decision of the Board was to proceed with the application.

Gage Simpson, Chair, asked if there was any further questions or comments from the Board.

Cherie Grey questioned the principal lot coverage.

Mr. Ackerman stated they are under the 30% required by zoning.

PUBLIC HEARING:

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

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.

Gage Simpson, Chair, deferred the presentation of the resolution to the end of the meeting.

9. #20220217 17 PARK AREA VARIANCE. 17 Park Place, Area Variance to permit the construction of a new Single-family home with a detached multi-unit carriage house within the Urban Residential-4 (UR-4) District.

Applicant: Chris LaPointe

Mr. LaPointe stated at our last appearance before the Board you requested additional information to identify additional homes on Regent Street that would have similar frontage setbacks as they have proposed. A visual of the information was provided to the Board noting the frontage setbacks. The applicants have appeared before both the Planning Board and the DRB.

DISCLOSURE:

Emily Bergmann stated the applicant last appeared before the Board on May 16th. She was absent from that meeting. She has however reviewed the information and the webcast and is fully informed and familiar with this application.

Emily Bergmann noted that there is a considerable amount of public comment on this application from the neighbors. Have you spoken to your neighbors and is there any updated on that.

Mr. LaPointe stated they are all our direct neighbors and there are more positive comments than negative.

Emily Bergmann stated there is also public commentary from the Saratoga Springs Preservation Foundation. They noted the two driveways and the two principal structures

Mr. LaPointe stated when we submitted our application, we did so noting the construction of a carriage house, which is a two-family structure on the back of the property. Aneisha Samuels corrected that, and all the setbacks were changed. The Preservation Foundation had an issue with the attached garage to the main house and the two driveways one of which is not ours. The DRB did not have an issue with that, they requested we move the second principal structure closer to the driveway and provide two parallel spaces there versus parking three perpendicular to the home.

Emily Bergmann questioned the applicant if they considered reworking the plans considering the concerns of the DRB.

Mr. LaPointe stated they need to return to the DRB for their approval. He does not believe that they will approve what has been submitted. We are considering reworking the plans but will still request an attached

garage. We will move the two family home closer to the lot line. They did suggest that the applicant reconfigure the lot to allow for more green space.

Aneisha Samuels, Senior Planner, provided the DRB's Advisory Opinion Considerations for the Board Review:

1. The mass and scale of the secondary principal two-family structure as presented is appropriate. However, the DRB strongly suggests that the applicant reconfigure the lot to allow for more green space to allow for a detached garage - which is more historically accurate and appropriate, and to allow for the proposed secondary structure to present more as an actual carriage house.

Aneisha Samuels, Senior Planner, stated the DRB is suggesting that the carriage house as presented remains a carriage house and be used as a carriage house with parking underneath and the dwelling unit above. This would be more historically accurate for this neighborhood.

Mr. LaPointe stated they want the applicant to go down to one unit as in actual carriage house. This would be a secondary structure and the setbacks required would be less. He is unsure if they are interested in pursuing this but financially the applicant needs the income from the two rental units.

2. The intent of the revised lot configuration is to eliminate the two-car attached to the primary single-family structure and to modify the design of the secondary two-family structure to present as a full carriage house with a garage on the first floor and a floor above to accommodate living space.

3. As presented, the parking along the driveway with the easement may be appropriate as is. However, if the lot is reconfigured as recommended, it may be more appropriate to combine site access into one shared parking location.

Aneisha Samuels, Senior Planner, stated what the DRB is suggesting instead of the applicant having two access ways to the lot the applicant would use the main driveway as access to both the carriage house and their home. This would eliminate parking in the setback relief.

Mr. LaPointe stated if they change the plans to a carriage house with one unit above, there would be one driveway with no access to their home other than walking from the garage to the main house.

4. In order to accommodate the new lot configuration, the DRB would find it appropriate to locate the two-family structure closer to the property line if necessary.

Mr. LaPointe stated they like the view of 21 Park Place and they want us to shift the two-family structure closer and just have two parking spaces parallel. Since it is all one property, we would not require a variance for parking since we have our second driveway.

5. Should the applicant choose to reconfigure the lot, the DRB strongly encourages that the applicant returns to the DRB for further evaluation and advisory opinion of the mass and scale of the revised configuration.

Aneisha Samuels, Senior Planner stated considering these recommendations from the DRB they are suggesting if the applicant were to consider any of the suggestions they would need to return before the DRB for an Advisory Opinion and approval.

Aneisha Samuels, Senior Planner, provided the Planning Board's Advisory Opinion Considerations for the Board Review received this afternoon. They are agreeing with the DRB. They did have additional comments.

1. The applicant should review and resubmit Part I of the short EA per the Chair's suggested revisions.

2. Protection and preservation of the existing trees and good architectural design in keeping with neighborhood character are both important goals for the ZBA to consider when evaluating the area variances.
3. There may be value in requesting the City Arborist to review the front porch design due to the proximity of the existing tree to be preserved.

The Planning Board will review the placement of the driveway per condition of subdivision approval after DRB review.

Aneisha Samuels, Senior Planner, stated considering the suggestions from the DRB and the Planning Board they are suggesting the applicant provide alternative and additional plans to the Board or the Board could make a decision as presented. They relief could be significantly different if the applicant should decide to potentially alter the plans. The relief would be different.

Gage Simpson, Chair, questioned the Board if they had any further questions or comments.

Emily Bergmann stated she would like to see alternative plans.

Brendan Dailey stated he also would like to see alternative plans as well.

Justin Farrington stated based on the DRB and Planning Board's comments he would like to see alternative plans as well.

Cherie Grey stated nothing has changed since we last saw this application. So, nothing from our last meeting has been addressed either. She thinks she needs to see something changed; she was not happy with the first rendition.

Mr. LaPointe stated the process of going through the three Boards and receiving Advisory Opinions is a frustrating one and the reason we did not change anything in the 3 months since our last appearance before the ZBA.

Gage Simpson, Chair, stated the next step for the Board is to either accept the application as presented or request the applicant to submit alternatives and move on from there. We will give you the opportunity to respond and provide alternatives at the September 12th meeting with what you feel is the most appropriate plans addressing those comments.

PUBLIC HEARING:

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

Gage Simpson, Chair, asked if anyone in the audience wished to comment on this application.

David Guarino, 21 Park Place the other parcel the subdivision was a part of. He submitted a photograph of the parking on their parcel which was provided to the Board. As far as the things Chris is attempting to do regarding setbacks is in conformance with the neighborhood. Our objection is that he is not willing to use his own common driveway for his home and the two units which could be six cars. Concerned regarding the maintenance of the greenspace. The Planning Board is only reviewing the driveway placement. He just wants to reiterate how important the ZBA's decision is for this project and the neighbors and the neighborhood.

Gage Simpson, Chair, stated the public hearing will remain open until the next ZBA meeting scheduled for September 12th, 2022.

Gage Simpson, Chair, continued the application presented earlier in the meeting.

8. #20220477 111 WHITE STREET AREA VARIANCE, 111 White Street, Area Variance to demolish existing single-family home and construct a new single-family home in the Urban Residential-3 (UR-3) District.

PUBLIC HEARING:

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

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

Gage Simpson, Chair, closed the public hearing at 9:37 P.M.

Cherie Grey presented the following resolution.

20220477
IN THE MATTER OF THE APPEAL OF
Joseph and Robyn Scotland
111 White Street
Saratoga Springs NY 12866

from the determination of the Building Inspector involving the premises at 111 White Street in the City of Saratoga Springs, New York being tax parcel number 166.69-4-22, in the UR-3 district on the Assessment Map of said City.

This being an application for an area variance under the Zoning Ordinance of said City to permit the construction of a single-family residence and public notice having been duly given of a hearing on said application held on June 27 and July 25, 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 amounts of relief:

TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
Minimum average Lot width	60'	50'	10' or 16.7% relief

As per the submitted plans or lesser dimensions, be approved for the following reasons:

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. Per the applicant, the lot is pre-existing, non-conforming with no other property available to purchase. The applicant stated that the majority of the lots on both sides of White Street are 50' width. A single-family home will be built with a detached garage on North Alley. No further variances will be required.
2. The applicant has demonstrated that granting these variances will not create an undesirable change in neighborhood character or detriment to nearby properties. The lots on White Street are primarily 50' wide and have been in existence since the 1800's.

3. The Board notes the requested variance is not substantial.
4. This variance will not have a significant adverse physical or environmental effect on the neighborhood or district. The property will meet permeability in the district.
5. The alleged difficulty is self-created insofar as the applicant's desire to construct the proposed single-family residence, 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, in favor; Emily Bergmann, in favor; Justin Farrington, in favor; Brendan Dailey, in favor; Alice Smith, Alternate, in favor

MOTION PASSES: 6-0

#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.

Gage Simpson, Chair, questioned if there was any representative present for this application. None seen.

Gage Simpson, Chair, stated this application will be deferred until the September 12th, 2022.

APPROVAL OF MEETING MINUTES:

Cherie Grey made a motion to approve the minutes of the June 27, 2022, Zoning Board of Appeals Meeting with one change 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; John Daley, Alternate, in favor; Alice Smith, Alternate, in favor

MOTION PASSES: 6-0

COMMENTS FROM STAFF:

Aneisha Samuels, Senior Planner, reminded the Board regarding the UDO Training scheduled for August 1, 2022, at 6:00 PM.

Any questions the Board wishes to discuss please submit them prior to the August 1st date.

MOTION TO ADJOURN:

There being no further business to discuss Keith Kaplan, Chairman adjourned the meeting at 9:44 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

Meeting minutes approved September 12, 2022