CITY OF SARATOGA SPRINGS
ZONING BOARD OF APPEALS
CITY HALL - 474 BROADWAY
SARATOGA SPRINGS, NEW YORK 12866
PH) 518-587-3550 FX) 518-580-9480
WWW.SARATOGA-SPRINGS.ORG

Bill Moore
Chair
Keith Kaplan
Vice Chair
Adam McNeill
Secretary
George "Skip" Carlson
Gary Hasbrouck
James Helicke
Susan Steer

ZBA Meeting – Monday, February 8, 2016
City Council Chambers – 7:00 p.m.

6:30 P.M. **Workshop**

Disscussion Item

1. **#2807.1 MURPHY LANE SINGLE-FAMILY RESIDENCE**
   39 Murphy Lane, area variance modification for proposed changes to a previously approved barn conversion; seeking additional relief from the minimum front yard and rear yard requirements in the Urban Residential – 3 District.

   Documents: 39 MURPHY LN REV-02012016161215.PDF, 39 MURPHY PLOT PLAN REV-02012016162452.PDF

Salute The Flag

Role Call

New Business

1. **#2876 BENTON SUBDIVISION**
   58 Fifth Avenue, request to seek an advisory opinion from the Planning Board for a two-lot residential subdivision; relief required from the minimum average lot width and minimum lot area for each lot in the Urban Residential – 1 District.

   Documents: 2876 BENTONSUBDIVISION_APPREDACTED.PDF

2. **#2862.1 TRIFECTA DEVELOPMENT, LLC SUBDIVISION**
   136 Lincoln Avenue, area variance modification to provide for a two-lot residential subdivision; seeking relief from the minimum average lot width (both lots) requirements in the Urban Residential – 2 District.

   Documents: 2862.1 TRIFECTASUBDIVISIONMOD_APP.PDF

Old Business

1. **# 2735.1 MOORE HOME OCCUPATION**
   75 South Franklin, area variance modification for a home occupation seeking relief to permit the accessory use within a previously approved (finished interior) detached garage in the Urban Residential-3 District.

   Documents: 2735.1 MOOREGARAGEMOD_APPLICATION_REDACTED.PDF, 2735.1 MOOREGARAGEMOD_SUPPDOCSRECVD2-3-16.PDF

2. **#2808.1 CONGRESS HOTEL, LLC SIGNS**
   46 Congress Street South, area variance for construction of wall and freestanding signs for Embassy Suites, seeking relief from the maximum number of wall signs, maximum area of wall and freestanding signs, placement of wall signs on an elevation without street frontage, placement of a wall sign above the first floor level of the building and maximum height of logo within the Transect – 6 District.

   Documents: 2808.1 EMBASSYSUITESSIGN_APP_REDACTED.PDF, 2808.1 EMBASSYSUITESSIGN_COUNTYAPPROVAL.PDF, 2808.1 EMBASSYSUITESSIGN_ADDTINFORECVD2-4-16.PDF

3. **#2865 BOUGHTON GARAGE**
   1 Alger Street, area variance to construct an attached garage with second-story master suite addition to an existing single-family residence; seeking relief from the minimum front yard setback (Alger), minimum total side yard setback and maximum principal building coverage requirements in the Urban Residential – 3 District.

   Documents: 2865 BOUGHTONGARAGE_APP_REDACTED.PDF, 2865 BOUGHTONGGARAGE_REVISIONS.PDF

4. **#2733.1 ARNOLD GARAGE**
   795 North Broadway, area variance modification for constructed changes to an attached garage and maintenance of an A/C unit; additional relief required from the minimum side yard setback and maximum principal building coverage requirements and minimum rear yard setback requirement for the accessory structure in the Urban Residential – 1 District.

   Documents: 2733.2 ARNOLDGARAGEMODIFICATION_APPLICATION.PDF

Adjourned Items

1. **#2856 MOORE HALL**
   28 Union Avenue/35 White Street, area variance to convert the existing building to a 53-unit apartment building; seeking relief from the minimum lot size and minimum parking requirement in the Urban Residential – 4 District.

Other Business

1. **NEXT ZONING BOARD MEETING: FEB. 22, 2016**

ENGINEERING AMERICA CO.

76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866

518 / 587-1340 518 / 580-9783 (FAX)

TRANSMITTAL SHEET

TO: Zoning Board of Appeals	FROM: Tonya Yasenchak
COMPANY: City of Saratoga Springs	DATE: February 1, 2016
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 3 (10 copies submitted)
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: # 39 Murphy Ln. Zoning Saratoga Springs, NY	YOUR REFERENCE NUMBER:

☐ URGENT ☑ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ AS REQUESTED

City of Saratoga Zoning Board Members,

Engineering America Co. herein would like to provide revised information regarding the #39 Murphy Lane barn renovation in Saratoga Springs, NY.

Modifications During Construction:

1) Installation of a full basement instead of replacing the existing slab foundation. This was done due to decision to lift entire barn for ease of foundation construction. Once the barn was lifted / cribbed, it was just as easy to install a full foundation than a slab / frost wall foundation. New foundation wall was installed higher than the original perimeter slab foundation that was replaced. The attached new Plot Plan is based on a new survey prepared by Survey Associates on 1/26/16 which depicts the existing new foundation footprint. Engineering America Co. has modified the plot plan, as attached to depict the proposed building changes as proposed.

2) Resulting main floor height from original 14" above grade (along front) to 34" (+/-). The extended height to the front door requires additional stairs. The stairs will not be covered and will only be constructed to the right of the approved covered stoop. According to the definition of "Building Footprint" in the City of Saratoga Springs zoning code, uncovered front steps that only service the basement and/or 1st floor level of the building" are an "exception" to the "building footprint." The area calculations and setback variances outlined in this correspondence do not include the front steps to the front stoop.

3) Resulting main floor height to grade along rear of building is now approx.. 48" (+/-). The *Residential Code of NYS* requires a landing outside of an exterior door where more than 3 risers are required from grade. Due to the 48" grade to 1st floor height, more than 3 risers are required to the rear sliding door and a 3' x 7' min. landing is also required. The attached modified Plot Plan, area calculations and setback variances outlined in this correspondence include the rear stoop and required stairs.

4) Reframing of walls and roof required due to deteriorating condition of existing studs and roof. The Owner's original intent was to repair and/or sister any wall or ceiling framing members. During construction, it became apparent that there were more decaying studs & rafters to be repaired than existing framing members to be saved. The Owner decided to reframe the exterior walls and to install new trusses (not yet installed). The new roof framing will allow the applicant to make modifications to the overhangs around the perimeter of the building to offset the required rear stoop and to reduce the number of variances required for this project.

Current Proposed Variance Modifications vs. Approved Variances

	Dim. Req./Orig. / New	Relief Approved	2/1/16 Rev.	Rev. Relief
Min. Lot Size	6,600 sq.ft./2,500sq.ft.	4,100 (62.1%)	No Change	No Change
Av. Lot Width	60' / 50' (existing)	10' (16.7%)	No Change	No Change
Front Yard Dim:	10' / 3.1' / 3.2'	6.9' (69%)	6.8' = 68%	Reduced 1%
Rear Yard Dim:	25' / 15.7'/ 13.9'	9.3' (37.2%)	11.1' = 44.4%)	Increase 7.2%
Total Side Dim:	12' / 11.4' / 12.3'	0.6' (5%)	No Variance	No Variance Req.
Building Coverage:	30% / 46.5% / 43.8%	16.5% (55%)	13.8% (46%)	Reduced 9%
Min. Parking	2 / 1 / 1	1	No Change	No Change

Area Calculations:

Total Lot Size: 2,500 sq.ft.

Existing Barn: 1,083 sq.ft. (43.32% coverage = 13.32% > 30% max allowable)

Proposed Barn w/ porch roof & rear Stoop:

1,095 sq.ft. (43.8% coverage = 13.8% > 30% max.)

Permeability:	Barn with Addition:	1,095 sq.ft.
	Existing Paving at Alley:	232 sq.ft. (+/-)
	Existing East Side Paving:	155 sq.ft. (+/-).
	Total Coverage:	1,482 sq.ft.

1,482 sq.ft. (59.3 % coverage = 40.7 % permeable > 25% min)

Engineering America Co., on behalf of the Owners of #39 Murphy Lane, would like to respectfully request that the Zoning Board of appeals review and approve the modifications made to the original proposed project. We believe that the modifications requested do not produce any negative impacts on the neighborhood environment or character for the following reasons:

- The addition of the stoop to the rear of the building to account for the additional height is a better alternative than changing the grade.
    - Changing the grade in the back yard would result in a slope in grade towards neighbors with potential for drainage issues.
    - Maintaining the existing rear yard grade keeps the yard & it's impact on neighboring properties exactly the same as it has been for over 100 years.
    - The rear stoop will not be visible to neighbors due to the existing and proposed fencing.
- The reduction of the side roof overhang dimensions reduces the relief required for two different variances granted:
    - The new total side setback at 12.3' is 0.3' over the min. 12' requirement. This modification removes this variance from the project approval.
    - The new resulting coverage is reduced from the original project. The actual variance relief being sought is 9% less than the original granted.
- The reduction of the front stoop roof overhang reduces the relief required for the front setback by 1%.

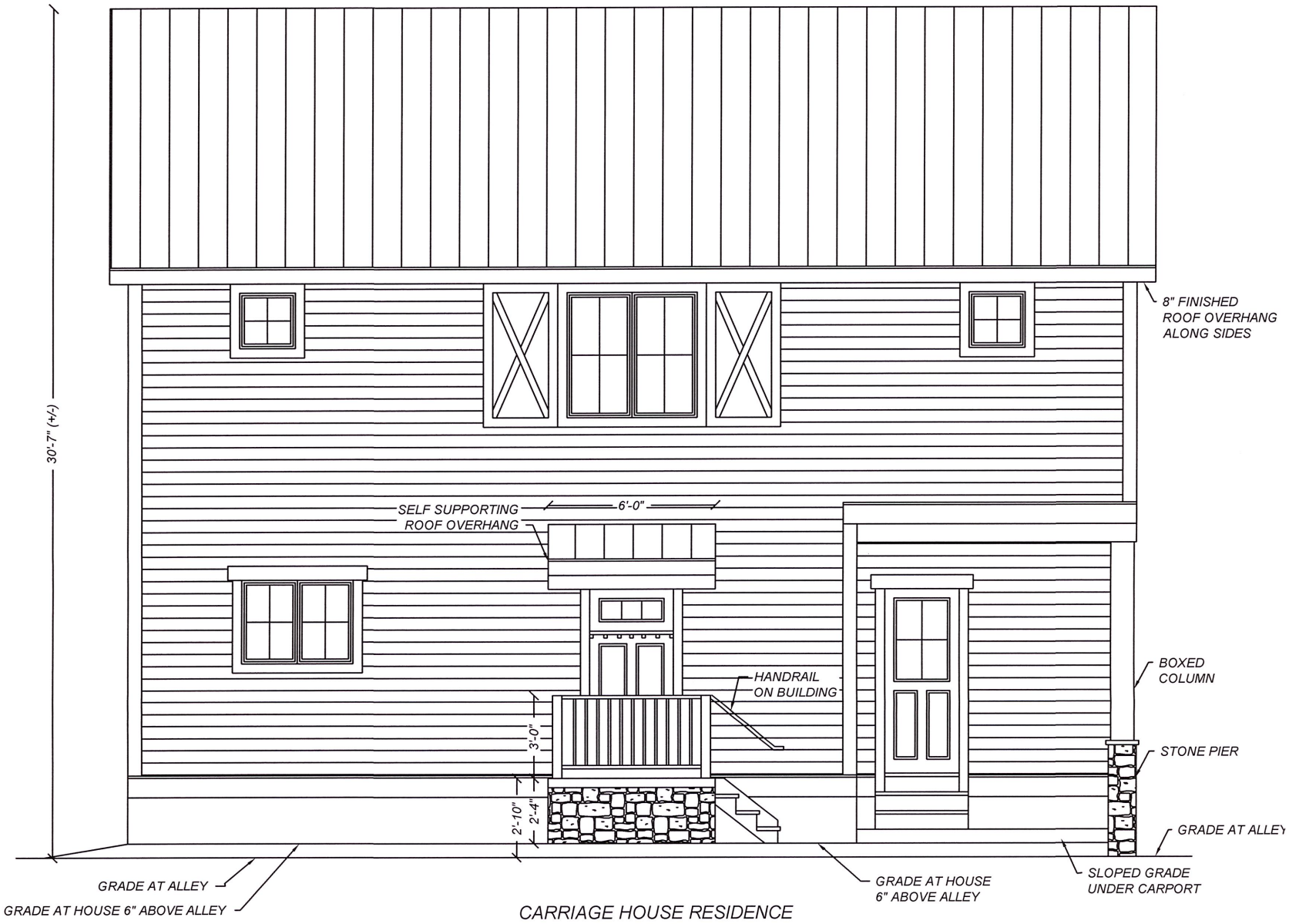
Thank you for your time and cooperation.

Sincerely,

Tonya Yasenchak, PE

Enc.

Cc: D'Agostino

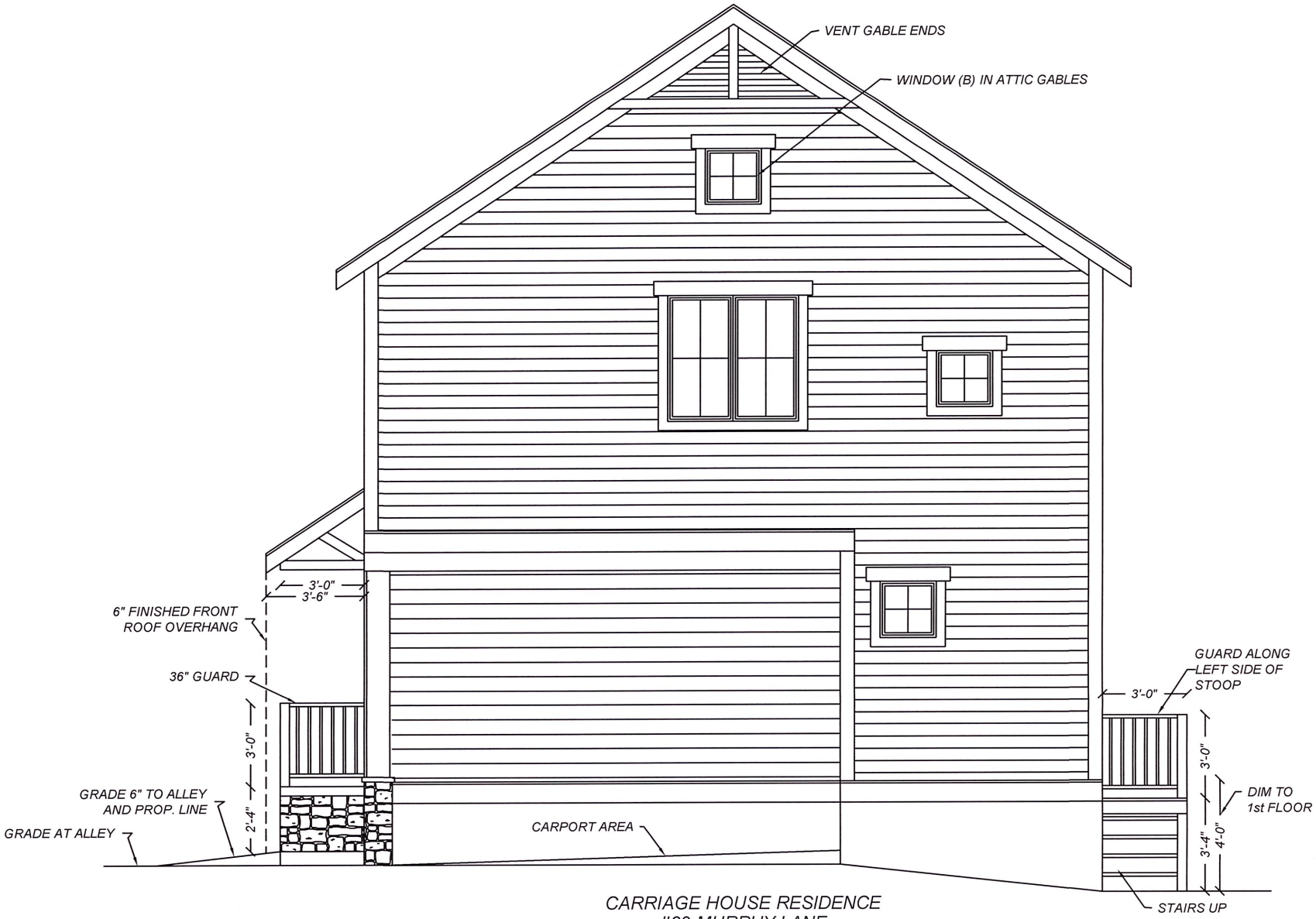


CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

PROPOSED FRONT ELEVATION

REV. 2/1/16 SCALE: 3/16" = 1' 0"

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY

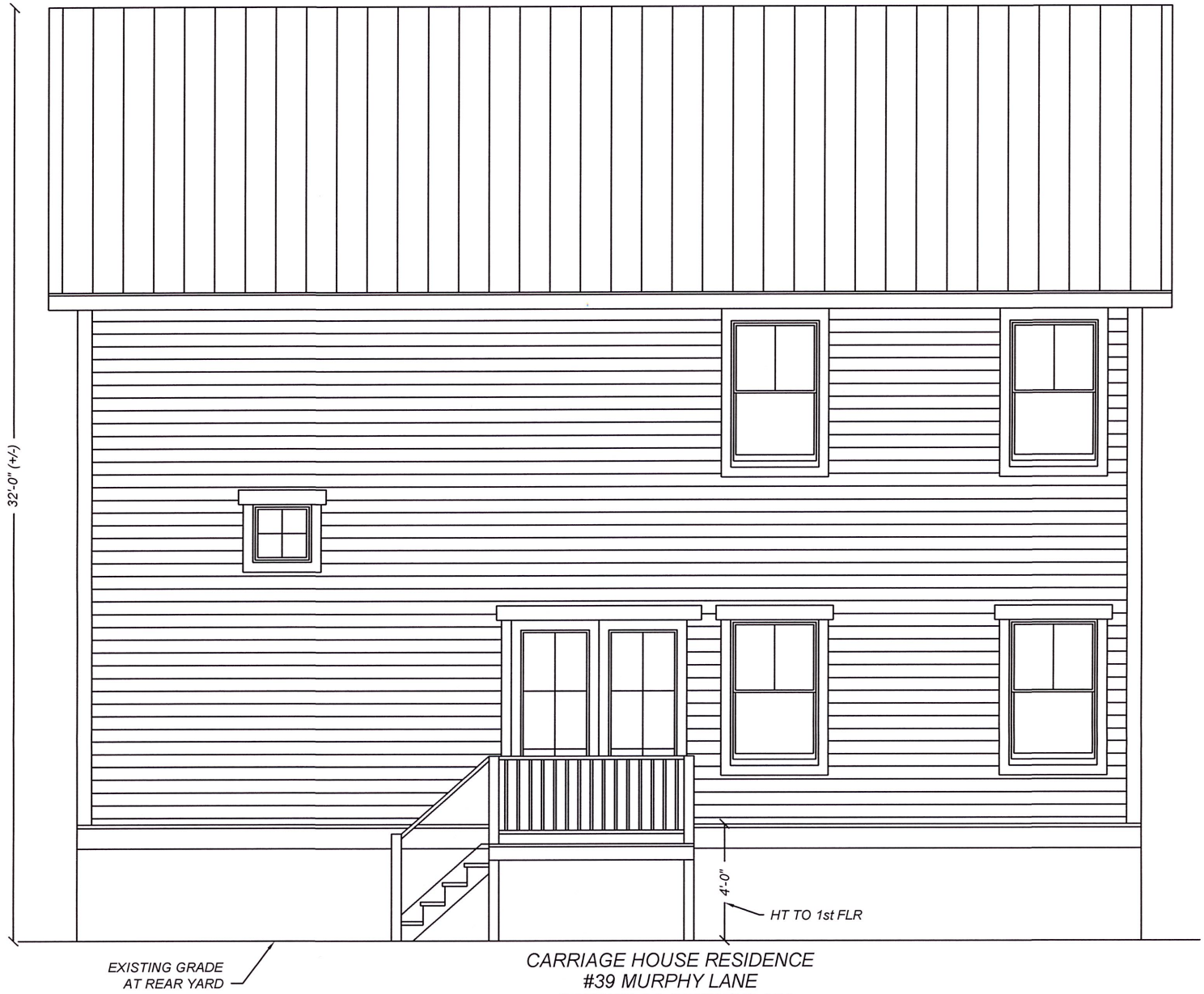


CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

PROPOSED RIGHT ELEVATION

REV. 2/1/16 SCALE: 3/16" = 1' 0"

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY

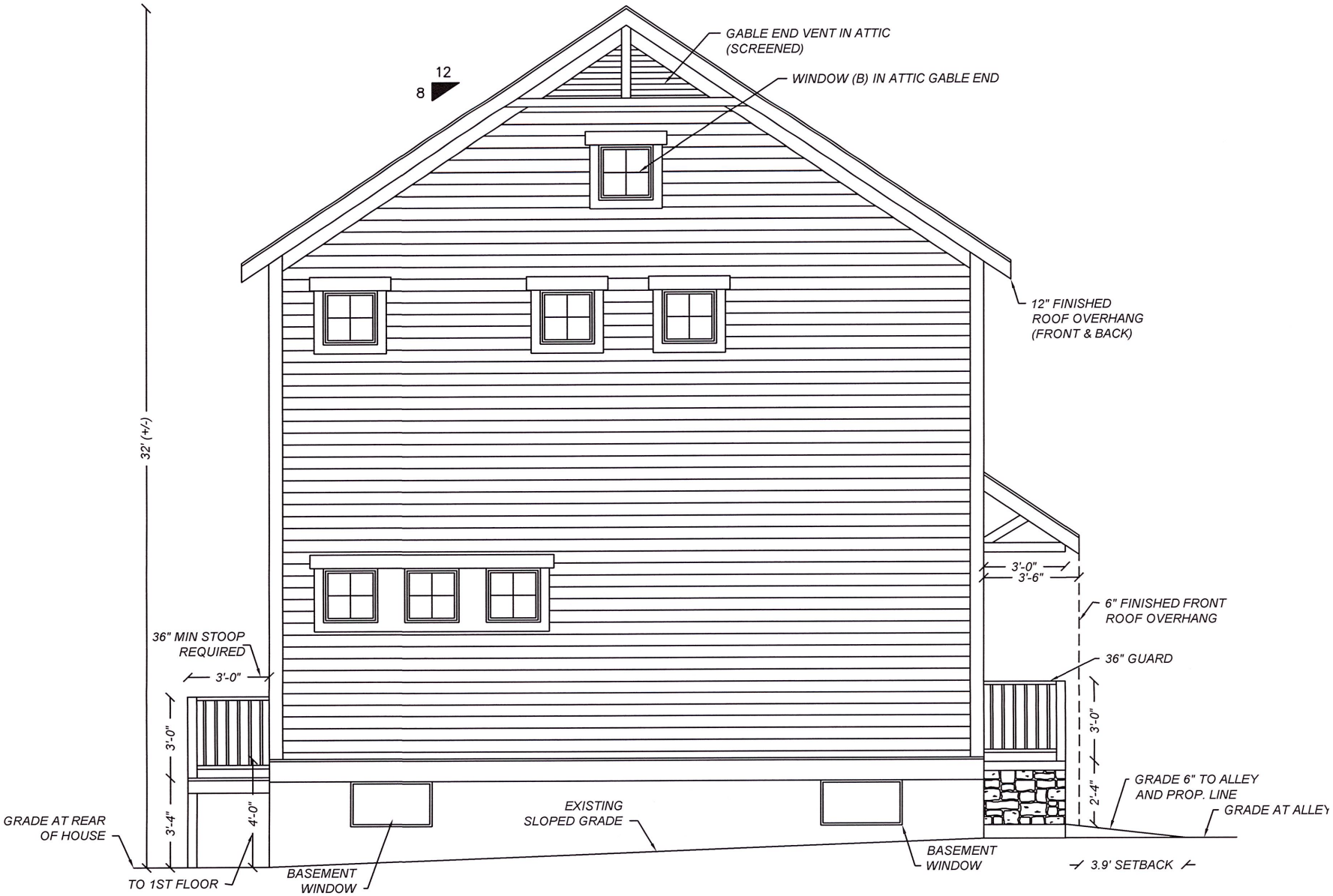


CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

PROPOSED REAR ELEVATION

REV. 2/1/16 SCALE: 3/16" = 1' 0"

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY

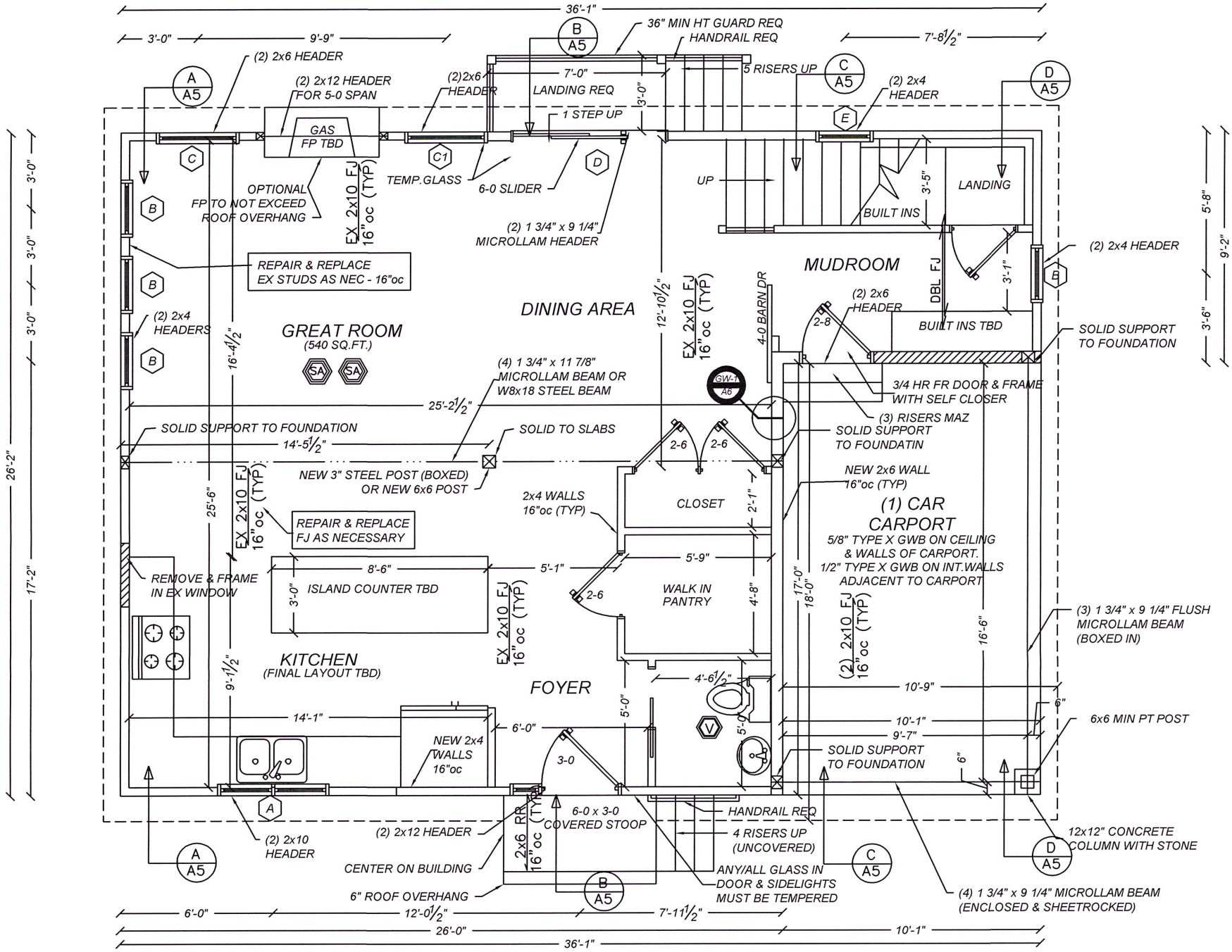


CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

PROPOSED LEFT ELEVATION

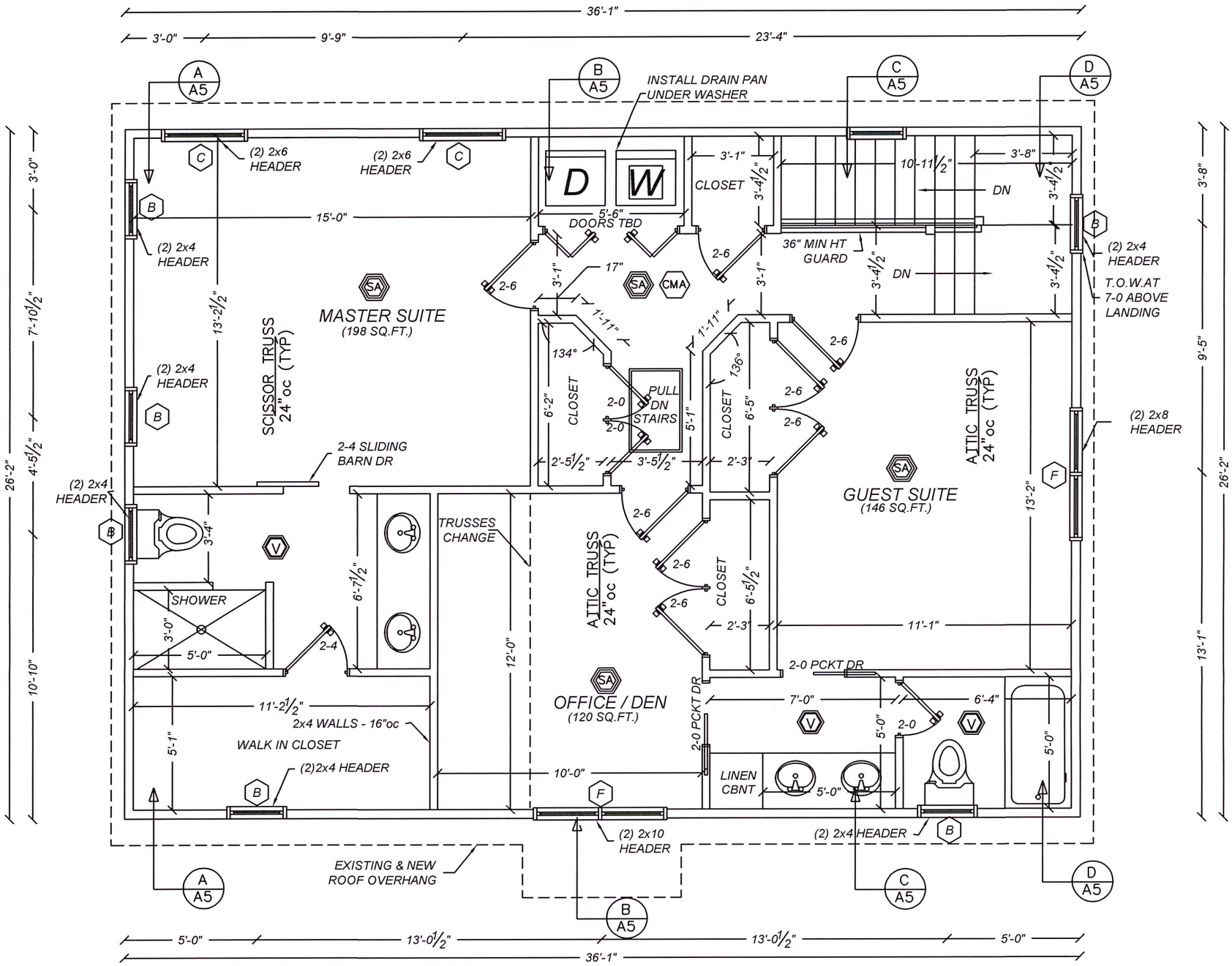
REV. 2/1/16 SCALE: 3/16" = 1' 0"

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY



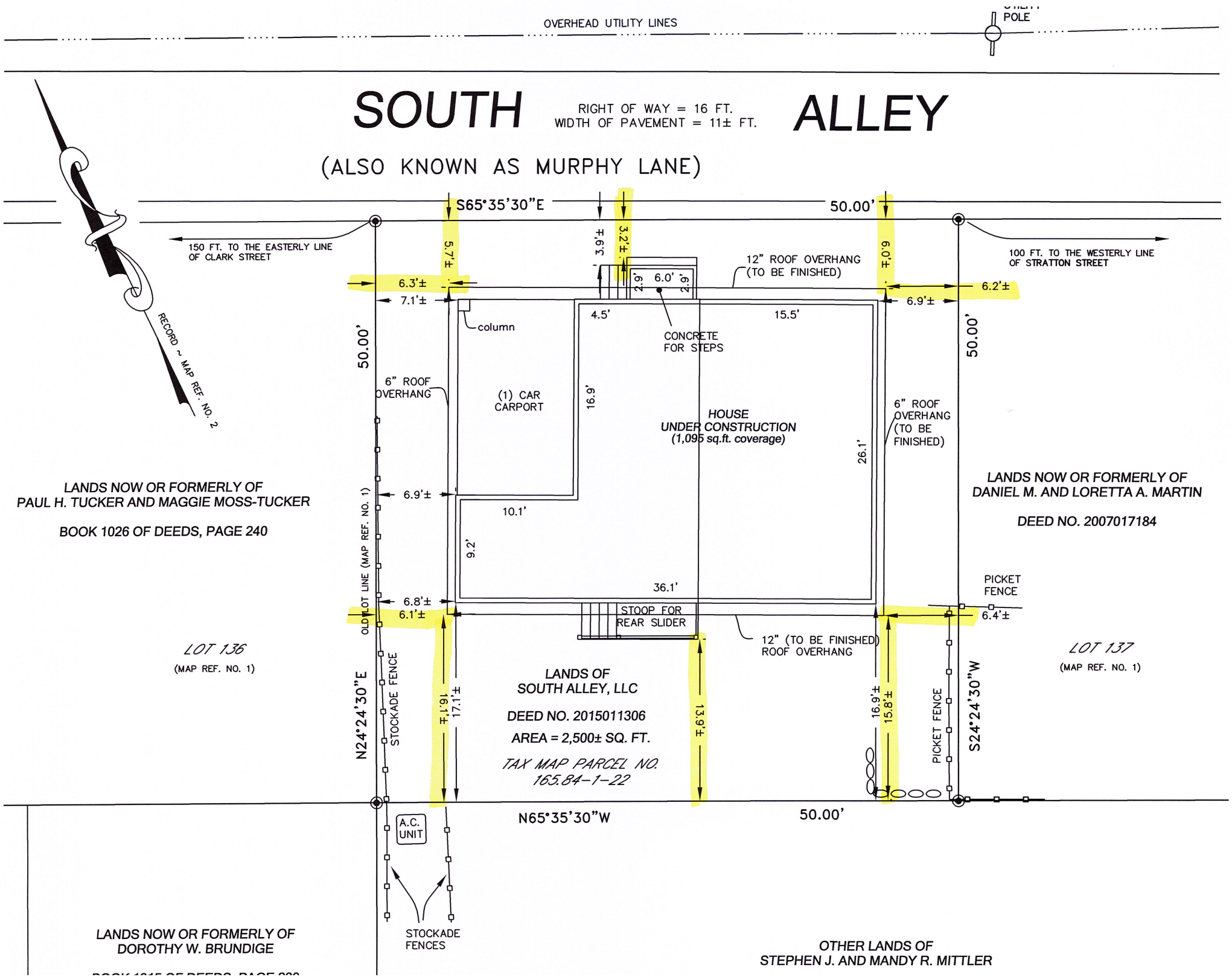
PROPOSED MAIN FLOOR AREA

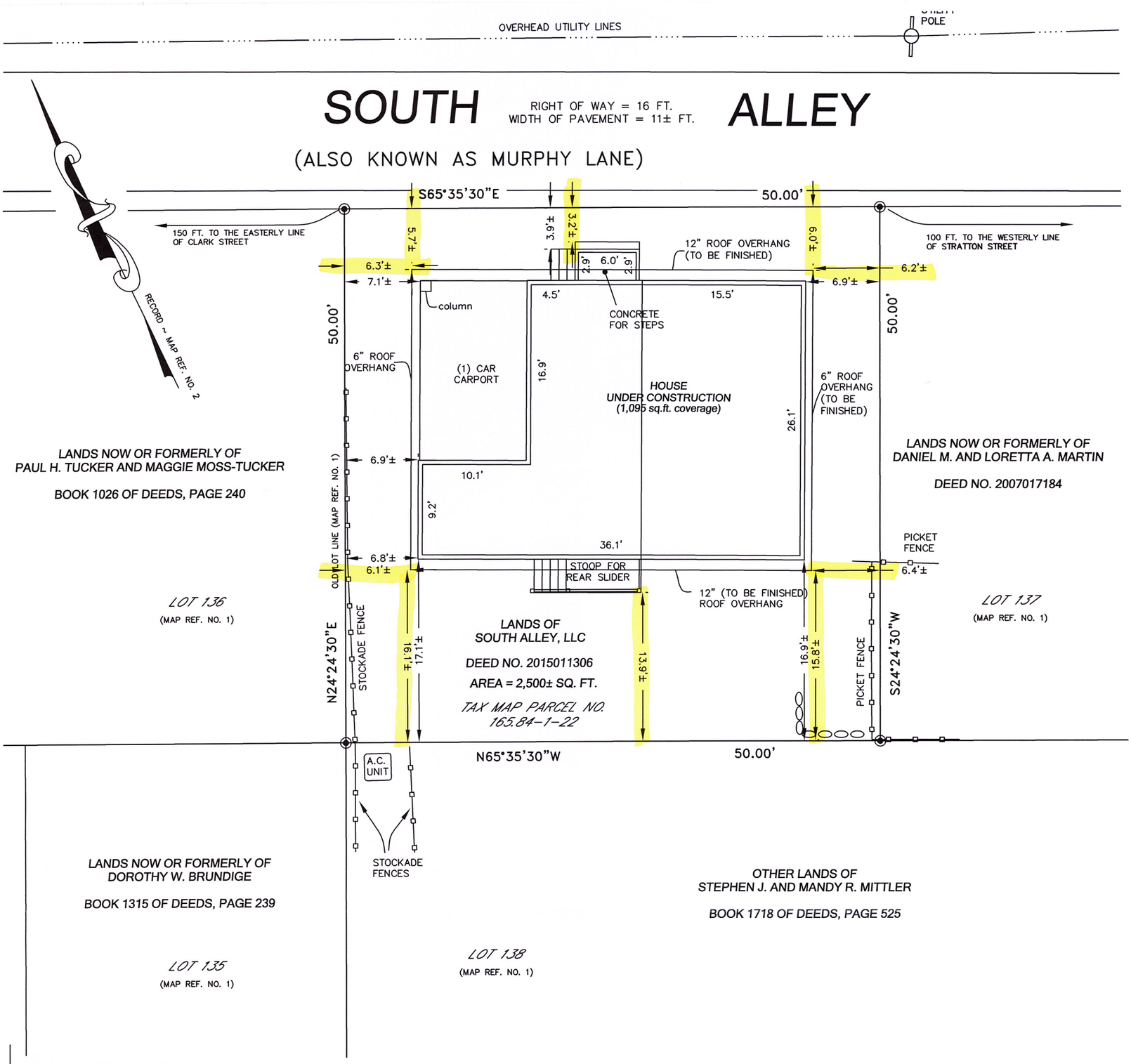
NOTE: DIMENSIONS MAY VARY. CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL MEASUREMENTS PRIOR TO AND DURING CONSTRUCTION. NOTIFY DESIGN ENGINEER IMMEDIATELY OF ANY / ALL DISCREPANCIES



PROPOSED UPPER FLOOR

NOTE: DIMENSIONS MAY VARY. CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL MEASUREMENTS PRIOR TO AND DURING CONSTRUCTION. NOTIFY DESIGN ENGINEER IMMEDIATELY OF ANY / ALL DISCREPANCIES


OVERHEAD UTILITY LINES
POLE
SOUTH ALLEY
RIGHT OF WAY = 16 FT.
WIDTH OF PAVEMENT = 11± FT.
(ALSO KNOWN AS MURPHY LANE)
S65°35'30"E
50.00'
150 FT. TO THE EASTERLY LINE OF CLARK STREET
100 FT. TO THE WESTERLY LINE OF STRATTON STREET
RECORD ~ MAP REF. NO. 2
5.7'±
3.9'±
3.2'±
6.0'±
12" ROOF OVERHANG (TO BE FINISHED)
6.3'±
7.1'±
2.9'
6.0'
2.9'
6.2'±
6.9'±
4.5'
15.5'
column
CONCRETE FOR STEPS
50.00'
50.00'
6" ROOF OVERHANG
(1) CAR CARPORT
16.9'
HOUSE UNDER CONSTRUCTION (1,095 sq.ft. coverage)
6" ROOF OVERHANG (TO BE FINISHED)
26.1'
LANDS NOW OR FORMERLY OF PAUL H. TUCKER AND MAGGIE MOSS-TUCKER
BOOK 1026 OF DEEDS, PAGE 240
LANDS NOW OR FORMERLY OF DANIEL M. AND LORETTA A. MARTIN
DEED NO. 2007017184
6.9'±
10.1'
9.2'
OLD LOT LINE (MAP REF. NO. 1)
36.1'
PICKET FENCE
6.8'±
6.1'±
STOOP FOR REAR SLIDER
6.4'±
12" (TO BE FINISHED) ROOF OVERHANG
LOT 136
(MAP REF. NO. 1)
LOT 137
(MAP REF. NO. 1)
N24°24'30"E
STOCKADE FENCE
16.1'±
17.1'±
LANDS OF SOUTH ALLEY, LLC
DEED NO. 2015011306
AREA = 2,500± SQ. FT.
TAX MAP PARCEL NO. 165.84-1-22
13.9'±
16.9'±
15.8'±
PICKET FENCE
S24°24'30"W
N65°35'30"W
50.00'
A.C. UNIT
STOCKADE FENCES
LANDS NOW OR FORMERLY OF DOROTHY W. BRUNDIGE
OTHER LANDS OF STEPHEN J. AND MANDY R. MITTLER



ZONING INFORMATION:

ZONING DISTRICT: UR–3
MINIMUM LOT SIZE: 8,000 SQ. FT.
(6,600 SQ. FT. FOR SINGLE FAMILY RESIDENCE)
MINIMUM MEAN LOT WIDTH: 80 FT.
(60 FT. FOR SINGLE FAMILY RESIDENCE)
MAXIMUM PERCENT OF LOT TO BE OCCUPIED BY:
PRINCIPAL BUILDING: 30 %
ACCESSORY BUILDING: 10%
MINIMUM YARD DIMENSIONS:
FRONT: 10 FT.
REAR: 25 FT.
ONE SIDE: 4 FT.
TOTAL SIDE: 12 FT.
PRINCIPAL BUILDING:
MINIMUM FIRST FLOOR AREA:
1 STORY: 1,200 SQ. FT.
2 STORY: 800 SQ. FT.
MAXIMUM BUILDING HEIGHT: 60 FT.
MINIMUM DISTANCE FROM ACCESSORY BUILDING TO:
PRINCIPAL BUILDING: 5 FT.
FRONT LOT LINE: 10 FT.
SIDE LOT LINE: 5 FT.
REAR LOT LINE: 5 FT.
MINIMUM PERCENT OF LOT TO BE PERMEABLE: 25%

NOTE: THE RECENT 1/26/16 UPDATED SURVEY WAS MODIFIED BY ENGINEERING AMERICA CO., WITH PERMISSION FROM SURVEY ASSOCIATES, TO CREATE THIS PLOT PLAN TO DEPICT PLAN CHANGES REQUIRING AREA VARIANCES. AN AS–BUILT SURVEY PLAN MUST BE PREPARED FOR THE BUILDING PERMIT APPLICATION AFTER CONSTRUCTION HAS BEEN COMPLETED, FOR FILING WITH THE CITY.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS MAP IS A VIOLATION OF ARTICLE 145, SECTION 7209, SUB–PARAGRAPH (2) OF THE NEW YORK STATE EDUCATION LAW.

DANIEL C. WHEELER
P.L.S. LIC. NO. 50,137

SURVEY ASSOCIATES, LLC
DANIEL C. WHEELER, LS
PROFESSIONAL LAND SURVEYING
432 BROADWAY, SUITE 5, SARATOGA SPRINGS, NY 12866
PH. (518) 583–7302 FAX (518) 583–7303

NOTES:

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR A TITLE REPORT.

MAP REFERENCES:

MAP ENTITLED "MAP OF LOTS OWNED BY A.S. MAXWELL", DATED 1854, MADE BY H. SCOFIELD, C.E. AND FILED IN THE SARATOGA COUNTY CLERK'S OFFICE AS CARD 2, POCKET 3, FOLDER 2.

MAP ENTITLED "MAP OF LANDS OF DANIEL M. AND LORETTA A. MARTIN", DATED APRIL 23, 2009 AND MADE BY THOMPSON / FLEMING LAND SURVEYORS, P.C.

DEED REFERENCE:

DEED DATED APRIL 13, 2015 FROM STEPHEN J. MITTLER AND MANDY R. MITTLER TO SOUTH ALLEY, LLC AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE AS DEED NO. 2015011306.

TITLE:

SURVEY OF LANDS OF SOUTH ALLEY, LLC

(DEED NO. 2015011306)

LOCATION:
CITY OF SARATOGA SPRINGS (I.D.)
SARATOGA COUNTY, NEW YORK

DATE:
JANUARY 26, 2016

SCALE:
1 INCH = 10 FEET

MAP NO. 2016–01–02

CITY OF SARATOGA SPRINGS

CITY HALL - 474 BROADWAY
SARATOGA SPRINGS, NEW YORK 12866
TEL: 518-587-3550 FAX: 518-580-9480
WWW.SARATOGA-SPRINGS.ORG

[FOR OFFICE USE]

(Application #)

(Date received)

APPLICATION FOR:
APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	The Rosemary H. Benton Trust		Michael J. Toohey, Esq.
Address	[redacted]		P. O. Box 4367, 160 West Avenue
			Saratoga Springs, NY 12866
Tel./Fax	[redacted]	/	518-584-1500 / 518-584-1503
Email	[redacted]		[redacted]

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.
Applicant's interest in the premises: ☒ Owner ☐ Lessee ☐ Under option to lease or purchase

PROPERTY INFORMATION

Property Address (No. & St.) 58 Fifth Avenue Side of St. (north, east, etc.) South

Tax Parcel No.: 166 . 13 - 2 - 45 *(for example: 165.52 – 4 – 37)* Tax District: ☒ Inside ☐ Outside

1. Date acquired by current owner: East Lot - 1949 West Lot - 1950 2. Zoning District when purchased: Zoning did not exist

3. Present use of property: Single Family Residence 4. Current Zoning District: UR-1

5. Has a previous ZBA application/appeal been filed for this property? ☐ Yes (when? _____ for what? _____) ☒ No

6. Is property located within (check all that apply)?: ☐ Historic District ☐ Architectural Review District ☐ 500' of a State Park, city boundary, or county/state highway?

7. Brief description of proposed action: The property has been in the Benton family for 65 years. It was acquired with a house on the western most lot. The Application is to break up the lots again and be allowed to place a single family residence on the eastern most lot.

8. Is there a written violation for this parcel that is not the subject of this application? ☐ Yes ☒ No

9. Has the work, use or occupancy to which this appeal relates already begun? ☐ Yes ☒ No

10. Identify the type of appeal you are requesting *(check all that apply)*:

☐ INTERPRETATION (p. 2) ☐ VARIANCE EXTENSION (p. 2) ☐ USE VARIANCE (pp. 3-6) ☒ AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance" and attach to top of original application. Fees are cumulative and required for each request below.

☐ Interpretation	$ 400
☐ Use variance	$1,000
☒ Area variance	
-Residential use/property:	$ 150
-Non-residential use/property:	$ 500
☐ Extensions:	$ 150

INTERPRETATION – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) _____

2. How do you request that this section be interpreted? _____

_____

_____

_____

3. If interpretation is denied, do you wish to request alternative zoning relief? ☐ Yes ☐ No

4. If the answer to #3 is "yes," what alternative relief do you request? ☐ Use Variance ☐ Area Variance

EXTENSION OF A VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: _____ 2. Type of variance granted? ☐ Use ☐ Area

3. Date original variance expired: _____ 4. Length of extension requested: _____

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?: _____

_____

_____

_____

_____

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

_____

_____

_____

_____

_____

_____

USE VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

A use variance is requested to permit the following: _____

_____

_____

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

   _____

   _____

   _____

   _____

   _____

   _____

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase: _____ Purchase amount: $_____

2) Indicate dates and costs of any improvements made to property after purchase:

Date	Improvement	Cost

3) Annual maintenance expenses: $_____ 4) Annual taxes: $_____

5) Annual income generated from property: $_____

6) City assessed value: $_____ Equalization rate:_____ Estimated Market Value: $_____

7) Appraised Value: $_____ Appraiser: _____ Date: _____

Appraisal Assumptions: _____

_____

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☐ Yes ☐ No If "yes", for how long? _____

1) Original listing date(s):_____ Original listing price: $_____

If listing price was reduced, describe when and to what extent: _____

_____

2) Has the property been advertised in the newspapers or other publications? ☐ Yes ☐ No

If yes, describe frequency and name of publications: _____

_____

3) Has the property had a "For Sale" sign posted on it? ☐ Yes ☐ No

If yes, list dates when sign was posted: _____

_____

4) How many times has the property been shown and with what results? _____

_____

_____

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

_____

_____

_____

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

AREA VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) Bulk Schedule.

Dimensional Requirements	From	To
See Exhibit C showing all area variances needed for the two parcels		

Other:

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

   As specified in the Narrative, this property was historically two lots. The land to the north is a public street, the land to the south is the "Oklahoma Track" owned by New York State. There are existing homes to the east and west that I believe already are in violation of the existing side yard setbacks. As a result, there is no additional land that can be acquired.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

   As shown on Exhibit "C", the resulting lots will be consistent in size with the the surrounding properties. This is a neighborhood that was developed prior to the implementation of the Zoning Code's Bulk requirements and, as a result, there are few, if any, parcels that meet the Area Bulk requirements established under the Zoning Code.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

   The purpose for the Bulk/Area Schedule in the Zoning Code is to create a uniform placement and sizing of structures within a Zone. The placement of the existing house was pre-zoning and on the separate lot there is room for a home to be built with proper setbacks. As a result, the request is not substantial in the context of the existing lots and single family structures within this neighborhood.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

   The placement of the existing house, while predating zoning, is consistent with the existing lot sizes of homes and placement of residences in this neighborhood. Lot 2 in the re-division of these lots will be the same size as five lots on the south side of Fifth Avenue and will be wider than twelve lots in the vicinity of this parcel (See Exhibit B). As a result, the existence and creation of these two residential parcels will have no adverse physical or environmental effect on the neighborhood.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

When you recognize that this property was historically two lots and all we are asking is for the Zoning Board to recognize and accept that historic fact, I do not believe this request is self-created.

In accord with Article 240-14.4A(1)(b)(6) of the Zoning Ordinance, "any request for an area variance, which shall effect a change in density, shall be applied for and considered as a use variance and decided under criteria for the same". A request that involves any of the following relief will require an application for a use variance and will be decided under the use variance criteria:

(1) Dimensional relief from minimum lot size requirements that would allow additional permitted units and/or uses
(2) Relief from on site parking requirements
(3) Reduction in land area requirements for multi-family units

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ☒ No ☐ Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

(applicant signature)
Authorized Agent of the Applicant

Sworn to before me this date:

Date: 1/8/16

(applicant signature)

Notary Public

CHRISTA BURDICK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN SARATOGA COUNTY
REG. #01BU6206723
MY COMM. EXP. MAY 26, 2017

Revised: January 2011

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information		
The Rosemany H. Benton Trust		
Name of Action or Project: Division of Property		
Project Location (describe, and attach a location map): 58 Fifth Avenue		
Brief Description of Proposed Action: To re-divide the two parcels owned by the Trust so that they both can be used for single family residences.		
Name of Applicant or Sponsor: The Rosemary H. Benton Trust	Telephone: [redacted]	
	E-Mail: [redacted]	
Address: 58 Fifth Avenue		
City/PO: Saratoga Springs	State: NY	Zip Code: 12866

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Possible Subdivision Approval, Planning Board, City of Saratoga Springs	☐	☑

3.a. Total acreage of the site of the proposed action? .382 acres
b. Total acreage to be physically disturbed? .172 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .382 acres

4. Check all land uses that occur on, adjoining and near the proposed action.

☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	✓	☐
b. Consistent with the adopted comprehensive plan?	☐	✓	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	✓
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	✓	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	✓	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	✓
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	✓
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	✓	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	✓	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	✓	☐
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	✓	☐
b. Is the proposed action located in an archeological sensitive area?	✓	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	✓	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	✓	☐
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☑ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	✓	☐
16. Is the project site located in the 100 year flood plain?	✓	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	✓	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	✓	

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Michael J. Tooley Authorized agent

Applicant/sponsor name: Son Pine Times

Date: 1/8/16

Signature: Michael J. Tooley

PRINT FORM

NARRATIVE

The Benton Family has owned two contiguous lots on the south side of Fifth Avenue east of East Avenue for approximately 65 years. The western parcel, upon which the house is located, was purchased in 1950 from Fern K. Benton, the then owner's sister. The second lot, which is located adjacent to the first lot was purchased from Williard J. Grande and Madeline C. Grande in 1949. W.J. Grande & Son, Inc. built most of the homes of that era that existed on the south side of Fifth Avenue and the north of the "Oklahoma" track property. In 1994 it appears that the two parcels were place on one deed, although they continues to be shown as two distinct parcels, with the parcel to the west being 83 ft. in width and the parcel to the east being 83 ½ ft. in width. *(See Exhibit A – Deed Book 1401, Page 224)*

The present property owner is seeking to have the property brought back to its original state as two parcels.

In the time period that the Benton's have owned these two parcels, the City of Saratoga Springs adopted its first modern Zoning Code (July 1961) and imposed on this area of Fifth Avenue a designation of "R-1 Single Family Residence" which then had a requirement of 100 ft. wide lots, consisting of 12,500 sq. ft. It appears that the actual configuration of the parcels in the area of Fifth Avenue did not complying with the then newly instituted Zoning Code. The actual configuration of the Lots in 1961 was not a controlling factor when the Zoning Area requirements were imposed on the existing parcels.

As a result, eight (8) tax parcels (10 including the two Benton parcels), on the south side of Fifth Avenue did not comply with the Zoning Lot Width and Lot Area requirements. This lack of conformance pertaining to lot width can also be seen in the 13 tax parcels on the north side of Fifth Avenue going in an easterly direction from East Avenue. *(See Attached Exhibit B)*

As a result, the area variances that are requested in this Application are consistent with the pre-Zoning Code history of this section of the City and with what actually exists with regard to the neighboring parcels to the property that is the subject of this Application.

EXHIBIT A

SARATOGA COUNTY CLERK
COUNTY CLERK'S RECORDING PAGE

RECEIPT NO.: 033909

BOOK OF DEEDS

BOOK 01401 PAGE 00224

NO. PAGES 2

INDEXED BY:

INSTRUMENT CODE: DED

SCANNED BY:

INSTRUMENT NO.: 9502577

RECORDING:	
RECORDING DEED FEES	14.00
EDUCATION FEE	5.00
DEEDS - EA-5217	25.00
FILING FEE	6.00
TOTAL:	50.00

STATE OF NEW YORK
SARATOGA COUNTY CLERK

RECORDED ON 12/05/94 AT 10:28 AM

IN BOOK DEEDS PAGE 00224 OF 01401

TRANSFER TAX

Transfer Tax	0.00
Transfer Tax#	9502577

Rosemarie A. Corbett,
SARATOGA COUNTY CLERK

THIS PAGE IS PART OF THE INSTRUMENT

WARRANTY DEED WITH LIEN COVENANT

THIS INDENTURE, made the 23RD day of November, 1994, between **ROSEMARY H. BENTON**, hereinafter the "GRANTOR", residing at 58 Fifth Avenue, Saratoga Springs, New York 12866 and **THE ROSEMARY H. BENTON TRUST**, hereinafter the "GRANTEE", c/o 58 Fifth Avenue, Saratoga Springs, New York 12866.

WITNESSETH, the GRANTOR, in consideration of ONE and 00/100 DOLLAR ($1.00) lawful money of the United States and other good and valuable consideration paid by the GRANTEE, does hereby grant and release unto the GRANTEE, its successors heirs and assigns forever:

PARCEL I:

ALL THAT TRACT OR PARCEL OF LAND beginning at a point one hundred (100) feet east of the intersection of the south lot line of Fifth Avenue and the east lot line of East Avenue and going east along Fifth Avenue eighty-three (83) feet, thence at right angles to Fifth Avenue south one hundred (100) feet to the southern boundary line of party of first part; thence west along said boundary line eighty-three (83) feet; thence north at right angles to the last mentioned line one hundred (100) feet to the place of beginning. It is intended to convey the west eighty-three (83) feet of lot G-1 as designated on a map of the property of William H. Moran, Inc., Fifth Avenue, Saratoga Springs, N. Y., made by Samuel J. Mott, licensed land surveyor, No. 7888, July , 1939, and filed in the office of the Saratoga County Clerk July, 1939.

BEING the same premises conveyed to JAMES E. BENTON and ROSEMARY H. BENTON, his wife, by deed dated October 9th, 1950, and recorded in the Saratoga County Clerk's Office on October 23rd, 1950, in Book 526 of Deeds at Page 440. **SAID** JAMES E. BENTON died a resident of Saratoga County on April 21, 1981, leaving said ROSEMARY H. BENTON as the surviving tenant by the entirety.

PARCEL II:

ALL THAT TRACT OF LAND situate in the City of Saratoga Springs, Saratoga County, New York, described as follows: BEGINNING at a point on the south line of Fifth Avenue, as extended, 183 feet easterly of the intersection of the east line of East Avenue and the south line of Fifth Avenue, and running thence easterly along the south line of Fifth Avenue 83 ½ feet; thence southerly on a line at right angles with the south line of Fifth Avenue 100 feet to the north line of premises of the Saratoga Association for the Improvement of the Breed of Horses; thence westerly along the north line of said Saratoga Association lands 83 ½ feet to the east line of lands formerly owned by William E. Benton, and thence northerly along the east line of said lands 100 feet to the point of beginning.

BEING the same premises conveyed to ROSEMARY H. BENTON by deed dated March 10th, 1992 and recorded in the Saratoga County Clerk's Office on March 20th, 1992, in Book 1330 of Deeds at Page 406.

SUBJECT TO all enforceable covenants, conditions, restrictions and easements of record, if any, affecting the premises described hereinabove.

TOGETHER with the appurtenances and all the estate and rights of the GRANTOR in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the GRANTEE, her heirs and assigns forever. **AND** the said GRANTOR covenants as follows:

FIRST: That the GRANTEE shall quietly enjoy the said premises;

SECOND: That the GRANTOR will forever warrant the title to said premises;

THIRD: That, in compliance with Section 13 of the Lien Law, the GRANTOR will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the GRANTOR has hereunto set his hand and seal the day and year first above written.

Rosemary H. Benton
ROSEMARY H. BENTON

Saratoga County Clerk
D 9502577
VOL 01401 PAGE 0224
FILED 12/05/94 10:28 AM

STATE OF NEW YORK)
COUNTY OF SARATOGA) ss.:

On this 23rd day of November, 1994, before me personally came ROSEMARY H. BENTON, to me known to be the individual described in, and who executed the foregoing instrument, and he acknowledged to me that he executed the same.

Notary Public

PETER BISHKO
Notary Public, State of New York
Qualified in Albany County
No. 9822971
Commission Expires 8/31/96

RECORD AND RETURN TO:

TATE, BISHKO & ASSOCIATES
1716 CENTRAL AVENUE
ALBANY, NEW YORK 12205

ATTN: PETER BISHKO

EXHIBIT B

58 Fifth Avenue
Tax Parcel 166.13-2-45

As Subdivided:

Lot 1	86.37 ft. wide	**Lot 2**	80.13 ft wide
Lot 1	9.149 sq ft	**Lot 2**	7500 sq ft

Southside Fifth Avenue, going east from East Avenue

SBL	Width	Area/Sq Ft
166.13-2-35	100 ft	10,000 sq ft
166.13-2-45	Subject property to be subdivided	
166.13-2-32	83.5 ft	8,350 sq ft
166.13-2-31	75 ft	7,500 sq ft
166.13-2-30	75 ft	7,500 sq ft
166.13-2-29	75 ft	7,500 sq ft
166.13-2-28	75 ft	7,500 sq ft
166.13-2-27	80 ft	8,000 sq ft
166.13-2-26	75 ft	7,500 sq ft
Average	638.5/8 = 79.81 ft	63,850/8 = 7,981.25 sq ft

The two parcels that are to be created are both wider than the average lot width in this sampling. Lot 1 has a larger area than the average and Lot 2 is the same size as five (5) lots in this area.

North side of Fifth Avenue going east from East Avenue to Schuyler Drive

SBL	Width
166.13-2-41	88.16 ft
166.13-2-40	85 ft
166.13-2-39	15 ft
166.13-2-38	60 ft
166.13-2-37	54.62 ft
166.13-2-36	50 ft
166.13-2-19	72.92 ft
166.13-2-20	60 ft
166.13-2-21	50 ft
166.13-2-22	60 ft
166.13-2-23	90 ft
166.13-2-24	60 ft
166.13-2-25	60 ft
Average	805.7/13 = 61.97 ft
Estimate Tax Parcel 39	790.7/12 = 65.89 ft

EXHIBIT C

AREA VARIANCES
UR-1 Residential Zone

Subdivided Parcel 1 (Western Most Lot)

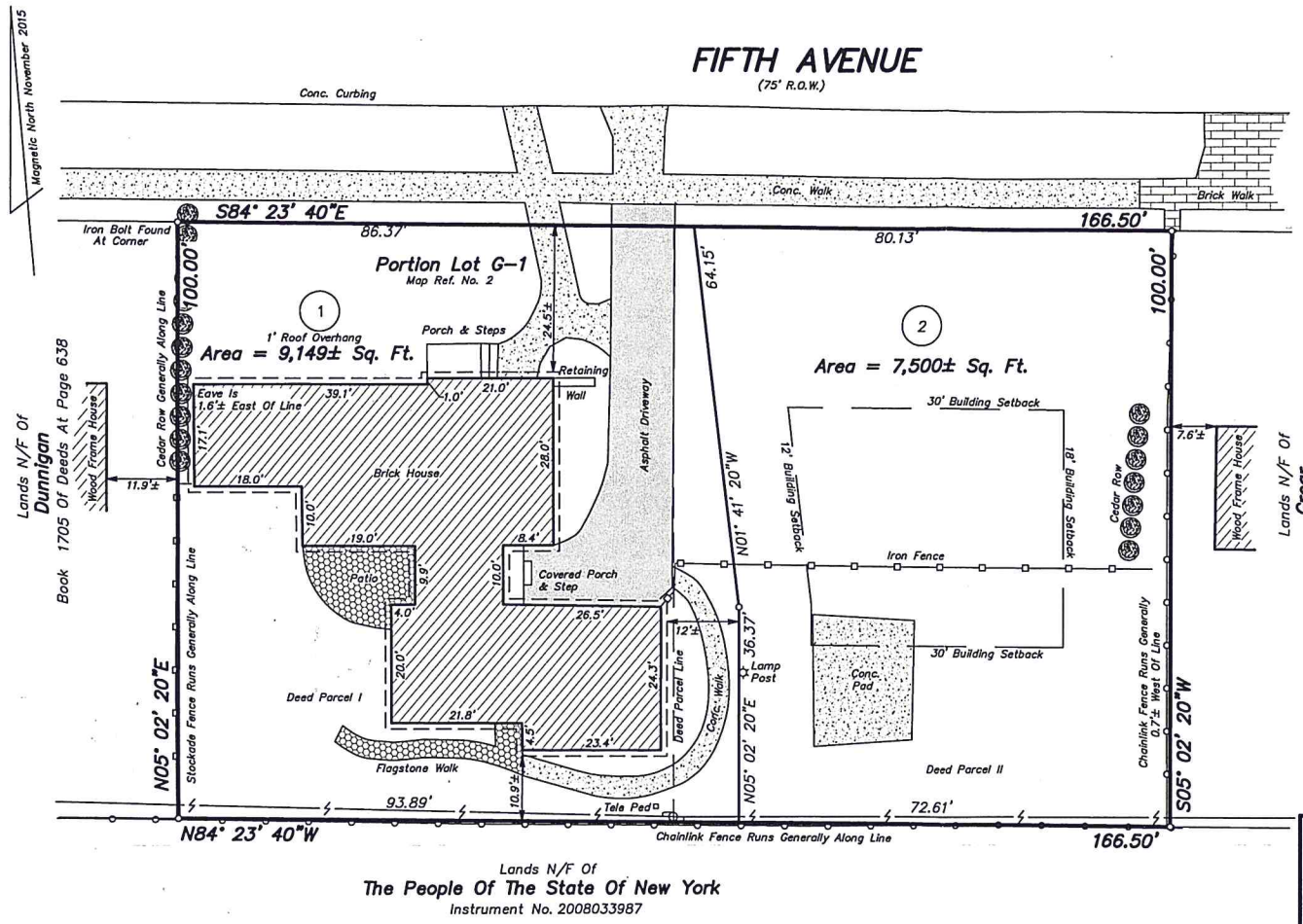
Average	Requirement	Existing	Variance
Lot Width	100 ft	86.37 ft	13.63 ft
Lot Area	12,500 sq ft	9,149 sq ft	3,315 sq ft
Lot Front	30 ft	24.5 ft existing	5.5 ft
Lot Rear	30 ft	10.9 ft existing	19.1 ft
Side	12 ft	1.6 ft existing	10.4 ft
Total Side	30 ft	13.6 ft	16.4 ft
Principal Building Coverage	20%	28.6%	8.6%

Subdivided Parcel 2

	Requirement	Existing	Variance
Lot Average Width	100 ft	75.7 ft.	24.3 ft
Lot Area	12,500 sq ft	7,500 sq ft	5,000 sq ft

N

Tax Map 166.13-2



DEED REFERENCE:

CONVEYANCE TO THE ROSEMARY H. BENTON TRUST BY DEED DATED NOVEMBER 23, 1994 AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE IN BOOK 1401 OF DEEDS AT PAGE 224.

MAP REFERENCES:

1. MAP ENTITLED, "SUBDIVISION #1 OF A PORTION OF THE PROPERTY OF WILLIAM H. MORAN, INC. SITUATED ON THE SPEEDWAY" DATED MARCH 1937 PREPARED BY S.J. MOTT, C.E. AND FILED IN THE SARATOGA COUNTY CLERK'S OFFICE AS MAP M-9.
2. MAP ENTITLED, "MAP OF THE PROPERTY OF WILLIAM H. MORAN, INC. FIFTH AVENUE SARATOGA SPRINGS, N.Y." DATED JULY 5, 1939 PREPARED BY SAMUEL J. MOTT, L.S. AND FILED IN THE SARATOGA COUNTY CLERK'S OFFICE AS MAP M-14.

SITE STATISTICS:

ZONING: UR-1 URBAN RESIDENTIAL-1
MINIMUM LOT AREA – 12,500 SQ. FT.(WITH WATER & SEWER)
MINIMUM LOT AVG. WIDTH – 100'
MAXIMUM BUILDING HEIGHT – 60'
SETBACKS:
FRONT – 30'
SIDE – 12' TOTAL SIDE – 30'
REAR – 30'
PRINCIPAL BLDG. COVERAGE – 20%

Total Area = 16,649± Sq. Ft.

PROPOSED STATISTICS:

LOT 1
LOT AREA – 9,149 SQ. FT.
AVERAGE WIDTH – 90.8'
SETBACKS:
EXISTING FRONT – 24.5'
PROPOSED EAST SIDE – 12'
EXISTING WEST SIDE – 1.6'
TOTAL SIDE – 13.6'
EXISTING REAR – 10.9'
PRINCIPAL BLDG. COVERAGE – 28.6%

LOT 2
LOT AREA – 7,500 SQ. FT.
MINIMUM LOT AVG. WIDTH – 75.7'

SURVEY
LANDS OF
THE ROSEMARY H. BENTON TRUST

CITY OF SARATOGA SPRINGS	SARATOGA COUNTY, NEW YORK
SCALE: 1" = 20'	DATE: DECEMBER 1, 2015
TELEPHONE NO.: (518) 383-0634	MAP NO.: 15 – 11 – 101

Gilbert VanGuilder
Land Surveyor, PLLC
Professional Land Surveyors
988 Route 146, Clifton Park, New York 12065
gvglandsurveyors.com

TODD WESTERVELD, P.L.S. No. 50,319

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES OF THIS SURVEY MAP BEARING THE LAND SURVEYOR'S ORIGINAL SIGNATURE AND EMBOSSED SEAL SHALL BE CONSIDERED VALID.

SNYDER, KILEY, TOOHEY, CORBETT & COX, LLP
ATTORNEYS AT LAW
PLEASE REPLY TO:
P.O. BOX 4367
SARATOGA SPRINGS, N.Y. 12866
STREET ADDRESS: 160 WEST AVENUE

TELEPHONE (518) 584-1500
FACSIMILE (518) 584-1503

HARRY D. SNYDER
MICHAEL J. TOOHEY
KATHLEEN A. CORBETT
JAMES G. SNYDER
JAMES S. COX

ANNE MARIE ZSAMBA

OF COUNSEL
LOREN N. BROWN*

*RETIRED JUSTICE
NEW YORK STATE
SUPREME COURT

Sharie T. Walerstein
Paralegal

January 22, 2016

Susan Barden, Planner
City of Saratoga Springs
474 Broadway, City Hall
Saratoga Springs, New York 12866

REC'D JAN 2 5 2016

RE: Trifecta Development, LLC
136 Lincoln Avenue, Saratoga Springs

Dear Susan,

As you may recall, we obtained an Area Variance from the City of Saratoga Springs Planning Board allowing for the ultimate subdivision of two parcels on the southwest corner of Lincoln Avenue and Adams Street in the City of Saratoga Springs. I enclose to you a copy of that Zoning Approval.

The surveyor has pointed out that there is a very minor discrepancy between the Approval the survey map.

That Approval falls into the category of the minimum average lot width for both lots. In the Approval, Lot 1 is indicated to be 52' in width, whereas it is 51.97'. The total relief based on the survey description would 8.03' or 13.38%. The same minor discrepancy appears with the minimum lot width for Lot 2. The Approval indicates the lot is 48', whereas the survey shows it to be 48.03'. That would mean that the discrepancy is 11.97' or 19.95%.

Admittedly these are minor discrepancies, but we didn't not want to get further down the track as it pertains to development and have these come back and be a question for financing of homes on the property or for other purposes.

Do you believe that the chart within the Zoning Board's November 13, 2015 positive Zoning Decision should be amended to reflect these minor discrepancies?

I look forward to your guidance of this matter.

Very truly yours,

Michael J. Toohey

MJT/cb

Enclosures

cc: Trifecta Development, LLC (via email)
Dan Wheeler (via email)

CITY OF SARATOGA SPRINGS

ZONING BOARD OF APPEALS

CITY HALL - 474 BROADWAY
SARATOGA SPRINGS, NEW YORK 12866
PH) 518-587-3550 FX) 518-580-9480
WWW.SARATOGA-SPRINGS.ORG

Bill Moore
Chair
Keith B. Kaplan
Vice Chair
Adam McNeill
Secretary
Gary Hasbrouck
George "Skip" Carlson
James Helicke
Susan Steer

RECEIVED
NOV 13 2015
ACCOUNTS DEPARTMENT

#2862
IN THE MATTER OF THE APPEAL OF
Trifecta Development, LLC
57 Phila Street
Saratoga Springs, NY 12866

from the determination of the Building Inspector involving the premises at 136 Lincoln Ave, in the City of Saratoga Springs, New York being tax parcel number 166.77-2-40 in the Inside District, on the Assessment Map of said City.

Whereas, the appellant having applied for area variances for relief from the City Zoning Ordinance for minimum average lot width, minimum total side yard setback and minimum lot size requirement for a two-lot subdivision in an Urban Residential – 2 zoning district; and public notice having been duly given of a hearing on said application held on October 18 and November 9, 2015.

Whereas, 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:

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
MINIMUM AVERAGE LOT WIDTH – LOT 1	60'	52'	8' (13%)
MINIMUM TOTAL SIDE YARD SETBACK- LOT 1	20'	18.8'	1.2' (6%)
MINIMUM AVERAGE LOT WIDTH – LOT 2	60'	48'	12' (20%)
MINIMUM LOT SIZE – LOT 2	6600 SQ. FT.	6100 SQ. FT.	500 SQ. FT. (7.5%)

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. The application states, "No land can be acquired on the two street fronts. There is no land for sale on the west or south side. Shifting the middle subdivision line only shifts the nature of the area variances that are being requested".

2. The applicants have demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The neighborhood is characterized by multi-family and single-family properties with similar lot widths. The applicant provided detailed information on 36 lots north and south of the subject property showing 25 tax parcels have widths of 50' or less. Also noted are nine lots that are at or below 6,000 sq. ft.

3. The relief requested is not substantial. The application states, "By comparison to the size of the lots in this neighborhood, the requested variances are not substantial". The Board notes that while the minimum average lot width for lot 2 may approach substantiality, the impact will be limited since, as noted above, many 50' wide parcels exist within the neighborhood.

4. The applicant has demonstrated this variance will not have significant adverse physical or environmental effect on the neighborhood or district. The application states, "With the driveway from the eastern most lot coming off of Adams Street, it will not introduce another curb cut onto Lincoln Avenue, the more heavily

trafficked street".

5. The difficulty may be considered self-created. This, however, is not necessarily fatal to the application.

Note: Planning Board favorable advisory opinion received Nov. 2nd. Planning Board subdivision approval required.

Adopted by the following vote:

AYES: 6 (B. Moore, K. Kaplan, G. Hasbrouck, S. Carlson, J. Helicke and S. Steer)

NAYES: 0

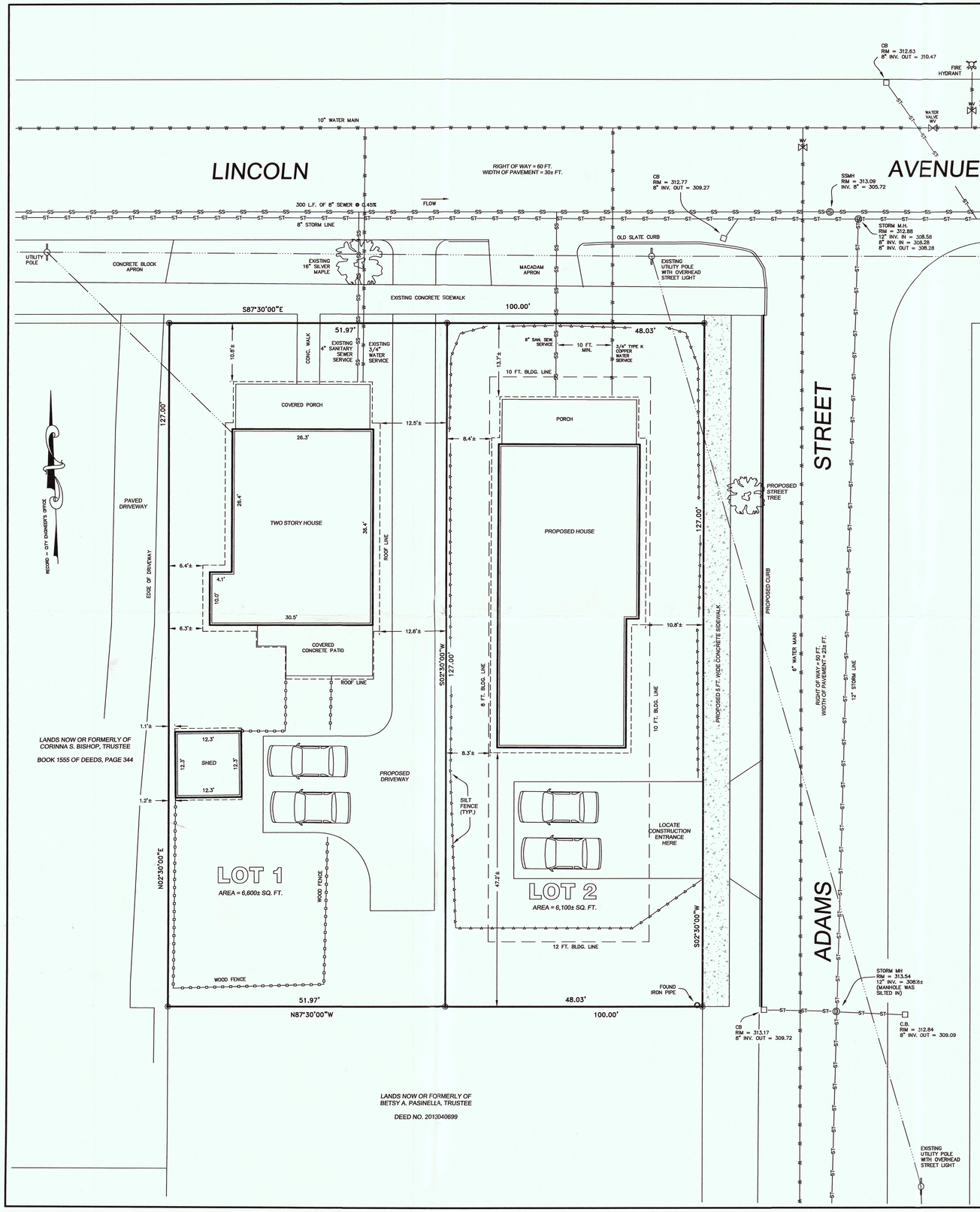
Dated: November 9, 2015

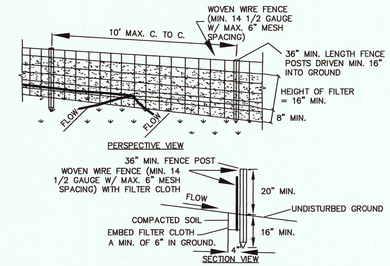
This variance shall expire 18 months following the filing date of such decision unless the necessary building permit has been issued and actual construction begun as per 240-8.5.1.

11/13/15
Date

Chair

I hereby certify the above to be a full, true and correct copy of a resolution duly adopted by the Zoning Board of Appeals of the City of Saratoga Springs on the date above mentioned, six members of the Board being present.





CONSTRUCTION SPECIFICATIONS

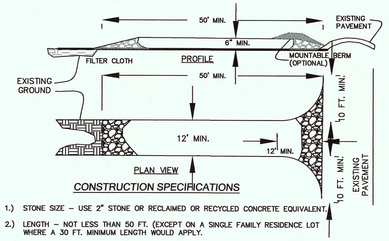
1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MIDSECTION. FENCE SHALL BE WOVEN WIRE, 12 1/2 GAUGE, 6" MAXIMUM MESH OPENING.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVER-LAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
4. PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUIVALENT.
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

SILT FENCE

N.T.S.

BASED ON NEW YORK GUIDELINES FOR URBAN EROSION & SEDIMENT CONTROL.

STABILIZED CONSTRUCTION ENTRANCE DETAIL



CONSTRUCTION SPECIFICATIONS

1.) STONE SIZE – USE 2" STONE OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.

2.) LENGTH – NOT LESS THAN 50 FT. (EXCEPT ON A SINGLE FAMILY RESIDENCE LOT WHERE A 30 FT. MINIMUM LENGTH WOULD APPLY.

3.) THICKNESS – NOT LESS THAN 6 INCHES.

4.) WIDTH – TWELVE FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY FOUR (24) FOOT IF SINGLE ENTRANCE TO SITE

5.) FILTER CLOTH – WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.

6.) SURFACE WATER – ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.

7.) MAINTENANCE – THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS OF WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS OF WAY MUST BE REMOVED IMMEDIATELY.

8.) WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.

9.) PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

STABILIZED CONSTRUCTION ENTRANCE DETAIL

N.T.S.

CERTIFICATION:

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

DANIEL C. WHEELER P.L.S. LIC. NO. 50,137

APPROVED UNDER AUTHORITY OF A RESOLUTION ADOPTED_____
BY THE PLANNING BOARD OF THE CITY OF SARATOGA SPRINGS.

_____CHAIRPERSON

DATE SIGNED_____

SURVEY ASSOCIATES, LLC
PROFESSIONAL LAND SURVEYING
DANIEL C. WHEELER, LS
432 BROADWAY, SUITE 5, SARATOGA SPRINGS, NY 12866
PH. (518) 583-7302 FAX (518) 583-7303

DANIEL C. WHEELER
P.L.S. LIC. NO. 50,137

UNAUTHORIZED ALTERATION OR ADDITION TO THIS MAP IS A VIOLATION OF ARTICLE 145, SECTION 7209, SUB-PARAGRAPH (2) OF THE NEW YORK STATE EDUCATION LAW.

PROJECT OWNER/DEVELOPER
TRIFECTA DEVELOPMENT, LLC
57 PHILA STREET
SARATOGA SPRINGS, NEW YORK 12866
PHONE: 518-618-9808

TITLE:
SUBDIVISION PLAN

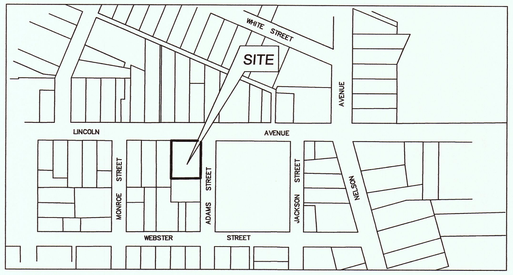
SUBDIVISION OF LANDS OF TRIFECTA DEVELOPMENT, LLC 136 LINCOLN AVENUE

LOCATION:
CITY OF SARATOGA SPRINGS
(INSIDE DISTRICT)
SARATOGA COUNTY, NEW YORK

DATE:
JANUARY 14, 2016

SCALE:
1 INCH = 10 FEET

SHEET 1 OF 3
MAP NO. 2016-01-04



SITE LOCATION MAP

NOT TO SCALE

ZONING INFORMATION:

ZONING DISTRICT: UR–2
- MINIMUM LOT SIZE: 6,600 SQ. FT. (WITH WATER AND SEWER)
  - (20,000 SQ. FT. WITHOUT WATER OR SEWER)
  - (40,000 SQ. FT. WITHOUT WATER AND SEWER)
- MINIMUM MEAN LOT WIDTH: 60 FT.
- MAXIMUM PERCENT OF LOT TO BE OCCUPIED BY:
  - PRINCIPAL BUILDING: 30 %
  - ACCESSORY BUILDING: 10%
- MINIMUM YARD DIMENSIONS:
  - FRONT: 10 FT.
  - REAR: 25 FT.
  - ONE SIDE: 8 FT.
  - TOTAL SIDE: 20 FT.
- PRINCIPAL BUILDING:
  - MINIMUM FIRST FLOOR AREA:
    - 1 STORY: 900 SQ. FT.
    - 2 STORY: 700 SQ. FT.
  - MAXIMUM BUILDING HEIGHT: 60 FT.
  - MINIMUM DISTANCE FROM ACCESSORY BUILDING TO:
    - PRINCIPAL BUILDING: 5 FT.
    - FRONT LOT LINE: 10 FT.
    - SIDE LOT LINE: 5 FT.
    - REAR LOT LINE: 5 FT.
- MINIMUM PERCENT OF LOT TO BE PERMEABLE: 25%

SITE STATISTICS:

TAX MAP NO.	166.77–2–40
TOTAL PROJECT AREA:	12,700± SQ. FT.

CITY OF SARATOGA SPRINGS - STANDARD NOTES:

1.) ALL WORK MUST CONFORM TO ALL FEDERAL, STATE AND CITY CODES, SPECIFICATIONS, ORDINANCES, RULES AND REGULATIONS.

2.) ELEVATIONS ESTABLISHED FROM INFORMATION SUPPLIED BY THE CITY OF SARATOGA SPRINGS ENGINEER'S OFFICE.

3.) ALL REFUSE, DEBRIS AND MISCELLANEOUS ITEMS TO BE REMOVED SHALL BE LEGALLY DISPOSED OF OFF–SITE BY THE CONTRACTOR TO A LOCATION APPROVED BY THE CITY ENGINEER.

4.) THE CONTRACTOR MUST SET UP A PRE–CONSTRUCTION MEETING WITH THE CITY ENGINEER PRIOR TO ANY CONSTRUCTION. CONSTRUCTION INSPECTIONS BY A DESIGNATED REPRESENTATIVE OF THE APPLICANT/DEVELOPER ARE REQUIRED. THE COST OF THE CONSTRUCTION INSPECTION IS THE RESPONSIBILITY OF THE APPLICANT/DEVELOPER. AN ESCROW ACCOUNT TO COVER THE COST OF THE INSPECTIONS MUST BE ESTABLISHED PRIOR TO ANY CONSTRUCTION.

5.) THE CONTRACTOR MUST OBTAIN A BLASTING PERMIT FROM THE BUILDING INSPECTOR IF ANY BLASTING IS REQUIRED FOR THE PROJECT.

6.) THE CONTRACTOR MUST OBTAIN A STREET OPENING PERMIT ISSUED BY THE DEPARTMENT OF PUBLIC WORKS FOR ANY WORK IN THE STREET OR RIGHT OF WAY OF ANY CITY STREET, ROAD OR ALLEY.

7.) ALL POINTS OF CONSTRUCTION INGRESS AND EGRESS SHALL BE MAINTAINED TO PREVENT TRACKING OR FLOWING OF SEDIMENT OR DEBRIS ONTO A PUBLIC ROAD.

8.) NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE WORK HAS BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED PLANS AND AN AS–BUILT DRAWING HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY ENGINEER.

VARIANCES GRANTED:

ON NOVEMBER 13, 2015 THE SARATOGA SPRING ZONING BOARD OF APPEALS GRANTED THE FOLLOWING VARIANCES FOR THIS PROPERTY.

VARIANCES GRANTED FOR LOT 1

DIMENSIONAL REQUIREMENTS	FROM	TO	RELIEF REQUESTED
MINIMUM AVERAGE LOT WIDTH	60 FT.	52 FT.	8 FT. (13%)
TOTAL SIDE SETBACK	20 FT.	18.8 FT.	1.2 FT. (6%)

VARIANCES GRANTED FOR LOT 2

DIMENSIONAL REQUIREMENTS	FROM	TO	RELIEF REQUESTED
MINIMUM LOT SIZE	6,600 SQ. FT.	6,100 SQ. FT.	500 SQ. FT. (7.6%)
MINIMUM MEAN LOT WIDTH	60 FT.	48 FT.	12 FT. (20%)

NOTES:

1.) OFFSET DIMENSIONS ARE MEASURED TO ROOF LINES.

2.) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR A TITLE REPORT.

DEED REFERENCE:

1.) DEED DATED MAY 22, 2015 FROM SANDRA M. HANNAN, EXECUTRIX TO TRIFECTA DEVELOPMENT, LLC AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE AS DEED NO. 2015015641.

APPROVED UNDER AUTHORITY OF A RESOLUTION ADOPTED_____
BY THE PLANNING BOARD OF THE CITY OF SARATOGA SPRINGS.

_____CHAIRPERSON

DATE SIGNED_____

DANIEL C. WHEELER
P.L.S. LIC. NO. 50,137

SURVEY ASSOCIATES, LLC
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PROJECT OWNER/DEVELOPER
TRIFECTA DEVELOPMENT, LLC
57 PHILA STREET
SARATOGA SPRINGS, NEW YORK 12866

PHONE: 518–618–9808

TITLE:
NOTES

SUBDIVISION OF LANDS OF TRIFECTA DEVELOPMENT, LLC 136 LINCOLN AVENUE

LOCATION:
CITY OF SARATOGA SPRINGS
(INSIDE DISTRICT)
SARATOGA COUNTY, NEW YORK

DATE:
JANUARY 14, 2016

SCALE:
1 INCH = 10 FEET

SHEET 2 OF 3
MAP NO. 2016–01–04

CITY OF SARATOGA SPRINGS

CITY HALL - 474 BROADWAY
SARATOGA SPRINGS, NEW YORK 12866
TEL: 518-587-3550 FAX: 518-580-9480
WWW.SARATOGA-SPRINGS.ORG

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

APPLICATION FOR:
APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	[redacted]		
Address			
Tel./Fax		/	/
Email			

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.
Applicant's interest in the premises: ☐ Owner ☐ Lessee ☐ Under option to lease or purchase

PROPERTY INFORMATION

Property Address (No. & St.) 75 S. Franklin Street Side of St. (north, east, etc.) _____

Tax Parcel No.: 165 . 66 - 2 - 59 (*for example: 165.52 – 4 – 37*) Tax District: ☒ Inside ☐ Outside

1. Date acquired by current owner: 5/14
2. Zoning District when purchased: UR-3
3. Present use of property: Single Family
4. Current Zoning District: UR-3
5. Has a previous ZBA application/appeal been filed for this property? ☒ Yes (when? 11/14 for what? Sidebacks/Finished Garage) ☐ No
6. Is property located within (check all that apply)?: ☐ Historic District ☐ Architectural Review District ☐ 500' of a State Park, city boundary, or county/state highway?
7. Brief description of proposed action: Modification of previous application to include home occupation in space located over garage.
8. Is there a written violation for this parcel that is not the subject of this application? ☐ Yes ☐ No
9. Has the work, use or occupancy to which this appeal relates already begun? ☒ Yes ☐ No
10. Identify the type of appeal you are requesting *(check all that apply)*:

☐ INTERPRETATION (p. 2) ☐ VARIANCE EXTENSION (p. 2) ☒ USE VARIANCE (pp. 3-6) ☐ AREA VARIANCE (pp. 6-7)
MODIFICATION

FEES: Make checks payable to the "Commissioner of Finance" and attach to top of original application. Fees are cumulative and required for each request below.

☐ Interpretation	$ 400
☐ Use variance	$1,000
☒ Area variance	
-Residential use/property:	$ 150
-Non-residential use/property:	$ 500
☐ Extensions:	$ 150

INTERPRETATION – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) _____

2. How do you request that this section be interpreted? _____

_____

_____

_____

3. If interpretation is denied, do you wish to request alternative zoning relief? ☐ Yes ☐ No

4. If the answer to #3 is "yes," what alternative relief do you request? ☐ Use Variance ☐ Area Variance

EXTENSION OF A VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: _____ 2. Type of variance granted? ☐ Use ☐ Area

3. Date original variance expired: _____ 4. Length of extension requested: _____

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?: _____

_____

_____

_____

_____

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

_____

_____

_____

_____

_____

_____

USE VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

A use variance is requested to permit the following: Home occupation in finished garage space

_____

_____

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

   _____

   _____

   _____

   _____

   _____

   _____

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase: _____ Purchase amount: $_____

2) Indicate dates and costs of any improvements made to property after purchase:

Date	Improvement	Cost

3) Annual maintenance expenses: $_____ 4) Annual taxes: $_____

5) Annual income generated from property: $_____

6) City assessed value: $_____ Equalization rate:_____ Estimated Market Value: $_____

7) Appraised Value: $_____ Appraiser: _____ Date: _____

Appraisal Assumptions: _____

_____

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☐ Yes ☐ No If "yes", for how long? _____

1) Original listing date(s):_____ Original listing price: $_____

If listing price was reduced, describe when and to what extent: _____

_____

2) Has the property been advertised in the newspapers or other publications? ☐ Yes ☐ No

If yes, describe frequency and name of publications: _____

_____

3) Has the property had a "For Sale" sign posted on it? ☐ Yes ☐ No

If yes, list dates when sign was posted: _____

_____

4) How many times has the property been shown and with what results? _____

_____

_____

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

_____

_____

_____

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

AREA VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) See Narrative .

Dimensional Requirements	From	To

Other:

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

_____

_____

_____

_____

_____

_____

_____

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

_____

_____

_____

_____

_____

_____

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

_____

_____

_____

_____

_____

_____

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

_____

_____

_____

_____

_____

_____

In accord with Article 240-14.4A(1)(b)(6) of the Zoning Ordinance, "any request for an area variance, which shall effect a change in density, shall be applied for and considered as a use variance and decided under criteria for the same". A request that involves any of the following relief will require an application for a use variance and will be decided under the use variance criteria:

(1) Dimensional relief from minimum lot size requirements that would allow additional permitted units and/or uses
(2) Relief from on site parking requirements
(3) Reduction in land area requirements for multi-family units

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ☐ No ☐ Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

_____
(applicant signature)

_____
(applicant signature)

[redacted]

Revised: January 2011

617.20

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR

2. PROJECT NAME

3. PROJECT LOCATION:

Municipality County

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)

5. PROPOSED ACTION IS: ☐ New ☐ Expansion ☐ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:

7. AMOUNT OF LAND AFFECTED: Initially: _____ (acres) Ultimately: _____ (acres)

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☐ Yes ☐ No If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☐ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☐ Other
Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☐ Yes ☐ No If Yes, list agency(s) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☐ No If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☐ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: _____ Date: _____

Signature: _____

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☐ No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
☐ Yes ☐ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☐ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts that **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

BUILDING INSPECTOR DENIAL
OF APPLICATION FOR LAND USE AND/OR BUILDING

APPLICANT: _____ TAX PARCEL NO.: _____._____ - _____ - _____

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

_____

_____

_____

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s)

_____. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation ☐ Hardship Appeal from Architectural/Historic Review

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Other:_____

_____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

BUILDING INSPECTOR DATE

Revision date: January 2011

Narrative for Modification

I originally applied for a variance of 3% for size of accessory structure as well as for finished space on the second floor with a half bath. There was also a 1' variance for the sidebacks of the main house. At the time I was under the belief that the home occupation in the accessory structure was covered under typical rules, meaning: no more than one employee who does not live in the home, no more than 10 traffic trips per week to the office by clients, parking provided on site and no more than 15% of space dedicated to the office. I had originally intended this would be just a space for me to work. After working for a period without an office assistant it became clear I did need one.

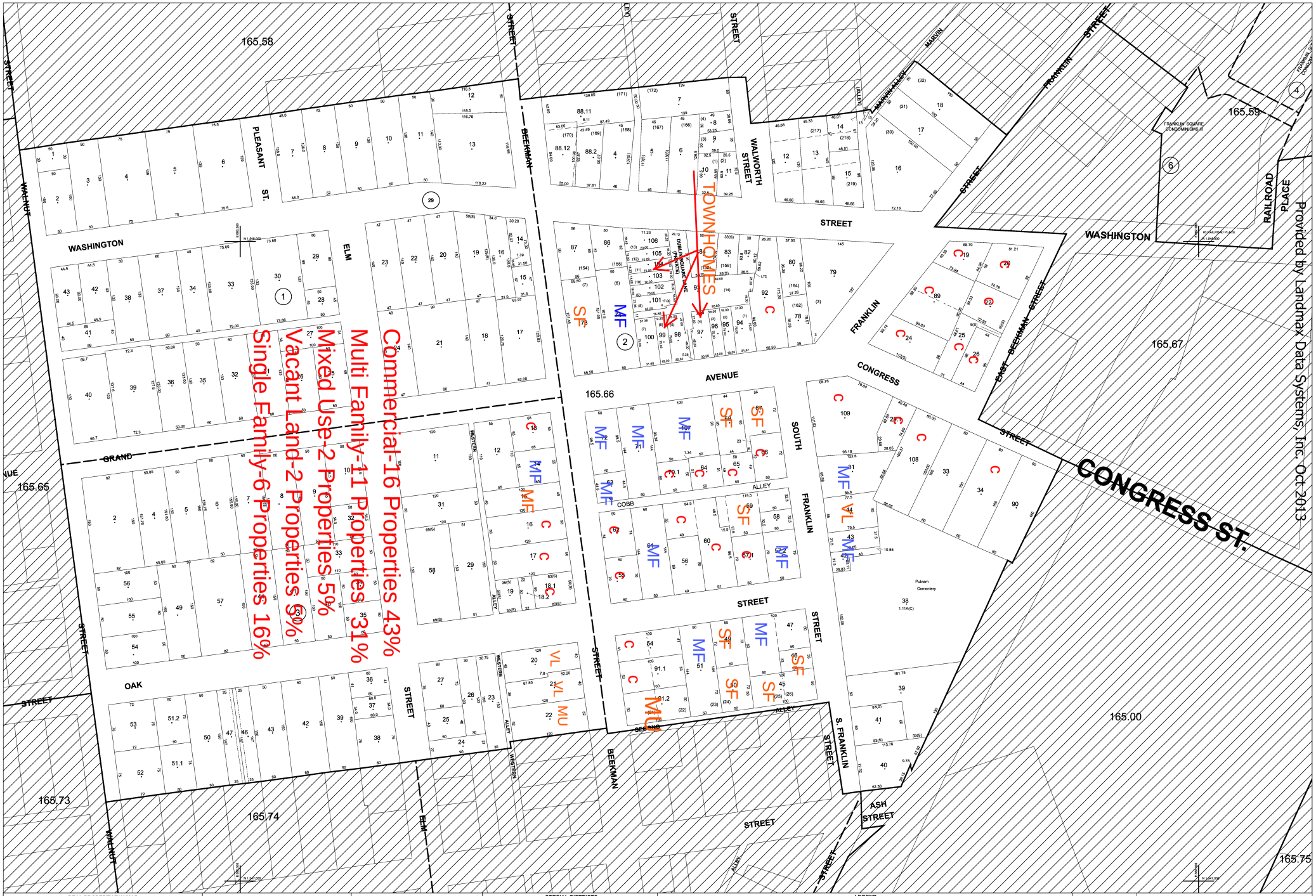
My secretary works 18 hours per week on Mondays, Tuesday and Wednesdays. No other employee works at the site as my business is primarily generated by phone and email and me leaving the office to inspect properties. Since I have moved in (February 2015) I have had three people stop at my office to pay bills (an average of one trip every 3 months). I use 237 square feet for the office use, which you can see by enclosed pictures (if the bathroom is counted the square footage goes to 291), I'm allowed 412 based on square footage. My attention was to not bypass the any requirements, however I was under the belief that I met the criteria and fulfilled all requirements for the home occupation designation.

When I constructed the house I have a two car garage and when I paved we had an additional spot on the side of the garage done for three total parking spots on site. There is no sign that my office is above the garage and no sign for my business at all. There has been no alteration of any kind to the neighborhood that would be considered mixed uses. The character of the neighborhood has remained intact since I constructed my home.

I did not apply for this initially as I believed I had meet the burden but was then informed since it is in the accessory structure I needed to apply for the modification.

I have provided a sketch of the use of the second floor as well as pictures of the exterior and interior of the building.

Also enclosed is a tax map, the approximate 1 block around my home has 7 single family homes, 12 commercially utilized properties, 10 multi family homes and one vacant lot. So the entire block around my home is 23% single family, 40% commercial, 33% multi family and 3% vacant land, so approximately ¾ is commercial or multi family housing.



Provided by Landmax Data Systems, Inc. Oct 2013

REAL PROPERTY TAX MAP

PREPARED FOR: SARATOGA COUNTY BOARD OF SUPERVISORS

UNDER SUPERVISION OF: REAL PROPERTY TAX SERVICE AGENCY

PREPARED BY:
L.ROBERT KIMBALL CONSULTING ENGINEERS, SINKSBURG, PA (1973-1979)
CONVERTED TO DIGITAL FORMAT BY THE L.K.GROUP, SARATOGA SPRINGS, NY (1986-1988)
CONVERTED TO DIGITAL FORMAT FROM NAD 27 TO NAD 83 BY WELLER MAPPING, INC. (2002)
CONVERTED TO ESRI GEODATABASE FORMAT BY FOUNTAINS SPATIAL, INC. (2007-2009)

THIS MAP HAS BEEN PREPARED FROM MAPS AND DEEDS AND OTHER INFORMATION OF PUBLIC RECORD, IN ACCORDANCE WITH THE PROVISION OF THE REAL PROPERTY TAX LAW FOR ASSESSMENT PURPOSES ONLY.

IT DOES NOT REPRESENT A LAND SURVEY, AND MUST NOT BE CONSTRUED AS SUCH.

DESCRIPTIONS OF REAL PROPERTY SHOWN HEREIN FOR THE PURPOSES OF CONVEYANCE OR TRANSFER, MUST BE LIMITED TO THOSE NECESSARY AND INCIDENTAL TO THE ADMINISTRATION OF THE REAL PROPERTY TAX LAW.

COORDINATES BASED ON NEW YORK STATE PLANE COORDINATE SYSTEM EASTERN ZONE NAD 83

0 25 50 100 Feet

scale: 1 inch = 50 feet

SPECIAL DISTRICTS

SWD1:	SWD1# SARATOGA CO. DIST. 1
SCH01:	411500 SARATOGA SPRINGS CITY SCH DIST

LEGEND

PROPERTY LINE
BLOCK LIMIT
SECTION LIMIT
TOWN/VILLAGE CITY
COUNTY LINE
RAILROAD
GREAT LOT LINE
SUBDIVISION LOT LINE
STATE ROUTE
COUNTY ROUTE
STREET ON TOWN ROAD — MAIN ST
SCHOOL DISTRICT LINE — SCH
FIRE DISTRICT LINE — F
WATER DISTRICT LINE — W
AGRICULTURAL DISTRICT — AG
LIGHT DISTRICT — LT
NAD 83 TIC LINES
GREAT LOT NUMBER — 6
TAX MAP BLOCK NUMBER — 3
FILED PLAN LOT NUMBER — (9)
TAX MAP PARCEL NUMBER — 150.00-3-9
STREAM/WATERBODY
CALCULATED ACREAGE — 9.8 A (C)
DEED ACREAGE — 9.8 A
SCALED DIMENSION — 150 (S)
DEED DIMENSION — 150.2
COORDINATE LOCATOR
DENOTES COMMON OWNER

165.37	165.39	165.59
165.65		165.67
165.73	165.71	165.75

SHEET INDEX

N

TAX MAP 165.66

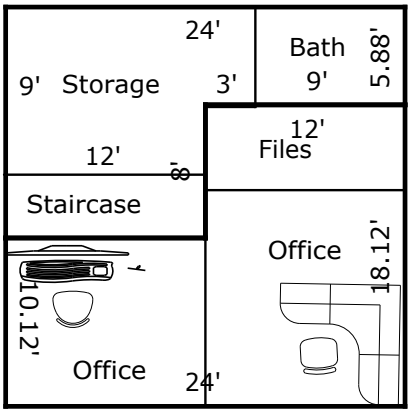
CITY OF SARATOGA SPRINGS ID

SARATOGA COUNTY, NEW YORK

TAXABLE STATUS DATE: March 1, 2013 MAP PRINTED ON: Mar 20, 2013

Building Sketch

Borrower							
Property Address	75A S Franklin St						
City	Saratoga Springs	County		State	NY	Zip Code	12866
Lender							



Office Area Utilized
[237.06 Sq ft]

House

20' x 58'=1160

20' x 48' = 960

Garage 25' x 25' = 625

Total Square Footage=2745

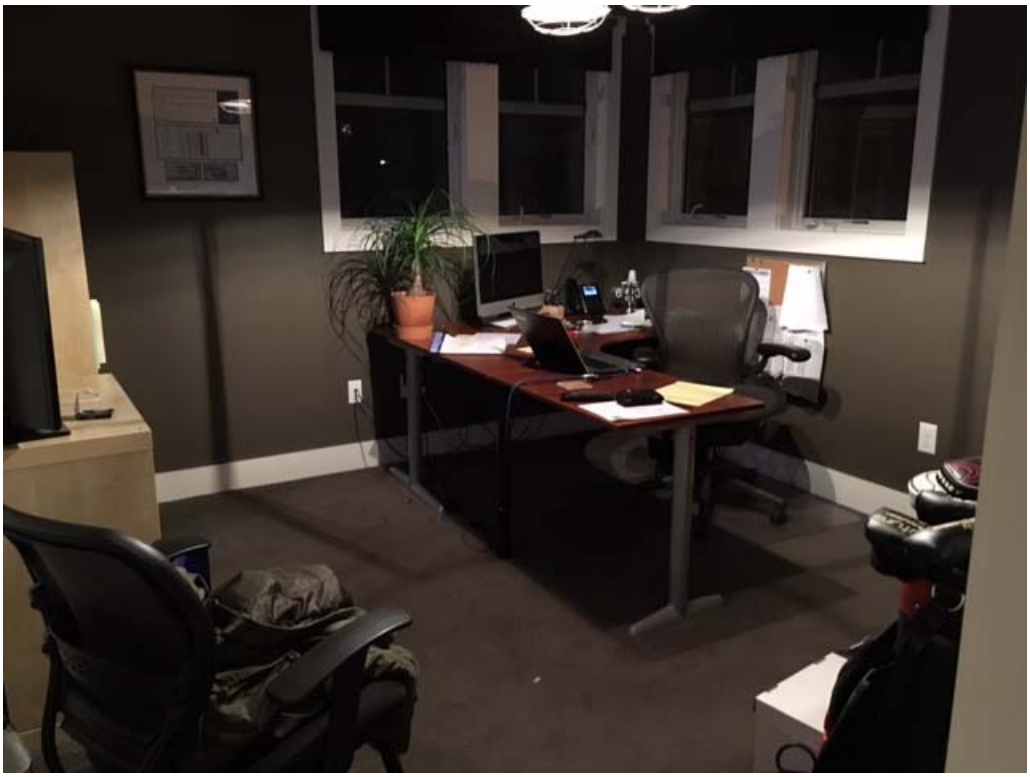
Home Occupation Allowed =412

TOTAL Sketch by a la mode, inc.

Calculation Details

Bath

File Area



Office

Office

CERTIFICATE OF OCCUPANCY
CITY OF SARATOGA SPRINGS, NEW YORK

Certificate of Occupancy No. 20150173 Date Issued: 03/05/2015
Application No. 20140343
Building Permit No. 20140511
Owner WILLIAM MOORE
Address 75 SOUTH FRANKLIN

Tax Map I.D. Number 165.66-2-59

This is to certify that the DETACHED GARAGE named above is in compliance with applicable codes, ordinances and approvals and is ready for occupancy as a:
DETACHED TWO STALL GARAGE WITH A SECOND FLOOR OFFICE

Assistant Building Inspector _____

William A. Moore
75 South Franklin Street
Saratoga Springs, NY 12866

February 2, 2016

Members of the Zoning Board:

"I'm a member of the Zoning board. I seek no different, special or preferential treatment and I should be treated just the same, neither any better nor any worse, as any other applicant"

I ask if there are many properties within the City of Saratoga Springs that are set up more ideally than my home as a home occupation. I have one employee who works approximately 18 hours a week, I have an average of one customer every three months, and I currently have no signage. I have utilized under the required square footage and I have the amount of required parking. My bordering properties are a scrap yard, four family house and Prince Epessa (bar/restaurant), I do not believe I will change the character of the neighborhood and I meet all statutory requirements.

There is precedent for a home occupation within blocks of my home and that was in a more residentially based neighborhood, rather than bordering on a commercial area as I do. I have enclosed my Certificate of Occupancy which designates this area above the garage as an office.

I am willing to submit to conditions such as no sign and never having a full time employee.

I asked that you consider my application on its merits and precedents that have been set.

CITY OF SARATOGA SPRINGS

City Hall - 474 Broadway
Saratoga Springs, New York 12866
Tel: 518-587-3550 fax: 518-580-9480
www.saratoga-springs.org

[FOR OFFICE USE]

(Application #)

(Date received)

APPLICATION FOR:
APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Congress Hotel, LLC / DCG Development		AJ. Signs
Address	240 Clifton Corporate Pkwy		842 Saratoga Rd
	Clifton Park NY		Burnt Hills NY 12027
Tel/Fax	[redacted]		3999291 / 6880179
Email	[redacted]		[redacted]

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises: ☒ Owner ☐ Lessee ☐ Under option to lease or purchase

PROPERTY INFORMATION

1. Property Address/Location: 46 Congress St S Tax Parcel No.: 165 . ___ - 7 . 4 *(for example: 165.52 – 4 – 37)*

2. Date acquired by current owner: 1983 3. Zoning District when purchased: commercial

4. Present use of property: Hotel 5. Current Zoning District: T-C

6. Has a previous ZBA application/appeal been filed for this property?
☒ Yes (when? 7/23/12 For what? Signage)
☐ No

7. Is property located within (check all that apply)?: ☐ Historic District ☒ Architectural Review District
☐ 500' of a State Park, city boundary, or county/state highway?

8. Brief description of proposed action: Install "E" logo on wall at Hotel Internally Lit

SEE Attached for A full list of requested variances

9. Is there a written violation for this parcel that is not the subject of this application? ☐ Yes ☒ No

10. Has the work, use or occupancy to which this appeal relates already begun? ☐ Yes ☒ No

11. Identify the type of appeal you are requesting *(check all that apply)*:

☐ INTERPRETATION (p. 2) ☐ VARIANCE EXTENSION (p. 2) ☐ USE VARIANCE (pp. 3-6) ☒ AREA VARIANCE (pp. 6-7)

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ☒ No ☐ Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

(applicant signature)

Sworn to before me this date 10th of November 2015

(applicant signature)

KATHLEEN R. FIALKOWSKI
Notary Public, State of New York
Schenectady Co. #01FI6059857
Commission Expires June 11, 2019

Date

Notary Public

If applicant is not the currently the owner of the property, the current owner must also sign.

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

AREA VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) _____

Dimensional Requirements	From	To

Other: _____

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

Attached

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

Attached

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

Attached

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

Attached

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

Attached

Embassy Suites Sign Variance

Dimensional Requirements:

6.1.5.1

A.1. To permit two wall signs and to permit placement of wall signs on an elevation without street frontage.

C. To exceed Max. 100 SF for the three signs Signs = 104.2 SF

6.1.5.1 B.2. Placement above first floor level (E logo)

6.1.6B. Logo exceeds Max 18" in height E logo on wall sign and Monument sign

6.1.6. B.2. To allow channel letters

Monument sign is larger than 12 SF

In summary we wish to install an "E" logo on the 6th floor. Logo will be 84" in height. The E will be an internally reverse lit, channel letter to provide a soft glow at night. Hilton requires that this E be installed on the building. We also wish to install a 35.5 SF monument sign. With a 28" tall E Logo Without this logo and sign Hilton can revoke the franchise license. This would essentially close the doors to the Embassy Suites and create a vacancy in the city. There is currently a violation on the property with regards to a directional sign that is 12SF in size. We have also submitted a conforming 4 SF replacement for this sign to bring the property back into conformance.

There are no other feasible means to accomplish what this signage will accomplish for the Hotel. The logo on the seventh floor will be visible from a distance. This will work as a directional aid to people trying to find the hotel. The hotel not being on Broadway, the main street will make it difficult to find for out of town guests. The logo can not be any smaller to be visible from 6 floors up. The monument sign is as small as Hilton will allow us to go. If this sign is any smaller it won't be visible from people traveling on Congress st.

Granting this variance will not cause an undesirable change in the character of the neighborhood. The E logo on the 6th floor also is an architectural element that is designed to fit the building. These signs will be reverse lit channel letters which do not cast much light. They will be visible but not glaring. If made any smaller the E would look too small and not be

identifiable. The monument sign is a directional Aid. The sign needs to be large enough that the copy is legible from a distance as people are driving.

The variance is not substantial. We are requesting a second wall sign so we are able to display the Hotel logo in manor that is properly scaled to the building. The logo must exceed 18" in height to keep it in scale with the building as it will be on the 6th floor. From the ground the logo will look 18" tall. The monument sign is larger than code allows but again is architecturally fitting to the scale of the builing. The E is 28" which is larger than allowed on the monument sign but this is a corporate branding standard.

There will be no adverse physical or environmental effects on the neighborhood or district. The signage will provide a finished look to the beautiful and architecturally pleasing building that has been constructed.

The difficulty is self created in that an Embassy Suites Franchise was chosen for this particular hotel. The banding guidelines for the Embassy Suites are such that the requested signs must be displayed on the building.

BUILDING INSPECTOR DENIAL
OF APPLICATION FOR LAND USE AND/OR BUILDING

APPLICANT: _____ TAX PARCEL NO.: _____.____ - _____ - _____

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

_____

_____

_____

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s)

_____. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Other: _____

_____

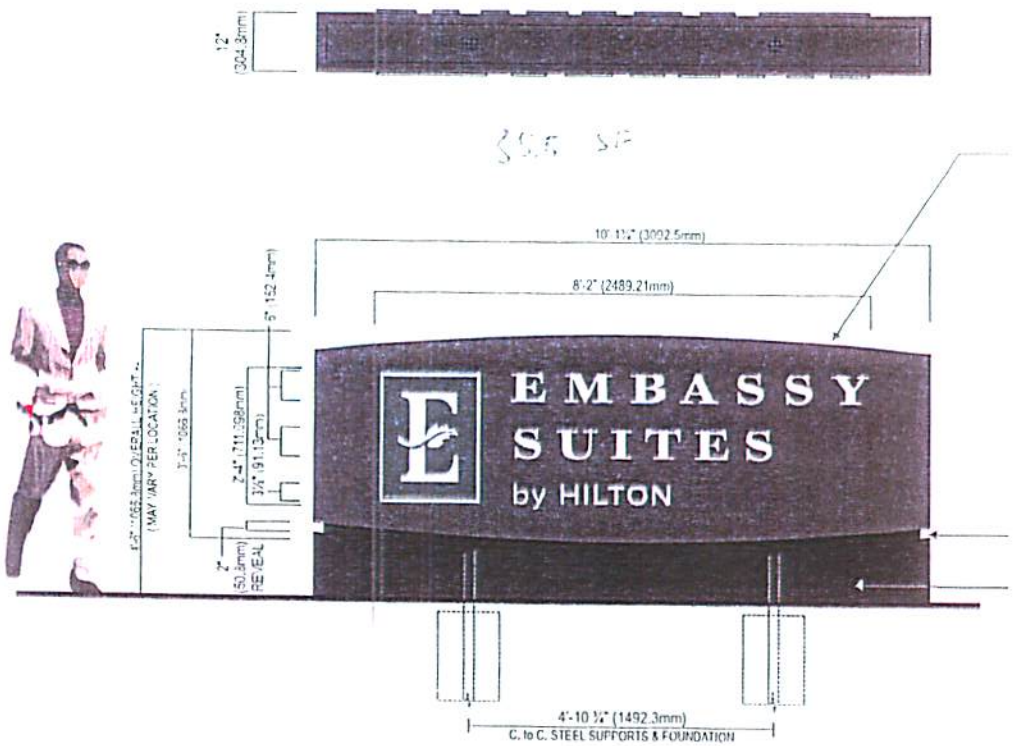
Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 11/2/15



D/F MONUMENT SIGN (ES M-35)

OPTIONAL LAYOUT

END VIEW

■ ES M-35

MATERIAL LIST

EMBASSY SUITES by HILTON

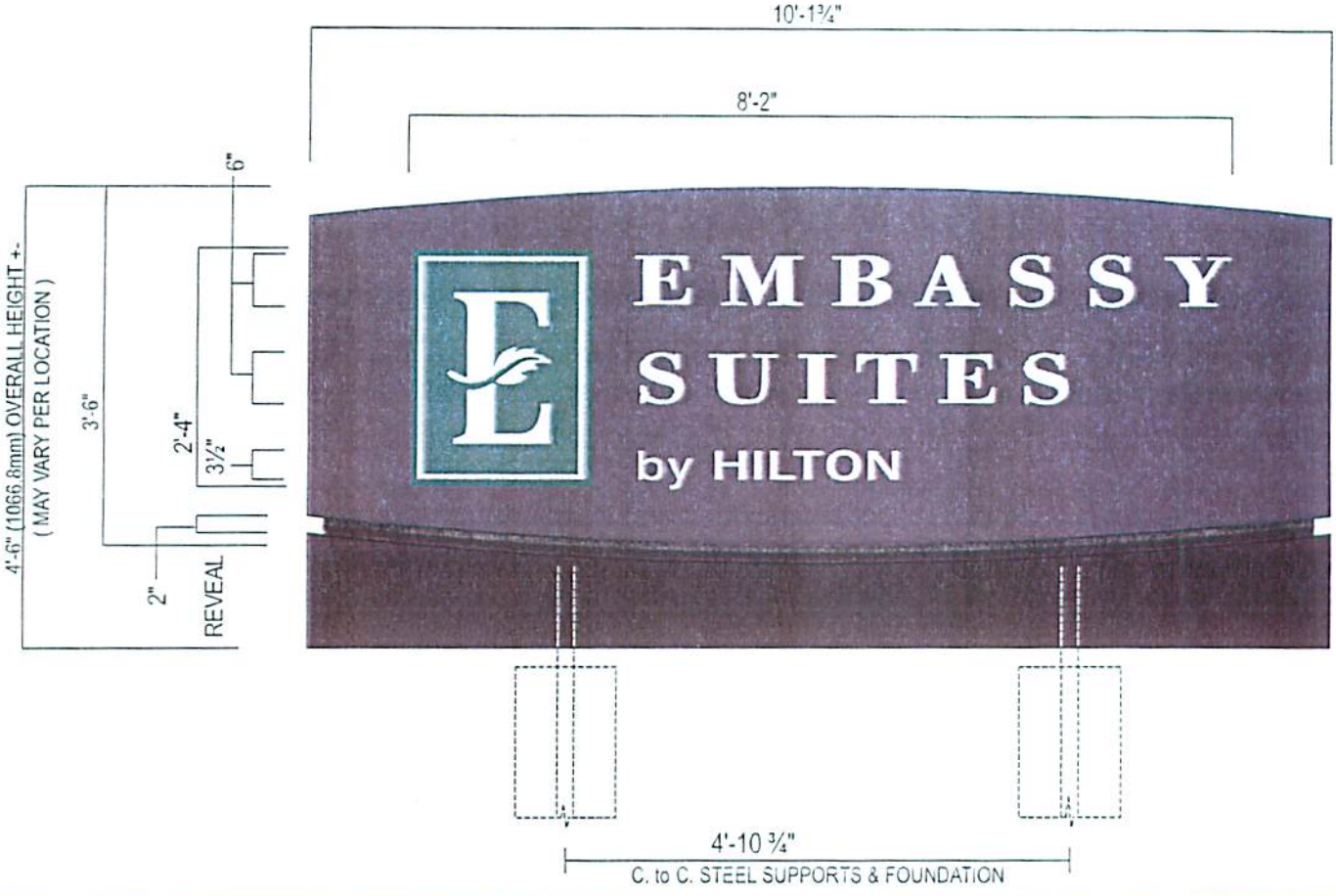
Sheet
ES M-20
Sheet 11 of 58

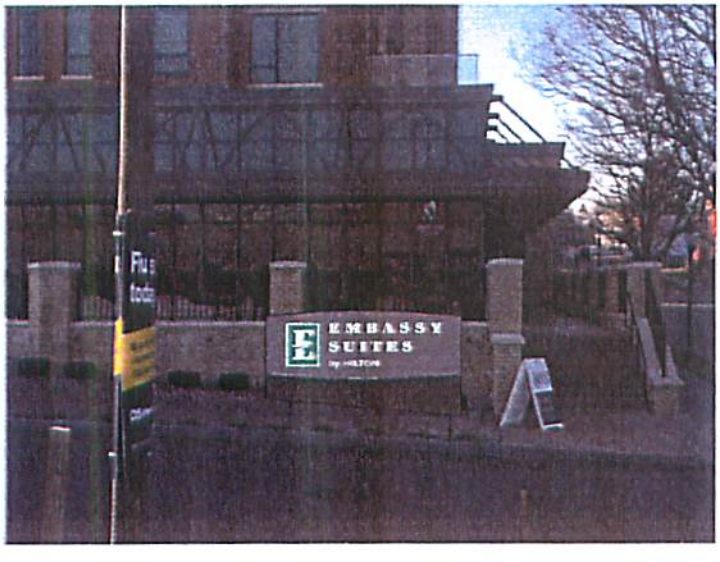
Client
EMBASSY SUITES

Attest

Revisions

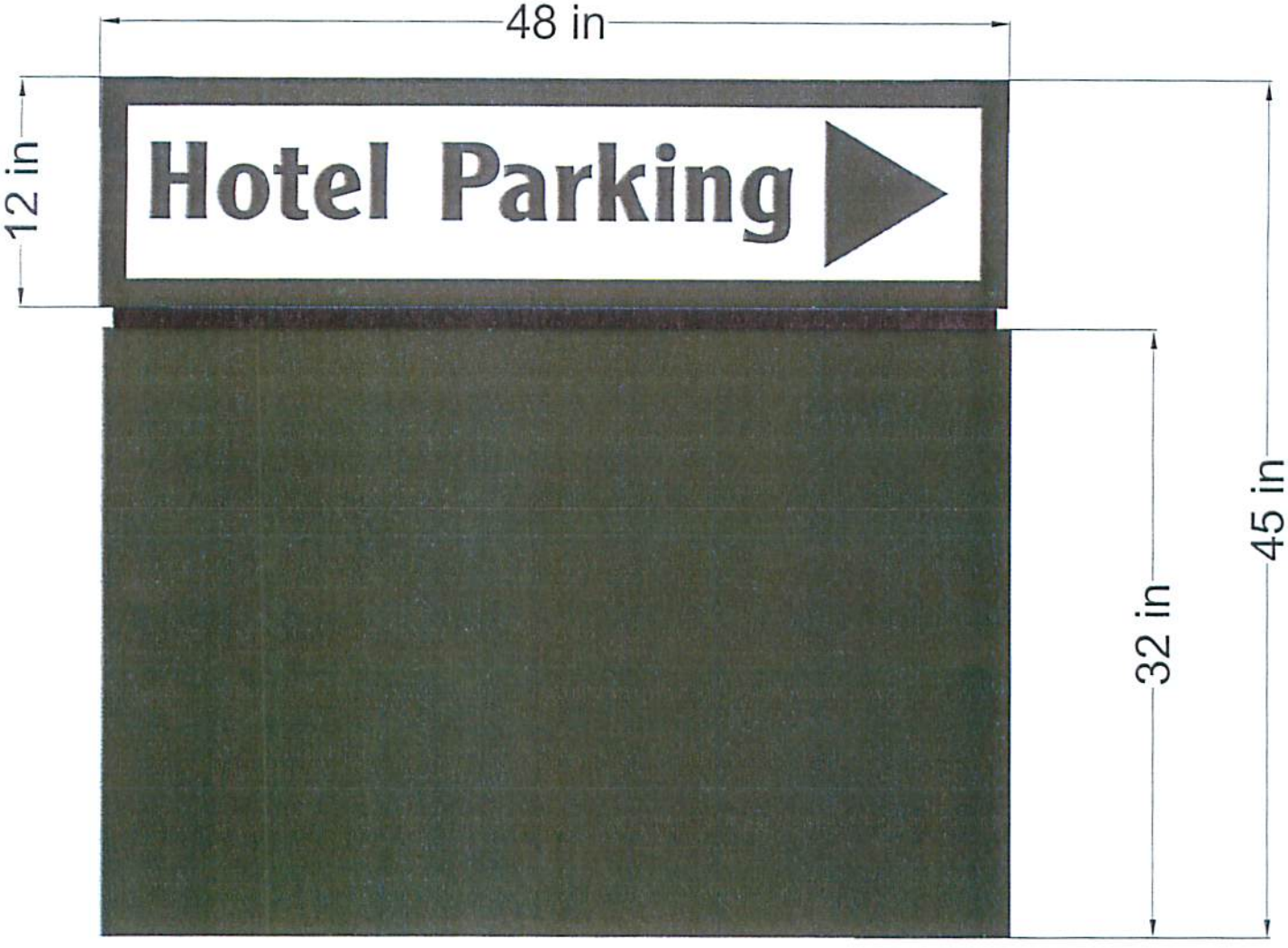
HILTON WORLDWIDE

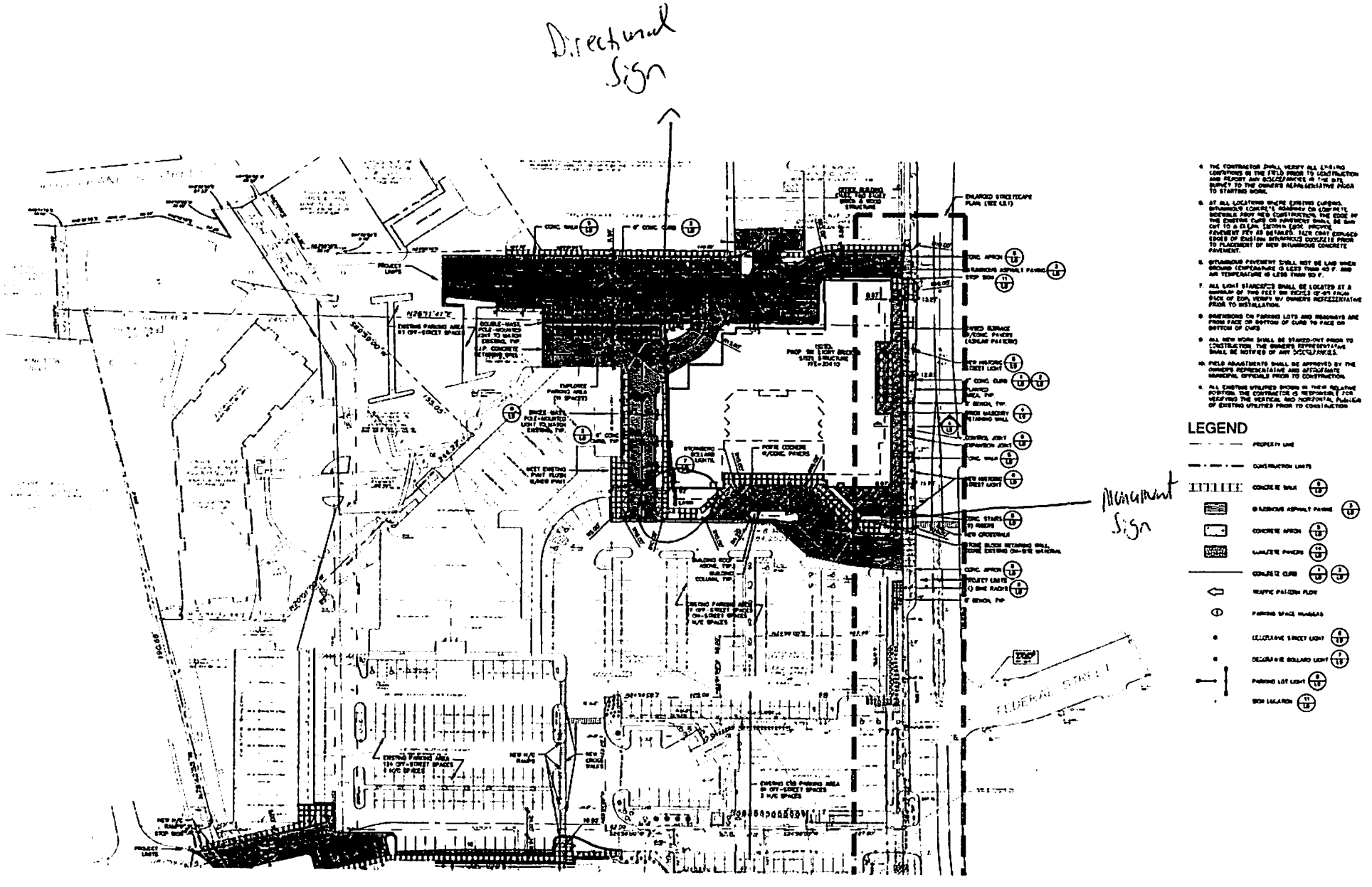

10'-1¾"
8'-2"
6"
4'-6" (1066.8mm) OVERALL HEIGHT +-
(MAY VARY PER LOCATION)
3'-6"
2'-4"
3½"
2"
REVEAL
EMBASSY
SUITES
by HILTON
4'-10 ¾"
C. to C. STEEL SUPPORTS & FOUNDATION


EMBASSY
SUITES

Conforming Directional Sign

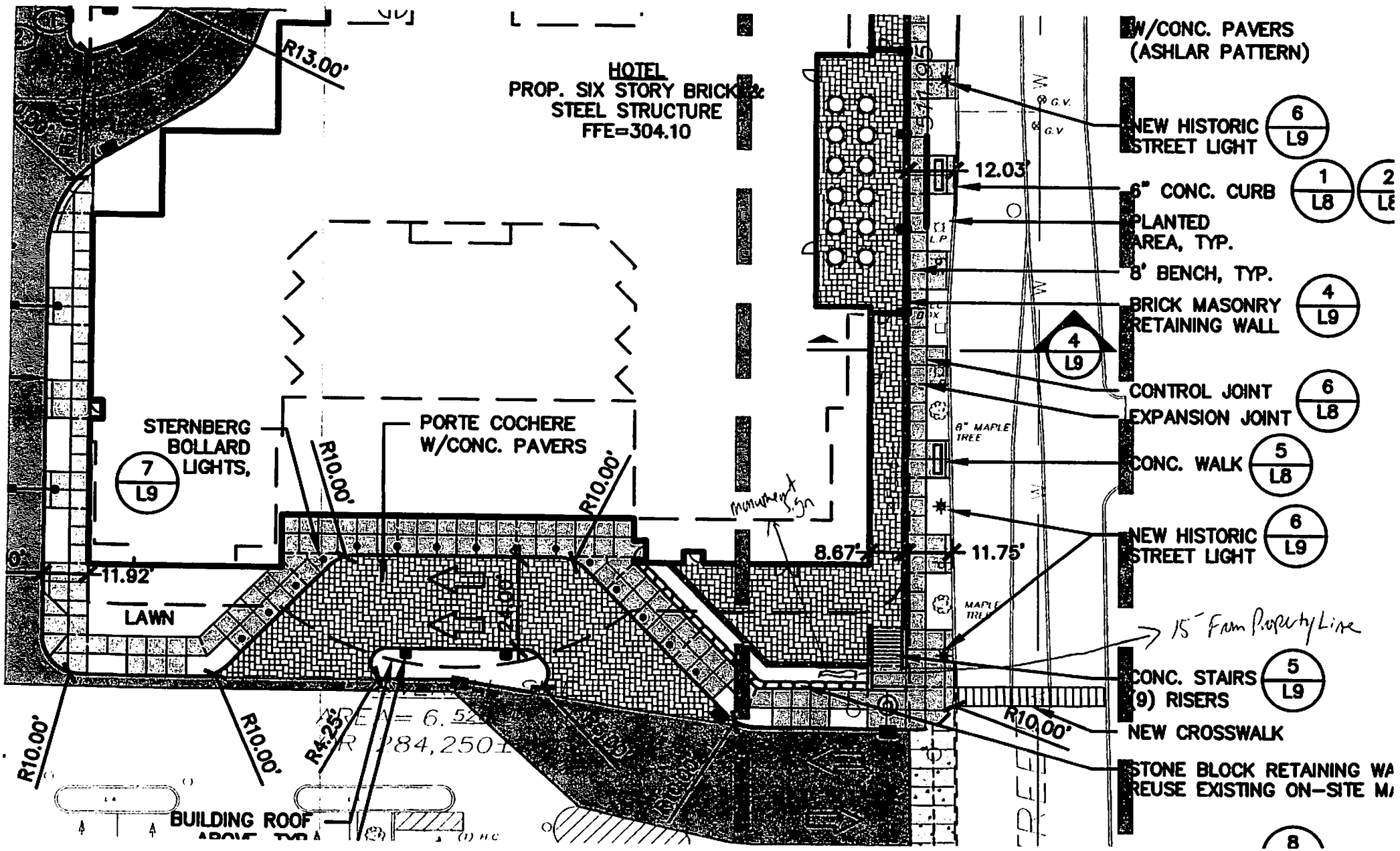
internally illuminated
sign cabinet on decorative
aluminum base





PREPARED FOR

Progress Plaza Redevelopment


HOTEL
PROP. SIX STORY BRICK &
STEEL STRUCTURE
FFE=304.10
R13.00'
W/CONC. PAVERS
(ASHLAR PATTERN)
NEW HISTORIC STREET LIGHT
6 L9
12.03'
6" CONC. CURB
1 L8
PLANTED AREA, TYP.
8' BENCH, TYP.
BRICK MASONRY RETAINING WALL
4 L9
4 L9
CONTROL JOINT
EXPANSION JOINT
6 L8
8" MAPLE TREE
CONC. WALK
5 L8
NEW HISTORIC STREET LIGHT
6 L9
STERNBERG BOLLARD LIGHTS,
7 L9
PORTE COCHERE W/CONC. PAVERS
R10.00'
R10.00'
Monument Sign
8.67'
11.75'
11.92'
LAWN
MAPLE TREE
15' From Property Line
CONC. STAIRS (9) RISERS
5 L9
R10.00'
NEW CROSSWALK
STONE BLOCK RETAINING WA
REUSE EXISTING ON-SITE MA
R10.00'
R10.00'
R4.25'
BUILDING ROOF
8

'E' to go on 6th Floor

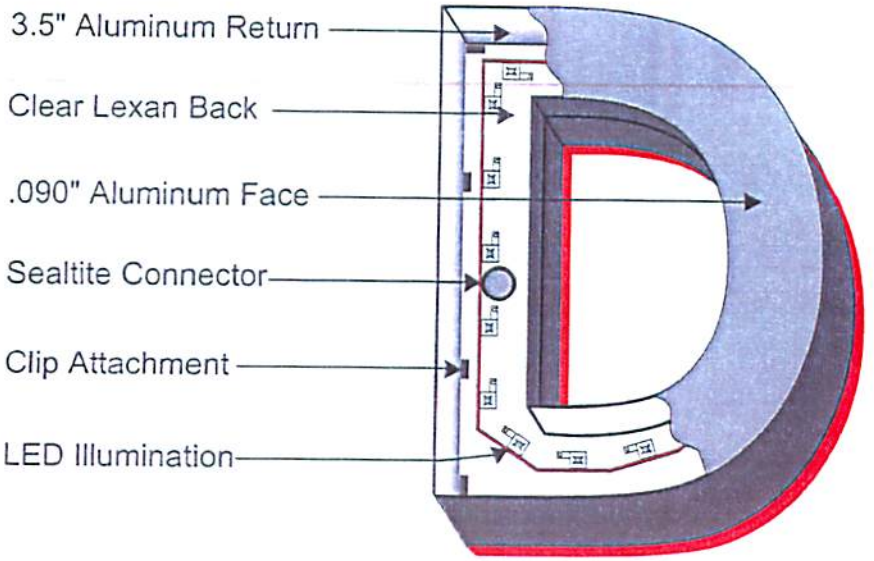
Tan stucco finish to match concrete buidling detail

Reverse lit channel letter

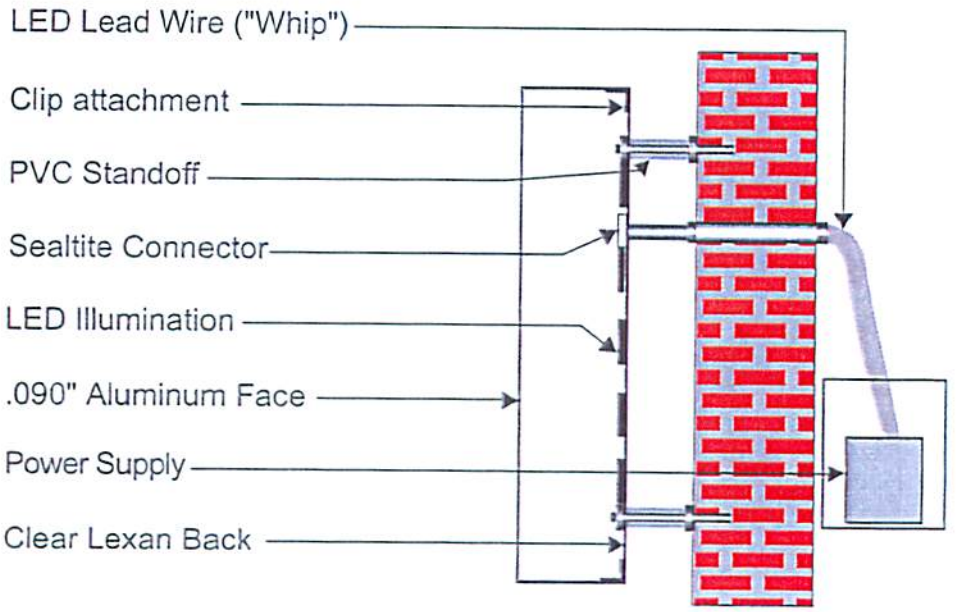
Installed stood off building 1.5" to provide a soft glow

Construction Drawing of 'E'

Reverse Lit Channel Letters



Front View



Side View

www.directsignwholesale.com

EMBASSY SUITES

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

December 18, 2015

Susan Barden, Senior Planner
City of Saratoga Springs
City Hall 474 Broadway
Saratoga Springs, NY 12866

SCPB Referral Review#15-06-Area Variance (signage)-DCG Development/Embassy Suites

Resubmittal of previous appeal for signage area variance.
Placement of letter "E" on 6th Floor to complement the "E" on second floor before hotel logo and a 36-s.f. monument sign w/ 28" "E" logo as a directional sign at the entrance.
Congress Street, south side, off Broadway (NYS Route 50)

Received from the City of Saratoga Springs Zoning Board of Appeals on December 10, 2015.
Reviewed by the Saratoga County Planning Board on December 17, 2015.

Decision: No Significant County Wide or Inter Community Impact

Comment:

Please see previous comment letter. We note that there was an unfavorable advisory opinion issued from the DRC. Additionally, there was a previous zba rejection of an appeal which resulted in the "E" placed on the canopy above the main entrance. Now the applicant has resubmitted for the "E" at the top of the hotel structure, claiming that there is the potential for revocation of franchise license if not given "E" on 6th floor. Determination is returned for local decision.

Michael Valentine, Senior Planner
Authorized Agent for Saratoga County

50 WEST HIGH STREET
BALLSTON SPA, NY 12020

(518) 884-4705 PHONE
(518) 884-4780 FAX

DISCLAIMER: Recommendations made by the Saratoga County Planning Board on referrals and subdivisions are based upon the receipt and review of a "full statement of such proposed action" provided directly to SCPB by the municipal referring agency as stated under General Municipal Law section 239. A determination of action is rendered by the SCPB based upon the completeness and accuracy of information presented by its staff. The SCPB cannot be accountable for a decision rendered through incomplete or inaccurate information received as part of the complete statement.

25 SF sign area

30 SF sign area

CITY OF SARATOGA SPRINGS

CITY HALL - 474 BROADWAY
SARATOGA SPRINGS, NEW YORK 12866
TEL: 518-587-3550 FAX: 518-580-9480
WWW.SARATOGA-SPRINGS.ORG

[FOR OFFICE USE]
(Application #)
REC'D OCT 26 2015
(Date received)

APPLICATION FOR:
APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	~~ATTORNEY~~/AGENT)
Name	LUKE A. BOUGHTON	(same)	TONYA YASENCHAK, PE
Address	[redacted]		ENGINEERING AMERICA CO.
			76 WASHINGTON ST., SARATOGA, NY
Tel./Fax	[redacted]	/	518/587-1340 /
Email	[redacted]		[redacted]

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.
Applicant's interest in the premises: ☑ Owner ☐ Lessee ☐ Under option to lease or purchase

PROPERTY INFORMATION

Property Address (No. & St.) #1 ALGER ST. Side of St. (north, east, etc.) SOUTH

Tax Parcel No.: 165 . 43 - 3 - 18 *(for example: 165.52 – 4 – 37)* Tax District: ☑ Inside ☐ Outside

1. Date acquired by current owner: 12/17/2008 2. Zoning District when purchased: UR-3
3. Present use of property: SINGLE FAMILY RESIDENCE 4. Current Zoning District: UR-3
5. Has a previous ZBA application/appeal been filed for this property? ☐ Yes (when? _____ for what? _____) ☑ No (UNKNOWN)
6. Is property located within (check all that apply)?: ☐ Historic District ☐ Architectural Review District ☑ 500' of a State Park, city boundary, or (county/state highway?) NYS RTE. 9 & 50
7. Brief description of proposed action: ADDITION OF ATTACHED 2 CAR GARAGE WITH NEW MASTER SUITE ABOVE.

8. Is there ... No
9. Has the ... No
10. Identify ...

☐ INT ... NCE (pp. 6-7)

LUKE A. BOUGHTON [redacted] 884
10/19/15 Date 54-49/114 NH 32905
Pay To The Order Of Commissioner of Finance $ 150.00
One-hundred; fifty 00/100 Dollars
Bank of America
ACH R/T 011400495
For 1 Alger St. App. fee
Security Features Details on Back.
©Harland Clarke Corp. Harland Clarke/MLSP

CITY OF SARATOGA SPRINGS

CITY HALL - 474 BROADWAY
SARATOGA SPRINGS, NEW YORK 12866
TEL: 518-587-3550 FAX: 518-580-9480
WWW.SARATOGA-SPRINGS.ORG

[FOR OFFICE USE]

(Application #)

REC'D OCT 26 2015

(Date received)

APPLICATION FOR:
APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	~~ATTORNEY~~/AGENT
Name	LUKE A. BOUGHTON	(SAME)	TONYA YASENCHAK, PE
Address	[redacted]		ENGINEERING AMERICA CO.
			76 WASHINGTON ST., SARATOGA, NY
Tel./Fax	[redacted]	/	518/587-1340/
Email	[redacted]		[redacted]

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises: ☑ Owner ☐ Lessee ☐ Under option to lease or purchase

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3. Present use of property: SINGLE FAMILY RESIDENCE 4. Current Zoning District: UR-3

5. Has a previous ZBA application/appeal been filed for this property? ☐ Yes (when? _____ for what? _____) ☑ No (UNKNOWN)

6. Is property located within (check all that apply)?: ☐ Historic District ☐ Architectural Review District ☑ 500' of a State Park, city boundary, or (county/state highway?) NYS RTE. 9 & 50

7. Brief description of proposed action:

ADDITION OF ATTACHED 2 CAR GARAGE WITH NEW MASTER SUITE ABOVE.

8. Is there a written violation for this parcel that is not the subject of this application? ☐ Yes ☑ No

9. Has the work, use or occupancy to which this appeal relates already begun? ☐ Yes ☑ No

10. Identify the type of appeal you are requesting *(check all that apply)*:

☐ INTERPRETATION (p. 2) ☐ VARIANCE EXTENSION (p. 2) ☐ USE VARIANCE (pp. 3-6) ☑ AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance" and attach to top of original application. Fees are cumulative and required for each request below.

☐ Interpretation	$ 400
☐ Use variance	$1,000
☑ Area variance	
-Residential use/property:	$ 150
-Non-residential use/property:	$ 500
☐ Extensions:	$ 150

NOT APPLICABLE

INTERPRETATION – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) _____

2. How do you request that this section be interpreted? _____

_____

_____

_____

3. If interpretation is denied, do you wish to request alternative zoning relief? ☐ Yes ☐ No

4. If the answer to #3 is "yes," what alternative relief do you request? ☐ Use Variance ☐ Area Variance

EXTENSION OF A VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: _____ 2. Type of variance granted? ☐ Use ☐ Area

3. Date original variance expired: _____ 4. Length of extension requested: _____

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?: _____

_____

_____

_____

_____

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

_____

AREA VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) SECTION 2: TABLE 3: AREA & BULK.

Dimensional Requirements	From	To
1) MIN. YARD SETBACK: FRONT (ALGER ST)	10'	7.8' (22%)
2) MIN. YARD SETBACK: FRONT (BOLSTER LN)	10'	7' (30%)
3) MIN. YARD SETBACK: TOTAL SIDES	12'	4.4' (63.3%)
4) MAXIMUM BUILDING COVERAGE: PRINCIPAL BLDG.	30%	55.5%

Other:

5) MINIMUM DISTANCE TO ACCESSORY BLDG: (FRONT LINE)	10'	2' (80%)

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

THE EXISTING LOT SIZE, RESIDENCE AND TRIPLE FRONTAGE MAKES THIS PROPERTY DIFFICULT TO DEVELOP. ALTERNATIVES EXPLORED: a) MINIMIZING THE SIZE OF THE GARAGE WIDTH TO REDUCE THE BOLSTER LN. VARIANCE DOES NOT ALLOW FOR GARAGE DOOR WIDTHS NECESSARY TO FIT THE OWNERS' CARS b) RECONFIGURING THE GARAGE TO EXIT ONTO BOLSTER LN & NARROWING GARAGE THAT WAY DOES NOT WORK BECAUSE A BUILDING TO THE NORTHWEST, ACROSS THE LANE LIMITS THE REQUIRED TURNING RADIUS TO BACK OUT. c) NO ADDITIONAL LAND AVAILABLE. d) NO BASEMENT EXISTS FOR STORAGE OPTIONS.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

a) THE EXISTING NEIGHBORHOOD, DEVELOPED IN THE LATE 1890'S/EARLY 1900'S, IS VERY DENSE. WITH MOST HOMES LOCATED VERY CLOSE TO THE ROAD (OFTEN AT THE SIDEWALK) AS WELL AS CLOSE TO EACHOTHER. THE PROPOSED PROJECT IS VISUALLY CONSISTENT WITH THIS CHARACTER.

b) THE TWO STORY, ADDITION IS LOCATED ALONG THE ALLEY AND IS DESIGNED TO BE ARCHITECTURALLY CONSISTENT WITH CARRIAGE HOUSES, BARNS & GARAGES ALONG THE ALLEY. c) THIS HOUSE WILL REMAIN (1) FAMILY (7/11 NEIGHBORS > 1 FAMILY)

d) THERE ARE THREE (3) OTHER RESIDENCES IN THE AREA OVER 50% COVERAGE TOTAL.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

a) THE PRE-EXISTING, NON-CONFORMING LOCATION OF THE HOUSE ALONG ALGER ST. & WOODLAWN DO NOT CHANGE. THE GARAGE ACTUALLY "MOVES" AWAY FROM ALGER AS ONE FOLLOWS THE GARAGE TO THE WEST.

b) THE PRE-EXISTING, NON-CONFORMING HOUSE COVERAGE IS ALREADY AT 41.3%. A HOUSE WITH A DETACHED GARAGE, MAY COVER 40% IN THIS ZONE. THIS APPLICATION FOR 55.5% ONLY DEVIATES BY 15.5% WHICH IS NOT SUBSTANTIAL.

c) THE SITE, HAVING THREE FRONTS, MAKES THE TOTAL SIDE SETBACK DIFFICULT TO MEET.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

a) THE EXISTING DRIVEWAY ALONG ALGER ST. WILL BE REMOVED AND SEEDED FOR MORE GREEN SPACE/PERMEABLE AREA.

b) THE CATCH BASIN TO THE NORTH OF THE PROPERTY WILL REMAIN TO FACILITATE SITE DRAINAGE.

c) NO LARGE OR SIGNIFICANT TREES WILL BE REMOVED.

d) THE ADDITION, ALTHOUGH 2 STORIES, WILL REMAIN WELL UNDER THE MAX. ALLOWABLE HEIGHT. (PROPOSED HT OF 25-26'/MAX 60')

e) THE PROJECT SITE IS COMPLIANT WITH THE PERMEABILITY REQUIREMENTS (SEE ATTACHED CALCULATIONS).

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

a) THE HOUSE IS PRE-EXISTING & NON-CONFORMING ON A SMALL LOT, IN A NEIGHBORHOOD WITH OTHER NON-CONFORMING LOTS.

b) THE HOUSE HAS THREE FRONTS WHICH MAKES IT DIFFICULT TO MEET REQUIRED SETBACKS. THE TRUE, ZONING COMPLIANT HOUSE FOOTPRINT WOULD BE 110' x 13' (WITH ROOF OVERHANG THE HOUSE ITSELF WOULD ONLY BE 11')

c) THE HOUSE IS NOT SQUARE ON THE PROPERTY MAKING SETBACKS DIFFICULT

d) CONSTRUCTION ACROSS THE ALLEY LIMITS ACCESS TO A GARAGE ON THIS SITE.

In accord with Article 240-14.4A(1)(b)(6) of the Zoning Ordinance, "any request for an area variance, which shall effect a change in density, shall be applied for and considered as a use variance and decided under criteria for the same". A request that involves any of the following relief will require an application for a use variance and will be decided under the use variance criteria:

(1) Dimensional relief from minimum lot size requirements that would allow additional permitted units and/or uses
(2) Relief from on site parking requirements
(3) Reduction in land area requirements for multi-family units

e) THE EXISTING HOUSE HAS NO BASEMENT FOR ANY STORAGE

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ☑ No ☐ Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

(applicant signature)

Tonya L. Yasenchak
Notary Public, State of New York
Reg. No. 01YA6149354
Certificate filed: Saratoga County
Commission Expires: 7/17/2018

Sworn to before me this date:

Date: OCT. 20TH, 2015

(applicant signature)

Notary Public

Revised: January 2011

#1 ALGER ST

TABLE 3: AREA AND BULK SCHEDULE

Zoning District	Minimum Lot Size Square Feet (SF)	Minimum Average Width (Ft.)	Maximum Building Coverage Percentage		Min. Yard Setback (Feet)				Principal Buildings		Minimum Distance to Accessory Building (Feet)				Minimum % to Remain Permeable
			Principal Bldg.	Access. Bldg.	Front	Rear	Each Side	Total Side	Minimum 1st Floor Area (SF)	Max. Height (Feet)	Principal Building	Front Lot Line	Side Lot Line	Rear Lot Line	
RR (F)	2 acres	200	15	5	60	100	30	100	-----	35	5	60	30	50	80
SR-1 (F)	40,000	125	20	8	40	40	15	35	-----	35	5	40	10	10	40
SR-2	20,000 (A)	100	25	8	30	30	12	30	-----	35	5	30	5	5	30
UR-1	12,500 (A)	100	20	8	30	30	12	30	1 Story = 1,100 2 Story = 800	60	5	30	5	5	30
UR-2	6,600 (A)	60	30	10	10	25	8	20	1 Story = 900 2 Story = 700	60	5	10	5	5	25
UR-3	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	60	5	10	5	5	25
UR-4	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	70	10	25	5	5	15
UR-4A	2,000/DU	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	70	5	10	5	5	15
UR-5	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	185	20	20	10	10	15
UR-6	4,800	60	30	10	25	25	8	20	900	35	5	25	5	5	25
UR-7	4,000	50	45	10	10	10	4	8	1,000	35	5	10	5	5	20
NCU-1	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-2	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-3	3,000/DU	60 (H)	30	10	10 (I)	25	4 (J)	12	1 story = 1,800 2 story = 1,200	50	5	10	5	5	20

ENGINEERING AMERICA CO.

76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866

518 / 587-1340 518 / 580-9783 (FAX)

TRANSMITTAL SHEET

TO: Zoning Board of Appeals	FROM: Tonya Yasenchak
COMPANY: City of Saratoga Springs	DATE: October 26, 2015
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 1
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Boughton Addition #1 Alger St., Saratoga Springs, NY	YOUR REFERENCE NUMBER:

☐ URGENT ☑ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ AS REQUESTED

City of Saratoga Zoning Board Members,

Engineering America Co. herein would like to provide information regarding the proposed Boughton area variances proposed at #1 Alger St in Saratoga Springs, NY. This correspondence includes the information as follows:

Area Calculations:

Total Lot Size:	4,701 sq.ft.
Existing House Coverage	1,944 sq.ft. (41.3% coverage = 11.3% > 30% max allowable)
Proposed House with Addition:	2,609 sq.ft. (55.5% coverage = 25.5% > 30% max. allowable)

Permeability:	House with Addition:	2,609 sq.ft.
	Existing & New Driveways:	430 sq.ft. (+/-)
	Patio & Shed:	350 sq.ft. (+/-).
	Total Coverage:	3,389 sq.ft.
	3,389 sq.ft. (72 % coverage = 28 % permeable > 25% min)	

Thank you for your time and cooperation.

Sincerely,

Tonya Yasenchak, PE

Boughton Addition:

#1 Alger St., Saratoga Springs, NY

Front / East elevation of existing residence as viewed facing West from Woodlawn.

Rear / West elevation of existing residence as viewed facing South East from Alger St.

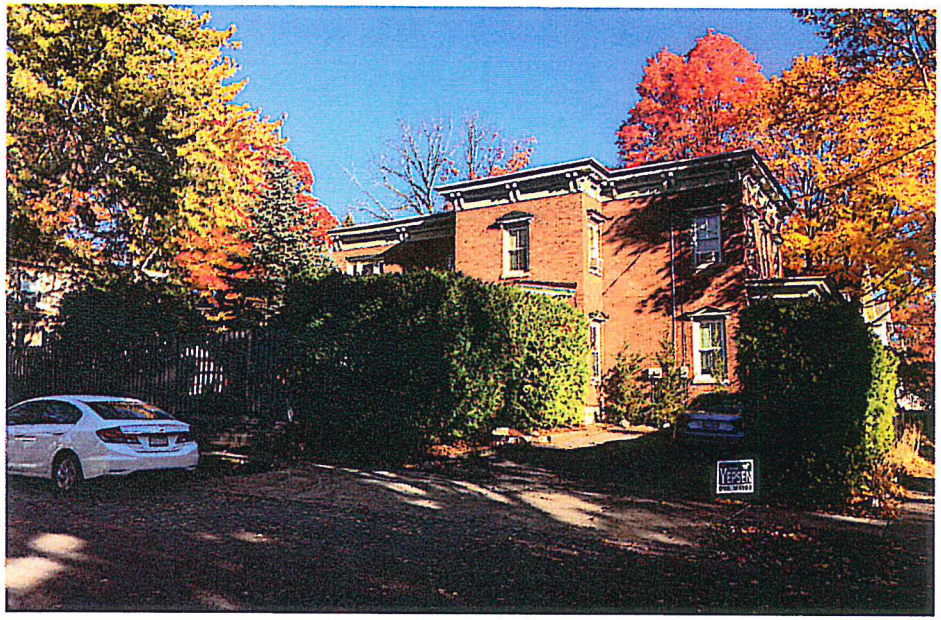
Right / North elevation of existing residence as viewed facing South from Alger St.

Close up of North Elevation to be added on to (addition will be to right in pic.) as viewed facing South from Alger St.

Boughton Addition:

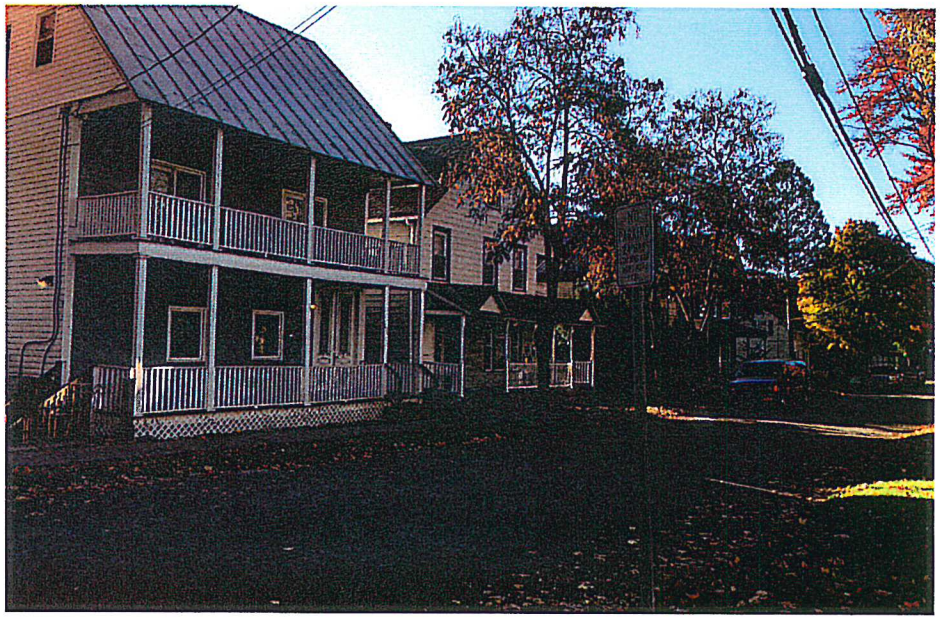
#1 Alger St., Saratoga Springs, NY

Adjacent Neighbors to the South of project site as viewed facing South West along Woodlawn.



Property at corner, across Alger St. from project site. As viewed facing North from Woodlawn intersection.

Properties across Woodlawn to the North East of project site as viewed facing East from Alger St. intersection.



Properties across Woodlawn to the South East of project site as viewed facing South East from Alger St. intersection.

Boughton Addition:

#1 Alger St., Saratoga Springs, NY

Adjacent Neighbors' alley garage to the South of project site as viewed facing South from Bolster Ln./ Alger St. intersection

Bolster Lane behind project site as viewed facing South from Bolster Ln. / Alger St. intersection.

Properties to the West of project site along Alger St. as viewed facing West from project site.

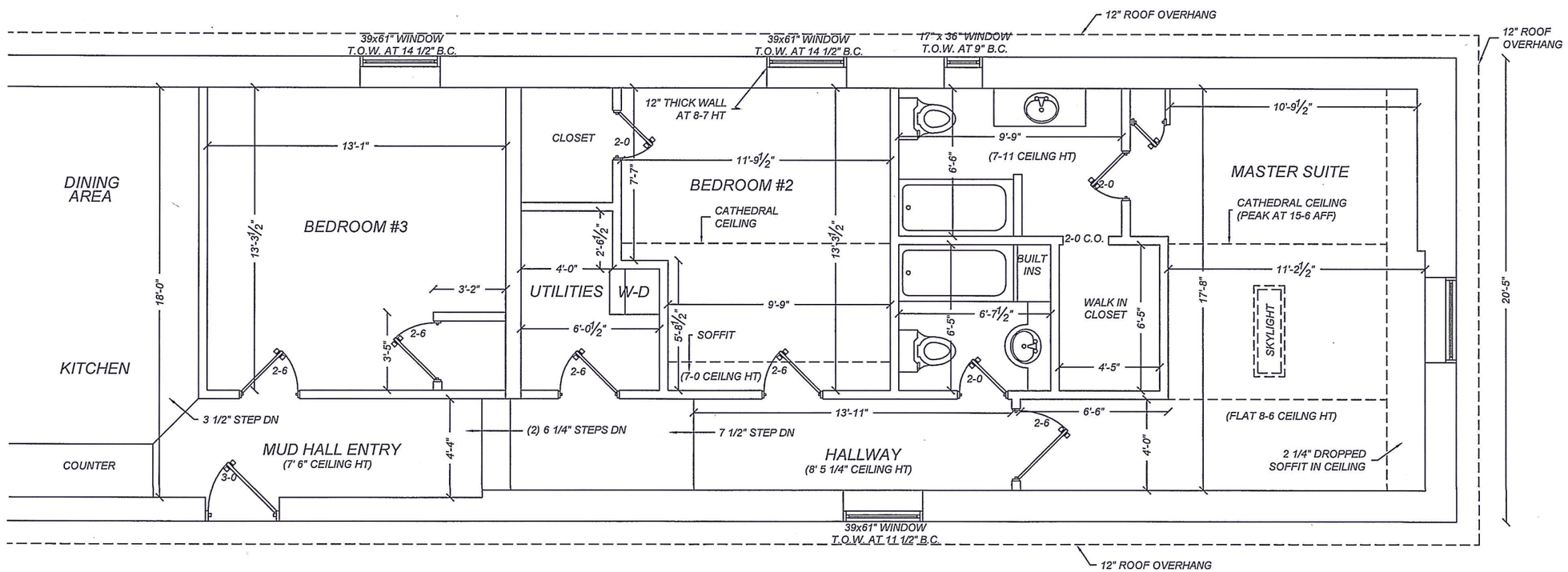
Property to the direct North of project site as viewed facing North across Alger St. from location of proposed addition

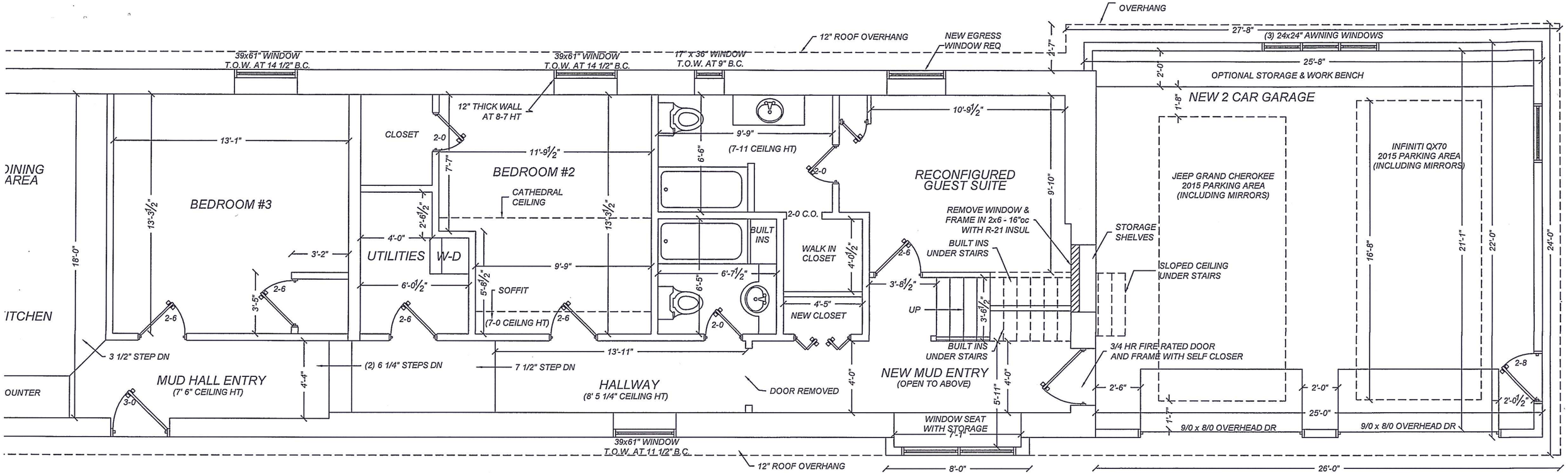
BOUGHTON RESIDENCE
#1 ALGER ST.
CITY OF SARATOGA SPRINGS, NY

EXISTING MAIN FLOOR PLAN

10/26/15 SCALE: 3/16" = 1' 0"

DRAWN BY:
ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 - 1340





MAIN FLOOR PLAN

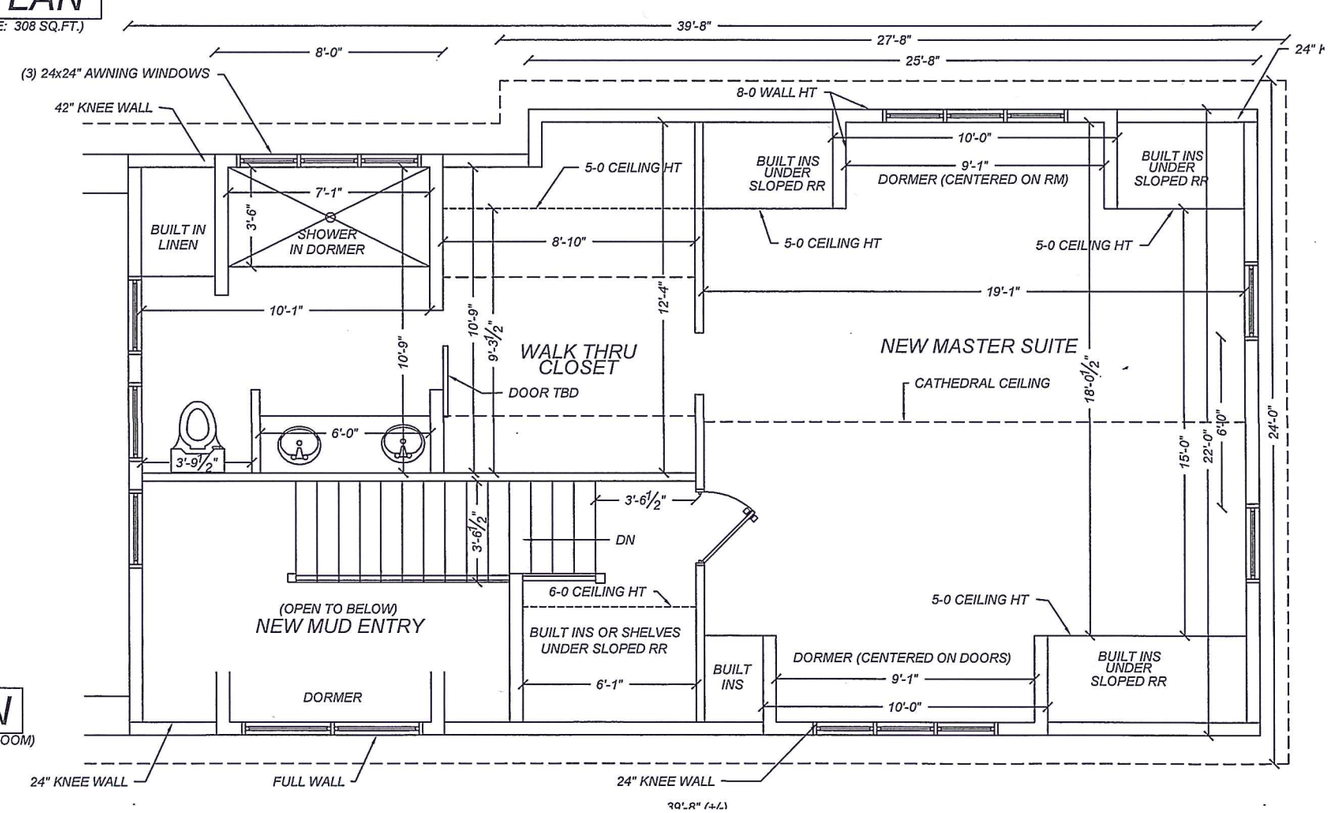
(RENOVATED SPACE WITH NEW AREA ABOVE: 308 SQ.FT.)
(GARAGE: 550 SQ.FT.)

BOUGHTON RESIDENCE
#1 ALGER ST.
CITY OF SARATOGA SPRINGS, NY

PROPOSED FLOOR PLANS

10/26/15 SCALE: 3/16" = 1' 0"

DRAWN BY:
ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 - 1340



UPPER FLOOR PLAN

(734 SQ.FT. NOT INCLUDING STAIRS & OPEN SPACE OVER MUDROOM)

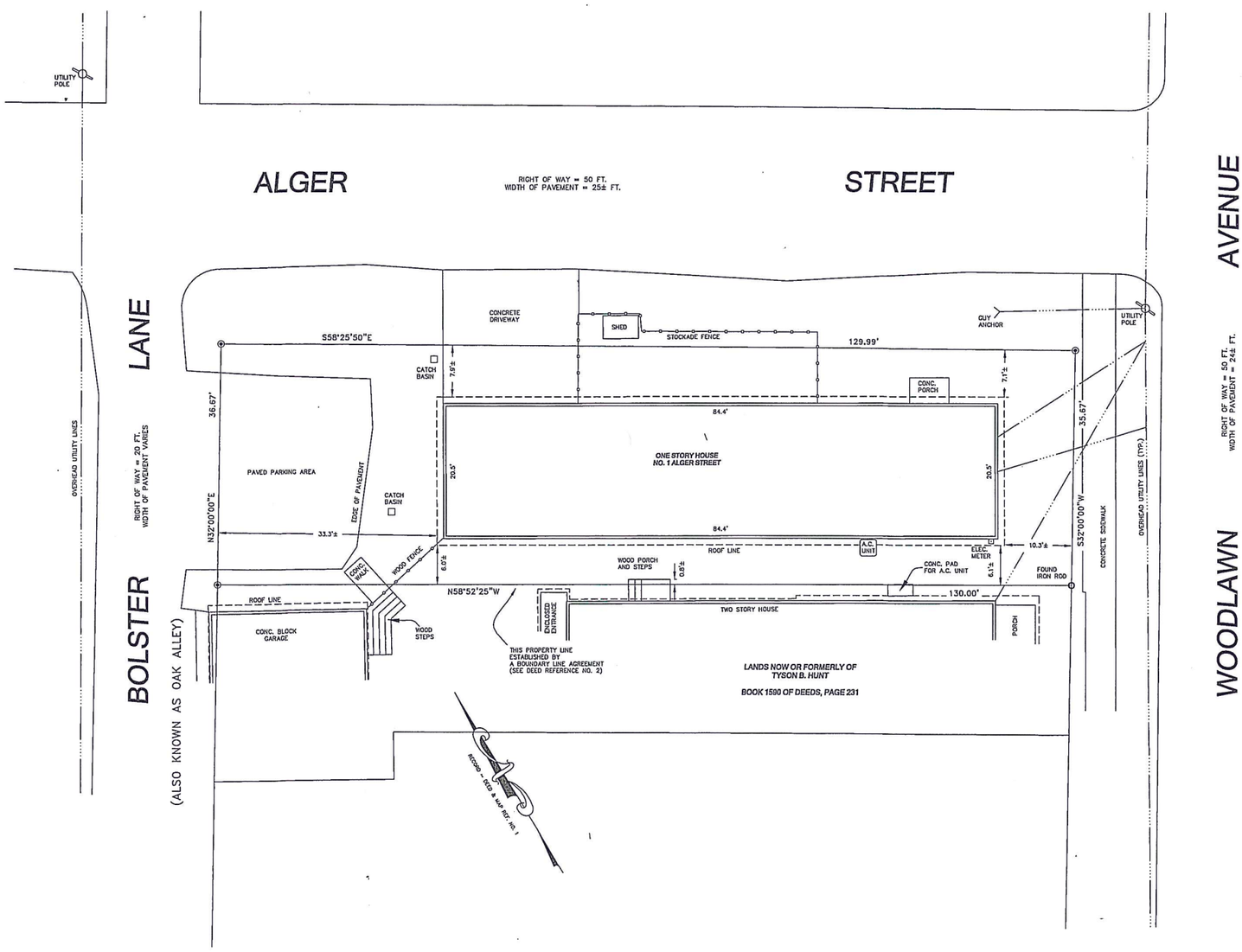
BOUGHTON RESIDENCE
#1 ALGER ST.
CITY OF SARATOGA SPRINGS, NY

PROPOSED NORTH ELEVATION

10/26/15 SCALE: 3/16" = 1' 0"

DRAWN BY:
ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 - 1340

(PROPOSED VIEW FROM ALGER ST.)



LOT INFORMATION:

OWNER: . . . . . LAUREN M. NEITZEL AND LUKE A. BOUGHTON (DEED REFERENCE NO. 1)

LOT AREA: . . . . . 4,701± SQ. FT.

TAX MAP PARCEL NO. . . . 165.43-3-18

LOT COVERAGE: . . . . . AREA OF BUILDING, MEASURED TO ROOF LINE IS 1,944± SQ. FT. OR 41.3% OF THE SITE.

ZONING INFORMATION:

ZONING DISTRICT: UR-3
- MINIMUM LOT SIZE: 8,000 SQ. FT.
  - (6,600 SQ. FT. FOR SINGLE FAMILY RESIDENCE)
- MINIMUM MEAN LOT WIDTH: 80 FT.
  - (60 FT. FOR SINGLE FAMILY RESIDENCE)
- MAXIMUM PERCENT OF LOT TO BE OCCUPIED BY:
  - PRINCIPAL BUILDING: 30 %
  - ACCESSORY BUILDING: 10%
- MINIMUM YARD DIMENSIONS:
  - FRONT: 10 FT.
  - REAR: 25 FT.
  - ONE SIDE: 4 FT.
  - TOTAL SIDE: 12 FT.
- PRINCIPAL BUILDING:
  - MINIMUM FIRST FLOOR AREA:
    - 1 STORY: 1,200 SQ. FT.
    - 2 STORY: 800 SQ. FT.
  - MAXIMUM BUILDING HEIGHT: 60 FT.
  - MINIMUM DISTANCE FROM ACCESSORY BUILDING TO:
    - PRINCIPAL BUILDING: 5 FT.
    - FRONT LOT LINE: 10 FT.
    - SIDE LOT LINE: 5 FT.
    - REAR LOT LINE: 5 FT.
- MINIMUM PERCENT OF LOT TO BE PERMEABLE: 25%

I HEREBY CERTIFY TO:

1.) LAUREN M. NEITZEL AND LUKE A. BOUGHTON

THAT THIS MAP WAS PREPARED FROM AN ACTUAL FIELD SURVEY MADE IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

DANIEL C. WHEELER P.L.S. LIC. NO. 50,137

DEED REFERENCES:

1.) DEED DATED DECEMBER 17, 2008 FROM VILON, INC. TO LAUREN M. NEITZEL AND LUKE A. BOUGHTON AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE AS DEED NO. 2008042706.

2.) BOUNDARY LINE AGREEMENT DATED APRIL 2, 1986 BETWEEN HAROLD CLUNE AND DOUGLAS V. DOCKENDORF AND GREGORY JOHN SCARANGELLO AND GREGORY JAMES SCARANGELLO AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE IN BOOK 1123 OF DEEDS AT PAGE 290.

MAP REFERENCES:

1.) MAP ENTITLED "SURVEY AND SUBDIVISION LANDS OF GREGORY JOHN AND GREGORY JAMES SCARANGELLO", DATED APRIL 12, 1986, MADE BY W. BRUCE HAWKS AND FILED IN THE SARATOGA COUNTY CLERK'S OFFICE AS MAP NO. "S-151".

NOTES:

1.) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR A TITLE REPORT.

2.) OFFSET DIMENSIONS ARE MEASURED TO ROOF LINES.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS MAP IS A VIOLATION OF ARTICLE 145, SECTION 7209, SUB-PARAGRAPH (2) OF THE NEW YORK STATE EDUCATION LAW.

DANIEL C. WHEELER
P.L.S. LIC. NO. 50,137

SURVEY ASSOCIATES, LLC
PROFESSIONAL LAND SURVEYING
DANIEL C. WHEELER, LS
432 BROADWAY, SUITE 5, SARATOGA SPRINGS, NY 12866
PH. (518) 583-7302 FAX (518) 583-7303

TITLE:
SURVEY OF LANDS OF LAUREN M. NEITZEL AND LUKE A. BOUGHTON

LOCATION:
CITY OF SARATOGA SPRINGS, (INSIDE DISTRICT)
SARATOGA COUNTY, NEW YORK

DATE:
JUNE 4, 2015

SCALE:
1 INCH = 20 FEET

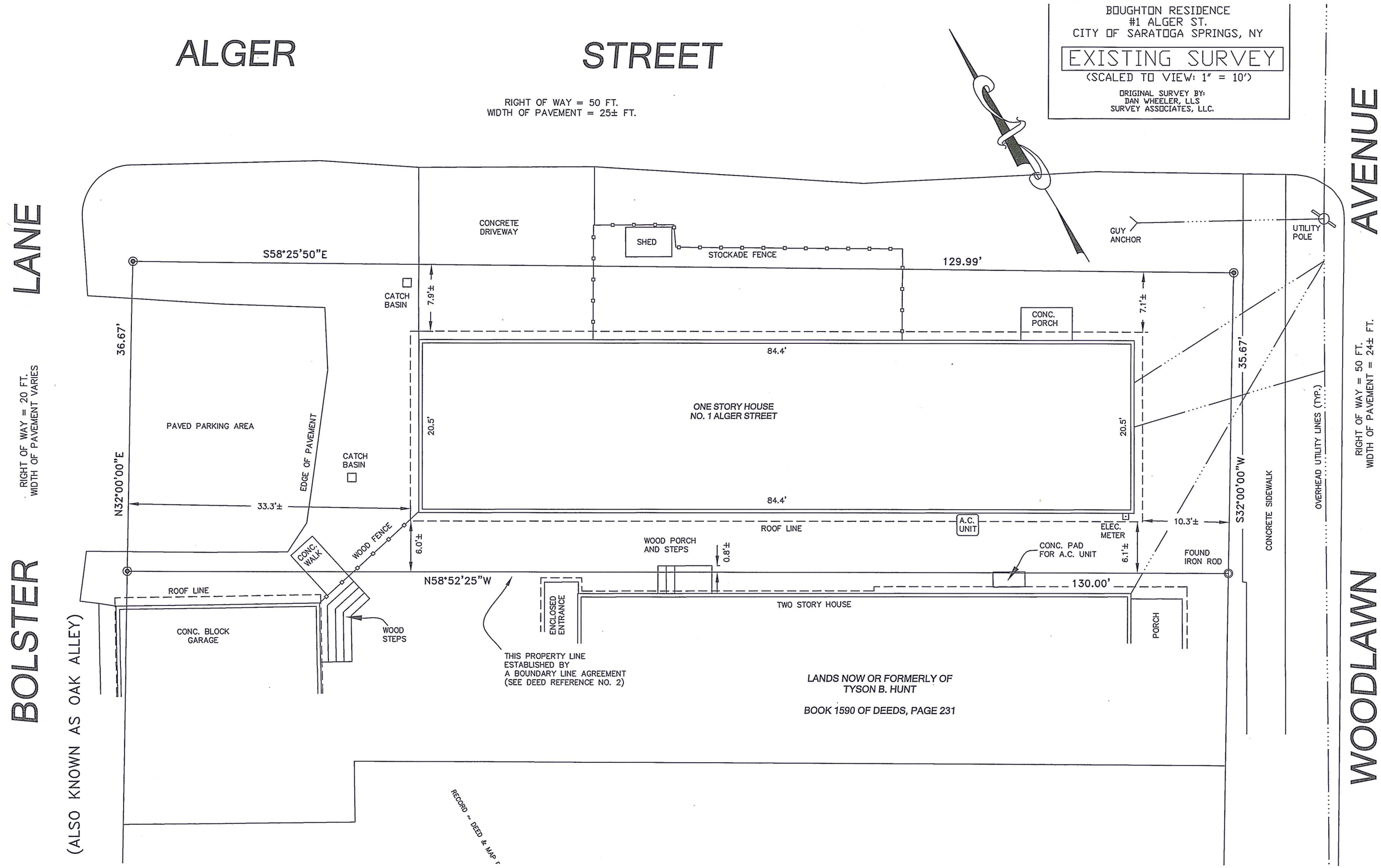
MAP NO. 2015-09-03

BOUGHTON RESIDENCE
#1 ALGER ST.
CITY OF SARATOGA SPRINGS, NY

EXISTING SURVEY

(SCALED TO VIEW: 1" = 10')

ORIGINAL SURVEY BY:
DAN WHEELER, LLS
SURVEY ASSOCIATES, LLC.



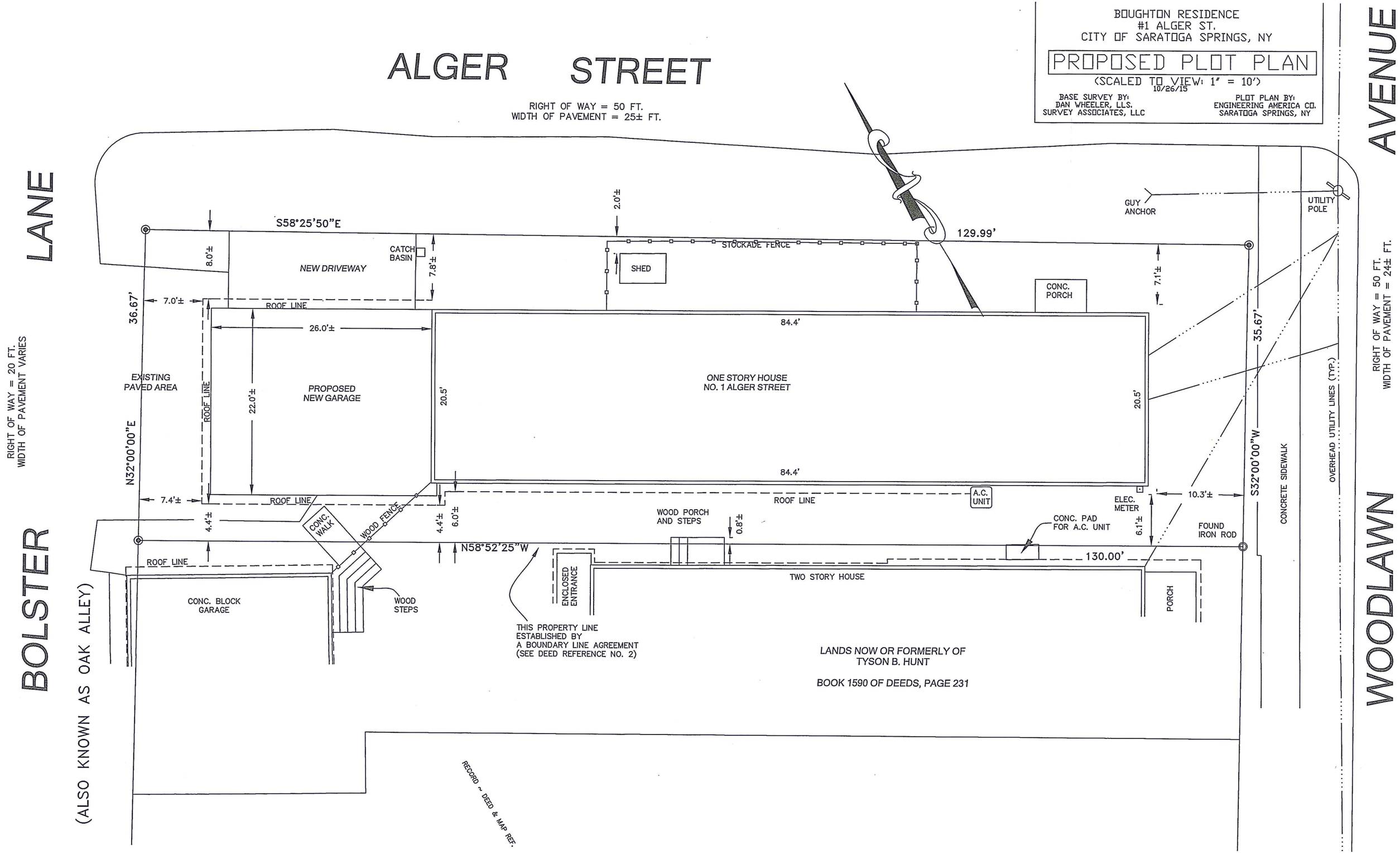
BOUGHTON RESIDENCE
#1 ALGER ST.
CITY OF SARATOGA SPRINGS, NY

PROPOSED PLOT PLAN

(SCALED TO VIEW: 1" = 10')
10/26/15

BASE SURVEY BY:
DAN WHEELER, LLS.
SURVEY ASSOCIATES, LLC

PLOT PLAN BY:
ENGINEERING AMERICA CO.
SARATOGA SPRINGS, NY



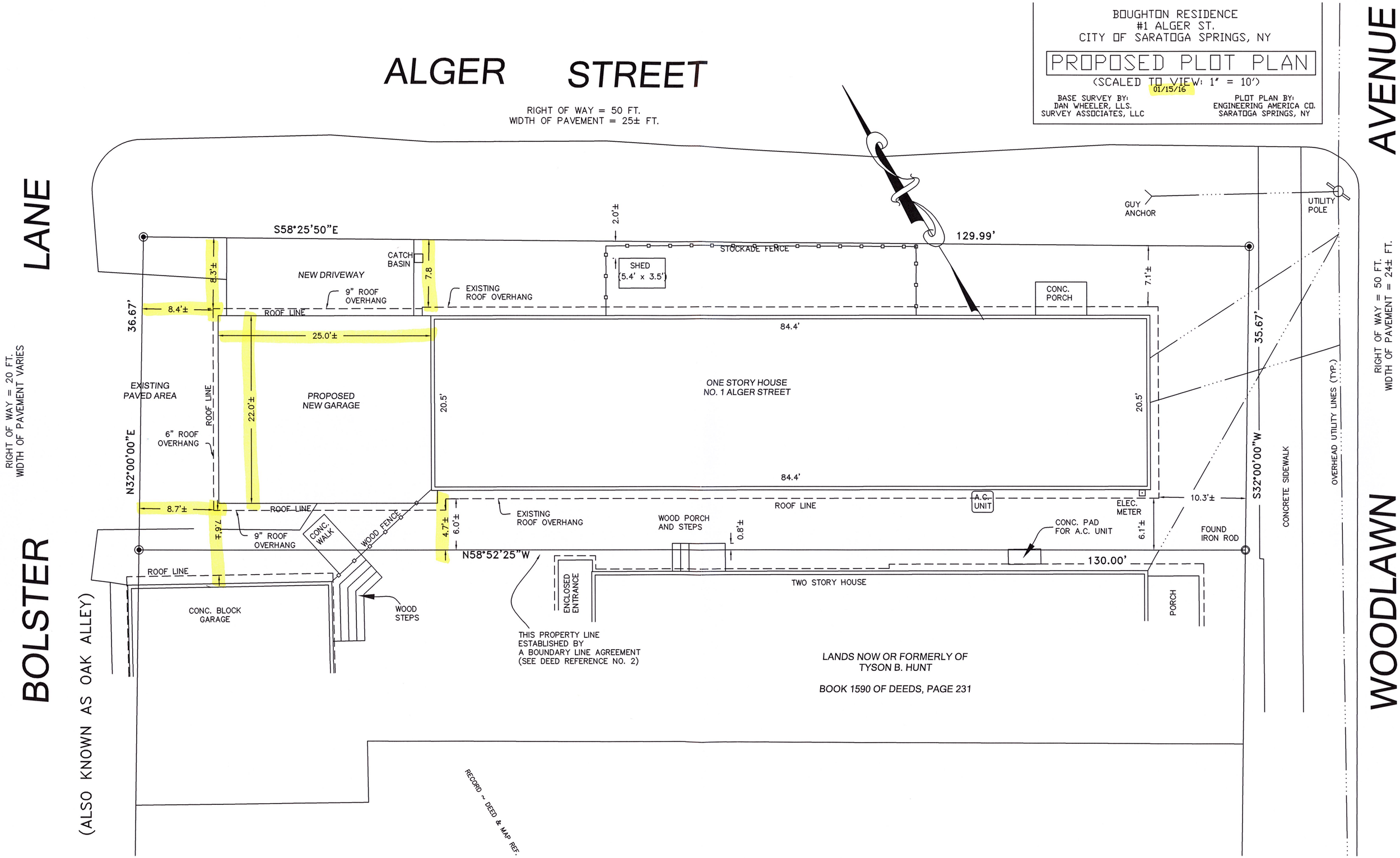
BOUGHTON RESIDENCE
#1 ALGER ST.
CITY OF SARATOGA SPRINGS, NY

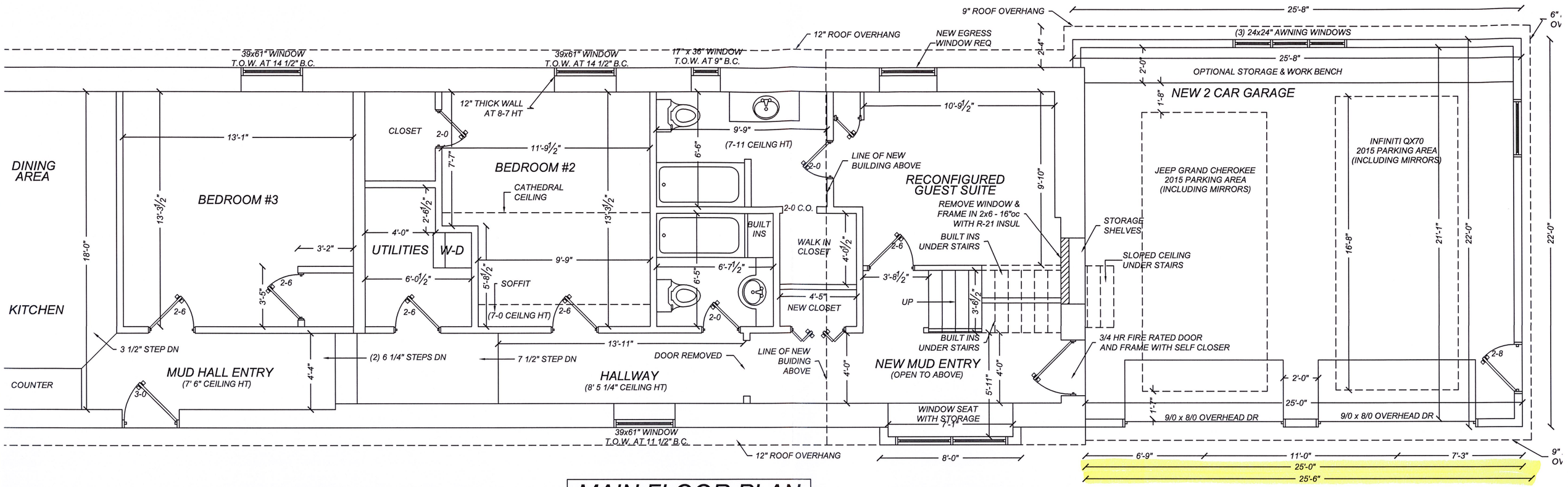
PROPOSED PLOT PLAN

(SCALED TO VIEW: 1" = 10')
01/15/16

BASE SURVEY BY:
DAN WHEELER, LLS.
SURVEY ASSOCIATES, LLC

PLOT PLAN BY:
ENGINEERING AMERICA CO.
SARATOGA SPRINGS, NY





MAIN FLOOR PLAN

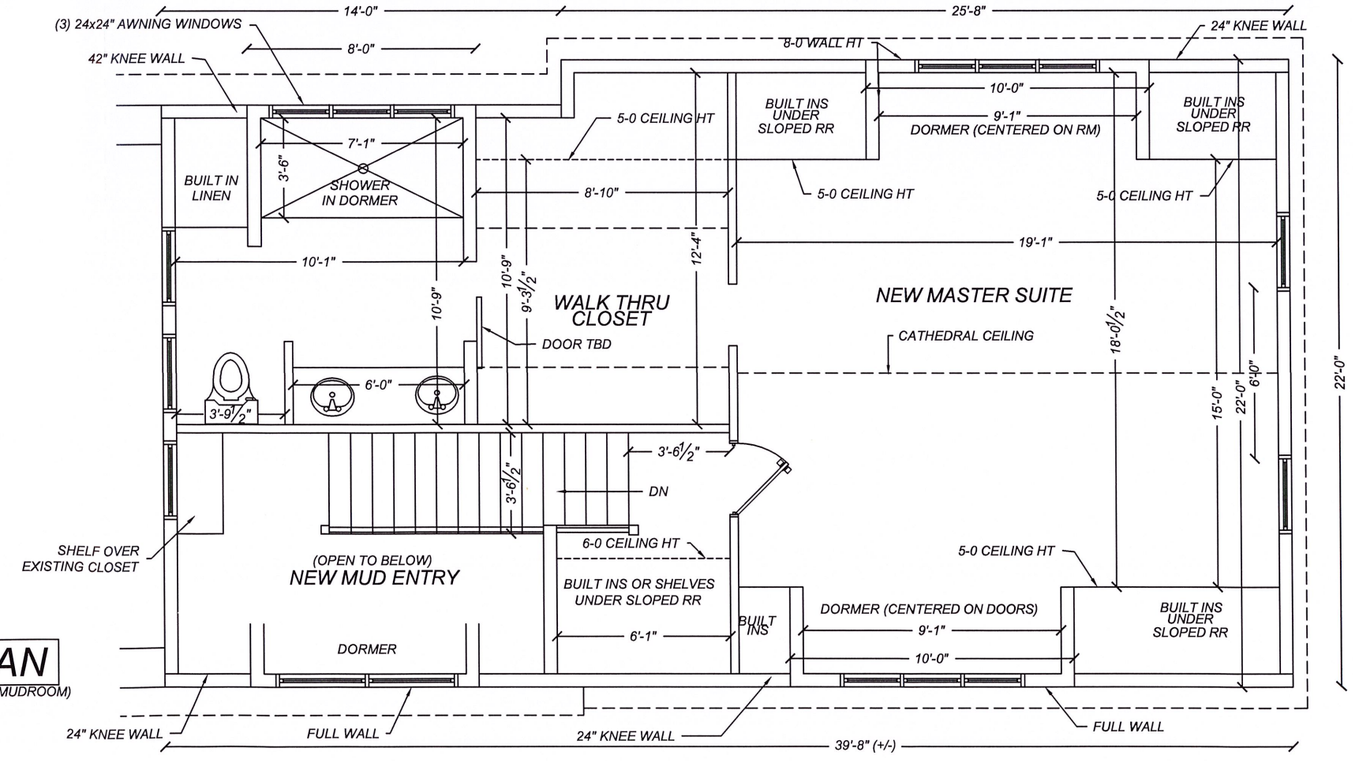
(RENOVATED SPACE WITH NEW AREA ABOVE: 308 SQ.FT.)
(GARAGE: 550 SQ.FT.)

BOUGHTON RESIDENCE
#1 ALGER ST.
CITY OF SARATOGA SPRINGS, NY

PROPOSED FLOOR PLANS

01/15/16 SCALE: 3/16" = 1' 0"

DRAWN BY:
ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 - 1340



UPPER FLOOR PLAN

(734 SQ.FT. NOT INCLUDING STAIRS & OPEN SPACE OVER MUDROOM)

FROST HURFF
ARCHITECTS

REC'D JAN 08 2016

MEMO

Date: 1/8/2016
To: Zoning Board of Appeals
From: Thomas Frost, Frost Hurff Architects
Re: Arnold Residence, 795 North Broadway
Garage Addition

The as-built survey of the subject property dated 12/9/15 by Thompson/Fleming Land Surveyors has been received by our office. A copy is included with this letter. It confirms that the actual set-back dimension from the west property line is less than that approved by the original Area Variance dated 11/18/13. A set-back dimension of 9.0' was approved in that original variance. The current survey indicates that the set-back from the west property line to the edge of the garage roof is actually 8.4', a difference of 0.6', or 7½" from the previously approved dimension.

Because the garage structure is connected to the main house (Principal Building) it becomes part of that structure in terms of the Zoning Ordinance. The 11/18/13 Area Variance listed the Principal Building, including the addition of the garage structure, as having a footprint of 6491 SF, which was 21.6% coverage of the 30,000 SF lot. The maximum lot coverage for a principal building in the UR-1 Zone is 20%. The 1.6% requested overage relief was approved.

In 2014, a sunroom addition to the garage structure was proposed, which increased the lot coverage figure to 22.6%. An Area Variance for this additional 1% relief was granted on 7/22/14.

Given the revision to the west set-back line, it was suggested by the ZBA staff on 1/6/16 that the lot coverage figure be reviewed. It was found that the footprint of the garage addition, including the sunroom addition, exterior stairway and the south door canopy, is now at 1849 SF, bringing the total principal building footprint to 6888 SF, or 22.96% lot coverage.

At the southwest corner of the garage structure there are two concrete pads parallel to the west property line. These are shown on the enclosed as-built survey. The southern-most of these is 5' x 10', is 0.1' from the property line and contains an electric generator 2'-4" high, and an air conditioning condenser 4' high. The second pad is 3'-4" x 8', is 1.6' from the property line and contains a 5'-8" electric panel structure. If these items are to be considered Accessory Structures, then an Area Variance may be required from the ZBA to validate their location. Photographs of these items are provided with this letter.

Thomas R. Frost, Jr., RA tom@fharch.com Matthew H. Hurff, RA matt@fharch.com
41 Long Alley Saratoga Springs, New York 12866 518-584-7514 Fax 584-7523 www.fharch.com

In summary, the subject project may require three revised Area Variances;

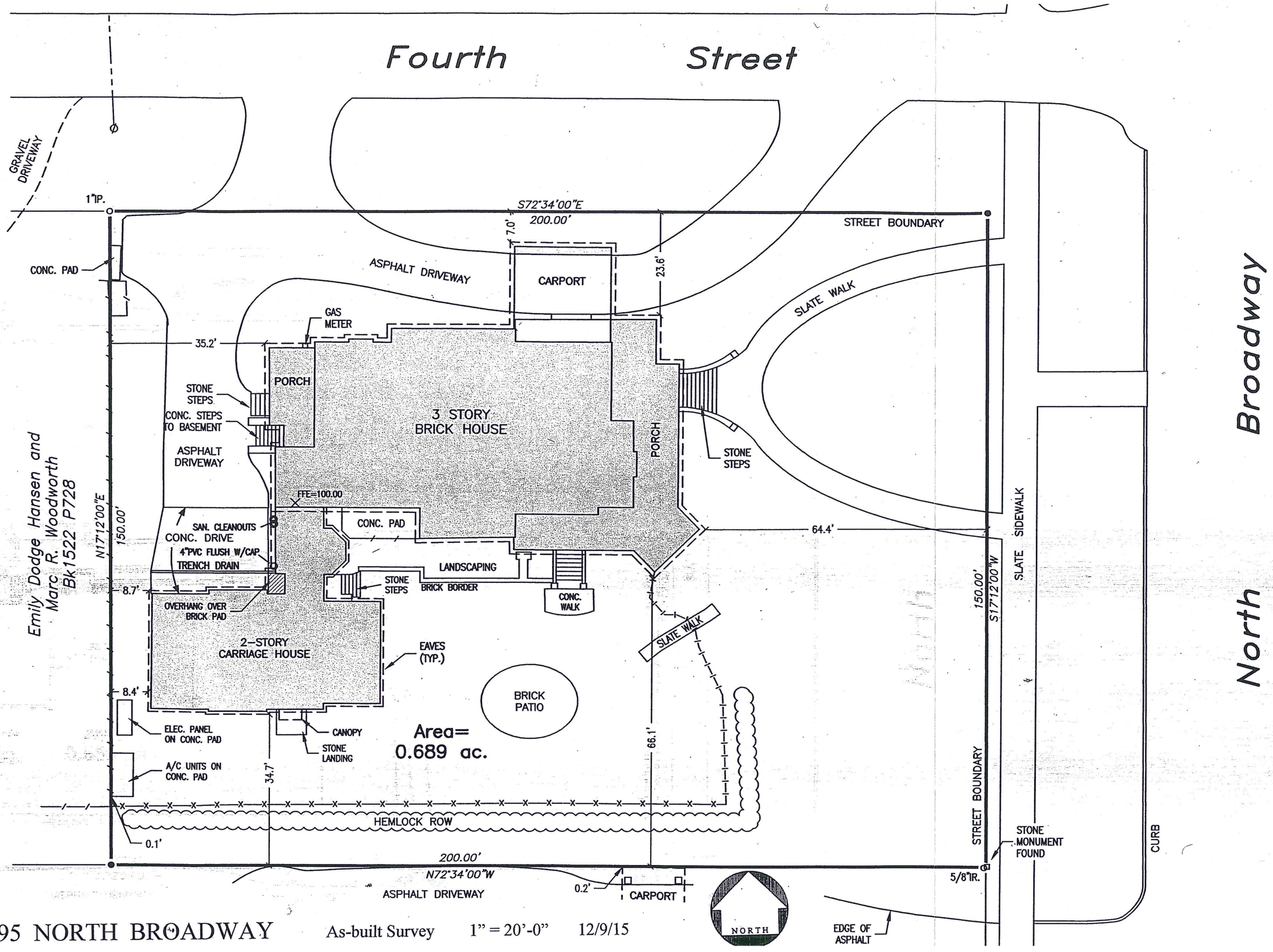
1. Principal Building 12.0' side-yard set-back from an approved 9.0' to a revised 8.4'.

2. Principal Building 20% lot coverage from an approved 22.6% to a revised 23%.

3. Accessory Structure 5.0' side-yard set-back to what might be considered required relief for the mechanical/electrical units.

It should be noted that by itself the garage structure would constitute an Accessory Structure of 1849 SF, or a lot coverage of 6.2% (8% maximum allowed). The house as the Principal Building is 5039 SF in area, constituting a lot coverage of 16.8% (20% maximum allowed). If these to structures were physically separated by a minimum of 5', a lot coverage Area Variance would not be required for either building.

Please contact us to advise of the procedure required to adjust these Area Variances.

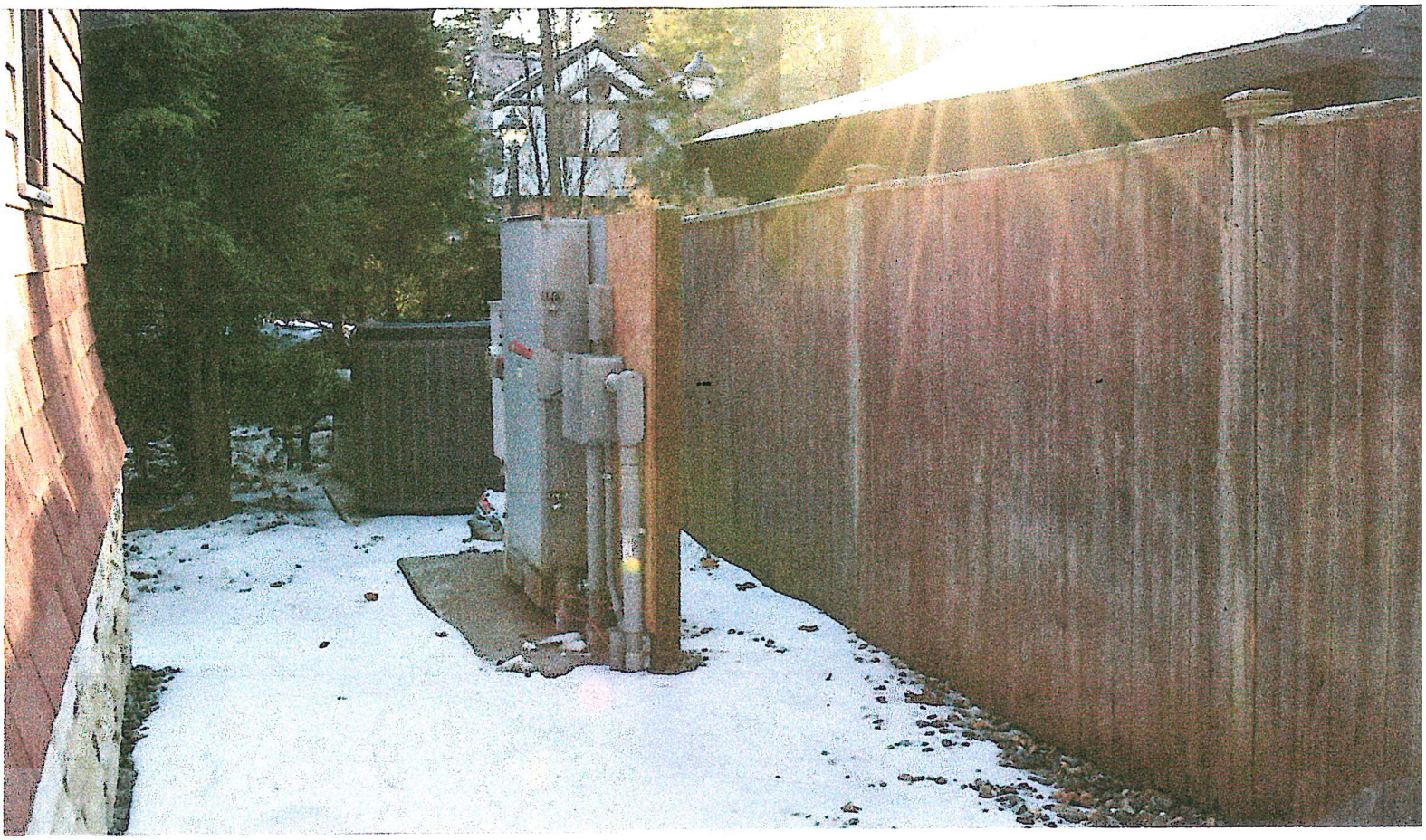


795 NORTH BROADWAY As-built Survey 1" = 20'-0" 12/9/15

795 NORTH BROADWAY

Looking South along West Property Line – Electric Panel, A/C unit, Generator

795 NORTH BROADWAY



West Garage Wall looking South

South Garage Wall looking West