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 22, 2016**
**City Council Chambers – 7:00 p.m.**

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

**Salute The Flag**

**Role Call**

**New Business**

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

   Documents: 2807.1 MURPHYLNBARNRENO_39MURPHYLN.PDF, 2807.1 MURPHYLNBARNRENO_NEIGHBORCORRREDACTED_REDACTED.PDF, 2807.1 MURPHYLNBARNRENO_UPDATEDMATERIALSRECVD2-18-16.PDF

2. **#2876 BENTON SUBDIVISION**
   58 Fifth Avenue, area variance to provide for a two-lot residential subdivision; seeking relief from the minimum average lot width and minimum lot area requirements for each of the proposed lots, and minimum total side yard setback and maximum principal building coverage requirements for the existing house on the proposed new lot in the Urban Residential – 1 District.

   Documents: 2876 BENTONSUBDIVISION_APPREDACTED.PDF, 2876 BENTONSUBDIVISION_ADDTNLINFORECVD2-12-16.PDF, 2876 BENTONSUBDIVISION_NEIGHBORSUPPORTRECVD2-5-16_REDACTED.PDF

3. ~~**#2877 DUGAS POOL HOUSE**~~
   ~~65 York Avenue, area variance to construct a pool house; seeking relief from the minimum side yard setback requirement for an accessory structure in the Urban Residential – 3 District.~~

   ~~Documents: 2877 DUGASPOOLHOUSE_APP_REDACTED.PDF~~

4. **#2759.1 ANW HOLDINGS RESIDENTIAL DEVELOPMENT**
   27 Jumel Place, area variance to demolish existing structure and build seven-unit condominium project; seeking relief from the maximum principal building coverage, minimum front yard setback and maximum height for a residential fence requirements in the Urban Residential – 3 District.

   Documents: 2759.1 ANWHOLDINGCONDOS_APP_REDACTED.PDF, 2759.1 ANWHOLDINGSCONDOS_NEIGHBORCORRREVCD2-21-16_REDACTED.PDF, 2759.1 ANWHOLDINGS_BUILDINSPECTDENIAL.PDF

5. **#2875 PERRON RESIDENTIAL ADDITION**
   35 Greenfield Avenue, area variance to construct a three car attached garage to an existing single-family residence; seeking relief from the minimum front yard setback (Woodlawn) and maximum principal building coverage requirements in the Urban Residential – 1 District.

   Documents: 2875 PERRONRESIDENCEGARAGE_APP_REDACTED.PDF

6. **#2878 REED DECK**
   12 Clubhouse Drive, area variance to maintain an existing rear deck to an existing single-family residence, seeking relief from the minimum rear yard setback in the Urban Residential – 4 District.

   Documents: 2878 REEDRESIDENCEDECK_APP_REDACTED.PDF

**Old Business**

1. **#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 BOUGHTONGGARAGE_REVISIONS.PDF, 2865 BOUGHTONGARAGE_APP_REDACTED.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: March 7, 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%.

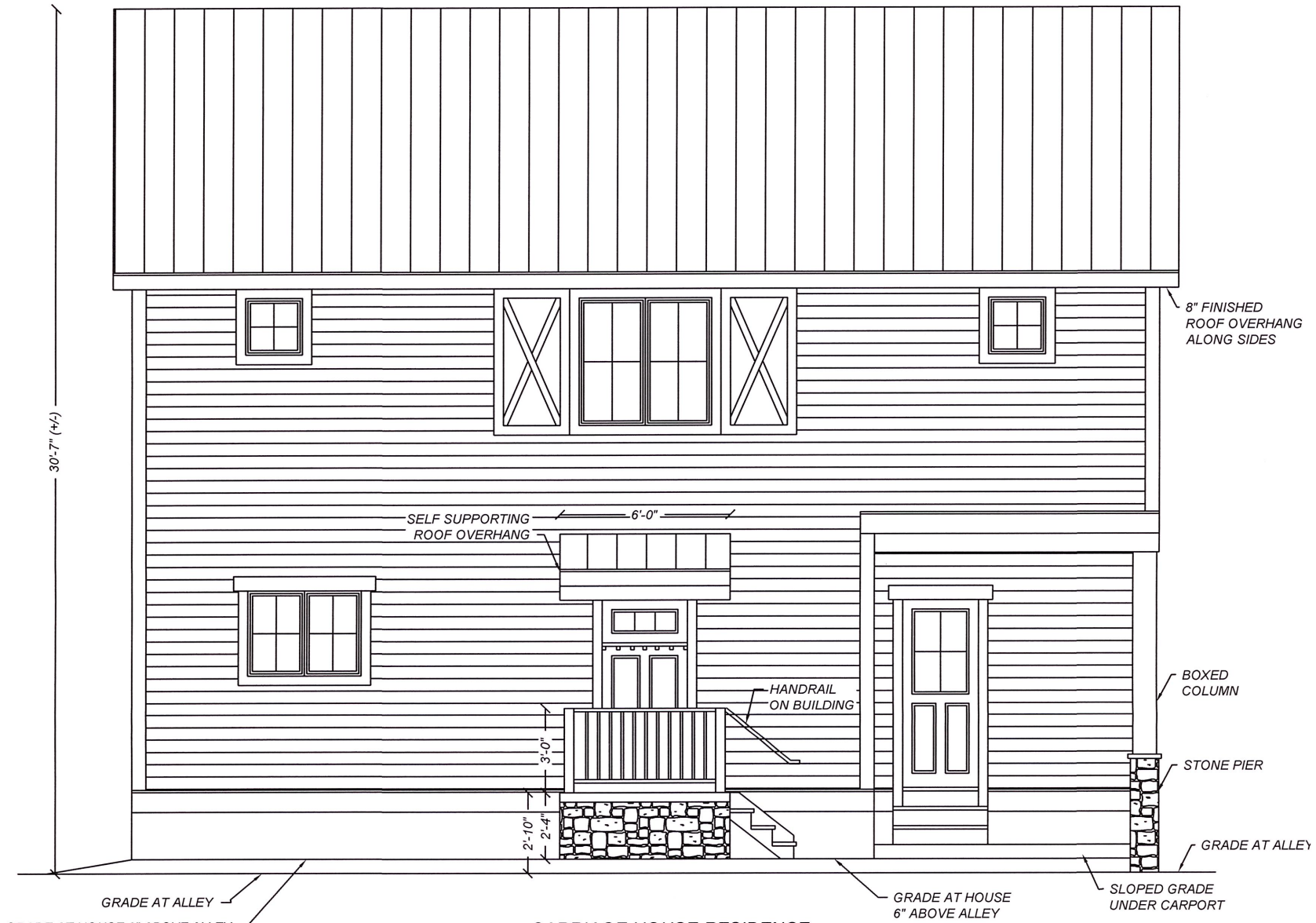
Thank you for your time and cooperation.

Sincerely,

Tonya Yasenchak, PE

Enc.

Cc: D'Agostino

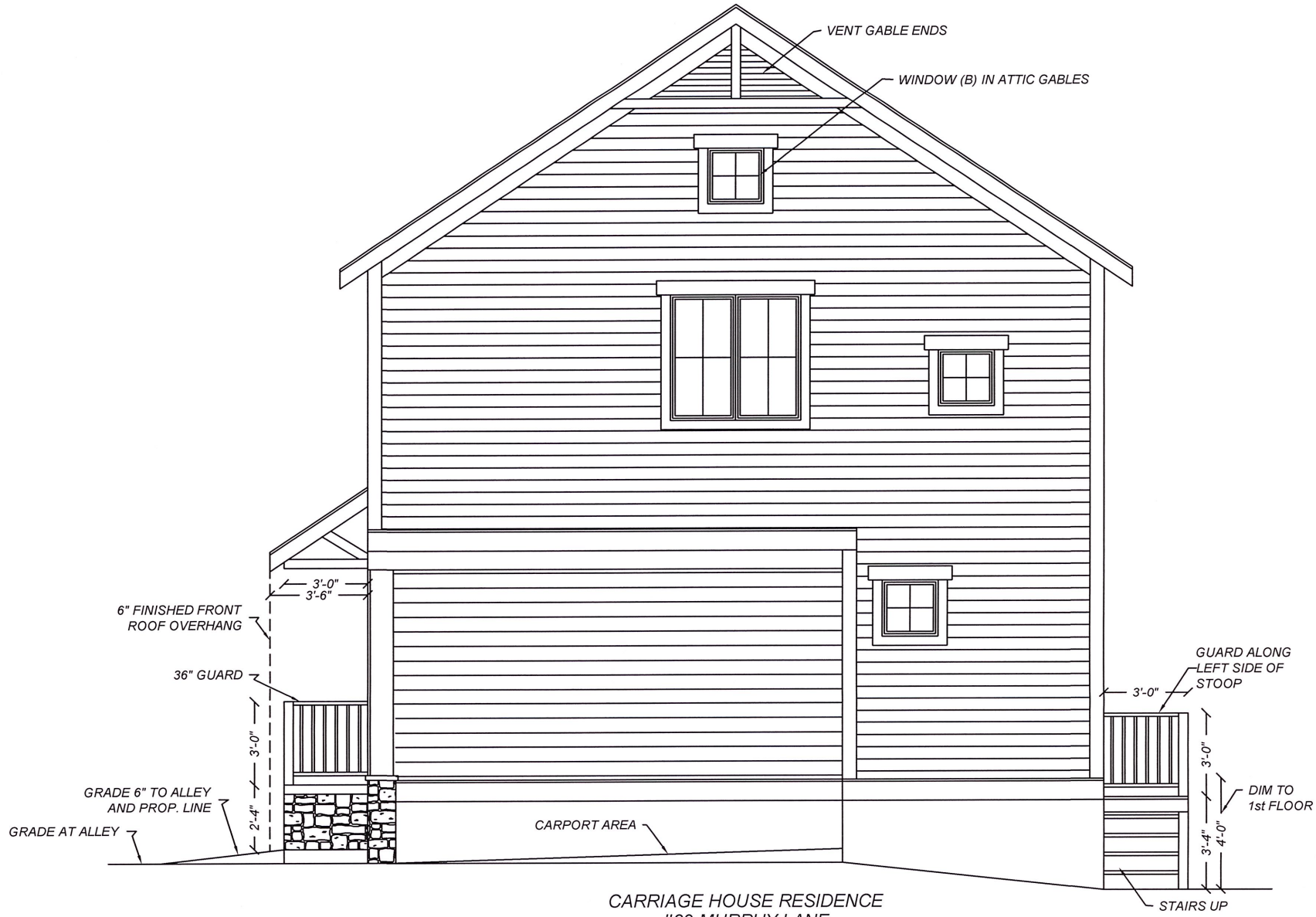



CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

# 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"

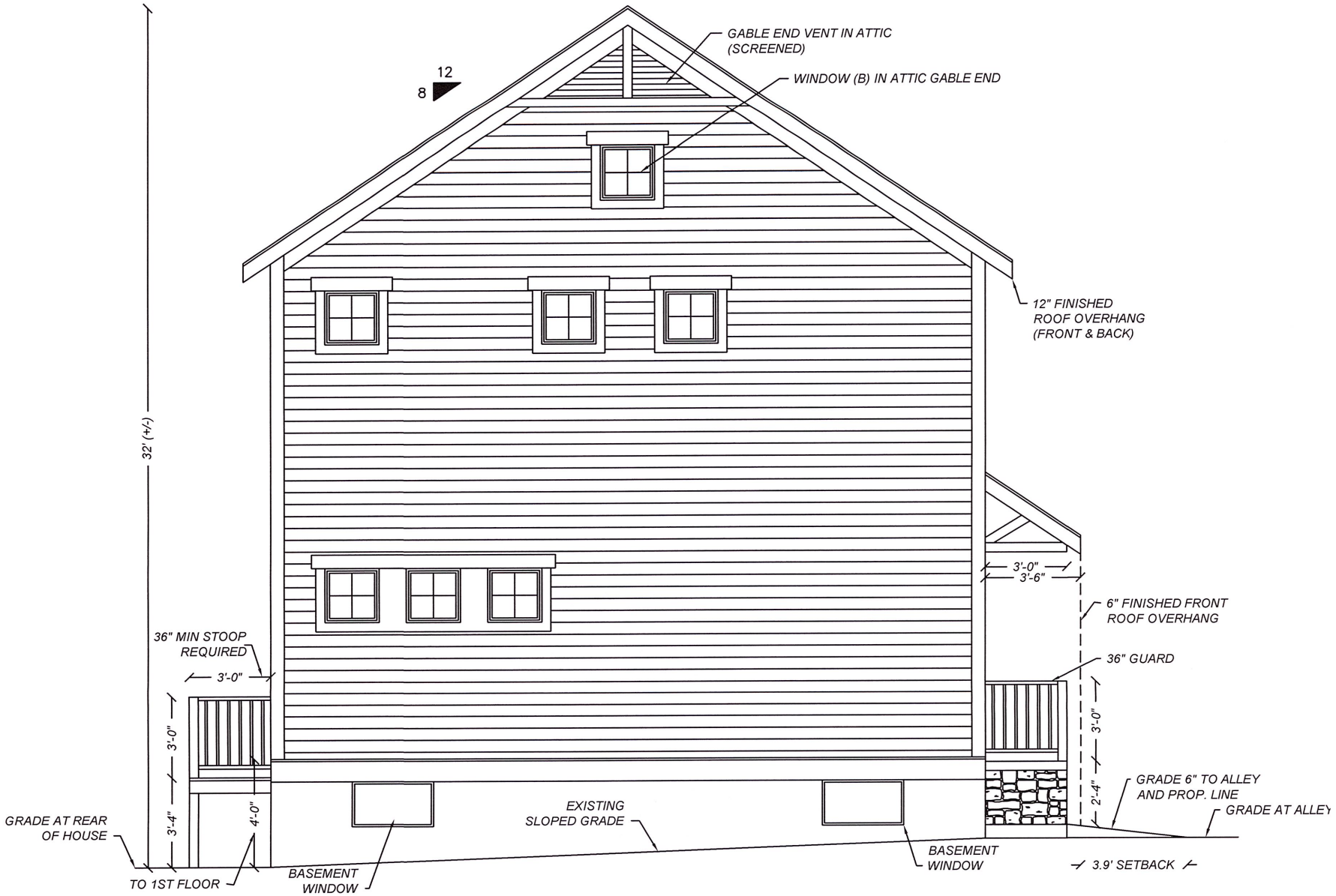
DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY

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

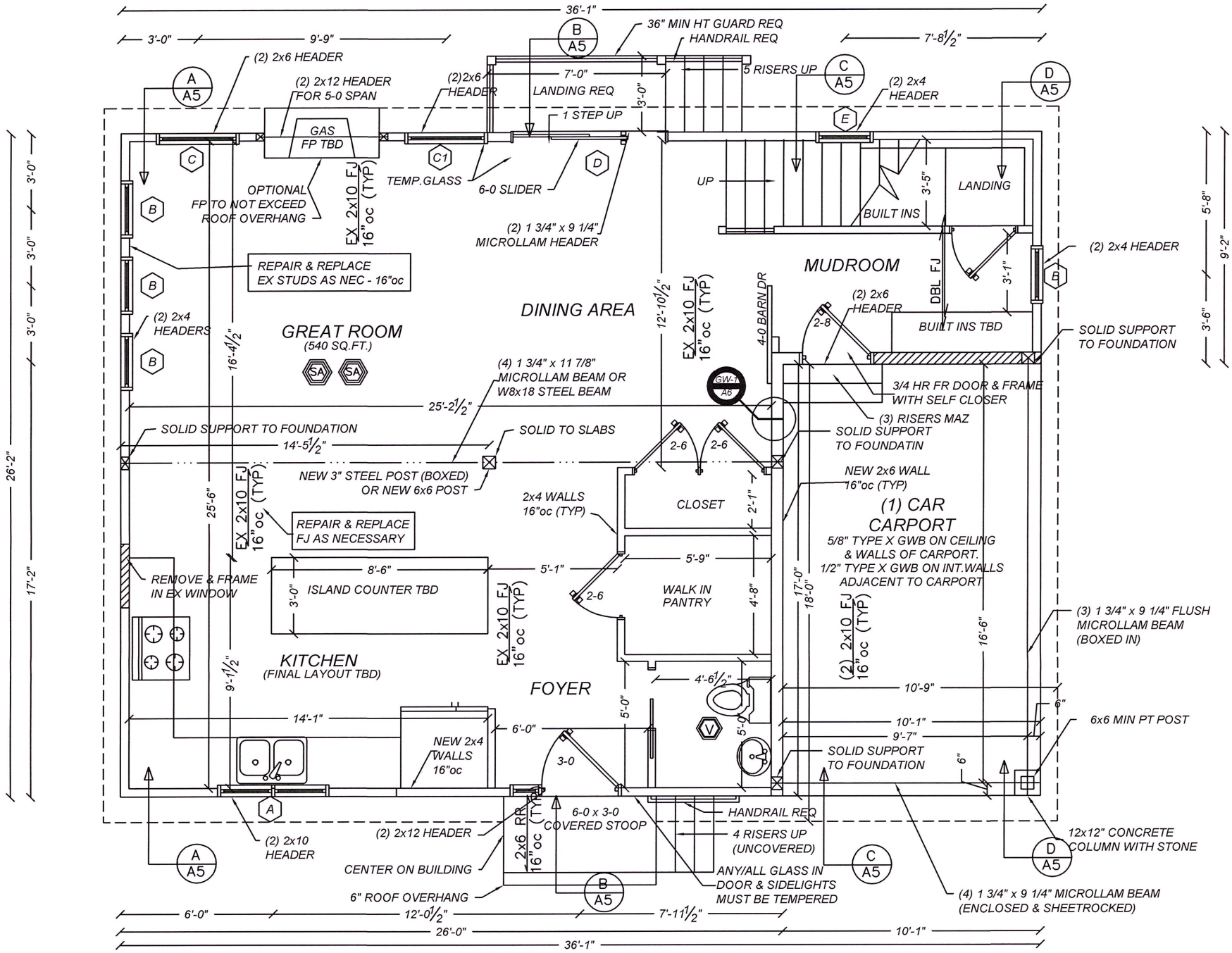



CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

# PROPOSED LEFT ELEVATION

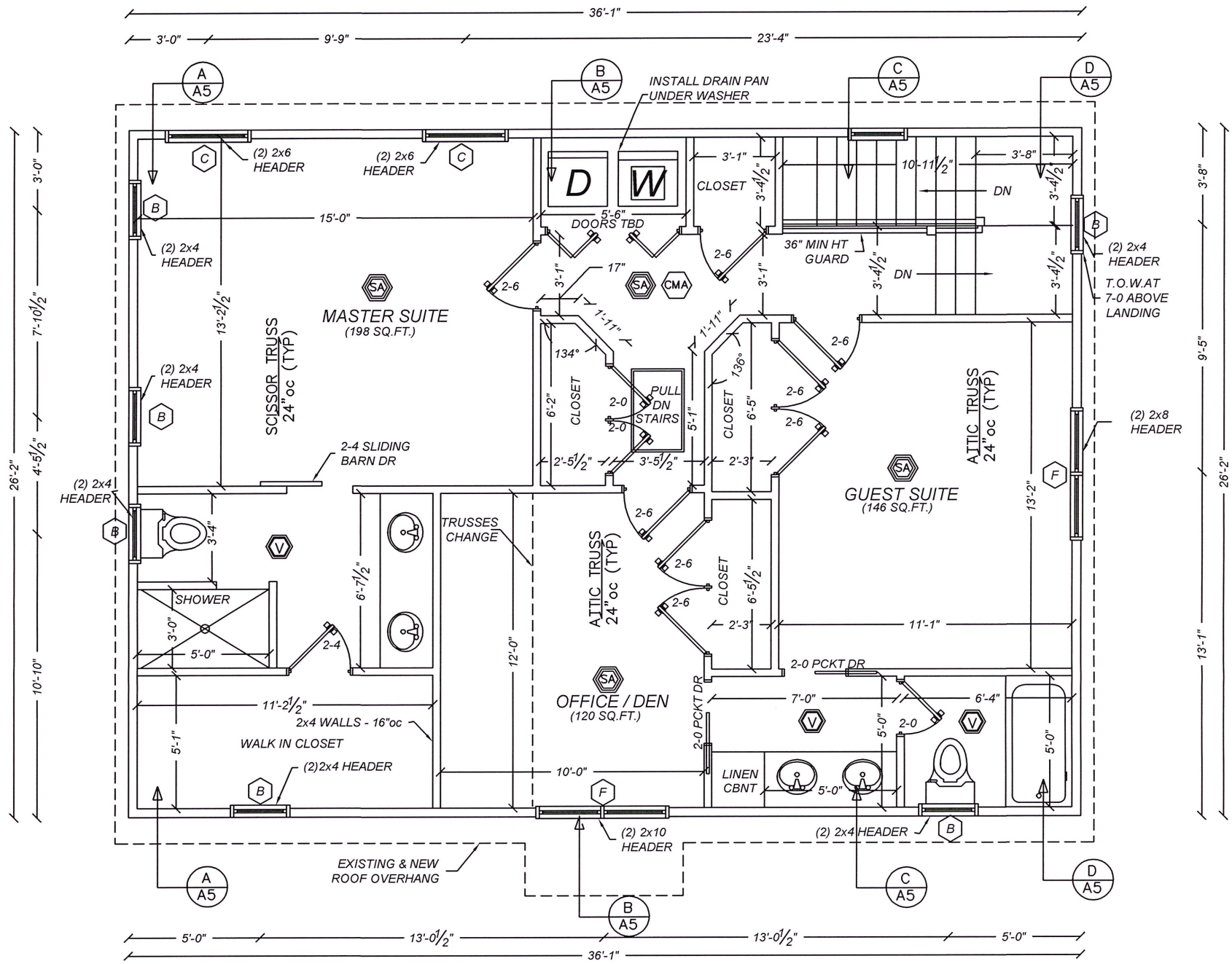
REV. 2/1/16 SCALE: 3/16" = 1'0"

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY



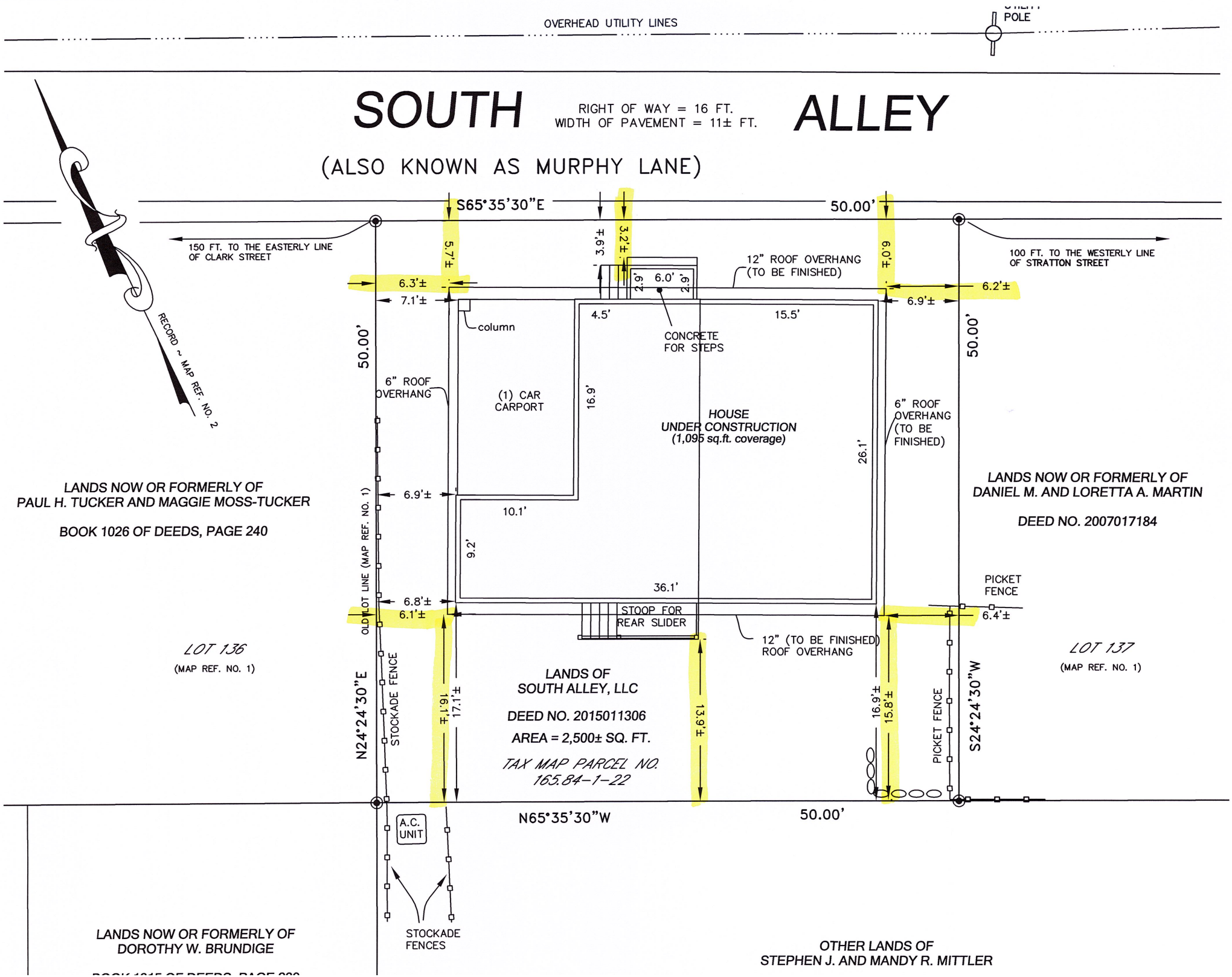

# PROPOSED MAIN FLOOR AREA

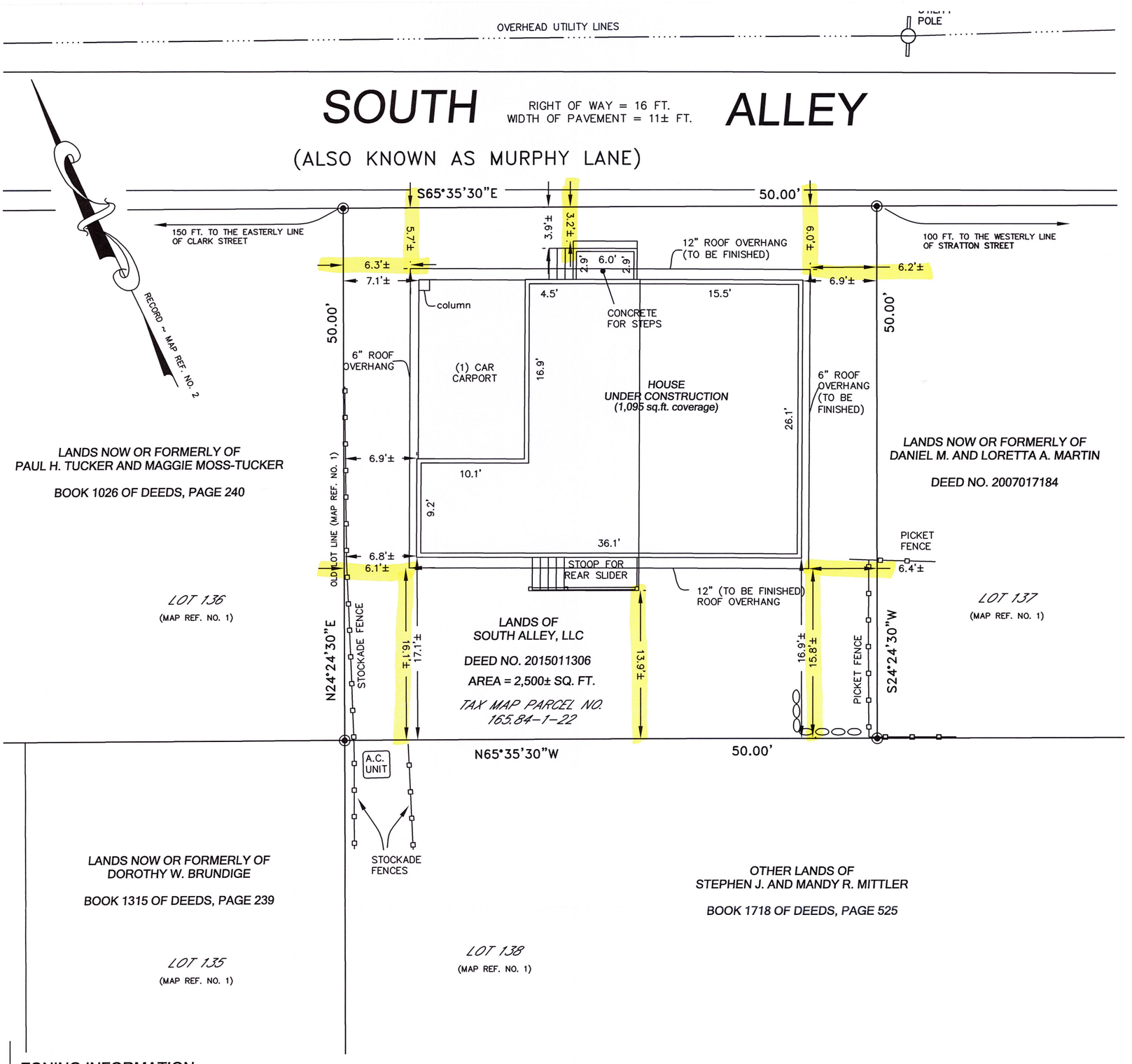
NOTE: DIMENSIONS MAY VARY. CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL MEASUREMENTS PRIOR TO AND DURING CONSTRUCTION. NOTIFY DESIGN ENGINEER IMMEDIATELY OF ANY / ALL DISCREPANCIES




# 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
UTILITY 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'±
±0.9
12" ROOF OVERHANG (TO BE FINISHED)
6.3'±
7.1'±
6.2'±
6.9'±
2.9'
6.0'
2.9'
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)
26.1'
6" ROOF OVERHANG (TO BE FINISHED)
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
A.C. UNIT
N65°35'30"W
50.00'
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

January 11, 2016

To The Saratoga Springs Zoning Board of Appeals

I am writing you today to update you on the construction of a barn into a house at 39 Murphy Lane. This was supposed to be a barn renovation/restoration project. It is everything but that, drive by sometime and take a look. A full basement has been dug with 4 large windows at ground level, the barn was raised and a foundation poured which is very tall only needing to lower the barn inches. Next the roof will be removed and trusses will be added, this will give a steeper pitch to the roof. This also will make the "barn" the tallest house in the surrounding area. All new siding and windows as well as new framing will round out my point that nothing from the initial structure will remain.

So this person got away with a building way larger than should ever have been approved by the ZBA. It is only a ploy to build what they want in a footprint from an existing building on a piece of land smaller than ¼ of a city lot.

The piece of land itself is too small to have any construction material on it. So at one point a large pile of dirt (about 15 feet high) was on one neighbors yard. The dirt was brought out from the basement and they had nowhere to put it, they couldn't haul it away because they needed it for back fill, thus a huge mess in their back yard. Another neighbor had a porta- potty placed on their yard for weeks, again no room on the property to place one. The alley is usually blocked with trucks and construction material, which is a danger if there is an emergency. Service vehicles cannot get through on a regular basis. I know the construction is temporary but this narrow alley was hardly made for cranes, bulldozers, concrete trucks etc. Not to mention the nightmare when the water and sewer lines were installed. And it will be dug up again when they have power\gas services installed, so much for the paving that was done several years ago, the road is now a mess and will not be repaved.

A review of this project should be done, this was <u>not</u> what was proposed to you by the applicant at the zoning board meetings.

Susan Rodems [redacted] White Street

**The 39 Murphy Lane construction project**
**February 1, 2016**

To the Zoning Board, Susan Barden and the Saratoga Springs Building Inspector

We are writing today to make you aware of some problems at the 39 Murphy Lane construction site. Since this is no longer a barn renovation/restoration but new construction there are issues that need to be dealt with. A neighbor of ours requested and was granted a stop work order because of what's going on. This is a nonconforming lot which now has a structure on it that will be way too tall (as per building code) if it is allowed to proceed. They have dug a full basement with 4 very large windows at ground level (when I was in city hall reviewing the plans several weeks ago the drawing still only showed a crawl space). The foundation is very tall as well and they have built a first floor. There is absolutely nothing left of the original barn, so if they put a second floor on, it will make this house very tall. This has and will change the character of the neighborhood.

The applicant and the engineering /design firm have not been truthful in their actions and should be made to come up with a new design to comply with the original structure. This should only be allowed to be a single story house. Otherwise we will have a structure with a nonconforming height on an already nonconforming lot.

They also have a front stoop that protrudes from the front of the house. Once they have the second step built they will be stepping right into the alley. This should be redesigned and recessed into the house instead. The front stoop poses a danger on the alley, between vehicular traffic, snowplows and service vehicles.

Please take a look at this project and pay very close attention, the zoning board and the building department need to take action and hold them accountable. The applicant is trying to pull a fast one and should not be allowed to continue until they comply with the height and design constrictions of new construction on a nonconforming lot. We feel the applicant should be only allowed to build the house as tall as the original barn structure.

Thank you, Susan and Brian Rodems
[redacted] White Street

**From:** "[redacted]" >
**To:** "Susan Barden" <susan.barden@saratoga-springs.org>
**Sent:** Sunday, February 7, 2016 6:49:15 PM
**Subject:** 39 Murphy Lane project

To the zoning Board, Susan Barden and the Saratoga Springs Building Inspector

We share the concerns of our neighbors regarding the construction project at 39 Murphy Lane in Saratoga Springs. The barn/restoration is now being replaced with an entirely new construction thus not complying with the original zoning board regulations.

Particular problems are the height and the design of the structure on this nonconforming lot. Apparently, the applicant and engineering design firm are not following the regulations.

Please take action on this project.

Thank you,

Linda and Tom Davis

[redacted] White Street

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**From:** "Loretta Martin" [redacted] >
**To:** "Susan Barden" <susan.barden@saratoga-springs.org>
**Sent:** Monday, February 1, 2016 2:16:13 PM
**Subject:** 39 Murphy Lane

I live on the corner of Murphy Lane and Stratton Street. My address is [redacted] Stratton and my phone number is [redacted]. I am writing today because of the construction site next door to us.

I appreciate your attention to this matter.

**39 Murphy Lane Construction**

**To the Zoning Board, Susan Barden and the Saratoga Springs Building Inspector**

**As next door neighbors, on [redacted] Stratton Street, we did not object to the initial building permit that was submitted last year for this proposed renovation. What is happening now on that site is NOT what was submitted.**

**They have dug an 8 foot basement, taken off all of the siding and torn down the roof. That, to me, does not look like the renovation they proposed, but an all out new house. They have a front stoop that protrudes from the front of the house that will make it impossible not to step into the alley when they use it.**

**I am requesting that you take a good long hard look at what they are doing and take action to make sure this "house" does not exceed height regulations on a non conforming lot, and stay within the original barn structure height and size.**

**Thank you for your consideration in this matter**

**Concerned neighbors**

**Loretta Martin**
**[redacted] Stratton Street**

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**From:** "Mike Winn" [redacted]>
**To:** "Susan Barden" <susan.barden@saratoga-springs.org>
**Sent:** Thursday, January 28, 2016 12:04:47 PM
**Subject:** Stop Work Order on construction at 39 Murphy Lane

Dear Ms. Barden.

I am writing you as a concerned neighbor regarding the barn restoration/renovation at 39 Murphy lane. It has come to my attention that a stop work order has been placed on this project due to non-nonconforming work. I am most concerned that the work being done is not conforming to the project as originally presented to your board. My yard is overlooked by 39 Murphy lane. It is my understanding that this new structure now will be significantly taller than proposed under the original plans. I believe this would require additional zoning variances. I also believe this structure was approved to be a restoration to a single family home, not a multi-family dwelling.

I am in favor of this work going forward only if it meets the original specifications and plans submitted to the city.

Thanks in advance for your time and attention regarding this matter. Feel free to contact me at my cell or email below.
Sincerely,

Michael B. Winn
[redacted]@yahoo.com
[redacted]!

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# 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 18, 2016 |
| FAX NUMBER: | TOTAL NO. OF PAGES INCLUDING COVER: 4 |
| 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 From Original Approval**

1) New foundation installation resulted in 1st floor level at 2' above original plan.
2) Modified front stoop & overhang dimension reduced.
3) Stairs added from grade up to front stoop.
4) New structural elements (walls) will result in overall ht. of building at approx. 30' 6" – 31', raised approx.. 3' from original overall ht. (60' max. ht. allowed by Zoning)
5) Side roof overhang dimensions reduced to 6" from 12" original plan.
6) Two risers (1 tread) proposed out rear slider to rear raised, detached patio. The one new tread falls under house roof overhang. The raised patio & associated stairs are compliant with setbacks and permeability.

**Current Proposed Variance Modifications vs. Approved Variances**

| | Dim. Req./Orig. / New | Relief Approved | 2/18/16 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'/ 15.8' | 9.3' (37.2%) | 9.2' = 36.8%) | Reduced 0.4% |
| Total Side Dim: | 12' / 11.4' / 12.3' | 0.6' (5%) | No Variance | No Variance Req. |
| Building Coverage: | 30% / 46.5% / 43.2% | 16.5% (55%) | 13.2% (44%) | Reduced 11% |
| Min. Parking | 2 / 1 / 1 | 1 | No Change | No Change |

**Area Calculations:**

Total Lot Size: 2,500 sq.ft.
Pre-Existing Barn: 1,083 sq.ft. (43.32% coverage = 13.32% > 30% max allowable)
Proposed Barn: 1,080 sq.ft. (43.2% coverage = 13.2% > 30% max.)
(New coverage actually decreases by 3 sq.ft. from original barn)

Permeability:
Proposed Barn Residence: 1,080 sq.ft.
Assumed Paving at Alley: 300 sq.ft. (+/-) (along front of building)
New Rear Patio & Stairs: 60
Total Coverage: 1,440 sq.ft.
1,440 sq.ft. (57.6 % coverage = 42.4 % 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 as all of the original approved variances may be reduced and one variance may be removed. All other conditions are in compliance with the UR-3 zoning regulations.

Thank you for your time and cooperation.
Sincerely,

Tonya Yasenchak, PE

Enc.
Cc: D'Agostino

# 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
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*Vice Chair*
Adam McNeill
*Secretary*
Gary Hasbrouck
George "Skip" Carlson
James Helicke
*Susan Steer*


*IN THE MATTER OF THE APPEAL OF*

Jean D'Agostino
38 Warren St
Saratoga Springs NY 12866

from the determination of the Building Inspector involving a lot on the south side of Murphy Lane between Clark Street and Stratton Street, in the City of Saratoga Springs, New York being tax parcel number 165.84-1-22, in the Inside District, on the Assessment Map of said City.

The appellant having applied for an area variance under the Zoning Ordinance of said City to permit the renovation and conversion of an existing barn structure to a single family house on the above-referenced lot in a UR-3 District and public notice having been duly given of a hearing on said application held on the 23rd day of February and the 9th and 23rd days of March 2015.

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 requested area variances for the following amounts of relief:

2/18/16 (REVISED)

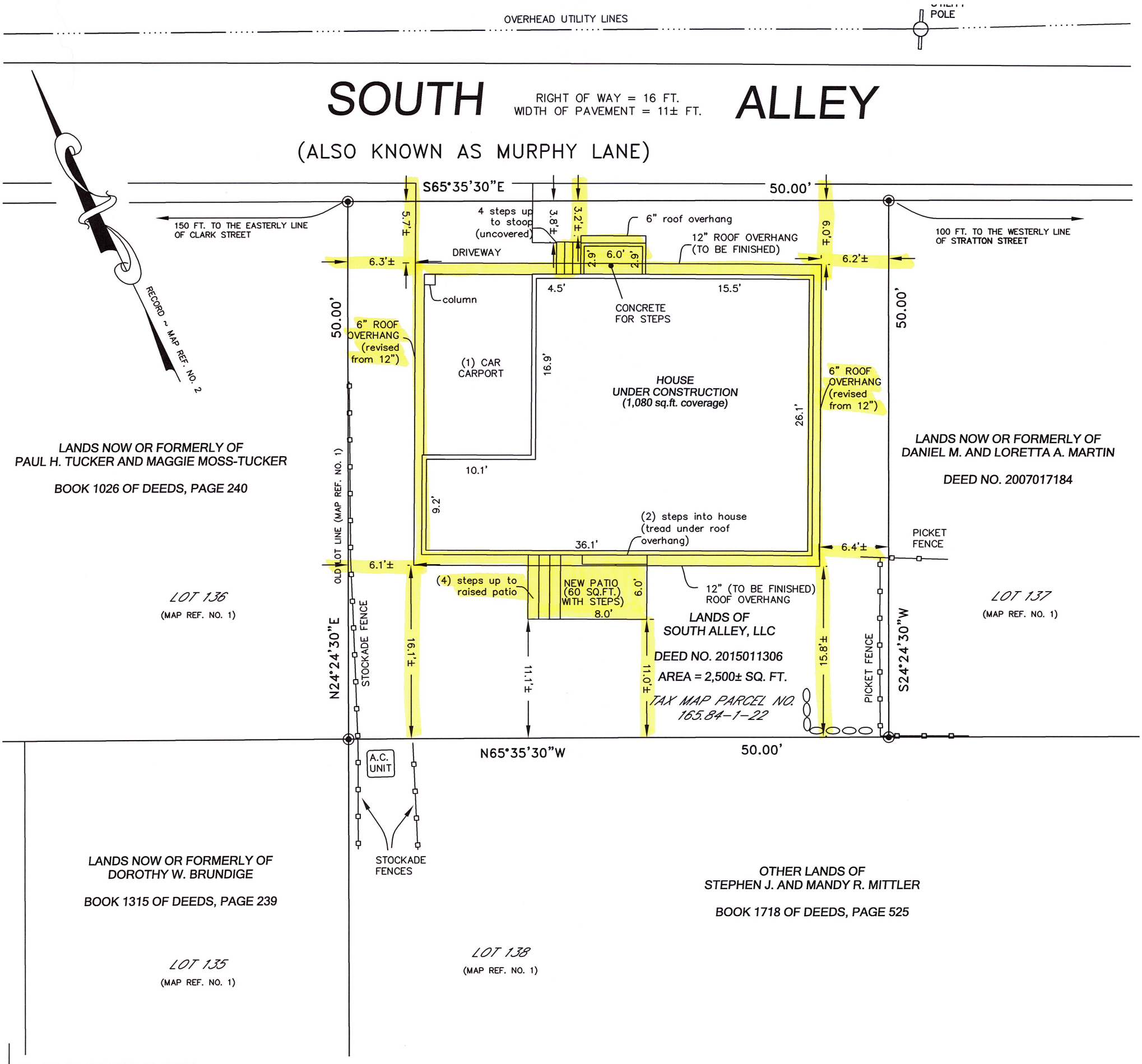
| TYPE OF REQUIREMENT | DISTRICT DIMENSIONAL REQUIREMENT | PROPOSED | RELIEF REQUESTED (ORIGINAL APPROVAL) | |
|---|---|---|---|---|
| MINIMUM LOT SIZE | 6600 SF | 2500 SF (SAME) | 4100 SF, OR 62.1% | (SAME) |
| MINIMUM AVERAGE LOT WIDTH | 60 FT | 50 FT (SAME) | 10 FT, OR 16.7% | (SAME) |
| MINIMUM FRONT YARD SETBACK | 10 FT | 3.1 FT (3.2) | 6.9 FT, OR 69% | (68%) |
| MINIMUM REAR YARD SETBACK | 25 FT | 15.7 FT (15.8') | 9.3 FT, OR 37.2% | (36.8%) |
| MINIMUM TOTAL SIDE YARD SETBACK | 12 FT | 11.4 FT (12.3) | 0.6 FT, OR 5% | 0% / N/A |
| MAXIMUM PRINCIPAL BUILDING COVERAGE | 30% | 46.5% (43.2%) | 16.5%, OR RELATIVE RELIEF OF 55% | (13.2% 44%) |
| MINIMUM PARKING REQUIREMENT | 2 PARKING SPACES | 1 PARKING SPACE (SAME) | 1 SPACE, OR 50% | (SAME) |

As per the submitted application materials, be **approved**, after weighing the following considerations:

1. The Board notes the applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. The board notes that there is a permitted use for this structure, that of an accessory building. However, the applicant is a contract vendee who is seeking the benefit of a principal residence; the board has evaluated this application based on that benefit.

There are seven variances in question here, so the board's conclusion on the consideration of other feasible means is based on the consideration of the individual variances as follows:

a. Principal building coverage: the lot size, at 2500 square feet, is such that the footprint of a house conforming to the 30% coverage requirement would be small (750 square feet including




## 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%

## 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.

REV. 2/18/16-TJ

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

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 | | / | 518-584-1500 / 518-584-1503 |
| Email | | | [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

East Lot - 1949

1. Date acquired by current owner: 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

(applicant signature)

Sworn to before me this date:

Date: 1/8/16

Notary Public

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

# *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: | Telephone: [redacted] |
|---|---|
| The Rosemary H. Benton Trust | E-Mail: [redacted] |

Address:
58 Fifth Avenue

| City/PO: | State: | Zip Code: |
|---|---|---|
| Saratoga Springs | NY | 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,<br>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?<br>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?<br>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?<br>If No, describe method for providing potable water: _____ | ☑ | ☐ |
| 11. Will the proposed action connect to existing wastewater utilities?<br>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?<br>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

| | NO | YES |
|---|---|---|
| 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?<br>If Yes,<br>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)?<br>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)?<br>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?<br>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?<br>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

INDEXED BY:

SCANNED BY:

BOOK OF DEEDS
BOOK 01401 PAGE 00224
NO. PAGES 2
INSTRUMENT CODE: DED
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
My 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

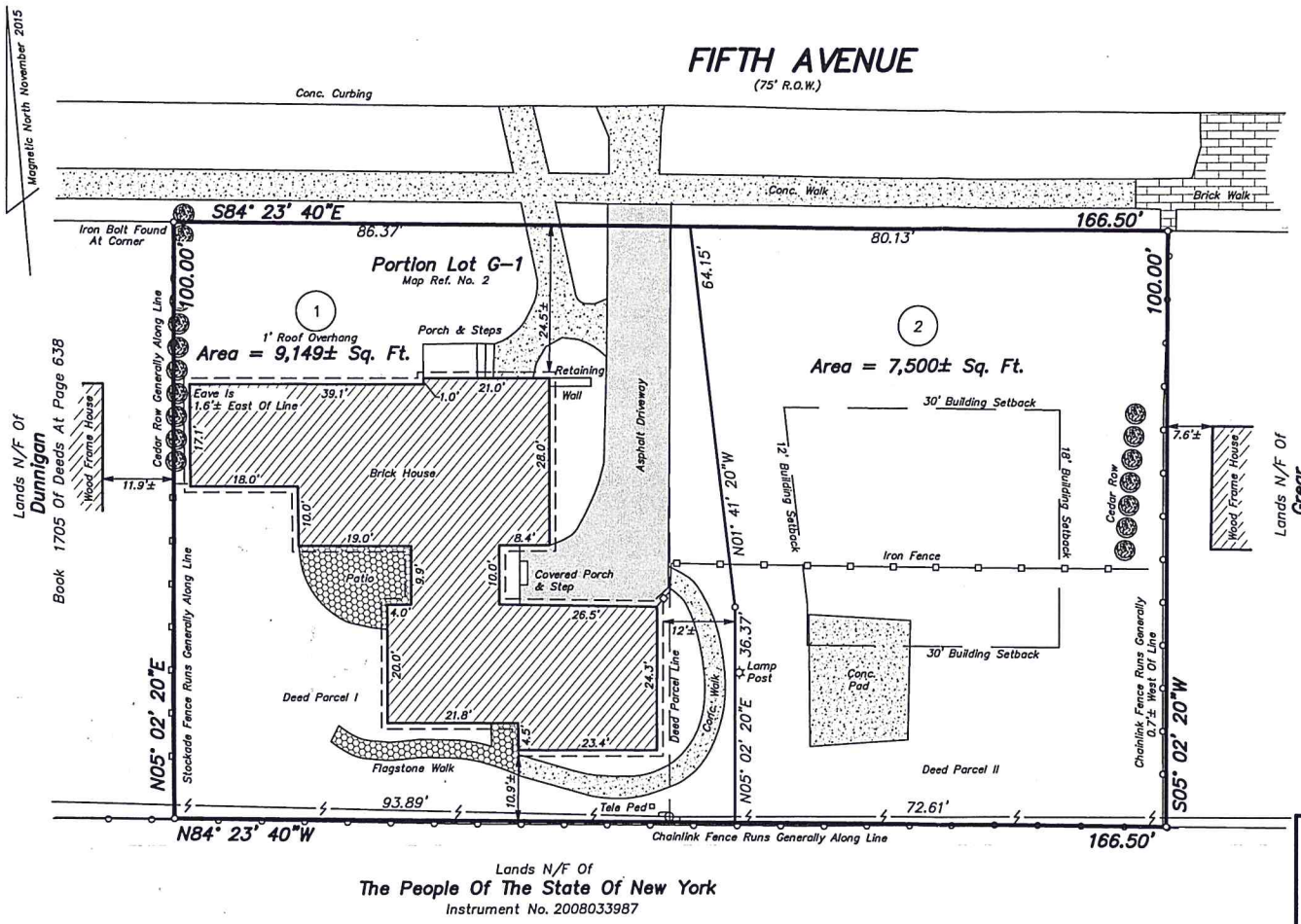
### Subdivided Parcel 1 (Western Most Lot)

| 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 |

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'

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.

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

# 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

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

February 12, 2016

Ms. Susan Barden, Planner
City of Saratoga Springs
City Hall, 473 Broadway
Saratoga Springs, New York 12866

**RE: Area Variance – Benton Trust Application**
**58 Fifth Avenue, Tax Parcel 166.13-2-45**

Dear Susan,

Please accept this letter as additional information to be distributed to the Board as it pertains to the Area Variance Application for 58 Fifth Avenue.

As part of our Application it is our contention that the property has historically been two separate lots.

In that regard, I enclose to you a deed from the Estate of William Benton dated March 10, 1992 to Rosemary Benton. This is the first time that the eastern lot was placed in the Rosemary Benton name.

I also enclose a deed dated October 9, 1950 from Fern K. Benton to James E. and Rosemary H. Benton which places the westernmost of the two lots in the name of Rosemary H. Benton.

Finally, I enclose a deed dated November 25, 1994 from Rosemary H. Benton to the Rosemary H. Benton Trust. You will note within this deed that two parcels are represented which are the parcels from the above specified deeds. This deed is the first time these two parcels have appeared on the same deed and owned by the same party.

As a result, I believe we have two parcels of land that were in separate ownership, both on July 6, 1961 and January 19, 1970, and as a result, pursuant to Section 5.5 "Non-conforming Lots", the two parcels should, in fact, be considered independent and non-conforming lots with all of the rights that result from that Zoning designation.

This would be a portion of the argument we plan to make before the Zoning Board.

Very truly yours,

Michael J. Toohey

MJT/cb

Enclosures

Died in 1932

DEED

THIS INDENTURE is made the 10th day of March, 1992

BETWEEN William E. Benton, II, of Saratoga Springs, New York, as the Administrator c.t.a. of the Estate of William E. Benton, Deceased, by virtue of the Last Will and Testament of William E. Benton, late of the City of Saratoga Springs (hereinafter called the "Grantor"), and Rosemary Benton, of Saratoga Springs, New York (hereinafter called the "Grantee").

WITNESSETH: That the Grantor by virtue of the power and authority to him given in and by such Last Will and Testament, and in consideration of One Dollar ($1.00) lawful money of the United States, and other good and valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged by the Grantor, does hereby grant and release unto the Grantee, her heirs and assigns forever,

ALL THAT TRACT OF LAND situate in the City of Saratoga Springs, Saratoga County, New York, described as follows:

East Lot

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 83½ 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 83½ 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 (hereinafter called the "Premises"),

BEING THE SAME PREMISES as were conveyed to William E. Benton, Deceased, by deed dated the 14th day of January, 1949, and recorded in the Saratoga County Clerk's Office on the 15th day of November, 1951 in Liber 545 of Deeds at Page 64.

SUBJECT to all easements, restrictions, covenants and conditions of record affecting the Premises.

TOGETHER with the appurtenances, and also all the estate which the said testator had at the time of his decease, in the Premises, and also the estate therein which the Grantor has power to convey or dispose of, whether individually, or by virtue of such Last Will and Testament or otherwise.

TO HAVE AND TO HOLD the Premises unto the Grantee, her heirs and assigns forever.

SUBJECT to the Trust Fund provisions of Section Thirteen of the New York State Lien Law.

And the GRANTOR COVENANTS that he has not done or suffered anything whereby the Premises have been incumbered in any way whatever.

IN WITNESS WHEREOF, the Grantor has duly executed this instrument all on the day and year first above written.

ESTATE OF WILLIAM E. BENTON

By: William E. Benton II
William E. Benton, II,
Administrator c.t.a.

STATE OF NEW YORK )
) ss:
COUNTY OF Albany )

On the 10th day of March, 1992, before me, the subscriber, personally appeared WILLIAM E. BENTON, II, the Administrator c.t.a. of the Last Will and Testament of William E. Benton, to me personally known and known to me to be the same person described in, and who, executed the within instrument, and he duly acknowledged to me that he executed the same, as such Administrator c.t.a. as aforesaid, for the purposes therein mentioned.

Thomas Mazzotta
Notary Public - State of New York
My Commission Expires: 3/9/93

THOMAS G. MAZZOTTA
Notary Public, State of New York
Qualified in Saratoga County
No. 4888420
Commission Expires

92-4002

Record and Return:

Miller, Seeley & Segel, P.C.
5 Washington Square
Washington Avenue Extension
Albany, New York 12205

TATE, BISHKO & ASSOC
1716 CENTRAL AVE
ALBANY, N.Y. 12205

STATE OF NEW YORK
SARATOGA COUNTY CLERK'S OFFICE
RECORDED ON THE 20th DAY
OF March 1992 AT 10:32
O'CLOCK am IN BOOK 1330
OF Deeds
AT PAGE 2 406

Kenneth J. Blummer Jr.
COUNTY CLERK

LIBER 1330 PAGE 407

West Lot

FORM 553 N. Y. DEED—WARRANTY
(Laws of 1917, Chap. 681,)

TUTBLANK REGISTERED U.S.PAT.OFFICE
Tuttle Law Print, Publishers, Rutland Vt.

BOOK 526 PAGE 480

# This Indenture,

*Made the* Ninth *day of* October *Nineteen Hundred and* Fifty

Sister

*Between* FERN K. BENTON, 105 Circular Street, Saratoga Springs, N. Y.

*party of the first part, and*

JAMES E. and ROSEMARY H. BENTON, his wife, 58 Fifth Avenue, Saratoga Springs, N. Y.

*parties of the second part,*

*Witnesseth, that the party of the first part, in consideration of* One and 00/100********** *Dollar* ($ 1.00 ) *lawful money of the United States, paid by the parties of the second part, do es hereby grant and release unto the parties of the second part, and* their heirs *and assigns forever, all* THAT TRACT OR PARCEL OF LAND beginning at a point one hundred feet (100) 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 5, 1939, and filed in the office of the Saratoga County Clerk July 1939.

This conveyance is made upon the following conditions and restrictions:

First, the facade of any building erected on said

premises shall be at least 46 feet distant from the south curb line in front of said premises.

Second, the driveway shall be located on the east side of the premises hereby conveyed and the driveway to each lot on the south side of Fifth Avenue shall be located on the east side of the premises so conveyed.

Third, no building or porch shall be erected on any of the lots on the south side of Fifth Avenue within eight feet of the east and west boundary lines of each of said lots. The intent of this provision is that there shall be a space of 16 feet between the buildings erected on adjoining lots.

Fourth, only a one family house and a private garage not exceeding three cars capacity, shall be erected on the premises hereby conveyed to party of the second part by this deed.

Fifth, no part of said premises shall ever be used for trade, manufacture or business of any kind whatsoever.

Sixth, any dwelling house erected upon said premises shall be a two story building which shall cost at least $6,000.00 and shall front on Fifth Avenue.

Seventh, these covenants shall run with the land.

Eighth, the said grantee does by the acceptance of this conveyance for himself, his heirs and assigns agree to the covenants, conditions and restrictions hereinbefore in this deed specified.

Ninth, the grantor hereby agrees to place the same restrictions in every deed which it shall give to premises located on the south side of Fifth Avenue.

Tenth, there is included in this deed all rights which party of the first part has in and to the highway and street in front of said premises.

BOOK 526 PAGE 462

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever.

And said FERN K. BENTON covenants as follows:

First. That the parties of the second part shall quietly enjoy the said premises;

Second. That said FERN K. BENTON will forever Warrant the title to said premises.

In Witness Whereof, the party of the first part has hereunto set her hand and seal the day and year first above written.

In Presence of

Fern K. Benton L S

L S

L S

L S

BOOK 526 PAGE 443

**State of New York**
**County of** Saratoga } ss..
**of**

*On this* ninth *day of* October *Nineteen Hundred and* Fifty *before me, the subscriber, personally appeared*

FERN K. BENTON

*to me personally known and known to me to be the same person described in and who executed the within Instrument, and she acknowledged to me that she executed the same*

Reba E. Ryan
Notary Public

REBA E. RYAN
Notary Public in the State of New York
Saratoga County No. 482
My Commission expires March 30, 1951

RECORDED
OCT 23 9 26 AM '50
SARATOGA
COUNTY CLERK'S OFFICE
SARATOGA SPRINGS, N.Y.

142

**Deed**
WARRANTY

FERN K. BENTON 160

TO

JAMES E. &ROSEMARY H. BENTON 159

Dated Oct. 9 1950.

STATE OF NEW YORK
County of Saratoga ss.

RECORDED ON THE
23 day of Oct. A.D. 1950
at 9:26 o'clock A.M.
in LIBER 526 of DEEDS
at PAGE 440 and examined

[signature]
CLERK

LEARY, PULLERTON & NEDDO
10 CITY HALL
SARATOGA SPRINGS, N.Y.

# EXHIBIT A

SARATOGA COUNTY CLERK
COUNTY CLERK'S RECORDING PAGE

RECEIPT NO.: 033909

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BOOK 01401 PAGE 00224
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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 00224
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

Date (to be determined once application is on agenda)

Dear Neighbors

As we are sure you know the Benton Family Trust has listed 58 Hill Avenue for sale. The home and adjacent lot have been in our family since 1939 when our grandfather bought the two vacant lots and built the house on the westernmost lot for his family.

We have applied to the Zoning Board of Appeals for area variance(s) for the vacant parcel which is shown on the enclosed survey map. Although the parcel is comparable in width and size to a dozen home lots along our street, changes in zoning over the years require us to obtain several variances.

You will be receiving an official notice of our application but we wanted to let our neighbors know in advance of our intentions. We obviously have a self-interest here but having grown up in the neighborhood we all recognize how special it is and how fortunate we all were to be raised here. Three of the twelve children are homeowners and neighbors as you know.

We believe approval and the future construction of a home on the lot (if that occurs) would only enhance the neighborhood and we hope for your support. If you have any questions for us please let us know. If you are willing to express your support we'd be very appreciative.

Sincerely,

Trustees: Rosemary H. Benton Trust

Maureen Benton Colonell

Victoria Benton

Agatha Benton

Encl

I give my support - Kate Petronio

Date (to be determined once application is on agenda)

Dear Neighbors:

As we are sure you know the Benton Family Trust has listed 58 Fifth Avenue for sale. The home and adjacent lot have been in our family since 1939 when our grandfather bought the two vacant lots and built the house on the westernmost lot for his family.

We have applied to the Zoning Board of Appeals for area variance(s) for the vacant parcel which is shown on the enclosed survey map. Although the parcel is comparable in width and size to a dozen home lots along our street, changes in zoning over the years require us to obtain several variances.

You will be receiving an official notice of our application but we wanted to let our neighbors know in advance of our intentions. We obviously have a self-interest here but having grown up in the neighborhood we all recognize how special it is and how fortunate we all were to be raised here. Three of the twelve children are homeowners and neighbors as you know.

We believe approval and the future construction of a home on the lot (if that occurs) would only enhance the neighborhood and we hope for your support. If you have any questions for us please let us know. If you are willing to express your support we'd be very appreciative.

Sincerely,

Trustees: Rosemary H. Benton Trust

Maureen Benton Colonell

Victoria Benton

Agatha Benton

Encl.

We are in full support of this.

Bernice Grear, [redacted] Fifth Ave.

[redacted] FIFTH AVE

Date to be determined once application is on agenda

Dear Neighbors

As we are sure you know the Benton Family Trust has listed 98 Little Avenue for sale. The home and adjacent lot have been in our family since 1939 when our grandfather bought the two vacant lots and built the house on the westernmost lot for his family.

We have applied to the Zoning Board of Appeals for area variance(s) for the vacant parcel which is shown on the enclosed survey map. Although the parcel is comparable in width and size to a dozen home lots along our street changes in zoning over the years require us to obtain several variances.

You will be receiving an official notice of our application but we wanted to let our neighbors know *in advance of* our intentions. We obviously have a sufficient stake, but having grown up in the neighborhood we all recognize how special it is and how fortunate we all were to be raised here. Three of the twelve children are homeowners and neighbors as you know.

We believe approval and the future construction of a home on the lot of that record would only enhance the neighborhood and we hope for your support. If you have any questions for us please let us know. If you are willing to express your support we'd be very appreciative.

Sincerely,

Trustees: Rosemary H. Benton Trust

Maureen Benton Colonell

Victoria Benton

Agatha Benton

Encl

We support the Benton family in this matter.
Arnold Redland, Diane Redlord

Date (to be determined once application is on agenda)

Dear Neighbors

As we are sure you know the Benton Family Trust has listed 58 Fifth Avenue for sale. The home and adjacent lot have been in our family since 1939 when our grandfather bought the two vacant lots and built the house on the westernmost lot for his family.

We have applied to the Zoning Board of Appeals for area variance(s) for the vacant parcel which is shown on the enclosed survey map. Although the parcel is comparable in width and size to a dozen home lots along our street, changes in zoning over the years require us to obtain several variances.

You will be receiving an official notice of our application but we wanted to let our neighbors know in advance of our intentions. We obviously have a self-interest here but having grown up [illegible] we know how special it is and how fortunate we all were to be raised here. Three of the [illegible] are homeowners and neighbors as you know.

We believe approval and the future construction of a home on the [illegible] enhance the neighborhood and we hope for your support. If you have any questions for us please let us know. If you are willing to express your support we'd be very appreciative.

Sincerely,

Trustees: Rosemary H. Benton Trust

Maureen Benton Colonell

Victoria Benton

Agatha Benton

Encl

We trust that the Benton Family has the Fifth Avenue neighborhood enhancement at the forefront of their requested intention - as stated above. We Support their decision. Having grown up in the house we own on Fifth Avenue & currently, we encourage anything that will improve the quality and the value of this treasured city street.

In Concurrence -
The Tarantino-Jeffreys Family
Sue Jeffreys Bill Jeffreys

Date (to be determined once application is on agenda)

Dear Neighbors:

As we are sure you know the Benton Family Trust has listed 58 Fifth Avenue for sale. The home and adjacent lot have been in our family since 1939 when our grandfather bought the two vacant lots and built the house on the westernmost lot for his family.

We have applied to the Zoning Board of Appeals for area variance(s) for the vacant parcel which is shown on the enclosed survey map. Although the parcel is comparable in width and size to a dozen home lots along our street changes in zoning over the years require us to obtain several variances.

You will be receiving an official notice of our application but we wanted to let our neighbors know in advance of our intentions. We obviously have a self-interest here but having grown up in the neighborhood we all recognize how special it is and how fortunate we all were to be raised here. Three of the twelve children are homeowners and neighbors as you know.

We believe approval and the future construction of a home on the [illegible] since the neighborhood and we hope for your support. If you have any questions for us please let us know. If you are willing to express your support we'd be very appreciative.

Sincerely,

Trustees: Rosemary H. Benton Trust

Maureen Benton Colonell

Victoria Benton

Agatha Benton

Encl

Jim Bunby & Angela Rella

[redacted] 5th Ave.

2/1/16

# CITY OF SARATOGA SPRINGS

City Hall - 474 Broadway
Saratoga Springs, New York 12866
Tel: 518-587-3550 fax: 518-580-9480

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

## 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 | Mark Dugas | | |
| Address | [redacted] | | |
| Tel./Fax | [redacted] | / | / |
| Email | [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.) 65 York Avenue Side of St. (north, east, etc.) north

Tax Parcel No.: 166.45 - 2 - 71 *(for example: 165.52 – 4 – 37)* Tax District: ☒ Inside ☐ Outside

1. Date acquired by current owner: 4/19/2003 2. Zoning District when purchased: UR-3
3. Present use of property: Main residence 4. Current Zoning District: UR-3
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: Construct pool house within the 5' side yard setback of adjoining property at 63 York Ave.
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)

## 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) Side yard setback.

| Dimensional Requirements | From | To |
|---|---|---|
| Offset to adjacent property (63 York Ave) | 5' | 2' |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

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.

   No feasible means available because the pool house has already been built.

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:

   No undesirable changes to the character of neighborhood because of the location of the structure and design. Not very visible from the street and it is a small structure.

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

Not substantial because it is a small structure and complies with percentage of lot coverage.

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 pool house is not large in size and has an appealing look. Concrete slab foundation makes it impossible for undesirable wild life / rodents to demand populate.

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:

This difficulty was self created due to the lack of knowledge of off-set requirements by the city when it was built.

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)

Sworn to before me this date:

Date: January 19 2016

*Notary Public*

KAREN A. STETKAR
NOTARY PUBLIC
STATE OF NEW YORK
SARATOGA COUNTY
Reg. No. 01ST4969612
COMM. EXP. 07/23/18

*Revised: September 2005*

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)

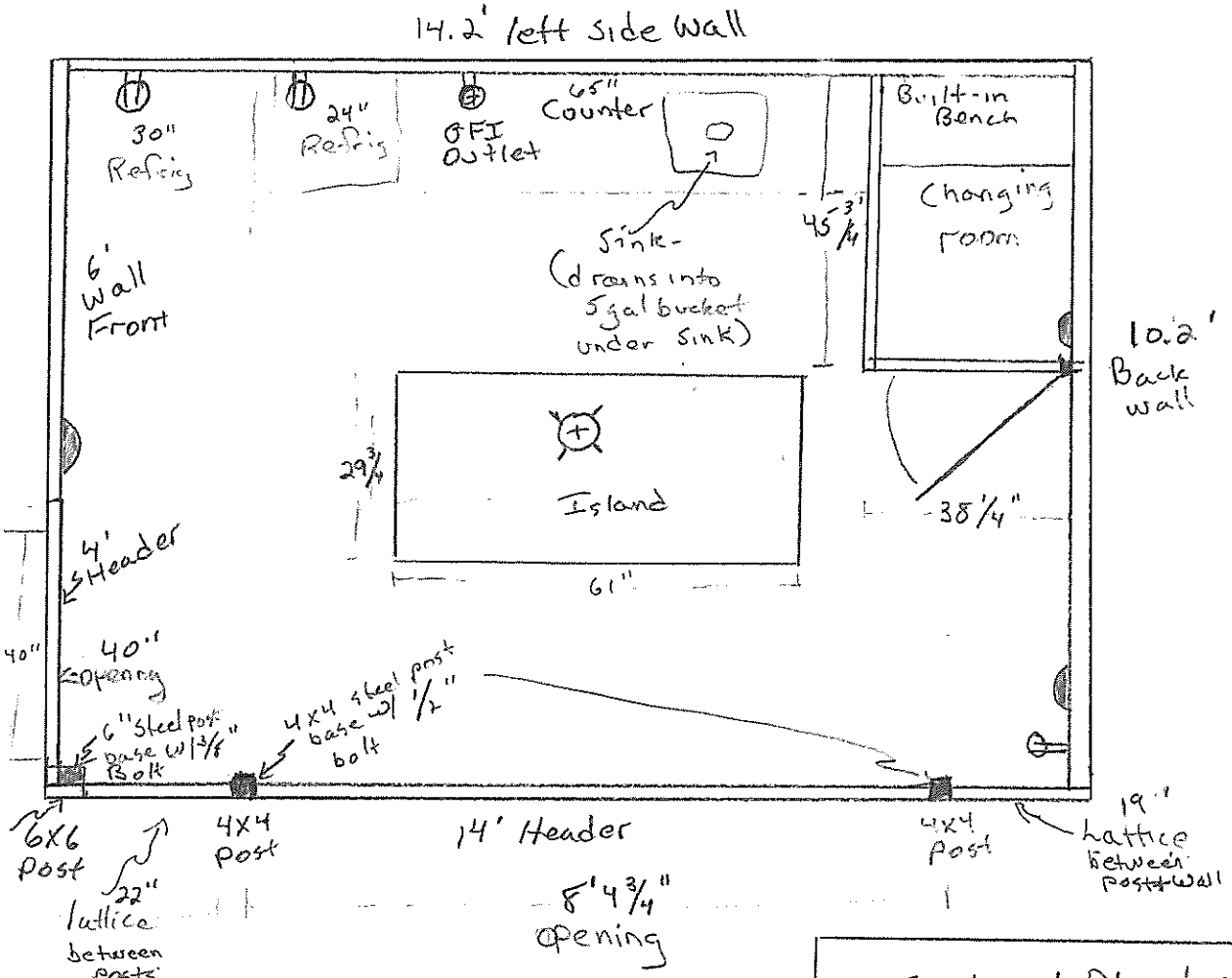
**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic 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) |

# Floor plan - 65 York Ave, Saratoga Springs, NY




| QTY | Electrical Plan Legend |
|---|---|
| (1) | ceiling mounted light fixture |
| (4) | electrical outlet 110 |
| (3) | Wall-mounted light fixture |

Main Building and Swimming Pool

Patio

65 York Ave, Saratoga Springs NY Pool House

**View from top of driveway**

**View from middle of driveway**

65 York Ave, Saratoga Springs NY Pool House

**View from right side of back yard 1**

**View from right side of back yard 2**

65 York Ave, Saratoga Springs NY Pool House

**View from behind building**

**View from left side of yard**

65 York Ave, Saratoga Springs NY Pool House

**View from yard of 63 York Ave**

**View from behind building on North Street**

CITY OF SARATOGA SPRINGS
BUILDING DEPARTMENT
PH. 587-3550 FAX 580-9480

# INSPECTOR REPORT

PAGE 1 OF 1

JOB SITE 65 York St. PERMIT # 21984 FILE # 21984

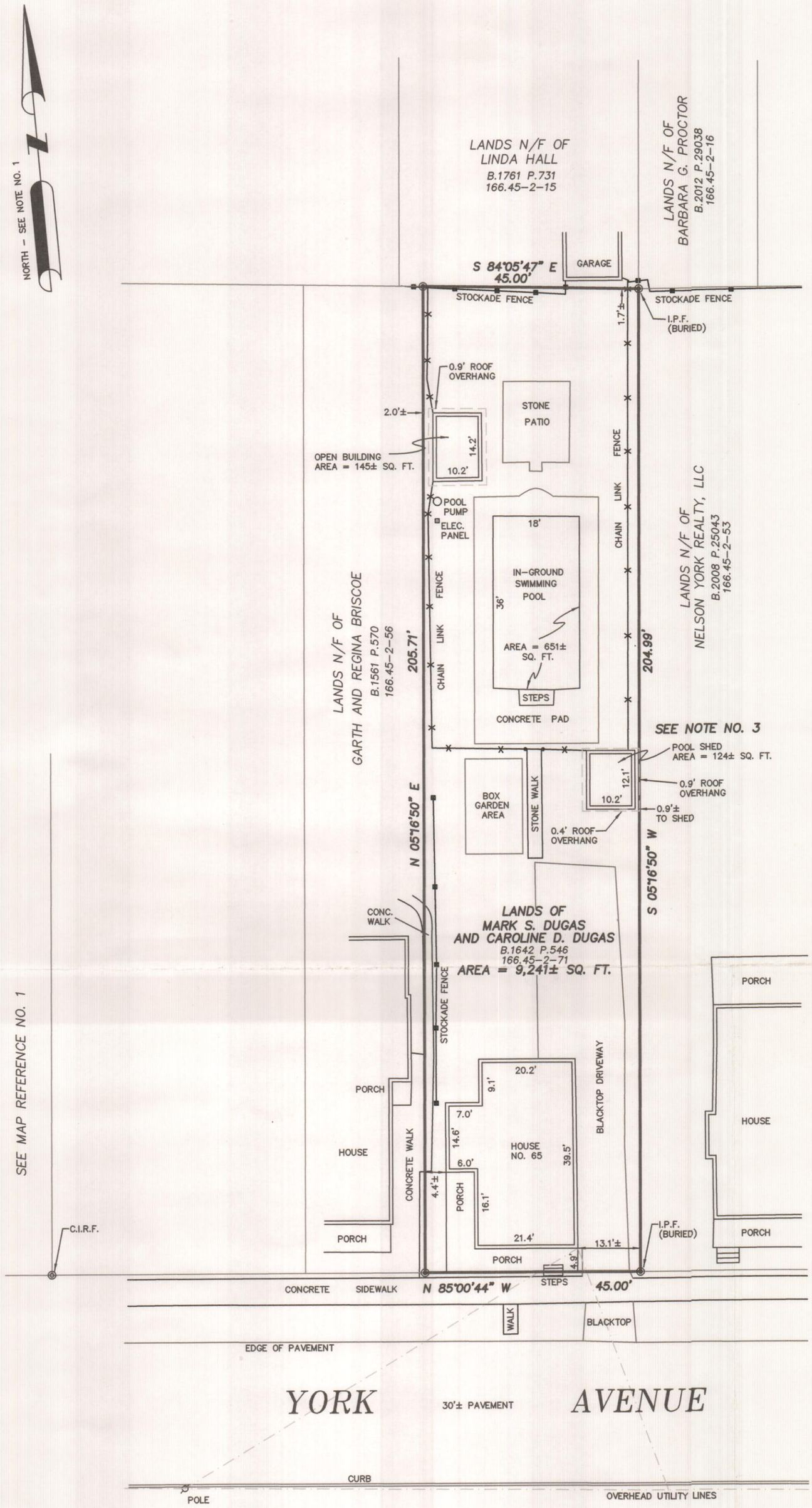
| FOOTINGS BEFORE CONCRETE | FOUND. REBAR BEFORE CONCRETE | FOUND. BEFORE BACKFILL | FLOOR SLAB BEFORE CONCRETE | ROUGH FRAME BEFORE INSUL. | ROUGH PLUMB BEFORE INSUL. | HVAC BEFORE INSUL. | INSUL. BEFORE COVER | SEPTIC BEFORE BACKFILL | OTHER Stop Work | FINAL |
|---|---|---|---|---|---|---|---|---|---|---|

Notice of Violation

- Pool permit has expired, no certificate of occupancy to use.
- Fence incomplete, poses safety hazzard to neighborhood
- No permit on file for pool house, do not use, stop work.

PASSED CONDITIONS AS NOTED REINSPECTION REQUIRED FAILED STOP WORK

INSPECTION DATE 8/3/15 INSPECTOR [signature]




## MAP REFERENCE:

1.) MAP ENTITLED "MAP OF LANDS TO BE CONVEYED TO PAUL AND PHYLLIS TORPEY SITUATE AT 53 YORK AVENUE", DATED MAY 11, 2012 AND MADE BY THOMPSON FLEMING LAND SURVEYORS, P.C.

## MAP NOTES:

1.) NORTH ORIENTATION IS MAGNETIC AS OBSERVED DURING AUGUST OF 2015.

2.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR AN UP TO DATE TITLE REPORT AND IS THEREFORE SUBJECT TO ANY STATEMENT OF FACT SUCH DOCUMENTS MAY DISCLOSE.

3.) THE POOL SHED (124 SQ. FT.) AND OPEN BUILDING (145 SQ. FT.) HAVE A TOTAL AREA OF 269 SQ. FT. AND THE AREA OF THE POOL IS 651 SQ. FT. THUS, THE TWO BUILDINGS AND POOL EQUAL 9.95% ± OF THE TOTAL AREA OF LANDS OF DUGAS AS SHOWN HEREON.

## LEGEND

| | |
|---|---|
| N/F | NOW OR FORMERLY |
| — — — — — | OVERHEAD UTILITY LINES |
| C.I.R.S | CAPPED IRON ROD SET |
| I.P.F. | IRON PIPE FOUND |
| C.I.R.F. | CAPPED IRON ROD FOUND |
| I.R.F. | IRON ROD FOUND |
| 116.00-2-39 | TAX MAP SECTION-BLOCK-LOT |
| B.769 P.986 | DEED BOOK & PAGE |
| ◉ | POINT |
| ⌀ | UTILITY POLE |

"UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW."

"ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."

# Survey of Lands of MARK S. DUGAS AND CAROLINE D. DUGAS

DONALD E. ALBRECHT
P.L.S. NO. 50,302

| DATE | RECORD OF WORK | DRN | CHK | APPR |
|---|---|---|---|---|
| | | | | |

CITY OF: SARATOGA SPRINGS (I.D.)

COUNTY OF: SARATOGA

SCALE: 1" = 20'

DRAWN BY: DEA

CHECKED BY: DEA

APPROVED BY: DEA


Albrecht & Willson Land Surveyors, PLLC

63 GRAY AVENUE
GREENWICH, N.Y. 12834
(518) 281-0046 or (518) 925-1719
awlandsurveyors.com


DATE: 08-03-2015 | PROJ. NO. 15-021 | DWG. NO. 15-021 | SHEET 1 OF 1

# 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 | AMV Holdings Inc. | | |
| Address | 563 North Broadway Saratoga Springs NY 12866 | | |
| Tel./Fax | 587-4113 / 587-0260 | / | / |
| Email | [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.) 27 Jumel Place Side of St. (north, east, etc.) North

Tax Parcel No.: 166.13-50-2 *(for example: 165.52-4-37)* Tax District: ☒ Inside ☐ Outside

1. Date acquired by current owner: Under Contract 2. Zoning District when purchased: UR3

3. Present use of property: Multi Family - Ballet Studio 4. Current Zoning District: UR3

5. Has a previous ZBA application/appeal been filed for this property? ☑ Yes (when? 10/31/13 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: Tear down existing building and build seven unit single family condominium project.

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: 5/1/14
2. Type of variance granted? ☐ Use ☑ Area
3. Date original variance expired: 11/1/15
4. Length of extension requested: _____
5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?: We were unable to close on the property due to it being held up in probate for the last several months. We are anticipating to close within the next few weeks.

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:

Nothing has changed to this area & no new development

on or near this site.

## 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) _____.

| Dimensional Requirements | From | To | → To |
|---|---|---|---|
| Fencing (exterior fence only) | 6' | 8' | |
| Lot Coverage | 30% | (Prev. Appr.) 43.5% | 46.0% |
| Front Yard Setback | 10' | (Pre. Appr.) 5' | 1' |
| | | | |
| | | | |
| | | | |
| | | | |

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.

   Our fencing request is new, asking for the height limit to go from 6 – 8' (exterior fence only). This creates privacy along the perimeter, a benefit to both sides of the fence. What is currently there is dilapidated and run down, hence aesthically a great improvement. Our modified request for front setback of 1' is what currently exists and consistent with surrounding homes. The 5' granted does not allow for our (2) front porches to be placed on the unit. This style entry fits with the street scape. Finally, the area coverage request of 46% is what was originally asked for, and necessary for the option of adding additional back porches on the homes; an opportunity for our clients to enjoy their backyards, since their fronts are quite limited in size. These variance alternatives are reasonable and contiguous with the urban feel of downtown.

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:

Granting the area variance will enhance the neighborhood by creating privacy, align the two front porches with the neighboring homes, and allow only 2.5% more in area coverage which was originally requested.

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

This request is minimal and less than what currently exists on the property. The fence height increase is not substantial and benefits both the current and new homeowners.

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:

This is one lot, seven homes, a singular curb cut and permissable use of the land in lieu of its current nonconforming commercial use. Permeability exceeds the minimum, peaking at 35.10%, parking accommodations are onsite and traffic is reduced due to the applicable Urban Residential 3 zone. The lot will be properly cleaned and abated, a favorable influence both physically and environmentally 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:

The difficulty was created by the need to change a non-conforming structure to a residential economically feasible solution. A win for all involved; neighbors, city, and a proper sustainable usage by City Standards.

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)

Sworn to before me this date:

Date: _____

_____
(applicant signature)

_____
*Notary Public*

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: ANW Holdings
2. PROJECT NAME:

3. PROJECT LOCATION: 27 Sumner Place
   Municipality: Saratoga Springs, NY County: Saratoga
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 Individual Condominiums
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: Bldg Dept - Saratoga Springs
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) |

Res + App

# 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
SHIRLEY POPPEL
OKSANA LUDD

RECEIVED
OCT 31 2013
ACCOUNTS DEPARTMENT

IN THE MATTER OF THE APPEAL OF
ANW Holdings, Inc. of 564 Broadway
Saratoga Springs, NY 12866

from the Building Inspector's Denial of Application for Land Use and/or Building for the premises at 27 Jumel Place, Saratoga Springs, New York, identified as Tax Parcel No.: 166.13-1-50.2 in the inside district of the City.

The Applicant has applied for an area variance for relief from the current City Zoning Ordinance applicable to the Urban Residential - 3 zoning district to construct a seven unit condominium development seeking relief from the maximum principal buildings permitted on one lot, maximum principal building coverage, the minimum front yard setback requirements for the two units fronting on Jumel Place, and from the minimum rear yard setback requirements for the two units located at the rear of the property, and public notice having been duly given of a hearing on said application on July 9, 2013 and October 28, 2013.

In consideration of the balance between the benefit to the Applicant with the detriment to the health, safety and welfare of the community, the Board makes the following resolution that the requested area variance for the following relief or such lesser amount, as described in the submitted application, BE APPROVED:

| Type of Requirement | Required | Existing | Proposed | Total Relief Requested |
|---|---|---|---|---|
| Maximum Principal Buildings on one lot | One (1) | One (1) | Seven (7) | 6 (600)% |
| Maximum Building Coverage | 30% | 49.4% | 43.5% | 13.5% (45%) |
| Minimum Front Yard Setback for the 2 units fronting on Jumel Place | 10 feet | 1 foot | 5 feet | 5 feet (50%) |
| Minimum Rear Yard Setback for the 2 units located at the rear | 25 feet | .7 foot | 6 feet | 19 feet (76%) |

1. The Applicant has demonstrated that this benefit cannot be achieved by other means feasible. This Board has been asked to consider several prior applications to redevelop this property. It is currently used for mixed commercial and residential purposes with a large cement structure, formerly a manufacturing facility, located on the property. The current use is not conducive to a residential neighborhood and the noise and traffic generated by the current use has been an issue of concern for many of the neighbors. The unique nature

of this property and the prior failed attempts to arrive at a use for this property that is acceptable to neighbors, conforming with the neighborhood and economically feasible has demonstrated that the redevelopment of this property raises unusual and distinct issues. Not only has the Applicant explored alternate means to achieve the requested benefit including a smaller number of units which were evaluated and found to be economically unfeasible, but prior applicants have also attempted to use the structure for varied uses, all of which demonstrates that other alternatives have not been shown to be practical or economically feasible. The applicant has demonstrated that redeveloping this property from an unsightly cement structure used for commercial purposes into a seven unit residential condominium development is the best economically feasible use as shown on the proposed site plan for this property.

2. The Applicant has demonstrated that granting these variances will not create an undesirable change in neighborhood character or a detriment to nearby properties. Applicant had shown that removal of the current cement structure and construction of a seven unit condominium will result in a development that substantially conforms with the residential homes in the neighborhood. The Applicant has demonstrated, and several neighbors have testified in support, that this redevelopment will have a very beneficial impact on the neighborhood. The granting of these variances will result in the removal of a varied use (ballet school), unauthorized use (karate school) and prior nonconforming use (manufacturing facility) and result in a conforming use which is in keeping with the character of the neighborhood. We note that the City Planning Board issued a favorable advisory opinion identifying that "This site can adequately accommodate development of this scale, and that the overall density proposed is compatible with the surrounding neighborhood." Based on the foregoing, the granting the variances will improve the appearance of the property and will not create an undesirable change in neighborhood character or impact on nearby properties, but rather a desirable and valuable change.

3. The relief requested may be considered substantial, but is mitigated by the fact that the current existing structure is non-conforming and by the fact that the lot, at 34,765.50 square feet, would accommodate either five single-family lots or four two-family buildings for total of eight residences. The requested variance, for seven units, is one less than the permitted 8 residences. In order to develop this property in a manner that is most conducive to current needs of our citizens, creating smaller free standing condominiums is beneficial. The construction of one continuous unit would have eliminated the need for a variance for seven units, but would not have resulted in a project that meets the current needs of some members of the community. The minimum front and rear setback variances are necessary to maximize the available parking and the need for service vehicles to access the property. Due to the non-conformance of the current structure and some of the existing structures in the neighborhood, these variances will not have a substantial impact on the neighborhood and therefore mitigates the substantial nature of the variances.

4. The Applicant has demonstrated that the variance will not have a significant adverse physical or environmental effect on the neighborhood. The Applicant has demonstrated, and several neighbors have testified in support, that this redevelopment will have a significant beneficial physical impact on the neighborhood. Not only will the current commercial use with resulting traffic and noise generated by such use no longer interfere with the quiet residential neighborhood, but the physical change to the property will be a significant improvement to the appearance of the neighborhood. Additionally, the proposed construction will improve the permeability of the lot to 35.1%, in excess of the required 25%.

5. The alleged difficulty may be considered self-created in that the Applicant desires to re-develop this property in a manner that will meet the needs of residents of Saratoga Springs who are looking to down size and still create a development that conforms to the neighborhood as a residential development in an economic

manner, however, this is not necessarily fatal to the application.

Notifications/Approvals/Conditions of Approval:
Prior variances are discontinued.
Saratoga Springs City Planning Board site plan review is required – the Planning Board will address local concerns as identified by the Saratoga County Planning Board.
Saratoga County Planning Board issued a finding of no significant county side or inter community impact.

Adopted by the following vote:

AYES: 6 (B. Moore, K. Kaplan, A. McNeill, G. Hasbrouck, S. Carlson, O. Ludd)

NAYES: 0

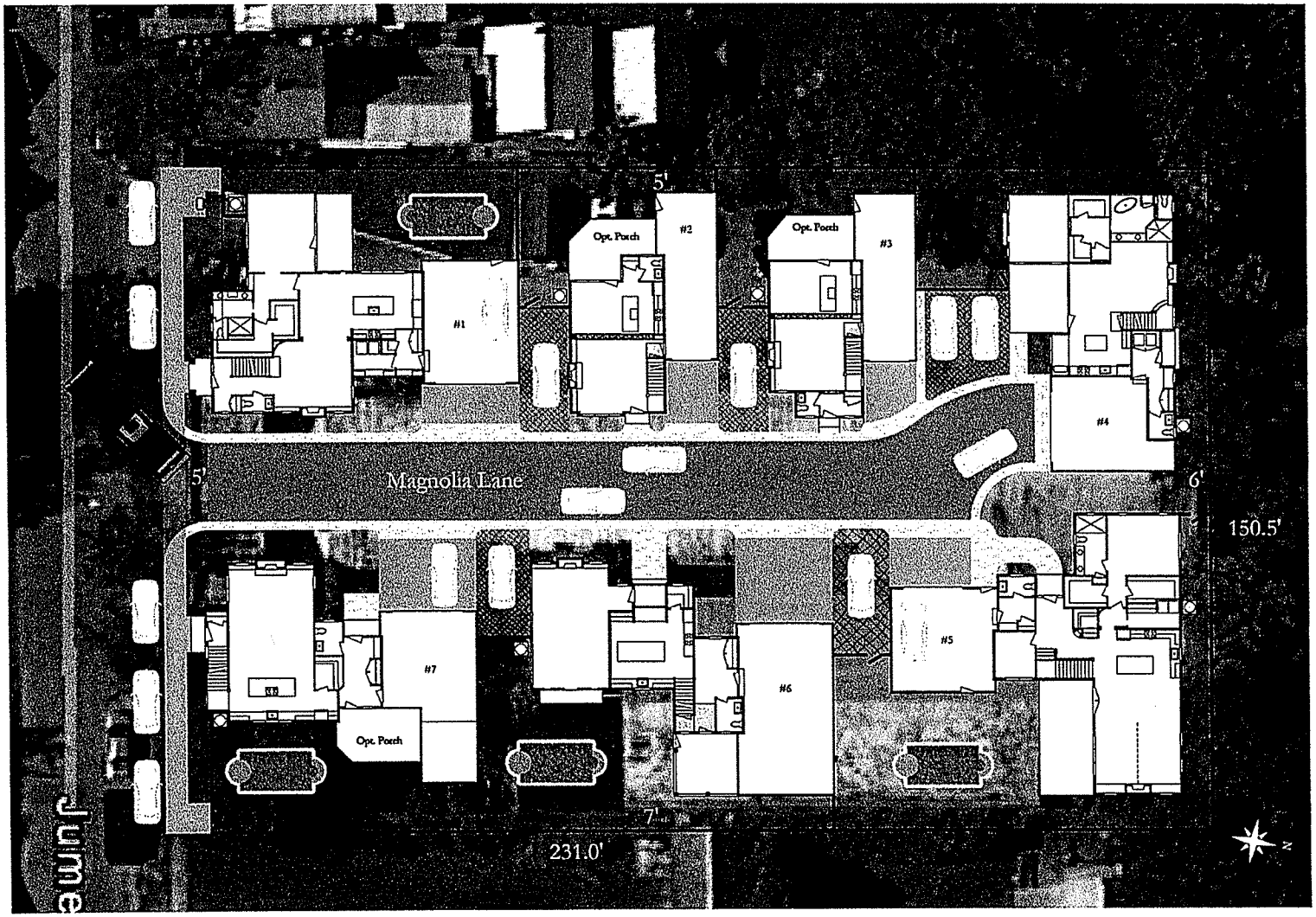
Dated: October 28, 2013

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.

10/30/13
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.




# MAP OF the Neighborhood of MAGNOLIA LANE in SARATOGA SPRINGS

Witt Construction

2013

| Lot Coverage | | | |
|---|---|---|---|
| Residence | Footprint | Roof OH | Coverage |
| #1 | 2,449 | 284 | 2,733 |
| #2 | 1,357 | 159 | 1,516 |
| #3 | 1,472 | 160 | 1,632 |
| #4 | 2,079 | 159 | 2,238 |
| #5 | 2,759 | 228 | 2,987 |
| #6 | 2,340 | 223 | 2,563 |
| #7 | 2,070 | 220 | 2,290 |
| | 14,526 | 1,433 | 15,959 |
| | | | 34,766 |
| | | | 46.0% |

| Permeability Statistics | |
|---|---|
| Size of Development (Sq. Ft.) | 34,766 |

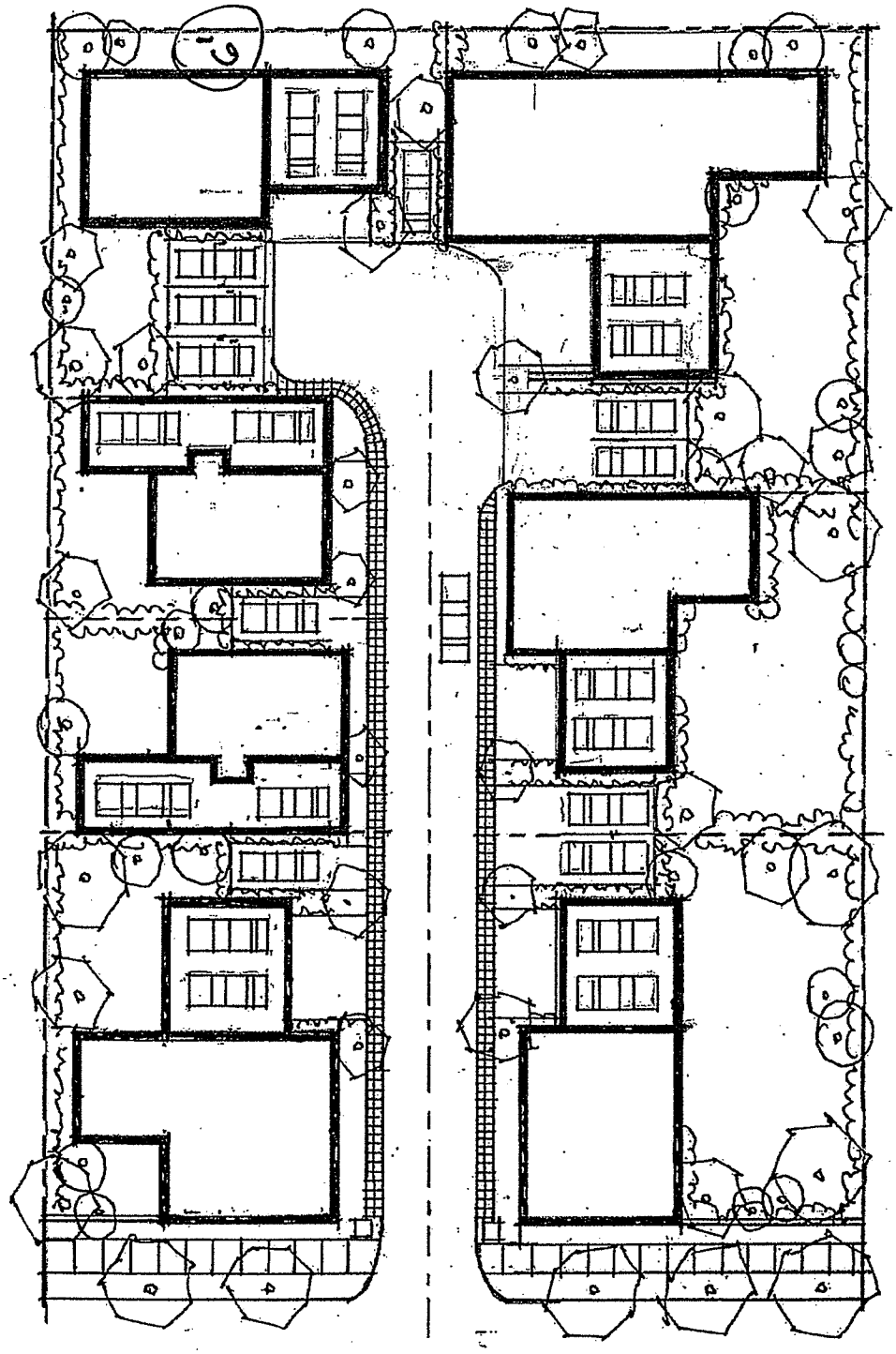
| Non-Permeable Areas (Sq. Ft) | | |
|---|---|---|
| Road | 3,305 | |
| Driveways | 1,338 | |
| Patios | 1,740 | |
| Living | 5,665 | |
| Porches | 1,656 | |
| Garages | 4,175 | |
| Total Non-Permeable | 21305 | 61.3% |

| Permeable Areas (Sq. Ft.) | | |
|---|---|---|
| Turf Paved | 1,588 | |
| Landscaped | 11,870 | |
| Total Permeable | 13458 | 38.7% |

*Scale of Feet*

1 5 10 25 50 100

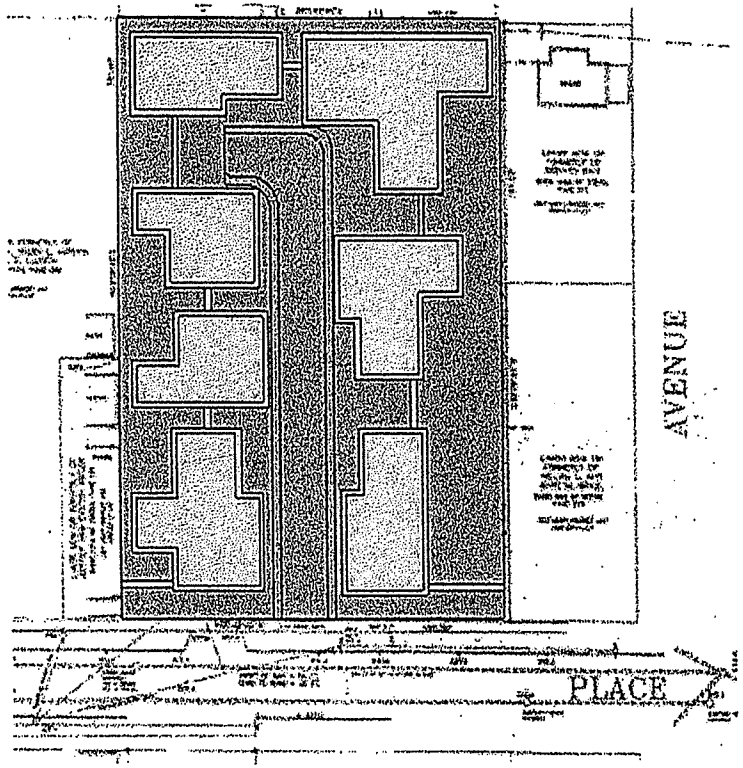
REAR



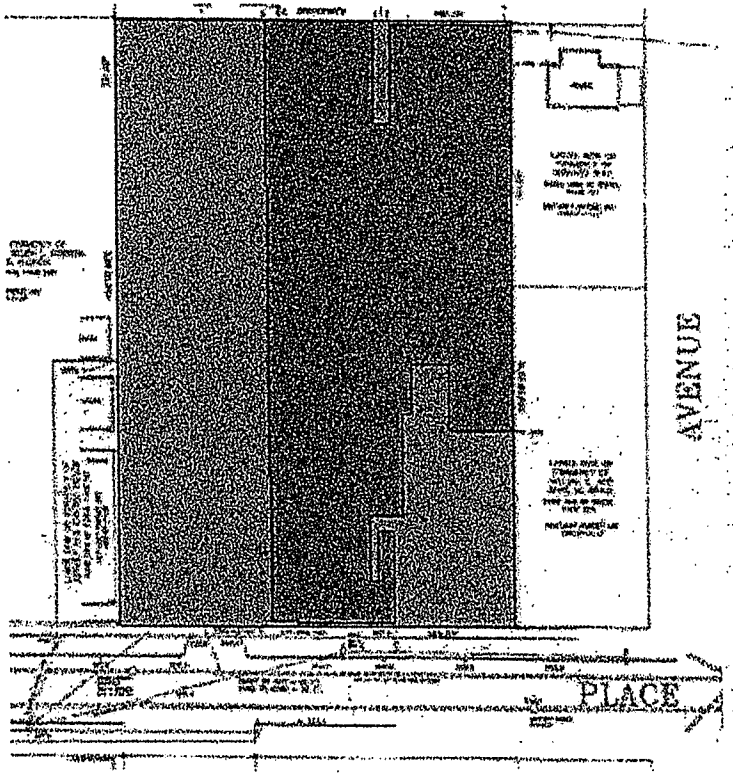
SIDE

SIDE

FRONT




Concept Site Plan




Site Plan with Existing Building

27 Jumel Place
Saratoga Springs NY

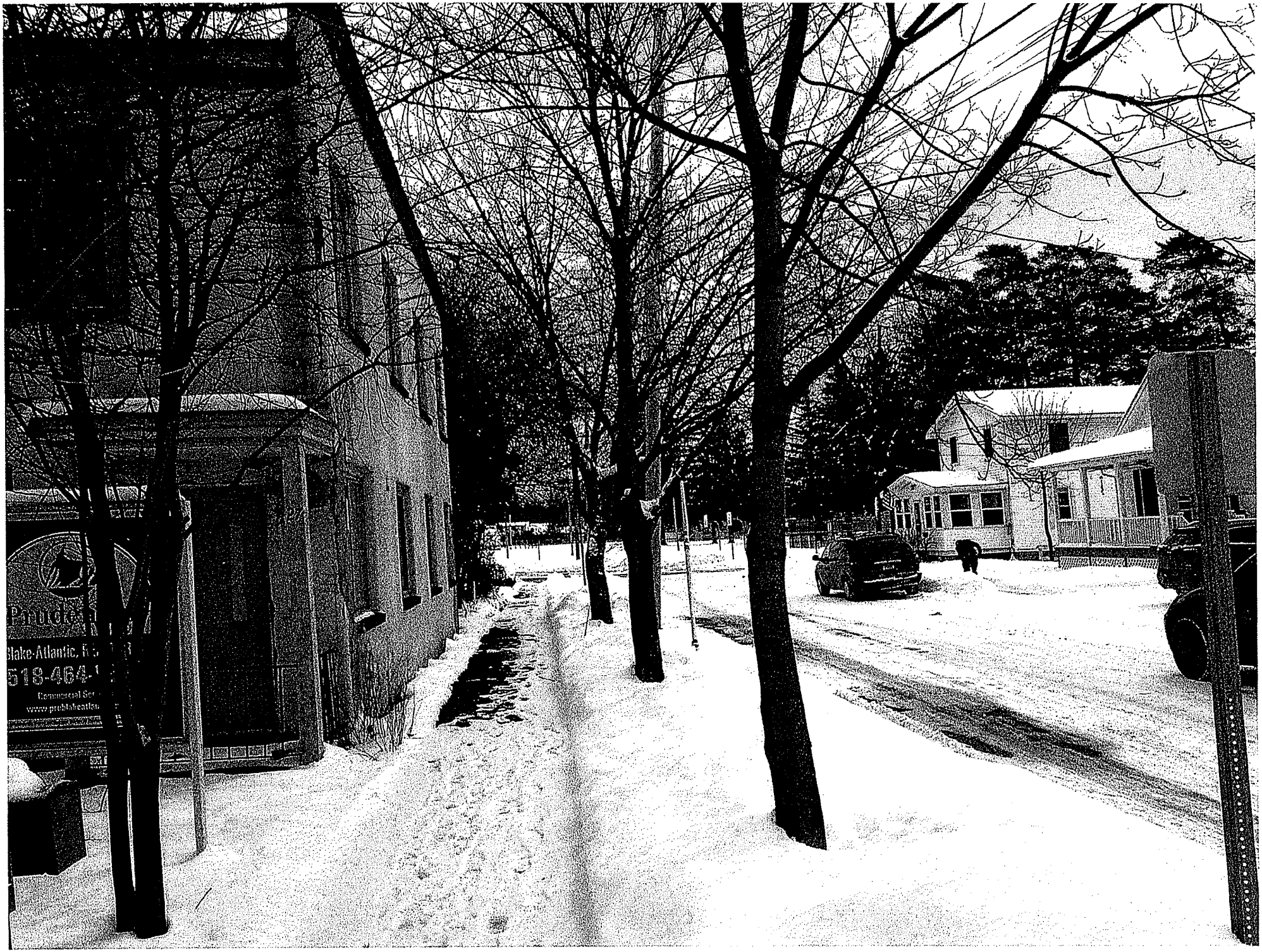
Witt Construction
3/10/2014

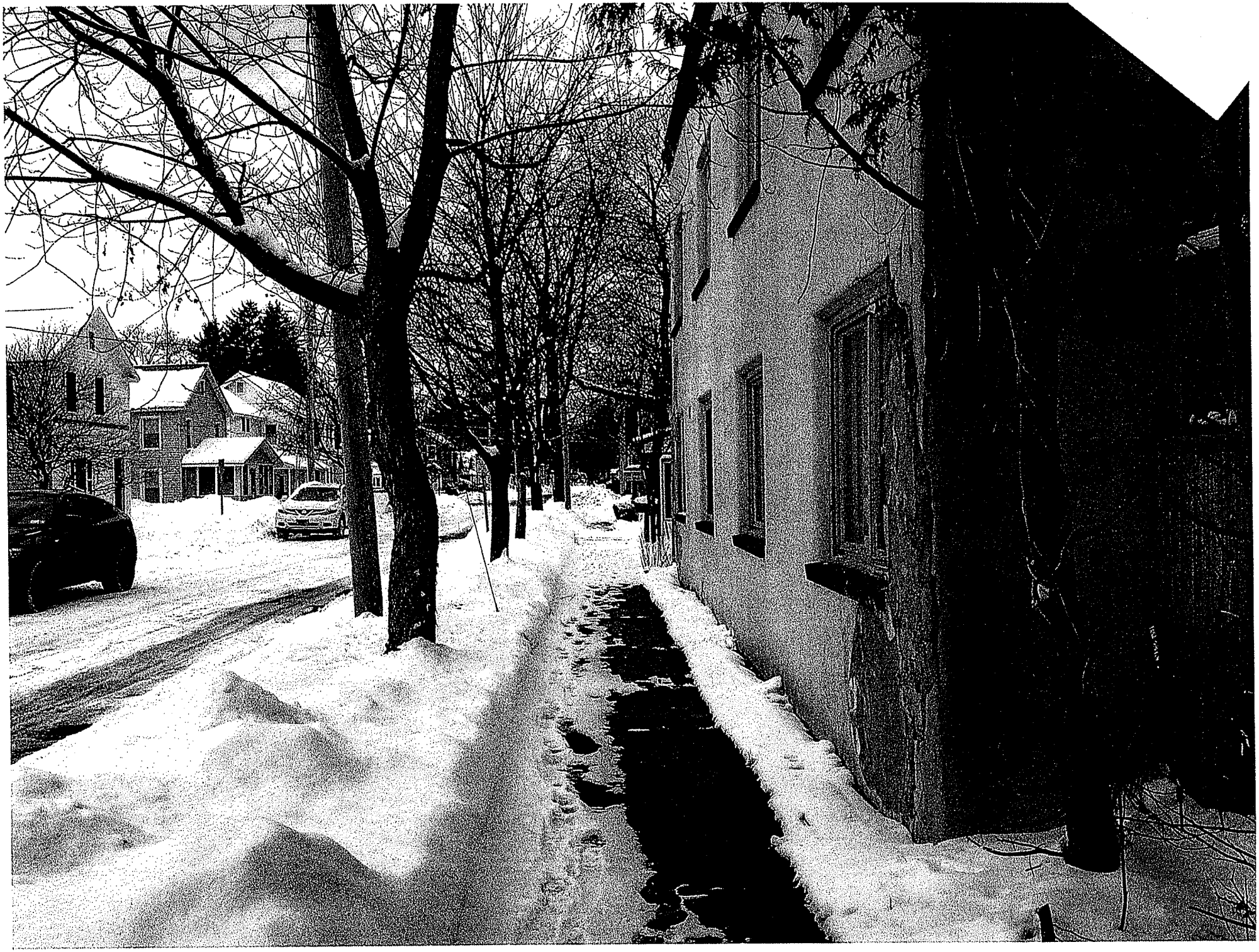
| | Depth | Width | Area (sq. ft.) |
|---|---|---|---|
| Lot Size | 231 | 150.5 | 34,765.50 |

| Area | Existing | % of Lot | As Drawn | % of Lot |
|---|---|---|---|---|
| Principle Building and Overhang | 17,161 | 49.4% | 15,589 | 46.00% |
| Accessory Building | 160 | 0.5% | | |
| Total | | | | 46.00% |
| Driveways/Road | 6,357 | 18.3% | 7,157 | 20.60% |
| Permeable Areas | 11,088 | 31.9% | 12,191 | 35.10% |

| Setbacks | To the overhangs |
|---|---|
| Front | 1 |
| Rear | 6 |
| Right Side | 7 |
| Left Side | 5 |

NO PARKING
24 HRS
STARTING
9AM
MON-WED
FRI





Witt Construction

563 N Broadway Saratoga Springs, NY 12866

February 27.2014, 2013

# Magnolia Lane

Street Views

Witt Construction

563 N Broadway Saratoga Springs, NY 12866

February 27.2014, 2013

Magnolia Lane

Street Views

Witt Construction

563 N Broadway Saratoga Springs, NY 12866

February 27.2014, 2013

Magnolia Lane

Street Views

# *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**

Jumel/Downton Walk - Witt Construction, Inc.

Name of Action or Project:
Downton Walk

Project Location (describe, and attach a location map):
27 Jumel Place

Brief Description of Proposed Action:
7 Individual Family Condominiums

| Name of Applicant or Sponsor: | Telephone: 518-587-4113 |
|---|---|
| John Witt | E-Mail: [redacted] |

Address:
563 N. Broadway

| City/PO: | State: | Zip Code: |
|---|---|---|
| Saratoga Springs | NY | 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: Building Department | ☐ | ☑ |

3.a. Total acreage of the site of the proposed action? .791 acres
b. Total acreage to be physically disturbed? .791 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .791 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? | ☐ | ☑ |

| | NO | YES |
|---|---|---|
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? | | |
| If Yes, identify: _____ | ☑ | ☐ |

| | NO | YES |
|---|---|---|
| 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? | ☐ | ☑ |

| | NO | YES |
|---|---|---|
| 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: _____ | ☑ | ☐ |

| | NO | YES |
|---|---|---|
| 10. Will the proposed action connect to an existing public/private water supply? | | |
| If No, describe method for providing potable water: _____ | ☐ | ☑ |
| Per site plan approval we need to add a new water-main that runs from Jumel up the private drive. | | |

| | NO | YES |
|---|---|---|
| 11. Will the proposed action connect to existing wastewater utilities? | | |
| If No, describe method for providing wastewater treatment: _____ | ☐ | ☑ |

| | NO | YES |
|---|---|---|
| 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? | ☑ | ☐ |

| | NO | YES |
|---|---|---|
| 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

| | NO | YES |
|---|---|---|
| 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? | ☑ | ☐ |

| | NO | YES |
|---|---|---|
| 16. Is the project site located in the 100 year flood plain? | ☑ | ☐ |

| | NO | YES |
|---|---|---|
| 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)?<br>If Yes, explain purpose and size: _____<br>_____<br>_____ | ☑ | ☐ |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe: _____<br>_____<br>_____ | ☑ | ☐ |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe: _____<br>There as been asbestos found on location. We have an asbestos report and working with Cristo Demolition who is licensed and experienced in moving this hazardous waste properly.<br>_____ | ☐ | ☑ |

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

Applicant/sponsor name: _____ Date: _____

Signature: _____

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
Oksana Ludd
James Helicke

Appeal #2759
IN THE MATTER OF THE APPEAL OF
ANW Holdings, Inc.
564 Broadway
Saratoga Springs, NY 12866

from the Building Inspector's Denial of Application for Land Use and/or Building for the premises at 27 Jumel Place, Saratoga Springs, New York, identified as Tax Parcel No.: 166.13-1-50.2 in the inside district of the City.

The Applicant has applied for modification to Appeal # 2714, a variance granted October 23, 2013, seeking modification of the relief from the maximum principal building coverage and the minimum front yard setback requirements for the two units fronting on Jumel Place, and for additional relief from maximum height of a residential fence, all as provided in the current City Zoning Ordinance applicable to the Urban Residential - 3 zoning district, and public notice having been duly given of a hearing on said application on April 21, 2014 and April 28, 2014.

In consideration of the balance between the benefit to the Applicant with the detriment to the health, safety and welfare of the community, the Board makes the following resolution that the requested area variance for the following relief or such lesser amount, as described in the submitted application, BE APPROVED:

| Type of Requirement | Required/ Permitted | Previously Approved | Proposed | Total Relief Requested |
|---|---|---|---|---|
| Maximum Building Coverage | 30% | 43.5% | 46% | 16% (53%) |
| Minimum Front Yard Setback for the 2 units fronting on Jumel Place | 10 feet | 5 foot | 1 feet | 9 feet (90%) |
| Maximum Height residential fence | 6 feet | N/A | 8 feet | 2 feet (33%) |

1. The Applicant has demonstrated that this benefit cannot be achieved by other means feasible. This Board has previously determined in Appeal #2714 that the Applicant has demonstrated that redeveloping this property from an unsightly cement structure used for commercial purposes into a seven unit residential condominium development is the best economically feasible use as shown on the proposed site plan for this property. The modifications to the maximum principal building coverage and the minimum front yard setback requested by Applicant, subject to the conditions provided below, do not change the Board's prior determinations. The request to increase the maximum height of the residential fence is requested to ensure added privacy for the units and for adjacent neighbors. Providing this privacy cannot be achieved by other means due to the limited size of the property.

2. The Applicant has demonstrated that granting the modification to these variances will not create an undesirable change in neighborhood character or a detriment to nearby properties. In granting variance #2714, the Board concluded the granting the variances will improve the appearance of the property and will not create an undesirable change in

neighborhood character or impact on nearby properties, but rather a desirable and valuable change. The modifications do not change this conclusion. Additionally, granting the variance for an increased height in the fence will enhance the character of the neighborhood.

3. The modifications to the relief requested may be considered substantial. However, due to the proximity of the proposed developed structures to the neighbors and to one another, the Board finds the benefit of privacy fencing to offset the adverse impact.

4. The Applicant has demonstrated that the modification of the variances will not have a significant adverse physical or environmental effect on the neighborhood. In the prior Appeal, the Applicant demonstrated and several neighbors testified in support, that this redevelopment will have a significant beneficial physical impact on the neighborhood. The modifications requested in this application do not alter the conclusions reached by this Board in Appeal #2714. Additionally, the request for an increase in the height of the fence does not have an adverse physical or environmental effect on the neighborhood.

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

Notifications/Approvals/Conditions of Approval:
The minimum front yard setback of 5 feet previously approved in Appeal #2714 is modified only to permit front stoops or stairways within the 5 foot setback to the 1 foot setback.

No eight (8) foot fence shall be permitted to be constructed along Jumel Place or extending beyond the front foundation line along Jumel Place.

County Planning Board issued a decision of "No Significant County Impact" on April 17, 2014.

Adopted by the following vote:

AYES: 7 (B. Moore, K. Kaplan, A. McNeill, G. Hasbrouck, S. Carlson O. Ludd and J. Helicke)

NAYES: 0

Dated: April 28, 2014

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.

5-1-14
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, seven members of the Board being present.

RECEIVED
MAY 06 2014
ACCOUNTS DEPARTMENT

**From:** "Tracy Miller" [redacted] >
**To:** "Susan Barden" <susan.barden@saratoga-springs.org>
**Cc:** [redacted]
**Sent:** Sunday, February 21, 2016 10:28:43 PM
**Subject:** ANW Holdings "Downton Walk"

Dear Ms. Barden -

My husband and I live at [redacted] Jumel Place, [redacted] across the street from 27 Jumel Place. We received the notice of public hearing for the above mentioned project. It is unlikely that we will be able to attend the meeting on Monday February 22 in person, but wanted to make a statement for the record.

We are in support of the project. The project is an enormous improvement over the existing structure, and its previous uses.

We understand the request for variance from the front yard setback, and agree it will maintain a similar look to what exists on the street.

Thank you.

Sincerely,
Tracy and Johnny Miller

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

APPLICANT: ANW HOLDINGS, INC. TAX PARCEL NO.: 166.13-1-50.2

PROPERTY ADDRESS: 27 JUMEL PLACE
ZONING DISTRICT: URBAN RESIDENTIAL-3

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

Proposed construction of a seven-unit condominium project (detached single-family residences).

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

240-2.3 A., Table 3 and 6.4.5 A. 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 |
|---|---|---|
| Max principal building coverage: 7 units combined | 30% | 46% |
| Max principal buildings on one lot: | 1 | 7 |
| Minimum front yard setback: | 10 ft. | 1 ft. |
| Minimum rear yard setback: | 25 ft. | 6 ft. |
| Maximum height residential fence: | 6 ft. | 8 ft. |

☒ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR 2/22/16 DATE

SD ATELIER
ARCHITECTURE L.L.C.
511 BROADWAY, 2ND FLOOR SARATOGA SPRINGS, N.Y. 12866
P.H. 518 587 3385 / FAX 518 306 6048 SDATELIER.COM

January 21, 2015

City of Saratoga Springs
474 Broadway
Saratoga Springs, NY
12866

Re: 35 Greenfield Ave

Attn: Zoning Board Members

The zoning district is UR-1 which requires a 30 front yard setback and 20 percent lot coverage for the principal structure and 8 percent for an accessory structure. The house is located on the corner and therefore is subject to 2 front yards. The intent of the applicant is to restore the residence back to its original character (Historically as a Second French Empire Style known for mansard roofs and dormers) and thus remove the existing rear portion of the house which is not original or historically significant to the main residence. The front main house will remain and be restored.

There is presently a carriage house on the lot that is considered a contributing historic structure. It also has structural concerns and does not display the same extent of detailing and character as the original house. The client has considered the idea of re-locating the structure however it would affect the lot coverage percentage. The client is willing to re-locate and retain the structure provided that approval for a new 3 car garage is not compromised. However, it cannot stay where it presently is located with the location of the new proposed 3 car garage.

This application is a request to remove the rear addition that is not original and replace it with a new kitchen/mudroom addition and an attached garage. This will integrate architecturally with the house and provide the owner's desire to have an attached garage/mudroom and master bedroom suite.
The increase in lot coverage in order to do this will exceed the 20% allowable maximum, and be at 27.2% lot coverage. There is a precedent with large homes in this neighborhood that have 3 car garages. The 30' front yard setback is technically infeasible to comply with as the setback presently cuts through the original house- thus the existing house is already non-conforming. Any expansion at the rear cannot possibly comply along Woodlawn avenue (as the side of the house that is subject to front yard setback requirements.

There has been extensive time and effort put in to considering design options to meet the program needs and desires of the applicant/client. The proposed submission reflects the preferred option after considering many alternatives.

I trust that this will help clarify.

Susan L Davis – Principal Architect

# 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 | JEAN PIERRE PERRON | | SD Atelier Architecture |
| Address | [redacted] | | 511 Broadway Saratoga Springs, NY |
| Tel./Fax | | | 587-3385 1306-6048 |
| Email | | | [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.) 35 Greenfield Avenue Side of St. (north, east, etc.) North

Tax Parcel No.: _____.____ - _____ - _____ *(for example: 165.52 – 4 – 37)* Tax District: ☐ Inside ☐ Outside

1. Date acquired by current owner: _____ 2. Zoning District when purchased: UR-1

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

5. Has a previous ZBA application/appeal been filed for this property? ☑ Yes (when? 12/2014 for what? LOT LINE ADJUSTMENT LOT WIDTH - ADJACENT LOT.) ☑ 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: NEW 3 CAR GARAGE ADDITION - 2 STORIES TO REPLACE AN EXIST. DETACHED 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)

## 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 |
|---|---|---|
| FRONT YARD SETBACK | 30'-0" | 4' |
| % LOT COVERAGE | 20% | 27.2% |
| | | |
| | | |
| | | |
| | | |
| | | |

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.

THE APPLICANT HAS EXPLORED NUMEROUS DESIGNS OVER THE LAST YEAR. ALL OF THE DESIGNS WILL EXTEND OVER THE 30'-0 SETBACK SINCE IT IS ALREADY NON-CONFORMING. THE APPLICANT CANNOT PURCHASE ADDITIONAL LAND AS THE ADJACENT LOT HAS BEEN SUBDIVIDED and SOLD.

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:

- THE ADDITION IS DESIGNED TO BE ARCHITECTURALLY COMPATIBLE W/ THE EXIST. HISTORIC HOUSE.
- THE NEW GARAGE WILL BE LOCATED WHERE IT IS LEAST VISIBLE and AVOID SOME OF THE EXIST. TREES TO REMAIN.
- THERE ARE OTHER LARGE HOMES IN THE VICINITY and THIS HOUSE WILL BE SIGNIFICANTLY LARGER THAN OTHER HOMES IN THE NEIGHBORHOOD.

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

- THE TOTAL LOT COVERAGE WILL BE 27.2% WHEN IT COULD BE 28% (W/ A PRINCIPAL STRUCTURE and ACCESSORY STRUCTURE)
- THE PRESENT HOUSE CURRENTLY HAS A 30' SETBACK THAT GOES THRU IT, - THE CORNER LOT MAKES IT DIFFICULT (OR TECHNICALLY INFEASIBLE) TO COMPLY.

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 ADDITION IS LOCATED ON THE LOT WHERE IT WILL BE LEAST VISIBLE.
- THE ADDITION WILL BE ARCHITECTURALLY COMPATIBLE TO THE MAIN HOUSE
- THE INTENT IS TO LEAVE AS MANY TREES AS POSSIBLE

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:

YES, DUE THE OWNERS REQUEST TO HAVE AN ATTACHED 3 CAR GARAGE, - and IMPROVED KITCHEN, MUD ROOM and MASTER BEDROOM SUITE.

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)

Sworn to before me this date:

Date: _____

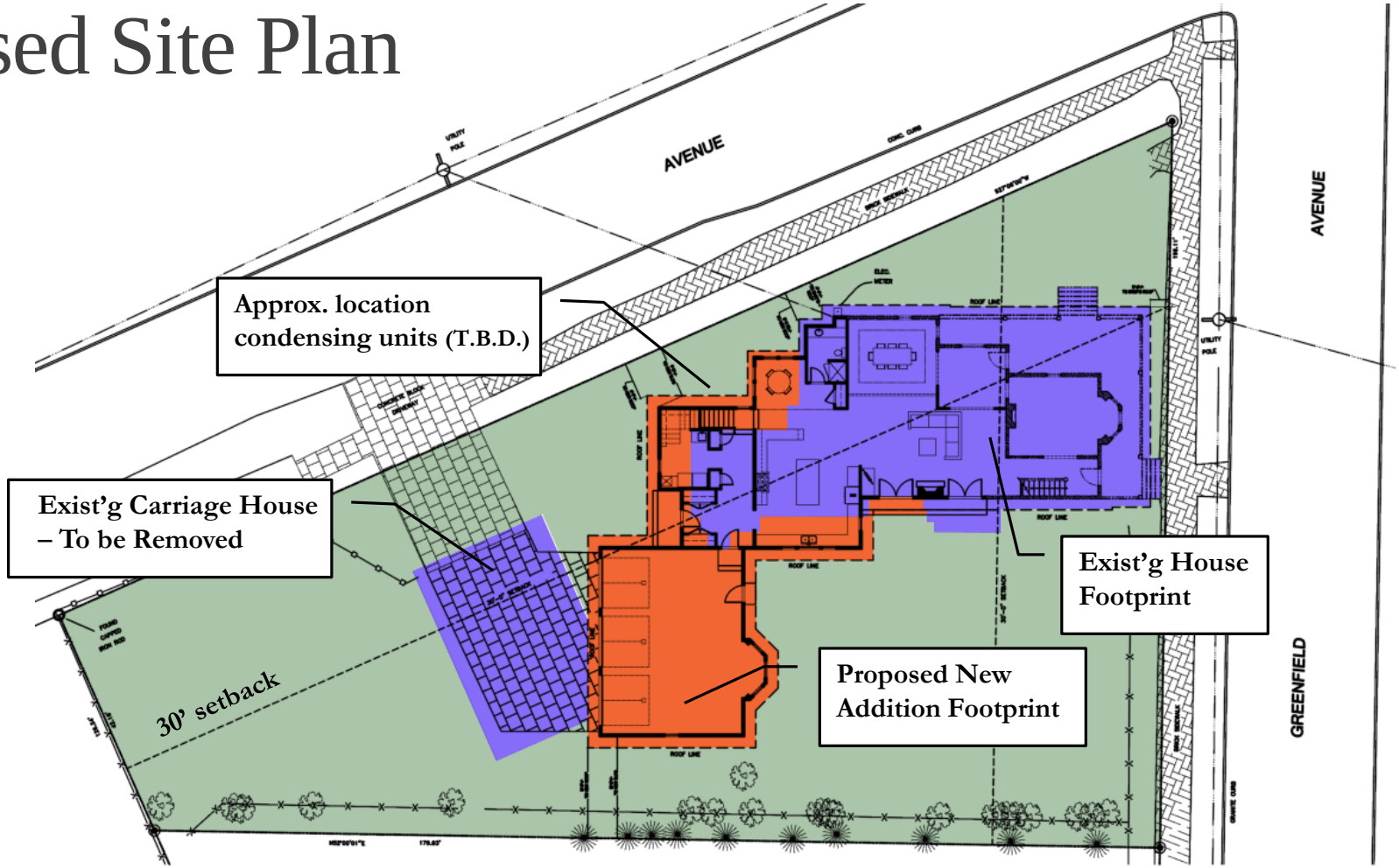
_____
*Notary Public*

# Perron’s Residence
# Zoning Board of Review
35 Greenfield Avenue

CITY OF SARATOGA SPRINGS

January 22, 2016

# Proposed Site Plan




| | Existing | Allowed UR-1: | Proposed: | Requested Relief: |
|---|---|---|---|---|
| Lot Size: | 16,289 +/- sq.ft. | 12,500 sq. ft. | | |
| Principle Struct. (overhang) | 2,740 +/- sq.ft. | 3,257.8 sq. ft. (20% Coverage) | 4,427 +/- sq.ft. (27.2%) | 7.2% total |
| Principle Struct. (footprint): | 2,424 +/- sq.ft. | - | 3,869.5+/- sq.ft. (23.8%) | - |
| Accessory Structure: | 943 +/- sq.ft. | 1,303.2 sq. ft. (8% Coverage) | - | - |
| Setbacks: Front (Woodlawn) | 4.4 ft. | 30'-0" min | 4.4 ft. (closet point) | 25.8' |
| Front (Greenfield) | 3.6 ft. | 30'-0" min. | - | To allow exist'g to remain |
| Total Coverage: | 22.6% +/- | 28% | 27.2%+/- | 7.2% (principle structure after removal access. Struct.) |

# Aerial View – Comparing Surrounding Building

2 Clement Ave.
3 car garage

53 Greenfield Ave:
3 car attached garage

Proposed Residence: 4,427 sq.ft.
Including overhangs (27.2%)

203 Woodlawn Ave.
Principle struct: 3,763 sq.ft. ( 27%)
Access. (pool) 360 sq.ft. (3%)

649 N Broadway:
3 car garage

655 N Broadway:
3 car garage

Surrounding calculations based on Tax maps and Google Earth

# Perron's exist'g Residence

Front Facing Greenfield Ave.

Side yard – garage( to be removed)

Front Corner

Side – Indicating later addition

# Surrounding Views

Woodlawn Ave Facing Greenfield Ave.

Greenfield Ave Facing West

Greenfield Ave. Facing East

Greenfield Ave Facing South

# Neighboring Homes

203 Woodlawn Ave

2 Clement Ave.

637 N Broadway

53 Greenfield Ave

# Proposed Elevations

West (Front – towards Greenfield Ave.)

North (Side)

# Proposed Elevations

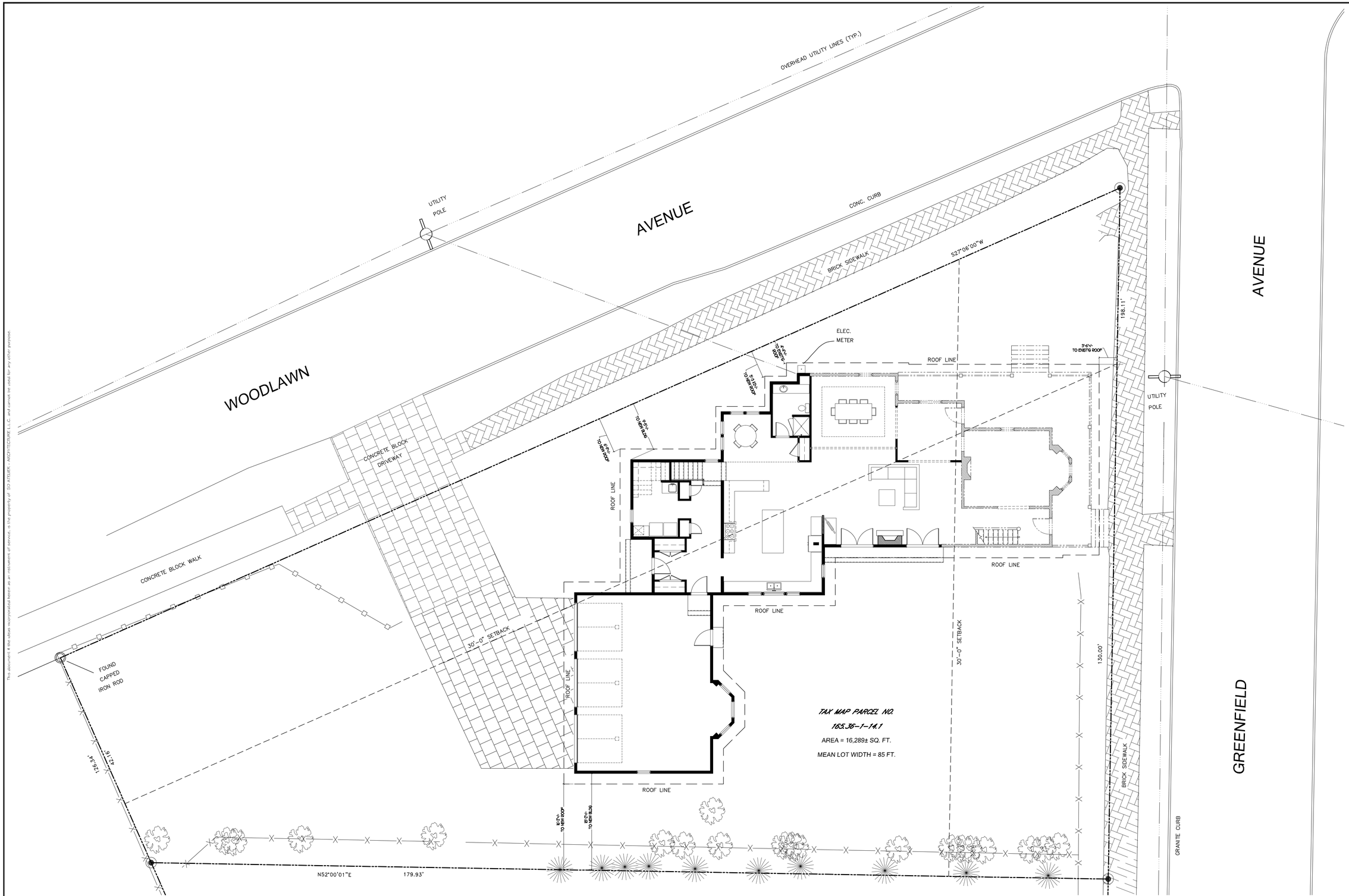
East (Back – towards Woodlawn Ave.)

South (Front – towards Woodlawn Ave.)

# Proposed Renderings

Front – from Greenfield Ave (existing bldg. shown white)

Back (towards Woodlawn Ave. – tress not shown for clarity)
(existing bldg. shown white)




1 DD-S ARCHITECTURAL SITE PLAN
SCALE 1/8" = 1'-0"

GROSS AREAS:

| ALLOWED: | | EXISTING: | | PROPOSED: | |
|---|---|---|---|---|---|
| SITE: | 16,289 +/- SQ. FT. | | | | |
| 20%: (PRINCIPLE STRUCTURE) | 3,257 +/- SQ. FT. | 16.8% +/- (PRINCIPLE STRUCTURE) | 2,740 +/- SQ. FT. | 27.2% +/- (PRINCIPLE STRUCTURE W/ OVERHANG) | 4,427 +/- SQ. FT. |
| 8%: (ACCESS. STRUCTURE) | 1,303 +/- SQ.FT. | 5.8% +/- (ACCESS. STRUCTURE) | 943 +/- SQ.FT. | 23.8% +/- (PRINCIPLE STRUCTURE W/O OVERHANG) | 3,869.5 +/- SQ. FT. |

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ADDITION AND RENOVATION FOR :
JEAN PIERRE PERRON
35 GREENFIELD AVENUE
SARATOGA SPRINGS, NEW YORK 12866

ARCHITECTURAL SITE PLAN NOT to be used for construction

NORTH

DATE: 1/20/2016
SCALE: AS NOTED
REVISIONS:

WARNING
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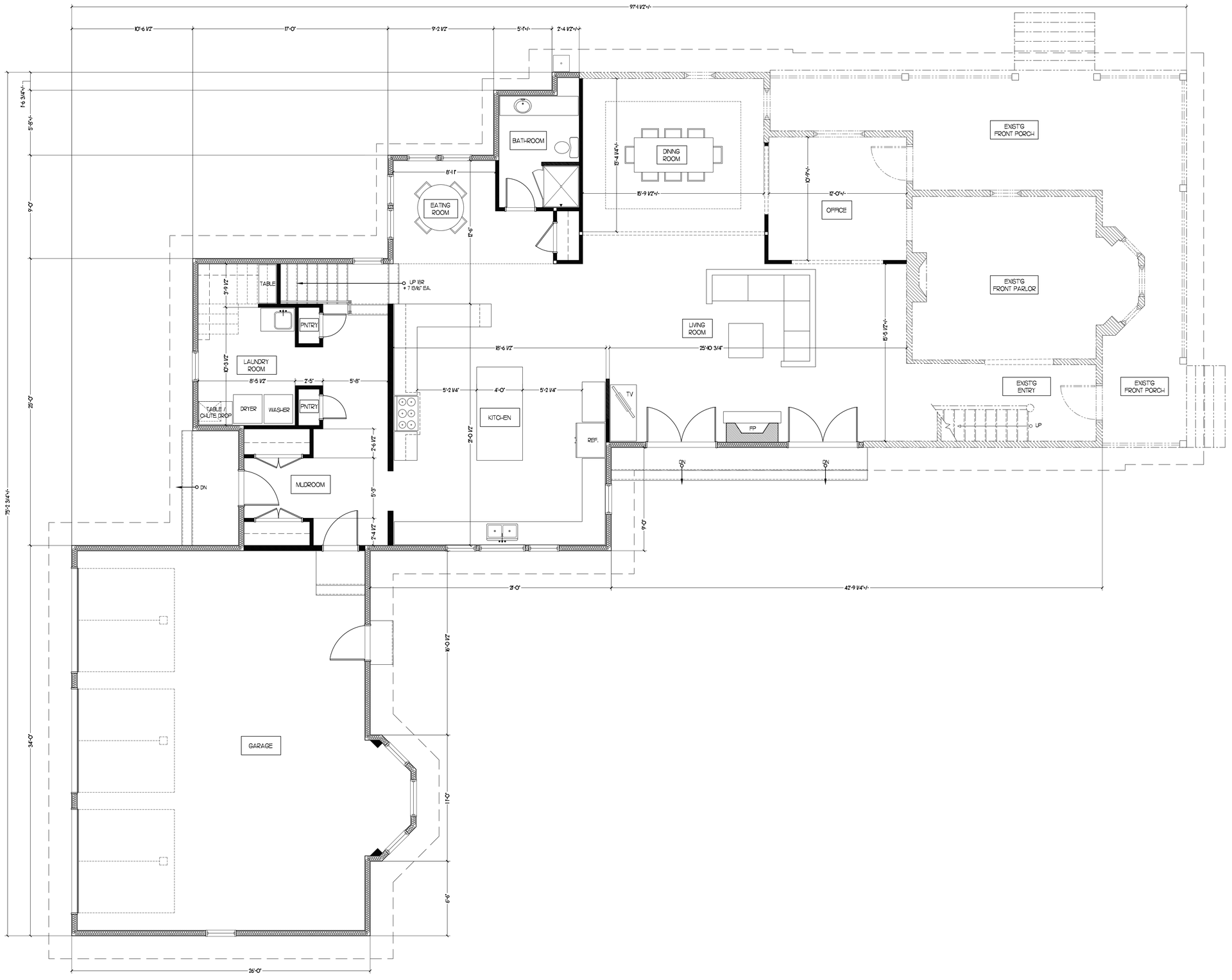
ARCHITECTURAL SITE PLAN

DD-S

PROJECT
2015-25




1 DD-1 PROPOSED FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

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ADDITION AND RENOVATION FOR :

JEAN PIERRE PERRON
35 GREENFIELD AVENUE
SARATOGA SPRINGS, NEW YORK 12866

DESIGN DEVELOPMENT SET
NOT TO BE used for construction

NORTH

DATE 1/20/2016
SCALE AS NOTED
REVISIONS:

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PROPOSED
FIRST FLOOR PLAN

DD-1

PROJECT
2015-25

1 DD-3 PROPOSED WEST EXTERIOR ELEVATION

SCALE 1/4" = 1'-0"

1 DD-3 PROPOSED NORTH EXTERIOR ELEVATION

SCALE 1/4" = 1'-0"

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ADDITION AND RENOVATION FOR :

# JEAN PIERRE PERRON

35 GREENFIELD AVENUE
SARATOGA SPRINGS, NEW YORK 12866

DESIGN DEVELOPMENT SET
NOT TO be used for construction

DATE: 1/20/2016
SCALE: AS NOTED
REVISIONS:

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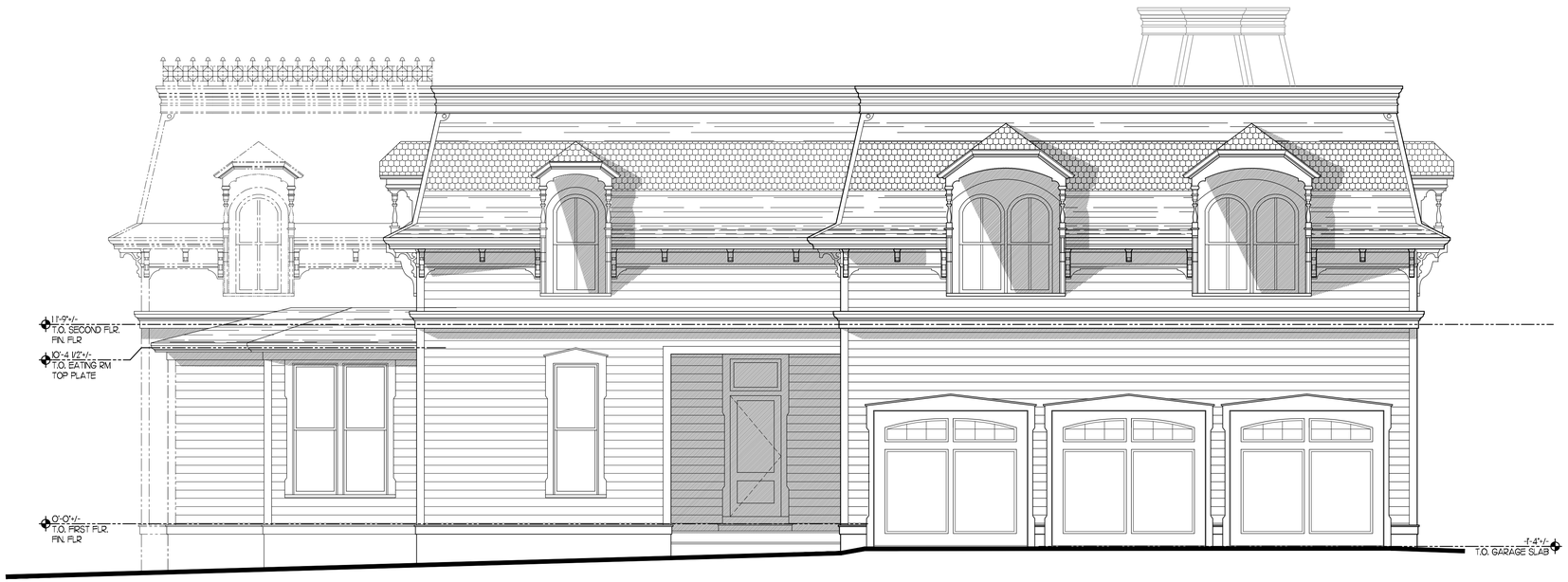
## EXTERIOR ELEVATIONS

DD-3

PROJECT
2015-25




1 DD-4 PROPOSED EAST EXTERIOR ELEVATION

SCALE 1/4" = 1'-0"

1 DD-4 PROPOSED SOUTH EXTERIOR ELEVATION

SCALE 1/4" = 1'-0"

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ADDITION AND RENOVATION FOR :

# JEAN PIERRE PERRON

35 GREENFIELD AVENUE
SARATOGA SPRINGS, NEW YORK 12866

DESIGN DEVELOPMENT SET
NOT TO be used for construction

DATE: 1/20/2016
SCALE: AS NOTED
REVISIONS:

WARNING
THE ALTERATION OF THIS MATERIAL IN ANY WAY, UNLESS UNDER THE DIRECTION OF A COMPARABLE NEW YORK STATE LICENSED PROFESSIONAL IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW ARTICLE 145 REGULATIONS AND IS A CLASS A MISDEMEANOR

## EXTERIOR ELEVATIONS

# DD-4

PROJECT
2015-25

February 2, 2016

City of Saratoga Springs

474 Broadway

REC'D FEB 02 2016

Saratoga Springs, NY 12866

RE: 12 Clubhouse Drive

Attn: Zoning Board Members

The zoning district for the application is UR-4 which requires a total rear yard setback of 25 feet.

This situation was brought to my attention during the zoning appeal process for a bedroom/bathroom addition to my single family townhome in January 2016..

The deck existing at the time of townhome purchase in 1985 is not in compliance with rear building line. Area variance is sought. Area variance is submitted as directed by ZBA decision #2874 residential addition, on 1/26/16.

Thank you for your cooperation.

Patricia K. Reed

Property owner

# CITY OF SARATOGA SPRINGS

City Hall - 474 Broadway
Saratoga Springs, New York 12866
Tel: 518-587-3550 fax: 518-580-9480

[FOR OFFICE USE]

(Application #)

REC'D FEB 02 2016

(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 | PAT REED | | |
| Address | [redacted] | | |
| Phone | [redacted] | / | / |
| Email | [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: 12 CLUBHOUSE DR Tax Parcel No.: 179.53-1-16 (for example: 165.52 – 4 – 37)

2. Date acquired by current owner: 5/85 3. Zoning District when purchased: UR4

4. Present use of property: SINGLE FAMILY TOWNHOUSE 5. Current Zoning District: UR4

6. Has a previous ZBA application/appeal been filed for this property?
☒ Yes (when? 1/6/2016 For what? MASTER BEDROOM/BATH ADDITION)
☐ 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: REQUESTING AN AREA VARIANCE FOR EXISTING BACKYARD DECK.

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)

FEES: Make checks payable to the "Commissioner of Finance". 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: _____

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:

DECK IS PART OF TOWNHOUSE AT PURCHASE IN 1985.
YARD IS FENCED. VISIBILITY TO NEIGHBORHOOD IS MINIMAL.

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) ARTICLE II - AREA REQUIREMENTS

| Dimensional Requirements | From | To |
|---|---|---|
| MINIMUM REAR YARD | 25' | 19' |
| | | |
| | | |
| | | |
| | | |
| | | |

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.

THE DECK IS EXISTING SINCE 1985 WHEN I TOWNHOUSE WAS PURCHASED. EXITING DECK WAS EXTENDED BY OWNER OVER 25 YRS. AGO. DECK PROVIDES ACCESS TO REAR YARD VIA PATIO DOOR.

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:

THE ENTIRE YARD IS FENCED AND DECK IS MINIMALLY VISIBLE.

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

THE GRANTING OF A VARIANCE WILL NOT ALTER THE CHARACTER OF THE NEIGHBORHOOD. ALL TOWNHOUSES ON CLUBHOUSE DR HAVE A DECK.

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:

NO. ALL TOWNHOMES ON CLUBHOUSE DR HAVE A DECK IN REAR YARDS.

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:

NO. THE DECK EXISTED WHEN THE TOWNHOUSE WAS PURCHASED. DECK WAS EXTENDED OVER 25 YRS AGO BY OWNER. OWNER WAS NOT AWARE OF SETBACK REQUIREMENTS.

## 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? [X] 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.

Patricia Reed Date: 2/2/16
(applicant signature)

_____ Date: _____
(applicant signature)

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

Owner Signature: _____ Date: _____

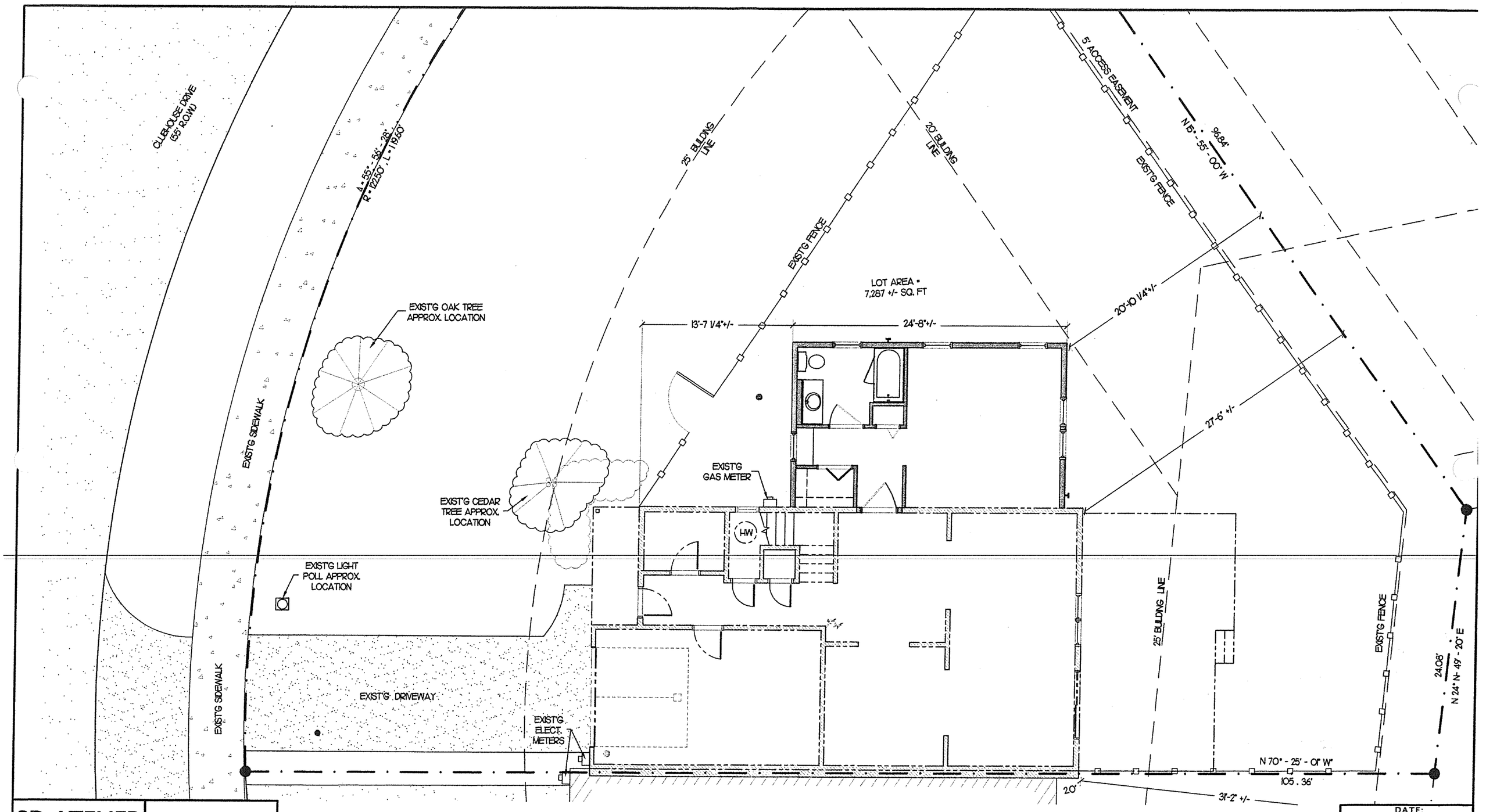
Owner Signature: _____ Date: _____

**STATE OF NEW YORK } ss.:**
**COUNTY OF** SARATOGA }

**On the** 2 **day of** February, 2016 **before me personally came** Patricia Reed **to me known to be the individual described in, and who executed, the foregoing instrument, and acknowledged that he/she executed the same.**

Barbara A. Kenyon
**Notary Public**

BARBARA A. KENYON
Notary Public State of New York
No. 01KE4984927
Qualified in Saratoga County
My Commission Expires August 5 2017.




1 / A-S ARCHITECTURAL SITE PLAN
SCALE 1/8" = 1'-0"


SD ATELIER
ARCHITECTURE
LLC
511 Broadway, Second Floor.
Saratoga Springs, NY. 12866
ph: 518.587.3385
www.sdatelier.com
info@sdatelier.com


MASTER BEDROOM ADDITION FOR:
**Pat Reed**
12 Clubhouse Dr.
Saratoga Springs, NEW YORK 12866

ARCHITECTURAL SITE PLAN

BLDG DEPT. SET

WARNING
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SCALE: AS NOTED
REVISIONS:
N

DATE:
OCTOBER 20, 2015

A-S

PROJECT NUMBER - 2015-22


This document & the ideas incorporated herein as an instrument of service, is the property of SD ATELIER - ARCHITECTURE L.L.C. and cannot be used for any other purpose.

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

ALGER STREET

RIGHT OF WAY = 50 FT.
WIDTH OF PAVEMENT = 25± FT.

LANE

RIGHT OF WAY = 20 FT.
WIDTH OF PAVEMENT VARIES

AVENUE

RIGHT OF WAY = 50 FT.
WIDTH OF PAVEMENT = 24± FT.

BOLSTER

(ALSO KNOWN AS OAK ALLEY)

WOODLAWN

S58°25'50"E

129.99'

2.0'±

GUY ANCHOR

UTILITY POLE

STOCKADE FENCE

CATCH BASIN

SHED (5.4' x 3.5')

NEW DRIVEWAY

9" ROOF OVERHANG

EXISTING ROOF OVERHANG

CONC. PORCH

8.3'±

7.8

7.1'±

8.4'±

ROOF LINE

36.67'

25.0'±

84.4'

EXISTING PAVED AREA

PROPOSED NEW GARAGE

ONE STORY HOUSE
NO. 1 ALGER STREET

20.5'

22.0'±

35.67'

N32°00'00"E

6" ROOF OVERHANG

ROOF LINE

84.4'

S32°00'00"W

CONCRETE SIDEWALK

OVERHEAD UTILITY LINES (TYP.)

8.7'±

ROOF LINE

A.C. UNIT

ELEC. METER

10.3'±

7.9'±

9" ROOF OVERHANG

CONC. WALK

WOOD FENCE

4.7'±

6.0'±

EXISTING ROOF OVERHANG

WOOD PORCH AND STEPS

0.8'±

CONC. PAD FOR A.C. UNIT

6.1'±

FOUND IRON ROD

N58°52'25"W

130.00'

ROOF LINE

TWO STORY HOUSE

CONC. BLOCK GARAGE

WOOD STEPS

ENCLOSED ENTRANCE

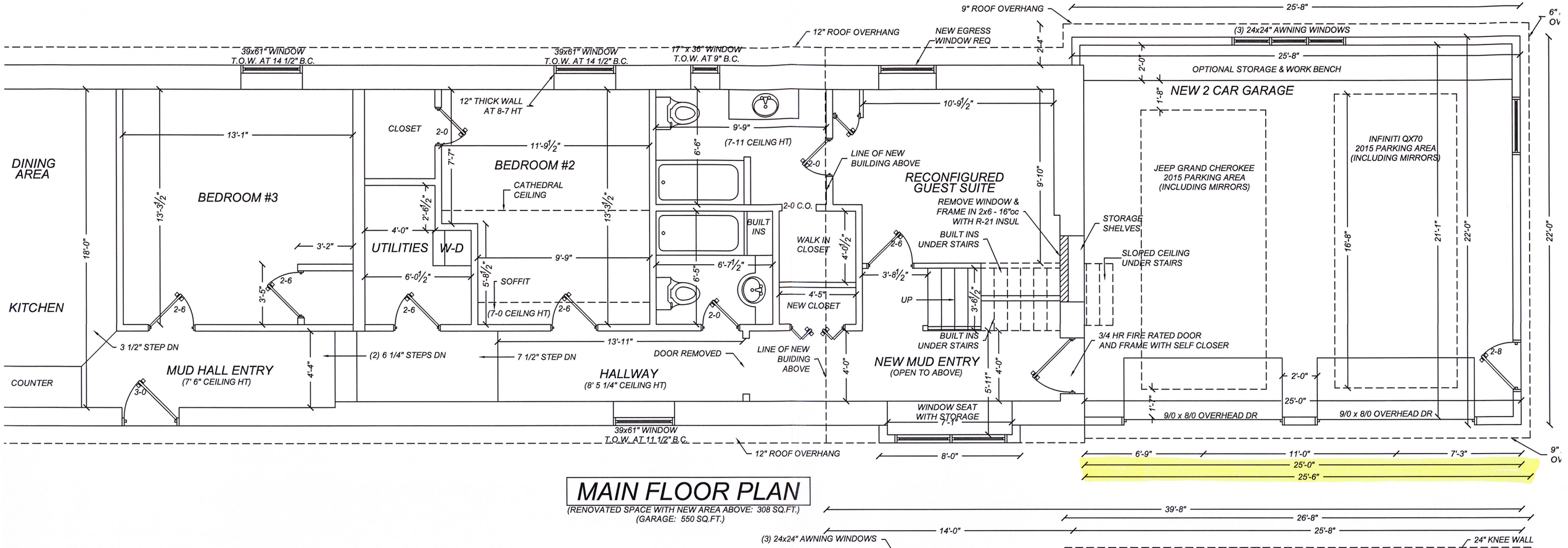
PORCH

THIS PROPERTY LINE ESTABLISHED BY A BOUNDARY LINE AGREEMENT (SEE DEED REFERENCE NO. 2)

LANDS NOW OR FORMERLY OF
TYSON B. HUNT

BOOK 1590 OF DEEDS, PAGE 231

RECORD ~ DEED & MAP REF.




# MAIN FLOOR PLAN

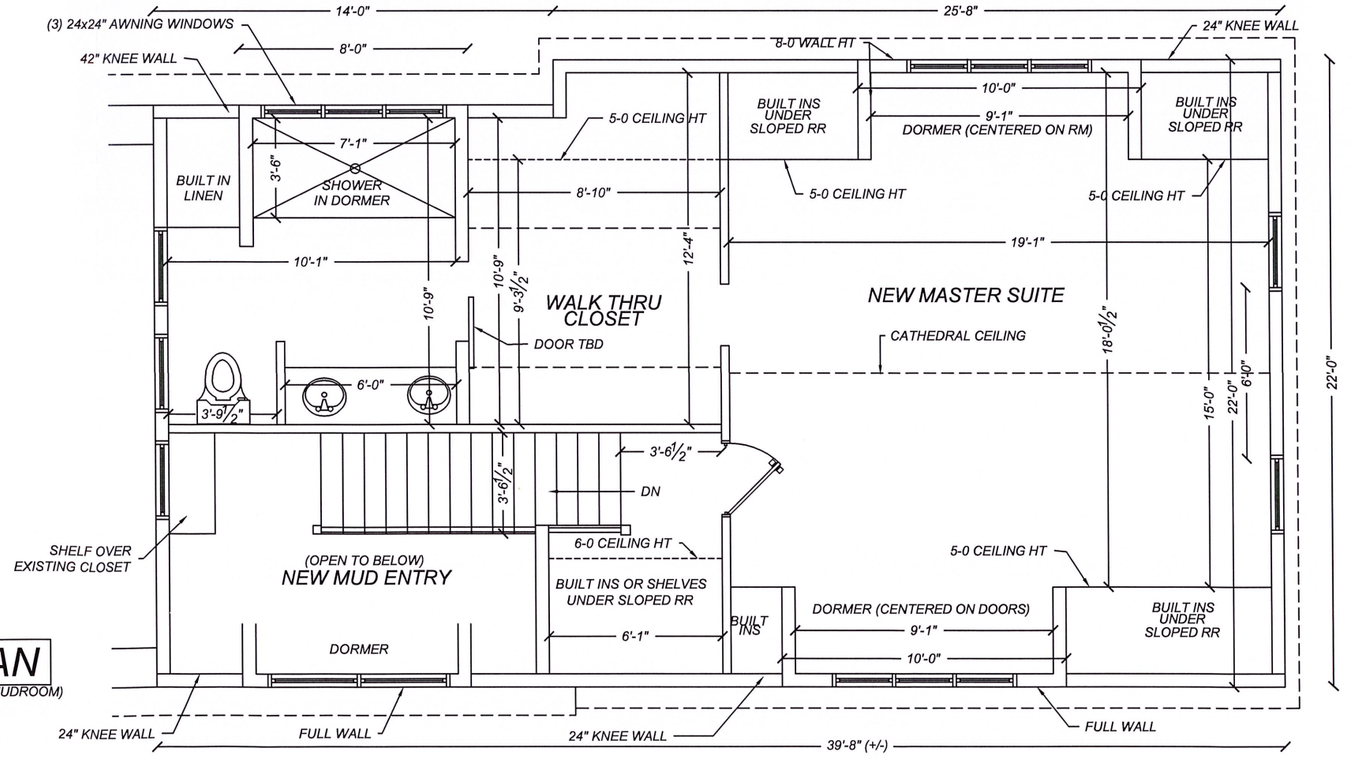
(RENOVATED SPACE WITH NEW AREA ABOVE: 308 SQ.FT.)
(GARAGE: 550 SQ.FT.)

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)

# 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] |

* 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

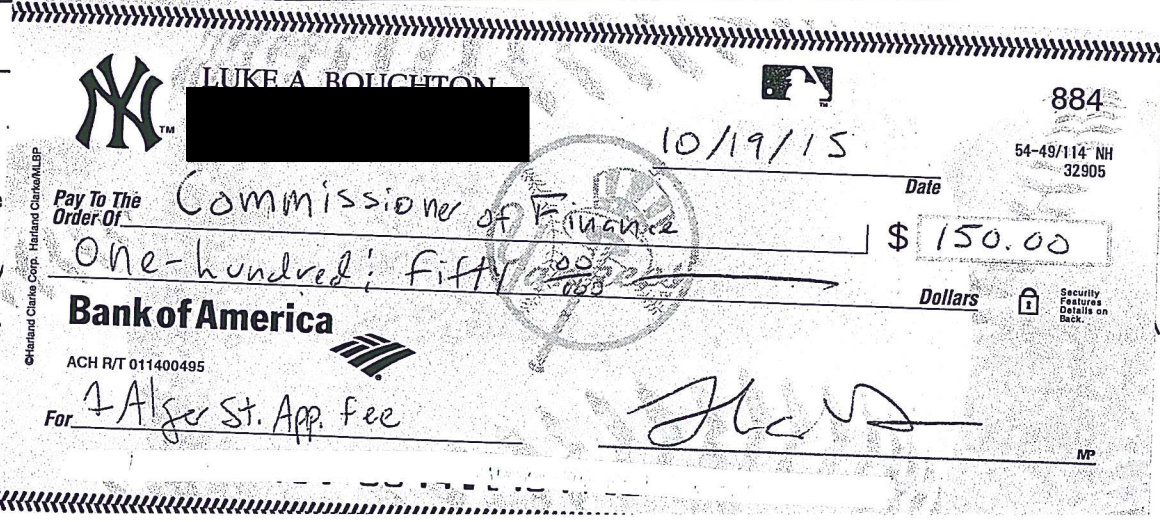
## PROPERTY INFORMATION

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)



# CITY OF SARATOGA SPRINGS

CITY HALL - 474 BROADWAY
SARATOGA SPRINGS, NEW YORK 12866
TEL: 518-587-3550 FAX: 518-580-9480
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[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 VASENCHAK, 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

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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 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):

NOT APPLICABLE

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 7 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)

(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

Notary Public

#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<br>2 Story = 800 | 60 | 5 | 30 | 5 | 5 | 30 |
| UR-2 | 6,600 (A) | 60 | 30 | 10 | 10 | 25 | 8 | 20 | 1 Story = 900<br>2 Story = 700 | 60 | 5 | 10 | 5 | 5 | 25 |
| UR-3 | 6,600 1-unit /<br>8,000 2-units | 60 1-unit /<br>80 2-units | 30 | 10 | 10 | 25 | 4 | 12 | 1 Story = 1,200<br>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<br>2 Story = 1,200 | 70 | 10 | 25 | 5 | 5 | 15 |
| UR-4A | 2,000/DU | 60 1-unit /<br>80 2-units | 30 | 10 | 10 | 25 | 4 | 12 | 1 Story = 1,200<br>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<br>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 /<br>8,000 2-units | 60 1-unit /<br>80 2-units | 30 | 10 | 10 | 25 | 4 | 12 | 1 story = 1,200<br>2 story = 800 | 60 | 5 | 10 | 5 | 5 | 25 |
| NCU-2 | 6,600 1-unit /<br>8,000 2-units | 60 1-unit /<br>80 2-units | 30 | 10 | 10 | 25 | 4 | 12 | 1 story = 1,200<br>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<br>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.

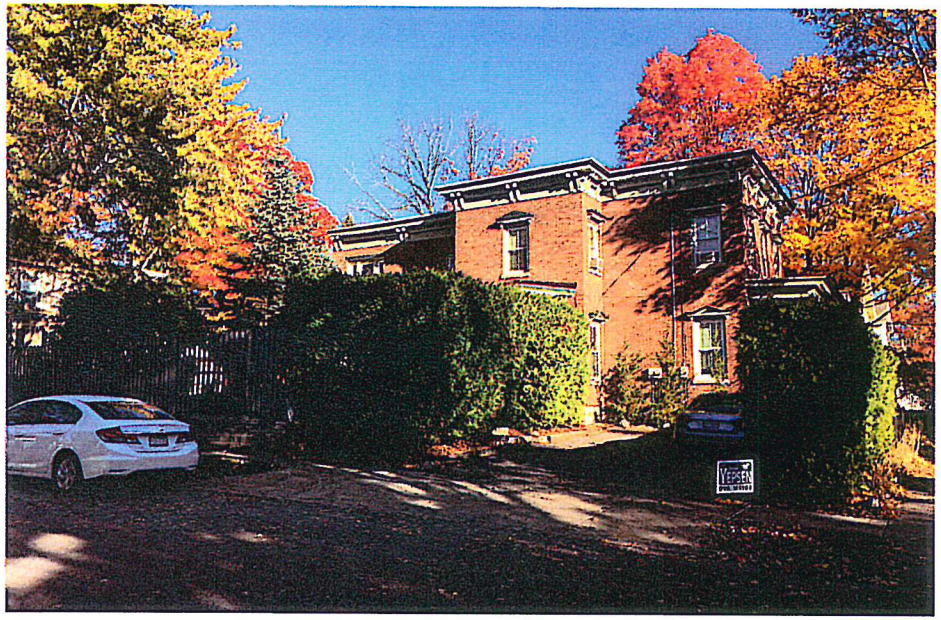
Right / North elevation of existing residence as viewed facing South from Alger St.

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:

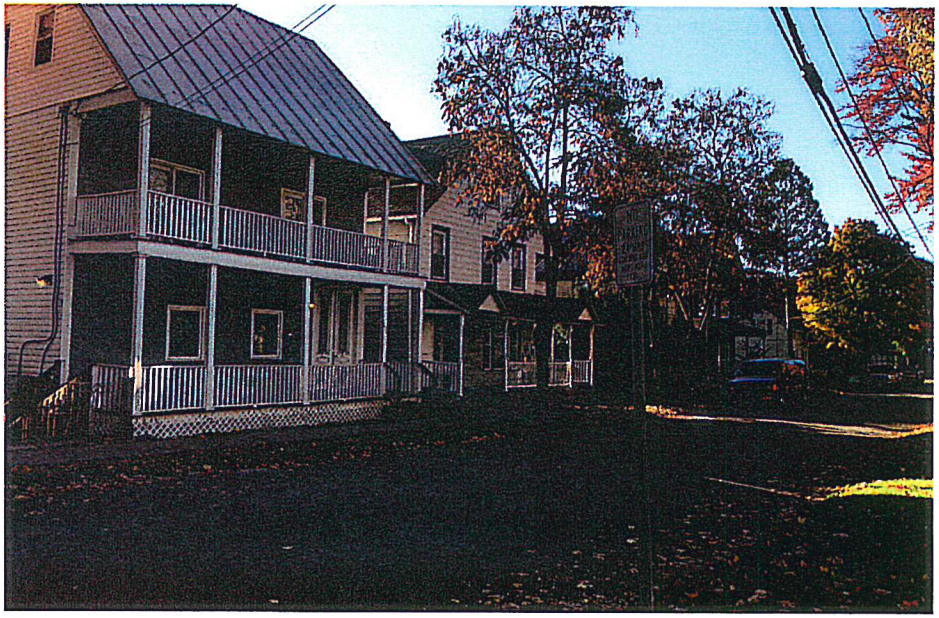
#1 Alger St., Saratoga Springs, NY

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.

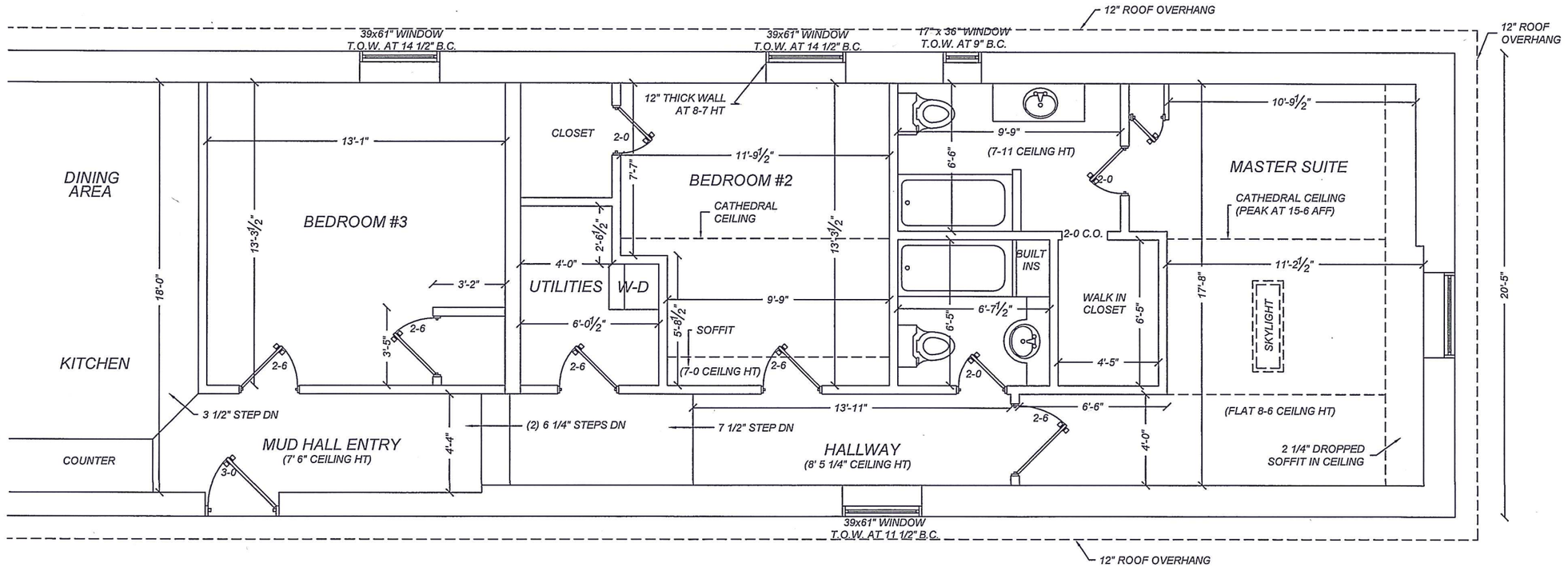
Property to the direct North of project site as viewed facing North across Alger St. from location of proposed addition

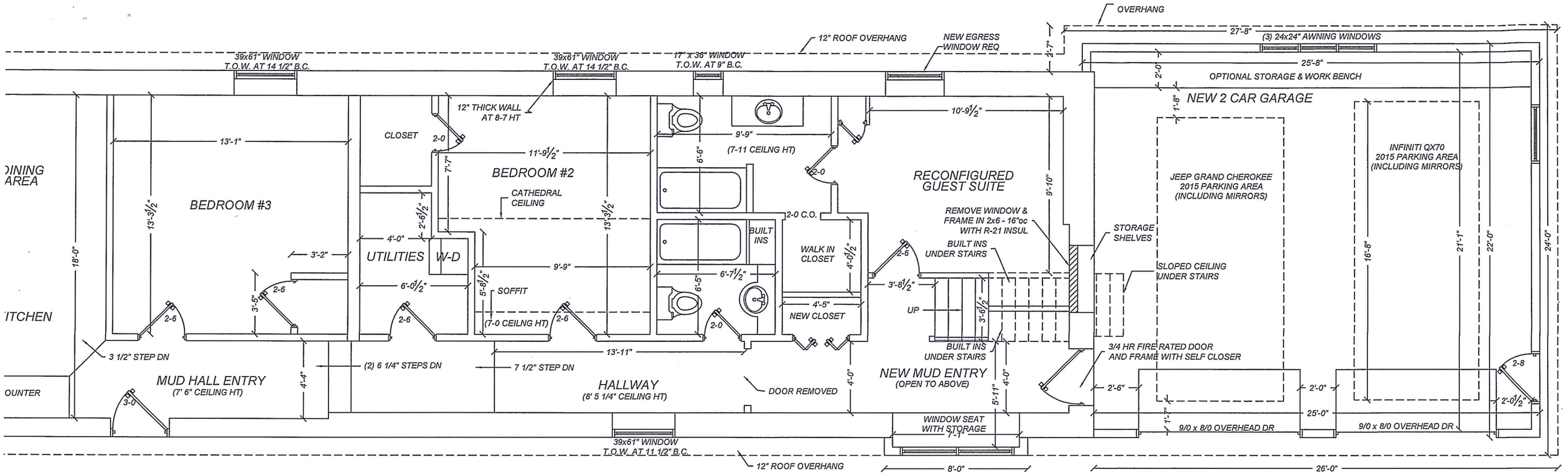
BOUGHTON RESIDENCE
#1 ALGER ST.
CITY OF SARATOGA SPRINGS, NY

# EXISTING MAIN FLOOR PLAN

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

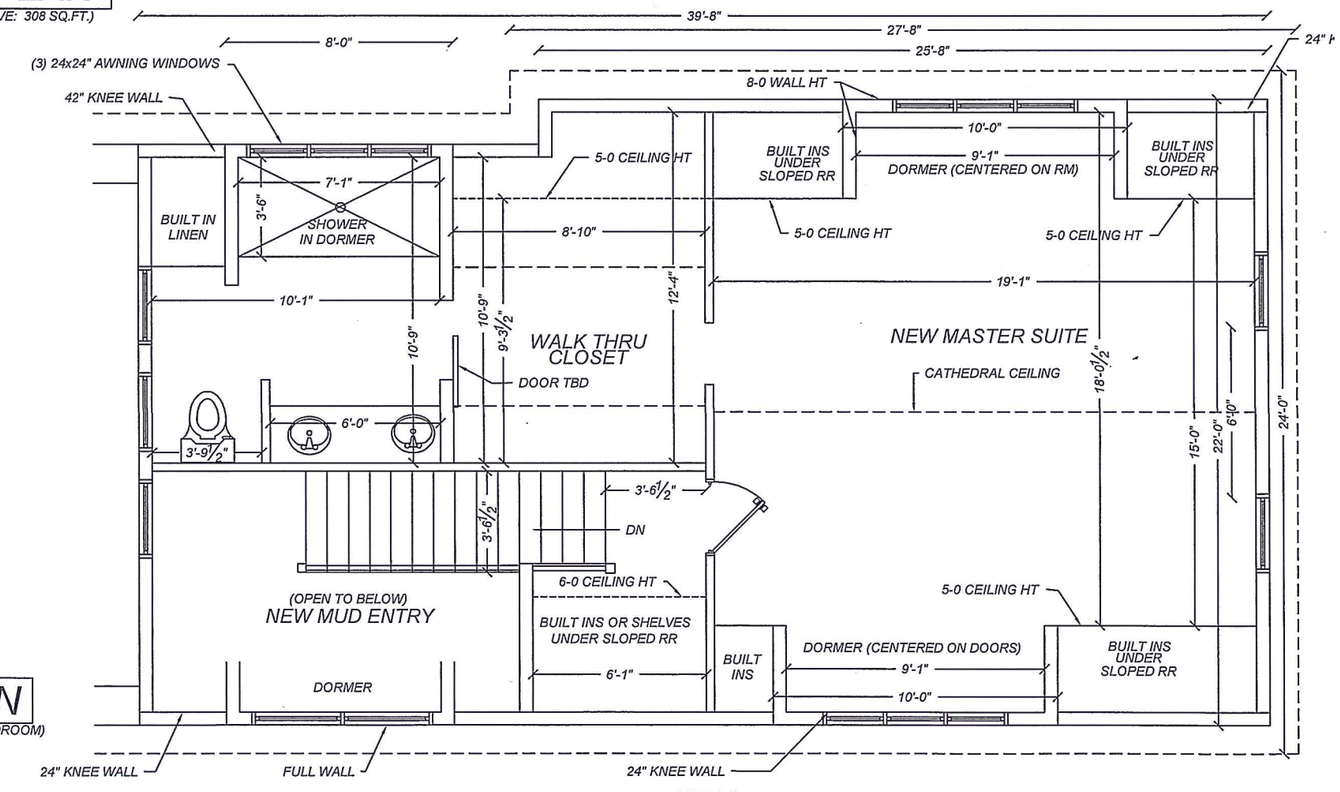
DRAWN BY:
ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 - 1340






# 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)

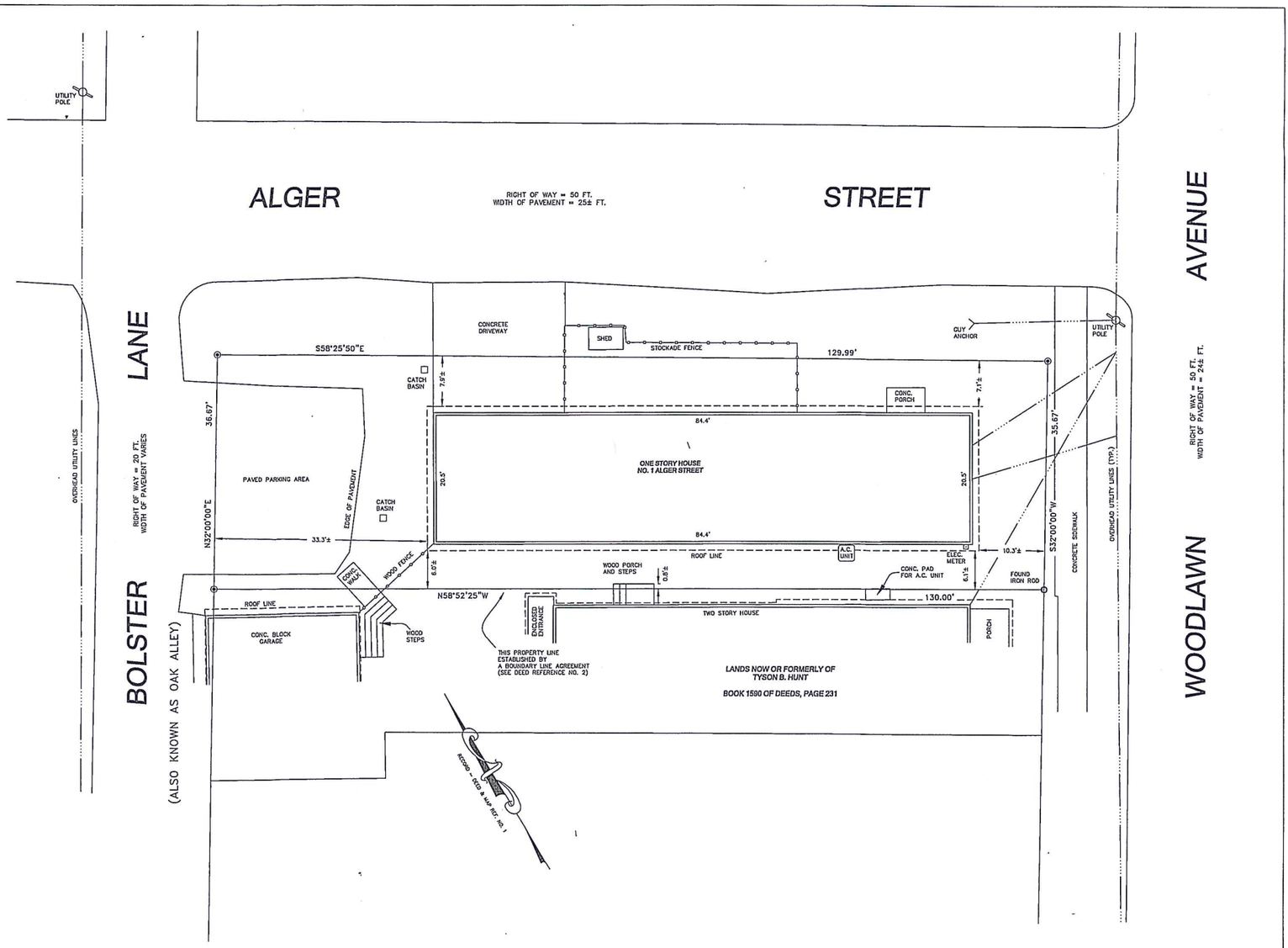
BOUGHTON RESIDENCE
#1 ALGER ST.
CITY OF SARATOGA SPRINGS, NY

# 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.

SURVEY ASSOCIATES, LLC
PROFESSIONAL LAND SURVEYING
DANIEL C. WHEELER, LS
DANIEL C. WHEELER
P.L.S. LIC. NO. 50,137
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.

ALGER STREET

RIGHT OF WAY = 50 FT.
WIDTH OF PAVEMENT = 25± FT.

LANE

RIGHT OF WAY = 20 FT.
WIDTH OF PAVEMENT VARIES

BOLSTER

(ALSO KNOWN AS OAK ALLEY)

AVENUE

RIGHT OF WAY = 50 FT.
WIDTH OF PAVEMENT = 24± FT.

WOODLAWN

OVERHEAD UTILITY LINES (TYP.)

CONCRETE SIDEWALK

S58°25'50"E

129.99'

CONCRETE DRIVEWAY

SHED

STOCKADE FENCE

GUY ANCHOR

UTILITY POLE

CATCH BASIN

7.9'±

7.1'±

CONC. PORCH

84.4'

36.67'

35.67'

ONE STORY HOUSE
NO. 1 ALGER STREET

20.5'

20.5'

PAVED PARKING AREA

EDGE OF PAVEMENT

CATCH BASIN

N32°00'00"E

33.3'±

84.4'

S32°00'00"W

ROOF LINE

A.C. UNIT

ELEC. METER

10.3'±

WOOD PORCH AND STEPS

0.8'±

CONC. PAD FOR A.C. UNIT

6.1'±

FOUND IRON ROD

CONC. WALK

WOOD FENCE

6.0'±

N58°52'25"W

130.00'

ROOF LINE

TWO STORY HOUSE

CONC. BLOCK GARAGE

WOOD STEPS

ENCLOSED ENTRANCE

PORCH

THIS PROPERTY LINE
ESTABLISHED BY
A BOUNDARY LINE AGREEMENT
(SEE DEED REFERENCE NO. 2)

*LANDS NOW OR FORMERLY OF*
*TYSON B. HUNT*

*BOOK 1590 OF DEEDS, PAGE 231*

RECORD ~ DEED & MAP

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

ALGER STREET

RIGHT OF WAY = 50 FT.
WIDTH OF PAVEMENT = 25± FT.

LANE

RIGHT OF WAY = 20 FT.
WIDTH OF PAVEMENT VARIES

AVENUE

RIGHT OF WAY = 50 FT.
WIDTH OF PAVEMENT = 24± FT.

BOLSTER

(ALSO KNOWN AS OAK ALLEY)

WOODLAWN

S58°25'50"E

129.99'

2.0'±

GUY ANCHOR

UTILITY POLE

8.0'±

NEW DRIVEWAY

CATCH BASIN

7.8'±

STOCKADE FENCE

SHED

7.1'±

CONC. PORCH

36.67'

7.0'±

ROOF LINE

26.0'±

84.4'

35.67'

EXISTING PAVED AREA

PROPOSED NEW GARAGE

ROOF LINE

22.0'±

20.5'

ONE STORY HOUSE
NO. 1 ALGER STREET

20.5'

N32°00'00"E

S32°00'00"W

84.4'

7.4'±

ROOF LINE

A.C. UNIT

ELEC. METER

10.3'±

4.4'±

CONC. WALK

WOOD FENCE

4.4'±

6.0'±

WOOD PORCH AND STEPS

0.8'±

CONC. PAD FOR A.C. UNIT

6.1'±

FOUND IRON ROD

CONCRETE SIDEWALK

OVERHEAD UTILITY LINES (TYP.)

N58°52'25"W

ROOF LINE

130.00'

CONC. BLOCK GARAGE

WOOD STEPS

ENCLOSED ENTRANCE

TWO STORY HOUSE

PORCH

THIS PROPERTY LINE
ESTABLISHED BY
A BOUNDARY LINE AGREEMENT
(SEE DEED REFERENCE NO. 2)

*LANDS NOW OR FORMERLY OF*
*TYSON B. HUNT*

*BOOK 1590 OF DEEDS, PAGE 231*

RECORD ~ DEED & MAP REF.