



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
Cheryl Grey, *alternate*
Oksana Ludd, *alternate*

ZBA Meeting – Monday, March 21, 2016
City Council Chambers – 7:00 p.m.

AGENDA

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

Salute The Flag

Role Call

New Business

1. **#2879 FARINA/WEXLER RESIDENCE**
179 Nelson Avenue, area variance to construct a rear porch addition to an existing two-family residence; seeking relief from the maximum principal building coverage and the minimum rear yard setback requirements in the Urban Residential – 3 District.
Documents: 2879 FARINAWEXLERRESIDENCEADD_179NELSONAVE_REDACTED.PDF
2. **#2882 BEYER SUBDIVISION**
199 West Circular Street, area variance to provide for a two-lot residential subdivision; seeking relief from the minimum lot area requirement in the Urban Residential – 2 District.
Documents: 2882 BEYERSUBDIVISION_APPLICATION_REDACTED.PDF
3. **#2881 SARATOGA SPRINGS DENTISTRY**
286 Church Street, area variance to erect a freestanding sign; seeking relief from the maximum size for such sign in an Urban Residential – 2 District.
Documents: 2881 SARATOGASPRINGSIDENTISTRYSIGNAGE_APP_REDACTED.PDF
4. **#2689.1 REJUVENATION HOMES MODIFICATION**
30 Lafayette Street, area variance modification for constructed changes to a new single-family residence and detached garage; seeking additional relief from the minimum rear yard and minimum distance between principal and accessory buildings in the Urban Residential – 2 District.
Documents: 2689.1 REJUVENATIONHOMESMOD_APP_REDACTED.PDF

Old Business

1. **#2877 DUGAS POOL HOUSE**
65 York Avenue, area variance to maintain a constructed pool house; seeking relief from the minimum side yard setback requirement for an accessory structure in the Urban Residential – 3 District.
Documents: 2877 DUGASPOOLHOUSE_BUILDINSPECTDENIAL.PDF, 2877 DUGASPOOLHOUSE_APP_REDACTED.PDF, 2877 DUGASPOOLHOUSE_FENCE PLANS.PDF, 2877 DUGASPOOLHOUSE_FENCE PLANS LETTER.PDF
2. **#2807.1 MURPHY LANE SINGLE-FAMILY RESIDENCE**
39 Murphy Lane, area variance modification for constructed and proposed changes to a previously approved project for renovation and conversion of an existing barn structure to a single-family residence in the Urban Residential – 3 District.
Documents: 2807.1 MURPHYLNBARNRENO_NEIGHBORCORRREDACTED_REDACTED.PDF, 2807.1 MURPHYLNBARNRENO_39MURPHYLN.PDF, 2807.1 MURPHYLNBARNRENO_CORRJDAGOSTINORECVD3-11-16.PDF, 2807.1 MURPHYLNBARNRENO_CORRMITTLER_RECVD3-1-16.PDF, 2807.1 MURPHYLNBARNRENO_NEIGHBORCORRRECVD2-22-16_REDACTED.PDF, 2807.1 MURPHYLNBARNRENO_UPDATEDMATERIALSRECVD2-18-16.PDF, 2807.1 MURPHYLNBARNRENO_REQINFO3-14-16.PDF, 2807.1 MURPHYLNBARNRENO_NEIGHBORCORRRECVD3-14-3-21-16_REDACTED.PDF
3. **#2759.1 ANW HOLDINGS RESIDENTIAL DEVELOPMENT**
~~#2769.1 ANW HOLDINGS RESIDENTIAL DEVELOPMENT, 27 Jumel Place, area variance to demolish existing structure and construct seven single-family residences (condominiums); seeking relief from the maximum principal building coverage, minimum front and rear yard setbacks, maximum number of principal structures on one lot and maximum height for a residential fence requirements in the Urban Residential – 3 District. Application adjourned to April 11.~~
Documents: 2759.1 ANWHOLDINGSCONDOS_CORRBMCTAGUE_REV3-9-16_REDACTED.PDF, 2759.1 ANWHOLDINGSCONDOS_CORRJALETTA_RECVD3-9-16_REDACTED.PDF, 2759.1 ANWHOLDINGSCONDOS_CORRMPETER_RECVD3-1-16_REDACTED.PDF, 2759.1 ANWHOLDINGSCONDOS_CORRSCOHEN_RECVD3-1-16_REDACTED.PDF, 2759.1 ANWHOLDINGSCONDOS_PRESENTATION2-22-16.PDF, 2759.1 ANWHOLDINGSCONDOS_AERIALVIEW_RECVD3-1-16.PDF, 2759.1 ANWHOLDINGSCONDOS_CORRSBREWTON_RECVD2-29-16_REDACTED.PDF, 2759.1 ANWHOLDINGSCONDOS_NEIGHBORCORRRECVD2-21-16_REDACTED.PDF, 2759.1 ANWHOLDINGS_BUILDINSPECTDENIAL.PDF, 2759.1 ANWHOLDINGS_APP_REDACTED.PDF, 2759.1 ANWHOLDINGSCONDOS_NEIGHBORCORRRECVD3-11-3-13-16_REDACTED.PDF, 2759.1 ANWHOLDINGSCONDOS_POWERPOINT3-14-16.PDF

Adjourned Items

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. Application adjourned to April 11.~~
Documents: 2865 BOUGHTONGARAGE_APP_REDACTED.PDF, 2865 BOUGHTONGARAGE_REVISIONS.PDF
2. **#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:**
APR. 11, 2016



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)

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 <u>JEFFREY FARINA & KAREN WEXLER (same)</u>		<u>ENGINEERING AMERICA Co.</u>
Address <u>[REDACTED]</u>		<u>76 WASHINGTON ST.</u>
		<u>SARATOGA SPRINGS, NY 12866</u>
Phone _____ / _____ / _____		<u>587-1340</u> / _____
Email _____		<u>[REDACTED]</u>

* 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: 179 NELSON AVE. Tax Parcel No.: 166 . 69 - 1 - 38
(for example: 165.52 - 4 - 37)

2. Date acquired by current owner: MARCH 2011 3. Zoning District when purchased: UR-3

4. Present use of property: TWO FAMILY RESIDENCE 5. Current Zoning District: UR-3

6. Has a previous ZBA application/appeal been filed for this property?
 Yes (when? _____ For what? _____)
 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: _____
SINGLE STORY REAR PORCH ADDITION

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? _____

~~N/A~~

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:

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

The applicant requests relief from the following Zoning Ordinance article(s) Sec. 2.0- TABLE 3

Dimensional Requirements

	<u>From</u>	<u>To</u>
<u>MAX. BUILDING COVERAGE:</u>	<u>30%</u>	<u>31.3%</u>
<u>PRINCIPAL BUILDING</u>	<u>(EXISTING 29.4%)</u>	
<u>MIN. YARD SETBACK: REAR</u>	<u>25'</u>	<u>9.4'</u>
	<u>(EXISTING 16.5')</u>	

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 BENEFIT OF AN EXPANDED REAR COVERED PORCH CANNOT BE ACHIEVED BY ANY OTHER FEASIBLE MEANS: a) THE EXISTING, NON-CONFORMING REAR PORCH, BUILT IN C.1900 IS AT 16.5' FROM THE ANGLED REAR PROPERTY LINE. ANY ADDITION TO THE BACK OF THE HOUSE WOULD BE NON-CONFORMING. b) AN ADDITION TO THE PORCH OR HOUSE ALONG THE SOUTH, LEFT SIDE WOULD LIMIT USE OF THE OPEN SIDEYARD c) AN ADDITION TO THE SIDE OF THE HOUSE IS NOT ARCHITECTURALLY CONSISTENT WITH THE EXISTING HOME. d) ADDITION TO NORTH IS DIFFICULT DUE TO

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

GRANTING THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE TO THE NEIGHBORHOOD: a) THE PORCH ADDITION WILL BARELY BE SEEN FROM THE STREET b) ADJACENT PROPERTIES TO THE REAR/WEST HAVE GARAGES BUILT ON OR WITHIN 4-5' OF THE PROPERTY LINE. THE PORCH WOULD NOT BE SEEN BY THE WESTERN NEIGHBORS. c) THE EXISTING SHED ON THE PROPERTY WILL BE REMOVED. CURRENTLY IT ENCRDACHES OVER THE NORTH PROPERTY LINE. THE NEW PORCH ADDITION WILL BE 20.7' FROM THE NORTH PROPERTY LINE.

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

a) THE OVERALL COVERAGE IS ONLY 1.3% OVER THE 30% MAX. ALLOWED. THE LOT EXISTS AT 5,482 SF. THE 4.6% ACCOUNTS FOR ONLY 71.3 SF 26' SF. OF WHICH IS JUST ROOF OVERHANG.

b) THE EXISTING PORCH AND HOUSE HAVE A PRE-EXISTING, NON-CONFORMING REAR SETBACK OF APPROX. 16.5'

c) THE LOCATION OF THE EXPANDED PORCH AND ADDITIONAL COVERAGE DOES NOT CAUSE A VISIBLE IMPACT AS VIEWED FROM THE STREET.

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) NO TREES WILL BE REMOVED FOR THE PORCH EXPANSION.

b) THE DRAINAGE PATTERN FROM THE NEW ROOF DOES NOT CHANGE THE EXISTING ROOF DRAINAGE

c) REMOVING THE EXISTING SHED PROVIDES MORE OPEN, PERMEABLE SPACE TOWARDS TOWARDS THE NORTH YARD & NEIGHBOR TO THE NORTH.

d) THE PORCH IS ONLY SINGLE STORY AND SHOULD NOT SHADE THE NEIGHBOR TO THE NORTH.

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 IS SELF CREATED AS THE OWNERS DESIRE TO EXPAND THE REAR PORCH FOR PRIVATE, OUTDOOR ENTERTAINING TO NOT BE VIEWED BY THE STREET. HOWEVER, THE EXISTING REAR PROPERTY LINE, AT A 22° ANGLE TO THE HOUSE RESULTS IN THE 25' REAR SETBACK LINE TO TRANSECT THE EXISTING PORCH AND HOUSE. THE HOUSE & PORCH, BUILT C. 1900, PRE-EXIST ZONING, WHICH IS NOT SELF CREATED.

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)

Date: _____

(applicant signature)

Date: _____

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

Owner Signature: _____

Date: _____

Owner Signature: _____

Date: _____

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

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.	AGCESS. BLDG.	FRONT	REAR	EACH SIDE	TOTAL SIDE	MINIMUM 1 ST FLOOR AREA (SF)	MAX. HEIGHT (FEET)	PRINCIPAL BUILDING	FRONT LOT LINE	SIDE LOT LINE	REAR LOT LINE	
RR (F)	2 acres	200	15	5	60	100	30	100	-----	35	5	60	30	50	80
SR-1 (F)	40,000	125	20	8	40	40	15	35	-----	35	5	40	10	10	40
SR-2	20,000 (A)	100	25	8	30	30	12	30	-----	35	5	30	5	5	30
UR-1	12,500 (A)	100	20	8	30	30	12	30	1 Story = 1,100 2 Story = 800	60	5	30	5	5	30
UR-2	6,600 (A)	60	30	10	10	25	8	20	1 Story = 900 2 Story = 700	60	5	10	5	5	25
UR-3	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	60	5	10	5	5	25
UR-4	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	70	10	25	5	5	15
UR-4A	2,000/DU	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	70	5	10	5	5	15
UR-5	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	185	20	20	10	10	15
UR-6	4,800	60	30	10	25	25	8	20	900	35	5	25	5	5	25
UR-7	4,000	50	45	10	10	10	4	8	1,000	35	5	10	5	5	20
NCU-1	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-2	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-3	3,000/DU	60 (H)	30	10	10 (I)	25	4 (J)	12	1 story = 1,800 2 story = 1,200	50	5	10	5	5	20

Wexler / Farina Rear Porch Addition:
#179 Nelson Ave., Saratoga Springs, NY



Right / South elevation of existing residence as viewed facing North West from Nelson Ave.



Front / East of existing residence as viewed facing West from Nelson Ave.



Rear / West elevation of existing residence & porch as viewed facing North East from rear left / South West property corner

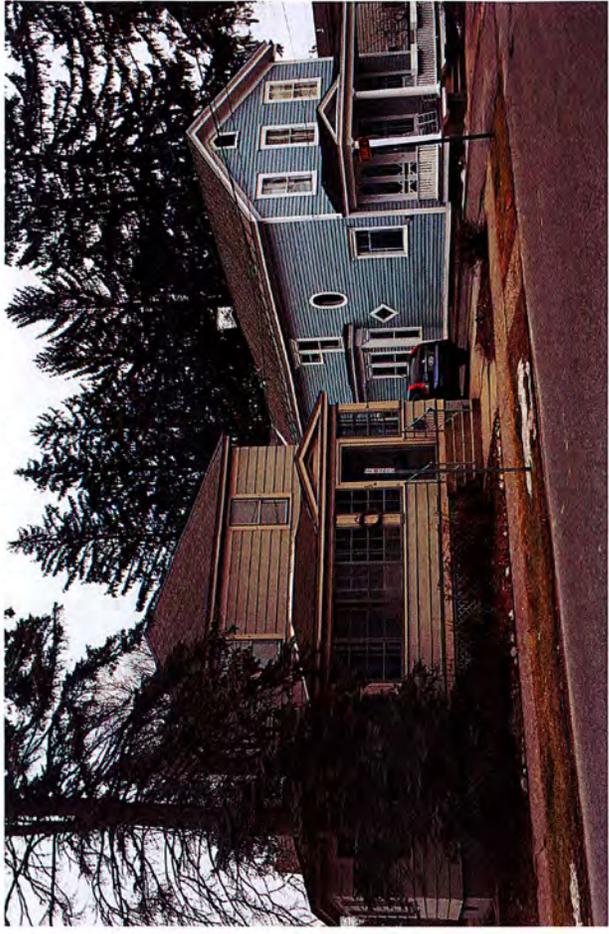


Right / North West elevation of existing residence as viewed facing South West from Nelson Ave.

Wexler / Farina Rear Porch Addition:
#179 Nelson Ave., Saratoga Springs, NY



Adjacent property & building to the North of project site as viewed facing West from Nelson Ave.



Property to the East of project site as viewed facing East across Nelson Ave. from project site.



Adjacent property & building to the South of project site as viewed facing South West from Nelson Ave.



Property to East of project site as viewed facing East, across Nelson Ave. from project site.

Wexler / Farina Rear Porch Addition:

#179 Nelson Ave., Saratoga Springs, NY



Adjacent properties to the South & West of project site as viewed facing South West from existing rear porch



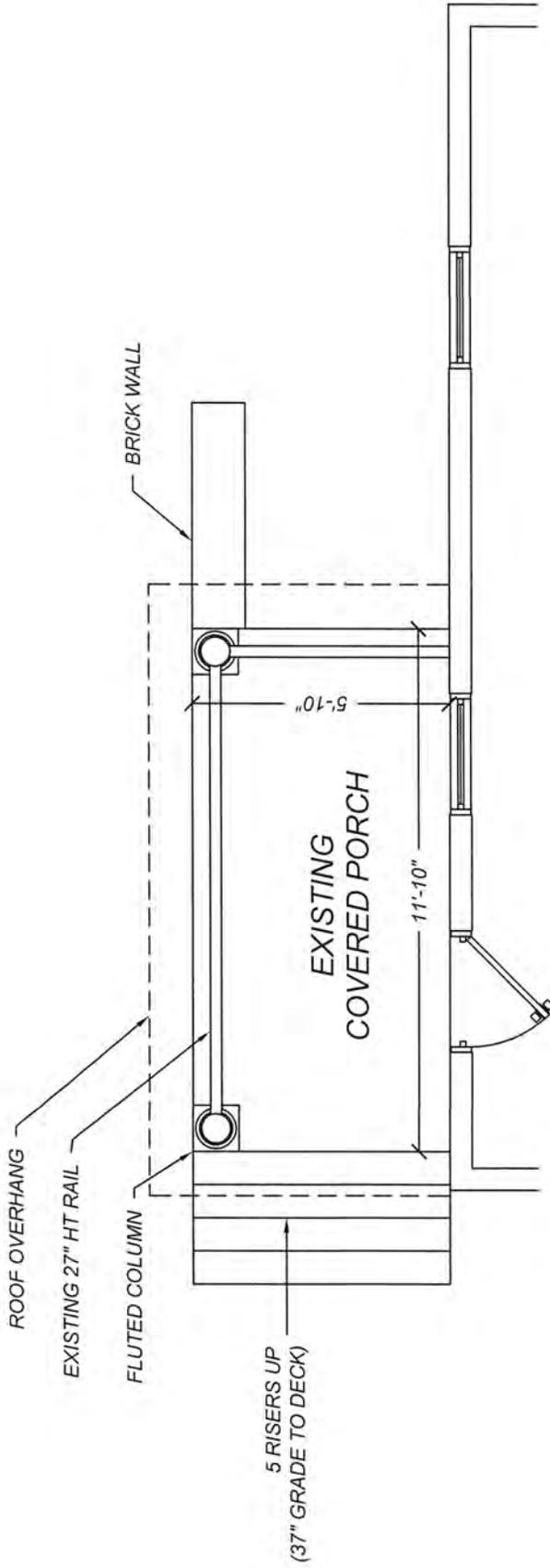
Adjacent properties to the West of the project site as viewed facing West from existing rear porch



Property & shed to the West of the project site as viewed facing West from existing rear porch



Property to the North of project site as viewed facing North from existing rear porch

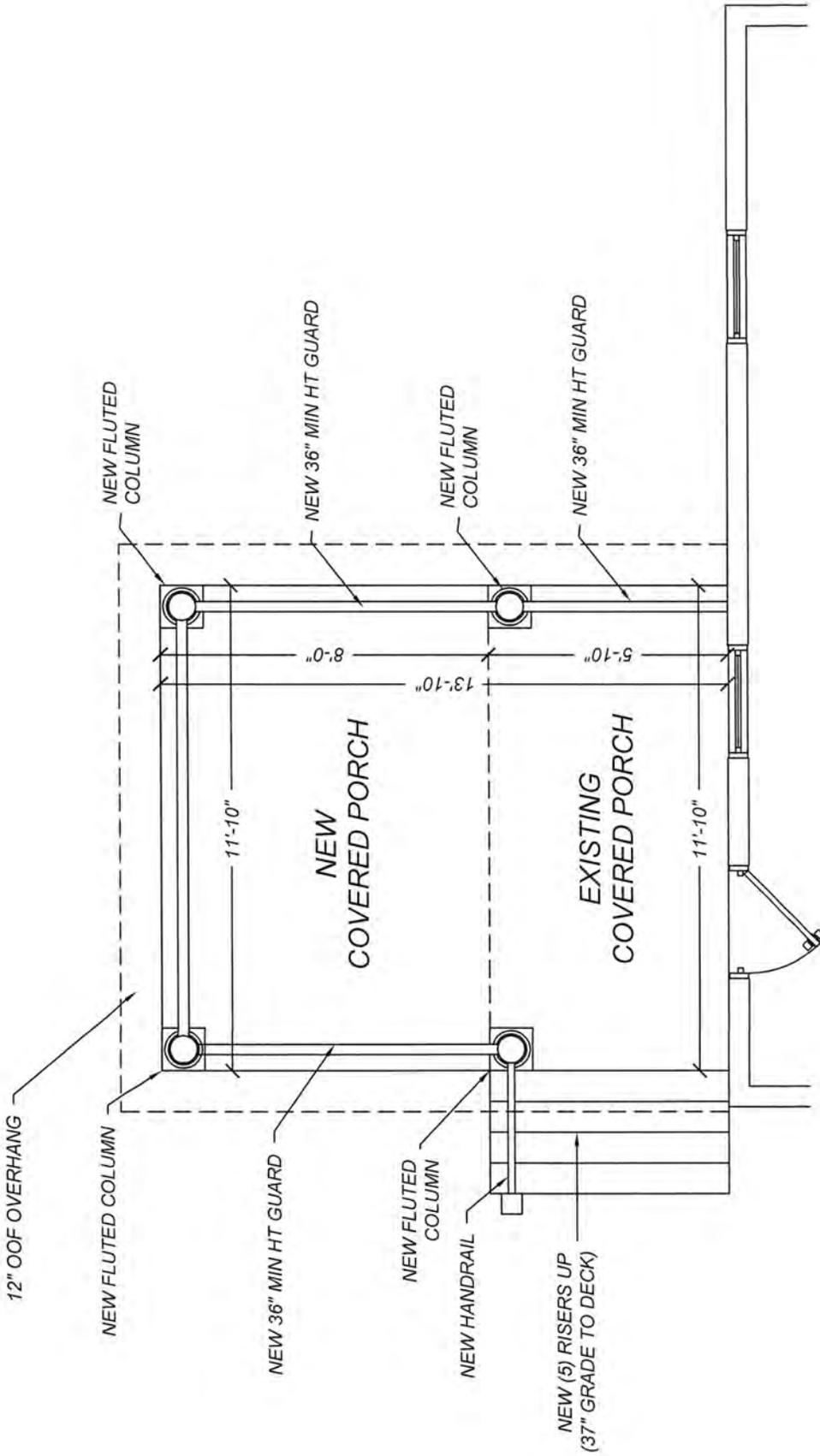


FARINA / WEXLER RESIDENCE
 #179 NELSON AVE.
 CITY OF SARATOGA SPRINGS, NY

**EXISTING
 REAR PORCH PLAN**

2/8/16 SCALE: 1/4" = 1' 0"

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



FARINA / WEXLER RESIDENCE
 #179 NELSON AVE.
 CITY OF SARATOGA SPRINGS, NY

**PROPOSED
 REAR PORCH PLAN**

2/8/16 SCALE: 1/4" = 1'-0"

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

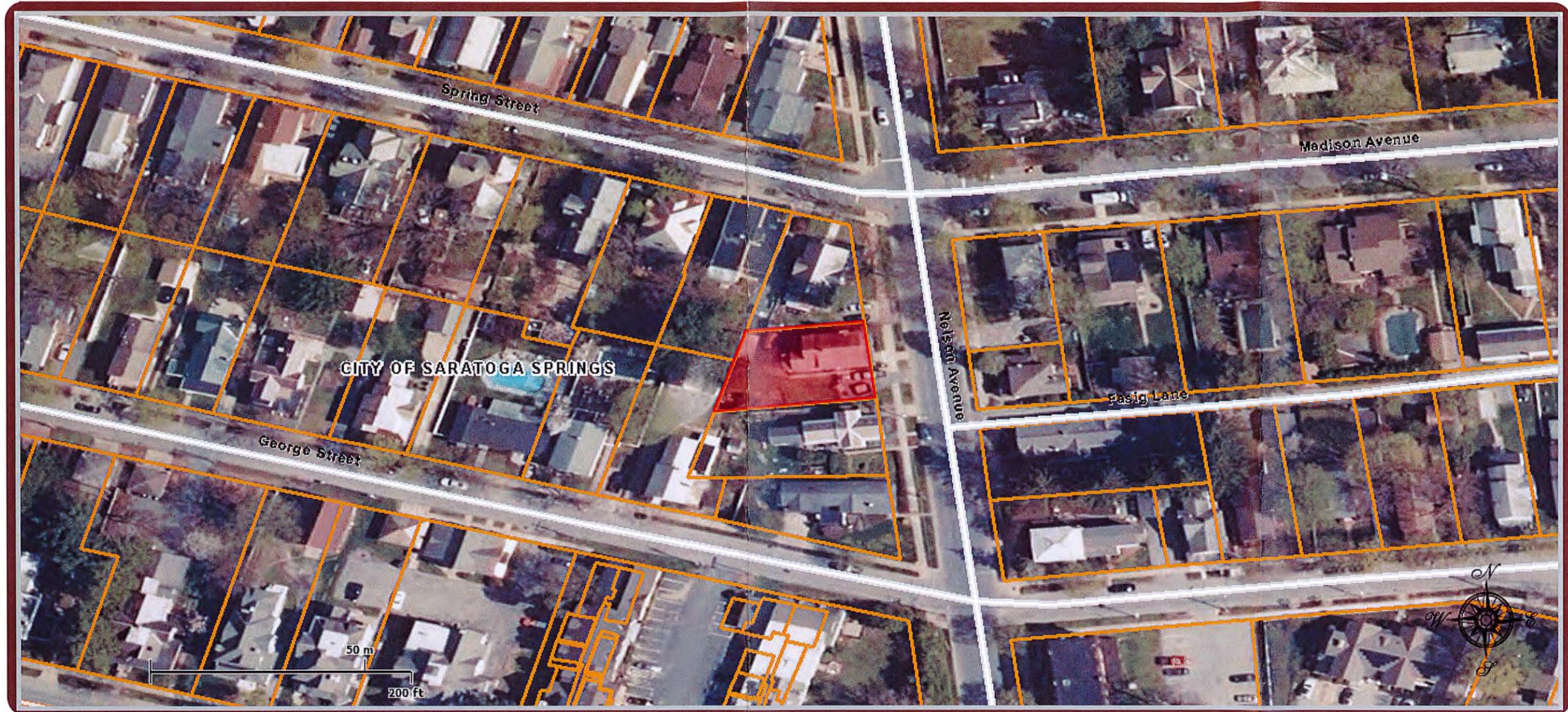
179 Nelson Ave

Legend

-  County
-  Municipal Boundaries
-  Parcels

Local Roads

-  Local
-  State and County
-  US and Interstate



Disclaimer: This map was prepared by the Saratoga County Internet Geographic Information System (GIS). The map was compiled using the most current GIS data available. The aerial photography (orthoimagery) was prepared by the N.Y.S. Office of Cyber Security and Critical Infrastructure Coordination during the year 2004-2011. Parcel and municipal boundaries are derived from tax maps and do not represent a land survey.

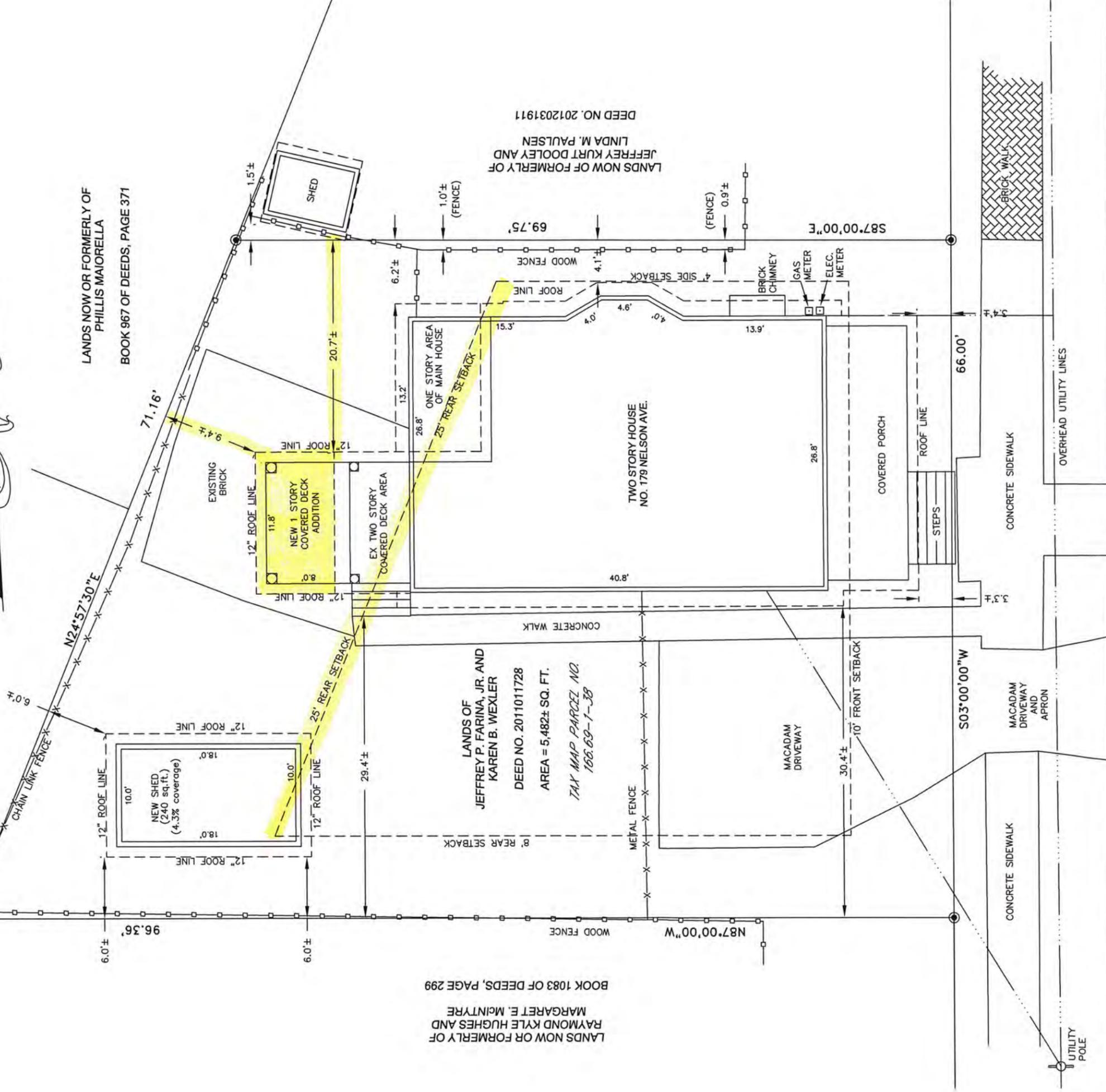
LANDS NOW OR FORMERLY OF
AGEO FRIZZERA

BOOK 1029 OF DEEDS, PAGE 278

RECORD ~ CITY ENGINEER'S OFFICE



LANDS NOW OR FORMERLY OF
PHILLIS MAIORELLA
BOOK 967 OF DEEDS, PAGE 371



NELSON

RIGHT OF WAY = 66 FT.
WIDTH OF PAVEMENT = 35± FT.

SLATE CURB

AVENUE

**PLOT PLAN
FARINA / WEXLER REAR PORCH ADDITION
#179 NELSON AVE., SARATOGA SPRINGS, NY**

SCALE: 1" = 10'

2/8/16

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

NOTE: THIS IS NOT A SURVEY. THE ORIGINAL SURVEY, DATED 8/24/15, WAS MODIFIED BY ENGINEERING AMERICA CO., WITH PERMISSION FROM DANIEL C. WHEELER, PLS. OF SURVEY ASSOCIATES TO CREATE THIS PLOT PLAN TO DEPICT PLAN CHANGES REQUIRING AREA VARIANCES. A MODIFIED SURVEY PLAN AND FOOTPRINT STAKE OUT MUST BE PREPARED FOR THE BUILDING PERMIT APPLICATION, PRIOR TO CONSTRUCTION AND AFTER CONSTRUCTION HAS BEEN COMPLETED FOR FILING WITH CITY.

LANDS NOW OR FORMERLY OF
RAYMOND KYLE HUGHES AND
MARGARET E. MCINTYRE
BOOK 1083 OF DEEDS, PAGE 299

LANDS OF
JEFFREY P. FARINA, JR. AND
KAREN B. WEXLER

DEED NO. 2011011728

AREA = 5,482± SQ. FT.

TAX MAP PARCEL NO.
166.69-1-38

LANDS NOW OF FORMERLY OF
JEFFREY KURT DOLEY AND
LINDA M. PAULSEN
DEED NO. 2012031911



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

	<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name	<u>Donald Jeffrey Beyer</u>	_____	_____
Address	[REDACTED]	_____	_____
Tel./Fax	[REDACTED]	<u>/</u>	<u>/</u>
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.) 199 West Circular Street Side of St. (north, east, etc.) North

Tax Parcel No.: 165.73.2.46 (for example: 165.52-4-37) Tax District: Inside Outside

1. Date acquired by current owner: July 2008 2. Zoning District when purchased: UR-2

3. Present use of property: Rental 4. Current Zoning District: UR-2

5. Has a previous ZBA application/appeal been filed for this property? Yes (when? 9/27/2010 for what? subdivision)
 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: relief from minimum area requirements

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:

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

Creation of a 5,700 sqft lot with existing single-family residence and creation of a conforming 6,600 sqft lot with a new single-family residence

~~12,300~~ 12,300 sqft

5,700 sqft and 6,600 sqft

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.

Proposed addition to existing residence was not cost effective. Costs would exceed value of residence.

- 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 neighborhood is diverse with regard to lot size. Some lots are a preexisting nonconforming regarding minimum lot size and some exceed minimum lot size. The neighborhood is also diverse regarding existing use. Some lots have preexisting nonconforming two family and a commercial use also exists.

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

900 sqft smaller (5,700 sqft) than the required (6,600 sqft)

- 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 lot is clear of trees or wetland and would not adversely impact surrounding landscape. An ally also borders the West side of the lot.

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

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

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

DISCLOSURE

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

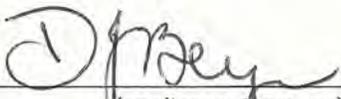
APPLICANT CERTIFICATION

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

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

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

(applicant signature)


(applicant signature)

Sworn to before me this date:

Date: 1/23/16

Notary Public



02 12 2016



02 12 2016



DEAD
END

02 12 2016

DEAD
END

02 12 2016



02 12 2016



02 12 2016



15

02 12 2016



AHEAD



02 12 2016



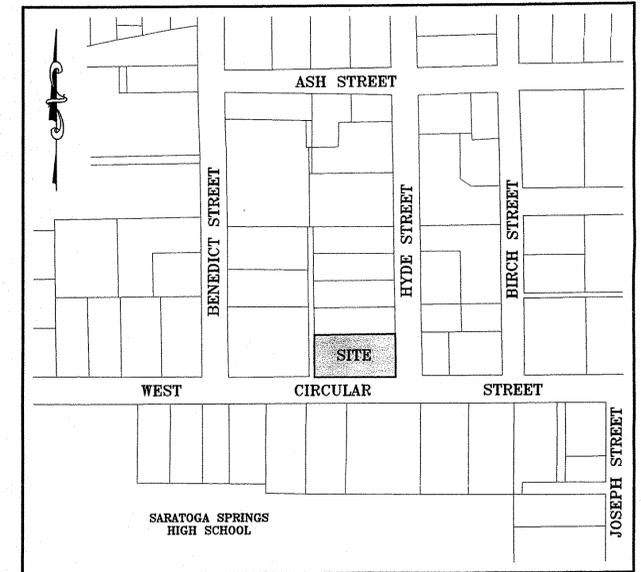
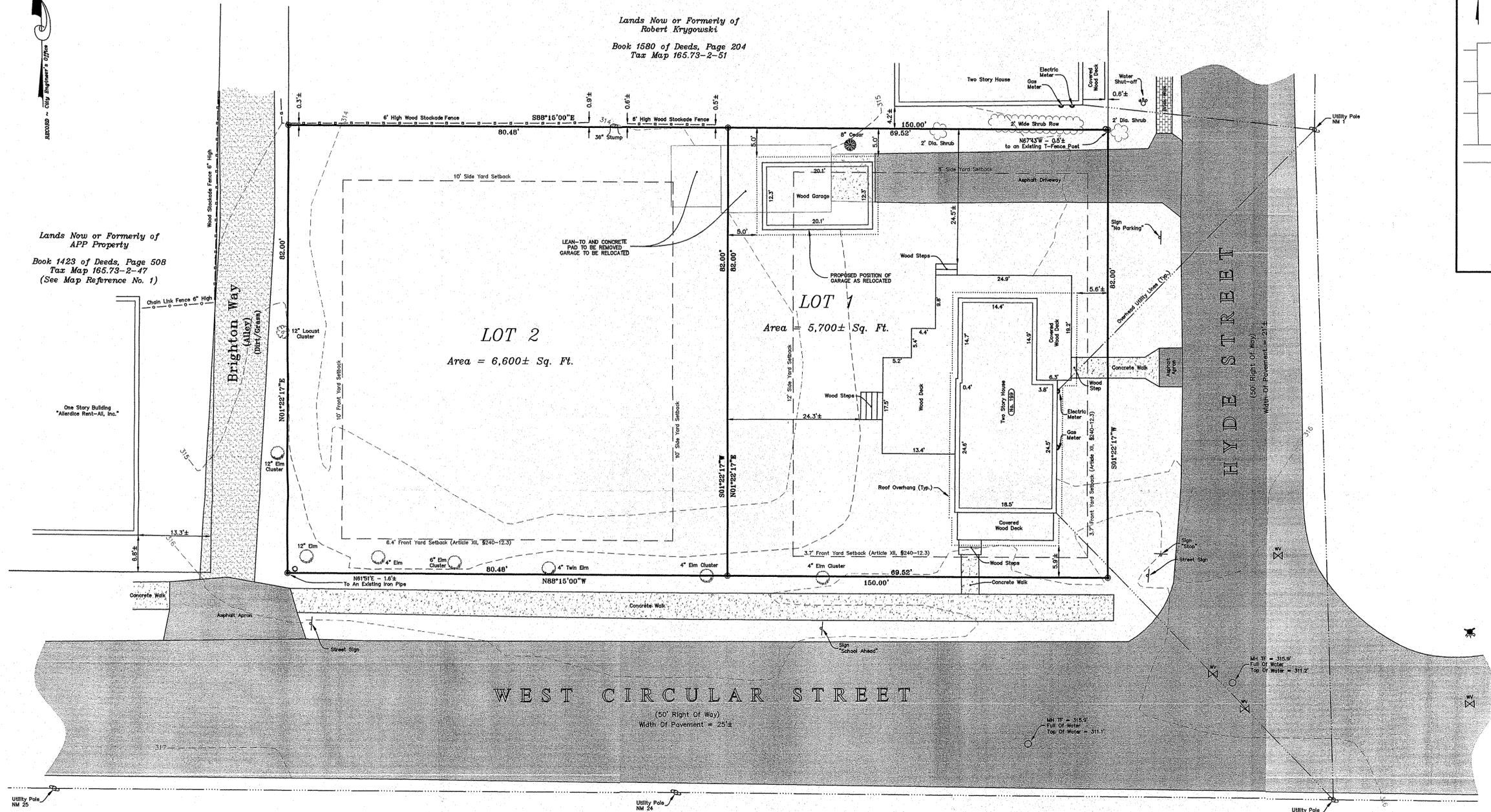
02 12 2016



02 12 2016

Lands Now or Formerly of
Robert Krygowski
Book 1580 of Deeds, Page 204
Tax Map 165.73-2-51

Lands Now or Formerly of
APP Property
Book 1423 of Deeds, Page 508
Tax Map 165.73-2-47
(See Map Reference No. 1)



Site Map
(Not to Scale)

ZONING INFORMATION AND VARIANCES REQUIRED:

PARENT PARCEL TAX MAP NO. = 165.73-2-46
 LOT 1
 ZONE = UR-2 (URBAN RESIDENTIAL 2)
 MINIMUM LOT SIZE = 6,600 SQ. FT.
 PROPOSED LOT SIZE = 5,700± SQ. FT.
 LOT SIZE VARIANCE REQUIRED = 900 SQ. FT. RELIEF
 REQUIRED MEAN LOT WIDTH = 60'
 PROPOSED MEAN LOT WIDTH = 69.52'
 MAXIMUM PERCENT OF LOT TO BE OCCUPIED BY PRINCIPAL BUILDING = 30%
 PROPOSED PERCENT OF LOT TO BE OCCUPIED = 1,360± SQ. FT. = 24.2%
 MAXIMUM PERCENT OF LOT TO BE OCCUPIED BY ACCESSORY BUILDING = 10%
 PROPOSED PERCENT OF LOT TO BE OCCUPIED = 316± SQ. FT. = 5.5%
 MINIMUM FRONT YARD SETBACK (PRINCIPAL BUILDING) = AVERAGE OF EXISTING STRUCTURES ON NEIGHBORING LOTS PER ARTICLE XII, §240-12.3
 6.8' (TAX PARCEL 47) + 0.6' (TAX PARCEL 51) / 2 = 3.7' FRONT YARD SETBACK
 EXISTING FRONT YARD SETBACK (SMALLEST) = 5.6'
 MINIMUM SIDE YARD SETBACK (PRINCIPAL BUILDING) = 8' ONE SIDE, 20' TOTAL
 PROPOSED SIDE YARD SETBACK (SMALLEST) = 24.3'
 MINIMUM DISTANCE BETWEEN PRINCIPAL AND ACCESSORY BUILDING = 5'
 PROPOSED DISTANCE BETWEEN PRINCIPAL AND ACCESSORY BUILDING = 11.8'
 MINIMUM FRONT YARD SETBACK (ACCESSORY) = 10'
 PROPOSED FRONT YARD SETBACK (ACCESSORY) = 42±'
 MINIMUM SIDE YARD SETBACK (ACCESSORY) = 5'
 PROPOSED SIDE YARD SETBACK (ACCESSORY) = 5.0'
 MINIMUM PERCENT OF LOT TO BE PERMEABLE = 25%
 PROPOSED PERCENT OF LOT TO BE PERMEABLE = 62.6%

LOT 2
 LOT 2, AS PROPOSED, WILL BE FULLY COMPLIANT WITH CURRENT ZONING.
 MINIMUM LOT SIZE = 6,600 SQ. FT.
 REQUIRED MEAN LOT WIDTH = 60'
 MAXIMUM PERCENT OF LOT TO BE OCCUPIED BY PRINCIPAL BUILDING = 30%
 MINIMUM FRONT YARD SETBACK (PRINCIPAL BUILDING) = AVERAGE OF EXISTING STRUCTURES ON NEIGHBORING LOTS PER ARTICLE XII, §240-12.3
 6.8' (TAX PARCEL 47) + 5.9' (PROPOSED LOT 1) / 2 = 6.4' FRONT YARD SETBACK
 FRONT YARD SETBACK FROM BRIGHTON WAY TO BE 10'
 MINIMUM SIDE YARD SETBACK (PRINCIPAL BUILDING) = 8' ONE SIDE, 20' TOTAL
 MINIMUM PERCENT OF LOT TO BE PERMEABLE = 25%

DEED REFERENCE:

- 1.) CONVEYANCE FROM JAMES M. ROGALSKI AND SUSANA L. DANCY TO DONALD JEFFREY BEYER BY DEED DATED JULY 17, 2008, AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE ON AUGUST 1, 2008 AS INSTRUMENT NO. 2008026795.

MAP REFERENCE:

- 1.) MAP ENTITLED "SURVEY OF LANDS OF WALLACE ALLERDICE, KEITH POTTER AND ANTHONY R. PENNELL," DATED SEPTEMBER 21, 1994, AS LAST REVISED ON SEPTEMBER 29, 1995, AND PREPARED BY PAUL F. TOMMELL, L.S., P.C.

NOTES:

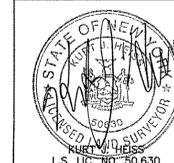
- 1.) THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR AN UP TO DATE TITLE REPORT AND IS THEREFORE SUBJECT TO ANY STATEMENT OF FACTS SHOWN THEREON.
- 2.) THIS MAP WAS PREPARED FROM AN ACTUAL FIELD SURVEY MADE IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.
- 3.) ALL OFFSETS SHOWN BETWEEN STRUCTURES AND PROPERTY LINES ARE TO ROOF OVERHANGS UNLESS OTHERWISE NOTED.
- 4.) ALL CONTOURS SHOWN HEREON ARE REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29).

RECORD OF WORK:

- 1.) GENERAL REVISIONS ON APRIL 7, 2010.

APPLICANT:

DONALD JEFFREY BEYER
 199 West Circular Street
 Saratoga Springs, NY 12866



SCALE:
1" = 10'

CITY OF SARATOGA SPRINGS (ID)
 SARATOGA COUNTY, NEW YORK
 MARCH 26, 2010

MAP NO.: 20100072



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)

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

<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name _____	_____	_____
Address _____	_____	_____
_____	_____	_____
Phone _____ / _____	_____ / _____	_____ / _____
Email _____	_____	_____

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

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

PROPERTY INFORMATION

1. Property Address/Location: _____ Tax Parcel No.: _____ - _____ - _____
(for example: 165.52 - 4 - 37)

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

4. Present use of property: _____ 5. Current Zoning District: _____

6. Has a previous ZBA application/appeal been filed for this property?
 Yes (when? _____ For what? _____)
 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: _____

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”.

- I. 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:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 If "yes", for how long? _____ No

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:

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

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

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

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

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

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

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

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

Extension of existing variance Interpretation

Use Variance to permit the following: _____

Area Variance seeking the following relief:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

Note: _____

Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

DATE

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.

Suzanne
(applicant signature)
[Signature]
(applicant signature)

Date: 2/11/16

Date: 2/12/16

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

Owner Signature: [Signature]

Date: 2/12/2016

Owner Signature: _____

Date: _____



**Allowed 4 sqft freestanding sign in UR-2 zone.
Image is taken at the corner of Bensonhurst Ave. and Church Street.**

Please proof read carefully upon receipt. Colors viewed on monitors may vary slightly from actual colors in final production. If color critical, please provide accurate color samples (ie: pantone, paint swatches, etc.) Signed proofs indicate review and acceptance of the proof. Once proof is signed and returned with approval, we are not responsible for any discrepancies regarding color, spelling or materials used in production.

PROOFS MUST BE SIGNED AND RETURNED VIA EMAIL OR FAX BEFORE PROCEEDING

ADIRONDACK
SIGN COMPANY

72 Ballston Ave., Saratoga Springs, NY 12866
p: 518.409.SIGN(7446) f: 518.478.8489
www.AdkSignCo.com

Customer

Saratoga Springs Dentistry

Proof Approval: YES NO

NEEDS CHANGES

Date

2/11/16

Signature:



Sign is 24"x24"
This is to scale at the allowed
4 sqft for UR-2 zone.

Placement is in same location
as existing sign.

Please proof read carefully upon receipt. Colors viewed on monitors may vary slightly from actual colors in final production. If color critical, please provide accurate color samples (ie: pantone, paint swatches, etc.) Signed proofs indicate review and acceptance of the proof. Once proof is signed and returned with approval, we are not responsible for any discrepancies regarding color, spelling or materials used in production.

PROOFS MUST BE SIGNED AND RETURNED VIA EMAIL OR FAX BEFORE PROCEEDING

ADIRONDACK
SIGN COMPANY

72 Ballston Ave., Saratoga Springs, NY 12866
p: 518.409.SIGN(7446) f: 518.478.8489
www.AdkSignCo.com

Customer

Saratoga Springs Dentistry

Proof Approval: YES NO

NEEDS CHANGES

Date

2/11/16

Signature:



**Allowed 4 sqft freestanding sign in UR-2 zone.
 Image is taken at the corner of Myrtle Street and Church Street.
 In image is the 21.5 sqft approved sign of Saratoga Spine.**

Please proof read carefully upon receipt. Colors viewed on monitors may vary slightly from actual colors in final production. If color critical, please provide accurate color samples (ie: pantone, paint swatches, etc.) Signed proofs indicate review and acceptance of the proof. Once proof is signed and returned with approval, we are not responsible for any discrepancies regarding color, spelling or materials used in production.

PROOFS MUST BE SIGNED AND RETURNED VIA EMAIL OR FAX BEFORE PROCEEDING

ADIRONDACK
SIGN COMPANY

72 Ballston Ave., Saratoga Springs, NY 12866
 p: 518.409.SIGN(7446) f: 518.478.8489
 www.AdkSignCo.com

Customer _____ **Proof Approval:** YES NO
 Saratoga Springs Dentistry **NEEDS CHANGES**

Date _____ **Signature:** _____
 2/11/16



**Allowed 4 sqft freestanding sign in UR-2 zone.
Image is taken at the corner of Newton Ave. and Church Street.**

Please proof read carefully upon receipt. Colors viewed on monitors may vary slightly from actual colors in final production. If color critical, please provide accurate color samples (ie: pantone, paint swatches, etc.) Signed proofs indicate review and acceptance of the proof. Once proof is signed and returned with approval, we are not responsible for any discrepancies regarding color, spelling or materials used in production.

PROOFS MUST BE SIGNED AND RETURNED VIA EMAIL OR FAX BEFORE PROCEEDING

ADIRONDACK
SIGN COMPANY

72 Ballston Ave., Saratoga Springs, NY 12866
p: 518.409.SIGN(7446) f: 518.478.8489
www.AdkSignCo.com

Customer

Saratoga Springs Dentistry

Proof Approval: YES NO

NEEDS CHANGES

Date

2/11/16

Signature:



**Proposed sign at 16 sqft.
Image is taken at the corner of Bensonhurst Ave. and Church Street.**

Please proof read carefully upon receipt. Colors viewed on monitors may vary slightly from actual colors in final production. If color critical, please provide accurate color samples (ie: pantone, paint swatches, etc.) Signed proofs indicate review and acceptance of the proof. Once proof is signed and returned with approval, we are not responsible for any discrepancies regarding color, spelling or materials used in production.

PROOFS MUST BE SIGNED AND RETURNED VIA EMAIL OR FAX BEFORE PROCEEDING

ADIRONDACK
SIGN COMPANY

72 Ballston Ave., Saratoga Springs, NY 12866
p: 518.409.SIGN(7446) f: 518.478.8489
www.AdkSignCo.com

Customer

Saratoga Springs Dentistry

Proof Approval: YES NO

NEEDS CHANGES

Date

2/11/16

Signature:



Proposed sign at 16 sqft.
 Image is taken at the corner of Central Ave. and Church Street.
 Foley Chiropractic sign is 12 sqft

Please proof read carefully upon receipt. Colors viewed on monitors may vary slightly from actual colors in final production. If color critical, please provide accurate color samples (ie: pantone, paint swatches, etc.) Signed proofs indicate review and acceptance of the proof. Once proof is signed and returned with approval, we are not responsible for any discrepancies regarding color, spelling or materials used in production.

PROOFS MUST BE SIGNED AND RETURNED VIA EMAIL OR FAX BEFORE PROCEEDING

ADIRONDACK
 SIGN COMPANY

72 Ballston Ave., Saratoga Springs, NY 12866
 p: 518.409.SIGN(7446) f: 518.478.8489
 www.AdkSignCo.com

Customer _____ **Proof Approval:** YES NO
 Saratoga Springs Dentistry NEEDS CHANGES

Date _____ **Signature:** _____
 2/11/16



Sign is 48" 48" double sided
 Custom routed 1.5" HDU with
 carved lettering with digitally
 printed graphic. Sign will be
 primed and painted with
 marine enamel.

Sign is hung from custom post
 and bracket system.

Please proof read carefully upon receipt. Colors viewed on monitors may vary slightly from actual colors in final production. If color critical, please provide accurate color samples (ie: pantone, paint swatches, etc.) Signed proofs indicate review and acceptance of the proof. Once proof is signed and returned with approval, we are not responsible for any discrepancies regarding color, spelling or materials used in production.

PROOFS MUST BE SIGNED AND RETURNED VIA EMAIL OR FAX BEFORE PROCEEDING

ADIRONDACK
 SIGN COMPANY

72 Ballston Ave., Saratoga Springs, NY 12866
 p: 518.409.SIGN(7446) f: 518.478.8489
 www.AdkSignCo.com

Customer Saratoga Springs Dentistry Proof Approval: YES NO

NEEDS CHANGES

Date 2/11/16

Signature: _____



Sign is 48" 48" double sided Custom routed 1.5" HDU with carved lettering with digitally printed graphic. Sign will be primed and painted with marine enamel.

Sign is hung from custom post and bracket system.

Placement is in same location as existing sign.

Please proof read carefully upon receipt. Colors viewed on monitors may vary slightly from actual colors in final production. If color critical, please provide accurate color samples (ie: pantone, paint swatches, etc.) Signed proofs indicate review and acceptance of the proof. Once proof is signed and returned with approval, we are not responsible for any discrepancies regarding color, spelling or materials used in production.

PROOFS MUST BE SIGNED AND RETURNED VIA EMAIL OR FAX BEFORE PROCEEDING

ADIRONDACK
SIGN COMPANY

72 Ballston Ave., Saratoga Springs, NY 12866
p: 518.409.SIGN(7446) f: 518.478.8489
www.AdkSignCo.com

Customer

Saratoga Springs Dentistry

Proof Approval: YES NO

NEEDS CHANGES

Date

2/11/16

Signature:



Proposed sign at 16 sqft. Image is taken at the corner of Myrtle Street and Church Street.
 In image is the 21.5 sqft approved sign of Saratoga Spine.

Please proof read carefully upon receipt. Colors viewed on monitors may vary slightly from actual colors in final production. If color critical, please provide accurate color samples (ie: pantone, paint swatches, etc.) Signed proofs indicate review and acceptance of the proof. Once proof is signed and returned with approval, we are not responsible for any discrepancies regarding color, spelling or materials used in production.

PROOFS MUST BE SIGNED AND RETURNED VIA EMAIL OR FAX BEFORE PROCEEDING



72 Ballston Ave., Saratoga Springs, NY 12866
 p: 518.409.SIGN(7446) f: 518.478.8489
 www.AdkSignCo.com

Customer _____ **Proof Approval:** YES NO
 Saratoga Springs Dentistry NEEDS CHANGES

Date _____ **Signature:** _____
 2/11/16



**Proposed sign at 16 sqft.
Image is taken at the corner of Newton Ave. and Church Street.**

Please proof read carefully upon receipt. Colors viewed on monitors may vary slightly from actual colors in final production. If color critical, please provide accurate color samples (ie: pantone, paint swatches, etc.) Signed proofs indicate review and acceptance of the proof. Once proof is signed and returned with approval, we are not responsible for any discrepancies regarding color, spelling or materials used in production.

PROOFS MUST BE SIGNED AND RETURNED VIA EMAIL OR FAX BEFORE PROCEEDING

ADIRONDACK
SIGN COMPANY

72 Ballston Ave., Saratoga Springs, NY 12866
p: 518.409.SIGN(7446) f: 518.478.8489
www.AdkSignCo.com

Customer

Saratoga Springs Dentistry

Proof Approval: YES NO

NEEDS CHANGES

Date

2/11/16

Signature:



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)

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	Darren and Colleen Grassi		Todd Levinson
Address	[REDACTED]		203 Lake Avenue Saratoga Springs, NY 12866
Phone	/	/	/
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: 30 Lafayette St, Saratoga Springs Tax Parcel No.: 165 68 1 73
(for example: 165.52 - 4 - 37)

2. Date acquired by current owner: 4/10/2015 3. Zoning District when purchased: UR2

4. Present use of property: Residential 5. Current Zoning District: UR2

6. Has a previous ZBA application/appeal been filed for this property?
 Yes (when? For what? Area Variance)
 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:
New rear setback and distance from accessory building variances to correspond to as-built survey. Please see attached letter for full description.

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

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

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

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

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

C. Grassi

(applicant signature)

Date: 3-1-16

[Signature]

(applicant signature)

Date: 3-1-16

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

Owner Signature: _____

Date: _____

Owner Signature: _____

Date: _____

February 29, 2016

RE: 30 Lafayette St. Area Variance

Hello,

My name is Todd Levinson, owner of Rejuvenation Homes, Inc., the company that built the home located at 30 LaFayette Street in Saratoga Springs, NY. The following letter is an accompanying document related to a Zoning Board of Appeals application. The application is to address discrepancies between variances that were previously granted and the as-built final survey. The purpose of this letter is to explain the reason behind these discrepancies.

When the initial variances were applied for, the building lot was assumed to be a rectangle and the existing structure located upon it was assumed to be perpendicular to the fronting street, LaFayette Street. Area use variances were applied for based on these assumptions, as well as the dimensions of the new addition and accessory building that had been approved by the Design Review Commission. A third point of reference was taken from the portion of the existing structure that was to remain and become part of the new home. This reference was also an assumption based on the architects best estimation of where the old and new foundations could be joined.

The final survey has revealed that although the new addition was built to the exact dimensions that were originally approved, the lot is actually in the shape of a rhombus, rather than a rectangle, and both it and the home are not perfectly perpendicular to the fronting street. The fact that the house is actually on an angle has made the Southeast rear corner protrude further towards the rear of the lot than was assumed for the initial variance application. Also, the estimate of where the new addition was to join together with the existing structure was off slightly as well. This too has caused the home to grow in length towards the rear of the lot.

This growth has caused the original estimate for the separation between the accessory and principal buildings to decrease by one foot, as the porch and its corresponding overhang has been forced to a different spot than originally planned.

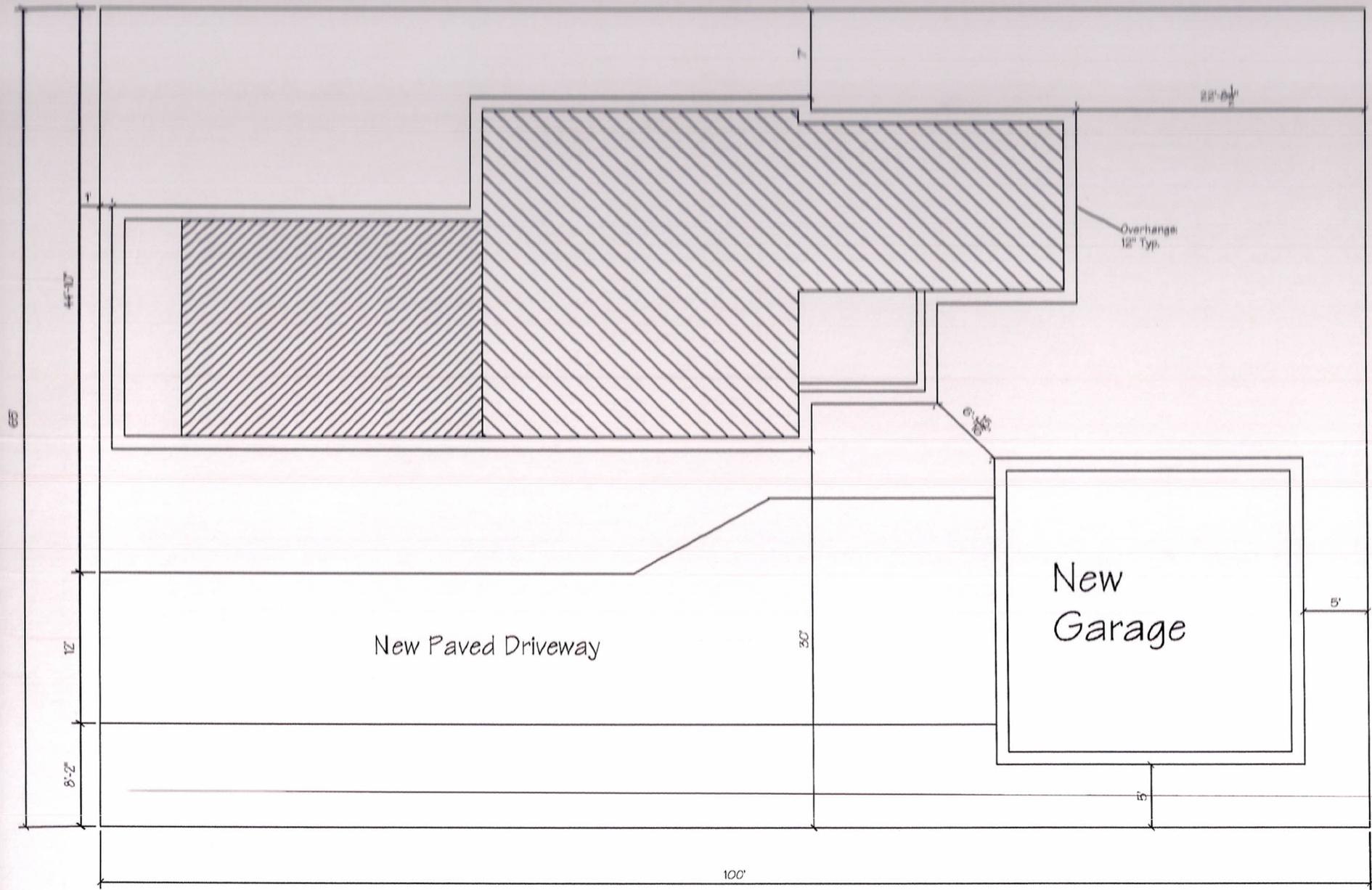
The new homeowners, and I as their agent, are requesting new relief from both the rear setback and distance between principal and accessory buildings requirements, to better represent the as-built final survey.

Thank you for any and all help in this matter,

Todd Levinson


Owner, Rejuvenation Homes, Inc.

Initial Site Map Submitted For Original Application



Site Map

Scale: $\frac{3}{32}'' = 1'$

Original House To Remain



New Addition To Be Added After Removal of Existing Structure





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

IN THE MATTER OF THE APPEAL OF
 Rejuvenation Homes Inc.
 203 Lake Ave
 Saratoga Springs NY 12866
 Application #2689

from the determination of the Building Inspector involving the premises at 26 and 30 Lafayette St, in the City of Saratoga Springs, New York being tax parcel numbers 165.68-1-29 and 165.68-1-30 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, as amended to permit the demolition of one existing building and a portion of a second existing building and the renovation and construction of an addition to a single-family residence, and construction of a detached garage in a UR-4 District and public notice having been duly given of a hearing on said application held on the 11th day of March and the 20th day of May 2013. The Board notes that there is a second, related application regarding tax parcel 165.68-1-30, noted above, also referring to the demolition of the structure on that property as well as the structure on an adjacent property.

In consideration of the balance between benefit to the applicant with detriment to the health, safety and welfare of the community, I move that the following area variance for the following amount of relief:

TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED
MINIMUM MEAN LOT WIDTH	100'	65'	35' OR 35%
MINIMUM SIDE YARD SETBACK	20'	7'	13' OR 65%
TOTAL SIDE YARD SETBACK	45'	37'	8' OR 17.8%
MINIMUM REAR YARD SETBACK	25'	22' 8"	2' 4" OR 9.3%
MINIMUM SEPARATION PRINCIPAL AND ACCESSORY BUILDINGS	10'	6'	4' OR 40%
MAXIMUM PRINCIPAL BUILDING COVERAGE	25%	26.2%	1.2%, OR 4.8% RELIEF

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

1. The applicant has demonstrated this benefit cannot be achieved by other means feasible to the applicant. Per the materials submitted by the applicant to the Design Review Commission on April 11, 2013, a variety of alternatives in addition to the current proposal, encompassing the variances requested here and on the related application, were considered including rehabilitation of all three existing structures, demolition of all three and replacement with three new ones, and rehabilitation of two structures and removing one. While the first of these options-a rehabilitation of the three structures-would result in maintaining pre-existing nonconformities and therefore may have resulted in the fewest variances to be submitted to this Board, the Board finds that that option

would actually result in a greater number of dimensional nonconformities and therefore be less compliant with district requirements than the current proposal. By reducing the number of structures and enlarging the lot sizes as it is proposed here, the properties become closer to meeting the district requirements. Additionally, there were fire safety and building code issues, as well as cost considerations that made rehabilitation infeasible. Furthermore, on lot width and side setback, as noted by the applicant, there is no adjacent property that could be purchased that could provide greater lot width and room for more side setback.

2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. While the buildings proposed for partial and complete demolition are obviously of an advanced age and are listed as contributing structures, they are in an advanced state of disrepair. Furthermore, as noted by the applicant, the replacement of those buildings in a style consistent with the neighborhood, subject to review by the Design Review Commission, would be a positive contribution to the neighborhood. Additionally, neighborhood character would be advanced by the off-street parking made possible by the proposed driveway and garage set forth in the proposal, subject to approval by the city Department of Public Works.

3. Several of these variances, particularly the setbacks, are substantial; however, it should be kept in mind that the side setbacks are consistent with the density of the neighborhood, which is immediately proximate to the downtown district. The substantiality of lot width and side setbacks noted in this case exists to an even greater degree in the current configuration. Therefore the board notes that the proposal will result in a decrease in scale of non-conformity with district zoning requirements, compared to what would be required if a substantial overhaul was proposed of the individual properties on lots 26 and 30.

4. These variances will not have significant adverse physical or environmental effect on the neighborhood or district. The proposed amount of permeable surface of 49.5% will more than meet the district requirement of 15%. The board also notes this project includes the removal of a potential fire hazard of a wooden structure in disrepair in very close proximity to another on at lot 24, the subject of the related application referred to above.

5. The alleged difficulty is self-created insofar as the applicant desires to replace and renovate the subject buildings, but this is not necessarily fatal to the application.

Conditions/Notes:

Design Review Commission historic review is required.

The DRC issued a favorable advisory opinion on this proposal on May 15, 2013.

City DPW approval required for curb cut.

Adopted by the following vote:

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

NAYES: 0

Dated: May 20, 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.

5-23-13

Date

Will Moore
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.

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

APPLICANT: MARK DUGAS

TAX PARCEL NO.: 166.45-2-71

PROPERTY ADDRESS: 65 YORK AVENUE
ZONING DISTRICT: URBAN RESIDENTIAL – 3

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

Proposed maintenance of an existing pool house structure.

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 Table 3. As such, the following relief would be required to proceed:

Extension of existing variance Interpretation

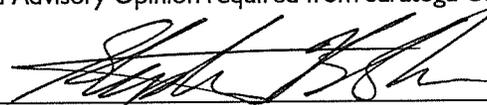
Use Variance to permit the following: _____

Area Variance seeking the following relief:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
<u>Minimum side yard setback:</u>	<u>5 feet</u>	<u>2 feet</u>

Note: _____

Advisory Opinion required from Saratoga County Planning Board



ZONING AND BUILDING INSPECTOR

3/4/16

DATE



CITY OF SARATOGA SPRINGS

City Hall - 474 Broadway
Saratoga Springs, New York 12866
Teli: 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	<u>Mark Dugas</u>	_____	_____
Address	[REDACTED]	_____	_____
Tel./Fax	[REDACTED]	<u>/</u>	<u>/</u>
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”.

I. 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:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 If "yes", for how long? _____
 No

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:

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 denand popolate.

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

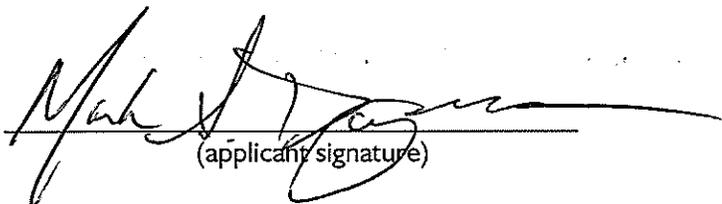
Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? No Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

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)

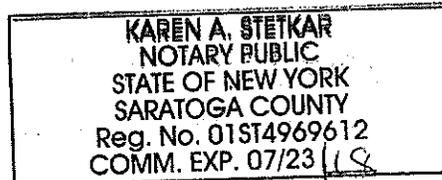
Sworn to before me this date:

Date: January 19 2016



Notary Public

Revised: September 2005



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

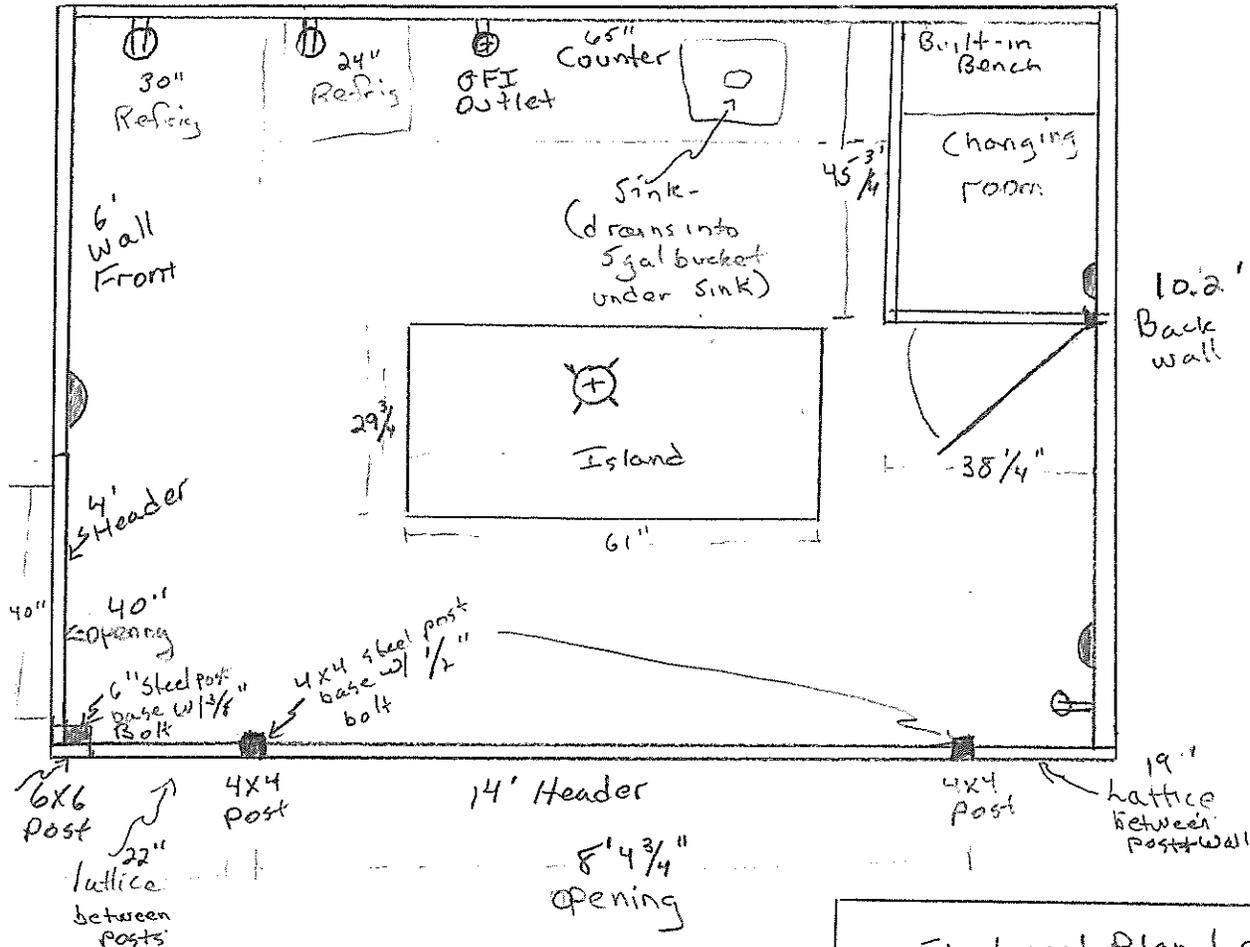
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Floor Plan - 65 York Ave, Saratoga Springs, NY

14.2' left side wall



Main Building and
Swimming Pool

Patio

Qty Electrical Plan Legend	
(1)	ceiling mounted light fixture
(4)	electrical outlet 110
(3)	wall-mounted light fixture



View from top of driveway



View from middle of driveway



View from right side of back yard 1



View from right side of back yard 2



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 <u>Stop Work</u>	FINAL
--------------------------------	---------------------------------------	------------------------------	-------------------------------------	------------------------------------	------------------------------------	--------------------------	---------------------------	------------------------------	-------------------------------	-------

Notice of Violation

- Pool permit has expired, no certificate of occupancy to use.
- Fence incomplete, poses safety hazard 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

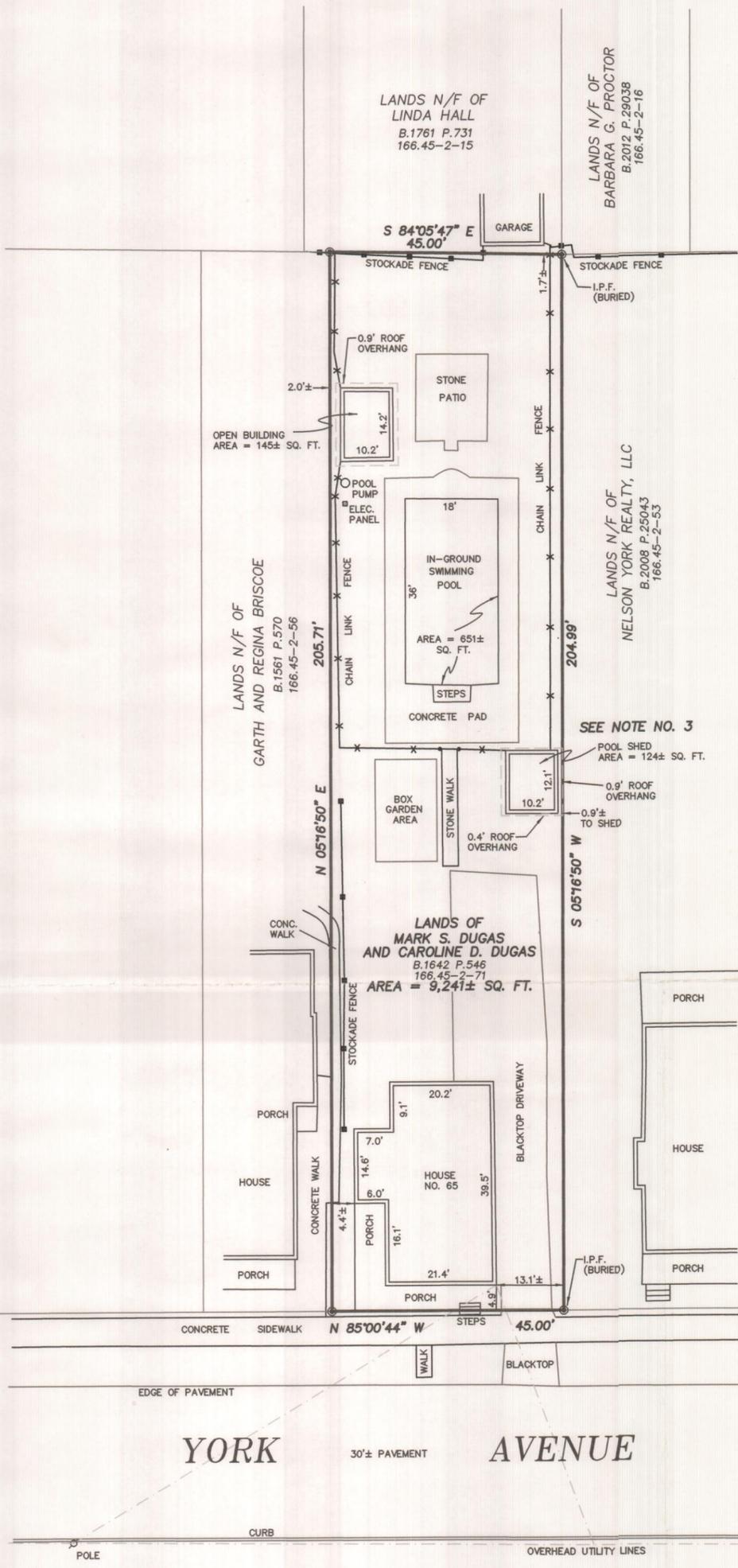
8/3/15

INSPECTOR

[Signature]



SEE MAP REFERENCE NO. 1



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.

SEE NOTE NO. 3

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
 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
------------------	------------------	-----------------	--------------

63 York Ave
←

65 York Ave

↑
North

Appeal to the Zoning Board
Area Variance
#2877

3/10/2016

New Fence Plans

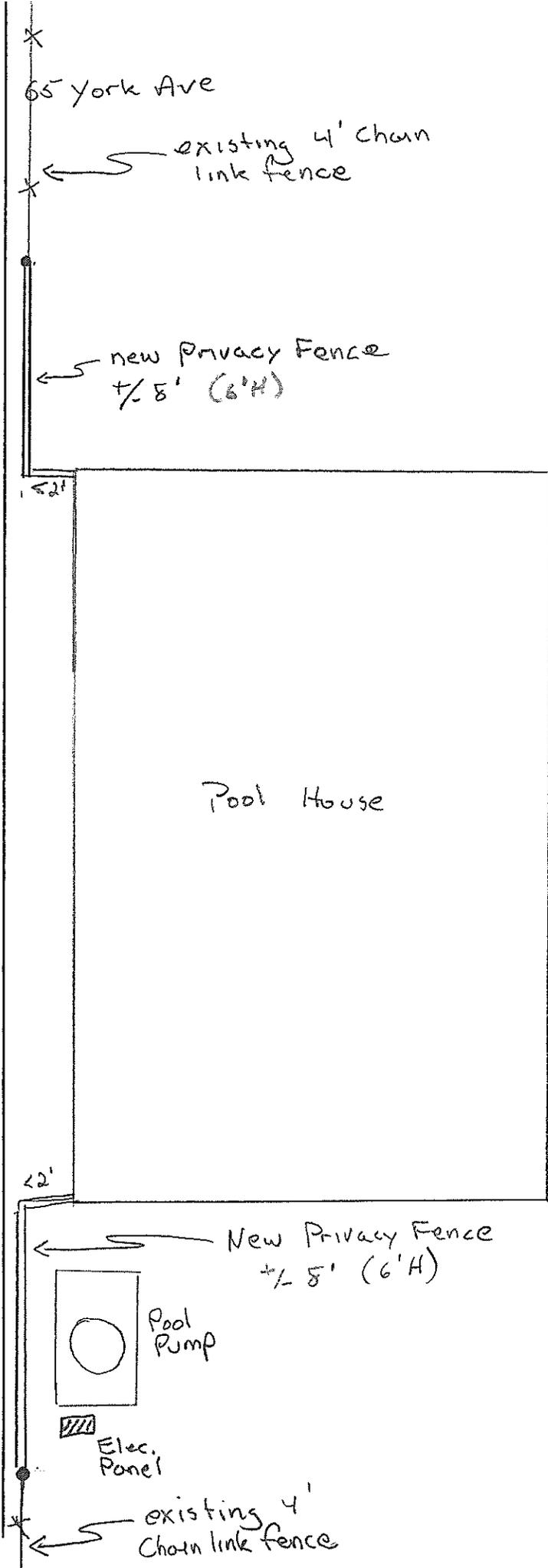
Dugas

65 York Ave

Saratoga Springs, NY

Top View

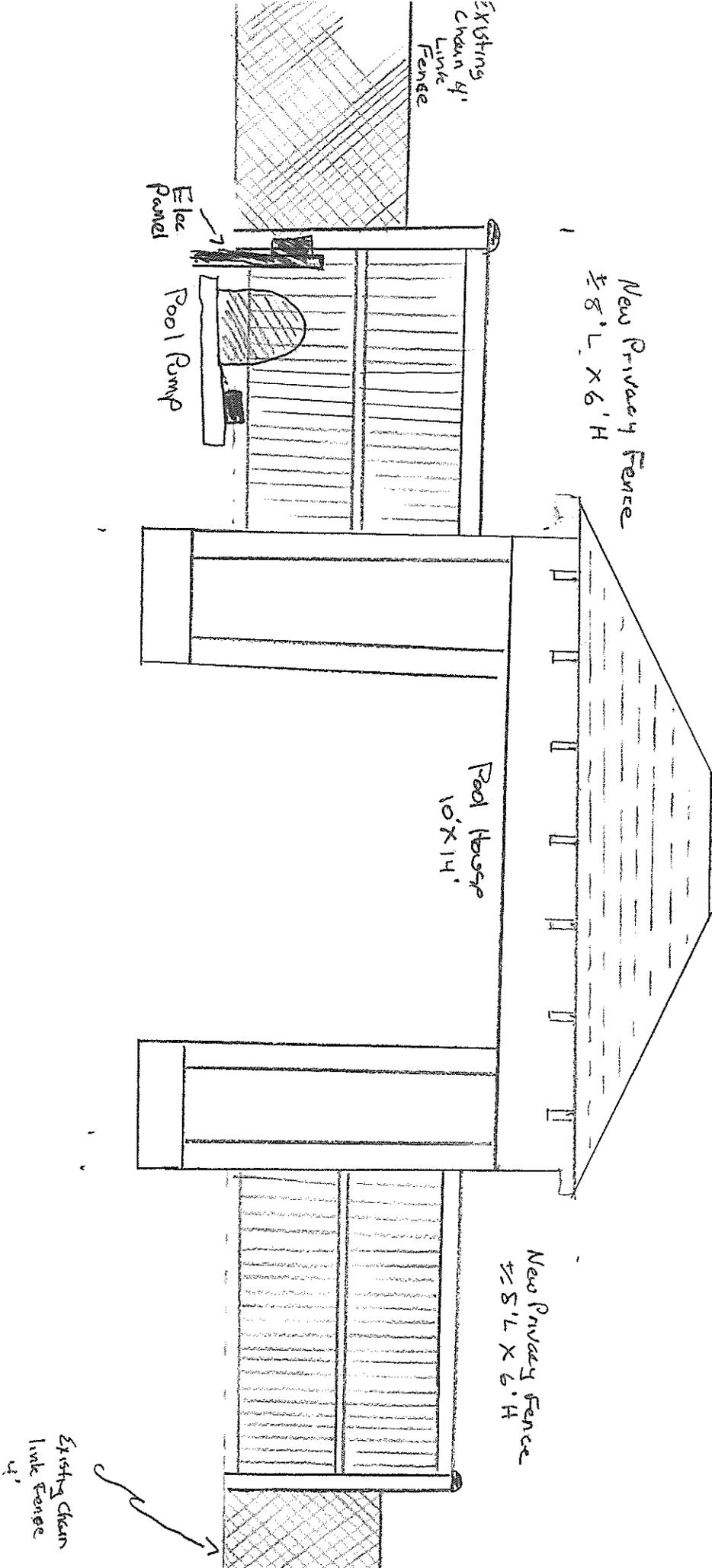
not to scale



Appeal to The Zoning Board
Area Variance
#2877

3/10/16
New Fence Plans
Duges
65 York Ave
Saratoga Springs, NY
Side View (Not to scale)

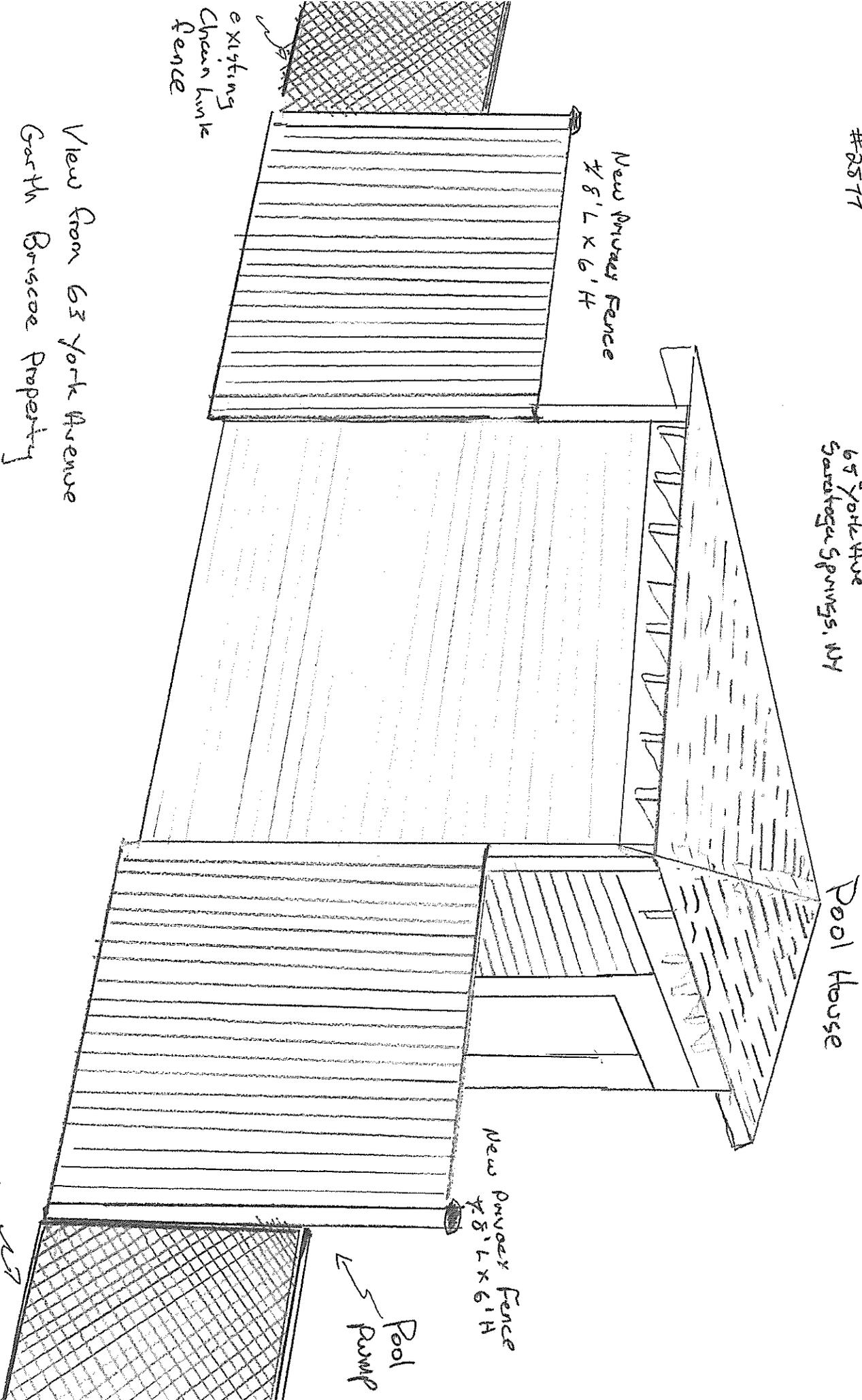
N →



Appeal to the Zoning Board
Area Variance
#2577

3/10/16
New Fence Plans
Dugas
63 York Ave
Saratoga Springs, NY

← N



View from 63 York Avenue
Garth Bruscoe Property

March 10, 2016

City of Saratoga Springs
Zoning Board of Appeals
Saratoga Springs City Hall
474 Broadway, Saratoga Springs, NY 12866

RE: Area Variance Appeal #2877
Dugas Residence, 65 York Avenue, Saratoga Springs, NY

Dear Ms. Barden:

Please admit the following document and renderings of what was requested at the 3/7/2016 ZBA meeting. It was requested by the Board that a privacy fence replace the temporary chain link fence between the permanent 4' fencing and the pool house. The renderings show a top and front view of the new privacy fence.

A call was made to Garth Briscoe (owner, 63 York Ave) asking for his permission to place sections of privacy fence on both sides of the pool house. Mr. Briscoe replied with a text message stating "Hi Mark. Got your message... The privacy fence on each side of the pool house is fine with me. I'm sure you'll make it look good."

Thank you for your help on this. Please let me know if the Board requires anything further before the next ZBA meeting on 3/21.

Kind regards,

Mark Dugas

Mark Dugas
65 York Ave
Saratoga Springs, NY

Attachments

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 not what was proposed to you by the applicant at the zoning board meetings.

Susan Rodems ■ 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
■ White Street

From: "[REDACTED]" <[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

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.

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**

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.

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-conforming 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]
[REDACTED]
[REDACTED]@yahoo.com
[REDACTED]!

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.

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

	<u>Dim. Req./Orig. / New</u>	<u>Relief Approved</u>	<u>2/1/16 Rev.</u>	<u>Rev. Relief</u>
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.)

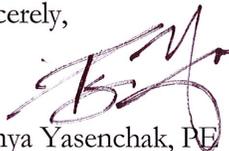
Permeability: Barn with Addition: 1,095 sq.ft.
Existing Paving at Alley: 232 sq.ft. (+/-)
Existing East Side Paving: 155 sq.ft. (+/-).
Total Coverage: 1,482 sq.ft.
1,482 sq.ft. (59.3 % coverage = 40.7 % permeable > 25% min)

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.
 - o Changing the grade in the back yard would result in a slope in grade towards neighbors with potential for drainage issues.
 - o 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.
 - o 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:
 - o 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.
 - o 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,

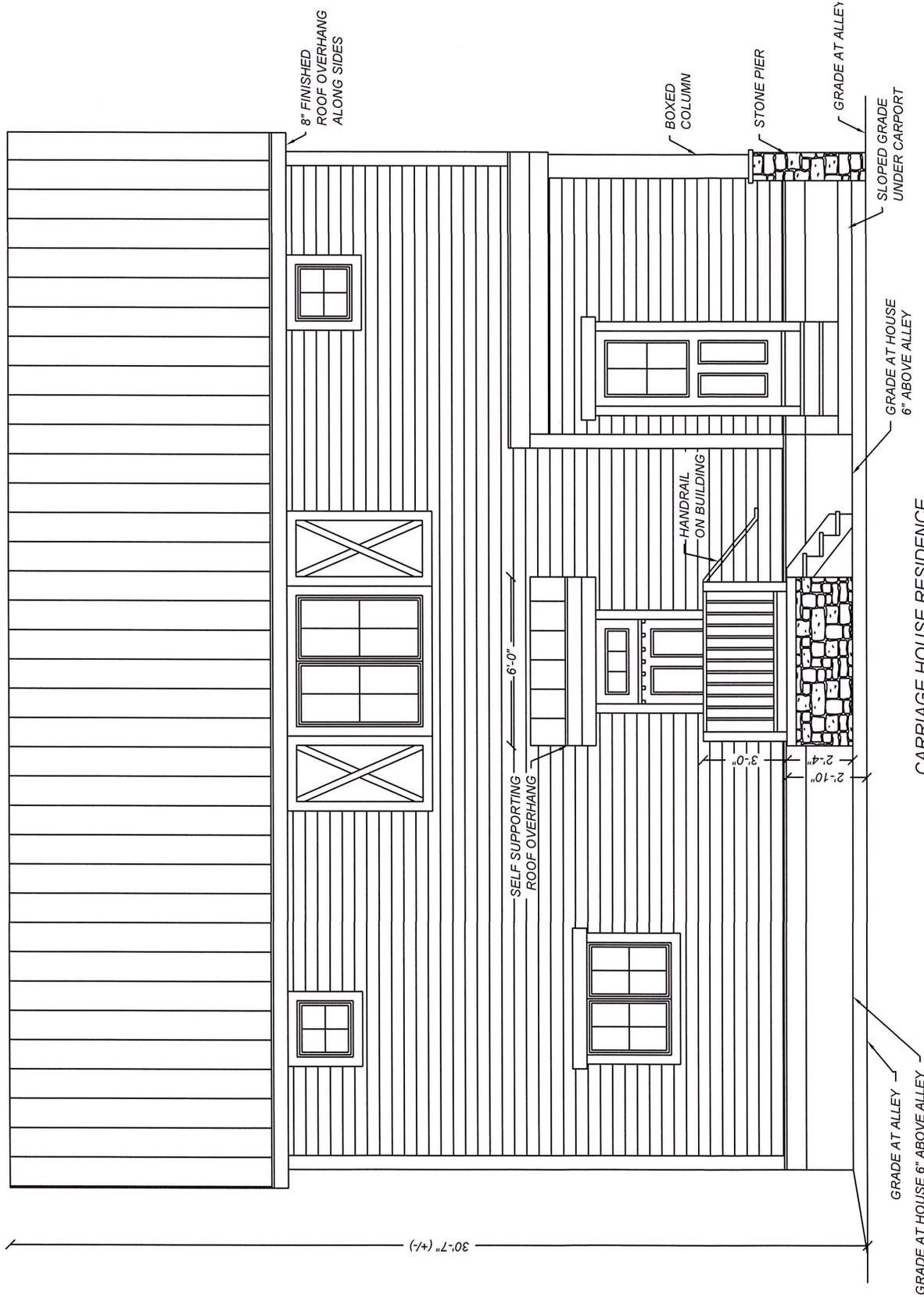


Tonya Yasenchak, PE

Enc.

Cc: D'Agostino

-

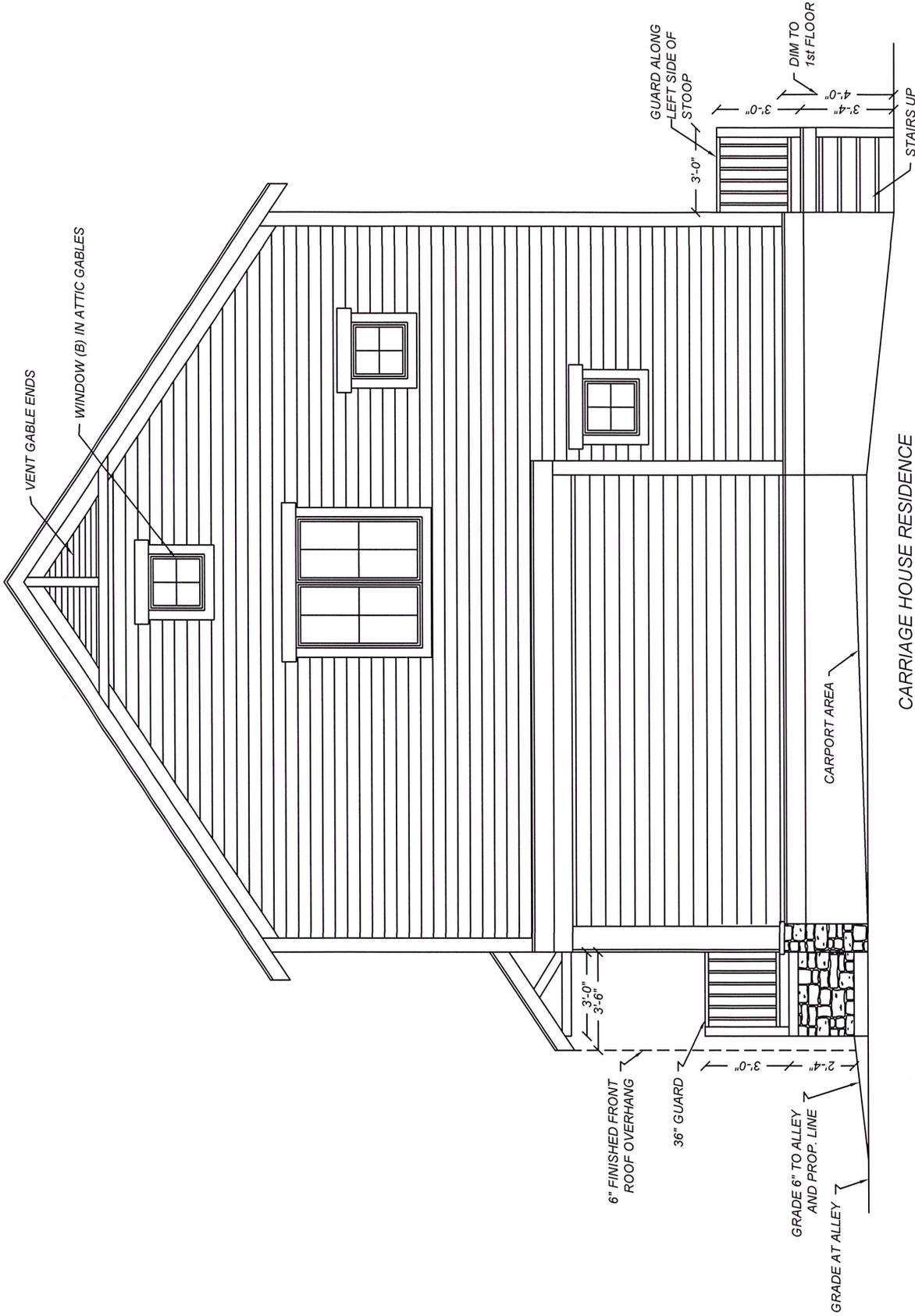


CARRIAGE HOUSE RESIDENCE
 #39 MURPHY LANE
 SARATOGA SPRINGS, NY

**PROPOSED
 FRONT ELEVATION**

REV. 2/11/16 SCALE: 3/16" = 1' 0"

DESIGN BY:
 ENGINEERING AMERICA CO
 SARATOGA SPRINGS, NY

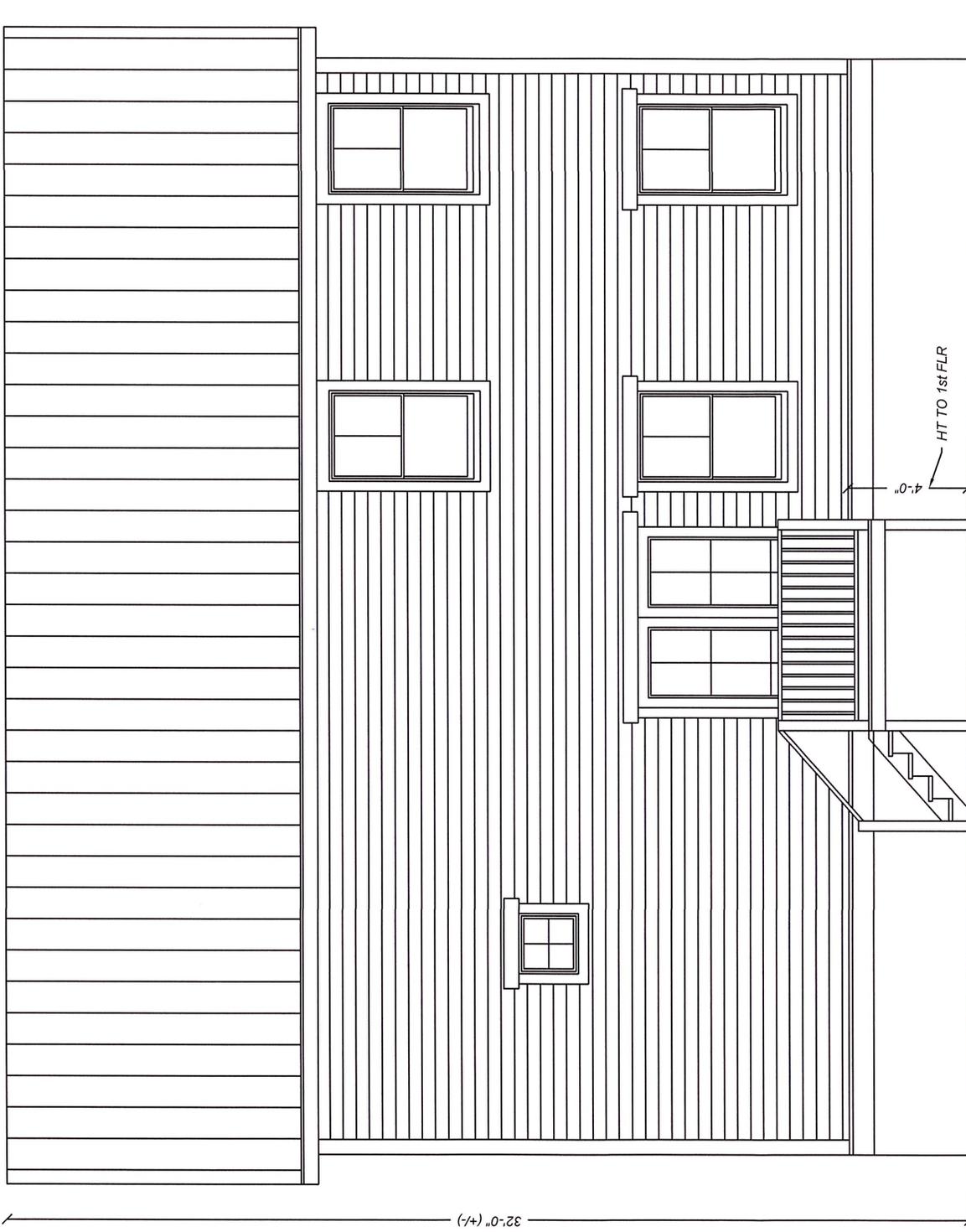


CARRIAGE HOUSE RESIDENCE
 #39 MURPHY LANE
 SARATOGA SPRINGS, NY

**PROPOSED
 RIGHT ELEVATION**

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

DESIGN BY:
 ENGINEERING AMERICA CO
 SARATOGA SPRINGS, NY

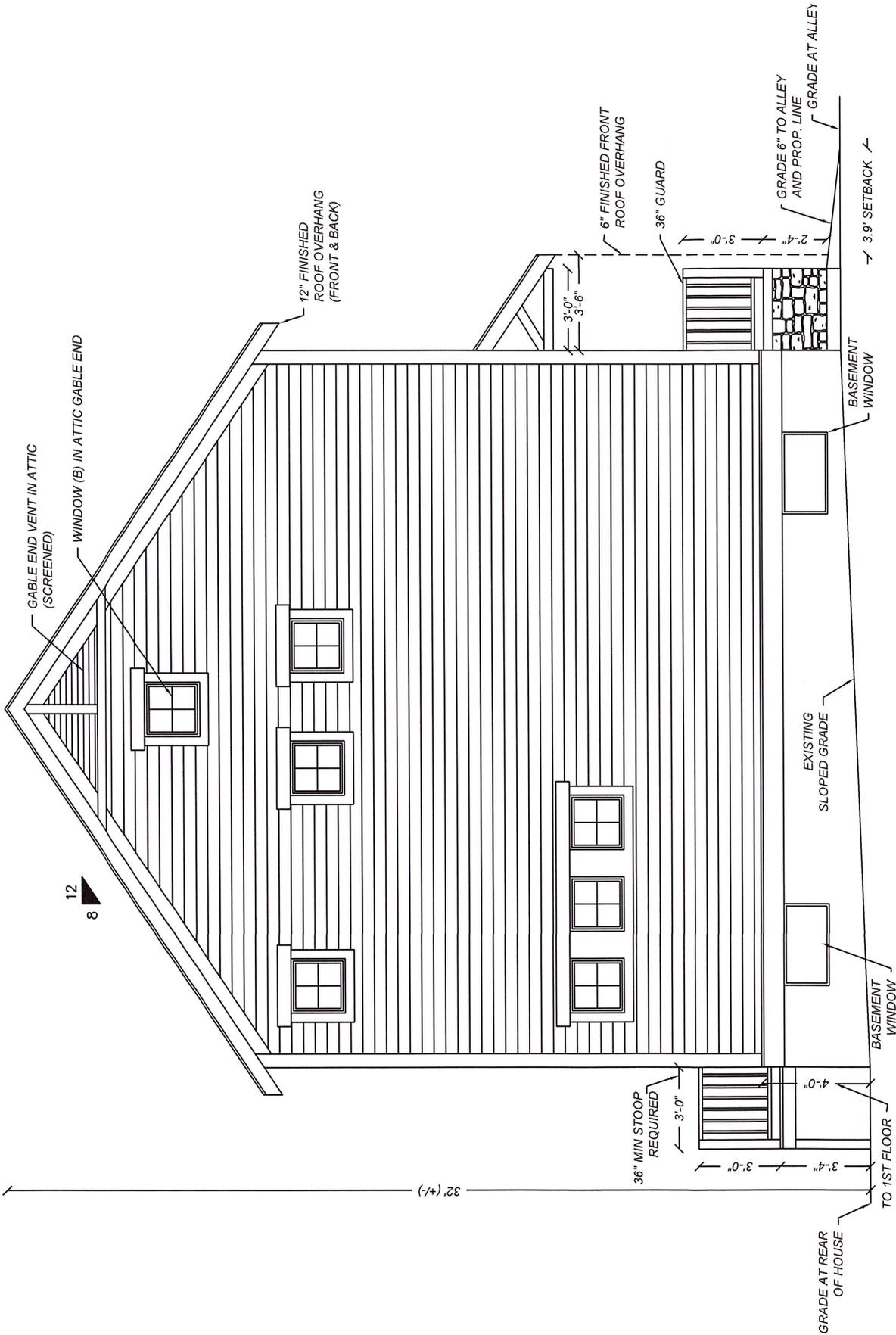


CARRIAGE HOUSE RESIDENCE
 #39 MURPHY LANE
 SARATOGA SPRINGS, NY

**PROPOSED
 REAR ELEVATION**

REV. 2/17/16 SCALE: 3/16" = 1'-0"

DESIGN BY:
 ENGINEERING AMERICA CO
 SARATOGA SPRINGS, NY

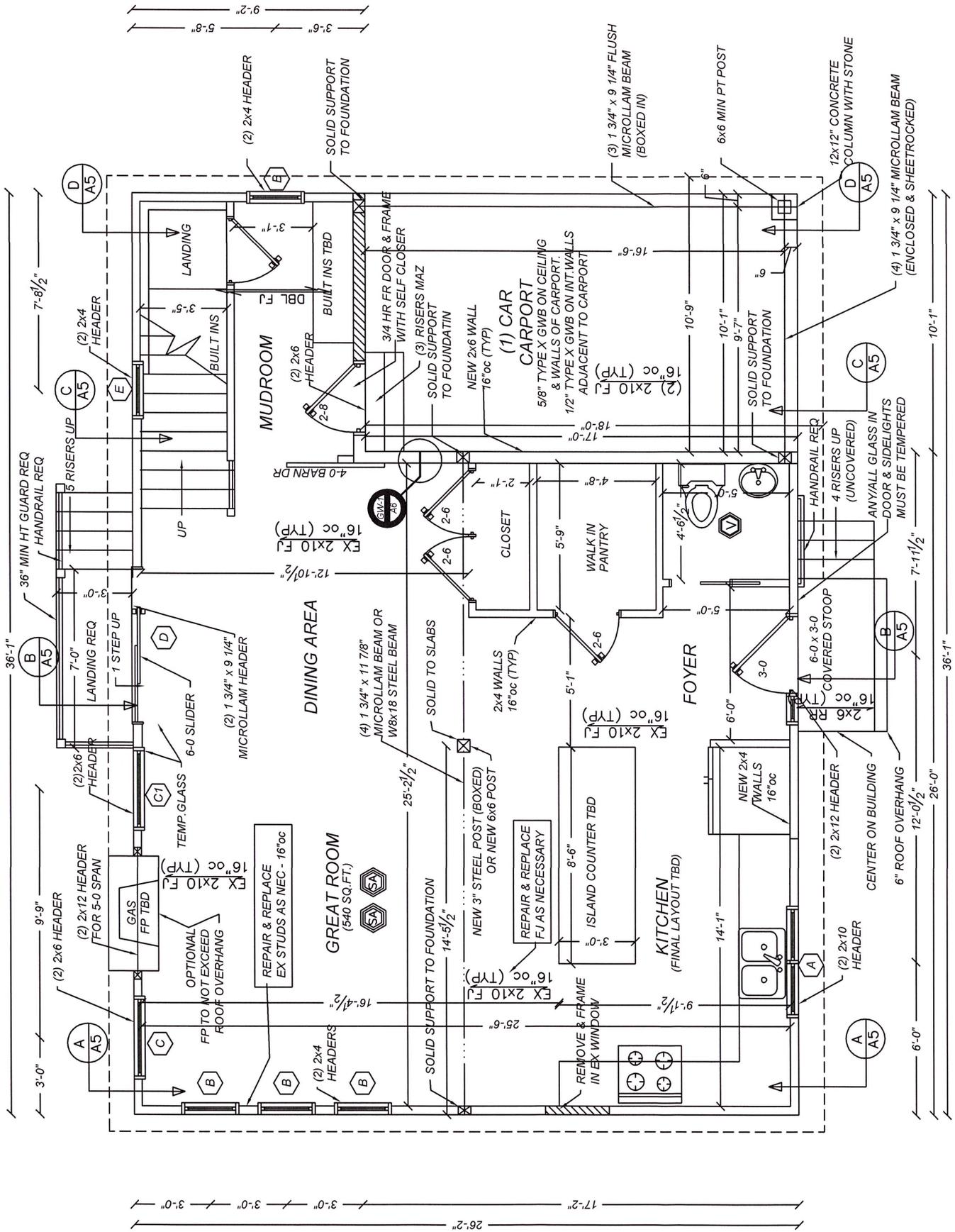


CARRIAGE HOUSE RESIDENCE
 #39 MURPHY LANE
 SARATOGA SPRINGS, NY

**PROPOSED
 LEFT ELEVATION**

REV. 2/11/16 SCALE: 3/16" = 1'0"

DESIGN BY:
 ENGINEERING AMERICA CO
 SARATOGA SPRINGS, NY



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 MAIN FLOOR AREA

OVERHEAD UTILITY LINES

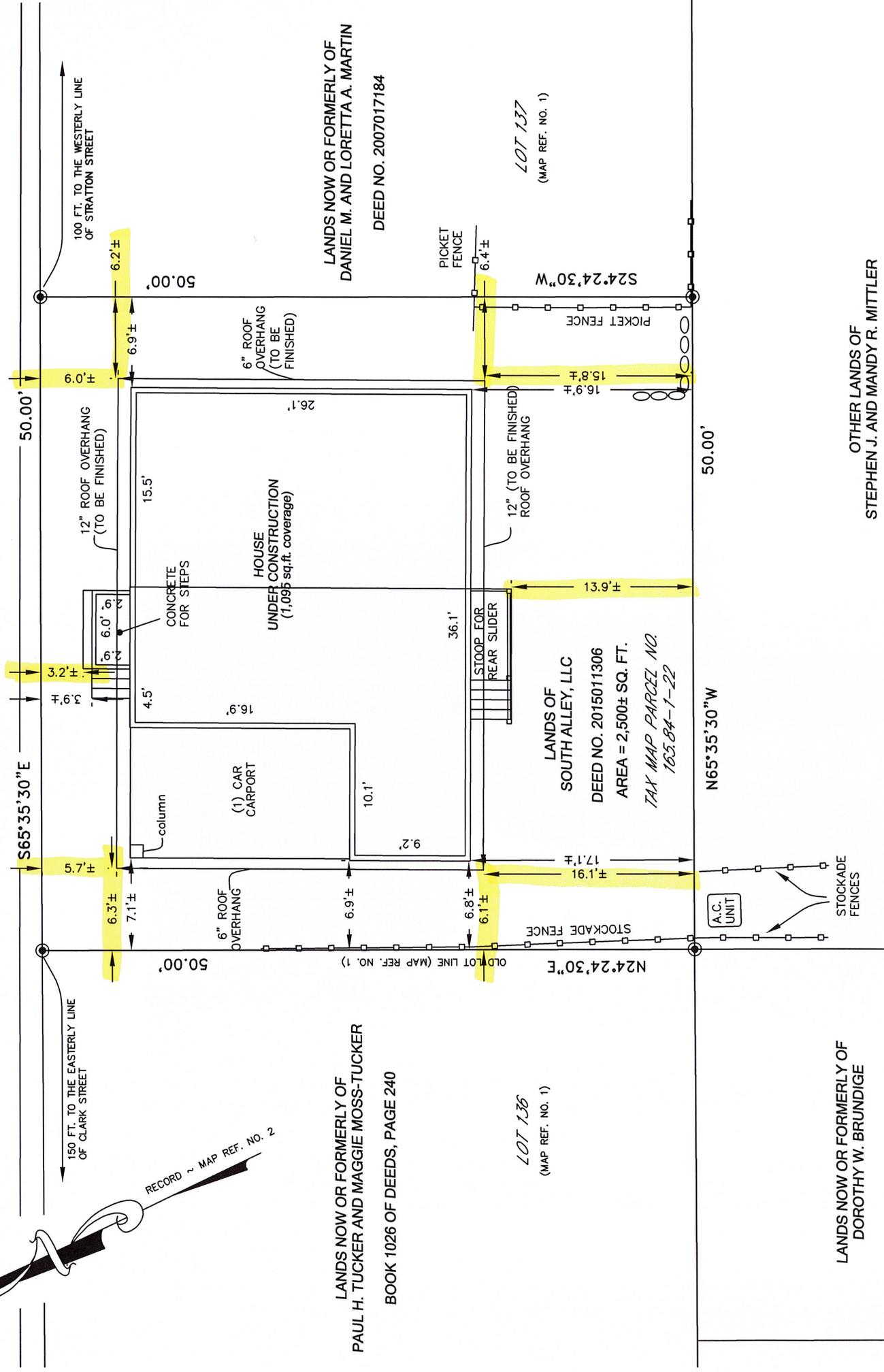


SOUTH

RIGHT OF WAY = 16 FT.
WIDTH OF PAVEMENT = 11± FT.

ALLEY

(ALSO KNOWN AS MURPHY LANE)



150 FT. TO THE EASTERLY LINE OF CLARK STREET

100 FT. TO THE WESTERLY LINE OF STRATTON STREET

RECORD ~ MAP REF. NO. 2

LANDS NOW OR FORMERLY OF
PAUL H. TUCKER AND MAGGIE MOSS-TUCKER
BOOK 1026 OF DEEDS, PAGE 240

LOT 136
(MAP REF. NO. 1)

LOT 137
(MAP REF. NO. 1)

LANDS NOW OR FORMERLY OF
DANIEL M. AND LORETTA A. MARTIN
DEED NO. 2007017184

LANDS OF
SOUTH ALLEY, LLC
DEED NO. 2015011306
AREA = 2,500± SQ. FT.
TAX MAP PARCEL NO.
165.84-1-22

LANDS NOW OR FORMERLY OF
DOROTHY W. BRUNDIGE

OTHER LANDS OF
STEPHEN J. AND MANDY R. MITTLER

OVERHEAD UTILITY LINES

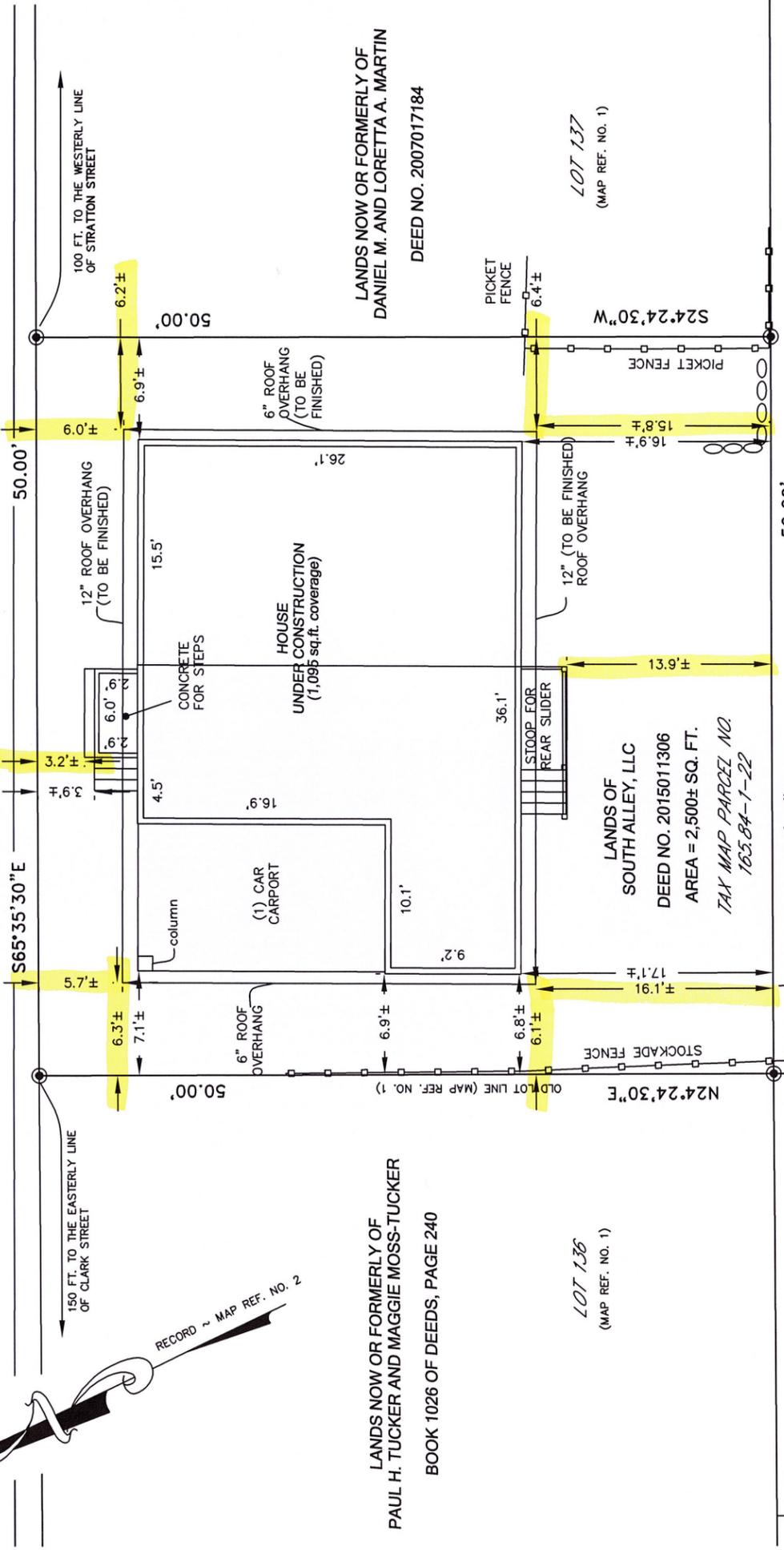


SOUTH

ALLEY

RIGHT OF WAY = 16 FT.
WIDTH OF PAVEMENT = 11± FT.

(ALSO KNOWN AS MURPHY LANE)



150 FT. TO THE EASTERLY LINE OF CLARK STREET

100 FT. TO THE WESTERLY LINE OF STRATTON STREET

RECORD ~ MAP REF. NO. 2

LANDS NOW OR FORMERLY OF
PAUL H. TUCKER AND MAGGIE MOSS-TUCKER
BOOK 1026 OF DEEDS, PAGE 240

LOT 136
(MAP REF. NO. 1)

LANDS NOW OR FORMERLY OF
DANIEL M. AND LORETTA A. MARTIN
DEED NO. 2007017184

LOT 137
(MAP REF. NO. 1)

LANDS NOW OR FORMERLY OF
DOROTHY W. BRUNDIGE
BOOK 1315 OF DEEDS, PAGE 239

LOT 135
(MAP REF. NO. 1)

OTHER LANDS OF
STEPHEN J. AND MANDY R. MITTLER
BOOK 1718 OF DEEDS, PAGE 525

LOT 138
(MAP REF. NO. 1)

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.

SURVEY ASSOCIATES, LLC
 DANIEL C. WHEELER, LS
 PROFESSIONAL LAND SURVEYING

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

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

Dear Building Dept & ZBA

I'm writing to you in reference of the Zoning Board meeting which took place on Monday Feb 22, 2016 in which the neighbors surrounding my project voiced their opposition to my project as well as personally attacked my character. I respectfully request that you please consider this letter as my rebuttal to those such malicious comments. As anyone at the meeting may recall, I was caught completely off guard by the hateful language projected in the direction of my personal character and I did not have an opportunity to defend myself or my project.

First, let me introduce myself and this project. My husband and I are both 3rd generation Saratogians, and we each grew up on the west side of town and have never left town. We have a 9 year old daughter who goes to Lake Avenue Elementary School. I am an associate broker with RealtyUSA and have worked with that company for 18 years. My husband is self-employed in construction. We both are very proud of our community and respectful of Saratoga's rich history.

I first became involved in the project at 39 Murphy Lane (referred to throughout as the "barn" or the "property") when I received a call from a friend, and parent of my daughters best friend, the prior owner of the barn who was in the midst of a messy divorce. As a result of the divorce, my friend offered to sell me the barn seeing it as a possible business opportunity for my husband and I. My friend's husband, Mr. Mittler at the time, also reached out to me to offer me the barn. He informed me that he had offered the barn to several neighbors but that no one wanted it. At the time, I was not searching out or actively pursuing a restoration project although after rehabbing our own home, my husband and I believed we had the knowledge and resources to restore the barn to serve as a beautiful single-family home. However had I known then what I know now about the neighbors and the hateful and bitter backlash I would experience by taking on this project, I would have never even considered it.

When I first saw the barn, it was filled with neighbor's belongings. I should have seen this as a warning, but instead what I saw was tall exposed beams and ship lap walls. I instantly had a vision to transform this barn into a home, maybe even for my own family. The neighborhood reminded me of the neighborhood that I grew up in where I would go out and play every day with the neighborhood kids. I was sold on the project and so excited to take on this project.

I put in a purchased contract on the property and hired Tonya from Engineering America to guide me through the process. She met me at the property and advised me of ways in which we could turn the barn into a home. Before I had title to the property, Tonya wanted to remove some shiplap so she could inspect the construction. I informed her that I did not own it and cannot do that. She then informed me that we would have to go to the zoning board for approvals. After going through the process, Tonya recommended I get a three-foot easement for parking. To get that permission, I spoke to neighbor on the right of the property, Paul Tucker and his wife and they refused. I then asked the neighbor with property abutting the front of the lot who also refused, despite having a big open lot but offered to let me buy his lot. When I told him my intentions to restore and possibly live in the barn he then laughed at me and said good luck. After this, I spoke to my attorney and we made the contract contingent on the approvals. After going through the process the zoning board approved seven variances and shortly after I closed on the property and owned the barn and property.

Before even starting construction, I received threats and experienced immature behavior from the neighbors. The first, of many incidents involved the neighbor to the right, Mr. Martin who was use to parking his car and stacking his wood on the property. One day he received a load of wood and had it dumped on the property as he did in the past. Not wanting to ruffle feathers right away, we did not say anything and figured that Mr. Martin would stack it on his property. After five days my husband asked Mrs. Martin (Mr. Martin's wife) to please have her husband remove the wood. A few days later, I visited the property with one of many contractor's and Mr. Martin came over on my property and before I could even greet him, he shouted at me to "tell your weasel husband that I'm going to kick his butt if he says anything to my wife again." He then went on screaming at me so loud that I told him to please get off my property. The situation escalated fast and a neighbor came over to make sure I was ok. That evening, I received a call that night from, Mr. Mittler and he told me that Mr. Martin, threaten to kill him for taking my side and selling me the barn.

After this incident, I started to work on the barn by first contacting plumbers. At the same time, Tonya did floor plans, water and sewer plans and applied for a building permit. After several weeks of struggles to get Street opening permits and building permits, my plumber was able to start his part of the project. After months not being able to work, my plumber expressed to me stating that he could not deal with the neighbors. I then had to find someone to excavate the property and lift the barn so I did my homework and found a guy out of Albany (JC MacCashion) who did work on Congress Park. I hired him to lift the barn and excavate, and do the water and sewer lines. I then ran into more struggles getting SOP permits setting me back more time, attorney's fees and architecture fees.

Finally after owning the barn for over five months the work started and the neighbors started harassing everyone that had come to the property. The barn was lifted to do the work on the foundation. I was at the property with Mr. Mittler on the day the barn was lifted, Mr. Martin came out once again and made threatening comments directed toward me and Mr. Mittler and so we called the police. After this, I was determined to keep an open relationship with the neighbors so that the barn could turn to a home without daily conflict. My contractor, JC McCashion talked to the neighbors and informed them all about the building plans and the neighbors expressed to him that they were O.K. with the work. When the excavation was going on he talked to Mr. Dunn at who lives at 74 White street Mr. Dunn asked the foreman since they had the equipment there, would they be willing to take out some Concrete piers and get rid of them and give me some clean fill and in exchange he can store the dirt on the property. As far as I knew, Mr. Dunn was against my project and so I was skeptical with this agreement. On the day foundation was poured, some dirt was piled on Mr. Dunns property pursuant to the oral agreement between him and my contractor. I then received a call from Mr. Dunn demanding that I grade and seed all his lawn. Since I was not involved in the agreement between him and my contractor, I asked that he call Mr. McCashion. He swore at me and hung up the phone and later wrote a false and spiteful email to Steve Shaw. Shortly thereafter, I received a call from Mr. Shaw notifying me that I must put a portable toilet on the property. I asked a neighbor John Behan if I could put it on his property and he said yes.

Soon after, we were approaching winter and Mr. McCashion had numerous workers there at the property to maximize our time with good weather. I visited the property every day and took pictures. Every worker there told me that the neighbors were harassing them and asking questions. For instance one question was whether I was planning on putting in a apartment in the basement? I'm not sure where people got these ideas but they were totally fabricated. I told all the workers not to engage with any of the neighbors. I said just nod your head and walk away.

Despite being vehemently against the project, the neighbors still managed to ask for favors. Neighbors have asked for rocks for a wall, clean fill for a yard and barn wood for crafts and furniture, and tap into my water line. I have tried my hardest to accommodate the neighbors but I can't help but to feel like I am wrongfully forced to defend my every action with regard to the barn.

The neighborhood did not take time to look at the total picture. I have every piece of wood that could be salvaged and I plan to include it all back in the barn to maintain its historic beauty. After months of being dragged through the mud with this project, I just want to finish what I started sell the property to a new family and get out of the neighborhood for good. My husband and I have been slandered, bullied and threatened. Being a realtor, my reputation in the community is extremely important. While I will not recount the specific details of the Zoning Board Meeting from February 22nd, I urge you to review the minutes so that you can see how the neighbors personally and unjustifiably verbally attacked, slandered and bullied me. While I am in the process contemplating taking personal legal action against certain neighbors in attendance of the meeting for slander, I respectfully request that any further zoning board meetings stay on the topic of the project and within the confines of zoning board matters.

I beg you to please see this situation for what it is, a neighborhood irresponsibly and arbitrarily uprising against a fellow property owner for making improvements to a single structure so that it may become a habitable home. Please allow me to complete this project in peace so that I may recover the hundreds of thousands of dollars I have already invested and take my family out of the pending financial ruin we face if we cannot complete it. I am available to meet to discuss any further details of this matter and to give you the other side to horrible story depicted on February 22nd.

Sincerely,

Jean D'Agostino

February 24, 2016

To Whom It May Concern,

My name is Mandy Mittler and I sold Jeannie D'Agostino the barn on Murphy Lane. Prior to selling the barn to her, neighbors were given the opportunity to purchase the barn from myself and my now ex-husband. I was in attendance at several planning meetings expressing my excitement for Mrs. D'Agostino's project, as Mrs. D'Agostino stated that she could restore it. Although I moved off the street in May of 2015 when my husband and I divorced I am excited to see the finished restored carriage house.

Sincerely,

Mandy Mittler

From: "Paul Tucker" [REDACTED] >
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Monday, February 22, 2016 4:09:14 PM
Subject: Fw: Feb 22 ZBA Meeting - 39 MURPHY LANE BARN "RENOVATION"

To whom it may concern:

Maggie Moss-Tucker and I, owners of [REDACTED] Clark Street, Saratoga Springs for 35 years, abutters to 39 Murphy Lane, and former owners of the carriage house that stood on that lot are appalled at what has occurred to that historic structure. Against great opposition, you granted the developer 7 variances to renovate the building on the basis of the developer's appeals but what did your actions yield? The worst possible result. The complete destruction of the structure.

To add insult to injury, the developer has completely subverted your directives and begun to rebuild the structure without informing you, the abutters, or the neighbors. It was a brazen move that must be stopped.

The structure that has arisen, without your approval or any input from the neighbors, has little to do with the original, historic building that stood on the site or with the agreement that you had made with the developer. This is unacceptable and seriously detrimental the neighborhood.

These nefarious actions are typical of the developer. She has never been forthright about her intentions. She directly lied to us as to who was buying the building; she lied about her intentions for the building; and she lied in front of you about her plans to "renovate" the structure. Nothing could be more contrary to your raison d'être. You are the appropriate arbitrators of such situations. But the developer failed you just as she failed our neighborhood.

We therefore hope that you will continue to impose a cease-and-desist order on her, and insist that she submit appropriate plans for the building that require her to rebuild it as it had been which includes but is not limited to: lowering the foundation and the second story to their original heights, revising the proposed window treatment which impinges on the privacy rights of the abutters and undermines the integrity of the building, and reducing the "front porch."

The deception that informed every aspect of this so-called renovation is an insult to your committee, the review process for such developments, and the architectural significance of Saratoga Springs which takes rightful pride in its

architectural heritage.

Yours sincerely,

Paul Tucker and Maggie Moss-Tucker
Clark Street

ZBA Agenda – Feb 22:

Link to City of Saratoga Springs, Feb 22 ZBA Agenda (with links to the supporting documentation contained in the Agenda).

<http://www.saratoga-springs.org/AgendaCenter/ViewFile/Agenda/02222016-1273>



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 MURPHYLNBARRENO_39MURPHYLN.PDF, 2807.1 MURPHYLNBARRENO_NEIGHBORCORREDACTED.PDF

Please find below a version of the original variance application with highlighted comments provided therein:

"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. City of Saratoga Springs - Zoning Board of Appeals – March 23, 2015 - Page 17 of 20

From ZBA decision (emphasis added): "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."

Noncompliance with decision: Applicant did not renovate existing barn rather removed existing barn including slab floor, studs, siding, second floor, studs, siding and roof and **replaced entire historic barn with brand new building that now is four feet taller than the original barn, a slab foundation replaced with a full basement and total building volume is about 133% of the original building volume. No renovation and**

conversion was ever conducted.

Proposed relief requested MINIMUM LOT SIZE 6600 SF 2500 SF 4100 SF, OR **62.1%**

Another way to think about the tremendous magnitude of the variance requested: lot area provided 2500 sq. ft. requested lot size is **a lot two and one-half sizes too small for the district or 264%**

From ZBA decision (emphasis added): "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: 1. 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 overhangs). This can be done **if the barn is removed, which may be an undesirable effect as noted by the applicant on page 66 of the application "Tearing down the barn and starting new would cause a detriment to the neighborhood and community character."The applicant does not seek to do this** in the proposal as submitted.

Noncompliance with decision: **When applicant removed every square foot of existing foundation and the old barn is now gone, the applicant removed the basic reason for granting the variance—that it was an existing building that could not and should not be changed. The purpose of the project was not to restore an historic barn—it was to build a new single-family house on an accessory parcel that was never intended to be a separate lot on a real street, never approved as a separate lot as an approved subdivision, on a parcel that was 2 and one-half times too small. The board would have been looking at an entirely different application knowing and the applicant could have provided a totally different project with less nonconformities.**

2. Setback encroachments (front, rear, side). Given the rear-to-front dimensions of the property of 50 feet if fronting Murphy Lane, and the district requirements of 10 feet in front and 25 in back, conformity to both is quite difficult and would result in a very small structure. Total side setback of 12 feet could also be theoretically achieved with a smaller structure. **A smaller structure obviously requires a removal of the existing barn**, discussed above. It also would result in diminished utility as a single-family residence.

3. Lot width and parking: Per the applicant, land is not available to purchase on either side and that a parking easement on the western side of the property has been specifically ruled out after consultation with neighbors.

4. Lot size: The subject parcel is greatly undersized as a principal building lot; allowing it to be considered for a principal building on it cannot be done without a **variance since it is held in common with the adjacent parcel**. Land on the south boundary line is currently owned in common City of Saratoga Springs - Zoning Board of Appeals – March 23, 2015 - Page 18 of 20 on a separate parcel; however, a potential transfer of land appears to the Board to be not feasible due to the placement of a pool on that parcel. Per the applicant, "There is no adjacent land available for purchase."

Subdivision regulations violated. Separation of this parcel from the adjoining parcel as a separate lot is a subdivision. No subdivision approval has been granted to this lot. In fact, the parcel as an accessory use has always provided economic value as a storage barn and providing additional area for yard space and off-street parking in an already-cramped neighborhood.

Fact: The parcel was sold (legally?) to another adjacent owner in 2015 for \$85,000 for use as an accessory use. The current applicant has not tried to minimize impact to the neighborhood, rather, the simply maximize profit and, through the ZBA, impose significant adverse impact to the neighborhood.

2. The applicant has demonstrated that granting this variance will not create an undesirable change in neighborhood character or detriment to nearby properties. The applicant notes **that the barn has been in existence since 1900** and that the position of the building relative to the neighbors would result in **it being less noticeable as a residence** than otherwise, and that the barn and surrounding yard are visible now.

Noncompliance with basic foundation of the application and decision: **The barn does not exist anymore!**

Key impact ignored in the decision: **view FROM the barn and putting an occupied structure that looms over what should be private rear yard space of the neighborhood.**

The board also notes that the renovation work would improve the outward appearance of the structure, currently in disrepair. 3. The Board considered the substantiality of the proposed variances. The number of variances sought, and the substantiality of four

of these in particular, when taken with the other considerations noted in this motion, are found to be large in this case. There are seven variances that would need to be granted to enable this project to move forward, and the lot size, building coverage, parking, and front setback relief would all need to be at least 50%. The rear yard variance of 37% is found to be substantial as well. The applicant notes and the Board agree in this case, **that these are pre-existing conditions of the lot, and are therefore not avoidable.** (The "lot" was never a "lot" for residential use and **the applicant has now removed all pre-existing conditions**—the applicant **failed to make clear** that there would be **no existing conditions after they demolished every part of the old barn.**): The board lot width relief sought of 16.7% is not substantial in this case, nor is the total side variance of 5%. 4. These variances will not have significant adverse physical and environmental effect on the neighborhood / district. Permeability requirements of 25% would be met. 5. The alleged difficulty is self-created as the applicant wishes to designate this parcel as a principal building; however self creation by itself is not fatal to an application. Adam McNeill, Secretary seconded the motion. Bill Moore, Chairman asked if there was any further discussion. None heard."

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.



image001.png
92 KB

Sent from my Verizon Wireless 4G LTE DROID

----- Forwarded message -----

From: Stephen Mittler [REDACTED] >

Date: Feb 22, 2016 12:33 PM

Subject: Murphy Lane barn project

To: susan.barden@saratoga-springs.org

Cc:

Susan,

Thank you for discussing the Murphy Lane renovation project with me today. I believe you are well in tune to the neighbors concerns.

Of ultimate concern to me as the adjoining backyard neighbor is the final grade of the earth once the project is complete, or even in the future should a new owner decide to raise the grade and direct run off to my landscaped back yard. Simply put, I am concerned about flooding for me, the Martin's, and the Tucker's (the later who both have driveways adjoining the property). What would stop a future owner from regrading the property to ultimately run all drainage into my yard or onto Murphy lane?

The original barn sat approximately 6" below the grade of Murphy Lane. If I am correct from the filing, the front elevation now stands 36-48" above Murphy Lane (depending on how one chooses to measure -current or original elevation).

The original grade/elevation allowed for roof run off to remain on the property of 39 Murphy Lane. My back yard has always been very dry after a rain or melting snow event.

Finally, the elevation of the first floor now looks directly into my back yard with little ability for me to shield my yard above the 6' fence pictured in the attached. This view with the approved repair and pour over of original slab would have been at ground level. I respect the decision to put in a basement, but I was under the assumption that the basement dig out would allow for the original structure to be lowered back to the same elevation.

Many thanks for forward on my concern. Can you please simply reply that you have received this email so I am certain it arrived and will be sent to the ZBA? I would like this to be part of tonight's discussion to ensure my property and it's value are being considered.

Thanks!

| | Sent from my Verizon Wireless 4G LTE DROID

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.

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

	<u>Dim. Req./Orig. / New</u>	<u>Relief Approved</u>	<u>2/18/16 Rev.</u>	<u>Rev. Relief</u>
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 Lasenchak, 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
Chair
Keith B. Kaplan
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)

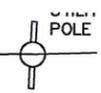
TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED (ORIGINAL APPROVAL)	
MINIMUM LOT SIZE	6600 SF	2500 SF <i>(same)</i>	4100 SF, OR 62.1%	<i>(same)</i>
MINIMUM AVERAGE LOT WIDTH	60 FT	50 FT <i>(same)</i>	10 FT, OR 16.7%	<i>(same)</i>
MINIMUM FRONT YARD SETBACK	10 FT	3.1 FT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

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:

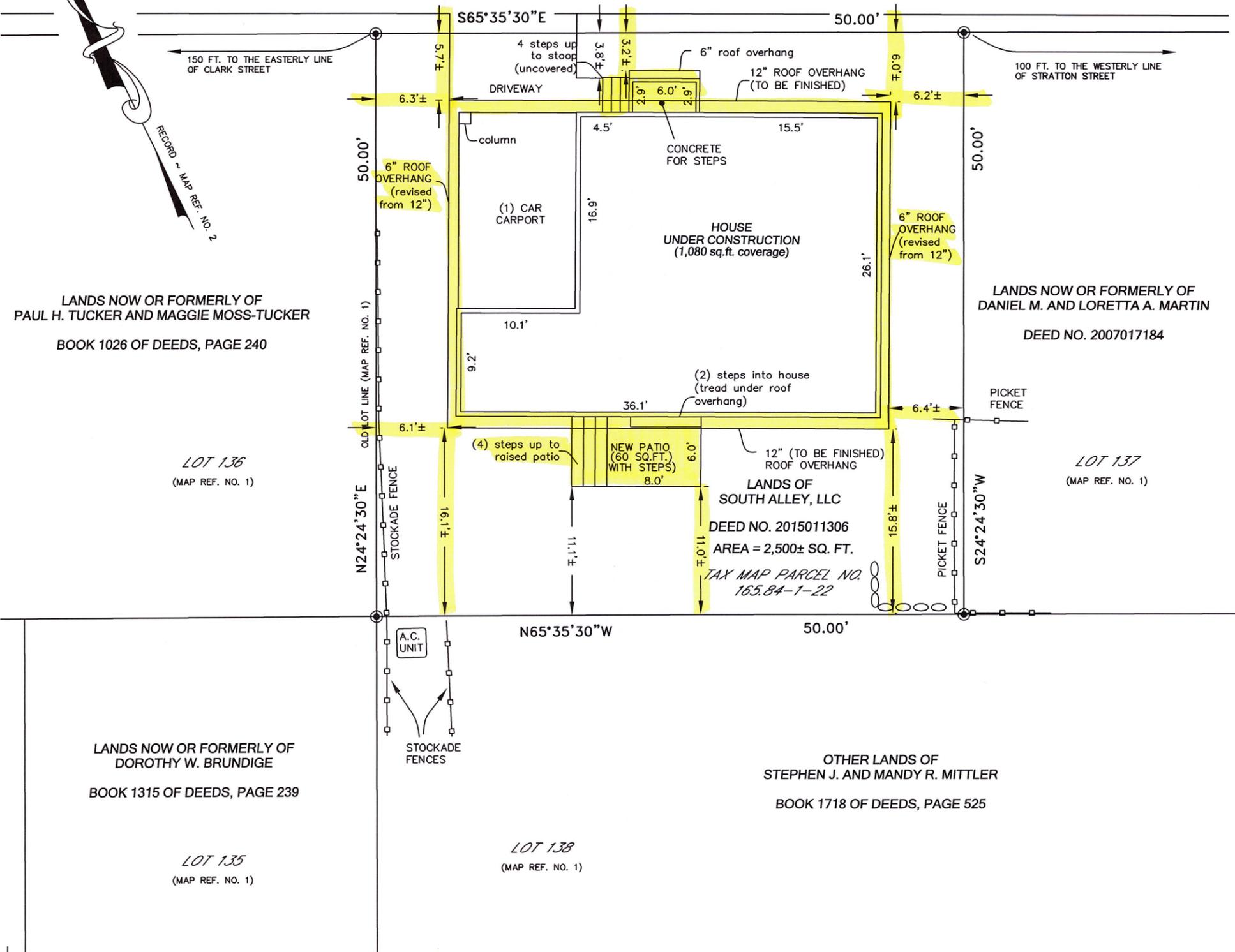
- a. Principal building coverage: the lot size, at 2500 square feet, is such that the footprint of a house conforming to the 30% coverage requirement would be small (750 square feet including



SOUTH ALLEY

(ALSO KNOWN AS MURPHY LANE)

RIGHT OF WAY = 16 FT.
WIDTH OF PAVEMENT = 11± FT.



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%

REV. 2/10/16-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.

SURVEY DANIEL C. WHEELER, LS
ASSOCIATES, LLC
 PROFESSIONAL LAND SURVEYING

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

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

SCALE:
 1 INCH = 10 FEET

DATE:
 JANUARY 26, 2016

MAP NO. 2016-01-02

Zimbra

susan.barden@saratoga-springs.org

39 Murphy Lane - ZBA requested info

From : Tonya Yasenchak <tonyay@nycap.rr.com>

Mon, Mar 14, 2016 06:03 PM

Subject : 39 Murphy Lane - ZBA requested info 2 attachments**To :** 'Susan Barden' <susan.barden@saratoga-springs.org>**Cc :** 'Jean D'Agostino' <jdagostino@realtyusa.com>

Respected ZBA members:

Attached you will find the following information as requested by the ZBA for #39 Murphy Lane:

- 1) Section Details of the existing and proposed structures.
 - a. Engineering America Co. has reviewed our original measurements and has drafted a section of the original barn structure.
The old structure had an approx. height of 27' (+/-).
EACo. has measured the existing siding pieces which remain as well as siding on the adjacent house at 22 Clark St. (which has matching siding).
The siding ranged from 4 ½" to 5". Noted along the left side of this sketch are various heights assumed if someone were to "count the siding".
One can see that if 4" were used, the assumed height difference could be substantial.
The section has been drafted using actual measurements taken prior to construction; a more accurate means than counting siding.
 - b. A new proposed section has been included which depicts the height of the 2nd floor wall at 6' and a 7/12 pitch on the roof.
The new and currently proposed height difference between the old barn & the new structure is approx. 15" (1' 3")
- 2) New Proposed Elevations: The elevations have been revised to reflect the proposed structure.
 - a) The front elevation depicts standard horizontal fiber cement board siding to match the old barn structure as best possible.
 - b) The optional elevations depict the use of vertical board & batten fiber cement siding along the top and horizontal fiber cement siding along the bottom.
This option is included to help the ZBA & public visualize that the use of another type of siding would help the aesthetic of the new structure to a more "cottage feel."
Also, the variation of the sidings help to reduce the overall perceived mass along the alley.
 - c) For ease of visualization, the carport area has been shaded. The carport "cut out" also reduces the mass of the front wall of the residence.
 - d) The siding is proposed to extend within 6-8" (or as allowed by NYS Code) of the front grade to minimize the foundation reveal.
- 3) Streetscape: A streetscape has been drafted, at the request of the ZBA, to aid in visualization of mass and scale of structures along Murphy Lane.
Please note that dimensions & depictions of neighboring structures are assumed from

measurements taken as best possible from Murphy Ln. without accessing neighbors' lots.

- a) The peak of the new residence appears to be approx.. 24" higher than the house to the West (22 Clark St.). However, the front roof eaves will almost align in height.
 - There is approx. 116' horizontal distance between the new roof structure & the tallest roof peak of the neighboring house.
 - The foundation of the home to the West is approx.. 22-26" above the grade level and the house is approx.. 72' in length along Murphy Ln.
 - The new residence is proposed to have a 6" foundation reveal along the front, is only 36' in length along Murphy Ln. and has a greater front setback than that of it's neighbor.
- b) The peak of the new residence appears to be approx.. 3'6" higher than the house to the East (17 Stratton). There is an approx.. 75' distance between the roofs of each building.
 - The house to the East has an approx.. 6" foundation reveal to grade.
- c) The peak of the new residence and new roof eaves will be very similar to that of the white barn to the across Murphy Ln. and to the West (24 Clark).
 - The peak of the new residence will be less "massive" than that of the 24 Clark barn in that the new residence peak is set back 13' (+/-) from the front.
 - The peak of the new residence appears to be lower than that of the house directly across Murphy Ln to the North (74 White St.)

Engineering America Co., on behalf of our Client, would like to respectfully request that the ZBA approve the requested modifications to the original approvals:

- 1) The Benefit cannot be achieved by any other feasible means: The 2nd floor exterior walls have been lowered to 6' and the roof pitch has been lowered. The existing structure is sited in the same location of the old barn. The home is situated on the lot so as to be furthest away from homes on adjacent lots. The residence in itself will be only 1700 sq.ft. which is smaller than most homes in the neighborhood. Changes in the proposed lot & residence have resulted in a reduction of requested variances from the original approval.
- 2) Granting the variances should not have an undesirable effect on the neighborhood: The variances requested are less than those previously approved. The project remains a one family residence which should only increase the level of safety along Murphy Ln., reducing the likelihood of trespassers in the Alley. The abandoned barn did have structural issues that if not fixed could have resulted in safety hazards. The size of the structure is consistent with other residences and buildings along the alley. The size of the residence in itself is only 1700 sq.ft. – much less than other homes in the neighborhood. The size of the lot itself limits the use of the exterior yard for large gatherings. . The new proposed rear stoop is sized to allow egress from the back of the house and is not large enough for entertaining. There is / will be a 6' fence along the back & sides of the property for further privacy
- 3) The Variances are not substantial – they are actually decreased from the original approved variances and the original barn.
- 4) There should be no environmental or physical effects on the neighborhood by granting the modified variances. Roof runoff remains the same or will be better than the original barn as the yard will be graded & landscaped to limit runoff so as not to exceed the original, undeveloped rate.

Please feel free to contact EACo. with any questions or concerns.
Thank you for your time & consideration.

ENGINEERING AMERICA CO.*“Quality Design with Integrity”*

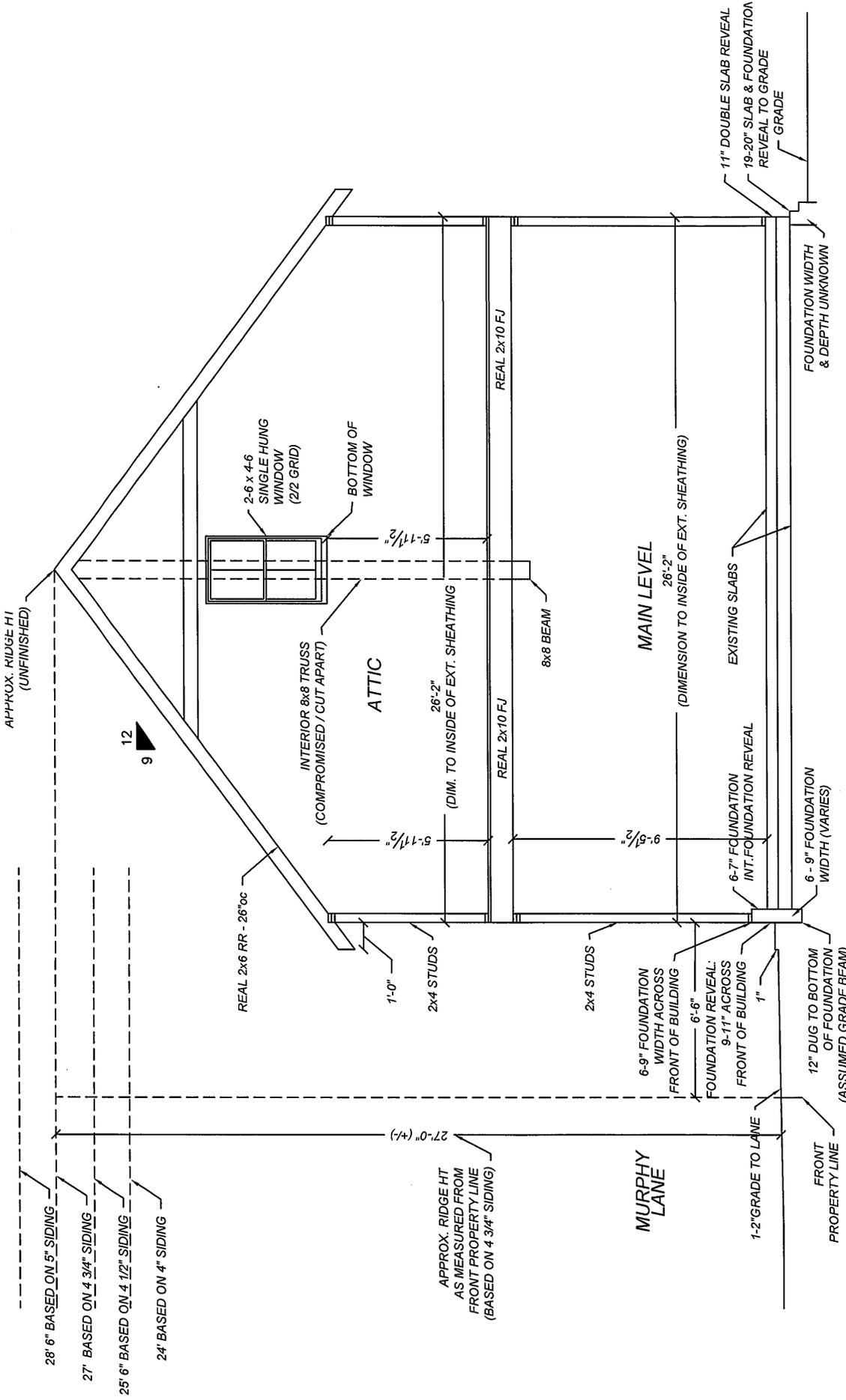
Tonya Yasenchak, PE

76 Washington St., Saratoga Springs, NY 12866

518 / 587 – 1340 tonyay@nycap.rr.com**39 Murphy 3-14-03142016164622.pdf**

443 KB

**39 murphy street-03142016165139.pdf**44 KB



REAR / SOUTH

FRONT / NORTH

CARRIAGE HOUSE RESIDENCE
 #29 MURPHY LANE
 SARATOGA SPRINGS, NY

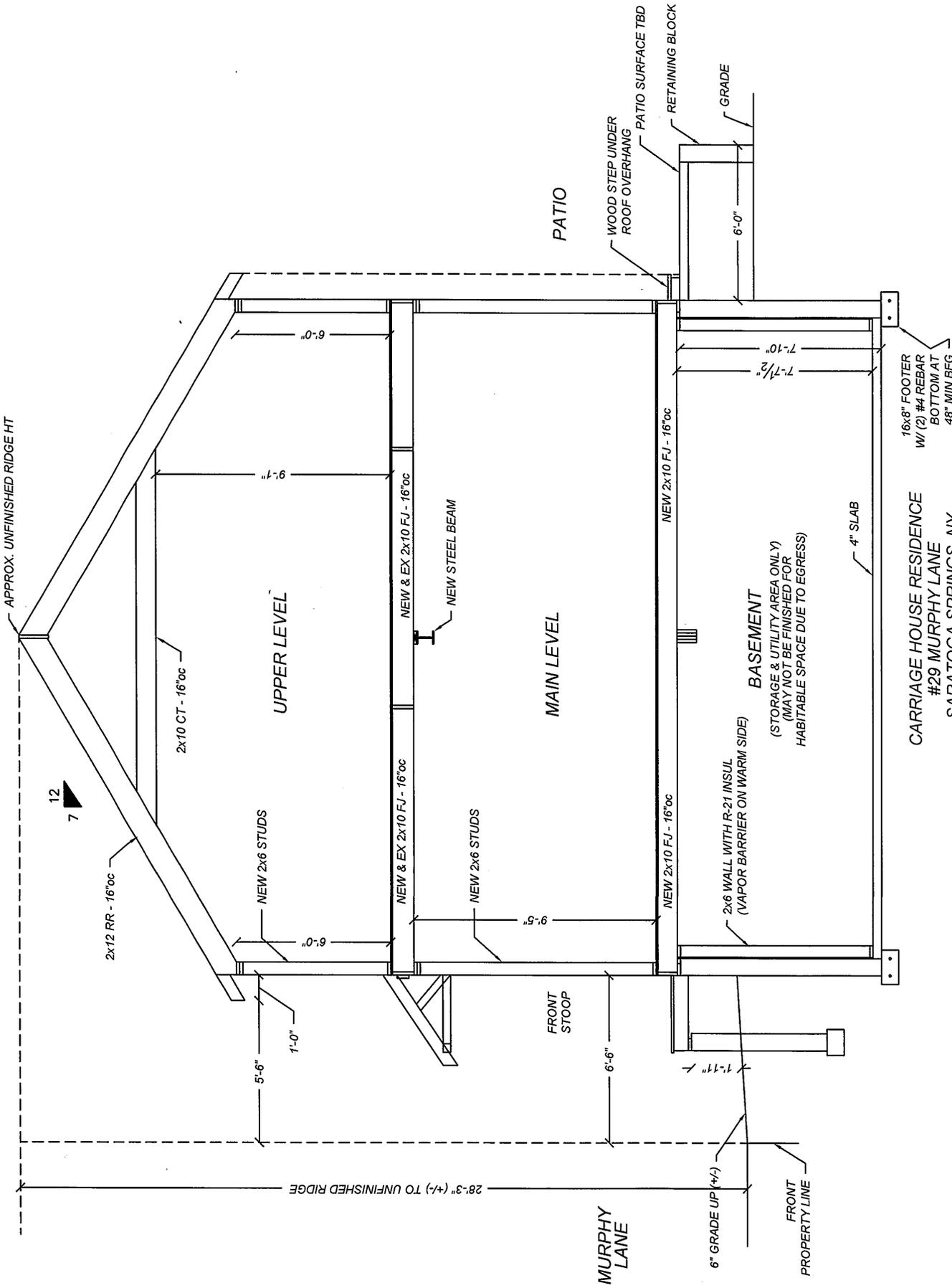
PRE-EXISTING SECTION

SCALE: 3/16" = 1'-0"

DOCUMENTED BY:
 ENGINEERING AMERICA CO
 SARATOGA SPRINGS, NY

3/14/16

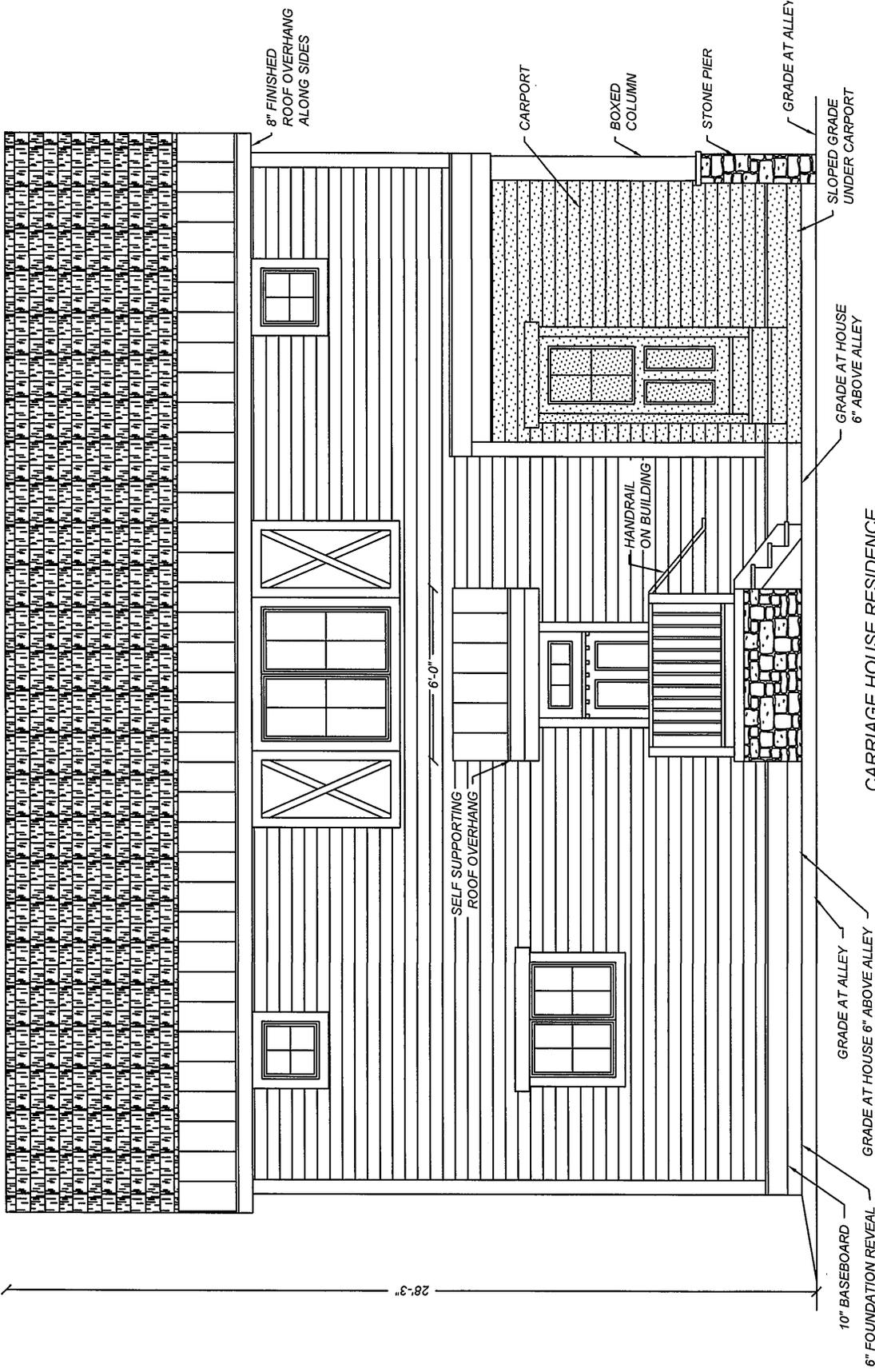
APPROX. UNFINISHED RIDGE HT



CARRIAGE HOUSE RESIDENCE
 #29 MURPHY LANE
 SARATOGA SPRINGS, NY

PROPOSED SECTION

3/14/16 SCALE: 3/16" = 1'0"
 DESIGN BY:
 ENGINEERING AMERICA CO
 SARATOGA SPRINGS, NY



CARRIAGE HOUSE RESIDENCE
 #39 MURPHY LANE
 SARATOGA SPRINGS, NY

**PROPOSED
 FRONT ELEVATION**

REV. 3/14/16 SCALE: 3/16" = 1'0"

DESIGN BY:
 ENGINEERING AMERICA CO
 SARATOGA SPRINGS, NY



CARRIAGE HOUSE RESIDENCE
 #39 MURPHY LANE
 SARATOGA SPRINGS, NY

**PROPOSED: OPT
 FRONT ELEVATION**

REV. 3/14/16 SCALE: 3/16" = 1'-0"

DESIGN BY:
 ENGINEERING AMERICA CO
 SARATOGA SPRINGS, NY

28'-3"

10" BASEBOARD

6" FOUNDATION REVEAL

GRADE AT ALLEY

GRADE AT HOUSE 6" ABOVE ALLEY

GRADE AT HOUSE 6" ABOVE ALLEY

SLOPED GRADE UNDER CARPORT

GRADE AT ALLEY

STONE PIER

BOXED COLUMN

HORIZONTAL FIBERCEMENT BOARD SIDING

VERTICAL BOARD & BATTEN FIBERCEMENT BOARD SIDING

8" FINISHED ROOF OVERHANG ALONG SIDES

HANDRAIL ON BUILDING

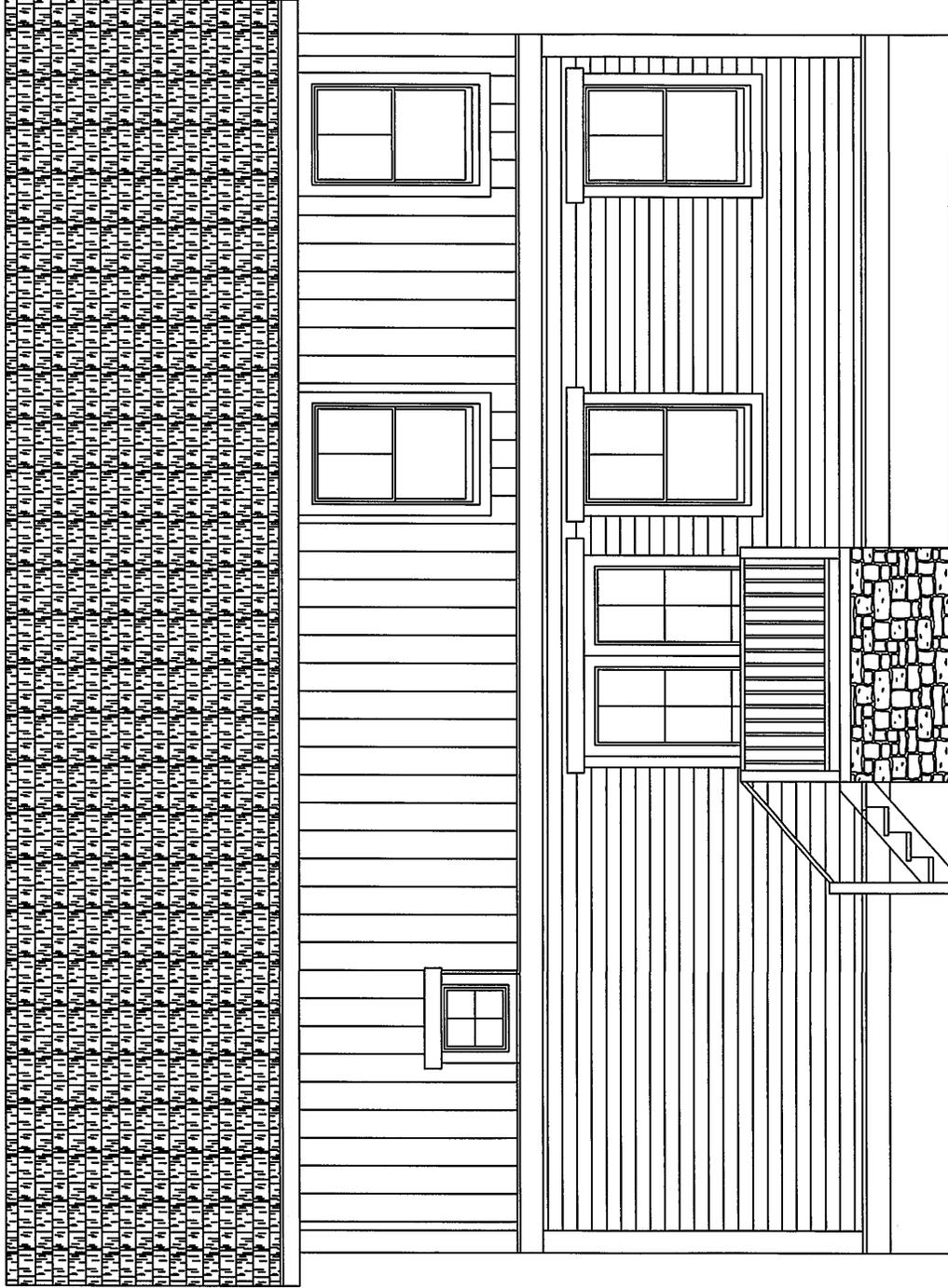


CARRIAGE HOUSE RESIDENCE
 #39 MURPHY LANE
 SARATOGA SPRINGS, NY

**PROPOSED
 RIGHT ELEVATION**

REV. 3/14/16 SCALE: 3/16" = 1'0"

DESIGN BY:
 ENGINEERING AMERICA CO
 SARATOGA SPRINGS, NY



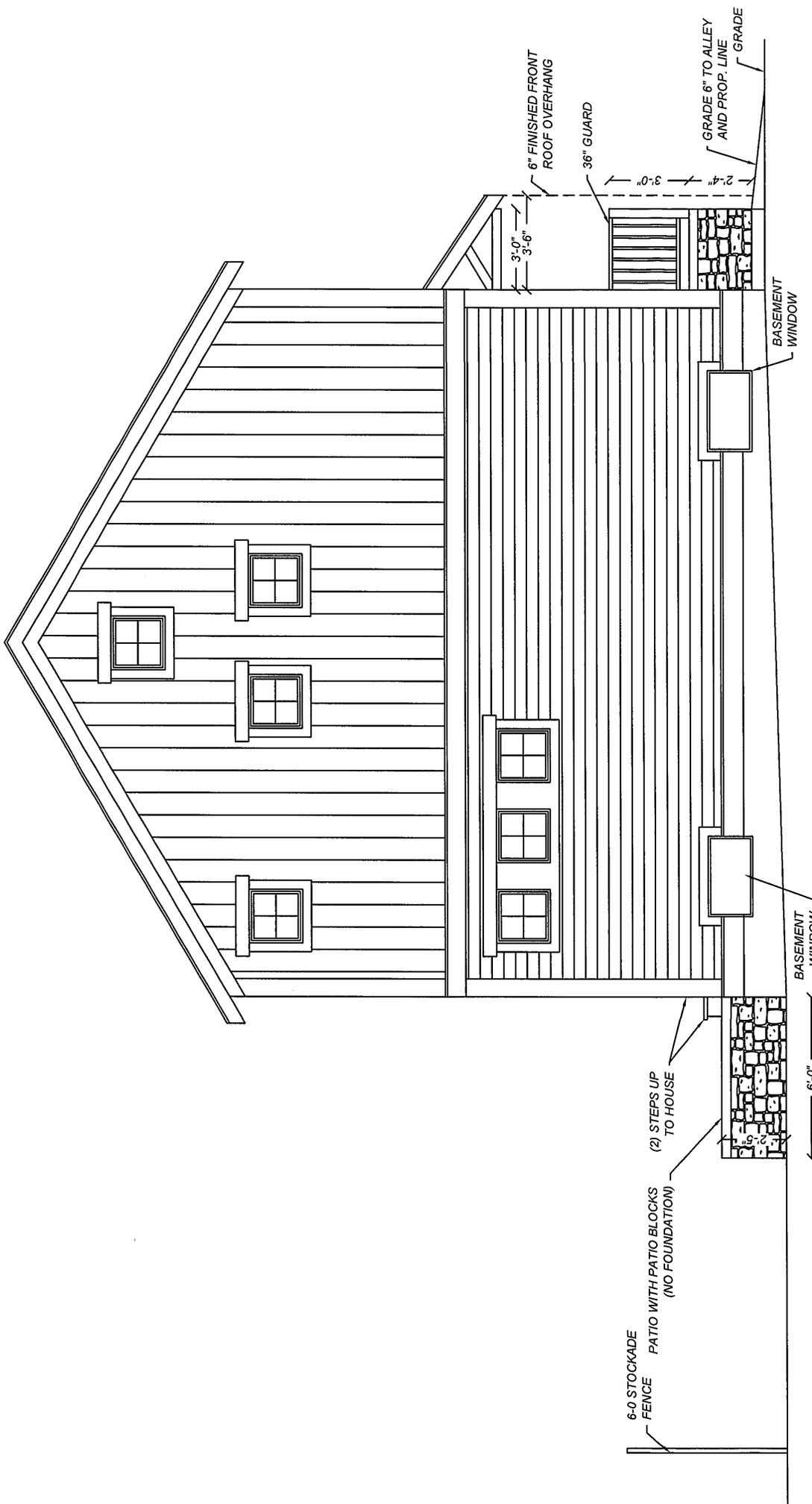
EXISTING GRADE
AT REAR YARD

CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

**PROPOSED: OPT.
REAR ELEVATION**

REV. 2/11/16 SCALE: 3/16" = 1'-0"

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY

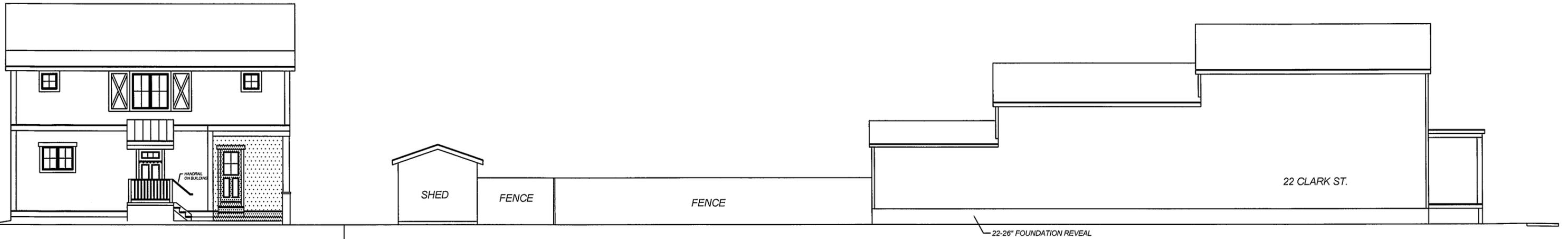


CARRIAGE HOUSE RESIDENCE
 #39 MURPHY LANE
 SARATOGA SPRINGS, NY

**PROPOSED
 LEFT ELEVATION**

REV. 3/14/16 SCALE: 3/16" = 1'-0"

DESIGN BY:
 ENGINEERING AMERICA CO
 SARATOGA SPRINGS, NY



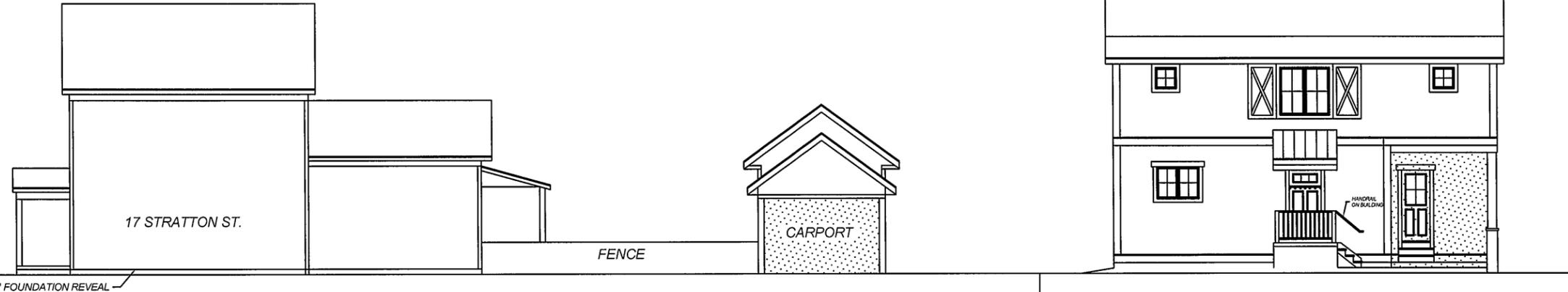
MURPHY LANE TO WEST OF PROJECT

CARRIAGE HOUSE RESIDENCE
 #39 MURPHY LANE
 SARATOGA SPRINGS, NY

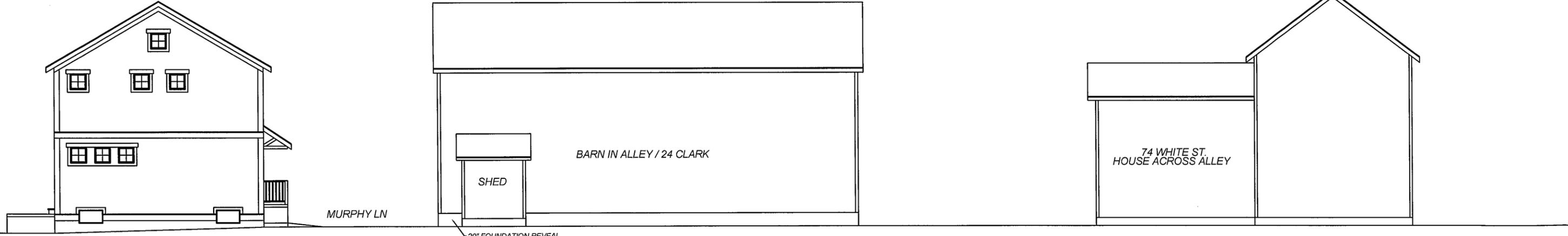
**PROPOSED
 STREETSCAPES**

3/14/16

DESIGN BY:
 ENGINEERING AMERICA CO
 SARATOGA SPRINGS, NY



MURPHY LANE TO EAST OF PROJECT



MURPHY LANE FACING WEST

March 14, 2016

█ Stratton Street
Saratoga Springs, NY 12866
518-339-0192

To the City of Saratoga Springs Zoning Board of Appeals, City Planner Susan Barden, City of Saratoga Springs Building Department, City of Saratoga Springs Attorney and Assistant Attorney:

I am writing with regard to “#39 Murphy Lane Zoning” and my firsthand knowledge of the lot and barn that previously existed on the property.

For background, I have lived on Stratton Street for 11 years, and the “barn” has been my silent backyard neighbor for all of those years. I had the luxury to purchase the barn property in May of 2014 from neighbors Paul Tucker and Maggie Moss Tucker – joining the Stratton Street and Murphy Lane properties (through the simple removal of a fence) for my family’s personal use.

As indicated to you in previous communications from the current and the other previous owner (Mandy Mittler), I “lost” the barn in a divorce less than one year later. I reluctantly agreed to the sale of the barn, but remained neutral during the original variance application period in March 2015. My ex-wife originally negotiated to stay in the family home on Stratton Street, yet upon approval of the 7 variances that permitted the sale of the barn to move forward, she immediately informed me that she would be moving from the family home and wanted to place our house on the market. I chose to buy the home with the full knowledge that the existing structure on #39 Murphy Lane was approved for renovation and would one day soon become a residence tucked into the neighborhood, but with the main living areas shielded behind my fence. Please re-read the last sentence.

Jean D’Agostino and I have had many friendly discussions around her project, and I believe that the project has morphed and changed in scope as the renovation progressed. This would certainly be expected, and I do not feel Jeannie’s actions were with mal-intent towards the project or the neighbors. I did not stay in front of, nor did I have much interest of what was approved or not approved for construction. I assumed the inspections taking place were indicative of “passing code inspections of what had been approved to be constructed/ installed.”

Jeannie shared her thoughts with me of considering to put in a crawl space. Immediately my thought was, why go through the expense of a crawl space if digging deeper would allow for a full basement? I expressed this to Jeannie. In my mind, and regardless of a repair and pour over slab, a crawl space, or a full basement, I expected the elevation of the first floor to remain as it always was. I did not expect a 48” rise in the rear elevation as depicted on the 2/1/16 plans submitted to the ZBA. This and the elevation of the second floor have become my concerns for this project.

Facts:

- 1) I never offered the lot/barn for sale to anyone. My ex-wife initiated and orchestrated the deal and its details with Jeannie. I reluctantly agreed to sign the agreement at the urging of my divorce attorney.
- 2) The barn was fully accessible at time of contract:
 - a. There were items stored in the barn.
 - b. Interior shiplap was on 90% of the first floor walls.

- c. The entire second floor beams, posts, trusses, studs, interior side of siding, roof and floor were exposed for inspection with no articles on the second floor for storage.
 - d. The property had clearly not been weather tight for a period of many years.
 - e. I removed the bottom section of siding with the intention to assess and replace the sill plate. Materials to do so were in the barn, but did not progress prior to winter 2014/2015. This exposure did remain open from the exterior for inspection of sill plate and lower portion of first floor studs.
- 3) The elevation of the barn's concrete slab sat below the grade of Murphy lane as a slight downward slope away from the ally caused puddling inside the large rolling barn door.
 - 4) The rear exterior of the slab foundation sat just above grade.
 - 5) The rear exterior of the first floor of the structure now sits 48" above current grade.
 - 6) The current grade is not the original grade.
 - 7) Engineering America communicated to the ZBA on 2/1/16 the following:
 - i. We {Engineering America Co.} believe that the modifications requested do not produce any negative impacts on the neighborhood environment or character for the following reasons:
 1. 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.
 - a. Changing the grade in the back yard would result in a slope in grade towards neighbors with potential for drainage issues
 - b. Maintaining the existing rear yard grade keeps the yard & its impacts on neighboring properties exactly the same as it has been for over 100 years.
 - c. The rear stoop will not be visible to neighbors to neighbors due to existing and proposed fencing.
 - 8) The most recent plans on the ZBA website (2/18/2016) now call for an Elevated Patio at the 48" elevation mark.
 - 9) The original grade of the property was even to that of the rear yard of my 15 Stratton Street property as I had the property professionally graded in May 2014 and then I personally installed sod over the entire #39 Murphy Lane yard area.
 - 10) The drip line of the water runoff was contained, and permeated the earth directly below the overhang of the roof on both north and south sides (with exception of the front barn door area that had a small concrete pour in front of it).
 - 11) An elevated patio or landing with steps were not a consideration during the March 2015 variance approvals and will now further intrude on my property and privacy .
 - 12) Factual Math - If an average 5'5" person were standing in the home on the first floor, or on the 48" elevated exterior platform structure, they would have a 9'5" elevated vantage point with the ability to clearly see over my fence – directly into my yard, my pool, and play area for my 2 young girls. This is a substantial change to the neighborhood environment.
 - 13) Changes to the grade or permeability of a project are indicative of new construction, not rehabilitation/renovation.
 - 14) We do not know the integrity of the new foundation. If there are water issues, I have no protection of a new owner one day installing an impermeable surface and grading the property towards my land.
 - 15) I have no protection from a new owner installing gutters that run towards my land.
 - 16) During significant rain, there are already leaky basement issues in the neighborhood.

- 17) As an act of friendship to Jeannie and the neighbors, I always made power available to Jeannie and her workers in an effort to ease construction and avoid loud noise from running generators to those neighbors impacted by construction on the North, East, and West sides.

My Opinions:

- 1) Engineering America has stated that drainage will be an issue if the grade is raised and then sloped towards my property.
- 2) Engineering America is now proposing a 48" raised earth patio that will now runoff and drain towards my property.
- 3) Engineering America is not measuring their elevations from original grade.
- 4) Engineering America represents that they have increased the permeable earth around the property. There was grass surrounding all sides of the building when I owned it and no other impermeable area on the property.
- 5) Engineering America states that the steps to the rear "landing" (or now proposed elevated rear patio) will not be visible from my yard. What Engineering America chooses to leave out is that any individual using those steps WILL be visible from my yard unless I am granted a variance to install an 11' fence.
- 6) Why should I have to install an 11' fence?

I do not know the answer for this property. I do not wish my friend Jeannie D'Agostino ill will. I do wish to protect:

- 1) My financial investment in [REDACTED] Stratton Street
- 2) My privacy
- 3) My health and safety from drainage issues

I am generally unavailable on Monday evenings during the ZBA meeting times. I am however available to discuss this matter with you directly should you wish to reach me at the phone number above. Please ensure this letter is entered into public record for this project.

Many thanks,

Stephen Mittler
Owner of Adjacent Property to #39 Murphy Lane









3/19/16

A letter to the ZBA and Building Department in regards to the 39 Murphy Lane project

I would like to bring up a few points in regards to the construction at 39 Murphy Lane.

Original plan: Was a structural assessment of the barn ever done by Engineering America? If so this would have shown what parts of the barn were sturdy and strong and what parts if any were in poor shape (mold, rotten boards, etc). If major problems were found at that point they should have gone back to the ZBA with a renovation plan (nowhere in this application do I see one). The ZBA could have reviewed it and determined with the applicant and Engineering America how to proceed.

New Modifications for the new construction: Engineering America states that 1700sq. ft. is less than most homes in the neighborhood, that is not the point. The homes in this neighborhood are on standard city lots with front doors and walkways on the streets, not the alley. For new construction on this non-conforming lot, it was determined by EACo that the square footage allowed at this site was 750sq.ft. So the modification is still over two times what is actually allowed for new construction!

My experiences with the barn:

- It was not abandoned
- The Tuckers who owned the barn for years stored many items there (furniture, yard equipment, pictures and dishes)
- It had a concrete floor and was not wet

Engineering America also states the variances requested are less than those previously approved. Those variances were approved for the renovation of an existing barn, since the barn is gone the variances are null and void.

Engineering America and the applicant act like they are making concessions on behalf of the neighbors when all along this project has not been above board. They created these problems, this is a tiny parcel of land with new construction that looks nothing like a barn. They should be made to start over.

Susan Rodems
■ White Street

From: "Blaine Dunn" [REDACTED]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Cc: [REDACTED]
Sent: Friday, March 18, 2016 11:40:55 AM
Subject: Dunn response to undated applicant letter

03/17/2016

ZBA Members,

I am writing today in response to an undated letter related to the Murphy Lane barn renovation project, in which I was directly named.

I speak only for myself and my wife as residents of [REDACTED] White Street. I cannot speak to the words or actions of other neighbors. Below I take direct quotes from the applicant's letter, and denote my responses with a ">" symbol.

"He informed me that he had offered the barn to several neighbors but that no one wanted it."

>Neither the previous owner, Mr. Leslie Burton, nor my wife and I were ever offered the opportunity to buy the barn. Had we been offered the chance to own the barn, we would have bought it. The barn would have served us well, and I believe that it was originally part of our property, albeit many years ago. I would have used the barn for storage and parking. It would have been a perfect and ideal addition to our property.

"When the excavation was going on he talked to Mr. Dunn at who lives at [REDACTED] White street Mr.

Dunn asked the foreman since they had the equipment there, would they be willing to take out some Concrete piers and get rid of them and give me some clean fill and in exchange he can store the dirt on the property."

>Factually incorrect. Incorrect timeline and facts. We were never asked our permission to store dirt, it was a negotiation I made after our property was used as repository for the dirt. As for the "concrete piers", this was a cash transaction between me and a crew member – had nothing to do with the clean fill.

"Mr. Dunn was against my project and so I was skeptical with this agreement. "

> This is incorrect. While I was never excited for the project, I was never against it. I am a rule follower, and the applicant followed the rules and got seven variances for the project. While I am not required to be happy with the outcome, I do respect the process and the applicant successfully navigated the process. However, I am against a project that is not approved, and one which is materially different than proposed.

"On the day foundation was poured, some dirt was piled on Mr. Dunns property pursuant to the oral agreement between him and my contractor."

>This is factually incorrect. The oral agreement between me and Mr. McCashion was done after the fact. We had never granted permission for dirt to be placed on our lawn prior to the dirt being dumped there.

"I then received a call from Mr. Dunn demanding that I grade and seed all his lawn."

>This is partially true, in that I asked for the affected area (~10-15 feet off Murphy Lane) to be graded and seeded. I believe this was a reasonable request.

"Since I was not involved in the agreement between him and my contractor, I asked that he call Mr. McCashion."

>This is true. The applicant did not take responsibility for the project.

"Despite being vehemently against the project, the neighbors still managed to ask for favors. Neighbors have asked for rocks for a wall, clean fill for a yard and barn wood for crafts and furniture, and tap into my water line. "

>This is 100% true – because we are all **neighbors**. We help each other out. We shovel one another's walkways. We help in each other's gardens. We have a community snow blower. We respect each other's spaces and help out on home improvement projects.

When my father suddenly passed away this past autumn, all of my neighbors came out of their house to express their grief, often with a lasagna or flowers in tow. If I am throwing away rock, and someone on the street wants it, they are welcome to it. It helps me and it helps them.

The dirt from the barn excavation was going to be helpful to me (I needed dirt, grading) and to the crew (they needed a place to put dirt). I took a bad situation (people putting fill on my lawn without my permission) and turned it in to a better situation (give them a place to put the fill, and help me grade my property better).

In conclusion, we were ok with this project at the outset and perhaps we can be once again. I would recommend the applicant knock on our doors, or perhaps arrange a community meeting to discuss the project in an open and honest manner; working together to find a solution that is acceptable for all.

However, I am compelled to reiterate that the barn, as it once was, is gone. In my opinion, the seven variances that were granted for that project should be null and void. It is also my opinion that the applicant self-created this situation and should present new plans to the ZBA for new construction – new construction which should conform to the lot size.

Thank you for your time. I can be reached anytime to go in depth further.

Regards,
Blaine Dunn
White Street

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.

From: "bob mctague" [REDACTED]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Wednesday, March 9, 2016 11:23:46 AM
Subject: John Witts application for variances on Jumel Place

Susan, I just can not believe this application is even considered. It is absurd. Bob McTague, Saratoga Springs

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying,

distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.

Zimbra

lindsey.gonzalez@saratoga-springs.org

#2759.1 ANW HOLDINGS RESIDENTIAL DEVELOPMENT

From : J Valetta [REDACTED]

Wed, Mar 09, 2016 01:10 PM

Subject : #2759.1 ANW HOLDINGS RESIDENTIAL
DEVELOPMENT**To :** susan barden <susan.barden@saratoga-springs.org>**Cc :** kate maynard <kate.maynard@saratoga-springs.org>, bbrige@saratoga-springs.org, cindy phillips <cindy.phillips@saratoga-springs.org>, lindsey gonzalez <lindsey.gonzalez@saratoga-springs.org>, christina carton <christina.carton@saratoga-springs.org>, joanne yepsen <joanne.yepsen@saratoga-springs.org>, skip scirocco <skip.scirocco@saratoga-springs.org>, christian mathiesen <christian.mathiesen@saratoga-springs.org>, michele madigan <michele.madigan@saratoga-springs.org>**To:** The Zoning Board of Appeals of the City of Saratoga Springs, NY**cc:** Saratoga Springs City Council, Saratoga Springs Planning and Economic Development Department**Re:** Application for "seven unit condominium project," and requests for substantial Zoning Variances at 27 Jumel Place, Saratoga Springs, by ANW Holdings

We are writing to ask you to deny the zoning appeal from ANW Holdings for variances to build 7 unit condominium project on the property of 27 Jumel Place. We would welcome the development of our adjoining property; however we feel the variances that have been requested are too excessive. In addition, according to the definition of condominium in our city zoning ordinance as a multi-family dwelling, it is not allowed in the UR-3 zoning district.

The Saratoga Springs Zoning Ordinance defines a condominium as follows:

"CONDOMINIUM: A multifamily dwelling containing individually owned dwelling units, wherein the real property title and ownership are vested in an owner, who has an undivided interest with others in the common usage areas and facilities which serve the

development."

A subdivided lot this size, of which this request for a variance is not, in a Core Residential Neighborhood-1 or a UR-3 Zoning District would allow for 5 single family homes or 4 two-family homes.

The Land Use category of Jumel Place in our city's 2015 Comprehensive Plan is a Core Residential Neighborhood-1 (CRN-1), allowing a maximum density of 10 units/acre. In our city's Zoning Ordinance, Jumel Place is located in an Urban Residential-3 (UR-3) Zoning District, which allows for only single and two-family homes to be built. By law, this particular parcel of land is large enough to allow five single family homes or four two-family homes.

The request for seven single family condominiums is 40% over the density allowed in an UR-3 Zoning District and creates a 40% density bonus. In our city's Zoning Ordinance, a density bonus of this magnitude is only allowed for affordable senior housing. This project has not been presented as neither senior nor affordable housing.

To allow for the density the applicant is requesting, the city council would have to change the Land Use category of this area in the Comprehensive Plan from a Core Residential Neighborhood-1 (CRN-1), which allows up to 10 units/acre, to a Core Residential Neighborhood-2 (CRN-2), which allows up to 15 units/acre.

The substantial variances the applicant is asking for include:

1) The maximum building coverage allowed on this lot is 30%. The previous request was for a 43.5% building coverage allowance, or 45% more than what is allowed. The request has been increased to 46%, or 53.3% more than what is allowed.

2) The rear yard setback required for each unit is 25 feet. The applicant is asking that this requirement be eliminated by 100% for five units, going from the 25 feet required to zero (0) feet. For the remaining two units he is asking for a 76% reduction in the rear yard setback from 25 feet to 6 feet.

3) The front yard setback required for the two front units is 10 feet. The applicant is asking for one (1) foot, a 90% reduction in the front yard setback.

4) The fence height allowed in this UR-3 residential area is six feet. The applicant is asking for an eight foot fence, a 33% increase in height over what is allowed.

5) The applicant is asking for a maximum principal building on one lot to be increased from one to seven, a 600% increase.

We hope you will agree that this appeal to the Zoning Board of Appeals by ANW Holdings should be denied at this time.

Thank you.

Sincerely,

Jane Valetta

John Valetta

■ Jumel Place

From: "Max Peter" [REDACTED] >

To: "Kate Maynard" <kate.maynard@saratoga-springs.org>, "Bradley Birge" <bbirge@saratoga-springs.org>, "Susan Barden" <susan.barden@saratoga-springs.org>, [REDACTED] >, [REDACTED]

Sent: Tuesday, March 1, 2016 10:14:03 PM

Subject: ZBA area variance at 27 Jumel Place (#2795.1)

March 1, 2016

To: Saratoga Springs Zoning Board of Appeals

RE: #2795.1, ANW Holdings, seeking area variance for 27 Jumel Place

Dear members of the ZBA board,

I appreciated the opportunity to speak to the board during the previous ZBA meeting on Feb 22, and would like to re-iterate my concerns with this area variance request.

In particular, I am concerned about ANW Holding's request for a variance on the minimum rear setback. My understanding is that UR-3 zoning requires a 25' minimum rear setback. My understanding is that ANW Holdings seeks a variance to reduce this to a 6' setback across the entire rear of the property line.

I ask the board to deny this rear setback variance for two reasons.

1. The variance is substantial. I acknowledge that there is a building with an existing variance on the rear setback. However, this existing rear variance is a 1-story structure limited to the northeast corner of the lot. The northwest rear corner is currently open space. ANW's request will substantially increase the existing rear variance. It will extend the variance upwards by at least one full additional story as well as an additional gabled roof. There also appears to be a steeple structure on a rear building. I do not know the exact proposed heights, but I am guessing it increases the rear variance from a 10' height to 30'. It will also extend the rear variance from the northeast half of the lot to the entire rear lot line. This is a significant increase in the mass and scale of the existing rear setback variance.
2. The variance will be a detriment to nearby properties and will produce an undesirable change in the neighborhood. My property is [REDACTED] Lake Ave, corner to the northwest. If the proposed variance is approved, a 2-story gabled roof building will be only 6' from my backyard, and will overshadow my back yard and invade my family's privacy and be a detriment to our enjoyment of our back yard. Although ANW's rendering appeared to show some foliage along this rear setback, I believe that this 6' setback is likely to be insufficient to plant any trees along the setbacks. I believe that allowing large multi-story dwellings 6' from the rear lot line will in fact be a detriment to my property and will produce an undesirable change in my neighborhood.

I ask the board to consider a compromise, whereby the rear setback is limited to the existing variance on the northeast corner. The northwest corner should be left as open space, reducing the number of proposed buildings from 7 to 6, and allowing open space for the planting of trees and green space.

Thank you for your consideration,

Max Peter

[REDACTED] Lake Ave

Saratoga Springs, NY 12866

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.

From: SANDRA COHEN – [REDACTED] Lake Avenue, Saratoga Springs, NY – [REDACTED]

To: SARATOGA SPRINGS ZONING BOARD OF APPEALS
SARATOGA SPRINGS CITY COUNCIL
SARATOGA COUNTY SUPERVISORS
SARATOGA SPRINGS PLANNING DEPARTMENT
REGIONAL PRESS & BLOGS

Re: APPLICATION FOR CONDOMINIUMS
AND REQUESTS FOR ZONING VARIANCES
27 JUMEL PLACE, SARATOGA SPRINGS, BY BUILDER – JOHN WITT

It appears that the Saratoga Springs Zoning Board of Appeals might be in danger of overstepping its purview if they approve Developer John Witt's current request which will effectively change the zoning ordinance regarding the type of housing allowed in a long-existing Jumel Place neighborhood, within a mile of Saratoga Race Course. Witt has requested an area variance, when what he needs is a use variance, because the condominiums he proposes are not legally allowed within the property's UR-3 zoning. According to our zoning laws – which have the stated interest of maintaining a particular harmony within each of the city's different districts – such use variance would need the approval of the City Council, not an end run through the ZBA. But a vote is scheduled for the ZBA meeting on March 7.

Although the City offers ample opportunity to build cluster housing in UR-1 and SR-2 zones (per Article 4, Section 241-13-A of the city code - ecode.360.com), Witt is attempting to cluster seven single-family condominiums on a 0.79-acre UR-3 lot. Current zoning only allows for either one single family residence or one two-family residential structure. In his proposal, the seven owners would each have an undivided interest in the entire property, while they own their individual structures that sit on the commonly-owned land (which is what defines its condominium status). Contrary to claims that condominiumizing the land alone is only a financial move, it is a clear change of use of the land, in that it automatically includes the clustering model which, in addition to being restricted to specific other areas of the City, allows for tighter lot-lines between homes, albeit they must still follow specific setback and open space codes.

In addition to such change of use, he has also asked for setbacks that would be in violation of code even within a clustered community – as crowded as 1-foot from the existing front sidewalk (10 feet is legal) and 6-feet from the rear (25' is legal). Witt is also requesting additional height, approaching three-storeys, on his structures – which would be interruptively noticeable from Lake Avenue (Route 29), one of the main thoroughfares into the City. He also wants permission to erect an 8-foot fence around three sides of the perimeter to enclose/isolate his Downton Walk community, an English-Cotswold-style development, from the rest of the Victorian/American-turn-of-the-century neighborhood, in which some homes have been there since the late 1800s among others from the 1920s.

APPLICATION FOR CONDOMINIUMS
AND REQUESTS FOR ZONING VARIANCES
27 JUMEL PLACE, SARATOGA SPRINGS, BY BUILDER – JOHN WITT
PAGE 2 OF 2

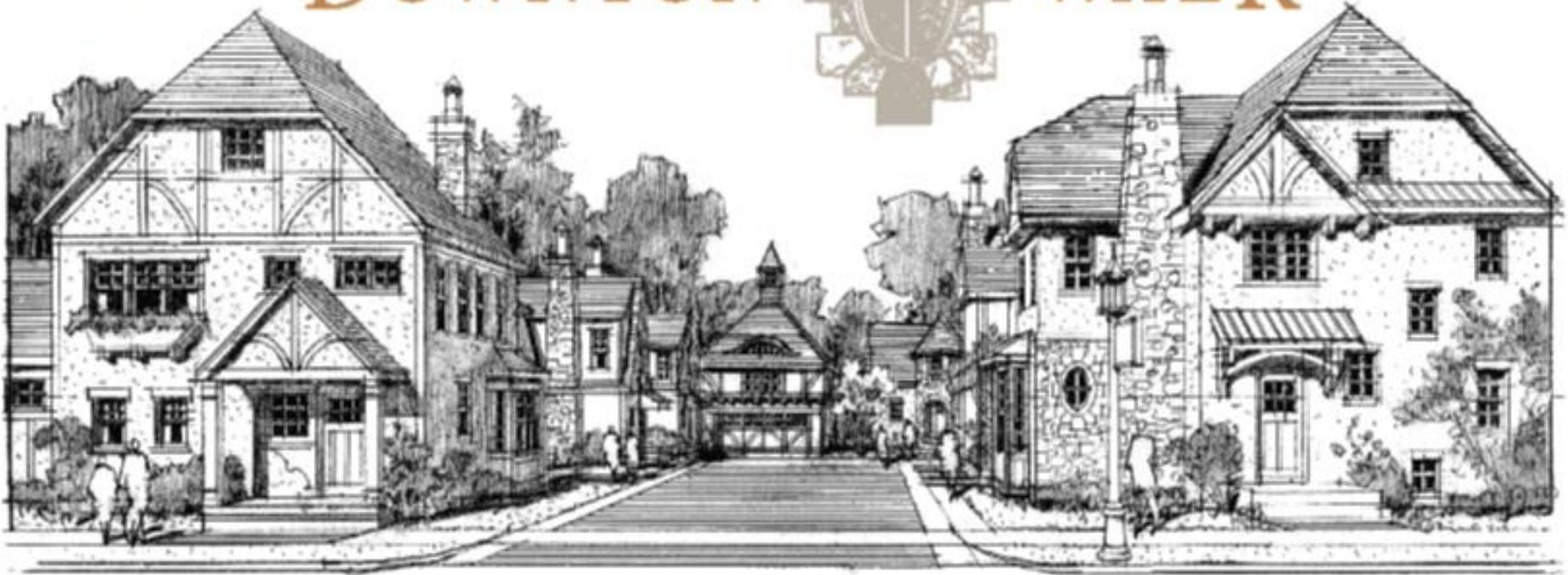
Saratoga code (Section 241-13-G) states that new clustered housing – which includes condominiums, townhouses, row houses, zero-lot-line homes, and other multiples – are ONLY allowed in UR-1 and SR-2 locations. In order to build them, even in the specified districts, one must first file for a subdivision of the property, which Witt has not done. That would have resulted in permission to build only five single-family homes or four two-family homes on that size property, ***along with the requirement that each structure must adhere to code setbacks from existing property lines and, within the new multiple community, must meet the percentages of open space.***

The percentage of open space of this project, as presented, does not even adhere to cluster code; nor do the requests for relief from setbacks between the cluster structures and existing neighboring properties, including the City-owned sidewalk. Much of the builder's positive comparison on building standards are irrelevant, as they take into consideration the structure currently on the site, which was built before Saratoga had zoning codes.

Neighbors have no issue with Witt as a quality builder. Nor do they have issue with multiple structures on the property, as long as there is adherence to existing codes. Overloading the space and radically cutting setbacks endangers both the new property and the neighboring structures. It also presents quality of life issues for the current residents, including increased noise and the effect of being walled-off from the contiguous neighborhood. As it is currently planned, the project ***will alter the essential character of the neighborhood and will present an adverse physical impact on the community in which it would be situated.*** The concept of allowing condominiums in UR-3 neighborhoods is a slippery slope that would present an even greater threat to the entire City. Such disregard of our zoning codes will open the door to requests and expectations of similar divergent development in other neighborhoods.

###

DOWNTON WALK



WITT CONSTRUCTION, INC.

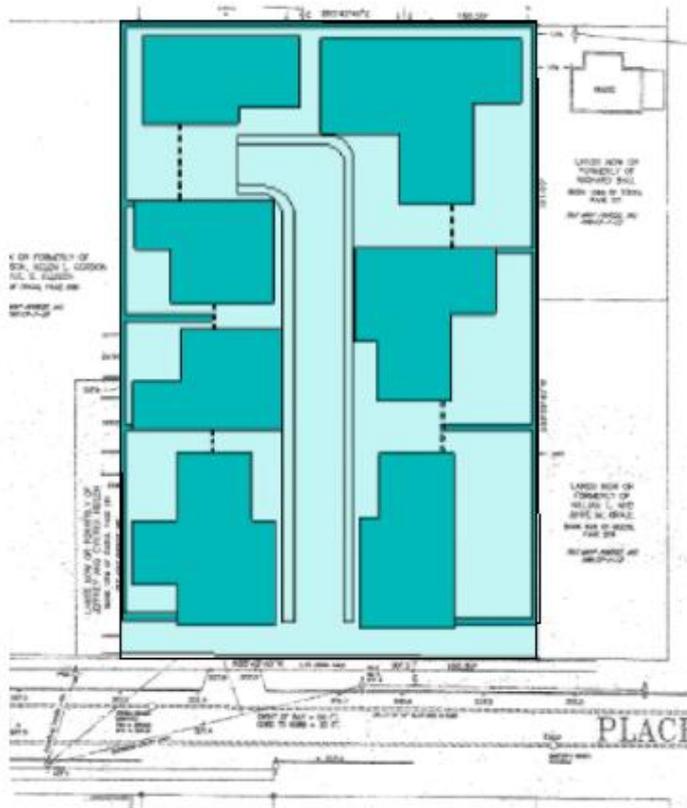
563 NORTH BROADWAY, SARATOGA SPRINGS, NY 12866

518.587.4113 | WITTCONSTRUCTION.COM



Jumel Pl

Granger Ave



Concept Site Plan



Site Plan with Existing Building

Proposed Downtown Walk



Examples of drives, paving areas, yards and green space











Area Variance Criteria

1. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties
2. 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
3. Whether the requested area variance is substantial
4. Whether the proposed variance will have adverse physical or environmental effects on neighborhood or district
5. Whether the alleged difficulty was self-created

1. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties

Granting the use and area variance will **not** produce an undesirable change, but rather enhance the neighborhood.

By eliminating a large commercial & multi-family structure that takes up ~50% of the lot and fails to meet the front, side and rear setbacks. Its replacement will be a very attractive single-family condominium project.

2. 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

Other feasible means are **not** available:

Alternative designs options are fewer units, smaller units or taller units.

- Fewer units will make the cost of the land for each unit prohibitive. (See following slide)
- Smaller units would be both undesirable and smaller than the surrounding homes. The proposed home sizes are consistent with that of the existing neighborhood.
- Taller units would not be in keeping with the homes in the existing neighborhood

All adjacent land is currently occupied with single family homes.

Estimated Development Costs

Jumel Place Project

Land Purchase	370,000
4103 Land Development-Professional Fees	23,000
4116 Land Development - Interest	42,000
4117 Land Development - Taxes	20,000
4132 Land Development - Soil Testing	11,700
4140 Land Development - Construction	60,000
4141 Land Development - Fill Dirt	21,000
4142 Land Development - Demolition & Asbestos Removal	155,000
4142 Land Development - Lot Clearing	10,000
4145 Land Development - Silt Fencing	6,000
4155 Land Development - Electric lines	24,000
4183 Land Development - Trees	<u>12,000</u>
Total	754,700
Reasonable Return for Development Risk	<u>150,700</u>
Total Cost of Land to Be Divided by number of Home Sites	905,460

3. Whether the requested area variance is substantial

The requested variance is not substantial due to :

- The new setbacks requested are less than what currently exists with the existing structure.
- The new setbacks are consistent with the setbacks of other single family homes in the neighborhood.
- The percent of lot to be covered is less than the existing multi-use structure.
- The permeable area of the lot will be increased with the new development as compared to the existing development

4. Whether the proposed variance will have adverse physical or environmental effects on neighborhood or district

The proposed variance will **not** have adverse physical or environmental effects on neighborhood or district.

- The proposed single family development will be contained on the one lot with one curb cut for all vehicle access to the property
- The net permeability of the development will be great than the existing development

5. Whether the alleged difficulty was self-created

The difficulty was self-created, **however:**

It was created by the need to change the deteriorating non-conforming multi-family/ mixed-use structure to a use consistent with the existing neighborhood.

- The change will be a win for the neighbors with the replacement of a multi-use / commercial structure with single family homes.
- The change will be a win for the city with additional tax revenues and a higher tax base.

Lot Statistics

27 Jumel Place		Witt Construction		
Saratoga Springs NY		6/12/2013		
	Depth	Width	Area (sq. ft.)	
Lot Size	231	150.5	34,765.50	
Area				
	<u>Existing</u>	<u>% of Lot</u>	<u>As Drawn</u>	<u>% of Lot</u>
Principle Building	17,161	49.4%	14,801	42.60%
Accessory Building	160	0.5%	344	0.98%
Misc./ Overhangs				2.42%
Total				46.00%
Driveways/Road	6,357	18.3%	7,157	20.60%
Premeable Areas	11,088	31.9%	12,191	35.10%
Setbacks				Foundation (ft)
Front				0
Rear				6
Right Side				Meet UR-3
Left Side				Meet UR-3

Existing Building









SARATOGA
CITY BALLET
天から
TENKARA
KARATE













Neighborhood





NO PARKING
24 HRS
STARTING
8AM
MON WED
FRI

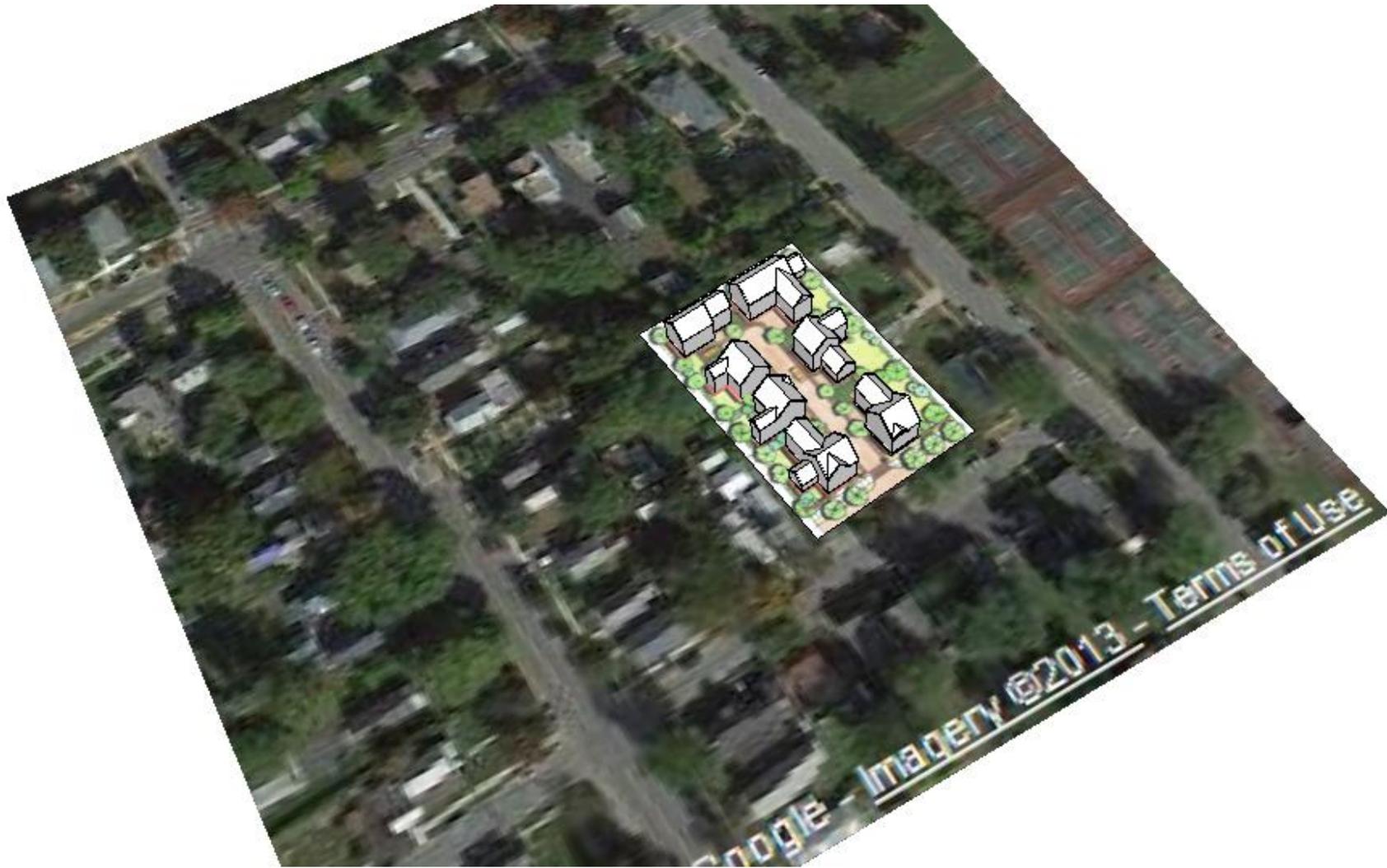










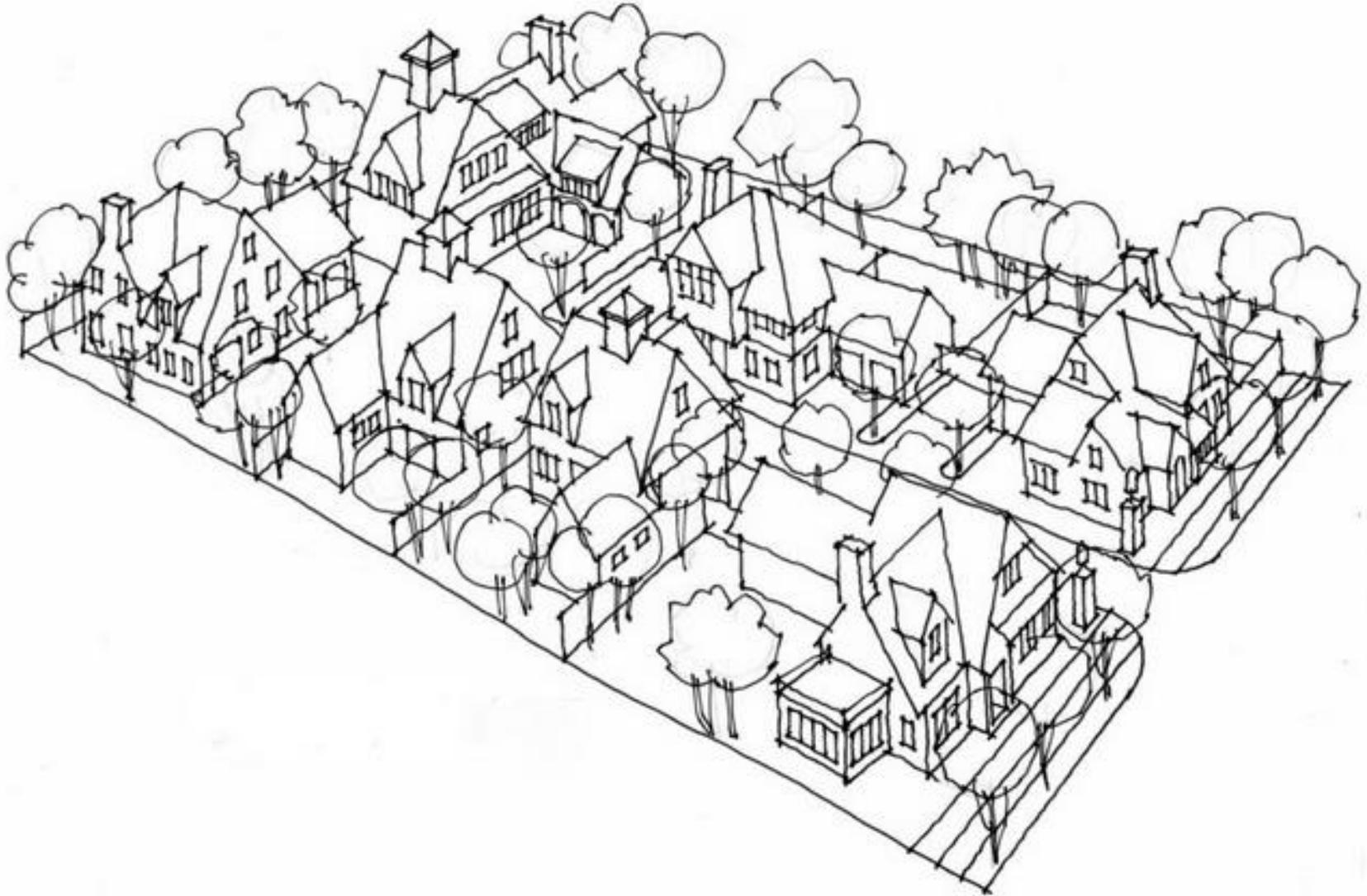


Google Imagery ©2013 - Terms of Use

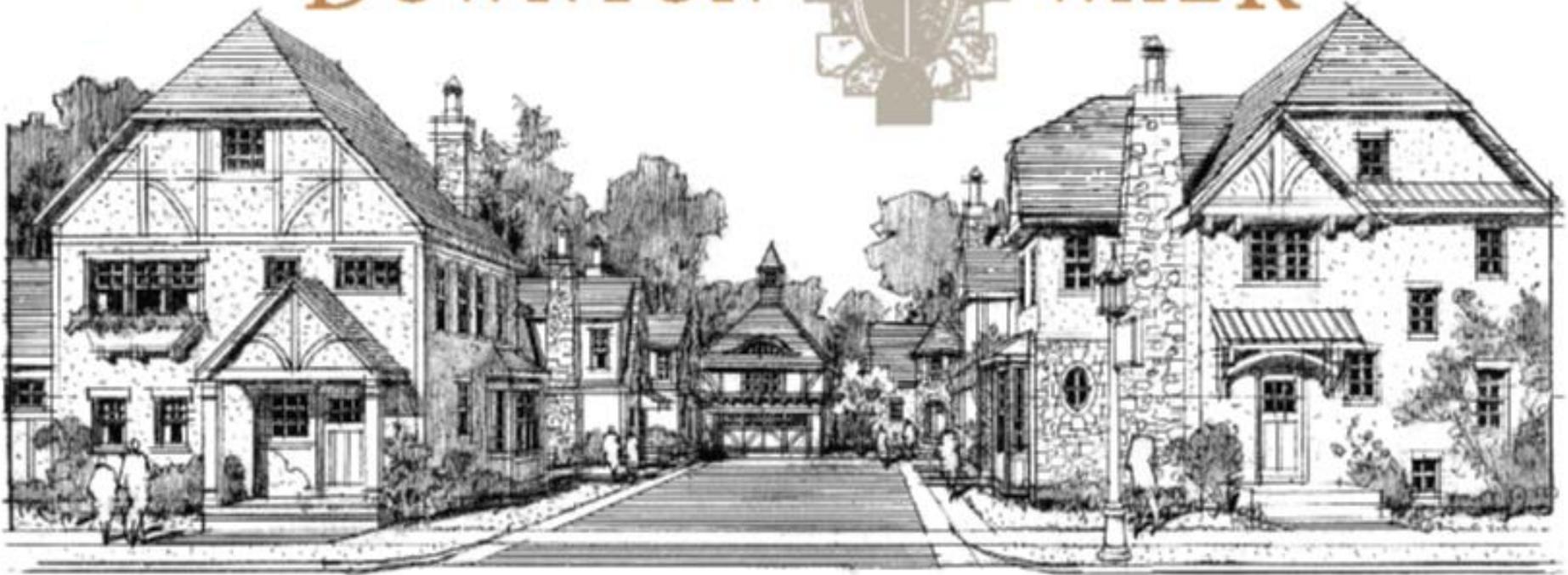
Proposed Downtown Walk



Proposed Downtown Walk



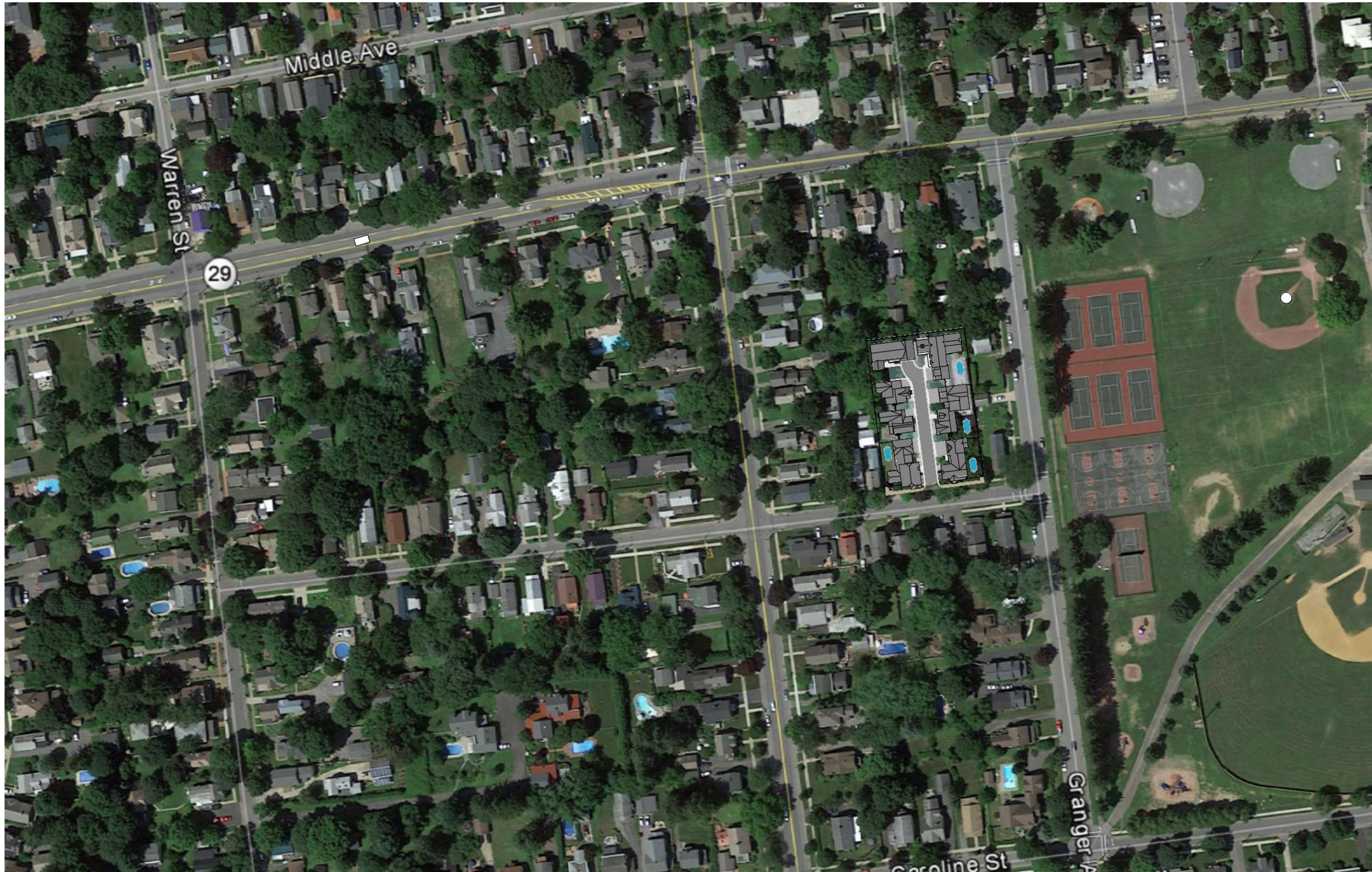
DOWNTON WALK



WITT CONSTRUCTION, INC.

563 NORTH BROADWAY, SARATOGA SPRINGS, NY 12866

518.587.4113 | WITTCONSTRUCTION.COM



Witt Construction

563 N Broadway Saratoga Springs, NY 12866

March 1, 2016

Downton Walk

Aerial View

Scale: 1" = 150'

February 28, 2016

To: The Zoning Board of Appeals of the City of Saratoga Springs, NY

cc: Saratoga Springs City Council, Saratoga Springs Planning and Economic Development Department, gridsaratoga.com, saratogaspringspolitics.com, Saratoga Today, The Saratogian, The Times Union

Re: Illegal Application for “seven single family condominiums,”
and requests for substantial Zoning Variances at
27 Jumel Place, Saratoga Springs, by ANW Holdings, Builder, John Witt

Public Hearing #2 to be held at the Zoning Board of Appeals meeting on March 7, 2016

Fr: Neighbors of Surrounding Properties

On Monday night, March 7th, the Zoning Board will be deciding on a major project on Jumel Place which is illegal and out of character with the neighborhood. The builder, John Witt, is asking for 7 single condominiums which would be selling for up to 1.5 million dollars per unit. Condominiums are not allowed in UR-3 zoning and the lot is zoned for only 5 units. The builder should be required to follow the zoning law. Mr. Witt is also asking for substantial variances as well.

The Zoning Board of Appeals needs to protect the residential neighborhoods on East Avenue, Lake Avenue, Granger St, and Jumel Place, which surround 27 Jumel Place, from this massively overdone and illegal application. This project will negatively impact the value of our homes and the quality of life in our neighborhood. There are far too many legal questions and large variances being sought, which if granted, would make zoning law useless.

First and foremost, the Land Use category of Jumel Place in our city’s 2015 Comprehensive Plan is a Core Residential Neighborhood-1 (CRN-1), allowing a maximum density of 10 units/acre. In our city’s Zoning Ordinance, Jumel Place is located in an Urban Residential-3 (UR-3) Zoning District, which allows for only single and two-family homes to be built. By law, this particular parcel of land is large enough to allow five single family homes or four two-family homes.

The applicant is requesting to build “seven single family condominiums.” Condominiums are not allowed on Jumel Place, as by definition in our Zoning Ordinance, condominiums are multifamily. The city’s Zoning Ordinance states the definition of a condominium as follows: “CONDOMINIUM: A multifamily dwelling containing individually owned dwelling units, wherein the real property title and ownership are vested in an owner, who has an undivided interest with others in the common usage areas and facilities which serve the development.”

Multifamily structures are not allowed in a Core Residential Neighborhood-1 or a UR-3 Zoning District. The request by the applicant must be called what they are, 7 single family homes. However, only 5 single family units are allowed on this size lot, or 4 two-family units. (Actually only one unit is allowed, as the applicant has not sub-divided the lot.)

The request for seven single family homes is 40% over the density allowed in an UR-3 Zoning District and creates a 40% density bonus for Mr. Witt's \$700K to \$1.5 million dollar homes. In our city's Zoning Ordinance, a density bonus of this magnitude is only allowed for affordable senior housing. This is not affordable housing.

To allow for the density the applicant is requesting, the city council would have to change the Land Use category of this area in the Comprehensive Plan from a Core Residential Neighborhood-1 (CRN-1), which allows up to 10 units/acre, to a Core Residential Neighborhood-2 (CRN-2), which allows up to 15 units/acre.

Why is the applicant insisting on calling these seven single family homes "seven single family condominiums"?

Is it because the applicant believes he will only have to provide back yards for two of the seven units, as his application shows? Five of the units have no back yards at all. A 25' back yard setback is required for every unit in a UR-3 Zoning District.

Is it so the applicant doesn't have to spend the money to subdivide the lot?

Is it because the applicant thinks he will be allowed more units than the maximum of five single family homes allowed on this lot?

Is it because these \$700K to \$1.5 million dollars homes may receive a condominium tax break, thereby forcing the far more modest homes in the area to virtually subsidize them?

Is it because of all of these reasons? We simply do not know.

Legally, whether these seven single family homes are called condominiums, or not, they are not allowed on this property site. **Only five single family homes are allowed by law on this property.** Approving this application would be in violation of the city's Comprehensive Plan and its Zoning Ordinance.

In addition to the applicant requesting two units more than legally allowed on this lot, the applicant also is asking for the following massive variances.

Variance 1) The maximum building coverage allowed on this lot is 30%. The applicant had previously asked for a 43.5% building coverage allowance, or 45% more than what is allowed. He has recently increased this request to 46%, or 53.3% more than what is allowed. Granting either of these requests would be substantial.

Variance 2) The rear yard setback required for each unit is 25 feet. The applicant is asking that this requirement be eliminated by 100% for five units, going from the 25 feet required to zero (0) feet. For the remaining two units he is asking for a 76% reduction in the rear yard setback from 25 feet to 6 feet.

Variance 3) The front yard setback required for the two front units is 10 feet. The applicant is asking for one (1) foot, a 90% reduction in the front yard setback. The applicant claims that this is so "our (2) front porches [can] be placed on the unit." However, his drawings show that he is not proposing porches, only overhangs.

Variance 4) The fence height allowed in this UR-3 residential area is six feet. The applicant is asking for an eight foot fence, a 33% increase in height over what is allowed. Why is this necessary only for this development? Is the applicant trying to exclude the rest of the neighborhood? A fence this high would create an exclusive walled enclave shutting out the existing neighborhood.

Variance 5) The applicant is asking for a maximum principal building on one lot to be increased from one to seven, a 600% increase. As mentioned earlier, only five single family units are allowed by law on this property, after the property is subdivided. Why is this property not being subdivided?

This project will negatively impact the value of our homes and the quality of life in our neighborhood.

There are far too many legal questions and large variances being sought, which if granted, would make zoning law useless.

This illegal application with its substantial variances needs to be denied by the Saratoga Springs Zoning Board of Appeals at their upcoming meeting on March 7th.

The neighbors would support a more balanced project with 5 single family homes on 30% of the land with more standard setbacks.

For additional information contact: [REDACTED]

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

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.

**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:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
<u>Max principal building coverage: 7 units combined</u>	<u>30%</u>	<u>46%</u>
<u>Max principal buildings on one lot:</u>	<u>1</u>	<u>7</u>
<u>Minimum front yard setback:</u>	<u>10 ft.</u>	<u>1 ft.</u>
<u>Minimum rear yard setback:</u>	<u>25 ft.</u>	<u>6 ft.</u>
<u>Maximum height residential fence:</u>	<u>6 ft.</u>	<u>8 ft.</u>

Advisory Opinion required from Saratoga County Planning Board


ZONING AND BUILDING INSPECTOR

2/22/16

DATE



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

<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name <u>AMW Holdings Inc</u>	_____	_____
Address <u>563 North Broadway</u>	_____	_____
<u>Saratoga Springs, NY 12866</u>	_____	_____
Tel./Fax <u>587-4113 / 587-0260</u>	<u>1</u>	<u>1</u>
Email _____	_____	_____

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

PROPERTY INFORMATION

Property Address (No. & St.) 27 Jewel 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”.

- I. 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:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 If "yes", for how long? _____
 No

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:

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:

- I. 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 permissible 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:

(applicant signature)

Date: _____

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

2. PROJECT NAME

ANW Holdings

3. PROJECT LOCATION:

27 Juvenet 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:

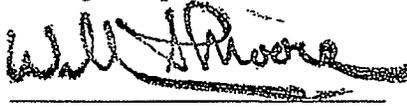
AYES: 6 (B. Moore, K. Kaplan, A. McNeill, G. Hasbrouck, S. Carlson, O. Ludd)

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.

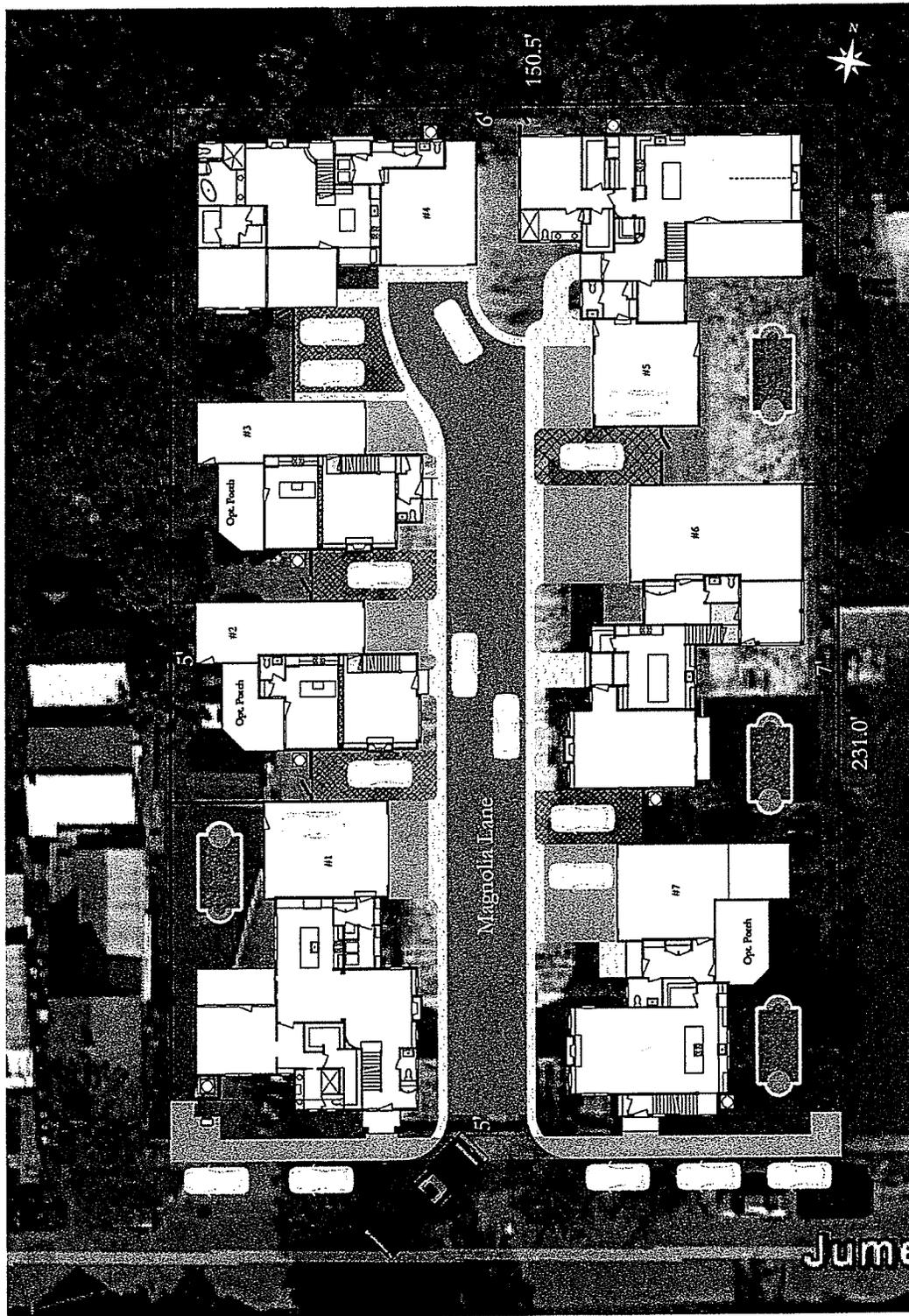
10/30/13
Date


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
W/it Construction

2013



Residence	Lot Coverage		
	Front	Side	Overall
#1	5.4%	25%	27.1%
#2	1.3%	13%	15.1%
#3	1.4%	16%	16.2%
#4	2.7%	13%	24.3%
#5	2.7%	23%	29.1%
#6	2.5%	23%	25.5%
#7	2.7%	23%	25.8%
	14.2%	14%	
			15.9%
			34.9%
			46.5%

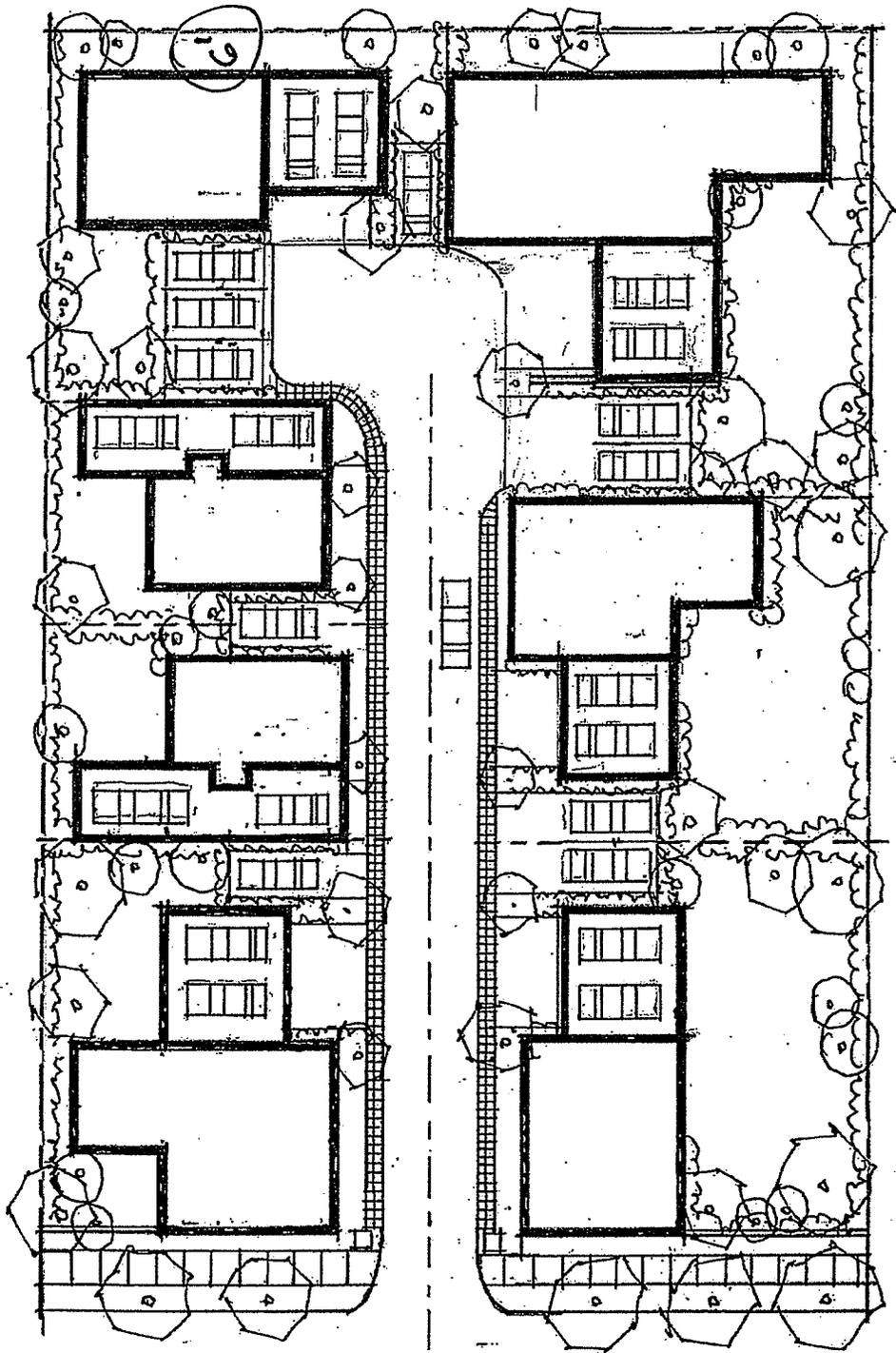
Permissible Statistics	
Site of Development (Sq. Ft.)	31,426
Permissible Area (Sq. Ft.)	
Permissible Area (Sq. Ft.)	3,350
Permissible Area (Sq. Ft.)	1,333
Permissible Area (Sq. Ft.)	4,726
Permissible Area (Sq. Ft.)	1,144
Permissible Area (Sq. Ft.)	4,133
Total Permissible Area (Sq. Ft.)	21,223
Total Permissible Area (Sq. Ft.)	1,133
Total Permissible Area (Sq. Ft.)	11,870
Total Permissible Area (Sq. Ft.)	13,419
Total Permissible Area (Sq. Ft.)	31,224

Scale of Feet



June

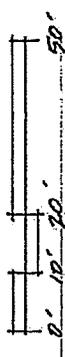
REAR

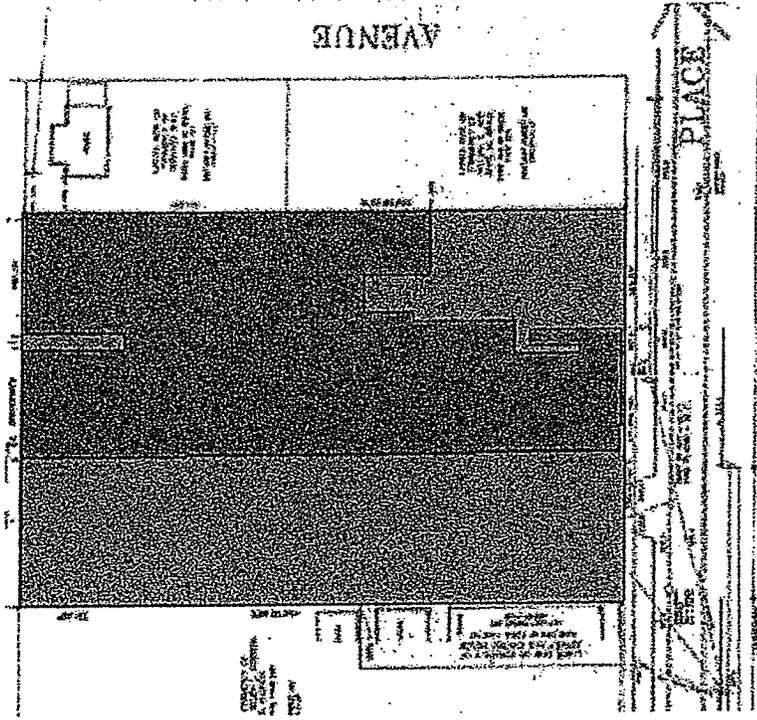


SIDE

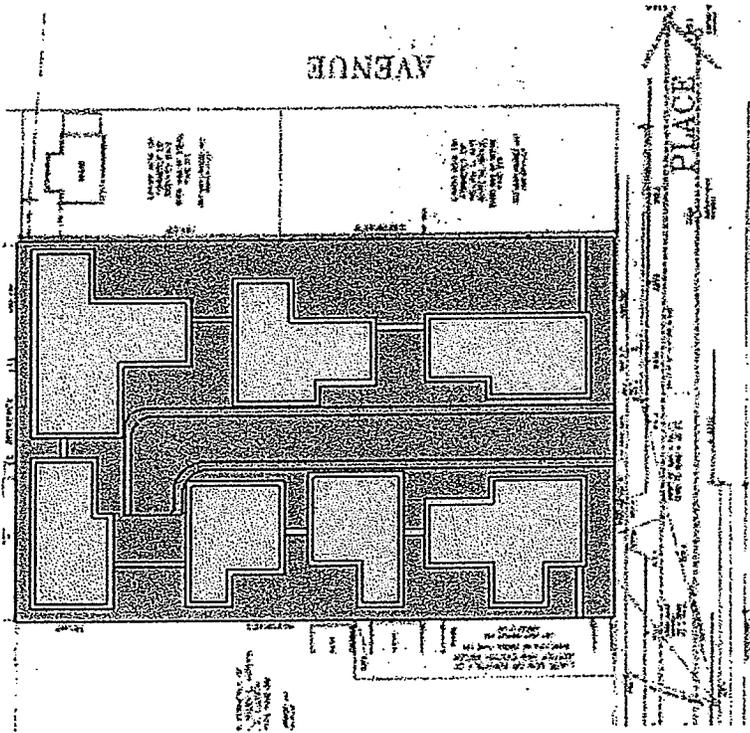
SIDE

FRONT





Site Plan with Existing Building



Concept Site Plan





NO PARKING
EXCEPT FOR
LOADS UNLOADS
AND DELIVERIES

COCA COLA
LUBRY







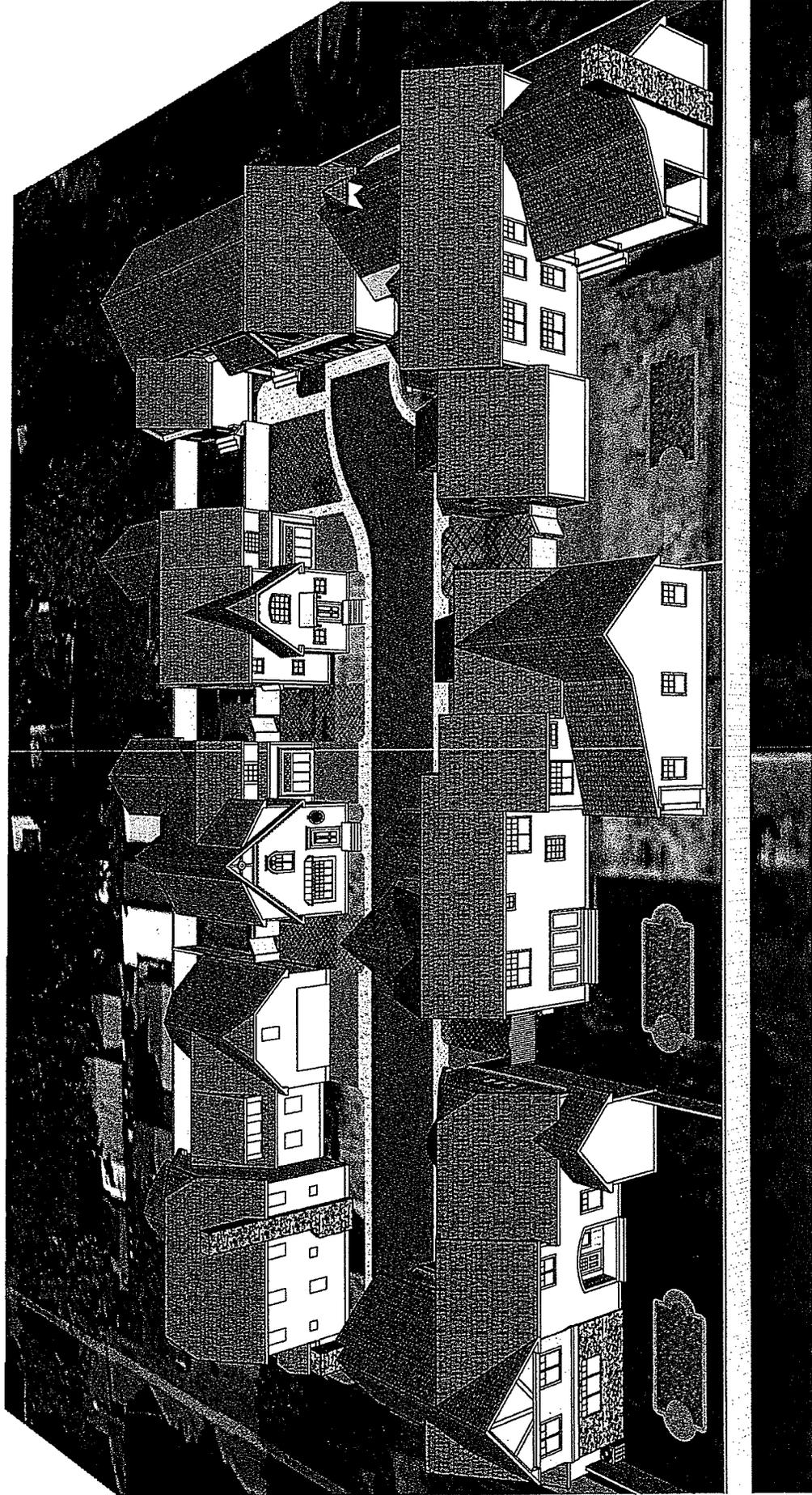
Witt Construction

563 N Broadway, Saratoga Springs, NY 12866

February 27, 2014, 2013

Magnolia Lane

Street Views



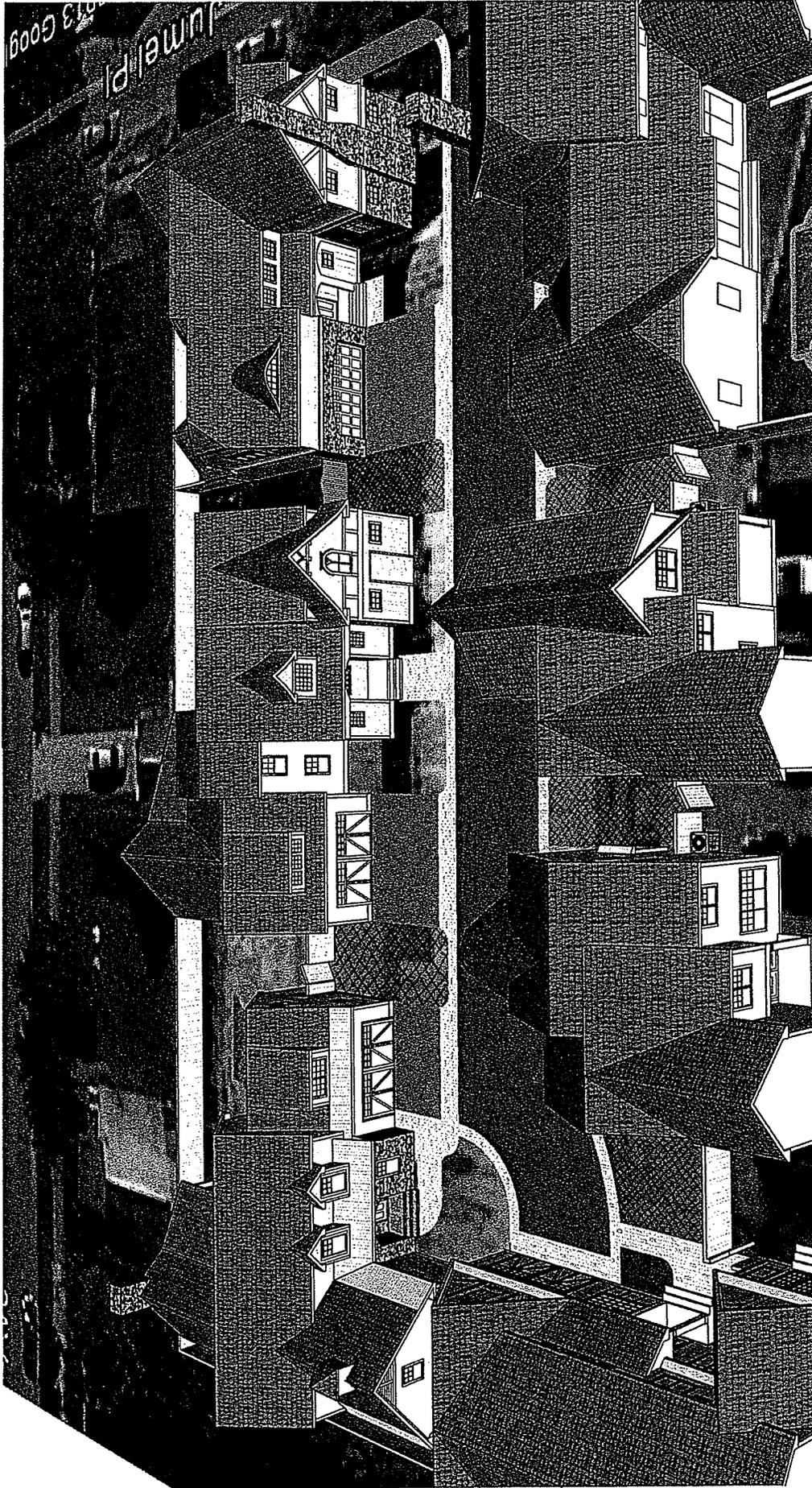
Witt Construction

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				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail: ████████████████████		
Address:				
City/PO:		State:	Zip Code:	
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.			NO	YES
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:			NO	YES
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		



**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: "stephanie waring" [REDACTED]

To: "Susan Barden" <susan.barden@saratoga-springs.org>

Sent: Sunday, March 13, 2016 2:06:36 PM

Subject: Downton Walk

Dear Ms. Barden,

I've read the Saratogian article on Downton Walk and I have been aware of this project. I'm worried that it is a clever way to get around zoning laws. What is the point of zoning laws if you can get around them so easily? I'm not from this neighborhood. I live in Saratoga. If John Witt is granted what he's asking for then why do we have laws if any developer can come in and develop any way he/she wants in this City? I don't understand how this project was approved the first time and why it is being considered again. Thank you and I appreciate the opportunity to make my feelings known.

Sincerely,

Stephanie Waring

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If

From: [REDACTED]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Cc: "Linda" [REDACTED]
Sent: Saturday, March 12, 2016 11:36:51 AM
Subject: Fwd: Witt Construction Downton Walk

Ms. Braden -

My wife Linda and I live at [REDACTED] East Ave. and also own the residence at [REDACTED] East Ave. As we have previously communicated to Mr. Witt, we are in support of his project and believe it will ultimately improve the neighborhood. Our one concern, also communicated to Mr. Witt, is in regards to the demolition of the current property. Specifically, this property has been (mostly) vacant and in disrepair for several years and we are worried that there may be various 'pests' living in/on the property that may become dislodged during demolition and then relocate throughout the neighborhood. Mr. Witt has assured us that he will take proper measures to ensure this does not happen. We would ask that the city be aware of this concern and stress/ensure remediation measures are taken when granting Zoning approval.

Regards,

Jeff & Linda Anderson
[REDACTED] East Avenue
Saratoga Springs, NY 12866

Ph. [REDACTED]

- sent from my iPad

Begin forwarded message:

From: Marci Robinson [REDACTED] >
Date: March 11, 2016 at 11:38:09 AM EST
To: Marci Robinson [REDACTED] >
Subject: Witt Construction Downton Walk

All,

We are pleased to inform you that we are moving along with our plans for the property on 27 Jumel Place, Saratoga Springs. Due to the lengthy probate process the City approvals we received have expired. We received approval for an extension from the Planning Board last night and we are scheduled to go before the Zoning Board again this month to apply for an extension. Attached is a drawing of the proposed 7 lot single family condominium project. The project will improve the neighborhood by eliminating the existing commercial building and constructing attractive homes which will fit in the neighborhood with similar setbacks to the existing homes on the street. This project is sure to enhance the neighborhood and increase property values.

We hope that you will express your support by sending a brief email to Susan Barden (the planner assigned to the ZBA) susan.barden@saratoga-springs.org. as we go before the City Zoning Board of Appeals for approval on Monday, March 21, 2016 at 7pm. It is important to include your name and physical address on the email. Please send the email to Susan Barden and cc me so that John Witt will have a copy of all letters supporting the project.

Once the extension is approved, we plan to close on the property and move full speed ahead with construction!

Best,
MR

Marci Robinson
Sales Assistant

[Witt Construction, Inc.](#)
563 North Broadway
Saratoga Springs, NY 12866
518.587.4113



[image/jpeg:image002.jpg]

From: "John Cashin" [REDACTED] >
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Friday, March 11, 2016 3:09:21 PM
Subject: Downton Walk Zoning Variance

Dear Ms. Barden,

I wish to add my voice to those City residents in opposition to the proposed zoning variances necessary to permit the Witt subdivision called Downton Walk. John Witt has repeatedly shown his insensitivity to the needs of the communities where his subdivisions are being developed. His only concern is to maximize the return on his investment in the parcels he purchases. He has wantonly cleared in a designated "no cut" zone in the Town of Greenfield and has proposed clear cutting in a designated "Open Space" in a planned Conservation subdivision in the town of Saratoga. In the furtherance of his plans, he has repeatedly attempted to misconstrue the provisions of the zoning regulations and the explicit provisions of the Comprehensive Plan to achieve his ends.

While he is fully aware of the Zoning requirements in a Urban Residential-3 zone, Witt simply believes that the Zoning laws and the provisions of the City's Comprehensive Plan do not apply to him. Below I have reproduced an excerpt from an well written and researched article by City resident, Sandy Cohen. The article succinctly describes Witt's attempt to manipulate the zoning provisions well beyond their original intent and shows his total disregard to the explicit provisions of the City's Comprehensive Plan. His lack of concern for community character simply knows no bounds.

Please advise the Zoning Board of Appeals to deny this application.

Respectfully,
John Cashin

The most basic of the issues was the **seven condominiums** he is proposing to build. All will be free-standing structures. So, in his mind, they are basically single-family homes. However, the owners will only be buying the walls and the space within them. The land under and around them will be owned by all the homeowners with an undivided interest and managed by a Homeowners Association that they will direct to maintain and care for it – thus the condominium moniker. The ZBA feels that such ownership is not enough to consider the project a “regular” condominium for zoning purposes – because it will “look like” it’s made up of single-family homes. This becomes a confusing issue, because, on one hand, the builder is admitting he is building condos, only because of the land-ownership factor; but, on the other hand, he wants special consideration for his request to place more structures on the lot than allowed by law.

Most communities refer to Witt’s model as “zero-lot-line” homes and do not “condominiumize” the land. Zero-lot-line homes are considered **cluster housing** and, in Saratoga Springs, are allowable **only** in the Urban Residential-1 (UR-1) and Suburban Residential-2 (UR-2) districts. The codes for those types of communities require the land to be subdivided before it can be approved. Witt has not applied for subdivision, which requires much heavier oversight before approval. The codes addressing cluster housing **require** adherence to proper set-backs to existing properties, although they can be ignored between the homes within land being developed. They also require a strict percentage of the land to be left green. Witt is requesting relief from those setbacks; and has not even made a request for as much relief as he would need, because of the orientation of the homes on the land. And he is not leaving anywhere near as much green land surrounding those homes as required by law. But even those two issues are trumped by the fact that these **are** condos that may NOT be built in a UR-3 district.

If Witt wants to continue to ask for such allowances, especially for condos/multi-family housing in a UR-3 area, we believe it is incumbent on him – by the City’s Comprehensive Plan, Charter, and Zoning Codes – to petition the City Council, which we also believe is the **only** group that can make such exception, by changing language in the Comprehensive Plan itself to allow multi-family housing in a Core Residential Neighborhood-1 (CRN-1) category. However, such a drastic change as this would be opposed by most of the more than 10,000 homeowners throughout the residential neighborhoods in our city.

We contend that the Zoning Board of Appeals will be operating outside of its purview, if it approves Witt’s application.

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it

From: [REDACTED]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Cc: "Marci Robinson" [REDACTED]
Sent: Friday, March 11, 2016 11:24:45 AM
Subject: Witt Construction Downton Walk-Jumel Place

Meghan O'Connor
Realty USA-Scott Varley Team
66 Warren St
Saratoga Springs, NY 12866

Susan,

I'm writing this email in support of the Downton Walk on 27 Jumel Place. I have several clients that are very interested in building in this neighborhood. The proposed plans and neighborhood concept will only help and increase the value of existing homes. This John Witt project will be a great addition to the city of Saratoga Springs. Please make sure that this email is recorded in favor of the project. Thank you for your time.

Sincerely,

Meghan OConnor

3/14/2016

To: Saratoga Zoning Board of Appeals

Saratoga Council and Planning Board,

First of all I can appreciate the awkward position in which the proposal to develop 27 Jumel Place puts the Zoning Board of Appeals, after having already approved the numerous substantial variances two years ago. Having said that, this also gives the Zoning Board, the neighborhood, and the Saratoga Community at large, another opportunity to take a second look at this proposal and its potential city wide long term effects.

I think we all agree the development of the property into residential use could be an asset to the neighborhood and the City Tax Rolls as well.

The broader questions, First : Is this is the right development for this piece of property? John Witt and his construction company are well-known at producing high quality, high end units. By John's own description this would add six million + to the tax rolls. However, a project of this magnitude on this property is requiring numerous (at least 5) and substantial variances (90% and more) relief with major modifications to the zoning regulations in a residential area.

Second: There are questions as to this type of development in the UR-3 zoning. This kind of development seems to be a first for the City's residential areas...Do we really want to make quasi-single family / condominium a precedent for change for other parts of the City's residential zoning?

One of the criteria that the Zoning Board of Appeals must consider is **"Whether the benefits sought by the applicant can be achieved by any other means"**.

Does anybody really believe you need a six million dollar plus project to reasonably and economically develop this site? It seems reasonable that a scaled back project even in the 3 to 4 million dollar range that stays within zoning requirements would be feasible and lucrative. Even at that level it far surpasses the value of any property in the area, perhaps even the Eastside. Understandably a developer wants to maximize their investment; however it should not be the role of the Zoning Board of Appeals to grant variances to ensure increased profitability of the development. A more modest development that remains within the guidelines is in order.

Another criterion the ZBA must consider is **"Whether the variances will produce an undesirable change in the neighborhood or a detriment to nearby properties"**.

An increase of lot coverage over 50% above Zoning restrictions is very significant, especially considering this is one of the largest parcels in the neighborhood. Although none of the public materials available indicate the height of any of the buildings, presumably all are well under the 60 ft zoning limit. Pertaining to the two Jumel Place facing structures however, the graphics indicate 3 stories with copula's which are well above the surrounding 1 to 1 ½ story homes; in addition they rise up 1 foot from the sidewalk. Slightly smaller homes appear to be depicted toward the rear of the property. At such heights privacy to the surrounding neighboring back yards is reduced. The development is also surrounded with a 6 to 8 foot opaque wall separating the older neighboring properties from the new development. All of these would seem to be an undesirable change if not a detriment to the neighborhood. A more modest development that remains within the guidelines would be appropriate.

A third consideration of the ZBA is **"Whether the variance is substantial"**

All Five of the variances sought after seem very substantial, ranging from a 50% to 90% relief in the codes. A more modest development that remains within the guidelines is obtainable.

And the last ZBA consideration: **"Was the alleged difficulty self created?"**

The concerns of criteria 1, 2, & 3 can all be resolved with: A more modest development that remains within the guidelines of the zoning.

I urge the Zoning Board of Appeals to deny the zoning variances and to suggest a redesign of the proposed development.

Respectively Submitted,

Gerald Mattison

████████████████████

Approximant Height of Homes

Ridge

House #1 33'-6"

House #2 27'

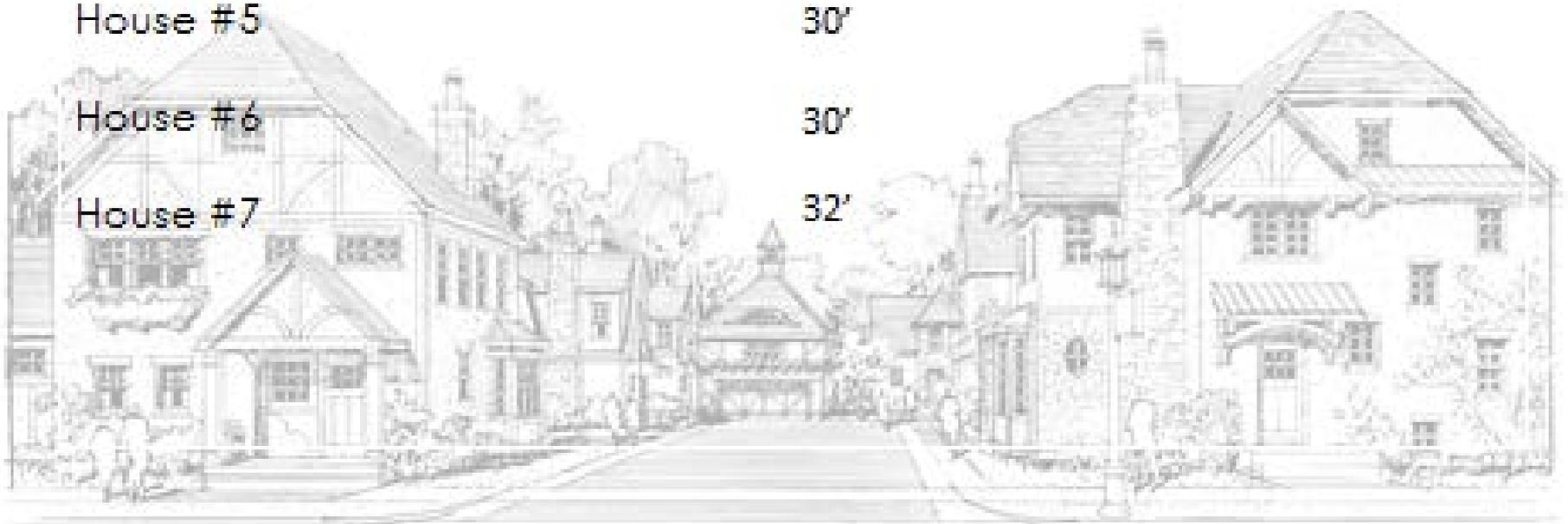
House #3 27'

House #4 32'

House #5 30'

House #6 30'

House #7 32'



Fence Concepts:
6' foot fence with 2' lattice.







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 <u>LUKE A. BOUGHTON</u>	(same)	<u>TONYA VASENCHAK, PE</u>
Address [REDACTED]		<u>ENGINEERING AMERICA CO.</u>
Tel./Fax [REDACTED]	<u>/</u>	<u>76 WASHINGTON ST., SARATOGA, NY</u>
Email [REDACTED]		<u>518/587-1340</u>

* 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 [REDACTED] No

9. Has the [REDACTED] No

10. Identify INT

Pay To The Order Of: Commissioner of Finance Date: 10/19/15

One-hundred; fifty \$ 150.00

Bank of America Security Features Details on Back.

ACH R/T 011400495 For: 1 Alger St. App. Fee

[Signature]



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	<u>LUKE A. BOUGHTON</u>	<u>(same)</u>	<u>TONYA VASENCHAK, PE</u>
Address	[REDACTED]	[REDACTED]	<u>ENGINEERING AMERICA CO.</u>
Tel./Fax	[REDACTED]	<u>/</u>	<u>76 WASHINGTON ST., SARATOGA, NY</u>
Email	[REDACTED]	[REDACTED]	<u>518/587-1340</u>

* 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 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

NOT APPLICABLE

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) <u>MIN. YARD SETBACK: FRONT (ALGER ST)</u>	<u>10'</u>	<u>7.8' (22%)</u>
2) <u>MIN. YARD SETBACK: FRONT (BOLSTER LN)</u>	<u>10'</u>	<u>7' (30%)</u>
3) <u>MIN. YARD SETBACK: TOTAL SIDES</u>	<u>12'</u>	<u>4.4' (63.3%)</u>
4) <u>MAXIMUM BUILDING COVERAGE: PRINCIPAL BLDG.</u>	<u>30%</u>	<u>55.5%</u>

Other: _____

5) <u>MINIMUM DISTANCE TO ACCESSORY BLDG:</u> <u>(FRONT LINE)</u>	<u>10'</u>	<u>2' (80%)</u>
--	------------	-----------------

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:

I. 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 INTO 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 EACH OTHER. 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) 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

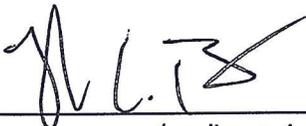
Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? No Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

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)

Tonya L. Yasenchek
Notary Public, State of New York
Reg. No. 01YA6149254
Certificate filed: Saratoga County
Commission Expires: 7/17/2018

Sworn to before me this date:

Date: OCT. 20TH 2015


Notary Public

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

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 1 ST FLOOR AREA (SF)	MAX. HEIGHT (FEET)	PRINCIPAL BUILDING	FRONT LOT LINE	SIDE LOT LINE	REAR LOT LINE	
RR (F)	2 acres	200	15	5	60	100	30	100	-----	35	5	60	30	50	80
SR-1 (F)	40,000	125	20	8	40	40	15	35	-----	35	5	40	10	10	40
SR-2	20,000 (A)	100	25	8	30	30	12	30	-----	35	5	30	5	5	30
UR-1	12,500 (A)	100	20	8	30	30	12	30	1 Story = 1,100 2 Story = 800	60	5	30	5	5	30
UR-2	6,600 (A)	60	30	10	10	25	8	20	1 Story = 900 2 Story = 700	60	5	10	5	5	25
UR-3	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	60	5	10	5	5	25
UR-4	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	70	10	25	5	5	15
UR-4A	2,000/DU	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	70	5	10	5	5	15
UR-5	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	185	20	20	10	10	15
UR-6	4,800	60	30	10	25	25	8	20	900	35	5	25	5	5	25
UR-7	4,000	50	45	10	10	10	4	8	1,000	35	5	10	5	5	20
NCU-1	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-2	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-3	3,000/DU	60 (H)	30	10	10 (I)	25	4 (J)	12	1 story = 1,800 2 story = 1,200	50	5	10	5	5	20

ENGINEERING AMERICA CO.

76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866
518 / 587-1340 518 / 580-9783 (FAX)

TRANSMITTAL SHEET

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

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY AS REQUESTED

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

Area Calculations:

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

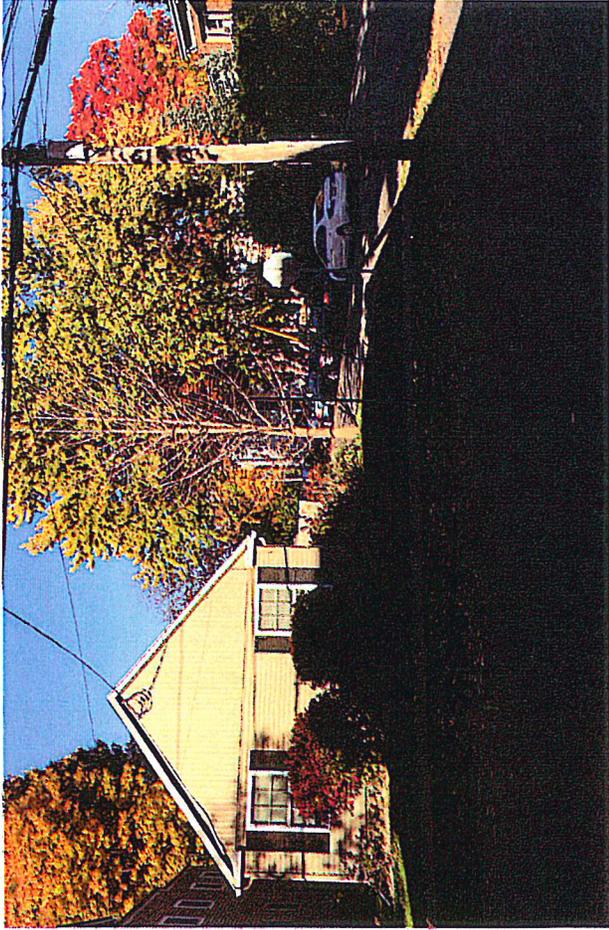
Permeability: House with Addition: 2,609 sq.ft.
Existing & New Driveways: 430 sq.ft. (+/-)
Patio & Shed: 350 sq.ft. (+/-).
Total Coverage: 3,389 sq.ft.
3,389 sq.ft. (72 % coverage = 28 % permeable > 25% min)

Thank you for your time and cooperation.
Sincerely,

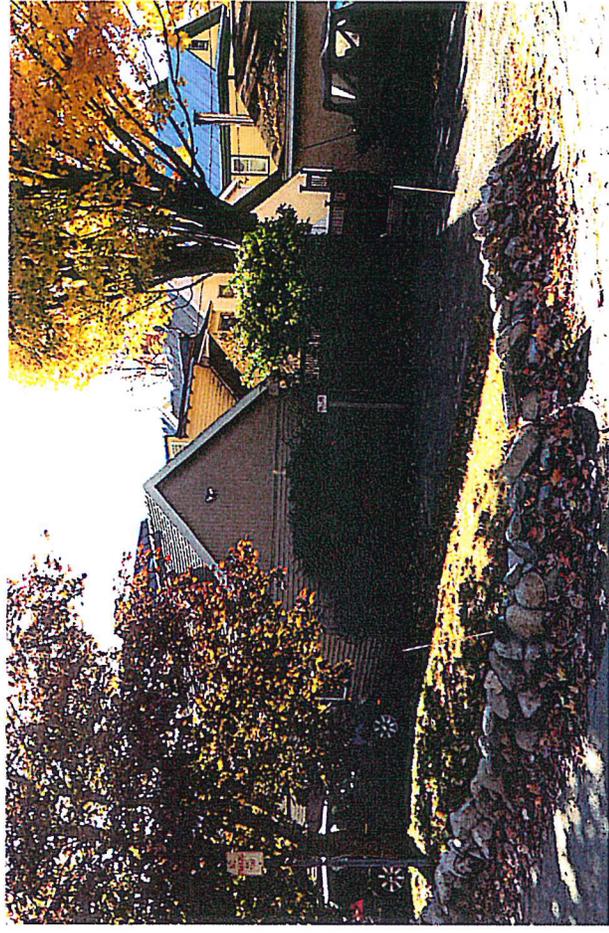
Tonya Yasenchak, PE

Boughton Addition:

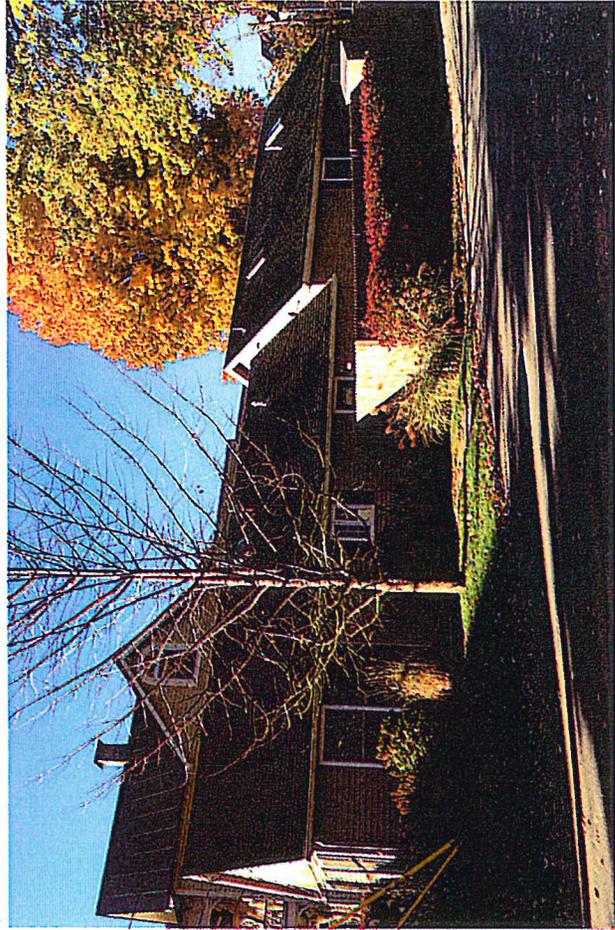
#1 Alger St., Saratoga Springs, NY



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



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



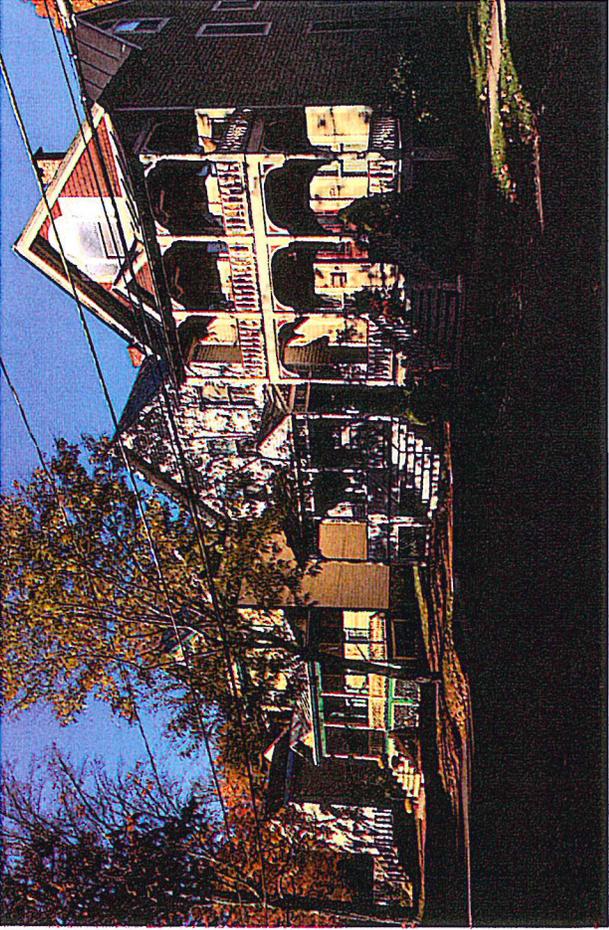
Right / North elevation of existing residence as viewed facing South from Alger St.



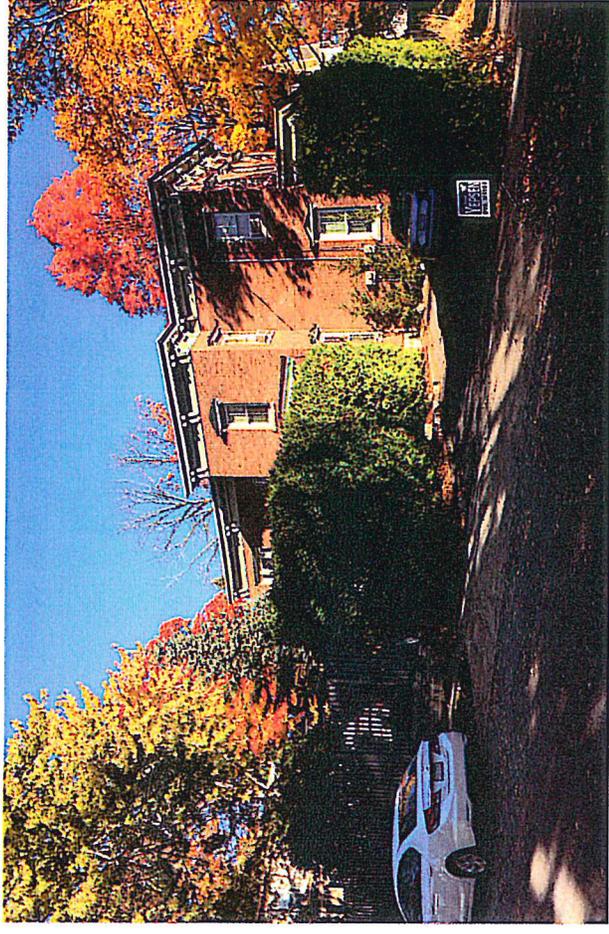
Close up of North Elevation to be added on to (addition will be to right in pic.) as viewed facing South from Alger St.

Boughton Addition:

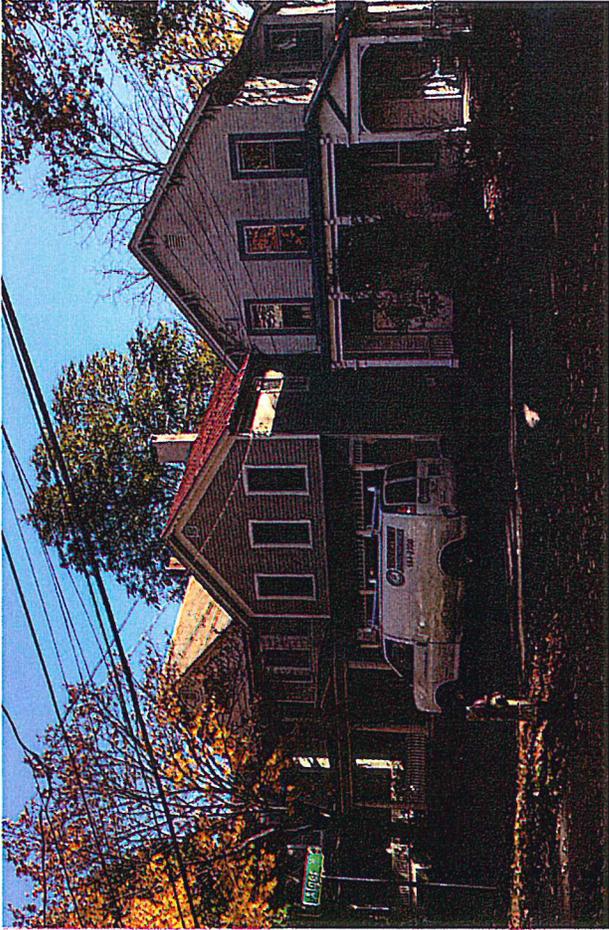
#1 Alger St., Saratoga Springs, NY



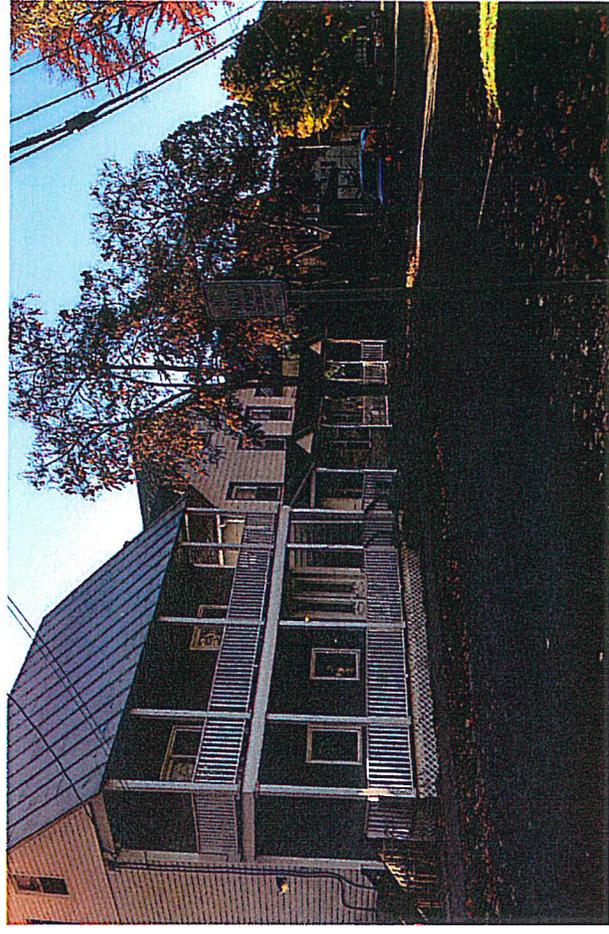
Adjacent Neighbors to the South of project site as viewed facing South West along Woodlawn.



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



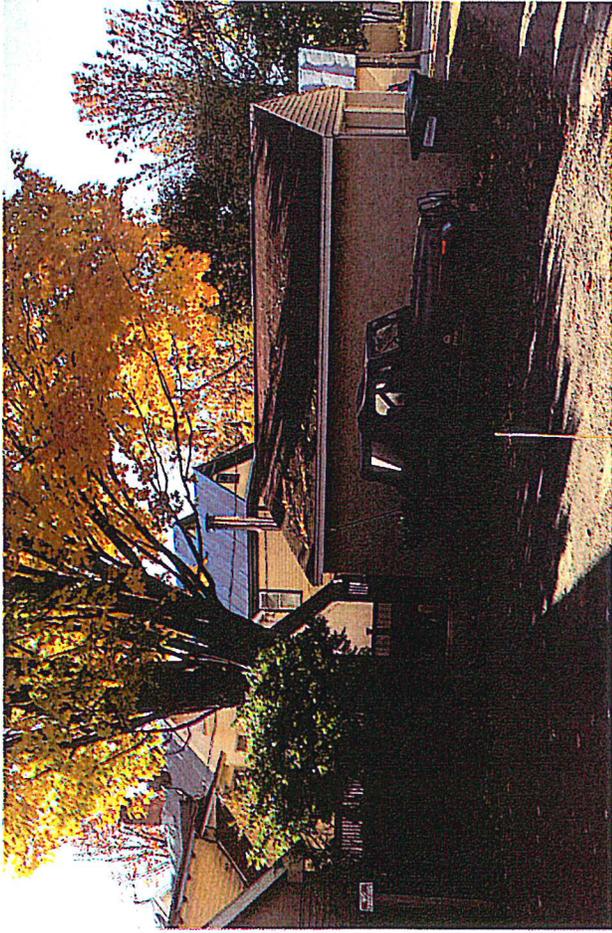
Properties across Woodlawn to the North East of project site as viewed facing East from Alger St. intersection.



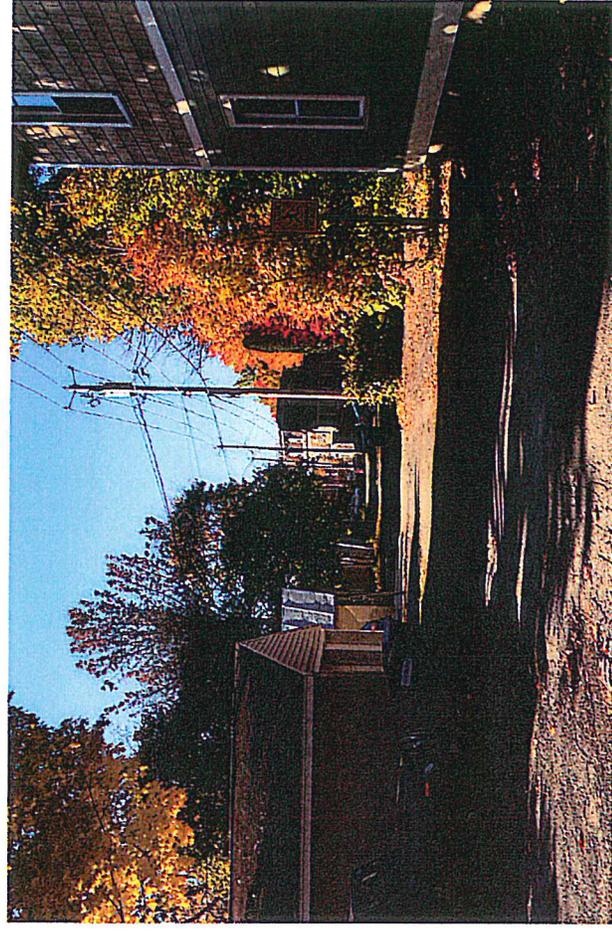
Properties across Woodlawn to the South East of project site as viewed facing South East from Alger St. intersection.

Boughton Addition:

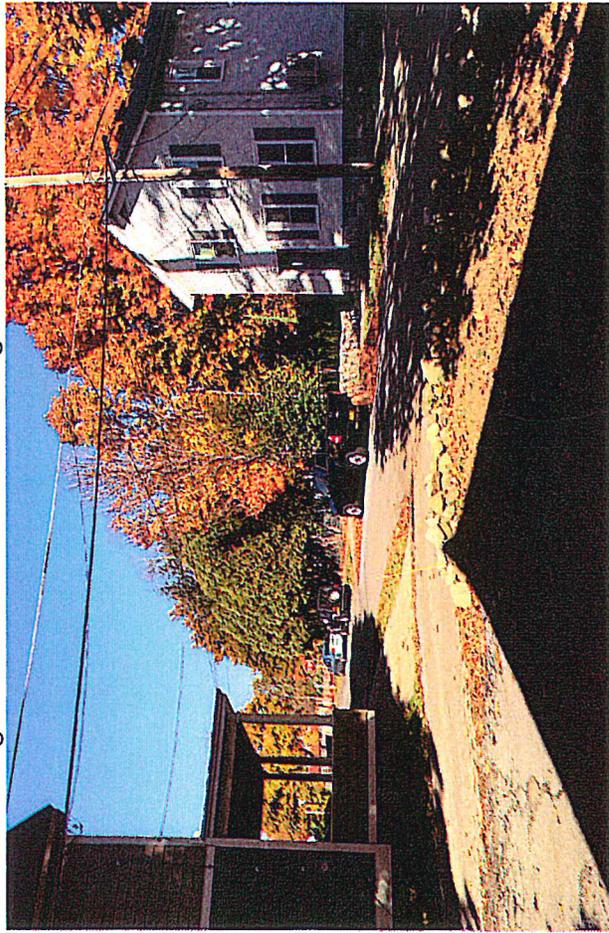
#1 Alger St., Saratoga Springs, NY



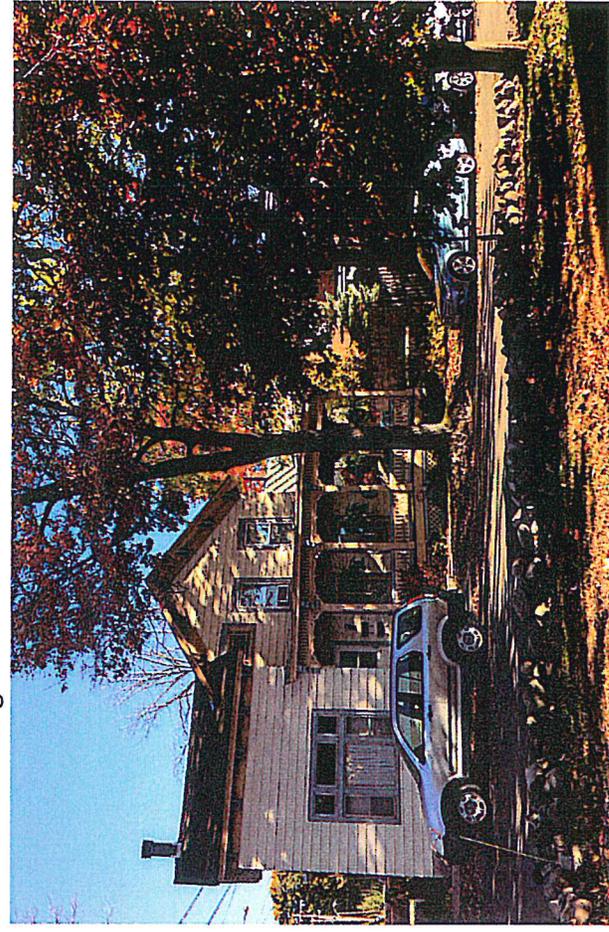
Adjacent Neighbors' alley garage to the South of project site as viewed facing South from Bolster Ln./ Alger St. intersection



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



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



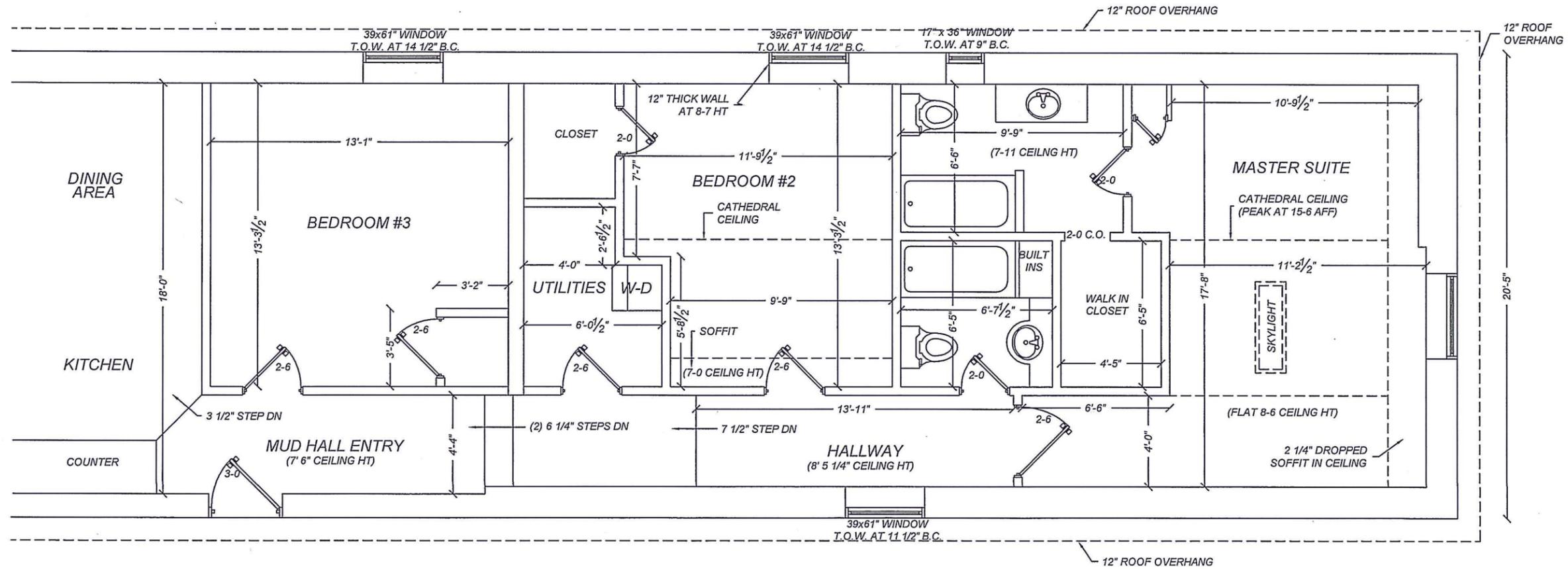
Property to the direct North of project site as viewed facing North across Alger St. from location of proposed addition

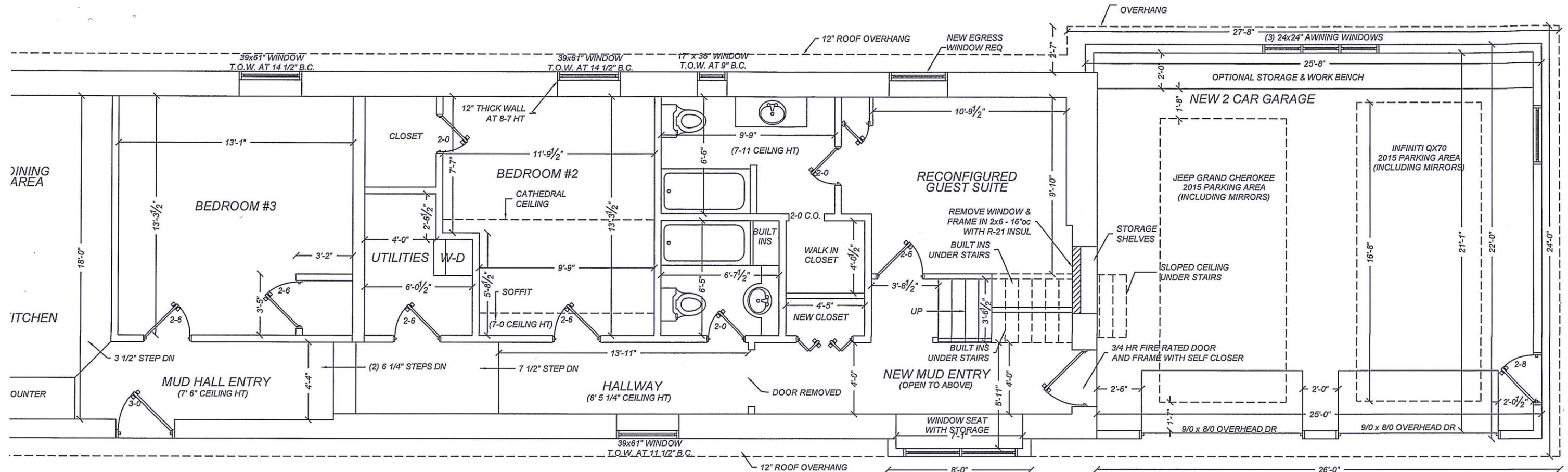
BOUGHTON RESIDENCE
#1 ALGER ST.
CITY OF SARATOGA SPRINGS, NY

EXISTING MAIN FLOOR PLAN

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

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





MAIN FLOOR PLAN

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

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

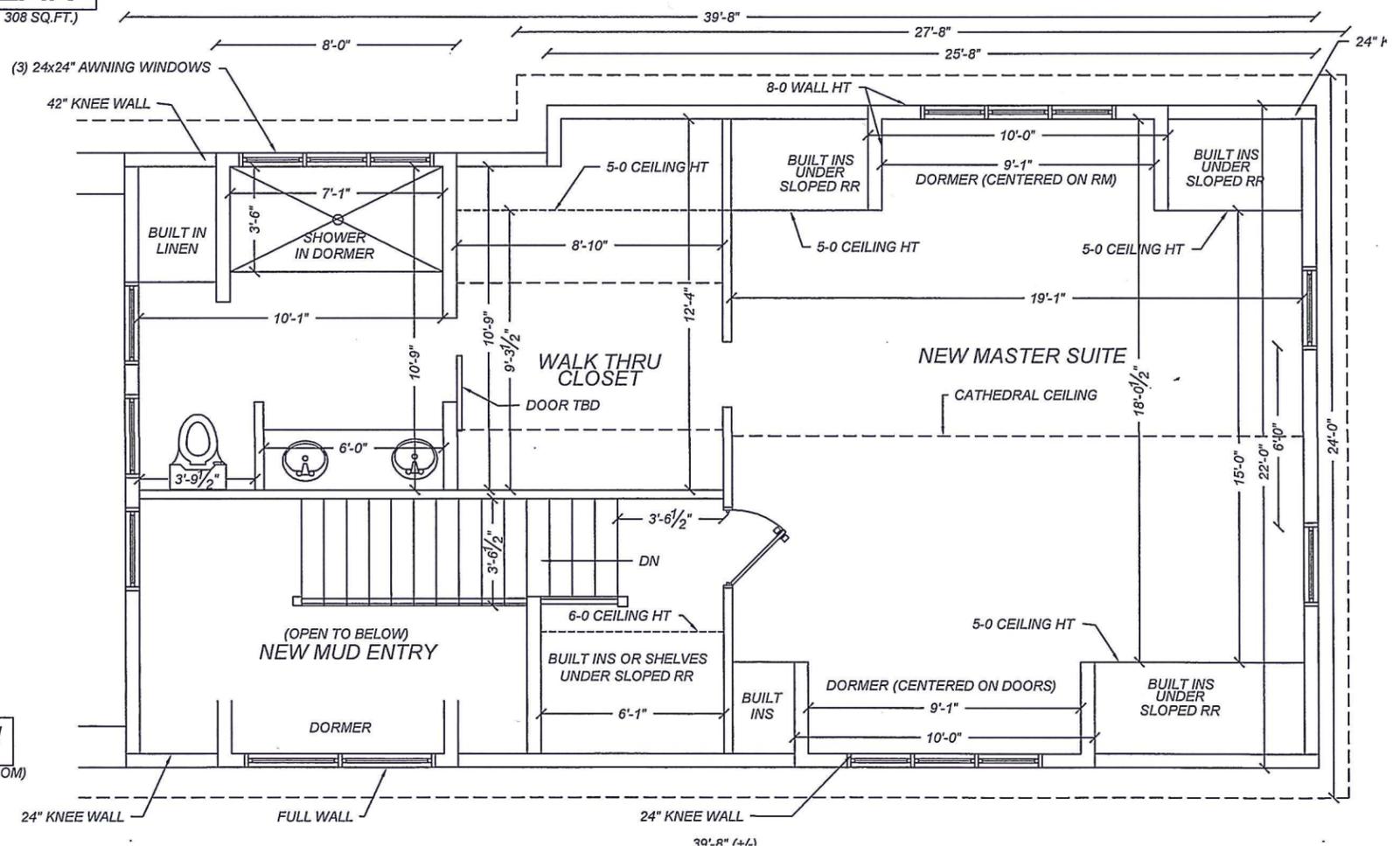
PROPOSED FLOOR PLANS

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

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

UPPER FLOOR PLAN

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

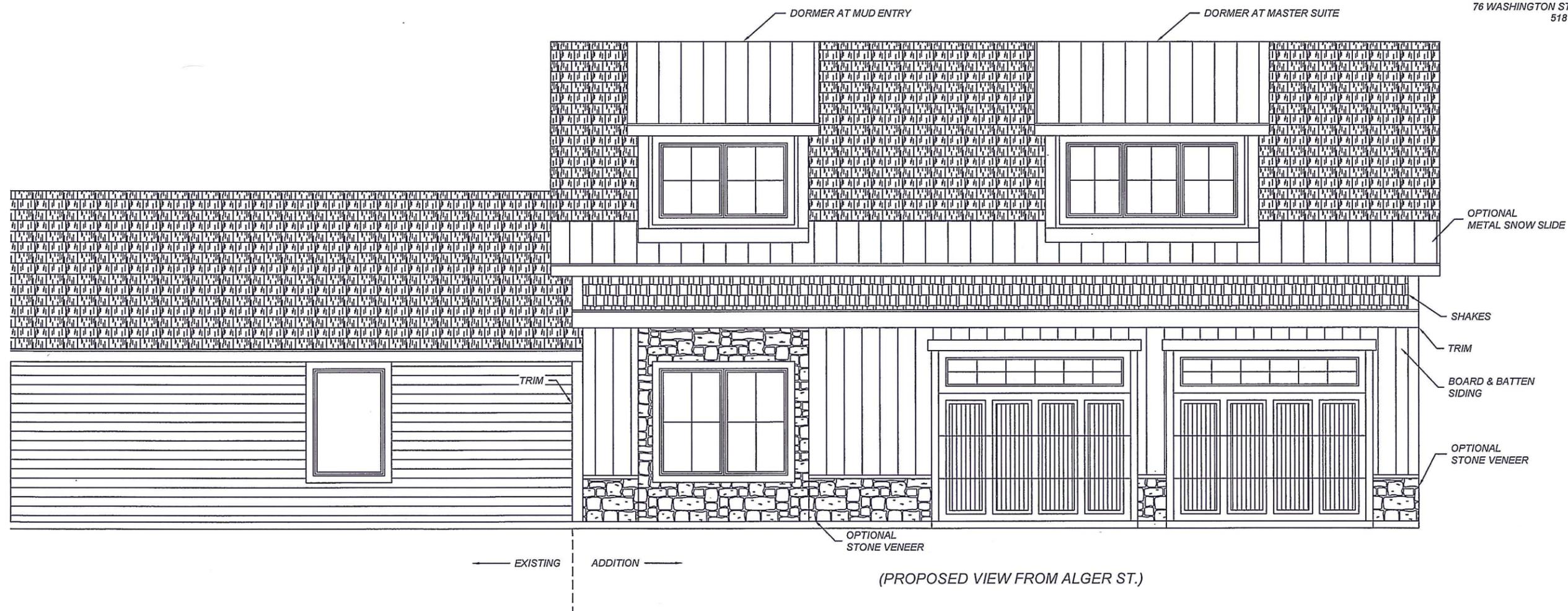


BOUGHTON RESIDENCE
#1 ALGER ST.
CITY OF SARATOGA SPRINGS, NY

PROPOSED NORTH ELEVATION

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

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



ALGER

STREET

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

EXISTING SURVEY
 (SCALED TO VIEW: 1" = 10')

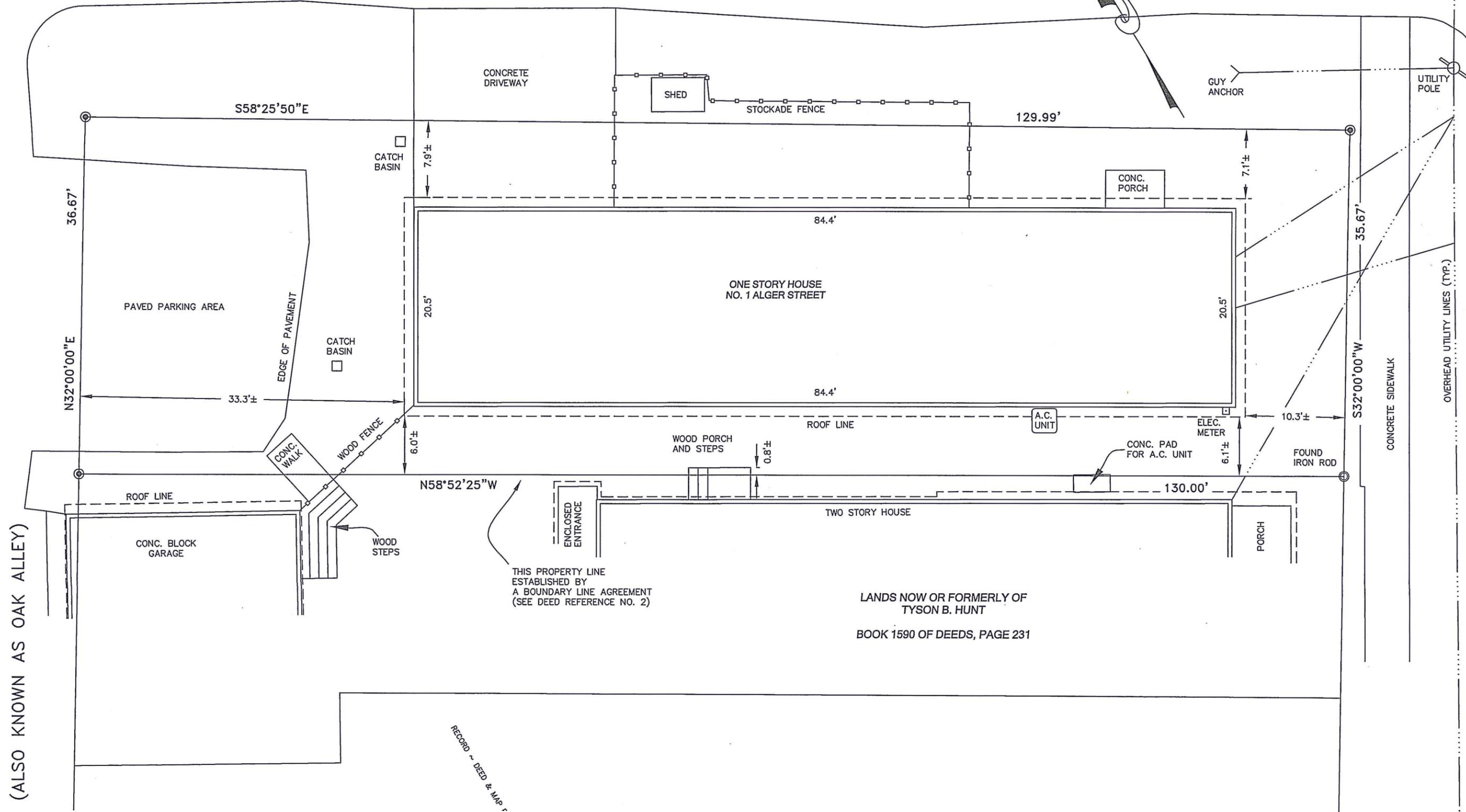
ORIGINAL SURVEY BY:
 DAN WHEELER, LLS
 SURVEY ASSOCIATES, LLC.

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

LANE

RIGHT OF WAY = 20 FT.
 WIDTH OF PAVEMENT VARIES

BOLSTER



AVENUE

WOODLAWN

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

ALGER STREET

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

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, LL.S.
SURVEY ASSOCIATES, LLC

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

LANE

RIGHT OF WAY = 20 FT.
WIDTH OF PAVEMENT VARIES

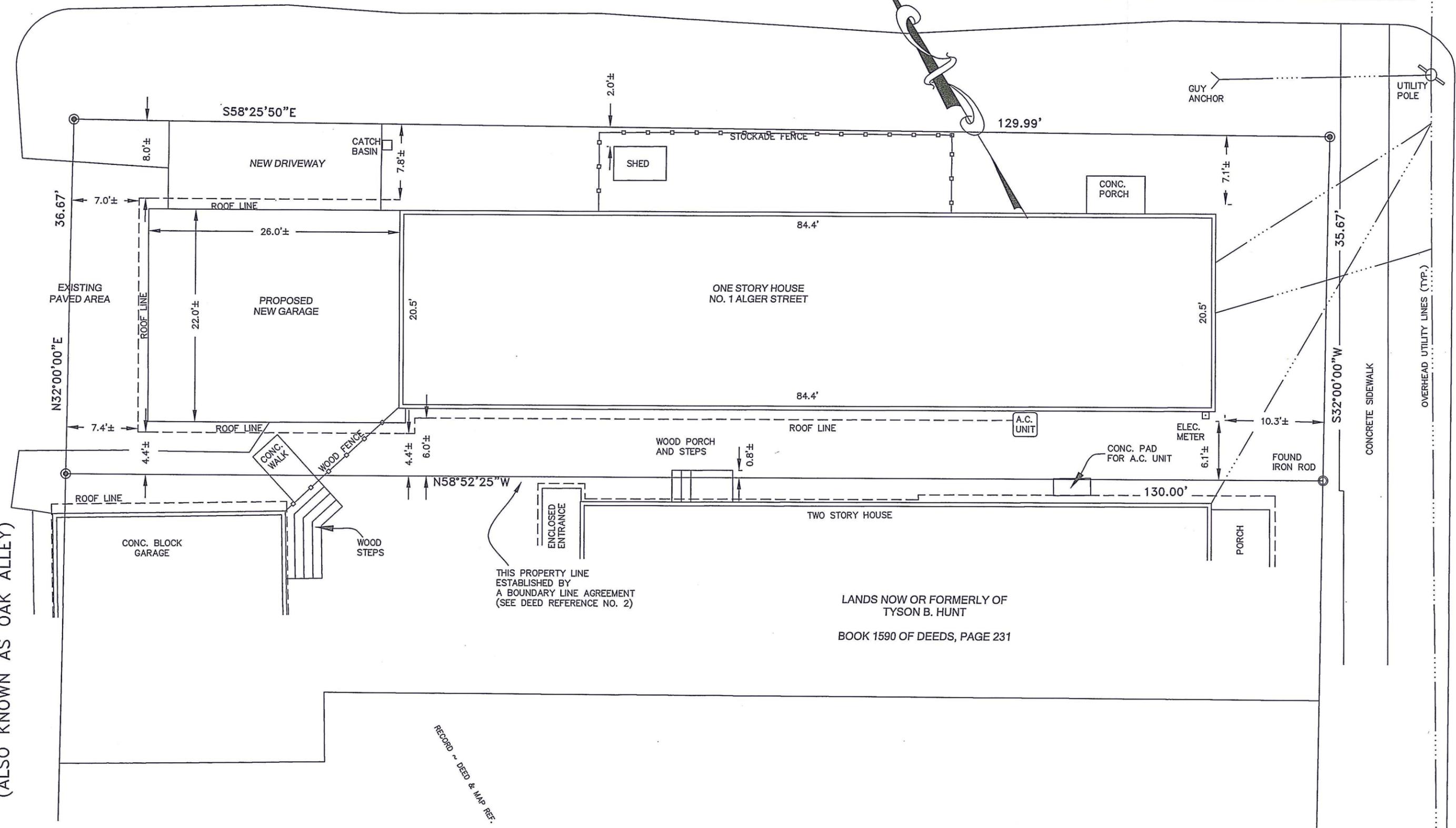
BOLSTER

(ALSO KNOWN AS OAK ALLEY)

AVENUE

WOODLAWN

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



ALGER STREET

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

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

PROPOSED PLOT PLAN

(SCALED TO VIEW: 1" = 10')

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

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

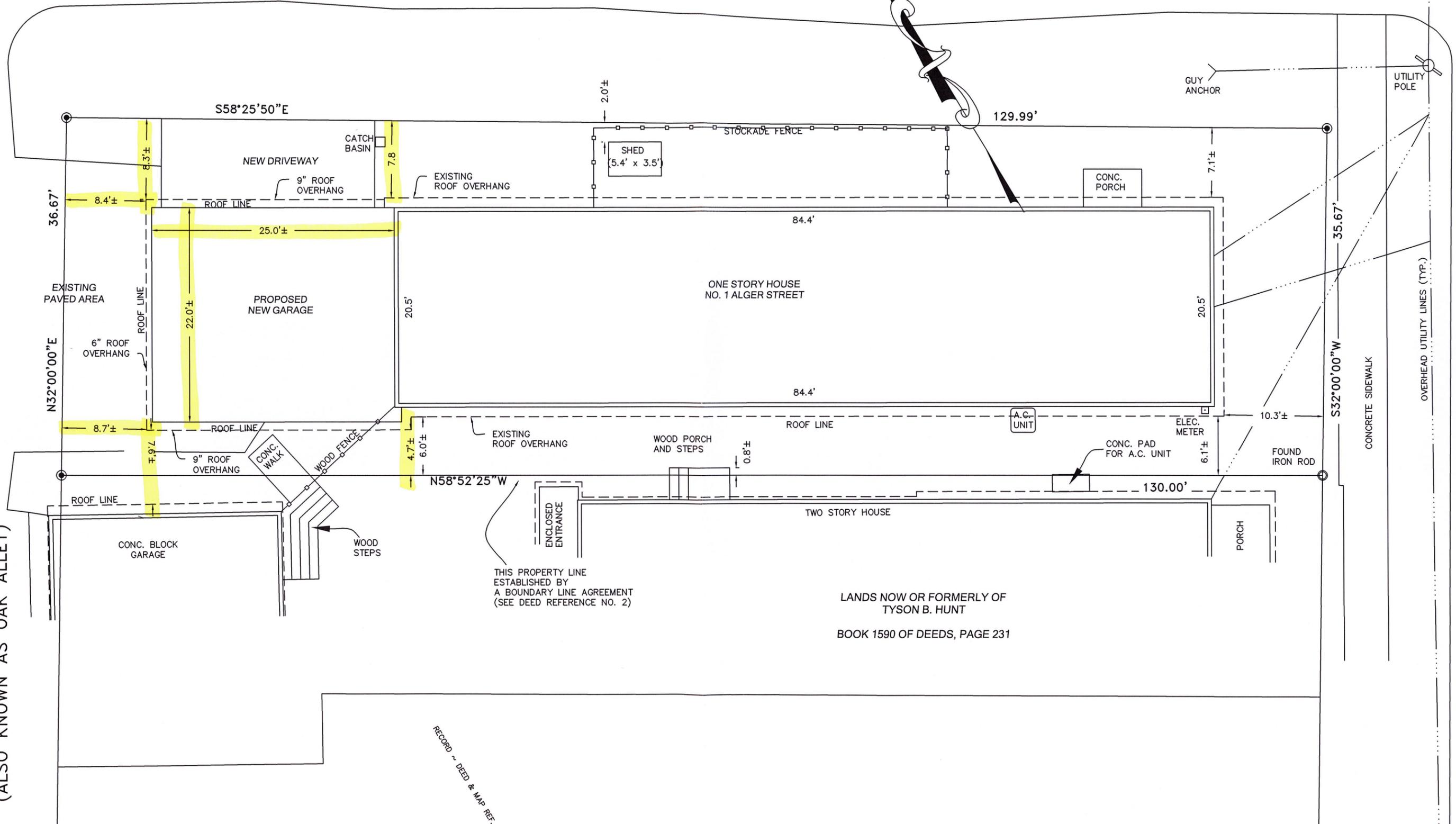
01/15/16

LANE

RIGHT OF WAY = 20 FT.
WIDTH OF PAVEMENT VARIES

BOLSTER

(ALSO KNOWN AS OAK ALLEY)



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

LANDS NOW OR FORMERLY OF
TYSON B. HUNT

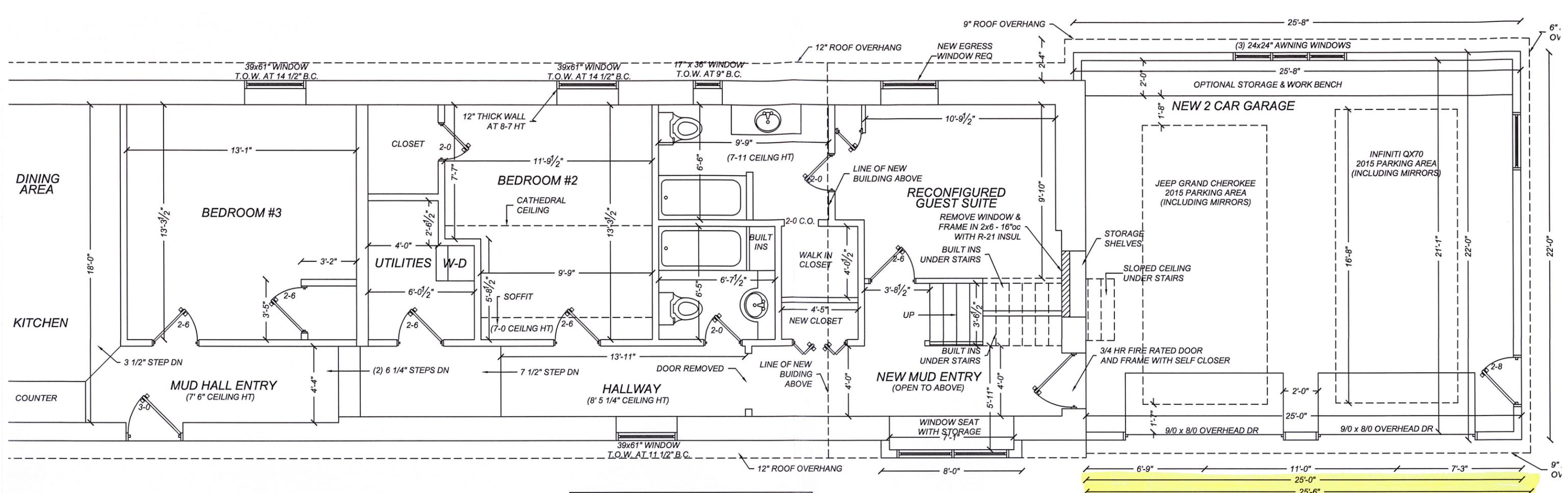
BOOK 1590 OF DEEDS, PAGE 231

RECORD ~ DEED & MAP REF.

AVENUE

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

WOODLAWN



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)

