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

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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, April 11, 2016
City Council Chambers – 7:00 p.m.

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

Salute The Flag

Role Call

New Business

1. **#2856.1 MOORE HALL**
   28 Union Avenue/35 White Street, initiation of coordinated SEQRA review for proposed demolition of an existing dormitory building and construction of 26 dwelling units in an Urban Residential – 4 District.

   Documents: 2856.1 MOOREHALL2_APPLICATION_REDACTED.PDF

2. **#2883 ASHTON GARAGE**
   149 Grand Avenue, area variance to construct a detached garage; seeking relief from the maximum accessory building coverage requirement in the Urban Residential – 3 District.

   Documents: 2883 ASHTONGARAGE_APPLICATION_REDACTED.PDF

3. **#2884 TRUECUTZ BARBER SHOP**
   44 Jefferson Street, use variance to permit a barber shop; seeking relief from the permitted uses in the Urban Residential – 2 District.

   Documents: 2884 TRUECUTZ_APPLICATION_REDACTED.PDF

4. **#2885 CARR RESIDENTIAL ADDITION**
   13 Oakland Drive, area variance to construct additions to an existing single-family residence; seeking relief from the minimum front yard setback (Oakland Dr.), minimum front yard setback (Lawrence St.) and maximum principal building coverage in the Urban Residential – 1 District.

   Documents: 2885 CARRRESIDENCEADDITIONS_APPLICATION_REDACTED.PDF

5. **#2880 ARMER/DESORBO RESIDENCE**
   117 Middle Avenue, area variance for additions to an existing single-family residence; seeking relief from the minimum side yard setback and minimum rear yard setback requirements in the Urban Residential – 3 District.

   Documents: 2880 ARMERDESORBORESIDENCEADD_APP_REDACTED.PDF, 2880 ARMERDESORBORESIDENCEADD_REVISEDMAP4-11-16.PDF

Old Business

1. **#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_NEIGHBORCORRRECVD3-14--3-21-16_REDACTED.PDF, 2807.1 MURPHYLNBARNRENO_REQINFO3-14-16.PDF, 2807.1 MURPHYLNBARNRENO_NEIGHBORCORRRECVD2-22-16_REDACTED.PDF, 2807.1 MURPHYLNBARNRENO_CORRJDAGOSTINORECVD3-11-16.PDF, 2807.1 MURPHYLNBARNRENO_CORRMMITTLER_RECVD31-16.PDF, 2807.1 MURPHYLNBARNRENO_NEIGHBORCORRREDACTED_REDACTED.PDF, 2807.1 MURPHYLNBARNRENO_UPDATEDMATERIALSRECVD2-18-16.PDF, 2807.1 MURPHYLNBARNRENO_39MURPHYLN.PDF

2. **#2865 BOUGHTON GARAGE**
   1 Alger Street, area variance to construct an attached garage with second-story master suite addition to an existing single-family residence; seeking relief from the minimum front yard setback (Alger), minimum total side yard setback and maximum principal building coverage requirements in the Urban Residential – 3 District.

   Documents: 2865 BOUGHTONGARAGE_APP_REDACTED.PDF, 2865 BOUGHTONGGARAGE_REVISIONS.PDF

3. **#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, 2879 FARINAWEXLERRESIDENCE_BUILDINSPECTDENIAL.PDF

4. **#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 SARATOGASPRINGSDENTISTRYSIGNAGE_APP_REDACTED.PDF, 2881 SARATOGADENTISTRYSIGNAGE_BUILDINSPECTDENIAL.PDF

5. **#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, 2689.1 REJUVENATIONHOMES_BUILDINSPECTDENIAL.PDF

Adjourned Items

1. **#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.~~
   Application adjourned to April 25.

   Documents: 2882 BEYERSUBDIVISION_REQADVISOPINPB.PDF, TAX MAP WITH LOT SIZES.PDF, 2882 BEYERSUBDIVISION_APPLICATION_REDACTED.PDF, 2882 BEYERSUBDIVISION_BUILDINSPECTDENIAL.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.~~ Application adjourned to April 25.

3. **#2759.1 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 25.

   Documents: 2759.1 ANWHOLDINGCONDOS_APP_REDACTED.PDF, JUMEL-POWERPOINT-3-14-16.PDF, 2759.1 ANWHOLDINGSCONDOS_ADDTLCORRASOF3-29-16_REDACTED.PDF, 13-109MV (CITY OF SARATOGA SPRINGS-ANW JUMEL DOWNTON WALK.PDF, 2759.1 ANWHOLDINGSCONDOS_NEIGHBORCORRREVCD3-11--3-13-16_REDACTED.PDF, 2759.1 ANWHOLDINGSCONDOS_CORRJVALETTA_RECVD3-9-16_REDACTED.PDF, 2759.1 ANWHOLDINGSCONDOS_CORRBMCTAGUE_REVD3-9-16_REDACTED.PDF, 2759.1 ANWHOLDINGSCONDOS_CORRMPETER_RECVD3-1-16_REDACTED.PDF, 2759.1 ANWHOLDINGSCONDOS_PRESENTATION2-22-16.PDF, 2759.1 ANWHOLDINGSCONDOS_AERIALVIEW_RECVD3-

1-16.PDF, 2759.1 ANWHOLDINGSCONDOS_CORRSCOHEN_RECVD3-2-16_REDACTED.PDF, 2759.1 ANWHOLDINGSCONDOS_CORRSBREWTON_RECVD2-29-16_REDACTED.PDF, 2759.1 ANWHOLDINGS_BUILDINSPECTDENIAL.PDF, 2759.1 ANWHOLDINGSCONDOS_NEIGHBORCORRREVCD2-21-16_REDACTED.PDF

Other Business

1. **NEXT ZONING BOARD MEETING:**
   APR. 25, 2016

The LA GROUP
Landscape Architecture & Engineering P.C.
People. Purpose. Place.

40 Long Alley
Saratoga Springs
NY 12866

p: 518-587-8100
f: 518-587-0180
www.thelagroup.com

LETTER OF TRANSMITTAL

TO: Saratoga Springs Planning Department
City Hall
Saratoga Springs, NY 12866

DATE: 3/18/2016 JOB NO.:

RE: Moore Hall

WE ARE SENDING YOU ☑ Attached ☐ Under separate cover via_____the following items

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			ZBA Application w/ Exhibit A & B
1			SEQRA Long Form
1			OPRHP Archaeological Response Letter
1			DEC Natural Heritage Response Letter
1			La Group Variance Site Plan
1			Balzer & Tuck Architectural Renderings
1			Application Fee
			Note: We would appreciate that this application be forwarded
			To the Saratoga County Planning Board as soon as possible
			for consideration of an advisory opinion at their next meeting

THESE ARE TRANSMITTED as checked below:

☑ For approval ☐ Approved as submitted ☐ Resubmit_____copies for approval
☐ For your records ☐ Approved as noted ☐ Submit_____copies for distribution
☐ As requested ☐ Return for corrections ☐ Return _____corrected prints
☐ For review and comments ☐ _____
☐ FOR BIDS DUE _____20____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

cc: SIGNED:_____

If enclosures are not as noted, kindly notify us at once.

CITY OF SARATOGA SPRINGS

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[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	Moore Hall, LLC	46 Union Avenue, LLC	Michael J. Toohey, Esq.
Address	18 Division Street, Suite 401 Saratoga Springs, NY 12866	300 South Division Street Buffalo, NY 14204	P. O. Box 4367 Saratoga Springs, NY 12866
Tel./Fax	[redacted]	[redacted]	[redacted]
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.) 28 Union Avenue/35 White Street Side of St. (north, east, etc.) South of Union Avenue/North of White Street

Tax Parcel No.: 165 . 76 - 1 - 34.13 *(for example: 165.52 – 4 – 37)* Tax District: ☒ Inside ☐ Outside

32, 33, 40 &

1. Date acquired by current owner: 5/13/2009
2. Zoning District when purchased: UR-4
3. Present use of property: Vacant Dormitory, Parking lots
4. Current Zoning District: UR-4
5. Has a previous ZBA application/appeal been filed for this property? ☒ Yes (when? 10/23/06 & 11/20/06 for what? Various Area Variances) ☐ 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: Demolition of existing 6 story dormitory building and construction of 26 new residential units . [See attached Narrative/Exhibit A]
8. Is there a written violation for this parcel that is not the subject of this application? ☐ Yes ☒ No
9. Has the work, use or occupancy to which this appeal relates already begun? ☐ Yes ☒ No
10. Identify the type of appeal you are requesting *(check all that apply)*:

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

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

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

_____

_____

_____

_____

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

_____

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

A use variance is requested to permit the following: _____

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

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

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

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

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

Date	Improvement	Cost
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions: _____

_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) See attached Exhibit C .

Dimensional Requirements	From	To
See Attached Exhibit B		

Other:

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

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

As described in the Narrative two prior plans were fully developed with regard to this site. One involved the adaptive reuse of the existing structure and the other the demolition of th existing structure. This Project attempts to use the concepts that were previously approved to construct condominiums consistent in mass, scale and design with the neighborhood while proposing a use of the land that is economically viable to finance, build and sell. There is no other adjacent land for sale and building two large single structures up to the permitted 70ft would not be consistent with the neighborhood.

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

As depicted on the attached plans, elevations and streetscapes, the proposed buildings are consistent with the buildings throughout the neighborhood. Most of the original Skidmore buildings have been converted into multi-family structures. The City of Saratoga Springs has recognized this by modifying the Union Avenue property from Institutional Education Zoning to UR-4 (See October 1990 adopted Zoning Map). The removal of a vacant Moore Hall and construction of those residential units will be to the benefit of the nearby properties and be significantly more consistent with the streetscape of Union Avenue and White Street.

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

The reality of this undertaking is that larger numbers of multi-family dwellings are needed to replace the previously approved Moore Hall. The front yard setback for the Union Avenue building is maintained and is at a point that is consistent with the existing structures in close proximity on the south side of Union Avenue. The building on White Street is generally in line with other structures on that side of the street. The placement of the structures on North Lane are also consistent with neighboring improvements. The use of the "build-to line" also allows for structure placement that will allow for the optimum consistency with neighboring structures. Finally, the term "substantial" is not merely a request for a mathematical calculation. It calls on the Board to review "substantiality" in the context of the existing and historic neighborhood. In this case, the requested variances are not "substantial".

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 use of this Property as proposed is consistent not only with the Zoning Code, but the stated "Intent" for this particular Zone. The placement and size of the structure will be consistent with other historic buildings in this area of the City. There will be no demand or requirement to use on-street parking for the proposed number of units. The granting of this variance will replace, with a permitted use, a structure that is wholly inconsistent with the neighborhood and, as a result, will have a positive effect on the neighborhood.

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

The proposed need for Area Variance, may be self-created, but the adaptive re-use of the legal pre-existing, non-conforming structure, did not appear to be consistent with the wishes of many neighbors. As a result, the construction of an economically viable Project consistent in mass and size with the neighborhood had to be designed. That is what has been done with the proposed utilization of this site. As a result, with the use of some "Area Variances" we have self-created a Project that is consistent with the neighborhood as it actually exists today.

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.

Moore Hall, LLC

BY: _____
(applicant signature)

_____
(applicant signature)

Sworn to before me this date:

Date: 3/18/16

_____
Notary Public
KEITH M. FERRARA
Notary Public, State of New York
No. 4664215
Qualified in Saratoga County
Commission Expires 5-31-19

EXHIBIT A

Narrative

The history of Skidmore College within Saratoga Springs is that of a quality institution of higher education that has transitioned from approximately 1100 students in 1957 and 80 buildings predominately in the Union Avenue section of the City to its present location on North Broadway. As the college grew so did its need for a more centralized dormitory facility and cafeteria. As a result, in approximately 1957 Moore Hall was completed and dedicated. This facility, with associated parking, spreads from the south side of Union Avenue, across North Lane and up to the north border of White Street. The building itself is constructed of steel and concrete and, if properly maintained, will continue to be a viable structure for decades to come.

Moore Hall continued to be used as a remote Skidmore dormitory until the turn of the Century when it was sold to 46 Union Avenue, LLC, which intended to demolish the building and replace it with a very high end condominium project. The Project for this redevelopment of the site proved not to be an economically viable project, and as a result, the building remained vacant.

In 2014-2015, amid the communal request to find a more affordable living option for the workers in Saratoga Springs, a project was presented to convert the existing building into 53 residential units. This application, which continues to be before the municipal land use boards, brought forth the concept of urban "micro apartments" to reduce the individual units' size and thus rental costs. Although the proximity of the structure to the urban core of the City was ideal for eliminating the need for the tenants to own and/or operate a motor vehicle, this application is opposed by many of the neighbors, because of the need for on street parking. As a result, Moore Hall continues to be vacant and looms over this important entrance to the City.

Project

There are certain realities that exist with this site. The only reasonable adaptive reuse of Moore Hall is not acceptable to many of the neighbors and the previously approved condominium project was not large enough to absorb the cost associated with the full redevelopment of this real property.

As a result, this Project presents a proposed use of this site that is consistent in mass, scale and design with this location and neighborhood, presents on-site parking in full compliance with the Zoning Code, is economically viable, and will result in the removal of Moore Hall from the street scape.

The four tax parcels that are to be used are all located in the UR-4 Zone. As depicted on the Plans, elevations and maps attached, the integrated Project consists of 22 units on the Union Avenue Parcel consisting of 18 units in the structure predominantly facing Union Avenue and two (2) units each in the two (2) connected building on the north side of North Lane. The parcel extending from White Street on the south to the south side of North Lane will consist of three (3) units structure facing White Street and one unit on the north side of the site adjacent to North

Lane for a total of twenty six (26) total units in the project. As specified above, all buildings in this land owner's association will have on-site parking as required by the Code.

To give the developer minor flexibility with regard to the placement of the structures, we are seeking Area Variances that are based on a "build-to" line and not the specific location of the overhang roof line of any one of the structures.

The structures on the Union Avenue parcel will share a foundation that connected all proposed buildings so that only one principal structure is being constructed on that Parcel. The Parcel on White Street will contain one 3 unit building and a single unit building. Section 2.3 (A)(2) and (3) of the City Zoning Code allows for more than one principal building on a lot in this zone.

Table 1 set out in Section Two of the Zoning Code specifies that the Urban Residential 4 (UR-4) Zone of the City is set up to "accommodate a mix of single family, two family and multi-family uses". That is exactly and specifically what this Project is intended to achieve.

EXHIBIT B

Union Avenue frontage

Description	From	To
Side yard setback (West and East)	One side 20 min (total 45)	10 (each side)
Total side yard setback	45	20
Rear yard setback (North Lane)	25	16
Building Lot coverage	25%	52.3%
Density per residential unit	3,000 sf/unit	1901 sf/unit

White Street frontage

Description	From	To
Side yard setback (West and East)	One side 20 min (total 45)	10 (each side)
Total side yard setback	45	20
Front yard setback (White Street)	25	5
Rear yard setback (North Lane)	25	10
Building Lot coverage	25%	39%

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

_____

_____

_____

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s) _____. As such, the following relief would be required to proceed:

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

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

_____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

BUILDING INSPECTOR DATE

Revision date: January 2011

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Moore Hall Redevelopment (46 Union Ave. & 35 White Street)		
Project Location (describe, and attach a general location map): 46 Union Avenue and 35 White Street, Saratoga Springs		
Brief Description of Proposed Action (include purpose or need): To re-develop the existing parcels to include 26 residential condominiums. The building on Union Avenue will include 18 units, there are four carriage house/townhouse units with entrances onto North Lane, three row house units front on White Street.		
Name of Applicant/Sponsor: Moore Hall, LLC	Telephone: [redacted] E-Mail: [redacted]	
Address: 18 Division Street, Suite 401		
City/PO: Saratoga Springs	State: NY	Zip Code: 12866
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): 46 Union Avenue, LLC	Telephone: [redacted] E-Mail: [redacted]	
Address: 300 South Division Street		
City/PO: Buffalo	State: NY	Zip Code: 14204

RESET FORM

B. Government Approvals

B. Government Approvals Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☐Yes☑No		
b. City, Town or Village Planning Board or Commission ☑Yes☐No	Saratoga Springs Planning Board Site Plan Approval	April 2016
c. City Council, Town or Village Zoning Board of Appeals ☑Yes☐No	Saratoga Springs Zoning Board Area Variances	March 2016
d. Other local agencies ☑Yes☐No	Saratoga Springs; Historic Review Approval from Design Review Commission	April 2016
e. County agencies ☑Yes☐No	Saratoga County Planning Board Advisory opinion	March 2016
f. Regional agencies ☐Yes☑No		
g. State agencies ☐Yes☑No		
h. Federal agencies ☐Yes☑No		

i. Coastal Resources.
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No
If Yes,
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☐No
iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☐No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes☐No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes☑No
If Yes, identify the plan(s):

_____
_____
_____

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☑No
If Yes, identify the plan(s):

_____
_____
_____

RESET FORM

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
UR-4

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Saratoga Springs City School District

b. What police or other public protection forces serve the project site?
City of Saratoga Springs

c. Which fire protection and emergency medical services serve the project site?
City of Saratoga Springs

d. What parks serve the project site?
All parks with the City Limits

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential

b. a. Total acreage of the site of the proposed action? 1.29 acres
b. Total acreage to be physically disturbed? 1.29 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.29 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
_____
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: 12 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

RESET FORM

f. Does the project include new residential uses? ☑ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				26 condominiums
At completion of all phases				26 condominiums

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☑ No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☑ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☑ Yes ☐ No

If Yes:

i. What is the purpose of the excavation or dredging? Foundation excavation

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): 25 tons
- Over what duration of time? 6 weeks

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

Concrete foundation from existing building

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☑ No

If yes, describe. _____

v. What is the total area to be dredged or excavated? .75 acres

vi. What is the maximum area to be worked at any one time? .75 acres

vii. What would be the maximum depth of excavation or dredging? 6 feet

viii. Will the excavation require blasting? ☐ Yes ☑ No

ix. Summarize site reclamation goals and plan:

The excavated foundation will be the site of new structures or parking.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☑ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

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ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe:

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed
- expected acreage of aquatic vegetation proposed to be removed
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access):
- proposed method of plant removal:
- if chemical/herbicide treatment will be used, specify product(s):

v. Describe any proposed reclamation/mitigation following disturbance:

c. Will the proposed action use, or create a new demand for water? ☑ Yes ☐ No
If Yes: Existing 53 room dormitory and dining hall - approx. 12,000 gal/day

i. Total anticipated water usage/demand per day: 6,600 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☑ Yes ☐ No
If Yes:

- Name of district or service area: Saratoga Springs
- Does the existing public water supply have capacity to serve the proposal? ☑ Yes ☐ No
- Is the project site in the existing district? ☑ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☑ No
- Do existing lines serve the project site? ☑ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☑ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project:
- Source(s) of supply for the district: Saratoga Springs

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☑ No
If, Yes:

- Applicant/sponsor for new district:
- Date application submitted or anticipated:
- Proposed source(s) of supply for new district:

v. If a public water supply will not be used, describe plans to provide water supply for the project:

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☑ Yes ☐ No
If Yes: Existing 53 room dormitory and dining hall - approx. 12,000 gal/day

i. Total anticipated liquid waste generation per day: 6,600 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each):
Sanitary waste

iii. Will the proposed action use any existing public wastewater treatment facilities? ☑ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: Saratoga County Sewer District #1
- Name of district: Saratoga County Sewer District #1
- Does the existing wastewater treatment plant have capacity to serve the project? ☑ Yes ☐ No
- Is the project site in the existing district? ☑ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☑ No

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- Do existing sewer lines serve the project? ☑Yes ☐No
- Will line extension within an existing district be necessary to serve the project? ☐Yes ☑No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☑No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or .96 acres (impervious surface) .88 acres existing

_____ Square feet or 1.29 acres (parcel size)

ii. Describe types of new point sources. the redevelopment project will have storm pipe connections to existing city storm system. Connections to system exist as part of current development.

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Stormwater runoff will be collected on site for infiltration and detention.

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes ☑No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☑No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

RESET FORM

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☑Yes ☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: 420,000 kWh

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): Local grid utility

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes ☑No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 7 am - 9 pm
- Saturday: 7 am - 9 pm
- Sunday: 7 am - 9 pm
- Holidays: _____

ii. During Operations:

- Monday - Friday: 24 Hours - residential
- Saturday: 24 Hours - residential
- Sunday: 24 Hours - residential
- Holidays: 24 Hours - residential

RESET FORM

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

Construction and Demolition Activities

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe: _____

n.. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Lighting will be included for building entrances and exits, low level lighting along walks, dark-sky friendly lighting for parking spaces between building.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products (185 gallons in above ground storage or an amount in underground storage)? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☑ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: 4 tons per 12 months (unit of time)
- Operation : 1 tons per 1 month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Cardboard recycling
- Operation: Recycling of all recyclable materials

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Local Hauler
- Operation: Local Hauler

RESET FORM

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☑ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: Diasposal of Friable asbestos before building demolition

ii. Generally describe processes or activities involving hazardous wastes or constituents: An abatement contractor removes the identified materials and disposes of them in the proper way. It is a one time handeling of the hazardous material. It is not on going.

iii. Specify amount to be handled or generated _____ tons/month **20 tons total**

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☑ Yes ☐ No

If Yes: provide name and location of facility: Albany Landfill

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☑ Urban ☐ Industrial ☑ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☑ Other (specify): Multi-family, Educational, Parkland, Mixed use office/residential

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	.88	.96	+.08
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: Lawn	.41	.33	-.08

RESET FORM

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☑No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☑Yes ☐No

If Yes,

i. Identify Facilities:

Empire State College, Katrina Trask Nursery School at Presbyterian Church, Waldorf School,

e. Does the project site contain an existing dam? ☐Yes ☑No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☑No

If Yes:

i. Has the facility been formally closed? ☐Yes ☐No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☑No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☐No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

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v. Is the project site subject to an institutional control limiting property uses? ☐Yes ☐No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes ☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? < 8 feet

b. Are there bedrock outcroppings on the project site? ☐Yes ☑No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: WnA Windsor loamy sand 100 %
_____ _____ %
_____ _____ %

d. What is the average depth to the water table on the project site? Average: < 10 feet

e. Drainage status of project site soils: ☑ Well Drained: 100 % of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes: ☑ 0-10%: 100 % of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐Yes ☑No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐Yes ☑No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐Yes ☑No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐Yes ☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☐No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes ☑No

j. Is the project site in the 100 year Floodplain? ☐Yes ☑No

k. Is the project site in the 500 year Floodplain? ☐Yes ☑No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐Yes ☑No
If Yes:

i. Name of aquifer: _____

RESET FORM

m. Identify the predominant wildlife species that occupy or use the project site:
Multiple bird species
Small rodents
Insects

n. Does the project site contain a designated significant natural community? ☐Yes ☑No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation): _____
ii. Source(s) of description or evaluation: _____
iii. Extent of community/habitat:
- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes ☑No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☑No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☑No
If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☑No
If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☑No
i. If Yes: acreage(s) on project site? _____
ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No
If Yes:
i. CEA name: _____
ii. Basis for designation: _____
iii. Designating agency and date: _____

RESET FORM

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☑ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☑ Historic Building or District

ii. Name: Saratoga Springs Downtown District, Union Avenue Historic District

iii. Brief description of attributes on which listing is based:

The structure is within the state listed district. (non-contributing structure)

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

i. Identify resource: All city and state parks within the city limits, Yaddo, NYRA

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): State park, historic gardens, historic race track

iii. Distance between project and resource: up to 5 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

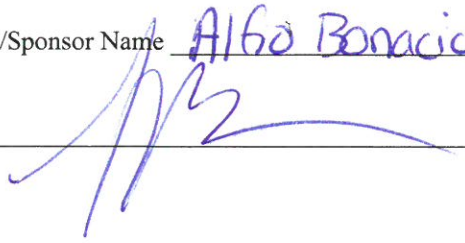
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Alfo Bonacio Jr. Date 3/18/16

Signature _____ Title member



PRINT FORM

RESET FORM

NEW YORK STATE OF OPPORTUNITY. | Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

February 26, 2016

Mr. Michael Hale
The LA Group
40 Long Alley
Saratoga Springs, NY 12866

Re: DEC
Moore Hall Demolition & New Construction
28 Union Avenue, Saratoga Springs, NY 12866
16PR00001

Dear Mr. Hale:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP).

At your request, OPRHP is providing you with our comments regarding the archaeological component of your project's review. During the review OPRHP considers the proposed project's impacts to previously identified archaeological sites as well as the likelihood of there being unidentified archaeological sites and whether or not the project could impact those archaeological resources.

After reviewing the project and our records we determined that there were no previously identified archaeological sites in the project area and the potential for unidentified archaeological deposits being present was limited due to substantial prior ground disturbance from previous development of the site.

OPRHP has no archaeological concerns with the proposed project. Please continue the consultation process as impacts to buildings and structures are still being evaluated by other staff members.

Sincerely,

Daniel A. Bagrow
Scientist (Archaeology)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov

February 10, 2016

Michael Hale
The LA Group
40 Long Alley
Saratoga Springs, NY 12866

Re: Moore Hall student residential building, Union Avenue
Town/City: City Of Saratoga Springs. County: Saratoga.

Dear Michael Hale:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

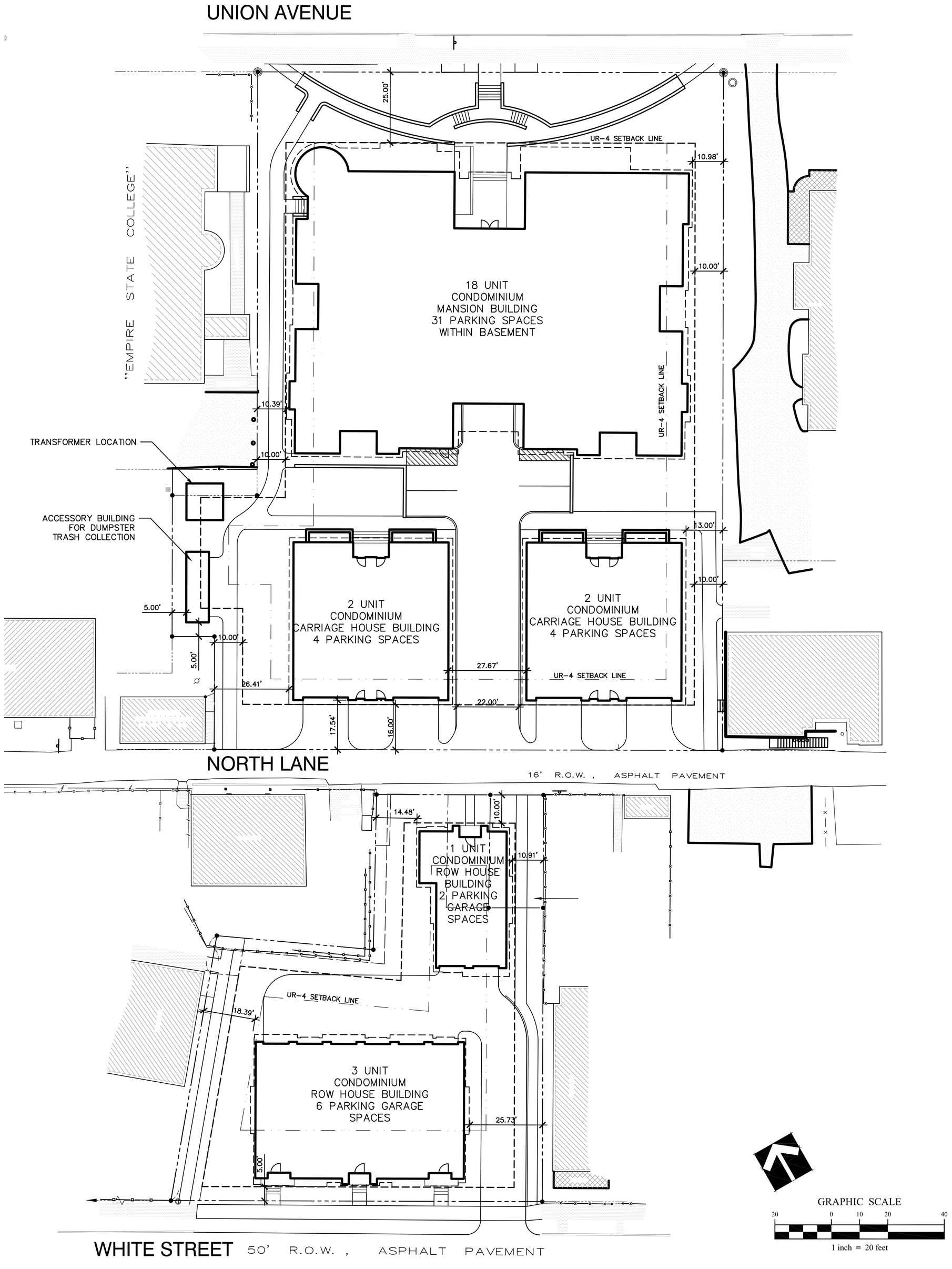
We have no records of rare or state-listed animals or plants, or significant natural communities at your site or in its immediate vicinity.

The absence of data does not necessarily mean that rare or state-listed species, significant natural communities, or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information that indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities, and other significant habitats maintained in the Natural Heritage Database. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program



SITE STATISTICS

TAX MAP PARCELS 165.76-1-32, 165.76-1-33, 165.76-1-34.13, 165.76-1-40

EXISTING ZONING – UR-4

PARCEL SIZE – 1.29 ACRES

BUILDING VARIANCES

UNION AVENUE

SIDE YARD SETBACK	REQUIRED –	20' MINIMUM,	45' TOTAL
	PROVIDED –	10', 10'	20' TOTAL
VARIANCE REQUESTED		10'	25'
REAR YARD SETBACK	REQUIRED –	25'	
	PROVIDED –	16' NORTH LANE	
VARIANCE REQUESTED		9'	
MAXIMUM BUILDING COVERAGE PRINCIPAL BUILDING	REQUIRED –	25%	
	PROPOSED –	52.39%	
VARIANCE REQUESTED		27.39%	
DENSITY PER UNIT	REQUIRED	– 3,000 SF PER UNIT	
	PROPOSED	– 1,901 SF PER UNIT	
VARIANCE REQUESTED		– 1099 SF PER UNIT	

WHITE STREET

SIDE YARD SETBACK	REQUIRED –	20' MINIMUM,	45' TOTAL
	PROVIDED –	10', 10'	20' TOTAL
VARIANCE REQUESTED		10'	25'
REAR YARD SETBACK	REQUIRED –	25'	
	PROVIDED –	10' NORTH LANE	
VARIANCE REQUESTED		15'	
MAXIMUM BUILDING COVERAGE PRINCIPAL BUILDING	REQUIRED –	25%	
	PROPOSED –	39%	
VARIANCE REQUESTED		14%	

The LA GROUP
Landscape Architecture & Engineering P.C.
People. Purpose. Place.
40 Long Alley
Saratoga Springs
NY 12866
p: 518-587-8100
f: 518-587-0180
www.thelagroup.com

Unauthorized alteration or addition to this document is a violation of Section 7209 of the New York State Education Law.

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Prepared for:

Moore Hall, LLC
18 Division Street
Suite 401
Saratoga Springs, NY 12866

Project Title:

Moore Hall Redevelopment
46 Union Ave and
35 White St.
Saratoga Springs, NY 12866

Project No.:	2014096
Design:	
Drawn:	Ch'k'd:
Date:	Scale:

Rev:	Description:	Date:

Drawing Title

Drawing No.

Moore Hall - 2014096

The LA GROUP
Landscape Architecture & Engineering P.C.
People. Purpose. Place.

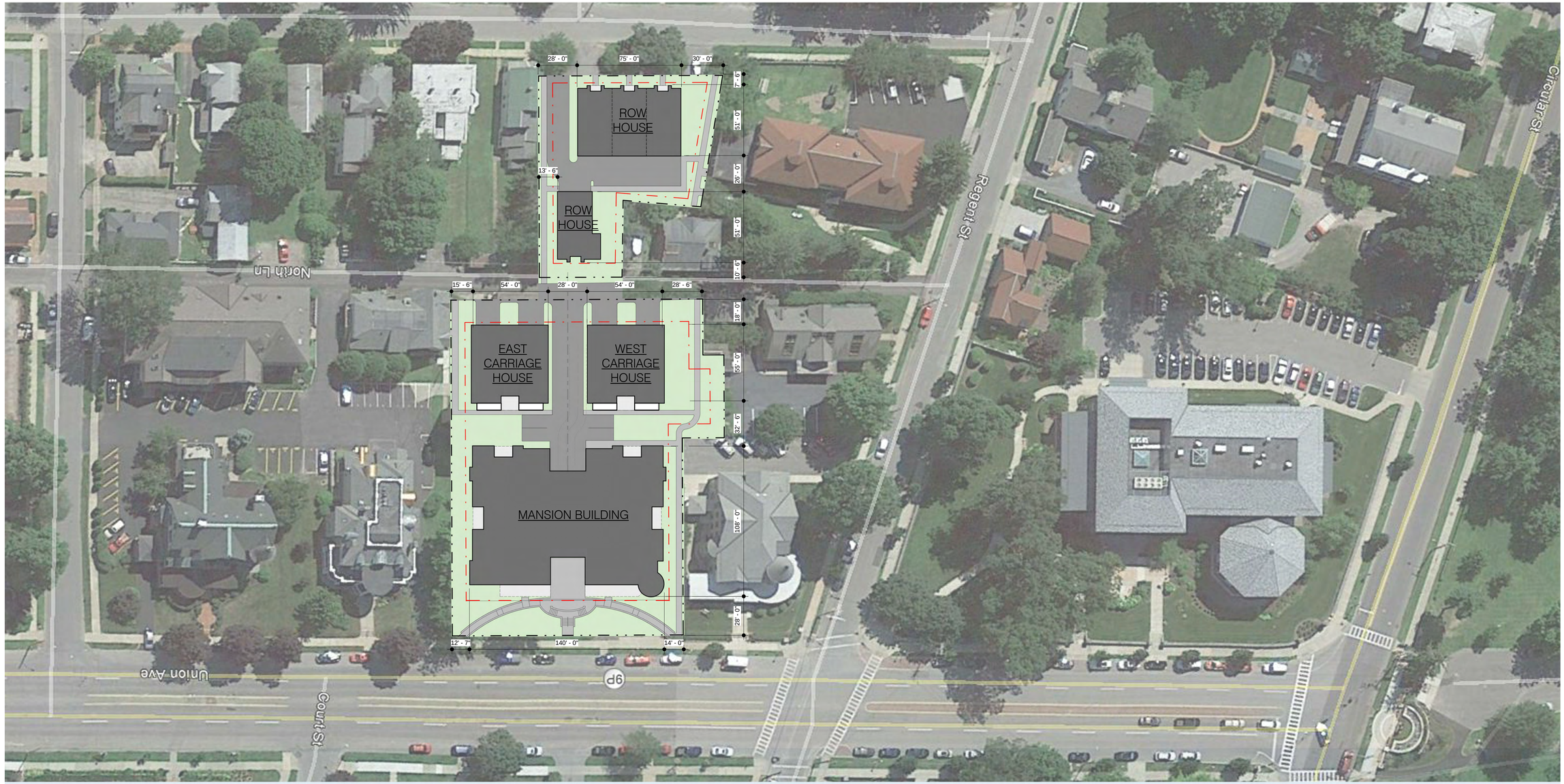
balzer + tuck
architecture

Bonacio Construction Inc.

Union Streetscape Image - Existing
BTA PROJECT NO: 1602

UNION AVENUE CONDOMINIUMS

N



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architecture

Bonacio Construction Inc.

Union Streetscape Image
BTA PROJECT NO: 1602

UNION AVENUE CONDOMINIUMS
3/10/2016

N

NORTH (UNION AVENUE) ELEVATION

EAST ELEVATION
(WEST SIMILAR)

S0UTH (COURTYARD) ELEVATION

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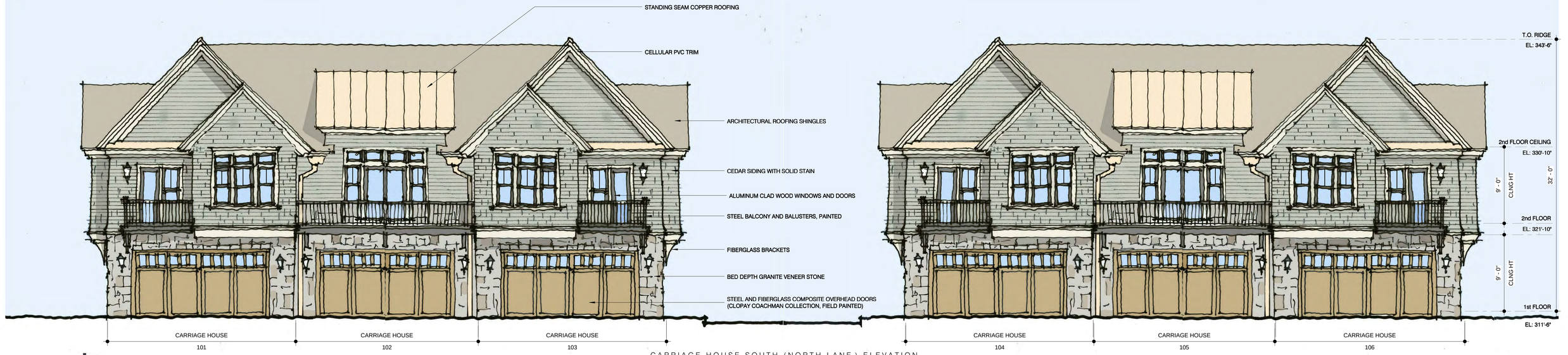
architecture

Bonacio Construction Inc.

Mansion Elevation Studies | UNION AVENUE CONDOMINIUMS
BTA PROJECT NO: 1602
02/29/2016

0' 4' 8'

CARRIAGE HOUSE NORTH (COURTYARD) ELEVATION



CARRIAGE HOUSE SOUTH (NORTH LANE) ELEVATION

The LA GROUP
Landscape Architecture & Engineering P.C.
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architecture

Bonacio Construction Inc.

Carriage House North & South Elevations | UNION AVENUE CONDOMINIUMS

BTA PROJECT NO: 1602

3/8/2016

0' 4' 8'

CARRIAGE HOUSE EAST ELEVATION (SIMILAR AT WEST ELEVATION)

The LA GROUP
Landscape Architecture & Engineering P.C.
People. Purpose. Place.

balzer + tuck
architecture

Bonacio Construction Inc.

Carriage House East Elevation
BTA PROJECT NO: 1602

UNION AVENUE CONDOMINIUMS
3/8/2016

0' 4' 8'

ROW HOUSE 102 thru 104 - WHITE STREET ELEVATION

ROW HOUSE 102 thru 104 - SIDE ELEVATION

The LA GROUP
Landscape Architecture & Engineering P.C.
People. Purpose. Place.

balzer + tuck
architecture

Bonacio Construction Inc.

Union Avenue Perspective
BTA PROJECT NO: 1602

UNION AVENUE CONDOMINIUMS

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

(Application #)

REC'D FEB 2 6 2016
(Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Rober Ashton		
Address	[redacted]		
Phone	[redacted]		
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: 149 Grand Ave Tax Parcel No.: 165 . 66 - 1 - 18
(for example: 165.52 – 4 – 37)
2. Date acquired by current owner: July 22, 2015 3. Zoning District when purchased: UR-3
4. Present use of property: Residential 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:
Allow the addition of a car port to the approved 1 car garage to allow 2 cars to be protected from the weather. Garage with car port will occupy 11.4% of the lot versus the allowed 10%.

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)

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

A use variance is requested to permit the following: _____

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

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

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

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

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

Date	Improvement	Cost
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

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

Dimensional Requirements	From	To
Maximum percent of lot to be occupied by an accessory building	10%	11.4%

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 additional land available. No other way to protect 2 cars minimally form the weather with minimal visual impacr.

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 garage design with the carport is compatible with the exisiting house on the lot and surrounding structures. The arport will provide protection for a second car and minimize the visual impact.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:
Area of the proposed garage with the carport (including stairs) is 11.4% (747 st ft +/-) versus the 10% of the allowed lot in the Zoning Distirict

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 carport will not overshadow neighboring structures and is compatible with the exisiting house and neighboring structures. There are no environmental effects.

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:
Approval has been granted for the 1 car garage. We own 2 cars and would like to adequately protect the 2nd car from the weather with minimal visual impact

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.

_____ 2/26/16
(applicant signature) Date:_____

_____ Date:_____
(applicant signature)

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

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

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:

Dimensional Requirements	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

Short Environmental Assessment Form
Part 1 - Project Information

RECD FEB 2 6 2015

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
Robert Ashton

Name of Action or Project:
149 Grand Avenue - Garage

Project Location (describe, and attach a location map):
149 Grand Avenue, Saratoga Springs, NY

Brief Description of Proposed Action:
Allow the addition of a car port to the approved i car garage to allow 2 cars to be protected from the weather

Name of Applicant or Sponsor:	Telephone: [redacted]
Robert Ashton	E-Mail: [redacted]

Address:
[redacted]

City/PO:	State:	Zip Code:
Saratoga Srpings	NY	12866

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

3.a. Total acreage of the site of the proposed action? .151 acres
b. Total acreage to be physically disturbed? .017 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .151 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☑ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

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

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

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

Applicant/sponsor name: Robert J. Astorino Date: 2/26/16

Signature: _____

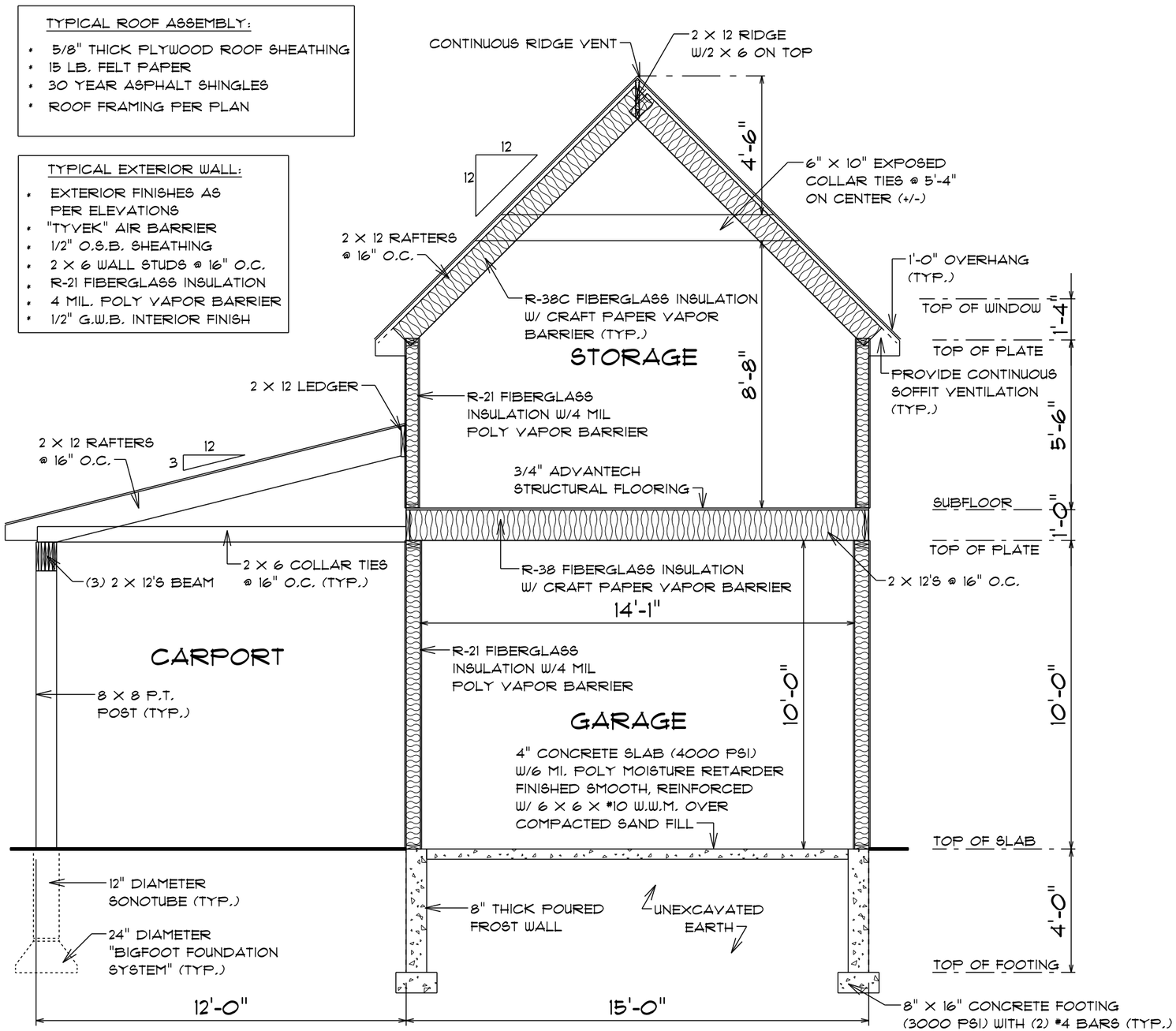
PRINT FORM

TYPICAL ROOF ASSEMBLY:

- 5/8" THICK PLYWOOD ROOF SHEATHING
- 15 LB. FELT PAPER
- 30 YEAR ASPHALT SHINGLES
- ROOF FRAMING PER PLAN

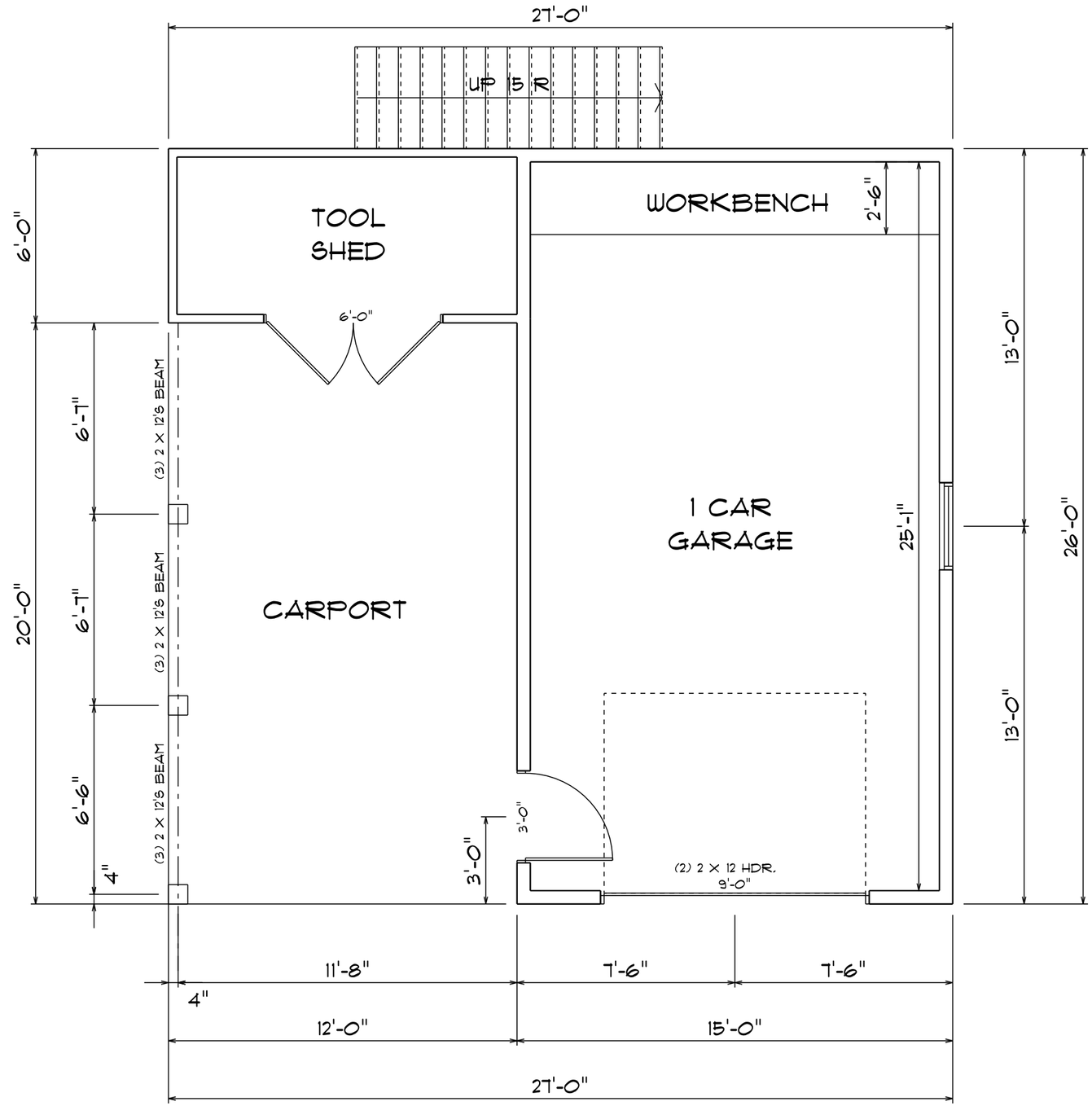
TYPICAL EXTERIOR WALL:

- EXTERIOR FINISHES AS PER ELEVATIONS
- "TYVEK" AIR BARRIER
- 1/2" O.S.B. SHEATHING
- 2 X 6 WALL STUDS @ 16" O.C.
- R-21 FIBERGLASS INSULATION
- 4 MIL. POLY VAPOR BARRIER
- 1/2" G.W.B. INTERIOR FINISH



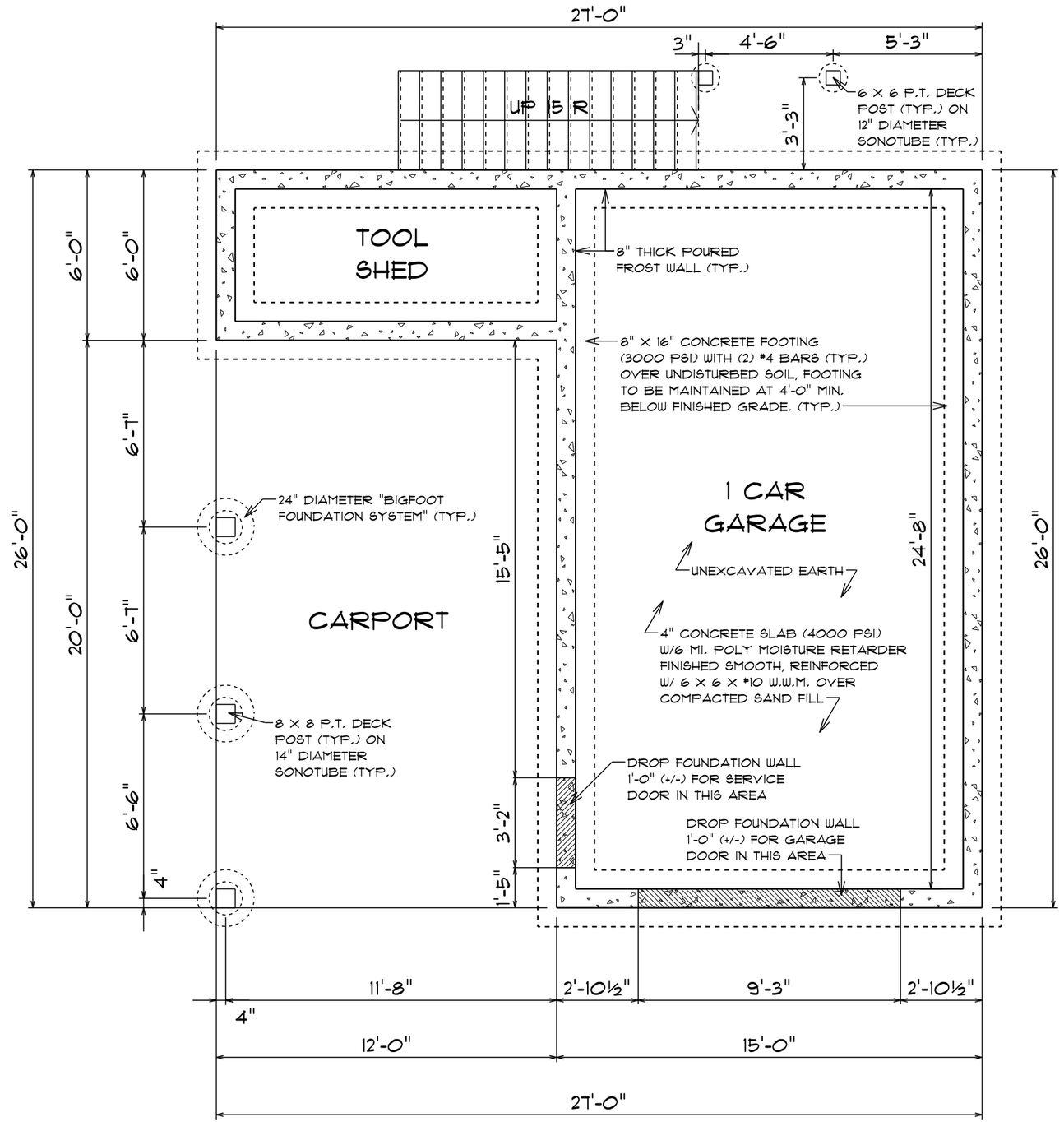
SECTION A-A

SCALE: 1/4" = 1'-0"



GARAGE PLAN

SCALE: 1/4" = 1'-0"



FOUNDATION PLAN

SCALE: 1/4" = 1'-0"

LEFT ELEVATION

SCALE: 1/4" = 1'-0"

FRONT ELEVATION

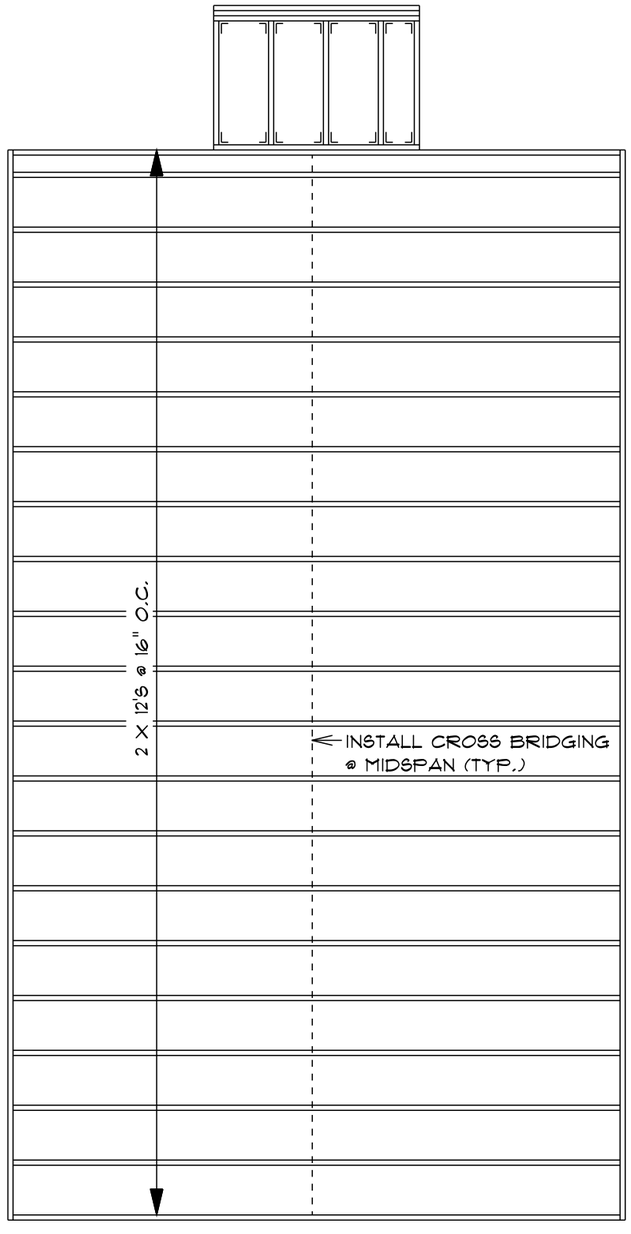
SCALE: 1/4" = 1'-0"

RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

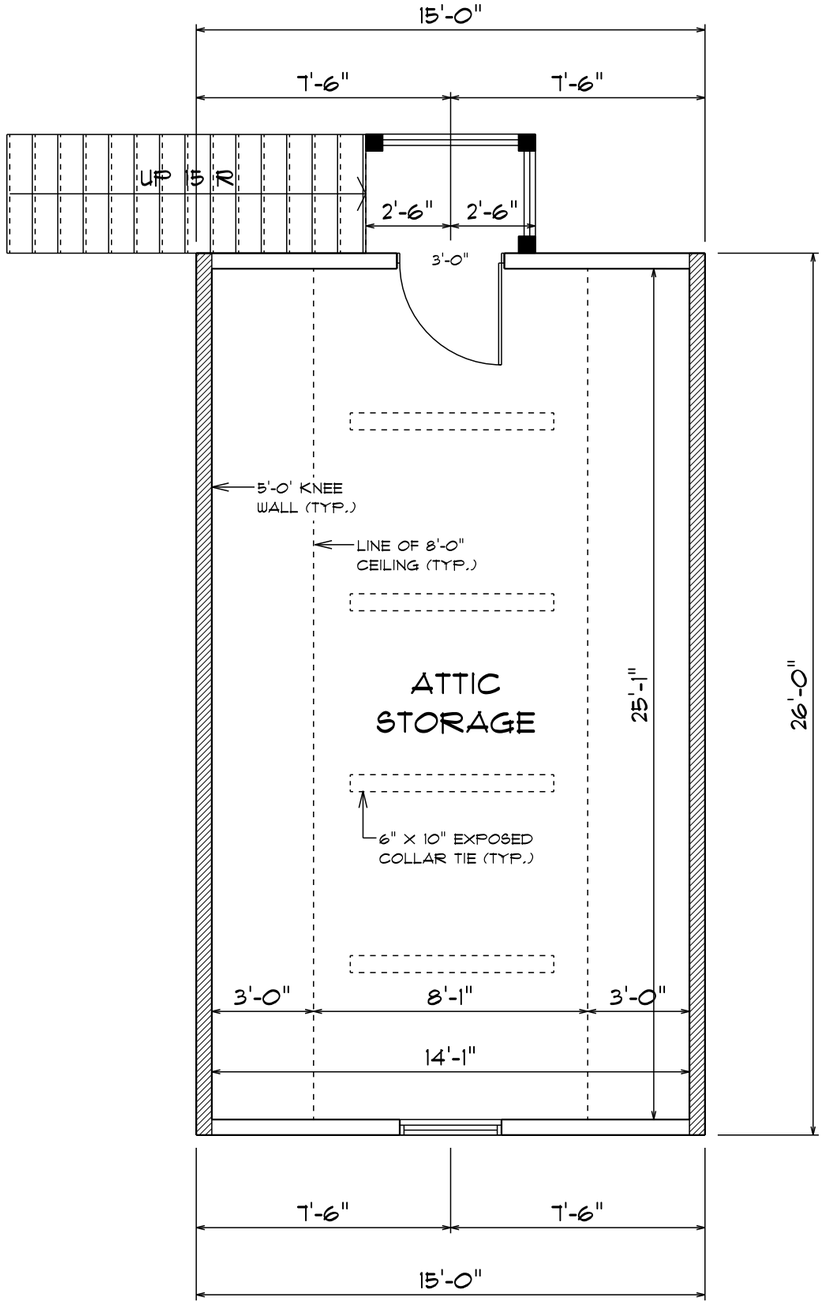
REAR ELEVATION

SCALE: 1/4" = 1'-0"



SECOND FLOOR FRAMING PLAN

SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

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	Casey James Lamont Washington	KAVITA KAVITA MANDEEP SIDHU	
Address	[redacted]	[redacted]	
Phone	[redacted]	/	/
Email	[redacted]		

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

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

PROPERTY INFORMATION

1. Property Address/Location: 44 Jefferson St. Saratoga Springs Tax Parcel No.: 178.28 - 1 - 38 *(for example: 165.52 – 4 – 37)*

2. Date acquired by current owner: 7/10/2008 3. Zoning District when purchased: _____

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

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? 1946 For what? Use 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: Turn into a barber shop. Use existing property.

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)

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

A use variance is requested to permit the following: A Barber Shop.

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

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

See Attached

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

1) Date of purchase: 7/10/2008 Purchase amount: $ 100,000

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

Date	Improvement	Cost
N/A	—	—
N/A	—	—
N/A	—	—

3) Annual maintenance expenses: $ N/A 4) Annual taxes: $ N/A

5) Annual income generated from property: $ 0

6) City assessed value: $ 69,100 Equalization rate: 78% Estimated Market Value: $ 88,589

7) Appraised Value: $ NA Appraiser: N/A Date: N/A

Appraisal Assumptions: N/A

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☑ Yes ☐ No If "yes", for how long? 4 years

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? 0, no serious prospects

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:

See Attached

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

See Attached

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

See Attached

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: 3/9/16

(applicant signature) Date: 3/9/16

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

Owner Signature: Kavita Kavita Date: 3-8-16

Owner Signature: Mandeep Sidhu Date: 3-8-16

BEFORE THE

BOARD OF APPEALS

OF THE CITY OF SARATOGA SPRINGS

IN THE MATTER OF THE APPEAL

of

BERNARD J. COLLINS

from the determination of the Building Inspector denying application for permit to

erect and operate a grocery store

on Premises No. 44 Jefferson St. in the City of Saratoga Springs, New York, being Lot No. 115, Block No. E, Section 19, on the Assessment Map of the said City.

having hertofore appealed to this Board from a determination of the Building Inspector denying appellant's application for permission to erect and operate a grocery store

on the premises No. 44 Jefferson St. in the City of Saratoga Springs, being Lot. No. 115, Block No. E, Section No. 19 on the Assessment Map of said City, on the ground that the same violates the zoning ordinance of said City in the following particulars, viz.:

The above described premises are in Zone B which is restricted for the use as herein requested

and the appellant having at the same time applied for a variance from the requirements of the Zoning Ordinance of the said city as amended. And due public notice having been duly given of a hearing on said application to be held on the 12th day of June, 19 46 and the applicant having appeared by him-self in support of said application and no one appearing in opposition, and after due consideration it appearing to the satisfaction of this Board that

said appeal can be granted without detriment to the health, safety, morals, convenience or general welfare of the community, and that the use applied for is a reasonable one for the premises involved; that practical difficulties and unnecessary hardships would result in carrying out the strict letter of the ordinance, and that by granting said appeal the spirit of the ordinance will be observed public safety secured and substantial justice done.

NOW, THEREFORE, RESOLVED, that Bernard J. Collins is hereby authorized to erect and operate a grocery store on the premises No. 44 Jefferson St. in the City of Saratoga Springs, New York, being Lot 115, Block E, Section 19, on the Assessment Map of the City of Saratoga Springs.

in accordance with plans and specifications thereof to be submitted to and approved by the Building Inspector of the City of Saratoga Springs, New York, conditioned nevertheless

the said determination of the Building Inspector be and it hereby is in all things affirmed and the appellant's appeal denied.

Dated, June 12, 1946

BOARD OF APPEALS OF THE
CITY OF SARATOGA SPRINGS

John J. Carusone
Chairman

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

W B Sickle
Secretary

Property: 44 JEFFERSON ST, Saratoga Springs
SBL: 178.28-1-38

Show all Images
View Parcel Documents

Assessment	
Total	$69,100.00
Total Land	$41,200.00
County Taxable (Saratoga)	$69,100.00
Town Taxable	$69,100.00
School Taxable	$69,100.00
Village Taxable	$0.00
Equalization Rate	78%
Full Market Value	$88,589.74

Structure

Site 1 of 1

Building 1 of 1

Section 1 of 1

Boeck # - Description	-
Construction Quality	1
Gross Floor Area	988
Number of Stories	1
Story Height	8
Year Built / Effective Year Built	1960 / 0
Condition	2 - Fair
Building Perimeter	136
Basement Perimeter	80
Basement SQFT	400
Number of Elevators	0
Air Conditioning %	0
Sprinkler %	0

Property Description	
Type	Commerical
Use	484 - 1 use sm bld
Ownership Code	-
Zoning	UR2
Road Type	-
Water Supply	3 - Comm/public
Utilities	4 - Gas & elec
School District	Saratoga Springs Csd - 411500
Neighborhood Code	15192

Last Property Sale	
Sale Date	7/10/2008 9:40:56 AM
Sale Price	$100,000.00
Useable Sale	YES
Arms Length	YES
Prior Owner Name	Manzueta , William
Deed Book	2008
Deed Page	24352
Deed Date	7/11/2008

Improvements

Site #	Description	Quantity	Condition	Year Built	SQFT	Dimentions
1	FC1 - Shed-machine	1	Fair	1938	68	0X0

Land

Site #	Land Type	Acres	Front	Depth	SQFT	Soil Rating
1	01 - Primary	0.1	0	0	0	Land: 1 Rating:

Owner Information

Owner Name	Address 1	Address 2	City/State/Zip
*****	7 King Arthur Ct		Saratoga Springs NY 12866
*****	7 King Arthur Ct		Saratoga Springs NY 12866

REC'D MAR 18 2016

North East Realty USA

Rohan Chetoora
North East Realty USA
1438 State St,
Schenectady, NY 12304

Cell: [redacted]
Office: (518) 557-8885
Fax: (518) 982 1561
Email: [redacted]
www.nerealtyusa.com

Fax Cover Sheet

Date: 03/17/2016 **Fax #:** [redacted]

Attention: Dave **# pages:** 4

Notes:

Dave please receive letter and also 2 listing from the MLS

Rohan

THANK YOU
ROHAN CHETOORA

NOTE: *If you did not receive all the pages indicated or any of the pages are unclear or blurry, please contact this office as soon as possible at the above phone number. Also, if this fax was received in error, please notify this office. Thank you.*

Property Type CI - Commercial Industrial Full Agent Report

Property Type CM - CRMLS Commercial Full Agent Report

MLS#: 201117221 Area: 311 List Price: $130,000
Status: Expired Map Co: 36DJ54 Orig List Price: $125,000
Spec Mkt Cond: EXC Sale Price:
Address: 44 JEFFERSON ST Zip: 12866
City/Town (taxing entity) Saratoga S
City/Town (Mail Address) Saratoga Springs
Village:
County: Saratoga OLSF: 988.00 OLM: $1,200.0
Locale: LPSF: Offerd Lease Term: 3
Section: 178.28 Block: 1 Lot: 38 APN: 411501 178.28-1-38

Category: Business Opportunities
Zoning: COMM
Road Frontage:

	TOTAL SQFT	AVAIL SQFT	CEILINGS
Building:	988	988	
Office:		0	
Warehouse:		0	
Retail:		988	

Age: 51 Construction:
Condition: Roof:

Use: Business, Retail
Restrictions:
Lot Size:
Elevators: /
Overhead Door: /
Loading Dock: /
Sprinkler: /
RR Siding: /
Parking: 4/Private, Public

Handicap: No
Lot SqFt:
Acres: 0.000
Stories: 1

Remarks: **WONDERFUL OPPORTUNITY FOR GROCERY, DELI OR SMALL OFFICE. JUST 2 BLOCKS FROM SARATOGA RACE TRACK. EQUIPMENT INCLUDED IN SALE. PARKING AVAILABLE IN FRONT AND ON STREET. CALL CSS FOR ALL SHOWINGS AT 518 738 0001.**

FINANCING
Owner Finance: /
Mortgage:
Assessed Value:

Directions: **BROADWAY TO RIGHT ON LINCOLN TO RIGHT ON JEFFERSON.**

Business Name: Year Established: Docs Available:

EXPENSES

Gas/Oil:	$	/
Electric:	$	/
Water/Sewer:	$	
Repairs/Maint	$	/
RE Taxes:	$	
Insurance:	$	
Management:	$	

ANNUAL TAXES

General:	$	/
School:	$	/
Village:	$	/
Total:	$ 1,600	/8

Tenant Pays

UTILITIES
Heat:
A/C:
Water: MUNI
Sewer: Yes Volts:
Septic: No Amps:
Phase:

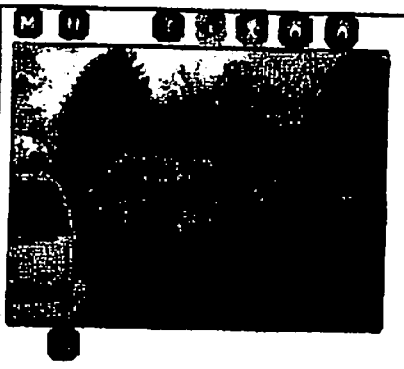
LO: North East Realty USA - Office: 518-557-5801 Sign:
LO Code: 2205A Fax: 518-288-0010 List Team:
LA1: Rohan Chetoora - 518-557-8885ext. 0 Owner:
LA1 Code: 7008 rohan@nerealtyusa.com Owner Phone:
LA2 Possession: AT CLOSING
Sub-Ag 2.5 Buy Ag 0 Bkr Ag 2.5 Depository: TRUSTCO

List Date: 4/28/2011 Expire Date: 10/31/2011 Sale Terms:
Pend Date: Status Date: 11/1/2011 Sell Office:
Closed Date: Sell Agent 1:
Days On Market: 187 Sell Agent 2:
Owner Contribution: Sld Rmks & Contribution $:
Virtual Tour URL:

The information in this listing was gathered from third party sources including the seller and public records. CRMLS and its subscribers disclaim any and all representations or warranties as to the accuracy of this information.

Property Type CI - Commercial Industrial Full Agent Report

Property Type CM - CRMLS Commercial Full Agent Report



MLS#: 201332709 Area: 311
Status: Expired Map Co: 36dj54
Spec Mkt Cond: EXC
Address: 44 JEFFERSON ST
City/Town (taxing entity) Saratoga S
City/Town (Mail Address) Saratoga Springs
Village:
County: Saratoga
Locale:
Section: 178.28 Block: 1 Lot: 38

List Price: $92,000
Orig List Price: $99,900
Sale Price:
Zip: 12866
OLSF: OLM:
LPSF: Offerd Lease Term:
APN: 411501 178.28-1-38

Category: Business Opportunities
Zoning: commercial
Road Frontage:

Use: Business, Retail
Restrictions:
Lot Size:
Elevators: /
Overhead Door: /
Loading Dock: /
Sprinkler: /
RR Siding: /
Parking: / Street

Handicap: No
Lot SqFt:
Acres: 0.000
Stories:

	TOTAL SQFT	AVAIL SQFT	CEILINGS
Building:	988	988	
Office:		0	
Warehouse:		0	
Retail:		988	

Age: 51 Construction:
Condition: Roof:

Remarks: Very good opportunity for corner store/grocery store ,deli or small office space, just minutes away from Saratoga race track equipment included in sale ,parking available in front and on street. Call showingtime for all appointment at 800 746 9464.

FINANCING
Owner Finance: /
Mortgage:
Assessed Value:

Directions: Broadway ,right on Lincoln ,right on to Jefferson.

Business Name: Year Established: Docs Available:

EXPENSES

Gas/Oil:	$	/
Electric:	$	/
Water/Sewer:	$	
Repairs/Maint	$	/
RE Taxes:	$	
Insurance:	$	
Management:	$	

ANNUAL TAXES

General:	$	/
School:	$	/
Village:	$	/
Total:	$2,000	/E

Tenant Pays

UTILITIES
Heat:
A/C:
Water: muni
Sewer: Yes Volts:
Septic: Yes Amps:
Phase:

LO: North East Realty USA - Office: 518-557-5801
LO Code: 2205A Fax: 518-268-0010
LA1: Rohan Chetoora - 518-557-8885ext. 0
LA1 Code: 7008 rohan@nerealtyusa.com
LA2
Sub-Ag 0 Buy Ag 2.5 Bkr Ag 2.5

List Team:
Owner:
Owner Phone:
Possession:
Depository: trustco

Sign:

List Date: 11/11/2013 Expire Date: 5/12/2014
Pend Date: Status Date: 5/13/2014
Closed Date:
Days On Market: 183
Owner Contribution: Sld Rmks & Contribution $:

Sale Terms:
Sell Office:
Sell Agent 1:
Sell Agent 2:

Virtual Tour URL:

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North East Realty USA

1438 State St, Schenectady, NY 12304
Office: (518) 557-5801
Fax: (518) 288-0010
www.nerealtyusa.com

To whom it may Concern,

I the undersign broker Rohan Chetoora, North East Realty USA. have listed 44 Jefferson St for a six month period and the property could not be sold, if you have any further question I can be reached at [redacted]

Thank you.

Yours truly.
Rohan Chetoora.

ROHAN CHETOORA
NORTH EAST
REALTY USA

I am lamont washington and i am writing this statement on behalf of myself, casey james, and the Application for a change in use variance we are submitting. I would like to begin by addressing all four criterias or "tests" that are required by the zoning board to be met in order to be approved for a change in use variance. In the following statement i will prove and provide proof of how we have met all criteria and passed all "tests".

1. The applicant cannot realize a reasonable Financial return on initial investment for any currently permitted use on the property. The property in question cannot yield a reasonable return for the following reasons: Attached and also submitted with this application for review, is a statement from the current property owner and the previous property owner. In this statement they both Express the impossibility of running and sustaining a profitable convenience store at that property, due to the hardships of having a much more popular and successful convenience store so close in proximity. This competition makes it impossible for anyone to be successful under the currently permitted use of the property. In the same statement, the current property owner also addresses the fact that it is financially unfeasible to turn the building into a residential home. We hired Sukhdev Fingb (owner of a roofing, and construction company in saratoga springs ny) to give a professional opinion on what it would take to make the property suitable for a family residence. He stated that not only will it cost approximately the same if not more than the current appraised value of the property in the first place, but it would also require extension permits, lots of time and labor that in the end would not provide for a reasonable Financial return (his statement is also attached and submitted with this application for review). The previous property owner also expresses his attempts to sell and lease the property, hiring a real estate agent and putting out a For sale sign for over 5 years with no success whatsoever and no serious prospects whatsoever. Lastly the previous property owner expresses his regret when due to the financial loss the business was acquiring he was forced to close the business and leave the property vacant and abandoned, and inturn it being broken into, vandalized and getting somewhat of a negative reputation associated with it. The property owner States that if the change in use variance is not granted he and the other property owners have no other choice but to continue to leave the property vacant and abandoned. I believe that all of the information provided, proves that it is currently impossible to get any reasonable financial return for any currently permitted use on the property.

2. That the financial hardship relating to this property is unique in does not apply to a substantial portion of the neighborhood this previously identified financial hardship is unique for the following reasons: The primary hardships facing the property and the current permitted use is that of competition. Five Points convenience store not only 2 minutes walking distance up the street from the property in question but it is also wildly successful most locals go there and are very loyal customers making it almost impossible to have a successful convenience store so close in proximity. The current owners in the previous owners have tried three times unsuccessfully to do so and they both believe that a large part of their failure is due to the competition from Five Points convenience store. A convenience store closing down 3 times at the same property is proof that the hardship is unique and certainly exists.
3. That the variance, if granted, will not alter the central character of the neighborhood. The requested variance will not alter the character of the neighborhood for the following reasons: For the past few years the property has been vacant, broken into, and vandalized. Not only does this put a burden on to the current owners butt it creates a negative reputation and impact on the entire neighborhood, surrounding area and saratoga springs as a city. What we plan to bring to the property is a professional and respectable establishment. We have no competitors of the same kind within a mile of the property and will help bring more prosperity to the already existing business in the area and they will do the same for us in the form of advertising. Attached and submitted with this application for review are letters of support from not only most properties that are neighboring 44 Jefferson Street but also letters of support from all businesses in close proximity, and a letter of support from the executive director of the Saratoga Springs Housing Authority located directly across the street from the property in question. The Continuous pattern among the supporters we have acquired is that they welcome the change, in fact they promote it! They believe as do I, that a convenience store will never succeed and having a vacant building there is a negative impact on the neighborhood. When there was a convenience store operating out of the build the hours of business were as follows: 9am to 10 p.m. everyday Monday thru Saturday and 10am to 8pm on Sunday. Our planned hours of operation are as follows: 10am to 8pm Tuesday through Saturday and 12am to 5pm on Sunday and Monday. Our hours of operation are considerably less than that of what is already permitted and has been since 1945. We will only have 4 chairs max in operation on any given day and less on slow days, so not only will there be the

same if not less walk in traffic then a convenient store but parking will not be an issue. There are 5 on site parking spots and plenty of on street parking. I myself live directly across the street (10 seconds walking distance from the property) so myself and my employees will be parking at my house and not the property, leaving the parking spots open for customers only. Also being that most of our customer base will come from the local area, most people will be within walking distance and will not require to park on the property, the parking on site will be more than sufficient but if parking on the property is taken there is plenty of on street parking available as i previously stated. As I previously stated there is no competition within a mile of the property so there is no conflict of competition between businesses. There are however 2 salons within close proximity to the property but they both specialize in only cutting female hair where my business will only be attending to the male clientele. If the use variance is granted we will be promoting for each other. Myself and all my employees are licensed barbers we are all professionals at full hot towel face shaves, designs, and all male haircut styles. We intend to create a professional environment where our male clientele can come get pampered, unwind and relax. I myself am a college graduate, with a degree in business marketing. My partner casey james has an associates degree in business management, we both grew up in saratoga springs myself in particular grew up in the Housing Authority located across the street from the property. We grew up poor, worked hard, kept our records clean, went to college, and tried always to conduct ourselves in a professional manner as we will do with our business. As a result we have gained the respect and support of many good people especially in saratoga springs and the surrounding neighborhoods of the property. Fortunately for us not much is required to operate a barber shop, all we need is barber chairs, a couple mirrors, some chairs for a waiting area, a register, a bathroom, a barbershop owner's license and insurance (the employees bring all their own equipment like capes and clippers etc...). We already have all things required! We have already created an llc, we have insurance, we purchased all the equipment, established payroll, and have even cleaned up the property. All that is left is to get approval for the change in use variance and we can start business with no need for extensions permits or any construction. We believe that we can only improve the central character of the neighborhood.

4. <u>That the alleged hardship has not been self-created. The hardship has not been self-created for the following reasons:</u> The competition in form of the Five Points

convenience store has proved to be too great, forcing the convenience store at 44 Jefferson Street Saratoga Springs New York to close down, not once, not twice, but three times within the past 10 years. Even when store took on new Management it was still unsuccessful. The success of another competing convenience store of the same kind, whomes success negatively affects the financial Return of the property in question is not a hardship that is self-created.

Before I wrap this statement up I would like to discuss a little bit of why I know my business will be successful.

1. My employees and i have already established a large and loyal clientele base. Some of our clientele base includes people such as Shawn Francis who is inspiring to run for the New York State Senate. We also have lots of small business owners for clients who wish to help us promote and advertise through their business.We are also planning to arrange an opening ceremony with the mayor where she cuts the ribbon promoting small businesses with media coverage.
2. The location of the property is prime for Barbershop. Like I previously stated in this statement, the closest Barbershop providing Services similar to the services I plan to provide is at least a mile away, the next similar Barbershop is about 3 miles away. Growing up in the Housing Authority I know from experience that is very inconvenient to go so far for a haircut. Many of the males who reside in housing don't have cars or are too young to drive, so it's very hard for them to get the haircuts they need. Also the property is so close to the track the rec center many other neighborhoods and relatively close to downtown Saratoga Springs. If granted the changing use variance I will be tapping into very prominent customer base.
3. Lastly, I will not let myself fail. Growing up a poor minority in the Saratoga Springs housing District, I've always had to work hard to get what I want. Being the oldest of four Brothers, a single mother and living in a poor home in such a great and rich city that is saratoga springs, i knew from a young age that i could not let myself fail. So I have always worked hard mimicking the successful people that I have seen this city produce. Now I am a 26 years old, a college graduate, with a son, and I am so close to finally fulfilling my dreams and providing a better life and example for my family. Getting this change in use variance is all that stands between me and the rest of my life.

So in closing i ask you all to please approve this application. I along with my partner casey james, my family, and all those that believe and support us implore you to make the right decision. We

have quite literally put our entire lives to making this dream a reality and we have met every criteria or "test" that you require to approve an application, now all that is left is for your approval to allow us to bring a great and new successful small business to the amazing city of Saratoga Springs.

Sincerely,

Lamont washington & Casey James

3/11/16

[redacted]

3/11/16

[redacted]

SARATOGA SPRINGS HOUSING AUTHORITY
ONE SOUTH FEDERAL STREET
SARATOGA SPRINGS, NEW YORK 12866
PHONE: (518) 584-6600 FAX: (518) 583-8006

March 9, 2016

To Whom It May Concern:

On behalf of the Saratoga Springs Housing Authority I am writing to voice my support for Lamont Washington in his efforts to receive a zoning variance so that he can open a barber shop at 44 Jefferson Street, Saratoga Springs, NY 12866. There are not many male barbershops in the area so Lamont would fill a need for boys and men in the area while adding to the city's tax base. Most importantly to me is the fact that Lamont is a former resident of the Terrace Community and he would set a wonderful example for the current residents of what is possible if you go to school and work hard. Lamont graduated from college and is now an entrepreneur in the same community he grew up in. The housing authority would love to help promote Lamont's business venture so I am hopeful that a zoning variance will be passed to allow Lamont to fulfill his dreams.

Respectfully,

Paul J. Feldman
Executive Director

Executive Director: Paul Feldman
Legal Counsel: Scott Peterson

Board of Commissioners: Joanne Foresta - Chairman, Lucile Lucas - Co Chairman, Ann Bullock, Susan Christopher, Joy King, Eric Weller, Olivine Wescott

Reasonable Accommodation Statement: Pursuant to the Fair Housing Act (42U.S.C. 3601-3619), if you are a federally funded assisted housing program applicant or resident with a disability, you may request an exception, change or adjustment to a rule, policy, practice or service that may be necessary to afford you an equal opportunity to participate in the program.

5 March 2016

Saratoga 5 Points Market and Deli
42 Park Place
Saratoga Springs, NY 12866
518.584.1000

To Whom it May Concern;

I am writing on behalf of Lamont, and his new business TrueCutz, which is hoping to open it's doors at the old country store on Jefferson Street here in town. I know being a strong presence in the neighborhood is very important, especially since purchasing 5 Points four years ago myself.
Both Lamont and his grandmother had approached me about his business ideas months ago. So I was disappointed to hear he was having some issues getting open. In my four+ years here in the neighborhood (even having personally moved across the street from the store), I have seen 2 other businesses open and close in that same location.
We are close-knit here at "The Points" and all of our 5 (soon to be 6) businesses here communicate well with each other and help/refer each other all the time. I am thrilled Lamont reached out to us. The addition of an all male barbershop feels like a great addition to the 5Points community. We are all thrilled he is bringing life back to this somewhat abandoned building that has had its share of bad reputation.
We wish him the best of luck and offer our support. Our customer base (mostly locals) have also voiced their excitement

over this new endeavor. Anything that brings positive energy, beautification, jobs and commerce to our great neighborhood is a plus in my book!
Please know TrueCutz has our endorsement and let us know how we can help him to be successful. We would LOVE to welcome him to "The Hood".

Thank You.
Sincerely,

Maura B Pulver
Owner, Saratoga 5 Points Market and Deli

I Michele Daus owner of Shear Magic Salon. at 41 Park Place in close proximity to 44 jefferson street saratoga springs ny 12866, would like express my support of the change in use variance. I attest that i have no objection to a barbershop in place of a convenient store at that property.

Additional comments:

I think Lamont would be a great addition to the 5 points area. I have been in business almost 6 yrs. True cutz would be a fabulous for Jefferson Street and our area close to the track. We want to stay a close knit business for the 5 point area. Lamont is very professonial & kind I am thrilled for him to revitalize an old building. I wish him luck.

Signed

Michele Daus

I James at [redacted] Madison St. the neighbor of 44 jefferson street saratoga springs ny 12866, would like express my support of the change in use variance. I attest that i have no objection to a barbershop in place of a convenient store at that property.

Additional comments:

After seeing many convenient stores come & go at 44 Jefferson St. over the years, I think a barbershop might have a better chance of staying in business. I welcome the change.

Signed: James W. Durstewitz

I Frank Sicari at [redacted] Jefferson the neighbor of 44 jefferson street saratoga springs ny 12866, would like express my support of the change in use variance. I attest that i have no objection to a barbershop in place of a convenient store at that property.

Additional comments:

I think having a Barber Shop at this location is a great idea!

Signed:

F Sicari 3/9/16

I Jonathan Lane at [redacted] Jefferson ST the neighbor of 44 jefferson street saratoga springs ny 12866, would like express my support of the change in use variance. I attest that i have no objection to a barbershop in place of a convenient store at that property.

Additional comments:

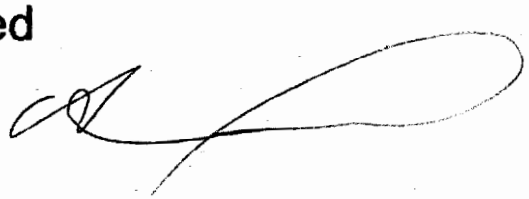
It will be good for the neiborhood

Signed: Jonathon Lane 3/7/2016

I Ashley owner of Brown Dog Pet Spa at 42 park pl in close proximity to 44 jefferson street saratoga springs ny 12866, would like express my support of the change in use variance. I attest that i have no objection to a barbershop in place of a convenient store at that property.

Additional comments:

Signed

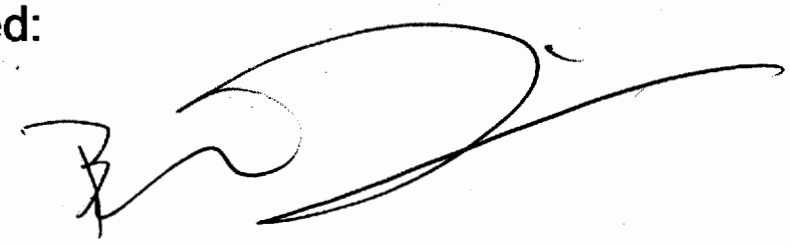


[redacted] JEFFERSON

I BRIAN FINN at _____ the neighbor of 44 jefferson street saratoga springs ny 12866, would like express my support of the change in use variance. I attest that i have no objection to a barbershop in place of a convenient store at that property.

Additional comments:

Signed:



I mary thompson at [redacted] Madison Street the neighbor of 44 jefferson street saratoga springs ny 12866, would like express my support of the change in use variance. I attest that i have no objection to a barbershop in place of a convenient store at that property.

Additional comments:

Signed: [signature]

I Ann Marie Kenyon at [redacted] the neighbor of 44 jefferson street saratoga springs ny 12866, would like express my support of the change in use variance. I attest that i have no objection to a barbershop in place of a convenient store at that property.

Additional comments:

Signed: Ann Marie Kenyon 5/7/16

I Holly Inscho at [redacted] Jefferson St. the neighbor of 44 jefferson street saratoga springs ny 12866, would like express my support of the change in use variance. I attest that i have no objection to a barbershop in place of a convenient store at that property.

Additional comments:

Signed: Holly K. Inscho

I am writing this on behalf of Lamont Washington, and Casey James for their application for a change in use variance for the property of, 44 jefferson street saratoga springs NY. I am the current owner of 44 Jefferson street, saratoga springs, NY 12866. I acquired ownership of the property on 7/10/2008 from William Manzueta.

During my 8 years with this property I have tried twice unsuccessfully to run a profitable convenience store. On both attempts I failed miserably, lost lots of money and was forced to shut down leaving the building vacant and abandoned. I believe that a large part of my failure was due to the fact that I had great competition in the form of 5 points, a very popular convenient store just two minutes (walking) up the street from 44 jefferson. I just couldn't keep up with the competition. Speaking with William Manzueta (the previous owner) he expressed that he had the same challenges and the same hardships that i have had with this property. We both agree that with such a prominent and popular establishment that is the 5 points convenient store right up the street it is impossible to have a thriving and profitable convenience store at this location.

It is also unreasonable to turn the property into a residence. The property is meant for commercial use and commercial use only. There is no kitchen, no refrigerator, no stove, no oven, no kitchen sink, and one very small bathroom with no shower. The property is in no way suitable for a family to live in, and the money it would cost to make it suitable for a family to live in would be close to (if not more) than the current appraised value of the building.

Being that I could not operate a successful/ profitable convenience store at that property and I did/do not have the funds, time, or permissions (area variance, extensions, interpretation, etc...) necessary to convert the property into a residence suitable for a family, I regrettably was forced to shut down. This was almost 4 years ago and the building has been vacant and abandoned ever since. I own the Getty gas station on church street so I am very busy, I seldom have time for myself let alone time to maintain the property at 44 Jefferson. So in my absence the building had been broken into, robbed, and vandalized. There were also rumors that a homeless man had been living in the building. All this resulted in the building getting somewhat of a bad reputation, and all but impossible to sell. During the time the building has been vacant I have attempted to sell and lease the property to no avail. I even hired a real estate agent, but anyone interest in the property was quickly dissipated when the they realized how much money, time, work and effort is required to turn the property into a suitable residence. I had not one single prospect interested in

leasing or buying the property for use of a convenience store. I suspect that with all the failures and the immense competition, anyone can tell that a convenient store at that location is unfeasible. All this accompanied by the negative reputation of the building caused me to lose all hope. I had all but given up until Lamont Washington and Casey James approached me interested in converting the property into a barbershop.

After meeting these two, there is no doubt in my mind that they will be wildly successful. It wasn't the fact that this location is absolutely perfect for a barbershop, being so close to a huge housing complex, the rec center, the track and downtown saratoga, and with no competitors within a mile and quite literally, little to no effort or money required to make the building suitable for a barbershop. It wasn't the fact that they have the support of myself, the entire community and every other business in the area. It was however the fact that these two are some of the most determined, professional, hardworking, and committed individuals I have ever met. They have worked so hard to make their dreams a reality. Never giving up when times got hard. They are good people and they deserve this. Now they have come this far, they have done everything they have to do and the last obstacle they need to overcome is getting approved for this change in use variance. So I implore you all to see reason. These boys have met every criteria, all requirements and "tests" necessary to be granted a change in use variance. If the board elects not to approve the change in use variance then the building will remain vacant and abandoned, I have no other alternatives. I endorse and completely support this application, and feel that this will not only be great for these two but be amazing for the entire great city of Saratoga Springs NY.

Sincerely,

[redacted]

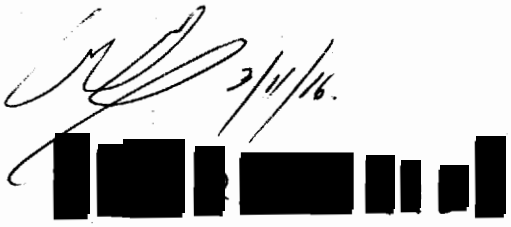
Mandeep Sidhu

[redacted]

My name is Sukhdev Fingb, I am owner of a roofing and in construction company here in Saratoga Springs New York. I specialize in residential homes,extensions, roofing and making sure buildings are within code.Casey James and lamont washington contacted me and asked me to come to the property in question and provide them with an estimate of how much time, money, what kind of permits etc...would be necessary to convert the building on 44 Jefferson Street Saratoga Springs New York into a suitable residence. On monday February 29th 2016 i went to said building and immediately knew that this would not be an inexpensive project. The building is 800 square feet and it's meant for commercial use only. If converted to a residence right now it would only be suitable as a studio apartment, even so there would have to be extensions and permits granted by the city to increase the size of the bathroom and add a shower. There's no kitchen, there's no kitchen sink,no stove no, refrigerator, no oven, no cabinets or shelves and not very much room to add any of it. To convert the building into residence suitable for a studio apartment in my professional opinion would cost no less than $80,000 not including labor and will take no less than 1 and a half year to complete. If the building is to be converted into a residence suitable for a family, the roof will be required to be taken off, a second-floor added with another room and a new roof installed. This will take no less the 4 years to complete and cost no less than $250,000 to compete with the addition of many permits to be granted by the city. As as a commercial building and in my professional opinion it would be financially irresponsible and a waste of time to convert the building into a residence. As it is right now, the building is in great shape and within code as a commercial building. It is perfect and

would require no time, permits or money spent on the the building to be converted into a barbershop. If granted the change in use variance today, Lamont and Casey can quite literally move in set up an open doors for business tomorrow.

Sincerely,



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	Donna & David Carr Jr.	Marcia Carr	
Address	[redacted]	[redacted]	
Phone	[redacted]	/	/
Email	[redacted]		

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

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

PROPERTY INFORMATION

1. Property Address/Location: 13 Oakland Drive Tax Parcel No.: 166.10 - 1 - 9 *(for example: 165.52 – 4 – 37)*

2. Date acquired by current owner: 2001 3. Zoning District when purchased: UR-1

4. Present use of property: Vacant Single Family 5. Current Zoning District: UR-1

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: The proposal involves constructing small additions to a single family residence that was owned by our deceased aunt.

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

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

A use variance is requested to permit the following: _____

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

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

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

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

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

Date	Improvement	Cost

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) 2.0/Table 3, Area & Bulk Schedule

Dimensional Requirements	From	To
Minimum Lot Size (existing)	12,500 sf	10,080 sf
Principal Building Coverage	20%	25%
Front Yard Setback	30'	17', Laurence St.
	30'	22', Oakland Dr.

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 current living space is approximately 1,100 sf. We investigated placing a second story on the existing footprint but felt it was out of character with the existing neighborhood which is mostly one-story ranches. The three neighboring homes are all single story

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 two larger additions are to the rear of the property. The two small additions on the frontages are architectural to provide relief and the larger expansion on the Oakland frontage matches the existing facade.

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

The requested variances are not substantial since the existing lot is substandard and the existing house currently sits within the two front yard setbacks.

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 additions are small enough to keep the house in scale with surrounding structures and we believe the improvements will enhance 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 existing lot is substandard in size and the structure sits within the front yard setback on both frontages. However, the requested variance are self created but are desired to make the existing house a little larger.

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: 3/14/16

(applicant signature) Date: 3/14/16

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

Owner Signature: Executor Date: 3/14/16

Owner Signature: _____ Date: _____

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:

Dimensional Requirements	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

617.20
Appendix B
Short Environmental Assessment Form

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:
13 Oakland Drive, Proposed Area Variances

Project Location (describe, and attach a location map):
13 Oakland Drive, Saratoga Springs, NY

Brief Description of Proposed Action:
The proposed action involves proposed additions to an existing single family home which requires area variances from the City of Saratoga Springs Zoning Board of Appeals.

Name of Applicant or Sponsor:	Telephone: [redacted]
Donna & David Carr, Jr.	E-Mail: [redacted]

Address: [redacted]

City/PO:	State:	Zip Code:
[redacted]	[redacted]	[redacted]

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

3.a. Total acreage of the site of the proposed action? 0.23 acres
b. Total acreage to be physically disturbed? 0.23 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.23 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

RESET

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

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

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

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☑	☐

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☑	☐

	NO	YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	☑

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

	NO	YES
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐
b. Is the proposed action located in an archeological sensitive area?	☑	☐

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☑	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐

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

	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☑ NO ☐ YES		

RESET

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

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

Applicant/sponsor name: David Carr Jr / Donna Carr Date: 3/14/16

Signature: _____

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☐	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐

RESET

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

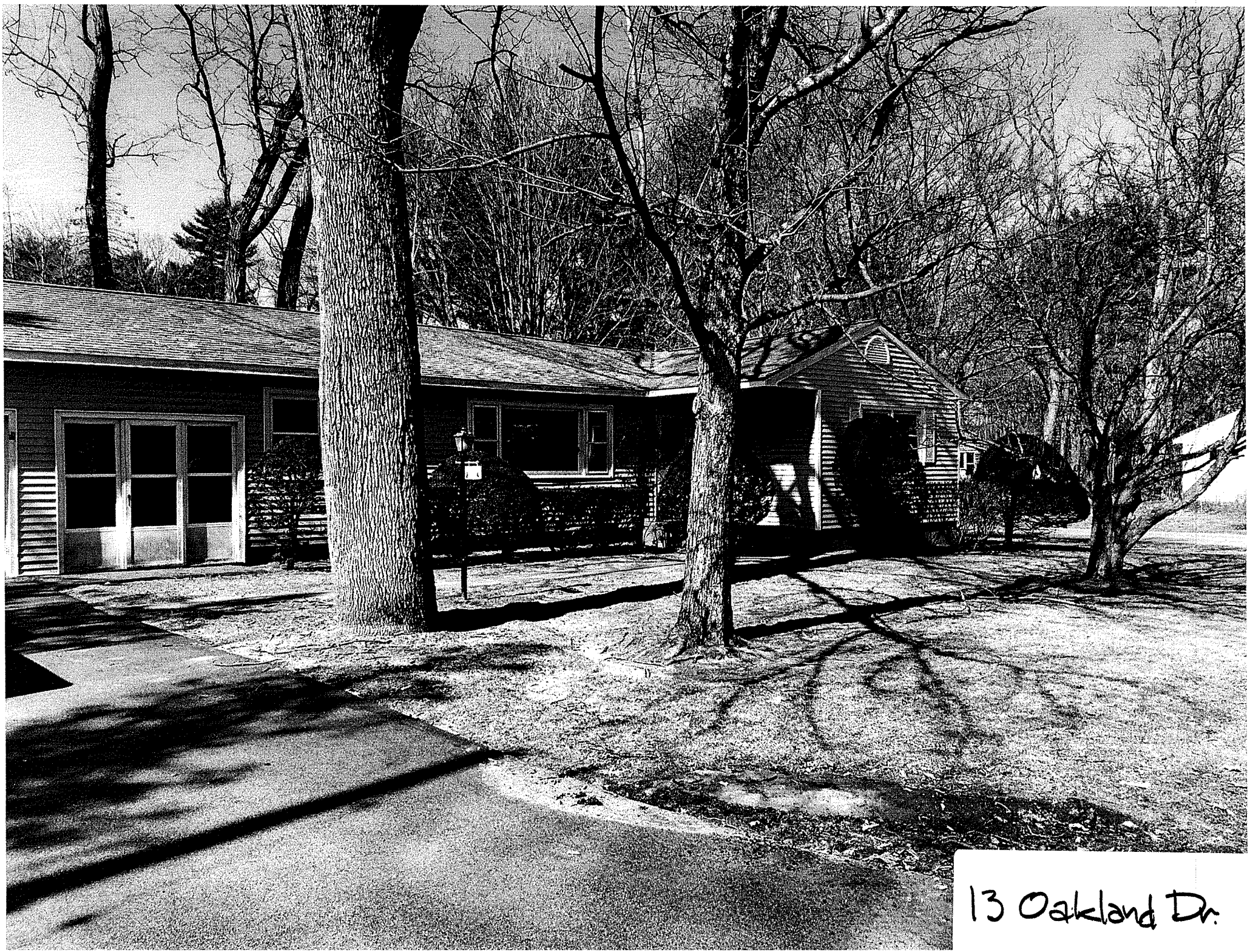
☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

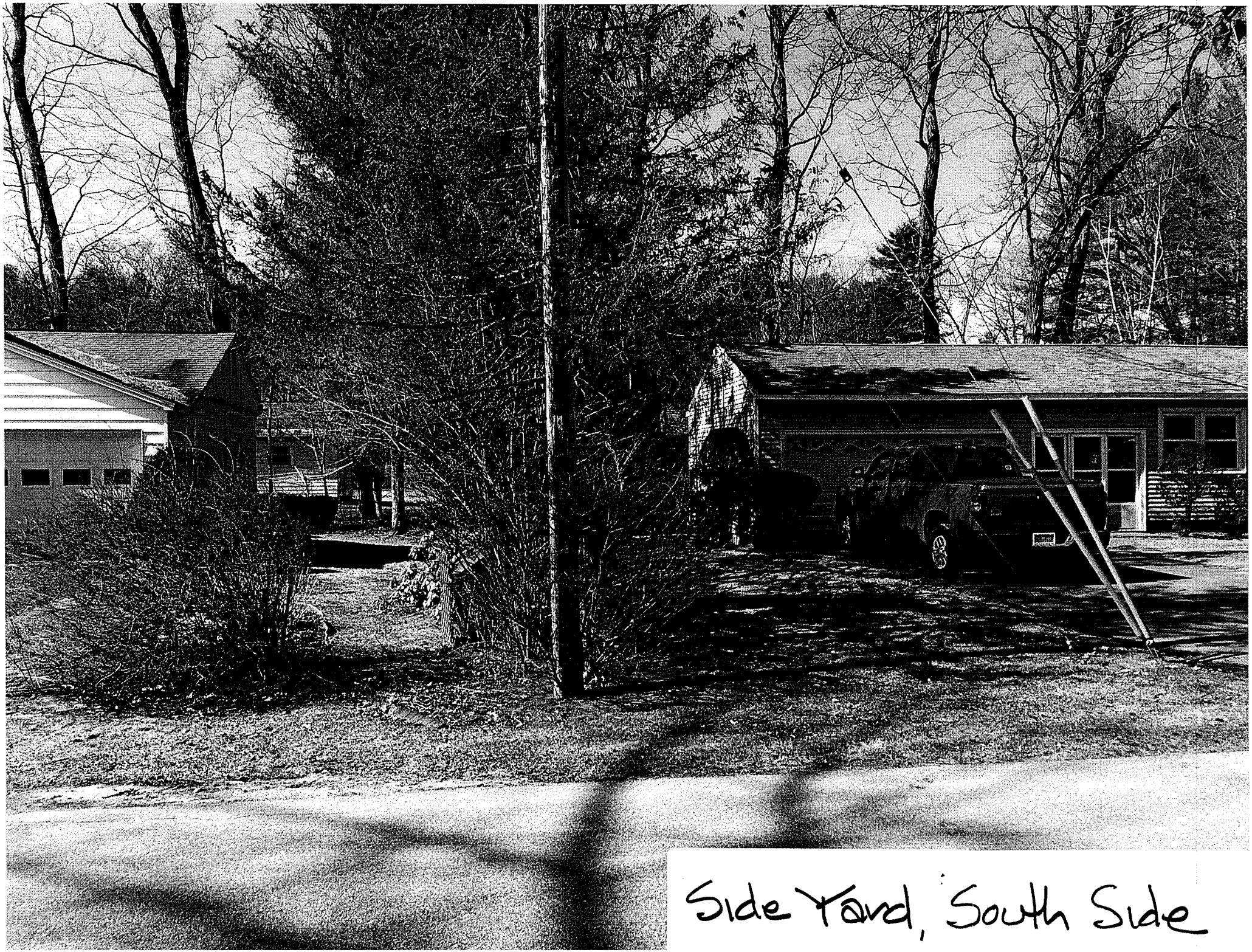
☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

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)

PRINT

RESET


13 Oakland Dr.



Side Yard, South Side

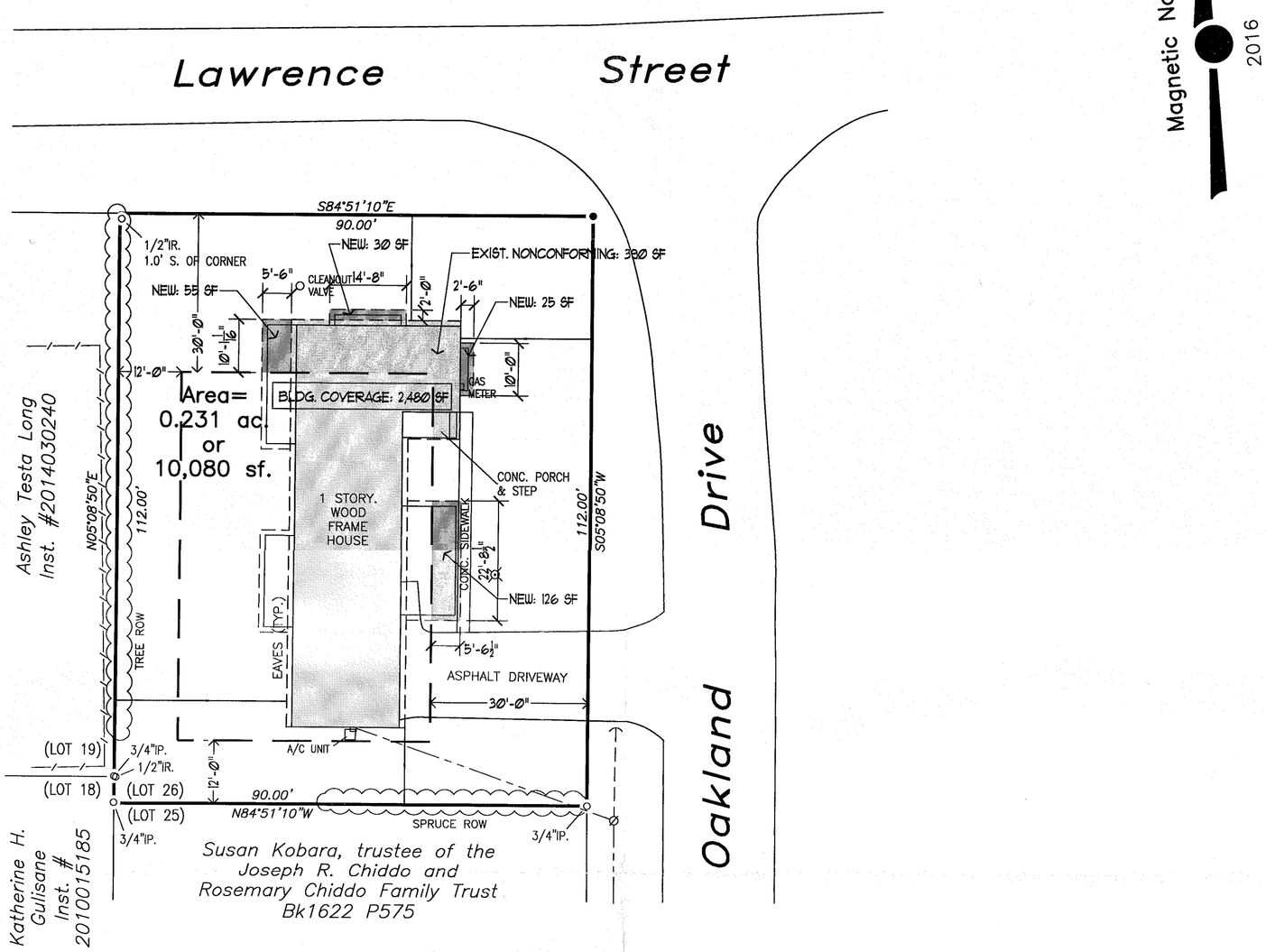
Rear Yard Looking North

Rear Yard Looking North

Front Yard. Lawrence St.

Oakland Drive Looking North

Home across Oakland Dr.



Map Legend

- • 5/8" steel rod set with a tag
- o marker found, labeled
- ø utility pole
- ——— - - ——— overhead wires
- —/—/—/—/— wood fence
- (LOT 25) Lot number on filed map

Deed Reference:

Marcia Carr
Bk1541 P391

Map Reference:

"Lands of Willard J. Grande Excelsior Spring Park" dated November 1, 1955 by John H. Sheehan and filed in the Saratoga County Clerk's Offce as Map BB–2 and Map CC–98.

Unauthorized alteration or addition to a survey map bearing a licensed Land Surveyor's Seal is a violation of Section 7209 subdivision 2 of the New York State Education Law.

Only apparent easements (if any) are shown on this survey. No abstract of title was available.

DATE	REVISION

10 0 10 20
Scale: 1" = 20'

Map of Lands of

Marcia Carr

Situate at

13 Oakland Drive

City of Saratoga Springs, Saratoga County NY

12 Lake Avenue
Saratoga Springs,
NY, 12866
Tel: 518–587–5665
Fax: 518–587–5772

THOMPSON/FLEMING
LAND SURVEYORS, P.C.

DATE: Feb. 16, 2016
TAX MAP: 166.10–1–9
SURVEYED BY: WMT
JOB NUMBER: S16–105.11

R:\Users\KMK\Drafting Temp\Oakland–Lawrence\Zoning Site Plan.dwg

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	Chris Armer Teri L DeSorbo		
Address	[redacted]		
Phone	[redacted]	[redacted]	[redacted]
Email	[redacted]		

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

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

PROPERTY INFORMATION

1. Property Address/Location: 117 Middle Ave Tax Parcel No.: 166 . 45 - 3 - 25
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 8/22/2014 3. Zoning District when purchased: UR3

4. Present use of property: Single Family Home 5. Current Zoning District: UR3

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:
Add second story and a small addition to a single family home that is currently on the property. The existing home is outside of the setback requirements in that the east side of the home has a side setback of 2.8' and 3.1'. We are requesting no change in this setback. The rear of the home (north) currently is between 1.5' and 2.1'. We are proposing a small addition to the west side of the building. This corner of this addition would be 1.4' from the property line as opposed to the current 1.5'.

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)

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
Side Setback	4 ft	2.8 to 3.1'
(Existing home currently has side setback proposed)		
Rear Setback	25'	1.4' to 2.1'
(existing home currently has rear setback of 1.5' to 2.1' - we are proposing an addition that is approx 5' wide and the corner would be 1" closer to property line.		

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.

   I have attempted to contact the property owner to the rear of this property who has an oversized lot. I have sent letters and knocked on the door many times and have had no response from either.
   We have explored other designs to try to make the home a bit larger to fit todays standards. The home is very narrow and we feel the small side addition adds much to using the still small square footage to its best use.

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 nearby neighborhood has many properties that do not fit the current setback requirements and therefore this property would not stand out as being out of character
   As mentioned , the bordering property to the rear has an oversized lot and the home on that property is very close to the far border leaving a large back yard. The bordering property to the East has a home that is also located at the far border(east) of its lot leaving yard in between the 2 properties therefore the homes would not be abnormally close to each other. The bordering property to the West is a double lot that runs between both Middle Ave and York. The portion of the property that borders our lot on Middle ave is used as a driveway. The proposed addition to our property would still be 18.2' from that property line. There is also an existing garage along the same property line that is 8.1' from the property line.

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

The requested variance is not substantial because the only difference between the current setback of the existing structure and the proposed changes is only reduced by 1" on one corner of the home.

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:

There are many similar homes in the area that do not fit the current setback requirements and there will be little impact to neighboring properties.

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 property was purchased knowing that variances would be required but none of the required variances needed are out of character for the surrounding area nor are they substantial.

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 Christopher Armer Digitally signed by C Christopher Armer Date: 2016.02.09 15:26:49 -05'00'

(applicant signature)

Date: 2/9/2016

Teri L DeSorbo Digitally signed by Teri L DeSorbo Date: 2016.02.09 15:30:11 -05'00'

(applicant signature)

Date: 2/9/2016

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

MAP REFERENCES:

1. SARATOGA COUNTY, CITY OF SARATOGA SPRINGS, TAX MAP NO. 166.45-3-25

MIDDLE AVENUE

MAP OF SURVEY

OF LANDS OF

C. CHRISTOPHER ARMER & TERI DeSORBO

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

SCALE: 1" = 10' DATE: OCTOBER 21, 2014

UPDATED NOVEMBER 18, 2015 TO SHOW PROPOSED ADDITION

LEGEND:

- ● FOUND IRON MARKER
- O SET IRON ROD WITH CAP
- UTILITY POLE
- —E— POWER LINE
- STONE WALL
- FENCE

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Unauthorized Alteration to this map is a violation of Section 7209, Subdivision 2 of the New York State Education Law.

WILLIAM J. ROURKE, LICENSED LAND SURVEYOR NO. 49098

W. J. ROURKE, ASSOCIATES
Licensed Land Surveyors
299 Reservoir Road
Fort Edward, N.Y. 12828

14-91
JOB NO.

W.J. ROURKE, ASSOCIATES – LICENSED LAND SURVEYORS
299 RESERVOIR ROAD, FORT EDWARD, NEW YORK 12828

EXISTING HOME -
117 Middle Ave - Subject Property

REAR/SIDE of SUBJECT FROM WEST
(EXISTING HOME.)

Neighbor Driveway to WEST
From Back Property Line

Looking WEST FROM
117 Middle AVE

Looking EAST From
117 Middle Ave

Across STREET From 117 Middle

Across STREET from 117 Middle

Google earth

feet 300
meters 90

- SHOWS DENSITY of AREA.

FRONT LEFT ELEVATION

FRONT RIGHT ELEVATION

REAR LEFT ELEVATION

REAR RIGHT ELEVATION

OPTION 5

PLAN NO:

PAGE OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:
CHRIS ARMER

ADDRESS:
117 MIDDLE AVE
SARATOGA
NEW YORK

DESIGNERS OF FINE HOMES SINCE 1988
WILLIAMS & WILLIAMS DESIGNERS
518-798-HOUSE (4687)

SEAL:
02/12/15

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE PROFESSIONAL JUDGEMENT, THESE PLANS & SPECIFICATIONS ARE IN COMPLIANCE WITH THE 2010 OF APPLICABLE BUILDING CODE OF NEW YORK STATE THE 2010 OF ENERGY CONSERVATION CONSTRUCTION CODE OF NEW YORK STATE

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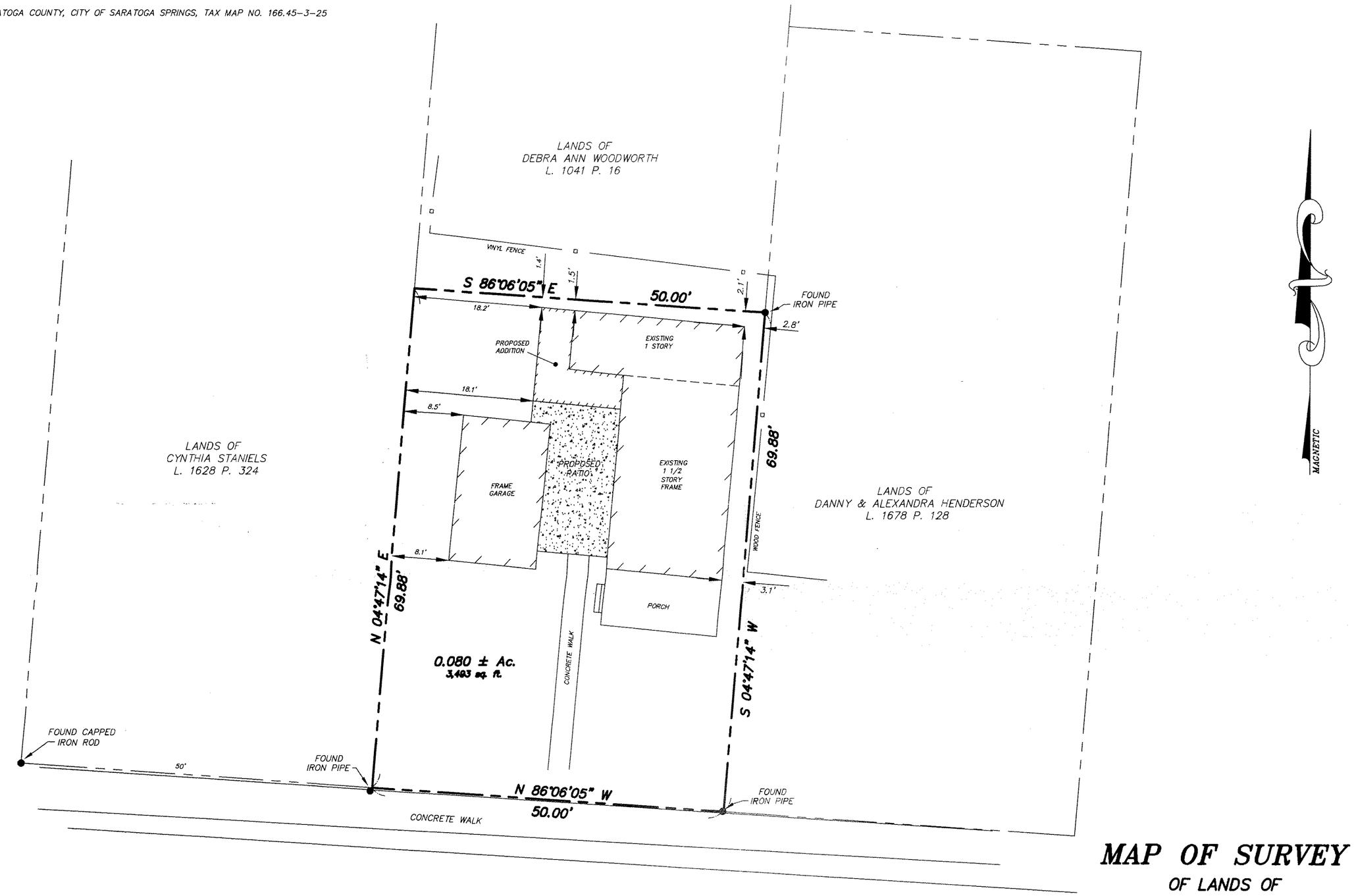
MAP REFERENCES:

1. SARATOGA COUNTY, CITY OF SARATOGA SPRINGS, TAX MAP NO. 166.45-3-25



LEGEND:

- ● FOUND IRON MARKER
- O SET IRON ROD WITH CAP
- UTILITY POLE
- —E— POWER LINE
- STONE WALL
- —x—x— FENCE

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MAP OF SURVEY

OF LANDS OF

C. CHRISTOPHER ARMER & TERI DeSORBO

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

SCALE: 1" = 10' DATE: OCTOBER 21, 2014

UPDATED NOVEMBER 18, 2015 TO SHOW PROPOSED ADDITION

WILLIAM J. ROURKE, LICENSED LAND SURVEYOR NO. 49098

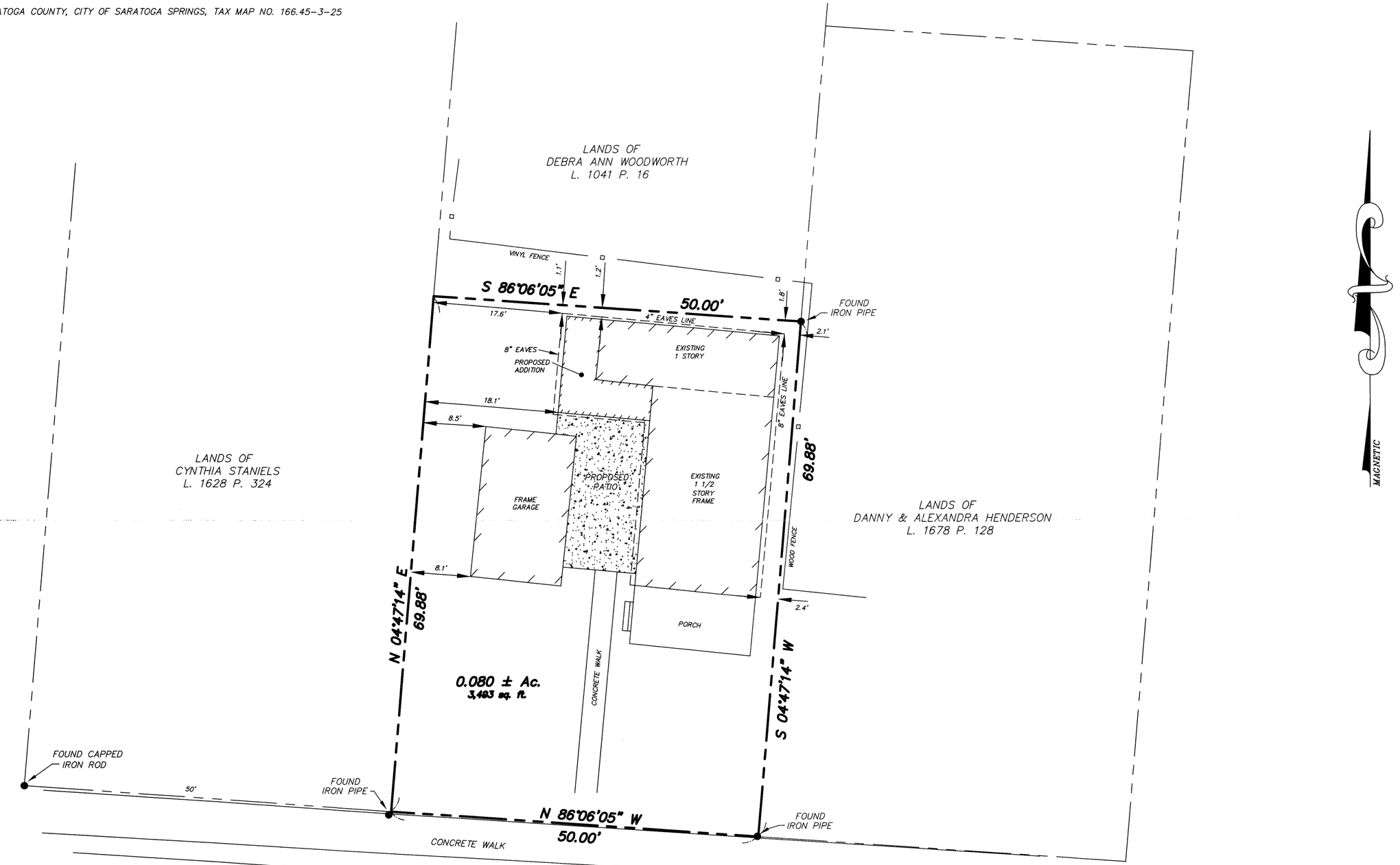
W. J. ROURKE, ASSOCIATES
Licensed Land Surveyors
299 Reservoir Road
Fort Edward, N.Y. 12828

14-91
JOB NO.

W.J. ROURKE, ASSOCIATES - LICENSED LAND SURVEYORS
299 RESERVOIR ROAD, FORT EDWARD, NEW YORK 12828

MAP REFERENCES:

1. SARATOGA COUNTY, CITY OF SARATOGA SPRINGS, TAX MAP NO. 166.45-3-25



MAP OF SURVEY
OF LANDS OF
C. CHRISTOPHER ARMER & TERI DeSORBO

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

SCALE: 1" = 10' DATE: OCTOBER 21, 2014

UPDATED NOVEMBER 18, 2015 TO SHOW PROPOSED ADDITION
UPDATED APRIL 11, 2016 TO SHOW EAVES

LEGEND:

- ● FOUND IRON MARKER
- ○ SET IRON ROD WITH CAP
- UTILITY POLE
- —E— POWER LINE
- STONE WALL
- —x—x— FENCE

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14-91
JOB NO.

W.J. ROURKE, ASSOCIATES - LICENSED LAND SURVEYORS
299 RESERVOIR ROAD, FORT EDWARD, NEW YORK 12828

March 14, 2016

[redacted] 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 concreate 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
[redacted] 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

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THE LAW OFFICE OF AMY MELE
103 VAN HOUTEN FIELDS
WEST NYACK, NEW YORK 10994
(845) 596-8260
FAX: (212) 269-0515
EMAIL: AMY@AMYMELELAW.COM

March 21, 2016

(Via Email and Hand Delivery)

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

Re: #2807.1 – 38 Murphy Lane – Area Variance Modification; Applicant: Jean D'Agostino

Dear Members of the Board:

I represent Brian and Susan Rodems along with several neighboring landowners in connection with the above-referenced application. Mr. and Mrs. Rodems' property is across the alley from the applicant's lot. I write to respectfully urge the Board to deny the requested modification.

I was just retained on Friday, and unfortunately I was unable to rearrange my schedule to be there in person this evening. I therefore request that this letter be incorporated into the record.

The instant application is a classic example of "act first, ask forgiveness later." The current building under construction[1] bears no resemblance to the historic barn. The clapboards, barn doors and shiplap are gone. The original slab-on-grade concrete floor

[1] The Building Inspector issued a Notice of Violation and Stop Work Order dated January 21, 2016 on the basis that the work was outside the scope of the building permit, which of course was tied to the original variance.

has been completely regraded and replaced with a full height basement, which raises the height of the first floor by four feet (46 inches as measured from the original at-grade elevation of the barn) and the second floor by an additional four feet. Thus, the entire structure has been raised by approximately eight (8) feet. All of the exterior walls have been reframed, and the entire second story has been removed. The Applicant's explanation, that it was "just as easy" to install a full-height basement and that she "decided" to reframe all of the exterior walls does nothing to justify the instant application and instead simply demonstrates that her current "hardship" is entirely self-created.[2]

As you are aware, this Board previously granted an area[3] variance to permit the renovation and conversion of an existing barn structure to a single family house. The entire basis of the original variance application, upon which this Board and the neighboring residents relied, was the renovation of a 100-year old barn to its original glory. Indeed, the Board specifically considered whether to require the applicant to demolish the barn and build a "conforming" residence:

> "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**

---

[2] Applicant has submitted a letter in support of her current application in which she characterizes the neighbors as harassing and complains that they would not agree to provide easements or allow her to store fill on their property. Of course, the neighbors were under no obligation to comply with such requests (she does concede that one of the neighbors gave her consent to place a portable toilet on his property during construction.) Nowhere in the letter, however, does she take responsibility for her own actions – i.e., the unilateral redesign without going back to the ZBA and the Building Department. The Applicant continues to refer to the structure as "the barn," when there is no semblance of a barn on the property. Perhaps the most telling admission is that she does not intend to live in the residence: "I just want to finish what I started sell the property to a new family and get out of the neighborhood for good."

[3] Arguably, the original variance could have been characterized as a use variance. The barn was always classified as an "accessory building." Prior to the sale to the applicant, the lot was always owned by a neighboring property owner. In retrospect, it should have been merged with a lot with a primary residence on it. Had it been, I suspect that the Planning Board would have never granted a subdivision.

community character." The applicant does not seek to do this in the proposal as submitted..."

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. The board also notes that the renovation work would improve the outward appearance of the structure, currently in disrepair."** (Emphasis supplied).

After being granted very substantial relief[4] from the zoning regulations based upon these representations, the applicant tore down the barn, started anew, and built a structure that is far more noticeable, bears no resemblance to the 1900's barn, and towers over the neighbors' residences. She now asks the Board to condone her gross deviation from the original variance.

The Applicant is asking this Board to reconsider and modify its prior decision. The City's zoning code, Section 8.5(G) provides:

G. In order to rehear an appeal previously determined by the ZBA, the following must occur:

1. A ZBA member must move to formally rehear the appeal;

2. A unanimous vote of all ZBA members present must approve the motion to rehear;

3. The appeal shall be subject to the same notice provisions as an original hearing;

[4] The original variance granted a 62.1% minimum lot size variance (2,500 vs. 6,600); a 16.7% minimum lot width variance, a 69% minimum front lot setback variance, a 37.2% minimum rear yard variance, and relative relief from principal building coverage of 55% and 50% variance from parking requirements.

4. The ZBA may reverse, modify or annul its original decision provided the ZBA finds that the rights vested in persons acting in good faith reliance upon the reheard order, decision or determination will not be prejudiced thereby; and

5. A unanimous vote of all ZBA members present is required to reverse, modify or annul its original decision.

Clearly, if the original variance is modified to accommodate the current proposed structure, the rights of those who justifiably relied upon the original variance – i.e., the neighbors who did not object to the original variance – would be prejudiced. The modification would result in the following negative impacts to neighboring residents, which cannot be mitigated if the applicant is permitted to build what she now proposes:

1) The new construction raises the total height of the structure by eight (8) feet. While the applicant denies this, her interpretation is based upon measuring the height from grade – but **she raised the grade and now the first floor is +/- 4 feet above the original barn floor elevation** after the original variance was granted. In addition, the applicant poured a full height foundation as opposed to restoring the original slab. At the last meeting, the applicant was asked to provide further clarification for her claim that the height increase is less than 8' – she has yet to provide this board with such clarification.

2) The increased grade also has a deleterious effect on drainage. The site is now graded and pitched so that water will flow off the subject property into the alley and onto the neighbors' property with no corresponding drainage installed.

3) Because the front, rear and side-yard setbacks were so drastically reduced, the increased height cannot be meaningfully camouflaged by landscaping or other buffers.

4) The new height and steep roof line will make the building among the tallest in the neighborhood, and will severely impact the privacy of the neighbors. Indeed, seven (7) directly abutting homes will have their privacy impacted as the structure looms over their backyards.

5) The new construction at the height proposed is completely out of character with the existing homes, and their property values will be negatively affected.

There is ample precedent to support the denial of the instant application. The case of *Merlotto v. Town of Patterson Zoning Board of Appeals*, 841 N.Y.S.2d 650 (2d Dept. 2007) is particularly instructive. There, the applicant purchased two (2) lots in an RPL-5 zoning district which required five (5) lots to build a single family residence. The applicant was granted an area variance to build a new dwelling on the lot despite its non-conforming size, with the condition that "[t]he new structure as restored shall be build the exact size, shape and current location of the existing foundation." *Id.* at 651. The applicant subsequently altered the plans and commenced framing a second story. After the building inspector denied authorization to change the plans, the applicant returned to the ZBA to seek permission for the second floor. *Id.* at 652.

At the public hearing, the neighbors objected to the request to modify the variance, and pointed out that the new structure was more than double the size of the original dwelling, and that the "high pitched" roof line did not match the roof line of the neighboring houses. *Id.* at 652.

The zoning board denied that portion of the application which sought to add a second floor and for an increased roof line. The applicant appealed. The Supreme Court reversed, and the Board appealed.

The Appellate Division reinstated the decision of the zoning board, finding that the zoning board had properly found that the "illegal second story would produce an undesirable change in the character of the neighborhood, since the majority of the neighboring homes are one story structures with lower roof lines..." The Court also agreed with the zoning board's reasoning that "the difficulty was self-created, since the Petitioner chose to ignore the previous variances granted." *Id.* at 653. Finally, Court

pointed out that the zoning board justifiably found that "the benefit sought by the applicant can be achieved...*by the construction of a smaller house in accordance with the area variance previously granted.*" Id. (emphasis in original). The court went on to conclude "[i]t must be stressed that the petitioner completed the framing of his 1,546 square foot house and sought approval of the ZBA after the framing of the structure was completed. In so doing, he may be regarded as the quintessential example of self-created difficulties." Id.

The analogy to the instant application is obvious. The Applicant only sought relief after a Notice of Violation and Stop Work Order were issued. The unilateral decision to not restore the barn and construct a new single family home is a self-created hardship, and results in a structure which is completely incongruous with the character of the neighborhood.

Indeed, this Board recognized that this very action – tearing down the barn and building a new structure – would have a negative impact on community character. See, original variance, findings #1 and #2. The new structure towers above the neighbors, has no "frontage" on any street and is massive in relation to the surrounding structures. If this modification is granted, future occupants of the home will have elevated, unobstructed views into what should be private back yards. The historic barn is gone and the structure currently proposed is 240% larger than what would be permitted on a parcel this size.

Put simply, the neighbors were willing to accept the barn, which has always been an accessory use, as a residence if it were restored to resemble the historic barn and maintained the same height and proportions. Before you now is a proposal to build a larger, higher, new structure in a location where for 100 years stood a barn as a peaceful accessory use with no occupants and where only non-intrusive activities occurred. The barn was a testament to the history of the neighborhood and the City of Saratoga Springs. Now, gone forever, the applicant proposes a house which is not only taller than the adjacent properties but has no relationship to the context of the neighborhood, with a front porch literally located on the street and a structure that crowds the tiny parcel upon which it sits.

The fact that the applicant may lose money or incur additional expense does not change the analysis. *See, e.g., Fendelman v. Zoning Board of Appeals of the Village of Scarsdale*, 577 N.Y.S.2d 138 (2d Dept. 1991) (that homeowners might suffer some economic loss as a result of altering garage which failed to comply with side-yard requirement did not require granting of variance); *Carlucci v. Board of Zoning Appeals for the Town of Philipstown*, 613 N.Y.S.2d 665 (2d Dept. 1994) (after finding that hardship was self-created, board of zoning appeals has no obligation to weigh expense of compliance in petitioner's favor on request for area variance); *Slakoff v. Hitchcock,* 599 N.Y.S2d 63 (2d Dept. 1993) (fact that owners would suffer economic loss was irrelevant to determination of whether owners were entitled to area variance for pool and deck constructed in violation of zoning requirements).

Mr. and Mrs. Rodems along with other neighbors have submitted photographs depicting the original structure and the state of the current construction under separate cover. The Rodems and their neighbors have also submitted photographs of the neighboring residences with reference to their height. We ask that these be included in the record on this matter. Of course, we invite and welcome the Board to visit the site.

Based on the foregoing, we respectfully request that the instant application be denied in its entirety.

Very truly yours,

Amy Mele

Amy Mele, Esq.

cc: Mr. & Mrs. Brian Rodems
Dan and Loretta Martin
Blaine and Rachel Dunn
Evan Williamson
Susan Brundige
Paul Tucker and Maggie Moss Tucker

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 that the house 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

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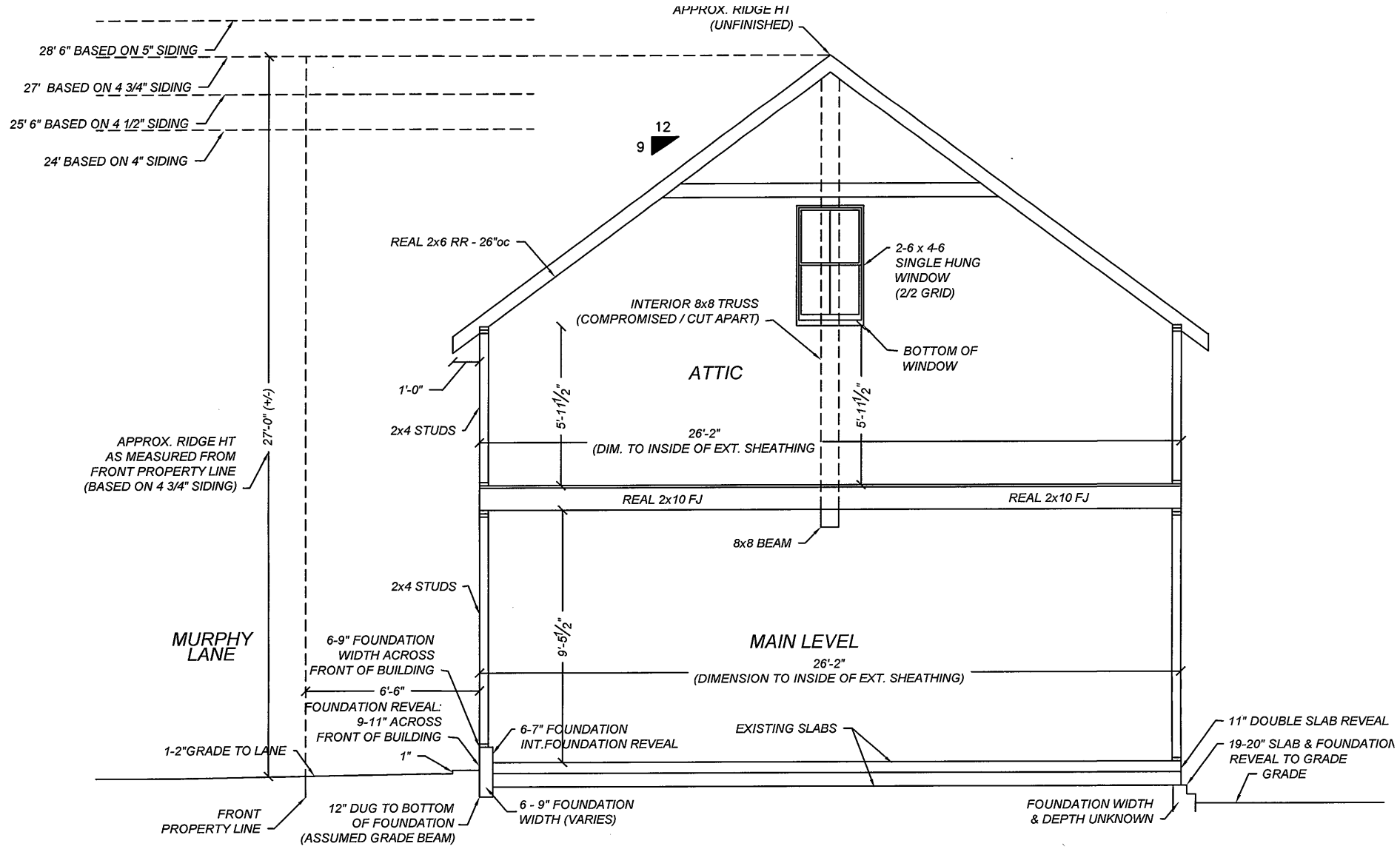
39 Murphy 3-14-03142016164622.pdf
443 KB

39 murphy street-03142016165139.pdf
44 KB

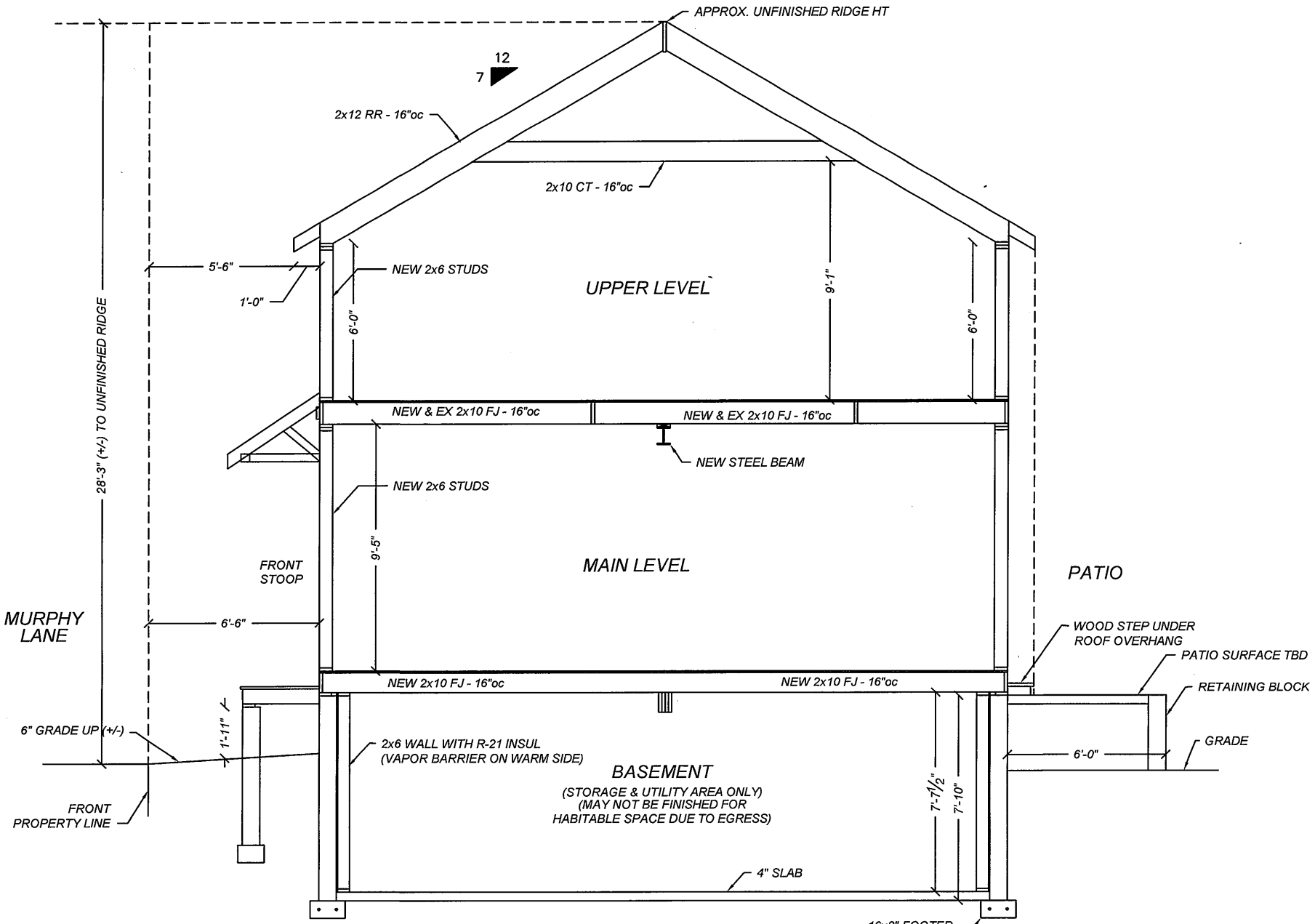


CARRIAGE HOUSE RESIDENCE
#29 MURPHY LANE
SARATOGA SPRINGS, NY

PRE-EXISTING SECTION

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

DOCUMENTED BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY

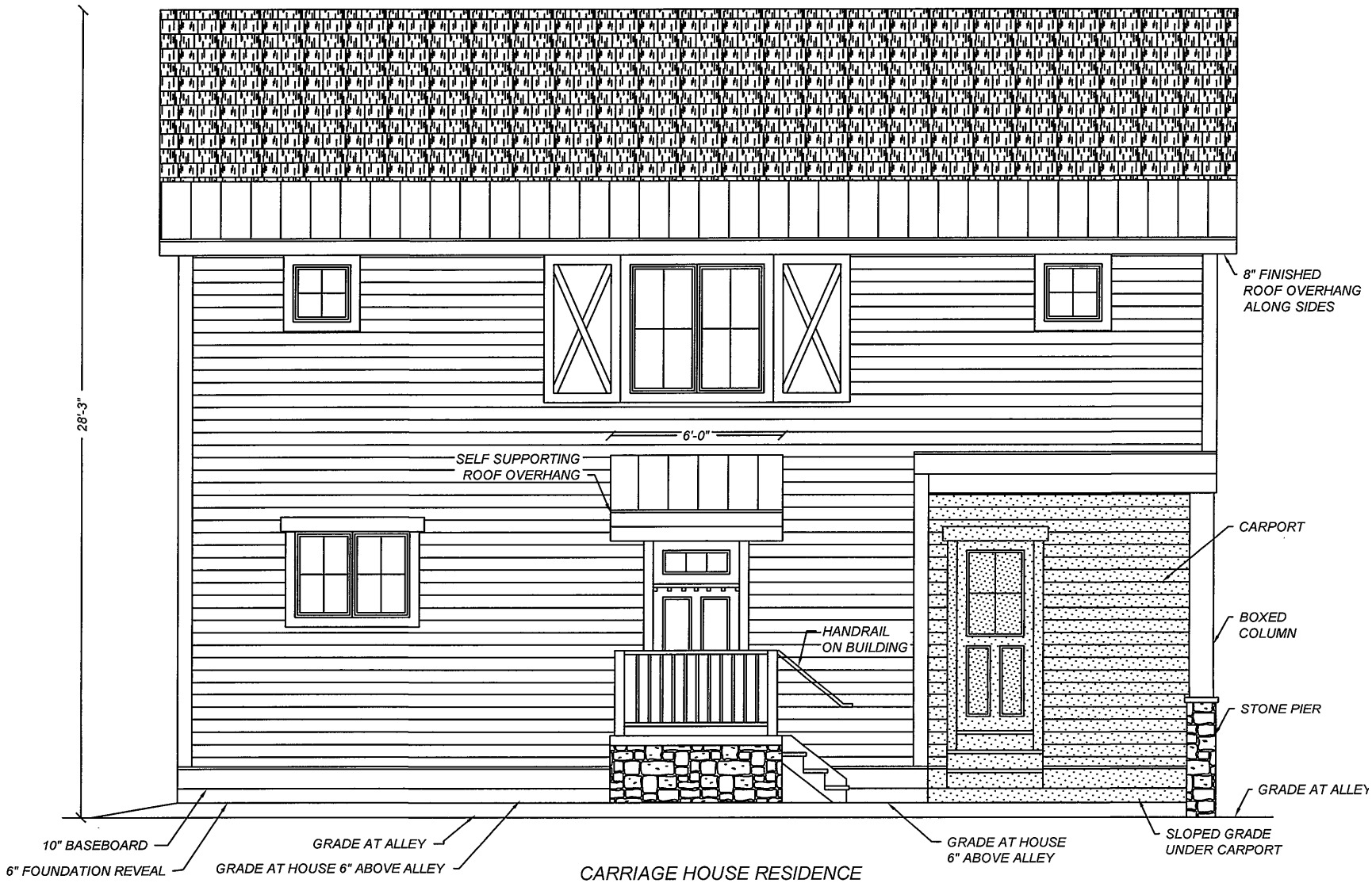


CARRIAGE HOUSE RESIDENCE
#29 MURPHY LANE
SARATOGA SPRINGS, NY

PROPOSED SECTION

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

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY

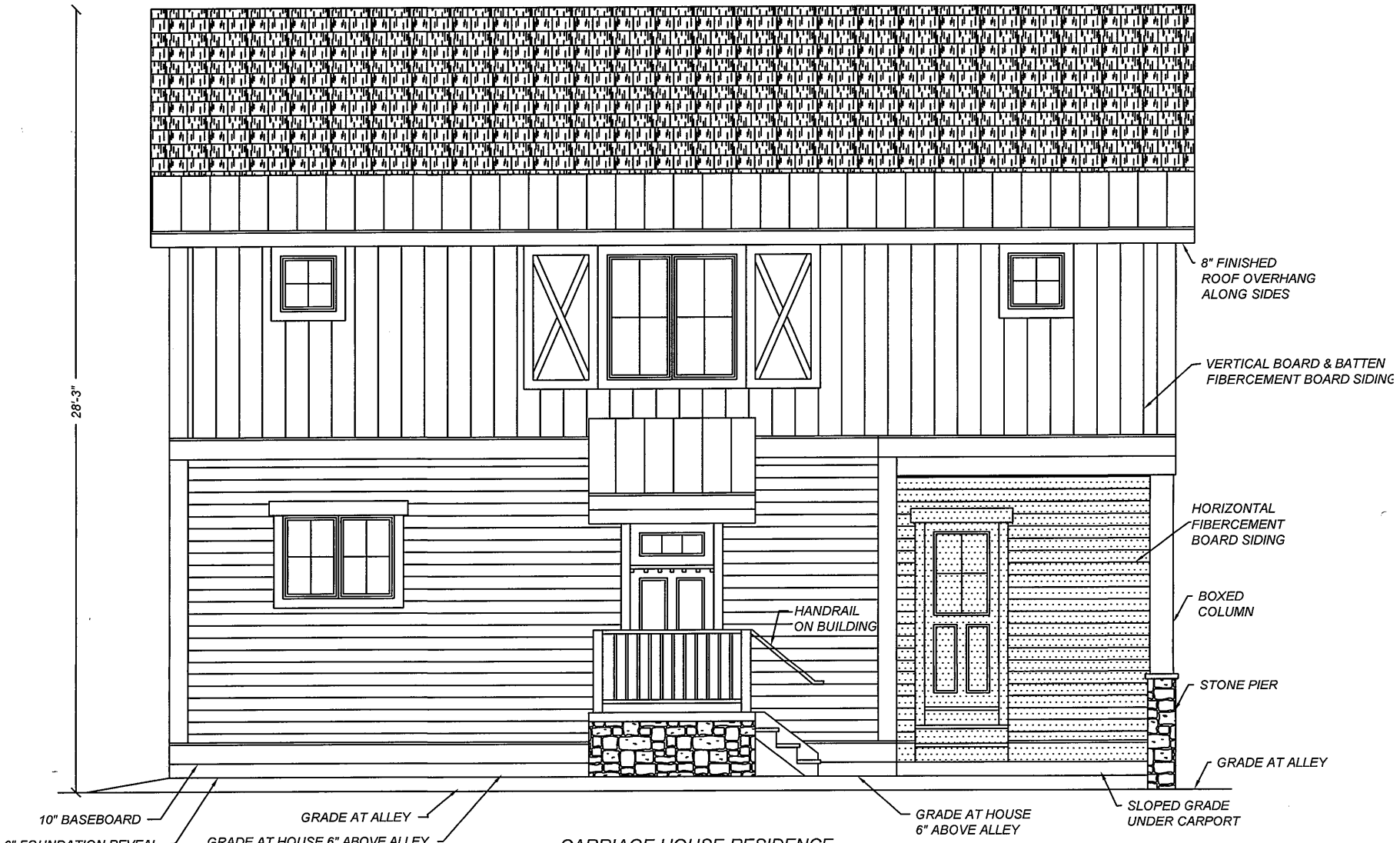


CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

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

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

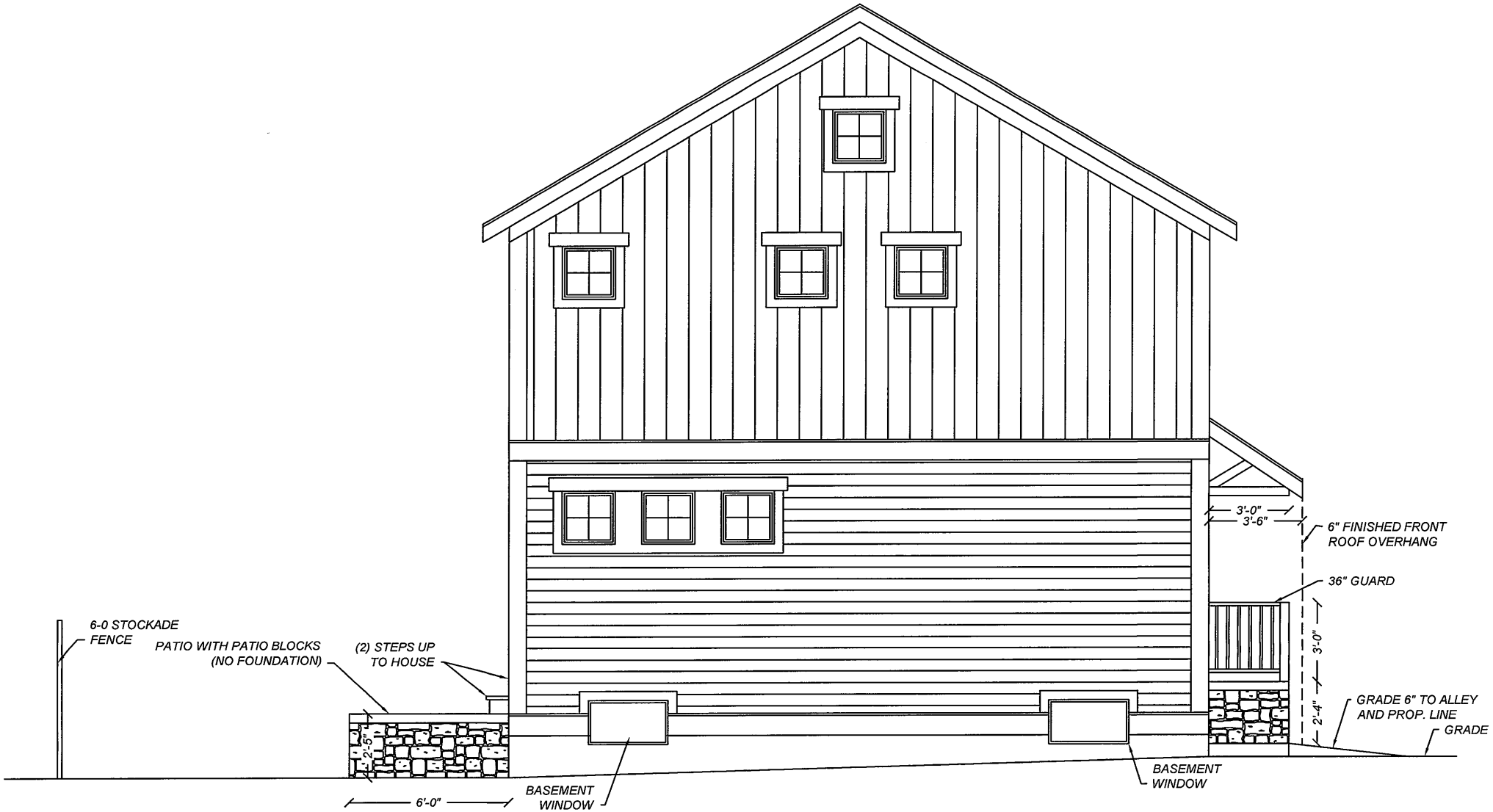
EXISTING GRADE
AT REAR YARD

CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

PROPOSED: OPT. REAR ELEVATION

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

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY

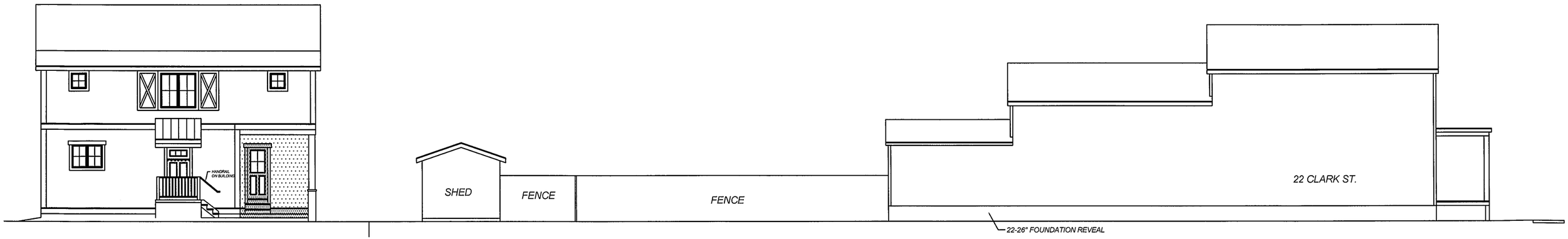


CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

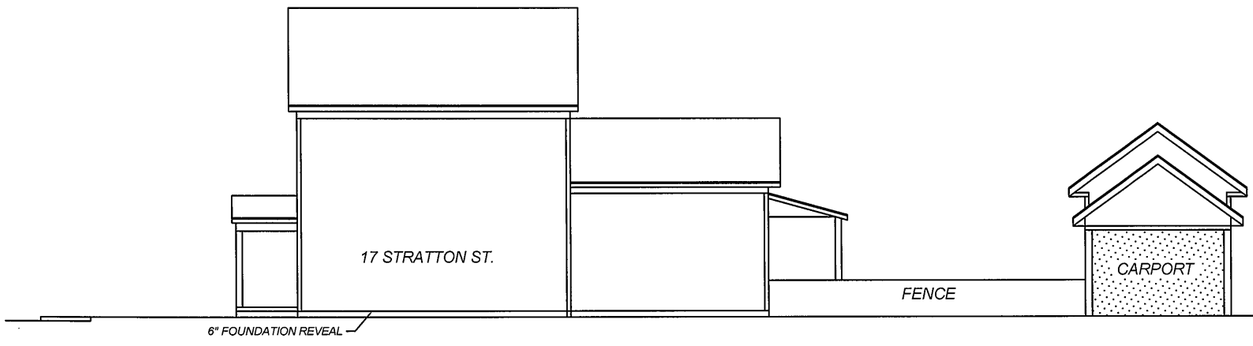
PROPOSED LEFT ELEVATION

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

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY



MURPHY LANE TO WEST OF PROJECT



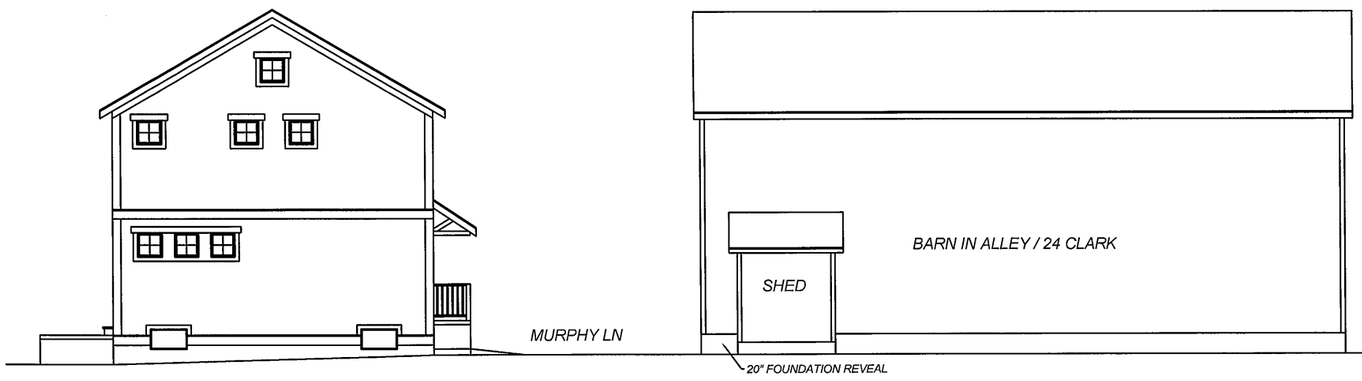
MURPHY LANE TO EAST OF PROJECT

CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

PROPOSED STREETSCAPES

3/14/16

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY



MURPHY LANE FACING WEST

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'etre. 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
[redacted] Clark Street

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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

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

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

ZBA Meeting – Monday, February 22, 2016
City Council Chambers – 7:00 p.m.

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

Salute The Flag

Role Call

New Business

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

   Documents: 2807.1 MURPHYLNBARNRENO_39MURPHYLN.PDF, 2807.1 MURPHYLNBARNRENO_NEIGHBORCORRREDACTED.PDF

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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."

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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@sararoga-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

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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 by 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 saw 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 make 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

January 11, 2016

To The Saratoga Springs Zoning Board of Appeals

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

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

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

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

Susan Rodems [redacted] White Street

The 39 Murphy Lane construction project
February 1, 2016

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

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

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

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

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

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

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

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

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

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

Please take action on this project.

Thank you,

Linda and Tom Davis

[redacted] White Street

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

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

I appreciate your attention to this matter.

39 Murphy Lane Construction

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

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

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

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

Thank you for your consideration in this matter

Concerned neighbors

Loretta Martin
[redacted] Stratton Street

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

Dear Ms. Barden.

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

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

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

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

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ENGINEERING AMERICA CO.

76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866

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

TRANSMITTAL SHEET

TO: Zoning Board of Appeals	FROM: Tonya Yasenchak
COMPANY: City of Saratoga Springs	DATE: February 18, 2016
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 4
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: # 39 Murphy Ln. Zoning Saratoga Springs, NY	YOUR REFERENCE NUMBER:

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

City of Saratoga Zoning Board Members,

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

Modifications From Original Approval

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

Current Proposed Variance Modifications vs. Approved Variances

	Dim. Req./Orig. / New	Relief Approved	2/18/16 Rev.	Rev. Relief
Min. Lot Size	6,600 sq.ft./2,500sq.ft.	4,100 (62.1%)	No Change	No Change
Av. Lot Width	60' / 50' (existing)	10' (16.7%)	No Change	No Change
Front Yard Dim:	10' / 3.1' / 3.2'	6.9' (69%)	6.8' = 68%	Reduced 1%
Rear Yard Dim:	25' / 15.7'/ 15.8'	9.3' (37.2%)	9.2' = 36.8%)	Reduced 0.4%
Total Side Dim:	12' / 11.4' / 12.3'	0.6' (5%)	No Variance	No Variance Req.
Building Coverage:	30% / 46.5% / 43.2%	16.5% (55%)	13.2% (44%)	Reduced 11%
Min. Parking	2 / 1 / 1	1	No Change	No Change

Area Calculations:

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

Permeability:
Proposed Barn Residence: 1,080 sq.ft.
Assumed Paving at Alley: 300 sq.ft. (+/-) (along front of building)
New Rear Patio & Stairs: 60
Total Coverage: 1,440 sq.ft.
1,440 sq.ft. (57.6 % coverage = 42.4 % permeable > 25% min)

Engineering America Co., on behalf of the Owners of #39 Murphy Lane, would like to respectfully request that the Zoning Board of appeals review and approve the modifications made to the original proposed project. We believe that the modifications requested do not produce any negative impacts on the neighborhood environment or character as all of the original approved variances may be reduced and one variance may be removed. All other conditions are in compliance with the UR-3 zoning regulations.

Thank you for your time and cooperation.
Sincerely,

Tonya Yasenchak, PE

Enc.
Cc: D'Agostino

CITY OF SARATOGA SPRINGS
ZONING BOARD OF APPEALS

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

Bill Moore
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)

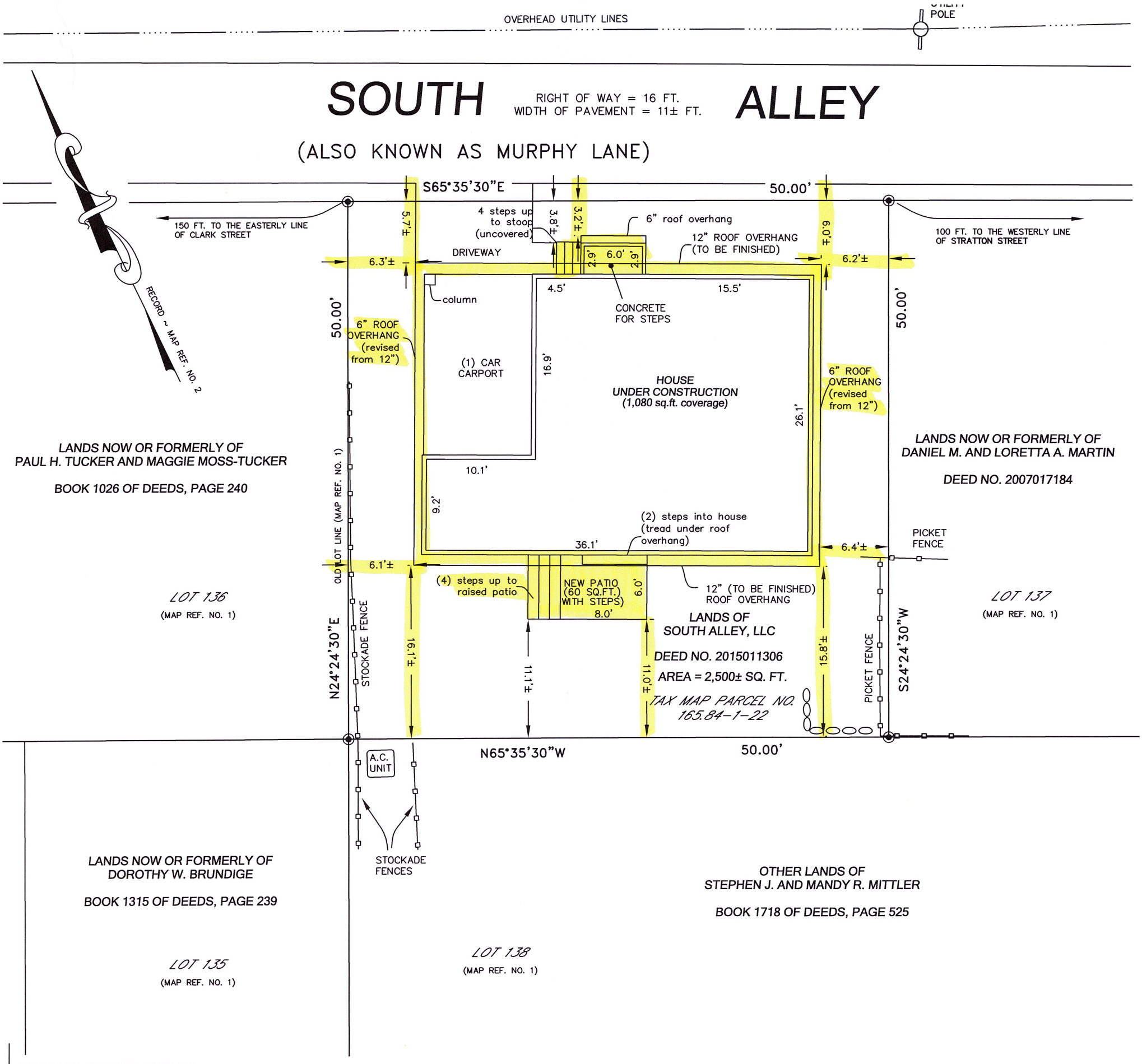
TYPE OF REQUIREMENT	DISTRICT DIMENSIONAL REQUIREMENT	PROPOSED	RELIEF REQUESTED (ORIGINAL APPROVAL)	
MINIMUM LOT SIZE	6600 SF	2500 SF (SAME)	4100 SF, OR 62.1%	(SAME)
MINIMUM AVERAGE LOT WIDTH	60 FT	50 FT (SAME)	10 FT, OR 16.7%	(SAME)
MINIMUM FRONT YARD SETBACK	10 FT	3.1 FT (3.2)	6.9 FT, OR 69%	(68%)
MINIMUM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

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

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

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

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



ZONING INFORMATION:

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

NOTES:

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

MAP REFERENCES:

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

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

DEED REFERENCE:

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

REV. 2/18/16-TJ

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

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

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

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

TITLE:

SURVEY OF LANDS OF SOUTH ALLEY, LLC

(DEED NO. 2015011306)

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

DATE:
JANUARY 26, 2016

SCALE:
1 INCH = 10 FEET

MAP NO. 2016-01-02

ENGINEERING AMERICA CO.

76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866

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

TRANSMITTAL SHEET

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

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

City of Saratoga Zoning Board Members,

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

Modifications During Construction:

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

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

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

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

Current Proposed Variance Modifications vs. Approved Variances

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

Area Calculations:

Total Lot Size: 2,500 sq.ft.

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

Proposed Barn w/ porch roof & rear Stoop:

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

Permeability:

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

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

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

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

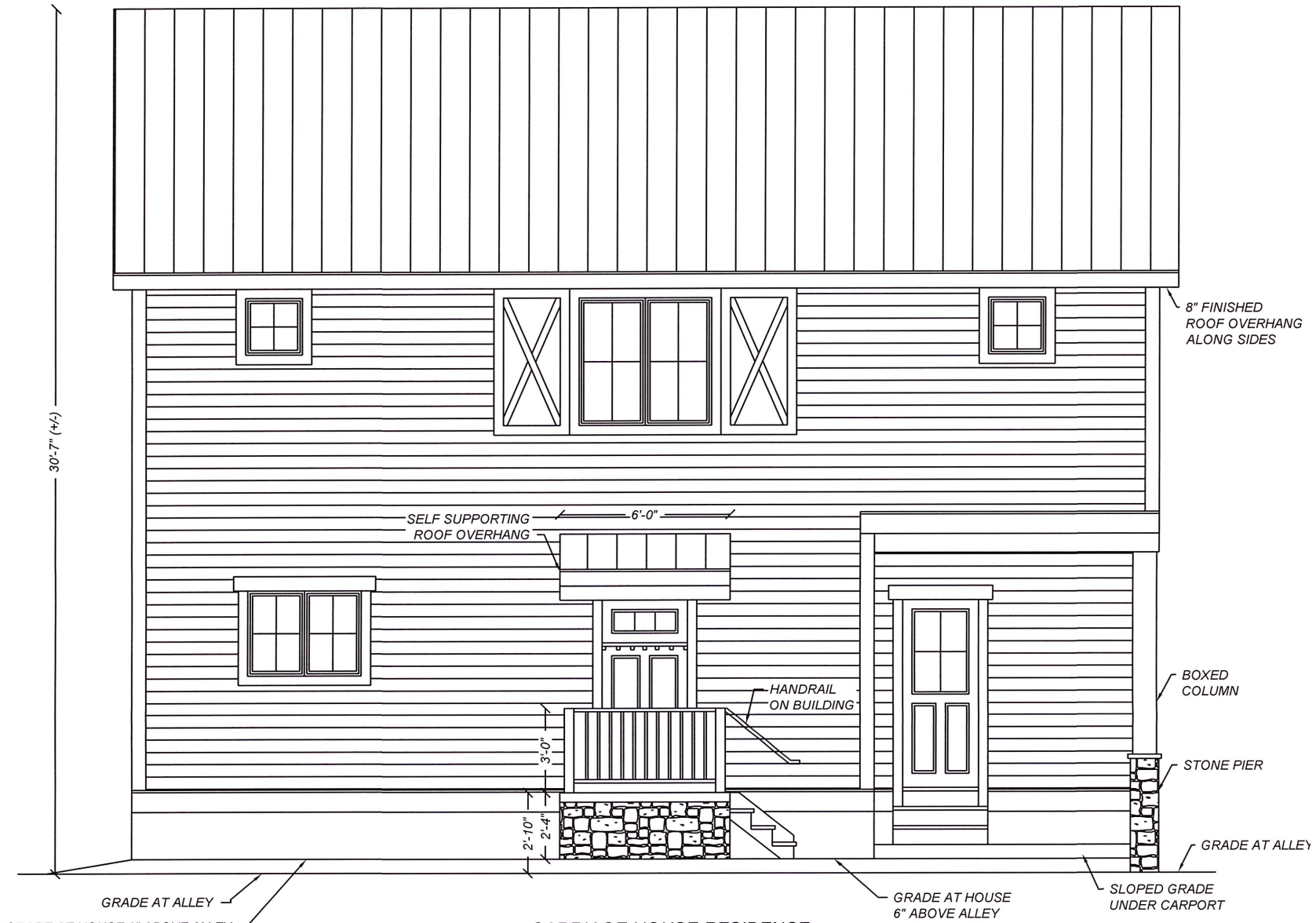
Thank you for your time and cooperation.

Sincerely,

Tonya Yasenchak, PE

Enc.

Cc: D'Agostino

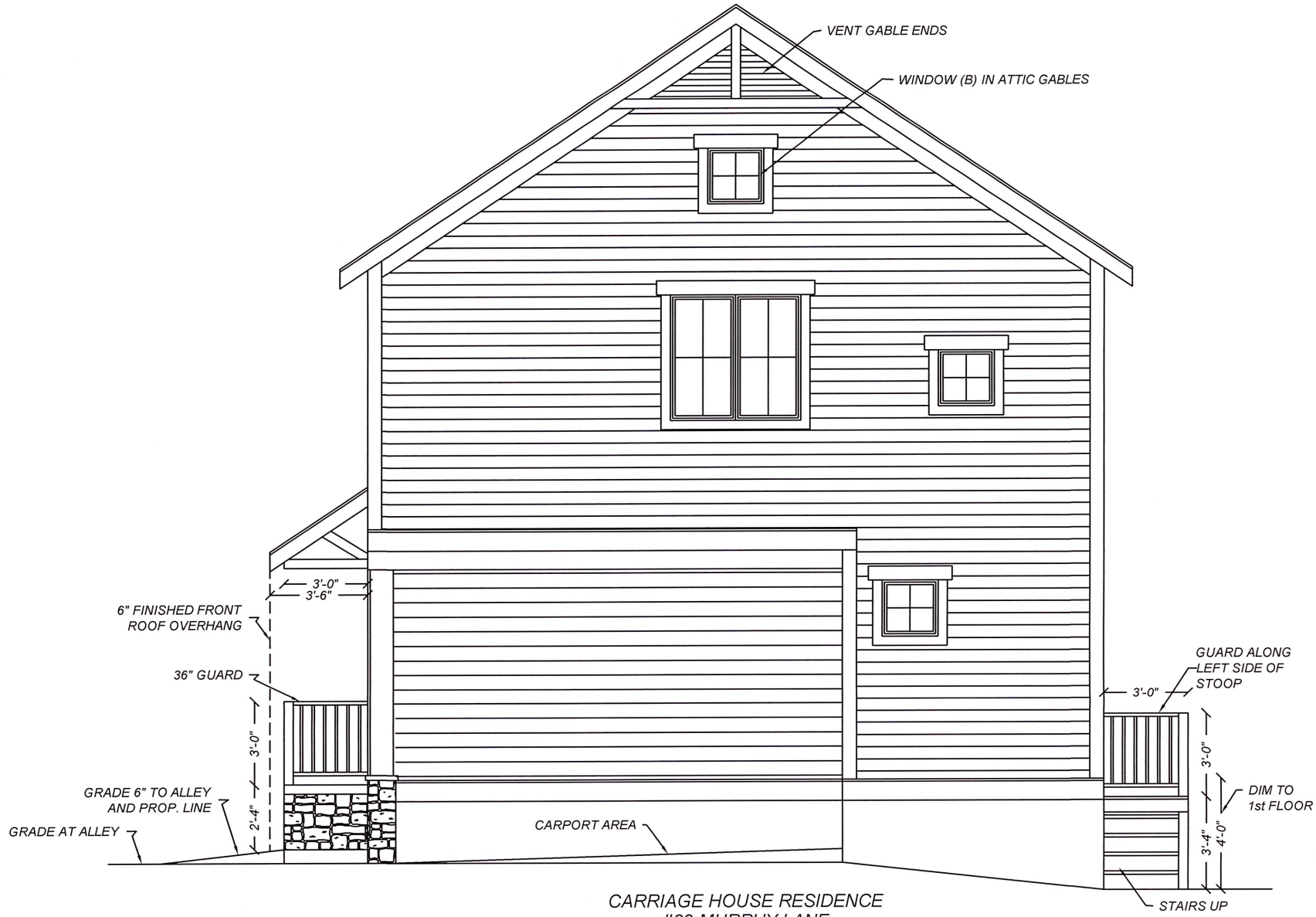


CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

PROPOSED FRONT ELEVATION

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

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY



CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

PROPOSED RIGHT ELEVATION

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

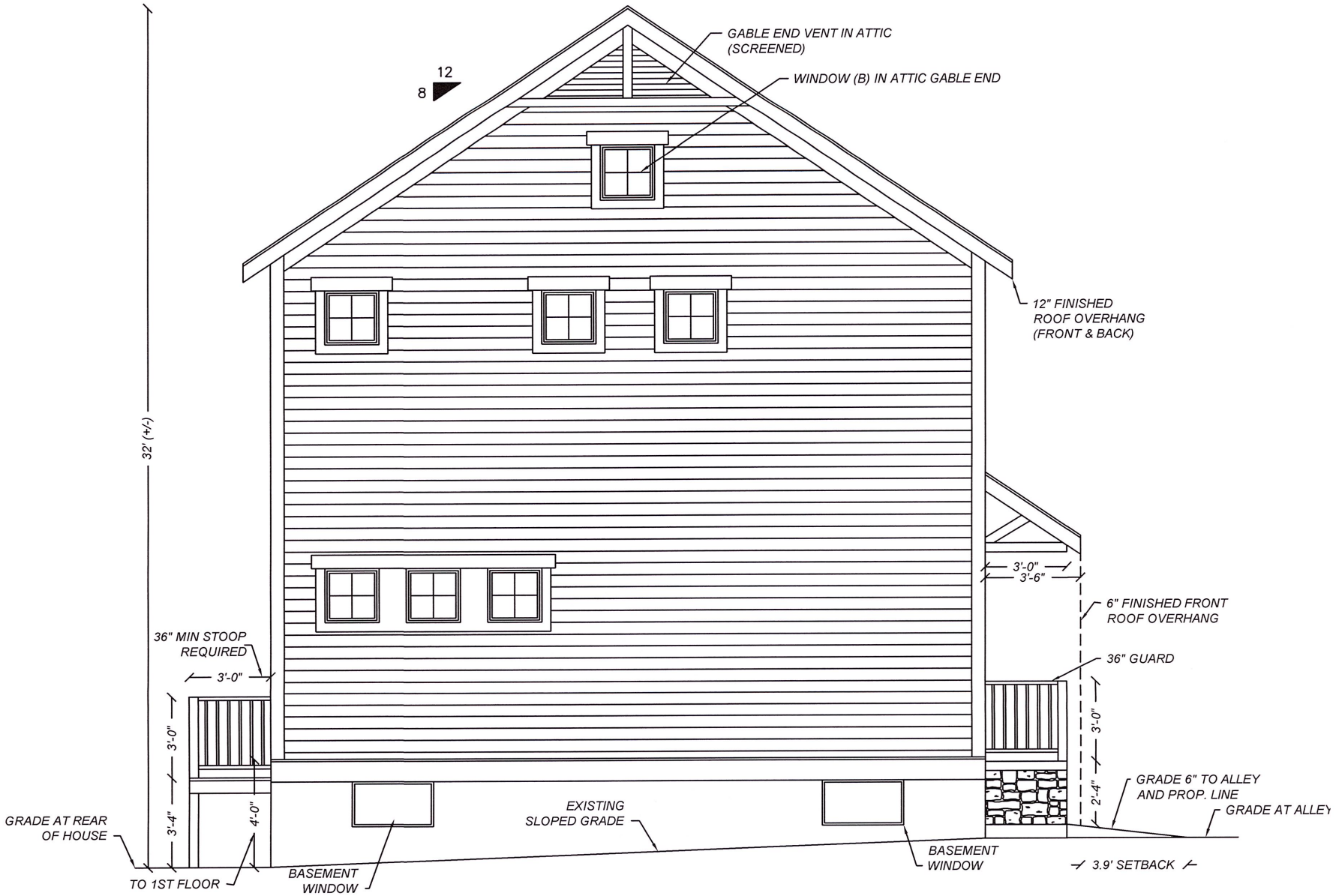
DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY

CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

PROPOSED REAR ELEVATION

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

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY

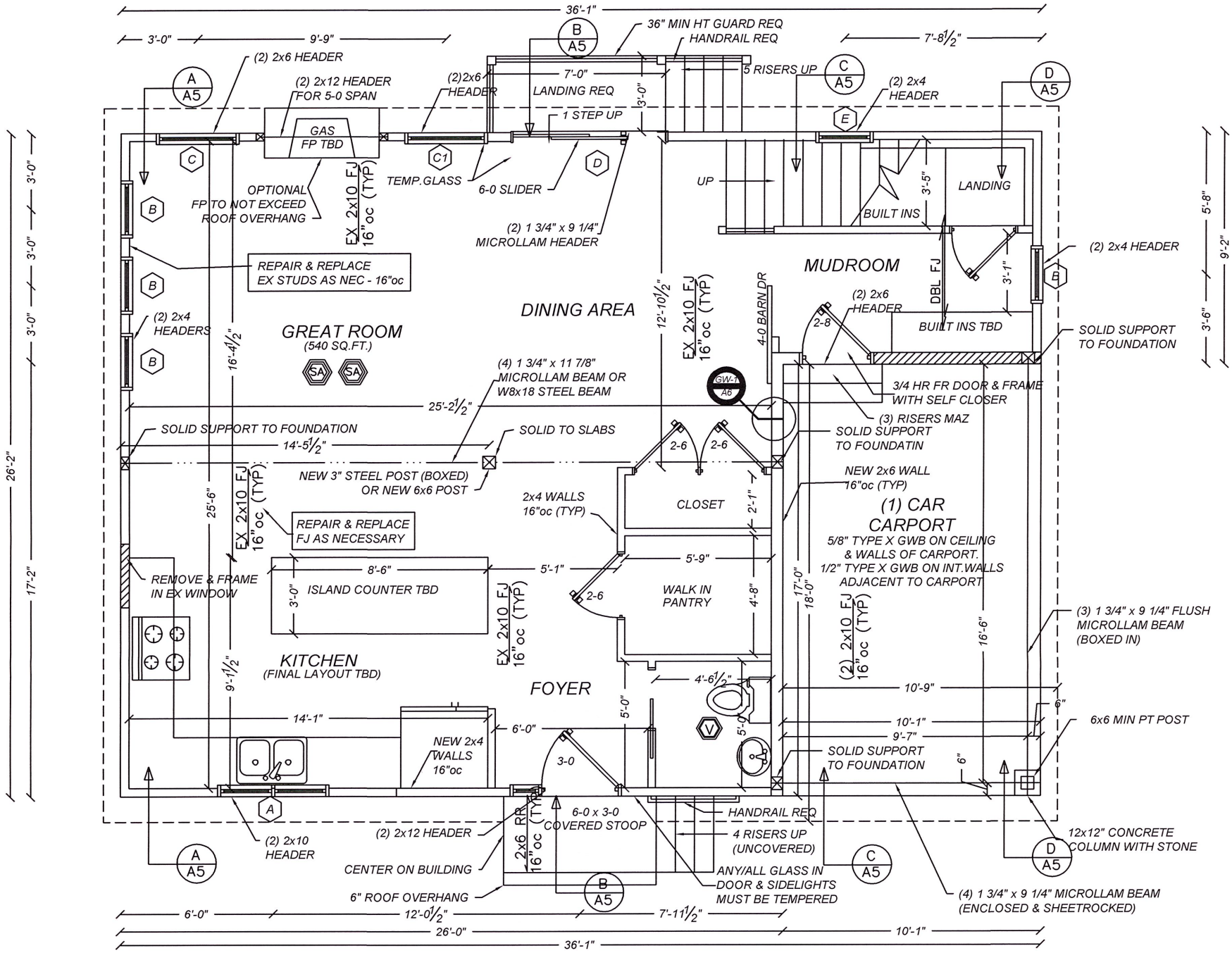


CARRIAGE HOUSE RESIDENCE
#39 MURPHY LANE
SARATOGA SPRINGS, NY

PROPOSED LEFT ELEVATION

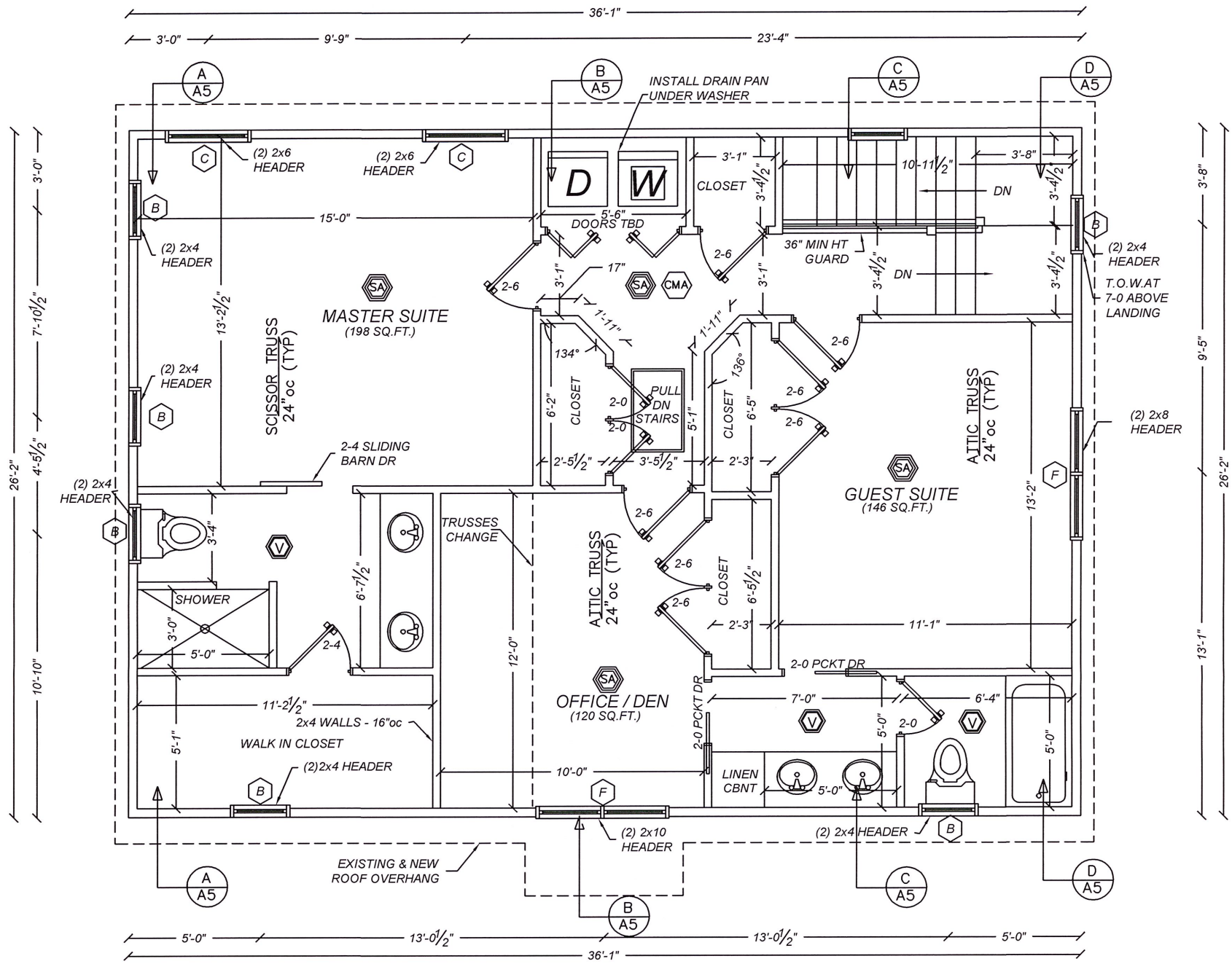
REV. 2/1/16 SCALE: 3/16" = 1'0"

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY



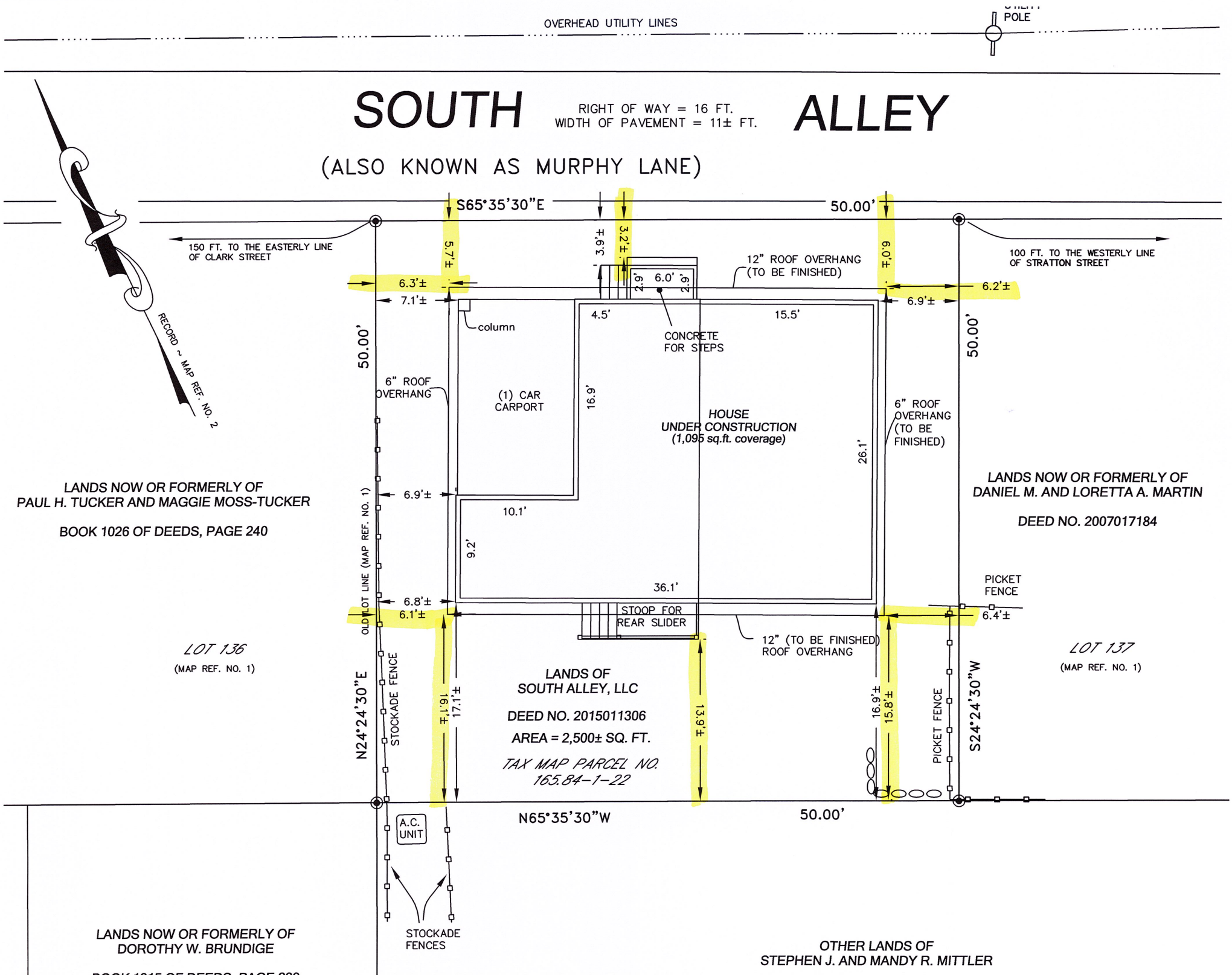
PROPOSED MAIN FLOOR AREA

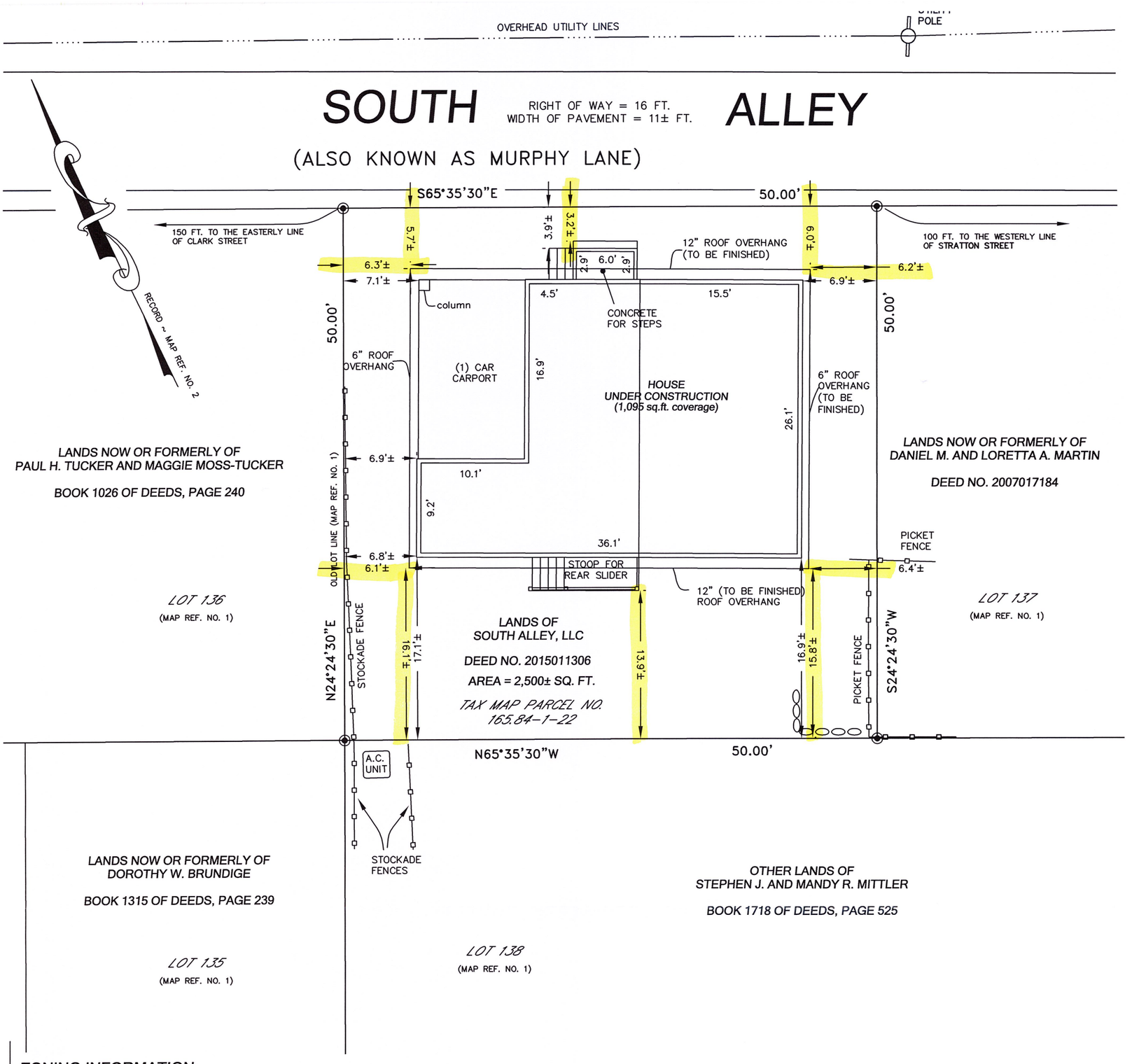
NOTE: DIMENSIONS MAY VARY. CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL MEASUREMENTS PRIOR TO AND DURING CONSTRUCTION. NOTIFY DESIGN ENGINEER IMMEDIATELY OF ANY / ALL DISCREPANCIES



PROPOSED UPPER FLOOR

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


OVERHEAD UTILITY LINES
UTILITY POLE
SOUTH ALLEY
RIGHT OF WAY = 16 FT.
WIDTH OF PAVEMENT = 11± FT.
(ALSO KNOWN AS MURPHY LANE)
S65°35'30"E
50.00'
150 FT. TO THE EASTERLY LINE OF CLARK STREET
100 FT. TO THE WESTERLY LINE OF STRATTON STREET
RECORD ~ MAP REF. NO. 2
5.7'±
3.9'±
3.2'±
±0.9
12" ROOF OVERHANG (TO BE FINISHED)
6.3'±
7.1'±
6.2'±
6.9'±
2.9'
6.0'
2.9'
4.5'
15.5'
column
CONCRETE FOR STEPS
50.00'
50.00'
6" ROOF OVERHANG
(1) CAR CARPORT
16.9'
HOUSE UNDER CONSTRUCTION
(1,095 sq.ft. coverage)
26.1'
6" ROOF OVERHANG (TO BE FINISHED)
LANDS NOW OR FORMERLY OF
PAUL H. TUCKER AND MAGGIE MOSS-TUCKER
BOOK 1026 OF DEEDS, PAGE 240
LANDS NOW OR FORMERLY OF
DANIEL M. AND LORETTA A. MARTIN
DEED NO. 2007017184
6.9'±
10.1'
9.2'
OLD LOT LINE (MAP REF. NO. 1)
36.1'
PICKET FENCE
6.8'±
6.1'±
STOOP FOR REAR SLIDER
6.4'±
12" (TO BE FINISHED) ROOF OVERHANG
LOT 136
(MAP REF. NO. 1)
LOT 137
(MAP REF. NO. 1)
N24°24'30"E
STOCKADE FENCE
16.1'±
17.1'±
LANDS OF
SOUTH ALLEY, LLC
DEED NO. 2015011306
AREA = 2,500± SQ. FT.
TAX MAP PARCEL NO.
165.84-1-22
13.9'±
16.9'±
15.8'±
PICKET FENCE
S24°24'30"W
A.C. UNIT
N65°35'30"W
50.00'
STOCKADE FENCES
LANDS NOW OR FORMERLY OF
DOROTHY W. BRUNDIGE
OTHER LANDS OF
STEPHEN J. AND MANDY R. MITTLER



ZONING INFORMATION:

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

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

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

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

NOTES:

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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.

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TITLE:

SURVEY OF LANDS OF SOUTH ALLEY, LLC

(DEED NO. 2015011306)

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

DATE:
JANUARY 26, 2016

SCALE:
1 INCH = 10 FEET

MAP NO. 2016-01-02

CITY OF SARATOGA SPRINGS

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

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

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

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

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

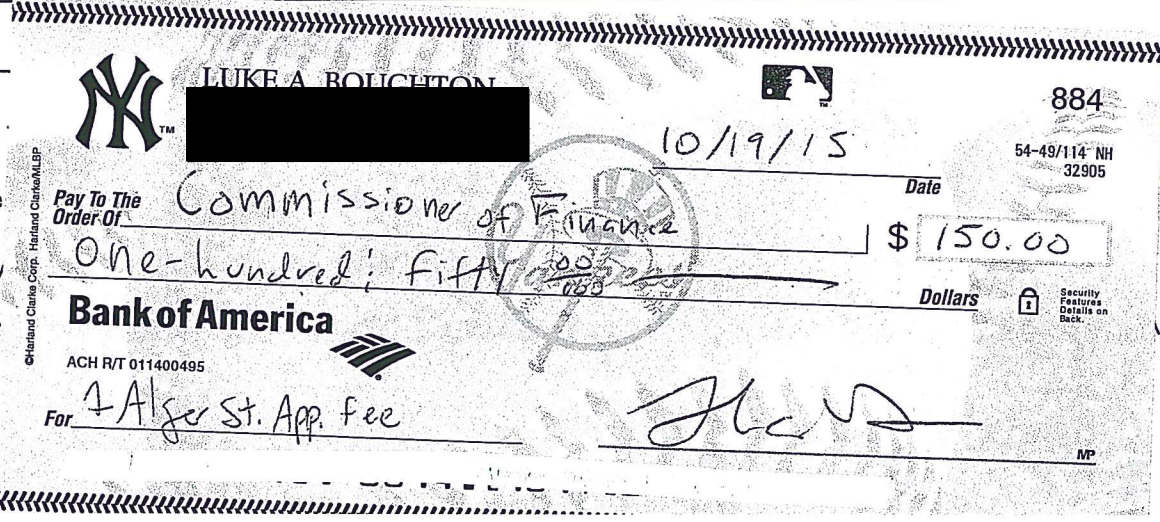
PROPERTY INFORMATION

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

Tax Parcel No.: 165.43 - 3 - 18 *(for example: 165.52 – 4 – 37)* Tax District: ☑ Inside ☐ Outside

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

☐ INT ... NCE (pp. 6-7)



CITY OF SARATOGA SPRINGS

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

(Application #)

REC'D OCT 26 2015

(Date received)

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

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

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

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

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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):

NOT APPLICABLE

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

Section(s) _____

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

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

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

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

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

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

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

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

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

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

Dimensional Requirements	From	To
1) MIN. YARD SETBACK: FRONT (ALGER ST)	10'	7.8' (22%)
2) MIN. YARD SETBACK: FRONT (BOLSTER LN)	10'	7' (30%)
3) MIN. YARD SETBACK: TOTAL SIDES	12'	4.4' (63.3%)
4) MAXIMUM BUILDING COVERAGE: PRINCIPAL BLDG.	30%	55.5%
Other:		
5) MINIMUM DISTANCE TO ACCESSORY BLDG: (FRONT LINE)	10'	2' (80%)

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

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

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

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

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

b) THE TWO STORY ADDITION IS LOCATED ALONG THE ALLEY AND IS DESIGNED TO BE ARCHITECTURALLY CONSISTENT WITH CARRIAGE HOUSES, BARNS & GARAGES ALONG THE ALLEY. c) THIS HOUSE WILL REMAIN (1) FAMILY (7/11 NEIGHBORS 7 1 FAMILY) d) THERE ARE THREE (3) OTHER RESIDENCES IN THE AREA OVER 50% COVERAGE TOTAL.

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

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

b) THE PRE-EXISTING, NON-CONFORMING HOUSE COVERAGE IS ALREADY AT 41.3%. A HOUSE WITH A DETACHED GARAGE, MAY COVER 40% IN THIS ZONE. THIS APPLICATION FOR 55.5% ONLY DEVIATES BY 15.5% WHICH IS NOT SUBSTANTIAL. c) THE SITE, HAVING THREE FRONTS, MAKES THE TOTAL SIDE SETBACK DIFFICULT TO MEET.

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

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

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

c) NO LARGE OR SIGNIFICANT TREES WILL BE REMOVED.

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

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

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

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

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

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

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

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

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

e) THE EXISTING HOUSE HAS NO BASEMENT FOR ANY STORAGE

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

(applicant signature)

(applicant signature)

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

Sworn to before me this date:

Date: OCT. 20TH, 2015

Notary Public

#1 ALGER ST

TABLE 3: AREA AND BULK SCHEDULE

ZONING DISTRICT	MINIMUM LOT SIZE SQUARE FEET (SF)	MINIMUM AVERAGE WIDTH (FT.)	MAXIMUM BUILDING COVERAGE PERCENTAGE		MIN. YARD SETBACK (FEET)				PRINCIPAL BUILDINGS		MINIMUM DISTANCE TO ACCESSORY BUILDING (FEET)				MINIMUM % TO REMAIN PERMEABLE
			PRINCIPAL BLDG.	ACCESS. BLDG.	FRONT	REAR	EACH SIDE	TOTAL SIDE	MINIMUM 1ST FLOOR AREA (SF)	MAX. HEIGHT (FEET)	PRINCIPAL BUILDING	FRONT LOT LINE	SIDE LOT LINE	REAR LOT LINE	
RR (F)	2 acres	200	15	5	60	100	30	100	-----	35	5	60	30	50	80
SR-1 (F)	40,000	125	20	8	40	40	15	35	-----	35	5	40	10	10	40
SR-2	20,000 (A)	100	25	8	30	30	12	30	-----	35	5	30	5	5	30
UR-1	12,500 (A)	100	20	8	30	30	12	30	1 Story = 1,100 2 Story = 800	60	5	30	5	5	30
UR-2	6,600 (A)	60	30	10	10	25	8	20	1 Story = 900 2 Story = 700	60	5	10	5	5	25
UR-3	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	60	5	10	5	5	25
UR-4	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	70	10	25	5	5	15
UR-4A	2,000/DU	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	70	5	10	5	5	15
UR-5	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	185	20	20	10	10	15
UR-6	4,800	60	30	10	25	25	8	20	900	35	5	25	5	5	25
UR-7	4,000	50	45	10	10	10	4	8	1,000	35	5	10	5	5	20
NCU-1	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-2	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-3	3,000/DU	60 (H)	30	10	10 (I)	25	4 (J)	12	1 story = 1,800 2 story = 1,200	50	5	10	5	5	20

ENGINEERING AMERICA CO.

76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866

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

TRANSMITTAL SHEET

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

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

City of Saratoga Zoning Board Members,

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

Area Calculations:

Total Lot Size: 4,701 sq.ft.

Existing House Coverage 1,944 sq.ft. (41.3% coverage = 11.3% > 30% max allowable)

Proposed House with Addition: 2,609 sq.ft. (55.5% coverage = 25.5% > 30% max. allowable)

Permeability:	House with Addition:	2,609 sq.ft.
	Existing & New Driveways:	430 sq.ft. (+/-)
	Patio & Shed:	350 sq.ft. (+/-).
	Total Coverage:	3,389 sq.ft.

3,389 sq.ft. (72 % coverage = 28 % permeable > 25% min)

Thank you for your time and cooperation.

Sincerely,

Tonya Yasenchak, PE

Boughton Addition:

#1 Alger St., Saratoga Springs, NY

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

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

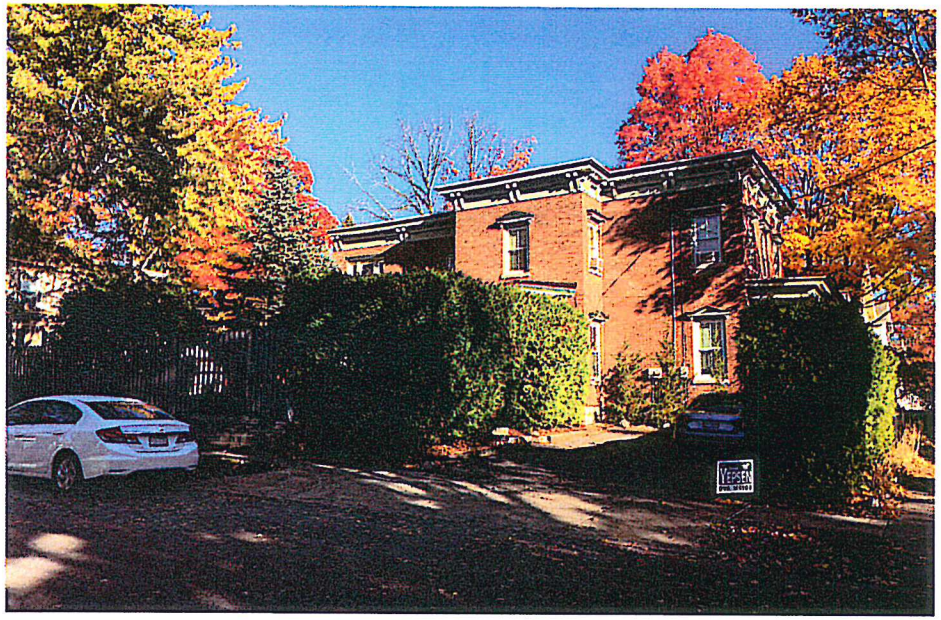
Right / North elevation of existing residence as viewed facing South from Alger St.

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

Boughton Addition:

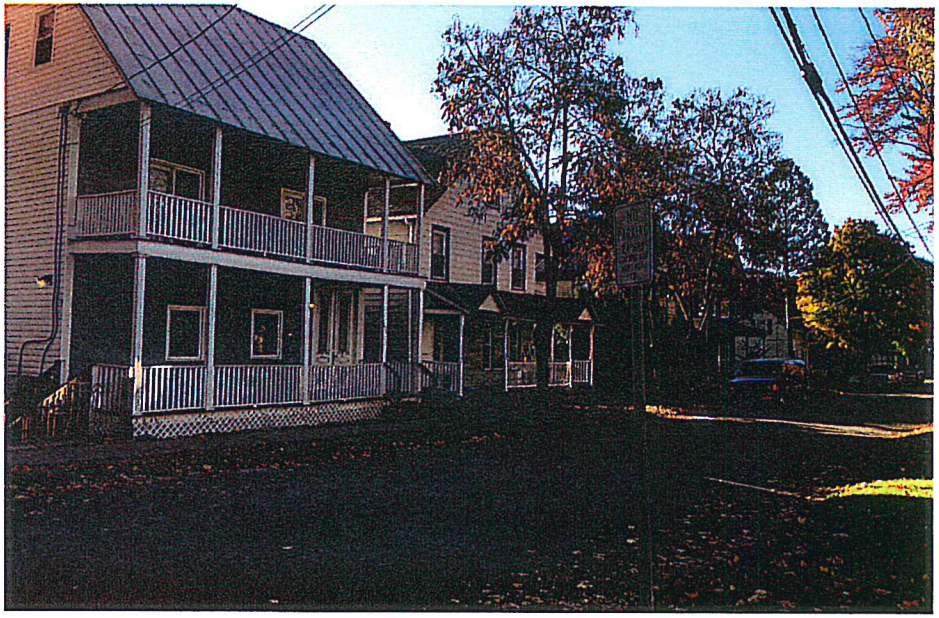
#1 Alger St., Saratoga Springs, NY

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



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

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



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

Boughton Addition:

#1 Alger St., Saratoga Springs, NY

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

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

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

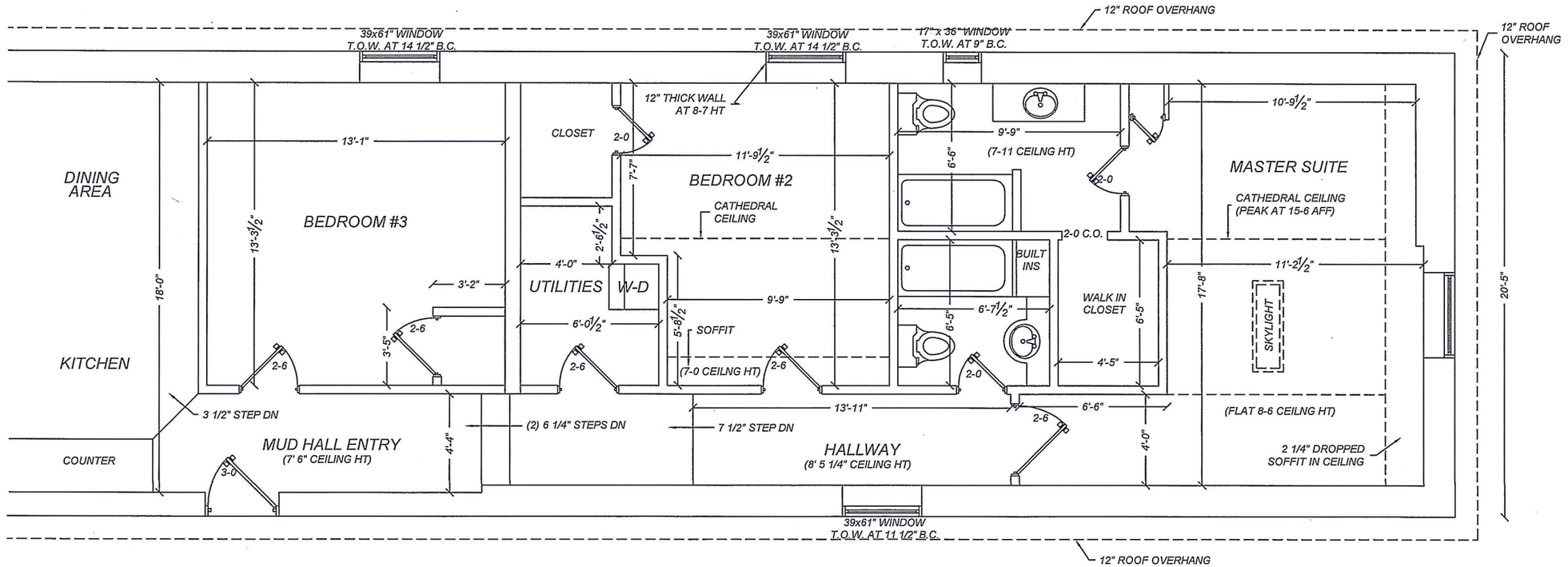
Property to the direct North of project site as viewed facing North across Alger St. from location of proposed addition

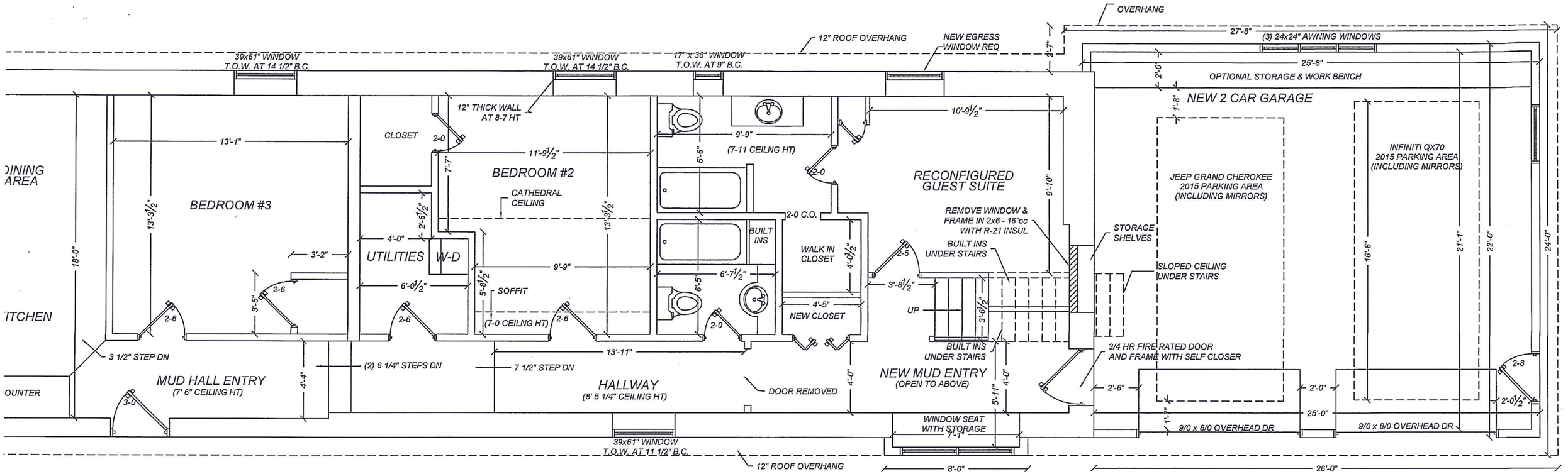
BOUGHTON RESIDENCE
#1 ALGER ST.
CITY OF SARATOGA SPRINGS, NY

EXISTING MAIN FLOOR PLAN

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

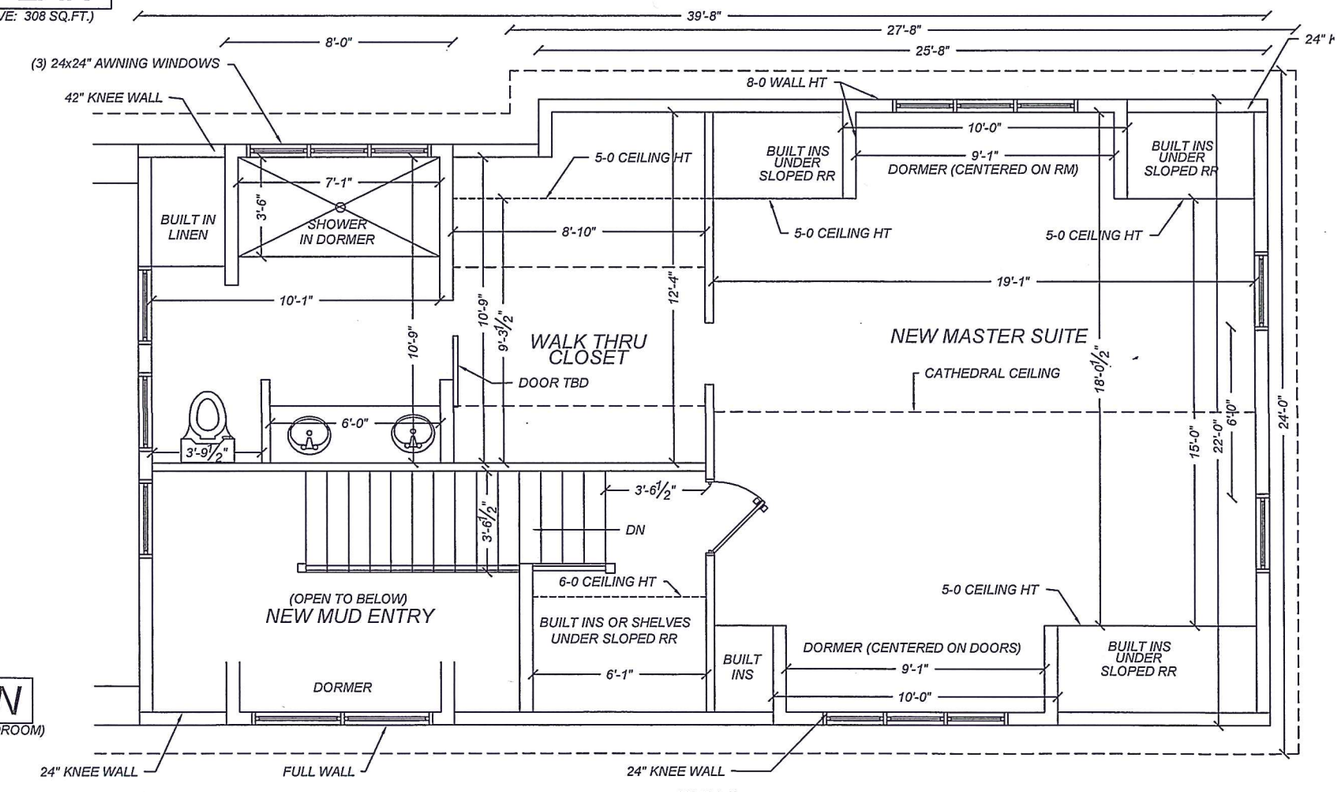
DRAWN BY:
ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 - 1340





MAIN FLOOR PLAN

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



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

PROPOSED FLOOR PLANS

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

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

UPPER FLOOR PLAN

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

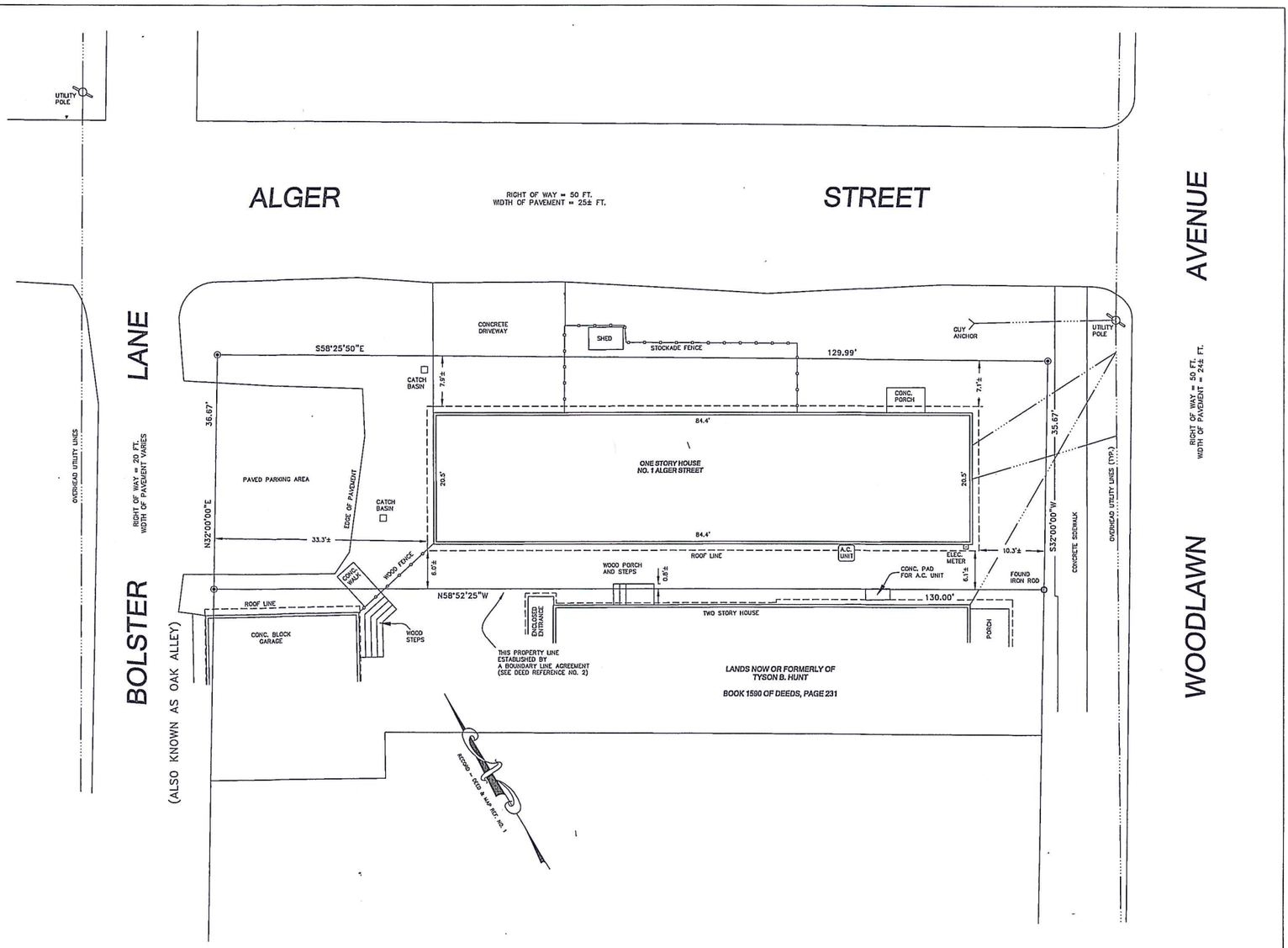
BOUGHTON RESIDENCE
#1 ALGER ST.
CITY OF SARATOGA SPRINGS, NY

PROPOSED NORTH ELEVATION

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

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

(PROPOSED VIEW FROM ALGER ST.)



LOT INFORMATION:

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

LOT AREA: . . . . . 4,701± SQ. FT.

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

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

ZONING INFORMATION:

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

I HEREBY CERTIFY TO:

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

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

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

DEED REFERENCES:

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

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

MAP REFERENCES:

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

NOTES:

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

2.) OFFSET DIMENSIONS ARE MEASURED TO ROOF LINES.

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

SURVEY ASSOCIATES, LLC
PROFESSIONAL LAND SURVEYING
DANIEL C. WHEELER, LS
DANIEL C. WHEELER
P.L.S. LIC. NO. 50,137
432 BROADWAY, SUITE 5, SARATOGA SPRINGS, NY 12866
PH. (518) 583-7302 FAX (518) 583-7303

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

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

DATE:
JUNE 4, 2015

SCALE:
1 INCH = 20 FEET

MAP NO. 2015-09-03

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

EXISTING SURVEY

(SCALED TO VIEW: 1" = 10')

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

ALGER STREET

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

LANE

RIGHT OF WAY = 20 FT.
WIDTH OF PAVEMENT VARIES

BOLSTER

(ALSO KNOWN AS OAK ALLEY)

AVENUE

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

WOODLAWN

OVERHEAD UTILITY LINES (TYP.)

CONCRETE SIDEWALK

S58°25'50"E

129.99'

CONCRETE DRIVEWAY

SHED

STOCKADE FENCE

GUY ANCHOR

UTILITY POLE

CATCH BASIN

7.9'±

7.1'±

CONC. PORCH

84.4'

36.67'

35.67'

ONE STORY HOUSE
NO. 1 ALGER STREET

20.5'

20.5'

PAVED PARKING AREA

EDGE OF PAVEMENT

CATCH BASIN

N32°00'00"E

33.3'±

84.4'

S32°00'00"W

ROOF LINE

A.C. UNIT

ELEC. METER

10.3'±

WOOD PORCH AND STEPS

0.8'±

CONC. PAD FOR A.C. UNIT

6.1'±

FOUND IRON ROD

CONC. WALK

WOOD FENCE

6.0'±

N58°52'25"W

130.00'

ROOF LINE

TWO STORY HOUSE

CONC. BLOCK GARAGE

WOOD STEPS

ENCLOSED ENTRANCE

PORCH

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

LANDS NOW OR FORMERLY OF
TYSON B. HUNT

BOOK 1590 OF DEEDS, PAGE 231

RECORD ~ DEED & MAP

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

PROPOSED PLOT PLAN

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

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

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

ALGER STREET

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

LANE

RIGHT OF WAY = 20 FT.
WIDTH OF PAVEMENT VARIES

AVENUE

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

BOLSTER

(ALSO KNOWN AS OAK ALLEY)

WOODLAWN

S58°25'50"E

129.99'

2.0'±

GUY ANCHOR

UTILITY POLE

8.0'±

NEW DRIVEWAY

CATCH BASIN

7.8'±

STOCKADE FENCE

SHED

7.1'±

CONC. PORCH

36.67'

7.0'±

ROOF LINE

26.0'±

84.4'

35.67'

EXISTING PAVED AREA

PROPOSED NEW GARAGE

ROOF LINE

22.0'±

20.5'

ONE STORY HOUSE
NO. 1 ALGER STREET

20.5'

N32°00'00"E

S32°00'00"W

84.4'

7.4'±

ROOF LINE

A.C. UNIT

ELEC. METER

10.3'±

4.4'±

CONC. WALK

WOOD FENCE

4.4'±

6.0'±

WOOD PORCH AND STEPS

0.8'±

CONC. PAD FOR A.C. UNIT

6.1'±

FOUND IRON ROD

CONCRETE SIDEWALK

OVERHEAD UTILITY LINES (TYP.)

N58°52'25"W

ROOF LINE

130.00'

CONC. BLOCK GARAGE

WOOD STEPS

ENCLOSED ENTRANCE

TWO STORY HOUSE

PORCH

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

LANDS NOW OR FORMERLY OF
TYSON B. HUNT

BOOK 1590 OF DEEDS, PAGE 231

RECORD ~ DEED & MAP REF.

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

PROPOSED PLOT PLAN

(SCALED TO VIEW: 1" = 10')

01/15/16

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

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

ALGER STREET

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

LANE

RIGHT OF WAY = 20 FT.
WIDTH OF PAVEMENT VARIES

AVENUE

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

BOLSTER

(ALSO KNOWN AS OAK ALLEY)

WOODLAWN

S58°25'50"E

129.99'

2.0'±

GUY ANCHOR

UTILITY POLE

STOCKADE FENCE

CATCH BASIN

SHED (5.4' x 3.5')

NEW DRIVEWAY

9" ROOF OVERHANG

EXISTING ROOF OVERHANG

CONC. PORCH

8.3'±

7.8

7.1'±

8.4'±

ROOF LINE

36.67'

25.0'±

84.4'

EXISTING PAVED AREA

PROPOSED NEW GARAGE

ONE STORY HOUSE
NO. 1 ALGER STREET

20.5'

22.0'±

35.67'

N32°00'00"E

6" ROOF OVERHANG

ROOF LINE

84.4'

S32°00'00"W

CONCRETE SIDEWALK

OVERHEAD UTILITY LINES (TYP.)

8.7'±

ROOF LINE

A.C. UNIT

ELEC. METER

10.3'±

7.9'±

9" ROOF OVERHANG

CONC. WALK

WOOD FENCE

4.7'±

6.0'±

EXISTING ROOF OVERHANG

WOOD PORCH AND STEPS

0.8'±

CONC. PAD FOR A.C. UNIT

6.1'±

FOUND IRON ROD

N58°52'25"W

130.00'

ROOF LINE

TWO STORY HOUSE

CONC. BLOCK GARAGE

WOOD STEPS

ENCLOSED ENTRANCE

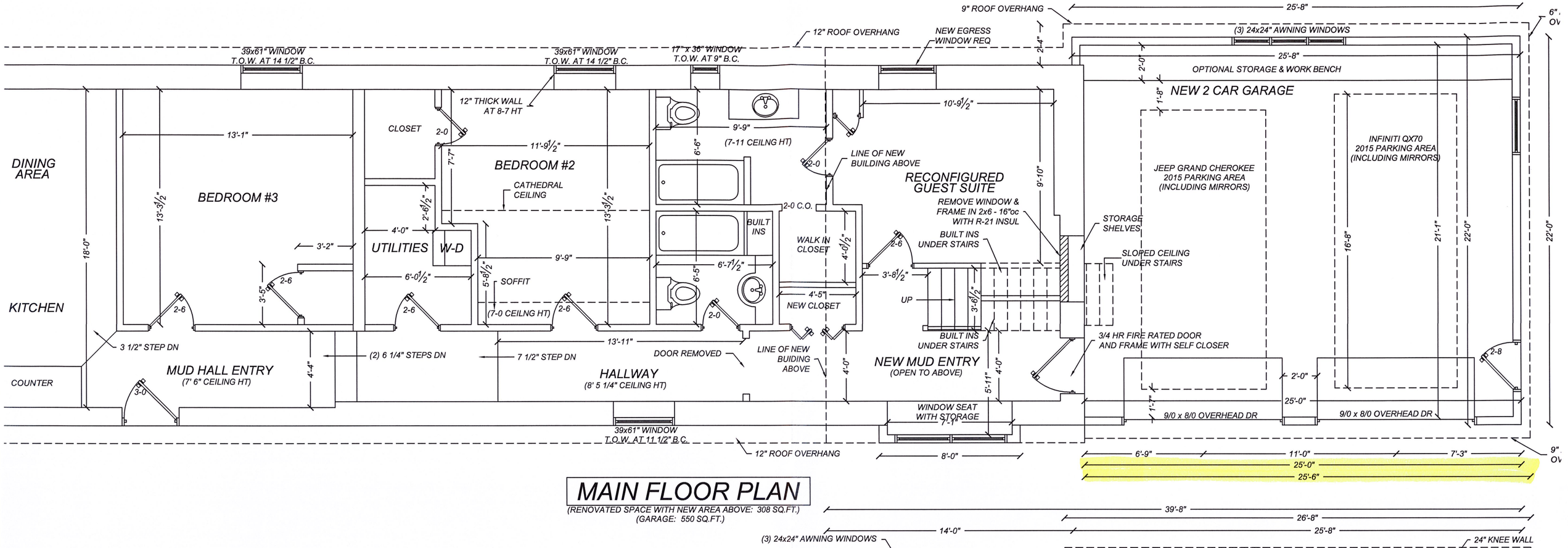
PORCH

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

LANDS NOW OR FORMERLY OF
TYSON B. HUNT

BOOK 1590 OF DEEDS, PAGE 231

RECORD ~ DEED & MAP REF.



MAIN FLOOR PLAN

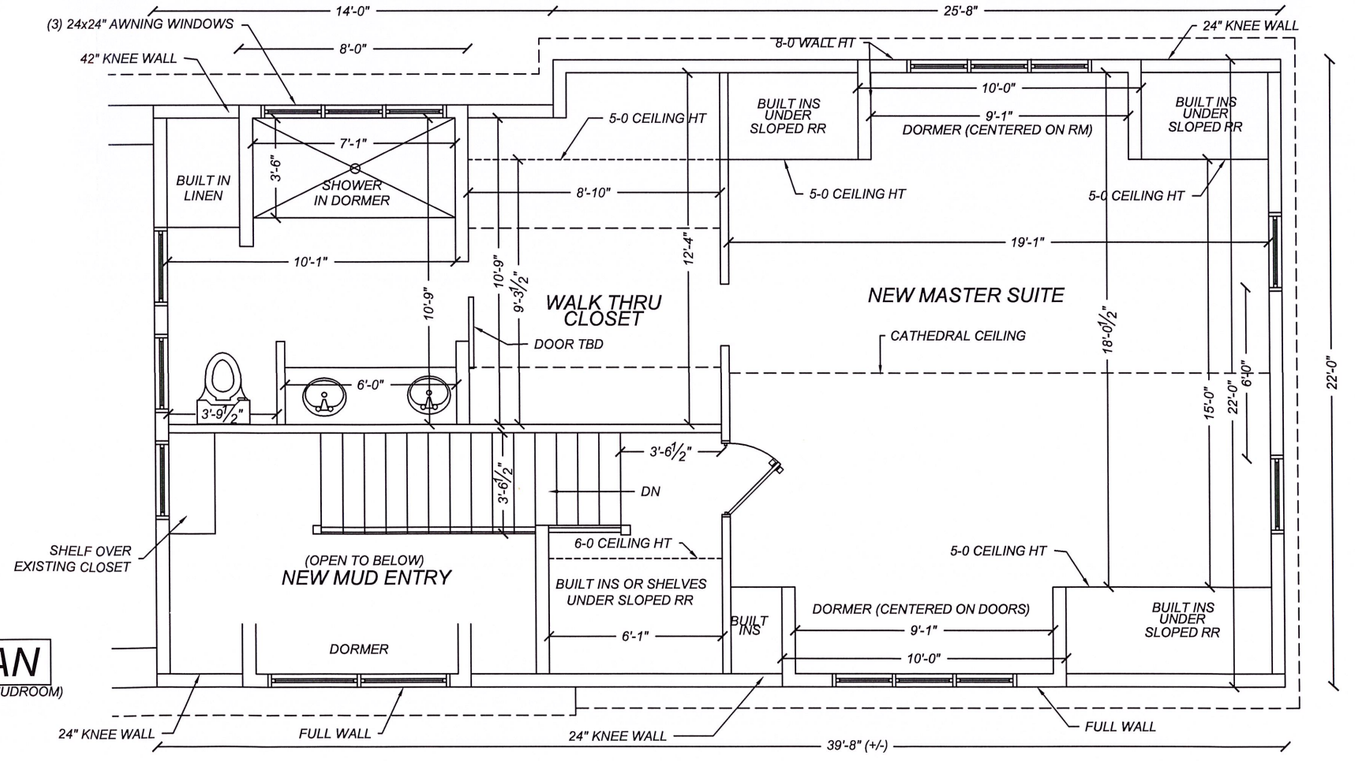
(RENOVATED SPACE WITH NEW AREA ABOVE: 308 SQ.FT.)
(GARAGE: 550 SQ.FT.)

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

PROPOSED FLOOR PLANS

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

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



UPPER FLOOR PLAN

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

CITY OF SARATOGA SPRINGS

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

[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	JEFFREY FARINA & KAREN WEXLER (SAME)		ENGINEERING AMERICA CO.
Address	[redacted]		76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866
Phone	/	/	587-1340 /
Email			[redacted]

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

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

PROPERTY INFORMATION

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

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 ROOF LINES.

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 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 ENCROACHES 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.

_____ Date:_____
(applicant signature)

_____ Date:_____
(applicant signature)

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

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

TABLE 3: AREA AND BULK SCHEDULE

ZONING DISTRICT	MINIMUM LOT SIZE SQUARE FEET (SF)	MINIMUM AVERAGE WIDTH (FT.)	MAXIMUM BUILDING COVERAGE PERCENTAGE		MIN. YARD SETBACK (FEET)				PRINCIPAL BUILDINGS		MINIMUM DISTANCE TO ACCESSORY BUILDING (FEET)				MINIMUM % TO REMAIN PERMEABLE
			PRINCIPAL BLDG.	ACCESS. BLDG.	FRONT	REAR	EACH SIDE	TOTAL SIDE	MINIMUM 1ST FLOOR AREA (SF)	MAX. HEIGHT (FEET)	PRINCIPAL BUILDING	FRONT LOT LINE	SIDE LOT LINE	REAR LOT LINE	
RR (F)	2 acres	200	15	5	60	100	30	100	-----	35	5	60	30	50	80
SR-1 (F)	40,000	125	20	8	40	40	15	35	-----	35	5	40	10	10	40
SR-2	20,000 (A)	100	25	8	30	30	12	30	-----	35	5	30	5	5	30
UR-1	12,500 (A)	100	20	8	30	30	12	30	1 Story = 1,100 2 Story = 800	60	5	30	5	5	30
UR-2	6,600 (A)	60	30	10	10	25	8	20	1 Story = 900 2 Story = 700	60	5	10	5	5	25
UR-3	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	60	5	10	5	5	25
UR-4	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	70	10	25	5	5	15
UR-4A	2,000/DU	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	70	5	10	5	5	15
UR-5	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	185	20	20	10	10	15
UR-6	4,800	60	30	10	25	25	8	20	900	35	5	25	5	5	25
UR-7	4,000	50	45	10	10	10	4	8	1,000	35	5	10	5	5	20
NCU-1	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-2	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-3	3,000/DU	60 (H)	30	10	10 (I)	25	4 (J)	12	1 story = 1,800 2 story = 1,200	50	5	10	5	5	20

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 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 South of project site as viewed facing South West from Nelson Ave.

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

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

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

Wexler / Farina Rear Porch Addition:

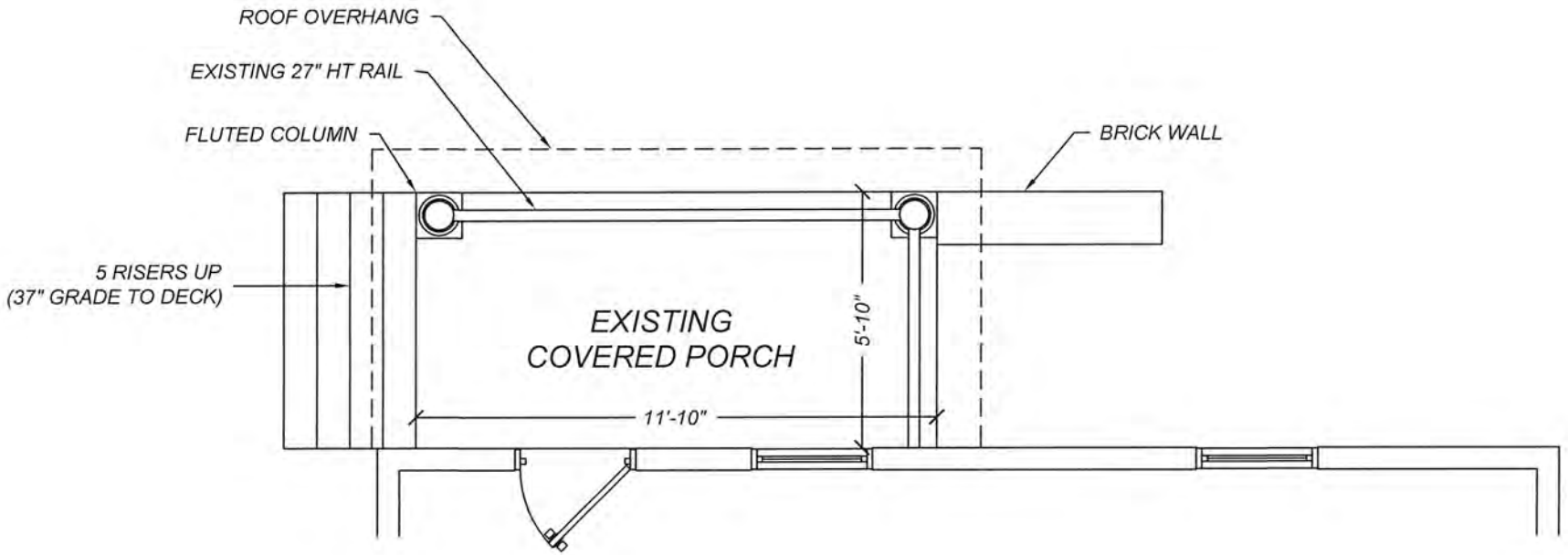
#179 Nelson Ave., Saratoga Springs, NY

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

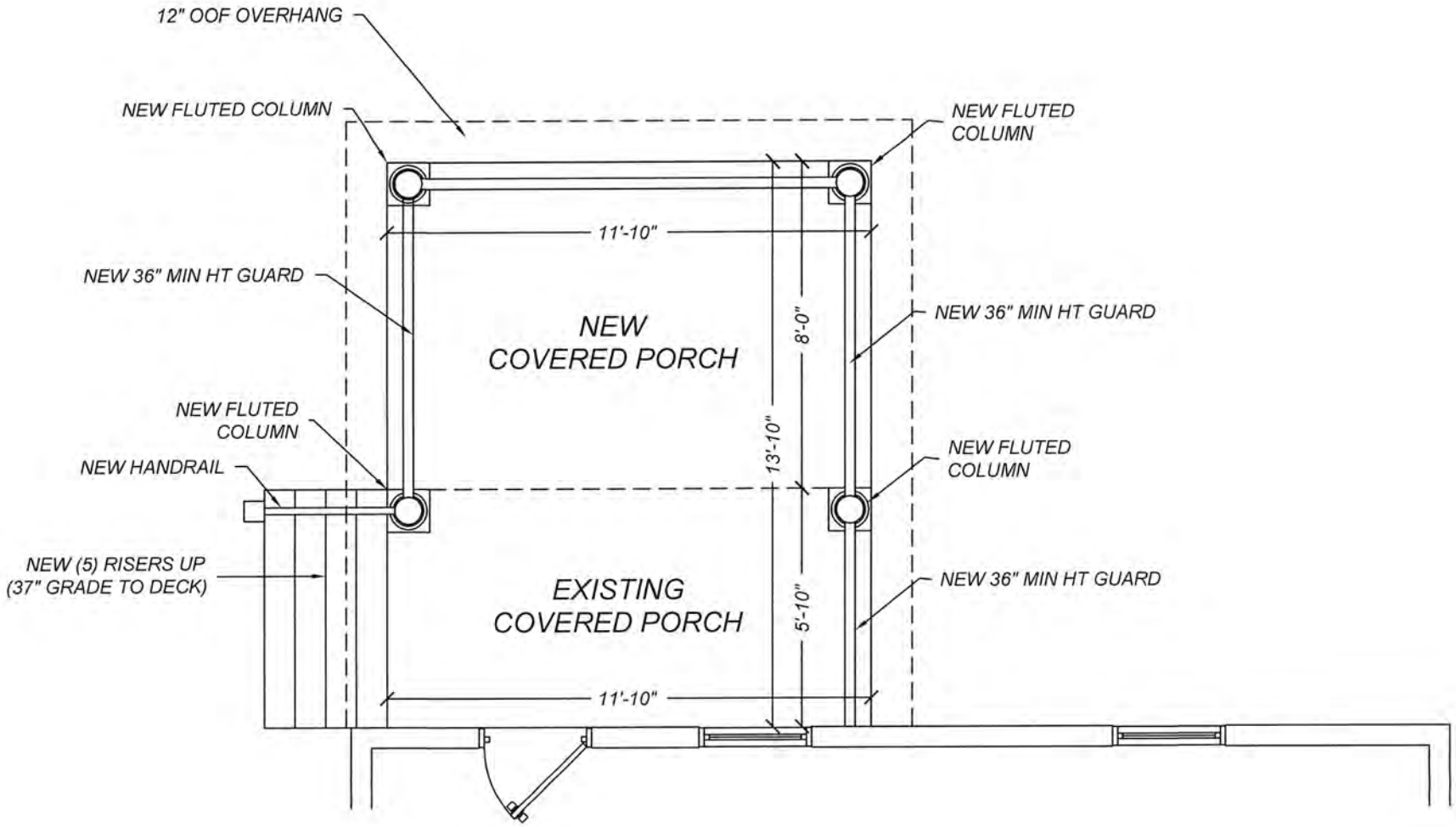


FARINA / WEXLER RESIDENCE
#179 NELSON AVE.
CITY OF SARATOGA SPRINGS, NY

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

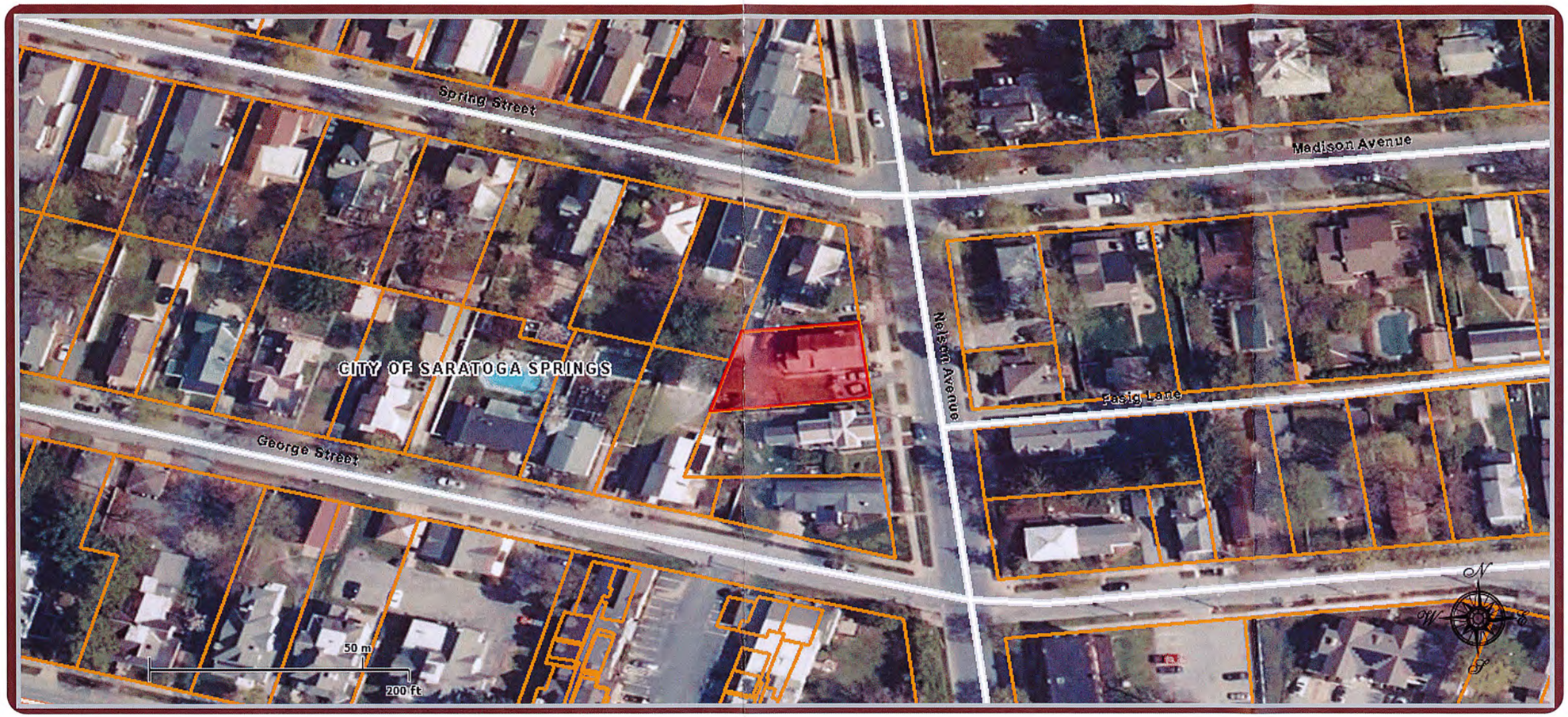
179 Nelson Ave

Legend

- County
- Municipal Boundaries
- Parcels

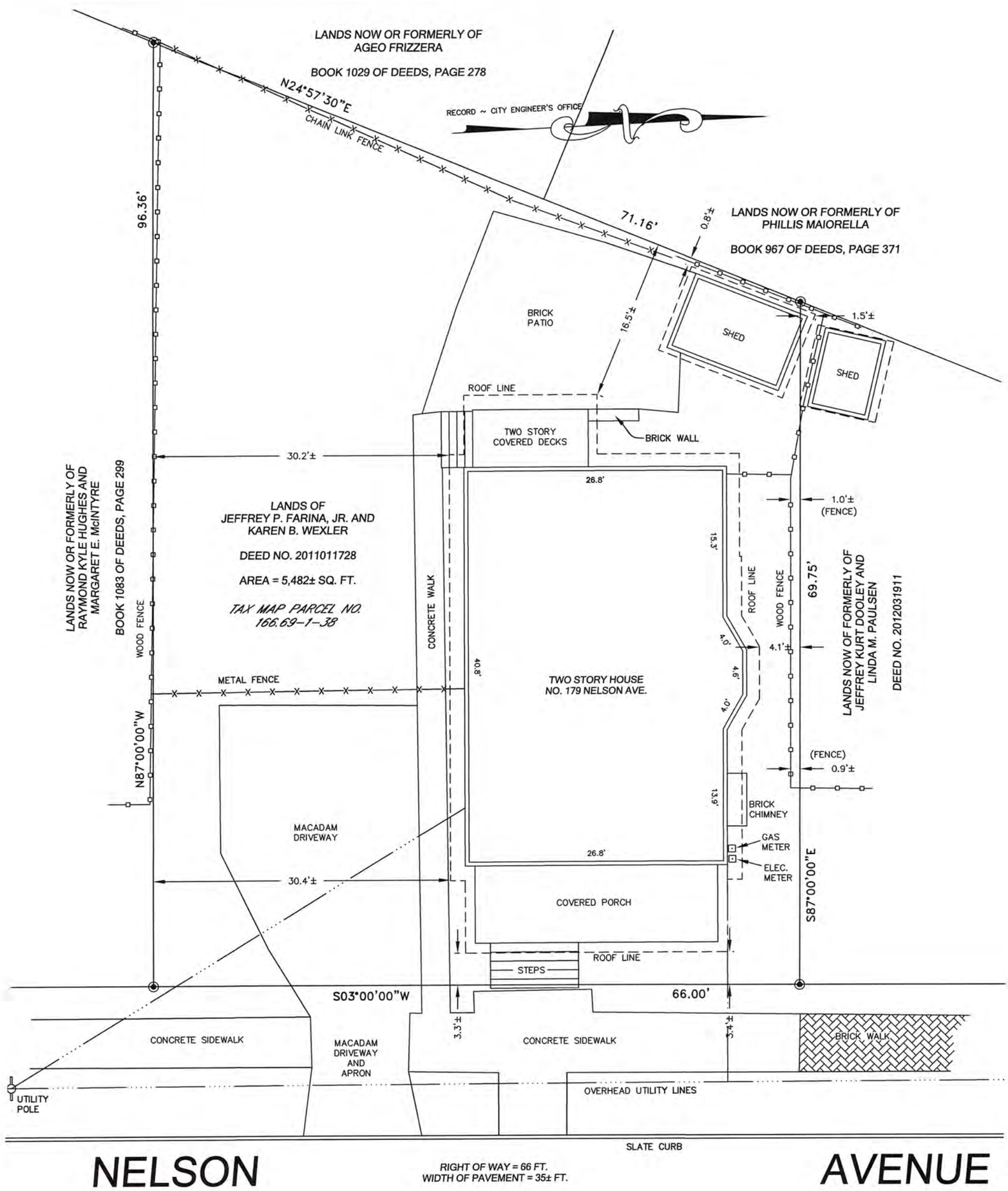
Local Roads

- 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.

January 20, 2016



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

NOTES:

1.) UNLESS OTHERWISE NOTED, OFFSET DIMENSIONS ARE MEASURED TO THE ROOF LINES.

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

DEED REFERENCE:

1.) DEED DATED MARCH 21, 2011 FROM ROBIN DEWALD TO JEFFREY P. FARINA, JR. AND KAREN B. WEXLER AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE AS DEED NO. 20110112728.

I HEREBY CERTIFY TO:

1.) JEFFREY P. FARINA, JR. AND KAREN B. WEXLER

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

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

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

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

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

TITLE:

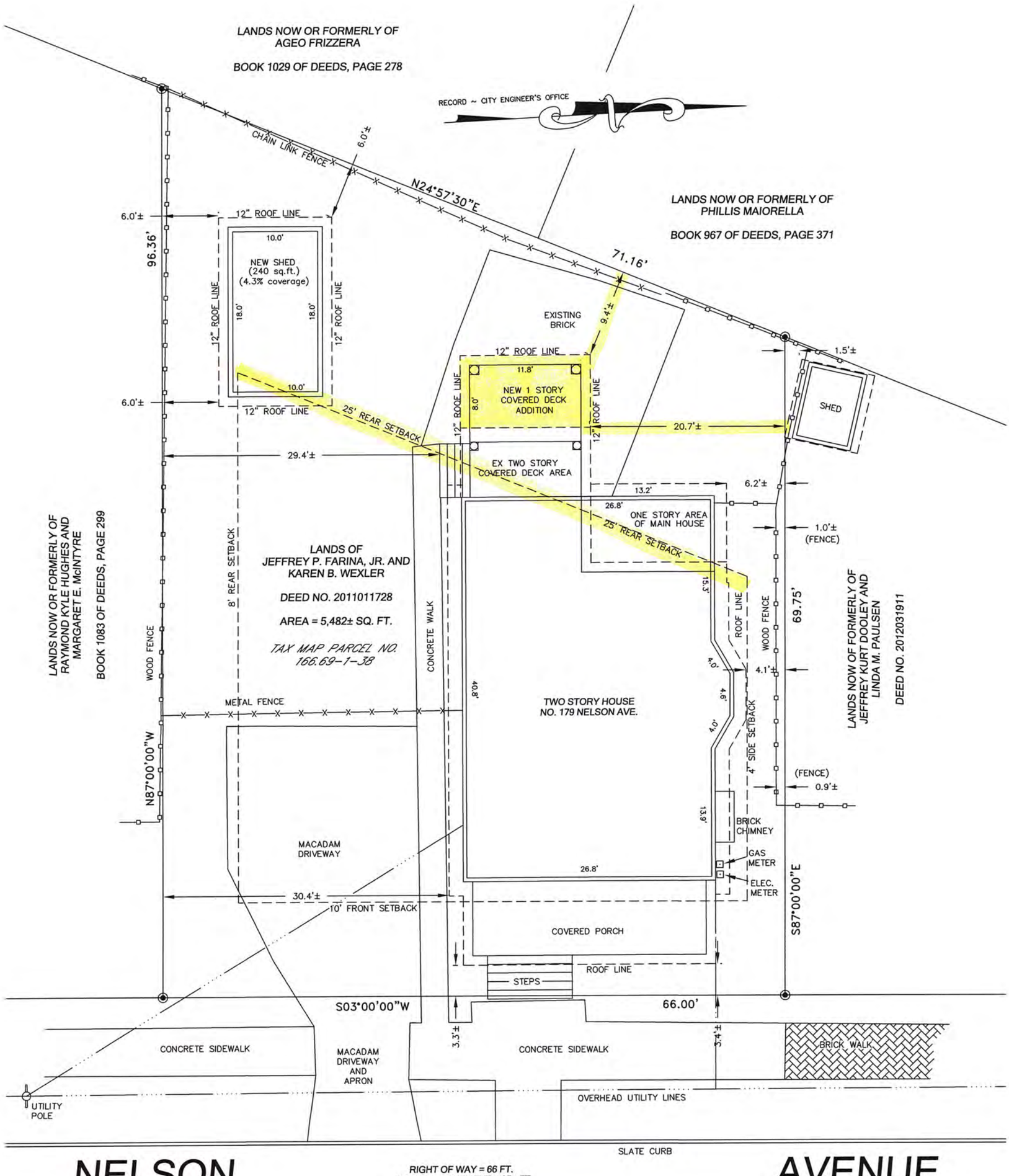
SURVEY OF LANDS OF JEFFREY P. FARINA, JR. AND KAREN B. WEXLER

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

DATE:
AUGUST 24, 2015.

SCALE:
1 INCH = 10 FEET

MAP NO. 2015-12-03



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

SCALE: 1" = 10' 2/8/16

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.

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

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

APPLICANT: JEFFREY FARINA AND KAREN WEXLER

TAX PARCEL NO.: 166.69-1-38

PROPERTY ADDRESS: 179 NELSON 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 construction of rear porch addition to an existing two-family residence.

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:

Dimensional Requirements	From	To
Minimum rear yard setback:	25 feet	9.4 feet
Maximum principal building coverage:	30%	31.3%

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

3/18/16
DATE

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]
2881
(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	Saratoga Springs Dentistry	A Levine Realty LLC	Adirondack Sign Company
Address	286 Church Street Saratoga Springs, NY 12866	286 Church Street Saratoga Springs, NY 12866	72 Ballston Ave Saratoga Springs, NY 12866
Phone	518-409-7446 / 518-409-7446	518-409-7446 / 518-409-7446	/
Email	[redacted]		[redacted]

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

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

PROPERTY INFORMATION

1. Property Address/Location: 286 Church Street Tax Parcel No.: 165 . 49 - 1 - 3
(*for example: 165.52 – 4 – 37*)

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

4. Present use of property: Family Dentistry 5. Current Zoning District: UR-2

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: _____
Removing existing 17 sq ft free-stander and replace with (4 x 4) 16 sq ft hanging sign and custom Aluminum round post and bracket system. Town square style with 4" round pole. 48" scroll bracket with curved mount. Sign will be Carved 1.5" HDU double sided primed and painted with Sherwin Williams marine enamel.

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

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

A use variance is requested to permit the following: _____

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

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

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

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

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

Date	Improvement	Cost

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) 6.1.5.3 B 1

Dimensional Requirements	From	To
RESIDENTIAL DISTRICTS-One freestanding sign-maximum 4 sq.	4 sq ft	16 sq ft
Current existing has been out of compliance-reducing size		

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.

Alternative designs within code have been researched but due to the limited size and traffic on this roadway visibility issues could cause traffic problems for patients and danger to others on Church street.

Effectiveness of 4 sq ft signage would be nonexistent

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 variance would bring a positive change in terms of the neighborhood decor. Reduction in size from current signage along with design will be more in line with the area and building .

Current sign in place for years has not brought any undesirable effects to the character of neighborhood.

Current freestanding sign is 17 sq ft and the proposed reduces this by 1 full sq foot.

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

Not substantial because it would bring the current size down by a full sq foot.

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

No adverse or physical effects to the neighborhood- New proposed is more ecstatically pleasing along with smaller footprint and structure. Design better meets the neighborhood architectural environment.

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

Yes- self created- current sign has been in existence for some time.

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:

Dimensional Requirements	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

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.

_____ Date: 2/11/16
(applicant signature)

_____ Date: 2/12/16
(applicant signature)

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

Owner 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 discrepencies 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 discrepencies regarding color, spelling or materials used in production.

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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 discrepencies regarding color, spelling or materials used in production.

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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 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 discrepencies regarding color, spelling or materials used in production.

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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 discrepencies regarding color, spelling or materials used in production.

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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 discrepencies regarding color, spelling or materials used in production.

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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.

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 discrepencies regarding color, spelling or materials used in production.

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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 discrepencies regarding color, spelling or materials used in production.

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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 discrepencies regarding color, spelling or materials used in production.

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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 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 discrepencies regarding color, spelling or materials used in production.

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Customer
Saratoga Springs Dentistry

Proof Approval: ☐ YES ☐ NO
☐ NEEDS CHANGES

Date
2/11/16

Signature:

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

APPLICANT: SARATOGA SPRINGS DENTISTRY TAX PARCEL NO.: 165.49-1-3

PROPERTY ADDRESS: 286 CHURCH STREET
ZONING DISTRICT: URBAN RESIDENTIAL – 2

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

Proposed installation of a freestanding sign.

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

240- 6.1.5.3 B.1. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☒ Area Variance seeking the following relief:

Dimensional Requirements	From	To
Max. area freestanding sign: Residential district	4 sq. ft.	16 sq. ft.

Other: _____

☒ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

3/18/16
DATE

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

(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: _____

REJUVENATION HOMES INC
BRINGING HOMES TO LIFE

518-886-8622
INFO@REJUVENATIONHOMES.COM

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 futher towards the rear of the lot than was assumed for the intial 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 it's corresponding overhang has been forced to a different spot than originally planned.

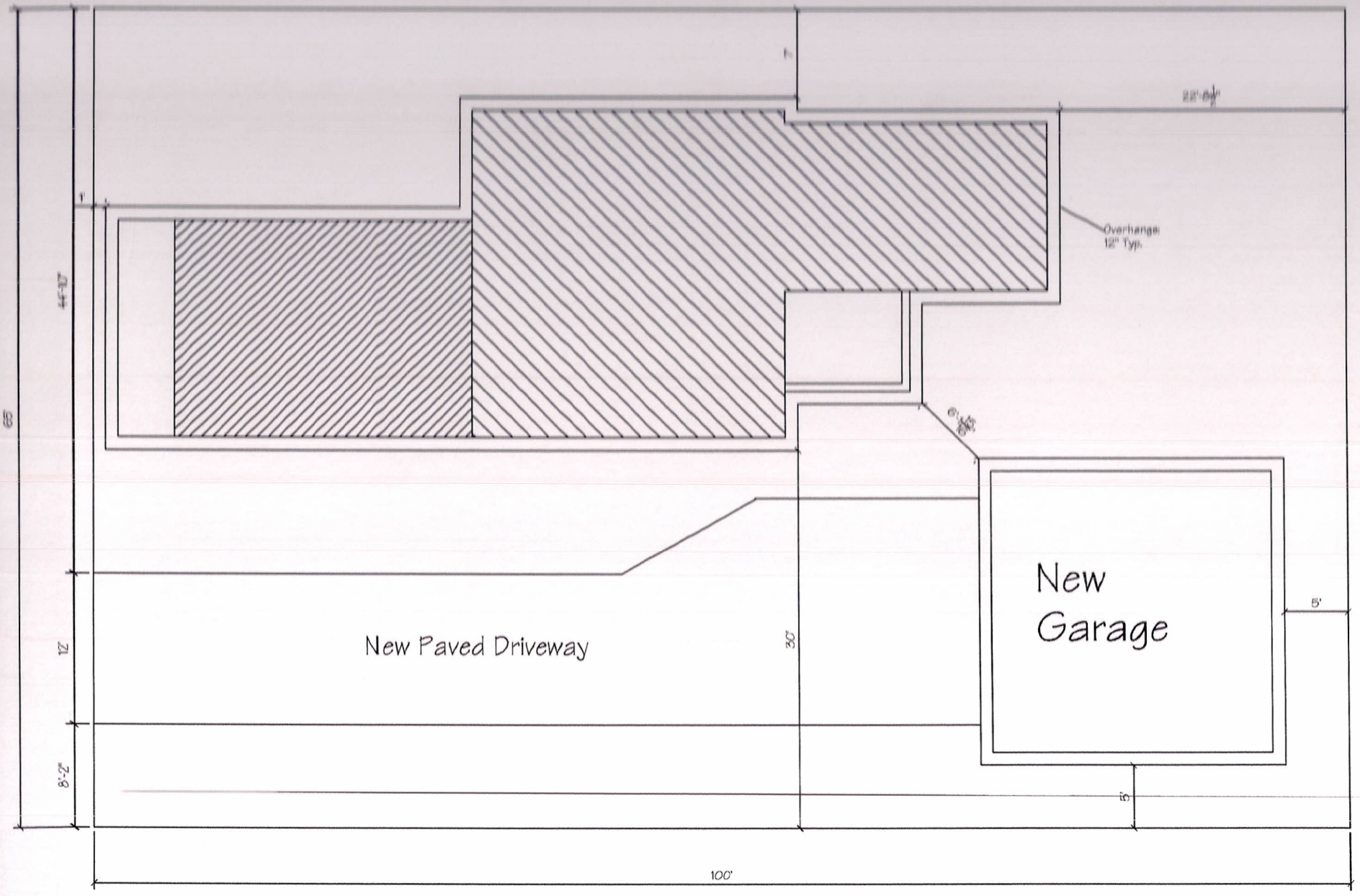
The new homeowners, and I as their agent, are requesting new relief from both the rear setback and distance between principal and accessory buildings requirements, to better represent the as-built final survey.

Thank you for any and all help in this matter,

Todd Levinson

Owner, Rejuvenation Homes, Inc.

Initial Site Map Submitted for Original Application

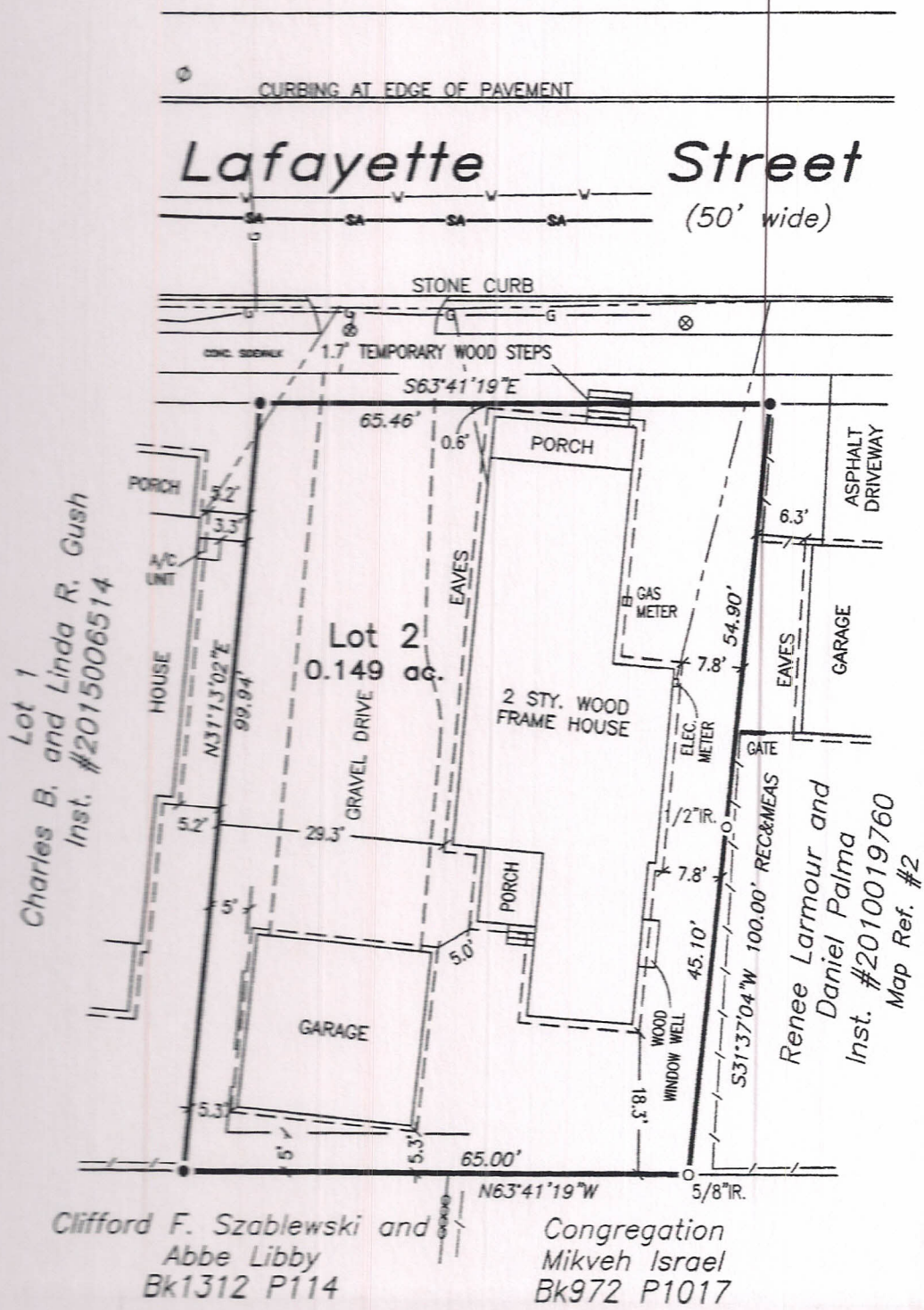


Original House To Remain

New Addition To Be Added After Removal of Existing Structure

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

Final "As-Built" Survey



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 Desgin 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 H 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: DARREN AND COLLEEN GRASSI

TAX PARCEL NO.: 165.68-1-73

PROPERTY ADDRESS: 30 LAFAYETTE STREET
ZONING DISTRICT: URBAN RESIDENTIAL – 2

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

Modification to previous approval for constructed changes to a new single-family residence and detached garage.

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:

Dimensional Requirements	From	Previous App.	To
Minimum total side yard setback:	45 feet	37 feet	36.3 feet
Minimum rear yard setback:	25 feet	22' 8"	18.3 feet
Min. separation principal and accessory:	10 feet	6 feet	5 feet

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

3/18/16
DATE

CITY OF SARATOGA SPRINGS
ZONING BOARD OF APPEALS

CITY HALL - 474 BROADWAY
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Bill Moore, *Chair*
Keith B. Kaplan, *Vice Chair*
Adam McNeill, *Secretary*
Gary Hasbrouck
George "Skip" Carlson
James Helicke
Susan Steer
Cheryl Grey, alternate
Oksana Ludd, alternate

March 22, 2016

Mark Torpey, Chair
Planning Board
City Hall - 474 Broadway
Saratoga Springs, NY 12866

Re: Recommendation request for Beyer Subdivision – 199 West Circular Street

Dear Mark,

On March 21, 2016 the Zoning Board of Appeals (ZBA) heard the following application:

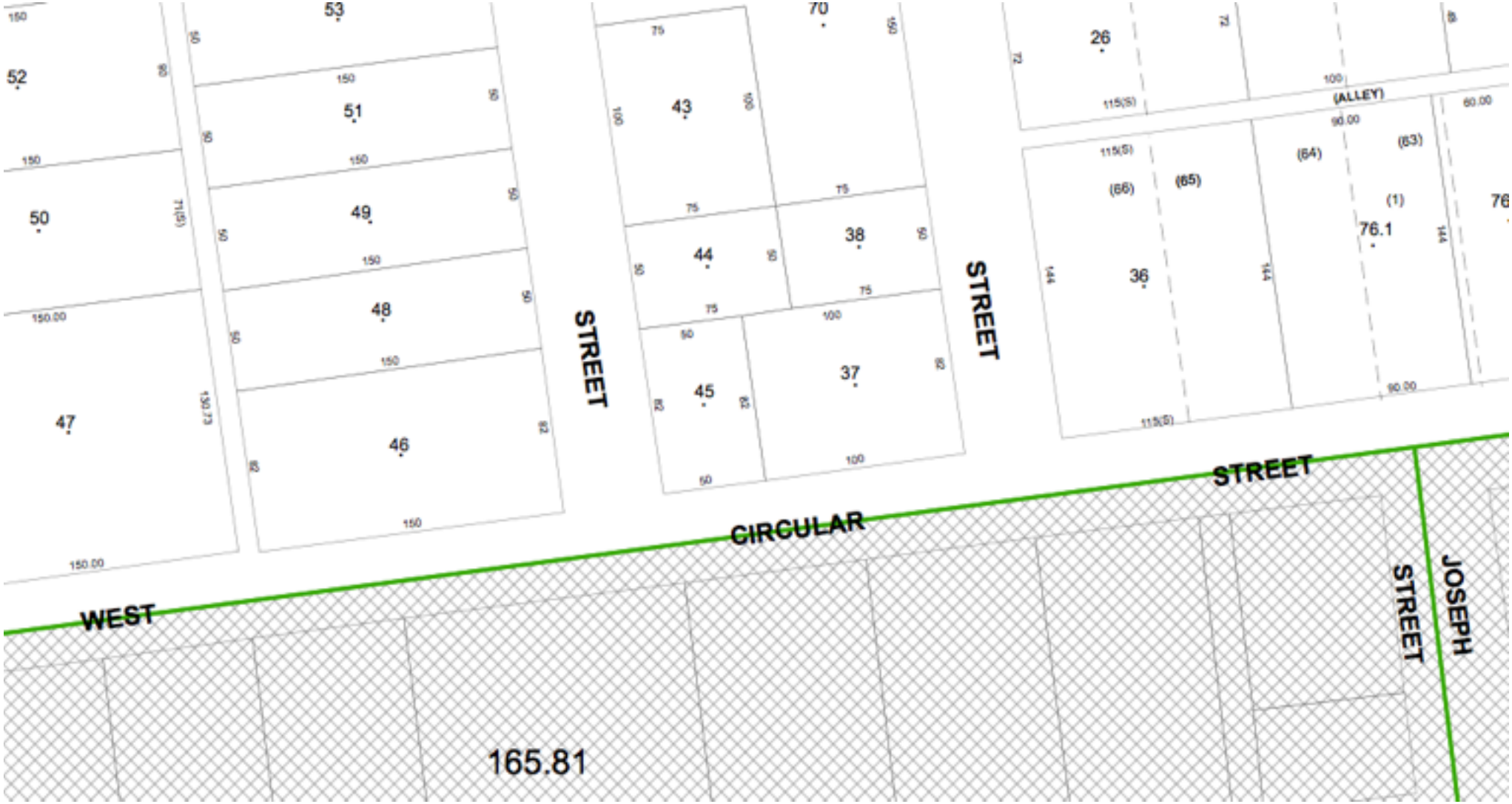
> #2882 BEYER SUBDIVISION, 199 West Circular Street, area variance to provide for a two-lot residential subdivision; seeking relief from the minimum lot area requirement in the Urban Residential – 2 District.

Per 8.4.6 of the City's Zoning Ordinance, "If a proposed subdivision plat contains one or more lots that do not comply with this Chapter and, therefore, require an area variance; the ZBA shall request that the Planning Board provide a written recommendation concerning the proposed variance.

Thank you for your consideration of this request and we look forward to your input.

Respectfully yours,

Bill Moore, Chair
Zoning Board of Appeals



Parcel	dimensions	sqft		Parcel	dimensions	sqft	
37	100x82	8200	single family	47	150x130	19,500	Allergice Rental
38	75x50	3750	single family	48	150x50	7500	single family
44	50x75	3750	two family	49	150x50	7500	single family
45	50x82	4100	potential two family				
46	150x82	12,300	proposed variance lot				
proposed	80x82	6,600	(proposed single lot)				
proposed	70x82	5,740	(proposed existing single family)				

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

(Application #)

(Date received)

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

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

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

PROPERTY INFORMATION

Property Address (No. & St.) 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 2000 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
	12,300 sqft	5,700 sqft
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 residance		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 lotsize and some exceed minimum lotsize. 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 (5,700sqft) than the required (6,600sqft)

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 boarders 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

Revised: January 2011

02 12 2016

02 12 2016

DEAD
END
4X4
02 12 2016

DEAD
END
02 12 2016

02 12 2016

AHEAD
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AHEAD
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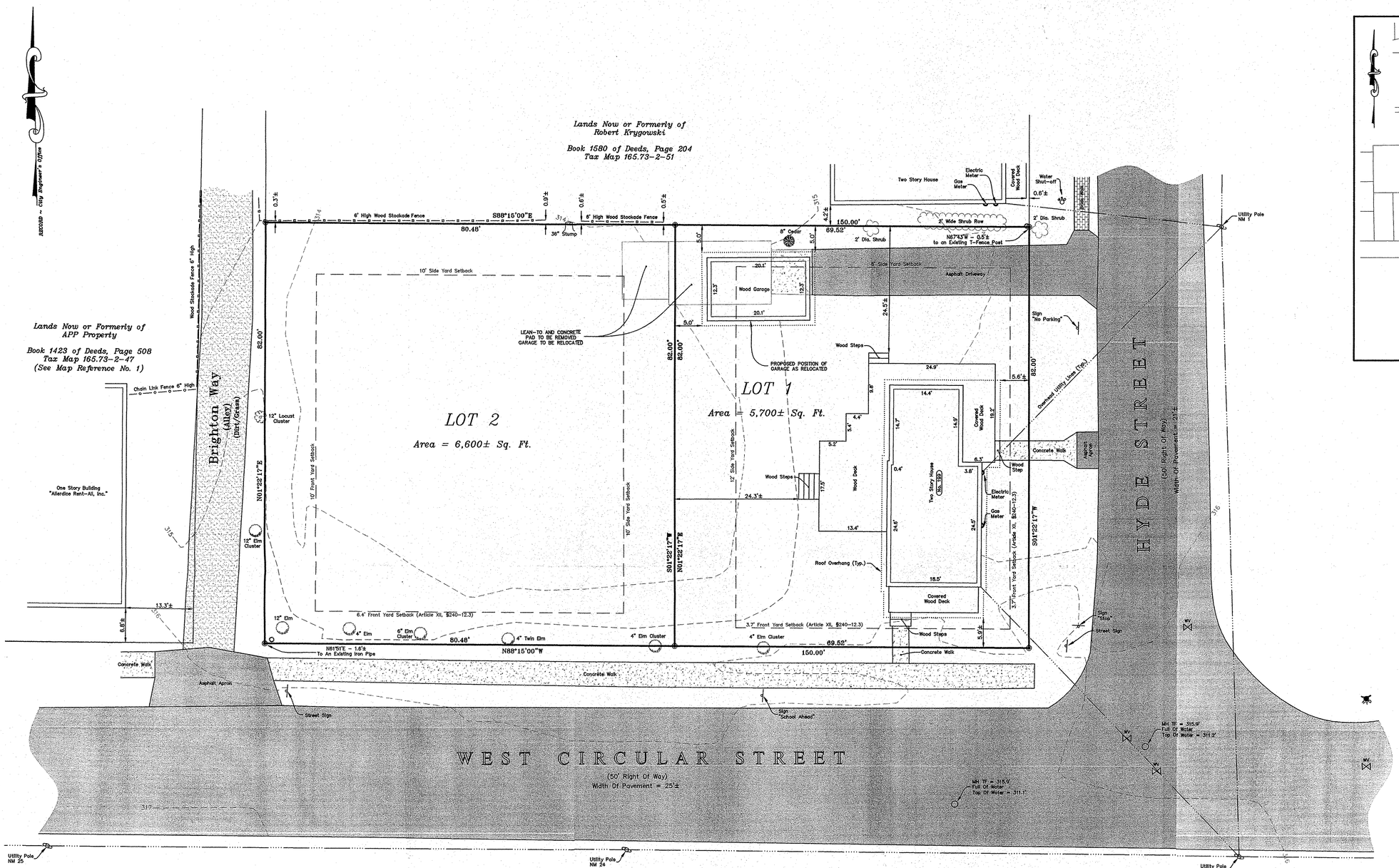

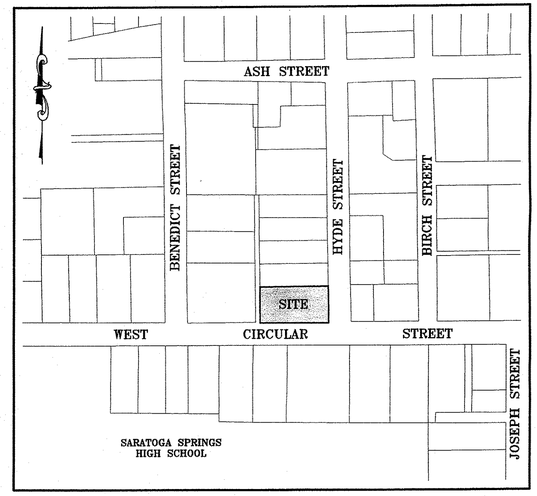

Site Map
(Not to Scale)

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 = 1,380± 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,
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.

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TOMMELL & ASSOCIATES
UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS VIOLATION OF SECTION 7209, SUBDIVISION 2, OF NEW YORK STATE EDUCATION LAW.

APPLICANT:

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

Subdivision of Lands of DONALD JEFFREY BEYER

STATE OF NEW YORK
KURT C. HESS
LICENSED LAND SURVEYOR
50630
L.S. LIC. NO. 50,630

TOMMELL & ASSOCIATES
2 GILBERT ROAD
SARATOGA SPRINGS, NY 12866
PH: (518) 587-3149 FAX: (518) 587-7251

SCALE:
1" = 10'

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

MAP NO.: 20100072

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

APPLICANT: DONALD JEFFREY BEYER

TAX PARCEL NO.: 165.73-2-46

PROPERTY ADDRESS: 199 WEST CIRCULAR STREET
ZONING DISTRICT: URBAN RESIDENTIAL – 2

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

Proposed two-lot subdivision with maintenance of existing home on one of the new lots.

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:

Dimensional Requirements	From	To
Minimum lot size: lot 1	6,600 sq. ft.	5,700 sq. ft.

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

3/18/16
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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	AMV Holdings Inc.		
Address	563 North Broadway Saratoga Springs NY 12866		
Tel./Fax	587-4113 / 587-0260	/	/
Email	[redacted]		

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

PROPERTY INFORMATION

Property Address (No. & St.) 27 Jumel Place Side of St. (north, east, etc.) North

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

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

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

5. Has a previous ZBA application/appeal been filed for this property? ☑ Yes (when? 10/31/13 for what?) ☐ No

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

7. Brief description of proposed action: Tear down existing building and build seven unit single family condominium project.

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

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

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

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

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

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

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

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

Section(s) _____

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

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

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

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

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

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

Nothing has changed to this area & no new development

on or near this site.

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

A use variance is requested to permit the following: _____

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

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

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

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

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

Date	Improvement	Cost

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions: _____

_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

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

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

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

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

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

Other: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

_____
(applicant signature)

Sworn to before me this date:

Date: _____

_____
(applicant signature)

_____
Notary Public

617.20

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

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

1. APPLICANT/SPONSOR: ANW Holdings
2. PROJECT NAME:

3. PROJECT LOCATION: 27 Sumner Place
   Municipality: Saratoga Springs, NY County: Saratoga
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)

5. PROPOSED ACTION IS: ☒ New ☐ Expansion ☐ Modification/alteration
6. DESCRIBE PROJECT BRIEFLY: 7 Individual Condominiums
7. AMOUNT OF LAND AFFECTED: Initially: _____ (acres) Ultimately: _____ (acres)
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
   ☒ Yes ☐ No If No, describe briefly
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
   ☒ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☐ Other
   Describe:
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
    ☒ Yes ☐ No If Yes, list agency(s) name and permit/approvals: Bldg Dept - Saratoga Springs
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
    ☐ Yes ☒ No If Yes, list agency(s) name and permit/approvals:
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
    ☐ Yes ☒ No

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

Applicant/sponsor name: _____ Date: _____

Signature: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Res + App

CITY OF SARATOGA SPRINGS
ZONING BOARD OF APPEALS

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

BILL MOORE
CHAIR
KEITH B. KAPLAN
VICE CHAIR
ADAM MCNEILL
SECRETARY
GARY HASBROUCK
GEORGE "SKIP" CARLSON
SHIRLEY POPPEL
OKSANA LUDD

RECEIVED
OCT 31 2013
ACCOUNTS DEPARTMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted by the following vote:

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

NAYES: 0

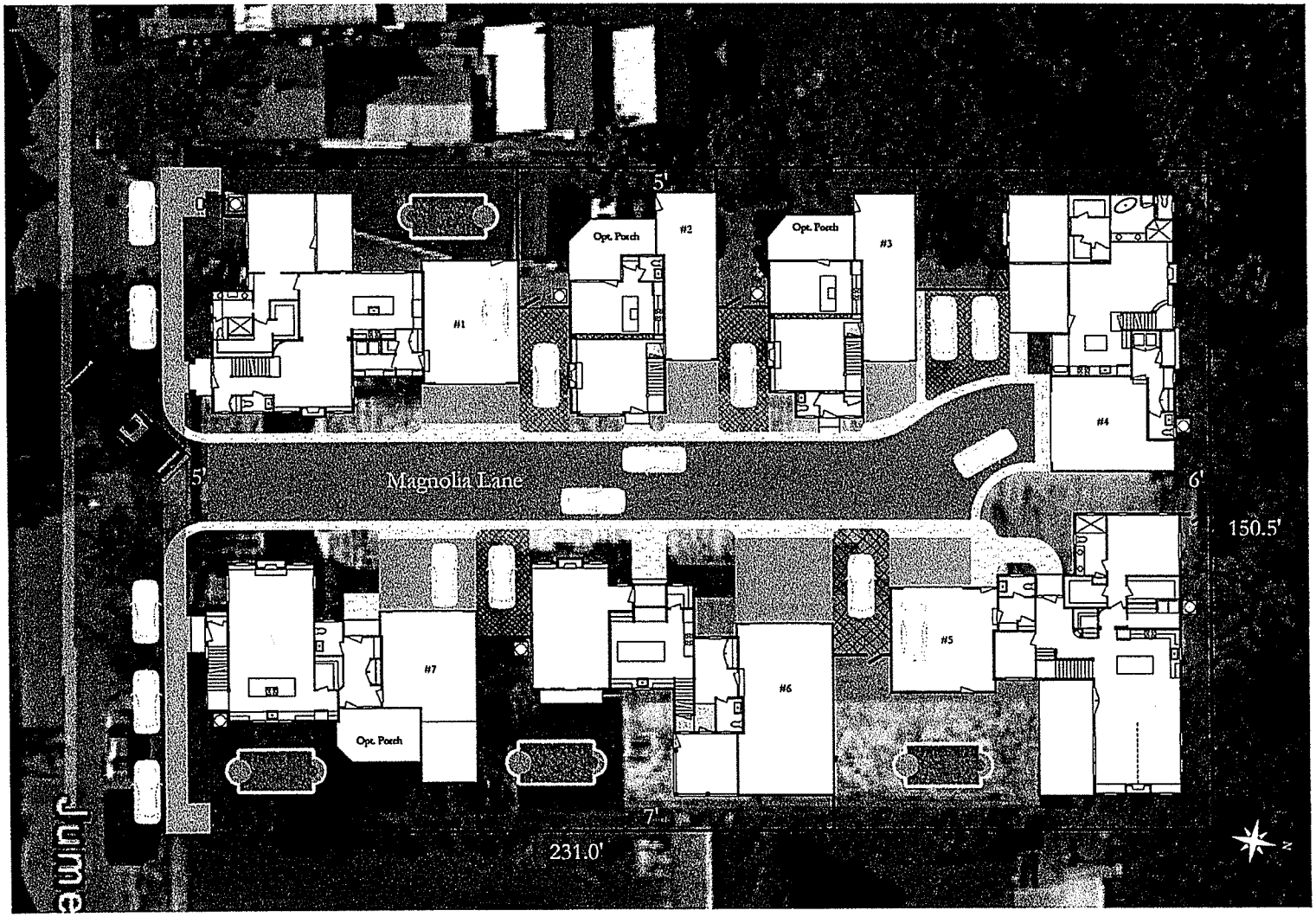
Dated: October 28, 2013

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

10/30/13
Date

Chair

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



MAP OF the Neighborhood of MAGNOLIA LANE in SARATOGA SPRINGS

Witt Construction

2013

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

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

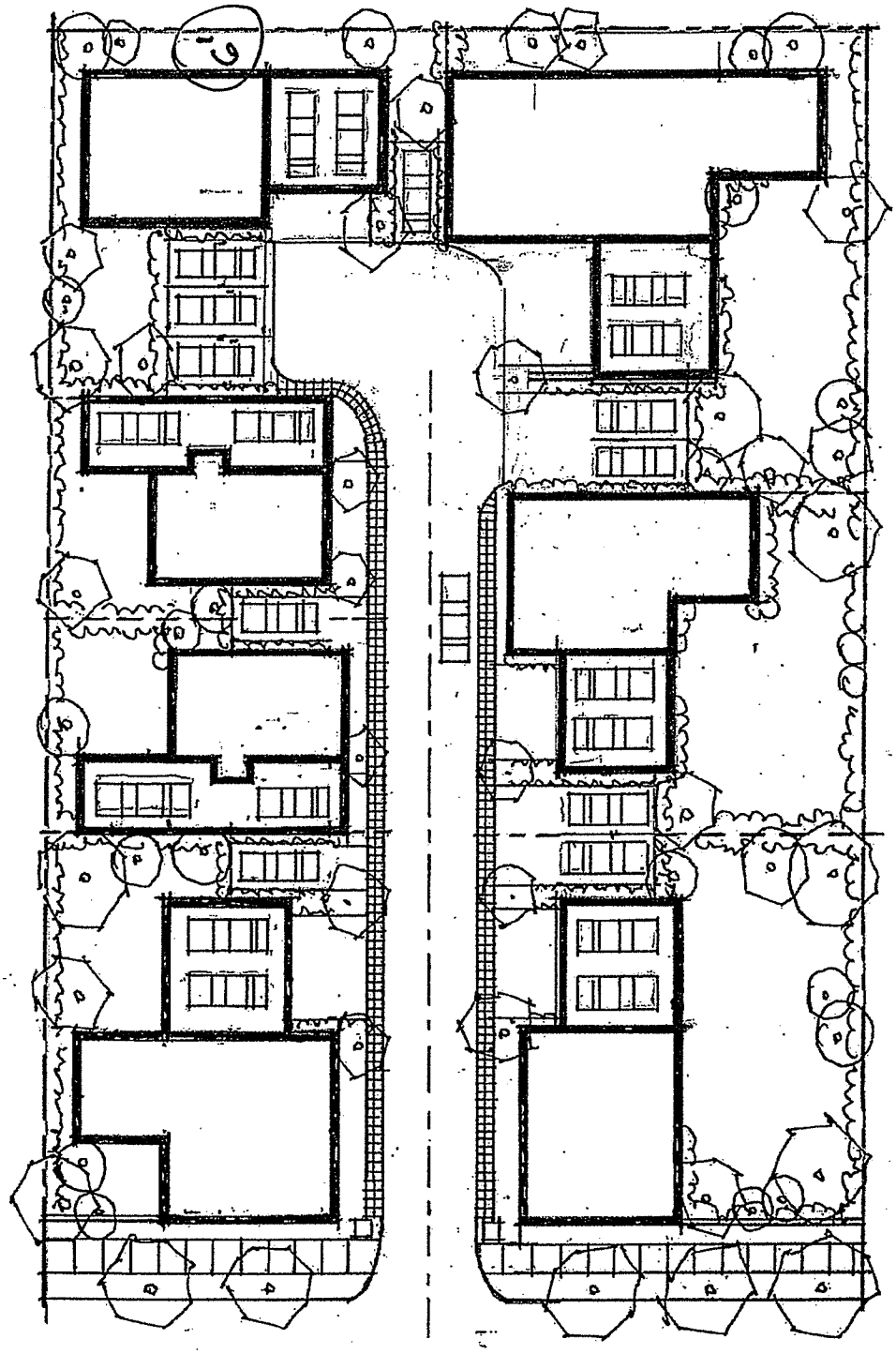
Non-Permeable Areas (Sq. Ft)		
Road	3,305	
Driveways	1,338	
Patios	1,740	
Living	5,665	
Porches	1,656	
Garages	4,175	
Total Non-Permeable	21305	61.3%

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

Scale of Feet

1 5 10 25 50 100

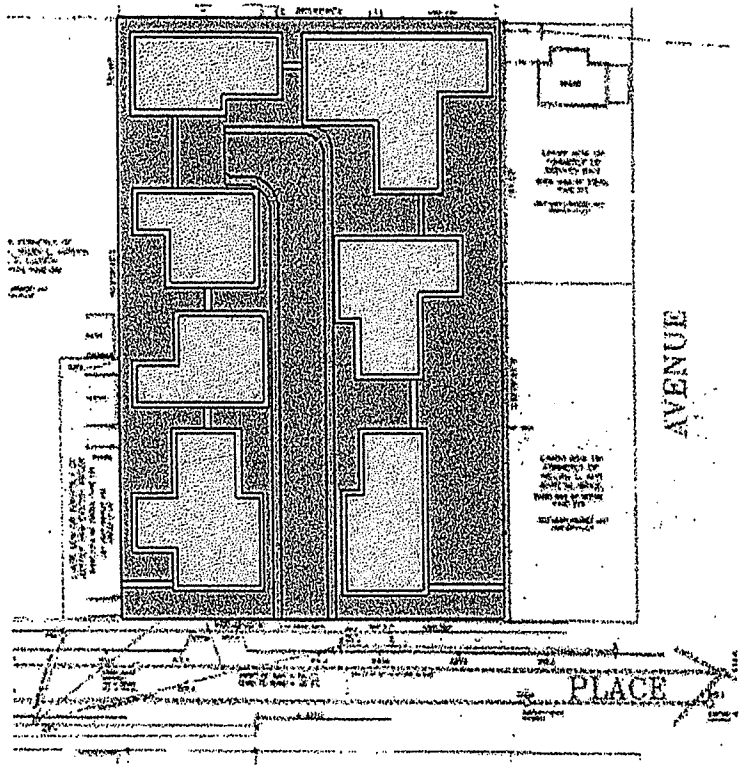
REAR



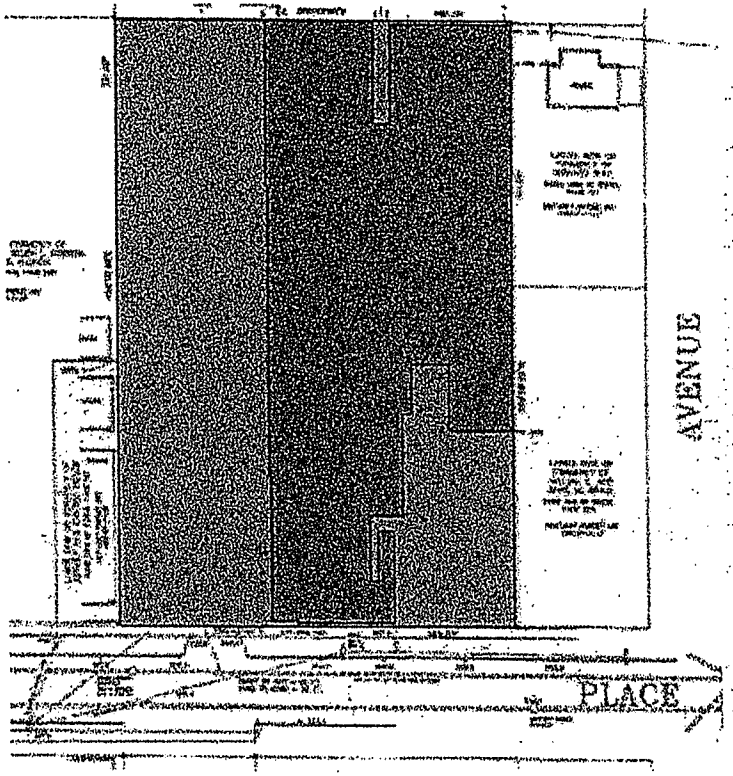
SIDE

SIDE

FRONT



Concept Site Plan



Site Plan with Existing Building

27 Jumel Place
Saratoga Springs NY

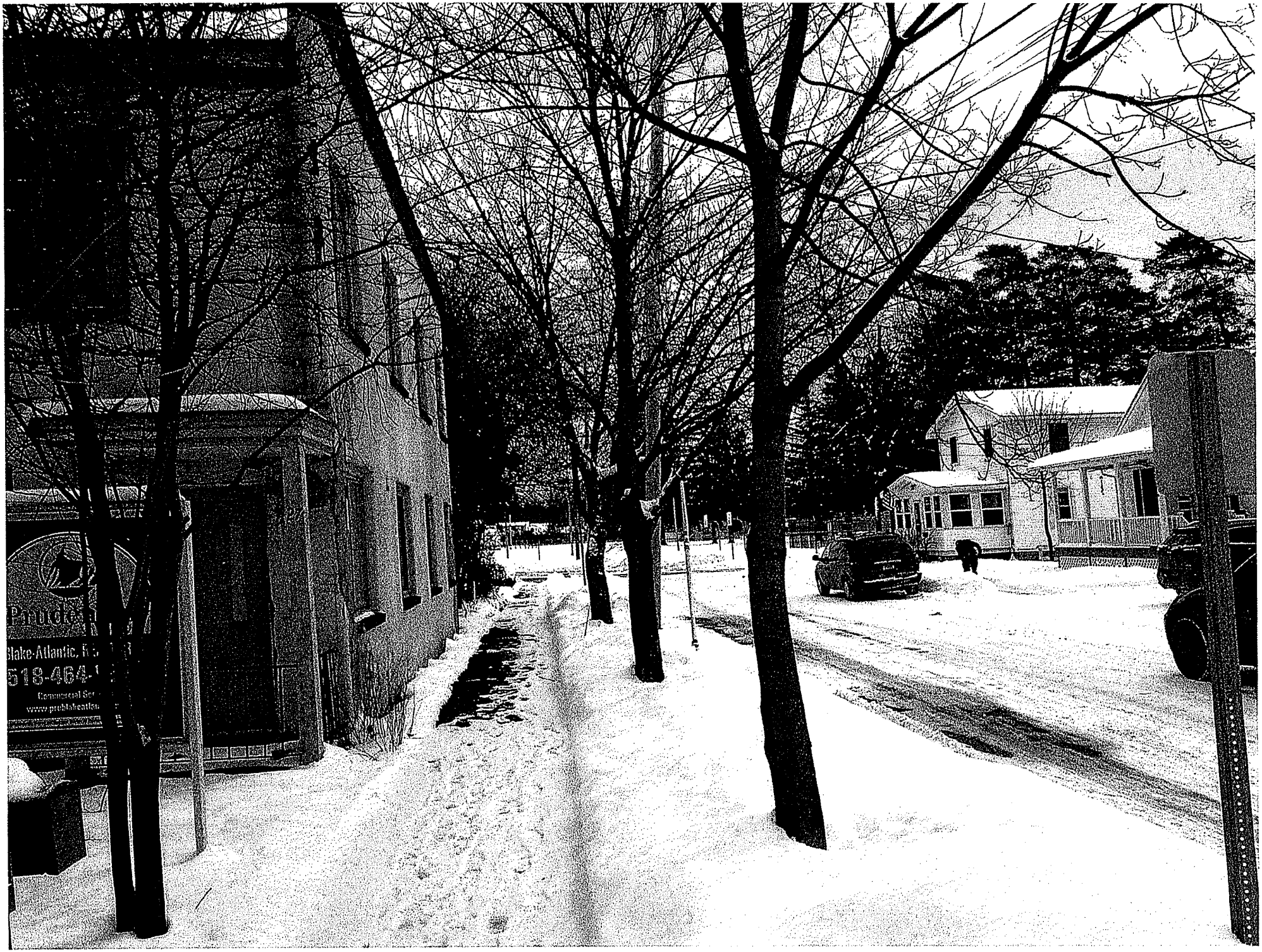
Witt Construction
3/10/2014

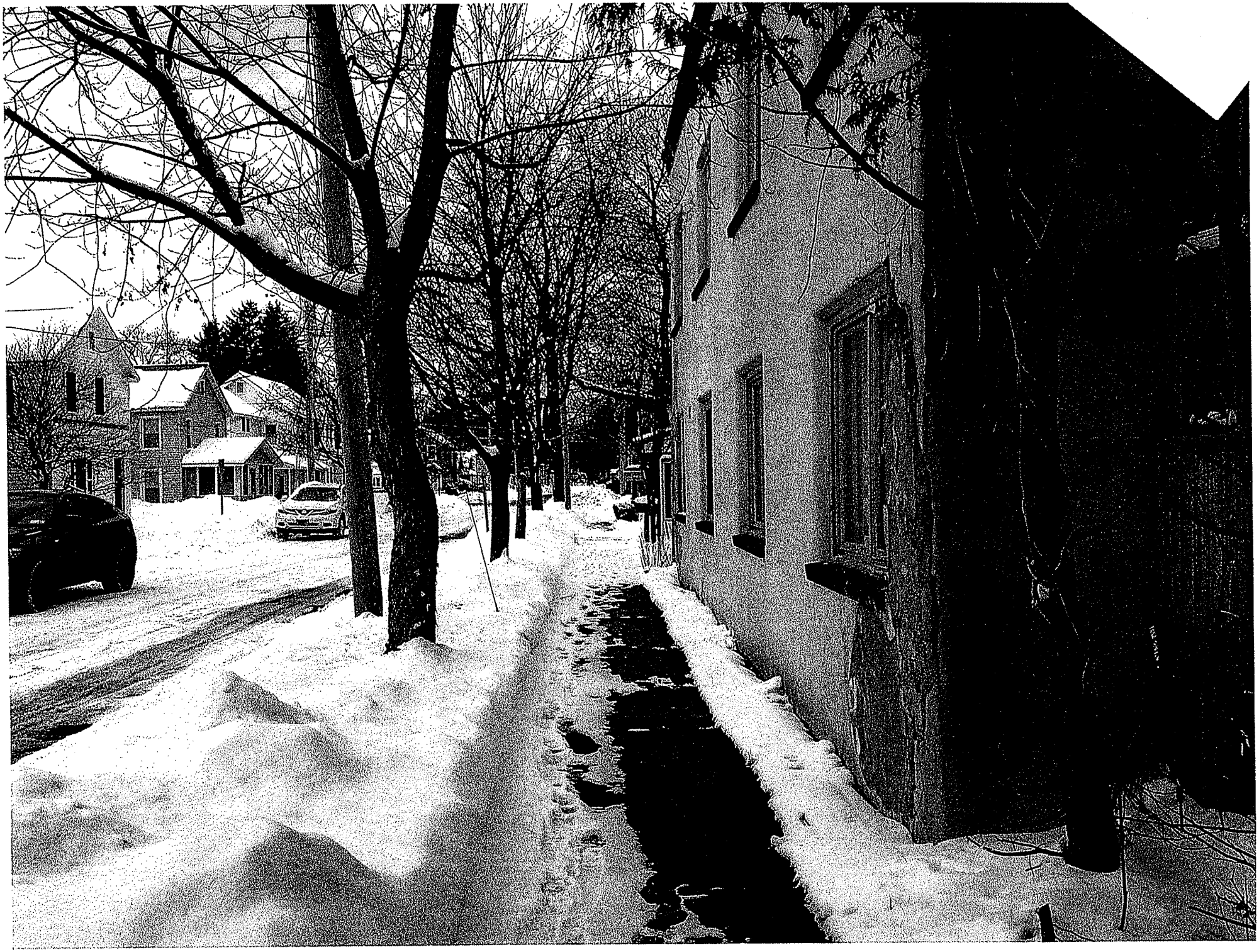
	Depth	Width	Area (sq. ft.)
Lot Size	231	150.5	34,765.50

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

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

NO PARKING
24 HRS
STARTING
9AM
MON-WED
FRI





Witt Construction

563 N Broadway Saratoga Springs, NY 12866

February 27.2014, 2013

Magnolia Lane

Street Views

Witt Construction

563 N Broadway Saratoga Springs, NY 12866

February 27.2014, 2013

Magnolia Lane

Street Views

Witt Construction

563 N Broadway Saratoga Springs, NY 12866

February 27.2014, 2013

Magnolia Lane

Street Views

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Jumel/Downton Walk - Witt Construction, Inc.

Name of Action or Project:
Downton Walk

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

Brief Description of Proposed Action:
7 Individual Family Condominiums

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

Address:
563 N. Broadway

City/PO:	State:	Zip Code:
Saratoga Springs	NY	12866

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

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

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

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

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

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

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☑
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☑

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies: _____	☑	☐

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

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

	NO	YES
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐
b. Is the proposed action located in an archeological sensitive area?	☑	☐

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☑	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐

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

	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?		
If Yes,		
a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		
If Yes, briefly describe: ☐ NO ☐ YES		
_____		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ There as been asbestos found on location. We have an asbestos report and working with Cristo Demolition who is licensed and experienced in moving this hazardous waste properly. _____	☐	☑

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

Applicant/sponsor name: _____ Date: _____

Signature: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted by the following vote:

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

NAYES: 0

Dated: April 28, 2014

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

5-1-14
Date

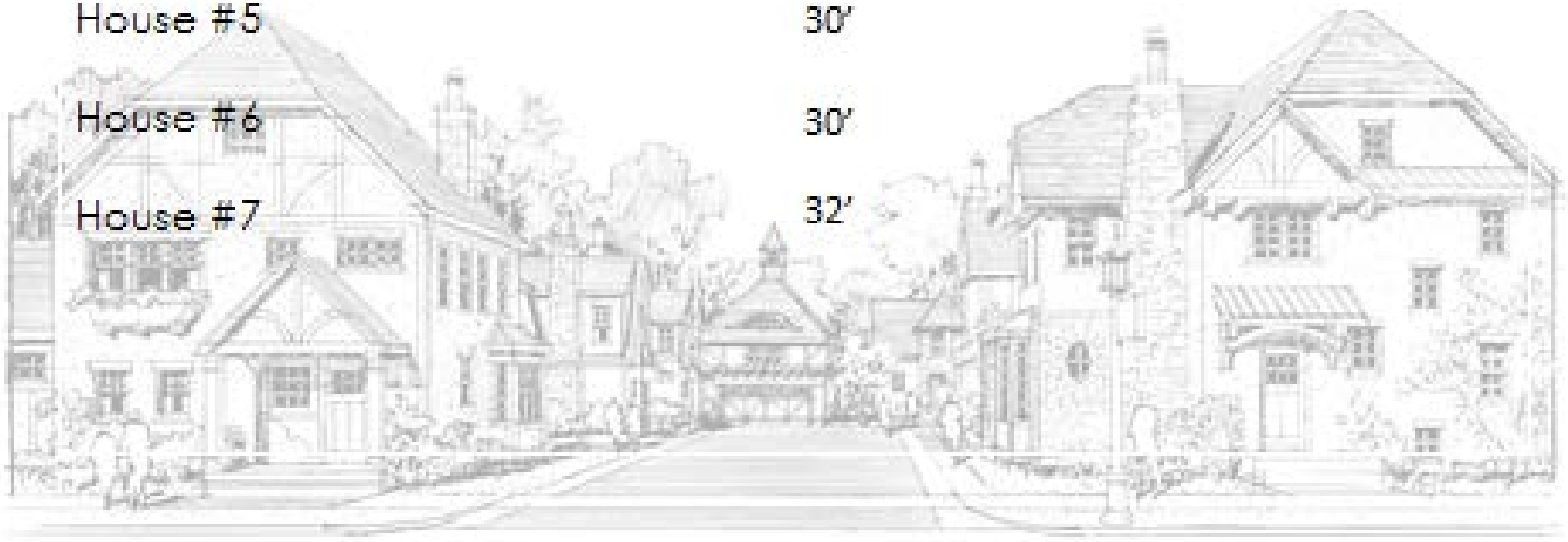
Chair

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

RECEIVED
MAY 06 2014
ACCOUNTS DEPARTMENT

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.

From: D. Mattison<[redacted]>
Date: March 18, 2016
To: susan.barden@saratoga-springs.org
The Zoning Board of Appeals of the City of Saratoga Springs, NY

Re: 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 21, 2016

I am writing this letter prior to the March 21st, 2016 meeting of the Saratoga Springs Zoning Board in regard to the proposed zoning variances being requested by builder John Witt for the property located at 27 Jumel Place in Saratoga Springs, New York. I am hoping that you will forward this to members of The Zoning Board of Appeals of Saratoga Springs.

Mr. Witt is creating an oversized project which is out of character with the existing homes on the street. He is making intrusive variance requests. In his letter to neighbors dated February 11, 2016 he understated the variances requested, (3 rather than 5). Therefore neighbors were given incomplete and deceptive information about the project. His letter asked for:

-Increased lot coverage by 16%
-Decrease minimum front yard setback by 9 feet
-Raise the height of the residential fence by 2 feet

In actuality, there are five variances being requested that 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.

It would be a travesty for the board to disregard the above facts and override zoning ordinances that have been in effect for years. At the very least, a compromise of the extreme variance requests needs to be negotiated.

It is my hope that these substantial variances, as they are proposed, be denied.

Sincerely,
Debra Mattison
[redacted] Lake Avenue

change.org

Saratoga Neighbors for Zoning Enforcement

Recipient: Saratoga Springs Zoning Board of Appeals and Susan Barden

Letter: Greetings,

Keep Saratoga Springs Neighborhoods Special: Enforce our Zoning codes!

Comments

Name	Location	Date	Comment
Sam Brewton	Saratoga Springs, NY	2016-03-15	We're not against developing this plot, but we opposed the massive scope of the requested variances, loss of setbacks, and the cramming-in of more buildings than this lot is zoned for. What's the point of zoning if it can be this easily skirted? This lot can be successfully developed, and we'd welcome this same developer if a more reasonable plan were presented.
Holly Bates	Saratoga Springs, NY	2016-03-16	Saratoga Springs is changing far too quickly and losing the character that made it so beloved. These changes are so often the result of wealthy developers making their way around zoning laws that are there for a reason. Our officials have been elected by the citizens of Saratoga Springs, and as such, they are the people to whom they should listen.
jeannine moran	saratoga springs, NY	2016-03-16	Uphold our zoning laws and do not cave to developers.
Kira Cohen	Saratoga Springs, NY	2016-03-16	I grew up in Saratoga Springs and have lived 25 years in the neighborhood that is threatened by this development. I do not want to see my neighborhood put at risk by the casting aside of our city's zoning ordinance. The Saratoga Neighbors for Zoning Enforcement does not oppose new housing in our neighborhood, we simply feel that the scale of this project is beyond necessary and asks for too many variances to the zoning laws of our district. This puts not only our homes at risk, but the new homes as well. It also opens the door for these types of overboard developments to move into other residential neighborhoods throughout town - thus dismantling the core ideology behind our comprehensive plan and zoning ordinance, and disrupting the historical character and dignity of our beautiful town.
Margaret Selikoff	Saratoga Springs, NY	2016-03-16	There is no reason for this type of development in this neighborhood.
Kim Fonda	Saratoga Springs, NY	2016-03-16	I am sick and tired of double standards. The Zoning Board is a disgrace and our hopes for good stewardship decline day by day!
Janice Pancake	Saratoga Springs, NY	2016-03-16	If this goes as planned, it will set a precedent in our city that builders can get zoning laws changed and build wherever they want. Seems to me that our city has allowed all kinds of new, unaffordable, condos, etc. and taken the charm away from my hometown...
Joann Lorman	Porter Corners, NY	2016-03-16	Saratoga is getting to many large buildings. ..let's not lose its charm!
Robert Bostick	Arlington, VA	2016-03-16	I love the Saratoga of my childhood, my youth and to alter those memories of the alleys, streets and diverse neighborhoods would be sacrilege.
John Veitch	Saratoga Springs, NY	2016-03-16	This is not proper for that neighborhood. Simply out of character. I live next to the old St. John Neumann residence, and that conversion was fine for that building. This is not appropriate for Jumel Place
Liam Sheji	Saratoga Springs, NY	2016-03-16	It's important to preserve our cities history, and replacing our historic buildings is a crime to our lifestyle
Marie falls	Lorton, VA	2016-03-16	I hate seeing my hometown lose its charm!
Steven McCarthy	Saratoga Springs, NY	2016-03-16	Enough is Enough
Martha Strohl	Saratoga Springs, NY	2016-03-16	The Comprehensive Plan and our zoning codes are meant to be observed, not abused.
Lillian Spost	Saratoga Springs, NY	2016-03-16	Saratoga risks losing the charm that is its reputation.
Michael Gent	Saratoga Springs, NY	2016-03-16	Once you open the floodgates,there'll be no stopping them.The town is enough of a mess already.

Name	Location	Date	Comment
Anthony Smith	Washington, DC	2016-03-16	I'm shocked that the lovely tree-lined streets of my hometown would be destroyed by this condo developer. Enforce the zoning laws and stop this blight on the community.
shawn banner	Saratoga Springs, NY	2016-03-16	Our town is special because far sighted folk created a charter and zoning codes that preserve what is best about Saratoga. Lately, it seems that special dispensation keeps getting given to folks who want to build exactly what those far-sighted zoning laws and city planning decisions were meant to avoid. Growth is good--in fact, growth is great, but not growth that breaks the carefully crafted rules that make Saratoga a pleasure to reside in. Please do not keep giving in to developers' whims at the expense of what makes our fair city both fair and special!
Z. Parisi	Saratoga Springs, NY	2016-03-16	cp
Amber Duffney	Keeseville, NY	2016-03-16	O remember Saratoga the way it used to be. I have seen neighborhoods destroyed by "improvement", I would hate to see Saratoga to become a city of high rises, and loose it's charm and historic value.
Sunshine Stewart	Greenfield Center, NY	2016-03-16	Keep Saratoga beautiful!!!
Meghan Cherny	Corinth, NY	2016-03-16	Bit by bit we are losing our history and our roots, that which makes it all beautiful. Saratoga is beautifully old, we must fight for her.
Janice Bellamy	Saratoga Springs, NY	2016-03-16	Too many extreme variances requested. This won't blend in with the neighborhood. The builder is asking the Zoning Board for special treatment.
Amy Barakat	Saratoga Springs, NY	2016-03-16	I don't like the direction my hometown has headed since I was a child. Too much commercialization and too much building.
patricia rubio	saratoga springs, NY	2016-03-16	I am concerned about the violation of the City zoning laws the variance would entail.
Kathleen Brown	Saratoga Springs, NY	2016-03-16	Wrong plan, wrong place, & more overpriced real estate not needed!
bob mctague	saratoga sp, NY	2016-03-16	Our neighborhoods are under attack by greedy builders who have no reguard for families that live in the communities.
Daniel Schwank	xxxxxxxxxx, NY	2016-03-16	I'm against the overdevelopment that's destroying this town
Shealyn Heritage	Ballston Spa, NY	2016-03-16	I for one may not live I Toga directly but was born at Saratoga hospital lived in the outside towns all my life and have many Saratoga relatives of all era of Saratoga. It sadden my heart thinking about the stories I've heard of old Saratoga, Stories I have from Saratoga In the times before all the condo when we went to see our Saratoga family and The Saratoga now. Why does everything have to be so glamorized. We need some original and not just Original historical. Stop changing zoning laws for these big wig glamizatation.
Cindy June	Ballston Spa, NY	2016-03-16	Save my hometown from the developers who only see $$$$$$
Lori LeBarron	Gansevoort, NY	2016-03-16	There seems to an influx of developers who are presenting proposals that do not adhere to Saratoga Springs zoning laws. This needs to stop!
Leslie Brown	Saratoga Springs, NY	2016-03-16	There is way too much development in Saratoga and we're losing the quietness of the city. Please stop the building.
Joan Nellhaus	Saratoga Springs, NY	2016-03-16	This is wrong in so many ways. Integrity must be maintained.
Hillary Takahashi	Saratoga Springs, NY	2016-03-16	Protect our picturesque and wonderful neighborhoods.
Mary O'Donnell	Saratoga Springs, NY	2016-03-16	As a native, I have watched our city change way too much and not for the better in my estimation. This project would set a precedent and continue to ruin the very reason some people moved here. We want to keep our city's character.

Name	Location	Date	Comment
Jay Rogoff	Saratoga Springs, NY	2016-03-16	Approval of Downton Walk, a development entirely out of character with the neighborhood, would send a signal to developers that our zoning regulations are meaningless and can be circumvented at will.
Judi Duclos	Saratoga Springs, NY	2016-03-16	I do not like the path that our beautiful city seems to be on!!!!!
Penny Jolly	Saratoga Springs, NY	2016-03-16	This is a residential neighborhood, protected supposedly by our zoning laws. Please observe those laws! Do NOT permit all these special variances. Don't overcrowd our neighborhoods and try to make them into something they are not: a pretentious "Downton Walk" with expensive condos instead of separate one-family homes of modest size.
Brucie Rosch	Saratoga Springs, NY	2016-03-16	Developers can make their money elsewhere. It would be one thing if they had a track record of building affordable housing in Saratoga Springs, but They. Do. Not.
Tracy Millis	Saratoga Springs, NY, NY	2016-03-16	The entire project is foolish.
Regina Camilletti	Saratoga Springs, NY	2016-03-16	This development will scar an otherwise homogenous, established neighborhood of older homes. People are invested in these homes and that neighborhood. Who has the right to step in and on behalf of a builder and his cohort, threaten their investment? If anything goes, how about lets build some stables next to City Hall and put those 7 condos on East, really close to Skidmore. Sure. I would sue you if I could.
Jacklyn Clark	Saratoga Springs, NY	2016-03-16	I don't want this in my neighborhood, I've lived on this street for 24 years and to alter the streetscape with gaudy condos would be a disgrace. More importantly if the city government allows this to become reality that would be sinful. Keep within the parameters of the neighborhood, amen!!!!!!
Barbara Ungar	Saratoga Springs, NY	2016-03-16	Developers and greed are ruining what makes Saratoga Springs a desirable place to live and visit.
Celete Caruso	Saratoga springs, NY	2016-03-16	I'm signing because the Integrity of each neighborhood within the city needs to be maintained
Suzanne kwasniewski	Saratoga Springs, NY	2016-03-16	Too many projects are approved that deviate from zoning ordinances.
Richard Hibbert	Burlington, VT	2016-03-16	My mother has lived on Jumel Place, in the other block, since 1959. My siblings and I spent part of our formative years in that neighborhood. The house belongs to our family, and we value the character of the neighborhood. That includes the portion of the street for which this project is proposed. I believe that this would be a drastic, and negative, change in the character of this part of the city.
Annette Damron	Lecanto, FL	2016-03-16	I was born and raised there and don't want to come home to a metropolis.
Susan Traylor	Saratoga Springs, NY	2016-03-16	I don't want Saratoga Springs, my beautiful home town to turn into a Clifton Park!
Marisa Wade	Saratoga Springs, NY	2016-03-16	Saratoga is starting to loose some of it's charm to all of these apartments and condominiums
JOHN DUANE	Middle Grove, NY	2016-03-16	to keep saratoga saratoga !
Arthur Porter III	Saratoga Springs, NY	2016-03-16	I believe that this is yet another example of the abuse of the zoning variance process to circumvent existing zoning designations and the Comprehensive Plan.
Katherine Totten	Saratoga Springs, NY	2016-03-16	Enough is enough
Karin Vollkommer	Saratoga Springs, NY	2016-03-16	This project is too big for the neighborhood.
kathleen orefice	westport, CT	2016-03-16	I want Saratoga to stay the way it is. It's already changing too much.

Name	Location	Date	Comment
Amy Syrell	South Glens Falls, NY	2016-03-16	Saratoga Springs needs to be a place for all people, not just those with a lot of money.
Jill P McMahon	Saratoga Springs, NY	2016-03-16	The project seems too large for the space available. More shoehorning of big houses out of character with the neighborhood that loom over their neighbors.
Frank Capone	Saratoga Springs, NY	2016-03-16	preserve the residential character
Bette Brill	Saratoga Springs, NY	2016-03-16	Just do not change the zoning laws for this or any project in a neighborhood that is not zoned for it....
amejo amyot	saratoga springs, NY	2016-03-16	I like green space around homes and consistent density in neighborhoods. this is a 1 and 2 family area.
Patricia Cornute	Saratoga Springs, NY	2016-03-16	Too many developments already in our town, hard to recognize the charming place it used to be., when the sun can't even shine down on you as you walk down certain streets any more.
sue scherer	Saratoga Springs, NY	2016-03-16	Enough with the overgrowth.
linda battiste	Schenectady, NY	2016-03-16	I grew up in Saratoga and it's beautiful the way it is!
Mary Frances Healy	Saratoga Springs, NY	2016-03-16	I have lived here my whole life and don't like the direction we are going
MaryAnn Wager	Saratoga Springs, NY	2016-03-16	I have lived in Saratoga my entire life and I am concerned for the future of our beautiful city. It is quickly losing its historical look and feel.
Patricia Mathews	Sanford, ME	2016-03-16	I strongly believe in preserving the integrity of all cities, but most importantly those cities that represent the history of our country. I lived on Jumel Place until I graduated from college. When I go back to visit family I am often disappointed to see yet another set of new and expensive Town Houses, apartment buildings, hotels, and condos. With each change Saratoga Springs loses a little of its identity. Just take a walk on Jumel Place, and you will clearly see that a development of this type is out of character with the neighborhood. Saratoga, a city I have always been proud to call my hometown, should not lose its charm to moneymaking investments.
Deb Garrelts	Saratoga Springs, NY	2016-03-16	I agree that we are being over-run with condominiums and that our neighborhoods need protection
Denise Dart	Clifton Park, NY	2016-03-16	I'm signing because I am a native Saratogian and the alleged zoning codes worked against my Dad and now we have foreigners coming in and being allowed to build wherever and however big they want just because they have the money.
Barbara Claydon	Saratoga Springs, NY	2016-03-16	inappropriate development of the space for the existing neighborhood in which I happen to live
Paul Hibbert	Broken Arrow, OK	2016-03-16	My family has property on Jumel place
Chris Pringle	Saratoga Springs, NY	2016-03-16	I've lived in saratoga almost all my life and I'm sick of seeing this great little town desecrated by these monstrosities being built with no thought what so ever. The west side of town now looks like a haven for yuppies and has driven out the families that have resided there for years. Downtown hardly looks the same as I remember it as a child. All the once family owned businesses that occupied Broadway are now gone and these corporate goons have bullied their way in forcing the rent to a ridiculous level that only 6 figure a year income families can afford. This use to be a great place to live a place I called home now I don't even recognize the town I grew up in. Enough is enough.
Joyce McKnight	Lake Luzerne, NY	2016-03-16	Saratoga Springs already has empty developments...the zoning board is either ineffectual or "on the take."

Name	Location	Date	Comment
Ann Diller	Gansevoort, NY	2016-03-16	I am appalled at the over-development that has changed our city so that it unaffordable to longtimers, courtesy of boards that are overly generous to devevlopers.
Randy Hammond	Porter Corners, NY	2016-03-16	Saratoga is heading in the wrong direction
helen travis	Saratoga Springs, NY	2016-03-16	They are destroying Saratoga making hard for families to live homeless rase now its more homeless families working families that can't effored Saratoga price or anywhere els for that matter rent has raise so high everywhere its sad and decrees
kayla rynasko	Schenectady, NY	2016-03-16	Born and raised in Saratoga. Graduate of Saratoga high. All my family lives here!
Kathy Becker	Greenfield Center, NY	2016-03-16	I was born and raised in Saratoga Springs. I am so upset by huge changes that have been made in Saratoga. What ever happened to preserving the historical buildings in the city. It looks like the almighty dollar has won out. It is such a shame and so sad.
Liz Mark	Gansevoort, NY	2016-03-16	Saratoga is being overrun by greedy developers like Bonacio and losing its charm.
Charles Kish	Saratoga Springs, NY	2016-03-17	The character of too many neighborhoods are at stake when projects are granted that require numerous large scale changes to existing zoning. When developers profit concerns trump zoning considerations and justifiable and considered opposition by neighbors to this degree, who's opposition is totally supported by current zoning, the zoning board is not doing it's job. There is zoning for a reason based on long term plans and consideration for the city as a whole. Wholesale variances granted solely for the purpose of developer profit is is a travesty.
Nancy Flynn	Buskirk, NY	2016-03-17	We have a family home on the other block of Jumel Place that my mom lives in and believe this will hurt the whole street and set a bad precedent.
Ann Haller	Saratoga Springs, NY	2016-03-17	This is an inappropriate use if the land. It is not in accordance with the zoning. developers should not be exempt from rules just because they want to maximize their profits. The city is running out of build-able lots, so the developer is trying to squeeze as much profit as he can out of this lot.
renee harder	gansevoort, NY	2016-03-17	way to much development now
Richard Dunham	Saratoga Springs, NY	2016-03-17	I do not believe that a previous factory/Dance Studio in a residential neighborhood needs to be re-zoned to accommodate more living space than the current regulations allow. Enough cronieism. Build a house, or two.
Kelly Mackison	Gansevoort, NY	2016-03-17	I am bored in raided is Saratoga
Jodi Stevens	Saratoga Springs, NY	2016-03-17	I grew up on this area and just can't stand by and watch the integrity of this beautiful, quaint neighborhood be destroyed...
Jennifer Kleindienst	Middletown, CT	2016-03-17	I grew up near Saratoga and visit often. I would hate to see the city's charm erode with a project like this.
Patricia Duval	Portland, OR	2016-03-17	To oppose approvals requested for this project. Plan is totally irrelevant to the existing neighborhood. Approving these requests would set a bad precedent and many of Saratoga neighborhoods would be at risk.
Gloria Burke	Waterville, ME	2016-03-17	This would set a terrible president.
Dorene Couch	Saratoga Springs, NY	2016-03-17	I want to show my support for our local residents and weigh in on matters of development that will have a negative impact on our neighborhoods

Name	Location	Date	Comment
Wayne T. Senecal	Saratoga Springs, NY	2016-03-17	I believe the developer's application is a change in use requiring City Council Approval not just Zoning Board of Appeals approval.
Jerome Luhn	Saratoga Springs, NY	2016-03-17	People are entitled to know what development plans are being proposed so that they, and the officials entrusted with authority over zoning decisions, can make informed judgments that affect the character of the place where they live over the long term. Seemingly material omissions in presentation, together with behavior by the developer and relevant board officials, have given neighbors reason to raise questions, such as whose interests enjoy primacy in this proposal? No one wants to wake to rude surprises after the foundations are poured. That's something any developer should understand.
Sheila Levo	Saratoga Springs, NY	2016-03-17	I'm signing because although I am a Saratoga native, I no longer live in the city After my husband died, I sold my house as the upkeep (lawn, snow, etc.) was too much for me. The prices for decent rentals in the city were outrageous. I was forced to look elsewhere and as a consequence, I now live in Ballston. This project, if allowed, would be another example of pricing the the middle class out Saratoga.
Melanie Herter	New York City, NY	2016-03-17	Trying to keep my neighborhood from illegal property use and major congestion
Ina Harney	Saratoga Springs, NY	2016-03-17	This has to stop in Saratoga, not only in my backyard but this one too. Residents have to pay attention to all of these plans, not only their neighborhoods. Every time the builders manage to get one over on our city government leaders and build these monstrocsities it gives them permission to ruin another neighborhood.
Nicholas Rossi	Parrish, FL	2016-03-17	I lived in Saratoga 62yrs. I grew up in that part of town & owned a home at 213 East AVE. Allowing this development is wrong
James Lestrange	Saratoga Springs, NY	2016-03-17	Stop putting the interests of the wealthy ahead of long time Saratoga residents. We have enough development already. Too many people moving in making everything more expensive and causing traffic congestion.
richard bradley	Ballston Spa, NY	2016-03-17	developers are destroying the Saratoga I grew up in. they just need to leave things alone. they are just fine as they are
Henry Bovee	Saratoga Springs, NY	2016-03-17	For my friend
Michael Graul	Granby, CO	2016-03-17	I would like to see the zoning laws upheld in this single family neighborhood where I grew up. I hope those individuals on the zoning board haven't lost sight of doing what is right.
HEATHER STABLES	SARATOGA SPRINGS, NY	2016-03-18	This is NOT NYC....
Michael Stoneback	Saratoga Springs, NY	2016-03-18	developers are ruining the city with maximizing land use with the approval of city boards and their own interpretation of zoning

A NOT-SO-LITTLE BIT OF INTERESTING DOWNTON INFO . . .

On closer inspection of the plans for Downton Walk, I realized that I had picked up **footprint** square footage for the homes from the permeability chart. It is my understanding that, for permeability numbers, one presents the square-foot measurements of the footprint of the home **only**. That means **only the first floor** of a multi-story home.

That is where I got the size figures I posted in my previous letters. That begins to explain why, in the builder's response to my latest missive, the square footage **he** presented had jumped at the high end, to 3,000**+** square feet. **Note the plus sign**. We believe it's there for a reason . . .

If a builder puts the square footage of the footprint on a permeability chart, and it is 2,700 square feet for example, it is likely that the square footage of the entire house -- all floors -- will be much larger than that.

So, using rough figures as an example, because it's impossible to know if the second floor will cover every square foot of what is below it (some homes have slightly smaller second floors – but not usually very much so), one **could** estimate that a home that we thought was 2,700 sq. ft. could really be as large as 4,000 to even 5,400 square feet (the discrepancy being any porches and overhangs included in that 2,700 figure; and the second floor might or might not extend over them.)

This leads us to the permeability chart for Downton Walk . . .

The numbers are not all easy to read, as this is a small side chart, on a plan that has fuzzy type. And, keep in mind, this is supposed to be the **footprint** of the building – including **only** the first floor (overhangs and porches are in other areas of the chart).

The footprints of the seven homes alone add up to 14,526 sq.ft. (builder's numbers).

The builder has already told us that two of the structures are 1,800 sq.ft. – which would probably be those with the 1,357 sq.ft. and 1,472 sq.ft. footprints on his chart. Let's assume they will be exactly 1,800 sq.ft. each. That means that the second floor adds just under 40% to the footprint size.

On the larger ones, he has quoted 2,800 – 3,000+ sq.ft.

To begin at his 2,800-sq.ft. number for the larger homes, you also need to add around 40% to the smallest large home.

So we'll use 40% as a general guide.

(**ALERT**: This is where that plus sign after the 3,000 sq.ft. quote comes in; because a 2,759 sq.ft. home footprint – which is the size of one footprint on his chart – **without** its attached garage that would add almost 600 sq.ft. more -- with only 40% added for a second floor, means there likely will be at least a 3,900 sq.ft. structure [and the overhangs will add an additional 228 sq. ft. and the garage almost 600 sq. ft. more, for a total of approximately 4,700 sq.ft.]. We have no way of knowing if the builder will be including living space over the garage, so we didn't include that in these figures.) Obviously, much more detail is needed from the builder.

The builder has said that the total **footprint** for all seven homes is 14,526 sq. ft. That does NOT include the roof overhangs. In addition, the garages themselves total 4,175 sq.ft. (Again, please keep in mind that, not having seen full architectural plans, we can't tell if there will be any living space built above the garages, so although we are adding in the builder's number, we are not adjusting the garage number with the additional 40 percent.)

The following total is likely on the small side, because we're assuming that the second floor is only 40% the size of the first floor (not very likely); and we're **ignoring** that the plans show windows in four different floors of the buildings. Why would there be windows in a basement, if it is only used for storage? And the window on the top floor is a clue to the possibility of a small attic room as well.

Please keep in mind that the surrounding homes on Jumel Place average about around 1,450 sq.ft., with half of them being somewhat smaller, and one as small as 900 sq. ft**. (This includes the total interior square footage of all floors.)**

Because of the way Downton Walk homes are situated in the plans, and because there is such little room for green space between them, they will mass visually, on Jumel Place, as if they are one giant compound, likely exceeding 25,000 sq. ft. -- including the homes, the (*single-story*) garages, and the porches. (Note: There is also something labeled "Living" that is another 5,665 sq.ft. in the non-permeable section. Because we cannot determine what that is, exactly, it is not included it in the 25,000 estimated sq.ft. size of the "Downton Walk Enclosure".

If this project goes through to completion as currently designed, the only upside we see, in addition to the removal of the existing factory building, might be the possibility of more Hershey bars at Halloween.

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MORE THAN 25,000 SQUARE FOOT MASS ?
A NOT-SO-LITTLE BIT OF INTERESTING DOWNTON INFO . . .

On closer inspection of the plans for Downton Walk, it appears that there has been some misconception regarding the actual size of the development. If people are visualizing the quoted sizes that have been used in the various articles that have previously been presented, they might be in for a surprise.

It appears that a complex that felt large at the 14,526 sq.ft.-total of first-floor footprints -– which is the only measurement that was written the drawings –- when massed together as complete homes -- will likely produce what, visually, will appear to be an almost contiguous structure well in excess of 25,000 sq.ft.

This writer, for one, previously referred to square-footage for the homes from the builder's permeability chart. However, for permeability numbers, only the square-foot measurements of the first floor of the home are used, regardless of how many stories will be added to that. So the actual structure, once it is built, unless it is single-story construction, will be appreciably larger. And the drawings of Downton Walk indicate homes with two or more floors.

Please note that, to get to the larger figure, we have used 40% as a conservative addition for the second floors of these homes. There is no way of knowing how these homes will really lay out, because Mr. Witt has not provided this important information to the neighbors or community. Many homes in Saratoga are built

almost like boxes, with the first floor and second floor being exactly the same size. In such case, one would simply double the square footage to get the total living area. Others have a more modest upper level. So 40% was our compromise.

And keep in mind that we're ignoring that the plans show windows for four different levels. Why would there be windows in a basement, if it is only used for storage? And the window on the top floor is sometimes a clue to the possibility of a small attic room as well. We also have added nothing for any space that might be built above the garages. So that "in excess of 25,000 sq.ft." could easily become a much larger number. Obviously, more detail is needed from the builder to be complete on this.

But this begins to explain why, in the builder's response to my latest missive, the square footage he presented had jumped at the high end, to 3,000**+** square feet. His plus-sign is quite accurate, because the addition of multiple floors to the home sizes written on that chart makes a huge difference.

For perspective, please keep in mind that the surrounding homes on Jumel Place average about 1,450 sq.ft., in size, with half of them being somewhat smaller, and one as small as 900 sq. ft. (This includes the total interior square footage of both floors on any two-story structures.)

So, visually, five of those average-size Jumel Place homes, if placed on that lot after subdivision to the maximum number of homes allowed there by Code, would create a visual mass of only 12,100 square feet, including relative proportions of Mr. Witt's figures for overhangs, garages, porches, and such -- less than half of what is proposed (and only conservatively approximated) -- and much more in keeping with the character of the neighborhood.

The ZBA should allow Mr. Witt to build what **is** permitted there: five single-family homes or four two-family homes, not "seven single-family condominiums" which are not permitted in an Urban Residential–3 Zoning District.

###

Susan Barden
Zoning Board of Appeals
Saratoga Springs City Hall

17 March, 2016

Ms. Barden & Members of the Zoning Board of Appeals,

I have lived on the 200 block of Lake Avenue for 25 years. The back property line of my home abuts the property of 27 Jumel Place and runs nearly its entire length. I have a great many concerns in regard to the Downton Walk development plan that is proposed for that location.

Our current zoning laws forbid developments of this kind, not only in our Urban Residential-3 classification, but also within the larger Core Residential Neighborhood-1. Multi-family housing is against the codes.

Mr. Witt's proposal that this project is a "single-family condominium" attempts to skirt these codes by tying together two separate types of housing. Either it is a single-family designation, or it is a condominium. To go forward as single-family and fit multiple homes on the lot, he would have to subdivide – for which he has not applied. This would only allow up to five homes on the lot, not seven as proposed. Without subdivision, it goes forward as a condominium, which is forbidden in this district.

In order to accommodate seven homes onto the lot, several variances to the legal property setbacks have been requested. However, these variances are not within an acceptable range. They seek to nullify nearly all space between properties. The legal setback is 25 ft. A variance bringing that space down to 6 ft. is unacceptable. It poses privacy issues, as well as safety issues for not only the existing neighbors, but for those who will be living in these new homes.

Yes, the current building at 27 Jumel sits on top of its property lines. It was built before zoning laws were implemented to protect the character and safety of our neighborhoods. The proximity of the current structure has always been a sore point, but I feel that adding only 6 ft. of space is still not adequate to provide privacy and prevent noise. Especially since the trees that exist along the back will be removed and cannot be replaced, as they would pose a risk to the foundations of these new homes.

I, and my neighbors, do not oppose new housing being brought into our neighborhood. We fully support Mr. Witt's effort to provide residential infill for the city and beautify the street of Jumel Place. However, we feel the scale of this project is over-zealous and out of character - not only for our neighborhood, but with the rest of Saratoga as well. A neighborhood boasting very modest sized homes (averaging 1450 sq.ft.) that are late American victorian/craftsman/turn-of-the-century in design is not the proper place for extremely large English country style homes.

Should the Downton Walk development be approved with the current variance requests, it paves the way for future developments of this scale to move into other neighborhoods throughout town, thus threatening the integrity and historical character of our city.

The neighbors ask that there be negotiation on the scale of the project and the requested variances. We would love to welcome Mr. Witt's talents into our neighborhood. But we desire our zoning laws to be upheld. They were not put in place just to be cast aside on a whim. We ask that you please take our concerns into consideration.

Thank you for your time.

Sincerely,

Kira Cohen

signatures_1458277405

Name	Postal Code	State	Signed On
Chris Mathiesen	12866	New York	2016-03-17
Kristin Brenner	12866	New York	2016-03-15
Catherine Golden	12866	New York	2016-03-15
Olivia Cruz	12866	New York	2016-03-15
Scott Starr	12866	New York	2016-03-15
Bryan N.	12866	New York	2016-03-16
Jane Stevens	12866	New York	2016-03-16
Jeannine Moran	12866	New York	2016-03-16
Carol Schupp Star	12866	New York	2016-03-16
Karen Pettigrew	12866	New York	2016-03-16
Margaret Selikoff	12866	New York	2016-03-16
Kim Fonda	12866	New York	2016-03-16
kathy shimm	12866	New York	2016-03-16
Ronnie Betor	12866	New York	2016-03-16
Frank Callucci	12866	New York	2016-03-16
debbie barry	12866	New York	2016-03-16
isabella warner	12866	New York	2016-03-16
Mary Tipton	12866	New York	2016-03-16
Claire Demarest	12866	New York	2016-03-16
John Veitch	12866	New York	2016-03-16
Liam Sheji	12866	New York	2016-03-16
Jim Favaloro	12866	New York	2016-03-16
Philip Donnelly	12866	New York	2016-03-16
Jennifer South	12866	New York	2016-03-16
Theresa Boisseau	12866	New York	2016-03-16
Susan DeRossi	12866	New York	2016-03-16
Christine Guarnieri	12866	New York	2016-03-16
Carrie Warner	12866	New York	2016-03-16
Jena Rotheim	12866	New York	2016-03-16
Steven McCarthy	12866	New York	2016-03-16
Martha Strohl	12866	New York	2016-03-16
Cherylle Hudak	12866	New York	2016-03-16
Lillian Spost	12866	New York	2016-03-16
Michael Gent	12866	New York	2016-03-16
Melany Gent	12866	New York	2016-03-16
Rob Wright	12866	New York	2016-03-16
Shawn Banner	12866	New York	2016-03-16
Randi Kish	12866	New York	2016-03-16
Mame Noonan	12866	New York	2016-03-16
Lynn Blasso	12866	New York	2016-03-16
John Kaufmann	12866	New York	2016-03-16
Deena Smith	12866	New York	2016-03-16
Janice Bellamy	12866	New York	2016-03-16
Lynda goodness	12866	New York	2016-03-16
Martha Ray	12866	New York	2016-03-16
Amy Barakat	12866	New York	2016-03-16
patricia rubio	12866	New York	2016-03-16

Kathleen Brown	12866	New York	2016-03-16
Pepper Wolfe	12866	New York	2016-03-16
Robert McTague	12866	New York	2016-03-16
Daniel Schwank	12866	New York	2016-03-16
Gordon Ray	12866	New York	2016-03-16
Emma Folkins	12866	New York	2016-03-16
Theresa Capozzola	12866	New York	2016-03-16
Leslie Brown	12866	New York	2016-03-16
Joan Nellhaus	12866	New York	2016-03-16
Gabriel Stinson	12866	New York	2016-03-16
Laura Blunt	12866	New York	2016-03-16
Nancy Wilder	12866	New York	2016-03-16
Hillary Takahashi	12866	New York	2016-03-16
Judith Brenner	12866	New York	2016-03-16
Mary O'Donnell	12866	New York	2016-03-16
Jay Rogoff	12866	New York	2016-03-16
Judi Duclos	12866	New York	2016-03-16
Penny Jolly	12866	New York	2016-03-16
Frank DeRossi	12866	New York	2016-03-16
Brucie Rosch	12866	New York	2016-03-16
Tracy Millis III	12866	New York	2016-03-16
Regina Camilletti	12866	New York	2016-03-16
Jacklyn Clark	12866	New York	2016-03-16
Barbara Ungar	12866	New York	2016-03-16
Celete Caruso	12866	New York	2016-03-16
Suzanne kwasniewski	12866	New York	2016-03-16
Deborah Millis	12866	New York	2016-03-16
Johanna Garrison	12866	New York	2016-03-16
William Pettigrew	12866	New York	2016-03-16
Robert Lippman	12866	New York	2016-03-16
Peter Lee	12866	New York	2016-03-16
Susan Traylor	12866	New York	2016-03-16
Marisa Wade	12866	New York	2016-03-16
Arthur Porter	12866	New York	2016-03-16
Kathryn Fitzgerald	12866	New York	2016-03-16
Annmarie Palmieri	12866	New York	2016-03-16
doug lake	12866	New York	2016-03-16
Nanci StJohn	12866	New York	2016-03-16
Katherine Totten	12866	New York	2016-03-16
Robin Kish	12866	New York	2016-03-16
Rhea Demory	12866	New York	2016-03-16
John Schroeder	12866	New York	2016-03-16
Derek Olsen	12866	New York	2016-03-16
Teri Blasko	12866	New York	2016-03-16
Karin Vollkommer	12866	New York	2016-03-16
David Lombardo	12866	New York	2016-03-16
Dina Fittipaldi	12866	New York	2016-03-16
Margaret Fittipaldi	12866	New York	2016-03-16
Julio Olvera	12866	New York	2016-03-16

Holly Lawton	12866	New York	2016-03-16
Jill P McMahon	12866	New York	2016-03-16
Stephen Farenell	12866	New York	2016-03-16
Frank Capone	12866	New York	2016-03-16
Bette Brill	12866	New York	2016-03-16
amejo amyot	12866	New York	2016-03-16
Joy Burke	12866	New York	2016-03-16
Patricia Cornute	12866	New York	2016-03-16
sue scherer	12866	New York	2016-03-16
David Morris	12866	New York	2016-03-16
Mary Frances Healy	12866	New York	2016-03-16
Tara Chhabra	12866	New York	2016-03-16
Annette Carman	12866	New York	2016-03-16
MaryAnn Wager	12866	New York	2016-03-16
Stephanie Ryall	12866	New York	2016-03-16
Lisa Campilango	12866	New York	2016-03-16
Deborah Garrelts	12866	New York	2016-03-16
Joosje Anderson	12866	New York	2016-03-16
Barbara Claydon	12866	New York	2016-03-16
Chris Pringle	12866	New York	2016-03-16
monica winn	12866	New York	2016-03-16
Tracey Radigan	12866	New York	2016-03-16
Amy Hichman	12866	New York	2016-03-16
Rick Moran	12866	New York	2016-03-16
Kayla Rynasko	12866	New York	2016-03-16
Jeanne Oconnor	12866	New York	2016-03-16
Chuck Lamb	12866	New York	2016-03-16
Charles Kish	12866	New York	2016-03-16
Colleen Downing	12866	New York	2016-03-16
Ann Haller	12866	New York	2016-03-17
Ellen Boyce	12866	New York	2016-03-17
Deanne Marg	12866	New York	2016-03-17
Richard Dunham	12866	New York	2016-03-17
Jodi Stevens	12866	New York	2016-03-17
Louisa Foye	12866	New York	2016-03-17
Karen Thomas	12866	New York	2016-03-17
Joseph Marcuccio	12866	New York	2016-03-17
Vicki Feldman	12866	New York	2016-03-17
Patricia Duval	12866	New York	2016-03-17
Gloria Burke	12866	New York	2016-03-17
Tamara Woolsey	12866	New York	2016-03-17
Dorene Couch	12866	New York	2016-03-17
Ingrid H Stone	12866	New York	2016-03-17
Barbara Proctor	12866	New York	2016-03-17
Sandra Cohen	12866	New York	2016-03-15
Oona Grady	12866	New York	2016-03-17
Roxanne Mead	12866	New York	2016-03-17
Wayne T. Senecal	12866	New York	2016-03-17
Tara Martin	12866	New York	2016-03-17

EDWARD Jewell	12866	New York	2016-03-17
Jerome Luhn	12866	New York	2016-03-17
Sheila Levo	12866	New York	2016-03-17
William Yusavage	12866	New York	2016-03-17
Melanie Herter	12866	New York	2016-03-17
Ina Harney	12866	New York	2016-03-17
James Lestrange	12866	New York	2016-03-17
Loretta Martin	12866	New York	2016-03-17
LeeAnne Olsen	12866	New York	2016-03-17
Joanne Dwornik	12866	New York	2016-03-17
Alan Edstrom	12866	New York	2016-03-17
Henry Bovee	12866	New York	2016-03-17
Sam Brewton	12866	New York	2016-03-15
Michelle Deyette	12866	New York	2016-03-17
Judy Riester	12866	New York	2016-03-16
Holly Bates	12866	New York	2016-03-16
Ann Sette	12866	New York	2016-03-16
Kira Cohen	12866	New York	2016-03-15
Michelle Deyette	12866	New York	2016-03-17
Judy Riester	12866	New York	2016-03-16
Holly Bates	12866	New York	2016-03-16
Michele McClure	12871	New York	2016-03-17
Susan king	12871	New York	2016-03-17
doug klein	12871	New York	2016-03-17
james brophy	12877	New York	2016-03-16
Amy Syrell	12803	New York	2016-03-16
Jarred Butler	12822	New York	2016-03-16
Meghan Cherny	12822	New York	2016-03-16
Gary Daluisio	12831	New York	2016-03-16
Erin Wiggin	12831	New York	2016-03-16
Llona Hogan	12831	New York	2016-03-16
Lori LeBarron	12831	New York	2016-03-16
Davene Jones	12831	New York	2016-03-16
Diller Ann	12831	New York	2016-03-16
Liz Mark	12831	New York	2016-03-16
renee harder	12831	New York	2016-03-17
Kelly O'DONNELL -Mackison	12831	New York	2016-03-17
Sunshine Stewart	12833	New York	2016-03-16
Darrell Rikert	12833	New York	2016-03-16
Kathy Becker	12833	New York	2016-03-16
Joyce McKnight	12846	New York	2016-03-16
JOHN DUANE	12850	New York	2016-03-16
Joann Lorman	12859	New York	2016-03-16
Randy Hammond	12859	New York	2016-03-16
Noah Casner	12865	New York	2016-03-16
Amber Duffney	12944	New York	2016-03-16
Julie Behrens	13743	New York	2016-03-16
Ardath Stroman	14105	New York	2016-03-16
Tracy Maimone	14445	New York	2016-03-16

Michael Yarinsky	11205	New York	2016-03-16
Janice Pancake	12020	New York	2016-03-16
Sherry Dapello	12020	New York	2016-03-16
Beverlee Patterson	12020	New York	2016-03-16
Shealyn Heritage	12020	New York	2016-03-16
Cindy June	12020	New York	2016-03-16
Michelle Cameron	12020	New York	2016-03-16
Cathy Hoff	12020	New York	2016-03-16
Beverlee Patterson	12020	New York	2016-03-17
Martha Almgren	12020	New York	2016-03-17
richard bradley	12020	New York	2016-03-17
Nancy Flynn	12028	New York	2016-03-16
Thomas Wadsworth	12043	New York	2016-03-17
Hannah Christopher Christopher	12065	New York	2016-03-16
Vanessa Saari	12065	New York	2016-03-16
Denise Dart	12065	New York	2016-03-16
Eric Gould	12144	New York	2016-03-16
Michael Taormina	12188	New York	2016-03-17
nancy Henry	12203	New York	2016-03-16
c frank parisi	12210	New York	2016-03-16
linda battiste	12302	New York	2016-03-16
Michael Yarinsky	11205	New York	2016-03-16
Janice Pancake	12020	New York	2016-03-16
Sherry Dapello	12020	New York	2016-03-16
Beverlee Patterson	12020	New York	2016-03-16
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Cindy June	12020	New York	2016-03-16
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Martha Almgren	12020	New York	2016-03-17
richard bradley	12020	New York	2016-03-17
Nancy Flynn	12028	New York	2016-03-16
Thomas Wadsworth	12043	New York	2016-03-17
Hannah Christopher Christopher	12065	New York	2016-03-16
Vanessa Saari	12065	New York	2016-03-16
Anthony Smith	20011	District of Columbia	2016-03-16
Karen Hefter	20637	Maryland	2016-03-17
Marie falls	22193	Virginia	2016-03-16
Robert Bostick	22202	Virginia	2016-03-16
Alysia Han	28036	North Carolina	2016-03-17
Allison Williford	28467	North Carolina	2016-03-16
Sherry Callahan	30517	Georgia	2016-03-16
John Spinelli	32724	Florida	2016-03-15
Justin Cressey	33066	Florida	2016-03-16
Bethany Cohen	33433	Florida	2016-03-17
Matt schwarz	33919	Florida	2016-03-16
Nicholas Rossi	34219	Florida	2016-03-17
Annette Damron	34461	Florida	2016-03-16

Paul Hibbert	74011	Oklahoma	2016-03-16
Michael Graul	80015	Colorado	2016-03-17
Rick Leverence	2144	Massachusetts	2016-03-16
Patricia Mathews	4073	Maine	2016-03-16
MaryBeth Hibbert	5408	Vermont	2016-03-16
Richard Hibbert	5408	Vermont	2016-03-16
Jennifer Kleindienst	6457	Connecticut	2016-03-17
Kathleen Ruggles Orefice	6880	Connecticut	2016-03-16
james yellen	7470	New Jersey	2016-03-17
Rick Leverence	2144	Massachusetts	2016-03-16
Patricia Mathews	4073	Maine	2016-03-16
MaryBeth Hibbert	5408	Vermont	2016-03-16
Richard Hibbert	5408	Vermont	2016-03-16
Jennifer Kleindienst	6457	Connecticut	2016-03-17
Kathleen Ruggles Orefice	6880	Connecticut	2016-03-16
james yellen	7470	New Jersey	2016-03-17

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of proposed "Downton Walk":

- We don't oppose Mr. Witt per se, or that he should develop this property.
- But we are concerned about the scale of the variances he is requesting and of the project as currently designed.
- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

Joan Rupprecht, [redacted] Jumel Place

Larry Britt

Marie Britt [redacted] Caroline St.

Anne Kearney Prouty [redacted] Jumel Pl.

Bill Evans [redacted] June Pl.

Mary Hibbert [redacted] Jumel Place

[illegible]

(Gabriel Edell) [redacted] Jumel Pl.

Michael P. Perri [redacted] Jumel Pl.

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Rachel D Morris [redacted] Ludlow St.

[illegible] [redacted] Ludlow St SS NY 12866

[illegible] [redacted] Ludlow St 12866

[illegible] [redacted] Maple ave 12866

[redacted]

Alison Manning [redacted] Jumel Pl 12866

Elizabeth DiMuzzo [redacted] Lake Ave Saratoga Springs NY 12866

[illegible] [redacted] Lake Ave Saratoga Springs NY 12866

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Karyn Lanatti [redacted] Lake

Karen Hicks [redacted] Lake Ave

William MAX OSWALD [redacted] EAST Ave

Marie Sanok [redacted] East Ave

I do oppose.

Gina Morris 8 Pinewood Ave this development

Joe Fitzgerald [redacted] EAST Ave

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[signature] LITWIN, ERIC [redacted] LAKE AVE

[signature] YUSAVAGE, WILLIAM [redacted] East Ave

Linda Church Linda Church [redacted] Lake Ave, Saratoga Springs NY

Paul Church [redacted] LAKE AVE SARATOGA SPRINGS, NY 12866

Jim MacNeill [redacted] Lake Ave SS. Jim MacNeill

Susie O. Torone [redacted] East Ave. S.S. 12866

[signature] [redacted] Hutchins St 12866

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LITWIN, ERIC [redacted] LAKE AVE

William F. Savage (SAVAGE) WILLIAM [redacted] East Ave

Linda Church Linda Church [redacted] Lake Ave, Saratoga Springs NY

Paul Church [redacted] LAKE AVE SARATOGA SPRINGS, NY 12866

Jim MacNeill [redacted] Lake Ave SS. Jim MacNeill

Susie O. Toone [redacted] East Ave. S.S. 12866

[redacted] Hutchins St 12866

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Karyn Zanetti [redacted] Lake

Karen Hicks [redacted] Lake Ave

William Max Oswald [redacted] East Ave

Marie Sanok [redacted] East Ave

Tina Morris [redacted] Pinewood Ave I do oppose this development

Joe Fitzgerald [redacted] East Ave

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[illegible] [redacted] Ludlow St SS NY 12866

[illegible] [redacted] Ludlow St 12866

[illegible] [redacted] Maple ave 12866

[redacted]

Alison Manning [redacted] Jumel Pl 12866

Elizabeth DiMuzzo [redacted] Lake Ave Saratoga Springs NY 12866

[illegible] [redacted] Lake Ave Saratoga Springs NY 12866

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Mary Hibbert [redacted] Jumel Place

(Gabriel Edell) [redacted] Jumel Pl.

Michael P. Perri [redacted] Jumel Pl.

WATER UNDER THE BRIDGE . . .

After spending much time with the drawings and plans for Downton Walk, something about the numbers has not felt right. But, this time, it had to do with permeability, the amount of vacant land on a lot that is available to absorb water, such as rain, melting snow, pipe break, swimming pool overflow, etc.

Because we were previously pursuing other issues, we didn't really look at the math in the permeability charts presented on the drawings. A closer examination reveals some inconsistencies and numbers don't seem to add up.

If you want to follow along, we draw your attention to the builder's package presented at the March 7, 2016 meeting of the Zoning Board of Appeals. Copies of the documents can still be found online at http://www.saratoga-springs.org/AgendaCenter/ViewFile/Item/379?fileID=1546

We are referring specifically to pages 14 & 17. The numbers on page 14 are very fuzzy, because they are reduced copies of what appears to be a blueprint. So, our figures might not be exact, but we are confident that they are very close. Also, it is our understanding that, to find the permeable area that is left on a lot, one adds the footprints of the homes planned for the land to the other areas designated as non-permeable, because the areas under roof are considered non-permeable.

Witt states on the drawings chart that the **non-permeable area** (listed as the size of the road, driveways, pavers, porches, "living", and garages -- **excluding** the housing footprints) is roughly **21,300** sq.ft. When we add in the home **footprints** total from the other chart – roughly **15,900** sq.ft. – we arrive a grand total of non-permeable surface of **37,200** sq.ft. Yet, the area of the lot itself is only **34,765** sq.ft. So something **must** be wrong, especially when 25% of the land – in this case, **8,691** sq.ft. – must be kept permeable.

At best, perhaps we could remove the "Living" line item in the Non-Permeable Areas part of the chart on page 14. That represents about 5,660 sq.ft. We cannot understand what that is. So we're thinking perhaps it was a mistake? That would **adjust** the designated **Non–Permeable area** to **15,640** sq. ft. Added to the **15,900** sq.ft. of **home footprints**, the **total Non-Permeable** would be reduced to **31,540**. However, the difference of **3,225 sq.ft. (9.28%)** does not meet the City's need for **8,691 sq. ft. (25%)** of permeability.

At a glance, it appears to all work beautifully for him on page 17, **because** he has only cited Roads and Driveways as non-permeable, **neglecting to add in the other non-permeable items on his chart on page 14: specifically pavers, porches, "living", and garages**. If there is a viable reason for this, we would greatly appreciate an explanation. If not, we think the City has an obligation to make certain he's not accidentally taking advantage of more area variances than he is requesting.

We feel quite certain that, should this project proceed, detailed plans with accurate measurements will be forthcoming. But that might be far too late, because it is not impossible that the ZBA will have already cast the die for the Jumel Place “seasonal swimming pool” which -- because of non-permeability of the land -- could periodically replace the street itself.

So we ask the ZBA to stop this process and request accurate accounting of permeability as well as further information on the expected final sizes of the homes being planned, as at least five of the square footages being discussed in the media either match or come close to the sizes that appear as **single-story footprints** on the permeability chart -- while the project elevations call for multiple story structures.

###

From: "Kira Lajeunesse" [redacted] >
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 20, 2016 4:06:50 PM
Subject: Downton Walk Proposal-27 Jumel Place

Ladies and Gentleman of the Zoning Board of Appeals,

There is no reason that Mr. Witt should be granted any variance to the current zoning law of the City of Saratoga Springs. The lot upon which he wishes to build is in a UR3 zone which does not permit the type or size of structure which he seeks permission to erect. The homes surrounding this site are single family residences with no more than 2000 square feet of living space. The structures proposed by Witt simply do not fit in the neighborhood, and clearly will change or alter the character of this neighborhood.

Mr. Witt can build homes that do, in fact, blend with the neighborhood, that do not violate

the zoning law and do not require any variances and still realize a profit..

This seems another example of local builders trying to convince the Zoning Board that in order to make a profit they must be given a variance. There is no hardship that he will suffer if not granted the variance that he seeks.

As an owner of two homes in Saratoga's Historic District (one on Circular Street and one on White Street) and a resident of Saratoga's historic district for over thirty years, I am appalled by the gross changes that have begun to encroach on our neighborhoods.

Please deny the variance for the benefit of the city and the residents who have made Jumel Place their home.

Thank you,
Kira Lajeunesse

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From: "Laura Giannini" [redacted] >
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 20, 2016 3:12:47 PM
Subject: Opposition to proposed 27 Jumel Place development

Ms. Barden,

I'd like to express my objection to the proposed Downton Walk project and the associated variance requests for the 27 Jumel Place property. I live several houses away on Jumel Place, and I strongly feel that the scope of the project is not fitting or appropriate for our neighborhood. Additionally, the proposed density and the number of requested variances are concerning for both this particular property and the precedent that approval may set moving forward. I am not opposed to rejuvenation of this property in general, just the specifics of this particular proposal. I would support a more balanced project in line with

the invaluable character of our neighborhood.

I often walk past this property on my way to East Side Rec with my young son, and I do not want that part of our street to be built up in a fashion so incongruous with the scale, architecture, and lot set-up as the rest of the street.

Thank you for your consideration of the views of the neighbors as you evaluate this decision.

Laura Giannini
[redacted] Jumel Place, Saratoga Springs

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From: [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 20, 2016 11:45:51 AM
Subject: Save Saratoga

We agree that the Downtown Walk proposal on Jumel should not go forward.

Lesley and Bob Vogel
[redacted] Caroline Street

From: "Reg Lilly" [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Saturday, March 19, 2016 1:39:51 PM
Subject: 27 Jumel

Hello,
I live at [redacted] Granger, right around the corner from the propsed condominium. Last I heard, there was a plan to build several McMansions there. I'm definitely opposed to the development that I now read about on the flyer you left on my door.

Sincerely,
Reginald Lilly
[redacted] Granger Ave
Saratoga Springs, NY

From: [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Saturday, March 19, 2016 10:04:10 AM
Subject: PLEASE!!!!!!!!!!!!!!!

STOP THE MADNESS THAT IS GOING ON WITH THE BUILDERS/DEVELOPERS & THE REAL ESTATE BUSINESS!!!!!!!!!!!!!!!!

From: "Penny Jolly" [redacted]>
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Friday, March 18, 2016 9:25:27 AM
Subject: Downto Walk

Dear Ms. Barden,

I wish to urge the ZBA to turn down the request for all the variances so that the builder can build 7 codos in what is clearly a neighborhood of one-family houses on individual plots of land. I live about 3 blocks away from the site and often walk there; Downton Walk simply does not fit in: it's pretentious, crowded, and totally out of character with the neighborhood. That's why we have zoning laws: to maintain certain types of structures in certain parts of the city. Please do NOT waive these zoning restrictions.

Thank you,
Penny Jolly

****

Dr. Penny Howell Jolly
Professor of Art History
Filene 111
Skidmore College
Saratoga Springs, NY 12866

From: "Deborah Garrelts" <[redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Friday, March 18, 2016 7:22:45 AM
Subject: downton walk

Ms. Barden and zoning board of appeals,
I am voicing objection to the downton walk project.
the zoning variances and elimination of set backs is an intrusion
on the existing neighborhood.

The "charm" of the condo units does not fit at all in the existing
character of the neighborhood despite Mr. Witt's extensive
reputation. It calls to mind a McMansion that was built on
North Broadway which inspires ridicule for being over the top and pretentious.

The project impacts its immediate neighbors in a negative way
through loss of trees, loss of light by towering over other structures, and
loss of privacy through reduced or eliminated setbacks.

I urge the zoning board of appeals to reject the project as it is until changes are made
to lessen the negative impacts on neighbors and the neighborhood.

--
Deborah Garrelts

---------- Forwarded message ----------
From: **Darlene Murray** [redacted]
Date: Fri, Mar 18, 2016 at 7:13 AM
Subject: The Witt Construction Project called "Downton WalK"
To: bbirge@saratoga-springs.org, maynard@saratoga-springs.org, cindy.phillips@saratoga-springs.org, gonzalez@saratoga-springs.org, Christina.Carton@saratoga-springs.org, susan.barden@saratoga-springs.org
Cc: jwitt@wittconstruction.com, Sam Zucchini [redacted], Debbie Garrelts [redacted], William Yusavage [redacted]

Dear Members of the Zoning Board of Appeals

I am writing to express my concerns about the project called "Downton Walk" proposed by John Witt. My husband, William Yusavage and I currently own a two-family home at [redacted] East Avenue, and I own a a single family home located behind my house at [redacted] East Avenue, around the corner from Jumel Place. I pass the lot in question on a daily basis when walking. I have lived in Saratoga Springs since 1991, and have owned four houses in the city, including three in this neighborhood. I have lived on East Avenue for a combined total of 20 years, and I love it because of the neighbors who all look out for one another.

Its a warm and inviting neighborhood of middle-class families, and I know a number of them personally.

First, let me say that I mistakenly signed a letter of support for the project last week when Mr. Witt came to my house on a door-to-door mission to gain support. I was pleased to hear that the stucco building that is currently at the location on Jumel Place would be replaced with housing, however now I am concerned with the style and scope of the project.

My current understanding is that the lot is zoned for five single-family homes or four two-family homes. I understand that Mr. Witt wants to build seven single family homes on this lot. Unfortunately, the project he has put forth does not appear to fit into the neighborhood, becasue of its design and scope. It is my understanding the required setbacks are being violated with this plan. Looking at the rendering, it appears to have a stone facade and an Elizabethan design. Contrast this with the modest wood-framed Victorian homes surrounding the lot on all sides, and it looks completely out-of-place. It certainly appears that there would be no back yards, front yards or even adequate parking spaces on the lot, which is concerning to me as a local resident. It means that these houses would not appeal to families, but rather to retirees or those purchasing a second home, who don't want the trouble of yard upkeep. As second homes these houses may sit empty for much of the year. In addition, I am concerned that the lot may be fenced in at a hight of 8 feet. Nothing says "I don't want to get to know my neighbor" more than an 8 foot high fence! Look around the nighborhood and note that there are almost no high fences separating yards. In fact, our fences are 3 or 4 feet high so that we can chat with our neighbors, and keep an eye on each other's homes, especially during the racing season when burgleries and other crimes spike in our neighborhood.

For these, and many other reasons, I respectfully request that the Zoning Board of Appeals deny Mr. Witt's current propossal and ask him to modify his plans to include no more that five single-family homes, with Victorian style architectural elements, adequate off-street parking, and that no high fences be erected that would wall-off the houses like a gated community.

Thank you for your consideration of my request.

Darlene D. Murray
[redacted] East Avenue
Saratoga Springs, NY
[redacted]

From: "Gerald Mattison" [redacted]>
To: "joanne yepsen" <joanne.yepsen@saratoga-springs.org>, "michele madigan" <michele.madigan@saratoga-springs.org>, "christian mathiesen" <christian.mathiesen@saratoga-springs.org>, "john frank" <john.frank@saratoga-springs.org>, "skip scirocco" <skip_scirocco@saratoga-springs.org>, "joseph ogden" <joseph.ogden@saratoga-springs.org>, "tim cogan" <tim.cogan@saratoga-springs.org>, "sharon kellner-chille" <sharon.kellner-chille@saratoga-springs.org>, "lynn bachner" <lynn.bachner@saratoga-springs.org>, "eileen finneran" <eileen.finneran@saratoga-springs.org>
Sent: Wednesday, March 16, 2016 6:01:01 PM
Subject: Jumel Redevelopment Proposal

Dear Mayor Yepsen and the City Council.

I'm sure by now you are aware of the Downton Walk Development proposed for 27 Jumel. Though we all probably agree that the removal of the factory building that presently occupies the property and replacing with residential housing would be the ideal for all involved parties, the present proposal before the Zoning Board of Appeals violates the spirit and intent of the current zoning ordinances. This is not only manifested by the number of variances sought (5) but also by the significant amount of relief requested for each variance. The net result is not just a minor tweak such as to allow a homeowner change a deck, or perhaps enlarge a garage built for buggies to accommodate a vehicle, but rather the variances are being used to subvert the local Zoning. It is important that this ***not*** become a precedent that can be cited for development in other City residential areas!

To be sure I do not blame the developer. It is in the realm of the City Planners and the Zoning Board of Appeals to protect the spirit of the Zoning ordinances yet provide case specific variances that will minimally alter the spirit of the zoning. This is especially important in residential areas. I contend, at least in this case, those we have hired or appointed, have fallen short in carrying out the mission that the residents have entrusted them to perform.

The Zoning Board of Appeals has yet another chance on Monday to review the application and hopefully recommend to the developer a resubmission of a plan that will not subvert the intent of the Zoning Ordinances. I would hope the Mayor and City Council would also agree that the spirit of the zoning should not be compromised and will also express their concerns to the Zoning board of Appeals.

Respectively,

Gerald Mattison,

[redacted] Lake Ave Saratoga

Cell: [redacted]

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From: "Peter Dorsman" [redacted]>
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Wednesday, March 16, 2016 9:39:20 AM
Subject: Downton Walk Development

Susan

I have been following the approval process regarding Downton Walk and wanted to express my support. It is my understanding the Saratoga Springs Planning Board has agreed to an extension of the previously received approval of the development and a similar extension request will be reviewed by the Saratoga Springs Zoning Board.

Before moving to Saratoga Springs in 2014 I lived in Manhattan so I am familiar with housing density. The plans I have seen for Downton Walk are aesthetically appealing and representative of "the art of the possible" when designing residences in an existing neighborhood.

My Saratoga residence (Park Alley North) is in an area that was developed by John Witt. While I did not purchase my home from Witt Construction, I bought the home because I was impressed with the quality of the construction and what Witt Construction was able to create in a relatively small area. I am confident Witt Construction will deliver a similar result with the development of Downton Walk.

Peter Dorsman

From: "Kara Conway Love" [redacted] >
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Cc: [redacted]
Sent: Tuesday, March 15, 2016 9:50:14 PM
Subject: Witt Construction Project - 27 Jumel Place

Dear Ms. Barden- we are in favor of the Witt Construction project on Jumel Place in the City of Saratoga Springs. We recently met with Mr. Witt to learn more about the proposed single family condominium project. We believe that the project will improve the neighborhood by eliminating the existing commercial building and constructing attractive homes which will fit in the neighborhood. The proposed homes will have similar setbacks to the existing homes on the street. This project is sure to enhance the neighborhood and increase property values.

Thank you for your time.

John Love and Kara Conway Love
[redacted] Waldens Pond Rd, Albany, New York 12203
[redacted] (Kara cell)

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----- Forwarded Message -----
From: [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 20, 2016 8:25:20 PM
Subject: Jumel Place development

I'm writing to express my concern about the proposed Jumel Place development, which would be unacceptably out of scale with the surrounding neighborhood. Not only would the variances requested result in irrevocable harm to what is now a beautiful area, but granting them would set a very dangerous precedent. I ask that the variances be denied, and only a neighborhood-compatible plan approved.
Thank you.
Judith LaPook
[redacted] Horseshoe Drive
Saratoga Springs

Sent from my iPhone

From: "Linda Church" [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 20, 2016 8:12:10 PM
Subject: Jumel Place - Downton Walk

Dear Ms. Barden and members of the zoning board,

I am writing to express my concern about the variances requested by Mr. Witt for the proposed project on Jumel Place. The size and scope of the project is not in scale with the existing neighborhood, and the density for the size of the property is inappropriate for this UR3 zoned area. The current zoning exists for a reason, and if you grant these variances, this will give license to any builder who wishes to do the same. The city is already choking under all the growth, and we are losing the quaint character of what was Saratoga.

Mr. Witt builds beautiful homes. I respectfully ask that he submit a project that is smaller

in size, more fitting to the surrounding homes (most of which are under 2000 square feet), which do not encroach on the neighbors, and one that keeps more green space in our neighborhood. Deny this change in zoning for the good of our city, and the neighbors on Jumel.

Respectfully Submitted,

Linda Reese Church
[redacted] Lake Ave.

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From: "Tina Morris" [redacted]>
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 20, 2016 6:09:00 PM
Subject: "Downton Walk Development"

Susan,
I live very near-by this proposed project and am extremely concerned.

Seven single condominiums could easily be only the beginning of a major change to our small early 20th century neighborhood.

I was born and raised in Los Angeles, CA where set backs and limits on the number of stories have been ignored. The results are in a word, a "mess"!

If zoning regulations/laws are waived for Mr. Witt then a long line of developers will follow! A precedent should definitely not be set here, no exceptions!

Tina Morris

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From: "Scott Dexter" [redacted]>
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 27, 2016 12:00:51 PM
Subject: 27 Jumel

Ms. Barden,

We own [redacted] Jumel Place, which has a long shared property border with the proposed property.
The issue of the application for variance for 27 Jumel has only recently come to our attention.

We oppose the variance for the number of proposed properties for the sight.

Furthermore, we particularly opposed the variances for the setback, since buildings would be within 6 feet of our property, as well as the proposed 8 foot fence, if indeed that fence will border the back yard of [redacted] Jumel.
These variances will adversely impact the enjoyment and aesthetics of our property. In fact, I am sure the zoning codes were designed to protect property owners from precisely such an adverse impact.

Sincerely,
Scott and Martha Dexter

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

March 22, 2016

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

RE: SCPB Referral Review#13-109–Area Variance- ANW Holdings/Witt
Demolition of existing building to construct a 7-unit condo building needing variances for front yard setbacks, lot coverage and height for exterior fence. Jumel Place, north side & Granger Ave., west side.

Received from the City of Saratoga Springs Zoning Board of Appeals on March 18, 2016.

Reviewed by the Saratoga County Planning Board on March 22, 2016.

Decision: No Significant County Wide or Inter Community Impact

Comment: We recognize the referral to be submitted because the original variances granted to the appellant on May 1, 2014 have expired without any activity having been undertaken. It is additionally acknowledged that the appellant has presented nothing of great magnitude as new or additional to the variance request made since our last review of the project. In accordance with the Memorandum of Understanding (MOU) between the City of Saratoga Springs Zoning Board of Appeals and the Saratoga County Planning Board (SCPB) the above-noted area variances have been reviewed and deemed to present no impacts or issues of a countywide or intermunicipal nature.

Michael Valentine, Senior Planner
Authorized Agent for Saratoga County

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

50 WEST HIGH STREET
BALLSTON SPA, NY 12020

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

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

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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.

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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

[redacted]

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

[redacted] Jumel Place

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 variences on Jumel Place

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

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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: "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]
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

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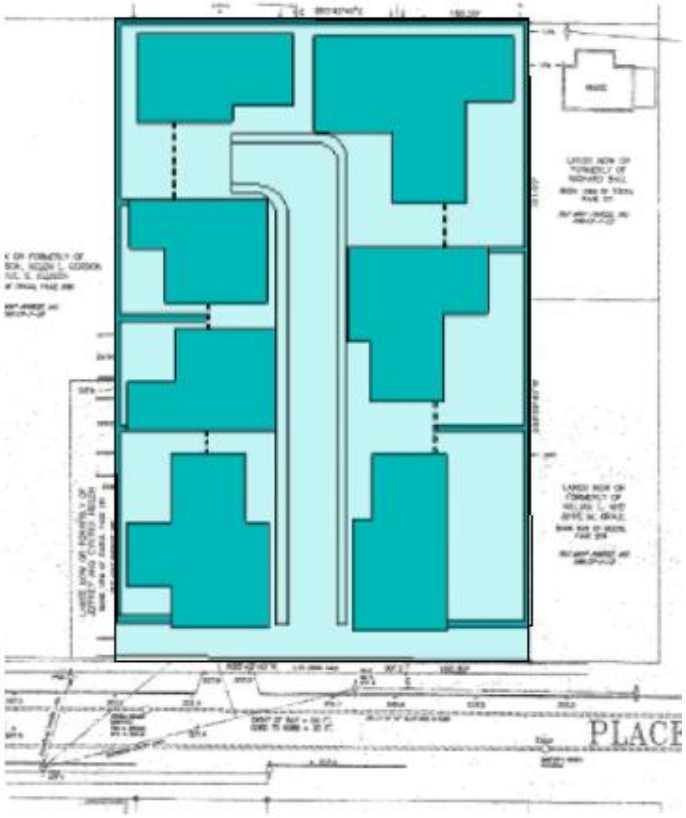
DOWNTON WALK

WITT CONSTRUCTION, INC.

563 NORTH BROADWAY, SARATOGA SPRINGS, NY 12866

518.587.4113 | WITTCONSTRUCTION.COM

Granger Ave
Jumel Pl



Concept Site Plan

Site Plan with Existing Building

Proposed Downton 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	12,000
Total	754,700
Reasonable Return for Development Risk	150,700
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
Saratoga Springs NY

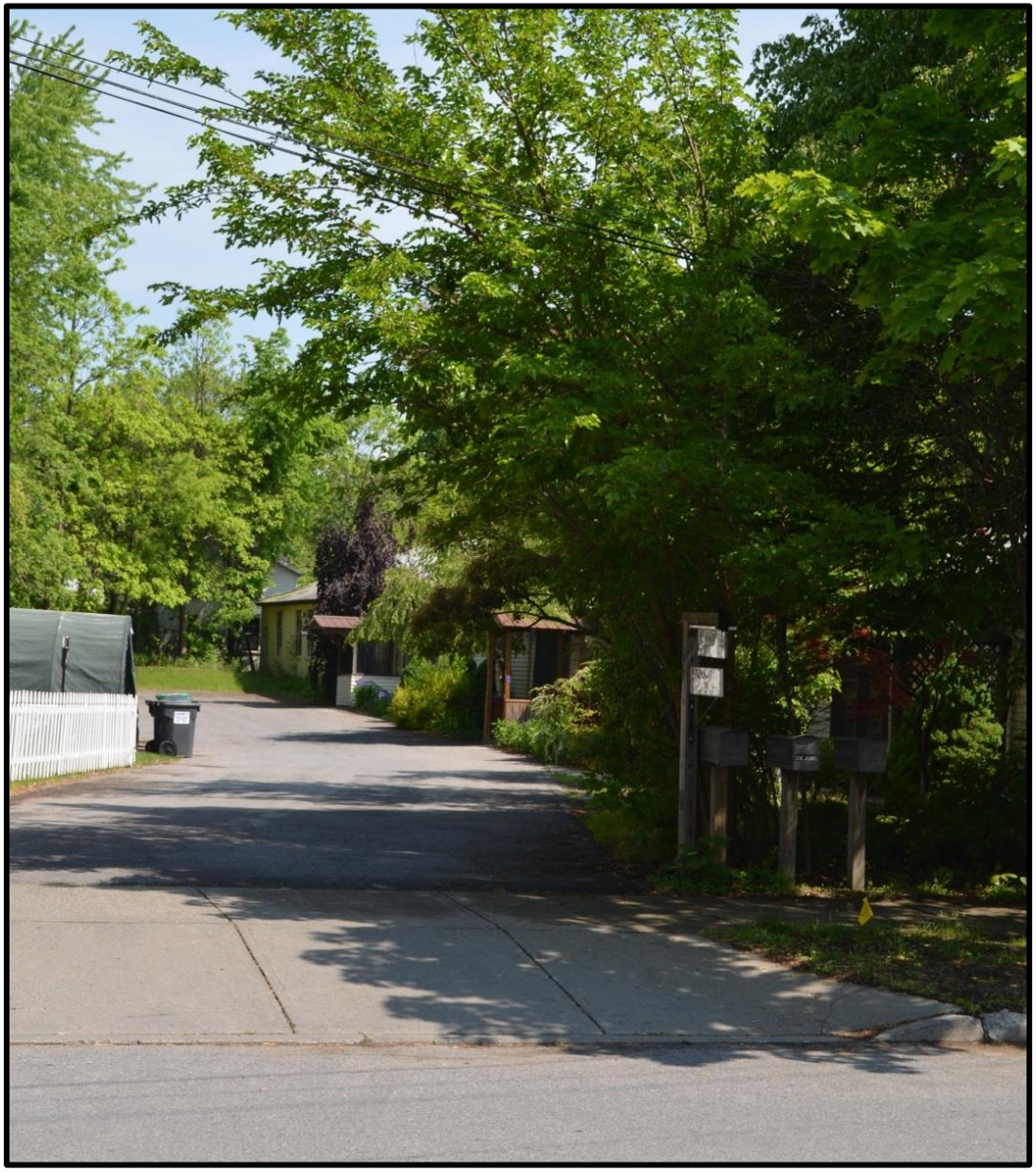
Witt Construction
6/12/2013

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

Area	Existing	% of Lot	As Drawn	% of Lot
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



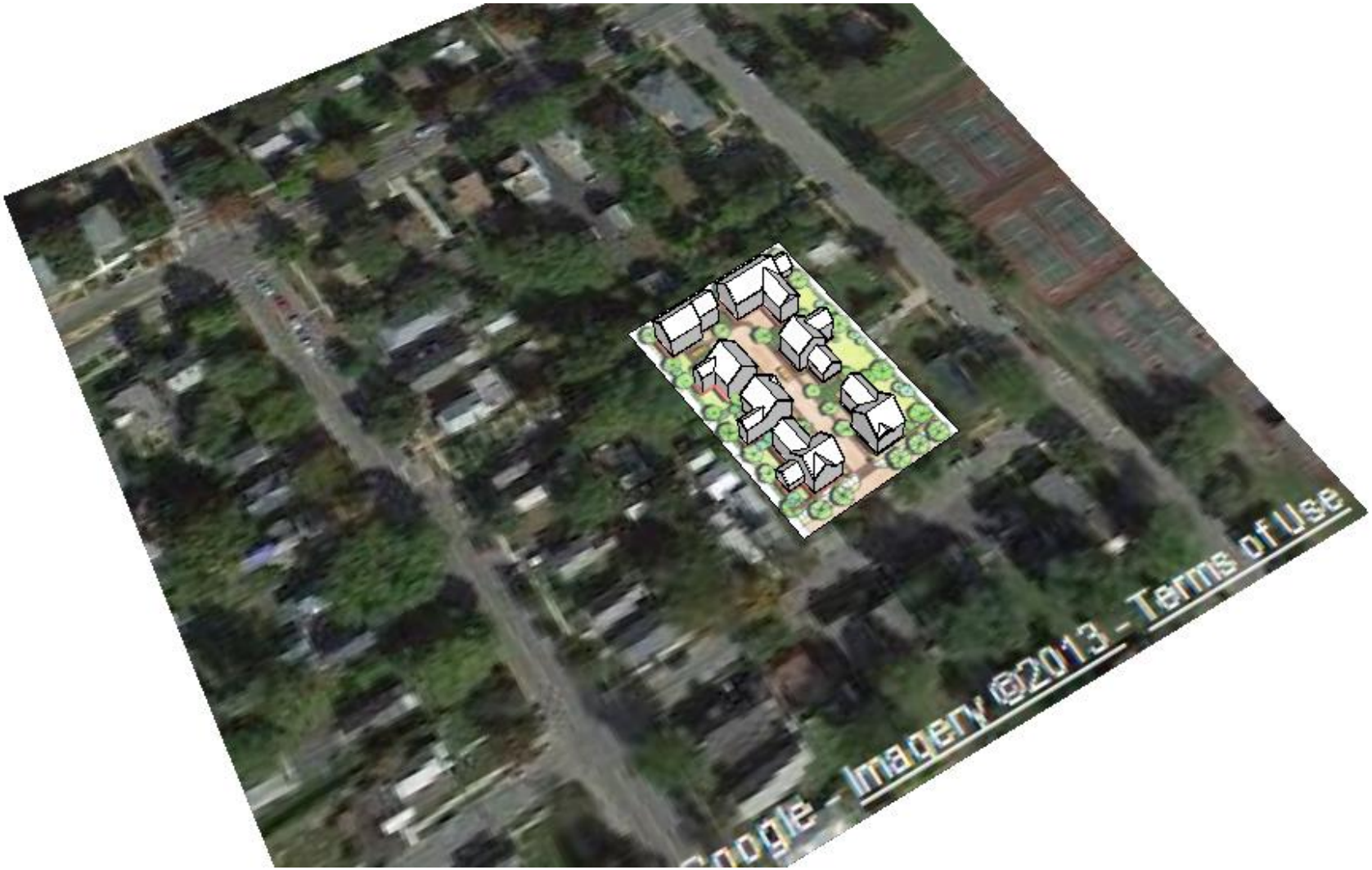
SARATOGA
CITY BALLET
TENKARA
KARATE

Neighborhood

NO PARKING
24 HRS

STOP

188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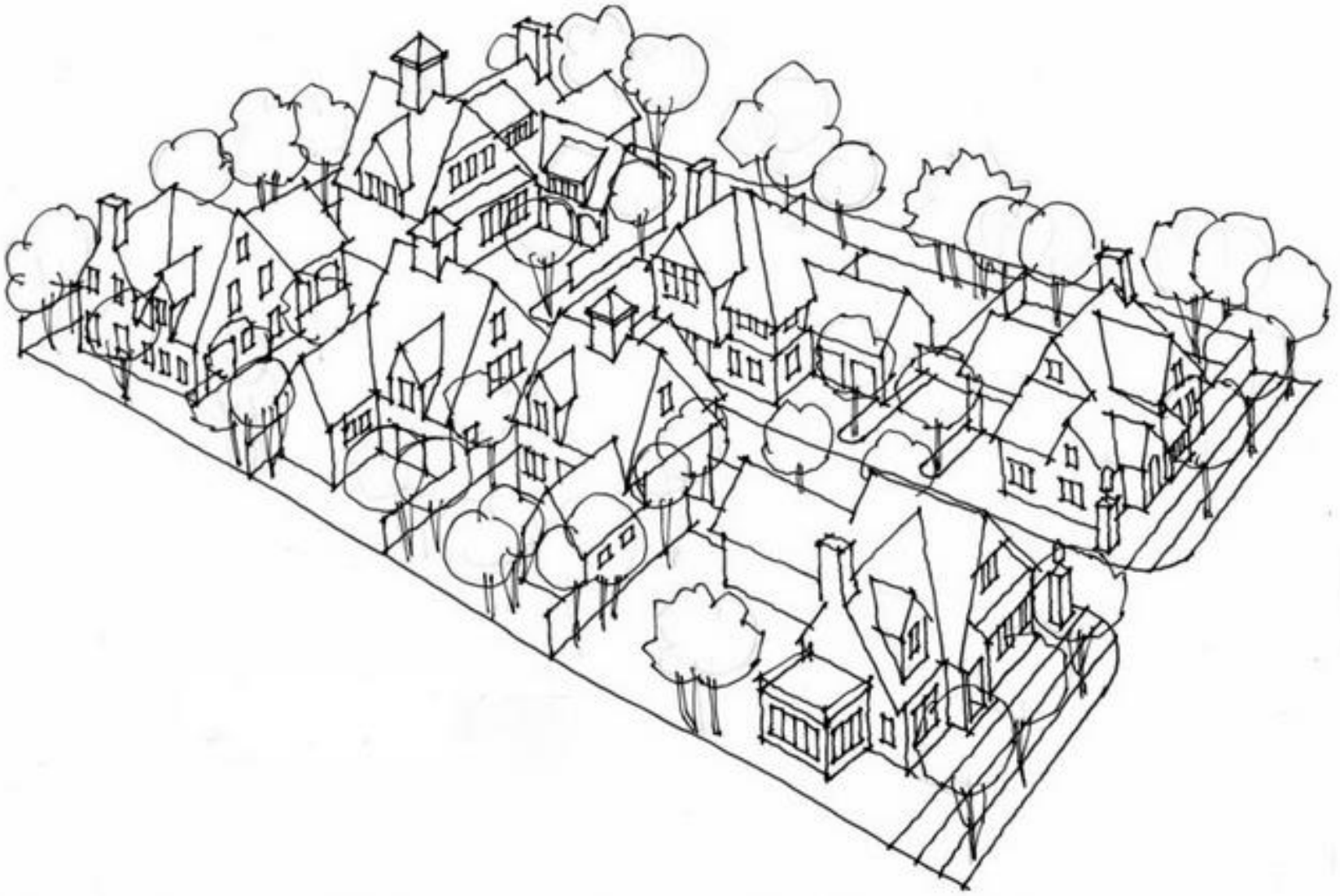
Proposed Downton Walk

Proposed Downton Walk



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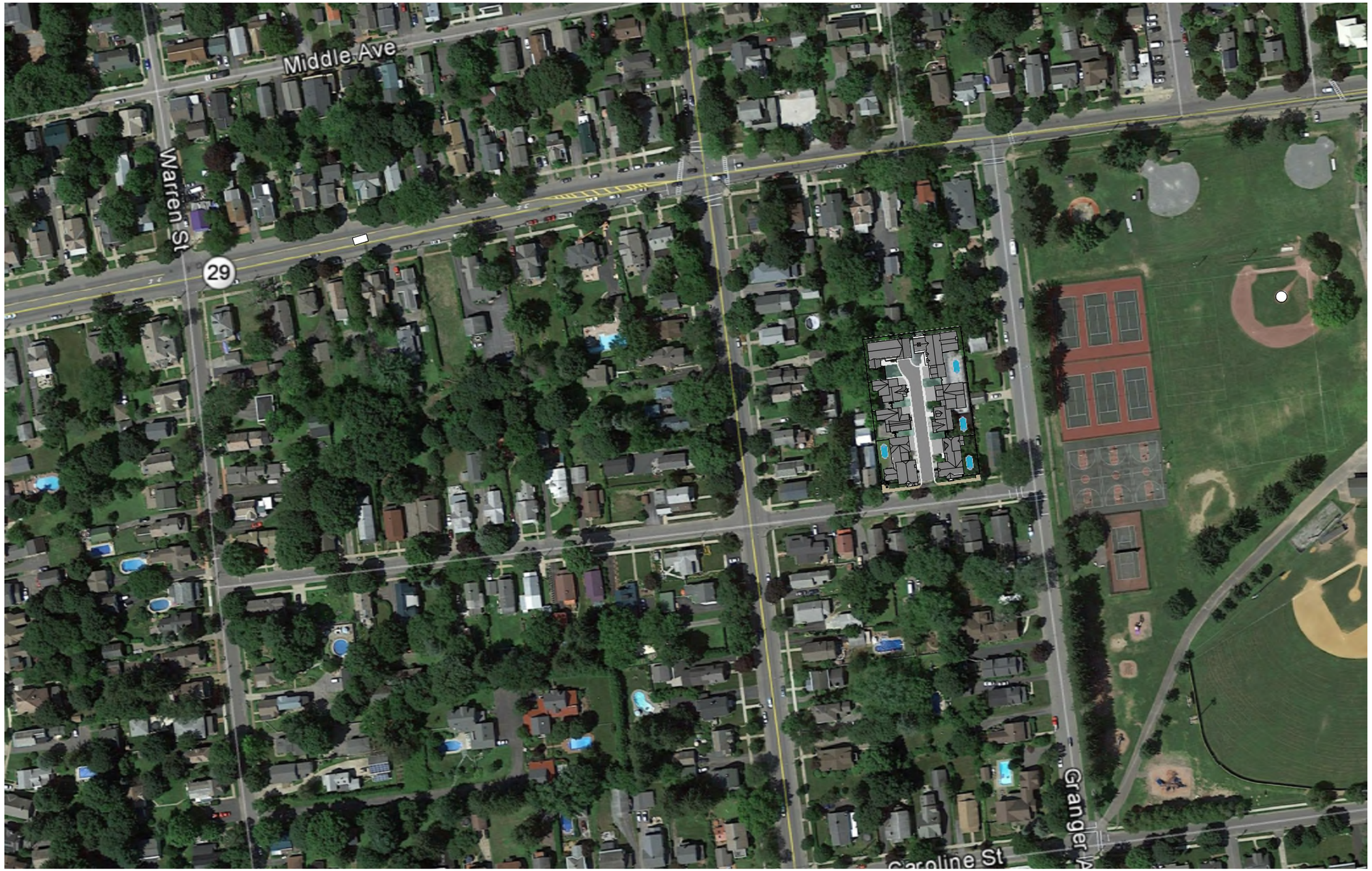

Witt Construction

563 N Broadway Saratoga Springs, NY 12866

March 1, 2016

Downton Walk

Aerial View

Scale: 1" = 150'

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.

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.

###

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]

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

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

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

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

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

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

240-2.3 A., Table 3 and 6.4.5 A. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☒ Area Variance seeking the following relief:

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

☒ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR 2/22/16 DATE

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

Dear Ms. Barden -

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

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

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

Thank you.

Sincerely,
Tracy and Johnny Miller

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