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

Bill Moore, *Chair*
Keith Kaplan, *Vice Chair*
Adam McNeill, *Secretary*
George "Skip" Carlson
Gary Hasbrouck
James Helicke
Susan Steer
Cheryl Grey, alternate
Oksana Ludd, alternate

ZBA Meeting
City Council Chambers – 7:00 p.m.

AGENDA

7:00 P.M. **ZBA Meeting – Monday, June 20, 2016**

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

Salute The Flag

Role Call

New Business

1. **#2896 ICE HOUSE TENT**
   70 and 72 Putnam Street, area variance to erect a permanent tent; seeking relief from the minimum two-story, build-to line and maximum frontage build-out requirements in the Transect-6 District.

   Documents: 2896 ICEHOUSETENT_APPLICATION_REDACTED.PDF

2. **#2898 HABITAT FOR HUMANITY TWO-FAMILY**
   26 Cherry Street, area variance for construction of a two-family residence; seeking relief from the minimum side yard setback (each side) and minimum total side yard setback requirements in the Urban Residential – 4 District.

   Documents: 2898 HABITATFORHUMANITY_UPDATEDPLANS5-24-16.PDF, 2898 HABITATFORHUMANITY_APP_REDACTED.PDF

3. **#2899 SOUTH BROADWAY INN & SPA SIGN**
   120 South Broadway, area variance for a freestanding sign; seeking relief from the maximum size and height requirements in the Transect – 5 District.

   Documents: 2899 SOUTHBROADWAYINNSPASIGN_APP_REDACTED.PDF

4. **#2056.1 LESSARD WINDOW WELL**
   12 Third Street, area variance to maintain a constructed escape window well; seeking relief from the minimum front yard setback requirement in the Urban Residential – 1 District.

   Documents: 2056.1 LESSARDRESIDENCEADDITION_APP_REDACTED.PDF

5. **#2807.2 SOUTH ALLEY, LLC SINGLE-FAMILY**
   Murphy Lane, interpretation appeal of the Zoning and Building Inspector determination that an area variance modification was required to continue construction of the single-family residence.

   Documents: 2807.2 MURPHYLNBARNRENO_APP_REDACTED.PDF

6. **#2990 MAPLE SHADE CORNERS, LLC OFFICE**
   34 Marion Avenue, use variance for a medical office; seeking relief from the permitted uses in an Urban Residential – 2 District.

   Documents: 2900 MAPLESHADECORNERSDENTISTOFFICE_APP_REDACTED.PDF, 2900 MAPLESHADECORNERSDENTISTOFFICE_CORRSTEWARTS5-23-16.PDF

Old Business

1. **#2894 LAWRENTZ HOME OCCUPATION**
   126 Crescent Street, area variance to construct a detached garage with second-story music studio; seeking relief to permit a home occupation within a residential accessory structure in an Urban Residential – 2 District.

   Documents: 2894 LAWRENTZRESIDENCEHOMEOCCUPATION_ADDTLINFO.PDF, 2894 LAWRENTZRESIDENCEHOMEOCCUPATION_BUILDINSPECTDENIAL.PDF, 2894 LAWRENTZRESIDENCEHOMEOCCUPATION_APP_REDACTED.PDF

2. **#2897 CITY COTTAGE, LLC LOT LINE ADJUSTMENT**
   23 Jumel Place and 178 East Avenue, area variance to provide for a lot line adjustment between two lots, seeking relief from the minimum lot size and minimum average lot width requirements for one of the lots in the UR-3 District.

   Documents: 2897 CITYCOTTAGELOTLINEADJUSTMENT_APP_REDACTED.PDF, 2897 CITYCOTTAGELOTLINEADJUSTMENT_APPAMEND6-2-16.PDF, 2897 CITYCOTTAGELOTLINEADJUSTMENT_BUILDINSPECTDENIAL.PDF, 2897 CITYCOTTAGELOTLINEADJUSTMENT_REVISEDNARR.PDF

3. **#2890 BARLOW RESIDENCE**
   2 Cherry Tree Lane, area variance to construct an attached garage and breezeway to an existing single-family residence; seeking relief from the minimum side yard setback requirements in the Rural Residential District.

   Documents: 2890 BARLOWRESIDENCEADDITION_BUILDINSPECTDENIAL.PDF, 2890 BARLOWRESIDENCEADDITION_APP_REDACTED.PDF

Adjourned Items

1. ~~**#2706.1 RITE AID EXTENSION**~~
   ~~90 West Ave./242 Washington St., area variance extension for demolition and reconstruction of pharmacy/retail establishment in the Transect-5 District.~~

   ~~Documents: 2786.1 RITEAID_APPLICATION_REDACTED.PDF~~

2. ~~**#2889 CDJT DEVELOPMENT MULTI-FAMILY**~~
   ~~124 Jefferson Street, use variance to convert an existing 6-unit senior housing development to multi-family residential including workforce housing; seeking relief from the permitted uses in the Urban Residential-2 District.~~

   ~~Documents: 2889 CDJTTOWNHOUSES_BUILDINSPECTDENIAL.PDF, 2889 CDJTTOWNHOUSES_AMILLERCORR4-25-16_REDACTED.PDF, 2889 CDJTTOWNHOUSES_APP_REDACTED.PDF~~

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

   ~~Documents: 2880 ARMERDESORBORESIDENCE_ADDTLINFO5-20-16.PDF, 2880 ARMERDESORBORESIDENCEADD_ELEVATIONS5-5-16.PDF, 2880~~

~~ARMERDESORBORESIDENCEADD_CORRBLACK_REDACTED.PDF, 2880 ARMERDESORBORESIDENCEADD_REVISEDMAP4-11-16.PDF, 2880 ARMERDESORBORESIDENCE_BUILDINSPECTDENIAL.PDF~~

Other Business

1. **APPROVAL OF DRAFT MEETING MINUTES – APRIL 25, MAY 9 AND MAY 23**
2. **NEXT ZONING BOARD MEETING: JULY 11, 2016**

Note: This agenda is subject to change up until the time of meeting. Updates will be reflected here as they arise. Check posted agenda here to verify the actual agenda prior to the meeting.

ENGINEERING AMERICA CO.

76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866

[redacted]

TRANSMITTAL SHEET

TO: Zoning Board of Appeals	FROM: Tonya Yasenchak
COMPANY: City of Saratoga Springs	DATE: May 9, 2016
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 1 ZBA Application + $500 App. Fee
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Lynchy's Tavern: The Ice House #70 & 72 Putnam St., Saratoga Springs	YOUR REFERENCE NUMBER:

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

Dear Zoning Board of Appeals members,

Engineering America Co. respectfully submits the attached application for an area variance for the Ice House's permanent tent structure at 70 & 72 Putnam St. in Saratoga Springs, NY. The proposed permanent tent structure will replace the prior temporary canopy / tent that had been used for several years. Due to the prior temporary tent being located towards the rear of the site, the replacement tent will not be located in compliance with the 80% "built out" and 0-12' "build to" standards for a T-6 district. Also, the tent is only one story so does not meet the 2 story min. requirement for the district. Therefore, the project requires variances to allow for the new permanent tent structure to replace the prior temporary tent in the same exact location.

This submittal includes:

- (1) original copy of the Application: Including existing survey & photos
- (1) application fee of $ 500

We would appreciate if this application could be placed on the next available agenda for discussion, preferably June 6th, 2016.

Please contact my office with any questions or if additional information is required.
Thank you for your time and cooperation.

Tonya Yasenchak, PE
Enc.

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	LYNCHY'S TAVERN, INC.		ENGINEERING AMERICA CO.
Address	70 & 72 PUTNAM ST. SARATOGA SPRINGS, NY 12866		76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866
Phone	[redacted]	/	[redacted]
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: 70 & 72 PUTNAM ST. Tax Parcel No.: 160 . 60 - 1 - 51 & 52
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: MAY 2005 3. Zoning District when purchased: UNKNOWN

4. Present use of property: EATING & DRINKING ESTABLISHMENT 5. Current Zoning District: T-6

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) NYS RTE. 50/9

8. Brief description of proposed action:

REPLACEMENT OF EXISTING CANOPY/TENT WITH PERMANENT TENT.

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) TABLE 3: AREA & BULK SCHEDULE

Dimensional Requirements	From	To
MAXIMUM BUILDING HT.	2 STORY MIN.	1 STORY
MINIMUM BUILD OUT ALONG FRONTAGE %	80%	33.2%
BUILD-TO DISTANCE FROM FRONT LINE	0-12'	29'

Other:

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

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

THE APPLICANT COULD POSSIBLY LOCATE THE PERMANENT TENT FORWARD TOWARDS PUTNAM ST & NOT REQUIRE VARIANCES FOR FRONT BUILD OUT & DISTANCE TO PROPERTY LINE. HOWEVER, THE APPLICANT FINDS THE CURRENT PROPOSED LOCATION TO HIS BENEFIT AS: a) THE PRIOR TEMPORARY TENT WAS LOCATED TOWARDS THE BACK OF THE LOT b) LOCATING THE TENT FURTHER BACK ALLOWS FOR SOUTH & WEST SUN EXPOSURE INTO THE PATIO & EXISTING BUILDING. THE APPLICANT CAN ONLY AFFORD A TENT STRUCTURE CURRENTLY TO MEET HIS NEEDS AND THEREFORE 2 STORIES IS NOT AN OPTION. c) MOVING TENT FORWARD WOULD LIMIT FUTURE BUILDING ADDITIONS

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 TEMPORARY TENT HAS BEEN IN THE PROPOSED LOCATION FOR SEVERAL YEARS. THE NEW PERMANENT TENT STRUCTURE IS THE SAME SIZE AND WILL PRODUCE NO CHANGE IN EXISTING CONDITIONS. THEREFORE, NO UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR DETRIMENT TO NEARBY PROPERTIES IS EXPECTED. -PROJECT HAS ALREADY RECEIVED APPROVAL BY DRC.

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

THE VARIANCE FOR THE BUILD OUT IS 58.5% (33.2% VS 80% REQ).
THE VARIANCE FOR MIN. BUILDING HEIGHT IS 50% (1 STORY VS. 2 STORY)
THE VARIANCE FOR BUILD TO LINE IS 142% (29' VS. 0-12' REQ)
-THE VARIANCES APPEAR SUBSTANTIAL. HOWEVER, THE PERMANENT TENT WILL BE LOCATED IN THE EXACT LOCATION AS THE PRIOR TEMPORARY TENT; A TENT, BEING MORE OF AN "ACCESSORY USE" TYPICALLY IS LOCATED AWAY FROM A MAIN ROAD; THE PATIO AREA ALONG THE FRONT PRODUCES A "BUFFER" TO THE TENT.

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 PROPOSED PERMANENT TENT IS REPLACING THE PRIOR TEMPORARY TENT IN THE SAME SIZE & EXACT LOCATION. THE PROPOSED TENT DOES NOT INCREASE THE IMPERMEABLE AREA OF THE SITE IN ANY MANNER.

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 ONLY DUE TO THE DESIRE OF THE OWNER FOR THE NEW PERMANENT TENT TO BE LOCATED AT THE BACK OF THE LOT. HOWEVER, THIS LOCATION IS NO DIFFERENT THAN WHAT HAS EXISTED WITH THE PRIOR TEMPORARY TENT FOR SEVERAL YEARS. RELOCATING THE PERMANENT TENT FORWARD, TOWARDS PUTNAM, WOULD REQUIRE EXTENSION & RELOCATION OF EXISTING UTILITIES, WIRES AND FOUNDATIONAL SUPPORTS.

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

Sean J. Lynch
(applicant signature) Date: 5/9/2016

(applicant signature) Date:

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

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

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

LYNCHY'S TAVERN, INC.

Name of Action or Project:
INSTALLATION OF PERMANENT TENT STRUCTURE

Project Location (describe, and attach a location map):
70 & 72 PUTNAM ST., SARATOGA SPRINGS, NY

Brief Description of Proposed Action:
REPLACEMENT OF EXISTING, TEMPORARY CANOPY/TENT WITH A PERMANENT TENT.

Name of Applicant or Sponsor:	Telephone: [redacted]
LYNCHY'S TAVERN, INC.	E-Mail: [redacted]

Address:
70 & 72 PUTNAM ST.

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: - SARATOGA PLANNING BOARD - SITE PLAN APPROVAL - SARATOGA BUILDING DEPT. - BUILDING PERMIT	☐	☒

3.a. Total acreage of the site of the proposed action? 0.098 acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.098 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): INSTITUTIONAL: ADJACENT PUBLIC LIBRARY
☐ 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? PUBLIC BUS	☐	☑	
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: PROJECT WILL MEET THE ENERGY CONSERVATION CONSTRUCTION CODE OF NYS.	☐	☑	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: CONTINUATION OF EXISTING PUBLIC WATER USE IN FACILITY	☐	☑	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: CONTINUATION OF EXISTING PUBLIC SEWER CONNECTION IN EXISTING FACILITY	☐	☑	
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

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? 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: SEAN LYNCH Date: 05/09/2016

Signature: Sean J Lynch

PRINT FORM

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

APPLICANT: Lynchy's Tavern, Inc. TAX PARCEL NO.: 160 . 60 - 1 - 51&52

PROPERTY ADDRESS: 70 & 72 Putnam St. ZONING DISTRICT: T-6

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

Replacement of existing, temporary canopy/tent with installation of a permanent tent structure.

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

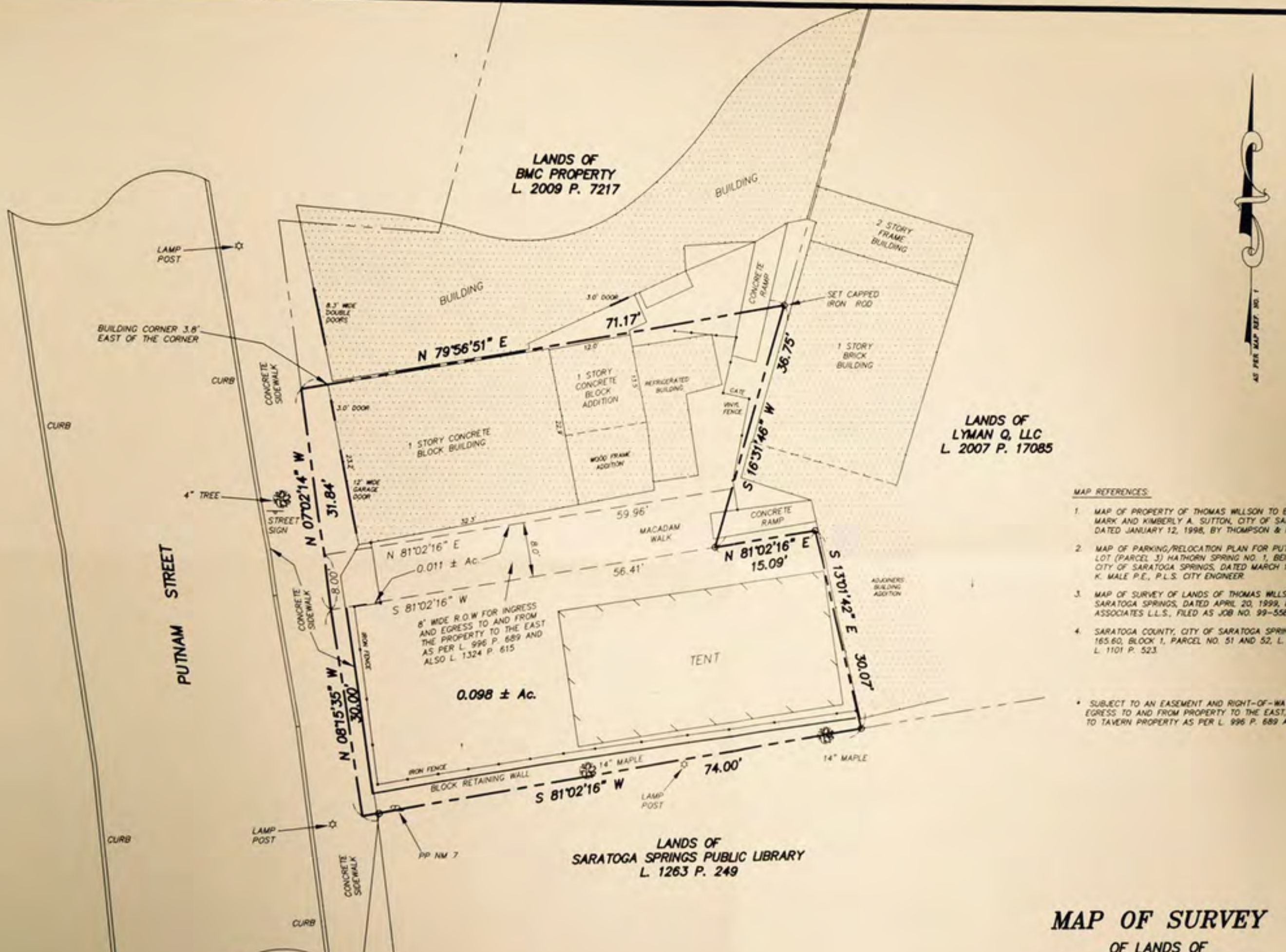
Other: _____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR _____ DATE _____

Revised 12/2015



MAP REFERENCES:

1. MAP OF PROPERTY OF THOMAS WILLSON TO BE CONVEYED TO MARK AND KIMBERLY A. SUTTON, CITY OF SARATOGA SPRINGS, DATED JANUARY 12, 1998, BY THOMPSON & FLEMING L.S., P.C.
2. MAP OF PARKING/RELOCATION PLAN FOR PUTNAM STREET PARKING LOT (PARCEL 3) HATHORN SPRING NO. 1, BEING LANDS OF THE CITY OF SARATOGA SPRINGS, DATED MARCH 15, 1999, BY PAUL K. MALE P.E., P.L.S. CITY ENGINEER.
3. MAP OF SURVEY OF LANDS OF THOMAS WILLSON, CITY OF SARATOGA SPRINGS, DATED APRIL 20, 1999, BY W.J. ROURKE ASSOCIATES L.L.S., FILED AS JOB NO. 99-558.
4. SARATOGA COUNTY, CITY OF SARATOGA SPRINGS, TAX MAP NO. 165.60, BLOCK 1, PARCEL NO. 51 AND 52, L. 996 P. 689, AND L. 1101 P. 523.

* SUBJECT TO AN EASEMENT AND RIGHT-OF-WAY FOR INGRESS AND EGRESS TO AND FROM PROPERTY TO THE EAST, TO ALLOW DELIVERIES TO TAVERN PROPERTY AS PER L. 996 P. 689 AND L. 1324 P. 615.

LEGEND:

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

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

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

MAP OF SURVEY
OF LANDS OF
LYNCHY'S TAVERN

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK
SCALE: 1" = 10' DATE: APRIL 18, 2016

WILLIAM J. ROURKE, LICENSED LAND SURVEYOR NO. 49098

W. J. ROURKE, ASSOCIATES
Licensed Land Surveyors
10264 Saratoga Road, P.O. Box 1434
South Glens Falls, N.Y. 12803

16-12
JOB NO.

W.J. ROURKE, ASSOCIATES - LICENSED LAND SURVEYORS
P.O. BOX 1434, SARATOGA ROAD, SOUTH GLENS FALLS, NEW YORK 12803

43°04'53.8"N 73°47'01.8"W
Traffic, Bicycling
Northshire Bookstore
Caroline St
Karavalli
Regional Cuisine
Mio Posto
Sperry's
Dangos
Fitzgerald
Irish Steak
Putnam Den
Gardner Ln
Putnam St
Imagery ©2015 Google, Map data ©2015 Google

*PRE-EXISTING SITE WITH PREVIOUS TEMPORARY TENT & PRIOR TO KITCHEN ADDITION.

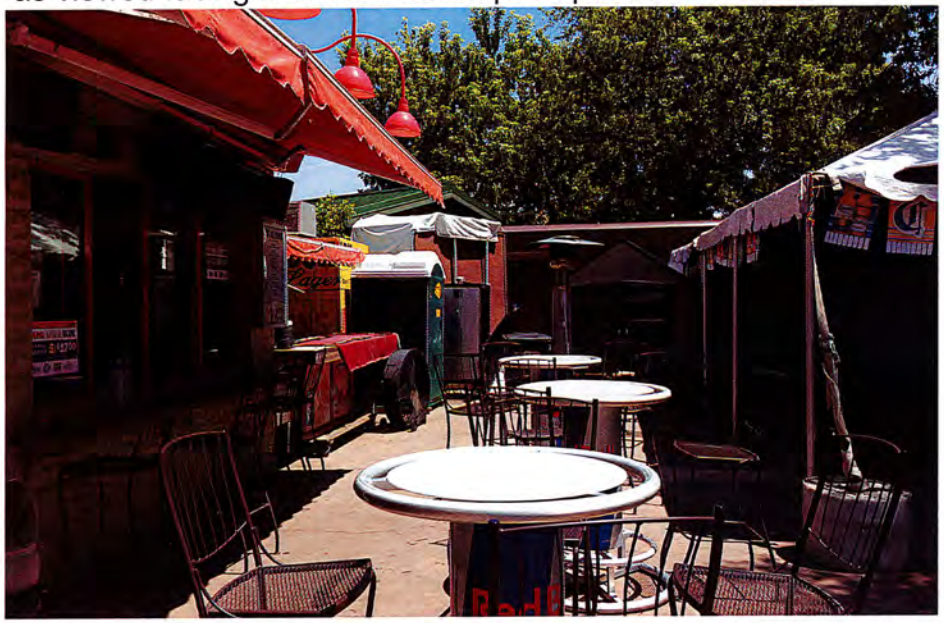
Image capture: Jul 2013 © 2015 Google

The Ice House: 70-72 Putnam St

Saratoga Springs, NY

Existing exterior service bar along right / south side of building as viewed facing North East from patio prior to kitchen addition

Pre-existing, temporary tent to be replaced with permanent tent structure



Pre-Existing Patio area as viewed facing East from Putnam St. with pre-existing, temp. tent & prior to kitchen addition

The Ice House: 70-72 Putnam St

Saratoga Springs, NY

Existing south elevation of project site as viewed facing North from Putnam St. with pre-existing temp. tent

Existing south East elevation of project site as viewed facing North West from Putnam St.

Existing front elevation of Ice House (remains unchanged) as viewed facing South East from Putnam St.

Public Library directly adjacent to the South of project site as viewed facing South East from Putnam St.

The Ice House: 70-72 Putnam St

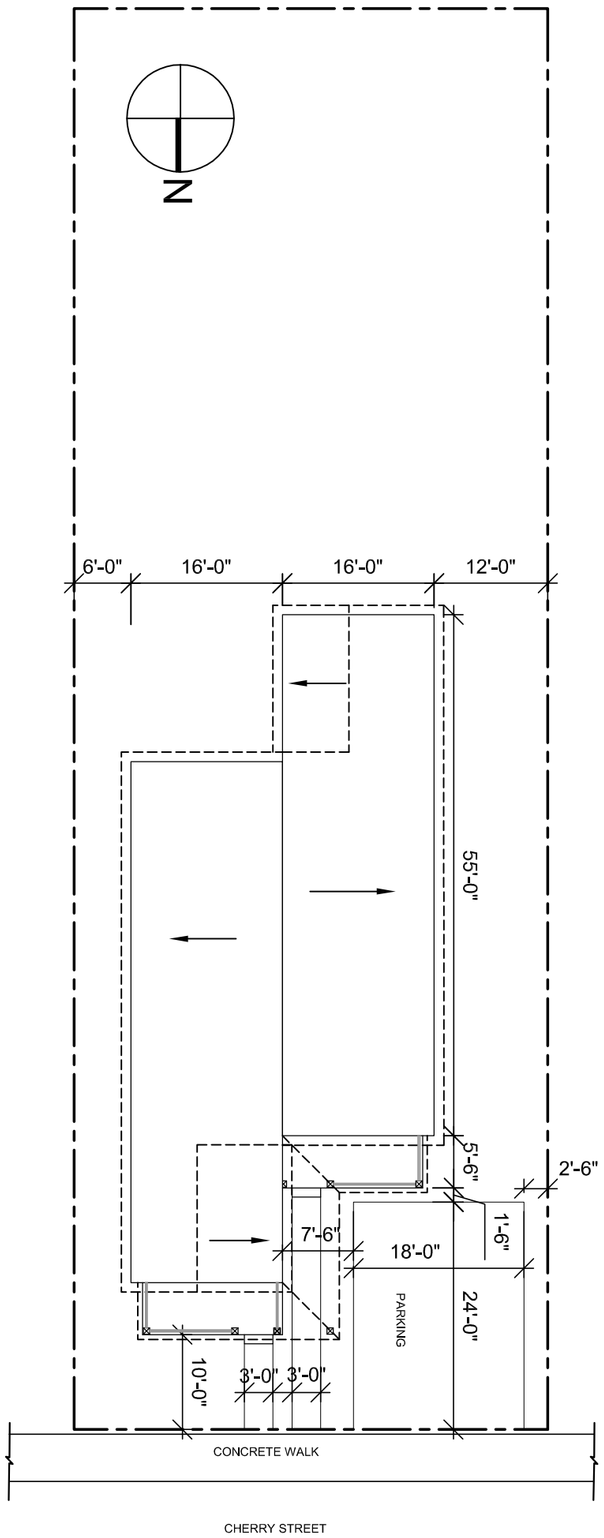
Saratoga Springs, NY

Building across Putnam St. to the West of project site as viewed facing West from project site

Building across Putnam St. to the West of project site as viewed facing West from project site

Building across Putnam St. to the South West of project site as viewed facing South West

SITE PLAN



HABITAT FOR HUMANITY OF NORTHERN SARATOGA, WARREN & WASHINGTON COUNTIES

26 CHERRY STREET

SARATOGA SPRINGS

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW.

© 2016

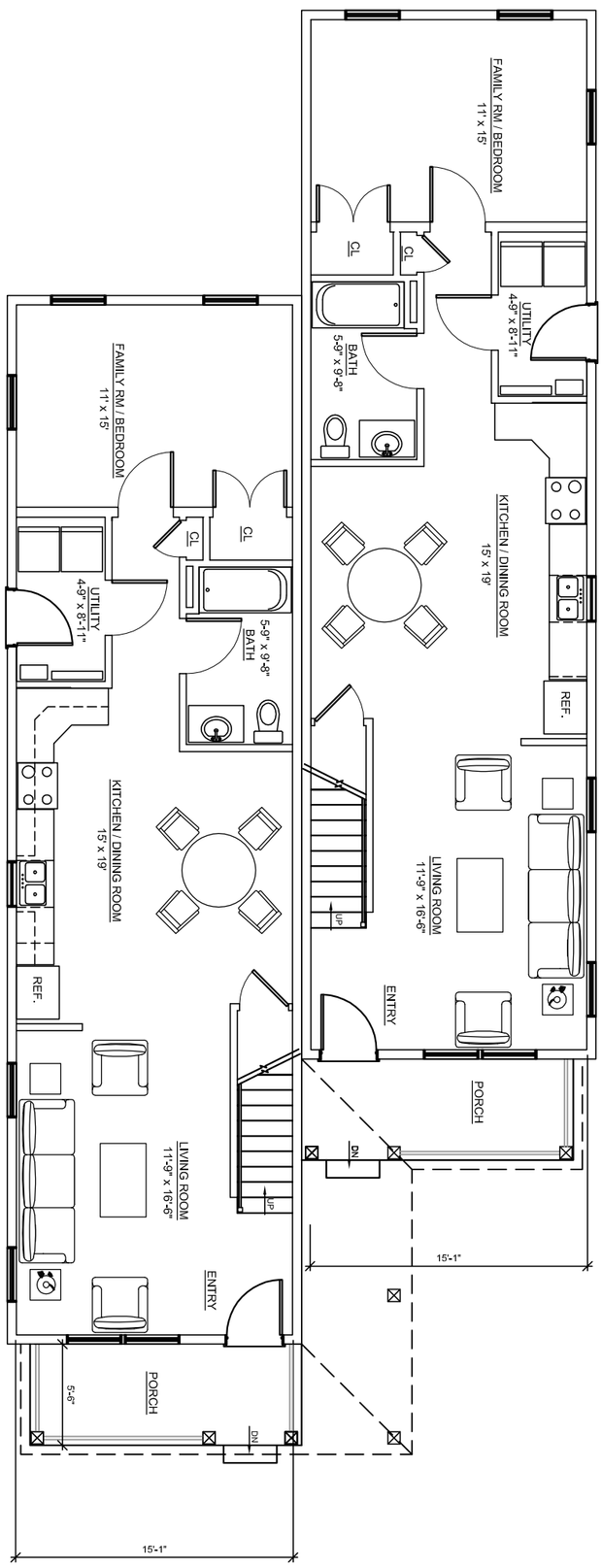
JOB CODE:

PROPOSED SITE PLAN

foresight architects
426 STATE ST., 3RD FLOOR, SCHENECTADY, NY 12305
PHONE: (518) 372-3655 FAX: (518) 372-3656

C1

SCALE:	1/16"=1'-0"
DESIGNER:	JH
DRAFTER:	MGE
DATE:	5/18/16
SHEET:	



HABITAT FOR HUMANITY OF NORTHERN SARATOGA, WARREN & WASHINGTON COUNTIES

26 CHERRY STREET

SARATOGA SPRINGS

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW.

© 2016

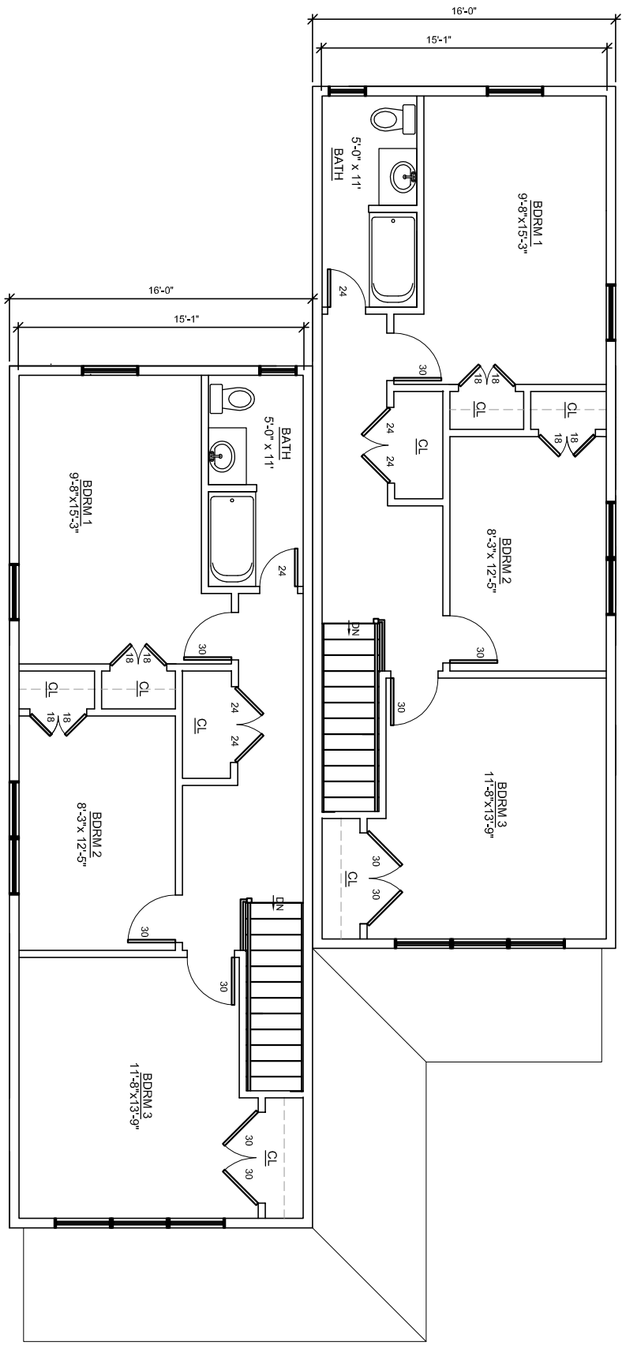
JOB CODE:

PROPOSED FIRST FLOOR PLAN

foresight architects
426 STATE ST., 3RD FLOOR, SCHENECTADY, NY 12305
PHONE: (518) 372-3655 FAX: (518) 372-3656

A1

SCALE:	1/8"=1'-0"
DESIGNER:	JH
DRAFTER:	MGE
DATE:	5/18/16
SHEET:	



HABITAT FOR HUMANITY OF NORTHERN SARATOGA, WARREN & WASHINGTON COUNTIES

26 CHERRY STREET

SARATOGA SPRINGS

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW.

© 2016

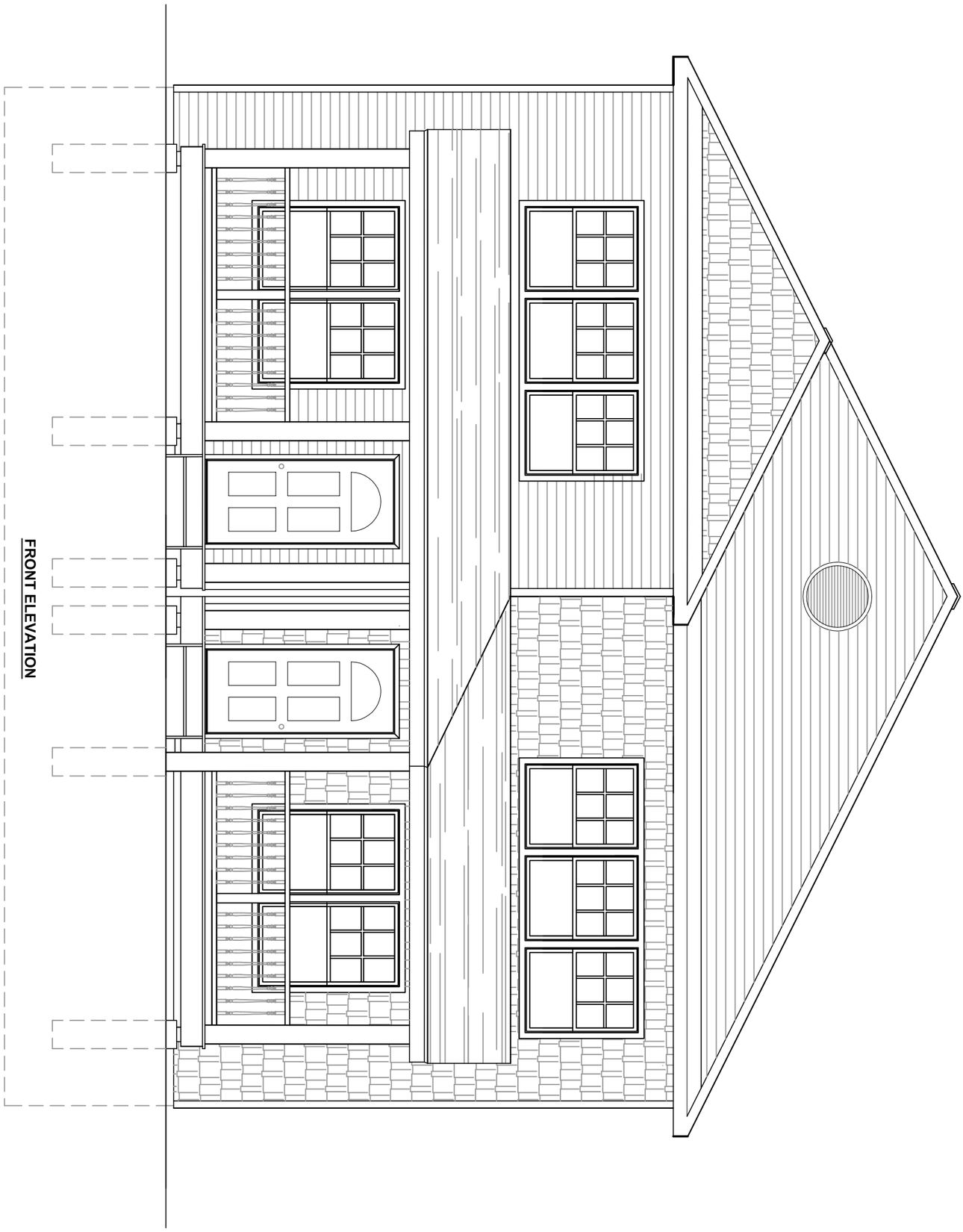
JOB CODE:

PROPOSED SECOND FLOOR PLAN

foresight architects
426 STATE ST., 3RD FLOOR, SCHENECTADY, NY 12305
PHONE: (518) 372-3655 FAX: (518) 372-3656

A2

SCALE:	1/8"=1'-0"
DESIGNER:	JH
DRAFTER:	MGE
DATE:	5/18/16
SHEET:	



HABITAT FOR HUMANITY OF NORTHERN SARATOGA, WARREN & WASHINGTON COUNTIES

26 CHERRY STREET

SARATOGA SPRINGS

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW.

© 2016

JOB CODE:

PROPOSED FRONT ELEVATION

foresight architects
426 STATE ST., 3RD FLOOR, SCHENECTADY, NY 12305
PHONE: (518) 372-3655 FAX: (518) 372-3656

A3

SCALE:	1/4"=1'-0"
DESIGNER:	JH
DRAFTER:	MGE
DATE:	5/18/16
SHEET:	

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	Glens Falls Area Habitat for Humanity (dba: Habitat for Humanity Northern	Saratoga, Warren and Washington Counties	Jeff Clark
Address	4 Glens Falls Tech Park, #4 Glens Falls, NY 12801		Executive Director
Phone	[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: 26 Cherry Street Saratoga Springs, NY 12866 Tax Parcel No.: 165.58-3-12
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 5/13/2014

3. Zoning District when purchased: UR-4

4. Present use of property: residential structure

5. Current Zoning District: UR-4

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 City donated the property to Habitat with the expectation that the blighted building built in 1880 would be demolished and replaced with duplex style owner-occupied affordable housing. Habitat is proposing to build a two-family town house.

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) Table 3: Area and Bulk Schedule

Dimensional Requirements	From	To
Lot Width	100'	50'
Side Setback (individual)	20'	6'
Side Setback (Total)	45'	18'

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 neighboring properties are occupied to the extent zoning allows with a 4-unit apartment on one side and an Allerdice Building Supply warehouse on the opposite side. No additional property is available for purchase to eliminate the need for the above area variances.

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:

   It eliminates a blighted, dangerous building and replaces it with an attractive structure that will be sold to two qualified families and, again contribute to the city tax base.

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

The area variances being sought are substantial, but are in an effort to provide very affordable housing in the City of Saratoga Springs. By permitting two residential units on this parcel, Habitat for Humanity is able to provide healthy, safe, affordable housing for two families in the City.

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:

It eliminates a long standing problem from the neighborhood and creates a suitable style house to be sold to qualified families using the Habitat for Humanity model. It adds two units to the tax rolls and establishes greater owner-occupied density. The neighborhood is in current transition, with town-houses proposed for construction on neighboring properties, keeping this proposed project in-line with the character of 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 not self-created. The variances requested arise from the collaborative efforts between Habitat for Humanity and the City of Saratoga Springs to provide affordable housing to two families on the donated parcel.

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.

Jeff Clark Digitally signed by Jeff Clark Date: 2016.05.03 13:14:32 -04'00' Date:_____

(applicant signature)

Tammy DiCara Digitally signed by Tammy DiCara Date: 2016.05.03 13:16:56 -04'00' 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

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	120 S Broadway Hospitality		
Address	120 South Broadway SC NY 12866		
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: 120 South Broadway Tax Parcel No.: 178 . 35 - 1 - 6 *(for example: 165.52 – 4 – 37)*

2. Date acquired by current owner: 1/8/16 3. Zoning District when purchased: T-5

4. Present use of property: motel / spa 5. Current Zoning District: T-5

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:
Variance for size of Sign
DAC asked if we would consider a larger sign

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) 6.1.5.3

Dimensional Requirements	From	To
Signage	12' S.F	45 S.F

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.

DRC requested a larger Sign

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:

all neighboring businesses have same or larger signage

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

DAC requested Prefer larger Sign
all neighboring businesses have same or larger signage

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:

DAC requested Prefer Larger Sign
all neighboring businesses have same or larger signage

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:

DAC requested a larger sign
Small sign was O.K for us

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.

K.F. Eddy 120 SB Nostrand LLC
(applicant signature)

Date: 5/13/16

(applicant signature)

Date:

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

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

APPLICANT: 120 S Broadway Hospitality LLC TAX PARCEL NO.: ____.____-____-____

PROPERTY ADDRESS: 120 South Broadway ZONING DISTRICT: T5

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

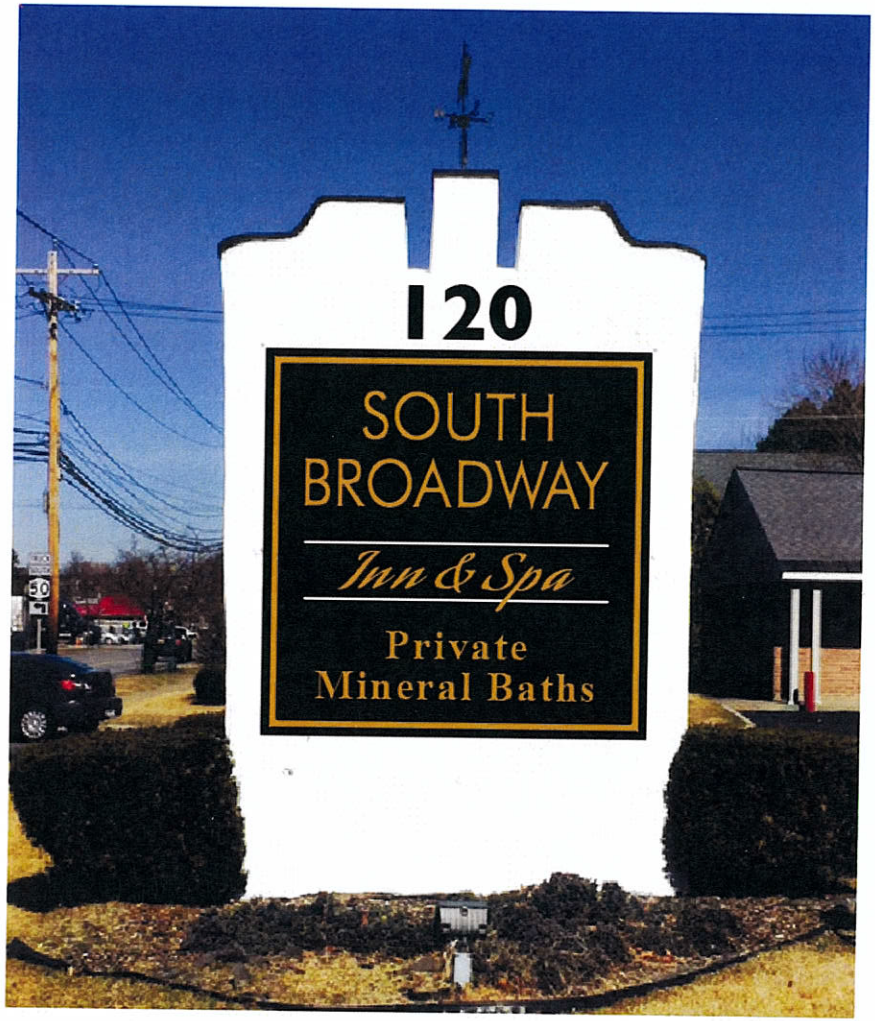
_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

Dimensional Letter Sign

- Black background with engraved gold border
- Gold dimensional letters mounted to black background
- "SOUTH BROADWAY" letters are 10" tall
- "*Inn & Spa*" are 8" tall, PMB are 6" tall
- Black dimensional numbers for "120" are 12" tall
- Overall size of existing wall structure is 150" H x 102"W



CLIENT: S. Broadway Inn

ESTIMATE NO. IF APPLICABLE

INVOICE NO. IF APPLICABLE

LINE ITEM NO. IF APPLICABLE **1**

SALES REPRESENTATIVE

Rick Bult
rick.bult@fastsigns.com

SPECIFICATIONS

Project Description: Monument Sign

Size: **Sign Panel is 80" x 80"**

Qty:1

Colors: CMYK builds
(CMYK builds are not meant for color matching - if color critical, please provide PMS colors.)

Not all monitors and printers display color the same way. **DO NOT** assume the colors you see on your screen will be the same as the finished product.

PAGE NUMBER

1
PAGE 1 OF 3

BE ADVISED:
Your order includes 15 minutes of complimentary design time.
(split between your 1st and 2nd proofs)

Further design time will be billed in increments of 15 minutes at $25.

PROOF DATE 05/10/16
DESIGNED BY RB

FASTSIGNS
2029@FASTSIGNS.com www.FASTSIGNS.com/2029
426 Maple Ave. • Saratoga Springs, NY 12866 [redacted]

GRAPHIC DESIGN

IMPORTANT - PLEASE READ

At FASTSIGNS®, we take pride in precision - but the final examination for accuracy is your responsibility. Before giving approval, please examine all proofs carefully for the accuracy information presented, as well as spelling, punctuation, numbers, graphics, colors, and general layout. In the event that we have miscommunicated regarding your original design, we will be happy to provide a second proof free of charge if needed. Thereafter, any further proofs will be billed in increments of 15 minutes at $25 each. If further revisions are required after approval has been received, additional charges will be incurred.

THIS DRAWING IS THE PROPERTY OF FASTSIGNS SARATOGA. THE BORROWER AGREES IT SHALL NOT BE PRODUCED, COPIED OR DISPOSED OF DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE WITHOUT PERMISSION.

Overhead View Of Property:
Monro to Left, Adirondack Trust To Right
435' of road frontage on S. Broadway

Street View Of Property:
Sign Perpendicular to Broadway,
38' set back from curb to center of sign

Property North on Broadway:
Monro Muffler
Sign Size is 48" x 96" - 32 SF

Property South on Broadway:
Adirondack Trust
Sign is mounted to a 40" x 200" wall

CLIENT: S. Broadway Inn

ESTIMATE NO. IF APPLICABLE

INVOICE NO. IF APPLICABLE

LINE ITEM NO. IF APPLICABLE **1**

SALES REPRESENTATIVE

Rick Bult
rick.bult@fastsigns.com

SPECIFICATIONS

Project Description: Neighboring Lots

Size: TBD

Qty:1

Colors: CMYK builds
(CMYK builds are not meant for color matching - if color critical, please provide PMS colors.)

Not all monitors and printers display color the same way. **DO NOT** assume the colors you see on your screen will be the same as the finished product.

PAGE NUMBER

2

PAGE 2 OF 3

BE ADVISED:
Your order includes 15 minutes of complimentary design time.
(split between your 1st and 2nd proofs)

Further design time will be billed in increments of 15 minutes at $25.

PROOF DATE 05/10/16

DESIGNED BY RB

GRAPHIC DESIGN

FASTSIGNS
2029@FASTSIGNS.com www.FASTSIGNS.com/2029
426 Maple Ave. • Saratoga Springs, NY 12866 • [redacted]

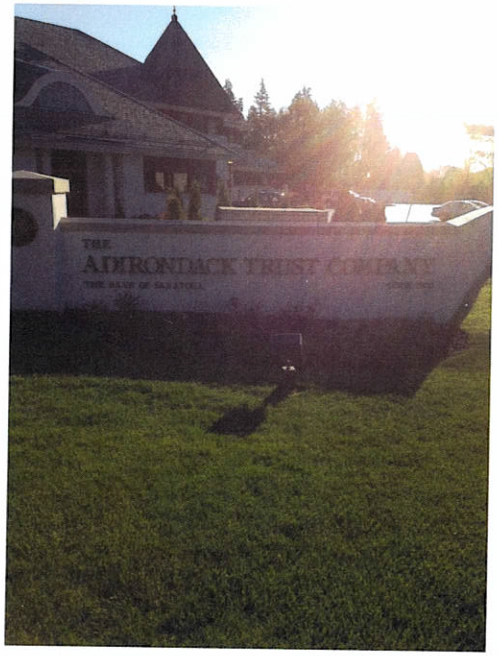
IMPORTANT - PLEASE READ

At FASTSIGNS®, we take pride in precision - but the final examination for accuracy is your responsibility. Before giving approval, please examine all proofs carefully for the accuracy information presented, as well as spelling, punctuation, numbers, graphics, colors, and general layout. In the event that we have miscommunicated regarding your original design, we will be happy to provide a second proof free of charge if needed. Thereafter, any further proofs will be billed in increments of 15 minutes at $25 each. If further revisions are required after approval has been received, additional charges will be incurred.

THIS DRAWING IS THE PROPERTY OF FASTSIGNS SARATOGA. THE BORROWER AGREES IT SHALL NOT BE PRODUCED, COPIED OR DISPOSED OF DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE WITHOUT PERMISSION.

NEIGHBORING PROPERTIES

Washington Inn - 78" x 54" - 29 SF
Adirondack Trust - 30" x 180" - 37.5 SF
Hilton Garden Inn - 60" x 96" - 39.5 SF



CLIENT: S. Broadway Inn

ESTIMATE NO. IF APPLICABLE

INVOICE NO. IF APPLICABLE

LINE ITEM NO. IF APPLICABLE 1

SALES REPRESENTATIVE

Rick Bult
rick.bult@fastsigns.com

SPECIFICATIONS

Project Description: Neighboring Lots

Size: TBD

Qty:1

Colors: CMYK builds
(CMYK builds are not meant for color matching - if color critical, please provide PMS colors.)

Not all monitors and printers display color the same way. **DO NOT** assume the colors you see on your screen will be the same as the finished product.

PAGE NUMBER

3

PAGE 3 OF 3

BE ADVISED:
Your order includes 15 minutes of complimentary design time. (split between your 1st and 2nd proofs)

Further design time will be billed in increments of 15 minutes at $25.

PROOF DATE 05/10/16
DESIGNED BY RB

FASTSIGNS
2029@FASTSIGNS.com www.FASTSIGNS.com/2029
426 Maple Ave. • Saratoga Springs, NY 12866 • [redacted]

GRAPHIC DESIGN

IMPORTANT - PLEASE READ

At FASTSIGNS®, we take pride in precision - but the final examination for accuracy is your responsibility. Before giving approval, please examine all proofs carefully for the accuracy information presented, as well as spelling, punctuation, numbers, graphics, colors, and general layout. In the event that we have miscommunicated regarding your original design, we will be happy to provide a second proof free of charge if needed. Thereafter, any further proofs will be billed in increments of 15 minutes at $25 each. If further revisions are required after approval has been received, additional charges will be incurred.

THIS DRAWING IS THE PROPERTY OF FASTSIGNS SARATOGA. THE BORROWER AGREES IT SHALL NOT BE PRODUCED, COPIED OR DISPOSED OF DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE WITHOUT PERMISSION.

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	Mark & Lisa Lessard		O'Connell & Aronowitz/George R. Slingerland
Address	[redacted]		624 New Loudon Road, Latham, NY 12110
Phone	[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: 12 Third Street Tax Parcel No.: 165 . 28 - 1 - 1
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 11.1.02 3. Zoning District when purchased: UR-1

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

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? ~~8.6.03~~ For what? ~~Setback for addition~~)
☑ No

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

8. Brief description of proposed action:
The escape window well for the addition violates the varied setback by approximately 3 feet. This application seeks a further variance so the existing escape window well, as constructed, does not violate the setback requirements.

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) 2.1 - Setbacks

Dimensional Requirements	From	To
State Street Front Setback	30 feet (original)	24 feet

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.

   Since the improvement has already been completed, the only alternate option is the removal of the escape window well. This removal is cost prohibitive and will violate the City code requirement for escape window wells.

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:

   Since the improvement has existed for over a decade, it will produce no change to the existing character of the neighborhood.

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

   The current window well is approximately 3 feet wide and currently violates the varied setback by approximately 3 feet. This is 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:

   This variance will have no adverse physical or environmental effect on the neighborhood. The improvement has already existed over a decade and most of the improvement is below grade.

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 current violation in this case was done outside of the applicant/home owner's knowledge. They reasonably relied on the work/process of their contractor. There is now an open building permit that is preventing the sale of this property. This variance will cure this issue and allow the applicant to complete the sale of their home.

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: 5/21/16

(applicant signature) Date: 5/21/16

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

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:
Escape window well variance

Project Location (describe, and attach a location map):
12 Third Street, City of Saratoga Springs, New York

Brief Description of Proposed Action:
This is part of an application to the City of Saratoga Springs, New York Zoning Board of Appeals for an area variance to accommodate an existing escape window well that currently does not conform to the current setback requirements.

Name of Applicant or Sponsor:	Telephone: [redacted]
Mark & Lisa Lessard	E-Mail: [redacted]

Address:
[redacted]

City/PO:	State:	Zip Code:
Saratoga Springs	New York	12866

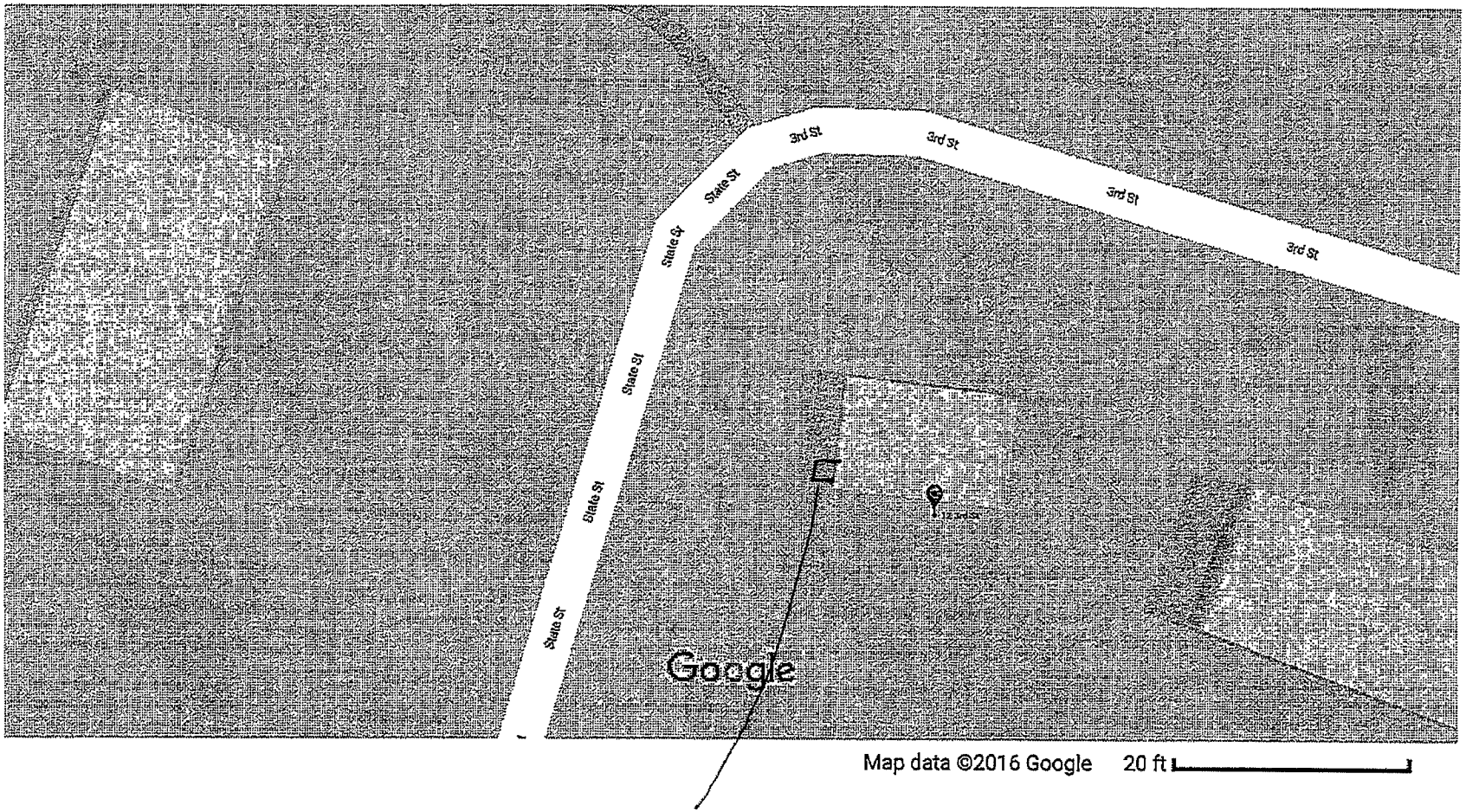
	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed 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: City of Saratoga Springs, New York Zoning Board of Appeals, area variance	☐	☑

3.a. Total acreage of the site of the proposed action? .23 acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .23 acres

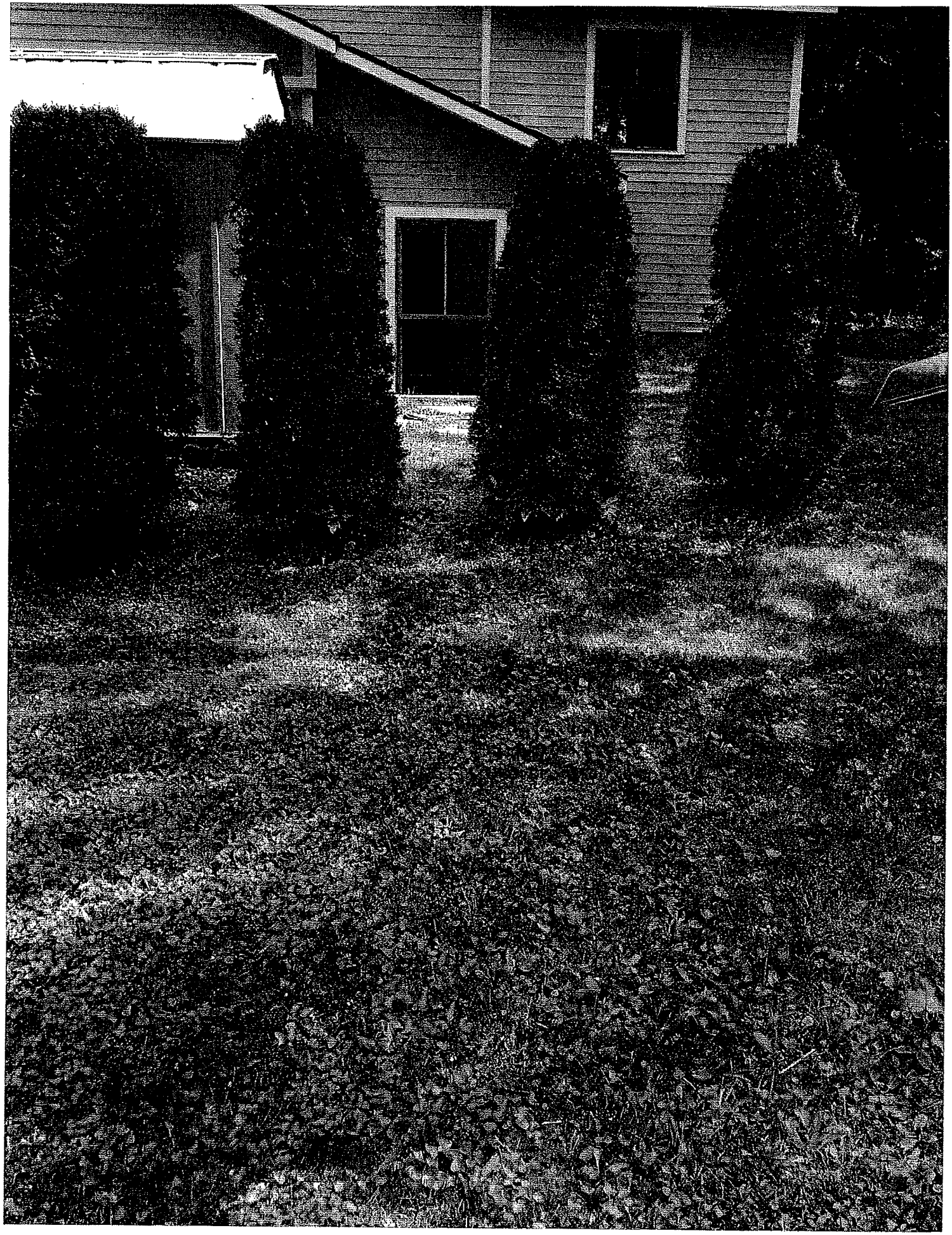
4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☑ Other (specify): University
☐ Parkland

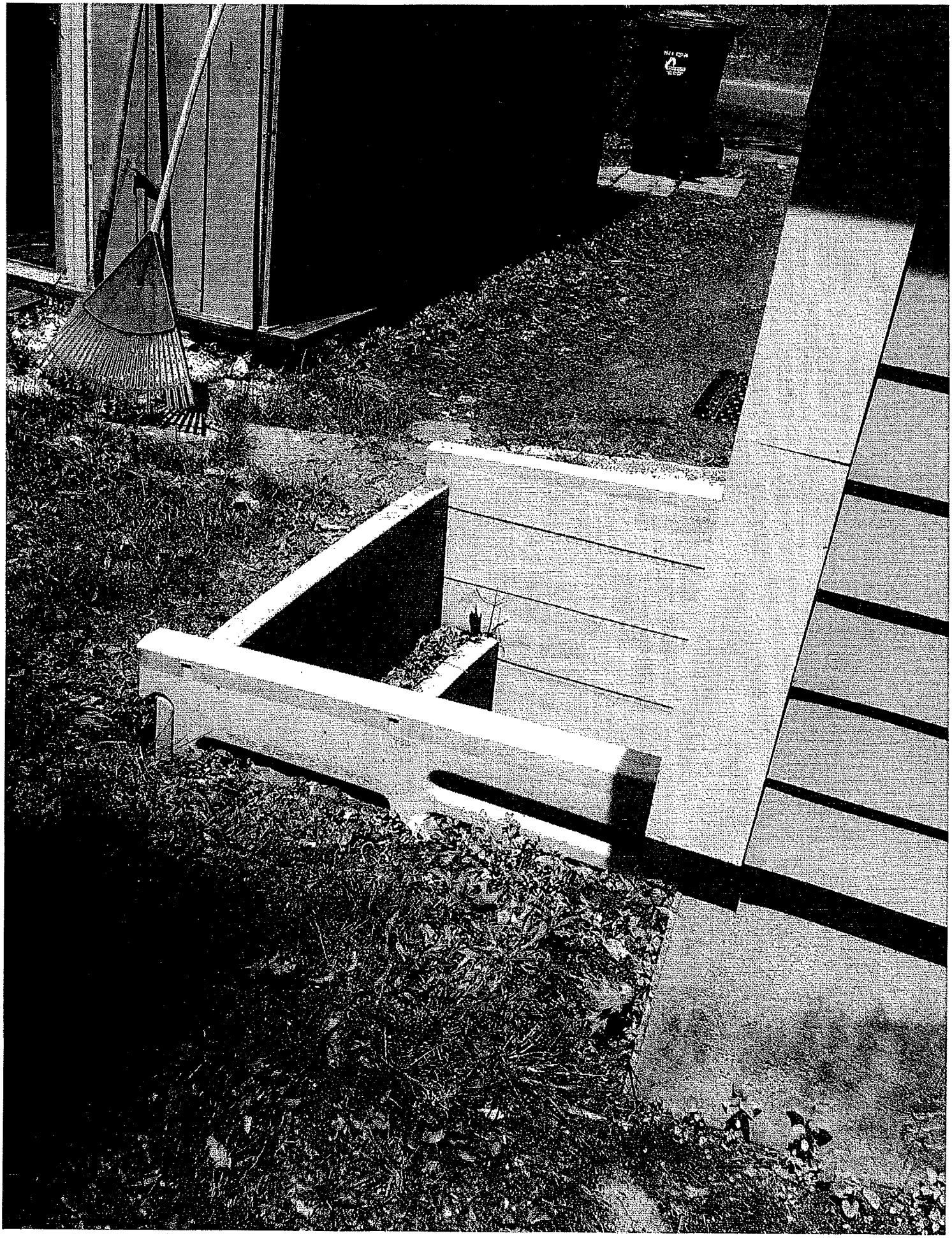
Google Maps

12 Third Street, Saratoga Springs, New York



APPROXIMATE LOCATION OF ESCAPE WINDOW WELL





	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

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? 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

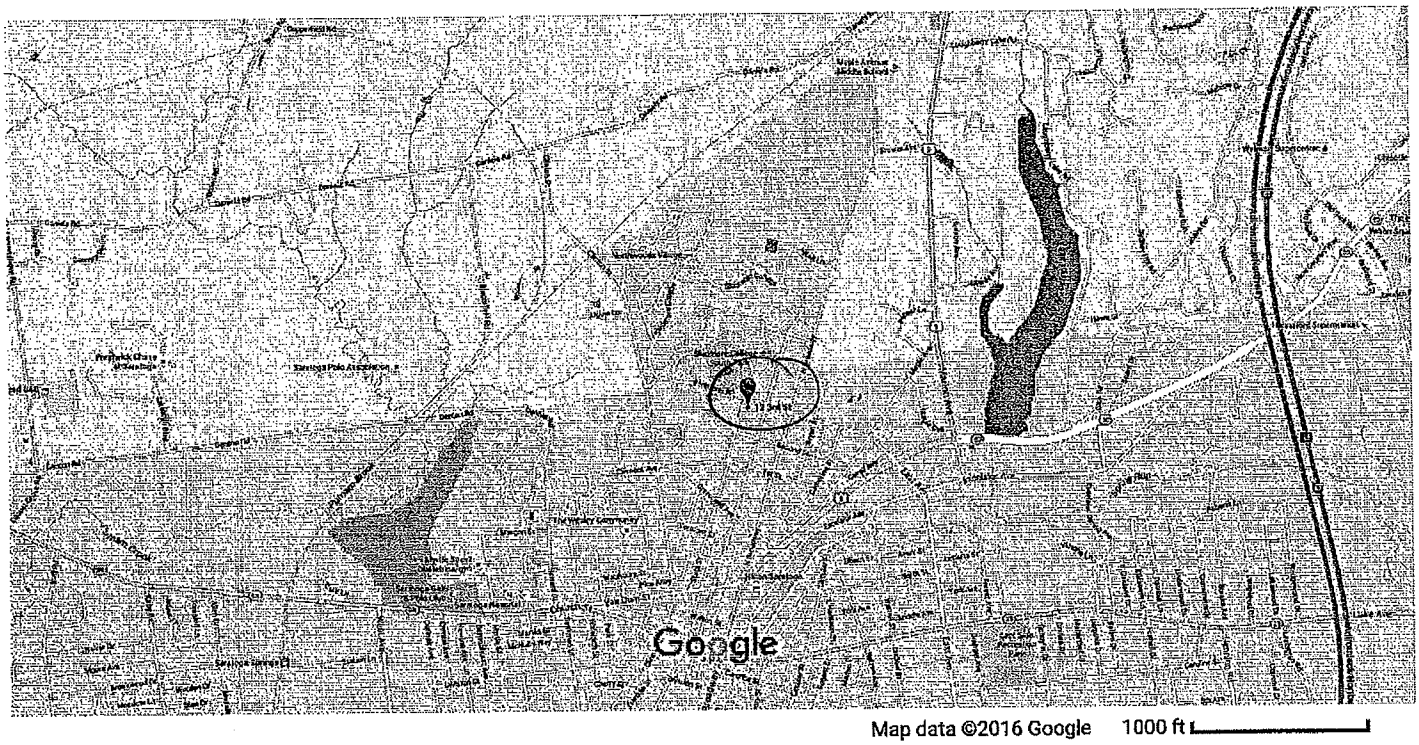
Applicant/sponsor name: LISA & MARK LESSARD Date: 5/21/16

Signature: _____

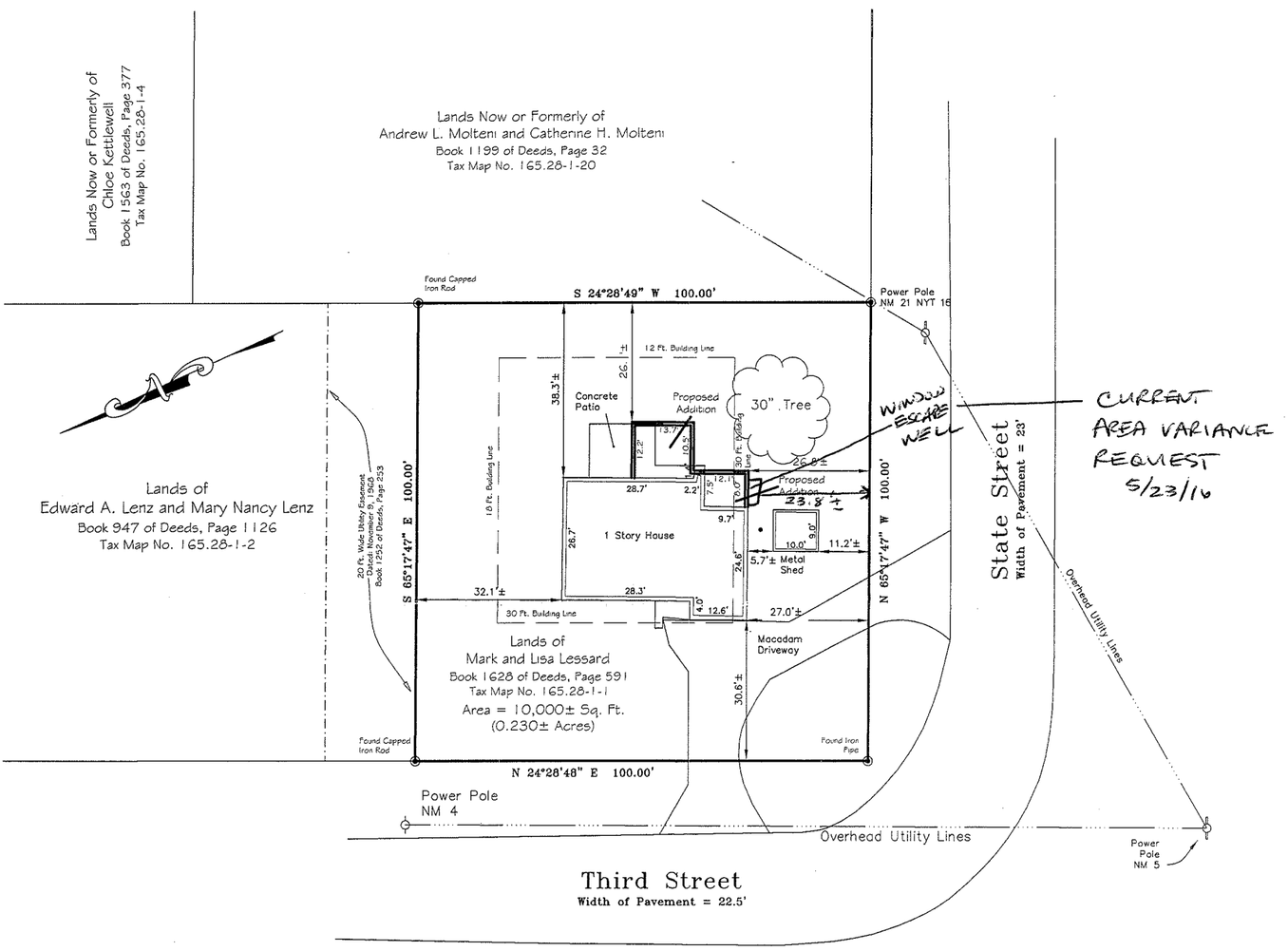
PRINT FORM

Google Maps

12 Third Street, Saratoga Springs, New York



Map data ©2016 Google 1000 ft



Survey

LANDS OF

Mark and Lisa Lessard

RECORD OF WORK:

1.) MISCELLANEOUS CHANGES MADE ON MAY 21, 2003.
2.) PROPOSED ADDITION ADDED ON JUNE 11, 2003.
3.) MISCELLANEOUS CHANGES MADE ON MAY 21, 2003.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS VIOLATION OF SECTION 7209, SUBDIVISION 2, OF NEW YORK STATE EDUCATION LAW.

ONLY COPIES OF THIS SURVEY MAP HAVING UPON THEM THE SIGNATURE OF PAUL F. TOMMELL OR A LICENSED LAND SURVEYOR AUTHORIZED BY HIM AND THE ORIGINAL EMBOSSED SEAL OR INK SEAL ARE OFFICIAL.

PAUL F. TOMMELL
P.L.S. LIC. NO. 49,192

PAUL F. TOMMELL, L.S., P.C.
73 EXCELSIOR AVE.
SARATOGA SPRINGS, NY 12866
PH: 518.587.3149 FA: 518.587.7251

SCALE:
1" = 20'

CITY OF SARATOGA SPRINGS (ID)
SARATOGA COUNTY, NEW YORK
APRIL 30, 2003

MAP NO. 03-016.02
PROJ. NO: 165.28-1-2

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	South Alley, LLC		James A. Fauci, Esq
Address	38 Warren Street Saratoga Springs, NY 12866		30 Remsen Street Ballston Spa, NY 12020
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: Murphy Lane Tax Parcel No.: 165 . 84 - 1 - 22
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: April 13, 2015 3. Zoning District when purchased: UR-3

4. Present use of property: constructing single family res. 5. Current Zoning District: UR-3

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? 12/22/2014 For what? Area Variances)
☐ 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:
Construction of a single family residence on a preexisting non-conforming lot. Construction has commenced and has been stopped due to the issuance of a "Notice of Violation / Stop Work Order." Discussions with the

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) 5.4.4 Extension or Expansion of Structure; 5.5 Nonconforming Lots

2. How do you request that this section be interpreted? 5.4.4: Applicant has been granted all the "dimensional relief" it needs via Variances in 2015. Applicant does NOT need "dimensional relief" regarding height since 1) the prior structure was in conformity with the height restriction of UR-3 (60 feet) and 2) the current / proposed structure is also in conformity with the height restriction (i.e., the applicant is not seeking to expand or increase any nonconformity with regard to height). 5.5: The lot in question has existed with its present dimensions since 1927. Thus 1) per 5.5(A) and (B) it is a legal non-conforming lot to which minimum lot size and width does NOT apply and 2) per 5.5(A)and (C) a single family home is expressly allowed to be constructed on such a lot. Applicant does not need any variance to construct a single fam. residence.

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) _____

Dimensional Requirements	From	To

Other: _____

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

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

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

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

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

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

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.

May 18, 2016

_____ 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:_____

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

SARATOGA COUNTY – STATE OF NEW YORK

SARATOGA COUNTY CLERK
CRAIG A. HAYNER
40 MCMASTER STREET, BALLSTON SPA, NY 12020

COUNTY CLERK'S RECORDING PAGE
*****THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH*****

INSTRUMENT #: 2015011306

Receipt#: 2015211968852
Clerk: GB
Rec Date: 04/23/2015 01:04:22 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 3

Party1: MITTLER STEPHEN J
Party2: SOUTH ALLEY LLC
Town: SARATOGA SPRINGS

Recording:

Pages	10.00
Cover Sheet Fee	5.00
Recording Fee	20.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
RP5217 - County	9.00
RP5217 All others - State	241.00
Names	0.50
TP 584	5.00
Sub Total:	310.50
Transfer Tax	
Transfer Tax	460.00
Sub Total:	460.00
Total:	770.50

****** NOTICE: THIS IS NOT A BILL ******

***** Transfer Tax *****
Transfer Tax #: 4942
Transfer Tax
Consideration: 115000.00

Transfer Tax	460.00
Total:	460.00

Record and Return To:

JEAN D'AGOSTINO
38 WARREN ST
SARATOGA SPRINGS NY 12866

WARRANTY DEED
with Lien Covenant

2015011306
04/23/2015 01:04:22 PM
3 Pages RECORDED
DEED
Saratoga County Clerk

THIS INDENTURE, Made this 13th day of April, Two Thousand Fifteen

BETWEEN **Stephen J. Mittler and Mandy R. Mittler,**
15 Stratton Street, Saratoga Springs, New York 12866,

party of the first part, and

South Alley LLC, a New York Limited Liability Corporation with an address of 38 Warren Street, Saratoga Springs, New York 12866,

parties of the second part.

WITNESSETH that the party of the first part, in consideration of ----------ONE and 00/100----------DOLLAR ($1.00) lawful money of the United States, and other good and valuable consideration paid by the parties of the second part, does hereby grant and release unto the party of the second part, their heirs and assigns forever,

ALL that tract or parcel of land situate in the City of Saratoga Springs, Saratoga County and State of New York, and known and distinguished as the west fifty feet of Lot No. 137 on a map of lands made for A.S. Maxwell and surveyed by H. Schofield, Civil Engineer, in the year 1854 and bound and described as follows:

BEGINNING at the northwest corner of Lot No. 137 as above referenced to and the south bounds of South Alley running thence southerly along the west line of Lot No. 137 fifty feet; thence easterly along the south bounds of Lot No. 137, fifty feet; thence northerly and parallel with the first mentioned course fifty feet to the south bounds of South Alley; thence westerly along the south bounds of South Alley fifty feet to the point or place of beginning.

This conveyance is subject to any and all restrictions, covenants, conditions and easements of record.

BEING AND INTENDING TO CONVEY, the same premises conveyed to the parties of the first part by Paul H. Tucker and Maggie Moss-Tucker, by Warranty Deed dated May 12, 2014 and recorded in the Office of the Saratoga County Clerk on May 12, 2014 as instrument number 2014013221.

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

TO HAVE AND TO HOLD the premises herein granted unto the parties of the second part, their heirs and assigns forever.

And the party of the first part covenants as follows:

First, that the parties of the second part shall quietly enjoy the said premises;

Second, that said party of the first part will forever Warrant the title to said premises;

Third, That, in Compliance with Sec. 13 of the Lien Law, the grantor (s) will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has hereunto set their hands and seals the day and year first above written.

IN PRESENCE OF

_____ LS
Stephen J. Mittler

_____ LS
Mandy R. Mittler

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

On this 13th day of April, in the year Two Thousand Fifteen, before me, the undersigned, a Notary Public in and for said State, personally appeared, Stephen J. Mittler, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

STATE OF NEW YORK }
COUNTY OF Saratoga }ss.:

James P. Trainor
Notary Public, State of New York
02TR4980978
Qualified in Saratoga County
Commission Expires April 29, 2015

On this 10th day of April, in the year Two Thousand Fifteen, before me, the undersigned, a Notary Public in and for said State, personally appeared, Mandy R. Mittler, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

MARCI K. CHADWICK
Notary Public, State of New York
Qualified in Saratoga County
No. 01CH6063858
Commission Expires September 24, 2017

RECORD AND RETURN TO:
~~Stanley I. Skubis, Esq.~~ Joan D'Agostino
~~1147 Troy Schenectady Road~~ 38 Warren St.
~~Latham, New York 12110~~ Saratoga Spgs NY
12866

City of Saratoga Springs
BUILDING DEPARTMENT
CITY HALL
474 Broadway
Saratoga Springs, NY 12866

Telephone (518)587-3550 Ext. 2511
Fax (518)580-9480
www.saratoga-springs.org

- BUILDING & PLUMBING
- CODES
- ZONING

STEPHEN SHAW
Zoning & Building Inspector
Extension 2491

DUANE MILLER
Assistant Building Inspector
Extension 2512

MICHAEL CARLSON
Assistant Building Inspector
Extension 2541

JOHN BARNEY
Assistant Zoning Technician
Extension 2521

NOTICE OF VIOLATION / STOP WORK ORDER

January 21, 2016

Jeanne D'Agostino
South Alley LLC
38 Warren Street
Saratoga Springs, NY 12866

RE: 39 Murphy Lane, Parcel# 165.84-1-22

Dear Ms. D'Agostino,

The scope of work you are performing at 39 Murphy is outside the scope of your permit. You are hereby ordered to CEASE AND DESIST all activities at the property. A full set of revised plans from your engineer as well as sign off from the Zoning Board of Appeals will be required to proceed.

Sincerely,

Stephen R. Shaw
Zoning and Building Inspector

SRS/kgf

SNEERINGER MONAHAN PROVOST REDGRAVE TITLE AGENCY, INC.

ALBANY/TROY	SARATOGA	HUDSON	POUGHKEEPSIE
50 Chapel Street	36 Remsen Street	420 Warren Street	420 Warren Street
Albany, NY 12207	Ballston Spa, NY 12020	Hudson, NY 12534	Hudson, NY 12534
518-434-0127	518-885-8700	518-828-4351	845-471-5911
Fax-434-9997	Fax-884-2564	Fax-828-7494	Fax 471-7680

May 19, 2016

James Fauci, Esq.
30 Remsen St
Ballston Spa NY 12020

RE: Our File No.: S-63937
Premises: 39 Murphy Lane a/k/a South Alley, Saratoga Springs, NY 12866

Dear Mr. Fauci:

Pursuant to your request of May 12, 2016 we have researched the records of the Saratoga County Clerk's Office regarding your client's property at 39 Murphy Lane a/k/a South Alley. Said property is a 50' X 50' portion of Lot 137 on a filed subdivision map entitled: "Map of Lots owned by A.S. Maxwell, Saratoga Sp'gs, N.Y.", dated 1854 and filed in the Saratoga County Clerk's Office. Said lot is Sec. 165.84 Block 1 Lot 22 on the current city tax map. Tax lot 22 is the westerly 50' of said lot 137.

Deed between Anna M. Darrow, grantor and Charles M. Shearer, grantee, dated May 2, 1913 and recorded May 2, 1913 in Liber 283 cp 442 conveyed Lot 137 in its entirety, being 50' X 150' in dimension.

The present 50' X 50' lot configuration, being the westerly 50' of said Lot 137, was first created by deed from Charles M. Shearer and Mary R. Shearer to George H. Hall and Howard H. Hall, dated March 26, 1927, recorded April 14, 1927 in Liber 342 cp 296.

From 1927 the said premises have been conveyed by multiple deeds, without change in description, down to the present owner, South Alley, LLC who acquired title by deed from Stephen J. Mittler and Mandy R. Mittler, dated April 13, 2015 recorded April 23, 2015 as Instrument #2015011306.

I have included herewith copies of the three deeds cited herein together with a copy of the filed Maxwell map and a copy of the current tax map.

If you need any additional information or copies please let us know.

Sincerely,
Sneeringer Monahan Provost Redgrave Title Agency, Inc.

Timothy J. Provost
Executive Vice President

Encl.

165.84-1-22

283/442

parties of the first part, do covenant with said parties of the second part as follows: FIRST.- That the parties of the second part shall quietly enjoy the said premises. SECOND.- That the said Otto Trieb and Martha Trieb, his wife, parties of the first part will forever warrant the title to said premises.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of: OTTO TRIEB L. S.

C. M. Marro. MARTA TRIEB L. S.

STATE OF NEW YORK, :
COUNTY OF NEW YORK, :ss.
CITY OF NEW YORK. :

On this 28 day of April in the year Nineteen hundred and thirteen before me, the subscriber, personally appeared OTTO TRIEB & MARTA TRIEB, his wife, to me known and known to me to be the same persons described in, and who executed the within instrument, and they severally acknowledged to me that they executed the same.

L. S. Carney M. Marro, Commissioner of Deeds,
New York City #18.

STATE OF NEW YORK, :
:ss.
COUNTY OF NEW YORK.:

I, William F. Schneider, Clerk of the County of New York, and also Clerk of the Supreme Court for the said County, the same being a Court of Record, do hereby certify, that Carney M. Marro whose name is subscribed to the Certificate of Proof or Acknowledgment of the annexed instrument, and thereon written, was, at the time of taking such proof or acknowledgment, a Commissioner of Deeds in and for The City of New York, dwelling in the said City, commissioned and sworn and duly authorized to take the same. And further, that I am well acquainted with the handwriting of such Commissioner, and verily believe that the signature to the said Certificate of Proof or Acknowledgment is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of
L. S. of the said Court and County, the 28 day of Apl., 1913.
Wm. F. Schneider, Clerk.

Recorded May 2, 1913, 10.50 A. M.

John T. Kennessy Clerk

283-442
1913

THIS INDENTURE, Made the 2nd. day of May in the year One thousand nine hundred and thirteen. Between ANNA M. DARROW of Saratoga Springs, Saratoga County, N. Y., party of the first part, and CHARLES M. SHEARER of the same place, party of the second part, WITNESSETH, That the said party of the first part, for and in consideration of the sum of ONE DOLLAR ($1.00), lawful money of the United States, paid by the said party of the second part, does hereby grant and release unto the said party of the second part, --- heirs and assigns forever,

ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of Saratoga Springs, County of Saratoga and State of New York, being ALL that certain piece or parcel of land lying and being in the Village of Saratoga Springs, N. Y., known and distinguished as lot No. 137 on a map of lands made for A. S. Maxwell and surveyed by E. Schofield, Civil Engineer, in the year 1854, and now on file in the office of the Clerk of Saratoga County, and bounded and described as follows, to-wit: Beginning at a stake at the intersection of the west line of Stratton Street with the south line of South alley; thence westerly along said south line of South alley 150 feet to a stake standing in the northeast corner of lot 136; thence southerly along the east

line of said lot 136 fifty feet to the southeast corner of said lot 136; thence easterly along the north line of Lot 136 one hundred and fifty feet to the west line of Stratton Street; thence northerly on the west line of Stratton Street fifty feet to the place of beginning; Being the same premises described in a deed from Margaret Stratton and husband to John Darrow dated October 6, 1874, and recorded October 6, 1874, in Book of Deeds 131, page 599; and being the same described in deed dated March 21, 1906, from John Foley and Sara E. Foley, his wife, to Anna M. Darrow, and recorded in the Saratoga County Clerk's office August 20, 1906, in Book 259 at page 54.

TOGETHER with the appurtenances; and all the estate and rights of the said party of the first part in and to said premises. To Have and to Hold the above granted premises unto the said party of the second part, his heirs and assigns forever. And the said Anna M. Darrow does covenant with the said party of the second part as follows: That the party of the second part shall quietly enjoy the said premises. That the said Anna M. Darrow will forever warrant the title to said premises.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

In Presence of :
J. A. T. Schwarte. : ANNA M. DARROW L. S.

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

On the 2nd. day of May in the year One thousand nine hundred and thirteen before me, the subscriber, personally appeared ANNA M. DARROW to me personally known to be the same person described in and who executed the foregoing instrument, and she duly acknowledged to me that she executed the same.

J. A. T. Schwarte, Notary Public.

Recorded May 2, 1913, 2.30 P. M.

John P. Kennessy Clerk

THIS INDENTURE, Made the first day of May in the year of our Lord one thousand nine hundred and thirteen, Between ALBERT M. PATRICK of the Village of Mechanicville, in the County of Saratoga and State of New York, and CORA PATRICK, his wife, parties of the first part, and THOMAS J. PATRICK, of the same place, party of the second part, WITNESSETH, That the said parties of the first part, in consideration of ONE DOLLAR, lawful money of the United States, paid by the party of the second part, do hereby grant and release unto the said party of the second part, his heirs and assigns forever,

ALL THAT CERTAIN LOT OF LAND situate in the Town of Halfmoon, in said County and State, and near the westerly boundary line of said Village of Mechanicville, and bounded and described as follows: Beginning at a point in the westerly line of a private road called Tenth Avenue, at the southerly end of said line, said point being in the northerly line of lands of Albert C. Eniskern, and running thence at right angles westerly, along said Eniskern lands, one hundred and ten (110) feet; thence at right angles northerly, fifty (50) feet; thence at right angles easterly, one hundred and ten (110) feet to the westerly line of said private road, and thence southerly, along the westerly line of said private road, fifty (50) feet to the place of beginning, said lot of land being and intended to be lot No. one (1) as shown on a "Map of Property of A. M. Patrick, Mechanicville, N. Y.," dated April 24, 1913, made by C. E. Hicks, Eng., and filed in the Clerk's office of said County of Saratoga April 29, 1913; and also being a part of the premises conveyed to said Albert M. Patrick by Albert C. Eniskern and

THIS INDENTURE, Made the 28th day of March, in the year Nineteen Hundred and Twenty-seven. Between CHARLES M. SHEARER and MARY R. SHEARER, his wife, of the City of Saratoga Springs, N. Y., parties of the first part, and GEORGE H. HALL and HOWARD H. HALL, of the same place, parties of the second part. WITNESSETH, that the said parties of the first part, in consideration of ONE DOLLAR ($1.00) lawful money of the United States, paid by the parties of the second part, do hereby grant and release unto the said parties of the second part, their heirs and assigns forever,

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Saratoga Springs, Saratoga County and State of New York, and known and distinguished as the west fifty feet of lot No. 137 on a map of lands made for A. S. Maxwell and surveyed by H. Schofield, Civil Engineer, in the year 1854, and bounded and described as follows: Beginning at the northwest corner of lot No. 137 as above referred to and the south bounds of South Alley, running thence southerly along the west line of lot No. 137 fifty feet; thence easterly along the south bounds of lot No. 137, fifty feet; thence northerly and parallel with the first mentioned course, fifty feet to the south bounds of South Alley; thence westerly along the south bounds of South Alley, fifty feet to the point or place of beginning.

TOGETHER with the appurtenances and all the estate and rights of the parties of the first part in and to the said premises. To have and to hold the above granted premises, unto the said parties of the second part, their heirs and assigns forever. And the said parties of the first part, do covenant with the said parties of the second part as follows: First,- That the parties of the second part shall quietly enjoy the said premises. Second,- That the said parties of the first part will forever warrant the title to said premises.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of — CHARLES M. SHEARER — L. S.

Frank Gick. — MARY R. SHEARER — L. S.

STATE OF NEW YORK :
COUNTY OF SARATOGA : ss.
CITY OF SARATOGA SPRINGS :

On this 28th day of March, in the year Nineteen Hundred and Twenty-seven, before me, the subscriber, personally appeared CHARLES M. SHEARER and MARY R. SHEARER, to me known and known to me to be the same person- described in, and who executed the within Instrument, and they acknowledged to me that they executed the same.

Frank Gick, Notary Public.

Recorded April 14, 1927, 4:02 P. M.

Charles J. Kennedy
Clerk

(ASSIGNMENT OF LEASE.)

KNOW ALL MEN BY THESE PRESENTS, That I, SUSAN B. MOREY, of the hamlet of Round Lake, in the County of Saratoga and State of New York, in consideration of ONE DOLLAR (and OTHER GOOD AND VALUABLE CONSIDERATIONS), lawful money of the United States, to me duly paid by RICHARD H. GORSLINE, of Round Lake, in the Town of Malta, in the County of Saratoga and State of New York, the receipt whereof is hereby acknowledged, have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer, and set over unto said Richard H. Gorsline, his executors, administrators and assigns,

THREE CERTAIN INDENTURES OF LEASE and part of a fourth, one bearing date the fourteenth

SARATOGA COUNTY – STATE OF NEW YORK

SARATOGA COUNTY CLERK
CRAIG A. HAYNER
40 MCMASTER STREET, BALLSTON SPA, NY 12020

COUNTY CLERK'S RECORDING PAGE
THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH

INSTRUMENT #: 2015011306

Receipt#: 2015211968852
Clerk: GB
Rec Date: 04/23/2015 01:04:22 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 3

Party1: MITTLER STEPHEN J
Party2: SOUTH ALLEY LLC
Town: SARATOGA SPRINGS

Recording:

Pages	10.00
Cover Sheet Fee	5.00
Recording Fee	20.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
RP5217 - County	9.00
RP5217 All others - State	241.00
Names	0.50
TP 584	5.00
Sub Total:	310.50
Transfer Tax	
Transfer Tax	460.00
Sub Total:	460.00
Total:	770.50

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 4942
Transfer Tax
Consideration: 115000.00

Transfer Tax	460.00
Total:	460.00

Record and Return To:

JEAN D'AGOSTINO
38 WARREN ST
SARATOGA SPRINGS NY 12866

WARRANTY DEED
with Lien Covenant

20150011306
04/23/2015 01:04:22 PM
3 Pages RECORDED
DEED
Saratoga County Clerk

THIS INDENTURE, Made this 13th day of April, Two Thousand Fifteen

BETWEEN **Stephen J. Mittler and Mandy R. Mittler,**
15 Stratton Street, Saratoga Springs, New York 12866,

party of the first part, and

South Alley LLC, a New York Limited Liability Corporation with an address of 38 Warren Street, Saratoga Springs, New York 12866,

parties of the second part.

WITNESSETH that the party of the first part, in consideration of ----------ONE and 00/100----------DOLLAR ($1.00) lawful money of the United States, and other good and valuable consideration paid by the parties of the second part, does hereby grant and release unto the party of the second part, their heirs and assigns forever,

ALL that tract or parcel of land situate in the City of Saratoga Springs, Saratoga County and State of New York, and known and distinguished as the west fifty feet of Lot No. 137 on a map of lands made for A.S. Maxwell and surveyed by H. Schofield, Civil Engineer, in the year 1854 and bound and described as follows:

BEGINNING at the northwest corner of Lot No. 137 as above referenced to and the south bounds of South Alley running thence southerly along the west line of Lot No. 137 fifty feet; thence easterly along the south bounds of Lot No. 137, fifty feet; thence northerly and parallel with the first mentioned course fifty feet to the south bounds of South Alley; thence westerly along the south bounds of South Alley fifty feet to the point or place of beginning.

This conveyance is subject to any and all restrictions, covenants, conditions and easements of record.

BEING AND INTENDING TO CONVEY, the same premises conveyed to the parties of the first part by Paul H. Tucker and Maggie Moss-Tucker, by Warranty Deed dated May 12, 2014 and recorded in the Office of the Saratoga County Clerk on May 12, 2014 as instrument number 2014013221.

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

TO HAVE AND TO HOLD the premises herein granted unto the parties of the second part, their heirs and assigns forever.

First, that the parties of the second part shall quietly enjoy the said premises;

Second, that said party of the first part will forever Warrant the title to said premises;

Third, That, in Compliance with Sec. 13 of the Lien Law, the grantor (s) will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has hereunto set their hands and seals the day and year first above written.

IN PRESENCE OF

_____ LS
Stephen J. Mittler

Mandy R. Mittler _____ LS
Mandy R. Mittler

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

On this 13th day of April, in the year Two Thousand Fifteen, before me, the undersigned, a Notary Public in and for said State, personally appeared, Stephen J. Mittler, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

James P. Trainor
Notary Public

James P. Trainor
Notary Public, State of New York
02TR4980978
Qualified In Saratoga County
Commission Expires April 29, 2015

STATE OF NEW YORK }
COUNTY OF Saratoga }ss.:

On this 10th day of April, in the year Two Thousand Fifteen, before me, the undersigned, a Notary Public in and for said State, personally appeared, Mandy R. Mittler, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Marci K Chadwick
Notary Public

MARCI K. CHADWICK
Notary Public, State of New York
Qualified in Saratoga County
No 01CH6063858
Commission Expires September 24, 2017

RECORD AND RETURN TO:
~~Stanley J. Skubis, Esq.~~ Jean D'Agostino
~~1147 Troy Schenectady Road~~ 39 Warren St

1026/240

N

City of Saratoga Springs (ID)
Tax No. 165.84-1-22

NORTH

STREET.

ORIGINAL IN MAP CASE No. 3

JAMES A. FAUCI

ATTORNEY AT LAW, PLLC
30 Remsen Street
Ballston Spa, NY 12020
[redacted]
ballstonlaw.com

[redacted]

Graydine Sanders, Paralegal
[redacted]

May 10, 2016

Stephen Shaw
Building Inspector
Saratoga Springs City Hall
474 Broadway - Ste 10
Saratoga Springs, NY 12866

HAND DELIVERED

RE: 39 Murphy Lane: Tax Map Parcel 165.84-1-22 (Inside District) Variances Granted 04/02/2015 – Jean D'Agastino

Dear Mr. Shaw:

In following up on our last meeting, enclosed please find the PE stamped plans reflecting the existing foundation with regard to the above. Based upon our discussions, I believe this is the last item you were looking for before you would consider lifting the stop work order. Note that I have retained the originals of the enclosed – if you need to see or have filed the originals, please let me know.

In any event, demand is hereby made to lift the stop work order and to re-instate the building permit.

Sincerely,

James A. Fauci

Encl.
cc: Jean D'Agostino
Anthony Izzo, Esq. w/ encl.

ENGINEERING AMERICA CO.

76 WASHINGTON ST SARATOGA SPRINGS NY 12866

TRANSMITTAL SHEET

TO: Steve Shaw, Building Inspector	FROM: Tonya Yasenchak
COMPANY: City of Saratoga Springs	DATE: May 3, 2016
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: # 29 Murphy Ln. Foundation Saratoga Springs, NY	YOUR REFERENCE NUMBER:

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

Mr. Shaw –

A modified foundation detail sketch for the structure under construction at #29 Murphy Ln. is attached. This full foundation detail is a revision to the crawl space foundation detail proposed & discussed with the building dept. September 16, 2015.

The attached typical foundation detail which is stamped depicts a foundation compliant with the Residential Code of NYS for the structure designed at #29 Murphy Ln.

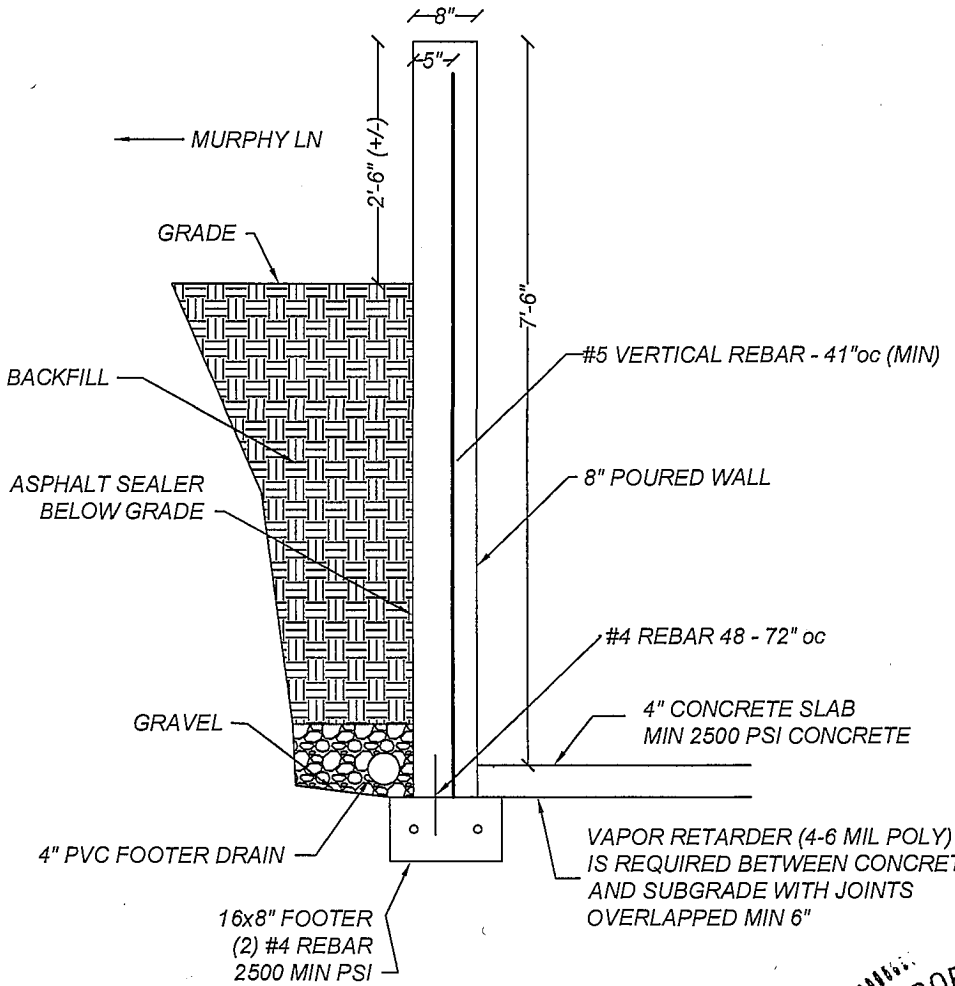
The attached typical foundation detail which is not stamped depicts the foundation rebar as noted to EACo. by the contractor who installed the foundation. The additional rebar, at closer spacing, exceeds the minimum requirement of the Residential Code of NYS for the foundation wall. EACo. is not able to stamp the "as-built" as we were not retained or contacted to observe the foundation as it was being installed. It is the understanding of EACo. that the foundation was inspected by the City during construction.

Please feel free to contact me with any questions you have.
Thank you for your time and cooperation.

Sincerely,
Tonya Yasenchak, PE
Enc.
Cc: D'Agostino

LICENSED PROFESSIONAL ENGINEER
TONYA L. YASENCHAK
085460
STATE OF NEW YORK

MAY - 3 2015



FW-1 Foundation Detail
N.T.S.

LICENSED PROFESSIONAL ENGINEER
TANYA L. YASENCHAK
NO. 085460
STATE OF NEW YORK
MAY - 3 2015

CARRIAGE HOUSE RESIDENCE
#29 MURPHY LANE
SARATOGA SPRINGS, NY

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY

NOTE: THIS DETAIL DEPICTS A TYPICAL FOUNDATION, COMPLIANT WITH THE RESIDENTIAL CODE OF NYS, FOR INSTALLATION & SUPPORT OF THE DESIGNED RESIDENCE AT #29 MURPHY LANE. SARATOGA SPRINGS. NY

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

INSPECTOR REPORT

PAGE 1 OF 1

JOB SITE 39 Murphy Lane PERMIT # 20151102 FILE # 20151102

FOOTINGS BEFORE CONCRETE	FOUND. REBAR BEFORE CONCRETE	FOUND. BEFORE BACKFILL	FLOOR SLAB BEFORE CONCRETE	ROUGH FRAME BEFORE INSUL.	ROUGH PLUMB BEFORE INSUL.	HVAC BEFORE INSUL.	INSUL. BEFORE COVER	SEPTIC BEFORE BACKFILL	OTHER	FINAL
☒			☒							

4" concrete S.O.G. = OK

Poly Vapor Retarder = OK

(3) column Footings per plans = OK

Garage corner 24" x 24" x 48" deep pier w/ rebar = OK

PASSED CONDITIONS AS NOTED REINSPECTION REQUIRED FAILED STOP WORK

INSPECTION DATE 1-8-2015 INSPECTOR Mike Carlson

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

INSPECTOR REPORT

PAGE 1 OF 1

JOB SITE 39 Murphy Lane PERMIT # 20151102 FILE # 20151102

FOOTINGS BEFORE CONCRETE	FOUND. REBAR BEFORE CONCRETE	FOUND. BEFORE BACKFILL	FLOOR SLAB BEFORE CONCRETE	ROUGH FRAME BEFORE INSUL.	ROUGH PLUMB BEFORE INSUL.	HVAC BEFORE INSUL.	INSUL. BEFORE COVER	SEPTIC BEFORE BACKFILL	(OTHER)	FINAL

Footing drain installed on inside face of foundation perimeter. 4" pipe in filter fabric sock to sump pump

(PASSED) CONDITIONS AS NOTED REINSPECTION REQUIRED FAILED STOP WORK

INSPECTION DATE 1-5-2016 INSPECTOR Mike Carlson

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

INSPECTOR REPORT

PAGE 1 OF 1

JOB SITE 39 MURPHY LANE PERMIT # 20151102 FILE # 20151102

FOOTINGS BEFORE CONCRETE	FOUND. REBAR BEFORE CONCRETE	FOUND. BEFORE BACKFILL	FLOOR SLAB BEFORE CONCRETE	ROUGH FRAME BEFORE INSUL.	ROUGH PLUMB BEFORE INSUL.	HVAC BEFORE INSUL.	INSUL. BEFORE COVER	SEPTIC BEFORE BACKFILL	OTHER	FINAL
		X								

ALL FORMS & TIE ENDS ON EXTERIOR SURFACE REMOVED.

WATERPROOFING MEMBRANE APPLIED

ALL DEBRIS IN BACKFILL AREA TO BE REMOVED.

OK TO BACKFILL.

PASSED | CONDITIONS AS NOTED | REINSPECTION REQUIRED | FAILED | STOP WORK

INSPECTION DATE 12/24/15 INSPECTOR D. MILLER

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

INSPECTOR REPORT

PAGE 1 OF 1

JOB SITE 39 MURPHY LANE PERMIT # 20151102 FILE # 20151102

FOOTINGS BEFORE CONCRETE	FOUND. REBAR BEFORE CONCRETE	FOUND. BEFORE BACKFILL	FLOOR SLAB BEFORE CONCRETE	ROUGH FRAME BEFORE INSUL.	ROUGH PLUMB BEFORE INSUL.	HVAC BEFORE INSUL.	INSUL. BEFORE COVER	SEPTIC BEFORE BACKFILL	OTHER	FINAL
	X									

#4 REBAR @ 18" o.c. VERTICAL & HORIZONTAL FULL 8' HIGH FDN WALL.

① ENG. TO PROVIDE REVISED DWG SHOWING CHANGE TO DESIGN.

OK TO POUR

② ENG. TO ADDRESS SUMP PUMP DISCHARGE LOCATION/METHOD

PASSED CONDITIONS AS NOTED REINSPECTION REQUIRED FAILED STOP WORK

INSPECTION DATE 12/22/15 INSPECTOR D. MILLER

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

INSPECTOR REPORT

PAGE 1 OF 1

JOB SITE 39 Murphy Lane PERMIT # 20151102 FILE # 20151102

FOOTINGS BEFORE CONCRETE	FOUND. REBAR BEFORE CONCRETE	FOUND. BEFORE BACKFILL	FLOOR SLAB BEFORE CONCRETE	ROUGH FRAME BEFORE INSUL.	ROUGH PLUMB BEFORE INSUL.	HVAC BEFORE INSUL.	INSUL. BEFORE COVER	SEPTIC BEFORE BACKFILL	OTHER	FINAL
☒										

16" x 8" poured concrete footings = OK

(2) #4 horizontal Rebar continuous = OK

#4 Vertical Rebar @ 48" O.C. = To be welset

(3) interior column footings per plans = OK

OK to pour footings

PASSED CONDITIONS AS NOTED REINSPECTION REQUIRED FAILED STOP WORK

INSPECTION DATE 12-9-2015 INSPECTOR Mike Carlson

JAMES A. FAUCI

ATTORNEY AT LAW, PLLC
30 Remsen Street
Ballston Spa, NY 12020
[redacted]
ballstonlaw.com

[redacted]

Graydine Sanders, Paralegal
[redacted]

April 11, 2016

Mayor Joanne Yepsen - joanne.yepsen@saratoga-springs.org

William Moore
Chair, Zoning Board of Appeals
City of Saratoga Springs
474 Broadway
Saratoga Springs, NY 12866

RE: 39 Murphy Lane: Tax Map Parcel 165.84-1-22 (Inside District) Variances Granted 04/02/2015

Dear Mayor Yepsen and Mr. Moore:

Please be advised that this firm has been retained by Jean D'Agastino with regard to the above. My investigation of this matter includes a review of the papers that have been filed with the Zoning Board of Appeals and the Building Department, a review of the written minutes and video replays of ZBA meetings, the variances that were granted in March, 2015, a site visit of the premises, and a review of the City's Zoning Ordinance. From a review thereof, it appears that Mrs. D'Agastino is no longer asking the ZBA for any kind of relief whatsoever. To make this point absolutely clear, be advised that Mrs. D'Agastino is not asking for any additional relief from the ZBA. She is satisfied with the variances already granted to her in 2015. That being the case, there is no further action required or allowed by the ZBA, i.e, there is no application before the ZBA for any variance, interpretation or rehearing.

Notwithstanding this, Mrs. D'Agostino continues to be willing to work with the City in the final design of the structure. Exactly how and in what capacity this cooperation will take place is to be determined since it cannot occur before the ZBA.

With regard to any perceived violations that have lead to the Stop Work Order that continues to impede the construction on the site, I respectfully call your attention to the written resolution that granted the variances on April 2, 2015. Other than limiting the applicant to the percentages indicated in the relief granted, the resolution contains no limitations or conditions whatsoever with respect to what the applicant may construct on that site, i.e., it is unconditional.

Therefore, for example, there is no legal impediment for a structure to be elevated to the maximum height of sixty feet per what the UR-3 district allows.

Note that the language in the resolution granting the variances "to permit the renovation and conversion" and "as per the submitted application materials," with nothing more, in a resolution granting a variance does not limit an applicant to constructing a structure exactly per the plans submitted. Such language is far too vague and imprecise for anyone, including an applicant, building code inspectors, or neighbors to rely on. Case law makes this clear: "[t]he zoning board, however, must clearly enumerate the conditions in the board's decision so that the applicant, neighbors and municipal officials are fully aware of the nature and extent of any conditions imposed. *Hoffmann v.Gunther*, 245 AD2d 511 (2nd Dept, 1997) Conditions must be certain and unambiguous. *Suburban Club of Larkfield v Town of Huntington*, 57 Misc 2d 1051, *affd* 31 AD2d 718.

The reason that the Courts have ruled this way is to avoid the very situation that we find ourselves at in these present proceedings. The construction taking place at the subject premises is not in violation of the variances granted in 2015. Mrs. D'Agastino, the contractor, AND THE BUILDING INSPECTOR have relied on and have been guided by the general language of the resolution granting the variances. Mrs. D'Agastino's repeated willingness to submit to the ZBA's review at the ZBA's February 22, 2016, and March 21, 2016, meetings, and the Design Review Commission meeting on April 6, 2016 (which, by the way, has no authority over this project as the subject premises does not fall within DRC jurisdiction), further points to her good faith and willingness to work with the City.

In *Hoffman*, *supra*, the ZBA of the Town of Mamaroneck granted an area variance "to allow the construction" of an addition "in strict conformance with plans filed with this application provided that the applicant complies in all other respects with the Zoning Ordinance and Building Code of the Town of Mamaroneck." In annulling the ZBA's decision with regard to the "strict compliance" language, the Appellate Division stated:

> The ZBA had the authority to attach conditions to the granting of the area variance (*see, Matter of Kumpel v Wilson*, 241 AD2d 882). However, it also had the obligation to clearly state any conditions imposed, so that the petitioners, their neighbors, and Town officials, would be fully aware of the nature and extent of any conditions imposed (*see, Matter of Sabatino v Denison*, 203 AD2d 781, 783; *Matter of Proskin v Donovan*, 150 AD2d 937, 939; *South Woodbury Taxpayers Assn. v American Inst. of Physics*, 104 Misc 2d 254, 259), without reference to the minutes of the proceeding leading up to the granting of the variance (*see, South Woodbury Taxpayers Assn. v American Inst. of Physics, supra*, at 259). Here, it is not apparent from the language of the 1979 resolution granting the side-yard variance, that the variance was granted on condition that the petitioners leave the addition constructed in accordance with the plans on file unchanged in perpetuity. Nor did the 1979 variance impose any height conditions other than those imposed by the zoning ordinance.

> Since the project in issue here was within the height limitations of the zoning ordinance, did not deviate from or increase the building's footprint, and did not encroach upon the required side yards established by the 1979 variance, once the ZBA granted the necessary front-yard variance, it should have authorized issuance of a building permit and a certificate of occupancy.

Other relevant case law sheds more light on the issue:

> Zoning regulations are in derogation of the common law and must be strictly construed against the municipality. Thus, any ambiguity in the language used in zoning regulations must be resolved in favor of the property owner (see, Matter of Allen v Adami, 39 NY2d 275, 277, 383 N.Y.S.2d 565, 347 N.E.2d 890; Matter of Hess Realty Corp. v Planning Commn. of Town of Rotterdam, 198 AD2d 588, 603 N.Y.S.2d 95 [3rd Dept., Nov. 4, 1993]; Matter of Chrysler Realty Corp. v Orneck, 196 AD2d 631, 632-633, 601 N.Y.S.2d 194, supra; Matter of Barkus v Kern, 160 AD2d 694, 695-696, 553 N.Y.S.2d 466). Contrary to the contention of the intervenor-respondent Fifth Avenue of Long Island Realty Associates, we find that no inference can logically be drawn from the language of the variances granted that they were conditioned upon strict adherence to all aspects of the site plan submitted at that time and could not be modified unless approval was first obtained from the Board. If the Board intended to condition either variance on the maintenance of a certain number of spaces in a certain location, it could have done so in its determinations. Zoning regulations may not be extended by implication (see, Matter of Chrysler Realty Corp. v Orneck, supra, at 633; Matter of Exxon Corp. v Board of Stds. & Appeals of City of N.Y., 128 AD2d 289, 296-297, 515 N.Y.S.2d 768, supra; cf., Matter of Town of Sullivan v Strauss, 171 AD2d 980, 981, 567 N.Y.S.2d 921).
>
> *KMO-361 Realty Ass. v. Davies*, 204 AD2d 547 (2d Dept, 1994),

See also, Fuentes v Village of Woodbury 82 AD3d 883 (2nd Dept, 2011): "The zoning board of appeals has the authority to attach conditions to the granting of the area variance. However, it also has the obligation to clearly state any conditions imposed, so that petitioners, their neighbors, and town officials are fully aware of the nature and extent of any conditions imposed without reference to the minutes of the proceeding leading up to the granting of the variance." (citing *Hoffman, supra*).

Sabatino v. Denison, 203 AD2d 781 (3rd Dept, 1994): "We disapprove of respondents' (ZBA) assumption that every item discussed at the public hearings on the application became an express condition of the approval. To the contrary, it was the Zoning Board's obligation to clearly state the conditions it required petitioners to adhere to in connection with the approval (*see*, *Holmes v Planning Bd. of Town of New Castle*, 78 AD2d 1, 32, 433 N.Y.S.2d 587; *South Woodbury Taxpayers Assn. v American Inst. of Physics*, 104 Misc 2d 254, 259, 428 N.Y.S.2d 158)."

I also point out that the resolution granting the 2015 variances took into consideration the effect on the neighborhood: "These variances will not have significant adverse physical and environmental effect on the neighborhood/district." Also, the Building Inspector was at the site several times prior to eventually issuing the stop work order. Those prior site visits included the inspection and approval of the now existing foundation, second floor, and roof.

Given the above, the current Stop Work Order has been wrongfully issued. Mrs. D'Agastino has adhered to such wrongful Order to her detriment and her damages continue to accumulate on a daily basis. Demand is hereby made to immediately lift the stop work order and to re-instate the building permit. Failure to do so will result in Mrs. D'Agasinto pursuing all legal remedies.

Thank you.

Sincerely,

James A. Fauci

cc: Jean D'Agastino
Anthony Izzo, Esq. - tony.izzo@saratoga-springs.org

JAMES A. FAUCI

ATTORNEY AT LAW, PLLC
30 Remsen Street
Ballston Spa, NY 12020
[redacted]
ballstonlaw.com

[redacted]

Graydine Sanders, Paralegal
[redacted]

April 20, 2016

Hon. Joanne Yepsen City of Saratoga Springs
474 Broadway
Saratoga Springs, NY 12866 FAX: 587-1688

joanne.yepsen@saratoga-springs.org

RE: 39 Murphy Lane: Tax Map Parcel 165.84-1-22 (Inside District) Variances Granted 04/02/2015 – Jean D'Agastino

Dear Mayor Yepsen:

With regard to the above, it is my understanding that you may be meeting with neighbors and Assistant City Attorney Tony Izzo in the near future to discuss concerns everyone has with the construction and the variances that have been granted. In the spirit of fairness and open government, I respectfully request that if any meeting(s) do take place, that Mrs. D'Agostino be invited to attend.

Thank you.

Sincerely,

James A. Fauci

cc: Jean D'Agostino
Anthony Izzo, Esq. tony.izzo@saratoga-springs.org

JAMES A. FAUCI

ATTORNEY AT LAW, PLLC
30 Remsen Street
Ballston Spa, NY 12020
[redacted]
ballstonlaw.com

[redacted]

Graydine Sanders, Paralegal
[redacted]

April 29, 2016

Hon. Joanne Yepsen
Mayor, City of Saratoga Springs
474 Broadway
Saratoga Springs, NY 12866 HAND DELIVERED

RE: 39 Murphy Lane: Tax Map Parcel 165.84-1-22 (Inside District) Variances Granted 04/02/2015 – Jean D'Agostino

Dear Mayor Yepson

With regard to the above, although the stop work order itself is silent upon "the conditions under which the [unauthorized] activity may resume" (despite as such is required per City of Saratoga Springs Ordinance 9.2.1.2(A)), it appears that through meetings and discussions we have had with Mr. Izzo and Mr. Shaw, that the stop work order was issued pursuant to a perceived violation of City Ordinance Article 5 – Nonconforming Uses, Structures and Lots. From a review of that Article, and of the history of the lot in question, there is no question that that there is no violation whatsoever occurring with the present construction on the lot.

A title search has revealed that the lot was created with its present dimensions in 1927. Enclosed please find copies of the deeds in the chain of title together with relevant maps.

The only issue with Article 5 of the City Ordinance that could apply to the present facts is 5.5 Nonconforming Lots, which provides:

A. A lot which lawfully existed and was in compliance with the provisions of the Zoning Ordinance applicable on the date that such lot was recorded in the Saratoga County Clerk's office but which does not conform to the current dimensional requirements of this Chapter shall be considered a legal non-conforming lot of records as follows in "B" and "C".

B. Minimum lot size and minimum average lot width requirements shall not apply to any lawfully recorded lot which was under different ownership from any adjoining land on or before July 6, 1961.

C. The owner of any lot in a residential district which does not conform to the district's minimum lot size and minimum average lot width requirements may erect a single family residence or accessory building if the lot legally existed on or before January 19, 1970 and is not under the same ownership as any adjoining land.

Since the lot as issue was created in 1927, it is a legal pre-existing non-conforming lot and the minimum lot size and minimum average lot width requirements do NOT apply and any current owner of the lot is expressly allowed to construct a single family residence upon the lot.

Note also that section 5.4 Nonconforming Structures of the ordinance is also inapplicable since the structure that is on the lot was never nonconforming.

Mrs. D'Agostino has been extremely patient in dealing with the City on this issue. Her damages as a result of the wrongfully issued stop work order continue to accrue. Demand is hereby made once again to immediately lift the stop work order and to re-instate the building permit. Failure to do so will result in Mrs. D'Agosinto filing a lawsuit against the City asking for all legal remedies including monetary damages.

Sincerely,

James A. Fauci

ENCL.
cc: Jean D'Agostino
Anthony Izzo, Esq. - with encl.
Steve Shaw, - with enclo.

Gmail

Murphy Lane

Jim Fauci [redacted]> Wed, May 11, 2016 at 4:11 PM
To: Stephen.Shaw@saratoga-springs.org, tony.izzo@saratoga-springs.org
Bcc: Jean D'Agostino [redacted]

Tony and Steve:

In following up the discussion I just had with Tony, I have reviewed the 2009 case Tony gave to me (Scarsdale Shopping Center v. ZBA of New Rochelle) and that Court had to look outside of the actual resolution granting the variance because the resolution there was destroyed by fire - it had no choice. (Hard to believe no hard copy survived - even in 2009).

Since we have the actual resolution granting the variances, our case will be controlled by Hoffman v. Gunther, 245 AD2d 511 (2nd Dept, 1997). As my letter of April 11, 2016, to the Mayor and ZBA stated:

In *Hoffman*, *supra*, the ZBA of the Town of Mamaroneck granted an area variance "to allow the construction" of an addition "in strict conformance with plans filed with this application provided that the applicant complies in all other respects with the Zoning Ordinance and Building Code of the Town of Mamaroneck." In annulling the ZBA's decision with regard to the "strict compliance" language, the

Appellate Division stated: The ZBA had the authority to attach conditions to the granting of the area variance (*see,* *Matter of Kumpel v Wilson*, 241 AD2d 882). However, it also had the obligation to clearly state any conditions imposed, so that the petitioners, their neighbors, and Town officials, would be fully aware of the nature and extent of any conditions imposed (*see,* *Matter of Sabatino v Denison*, 203 AD2d 781, 783; *Matter of Proskin v Donovan*, 150 AD2d 937, 939; *South Woodbury Taxpayers Assn. v American Inst. of Physics*, 104 Misc 2d 254, 259), without reference to the minutes of the proceeding leading up to the granting of the variance (*see,* *South Woodbury Taxpayers Assn. v American Inst. of Physics*, *supra*, at 259). Here, it is not apparent from the language of the 1979 resolution granting the side-yard variance, that the variance was granted on condition that the petitioners leave the addition constructed in accordance with the plans on file unchanged in perpetuity. Nor did the 1979 variance impose any height conditions other than those imposed by the zoning ordinance.

Since the project in issue here (in Hoffman) was within the height limitations of the zoning ordinance, it did not deviate from or increase the building's footprint, and did not encroach upon the required side yards established by the 1979 variance, once the ZBA granted the necessary front-yard variance, it should have authorized issuance of a building permit and a certificate of occupancy.

Please advise me of your thoughts after reading Hoffman. Thanks.

Jim Fauci

--
James A. Fauci
Attorney at Law, PLLC
30 Remsen Street
Ballston Spa, NY 12020
[redacted]

Gmail

Murphy Lane

Tony Izzo <tony.izzo@saratoga-springs.org> Thu, May 19, 2016 at 4:10 PM
To: Jim Fauci [redacted]
Cc: Stephen Shaw <Stephen.Shaw@saratoga-springs.org>, Joe Odgen <joseph.ogden@saratoga-springs.org>, Brad Birge <bbirge@saratoga-springs.org>

Jim:
My analysis is somewhat different.
In my opinion, the pertinent part of Scarsdale Shopping Center is that an appellate court in 2009 gave significance to the phrase "as shown on plans submitted" and opined that the phrase can be read as limiting the variance granted to the construction then proposed. 64 AD 3d at 66. That same phrase has been used in variance resolutions by our city's ZBA for more than 25 years, and it appears in a slightly wordier version ("as per the submitted application materials") in the subject resolution of March 23, 2015. This goes directly to what I believe we all agree is a central issue in our matter - how clear and how fair is it to include phrases like this in ZBA decisions and hold the applicant to the construction described and/or depicted in the submitted materials?
The two Second Department cases, Hoffman and Scarsdale Shopping Center, contain some similarities but are distinguishable. The conclusion of the court in Hoffman was that the 1996 Mamaroneck ZBA erred in finding that the 1979 ZBA variance was granted on condition that construction proceed as shown on filed plans. The court reviewed the 1979 variance and found that it was not apparent that such a condition was ever imposed in 1979. The court did specifically find that the 1979 ZBA did not impose a height condition, but the critical distinction is in its finding that no "submitted plans" condition had been imposed.
There is therefore no legal conclusion by the court in Hoffman that a condition limiting construction to that shown on submitted plans is improper or unfair per se. In Scarsdale Shopping Center, 14 years later, that same appellate court found that such a condition can be read as limiting the variance to construction then proposed. Still another Second Department case, Incorporated Village of Centre Island v. Comack, 39 AD 3d 288 (2007), found several restrictions in a declaration, later incorporated into a ZBA decision, that required open views to be maintained in a "present unobstructed state" and open lawn area to remain "in its present state", were not so imprecise and vague as to be unenforceable. I believe the standard for a condition that references another document or an existing condition is the same as for any other condition. It must, *in light of all the circumstances,* give a sufficiently clear impression of what is expected.
AJI

Gmail

Murphy Lane

Joseph Ogden <joseph.ogden@saratoga-springs.org> Thu, May 19, 2016 at 4:20 PM
To: Jim Fauci [redacted]
Cc: Stephen Shaw <Stephen.Shaw@saratoga-springs.org>, Brad Birge <bbirge@saratoga-springs.org>, Tony Izzo <tony.izzo@saratoga-springs.org>, Vince DeLeonardis <vince.deleonardis@saratoga-springs.org>

Jim:

Thanks for offering some additional thoughts on the case law below.

Please be advised that, at this time, the city will not be lifting the Stop Work Order currently in effect at 39 Murphy Lane.

Joe

Joseph J. Ogden
Deputy Mayor, City of Saratoga Springs
City Hall - 474 Broadway
Saratoga Springs, N.Y. 12866
(518) 693-4002

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Name of Action or Project:
Murphy Lane - Saratoga Springs, NY

Project Location (describe, and attach a location map):
Murphy Lane, Saratoga Springs, NY

Brief Description of Proposed Action:

Name of Applicant or Sponsor:	Telephone [redacted]
South Alley, LLC - Jeane D"Agostino, Member.	E-Mail: [redacted]

Address:

City/PO:	State:	Zip Code:
Ballston Spa, NY 12020	New York	12020

	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? 0.0573921 acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.0573921 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: _____	☐	☑

	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: _____ _____ _____	☑	☐

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

Applicant/sponsor name: Jeane D'Agostino, Member, South Alley, LLC Date: May 20, 2016

Signature: _____

NO
TRESPASSING

TUCZINSKI, CAVALIER & GILCHRIST, P.C.

ATTORNEYS AT LAW

Albany Office
54 State Street, Suite 803
Albany, New York 12207
[redacted]

Saratoga Office
63 Putnam Street, Suite 202
Saratoga Springs, New York 12866
[redacted]

Stephanie W. Ferradino
[redacted]

May 20, 2016

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

Re: 34 Marion Avenue, Saratoga Springs, NY 12866

Dear Chairman Moore:

Enclosed please find the following submission for the upcoming Zoning Board of Appeals meeting:

1. Original Application;
2. Narrative to accompany application;
3. Estimate for construction of ranch house;
4. Photographs of site with house;
5. Letter from McNeary Realty;
6. SEQR short environmental assessment form;
7. Current photographs of the site;
8. Check in the sum of $1000 dollars for the filing fee; and
9. Detailed to scale drawings of the site and proposed improvements.

An electronic version of the application and supporting materials above has been emailed to the planning office. Would you kindly place us on the agenda for the **June 20, 2016 meeting,** prepare any required referral to the Saratoga County Planning board, and advise if anything further is required? Thank you very much.

Very truly yours,

TUCZINSKI, CAVALIER & GILCHRIST, P.C.

By: _____
Stephanie W. Ferradino

SWF:tlp
Enclosures
cc: Keith Aibel, D.D.S.

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	Maple Shade Corners, LLC	54 Marion Avenue, LLC	Stephanie W. Ferradino, Esq.
Address	4 Executive Park Drive Albany, New York 12203	2 Victoria Lane Saratoga Springs, NY 12866	Tuczinski, Cavalier & Gilchrist, P.C. 63 Putnam Street, Suite 202 Saratoga Springs, New York 12866
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: 34 Marion Avenue Tax Parcel No.: 166.5 - 3 - 25 - _____
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 1982 (see attached narrative) 3. Zoning District when purchased: R-2

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? ~~1987~~ For what? ~~Use Variance (denied)~~)
☑ 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:
Use variance to permit a low volume office

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:
Use of property for a low volume office

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 narrative.

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

   1) Date of purchase: 1982 Purchase amount: $ +/- $40,000

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

Date	Improvement	Cost
2012	Demolition	$19,000
1987 to 2012	Miscellaneous repairs and improvements made.	Unknown.

   3) Annual maintenance expenses: $ $700 4) Annual taxes: $ 1,800.00

   5) Annual income generated from property: $ 0

   6) City assessed value: $ 70,200 Equalization rate: 78% Estimated Market Value: $ 93,600.00

   7) Appraised Value: $ $225,000 Appraiser: W. J. Moore Realty Date: December 2004

   Appraisal Assumptions: Noted that in 2004 the property required $75,000 to make the property habitable.

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☑Yes ☐No If "yes", for how long? since 2005

1) Original listing date(s): 2005 Original listing price: $ 499,500.00

If listing price was reduced, describe when and to what extent: See attached narrative

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

If yes, describe frequency and name of publications: The property has been posted on residential MLS for the past 8 years, listed on Realtor.com & McNearyrealty.com

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

If yes, list dates when sign was posted: Current realtor confirmed sign has been posted for the last 3 years and his colleagues advise (and old pictures show) the property posted.

4) How many times has the property been shown and with what results? Current realtor has fielded approximately 100 calls, shown the property 5 times and received two offers that have been terminated. His colleagues report an additional 80 calls about the property over the life of the listing.

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 narrative

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 narrative.

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 narrative.

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.

M. Healy (owner)
(applicant signature) Date: 5/26/16

(applicant signature) Date:

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

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

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.

W. Healy (owner) Date: 5/20/16
(applicant signature)

(applicant signature) Date: 5-20-2016

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: Maple Shade Corners, LLC

TAX PARCEL NO.: 166.5 . 3 - 25 - ____

PROPERTY ADDRESS: 34 Marion Avenue

ZONING DISTRICT: UR-2

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

Use Variance

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

NARRATIVE TO ACCOMPANY APPLICATION

USE VARIANCE BY MAPLE SHADE CORNERS, LLC

AT 34 MARION AVENUE

The applicant seeks a use variance for property located on 34 Marion Avenue in the city of Saratoga Springs, New York. This property was originally purchased by The Loughberry Partnership in 1982 when the then owner of the residence became widowed. The current owners were principals in that entity with a relative. The ownership has changed since that time, when the current owners purchased the relative's share in the property. The property had a residence on it which was in poor condition as depicted in some of the earlier listings, was uninsulated and had a detached garage. Significant work would have been required in order to make the residence rentable, especially as the cost to heat the structure for tenants was prohibitive. Per the owner, in 2004 an appraisal was done which determined that it would minimally require $75,000 of investment in order to make the structure habitable.

The owner recalls an early application for a use variance for a commercial entity, a sporting goods store. However, the city's files do not contain that application. In 1987, the owners sought another use variance for a professional building housing three different offices. This was denied. In the 1990s, the property was briefly rented to a tenant who failed to pay rent and incurred very high heating bills. The owners had difficulty finding tenants interested in the rental due to its location on an increasingly busy roadway and the lack of insulation causing prohibitively high heating bills during the winter months. According to the owner, the property was initially placed on the market for sale in 2005, and has been listed during that period until present for residential use. The history of the price decreases is shown below and demonstrates the inability of the property to be sold either with the residence or as vacant residential land.

Because of the difficulty in getting a tenant for the property, deterioration of the structure, and the upgrades which would be necessary to attract residential tenants or owners, the owners decided to demolish the structure in 2012. Pictures which demonstrate the condition of the home near the time of demolition are included. The price dropped and the property has been listed as residential vacant land since that time.

The current applicant, Maple Shade Corners, LLC is under contract to purchase the property. The contract is contingent on the use variance. The applicant would utilize the office for a satellite of his current dental practice. Because of his specialty, he typically sees one patient per hour, so traffic volume to the site would be minimal.

Use Variance Standards

1. Reasonable return on investment

The subject premises cannot realize a reasonable financial return for any use which is in conformity with the existing zoning regulations. When zoning regulations effectively prevent

development of land, this imposes an unnecessary hardship and warrants the granting of a variance.

This property is located in a residential district and zoned UR-2 which allows single and two family residences as of right. The property has been marketed since 2005 for commercial use and the listing changed to residential in 2008. This is the third offer that has been made on the property. Two prior offers, in 2014 and 2015, were withdrawn because the property could not be used for commercial use. Permitted uses in the UR-2 district are one and two family residences. The property has been marketed for these purposes, both with a home and as vacant property, for more than a decade without any buyers. The additional uses requiring special use permits and site plan approval (private schools, religious institutions, neighborhood bed & breakfast, neighborhood rooming house, senior housing, senior assisted care facility and cemeteries) would not be viable at this location because of the size and configuration of the site and/or the parking area the uses would require. These uses all require larger sites to accommodate both the structure and parking associated with the need. For example, if the property were used for a private school, religious institution or senior housing, it would not be large enough to house the structure as well as the parking demands these uses require. Additionally, no potential purchaser has come forward in the decade plus that the property has been listed for any of the allowable uses or specially permitted uses.

The history of the marketing of the property is as follows:

1. 2005 property listed as commercial for $499,500
2. 2007 property listed as commercial for $499,500
3. 2008 property listed for residential use for $529,000
4. 2008 price was reduced to $375,000
5. 2012 property listed as residential for $359,000
6. 2012, the deteriorating residential structure was removed from the premises as it had deteriorated beyond a point where rehabilitation would have been financially feasible for the allowable use
7. 2013 property was listed as residential vacant land and the price was reduced to $250,000
8. January 17, 2014 owner received an offer of $190,000 but the contract was cancelled by the potential purchaser
9. April 21, 2015 the property received an offer of $135,000, but the contract was again cancelled by the purchaser.
10. 2016 the current offer of $140,000 is subject to approval of the within use variance.

The cost for the vacant land together with the cost to construct a small residential structure on the site would be minimally $346,000, as is demonstrated by the estimates provided by M.B. Custom Millwork & Const. LLC for a modest 1346 sf ranch residence, akin to those located on the block of Marion Avenue upon which the subject property is located. The specially permitted uses would have more significant construction costs. This is more than two times the assessed value of the other homes along that stretch of Marion Avenue, which are assessed at $152,500, $149,000, $140,400 and $121,000 respectively. The lot at 34 Marion is not as desirable as the other existing residential lots because of the traffic impact on two sides of the property. Despite

this, it would require more than two times the investment compared to existing nearby structures in order to construct a home for the permitted use or more for specially permitted uses. As the marketing of the property for more than a decade has demonstrated, the market in Saratoga Springs will not bear the land and construction cost for a residential structure or any of the specially permitted uses at this location.

During the ownership of the property, beyond the costs incurred to purchase the property, the owners have been paying taxes, making repairs (undocumented, due to the decades that have passed in the ownership), paying maintenance costs and insuring the property. Nominally, the below provides the base amount of annual expenditures for the property. These expenses do not include costs for heating, utilities and other services while the home was on the property.

Year	City/County tax	School tax	Maintenance and insurance	Total expenses	Income
2015	$640.06	$1142.50	$685	$2467.56	0
2014	$634.95	$1121.84	$685	$2441.79	0
2013	$1070.53	$1098.57	$685*	$2854.10	0
2012	$1065.72	$1358.98	$685*	$3109.70	0
2011	$1062.22	$1650.53	$650*	$3362.75	0
2010	$1035.71	$1655.29	$650*	$3341.00	0
2009	$999.29	$1600**	$600*	$3199.29	0
2008	$982.13	$1600**	$600*	$3182.13	0
Totals	**$7490.61**	**$11,227.71**	**$5240**	**$23,958.32**	**0**

*estimate based on 2015 figures.

** estimates based on 2009 figures.

2. Financial Hardship is Unique

The financial hardship relating to this property is unique and does not apply to a substantial part of the neighborhood. This property is located on the corner of a very busy intersection. When the property was purchased in 1982 with a residence on it, Marion Avenue and Maple Avenue were predominantly residential roadways that did not have high traffic volume. Since that time, the roadway is now classified as an Urban Minor Arterial with approximate daily traffic volumes of 12,586 (2014 NYSDOT data) cars on an average day. The amount of development along this corridor in the last decade has increased dramatically, changing its nature from residential to commercial. As the Fresh Market plaza and The Hamlet become fully occupied, together with other high traffic volume generators on both sides of the Route 50 arterial, Marion/Maple Avenues' traffic volume will continue to grow. Unlike the subject property, the residences located on Maple Dell are not subject to the same traffic volumes in the front and sides of their houses as the subject property is. While traffic volumes have increased on Maple Dell, the "Maple Avenue" roadway (on the Saratoga Springs side which runs from East Avenue and terminates at the Triangle Diner where it merges with Marion Avenue and continues as Maple

Avenue on the Greenfield side) leading into Maple Dell intersection sees between 200 and 2756 trips per day, a much lower traffic volume than Marion Avenue/Rt 9-Maple Avenue.

3. Altering Essential Character of the Neighborhood

The proposed change will not alter the essential character of the neighborhood. The area in question is already a mix of commercial and residential. This will not change. The use proposed will be significantly less intense than the other commercial uses across Maple Dell including doctors'/therapist offices, convenience and liquor stores and the physical therapist located near the subject parcel, as the applicant anticipates using the property as a satellite office and anticipates seeing 1 patient per hour. The office will be operational when some residents will be at work or school and quiet when they are home on nights and weekends. The building will buffer the residences from some of the sounds and visual impact of the busy roadway in front of the proposed structure.

4. Self-Created Hardship

The hardship has not been self-created. The purchaser is under contract to purchase the property, and the contract is subject to governmental approvals for the proposed use. The hardship has resulted from the increased commercial nature of the roadway upon which the property is located which has been caused by development in Saratoga, Greenfield and Wilton along Maple Avenue and Marion Avenue corridors on either side of the Route 50 arterial. Neither the owner nor the applicant has had control over the shift from residential to commercial use in this area from the date of purchase in 1982 until the present. The owner has made significant attempts to sell the property for residential purposes for more than a decade, including marketing the property, posting for sale signs, and reducing the price.

M.B. Custom Millwork & Const. LLC.
227 Jones Rd. Saratoga Springs, N.Y. 12866
[redacted]

Proposal

To: Bill Healy

Project location: #54 Marion Ave. Wilton, New York

Proposal for standard build, single family home located at address above.

Included in Proposal: Specification Sheet for single family dwelling.

M.B. Millwork Proposes to construct new single-family dwelling at #54 Marion Ave.

Proposed cost of project: (pending blue print review) $ 206.000.00

Documents included as instrument of this proposal: Build Specs

Respectfully submitted:

Michael R. Bollinger, Owner M.M Millwork and Const. LLC.

M.B. Custom Millwork and Const. LLC.
227 Jones Rd.
Saratoga Springs, NY 12866
[redacted]

Build Specifications for Healy Residence, #54 Maple Ave Wilton, NY.

Main floor areas: 1346 SFT.

Basement areas: 625 SF Living, 355 SF Garage, 372 SF Attic with stairway.

Foundation: lO"X 20"concrete footings, 8" thick by 9' high poured concrete wall foundation, with reinforcement bar. 4" thick concrete slab with reinforcement. P.T. plates/Sills at all openings. Approved footings at all locations indicated.

Egress windows (2) added to foundation design for future expansion.

Framing: All framing to be #2 and better SPF nominal dimension lumber, certified trusses where applicable, approved OSB sub-flooring and sheathing, Micro-lam support headers where indicated.

Floor system: #2 and better SPF framing, %" OSB sub-flooring.

Exterior walls: 2x6 #2 and better SPF studs, sills, plates. 7/16" OSB sheathing, vapor barrier house-wrap.

Roof system: #2 and better dimensional framing as per plan, engineered room-over attic trusses as per plan, 5/8 OSB roof decking.

Attic: Unfinished with %" sub-floor, heat ducting and electrical circuitry for future expansion.

All exposed framing at porches/ decks to be P.T. #2 and better with approved T.Z. hangers/fasteners .

Interior walls: 2x4 #2 and better SPF framing

Exterior finishes: High-end vinyl siding, soffits. Aluminum fascia.

Roof: 30 year architectural asphalt shingles over ice/water and roof barrier.

Windows: High-end vinyl framed, low-E, Single-hung, Double-hung, and Casement style windows.

Ext. Doors: High-end low-E Vinyl framed gliders, Fiberglass hinged entry doors.

Porch interior: SYP T&G yellow pine flooring over framing. T&G pine on walls/ ceilings.

Insulation: F.G. insulation, with spray foam optional.

Interior wall finishes: 1/z" gypsum wallboard. M.R. wallboard where applicable. Painted

Interior ceilings: %" T&G pine at all major ceilings. Bathrooms to be 1/z"& 5/8" M.R. gypsum wallboard, closets, utility areas 1/2" gypsum wallboard envelopes.

Floor finishes: Main floor and stair landings to be hardwood strip flooring. Ceramic tile at bathrooms.

Stairs: Pine risers and stringers with hardwood treads.

Kitchen/vanities: KCMA approved cabinetry, laminate or stone countertops.

Fireplace: Propane fuel, new construction fireplace unit, stone hearth/ surround.

Heating: 92% FHA, Propane heating system. A/C optional.

Electrical: 200A overhead service, UL approved circuitry throughout.

Water: Town-water supply.

Hot water: Electric storage-type water heater.

Septic: Existing septic tank, distribution, field.

Driveway: Crusher-run bluestone rubble.

Landscape finishes: By others.

CRMLS

CRMLS

MC NEARY
REALTY, INC.

Hello,

I have been the realtor for the property located at 34 Marion Avenue in the city of Saratoga Springs for the last three years. The property has been listed with my office since 2005, when it was originally listed as a commercial listing. This listing was corrected to residential listing in 2008. In the three years since I have had the listing, I have fielded approximately 100 calls from potential purchasers inquiring about the property. These calls have been predominantly inquiries as to whether the property could be used for commercial use, due to its location on a busy street, in what has become an increasingly commercial area over the last decade.

Despite all of the calls that I have received for interest in the property, the property has only been shown 5 times. Two offers have been generated recently, in 2014 and 2015, but they both were rescinded after they reviewed the process for obtaining commercial use. In the time the property has been listed for residential use, 2008 until the present, no offers have been made to purchase the property for the allowed use. Prior to my listing of the property, it was listed by Dinda Dahlstrom, Tammy Kalker, and Fred McNeary in my office. They advise that the history has been approximately 180 calls and two offers that were withdrawn.

The property has been listed on the MLS, McNeary Realty's website and on Realtor.com. The property has had a for sale sign posted continuously. I am happy to provide any additional information I can about the history of our attempts to market and sell this parcel.

Please feel free to contact me at [redacted]

Best regards,

Peter Riposa 5/20/16

Peter Riposa
Real Estate Agent

12 Circular Street, Saratoga Springs, NY 12866
P:518.928.9891/F:518.584.7421
PRiposa52@gmail.com

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Name of Action or Project:
MAPLE SHADE CORNERS, LLC

Project Location (describe, and attach a location map):
34 MARION AVENUE, SARATOGA SPRINGS, NEW YORK 12866 TAX MAP NO. 166.5-3-25

Brief Description of Proposed Action:
USE VARIANCE FOR LOW VOLUME OFFICE USE.

Name of Applicant or Sponsor:	Telephone: [redacted]
MAPLE SHADE CORNERS, LLC	E-Mail: [redacted]

Address:
4 EXECUTIVE PARK DRIVE

City/PO:	State:	Zip Code:
ALBANY	NEW YORK	12203

	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: PLANNING BOARD - SITE PLAN	☐	☑

3.a. Total acreage of the site of the proposed action? 0.43 acres
b. Total acreage to be physically disturbed? 0.43 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.43 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?	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?	NO	YES	
	☑	☐	
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:	NO	YES	
	☐	☑	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☑	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
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?	NO	YES	
	☑	☐	
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?	NO	YES	
	☑	☐	
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?	☑	☐
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		

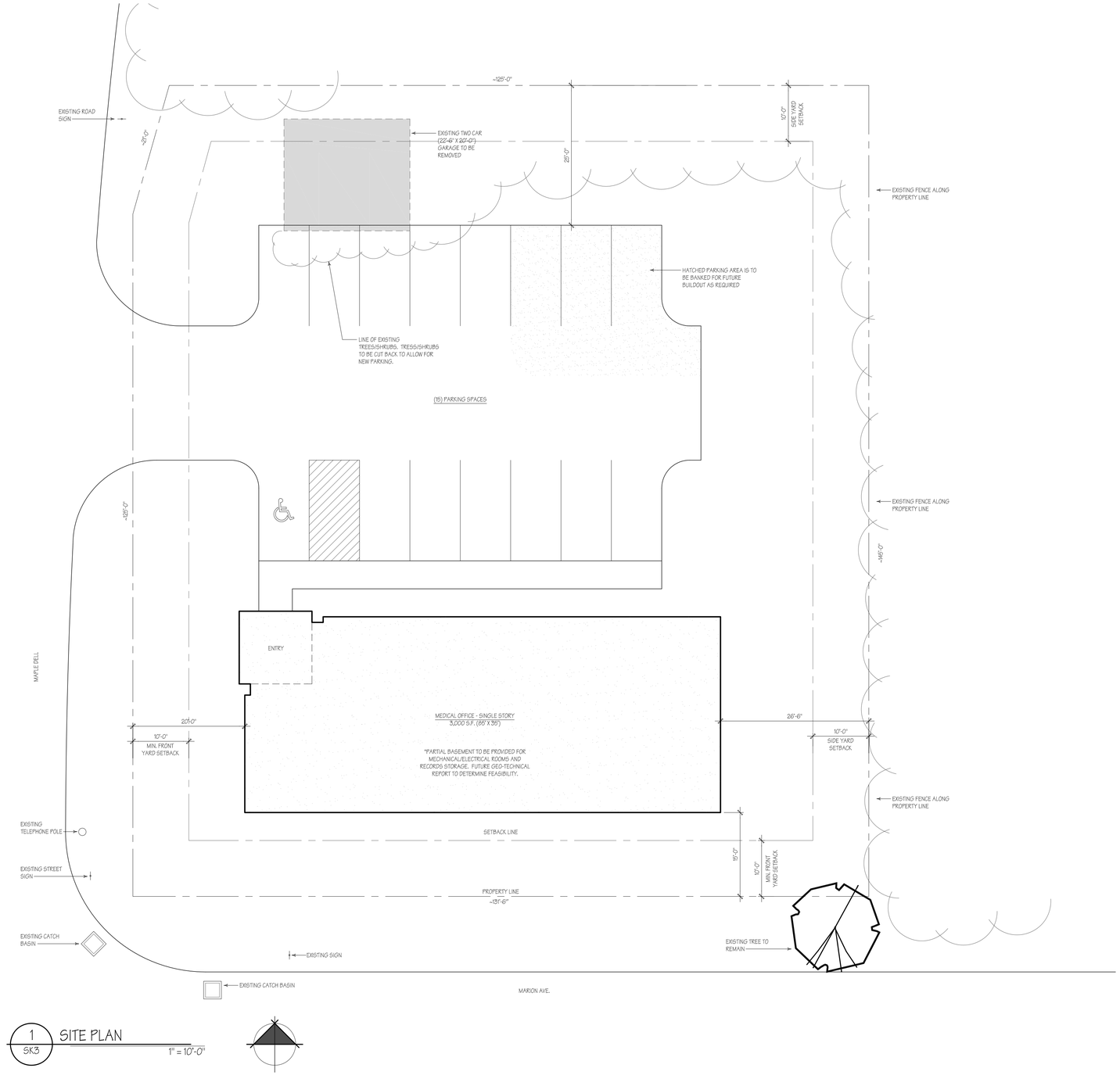
	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location 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: MAPLE SHADE CORNERS, LLC Date: 5/20/16

Signature: _____

PRINT FORM



1 SK3 SITE PLAN

1" = 10'-0"

NOTES:

1. SITE INFORMATION/PROPERTY LINE DIMENSIONS TAKEN FROM CITY TAX MAP #166.05-3-25 AND FROM CITY ARCHIVE PROPOSAL FROM WILLIAM J. HEALY, DATED JANUARY 9, 1987.
2. SURVEY HAS NOT BEEN COMPLETED AT THIS TIME, SO ACCURACY OF SITE DIMENSIONS IS NOT GUARANTEED.
3. EXISTING ZONING IS UR-2.
4. SETBACKS ARE NOTED AS (2) FRONT SETBACKS AND (2) SIDE SETBACKS.
   - 4.1. FRONT SETBACK = 10'-0".
   - 4.2. SIDE SETBACK = 8'-0" MINIMUM, 20'-0" COMBINED TOTAL.
5. PARKING REQUIREMENTS:
   - 5.2. MEDICAL OFFICE = (1) SPACE : 200 S.F.
   - 5.3. (1) ACCESSIBLE SPACE PER (25) TOTAL, UP TO (100) TOTAL SPACES
   - 5.4. SPACES TO BE 9' X 18' WITH 5' AISLE (MINIMUM) AS REQUIRED BY ACCESSIBLE SPACES.
6. PARKING CALCULATION:
   - 6.1. 3,000 S.F. / 200 S.F. = (15) PARKING SPACES
   - 6.2. (15) SPACES REQUIRES (1) H.C. ACCESSIBLE SPACE
7. SITE STATISTICS - (FULL PARKING BUILD-OUT)
   - 7.1. TOTAL SITE = ~18,730 S.F.
   - 7.2. BUILDING COVERAGE (INCLUDING OVERHANGS AND CANOPIES) = ~5,500 S.F. = 19% (30% ALLOWED)
   - 7.3. HARDSURFACE COVERAGE (ASPHALT PAVING AND SIDEWALKS) = 5,305 S.F. = 32%
   - 7.4. GREENSPACE = 9,325 S.F. = 49% (25% MINIMUM PERMEABLE REQUIRED)
8. SITE STATISTICS - (PARTIAL PARKING BUILD-OUT)
   - 8.1. TOTAL SITE = ~18,730 S.F.
   - 8.2. BUILDING COVERAGE (INCLUDING OVERHANGS AND CANOPIES) = ~5,500 S.F. = 19% (30% ALLOWED)
   - 8.3. HARDSURFACE COVERAGE (ASPHALT PAVING AND SIDEWALKS) = 5,115 S.F. = 27%
   - 8.4. GREENSPACE = 9,325 S.F. = 54% (25% MINIMUM PERMEABLE REQUIRED)

CONCEPTUAL

SITE PLAN - C

the ARCHITECTURAL COLLABORATIVE

15 SUFFOLK LANE, GANSEVOORT, NY 12831 - 518.796.6236

CLIENT LOGO:

CONSULTANT LOGO:

SEAL:

#:	DESCRIPTION:	DATE:

PROJECT NAME: DR. AIBEL

DATE:	5.19.16	SHEET #:	SK3
DRAWN BY:	JP		
CHECKED BY:	JP		
PROJECT #:	16007	SCALE:	1" = 10'-0"

Stewart's Shops

May 23, 2016

Mr. William Moore, Chairman
Zoning Board of Appeals
City of Saratoga Springs
474 Broadway
Saratoga Springs, New York 12866

REC'D JUN 06 2016

Chairman Moore,

I write in support of the application submitted by Maple Shade Corners, LLC which is seeking a Use Variance for a parcel of land at 34 Marion Avenue in the City of Saratoga Springs.

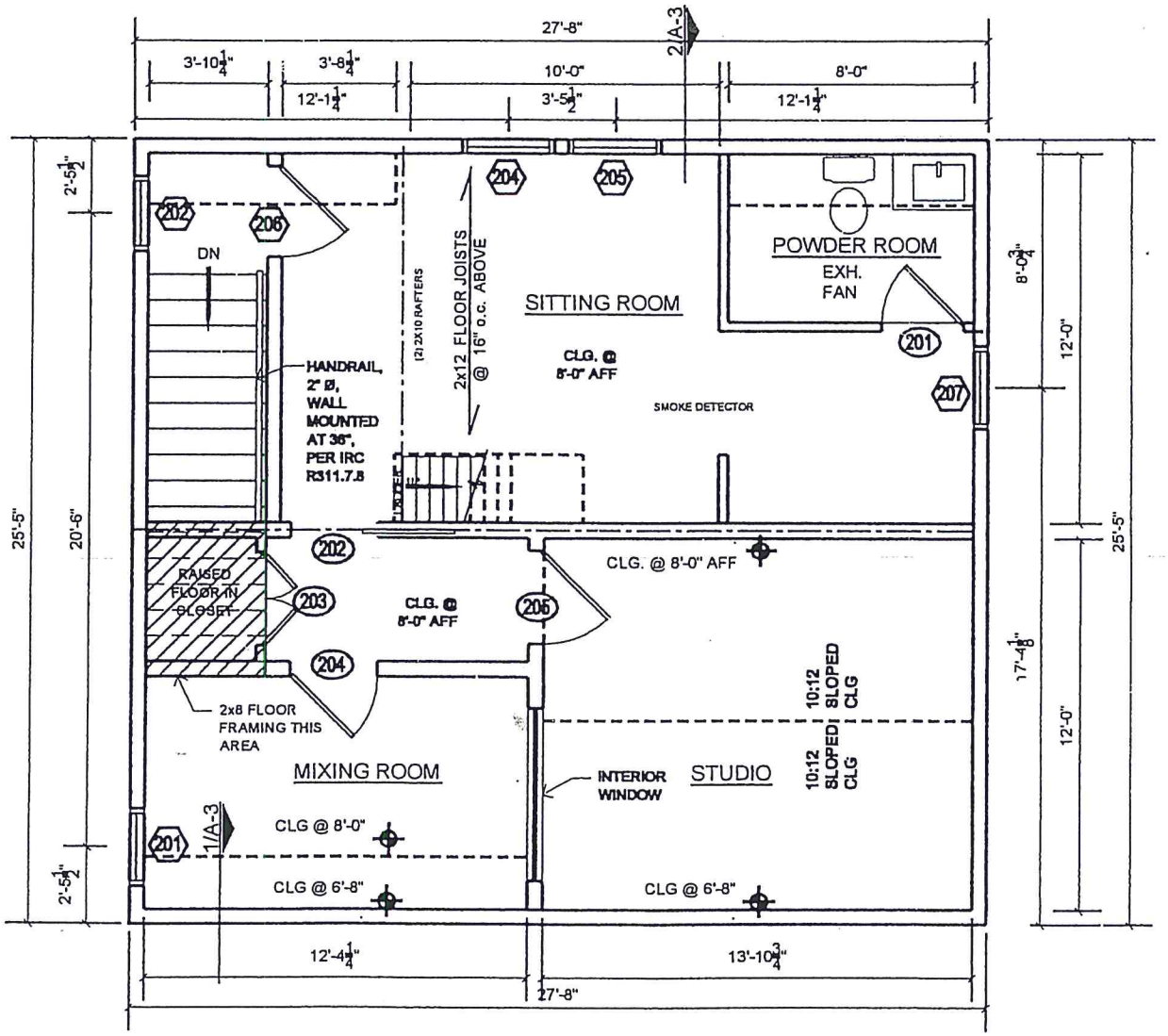
Marion Avenue is NYSDOT classified Urban Minor Arterial seeing approximately 12,000 cars on an average day. This is a benefit to commercial entities such as Stewart's on Maple Dell and the Mobil we own and operate along Marion Avenue, but; it is detrimental when looking to construct a residence as the current zoning requires. Under the current zoning the "highest and best use" cannot be achieved and a Use Variance is the only parcel specific mechanism to provide the owner the necessary relief. This parcel of land has been unused for many decades. Because of the location on the corner of a busy intersection and arterial, it is unlikely to be purchased for a residential use.

Having reviewed the Sketch Plan for this application, the applicant has taken their neighbors into consideration and should not have negative impact on adjoining land owners. The Sketch Plan shows a buffer area between the parking and the adjacent neighbors. The proposed building is located as close to the street as is permitted. Similarly, the small trip generation associated with the specialty office use will not affect the overall neighborhood which continues to develop as a commercial corridor.

I support the application forwarded and can be reached at (518) 581-1201 for any questions or concerns.

Respectfully submitted,

Gary Dake
President
Stewart's Shops Corp.



3 SECOND FLOOR PLAN

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

APPLICANT: ROBERT LAWRENTZ

TAX PARCEL NO.: 179.29-1-56

PROPERTY ADDRESS: 126 CRESCENT ST.
ZONING DISTRICT: URBAN RESIDENTIAL – 2

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

To permit a home occupation in an accessory structure.

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

240- 6.4.3 B.1. 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: Permit a home occupation in a detached, accessory structure.

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

6/3/16
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	Robert Lawrentz	Robert Lawrentz & Joan Sterling	Michael J. Toohey, Esq., SKTCC
Address	[redacted]	[redacted]	P. O. Box 4367, 160 West Avenue Saratoga Springs, NY 12866
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: 126 Crescent Street Tax Parcel No.: 179 . 29 - 1 - 56
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 8/11/2014 3. Zoning District when purchased: UR-2

4. Present use of property: Single Family Residence 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:
To finish the second floor of the detached garage and use a portion of it for a Home Occupation. Robert Lawrentz is an acoustic guitar player and composer and likes to record his compositions. See Narrative attached.

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 The building of the garage is underway.

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) Table 2 Use Schedule

Dimensional Requirements	From	To
To have a Home Occupation in a Permitted Accessory Building		

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 present structure contains a one car garage. That space was not adequate for their vehicular needs and, as a result, they are constructing the detached garage. The Owners never anticipated a problem would arise pertaining to the use of the second floor as the new garage is for a non-residential purpose.

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 story garage is permitted in this Zone. Finishing the second floor of the garage for a non-living, residential purpose will have no effect on the character of the neighborhood.

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

Please see the attached Narrative. This use meets all of the "Requirements" listed in Section 6.4.3 (B) "Home Occupancy" for the proposed use. Not only is this variance NOT "substantial", we believe it is functionally permitted.

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 a very limited use of the property. If the decibel level of the Owner playing his acoustic guitar could be louder than the ambient noise level outside of the garage, that fact is mitigated as both the "Mixing Room" and the "Studio" will be constructed with additional soundproofing in place. This will generate only very limited additional traffic or "visits" and certainly no more than normal residential traffic.

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 is not self-created as a "Workshop or studio facility" for a composer is specifically allowed for a "Home Occupancy". The existing single family residential structure does not contain space for this use, while a two-story garage is also allowed on this property.

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.

[signature] Date: 4/30/2016
(applicant signature)

Date: 4/30/16
(applicant signature)

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

Owner Signature: [signature] Date: 4/30/16

Owner Signature: [signature] Date: 4/30/16

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Name of Action or Project:
126 Crescent Street Home Occupancy

Project Location (describe, and attach a location map):
126 Crescent Street, Saratoga Springs

Brief Description of Proposed Action:
To finish the second floor of a detached garage and to include two rooms for a music studio

Name of Applicant or Sponsor:	Telephone: [redacted]
Robert Lawrentz	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: Building Permit - City of Saratoga Springs	☐	☑

3.a. Total acreage of the site of the proposed action? .43 acres
b. Total acreage to be physically disturbed? 620 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .43 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

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? 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 Lawrentz Date: 4/ 30 /2016

Signature: _____

PRINT FORM

NARRATIVE

The subject property located at 126 Crescent Street, Saratoga Springs, New York (Tax Parcel 179.29-1-56) is situated in the Urban Residential - 2 (UR-2) Zone. Within this Zone, a permitted accessory use is a "Home Occupation". A "Home Occupation" is defined within the Zoning Code as "An activity conducted entirely within a dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the residence and does not change the character thereof". This type of use is further defined in Section 6.4.3 of the Zoning Code.

The improvements that exist on the property consist of a two story residential structure with full basement and a detached garage with second story, stair access.

The square footage of the structures are as follows:

House	First Floor:	1600 +/- square feet
	Second Floor:	1600 +/- square feet
	Basement:	1500 +/- square feet
Garage	First Floor:	600 +/- square feet
	Second Floor:	620 +/- square feet
		5,920 sq ft x 15% = 888 sq ft

The property owner is an amateur acoustic guitar player that likes to compose, perform and record music. He wishes to finish the second floor of the garage as depicted on Exhibit A. Please note that there are no cooking facilities in this space and the Powder Room does not contain a shower or bathtub. With regard to the utilization of this second floor space, the studio (recording and mix rooms) consist of 325 +/- sq ft.

The requirements for a Home Occupation:

1. The activity shall be conducted entirely within the structure and shall occupy no more than 15% of the total floor area of the residential dwelling units.

    a) The code uses plural "units", which I believe includes not just the home, but also the associated garage. If the entire second floor of the garage (620 sq ft) is considered the Home Occupation then all we would need to demonstrate is that there is 4,133 sq ft of total floor area within all of the units (4,133 x 15% = 619.95 sq ft). In this case, we have just short of 6,000 sq ft of floor area and thus we meet the 15% rule.

2. Only occupants of the residence and no more than one non-occupant may conduct the activity at any one time.

    a) For the vast majority of time, the space will only be used by one of the owners. From time to time a "Mixer" may be in attendance, but there would never be more than one person other than the occupants involved in this process.

3. The activity will generate no more than ten visits to the property per day. Visits may not occur before 8:00 am or after 9:00 pm.

    a) There will be no pattern of visits to the garage, other than the occasional Mixer and the limited visits will be within the permitted time period.

4. Any need for additional parking generated by the activity shall be met on site.

    a) There is ample room on site for both the residence and the occasional visitor.

5. One non-illuminated wall sign, not exceeding 1 ½ sq ft in area is permitted in association with the activity.

    a) There will be no signage as this is not intended as a commercial activity.

6. No outdoor storage or display of products or equipment in association with the activity is permitted.

    a) There will be no outdoor storage. A sound proof room is being created and the second room will contain some mixing equipment. The remaining portion of the second floor will look like a den or small living room.

Listed within the Zoning Code Provision (6.4.3(B)) are four (4) specific non-residential activities that are allowed. The fourth of these options is:

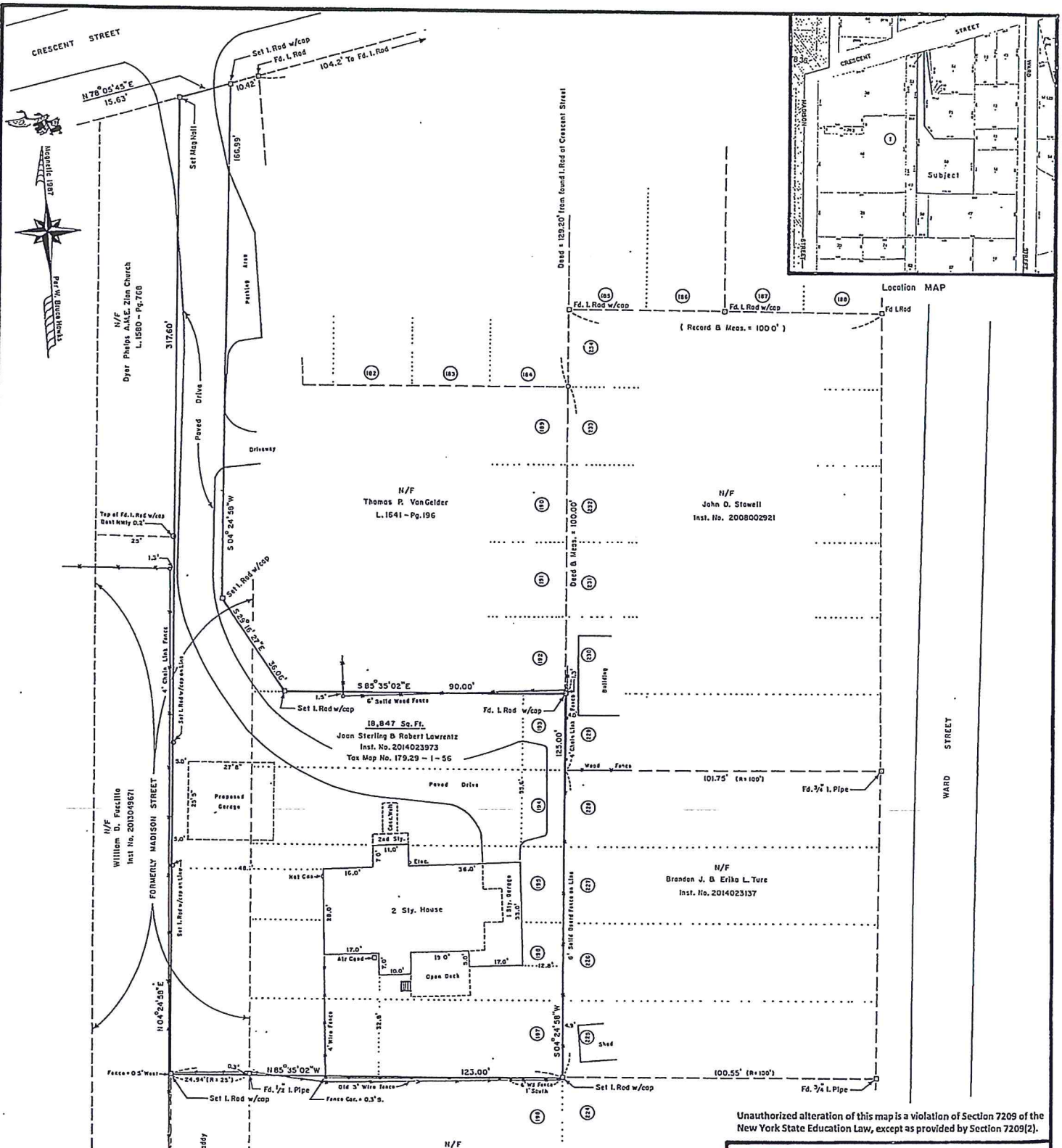
> *"4. Workshop or studio facilities for artists, composers, crafts persons, photographers, tailors, writers and the like".*

The Owner wishes to use the designated space on the second floor of the garage as a studio for the music he wishes to compose.

TAX MAP SHOWING
CONSENTING NEIGHBORS

SUBJECT PROPERTY
(Identified as "PROP")

NEIGHBORS WHO CONSENT TO PROJECT
(Identified with an "X")



Unauthorized alteration of this map is a violation of Section 7209 of the New York State Education Law, except as provided by Section 7209(2).

Notes:

1. Underground improvements, unless evident, are not shown.
2. This survey is subject to the facts that an abstract of title may show.
3. (193) = Lots as shown in Map References No. 2.
4. The strip of land shown on this map being 15.63 by 166.99 feet from Crescent Street is subject to an easement as described in deed to Joan Sterling & Robert Lawrentz via Inst. #2014023973 dated August 11, 2014.
5. This map has been made from an accurate field survey by me which meets the standards of the current code of practice of Land Surveyors as adopted by the New York State Association of Professional Land Surveyors.

Map References:

1. "Survey, Portion of Lands of Mike Roohan Builder, Inc." by W. Bruce Hawks dated 8/28/2001; last revised 12/21/2001.
2. "Plan of Lots at Crescent Park owned by M.C. Meagher, Trustee" surveyed by J.S. Mott & Son, C.E., dated Aug. 1904 and filed in the Saratoga County Clerk's Office as Map AA-25.
3. "Plot Plan of Lands Proposed to be conveyed by the City of Saratoga Springs, New York, Being a Portion of a Paper Street known as Madison Street" by Paul K. Male, P.E., P.L.S., City Engineer dated 12/31/99 and filed in the Office of the City Engineer as Drawing No. 99-17E4.

MAP Showing Survey of Lands at: 126 Crescent Street

Situate in the:

City of Saratoga Springs – Co. of Saratoga
State of New York

Scale 1" = 20 Ft.

I HEREBY CERTIFY that the lands shown on this map were surveyed by me during Oct. 1-8, 2015 and that this map was completed on Oct. 13, 2015.

Louis J. Gnip, L.S. 49022
832 Rock City Road, Ballston Spa, NY 12020
Tel. No. (518) 885-4978

Ref: SAR-409, Fld. Bk. 40, Pg's. 36-45.

46-381

126 Crescent St
Saratoga Springs, NY
(Tax Parcel 179.29-1-56)

Variance for Finished Space: Music Studio

The undersigned ask the Zoning Board of the City of Saratoga Springs to approve the proposed use of the second floor of the detached garage presently being constructed on the real property know as 126 Crescent Street, Saratoga Springs, New York (Tax Parcel 179.29-1-56) owned by Robert Lawrentz and Joan Sterling as finished space to include a Music Studio and music Mixing Room. We do not believe this use will have any adverse impact on the area in which the residence is
located."

DATE	NAME	ADDRESS
4/28/16	Thomas Van Gelder	[redacted] Crescent St
4/28/16	L Buhowitz	[redacted] CRESCENT ST
4/28/16	Sandra Hutton	[redacted] Gridley Ave.
4/30/16	[illegible]	[redacted] Ward st Saratoga Springs NY
4/30/16	Peter M. Gaddy	[redacted] Ward Street Saratoga Springs.
4-30	[illegible]	[redacted] WARD ST Saratoga Springs N.Y.
4/30	William K Hutton	[redacted] GRIDLEY AVE.
4/30	[illegible]	[redacted] Ward St. S.S. 12866
4-30	[illegible]	[redacted] Crescent St 12866
5/1	Brandon Ture	[redacted] Ward street SS 12866
5/1	Victoria Jimenez	[redacted] Crescent St SS 12866

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	Cody Wojdyla	City Cottage, LLC	Carter Conboy, P.C.
Address	[redacted]	[redacted]	480 Broadway, Suite 250 Saratoga Springs, NY 12866
Phone	[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: 23 Jumel Place Tax Parcel No.: 166 . 13 - 1 - 15
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 07/08/2005 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: _____
Applicant is seeking a small area variance in connection with a lot line adjustment application

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) 2.3

Dimensional Requirements	From	To
Minimum Lot Size	6,600 sq. ft.	6,461 Sq ft.

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.

   See attached Project Narrative.

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:

   See attached Project Narrative.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:
   See attached Project Narrative.

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:
   See attached Project Narrative.

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:
   See attached Project Narrative.

DISCLOSURE

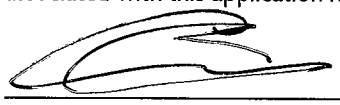
Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ☑ No ☐ Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

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: 5/9/16

(applicant signature) Date:

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

Owner Signature: See authorization letter Date:

Owner Signature: Date:

CITY COTTAGE, LLC
23 Jumel Place
Saratoga Springs, NY 12866

May , 2016

City of Saratoga Springs
City Hall – 474 Broadway
Saratoga Springs, NY 12866

Att: Bradley Birge

Dear Mr. Birge:

Please allow this letter to serve as authorization to permit Cody Wojdyla to make a Lot Line Adjustment and Area Variance application to the City of Saratoga Springs Planning Board and Zoning Board on the lands belonging to City Cottage, LLC as more fully set forth and delineated in the application being filed herewith. We further authorize Carter, Conboy, Case, Blackmore, Maloney & Laird, P.C., Mr. Wojdyla's representative, to advance the applications to the Planning/Zoning Board.

Should you have any questions on the foregoing, please feel free to contact us directly.

Dated: May 9, 2016

Martha Dexter, Managing Partner

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Name of Action or Project:
City Cottage, LLC to Cody Wojdyla -- Area Variance

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

Brief Description of Proposed Action:
Application for a 139 square foot area variance and a lot line adjustment.

Name of Applicant or Sponsor:	Telephone: [redacted]
Cody Wojdyla & City Cottage, LLC	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? .14 acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .34 acres

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

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

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☑	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☑
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☑
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☐	☑
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	☑
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☐	☑
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐
b. Is the proposed action located in an archeological sensitive area?	☑	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☑	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☑ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? 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: Cody Wojdyla Date: 5/9/16

Signature: _____

PRINT FORM

23 JUMEL PLACE AREA VARIANCE

PROJECT NARRATIVE

The applicant is seeking a small area variance and lot line adjustment in connection with the sale of an approximate 2,850 sq. ft. portion of property located in the rear of the lands of City Cottage, LLC (Parcel ID 166.13-1-15) located at 23 Jumel Place ("Property"). The Property is to be conveyed to the northerly neighbor, Cody Wojdyla (Parcel ID 166.13-1-46) with a property address of [redacted] Lake Avenue. The aforementioned parcels are situated in the Urban Residential-3 zoning district and are subject to minimum lot size requirements of 6,600 square feet for 1-unit and 8,000 square feet for 2-units. The proposed purchase and sale would reduce the Propery's lot size from 9,311 square feet to 6,461 square feet while increasing Mr. Wojdyla's lot size from 5,814 square feet to 8,664 square feet.

RELIEF REQUESTED: A 2% minimum lot size variance from City Zoning Ordinance Section 2.3 for the Property (6600 SF to 6461 SF).

1. **Whether the benefit sought by the applicant can be achieved by other feasible means**

The applicant has explored alternatives to seeking a variance such as manipulating the boundary line to increase the square footage of the Property to surpass the 6,600 square foot threshold. However, the proposed alternative would result in the creation of a sliver of unusable land, whereas the requested area variance would create one symmetrical rectangular lot. The variance requested herein would create "clean" boundary lines (squared corners) to maximize the functional access to the newly created lot and reduce future lot line confusion.

Furthermore, the alternative of moving the proposed lot line 3 feet north to create two conforming lots would substantially limit Mr. Wojdlya from being able to access the new portion

of his lot because of the narrow pathway between his existing garage structure and the attendant vegetation. On the southeast corner of Mr. Wojdyla's property sits a large maple tree located between Mr. Wojdyla's garage and the boundary line. The tree is approximately two feet in width and limits the access to the new rear acreage. A conforming boundary line would further compound that limitation by reduce accessibility by an additional 3 feet, leaving Mr. Wojdyla's limited functional access to the new lot.

As such, there is no other feasible alternative that will deliver the same benefits to the applicant.

2. **Whether the variance is substantial**

The applicant is requesting a 139 square foot area variance which is an approximate 2% deviation from the minimum lot size requirement for a 1-unit property in the UR-3 zoning district. An area variance this size is minimal compared to the overall lot size.

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

The applicant submits that the area variance requested herein would benefit the property owners as well as result in a positive change to the neighborhood. In its current state, Mr. Wojdyla's property is a legal non-confirming lot as it relates to the minimum lot size requirements. Because Mr. Wojdyla owns a 2-unit property, the current minimum lot size for his property is 8,000 square feet and the current lot size is 5,814 square feet. The difference represents an approximate 28% deviation from the applicable minimum lot size requirements. If the requested lot line adjustment and area variance are granted, Mr. Wojdyla's lot size would be increased to 8,664 square feet, placing it into conformance with the minimum dimensional requirements. Given that the area variance requested would result in a minimal 2% deviation

from the lot size requirements applicable to the Property, the net gain in conformance would be 26%.

Therefore, the requested area variance would result in a substantial benefit to the surrounding neighborhood.

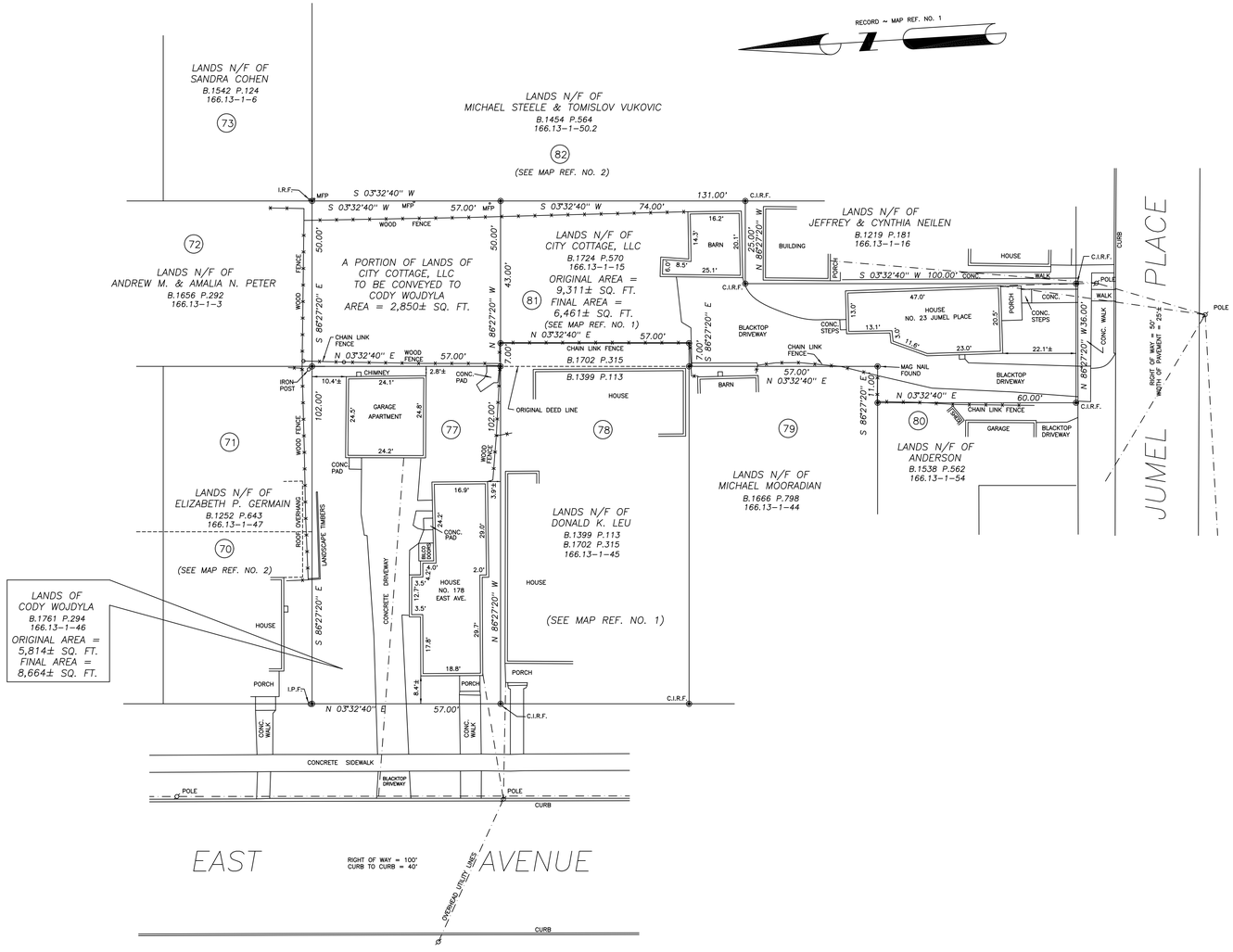
4. **Whether the variance will have adverse physical or environmental effects on neighborhood or district**

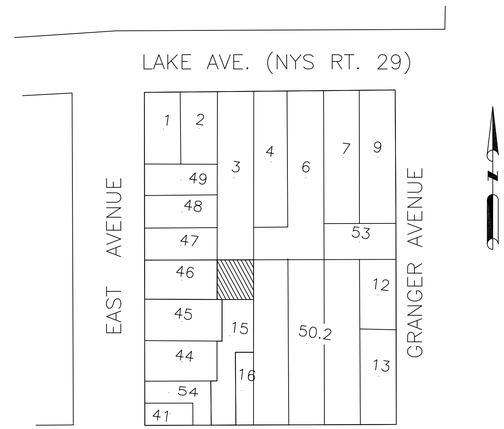
Due to the *de minimus* nature of the relief requested, there will be no adverse physical or environmental effects on the neighborhood.

5. **Whether the alleged difficulty was self-created**

The applicant acknowledges that the hardship is self-created; however, this is not fatal to an application for an area variance.

Based on the foregoing, the applicants respectfully request that this Board grant the request for a 139 square foot or 2% area variance from the minimum lot size requirement.





SITE LOCATION MAP

N.T.S.

ZONING REQUIREMENTS:

1.) ZONING DISTRICT: UR–3 (URBAN RESIDENTIAL–3)
MIN. LOT SIZE: 6,600 SQ. FT. – 8,000 SQ. FT. 2 UNITS
MIN. AVERAGE WIDTH: 60 FT. 1 UNIT – 80 FT. 2 UNITS
MAX. BUILDING COVERAGE: PRINCIPAL BLDG.:30%
ACCESSORY BLDG.: 10%
MIN. YARD SETBACK:
FRONT: 10 FT.
REAR: 25 FT.
EACH SIDE:4 FT.
TOTAL SIDE 12 FT.

MAP NOTES:

1.) NORTH ORIENTATION IS PER MAP REFERENCE NUMBER ONE.

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

3.) THIS SURVEY DOES NOT DEPICT UNDERGROUND UTILITIES OTHER THAN SHOWN. BEFORE ANY EXCAVATION DIG SAFELY NY MUST BE CONTACTED AT WWW.DIGSAFELYNEWYORK.COM OR 1–800–962–7962.

4.) SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.

5.) THE SURVEYED PARCELS ARE SERVICED BY MUNICIPAL WATER & SEWER.

MAP REFERENCES:

1.) MAP ENTITLED "LOT LINE ADJUSTMENT BETWEEN LANDS OF DONALD K. LEU AND LANDS OF LAWRENCE & LESLIE BENTON", DATED JULY 30, 2004, PREPARED BY GILBERT VANGUILDER LAND SURVEYOR, PLLC AND FILED IN THE SARATOGA COUNTY CLERK'S OFFICE ON AUGUST 31, 2004 IN MAP DRAWER L AS MAP NO. 660.

2.) MAP ENTITLED "MAP OF PROPERTY OF JUMEL ESTATE AT SARATOGA SPRINGS, N.Y. SURVEYED AND LAID OUT BY L.H. CRAMER, C.E., DATED 1881 AND FILED IN THE SARATOGA COUNTY CLERK'S OFFICE AS MAP Z–202.

PROPERTY OWNERS:

CODY WOJDYLA
178 EAST AVENUE
SARATOGA SPRINGS, NY 12866

CITY COTTAGE, LLC
194 LAKE AVENUE
SARATOGA SPRINGS, NY 12866

0 20 40 60

SCALE: 1 INCH = 20 FEET

LEGEND

N/F ..... NOW OR FORMERLY
— — — — — — OVERHEAD UTILITY LINES
C.I.R.S ..... CAPPED IRON ROD SET
I.P.F. ..... IRON PIPE FOUND
C.I.R.F. ..... CAPPED IRON ROD FOUND
I.R.F. ..... IRON ROD FOUND
116.00–2–39 ..... TAX MAP SECTION–BLOCK–LOT
B.769 P.986 ..... DEED BOOK & PAGE
..... POINT
..... UTILITY POLE
(43) ..... LOT NUMBER
MFP ..... METAL FENCE POST

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

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

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME AND WAS MADE FROM AN ACTUAL FIELD SURVEY BY ME ON APRIL 15, 2016

SIGNATURE _____

LICENSE NO. 50,302

CITY OF SARATOGA SPRINGS PLANNING BOARD

Approved under authority of the Chairman of the Planning Board of the City of Saratoga Springs per the Subdivision Regulations, Article V.

Chairperson _____

Date Signed _____

LOT LINE ADJUSTMENT SURVEY BETWEEN THE LANDS OF CODY WOJDYLA AND THE LANDS OF CITY COTTAGE, LLC

City of Saratoga Springs, N.Y.

DATE		DRN	CHK	APPR

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

CITY OF: SARATOGA SPRINGS (I.D.)
COUNTY OF: SARATOGA
SCALE: 1" = 20'
DRAWN BY: DEA
CHECKED BY: DEA
APPROVED BY: DEA

Albrecht & Willson Land Surveyors, PLLC
63 GRAY AVENUE
GREENWICH, N.Y. 12834
(518) 281-0046 or (518) 925-1719
awlandsurveyors.com

DATE: 4–15–16 | PROJ. NO. 16–011 | DWG. NO. 16–011 | SHEET 1 OF 1

CARTER CONBOY

ATTORNEYS AND COUNSELORS AT LAW

JAMES C. BLACKMORE
JOHN T. MALONEY
EDWARD D. LAIRD, JR.
JAMES A. RESILA*
MICHAEL J. MURPHY
KATHLEEN McCAFFREY BAYNES
WILLIAM D. YOQUINTO
JESSICA A. DESANY
MICHAEL J. CATALFIMO*
WILLIAM J. DECAIRE*
ADAM H. COOPER
MACKENZIE C. MONACO
BRIAN D. CARR
M. ELIZABETH CORENO

SENIOR COUNSEL
JAMES M. CONBOY

COUNSEL
EDWARD M. CONNELL
JONATHAN E. HANSEN

480 BROADWAY, SUITE 250
SARATOGA SPRINGS, NEW YORK 12866
(518) 587-8112 • FAX (518) 587-4140
www.carterconboy.com

■OFFICES ALSO IN ALBANY■

Also Admitted In:
*Massachusetts
^New Jersey

MATTHEW J. DILLON
WILLIAM C. FIRTH
STEVEN J. AULETTA
GINA T. ANGRISANO
JOHN R. CANNEY, IV
BRIANNE GOODWIN, R.N.
STANLEY J. TARTAGLIA, JR.
BRIENNA L. CHRISTIANO

OF COUNSEL
HON. DAVID R. HOMER (Retired)
HON. THOMAS E. MERCURE (Retired)
CHRISTOPHER J. WATT^
LAWRENCE R. HAMILTON
JOHN H. PENNOCK, JR.

June 2, 2016

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

via electronic mail transmittal

Re: 23 Jumel Place - Area Variance and Lot Line Adjustment
Our File No.: 28002

Dear Susan:

Please allow this letter to serve as a request to amend the pending Area Variance application with regard to the above matter to include relief from the 60 foot minimum average lot width requirement. Specifically, the relief requested includes approval for a slight reduction from the current average width of 40.30 feet to the proposed average width of 37.13 feet. Should you have any questions regarding the foregoing, please do not hesitate to contact me.

Thank you for your time and attention in this matter.

Sincerely,

M. Elizabeth Coreno

MEC/ccm

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

APPLICANT: CODY WOJDYLA

TAX PARCEL NO.: 166.13-1-15

PROPERTY ADDRESS: 23 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 lot line adjustment between two residential 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 average lot width:	60 feet	37.13 feet
Minimum lot size:	6,600 sq. ft.	6,461 sq. ft.

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

6/3/16
DATE

23 JUMEL PLACE AREA VARIANCE

REVISED PROJECT NARRATIVE

The applicant is seeking two area variances related to a proposed lot line adjustment in connection with the sale of an approximate 2,850 sq. ft. portion of property located in the rear of the lands of City Cottage, LLC (Parcel ID 166.13-1-15) located at 23 Jumel Place ("Property"). The Property is to be conveyed to the northerly neighbor, Cody Wojdyla (Parcel ID 166.13-1-46) with a property address of 178 East Avenue ("Wojdyla Parcel"). The aforementioned parcels are situated in the Urban Residential-3 zoning district and are subject to minimum lot size requirements of 6,600 square feet for 1-unit and 8,000 square feet for 2-units. The proposed purchase and sale would reduce the Property's lot size from 9,311 square feet to 6,461 square feet while increasing the Wojdyla Parcel lot size from 5,814 square feet to 8,664 square feet.

RELIEF REQUESTED:

Type of Relief	**Required 1 unit (UR-3)**	**Existing**	**Proposed**	**% Relief**
Minimum Lot Size	6,600 SF	9,311 SF	6,461 SF	2.2%
Minimum Average Lot Width	60 ft	40.30 ft	37.13 ft	61.88% (-3.17 ft from existing)

1. **Whether the benefit sought by the applicant can be achieved by other feasible means**

The applicant has explored alternatives to seeking a variance such as manipulating the boundary line to increase the square footage of the Property to surpass the 6,600 square foot threshold. However, the proposed alternative would result in the creation of a sliver of unusable land, whereas the requested area variance would create one symmetrical rectangular lot. The

variance requested herein would create "clean" boundary lines (squared corners) to maximize the functional access to the newly created lot and reduce future lot line confusion.

Furthermore, the alternative of moving the proposed lot line 3 feet north to create two conforming lots would substantially limit owners of the Wojdyla Parcel from being able to access the new portion of that lot because of the narrow pathway between his existing garage structure and the attendant vegetation. On the southeast corner of the Wojdyla Parcel sits a large maple tree located between Mr. Wojdyla's garage and the boundary line. The tree is approximately two feet in width and limits the access to the new rear acreage. A conforming boundary line would further compound that limitation by reduce accessibility by an additional 3 feet, leaving limited functional access to the new lot.

With respect to the minimum average lot width, the Property is pre-existing non-conforming with a current average lot width of 40.30 feet. The applicant proposes 37.13 following the removal of the rear acreage. There is no feasible alternative which would render the Property conforming with respect to the lot width or provide the application with the configuration to meet the needs set forth herein.

2. **Whether the variances are substantial**

The applicant is requesting a 139 square foot area variance which is an approximate 2.2% deviation from the minimum lot size requirement for a 1-unit property in the UR-3 zoning district. An area variance this size is minimal compared to the overall lot size. With respect to the minimum average lot width, the variance requested is 37.13 feet (or 61.88%) from the City Zoning Code requirement of 60 feet, but represents only 7.8% reduction of the current average lot width of 40.30 feet which is pre-existing non-conforming. While the 61% relief from the Code may seem substantial, it is mitigated by the significant existing non-conformance.

3. **Whether granting the variances will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.**

The applicant submits that the area variance requested herein would benefit the property owners as well as result in a positive change to the neighborhood. In its current state, the Wojdyla Parcel is a legal non-confirming lot as it relates to the minimum lot size requirements. Because Mr. Wojdyla owns a 2-unit property, the current minimum lot size for his property is 8,000 square feet and the current lot size is 5,814 square feet. The difference represents an approximate 28% deviation from the applicable minimum lot size requirements. If the requested lot line adjustment and area variance are granted, the Wojdyla Parcel size would be increased to 8,664 square feet, placing it into conformance with the minimum dimensional requirements. Given that the area variance requested would result in a minimal 2% deviation from the lot size requirements applicable to the Property, the net gain in conformance would be 26%.

With respect to the Property, it exists as a long, narrow flag lot with its buildings closest to Jumel Place. The shift of lands from the Property to the Wojdyla Parcel will not create an undesirable change but rather a beneficial one by helping to create additional lands behind the Wojdyla Parcel's garage/apartment unit which is a mere 2.8 feet from the existing rear yard. Furthermore, the applicant proposes a minimum lot size and minimum average lot width which is largely consistent with the existing neighborhood of non-conformance which do not represent a significant change in the neighborhood. Therefore, the requested area variance would result in a substantial benefit to the surrounding neighborhood.

4. **Whether the variances will have adverse physical or environmental effects on neighborhood or district**

Due to the *de minimus* nature of the relief requested, there will be no adverse physical or environmental effects on the neighborhood.

5. **Whether the alleged difficulty was self-created**

The applicant acknowledges that the hardship is self-created; however, this is (1) mitigated by the cures to other non-conformance on the Wojdyla Parcel which existed before current zoning; (2) mitigated by minor variance on minimum lot size and minor changes to the existing non-conforming minimum average lot width; and (3) not fatal to an application for an area variance.

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

APPLICANT: CHRISTINA & KRISTOPHER BARLOW TAX PARCEL NO.: 167.-1-61

PROPERTY ADDRESS: 2 CHERRY TREE LANE
ZONING DISTRICT: RURAL RESIDENTIAL

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

Proposed construction of an attached garage and breezeway.

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 side yard setback:	30 ft.	10 ft.

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

5/5/16
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	Christina / Kristopher Barlow		Randy Heritage [redacted]
Address	[redacted]		Heritage Family Constr. 2022 Barrett Rd. BS. NY
Phone	[redacted]	/	518 388 / 0534
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: 2 Cherry Tree Lane Saratoga Springs Tax Parcel No.: 167 - 1 - 61 *(for example: 165.52 – 4 – 37)*

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

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

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

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

8. Brief description of proposed action: Adding 2 car garage + breezeway

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:

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

The applicant requests relief from the following Zoning Ordinance article(s) 2.3

Dimensional Requirements	From	To
30' SIDE SET BACK	30'	10'

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.

There are no other alternatives then to place to 2 car garage where proposed. Needs to be next to current driveway & existing garage.

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:

It would not & Create an undesireable Change. Most of our neighbors have 3-4 car garages, while we only have a 2 car garage. Adding the additional garage will make our house more consistent with the other houses on our street.

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

We are a family of 5. We need the additional garage space for our children's vehicles & for pool furniture storage. If we don't add garage, we'll have to park additional cars on grass which would be more problematic for our neighbors.

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:

We will not have adverse physical or environmental effects:
(1): additional vehicles stored in garage rather than on road or yard.
(2) Pool furniture stored in garage & not on property.

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:

Our house was placed on property by our builder. We didn't realize house close one side of our house / driveway is to property line.

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.

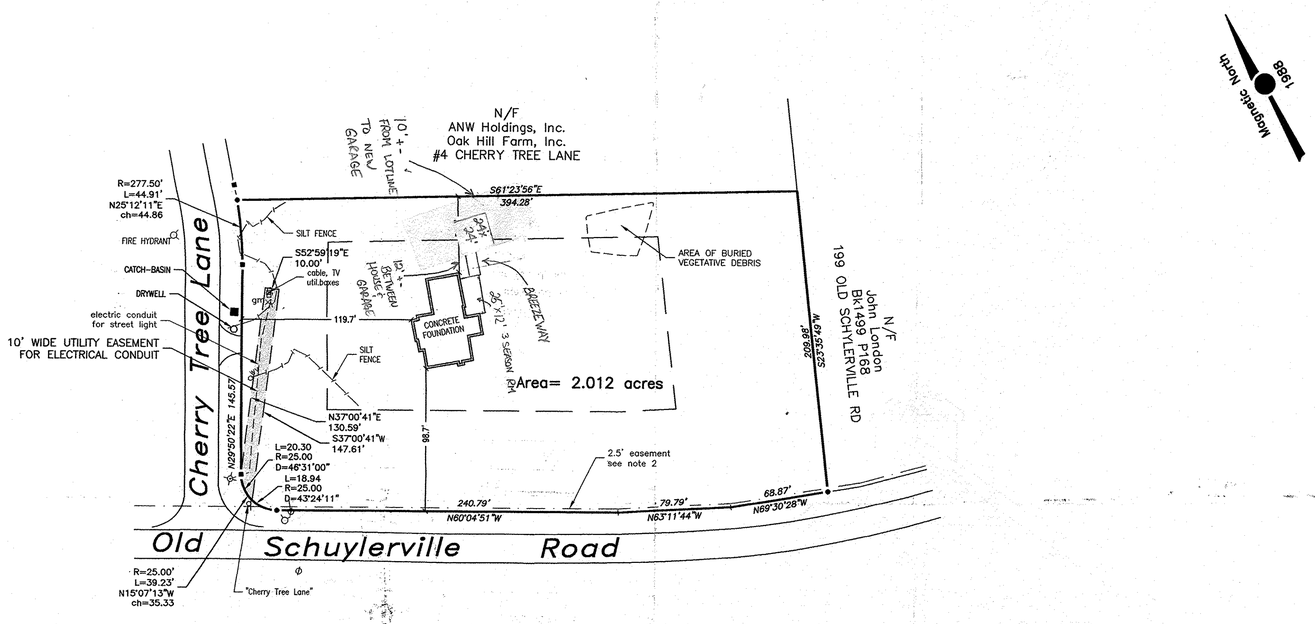
(applicant signature) Date: 3-25-16

(applicant signature) Date: 3-25-16

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____



Certification :

IT IS HEREBY CERTIFIED TO:
KRISTOPHER J. BARLOW AND CHRISTINA U. BARLOW;
MONROE TITLE INSURANCE CORPORATION;
SARATOGA NATIONAL BANK & TRUST COMPANY, ITS SUCCESSORS AND/OR ASSIGNS

that the map was prepared in accordance with the current existing Code of Practice for Land Surveyors adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, the governmental agency, and to the lending institution listed on this boundary survey map.

Map Legend

- • 5/8" steel rod set with a tag
- ○ marker found, labeled
- ⌀ utility pole
- ☼ lamp post

Deed Reference:

Kristopher J. Barlow
and Christina U. Barlow
Deed # 2008030221

Map Reference:

Filed Saratoga County Map 0-107 and C-453A-D.

Notes :

1. Subject to certain Declarations of Covenants, Restrictions and Easements as recorded in Liber 1443, page 549.
2. A blanket access/utility easement 2.5' wide along Old Schuylerville Road is granted to the City of Saratoga Springs.
3. A no-cut buffer being 20' wide along N.Y.S. Route 29 exists. Trimming and thinning of small trees and brush (less than 5" diameter) will be allowed.

DATE	REVISION
10/3/08	SILT FENCE, VEG. DEBRIS
10/2/08	FOUNDATION
8/19/08	PROPOSED SEPTIC TANK
8/13/08	PROPOSED SEPTIC SYSTEM

STATE OF NEW YORK · WILLIAM M. THOMPSON · 49623 · LICENSED LAND SURVEYOR

25 0 25 50
Scale: 1" = 50'

Foundation Survey
for
Kristopher J. and Christina U. Barlow
Situate at
2 Cherry Tree Lane
City of Saratoga Springs, Saratoga County, N.Y.S.

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

THOMPSON/FLEMING
LAND SURVEYORS, P.C.

DATE: June 24, 2008
TAX MAP: 167-1-61
SURVEYED BY: WMT
JOB NUMBER: S99-18402.17

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 obstruct of title was available.

PURPOSED GARAGE & BREEZEWAY
(24' x 24')

EXSISTING GARAGE/HOUSE

SCALE 3/8" = 1'

LOT LINE

THE JONES FIRM
ATTORNEYS AT LAW

Matthew J. Jones, Esq.
Alexandra Besso, Esq.

May 16, 2016

Susan Barden, Senior Planner
City of Saratoga Springs Zoning Board of Appeals
474 Broadway
Saratoga Springs, New York 12866

Re: Rite Aid Development Appeal #2786

Dear Susan:

Enclosed please find an application for the extension of the area variances granted on January 26, 2015 for the above referenced project. The fee for the application is also enclosed.

The extension is necessitated due to the length of the approval process the project is currently undergoing with the City. Most recently, site plan approval by the Planning Board was obtained on April 14, 2016. Remaining approvals for the project include an area variance application for signage and its accompanying Design Review Commission approval.

Thank you for your time and attention in this matter.

Sincerely,

Alexandra Besso

ANB/
Enclosure

68 West Avenue, P.O. Box 4400, Saratoga Springs, New York 12866
[redacted]
info@saratogalaw.com • www.saratogalaw.com

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	National Retail Properties, INC.		Matthew J. Jones
Address	450 S. Orange Ave. Suite 900 Orlando, FL 32801		68 West Ave Saratoga Springs, NY 12866
Phon	[redacted]	/	[redacted]
Emai	[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: 90 West Ave/242 Washington St. Tax Parcel No.: 165.14-2-1 (for example: 165.52 – 4 – 37)

2. Date acquired by current owner: 9/20/2004 3. Zoning District when purchased: C-2 Gen. Business

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

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? 1992, 2014 For what? Use approval/area variances)
☐ 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: Extension of area variances approved on January 26, 2015. Applicant is still in the approval process, so construction has not yet begun.

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: 1/26/15
2. Type of variance granted? ☐ Use ☒ Area
3. Date original variance will expire: 7/26/16

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

The approval process has taken longer than anticipated, so construction has not yet begun. Applicant is still in the approval process.

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:

The site remains unchanged. The existing Rite Aid is still Operational, as is the KNC Touchfree Car Wash.

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.

National Retail Properties, Inc.
By: David J Reif

(applicant signature) David J. Reif, its Senior Vice President, Leasing + Construction Date: 5-11-16

(applicant signature) Date:

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

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

APPLICANT: CDJT DEVELOPMENT, LLC TAX PARCEL NO.: 178.36-3-21

PROPERTY ADDRESS: 124 JEFFERSON 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 conversion of an existing six-unit senior housing development to multi-family residential.

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

☐ Extension of existing variance ☐ Interpretation

☒ Use Variance to permit the following: Multi-family (4 of 6 units to be workforce housing)

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

4/25/16
DATE

ZBA App. No. 2889 - CDJT Development Townhouses - Amiee Miller Corr

From : Lindsey Gonzalez <lindsey.gonzalez@saratoga-springs.org> Mon, Apr 25, 2016 10:48 AM

Subject : ZBA App. No. 2889 - CDJT Development Townhouses - Amiee Miller Corr 1 attachment

To : Adam McNeill [redacted]>, Gary Hasbrouck [redacted], kaplankeith [redacted] Skip Carlson [redacted]>, Bil [redacted] helickezba [redacted]>, shsteer [redacted]

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

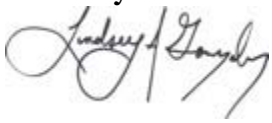
Board Members,

This morning I received a call from a concerned citizen who received a neighbor notification for the above referenced project. She reflected that she was unable to access internet at this time to provide her own statement, so I am summarizing her concerns below:

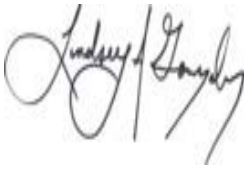
Aimee Miller
121 Madison St
Re: 124 Jefferson St Use Variance Request

Was comfortable with said property being utilized for senior housing, but NOT for workforce housing. Does not want another Jefferson Terrace in the neighborhood, and feels there is not enough senior housing in Saratoga. Disagrees with any further expansion as there is already a lack of greenspace in the neighborhood.

Lindsey A. Gonzalez, M.P.A.



Land Use Board Coordinator
Office of Planning and Economic Development
City of Saratoga Springs
474 Broadway
Saratoga Springs, NY 12866
(E) lindsey.gonzalez@saratoga-springs.org
(O) 518.587.3550 x 2533



LAG elec sig.jpg
7 KB

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	CDJT Development, LLC		
Address	Pine West Plaza 2, Wash Ave. Ext Albany, NY 12205		
Phone	518-438-3521 /	/	/
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: 124 jefferson st Tax Parcel No.: 178 . 36 - 3 - 21
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 2110 3. Zoning District when purchased: _____

4. Present use of property: 6 townhomes 5. Current Zoning District: _____

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

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

8. Brief description of proposed action: _____
repurpose public benefit from senior to workforce

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:
2 market rate units and 4 workforce units

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:
   7 years of marketing to seniors and not a single offer

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

   1) Date of purchase: 2010 Purchase amount: $377,000

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

Date	Improvement	Cost
2010	6 townhomes	$1,800,000

   3) Annual maintenance expenses: $20,000 4) Annual taxes: $12,000

   5) Annual income generated from property: $10,000

   6) City assessed value: $492,000 Equalization rate: 80% Estimated Market Value: $615,000

   7) Appraised Value: $na Appraiser: Date:

   Appraisal Assumptions:

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☑ Yes ☐ No If "yes", for how long? 7 years

1) Original listing date(s): 2010 Original listing price: $ 325,000

If listing price was reduced, describe when and to what extent:
$299,000 in 2011

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

If yes, describe frequency and name of publications:
all senior outlets 55+ Living Guide

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

If yes, list dates when sign was posted:
since 2010

4) How many times has the property been shown and with what results?
multiple times with no offers

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:
seniors do no want this type of housing which is twpo story 2 and 3 bedroom with full basement and attached garage.

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:

already completed for 7 years

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:

seniors do not want this type of housing

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

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

Dimensional Requirements	From	To

Other: _____

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

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

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

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

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

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

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:_____

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

AS FEATURED IN: **55+ Living Guide** 55PlusLivingGuide.com

2 Floor Plans
1,400 Square Feet
2 Bedrooms
2.5 Baths
HOA Included

Saratoga Six

Condominium Rentals / $1,495* per Month
124 Jefferson Street, Saratoga Springs
*Option to Purchase

For more information contact:
Danielle Warrington at 518-698-9955 (cell)

DOWNSIZE TO UPSCALE SOPHISTICATION AND STYLE.

New construction, luxury 55+ condominiums within walking distance to Broadway and historic Saratoga Race Course. A six unit building with two floor plans to choose from. Attached garage, small front porch and back patios overlooking common backyard areas for total outdoor enjoyment.

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

124 jefferson st. cdjt development/charles touhey

Name of Action or Project:
saratoga springs ny use variance

Project Location (describe, and attach a location map):
124 jefferson st saragoga springs ny

Brief Description of Proposed Action:
change public benefit from senior designation to workforce designation

Name of Applicant or Sponsor:	Telephone: 518 438 3521
cdjt development/charles touhey	E-Mail: [redacted]

Address:
pine west plaza bldg 2 washington ave ext

City/PO:	State:	Zip Code:
albany	ny	12205

	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? .43 acres
b. Total acreage to be physically disturbed? .43 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .43 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?	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?	NO	YES	
	☑	☐	
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:	NO	YES	
	☐	☑	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☑	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
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?	NO	YES	
	☑	☐	
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?	NO	YES	
	☑	☐	
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?	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	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: COST Development Date: 3/28/16

Signature: [signature]

PRINT FORM

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	CDJT Development, LLC/Charles Touhey		
Address	Pine West Plaza 2, Wash Ave. Ext Albany, NY 12205		
Phone	518-438-3521		
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: 124 jefferson st Tax Parcel No.: 178 . 36 - 3 - 21
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 2110 3. Zoning District when purchased: UR 7

4. Present use of property: 6 townhomes 5. Current Zoning District: UR 7

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:
Repurpose the original public benefit, (which was required by the 4 unit density bonus received) from Senior housing to Workforce housing, wherein buyers must have a maximum income not to exceed 80 to 120% of Saratoga AMI (Area Median Income)

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) na

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

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:

Allow the sale of 2 market rate units, and 4 workforce units to persons whose income does not exceed 80-120% of the Saratoga County AMI (Area Median Income)

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:

In 2110, six senior units were completed and marketing began. Each townhome consisted of 2 or 3 bedrooms, 2 story, full basements and attached garage. Price was $325,000. From the outset, buyers were available in the 30 to 40 year old range, with none over the 55 age as required by the project approvals. The price was then lowered to $299,000 (actual builder cost) and subsequently to $250,000 to determine if price was indeed the factor. It clearly was not. For 7 years and 3 realtors, we still have no buyers over 55.

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

1) Date of purchase: 2010 Purchase amount: $377,000

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

Date	Improvement	Cost
2010	6 townhomes	$1,800,000

3) Annual maintenance expenses: $20,000 4) Annual taxes: $12,000

5) Annual income generated from property: $10,000

6) City assessed value: $492,000 Equalization rate: 80% Estimated Market Value: $615,000

7) Appraised Value: $na Appraiser: Date:

Appraisal Assumptions:

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☑Yes ☐No If "yes", for how long? 7 years

1) Original listing date(s): 2010 Original listing price: $ 325,000

If listing price was reduced, describe when and to what extent:
From $325,000 to299,000 to $250,000 in 2011 as well as "Rent With Option To Buy"

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

If yes, describe frequency and name of publications:
all senior outlets including 55+ Living Guide for 7 years.

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

If yes, list dates when sign was posted:
since 2010

4) How many times has the property been shown and with what results?
multiple times weekends, open houses, with no offers over 7 years.

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:

After 7 years of marketing, price reductions and 3 realtors, it is clear that while persons in the age bracket of 30 t0 40 will purchase these homes, seniors will not.

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:

Project was approved and constructed in accordance with all plans and specifications 7 years ago and has impacted the neighborhood favorably in it's appearance and style. (see attached brochure)

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:

Applicant entered into project fully expecting seniors to purchase the homes in full accordance and compliance with density bonus granted by the city for such housing. Applicant accepts that an equivalent public benefit must be required to change use. Therefore, applicant is proposing to repurpose public benefit to workforce housing wherein buyers income must not exceed 80 to120% of AMI for Saratoga

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: 3-25-16
(applicant signature)

_____ Date: _____
(applicant signature)

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Attachments

and supporting materials.

124 Jefferson St. – Project History

Background- In 2010, the project was approved for 6 units of senior housing (2 units allowed, plus 4 units (density bonus). Marketing began immediately with age restriction originally at 60, subsequently changed to 55 by the city. However, customers who were willing to purchase were always 30 to 40 years of age.

Unit Design – Two and Three Bedroom, Two story, and full basement with attached garage.

Pricing – $325,000 in 2010 subsequently reduced to $299,000 in 2011 and briefly to $250,000 that year.

Marketing - (Utilized three realtors) (Roohan ,Hunt ,Pro Realty of New York) with specialized outreach to seniors through flyers and visits to all Saratoga Senior centers. In addition, targeted advertising in "55 + Living Guide". (Attached)

2016 Situation- After 7 years of marketing, it is clear that there is a market for these homes in the 30 to 40 year age range. We are proposing to repurpose the Public Benefit derived from the 4 unit density bonus to "Workforce Housing"

Workforce Housing - would restrict buyers to a maximum of 80 to 120% of the Area Median Income (AMI) for Saratoga County, thus providing affordable housing opportunities for the city, which it sorely needs.

124 Jefferson St

Marketing Efforts 2010-2016

2010

#1 Hunt Realty

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2011

Hunt Realty

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2012

#2

Roohan Realty

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2013

Pro Realty of New York

Hired on-site sales person Cost: $20,000

Offered "Rent with option to buy"

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2014

#3

Pro Realty of New York

Hired on-site sales person Cost: $20,000

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2015

Pro Realty of New York

Hired on-site sales person Cost: $20,000

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2016

Same Marketing as previous 6 years.

AS FEATURED IN: **55+ Living Guide** 55PlusLivingGuide.com

2 Floor Plans
1,400 Square Feet
2 Bedrooms
2.5 Baths
HOA Included

Saratoga Six

Condominium Rentals / $1,495* per Month
124 Jefferson Street, Saratoga Springs
**Option to Purchase*

For more information contact:
Danielle Warrington at 518-698-9955 (cell)

DOWNSIZE TO UPSCALE SOPHISTICATION AND STYLE.

New construction, luxury 55+ condominiums within walking distance to Broadway and historic Saratoga Race Course. A six unit building with two floor plans to choose from. Attached garage, small front porch and back patios overlooking common backyard areas for total outdoor enjoyment.

To whom it may concern:

I (Danielle Warrington) started working with Charles Touhey and property managing 124 Jefferson St. about 4 years ago. Seeming I work for a successful local builder and broker Cecil Provost, and being a realtor myself, we figured this would really help us sell these units. During this time I have set forth several different marketing avenues for 55+ senior living. We have advertised in Saratoga Living, a local magazine, 55 plus living guide, local papers, printed marketing brochures at the Y ,the race track, local business, as well as social media and that's just to name a few. I have spent years showing these units to 55+ seniors week after week just to continue to get the same result. I've done several open house events in hopes to attract seniors. 55+ seniors have no interests in buying these units due to the floor design and layout. They do not want to purchase their final home with 2 sets of stairs and no Bedroom on first floor, and no handicap access. We have rented a few units to 55+ seniors, and as a show of good faith brought every lease and photo id to Brad Birge so he knew we were doing the right thing. All Tenants at this time are moved out due to the reasons I listed above or they have purchased a place with the amenities they need, 1st. floor living.

Also during this time I couldn't even begin to count the number of sales,and rent with option, we have turned away due to the age restriction. What I have seen is that it's the 30+ middle age class that want to buy these condos. We have exhausted every idea, marketing strategy, to get these sold and it's just not happening. We have been honest and worked diligently in this process with just no success!

124 Jefferson Street units 1-6

List of potential sales, rentals lost due to age restriction:

1.Showing, from glens falls area, owned a home looking to downsize age 46 years old, pre approved, owns a business. Age restriction only reason for not purchasing, Jan 2013.

2.Showing, from Saratoga young professional, age 35 works for a marketing firm in town. Age restriction only reason for not renting or purchasing. March 2013

3.Showing, from Albany area, works at Albany Med, age 27, looking to buy 1st time. Pre Approval letter, age restriction can not rent or sell. Bought a condo in malta. April 2013

4.Showing, age 32, from Latham area wanted to move to Saratoga, I sold him a house in Stillwater as the age restriction only reason I could not rent or sell to him. June 2013.

5.Showing, from burnt hills, age 45 looking to downsize wanted a townhome or condo. Age restriction only reason sale lost. Bought in ballston spa. June 2013

6. Showing, from Morgan Stanley, lives in NYC age 37. Looking for summer townhome in saratoga. Age restriction only reason for loss of sale. A track goer for reason loved location. July 2013.

7.Showing, from Albany area wanting to move to Saratoga, 1st time home buyer. Pre-approved age 35. Bought house in Albany due to age restriction. Aug 2013

8. Showing, from Albany area, age 45 looking to downsize, second home. Wants to move to Saratoga Area. pre- approval. Age restriction the issue. Nov. 2013

9. Showing, from Saratoga, age 33, first time home buyer. Age restriction reason for not purchasing. Dec 2013

10. Showing, from Queensbury, 36 first time homebuyer, pre-approved, loved property, lack of age requirement. Bought a home in Queensbury. Feb 2014

11. Showing, from Saratoga, 2nd home, downsizing. Age 43 unsure of statis if purchased. Age was the issue. April 2014

12. Showing, from Watervliet, age 39. 1st time home buyer. Wanted to move to Saratoga. Wanted to buy, age was the issue. Bought a home in malta area.June 2014.

13. Showing, age 29, 1st time home buyer, works at GE. Loved the townhomes. Age restriction the issue. Bought a home in ballston spa with her husband.June 2014.

14. Showing,, age 34 moving here from NYC. Wanted to put in an offer, age again and bought a townhouse in Clifton Park. July 2014

15. Showing, from NJ. wanted to purchase for summer home. Lost deal due to age restriction. Aug 2014.

16. Showing, 30. Works at Navy base in Saratoga. 1st time home buyer. Age restriction only reason for no offer submitted. Oct. 2014.

17. Showing, 45 looking for second home in Saratoga. Lives in NH. Wanted a summer townhome in town. Decided to build due to age restriction. Dec. 2014

18. Showing, Married early 40's. Were looking for a second home. Built in still water a Townhome. Age was reason for loss of sale. March 2015.

19. Showing, 42 2nd home, looking to downsize. from Saratoga Area, loss sale to age. Moved to Ballston Spa. April 2015.

20. Showing, 1st time home buyer. from Saratoga. Age reason for loss of sale. bought in ballston spa. June 2015.

21. Showing, 43, second home. downsizing. moved from latham to saratoga, not sure where tho. Age was loss of sale. July 2015.

22. Showing, age 31,from saratoga. works at globalfoundries. loss of sale due to age. relocated to Vermont for job.Aug. 2015

23. Showing, age 33, from saratoga area works at local business, loss of sale due to age.

Every month 1 open house since 2013-2016, no sales due to age restriction!

This is just some of the contacts that I kept record of. There were also several agents in Saratoga that brought clients to show, age the number one reason for loss of sale. Second reason 55+ does not want to buy due to design layout being 2 story, the concern is in a fews years from now the stairs being a huge issue. Just wanted to give you an idea of the hardship we have dealt with on this project. Thank you Brad for your time and consideration.

Sincerely,
Danielle
I'm reachable at [redacted], if there is any further questions.

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.		
LOT COVERAGE	30%	33.5%

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.

   THE LOT COVERAGE COULD POSSIBLY BE ADDRESSED BY REDUCING THE SIZE OF THE FRONT PORCH. HOWEVER, IT WOULD REDUCE THE USABILITY OF THE PORCH AND IMPACT THE ARCHITECTURAL DESIGN

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.

   THE LOT COVERAGE VARIENCE IS RATHER SMALL AND I BELIEVE IT WOULD NOT HAVE ANY NEGATIVE IMPACT ON THE NEIGHBORHOOD AS MANY PROPERTIES APPEAR TO COVER A LARGE PERCENTAGE OF THE LOTS.

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.

THE LOT COVERAGE VARIANCE IS NOT SUBSTANTIAL IN THAT IT IS ONLY 3% AND IS KEEPING IN CHARACTER WITH THE NEIGHBORHOOD. THE HOME IS ALSO TOWARDS THE BACK OF THE LOT AND ANY IMPACT WOULD NOT BE NOTICABLE 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:

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.

THE REQUESTED LOT COVERAGE VARIENCE WOULD HAVE NO ADVERSE EFFECT ON THE NEIGHBORHOOD OR DISTRICT BECAUSE IT IS MINIMAL (3%) AND IS KEEPING IN CHARACTER WITH THE NEIGHBORHOOD. IT WOULD MOST LIKELY NOT BE NOTICABLE FROM THE STREET.

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.

THE LOT COVERAGE VARIANCE COULD BE CONSIDERED SELF-CREATED IN THAT THE PLANS HAVE A SMALL ADDITION TO THE HOUSE HOWEVER, THE HOME IS STILL OF A MINIMAL SIZE AND IS KEEPING IN CHARACTER WITH THE REST OF THE NEIGHBORHOOD

FRONT LEFT ELEVATION

FRONT RIGHT ELEVATION

REAR LEFT ELEVATION

REAR RIGHT ELEVATION

PLAN NO:

PAGE
OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:
CHRIS
ARMER

ADDRESS:
117 MIDDLE AVE
SARATOGA
NEW YORK

DESIGNERS OF FINE HOMES SINCE 1968
WILLIAMS & WILLIAMS DESIGNERS
INCORPORATED
804 GLEN STREET-GLENS FALLS-NEW YORK 12801
518-793-HOUSE(4682)
WILLIAMSANDWILLIAMSDESIGNERS.COM

SEAL:
05/05/16

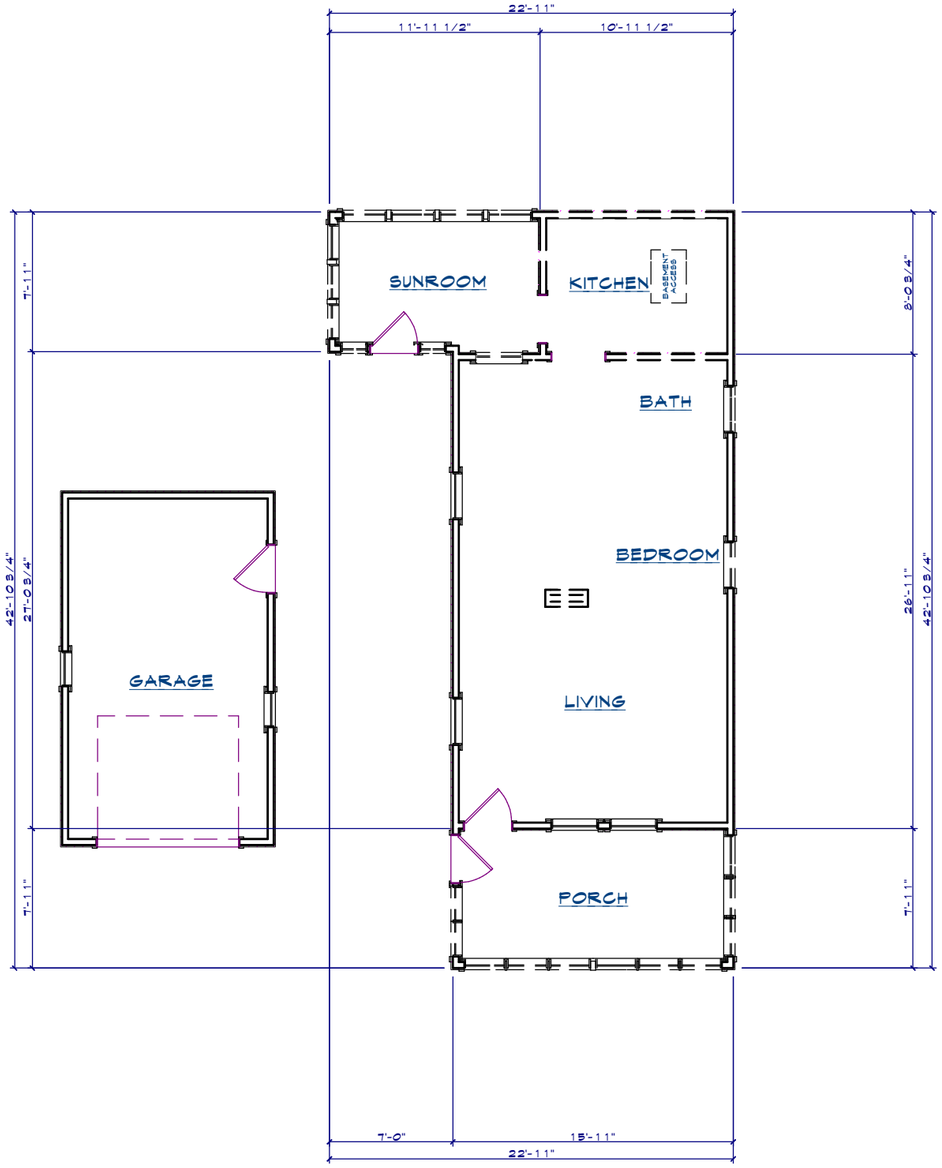
PRELIMINARY
PLEASE MAKE ANY CHANGES,
SIGN, & RETURN TO WILLIAMS & WILLIAMS
APPROVAL
SIGNATURE:
DATE:

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

COPYRIGHT © 2014 BY WILLIAMS & WILLIAMS DESIGNERS. ALL RIGHTS RESERVED. ALL WILLIAMS & WILLIAMS DESIGNERS' PLANS HAVE BEEN REGISTERED WITH THE UNITED STATES COPYRIGHT OFFICE. THIS DRAWING IS AN INSTRUMENT OF SERVICE AND MAY NOT BE ALTERED, REPRODUCED, COPIED, OR USED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION FROM WILLIAMS & WILLIAMS DESIGNERS. UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW, ARTICLE 145 SECTION 7209. DO NOT SCALE THESE DRAWINGS. THEY MAY NOT BE TO EXACT SCALE. USE ONLY THE DIMENSIONS SHOWN. OWNER AND CONTRACTOR SHALL CONSULT ALL APPLICABLE BUILDING CODES TO ENSURE THAT PLANS AND DETAILS CONFORM TO ALL REQUIREMENTS. THEY SHALL VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH CONSTRUCTION AND SHALL NOTIFY WILLIAMS & WILLIAMS DESIGNERS OF ANY DISCREPANCIES BEFORE WORK IS PERFORMED. WILLIAMS & WILLIAMS DESIGNERS SHALL NOT BE RESPONSIBLE FOR ANY ADDITIONAL COSTS OR STRUCTURAL PROBLEMS RESULTING FROM FAILURE TO FOLLOW THESE PLANS AND DETAILS.

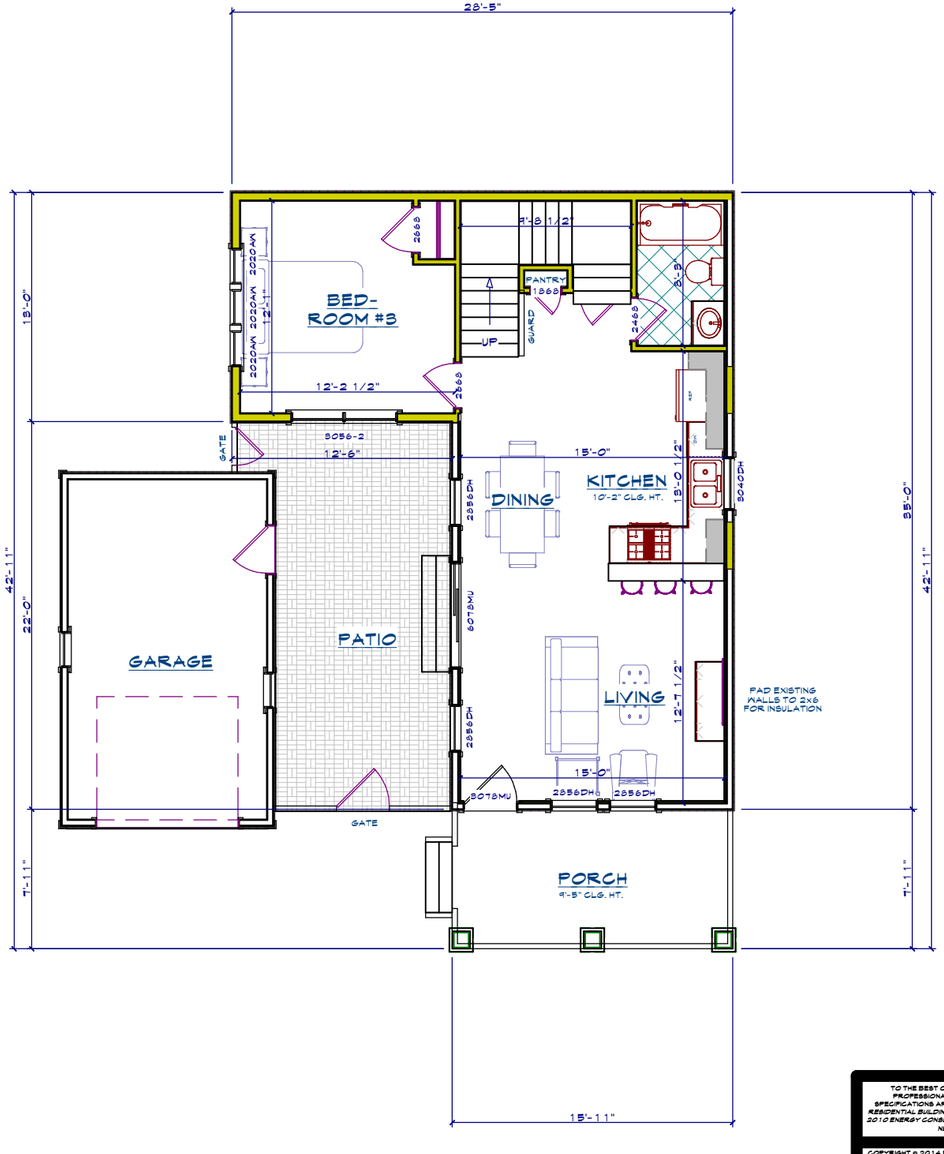
- EXISTING CONSTRUCTION
- TO BE DEMOLISHED
- NEW CONSTRUCTION

FIRST FLOOR:	719	SQ. FT. LIVING AREA
SECOND FLOOR:	657	SQ. FT. LIVING AREA
TOTAL:	1376	SQ. FT. LIVING AREA



EXISTING FIRST FLOOR PLAN

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



PROPOSED FIRST FLOOR PLAN

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

PRELIMINARY

PLEASE MAKE ANY CHANGES, SIGN, & RETURN TO WILLIAMS & WILLIAMS

APPROVAL SIGNATURE:

DATE:

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

COPYRIGHT © 2014 BY WILLIAMS & WILLIAMS DESIGNERS. ALL RIGHTS RESERVED. ALL WILLIAMS & WILLIAMS DESIGNERS' PLANS HAVE BEEN REGISTERED WITH THE UNITED STATES COPYRIGHT OFFICE. THIS DRAWING IS AN INSTRUMENT OF SERVICE AND MAY NOT BE ALTERED, REPRODUCED, COPIED, OR USED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION FROM WILLIAMS & WILLIAMS DESIGNERS. UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW, ARTICLE 145 SECTION 7209. DO NOT SCALE THESE DRAWINGS. THEY MAY NOT BE TO EXACT SCALE. USE ONLY THE DIMENSIONS SHOWN. OWNER AND CONTRACTOR SHALL CONSULT ALL APPLICABLE BUILDING CODES TO ENSURE THAT PLANS AND DETAILS CONFORM TO ALL REQUIREMENTS. THEY SHALL VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH CONSTRUCTION AND SHALL NOTIFY WILLIAMS & WILLIAMS DESIGNERS OF ANY DISCREPANCIES BEFORE WORK IS PERFORMED. WILLIAMS & WILLIAMS DESIGNERS SHALL NOT BE RESPONSIBLE FOR ANY ADDITIONAL COSTS OR STRUCTURAL PROBLEMS RESULTING FROM FAILURE TO FOLLOW THESE PLANS AND DETAILS.

PLAN NO:

PAGE OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:
CHRIS ARMER

ADDRESS:
117 MIDDLE AVE
SARATOGA
NEW YORK

DESIGNERS OF FINE HOMES SINCE 1968
WILLIAMS & WILLIAMS DESIGNERS INCORPORATED
804 GLEN STREET-GLENS FALLS-NEW YORK 12801
518-798-HOUSE(4687)
WILLIAMSANDWILLIAMSDESIGNERS.COM

SEAL:
05/05/16

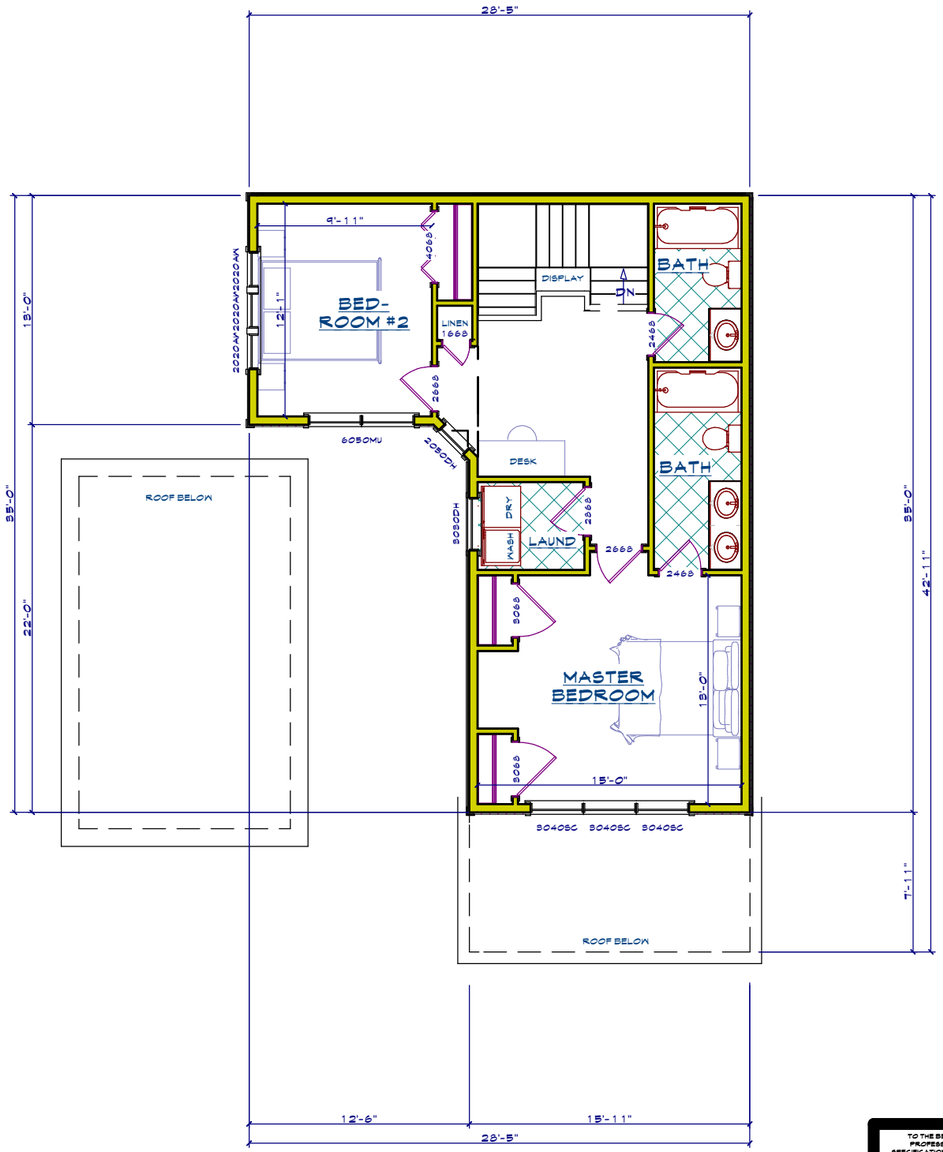
LIVING/DINING/KITCHEN

DINING/KITCHEN/LIVING

SECOND FLOOR AERIAL

FIRST FLOOR AERIAL

- EXISTING CONSTRUCTION
- TO BE DEMOLISHED
- NEW CONSTRUCTION



PROPOSED SECOND FLOOR PLAN

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

PRELIMINARY

PLEASE MAKE ANY CHANGES, SIGN, & RETURN TO WILLIAMS & WILLIAMS

APPROVAL SIGNATURE:

DATE:

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

COPYRIGHT © 2014 BY WILLIAMS & WILLIAMS DESIGNERS. ALL RIGHTS RESERVED. ALL WILLIAMS & WILLIAMS DESIGNERS' PLANS HAVE BEEN REGISTERED WITH THE UNITED STATES COPYRIGHT OFFICE. THIS DRAWING IS AN INSTRUMENT OF SERVICE AND MAY NOT BE ALTERED, REPRODUCED, COPIED, OR USED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION FROM WILLIAMS & WILLIAMS DESIGNERS. UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW, ARTICLE 145 SECTION 7209. DO NOT SCALE THESE DRAWINGS. THEY MAY NOT BE TO EXACT SCALE. USE ONLY THE DIMENSIONS SHOWN. OWNER AND CONTRACTOR SHALL CONSULT ALL APPLICABLE BUILDING CODES TO ENSURE THAT PLANS AND DETAILS CONFORM TO ALL REQUIREMENTS. THEY SHALL VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH CONSTRUCTION AND SHALL NOTIFY WILLIAMS & WILLIAMS DESIGNERS OF ANY DISCREPANCIES BEFORE WORK IS PERFORMED. WILLIAMS & WILLIAMS DESIGNERS SHALL NOT BE RESPONSIBLE FOR ANY ADDITIONAL COSTS OR STRUCTURAL PROBLEMS RESULTING FROM FAILURE TO FOLLOW THESE PLANS AND DETAILS.

PLAN NO:

PAGE OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:

CHRIS ARMER

ADDRESS:

117 MIDDLE AVE
SARATOGA
NEW YORK

DESIGNERS OF FINE HOMES SINCE 1968

WILLIAMS & WILLIAMS DESIGNERS INCORPORATED

509 GLEN STREET-GLENS FALLS-NEW YORK 12801
518-798-HOUSE(4687)
WILLIAMSANDWILLIAMSDESIGNERS.COM

SEAL:

05/05/16

Zimbra **lindsey.gonzalez@saratoga-springs.org**

Letter of support for 117 Middle Ave. Variance

From : Gillian Black [redacted] Mon, Apr 04, 2016 11:35 AM

Subject : Letter of support for 117 Middle Ave. Variance

To : lindsey gonzalez <lindsey.gonzalez@saratoga-springs.org>

To Whom it May Concern,

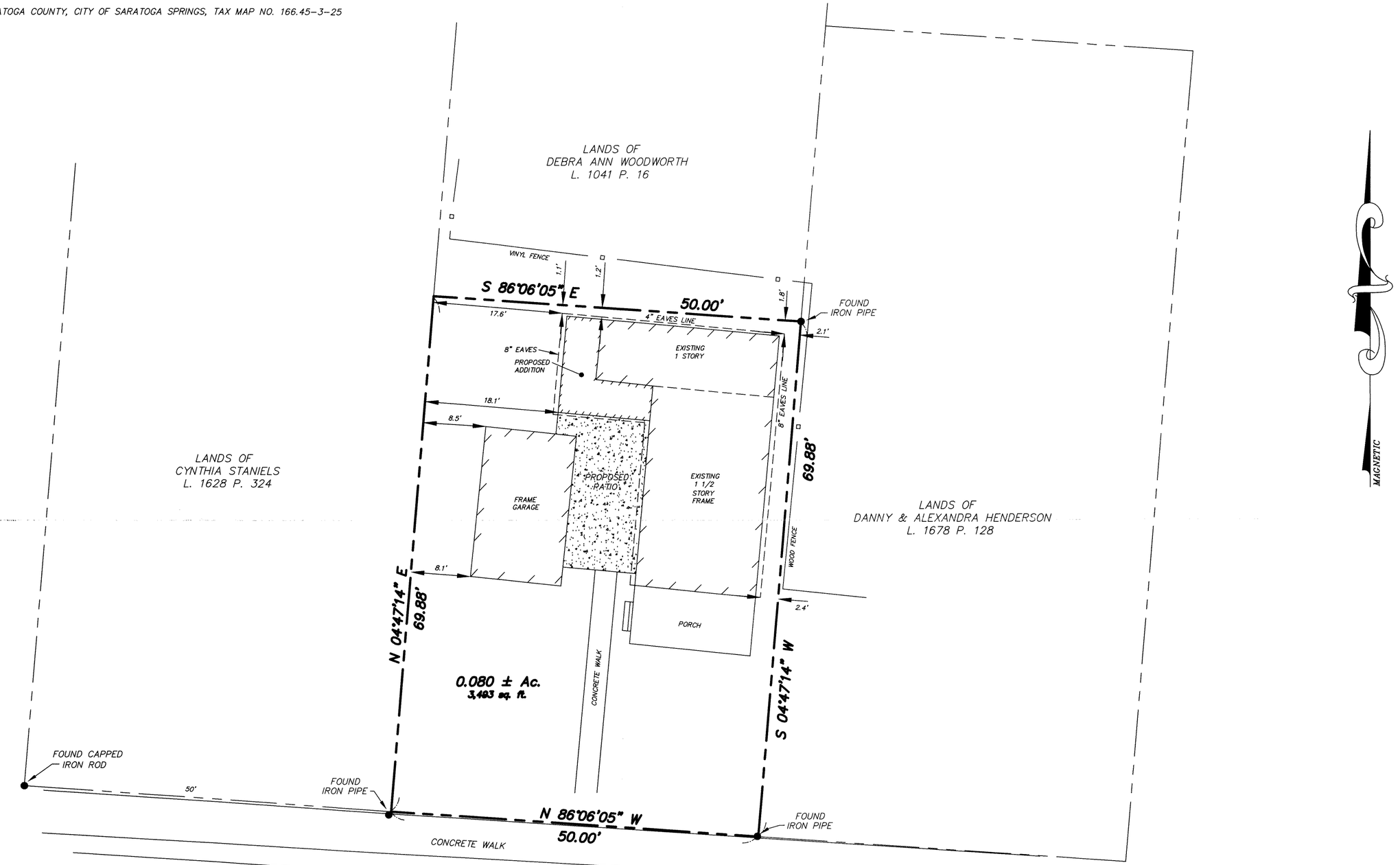
We received notice that Chris Armer & Teri DeSorbo have applied for a variance. My wife Kathryn Strassner and I own the double lot property at [redacted] York Ave. Our driveway (and main entrance) is directly adjacent to the western border of 117 Middle Ave. While at first we were concerned that development may encroach on our privacy, after reviewing the proposed plans we fully support this project. The current structure at 117 Middle Ave. is an eyesore. We believe the proposed construction is in the best interest of our neighborhood and the City of Saratoga Springs, as it replaces a derelict structure and will bolster our local property values. Please grant them their variance.

Best Regards,
Gillian Black

[redacted]

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

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

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

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

APPLICANT: CHRIS ARMER AND TERI DESORBO

TAX PARCEL NO.: 166.45-3-25

PROPERTY ADDRESS: 117 MIDDLE 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 additions to an existing single-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 side yard setback:	4 feet	2.1 feet
Minimum rear yard setback:	25 feet	1.1 feet
Maximum principal building coverage:	30%	33.5%

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

6/3/16
DATE