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

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James Helicke
Susan Steer
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Oksana Ludd, alternate

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

AGENDA

7:00 P.M. **ZBA Meeting – Monday, July 11, 2016**
CITY COUNCIL CHAMBERS

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

Salute The Flag

Role Call

New Business

Old Business

1. **#2759.1 ANW HOLDINGS RESIDENTIAL DEVELOPMENT**
   27 Jumel Place, area variance to demolish existing structure and construct seven single-family residences (condominiums); seeking relief from the maximum principal building coverage, minimum front and rear yard setbacks, maximum number of principal structures on one lot and maximum height for a residential fence requirements in the Urban Residential – 3 District.

   Documents:

   2759.1 ANWHOLDINGSCONDOS_NEIGHBORCORRREVCD2-21-16_REDACTED.PDF
   2759.1 ANWHOLDINGCONDOS_APP_REDACTED.PDF
   2759.1 ANWCONDOS_CORRJDALEY6-19-16_REDACTED.PDF
   2759.1 ANWCONDOS_CORRLRAPPAPORT6-20-16_REDACTED.PDF
   2759.1 ANWHOLDINGSCONDOS_CORRTINGLEY6-20-16_REDACTED.PDF
   2759.1 ANWHOLDINGSCONDOS_OPPOSITIONSIGS6-20-16_REDACTED.PDF
   2759.1 ANWCONDOS_CORRLMILLER6-17-16_REDACTED.PDF
   2759.1 ANWCONDOS_SUPPINFORECVD6-16-16_REDACTED.PDF
   2759.1 ANWCONDOS_CORRNIELENGAYLORD6-1-16_REDACTED.PDF
   2759.1 ANWCONDOS_CORRTINGLEY6-2-16_REDACTED.PDF
   2759.1 ANWCONDOS_LETTERSOFSUPPORTRECVD5-24-16_REDACTED.PDF
   2759.1 ANWCONDOS_PPPRESENTATION5-23-16.PDF
   2759.1 ANWCONDOS_CORRTINGLEY5-23-16_REDACTED.PDF
   2759.1 ANWHOLDINGCONDOS_SUPPINFO5-20-16.PDF
   2759.1 ANWHOLDINGSCONDOS_ADDTLCORRASOF5-16-16_REDACTED.PDF
   2759.1 ANWHOLDINGSCONDOS_CORRSHOGAN_REDACTED.PDF
   2759.1 ANWHOLDINGSCONDOS_PETITIONSIGS5-5-16_REDACTED.PDF
   2759.1 ANWHOLDINGSCONDOS_CORRCWHALEN5-5-16_REDACTED.PDF
   2759.1 ANWHOLDINGSCONDOS_ADDTLCORRASOF4-18-16_REDACTED.PDF
   2759.1 ANWHOLDINGSCONDOS_ADDTLCORRASOF3-29-16_REDACTED.PDF
   13-109MV (CITY OF SARATOGA SPRINGS- ANW JUMEL DOWNTON WALK.PDF
   2759.1 ANWHOLDINGSCONDOS_NEIGHBORCORRREVCD3-11--3-13-16_REDACTED.PDF
   2759.1 ANWHOLDINGCONDOS_POWERPOINT3-14-16.PDF
   2759.1 ANWHOLDINGSCONDOS_CORRJVALETTA_RECVD3-9-16_REDACTED.PDF
   2759.1 ANWHOLDINGSCONDOS_CORRBMCTAGUE_REVD3-9-16_REDACTED.PDF
   2759.1 ANWHOLDINGSCONDOS_CORRMPETER_RECVD3-1-16_REDACTED.PDF
   2759.1 ANWHOLDINGSCONDOS_PRESENTATION2-22-16.PDF
   2759.1 ANWHOLDINGSCONDOS_AERIALVIEW_RECVD3-1-16.PDF
   2759.1 ANWHOLDINGSCONDOS_CORRSCOHEN_RECVD3-2-16_REDACTED.PDF
   2759.1 ANWHOLDINGSCONDOS_CORRSBREWTON_RECVD2-29-16_REDACTED.PDF
   2759.1 ANWHOLDINGS_BUILDINSPECTDENIAL.PDF
   2759.1 ANWCONDOS_CORRZONINGENFORCEMENT7-6-16.PDF

2. **#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_BUILDINSPECTDENIAL.PDF
   2896 ICEHOUSETENT_APPLICATION_REDACTED.PDF

3. **#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_BUILDINSPECTDENIAL.PDF
   2898 HABITATFORHUMANITY_APP_REDACTED.PDF
   2898 HABITATFORHUMANITY_UPDATEDPLANS5-24-16.PDF

4. **#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_CORRSTEWARTS5-23-16.PDF
   2900 MAPLESHADECORNERSDENTISTOFFICE_APP_REDACTED.PDF
   2900 MAPLESHADECORNERSDENTISTOFFICE_BUILDINSPECTDENIAL.PDF
   2900 MAPLESHADECORNERSDENTISTOFFICE_PETITION6-20-16_REDACTED.PDF
   2900 MAPLESHADESCORNERSDENTIST SUPPINFORECVD7-1-16 REDACTED.PDF

2900 MAPLESHADESCORNERSDENTIST_COUNTYRESPONSE.PDF

Adjourned Items

1. **#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_SUPPLETTER6-14-16.PDF
   2807.2 MURPHYLNBARNRENO_APP_REDACTED.PDF

2. **#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
   2899 SOUTHBROADWAYINNSPASIGN_BUILDINSPECTDENIAL.PDF

3. **#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

4. **#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_APP_REDACTED.PDF
   2889 CDJTTOWNHOUSES_BUILDINSPECTDENIAL.PDF
   2889 CDJTTOWNHOUSES_AMILLERCORR4-25-16_REDACTED.PDF

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

   Documents:

   2880 ARMERDESORBORESIDENCEADD_APP_REDACTED.PDF
   2880 ARMERDESORBORESIDENCE_BUILDINSPECTDENIAL.PDF
   2880 ARMERDESORBORESIDENCE_ADDTLINFO5-20-16.PDF
   2880 ARMERDESORBORESIDENCEADD_ELEVATIONS5-5-16.PDF
   2880 ARMERDESORBORESIDENCEADD_CORRBLACK_REDACTED.PDF
   2880 ARMERDESORBORESIDENCEADD_REVISEDMAP4-11-16.PDF

6. **#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

Other Business

1. **APPROVAL OF DRAFT MEETING MINUTES – June 20**
2. **NEXT ZONING BOARD MEETING: JULY 18, 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.

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

Dear Ms. Barden -

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

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

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

Thank you.

Sincerely,
Tracy and Johnny Miller

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CITY OF SARATOGA SPRINGS

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[FOR OFFICE USE]

(Application #)

(Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	AMV Holdings Inc.		
Address	563 North Broadway Saratoga Springs NY 12866		
Tel./Fax	587-4113 / 587-0260	/	/
Email	[redacted]		

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

PROPERTY INFORMATION

Property Address (No. & St.) 27 Jumel Place Side of St. (north, east, etc.) North

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

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

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

5. Has a previous ZBA application/appeal been filed for this property? ☑ Yes (when? 10/31/13 for what?) ☐ No

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

7. Brief description of proposed action: Tear down existing building and build seven unit single family condominium project.

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

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

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

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

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

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

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

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

Section(s) _____

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

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

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

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

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

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

Nothing has changed to this area & no new development

on or near this site.

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

A use variance is requested to permit the following: _____

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

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

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

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

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

Date	Improvement	Cost

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions: _____

_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

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

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

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

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

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

Other: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

_____
(applicant signature)

Sworn to before me this date:

Date: _____

_____
(applicant signature)

_____
Notary Public

617.20

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

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

1. APPLICANT/SPONSOR: ANW Holdings
2. PROJECT NAME:

3. PROJECT LOCATION: 27 Sumner Place
   Municipality: Saratoga Springs, NY County: Saratoga
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)

5. PROPOSED ACTION IS: ☒ New ☐ Expansion ☐ Modification/alteration
6. DESCRIBE PROJECT BRIEFLY: 7 Individual Condominiums
7. AMOUNT OF LAND AFFECTED: Initially: _____ (acres) Ultimately: _____ (acres)
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
   ☒ Yes ☐ No If No, describe briefly
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
   ☒ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☐ Other
   Describe:
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
    ☒ Yes ☐ No If Yes, list agency(s) name and permit/approvals: Bldg Dept - Saratoga Springs
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
    ☐ Yes ☒ No If Yes, list agency(s) name and permit/approvals:
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
    ☐ Yes ☒ No

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

Applicant/sponsor name: _____ Date: _____

Signature: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Res + App

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SECRETARY
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GEORGE "SKIP" CARLSON
SHIRLEY POPPEL
OKSANA LUDD

RECEIVED
OCT 31 2013
ACCOUNTS DEPARTMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted by the following vote:

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

NAYES: 0

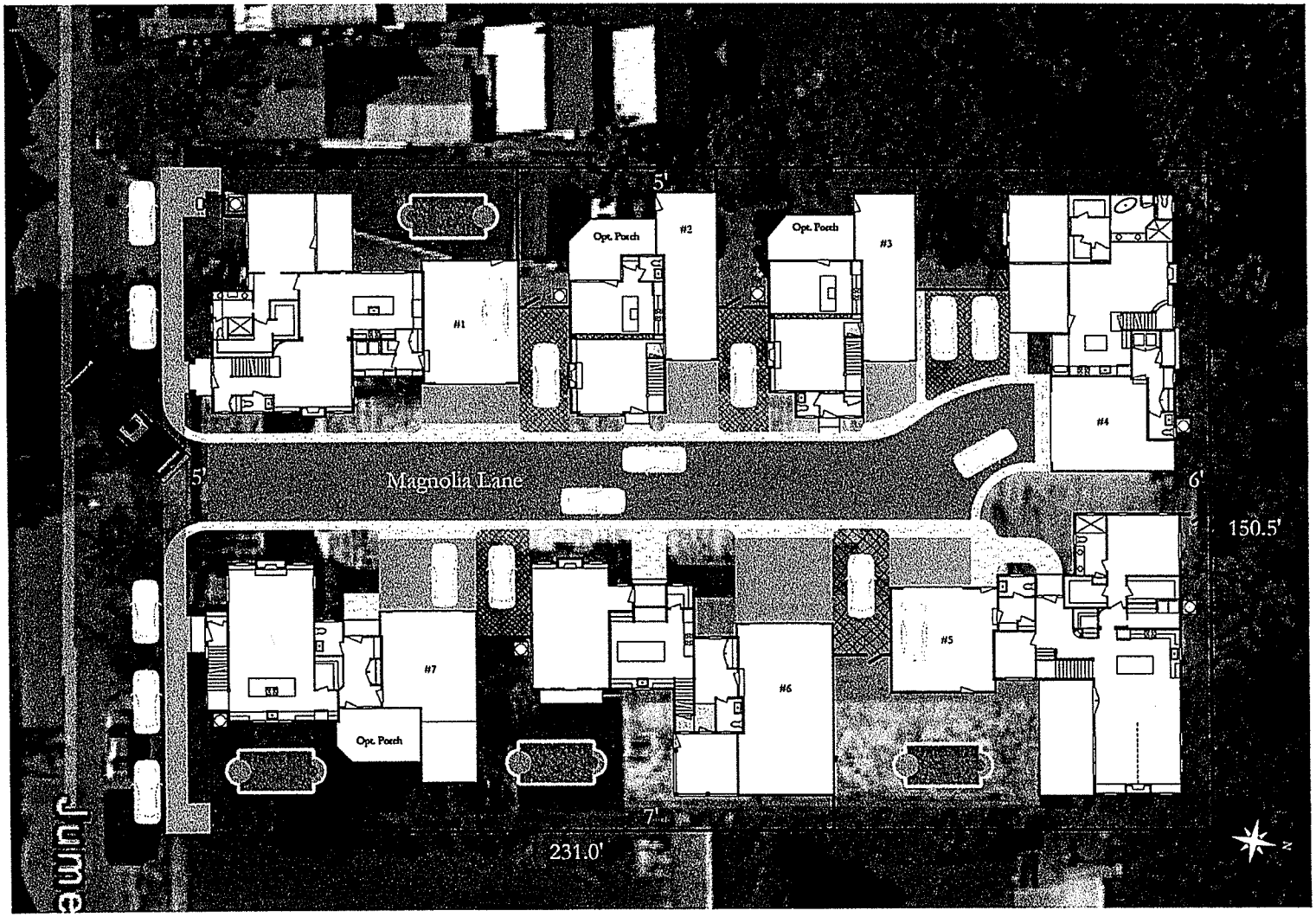
Dated: October 28, 2013

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

10/30/13
Date

Chair

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



MAP OF the Neighborhood of MAGNOLIA LANE in SARATOGA SPRINGS

Witt Construction

2013

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

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

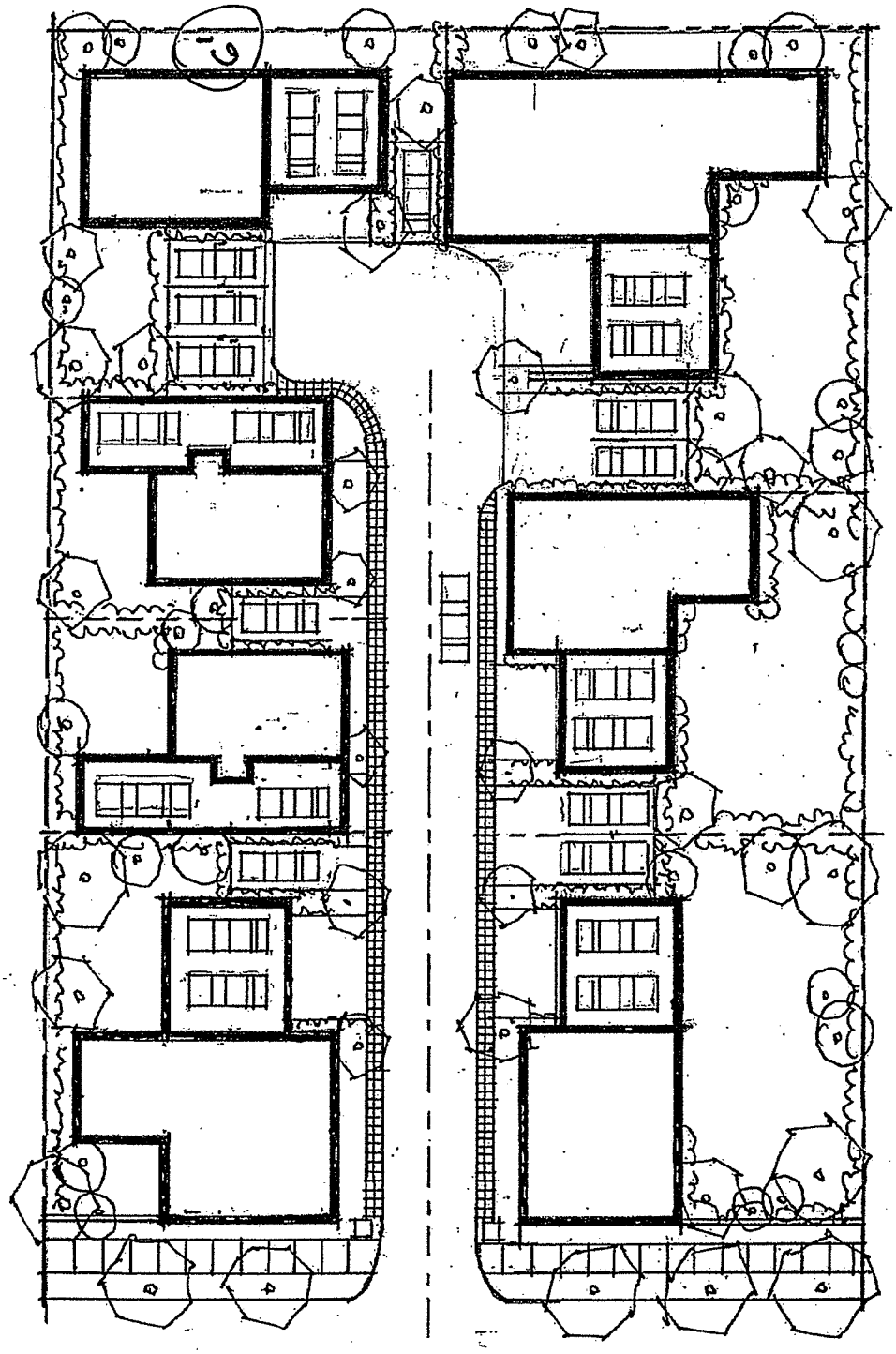
Non-Permeable Areas (Sq. Ft)		
Road	3,305	
Driveways	1,338	
Patios	1,740	
Living	5,665	
Porches	1,656	
Garages	4,175	
Total Non-Permeable	21305	61.3%

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

Scale of Feet

1 5 10 25 50 100

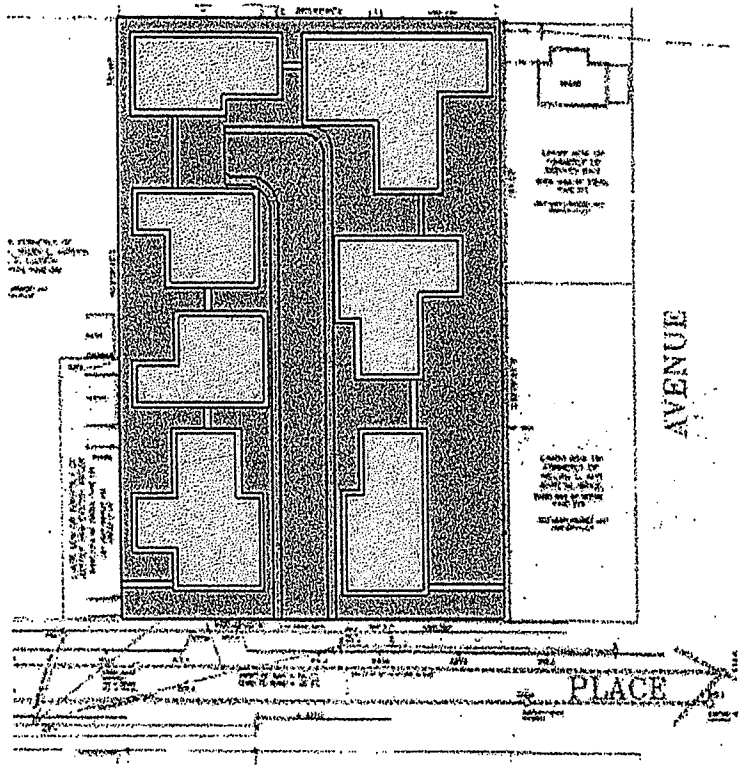
REAR



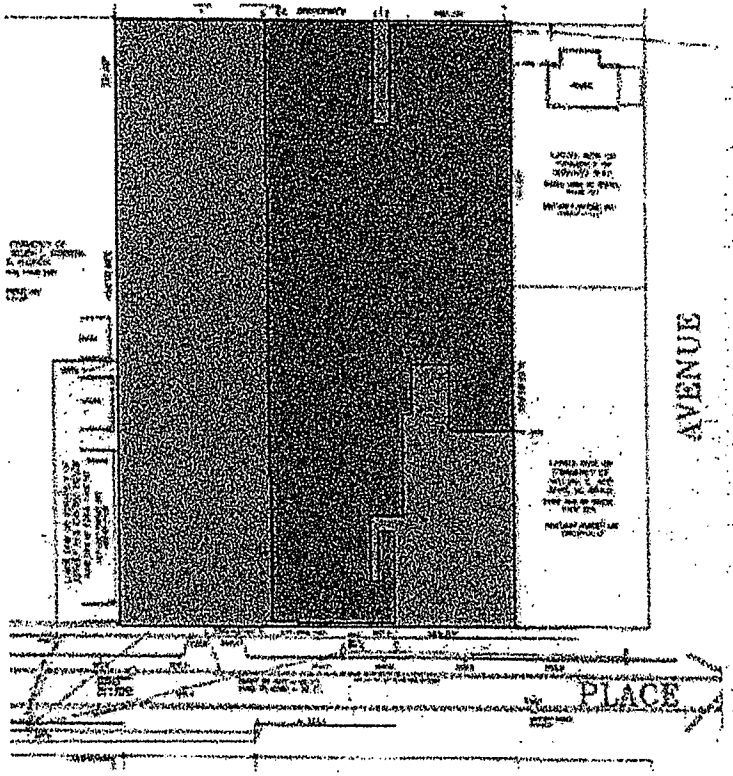
SIDE

SIDE

FRONT



Concept Site Plan



Site Plan with Existing Building

27 Jumel Place
Saratoga Springs NY

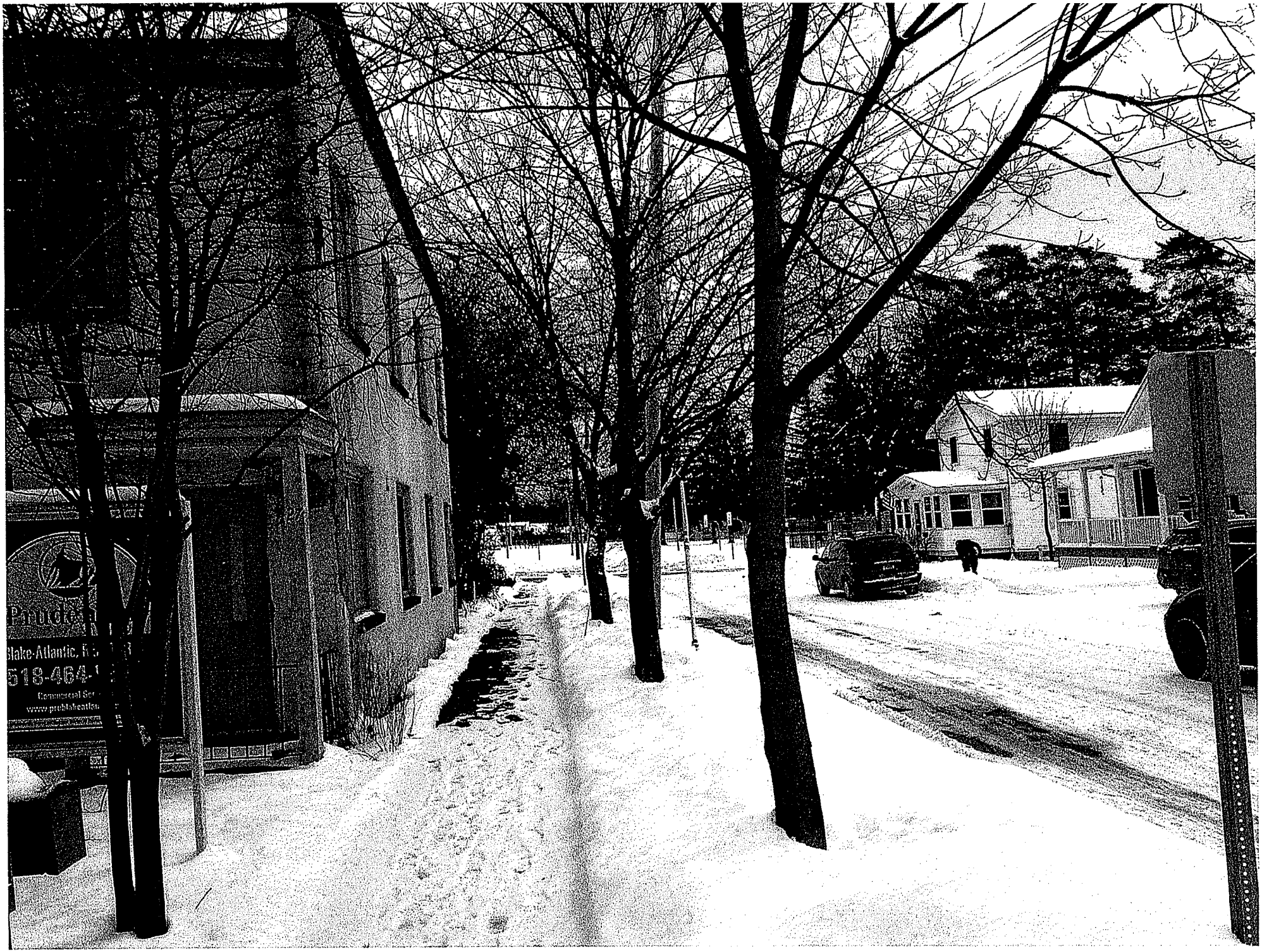
Witt Construction
3/10/2014

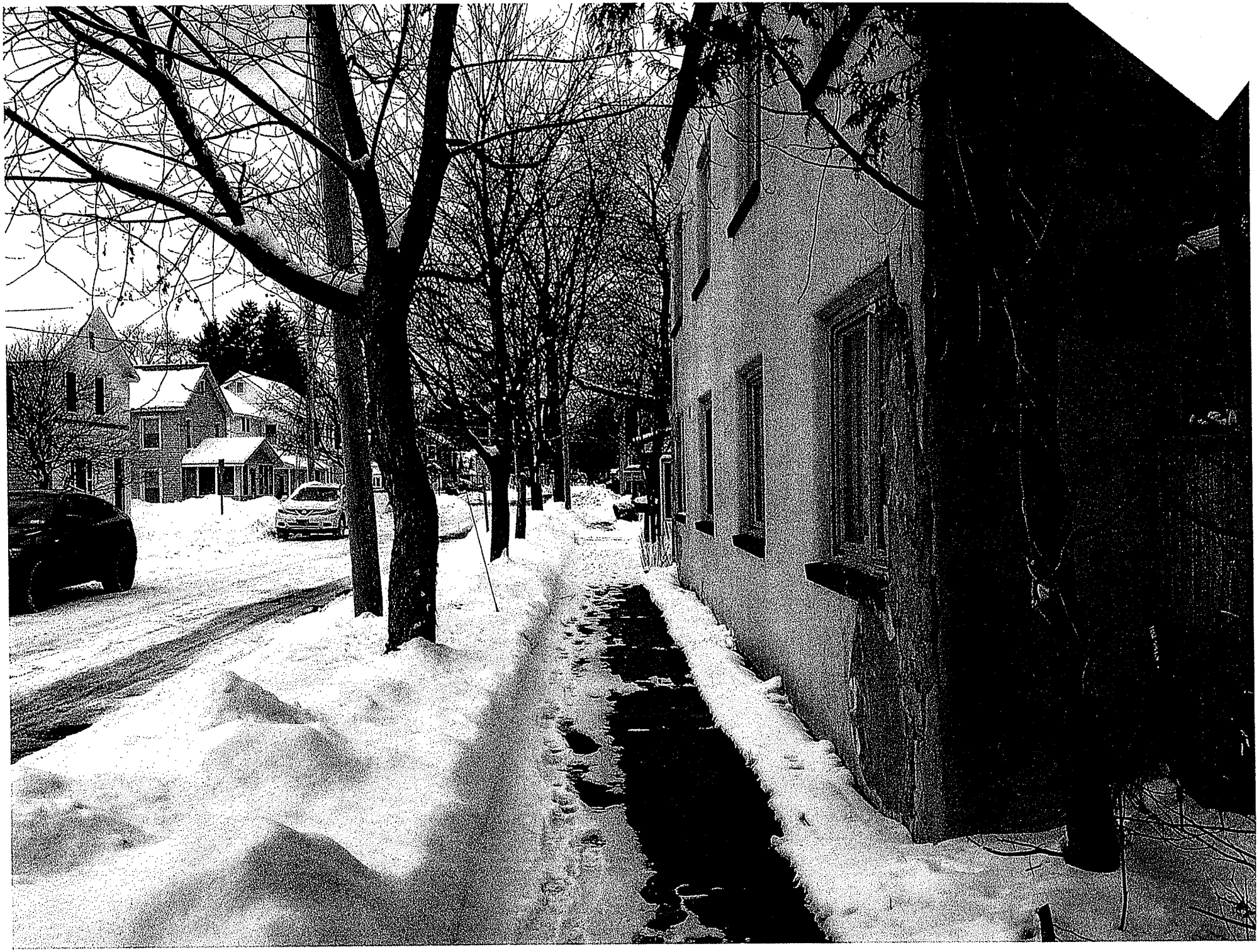
	Depth	Width	Area (sq. ft.)
Lot Size	231	150.5	34,765.50

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

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

NO PARKING
24 HRS
STARTING
9AM
MON-WED
FRI





Witt Construction

563 N Broadway Saratoga Springs, NY 12866

February 27.2014, 2013

Magnolia Lane

Street Views

Witt Construction

563 N Broadway Saratoga Springs, NY 12866

February 27.2014, 2013

Magnolia Lane

Street Views

Witt Construction

563 N Broadway Saratoga Springs, NY 12866

February 27.2014, 2013

Magnolia Lane

Street Views

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Jumel/Downton Walk - Witt Construction, Inc.

Name of Action or Project:
Downton Walk

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

Brief Description of Proposed Action:
7 Individual Family Condominiums

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

Address:
563 N. Broadway

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ There as been asbestos found on location. We have an asbestos report and working with Cristo Demolition who is licensed and experienced in moving this hazardous waste properly. _____	☐	☑

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

Applicant/sponsor name: _____ Date: _____

Signature: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted by the following vote:

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

NAYES: 0

Dated: April 28, 2014

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

5-1-14
Date

Chair

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

RECEIVED
MAY 06 2014
ACCOUNTS DEPARTMENT

From: "Jane Daley" [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, June 19, 2016 3:44:04 PM
Subject: Downtown Walk

Hi Susan, my name is Jane Daley. I live at [redacted] Lake Ave. I originally signed in support but would like to retract that and be counted as in opposition. I was given hazy information when I pledged support. I am apposed to Downtown Walk as currently designed and would like to see a more reasonable proposal from the builder. Thank you,
Jane Daley

Sent from my iPad

To Saratoga Spring ZBA

From: Laura Rappaport, [redacted] Excelsior Spring Ave., SS, NY, 12866

I agree with the nearly 500 people who have signed a petition opposing the zoning changes requested to create the Downton Walk project on Jumel Place.

The prospective developer's request for variances in order to build 7 homes on less than an acre asks for way too much leeway in setbacks & lot coverage. If granted, this project would forever alter the character of this modest UR-3 neighborhood. It is too dense, too big, and it encroaches too much onto neighbors' properties.

The request arrogantly ignores the Property Rights of the neighbors who have the right to assume protections of their own property and privacy by the City zoning code. Their property values will be hurt by having essentially **no buffer** left between them and the proposed Downton buildings.

Another strike against the proposal is that it creates homes facing a new unsafe, dead-end alley. Dead-ends & cul-de-sacs are explicitly discouraged by Saratoga Springs city planners, and the Saratoga Springs code. They present challenges to emergency vehicles, such as firetrucks and ambulances, as well as to road maintenance contractors. They isolate and cut off neighborhoods from the rest of the community.

The prospective developer has said this configuration of 7 homes is the only way to make the project **profitable to him**.

In considering this application, ZBA Members should remember that they represent city residents and taxpayers -- not the applicant. They are not charged with ensuring that a developer turns a profit, but rather they are charged with safeguarding the health, safety, well-being and property values of the residents.

Yes, the building that sits there now is an eyesore and the property does need to be cleaned up. But there are other ways to do so.

The purpose of our City's zoning code is to ensure that ***projects conform with the neighborhood that already exists, not to dramatically change a neighborhood***.

This neighborhood is zoned for single- and 2-family homes, with reasonable side, front and rear setbacks. Good streetscape planning consists of developments in

which homes face the street on which they sit to create orderly flow of traffic and a sense of neighborhood and community. The proposed project does not do that.

From the City Zoning Code on Minimum Variance:

The ZBA, in granting a use or area variance, shall ***grant the MINIMUM variance*** *that it shall deem necessary and adequate while and the same time preserving & protecting the character of the neighborhood and the health safety and welfare of the community.*

In considering applications, the ZBA is ***required*** *to consider whether an undesirable or significant change will be produced in the character of the neighborhood and if a detriment to nearby properties will be created by the granting of the variance.*

This project would **Significantly & Undesirably** alter the character of the neighborhood. By essentially eliminating the setbacks and allowing the structures to encroach on the sidewalk, the buildings will basically squeeze into the neighborhood, and overpower adjacent houses. The homes would face into their own little alley and be an exclusive enclave set apart from the neighborhood.

The applicant is asking the city to greatly change the code for his own project. Yet he does not even own the property on Jumel Place. This letter refers to him as the "prospective" developer because he is not the property owner. Denying the area variances requested will not deny the applicant the right to develop this property for he does **not** own it. On the other hand, granting this this extreme change will set precedent for the future, and impact people who **ARE** property owners in the neighborhood. What is to prevent future ZBA members from granting Significant variances for other projects that don't fit within the parameters of the zoning code?

The applicant indicates that the variances and 7 homes, is the only configuration that would make the project profitable for him. If that is the case, then he should quite simply do a different project.

No one is asking for million-dollar homes in this little corner of the world. The prospective developer might consider a more appropriate location for this upscale, suburban-style development that is totally out of place in a UR3 neighborhood. The ZBA should encourage him to build something more in keeping with the

neighborhood. Instead of asking for and expecting an exception to the rules, he should play by them.

The bottom line is this: Zoning Board members and city employees are not tasked with helping developers make money from their projects. Their job is to uphold the codes & character of the city. It is the applicant's job to create a project that fits the city code, not the city's job to change the code to meet a developer's financial goals.

The variances requested for this project should be denied.

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]

Jonathon B. Tingley
[redacted]

June 20, 2016

VIA EMAIL – susan.barden@saratoga-springs.org
Zoning Board of Appeals
City of Saratoga Springs
City Hall – 474 Broadway
Saratoga Springs, New York 12866

Re: ANW Holdings, LLC, 27 Jumel Place; Area Variance Application

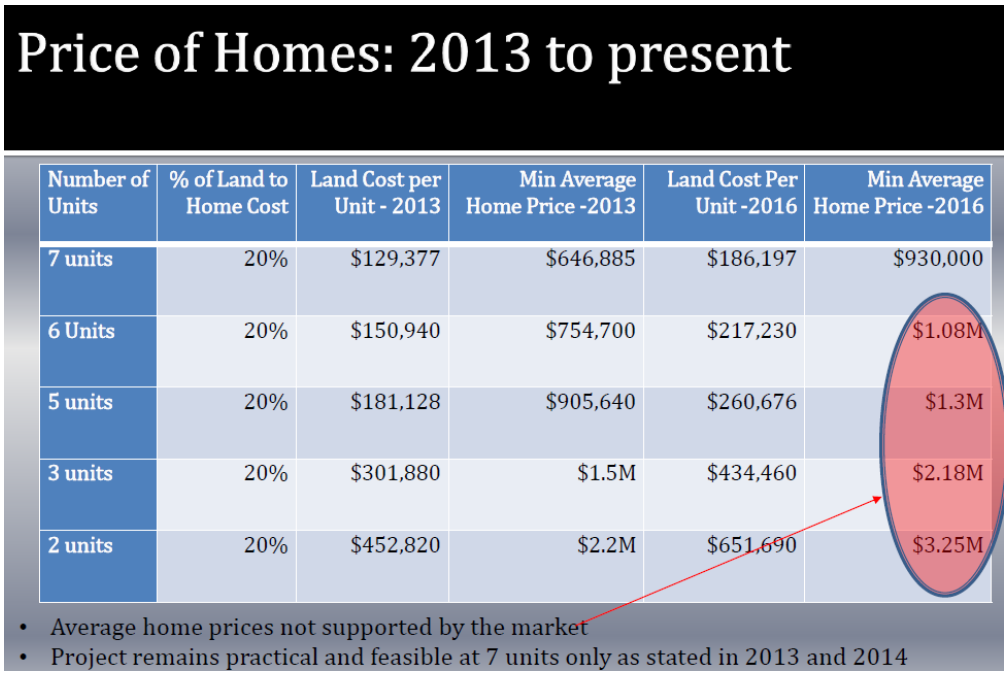
Dear Zoning Board of Appeals:

Please accept this letter on behalf of Samuel Brewton, Sandra Cohen, and Debra and Gerald Mattison in connection with the ANW Holdings, LLC application for area variances.

In her June 16, 2016 letter, Ms. Coreno states:

> "In a letter to the Board dated June 2, 2016, neighbors' counsel, Jonathon Tingley, Esq., attempts to obfuscate the representations made by the Applicant in its May submission by incorrectly characterizing the information stated on the record. Specifically, counsel states that ANW has taken the position that 7 units at $930,000 is supported by the market – a statement which is patently false" (Letter from Carter Conboy, June 16, 2016, at 5).

But that statement, which Ms. Coreno characterizes as "patently false" was made by her, in a presentation on May 23, 2016. In Ms. Coreno's May 23, 2016 presentation, the average home price of $930,000 was specifically excluded from the average home prices that Ms. Coreno claimed were not supported by the market (i.e., $1.08 million and above):



(Applicant Presentation, May 23, 2016, at slide 23).

The only one attempting to obfuscate here is Ms. Coreno, who presented financial numbers in an effort to justify a project of 7 homes, without realizing the numbers she provided actually demonstrates that a feasible alternative—namely, 5 homes—is available that would provide the applicant with the benefit it seeks (and sought in 2013).

Ms. Coreno also attacks the use of the term "net revenue" in my June 2, 2016 letter, claiming that it misrepresents the applicant's return on the project by not taking into account the cost to build each home (Letter from Carter Conboy, June 16, 2016, at 5). Actually, again, Ms. Coreno is obfuscating and misrepresenting. My letter was clear, making it known that the use of the term "net revenue" as I used it represented the home price, less land acquisition and development costs.

The purpose of presenting that "net revenue" was to provide an "apples to apples" comparison between the benefit the developer sought in 2013 and the benefit the developer seeks in 2016, with the aim of demonstrating that now, given the applicant's increased home prices, the same benefit it sought in 2013 with 7 homes can now be achieved with 5 homes. Below are the portions of my June 2, 2016 letter which used the term "net revenue". I made clear exactly what I meant by the term "net revenue"—namely, aggregate home prices, less land acquisition and development costs:

> "In 2013, the Applicant proposed an average home price of $640,000 for 7 units (Letter from Carter Conboy, dated May 20, 2016, at 7). The total revenue generated would therefore equal $4,480,000. ***After subtracting the claimed 2013 land acquisition and development costs of $905,640, the Applicant would have been left with a net revenue in 2013, based on 7 homes, of $3,574,360***.

> Now, in 2016, the Applicant indicates that its average home sale price will be $930,000, and that it will sell the homes at prices between $587,045 to $1.255 million, with a median home price of $921,022. If the Applicant is permitted to construct 7 homes and will sell at its stated average home price of $930,000, the total revenue generated will equal $6,510,000. ***After subtracting the claimed 2016 land acquisition and development costs of $1,303,380, the Applicant is left with a net revenue of $5,206,620.*** The 2016 net revenue for 7 homes is $1,632,260 more than the net revenue generated by the 2013 proposal for 7 homes.
>
> . . . .
>
> However, if the Applicant is permitted to construct 5 homes and sells those homes at the stated 2016 average home price of $930,000, the total revenue generated will be $4,650,000—which is still more than the revenue that would have been generated in 2013 for 7 homes. ***After subtracting the 2016 land acquisition and development costs of $1,303,380, the Applicant is left with a net revenue in 2016, based on 5 homes, of $3,346,620***—which is 94% of the net revenue it would have generated with 7 homes in 2013" (Letter from Tuczinski, Cavalier & Gilchrist, P.C., June 2, 2016, at 2).

There was no misrepresentation or inaccuracy in presenting these numbers. And notably, Ms. Coreno does not dispute any of these calculations.

Ms. Coreno also argues that my June 2, 2016 letter was unsupported by "empirical" or "expert" evidence (Letter from Carter Conboy, June 16, 2016, at 5). My June 2, 2016 letter ***used Ms. Coreno's numbers***, and ***assumed that Ms. Coreno's numbers were accurate***. In particular, Ms. Coreno stated in her May 20, 2016 letter:

> "The results indicate that the average home cost of $640,000 for 7 units reported in the 2013 application process was accurate at that time, but the rising cost development costs [sic] has increased the average home price to $930,000 in 2016. In order to address the varied market, ANW is proposing several price points ranging from $587,045 to $1.255M for a median price of $921,022" (Letter from Carter Conboy, May 20, 2016, at 7).

Ms. Coreno's argument, taken to its logical conclusion, is that her own financial data cannot be relied upon. No expert is needed to do simple multiplication and subtraction, followed by a simple comparison of the 2013 financial data to the 2016 financial data. The Board can undertake these same calculations without the assistance of an expert, and when it does so, it becomes clear that substantially the same benefit sought by the developer with 7 homes in 2013 is now available through development of 5 homes in 2016.

Importantly, these calculations do not rely upon the home sale prices supplied by the applicant on February 22, 2016, which the applicant stated would be between $700,000 and $1.5 million. The calculations rely exclusively on the data provided by the applicant's counsel, Ms. Coreno, in her May 20, 2016 letter.

The record reflects that ANW Holdings, LLC did rely on the financial data in 2013 to support its argument that the only feasible project was one consisting of 7 homes. Now, due to a material change in the project's financial data, the developer can secure the same benefit through development of just 5 homes on the same site. Thus, there is a feasible alternative available. ANW Holdings, LLC just does not want to admit it.

The Court's language in Katz v. Town of Bedford Zoning Board of Appeals is instructive:

> "The determination of the Zoning Board of Appeals denying the petitioner's application for an area variance is supported by substantial evidence, and it is not illegal, arbitrary and capricious, or an abuse of discretion. . . . [S]imply because the alternatives suggested by the Zoning Board of Appeals would be more expensive . . . does not mandate the granting of the variance. While financial hardship is a factor to be considered, proof that the desired improvement could more easily and cheaply be constructed if the variance were granted does not change the nature of the improvement from one that is merely desirable to one that is necessary for the practical utilization of the property" (202 AD2d 504 [2d Dep't 1994]).

Here, the Applicant's own financial data demonstrates that a project consisting of 5 homes is a feasible alternative, and the fact that the Applicant merely desires 7 homes does not mean that granting an area variance to allow 7 homes is necessary for the practical utilization of the property.

Accordingly, the Zoning Board of Appeals should deny ANW Holdings, LLC's area variance applications because there exists a feasible alternative that will provide the developer with the benefit it seeks and because the variances sought are not the minimum variances necessary.

Very truly yours,

TUCZINSKI, CAVALIER & GILCHRIST, P.C.

By: _____
Jonathon B. Tingley

OUR STANCE AS NEIGHBORS
of proposed "Downton Walk":

- We don't oppose Mr. Witt per se, or that he should develop this property.
- But we are concerned about the scale of the variances he is requesting and of the project as currently designed.
- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

Joan Rupprecht, [redacted] Jumel Place

Larry Britt

Marie Britt [redacted] Caroline St.

Anne Kearney Prouty [redacted] Jumel Pl.

Bill Evans [redacted] June Pl.

Mary Hibbert [redacted] Jumel Place

(Gabriel Edell) [redacted] Jumel Pl.

Michael P. Perri [redacted] Jumel Pl.

Gerald Mattison [redacted] Lake Ave

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- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

Rachel D [redacted] Ludlow St.

[redacted] Ludlow St SS NY 12866

[redacted] Ludlow St 12866

[redacted] Maple ave 12866

[redacted]

Alison Manning [redacted] Jumel Pl 12866

Elizabeth DiMuzzo [redacted] Lake Ave Saratoga Springs NY 12866

[redacted] Lake Ave Saratoga Springs NY 12866

John Valetta [redacted] Jumel Pl

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- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

LITWIN, ERIC [redacted] LAKE AVE

[redacted] SAVAGE, WILLIAM [redacted] East Ave

Linda Church Linda Church [redacted] Lake Ave, Saratoga Springs NY

Paul Church [redacted] LAKE AVE SARATOGA SPRINGS, NY 12866

Jim MacNeil [redacted] Lake Ave SS. Jim MacNeil

Susie O. Tooze [redacted] East Ave. S.S. 12866

[redacted] Hutchins St 12866

Jane Valentine [redacted] Sumel Place

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- But we are concerned about the scale of the variances he is requesting and of the project as currently designed.
- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

Karyn Zanetti [redacted] Lake [signature]

Karen Hicks [redacted] Lake Ave

William Max Oswald [redacted] East Ave

[signature]

Marie Sands [redacted] East Ave

Tina Morris [redacted] Pinewood Ave I do oppose this development

Joe Fitzgerald [redacted] East Ave

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- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

Kira Cohen [redacted] Lake Ave

Kelly Winters [redacted] forest Ave.

[redacted] Lake Ave

Peter Wohl

Margaret Harding [redacted] Sumner

Sandra Devendorf [redacted] Lake Ave [redacted]

Debra Mattison Debra Mattison [redacted] Lake Ave.

Sam Brown [redacted] Lake Ave

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- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

Susan Daniels [redacted] Lake Ave

Laura Tomaszek [redacted] Lake Ave.

Laura Marini [redacted] Jumel

Barbara Claydon [redacted] Jumel Place

Lisa Miller [redacted] East Ave

Kerri Barber [redacted] Jumel Pl. Saratoga Spr.

Mary Tee [redacted] Jumel Pl Saratoga Spr.

OUR STANCE AS NEIGHBORS
of proposed "Downton Walk":

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- But we are concerned about the scale of the variances he is requesting and of the project as currently designed.
- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

[redacted] Jewel Place

[redacted] Jewel Place

From: "Lisa Miller" [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Friday, June 17, 2016 7:42:02 AM
Subject: I oppose Downton Walk

Dear Susan,

My name is Lisa Miller, and I live at [redacted] East Ave., just around the corner from the proposed building site. When John Witt came to my door to ask for my signature, he caught me off guard. I knew nothing about the project; all I knew was that that property needed improvement.

When he asked for my signature, he told me that it bound me to nothing. (Of course, I should have questioned that, but as I said, he caught me off guard.) At the time I thought anything would be better than the existing building. I have since learned the details of Mr Witt's plans and do not feel it is appropriate for an in-town neighborhood.

I would like to retract my signature from his petition and change my allegiance to oppose his project as planned. While I think John Witt does very nice work, I do not think houses of that size and density are appropriate for my neighborhood and this town.

I am concerned about Saratoga Springs zoning laws. I have lived in this town since 1978, and the changes I've seen in the last 10+ years are astounding. The plethora of new, large, multifloor buildings is changing the feel of the town. They are also changing the demographics of the town. I worry that someday people of average income will no longer be able to live here, and that's just not right. We are the heart and soul of Saratoga.

I understand that timing is of the essence, and I ask you to forward my position to the zoning board. I am not in favor of John Witt's buildings as proposed.

Sincerely,
Lisa Miller

Sent from my iPhone

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CARTER CONBOY

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WILLIAM D. YOQUINTO
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HON. THOMAS E. MERCURE (Retired)
CHRISTOPHER J. WATT^
LAWRENCE R. HAMILTON
JOHN H. PENNOCK, JR.

May 3, 2016

William Moore, Chair
Saratoga Springs Zoning Board of Appeals
474 Broadway
Saratoga Springs, New York 12866

Re: Downtown Walk – Area Variance Renewal Request
27 Jumel Place – UR-3

Dear Chairman Moore:

As you know, we represent the interests of ANW Holdings, Inc. ("ANW" or "Applicant") with respect to its application for the renewal of area variances granted by the Saratoga Springs Zoning Board of Appeals ("Board") in 2013 and 2014 related to 27 Jumel Place ("Property"). ANW has appeared twice before the Board in its current renewal request on February 22, 2016 and most recently on May 23, 2016. At the May meeting, the Board requested several additional items from ANW as part of its consideration of the current application. Please allow this letter to address each of those requests with the intention of discussing each at the upcoming June 20th meeting of the Board.

Fence Height Delineation

In 2014, ANW requested and was granted a variance of the 6 foot fence limitation contained within the Zoning Code, in favor of a portion of the project fence to be erected at 8 feet. At that time, ANW's representative, John Witt, indicated that the sections of fence that would be greater than 8 feet would be at the sides and rear of the Property. A lower fence would be installed along a certain portion of the eastern frontage of Jumel Place. The proposed fence height remains the same in the current project proposal as was represented to the Board in 2014. Therefore, no material change in the Downton Walk fence details has occurred between 2014 and the current application. It is the Applicant's position that, absent a substantial and material change in either the neighborhood or the project itself, it is entitled to rely on the prior fence variance.

At the most recent meeting of the Board, the Applicant was asked to provide details of the locations where the proposed fence would be 8 feet and where it would be lower. Consistent with the representations made in 2014, ANW is attaching as **Exhibit "A"** a color-coded fence delineation plan which provides the requested information.

However, for purposes of clarity of the record, Exhibit A has been included solely to (1) provide the Board with a visual representation of what has already been approved by the Board and the Planning Board; and (2) confirm that no project element has changed since those approvals.

Front & Rear Yard Existing Distances

The Applicant was also asked at the meeting to identify (1) the average existing front yard setback along Jumel Place between East Avenue and Granger Avenue; and (2) the principal structures existing distances from the rear yard in the neighborhood. In response to the first question, the average existing front yard distances of the three buildings is slightly less than 2 feet (25 Jumel – 12 inches from the overhang; 27 Jumel – approximately 6 inches from the existing building; 31 Jumel – 4'4" from the overhang). The Applicant's 2013 variance relief was for a 5 foot front yard setback which was modified by the Board in 2014 to one feet for front stoops only.

In response to the second question, there are several improved garages and carriage houses being used or formerly used as living space; several of which are taxed as multi-family residential (178 East Avenue, 180-182 East Avenue, and 25 Jumel Place). In the UR-3, the rear yard setback for a principal structure is 25 feet and 5 feet for an accessory structure. Of the seven homes which front East Avenue, it appears as though six contain a principal or accessory structure which is at or immediately adjacent to the rear line. Of the seven properties which front Lake Avenue, it appears as though three contain an accessory structure which is at or immediately adjacent to the rear property line. Of the three homes which front Granger Avenue, one contains a principal structure at or near the property line. Of the four properties which front Jumel Place, two contain principal structures which are on or immediately adjacent to the rear property line and one with an accessory structure at or near the property line. In order to illustrate the existing neighborhood and its structures, attached as **Exhibit B** is the approximate location of the buildings on each lot which are coded blue for potential principal structures and red for potential accessory structures. Several of the lots within the block are listed as multi-family in the tax records as they have more than one principal residence such as 178 East Avenue, 25 Jumel Place and 180-182 East Avenue which all contain residential structures closer than 25 feet of the rear line.

However, for purposes of clarity of the record, **Exhibit B** has been provided for illustrative purposes only and in response to a direct request by the Board in order to demonstrate no changes in the project or neighborhood since the original relief was granted. The Applicant maintains its position that no project element has changed since the 2013 and 2014 variance approvals and, thus, such information is relevant solely in the context of neighborhood continuity since those approvals.

Water Line Installation & Costs

The original cost estimate of construction for infrastructure proposed by the Applicant was $60,000 in 2013. The estimate included the construction costs of a water and sewer connections to all of the homes, sub-base, and the brick paver lane. Following ANW's appearance before the City Planning Board in 2014, a condition was placed upon the project which stated that a "replacement water line shall be constructed on Jumel Place to City Engineer's satisfaction." (See Notice of Decision, November 19, 2014 attached as **Exhibit C**)[1] The estimated cost of design, installation, and inspection of a replacement water line on Jumel Place is between $115,000 and $150,000 which line was not contemplated when the project was originally before the ZBA. Additionally, ANW has progressed significantly in its design and pricing of the project since it was presented to the Board in 2013 which has confirmed that the construction costs and bricked paved lane, exclusive of the replacement water line, are $40,000 higher than originally anticipated. Therefore, the Applicant has reflected these estimated land development cost increases in its current application.

Nevertheless, the Applicant maintains its position that subcategories of construction costs (water, sewer, sub-case and the lane) were not separately reviewed in either the 2013 or 2014 for the prior relief and such changes do not represent a material change in the project or neighborhood sufficient to deviate from the Board' prior precedent.

Alternatives: Comparable Financial Information

The financial information provided to the Board in 2013 was ANW's preliminary estimate of its average unit cost at $640,000. The project was in its concept phase, having yet to be reviewed by the Planning Board with approval power over site plan and design element costs; which as noted above were not insignificant. As the project has progressed, ANW retained counsel to file preliminary documents with New York State concerning the condominium project and, for the first time, calculated the potential home value ranges as required by the State. In an effort to provide the maximum transparency on the application, ANW did provide this estimated price range (low and high) for each of the 7 units (Application Ex. C). However, the estimate of what the home price range would have been in 2013 (low and high) concerning each of the 7 units was neither requested nor reviewed by the Board in granting the prior approvals. As such, it would be inaccurate and speculative to provide home range prices from 2013 which were not calculated or submitted for review by the Board and were not contemplated by the Applicant with the specificity that exists today.

With the specificity now available in light of the Planning Board approval and the advancement on the project design and costs, ANW can now more accurately state that range shown on Exhibit C to the application demonstrates a low average home price of $807,773 and a high average home price of $987,143. In reality, ANW expects that the final pricing for each unit will be driven by the customer but the project will be likely be within this range.

[1] In Attorney Tingley's letter dated June 2, 2016 to the Board, he accuses the Applicant of making a "voluntary assumption" about the need for the replaced water line. However, a review of the approvals for the project makes it abundantly clear that it is a Planning Board condition rather than an assumption.

Furthermore, it is important to note that the increases in development costs must be shared among each of the 7 units (approximately $190,000 per lot) and necessarily increases the cost of each home. Any lesser number of units would require the increase of the size of each home in order to cover the increase in costs which would, in turn, place each home in excess of a $1M price point – a point which is far riskier from a development standpoint and would result in the abandonment of the project due to existing market conditions.

At the most recent meeting, a member of the Board requested that ANW supply the total projected revenue provided to the Board in 2013, as against the total projected revenue now anticipated with the increase in the price of the homes in 2016. It is of importance to note that the Board neither requested nor based its prior decisions on "total projected revenue" in 2013 or 2014. As a result, ANW has not included total projected revenue information in its 2016 renewal request because it would be inconsistent with the prior record of analysis of this project. Instead, ANW has attempted to remain consistent with its 2013 and 2014 submission by including its updated estimated average home costs and land development and acquisition information to the Board in order to provide evidence that no project element has changed.

With respect to the economic information that was provided in 2013 and 2014, ANW represented to the Board that the level of acceptable risk on both land acquisition and development costs could only be met with the construction of 7 units on site - which representation remains true in 2016. Previously, the Board accepted the level of risk analysis provided by the Applicant concerning economic viability solely in the context of assessing feasible alternatives – not reviewing or opining on the reasonable rate of return on the investment (a use variance analysis and inapplicable here). More importantly, level of risk was not even the sole criterion upon which the Board relied in rendering its findings on the "alternatives" element of the 5-part area variance test. Rather, the Board went onto to make additional findings on alternatives and specifically found that:

> "[P]rior applicants have also attempted to use the structure for varied uses, all of which demonstrates that other alternatives have not been shown to be practical or economically feasible. The Applicant has demonstrated that redeveloping this property from an unsightly cement structure used for commercial proposes into a seven unit residential condominium development is the best economically feasible use as shown on proposed site plan for this property." (Resolution 10/30/13)

Therefore, it is clear that, while economic level of risk of the project at 7 units was **a** factor in the 2013 decision to grant relief, it was but one small part of an overall finding on alternatives – specifically referencing previous alternatives at the site which been presented and failed for one reason or another. As such, the finding of level of risk and economic feasibility was but 1/3 of 1/5 of the findings made by the Board in rendering its original decision in 2013 in the 5-part balancing test. Taken together, it is our position that there is no reading of the evidence before the Board that there has been any material change in the project or neighborhood sufficient to deviate from the prior variance findings. See American Red Cross, Thompkins Co. Chapter v. Zoning Board of Appeals City of Ithaca, 161 A.D.2d 878 (3d Dep't 1990). To find otherwise would require the Board to determine that the minor change to the development costs/home prices (which information was but a small part of the overall 2013 and 2014 decisions) is so

material and substantial that prior precedent should not be followed.

Response to Neighbor Comment

In a letter to the Board dated June 2, 2016, neighbors' counsel, Jonathon Tingley, Esq., attempts to obfuscate the representations made by the Applicant in its May submission by incorrectly characterizing the information stated on the record. Specifically, counsel states that ANW has taken the position that 7 units at $930,000 is supported by the market – a statement which is patently false. In its May 20th letter to the Board, the Applicant clearly and unequivocally differentiated between the average home price and the range of prices which the homes would actually be marketed. The average home price was supplied to the Board solely because such information was supplied in 2013 in an effort to allow the Board to meaningfully assess an "apples to apples" comparison. In fact, I stated that ANW is proposing several price points ranging between $587,045-$700,000 (smallest units) and $980,000 - $1.255M (largest unit) - a range evidenced by Exhibit C submitted with the application materials. In plain speak, ANW will have two smaller units which could sell for as low as $587,045 and the largest unit which could sell for as low as $980,000 with several other units in between. It appears as though Attorney Tingley is confusing potential total project value with net revenue (which is an incorrect term) and using an incorrect home valuation of $930,000 (x7) to do it.

Furthermore, Attorney Tingley is encouraging this Board to consider a return on investment as a basis to deny the application which is impermissible. First, the standard of review in this case is a material change in the project or neighborhood sufficient to deviate from prior precedent and not reasonable return on an investment. Second, even if this was a case of first impression for the Board, the analysis of reasonable rate of return is reserved for use variances; not area variances. Third, Attorney Tingley's use of the word "net revenue" is misleading because it does not include the cost to construct the homes which is significant to the overall return on the project. Rather, it appears as though the amounts he uses in his letter give the impression that the "net revenue" is the same as the rate of retrun ANW will receive due to the increase in home pricing. However, without the cost of each home included, the numbers he supplies are not "net revenue," but rather the potential project value less land development and acquisition costs. Fourth, Attorney Tingley produces no empirical evidence or expert support which either supports his mathematical calculations or challenges ANW's documented evidence submitted on the record in 2013, 2014 and 2016. Such objection, without more, is no grounds upon which to make factual findings.

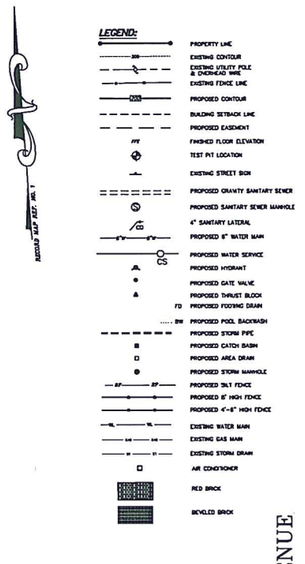
Both the Applicant and counsel for the Board appear to agree on the legal standard of review applicable to this application, to wit: absent a finding of a material change in the project or neighborhood, the Applicant is entitled to reliance upon its prior precedent. Attorney Tingley does not appear in his letter to challenge the standard of review; but rather he side steps it. He continues to assert that the Board should reduce the number of units to five but provides no evidence of a material change in the project itself. As such, it continues to be Applicant's position that contrary findings to the prior precedent are impermissible without (1) finding a material project change or change in the neighborhood which is (2) based upon substantial evidence in the record – none of which we believe is present here.

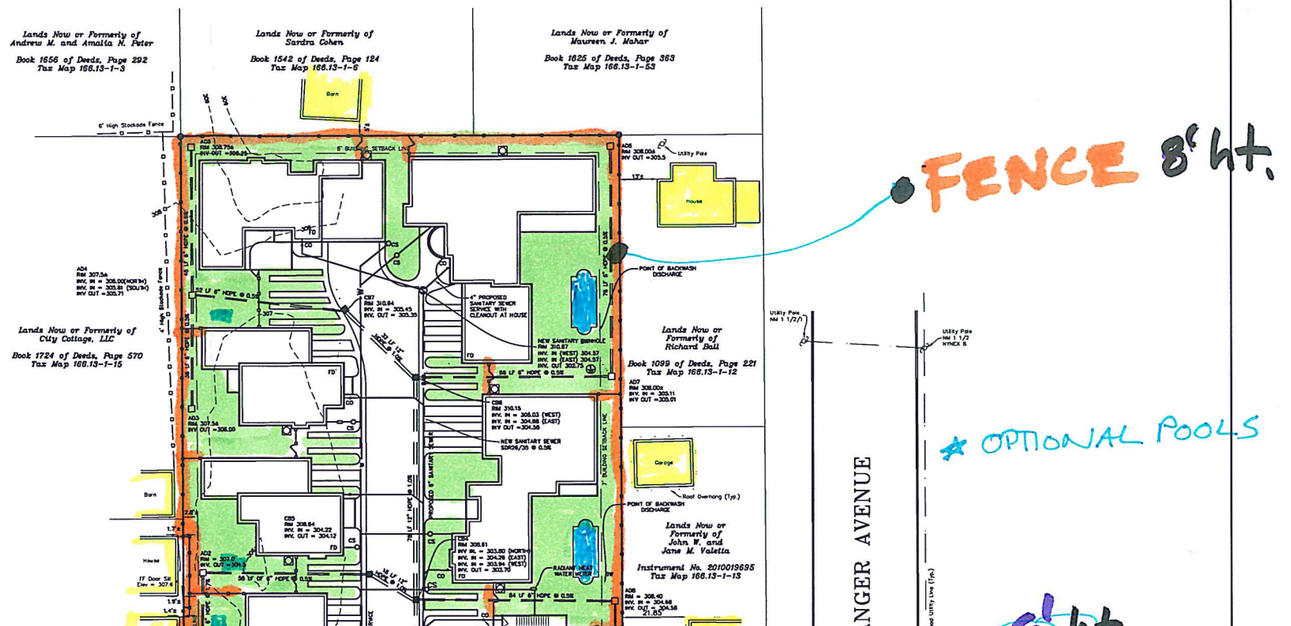
We look forward to reviewing the application with the Board at the June 20th Board meeting. Thank you for your time and attention to this matter.

Sincerely,

M. Elizabeth Coreno

Cc: Anthony Izzo
Susan Barden





NOTES:

1.) THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR AN UP TO DATE TITLE REPORT AND IS THEREFORE SUBJECT TO ANY STATEMENT OF FACTS SHOWN THEREON.

2.) THE FIELD SURVEY WAS CONDUCTED DURING WINTER WEATHER CONDITIONS WITH SIGNIFICANT SNOW AND ICE COVER. EVIDENCE OF OCCUPATION WAS NOT OBVIOUS.

3.) NO PROPERTY CORNERS WERE SET AS PART OF THIS SURVEY.

4.) PARCEL IS SUBJECT TO ANY UTILITY EASEMENTS OF RECORD.

5.) UNDERGROUND UTILITIES, IF ANY, ARE NOT SHOWN HEREON.

6.) CONTOURS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF NGVD 29.

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MAP REFERENCES:

1.) MAP ENTITLED "SURVEY OF A PORTION OF LANDS OF THE FIRST NATIONAL BANK OF GLENS FALLS", DATED NOVEMBER 18, 1996, MADE BY PAUL F. TOMMELL, L.S., P.C.

2.) MAP ENTITLED "SURVEY OF LANDS OF MICHAEL STEELE AND TOMISLOV VUKOVIC", DATED MAY 14, 2012, MADE BY TOMMELL & ASSOCIATES.

NEW YORK STATE DEPARTMENT OF HEALTH

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PLANNING BOARD APPLICATION No.

APPROVAL:

APPROVED UNDER AUTHORITY OF A RESOLUTION ADOPTED _____

BY THE PLANNING BOARD OF THE CITY OF SARATOGA SPRINGS.

_____ CHAIRPERSON DATE SIGNED _____

NOTE: ALL EXISTING SERVICES CONNECTION TO THE EXISTING 4" WATER MAIN SHALL BE TRANSFERRED TO THE NEW WATER MAIN.

DOWNTON WALK

Utility Plan
Residential Development

KENNETH A. MARTIN, P.E.
N.Y.S. LIC. NO. 74,334

K A MARTIN ENGINEER, PLLC
PROFESSIONAL ENGINEERING
412 NORTHERN PINES ROAD
GANSEVOORT, NY, 12831
PHONE: (518) 886-8251 FAX: (518) 886-8291

TOMMELL & ASSOCIATES
28 CLINTON STREET SUITE 1
SARATOGA SPRINGS, NY 12866
PH: (518) 587-3149 FAX: (518) 587-7251

SCALE: 1" = 20'

CITY OF SARATOGA SPRINGS (ID)
SARATOGA COUNTY, NEW YORK
JUNE 18, 2014

MAP NO: 20120096-10

06 of 10

CITY OF SARATOGA SPRINGS

PLANNING BOARD

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

MARK TORPEY, Chair
ROBERT F. BRISTOL, Vice Chair
CLIFFORD VAN WAGNER
TOM L. LEWIS
PHILIP W. KLEIN
DAN GABA
HOWARD PINSLEY

NOTICE OF DECISION

In the matter of the site plan application #14.042 of:

Downton Walk
Jumel Place
Saratoga Springs, NY 12866

Involving the premises on north side of Jumel Place, tax parcel # 166.13-1-50.2 in the City of Saratoga Springs, in an Urban Residential-3 (UR-3) District for an application for 7 residential units with the Planning Board who met on November 12, 2014 and made the following decision with a 7-0 vote (in favor: Torpey, Bristol, Van Wagner, Klein, Gaba, Pinsley, Lewis):

- Moved to approve the final site plan per the requirements set forth in the City of Saratoga Springs Zoning Ordinance Article 7.2 – Site Plan Review with the following conditions:

1. Replacement water line shall be constructed on Jumel Place to City Engineer's satisfaction.
2. Private street will serve as Fire access road with no on-street parking allowed. This will also be reflected in the site's Home Owner's Association (HOA) documents.
3. Garages shall be for car storage only, this will also be reflected in the site's HOA documents.
4. Four (4) trees along Jumel Place property frontage will be replaced.
5. Sidewalk and curbing along Jumel Place property frontage will be replaced.
6. One streetlight will be added to Jumel Place property frontage.

The applicant is required to:

- Deliver a letter of credit or cash escrow in the amount approved by the City Engineer to the City per Article 7.2.15 of the City of Saratoga Springs Zoning Ordinance. This must occur prior to final signature by the Planning Board Chair.
- Provide recreation fees of $1,500 for each new residential unit per Article 7.2.18 of the City's Zoning Ordinance.
- Submit one (1) mylar and two (2) paper copies of the final approved site plans for signature by the Planning Board Chair within eighteen (18) months of approval as per Article 7.2.12 of the Zoning Ordinance.

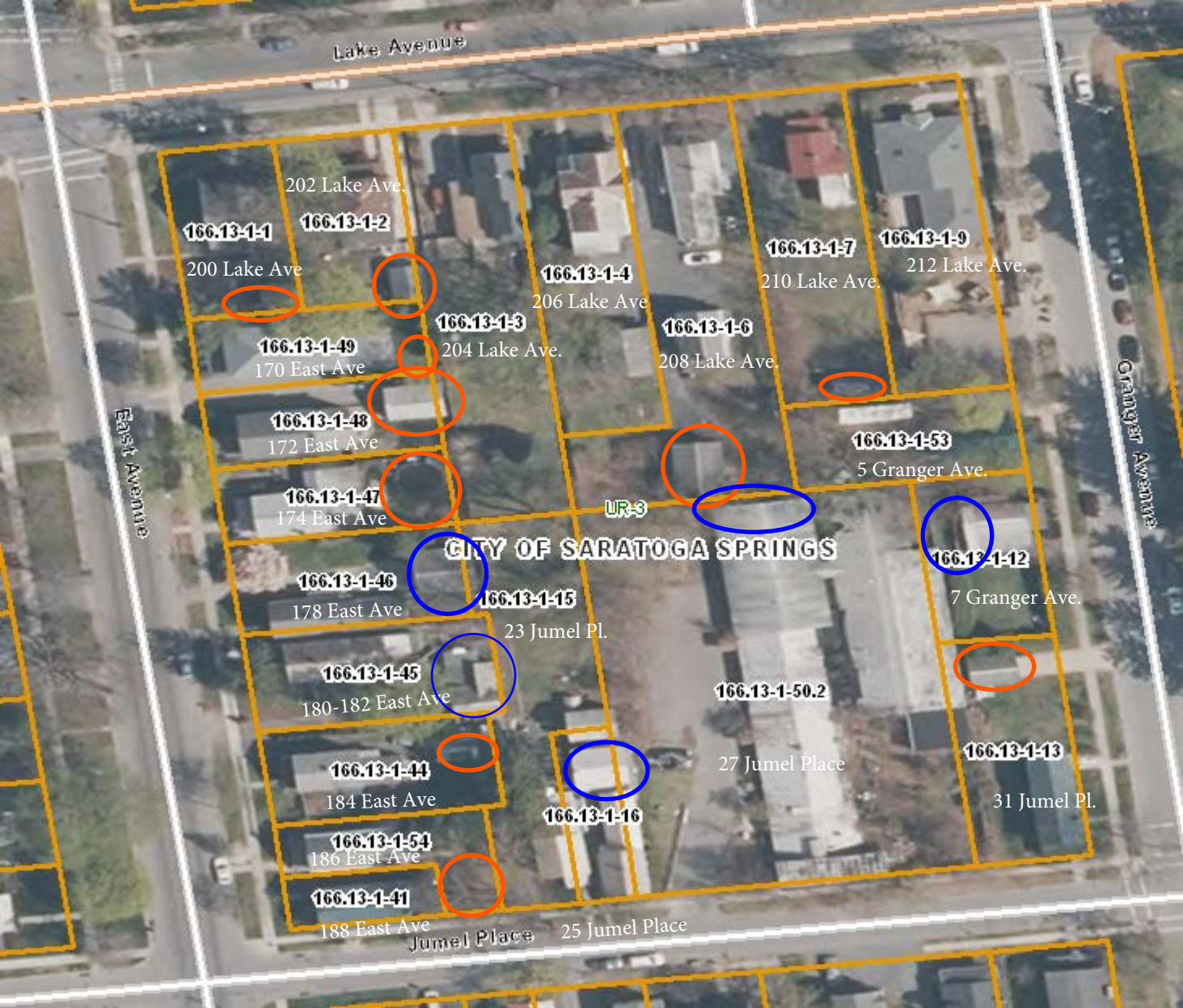
This approval shall expire within eighteen (18) months of the signature of final plans if the applicant has not started actual construction as per Article 7.2.14 of the zoning ordinance.

November 18, 2014
Date

Chair

RECEIVED
NOV 19 2014
ACCOUNTS DEPARTMENT

cc: Building Dept; City Engineer; Accounts Dept.; John Witt; Jason Tommell


Lake Avenue
East Avenue
Granger Avenue
Jumel Place
202 Lake Ave.
166.13-1-1
200 Lake Ave
166.13-1-2
166.13-1-4
206 Lake Ave
166.13-1-3
204 Lake Ave.
166.13-1-6
208 Lake Ave.
166.13-1-7
210 Lake Ave.
166.13-1-9
212 Lake Ave.
166.13-1-49
170 East Ave
166.13-1-48
172 East Ave
166.13-1-47
174 East Ave
166.13-1-53
5 Granger Ave.
UR-3
CITY OF SARATOGA SPRINGS
166.13-1-46
178 East Ave
166.13-1-15
23 Jumel Pl.
166.13-1-12
7 Granger Ave.
166.13-1-45
180-182 East Ave
166.13-1-50.2
27 Jumel Place
166.13-1-13
31 Jumel Pl.
166.13-1-44
184 East Ave
166.13-1-16
166.13-1-54
186 East Ave
166.13-1-41
188 East Ave
25 Jumel Place

TO MEMBERS OF THE CITY COUNCIL AND ZONING BOARD

RECEIVED
JUN 02 2016
MAYOR'S OFFICE

I have lived at [redacted] Jumel Place for 36 years. I have lived in Saratoga all my life and worked for 12 years for the City Engineering Department and for the Fire Department until present as a 207A Disabled firefighter.

My house is a brick and wood house with a two-story cottage in the back (photos attached). John Witt wants to build 7 condos in the .08 acre lot next to me. He needs and is asking for several variances from the Zoning Board. This is zoned UR-3 which allows for only single and two family homes, not multi-family units. The Saratoga Springs Zoning Ordinance definition of a condominium is a multifamily dwelling containing individually owned dwelling units, etc. This would allow him to subdivide it into 5 lots. Mr. Witt states that he could not make any money if he did it this way. He wants the following variances:

1. Increase from 5 to 7 single family units – that is 40% over the amount allowed – 34,765 sq. ft.
2. Building coverage increase from 30% to 46% (53% over the amount allowed).
3. A decrease of minimum front year setback by 9 feet from 10 feet to 1 foot (that is a 90%) increase over the amount allowed.
4. Raise the height of the residential fence by 2 feet from 6 feet to 8 feet (that is 33% over the amount allowed and a decrease in minimum back yard setback 20 feet (80%over the amount allowed)

Over the last several months there has been meetings on the variances requested. There was an appeal by some neighbors about the definition of condo set by the City Council and it was said by the Zoning Board that the definition set by members of the City Council was not really clarified and it should be. It was voted down 6-1. Even the Board's lawyer said they should listen to the appeal as it has some merit to it.

I am asking the Mayor to have this matter put on hold until it is clarified what the lawyer for the appeal was saying if you allow this to be 7 condos. This is setting a precedence for the next person with a lot this size who will want to do the same. Even though the Zoning Board said each time would be differently voted on it sets a precedent for it to be taken to court and overturned. If this gets approved for Mr. Witt, he should follow the UR-3 ordinance.

There are some neighbors who would approve anything just to see this old building and overgrown lot gone. I was one of them. But I am also the one most affected by this development as my house has only 1 1/2 feet of property on that side. The homeowner on the other side is totally against this project.

As seen in the attached photos the requested variance for an 8 foot fence will totally block out any sunlight in our house making it very dark. This side faces the east where we get most of our sunlight. The width of 1 and ½ feet does not give me room to

maintain that side of the house. e.g. wash the widows, mow the grass, set up a ladder, maintain my upper windows or roof. The fence would go along the porch on the cottage and above the roof line and against it causing snow back up and blocking out the only downstairs windows, also making it impossible to bring furniture in the doorway of the cottage. The fence is only a foot and a half away from the main house and the cottage and doesn't allow much room for fire and ems personnel to access the dwellings.

Mr. Witt has said that he won't start the fence until the end of the brick. However, the house will be built there and will only be six feet from my house. The requested setback reduction from 10 feet to one foot brings the building flush with the sidewalk. We have an enclosed porch and this will completely block our view, as well as any sunlight.

I am not opposed to this project. I am concerned about the variances requested as they will greatly affect us. I would especially recommend that the building setback not be approved, that the fence not be started until after the entrance to the cottage or some kind of easement to my property of 6 to 10 feet for safety reasons.

There are at least 480 signatures, including owners in the neighborhood against these variances. Mr. Witt's proposal will definitely create a hardship for me and my tenant.

I appreciate your taking the time to read my letter and hope that you can help us not live in the darkness.

Sincerely,

Jeff Neilen

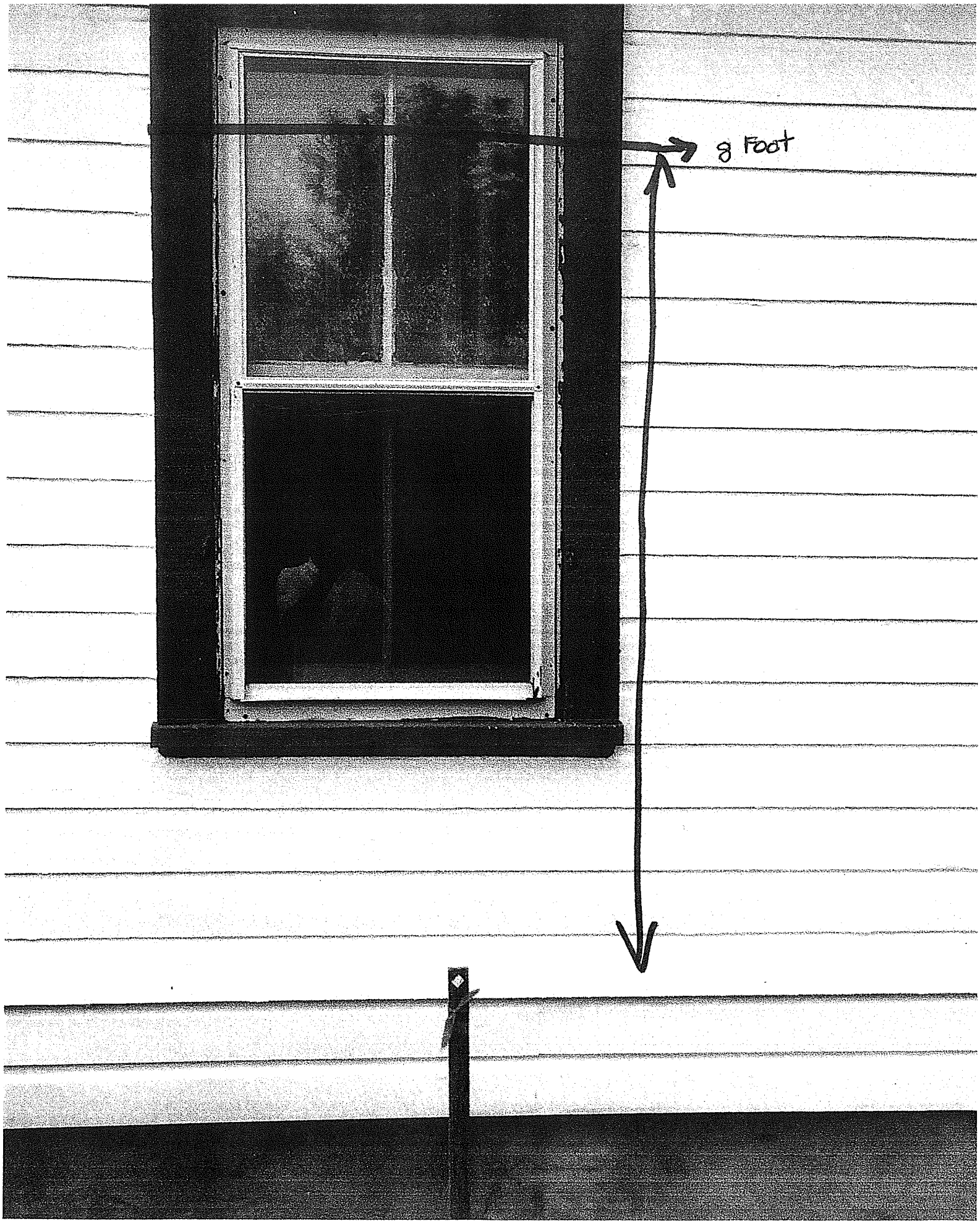
Dawn Gaylord

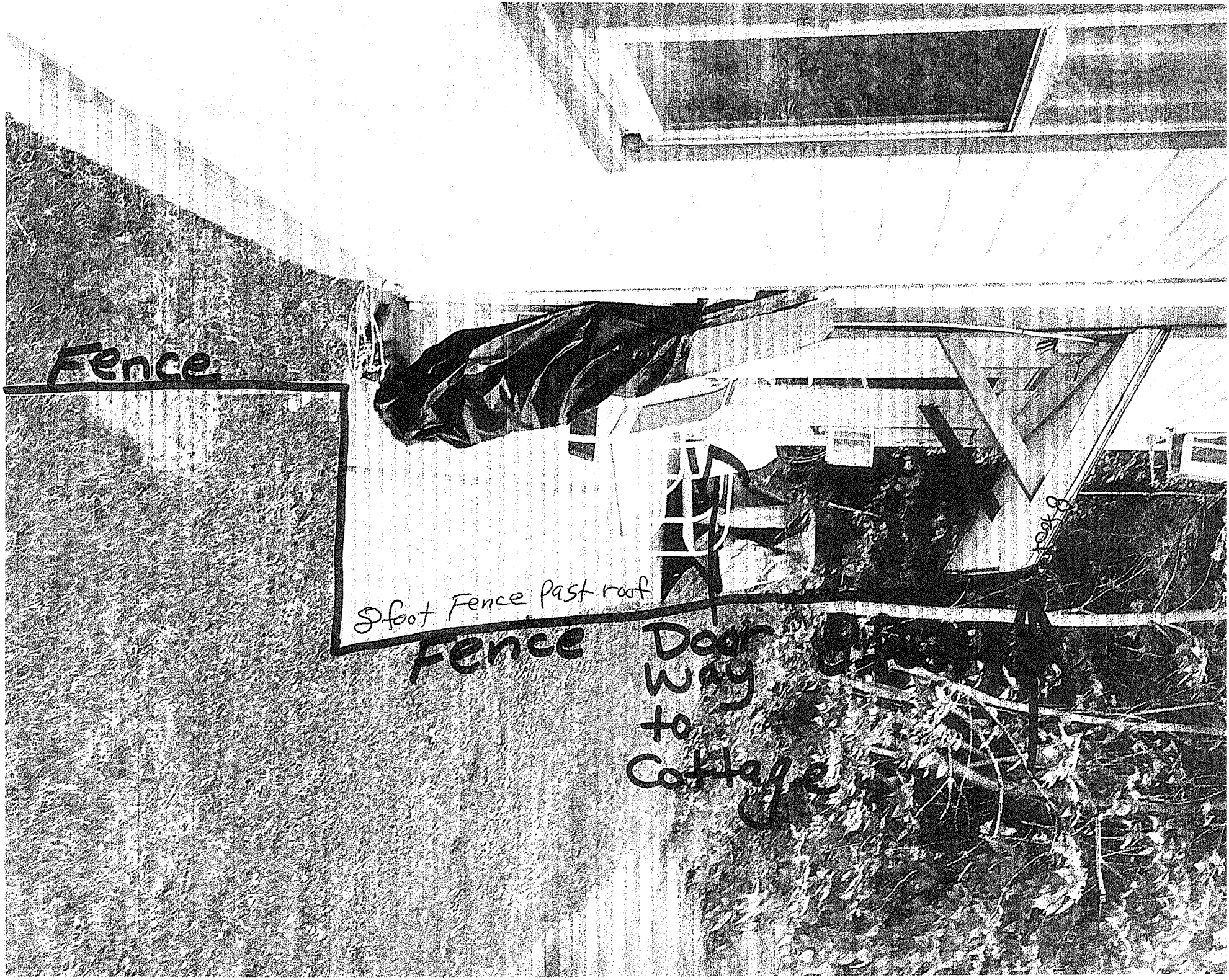
[redacted] Jumel Place

[redacted]

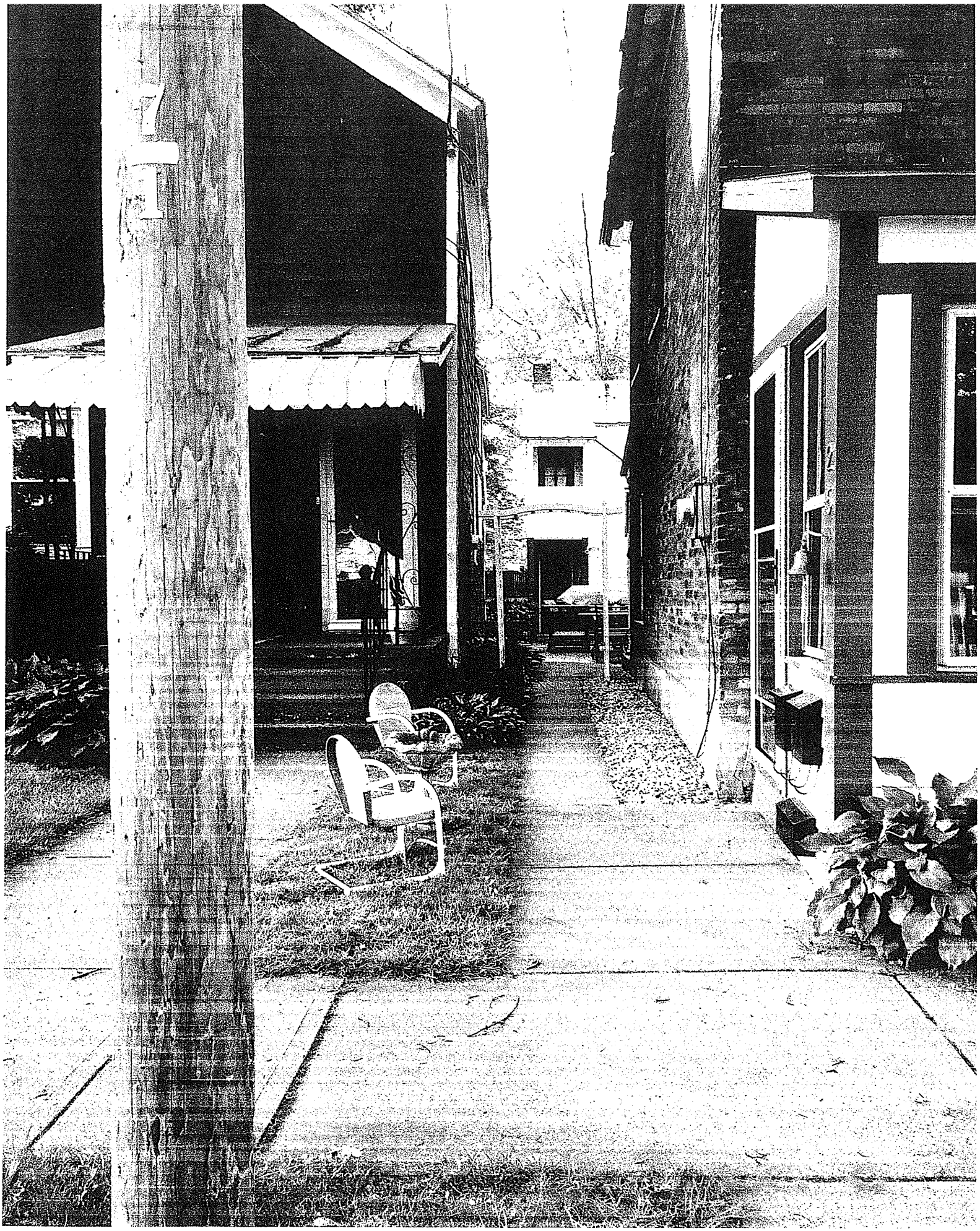
Dated: June 1, 2016

Face 1


8 Foot


Fence
8 foot Fence past roof
Fence
Door
way
to
Cottage

8 Foot
8 Foot
Fence



OTHER SIDE of HOUSE - No sunlight

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]

Jonathon B. Tingley
[redacted]

June 2, 2016

VIA EMAIL – susan.barden@saratoga-springs.org
Zoning Board of Appeals
City of Saratoga Springs
City Hall – 474 Broadway
Saratoga Springs, New York 12866

Re: ANW Holdings, LLC, 27 Jumel Place; Area Variance Application

Dear Zoning Board of Appeals:

We represent Samuel Brewton, Gerald and Debra Mattison, and Sandra Cohen in connection with the above-referenced matter.

The "benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance". Additionally, in granting an area variance, the ZBA must "grant the minimum variance that it shall deem necessary and adequate". The benefit sought by the applicant can be achieved by a subdivision of the lot into 5 single-family lots, which would be achievable without the need for a variance to allow more than one principal building, and an area variance to allow 7 homes, rather than 5 homes, is not the "minimum variance" necessary and adequate for the Applicant's legitimate objectives.

In its May 20, 2016 letter, the Applicant claims that since it obtained variances in 2013, its land acquisition and development costs increased by $331,450.[1] The applicant also states that its home sale prices have increased:

> "The results indicate that the average home cost of $640,000 for 7 units reported in 2013 application process was accurate at that time, but the rising cost development costs [sic] has increased the average home price to $930,000 in 2016. In order to address the varied market, ANW is proposing several price points ranging from $587,045 to $1.255M for a median price of $921,022."

1 Since that letter, the Applicant has stated that the land acquisition and development costs have increased by only $256,450. All of these numbers contradict (and are suddenly several hundred thousand dollars more than) the numbers offered by the Applicant at the February 22, 2016 ZBA meeting.

In its revised materials, the Applicant continues to maintain that an average home sale price of $1.08 million or more would be "not supported by the market". But in those same materials, the Applicant represents that an average home sale price of $930,000 would be supported by the market, and in fact, the Applicant is offering a range of home sale prices with a "median price of $921,022".

The Applicant insists that the project is the same project as was proposed in 2013. Therefore, the ZBA must conclude that the Applicant seeks the same benefit as it sought in 2013. As shown below, the benefit sought by the Applicant can be achieved with five single-family homes, whether subdivided or not.

In 2013, the Applicant proposed an average home price of $640,000 for 7 units (Letter from Carter Conboy, dated May 20, 2016, at 7). The total revenue generated would therefore equal $4,480,000. After subtracting the claimed 2013 land acquisition and development costs of $905,640, the Applicant would have been left with **a net revenue in 2013, based on 7 homes, of $3,574,360**.

Now, in 2016, the Applicant indicates that its average home sale price will be $930,000, and that it will sell the homes at prices between $587,045 to $1.255 million, with a median home price of $921,022. If the Applicant is permitted to construct 7 homes and will sell at its stated average home price of $930,000, the total revenue generated will equal $6,510,000. After subtracting the claimed 2016 land acquisition and development costs of $1,303,380, the Applicant is left with a net revenue of $5,206,620. **The 2016 net revenue for 7 homes is $1,632,260 more than the net revenue generated by the 2013 proposal for 7 homes**.

The Applicant's argument, distilled to its essence and assuming the accuracy of all of the numbers the Applicant has provided, is as follows: because its costs have increased $331,450, its net revenue must increase $1,632,260. That makes no sense, and is simply irrational.

However, if the Applicant is permitted to construct **5** homes and sells those homes at the stated 2016 average home price of $930,000, the total revenue generated will be $4,650,000—which is still more than the revenue that would have been generated in 2013 for 7 homes. After subtracting the 2016 land acquisition and development costs of $1,303,380, the Applicant is left with **a net revenue in 2016, based on 5 homes, of $3,346,620**—which is 94% of the net revenue it would have generated with 7 homes in 2013.

Notably, $250,000 worth of increased land acquisition and development costs claimed by the Applicant between 2013 and 2016 relates to $100,000 of "administrative" costs[2]—something the Applicant did not deem important enough to report either in 2013 or on February 22, 2016—and $150,000 in construction costs for installing a new water main along Jumel Place[3]—again, an item that did not appear in the Applicant's reported costs on February 22, 2016. These new costs are

[2] When asked at the May 23, 2016 meeting what the "administrative" costs of $100,000 were, the Applicant summarily answered that they related to office administration, project management, and administrative expenses.

[3] When asked whether the water main replacement along Jumel Place was because the line was too small, the Applicant responded that it was actually just because the water main was old and the City Engineer requested that it be replaced.

wholly unsupported by any documentary evidence. One is so suspect that it has never before been reported until May, 2016, and the other appears to be nothing more than a voluntary assumption by the Applicant of a City obligation. The ZBA certainly could view these new costs as speculative, inflated, and/or unnecessary, particularly in light of the Applicant's claimed need to make an additional $1.6 million to cover an increase in costs of $330,000. If these "new" and unsubstantiated costs are disregarded in calculating the benefit to the Applicant from granting a variance to allow 5, rather than 7, homes, the Applicant would be left with **a net revenue in 2016, based on 5 homes, of $3,596,620**—which actually **exceeds** the 2013 projected net revenue based on 7 homes by $22,260.

The ZBA need not grant the full variance for 7 principal buildings simply because the Applicant has asked for it. The Applicant has failed to demonstrate that the variances requested are the minimum variances necessary or adequate to achieve its legitimate objectives, or that there does not exist some feasible alternative to achieve its legitimate objectives.

Requiring a five-lot subdivision or granting an area variance to allow **5** principal buildings (rather than the 7 requested) will provide the Applicant with the same objective it sought and obtained in 2013 for this project. **Limiting the number of homes to five would also allow for the project to be reconfigured so as to lessen the other area variances needed, including area variances for maximum principal building coverage, rear-yard setback, and front-yard setback**.

On behalf of Mr. Brewton, Mr. and Mrs. Mattison, and Ms. Cohen, we respectfully request that, in the absence of the Applicant's agreement to seek a more appropriately sized project consisting of five homes, the ZBA deny the area variances requested.

Very truly yours,

TUCZINSKI, CAVALIER & GILCHRIST, P.C.

By: _____
Jonathon B. Tingley

September 19, 2013

To: City of Saratoga Springs Zoning Board of Appeals

I have been informed of Witt Construction Inc.'s proposed 7 lot single family condominium project at 27 Jumel Place. The proposed project will improve the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to existing homes on the street. This project will enhance the neighborhood and increase property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, September 23, 2013.

Respectfully,

Gus Ross
Diane Ross

Neighbor [redacted] Jumel Pl.

September 19, 2013

To: City of Saratoga Springs Zoning Board of Appeals

I have been informed of Witt Construction Inc.'s proposed 7 lot single family condominium project at 27 Jumel Place. The proposed project will improve the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to existing homes on the street. This project will enhance the neighborhood and increase property values.

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Respectfully,

Meyers [redacted] Granger

Neighbor

September 19, 2013

To: City of Saratoga Springs Zoning Board of Appeals

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I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, September 23, 2013.

Respectfully,

Martin P. Cook

Tammy D Mooney

Neighbor [redacted] Jumel Place
Saratoga Springs, NY 12866

March 7th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor

[redacted] White Street
Saratoga Springs N.Y.
12866

March 10th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have been informed of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will complement the neighborhood by eradicating the commercial building that currently exists at the site and constructing attractive homes that will fit into the neighborhood. By doing so, the proposed project is sure to enhance property values.

I thoroughly support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor

[redacted] Jumel Pl

* Request that street light on NM pole be removed as part of the project.

3/10

March 10th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor

Thomas O. Monke

[redacted] Jumel Pl

Saratoga Springs, NY

12866

3/10

March 10th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Maureen J Mahar

Neighbor

[redacted] Granger Ave

3/10

March 10th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I am submitting this signed and dated letter in support of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. I am confident that the proposed project will increase property values and progress the Jumel neighborhood by constructing attractive homes that will fit into the neighborhood.

Again, please let it be known that I fully support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Diane + Gus Ross

Neighbor [redacted] Jumel Pl.

3/10 & 2013

March 10th, 2016

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Respectfully,

John Capone
Neighbor

[redacted] Jumel Place

March 14th , 2016

To: City of Saratoga Springs Zoning Board of Appeals

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Respectfully,

Neighbor

[redacted] East Ave.
Saratoga Springs, NY

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have been informed of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will complement the neighborhood by eradicating the commercial building that currently exists at the site and constructing attractive homes that will fit into the neighborhood. By doing so, the proposed project is sure to enhance property values.

I thoroughly support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Marlee McVan
Neighbor

[redacted] N Broadway
Malta, NY 12020

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

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Again, please let it be known that I fully support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor [redacted]

March 14th, 2016

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Respectfully,

Walter J. Delacy [redacted] EAST AVE - SARATOGA SPRINGS, N.Y.

Neighbor

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

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Respectfully,

Jane Daly

Neighbor [redacted] Lake Ave
Saratoga Spngs,

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

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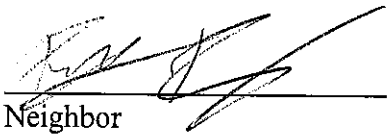
Respectfully,



Neighbor

[redacted] Lake Ave, Apt 2

March 14th , 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor

[redacted] East Ave

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I am submitting this signed and dated letter in support of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. I am confident that the proposed project will increase property values and progress the Jumel neighborhood by constructing attractive homes that will fit into the neighborhood.

Again, please let it be known that I fully support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Elizabeth A. Delay

Neighbor

[redacted] East Ave.,
Saratoga Springs NY 12866

March 11th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Bill Evans [redacted] Jumel

Neighbor

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

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Again, please let it be known that I fully support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor

[redacted] Lake Ave
SS, NY

March 14th, 2016

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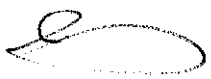

Neighbor

[redacted] Lake Ave

Saratoga Springs NY 12866

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

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Respectfully,

Neighbor [redacted] East Ave

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

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I thoroughly support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor

Amy Komarinetz

[redacted] East Ave

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

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Again, please let it be known that I fully support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Anne K. Crowley

Neighbor

[redacted] Jumel Pl.

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

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Respectfully,

Neighbor

Tommy Uccellini
[redacted] Granger ave
Saratoga

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

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Respectfully,

[redacted] Catherine St. Saratoga Springs NY

Neighbor

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor

[redacted] Middle Ave
Saratoga Springs
NY 12866

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I am submitting this signed and dated letter in support of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. I am confident that the proposed project will increase property values and progress the Jumel neighborhood by constructing attractive homes that will fit into the neighborhood.

Again, please let it be known that I fully support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor John Ray [redacted] East

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Nicole

Neighbor

[redacted] Caroline St.

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

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I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Joe Bumbaca

Neighbor [redacted] Caroline Street

March 17th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor [redacted] OAKBROOK BLVD, Saratoga Springs NY 12866

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

K Stanchy [redacted] Granger Ave

Neighbor

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor [redacted] EAST AVE SARATOGA SPRINGS

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I am submitting this signed and dated letter in support of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. I am confident that the proposed project will increase property values and progress the Jumel neighborhood by constructing attractive homes that will fit into the neighborhood.

Again, please let it be known that I fully support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Sharon Middleton

Neighbor

[redacted] EAST AVE

SARATOGA SPR NY

12866

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

A. Knox

Neighbor Nelson Avenue

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have been informed of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will complement the neighborhood by eradicating the commercial building that currently exists at the site and constructing attractive homes that will fit into the neighborhood. By doing so, the proposed project is sure to enhance property values.

I thoroughly support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Kelly + Beth Chabot 3.15.16

Neighbor

[redacted]

Jumel Pl

SS My 12866

[redacted]

Marci Robinson

From: Richie Ball [redacted]>
Sent: Monday, March 21, 2016 3:19 PM
To: susan.barden@saratoga-springs.org
Cc: Marci Robinson
Subject: 27 Jumel Downton Walk

Susan,

Good afternoon, I would like to express my support for the Down-Ton Walk project. This will be an enormous improvement to the neighborhood, I'd really like to see this moving forward, since being on hold for some time now. There are more positives than negatives to this wonderful project. I know and trust Witt construction to do the right thing, for us as neighbors, and to the great city of Saratoga Springs.

Thank you, Richard Ball

Also, my property at [redacted]Granger Avenue, border's 150 feet of the existing structure, which is in dire need of demolition. Looking forward to it.

Thank you once again!

March 8th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor [redacted] Lippman ST.

March 8th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I am submitting this signed and dated letter in support of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. I am confident that the proposed project will increase property values and progress the Jumel neighborhood by constructing attractive homes that will fit into the neighborhood.

Again, please let it be known that I fully support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor

[redacted] East Ave
Saratoga Spgs, NY 12866

March 8th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I am submitting this signed and dated letter in support of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. I am confident that the proposed project will increase property values and progress the Jumel neighborhood by constructing attractive homes that will fit into the neighborhood.

Again, please let it be known that I fully support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Deborah Dale

Neighbor [redacted] East Ave
Saratoga Springs, N.Y.
12866

March 8th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I am submitting this signed and dated letter in support of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. I am confident that the proposed project will increase property values and progress the Jumel neighborhood by constructing attractive homes that will fit into the neighborhood.

Again, please let it be known that I fully support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Lydia Barbus

Neighbor

[redacted] East Avenue

March 8th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I am submitting this signed and dated letter in support of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. I am confident that the proposed project will increase property values and progress the Jumel neighborhood by constructing attractive homes that will fit into the neighborhood.

Again, please let it be known that I fully support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor

[redacted] Lake Ave

March 8th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have been informed of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will complement the neighborhood by eradicating the commercial building that currently exists at the site and constructing attractive homes that will fit into the neighborhood. By doing so, the proposed project is sure to enhance property values.

I thoroughly support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Darlene D Murray

Neighbor

[redacted] East Ave 12866

March 8th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor [redacted] LAKE AVE
Saratoga Springs, NY 12866

March 8th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have been informed of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will complement the neighborhood by eradicating the commercial building that currently exists at the site and constructing attractive homes that will fit into the neighborhood. By doing so, the proposed project is sure to enhance property values.

I thoroughly support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor

[redacted] EAST AVE
SARATOGA SPRINGS, NY
12866

March 8th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have been informed of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will complement the neighborhood by eradicating the commercial building that currently exists at the site and constructing attractive homes that will fit into the neighborhood. By doing so, the proposed project is sure to enhance property values.

I thoroughly support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor [redacted]

[redacted] East Ave
Saratoga Spr., NY
12866

March ', 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor

[redacted] Lake Ave

March 8th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor Cody Wojdyla

[redacted] East Ave

March 7th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

I fully support the above proposed project and would like this noted at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

_____

Neighbor

Our only concern is regarding potential pests / Vermin once demolition begins. Mr Witt has assured us that he will engage terminators to assure this is a problem and that he would provide remedy if there's any issues that arise.

[redacted] East Ave.

3/7/16

March 8th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have become familiar with Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will revamp the neighborhood by eliminating the commercial building and constructing attractive homes that will fit into the neighborhood with similar setbacks to the existing homes on the street. This project will enhance the neighborhood and elevate property values.

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Respectfully,

Martin P. Cook

Neighbor

[redacted] Jumel Place
Saratoga Springs, NY 12866

3/8

March 8th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have been informed of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will complement the neighborhood by eradicating the commercial building that currently exists at the site and constructing attractive homes that will fit into the neighborhood. By doing so, the proposed project is sure to enhance property values.

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Respectfully,

Karen Carey

Neighbor [redacted] Jumel

March 8th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have been informed of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will complement the neighborhood by eradicating the commercial building that currently exists at the site and constructing attractive homes that will fit into the neighborhood. By doing so, the proposed project is sure to enhance property values.

I thoroughly support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Jeff Neider, Dawn Gaylord

Neighbor

[redacted] Jumel Place

3|8

Marci Robinson

From: [redacted]
Sent: Friday, March 18, 2016 10:35 AM
To: susan.barden@saratoga-springs.org
Cc: Marci Robinson
Subject: Downton Walk Extension

Dear Ms. Barden,

We are writing to express our strong support for the Downton Walk project at 27 Jumel Place, Saratoga Springs. John Witt's proposed development will replace a derelict property with a beautiful development which will enhance the neighborhood. The proposed development is precisely what Saratoga Springs should be supporting.

Philip and Debra Wood
[redacted] Railroad Place
Saratoga Springs, NY 12866

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have been informed of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will complement the neighborhood by eradicating the commercial building that currently exists at the site and constructing attractive homes that will fit into the neighborhood. By doing so, the proposed project is sure to enhance property values.

I thoroughly support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

~~Neighbor~~

[redacted] East Harrison St

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

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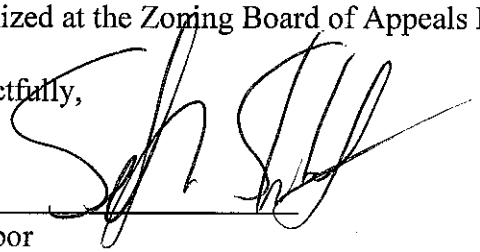
Respectfully,



Neighbor

Seth Shulet

[redacted] Pinewood Ave

Saratoga Springs, NY 12866

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

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Again, please let it be known that I fully support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Neighbor

[redacted] HORSESHOE DR
SARATOGA SPRINGS

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

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Again, please let it be known that I fully support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

Dr. Jonathan C. Gerber

Neighbor

[redacted] Clark St.
Saratoga Springs NY
12866

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

I have been informed of Witt Construction Inc.'s proposed 7 lot single family project at 27 Jumel Place. The proposed project will complement the neighborhood by eradicating the commercial building that currently exists at the site and constructing attractive homes that will fit into the neighborhood. By doing so, the proposed project is sure to enhance property values.

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Respectfully,

~~Neighbor~~

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Respectfully,

Neighbor

[redacted] Whistler Ct 311
Saratoga

March 14th, 2016

To: City of Saratoga Springs Zoning Board of Appeals

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I thoroughly support the above proposed project and would like this recognized at the Zoning Board of Appeals Meeting on Monday, March 21st, 2016 at 7:00 PM.

Respectfully,

~~Neighbor~~

[redacted] Myers Ln
Schuylerville NY 12871

CARTER CONBOY

Attorneys & Counselors at Law

Downton Walk

Area Variance – Renewal Request

May 22, 2016

WITT CONSTRUCTION, INC.

563 NORTH BROADWAY, SARATOGA SPRINGS, NY 12866

518.587.4113 | WITTCONSTRUCTION.COM

Presented by:

Libby Coreno, Esq., Carter Conboy, PC

John Witt, ANW Holdings, LLC

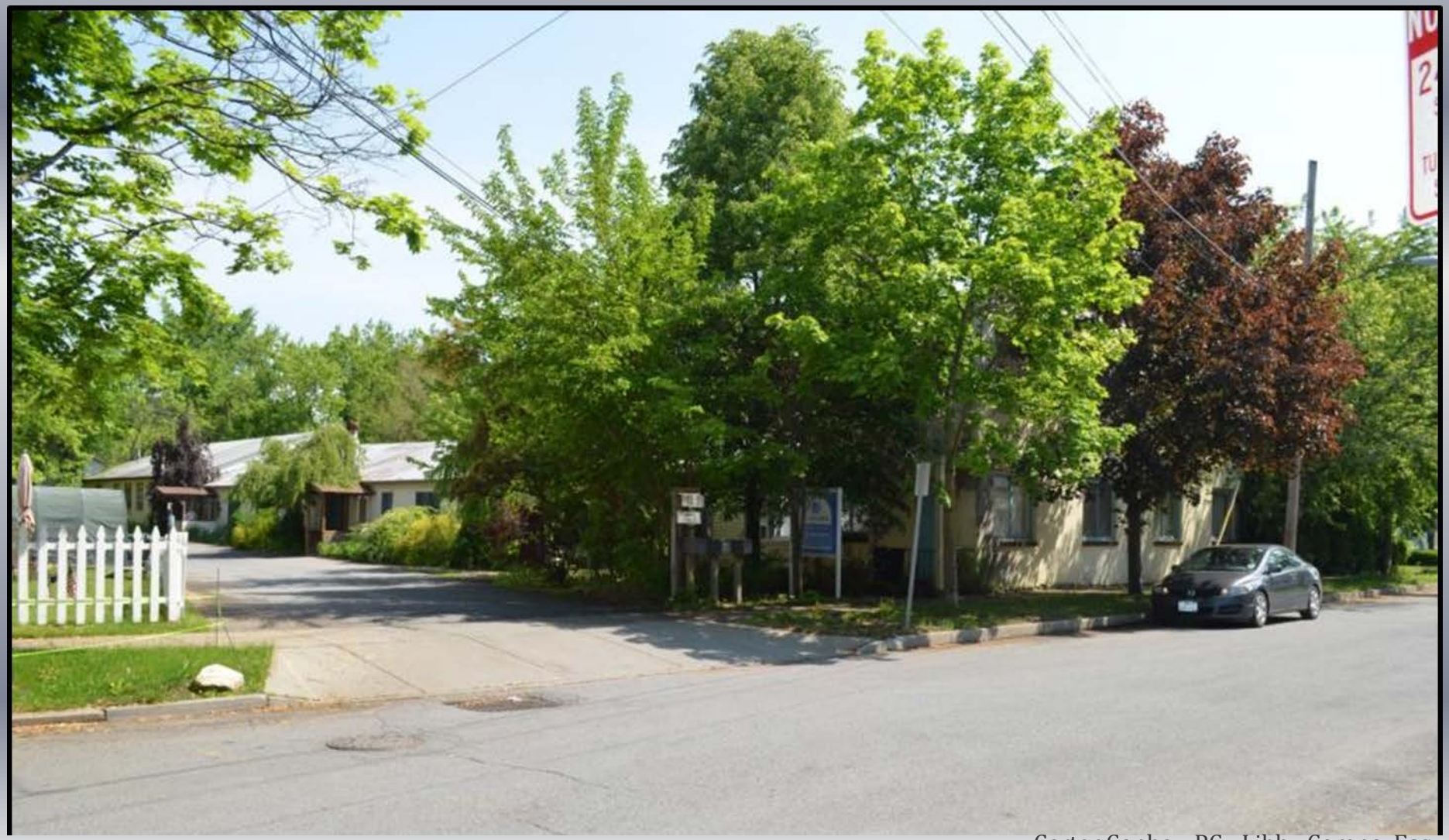
Aerial View: 27 Jumel Place

Existing Neighborhood: Granger/East/Jumel/Lake City Block

- 21 lots total
- 27 Jumel (shown in yellow)
- 7 lots to the west (shown in orange) with 11 units
- 6 lots to the northwest (shown in blue) with 7 units
- 5 lots to the north (shown in red)
- 2 lots to the east (shown in purple)

Existing Site Condition

(North from Jumel Place)



Existing Site Condition

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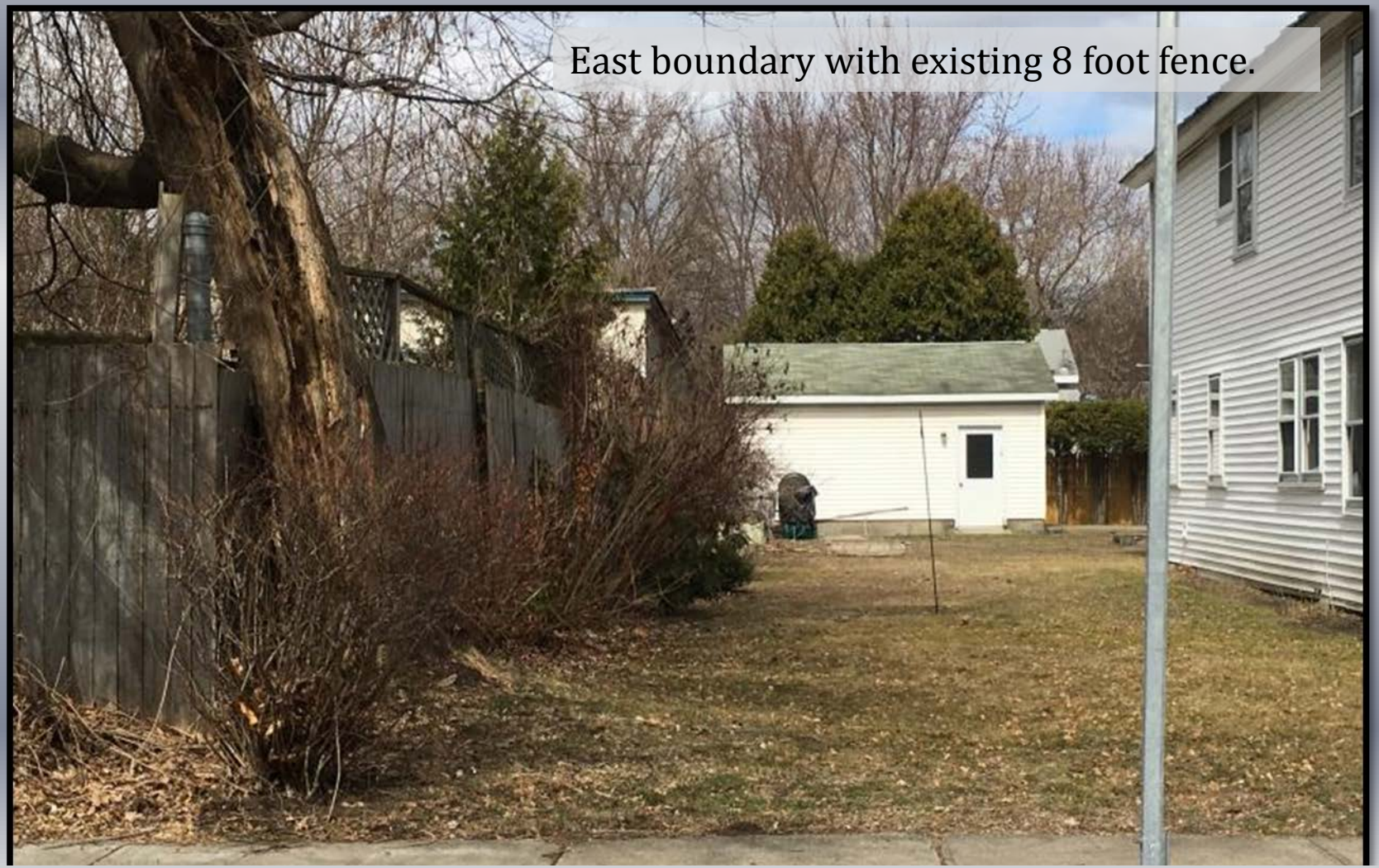
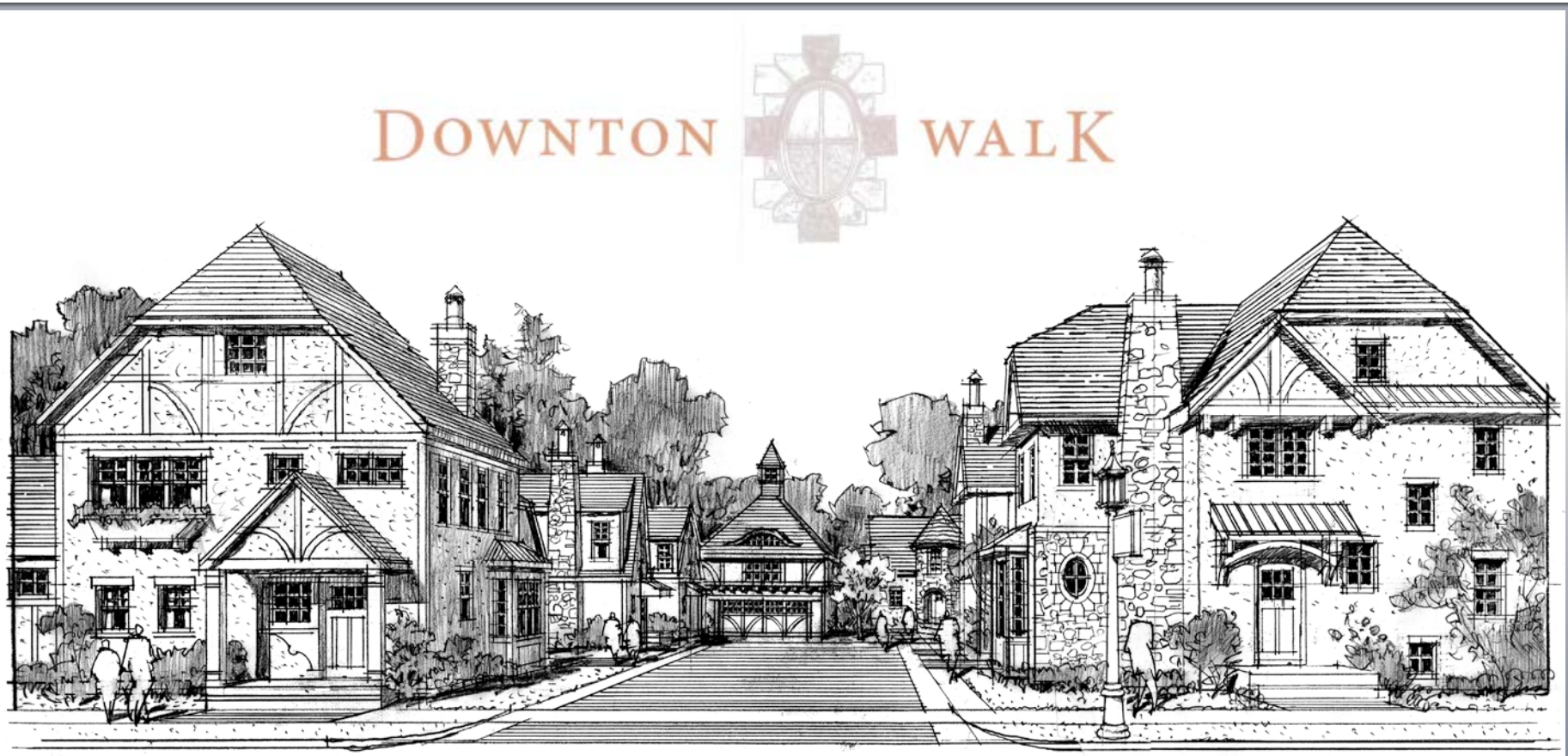


Project History: Pre-2013

Date	Event
1924	Tarrant Manufacturing moves its operations from Ash and Federal Street to 27 Jumel Place. (Source: Troy Record, April 23, 1968)
1953	Unfavorable advisory opinion issued on rezoning request by Tarrant Manufacturing.
1957	Favorable advisory opinion issued on rezoning request by Tarrant Manufacturing.
1967	Tarrant Manufacturing moves from Jumel Place to a new plant on Excelsior Avenue. (Source: Troy Record, April 23, 1968)
1980	Area variance approved to construct loading dock to existing Adirondack Stihl building.
1996	Area variance approved for minimum front yard, side yard, rear yard and maximum building lot coverage. Use variance for ballet school and two apartments. Site plan approval for current configuration.
Until 2013	Non-conforming karate studio (Tenkara Karate-Do)

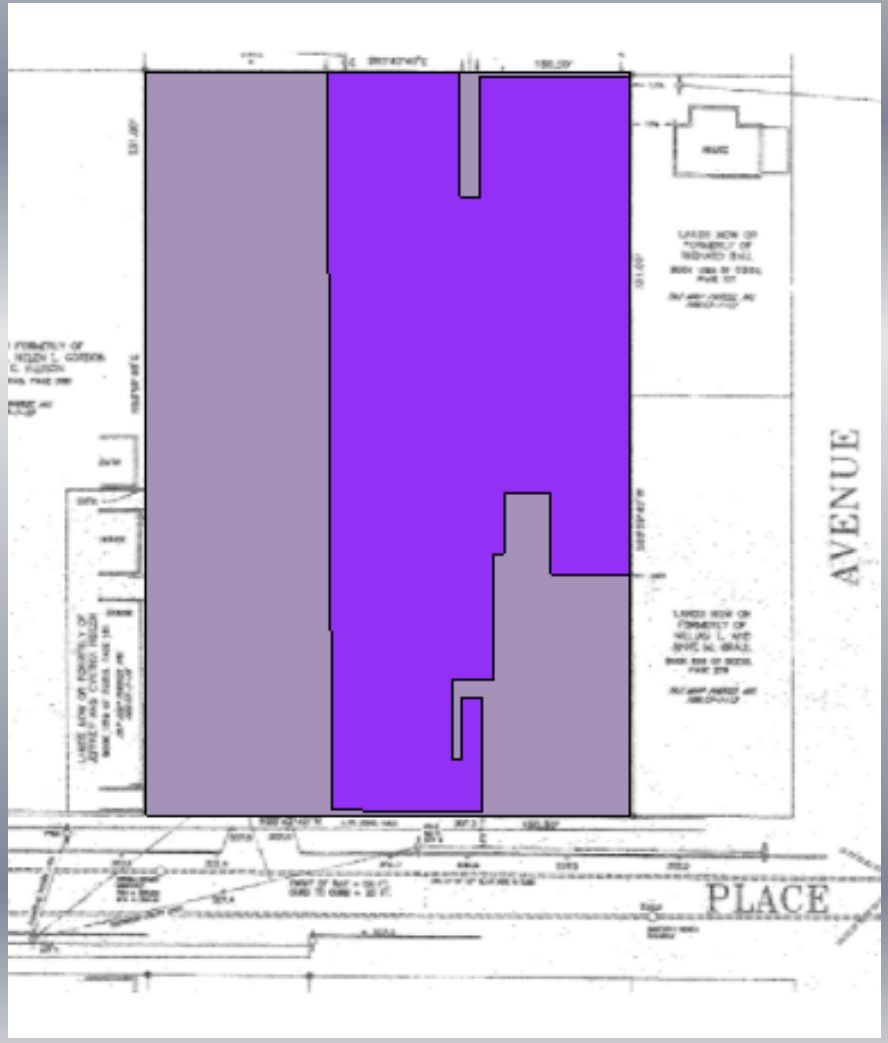
Downton Walk Concept Plan



Northern Approach

Proposed Project Aerial

Proposed vs. Existing Lot Coverage



Concept Rendering

Concept Rendering

Concept Rendering

2013 Area Variance Relief

Type of Relief	Required	Existing	Proposed	Total Relief
Maximum Principal Building Coverage	30%	49.4%	43.58%	13.58% (45%)
Maximum Principal Buildings	1	1	7	6 (600%)
Minimum Front Yard Setback for 2 units on Jumel Place	10 ft	1 ft	5 ft	5 ft (50%)
Minimum Rear Yard Setback for 2 units located at the rear	25 ft	.7	6	19 ft (76%)
Condition: All prior variances are discontinued				

2013 Area Variance Findings

Area Variance Test	2013 Findings
Whether the benefit can be achieved by other feasible means?	• Several prior applications for redevelopment have been unsuccessful • Current structure, use and variances not conducive to residential neighborhood • Existing site has unique non-conforming elements • Evidence of previous economically unfeasible redevelopment proposals • Lesser number of units is not economically feasible • Proposal is the "best economically feasible use as shown on the proposed site plan."
Whether the variance will create an undesirable change in the neighborhood character?	• Positive impact in removal of non-conforming structure • Project substantially conforms to the UR-3 residential zone • Removal of a varied use/illegal use • Favorable Planning Board advisory opinion (Scale and density compatible)
Whether the relief requested is substantial?	• Yes – relief is substantial • Mitigated by: (i) removal of non-conforming structure; (ii) maximum density is 8 units and project requests 7; (iii) demonstrated need for access for parking and service vehicles; and (iv) setbacks will increase from existing structure
Whether the relief will have an adverse impact on the physical environment?	• Reduce traffic and noise (positive impact) • Improve overall neighborhood • Increase in permeability
Is the requested relief self-created?	• Yes but that is not fatal to the application and it is outweighed by the installation of a use and structures more in conformance with the neighborhood than currently exists.

2014 Area Variances

Type of Relief	Required	1st Approval (10/28/13)	2nd Approval (5/1/14)	Total Relief granted by prior approvals
Maximum Building Coverage	30%	43.5%	46%	53%
Minimum Front Yard (2 units on Jumel for front stoops only)	10 ft	5 ft	1 ft	90%
Maximum Fence Height	6 ft	Not Applicable	8 ft	2 ft (33%)
Minimum Principle Building	1	7	No change	6 (600%)
Minimum Rear Yard	25 ft	6 ft	No change	19 ft (76%)

Condition: All prior variances are discontinued; minimum front yard for front stoops and stairways on Jumel only; no fence along Jumel or beyond front foundation line along Jumel.

2014 Area Variance Findings

Area Variance Test	2014 Findings
Whether the benefit can be achieved by other feasible means?	• Cited prior precedent of 2013. • Additional relief from minimum front yard did not alter rationale and findings. • Fence height would increase the benefit of privacy in the neighborhood which cannot be achieved by another method.
Whether the variance will create an undesirable change in the neighborhood character or a detriment to nearby properties?	• Cited prior precedent of 2013. • Reiterated positive improvement to neighborhood. • Fence would increase character of neighborhood
Whether the relief requested is substantial?	• Yes – relief is substantial • Mitigated by benefit of privacy fencing.
Whether the relief will have an adverse impact on the physical environment?	• Cited prior precedent of 2013. • Beneficial impact on property • Nothing about the additional relief changes the original findings. • Fence would not be an adverse impact on neighborhood.
Is the requested relief self-created?	• Yes but that is not fatal to the application.

2016 Application for Renewal of Area Variances

- ANW Holdings has a contract to purchase 27 Jumel Place
- Estate proceedings delayed the owner's ability to transfer title
- Variances from 2013 and 2014 expired per City Code (18 month maximum)
- Required to request renewal of variances
- No project changes

Legal Review Standard: Renewal of Variances

Whether the record demonstrates a material change in the project sufficient for the ZBA to deviate from its prior precedential findings?

American Red Cross, Thompkins County Chapter v. Board of Zoning Appeals of the City of Ithaca, 161 A.D.2d 878 (3d Dep't 1990).

2016: Renewal Request for Area Variances

Type of Relief	Required	1st Approval (10/28/13)	2nd Approval (5/1/14)	Total Relief granted by prior approvals	2016 Request
Maximum Building Coverage	30%	43.5%	46%	53%	No change
Minimum Front Yard (2 units on Jumel for front stoops only)	10 ft	5 ft	1 ft	90%	No change
Maximum Fence Height	6 ft	Not Applicable	8 ft	2 ft (33%)	No change
Minimum Principle Building	1	7	No change	6 (600%)	No change
Minimum Rear Yard	25 ft	6 ft	No change	19 ft (76%)	No change

Cost of Land & Development for Project

Land Acquisition & Development Costs – 2013 to 2016			
Cost Item	**2013**	**2016**	**Difference**
Land Purchase	$370,000	$370,000	n/a
Professional Fees	23,000	60,000	$37,000
Interest	42,000	45,000	3,000
Taxes	20,000	20,800	800
Soil Testing	11,700	12,500	800
Construction (water line)	60,000	212,000	152,000
Dirt (Fill)	21,000	22,000	1,000
Demo and Asbestos Removal	155,000	165,850	10,850
Lot Clearing	10,000	10,700	700
Silt Fencing	6,000	6,500	500
Electric Lines (x2)	24,000	48,000	24,000
Trees	12,000	12,800	800
Administrative Cost	*75,000	100,000	25,000
Sub-total	$829,700	$1,086,150	$256,450
Reasonable Return for Risk	20%	20%	
TOTAL ACQUISITION AND LAND DEVELOPMENT COSTS	**$995,640**	**$1,303,380**	**Increase of 31%**

* Unreported in 2013

Price of Homes: 2013 to present

Number of Units	% of Land to Home Cost	Land Cost per Unit - 2013	Min Average Home Price -2013	Land Cost Per Unit -2016	Min Average Home Price -2016
7 units	20%	$129,377	$646,885	$186,197	$930,000
6 Units	20%	$150,940	$754,700	$217,230	$1.08M
5 units	20%	$181,128	$905,640	$260,676	$1.3M
3 units	20%	$301,880	$1.5M	$434,460	$2.18M
2 units	20%	$452,820	$2.2M	$651,690	$3.25M

- Average home prices not supported by the market
- Project remains practical and feasible at 7 units only as stated in 2013 and 2014
- Homes will be offered at staggered price points from $585,000 to $1.2M (Ex C of Applicat

2013 Lot Coverage Detail

Estimated lot coverage: 43.5%

Estimated Permeability: 40.6%

Estimated Non-Permeability: 59.4%

Minimum Permeability: 34% (application)

Minimum Permeability per Code: 25%

2014 Lot Coverage Detail

Estimated lot coverage: 46%

Estimated Permeability: 38.7%

Estimated Non-Permeability: 61.3%

Minimum Permeability: 34% (application)

Minimum Permeability per Code: 25%

2016 Lot Coverage Detail: No Change from 2014

Estimated lot coverage: 46%

Estimated Permeability: 38.7%

Estimated Non-Permeability: 61.3%

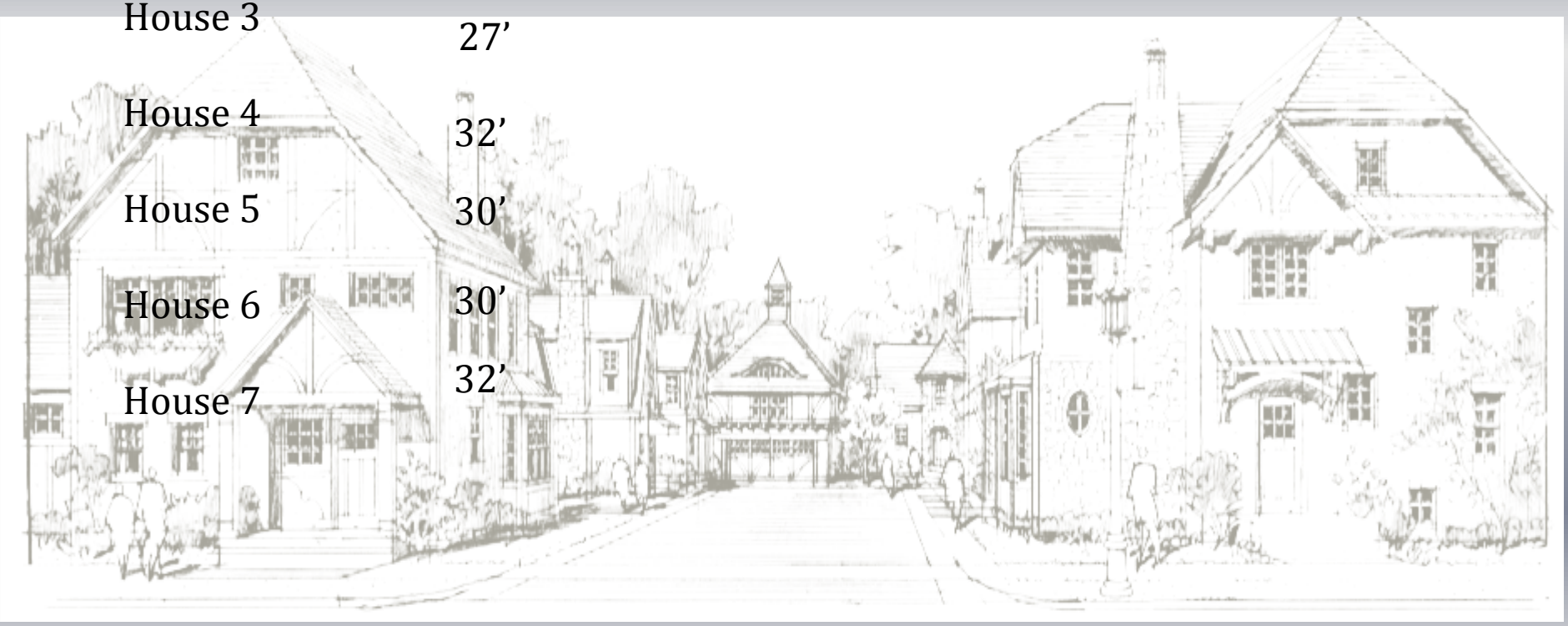
Minimum Permeability: 34% (application)

Minimum Permeability per Code: 25%

Fence Detail: Response to Comment

Estimated Height Detail: Response to Comment

	Ridge
House 1	33’-6”
House 2	27’
House 3	27’
House 4	32’
House 5	30’
House 6	30’
House 7	32’



Precedent and Continued Project Merit

1. No material change in the project since the 2013 and 2014 relief was granted.

2. ANW has demonstrated that all factual findings upon which the Board relied in 2013 and 2014 remain constant.

    - Specifically, the development and acquisition costs to average home price ratio (20%) remains constant.

3. As a result, Downton Walk continues to demonstrate its entitlement to the area variance relief granted in 2013 and 2014.

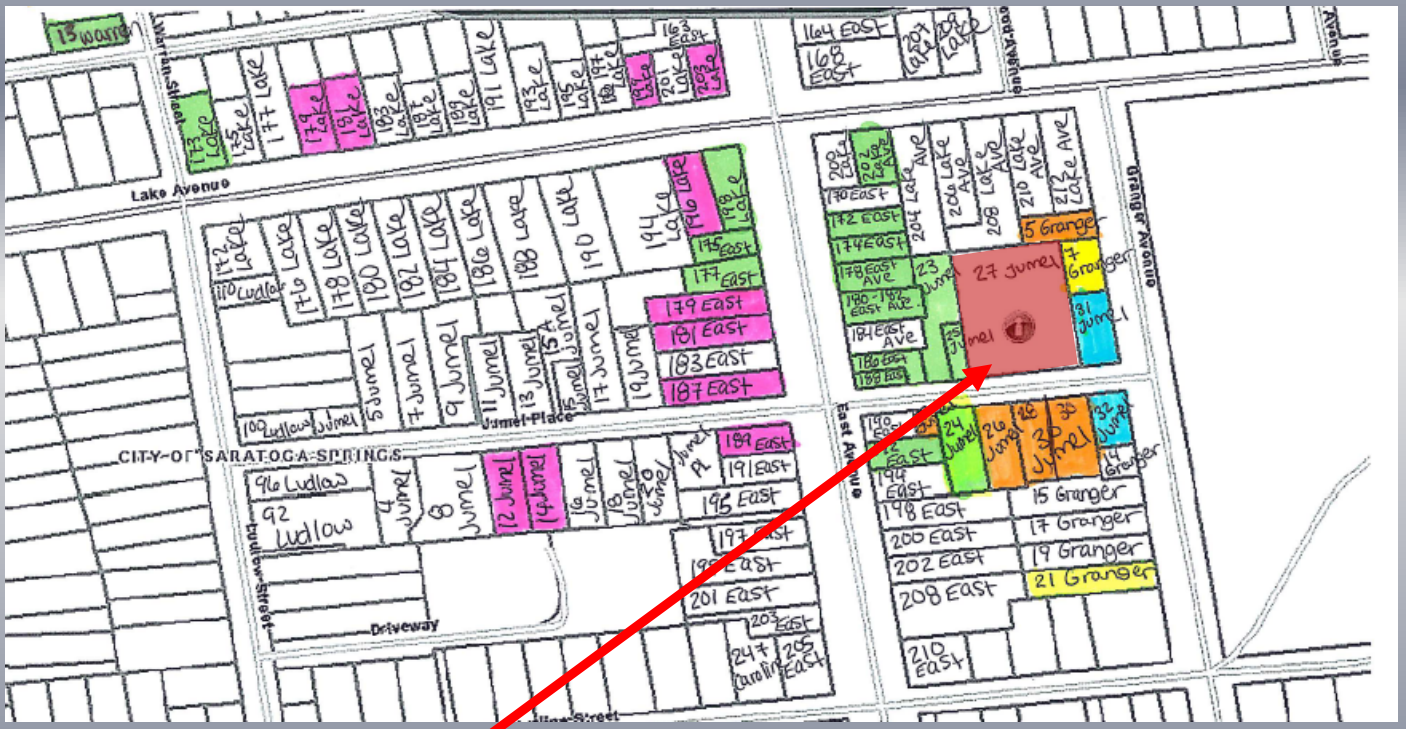
Response to Third-Party Objection

1. Feasible Alternative: ANW has continuously maintained that the project is **not feasible** at any number of units less than 7. No evidence has been proffered which contradicts ANW's previous presentation of alternatives or the Board's findings.

    - Specifically, the risk is too great that 6 or less homes priced above $1M is beyond market and represents an unacceptable risk to ANW because (1) the units **will not sell at that price point** and (2) there is **no profit.**

2. Multiple Alternatives: The Board has relied upon not only ANW assertions but evidence of numerous other redevelopment alternatives which were equally found not to

Downton Walk: 34 Neighbors in Support of the Project



27 Jumel Place

- 15 Support letters 3/8/16
- 4 Support letter 3/10/16
- 11 Support letter 3/17/16
- 2 Support letter 3/15/15
- 2 Support but no

CARTER CONBOY

Attorneys & Counselors at Law

Downton Walk

Area Variance – Renewal Request

May 22, 2016

WITT CONSTRUCTION, INC.

563 NORTH BROADWAY, SARATOGA SPRINGS, NY 12866

518.587.4113 | WITTCONSTRUCTION.COM

Presented by:

Libby Coreno, Esq., Carter Conboy, PC

John Witt, ANW Holdings, LLC

Revised Price of Homes: 2013 to present

Number of Units	% of Land to Home Cost	Land Cost per Unit - 2013	Min Average Home Price -2013	Land Cost Per Unit - 2016	Min Average Home Price -2016	Ratio of Increase in Min Avg Home Price
7 units	20%	$142,234	$711,170	$186,197	$930,000	31%
6 Units	20%	$165,940	$829,700	$217,230	$1.08M	31%
5 units	20%	$199,128	$995,640	$260,676	$1.3M	31%
3 units	20%	$331,880	$1.66M	$434,460	$2.18M	31%
2 units	20%	$497,820	$2.49M	$651,690	$3.25M	31%

- Average home prices not supported by the market
- Project remains practical and feasible at 7 units only as stated in 2013 and 2014
- Homes will be offered at staggered price points from $585,000 to $1.2M (Ex C of Application)

TUCZINSKI, CAVALIER & GILCHRIST, P.C.

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Jonathon B. Tingley
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May 23, 2016

VIA EMAIL – susan.barden@saratoga-springs.org
Zoning Board of Appeals
City of Saratoga Springs
City Hall – 474 Broadway
Saratoga Springs, New York 12866

Re: ANW Holdings, LLC, 27 Jumel Place; Area Variance Application

Dear Zoning Board of Appeals:

We represent Samuel Brewton, Gerald and Debra Mattison, and Sandra Cohen in connection with the above-referenced matter. Mr. Brewton, Mr. and Mrs. Mattison, and Ms. Cohen each either own or reside at property at [redacted] Lake Avenue (Tax Map Parcel No. 166.13-1-4) and [redacted] Lake Avenue (166.13-1-6), located in close proximity to 27 Jumel Place, the site of the proposed Downton Walk project. This letter is submitted in connection with the application by ANW Holdings, LLC for several area variances for the Downton Walk project, proposed for 27 Jumel Place. Submission of this comment letter should not be construed as any waiver of the interpretation appeal filed by Mr. Brewton, Mr. and Mrs. Mattison, and Mrs. Cohen.

As set forth below, the several variances sought should be denied in the absence of a project modification or an effort by ANW Holdings to lessen the requested variances.

In making its determination on the area variance application, the ZBA must consider, among other things, "whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance", and, if inclined to grant an area variance, the ZBA "shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community" (N.Y. General City Law § 81-b [4] [a] [ii], [c]).

Finding that the proposed design is either the "best" or "an" economically feasible use of the property is not sufficient. The burden rests upon the applicant to establish that other feasible alternatives do not exist (see Katz v. Town of Bedford Zoning Bd. of Appeals, 202 AD2d 504, 504 [2d Dep't 1994]). To meet its burden, the applicant must demonstrate that it has sought other alternatives to no avail (see Durler v. Accettella, 165 AD2d 872, 873 [1990]). Even where the applicant has established that the variance sought is insubstantial and will not adversely affect the character of the neighborhood, an applicant's failure to demonstrate that no reasonable alternatives

exist will support a denial of the area variance (see Stengel v. Town of Woodstock Zoning Bd. of Appeals, 155 AD2d 854, 856 [3d Dep't 1989]).

As the ZBA has previously found for this particular parcel, the subject lot can accommodate either five single-family lots or four two-family lots. Proof that the property may be used ***more*** profitably by developing it as a seven-unit condominium than as five single-family lots or four two-family lots does not adequately demonstrate significant economic injury to warrant the grant of an area variance (Stengel, supra, 155 AD2d at 856; see also Ifrah v. Utschig, 98 NY2d 304, 309 [2002]; Orchard Michael, Inc. v. Falcon, 110 AD2d 1048, 1048 [4th Dep't 1985]). "Proof that the ordinance caused the applicant mere inconvenience, or that the property could be utilized more profitably if an area variance were granted, is ordinarily not sufficient to justify the issuance of a variance, irrespective of the application's seeming reasonableness (Human Dev. Servs. of Port Chester, Inc. v. Zoning Bd. of Appeals of Vill. of Port Chester, 110 AD2d 135, 140 [2d Dep't 1985]; Fuhst v. Foley, 45 NY2d 441, 447 [1978]).

Here, the Applicant has indicated that it will incur approximately $754,700 in site development costs expenses, including land purchase costs, professional fees, interest, taxes, soil testing, construction, fill dirt, demolition and asbestos removal, lot clearing, silt fencing, electric lines, and trees. The Applicant represented at the February 22, 2016 ZBA meeting that the proposed condominium units will be offered for sale at prices between $700,000 and $1.5 million.

The Applicant has failed to demonstrate that the variances requested are the minimum variances necessary or adequate to achieve its objectives, or that there is not a feasible alternative available to to achieve its legitimate objectives. As noted above, that the Applicant's proposal may be its preferred proposal or may be the one expected to generate the most profit does not mean that it is the ***only*** feasible alternative. For instance, the record demonstrates that a four-lot subdivision (each lot with a two-family dwelling) or a five-lot subdivision (each lot with a single-family dwelling) could be achievable on the subject site. At the proposed home prices quoted by the Applicant, such a conforming project could be profitable for the Applicant. Thus, there is a feasible alternative, and the variances requested are not the minimum required to achieve the Applicant's objective.

On behalf of Mr. Brewton, Mr. and Mrs. Mattison, and Ms. Cohen, we respectfully request that the ZBA require the Applicant to develop the site in accordance with the Zoning Ordinance, including by making application for an appropriate subdivision, and in the absence of the Applicant's agreement to seek a more appropriately sized project, that the ZBA deny the area variances requested.

Very truly yours,

TUCZINSKI, CAVALIER & GILCHRIST, P.C.

By: _____
Jonathon B. Tingley

CARTER CONBOY

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May 20, 2016

William Moore, Chair
Saratoga Springs Zoning Board of Appeals
474 Broadway
Saratoga Springs, New York 12866

Re: ANW Holdings, Inc. – Area Variance Renewal Application
27 Jumel Place – UR-3

Dear Chairman Moore:

We represent the interests of ANW Holdings, Inc. ("ANW") with respect to its application for the renewal of area variances granted by the Saratoga Springs Zoning Board of Appeals ("Board") in 2013 and 2014 related to 27 Jumel Place ("Property"). The area variances lapsed due to delays related to the death of the current owner and the inability of ANW to close on the purchase of the Property due to estate and probate issues. However, all issues related to the sale have now been resolved and we respectfully request that the Zoning Board of Appeals adhere to its prior precedent and findings related to this project and renew the relief previously granted.

A. Background and History

The Property has been before the Board on several occasions prior to the instant application and dating back as far as 1957. The site was home to a manufacturing operation in what was, then and now, a largely residential area. The pre-existing, non-conforming building is a large concrete structure covering approximately 49.5% of the lot. At the front and rear of the lot, there is currently under one foot of setback as the building is located directly on the property lines. Over time, the use on the site evolved from manufacturing to a ballet school and apartment building; and, even at one time, a non-conforming karate studio.

In 2013, John Witt, ANW's representative, came before the Board to present a new use on the site which had the potential to reduce the overall lot coverage and density in the form of seven residential single family condominium units. The 2013 application (formerly known as "Magnolia Lane" and now referred to as "Downton Walk") set forth plans to demolish the existing non-conforming structure and requested several area variances to construct the project, to wit: maximum building coverage, maximum principal building on one lot, minimum front yard setback for two units on Jumel Place, and minimum rear yard setback for two units at the rear. The Board requested an advisory opinion from the Planning Board which was issued in favor of the project, specifically finding that the "site can adequately accommodate development of this scale, and that the overall density proposed is compatible with the surrounding neighborhood." (See 11/18/13 Resolution of the ZBA) Moreover, the Board requested alternatives to the proposed project from ANW which Mr. Witt provided in the form of an itemized list of land development costs and scenarios involved in erecting fewer than the seven lots shown. Following a public hearing on the matter, the Board voted to approve the area variances as requested and made several specific factual findings related to the relief granted. Below is a summary of the relief and those findings:

Type of Relief	Required	Existing	Proposed	Total Relief
Maximum Principal Building Coverage	30%	49.4%	43.58%	13.58% (45%)
Maximum Principal Buildings	1	1	7	6 (600%)
Minimum Front Yard Setback for 2 units on Jumel Place	10 ft	1 ft	5 ft	5 ft (50%)
Minimum Rear Yard Setback for 2 units located at the rear	25 ft	.7	6	19 ft (76%)

Factual Findings and Legal Precedent pursuant to New York State City Law §81-b(4); Saratoga Springs City Zoning Ordinance §8.0, et seq:

1. Feasible Alternatives (Whether the benefit cannot be achieved by other feasible means): The Board reiterated that several prior applications had been made prior to ANW's application in 2013 for redevelopment of the Property which were unsuccessful. The current use of the Property was described as "mixed commercial and residential purposes with a large cement structure, formerly a manufacturing facility" which uses are "not conducive to a residential neighborhood" with noise and traffic that is disturbing to neighbors. The Board found that the Property presented unique non-conforming concerns

and evidence of previous economically infeasible redevelopment proposals. Specifically, the Board determined that "[n]ot only has the Applicant explored alternate means to achieve the requested benefit *including a smaller number of units* which were evaluated and found to be economically unfeasible, but *prior applications* have also attempted to use the structure for varied uses, all of which demonstrates that other alternatives have not been shown to be practical or economically feasible. In short, the ANW proposal "is the best economically feasible use as shown on the proposed site plan for this property." [emphasis supplied]

2. Undesirable Change (Whether the variance will create an undesirable change in the neighborhood character or a detriment to nearby properties): First, the Board noted that the application involves the complete removal of a non-conforming commercial structure from a UR-3 residential zone with a project that "substantially conforms to the residential homes in the neighborhood." The Board specifically articulated the *beneficial* impacts of the project including the removal of a varied use, as well as an illegal use, and replaced with a residential use in keeping with the zone. Second, the Board pointed to the favorable advisory opinion from the Saratoga Springs Planning Board which specifically opined that the "site can adequately accommodate development of this scale and that the overall density is compatible with the surrounding neighborhood." In sum, the Board concluded that (i) the project would improve the appearance of the Property and (ii) the project would not create an undesirable change in the character or impact on nearby properties.

3. Substantiality (Whether the relief requested in substantial): The Board found that the variances were substantial but that the substantiality was mitigated by (i) the existence of a structure that is non-conforming; (ii) the fact that the lot would support either 5 subdivided lots with single family homes or four duplex homes (8 units) while the project only calls for 7 units (which is one less than the maximum allowed under current zoning; (iii) the need of access behind the units for parking and service vehicles to access the rear; and (iv) the current building has less setbacks than are currently requested in the front and rear. In sum, the Board found that the substantiality is mitigated by the project's beneficial improvement to the current status of the Property.

4. Physical or Environmental Impact (Whether the relief requested will have an adverse impact on the physical or environmental impact on the neighborhood): The Board found that the project will reduce traffic and noise from the existing use which would return quietude to the residential neighborhood. Furthermore, the Board determined that the

project would be a substantial improvement to the overall neighborhood and its impact positive rather than adverse; specifically including an increase in permeability of more than 10%.

5. Self-Created Hardship (Is the requested relief self-created): Yes but not fatal to the application because it is outweighed by the installation of a use and structures more in conformance with the neighborhood than currently exists.

6. Additional Findings: All prior variances (including a use variance) were removed and replaced with the Resolution on ANW's application.

In 2014, ANW had to once again come before the Board in order to expand upon the relief requested in the 2013 application. First, ANW requested the ability to increase the fence height from 6 feet to 8 feet in order to provide additional screening to neighbors. Second, the front stoops on the units closest to Jumel Place required additional relief from the front yard setback. Third, the maximum building coverage request increased from 43.5% to 46%; representing a 2.5% change. Attached is a copy of the Resolution of the Board dated May 1, 2014. Following a public hearing on the matter, the Board voted to approve the area variances as requested and made several specific factual findings related to the relief granted. Below is a summary of the 2014 relief and findings:

	Required	**1st Approval (10/28/13)**	**2nd Approval (5/1/14)**	**Total Relief granted by prior approvals**
Maximum Building Coverage	30%	43.5%	46%	53%
Minimum Front Yard (2 units on Jumel for front stoops only)	10 ft	5 ft	1 ft	90%
Maximum Fence Height	6 ft	n/a	8 ft	2 ft (33%)
Minimum Principle Building	1	7	n/a	6 (600%)
Minimum Rear Yard	25 ft	6 ft	n/a	19 ft (76%)

Factual Findings and Legal Precedent pursuant to New York State City Law §81-b(4); Saratoga Springs City Zoning Ordinance §8.0, et seq:

1. Feasible Alternatives: Citing to its prior precedent of 2013, the Board determined that the additional relief requested from the minimum front yard setback and maximum building coverage did not alter the rational and findings from the 2013 decision. Furthermore, the Board found that the fence height was necessary to provide additional privacy which could not be achieved by an alternative means on the property limited by size.

2. Undesirable Change: Citing to its prior precedent of 2013, the Board reiterated that the project created a desirable change for the neighborhood and that the finding was in no way altered by the additional relief requested by ANW. Furthermore, it found that the fence would increase the character of the neighborhood.

3. Substantiality: While the relief may be considered substantial, the Board concluded that this was offset by the benefit of privacy fencing.

4. Physical and Environmental Impact: Citing to the prior precedent of 2013, the Board reaffirmed that the project would have a beneficial physical impact on the neighborhood and nothing about the additional relief changed the Board's original findings. Furthermore, the fence relief would not have an adverse impact on the neighborhood.

5. Self-Created Hardship: Yes but not fatal to the application.

6. Additional Findings: Minimum front yard setback of 5 feet to 1 foot modified to permit front stoops and stairways on the two Jumel Place residences; no eight (8) foot fence shall be constructed along Jumel Place or extend beyond the front foundation line along Jumel Place.

B. Current Application

In 2016, ANW was finally able to move forward with the process of purchasing the Property following the resolution of issues related to the estate probate process involving the current owner. However, ANW's variances from 2014 had lapsed pursuant to the Saratoga Springs Zoning Ordinance eighteen months after the approval (November 1, 2015). As a result, ANW must renew its application for the requested area variance relief in order to proceed with the project. On January 19, 2016, ANW filed an application for the reconsideration of the area variances and the application was first heard on February 22, 2016 by the Board. At the meeting,

ANW presented the application and reiterated several times on the record that none of the project elements has changed since the 2013 and 2014 approvals. Mr. Witt, as representative for ANW, confirmed that the pricing of the units has increased in direct proportion to the increase in the land development and build costs brought about in the market place in the preceding three years. As a result, the original economic premise justifying seven units as opposed to an alternative (or lesser) number remains valid. A summary and analysis of land acquisition and development costs from 2013 to 2016 is provided in the table below:

Land Acquisition & Development Costs – 2013 to 2016

Cost Item	2013	2016	Difference
Land Purchase	$370,000	$37,000	n/a
Professional Fees	23,000	60,000	$37,000
Interest	42,000	45,000	3,000
Taxes	20,000	20,800	800
Soil Testing	11,700	112,500	800
Construction (water line)	60,000	212,000	152,000
Dirt (Fill)	21,000	22,000	1,000
Demo and Asbestos Removal	155,000	165,850	10,850
Lot Clearing	10,000	10,700	700
Silt Fencing	6,000	6,500	500
Electric Lines (x2)	24,000	48,000	24,000
Trees	12,000	12,800	800
Administrative Cost	Unreported	$100,000	$100,000
Sub-total	$754,700	$1,086,150	$331,450
Reasonable Return for Risk	20%	20%	
TOTAL ACQUISITION AND LAND DEVELOPMENT COSTS	**$905,640**	**$1,303,380**	↑44.%

The table above outlines the increase in costs of acquisition and development of the site from 2013 to 2016 and provides an overall cost increase of $331,450 or 44%. In order to address the cost increases, the price of each unit must also increase in proportion in order to have the project remain economically viable. The table below indicates the Minimum Average Price per home in 2013 and 2016 according to the number of units in the project which utilizes the industry standard of a land to home price ratio of 20%.

Number of Units	% of Land to Home Cost	Land Cost per Unit - 2013	Min Average Home Price -2013	Land Cost Per Unit -2016	Min Average Home Price -2016
7 units	20%	$129,377	$646,885	$186,197	$930,000
5 units	20%	$181,128	$905,640	$260,676	$1.3M
3 units	20%	$301,880	$1.5M	$434,460	$2.18M
2 units	20%	$452,820	$2.2M	$651,690	$3.25M

The results indicate that the average home cost of $640,000 for 7 units reported in the 2013 application process was accurate at that time, but the rising cost development costs has increased the average home price to $930,000 in 2016. In order to address the varied market, ANW is proposing several price points ranging from $587,045 to $1.255M for a median price of $921,022 (See Exhibit C of Application). These price points indicate that: (1) two of the units will experience a loss related to the development costs; (2) two units will likely provide a net neutral return; and (3) three units will provide the economic benefit of a return. ANW intentionally varied the pricing of the units to provide a stratum of available home prices in keeping with the UR-3 and the East Avenue/Jumel Place neighborhood in general. As evidenced by the above table, ANW's position is that an average minimum home price of $1.3M is not consistent with the market for the neighborhood and it would not move forward with the project at 5 units.

Additionally, it was noted in the 2013 approval specifically that the project would increase the permeability of the site which remains true to the current application. In 2013 and 2014, the ANW applications indicate an estimated permeability of 35.1% on the site which is 40% more permeability than required by the City Code at 25%. The 2013 permeability calculation was 40.6% based upon the concept plan and, in 2014, had been revised to 38.7%. However, in each plan submitted to the Board, the permeability calculation has remained above both the applicant estimate of 35.1% and well above the City minimum of 25%. The final configuration of the project, including owner-optional pools, porches, and overhangs is not expected to exceed the 35.1% permeability and will provide a net permeability increase to the existing site conditions. Copies of the 2013 and 2014 concept plans are attached to this letter with the 2014 version representing the current concept plan.

C. Legal Support for the Approval of the 2016 Application

It is ANW's position that the state of the law in New York is clear as it relates to the renewal of variances following their expiration by time. In American Red Cross, Thompkins County Chapter v. Board of Zoning Appeals of the City of Ithaca, the applicant's variance expired three years after the initial approval and, upon rehearing, the Board of Zoning Appeals denied the

variances while none of the project elements had changed. 161 A.D.2d 878 (3d Dep't 1990) In reversing the Zoning Board's denial, the Appellate Division, Third Department found, "Absent such material changes, the [Board of Zoning Appeals] is bound to its earlier decision and may not refuse a variance previously granted . . . In our view, the record contains insufficient evidence evincing a change in circumstances sufficient to support [the Board of Zoning Appeal's] reversal of its previous position. Id. (internal citations and quotations omitted). This requirement is grounded in the principles of res judicata and collateral estoppel which give conclusive effect to the quasi-judicial determinations made by a Zoning Board of Appeals. See Jensen v Zoning Bd. of Appeals of the Village of Old Westbury, 130 AD2d 549, 550 (2nd Dept. 1987) (citing Ryan v NY Tel. Co., 62 NY2d 494, 499 (1984)). This proposition includes reapplications for the same variance after a time condition has expired. American Red Cross, supra; Center Square Ass'n v. City of Albany Zoning Bd. of Appeals, 19 A.D.3d 968, 972 (3d Dep't 2005); Cohen v. Vil. of Irvington Zoning Bd. of Appeals, 29 Misc.3d 1231[A] (Sup Ct, Westchester County 2010) (a frontage variance 24 years expired must be renewed when there is no material change in the project).

Facing these overriding principles, we submit that the Board is bound by its original findings in its October 30, 2013 resolution - and the subsequent May 1, 2014 resolution - granting the area variances because the facts and justifications have not changed in any material manner. There has been no empirical evidence presented before the Board to demonstrate that a material change in the project or the surrounding neighborhood has occurred since the variances were issued in 2013 and 2014. Moreover, ANW is not seeking any additional or different relief which would change the previously considered impacts to the neighborhood.

As a result of the foregoing, we respectfully request that the Board observe the legal and factual precedent of its prior findings, especially in light of the testimony of Mr. Witt before the Board on February 22, 2016 that none of the project elements has changed since the original relief was granted in 2013 and 2014, as well as the information provided within the written submissions. Absent empirical evidence in the record contradicting the testimony of Mr. Witt concerning a lack of material changes to the project, we believe there is insufficient basis on which the Board may alter its prior determinations.

C. Purpose of Zoning Board and Generalized Community Objection

As part of this renewal application, there have been several neighbors who have written or spoken out against the project. There has even been a region-wide online petition circulated articulating the position that the project should be denied because it is contrary to zoning and has

the potential to set a negative precedent. It is ANW's position that these generalized community objections are (1) insufficient to demonstrate a material change in the project components or the neighborhood composition since the original precedential decisions were made; (2) unsupported by empirical evidence sufficient to raise an issue of fact related to the findings made during the deliberation of the original approvals; and (3) mischaracterizations of the character of the neighborhood composition. ANW has twice satisfied the area variance standard and its entitled by law to rely upon the precedent of the prior findings.

Leaving aside momentarily the legal precedent provided by American Red Cross, supra, a review of the written objections, as well as the vast majority of comments from the neighbors who oppose the project, reveals that there is one overarching objection raised continuously, to wit: the project is not zoning compliant and therefore flies in the face of the land use plan for the City of Saratoga Springs. As such, it is incumbent upon the applicant to note the Zoning Board of Appeals exists for the primary purpose of varying the zoning requirements for appropriate projects when they are not zoning compliant if the applicant has met the statutory test – which has been twice found met in this case. Therefore, it follows that *any* relief granted by the Board will, to some extent, be out of compliance with the City's land use code and we submit that this is the very purpose of the Board. Opposition to the project based upon its alleged inconsistency with zoning or the Comprehensive Plan[1] would obviate the statutory purpose and scope of the Board itself. Back in 1925, the Supreme Court of Oneida County noted, "The creation of a board of appeals, with discretionary powers to meet specific cases of hardship or specific instances of improper classification, is not to destroy zoning as a policy, but to save it. The property of citizens cannot and ought not to be placed within a strait-jacket. Not only may there be grievous injury caused by the immediate act of zoning, but time itself works changes which require adjustment." People v. Kerner, 125 Misc. 526 (Sup. Ct. Oneida Co, 1925). It is a zoning board's duty to act as a "safety valve" to provide relief from rigid and inflexible zoning laws. Salkin, New York Zoning Law and Practice, 4th Ed., §27.08.

[1]The Comprehensive Plan is a planning tool used to assist the City Council in its rezoning or updated zoning efforts, as opposed to the statutory evaluation charged to the Zoning Board. Even assuming for the moment that the Comprehensive Plan was relevant to this application, it notes the following goals: (i) Efforts to strengthen and enhance this area through Infill Development and reuse are integral to the overall success of the city." pp 51. Housing 3.4-50; (ii) Encourage a range of residential opportunities that will be available to all residents to promote the social and economic diversity vital to a balanced community." 3.4-51; (iii) Promote diversity of housing types in close proximity to employment centers such as downtown, the hospital, Skidmore College, the Racetrack; and (iv) Encourage the development of higher density residential alternatives within the urban core including the conversion to residential use of upper floors in commercial districts.

Along with the statutory test, the zoning law also permits the opportunity for members of the public to be heard concerning applications which directly affect them. Neighbors may come to voice concerns with an application, but in order to raise an issue of fact with the evidence presented by the applicant, they must present more than mere objection – it must be empirical evidence which is contrary to that of the applicant. As with any land use determination, zoning boards of appeals may not base a decision to deny an area variance on what has come to be termed 'generalized community objections.'" Metro Enviro Transfer, LLC v. Village of Croton-on-Hudson, 5 N.Y.3d 236, 240 (2005) (citing Constantino v. Moline, 4 A.D.3d 820, 821 (4th Dep't 2004)). Where a zoning board of appeals fails to engage in the statutory balancing and instead bases its decision on general community opposition to a project, its decision to deny an application for an area variance is arbitrary and capricious. See e.g., Matter of Marro v Libert, 40 A.D.3d 1100, 1102 (2nd Dept. 2007); Matter of Lessings, Inc. v Scheyer, 16 A.D.3d 418, 419 (2nd Dept. 2005).

In this particular case, it is ANW's position that the Board must only consider whether there is evidence in the record of a material change in circumstances upon which to deviate from its twice prior precedent, as opposed to generalized neighborhood objection to the project. Furthermore, ANW is prepared to submit a number of neighbor letters in support of the project to the Board for consideration at its May 23rd meeting – thereby only further supporting the fact that neither neighbor opposition nor support acts as a referendum on entitlement to variance relief.

For all of the reasons set forth above, we respectfully request that the Board adhere to its prior precedent concerning this application, given that no evidence has been provided on the record of any material changes in the project which would affect the original approvals of 2013 and 2014 and the facts indicate that the project continues to demonstrate entitlement to the relief under the standard of review for the area variances. Thank you for your time and attention to this matter.

Respectfully submitted,

M. Elizabeth Coreno
MEC/ccm
Enclosures

Cc: Members of the Zoning Board of Appeals
Tony Izzo, Esq.
Susan Barden
ANW Holdings, LLC

MAP OF
the Neighborhood of
MAGNOLIA LANE
in SARATOGA SPRINGS
by Witt Construction

2013

Lot Coverage			
Residence	Footprint	Roof OH	Coverage
#1	2,313	284	2,597
#2	1,277	159	1,436
#3	1,332	160	1,492
#4	1,884	189	2,073
#5	2,606	228	2,834
#6	2,340	223	2,563
#7	1,906	220	2,126
	13,658	1,463	15,121
			34,766
			43.5%

Permeability Statistics		
Size of Development (Sq. Ft.)	34,766	
Non-Permeable Areas (Sq. Ft)		
Road	3506	
Driveways	1944	
Pavers	1546	
Living	8,665	
Porches	818	
Garages	4,175	
Total Non-Permeable	20654	59.4%
Permeable Areas (Sq. Ft.)		
Turf Paved	1222	
Landscaped	12,890	
Total Permeable	14112	40.6%

Scale of Feet

1 5 10 25 50 100

MAP OF
the Neighborhood of
MAGNOLIA LANE
in SARATOGA SPRINGS
by Witt Construction
2014

Lot Coverage			
Residence	Footprint	Roof OH	Coverage
#1	2,449	284	2,733
#2	1,357	159	1,516
#3	1,472	160	1,632
#4	2,079	189	2,268
#5	2,759	228	2,987
#6	2,340	223	2,563
#7	2,070	220	2,290
	14,526	1,463	15,989
			34,766
			46.0%

Permeability Statistics		
Size of Development (Sq. Ft.)		34,766
Non-Permeable Areas (Sq. Ft)		
Road	3,506	
Driveways	1,536	
Pavers	1,740	
Living	8,665	
Porches	1,686	
Garages	4,175	
Total Non-Permeable	21308	61.3%
Permeable Areas (Sq. Ft.)		
Turf Paved	1,588	
Landscaped	11,870	
Total Permeable	13458	38.7%

Scale of Feet

1 5 10 25 50 100

change.org

Saratoga Neighbors for Zoning Enforcement

Recipient: Saratoga Springs Zoning Board of Appeals - Office of Planning & Economic Development

Letter: Greetings,

Keep Saratoga Springs Neighborhoods Special: Enforce our Zoning codes!

Comments

Name	Location	Date	Comment
Sam Brewton	Saratoga Springs, NY	2016-03-15	We're not against developing this plot, but we opposed the massive scope of the requested variances, loss of setbacks, and the cramming-in of more buildings than this lot is zoned for. What's the point of zoning if it can be this easily skirted? This lot can be successfully developed, and we'd welcome this same developer if a more reasonable plan were presented.
Holly Bates	Saratoga Springs, NY	2016-03-16	Saratoga Springs is changing far too quickly and losing the character that made it so beloved. These changes are so often the result of wealthy developers making their way around zoning laws that are there for a reason. Our officials have been elected by the citizens of Saratoga Springs, and as such, they are the people to whom they should listen.
jeannine moran	saratoga springs, NY	2016-03-16	Uphold our zoning laws and do not cave to developers.
Kira Cohen	Saratoga Springs, NY	2016-03-16	I grew up in Saratoga Springs and have lived 25 years in the neighborhood that is threatened by this development. I do not want to see my neighborhood put at risk by the casting aside of our city's zoning ordinance. The Saratoga Neighbors for Zoning Enforcement does not oppose new housing in our neighborhood, we simply feel that the scale of this project is beyond necessary and asks for too many variances to the zoning laws of our district. This puts not only our homes at risk, but the new homes as well. It also opens the door for these types of overboard developments to move into other residential neighborhoods throughout town - thus dismantling the core ideology behind our comprehensive plan and zoning ordinance, and disrupting the historical character and dignity of our beautiful town.
Margaret Selikoff	Saratoga Springs, NY	2016-03-16	There is no reason for this type of development in this neighborhood.
Kim Fonda	Saratoga Springs, NY	2016-03-16	I am sick and tired of double standards. The Zoning Board is a disgrace and our hopes for good stewardship decline day by day!
Janice Pancake	Saratoga Springs, NY	2016-03-16	If this goes as planned, it will set a precedent in our city that builders can get zoning laws changed and build wherever they want. Seems to me that our city has allowed all kinds of new, unaffordable, condos, etc. and taken the charm away from my hometown...
Joann Lorman	Porter Corners, NY	2016-03-16	Saratoga is getting to many large buildings. ..let's not lose its charm!
Robert Bostick	Arlington, VA	2016-03-16	I love the Saratoga of my childhood, my youth and to alter those memories of the alleys, streets and diverse neighborhoods would be sacrilege.
John Veitch	Saratoga Springs, NY	2016-03-16	This is not proper for that neighborhood. Simply out of character. I live next to the old St. John Neumann residence, and that conversion was fine for that building. This is not appropriate for Jumel Place
Liam Sheji	Saratoga Springs, NY	2016-03-16	It's important to preserve our cities history, and replacing our historic buildings is a crime to our lifestyle
Marie falls	Lorton, VA	2016-03-16	I hate seeing my hometown lose its charm!
Steven McCarthy	Saratoga Springs, NY	2016-03-16	Enough is Enough
Martha Strohl	Saratoga Springs, NY	2016-03-16	The Comprehensive Plan and our zoning codes are meant to be observed, not abused.
Lillian Spost	Saratoga Springs, NY	2016-03-16	Saratoga risks losing the charm that is its reputation.
Michael Gent	Saratoga Springs, NY	2016-03-16	Once you open the floodgates,there'll be no stopping them.The town is enough of a mess already.

Name	Location	Date	Comment
Anthony Smith	Washington, DC	2016-03-16	I'm shocked that the lovely tree-lined streets of my hometown would be destroyed by this condo developer. Enforce the zoning laws and stop this blight on the community.
shawn banner	Saratoga Springs, NY	2016-03-16	Our town is special because far sighted folk created a charter and zoning codes that preserve what is best about Saratoga. Lately, it seems that special dispensation keeps getting given to folks who want to build exactly what those far-sighted zoning laws and city planning decisions were meant to avoid. Growth is good--in fact, growth is great, but not growth that breaks the carefully crafted rules that make Saratoga a pleasure to reside in. Please do not keep giving in to developers' whims at the expense of what makes our fair city both fair and special!
Z. Parisi	Saratoga Springs, NY	2016-03-16	cp
Amber Duffney	Keeseville, NY	2016-03-16	O remember Saratoga the way it used to be. I have seen neighborhoods destroyed by "improvement", I would hate to see Saratoga to become a city of high rises, and loose it's charm and historic value.
Sunshine Stewart	Greenfield Center, NY	2016-03-16	Keep Saratoga beautiful!!!
Meghan Cherny	Corinth, NY	2016-03-16	Bit by bit we are losing our history and our roots, that which makes it all beautiful. Saratoga is beautifully old, we must fight for her.
Janice Bellamy	Saratoga Springs, NY	2016-03-16	Too many extreme variances requested. This won't blend in with the neighborhood. The builder is asking the Zoning Board for special treatment.
Amy Barakat	Saratoga Springs, NY	2016-03-16	I don't like the direction my hometown has headed since I was a child. Too much commercialization and too much building.
patricia rubio	saratoga springs, NY	2016-03-16	I am concerned about the violation of the City zoning laws the variance would entail.
Kathleen Brown	Saratoga Springs, NY	2016-03-16	Wrong plan, wrong place, & more overpriced real estate not needed!
bob mctague	saratoga sp, NY	2016-03-16	Our neighborhoods are under attack by greedy builders who have no reguard for families that live in the communities.
Daniel Schwank	xxxxxxxxxx, NY	2016-03-16	I'm against the overdevelopment that's destroying this town
Shealyn Heritage	Ballston Spa, NY	2016-03-16	I for one may not live I Toga directly but was born at Saratoga hospital lived in the outside towns all my life and have many Saratoga relatives of all era of Saratoga. It sadden my heart thinking about the stories I've heard of old Saratoga, Stories I have from Saratoga In the times before all the condo when we went to see our Saratoga family and The Saratoga now. Why does everything have to be so glamorized. We need some original and not just Original historical. Stop changing zoning laws for these big wig glamizatation.
Cindy June	Ballston Spa, NY	2016-03-16	Save my hometown from the developers who only see $$$$$$
Lori LeBarron	Gansevoort, NY	2016-03-16	There seems to an influx of developers who are presenting proposals that do not adhere to Saratoga Springs zoning laws. This needs to stop!
Leslie Brown	Saratoga Springs, NY	2016-03-16	There is way too much development in Saratoga and we're losing the quietness of the city. Please stop the building.
Joan Nellhaus	Saratoga Springs, NY	2016-03-16	This is wrong in so many ways. Integrity must be maintained.
Hillary Takahashi	Saratoga Springs, NY	2016-03-16	Protect our picturesque and wonderful neighborhoods.
Mary O'Donnell	Saratoga Springs, NY	2016-03-16	As a native, I have watched our city change way too much and not for the better in my estimation. This project would set a precedent and continue to ruin the very reason some people moved here. We want to keep our city's character.

Name	Location	Date	Comment
Jay Rogoff	Saratoga Springs, NY	2016-03-16	Approval of Downton Walk, a development entirely out of character with the neighborhood, would send a signal to developers that our zoning regulations are meaningless and can be circumvented at will.
Judi Duclos	Saratoga Springs, NY	2016-03-16	I do not like the path that our beautiful city seems to be on!!!!!
Penny Jolly	Saratoga Springs, NY	2016-03-16	This is a residential neighborhood, protected supposedly by our zoning laws. Please observe those laws! Do NOT permit all these special variances. Don't overcrowd our neighborhoods and try to make them into something they are not: a pretentious "Downton Walk" with expensive condos instead of separate one-family homes of modest size.
Brucie Rosch	Saratoga Springs, NY	2016-03-16	Developers can make their money elsewhere. It would be one thing if they had a track record of building affordable housing in Saratoga Springs, but They. Do. Not.
Tracy Millis	Saratoga Springs, NY, NY	2016-03-16	The entire project is foolish.
Regina Camilletti	Saratoga Springs, NY	2016-03-16	This development will scar an otherwise homogenous, established neighborhood of older homes. People are invested in these homes and that neighborhood. Who has the right to step in and on behalf of a builder and his cohort, threaten their investment? If anything goes, how about lets build some stables next to City Hall and put those 7 condos on East, really close to Skidmore. Sure. I would sue you if I could.
Jacklyn Clark	Saratoga Springs, NY	2016-03-16	I don't want this in my neighborhood, I've lived on this street for 24 years and to alter the streetscape with gaudy condos would be a disgrace. More importantly if the city government allows this to become reality that would be sinful. Keep within the parameters of the neighborhood, amen!!!!!!
Barbara Ungar	Saratoga Springs, NY	2016-03-16	Developers and greed are ruining what makes Saratoga Springs a desirable place to live and visit.
Celete Caruso	Saratoga springs, NY	2016-03-16	I'm signing because the Integrity of each neighborhood within the city needs to be maintained
Suzanne kwasniewski	Saratoga Springs, NY	2016-03-16	Too many projects are approved that deviate from zoning ordinances.
Richard Hibbert	Burlington, VT	2016-03-16	My mother has lived on Jumel Place, in the other block, since 1959. My siblings and I spent part of our formative years in that neighborhood. The house belongs to our family, and we value the character of the neighborhood. That includes the portion of the street for which this project is proposed. I believe that this would be a drastic, and negative, change in the character of this part of the city.
Annette Damron	Lecanto, FL	2016-03-16	I was born and raised there and don't want to come home to a metropolis.
Susan Traylor	Saratoga Springs, NY	2016-03-16	I don't want Saratoga Springs, my beautiful home town to turn into a Clifton Park!
Marisa Wade	Saratoga Springs, NY	2016-03-16	Saratoga is starting to loose some of it's charm to all of these apartments and condominiums
JOHN DUANE	Middle Grove, NY	2016-03-16	to keep saratoga saratoga !
Arthur Porter III	Saratoga Springs, NY	2016-03-16	I believe that this is yet another example of the abuse of the zoning variance process to circumvent existing zoning designations and the Comprehensive Plan.
Katherine Totten	Saratoga Springs, NY	2016-03-16	Enough is enough
Karin Vollkommer	Saratoga Springs, NY	2016-03-16	This project is too big for the neighborhood.
kathleen orefice	westport, CT	2016-03-16	I want Saratoga to stay the way it is. It's already changing too much.

Name	Location	Date	Comment
Amy Syrell	South Glens Falls, NY	2016-03-16	Saratoga Springs needs to be a place for all people, not just those with a lot of money.
Jill P McMahon	Saratoga Springs, NY	2016-03-16	The project seems too large for the space available. More shoehorning of big houses out of character with the neighborhood that loom over their neighbors.
Frank Capone	Saratoga Springs, NY	2016-03-16	preserve the residential character
Bette Brill	Saratoga Springs, NY	2016-03-16	Just do not change the zoning laws for this or any project in a neighborhood that is not zoned for it....
amejo amyot	saratoga springs, NY	2016-03-16	I like green space around homes and consistent density in neighborhoods. this is a 1 and 2 family area.
Patricia Cornute	Saratoga Springs, NY	2016-03-16	Too many developments already in our town, hard to recognize the charming place it used to be., when the sun can't even shine down on you as you walk down certain streets any more.
sue scherer	Saratoga Springs, NY	2016-03-16	Enough with the overgrowth.
linda battiste	Schenectady, NY	2016-03-16	I grew up in Saratoga and it's beautiful the way it is!
Mary Frances Healy	Saratoga Springs, NY	2016-03-16	I have lived here my whole life and don't like the direction we are going
MaryAnn Wager	Saratoga Springs, NY	2016-03-16	I have lived in Saratoga my entire life and I am concerned for the future of our beautiful city. It is quickly losing its historical look and feel.
Patricia Mathews	Sanford, ME	2016-03-16	I strongly believe in preserving the integrity of all cities, but most importantly those cities that represent the history of our country. I lived on Jumel Place until I graduated from college. When I go back to visit family I am often disappointed to see yet another set of new and expensive Town Houses, apartment buildings, hotels, and condos. With each change Saratoga Springs loses a little of its identity. Just take a walk on Jumel Place, and you will clearly see that a development of this type is out of character with the neighborhood. Saratoga, a city I have always been proud to call my hometown, should not lose its charm to moneymaking investments.
Deb Garrelts	Saratoga Springs, NY	2016-03-16	I agree that we are being over-run with condominiums and that our neighborhoods need protection
Denise Dart	Clifton Park, NY	2016-03-16	I'm signing because I am a native Saratogian and the alleged zoning codes worked against my Dad and now we have foreigners coming in and being allowed to build wherever and however big they want just because they have the money.
Barbara Claydon	Saratoga Springs, NY	2016-03-16	inappropriate development of the space for the existing neighborhood in which I happen to live
Paul Hibbert	Broken Arrow, OK	2016-03-16	My family has property on Jumel place
Chris Pringle	Saratoga Springs, NY	2016-03-16	I've lived in saratoga almost all my life and I'm sick of seeing this great little town desecrated by these monstrosities being built with no thought what so ever. The west side of town now looks like a haven for yuppies and has driven out the families that have resided there for years. Downtown hardly looks the same as I remember it as a child. All the once family owned businesses that occupied Broadway are now gone and these corporate goons have bullied their way in forcing the rent to a ridiculous level that only 6 figure a year income families can afford. This use to be a great place to live a place I called home now I don't even recognize the town I grew up in. Enough is enough.
Joyce McKnight	Lake Luzerne, NY	2016-03-16	Saratoga Springs already has empty developments...the zoning board is either ineffectual or "on the take."

Name	Location	Date	Comment
Ann Diller	Gansevoort, NY	2016-03-16	I am appalled at the over-development that has changed our city so that it unaffordable to longtimers, courtesy of boards that are overly generous to devevlopers.
Randy Hammond	Porter Corners, NY	2016-03-16	Saratoga is heading in the wrong direction
helen travis	Saratoga Springs, NY	2016-03-16	They are destroying Saratoga making hard for families to live homeless rase now its more homeless families working families that can't effored Saratoga price or anywhere els for that matter rent has raise so high everywhere its sad and decrees
kayla rynasko	Schenectady, NY	2016-03-16	Born and raised in Saratoga. Graduate of Saratoga high. All my family lives here!
Kathy Becker	Greenfield Center, NY	2016-03-16	I was born and raised in Saratoga Springs. I am so upset by huge changes that have been made in Saratoga. What ever happened to preserving the historical buildings in the city. It looks like the almighty dollar has won out. It is such a shame and so sad.
Liz Mark	Gansevoort, NY	2016-03-16	Saratoga is being overrun by greedy developers like Bonacio and losing its charm.
Charles Kish	Saratoga Springs, NY	2016-03-17	The character of too many neighborhoods are at stake when projects are granted that require numerous large scale changes to existing zoning. When developers profit concerns trump zoning considerations and justifiable and considered opposition by neighbors to this degree, who's opposition is totally supported by current zoning, the zoning board is not doing it's job. There is zoning for a reason based on long term plans and consideration for the city as a whole. Wholesale variances granted solely for the purpose of developer profit is is a travesty.
Nancy Flynn	Buskirk, NY	2016-03-17	We have a family home on the other block of Jumel Place that my mom lives in and believe this will hurt the whole street and set a bad precedent.
Ann Haller	Saratoga Springs, NY	2016-03-17	This is an inappropriate use if the land. It is not in accordance with the zoning. developers should not be exempt from rules just because they want to maximize their profits. The city is running out of build-able lots, so the developer is trying to squeeze as much profit as he can out of this lot.
renee harder	gansevoort, NY	2016-03-17	way to much development now
Richard Dunham	Saratoga Springs, NY	2016-03-17	I do not believe that a previous factory/Dance Studio in a residential neighborhood needs to be re-zoned to accommodate more living space than the current regulations allow. Enough cronieism. Build a house, or two.
Kelly Mackison	Gansevoort, NY	2016-03-17	I am bored in raided is Saratoga
Jodi Stevens	Saratoga Springs, NY	2016-03-17	I grew up on this area and just can't stand by and watch the integrity of this beautiful, quaint neighborhood be destroyed...
Jennifer Kleindienst	Middletown, CT	2016-03-17	I grew up near Saratoga and visit often. I would hate to see the city's charm erode with a project like this.
Patricia Duval	Portland, OR	2016-03-17	To oppose approvals requested for this project. Plan is totally irrelevant to the existing neighborhood. Approving these requests would set a bad precedent and many of Saratoga neighborhoods would be at risk.
Gloria Burke	Waterville, ME	2016-03-17	This would set a terrible president.
Dorene Couch	Saratoga Springs, NY	2016-03-17	I want to show my support for our local residents and weigh in on matters of development that will have a negative impact on our neighborhoods

Name	Location	Date	Comment
Wayne T. Senecal	Saratoga Springs, NY	2016-03-17	I believe the developer's application is a change in use requiring City Council Approval not just Zoning Board of Appeals approval.
Jerome Luhn	Saratoga Springs, NY	2016-03-17	People are entitled to know what development plans are being proposed so that they, and the officials entrusted with authority over zoning decisions, can make informed judgments that affect the character of the place where they live over the long term. Seemingly material omissions in presentation, together with behavior by the developer and relevant board officials, have given neighbors reason to raise questions, such as whose interests enjoy primacy in this proposal? No one wants to wake to rude surprises after the foundations are poured. That's something any developer should understand.
Sheila Levo	Saratoga Springs, NY	2016-03-17	I'm signing because although I am a Saratoga native, I no longer live in the city After my husband died, I sold my house as the upkeep (lawn, snow, etc.) was too much for me. The prices for decent rentals in the city were outrageous. I was forced to look elsewhere and as a consequence, I now live in Ballston. This project, if allowed, would be another example of pricing the the middle class out Saratoga.
Melanie Herter	New York City, NY	2016-03-17	Trying to keep my neighborhood from illegal property use and major congestion
Ina Harney	Saratoga Springs, NY	2016-03-17	This has to stop in Saratoga, not only in my backyard but this one too. Residents have to pay attention to all of these plans, not only their neighborhoods. Every time the builders manage to get one over on our city government leaders and build these monstrocsities it gives them permission to ruin another neighborhood.
Nicholas Rossi	Parrish, FL	2016-03-17	I lived in Saratoga 62yrs. I grew up in that part of town & owned a home at 213 East AVE. Allowing this development is wrong
James Lestrange	Saratoga Springs, NY	2016-03-17	Stop putting the interests of the wealthy ahead of long time Saratoga residents. We have enough development already. Too many people moving in making everything more expensive and causing traffic congestion.
richard bradley	Ballston Spa, NY	2016-03-17	developers are destroying the Saratoga I grew up in. they just need to leave things alone. they are just fine as they are
Henry Bovee	Saratoga Springs, NY	2016-03-17	For my friend
Michael Graul	Granby, CO	2016-03-17	I would like to see the zoning laws upheld in this single family neighborhood where I grew up. I hope those individuals on the zoning board haven't lost sight of doing what is right.
HEATHER STABLES	SARATOGA SPRINGS, NY	2016-03-18	This is NOT NYC....
Michael Stoneback	Saratoga Springs, NY	2016-03-18	developers are ruining the city with maximizing land use with the approval of city boards and their own interpretation of zoning
Barbara Bovee	Saratoga Springs, NY	2016-03-18	To preserve Saratoga
deborah koransky	Saratoga Springs, NY	2016-03-18	i am opposed to this Witt project.
Maureen Curtin	Saratoga Springs, NY	2016-03-18	There are an excessive number of substantial variances, which if granted would make our zoning laws useless.
Deb Mattison	Saratoga Springs, NY	2016-03-18	Following the zoning ordinances will create a home more in character with the neighborhood in which we live and work.
Tara graul	Lyndhurst, NJ	2016-03-18	I oppose this development. Anyone else who truly loves Saratoga Springs and the neighborhood surrounding Jumel Place knows that approving zoning for this project would be inappropriate. I hope that the board does the right thing.
Deb Mattison	Saratoga Springs, NY	2016-03-18	Following the zoning ordinances will create a home more in character with the neighborhood in which we live and work.

Name	Location	Date	Comment
Margaret Bradley	Saratoga Springs, NY	2016-03-18	Again, our "City in the Country" is being challenged.
Jamie Barss	Saratoga Springs, NY	2016-03-18	I grew up in this neighborhood and I can stand the way developers are ruin my home town Saratoga has turn in to a town for the rich and are push the every day people out This was always a family friendly town but not anymore I think this will ruin the charm of the eastside
Virginia Ponessa	Saratoga Springs, NY	2016-03-19	I used to live on Jumel Place and am so sad to see how negatively the town has been changing.
Mary-Ellen Callahan	Edgewater, NJ	2016-03-19	My family lives in Saratoga Springs and this is a dangerous proposal to all future zoning. There is a greater need for protecting the zoning code than a need for a seven unit development.
Reginald Lilly	Saratoga Springs, NY	2016-03-19	I live around the corner from this project and it would transform the character of the neighborhood in a very negative way. It would have a negative impact as well on property values in the neighborhood. I strongly oppose this project.
Connie Crawford	Ballston Spa, NY	2016-03-19	I'm sick of all the condos and ugly huge boxy buildings going up in Saratoga, especially the UNAFFORDABLE high rents they charge....
Nancy Toole	Saratoga Springs, NY	2016-03-19	DOWNTON WALK should NOT be allowed to be built in this neighborhood. And if it is, a bad precedent will have been set.
Joyce Dart	saratoga springs, NY	2016-03-19	I'm signing because I like having neighborhoods with homes and sidewalks. I don't want big box buildings that block the sun.
Dillon Moran	Saratoga Springs, NY	2016-03-19	The invasiveness of development in Saratoga Springs is more than enough without bending all of the rules put in place to govern it. This project is simply too much
Steven Mattison	Saratoga Springs, NY	2016-03-20	I think it is ridiculous that there are zoning laws in place and a high profile builder can sweep in and have multiple zoning ordinances changed just to get the big buck without regard to the neighbors and neighborhood.
Christiana HOLLAND	SARATOGA SPGS, NY	2016-03-20	We have enough apartments and condos for now! Let's all take a break
M.Thomas Porter	Saratoga Springs, NY	2016-03-20	This is a terrible precedent to set for the future in old established Saratoga Springs neighborhoods.
Linda Church	Saratoga Springs, NY	2016-03-20	I disagree with the variances being requested. Present something more in line with the area. This is too dense, and too big!
Grant Gentner	Saratoga Springs, NY	2016-03-20	We are losing too much of our charm to building. We also are losing green space. If we lose our Saratoga charm, it will be difficult to come back.
Kathleen Bryan	Niskayuna, NY	2016-03-20	I've seen too many changes in Saratoga over the last 27 years. It would be nice to keep the neighborhoods family friendly.
Robert Vogel	Saratoga Springs, NY	2016-03-20	I am opposed to the Downtown Walk development project
Kim Stevens	Saratoga Springs, NY	2016-03-20	I live in the neighborhood and I don't want to start the precedent of building large condos among single family homes.
Joanie Rupprecht	Saratoga Springs, NY	2016-03-20	I like the feel of Saratoga w/ old, private houses, I esp. like that feel on JUMEL where I LIVE !!! Please respect the current zoning !!!
Peggy Tayler-MacNeill	Saratoga Springs, NY	2016-03-20	I care about keeping keeping this a family neighborhood without the density discussed in this petition. Imagine if each condo had 4 children? Or more? It is an outrageous expectation for that small property to expect to fit seven condos with any size family. What about sewer and water capacity?
James Pollard	Saratoga Springs, NY	2016-03-20	I object to this development in my neighborhood because it violates current zoning law, seeks variances and exceptions which, if granted, would significantly and negatively impact the density and character my immediate environment, and of the city

Name	Location	Date	Comment
John Boardman	Saratoga Springs, NY	2016-03-20	The stepped up assault on the zoning ordinances, under the cover of the vaguely worded "Comprehensive Plan", has got to stop. This is the third major project in 6 months (see Moore Hall and the hospital expansion) where developers have attempted to slip projects that would need a major zoning change as simple variances. The ZBA and Planning Board need to see these for what they are and insist development comply with the existing ordinance. The Comprehensive Guide does not overrule the Zoning Ordinance - it's the reverse.
James Pollard	Saratoga Springs, NY	2016-03-20	I object to the project as proposed because it is non-compliant with current zoning regulations, and because it seeks an audacious and unprecedented number of variances, most of which (if granted) would have a severe negative impact to the density and character of my neighborhood and are therefor unacceptable.
Lisa Wilcox	Huntsville, AL	2016-03-20	I loved the old Saratoga. Too many changes, too fast
Laura Giannini	Saratoga Springs, NY	2016-03-20	Although I support rejuvenation of the property at 27 Jumel Place, I strongly feel that the proposed project is not appropriate for our neighborhood. I down the street from the subject property, and we ask the zoning board to respect the wishes of our family and our neighbors and reject the requested radical variances to the current laws. We feel this project itself is not beneficial to the neighborhood and its invaluable character, and allowing the violation of the zoning laws would set a dangerous precedent moving forward.
Russell Pittenger	Saratoga, NY	2016-03-20	The variances asked for seen excessive.
Chris Bernd	Saratoga Springs, NY	2016-03-20	The condominum/townhouse growth in Saratoga is out of control, taking away open spaces and I believe zoning laws need to be followed.
Albert Mather	Saratoga Springs, NY	2016-03-20	I'm signing because I do not want our neighborhood to become "mansionized" like the neighborhood from which we moved in Wellesley MA
Tina K. Morris	Saratoga Springs, NY	2016-03-20	The proposed Downton Walk Development is near my home. A large development is not in keeping with the existing small early 20th century homes. I strongly object to waiving zoning regulations which will set a negative precedent for the entire city of Saratoga Springs.
Ralph Yusavage	Saratoga Springs, NY	2016-03-21	Its not okay to ignore the rules whenever its convenient. The developers will build the charm right out of our city if we let them.
Jack Hyndman	Saratoga Springs, NY	2016-03-21	This kind of development is unprecedented in this area of downtown Saratoga. I do not support the radical zoning variances requested and overall site plan as currently designed and submitted. To many units for the property. The addition of up to 14 additional cars in or around the location is unacceptable.
Katie Claydon-Jones	Saratoga Springs, NY	2016-03-21	I grew up in that neighborhood. While I don't disagree the property is an eyesore and could use a face lift, this is not appropriate development.
Barbara Opitz	Saratoga Springs, NY	2016-03-21	I feel that this project raises too many density and variance exceptions to be approved.
Merry J Menden	Lewes, DE	2016-03-21	As a frequent visitor to your charming town for decades, I am appalled that the zoning board would consider upending the zoning law for the wilful greed and change it would bring. The slippery slope of decay will descend upon your town.
Annmarie Cipollo	Saratoga Springs, NY	2016-03-21	The City needs to start hearing the residents' pleas to maintain and enforce the current character of residential neighborhoods. We have been repeatedly asking, hear us now.
Colleen Sleight	Saratoga Springs, NY	2016-03-22	I live on East ave and do not want the old saratoga neighborhood to change!!!

Name	Location	Date	Comment
d. morse	gansevoort, NY	2016-03-22	That area should stay as is the condos can stay downtown . I grew up here . The east should alsways keep its character
Barry Fisher	Saratoga Springs, NY	2016-03-22	If our city is to stay the wonderful way it is, it needs to not replace neighborhoods that have been here for years with condos that look like every other place in the US. Little by little, the character of our town is being sucked away by soulless construction so that developers can make more money. We will become another anywhere USA if it doesn't stop.
Linda Fennell	Encinitas, CA	2016-03-22	I want my home town to remain the way it is and not gentrified by a big conglomerate of a builder making the city look like every other urban sprawl. We've got culture, beauty, natural springs and those of us who've been part of Saratoga for generations want it to be preserved as such for many many more generations. Heartbreaking to see money buy new zoning laws and be granted variances and build on state and public land.
Diane Lachtrupp	Saratoga Springs,, NY	2016-03-22	They did not follow the building rules. They procured permits and did what they wanted.
Doug Haller	Saratoga Springs, NY	2016-03-22	The zoning for this area doesn't allow this high density development. Zoning should be followed unless there are extraordinary circumstances.
Nancy Coleman	Saratoga Springs, NY	2016-03-22	Developers are routinely applying for building/zoning variances that were established in our city for a reason.
Jeff Bendavid	Saratoga Springs, NY	2016-03-22	I'm tired of contractors/builders thinking they can re-write the zoning and other regulations to suit their needs. Regardless of how beautiful the homes they build, and how much they donate to popular non-profits, the laws were put into place to protect the best interests of the community.
Michelle Hendrickson Arpey	Saratoga Springs, NY	2016-03-24	I object to the proposed plan for condominium development on Jumel Place. It will have a negative affect on the neighborhood. Too many people, too many parking/congestion problems for what is currently a great area. Change is not necessarily a good thing. Does this city honestly need another condominium project?
Zoe Nousiainen	Saratoga Springs, NY	2016-03-26	I'm concerned about the residential fabric of our city in terms of overcrowding and inappropriate variances granted to builders, along with little consideration for the character of existing neighborhoods.
Rachel Feldman	Raleigh, NC	2016-03-31	At 10 years old I first visited Saratoga Springs, not knowing yet that it would soon become my home. Within a year, my family and I moved there. It was - and even with the many changes and facelifts over the years - still uniquely historic and beautiful. It broke my heart when the YMCA on Broadway was torn down, but the new facility that was opened and the new buildings still kept Saratoga Springs feeling like, well, Saratoga. I understand the need to grow, and the impact not building this condominium might have on the economy, but I feel that there are better ventures to pursue in the name of profit that would still be true to the nature of this beautiful little city.
Eliza Carey	Ballston Spa, NY	2016-03-31	Keep it special!
Michael Jerling	Saratoga Springs, NY	2016-03-31	I think this is inappropriate for our neighborhood. It is too dense, and out of character with the surrounding houses. I fear it could set a precedent for further such projects
Deborah La Brake Maddock	Williamsburg, VA	2016-04-01	They are ruining my home town. I spent many years enjoying walks in this neighborhood. It needs to be stopped. Let them build on the outskirts
bob mctague	saratoga sp, NY	2016-04-01	I would like to join Saratoga Neighbors for Zoning Enforcement.

Name	Location	Date	Comment
Tara Steven	Aliso Viejo, CA	2016-04-02	Saratoga is my hometown (I lived on Jumel Place, then on Spring Street) and has always been a refuge from the ever-developing cities that end up losing any type of luster they once had. Please let's keep this special.
Eve Mulholland	Saratoga Springs, NY	2016-04-04	We ALL need to enforce zoning - it is NOT for the few!
Leta Betor	Saratoga Springs, NY	2016-04-13	I'm signing it because the area in question is such a nice quiet neighborhood. Zoning laws were established for a reason. I don't think this should be allowed to be changed for the betterment of the Developer. The residents should have some say in any changes to the current zoning and if the majority do not want it, it should not be allowed.
Brian La Belle	Saratoga Springs, NY	2016-04-13	My birthplace is being invaded by carpetbaggers.
BETTY FRENCH	Saratoga Springs, NY	2016-04-13	It's time that residents have a say in how their neighborhood is developed & zoning laws followed.
Loraine ORourke	Saratoga Springs, NY	2016-04-13	This development project does not fit in the neighborhood and will destroy the area. It is against the zoning laws and it should stay that way. Please do not allow this to happen!!
Whitney orozco	Ballston Spa, NY	2016-04-13	I grew up on Jumel and my parents still live there
Darlene Neville	Saratoga Springs, NY	2016-04-13	I'm a concerned neighbor. Enough is enough!
Beth Seller	Saratoga Springs, NY	2016-04-13	I'm a saratogian. It's seems like there won't be any neighborhoods left
Melody Kemble	Saratoga Springs, NY	2016-04-13	I've already seen what happens to a neighborhood when developers are allowed to build however they wish. Let's put a stop to it NOW!
Ann Haller	Saratoga Springs, NY	2016-04-13	This threatens the quality of our neighborhoods and is being considered because undue power is given to developers
Megan Perez	Saratoga Springs, NY	2016-04-13	I love in the neighborhood and think this kind of development will change it too much, parking is already an issue, the park and pre school near by will also be negatively affected by high density housing.
Lou Anne Piccirillo	Saratoga Springs, NY	2016-04-13	tired of changes for a select few
Susan Senecal	Rexford, NY	2016-04-13	Yet again a violation of zoning in Saratoga. Dysfunction in progress
Kimberly Relyea	Saratoga Springs, NY	2016-04-13	Jumel is a close residential street. Adding apartment complex there is not conducive to Saratoga living. There are plenty of apartments in town. Don't need anymore. One change will lead to more. It has to stop somewhere.
Sean A. Nolan	Saratoga Springs, NY	2016-04-14	When does the selling of Saratoga stop? When nobody but 150k + a year people call Saratoga home and condos are the majority of the housing in the city and the workers who make under 20k a year can shop, work, etc. but not be able to afford to live in this city.
Peggy Brown	Saratoga Springs, NY	2016-04-14	Is this the same board that approved the monstrosity that Witt is building on the corner of State and Alger? Don't ruin another neighborhood!
Jen Caruso	Lutz, FL	2016-04-14	I'm signing because I grew up in Saratoga- and I believe in keeping saratoga's rich history and beauty. It is the timeless classic piece in history that should not change
Debbie Sekulski	Grimesland, NC	2016-04-18	I recently moved from Saratoga but come back quite often I have plans on moving back and love the area the way it is now
Harriet EGGLESTON	Bonita Springs, FL	2016-04-19	i don't like it when a developer runs our city council, this is not the right thing for this area.
Patrick Jankowski	Saratoga Springs, NY	2016-04-21	It will set an unwanted precedent that builders can build whatever they want changing the look of the neighborhood

Name	City	State	Postal Code	Signed On
Sandra Cohen	Saratoga Springs	New York		3/15/16
Sam Brewton	Saratoga Springs	New York	128662	3/15/16
Chris Mathiesen, Jr.	Saratoga Springs	New York	12866	3/17/16
Kira Cohen	Saratoga Springs	New York	12866	3/15/16
John Spinelli	DeLand	Florida	32724	3/15/16
Kristin Brenner	Saratoga Springs	New York	12866	3/15/16
Catherine Golden	Saratoga Springs	New York	12866	3/15/16
Olivia Cruz	Saratoga Springs	New York	12866	3/15/16
Scott Starr	Saratoga Springs	New York	12866	3/15/16
Bryan N.	Saratoga Springs	New York	12866	3/16/16
Gary Daluisio	Gansevoort	New York	12831	3/16/16
Jane Stevens	Saratoga Springs	New York	12866	3/16/16
Holly Bates	Saratoga Springs	New York	12866-9009	3/16/16
Jeannine Moran	Saratoga Springs	New York	12866	3/16/16
Carol Schupp Star	Saratoga Springs	New York	12866	3/16/16
Karen Pettigrew	Saratoga Springs	New York	12866	3/16/16
Margaret Selikoff	Saratoga Springs	New York	12866	3/16/16
Kim Fonda	Saratoga Springs	New York	12866	3/16/16
kathy shimm	saratoga Springs	New York	12866	3/16/16
Ronnie Betor	Saratoga Springs	New York	12866	3/16/16
Janice Pancake	Ballston Spa	New York	12020	3/16/16
Frank Callucci	Saratoga Springs	New York	12866	3/16/16
debbie barry	Saratoga springs	New York	12866	3/16/16
Joann Lorman	Porter Corners	New York	12859	3/16/16
isabella warner	Saratoga Springs	New York	12866	3/16/16
Mary Tipton	Saratoga Springs	New York	12866	3/16/16
Claire Demarest	Saratoga Springs	New York	12866	3/16/16
Robert Bostick	Arlington	Virginia	22202	3/16/16
John Veitch	Saratoga Springs	New York	12866	3/16/16
Liam Sheji	Saratoga Springs	New York	12866	3/16/16
Jim Favaloro	Saratoga Springs	New York	12866	3/16/16
Marie falls	Woodbridge	Virginia	22193	3/16/16
Philip Donnelly	Saratoga Springs	New York	12866	3/16/16
Jarred Butler	Corinth	New York	12822	3/16/16
Judy Riester	Saratoga Springs	New York	12866-5148	3/16/16
Jennifer South	Saratoga Springs	New York	12866	3/16/16
Theresa Boisseau	Saratoga Springs	New York	12866	3/16/16
Susan DeRossi	Saratoga Springs	New York	12866	3/16/16
Christine Guarnieri	Saratoga Springs	New York	12866	3/16/16
Carrie Warner	Saratoga Springs	New York	12866	3/16/16
Michael Yarinsky	Brooklyn	New York	11205	3/16/16
Jena Rotheim	Saratoga Springs	New York	12866	3/16/16
Steven McCarthy	Saratoga Springs	New York	12866	3/16/16
Martha Strohl	Saratoga Springs	New York	12866	3/16/16
Cherylle Hudak	Saratoga Springs	New York	12866	3/16/16
Lillian Spost	Saratoga Springs	New York	12866	3/16/16
Michael Gent	Saratoga Springs	New York	12866	3/16/16
Rick Leverence	Somerville	Massachusetts	2144	3/16/16

Melany Gent	Saratoga Springs	New York	12866	3/16/16
Anthony Smith	Washington	District of Colu	20011	3/16/16
Rob Wright	Saratoga springs ny	New York	12866	3/16/16
Sherry Dapello	Ballston Spa	New York	12020	3/16/16
Shawn Banner	Saratoga Springs	New York	12866	3/16/16
Allison Williford	Calabash	North Carolina	28467	3/16/16
Julie Behrens	Candor	New York	13743	3/16/16
c frank parisi	Albany	New York	12210	3/16/16
Randi Kish	Saratoga Springs	New York	12866	3/16/16
Justin Cressey	Pompano Beach	Florida	33066	3/16/16
Mame Noonan	Saratoga Springs	New York	12866	3/16/16
Eric Gould	Rensselaer	New York	12144	3/16/16
Hannah Christopher Christophe	Clifton Park	New York	12065	3/16/16
Amber Duffney	Keeseville	New York	12944	3/16/16
Sunshine Stewart	Greenfield Center	New York	12833	3/16/16
Lynn Blasso	Saratoga Springs	New York	12866	3/16/16
John Kaufmann	Saratoga Springs	New York	12866	3/16/16
Deena Smith	Saratoga Springs	New York	12866	3/16/16
Meghan Cherny	Corinth	New York	12822	3/16/16
Janice Bellamy	Saratoga Springs	New York	12866	3/16/16
Lynda goodness	Saratoga Springs	New York	12866	3/16/16
Martha Ray	Saratoga Springs	New York	12866	3/16/16
Amy Barakat	Saratoga Springs	New York	12866	3/16/16
patricia rubio	saratoga springs	New York	12866	3/16/16
Kathleen Brown	Saratoga Springs	New York	12866	3/16/16
Erin Wiggin	Gansevoort	New York	12831	3/16/16
Ardath Stroman	Middleport	New York	14105	3/16/16
Llona Hogan	Gansevoort	New York	12831	3/16/16
Pepper Wolfe	Saratoga Springs	New York	12866	3/16/16
Robert McTague	Saratoga Springs	New York	12866	3/16/16
Daniel Schwank	Saratoga Springs	New York	12866	3/16/16
Gordon Ray	Saratoga Springs	New York	12866	3/16/16
Emma Folkins	Saratoga Springs	New York	12866	3/16/16
Beverlee Patterson	Ballston Spa	New York	12020	3/16/16
Shealyn Heritage	Ballston Spa	New York	12020	3/16/16
Vanessa Saari	Clifton Park	New York	12065	3/16/16
Theresa Capozzola	Saratoga Springs	New York	12866	3/16/16
Cindy June	Ballston Spa	New York	12020	3/16/16
Lori LeBarron	Gansevoort	New York	12831	3/16/16
Leslie Brown	Saratoga Springs	New York	12866	3/16/16
Joan Nellhaus	Saratoga Springs	New York	12866	3/16/16
Gabriel Stinson	Saratoga Springs	New York	12866	3/16/16
Michelle Cameron	Ballston Spa	New York	12020	3/16/16
Laura Blunt	Saratoga Springs	New York	12866	3/16/16
Nancy Wilder	Saratoga Springs	New York	12866	3/16/16
Hillary Takahashi	Saratoga Springs	New York	12866	3/16/16
Noah Casner	Salem	New York	12865	3/16/16
Judith Brenner	Saratoga Springs	New York	12866	3/16/16
Mary O'Donnell	Saratoga Springs	New York	12866	3/16/16

Jay Rogoff	Saratoga Springs	New York	12866	3/16/16
Judi Duclos	Saratoga Springs	New York	12866	3/16/16
Penny Jolly	Saratoga Springs	New York	12866	3/16/16
Frank DeRossi	Saratoga Springs	New York	12866	3/16/16
Brucie Rosch	Saratoga Springs	New York	12866	3/16/16
Tracy Millis III	Saratoga Springs	New York	12866	3/16/16
Regina Camilletti	Saratoga Springs	New York	12866	3/16/16
Jacklyn Clark	Saratoga Springs	New York	12866	3/16/16
Matt schwarz	Fort Myers	Florida	33919	3/16/16
Barbara Ungar	Saratoga Springs	New York	12866	3/16/16
Sherry Callahan	Braselton	Georgia	30517	3/16/16
Celete Caruso	Saratoga springs	New York	12866	3/16/16
Suzanne kwasniewski	Saratoga Springs	New York	12866	3/16/16
Deborah Millis	Saratoga Springs	New York	12866	3/16/16
MaryBeth Hibbert	Burlington	Vermont	5408	3/16/16
Richard Hibbert	Burlington	Vermont	5408	3/16/16
Ann Sette;	Saratoga Springs	New York	12866	3/16/16
Johanna Garrison	Saratoga Springs	New York	12866	3/16/16
William Pettigrew	Saratoga Springs	New York	12866	3/16/16
Annette Damron	Lecanto	Florida	34461	3/16/16
Davene Jones	Wilton	New York	12831	3/16/16
Robert Lippman	Saratoga Springs	New York	12866	3/16/16
Peter Lee	Saratoga Springs	New York	12866	3/16/16
Susan Traylor	Saratoga Springs	New York	12866	3/16/16
Marisa Wade	Saratoga Springs	New York	12866	3/16/16
JOHN DUANE	Middle Grove	New York	12850	3/16/16
Arthur Porter	Saratoga Springs	New York	12866	3/16/16
Kathryn Fitzgerald	Saratoga Springs	New York	12866	3/16/16
Annmarie Palmieri	Saratoga Springs	New York	12866	3/16/16
doug lake	Saratoga Springs	New York	12866	3/16/16
Nanci StJohn	Saratoga Springs	New York	12866	3/16/16
Katherine Totten	Saratoga Springs	New York	12866	3/16/16
Robin Kish	Saratoga Springs	New York	12866	3/16/16
Cathy Hoff	Ballston Spa	New York	12020	3/16/16
Rhea Demory	Saratoga Springs	New York	12866	3/16/16
John Schroeder	Saratoga Springs	New York	12866	3/16/16
Derek Olsen	Saratoga Springs	New York	12866	3/16/16
Teri Blasko	Saratoga Springs	New York	12866	3/16/16
Karin Vollkommer	Saratoga Springs	New York	12866	3/16/16
David Lombardo	Saratoga Springs	New York	12866	3/16/16
Kathleen Ruggles Orefice	Westport	Connecticut	6880	3/16/16
Dina Fittipaldi	Saratoga Springs	New York	12866	3/16/16
Margaret Fittipaldi	Saratoga Springs	New York	12866	3/16/16
Tracy Maimone	East Rochester	New York	14445	3/16/16
Amy Syrell	South Glens Falls	New York	12803	3/16/16
Julio Olvera	Saratoga Springs	New York	12866	3/16/16
Holly Lawton	Saratoga Springs	New York	12866	3/16/16
Jill P McMahon	Saratoga Springs	New York	12866	3/16/16
Stephen Farenell	Saratoga Springs	New York	12866	3/16/16

Frank Capone	Saratoga Springs	New York	12866	3/16/16
Bette Brill	Saratoga Springs	New York	12866	3/16/16
amejo amyot	saratoga springs	New York	12866	3/16/16
Joy Burke	Saratoga Springs	New York	12866	3/16/16
Patricia Cornute	Saratoga Springs	New York	12866	3/16/16
sue scherer	Saratoga Springs	New York	12866	3/16/16
nancy Henry	Albany	New York	12203	3/16/16
David Morris	Saratoga Springs	New York	12866	3/16/16
linda battiste	Schenectady	New York	12302	3/16/16
Mary Frances Healy	Saratoga Springs	New York	12866	3/16/16
Tara Chhabra	Saratoga Springs	New York	12866	3/16/16
Annette Carman	Saratoga Springs	New York	12866	3/16/16
MaryAnn Wager	Saratoga Springs	New York	12866	3/16/16
Patricia Mathews	Sanford	Maine	4073	3/16/16
Stephanie Ryall	Saratoga Springs	New York	12866	3/16/16
Lisa Campilango	Saratoga Springs	New York	12866	3/16/16
Deborah Garrelts	Saratoga Springs	New York	12866	3/16/16
Joosje Anderson	Saratoga Springs	New York	12866	3/16/16
Denise Dart	Clifton Park	New York	12065	3/16/16
Barbara Claydon	Saratoga Springs	New York	12866	3/16/16
Paul Hibbert	Broken Arrow	Oklahoma	74011	3/16/16
Chris Pringle	Saratoga Springs	New York	12866	3/16/16
Darrell Rikert	Greenfield Center	New York	12833	3/16/16
Joyce McKnight	Lake Luzerne	New York	12846	3/16/16
james brophy	saratoga springs	New York	12877	3/16/16
Diller Ann	Gansevoort	New York	12831	3/16/16
monica winn	Saratoga Springs	New York	12866	3/16/16
Tracey Radigan	Saratoga Springs	New York	12866	3/16/16
Amy Hichman	Saratoga Springs	New York	12866	3/16/16
Rick Moran	Saratoga Springs	New York	12866	3/16/16
Randy Hammond	Porter Corners	New York	12859	3/16/16
Kayla Rynasko	Saratoga Springs	New York	12866	3/16/16
Jeanne Oconnor	Saratoga Springs	New York	12866	3/16/16
Kathy Becker	Greenfield Center	New York	12833	3/16/16
Chuck Lamb	Saratoga Springs	New York	12866	3/16/16
Liz Mark	Gansevoort	New York	12831	3/16/16
Charles Kish	Saratoga Springs	New York	12866	3/16/16
Colleen Downing	Saratoga Springs	New York	12866	3/16/16
Nancy Flynn	Buskirk	New York	12028	3/16/16
Ann Haller	Saratoga Springs	New York	12866	3/17/16
Beverlee Patterson	Ballston Spa	New York	12020	3/17/16
Ellen Boyce	Saratoga Springs	New York	12866	3/17/16
Deanne Marg	Saratoga Springs	New York	12866	3/17/16
Michele McClure	Schuylerville	New York	12871	3/17/16
Michelle Deyette	Saratoga Springs	New York	1286	3/17/16
Thomas Wadsworth	Cobleskill	New York	12043	3/17/16
renee harder	gansevoort	New York	12831	3/17/16
Richard Dunham	Saratoga Springs	New York	12866	3/17/16
Kelly O'DONNELL -Mackison	Gansevoort	New York	12831	3/17/16

Jodi Stevens	Saratoga Springs	New York	12866	3/17/16
Jennifer Kleindienst	Middletown	Connecticut	6457	3/17/16
Louisa Foye	Saratoga Springs	New York	12866	3/17/16
Karen Thomas	Saratoga Springs	New York	12866	3/17/16
Joseph Marcuccio	Saratoga Springs	New York	12866	3/17/16
Bethany Cohen	Boca Raton	Florida	33433	3/17/16
Vicki Feldman	Saratoga Springs	New York	12866	3/17/16
Patricia Duval	Saratoga Springs	New York	12866	3/17/16
Gloria Burke	Saratoga Springs	New York	12866	3/17/16
Karen Hefter	Hughesville	Maryland	20637	3/17/16
Tamara Woolsey	Saratoga Springs	New York	12866	3/17/16
Dorene Couch	Saratoga Springs	New York	12866	3/17/16
Ingrid H Stone	Saratoga Springs	New York	12866	3/17/16
Barbara Proctor	Saratoga Springs	New York	12866	3/17/16
Oona Grady	Saratoga Springs	New York	12866	3/17/16
Alysia Han	Davidson	North Carolina	28036	3/17/16
Roxanne Mead	Saratoga Springs	New York	12866	3/17/16
Wayne T. Senecal	Saratoga Springs	New York	12866	3/17/16
Martha Almgren	Ballston Spa	New York	12020	3/17/16
Tara Martin	Saratoga Springs	New York	12866	3/17/16
EDWARD Jewell	Saratoga Springs	New York	12866	3/17/16
Susan king	Schuylerville	New York	12871	3/17/16
Jerome Luhn	Saratoga Springs	New York	12866	3/17/16
Sheila Levo	Saratoga Springs	New York	12866	3/17/16
William Yusavage	Saratoga Springs	New York	12866	3/17/16
Melanie Herter	Saratoga Springs	New York	12866	3/17/16
Ina Harney	Saratoga Springs	New York	12866	3/17/16
Nicholas Rossi	Parrish	Florida	34219	3/17/16
James Lestrange	Saratoga Springs	New York	12866	3/17/16
richard bradley	Ballston Spa	New York	12020	3/17/16
Loretta Martin	Please Select:	New York	12866	3/17/16
doug klein	Schuylerville	New York	12871	3/17/16
Michael Taormina	Waterford	New York	12188	3/17/16
LeeAnne Olsen	Saratoga Springs	New York	12866	3/17/16
Joanne Dwornik	Saratoga Springs	New York	12866	3/17/16
Alan Edstrom	Saratoga Springs	New York	12866	3/17/16
Henry Bovee	Saratoga Springs	New York	12866	3/17/16
Michael Graul	Aurora	Colorado	80015	3/17/16
james yellen	Wayne	New Jersey	7470	3/17/16
Kelly Winters	Saratoga Springs	New York	12866	3/18/16
Phyllis Hecker	NY	New York	12205	3/18/16
Arvilla Morett	CITY		POSTAL CODE	3/18/16
Stephanie Waring	Saratoga Springs	New York	12866	3/18/16
HEATHER STABLES	SARATOGA SPRINGS	New York	12866	3/18/16
Michael Stoneback	Saratoga Springs	New York	12866	3/18/16
jessica moore	Gansevoort	New York	12831	3/18/16
Debra Murphy	CANTON	Georgia	30114-7795	3/18/16
Barbara Bovee	Saratoga Springs	New York	12866	3/18/16
Gerald Mattison	Saratoga Springs	New York	12866	3/18/16

deborah koransky	Saratoga Springs	New York	12866	3/18/16
Judith LaPook	Saratoga Springs	New York	12866	3/18/16
Elizabeth Fisher	Porter Corners	New York	12859	3/18/16
Maureen Curtin	Saratoga Springs	New York	12866	3/18/16
Tara Graul	Lyndhurst	New Jersey	7071	3/18/16
Deb Mattison	Saratoga Springs	New York	12866	3/18/16
Margaret Bradley	Saratoga Springs	New York	12866	3/18/16
Virginia Ponessa	Saratoga Springs	New York	12866	3/19/16
Richard Snyder	Saratoga Springs	New York	12866	3/19/16
Deborah Graul	Saratoga Springs	New York	12866	3/19/16
jerry hilliker	Saratoga Springs	New York	12866	3/19/16
Nathaniel Harrington	Saratoga Springs	New York	12866	3/19/16
Cherae Remillard	Saratoga Springs	New York	12866	3/19/16
Mary-Ellen Callahan	East Hartford	Connecticut	6118	3/19/16
Tomarra McCall	Saratoga Springs	New York	12866	3/19/16
Jessica Glagov	Saratoga Springs	New York	12866	3/19/16
gay murrisky	Saratoga Springs	New York	12866	3/19/16
Reginald Lilly	Saratoga Springs	New York	12866	3/19/16
Sara Zlotnick	Saratoga Springs	New York	12866	3/19/16
Connie Crawford	Ballston Spa	New York	12020	3/19/16
Nancy Toole	Saratoga Springs	New York	12866	3/19/16
Joy Holcomb	Saratoga Springs	New York	12866	3/19/16
Joyce Dart	Saratoga Springs	New York	12866	3/19/16
Dillon Moran	Saratoga Springs	New York	12866	3/19/16
Kerri Barber	Saratoga Springs	New York	12866	3/19/16
Colleen Macvean	Saratoga Springs	New York	12866	3/19/16
John Clark	Saratoga Springs	New York	12866	3/19/16
Eleanor Williams	Saratoga Springs	New York	12866	3/19/16
Saraya Robison	Salem	New York	12865	3/20/16
Eugene Waters	Saratoga Springs	New York	12866	3/20/16
Suzanne Kelleher	Saratoga Springs	New York	12866	3/20/16
Kira Lajeunesse	Saratoga Springs	New York	12866	3/20/16
Steven Mattison	Saratoga Springs	New York	12866	3/20/16
Mercer Anderson	Saratoga Springs	New York	12866	3/20/16
Deborah Reed	Saratoga Springs	New York	12866	3/20/16
Susan Bernd	Saratoga Springs	New York	12866	3/20/16
Jeannette Green	Newbury Park	California	91320	3/20/16
Jan Roth	Saratoga Springs	New York	12866	3/20/16
Ryan McKenzie	Saratoga Springs	New York	12866	3/20/16
William Finlay	Saratoga Springs	New York	12866	3/20/16
Christy Holland	Saratoga Springs	New York	12866	3/20/16
Mary Beth Donohoe	Saratoga Springs	New York	12866	3/20/16
M.Thomas Porter	Saratoga Springs	New York	12866	3/20/16
Linda Church	Saratoga Springs	New York	12866	3/20/16
Grant Gentner	Saratoga Springs	New York	12866	3/20/16
Kathleen Bryan	Niskayuna	New York	12309	3/20/16
Robert Vogel	Saratoga Springs	New York	12866	3/20/16
Kimberly Stevens	Saratoga Springs	New York	12866	3/20/16
Joanie Rupprecht	Saratoga Springs	New York	12866	3/20/16

Peggy Tayler-MacNeill	Saratoga Springs	New York	12866	3/20/16
John Boardman	Saratoga Springs	New York	12866	3/20/16
James Pollard	Saratoga Springs	New York	12866	3/20/16
Lisa Wilcox	Huntsville	Alabama	35805	3/20/16
Laura Giannini	Saratoga Springs	New York	12866	3/20/16
Rachel Morgan	Saratoga Springs	New York	12866	3/20/16
James Purdy	Saratoga Springs	New York	12866	3/20/16
Russ Pittenger	Saratoga Springs	New York	12866	3/20/16
Anne Trainor	Saratoga Springs	New York	12866	3/20/16
Betsey Porter	Saratoga Springs	New York	12866	3/20/16
Cristina Zambuto	Saratoga Springs	New York	12866	3/20/16
Adam Giannini	Saratoga Springs	New York	12866	3/20/16
Angela Gardner	Saratoga Springs	New York	12866	3/20/16
Chris Bernd	Saratoga Springs	New York	12866	3/20/16
Deborah Fuller	Saratoga Springs	New York	12866	3/20/16
Lisa Wong	Saratoga springs	New York	12867	3/20/16
Johnny Martinez	Saratoga Springs	New York	12866	3/20/16
Albert Mather	Saratoga Springs	New York	12866	3/20/16
Tina K. Morris	Saratoga Springs	New York	12866	3/20/16
Carolyn Coogan	Albany	New York	12203	3/21/16
Meghan Flewwelling	Saratoga Springs	New York	12866	3/21/16
Sylvia Bloom	Greenwich	New York	12834	3/21/16
rachid Daoui,MD	GaNSEVOORT	New York	12831	3/21/16
Kate Brown	Saratoga Springs	New York	12866	3/21/16
Jane Valetta	Saratoga Springs	New York	12866	3/21/16
Christine Miller	Saratoga Springs	New York	12866	3/21/16
Taryn Bailey	ballston spa	New York	12020	3/21/16
Ralph Yusavage	Saratoga Springs	New York	12866	3/21/16
Claire Tarantino	Saratoga Springs	New York	12866	3/21/16
Garrett Penistan	Saratoga Springs	New York	12866	3/21/16
Jack Hyndman	Saratoga Springs	New York	12866	3/21/16
Katie Claydon-Jones	Saratoga Springs	New York	12866	3/21/16
Bernie Jones	Saratoga Springs	New York	12866	3/21/16
Barbara Opitz	Saratoga Springs	New York	12866	3/21/16
Jones Jones	Deer River	New York	13627	3/21/16
Jim Stewart	Gansevoort	New York	12831	3/21/16
Karen Grauel	Ballston Spa	New York	12020	3/21/16
Merry J Menden	Lewes	Delaware	19958	3/21/16
Annmarie Cipollo	Saratoga Springs	New York	12866	3/21/16
Ed Zimmerman	Saratoga Springs	New York	12866	3/22/16
casey richards	greenfield center	New York	12833	3/22/16
Colleen Sleight	Saratoga Springs	New York	12866	3/22/16
James Reynolds	Saratoga Springs	New York	12866	3/22/16
Donna Morse	Gansevoort	New York	12831	3/22/16
Marybeth Krichilsky	Charlotte	North Carolina	28269	3/22/16
Tim Vanasdale	Saratoga Springs	New York	12866	3/22/16
Eric Jenks	Salem	New York	12865	3/22/16
Suzanne Fisher	Saratoga Springs	New York	12866	3/22/16
Bonnisue Neil	Queensbury	New York	12804	3/22/16

Linda Fennell	Encinitas	California	92024	3/22/16
Diane Lachtrupp	Saratoga Springs	New York	12866	3/22/16
Naomi Allen	Saratoga Springs	New York	12866	3/22/16
Suzette Hellwig	Saratoga Springs	New York	12866	3/22/16
Doug Haller	Saratoga Springs	New York	12866	3/22/16
Nancy Coleman	Saratoga Springs	New York	12866	3/22/16
Karen Dixon Dixon	Saratoga Springs	New York	12866	3/22/16
Jeff Bendavid	Saratoga Springs	New York	12866	3/22/16
Kathleen Larmon	Greenfield Center	New York	12833	3/23/16
Kathleen Quinn	Hastings on Hudson	New York	10706	3/23/16
John Preston	Clifton Park	New York	12065	3/23/16
Roseann Styczynski	Saratoga Springs	New York	12866	3/23/16
Peter Quinn	Hastings On Hudson	New York	10706	3/23/16
Ashley Gardner	Ballston Spa	New York	12020	3/23/16
Lori Dawson	Saratoga Springs	New York	12866	3/24/16
Dylan Perrillo	Albany	New York	12203	3/24/16
Michelle Arpey	Saratoga Springs	New York	12866	3/24/16
Zoe Nousiainen	Saratoga Springs	New York	12866	3/26/16
Cassaundra Ocasio	Mechanicville	New York	12118	3/28/16
chuck brower	Saratoga Springs	New York	12866	3/29/16
Sally Kemble	Saratoga Springs	New York	12866	3/30/16
Kristina Stark	Valley Falls	New York	12185	3/31/16
Rachel Feldman	Raleigh	North Carolina	27610	3/31/16
Chris Carey	Ballston Spa	New York	12020	3/31/16
Ralph Theroux	Saratoga Springs	New York	12866	3/31/16
Kelsey Whalen	Greenfield	New York	12859	3/31/16
Ron Jackson	Saratoga Springs	New York	12866	3/31/16
Eliza Carey	Ballston Spa	New York	12020	3/31/16
Michael Jerling	Saratoga Springs	New York	12866	3/31/16
Deborah La Brake Maddock	Williamsburg	Virginia	23188	4/1/16
Tara Steven	Aliso Viejo	California	92656	4/2/16
Eve Mulholland	Saratoga Springs	New York	12866	4/4/16
lorraine torgesen	saratoga springs	New York	12866	4/5/16
Laurie Ames-Nazareth	Tampa	Florida	33612	4/13/16
Kasey Curran	Ballston Spa	New York	12020	4/13/16
Leta Betor	Saratoga Springs	New York	12866	4/13/16
Brian La Belle	Saratoga Springs	New York	12866	4/13/16
Jamie Barry	Saratoga Springs	New York	12866	4/13/16
Betty French	Saratoga Springs	New York	12866	4/13/16
Amy Morris	Mooresville	North Carolina	28115	4/13/16
Kiera Brown	Corinth	New York	12822	4/13/16
Loraine ORourke	Saratoga Springs	New York	12866	4/13/16
Whitney orozco	Bushkill	Pennsylvania	18324	4/13/16
Jason Norton	Saratoga Springs	New York	12866	4/13/16
Meredith Ireland	Saratoga Springs	New York	12866	4/13/16
Lona O'rourke-Brown	Saratoga Springs	New York	12866	4/13/16
Samantha Colacino	Saratoga Springs	New York	12866	4/13/16
lorraine stewart	Port orange	Florida	32127-5149	4/13/16
Sara Boivin	Saratoga Springs	New York	12866	4/13/16

Darlene Neville	Saratoga springs	New York	12866	4/13/16
Marie-Therese Witte	Saratoga Springs	New York	12866	4/13/16
Beth Seller	Saratoga Springs	New York	12866	4/13/16
Tracy Hyde	South Glens Falls	New York	12803	4/13/16
Melody Kemble	Saratoga Springs	New York	12866	4/13/16
Steven Winney	Stillwater	New York	12170	4/13/16
Matthew Hogan	Saratoga Springs	New York	12866	4/13/16
Virginia Hebner	Gansevoort	New York	12831	4/13/16
Steven Dweck DDS	Saratoga Springs	New York	12866	4/13/16
Ann Haller	Saratoga Springs	New York	12866	4/13/16
Amber Wilusz	Saratoga Springs	New York	12866	4/13/16
Betsy Duffy	Saratoga Springs	New York	12866	4/13/16
Anne-Marie Pratt	Greenfield Center	New York	12833	4/13/16
Lisa stengel	Greenfield Center	New York	12833	4/13/16
kandis paolone	saratoga springs	New York	12866	4/13/16
Judy Hefter	Saratoga Springs	New York	12866	4/13/16
Tim Boyle	Saratoga Springs	New York	12866	4/13/16
Megan Perez	Saratoga Springs	New York	12866	4/13/16
Julie Joly	Saratoga Springs	New York	12866	4/13/16
Marianne Manning	Saratoga Springs	New York	12866	4/13/16
Grace McKinsey	Saratoga Springs	New York	12866	4/13/16
Lou Anne Piccirillo	Saratoga Springs	New York	12866	4/13/16
John Bagnoli	Saratoga Springs	New York	12866	4/13/16
Susan Senecal	Saratoga Springs	New York	12866	4/13/16
Mark Oswalt	Baltimore	Maryland	21211	4/13/16
Tiffany Duquette	Stillwater	New York	12170	4/13/16
Bethany Gidley	Saratoga Springs	New York	12866	4/13/16
Karen Jarvis	Gansevoort	New York	12831	4/13/16
Cheryl Kirbey	Saratoga Springs	New York	12866	4/13/16
Jeff Dwornik	Saratoga Springs	New York	12866	4/13/16
Cathryn Piech	Wilmington	North Carolina	28405	4/13/16
Judy Viscusi	Saratoga Springs	New York	12866	4/13/16
Peggy Loffredo	Saratoga Springs	New York	12866	4/13/16
Maureen LaBelle	Saratoga Springs	New York	12866	4/13/16
Rachel Rhodes	Saratoga Springs	New York	12866	4/13/16
Kimberly Relyea	Saratoga Springs	New York	12866	4/13/16
Julie Rodgers	Saratoga Springs	New York	12866	4/13/16
Diane LeCours	Ballston Spa	New York	12020	4/13/16
Cristina Starr	Saratoga Springs	New York	12866	4/14/16
Sean A. Nolan	Saratoga Springs	New York	12866	4/14/16
Peggy Brown	Saratoga Springs	New York	12866	4/14/16
Elizabeth DiNuzzo	Saratoga Springs	New York	12866	4/14/16
Leslie Leonowens	Saratoga Springs	New York	12866	4/14/16
Kailey Egbert	Saratoga Springs	New York	12866	4/14/16
Jen Caruso	Lutz	Florida	33549	4/14/16
Ashley Marie	Saratoga Springs	New York	12866	4/17/16
Barb Dybowski	Ballston Spa	New York	12020	4/18/16
Debbie Sekukski	Grimesland	North Carolina	27837	4/18/16
Dianna Goodwin	Saratoga Springs	New York	12866	4/18/16

Keri Loffredo	Saratoga Springs	New York	12866	4/18/16
Kim Kissinger	Saratoga Springs	New York	12866	4/18/16
Jeffrey Caron	Saratoga Springs	New York	12866	4/19/16
alex wilson	saratoga springs	New York	12866	4/19/16
elizabeth mehrtens	Gansevoort	New York	12831	4/19/16
STEPHEN EGGLESTON	Saratoga Springs	New York	12866	4/19/16
Shaari Feldman	Saratoga Springs	New York	12866	4/20/16
Susan Bricker	Saratoga Springs	New York	12866	4/20/16
Gary Kawalski	Saratoga Springs	New York	12866	4/21/16
Amy Eldredge	Saratoga Springs	New York	12866	4/21/16
Heather Hart	Saratoga Springs	New York	12866	4/21/16
Alyssa Fricke	Saratoga Springs	New York	12866	4/21/16
Patrick Jankowski	Saratoga Springs	New York	12866	4/21/16
Jennifer Anderson	Saratoga Springs	New York	12866	4/21/16
Lisa joy Staulters	Greenfield Center	New York	12833	4/21/16
Andrew Roginski	Saratoga Springs	New York	12866	4/21/16
Holly Turcotte	Saratoga Srings	New York	12866	4/21/16
Ashley Roberts	Saratoga Springs	New York	12866	4/22/16
Harvey Turner	Saratoga Springs	New York	12866	4/23/16
Debreen Oliva	Saratoga Springs	New York	12866	5/1/16
Patricia Ernst	Saratoga Springs	New York	12866	5/5/16

OUR STANCE AS NEIGHBORS of proposed "Downton Walk":

- We don't oppose Mr. Witt per se, or that he should develop this property.
- But we are concerned about the scale of the variances he is requesting and of the project as currently designed.
- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

Joan Cuppredt [redacted] Jumel Place

Larry Britt

Marie Britt [redacted] Caroline St.

Anne Kearney Prouty [redacted] Jumel Pl.

Bill Evans [redacted] June Pl.

Mary Hibbert [redacted] Jumel Place

(Gabriel Fadell) [redacted] Jumel Pl.

Richard P Ferri [redacted] Jumel Pl.

Gerald Mattison [redacted] Lake Ave

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- We would like a revised more reasonable proposal.

[redacted] Ludlow St.

[redacted] Ludlow St SSNY 12866

[redacted] Ludlow St

[redacted] Saratoga 12866

[redacted] Jewel Pl 12866

[redacted] Lake Ave
Saratoga Springs NY 12866

[redacted] Lake Ave
Saratoga Springs NY 12866

[redacted] Jewel Pl

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- We would like a revised more reasonable proposal.

[signature] LITWIN, ERIC [redacted] LAKE AVE

[signature] YUSAVAGE, WILLIAM [redacted] East Ave

Linda Church Linda Church [redacted] Lake Ave, Saratoga Springs NY

Paul Church [redacted] LAKE AVE SARATOGA SPRINGS, NY 12866

Jim MacNeill [redacted] Lake Ave SS. Jim MacNeill

Susie O. Torone [redacted] East Ave. S.S. 12866

[signature] [redacted] Hutchins St 12866

Jane Valetta [redacted] Jumel Place

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- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

Karyn Zanetti [redacted] Lake

Karen Hicks [redacted] Lake Ave

William Max Oswald [redacted] East Ave

[illegible]

Marie Sanok [redacted] East Ave

Tina Morris [redacted] Pinewood Ave I do oppose this development

Joe Fitzgerald [redacted] East Ave

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of proposed "Downton Walk":

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- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

Kira Cohen [redacted] Lake Ave

Kelly Winters [redacted] Ave.

[redacted] Lake Ave
Peter Wohl

Margaret Hardin [redacted] Sumel

Sandra Devendorf [redacted] Lake Ave [redacted]

Debra Mattison Debra Mattison [redacted] Lake Ave.

Sam Brown [redacted] Lake Ave

Zimbra **susan.barden@saratoga-springs.org**

Downtown Walk

From : Amanda Dugan [redacted]> Mon, May 09, 2016 08:54 AM

Subject : Downtown Walk

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

Ms. Barden,
My name is Amanda and I'm a 29 year old, life-long resident of Saratoga Springs. In the past 5 years alone I've seen my home town swallowed up by condominium buildings that can't even fill themselves, and more of them being built seemingly by the day just for fun. It's gross and we'll be an under occupied ghost town like some of our post-industrial neighboring towns (*cough*CohoesTroyAmsterdam*cough*) before we know it. The condo bubble isn't about to pop, but it's already past. There's a giant building going up where the pink palace is anyway! Just what, two blocks away from Jumel? Please, please don't let avarice take over your good senses. We won't be able to come back from the mess that's already being made.

Thank you,
Amanda

Sent from my iPhone

Zimbra **susan.barden@saratoga-springs.org**

Opposition to Downton Walk

From : Laura Giannini [redacted] Sun, May 08, 2016 09:54 PM

Subject : Opposition to Downton Walk

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

Ms. Barden,

I'd like to express my objection to the proposed Downton Walk project and the associated variance requests for the 27 Jumel Place property. I live several houses away on Jumel Place, and I strongly feel that the scope of the project is not fitting or appropriate for our neighborhood. Additionally, the proposed density and the number of requested variances are concerning for both this particular property and the precedent that approval may set moving forward. I am not opposed to rejuvenation of this property in general, just the specifics of this particular proposal and the nature of the requested variances. I would support a more balanced project in line with the invaluable character of our neighborhood.

I often walk past this property on my way to East Side Rec with my young son, and I do not want that part of our street to be built up in a fashion so incongruous with the scale, architecture, and lot set-up as the rest of the street.

Thank you for your consideration of the views of the neighbors as you evaluate this decision.

Laura Giannini
[redacted]Jumel Place, Saratoga Springs

Zimbra **susan.barden@saratoga-springs.org**

Downton Walk project

From : Cynthia Whalen [redacted] > Thu, May 05, 2016 10:03 PM
Subject : Downton Walk project
To : susan barden <susan.barden@saratoga-springs.org>

I will be out of town on Monday so cannot attend the zoning board meeting and express my thoughts on this project.

I realize that we cannot "freeze Saratoga in time" however I am dismayed by the new trend to pack as many buildings as possible onto the available land. Zoning requirements were written for good reason - to make sure that Saratoga Springs doesn't lose the wonderful character that attracts people to our city. It seems that in case after case the wishes of current residents are disregarded and decisions made in favor of the developers.

I would like to see our city officials pay more attention to the residents of our fair city. It is not unheard of that a city or town overdoes a good thing and in the process damages the very area they think they are improving. Remember: Developers are in business to make money for themselves and do not always see things in the same way as the people who are impacted by their projects.

I am against disregarding the zoning laws for this project!

Cynthia Whalen
[redacted] Catherine St.
Saratoga Springs, NY

cynjaw@aol.com

From: "Stephanie Cash Hogan" [redacted] >
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Tuesday, May 10, 2016 8:07:13 AM
Subject: Downton Walk Project Saratoga Springs

Hello,
My name is Stephanie Hogan and I live at [redacted]Ritchie Place. I attended the Zoning Board Meeting last night, May 9th, to speak in favor of Witt Construction's Downton Walk for 27 Jumel Place. As a nearby neighbor, Jumel Place is almost always on our daily dog walking route. For years we have walked by the large, dilapidated concrete structure near East Side Rec; and every time we walk by and stare, we privately lament about its poor structural condition and its visually unappealing character; all while asking ourselves (like countless others in the neighborhood) how did this happen and why has this prime location not been utilized. Needless to say when I read about Witt Construction's proposal for the property I was more than pleasantly surprised. Not only would this out-of-place eyesore be removed, but the property would be developed into single family residences by one of the top builders in Saratoga Springs and the Capital Region. We are a unique community that prides itself on preservation and protection. Witt Construction's proposed residences would be a welcomed addition to this residential neighborhood and complement the character of Saratoga Springs that we all enjoy.

Thank you for your time.

Sincerely,
Stephanie Hogan

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From: "Sam Brewton" [redacted]>
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Thursday, May 5, 2016 2:15:58 PM
Subject: for ZBA: Jumel Petition+signatures+comments

Susan,

Thanks in advance

Please see the email below (and the attachments). Could you please forward this email (with attachments) to the ZBA.

We very much appreciate your continued assistance.

Thanks so much.

Sam Brewton
[redacted] Lake Ave

To the Members of the Saratoga Springs Zoning Board of Appeals,

re: DOWNTON WALK, 27 JUMEL PLACE

Thank you, in advance, for looking this over before Monday's ZBA meeting.

As you may know, we went door-to-door in the surrounding neighborhood to proposed Downton Walk and with very few exceptions the neighbors were opposed to the proposal.

We also have an online petition.

We have attached updated files to reflect the current state of both our online

petition and Neighborhood petition in opposition to the current design of "Downton Walk". Our online petition has 462 signatures as of now, almost all from Saratoga residents, and many comments. Our neighborhood petition has 38 signatures.

Attached are:

-PDF of NEIGHBORHOOD petition (38 signatures at the moment)

-PDF of ONLINE signatures (462 at the moment)

-PDF of ONLINE comments from signers.

The change.org petition is here:
https://www.change.org/p/saratoga-springs-zoning-board-of-appeals-keep-saratoga-springs-neighborhoods-special-enforce-our-zoning-codes

Thank you for looking these over and considering in advance of Monday's ZBA meeting.

I can be contacted at [redacted]

Thank you,
Sam Brewton
[redacted] Lake Ave

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Change.org_462_Signatures_2016-05-05.pdf
66 KB

Change.org_Comments_2016-05-05.pdf
438 KB

DowntonNeighbors_38_Signatures_2016-05-05.pdf
1 MB

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change.org

Saratoga Neighbors for Zoning Enforcement

Recipient: Saratoga Springs Zoning Board of Appeals - Office of Planning & Economic Development

Letter: Greetings,

Keep Saratoga Springs Neighborhoods Special: Enforce our Zoning codes!

Comments

Name	Location	Date	Comment
Sam Brewton	Saratoga Springs, NY	2016-03-15	We're not against developing this plot, but we opposed the massive scope of the requested variances, loss of setbacks, and the cramming-in of more buildings than this lot is zoned for. What's the point of zoning if it can be this easily skirted? This lot can be successfully developed, and we'd welcome this same developer if a more reasonable plan were presented.
Holly Bates	Saratoga Springs, NY	2016-03-16	Saratoga Springs is changing far too quickly and losing the character that made it so beloved. These changes are so often the result of wealthy developers making their way around zoning laws that are there for a reason. Our officials have been elected by the citizens of Saratoga Springs, and as such, they are the people to whom they should listen.
jeannine moran	saratoga springs, NY	2016-03-16	Uphold our zoning laws and do not cave to developers.
Kira Cohen	Saratoga Springs, NY	2016-03-16	I grew up in Saratoga Springs and have lived 25 years in the neighborhood that is threatened by this development. I do not want to see my neighborhood put at risk by the casting aside of our city's zoning ordinance. The Saratoga Neighbors for Zoning Enforcement does not oppose new housing in our neighborhood, we simply feel that the scale of this project is beyond necessary and asks for too many variances to the zoning laws of our district. This puts not only our homes at risk, but the new homes as well. It also opens the door for these types of overboard developments to move into other residential neighborhoods throughout town - thus dismantling the core ideology behind our comprehensive plan and zoning ordinance, and disrupting the historical character and dignity of our beautiful town.
Margaret Selikoff	Saratoga Springs, NY	2016-03-16	There is no reason for this type of development in this neighborhood.
Kim Fonda	Saratoga Springs, NY	2016-03-16	I am sick and tired of double standards. The Zoning Board is a disgrace and our hopes for good stewardship decline day by day!
Janice Pancake	Saratoga Springs, NY	2016-03-16	If this goes as planned, it will set a precedent in our city that builders can get zoning laws changed and build wherever they want. Seems to me that our city has allowed all kinds of new, unaffordable, condos, etc. and taken the charm away from my hometown...
Joann Lorman	Porter Corners, NY	2016-03-16	Saratoga is getting to many large buildings. ..let's not lose its charm!
Robert Bostick	Arlington, VA	2016-03-16	I love the Saratoga of my childhood, my youth and to alter those memories of the alleys, streets and diverse neighborhoods would be sacrilege.
John Veitch	Saratoga Springs, NY	2016-03-16	This is not proper for that neighborhood. Simply out of character. I live next to the old St. John Neumann residence, and that conversion was fine for that building. This is not appropriate for Jumel Place
Liam Sheji	Saratoga Springs, NY	2016-03-16	It's important to preserve our cities history, and replacing our historic buildings is a crime to our lifestyle
Marie falls	Lorton, VA	2016-03-16	I hate seeing my hometown lose its charm!
Steven McCarthy	Saratoga Springs, NY	2016-03-16	Enough is Enough
Martha Strohl	Saratoga Springs, NY	2016-03-16	The Comprehensive Plan and our zoning codes are meant to be observed, not abused.
Lillian Spost	Saratoga Springs, NY	2016-03-16	Saratoga risks losing the charm that is its reputation.
Michael Gent	Saratoga Springs, NY	2016-03-16	Once you open the floodgates,there'll be no stopping them.The town is enough of a mess already.

Name	Location	Date	Comment
Anthony Smith	Washington, DC	2016-03-16	I'm shocked that the lovely tree-lined streets of my hometown would be destroyed by this condo developer. Enforce the zoning laws and stop this blight on the community.
shawn banner	Saratoga Springs, NY	2016-03-16	Our town is special because far sighted folk created a charter and zoning codes that preserve what is best about Saratoga. Lately, it seems that special dispensation keeps getting given to folks who want to build exactly what those far-sighted zoning laws and city planning decisions were meant to avoid. Growth is good--in fact, growth is great, but not growth that breaks the carefully crafted rules that make Saratoga a pleasure to reside in. Please do not keep giving in to developers' whims at the expense of what makes our fair city both fair and special!
Z. Parisi	Saratoga Springs, NY	2016-03-16	cp
Amber Duffney	Keeseville, NY	2016-03-16	O remember Saratoga the way it used to be. I have seen neighborhoods destroyed by "improvement", I would hate to see Saratoga to become a city of high rises, and loose it's charm and historic value.
Sunshine Stewart	Greenfield Center, NY	2016-03-16	Keep Saratoga beautiful!!!
Meghan Cherny	Corinth, NY	2016-03-16	Bit by bit we are losing our history and our roots, that which makes it all beautiful. Saratoga is beautifully old, we must fight for her.
Janice Bellamy	Saratoga Springs, NY	2016-03-16	Too many extreme variances requested. This won't blend in with the neighborhood. The builder is asking the Zoning Board for special treatment.
Amy Barakat	Saratoga Springs, NY	2016-03-16	I don't like the direction my hometown has headed since I was a child. Too much commercialization and too much building.
patricia rubio	saratoga springs, NY	2016-03-16	I am concerned about the violation of the City zoning laws the variance would entail.
Kathleen Brown	Saratoga Springs, NY	2016-03-16	Wrong plan, wrong place, & more overpriced real estate not needed!
bob mctague	saratoga sp, NY	2016-03-16	Our neighborhoods are under attack by greedy builders who have no reguard for families that live in the communities.
Daniel Schwank	xxxxxxxxxx, NY	2016-03-16	I'm against the overdevelopment that's destroying this town
Shealyn Heritage	Ballston Spa, NY	2016-03-16	I for one may not live I Toga directly but was born at Saratoga hospital lived in the outside towns all my life and have many Saratoga relatives of all era of Saratoga. It sadden my heart thinking about the stories I've heard of old Saratoga, Stories I have from Saratoga In the times before all the condo when we went to see our Saratoga family and The Saratoga now. Why does everything have to be so glamorized. We need some original and not just Original historical. Stop changing zoning laws for these big wig glamizatation.
Cindy June	Ballston Spa, NY	2016-03-16	Save my hometown from the developers who only see $$$$$$
Lori LeBarron	Gansevoort, NY	2016-03-16	There seems to an influx of developers who are presenting proposals that do not adhere to Saratoga Springs zoning laws. This needs to stop!
Leslie Brown	Saratoga Springs, NY	2016-03-16	There is way too much development in Saratoga and we're losing the quietness of the city. Please stop the building.
Joan Nellhaus	Saratoga Springs, NY	2016-03-16	This is wrong in so many ways. Integrity must be maintained.
Hillary Takahashi	Saratoga Springs, NY	2016-03-16	Protect our picturesque and wonderful neighborhoods.
Mary O'Donnell	Saratoga Springs, NY	2016-03-16	As a native, I have watched our city change way too much and not for the better in my estimation. This project would set a precedent and continue to ruin the very reason some people moved here. We want to keep our city's character.

Name	Location	Date	Comment
Jay Rogoff	Saratoga Springs, NY	2016-03-16	Approval of Downton Walk, a development entirely out of character with the neighborhood, would send a signal to developers that our zoning regulations are meaningless and can be circumvented at will.
Judi Duclos	Saratoga Springs, NY	2016-03-16	I do not like the path that our beautiful city seems to be on!!!!!
Penny Jolly	Saratoga Springs, NY	2016-03-16	This is a residential neighborhood, protected supposedly by our zoning laws. Please observe those laws! Do NOT permit all these special variances. Don't overcrowd our neighborhoods and try to make them into something they are not: a pretentious "Downton Walk" with expensive condos instead of separate one-family homes of modest size.
Brucie Rosch	Saratoga Springs, NY	2016-03-16	Developers can make their money elsewhere. It would be one thing if they had a track record of building affordable housing in Saratoga Springs, but They. Do. Not.
Tracy Millis	Saratoga Springs, NY, NY	2016-03-16	The entire project is foolish.
Regina Camilletti	Saratoga Springs, NY	2016-03-16	This development will scar an otherwise homogenous, established neighborhood of older homes. People are invested in these homes and that neighborhood. Who has the right to step in and on behalf of a builder and his cohort, threaten their investment? If anything goes, how about lets build some stables next to City Hall and put those 7 condos on East, really close to Skidmore. Sure. I would sue you if I could.
Jacklyn Clark	Saratoga Springs, NY	2016-03-16	I don't want this in my neighborhood, I've lived on this street for 24 years and to alter the streetscape with gaudy condos would be a disgrace. More importantly if the city government allows this to become reality that would be sinful. Keep within the parameters of the neighborhood, amen!!!!!!
Barbara Ungar	Saratoga Springs, NY	2016-03-16	Developers and greed are ruining what makes Saratoga Springs a desirable place to live and visit.
Celete Caruso	Saratoga springs, NY	2016-03-16	I'm signing because the Integrity of each neighborhood within the city needs to be maintained
Suzanne kwasniewski	Saratoga Springs, NY	2016-03-16	Too many projects are approved that deviate from zoning ordinances.
Richard Hibbert	Burlington, VT	2016-03-16	My mother has lived on Jumel Place, in the other block, since 1959. My siblings and I spent part of our formative years in that neighborhood. The house belongs to our family, and we value the character of the neighborhood. That includes the portion of the street for which this project is proposed. I believe that this would be a drastic, and negative, change in the character of this part of the city.
Annette Damron	Lecanto, FL	2016-03-16	I was born and raised there and don't want to come home to a metropolis.
Susan Traylor	Saratoga Springs, NY	2016-03-16	I don't want Saratoga Springs, my beautiful home town to turn into a Clifton Park!
Marisa Wade	Saratoga Springs, NY	2016-03-16	Saratoga is starting to loose some of it's charm to all of these apartments and condominiums
JOHN DUANE	Middle Grove, NY	2016-03-16	to keep saratoga saratoga !
Arthur Porter III	Saratoga Springs, NY	2016-03-16	I believe that this is yet another example of the abuse of the zoning variance process to circumvent existing zoning designations and the Comprehensive Plan.
Katherine Totten	Saratoga Springs, NY	2016-03-16	Enough is enough
Karin Vollkommer	Saratoga Springs, NY	2016-03-16	This project is too big for the neighborhood.
kathleen orefice	westport, CT	2016-03-16	I want Saratoga to stay the way it is. It's already changing too much.

Name	Location	Date	Comment
Amy Syrell	South Glens Falls, NY	2016-03-16	Saratoga Springs needs to be a place for all people, not just those with a lot of money.
Jill P McMahon	Saratoga Springs, NY	2016-03-16	The project seems too large for the space available. More shoehorning of big houses out of character with the neighborhood that loom over their neighbors.
Frank Capone	Saratoga Springs, NY	2016-03-16	preserve the residential character
Bette Brill	Saratoga Springs, NY	2016-03-16	Just do not change the zoning laws for this or any project in a neighborhood that is not zoned for it....
amejo amyot	saratoga springs, NY	2016-03-16	I like green space around homes and consistent density in neighborhoods. this is a 1 and 2 family area.
Patricia Cornute	Saratoga Springs, NY	2016-03-16	Too many developments already in our town, hard to recognize the charming place it used to be., when the sun can't even shine down on you as you walk down certain streets any more.
sue scherer	Saratoga Springs, NY	2016-03-16	Enough with the overgrowth.
linda battiste	Schenectady, NY	2016-03-16	I grew up in Saratoga and it's beautiful the way it is!
Mary Frances Healy	Saratoga Springs, NY	2016-03-16	I have lived here my whole life and don't like the direction we are going
MaryAnn Wager	Saratoga Springs, NY	2016-03-16	I have lived in Saratoga my entire life and I am concerned for the future of our beautiful city. It is quickly losing its historical look and feel.
Patricia Mathews	Sanford, ME	2016-03-16	I strongly believe in preserving the integrity of all cities, but most importantly those cities that represent the history of our country. I lived on Jumel Place until I graduated from college. When I go back to visit family I am often disappointed to see yet another set of new and expensive Town Houses, apartment buildings, hotels, and condos. With each change Saratoga Springs loses a little of its identity. Just take a walk on Jumel Place, and you will clearly see that a development of this type is out of character with the neighborhood. Saratoga, a city I have always been proud to call my hometown, should not lose its charm to moneymaking investments.
Deb Garrelts	Saratoga Springs, NY	2016-03-16	I agree that we are being over-run with condominiums and that our neighborhoods need protection
Denise Dart	Clifton Park, NY	2016-03-16	I'm signing because I am a native Saratogian and the alleged zoning codes worked against my Dad and now we have foreigners coming in and being allowed to build wherever and however big they want just because they have the money.
Barbara Claydon	Saratoga Springs, NY	2016-03-16	inappropriate development of the space for the existing neighborhood in which I happen to live
Paul Hibbert	Broken Arrow, OK	2016-03-16	My family has property on Jumel place
Chris Pringle	Saratoga Springs, NY	2016-03-16	I've lived in saratoga almost all my life and I'm sick of seeing this great little town desecrated by these monstrosities being built with no thought what so ever. The west side of town now looks like a haven for yuppies and has driven out the families that have resided there for years. Downtown hardly looks the same as I remember it as a child. All the once family owned businesses that occupied Broadway are now gone and these corporate goons have bullied their way in forcing the rent to a ridiculous level that only 6 figure a year income families can afford. This use to be a great place to live a place I called home now I don't even recognize the town I grew up in. Enough is enough.
Joyce McKnight	Lake Luzerne, NY	2016-03-16	Saratoga Springs already has empty developments...the zoning board is either ineffectual or "on the take."

Name	Location	Date	Comment
Ann Diller	Gansevoort, NY	2016-03-16	I am appalled at the over-development that has changed our city so that it unaffordable to longtimers, courtesy of boards that are overly generous to devevlopers.
Randy Hammond	Porter Corners, NY	2016-03-16	Saratoga is heading in the wrong direction
helen travis	Saratoga Springs, NY	2016-03-16	They are destroying Saratoga making hard for families to live homeless rase now its more homeless families working families that can't effored Saratoga price or anywhere els for that matter rent has raise so high everywhere its sad and decrees
kayla rynasko	Schenectady, NY	2016-03-16	Born and raised in Saratoga. Graduate of Saratoga high. All my family lives here!
Kathy Becker	Greenfield Center, NY	2016-03-16	I was born and raised in Saratoga Springs. I am so upset by huge changes that have been made in Saratoga. What ever happened to preserving the historical buildings in the city. It looks like the almighty dollar has won out. It is such a shame and so sad.
Liz Mark	Gansevoort, NY	2016-03-16	Saratoga is being overrun by greedy developers like Bonacio and losing its charm.
Charles Kish	Saratoga Springs, NY	2016-03-17	The character of too many neighborhoods are at stake when projects are granted that require numerous large scale changes to existing zoning. When developers profit concerns trump zoning considerations and justifiable and considered opposition by neighbors to this degree, who's opposition is totally supported by current zoning, the zoning board is not doing it's job. There is zoning for a reason based on long term plans and consideration for the city as a whole. Wholesale variances granted solely for the purpose of developer profit is is a travesty.
Nancy Flynn	Buskirk, NY	2016-03-17	We have a family home on the other block of Jumel Place that my mom lives in and believe this will hurt the whole street and set a bad precedent.
Ann Haller	Saratoga Springs, NY	2016-03-17	This is an inappropriate use if the land. It is not in accordance with the zoning. developers should not be exempt from rules just because they want to maximize their profits. The city is running out of build-able lots, so the developer is trying to squeeze as much profit as he can out of this lot.
renee harder	gansevoort, NY	2016-03-17	way to much development now
Richard Dunham	Saratoga Springs, NY	2016-03-17	I do not believe that a previous factory/Dance Studio in a residential neighborhood needs to be re-zoned to accommodate more living space than the current regulations allow. Enough cronieism. Build a house, or two.
Kelly Mackison	Gansevoort, NY	2016-03-17	I am bored in raided is Saratoga
Jodi Stevens	Saratoga Springs, NY	2016-03-17	I grew up on this area and just can't stand by and watch the integrity of this beautiful, quaint neighborhood be destroyed...
Jennifer Kleindienst	Middletown, CT	2016-03-17	I grew up near Saratoga and visit often. I would hate to see the city's charm erode with a project like this.
Patricia Duval	Portland, OR	2016-03-17	To oppose approvals requested for this project. Plan is totally irrelevant to the existing neighborhood. Approving these requests would set a bad precedent and many of Saratoga neighborhoods would be at risk.
Gloria Burke	Waterville, ME	2016-03-17	This would set a terrible president.
Dorene Couch	Saratoga Springs, NY	2016-03-17	I want to show my support for our local residents and weigh in on matters of development that will have a negative impact on our neighborhoods

Name	Location	Date	Comment
Wayne T. Senecal	Saratoga Springs, NY	2016-03-17	I believe the developer's application is a change in use requiring City Council Approval not just Zoning Board of Appeals approval.
Jerome Luhn	Saratoga Springs, NY	2016-03-17	People are entitled to know what development plans are being proposed so that they, and the officials entrusted with authority over zoning decisions, can make informed judgments that affect the character of the place where they live over the long term. Seemingly material omissions in presentation, together with behavior by the developer and relevant board officials, have given neighbors reason to raise questions, such as whose interests enjoy primacy in this proposal? No one wants to wake to rude surprises after the foundations are poured. That's something any developer should understand.
Sheila Levo	Saratoga Springs, NY	2016-03-17	I'm signing because although I am a Saratoga native, I no longer live in the city After my husband died, I sold my house as the upkeep (lawn, snow, etc.) was too much for me. The prices for decent rentals in the city were outrageous. I was forced to look elsewhere and as a consequence, I now live in Ballston. This project, if allowed, would be another example of pricing the the middle class out Saratoga.
Melanie Herter	New York City, NY	2016-03-17	Trying to keep my neighborhood from illegal property use and major congestion
Ina Harney	Saratoga Springs, NY	2016-03-17	This has to stop in Saratoga, not only in my backyard but this one too. Residents have to pay attention to all of these plans, not only their neighborhoods. Every time the builders manage to get one over on our city government leaders and build these monstrocsities it gives them permission to ruin another neighborhood.
Nicholas Rossi	Parrish, FL	2016-03-17	I lived in Saratoga 62yrs. I grew up in that part of town & owned a home at 213 East AVE. Allowing this development is wrong
James Lestrange	Saratoga Springs, NY	2016-03-17	Stop putting the interests of the wealthy ahead of long time Saratoga residents. We have enough development already. Too many people moving in making everything more expensive and causing traffic congestion.
richard bradley	Ballston Spa, NY	2016-03-17	developers are destroying the Saratoga I grew up in. they just need to leave things alone. they are just fine as they are
Henry Bovee	Saratoga Springs, NY	2016-03-17	For my friend
Michael Graul	Granby, CO	2016-03-17	I would like to see the zoning laws upheld in this single family neighborhood where I grew up. I hope those individuals on the zoning board haven't lost sight of doing what is right.
HEATHER STABLES	SARATOGA SPRINGS, NY	2016-03-18	This is NOT NYC....
Michael Stoneback	Saratoga Springs, NY	2016-03-18	developers are ruining the city with maximizing land use with the approval of city boards and their own interpretation of zoning
Barbara Bovee	Saratoga Springs, NY	2016-03-18	To preserve Saratoga
deborah koransky	Saratoga Springs, NY	2016-03-18	i am opposed to this Witt project.
Maureen Curtin	Saratoga Springs, NY	2016-03-18	There are an excessive number of substantial variances, which if granted would make our zoning laws useless.
Deb Mattison	Saratoga Springs, NY	2016-03-18	Following the zoning ordinances will create a home more in character with the neighborhood in which we live and work.
Tara graul	Lyndhurst, NJ	2016-03-18	I oppose this development. Anyone else who truly loves Saratoga Springs and the neighborhood surrounding Jumel Place knows that approving zoning for this project would be inappropriate. I hope that the board does the right thing.
Deb Mattison	Saratoga Springs, NY	2016-03-18	Following the zoning ordinances will create a home more in character with the neighborhood in which we live and work.

Name	Location	Date	Comment
Margaret Bradley	Saratoga Springs, NY	2016-03-18	Again, our "City in the Country" is being challenged.
Jamie Barss	Saratoga Springs, NY	2016-03-18	I grew up in this neighborhood and I can stand the way developers are ruin my home town Saratoga has turn in to a town for the rich and are push the every day people out This was always a family friendly town but not anymore I think this will ruin the charm of the eastside
Virginia Ponessa	Saratoga Springs, NY	2016-03-19	I used to live on Jumel Place and am so sad to see how negatively the town has been changing.
Mary-Ellen Callahan	Edgewater, NJ	2016-03-19	My family lives in Saratoga Springs and this is a dangerous proposal to all future zoning. There is a greater need for protecting the zoning code than a need for a seven unit development.
Reginald Lilly	Saratoga Springs, NY	2016-03-19	I live around the corner from this project and it would transform the character of the neighborhood in a very negative way. It would have a negative impact as well on property values in the neighborhood. I strongly oppose this project.
Connie Crawford	Ballston Spa, NY	2016-03-19	I'm sick of all the condos and ugly huge boxy buildings going up in Saratoga, especially the UNAFFORDABLE high rents they charge....
Nancy Toole	Saratoga Springs, NY	2016-03-19	DOWNTON WALK should NOT be allowed to be built in this neighborhood. And if it is, a bad precedent will have been set.
Joyce Dart	saratoga springs, NY	2016-03-19	I'm signing because I like having neighborhoods with homes and sidewalks. I don't want big box buildings that block the sun.
Dillon Moran	Saratoga Springs, NY	2016-03-19	The invasiveness of development in Saratoga Springs is more than enough without bending all of the rules put in place to govern it. This project is simply too much
Steven Mattison	Saratoga Springs, NY	2016-03-20	I think it is ridiculous that there are zoning laws in place and a high profile builder can sweep in and have multiple zoning ordinances changed just to get the big buck without regard to the neighbors and neighborhood.
Christiana HOLLAND	SARATOGA SPGS, NY	2016-03-20	We have enough apartments and condos for now! Let's all take a break
M.Thomas Porter	Saratoga Springs, NY	2016-03-20	This is a terrible precedent to set for the future in old established Saratoga Springs neighborhoods.
Linda Church	Saratoga Springs, NY	2016-03-20	I disagree with the variances being requested. Present something more in line with the area. This is too dense, and too big!
Grant Gentner	Saratoga Springs, NY	2016-03-20	We are losing too much of our charm to building. We also are losing green space. If we lose our Saratoga charm, it will be difficult to come back.
Kathleen Bryan	Niskayuna, NY	2016-03-20	I've seen too many changes in Saratoga over the last 27 years. It would be nice to keep the neighborhoods family friendly.
Robert Vogel	Saratoga Springs, NY	2016-03-20	I am opposed to the Downtown Walk development project
Kim Stevens	Saratoga Springs, NY	2016-03-20	I live in the neighborhood and I don't want to start the precedent of building large condos among single family homes.
Joanie Rupprecht	Saratoga Springs, NY	2016-03-20	I like the feel of Saratoga w/ old, private houses, I esp. like that feel on JUMEL where I LIVE !!! Please respect the current zoning !!!
Peggy Tayler-MacNeill	Saratoga Springs, NY	2016-03-20	I care about keeping keeping this a family neighborhood without the density discussed in this petition. Imagine if each condo had 4 children? Or more? It is an outrageous expectation for that small property to expect to fit seven condos with any size family. What about sewer and water capacity?
James Pollard	Saratoga Springs, NY	2016-03-20	I object to this development in my neighborhood because it violates current zoning law, seeks variances and exceptions which, if granted, would significantly and negatively impact the density and character my immediate environment, and of the city

Name	Location	Date	Comment
John Boardman	Saratoga Springs, NY	2016-03-20	The stepped up assault on the zoning ordinances, under the cover of the vaguely worded "Comprehensive Plan", has got to stop. This is the third major project in 6 months (see Moore Hall and the hospital expansion) where developers have attempted to slip projects that would need a major zoning change as simple variances. The ZBA and Planning Board need to see these for what they are and insist development comply with the existing ordinance. The Comprehensive Guide does not overrule the Zoning Ordinance - it's the reverse.
James Pollard	Saratoga Springs, NY	2016-03-20	I object to the project as proposed because it is non-compliant with current zoning regulations, and because it seeks an audacious and unprecedented number of variances, most of which (if granted) would have a severe negative impact to the density and character of my neighborhood and are therefor unacceptable.
Lisa Wilcox	Huntsville, AL	2016-03-20	I loved the old Saratoga. Too many changes, too fast
Laura Giannini	Saratoga Springs, NY	2016-03-20	Although I support rejuvenation of the property at 27 Jumel Place, I strongly feel that the proposed project is not appropriate for our neighborhood. I down the street from the subject property, and we ask the zoning board to respect the wishes of our family and our neighbors and reject the requested radical variances to the current laws. We feel this project itself is not beneficial to the neighborhood and its invaluable character, and allowing the violation of the zoning laws would set a dangerous precedent moving forward.
Russell Pittenger	Saratoga, NY	2016-03-20	The variances asked for seen excessive.
Chris Bernd	Saratoga Springs, NY	2016-03-20	The condominum/townhouse growth in Saratoga is out of control, taking away open spaces and I believe zoning laws need to be followed.
Albert Mather	Saratoga Springs, NY	2016-03-20	I'm signing because I do not want our neighborhood to become "mansionized" like the neighborhood from which we moved in Wellesley MA
Tina K. Morris	Saratoga Springs, NY	2016-03-20	The proposed Downton Walk Development is near my home. A large development is not in keeping with the existing small early 20th century homes. I strongly object to waiving zoning regulations which will set a negative precedent for the entire city of Saratoga Springs.
Ralph Yusavage	Saratoga Springs, NY	2016-03-21	Its not okay to ignore the rules whenever its convenient. The developers will build the charm right out of our city if we let them.
Jack Hyndman	Saratoga Springs, NY	2016-03-21	This kind of development is unprecedented in this area of downtown Saratoga. I do not support the radical zoning variances requested and overall site plan as currently designed and submitted. To many units for the property. The addition of up to 14 additional cars in or around the location is unacceptable.
Katie Claydon-Jones	Saratoga Springs, NY	2016-03-21	I grew up in that neighborhood. While I don't disagree the property is an eyesore and could use a face lift, this is not appropriate development.
Barbara Opitz	Saratoga Springs, NY	2016-03-21	I feel that this project raises too many density and variance exceptions to be approved.
Merry J Menden	Lewes, DE	2016-03-21	As a frequent visitor to your charming town for decades, I am appalled that the zoning board would consider upending the zoning law for the wilful greed and change it would bring. The slippery slope of decay will descend upon your town.
Annmarie Cipollo	Saratoga Springs, NY	2016-03-21	The City needs to start hearing the residents' pleas to maintain and enforce the current character of residential neighborhoods. We have been repeatedly asking, hear us now.
Colleen Sleight	Saratoga Springs, NY	2016-03-22	I live on East ave and do not want the old saratoga neighborhood to change!!!

Name	Location	Date	Comment
d. morse	gansevoort, NY	2016-03-22	That area should stay as is the condos can stay downtown . I grew up here . The east should alsways keep its character
Barry Fisher	Saratoga Springs, NY	2016-03-22	If our city is to stay the wonderful way it is, it needs to not replace neighborhoods that have been here for years with condos that look like every other place in the US. Little by little, the character of our town is being sucked away by soulless construction so that developers can make more money. We will become another anywhere USA if it doesn't stop.
Linda Fennell	Encinitas, CA	2016-03-22	I want my home town to remain the way it is and not gentrified by a big conglomerate of a builder making the city look like every other urban sprawl. We've got culture, beauty, natural springs and those of us who've been part of Saratoga for generations want it to be preserved as such for many many more generations. Heartbreaking to see money buy new zoning laws and be granted variances and build on state and public land.
Diane Lachtrupp	Saratoga Springs,, NY	2016-03-22	They did not follow the building rules. They procured permits and did what they wanted.
Doug Haller	Saratoga Springs, NY	2016-03-22	The zoning for this area doesn't allow this high density development. Zoning should be followed unless there are extraordinary circumstances.
Nancy Coleman	Saratoga Springs, NY	2016-03-22	Developers are routinely applying for building/zoning variances that were established in our city for a reason.
Jeff Bendavid	Saratoga Springs, NY	2016-03-22	I'm tired of contractors/builders thinking they can re-write the zoning and other regulations to suit their needs. Regardless of how beautiful the homes they build, and how much they donate to popular non-profits, the laws were put into place to protect the best interests of the community.
Michelle Hendrickson Arpey	Saratoga Springs, NY	2016-03-24	I object to the proposed plan for condominium development on Jumel Place. It will have a negative affect on the neighborhood. Too many people, too many parking/congestion problems for what is currently a great area. Change is not necessarily a good thing. Does this city honestly need another condominium project?
Zoe Nousiainen	Saratoga Springs, NY	2016-03-26	I'm concerned about the residential fabric of our city in terms of overcrowding and inappropriate variances granted to builders, along with little consideration for the character of existing neighborhoods.
Rachel Feldman	Raleigh, NC	2016-03-31	At 10 years old I first visited Saratoga Springs, not knowing yet that it would soon become my home. Within a year, my family and I moved there. It was - and even with the many changes and facelifts over the years - still uniquely historic and beautiful. It broke my heart when the YMCA on Broadway was torn down, but the new facility that was opened and the new buildings still kept Saratoga Springs feeling like, well, Saratoga. I understand the need to grow, and the impact not building this condominium might have on the economy, but I feel that there are better ventures to pursue in the name of profit that would still be true to the nature of this beautiful little city.
Eliza Carey	Ballston Spa, NY	2016-03-31	Keep it special!
Michael Jerling	Saratoga Springs, NY	2016-03-31	I think this is inappropriate for our neighborhood. It is too dense, and out of character with the surrounding houses. I fear it could set a precedent for further such projects
Deborah La Brake Maddock	Williamsburg, VA	2016-04-01	They are ruining my home town. I spent many years enjoying walks in this neighborhood. It needs to be stopped. Let them build on the outskirts
bob mctague	saratoga sp, NY	2016-04-01	I would like to join Saratoga Neighbors for Zoning Enforcement.

Name	Location	Date	Comment
Tara Steven	Aliso Viejo, CA	2016-04-02	Saratoga is my hometown (I lived on Jumel Place, then on Spring Street) and has always been a refuge from the ever-developing cities that end up losing any type of luster they once had. Please let's keep this special.
Eve Mulholland	Saratoga Springs, NY	2016-04-04	We ALL need to enforce zoning - it is NOT for the few!
Leta Betor	Saratoga Springs, NY	2016-04-13	I'm signing it because the area in question is such a nice quiet neighborhood. Zoning laws were established for a reason. I don't think this should be allowed to be changed for the betterment of the Developer. The residents should have some say in any changes to the current zoning and if the majority do not want it, it should not be allowed.
Brian La Belle	Saratoga Springs, NY	2016-04-13	My birthplace is being invaded by carpetbaggers.
BETTY FRENCH	Saratoga Springs, NY	2016-04-13	It's time that residents have a say in how their neighborhood is developed & zoning laws followed.
Loraine ORourke	Saratoga Springs, NY	2016-04-13	This development project does not fit in the neighborhood and will destroy the area. It is against the zoning laws and it should stay that way. Please do not allow this to happen!!
Whitney orozco	Ballston Spa, NY	2016-04-13	I grew up on Jumel and my parents still live there
Darlene Neville	Saratoga Springs, NY	2016-04-13	I'm a concerned neighbor. Enough is enough!
Beth Seller	Saratoga Springs, NY	2016-04-13	I'm a saratogian. It's seems like there won't be any neighborhoods left
Melody Kemble	Saratoga Springs, NY	2016-04-13	I've already seen what happens to a neighborhood when developers are allowed to build however they wish. Let's put a stop to it NOW!
Ann Haller	Saratoga Springs, NY	2016-04-13	This threatens the quality of our neighborhoods and is being considered because undue power is given to developers
Megan Perez	Saratoga Springs, NY	2016-04-13	I love in the neighborhood and think this kind of development will change it too much, parking is already an issue, the park and pre school near by will also be negatively affected by high density housing.
Lou Anne Piccirillo	Saratoga Springs, NY	2016-04-13	tired of changes for a select few
Susan Senecal	Rexford, NY	2016-04-13	Yet again a violation of zoning in Saratoga. Dysfunction in progress
Kimberly Relyea	Saratoga Springs, NY	2016-04-13	Jumel is a close residential street. Adding apartment complex there is not conducive to Saratoga living. There are plenty of apartments in town. Don't need anymore. One change will lead to more. It has to stop somewhere.
Sean A. Nolan	Saratoga Springs, NY	2016-04-14	When does the selling of Saratoga stop? When nobody but 150k + a year people call Saratoga home and condos are the majority of the housing in the city and the workers who make under 20k a year can shop, work, etc. but not be able to afford to live in this city.
Peggy Brown	Saratoga Springs, NY	2016-04-14	Is this the same board that approved the monstrosity that Witt is building on the corner of State and Alger? Don't ruin another neighborhood!
Jen Caruso	Lutz, FL	2016-04-14	I'm signing because I grew up in Saratoga- and I believe in keeping saratoga's rich history and beauty. It is the timeless classic piece in history that should not change
Debbie Sekulski	Grimesland, NC	2016-04-18	I recently moved from Saratoga but come back quite often I have plans on moving back and love the area the way it is now
Harriet EGGLESTON	Bonita Springs, FL	2016-04-19	i don't like it when a developer runs our city council, this is not the right thing for this area.
Patrick Jankowski	Saratoga Springs, NY	2016-04-21	It will set an unwanted precedent that builders can build whatever they want changing the look of the neighborhood

OUR STANCE AS NEIGHBORS of proposed "Downton Walk":

- We don't oppose Mr. Witt per se, or that he should develop this property.
- But we are concerned about the scale of the variances he is requesting and of the project as currently designed.
- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

Joan Cuppredt, [redacted] Jumel Place

Larry Britt

Marie Britt [redacted] Caroline St.

Anne Kearney Prouty [redacted] Jumel Pl.

Bill Evans [redacted] June Pl.

Mary Hilbert [redacted] Jumel Place

(Gabriel Fadell) [redacted] Jumel Pl.

Richard P Ferri [redacted] Jumel Pl.

Gerald Mattison [redacted] Lake Ave

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- We would like a revised more reasonable proposal.

[redacted] Ludlow St.

[redacted] Ludlow St SSNY 12866

[redacted] Ludlow St

[redacted] Maple Ave 12866

[redacted] Jewel Pl 12866

[redacted] Lake Ave
Saratoga Springs NY 12866

[redacted] Lake Ave
Saratoga Springs NY 12866

[redacted] Jewel Pl

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LITWIN, ERIC [redacted] LAKE AVE

[redacted] YUSAVAGE, WILLIAM [redacted] East Ave

Linda Church Linda Church [redacted] Lake Ave, Saratoga Springs NY

Paul Church [redacted] LAKE AVE SARATOGA SPRINGS, NY 12866

Jim MacNeil [redacted] Lake Ave SS. Jim MacNeil

Susie O. Toroni [redacted] East Ave. S.S. 12866

[redacted] Hathorn St 12866

Jane Valentine [redacted] Jumel Place

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- We would like a revised more reasonable proposal.

Karyn Zanetti [redacted] Lake

Karen Hicks [redacted] Lake Ave

William Max Oswald [redacted] East Ave

[illegible]

Marie Sanok [redacted] East Ave

I do oppose

Tina Morris [redacted] Pinewood Ave this development

Joe Fitzgerald [redacted] East Ave

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Kira Cohen [redacted] Lake Ave

Kelly Winters [redacted] forest Ave.

[redacted] Lake Ave
Peter Wohl

Margaret Harding [redacted] Sumel

Sandra Devendorf [redacted] Lake Ave

Debra Mattison Debra Mattison [redacted] Lake Ave.

Sam Brown [redacted] Lake Ave

Name	City	State	Postal Code	Signed On
Sandra Cohen	Saratoga Springs	New York		3/15/16
Sam Brewton	Saratoga Springs	New York	128662	3/15/16
Chris Mathiesen, Jr.	Saratoga Springs	New York	12866	3/17/16
Kira Cohen	Saratoga Springs	New York	12866	3/15/16
John Spinelli	DeLand	Florida	32724	3/15/16
Kristin Brenner	Saratoga Springs	New York	12866	3/15/16
Catherine Golden	Saratoga Springs	New York	12866	3/15/16
Olivia Cruz	Saratoga Springs	New York	12866	3/15/16
Scott Starr	Saratoga Springs	New York	12866	3/15/16
Bryan N.	Saratoga Springs	New York	12866	3/16/16
Gary Daluisio	Gansevoort	New York	12831	3/16/16
Jane Stevens	Saratoga Springs	New York	12866	3/16/16
Holly Bates	Saratoga Springs	New York	12866-9009	3/16/16
Jeannine Moran	Saratoga Springs	New York	12866	3/16/16
Carol Schupp Star	Saratoga Springs	New York	12866	3/16/16
Karen Pettigrew	Saratoga Springs	New York	12866	3/16/16
Margaret Selikoff	Saratoga Springs	New York	12866	3/16/16
Kim Fonda	Saratoga Springs	New York	12866	3/16/16
kathy shimm	saratoga Springs	New York	12866	3/16/16
Ronnie Betor	Saratoga Springs	New York	12866	3/16/16
Janice Pancake	Ballston Spa	New York	12020	3/16/16
Frank Callucci	Saratoga Springs	New York	12866	3/16/16
debbie barry	Saratoga springs	New York	12866	3/16/16
Joann Lorman	Porter Corners	New York	12859	3/16/16
isabella warner	Saratoga Springs	New York	12866	3/16/16
Mary Tipton	Saratoga Springs	New York	12866	3/16/16
Claire Demarest	Saratoga Springs	New York	12866	3/16/16
Robert Bostick	Arlington	Virginia	22202	3/16/16
John Veitch	Saratoga Springs	New York	12866	3/16/16
Liam Sheji	Saratoga Springs	New York	12866	3/16/16
Jim Favaloro	Saratoga Springs	New York	12866	3/16/16
Marie falls	Woodbridge	Virginia	22193	3/16/16
Philip Donnelly	Saratoga Springs	New York	12866	3/16/16
Jarred Butler	Corinth	New York	12822	3/16/16
Judy Riester	Saratoga Springs	New York	12866-5148	3/16/16
Jennifer South	Saratoga Springs	New York	12866	3/16/16
Theresa Boisseau	Saratoga Springs	New York	12866	3/16/16
Susan DeRossi	Saratoga Springs	New York	12866	3/16/16
Christine Guarnieri	Saratoga Springs	New York	12866	3/16/16
Carrie Warner	Saratoga Springs	New York	12866	3/16/16
Michael Yarinsky	Brooklyn	New York	11205	3/16/16
Jena Rotheim	Saratoga Springs	New York	12866	3/16/16
Steven McCarthy	Saratoga Springs	New York	12866	3/16/16
Martha Strohl	Saratoga Springs	New York	12866	3/16/16
Cherylle Hudak	Saratoga Springs	New York	12866	3/16/16
Lillian Spost	Saratoga Springs	New York	12866	3/16/16
Michael Gent	Saratoga Springs	New York	12866	3/16/16
Rick Leverence	Somerville	Massachusetts	2144	3/16/16

Melany Gent	Saratoga Springs	New York	12866	3/16/16
Anthony Smith	Washington	District of Colu	20011	3/16/16
Rob Wright	Saratoga springs ny	New York	12866	3/16/16
Sherry Dapello	Ballston Spa	New York	12020	3/16/16
Shawn Banner	Saratoga Springs	New York	12866	3/16/16
Allison Williford	Calabash	North Carolina	28467	3/16/16
Julie Behrens	Candor	New York	13743	3/16/16
c frank parisi	Albany	New York	12210	3/16/16
Randi Kish	Saratoga Springs	New York	12866	3/16/16
Justin Cressey	Pompano Beach	Florida	33066	3/16/16
Mame Noonan	Saratoga Springs	New York	12866	3/16/16
Eric Gould	Rensselaer	New York	12144	3/16/16
Hannah Christopher Christophe	Clifton Park	New York	12065	3/16/16
Amber Duffney	Keeseville	New York	12944	3/16/16
Sunshine Stewart	Greenfield Center	New York	12833	3/16/16
Lynn Blasso	Saratoga Springs	New York	12866	3/16/16
John Kaufmann	Saratoga Springs	New York	12866	3/16/16
Deena Smith	Saratoga Springs	New York	12866	3/16/16
Meghan Cherny	Corinth	New York	12822	3/16/16
Janice Bellamy	Saratoga Springs	New York	12866	3/16/16
Lynda goodness	Saratoga Springs	New York	12866	3/16/16
Martha Ray	Saratoga Springs	New York	12866	3/16/16
Amy Barakat	Saratoga Springs	New York	12866	3/16/16
patricia rubio	saratoga springs	New York	12866	3/16/16
Kathleen Brown	Saratoga Springs	New York	12866	3/16/16
Erin Wiggin	Gansevoort	New York	12831	3/16/16
Ardath Stroman	Middleport	New York	14105	3/16/16
Llona Hogan	Gansevoort	New York	12831	3/16/16
Pepper Wolfe	Saratoga Springs	New York	12866	3/16/16
Robert McTague	Saratoga Springs	New York	12866	3/16/16
Daniel Schwank	Saratoga Springs	New York	12866	3/16/16
Gordon Ray	Saratoga Springs	New York	12866	3/16/16
Emma Folkins	Saratoga Springs	New York	12866	3/16/16
Beverlee Patterson	Ballston Spa	New York	12020	3/16/16
Shealyn Heritage	Ballston Spa	New York	12020	3/16/16
Vanessa Saari	Clifton Park	New York	12065	3/16/16
Theresa Capozzola	Saratoga Springs	New York	12866	3/16/16
Cindy June	Ballston Spa	New York	12020	3/16/16
Lori LeBarron	Gansevoort	New York	12831	3/16/16
Leslie Brown	Saratoga Springs	New York	12866	3/16/16
Joan Nellhaus	Saratoga Springs	New York	12866	3/16/16
Gabriel Stinson	Saratoga Springs	New York	12866	3/16/16
Michelle Cameron	Ballston Spa	New York	12020	3/16/16
Laura Blunt	Saratoga Springs	New York	12866	3/16/16
Nancy Wilder	Saratoga Springs	New York	12866	3/16/16
Hillary Takahashi	Saratoga Springs	New York	12866	3/16/16
Noah Casner	Salem	New York	12865	3/16/16
Judith Brenner	Saratoga Springs	New York	12866	3/16/16
Mary O'Donnell	Saratoga Springs	New York	12866	3/16/16

Jay Rogoff	Saratoga Springs	New York	12866	3/16/16
Judi Duclos	Saratoga Springs	New York	12866	3/16/16
Penny Jolly	Saratoga Springs	New York	12866	3/16/16
Frank DeRossi	Saratoga Springs	New York	12866	3/16/16
Brucie Rosch	Saratoga Springs	New York	12866	3/16/16
Tracy Millis III	Saratoga Springs	New York	12866	3/16/16
Regina Camilletti	Saratoga Springs	New York	12866	3/16/16
Jacklyn Clark	Saratoga Springs	New York	12866	3/16/16
Matt schwarz	Fort Myers	Florida	33919	3/16/16
Barbara Ungar	Saratoga Springs	New York	12866	3/16/16
Sherry Callahan	Braselton	Georgia	30517	3/16/16
Celete Caruso	Saratoga springs	New York	12866	3/16/16
Suzanne kwasniewski	Saratoga Springs	New York	12866	3/16/16
Deborah Millis	Saratoga Springs	New York	12866	3/16/16
MaryBeth Hibbert	Burlington	Vermont	5408	3/16/16
Richard Hibbert	Burlington	Vermont	5408	3/16/16
Ann Sette;	Saratoga Springs	New York	12866	3/16/16
Johanna Garrison	Saratoga Springs	New York	12866	3/16/16
William Pettigrew	Saratoga Springs	New York	12866	3/16/16
Annette Damron	Lecanto	Florida	34461	3/16/16
Davene Jones	Wilton	New York	12831	3/16/16
Robert Lippman	Saratoga Springs	New York	12866	3/16/16
Peter Lee	Saratoga Springs	New York	12866	3/16/16
Susan Traylor	Saratoga Springs	New York	12866	3/16/16
Marisa Wade	Saratoga Springs	New York	12866	3/16/16
JOHN DUANE	Middle Grove	New York	12850	3/16/16
Arthur Porter	Saratoga Springs	New York	12866	3/16/16
Kathryn Fitzgerald	Saratoga Springs	New York	12866	3/16/16
Annmarie Palmieri	Saratoga Springs	New York	12866	3/16/16
doug lake	Saratoga Springs	New York	12866	3/16/16
Nanci StJohn	Saratoga Springs	New York	12866	3/16/16
Katherine Totten	Saratoga Springs	New York	12866	3/16/16
Robin Kish	Saratoga Springs	New York	12866	3/16/16
Cathy Hoff	Ballston Spa	New York	12020	3/16/16
Rhea Demory	Saratoga Springs	New York	12866	3/16/16
John Schroeder	Saratoga Springs	New York	12866	3/16/16
Derek Olsen	Saratoga Springs	New York	12866	3/16/16
Teri Blasko	Saratoga Springs	New York	12866	3/16/16
Karin Vollkommer	Saratoga Springs	New York	12866	3/16/16
David Lombardo	Saratoga Springs	New York	12866	3/16/16
Kathleen Ruggles Orefice	Westport	Connecticut	6880	3/16/16
Dina Fittipaldi	Saratoga Springs	New York	12866	3/16/16
Margaret Fittipaldi	Saratoga Springs	New York	12866	3/16/16
Tracy Maimone	East Rochester	New York	14445	3/16/16
Amy Syrell	South Glens Falls	New York	12803	3/16/16
Julio Olvera	Saratoga Springs	New York	12866	3/16/16
Holly Lawton	Saratoga Springs	New York	12866	3/16/16
Jill P McMahon	Saratoga Springs	New York	12866	3/16/16
Stephen Farenell	Saratoga Springs	New York	12866	3/16/16

Frank Capone	Saratoga Springs	New York	12866	3/16/16
Bette Brill	Saratoga Springs	New York	12866	3/16/16
amejo amyot	saratoga springs	New York	12866	3/16/16
Joy Burke	Saratoga Springs	New York	12866	3/16/16
Patricia Cornute	Saratoga Springs	New York	12866	3/16/16
sue scherer	Saratoga Springs	New York	12866	3/16/16
nancy Henry	Albany	New York	12203	3/16/16
David Morris	Saratoga Springs	New York	12866	3/16/16
linda battiste	Schenectady	New York	12302	3/16/16
Mary Frances Healy	Saratoga Springs	New York	12866	3/16/16
Tara Chhabra	Saratoga Springs	New York	12866	3/16/16
Annette Carman	Saratoga Springs	New York	12866	3/16/16
MaryAnn Wager	Saratoga Springs	New York	12866	3/16/16
Patricia Mathews	Sanford	Maine	4073	3/16/16
Stephanie Ryall	Saratoga Springs	New York	12866	3/16/16
Lisa Campilango	Saratoga Springs	New York	12866	3/16/16
Deborah Garrelts	Saratoga Springs	New York	12866	3/16/16
Joosje Anderson	Saratoga Springs	New York	12866	3/16/16
Denise Dart	Clifton Park	New York	12065	3/16/16
Barbara Claydon	Saratoga Springs	New York	12866	3/16/16
Paul Hibbert	Broken Arrow	Oklahoma	74011	3/16/16
Chris Pringle	Saratoga Springs	New York	12866	3/16/16
Darrell Rikert	Greenfield Center	New York	12833	3/16/16
Joyce McKnight	Lake Luzerne	New York	12846	3/16/16
james brophy	saratoga springs	New York	12877	3/16/16
Diller Ann	Gansevoort	New York	12831	3/16/16
monica winn	Saratoga Springs	New York	12866	3/16/16
Tracey Radigan	Saratoga Springs	New York	12866	3/16/16
Amy Hichman	Saratoga Springs	New York	12866	3/16/16
Rick Moran	Saratoga Springs	New York	12866	3/16/16
Randy Hammond	Porter Corners	New York	12859	3/16/16
Kayla Rynasko	Saratoga Springs	New York	12866	3/16/16
Jeanne Oconnor	Saratoga Springs	New York	12866	3/16/16
Kathy Becker	Greenfield Center	New York	12833	3/16/16
Chuck Lamb	Saratoga Springs	New York	12866	3/16/16
Liz Mark	Gansevoort	New York	12831	3/16/16
Charles Kish	Saratoga Springs	New York	12866	3/16/16
Colleen Downing	Saratoga Springs	New York	12866	3/16/16
Nancy Flynn	Buskirk	New York	12028	3/16/16
Ann Haller	Saratoga Springs	New York	12866	3/17/16
Beverlee Patterson	Ballston Spa	New York	12020	3/17/16
Ellen Boyce	Saratoga Springs	New York	12866	3/17/16
Deanne Marg	Saratoga Springs	New York	12866	3/17/16
Michele McClure	Schuylerville	New York	12871	3/17/16
Michelle Deyette	Saratoga Springs	New York	1286	3/17/16
Thomas Wadsworth	Cobleskill	New York	12043	3/17/16
renee harder	gansevoort	New York	12831	3/17/16
Richard Dunham	Saratoga Springs	New York	12866	3/17/16
Kelly O'DONNELL -Mackison	Gansevoort	New York	12831	3/17/16

Jodi Stevens	Saratoga Springs	New York	12866	3/17/16
Jennifer Kleindienst	Middletown	Connecticut	6457	3/17/16
Louisa Foye	Saratoga Springs	New York	12866	3/17/16
Karen Thomas	Saratoga Springs	New York	12866	3/17/16
Joseph Marcuccio	Saratoga Springs	New York	12866	3/17/16
Bethany Cohen	Boca Raton	Florida	33433	3/17/16
Vicki Feldman	Saratoga Springs	New York	12866	3/17/16
Patricia Duval	Saratoga Springs	New York	12866	3/17/16
Gloria Burke	Saratoga Springs	New York	12866	3/17/16
Karen Hefter	Hughesville	Maryland	20637	3/17/16
Tamara Woolsey	Saratoga Springs	New York	12866	3/17/16
Dorene Couch	Saratoga Springs	New York	12866	3/17/16
Ingrid H Stone	Saratoga Springs	New York	12866	3/17/16
Barbara Proctor	Saratoga Springs	New York	12866	3/17/16
Oona Grady	Saratoga Springs	New York	12866	3/17/16
Alysia Han	Davidson	North Carolina	28036	3/17/16
Roxanne Mead	Saratoga Springs	New York	12866	3/17/16
Wayne T. Senecal	Saratoga Springs	New York	12866	3/17/16
Martha Almgren	Ballston Spa	New York	12020	3/17/16
Tara Martin	Saratoga Springs	New York	12866	3/17/16
EDWARD Jewell	Saratoga Springs	New York	12866	3/17/16
Susan king	Schuylerville	New York	12871	3/17/16
Jerome Luhn	Saratoga Springs	New York	12866	3/17/16
Sheila Levo	Saratoga Springs	New York	12866	3/17/16
William Yusavage	Saratoga Springs	New York	12866	3/17/16
Melanie Herter	Saratoga Springs	New York	12866	3/17/16
Ina Harney	Saratoga Springs	New York	12866	3/17/16
Nicholas Rossi	Parrish	Florida	34219	3/17/16
James Lestrange	Saratoga Springs	New York	12866	3/17/16
richard bradley	Ballston Spa	New York	12020	3/17/16
Loretta Martin	Please Select:	New York	12866	3/17/16
doug klein	Schuylerville	New York	12871	3/17/16
Michael Taormina	Waterford	New York	12188	3/17/16
LeeAnne Olsen	Saratoga Springs	New York	12866	3/17/16
Joanne Dwornik	Saratoga Springs	New York	12866	3/17/16
Alan Edstrom	Saratoga Springs	New York	12866	3/17/16
Henry Bovee	Saratoga Springs	New York	12866	3/17/16
Michael Graul	Aurora	Colorado	80015	3/17/16
james yellen	Wayne	New Jersey	7470	3/17/16
Kelly Winters	Saratoga Springs	New York	12866	3/18/16
Phyllis Hecker	NY	New York	12205	3/18/16
Arvilla Morett	CITY		POSTAL CODE	3/18/16
Stephanie Waring	Saratoga Springs	New York	12866	3/18/16
HEATHER STABLES	SARATOGA SPRINGS	New York	12866	3/18/16
Michael Stoneback	Saratoga Springs	New York	12866	3/18/16
jessica moore	Gansevoort	New York	12831	3/18/16
Debra Murphy	CANTON	Georgia	30114-7795	3/18/16
Barbara Bovee	Saratoga Springs	New York	12866	3/18/16
Gerald Mattison	Saratoga Springs	New York	12866	3/18/16

deborah koransky	Saratoga Springs	New York	12866	3/18/16
Judith LaPook	Saratoga Springs	New York	12866	3/18/16
Elizabeth Fisher	Porter Corners	New York	12859	3/18/16
Maureen Curtin	Saratoga Springs	New York	12866	3/18/16
Tara Graul	Lyndhurst	New Jersey	7071	3/18/16
Deb Mattison	Saratoga Springs	New York	12866	3/18/16
Margaret Bradley	Saratoga Springs	New York	12866	3/18/16
Virginia Ponessa	Saratoga Springs	New York	12866	3/19/16
Richard Snyder	Saratoga Springs	New York	12866	3/19/16
Deborah Graul	Saratoga Springs	New York	12866	3/19/16
jerry hilliker	Saratoga Springs	New York	12866	3/19/16
Nathaniel Harrington	Saratoga Springs	New York	12866	3/19/16
Cherae Remillard	Saratoga Springs	New York	12866	3/19/16
Mary-Ellen Callahan	East Hartford	Connecticut	6118	3/19/16
Tomarra McCall	Saratoga Springs	New York	12866	3/19/16
Jessica Glagov	Saratoga Springs	New York	12866	3/19/16
gay murrisky	Saratoga Springs	New York	12866	3/19/16
Reginald Lilly	Saratoga Springs	New York	12866	3/19/16
Sara Zlotnick	Saratoga Springs	New York	12866	3/19/16
Connie Crawford	Ballston Spa	New York	12020	3/19/16
Nancy Toole	Saratoga Springs	New York	12866	3/19/16
Joy Holcomb	Saratoga Springs	New York	12866	3/19/16
Joyce Dart	Saratoga Springs	New York	12866	3/19/16
Dillon Moran	Saratoga Springs	New York	12866	3/19/16
Kerri Barber	Saratoga Springs	New York	12866	3/19/16
Colleen Macvean	Saratoga Springs	New York	12866	3/19/16
John Clark	Saratoga Springs	New York	12866	3/19/16
Eleanor Williams	Saratoga Springs	New York	12866	3/19/16
Saraya Robison	Salem	New York	12865	3/20/16
Eugene Waters	Saratoga Springs	New York	12866	3/20/16
Suzanne Kelleher	Saratoga Springs	New York	12866	3/20/16
Kira Lajeunesse	Saratoga Springs	New York	12866	3/20/16
Steven Mattison	Saratoga Springs	New York	12866	3/20/16
Mercer Anderson	Saratoga Springs	New York	12866	3/20/16
Deborah Reed	Saratoga Springs	New York	12866	3/20/16
Susan Bernd	Saratoga Springs	New York	12866	3/20/16
Jeannette Green	Newbury Park	California	91320	3/20/16
Jan Roth	Saratoga Springs	New York	12866	3/20/16
Ryan McKenzie	Saratoga Springs	New York	12866	3/20/16
William Finlay	Saratoga Springs	New York	12866	3/20/16
Christy Holland	Saratoga Springs	New York	12866	3/20/16
Mary Beth Donohoe	Saratoga Springs	New York	12866	3/20/16
M.Thomas Porter	Saratoga Springs	New York	12866	3/20/16
Linda Church	Saratoga Springs	New York	12866	3/20/16
Grant Gentner	Saratoga Springs	New York	12866	3/20/16
Kathleen Bryan	Niskayuna	New York	12309	3/20/16
Robert Vogel	Saratoga Springs	New York	12866	3/20/16
Kimberly Stevens	Saratoga Springs	New York	12866	3/20/16
Joanie Rupprecht	Saratoga Springs	New York	12866	3/20/16

Peggy Tayler-MacNeill	Saratoga Springs	New York	12866	3/20/16
John Boardman	Saratoga Springs	New York	12866	3/20/16
James Pollard	Saratoga Springs	New York	12866	3/20/16
Lisa Wilcox	Huntsville	Alabama	35805	3/20/16
Laura Giannini	Saratoga Springs	New York	12866	3/20/16
Rachel Morgan	Saratoga Springs	New York	12866	3/20/16
James Purdy	Saratoga Springs	New York	12866	3/20/16
Russ Pittenger	Saratoga Springs	New York	12866	3/20/16
Anne Trainor	Saratoga Springs	New York	12866	3/20/16
Betsey Porter	Saratoga Springs	New York	12866	3/20/16
Cristina Zambuto	Saratoga Springs	New York	12866	3/20/16
Adam Giannini	Saratoga Springs	New York	12866	3/20/16
Angela Gardner	Saratoga Springs	New York	12866	3/20/16
Chris Bernd	Saratoga Springs	New York	12866	3/20/16
Deborah Fuller	Saratoga Springs	New York	12866	3/20/16
Lisa Wong	Saratoga springs	New York	12867	3/20/16
Johnny Martinez	Saratoga Springs	New York	12866	3/20/16
Albert Mather	Saratoga Springs	New York	12866	3/20/16
Tina K. Morris	Saratoga Springs	New York	12866	3/20/16
Carolyn Coogan	Albany	New York	12203	3/21/16
Meghan Flewwelling	Saratoga Springs	New York	12866	3/21/16
Sylvia Bloom	Greenwich	New York	12834	3/21/16
rachid Daoui,MD	GaNSEVOORT	New York	12831	3/21/16
Kate Brown	Saratoga Springs	New York	12866	3/21/16
Jane Valetta	Saratoga Springs	New York	12866	3/21/16
Christine Miller	Saratoga Springs	New York	12866	3/21/16
Taryn Bailey	ballston spa	New York	12020	3/21/16
Ralph Yusavage	Saratoga Springs	New York	12866	3/21/16
Claire Tarantino	Saratoga Springs	New York	12866	3/21/16
Garrett Penistan	Saratoga Springs	New York	12866	3/21/16
Jack Hyndman	Saratoga Springs	New York	12866	3/21/16
Katie Claydon-Jones	Saratoga Springs	New York	12866	3/21/16
Bernie Jones	Saratoga Springs	New York	12866	3/21/16
Barbara Opitz	Saratoga Springs	New York	12866	3/21/16
Jones Jones	Deer River	New York	13627	3/21/16
Jim Stewart	Gansevoort	New York	12831	3/21/16
Karen Grauel	Ballston Spa	New York	12020	3/21/16
Merry J Menden	Lewes	Delaware	19958	3/21/16
Annmarie Cipollo	Saratoga Springs	New York	12866	3/21/16
Ed Zimmerman	Saratoga Springs	New York	12866	3/22/16
casey richards	greenfield center	New York	12833	3/22/16
Colleen Sleight	Saratoga Springs	New York	12866	3/22/16
James Reynolds	Saratoga Springs	New York	12866	3/22/16
Donna Morse	Gansevoort	New York	12831	3/22/16
Marybeth Krichilsky	Charlotte	North Carolina	28269	3/22/16
Tim Vanasdale	Saratoga Springs	New York	12866	3/22/16
Eric Jenks	Salem	New York	12865	3/22/16
Suzanne Fisher	Saratoga Springs	New York	12866	3/22/16
Bonnisue Neil	Queensbury	New York	12804	3/22/16

Linda Fennell	Encinitas	California	92024	3/22/16
Diane Lachtrupp	Saratoga Springs	New York	12866	3/22/16
Naomi Allen	Saratoga Springs	New York	12866	3/22/16
Suzette Hellwig	Saratoga Springs	New York	12866	3/22/16
Doug Haller	Saratoga Springs	New York	12866	3/22/16
Nancy Coleman	Saratoga Springs	New York	12866	3/22/16
Karen Dixon Dixon	Saratoga Springs	New York	12866	3/22/16
Jeff Bendavid	Saratoga Springs	New York	12866	3/22/16
Kathleen Larmon	Greenfield Center	New York	12833	3/23/16
Kathleen Quinn	Hastings on Hudson	New York	10706	3/23/16
John Preston	Clifton Park	New York	12065	3/23/16
Roseann Styczynski	Saratoga Springs	New York	12866	3/23/16
Peter Quinn	Hastings On Hudson	New York	10706	3/23/16
Ashley Gardner	Ballston Spa	New York	12020	3/23/16
Lori Dawson	Saratoga Springs	New York	12866	3/24/16
Dylan Perrillo	Albany	New York	12203	3/24/16
Michelle Arpey	Saratoga Springs	New York	12866	3/24/16
Zoe Nousiainen	Saratoga Springs	New York	12866	3/26/16
Cassaundra Ocasio	Mechanicville	New York	12118	3/28/16
chuck brower	Saratoga Springs	New York	12866	3/29/16
Sally Kemble	Saratoga Springs	New York	12866	3/30/16
Kristina Stark	Valley Falls	New York	12185	3/31/16
Rachel Feldman	Raleigh	North Carolina	27610	3/31/16
Chris Carey	Ballston Spa	New York	12020	3/31/16
Ralph Theroux	Saratoga Springs	New York	12866	3/31/16
Kelsey Whalen	Greenfield	New York	12859	3/31/16
Ron Jackson	Saratoga Springs	New York	12866	3/31/16
Eliza Carey	Ballston Spa	New York	12020	3/31/16
Michael Jerling	Saratoga Springs	New York	12866	3/31/16
Deborah La Brake Maddock	Williamsburg	Virginia	23188	4/1/16
Tara Steven	Aliso Viejo	California	92656	4/2/16
Eve Mulholland	Saratoga Springs	New York	12866	4/4/16
lorraine torgesen	saratoga springs	New York	12866	4/5/16
Laurie Ames-Nazareth	Tampa	Florida	33612	4/13/16
Kasey Curran	Ballston Spa	New York	12020	4/13/16
Leta Betor	Saratoga Springs	New York	12866	4/13/16
Brian La Belle	Saratoga Springs	New York	12866	4/13/16
Jamie Barry	Saratoga Springs	New York	12866	4/13/16
Betty French	Saratoga Springs	New York	12866	4/13/16
Amy Morris	Mooresville	North Carolina	28115	4/13/16
Kiera Brown	Corinth	New York	12822	4/13/16
Loraine ORourke	Saratoga Springs	New York	12866	4/13/16
Whitney orozco	Bushkill	Pennsylvania	18324	4/13/16
Jason Norton	Saratoga Springs	New York	12866	4/13/16
Meredith Ireland	Saratoga Springs	New York	12866	4/13/16
Lona O'rourke-Brown	Saratoga Springs	New York	12866	4/13/16
Samantha Colacino	Saratoga Springs	New York	12866	4/13/16
lorraine stewart	Port orange	Florida	32127-5149	4/13/16
Sara Boivin	Saratoga Springs	New York	12866	4/13/16

Darlene Neville	Saratoga springs	New York	12866	4/13/16
Marie-Therese Witte	Saratoga Springs	New York	12866	4/13/16
Beth Seller	Saratoga Springs	New York	12866	4/13/16
Tracy Hyde	South Glens Falls	New York	12803	4/13/16
Melody Kemble	Saratoga Springs	New York	12866	4/13/16
Steven Winney	Stillwater	New York	12170	4/13/16
Matthew Hogan	Saratoga Springs	New York	12866	4/13/16
Virginia Hebner	Gansevoort	New York	12831	4/13/16
Steven Dweck DDS	Saratoga Springs	New York	12866	4/13/16
Ann Haller	Saratoga Springs	New York	12866	4/13/16
Amber Wilusz	Saratoga Springs	New York	12866	4/13/16
Betsy Duffy	Saratoga Springs	New York	12866	4/13/16
Anne-Marie Pratt	Greenfield Center	New York	12833	4/13/16
Lisa stengel	Greenfield Center	New York	12833	4/13/16
kandis paolone	saratoga springs	New York	12866	4/13/16
Judy Hefter	Saratoga Springs	New York	12866	4/13/16
Tim Boyle	Saratoga Springs	New York	12866	4/13/16
Megan Perez	Saratoga Springs	New York	12866	4/13/16
Julie Joly	Saratoga Springs	New York	12866	4/13/16
Marianne Manning	Saratoga Springs	New York	12866	4/13/16
Grace McKinsey	Saratoga Springs	New York	12866	4/13/16
Lou Anne Piccirillo	Saratoga Springs	New York	12866	4/13/16
John Bagnoli	Saratoga Springs	New York	12866	4/13/16
Susan Senecal	Saratoga Springs	New York	12866	4/13/16
Mark Oswalt	Baltimore	Maryland	21211	4/13/16
Tiffany Duquette	Stillwater	New York	12170	4/13/16
Bethany Gidley	Saratoga Springs	New York	12866	4/13/16
Karen Jarvis	Gansevoort	New York	12831	4/13/16
Cheryl Kirbey	Saratoga Springs	New York	12866	4/13/16
Jeff Dwornik	Saratoga Springs	New York	12866	4/13/16
Cathryn Piech	Wilmington	North Carolina	28405	4/13/16
Judy Viscusi	Saratoga Springs	New York	12866	4/13/16
Peggy Loffredo	Saratoga Springs	New York	12866	4/13/16
Maureen LaBelle	Saratoga Springs	New York	12866	4/13/16
Rachel Rhodes	Saratoga Springs	New York	12866	4/13/16
Kimberly Relyea	Saratoga Springs	New York	12866	4/13/16
Julie Rodgers	Saratoga Springs	New York	12866	4/13/16
Diane LeCours	Ballston Spa	New York	12020	4/13/16
Cristina Starr	Saratoga Springs	New York	12866	4/14/16
Sean A. Nolan	Saratoga Springs	New York	12866	4/14/16
Peggy Brown	Saratoga Springs	New York	12866	4/14/16
Elizabeth DiNuzzo	Saratoga Springs	New York	12866	4/14/16
Leslie Leonowens	Saratoga Springs	New York	12866	4/14/16
Kailey Egbert	Saratoga Springs	New York	12866	4/14/16
Jen Caruso	Lutz	Florida	33549	4/14/16
Ashley Marie	Saratoga Springs	New York	12866	4/17/16
Barb Dybowski	Ballston Spa	New York	12020	4/18/16
Debbie Sekukski	Grimesland	North Carolina	27837	4/18/16
Dianna Goodwin	Saratoga Springs	New York	12866	4/18/16

Keri Loffredo	Saratoga Springs	New York	12866	4/18/16
Kim Kissinger	Saratoga Springs	New York	12866	4/18/16
Jeffrey Caron	Saratoga Springs	New York	12866	4/19/16
alex wilson	saratoga springs	New York	12866	4/19/16
elizabeth mehrtens	Gansevoort	New York	12831	4/19/16
STEPHEN EGGLESTON	Saratoga Springs	New York	12866	4/19/16
Shaari Feldman	Saratoga Springs	New York	12866	4/20/16
Susan Bricker	Saratoga Springs	New York	12866	4/20/16
Gary Kawalski	Saratoga Springs	New York	12866	4/21/16
Amy Eldredge	Saratoga Springs	New York	12866	4/21/16
Heather Hart	Saratoga Springs	New York	12866	4/21/16
Alyssa Fricke	Saratoga Springs	New York	12866	4/21/16
Patrick Jankowski	Saratoga Springs	New York	12866	4/21/16
Jennifer Anderson	Saratoga Springs	New York	12866	4/21/16
Lisa joy Staulters	Greenfield Center	New York	12833	4/21/16
Andrew Roginski	Saratoga Springs	New York	12866	4/21/16
Holly Turcotte	Saratoga Srings	New York	12866	4/21/16
Ashley Roberts	Saratoga Springs	New York	12866	4/22/16
Harvey Turner	Saratoga Springs	New York	12866	4/23/16
Debreen Oliva	Saratoga Springs	New York	12866	5/1/16
Patricia Ernst	Saratoga Springs	New York	12866	5/5/16

From: "Cynthia Whalen" [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Thursday, May 5, 2016 10:03:45 PM
Subject: Downton Walk project

I will be out of town on Monday so cannot attend the zoning board meeting and express my thoughts on this project.

I realize that we cannot "freeze Saratoga in time" however I am dismayed by the new trend to pack as many buildings as possible onto the available land. Zoning requirements were written for good reason - to make sure that Saratoga Springs doesn't lose the wonderful character that attracts people to our city. It seems that in case after case the wishes of current residents are disregarded and decisions made in favor of the developers.

I would like to see our city officials pay more attention to the residents of our fair city. It is not unheard of that a city or town overdoes a good thing and in the process damages the very area they think they are improving. Remember: Developers are in business to make money for themselves and do not always see things in the same way as the people who are impacted by their projects.

I am against disregarding the zoning laws for this project!

Cynthia Whalen
[redacted] Catherine St.
Saratoga Springs, NY

[redacted]

change.org

Saratoga Neighbors for Zoning Enforcement

Recipient: Saratoga Springs Zoning Board of Appeals and Susan Barden

Letter: Greetings,

Keep Saratoga Springs Neighborhoods Special: Enforce our Zoning codes!

Comments

Name	Location	Date	Comment
Sam Brewton	Saratoga Springs, NY	2016-03-15	We're not against developing this plot, but we opposed the massive scope of the requested variances, loss of setbacks, and the cramming-in of more buildings than this lot is zoned for. What's the point of zoning if it can be this easily skirted? This lot can be successfully developed, and we'd welcome this same developer if a more reasonable plan were presented.
Holly Bates	Saratoga Springs, NY	2016-03-16	Saratoga Springs is changing far too quickly and losing the character that made it so beloved. These changes are so often the result of wealthy developers making their way around zoning laws that are there for a reason. Our officials have been elected by the citizens of Saratoga Springs, and as such, they are the people to whom they should listen.
jeannine moran	saratoga springs, NY	2016-03-16	Uphold our zoning laws and do not cave to developers.
Kira Cohen	Saratoga Springs, NY	2016-03-16	I grew up in Saratoga Springs and have lived 25 years in the neighborhood that is threatened by this development. I do not want to see my neighborhood put at risk by the casting aside of our city's zoning ordinance. The Saratoga Neighbors for Zoning Enforcement does not oppose new housing in our neighborhood, we simply feel that the scale of this project is beyond necessary and asks for too many variances to the zoning laws of our district. This puts not only our homes at risk, but the new homes as well. It also opens the door for these types of overboard developments to move into other residential neighborhoods throughout town - thus dismantling the core ideology behind our comprehensive plan and zoning ordinance, and disrupting the historical character and dignity of our beautiful town.
Margaret Selikoff	Saratoga Springs, NY	2016-03-16	There is no reason for this type of development in this neighborhood.
Kim Fonda	Saratoga Springs, NY	2016-03-16	I am sick and tired of double standards. The Zoning Board is a disgrace and our hopes for good stewardship decline day by day!
Janice Pancake	Saratoga Springs, NY	2016-03-16	If this goes as planned, it will set a precedent in our city that builders can get zoning laws changed and build wherever they want. Seems to me that our city has allowed all kinds of new, unaffordable, condos, etc. and taken the charm away from my hometown...
Joann Lorman	Porter Corners, NY	2016-03-16	Saratoga is getting to many large buildings. ..let's not lose its charm!
Robert Bostick	Arlington, VA	2016-03-16	I love the Saratoga of my childhood, my youth and to alter those memories of the alleys, streets and diverse neighborhoods would be sacrilege.
John Veitch	Saratoga Springs, NY	2016-03-16	This is not proper for that neighborhood. Simply out of character. I live next to the old St. John Neumann residence, and that conversion was fine for that building. This is not appropriate for Jumel Place
Liam Sheji	Saratoga Springs, NY	2016-03-16	It's important to preserve our cities history, and replacing our historic buildings is a crime to our lifestyle
Marie falls	Lorton, VA	2016-03-16	I hate seeing my hometown lose its charm!
Steven McCarthy	Saratoga Springs, NY	2016-03-16	Enough is Enough
Martha Strohl	Saratoga Springs, NY	2016-03-16	The Comprehensive Plan and our zoning codes are meant to be observed, not abused.
Lillian Spost	Saratoga Springs, NY	2016-03-16	Saratoga risks losing the charm that is its reputation.
Michael Gent	Saratoga Springs, NY	2016-03-16	Once you open the floodgates,there'll be no stopping them.The town is enough of a mess already.

Name	Location	Date	Comment
Anthony Smith	Washington, DC	2016-03-16	I'm shocked that the lovely tree-lined streets of my hometown would be destroyed by this condo developer. Enforce the zoning laws and stop this blight on the community.
shawn banner	Saratoga Springs, NY	2016-03-16	Our town is special because far sighted folk created a charter and zoning codes that preserve what is best about Saratoga. Lately, it seems that special dispensation keeps getting given to folks who want to build exactly what those far-sighted zoning laws and city planning decisions were meant to avoid. Growth is good--in fact, growth is great, but not growth that breaks the carefully crafted rules that make Saratoga a pleasure to reside in. Please do not keep giving in to developers' whims at the expense of what makes our fair city both fair and special!
Z. Parisi	Saratoga Springs, NY	2016-03-16	cp
Amber Duffney	Keeseville, NY	2016-03-16	O remember Saratoga the way it used to be. I have seen neighborhoods destroyed by "improvement", I would hate to see Saratoga to become a city of high rises, and loose it's charm and historic value.
Sunshine Stewart	Greenfield Center, NY	2016-03-16	Keep Saratoga beautiful!!!
Meghan Cherny	Corinth, NY	2016-03-16	Bit by bit we are losing our history and our roots, that which makes it all beautiful. Saratoga is beautifully old, we must fight for her.
Janice Bellamy	Saratoga Springs, NY	2016-03-16	Too many extreme variances requested. This won't blend in with the neighborhood. The builder is asking the Zoning Board for special treatment.
Amy Barakat	Saratoga Springs, NY	2016-03-16	I don't like the direction my hometown has headed since I was a child. Too much commercialization and too much building.
patricia rubio	saratoga springs, NY	2016-03-16	I am concerned about the violation of the City zoning laws the variance would entail.
Kathleen Brown	Saratoga Springs, NY	2016-03-16	Wrong plan, wrong place, & more overpriced real estate not needed!
bob mctague	saratoga sp, NY	2016-03-16	Our neighborhoods are under attack by greedy builders who have no reguard for families that live in the communities.
Daniel Schwank	xxxxxxxxxx, NY	2016-03-16	I'm against the overdevelopment that's destroying this town
Shealyn Heritage	Ballston Spa, NY	2016-03-16	I for one may not live I Toga directly but was born at Saratoga hospital lived in the outside towns all my life and have many Saratoga relatives of all era of Saratoga. It sadden my heart thinking about the stories I've heard of old Saratoga, Stories I have from Saratoga In the times before all the condo when we went to see our Saratoga family and The Saratoga now. Why does everything have to be so glamorized. We need some original and not just Original historical. Stop changing zoning laws for these big wig glamizatation.
Cindy June	Ballston Spa, NY	2016-03-16	Save my hometown from the developers who only see $$$$$$
Lori LeBarron	Gansevoort, NY	2016-03-16	There seems to an influx of developers who are presenting proposals that do not adhere to Saratoga Springs zoning laws. This needs to stop!
Leslie Brown	Saratoga Springs, NY	2016-03-16	There is way too much development in Saratoga and we're losing the quietness of the city. Please stop the building.
Joan Nellhaus	Saratoga Springs, NY	2016-03-16	This is wrong in so many ways. Integrity must be maintained.
Hillary Takahashi	Saratoga Springs, NY	2016-03-16	Protect our picturesque and wonderful neighborhoods.
Mary O'Donnell	Saratoga Springs, NY	2016-03-16	As a native, I have watched our city change way too much and not for the better in my estimation. This project would set a precedent and continue to ruin the very reason some people moved here. We want to keep our city's character.

Name	Location	Date	Comment
Jay Rogoff	Saratoga Springs, NY	2016-03-16	Approval of Downton Walk, a development entirely out of character with the neighborhood, would send a signal to developers that our zoning regulations are meaningless and can be circumvented at will.
Judi Duclos	Saratoga Springs, NY	2016-03-16	I do not like the path that our beautiful city seems to be on!!!!!
Penny Jolly	Saratoga Springs, NY	2016-03-16	This is a residential neighborhood, protected supposedly by our zoning laws. Please observe those laws! Do NOT permit all these special variances. Don't overcrowd our neighborhoods and try to make them into something they are not: a pretentious "Downton Walk" with expensive condos instead of separate one-family homes of modest size.
Brucie Rosch	Saratoga Springs, NY	2016-03-16	Developers can make their money elsewhere. It would be one thing if they had a track record of building affordable housing in Saratoga Springs, but They. Do. Not.
Tracy Millis	Saratoga Springs, NY, NY	2016-03-16	The entire project is foolish.
Regina Camilletti	Saratoga Springs, NY	2016-03-16	This development will scar an otherwise homogenous, established neighborhood of older homes. People are invested in these homes and that neighborhood. Who has the right to step in and on behalf of a builder and his cohort, threaten their investment? If anything goes, how about lets build some stables next to City Hall and put those 7 condos on East, really close to Skidmore. Sure. I would sue you if I could.
Jacklyn Clark	Saratoga Springs, NY	2016-03-16	I don't want this in my neighborhood, I've lived on this street for 24 years and to alter the streetscape with gaudy condos would be a disgrace. More importantly if the city government allows this to become reality that would be sinful. Keep within the parameters of the neighborhood, amen!!!!!!
Barbara Ungar	Saratoga Springs, NY	2016-03-16	Developers and greed are ruining what makes Saratoga Springs a desirable place to live and visit.
Celete Caruso	Saratoga springs, NY	2016-03-16	I'm signing because the Integrity of each neighborhood within the city needs to be maintained
Suzanne kwasniewski	Saratoga Springs, NY	2016-03-16	Too many projects are approved that deviate from zoning ordinances.
Richard Hibbert	Burlington, VT	2016-03-16	My mother has lived on Jumel Place, in the other block, since 1959. My siblings and I spent part of our formative years in that neighborhood. The house belongs to our family, and we value the character of the neighborhood. That includes the portion of the street for which this project is proposed. I believe that this would be a drastic, and negative, change in the character of this part of the city.
Annette Damron	Lecanto, FL	2016-03-16	I was born and raised there and don't want to come home to a metropolis.
Susan Traylor	Saratoga Springs, NY	2016-03-16	I don't want Saratoga Springs, my beautiful home town to turn into a Clifton Park!
Marisa Wade	Saratoga Springs, NY	2016-03-16	Saratoga is starting to loose some of it's charm to all of these apartments and condominiums
JOHN DUANE	Middle Grove, NY	2016-03-16	to keep saratoga saratoga !
Arthur Porter III	Saratoga Springs, NY	2016-03-16	I believe that this is yet another example of the abuse of the zoning variance process to circumvent existing zoning designations and the Comprehensive Plan.
Katherine Totten	Saratoga Springs, NY	2016-03-16	Enough is enough
Karin Vollkommer	Saratoga Springs, NY	2016-03-16	This project is too big for the neighborhood.
kathleen orefice	westport, CT	2016-03-16	I want Saratoga to stay the way it is. It's already changing too much.

Name	Location	Date	Comment
Amy Syrell	South Glens Falls, NY	2016-03-16	Saratoga Springs needs to be a place for all people, not just those with a lot of money.
Jill P McMahon	Saratoga Springs, NY	2016-03-16	The project seems too large for the space available. More shoehorning of big houses out of character with the neighborhood that loom over their neighbors.
Frank Capone	Saratoga Springs, NY	2016-03-16	preserve the residential character
Bette Brill	Saratoga Springs, NY	2016-03-16	Just do not change the zoning laws for this or any project in a neighborhood that is not zoned for it....
amejo amyot	saratoga springs, NY	2016-03-16	I like green space around homes and consistent density in neighborhoods. this is a 1 and 2 family area.
Patricia Cornute	Saratoga Springs, NY	2016-03-16	Too many developments already in our town, hard to recognize the charming place it used to be., when the sun can't even shine down on you as you walk down certain streets any more.
sue scherer	Saratoga Springs, NY	2016-03-16	Enough with the overgrowth.
linda battiste	Schenectady, NY	2016-03-16	I grew up in Saratoga and it's beautiful the way it is!
Mary Frances Healy	Saratoga Springs, NY	2016-03-16	I have lived here my whole life and don't like the direction we are going
MaryAnn Wager	Saratoga Springs, NY	2016-03-16	I have lived in Saratoga my entire life and I am concerned for the future of our beautiful city. It is quickly losing its historical look and feel.
Patricia Mathews	Sanford, ME	2016-03-16	I strongly believe in preserving the integrity of all cities, but most importantly those cities that represent the history of our country. I lived on Jumel Place until I graduated from college. When I go back to visit family I am often disappointed to see yet another set of new and expensive Town Houses, apartment buildings, hotels, and condos. With each change Saratoga Springs loses a little of its identity. Just take a walk on Jumel Place, and you will clearly see that a development of this type is out of character with the neighborhood. Saratoga, a city I have always been proud to call my hometown, should not lose its charm to moneymaking investments.
Deb Garrelts	Saratoga Springs, NY	2016-03-16	I agree that we are being over-run with condominiums and that our neighborhoods need protection
Denise Dart	Clifton Park, NY	2016-03-16	I'm signing because I am a native Saratogian and the alleged zoning codes worked against my Dad and now we have foreigners coming in and being allowed to build wherever and however big they want just because they have the money.
Barbara Claydon	Saratoga Springs, NY	2016-03-16	inappropriate development of the space for the existing neighborhood in which I happen to live
Paul Hibbert	Broken Arrow, OK	2016-03-16	My family has property on Jumel place
Chris Pringle	Saratoga Springs, NY	2016-03-16	I've lived in saratoga almost all my life and I'm sick of seeing this great little town desecrated by these monstrosities being built with no thought what so ever. The west side of town now looks like a haven for yuppies and has driven out the families that have resided there for years. Downtown hardly looks the same as I remember it as a child. All the once family owned businesses that occupied Broadway are now gone and these corporate goons have bullied their way in forcing the rent to a ridiculous level that only 6 figure a year income families can afford. This use to be a great place to live a place I called home now I don't even recognize the town I grew up in. Enough is enough.
Joyce McKnight	Lake Luzerne, NY	2016-03-16	Saratoga Springs already has empty developments...the zoning board is either ineffectual or "on the take."

Name	Location	Date	Comment
Ann Diller	Gansevoort, NY	2016-03-16	I am appalled at the over-development that has changed our city so that it unaffordable to longtimers, courtesy of boards that are overly generous to devevlopers.
Randy Hammond	Porter Corners, NY	2016-03-16	Saratoga is heading in the wrong direction
helen travis	Saratoga Springs, NY	2016-03-16	They are destroying Saratoga making hard for families to live homeless rase now its more homeless families working families that can't effored Saratoga price or anywhere els for that matter rent has raise so high everywhere its sad and decrees
kayla rynasko	Schenectady, NY	2016-03-16	Born and raised in Saratoga. Graduate of Saratoga high. All my family lives here!
Kathy Becker	Greenfield Center, NY	2016-03-16	I was born and raised in Saratoga Springs. I am so upset by huge changes that have been made in Saratoga. What ever happened to preserving the historical buildings in the city. It looks like the almighty dollar has won out. It is such a shame and so sad.
Liz Mark	Gansevoort, NY	2016-03-16	Saratoga is being overrun by greedy developers like Bonacio and losing its charm.
Charles Kish	Saratoga Springs, NY	2016-03-17	The character of too many neighborhoods are at stake when projects are granted that require numerous large scale changes to existing zoning. When developers profit concerns trump zoning considerations and justifiable and considered opposition by neighbors to this degree, who's opposition is totally supported by current zoning, the zoning board is not doing it's job. There is zoning for a reason based on long term plans and consideration for the city as a whole. Wholesale variances granted solely for the purpose of developer profit is is a travesty.
Nancy Flynn	Buskirk, NY	2016-03-17	We have a family home on the other block of Jumel Place that my mom lives in and believe this will hurt the whole street and set a bad precedent.
Ann Haller	Saratoga Springs, NY	2016-03-17	This is an inappropriate use if the land. It is not in accordance with the zoning. developers should not be exempt from rules just because they want to maximize their profits. The city is running out of build-able lots, so the developer is trying to squeeze as much profit as he can out of this lot.
renee harder	gansevoort, NY	2016-03-17	way to much development now
Richard Dunham	Saratoga Springs, NY	2016-03-17	I do not believe that a previous factory/Dance Studio in a residential neighborhood needs to be re-zoned to accommodate more living space than the current regulations allow. Enough cronieism. Build a house, or two.
Kelly Mackison	Gansevoort, NY	2016-03-17	I am bored in raided is Saratoga
Jodi Stevens	Saratoga Springs, NY	2016-03-17	I grew up on this area and just can't stand by and watch the integrity of this beautiful, quaint neighborhood be destroyed...
Jennifer Kleindienst	Middletown, CT	2016-03-17	I grew up near Saratoga and visit often. I would hate to see the city's charm erode with a project like this.
Patricia Duval	Portland, OR	2016-03-17	To oppose approvals requested for this project. Plan is totally irrelevant to the existing neighborhood. Approving these requests would set a bad precedent and many of Saratoga neighborhoods would be at risk.
Gloria Burke	Waterville, ME	2016-03-17	This would set a terrible president.
Dorene Couch	Saratoga Springs, NY	2016-03-17	I want to show my support for our local residents and weigh in on matters of development that will have a negative impact on our neighborhoods

Name	Location	Date	Comment
Wayne T. Senecal	Saratoga Springs, NY	2016-03-17	I believe the developer's application is a change in use requiring City Council Approval not just Zoning Board of Appeals approval.
Jerome Luhn	Saratoga Springs, NY	2016-03-17	People are entitled to know what development plans are being proposed so that they, and the officials entrusted with authority over zoning decisions, can make informed judgments that affect the character of the place where they live over the long term. Seemingly material omissions in presentation, together with behavior by the developer and relevant board officials, have given neighbors reason to raise questions, such as whose interests enjoy primacy in this proposal? No one wants to wake to rude surprises after the foundations are poured. That's something any developer should understand.
Sheila Levo	Saratoga Springs, NY	2016-03-17	I'm signing because although I am a Saratoga native, I no longer live in the city After my husband died, I sold my house as the upkeep (lawn, snow, etc.) was too much for me. The prices for decent rentals in the city were outrageous. I was forced to look elsewhere and as a consequence, I now live in Ballston. This project, if allowed, would be another example of pricing the the middle class out Saratoga.
Melanie Herter	New York City, NY	2016-03-17	Trying to keep my neighborhood from illegal property use and major congestion
Ina Harney	Saratoga Springs, NY	2016-03-17	This has to stop in Saratoga, not only in my backyard but this one too. Residents have to pay attention to all of these plans, not only their neighborhoods. Every time the builders manage to get one over on our city government leaders and build these monstrocsities it gives them permission to ruin another neighborhood.
Nicholas Rossi	Parrish, FL	2016-03-17	I lived in Saratoga 62yrs. I grew up in that part of town & owned a home at 213 East AVE. Allowing this development is wrong
James Lestrange	Saratoga Springs, NY	2016-03-17	Stop putting the interests of the wealthy ahead of long time Saratoga residents. We have enough development already. Too many people moving in making everything more expensive and causing traffic congestion.
richard bradley	Ballston Spa, NY	2016-03-17	developers are destroying the Saratoga I grew up in. they just need to leave things alone. they are just fine as they are
Henry Bovee	Saratoga Springs, NY	2016-03-17	For my friend
Michael Graul	Granby, CO	2016-03-17	I would like to see the zoning laws upheld in this single family neighborhood where I grew up. I hope those individuals on the zoning board haven't lost sight of doing what is right.
HEATHER STABLES	SARATOGA SPRINGS, NY	2016-03-18	This is NOT NYC....
Michael Stoneback	Saratoga Springs, NY	2016-03-18	developers are ruining the city with maximizing land use with the approval of city boards and their own interpretation of zoning
Barbara Bovee	Saratoga Springs, NY	2016-03-18	To preserve Saratoga
deborah koransky	Saratoga Springs, NY	2016-03-18	i am opposed to this Witt project.
Maureen Curtin	Saratoga Springs, NY	2016-03-18	There are an excessive number of substantial variances, which if granted would make our zoning laws useless.
Deb Mattison	Saratoga Springs, NY	2016-03-18	Following the zoning ordinances will create a home more in character with the neighborhood in which we live and work.
Tara graul	Lyndhurst, NJ	2016-03-18	I oppose this development. Anyone else who truly loves Saratoga Springs and the neighborhood surrounding Jumel Place knows that approving zoning for this project would be inappropriate. I hope that the board does the right thing.
Deb Mattison	Saratoga Springs, NY	2016-03-18	Following the zoning ordinances will create a home more in character with the neighborhood in which we live and work.

Name	Location	Date	Comment
Margaret Bradley	Saratoga Springs, NY	2016-03-18	Again, our "City in the Country" is being challenged.
Jamie Barss	Saratoga Springs, NY	2016-03-18	I grew up in this neighborhood and I can stand the way developers are ruin my home town Saratoga has turn in to a town for the rich and are push the every day people out This was always a family friendly town but not anymore I think this will ruin the charm of the eastside
Virginia Ponessa	Saratoga Springs, NY	2016-03-19	I used to live on Jumel Place and am so sad to see how negatively the town has been changing.
Mary-Ellen Callahan	Edgewater, NJ	2016-03-19	My family lives in Saratoga Springs and this is a dangerous proposal to all future zoning. There is a greater need for protecting the zoning code than a need for a seven unit development.
Reginald Lilly	Saratoga Springs, NY	2016-03-19	I live around the corner from this project and it would transform the character of the neighborhood in a very negative way. It would have a negative impact as well on property values in the neighborhood. I strongly oppose this project.
Connie Crawford	Ballston Spa, NY	2016-03-19	I'm sick of all the condos and ugly huge boxy buildings going up in Saratoga, especially the UNAFFORDABLE high rents they charge....
Nancy Toole	Saratoga Springs, NY	2016-03-19	DOWNTON WALK should NOT be allowed to be built in this neighborhood. And if it is, a bad precedent will have been set.
Joyce Dart	saratoga springs, NY	2016-03-19	I'm signing because I like having neighborhoods with homes and sidewalks. I don't want big box buildings that block the sun.
Dillon Moran	Saratoga Springs, NY	2016-03-19	The invasiveness of development in Saratoga Springs is more than enough without bending all of the rules put in place to govern it. This project is simply too much
Steven Mattison	Saratoga Springs, NY	2016-03-20	I think it is ridiculous that there are zoning laws in place and a high profile builder can sweep in and have multiple zoning ordinances changed just to get the big buck without regard to the neighbors and neighborhood.
Christiana HOLLAND	SARATOGA SPGS, NY	2016-03-20	We have enough apartments and condos for now! Let's all take a break
M.Thomas Porter	Saratoga Springs, NY	2016-03-20	This is a terrible precedent to set for the future in old established Saratoga Springs neighborhoods.
Linda Church	Saratoga Springs, NY	2016-03-20	I disagree with the variances being requested. Present something more in line with the area. This is too dense, and too big!
Grant Gentner	Saratoga Springs, NY	2016-03-20	We are losing too much of our charm to building. We also are losing green space. If we lose our Saratoga charm, it will be difficult to come back.
Kathleen Bryan	Niskayuna, NY	2016-03-20	I've seen too many changes in Saratoga over the last 27 years. It would be nice to keep the neighborhoods family friendly.
Robert Vogel	Saratoga Springs, NY	2016-03-20	I am opposed to the Downtown Walk development project
Kim Stevens	Saratoga Springs, NY	2016-03-20	I live in the neighborhood and I don't want to start the precedent of building large condos among single family homes.
Joanie Rupprecht	Saratoga Springs, NY	2016-03-20	I like the feel of Saratoga w/ old, private houses, I esp. like that feel on JUMEL where I LIVE !!! Please respect the current zoning !!!
Peggy Tayler-MacNeill	Saratoga Springs, NY	2016-03-20	I care about keeping keeping this a family neighborhood without the density discussed in this petition. Imagine if each condo had 4 children? Or more? It is an outrageous expectation for that small property to expect to fit seven condos with any size family. What about sewer and water capacity?
James Pollard	Saratoga Springs, NY	2016-03-20	I object to this development in my neighborhood because it violates current zoning law, seeks variances and exceptions which, if granted, would significantly and negatively impact the density and character my immediate environment, and of the city

Name	Location	Date	Comment
John Boardman	Saratoga Springs, NY	2016-03-20	The stepped up assault on the zoning ordinances, under the cover of the vaguely worded "Comprehensive Plan", has got to stop. This is the third major project in 6 months (see Moore Hall and the hospital expansion) where developers have attempted to slip projects that would need a major zoning change as simple variances. The ZBA and Planning Board need to see these for what they are and insist development comply with the existing ordinance. The Comprehensive Guide does not overrule the Zoning Ordinance - it's the reverse.
James Pollard	Saratoga Springs, NY	2016-03-20	I object to the project as proposed because it is non-compliant with current zoning regulations, and because it seeks an audacious and unprecedented number of variances, most of which (if granted) would have a severe negative impact to the density and character of my neighborhood and are therefor unacceptable.
Lisa Wilcox	Huntsville, AL	2016-03-20	I loved the old Saratoga. Too many changes, too fast
Laura Giannini	Saratoga Springs, NY	2016-03-20	Although I support rejuvenation of the property at 27 Jumel Place, I strongly feel that the proposed project is not appropriate for our neighborhood. I down the street from the subject property, and we ask the zoning board to respect the wishes of our family and our neighbors and reject the requested radical variances to the current laws. We feel this project itself is not beneficial to the neighborhood and its invaluable character, and allowing the violation of the zoning laws would set a dangerous precedent moving forward.
Russell Pittenger	Saratoga, NY	2016-03-20	The variances asked for seen excessive.
Chris Bernd	Saratoga Springs, NY	2016-03-20	The condominum/townhouse growth in Saratoga is out of control, taking away open spaces and I believe zoning laws need to be followed.
Albert Mather	Saratoga Springs, NY	2016-03-20	I'm signing because I do not want our neighborhood to become "mansionized" like the neighborhood from which we moved in Wellesley MA
Tina K. Morris	Saratoga Springs, NY	2016-03-20	The proposed Downton Walk Development is near my home. A large development is not in keeping with the existing small early 20th century homes. I strongly object to waiving zoning regulations which will set a negative precedent for the entire city of Saratoga Springs.
Ralph Yusavage	Saratoga Springs, NY	2016-03-21	Its not okay to ignore the rules whenever its convenient. The developers will build the charm right out of our city if we let them.

Thomas and Rachel Uccellini
[redacted] Granger Avenue
Saratoga Springs, NY 12866

March 21, 2016

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

Dear Zoning Board of Appeals:

We are writing in favor and to further offer our resounding support for Witt Construction's proposed Downton Walk Project. It goes without saying that Downton's European exterior would be a welcome improvement from the dilapidated, vacant building that exists on Jumel Place today, but, moreover, these variance's have previously been approved and this site plan of single-family condominiums are better suited for the wholly residential neighborhood.

Three years ago, we, too, were up against varying public discourse from both the neighbors and the City of Saratoga Springs. After a year of meetings with the Zoning Board of Appeals, we were approved for a front yard setback of 27.3 feet (91% relief) and rear yard setback of 24 feet (80% relief) from the minimum 30 feet setback requirement. In addition, we also received maximum building coverage of principal building of 11% (55% relief). Given what on paper appears to be a huge concession, the finished product fits perfectly on this city lot and has garnered positive feedback from most of the people that were against the project. One of the most common comments is that the house "looks like it has been on the lot for years." This is a testament to Mr. Witt's ability to uphold the characteristic of the neighborhood, as well as, the city of which he has been a lifelong resident.

It is apparent that our Witt home added both aesthetic beauty and increased surrounding property values. Downton Walk will enhance our neighborhood and add to the continued development and enrichment of the City of Saratoga Springs.

Sincerely,

Thomas and Rachel Uccellini

signatures_1458577853

Name	City	State	Postal Code	Signed On
Sandra Cohen	Saratoga Springs	New York		2016-03-15
Sam Brewton	Saratoga Springs	New York	12866	2016-03-15
Kira Cohen	Saratoga Springs	New York	12866	2016-03-15
John Spinelli	DeLand	Florida	32724	2016-03-15
Kristin Brenner	Saratoga Springs	New York	12866	2016-03-15
Catherine Golden	Saratoga Springs	New York	12866	2016-03-15
Olivia Cruz	Saratoga Springs	New York	12866	2016-03-15
Scott Starr	Saratoga Springs	New York	12866	2016-03-15
Bryan N.	Saratoga Springs	New York	12866	2016-03-16
Gary Daluisio	Gansevoort	New York	12831	2016-03-16
Jane Stevens	Saratoga Springs	New York	12866	2016-03-16
Holly Bates	Saratoga Springs	New York	12866	2016-03-16
Jeannine Moran	Saratoga Springs	New York	12866	2016-03-16
Carol Schupp Star	Saratoga Springs	New York	12866	2016-03-16
Karen Pettigrew	Saratoga Springs	New York	12866	2016-03-16
Margaret Selikoff	Saratoga Springs	New York	12866	2016-03-16
Kim Fonda	Saratoga Springs	New York	12866	2016-03-16
kathy shimm	saratoga Springs	New York	12866	2016-03-16
Ronnie Betor	Saratoga Springs	New York	12866	2016-03-16
Janice Pancake	Ballston Spa	New York	12020	2016-03-16
Frank Callucci	Saratoga Springs	New York	12866	2016-03-16
debbie barry	Saratoga springs	New York	12866	2016-03-16
Joann Lorman	Porter Corners	New York	12859	2016-03-16
isabella warner	Saratoga Springs	New York	12866	2016-03-16
Mary Tipton	Saratoga Springs	New York	12866	2016-03-16
Claire Demarest	Saratoga Springs	New York	12866	2016-03-16
Robert Bostick	Arlington	Virginia	22202	2016-03-16
John Veitch	Saratoga Springs	New York	12866	2016-03-16
Liam Sheji	Saratoga Springs	New York	12866	2016-03-16
Jim Favaloro	Saratoga Springs	New York	12866	2016-03-16
Marie falls	Woodbridge	Virginia	22193	2016-03-16
Philip Donnelly	Saratoga Springs	New York	12866	2016-03-16
Jarred Butler	Corinth	New York	12822	2016-03-16
Judy Riester	Saratoga Springs	New York	12866	2016-03-16
Jennifer South	Saratoga Springs	New York	12866	2016-03-16
Theresa Boisseau	Saratoga Springs	New York	12866	2016-03-16
Susan DeRossi	Saratoga Springs	New York	12866	2016-03-16
Christine Guarnieri	Saratoga Springs	New York	12866	2016-03-16
Carrie Warner	Saratoga Springs	New York	12866	2016-03-16
Michael Yarinsky	Brooklyn	New York	11205	2016-03-16
Jena Rotheim	Saratoga Springs	New York	12866	2016-03-16
Steven McCarthy	Saratoga Springs	New York	12866	2016-03-16
Martha Strohl	Saratoga Springs	New York	12866	2016-03-16
Cherylle Hudak	Saratoga Springs	New York	12866	2016-03-16
Lillian Spost	Saratoga Springs	New York	12866	2016-03-16
Michael Gent	Saratoga Springs	New York	12866	2016-03-16
Rick Leverence	Somerville	Massachusetts	2144	2016-03-16
Melany Gent	Saratoga Springs	New York	12866	2016-03-16

Anthony Smith	Washington	District of Columbia	20011	2016-03-16
Rob Wright	Saratoga springs ny	New York	12866	2016-03-16
Sherry Dapello	Ballston Spa	New York	12020	2016-03-16
Shawn Banner	Saratoga Springs	New York	12866	2016-03-16
Allison Williford	Calabash	North Carolina	28467	2016-03-16
Julie Behrens	Candor	New York	13743	2016-03-16
c frank parisi	Albany	New York	12210	2016-03-16
Randi Kish	Saratoga Springs	New York	12866	2016-03-16
Justin Cressey	Pompano Beach	Florida	33066	2016-03-16
Mame Noonan	Saratoga Springs	New York	12866	2016-03-16
Eric Gould	Rensselaer	New York	12144	2016-03-16
Hannah Christopher Christopher	Clifton Park	New York	12065	2016-03-16
Amber Duffney	Keeseville	New York	12944	2016-03-16
Sunshine Stewart	Greenfield Center	New York	12833	2016-03-16
Lynn Blasso	Saratoga Springs	New York	12866	2016-03-16
John Kaufmann	Saratoga Springs	New York	12866	2016-03-16
Deena Smith	Saratoga Springs	New York	12866	2016-03-16
Meghan Cherny	Corinth	New York	12822	2016-03-16
Janice Bellamy	Saratoga Springs	New York	12866	2016-03-16
Lynda goodness	Saratoga Springs	New York	12866	2016-03-16
Martha Ray	Saratoga Springs	New York	12866	2016-03-16
Amy Barakat	Saratoga Springs	New York	12866	2016-03-16
patricia rubio	saratoga springs	New York	12866	2016-03-16
Kathleen Brown	Saratoga Springs	New York	12866	2016-03-16
Erin Wiggin	Gansevoort	New York	12831	2016-03-16
Ardath Stroman	Middleport	New York	14105	2016-03-16
Llona Hogan	Gansevoort	New York	12831	2016-03-16
Pepper Wolfe	Saratoga Springs	New York	12866	2016-03-16
Robert McTague	Saratoga Springs	New York	12866	2016-03-16
Daniel Schwank	Saratoga Springs	New York	12866	2016-03-16
Gordon Ray	Saratoga Springs	New York	12866	2016-03-16
Emma Folkins	Saratoga Springs	New York	12866	2016-03-16
Beverlee Patterson	Ballston Spa	New York	12020	2016-03-16
Shealyn Heritage	Ballston Spa	New York	12020	2016-03-16
Vanessa Saari	Clifton Park	New York	12065	2016-03-16
Theresa Capozzola	Saratoga Springs	New York	12866	2016-03-16
Cindy June	Ballston Spa	New York	12020	2016-03-16
Lori LeBarron	Gansevoort	New York	12831	2016-03-16
Leslie Brown	Saratoga Springs	New York	12866	2016-03-16
Joan Nellhaus	Saratoga Springs	New York	12866	2016-03-16
Gabriel Stinson	Saratoga Springs	New York	12866	2016-03-16
Michelle Cameron	Ballston Spa	New York	12020	2016-03-16
Laura Blunt	Saratoga Springs	New York	12866	2016-03-16
Nancy Wilder	Saratoga Springs	New York	12866	2016-03-16
Hillary Takahashi	Saratoga Springs	New York	12866	2016-03-16
Noah Casner	Salem	New York	12865	2016-03-16
Judith Brenner	Saratoga Springs	New York	12866	2016-03-16
Mary O'Donnell	Saratoga Springs	New York	12866	2016-03-16
Jay Rogoff	Saratoga Springs	New York	12866	2016-03-16

Judi Duclos	Saratoga Springs	New York	12866	2016-03-16
Penny Jolly	Saratoga Springs	New York	12866	2016-03-16
Frank DeRossi	Saratoga Springs	New York	12866	2016-03-16
Brucie Rosch	Saratoga Springs	New York	12866	2016-03-16
Tracy Millis III	Saratoga Springs	New York	12866	2016-03-16
Regina Camilletti	Saratoga Springs	New York	12866	2016-03-16
Jacklyn Clark	Saratoga Springs	New York	12866	2016-03-16
Matt schwarz	Fort Myers	Florida	33919	2016-03-16
Barbara Ungar	Saratoga Springs	New York	12866	2016-03-16
Sherry Callahan	Braselton	Georgia	30517	2016-03-16
Celete Caruso	Saratoga springs	New York	12866	2016-03-16
Suzanne kwasniewski	Saratoga Springs	New York	12866	2016-03-16
Deborah Millis	Saratoga Springs	New York	12866	2016-03-16
MaryBeth Hibbert	Burlington	Vermont	5408	2016-03-16
Richard Hibbert	Burlington	Vermont	5408	2016-03-16
Ann Sette	Saratoga Springs	New York	12866	2016-03-16
Johanna Garrison	Saratoga Springs	New York	12866	2016-03-16
William Pettigrew	Saratoga Springs	New York	12866	2016-03-16
Annette Damron	Lecanto	Florida	34461	2016-03-16
Davene Jones	Wilton	New York	12831	2016-03-16
Robert Lippman	Saratoga Springs	New York	12866	2016-03-16
Peter Lee	Saratoga Springs	New York	12866	2016-03-16
Susan Traylor	Saratoga Springs	New York	12866	2016-03-16
Marisa Wade	Saratoga Springs	New York	12866	2016-03-16
JOHN DUANE	Middle Grove	New York	12850	2016-03-16
Arthur Porter	Saratoga Springs	New York	12866	2016-03-16
Kathryn Fitzgerald	Saratoga Springs	New York	12866	2016-03-16
Annmarie Palmieri	Saratoga Springs	New York	12866	2016-03-16
doug lake	Saratoga Springs	New York	12866	2016-03-16
Nanci StJohn	Saratoga Springs	New York	12866	2016-03-16
Katherine Totten	Saratoga Springs	New York	12866	2016-03-16
Robin Kish	Saratoga Springs	New York	12866	2016-03-16
Cathy Hoff	Ballston Spa	New York	12020	2016-03-16
Rhea Demory	Saratoga Springs	New York	12866	2016-03-16
John Schroeder	Saratoga Springs	New York	12866	2016-03-16
Derek Olsen	Saratoga Springs	New York	12866	2016-03-16
Teri Blasko	Saratoga Springs	New York	12866	2016-03-16
Karin Vollkommer	Saratoga Springs	New York	12866	2016-03-16
David Lombardo	Saratoga Springs	New York	12866	2016-03-16
Kathleen Ruggles Orefice	Westport	Connecticut	6880	2016-03-16
Dina Fittipaldi	Saratoga Springs	New York	12866	2016-03-16
Margaret Fittipaldi	Saratoga Springs	New York	12866	2016-03-16
Tracy Maimone	East Rochester	New York	14445	2016-03-16
Amy Syrell	South Glens Falls	New York	12803	2016-03-16
Julio Olvera	Saratoga Springs	New York	12866	2016-03-16
Holly Lawton	Saratoga Springs	New York	12866	2016-03-16
Jill P McMahon	Saratoga Springs	New York	12866	2016-03-16
Stephen Farenell	Saratoga Springs	New York	12866	2016-03-16
Frank Capone	Saratoga Springs	New York	12866	2016-03-16

Bette Brill	Saratoga Springs	New York	12866	2016-03-16
amejo amyot	saratoga springs	New York	12866	2016-03-16
Joy Burke	Saratoga Springs	New York	12866	2016-03-16
Patricia Cornute	Saratoga Springs	New York	12866	2016-03-16
sue scherer	Saratoga Springs	New York	12866	2016-03-16
nancy Henry	Albany	New York	12203	2016-03-16
David Morris	Saratoga Springs	New York	12866	2016-03-16
linda battiste	Schenectady	New York	12302	2016-03-16
Mary Frances Healy	Saratoga Springs	New York	12866	2016-03-16
Tara Chhabra	Saratoga Springs	New York	12866	2016-03-16
Annette Carman	Saratoga Springs	New York	12866	2016-03-16
MaryAnn Wager	Saratoga Springs	New York	12866	2016-03-16
Patricia Mathews	Sanford	Maine	4073	2016-03-16
Stephanie Ryall	Saratoga Springs	New York	12866	2016-03-16
Lisa Campilango	Saratoga Springs	New York	12866	2016-03-16
Deborah Garrelts	Saratoga Springs	New York	12866	2016-03-16
Joosje Anderson	Saratoga Springs	New York	12866	2016-03-16
Denise Dart	Clifton Park	New York	12065	2016-03-16
Barbara Claydon	Saratoga Springs	New York	12866	2016-03-16
Paul Hibbert	Broken Arrow	Oklahoma	74011	2016-03-16
Chris Pringle	Saratoga Springs	New York	12866	2016-03-16
Darrell Rikert	Greenfield Center	New York	12833	2016-03-16
Joyce McKnight	Lake Luzerne	New York	12846	2016-03-16
james brophy	saratoga springs	New York	12877	2016-03-16
Diller Ann	Gansevoort	New York	12831	2016-03-16
monica winn	Saratoga Springs	New York	12866	2016-03-16
Tracey Radigan	Saratoga Springs	New York	12866	2016-03-16
Amy Hichman	Saratoga Springs	New York	12866	2016-03-16
Rick Moran	Saratoga Springs	New York	12866	2016-03-16
Randy Hammond	Porter Corners	New York	12859	2016-03-16
Kayla Rynasko	Saratoga Springs	New York	12866	2016-03-16
Jeanne Oconnor	Saratoga Springs	New York	12866	2016-03-16
Kathy Becker	Greenfield Center	New York	12833	2016-03-16
Chuck Lamb	Saratoga Springs	New York	12866	2016-03-16
Liz Mark	Gansevoort	New York	12831	2016-03-16
Charles Kish	Saratoga Springs	New York	12866	2016-03-16
Colleen Downing	Saratoga Springs	New York	12866	2016-03-16
Nancy Flynn	Buskirk	New York	12028	2016-03-16
Ann Haller	Saratoga Springs	New York	12866	2016-03-17
Beverlee Patterson	Ballston Spa	New York	12020	2016-03-17
Ellen Boyce	Saratoga Springs	New York	12866	2016-03-17
Deanne Marg	Saratoga Springs	New York	12866	2016-03-17
Michele McClure	Schuylerville	New York	12871	2016-03-17
Michelle Deyette	Saratoga Springs	New York	12866	2016-03-17
Thomas Wadsworth	Cobleskill	New York	12043	2016-03-17
renee harder	gansevoort	New York	12831	2016-03-17
Richard Dunham	Saratoga Springs	New York	12866	2016-03-17
Kelly O'DONNELL -Mackison	Gansevoort	New York	12831	2016-03-17
Jodi Stevens	Saratoga Springs	New York	12866	2016-03-17

Jennifer Kleindienst	Middletown	Connecticut	6457	2016-03-17
Louisa Foye	Saratoga Springs	New York	12866	2016-03-17
Karen Thomas	Saratoga Springs	New York	12866	2016-03-17
Joseph Marcuccio	Saratoga Springs	New York	12866	2016-03-17
Bethany Cohen	Boca Raton	Florida	33433	2016-03-17
Vicki Feldman	Saratoga Springs	New York	12866	2016-03-17
Patricia Duval	Saratoga Springs	New York	12866	2016-03-17
Gloria Burke	Saratoga Springs	New York	12866	2016-03-17
Karen Hefter	Hughesville	Maryland	20637	2016-03-17
Tamara Woolsey	Saratoga Springs	New York	12866	2016-03-17
Dorene Couch	Saratoga Springs	New York	12866	2016-03-17
Ingrid H Stone	Saratoga Springs	New York	12866	2016-03-17
Barbara Proctor	Saratoga Springs	New York	12866	2016-03-17
Oona Grady	Saratoga Springs	New York	12866	2016-03-17
Alysia Han	Davidson	North Carolina	28036	2016-03-17
Roxanne Mead	Saratoga Springs	New York	12866	2016-03-17
Wayne T. Senecal	Saratoga Springs	New York	12866	2016-03-17
Martha Almgren	Ballston Spa	New York	12020	2016-03-17
Tara Martin	Saratoga Springs	New York	12866	2016-03-17
EDWARD Jewell	Saratoga Springs	New York	12866	2016-03-17
Susan king	Schuylerville	New York	12871	2016-03-17
Jerome Luhn	Saratoga Springs	New York	12866	2016-03-17
Chris Mathiesen	Saratoga Springs	New York	12866	2016-03-17
Sheila Levo	Saratoga Springs	New York	12866	2016-03-17
William Yusavage	Saratoga Springs	New York	12866	2016-03-17
Melanie Herter	Saratoga Springs	New York	12866	2016-03-17
Ina Harney	Saratoga Springs	New York	12866	2016-03-17
Nicholas Rossi	Parrish	Florida	34219	2016-03-17
James Lestrange	Saratoga Springs	New York	12866	2016-03-17
richard bradley	Ballston Spa	New York	12020	2016-03-17
Loretta Martin	Please Select:	New York	12866	2016-03-17
doug klein	Schuylerville	New York	12871	2016-03-17
Michael Taormina	Waterford	New York	12188	2016-03-17
LeeAnne Olsen	Saratoga Springs	New York	12866	2016-03-17
Joanne Dwornik	Saratoga Springs	New York	12866	2016-03-17
Alan Edstrom	Saratoga Springs	New York	12866	2016-03-17
Henry Bovee	Saratoga Springs	New York	12866	2016-03-17
Michael Graul	Aurora	Colorado	80015	2016-03-17
james yellen	Wayne	New Jersey	7470	2016-03-17
Kelly Winters	Saratoga Springs	New York	12866	2016-03-18
Phyllis Hecker	NY	New York	12205	2016-03-18
Arvilla Morett	CITY		POSTAL COD	2016-03-18
Stephanie Waring	Saratoga Springs	New York	12866	2016-03-18
HEATHER STABLES	SARATOGA SPRINGS	New York	12866	2016-03-18
Michael Stoneback	Saratoga Springs	New York	12866	2016-03-18
jessica moore	Gansevoort	New York	12831	2016-03-18
Debra Murphy	CANTON	Georgia	30114-7795	2016-03-18
Barbara Bovee	Saratoga Springs	New York	12866	2016-03-18
Gerald Mattison	Saratoga Springs	New York	12866	2016-03-18

deborah koransky	Saratoga Springs	New York	12866	2016-03-18
Judith LaPook	Saratoga Springs	New York	12866	2016-03-18
Elizabeth Fisher	Porter Corners	New York	12859	2016-03-18
Maureen Curtin	Saratoga Springs	New York	12866	2016-03-18
Tara Graul	Lyndhurst	New Jersey	7071	2016-03-18
Deb Mattison	Saratoga Springs	New York	12866	2016-03-18
Margaret Bradley	Saratoga Springs	New York	12866	2016-03-18
Virginia Ponessa	Saratoga Springs	New York	12866	2016-03-19
Richard Snyder	Saratoga Springs	New York	12866	2016-03-19
Deborah Graul	Saratoga Springs	New York	12866	2016-03-19
jerry hilliker	Saratoga Springs	New York	12866	2016-03-19
Nathaniel Harrington	Saratoga Springs	New York	12866	2016-03-19
Cherae Remillard	Saratoga Springs	New York	12866	2016-03-19
Mary-Ellen Callahan	East Hartford	Connecticut	6118	2016-03-19
Tomarra McCall	Saratoga Springs	New York	12866	2016-03-19
Jessica Glagov	Saratoga Springs	New York	12866	2016-03-19
gay murrisky	Saratoga Springs	New York	12866	2016-03-19
Reginald Lilly	Saratoga Springs	New York	12866	2016-03-19
Sara Zlotnick	Saratoga Springs	New York	12866	2016-03-19
Connie Crawford	Ballston Spa	New York	12020	2016-03-19
Nancy Toole	Saratoga Springs	New York	12866	2016-03-19
Joy Holcomb	Saratoga Springs	New York	12866	2016-03-19
Joyce Dart	Saratoga Springs	New York	12866	2016-03-19
Dillon Moran	Saratoga Springs	New York	12866	2016-03-19
Kerri Barber	Saratoga Springs	New York	12866	2016-03-19
Colleen Macvean	Saratoga Springs	New York	12866	2016-03-19
John Clark	Saratoga Springs	New York	12866	2016-03-19
Eleanor Williams	Saratoga Springs	New York	12866	2016-03-19
Saraya Robison	Salem	New York	12865	2016-03-20
Eugene Waters	Saratoga Springs	New York	12866	2016-03-20
Suzanne Kelleher	Saratoga Springs	New York	12866	2016-03-20
Kira Lajeunesse	Saratoga Springs	New York	12866	2016-03-20
Steven Mattison	Saratoga Springs	New York	12866	2016-03-20
Mercer Anderson	Saratoga Springs	New York	12866	2016-03-20
Deborah Reed	Saratoga Springs	New York	12866	2016-03-20
Susan Bernd	Saratoga Springs	New York	12866	2016-03-20
Jeannette Green	Newbury Park	California	91320	2016-03-20
Jan Roth	Saratoga Springs	New York	12866	2016-03-20
Ryan McKenzie	Saratoga Springs	New York	12866	2016-03-20
William Finlay	Saratoga Springs	New York	12866	2016-03-20
Christy Holland	Saratoga Springs	New York	12866	2016-03-20
Mary Beth Donohoe	Saratoga Springs	New York	12866	2016-03-20
M.Thomas Porter	Saratoga Springs	New York	12866	2016-03-20
Linda Church	Saratoga Springs	New York	12866	2016-03-20
Grant Gentner	Saratoga Springs	New York	12866	2016-03-20
Kathleen Bryan	Niskayuna	New York	12309	2016-03-20
Robert Vogel	Saratoga Springs	New York	12866	2016-03-20
Kimberly Stevens	Saratoga Springs	New York	12866	2016-03-20
Joanie Rupprecht	Saratoga Springs	New York	12866	2016-03-20

Peggy Tayler-MacNeill	Saratoga Springs	New York	12866	2016-03-20
John Boardman	Saratoga Springs	New York	12866	2016-03-20
James Pollard	Saratoga Springs	New York	12866	2016-03-20
Lisa Wilcox	Huntsville	Alabama	35805	2016-03-20
Laura Giannini	Saratoga Springs	New York	12866	2016-03-20
Rachel Morgan	Saratoga Springs	New York	12866	2016-03-20
James Purdy	Saratoga Springs	New York	12866	2016-03-20
Russ Pittenger	Saratoga Springs	New York	12866	2016-03-20
Anne Trainor	Saratoga Springs	New York	12866	2016-03-20
Betsey Porter	Saratoga Springs	New York	12866	2016-03-20
Cristina Zambuto	Saratoga Springs	New York	12866	2016-03-20
Adam Giannini	Saratoga Springs	New York	12866	2016-03-20
Angela Gardner	Saratoga Springs	New York	12866	2016-03-20
Chris Bernd	Saratoga Springs	New York	12866	2016-03-20
Deborah Fuller	Saratoga Springs	New York	12866	2016-03-20
Lisa Wong	Saratoga springs	New York	12867	2016-03-20
Johnny Martinez	Saratoga Springs	New York	12866	2016-03-20
Albert Mather	Saratoga Springs	New York	12866	2016-03-20
Tina K. Morris	Saratoga Springs	New York	12866	2016-03-20
Carolyn Coogan	Albany	New York	12203	2016-03-21
Meghan Flewwelling	Saratoga Springs	New York	12866	2016-03-21
Sylvia Bloom	Greenwich	New York	12834	2016-03-21
rachid Daoui	GaNSEVOORT	New York	12831	2016-03-21
Kate Brown	Saratoga Springs	New York	12866	2016-03-21
Jane Valetta	Saratoga Springs	New York	12866	2016-03-21

OUR STANCE AS NEIGHBORS of proposed "Downton Walk":

- We don't oppose Mr. Witt per se, or that he should develop this property.
- But we are concerned about the scale of the variances he is requesting and of the project as currently designed.
- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

Joan Cuppredt, [redacted] Jumel Place

Larry Britt

Marie Britt [redacted] Caroline St.

Anne Kearney Prouty [redacted] Jumel Pl.

Bill Evans [redacted] June Pl.

Mary Hilbert [redacted] Jumel Place

(Gabriel Fidell) [redacted] Jumel Pl.

Richard P. Ferri [redacted] Jumel Pl.

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- We would like a revised more reasonable proposal.

[redacted] Ludlow St.

[redacted] Ludlow St SSNY 12866

[redacted] Ludlow St 12866

[redacted] Maple Ave 12866

[redacted] Grand Pl 12866

[redacted] Lake Ave
Saratoga Springs NY 12866

[redacted] Lake Ave
Saratoga Springs NY 12866

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- We would like a revised more reasonable proposal.

Karyn Zanetti [redacted] Lake

Karen Hicks [redacted] Lake Ave

William Max Oswald [redacted] East Ave

Marie Sanok [redacted] East Ave

Tina Morris [redacted] Pinewood Ave I do oppose this development

Joe Fitzgerald [redacted] East Ave

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- We would like a revised more reasonable proposal.

LITWIN, ERIC [redacted] LAKE AVE

William F. Savage (SAVAGE) WILLIAM [redacted] East Ave

Linda Church Linda Church [redacted] Lake Ave, Saratoga Springs NY

Paul Church [redacted] LAKE AVE SARATOGA SPRINGS, NY 12866

Jim MacNeill [redacted] Lake Ave SS. Jim MacNeill

Susie O. Tocone [redacted] East Ave. S.S. 12866

[redacted] Hutchins St 12866

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- We would like a revised more reasonable proposal.

LITWIN, ERIC [redacted] LAKE AVE

[redacted] (SAVAGE) WILLIAM [redacted] East Ave

Linda Church Linda Church [redacted] Lake Ave, Saratoga Springs NY

Paul Church [redacted] LAKE AVE SARATOGA SPRINGS, NY 12866

Jim MacNeill [redacted] Lake Ave SS. Jim MacNeill

Susie O. Toone [redacted] East Ave. S.S. 12866

[redacted] Hutchins St 12866

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- We would like a revised more reasonable proposal.

Karyn Lanatti [redacted] Lake Ky

Karen Hicks [redacted] Lakeside

William Max Oswald [redacted] East Ave

Wm Max Oswald

Marie Sanok [redacted] East Ave

I do oppose.

Gina Morris [redacted] Pinewood Ave this development

Joe Fitzgerald [redacted] East Ave

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- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

Rachel D [redacted] Ludlow St.

[redacted] Ludlow St SS NY 12866

[redacted] Ludlow St 12866

[redacted] Maple ave 12866

[redacted]

Alison Manning [redacted] Jumel Pl 12866

Elizabeth DiMuzzo [redacted] Lake Ave Saratoga Springs NY 12866

[redacted] Lake Ave Saratoga Springs NY 12866

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- We would like a revised more reasonable proposal.

Joan Rupprecht, [redacted] Jumel Place

Larry Britt

Marie Britt [redacted] Caroline St.

Anne Kearney Prouty [redacted] Jumel Pl.

Bill Evans [redacted] June Pl.

Mary Hibbert [redacted] Jumel Place

(Gabriel Edell) [redacted] Jumel Pl.

Michael P. Perri [redacted] Jumel Pl.

From: "Kim Stevens" [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Monday, March 21, 2016 9:26:22 AM
Subject: Condos on Jumel

Susan,
I used to live at [redacted] Jumel and I currently live at [redacted] Circular St., on the corner of Circular and York.

Please do not approve the proposed multi-unit condo unit at 27 Jumel place. It would not be a good precedent to start on the east side. I have seen this pattern in other communities and it really breaks up the neighborhood.

I know we have many single family homes that have been split into 2 -3 apartments, but 7 units, surrounded by small modest homes would not work. The one apartment-only home in the other section of Jumel already creates some stress on that block.

I appreciate the controlled home renovations that have been taking place on York. The upgraded homes fit in with their neighbors. Please keep with this pattern.

Thanks,
Kim Stevens

From: "Jim MacNeill" [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Monday, March 21, 2016 9:34:27 AM
Subject: Downtown Walk ..... John Witt

Good Morning Susan, my wife and I live at [redacted] Lake Ave …… very close to the proposed sub-division. I am opposed to this project as the size of the houses proposed do not fit with the neighborhood, the total lack of yard and space between the new houses and the neighborhood and the asking price of the new houses. Currently the old factory has no set back to any of its neighbors and the drawings Mr. Witt has passed around seem to carry this forward with the proposed project. All the houses that border this project are very modest at best and this would upset the balance and perhaps lead to further demolition and more upscale housing in the neighborhood.

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From: "J Rupprecht" [redacted]>
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Monday, March 21, 2016 10:04:46 AM
Subject: 27 Jumel Condos

Hi,
I live at [redacted] Jumel Place. Several times per week, I walk to the East Side rec field to use the tennis courts. Please do not approve the multiple zoning variances requested for the proposed condo at 27 Jumel. The spread of condos in the town should not spread into the east side neighborhood.

Thanks,
Joan Rupprecht

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From: "Bob Mctague" [redacted] >
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Monday, March 21, 2016 10:59:27 AM
Subject: Downton Walk

Susan,

Hi my name is Bob McTague and I very much support your efforts to stop greedy developers.

I will be attending the ZBA meeting tonight. I run the face book page SACRAP Chat. We need to support all our neighbors with a watch full eye.

Hope to meet you at the meeting.

Bob McTague
[redacted] nelson Ave
Saratoga Springs
[redacted]

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From: "jerry luhn" [redacted] >
To: "Susan Barden" <Susan.barden@saratoga-springs.org>
Sent: Monday, March 21, 2016 1:08:23 PM
Subject: Jumel Place project proposal

Dear Ms. Barden,

I am a nearby neighbor to the project area of John Witt's proposal, and wish to register my opposition to the scale and density required by it. I have to say I share the dismay registered by other neighbors in whose judgment this undertaking, however skillfully crafted in the abstract, is simply too much for the neighborhood and, in a word, wrong.

The zoning plan for that area is relatively recent and thoughtful, and could even accommodate the greater part of the proposal being put forward. I urge you to exert your influence and your own best judgment to keep faith with the plan we have for this area, and in so doing to protect the character of the neighborhoods around Jumel Place and elsewhere in town.

Respectfully,
Jerry Luhn
[redacted] Pinewood Avenue

From: "AKP Jumel" [redacted]>
To: "Susan Barden" <susan.barden@saratoga-springs.org>, "Anne Kearney Proulx" <mdmjumel@yahoo.com>
Sent: Monday, March 21, 2016 1:26:22 PM
Subject: 27 Jumel Place

Hi Susan - I meant to e-mail you much earlier today, but it slipped my mind. I hope I'm not too late to show my support for all you folks who are up against the proposed development at 27 Jumel. I've lived in my house at [redacted] Jumel since I was 4 years old - I'm in my 60s now and I remember the Tarant Mfg. Company like it was yesterday. The proposed project would be a wonderful addition to our little street. BUT not on the scale that John Witt has proposed. I will be at the 7 pm mtg tonight and will voice my opinion if I'm allowed.

Hope to talk to you there.

Anne Kearney Proulx
[redacted]

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From: "Richie Ball" [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Cc: [redacted]>
Sent: Monday, March 21, 2016 3:19:07 PM
Subject: 27 Jumel Downton Walk

Susan,

Good afternoon, I would like to express my support for the Down-Ton Walk project. This will be an enormous improvement to the neighborhood, I'd really like to see this moving forward, since being on hold for some time now. There are more positives than negatives to this wonderful project. I know and trust Witt construction to do the right thing, for us as neighbors, and to the great city of Saratoga Springs.

Thank you, Richard Ball

Also, my property at [redacted] Granger Avenue, border's 150 feet of the existing structure, which is in dire need of demolition. Looking forward to it.
Thank you once again!

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From: "Elizabeth DiNuzzo" [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Monday, March 21, 2016 4:07:11 PM
Subject: Jumel Place development

Hi Susan,
As a homeowner on Lake Ave, I am writing to encourage you to deny the existing "Downton Walk" proposal. East Side Saratoga is known for its authenticity and community. A high-end cookie-cutter development does not fit with this neighborhood. The high fence is especially upsetting. The people who might buy these homes have no idea how unwelcome this development will be - and why would we put them in a position of being resented rather than welcomed by their new neighbors? It doesn't make any sense to change the existing zoning. Let him build five single family homes with tasteful architecture and appropriate fencing - he'll still make money, the new homeowners will be welcomed, and the existing neighborhood will retain its unique and historic character.
Best,
Elizabeth DiNuzzo
[redacted]

Sent from my iPhone

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From: "Marie Sandholdt" [redacted]>
To: "Susan Barden" <Susan.barden@saratoga-springs.org>
Sent: Monday, March 21, 2016 4:45:50 PM
Subject: Downtown walk

We are writing to express concern about the proposed project referred to as "Downtown Walk" located on Jumle Place. John Witt came to our door last week looking for support, he presented the project in a way that made sense. That he was planning on knocking down a old unused building and would like to replace it with some nice homes. This sounded great except Mr. Witt was not forthcoming with the fact that he was looking for exemptions and variances with the code for the area and that he was looking to exceed what was allowed. Because of this I (Mark) signed a paper in support when in fact after seeing off the facts I do not support this project in its current state.
The amount of housing Mr. Witt wants to place on this lot exceeds what it should hold. Looking at the first hand, I have no idea how he would be able to fit everything he wishes, for if he did he would create a distraction in the neighborhood. Multiple structures that would not fit in with the pre-existing homes, as well as creating a problem with parking. Mr. Witt isn't just asking for one exemption, or modification to the code, he is asking for numerous ones which just prove that his plans need to be scalled back because in their current state they do not fit the land or the neighborhood.

I do however believe and would support a project to replace this building that followed the city guidelines and code for our neighborhood. After all the codes were created for a reason, to make sure over croweding did not happen and to preserve the community and

neighborhood. I'm sure when the codes were created much care and thought was put into them.

With these concerns and more I sincerely hope the Zoning Board of Appeals rejects proposal and requests Mr.Witt to modify his plans to fit within the zoning regulations the city has set.

Thank you for your time.

Mark English
Marie Sandholdt
[redacted] East Avenue

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From: "Johnny Miller" [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Tuesday, March 22, 2016 7:47:36 AM
Subject: Downton Walk

Susan,

I agree that the density of the project is too high and should comply with the zoning codes currently in place. I live across the street and was denied a variance for expanding my carriage house beyond the allowable lot coverage, therefore I built it according to the allowable size.
I'm for a project that is in compliance with the zoning codes.

Enjoy,

Johnny Miller

On The Spot Photos
[redacted]

From: [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Monday, March 21, 2016 8:06:31 PM
Subject: 27 Jumel Proposal

Ms. Barden:
First, please know I appreciate the dedication and excellent work by the Zoning Board in dealing with the many challenging issues and proposals in our city.
The proposed development at 27 Jumel concerns me deeply. As currently documented, I object to it strenuously.
I'm a (retired) architect, I live at [redacted] Ludlow Street and the view from my property is up Jumel Place to the project site.
The character and density of my neighborhood is surely worth preserving. My wife and I have owned our home since 1977 and are grateful that zoning regulations have guided construction and development here, including several appropriate zoning variances that we've supported. We believe the neighborhood's defining character has (to date) been successfully retained.
The variances and exceptions requested for the 27 Jumel Place project are truly astonishing! If approved, their dramatic negative impact to the neighborhood character would be devastating in my opinion. The proposed change in density and contrasting setbacks is an affront to abutting neighbors and to the design vocabulary of the area.
The property at 27 Jumel is potentially a clean slate. But the applicant has chosen a design which seems to totally ignore its context and city regulations, creating a self imposed dilemma. It

completely disrespects the neighborhood and its long established and protected attributes.
I remain confident that the Board will reject such wrongheaded proposals, and further, will foster the possibility that the applicant may make future application for a project at 27 Jumel Place that is consistent with Saratoga's Comprehensive Plan and with zoning regulations, and which would require minimal, if any, variances.
Thank you, and your Board colleagues, for your continued attention to this matter.
James (Jay) Pollard

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From: D. Mattison<[redacted]>
Date: March 18, 2016
To: susan.barden@saratoga-springs.org
The Zoning Board of Appeals of the City of Saratoga Springs, NY

Re: Application for "seven single family condominiums,"
and requests for substantial Zoning Variances at
27 Jumel Place, Saratoga Springs, by ANW Holdings, Builder, John Witt
Public Hearing #2 to be held at the Zoning Board of Appeals meeting on March 21, 2016

I am writing this letter prior to the March 21st, 2016 meeting of the Saratoga Springs Zoning Board in regard to the proposed zoning variances being requested by builder John Witt for the property located at 27 Jumel Place in Saratoga Springs, New York. I am hoping that you will forward this to members of The Zoning Board of Appeals of Saratoga Springs.

Mr. Witt is creating an oversized project which is out of character with the existing homes on the street. He is making intrusive variance requests. In his letter to neighbors dated February 11, 2016 he understated the variances requested, (3 rather than 5). Therefore neighbors were given incomplete and deceptive information about the project. His letter asked for:

-Increased lot coverage by 16%
-Decrease minimum front yard setback by 9 feet
-Raise the height of the residential fence by 2 feet

In actuality, there are five variances being requested that include:

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

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

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

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

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

It would be a travesty for the board to disregard the above facts and override zoning ordinances that have been in effect for years. At the very least, a compromise of the extreme variance requests needs to be negotiated.

It is my hope that these substantial variances, as they are proposed, be denied.

Sincerely,
Debra Mattison
[redacted] Lake Avenue

change.org

Saratoga Neighbors for Zoning Enforcement

Recipient: Saratoga Springs Zoning Board of Appeals and Susan Barden

Letter: Greetings,

Keep Saratoga Springs Neighborhoods Special: Enforce our Zoning codes!

Comments

Name	Location	Date	Comment
Sam Brewton	Saratoga Springs, NY	2016-03-15	We're not against developing this plot, but we opposed the massive scope of the requested variances, loss of setbacks, and the cramming-in of more buildings than this lot is zoned for. What's the point of zoning if it can be this easily skirted? This lot can be successfully developed, and we'd welcome this same developer if a more reasonable plan were presented.
Holly Bates	Saratoga Springs, NY	2016-03-16	Saratoga Springs is changing far too quickly and losing the character that made it so beloved. These changes are so often the result of wealthy developers making their way around zoning laws that are there for a reason. Our officials have been elected by the citizens of Saratoga Springs, and as such, they are the people to whom they should listen.
jeannine moran	saratoga springs, NY	2016-03-16	Uphold our zoning laws and do not cave to developers.
Kira Cohen	Saratoga Springs, NY	2016-03-16	I grew up in Saratoga Springs and have lived 25 years in the neighborhood that is threatened by this development. I do not want to see my neighborhood put at risk by the casting aside of our city's zoning ordinance. The Saratoga Neighbors for Zoning Enforcement does not oppose new housing in our neighborhood, we simply feel that the scale of this project is beyond necessary and asks for too many variances to the zoning laws of our district. This puts not only our homes at risk, but the new homes as well. It also opens the door for these types of overboard developments to move into other residential neighborhoods throughout town - thus dismantling the core ideology behind our comprehensive plan and zoning ordinance, and disrupting the historical character and dignity of our beautiful town.
Margaret Selikoff	Saratoga Springs, NY	2016-03-16	There is no reason for this type of development in this neighborhood.
Kim Fonda	Saratoga Springs, NY	2016-03-16	I am sick and tired of double standards. The Zoning Board is a disgrace and our hopes for good stewardship decline day by day!
Janice Pancake	Saratoga Springs, NY	2016-03-16	If this goes as planned, it will set a precedent in our city that builders can get zoning laws changed and build wherever they want. Seems to me that our city has allowed all kinds of new, unaffordable, condos, etc. and taken the charm away from my hometown...
Joann Lorman	Porter Corners, NY	2016-03-16	Saratoga is getting to many large buildings. ..let's not lose its charm!
Robert Bostick	Arlington, VA	2016-03-16	I love the Saratoga of my childhood, my youth and to alter those memories of the alleys, streets and diverse neighborhoods would be sacrilege.
John Veitch	Saratoga Springs, NY	2016-03-16	This is not proper for that neighborhood. Simply out of character. I live next to the old St. John Neumann residence, and that conversion was fine for that building. This is not appropriate for Jumel Place
Liam Sheji	Saratoga Springs, NY	2016-03-16	It's important to preserve our cities history, and replacing our historic buildings is a crime to our lifestyle
Marie falls	Lorton, VA	2016-03-16	I hate seeing my hometown lose its charm!
Steven McCarthy	Saratoga Springs, NY	2016-03-16	Enough is Enough
Martha Strohl	Saratoga Springs, NY	2016-03-16	The Comprehensive Plan and our zoning codes are meant to be observed, not abused.
Lillian Spost	Saratoga Springs, NY	2016-03-16	Saratoga risks losing the charm that is its reputation.
Michael Gent	Saratoga Springs, NY	2016-03-16	Once you open the floodgates,there'll be no stopping them.The town is enough of a mess already.

Name	Location	Date	Comment
Anthony Smith	Washington, DC	2016-03-16	I'm shocked that the lovely tree-lined streets of my hometown would be destroyed by this condo developer. Enforce the zoning laws and stop this blight on the community.
shawn banner	Saratoga Springs, NY	2016-03-16	Our town is special because far sighted folk created a charter and zoning codes that preserve what is best about Saratoga. Lately, it seems that special dispensation keeps getting given to folks who want to build exactly what those far-sighted zoning laws and city planning decisions were meant to avoid. Growth is good--in fact, growth is great, but not growth that breaks the carefully crafted rules that make Saratoga a pleasure to reside in. Please do not keep giving in to developers' whims at the expense of what makes our fair city both fair and special!
Z. Parisi	Saratoga Springs, NY	2016-03-16	cp
Amber Duffney	Keeseville, NY	2016-03-16	O remember Saratoga the way it used to be. I have seen neighborhoods destroyed by "improvement", I would hate to see Saratoga to become a city of high rises, and loose it's charm and historic value.
Sunshine Stewart	Greenfield Center, NY	2016-03-16	Keep Saratoga beautiful!!!
Meghan Cherny	Corinth, NY	2016-03-16	Bit by bit we are losing our history and our roots, that which makes it all beautiful. Saratoga is beautifully old, we must fight for her.
Janice Bellamy	Saratoga Springs, NY	2016-03-16	Too many extreme variances requested. This won't blend in with the neighborhood. The builder is asking the Zoning Board for special treatment.
Amy Barakat	Saratoga Springs, NY	2016-03-16	I don't like the direction my hometown has headed since I was a child. Too much commercialization and too much building.
patricia rubio	saratoga springs, NY	2016-03-16	I am concerned about the violation of the City zoning laws the variance would entail.
Kathleen Brown	Saratoga Springs, NY	2016-03-16	Wrong plan, wrong place, & more overpriced real estate not needed!
bob mctague	saratoga sp, NY	2016-03-16	Our neighborhoods are under attack by greedy builders who have no reguard for families that live in the communities.
Daniel Schwank	xxxxxxxxxx, NY	2016-03-16	I'm against the overdevelopment that's destroying this town
Shealyn Heritage	Ballston Spa, NY	2016-03-16	I for one may not live I Toga directly but was born at Saratoga hospital lived in the outside towns all my life and have many Saratoga relatives of all era of Saratoga. It sadden my heart thinking about the stories I've heard of old Saratoga, Stories I have from Saratoga In the times before all the condo when we went to see our Saratoga family and The Saratoga now. Why does everything have to be so glamorized. We need some original and not just Original historical. Stop changing zoning laws for these big wig glamizatation.
Cindy June	Ballston Spa, NY	2016-03-16	Save my hometown from the developers who only see $$$$$$
Lori LeBarron	Gansevoort, NY	2016-03-16	There seems to an influx of developers who are presenting proposals that do not adhere to Saratoga Springs zoning laws. This needs to stop!
Leslie Brown	Saratoga Springs, NY	2016-03-16	There is way too much development in Saratoga and we're losing the quietness of the city. Please stop the building.
Joan Nellhaus	Saratoga Springs, NY	2016-03-16	This is wrong in so many ways. Integrity must be maintained.
Hillary Takahashi	Saratoga Springs, NY	2016-03-16	Protect our picturesque and wonderful neighborhoods.
Mary O'Donnell	Saratoga Springs, NY	2016-03-16	As a native, I have watched our city change way too much and not for the better in my estimation. This project would set a precedent and continue to ruin the very reason some people moved here. We want to keep our city's character.

Name	Location	Date	Comment
Jay Rogoff	Saratoga Springs, NY	2016-03-16	Approval of Downton Walk, a development entirely out of character with the neighborhood, would send a signal to developers that our zoning regulations are meaningless and can be circumvented at will.
Judi Duclos	Saratoga Springs, NY	2016-03-16	I do not like the path that our beautiful city seems to be on!!!!!
Penny Jolly	Saratoga Springs, NY	2016-03-16	This is a residential neighborhood, protected supposedly by our zoning laws. Please observe those laws! Do NOT permit all these special variances. Don't overcrowd our neighborhoods and try to make them into something they are not: a pretentious "Downton Walk" with expensive condos instead of separate one-family homes of modest size.
Brucie Rosch	Saratoga Springs, NY	2016-03-16	Developers can make their money elsewhere. It would be one thing if they had a track record of building affordable housing in Saratoga Springs, but They. Do. Not.
Tracy Millis	Saratoga Springs, NY, NY	2016-03-16	The entire project is foolish.
Regina Camilletti	Saratoga Springs, NY	2016-03-16	This development will scar an otherwise homogenous, established neighborhood of older homes. People are invested in these homes and that neighborhood. Who has the right to step in and on behalf of a builder and his cohort, threaten their investment? If anything goes, how about lets build some stables next to City Hall and put those 7 condos on East, really close to Skidmore. Sure. I would sue you if I could.
Jacklyn Clark	Saratoga Springs, NY	2016-03-16	I don't want this in my neighborhood, I've lived on this street for 24 years and to alter the streetscape with gaudy condos would be a disgrace. More importantly if the city government allows this to become reality that would be sinful. Keep within the parameters of the neighborhood, amen!!!!!!
Barbara Ungar	Saratoga Springs, NY	2016-03-16	Developers and greed are ruining what makes Saratoga Springs a desirable place to live and visit.
Celete Caruso	Saratoga springs, NY	2016-03-16	I'm signing because the Integrity of each neighborhood within the city needs to be maintained
Suzanne kwasniewski	Saratoga Springs, NY	2016-03-16	Too many projects are approved that deviate from zoning ordinances.
Richard Hibbert	Burlington, VT	2016-03-16	My mother has lived on Jumel Place, in the other block, since 1959. My siblings and I spent part of our formative years in that neighborhood. The house belongs to our family, and we value the character of the neighborhood. That includes the portion of the street for which this project is proposed. I believe that this would be a drastic, and negative, change in the character of this part of the city.
Annette Damron	Lecanto, FL	2016-03-16	I was born and raised there and don't want to come home to a metropolis.
Susan Traylor	Saratoga Springs, NY	2016-03-16	I don't want Saratoga Springs, my beautiful home town to turn into a Clifton Park!
Marisa Wade	Saratoga Springs, NY	2016-03-16	Saratoga is starting to loose some of it's charm to all of these apartments and condominiums
JOHN DUANE	Middle Grove, NY	2016-03-16	to keep saratoga saratoga !
Arthur Porter III	Saratoga Springs, NY	2016-03-16	I believe that this is yet another example of the abuse of the zoning variance process to circumvent existing zoning designations and the Comprehensive Plan.
Katherine Totten	Saratoga Springs, NY	2016-03-16	Enough is enough
Karin Vollkommer	Saratoga Springs, NY	2016-03-16	This project is too big for the neighborhood.
kathleen orefice	westport, CT	2016-03-16	I want Saratoga to stay the way it is. It's already changing too much.

Name	Location	Date	Comment
Amy Syrell	South Glens Falls, NY	2016-03-16	Saratoga Springs needs to be a place for all people, not just those with a lot of money.
Jill P McMahon	Saratoga Springs, NY	2016-03-16	The project seems too large for the space available. More shoehorning of big houses out of character with the neighborhood that loom over their neighbors.
Frank Capone	Saratoga Springs, NY	2016-03-16	preserve the residential character
Bette Brill	Saratoga Springs, NY	2016-03-16	Just do not change the zoning laws for this or any project in a neighborhood that is not zoned for it....
amejo amyot	saratoga springs, NY	2016-03-16	I like green space around homes and consistent density in neighborhoods. this is a 1 and 2 family area.
Patricia Cornute	Saratoga Springs, NY	2016-03-16	Too many developments already in our town, hard to recognize the charming place it used to be., when the sun can't even shine down on you as you walk down certain streets any more.
sue scherer	Saratoga Springs, NY	2016-03-16	Enough with the overgrowth.
linda battiste	Schenectady, NY	2016-03-16	I grew up in Saratoga and it's beautiful the way it is!
Mary Frances Healy	Saratoga Springs, NY	2016-03-16	I have lived here my whole life and don't like the direction we are going
MaryAnn Wager	Saratoga Springs, NY	2016-03-16	I have lived in Saratoga my entire life and I am concerned for the future of our beautiful city. It is quickly losing its historical look and feel.
Patricia Mathews	Sanford, ME	2016-03-16	I strongly believe in preserving the integrity of all cities, but most importantly those cities that represent the history of our country. I lived on Jumel Place until I graduated from college. When I go back to visit family I am often disappointed to see yet another set of new and expensive Town Houses, apartment buildings, hotels, and condos. With each change Saratoga Springs loses a little of its identity. Just take a walk on Jumel Place, and you will clearly see that a development of this type is out of character with the neighborhood. Saratoga, a city I have always been proud to call my hometown, should not lose its charm to moneymaking investments.
Deb Garrelts	Saratoga Springs, NY	2016-03-16	I agree that we are being over-run with condominiums and that our neighborhoods need protection
Denise Dart	Clifton Park, NY	2016-03-16	I'm signing because I am a native Saratogian and the alleged zoning codes worked against my Dad and now we have foreigners coming in and being allowed to build wherever and however big they want just because they have the money.
Barbara Claydon	Saratoga Springs, NY	2016-03-16	inappropriate development of the space for the existing neighborhood in which I happen to live
Paul Hibbert	Broken Arrow, OK	2016-03-16	My family has property on Jumel place
Chris Pringle	Saratoga Springs, NY	2016-03-16	I've lived in saratoga almost all my life and I'm sick of seeing this great little town desecrated by these monstrosities being built with no thought what so ever. The west side of town now looks like a haven for yuppies and has driven out the families that have resided there for years. Downtown hardly looks the same as I remember it as a child. All the once family owned businesses that occupied Broadway are now gone and these corporate goons have bullied their way in forcing the rent to a ridiculous level that only 6 figure a year income families can afford. This use to be a great place to live a place I called home now I don't even recognize the town I grew up in. Enough is enough.
Joyce McKnight	Lake Luzerne, NY	2016-03-16	Saratoga Springs already has empty developments...the zoning board is either ineffectual or "on the take."

Name	Location	Date	Comment
Ann Diller	Gansevoort, NY	2016-03-16	I am appalled at the over-development that has changed our city so that it unaffordable to longtimers, courtesy of boards that are overly generous to devevlopers.
Randy Hammond	Porter Corners, NY	2016-03-16	Saratoga is heading in the wrong direction
helen travis	Saratoga Springs, NY	2016-03-16	They are destroying Saratoga making hard for families to live homeless rase now its more homeless families working families that can't effored Saratoga price or anywhere els for that matter rent has raise so high everywhere its sad and decrees
kayla rynasko	Schenectady, NY	2016-03-16	Born and raised in Saratoga. Graduate of Saratoga high. All my family lives here!
Kathy Becker	Greenfield Center, NY	2016-03-16	I was born and raised in Saratoga Springs. I am so upset by huge changes that have been made in Saratoga. What ever happened to preserving the historical buildings in the city. It looks like the almighty dollar has won out. It is such a shame and so sad.
Liz Mark	Gansevoort, NY	2016-03-16	Saratoga is being overrun by greedy developers like Bonacio and losing its charm.
Charles Kish	Saratoga Springs, NY	2016-03-17	The character of too many neighborhoods are at stake when projects are granted that require numerous large scale changes to existing zoning. When developers profit concerns trump zoning considerations and justifiable and considered opposition by neighbors to this degree, who's opposition is totally supported by current zoning, the zoning board is not doing it's job. There is zoning for a reason based on long term plans and consideration for the city as a whole. Wholesale variances granted solely for the purpose of developer profit is is a travesty.
Nancy Flynn	Buskirk, NY	2016-03-17	We have a family home on the other block of Jumel Place that my mom lives in and believe this will hurt the whole street and set a bad precedent.
Ann Haller	Saratoga Springs, NY	2016-03-17	This is an inappropriate use if the land. It is not in accordance with the zoning. developers should not be exempt from rules just because they want to maximize their profits. The city is running out of build-able lots, so the developer is trying to squeeze as much profit as he can out of this lot.
renee harder	gansevoort, NY	2016-03-17	way to much development now
Richard Dunham	Saratoga Springs, NY	2016-03-17	I do not believe that a previous factory/Dance Studio in a residential neighborhood needs to be re-zoned to accommodate more living space than the current regulations allow. Enough cronieism. Build a house, or two.
Kelly Mackison	Gansevoort, NY	2016-03-17	I am bored in raided is Saratoga
Jodi Stevens	Saratoga Springs, NY	2016-03-17	I grew up on this area and just can't stand by and watch the integrity of this beautiful, quaint neighborhood be destroyed...
Jennifer Kleindienst	Middletown, CT	2016-03-17	I grew up near Saratoga and visit often. I would hate to see the city's charm erode with a project like this.
Patricia Duval	Portland, OR	2016-03-17	To oppose approvals requested for this project. Plan is totally irrelevant to the existing neighborhood. Approving these requests would set a bad precedent and many of Saratoga neighborhoods would be at risk.
Gloria Burke	Waterville, ME	2016-03-17	This would set a terrible president.
Dorene Couch	Saratoga Springs, NY	2016-03-17	I want to show my support for our local residents and weigh in on matters of development that will have a negative impact on our neighborhoods

Name	Location	Date	Comment
Wayne T. Senecal	Saratoga Springs, NY	2016-03-17	I believe the developer's application is a change in use requiring City Council Approval not just Zoning Board of Appeals approval.
Jerome Luhn	Saratoga Springs, NY	2016-03-17	People are entitled to know what development plans are being proposed so that they, and the officials entrusted with authority over zoning decisions, can make informed judgments that affect the character of the place where they live over the long term. Seemingly material omissions in presentation, together with behavior by the developer and relevant board officials, have given neighbors reason to raise questions, such as whose interests enjoy primacy in this proposal? No one wants to wake to rude surprises after the foundations are poured. That's something any developer should understand.
Sheila Levo	Saratoga Springs, NY	2016-03-17	I'm signing because although I am a Saratoga native, I no longer live in the city After my husband died, I sold my house as the upkeep (lawn, snow, etc.) was too much for me. The prices for decent rentals in the city were outrageous. I was forced to look elsewhere and as a consequence, I now live in Ballston. This project, if allowed, would be another example of pricing the the middle class out Saratoga.
Melanie Herter	New York City, NY	2016-03-17	Trying to keep my neighborhood from illegal property use and major congestion
Ina Harney	Saratoga Springs, NY	2016-03-17	This has to stop in Saratoga, not only in my backyard but this one too. Residents have to pay attention to all of these plans, not only their neighborhoods. Every time the builders manage to get one over on our city government leaders and build these monstrocsities it gives them permission to ruin another neighborhood.
Nicholas Rossi	Parrish, FL	2016-03-17	I lived in Saratoga 62yrs. I grew up in that part of town & owned a home at 213 East AVE. Allowing this development is wrong
James Lestrange	Saratoga Springs, NY	2016-03-17	Stop putting the interests of the wealthy ahead of long time Saratoga residents. We have enough development already. Too many people moving in making everything more expensive and causing traffic congestion.
richard bradley	Ballston Spa, NY	2016-03-17	developers are destroying the Saratoga I grew up in. they just need to leave things alone. they are just fine as they are
Henry Bovee	Saratoga Springs, NY	2016-03-17	For my friend
Michael Graul	Granby, CO	2016-03-17	I would like to see the zoning laws upheld in this single family neighborhood where I grew up. I hope those individuals on the zoning board haven't lost sight of doing what is right.
HEATHER STABLES	SARATOGA SPRINGS, NY	2016-03-18	This is NOT NYC....
Michael Stoneback	Saratoga Springs, NY	2016-03-18	developers are ruining the city with maximizing land use with the approval of city boards and their own interpretation of zoning

A NOT-SO-LITTLE BIT OF INTERESTING DOWNTON INFO . . .

On closer inspection of the plans for Downton Walk, I realized that I had picked up **footprint** square footage for the homes from the permeability chart. It is my understanding that, for permeability numbers, one presents the square-foot measurements of the footprint of the home **only**. That means **only the first floor** of a multi-story home.

That is where I got the size figures I posted in my previous letters. That begins to explain why, in the builder's response to my latest missive, the square footage **he** presented had jumped at the high end, to 3,000**+** square feet. **Note the plus sign**. We believe it's there for a reason . . .

If a builder puts the square footage of the footprint on a permeability chart, and it is 2,700 square feet for example, it is likely that the square footage of the entire house -- all floors -- will be much larger than that.

So, using rough figures as an example, because it's impossible to know if the second floor will cover every square foot of what is below it (some homes have slightly smaller second floors – but not usually very much so), one **could** estimate that a home that we thought was 2,700 sq. ft. could really be as large as 4,000 to even 5,400 square feet (the discrepancy being any porches and overhangs included in that 2,700 figure; and the second floor might or might not extend over them.)

This leads us to the permeability chart for Downton Walk . . .

The numbers are not all easy to read, as this is a small side chart, on a plan that has fuzzy type. And, keep in mind, this is supposed to be the **footprint** of the building – including **only** the first floor (overhangs and porches are in other areas of the chart).

The footprints of the seven homes alone add up to 14,526 sq.ft. (builder's numbers).

The builder has already told us that two of the structures are 1,800 sq.ft. – which would probably be those with the 1,357 sq.ft. and 1,472 sq.ft. footprints on his chart. Let's assume they will be exactly 1,800 sq.ft. each. That means that the second floor adds just under 40% to the footprint size.

On the larger ones, he has quoted 2,800 – 3,000+ sq.ft.

To begin at his 2,800-sq.ft. number for the larger homes, you also need to add around 40% to the smallest large home.

So we'll use 40% as a general guide.

(**ALERT**: This is where that plus sign after the 3,000 sq.ft. quote comes in; because a 2,759 sq.ft. home footprint – which is the size of one footprint on his chart – **without** its attached garage that would add almost 600 sq.ft. more -- with only 40% added for a second floor, means there likely will be at least a 3,900 sq.ft. structure [and the overhangs will add an additional 228 sq. ft. and the garage almost 600 sq. ft. more, for a total of approximately 4,700 sq.ft.]. We have no way of knowing if the builder will be including living space over the garage, so we didn't include that in these figures.) Obviously, much more detail is needed from the builder.

The builder has said that the total **footprint** for all seven homes is 14,526 sq. ft. That does NOT include the roof overhangs. In addition, the garages themselves total 4,175 sq.ft. (Again, please keep in mind that, not having seen full architectural plans, we can't tell if there will be any living space built above the garages, so although we are adding in the builder's number, we are not adjusting the garage number with the additional 40 percent.)

The following total is likely on the small side, because we're assuming that the second floor is only 40% the size of the first floor (not very likely); and we're **ignoring** that the plans show windows in four different floors of the buildings. Why would there be windows in a basement, if it is only used for storage? And the window on the top floor is a clue to the possibility of a small attic room as well.

Please keep in mind that the surrounding homes on Jumel Place average about around 1,450 sq.ft., with half of them being somewhat smaller, and one as small as 900 sq. ft**. (This includes the total interior square footage of all floors.)**

Because of the way Downton Walk homes are situated in the plans, and because there is such little room for green space between them, they will mass visually, on Jumel Place, as if they are one giant compound, likely exceeding 25,000 sq. ft. -- including the homes, the (*single-story*) garages, and the porches. (Note: There is also something labeled "Living" that is another 5,665 sq.ft. in the non-permeable section. Because we cannot determine what that is, exactly, it is not included it in the 25,000 estimated sq.ft. size of the "Downton Walk Enclosure".

If this project goes through to completion as currently designed, the only upside we see, in addition to the removal of the existing factory building, might be the possibility of more Hershey bars at Halloween.

###

MORE THAN 25,000 SQUARE FOOT MASS ?
A NOT-SO-LITTLE BIT OF INTERESTING DOWNTON INFO . . .

On closer inspection of the plans for Downton Walk, it appears that there has been some misconception regarding the actual size of the development. If people are visualizing the quoted sizes that have been used in the various articles that have previously been presented, they might be in for a surprise.

It appears that a complex that felt large at the 14,526 sq.ft.-total of first-floor footprints -– which is the only measurement that was written the drawings –- when massed together as complete homes -- will likely produce what, visually, will appear to be an almost contiguous structure well in excess of 25,000 sq.ft.

This writer, for one, previously referred to square-footage for the homes from the builder's permeability chart. However, for permeability numbers, only the square-foot measurements of the first floor of the home are used, regardless of how many stories will be added to that. So the actual structure, once it is built, unless it is single-story construction, will be appreciably larger. And the drawings of Downton Walk indicate homes with two or more floors.

Please note that, to get to the larger figure, we have used 40% as a conservative addition for the second floors of these homes. There is no way of knowing how these homes will really lay out, because Mr. Witt has not provided this important information to the neighbors or community. Many homes in Saratoga are built

almost like boxes, with the first floor and second floor being exactly the same size. In such case, one would simply double the square footage to get the total living area. Others have a more modest upper level. So 40% was our compromise.

And keep in mind that we're ignoring that the plans show windows for four different levels. Why would there be windows in a basement, if it is only used for storage? And the window on the top floor is sometimes a clue to the possibility of a small attic room as well. We also have added nothing for any space that might be built above the garages. So that "in excess of 25,000 sq.ft." could easily become a much larger number. Obviously, more detail is needed from the builder to be complete on this.

But this begins to explain why, in the builder's response to my latest missive, the square footage he presented had jumped at the high end, to 3,000**+** square feet. His plus-sign is quite accurate, because the addition of multiple floors to the home sizes written on that chart makes a huge difference.

For perspective, please keep in mind that the surrounding homes on Jumel Place average about 1,450 sq.ft., in size, with half of them being somewhat smaller, and one as small as 900 sq. ft. (This includes the total interior square footage of both floors on any two-story structures.)

So, visually, five of those average-size Jumel Place homes, if placed on that lot after subdivision to the maximum number of homes allowed there by Code, would create a visual mass of only 12,100 square feet, including relative proportions of Mr. Witt's figures for overhangs, garages, porches, and such -- less than half of what is proposed (and only conservatively approximated) -- and much more in keeping with the character of the neighborhood.

The ZBA should allow Mr. Witt to build what **is** permitted there: five single-family homes or four two-family homes, not "seven single-family condominiums" which are not permitted in an Urban Residential–3 Zoning District.

###

Susan Barden
Zoning Board of Appeals
Saratoga Springs City Hall

17 March, 2016

Ms. Barden & Members of the Zoning Board of Appeals,

I have lived on the 200 block of Lake Avenue for 25 years. The back property line of my home abuts the property of 27 Jumel Place and runs nearly its entire length. I have a great many concerns in regard to the Downton Walk development plan that is proposed for that location.

Our current zoning laws forbid developments of this kind, not only in our Urban Residential-3 classification, but also within the larger Core Residential Neighborhood-1. Multi-family housing is against the codes.

Mr. Witt's proposal that this project is a "single-family condominium" attempts to skirt these codes by tying together two separate types of housing. Either it is a single-family designation, or it is a condominium. To go forward as single-family and fit multiple homes on the lot, he would have to subdivide – for which he has not applied. This would only allow up to five homes on the lot, not seven as proposed. Without subdivision, it goes forward as a condominium, which is forbidden in this district.

In order to accommodate seven homes onto the lot, several variances to the legal property setbacks have been requested. However, these variances are not within an acceptable range. They seek to nullify nearly all space between properties. The legal setback is 25 ft. A variance bringing that space down to 6 ft. is unacceptable. It poses privacy issues, as well as safety issues for not only the existing neighbors, but for those who will be living in these new homes.

Yes, the current building at 27 Jumel sits on top of its property lines. It was built before zoning laws were implemented to protect the character and safety of our neighborhoods. The proximity of the current structure has always been a sore point, but I feel that adding only 6 ft. of space is still not adequate to provide privacy and prevent noise. Especially since the trees that exist along the back will be removed and cannot be replaced, as they would pose a risk to the foundations of these new homes.

I, and my neighbors, do not oppose new housing being brought into our neighborhood. We fully support Mr. Witt's effort to provide residential infill for the city and beautify the street of Jumel Place. However, we feel the scale of this project is over-zealous and out of character - not only for our neighborhood, but with the rest of Saratoga as well. A neighborhood boasting very modest sized homes (averaging 1450 sq.ft.) that are late American victorian/craftsman/turn-of-the-century in design is not the proper place for extremely large English country style homes.

Should the Downton Walk development be approved with the current variance requests, it paves the way for future developments of this scale to move into other neighborhoods throughout town, thus threatening the integrity and historical character of our city.

The neighbors ask that there be negotiation on the scale of the project and the requested variances. We would love to welcome Mr. Witt's talents into our neighborhood. But we desire our zoning laws to be upheld. They were not put in place just to be cast aside on a whim. We ask that you please take our concerns into consideration.

Thank you for your time.

Sincerely,

Kira Cohen

signatures_1458277405

Name	Postal Code	State	Signed On
Chris Mathiesen	12866	New York	2016-03-17
Kristin Brenner	12866	New York	2016-03-15
Catherine Golden	12866	New York	2016-03-15
Olivia Cruz	12866	New York	2016-03-15
Scott Starr	12866	New York	2016-03-15
Bryan N.	12866	New York	2016-03-16
Jane Stevens	12866	New York	2016-03-16
Jeannine Moran	12866	New York	2016-03-16
Carol Schupp Star	12866	New York	2016-03-16
Karen Pettigrew	12866	New York	2016-03-16
Margaret Selikoff	12866	New York	2016-03-16
Kim Fonda	12866	New York	2016-03-16
kathy shimm	12866	New York	2016-03-16
Ronnie Betor	12866	New York	2016-03-16
Frank Callucci	12866	New York	2016-03-16
debbie barry	12866	New York	2016-03-16
isabella warner	12866	New York	2016-03-16
Mary Tipton	12866	New York	2016-03-16
Claire Demarest	12866	New York	2016-03-16
John Veitch	12866	New York	2016-03-16
Liam Sheji	12866	New York	2016-03-16
Jim Favaloro	12866	New York	2016-03-16
Philip Donnelly	12866	New York	2016-03-16
Jennifer South	12866	New York	2016-03-16
Theresa Boisseau	12866	New York	2016-03-16
Susan DeRossi	12866	New York	2016-03-16
Christine Guarnieri	12866	New York	2016-03-16
Carrie Warner	12866	New York	2016-03-16
Jena Rotheim	12866	New York	2016-03-16
Steven McCarthy	12866	New York	2016-03-16
Martha Strohl	12866	New York	2016-03-16
Cherylle Hudak	12866	New York	2016-03-16
Lillian Spost	12866	New York	2016-03-16
Michael Gent	12866	New York	2016-03-16
Melany Gent	12866	New York	2016-03-16
Rob Wright	12866	New York	2016-03-16
Shawn Banner	12866	New York	2016-03-16
Randi Kish	12866	New York	2016-03-16
Mame Noonan	12866	New York	2016-03-16
Lynn Blasso	12866	New York	2016-03-16
John Kaufmann	12866	New York	2016-03-16
Deena Smith	12866	New York	2016-03-16
Janice Bellamy	12866	New York	2016-03-16
Lynda goodness	12866	New York	2016-03-16
Martha Ray	12866	New York	2016-03-16
Amy Barakat	12866	New York	2016-03-16
patricia rubio	12866	New York	2016-03-16

Kathleen Brown	12866	New York	2016-03-16
Pepper Wolfe	12866	New York	2016-03-16
Robert McTague	12866	New York	2016-03-16
Daniel Schwank	12866	New York	2016-03-16
Gordon Ray	12866	New York	2016-03-16
Emma Folkins	12866	New York	2016-03-16
Theresa Capozzola	12866	New York	2016-03-16
Leslie Brown	12866	New York	2016-03-16
Joan Nellhaus	12866	New York	2016-03-16
Gabriel Stinson	12866	New York	2016-03-16
Laura Blunt	12866	New York	2016-03-16
Nancy Wilder	12866	New York	2016-03-16
Hillary Takahashi	12866	New York	2016-03-16
Judith Brenner	12866	New York	2016-03-16
Mary O'Donnell	12866	New York	2016-03-16
Jay Rogoff	12866	New York	2016-03-16
Judi Duclos	12866	New York	2016-03-16
Penny Jolly	12866	New York	2016-03-16
Frank DeRossi	12866	New York	2016-03-16
Brucie Rosch	12866	New York	2016-03-16
Tracy Millis III	12866	New York	2016-03-16
Regina Camilletti	12866	New York	2016-03-16
Jacklyn Clark	12866	New York	2016-03-16
Barbara Ungar	12866	New York	2016-03-16
Celete Caruso	12866	New York	2016-03-16
Suzanne kwasniewski	12866	New York	2016-03-16
Deborah Millis	12866	New York	2016-03-16
Johanna Garrison	12866	New York	2016-03-16
William Pettigrew	12866	New York	2016-03-16
Robert Lippman	12866	New York	2016-03-16
Peter Lee	12866	New York	2016-03-16
Susan Traylor	12866	New York	2016-03-16
Marisa Wade	12866	New York	2016-03-16
Arthur Porter	12866	New York	2016-03-16
Kathryn Fitzgerald	12866	New York	2016-03-16
Annmarie Palmieri	12866	New York	2016-03-16
doug lake	12866	New York	2016-03-16
Nanci StJohn	12866	New York	2016-03-16
Katherine Totten	12866	New York	2016-03-16
Robin Kish	12866	New York	2016-03-16
Rhea Demory	12866	New York	2016-03-16
John Schroeder	12866	New York	2016-03-16
Derek Olsen	12866	New York	2016-03-16
Teri Blasko	12866	New York	2016-03-16
Karin Vollkommer	12866	New York	2016-03-16
David Lombardo	12866	New York	2016-03-16
Dina Fittipaldi	12866	New York	2016-03-16
Margaret Fittipaldi	12866	New York	2016-03-16
Julio Olvera	12866	New York	2016-03-16

Holly Lawton	12866	New York	2016-03-16
Jill P McMahon	12866	New York	2016-03-16
Stephen Farenell	12866	New York	2016-03-16
Frank Capone	12866	New York	2016-03-16
Bette Brill	12866	New York	2016-03-16
amejo amyot	12866	New York	2016-03-16
Joy Burke	12866	New York	2016-03-16
Patricia Cornute	12866	New York	2016-03-16
sue scherer	12866	New York	2016-03-16
David Morris	12866	New York	2016-03-16
Mary Frances Healy	12866	New York	2016-03-16
Tara Chhabra	12866	New York	2016-03-16
Annette Carman	12866	New York	2016-03-16
MaryAnn Wager	12866	New York	2016-03-16
Stephanie Ryall	12866	New York	2016-03-16
Lisa Campilango	12866	New York	2016-03-16
Deborah Garrelts	12866	New York	2016-03-16
Joosje Anderson	12866	New York	2016-03-16
Barbara Claydon	12866	New York	2016-03-16
Chris Pringle	12866	New York	2016-03-16
monica winn	12866	New York	2016-03-16
Tracey Radigan	12866	New York	2016-03-16
Amy Hichman	12866	New York	2016-03-16
Rick Moran	12866	New York	2016-03-16
Kayla Rynasko	12866	New York	2016-03-16
Jeanne Oconnor	12866	New York	2016-03-16
Chuck Lamb	12866	New York	2016-03-16
Charles Kish	12866	New York	2016-03-16
Colleen Downing	12866	New York	2016-03-16
Ann Haller	12866	New York	2016-03-17
Ellen Boyce	12866	New York	2016-03-17
Deanne Marg	12866	New York	2016-03-17
Richard Dunham	12866	New York	2016-03-17
Jodi Stevens	12866	New York	2016-03-17
Louisa Foye	12866	New York	2016-03-17
Karen Thomas	12866	New York	2016-03-17
Joseph Marcuccio	12866	New York	2016-03-17
Vicki Feldman	12866	New York	2016-03-17
Patricia Duval	12866	New York	2016-03-17
Gloria Burke	12866	New York	2016-03-17
Tamara Woolsey	12866	New York	2016-03-17
Dorene Couch	12866	New York	2016-03-17
Ingrid H Stone	12866	New York	2016-03-17
Barbara Proctor	12866	New York	2016-03-17
Sandra Cohen	12866	New York	2016-03-15
Oona Grady	12866	New York	2016-03-17
Roxanne Mead	12866	New York	2016-03-17
Wayne T. Senecal	12866	New York	2016-03-17
Tara Martin	12866	New York	2016-03-17

EDWARD Jewell	12866	New York	2016-03-17
Jerome Luhn	12866	New York	2016-03-17
Sheila Levo	12866	New York	2016-03-17
William Yusavage	12866	New York	2016-03-17
Melanie Herter	12866	New York	2016-03-17
Ina Harney	12866	New York	2016-03-17
James Lestrange	12866	New York	2016-03-17
Loretta Martin	12866	New York	2016-03-17
LeeAnne Olsen	12866	New York	2016-03-17
Joanne Dwornik	12866	New York	2016-03-17
Alan Edstrom	12866	New York	2016-03-17
Henry Bovee	12866	New York	2016-03-17
Sam Brewton	12866	New York	2016-03-15
Michelle Deyette	12866	New York	2016-03-17
Judy Riester	12866	New York	2016-03-16
Holly Bates	12866	New York	2016-03-16
Ann Sette	12866	New York	2016-03-16
Kira Cohen	12866	New York	2016-03-15
Michelle Deyette	12866	New York	2016-03-17
Judy Riester	12866	New York	2016-03-16
Holly Bates	12866	New York	2016-03-16
Michele McClure	12871	New York	2016-03-17
Susan king	12871	New York	2016-03-17
doug klein	12871	New York	2016-03-17
james brophy	12877	New York	2016-03-16
Amy Syrell	12803	New York	2016-03-16
Jarred Butler	12822	New York	2016-03-16
Meghan Cherny	12822	New York	2016-03-16
Gary Daluisio	12831	New York	2016-03-16
Erin Wiggin	12831	New York	2016-03-16
Llona Hogan	12831	New York	2016-03-16
Lori LeBarron	12831	New York	2016-03-16
Davene Jones	12831	New York	2016-03-16
Diller Ann	12831	New York	2016-03-16
Liz Mark	12831	New York	2016-03-16
renee harder	12831	New York	2016-03-17
Kelly O'DONNELL -Mackison	12831	New York	2016-03-17
Sunshine Stewart	12833	New York	2016-03-16
Darrell Rikert	12833	New York	2016-03-16
Kathy Becker	12833	New York	2016-03-16
Joyce McKnight	12846	New York	2016-03-16
JOHN DUANE	12850	New York	2016-03-16
Joann Lorman	12859	New York	2016-03-16
Randy Hammond	12859	New York	2016-03-16
Noah Casner	12865	New York	2016-03-16
Amber Duffney	12944	New York	2016-03-16
Julie Behrens	13743	New York	2016-03-16
Ardath Stroman	14105	New York	2016-03-16
Tracy Maimone	14445	New York	2016-03-16

Michael Yarinsky	11205	New York	2016-03-16
Janice Pancake	12020	New York	2016-03-16
Sherry Dapello	12020	New York	2016-03-16
Beverlee Patterson	12020	New York	2016-03-16
Shealyn Heritage	12020	New York	2016-03-16
Cindy June	12020	New York	2016-03-16
Michelle Cameron	12020	New York	2016-03-16
Cathy Hoff	12020	New York	2016-03-16
Beverlee Patterson	12020	New York	2016-03-17
Martha Almgren	12020	New York	2016-03-17
richard bradley	12020	New York	2016-03-17
Nancy Flynn	12028	New York	2016-03-16
Thomas Wadsworth	12043	New York	2016-03-17
Hannah Christopher Christopher	12065	New York	2016-03-16
Vanessa Saari	12065	New York	2016-03-16
Denise Dart	12065	New York	2016-03-16
Eric Gould	12144	New York	2016-03-16
Michael Taormina	12188	New York	2016-03-17
nancy Henry	12203	New York	2016-03-16
c frank parisi	12210	New York	2016-03-16
linda battiste	12302	New York	2016-03-16
Michael Yarinsky	11205	New York	2016-03-16
Janice Pancake	12020	New York	2016-03-16
Sherry Dapello	12020	New York	2016-03-16
Beverlee Patterson	12020	New York	2016-03-16
Shealyn Heritage	12020	New York	2016-03-16
Cindy June	12020	New York	2016-03-16
Michelle Cameron	12020	New York	2016-03-16
Cathy Hoff	12020	New York	2016-03-16
Beverlee Patterson	12020	New York	2016-03-17
Martha Almgren	12020	New York	2016-03-17
richard bradley	12020	New York	2016-03-17
Nancy Flynn	12028	New York	2016-03-16
Thomas Wadsworth	12043	New York	2016-03-17
Hannah Christopher Christopher	12065	New York	2016-03-16
Vanessa Saari	12065	New York	2016-03-16
Anthony Smith	20011	District of Columbia	2016-03-16
Karen Hefter	20637	Maryland	2016-03-17
Marie falls	22193	Virginia	2016-03-16
Robert Bostick	22202	Virginia	2016-03-16
Alysia Han	28036	North Carolina	2016-03-17
Allison Williford	28467	North Carolina	2016-03-16
Sherry Callahan	30517	Georgia	2016-03-16
John Spinelli	32724	Florida	2016-03-15
Justin Cressey	33066	Florida	2016-03-16
Bethany Cohen	33433	Florida	2016-03-17
Matt schwarz	33919	Florida	2016-03-16
Nicholas Rossi	34219	Florida	2016-03-17
Annette Damron	34461	Florida	2016-03-16

Paul Hibbert	74011	Oklahoma	2016-03-16
Michael Graul	80015	Colorado	2016-03-17
Rick Leverence	2144	Massachusetts	2016-03-16
Patricia Mathews	4073	Maine	2016-03-16
MaryBeth Hibbert	5408	Vermont	2016-03-16
Richard Hibbert	5408	Vermont	2016-03-16
Jennifer Kleindienst	6457	Connecticut	2016-03-17
Kathleen Ruggles Orefice	6880	Connecticut	2016-03-16
james yellen	7470	New Jersey	2016-03-17
Rick Leverence	2144	Massachusetts	2016-03-16
Patricia Mathews	4073	Maine	2016-03-16
MaryBeth Hibbert	5408	Vermont	2016-03-16
Richard Hibbert	5408	Vermont	2016-03-16
Jennifer Kleindienst	6457	Connecticut	2016-03-17
Kathleen Ruggles Orefice	6880	Connecticut	2016-03-16
james yellen	7470	New Jersey	2016-03-17

OUR STANCE AS NEIGHBORS
of proposed "Downton Walk":

- We don't oppose Mr. Witt per se, or that he should develop this property.
- But we are concerned about the scale of the variances he is requesting and of the project as currently designed.
- We are concerned that the current design and density of the proposal and the number and size of the proposed homes are out of character with this historic neighborhood.
- We would like a revised more reasonable proposal.

Joan Rupprecht, [redacted] Jumel Place

Larry Britt

Marie Britt [redacted] Caroline St.

Anne Kearney Prouty [redacted] Jumel Pl.

Bill Evans [redacted] June Pl.

Mary Hibbert [redacted] Jumel Place

[illegible]

(Gabriel Edell) [redacted] Jumel Pl.

Michael P. Perri [redacted] Jumel Pl.

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Rachel D Morris [redacted] Ludlow St.

[illegible] [redacted] Ludlow St SS NY 12866

[illegible] [redacted] Ludlow St 12866

[illegible] [redacted] Maple ave 12866

[redacted]

Alison Manning [redacted] Jumel Pl 12866

Elizabeth DiMuzzo [redacted] Lake Ave Saratoga Springs NY 12866

[illegible] [redacted] Lake Ave Saratoga Springs NY 12866

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Karyn Lanatti [redacted] Lake

Karen Hicks [redacted] Lake Ave

William MAX OSWALD [redacted] EAST Ave

Marie Sanok [redacted] East Ave

I do oppose.

Gina Morris 8 Pinewood Ave this development

Joe Fitzgerald [redacted] EAST Ave

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[signature] LITWIN, ERIC [redacted] LAKE AVE

[signature] YUSAVAGE, WILLIAM [redacted] East Ave

Linda Church Linda Church [redacted] Lake Ave, Saratoga Springs NY

Paul Church [redacted] LAKE AVE SARATOGA SPRINGS, NY 12866

Jim MacNeill [redacted] Lake Ave SS. Jim MacNeill

Susie O. Torone [redacted] East Ave. S.S. 12866

[signature] [redacted] Hutchins St 12866

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LITWIN, ERIC [redacted] LAKE AVE

William F. Savage (SAVAGE) WILLIAM [redacted] East Ave

Linda Church Linda Church [redacted] Lake Ave, Saratoga Springs NY

Paul Church [redacted] LAKE AVE SARATOGA SPRINGS, NY 12866

Jim MacNeill [redacted] Lake Ave SS. Jim MacNeill

Susie O. Toone [redacted] East Ave. S.S. 12866

[redacted] Hutchins St 12866

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Karen Hicks [redacted] Lake Ave

William Max Oswald [redacted] East Ave

Marie Sanok [redacted] East Ave

Tina Morris [redacted] Pinewood Ave I do oppose this development

Joe Fitzgerald [redacted] East Ave

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Rachel D [redacted] Ludlow St.

[redacted] Ludlow St SS NY 12866

[redacted] Ludlow St 12866

[redacted] Maple ave 12866

[redacted]

Alison Manning [redacted] Jumel Pl 12866

Elizabeth DiMuzzo [redacted] Lake Ave Saratoga Springs NY 12866

[redacted] Lake Ave Saratoga Springs NY 12866

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(Gabriel Edell) [redacted] Jumel Pl.

Michael P. Perri [redacted] Jumel Pl.

WATER UNDER THE BRIDGE . . .

After spending much time with the drawings and plans for Downton Walk, something about the numbers has not felt right. But, this time, it had to do with permeability, the amount of vacant land on a lot that is available to absorb water, such as rain, melting snow, pipe break, swimming pool overflow, etc.

Because we were previously pursuing other issues, we didn't really look at the math in the permeability charts presented on the drawings. A closer examination reveals some inconsistencies and numbers don't seem to add up.

If you want to follow along, we draw your attention to the builder's package presented at the March 7, 2016 meeting of the Zoning Board of Appeals. Copies of the documents can still be found online at http://www.saratoga-springs.org/AgendaCenter/ViewFile/Item/379?fileID=1546

We are referring specifically to pages 14 & 17. The numbers on page 14 are very fuzzy, because they are reduced copies of what appears to be a blueprint. So, our figures might not be exact, but we are confident that they are very close. Also, it is our understanding that, to find the permeable area that is left on a lot, one adds the footprints of the homes planned for the land to the other areas designated as non-permeable, because the areas under roof are considered non-permeable.

Witt states on the drawings chart that the **non-permeable area** (listed as the size of the road, driveways, pavers, porches, "living", and garages -- **excluding** the housing footprints) is roughly **21,300** sq.ft. When we add in the home **footprints** total from the other chart – roughly **15,900** sq.ft. – we arrive a grand total of non-permeable surface of **37,200** sq.ft. Yet, the area of the lot itself is only **34,765** sq.ft. So something **must** be wrong, especially when 25% of the land – in this case, **8,691** sq.ft. – must be kept permeable.

At best, perhaps we could remove the "Living" line item in the Non-Permeable Areas part of the chart on page 14. That represents about 5,660 sq.ft. We cannot understand what that is. So we're thinking perhaps it was a mistake? That would **adjust** the designated **Non–Permeable area** to **15,640** sq. ft. Added to the **15,900** sq.ft. of **home footprints**, the **total Non-Permeable** would be reduced to **31,540**. However, the difference of **3,225 sq.ft. (9.28%)** does not meet the City's need for **8,691 sq. ft. (25%)** of permeability.

At a glance, it appears to all work beautifully for him on page 17, **because** he has only cited Roads and Driveways as non-permeable, **neglecting to add in the other non-permeable items on his chart on page 14: specifically pavers, porches, "living", and garages**. If there is a viable reason for this, we would greatly appreciate an explanation. If not, we think the City has an obligation to make certain he's not accidentally taking advantage of more area variances than he is requesting.

We feel quite certain that, should this project proceed, detailed plans with accurate measurements will be forthcoming. But that might be far too late, because it is not impossible that the ZBA will have already cast the die for the Jumel Place “seasonal swimming pool” which -- because of non-permeability of the land -- could periodically replace the street itself.

So we ask the ZBA to stop this process and request accurate accounting of permeability as well as further information on the expected final sizes of the homes being planned, as at least five of the square footages being discussed in the media either match or come close to the sizes that appear as **single-story footprints** on the permeability chart -- while the project elevations call for multiple story structures.

###

From: "Kira Lajeunesse" [redacted] >
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 20, 2016 4:06:50 PM
Subject: Downton Walk Proposal-27 Jumel Place

Ladies and Gentleman of the Zoning Board of Appeals,

There is no reason that Mr. Witt should be granted any variance to the current zoning law of the City of Saratoga Springs. The lot upon which he wishes to build is in a UR3 zone which does not permit the type or size of structure which he seeks permission to erect. The homes surrounding this site are single family residences with no more than 2000 square feet of living space. The structures proposed by Witt simply do not fit in the neighborhood, and clearly will change or alter the character of this neighborhood.

Mr. Witt can build homes that do, in fact, blend with the neighborhood, that do not violate

the zoning law and do not require any variances and still realize a profit..

This seems another example of local builders trying to convince the Zoning Board that in order to make a profit they must be given a variance. There is no hardship that he will suffer if not granted the variance that he seeks.

As an owner of two homes in Saratoga's Historic District (one on Circular Street and one on White Street) and a resident of Saratoga's historic district for over thirty years, I am appalled by the gross changes that have begun to encroach on our neighborhoods.

Please deny the variance for the benefit of the city and the residents who have made Jumel Place their home.

Thank you,
Kira Lajeunesse

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From: "Laura Giannini" [redacted] >
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 20, 2016 3:12:47 PM
Subject: Opposition to proposed 27 Jumel Place development

Ms. Barden,

I'd like to express my objection to the proposed Downton Walk project and the associated variance requests for the 27 Jumel Place property. I live several houses away on Jumel Place, and I strongly feel that the scope of the project is not fitting or appropriate for our neighborhood. Additionally, the proposed density and the number of requested variances are concerning for both this particular property and the precedent that approval may set moving forward. I am not opposed to rejuvenation of this property in general, just the specifics of this particular proposal. I would support a more balanced project in line with

the invaluable character of our neighborhood.

I often walk past this property on my way to East Side Rec with my young son, and I do not want that part of our street to be built up in a fashion so incongruous with the scale, architecture, and lot set-up as the rest of the street.

Thank you for your consideration of the views of the neighbors as you evaluate this decision.

Laura Giannini
[redacted] Jumel Place, Saratoga Springs

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From: [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 20, 2016 11:45:51 AM
Subject: Save Saratoga

We agree that the Downtown Walk proposal on Jumel should not go forward.

Lesley and Bob Vogel
[redacted] Caroline Street

From: "Reg Lilly" [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Saturday, March 19, 2016 1:39:51 PM
Subject: 27 Jumel

Hello,
I live at [redacted] Granger, right around the corner from the propsed condominium. Last I heard, there was a plan to build several McMansions there. I'm definitely opposed to the development that I now read about on the flyer you left on my door.

Sincerely,
Reginald Lilly
[redacted] Granger Ave
Saratoga Springs, NY

From: [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Saturday, March 19, 2016 10:04:10 AM
Subject: PLEASE!!!!!!!!!!!!!!!

STOP THE MADNESS THAT IS GOING ON WITH THE BUILDERS/DEVELOPERS & THE REAL ESTATE BUSINESS!!!!!!!!!!!!!!!!

From: "Penny Jolly" [redacted]>
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Friday, March 18, 2016 9:25:27 AM
Subject: Downto Walk

Dear Ms. Barden,

I wish to urge the ZBA to turn down the request for all the variances so that the builder can build 7 codos in what is clearly a neighborhood of one-family houses on individual plots of land. I live about 3 blocks away from the site and often walk there; Downton Walk simply does not fit in: it's pretentious, crowded, and totally out of character with the neighborhood. That's why we have zoning laws: to maintain certain types of structures in certain parts of the city. Please do NOT waive these zoning restrictions.

Thank you,
Penny Jolly

****

Dr. Penny Howell Jolly
Professor of Art History
Filene 111
Skidmore College
Saratoga Springs, NY 12866

From: "Deborah Garrelts" <[redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Friday, March 18, 2016 7:22:45 AM
Subject: downton walk

Ms. Barden and zoning board of appeals,
I am voicing objection to the downton walk project.
the zoning variances and elimination of set backs is an intrusion
on the existing neighborhood.

The "charm" of the condo units does not fit at all in the existing
character of the neighborhood despite Mr. Witt's extensive
reputation. It calls to mind a McMansion that was built on
North Broadway which inspires ridicule for being over the top and pretentious.

The project impacts its immediate neighbors in a negative way
through loss of trees, loss of light by towering over other structures, and
loss of privacy through reduced or eliminated setbacks.

I urge the zoning board of appeals to reject the project as it is until changes are made
to lessen the negative impacts on neighbors and the neighborhood.

--
Deborah Garrelts

---------- Forwarded message ----------
From: **Darlene Murray** [redacted]
Date: Fri, Mar 18, 2016 at 7:13 AM
Subject: The Witt Construction Project called "Downton WalK"
To: bbirge@saratoga-springs.org, maynard@saratoga-springs.org, cindy.phillips@saratoga-springs.org, gonzalez@saratoga-springs.org, Christina.Carton@saratoga-springs.org, susan.barden@saratoga-springs.org
Cc: jwitt@wittconstruction.com, Sam Zucchini [redacted], Debbie Garrelts [redacted], William Yusavage [redacted]

Dear Members of the Zoning Board of Appeals

I am writing to express my concerns about the project called "Downton Walk" proposed by John Witt. My husband, William Yusavage and I currently own a two-family home at [redacted] East Avenue, and I own a a single family home located behind my house at [redacted] East Avenue, around the corner from Jumel Place. I pass the lot in question on a daily basis when walking. I have lived in Saratoga Springs since 1991, and have owned four houses in the city, including three in this neighborhood. I have lived on East Avenue for a combined total of 20 years, and I love it because of the neighbors who all look out for one another.

Its a warm and inviting neighborhood of middle-class families, and I know a number of them personally.

First, let me say that I mistakenly signed a letter of support for the project last week when Mr. Witt came to my house on a door-to-door mission to gain support. I was pleased to hear that the stucco building that is currently at the location on Jumel Place would be replaced with housing, however now I am concerned with the style and scope of the project.

My current understanding is that the lot is zoned for five single-family homes or four two-family homes. I understand that Mr. Witt wants to build seven single family homes on this lot. Unfortunately, the project he has put forth does not appear to fit into the neighborhood, becasue of its design and scope. It is my understanding the required setbacks are being violated with this plan. Looking at the rendering, it appears to have a stone facade and an Elizabethan design. Contrast this with the modest wood-framed Victorian homes surrounding the lot on all sides, and it looks completely out-of-place. It certainly appears that there would be no back yards, front yards or even adequate parking spaces on the lot, which is concerning to me as a local resident. It means that these houses would not appeal to families, but rather to retirees or those purchasing a second home, who don't want the trouble of yard upkeep. As second homes these houses may sit empty for much of the year. In addition, I am concerned that the lot may be fenced in at a hight of 8 feet. Nothing says "I don't want to get to know my neighbor" more than an 8 foot high fence! Look around the nighborhood and note that there are almost no high fences separating yards. In fact, our fences are 3 or 4 feet high so that we can chat with our neighbors, and keep an eye on each other's homes, especially during the racing season when burgleries and other crimes spike in our neighborhood.

For these, and many other reasons, I respectfully request that the Zoning Board of Appeals deny Mr. Witt's current propossal and ask him to modify his plans to include no more that five single-family homes, with Victorian style architectural elements, adequate off-street parking, and that no high fences be erected that would wall-off the houses like a gated community.

Thank you for your consideration of my request.

Darlene D. Murray
[redacted] East Avenue
Saratoga Springs, NY
[redacted]

From: "Gerald Mattison" [redacted]>
To: "joanne yepsen" <joanne.yepsen@saratoga-springs.org>, "michele madigan" <michele.madigan@saratoga-springs.org>, "christian mathiesen" <christian.mathiesen@saratoga-springs.org>, "john frank" <john.frank@saratoga-springs.org>, "skip scirocco" <skip_scirocco@saratoga-springs.org>, "joseph ogden" <joseph.ogden@saratoga-springs.org>, "tim cogan" <tim.cogan@saratoga-springs.org>, "sharon kellner-chille" <sharon.kellner-chille@saratoga-springs.org>, "lynn bachner" <lynn.bachner@saratoga-springs.org>, "eileen finneran" <eileen.finneran@saratoga-springs.org>
Sent: Wednesday, March 16, 2016 6:01:01 PM
Subject: Jumel Redevelopment Proposal

Dear Mayor Yepsen and the City Council.

I'm sure by now you are aware of the Downton Walk Development proposed for 27 Jumel. Though we all probably agree that the removal of the factory building that presently occupies the property and replacing with residential housing would be the ideal for all involved parties, the present proposal before the Zoning Board of Appeals violates the spirit and intent of the current zoning ordinances. This is not only manifested by the number of variances sought (5) but also by the significant amount of relief requested for each variance. The net result is not just a minor tweak such as to allow a homeowner change a deck, or perhaps enlarge a garage built for buggies to accommodate a vehicle, but rather the variances are being used to subvert the local Zoning. It is important that this ***not*** become a precedent that can be cited for development in other City residential areas!

To be sure I do not blame the developer. It is in the realm of the City Planners and the Zoning Board of Appeals to protect the spirit of the Zoning ordinances yet provide case specific variances that will minimally alter the spirit of the zoning. This is especially important in residential areas. I contend, at least in this case, those we have hired or appointed, have fallen short in carrying out the mission that the residents have entrusted them to perform.

The Zoning Board of Appeals has yet another chance on Monday to review the application and hopefully recommend to the developer a resubmission of a plan that will not subvert the intent of the Zoning Ordinances. I would hope the Mayor and City Council would also agree that the spirit of the zoning should not be compromised and will also express their concerns to the Zoning board of Appeals.

Respectively,

Gerald Mattison,

[redacted] Lake Ave Saratoga

Cell: [redacted]

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From: "Peter Dorsman" [redacted]>
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Wednesday, March 16, 2016 9:39:20 AM
Subject: Downton Walk Development

Susan

I have been following the approval process regarding Downton Walk and wanted to express my support. It is my understanding the Saratoga Springs Planning Board has agreed to an extension of the previously received approval of the development and a similar extension request will be reviewed by the Saratoga Springs Zoning Board.

Before moving to Saratoga Springs in 2014 I lived in Manhattan so I am familiar with housing density. The plans I have seen for Downton Walk are aesthetically appealing and representative of "the art of the possible" when designing residences in an existing neighborhood.

My Saratoga residence (Park Alley North) is in an area that was developed by John Witt. While I did not purchase my home from Witt Construction, I bought the home because I was impressed with the quality of the construction and what Witt Construction was able to create in a relatively small area. I am confident Witt Construction will deliver a similar result with the development of Downton Walk.

Peter Dorsman

From: "Kara Conway Love" [redacted] >
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Cc: [redacted]
Sent: Tuesday, March 15, 2016 9:50:14 PM
Subject: Witt Construction Project - 27 Jumel Place

Dear Ms. Barden- we are in favor of the Witt Construction project on Jumel Place in the City of Saratoga Springs. We recently met with Mr. Witt to learn more about the proposed single family condominium project. We believe that the project will improve the neighborhood by eliminating the existing commercial building and constructing attractive homes which will fit in the neighborhood. The proposed homes will have similar setbacks to the existing homes on the street. This project is sure to enhance the neighborhood and increase property values.

Thank you for your time.

John Love and Kara Conway Love
[redacted] Waldens Pond Rd, Albany, New York 12203
[redacted] (Kara cell)

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----- Forwarded Message -----
From: [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 20, 2016 8:25:20 PM
Subject: Jumel Place development

I'm writing to express my concern about the proposed Jumel Place development, which would be unacceptably out of scale with the surrounding neighborhood. Not only would the variances requested result in irrevocable harm to what is now a beautiful area, but granting them would set a very dangerous precedent. I ask that the variances be denied, and only a neighborhood-compatible plan approved.
Thank you.
Judith LaPook
[redacted] Horseshoe Drive
Saratoga Springs

Sent from my iPhone

From: "Linda Church" [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 20, 2016 8:12:10 PM
Subject: Jumel Place - Downton Walk

Dear Ms. Barden and members of the zoning board,

I am writing to express my concern about the variances requested by Mr. Witt for the proposed project on Jumel Place. The size and scope of the project is not in scale with the existing neighborhood, and the density for the size of the property is inappropriate for this UR3 zoned area. The current zoning exists for a reason, and if you grant these variances, this will give license to any builder who wishes to do the same. The city is already choking under all the growth, and we are losing the quaint character of what was Saratoga.

Mr. Witt builds beautiful homes. I respectfully ask that he submit a project that is smaller

in size, more fitting to the surrounding homes (most of which are under 2000 square feet), which do not encroach on the neighbors, and one that keeps more green space in our neighborhood. Deny this change in zoning for the good of our city, and the neighbors on Jumel.

Respectfully Submitted,

Linda Reese Church
[redacted] Lake Ave.

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From: "Tina Morris" [redacted]>
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 20, 2016 6:09:00 PM
Subject: "Downton Walk Development"

Susan,
I live very near-by this proposed project and am extremely concerned.

Seven single condominiums could easily be only the beginning of a major change to our small early 20th century neighborhood.

I was born and raised in Los Angeles, CA where set backs and limits on the number of stories have been ignored. The results are in a word, a "mess"!

If zoning regulations/laws are waived for Mr. Witt then a long line of developers will follow! A precedent should definitely not be set here, no exceptions!

Tina Morris

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From: "Scott Dexter" [redacted]>
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 27, 2016 12:00:51 PM
Subject: 27 Jumel

Ms. Barden,

We own [redacted] Jumel Place, which has a long shared property border with the proposed property.
The issue of the application for variance for 27 Jumel has only recently come to our attention.

We oppose the variance for the number of proposed properties for the sight.

Furthermore, we particularly opposed the variances for the setback, since buildings would be within 6 feet of our property, as well as the proposed 8 foot fence, if indeed that fence will border the back yard of [redacted] Jumel.
These variances will adversely impact the enjoyment and aesthetics of our property. In fact, I am sure the zoning codes were designed to protect property owners from precisely such an adverse impact.

Sincerely,
Scott and Martha Dexter

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

March 22, 2016

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

RE: SCPB Referral Review#13-109–Area Variance- ANW Holdings/Witt
Demolition of existing building to construct a 7-unit condo building needing variances for front yard setbacks, lot coverage and height for exterior fence. Jumel Place, north side & Granger Ave., west side.

Received from the City of Saratoga Springs Zoning Board of Appeals on March 18, 2016.

Reviewed by the Saratoga County Planning Board on March 22, 2016.

Decision: No Significant County Wide or Inter Community Impact

Comment: We recognize the referral to be submitted because the original variances granted to the appellant on May 1, 2014 have expired without any activity having been undertaken. It is additionally acknowledged that the appellant has presented nothing of great magnitude as new or additional to the variance request made since our last review of the project. In accordance with the Memorandum of Understanding (MOU) between the City of Saratoga Springs Zoning Board of Appeals and the Saratoga County Planning Board (SCPB) the above-noted area variances have been reviewed and deemed to present no impacts or issues of a countywide or intermunicipal nature.

Michael Valentine, Senior Planner
Authorized Agent for Saratoga County

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

50 WEST HIGH STREET
BALLSTON SPA, NY 12020

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

From: "stephanie waring" [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Sunday, March 13, 2016 2:06:36 PM
Subject: Downton Walk

Dear Ms. Barden,

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

Sincerely,

Stephanie Waring

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

Ms. Braden -

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

Regards,

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

Ph. [redacted]

- sent from my iPad

Begin forwarded message:

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

All,

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

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

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

Best,
MR

Marci Robinson
Sales Assistant

Witt Construction, Inc.
563 North Broadway
Saratoga Springs, NY 12866
518.587.4113

[image/jpeg:image002.jpg]

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

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

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

Please advise the Zoning Board of Appeals to deny this application.
Respectfully,
John Cashin

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

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

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

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

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

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

Susan,

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

Sincerely,

Meghan OConnor

3/14/2016

To: Saratoga Zoning Board of Appeals

Saratoga Council and Planning Board,

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

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

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

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

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

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

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

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

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

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

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

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

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

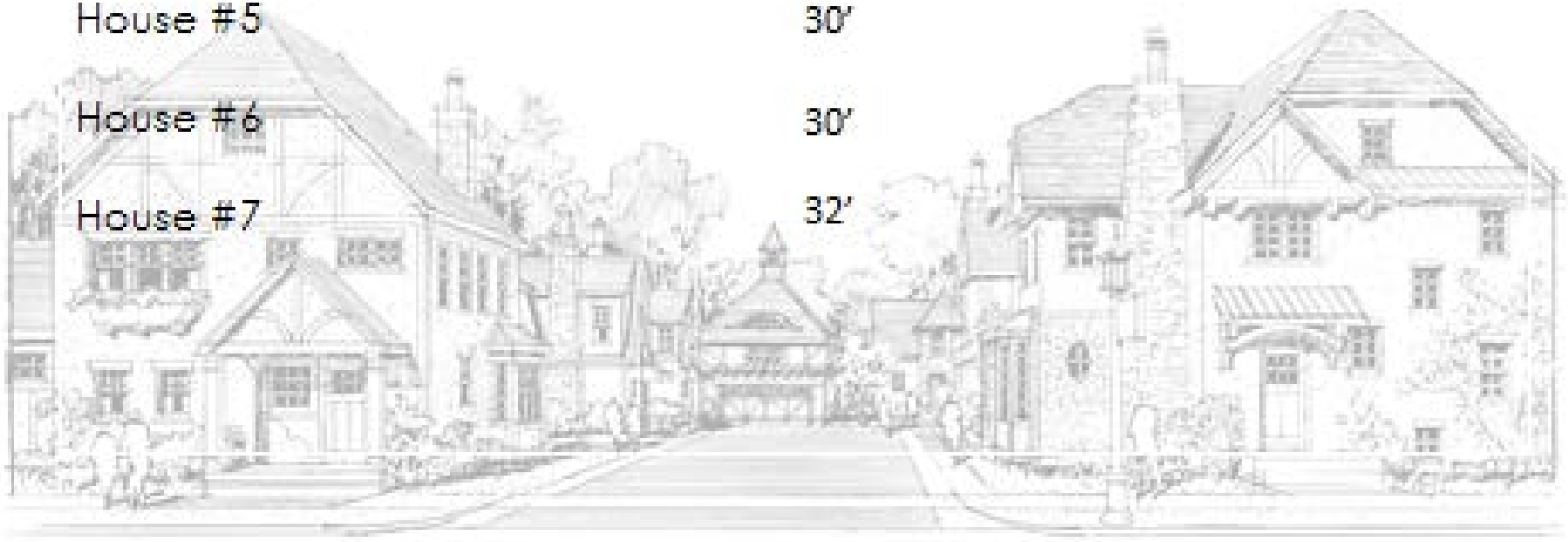
Respectively Submitted,

Gerald Mattison

[redacted]

Approximant Height of Homes

	Ridge
House #1	33'-6"
House #2	27'
House #3	27'
House #4	32'
House #5	30'
House #6	30'
House #7	32'



Fence Concepts:

6’foot fence with 2’ lattice.

Zimbra **lindsey.gonzalez@saratoga-springs.org**

#2759.1 ANW HOLDINGS RESIDENTIAL DEVELOPMENT

From : J Valetta [redacted] Wed, Mar 09, 2016 01:10 PM

Subject : #2759.1 ANW HOLDINGS RESIDENTIAL DEVELOPMENT

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

Cc : kate maynard <kate.maynard@saratoga-springs.org>, bbrige@saratoga-springs.org, cindy phillips <cindy.phillips@saratoga-springs.org>, lindsey gonzalez <lindsey.gonzalez@saratoga-springs.org>, christina carton <christina.carton@saratoga-springs.org>, joanne yepsen <joanne.yepsen@saratoga-springs.org>, skip scirocco <skip.scirocco@saratoga-springs.org>, christian mathiesen <christian.mathiesen@saratoga-springs.org>, michele madigan <michele.madigan@saratoga-springs.org>

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

cc: Saratoga Springs City Council, Saratoga Springs Planning and Economic Development Department

Re: Application for “seven unit condominium project,” and requests for substantial Zoning Variances at 27 Jumel Place, Saratoga Springs, by ANW Holdings

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

The Saratoga Springs Zoning Ordinance defines a condominium as follows:

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

development."

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

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

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

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

The substantial variances the applicant is asking for include:

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

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

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

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

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

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

Thank you.

Sincerely,

Jane Valetta

John Valetta

[redacted] Jumel Place

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

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

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

From: "Max Peter" [redacted]>
To: "Kate Maynard" <kate.maynard@saratoga-springs.org>, "Bradley Birge" <bbirge@saratoga-springs.org>, "Susan Barden" <susan.barden@saratoga-springs.org>, [redacted]
Sent: Tuesday, March 1, 2016 10:14:03 PM
Subject: ZBA area variance at 27 Jumel Place (#2795.1)

March 1, 2016

To: Saratoga Springs Zoning Board of Appeals

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

Dear members of the ZBA board,

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

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

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

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

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

Thank you for your consideration,

Max Peter

[redacted] Lake Ave

Saratoga Springs, NY 12866

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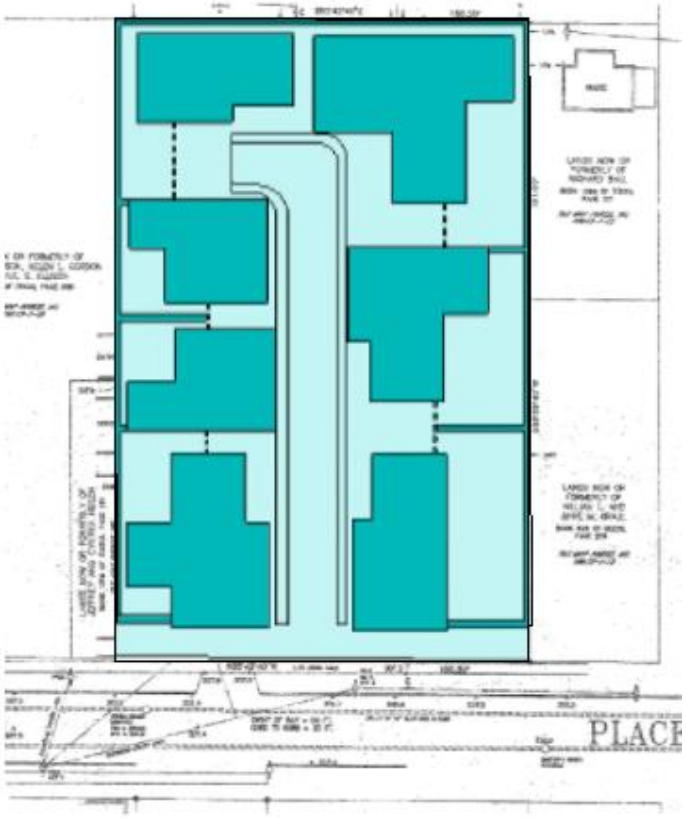
DOWNTON WALK

WITT CONSTRUCTION, INC.

563 NORTH BROADWAY, SARATOGA SPRINGS, NY 12866

518.587.4113 | WITTCONSTRUCTION.COM

Granger Ave
Jumel Pl



Concept Site Plan

Site Plan with Existing Building

Proposed Downton Walk

Examples of drives, paving areas, yards and green space

Area Variance Criteria

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

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

3. Whether the requested area variance is substantial

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

5. Whether the alleged difficulty was self-created

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

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

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

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

Other feasible means are **not** available:

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

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

All adjacent land is currently occupied with single family homes.

Estimated Development Costs

Jumel Place Project

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

3. Whether the requested area variance is substantial

The requested variance is **not** substantial due to :

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

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

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

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

5. Whether the alleged difficulty was self-created

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

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

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

Lot Statistics

27 Jumel Place
Saratoga Springs NY

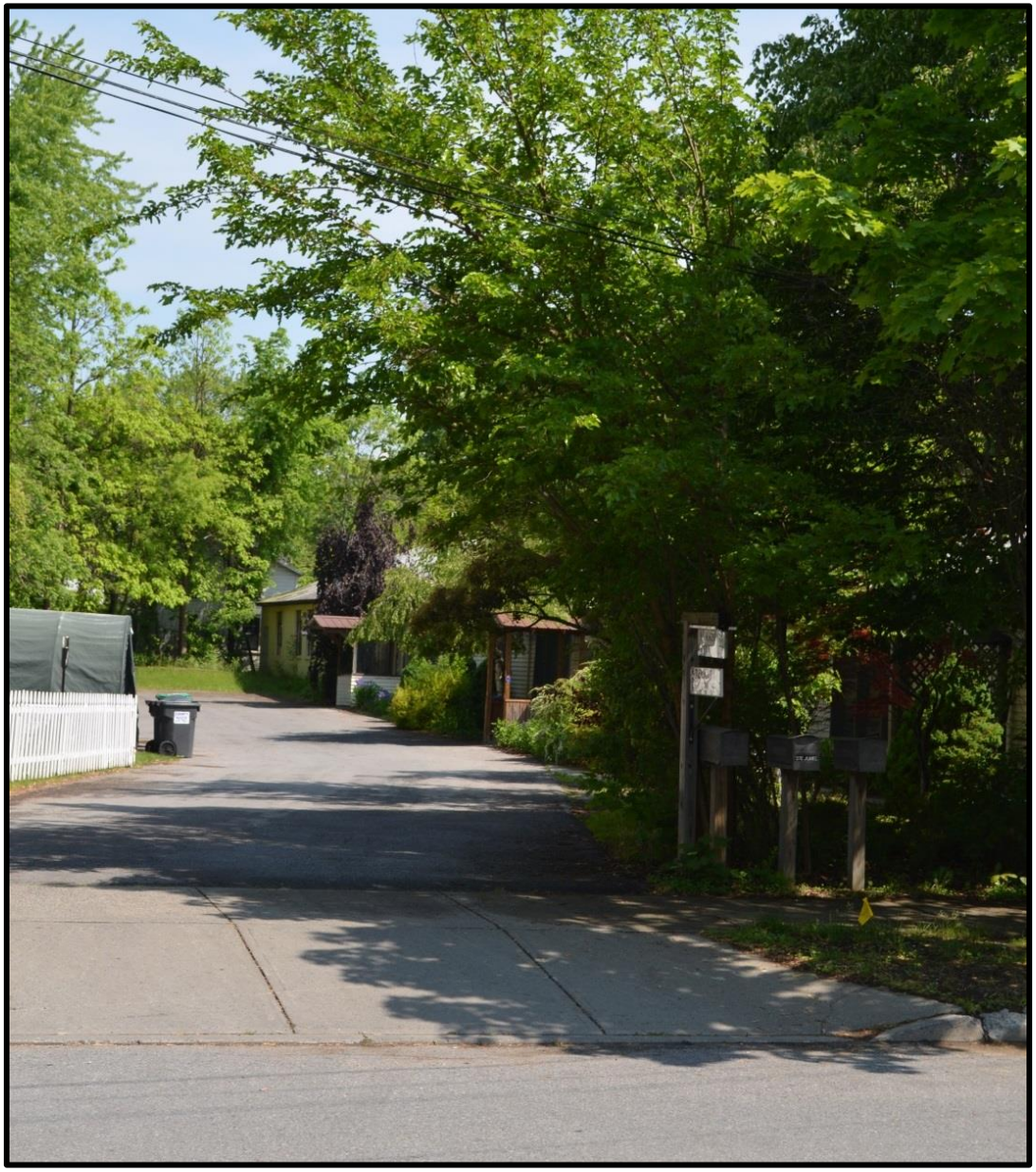
Witt Construction
6/12/2013

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

Area	Existing	% of Lot	As Drawn	% of Lot
Principle Building	17,161	49.4%	14,801	42.60%
Accessory Building	160	0.5%	344	0.98%
Misc./ Overhangs				2.42%
Total				46.00%
Driveways/Road	6,357	18.3%	7,157	20.60%
Premeable Areas	11,088	31.9%	12,191	35.10%

Setbacks	**Foundation (ft)**
Front	0
Rear	6
Right Side	Meet UR-3
Left Side	Meet UR-3

Existing Building



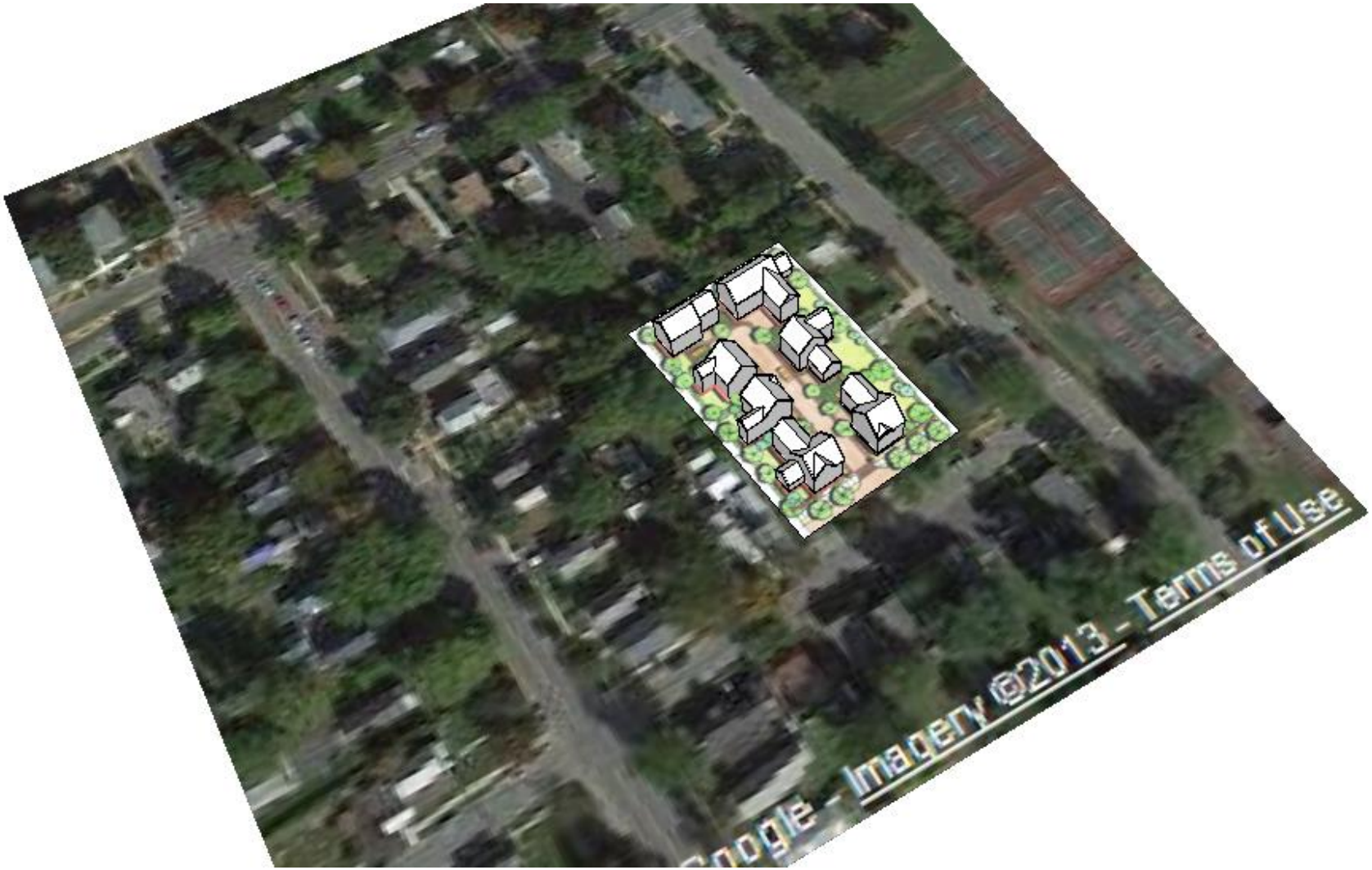
SARATOGA
CITY BALLET
TENKARA
KARATE

Neighborhood

NO PARKING
24 HRS

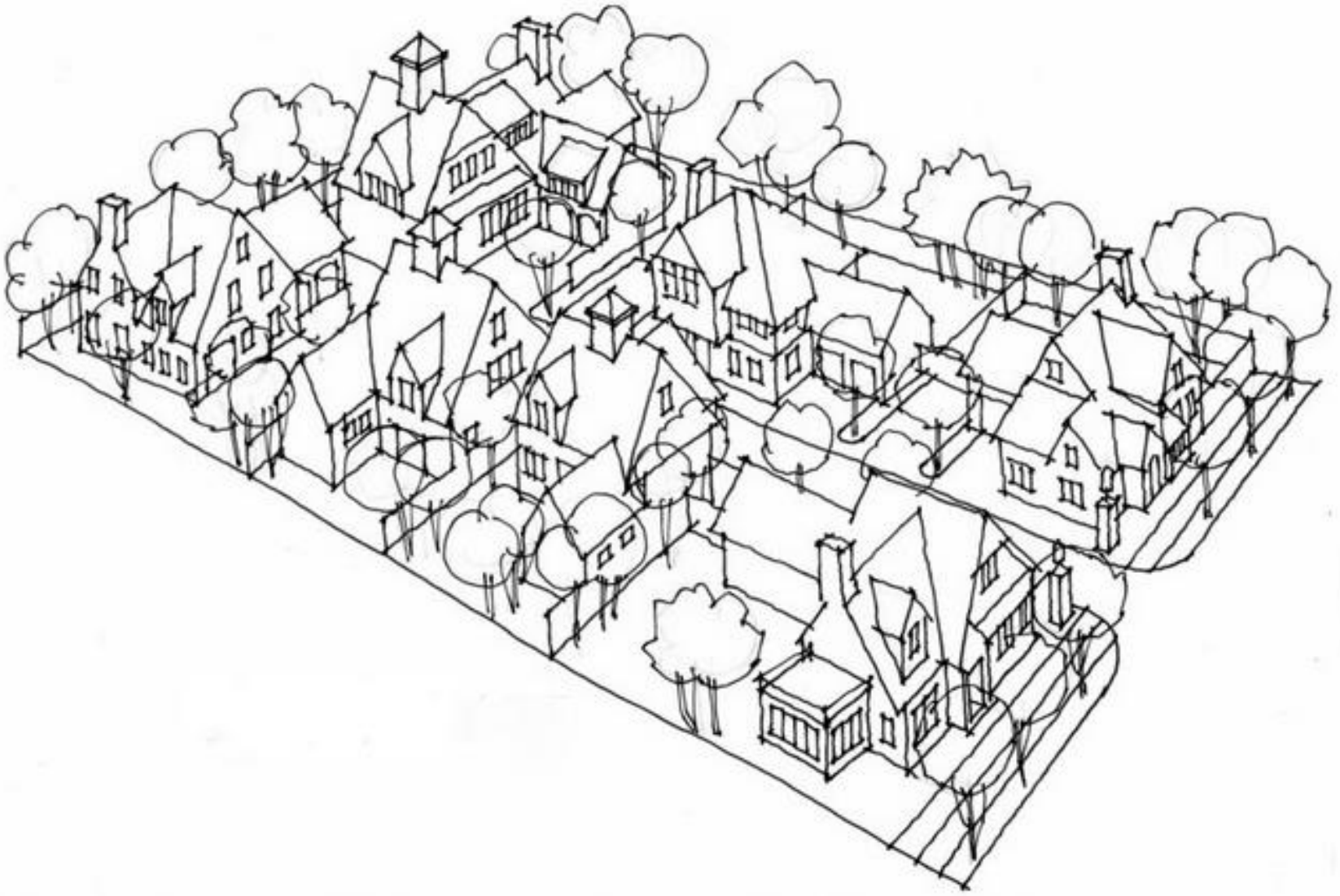
STOP

188


Google - Imagery ©2013 - Terms of Use

Proposed Downton Walk

Proposed Downton Walk

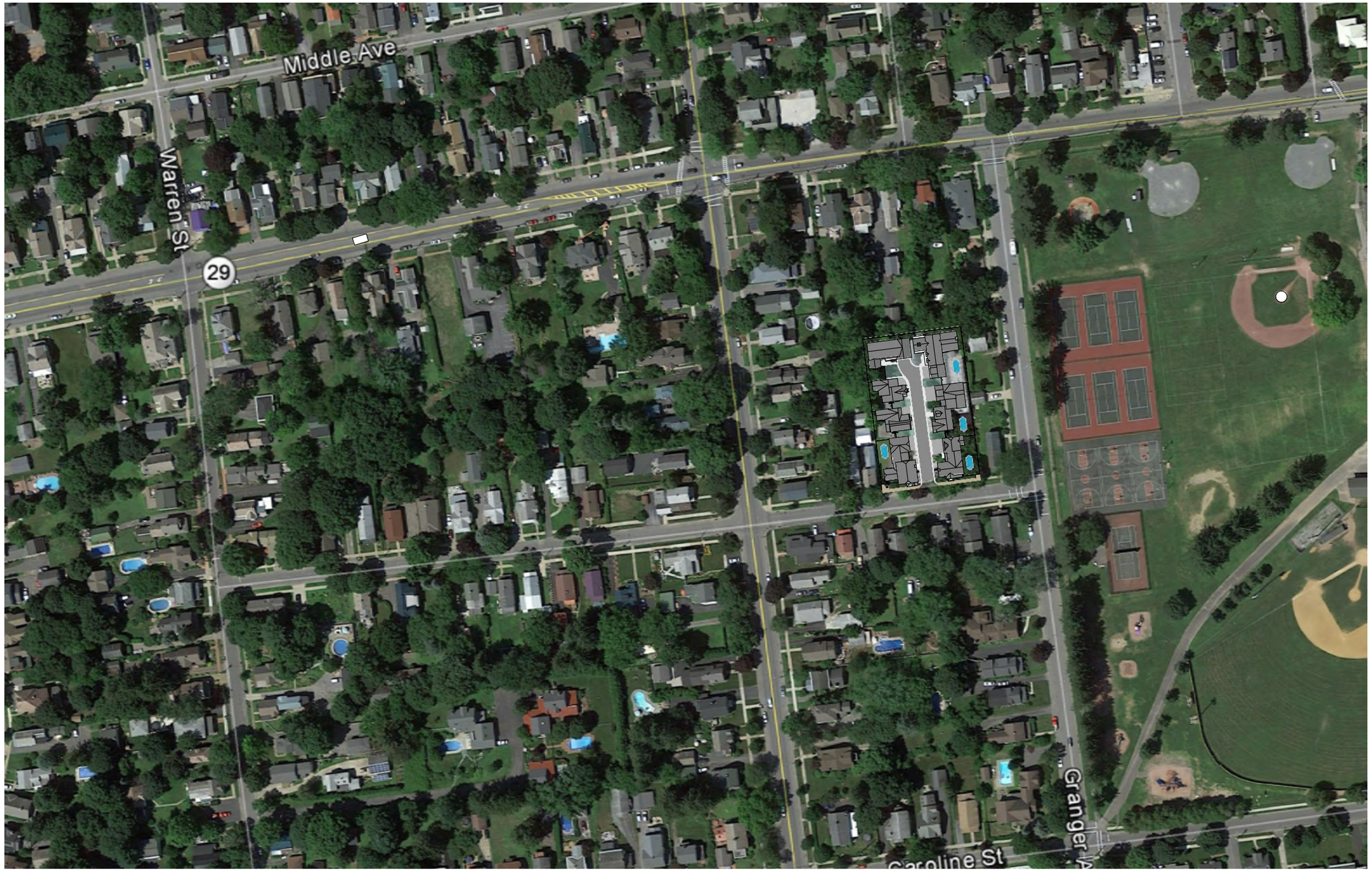


DOWNTON WALK

WITT CONSTRUCTION, INC.

563 NORTH BROADWAY, SARATOGA SPRINGS, NY 12866

518.587.4113 | WITTCONSTRUCTION.COM



Witt Construction

563 N Broadway Saratoga Springs, NY 12866

March 1, 2016

Downton Walk

Aerial View

Scale: 1" = 150'

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

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

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

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

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

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

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

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

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

###

February 28, 2016

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

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

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

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

Fr: Neighbors of Surrounding Properties

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

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

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

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

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

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

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

Why is the applicant insisting on calling these seven single family homes "seven single family condominiums"?
Is it because the applicant believes he will only have to provide back yards for two of the seven units, as his application shows? Five of the units have no back yards at all. A 25' back yard setback is required for every unit in a UR-3 Zoning District.
Is it so the applicant doesn't have to spend the money to subdivide the lot?
Is it because the applicant thinks he will be allowed more units than the maximum of five single family homes allowed on this lot?
Is it because these $700K to $1.5 million dollars homes may receive a condominium tax break, thereby forcing the far more modest homes in the area to virtually subsidize them?
Is it because of all of these reasons? We simply do not know.

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

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

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

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

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

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

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

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

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

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

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

For additional information contact: [redacted]

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

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

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

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

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

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

240-2.3 A., Table 3 and 6.4.5 A. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☒ Area Variance seeking the following relief:

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

☒ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR 2/22/16 DATE

Just as the May 23rd session was, the June 20 meeting of the Zoning Board of Appeals became a marathon. With ten items on the agenda, several of which included their own hiccups, the agenda item saved for last was the one I've been following: Builder John Witt's Downton Walk Proposal for 27 Jumel Place.

With Vice Chairman Keith Kaplan, sitting in for Chairman Bill Moore, the Board worked on comparing this year's Application with the previous version(s) that had been approved in 2013/14. It was stressed in the last meeting that ***Significant Changes from the previous application are the only things that could allow the Board not to approve this project,*** so this was the focus of questioning throughout the evening.

It is important that it be clear that there ***are significant differences*** between the two applications submitted.

The ensuing financial discussion brought strong objections from Witt's attorney Elizabeth Coreno, insisting the approval did not hinge on financials in 2013. But Board Member Susan Steer countered that the first point on the earlier decision -- whether or not the benefits can be achieved by any other means feasible – ***was financially-based***, to which Coreno acquiesced. Steer concluded that the difference between the financial information in 2013 and 2016, in and of itself, represented ***a significant change*** between the two applications.

In 2013, the applicant reported that his 7 homes would sell at an average price of $640,000, bringing the total of all of them to $4,480,000. After land acquisition and development costs of $905,640, $3,574,360 remained.

In 2016, the applicant states the average price of the 7 units will be $930,000. Building and selling only 5 units at that average price, after subtracting the $1,303,380 land acquisition and development costs, the remaining $3,346,620 is feasible, because it is nearly the same amount as in 2013 with 7 units.

Additionally, selling the 7 units using today's average price of $930,000, in essence will reward the applicant with $1.6 million more than in 2013 – to make up for the difference of only $397,740 in land and development costs.

Furthermore, the prices now being used by Mr. Witt and his attorney do not take into consideration the even higher prices that he supplied to the Board in February 2016 – prices between $700,000 to $1,500,000, instead of the $587,000 to $1,255,000 being used now. The prices Mr. Witt provided to the Board in February 2016 were reduced by 16% after Mr. Witt acquired an attorney in May 2016, even though Mr. Witt continues to allow the higher numbers of $700,000 to $1,500,000 to be used in newspaper articles promoting his Downton Walk development. There has been a ***constant calibration in price*** ranges, which represents an additional ***significant change***.

Feasibility has significantly changed and must be considered now in evaluating "Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an [these] area variance[s]."

Yes, the numbers supplied by Mr. Witt prove he can feasibly build five homes now, not seven, which would thereby significantly reduce the substantial nature of the variances that he is requesting.

When discussion turned to drawings, which have been part of the Applications, Board Member Cherie Grey questioned the size and proportions of the structures – saying she felt that the 2016 Downton Walk homes look ***much larger*** than those drawn for Magnolia Lane in 2013. Although Witt protested that the size hasn't changed, Grey persisted, citing that original application drawings show fewer second stories on garages and were not as tall as those in 2016, which present as three stories with their 30'+ heights.

Coreno continued to insist their square footage has remained static, which was met with dubious responses from more than one Board member, relative to footprints versus number of stories, which absolutely affects overall size and how much more crowded it makes the lot appear. ***Only the footprint*** (first floor) measurement is "set in stone," because that is what is used to calculate lot coverage and permeability. Hence, those are the only numbers the Board and public see prior to approval. So, in essence, both parties are correct: the footprint sizes have not changed; but the overall ***massing (interior square footage), more stories, and higher rooflines clearly indicate a significant change*** -- when one compares the drawings from 2016 with those from 2013/14.

The Board's final area of concern was an intensive discussion of the swimming pools, which illustrate another difference between the applications of 2013/14 and 2016. Board Secretary Adam McNeill supported 2016 as, in his words, a mirror image of 2013/14, saying, "I've never seen or heard of before a more precedential picture," alluding to the Doctrine of Precedence (the legal ruling which requires a Board to approve an unchanged re-application of one that had previously been approved and then allowed by its applicant to expire.)

However, Board Member James Helicke pointed out that the drawings in the 2014 Variance Application indicated only ***three pools, versus four*** in the 2016 drawings – thus spoiling its status as a mirror image and representing ***another significant change in the application***. There was a retort from Coreno that the drawings had not changed. But, Witt clarified for her that he did remove one pool for the 2014 submission.

Coreno also contended that the lot coverage measurement had not changed – ***although no pool measurements were included in those figures in any of the applications***. In our view, this means that ***all the applications – 2013, 2014, and 2015 - were incomplete and misstated as far as lot coverage is concerned***. We

also do not know if the ***optional porches*** shown in the presentation were included in the original footprint measurements in any of the applications, which would add to the pools as ***two more significant changes***.

And one must note that, since the pool measurements clearly were not included in lot coverage, and possibly the optional porches were not included either, these things also will mark a ***change in the permeability of the land*** that is part of the approval process is ***another significant change***.

We realize the Board is anxious to close this matter, but ignoring such issues and significant changes will not be doing the City any favors. So, although they plan to present a resolution at the next meeting, on July 11, it is clear that ***they will be voting on something about which they do not even have all the facts.***

During the Public Hearing, Kira Cohen reiterated the City Attorney's explanation about significant changes in circumstances, which needed to be presented for a basis to deny the application. She directed the Board's attention to ANW's response to the May 23rd question of why they had not subdivided the land to which Coreno replied that one of the two purposes of building seven condos had been because of the desire for ***shared maintenance, which would not be available with a subdivided parcel***. Cohen countered that ***State Law*** not only ***allows shared maintenance in subdivisions*****,** but also the Attorney General's office had simplified the procedure for applying for it in January 2014, ***another significant change*** in the application.

Sam Brewton presented the changes in the neighborhood the project would cause on the small, settled, more than 100-year-old community, many of the inhabitants of which have lived there for a very long time. His comments centered on things that neighbors wrote when signing the neighborhood petition – at least 14 of them ***reversing*** their original signatures from the developer's petition they signed in the early days of the process. These individuals voluntarily added their names to what is a list of 47 neighbors, and some signed the change.org petition of more than 500, mostly Saratogians or individuals who have lived here – some who have grown up here and moved on but return to visit family and lifelong friends.

Although Kaplan stopped this presentation saying it was irrelevant, the Board's 2013 resolution cited "The Applicant has demonstrated, and several neighbors have testified in support, that this development will have a very beneficial impact on the neighborhood," which refutes Kaplan's determination that it is irrelevant to the 2016 Application. So our showing the ***valid diminishment of that support does represent a significant change***.

Question number 1 in the evaluation criteria that the ZBA must consider is, "Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance."

Members of neighborhood do increasingly feel that this development, as currently designed, will be overwhelming in both size and price. The structure sizes will dwarf the homes surrounding it, and it will bring a superfluity of populace, traffic, and noise to this single lot.

Gerald Mattison addressed the financials -- how much they have changed since 2013/14, reiterating such things as how home prices have risen and the lower cost of constructing fewer homes would provide the builder the ability to make the project feasible with only five homes on a subdivided lot, at today's selling prices.

Jane Valetta persisted that the neighborhood ***has*** changed since the ballet and karate schools have gone. ***Now it's quiet with little traffic***. She also noted that none of the homes currently there rise to the $500,000 range, so even the ones at the lowest end of Witt's spectrum ***will*** change the nature of neighborhood. ***She cited that the drawings have changed.*** The 2013 drawings made the homes look smaller and cottage-like – ***which is how the developer described them when he came to get signatures on his petition***. But the new drawings depict three-story homes ***much*** larger in volume. ***That is another significant change.***

Debra Mattison spoke of the ***dangers presented by the dead-end lane*** into the community and the issue of ***not having accounted for the swimming pools in the original measurements***. She pointed out that ***pools also need their own separate fences***, which must follow code. She explained that the pools ***will cause increase in land coverage***, and would ***lower permeability***, none of which had been taken into consideration in the original numbers. ***And the absence of pool fences in the drawings is another significant change.***

At the finish of comments, the Board approved a motion to hold open the public comment period until the next meeting when they would vote.

These ***NINE*** changes -- ***financial information and feasibility***, ***overall home sizes***, ***differences in number of pools*** and complete ***lack of pool fencing***, ***price fluctuations***, possible ***lot coverage increase***, possible ***permeability decrease*** as a result of these other issues, ***new knowledge of HOA law and its more recent changes***, and the ***increased undesirable change in the character of the neighborhood*** -- are ***each significant and substantial changes*** that could and should allow that vote to change without violating the Doctrine of Precedence.

At the ZBA's meeting on July 11, 7 p.m. at City Hall, private citizens will have their last chance to speak to the Board before they vote on this project. Currently, Downton Walk is first on the agenda. We hope many of you will take advantage of this opportunity.

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

APPLICANT: LYNCHY'S TAVERN, INC. TAX PARCEL NO.: 166.60-1-51&52

PROPERTY ADDRESS: 70&72 PUTNAM ST.
ZONING DISTRICT: TRANSECT – 6

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 build-out:	80%	33.2%
Minimum two-story:	two-story	one-story

Note: _____

☑ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR 6/20/16 DATE

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

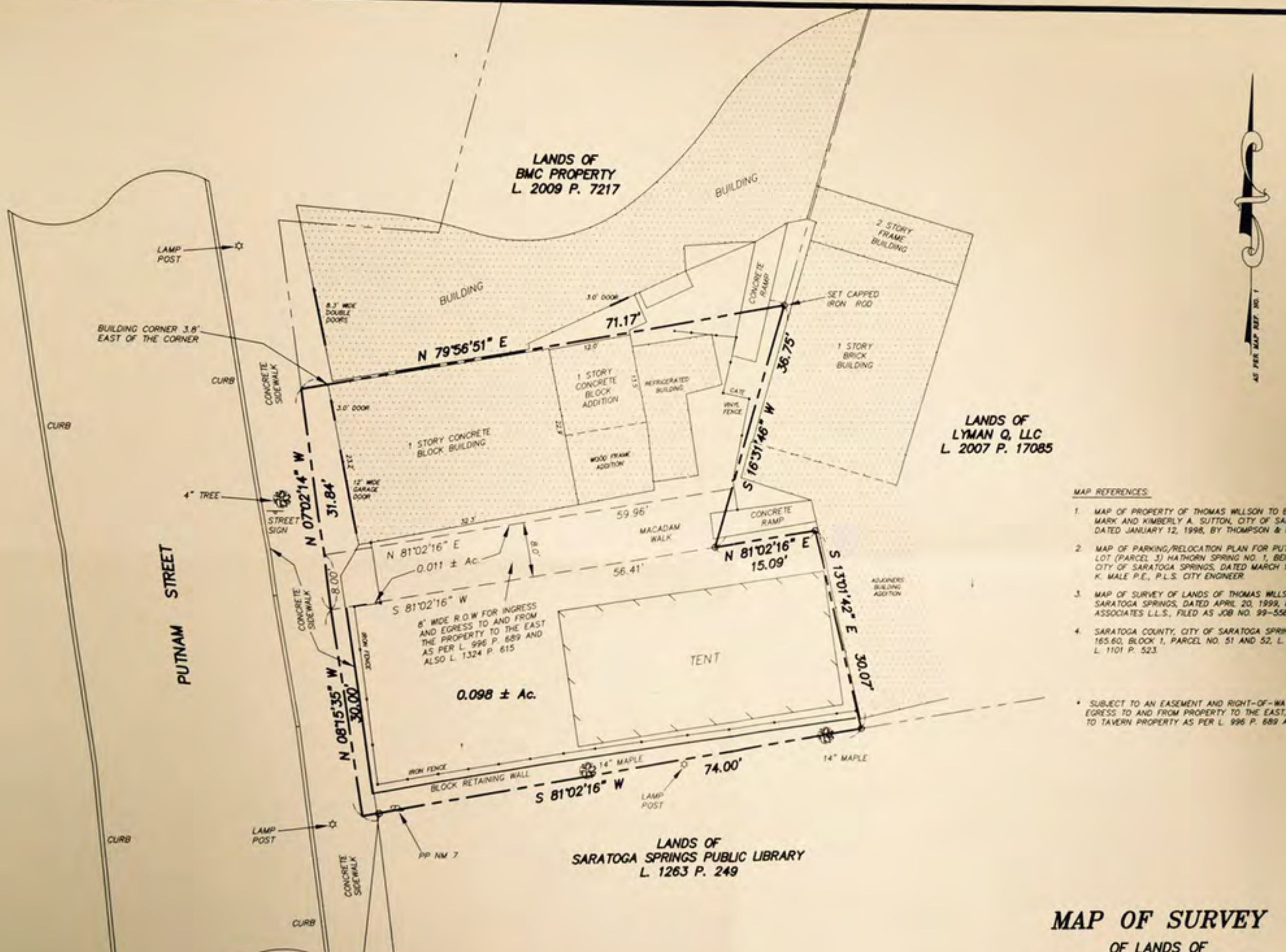
Other: _____

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.

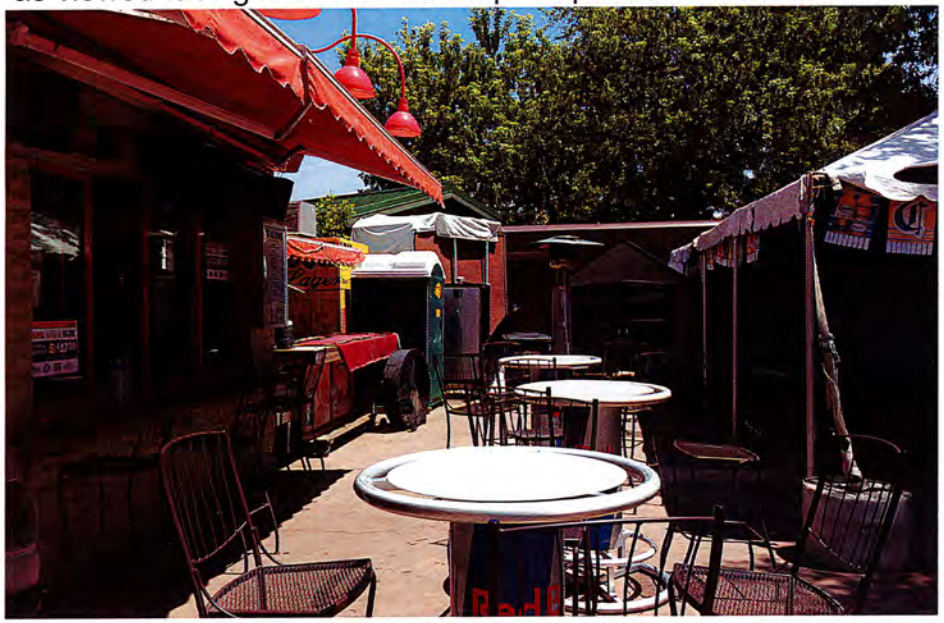
Image capture: Jul 2013 © 2015 Google

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

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

APPLICANT: HABITAT FOR HUMANITY NORTHERN TAX PARCEL NO.: 165.58-3-12

PROPERTY ADDRESS: 26 CHERRY STREET
ZONING DISTRICT: URBAN RESIDENTIAL – 4

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

Proposed construction of a two-family residence.

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

240-2.3 Table 3. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☒ Area Variance seeking the following relief:

Dimensional Requirements	From	To
Minimum front yard:	25 ft.	10 ft.
Minimum side yard: west	20 ft.	11 ft.
Minimum side yard: east	20 ft.	5 ft.
Minimum total side yard: east	45 ft.	16 ft.
Maximum principal building coverage:	25%	+/-30%

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

6/20/16
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	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: _____

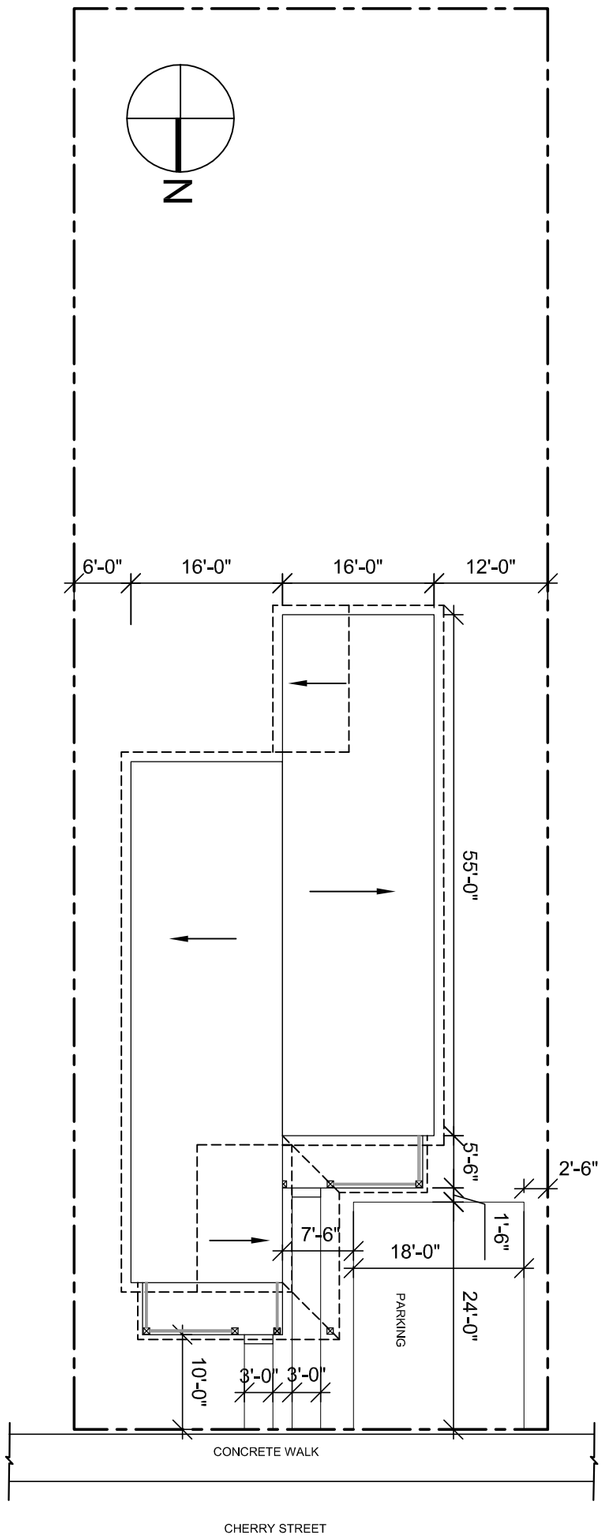
☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

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

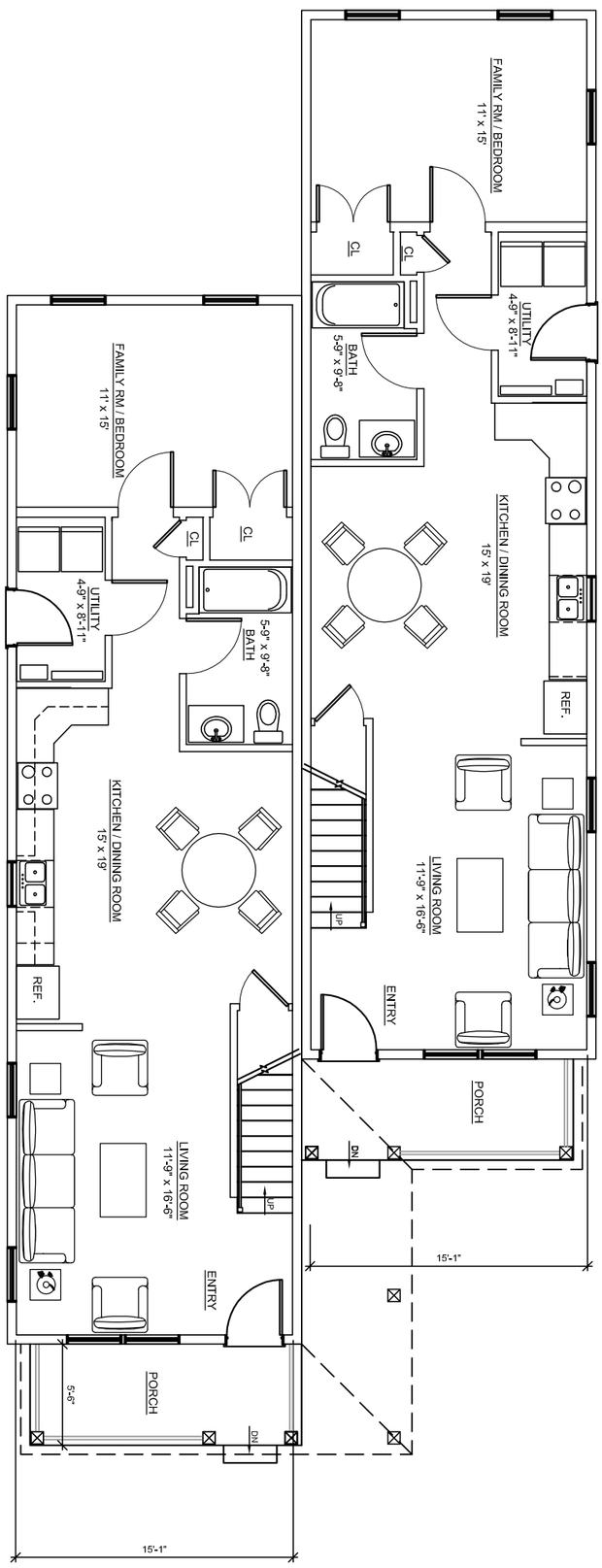
JOB CODE:

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

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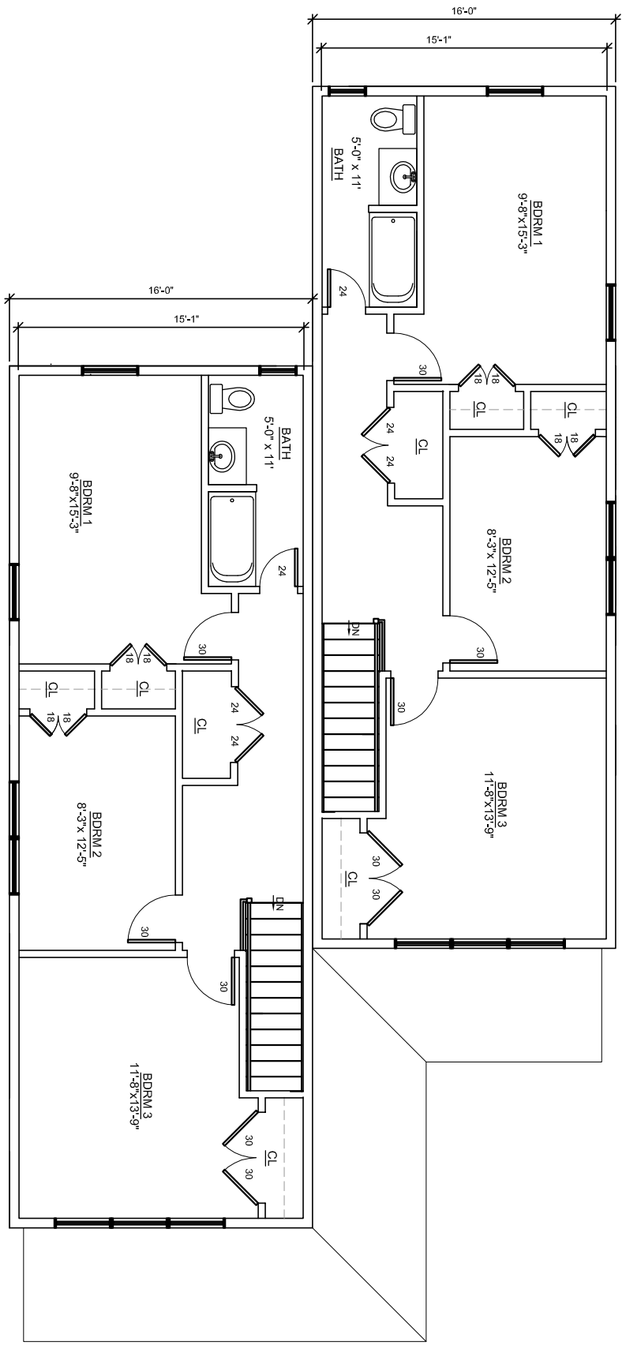
JOB CODE:

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

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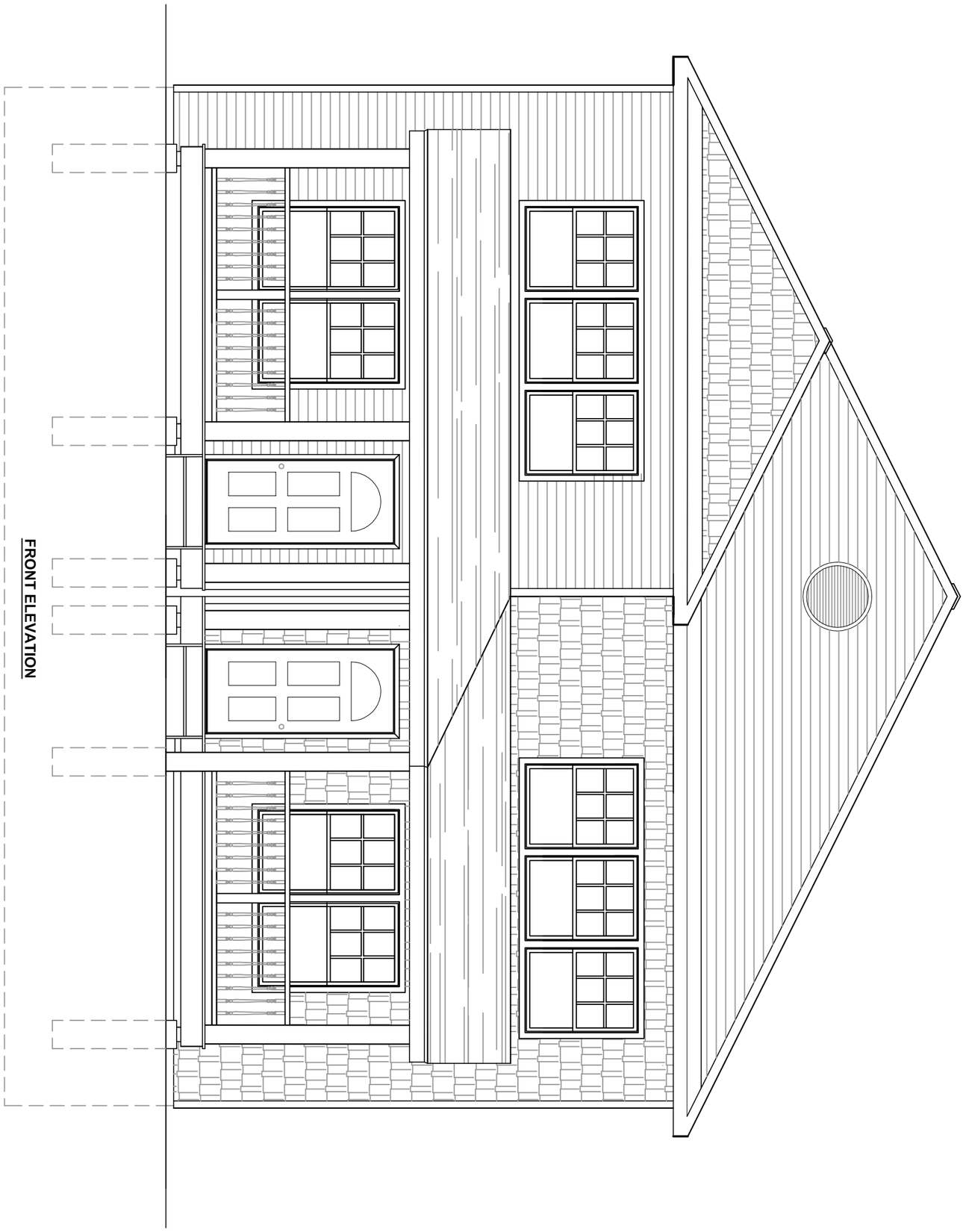
JOB CODE:

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.

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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:	

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.

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.

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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		

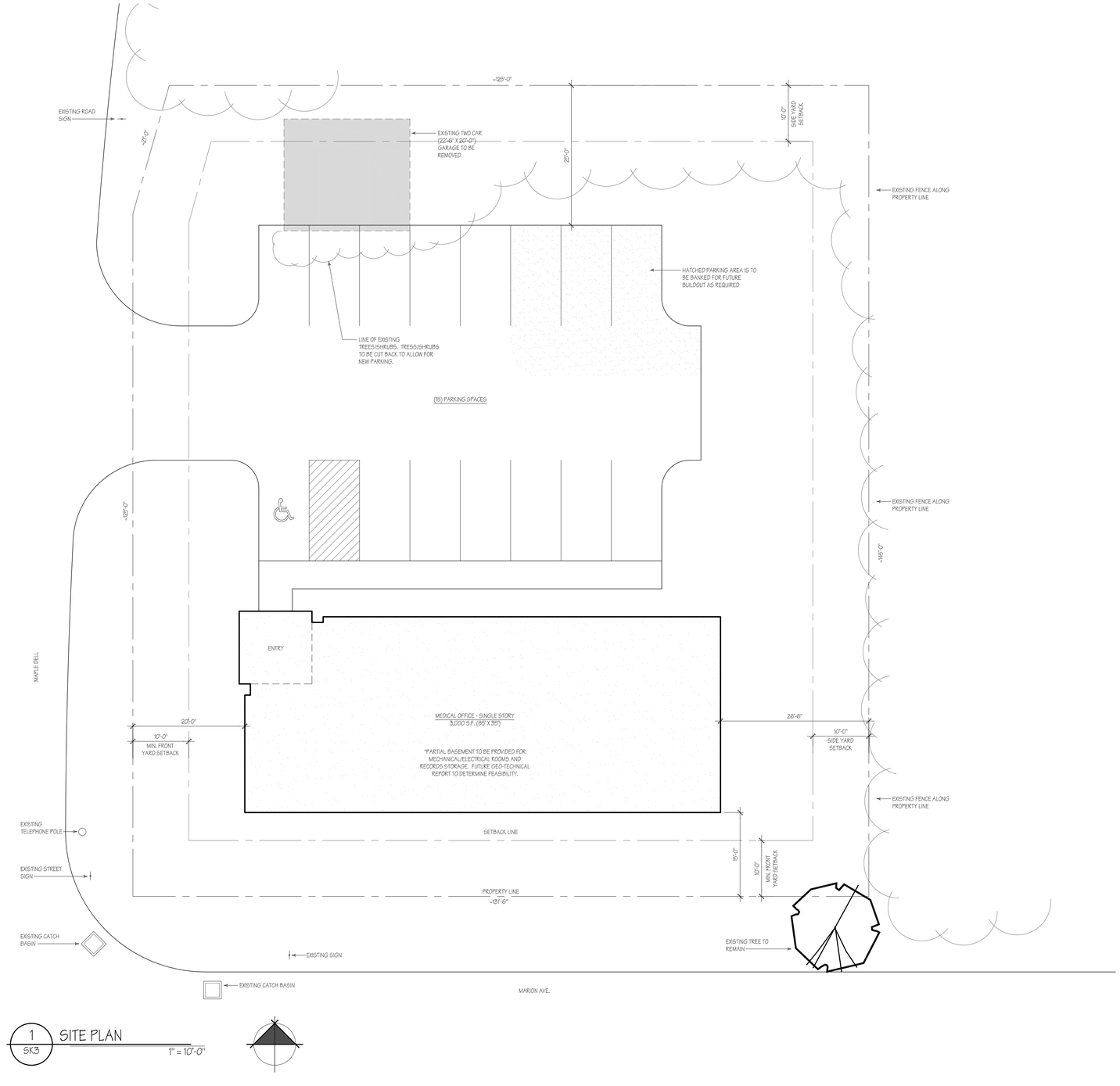
	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location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

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: URBAN RESIDENTIAL – 2

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

Construction of a medical office building and associated site work.

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: Medical Office

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

6/20/16
DATE

Saratoga Springs Board of Appeals: 20 JUN 2016

This is the THIRD (3rd) time we have appeared in front of this Board of Appeals speaking against a proposal to SPOT ZONE, 34 Marion Avenue, as Commercial.

In the instant case the required application cites addresses that are not correct, fails to prove an "unnecessary hardship", cites an "OLD" appraised value (1994), and further attempts to confuse the "ORIGINAL" listing price to the appraised value (Then vs Now).

The "Unique Financial Hardship" stated is Not Accurate. The owner has been attempting to sell this property since at LEAST 1983! Whereas he has occasionally rented it – It has always been offered for sale by local realtors.

The "History of Marketing" is not reflective of the facts either. Whereas they only cite the offered price since 2005, we have tracked it further.

The price for this residentially zoned property, that is 0.43 acre, has been offered for sale from $499,500 to the supposedly present (2014) $135,000. For less than ½ acre? For a vacant building lot? Residentially Zoned!

This alleged Hardship is a 100% Self-Created Hardship! We state that undisputed fact EVERY time we appear here to discuss the "Infamous Healy Property!" He is simply requesting too many dollars for a small Residential lot in Saratoga Springs. Are you kidding us?

The zoning does not allow for this proposal. We fought to get that exact zoning for over 30 years in the prior/current Master Plans since 1981. We want to protect our homeownership investments, and obviously there can be NO Hardship claimed by the proponent.

I now present our Original Neighborhood Petitions signed by over twenty eight (28) Single Family Residential Home Owners directly impacted by this proposed project.

We are ALL opposed to its approval!

Tracy Millis III

Neighborhood Association President

----Original Message----
From: todd wolfe [redacted]
To: millistoys <[redacted]
Sent: Mon, Jun 20, 2016 1:36 pm
Subject: Re: Neighborhood Association Alert

Tracy,
We absolutely do not want that lot to become commercial zoned. I m at be there as well tonight to oppose the change.

Thanks,
Todd Wolfe

[redacted]

—Original Message—
From: Michael Davis [redacted]
To: MillisToys@aol.com [redacted]
Sent: Sat, Apr 23, 2016 3:51 am
Subject: RE: Neighborhood Association;Maple Ave,Marion Ave,Maple Dell, East Ave Alert

Tracy, I whole-heartedly support your opposition to commercial development of the Healy property. You would think that the position of the Neighborhood Association would be clear. I wish that I had more faith in the city.

[redacted] Maple Dell

[redacted] Maple Dell

5/13/16

Dear Ms. Ferradino,

I am in receipt of your letter concerning your client's attempt to receive a variance for 34 Marion Avenue. You should know that I am diametrically opposed to your intent.

The letter alludes to the inability of the property to be marketed as a residential property. While I have no direct knowledge of how concerted these marketing attempts were, I strongly suspect that those attempts were minimal. I base my suspicions on how the owner maintained his property since I moved here over twenty (20) years ago. The city had to be called on numerous occasions just to get him to cut the grass on this vacant property. He was not a good neighbor then, and he is not being a good residential neighbor now.

I am totally opposed to the type of "spot zoning" that you are seeking. The Master Plan was developed to avoid this type of rezoning.

Sincerely,

Michael G Davis

—Original Message—
From: Denise Dupras [redacted]
To: millistoys [redacted]
Sent: Wed, Apr 27, 2016 1:00 pm
Subject: Re: Neighborhood Association;Maple Ave,Marion Ave,Maple Dell, East Ave Alert

To whom it may concern: I live at [redacted] Maple Dell, right across from east side liquors, Stewart's, Dr.Office, P.T. Office. It is a nightmare. Several breakins, deliveries all hours of the night, scumbags drinking, not to mention the constant garage I am cleaning up, and other things as well. Absolutely NOT. No to developing this area EVER!!!!

Sent from my iPhone

On Apr 27, 2016, at 12:40 PM, "[redacted]" <[redacted]> wrote:

—Original Message—
From: Laura Manhey [redacted]
To: millistoys [redacted]
Sent: Mon, May 16, 2016 10:54 am
Subject: Re: Your Neighborhood Association

My question is, why would it be unable to be sold as residential due to busy intersection? Wouldn't it be just the opposite with commercial?? Consider maybe 3 cars a day coming in and out with it being residential, as 8 to 10 cars, plus employee cars coming and going in an eight hour period ! WTF ?? are they serious ??? We are both opposed to the commercial aspect !!

John and Laura Manhey.

[redacted] Maple Dell

[redacted] Maple Dell

—Original Message—
From: Laura Manhey [redacted]
To: millistoys <[redacted]
Sent: Mon, Apr 25, 2016 7:26 pm
Subject: Re: Neighborhood Association;Maple Ave,Marion Ave,Maple Dell, East Ave Alert

Why don't they just go away and leave us and our neighborhood alone !!! I John and I so oppose it... UGH..

[redacted] Maple Dell

May 24, 2016

Barbara Talerico
[redacted] Covell Ave
Saratoga Springs, NY 12866

To: Saratoga Springs Zoning Board

It has come to my attention that a law firm has been in some discussion with my neighbors about rezoning a property on Maple Ave in the Maple Dell area.
It is always interesting to me that these parties continually tell our neighborhood how great it will be for us to have this zoning change to commercial because it will make our properties worth more. It baffles me when these statements are made because we will still be living here as our quality of life is destroyed by commercial zoning.

It seems we have to continually fight to keep the zoning as is. We are not interested in changing any more than has already been changed. Over and over people are requesting a zoning change in this area of the city. Can you imagine living where I live and having all the building across Rt 50 impact my life so greatly? Do you really think I want more of that? I would love to smell the cut grass and not Smashburger or pizza, but that isn't going to happen any longer.

We have a comprehensive plan and zoning laws for a reason but it seems that in recent history only people with money seem to have a say in what is going on in our neighborhoods. People are upset and fighting with the hospital about their expansion plans. People on Jumel Place are forced to protect themselves against having condos there that they don't want and the zoning doesn't allow...and yet...they have to fight.

I can continue with my anger about having to continually fight to keep my neighborhood as is, but I will let it go with this, Tracy Millis is the President of our Neighborhood Association. He has my backing and permission to speak for me at any time. Our neighborhood is together in our stand that we DO NOT want a zoning change here...and we will join others who are fighting to protect their way of living from being taken away by zoning changes they don't want.

Sincerely,
Barbara Talerico

[redacted] Covell Ave

Neighborhood Association;Maple Ave,Marion Ave,Maple Dell, East Ave Alert

From: millistoys[redacted]
To: millistoys[redacted]
Date: Fri, Apr 22, 2016 12:10 pm

Members of the Neighborhood Association:
I rec'd a personal visit last night, at 730 PM, from an Attorney that represents a developer/homeowner in our Neighborhood.
She informed me that they plan on filing a (spot) **Zoning Change EXEMPTION** to allow for Commercial Development on the corner of Maple Dell and Marion Avenue, across from the Physical Therapist building (on Maple Dell) and across from the Adirondack Trust ATM kiosk (on Marion Ave), next to the Mobil Gas Station. The proposed building will be 100% Commercial Development. THAT would represent the next domino to fall within local developers dreams of making Marion Avenue/Maple Dell acceptable/approved for Commercial Development.

I told her the proposal would be the FOURTH freaking time our Association would enter into a major battle over Commercialization Creep of the "Healy Property," AND there was NOTHING she could tell me that would alter our position that the entire BLOCK is zoned for single family residences, we presently have issues with the spot zoning already imposed on us at Stewart's, and we wished to maintain our homes in a residential neighborhood. She was (naturally) unimpressed with my/our concerns and kept on telling me that Commercialization would be "good" for the neighborhood.

So here is the plan folks - write me a return email and tell me of your opposition to the proposed project. Or call me at [redacted] to express your concern. Beware of Attorneys, bearing good tidings, appearing at your door. Closely consider not signing **ANYTHING** relative to your approval of our Neighborhood becoming "Commercial," anywhere, from the Triangle Dinner to the Arterial. From the Arterial to East Avenue, From East Avenue to Maple Avenue. From Maple Avenue to the Triangle Dinner City boundary Line, encompassing Maple Dell and Avenue A. Dirty work is afoot & now you know.

Tracy Millis
[redacted] Maple Dell
[redacted]

I am 100% against the Spot Zoning Change!

[redacted]

MAPLE DELL

That's all I need. Will make a copy of this email. Sailing is going great.

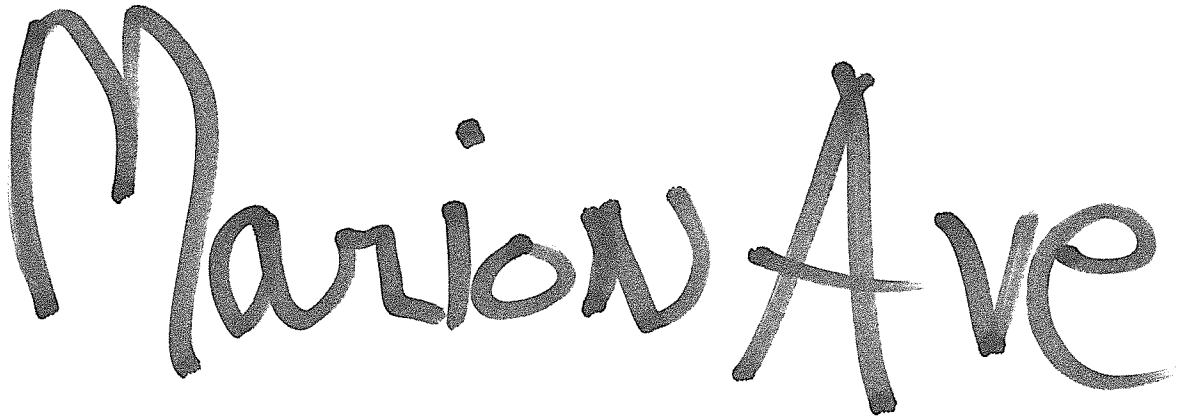
----Original Message----
From: Chris Millis [redacted]
To: millistoys [redacted]
Sent: Fri, Apr 29, 2016 3:41 pm
Subject: Re: Need

[redacted]

Naturally, I'm in support of the fight against any further commercialization of that Marion Ave. corridor. What do you need from me to show that support?

Chris

[redacted]



Hi Tracy,

Thank you for notifying us of this important development in our neighborhood!!

I totally agree with all the information you provided in your email.

I/we am absolutely opposed to this proposed project!

When will this project be addressed at Zoning Board meeting?

Thanks,
Jeff Waldron - owner [redacted]Maple Ave.

Jeff Waldron & Gerard Klauser - owners[redacted] Maple Ave.

[redacted]

—Original Message—
From: rrichmond [redacted]
To: millistoys <[redacted]
Sent: Wed, Apr 27, 2016 1:06 pm
Subject: Neighborhood Association;Maple Ave,Marion Ave,Maple Dell,East East Ave Alert

We are apposed to the Zoning Change EXEMPTION to allow for Commercial Development on the corner of Maple Dell and Marion Avenue,across from the Physical Therapist on Maple Dell. Richard Richmond and Warren Richmond [redacted]Avenue A]

—Original Message—
From: Anthony Kenney [redacted]
To: millistoys <[redacted]
Cc: sing4udeb[redacted]
Sent: Fri, Apr 22, 2016 3:07 pm
Subject: Re: Neighborhood Association;Maple Ave,Marion Ave,Maple Dell, East Ave Alert

Tracy,
Do you think you could get them to close off Maple Avenue completely from Rt. 9 and give Triangle more parking spaces so we can stop traffic that thinks Maple Avenue is a highway cut through and prevent people from parking on our lawns. I had some guy pass me on the left after I pulled out of my driveway the other day. Maybe at least put curbs in so our lawns aren't racetracks or so one of our kids doesn't get killed by racing traffic.
I'm not in favor of Commercial in any regard.
Sincerely,
Anthony Kenney
[redacted]Maple Ave

[redacted]

—Original Message—
From: suzanne sinicropi [redacted]
To: millistoys [redacted]
Sent: Wed, Apr 27, 2016 1:25 pm
Subject: Re: Neighborhood Association;Maple Ave,Marion Ave,Maple Dell, East Ave Alert

Hi Tracy. Thank you for informing us a developer/homeowner in our neighborhood plans to fill for a (spot) Zoning Change EXEMPTION to allow for commercial development on the corner of Maple Dell and Marion Avenue. We are 100% opposed to any such change. Our block is zoned for single family residences and we expect to remain as such. Please continue to keep us up to date on this matter. Sue & Jack

On Mon, Apr 25, 2016 at 7:28 PM, <[redacted]> wrote:

[redacted]

—Original Message—
From: louisafoye[redacted]
To: millistoys [redacted]
Sent: Fri, May 20, 2016 12:42 pm
Subject: RE: Fwd: Neighborhood Association;Maple Ave,Marion Ave,Maple Dell, East Ave Alert

Dear Tracy,
Please use this letter as confirmation that I support your efforts to keep further commercialization out of our Maple Dell neighborhood! It was very nice to speak with you this morning, and I thank you for your dedication to this ongoing situation! Please give me a heads up before the next Yard Sale/Meeting, so I may contribute to your main fundraiser in support of your work!
Sincerely,
Louisa "Weezie" Foye

[redacted] Marion Ave

[redacted] Marion Ave

—Original Message—
From: Joshua Ramsdill [redacted]
To: millistoys <[redacted]
Sent: Sun, May 15, 2016 12:18 pm
Subject: Re: Your Neighborhood Association

I am absolutely against any commercialization in our area.

On May 15, 2016, at 11:36 AM, [redacted] wrote:

[redacted] Maple Ave

[redacted] Maple Ave

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]

July 1, 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. Revised Narrative and chart of tax payments;
2. Proposed Design Elements;
3. Basis for Program Square Footage;
4. Landscaping Plan.

An electronic version of these documents above has been emailed to the planning office. Would you kindly place us on the agenda for the **July 11, 2016 meeting** 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

USE VARIANCE APPLICATION BY MAPLE SHADE CORNERS, LLC

34 Marion Avenue Narrative Update – July 1, 2016

This narrative will address the issues raised at the June 20, 2016 meeting by the Zoning Board of Appeals and during the public comment period immediate following the presentation in support of the application. The documents contained in this submission are intended to provide some context for the attachments contained in this second submission of materials in support of the use variance application submitted by Maple Shade Corners, LLC. A portion of the materials pertain to the proposed building itself, which relate to the standard pertaining to the character of the neighborhood. The other information relates to the dollar and cents proof required to demonstrate that the owner has been unable to realize a reasonable return on the investment he made in the property as the property is currently zoned for residential use.

1. Proposed Building

Several questions were raised about the proposed building, including the size and architecture, together with the landscaping plan for buffering the space. Attached you will find several documents which are responsive to these inquiries. First, a draft landscaping plan has been added to the sketch plan to demonstrate the type of screening that could be provided for the adjacent properties. Because the planning board has jurisdiction over the mechanics of the site, including landscaping, the proposed landscaping depicted in this submission is our recommendation to the planning board for the screening that should occur to buffer the subject property from the adjacent neighbors.

While the board did not require a rendering to be provided, Architectural Collaborative has prepared some information pertaining to the proposed design elements of the structure. The Design Review Commission has jurisdiction over the architectural style of the building. Therefore, the proposed project will go through significant scrutiny in order to make sure the new structure blends in with the nearby commercial and residential properties.

The last document provides information concerning the proposed owner's existing practice. This includes a summary of the functional limitations in his current space due to the size of the office and differences in the existing space and the proposed standalone facility.

2. Return on Investment

One board member inquired about the total investment made by the applicant, together with information on the value of any appreciation which would normally occur on investments over the 34 years of ownership. Attached to this submission is a chart which demonstrates the actual tax payments and other minor expenses the owner of the property made since taking ownership in 1982. This does not include any capital improvements which were made to the structure previously on the site, as the owner of the property no longer has these records.

Expense Type	Payment Amount
1982 purchase	$40,000
2012 demolition	$19,000
City/County Tax	$28,897.40
School Tax	$34,567.11
Maintenance	$15,940.00
Total	**$138,404.51**

The primary investment, not including the capital improvements made when there was a structure on the premises, was $138,401.51. The below chart represents the possible return on (1) the initial investment and (2) the first 5 years of tax payments and maintenance. These are shown at various percentage rates to provide the board with some context for the appreciation for a portion of the expenses over a period of time. The later years of taxes and maintenance are not included, because the annual nature of their accrual makes it difficult to group them together. By way of reference, an average return on investment for an investment portfolio that was split between 60% stocks and 40% bonds for the period of 1982-2015 was 11%. Therefore, the below is a much more conservative view of possible returns for the owner's investment in the 1982-1987 period of time.

FUTURE VALUE OF RETURN ON INVESTMENT 1982-2016

Investment	2%	4%	5%	6%	7%
$40,000	$78,427	$151,773	$210,134	$290,041	$399,125
$6,436 (first five years of expenses over 30 year investment)	$11,658	$20,875	$27,816	$36,965	$48,992
2012 demolition *(no interest)*	*$19,000*	*$19,000*	*$19,000*	*$19,000*	*$19,000*
Remainder of tax and maintenance *(no interest)*	*$72,968*	*$72,968*	*$72,968*	*$72,968*	*$72,968*
Total	**$182,054**	**$264,617**	**$329,919**	**$418,975**	**$540,086**

In the above, if we assume an ultra-conservative 2% return on the investment occurred from 1982 to present on the initial investment of $40,000 in the property, and simply weighted the value of that initial investment, we would have earned $78,427 at the present date. If we add that to the taxes, maintenance and insurance costs for the property with the first 5 years shown with interest added and remaining years stagnant, together with actual demolition costs, we would have a total of **$182,054** today. As you can see from the above, as the interest increases, the return from that investment increases dramatically.

3. Listing Price for Property

During the meeting, neighbors and others suggested the listing price of the property in 2005 was too high. Recall that at the time of that listing, the property included a single family home, albeit in deteriorating condition. The city of Saratoga Springs online search tool contains some information which helps provide comparable prices in 2005 during the height of the market during the peak real estate cycle that occurred in 2005-2007. Jay Verro provide the below data from comparable sales. The last column adjusts the price to match the acreage of 34 Marion Avenue in order to provide a comparable price based on the size of the subject site. Note that these figures are from actual sales, only are vacant land, and occurred in 2005 through 2007.

SALE PRICES 2005-2007 FOR RESIDENTIAL VACANT LAND

Address	Acres	Zoning / Use	Sale Date	Sale Price	Adjusted to a 0.43 Acre site to match the subject property
45 Jefferson St. 178.28-1-27	0.17	UR-2 Res. Vacant Land	April 4, 2005	$260,000	**$657,647**
Broadway 165.28-2-8.2	0.4	UR-1 Res. Vacant Land	June 16, 2005	$485,000	**$521,375**
77 Excelsior Avenue 166.5-5-4.1	1 Acre of "Primary Land" with 1.2 Acres of "Residual Land" type	C5 Res. Vacant Land	April 10, 2006	$900,000	**$387,000 based on 1 Acre of "Primary Land" which is generally the buildable portion of the parcel**
115 Grand Ave. 165.66-2-78	3,049 sf = .07 Acres	UR-3 Vacant Commercial	July 24, 2007	$170,000	**$1,044,286**

The real estate market has changed significantly since 2005, as is reflected in the decrease in the listing price for the subject parcel at 34 Marion Avenue. In order to demonstrate the current asking price for the subject property is reasonable, the below demonstrates properties that have sold in the last several years in similar areas to Marion Avenue. As with the above, the prices have been equalized to reflect the price for a .43 acres.

RECENT SALES IN VISCINITY OF PROPERTY

Address	Acres	Zoning / Use	Sale Date	Sale Price	Adjusted to a 0.43 Acre site to match the subject property
70 Excelsior Ave. 166.29-3-3	.87 Acres	T-5 Res./Comm. Vacant Land	December 9, 2015	$385,000	**$190,287**
Joshua Road 178-2-14	0.32 Acres	UR-2 Res. Vacant Land	March 2, 2012	$155,000	**$208,281**
130 Excelsior Avenue 166-4-33	2.87 Acres	T5 Res./Comm Vacant Land	July 1, 2015	$961,700	**$144,087**
34 Longwood Dr. 166.11-1-14	.42 Acres	UR-1 Res. Vacant Land	October 11, 2013	$145,000	**$148,452**

USE VARIANCE APPLICATION BY MAPLE SHADE CORNER, LLC
AT 34 MARION AVENUE

YEAR	CITY/COUNTY TAX	SCHOOL TAX	MAINTENANCE AND INSURANCE (estimated)	TOTAL EXPENSES
2015	$640.06	$1,142.50	$685.00	$2,467.56
2014	$634.95	$1,121.84	$685.00	$2,441.79
2013	$1,070.53	$1,098.57	$685.00	$2,854.10
2012	$1,065.72	$1,763.71	$685.00	$3,514.43
2011	$1,062.22	$1,769.66	$650.00	$3,481.88
2010	$1,035.71	$1,729.95	$650.00	$3,415.66
2009	$999.29	$1,778.21	$600.00	$3,377.50
2008	$982.13	$1,716.17	$600.00	$3,298.30
2007	$924.72	$1,684.11	$500.00	$3,108.83
2006	$874.15	$1,647.02	$500.00	$3,021.17
2005	$873.24	$1,580.72	$500.00	$2,953.96
2004	$670.05	$1,283.79	$500.00	$2,453.84
2003	$586.77	$1,231.71	$500.00	$2,318.48
2002	$539.25	$1,182.96	$500.00	$2,222.21
2001	$519.15	$1,155.27	$500.00	$2,174.42
2000	$527.35	$1,148.84	$500.00	$2,176.19
1999	$501.21	$1,065.14	$500.00	$2,066.35
1998	$1,465.35	$1,022.04	$400.00	$2,887.39
1997	$1,454.82	$1,029.10	$400.00	$2,883.92
1996	$1,325.61	$923.94	$400.00	$2,649.55
1995	$1,261.35	$863.62	$400.00	$2,524.97
1994	$1,110.99	$729.48	$400.00	$2,240.47
1993	$1,050.48	$699.94	$400.00	$2,150.42
1992	$981.12	$678.18	$400.00	$2,059.30
1991	$881.01	$630.84	$400.00	$1,911.85
1990	$779.01	$566.16	$400.00	$1,745.17
1989	$717.51	$518.61	$400.00	$1,636.12
1988	$672.57	$475.17	$400.00	$1,547.74
1987	$639.93	$444.51	$300.00	$1,384.44

1986	$621.75	$424.26	$300.00	$1,346.01
1985	$613.74	$398.61	$300.00	$1,312.35
1984	$607.26	$375.96	$300.00	$1,283.22
1983	$592.86	$353.16	$300.00	$1,246.02
1982	$615.54	$333.36	$300.00	$1,248.90
TOTALS:	**$28,897.40**	**$34,567.11**	**$15,940.00**	**$79,404.51**

the Architectural **Collaborative**
15 Suffolk Lane
Gansevoort, NY 12831

PROPOSED DESIGN ELEMENTS

The purpose of this narrative is to respond to inquiries from the last meeting pertaining to the proposed architectural design of Maple Shade Corners, LLC proposed new office at 34 Marion Ave. The exterior design of the new office must be responsive to a number of factors. The exterior shell package needs to be understood as the public marketing of the practice within. The context of the neighborhood must be taken into consideration as this building will be the transition between the commercial and residential properties.

It should be noted that this property falls under the jurisdiction of the Design Review Commission (DRC). The DRC approval process will provide significant commentary pertaining to architectural style for a property in a gateway to the city.

The doctor's intentions are to provide an up-scale design, helping to draw patients to the practice within a competitive market, while at the same time enhancing the character of the neighborhood and the city gateway.

The new building is intended to be a single story, with a roof height very much in line with, and understanding of, the adjacent properties. While the current zoning of UR-2 allows for a maximum building height of 60 ft., the context of the area needs to drive the overall scale of the building for the design to work within the neighborhood. The design proposal will include a selection of materials and exterior building elements such as windows, doors, overhangs, and lighting that are intended to be "residential" in both feel and scale. Natural light is intended to play a large role on the interior of the building, so glazing is intended be prominent in the exterior design. In the evenings, building and landscape lighting is intended to be simple and elegant, enhancing the character of the neighborhood and the experience of the patient. While not selected at this time and subject to the DRC's approval, the exterior materials are proposed to be natural stone/brick with a combination of horizontal lap and/or vertical siding, materials found very typically in residential structures, but scaled, proportioned, and detailed to provide the up-scale look that the doctor intends to provide.

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Gansevoort, NY 12831

BASIS FOR PROGRAM SQUARE FOOTAGE

The applicant currently leases an office space of approximately 2,000 s.f. in a multi-tenant medical office building in Albany. At present, the office is too small for his solo practice. With this is mind, the intention for the Saratoga office is to plan the appropriate square footage needed to remove the constraints of the current office space, while attempting to plan for future technological changes.

As standalone facility, the new office will have some programmatic requirements that his current lease space does not require. Building common areas are not included in the existing 2000 s.f. office space. These common areas include spaces such as an exterior entrance vestibule, janitor's closest, and waiting area bathroom facilities.

In addition to the lack of these required common areas, there are a few areas that the doctor would like to plan differently in the new office. One of the areas of concern is the configuration of office space. The current configuration does not have the office space necessary for the support staff and office manager. Currently, the doctor shares his own office with three other staff members, which causes some difficulties in managing his practice efficiently and privately.

In a brief summary, the following is a list of a few of the areas that the doctor will need to provide or would like to modify in his new office:

1. The current practice is internal to a larger multi-tenant building, therefore there is no exterior entry vestibule within his current lease space. A typical exterior entrance vestibule for a practice of this size would be approximately 80 s.f.
2. Being internal to a larger building, the current Albany practice shares waiting area bathroom facilities and a janitor's closet with the rest of the building. The doctor's new practice will require these spaces be added, which would total approximately 80 s.f.
3. The doctor would like to provide additional privacy for both the check-in and check-out processes for his patients. Currently the waiting area is too small to provide this level of privacy at the check-in area and one of the two check-out booths is in the main practice corridor. Accommodating these changes would require, approximately, an additional 120 s.f.
4. The existing practice has (3) operatories, each 110 s.f. These current operatories are of insufficient size to appropriately accommodate the combination of existing equipment, staff flow, and future technological changes. In planning for these modifications, the optimal size for each operatory would be 140 s.f.
5. The doctor would like to include a small conference room for meeting with patients, families, and dental representatives in his new office. A small conference room seating 6-7 persons with video capability, would be sized at 175 s.f.
6. The doctor's current personal office configuration is such that he shares his own office with three other staff members. Standard office arrangements would be such that these staff

members would require (2) new offices (one private, one shared). A standard private office would be 90 s.f. while a shared office would be 125 s.f.

7. Additional space to accommodate new equipment and technology should be allotted for in new building. At present, the Albany office does not have a dedicated area for computer server and the ability to accommodate other technological advances.

The proposed program for the new Saratoga office total approximately 3,000 s.f. The breakdown of the program can be seen in the attached Functional space program. Please note that the areas listed in the functional space program are totaled and then modified by a standard net/gross factor. This factor adds to the functional square footage the amount of space typically required for corridors, dead space, interior partitions, and exterior walls.

the ARCHITECTURAL **COLLABORATIVE**

15 Suffolk Lane
Gansevoort, NY 12831

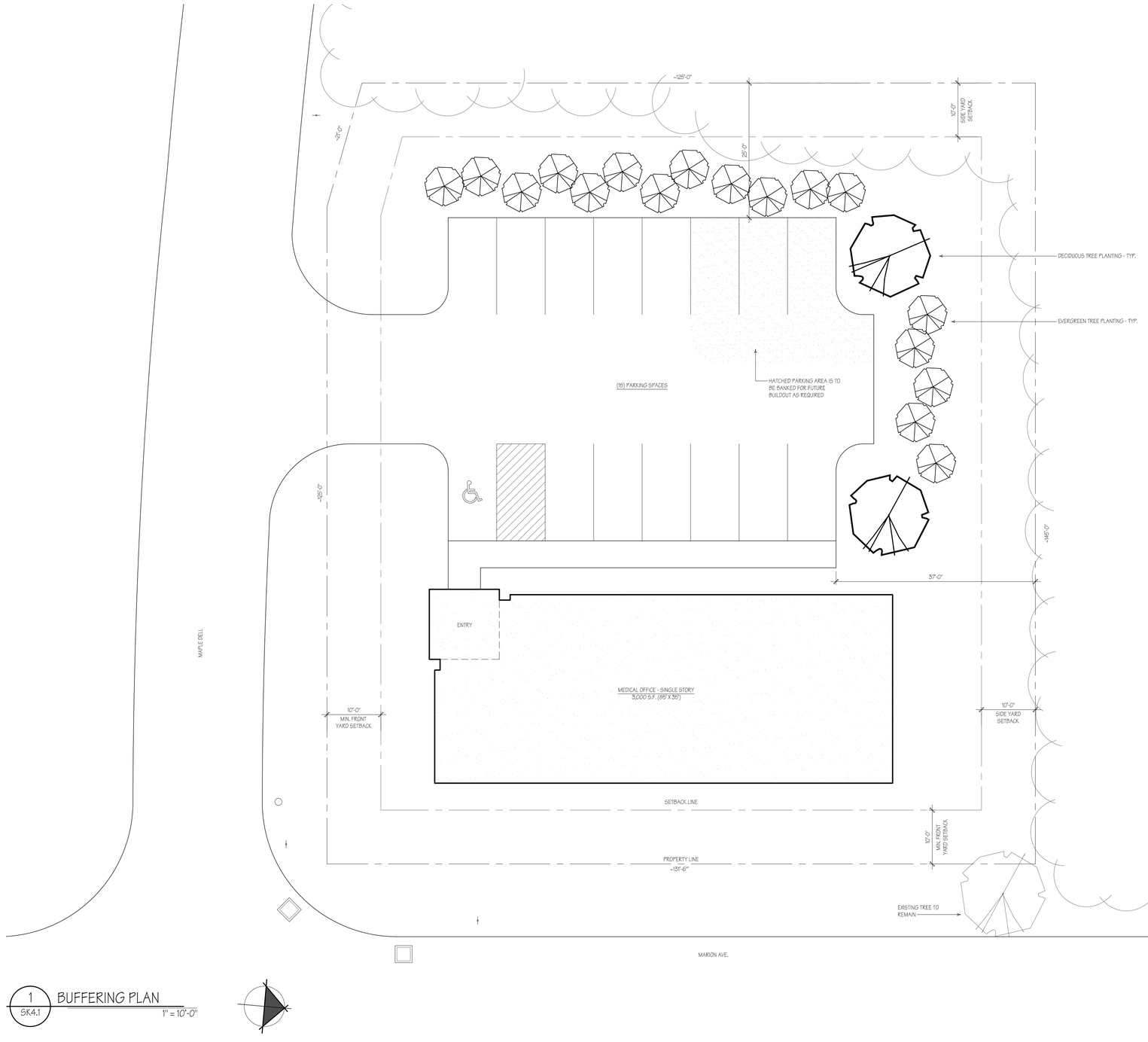
Functional Space Program

Mapler Shade Corners, LLC
34 Marion Ave
Saratoga Springs, NY 12866

June 30, 2016

Space	Quantity	Area	Total Net Area	Comments
Patient Area				
Entrance Vestibule	1	80	80	
Waiting Area/Check-in	1	250	250	
Reception	1	150	150	
Private Check-out - 2 bays	1	100	100	
Waiting Area Toilet Room	1	50	50	
Conference Room	1	175	175	
Operatory	3	140	420	
Exam Area Toilet	1	50	50	
		Total	1,275	
Staff Area				
Lab Alcove	1	80	80	
Doctor Office	1	125	125	
Admin Office	1	90	90	
Shared Office	1	125	125	
Break Room	1	170	170	
Staff Toilet	1	50	50	
		Total	640	
Support Area				
IT Closet	1	30	30	
Soiled Holding	1	50	50	
Clean Holding	1	50	50	
Mechanical Closet	1	150	150	
Janitor's Closet	1	30	30	
		Total	310	

Total Net S.F.	2,225
Net/Gross Factor	0.7
Total Gross S.F.	3,179



1 SK4.1 BUFFERING PLAN
1" = 10'-0"

BUFFERING PLAN - CONCEPTUAL

the ARCHITECTURAL COLLABORATIVE
15 SUFFOLK LANE, GANSEVOORT, NY 12831 - 518.796.6236

CLIENT LOGO:

CONSULTANT LOGO:

SEAL:

#:	DESCRIPTION:	DATE:

PROJECT NAME: DR. AIBEL

DATE: 6.28.16
DRAWN BY: JP
CHECKED BY: JP
PROJECT #: 16007

SHEET #: SK4.1
SCALE: 1" = 10'-0"

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

June 24, 2016

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

SCPB Referral Review#16-117-Use Variance-Maple Shade Corners LLC
Proposed use as a small dentist office (3,000 s.f.) in a residential district (UR-2 District).
Marion Avenue (NYS Route 9) and Maple Dell (NW quad of intersection)

Received from the City of Saratoga Springs Zoning Board of Appeals on June 2, 2016.

Reviewed by the Saratoga County Planning Board on June 16, 2016.

Decision: No Significant Countywide or Intercommunity Impact

Comment:
The subject property is a vacant parcel on which in 2012 there was the demolition of an existing residence. The surrounding area/neighborhood is a mix of uses located near municipal boundaries of the city and the towns of Wilton and Greenfield. Such uses are: a gas station and auto repair shop, car wash, a small office, a retail store with no gas sales, an internal (to Marion Ave and Maple Dell) residential neighborhood, residential uses facing Marion Avenue, a longtime restaurant/diner, and residential structures converted to office/retail sales. The principal recommendation from this body would be that the applicant be advised by the city to consider a rezoning of the property, which may be more applicable – to a zoning which is more compatible with the Office/Residential used in the Marion Avenue/Rt. 9 corridor by Wilton and Greenfield. That being absent from the city zoning ordinance we recommend approval of the use variance based upon the financial and historical evidence presented with recommendations for appropriate design guidelines or architectural standards appropriate for other conversions that will follow. We suggest that every effort in new construction be given to providing a residential appearance as now exists in corridor and that parking be only in the rear of the property with access off Maple Dell, not Marion Ave.

Michael Valentine, Senior Planner
Authorized Agent for Saratoga County

50 WEST HIGH STREET
BALLSTON SPA, NY 12020

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

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

JAMES A. FAUCI

ATTORNEY AT LAW, PLLC
30 Remsen Street
Ballston Spa, NY 12020
(518) 885-5011
Fax (518) 885-5298
ballstonlaw.com

jim@ballstonlaw.com

Graydine Sanders, Paralegal
graydine@ballstonlaw.com

June 14, 2016

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

RE: Murphy Lane - Parcel 165.84-1-22 – Interpretation Application - South Alley, LLC

Variances Granted 04/02/2015 -

Dear Chairman Moore and Zoning Board of Appeals Members:

Please allow this letter to supplement the above the application for an interpretation. We have requested from City officials, numerous times, a clear explanation of what rule, ordinance, law, etc, has been violated and how such relates to what has been constructed thus far, i.e., why was the Stop Work Order issued? The only explanation we can decipher thus far is that the Building Inspector appears to have issued the Stop Work Order upon an alleged violation of the City of Saratoga Springs Zoning Ordinance §5.4.4 and or §5.5. Those sections state the following:

> 5.4.4 EXTENSION OR EXPANSION OF STRUCTURE
>
> A. A non-conforming structure may be extended or expanded provided the proposed extension or expansion does not violate any dimensional requirements other than the current nonconformity.
>
> B. A non-conforming structure may not be extended or expanded to increase nonconformity unless dimensional relief is granted by an area variance from the ZBA.
>
> 5.5 NONCONFORMING LOTS
>
> 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 record 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.

With regard to §5.4.4, the structure upon the lot was initially conforming and the applicant obtained "dimensional relief" "granted by an area variance(s) from the ZBA," so therefore there is no violation of this section.

With regard to §5.5, the lot in in question has existed with its current dimensions (and filed in the County Clerk's office) since at least 1927 (see certified title report submitted with application). Pursuant to both dates provided in subsections B and C of 5.5, this lot is therefore considered a "legal non-conforming lot." Pursuant to subsection C, the owner of this lot may erect a single family residence upon the lot. Since the applicant is in fact erecting a single family residence upon the lot, there is no violation of this section as well.

Note that since the maximum height allowed in this UR-3 zone is 60 feet, and the current/proposed structure will be well under that, there is no violation with regard to height. This is so despite any misconceptions surrounding what the Building Inspector, or the surrounding neighbors of this lot, believe what was actually granted, or not granted, by the ZBA to this applicant in March of 2015.

As I sated in my April 11, 2016, letter to Chairman Moore, other than limiting the applicant to the percentages indicated in the relief granted, the resolution granting the variances in 2015, contained no limitations or conditions whatsoever with respect to what the applicant may construct on that site, i.e., *it is unconditional*. Therefore there is no legal impediment for a structure to be elevated to the maximum height of sixty feet per what that district allows.

Please understand that the language in the resolution granting the variances "to permit the renovation and conversion" and "as per the submitted application materials," with no further detail, does not limit an applicant to construct 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 *Hoffman*, case above is directly on point to the facts of this application. There, 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.

The facts in *Hoffmann*, are exactly the facts of this application: although the ZBA here had the authority to attach specific conditions to the resolution, it did not do so. Here, as in *Hoffmann*, it is not apparent from the language of the (2015) resolution granting the area variances that those variances were granted on condition that the applicant construct the new single family residence in any way that would resemble the original barn. Nor did the 2015 resolution impose any height conditions. *Note too that the plans submitted contain no height dimensions whatsoever.* Thus legally, this applicant could construct a single family residence on this legal non-forming lot to a height of 60 feet.

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, *South Woodbury Taxpayers Assn. v American Inst. of Physics,* 104 Misc 2d 254)."

Based upon all of the facts and the law, it is clear that no violation has occurred. We respectfully request that the ZBA rescind the Stop Work Order and reinstate the building permit. Thank you.

Sincerely,

James A. Fauci

cc: South Alley, LLC

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

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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.

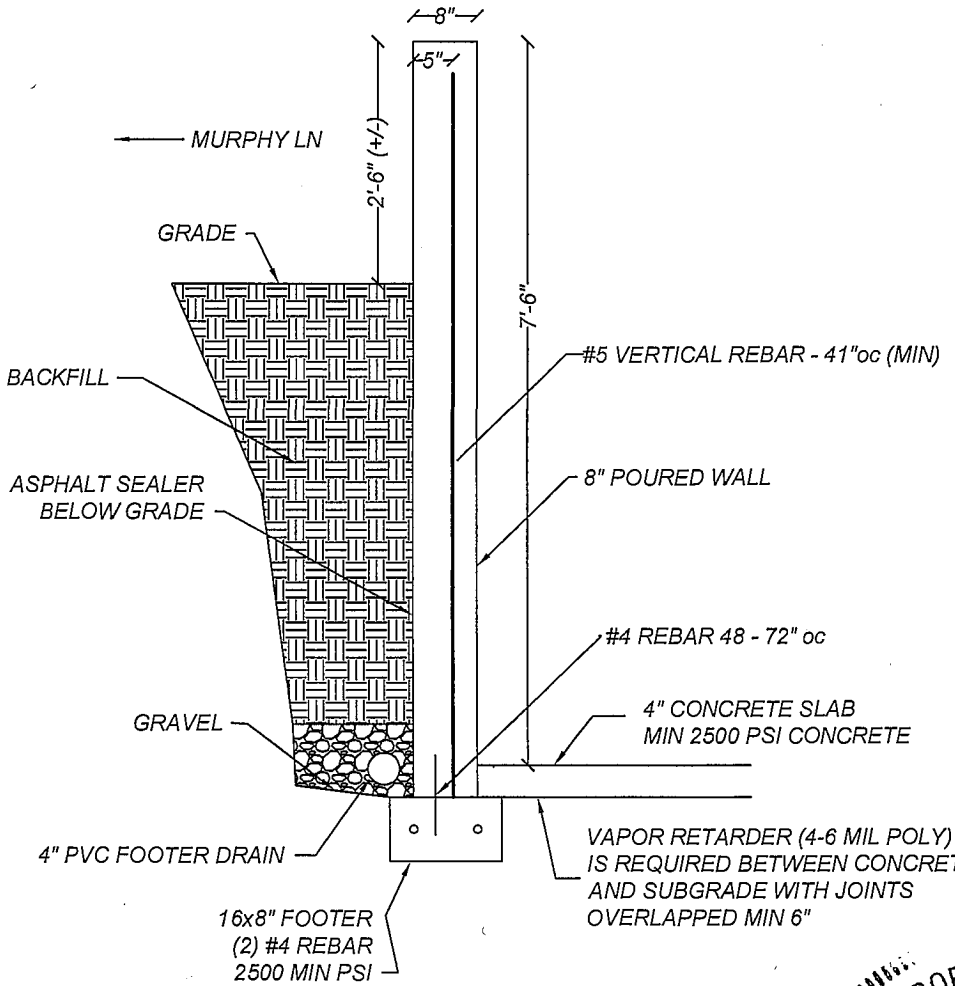
The attached typical foundation detail which is not stamped depicts the foundation rebar as noted to EACo. by the contractor who installed the foundation. The additional rebar, at closer spacing, exceeds the minimum requirement of the Residential Code of NYS for the foundation wall. EACo. is not able 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

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

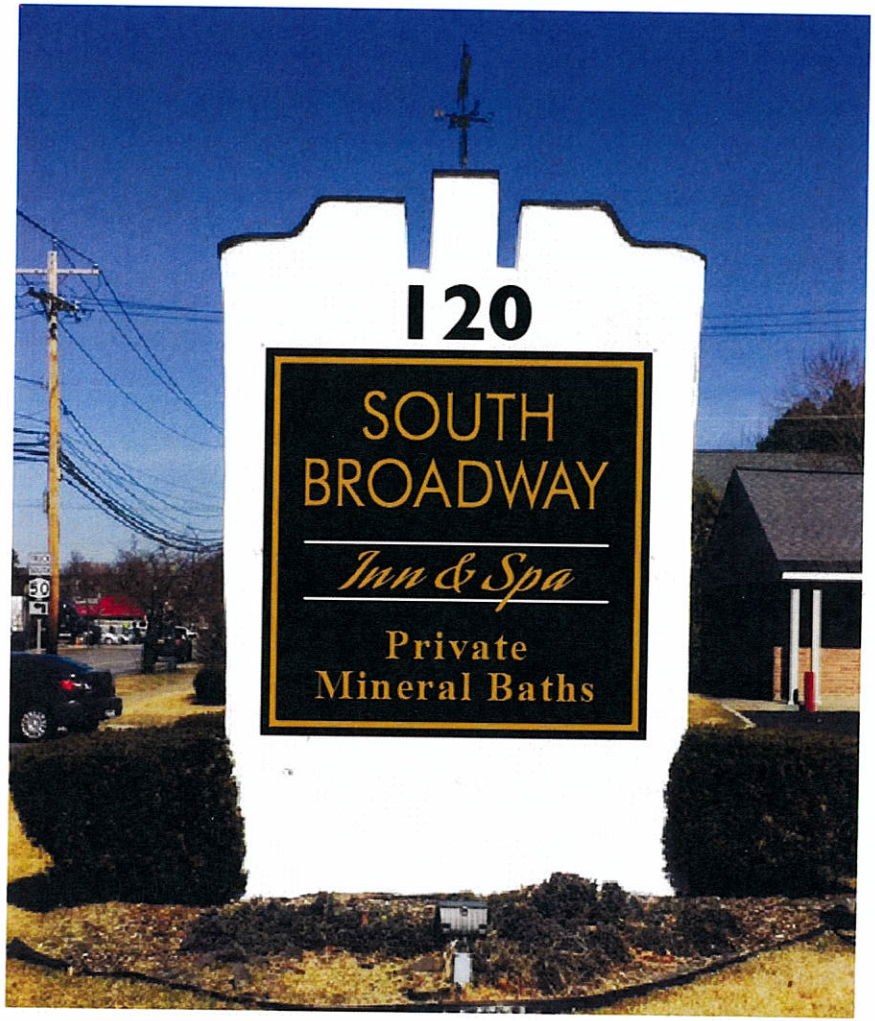
_____ _____

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]

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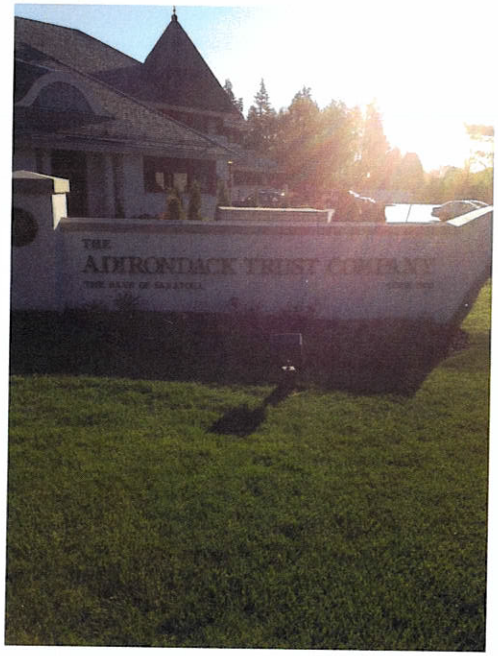
NEIGHBORING PROPERTIES

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

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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.

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

APPLICANT: 120 S. BROADWAY HOSPITALITY TAX PARCEL NO.: 178.35-1-6

PROPERTY ADDRESS: 120 SOUTH BROADWAY
ZONING DISTRICT: TRANSECT – 5

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

Proposed installation of a freestanding sign.

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

240- 6.1.5.3 B.1. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☒ Area Variance seeking the following relief:

Dimensional Requirements	From	To
Max. area freestanding sign:	12 sq. ft.	45 sq. ft.
Max. height freestanding sign:	12 ft.	12.5 ft.

Other: _____

☒ Advisory Opinion required from Saratoga County Planning Board

Stephen R. Shaw
ZONING AND BUILDING INSPECTOR

6/20/16
DATE

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: _____

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.

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>

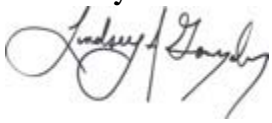
Board Members,

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:

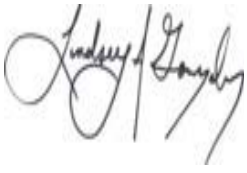
Aimee Miller
121 Madison St
Re: 124 Jefferson St Use Variance Request

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

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

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

PROPERTY INFORMATION

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

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

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

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

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

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

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

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

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

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

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

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

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

Other: _____

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

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

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

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

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

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

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

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

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

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

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

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

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

(applicant signature)

Date: 2/9/2016

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

(applicant signature)

Date: 2/9/2016

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

MAP REFERENCES:

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

MIDDLE AVENUE

MAP OF SURVEY

OF LANDS OF

C. CHRISTOPHER ARMER & TERI DeSORBO

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

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

UPDATED NOVEMBER 18, 2015 TO SHOW PROPOSED ADDITION

LEGEND:

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

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

EXISTING HOME -
117 Middle Ave - Subject Property

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

Neighbor Driveway to WEST
From Back Property Line

Looking WEST FROM
117 Middle AVE

Looking EAST From
117 Middle Ave

Across STREET From 117 Middle

Across STREET from 117 Middle

Google earth

feet 300
meters 90

- SHOWS DENSITY of AREA.

FRONT LEFT ELEVATION

FRONT RIGHT ELEVATION

REAR LEFT ELEVATION

REAR RIGHT ELEVATION

OPTION 5

PLAN NO:

PAGE OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:
CHRIS ARMER

ADDRESS:
117 MIDDLE AVE
SARATOGA
NEW YORK

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

SEAL:
02/12/15

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

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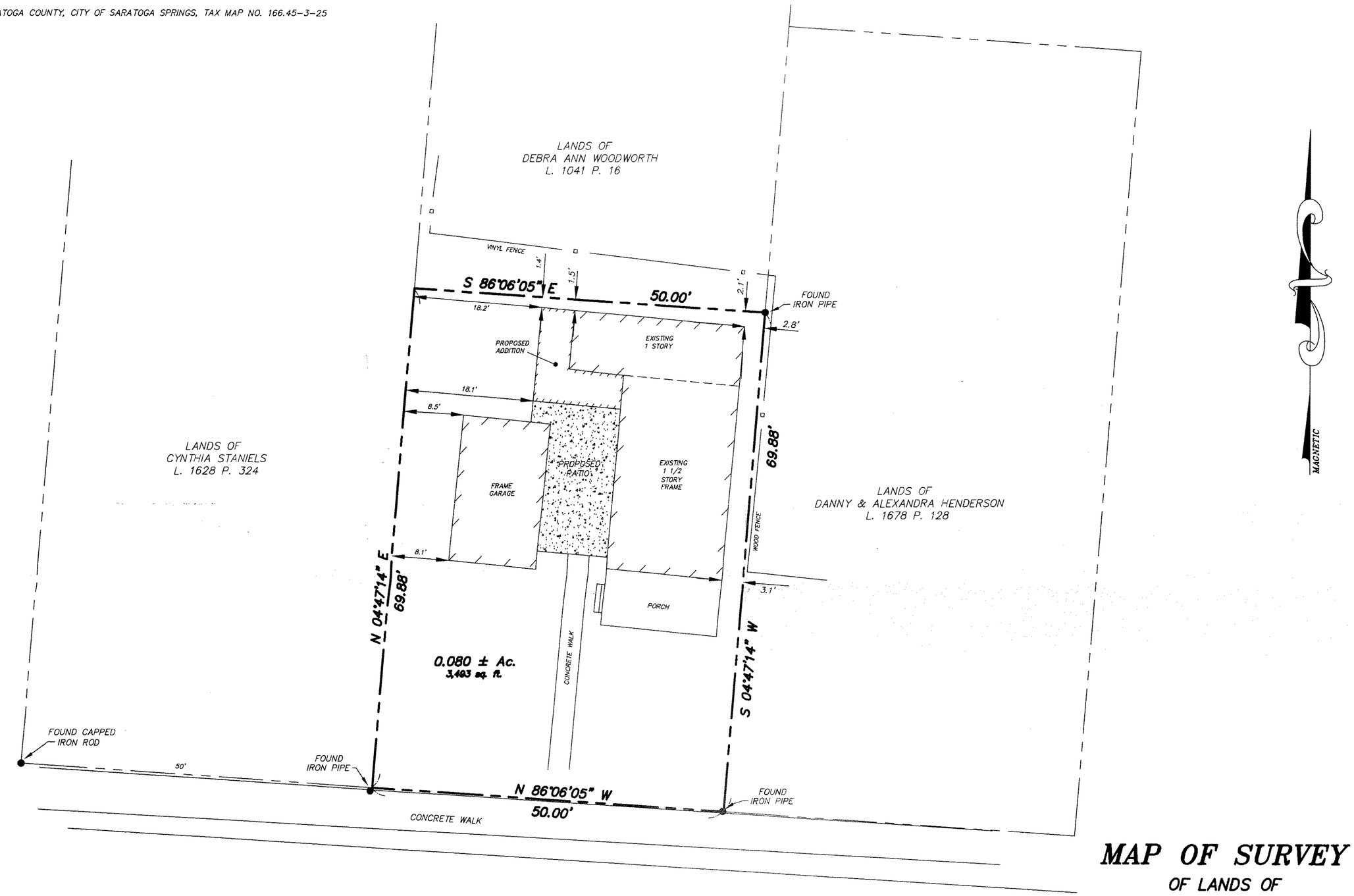
MAP REFERENCES:

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



LEGEND:

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

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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

C. CHRISTOPHER ARMER & TERI DeSORBO

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

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

UPDATED NOVEMBER 18, 2015 TO SHOW PROPOSED ADDITION

WILLIAM J. ROURKE, LICENSED LAND SURVEYOR NO. 49098

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

14-91
JOB NO.

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

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

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:

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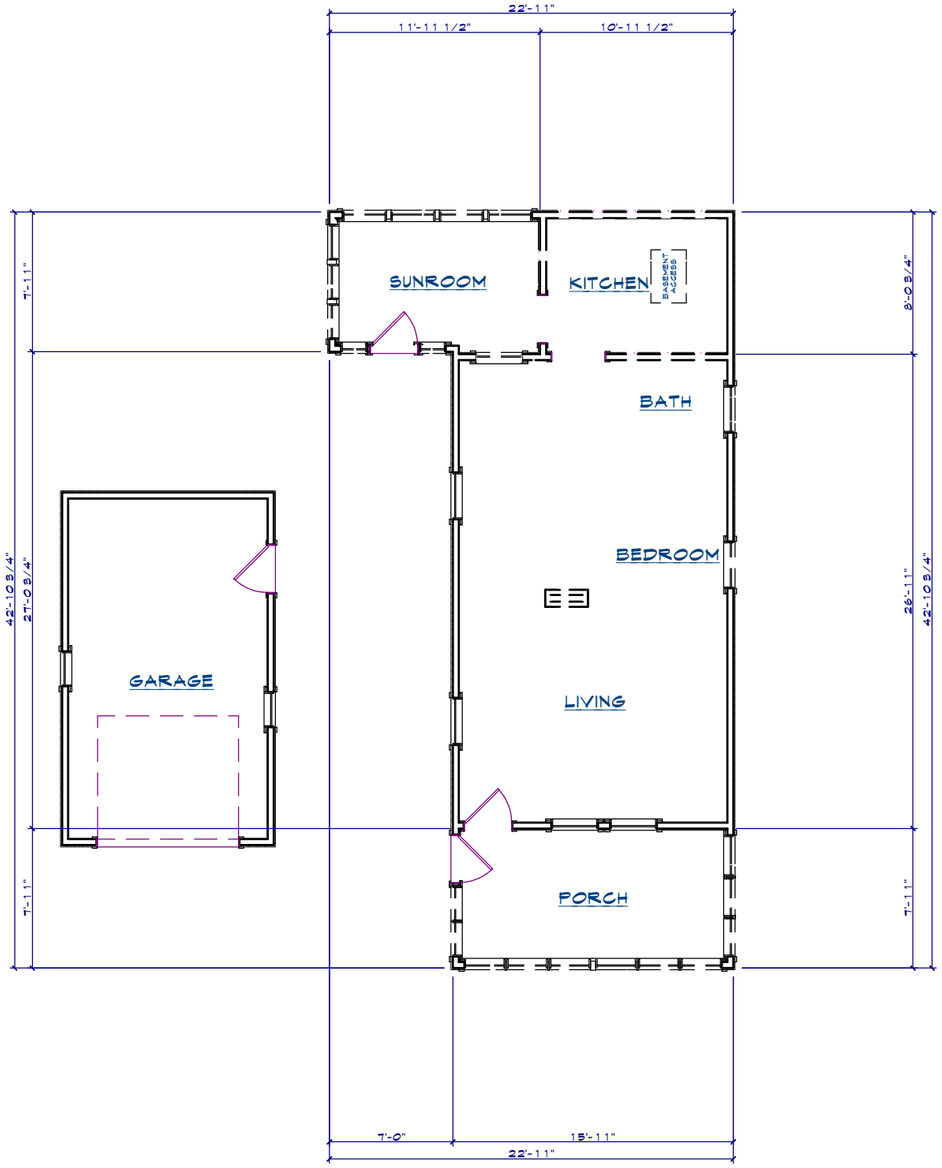
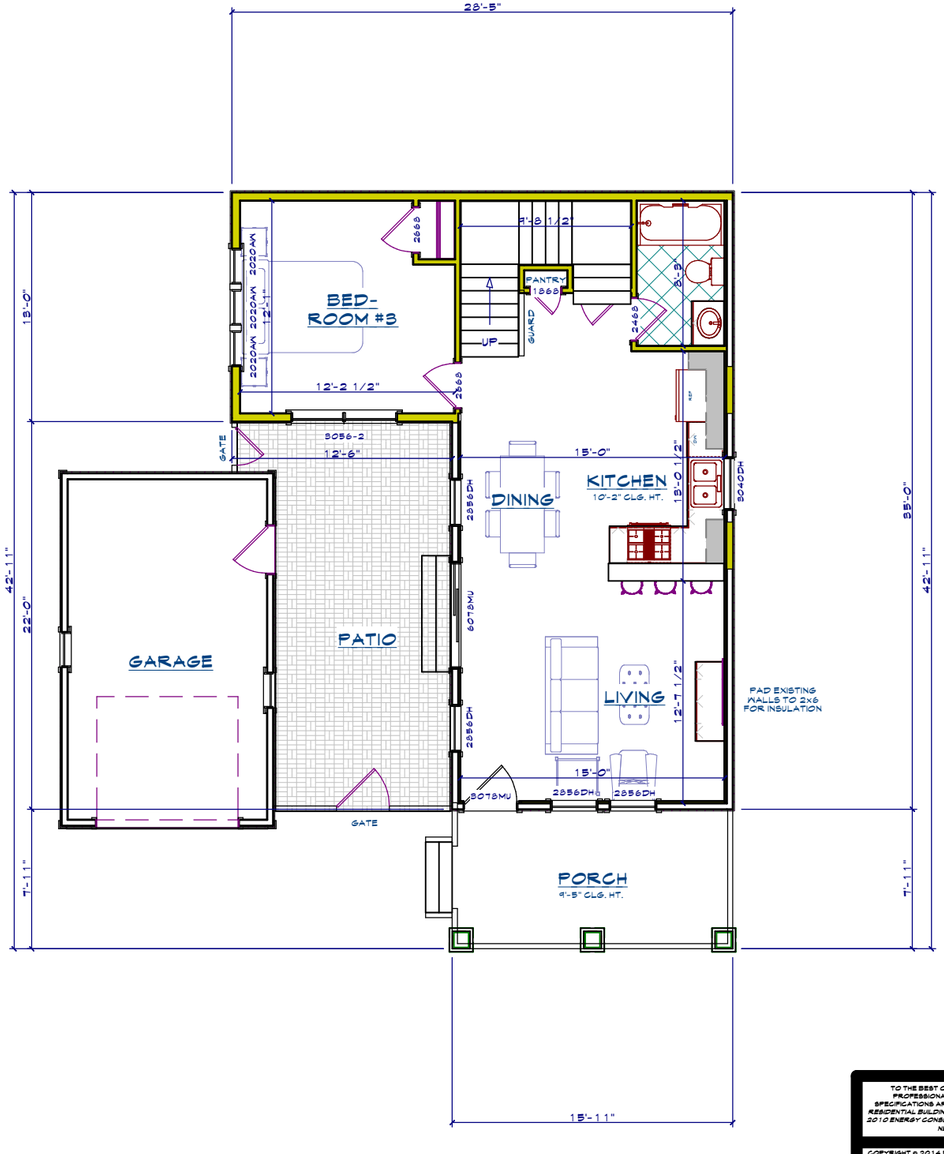
- EXISTING CONSTRUCTION
- TO BE DEMOLISHED
- NEW CONSTRUCTION

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

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APPROVAL SIGNATURE:

DATE:

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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

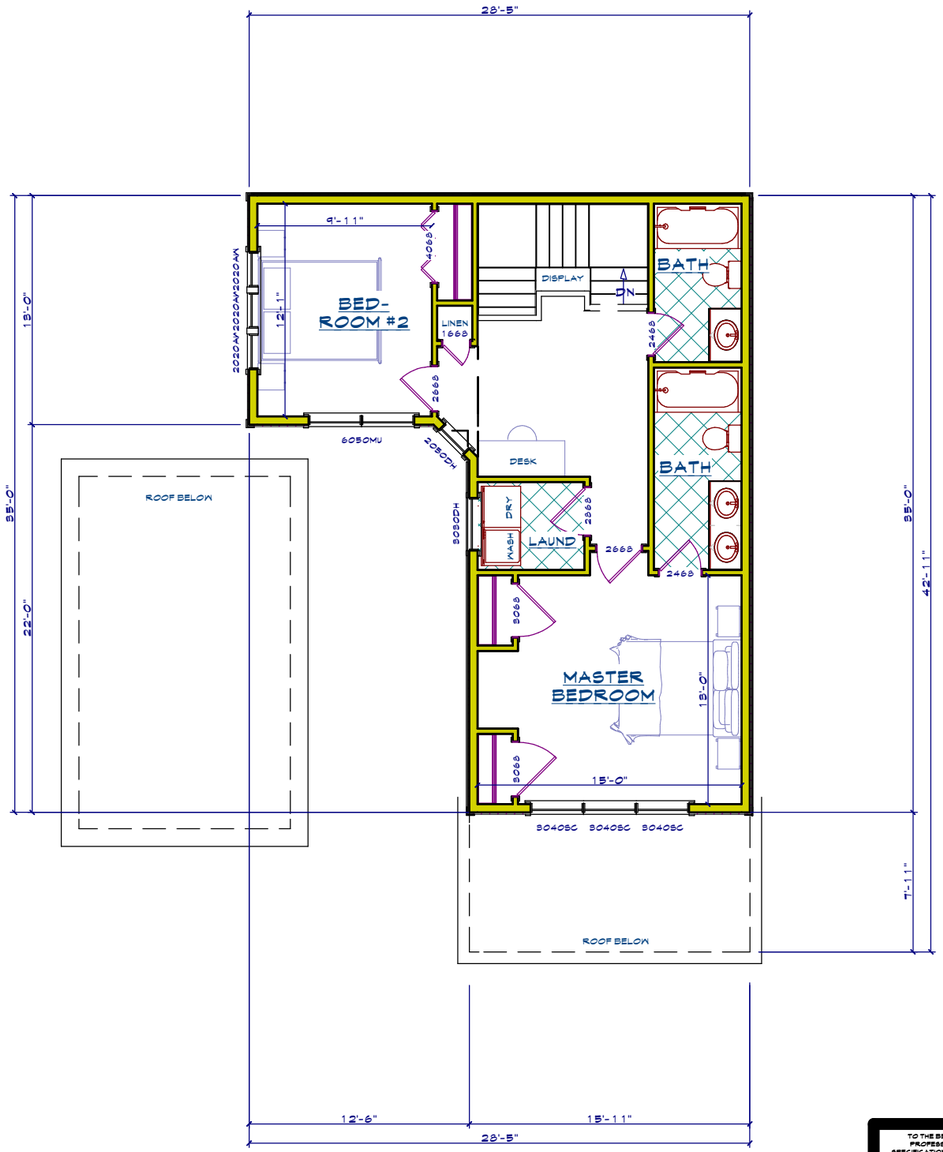
LIVING/DINING/KITCHEN

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

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APPROVAL SIGNATURE:

DATE:

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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,

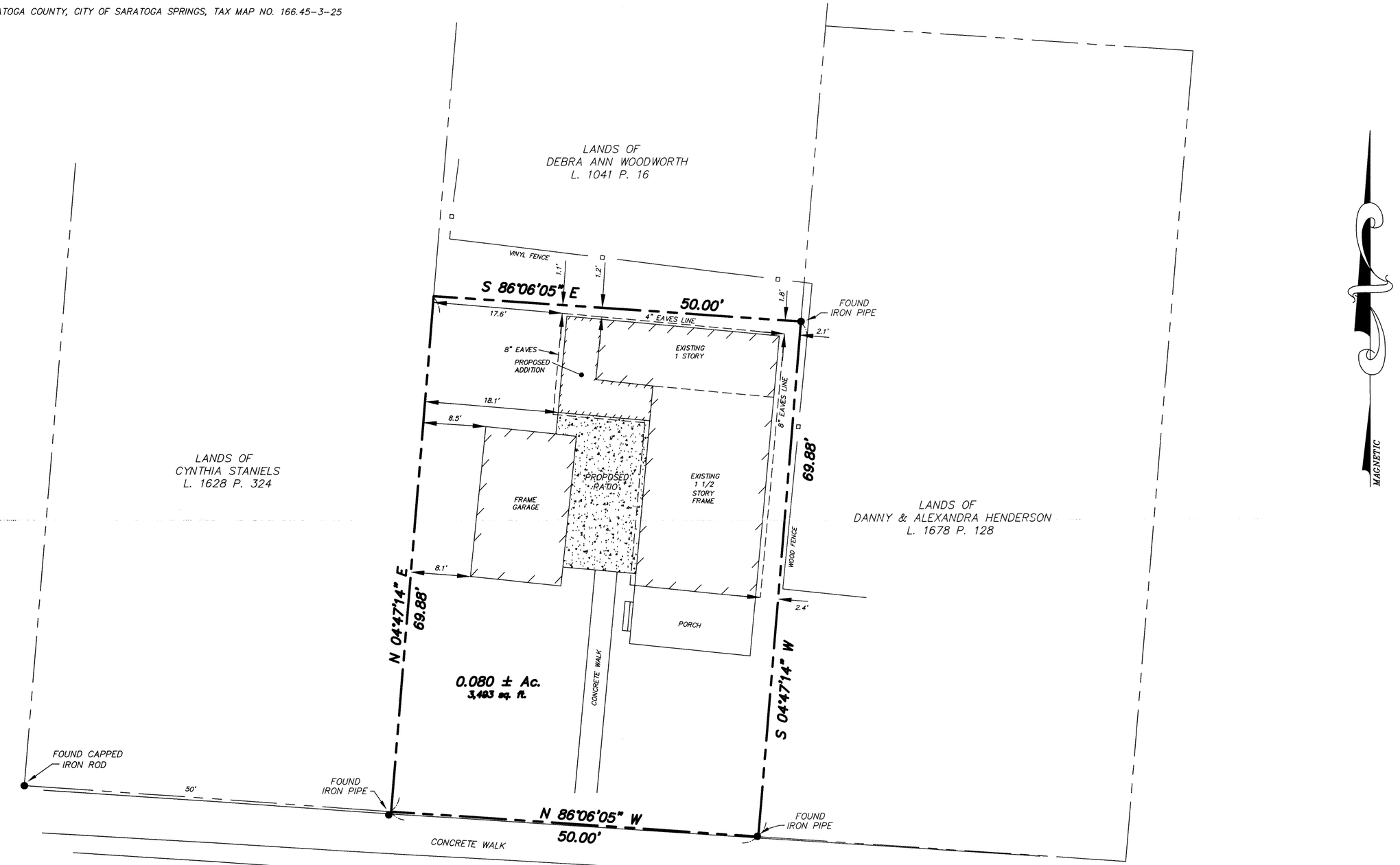
We received notice that Chris Armer & Teri DeSorbo have applied for a variance. My wife Kathryn Strassner and I own the double lot property at [redacted] York Ave. Our driveway (and main entrance) is directly adjacent to the western border of 117 Middle Ave. While at first we were concerned that development 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.

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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: 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.

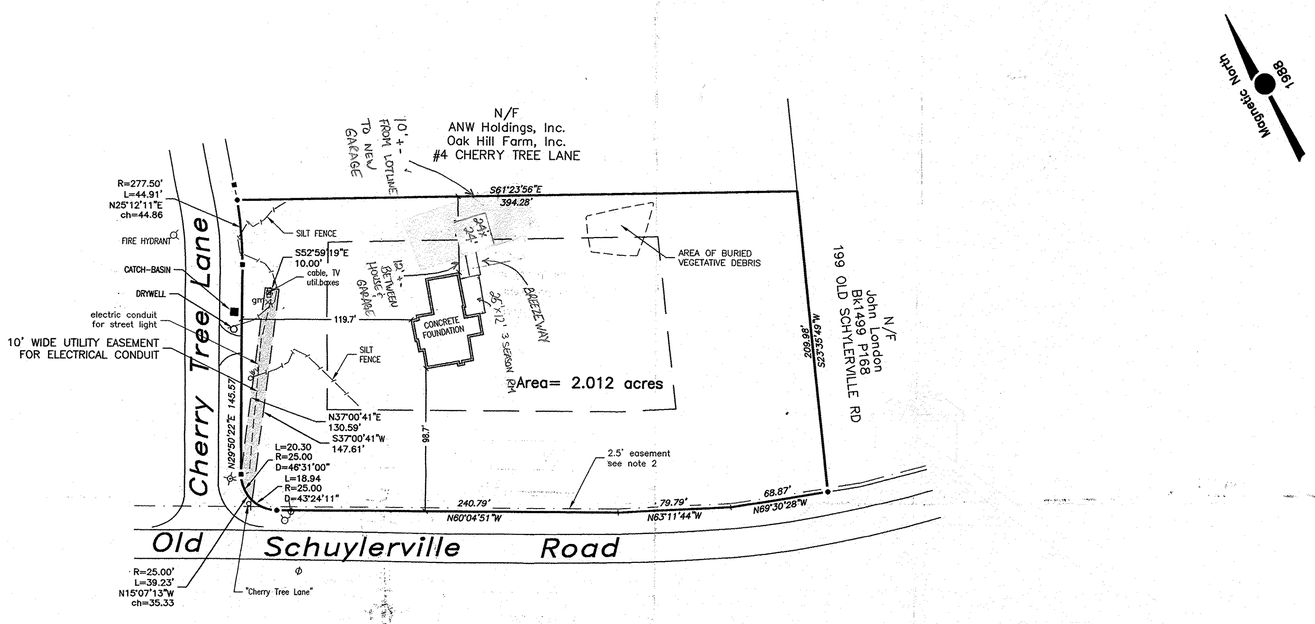
(applicant signature) Date: 3-25-16

(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