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

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

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

AGENDA

ZBA Meeting – Monday, July 18, 2016
City Council Chambers - 7:00 PM

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

Salute The Flag

Role Call

Old Business

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
   2807.2 MURPHYLNBARNRENO_REVISEDNOTICEOFVIOLATION.PDF

2. **#2900 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 MAPLESHADESCORNERSDENTIST_SUPPINFORECVD7-1-16_REDACTED.PDF
   2900 MAPLESHADESCORNERSDENTIST_COUNTYRESPONSE.PDF
   2900 MAPLESHADECORNERSDENTISTOFFICE_PETITION6-20-16_REDACTED.PDF
   2900 MAPLESHADECORNERSDENTISTOFFICE_BUILDINSPECTDENIAL.PDF
   2900 MAPLESHADECORNERSDENTISTOFFICE_APP_REDACTED.PDF

New Business

1. **#2891 BALLSTON AVENUE PARTNERS SUBDIVISION**
   96 Ballston Avenue, area variance to provide for a proposed 22 lot subdivision and construct 22 townhouse units; seeking relief from the minimum lot size and minimum average lot width requirements for each of the proposed lots, minimum side yard, minimum total side yard and maximum principal building coverage requirements for each of the townhouse units in the Urban Residential – 2 District.

   Documents:

   2891 BALLSTONAVESUBDIVISION_COUNTYREFERRAL.PDF
   2891 BALLSTONAVESUBDIVISION_SUPPINFORECVD6-6-16_REDACTED.PDF
   2891 BALLSTONAVESUBDIVISION_APP_REDACTED.PDF

2. **#2902 HOFFMAN CARWASH**
   2214 Ballston Avenue, area variance to construct a wall sign; seeking relief to install such sign above the first floor level of the building in the Highway General Business District.

   Documents:

   2902 HOFFMANCARWASHSIGN_APP_REDACTED.PDF

3. **#2903 CAPOZZOLA HOME OCCUPATION**
   57 Gilbert Road, area variance to maintain a home occupation in a detached garage; seeking relief to permit a home occupation in an accessory structure (residential), to exceed the maximum floor area and number of employees for home occupations in the Rural Residential District.

   Documents:

   2903 CAPOZZOLARESIDENCEHOMEOCCUPATION_APP_REDACTED.PDF

4. **#2904 CAPOZZOLA LOT LINE ADJUSTMENT**
   55 & 57 Gilbert Road, area variance to provide for a lot line adjustment between two lots; seeking relief from the minimum side yard setback requirements for each of the existing residences in the Rural Residential District.

   Documents:

   2904 CAPOZZOLALOTLINEADJUSTMENT_APP_REDACTED.PDF

5. **#2905 MCGUIRE PORCH**
   97 Lawrence Street, area variance for a rear porch addition to an existing single-family residence; seeking relief from the minimum side yard setback requirement in the Urban Residential – 2 District.

   Documents:

   2905 MCGUIRERESIDENCEPORCH_APP_REDACTED.PDF

6. **#2906 PELLET ADDITION**
   14 Heather Lane, area variance for an addition to an existing single-family residence; seeking relief from the minimum side yard and total side yard setback requirements in an Urban Residential – 1 District.

Documents:

2906 PELLETRESIDENCEADD_APP_REDACTED1.PDF

7. **#2786.1 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

8. **#2786.2 RITE AID SIGNAGE**
   90 West Ave./242 Washington St., area variance for proposed sign package for a new pharmacy/retail establishment; seeking relief from the maximum number of wall signs, maximum area for wall signs, placement of wall signs above the first floor level of the building, maximum area for a freestanding sign, to permit directional signage, maximum area for directional signage, and to permit temporary signage (banner) in the Transect-5 District.

   Documents:

   2786.2 RITEAIDSIGNAGE_APP_REDACTED.PDF

Adjourned Items

1. ~~**#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_AMILLERCORR4-25-16_REDACTED.PDF~~
   ~~2889 CDJTTOWNHOUSES_APP_REDACTED.PDF~~
   ~~2889 CDJTTOWNHOUSES_BUILDINSPECTDENIAL.PDF~~

2. ~~**#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~~

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

   ~~Documents:~~

   ~~2890 BARLOWRESIDENCEADDITION_APP_REDACTED.PDF~~
   ~~2890 BARLOWRESIDENCEADDITION_BUILDINSPECTDENIAL.PDF~~

Other Business

1. **APPROVAL OF DRAFT MEETING MINUTES**
2. **NEXT ZONING BOARD MEETING: JULY 25, 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.

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

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

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

Recording:

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

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

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

Transfer Tax	460.00
Total:	460.00

Record and Return To:

JEAN D'AGOSTINO
38 WARREN ST
SARATOGA SPRINGS NY 12866

WARRANTY DEED
with Lien Covenant

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

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

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

party of the first part, and

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

parties of the second part.

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

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

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

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

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

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

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

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

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

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

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

IN PRESENCE OF

_____ LS
Stephen J. Mittler

Mandy R. Mittler _____ LS
Mandy R. Mittler

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

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

James P. Trainor
Notary Public

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

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

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

Marci K Chadwick
Notary Public

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

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

1026/240

N

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

NORTH

STREET.

ORIGINAL IN MAP CASE No. 3

JAMES A. FAUCI

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

[redacted]

Graydine Sanders, Paralegal
[redacted]

May 10, 2016

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

HAND DELIVERED

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

Dear Mr. Shaw:

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

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

Sincerely,

James A. Fauci

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

ENGINEERING AMERICA CO.

76 WASHINGTON ST SARATOGA SPRINGS NY 12866

TRANSMITTAL SHEET

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

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

Mr. Shaw –

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

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

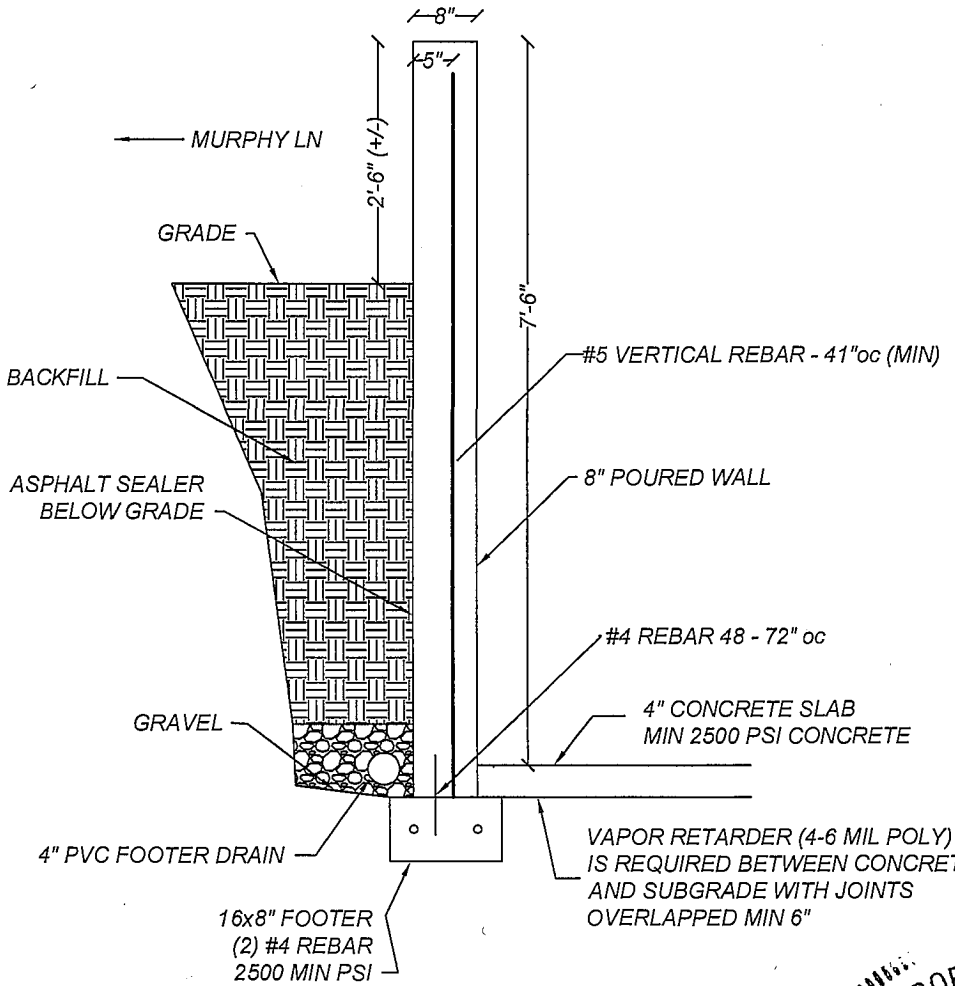
The attached typical foundation detail which is not stamped depicts the foundation rebar as noted to EACo. by the contractor who installed the foundation. The additional rebar, at closer spacing, exceeds the minimum requirement of the Residential Code of NYS for the foundation wall. EACo. is not able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

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

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

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

MAY - 3 2015



FW-1 Foundation Detail
N.T.S.

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

CARRIAGE HOUSE RESIDENCE
#29 MURPHY LANE
SARATOGA SPRINGS, NY

DESIGN BY:
ENGINEERING AMERICA CO
SARATOGA SPRINGS, NY

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

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

INSPECTOR REPORT

PAGE 1 OF 1

JOB SITE 39 Murphy Lane PERMIT # 20151102 FILE # 20151102

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

4" concrete S.O.G. = OK

Poly Vapor Retarder = OK

(3) column Footings per plans = OK

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

PASSED CONDITIONS AS NOTED REINSPECTION REQUIRED FAILED STOP WORK

INSPECTION DATE 1-8-2015 INSPECTOR Mike Carlson

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

INSPECTOR REPORT

PAGE 1 OF 1

JOB SITE 39 Murphy Lane PERMIT # 20151102 FILE # 20151102

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

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

(PASSED) CONDITIONS AS NOTED REINSPECTION REQUIRED FAILED STOP WORK

INSPECTION DATE 1-5-2016 INSPECTOR Mike Carlson

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

INSPECTOR REPORT

PAGE 1 OF 1

JOB SITE 39 MURPHY LANE PERMIT # 20151102 FILE # 20151102

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

ALL FORMS & TIE ENDS ON EXTERIOR SURFACE REMOVED.

WATERPROOFING MEMBRANE APPLIED

ALL DEBRIS IN BACKFILL AREA TO BE REMOVED.

OK TO BACKFILL.

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

INSPECTION DATE 12/24/15 INSPECTOR D. MILLER

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

INSPECTOR REPORT

PAGE 1 OF 1

JOB SITE 39 MURPHY LANE PERMIT # 20151102 FILE # 20151102

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

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

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

OK TO POUR

② ENG. TO ADDRESS SUMP PUMP DISCHARGE LOCATION/METHOD

PASSED CONDITIONS AS NOTED REINSPECTION REQUIRED FAILED STOP WORK

INSPECTION DATE 12/22/15 INSPECTOR D. MILLER

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

INSPECTOR REPORT

PAGE 1 OF 1

JOB SITE 39 Murphy Lane PERMIT # 20151102 FILE # 20151102

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

16" x 8" poured concrete footings = OK

(2) #4 horizontal Rebar continuous = OK

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

(3) interior column footings per plans = OK

OK to pour footings

PASSED CONDITIONS AS NOTED REINSPECTION REQUIRED FAILED STOP WORK

INSPECTION DATE 12-9-2015 INSPECTOR Mike Carlson

JAMES A. FAUCI

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

[redacted]

Graydine Sanders, Paralegal
[redacted]

April 11, 2016

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

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

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

Dear Mayor Yepsen and Mr. Moore:

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

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

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

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

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

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

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

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

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

Other relevant case law sheds more light on the issue:

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

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

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

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

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

Thank you.

Sincerely,

James A. Fauci

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

JAMES A. FAUCI

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

[redacted]

Graydine Sanders, Paralegal
[redacted]

April 20, 2016

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

joanne.yepsen@saratoga-springs.org

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

Dear Mayor Yepsen:

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

Thank you.

Sincerely,

James A. Fauci

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

JAMES A. FAUCI

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

[redacted]

Graydine Sanders, Paralegal
[redacted]

April 29, 2016

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

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

Dear Mayor Yepson

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

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

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

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

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

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

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

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

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

Sincerely,

James A. Fauci

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

Gmail

Murphy Lane

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

Tony and Steve:

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

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

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

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

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

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

Jim Fauci

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

Gmail

Murphy Lane

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

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

Gmail

Murphy Lane

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

Jim:

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

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

Joe

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

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

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

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

Brief Description of Proposed Action:

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

Address:

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

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

3.a. Total acreage of the site of the proposed action? 0.0573921 acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.0573921 acres

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Signature: _____

NO
TRESPASSING

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
Zoning and Building Technician
Extension 2521

NOTICE OF VIOLATION/STOP WORK ORDER

July 8, 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,

This order is in furtherance of and clarifies the reasons for the stop work order of Jan. 22, 2016 which ordered you to cease and desist all work associated with Building Permit #20151102 on your property located at 39 Murphy Lane, parcel #165.84-1-22, in the City of Saratoga Springs. The reason for this STOP WORK ORDER was the fact that you had progressed both beyond your approved variance from the Zoning Board of Appeals (ZBA) as well as outside the scope of your approved Building Permit plans.

The building plans as submitted on 8/3/15 with the building permit application show a crawlspace under the first floor. Although this differs from simply replacing the slab, as was indicated to the ZBA, this type of change is deemed minor. Similarly, when you deviated from those approved plans and increased your foundation size to create a basement, that change was also considered minor in nature as it was not anticipated to effect the variances as approved. As is our typical protocol, you were allowed to proceed with the concrete foundation pour on 12/22/15 under the condition that revised plans be submitted to show that the change was acceptable to your engineer. We were not in receipt of those revised plans until 5/3/16, approximately 4 1/2 months after you received the request and 3 1/2 months after the issuance of the initial STOP WORK ORDER on 1/22/16.

In the intervening month between the foundation pour inspection and the issuance of the STOP WORK ORDER it was clear that the project had become significantly different than the approvals that it had received both by the ZBA and the Building Department. Fill has been brought in and a once level site is now much higher than the alley and adjoining properties. This fill was a result of the foundation change and a requirement of the NYS Residential Code Section 401.3 to have adequate drainage away from the foundation walls. An assessment should be done to ensure that this requirement is not being exceeded and thus creating a run off problem in the alley and adjoining properties. You may even qualify for that section's exception.

Another result of the foundation change is that the first floor is now significantly higher than it was originally as well as being higher than depicted in the plans submitted for the building permit. This has led to the need for additional steps at the front landing and thus further principal building coverage than the existing variance allows. This change in elevation also means that there is new construction in areas of the required setback not previously considered by the ZBA. Both of these items will require you to seek an amendment to your variance from the ZBA.

Furthermore, although your plans indicate "repair, replace & sister as required" in multiple areas, the ZBA's 3/23/15 decision clearly does not authorize either "tearing down the barn and starting new" or "a removal of the existing barn" (decision paragraphs 1a and 1b). There have been massive changes in the exterior coverings from siding to roofing as well as all the roof framing and most of the wall framing. Given the fact that the renovation aspect of this project was so critical in the application, neighbor support and granting of the variance, I believe that it is incumbent upon me to refer this back to the ZBA for their interpretation as to whether the work done is consistent with the work that they anticipated and authorized.

Sincerely,

Stephen R. Shaw
Zoning and Building Inspector

SRS/kgf

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]

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.

the Architectural **Collaborative**
15 Suffolk Lane
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

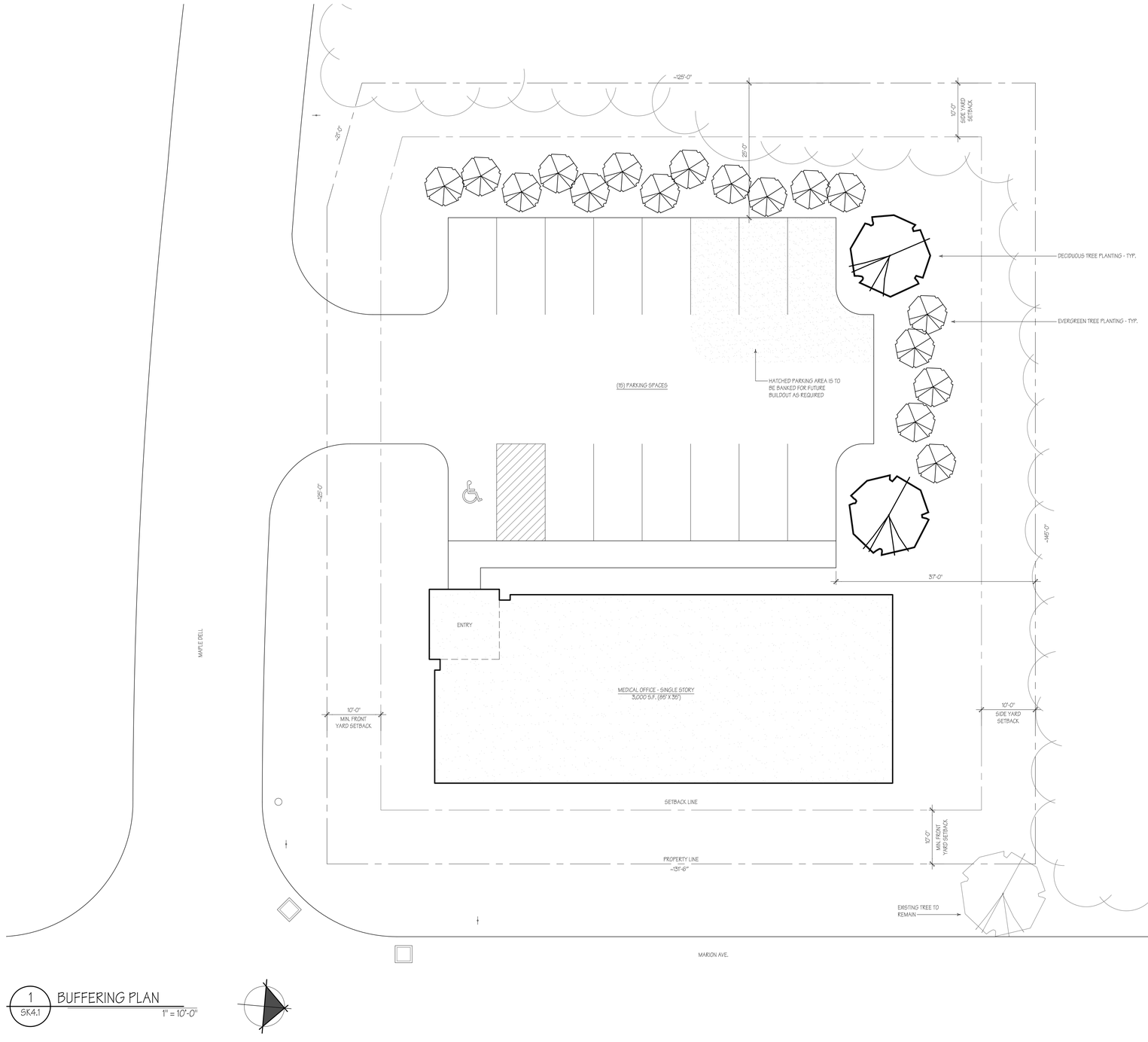
Functional Space Program

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.

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.

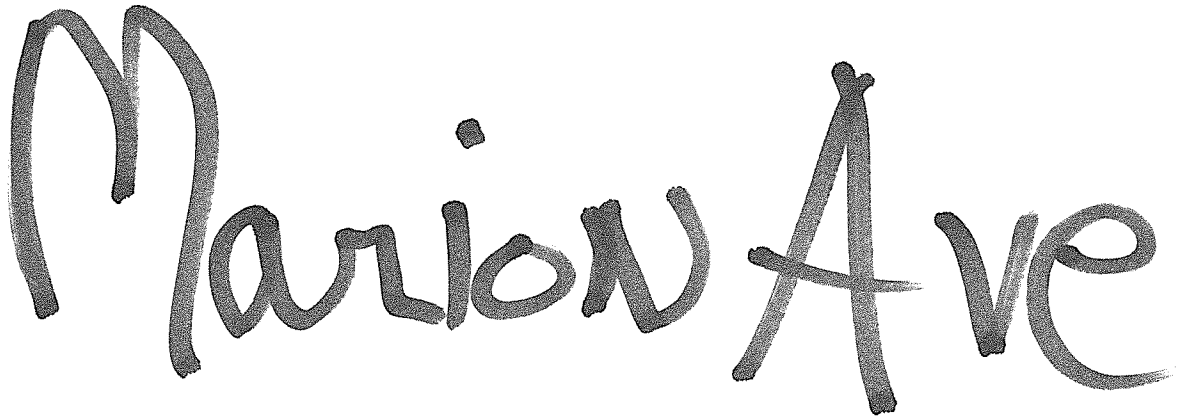
----Original Message----
From: Chris Millis [redacted]
To: millistoys [redacted]
Sent: Fri, Apr 29, 2016 3:41 pm
Subject: Re: Need

[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

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

TUCZINSKI, CAVALIER & GILCHRIST, P.C.

ATTORNEYS AT LAW

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

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

Stephanie W. Ferradino
[redacted]

May 20, 2016

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

Re: 34 Marion Avenue, Saratoga Springs, NY 12866

Dear Chairman Moore:

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

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

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

Very truly yours,

TUCZINSKI, CAVALIER & GILCHRIST, P.C.

By: _____
Stephanie W. Ferradino

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

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

(Application #)

(Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Maple Shade Corners, LLC	54 Marion Avenue, LLC	Stephanie W. Ferradino, Esq.
Address	4 Executive Park Drive Albany, New York 12203	2 Victoria Lane Saratoga Springs, NY 12866	Tuczinski, Cavalier & Gilchrist, P.C. 63 Putnam Street, Suite 202 Saratoga Springs, New York 12866
Phone	/	/	[redacted]
Email			

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

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

PROPERTY INFORMATION

1. Property Address/Location: 34 Marion Avenue Tax Parcel No.: 166.5 - 3 - 25 - _____
(*for example: 165.52 – 4 – 37*)

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

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

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? ~~1987~~ For what? ~~Use Variance (denied)~~)
☑ No

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

8. Brief description of proposed action:
Use variance to permit a low volume office

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

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

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

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

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

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

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

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

Section(s) _____

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

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

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

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

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

3. Date original variance expired: _____

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

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

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

A use variance is requested to permit the following:
Use of property for a low volume office

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

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

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

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

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

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

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

   5) Annual income generated from property: $ 0

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

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

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

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

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

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

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

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

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

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

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

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

See attached narrative

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

   See attached narrative.

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

   See attached narrative.

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

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

(applicant signature) Date:

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

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

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

(applicant signature) Date: 5-20-2016

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

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

APPLICANT: Maple Shade Corners, LLC

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

PROPERTY ADDRESS: 34 Marion Avenue

ZONING DISTRICT: UR-2

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

Use Variance

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Other: _____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

NARRATIVE TO ACCOMPANY APPLICATION

USE VARIANCE BY MAPLE SHADE CORNERS, LLC

AT 34 MARION AVENUE

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

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

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

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

Use Variance Standards

1. Reasonable return on investment

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

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

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

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

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

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

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

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

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

*estimate based on 2015 figures.

** estimates based on 2009 figures.

2. Financial Hardship is Unique

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

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

3. Altering Essential Character of the Neighborhood

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

4. Self-Created Hardship

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

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

Proposal

To: Bill Healy

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

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

Included in Proposal: Specification Sheet for single family dwelling.

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

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

Documents included as instrument of this proposal: Build Specs

Respectfully submitted:

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

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

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

Main floor areas: 1346 SFT.

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

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

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

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

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

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

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

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

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

Interior walls: 2x4 #2 and better SPF framing

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

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

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

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

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

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

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

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

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

Stairs: Pine risers and stringers with hardwood treads.

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

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

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

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

Water: Town-water supply.

Hot water: Electric storage-type water heater.

Septic: Existing septic tank, distribution, field.

Driveway: Crusher-run bluestone rubble.

Landscape finishes: By others.

CRMLS

CRMLS

MC NEARY
REALTY, INC.

Hello,

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

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

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

Please feel free to contact me at [redacted]

Best regards,

Peter Riposa 5/20/16

Peter Riposa
Real Estate Agent

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

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Name of Action or Project:
MAPLE SHADE CORNERS, LLC

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

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

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

Address:
4 EXECUTIVE PARK DRIVE

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

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

3.a. Total acreage of the site of the proposed action? 0.43 acres
b. Total acreage to be physically disturbed? 0.43 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.43 acres

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

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

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

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

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES		

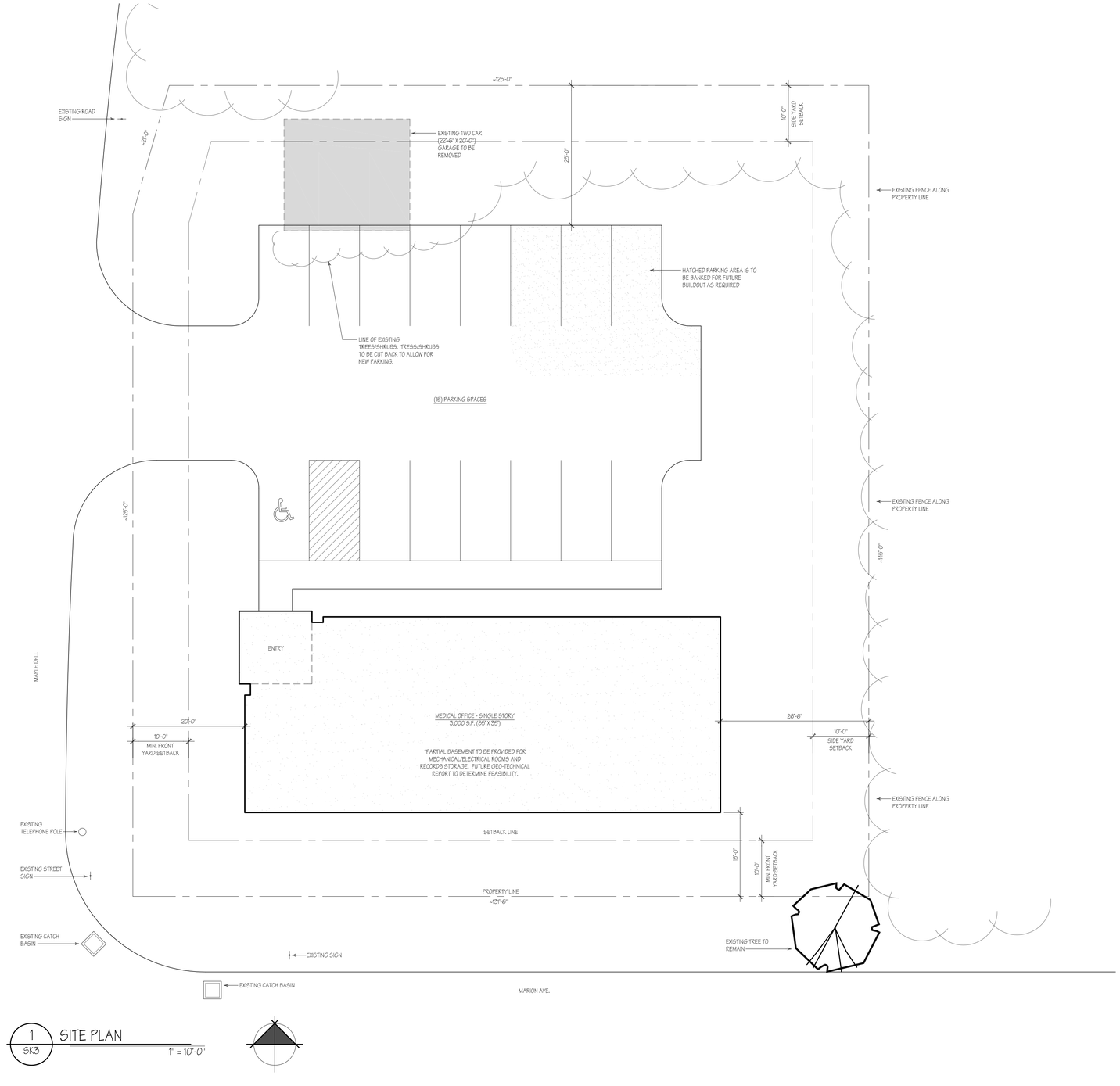
	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location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

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

Applicant/sponsor name: MAPLE SHADE CORNERS, LLC Date: 5/20/16

Signature: _____

PRINT FORM



1 SK3 SITE PLAN

1" = 10'-0"

NOTES:

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

CONCEPTUAL

SITE PLAN - C

the ARCHITECTURAL COLLABORATIVE

15 SUFFOLK LANE, GANSEVOORT, NY 12831 - 518.796.6236

CLIENT LOGO:

CONSULTANT LOGO:

SEAL:

#:	DESCRIPTION:	DATE:

PROJECT NAME: DR. AIBEL

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

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

July 7, 2016

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

RE: SCPB Referral Review#16-84-Area Variance-Gottman
Variances (min. lot width from 60' to 20', min. lot size, side yard setbacks to "0")to effect the consolidation of three tax parcels/lots and construction of residential subdivision to construct 22 single family lots within five 4-unit townhouses and one 2-unit townhouse.
NYS Route 50 (Ballston Avenue) & Finley Street across from Price Chopper

Received from the City of Saratoga Springs Zoning Board of Appeals on April 25, 2016.

Reviewed by the Saratoga County Planning Board on May 19, 2016.

Decision: No Significant Countywide or Intercommunity Impact

Comment:
While the Saratoga County Planning Board recognized there to be no direct impact related to county issues through the issuance of the requested variances, members did make note of a few points it believed to be of more import to the local zoning board of appeals for its consideration:

1. While not part of the considerations under the balancing test, there is a general question to be asked and answered: what is the applicant's overall rationale for the variances being requested? It is not the direct purpose of a granted variance to make the use of a property more profitable. Minimum lot size in UR-2 zoning allows for 6,600 s.f. building lots as compared to lots of 1,702 s.f. being proposed through the variances (with the possibility of 5.7 units vs. 22 d.u. under UR-2 zoning).
2. It is quite evident that the immediate area around the subject land is a mix of uses, yet primarily of residential character predominated by UR-2 s.f. homes along Union Street, Spa Circle, and Lincoln Avenue. Immediate to the area is a large shopping plaza across Ballston Avenue and small office conversions from residential use. A determination should consider if the type of housing sought by the applicant (and the requested density) matches the neighborhood/district character.
3. The benefit sought by the applicant could be achieved without going to the zba for area variances, but it appears unlikely that the path of a zone change before the city council is being considered. The latter route would require a period of

50 WEST HIGH STREET
BALLSTON SPA, NY 12020

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

waiting for the proposed changes identified in the Comp Plan (for a mix of commercial and residential uses for the subject area) and the UDO.

Before the proposed development plan goes forward to the city planning board (if the variances are granted) it may be advantageous for there to be a discussion between boards of the potential impact of the variances as noted above and on traffic (internal street movement and access to main roads) and stormwater management.

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.

LANSING ENGINEERING, PC
2452 State Route 9, Suite 301
Malta, NY 12020
Telephone
Facsimile: [redacted]

Letter of Transmittal

Date: May 25th, 2016 **Proj. #- 753.00**
RE: Ballston Ave Subdivision

To: Lindsey Gonzalez, Land Use Board Coordinator
City Of Saratoga Springs – City Hall – Zoning Board Of Appeals
474 Broadway
Saratoga Springs, New York 12866

We are sending you ☒ Attached ☐ Under separate cover via the following items:

☐ Shop Drawings ☐ Prints ☒ Plans/Originals ☒ Applications
☐ Copy of Letter ☐ Change Order ☐ Samples ☐ Report

COPIES	DATE	NO.	DESCRIPTION
1	5/25/16		Application of Appeal to the Zoning Board for Variance
1	5/25/16		Site Plan Drawing (24"x36")
1	5/25/16		Long Environmental Assessment Form
1	5/25/16		Site Photos
1	5/25/16		Project Narrative
1	5/25/16		Disk with Digital Files of Submission
1	5/25/16		Examples of Proposed Buildings
1	5/25/16		Previous Approved Variances
1	5/25/16		Previous Use Variance Granted by the Supreme Court
1	5/25/16		City of Saratoga Spring Complementary Core

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit 1 copies for approval ☐ Other:_____
☒ For your use ☐ Approved as noted ☐ Submit __ copies for distribution
☒ As requested ☐ Returned for corrections ☐ Return __corrected prints
☐ For review and comment ☐ For bids due ☐ Borrowed prints returned

REMARKS:
Attached please find the above listed items that have been revised for the Ballston Ave Subdivision Zoning Board of Appeals Application. If you have any questions or require additional information please feel free to call the office at 899-5243 ext 104.

☐ Copy filed to prior submissions

SIGNED: _____
Yates Scott Lansing, PE, CPESC, CPSWQ

cc: Steven Gottmann, Ginley & Gottmann, P.C.

file

If enclosures are not as noted, kindly notify us immediately

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

A. Project and Sponsor Information.

Name of Action or Project: Ballston Ave Subdivision		
Project Location (describe, and attach a general location map): 96 Ballston Ave, Saratoga Springs, NY, 12866		
Brief Description of Proposed Action (include purpose or need): The proposed project site is located on a 1.36 +/- Acre site on the corner of Finley Street and Ballston Ave in the City of Saratoga Springs, NY. The project proposes to consolidate three (3) lots and construct a residential subdivision with townhouses. The residential subdivision includes 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building as shown on the conceptual plan. Access to the proposed lots will be a private driveway that will be created on Finley Street. Sewer service will be provided by Saratoga County Sewer District #1 and water shall be provided by the City of Saratoga Springs.		
Name of Applicant/Sponsor: Steven Gottmann, Ginley & Gottmann, P.C.	Telephone: [redacted] E-Mail: [redacted]	
Address: 96 Ballston Avenue		
City/PO: Saratoga Springs	State: NY	Zip Code: 12866
Project Contact (if not same as sponsor; give name and title/role): Same	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

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

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☐Yes ☑No		
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board - Subdivision and site plan approval	TBD
c. City Council, Town or Village Zoning Board of Appeals ☑Yes ☐No	ZBA - Area variances	
d. Other local agencies ☐Yes ☑No		
e. County agencies ☑Yes ☐No	SCSD #1 - Sewer, Saratoga County Planning Board	TBD
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDEC - Sewer, SPDES NYSDOH - Water	TBD
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

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

If Yes, identify the plan(s):

NYS Heritage Areas: Mohawk Valley Heritage Corridor, NYS Heritage Areas: Saratoga

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

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
UR-2 Urban Residential

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

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

C.4. Existing community services.

a. In what school district is the project site located? Saratoga Springs CSD

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

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

d. What parks serve the project site?
Congress Park, Saratoga Spa State Park

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? 1.36 acres
b. Total acreage to be physically disturbed? 1.36 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.36 acres

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

d. Is the proposed action a subdivision, or does it include a subdivision? ☑ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Residential (Townhouses)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☑ No
iii. Number of lots proposed? 22
iv. Minimum and maximum proposed lot sizes? Minimum 1700 +/- Maximum 2800 +/-

e. Will proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: 18-24 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

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

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	22			
At completion of all phases				

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

If Yes,

i. Total number of structures _____

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

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

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

If Yes,

i. Purpose of the impoundment: Potential for impoundments for stormwater mitigation

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

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

_____

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

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

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

Potential stormwater mitigation areas to be constructed in existing earth embankment.

D.2. Project Operations

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

If Yes:

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

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

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

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

_____

_____

i*v.* Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

_____

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

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

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

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

ix. Summarize site reclamation goals and plan: _____

_____

_____

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

If Yes:

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

_____

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

_____

_____

_____

_____

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

If Yes, describe: _____

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

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☑ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: 6600 +/- gallons/day

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

If Yes:

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

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

If Yes:

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

_____

- Source(s) of supply for the district: _____

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

If, Yes:

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

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

_____

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

d. Will the proposed action generate liquid wastes? ☑ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: 6600 +/- gallons/day

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

Residential sanitary wastewater

_____

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

If Yes:

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

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

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

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

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

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

_____

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

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

If Yes:

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

3405 Square feet or 0.78 acres (impervious surface)

59242 Square feet or 1.36 acres (parcel size)

ii. Describe types of new point sources. Pavements, roofs and sidewalks

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

Existing drainage course and existing storm water structures

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

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

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

If Yes, identify:

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

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

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

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

If Yes:

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

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

_____

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

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

_____

_____

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

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend

☐ Randomly between hours of _____ to _____.

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

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

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

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

_____

_____

_____

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

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

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

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

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

_____

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

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

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

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

If yes:

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

General construction noise will be generated during the development of the site. This will be limited to normal daytime working hours. No noises are expected to exceed ambient levels after construction is complete.

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

Describe: General site clearing will be required for the installation of private driveways, utilities, and construction of residential units.

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

If yes:

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

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

Describe: _____

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

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

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

If Yes:

i. Product(s) to be stored _____

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

iii. Generally describe proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

_____

_____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

_____

_____

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

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

_____

_____

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

If Yes: provide name and location of facility: _____

_____

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

_____

_____

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

_____

_____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.21	0.83	+0.62
• Forested	1.15	0.0	-1.15
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.0	0.0	0.0
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	0.0	0.0
• Wetlands (freshwater or tidal)	0.0	0.0	0.0
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: Lawn/Landscape	0.0	0.53	+0.53

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

i. If Yes: explain: _____

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

If Yes,

i. Identify Facilities:

_____

_____

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

If Yes:

i. Dimensions of the dam and impoundment:

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

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

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

If Yes:

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

- If yes, cite sources/documentation: _____

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

_____

_____

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

_____

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

If Yes:

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

_____

_____

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

If Yes:

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

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

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

☐ Neither database

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

_____

_____

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

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

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

_____

_____

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? Greater Than 6.5 feet According to the most recent NRCS Soil Survey for Saratoga County.

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

c. Predominant soil type(s) present on project site:

Windsor Loamy Sand (WnA)	100 %
	%
	%

d. What is the average depth to the water table on the project site? Average: > 6.5 feet According to the most recent NRCS Soil Survey for Saratoga Coutny.

e. Drainage status of project site soils:

☑	Well Drained:	100 % of site
☐	Moderately Well Drained:	_____% of site
☐	Poorly Drained	_____% of site

f. Approximate proportion of proposed action site with slopes:

☑	0-10%:	100 % of site
☐	10-15%:	_____% of site
☐	15% or greater:	_____% of site

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

h. Surface water features.

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

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

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

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

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

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

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

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

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

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

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

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

i. Name of aquifer: Principle Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: _____

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

_____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

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

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

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No

If yes, give a brief description of how the proposed action may affect that use: _____

_____

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

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

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

_____

_____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

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

If Yes:

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

ii. Name: _____

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

_____

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

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

If Yes:

i. Describe possible resource(s): Study to be provided

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: Congress Park and Saratoga Park

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

iii. Distance between project and resource: < 2 miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name _____ Date_____

Signature_____ Title_____

PRINT FORM

EAF Mapper Summary Report

Friday, February 12, 2016 12:08 PM

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:Mohawk Valley Heritage Corridor, NYS Heritage Areas:Saratoga
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	546052
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

LANSING ENGINEERING, PC
2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T
F [redacted]

Ballston Ave Subdivision

PROJECT NARRATIVE
May 25, 2016

INTRODUCTION

Under the new Comprehensive Plan, adopted by the City Council on 6/16/2015, the parcels (and overall neighborhood area) in question have been changed from the UR-2 Zoning Designation to a new designation entitled Complementary Core, which most closely mirrors T-4 under the current Zoning Ordinance. From the 6/16/2015 Comprehensive Plan, this new designation is defined in part, as follows: "The Complementary Core designation consists of areas of commercial uses of moderate to high intensity interspersed with higher density residential uses…. The Complementary Core designation offers opportunities to infill and new development that continues to support the Downtown Core…" Under NYS law, the City's Zoning Ordinance must comply with the Comprehensive Plan approved, resulting in the current revision process being undertaken by the City of the Zoning Ordinance. Since the new Zoning Ordinance could be delayed due to unrelated projects around the City, the application herein has been submitted under the UR-2 zoning, thus requiring variances it may not otherwise need once the new Zoning Ordinance is adopted under the applicable Complementary Core designation. The applicants have been waiting on the revised designation since 2012, when an application was submitted to the City to change the zoning designation of the parcels, but this application was voluntarily withdrawn by the applicants to allow the new Comprehensive Plan to be developed and approved. Almost four years later, the applicants are respectfully requesting that their project be approved and not further delayed by the other controversial projects being considered in the City.

The Ballston Ave Subdivision project proposes five (5) 4-unit townhouses and one (1) 2-unit townhouse on approximately 1.36± acres located at the corner of Ballston Avenue and Finley Street in City of Saratoga Springs, New York. The tax map identification numbers for the parcels are 178.26-1-39, 178.28-1-40, and 178.26-1-46 within the City of Saratoga Springs. The conceptual plan illustrates the general intent of the site development and the configuration of the major elements of the proposed site design. The proposed site plan will require five (5) general area variances for the proposed townhouses.

EXISTING CONDITIONS

Existing Land Use and Zoning

The project site is located at the corner of Ballston Avenue and Finley Street in City of Saratoga Springs. The project site will encompass three lots that are currently owned by the applicant. The property address is 96 Ballston Ave Saratoga Springs and has the tax map identification numbers of 178.26-1-39 (small vacant parking lot with office building / 0.18 acres), 178.26-1-40 (vacant residential / 0.74 acres), and 178.26-1-46 (converted residential office/ 0.44 acres). The three lots will be consolidated and will include a total of approximately 1.36 acres. The lots are zoned as UR-2 Urban Residential and the lots are currently being used for commercial uses. The permitted use for this zoning includes single family residences. A general overview of the surrounding land uses in the area includes commercial and residential.

Soil, Topography and Wetlands
The existing parcels include a two story residence on Finley Street, a two story office building with associated parking on Ballston Ave, a one story office building with associated parking on Ballston Ave and vacant wooded areas. According to the Soil Survey of Saratoga County, New York prepared by National resources Conservation Service (NRCS), the project site consists of one (1) soil type: Windsor loamy sand (WnA). The project site is well drained and consists of slopes 0 – 3 Percent. Wetlands have not been located on the project site.

PROPOSED CONDITIONS

The proposed project includes the utilization of the three lots and removal of the existing buildings. All existing buildings will be removed. The applicant proposes a residential subdivision consisting of 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building. The average minimum lot width is 20 ft. with a minimum front building set back of 10 ft., a rear building setback of 25 ft., and a side building setback of 0-10ft. The proposed minimum lot size is 1,702 sf and proposed maximum lot size of 2,994 sf. A road is proposed on Finley Street to access the site, as shown on the conceptual plan. This road is proposed for dedication to the City of Saratoga Springs. All existing vehicular access points on NYS Route 50 will be removed. Concrete sidewalks are proposed for pedestrian access to Ballston Ave, Finley Street and NYS Route 50.

The current zoning, UR-2, requires two (2) parking spaces per unit. The proposed buildings provide 2 spaces per unit with one (1) space within the enclosed garage and one (1) in the proposed driveway for each unit.

The proposed layout includes an overall building coverage of 33% and will have approximately 39% greenspace. The remaining 28% will consist of impermeable surfaces such as pavement and sidewalks.

UTILITIES, STORMWATER AND SOLID WASTE

It is anticipated that water will be supplied by the City of Saratoga Water Department and sewage (wastewater) service will be provided by the Saratoga County Sewer District (SCSD). Stormwater is anticipated to be managed through on-site structures. Stormwater practices will be discussed in the project specific Stormwater Pollution Prevention Plan (SWPPP). Stormwater control practices will be designed and implemented in accordance with all NYSDEC technical standards and the City of Saratoga Springs guidelines.

PROPOSED AREA VARIANCES

Applications and supporting documents are being made to the City of Saratoga Springs Zoning Board of Appeals to seek relief from the zoning guidelines and requirements and to request the granting of five (5) general area variances for each of the proposed lots in the proposed project.

The project will require the following Area Variances to accommodate the proposed development. The following charts summarize the variances being requested for each proposed lot:

AREA AND BULK REQUIRMENTS						
Lot Number	Zoning District	Minimum lot size (SF)	Minimum Average Width (FT)	Max Principle Building Coverage (%)	Minimum Yard Setback (FT)	
					Each Side	Total Side
1	Proposed	2,640	30	34.2	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	3,960	30	4.2	8	20
2	Proposed	1,760	20	51.4	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,840	40	21.4	8	20
3	Proposed	1,760	20	51.4	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,840	40	21.4	8	20
4	Proposed	2,640	30	34.2	0,10	10
	UR-2	6,600	60	30	8	20
	Requested Relief	3,960	30	4.2	8	10
5	Proposed	2,640	30	34.2	0,10	10
	UR-2	6,600	60	30	8	20
	Requested Relief	3,960	30	4.2	8	10
6	Proposed	1,760	20	51.4	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,840	40	21.4	8	10
7	Proposed	1,760	20	51.4	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,840	40	21.4	8	20
8	Proposed	2,640	30	34.2	0,10	10
	UR-2	6,600	60	30	8	20
	Requested Relief	3,960	30	4.2	8	10
9	Proposed	2,640	30	34.2	0	10
	UR-2	6,600	60	30	8	20
	Requested Relief	3,960	30	4.2	8	10
10	Proposed	1,760	20	51.4	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,840	40	21.4	8	20
11	Proposed	1,760	20	51.4	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,840	40	21.4	8	20

AREA AND BULK REQUIRMENTS						
Lot Number	Zoning District	Minimum lot size (SF)	Minimum Average Width (FT)	Max Principle Building Coverage (%)	Minimum Yard Setback (FT)	
					Each Side	Total Side
12	Proposed	2,611	30	34.5	0,10	10
	UR-2	6,600	60	30	8	20
	Requested Relief	3,989	30	4.5	8	10
13	Proposed	2,635	31	33.2	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	3,965	29	33.2	8	20
14	Proposed	1,702	20	50.9	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,898	40	20.9	8	20
15	Proposed	1,704	20	51.3	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,896	40	21.3	8	20
16	Proposed	2,603	31	33.6	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	3,997	29	3.6	8	20
17	Proposed	2,611	31	34	0,10	10
	UR-2	6,600	60	30	8	20
	Requested Relief	3,989	29	4	8	10
18	Proposed	1,713	20	51.3	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,887	40	21.3	8	20
19	Proposed	1,716	20	51.8	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,884	40	21.8	8	20
20	Proposed	2,994	36	29.7	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	3,606	24	0.7	8	20
21	Proposed	2,833	35	30.9	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	3,767	25	0.9	8	20
22	Proposed	2,576	31	33.7	0,11	11
	UR-2	6,600	60	30	8	20
	Requested Relief	4,024	29	3.7	8	9

CONCLUSION

It is our respectful opinion that the Ballston Ave Subdivision project and the proposed Area Variances will not create an undesirable change in the character of the neighborhood or have any adverse physical or environmental effects on the neighborhood district. The applicant and the applicants engineer look forward to working with the City of Saratoga Springs to advance this residential subdivision project.

LANSING ENGINEERING, PC

2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T [redacted]
F

Examples of Proposed Buildings

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

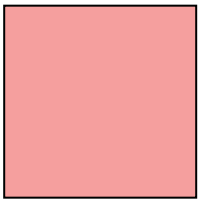
LANSING ENGINEERING, PC

2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T
F [redacted]

City of Saratoga Springs Complementary Core

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

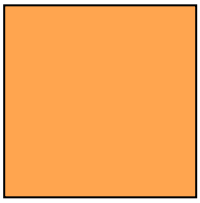


Complementary Core (CC)

Complementary Core (CC)

The Complementary Core designation consists of areas of commercial uses of moderate to high intensity interspersed with higher density residential uses. This area is intended to be pedestrian-oriented with multi-modal transportation options and is a complementary, yet slightly less dense, extension of the Downtown Core. These areas represent a mix of freestanding offices, commercial uses, or clusters of businesses meeting the day-to-day needs of residents. The character of the Complementary Core areas is reflective of an urban environment with buildings near the street, parking to the rear or side, and streetscape elements such as sidewalks, and ample room for street trees.

The Complementary Core designation offers opportunities for infill and new development that continues to support the Downtown Core. Freestanding commercial structures as well as mixed-use, multi-story buildings with residential uses above the commercial uses would both be appropriate in this designation.

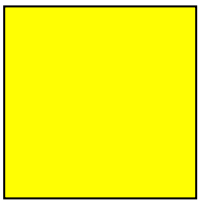


Community Mixed Use (CMU)

Community Mixed Use (CMU)

The Community Mixed Use designation includes areas of moderate density residential and community-supported commercial uses. These areas are characterized by mixed use neighborhoods that are walkable and connected to adjacent residential neighborhoods. Each area includes a variety of neighborhood-scale businesses and services that meets the needs of the surrounding community.

While the character of each Community Mixed Use areas may vary, all areas are intended to be pedestrian-oriented with an attractive streetscape, along with amenities such as small parks and plazas. In some areas, identity is already well established through architecture and streetscape while in others, identity will be shaped by future planning decisions.



Core Residential Neighborhood-1 (CRN-1)

Core Residential Neighborhood-2 (CRN-2)

Core Residential Neighborhood-3 (CRN-3)

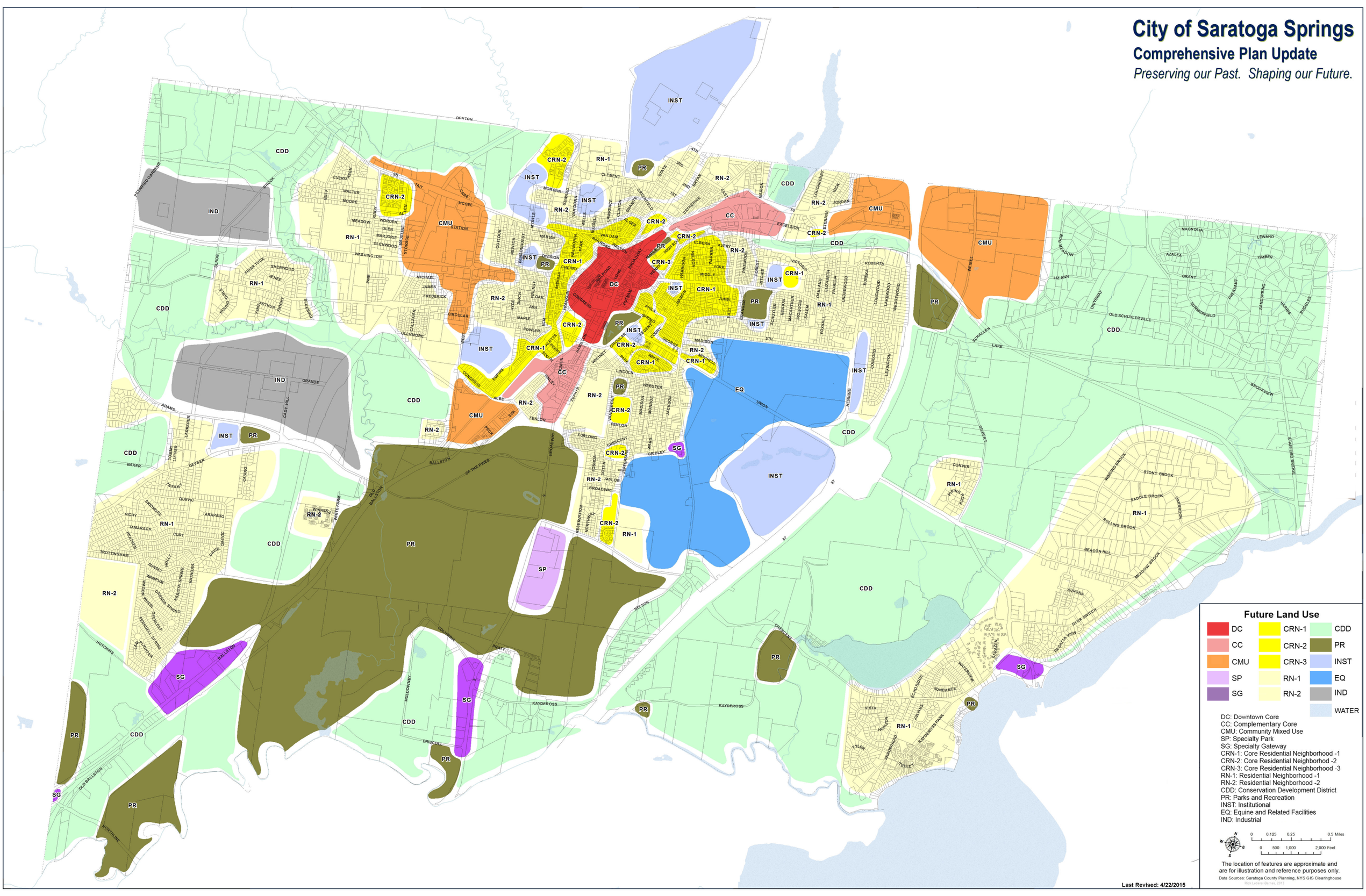
Core Residential Neighborhood-1 (CRN-1), Core Residential Neighborhood-2 (CRN-2), and Core Residential Neighborhood-3 (CRN-3)

The Core Residential Neighborhood-1, -2, and -3 designations provide a transition from the Downtown Core and Complementary Core to the predominantly residential neighborhood areas and represent the historic residential village. These areas are primarily residential in use, with single and two-family homes allowed in all three CRN designations, while multi-family uses are allowed only in the CRN-2 and CRN-3 areas. The Core neighborhoods reflect Saratoga's quintessential residential character and charm through unique architecture, historic elements, front porches, sidewalks, and tree-lined streets.

City of Saratoga Springs

Comprehensive Plan Update

Preserving our Past. Shaping our Future.



Future Land Use

DC	CRN-1	CDD
CC	CRN-2	PR
CMU	CRN-3	INST
SP	RN-1	EQ
SG	RN-2	IND
		WATER

DC: Downtown Core
CC: Complementary Core
CMU: Community Mixed Use
SP: Specialty Park
SG: Specialty Gateway
CRN-1: Core Residential Neighborhood -1
CRN-2: Core Residential Neighborhood -2
CRN-3: Core Residential Neighborhood -3
RN-1: Residential Neighborhood -1
RN-2: Residential Neighborhood -2
CDD: Conservation Development District
PR: Parks and Recreation
INST: Institutional
EQ: Equine and Related Facilities
IND: Industrial

0 0.125 0.25 0.5 Miles

0 500 1,000 2,000 Feet

The location of features are approximate and are for illustration and reference purposes only.

Data Sources: Saratoga County Planning, NYS GIS Clearinghouse
Tom Lederer Survey, 2015

Last Revised: 4/22/2015

City of Saratoga Springs

Comprehensive Plan Update

Preserving our Past. Shaping our Future.

Country Overlay

- Country Overlay Areas
- Parcels
- Water

0 0.125 0.25 0.5 Miles

0 500 1,000 2,000 Feet

The location of features are approximate and are for illustration and reference purposes only.

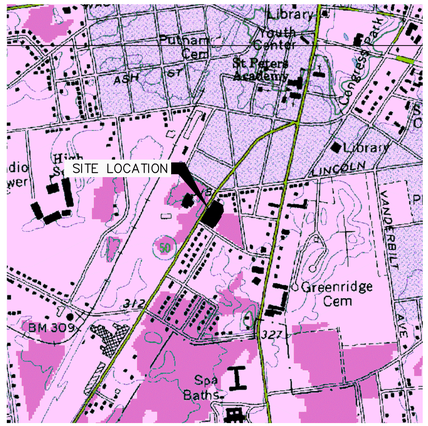
Data Sources: Saratoga County Planning, NYS GIS Clearinghouse

Rick Ledner-Barnes, 2013

Last Revised: 4/22/2015

BALLSTON AVE SUBDIVISION

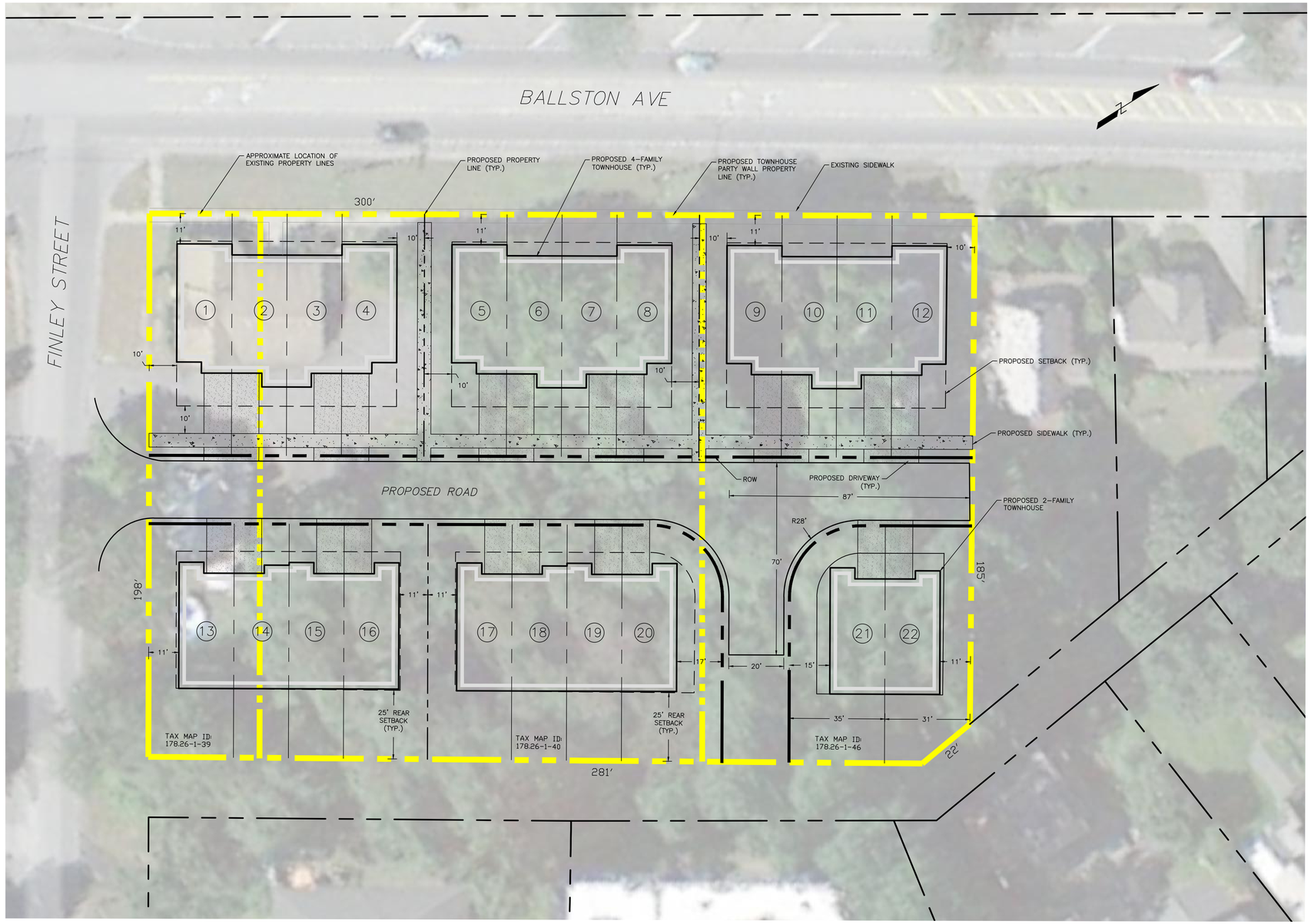
CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK



SITE LOCATION MAP

0 500 1000 2000 4000

SCALE: 1"=1000'



CONCEPT PLAN

0 10 20 40 80

SCALE: 1"=20'

SITE STATISTICS:

ZONING – URBAN RESIDENTIAL–2 (UR–2)

TOTAL PARCEL SIZE – 1.36 ± AC.

NUMBER OF PROPOSED LOTS – 22 LOTS
(5) 4–UNIT TOWNHOUSES – 20 LOTS
(1) 2–UNIT TOWNHOUSES – 2 LOTS

AREA AND BULK REQUIREMENTS

MIN LOT SIZE =	6,600 SF
MIN AVG WIDTH =	60 FT
MAX BUILDING COVERAGE:	
PRINCIPLE =	30 %
ACCESSORY =	10 %
MINIMUM SET BACKS:	
FRONT =	10 FT
REAR =	25 FT
EACH SIDE =	8 FT
TOTAL SIDE =	20 FT
MINIMUM 1ST FLOOR AREA:	
1 STORY =	900 SF
2 STORY =	700 SF
MAX BUILDING HEIGHT =	60 FT
MINIMUM % TO REMAIN PERMEABLE =	25 %

PARKING SUMMARY

CITY OF SARATOGA SPRINGS REQUIREMENTS:
RESIDENCES (UR–2) = 2 SPACES PER UNIT

REQUIRED = (2 SAPCES PER UNIT) X (1 UNIT PER LOT)
= 2 SPACES PER LOT

PROVIDED = 2 SPACES PER LOT, 1 SPACE PROVIDED WITHIN ENCLOSED GARAGE AND 1 SPACE PROVIDED IN EACH DRIVEWAY.

NOTES

1) THE PROPOSED ROAD SHALL BE DEDICATED TO THE CITY OF SARATOGA SPRINGS.

AREA AND BULK REQUIREMENTS

LOT NUMBER	ZONING DISTRICT	MIN LOT SIZE (SF)	MIN AVG WIDTH (FT)	MAX PRINCIPLE BUILDING COVERAGE (%)	MINIMUM YARD SETBACK (FT) EACH SIDE	MINIMUM YARD SETBACK (FT) TOTAL SIDE
1	PROPOSED	2,640	30	34.2	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	3,960	30	4.2	8	20
2	PROPOSED	1,760	20	51.4	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,840	40	21.4	8	20
3	PROPOSED	1760	20	51.4	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,840	40	21.4	8	20
4	PROPOSED	2,640	30	34.2	0,10	10
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	3,960	30	4.2	8	10
5	PROPOSED	2,640	30	34.2	0,10	10
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	3,960	30	4.2	8	10
6	PROPOSED	1,760	20	51.4	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,840	40	21.4	8	20
7	PROPOSED	1,760	20	51.4	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,840	40	21.4	8	20
8	PROPOSED	2,640	30	34.2	0,10	10
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	3,960	30	4.2	8	10
9	PROPOSED	2,640	30	34.2	0,10	10
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	3,960	30	4.2	8	10
10	PROPOSED	1,760	20	51.4	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,840	40	21.4	8	20
11	PROPOSED	1,760	20	51.4	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,840	40	21.4	8	20

AREA AND BULK REQUIREMENTS

LOT NUMBER	ZONING DISTRICT	MIN LOT SIZE (SF)	MIN AVG WIDTH (FT)	MAX PRINCIPLE BUILDING COVERAGE (%)	MINIMUM YARD SETBACK (FT) EACH SIDE	MINIMUM YARD SETBACK (FT) TOTAL SIDE
12	PROPOSED	2,611	30	34.5	0,10	10
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	3,989	30	4.5	8	10
13	PROPOSED	2,635	31	33.2	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	3,965	29	3.2	8	20
14	PROPOSED	1,702	20	50.9	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,898	40	20.9	8	20
15	PROPOSED	1,704	20	51.3	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,896	40	21.3	8	20
16	PROPOSED	2,603	31	33.6	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	3,997	29	3.6	8	20
17	PROPOSED	2,611	31	34	0,10	10
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	3,989	29	4	8	10
18	PROPOSED	1,713	20	51.3	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,887	40	21.3	8	20
19	PROPOSED	1,716	20	51.8	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,884	40	21.8	8	20
20	PROPOSED	2,994	36	29.7	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	3,606	24	0.7	8	20
21	PROPOSED	2,833	35	30.9	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	3,767	25	0.9	8	20
22	PROPOSED	2,576	31	33.7	0,11	11
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,024	29	3.7	8	9

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 OF NYS EDUCATION LAW. COPYRIGHT LANSING ENGINEERING, P.C.

BALLSTON AVE SUBDIVISION
CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

DATE	REVISION/ RECORD/DESCRIPTION

LANSING ENGINEERING
2458 ROUTE 9, SUITE 301
MALTA, NY 12020
(518) 899-2243

CONCEPTUAL LAYOUT PLAN

PROJ. NO: 753.00
SCALE: AS SHOWN
DATE: 05/25/16

CLP–1
SHEET 1 OF 1

LANSING ENGINEERING, PC

2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T
F [redacted]

Previous Use Variance
Granted by the Supreme Court

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

STATE OF NEW YORK

SUPREME COURT COUNTY OF SARATOGA

RALPH SIANO and JANE SIANO,

Petitioners.

-against-

THE CITY OF SARATOGA SPRINGS ZONING BOARD OF APPEALS,

Respondent.

DECISION, ORDER AND JUDGMENT
RJI No. 45-1-2005-1545
Index No. 2005-2771

PRESENT: HON. THOMAS D. NOLAN, JR.
Supreme Court Justice

APPEARANCES: GINLEY & GOTTMAN, P.C.
Attorneys for Petitioners
63 Putnam Street
Saratoga Springs, New York 12866

ANTHONY J. IZZO
Assistant City Attorney
Attorney for Respondent
474 Broadway
City Hall, Room 9
Saratoga Springs, New York 12866

In this proceeding under Article 78 of the CPLR, petitioners challenge the decision of respondent, Zoning Board of Appeals of the City of Saratoga Springs (hereinafter Zoning Board) denying their application for a use variance, which, if granted, would allow petitioners' contract vendees to convert 96 Ballston Avenue from a single-family residence to a law office.

In 1993, petitioners and a partner purchased for $15,000.00 at a foreclosure sale the subject property which, by all accounts, was a neglected 2,800 square feet single-family

residence. After buying out their partner's one-half interest for $20,000.00,[1] petitioners invested another $175,000.00 plus their labor over the next two years to completely renovate the structure to make it suitable for their home. During the construction phase, an existing strip mall then located across Ballston Avenue underwent an expansion consisting of a supermarket and large parking lot directly across from the residence. In 1996, petitioners began renting the property first to families and later, as traffic and safety issues made the residence less attractive to families with children, to college students and to military personnel temporarily stationed in the Saratoga area. In 2002, petitioners decided to sell the property. Between 2002 and 2005, they listed it with three realtors at prices varying from $259,000.00 to $289,000.00.[2] According to petitioner and their realtors, the property was shown to 40 to 50 prospective purchasers. Only three purchase offers, all contingent on a zoning change to allow a commercial use, were made. The latest offer, from a law firm, is for $250,000.00. It is this offer that precipitated this proceeding before the Zoning Board.

The City's building inspector's denial of petitioners' application for a use variance was appealed to the Zoning Board. On October 17, 2005, a public hearing was held. Petitioners offered their own testimony and that of their realtor, Daniel Gaba, photographs of the neighborhood and neighboring properties, a financial analysis detailing income and expenses of the property from 2000 to 2005, a sketch plan of the site, a petition signed by neighbors who did not object to the use change, and an opinion from an appraiser that the property's location rendered it unappealing to residential buyers. At the hearing, no appearance or evidence was

---

[1]According to plaintiffs, the property, at market value, was then worth $40,000.00.

[2]The 2005 assessment was $262,000.00.

offered in opposition. Petitioners' evidence disclosed that the Ballston Avenue corridor is an area with residential and commercial uses. Petitioner's property is bordered to the immediate south by a professional office (for which a use variance was granted); to the immediate east by a group residence for the developmentally challenged; to the north, one lot away, by a single-family residence housing a realtor's office; and to the west, on the opposite side of Ballston Avenue, by a strip mall housing numerous businesses ranging from a bank to a tavern to a free standing Price Chopper grocery store directly opposite petitioners' property. Petitioners' proof further established that their residence and their lot are considerably larger than most existing single-family residences and lots in the neighborhood.

During the October 24, 2005 meeting of the Zoning Board, a resolution proposing to grant the variance was made and seconded but voted down with five of the Zoning Board's seven members voting "no". The resolution's failure, constituting a denial of the appeal, prompted this proceeding wherein petitioners contend that the denial was unsupported by substantial evidence, arbitrary and capricious, and an abuse of discretion. Petitioners offer that they have proved the requisite elements to establish that the existing zoning classification causes them unnecessary hardship and are thus entitled to a use variance.[3] In its answer, the Zoning Board contends that its denial was properly, lawfully, and rationally made and therefore not arbitrary and capricious and was supported by evidence in the record.

A zoning board must make appropriate factual findings upon which its decision is based

---

[3]On December 19, 2005, after this proceeding was commenced, the Zoning Board adopted a resolution formally denying petitioners' application. Subsequently, petitioners and respondent Zoning Board stipulated that this subsequent resolution be "not part of the record, and that the Court shall not consider it in making its decision" and requested that the stipulation be "so ordered" and the court honored that joint request.

to facilitate proper and reasoned judicial review of its decision, Matter of Syracuse Aggregate Corp. v Weise, 5 NY2d 278, 283 - 284 (1980), and if it does not, the court may remit the matter to "make findings that correlate the evidence in the record to the standards governing the issuance of a use variance and indicate what evidence it acted upon in reaching its determination". Matter of Androme Leather Corp. v City of Gloversville, 1 AD3d 654, 655 (3rd Dept 2003), lv denied 1 NY3d 507 (2004). Yet, remand is not mandatory, and the merits of a proceeding may properly be reached provided the factual underpinnings for the decision are present elsewhere in the administrative record. Matter of Fisher v Makowitz, 166 AD2d 444 (2nd Dept 1990); Matter of Concerned Citizens Against Crossgates v Town of Guilderland Zoning Bd. of Appeals, 91 AD2d 763 (3rd Dept 1982). In this case, both petitioners and the Zoning Board advocate against remand and urge that the court search the record, namely the written minutes and the DVD recordings of the two meetings of the Zoning Board. Since parties are free to chart their own course in litigation, unless public policy is affronted, CPLR 2104, Mitchell v New York Hosp., 61 NY2d 208, 214 (1984); Rich v Rich, 282 AD2d 952 (3rd Dept 2001), including "fashion[ing] the basis upon which a particular controversy will be resolved, Cullen v Naples, 31 NY2d 818, 820 (1972), and even though the factual underpinnings for the Zoning Board's decision are not included within its formal denial resolution, but are disclosed elsewhere in the record, the merits may be reached.

Now the substance of the challenge. "Zoning boards relieve the pressures created by imperfect land use controls and help interpret variance ordinances as 'safety valve[s]' for the zoning system, which enables the board to do substantial justice between the owner who wishes to improve [or to change the use of] his property and the owners of nearby property that will be

affected by the building to be erected' or improved [or by the change of use]." Matter of Center Square Assn. v City of Albany Bd. of Zoning Appeals, 19 AD3d 968, 970 (3rd Dept 2005); quoting in part Matter of Cobb v Board of Appeals of City of Buffalo, 128 Misc 67, (Sup Ct, Erie County, 1926). "Zoning boards are afforded considerable discretion and their determinations are generally not disturbed if they have a rational basis and are supported by substantial evidence." Matter of Androme Leather Corp. v City of Gloversville, supra, at 656. General City Law § 81-b (3) (b) establishes the criteria which a city zoning board must apply to use variance applications. An applicant for a use variance has the burden to show that the zoning ordinance's restrictions are causing unnecessary hardship by establishing four elements: (1) that the property cannot yield a reasonable return when used for a permitted purpose; (2) that the hardship results from unique characteristics of the property; (3) that the proposed use will not alter the essential nature of the neighborhood; and (4) that the hardship was not self created. Matter of Diana v City of Amsterdam Zoning Bd. of Appeals, 243 AD2d 939 (3rd Dept 1997).

This extensive and well-developed record demonstrates that petitioners are entitled to a use variance for a law office. The Zoning Board's denial simply was not based upon a reasoned consideration of or supported by the evidence in the record.

The first element, that petitioners have been unable to generate a reasonable return on their property as a single-family rental unit, was convincingly proved by "dollars and cents" evidence. Petitioners adequately demonstrated that a consistent or long term rental of this property as a residence at a rent sufficient to meet all expenses and produce a reasonable profit was made impossible by the heavy traffic upon this main gateway street into the City of Saratoga Springs and by the lights and noise and activity generated by a 24 hour, supermarket directly

across the street. Thus petitioners, by necessity, were forced to rent to short term tenants by virtue of the location's drawbacks. Petitioners' economic proof conclusively established that the rentals were not yielding a reasonable return on petitioners' investment. The Zoning Board's dismissive observation that petitioners should not have made an investment of that magnitude supports a conclusion that it closed its eyes to the detailed financial analysis before it.

Moreover, there was overwhelming proof that petitioners made honest and extended efforts to sell the property as a single-family residence at a reasonable price, but those efforts, over three years, attracted not one buyer interested in the property for residential use. According to the petitioners and realtor, Gaba, who had handled the listing for two years, no one to whom the property was shown was interested in it as a single-family residence, and all the showings were to persons interested in it as an office or other business. The property was listed for sale at a price reasonably close to its assessed valuation and did not sell during a time when properties throughout the City were selling rapidly and significantly above their assessed values. The Zoning Board's other dismissive observation that petitioners could always lower their asking price supports a conclusion that it did not give reasoned consideration to the element of reasonable return and to the petitioners' evidence on that element.

The second element, a hardship unique to this property, rather than of general application to the neighborhood, was also clearly proven. Here, petitioners have a large structure on a large double lot with road frontage of 100 feet, dimensions larger than those of most of the smaller residential family units on Ballston Avenue. Once again, this property is directly bordered on two sides, the south and east, by commercial/business uses and is opposite a strip mall and a Price Chopper supermarket.

The third element, neighborhood impact, was also demonstrated. The neighborhood will not be adversely affected or its essential nature changed or altered by a law office. The lot will adequately and safely accommodate all parking needs of the proposed law office use. This property is nearly surrounded by commercial enterprises. Even the owner of the residential property located immediately adjacent to the north does not oppose the application. This section of Ballston Avenue is permeated with commercial and business uses more intense than a law office. The record evidence establishes that a use variance was granted several years ago to allow a similar professional office use on the property immediately to the south of this property. Petitioners ought not take the brunt of the Zoning Board's desire, expressed in this record, that the City Council consider rezoning the Ballston Avenue corridor to allow business and commercial uses as a matter of right.

The last element, self-created hardship, was also satisfied. On the one hand, when petitioners acquired the property, they knew that it was zoned for residential use, and indeed, have abided by that limitation for over 10 years. On the other, since their acquisition, the commercial uses in the neighborhood have intensified, particularly directly across the street. These post-acquisition changes have further eroded the attractiveness or suitability of this property for residential use. The character of the neighborhood, although mixed to some degree when petitioners purchased the property, has become more commercial as the result of development by others, not petitioners. None of these post acquisition developments was self-imposed.

In sum, the record, when viewed in total, demonstrates undue hardship warranting a use variance. The petition is granted and the denial of petitioners' application is vacated. Since the

record fails to demonstrate any reason why the application should be remanded to the Zoning Board for further proceedings, petitioners are entitled to judgment granting their application for a use variance to permit a law office at 96 Ballston Avenue.

This memorandum shall constitute the decision, order and judgment of the court. All papers, including this decision, order and judgment, are being returned to petitioners' counsel. The signing of this decision, order and judgment shall not constitute entry or filing under CPLR 2220. Counsel is not relieved from the applicable provisions of that section relating to filing, entry and notice of entry.

So Ordered and Adjudged.

DATED: June 13, 2006
Ballston Spa, New York

HON. THOMAS D. NOLAN, JR.
Supreme Court Justice

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: June 7, 2007 501957

In the Matter of RALPH SIANO
et al.,
Respondents,
v MEMORANDUM AND ORDER

CITY OF SARATOGA SPRINGS
ZONING BOARD OF APPEALS,
Appellant.

Calendar Date: April 25, 2007

Before: Crew III, J.P., Spain, Mugglin, Lahtinen and Kane, JJ.

Michael Englert, City Attorney, Saratoga Springs (Anthony J. Izzo of counsel), for appellant.

Ginley & Gottmann, P.C., Saratoga Springs (Steven H. Gottmann of counsel), for respondents.

Appeal from a judgment of the Supreme Court (Nolan Jr., J.), entered June 20, 2006 in Saratoga County, which granted petitioners' application, in a proceeding pursuant to CPLR article 78, to annul a determination of respondent denying petitioners' request for a use variance.

Judgment affirmed, upon the opinion of Justice Thomas E. Nolan Jr.

Crew III, J.P., Spain, Mugglin, Lahtinen and Kane, JJ., concur.

ORDERED that the judgment is affirmed, with costs.

ENTER:

Michael J. Novack
Clerk of the Court

LANSING ENGINEERING, PC

2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T [redacted]
F

Previous Approved Variances

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

ZONING BOARD OF APPEALS
CITY OF SARATOGA SPRINGS

City Hall, 474 Broadway
Saratoga Springs, New York 12866
518-587-3550
518-587-6512 Fax

IN THE MATTER OF THE APPEAL OF

Permit Consultants, Inc.
116 Ballston Avenue
Saratoga Springs, NY 12866

from the determination of the Building Inspector involving the premises at 116 Ballston Avenue in the City of Saratoga Springs, New York being Section 178.26, Block 1, Lot 39, inside district, on the Assessment Map of said City.

WHEREAS, the appellant having applied for a use variance under the Zoning Ordinance of said City, as amended, to use this premises for an investment and financial services office in an Urban Residential-2 district and due public notice having been duly given of a hearing on said application held on the 26th day of June 2002.

WHEREAS, after due consideration, the Board makes the following resolution and finding of fact: The use variance to permit a financial services branch office, as shown on the submitted plans be granted for any or all of the following reasons:

1. The applicant has demonstrated this property cannot yield a reasonable financial return if used for any permissible use by providing proof that the property faces a large shopping center and the building located on the property is designed for commercial use. The applicant has presented credible and persuasive evidence that any efforts to convert the property to residential use would be cost prohibitive.

2. The applicant has demonstrated this property is unique in that it has a long history of commercial use dating back to the 1920s. Also, it abuts a large busy highway.

3. The applicant has demonstrated the variance requested is the minimum variance which would alleviate the hardship because the applicant proposes to alleviate the hardship by using the premises as a business office. Considering the other nonresidential uses nearby, the proposed use is of minimal effect.

4. The use authorized by the variance will not have an adverse impact on the essential character of the neighborhood because the property has been used for several non-residential purposes over many years without generating unreasonable impacts. The proposed office use will generate even less impact that most of the prior uses.

Dated: June 26, 2002
Adopted by the following vote: 5 Ayes; 0 Nays

July 10, 2002
Date

ZONING BOARD OF APPEALS OF THE
CITY OF SARATOGA SPRINGS, NEW YORK

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, five members of the Board being present.

July 10, 2002
Date

Secretary

CITY OF SARATOGA SPRINGS

DESIGN REVIEW COMMISSION

CITY HALL - 474 BROADWAY
SARATOGA SPRINGS, NEW YORK 12866
TEL: 518-587-3550 x.515 FAX: 518-580-9480
WWW.SARATOGA-SPRINGS.ORG

PATRICK KANE
CHAIR
STEVEN ROWLAND
VICE CHAIR
RICHARD MARTIN
CHRIS BENNETT
SUSAN SHAFER
GRETCHEN MARCELL
MARK HOGAN

NOTICE OF ADMINISTRATIVE ACTION

In the matter of the request for administrative action relating to application

#2007.103
Ginley & Gottman
96 Ballston Ave
Saratoga Springs, NY 12866

to: approve final details including the front porch and ramp as shown on the drawings submitted to the Zoning Board of Appeals on 12/10/07 and the Planning Board on 12/12/07.

the Chairperson of the Design Review Commission finds that, in accordance with Section 8.3 of the Rules and Regulations of the Design Review Commission, the requested action is not substantive in nature and is not contrary to the intent of the original Commission decision. Therefore, the request for administrative action, as described above, is approved.

The Chair shall report the result of this action at the Design Review Commission on January 27, 2008.

12/14/07
Date

Patrick V Kane
Chair

cc: Michael Biffer, Building Inspector
File

LANSING ENGINEERING, PC

2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T
F [redacted]

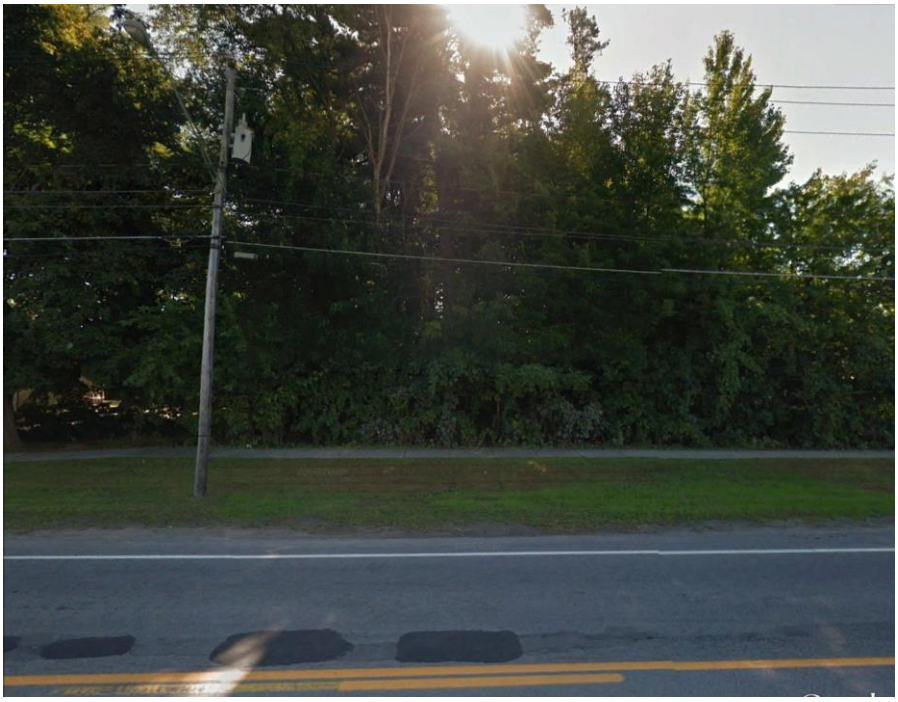
Ballston Ave Subdivision
Site Photos

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

116 Ballston Ave (Facing North - Front)

96 Ballston Ave (Facing South - Front)



Vacant Lot (Front)

96 Ballston Ave (Front)

116 Ballston Ave (Front)

116 Ballston Ave (Facing East on Finley Street)

116 Ballston Ave (facing West on Finley Street)

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	Steven Gottman, Ginley & Gottmann, P.C.		
Address	96 Ballston Ave Saratoga Springs, NY 12866	Same as Applicant	Same as Applicant
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: 96 Ballston Ave, Saratoga Springs, NY 12866 Tax Parcel No.: 176.26-1-39,40,46
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 9/30/2009

3. Zoning District when purchased: UR-2 Urban Residential

4. Present use of property: Converted Res./ Vacant Res./ Commercial

5. Current Zoning District: UR-2 Urban Residential

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? June 2006, 2007 For what? 2006: 96 Ballston Ave to be used as an office.
2007: Area variance for handicap ramp access.)
☐ 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 project proposes to consolidate three (3) lots and construct a residential subdivision with townhouses. The residential subdivision includes 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building as shown on the conceptual plan.

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) UR-2 Area & Bulk Schedule Requirements

Dimensional Requirements	From	To
See the attached project narrative for the requested variances for each individual lot.		

Other:

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

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

   Alternative designs have been considered by the applicants to create a development for the parcel that is both appropriate to the neighborhood and marketable to the community. The existing 6,600 SF lot area requirements and associated residential density is not compatible with the NYS 50 corridor and the existing commercial uses immediately across the street and along the corridor. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

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 proposed variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

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

The proposed variances are not substantial. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

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 variances will not have adverse physical or environmental effects on the neighborhood district. The project will be provided with public water and public sewer services to protect the environmental water quality and fire protection. Storm water runoff will be managed in accordance with all applicable regulations. Clearing will be limited and green space will maintained to the greatest extent possible. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

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

The proposed variance requests have been created to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also parallels the various master plan updates and zone changes that are already approved and/or under consideration by the City of Saratoga Springs. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

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: Steven Gottman, Ginley & Gottmann, P.C.

TAX PARCEL NO.: 176.26 - 1 - 39, 40 & 46

PROPERTY ADDRESS: 96 Ballston Ave, Saratoga Springs, NY 12866

ZONING DISTRICT: UR-2

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
See the attached project narrative for the request variances for each individual lot.		

Other: _____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

_____
(Application #)

_____
(Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Steven Gottman, Ginley & Gottmann, P.C.		
Address	96 Ballston Ave Saratoga Springs, NY 12866	Same as Applicant	Same as Applicant
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: 96 Ballston Ave, Saratoga Springs, NY 12866 Tax Parcel No.: 176.26-1-39,40,46
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 9/30/2009

3. Zoning District when purchased: UR-2 Urban Residential

4. Present use of property: Converted Res./ Vacant Res./ Commercial

5. Current Zoning District: UR-2 Urban Residential

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? June 2006, 2007 For what? 2006: 96 Ballston Ave to be used as an office.
2007: Area variance for handicap ramp access.)
☐ 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 project proposes to consolidate three (3) lots and construct a residential subdivision with townhouses. The residential subdivision includes 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building as shown on the conceptual plan.

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) UR-2 Area & Bulk Schedule Requirements

Dimensional Requirements	From	To
Minimum Lot Sizes	6,600 SF	1,702 SF
Minimum AVG Lot Widths	60 FT	20 FT
Maximum Building Coverage	30%	33%
Each Side Minimum Yard Setback	8 FT	0 FT
Total Side Minimum Yard Setback	20 FT	0 FT

Other:

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

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

   Alternative designs have been considered by the applicants to create a development for the parcel that is both appropriate to the neighborhood and marketable to the community. The existing 6,600 SF lot area requirements and associated residential density is not compatible with the NYS 50 corridor and the existing commercial uses immediately across the street and along the corridor. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

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 proposed variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

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

The proposed variances are not substantial. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

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 variances will not have adverse physical or environmental effects on the neighborhood district. The project will be provided with public water and public sewer services to protect the environmental water quality and fire protection. Storm water runoff will be managed in accordance with all applicable regulations. Clearing will be limited and green space will maintained to the greatest extent possible. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

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

The proposed variance requests have been created to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also parallels the various master plan updates and zone changes that are already approved and/or under consideration by the City of Saratoga Springs. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

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: Steven Gottman, Ginley & Gottmann, P.C. TAX PARCEL NO.: 176.26 - 1 - 39, 40 & 46

PROPERTY ADDRESS: _____ ZONING DISTRICT: UR-2

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
Minimum Lot Sizes	6,600 SF	1,702 SF
Minimum AVG Lot Widths	60 FT	20 FT
Maximum Building Coverage	30%	33%
Each Side Minimum Yard Setback	8 FT	0 FT
Total Side Minimum Yard Setback	20 FT	0 FT

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

A. Project and Sponsor Information.

Name of Action or Project: Ballston Ave Subdivision		
Project Location (describe, and attach a general location map): 96 Ballston Ave, Saratoga Springs, NY, 12866		
Brief Description of Proposed Action (include purpose or need): The proposed project site is located on a 1.36 +/- Acre site on the corner of Finley Street and Ballston Ave in the City of Saratoga Springs, NY. The project proposes to consolidate three (3) lots and construct a residential subdivision with townhouses. The residential subdivision includes 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building as shown on the conceptual plan. Access to the proposed lots will be a private driveway that will be created on Finley Street. Sewer service will be provided by Saratoga County Sewer District #1 and water shall be provided by the City of Saratoga Springs.		
Name of Applicant/Sponsor: Steven Gottmann, Ginley & Gottmann, P.C.	Telephone: [redacted] E-Mail: [redacted]	
Address: 96 Ballston Avenue		
City/PO: Saratoga Springs	State: NY	Zip Code: 12866
Project Contact (if not same as sponsor; give name and title/role): Same	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Council, Town Board, ☐Yes☑No or Village Board of Trustees		
b. City, Town or Village ☑Yes☐No Planning Board or Commission	Planning Board - Subdivision and site plan approval	TBD
c. City Council, Town or ☑Yes☐No Village Zoning Board of Appeals	ZBA - Area variances	
d. Other local agencies ☐Yes☑No		
e. County agencies ☑Yes☐No	SCSD #1 - Sewer, Saratoga County Planning Board	TBD
f. Regional agencies ☐Yes☑No		
g. State agencies ☑Yes☐No	NYSDEC - Sewer, SPDES NYSDOH - Water	TBD
h. Federal agencies ☐Yes☑No		

i. Coastal Resources.
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes☐No

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

If Yes, identify the plan(s):

NYS Heritage Areas: Mohawk Valley Heritage Corridor, NYS Heritage Areas: Saratoga

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

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
UR-2 Urban Residential

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

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

C.4. Existing community services.

a. In what school district is the project site located? Saratoga Springs CSD

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

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

d. What parks serve the project site?
Congress Park, Saratoga Spa State Park

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? 1.36 acres
b. Total acreage to be physically disturbed? 1.36 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.36 acres

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

d. Is the proposed action a subdivision, or does it include a subdivision? ☑ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Residential (Townhouses)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☑ No
iii. Number of lots proposed? 22
iv. Minimum and maximum proposed lot sizes? Minimum 1700 +/- Maximum 2800 +/-

e. Will proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: 18-24 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

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

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	22			
At completion of all phases				

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

If Yes,

i. Total number of structures _____

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

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

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

If Yes,

i. Purpose of the impoundment: Potential for impoundments for stormwater mitigation

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

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

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

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

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): Potential stormwater mitigation areas to be constructed in existing earth embankment.

D.2. Project Operations

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

If Yes:

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

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

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

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

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

If yes, describe. _____

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

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

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

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

ix. Summarize site reclamation goals and plan: _____

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

If Yes:

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

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

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

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

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

v. Describe any proposed reclamation/mitigation following disturbance:

c. Will the proposed action use, or create a new demand for water? ☑Yes☐No
If Yes:

i. Total anticipated water usage/demand per day: 6600 +/- gallons/day

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

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

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

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

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

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

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

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

d. Will the proposed action generate liquid wastes? ☑Yes☐No
If Yes:

i. Total anticipated liquid waste generation per day: 6600 +/- gallons/day

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

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

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

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

If Yes:

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

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

If Yes:

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

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

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

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

If Yes:

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

3405 Square feet or 0.78 acres (impervious surface)

59242 Square feet or 1.36 acres (parcel size)

ii. Describe types of new point sources. Pavements, roofs and sidewalks

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

Existing drainage course and existing storm water structures

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

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

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

If Yes, identify:

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

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

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

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

If Yes:

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

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

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

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

If Yes:

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

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

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

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

_____

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

If Yes:

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

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

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

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

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

_____

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

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

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

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

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

_____

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

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

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

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

If yes:

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

General construction noise will be generated during the development of the site. This will be limited to normal daytime working hours. No noises are expected to exceed ambient levels after construction is complete.

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

Describe: General site clearing will be required for the installation of private driveways, utilities, and construction of residential units.

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

If yes:

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

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

Describe:

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

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

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

If Yes:

i. Product(s) to be stored

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

iii. Generally describe proposed storage facilities:

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

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

- Construction:
- Operation:

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

- Construction:
- Operation:

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.21	0.83	+0.62
• Forested	1.15	0.0	-1.15
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.0	0.0	0.0
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	0.0	0.0
• Wetlands (freshwater or tidal)	0.0	0.0	0.0
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: Lawn/Landscape	0.0	0.53	+0.53

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

i. If Yes: explain: _____

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

If Yes,

i. Identify Facilities:

_____

_____

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

If Yes:

i. Dimensions of the dam and impoundment:

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

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

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

If Yes:

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

- If yes, cite sources/documentation: _____

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

_____

_____

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

_____

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

If Yes:

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

_____

_____

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

If Yes:

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

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

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

☐ Neither database

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

_____

_____

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

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

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

_____

_____

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? Greater Than 6.5 feet According to the most recent NRCS Soil Survey for Saratoga County.

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

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

d. What is the average depth to the water table on the project site? Average: > 6.5 feet According to the most recent NRCS Soil Survey for Saratoga Coutny.

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

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

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

h. Surface water features.

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

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

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

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

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

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

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

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

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

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

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

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

i. Name of aquifer: Principle Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: _____

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐Yes ☑No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

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

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

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☑No

If yes, give a brief description of how the proposed action may affect that use: _____

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

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

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☑No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

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

If Yes:

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

ii. Name: _____

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

_____

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

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

If Yes:

i. Describe possible resource(s): Study to be provided

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: Congress Park and Saratoga Park

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

iii. Distance between project and resource: < 2 miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

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

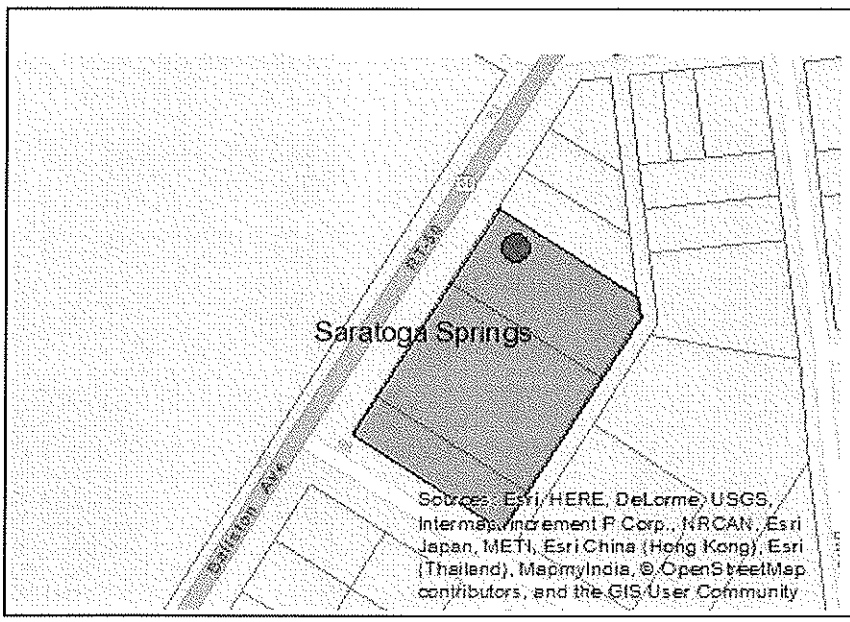
Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

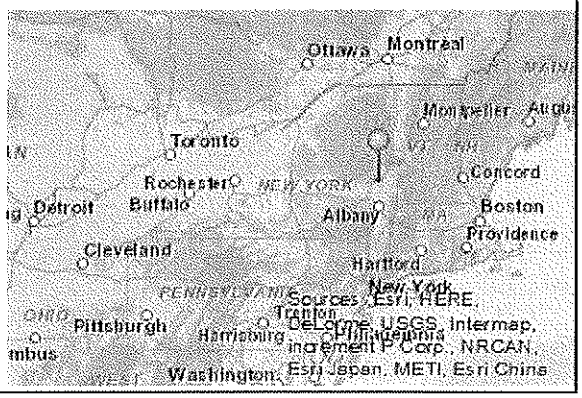
PRINT FORM

EAF Mapper Summary Report

Friday, February 12, 2016 12:08 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:Mohawk Valley Heritage Corridor, NYS Heritage Areas:Saratoga
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	546052
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.2.i. [Aquifers]	Yes
E.2.i. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

LANSING ENGINEERING, PC
2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T (518) 899-5243
F (518) 899-5245

Ballston Ave Subdivision

PROJECT NARRATIVE
April 5, 2016

INTRODUCTION

Under the new Comprehensive Plan, adopted by the City Council on 6/16/2015, the parcels (and overall neighborhood area) in question have been changed from the UR-2 Zoning Designation to a new designation entitled Complementary Core, which most closely mirrors T-4 under the current Zoning Ordinance. From the 6/16/2015 Comprehensive Plan, this new designation is defined in part, as follows: "The Complementary Core designation consists of areas of commercial uses of moderate to high intensity interspersed with higher density residential uses…. The Complementary Core designation offers opportunities to infill and new development that continues to support the Downtown Core…" Under NYS law, the City's Zoning Ordinance must comply with the Comprehensive Plan approved, resulting in the current revision process being undertaken by the City of the Zoning Ordinance. Since the new Zoning Ordinance could be delayed due to unrelated projects around the City, the application herein has been submitted under the UR-2 zoning, thus requiring variances it may not otherwise need once the new Zoning Ordinance is adopted under the applicable Complementary Core designation. The applicants have been waiting on the revised designation since 2012, when an application was submitted to the City to change the zoning designation of the parcels, but this application was voluntarily withdrawn by the applicants to allow the new Comprehensive Plan to be developed and approved. Almost four years later, the applicants are respectfully requesting that their project be approved and not further delayed by the other controversial projects being considered in the City.

The Ballston Ave Subdivision project proposes five (5) 4-unit townhouses and one (1) 2-unit townhouse on approximately 1.36± acres located at the corner of Ballston Avenue and Finley Street in City of Saratoga Springs, New York. The tax map identification numbers for the parcels are 178.26-1-39, 178.28-1-40, and 178.26-1-46 within the City of Saratoga Springs. The conceptual plan illustrates the general intent of the site development and the configuration of the major elements of the proposed site design. The proposed site plan will require four (4) Area Variances to use the proposed townhouses.

EXISTING CONDITIONS

Existing Land Use and Zoning

The project site is located at the corner of Ballston Avenue and Finley Street in City of Saratoga Springs. The project site will encompass three lots that are currently owned by the applicant. The property address is 96 Ballston Ave Saratoga Springs and has the tax map identification numbers of 178.26-1-39 (small parking lot with office building / 0.18 acres), 178.26-1-40 (vacant residential / 0.74 acres), and 178.26-1-46 (converted residential office/ 0.44 acres). The three lots will be consolidated and will include a total of approximately 1.36 acres. The lots are zoned as UR-2 Urban Residential and the lots are currently being used for commercial uses. The permitted use for this zoning includes single family residences. A general overview of the surrounding land uses in the area includes commercial and residential.

Soil and Topography
The existing parcels include a two story residence on Finley Street, two story office building with associated parking on Ballston Ave, a one story office building with associated parking on Ballston Ave and vacant wooded areas. According to the Soil Survey of Saratoga County, New York prepared by National resources Conservation Service (NRCS), the project site consists of one (1) soil type: Windsor loamy sand (WnA). The project site is well drained and consists of slopes 0 – 3 Percent.

Wetlands
Wetlands have not been located on the project site.

PROPOSED CONDITIONS

The proposed project will require the consolidation of the three lots and removal of the existing buildings. The applicant proposes a residential subdivision consisting of 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building. The average minimum lot width is 20 ft. with a front building set back of 10 ft., a rear building setback of 25 ft., and a side building setback of 0-10ft. The proposed minimum lot size is 1702 sf and proposed maximum lot size of 2800 sf. A private drive is proposed to access the site and will be located on Finley Street as shown on the conceptual plan. All existing vehicular access points on NYS Route 50 will be removed. Concrete sidewalks are proposed for pedestrian access to Ballston Ave, Finley Street and NYS Route 50.

The proposed layout includes 33% building coverage and will have approximately 39% greenspace. The remaining 28% will consist of impermeable surfaces such as pavement and sidewalks.

UTILITIES , STORMWATER AND SOLID WASTE

It is anticipated that water will be supplied by the City of Saratoga Water Department and sewage (wastewater) service will be provided by the Saratoga County Sewer District (SCSD#1). Stormwater is anticipated to be managed through on-site structures. Stormwater practices will be discussed in the project specific Stormwater Pollution Prevention Plan (SWPPP). Stormwater control practices will be designed and implemented in accordance with all NYSDEC technical standards and the City of Saratoga Springs' guidelines.

PROPOSED AREA VARIANCES

Applications and supporting documents are being made to the City of Saratoga Springs Zoning Board of Appeals requesting five (5) area variances that seek relief from the zoning guidelines and requirements.

The project will require the following Area Variances to accommodate the proposed development. The following chart summarizes the variances being requested:

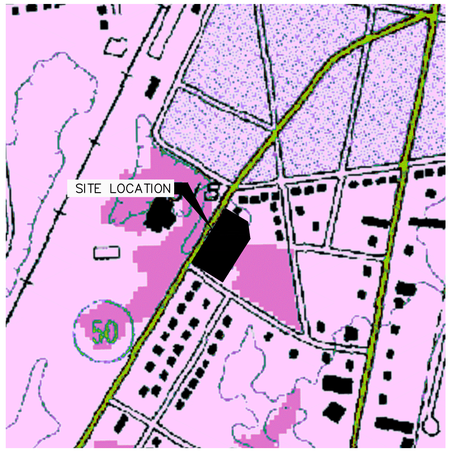
Zoning Regulation	Required	Proposed	Requested Variance
Minimum Lot Sizes	6,600 sf	1,702 sf	4898 sf
Minimum Average Lot Width	60 ft.	20 ft.	40 ft.
Maximum Building Coverage	30%	33%	3%
Each Side Min Yard Setback	8 ft.	0 ft.	8 ft.
Total Side Min Yard Setback	20 ft.	0 ft.	20 ft.

CONCLUSION

It is our respectful opinion that the Ballston Ave Subdivision project and the proposed Area Variances will not create an undesirable change in the character of the neighborhood or have any adverse physical or environmental effects on the neighborhood district. The applicant and the applicants engineer look forward to working with the City of Saratoga Springs to advance this residential subdivision project.

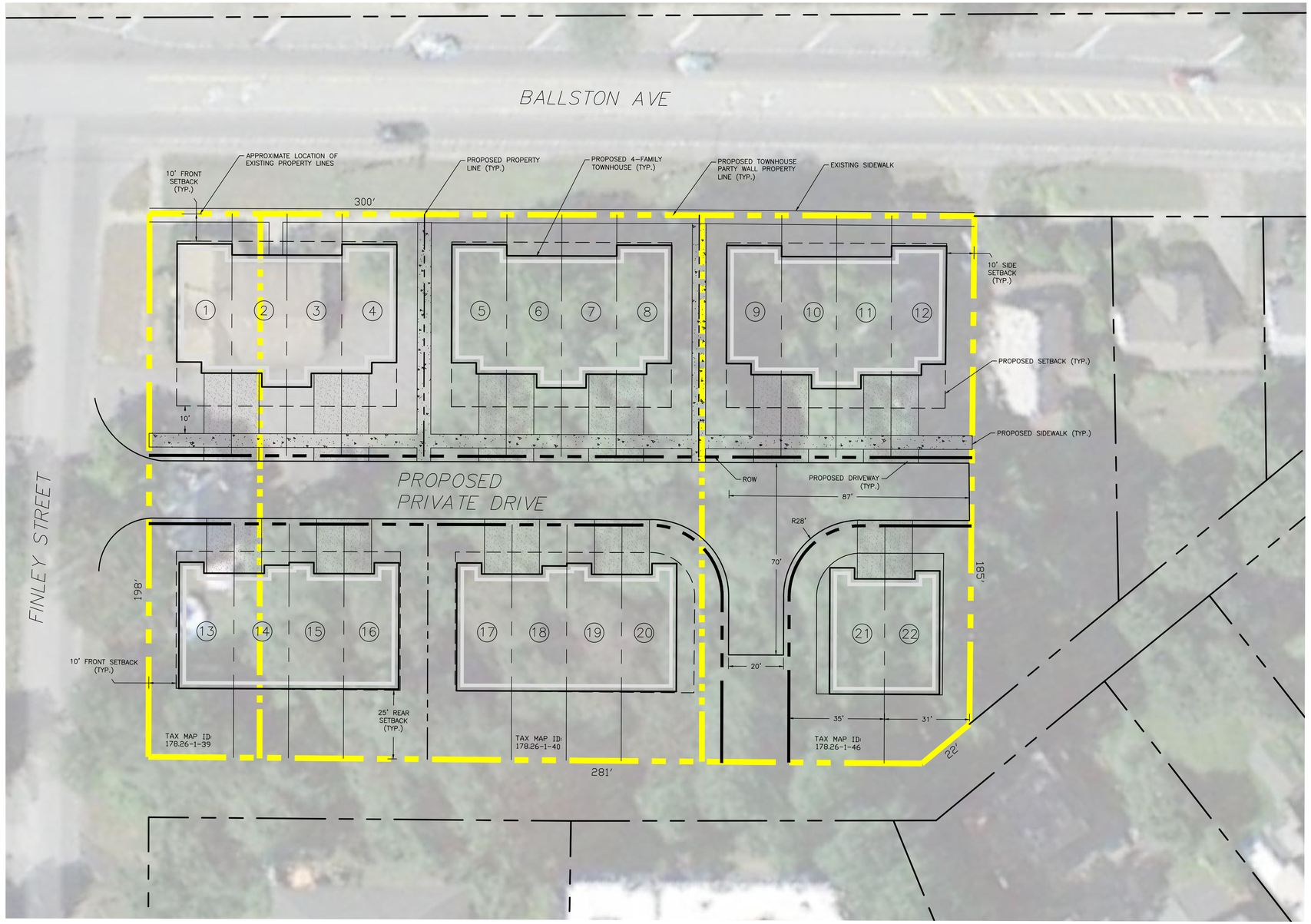
BALLSTON AVE SUBDIVISION

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK



SITE LOCATION MAP

SCALE: 1"=500'



SITE STATISTICS:

ZONING - URBAN RESIDENTIAL-2 (UR-2)
TOTAL PARCEL SIZE- 1.36 +/- AC.
NUMBER OF PROPOSED LOTS - 22 LOTS
(5) 4-UNIT TOWNHOUSES - 20 LOTS
(1) 2-UNIT TOWNHOUSES - 2 LOTS

AREA AND BULK REQUIREMENTS

ZONING DISTRICT	MIN LOT SIZE (SF)	MIN AVG WIDTH (FT)	MAX BLDG COVERAGE (%)		MINIMUM YARD SETBACK (FT)				PRINCIPLE BLDGS		MINIMUM % IMPERMEABLE
			PRINCIPLE BLDG	ACCESSORY BLDG	FRONT	REAR	EACH SIDE	TOTAL SIDE	MAX 1ST FLOOR AREA (SF)	MAX HEIGHT (FT)	
PROPOSED	1,702	20	33	N/A	10	25	0,10	0,10	900±	35	59
UR-2 URBAN RESIDENTIAL	6,600	60	30	10	10	25	8	20	1 STORY = 900 2 STORY = 700	60	25
RELIEF REQUESTED	4,898	40	3	N/A	0.0	0.0	8	20	0.0±	0.0	0.0

0 10 20 40 80

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 OF THE NYS EDUCATION LAW. COPYRIGHT LANSING ENGINEERING, P.C.

BALLSTON AVE SUBDIVISION
CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

DATE	REVISIONS RECORD/DESCRIPTION

LANSING ENGINEERING
2458 ROUTE 9, SUITE 201
MALTA, NY 12020
(518) 899-2843

CONCEPTUAL LAYOUT PLAN

PROJ. NO: 753.00
SCALE: AS SHOWN
DATE: 04/05/16

CLP-1
SHEET 1 OF 1

LANSING ENGINEERING, PC
2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T (518) 899-5243
F (518) 899-5245

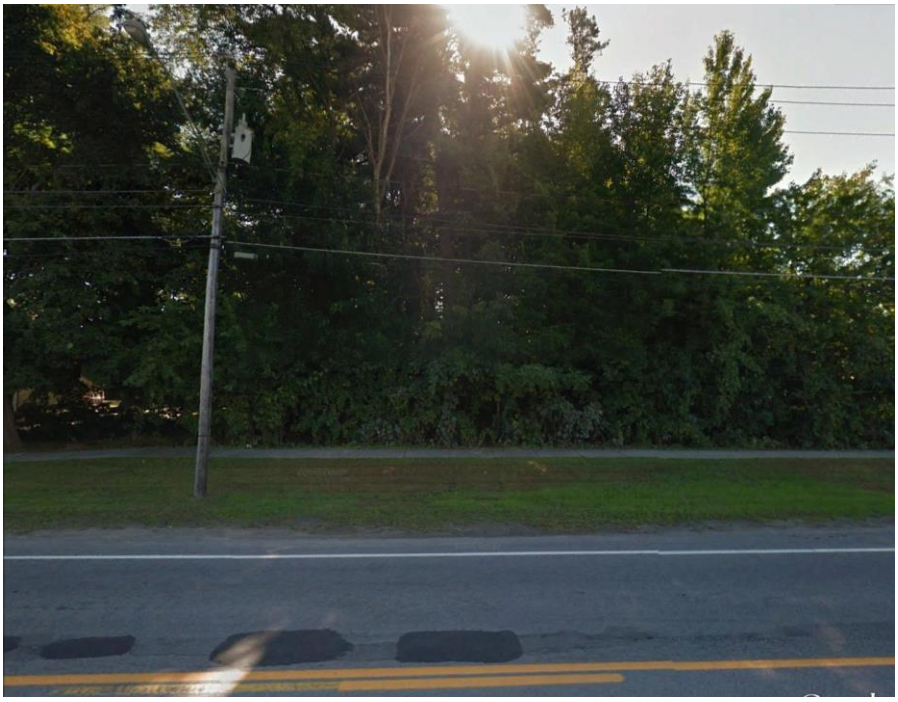
Ballston Ave Subdivision
Site Photos

ATTACHMENT TO AREA VARIANCE APPLICATION

04/05/16

116 Ballston Ave (Facing North - Front)

96 Ballston Ave (Facing South - Front)



Vacant Lot (Front)

96 Ballston Ave (Front)

116 Ballston Ave (Front)

116 Ballston Ave (Facing East on Finley Street)

116 Ballston Ave (facing West on Finley Street)

LANSING ENGINEERING, PC
2452 State Route 9, Suite 301
Malta, NY 12020
Telephone:
Facsimile: [redacted]

Letter of Transmittal

Date: April 5th, 2016 **Proj. #- 753.00**
RE: Ballston Ave Subdivision

To: Lindsey Gonzalez, Land Use Board Coordinator
City Of Saratoga Springs – City Hall – Zoning Board Of Appeals
474 Broadway – Ste 9
Saratoga Springs, New York 12866

We are sending you ☒ Attached ☐ Under separate cover via the following items:

☐ Shop Drawings ☐ Prints ☒ Plans/Originals ☒ Applications
☐ Copy of Letter ☐ Change Order ☐ Samples ☐ Report

COPIES	DATE	NO.	DESCRIPTION
1	4/5/16		Application Fee of $150
1	4/5/16		Application of Appeal to the Zoning Board for Variance
1	4/5/16		Site Plan Drawing (24"x36")
1	4/5/16		Long Environmental Assessment Form
1	4/5/16		Site Photos
1	4/5/16		Project Narrative
1	4/5/16		Disk with Digital Files of Submission

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit 1 copies for approval ☐ Other:_____
☒ For your use ☐ Approved as noted ☐ Submit __ copies for distribution
☒ As requested ☐ Returned for corrections ☐ Return __corrected prints
☐ For review and comment ☐ For bids due ☐ Borrowed prints returned

REMARKS:
Mrs. Gonzalez,
Attached please find the above listed items for the Ballston Ave Residential Subdivision located in the City of Saratoga Springs. We are looking to get on the May 9th Zoning Board of Appeals meeting. If you have any questions or require additional information please feel free to call the office at 899-5243 ext 104.

☐ Copy filed to prior submissions

SIGNED: _____
Yates Scott Lansing, PE, CPESC, CPSWQ

cc: Steven Gottmann, Ginley & Gottmann, P.C.
file

If enclosures are not as noted, kindly notify us immediately

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

(Application #)

REC'D MAY 3 1 2016

(Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Hoffman Development Corp		
Address	1757 Central Ave. Albany, NY 12205		
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: 2214 Ballston Ave. (N.Y. State Rte. 50) Tax Parcel No.: 203 . 1 - 32 - 2
(for example: 165.52 – 4 – 37)

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

4. Present use of property: Vacant Land 5. Current Zoning District: HGB - Highway General Business

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

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

8. Brief description of proposed action:
Applicant seeks variance relief for a 30 S.F. business wall sign installation.

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

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

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

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

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

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

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

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

Section(s) _____

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

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

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

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

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

3. Date original variance expired: _____

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

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

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

A use variance is requested to permit the following: _____

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

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

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

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

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

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

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) 6.1.5.1 Section B.2 Installation

Dimensional Requirements	From	To
Wall signs shall not extend above the first floor level of the building. The proposed sign will be installed above the first floor	12'-0"	17'-8"

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.

   Per Design Review Commission architectural review approved elevations, there is no other portion of wall available whereas the sign can be installed.

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:

   Property is located adjacent to several established business like "DeRusso Motor Car" sales, "The Adirondack Trust Company" and, across from the "Robin Hood Motel" and "Stewarts Shop/ Mobil". A few of these business like the "Stewarts Shop/ Mobil" and "Ballston Spa Veterinary Clinic" have wall mounted signage installed above the first floor space.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:
The requested variance relief is of 5'-8" above the permitted zoning ordinance.

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:
Proposed wall mounted business sign is 10'-0" x 3'-0" total size with black letters and white background. The proposed building is a new prototype design for Hoffman car wash, the company is trying to improve the aesthetics of their business property with this new architectural design.

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 alleged difficulty was self-created because a sign on the east side was necessary for business promotion and the proposed location is the only available area of this side of the building.

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.

Thomas J Holtman Jr
(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:_____

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

APPLICANT: Hoffman Development Corp

TAX PARCEL NO.: 203 . 1 - 32 - 2

PROPERTY ADDRESS: 2214 Ballston Avenue (N.Y. State Rte 50)

ZONING DISTRICT: HGB

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Other: _____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR _____ DATE _____

Revised 12/2015

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Name of Action or Project:
Hoffman Carwash

Project Location (describe, and attach a location map):
2214 Route 50 (North of Adirondack Trust Bank)

Brief Description of Proposed Action:
Applicant proposes to construct a 4,280 sf car wash on 1.30 acre parcel with 19 parking spaces. The project will have municipal sewer and both public water and private well water with on-site stormwater management.

Name of Applicant or Sponsor:	Telephone: [redacted]
Hoffman Development Corp.	E-Mail:

Address:
1757 Central Ave.

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: Saratoga County Planning, NYSDOT (Driveway), SCSD #1 (Sewer), Village of Ballston Spa (Water) ACOE (wetlands)	☐	☑

3.a. Total acreage of the site of the proposed action? 1.30+/- acres
b. Total acreage to be physically disturbed? 1.0+/- acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.30+/- 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? If No, describe method for providing potable water: _____ Note: The project will also use an private on-site well to supply water for the car wash equipment.	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?	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: _____ ACOE wetland disturbance of approximately .20 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: Gavin Vuillaume Date: 2-4-15

Signature: _____

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

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

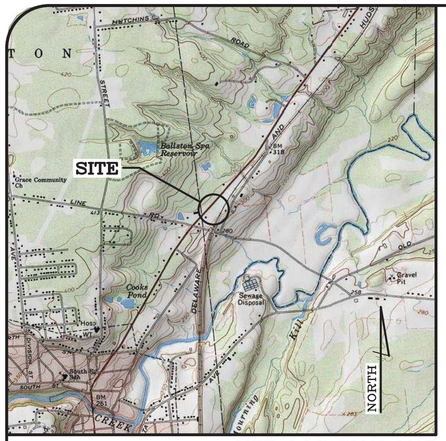
	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

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

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

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

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



SITE LOCATION MAP
SCALE: 1" = 2,000'

SITE STATISTICS:

EXISTING ZONING	HGBD HIGHWAY GENERAL BUSINESS DISTRICT
SITE AREA	1.30± ACRES
TAX ID NUMBER	203.0–1–32.2
PROPOSED USE	CAR WASH
PROPOSED BUILDING AREA	4,870 SF.
PARKING	19 SPACES
GREEN SPACE	46%
WATER SERVICE	PRIVATE WELL & VILLAGE 1" SERVICE
SEWER SERVICE	SARATOGA COUNTY SEWER DISTRICT
STORM	ON SITE STORM WATER MANAGEMENT

BUILDING SETBACKS:

FRONT YARD	40 FEET
SIDE YARD	15 FEET
REAR YARD	25 FEET

APPLICANT NAME AND ADDRESS:

HOFFMAN DEVELOPMENT CORP.
1757 CENTRAL AVE.
ALBANY, NY 12205

LANDOWNER NAME AND ADDRESS:

SARATOGAWOOD LLC
4017B STATE STREET
SCHENECTADY, NY 12304

SITE PLAN AND SPECIAL USE APPROVAL NOTES:

1.) THIS CARWASH SITE WILL CONTAIN VACUUM CLEANER BANKS BUT NO MOTOR VEHICLE SERVING AT THE SITE.

2.) THE PROPOSED DUMPSTER SHALL BE ENCLOSED AS NOTED ON THE PLANS.

3). NOISE BAFFLING SHALL BE PROVIDED AS NOTED ON THE BUILDING PLANS.

4.) THE SHARED DRIVEWAY WITH ADIRONDACK TRUST COMPANY SHALL BE 30 FEET.

5.) HEATED PAVEMENT SHALL BE INSTALLED AT CARWASH EXIT AS SHOWN ON THE SITE PLAN.

6.) ANY DAMAGE OCCURRING TO THE SHARED SITE ACCESS DRIVE OR ON ADIRONDACK TRUST COMPANY'S PROPERTY DURING CONSTRUCTION, SHALL BE REMEDIED AND BROUGHT BACK TO ITS EXISTING STATE.

7.) VERIFICATION WITH ADIRONDACK TRUST COMPANY SHALL TAKE PLACE REGARDING MATERIALS UTILIZED, CONSTRUCTION SCHEDULE AND DETAILS RELATED TO IMPROVEMENTS ON ADIRONDACK TRUST COMPANY'S PROPERTY.

Luminaire Schedule

Symbol	Qty	Label	Arrangement	Lumens/Lamp	LLF	Description	Lum. Watts
	4	4M-E	SINGLE	11259	0.960	ARE-EDG-4M-DA-06-E-xx-xx-700	134
	3	5M-E	SINGLE	11844	0.960	ARE-EDG-5M-DA-06-E-xx-xx-700	134
	3	5M-E 2	D180	11844	0.960	ARE-EDG-5M-DA-06-E-xx-xx-700	134
	3	SEC 2M-E	SINGLE	11259	0.960	SEC-EDG-2M-WM-06-E-xx-xx-700	134
	2	SEC 4M-E	SINGLE	11259	0.960	SEC-EDG-4M-WM-06-E-xx-xx-700	134

(7) PS4S15C1xx 15 x 4 x .125 Square steel poles (on a 2' afg base)

(3) PS4S15C2xx 15 x 4 x .125 Square steel poles (on a 2' afg base)

*** Poles meet 140 mph wind zone requirements

MAP REFERENCE:

1) MAP ENTITLED "SUBDIVISION OF LANDS OF GARY A. DERUSSO", DATED MARCH 25, 1998 AS PREPARED BY PAUL F. TOMMELL, L.S., P.C. AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE IN DRAWER "D" AS MAP No. 286.

LEGEND:

312	DENOTES EXISTING TOPOGRAPHIC CONTOUR
E.O.B.	DENOTES EDGE OF BRUSH
E.O.L.	DENOTES EDGE OF LAWN
E.O.P.	DENOTES EDGE OF PAVEMENT
E.O.W.	DENOTES EDGE OF WOODS
HDPE	DENOTES BLACK PLASTIC PIPE
L.A.	DENOTES LANDSCAPED AREA
L.P.	DENOTES LAMP POST
M.H.	DENOTES MANHOLE
N/F	DENOTES NOW OR FORMERLY
NM	DENOTES NIAGARA MOHAWK UTILITY POLE
O.H.U.L.	DENOTES OVERHEAD UTILITY LINES
REF.	DENOTES REFERENCE
S.W.L.	DENOTES SINGLE WHITE LINE
TF	DENOTES TOP OF FRAME

CITY OF SARATOGA SPRINGS PLAN NOTES:

1.) ALL WORK MUST CONFORM TO ALL FEDERAL, STATE AND CITY CODES, SPECIFICATIONS, ORDINANCES RULES AND REGULATIONS.

2.) THE ELEVATION BASE FOR CONTOURS AND BENCHMARKS ARE TO BE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM, 1929.

3). ALL REFUSE, DEBRIS AND MISCELLANEOUS ITEMS TO BE REMOVED SHALL BE LEGALLY DISPOSED OF OFF SITE BY THE CONTRACTOR TO A LOCATION APPROVED BY THE CITY ENGINEER.

4.) THE CONTRACTOR MUST SET UP A PRE-CONSTRUCTION MEETING WITH THE CITY ENGINEER PRIOR TO ANY CONSTRUCTION. CONSTRUCTION INSPECTIONS BY THE CITY ENGINEER OR A DESIGNATED REPRESENTATIVE ARE REQUIRED. THE COST OF THE CONSTRUCTION INSPECTIONS IS THE RESPONSIBILITY OF THE APPLICANT/DEVELOPER.

5.) CONTACT THE BUILDING INSPECTOR FOR A BLASTING PERMIT, IF BLASTING IS REQUIRED.

6.) THE CONTRACTOR MUST OBTAIN A STREET OPENING PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS FOR ANY WORK WITHIN THE STREET OR RIGHT OF WAY OF ANY CITY STREET, ROAD OR ALLEY.

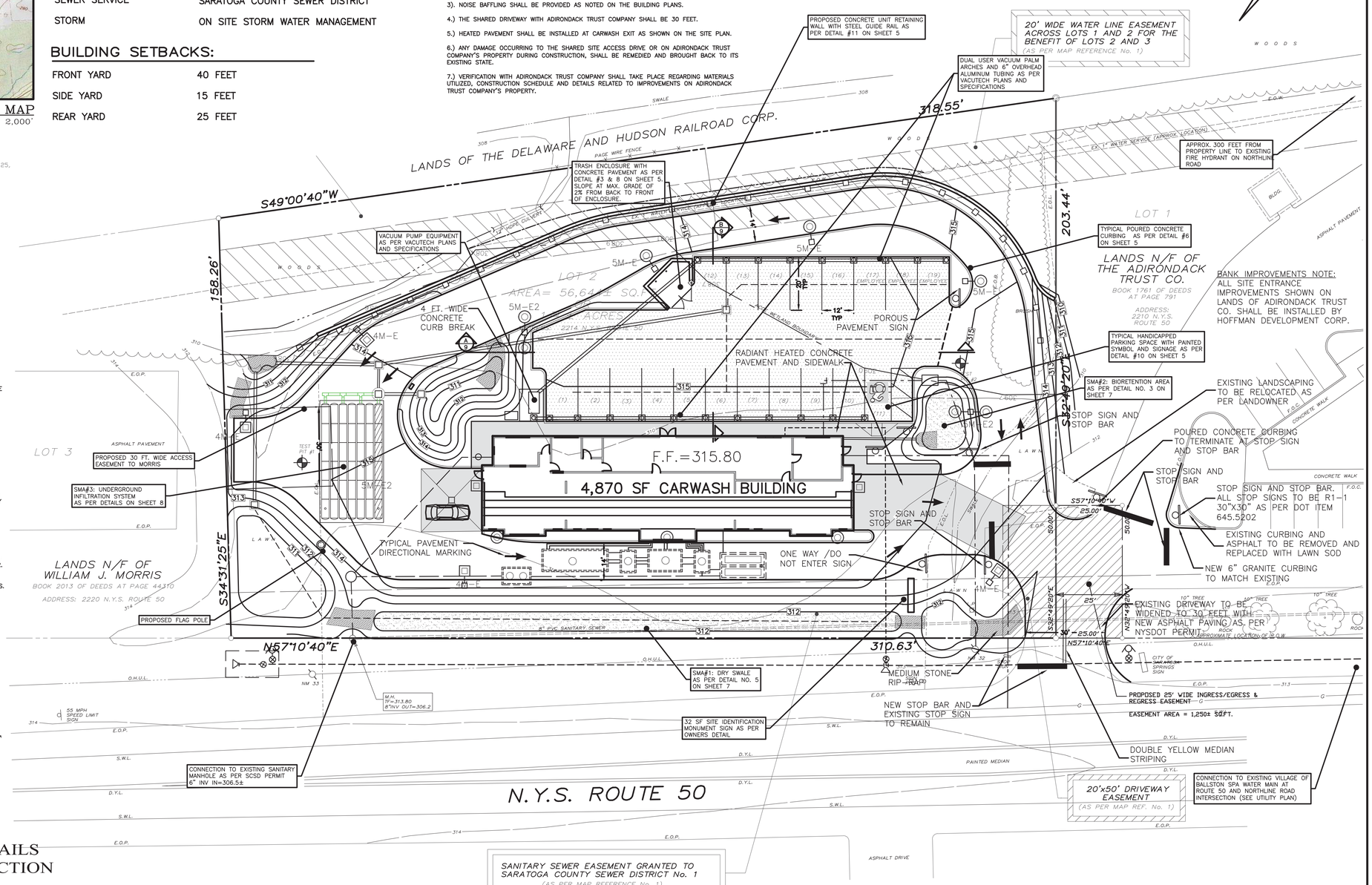
7.) ALL POINTS OF CONSTRUCTION INGRESS OR EGRESS SHALL BE MAINTAINED TO PREVENT TRACKING OR FLOWING OF SEDIMENT OR DEBRIS ONTO A PUBLIC RIGHT OF WAY.

8.) NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE WORK HAS BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED PLANS; AND AN "AS-BUILT" DRAWING HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY ENGINEER.

9.) THE APPLICANT MUST VERIFY THAT THE PROPOSED PROJECT CAN ACCOMMODATE THE TURNING MOVEMENTS OF ANY FIRE TRUCK THAT THE FIRE DEPARTMENT DESIGNATES.

DRAWING INDEX

1 SITE PLAN
2 UTILITY PLAN
3 PLANTING PLAN
4 EROSION AND SEDIMENT CONTROL PLAN
5 SITE DETAILS
6 SITE DETAILS
7 STORMWATER DETAILS
8 STORMTECH DETAILS
9 POROUS PAVEMENT DETAILS
10 OFF-SITE WATER CONNECTION
11 EXISTING SURVEY
12 WETLAND DISTURBANCE AND MITIGATION PLAN
13 WETLAND MITIGATION AND GRADING



PB# 14.072

APPROVAL:
APPROVED UNDER AUTHORITY OF A DECISION ADOPTED ON _____ BY THE PLANNING BOARD OF THE CITY OF SARATOGA SPRINGS.
_____ CHAIRPERSON DATED: _____

2214 ROUTE 50
HOFFMAN CARWASH
CITY OF SARATOGA SPRINGS
SARATOGA COUNTY, NEW YORK
DECEMBER 5, 2014

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP
ROUTE 146 CLIFTON PARK, N.Y. 12065 (518) 371-7621
ENGINEERING LANDSCAPE ARCHITECTURE LAND SURVEYING

SHEET TITLE: SITE PLAN

REVISIONS	DATE	BY
Revisions/adds per comments	2/4/15	GV
Entrance drive per DOT	8/27/15	GV
Entrance drive per comments, add water connection and sign location	9/16/15	GV
Final Check	1/19/16	GV
	4/5/16	GV

SCALE: 1" = 20'

DATE ISSUED: 04/28/2016

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP

SHEET No. 1

Jun 30 9:46 AM/GV
P:\SV_PROJECTS\SARATOGA SPRINGS\Carwash Route 50\Hoffman Carwash.dwg

PHINNEY DESIGN GROUP

OWNER

HOFFMAN DEVELOPMENT CORP.
1757 CENTRAL AVENUE
ALBANY, NY 12205

ARCHITECT

PHINNEY DESIGN GROUP
142 GRAND AVENUE
SARATOGA SPRINGS, NY 12866
TEL: (518) 587-7120

STRUCTURAL ENGINEER

SB ENGINEERING, PLLC
900 RT. 146
Clifton Park, NY 12065
TEL: (518) 724-0733

MEP ENGINEER

HESNOR ENGINEERING
22 COMPUTER DRIVE WEST
ALBANY, NY 12205
TEL: (518) 689-2030

CIVIL ENGINEER

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP
ROUTE 146
CLIFTON PARK, NY 12065
TEL: (518) 371-7621

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

©PHINNEY DESIGN GROUP 2016

#	Description	Date

ISSUED FOR ZBA
AREA VARIANCE

HOFFMAN CAR WASH

2214 ROUTE 50
SARATOGA SPRINGS, NY 12866

DISCIPLINE:	**Architecture**
ISSUE DATE:	**05/06/16**
PHASE:	**CD's**
DESIGNED:	**MRP**
DRAWN:	**PWP**
CHECKED:	**Checker**

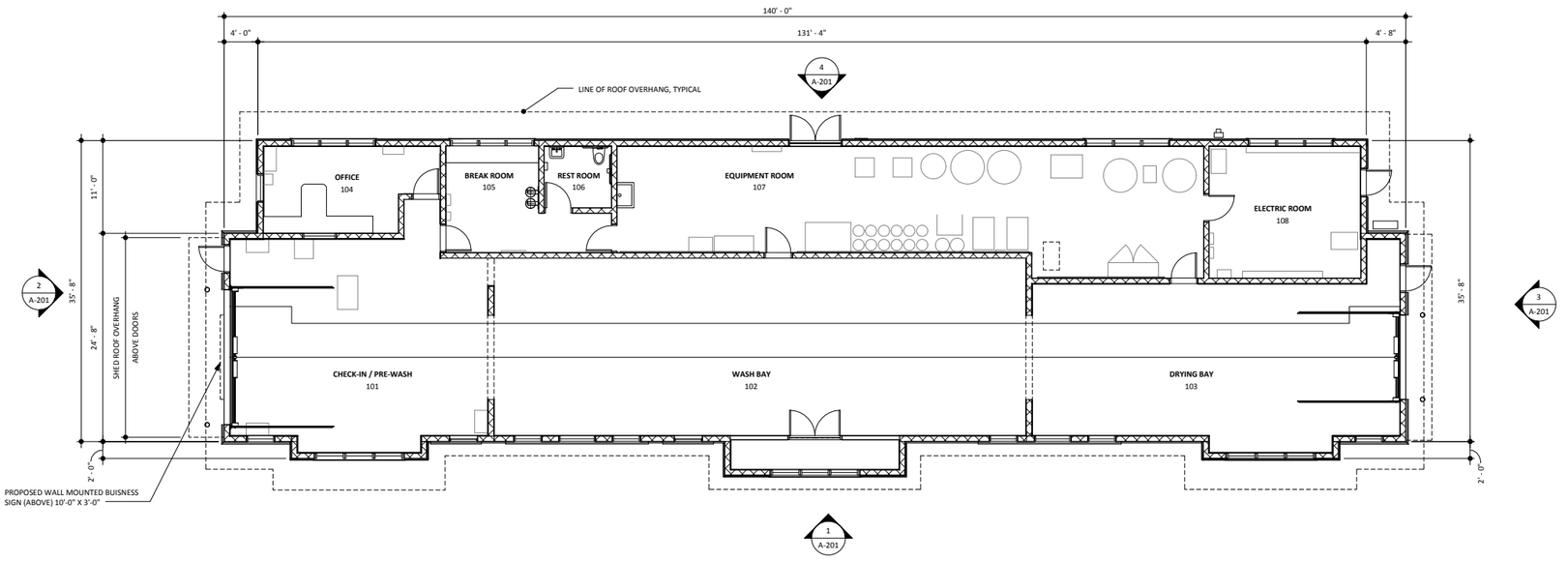
DRAWING NAME:

NEIGHBORING PROPERTY VIEWS

SHEET NUMBER:

A-100

RENDERING 2
SCALE: 1/8" = 1'-0"



FLOOR PLAN 1
SCALE: 1/8" = 1'-0"

PHINNEY DESIGN GROUP

OWNER

HOFFMAN DEVELOPMENT CORP.
1757 CENTRAL AVENUE
ALBANY, NY 12205

ARCHITECT

PHINNEY DESIGN GROUP
142 GRAND AVENUE
SARATOGA SPRINGS, NY 12866
TEL: (518) 587-7120

STRUCTURAL ENGINEER

SB ENGINEERING, PLLC
900 RT. 146
Clifton Park, NY 12065
TEL: (518) 724-0733

MEP ENGINEER

HESNOR ENGINEERING
22 COMPUTER DRIVE WEST
ALBANY, NY 12205
TEL: (518) 689-2030

CIVIL ENGINEER

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP
ROUTE 146
CLIFTON PARK, NY 12065
TEL: (518) 371-7621

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

©PHINNEY DESIGN GROUP 2016

#	Description	Date

ISSUED FOR ZBA
AREA VARIANCE

HOFFMAN CAR WASH

2214 ROUTE 50
SARATOGA SPRINGS, NY 12866

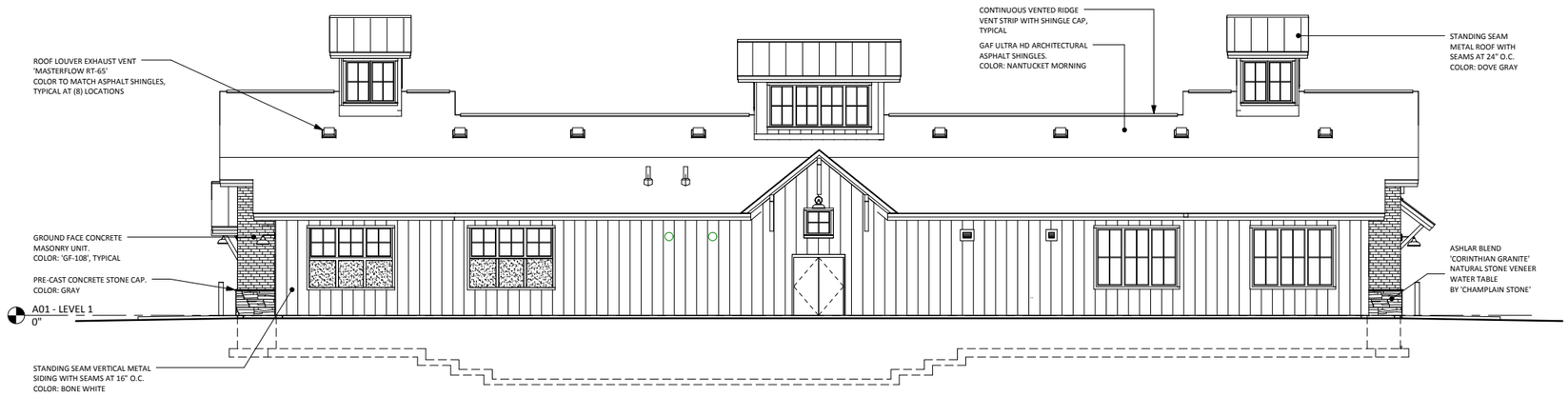
DISCIPLINE:	**Architecture**
ISSUE DATE:	**05/06/16**
PHASE:	**CD's**
DESIGNED:	**MRP**
DRAWN:	**PWP**
CHECKED:	**Checker**

DRAWING NAME:

FLOOR PLAN & RENDERING

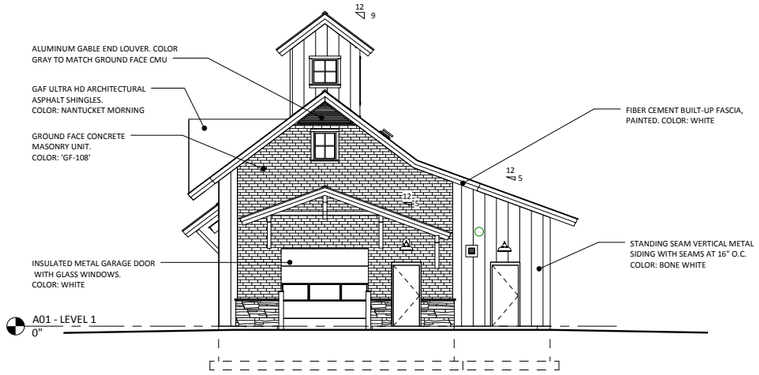
SHEET NUMBER:

A-101



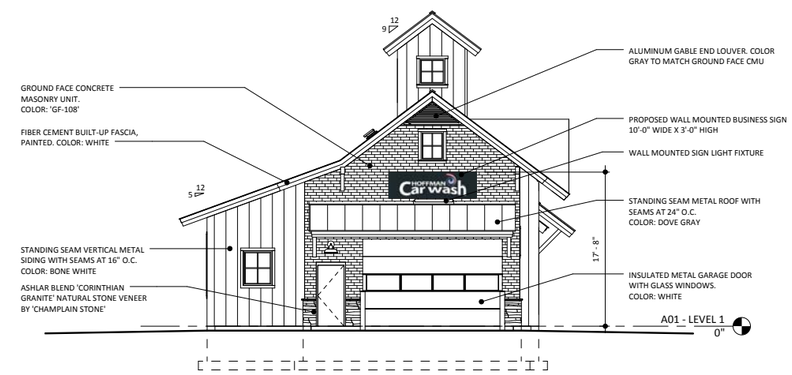
SOUTH ELEVATION 4

SCALE: 1/8" = 1'-0"



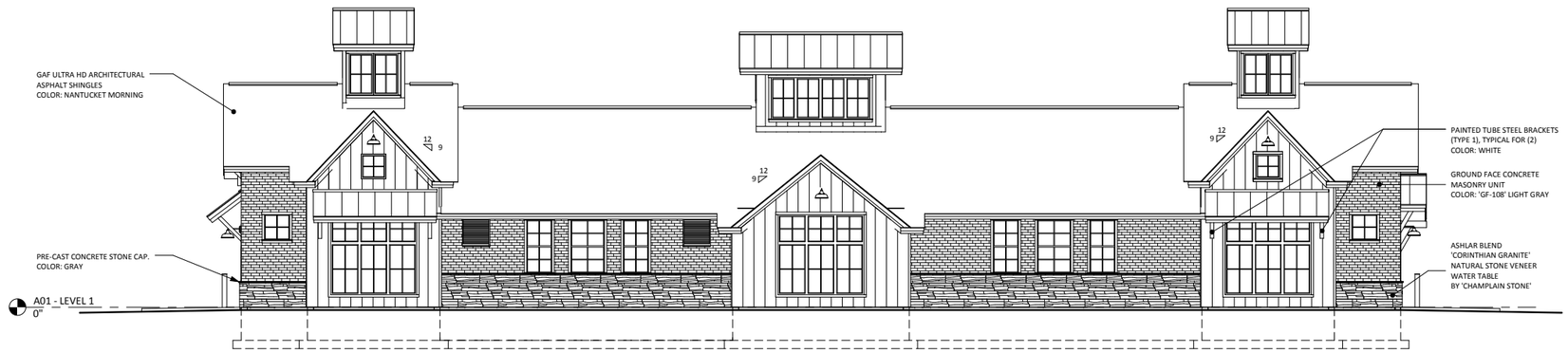
WEST ELEVATION 3

SCALE: 1/8" = 1'-0"



EAST ELEVATION 2

SCALE: 1/8" = 1'-0"



NORTH ELEVATION 1

SCALE: 1/8" = 1'-0"

PHINNEY DESIGN GROUP

OWNER

HOFFMAN DEVELOPMENT CORP.
1757 CENTRAL AVENUE
ALBANY, NY 12205

ARCHITECT

PHINNEY DESIGN GROUP
142 GRAND AVENUE
SARATOGA SPRINGS, NY 12866
TEL: (518) 587-7120

STRUCTURAL ENGINEER

SB ENGINEERING, PLLC
900 RT. 146
Clifton Park, NY 12065
TEL: (518) 724-0733

MEP ENGINEER

HESNOR ENGINEERING
22 COMPUTER DRIVE WEST
ALBANY, NY 12205
TEL: (518) 689-2030

CIVIL ENGINEER

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP
ROUTE 146
CLIFTON PARK, NY 12065
TEL: (518) 371-7621

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

©PHINNEY DESIGN GROUP 2016

#	Description	Date

ISSUED FOR ZBA
AREA VARIANCE

HOFFMAN CAR WASH

2214 ROUTE 50
SARATOGA SPRINGS, NY 12866

DISCIPLINE:	**Architecture**
ISSUE DATE:	**05/06/16**
PHASE:	**CD's**
DESIGNED:	**MRP**
DRAWN:	**PWP**
CHECKED:	**Checker**

DRAWING NAME:

BUILDING ELEVATIONS

SHEET NUMBER:

A-201

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

(Application #)

REC'D JUN 06 2016

(Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Theresa Capozzola	Peter and Theresa Capozzola	
Address	[redacted]		
Phone	[redacted]	/	/
Email	[redacted]		

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

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

PROPERTY INFORMATION

1. Property Address/Location: 57 Gilbert Road Tax Parcel No.: 166 . ____ - 3 - 14
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 57 - 8/30/1993 3. Zoning District when purchased: RR-1

4. Present use of property: Residential 5. Current Zoning District: RR-1

6. Has a previous ZBA application/appeal been filed for this property?
☒ Yes (when? 6/6/16 - Current For what? side yard set back with 55 gilbert
☐ 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:
Area variance to allow home office in detached garage.

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

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

A use variance is requested to permit the following: _____

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

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

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

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

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

Date	Improvement	Cost

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) 6.4.3 B 1 and B 2.

Dimensional Requirements	From	To
B. 1.	within structure	detached garage
	15%	25%
B. 2	1 employee	1 1/2 employees

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 garage could not be attached to the home on the north side as neighboring property (55 Gilbert)already violates side yard set backs.

   The garage could not be attached to the home on the south side because the septic system and well and well pipes servicing the property were located on the south side of home. (Well is now abandoned)
   The garage couldn't be located in the rear of the home due to location of leach field and would be too close to a stream.

   At the time the garage was built, the zoning law allowed 30% of total floor area of the residence and did not specify "totally within structure" - See attached ordinance

   The need for one and one-half employees is due to job sharing between employees.

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:

   Garages and Home occupations are both allowable in the zone. The neighborhood now has garages and structures much larger than subject garage. Office use does not generate much additional traffic, office is located in garage which fits in with neighborhood. Addition of one 1/2 time employee does not create undesirable change n character of neighborhood as only impact is one extra trip to office, and we are well below our trips allowed per day per the existing zoning.

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

The variance is not substantial. All other requirements for home occupation are met with the exception of office being in detached garage, and it impossible to have attached garage to home. Area which occupies office is based on a percentage of the size of the home. Since my home is relatively small, if makes any home office, even within the structure, potentially to small to be practical. In addition, when garage was built upon information and belief, the zoning law allowed 30% of total floor area of the residence. If that was still the case, a variance on that issue would not be necessary. In addition, the prior zoning did not specify "totally within structure", therefore an interpretation could have allowed office in detached garage and again, would not have needed a variance.
The addition of one 1/2 time employee is not substantial and even with the addition of that one extra employee on some days, not all, we are below the amount of trips alllowed to be generated per existing zoning.

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

No change is being made to the neighborhood. The office is supplemental to and secondary to the use as a garage for our home. The garage is a two car garage. Newer structures in the neighborhood have been allowed that have much greater physical and environmental impact on the neighborhood including office buildings and convenience stores.
The use of the second floor of garage as a home office has a positive effect on environment as it reduces another car on the road ~~traveling to an office.~~
The second 1/2 employee does not create an adverse effect as our activity already generates less trips then allowed by the zoning.

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:

Although the office use was self created, the necessity that the garage be detached was not self created given the only location available for the well and septic system.
The use of the garage space as an office may have been allowed without a variance under zoning code in effect at the time garage was built as the zoning law allowed 30% of total floor area of the residence and did not specify "totally within structure". Please see attached pages from prior zoning.

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: 6/6/16.
(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: _____

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

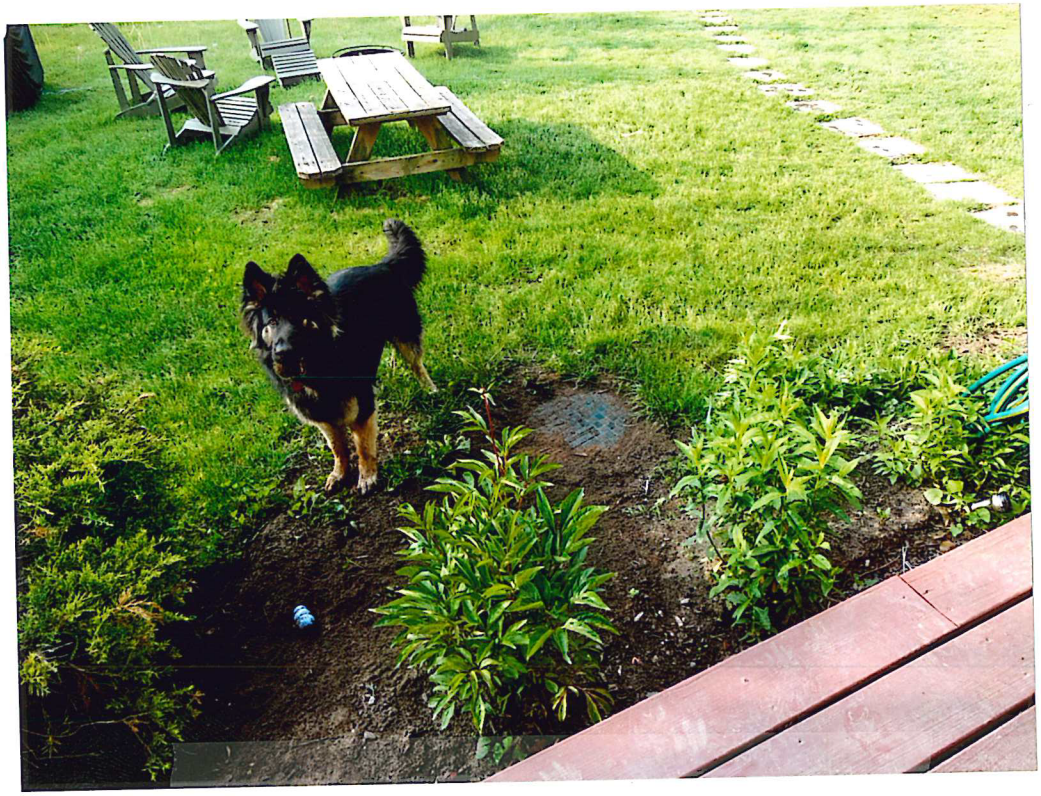
_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

Structure part of residential garage
No change to Character of neighborhood

VIEW OF HOUSE FROM GARAGE



Location of Septic on garage side of house.

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:
Theresa Capozzola Area Variance

Project Location (describe, and attach a location map):
57 Gilbert Road

Brief Description of Proposed Action:
Seeking Area Variance for Home Office in Detached Garage

Name of Applicant or Sponsor:	Telephone: [redacted]
Theresa A. Capozzola	E-Mail: [redacted]

Address: [redacted]

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

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

3.a. Total acreage of the site of the proposed action? 0 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? 10.484 acres

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

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

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

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,		
a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES		

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

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

Applicant/sponsor name: Theresa A Capozzola Date: 6/6/16

Signature: _____

PRINT FORM

OLD.

ARTICLE XII - SUPPLEMENTAL REGULATIONS AND EXCEPTIONS

240-12.1 INTENT

The provisions of this chapter shall be subject to the exceptions, prohibitions, requirements and/or limitations as hereinafter provided.

240-12.2 NUMBER OF PRINCIPAL BUILDINGS (amended 6/7/93, 4/15/97, 5/15/01, 6/15/04)

A. Only one principal building may be established on any one lot. This shall not apply to a lot in an approved clustered or conservation subdivision. The following exceptions are permitted provided that each principal building is sited so as to meet the minimum area, width and yard requirements of that district:

(1) The Building Inspector shall grant an exception to permit more than one principal building for additional single family homes on any lot in the Rural Residential-1 district.

(2) The Building Inspector shall grant an exception to permit more than one principal building for one and two-family uses on any lot in the Urban Residential-4 and Urban Residential-5 districts.

(3) The Planning Board may grant an exception to permit more than one principal building on any lot in any other multifamily residential district, any commercial or business district and any institutional or industrial district.

B. When siting multiple warehouse or storage structures (including self-storage) on any one lot, the minimum area, width and yard requirements that relate to each structure shall be 50 percent of that normally required by the district. However, the front, rear and one side yard requirements that relate to the parcel's perimeter shall not be reduced from the normal requirements.

240-12.3 SPECIAL FRONT YARD REQUIREMENTS

(amended 5/15/95, 4/15/97, 8/3/99)

The minimum front yard setback requirement in an UR-I, UR-2 or UR-3 district shall be altered as follows from the requirements set forth in Articles III thru XXI: If there are existing principal structures on both parcels of land immediately adjacent to the said property and if both the adjacent structures fail to meet the existing minimum front yard requirements, then the minimum front yard requirement for said property shall be no closer to the street right-of-way line than the average distance of the existing setback for the adjacent structures.

240-12.4 HOME OCCUPATION

(amended 11/18/91, 9/8/92, 6/7/93, 6/19/95, 4/15/97, 5/15/01, 3/1/05)

A. IN GENERAL

(1) The activity shall not alter the primary use of the premises as a residence and the non-residential use shall be limited to no more than 30% of the

total floor area of the residence.

(2) In no way shall the appearance of the structure be altered nor shall the activity within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of noises, odors, or vibration.

(3) This chapter shall not prevent individuals, owners, lessees or purchasers under contract from conducting a business, trade, or profession specified below in their homes or residences, provided that they meet the standards set forth by these regulations.

B. HOME OCCUPATIONS shall be permitted as an accessory use where permitted as set forth in district use schedules in Article II. The following standards shall apply to such activities:

(1) Only the occupants of the residence and one non-occupant of the residence may conduct the activity. The addition of a second or third non-occupant of the residence employee requires the issuance of a special use permit.

(2) The average weekday vehicle trip ends generated by the home occupation use shall not exceed 20 trip ends, and any need for parking generated by the home occupation shall be met onsite and not in the required front yard.

(3) Patrons or clients of the home occupation may not visit the premise after 9:00 p.m. or before 8:00 a.m. daily.

(4) Only one non-illuminated, 1½ sq. ft. wall sign is permitted.

(5) Exterior storage or display of stock, equipment or products is prohibited.

C. PERMITTED HOME OCCUPATIONS. Home occupations include, but are not limited to, the following:

(1) Office facilities for accountants, architects, brokers, engineers, land surveyors, landscape architects, lawyers, insurance agents, realtors, and members of similar professions.

(2) Emergency treatment by a doctor or a dentist, but not the general practice of such profession.

(3) Office facility of a salesperson, sales representative or manufacturer's representative provided that no retail or wholesale transactions are made on the premises.

(4) Office facilities for ministers, priests and rabbis.

(5) Home crafts such as model making, rug weaving, and lapidary work.

(6) Workshop or studio for an artist, photographer, craftsperson, writer, composer, dress maker, tailor or computer programmer.

(7) Facilities for instruction to not more than 3 pupils at any given time such as in music or dance.

(8) Homebound employment of a physically or mentally handicapped person who is unable to work away from home by reason of disability.

(9) Appointments and consultations by a psychiatrist, psychologist, psychotherapist or social worker.

F. PROHIBITED HOME OCCUPATIONS.

(1) Nursing homes, medical offices, clinics, or hospitals

(2) Antique or furniture shops

(3) Barbershops, hair stylists or beauty salons

(4) Funeral homes, mortuaries or embalming establishments

(5) Restaurants

(6) Private clubs or lodges

(7) Stables, kennels or animal clinics

(8) Adult entertainment

(9) Corridor Bed and Breakfast

(10) Corridor Rooming House

(10) Neighborhood Bed and Breakfast

(11) Neighborhood Rooming House

(12) Inn

240-12.5 JUNKYARDS

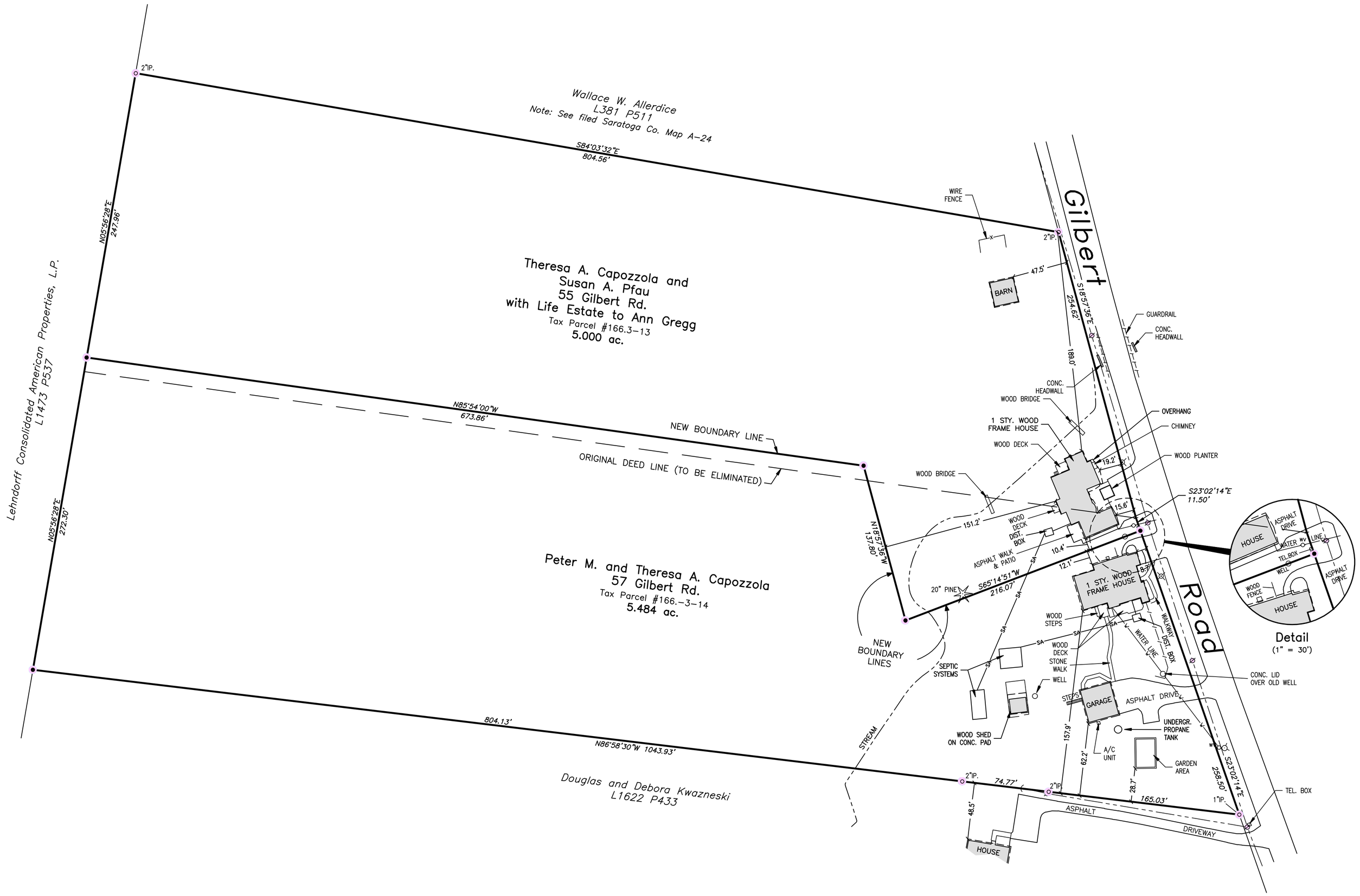
No junkyards shall be established in any district on or after the effective date of this chapter.

240-12.6 DRIVE IN MOVIES

No drive in movies shall be established in any district on or after the effective date of this chapter.

240-12.7 WALLS AND FENCES (amended 6/15/04, 5/3/05, 6/15/04)

A. All fences and walls shall be measured from the ground level at the base of the side directed toward the abutting property. All such fences and walls constructed after June 15, 2004 shall have the finished face of the fence or wall directed toward the abutting property. The property owner on whose land the fence or



Record North
per Liber 709, Page 471

Deed References:

1. Theresa A. Capozzola and Susan A. Pfau dated Sept. 10, 2004 in Liber 1696 of Deeds, page 549.
2. Peter M. and Theresa A. Capozzola dated August 30, 1993 in Liber 1376 of Deeds, page 284.

Map Reference:

See filed Saratoga County "Plat of Survey for Eleanor Rheinish" prepared by Andrew Stine L.S. dated August 1961 and shown in Liber 709 of Deeds, page 471.

Note:

55 Gilbert Road shall have access to the existing septic system it is currently using on 57 Gilbert Road.

Map Legend

- • 5/8" steel rod set with a tag
- ○ marker found, labeled
- ⌀ utility pole
- ⊠ lamp post
- ⌀WV water valve
- ——— – – ——— overhead wires
- —/—/—/—/— wood fence

Site Statistics

55 Gilbert	Required	Proposed
Min. Lot Size	2 AC.	5.000 AC.
Mean Width	200'	248.7'
Min. Front Yard	60'	15.6'
Min. Rear Yard	100'	151.2'
Min. Side Yard: One Side	30'	10.4'
Min. Side Yard: Total Side	100'	199.4'

57 Gilbert	Required	Proposed
Min. Lot Size	2 AC.	5.484 AC.
Mean Width	200'	263.6'
Min. Front Yard	60'	8.7'
Min. Rear Yard	100'	100'
Min. Side Yard: One Side	30'	12.1
Min. Side Yard: Total Side	100'	170'

Zoning Schedule: RR Rural Residential

Zoning District	Minimum Lot Size	Minimum Mean Width (Ft.)	Maximum Lot Coverage		Min. Setback Demensions (Feet)				Principal Buildings		Minimum Distance to Accessory Building (Feet)				Minimum % to Remain Permeable
			Principal Bldg.	Access. Bldg.	Front	Rear	Each Side	Total Side	Minimum 1st Floor Area (SF)	Max. Height (Feet)	Principal Building	Front Lot Line	Side Lot Line	Rear Lot Line	
RR	2 acres	200	15	5	60	100	30	100	n/a	35	5	60	30	50	80

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

Chairperson _____ Date Signed _____

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

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

P:\Capozzola, Theresa S10-110\dwg\S10-110 Capozzolas.dwg

Boundary Line Adjustment for Capozzola and Pfau

Situate at 55 and 57 Gilbert Road
City of Saratoga Springs, Saratoga County, NY

THOMPSON/FLEMING
LAND SURVEYORS, P.C.
12 Lake Avenue
Saratoga Springs NY
12866
Voice: (518) 587-5665
Fax : (518) 587-5772

DATE	DESCRIPTION
REVISIONS	
DATE:	Feb. 18, 2016
JOB NO.:	S10-110.24
DRAWN BY:	DES
CHKD.BY:	BRF
TAX MAP:	166-3-13 & 14
SCALE:	1" = 50'

25 0 25 50

S10-110.24

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

(Application #)

REC'D JUN 06 2016

(Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Theresa Capozzola	Peter and Theresa Capozzola (57) & T. Capozzola and Susan Pfau (55)	
Address	[redacted]		
Phone	[redacted]	/	/
Email	[redacted]		

* An applicant must be an owner of the property, or someone 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: 57 Gilbert Road and 55 Gilbert Road Tax Parcel No.: 166 . ____ - 3 - 14 – 57 Gilbert 13 – 55 Gilbert. (for example: 165.52 – 4 – 37)

2. Date acquired by current owner: 57 - 8/30/1993 55 9/10/2004 3. Zoning District when purchased: RR-1

4. Present use of property: Residential 5. Current Zoning District: RR-1

6. Has a previous ZBA application/appeal been filed for this property?
   ☑ Yes (when? 9/12/1984 For what? side line area variance for Garage at 55 Gilbert)
   ☐ 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:
Recent survey of properties showed boundary line going through the middle of the improvements at 55 Gilbert Road. Applicant wishes to adjust boundary line between properties so all improvements will be within the property boundary lines and to do so requires area variance for one side yard..

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

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

A use variance is requested to permit the following: _____

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

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

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

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

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

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

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) 2.0 Area and Bulk Schedule

Dimensional Requirements	From	To
57 Gilbert Road - Side Yard	30 ft	12.1
55 Gilbert Road - Side Yard	30 ft	10.4

Other: _____

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

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

   The improvements predate the zoning with the exception of the garage at 55 and that was granted an area variance by the City There are no other alternatives. The location of the improvements at 57 Gilbert Road are at least 90 years old.

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:

   Both residences have been in existence prior to the enactment of zoning. No physical change to the buildings are proposed. The new boundary line will merely make official what the perceived boundary is.

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

The properties exceed the minimum requirement in the zone; only one side line variance is required and properties exceed total side line requirements. Since the residences predate zoning and the lot line being proposed is the logical location of the boundary line between the properties, it is not substantial and would have been grandfathered if line was in existence when improvements made.

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

No change is being made to the neighborhood. The improvements have been in existence for over 90 years and 60 years, respectively (with the exception of Garage at 55 Gilbert - which was granted a side yard variance. in 1984). At that time the true location of boundary lines were unknown.

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 difficulties were not self created as all improvements (with exception of garage at 55 Gilbert) pre-existed zoning so when built, by prior owners (not current owners, with exception of garage at 55 Gilbert) there were no requirement for side yard distances.

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: 6/6/16.
(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: _____

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

_____

_____

_____

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

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

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Name of Action or Project:
Peter and Theresa Capozzola and Capozzola/Pfau area variance

Project Location (describe, and attach a location map):
57 Gilbert Road and 55 Gilbert Road Saratoga Springs NY

Brief Description of Proposed Action:
Area variance for side line set backs for 57 Gilbert Road and 55 Gilbert Road Saratoga Springs

Name of Applicant or Sponsor:	Telephone: [redacted]
Theresa Capozzola	E-Mail: [redacted]

Address: [redacted]

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

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

3.a. Total acreage of the site of the proposed action? 0 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? 10.484 acres

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

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

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES
If Yes, identify: Wetlands, Bog Meadow,	☐	☑
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?	NO	YES
If the proposed action will exceed requirements, describe design features and technologies: N/A Area variance	☐	☑
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?	NO	YES
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

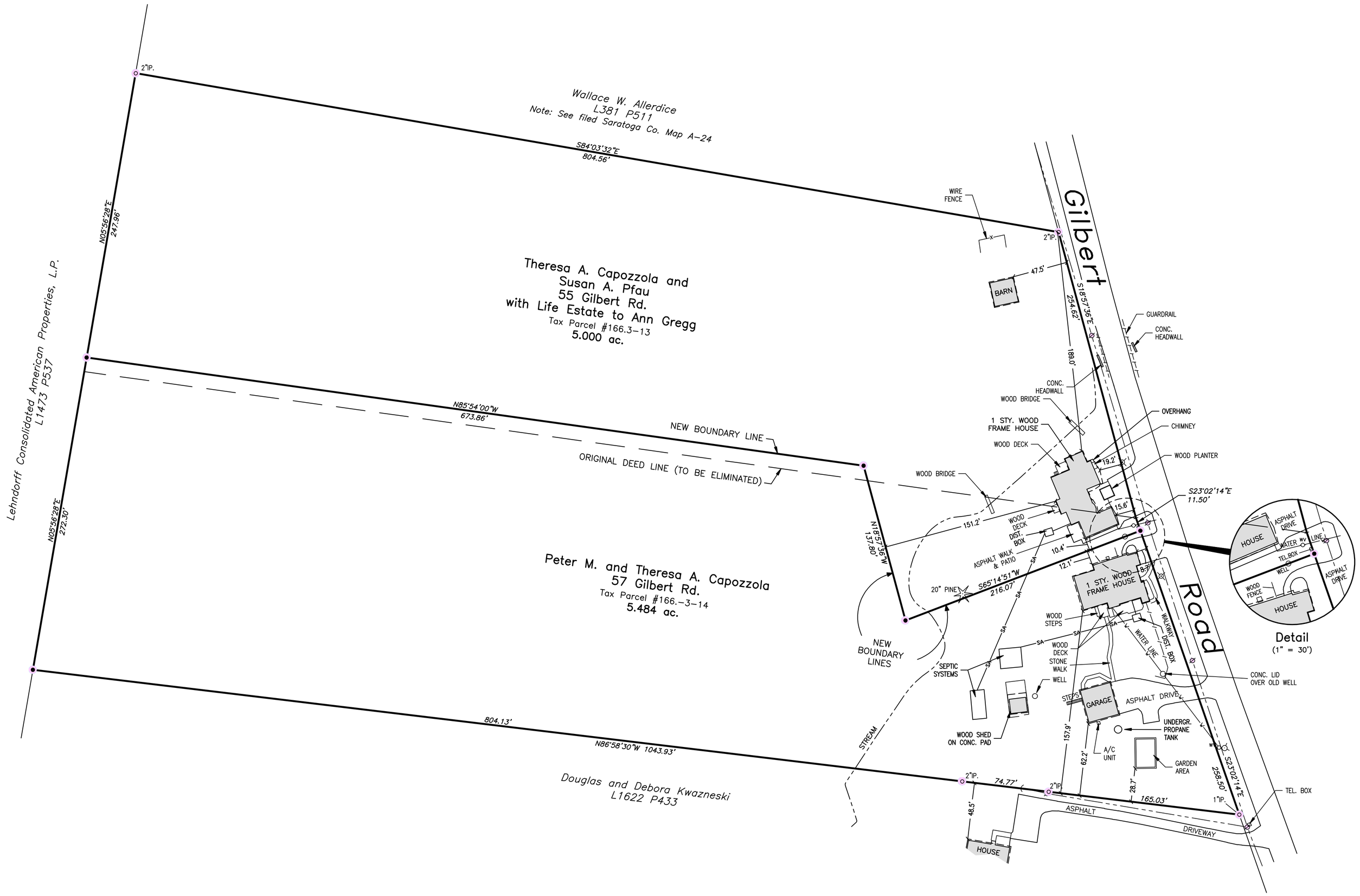
Applicant/sponsor name: Theresa A. Caporale Date: 6/6/16

Signature: _____

PRINT FORM

FRONT view of SIDE line.

VIEW OF SIDE line from BACK yard.



Record North
per Liber 709, Page 471

Deed References:

1. Theresa A. Capozzola and Susan A. Pfau dated Sept. 10, 2004 in Liber 1696 of Deeds, page 549.
2. Peter M. and Theresa A. Capozzola dated August 30, 1993 in Liber 1376 of Deeds, page 284.

Map Reference:

See filed Saratoga County "Plat of Survey for Eleanor Rheinish" prepared by Andrew Stine L.S. dated August 1961 and shown in Liber 709 of Deeds, page 471.

Note:

55 Gilbert Road shall have access to the existing septic system it is currently using on 57 Gilbert Road.

Map Legend

- • 5/8" steel rod set with a tag
- ○ marker found, labeled
- ⌀ utility pole
- ⊠ lamp post
- ⌀WV water valve
- ——— – – ——— overhead wires
- —/—/—/—/— wood fence

Site Statistics

55 Gilbert	Required	Proposed
Min. Lot Size	2 AC.	5.000 AC.
Mean Width	200'	248.7'
Min. Front Yard	60'	15.6'
Min. Rear Yard	100'	151.2'
Min. Side Yard: One Side	30'	10.4'
Min. Side Yard: Total Side	100'	199.4'

57 Gilbert	Required	Proposed
Min. Lot Size	2 AC.	5.484 AC.
Mean Width	200'	263.6'
Min. Front Yard	60'	8.7'
Min. Rear Yard	100'	100'
Min. Side Yard: One Side	30'	12.1
Min. Side Yard: Total Side	100'	170'

Zoning Schedule: RR Rural Residential

Zoning District	Minimum Lot Size	Minimum Mean Width (Ft.)	Maximum Lot Coverage		Min. Setback Demensions (Feet)				Principal Buildings		Minimum Distance to Accessory Building (Feet)				Minimum % to Remain Permeable
			Principal Bldg.	Access. Bldg.	Front	Rear	Each Side	Total Side	Minimum 1st Floor Area (SF)	Max. Height (Feet)	Principal Building	Front Lot Line	Side Lot Line	Rear Lot Line	
RR	2 acres	200	15	5	60	100	30	100	n/a	35	5	60	30	50	80

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

Chairperson _____ Date Signed _____

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

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

P:\Capozzola, Theresa S10-110\dwg\S10-110 Capozzolas.dwg

Boundary Line Adjustment for Capozzola and Pfau

Situate at 55 and 57 Gilbert Road
City of Saratoga Springs, Saratoga County, NY

THOMPSON/FLEMING
LAND SURVEYORS, P.C.
12 Lake Avenue
Saratoga Springs NY
12866
Voice: (518) 587-5665
Fax : (518) 587-5772

DATE	DESCRIPTION
REVISIONS	
DATE:	Feb. 18, 2016
JOB NO.:	S10-110.24
DRAWN BY:	DES
CHKD.BY:	BRF
TAX MAP:	166-3-13 & 14
SCALE:	1" = 50'

25 0 25 50

S10-110.24

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	Ben McGuire	Ben McGuire	
Address	[redacted]		
Phone	[redacted]	/	/
Email	[redacted]		

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

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

PROPERTY INFORMATION

1. Property Address/Location: 97 Lawrence St. Tax Parcel No.: 165.51-1-9 (for example: 165.52 – 4 – 37)
2. Date acquired by current owner: 12/27/13 3. Zoning District when purchased: UR2
4. Present use of property: Residential - one family 5. Current Zoning District: UR2
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: Require Area Variance along side property line in rear of property to repair/expand existing back porch into slighty larger screened porch. Side lot line is previously existing non-conforming use.
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) 5.3.4 - Extension of Expansion of use
5.4.4 - Expansion of structure

Dimensional Requirements	From	To
Current side set back is approximately 5 feet 6 inches. Current Legal non-conforming use or back porch is approximately 5ft. Need an additional ±10 feet expansion of use to allow for bigger screened in porch.	5ft	15ft

Other: Current Porch is Approximately 5ft x 10ft. New porch would be approximately 15 ft x 15 ft.

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 Alternatives are limited unless we simply rebuild the current porch/mud room which needs to be repaired. We'd like to improve the porch so that it can be used on a regular basis by our family. If we were to expand the porch, this is the only place it could be done as the current exit from our kitchen is located on the back/side of the property. This limits where the porch must begin. We could look to make the porch big + thin along the back of the property but our laundry room exhaust + window would be inside the porch which would cause an issue.

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

Granting the variance would not cause a detriment or an undesirable change in the neighborhood and will only improve the neighborhood as we are attempting to improve our home. Also, other properties in our neighborhood, including the immediate neighbors who would be affected by this variance the most have already received approvals in the past to add an addition (family room) to their residence.

 Granting the variance would allow us to make an improvement to our property similar to other improvements made to neighboring properties previously.

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

The variance is not substantial as it will only increase the legal non-conforming use by approximately 10 ft. The variance will only extend the non-conforming use along the side lot line. All other set backs will not be effected.

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:

I do not believe the variance would have any adverse physical or environmental effects on the neighborhood. The back porch will be slightly larger than the existing porch but the property will look much better when finished. No major trees will be hacked in this construction. The construction will be similar to previous construction on other homes in neighborhood which was previously allowed.

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:

Technically the alleged difficulty is self created as we wish to expand upon the current dilapidated porch. However we are also limited where we could expand otherwise due to the design of the home and current exit points. Also considering our side set-back is legally non-conforming and was not self-created makes it difficult for us to make any changes along said boundary without ripping off the entire back portion of the home and rebuilding same so that it complies with the zoning code. This would be extremely cost prohibitive as we would have to relocate our dining room closet and our entire laundry room while also remodeling half our kitchen. We could not afford that type of major project. Increasing the area variance is the only feasible way for us to create a slightly larger rear porch which we can actually use on a ~~daily~~ regular basis and improve our home + the surrounding neighborhood.

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.

Benjamin C. McMinn
(applicant signature)

Date: 6/8/16

(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: _____

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: Construction/Expansion of Existing Back Porch.

Project Location (describe, and attach a location map):
97 Lawrence St., Saratoga Springs, NY 12866

Brief Description of Proposed Action:
•Current Rear porch is falling apart. Dimensions are Approximately 5feet x 10 feet. Project would replace old porch w/ new screened porch with Dimensions of Approximately 15 feet x 15 feet.

Name of Applicant or Sponsor:
Benjamin + Heather McGuire

Telephone: [redacted]

E-Mail: [redacted]

Address: [redacted]

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

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

3.a. Total acreage of the site of the proposed action? .13 acres
b. Total acreage to be physically disturbed? 25ft x 25ft acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .13 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

• with a variance

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

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

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☒	☐
16. Is the project site located in the 100 year flood plain?	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	☒	☐
a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES		

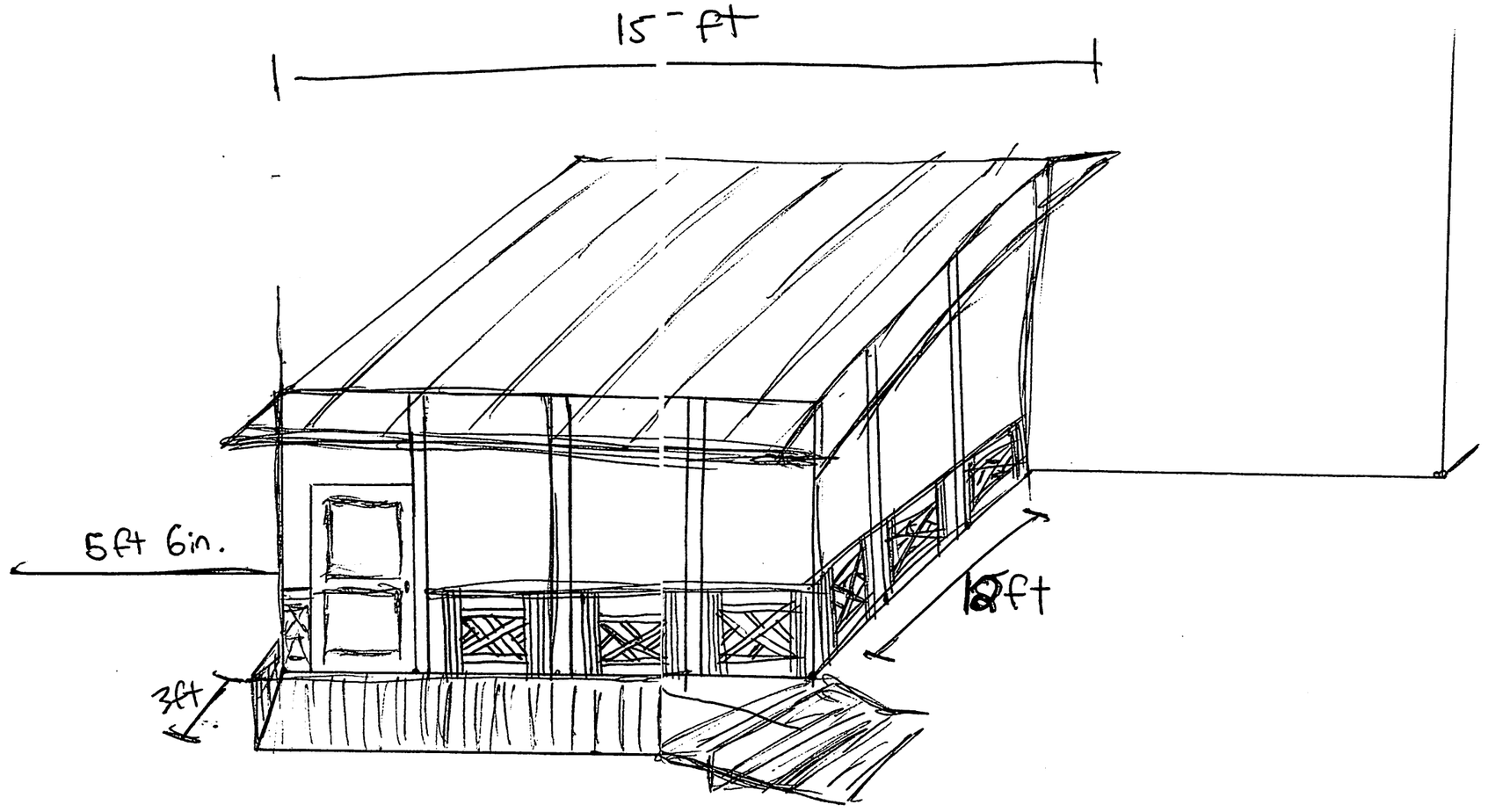
	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☒	☐
19. Has the site of the proposed action or an adjoining property been the location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

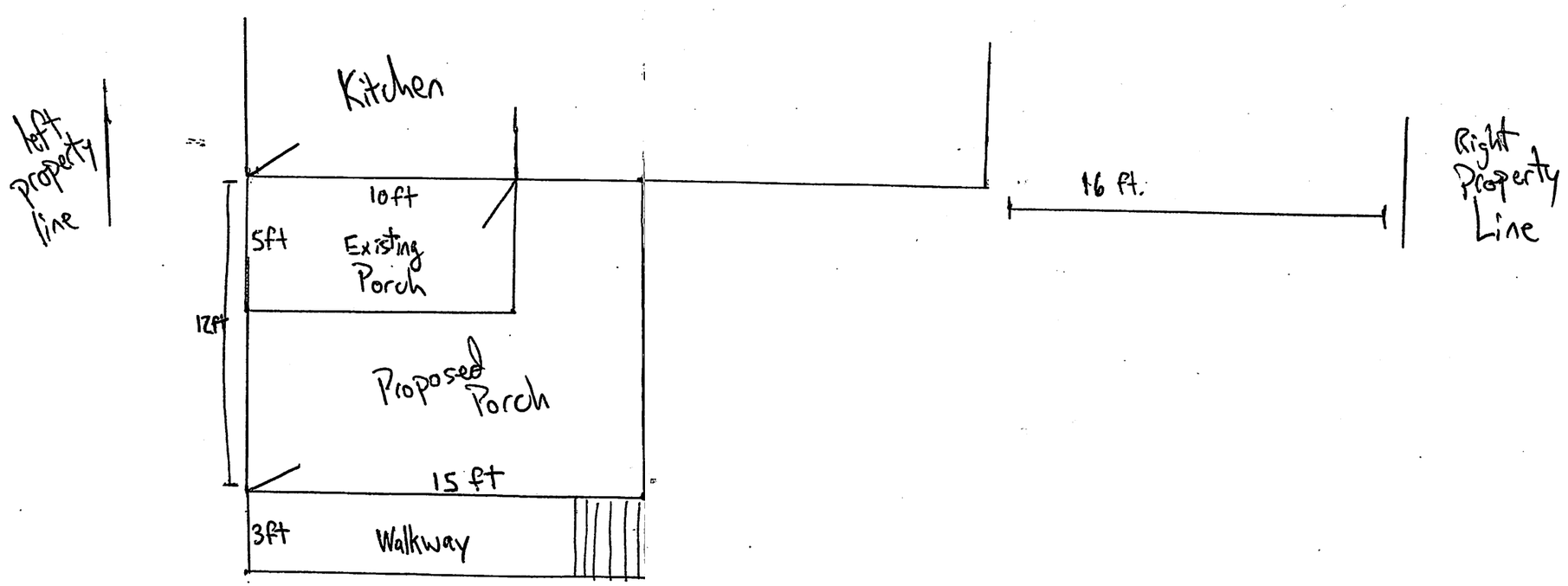
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Benjamin C. McGuire Date: 6/8/16

Signature: Benjamin C. McGuire

PRINT FORM


15 ft
5ft 6in.
12ft
3ft


left property line
Kitchen
10ft
5ft
Existing Porch
12ft
Proposed Porch
15 ft
3ft
Walkway
16 ft.
Right Property Line

ENGINEERING AMERICA CO.

76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866

[redacted]

TRANSMITTAL SHEET

TO:	FROM:
Zoning Board of Appeals	Tonya Yasenchak
COMPANY:	DATE:
City of Saratoga Springs	June 13, 2016
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 1
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Pellett Addition #14 Heather Ln., Saratoga Springs, NY	YOUR REFERENCE NUMBER:

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

City of Saratoga Zoning Board Members,

Engineering America Co. herein would like to provide information regarding the proposed Pellett area variances proposed at #14 Heather Ln. in Saratoga Springs, NY. This correspondence includes the information as follows:

Area Calculations:

Total Lot Size: 10,010 sq.ft.
Existing House Coverage 1,796 sq.ft. (17.94% coverage < 30% max allowable)
Proposed House with Addition: 1,860 sq.ft. (18.6% coverage < 30% max. allowable)

Permeability:
House with Addition: 1,860 sq.ft.
Existing Driveway & Sidewalks: 895 sq.ft. (+/-)
Shed: 98 sq.ft. (+/-).
Total Coverage: 2,853 sq.ft.
2,853 sq.ft. (29 % coverage = 71 % permeable > 30% min)

Thank you for your time and cooperation.
Sincerely,

Tonya Yasenchak, PE

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	Richard & Linda Pellett	(Same)	Tonya Yasenchak, PE / Engineering America
Address	[redacted]		76 Washington St. Saratoga Springs, NY 12866
Phone	[redacted]	/	[redacted]
Email	[redacted]		

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

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

PROPERTY INFORMATION

1. Property Address/Location: 14 Heather Ln Tax Parcel No.: 190.07 - 3 - 31
(*for example: 165.52 – 4 – 37*)

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

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

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

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

8. Brief description of proposed action:
Removal of pre-existing, non-conforming rear deck. Construction of 12' x 20.2' single story addition to include expansion of family room, relocation of bath & 1st floor laundry.

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) Table 3: Area & Bulk Schedule

Dimensional Requirements	From	To
Min. Yard Setback: Each Side	12.0'	9.4'
(2.6' variance requested: 21.7%)		
Min. Yard Setback: Total Sides	30.0'	20.1'
(9.9' variance requested: 33%)		

Other:

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

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

   The benefit cannot be achieved by any other feasible means:
   a) The house is pre-existing / non-conforming, located at 9.7' from the Western property line. Any addition to the family room (located at the left rear of the house) will also be non-conforming. The addition cannot be "stepped in" 2.6' to meet the 12' min. side yard without creating an odd shaped room.
   b) The purpose of the addition is to add space to the already small family room as well as to modify the bathroom for better privacy and to include the laundry on the 1st floor. Adding depth to the addition, to accommodate a more narrow addition, would locate the family room further from the kitchen and would not meet the home owner's needs.
   c) Shifting the addition to the right, towards the kitchen, would create an awkward roof line and potential roof drainage issue. Also, shifting the addition towards the right would require the removal of the existing kitchen window, required for natural light / ventilation by the building code.
   d) No additional land is available for purchase.
   e) Including an addition to the right rear of the house would intrude into the dining area, not provide a large enough space and not solve the problem of the non-private restroom

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 variances will not create a detriment to the nearby properties:
   a) The house is already pre-existing / non-conforming as it is located on the lot.
   b) The western property line is actually angled away from the lot as it continues towards the rear or the lot. This results in the addition being located at 9.5' from the property line at it's rear left corner, better than the 9.4' at which the house exists.
   c) The neighbor to the left / west only has 2 second story windows on the side of their house which would face the proposed addition. Therefore the addition should have a minimal effect on this neighbor.
   d) The proposed addition will be consistent in the architectural character of the neighborhood.

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

The variances requested are not substantial:
a) The 2.6' side setback variance is only 21.7% variance. This is not substantial as the house exists at 9.4' from the western property line already. The variance requested is not any more than what currently exists.

b) The 9.9' total side setback variance is a 33% variance. This may seem slightly substantial. However, the variance requested is not any greater that what currently exists, or what has existed for the past 30+ years.

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 requested variances should not have any environmental or physical effects on the neighborhood:

a) No trees will be removed for the construction of this addition.
b) The proposed addition is a single story and should not cause any significant shading to the adjacent 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:

The alleged difficulty is only self created due to the fact that the additional family room space is the choice of the Home Owners. The addition will include relocation of the bath to a more private location to correct a design flaw of the Geyser Crest colonials, which located the powder room directly adjacent to the eating area. Also, the Home Owners would like to remain in their home as they age, so a full bath & laundry on the first floor is more convenient and better accessible.

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: 6/13/16
(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: _____

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

APPLICANT: Rick & Linda Pellett TAX PARCEL NO.: 190 . 07 - 3 - 31

PROPERTY ADDRESS: 14 Heather Ln., Saratoga Springs, NY ZONING DISTRICT: UR-1

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
Min. Yard Setback: Each Side	12.0'	9.4'
(2.6' variance - 21.7%		
Min. Yard Setback: Total Sides	30.0'	20.1'
(9.9' variance - 33%)		

Other: _____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

TABLE 3: AREA AND BULK SCHEDULE

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

ENGINEERING AMERICA CO.

76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866

[redacted]

TRANSMITTAL SHEET

TO: Zoning Board of Appeals	FROM: Tonya Yasenchak
COMPANY: City of Saratoga Springs	DATE: June 13, 2016
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 1
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Pellett Addition #14 Heather Ln., Saratoga Springs, NY	YOUR REFERENCE NUMBER:

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

City of Saratoga Zoning Board Members,

Engineering America Co. herein would like to provide information regarding the proposed Pellett area variances proposed at #14 Heather Ln. in Saratoga Springs, NY. This correspondence includes the information as follows:

Area Calculations:

Total Lot Size: 10,010 sq.ft.

Existing House Coverage 1,796 sq.ft. (17.94% coverage < 30% max allowable)

Proposed House with Addition: 1,860 sq.ft. (18.6% coverage < 30% max. allowable)

Permeability:

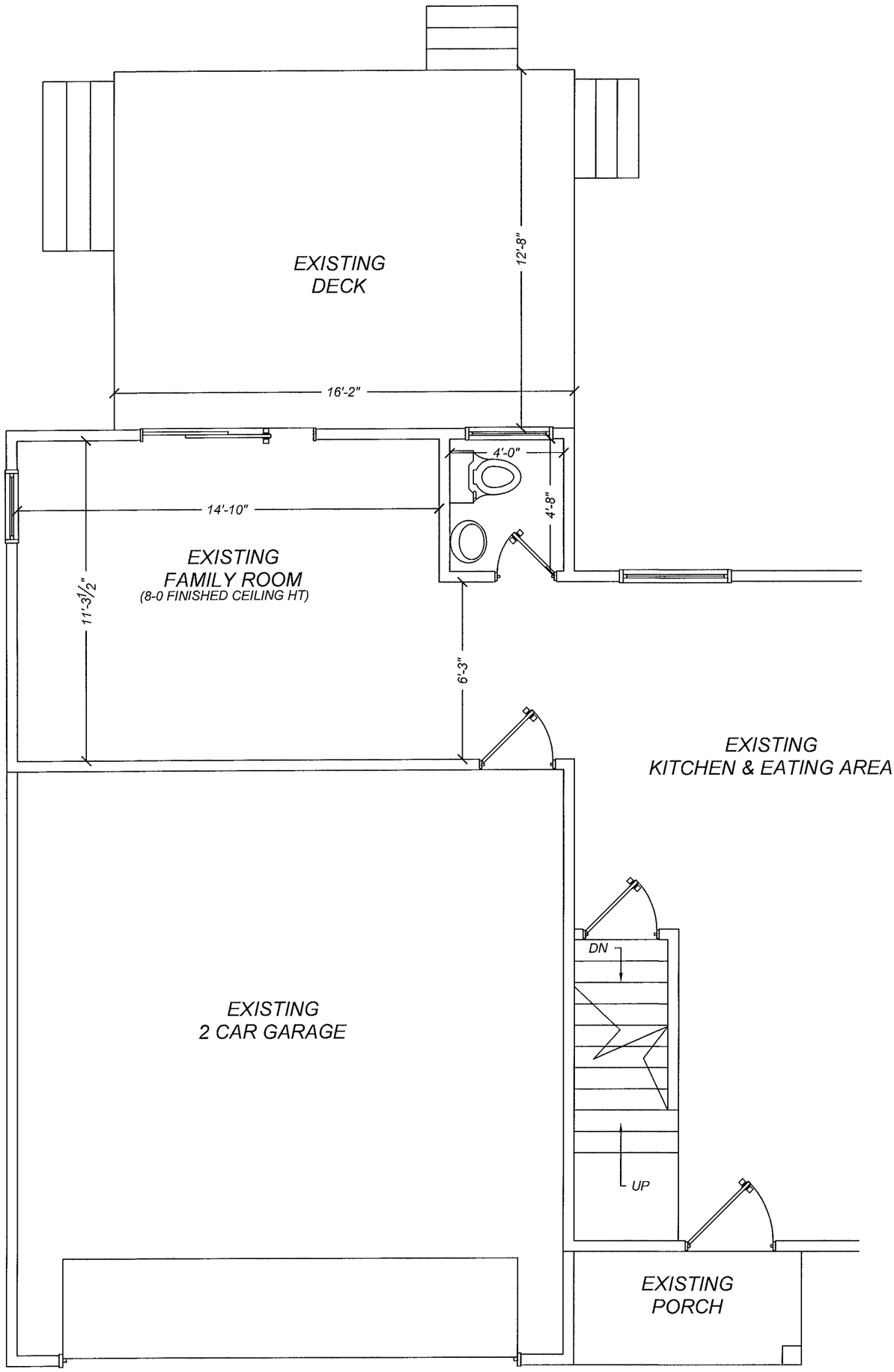
House with Addition:	1,860 sq.ft.
Existing Driveway & Sidewalks:	895 sq.ft. (+/-)
Shed:	98 sq.ft. (+/-).
Total Coverage:	2,853 sq.ft.

2,853 sq.ft. (29 % coverage = 71 % permeable > 30% min)

Thank you for your time and cooperation.

Sincerely,

Tonya Yasenchak, PE



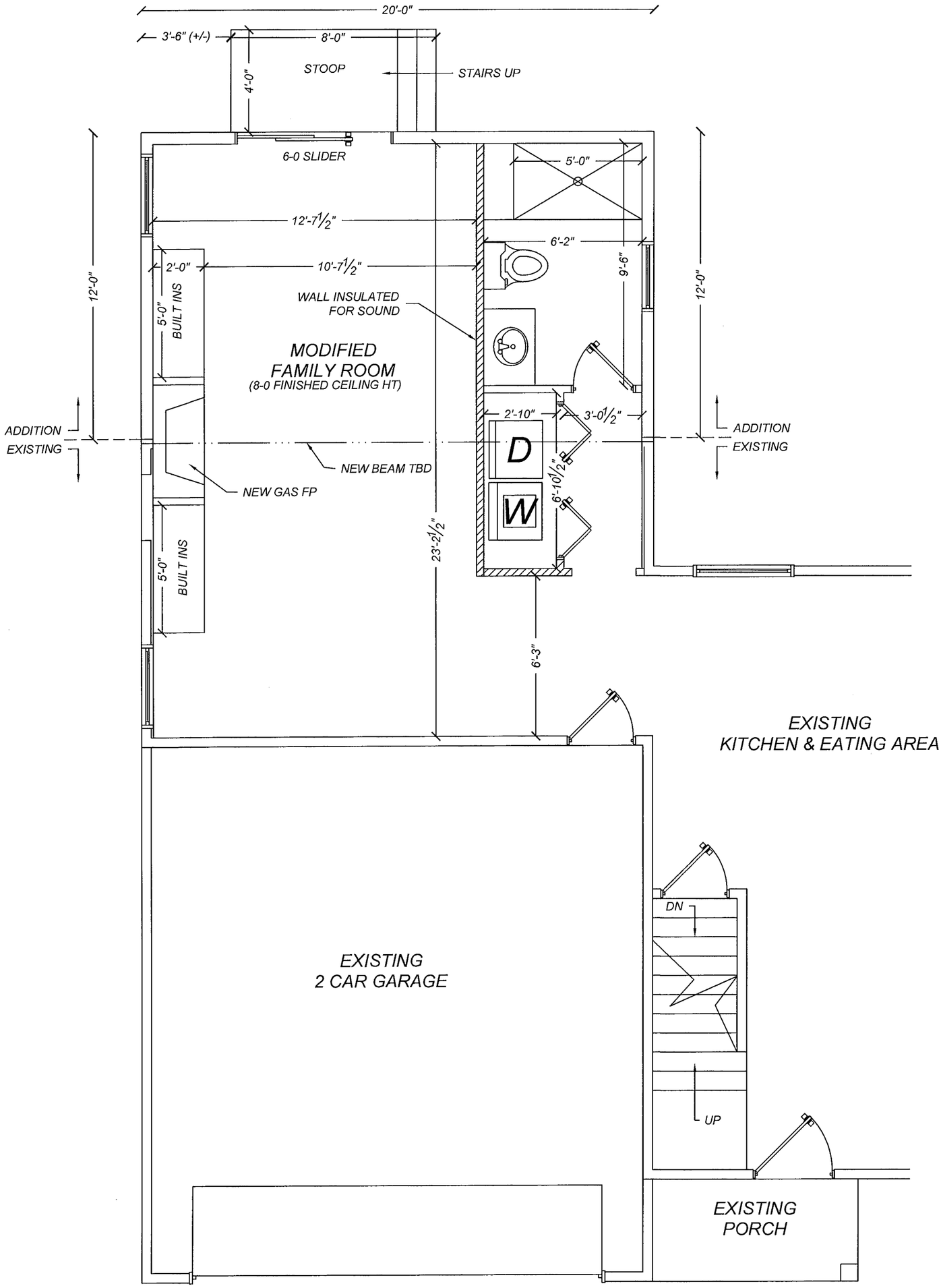
PELLETT RESIDENCE ADDITION
14 HEATHER LN.
SARATOGA SPRINGS, NY

EXISTING MAIN FLOOR

JUNE 8, 2016 SCALE: 1/4" 1' 0"

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

NOTE: ACTUAL DIMENSIONS MAY VARY SLIGHTLY. FIELD VERIFY MEASUREMENTS, PIER FOUNDATION AND EXISTING JOISTS PRIOR TO CONSTRUCTION. NOTIFY DESIGN ENGINEER IMMEDIATELY WITH ANY/ALL DISCREPANCIES FOR DETERMINATION.



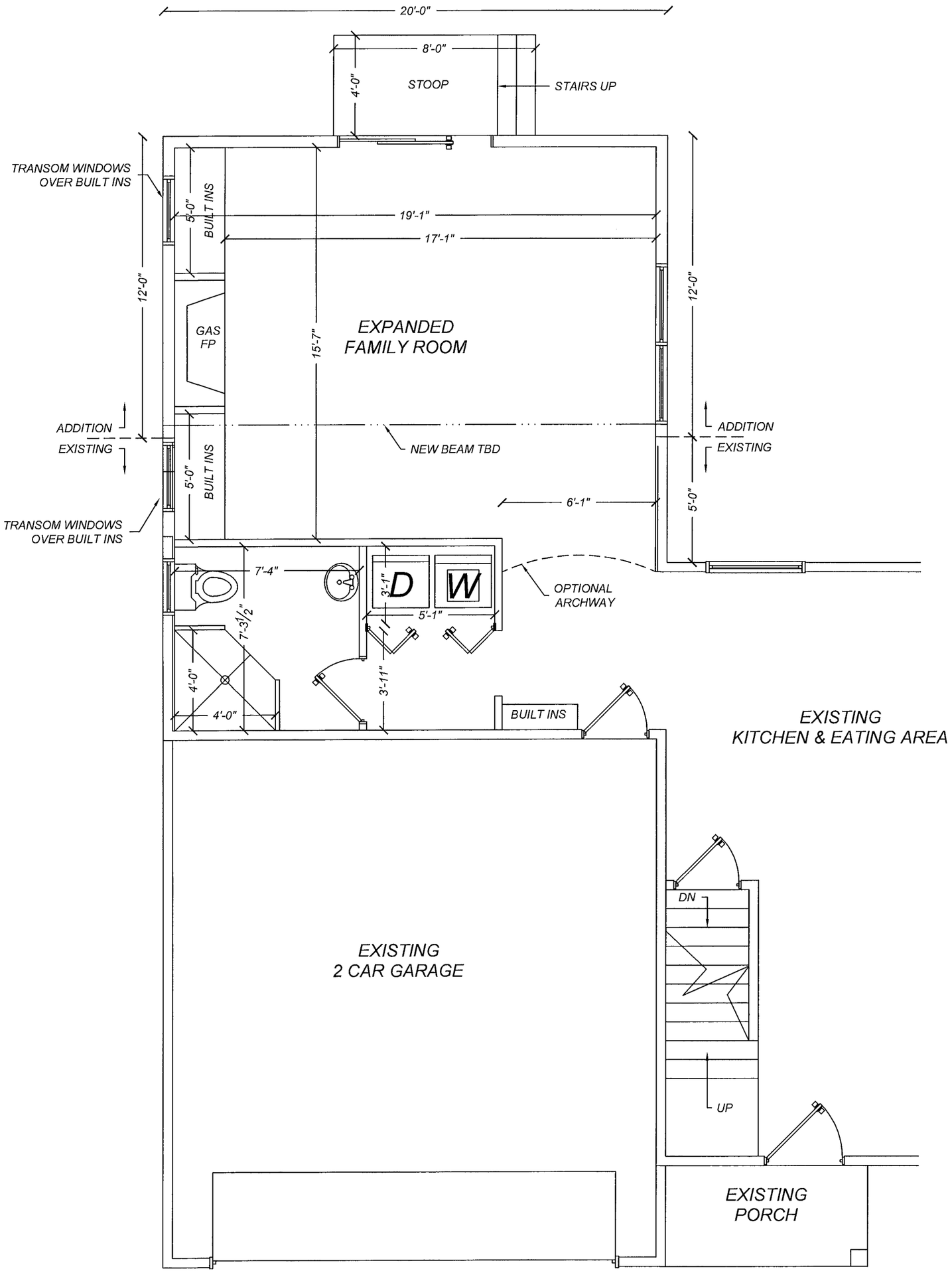
PELLETT RESIDENCE ADDITION
14 HEATHER LN.
SARATOGA SPRINGS, NY

PROPOSED: A
MAIN FLOOR

JUNE 8, 2016 SCALE: 1/4" 1' 0"

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

NOTE: ACTUAL DIMENSIONS MAY VARY SLIGHTLY. FIELD VERIFY MEASUREMENTS, PIER FOUNDATION AND EXISTING JOISTS PRIOR TO CONSTRUCTION. NOTIFY DESIGN ENGINEER IMMEDIATELY WITH ANY/ALL DISCREPANCIES FOR DETERMINATION.



PELLETT RESIDENCE ADDITION
14 HEATHER LN.
SARATOGA SPRINGS, NY

PROPOSED: Option MAIN FLOOR

JUNE 8, 2016 SCALE: 1/4" 1' 0"

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

NOTE: ACTUAL DIMENSIONS MAY VARY SLIGHTLY. FIELD VERIFY MEASUREMENTS, PIER FOUNDATION AND EXISTING JOISTS PRIOR TO CONSTRUCTION. NOTIFY DESIGN ENGINEER IMMEDIATELY WITH ANY/ALL DISCREPANCIES FOR DETERMINATION.

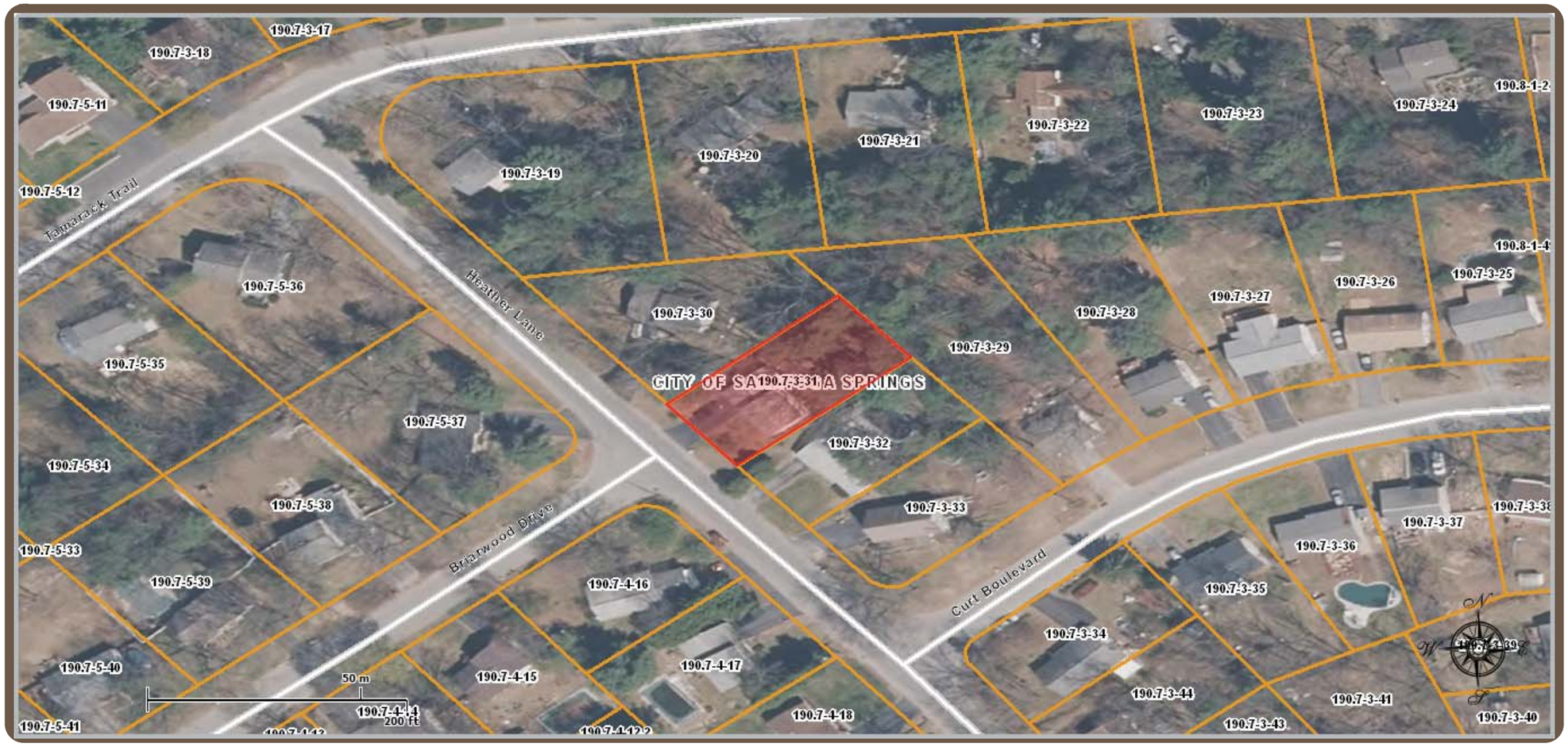
Pellett

Legend

- County
- Municipal Boundaries
- Parcels

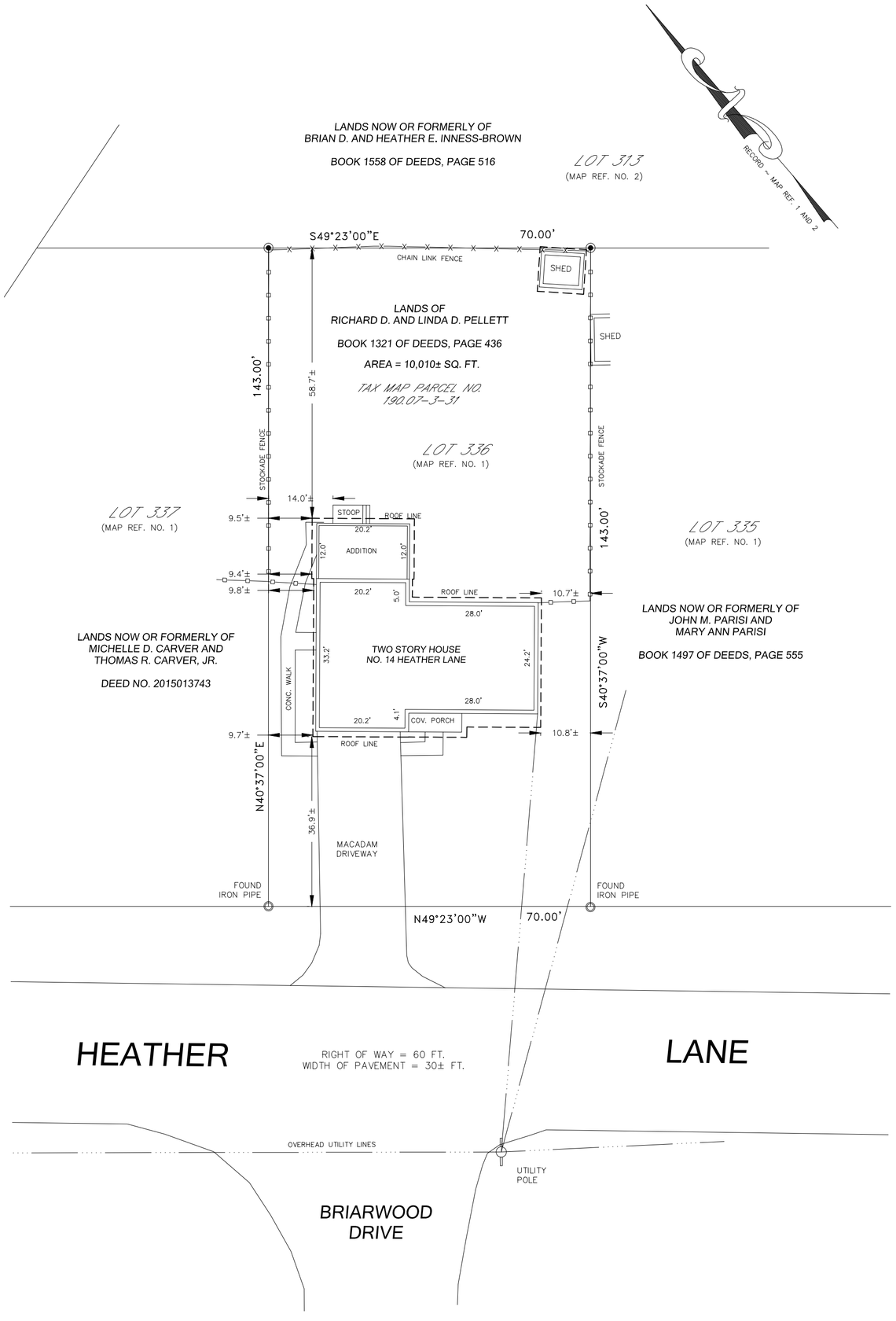
Local Roads

- Local
- State and County
- US and Interstate



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

June 13, 2016



I HEREBY CERTIFY TO:

1.) RICHARD D. AND LINDA D. PELLETT

THAT THIS MAP WAS PREPARED FROM AN ACTUAL FIELD SURVEY MADE IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

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

ZONING INFORMATION:

ZONING DISTRICT: UR–1
- MINIMUM LOT SIZE: 12,500 SQ. FT.
- MINIMUM MEAN LOT WIDTH: 100 FT.
- MAXIMUM PERCENT OF LOT TO BE OCCUPIED BY:
  - PRINCIPAL BUILDING: 20 %
  - ACCESSORY BUILDING: 8%
- MINIMUM YARD DIMENSIONS:
  - FRONT: 30 FT.
  - REAR: 30 FT.
  - ONE SIDE: 12 FT.
  - TOTAL SIDE: 30 FT.
- PRINCIPAL BUILDING:
  - MINIMUM FIRST FLOOR AREA:
    - 1 STORY: 1,100 SQ. FT.
    - 2 STORY: 800 SQ. FT.
  - MAXIMUM BUILDING HEIGHT: 60 FT.
  - MINIMUM DISTANCE FROM ACCESSORY BUILDING TO:
    - PRINCIPAL BUILDING: 5 FT.
    - FRONT LOT LINE: 30 FT.
    - SIDE LOT LINE: 5 FT.
    - REAR LOT LINE: 5 FT.
- MINIMUM PERCENT OF LOT TO BE PERMEABLE: 30%

NOTES:

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

2.) UNLESS OTHERWISE NOTED, OFFSET DIMENSIONS TO HOUSE ARE MEASURED TO THE ROOF LINE.

MAP REFERENCES:

1.) MAP ENTITLED "SECTION – #7 GEYSER CREST", DATED DECEMBER 9, 1969, MADE BY C.T. MALE ASSOCIATES AND FILED IN THE SARATOGA COUNTY CLERK'S OFFICE AS MAP NO. "CC–131".

2.) MAP ENTITLED "SECTION – NO. 6 GEYSER CREST", DATED JUNE 16, 1969, MADE BY C.T. MALE ASSOCIATES AND FILED IN THE SARATOGA COUNTY CLERK'S OFFICE AS MAP NO. "CC–130".

DEED REFERENCE:

1.) DEED DATED OCTOBER 30, 1991 FROM STEVEN M. PARISH AND BARBARA L. PARISH TO RICHARD D. PELLETT AND LINDA D. PELLETT AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE IN BOOK 1321 OF DEEDS AT PAGE 436.

NOTE:
THIS IS A PLOT PLAN ONLY AND NOT A SURVEY. THE ORIGINAL SURVEY, DATED 6/2/2016 WAS MODIFIED BY ENGINEERING AMERICA CO. WITH PERMISSION FROM DANIEL C. WHEELER, LS OF SURVEY ASSOCIATES TO CREATE THIS PLOT PLAN TO DEPICT PLAN CHANGES REQUIRING AREA VARIANCES. A MODIFIED SURVEY PLAN AND FOOTPRINT STAKE OUT MUST BE PREPARED FOR THE BUILDING PERMIT APPLICATION, PRIOR TO CONSTRUCTION AND AFTER CONSTRUCTION HAS BEEN COMPLETED FOR FILING WITH THE CITY.

ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 – 1340

SURVEY BASE BY:

SURVEY ASSOCIATES, LLC
DANIEL C. WHEELER, LS
PROFESSIONAL LAND SURVEYING
432 BROADWAY, SUITE 5, SARATOGA SPRINGS, NY 12866
PH. (518) 583-7302 FAX (518) 583-7303

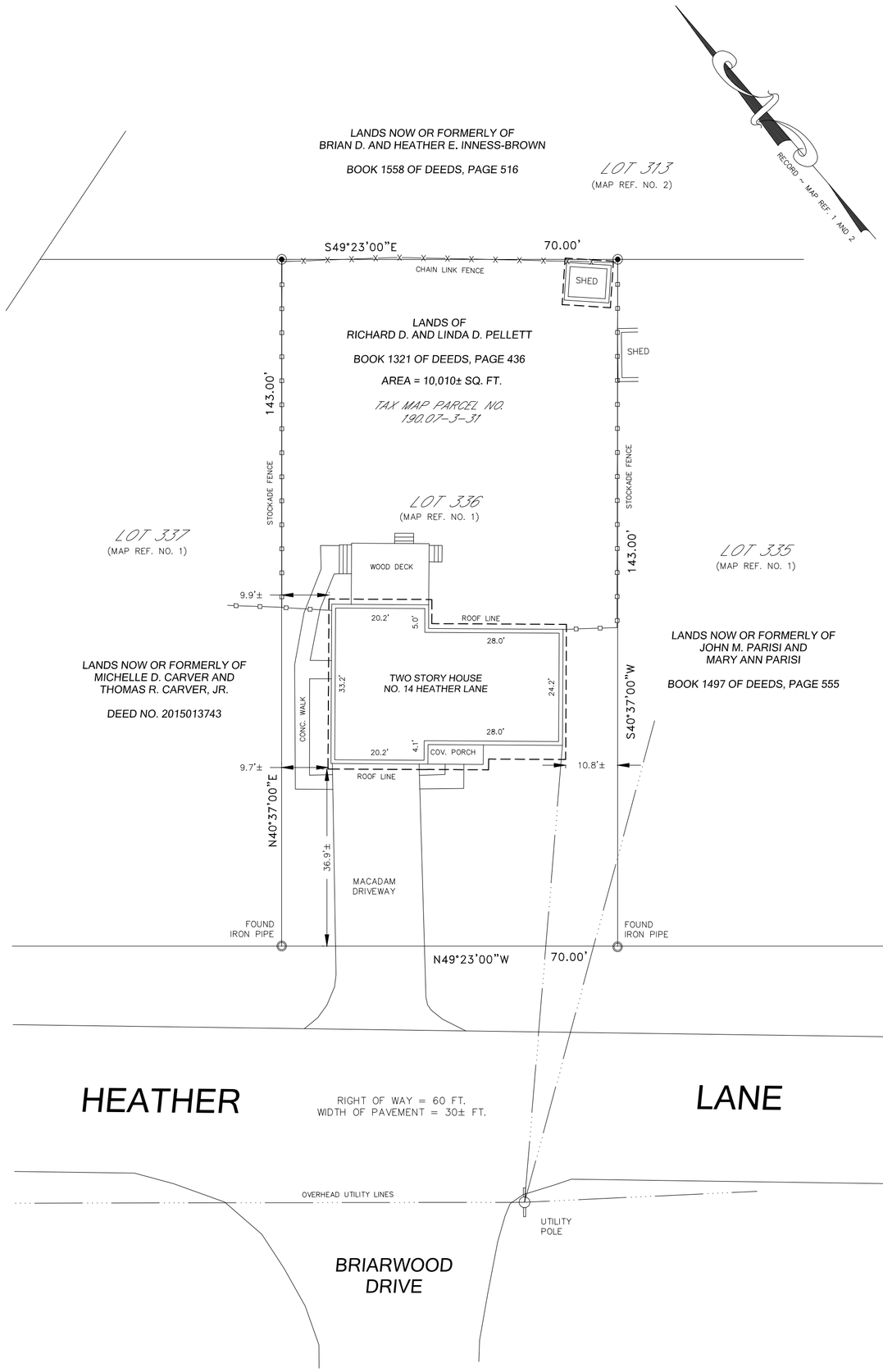
TITLE:

PLOT PLAN WITH PROPOSED ADDITION
RICHARD D. AND LINDA D. PELLETT

LOCATION:
CITY OF SARATOGA SPRINGS
(OUTSIDE DISTRICT)
SARATOGA COUNTY, NEW YORK

DATE:
JUNE 13, 2016

SCALE:
1 INCH = 20 FEET



I HEREBY CERTIFY TO:

1.) RICHARD D. AND LINDA D. PELLETT

THAT THIS MAP WAS PREPARED FROM AN ACTUAL FIELD SURVEY MADE IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

DANIEL C. WHEELER — P.L.S. LIC. NO. 50,137

ZONING INFORMATION:

ZONING DISTRICT: UR–1
- MINIMUM LOT SIZE: 12,500 SQ. FT.
- MINIMUM MEAN LOT WIDTH: 100 FT.
- MAXIMUM PERCENT OF LOT TO BE OCCUPIED BY:
  - PRINCIPAL BUILDING: 20 %
  - ACCESSORY BUILDING: 8%
- MINIMUM YARD DIMENSIONS:
  - FRONT: 30 FT.
  - REAR: 30 FT.
  - ONE SIDE: 12 FT.
  - TOTAL SIDE: 30 FT.
- PRINCIPAL BUILDING:
  - MINIMUM FIRST FLOOR AREA:
    - 1 STORY: 1,100 SQ. FT.
    - 2 STORY: 800 SQ. FT.
  - MAXIMUM BUILDING HEIGHT: 60 FT.
  - MINIMUM DISTANCE FROM ACCESSORY BUILDING TO:
    - PRINCIPAL BUILDING: 5 FT.
    - FRONT LOT LINE: 30 FT.
    - SIDE LOT LINE: 5 FT.
    - REAR LOT LINE: 5 FT.
- MINIMUM PERCENT OF LOT TO BE PERMEABLE: 30%

NOTES:

1.) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR A TITLE REPORT.

2.) UNLESS OTHERWISE NOTED, OFFSET DIMENSIONS TO HOUSE ARE MEASURED TO THE ROOF LINE.

MAP REFERENCES:

1.) MAP ENTITLED "SECTION – #7 GEYSER CREST", DATED DECEMBER 9, 1969, MADE BY C.T. MALE ASSOCIATES AND FILED IN THE SARATOGA COUNTY CLERK'S OFFICE AS MAP NO. "CC–131".

2.) MAP ENTITLED "SECTION – NO. 6 GEYSER CREST", DATED JUNE 16, 1969, MADE BY C.T. MALE ASSOCIATES AND FILED IN THE SARATOGA COUNTY CLERK'S OFFICE AS MAP NO. "CC–130".

DEED REFERENCE:

1.) DEED DATED OCTOBER 30, 1991 FROM STEVEN M. PARISH AND BARBARA L. PARISH TO RICHARD D. PELLETT AND LINDA D. PELLETT AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE IN BOOK 1321 OF DEEDS AT PAGE 436.

DANIEL C. WHEELER
P.L.S. LIC. NO. 50,137

SURVEY ASSOCIATES, LLC
DANIEL C. WHEELER, LS
PROFESSIONAL LAND SURVEYING
432 BROADWAY, SUITE 5, SARATOGA SPRINGS, NY 12866
PH. (518) 583–7302 FAX (518) 583–7303

TITLE:

SURVEY OF LANDS OF RICHARD D. AND LINDA D. PELLETT

LOCATION:
CITY OF SARATOGA SPRINGS
(OUTSIDE DISTRICT)
SARATOGA COUNTY, NEW YORK

DATE:
JUNE 2, 2016

SCALE:
1 INCH = 20 FEET

MAP NO. 2016–04–02

Pellet Addition:

#14 Heather Ln., Saratoga Springs, NY

Rear / East elevation of residence as viewed facing West from rear yard of project site

Front / South elevation of existing residence as viewed facing North from Heather Ln.

Left / West yard of project site in relation to adjacent neighbor to the West as viewed facing North from Heather Ln.

Left / West elevation of existing residence as viewed facing East from Heather Ln.

Pellet Addition:

#14 Heather Ln., Saratoga Springs, NY

Adjacent residence to the left / West of project site as viewed facing North East from Heather Ln.

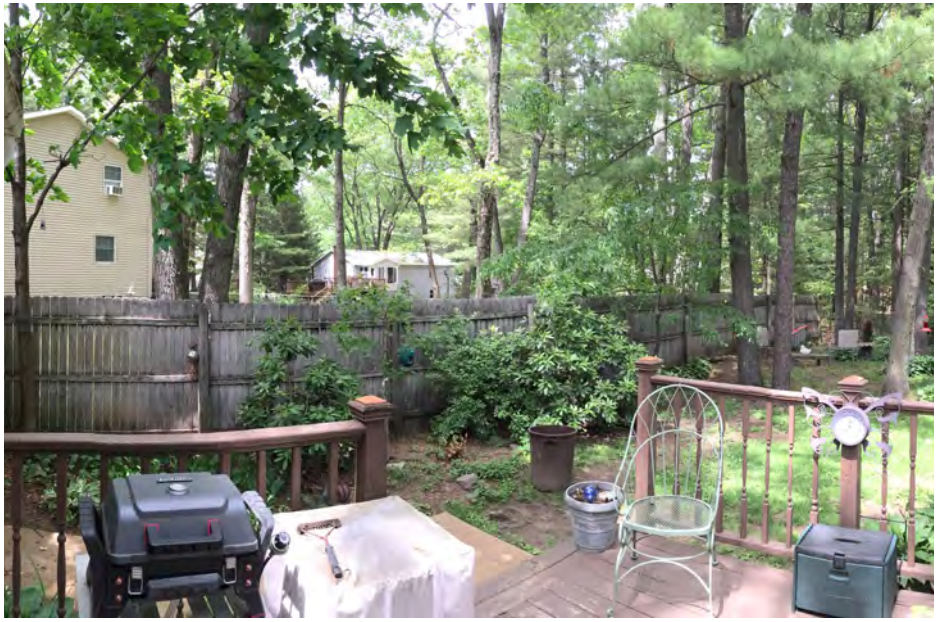
Front of existing house and neighboring lots to the East of project site as viewed facing East from Heather Ln.

Residence across Heather Ln. to the South of the project site as viewed facing South from project site driveway

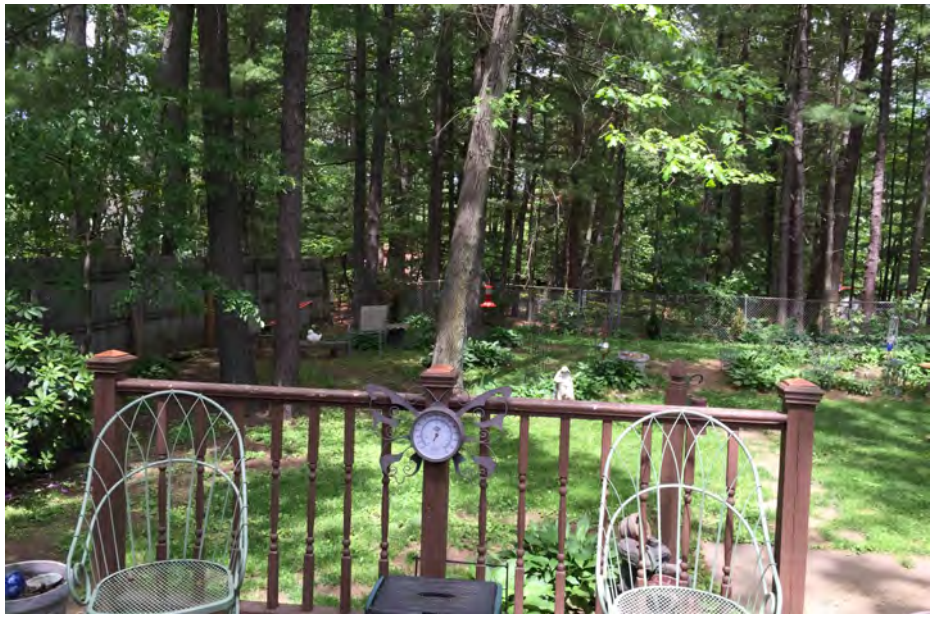
Residence across Heather Ln. to the West of the project site as viewed facing West from project site driveway

Pellet Addition:

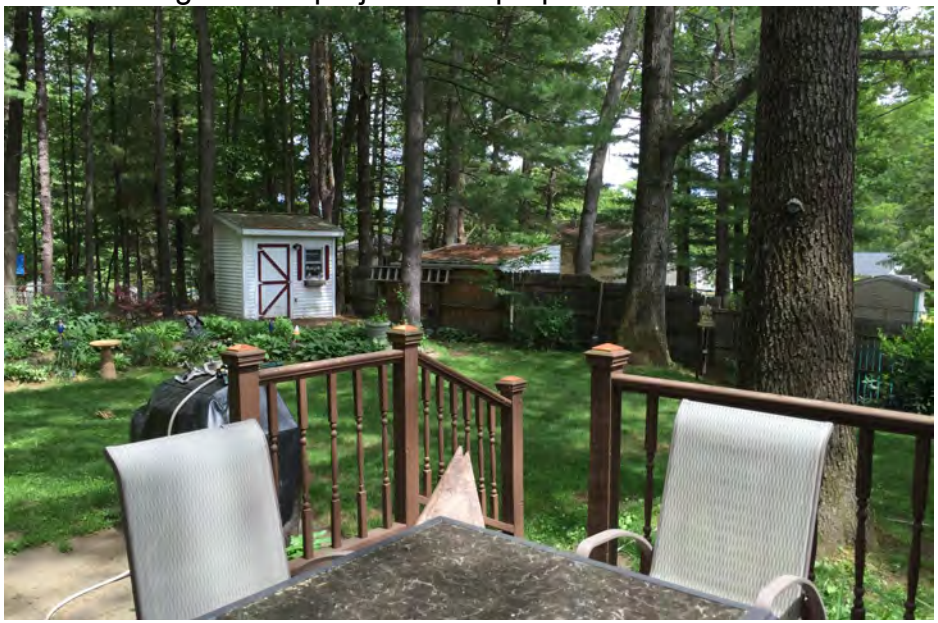
#14 Heather Ln., Saratoga Springs, NY



View of side yard & fence line of adjacent property to the West from existing deck of project site / proposed addition location



View of existing project site back yard as viewed facing North from existing deck / proposed addition location



View of existing project site back yard as viewed facing East from existing deck / proposed addition location

View of rear yard and fence li ne of adjacent property to the South East from existing deck / proposed addition location

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: _____

Application Narrative
Rite Aid Redevelopment
Application for Signage Area Variances

National Retail Properties, Inc. (f/k/a Commercial Net Lease Realty, Inc.) (the "Applicant") submits this Application for Area Variances executed by David J. Reif, Senior Vice President, Leasing & Construction, dated June 8, 2016. The Applicant is the title holder of 90 West Avenue and the purchaser under contract of the parcel located at 242 Washington Street, commonly known as KNC Touchfree Car Wash.

The Applicant previously filed a First Amendment to Application for Area Variances as more particularly set forth in its application of December 10, 2014, for which variances were granted by this Board on January 26, 2015.

This Application seeks relief from the Zoning Ordinance for the Applicant's proposed signage package, submitted together with this Application. The signage for the site is in Rite Aid's "New England" style, meaning its letters and returns are generally in the same style and color as the other Rite Aid stores throughout the east coast which share the New England design. Gooseneck lighting will illuminate each proposed sign – no back lighting or internal illumination is proposed, and no sign protrudes from the wall more than three inches.

The site is somewhat unique in the City because it is located at the corner of West Avenue and Washington Street, both very high capacity streets. The approval process for the expansion of the Rite Aid Pharmacy has been extensive. The approval processMost recently with the building's footprint and exterior was approved by the Planning Board's site plan approval and by architectural approval from the Design Review Commission. A key element of the DRC's approval was the presence of an entrance at the intersection of West Avenue and Washington Street. That intersection is a gateway to the City and the entrance in that location will promote pedestrian activity, a goal of the Transect-5 district.

The signage package is designed to allow for Rite Aid brand recognition along West Avenue, Washington Street and at the entrance opposite the intersection. In addition, the proposed signage provides for the (i) designation of the pharmacy, (ii) the location of the drive-thru, (iii) the co-brand "GNC" signage accompanying the Rite Aid brand and (iv) temporary signage for operation of the pharmacy during construction of the new building.

Area Variance

1. **The benefit sought by the Applicant cannot be achieved by other feasible means.** The within application represents the third iteration of the signage package prepared by the project team in an effort to minimize the relief sought in this application while incorporating Rite Aid's standard New England design style used for stores on the east

coast. In recognition of the provisions of Article 6 of the Zoning Code, the New England style signage package has been reduced.

The location of the store at the intersection of two major thoroughfares within the city drives, in part, the need for the signage proposed. The addition of the entrance opposite the intersection (incorporated into the design during discussions with DRC) places additional demands for identification of the facility. Thirdly, the orientation of the building to accommodate anticipated pedestrian traffic requires a modification of the standard Rite Aid package from the signage originally contemplated for the overwhelming majority of the store's traffic by vehicle.

Location of the signage protruding slightly above the first floor is necessitated by building elements approved by DRC. In this instance, DRC balanced the need for architectural features at this gateway against the desire to have wall signage entirely below the second floor. No other locations on the building are feasible for compliance in light of the approved architecture.

The drive-thru and directional signage on the south side are intended to direct customers to the approved circulation pattern within the site.

2. **The granting of the relief will not create a detriment to nearby properties nor an undesirable change in neighborhood character for the following reasons**. There is a business at each of the four corners of the West Avenue and Washington Street intersection. This application is necessitated by the redevelopment of the site with a new, modern Rite Aid pharmacy. The facility will be a marked improvement over the existing building. The proposed signage will not be a detriment to nearby properties, but instead will be an improvement to neighborhood character. The proposed signage is meant to match the new building, which will be a more appropriate structure for its location at the gateway to the City. Across the streets are a Stewart's Shop and Mobile Station, both with fuel pumps facing the street, and D'Andrea's Liquor Store. Moreover, the car wash immediately adjacent to the current Rite Aid will be demolished, minimizing the number of neighboring buildings.

   As the signage package demonstrates, except for the freestanding sign which utilizes LED illumination, no signs are internally illuminated. To minimize any impact of the signage to neighboring properties, all wall signs are illuminated with gooseneck lighting. Furthermore, each sign's return measures between 3 and 5 inches, below the 6 inch limit set by the Ordinance.

3. **The requested variances are not substantial.** While the number of variances sought is greater than many applications reviewed by the ZBA, the impact of the proposed variances is not substantial. Under the Ordinance, each street-facing façade is permitted one wall sign of 100 square feet. This application contains three such street-facing facades: The Westerly façade, facing West Avenue, has approximately 107.8 square feet of signage, the northerly façade, facing Washington Street, has only 49.4 square feet of

signage and the intersection façade has one sign of a mere 10.3 square feet. Although the West and Washington facades have more than one sign each, the signs are generally clustered together, and appear as a cohesive unit. Furthermore, although a few of the signs on these facades are higher than the 18 inches permitted by the Ordinance, they are proportionate to the size of the building. The building is a large, two-story structure and 18 inch lettering would look out of place.

The southerly façade, facing the parking lot, contains wall signs that are not permitted by the Ordinance because it is not a street-facing façade. However, these signs are in the interior of site and therefore will not detract from the intent of the Ordinance to protect public health, welfare and safety, and will not obstruct traffic or cause visual blight. In addition to the reasons for the southerly façade's signs stated in answer number one above, the remaining signs in this area are either directional, and therefore exempt from the Ordinance, or signal to motorists the location of the drive-thru, and are therefore necessary.

4. **The requested variance will have no adverse physical or environmental effects on the neighborhood or district**. As mentioned above, the project includes demolishing the existing car wash in favor of a single Rite Aid building, resulting in signage in the project area for a single business instead of two businesses, presenting a more cohesive look for the neighborhood. The proposed free-standing sign is located at the opposite end of the property from the intersection and will not adversely affect driver or pedestrian safety.

5. **The difficulty is self-created, but this is not fatal to the application**. The Applicant desires to redevelop the existing Rite Aid, which is out of date. The proposed large, modern Rite Aid is the result of business decisions dictated by the evolving pharmacy market, and it requires appropriate signage to match.

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 Avenue, Suite 900 Orlando, FL 32801		68 West Avenue Saratoga Springs, NY 12866
Phone	[redacted] /	/	[redacted]
Email			

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's Interest in the premises: ☑ Owner ☐ Lessee ☑ Under option to lease or purchase

PROPERTY INFORMATION

1. Property Address/Location: 90 West Ave/ 242 Washington St Tax Parcel No.: 165.14-2 -2.2 165.1 .4-2-1 - - (*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 9/20/2004 3. Zoning District when purchased: C-2

4. Present use of property: Rite Aid 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:
   Sign Variances

9. Is there a written violation for this parcel that is not the subject of this application? ☐ Yes ☑ No

10. Has the work, use or occupancy to which this appeal relates already begun? ☐ Yes ☑ No

11. Identify the type of appeal you are requesting *(check all that apply)*:

☐ INTERPRETATION (p. 2) ☐ VARIANCE EXTENSION (p. 2) ☐ USE VARIANCE (pp. 3-6) ☑ AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance". Fees are cumulative and required for each request below.

☐ Interpretation	$ 400
☐ Use variance	$1,000
☑ Area variance	
-Residential use/property:	$ 150
-Non-residential use/property:	$ 500
☐ Extensions:	$ 150

INTERPRETATION – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) _____

2. How do you request that this section be interpreted? _____

_____

_____

_____

3. If interpretation is denied, do you wish to request alternative zoning relief? ☐Yes ☐No

4. If the answer to #3 is "yes," what alternative relief do you request? ☐ Use Variance ☐ Area Variance

EXTENSION OF A VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: _____ 2. Type of variance granted? ☐ Use ☐ Area

3. Date original variance expired: _____

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?

_____

_____

_____

_____

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

_____

_____

_____

USE VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

A use variance is requested to permit the following: _____

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase: _____ Purchase amount: $_____

2) Indicate dates and costs of any improvements made to property after purchase:

Date	Improvement	Cost

3) Annual maintenance expenses: $_____ 4) Annual taxes: $_____

5) Annual income generated from property: $_____

6) City assessed value: $_____ Equalization rate:_____ Estimated Market Value: $_____

7) Appraised Value: $_____ Appraiser: _____ Date: _____

Appraisal Assumptions:_____

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☐Yes ☐No If "yes", for how long? _____

1) Original listing date(s): _____ Original listing price: $_____

If listing price was reduced, describe when and to what extent: _____

_____

2) Has the property been advertised in the newspapers or other publications? ☐Yes ☐No

If yes, describe frequency and name of publications: _____

_____

3) Has the property had a "For Sale" sign posted on it? ☐Yes ☐No

If yes, list dates when sign was posted: _____

_____

4) How many times has the property been shown and with what results? _____

_____

_____

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

AREA VARIANCE – **PLEASE ANSWER THE FOLLOWING** (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) 6.0 Signage

Dimensional Requirements	From	To
please see attached Application Narrative		

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.

   Please see attached Application Narrative

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

   Please see attached Application Narrative

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:
Please see attached Application Narrative

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:
Please see attached Application Narrative

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:
Please see attached Application 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.

National Retail Properties, Inc.
By: _____ Date: 6-8-16
(applicant signature)
David J. Reif, its Senior Vice President, Leasing + Construction

_____ Date: _____
(applicant signature)

If applicant is not the currently the owner of the property, the current owner must also sign.

National Retail Properties, Inc.
Owner Signature: By: _____ Date: 6-8-16
David J. Reif, its Senior Vice President, Leasing + Construction

Owner Signature: _____ Date: _____

RITE AID

Application for Area Variances: Signage

The signage chart below references the site plan (page 5 of 19) and the elevations (page 6 of 19) attached to this application. For purposes of this application, we have deemed the diagonal facing the intersection to be part of the Washington Street frontage. As such, the Washington Street frontage has one channel letter sign and one shield. The sign numbers correlate to the locations on the site plan

Dimensional Requirements	Code	From	To	Sign Numbers
Washington Street Façade				
1. One wall sign per street frontage	6.1.5.1(A)(2)	1	2	1, 2
2. No signs above 1st floor level	6.1.5.1(A)(2)	1st Fl.	2nd Fl.	1, 2
3. Maximum letter height	6.1.6(B)(3)	18"	30"	1, 2
West Avenue Façade				
1. One wall sign per street frontage	6.1.5.1(A)(2)	1	7	1, 2, 3, 4, 5, 8, 9
2. Maximum signage area	6.1.5.1(C)	100 SF	139 SF	
3. No signs above 1st floor level	6.1.5.1(B)(2)	1st Fl.	2nd Fl.	1, 3
4. Maximum letter height	6.1.6(B)(3)	18"	30"	1, 2, 3, 5, 9
Parking Lot Façade				
1. One wall sign per street frontage	6.1.5.1(A)	0	7	1, 3, 4, 5, 8-13
2. Maximum signage area	6.1.5.1(C)	0 SF	145 SF	
3. No signs above 1st floor level	6.1.5.1(A)(2)	1st Fl.	2nd Fl.	1, 3, 10-13
4. Maximum letter height	6.1.6(B)(3)	18"	30"	
Free-Standing Pylon Sign				
1. Maximum signage area	6.1.5.1(C)	12 SF	45 SF	6
Temporary Banner				
1. Temporary banner during construction	Not permitted	0	32 SF	7
Free Standing Directional				
1. Free standing drive-thru pharmacy	Not permitted	0	2	16, 17
Exit Only Signs				
1. Two Exit Only signs	6.1.4(B)(7)	Permitted under 4 SF		14, 15

RITE AID

PERMIT DRAWINGS

RITE AID #581
90 WEST AVE.
SARATOGA SPRINGS, NY 12866

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

Sign Code Allows:	Site:			
Sign#	**Sign Type:**	**Qty:**	**Description:**	**Comments**
1	Channel letters	3	30" Channel letters	
2	Shield	2	Rite Aid shield cabinet	
3	Pharmacy	2	20" Pharmacy letters	
4	GNC Live Well	2	24" box cabinet	
5	Drive Thru	2	24" box cabinet	
6	Pylon	1	12' -0" Pylon	
7	Banner	2	Temporary Coming Soon banner	
8	Channel letters	2	Drive Thru Pharmacy with arrow on raceway	
9	Aluminum Panel	2	Department Within	
10	Channel letters	1	Drive Thru Pharmacy	
11	Aluminum Panel	1	Clearance 10' -0"	
12	Aluminum Panel	1	Pick Up	
13	Aluminum Panel	1	Drop Off	
14	Aluminum Panel	1	Exit Only	
15	Aluminum Panel	1	Exit Only traffic	
16	Directional	1	Drive Thru Pharmacy with arrow - both sides	
17	Directional	1	Drive Thru Pharmacy with arrow - Thank You For Shopping at Rite Aid	
Variance Summary / Likelihood:				

SignResource
IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

STANDARD CODE REVIEW

Estimate/Job#: 98147
Store #: 581

A.) Project Name: **Rite Aid** Completed By and Date: **8-27-13 / SP**

Street Address: **90 West Ave**

Town / City / State / Zip: **Saratoga Springs NY 12866**

B.) Zoning Office / contact for zoning information: ☑ City ☐ Town ☐ Township ☐ Village ☐ County ☐ State

Jurisdiction: **City of Saratoga Springs**

Contact: **Deborah Wertheim 518-587-3550 x 2533 / Susan Barden, Senior Planner x 2493**

C.) Zoning Classification for property: **T-5 Transect Zone 5 Neighborhood Center**

D.) Will code be changing anytime soon? **No**

Notes:

WALL SIGNS

1.) Square footage of wall signage allowed: **Not to exceed 2 sq. ft. for each linear foot of building frontage or a total of 100 sq. ft., whichever is less.**

2.) How many elevations are wall signs allowed on? **One (1) wall sign per street frontage**

3.) If signs are allowed on rear or sides of building, is the square footage deducted from the front elevation? **No**

4.) How is square footage to be calculated? **Entire area within a continuous perimeter enclosing the extreme limits of sign display, including any frame or border. The sign structure shall be included if designed as integral to the sign display. The calculation for a double-faced sign shall be the area of one face only.**

5.) Are design elements or logos a part of the square footage calculation? **Yes**

6.) May signs be internally illuminated? **All backlit signs shall have a dark background. Only the letters and/or message area of the sign shall be illuminated.**

7.) Any restrictions to the location of the sign on the wall other than being located on the wall, below eaves, or on the parapet? **Wall signs shall not extend beyond the ends, or over the top, of the walls to which it is attached. Wall signs shall not extend above the first floor level of the building**

8.) Maximum projection for wall signs: **Electric wall signs may extend a total of 14 inches from the face of the building to accommodate a code-required transformer box but that box shall not extend more than 8 inches from the building.**

Notes:

POLE/PYLON SIGNS

1.) Square footage of pole/pylon signage allowed per sign face for a double-faced sign: **24 Sq. Ft.**

2.) Quantity: **One (1)**

3.) Maximum height for pole/pylon: **12 feet**

4.) Minimum clearance below pole/pylon? **Signs that extend over a pedestrian walkway or driveway must have a minimum 10 foot vertical clearance from the ground.**

5.) Are design elements or logos a part of the square footage calculation? **Yes**

6.) May signs be internally illuminated? **Yes. All backlit signs shall have a dark background. Only the letters and/or message area of the sign shall be illuminated.**

7.) Landscaping requirements:

8.) Address number to be included?

9.) Set-back from right-of-way or property line/vision triangle: **No sign shall be placed within 150 feet of a signalized, or within 50 feet of an unsignalized, street intersection so as to cause a traffic hazard at the intersection. A freestanding sign shall not be located within 50 feet of another freestanding sign. A freestanding sign shall not extend into the public right-of-way or extend beyond the property lines.**

Notes:

STANDARD CODE REVIEW - Continued

Estimate/Job#: 581 98147

A.) Project Name: **Rite Aid** Completed: **8-27-13 / SP**

ENGINEERING

1.) Are signed/sealed Engineering drawings required: For wall signs? **No** For Freestanding signs? **Yes**

2.) Calculations and drawings both required? **Both**

3.) How many sets required? **Two (2)**

4.) Building Code/Year: **2010 New York State Building Code**

5.) Electrical Code/Year: **NFPA 70**

6.) Wind loads/Exposure: **90 MPH w/ 3 sec gusts**

7.) Special inspections noted on drawings from engineer: **Per Engineer**

Notes:

VARIANCES

1.) Are variances considered? ---------- **Yes** ☑ **No** ☐

2.) Variance fees and costs? **$500.00 + fees for advertising**

3.) Application deadline? **Must be submitted to the Building Inspector, Room 10, City Hall, at least 4 weeks prior to the next Zoning Board meeting. See attached schedule for applicationd deadlines and meeting dates.**

4.) Process, how often are the meetings, and the number of meetings? **Zoning Board of Appeals meets twice a month**

5.) Forms and contact information: **Application for Appeal to Zoning Board / Contact Susan Barden Senior Planner (ZBA) (518) 587-3550 x2493**

Notes: **Applicant must be the property owner(s) or lessee. Applicants are required to mail a copy of the public hearing legal notice to all property owners**

DIRECTIONAL SIGNS

1.) Number of directional's allowed: **Not specified** 2) Maximum square footage: **4 sq. ft.**

3.) Maximum height: **4 feet** 4) Set-back:

5.) Illumination allowed? **Yes** 6) Custom logo: **Business names or logos not permitted**

7.) Permit required? **No**

Notes:

ELECTRONIC MESSAGE CENTERS/ READER BOARDS

1.) EMC's allowed: **Not allowed** 2.) Maximum square

3.) Color restrictions? 4.) Movement restrictions?

Notes:

AWNINGS AND TEMPORARY SIGNAGE

3.) Temporary Signs: **One on-premise, non-illuminated sign listing the owner, designer and/or contractor where construction or renovation is in progress: maximum 10 sq. ft.**

Notes:

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

STANDARD CODE REVIEW - Continued Estimate/Job#: 98147

A.) Project Name: **Rite Aid** Completed: **8-27-13 / SP**

PERMITTING

1.) Process:

What needs to be done first? **Must apply for variance first if needed. Once variance is approved/denied will then have to apply for review with the Design Review Commission since site is located in an Architectural Review Area within the City.**
For Design Review Commission: Submit completed applications to the Office of Planning & Economic Development, Room 10, City Hall, at least 4 weeks prior to the next DRC meeting. Meetings are held 1st & 3rd Wednesdays of the month. Fee is $100.00. Rep to be present at this meeting.
Signage / Awnings
Color photographs showing site/exterior details of existing structures, and adjacent properties
Plan showing location of proposed sign/awning structure on building/premises: no larger than 11"x17"
Scaled illustration of proposed sign/awning structure and lettering (front view & profile): include all dimensions of structure; type, dimensions and style of lettering or logo; description of colors, materials, mounting method and hardware
Descriptions, specifications of proposed lighting including fixture & lamp type, wattage, mounting method, and location
Product literature, specifications and samples of proposed materials and colors

Can the sign permit be issued before the building permit? **No**

Other jurisdiction? **No**

2.) Permit application and checklist:

Planning: **Design Review Commission Application**

Building: **Application for Sign Permit**

Number of Sets of Drawings Req'd: **1 original and 9 collated sets for DRC meeting / Two (2) for building**

Permit application can be mailed? **Yes**

3.) Permitting Process time frame:

Planning: **Goes thru Design Review Commission for approval. If needed, apply for Variance first thru ZBA then goes to DRC**

Building:

Counter Service Available? **No**

4.) Permit application fees:

Planning: **$100.00 for Design Review Commission**

Building: **Sign permit fee of $100.00 (check made payable to Commissioner of Finance), must accompany application.**

5.) Length of time the permit will be valid: **6 months**

		SIGN MARKINGS
☐ Electrical Hook-up included with Sign Permit	☑ Property Owner Information	☑ UL label visible after installation
☑ Electrical Permit Req'd by Licensed Electrician	☑ Property Owner Signature on Application	☑ Disconnect visible after installation
☐ Building/Structural Permit Req'd	☑ Subcontractor Information	☐ Permit number and/or tag
☑ Sealed Engineering Req'd	☑ Subcontractor Signature on Application	☐ Sign owner information
☑ Owner/Agent Letter of Authorization	☐ List of UL numbers	☐ Sign manufacturer information

5.) Is a permit required to reface or change faces in an existing sign with no changes to the support structure, electrical, or cabinet**?**

Notes:

INSTALLATION

1.) Inspections Required**? Footing / Final / Electrical**

Is the original permit required to be on site for inspections? **Yes**

Any Special/Third Party Inspections Required? **No**

Contact and advance notice requirements: **(518) 587-3550 Building Department**

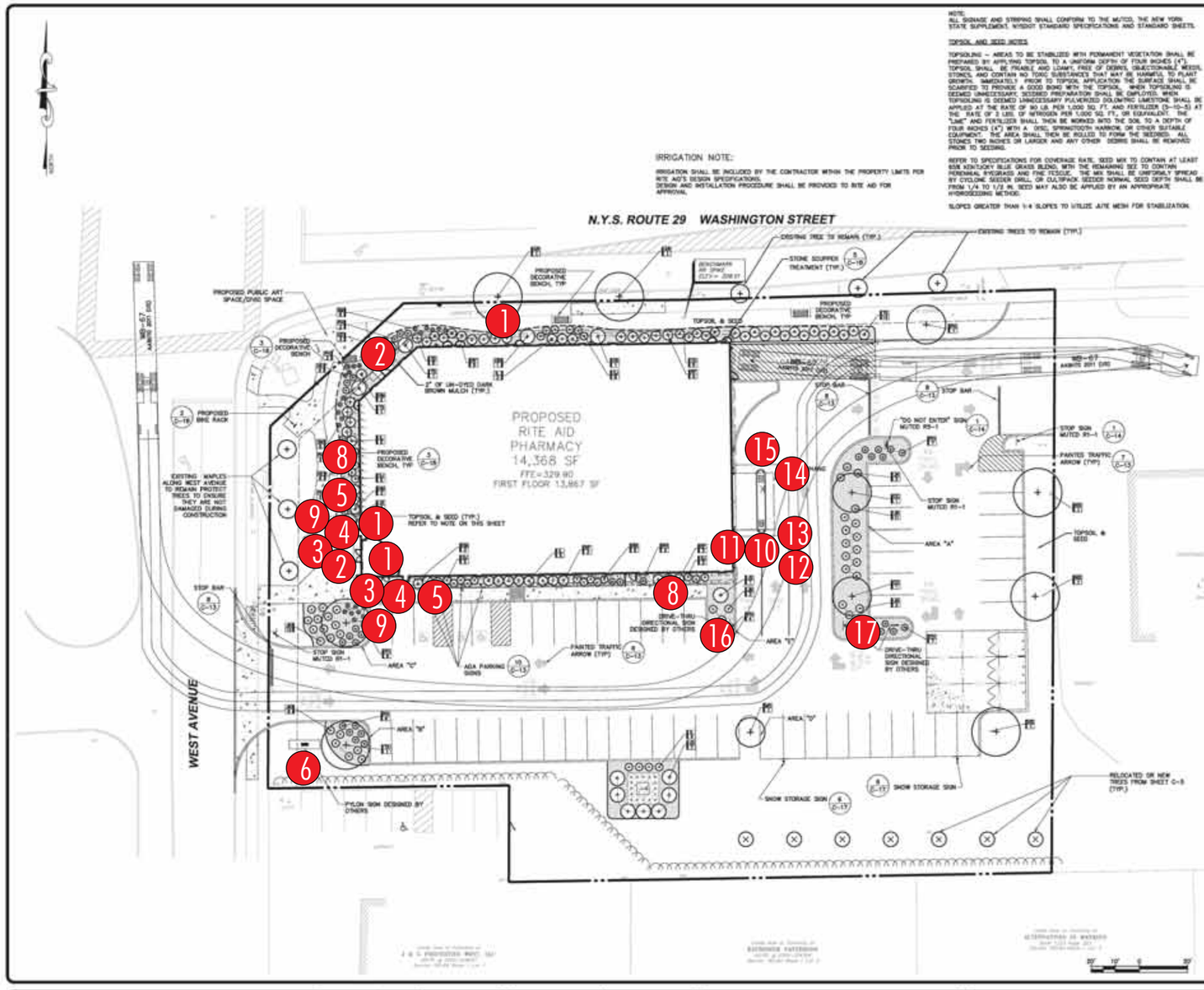
2.) Commercial Sign Installer Requirements:

☐ **State License**	☐ **Bonding**	☑ **Sub Required to Pull Permit**
☑ **Local License or Registration**	☑ **Insurance**	☑ **Sub Required for Install**
☑ **Licensed Electrician Req'd for hook-up**	☑ **Workman's Compensation**	☐ **Jones Sign Can Pull Permit**
☐ **Out-of-State Contractor Allowed**		☐ **Jones Sign Can Install**

Notes**: City license required with Insurance**

RECOMMENDATION

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com



NOTE:
ALL SIGNAGE AND STRIPING SHALL CONFORM TO THE MUTCD, THE NEW YORK STATE SUPPLEMENT, NYSDOT STANDARD SPECIFICATIONS AND STANDARD SHEETS.

TOPSOIL AND SEED NOTES

TOPSOILING – AREAS TO BE STABILIZED WITH PERMANENT VEGETATION SHALL BE PREPARED BY APPLYING TOPSOIL TO A UNIFORM DEPTH OF FOUR INCHES (4"). TOPSOIL SHALL BE FRIABLE AND LOAMY, FREE OF DEBRIS, OBJECTIONABLE WEEDS, STONES, AND CONTAIN NO TOXIC SUBSTANCES THAT MAY BE HARMFUL TO PLANT GROWTH. IMMEDIATELY PRIOR TO TOPSOIL APPLICATION THE SURFACE SHALL BE SCARIFIED TO PROVIDE A GOOD BOND WITH THE TOPSOIL. WHEN TOPSOILING IS DEEMED UNNECESSARY, SEEDBED PREPARATION SHALL BE EMPLOYED. WHEN TOPSOILING IS DEEMED UNNECESSARY PULVERIZED DOLOMITIC LIMESTONE SHALL BE APPLIED AT THE RATE OF 90 LB. PER 1,000 SQ. FT. AND FERTILIZER (5-10-5) AT THE RATE OF 2 LBS. OF NITROGEN PER 1,000 SQ. FT., OR EQUIVALENT. THE "LIME" AND FERTILIZER SHALL THEN BE WORKED INTO THE SOIL TO A DEPTH OF FOUR INCHES (4") WITH A DISC, SPRINGTOOTH HARROW, OR OTHER SUITABLE EQUIPMENT. THE AREA SHALL THEN BE ROLLED TO FORM THE SEEDBED. ALL STONES TWO INCHES OR LARGER AND ANY OTHER DEBRIS SHALL BE REMOVED PRIOR TO SEEDING.

REFER TO SPECIFICATIONS FOR COVERAGE RATE. SEED MIX TO CONTAIN AT LEAST 65% KENTUCKY BLUE GRASS BLEND, WITH THE REMAINING SEE TO CONTAIN PERENNIAL RYEGRASS AND FINE FESCUE. THE MIX SHALL BE UNIFORMLY SPREAD BY CYCLONE SEEDER DRILL, OR CULTIPACK SEEDER NORMAL SEED DEPTH SHALL BE FROM 1/4 TO 1/2 IN. SEED MAY ALSO BE APPLIED BY AN APPROPRIATE HYDROSEEDING METHOD.

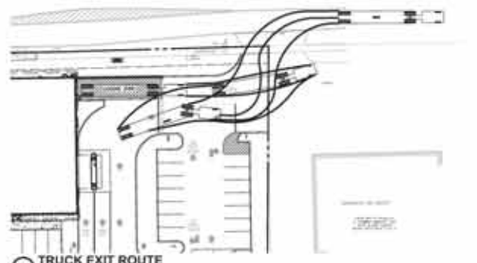
SLOPES GREATER THAN 1:4 SLOPES TO UTILIZE JUTE MESH FOR STABILIZATION.

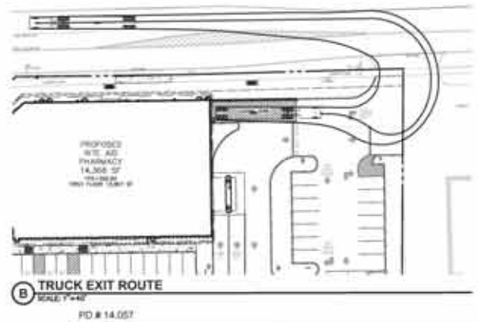
IRRIGATION NOTE:

IRRIGATION SHALL BE INCLUDED BY THE CONTRACTOR WITHIN THE PROPERTY LIMITS PER RITE AID'S DESIGN SPECIFICATIONS.
DESIGN AND INSTALLATION PROCEDURE SHALL BE PROVIDED TO RITE AID FOR APPROVAL.

PLANT SCHEDULE

SYM	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
		TREES			
AR	2	ACER RUBRUM 'OCTOBER GLORY'	RED MAPLE	3" CAL.	
CC	2	CERCIS CANADENSIS	EASTERN REDBUD	3" CAL.	
MS	1	MALUS 'ADIRONDACK'	FLOWERING CRABAPPLE	3" CAL.	
NS	3	NYSSA SYLVATICA	BLACK GUM	3" CAL.	20" O.C.
PG	1	PICEA GLAUCA	WHITE SPRUCE	8-10'	
TS	14	THUJA 'EMERALD SPEEN'	EMERALD GREEN ARBORVITAE	6-7'	
TA	2	TILIA AMERICANA	AMERICAN LINDEN	3" CAL.	
		SHRUBS			
CB	2	CHAMAECYPARIS PISIFERA 'BOULEVARD'	JAPANESE FALSECYPRESS	4'-5'	5' O.C.
HM	8	HYDRANGEA PANICULATA 'LITTLE LIME'	LITTLE LIME HYDRANGEA	18"-24"	4' O.C.
IL	17	ILEX GLABRA 'COMPACTA'	COMPACT INKBERRY	24"-30"	4' O.C.
JH	38	JUNIPERUS PROCUMBENS 'NANA'	DWARF GARDEN JUNIPER	3 GAL	5' O.C.
JS	9	JUNIPERUS SCOPULORUM 'WICHITA BLUE'	WICHITA BLUE JUNIPER	3'-4'	5' O.C.
RF	16	RHODODENDRON 'CUNNINGHAM'S WHITE'	RHODODENDRON	18"-24"	4' O.C.
RR	5	ROSA 'RADRAZZ'	DOUBLE KNOCKOUT ROSE	3 GAL.	3' O.C.
SJ	19	SPIREA JAPONICA 'LITTLE PRINCESS'	LITTLE PRINCESS SPIREA	3 GAL.	3' O.C.
TD	10	TAXUS X MEDIA 'DENSIFORMIS'	DENSE SPREADING YEW	3 GAL.	4' O.C.
TS	2	THUJA OCCIDENTALIS 'SMARAGD'	EMERALD GREEN ARBORVITAE	5-6'	5' O.C.
		PERENNIALS & GRASSES			
HE	20	HEMEROCALLIS 'HAPPY RETURNS'	DAYLILY	1 GAL	3' O.C.
PH	40	PENNISETUM 'HAMELN'	DWARF FOUNTAIN GRASS	2 GAL	30" O.C.
SM	11	SALVIA 'MAY NIGHT'	PURPLE SAGE	1 GAL	3' O.C.





PD # 14.057

APPROVED BY THE SARATOGA SPRINGS PLANNING BOARD UNDER AUTHORITY OF A RESOLUTION

ADOPTED: _____

CHAIRPERSON _____ DATE _____

SUBMITTAL / REVISIONS					
No.	DATE	DESCRIPTION	BY	REVIEWED BY	DATE
1	--	SARATOGA SPRINGS PLANNING BOARD		JWE	2/17/15
2	12/23/15	SUBMISSION TO PLANNER	AML	JWE	12/31/15
3	2/3/16	REVISION TO ARCHITECTURE, LAYOUT AND GRADING	AML	JWE	2/3/16
4	2/8/2016	REVISIONS	AML	JWE	2/8/2016

PROJ. MANAGER	JDH
CHIEF DESIGNER	JWE
DESIGNED BY	JMF
DRAWN BY	JMF
CHECKED BY	JWE

DATE

DATE

THE ALTERATION OF THIS MATERIAL IN ANY WAY, UNLESS DONE UNDER THE DIRECTION OF A CONSENTING PROFESSIONAL (I.E.) ARCHITECT FOR AN ARCHITECT, ENGINEER FOR AN ENGINEER OR LANDSCAPE ARCHITECT FOR A LANDSCAPE ARCHITECT, IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW AND/OR REGULATIONS AND IS A CLASS "A" MISDEMEANOR.

DRAFT

Engineering and Land Surveying, P.C.
1533 Crescent Road - Clifton Park, NY 12065

NATIONAL RETAIL PROPERTIES
LANDSCAPING AND SITE TRAFFIC CONTROL
SARATOGA RITE AID SITE PLAN
90 WEST AVENUE
CITY OF SARATOGA SARATOGA COUNTY, NY

SCALE: 1" = 20'
CONTRACT No. - -
NJ PROJ. No. : 954.01
DATE: 2/8/2016

C-10

File Name: F:\rightarrow\954_151_R-Lands\Turf.dwg (Layout: C-10)
Date: Fri, Mar 11, 2016 - 10:24 AM (Name: jmelon)

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

1 NORTH (Faces Washington St.)
1/8" = 1'-0"

2 SOUTH
1/8" = 1'-0"

3 EAST
1/8" = 1'-0"

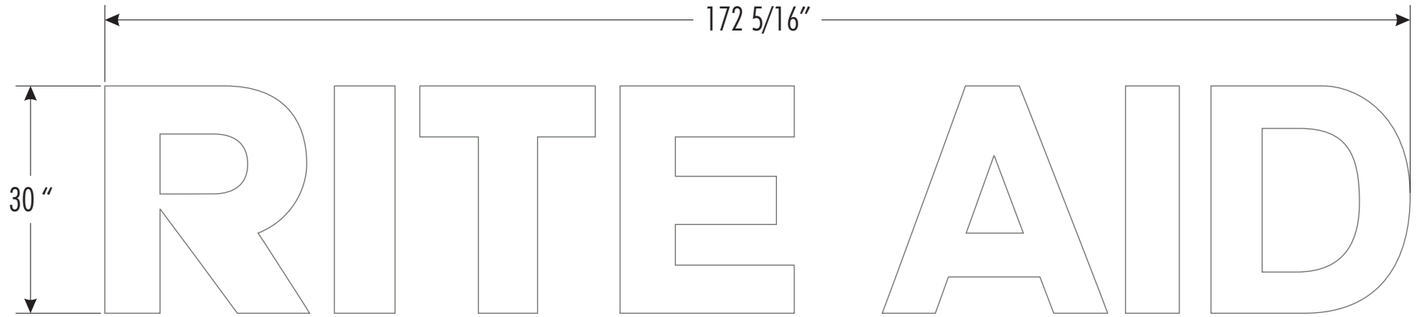
4 WEST (Faces West Ave.)
1/8" = 1'-0"

RITE AID

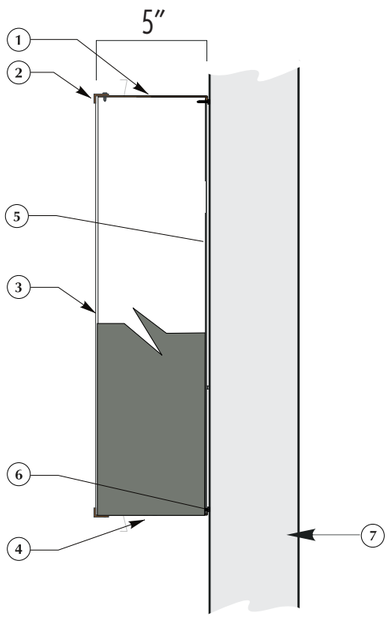
PROPOSED RITE AID

NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS REMOVAL OF FACE



FRONT VIEW



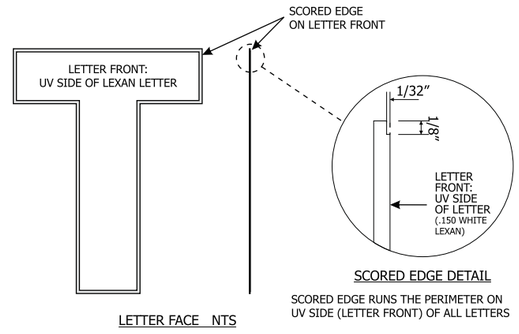
1. 5” X .040 aluminum letter coil painted pms 424 letter locked to aluminum letter backs
2. 3/8” x 1 1/4” F- Trim painted pms 424
3. .150 White polycarbonate faces (Groove face side of lexan faces to ensure face side is facing out)
4. (2) 1/4” Weep holes w/ internal light baffle
5. .063 pre-finished Black/White aluminum backs
6. Anchors as required. (See hardware chart.)
7. Building facade.

Detail of Channel Letters

N.T.S.

SIDE VIEW

1



SCORED EDGE DETAIL

SCORED EDGE RUNS THE PERIMETER ON UV SIDE (LETTER FRONT) OF ALL LETTERS

LETTER FACE NTS

APPROVAL SIGNATURE _____ **DATE** _____

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

REVISION HISTORY:

REV	DATE	REQUESTED BY	UPDATED BY
A	05/16/16	TL	BS

REVISION DESCRIPTION: INITIAL DRAWING

PARTS LIST:

ITEM	DECORATION
A	WHITE
B	PAINT TO MATCH PMS 424
C	
D	
E	
F	
	MATERIAL LIST
1	5” ALUMINUM RETURNS
2	.150 WHITE PLASTIC
3	
4	
5	

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

GENERAL NOTES

1. TOLERANCE (UNLESS NOTED)
   - GRAPHICS +/-1/8” • FACE SIZE + 1/16”-¼”
   - CABINET +/- 1/8” • VINYL OVERLAP + 1/8”+/ 1/16”
   - ALL COPY LEVEL UNLESS NOTED OTHERWISE
2. VIEWING DISTANCE 25’ TO 50’ UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION

RITEAID
30” X 172 5/16” SF NL
CHANNEL LETTERS

VOLTAGE:	CIRCUIT:	CURRENT:	DESIGN LOAD:

DRAWN BY: BRIAN S. CHECKED BY:

CLIENT: RITEAID

LOCATION:

QUOTE: DATE:

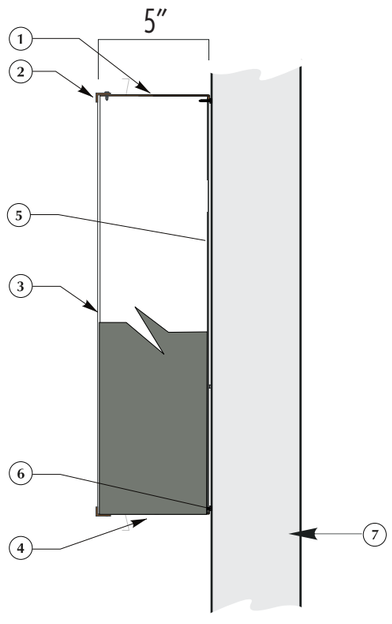
DRAWING/PART # RAV0029 REV. A SHEET # 7 OF 19

This document reflects trade secrets and confidential business information, and may not be copied, published, or disseminated in any manner without the prior express written approval of SignResource. All rights reserved, including patent, trademark and copyrights.

NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS REMOVAL OF FACE

FRONT VIEW



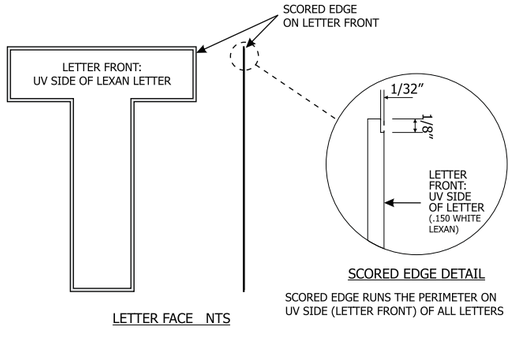
1. 5″ X .040 aluminum letter coil painted pms 424 letter locked to aluminum letter backs
2. 3/8″ x 1 1/4″ F- Trim painted pms 424
3. .150 White polycarbonate faces (Groove face side of lexan faces to ensure face side is facing out)
4. (2) 1/4″ Weep holes w/ internal light baffle
5. .063 pre-finished Black/White aluminum backs
6. Anchors as required. (See hardware chart.)
7. Building facade.

Detail of Channel Letters

N.T.S.

SIDE VIEW

2



SCORED EDGE DETAIL

SCORED EDGE RUNS THE PERIMETER ON UV SIDE (LETTER FRONT) OF ALL LETTERS

LETTER FACE NTS

APPROVAL SIGNATURE _____ **DATE** _____

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

REVISION HISTORY:

REV	DATE	REQUESTED BY	UPDATED BY
A	05/16/16	TL	BS

REVISION DESCRIPTION: INITIAL DRAWING

PARTS LIST:

ITEM	DECORATION
A	ARLON 2500-2870 BLUE
B	ARLON 2500-2283 RED
C	WHITE
D	PAINT TO MATCH PMS 424
E	
F	
	MATERIAL LIST
1	5" ALUMINUM RETURNS
2	.150 WHITE PLASTIC
3	
4	
5	

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

GENERAL NOTES

1. TOLERANCE (UNLESS NOTED)
   - GRAPHICS +/-1/8″ • FACE SIZE + 1/16″-¼″
   - CABINET +/- 1/8″ • VINYL OVERLAP + 1/8″+/ 1/16″
   - ALL COPY LEVEL UNLESS NOTED OTHERWISE
2. VIEWING DISTANCE 25′ TO 50′ UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION

RITEAID
36″ X 48 1/8″ SF NL
CHANNEL LETTER

VOLTAGE: CIRCUIT: CURRENT: DESIGN LOAD:

DRAWN BY: BRIAN S. CHECKED BY:

CLIENT: RITEAID

LOCATION:

QUOTE: DATE:

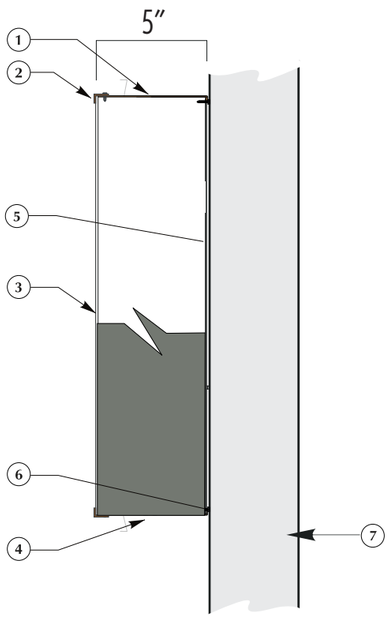
DRAWING/PART # RAV0030 REV. A SHEET # 8 OF 19

This document reflects trade secrets and confidential business information, and may not be copied, published, or disseminated in any manner without the prior express written approval of SignResource. All rights reserved, including patent, trademark and copyrights.

NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS REMOVAL OF FACE

FRONT VIEW



1. 5" X .040 aluminum letter coil painted pms 424 letter locked to aluminum letter backs
2. 3/8" x 1 1/4" F- Trim painted pms 424
3. .150 White polycarbonate faces (Groove face side of lexan faces to ensure face side is facing out)
4. (2) 1/4" Weep holes w/ internal light baffle
5. .063 pre-finished Black/White aluminum backs
6. Anchors as required. (See hardware chart.)
7. Building facade.

Detail of Channel Letters

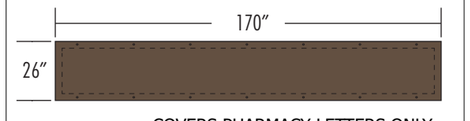
N.T.S.

SIDE VIEW

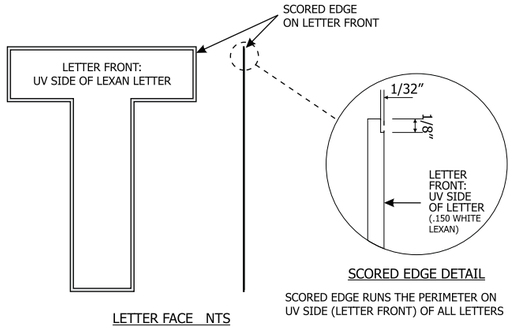
3

PART #: RA0214CVR

TEMPORARY WHITE BANNER COVERS QTY: **2**



COVERS PHARMACY LETTERS ONLY
COVERS MUST BE OPAQUE.



SCORED EDGE DETAIL

SCORED EDGE RUNS THE PERIMETER ON UV SIDE (LETTER FRONT) OF ALL LETTERS

LETTER FACE NTS

SCALE 1:17
22.46 SF

APPROVAL SIGNATURE _____ **DATE** _____

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

REVISION HISTORY:

REV	DATE	REQUESTED BY	UPDATED BY
A	05/16/16	TL	BS

REVISION DESCRIPTION: INITIAL DRAWING

PARTS LIST:

ITEM	DECORATION
A	WHITE
B	PAINT TO MATCH PMS 424
C	
D	
E	
F	
	MATERIAL LIST
1	5" ALUMINUM RETURNS
2	.150 WHITE PLASTIC
3	
4	
5	

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

GENERAL NOTES

1. TOLERANCE (UNLESS NOTED)
   - GRAPHICS +/-1/8" • FACE SIZE + 1/16"-¼"
   - CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
   - ALL COPY LEVEL UNLESS NOTED OTHERWISE
2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION

RITEAID
20" X 161 11/16"
SF NL CHANNEL LETTERS

VOLTAGE:	CIRCUIT:	CURRENT:	DESIGN LOAD:

DRAWN BY: BRIAN S. CHECKED BY:

CLIENT: RITEAID

LOCATION:

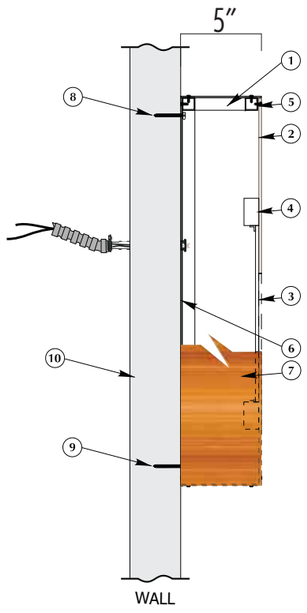
QUOTE: DATE:

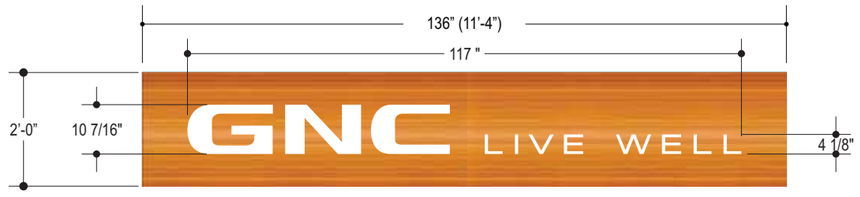
DRAWING/PART #	REV.	SHEET #
RAV0031	A	9 OF 19

This document reflects trade secrets and confidential business information, and may not be copied, published, or disseminated in any manner without the prior express written approval of SignResource. All rights reserved, including patent, trademark and copyrights.

NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS A HINGED FACE





1. 1″x 1″x .125 Aluminum tube frame
2. Hinged Face: Routed ACM by Reynobond - Scottish Oakwood Grain
3. .150 White polycarbonate backer
4. 1″x 2″ Alum Tube w/ ¾″ x ¾″ Alum angle
5. Pop rivet attachment
6. .080 aluminum backs
7. Sides: ACM by Reynobond - Scottish Oakwood Grain
8. Masonry fasteners used in top section of cabinets
9. Lagbolts used in bottom section of cabinets
10. Building facade.

Detail of Sign Cabinet

N.T.S.

4

APPROVAL SIGNATURE _____ **DATE** _____

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

REVISION HISTORY:

REV	DATE	REQUESTED BY	UPDATED BY
A	05/16/16	TL	BS

REVISION DESCRIPTION: INITIAL DRAWING

PARTS LIST:

ITEM	DECORATION
A	SCOTTISH OAKWOOD GRAIN
B	WHITE
C	
D	
E	
F	
	MATERIAL LIST
1	.125 ALUMINUM TUBE FRAME (1"x 1")
2	.150 WHITE PLASTIC
3	ROUTED ACM BY RENOBOND
4	LED ILLUMINATION
5	

FIRST SURFACE DECORATION

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

GENERAL NOTES

1.TOLERANCE (UNLESS NOTED)
- GRAPHICS +/-1/8" • FACE SIZE + 1/16"-¼"
- CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
- ALL COPY LEVEL UNLESS NOTED OTHERWISE

2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION

RITEAID
2' X 11' NL SF
ANCILLARY SIGN CABINET

VOLTAGE:	CIRCUIT:	CURRENT:	DESIGN LOAD:

DRAWN BY: BRIAN S. CHECKED BY:

CLIENT: RITEAID

LOCATION:

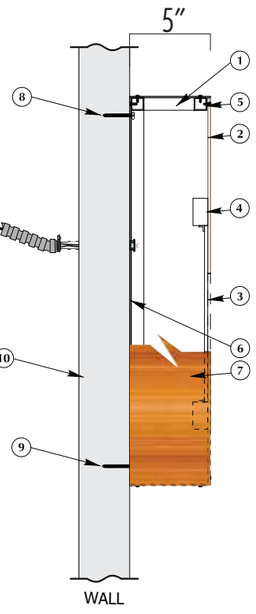
QUOTE: DATE:

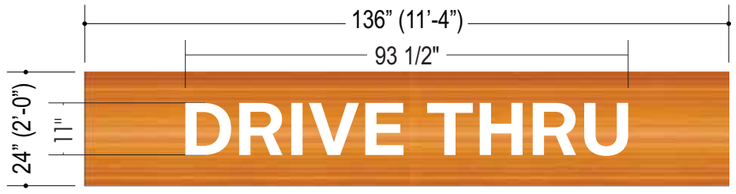
DRAWING/PART # RAZ0011 REV. A SHEET # 10 OF 19

This document reflects trade secrets and confidential business information, and may not be copied, published, or disseminated in any manner without the prior express written approval of SignResource. All rights reserved, including patent, trademark and copyrights.

NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS A HINGED FACE





FRONT VIEW

1. 1"x 1"x .125 Aluminum tube frame
2. Hinged Face: Routed ACM by Reynobond - Scottish Oakwood Grain
3. .150 White polycarbonate backer
4. 1"x 2" Alum Tube w/ ¾" x ¾" Alum angle
5. Pop rivet attachment
6. .080 aluminum backs
7. Sides: ACM by Reynobond - Scottish Oakwood Grain
8. Masonry fasteners used in top section of cabinets
9. Lagbolts used in bottom section of cabinets
10. Building facade.

Detail of Sign Cabinet

N.T.S.

5

SCALE 1:32

22.67 SF

APPROVAL SIGNATURE _____ **DATE** _____

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

REVISION HISTORY:

REV	DATE	REQUESTED BY	UPDATED BY
A	05/16/16	TL	BS

REVISION DESCRIPTION: INITIAL DRAWING

PARTS LIST:

ITEM	DECORATION
A	SCOTTISH OAKWOOD GRAIN
B	WHITE
C	
D	
E	
F	
	MATERIAL LIST
1	.125 ALUMINUM TUBE FRAME (1"x 1")
2	.150 WHITE PLASTIC
3	ROUTED ACM BY RENOBOND
4	LED ILLUMINATION
5	

FIRST SURFACE DECORATION

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

GENERAL NOTES

1. TOLERANCE (UNLESS NOTED)
   - GRAPHICS +/-1/8" • FACE SIZE + 1/16"-¼"
   - CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
   - ALL COPY LEVEL UNLESS NOTED OTHERWISE
2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION

RITEAID
2' X 11' NL SF
ANCILLARY SIGN CABINET

VOLTAGE:	CIRCUIT:	CURRENT:	DESIGN LOAD:

DRAWN BY: BRIAN S. CHECKED BY:

CLIENT: RITEAID

LOCATION:

QUOTE: DATE:

DRAWING/PART # RAZ0012 REV. A SHEET # 11 OF 19

This document reflects trade secrets and confidential business information, and may not be copied, published, or disseminated in any manner without the prior express written approval of SignResource. All rights reserved, including patent, trademark and copyrights.

PYLON IS TO BE SHIPPED OUT AS 1 PIECE

METHOD OF SERVICE IS TBD BY ENGINEERING

LED ILLUMINATION

ILLUMINATION VIEW

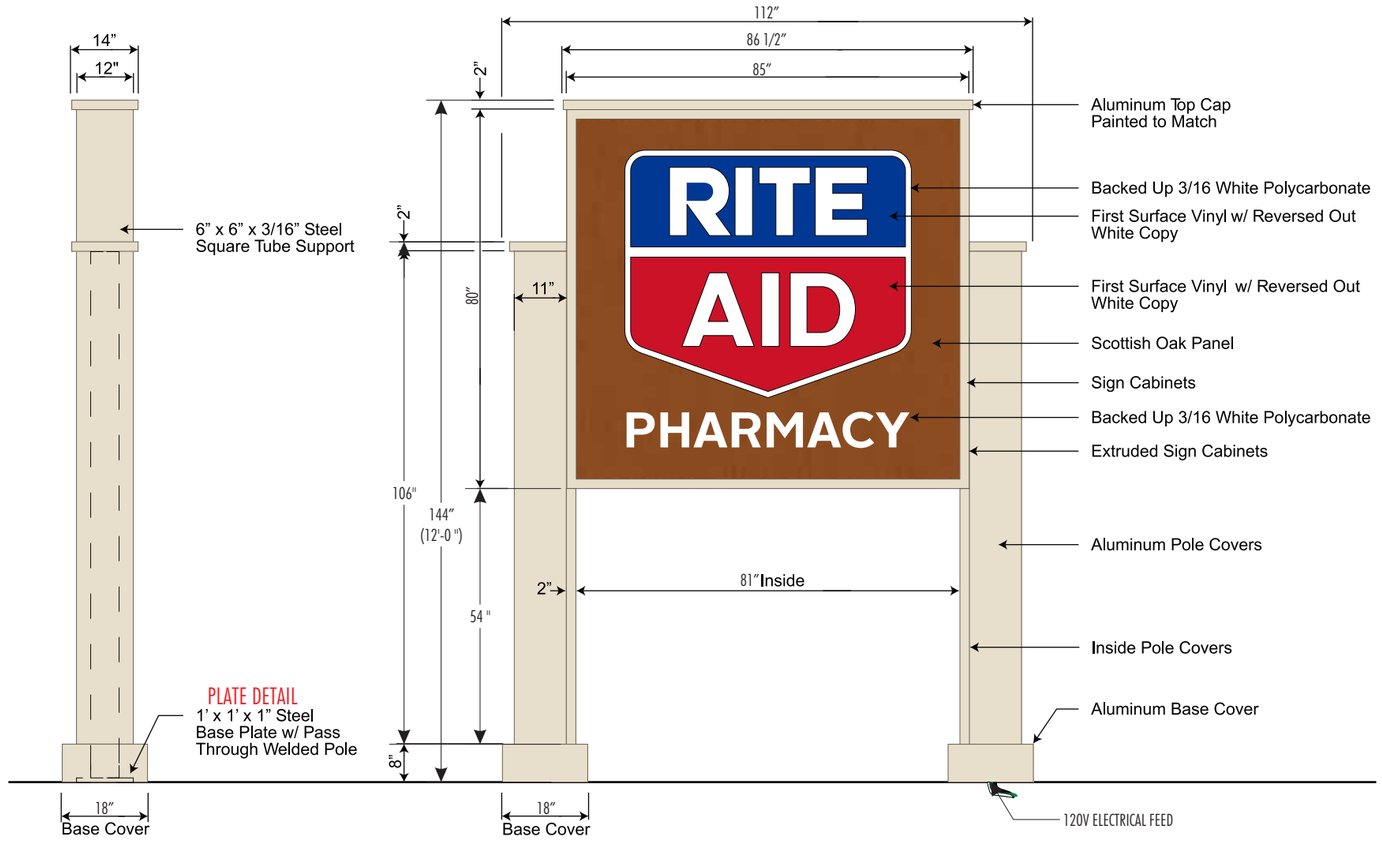
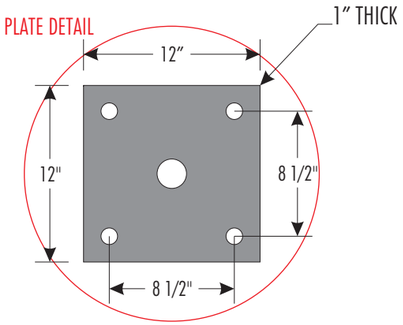
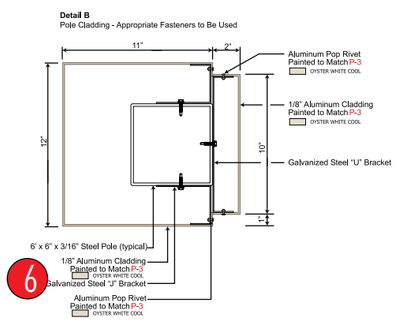


PLATE DETAIL





Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

APPROVAL SIGNATURE

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

REVISION HISTORY:

REV	DATE	REQUESTED BY	UPDATED BY
A	12/10/15	TL	BS

REVISION DESCRIPTION: INITIAL DRAWING

PARTS LIST:

ITEM	DECORATION
A	PAINT TO MATCH "OYSTER WHITE COOL"
B	ARLON 2500-2870 BLUE
C	ARLON 2500-2283 RED
D	WHITE
E	SCOTTISH OAK PANEL
F	DRIFTWOOD MICA COOL 20 PANEL

	MATERIAL LIST
1	ALUMINUM
2	POLES
3	LED ILLUMINATION
4	
5	

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

GENERAL NOTES

1. TOLERANCE (UNLESS NOTED)
   - GRAPHICS +/-1/8" • FACE SIZE + 1/16"-¼"
   - CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
   - ALL COPY LEVEL UNLESS NOTED OTHERWISE
2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION

RITE AID 12'-0"
DF LED IL BTP PYLON SIGN

DRAWN BY: BRIAN S.
CHECKED BY:
CLIENT: ENTERPRISE HOLDINGS
LOCATION: MULTIPLE LOCATIONS
QUOTE:
DATE: 12/10/15
DRAWING/PART #: RAP12-LED
REV.: A
SHEET #: 12 OF 19

This document reflects trade secrets and confidential business information, and may not be copied, published, or disseminated in any manner without the prior express written approval of SignResource. All rights reserved, including patent, trademark and copyrights.

COVERS MUST BE OPAQUE.

7

32 SF

APPROVAL SIGNATURE _____ DATE _____

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

REVISION HISTORY:

REV	DATE	REQUESTED BY	UPDATED BY
A	08/11/15	AH	BS

REVISION DESCRIPTION: INITIAL DRAWING

PARTS LIST:

ITEM	DECORATION
A	WHITE (OPAQUE)
B	MATCH Sw6076 TURKISH COFFEE
C	ARLON 2500-2870 BLUE
D	ARLON 2500-2283 RED
E	
F	

	MATERIAL LIST
1	PANAGRAPHICS III
2	
3	
4	
5	

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

GENERAL NOTES

1.TOLERANCE (UNLESS NOTED)
- GRAPHICS +/-1/8" • FACE SIZE + 1/16"-¼"
- CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
- ALL COPY LEVEL UNLESS NOTED OTHERWISE

2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION:
RITEAID
4' x 8' TEMPORARY SF NL
BANNER COVER W/GROMMETS

VOLTAGE: CIRCUIT: CURRENT: DESIGN LOAD:

DRAWN BY: BRIAN S. CHECKED BY:

CLIENT: RITEAID

LOCATION:

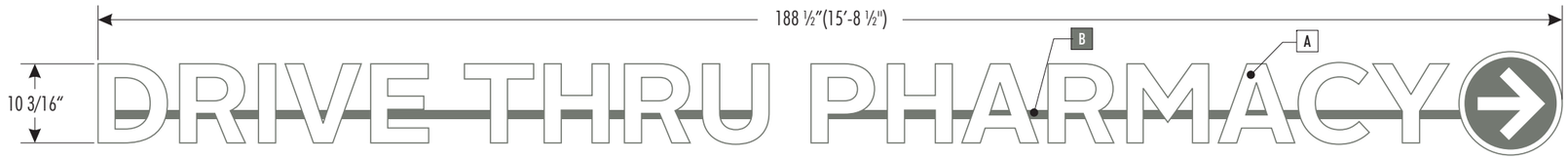
QUOTE: DATE: 08/11/15

DRAWING/PART # RA0408CVR01 REV. A SHEET # 13 OF 19

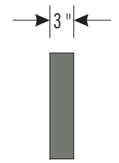
This document reflects trade secrets and confidential business information, and may not be copied, published, or disseminated in any manner without the prior express written approval of SignResource. All rights reserved, including patent, trademark and copyrights.

NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS REMOVAL OF FACE

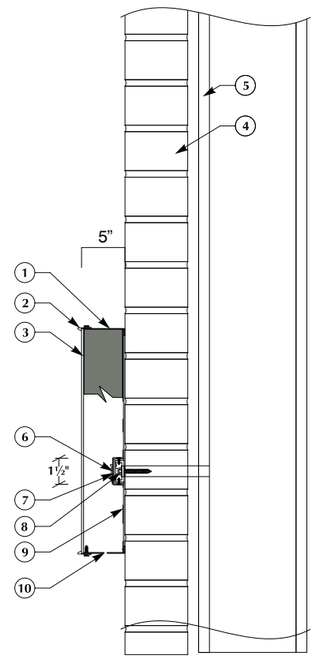


FRONT VIEW



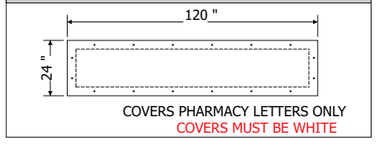
SIDE VIEW

LETTERS	MATERIAL LIST
1	5" X .040 aluminum letter coil painted pms 424 letter locked to aluminum letter backs
2	1" Trim cap painted pms 424
3	.125 #2447 White plex faces
4	Building facade.
5	Sheathing by others
6	Pre-drilled electrical hole w/ plastic grommet.
7	1" x 2" x 1/8" Aluminum Raceway
8	Masonry fasteners (Min. 3 per raceway)
9	.063 pre-finished black/white aluminum backs (white to inside)
10	1/4" Weep holes at low points of letters
11	
12	
13	
14	
15	
16	



Access to rear of facade to be by others.
Note: All penetrations to be sealed with BIOSTOP 500+ Intumescent Firestop Sealant to meet NEC #300.21, ASTM #E814, UL #1479 and UL #2079 standards.

PART #: RA0210CVR — TEMPORARY WHITE BANNER COVERS



COVERS PHARMACY LETTERS ONLY
COVERS MUST BE WHITE

8

APPROVAL SIGNATURE _____ **DATE** _____

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

REVISION HISTORY:

REV	DATE	REQUESTED BY	UPDATED BY
A	05/16/16	TL	BS

REVISION DESCRIPTION: INITIAL DRAWING

PARTS LIST:

ITEM	DECORATION
A	WHITE
B	PAINT TO MATCH PMS 424
C	
D	
E	
F	
	MATERIAL LIST
1	5" ALUMINUM RETURNS
2	1/8" WHITE PLASTIC FACE
3	
4	
5	

FIRST SURFACE DECORATION

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

GENERAL NOTES

1.TOLERANCE (UNLESS NOTED)
- GRAPHICS +/-1/8" • FACE SIZE + 1/16"-¼"
- CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
- ALL COPY LEVEL UNLESS NOTED OTHERWISE

2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION
RITEAID
10 3/16" X 188 ½" SF NL
CHANNEL LETTERS WITH ARROW

VOLTAGE: CIRCUIT: CURRENT: DESIGN LOAD:

DRAWN BY: BRIAN S. CHECKED BY:

CLIENT: RITEAID

LOCATION:

QUOTE: DATE:

DRAWING/PART # RAV0032 REV. A SHEET # 14 OF 19

This document reflects trade secrets and confidential business information, and may not be copied, published, or disseminated in any manner without the prior express written approval of SignResource. All rights reserved, including patent, trademark and copyrights.

9

SCALE: 1 ½" = 1'-0"

APPROVAL SIGNATURE _____ **DATE** _____

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

SignResource
IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

REVISION HISTORY:

REV	DATE	REQUESTED BY	UPDATED BY
A	04/07/15	AH	CM

REVISION DESCRIPTION: INITIAL DRAWING

PARTS LIST:

ITEM	DECORATION
A	VINYL 3M 3630-59 DARK BROWN
B	
C	
D	
E	
F	
	MATERIAL LIST
1	CLEAR PLASTIC PANEL
2	VINYL COPY
3	
4	
5	

QTY: 1

FIRST SURFACE DECORATION

SCALE ½" : 1'-0"

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

GENERAL NOTES

1.TOLERANCE (UNLESS NOTED)
- GRAPHICS +/-1/8" • FACE SIZE + 1/16"-¼"
- CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
- ALL COPY LEVEL UNLESS NOTED OTHERWISE

2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION

RITEAID
1' X 5' SF NL
LEXAN PANEL SIGN

VOLTAGE: CIRCUIT: CURRENT: DESIGN LOAD:

DRAWN BY: CORY M. CHECKED BY:

CLIENT: RITEAID

LOCATION: MULTIPLE

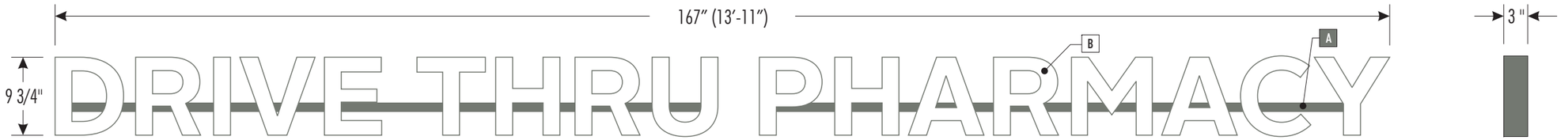
QUOTE: 216587 DATE: 04/07/2015

DRAWING/PART # RA0105LEX REV. A SHEET # 15 OF 19

This document reflects trade secrets and confidential business information, and may not be copied, published, or disseminated in any manner without the prior express written approval of SignResource. All rights reserved, including patent, trademark and copyrights.

NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS REMOVAL OF FACE

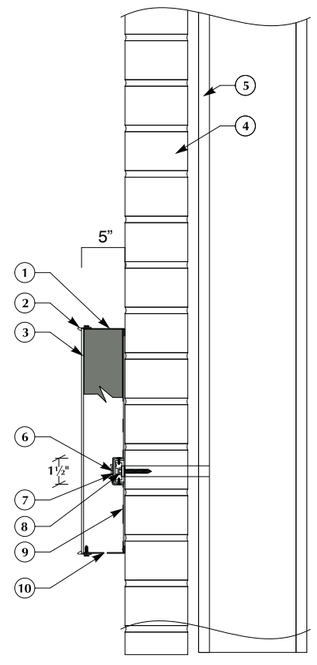


FRONT VIEW

SIDE VIEW

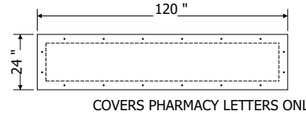
LETTERS	MATERIAL LIST
1	5" X .040 aluminum letter coil painted pms 424 letter locked to aluminum letter backs
2	1" Trim cap painted pms 424
3	.125 #2447 White plex faces
4	Building facade.
5	Sheathing by others
6	Pre-drilled electrical hole w/ plastic grommet.
7	1" x 2" x 1/8" Aluminum Raceway
8	Masonry fasteners (Min. 3 per raceway)
9	.063 pre-finished black/white aluminum backs (white to inside)
10	1/4" Weep holes at low points of letters
11	
12	
13	
14	
15	
16	

10



Access to rear of facade to be by others.
Note: All penetrations to be sealed with BIOSTOP 500+ Intumescent Firestop Sealant to meet NEC #300.21, ASTM #E814, UL #1479 and UL #2079 standards.

PART #: RA0210CVR — TEMPORARY WHITE BANNER COVERS



COVERS PHARMACY LETTERS ONLY
COVERS MUST BE WHITE

APPROVAL SIGNATURE _____ **DATE** _____

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

REVISION HISTORY:

REV	DATE	REQUESTED BY	UPDATED BY
A	05/16/16	TL	BS

REVISION DESCRIPTION: INITIAL DRAWING

PARTS LIST:

ITEM	DECORATION
A	PAINT TO MATCH PMS 424
B	WHITE
C	
D	
E	
F	
	MATERIAL LIST
1	1/8" WHITE PLASTIC FACES
2	5" ALUMINUM RETURNS
3	
4	
5	

FIRST SURFACE DECORATION

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

GENERAL NOTES

1. TOLERANCE (UNLESS NOTED)
   - GRAPHICS +/-1/8" • FACE SIZE + 1/16"-¼"
   - CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
   - ALL COPY LEVEL UNLESS NOTED OTHERWISE
2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION
RITEAID 9 3/4" X 167" SF NL
CHANNEL LETTER SET

VOLTAGE:	CIRCUIT:	CURRENT:	DESIGN LOAD:

DRAWN BY: BRIAN S. CHECKED BY:

CLIENT: RITEAID

LOCATION: MULTIPLE

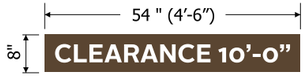
QUOTE: DATE: 05/16/16

DRAWING/PART # RAV0033 REV. A SHEET # 16 OF 19

This document reflects trade secrets and confidential business information, and may not be copied, published, or disseminated in any manner without the prior express written approval of SignResource. All rights reserved, including patent, trademark and copyrights.

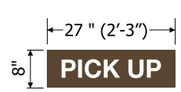
NON-ILLUMINATED DT CANOPY SIGNS — QTY:**1 Each**

11 — # RA0854APC10 — 3 SQ FT

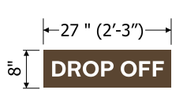


Scale 3/8″ = 1′

12 — # RA0827APPU — 1.5 SQ FT

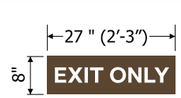


13 — # RA0827APDO — 1.5 SQ FT

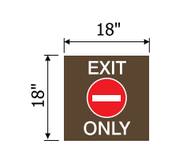


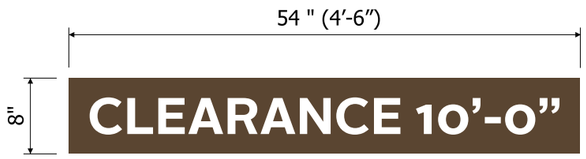
Scale 3/8″ = 1′

14 — # RA0827APEO — 1.5 SQ FT



15 — # RA1818SPEO — 2.25 SQ FT





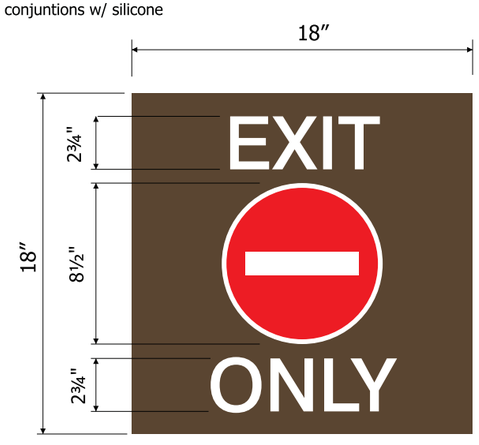
SCALE: 3/4″ = 1′

Panel
.125 Flat Aluminum, paint GripGuard Brown to match BM 2108-20 Sierra Spruce Semi gloss finish P-4

Copy
White Reflective vinyl copy 3M-480-10 V-5

Facade
Aluminum Panels (Typ.)

Mounting
(4) 8x3 Flat Heat Color Matched Galvanized Deck Screws to be used in conjuntions w/ silicone



SCALE: 1 ½″ = 1′

SF Traffic Control Sign

Bkgd
.125 Alum. paint GripGuard Brown to match BM 2108-20 Sierra Spruce (front & back) Semi gloss finish P-4

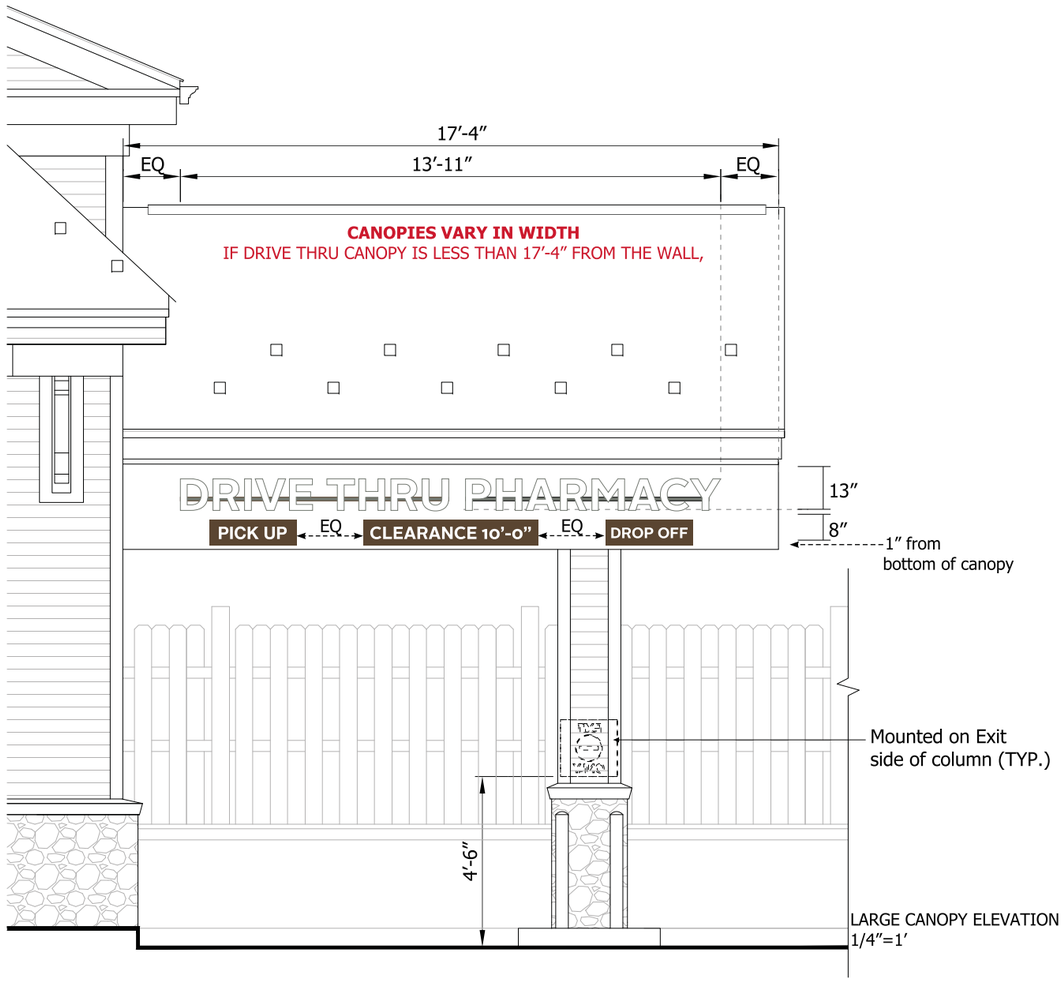
Copy
White Reflective vinyl copy 3M-480-10 V-5

Symbol
Red Reflective vinyl 3M 480-82 w/ White Reflective vinyl detail 3M-480-10 V-5 & V-6

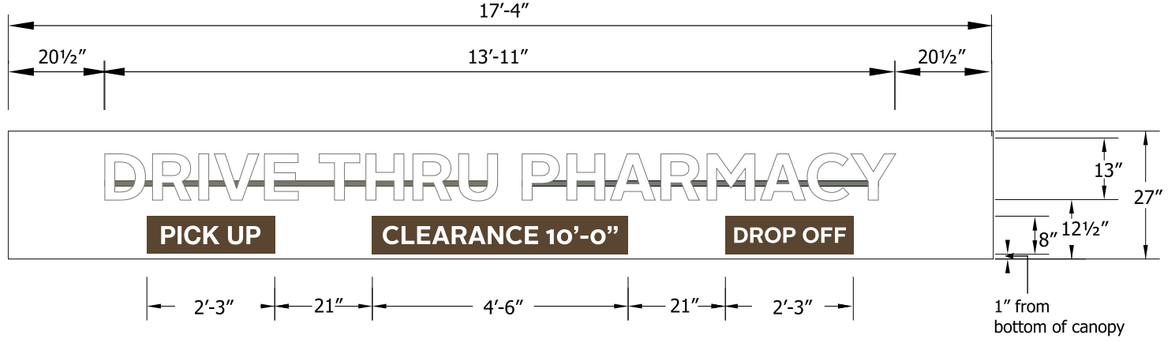
Facade
CMU - Brick (Typ.)

COLOR/FINISHES

- P-1 MP 42-202 WHITE
- P-2 RUSTOLEUM 9109 WHITE PRIMER
- P-3 TO MATCH BM 996 ASHEN TAN
- P-4 TO MATCH BM 2108-20 SIERRA SPRUCE
- V-1 ARLON 2500-2870 BLUE
- V-2 ARLON 2500-2283 RED
- V-3 CALON 102 WHITE LOW TAC OPAQUE
- V-4 VINYL 3M-3630-59 DARK BROWN
- V-5 VINYL 3M-480-10 SCOTCHLITE REFLECTIVE WHITE
- V-6 VINYL 3M-480-82 SCOTCHLITE REFLECTIVE RED
- V-7 VINYL TO MATCH BM 0C-41 FRENCH CANVAS



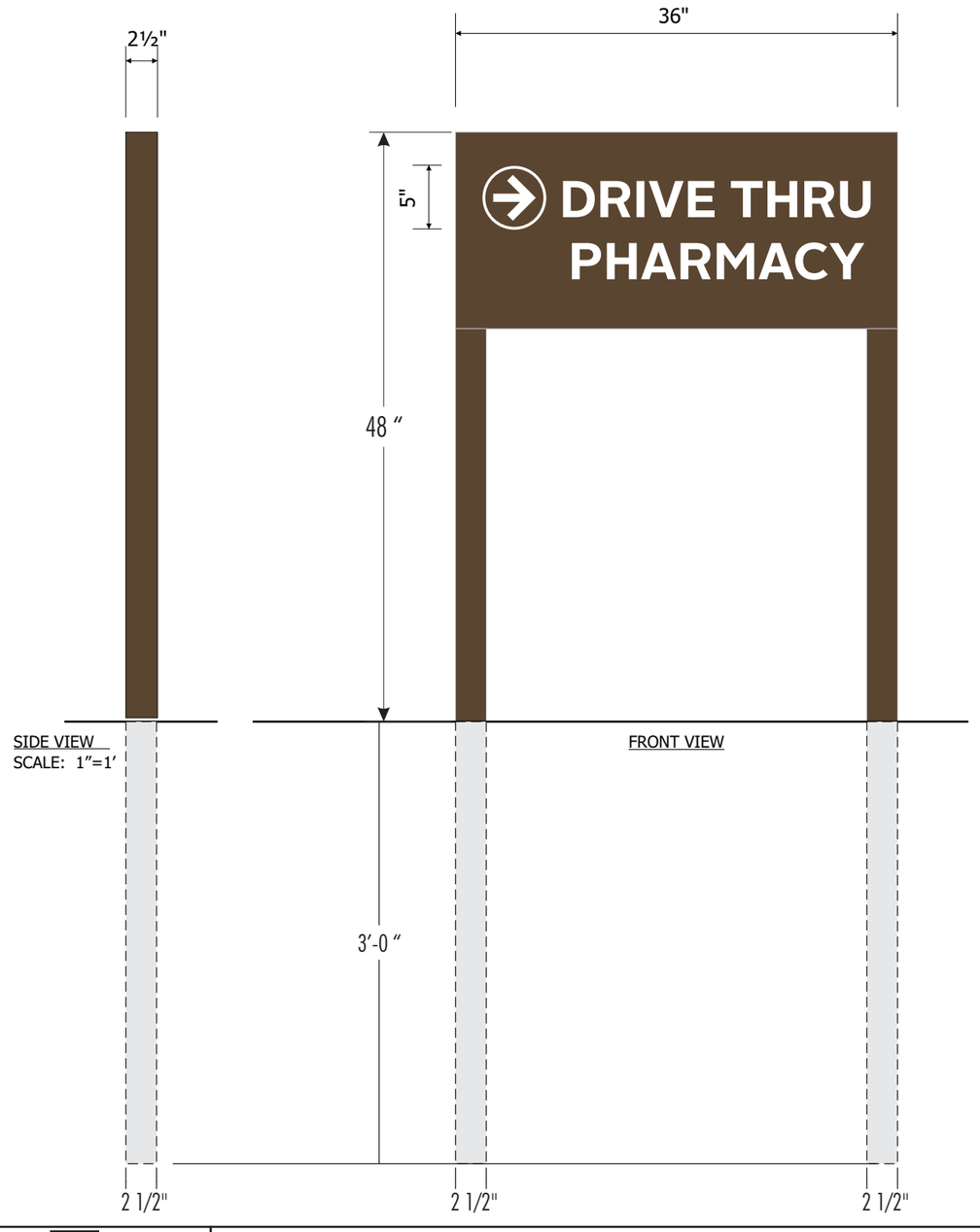
LARGE CANOPY ELEVATION
1/4″=1′



SMALL CANOPY ELEVATION
NTS

CANOPIES VARY IN WIDTH
IF DRIVE THRU CANOPY IS LESS THAN 17′-4″ FROM THE WALL,

D/F DIRECTIONAL SIGN
NON-ILLUMINATED 4 SQ FT



SIDE VIEW
SCALE: 1"=1'

FRONT VIEW

BACK VIEW
SCALE: 1"=1'

Panels
.080 flat aluminum panels
PAINTED Sw6076 TURKISH COFFEE

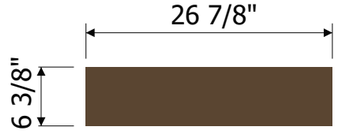
Copy
White Reflective vinyl copy
WHITE REFLECTIVE VINYL 3M480-10

Posts
PAINTED Sw6076 TURKISH COFFEE

TEMPORARY VINYL COVERS

NO COPY

QTY:
As Needed



VINYL TO MATCH SW6076 TURKISH COFFEE
LOW TAC OPAQUE VINYL

16

SCALE 1:12
4 SF

APPROVAL SIGNATURE _____ **DATE** _____

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

REVISION HISTORY:

REV	DATE	REQUESTED BY	UPDATED BY
A	05/10/16	TL	BS

REVISION DESCRIPTION: INITIAL DRAWING

PARTS LIST:

ITEM	DECORATION
A	VINYL (TO MATCH "SW6076 TURKISH COFFEE")
B	WHITE REFLECTIVE VINYL 3M480-10
C	
D	
E	
F	
	MATERIAL LIST
1	.080" ALUMINUM PANEL
2	LOW-TAC OPAQUE VINYL
3	
4	
5	

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

GENERAL NOTES

1.TOLERANCE (UNLESS NOTED)
- GRAPHICS +/-1/8" • FACE SIZE + 1/16"-¼"
- CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
- ALL COPY LEVEL UNLESS NOTED OTHERWISE

2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION
RITEAID
16" x 36"DF NL
DIRECTIONAL SIGNS

VOLTAGE: CIRCUIT: CURRENT: DESIGN LOAD:

DRAWN BY: BRIAN S. CHECKED BY:

CLIENT: RITEAID

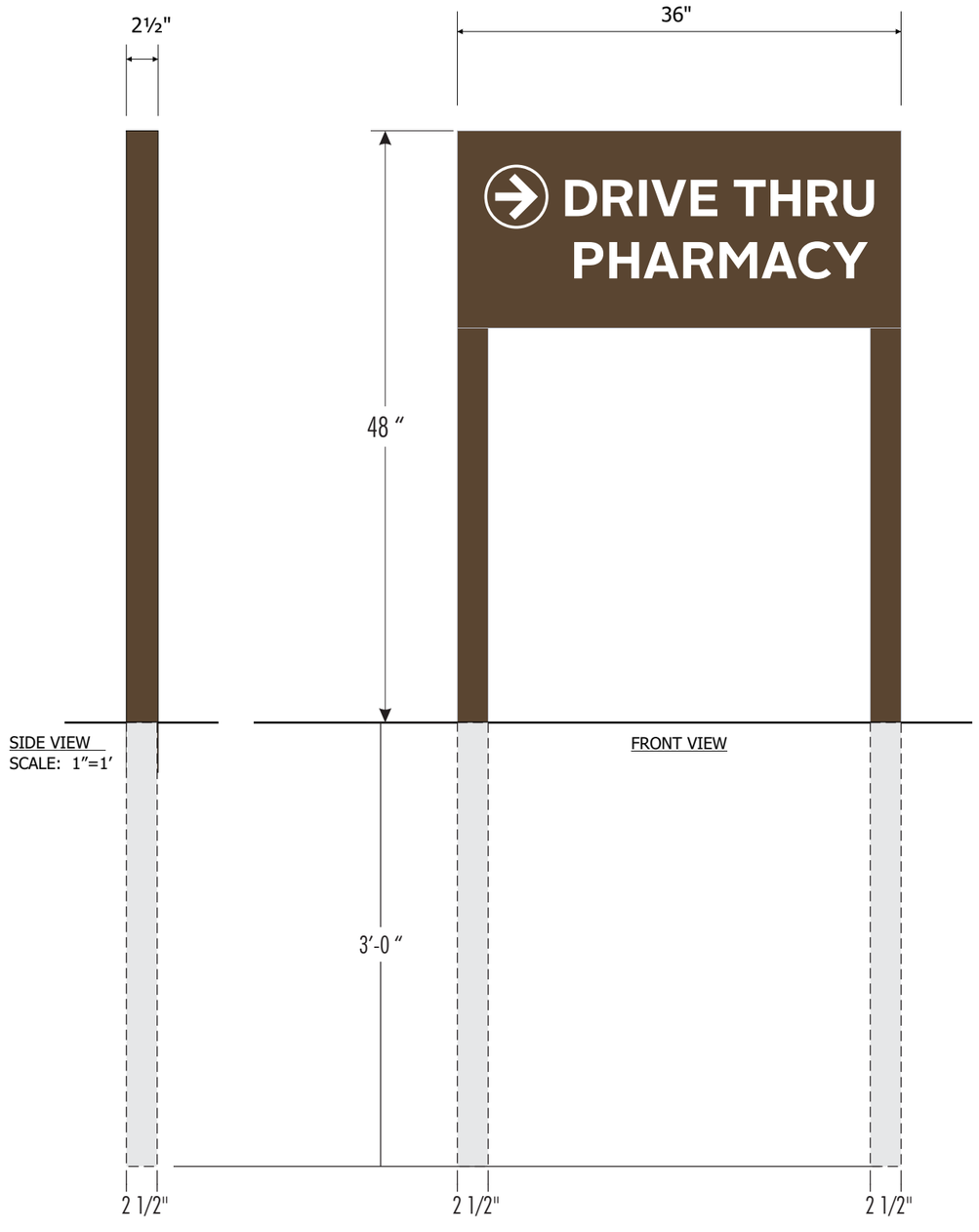
LOCATION:

QUOTE: DATE: 05/10/16

DRAWING/PART # RAV0035 REV. A SHEET # 18 OF 19

This document reflects trade secrets and confidential business information, and may not be copied, published, or disseminated in any manner without the prior express written approval of SignResource. All rights reserved, including patent, trademark and copyrights.

D/F DIRECTIONAL SIGN
NON-ILLUMINATED — 4 SQ FT



SIDE VIEW
SCALE: 1"=1'

FRONT VIEW

BACK VIEW
SCALE: 1"=1'

Panels
.080 flat aluminum panels
PAINTED Sw6076 TURKISH COFFEE

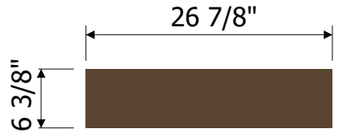
Copy
White Reflective vinyl copy
WHITE REFLECTIVE VINYL 3M480-10

Posts
PAINTED Sw6076 TURKISH COFFEE

TEMPORARY VINYL COVERS

NO COPY

QTY: **As Needed**



VINYL TO MATCH SW6076 TURKISH COFFEE
LOW TAC OPAQUE VINYL

SCALE 1:12
4 SF

17

APPROVAL SIGNATURE _____ **DATE** _____

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

REVISION HISTORY:

REV	DATE	REQUESTED BY	UPDATED BY
A	05/10/16	TL	BS

REVISION DESCRIPTION: INITIAL DRAWING

PARTS LIST:

ITEM	DECORATION
A	VINYL (TO MATCH "SW6076 TURKISH COFFEE")
B	WHITE REFLECTIVE VINYL 3M480-10
C	
D	
E	
F	
	MATERIAL LIST
1	.080" ALUMINUM PANEL
2	LOW-TAC OPAQUE VINYL
3	
4	
5	

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

GENERAL NOTES

1.TOLERANCE (UNLESS NOTED)
- GRAPHICS +/-1/8" • FACE SIZE + 1/16"-¼"
- CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
- ALL COPY LEVEL UNLESS NOTED OTHERWISE

2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION
RITEAID
16" x 36"DF NL
DIRECTIONAL SIGNS

VOLTAGE:	CIRCUIT:	CURRENT:	DESIGN LOAD:

DRAWN BY: BRIAN S. — CHECKED BY:
CLIENT: RITEAID
LOCATION:
QUOTE: — DATE: 05/10/16
DRAWING/PART #: RAV0034 — REV.: A — SHEET #: 19 OF 19

This document reflects trade secrets and confidential business information, and may not be copied, published, or disseminated in any manner without the prior express written approval of SignResource. All rights reserved, including patent, trademark and copyrights.

ZBA App. No. 2889 - CDJT Development Townhouses - Amiee Miller Corr

From : Lindsey Gonzalez <lindsey.gonzalez@saratoga-springs.org> Mon, Apr 25, 2016 10:48 AM

Subject : ZBA App. No. 2889 - CDJT Development Townhouses - Amiee Miller Corr 1 attachment

To : Adam McNeill [redacted]>, Gary Hasbrouck [redacted], kaplankeith [redacted] Skip Carlson [redacted]>, Bil [redacted] helickezba [redacted]>, shsteer [redacted]

Cc : Susan Barden <susan.barden@saratoga-springs.org>

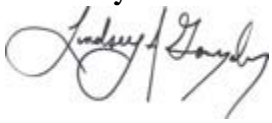
Board Members,

This morning I received a call from a concerned citizen who received a neighbor notification for the above referenced project. She reflected that she was unable to access internet at this time to provide her own statement, so I am summarizing her concerns below:

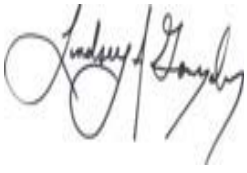
Aimee Miller
121 Madison St
Re: 124 Jefferson St Use Variance Request

Was comfortable with said property being utilized for senior housing, but NOT for workforce housing. Does not want another Jefferson Terrace in the neighborhood, and feels there is not enough senior housing in Saratoga. Disagrees with any further expansion as there is already a lack of greenspace in the neighborhood.

Lindsey A. Gonzalez, M.P.A.



Land Use Board Coordinator
Office of Planning and Economic Development
City of Saratoga Springs
474 Broadway
Saratoga Springs, NY 12866
(E) lindsey.gonzalez@saratoga-springs.org
(O) 518.587.3550 x 2533



LAG elec sig.jpg
7 KB

CITY OF SARATOGA SPRINGS

City Hall - 474 Broadway
Saratoga Springs, New York 12866
Tel: 518-587-3550 fax: 518-580-9480

[FOR OFFICE USE]

_____
(Application #)

_____
(Date received)

APPLICATION FOR:
APPEAL TO THE ZONING BOARD FOR AN
INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	CDJT Development, LLC		
Address	Pine West Plaza 2, Wash Ave. Ext Albany, NY 12205		
Phone	518-438-3521 /	/	/
Email	[redacted]		

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises: ☑ Owner ☐ Lessee ☐ Under option to lease or purchase

PROPERTY INFORMATION

1. Property Address/Location: 124 jefferson st Tax Parcel No.: 178 . 36 - 3 - 21
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 2110 3. Zoning District when purchased: _____

4. Present use of property: 6 townhomes 5. Current Zoning District: _____

6. Has a previous ZBA application/appeal been filed for this property?
☐ Yes (when? _____ For what? _____)
☑ No

7. Is property located within (check all that apply)?: ☐ Historic District ☐ Architectural Review District
☐ 500' of a State Park, city boundary, or county/state highway?

8. Brief description of proposed action: _____
repurpose public benefit from senior to workforce

9. Is there a written violation for this parcel that is not the subject of this application? ☐ Yes ☑ No

10. Has the work, use or occupancy to which this appeal relates already begun? ☑ Yes ☐ No

11. Identify the type of appeal you are requesting *(check all that apply)*:

☐ INTERPRETATION (p. 2) ☐ VARIANCE EXTENSION (p. 2) ☑ USE VARIANCE (pp. 3-6) ☐ AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance". Fees are cumulative and required for each request below.

☐ Interpretation	$ 400
☑ Use variance	$1,000
☐ Area variance	
-Residential use/property:	$ 150
-Non-residential use/property:	$ 500
☐ Extensions:	$ 150

INTERPRETATION – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) _____

2. How do you request that this section be interpreted? _____

3. If interpretation is denied, do you wish to request alternative zoning relief? ☐ Yes ☐ No

4. If the answer to #3 is "yes," what alternative relief do you request? ☐ Use Variance ☐ Area Variance

EXTENSION OF A VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: _____ 2. Type of variance granted? ☐ Use ☐ Area

3. Date original variance expired: _____

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

USE VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

A use variance is requested to permit the following:
2 market rate units and 4 workforce units

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:
   7 years of marketing to seniors and not a single offer

   A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

   1) Date of purchase: 2010 Purchase amount: $377,000

   2) Indicate dates and costs of any improvements made to property after purchase:

Date	Improvement	Cost
2010	6 townhomes	$1,800,000

   3) Annual maintenance expenses: $20,000 4) Annual taxes: $12,000

   5) Annual income generated from property: $10,000

   6) City assessed value: $492,000 Equalization rate: 80% Estimated Market Value: $615,000

   7) Appraised Value: $na Appraiser: Date:

   Appraisal Assumptions:

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☑ Yes ☐ No If "yes", for how long? 7 years

1) Original listing date(s): 2010 Original listing price: $ 325,000

If listing price was reduced, describe when and to what extent:
$299,000 in 2011

2) Has the property been advertised in the newspapers or other publications? ☑ Yes ☐ No

If yes, describe frequency and name of publications:
all senior outlets 55+ Living Guide

3) Has the property had a "For Sale" sign posted on it? ☑ Yes ☐ No

If yes, list dates when sign was posted:
since 2010

4) How many times has the property been shown and with what results?
multiple times with no offers

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:
seniors do no want this type of housing which is twpo story 2 and 3 bedroom with full basement and attached garage.

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

already completed for 7 years

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

seniors do not want this type of housing

AREA VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) _____

Dimensional Requirements	From	To

Other: _____

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ☐ No ☐ Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

_____ Date:_____
(applicant signature)

_____ Date:_____
(applicant signature)

If applicant is not the currently the owner of the property, the current owner must also sign.

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

ZONING AND BUILDING INSPECTOR DENIAL OF APPLICATION FOR LAND USE AND/OR BUILDING

APPLICANT: _____ TAX PARCEL NO.: _____.____ - _____ - ____

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

_____

_____

_____

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s)

_____. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

AS FEATURED IN: **55+ Living Guide** 55PlusLivingGuide.com

2 Floor Plans
1,400 Square Feet
2 Bedrooms
2.5 Baths
HOA Included

Saratoga Six

Condominium Rentals / $1,495* per Month
124 Jefferson Street, Saratoga Springs
*Option to Purchase

For more information contact:
Danielle Warrington at 518-698-9955 (cell)

DOWNSIZE TO UPSCALE SOPHISTICATION AND STYLE.

New construction, luxury 55+ condominiums within walking distance to Broadway and historic Saratoga Race Course. A six unit building with two floor plans to choose from. Attached garage, small front porch and back patios overlooking common backyard areas for total outdoor enjoyment.

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

124 jefferson st. cdjt development/charles touhey

Name of Action or Project:
saratoga springs ny use variance

Project Location (describe, and attach a location map):
124 jefferson st saragoga springs ny

Brief Description of Proposed Action:
change public benefit from senior designation to workforce designation

Name of Applicant or Sponsor:	Telephone: 518 438 3521
cdjt development/charles touhey	E-Mail: [redacted]

Address:
pine west plaza bldg 2 washington ave ext

City/PO:	State:	Zip Code:
albany	ny	12205

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3.a. Total acreage of the site of the proposed action? .43 acres
b. Total acreage to be physically disturbed? .43 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .43 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☑ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	☑	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☑	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☑	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☑	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO	YES	
	☐	☑	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☑	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☑	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	☑	☐	
b. Is the proposed action located in an archeological sensitive area?	☑	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☑	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	☑	☐	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	☑	☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES	NO	YES	
	☑	☐	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☑ NO ☐ YES			

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☑	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: COST Development Date: 3/28/16

Signature: [signature]

PRINT FORM

CITY OF SARATOGA SPRINGS

City Hall - 474 Broadway
Saratoga Springs, New York 12866
Tel: 518-587-3550 fax: 518-580-9480

[FOR OFFICE USE]

(Application #)

(Date received)

APPLICATION FOR:
APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	CDJT Development, LLC/Charles Touhey		
Address	Pine West Plaza 2, Wash Ave. Ext Albany, NY 12205		
Phone	518-438-3521		
Email	[redacted]		

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises: ☑ Owner ☐ Lessee ☐ Under option to lease or purchase

PROPERTY INFORMATION

1. Property Address/Location: 124 jefferson st Tax Parcel No.: 178 . 36 - 3 - 21
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 2110 3. Zoning District when purchased: UR 7

4. Present use of property: 6 townhomes 5. Current Zoning District: UR 7

6. Has a previous ZBA application/appeal been filed for this property?
☐ Yes (when? _____ For what?_____)
☑ No

7. Is property located within (check all that apply)?: ☐ Historic District ☐ Architectural Review District
☐ 500' of a State Park, city boundary, or county/state highway?

8. Brief description of proposed action:
Repurpose the original public benefit, (which was required by the 4 unit density bonus received) from Senior housing to Workforce housing, wherein buyers must have a maximum income not to exceed 80 to 120% of Saratoga AMI (Area Median Income)

9. Is there a written violation for this parcel that is not the subject of this application? ☐ Yes ☑ No

10. Has the work, use or occupancy to which this appeal relates already begun? ☑ Yes ☐ No

11. Identify the type of appeal you are requesting *(check all that apply)*:

☐ INTERPRETATION (p. 2) ☐ VARIANCE EXTENSION (p. 2) ☑ USE VARIANCE (pp. 3-6) ☐ AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance". Fees are cumulative and required for each request below.

☐ Interpretation	$ 400
☑ Use variance	$1,000
☐ Area variance	
-Residential use/property:	$ 150
-Non-residential use/property:	$ 500
☐ Extensions:	$ 150

INTERPRETATION – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) na

2. How do you request that this section be interpreted? na

3. If interpretation is denied, do you wish to request alternative zoning relief? ☐Yes ☐No

4. If the answer to #3 is "yes," what alternative relief do you request? ☐ Use Variance ☐ Area Variance

EXTENSION OF A VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: _____ 2. Type of variance granted? ☐ Use ☐ Area

3. Date original variance expired: _____

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

USE VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

A use variance is requested to permit the following:

Allow the sale of 2 market rate units, and 4 workforce units to persons whose income does not exceed 80-120% of the Saratoga County AMI (Area Median Income)

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

In 2110, six senior units were completed and marketing began. Each townhome consisted of 2 or 3 bedrooms, 2 story, full basements and attached garage. Price was $325,000. From the outset, buyers were available in the 30 to 40 year old range, with none over the 55 age as required by the project approvals. The price was then lowered to $299,000 (actual builder cost) and subsequently to $250,000 to determine if price was indeed the factor. It clearly was not. For 7 years and 3 realtors, we still have no buyers over 55.

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase: 2010 Purchase amount: $377,000

2) Indicate dates and costs of any improvements made to property after purchase:

Date	Improvement	Cost
2010	6 townhomes	$1,800,000

3) Annual maintenance expenses: $20,000 4) Annual taxes: $12,000

5) Annual income generated from property: $10,000

6) City assessed value: $492,000 Equalization rate: 80% Estimated Market Value: $615,000

7) Appraised Value: $na Appraiser: Date:

Appraisal Assumptions:

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☑Yes ☐No If "yes", for how long? 7 years

1) Original listing date(s): 2010 Original listing price: $ 325,000

If listing price was reduced, describe when and to what extent:
From $325,000 to299,000 to $250,000 in 2011 as well as "Rent With Option To Buy"

2) Has the property been advertised in the newspapers or other publications? ☑Yes ☐No

If yes, describe frequency and name of publications:
all senior outlets including 55+ Living Guide for 7 years.

3) Has the property had a "For Sale" sign posted on it? ☑Yes ☐No

If yes, list dates when sign was posted:
since 2010

4) How many times has the property been shown and with what results?
multiple times weekends, open houses, with no offers over 7 years.

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

After 7 years of marketing, price reductions and 3 realtors, it is clear that while persons in the age bracket of 30 t0 40 will purchase these homes, seniors will not.

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

Project was approved and constructed in accordance with all plans and specifications 7 years ago and has impacted the neighborhood favorably in it's appearance and style. (see attached brochure)

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

Applicant entered into project fully expecting seniors to purchase the homes in full accordance and compliance with density bonus granted by the city for such housing. Applicant accepts that an equivalent public benefit must be required to change use. Therefore, applicant is proposing to repurpose public benefit to workforce housing wherein buyers income must not exceed 80 to120% of AMI for Saratoga

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ☒ No ☐ Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

_____ Date: 3-25-16
(applicant signature)

_____ Date: _____
(applicant signature)

If applicant is not the currently the owner of the property, the current owner must also sign.

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Attachments

and supporting materials.

124 Jefferson St. – Project History

Background- In 2010, the project was approved for 6 units of senior housing (2 units allowed, plus 4 units (density bonus). Marketing began immediately with age restriction originally at 60, subsequently changed to 55 by the city. However, customers who were willing to purchase were always 30 to 40 years of age.

Unit Design – Two and Three Bedroom, Two story, and full basement with attached garage.

Pricing – $325,000 in 2010 subsequently reduced to $299,000 in 2011 and briefly to $250,000 that year.

Marketing - (Utilized three realtors) (Roohan ,Hunt ,Pro Realty of New York) with specialized outreach to seniors through flyers and visits to all Saratoga Senior centers. In addition, targeted advertising in "55 + Living Guide". (Attached)

2016 Situation- After 7 years of marketing, it is clear that there is a market for these homes in the 30 to 40 year age range. We are proposing to repurpose the Public Benefit derived from the 4 unit density bonus to "Workforce Housing"

Workforce Housing - would restrict buyers to a maximum of 80 to 120% of the Area Median Income (AMI) for Saratoga County, thus providing affordable housing opportunities for the city, which it sorely needs.

124 Jefferson St

Marketing Efforts 2010-2016

2010

#1 Hunt Realty

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2011

Hunt Realty

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2012

#2

Roohan Realty

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2013

Pro Realty of New York

Hired on-site sales person Cost: $20,000

Offered "Rent with option to buy"

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2014

#3

Pro Realty of New York

Hired on-site sales person Cost: $20,000

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2015

Pro Realty of New York

Hired on-site sales person Cost: $20,000

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2016

Same Marketing as previous 6 years.

AS FEATURED IN: **55+ Living Guide** 55PlusLivingGuide.com

2 Floor Plans
1,400 Square Feet
2 Bedrooms
2.5 Baths
HOA Included

Saratoga Six

Condominium Rentals / $1,495* per Month
124 Jefferson Street, Saratoga Springs
**Option to Purchase*

For more information contact:
Danielle Warrington at 518-698-9955 (cell)

DOWNSIZE TO UPSCALE SOPHISTICATION AND STYLE.

New construction, luxury 55+ condominiums within walking distance to Broadway and historic Saratoga Race Course. A six unit building with two floor plans to choose from. Attached garage, small front porch and back patios overlooking common backyard areas for total outdoor enjoyment.

To whom it may concern:

I (Danielle Warrington) started working with Charles Touhey and property managing 124 Jefferson St. about 4 years ago. Seeming I work for a successful local builder and broker Cecil Provost, and being a realtor myself, we figured this would really help us sell these units. During this time I have set forth several different marketing avenues for 55+ senior living. We have advertised in Saratoga Living, a local magazine, 55 plus living guide, local papers, printed marketing brochures at the Y ,the race track, local business, as well as social media and that's just to name a few. I have spent years showing these units to 55+ seniors week after week just to continue to get the same result. I've done several open house events in hopes to attract seniors. 55+ seniors have no interests in buying these units due to the floor design and layout. They do not want to purchase their final home with 2 sets of stairs and no Bedroom on first floor, and no handicap access. We have rented a few units to 55+ seniors, and as a show of good faith brought every lease and photo id to Brad Birge so he knew we were doing the right thing. All Tenants at this time are moved out due to the reasons I listed above or they have purchased a place with the amenities they need, 1st. floor living.

Also during this time I couldn't even begin to count the number of sales,and rent with option, we have turned away due to the age restriction. What I have seen is that it's the 30+ middle age class that want to buy these condos. We have exhausted every idea, marketing strategy, to get these sold and it's just not happening. We have been honest and worked diligently in this process with just no success!

124 Jefferson Street units 1-6

List of potential sales, rentals lost due to age restriction:

1.Showing, from glens falls area, owned a home looking to downsize age 46 years old, pre approved, owns a business. Age restriction only reason for not purchasing, Jan 2013.

2.Showing, from Saratoga young professional, age 35 works for a marketing firm in town. Age restriction only reason for not renting or purchasing. March 2013

3.Showing, from Albany area, works at Albany Med, age 27, looking to buy 1st time. Pre Approval letter, age restriction can not rent or sell. Bought a condo in malta. April 2013

4.Showing, age 32, from Latham area wanted to move to Saratoga, I sold him a house in Stillwater as the age restriction only reason I could not rent or sell to him. June 2013.

5.Showing, from burnt hills, age 45 looking to downsize wanted a townhome or condo. Age restriction only reason sale lost. Bought in ballston spa. June 2013

6. Showing, from Morgan Stanley, lives in NYC age 37. Looking for summer townhome in saratoga. Age restriction only reason for loss of sale. A track goer for reason loved location. July 2013.

7.Showing, from Albany area wanting to move to Saratoga, 1st time home buyer. Pre-approved age 35. Bought house in Albany due to age restriction. Aug 2013

8. Showing, from Albany area, age 45 looking to downsize, second home. Wants to move to Saratoga Area. pre- approval. Age restriction the issue. Nov. 2013

9. Showing, from Saratoga, age 33, first time home buyer. Age restriction reason for not purchasing. Dec 2013

10. Showing, from Queensbury, 36 first time homebuyer, pre-approved, loved property, lack of age requirement. Bought a home in Queensbury. Feb 2014

11. Showing, from Saratoga, 2nd home, downsizing. Age 43 unsure of statis if purchased. Age was the issue. April 2014

12. Showing, from Watervliet, age 39. 1st time home buyer. Wanted to move to Saratoga. Wanted to buy, age was the issue. Bought a home in malta area.June 2014.

13. Showing, age 29, 1st time home buyer, works at GE. Loved the townhomes. Age restriction the issue. Bought a home in ballston spa with her husband.June 2014.

14. Showing,, age 34 moving here from NYC. Wanted to put in an offer, age again and bought a townhouse in Clifton Park. July 2014

15. Showing, from NJ. wanted to purchase for summer home. Lost deal due to age restriction. Aug 2014.

16. Showing, 30. Works at Navy base in Saratoga. 1st time home buyer. Age restriction only reason for no offer submitted. Oct. 2014.

17. Showing, 45 looking for second home in Saratoga. Lives in NH. Wanted a summer townhome in town. Decided to build due to age restriction. Dec. 2014

18. Showing, Married early 40's. Were looking for a second home. Built in still water a Townhome. Age was reason for loss of sale. March 2015.

19. Showing, 42 2nd home, looking to downsize. from Saratoga Area, loss sale to age. Moved to Ballston Spa. April 2015.

20. Showing, 1st time home buyer. from Saratoga. Age reason for loss of sale. bought in ballston spa. June 2015.

21. Showing, 43, second home. downsizing. moved from latham to saratoga, not sure where tho. Age was loss of sale. July 2015.

22. Showing, age 31,from saratoga. works at globalfoundries. loss of sale due to age. relocated to Vermont for job.Aug. 2015

23. Showing, age 33, from saratoga area works at local business, loss of sale due to age.

Every month 1 open house since 2013-2016, no sales due to age restriction!

This is just some of the contacts that I kept record of. There were also several agents in Saratoga that brought clients to show, age the number one reason for loss of sale. Second reason 55+ does not want to buy due to design layout being 2 story, the concern is in a fews years from now the stairs being a huge issue. Just wanted to give you an idea of the hardship we have dealt with on this project. Thank you Brad for your time and consideration.

Sincerely,
Danielle
I'm reachable at [redacted], if there is any further questions.

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

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)

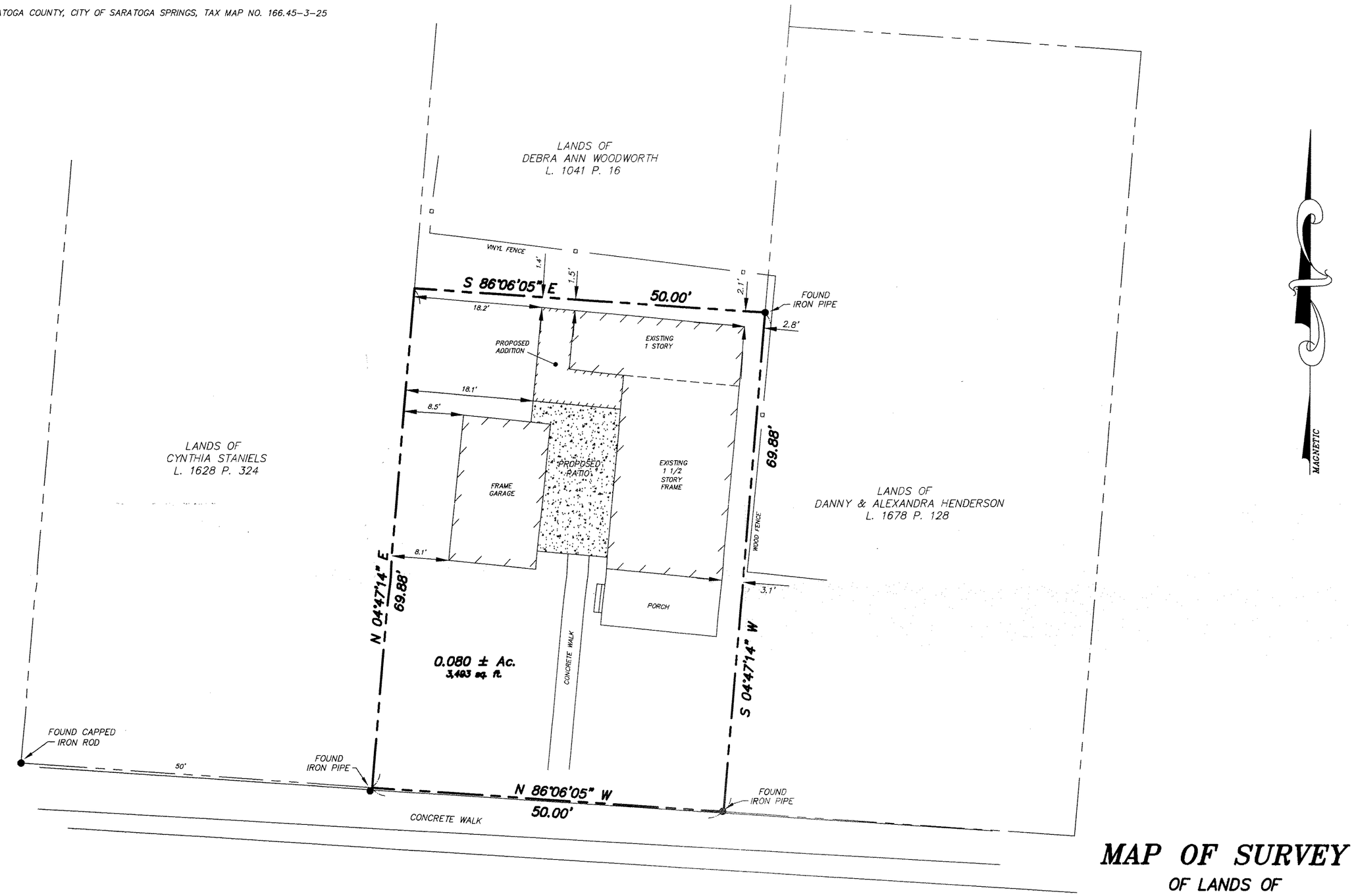
SEAL:
02/12/15

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

COPYRIGHT © 2015 BY WILLIAMS & WILLIAMS DESIGNERS. ALL RIGHTS RESERVED. ALL WILLIAMS & WILLIAMS DESIGNERS PLANS HAVE BEEN REGISTERED WITH THE UNITED STATES COPYRIGHT OFFICE. THIS DRAWING IS AN UNPUBLISHED WORK AND MAY NOT BE USED, DISCLOSED, COPIED OR VIEWED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION FROM WILLIAMS & WILLIAMS DESIGNERS. UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW, ARTICLE 145 SECTION 7209. DO NOT SCALE THESE DRAWINGS. THEY MAY NOT BE TO EXACT SCALE. USE ONLY THE DIMENSIONS SHOWN. OWNER AND CONTRACTOR SHALL CONSULT ALL APPLICABLE BUILDING CODES TO ENSURE THAT PLANS AND DETAILS CONFORM TO ALL REQUIREMENTS. THEY SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF THE SITE PRIOR TO CONSTRUCTION AND SHALL NOTIFY WILLIAMS & WILLIAMS DESIGNERS OF ANY DISCREPANCIES BEFORE WORK IS PERFORMED. WILLIAMS & WILLIAMS DESIGNERS SHALL NOT BE RESPONSIBLE FOR ANY ADDITIONAL COSTS OR STRUCTURAL PROBLEMS RESULTING FROM FAILURE TO FOLLOW THESE PLANS AND DETAILS.

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

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

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

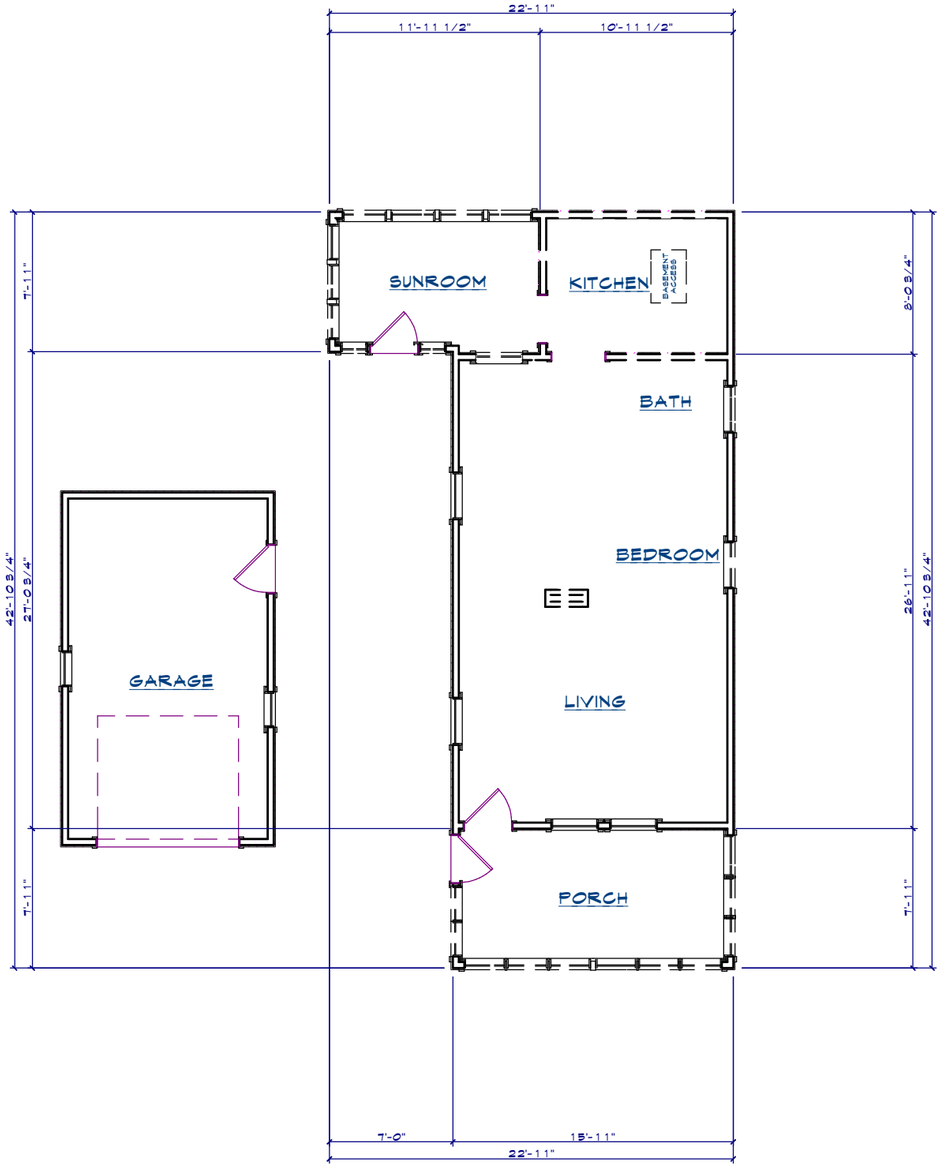
PRELIMINARY
PLEASE MAKE ANY CHANGES,
SIGN, & RETURN TO WILLIAMS & WILLIAMS
APPROVAL
SIGNATURE:
DATE:

TO THE BEST OF OUR KNOWLEDGE, BELIEF, & PROFESSIONAL JUDGEMENT, SUCH PLANS & SPECIFICATIONS ARE IN COMPLIANCE WITH THE 2010 RESIDENTIAL BUILDING CODE OF NEW YORK STATE & THE 2010 ENERGY CONSERVATION CONSTRUCTION CODE OF NEW YORK STATE.

COPYRIGHT © 2014 BY WILLIAMS & WILLIAMS DESIGNERS. ALL RIGHTS RESERVED. ALL WILLIAMS & WILLIAMS DESIGNERS' PLANS HAVE BEEN REGISTERED WITH THE UNITED STATES COPYRIGHT OFFICE. THIS DRAWING IS AN INSTRUMENT OF SERVICE AND MAY NOT BE ALTERED, REPRODUCED, COPIED, OR USED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION FROM WILLIAMS & WILLIAMS DESIGNERS. UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW, ARTICLE 145 SECTION 7209. DO NOT SCALE THESE DRAWINGS. THEY MAY NOT BE TO EXACT SCALE. USE ONLY THE DIMENSIONS SHOWN. OWNER AND CONTRACTOR SHALL CONSULT ALL APPLICABLE BUILDING CODES TO ENSURE THAT PLANS AND DETAILS CONFORM TO ALL REQUIREMENTS. THEY SHALL VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH CONSTRUCTION AND SHALL NOTIFY WILLIAMS & WILLIAMS DESIGNERS OF ANY DISCREPANCIES BEFORE WORK IS PERFORMED. WILLIAMS & WILLIAMS DESIGNERS SHALL NOT BE RESPONSIBLE FOR ANY ADDITIONAL COSTS OR STRUCTURAL PROBLEMS RESULTING FROM FAILURE TO FOLLOW THESE PLANS AND DETAILS.

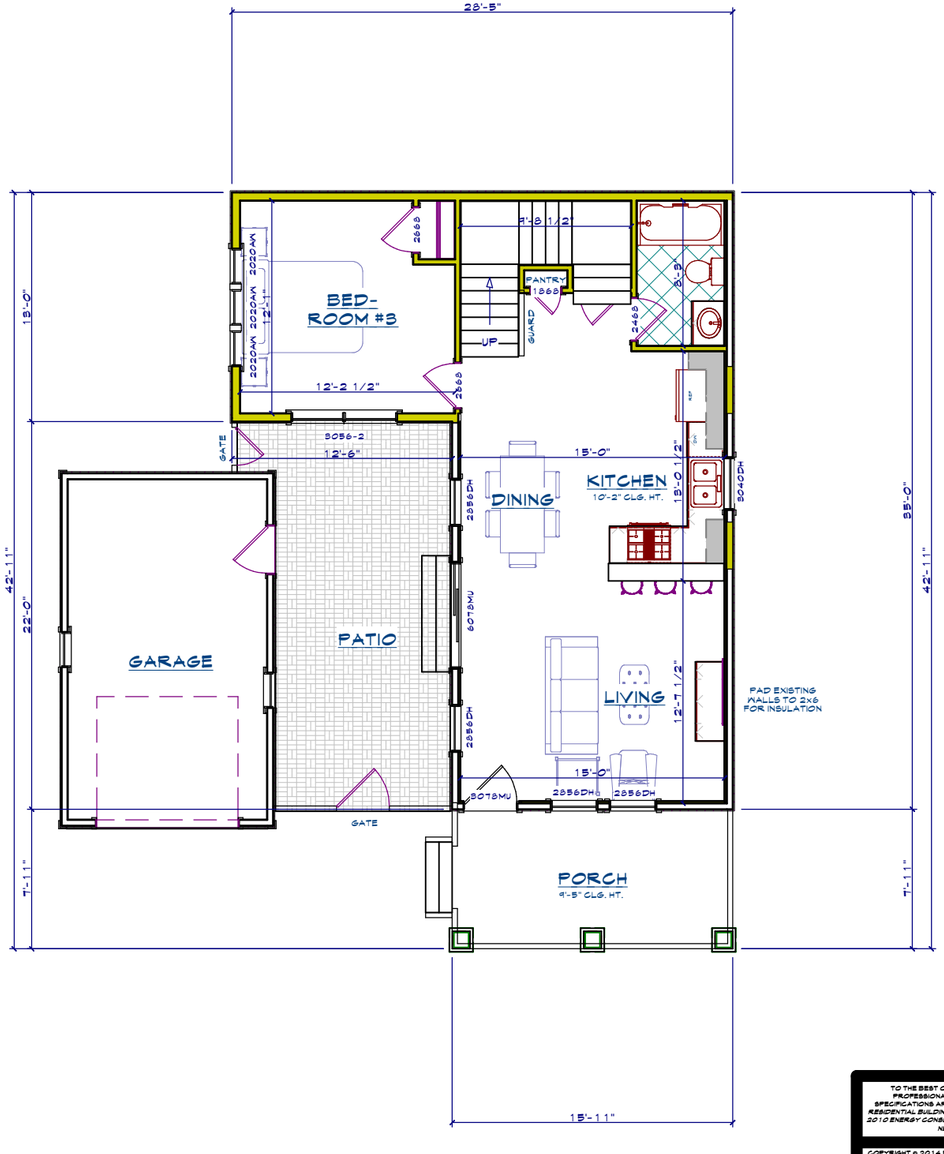
- EXISTING CONSTRUCTION
- TO BE DEMOLISHED
- NEW CONSTRUCTION

FIRST FLOOR:	719	SQ. FT. LIVING AREA
SECOND FLOOR:	657	SQ. FT. LIVING AREA
TOTAL:	1376	SQ. FT. LIVING AREA



EXISTING FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"



PROPOSED FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"

PRELIMINARY

PLEASE MAKE ANY CHANGES, SIGN, & RETURN TO WILLIAMS & WILLIAMS

APPROVAL SIGNATURE:

DATE:

TO THE BEST OF OUR KNOWLEDGE, BELIEF, & PROFESSIONAL JUDGEMENT, SUCH PLANS & SPECIFICATIONS ARE IN COMPLIANCE WITH THE 2010 RESIDENTIAL BUILDING CODE OF NEW YORK STATE & THE 2010 ENERGY CONSERVATION CONSTRUCTION CODE OF NEW YORK STATE.

COPYRIGHT © 2014 BY WILLIAMS & WILLIAMS DESIGNERS. ALL RIGHTS RESERVED. ALL WILLIAMS & WILLIAMS DESIGNERS' PLANS HAVE BEEN REGISTERED WITH THE UNITED STATES COPYRIGHT OFFICE. THIS DRAWING IS AN INSTRUMENT OF SERVICE AND MAY NOT BE ALTERED, REPRODUCED, COPIED, OR USED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION FROM WILLIAMS & WILLIAMS DESIGNERS. UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW, ARTICLE 145 SECTION 7209. DO NOT SCALE THESE DRAWINGS. THEY MAY NOT BE TO EXACT SCALE. USE ONLY THE DIMENSIONS SHOWN. OWNER AND CONTRACTOR SHALL CONSULT ALL APPLICABLE BUILDING CODES TO ENSURE THAT PLANS AND DETAILS CONFORM TO ALL REQUIREMENTS. THEY SHALL VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH CONSTRUCTION AND SHALL NOTIFY WILLIAMS & WILLIAMS DESIGNERS OF ANY DISCREPANCIES BEFORE WORK IS PERFORMED. WILLIAMS & WILLIAMS DESIGNERS SHALL NOT BE RESPONSIBLE FOR ANY ADDITIONAL COSTS OR STRUCTURAL PROBLEMS RESULTING FROM FAILURE TO FOLLOW THESE PLANS AND DETAILS.

PLAN NO:

PAGE OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:
CHRIS ARMER

ADDRESS:
117 MIDDLE AVE
SARATOGA
NEW YORK

DESIGNERS OF FINE HOMES SINCE 1968
WILLIAMS & WILLIAMS DESIGNERS INCORPORATED
804 GLEN STREET-GLENS FALLS-NEW YORK 12801
518-798-HOUSE(4687)
WILLIAMSANDWILLIAMSDESIGNERS.COM

SEAL:
05/05/16

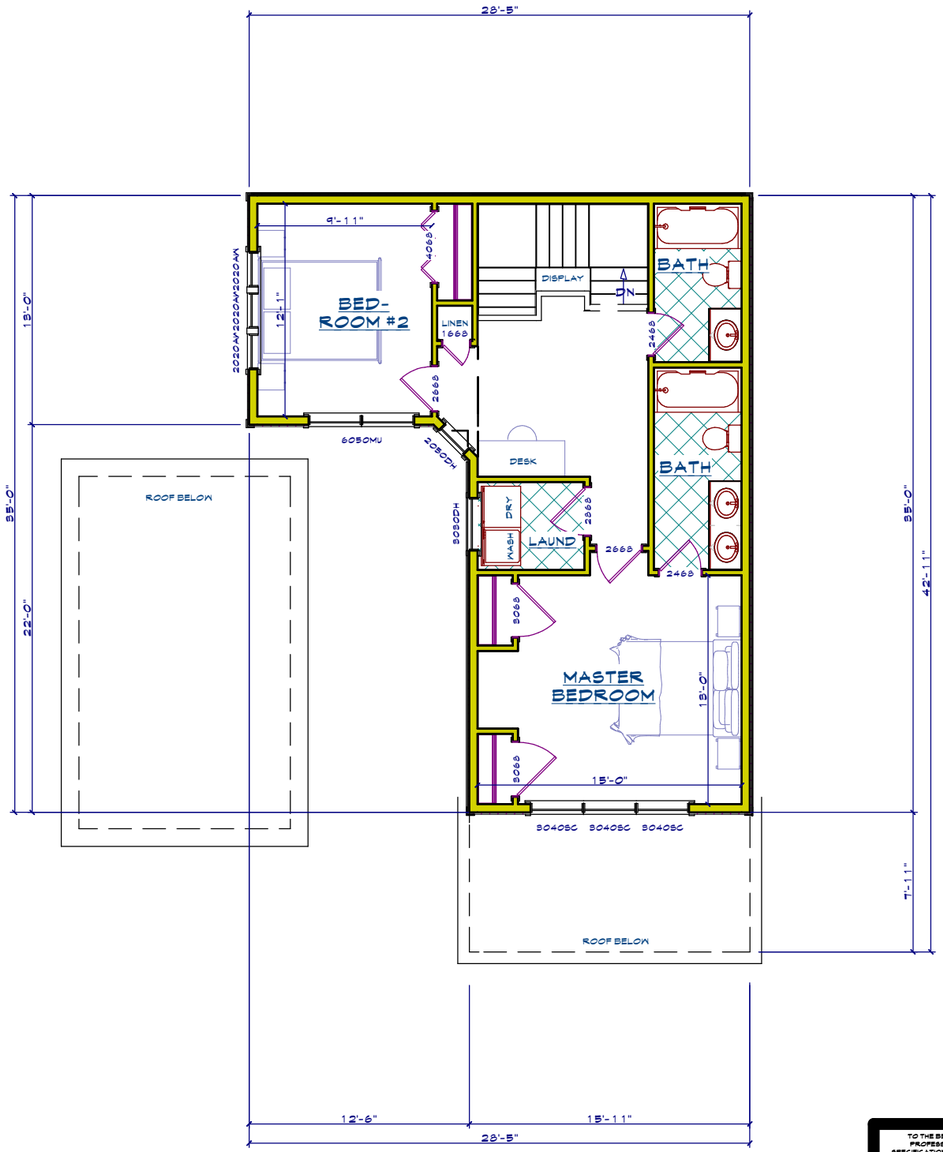
LIVING/DINING/KITCHEN

DINING/KITCHEN/LIVING

SECOND FLOOR AERIAL

FIRST FLOOR AERIAL

- EXISTING CONSTRUCTION
- TO BE DEMOLISHED
- NEW CONSTRUCTION



PROPOSED SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"

PRELIMINARY

PLEASE MAKE ANY CHANGES, SIGN, & RETURN TO WILLIAMS & WILLIAMS

APPROVAL SIGNATURE:

DATE:

TO THE BEST OF OUR KNOWLEDGE, BELIEF, & PROFESSIONAL JUDGEMENT, SUCH PLANS & SPECIFICATIONS ARE IN COMPLIANCE WITH THE 2010 RESIDENTIAL BUILDING CODE OF NEW YORK STATE & THE 2010 ENERGY CONSERVATION CONSTRUCTION CODE OF NEW YORK STATE.

COPYRIGHT © 2014 BY WILLIAMS & WILLIAMS DESIGNERS. ALL RIGHTS RESERVED. ALL WILLIAMS & WILLIAMS DESIGNERS' PLANS HAVE BEEN REGISTERED WITH THE UNITED STATES COPYRIGHT OFFICE. THIS DRAWING IS AN INSTRUMENT OF SERVICE AND MAY NOT BE ALTERED, REPRODUCED, COPIED, OR USED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION FROM WILLIAMS & WILLIAMS DESIGNERS. UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW, ARTICLE 145 SECTION 7209. DO NOT SCALE THESE DRAWINGS. THEY MAY NOT BE TO EXACT SCALE. USE ONLY THE DIMENSIONS SHOWN. OWNER AND CONTRACTOR SHALL CONSULT ALL APPLICABLE BUILDING CODES TO ENSURE THAT PLANS AND DETAILS CONFORM TO ALL REQUIREMENTS. THEY SHALL VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH CONSTRUCTION AND SHALL NOTIFY WILLIAMS & WILLIAMS DESIGNERS OF ANY DISCREPANCIES BEFORE WORK IS PERFORMED. WILLIAMS & WILLIAMS DESIGNERS SHALL NOT BE RESPONSIBLE FOR ANY ADDITIONAL COSTS OR STRUCTURAL PROBLEMS RESULTING FROM FAILURE TO FOLLOW THESE PLANS AND DETAILS.

PLAN NO:

PAGE OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:

CHRIS ARMER

ADDRESS:

117 MIDDLE AVE
SARATOGA
NEW YORK

DESIGNERS OF FINE HOMES SINCE 1968

WILLIAMS & WILLIAMS DESIGNERS INCORPORATED

509 GLEN STREET-GLENS FALLS-NEW YORK 12801
518-798-HOUSE(4687)
WILLIAMSANDWILLIAMSDESIGNERS.COM

SEAL:

05/05/16

Zimbra **lindsey.gonzalez@saratoga-springs.org**

Letter of support for 117 Middle Ave. Variance

From : Gillian Black [redacted] Mon, Apr 04, 2016 11:35 AM

Subject : Letter of support for 117 Middle Ave. Variance

To : lindsey gonzalez <lindsey.gonzalez@saratoga-springs.org>

To Whom it May Concern,

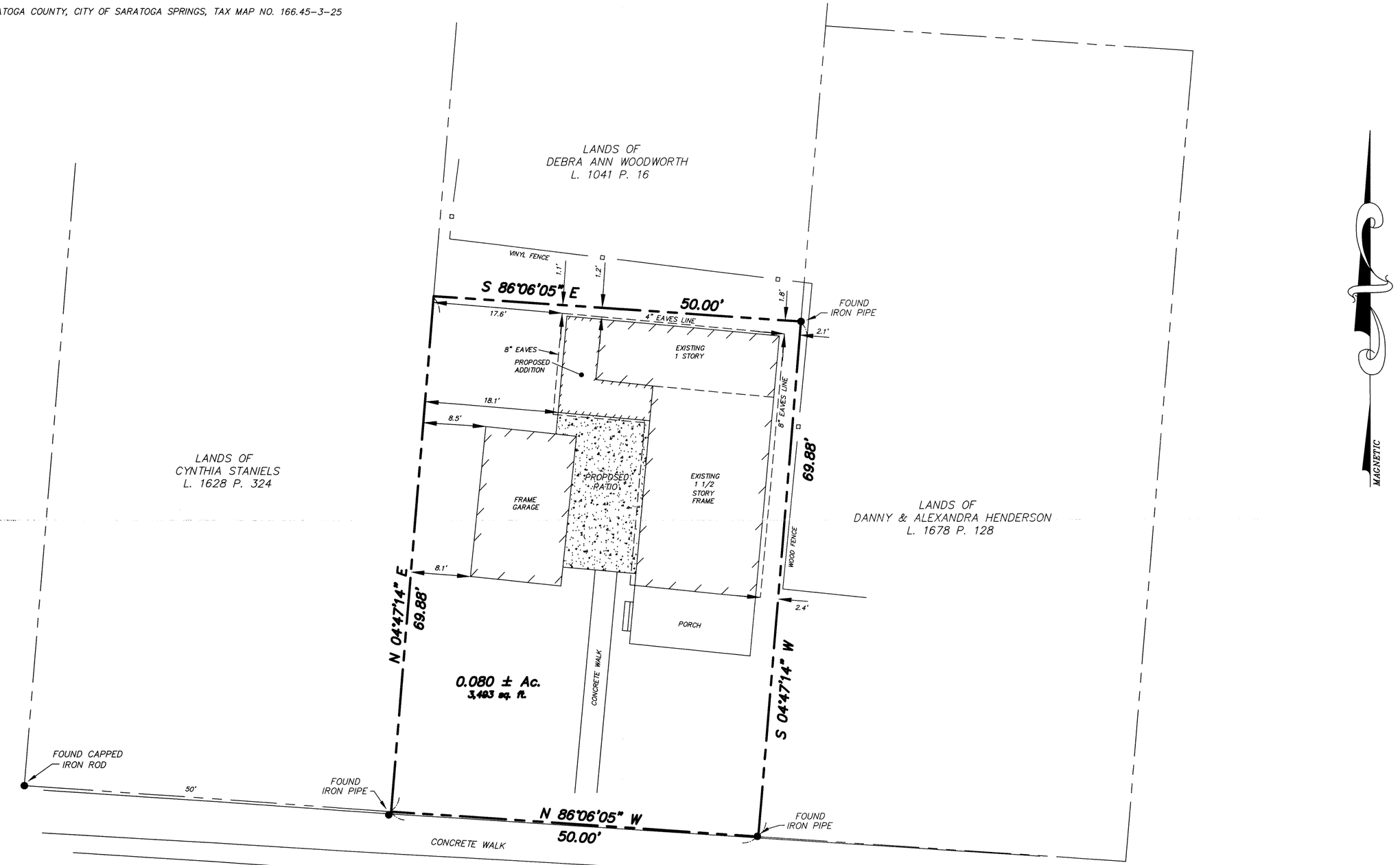
We received notice that Chris Armer & Teri DeSorbo have applied for a variance. My wife Kathryn Strassner and I own the double lot property at [redacted] York Ave. Our driveway (and main entrance) is directly adjacent to the western border of 117 Middle Ave. While at first we were concerned that development may encroach on our privacy, after reviewing the proposed plans we fully support this project. The current structure at 117 Middle Ave. is an eyesore. We believe the proposed construction is in the best interest of our neighborhood and the City of Saratoga Springs, as it replaces a derelict structure and will bolster our local property values. Please grant them their variance.

Best Regards,
Gillian Black

[redacted]

MAP REFERENCES:

1. SARATOGA COUNTY, CITY OF SARATOGA SPRINGS, TAX MAP NO. 166.45-3-25



MAP OF SURVEY
OF LANDS OF
C. CHRISTOPHER ARMER & TERI DeSORBO

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

SCALE: 1" = 10' DATE: OCTOBER 21, 2014

UPDATED NOVEMBER 18, 2015 TO SHOW PROPOSED ADDITION
UPDATED APRIL 11, 2016 TO SHOW EAVES

LEGEND:

- ● FOUND IRON MARKER
- ○ SET IRON ROD WITH CAP
- UTILITY POLE
- —E— POWER LINE
- STONE WALL
- —x—x— FENCE

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL OR INKED STAMP SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

Unauthorized Alteration to this map is a violation of Section 7209, Subdivision 2 of the New York State Education Law.

WILLIAM J. ROURKE, LICENSED LAND SURVEYOR NO. 49098

W. J. ROURKE, ASSOCIATES
Licensed Land Surveyors
299 Reservoir Road
Fort Edward, N.Y. 12828

14-91
JOB NO.

W.J. ROURKE, ASSOCIATES - LICENSED LAND SURVEYORS
299 RESERVOIR ROAD, FORT EDWARD, NEW YORK 12828

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.

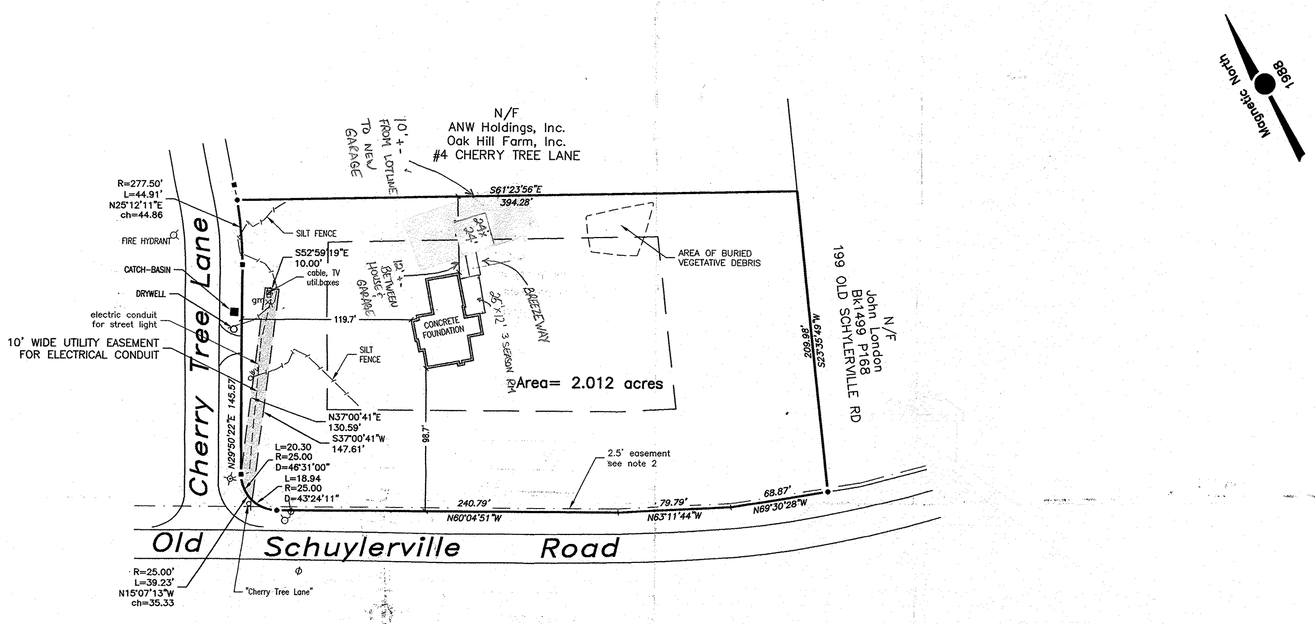
(applicant signature) Date: 3-25-16

(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

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