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, September 12, 2016
City Council Chambers – 7:00 p.m.

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

Roll Call

Salute The Flag

New Business

1. **#2582.4 DEMASI & DUNN RESIDENCE**
   27 Garside Road, area variance modification for a new single-family residence; seeking relief from the minimum side yard setback requirement in the Green Acres PUD.

   Documents:

   2582.4 DEMASIDUNNRESIDENCE_APP_REDACTED.PDF

2. **#2776.1 GUARINO/HANER EXTENSION**
   21 Park Place, area variance extension for construction of two (2) two-family residences; relief from the minimum front yard setback and maximum principal building coverage granted December 15, 2014.

   Documents:

   2776.1 GUARINOHANERPROJECTEXT_APP_REDACTED.PDF

3. **#2901 PARTHEMOS RESIDENCE**
   3 Mohegan Court, area variance to maintain a constructed deck, dining room addition and rear enclosed porch to an existing single-family residence; seeking relief from the minimum rear yard setback in the Urban Residential – 2 District.

   Documents:

   2901 PARTHEMOSRESIDENCE_APPLICATION_REDACTED.PDF

4. **#2805.1 THE HAMLET SIGNAGE**
   56 Marion Avenue, area variance for construction of freestanding and wall signs; seeking relief from the maximum size for a freestanding sign, placement of wall signs on a building façade without street frontage and to be above the first floor level of the building in the Transect – 5 District.

   Documents:

   2805.1 THEHAMLETFREESTANDINGSIGN_APP_REDACTED.PDF

5. **#2907 DELARM RESIDENTIAL ADDITION**
   96 Quevic Drive, area variance for construction of an attached garage addition to an existing single-family residence and maintenance of a shed; seeking relief from the minimum front yard and side yard setbacks for the residential addition and minimum side yard and maximum accessory building coverage for the shed in the Urban Residential – 1 District.

   Documents:

   2907 DELARMRESIDENCEADD_APP_REDACTED.PDF

6. **#2908 HOVER RESIDENCE**
   43 Long Alley, area variance to maintain a two-family residence; seeking relief to maintain residential use on the first floor level of the building in the Transect-6 District.

   Documents:

   2908 HOVERRESIDENCE_APP_REDACTED.PDF

7. **#2909 GASLIGHT APARTMENTS, LLC MULTI-FAMILY**
   69-71 Hamilton Street/10 South Federal Street, area variance to maintain conversion of a portion of existing interior space to an additional residential unit; seeking relief from the minimum lot size per dwelling unit and from the minimum parking requirement in the Urban Residential – 5 District.

   Documents:

   2909 GASLIGHTAPTS_APP_REDACTED.PDF
   2909 GASLIGHTAPTS_COUNTYRESPONSE.PDF

8. **#2910 PET LODGE OF SARATOGA**
   vacant lands on east side of Route 9/South Broadway (tax parcel nos. 191.8-1-1-6), coordination of SEQRA review and area variance to construct a pet boarding facility and associated site work in the Tourist Related Business and Rural Residential Districts.

   Documents:

   2910 PETLODGEOFSARATOGA_APP_REDACTED.PDF

Old Business

1. **#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

2. **#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_PLOTPLAN.PDF
   2905 MCGUIRERESIDENCEPORCH_SURVEY.PDF
   2905 MCGUIRERESIDENCEPORCH_APP_REDACTED.PDF
   2905 MCGUIRERESIDENCEPORCH_COVERAGEPERCENTAGES.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

Adjourned Items

1. **#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
   2786.2 RITEAIDSIGNAGE_COUNTYRESPONSE.PDF

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

   Documents:

   2889 CDJTTOWNHOUSES_APP_REDACTED.PDF
   2889 CDJTTOWNHOUSES_BUILDINSPECTDENIAL.PDF
   2889 CDJTTOWNHOUSES_AMILLERCORR4-25-16_REDACTED.PDF

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

   Documents:

   2880 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

4. **#2890 BARLOW RESIDENCE**
   2 Cherry Tree Lane, area variance to construct an attached garage and breezeway to an existing single-family residence; seeking relief from the minimum side yard setback requirements in the Rural Residential District.

   Documents:

   2890 BARLOWRESIDENCEADDITION_BUILDINSPECTDENIAL.PDF
   2890 BARLOWRESIDENCEADDITION_APP_REDACTED.PDF

5. **#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_PRESENTATIONTOZBA7-11-16.PDF
   2900 MAPLESHADECORNERSDENTIST_PRESENTATIONTOZBA6-20-16.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
   2900 MAPLESHADECORNERSDENTISTOFFICE_CORRSTEWARTS5-23-16.PDF

6. **#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_SUPPINFORECVD6-6-16_REDACTED.PDF
   2891 BALLSTONAVESUBDIVISION_APP_REDACTED.PDF
   2891 BALLSTONAVESUBDIVISION_COUNTYREFERRAL.PDF

Other Business

1. **APPROVAL OF DRAFT MEETING MINUTES: JULY 11, 18, 25, 2016**

2. **NEXT ZONING BOARD MEETING: SEPTEMBER 26, 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.

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	James DeMasi, Judith Dunn		
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: 27 Garside Road Tax Parcel No.: 180.17-1-28
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: July, 2009 3. Zoning District when purchased: Saratoga

4. Present use of property: Personal residence 5. Current Zoning District: Saratoga

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? 12/7/15 For what? area variance)
☑ No

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

8. Brief description of proposed action:
To build a new home on the site. A minimum side yard setback of 6' was requested and approved last Nov./Dec However, the site plan noted a 6.4' relief was required. This appearance before the Board is being requested to correct an apparent transcription error on the original application.

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

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

A use variance is requested to permit the following: _____

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

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

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

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

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

Date	Improvement	Cost

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

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

Dimensional Requirements	From	To
minimum side yard setback	6 ft	6.4 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.

   Due to the unusual shape of the lot, other designs have failed. No other change from the prior approval is being requested

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:

   This will not create any undesirable change in neighborhood character, it's intent is to actually improve the area and nearby properties.

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

The relief requested is substantial, however, in the Board's opinion from 12/15 the request for maximum principal building coverage was not felt to be substantial

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

There will be no adverse physical or environmental effect on the neighborhood.

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

The difficulty is self-created, though, it was not felt to be fatal to the original application/appeal.

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.

July 8, 2016

_____ Date: _____

(applicant signature)

July 8, 2016

_____ Date: _____

(applicant signature)

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

_____

_____

_____

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

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

Other: _____

_____

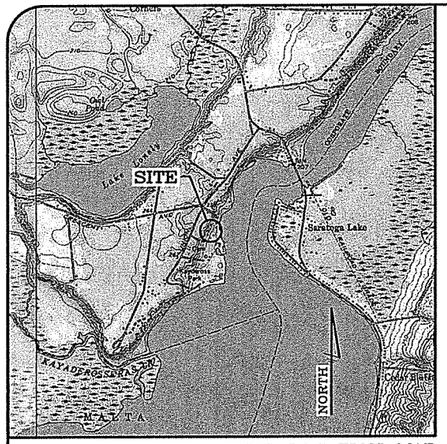
Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015



SITE LOCATION MAP
SCALE: 1" = 2,000'

MAP REFERENCES:

1) MAP ENTITLED: "SUBDIVISION PLAN – SITE IMPROVEMENTS, GREEN ACRES OF SARATOGA LAKE, INC. P.U.D."
MAP DATE: SEPTEMBER 28, 1999
PREPARED BY: THE ENVIRONMENTAL DESIGN PARTNERSHIP, LLP
MAP FILED: MARCH 6, 2000
SARATOGA COUNTY CLERK'S OFFICE
MAP No. DRAWER "G" AS MAP No. 291 A & B.

2) MAP ENTITLED: "PRESENTATION MAP, LANDS OF JAMES M. DeMASI & JUDITH DUNN, GREEN ACRES OF SARATOGA LAKE, INC. P.U.D."
MAP DATE: OCTOBER 26, 2015
PREPARED BY: THE ENVIRONMENTAL DESIGN PARTNERSHIP, LLP

3) SARATOGA COUNTY REAL PROPERTY TAX MAP
CITY OF SARATOGA SPRINGS (OUTSIDE DISTRICT)
SECTION 180.17
BLOCK 1
LOT No. 28

LEGEND:

→	DENOTES FLOW DIRECTION
CB	DENOTES CATCH BASIN
CIRF	DENOTES CAPPED IRON ROD FOUND
CONC	DENOTES CONCRETE
DIA.	DENOTES DIAMETER
EOL	DENOTES EDGE OF LAKE
EOP	DENOTES EDGE OF PAVEMENT
ES	DENOTES END SECTION
GV	DENOTES GATE VALVE
LS	DENOTES LANDSCAPE
MH	DENOTES MANHOLE
MIN.	DENOTES MINIMUM
MNF	DENOTES MAG NAIL FOUND
N/F	DENOTES NOW OR FORMERLY
NM	DENOTES NIAGARA MOHAWK UTILITY POLE
NYP	DENOTES NEW YORK POWER & LIGHT UTILITY POLE
NYT	DENOTES NEW YORK TELEPHONE UTILITY POLE
O.D.	DENOTES OUTSIDE DISTRICT
OHUL	DENOTES OVERHEAD UTILITY LINES
REF.	DENOTES REFERENCE
WS	DENOTES WATER SHUTOFF

NOTES:

1) PRESENTATION MAP AS PREPARED FOR JAMES M. DEMASI AND JUDITH DUNN.

2) NO MONUMENTATION SET.

3) ALL UNDERGROUND UTILITIES, IF ANY, NOT FIELD LOCATED.

4) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN UP-TO-DATE ABSTRACT OF TITLE AND IS MADE SUBJECT TO WHATEVER STATE OF FACTS SUCH A DOCUMENT WOULD REVEAL.

DEED REFERENCES:

1) TITLE SOURCE (WARRANTY DEED WITH LIEN COVENANT)
GRANTOR: DAVID R. GIUNTA AND EILEEN S. GIUNTA
GRANTEE: JAMES M. DeMASI AND JUDITH DUNN
DATED: AUGUST 14, 2009
RECORDED: AUGUST 20, 2009
INSTRUMENT No. 2009029911

2) RIGHTS TO MEMBERS
BOOK 1732 OF DEEDS AT PAGE 250
(DEED DESCRIBES 23 GARSIDE ROAD CONTAINING MEMBERSHIP RIGHTS RELATING TO SAID LOT.)

3) BY-LAWS OF GREEN ACRES ASSOCIATION OF SARATOGA LAKE
DATED: DECEMBER 29, 1993
BOOK 1375 OF DEEDS AT PAGE 169.

4) AGREEMENT
BETWEEN: GREEN ACRES ASSOCIATION OF SARATOGA LAKE
JOHN A. SCIALDO AND YETTA SCIALDO
DATED: MAY 15, 1970
BOOK 87 OF DEEDS AT PAGE 542
(EXACT POSITION UNKNOWN)

5) EASEMENTS
BOOK 1558 OF DEEDS AT PAGE 235.
(DEED DESCRIBES 18 GARSIDE ROAD TOGETHER WITH A RIGHT OF INGRESS AND EGRESS OVER GARSIDE ROAD AND GARSIDE ROAD EXTENSION AND A 3' WIDE PEDESTRIAN WALKWAY EASEMENT BETWEEN 27 GARSIDE ROAD AND 23 GARSIDE ROAD.)

6) UTILITY EASEMENT
BETWEEN: GREEN ACRES ASSOCIATION OF SARATOGA LAKE
CITY OF SARATOGA SPRINGS
DATED: DECEMBER 17, 2004
RECORDED: FEBRUARY 8, 2005
BOOK 1710 OF DEEDS AT PAGE 64.

7) A) LEASE AGREEMENT FOR LOT 30 GARSIDE ROAD AS FORMERLY OWNED BY "WELLS" AS DESCRIBED IN BOOK 1382 OF DEEDS AT PAGE 454. (CONTAINS EASEMENT RIGHTS OVER THE EXISTING DRIVE TO THE SAID "WELLS" PARCEL.)

B) CORRECTIVE LEASE AGREEMENT BETWEEN GREEN ACRES OF SARATOGA LAKE, INC. AND CENARDO LAMBERT BY DEED RECORDED IN BOOK 1361 OF DEEDS AT PAGE 669. (BACK TITLE DEED TO DEED REFERENCE No. 1, TOGETHER WITH AN EASEMENT OVER THE EXISTING DRIVE.)

8) BOUNDARY LINE AGREEMENT
BETWEEN: JAMES C. MEADER AND DEBORAH L. MEADER
GREEN ACRES OF SARATOGA LAKE, INC.
EDWARD R. MACKEY
CENARD LAMBERT
DATED: SEPTEMBER 15, 1993
BOOK 1373 OF DEEDS AT PAGE 84
(BOUNDARY LINE AGREEMENT DESCRIBES THE BOUNDARY LINE BETWEEN LOT 27 & 30 GARSIDE ROAD AS SHOWN ON MAP REFERENCE No. 1 TOGETHER WITH AN EASEMENT OVER THE EXISTING DRIVE.)

RECORD NORTH AS PER MAP REFERENCE No. 1

LANDS N/F OF
JOYCE M. DZEKCIORUS
BOOK 1732 OF DEEDS AT PAGE 250
(ALSO SEE DEED REF. No. 2)
(ADDRESS: 25 GARSIDE ROAD)
LOT No. 23 GARSIDE ROAD
(AS PER MAP REF. #1)

EXISTING 3' WIDE PEDESTRIAN ACCESS EASEMENT TO ASSOCIATION MEMBERS
(EACH SIDE OF PROPERTY LINE)
(SEE MAP REFERENCE No. 1 AND DEED REFERENCE No. 1 & 5)

EXISTING 3' WIDE PRIVATE ROAD AND PUBLIC UTILITY EASEMENT (SEE DEED REF. No. 6)

TO CRESCENT AVE.

N26°19'20"E 18.39'

S64°01'00"E

EXISTING SANITARY SEWER EASEMENT TO THE SARATOGA COUNTY SEWER DISTRICT #1
(SEE MAP REFERENCE No. 1)

GARSIDE ROAD

R=20.00'
L=31.42'
CH=28.28'
N18°40'40"W

N73°29'40"W 52.29'

N64°13'50"W 17.21'

N63°40'40"W 10.00'

N26°19'20"E 13.96'

N12°27'40"W 22.98'

PROPOSED HOUSE (78.58' x 47.0')

PROPOSED DRIVE

2 CAR GARAGE

COVERED PORCH

PROPOSED 7.75' MINIMUM SIDE YARD SETBACK LINE

ASPHALT DRIVE

GARAGE

WOOD FRAME HOUSE

1.5' WIDE x 1.5' HIGH CONC. RETAINING WALL W/ WOOD RAIL FENCELINE

5' WIDE CONC. WALK

2' DIA. PUMP STATION

TWIN 6" Ø 3' TREE

15" HDPE STORM SEWER

28" WHITE PINE

6" CHERRY TREE

20' OAK TREE

30" OAK TREE

35" OAK TREE

2.0'x4.6' FIELDSTONE FIREPLACE

LANDS N/F OF
THOMAS K. KREBS
AND ROBIN L. KREBS
BOOK 1654 OF DEEDS AT PAGE 700
(LANDS FORMERLY OF WELLS)
(ADDRESS: 30 GARSIDE ROAD)

S A R A T O G A
L A K E

AREA = 17,552± SQ.FT.
(ADDRESS: 27 GARSIDE ROAD)

EDGE OF WETLANDS AS DELINEATED BY ACOE & FIELD LOCATED ON JULY 6, 2016

333.86'

S12°06'40"E

51.98' (TRUE)

254.02'

N68°44'40"W

10' MINIMUM SIDE YARD SETBACK

PROPOSED 3.6' MINIMUM SIDE YARD SETBACK LINE

110' MINIMUM SIDE YARD SETBACK LINE – CURRENT SIDE YARD RESTRICTION

3.6' TO EAVE

4.1' TO EAVE

WOOD LANDING

WOOD STEPS

WOOD BOARDWALK

FIBERGLASS & ALUMINUM DOCK

WOOD DOCK

UTILITY EASEMENT TO BE GRANTED TO GREEN ACRES OF SARATOGA LAKE, INC.
(SEE MAP REFERENCE No. 1)

EXISTING 3' WIDE PEDESTRIAN ACCESS EASEMENT
(SEE MAP REFERENCE No. 1)

REMAINING LANDS OF GREEN ACRES OF SARATOGA LAKE, INC. – ACCESS EASEMENT
(SEE MAP REFERENCE No. 1 AND DEED REFERENCE Nos. 7A, 7B & 8)

REQUESTED SIDEYARD VARIANCE RELIEF
THIS MAP WAS PRESENTED TO THE CITY OF SARATOGA SPRINGS ZONING BOARD OF APPEALS LATE IN 2015 AND WAS APPROVED AS A 6' SIDEYARD VARIANCE RELIEF ALONG THE SOUTHERLY BOUNDARY LINE.
(SEE MAP REFERENCE No. 2)

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 _____

GRAPHIC SCALE
(IN FEET)
1 INCH = 20 FT.
0 20 40

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COPIES FROM THE ORIGINAL OF THIS SURVEY MAP NOT MARKED WITH THE LAND SURVEYOR'S EMBOSSED SEAL SHALL NOT BE CONSIDERED A VALID TRUE COPY.

C000 J J00 22

LANDS OF
JAMES M. DeMASI & JUDITH DUNN
GREEN ACRES OF SARATOGA LAKE, INC. P.U.D.
LOCATED AT 27 GARSIDE ROAD
CITY OF SARATOGA SPRINGS (O.D.) SARATOGA COUNTY, NEW YORK
JULY 7, 2016

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP
900 ROUTE 146 CLIFTON PARK, N.Y. 12065 (518) 371-7621
ENGINEERING LANDSCAPE ARCHITECTURE LAND SURVEYING

SHEET TITLE
PRESENTATION MAP

REVISIONS	DATE	BY

TIMOTHY J. McALONEN
P.L.S. 50,471
tmcalonen@edplp.com

SCALE: 1" = 20'
PB#
SHEET No.

G:\Office Folders\Land 2004\ACAD PROJECTS\NEW YORK\SARATOGA\SARATOGA SPRINGS\LOT PLANS\GREEN ACRES\2015\PLANS\PRESENTATION_MAP_LOT_27_GARSIDE_ROAD\PRESENTATION_MAP_LOT_27_GARSIDE_ROAD_GREEN_ACRES.dwg JUL 13, 2016 09:33:14AM TIM

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	David Guarino & Linda Haner		
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: 21 Park Place Tax Parcel No.: 165 . 84 - 1 - 1
(for example: 165.52 – 4 – 37)

2. Date acquired by current owner: 11/9/98 3. Zoning District when purchased: UR-4

4. Present use of property: 3 unit residential 5. Current Zoning District: UR-4

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? ~~12/29/14~~ For what? ~~area variance~~)
☑ No

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

8. Brief description of proposed action:
To construct two (2) additional residential structures on the property so that there are a total of seven (7) units on the parcel. The proposal includes one free-standing 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: 12/29/14
2. Type of variance granted? ☐ Use ☑ Area
3. Date original variance expired: 6/29/16

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

Original application design not approved by Planning Board, application pending.

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:

There have been no changes to the neighborhood or the site since the original variance was granted. Circumstances are the same as well.

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:

_____

_____

_____

_____

_____

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_____

_____

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.

David Gunn
(applicant signature) Date: 6-23-16

(applicant signature) Date: 6-23-2016

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

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

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

Appeal #2776
IN THE MATTER OF THE APPEAL OF
David Guarino and Linda Haner
21 Park Place
Saratoga Springs, NY 12866

from the Zoning and Building Inspector's Denial (most recently revised Dec. 8, 2014) for the premises at 21 Park Place, Saratoga Springs, New York, identified as Tax Parcel No.: 165.84-1-1 in the inside district of the City.

The appellant having applied for an area variance under the Zoning Ordinance of the City to construct (2) detached two-family residences (per emailed Dec. 11, 2014 schematic) and (1) detached garage on a lot occupied by an existing three-family residence; seeking relief from the minimum front yard setback for both two-family residences and maximum principal building coverage requirements for the combined three principal structures in the Urban Residential – 4 District and public notice having been duly given of a hearing on said application held on July 14, September 22, November 17 and 24 and December 15, 2014.

In consideration of the balance between the benefit to the applicant with the detriment to the health, safety and welfare of the community, the Board makes the following resolution that the requested area variance for the following relief or such lesser amount, as described in the submitted application and plans revised Nov. 24, 2014 (updated Dec. 11, 2014), BE APPROVED

Type of Requirement	Required/ Permitted	Proposed	Total Relief Requested
Maximum Principal Building Coverage: Three principal buildings combined	25%	27.8%	2.8% (11.2%)
Minimum Front Yard Setback: Two-family fronting on Park Pl.	25 feet	16 feet	9 feet (36%)
Minimum Front Yard Setback: Two-family fronting on Park Pl.	25 feet	16 feet	9 feet (36%)

1. The Applicant has demonstrated that this benefit cannot be achieved by other means feasible. The buildings could be moved back on the lot to conform to the minimum front yard setback; however, as the applicants indicate, "It would also make the location of the front of the building inconsistent with the setback of the buildings on the north and south side of Park Pl." In addition, the two new

two-family residences were placed on the site in a way that would avoid additional tree removal. Similarly, the applicants provided an analysis of comparable principal building coverages in the neighborhood showing that, out of 32 nearby properties, 9 currently have principal building coverages equal to or greater than the subject requested variance. In addition, while smaller footprints could provide the same desired interior square footage, the buildings would need to be higher (third story) which would not be consistent with the neighborhood. In light of that, the subject request does not appear to adversely impact the surrounding neighborhood.

2. The Applicant has demonstrated that granting of these variances will not create an undesirable change in neighborhood character or a detriment to nearby properties. The applicants provided an analysis of where many of the existing, neighboring buildings are located in relation to their respective front property lines, showing that 15 residential properties reasonably near to the subject property have front yard setbacks less than the district requirement. It is this Board's determination that the proposed front yard setbacks for the new structures do not substantially conflict with the historic layout and existing streetscape of the neighborhood. The DRC provided a favorable advisory opinion on November 5, 2014 stating, "The proposed overall mass and scale of the project, the architectural styling, and the proposed materials would not be inconsistent, nor incongruous, with the surrounding neighborhood".

3. The requested relief from the front yard setback may be considered substantial at 36%; however, the requested relief is consistent with the location of other structures in the neighborhood as evidenced by the submitted street survey identifying neighboring homes' relationship to their respective front property lines. The Board notes the responses received from the County Planning Board, City Planning Board, the Design Review Commission and the Saratoga Springs Preservation Foundation, none of which find the requested dimensions unacceptable.

4. The applicants have demonstrated that the variances will not have a significant adverse physical or environmental effect on the neighborhood. The plans identify 42% of the site would remain permeable, which exceeds the minimum 15% required in the district. The Board is sympathetic to the concerns expressed by neighbors as to a possible increase in traffic on these local streets, concerns with the two additional curb cuts and the backing out of cars from the site on to both Regent and Park Pl. These site layout concerns, together with any remaining concerns about trees on site, can be appropriately considered by the Planning Board during site plan review.

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

Note:
County referral response, "No Significant Countywide or Intercommunity Impact" with comment, dated July 28, 2014.

While DRC Historic Review is not required in this case, the applicant's Nov. 13, 2014 response to the consideration identified in the DRC's advisory opinion shall be incorporated into the final design of the project.

Other approvals:

Planning Board site plan review is required

Adopted by the following vote:

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

NAYES: 0

Dated: December 15, 2014

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

12/23/14
Date

Chair

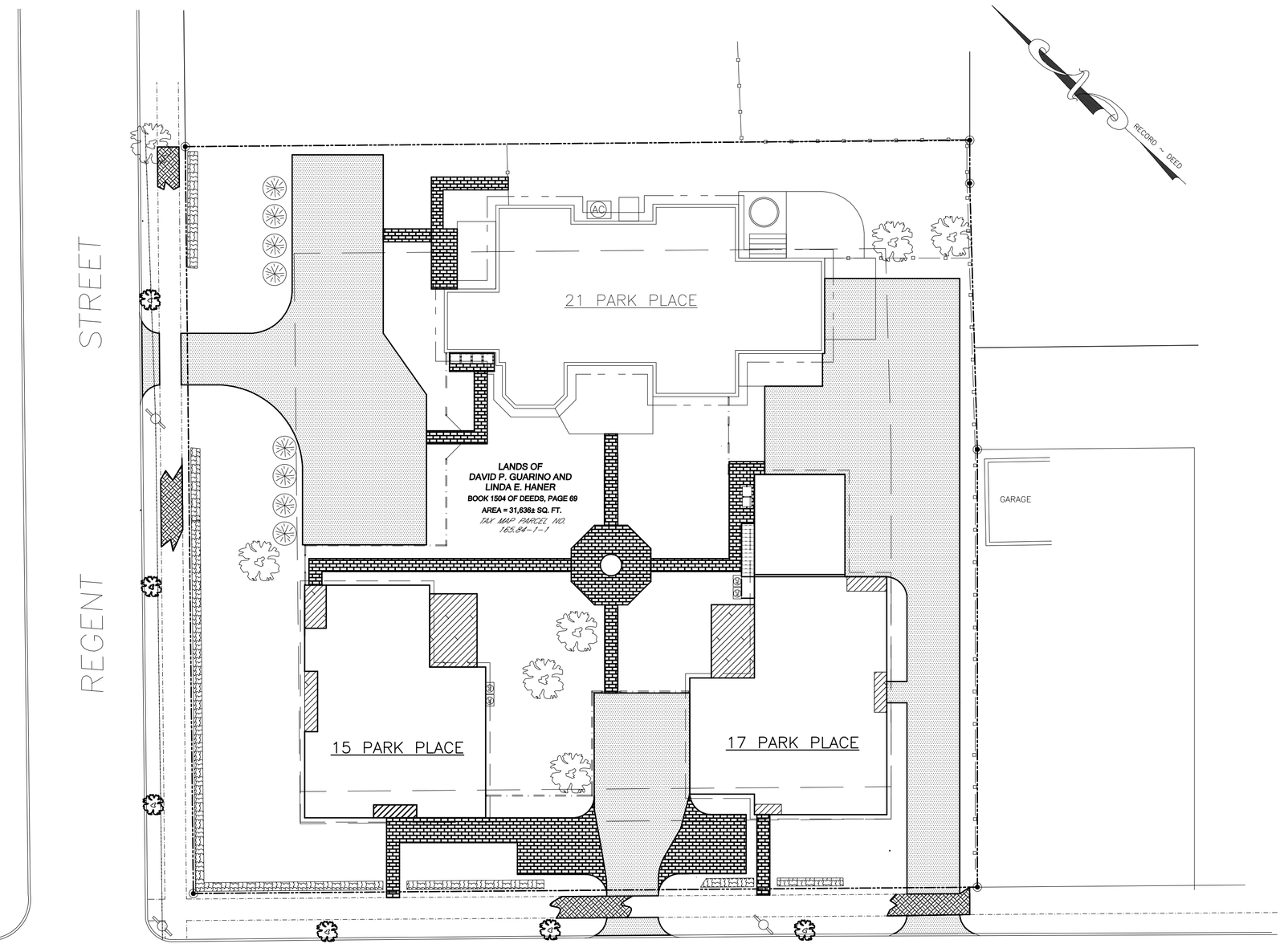
I hereby certify the above to be a full, true and correct copy of a resolution duly adopted by the Zoning Board of Appeals of the City of Saratoga Springs on the date above mentioned, seven members of the Board being present.

RECEIVED
DEC 29 2014
ACCOUNTS DEPARTMENT

PARK & REGENT CONDOMINIUMS

SHEET LISTING – SITE PLAN APPLICATION CONTENTS

1. MAP NO. 2005–19–02 – SURVEY OF LANDS OF DAVID P. GUARINO AND LINDA E. HANER, SURVEY ASSOCIATES
2. S1 SITE PLAN
3. S2 SEDIMENT & EROSION CONTROL PLAN & DETAILS
4. S3 STORMWATER MITIGATION & GRADING PLAN
5. S4 LANDSCAPING & LIGHTING PLAN & DETAILS
6. S5 PARKING, TURNING, SNOW STORAGE PLAN & DETAILS
7. D1 SITE INFRASTRUCTURE DETAILS
8. D2 SITE UTILITY DETAILS
9. D3 SITE STORMWATER MITIGATION DETAILS & NOTES



MAP REFERENCE:
1. "SURVEY OF LANDS OF DAVID P. GUARINO AND LINDA E. HANER", MAP NO. 2005–19–02, REVISION 1, 11/26/2014, BY SURVEY ASSOCIATES, LLC

REV.	DATE	BY	CHK.	DESCRIPTION
1	7/8/2015	FTO	JK	REORDERED/RENUMBERED SHEETS
–	6/1/2015	FTO	JK	ORIGINAL SUBMITTAL

BOUNDARY INFORMATION
BOUNDARY INFORMATION USED IN THE PREPARATION OF THIS PLAT WAS TAKEN FROM THE MAPS REFERENCED ON THIS PLAT.

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REXFORD ENGINEERING PLLC
ENGINEERING CONSULTANTS
23 FAIRWAY LANE
REXFORD, NY 12148
PHONE: (518) 399-0153 • FAX: (253) 484-9242

JOHN KLEKOVIC, P.E. LICENSE NO. NY 057060

DRAWN BY: FTO	CITY OF: SARATOGA SPRINGS	SCALE: NO SCALE
CHECKED BY: JK	COUNTY OF: SARATOGA	DATE: 7/8/2015
TAX MAP NO. 165.84-1-1	STATE OF: NEW YORK	REVISION: 1

PARK & REGENT CONDOMINIUMS
OWNER: DAVID P. GUARINO & LINDA E. HANER

SHEET LISTING — S0 — SHEET 1

PB# 14.053

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 PANTHEMOS		
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: 3 MOHEGAN CT. Tax Parcel No.: 177 . 20 - 4 - 3 *(for example: 165.52 – 4 – 37)*

2. Date acquired by current owner: SEPT. 1999 3. Zoning District when purchased: N/A

4. Present use of property: SINGLE FAMILY HOME 5. Current Zoning District: UR-2

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

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

8. Brief description of proposed action: REQUESTING AREA VARIANCE FOR REAR YARD SETBACK.

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
MINIMUM REAR YARD SETBACK:		
DINING ROOM ADDITION	30'	20'
DECK	30'	9'
ENCLOSED PORCH	30'	17'

Other: ALLOW THE SHED TO REMAIN WHERE IT IS NOW WITH THE UNDERSTANDING IF THE CITY EVER NEEDS ME TO MOVE IT, I'LL COMPLY IMMEDIATELY.

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 NOT REALLY MANY ALTERNATIVES. THE DINING ROOM WAS BUILT IN 1980 AND THE SCREEN ROOM SOMETIME IN THE 80's, ACCORDING TO MY NEIGHBORS, WAY BEFORE I BOUGHT THE HOUSE IN 1999, AND THE DECK IN 2010. THE CHOICES ARE: 1) TEAR HALF OF MY HOUSE DOWN - EXTREME FINANCIAL HARDSHIP TO ME OR 2) I'D BE WILLING TO PURCHASE A STRIP OF LAND FROM THE CITY, AT A FAIR MARKET VALUE, IN ORDER TO MEET THE SETBACK REQUIREMENTS. 3) PAY A FINE?

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

GRANTING THE VARIANCE WILL NOT PRODUCE ANY VISIBLE CHANGE. MY PROPERTY HAS LOOKED THE SAME FOR THE LAST 35 YEARS WITH THE EXCEPTION OF THE DECK. OUR NEIGHBORHOOD HAS ALWAYS LOOKED BEAUTIFUL. MY DECK, DINING ROOM & SCREEN ROOM LOOK NORMAL, DO NOT STAND OUT LIKE SORE THUMBS AND ENHANCE THE OVERALL LOOK & VALUE OF THE WHOLE NEIGHBORHOOD. (SEE PHOTOS #1-#8)

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

THE REQUEST FOR RELIEF WILL NOT HAVE ANY ADVERSE IMPACT ON MY NEIGHBORS NOR THE GENERAL APPEARANCE OF OUR NEIGHBORHOOD. AS THE PHOTOS SHOW THERE IS A WOODED AREA BEHIND MY HOUSE WITH NO NEAR NEIGHBORS AND NO EFFECT ON ANYONE. (SEE PHOTOS #8, #9, #13)

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:

LIKE I SAID BEFORE THE PHYSICAL STRUCTURE, INCLUDING THE DINING ROOM AND THE ENCLOSED PORCH, HAS BEEN LIKE THIS FOR THE LAST 35 YEARS, AND IT'S NOT CHANGING NOW. I AM NOT ASKING TO ADD MORE STRUCTURES WHERE IT WOULD CHANGE THE PHYSICAL LOOK OF THINGS. ALL THAT HAPPENED IS THAT WE JUST FOUND OUT THAT THE REAR YARD PROPERTY LINE IS NOT WHERE WE WERE TOLD THAT IT WAS WHEN I BOUGHT THIS HOUSE IN 1999 (SEE PHOTOS #8- #13).

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 ALLGED DIFFICULTY WAS NOT SELF CREATED. WHEN I BOUGHT THE HOUSE IN 1999 THE DINING ROOM AND ENCLOSED PORCH EXISTED. AT THAT TIME I ASKED THE PREVIOUS OWNER WHERE THE REAR PROPERTY LINE WAS AND HE TOLD ME IT WAS 8-10 FT. INTO THE WOODS PAST THE GRASS LINE. I TOOK HIM AT HIS WORD, MAYBE HE REALLY BELIEVED THAT, I CAN'T SAY. WHEN WE BUILT THE DECK WE MEASURED FROM THERE. NOW THAT WE HAVE DONE THE SURVEY WE CAN SEE THAT, THE PROPERTY LINE IS NOT WHERE WE WERE TOLD IT WAS.

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.

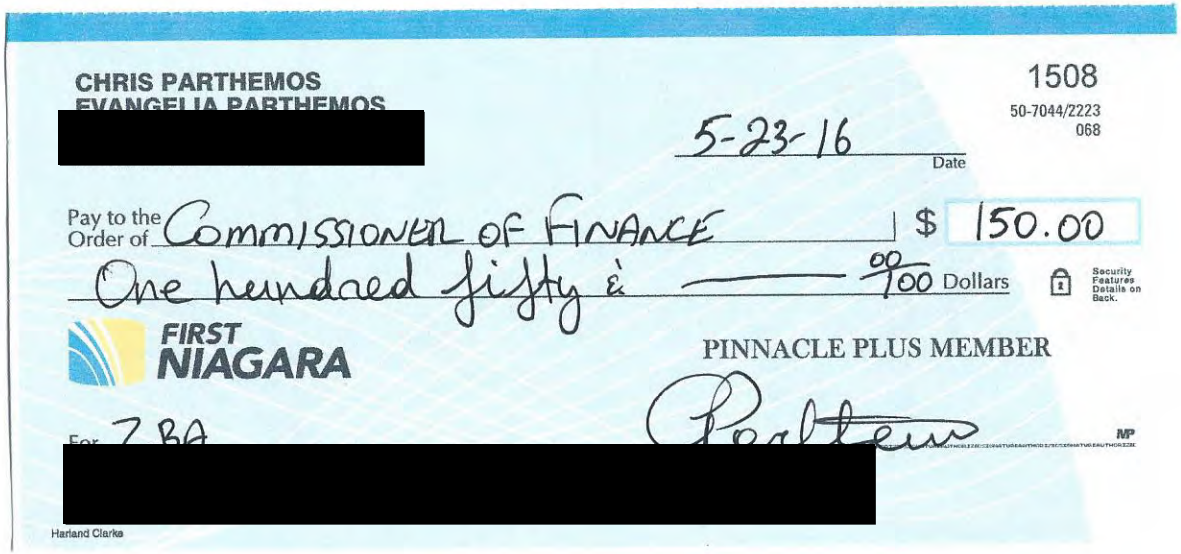
_____ Date: 5-23-2016
(applicant signature)

_____ 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: _____



CHRIS PARTHEMOS
EVANGELIA PARTHEMOS
[redacted]

1508
50-7044/2223
068

5-23-16
Date

Pay to the Order of COMMISSIONER OF FINANCE $ 150.00

One hundred fifty & 00/100 Dollars

Security Features Details on Back.

FIRST NIAGARA

PINNACLE PLUS MEMBER

For 7 BA [redacted]

Harland Clarke

...PARED WITHOUT THE BENEFIT OF AN ...TITLE OR TITLE REPORT AND IS, THEREFORE, ...TO ANY EASEMENTS, COVENANTS, OR ...STRICTIONS OF RECORD OR ANY STATEMENT OF FACTS ...SUCH DOCUMENTS WOULD DISCLOSE.

DEED REFERENCE

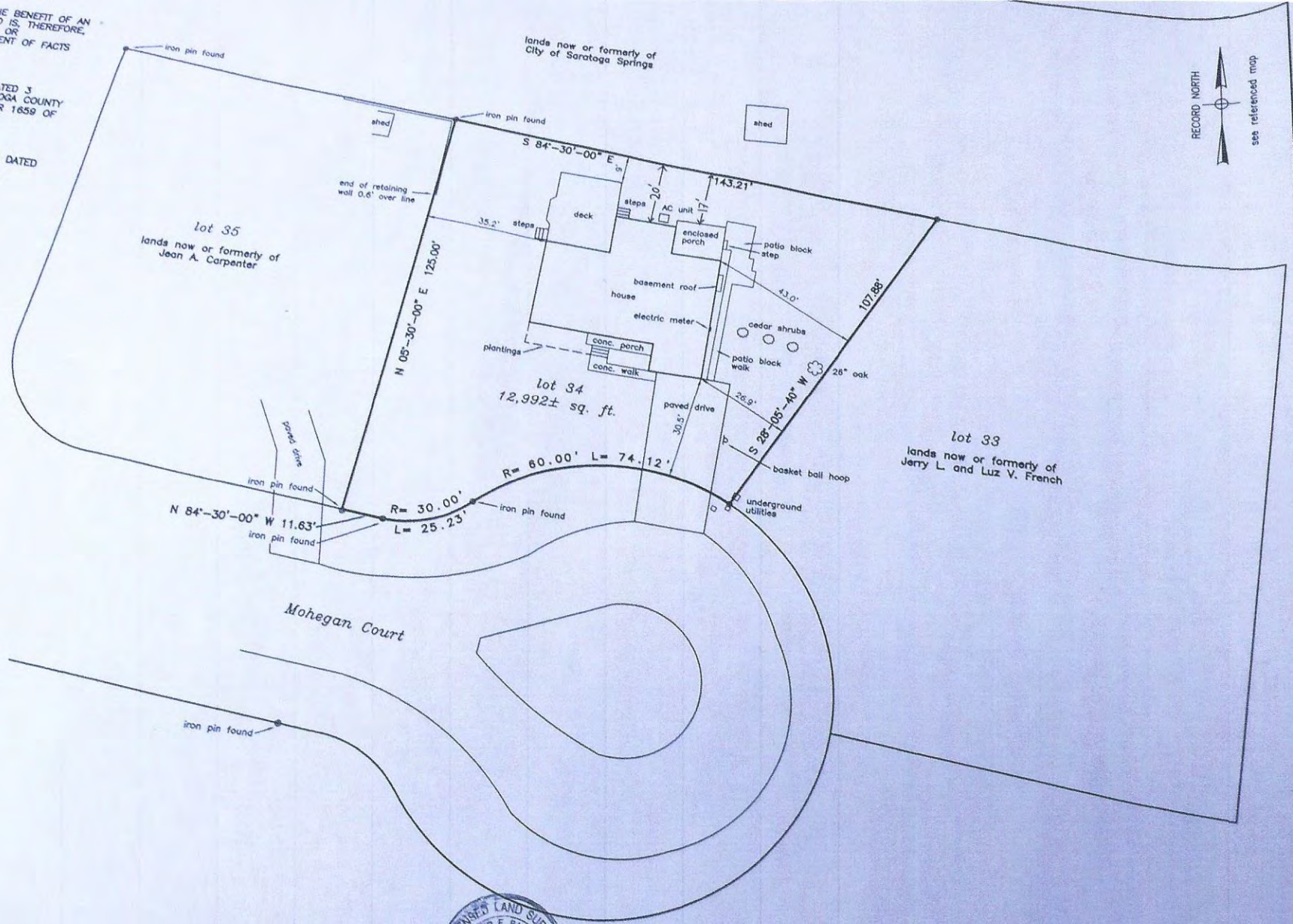
...LORA PARTHEMOS TO CHRISTO PARTHEMOS DATED 3 ...OCTOBER 2003 AND RECORDED IN THE SARATOGA COUNTY ...CLERK'S OFFICE ON 3 OCTOBER 2003 IN LIBER 1659 OF ...EEDS AT PAGE 82.

...P REFERENCE

...DIVISION OF LANDS OF CLIFFORD KOLAKOWSKI DATED ...EMBER 3, 1975 PREPARED BY C. T. MALE ...OCIATES, P.C. FILED IN THE SARATOGA COUNTY ...K'S OFFICE AS MAP DD-83.

...AP REFERENCE

... SARATOGA SPRINGS O.D. 177.20-4-3



LICENSED LAND SURVEYOR
DAVID F. BARRASS
No. 49363
STATE OF NEW YORK

DAVID F. BARRASS
L.S. # 49363

SURVEYED BY
DAVID F. BARRASS
LAND SURVEYOR
5 MAPLE STREET
CORINTH, NEW YORK

MAP OF
3 MOHEGAN COURT

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY
NEW YORK

SCALE: 1" = 20'
FIELD SURVEY COMPLETION: 8/10/15
MAP COMPLETION: 8/11/15
PROJECT NO.

#8

6#

#10

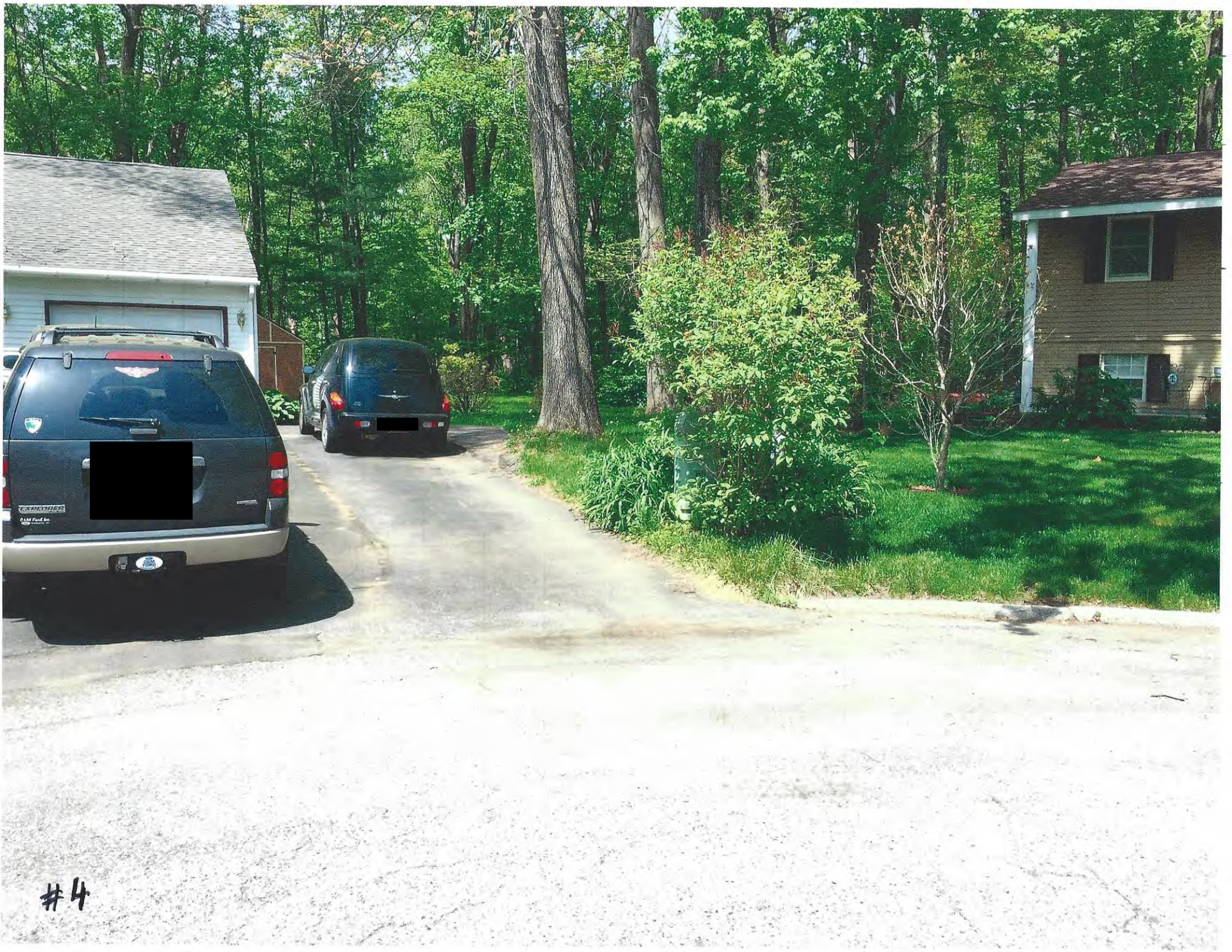
11#

#12

#13

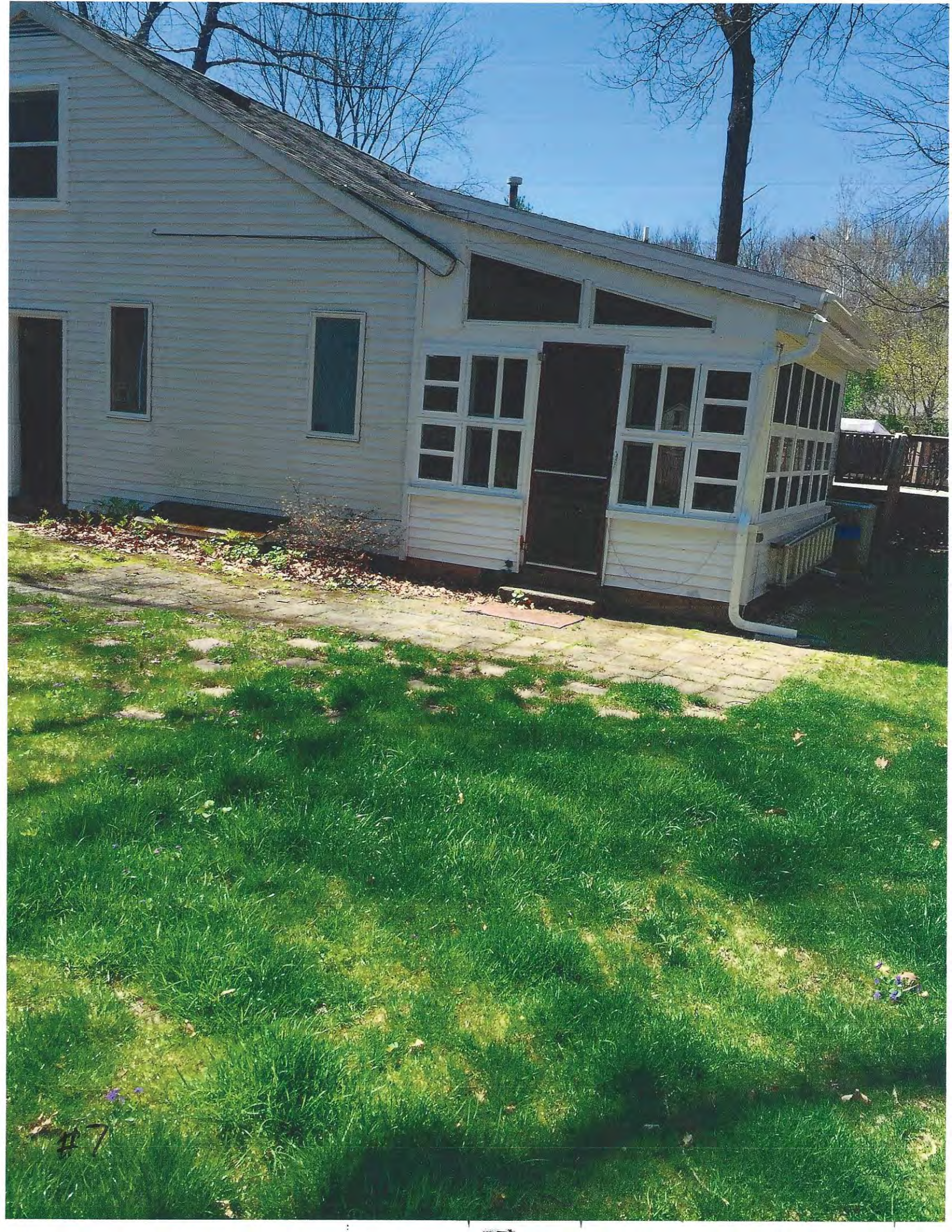
#1

#8


EXPLORER
#4

#5

#6


#7

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	Prime Companies	Prime Beechwood LLC	Adirondack Sign Co.
Address		56 Marion Ave Saratoga Springs, NY 12866	72 Ballston Ave Saratoga Springs, NY 12866
Phone	[redacted]	/	[redacted]
Email	[redacted]	[redacted]	

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

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

PROPERTY INFORMATION

1. Property Address/Location: 56 Marion Ave Tax Parcel No.: 166 . 30 - 2 - 13
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 02/10/2015 3. Zoning District when purchased: _____

4. Present use of property: Retail/ apartments/ Mixed use 5. Current Zoning District: C2 T-5

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? 2015 For what? Next parcel Fresh Market parking lot signage)
☑ 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:
Seeking area variance for Freestanding sign to 24 sq ft (combine with next parcel). Area variance for allowing parking lot signage for businesses as approved in the fresh Market parcel. Area variance for signage facing Excelsior Ave for business tenants that are located on the second floor i.e. signs above the first floor.

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) Wall signs- 6.1.5.1 Freestanding signs- 6.1.5.3

Dimensional Requirements	From	To
Freestanding (Combine 2 parcels) 12 + 12	12 sq ft	24 sq ft
Wall Signage in parking Lot (No street frontage)	None	per linear ft front
No signs above the first floor	None	per linear ft front

Other: Freestanding allowed for both parcel @ 12 sq ft. combine at one location to 24 sq.- Interior parking signage as approved for Fresh Market lot. Sign above first floor due to building footprint on a hill side (example)

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.

   Freestanding- option is to have 2 smaller as allowed but will clutter entrance and not the perception desired.

   No other options for signs for business on parking lot side

   Place signage at first floor level but could cause confusion for possible clients

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:

   These will not produce any undesirable changes to the character of the neighborhood - Internal parking signs are only seen from within the complex.

   Freestanding sign would add to the aesthetics of the business development and this would face the city owned property. Second floor business signage face a open park along with other businesses.

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

Parking lot signs- similar in nature to Fresh Market business signage for tenants.

Freestanding Sign- Instead of allowed the permitted two 12 sq ft signs, combine to one 24 sq ft at entranceway. This would not be substantial for total allowed sign size.

Second floor business signs facing excelsior- not substantial, just above allowed height over first floor- location only.

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

No adverse or physical effects to the neighborhood- Interior signs will duplicate what is already approved for the Fresh Market parking lot tenants. One freestanding sign with stone columns will be in line with consumers perception in this type of development.

Second floor signs will face the open park and the design will coincide with the buildings architectural decor.

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

Yes this could be self created but the architectural design of the building best utilizes the geographical aspects of the land-lot.

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

_____

_____

_____

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

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

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

_____ Date: _____
(applicant signature)

(same) Date: _____
(applicant signature)

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

Owner Signature: [signature] Date: 6-10-16

Owner Signature: _____ Date: _____

LINCOLN BROWN ILLUSTRATION

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

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

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

Customer: Prime Companies
Project Name: Freestanding Sign
Designer: RD
Date: 3/16/16
Rev Date:

Approved As Is: _____
Signature/Date

Approved with Corrections;
no further proof needed: _____

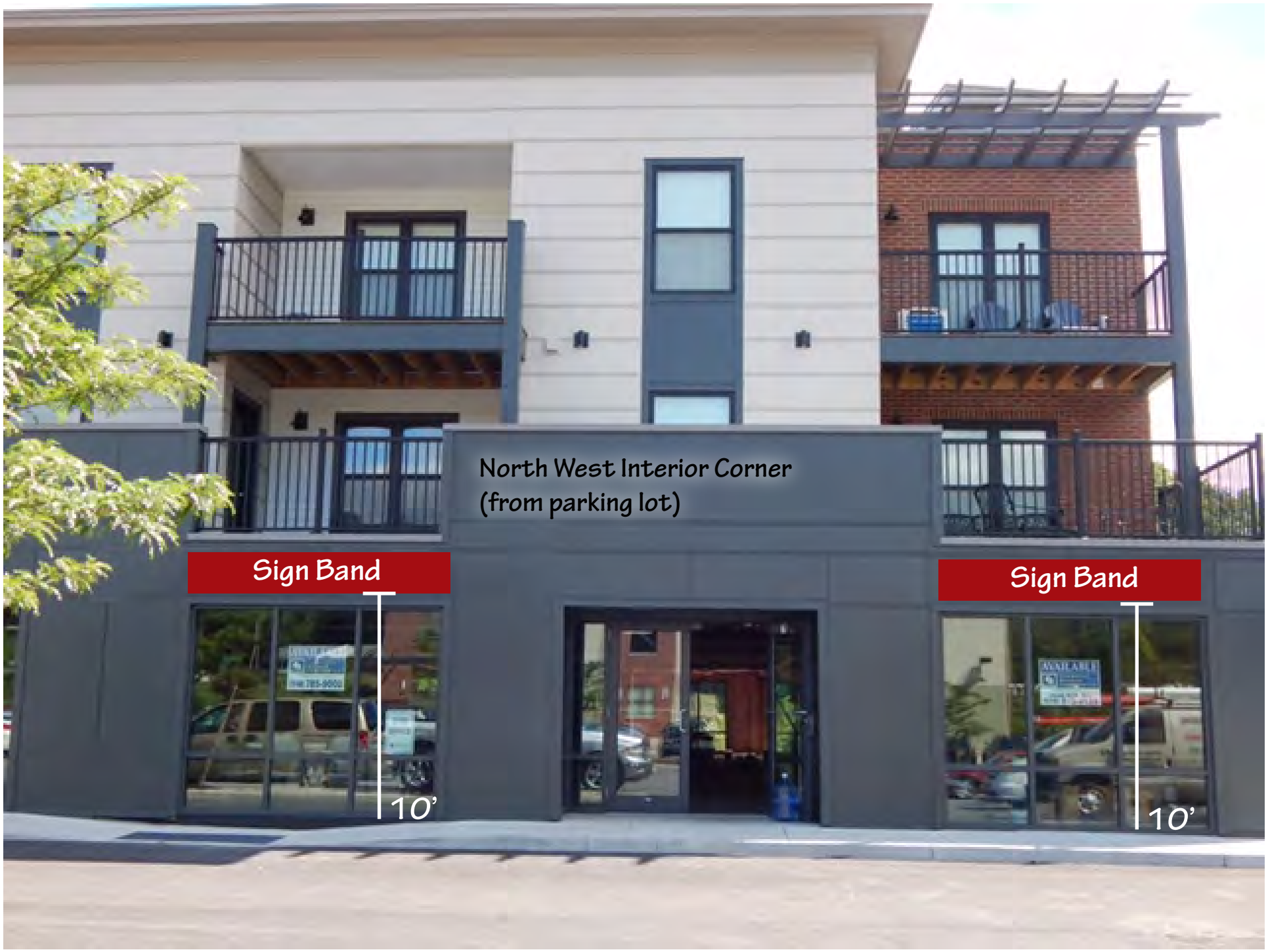
Revisions Required; New proof needed: _____

THE
FRESH
MARKET

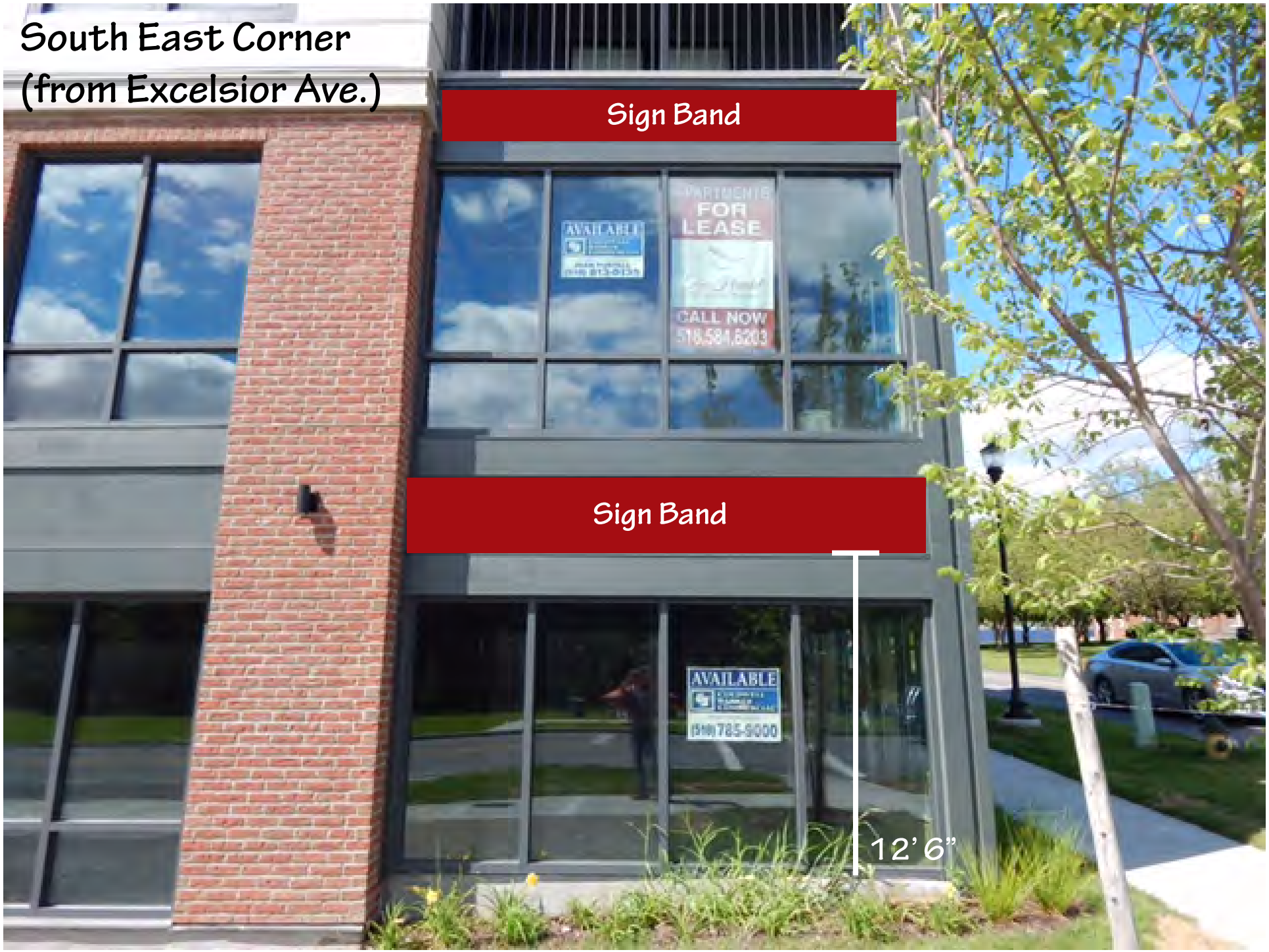
North East Interior Corner
(from parking lot)

North East Interior
(from parking lot)
Sign Band
SPA GARMENT CARE
Leather & Suede
10’

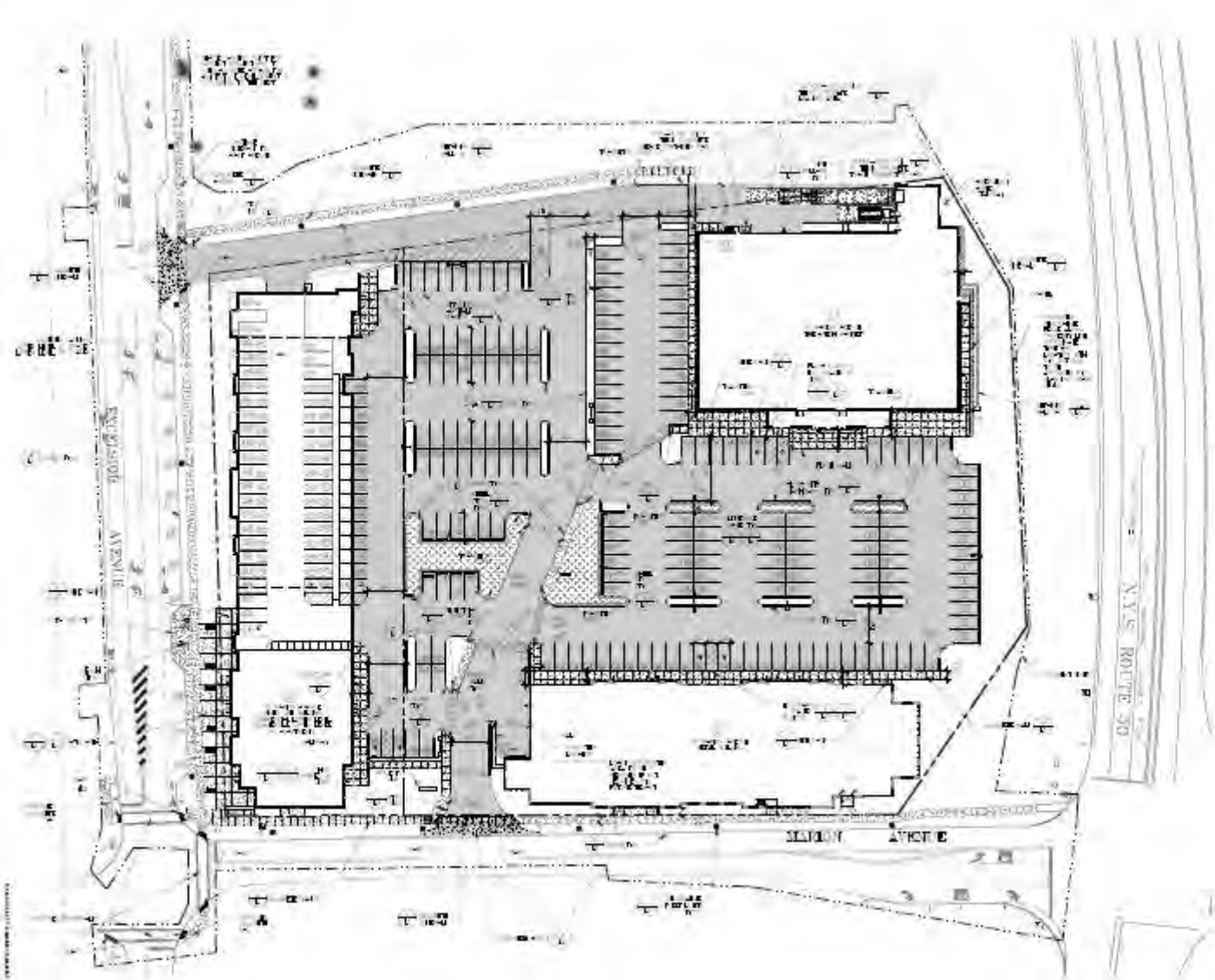
North West Interior
(from parking lot)
Sign Band
10’


North West Interior Corner
(from parking lot)
Sign Band
10'
Sign Band
10'

CLOTHING STORE


South East Corner
(from Excelsior Ave.)
Sign Band
AVAILABLE
FOR LEASE
CALL NOW
Sign Band
AVAILABLE
12’ 6”

South West Corner
(from Excelsior Ave.)
**mimics South East Side
2 sign bands
Sign Band
NOW LEASING
APARTMENTS
518-785-9000
Ext. 140
12’ 6”



LAYOUT NOTES

LEGEND

Planning Board # 13.006

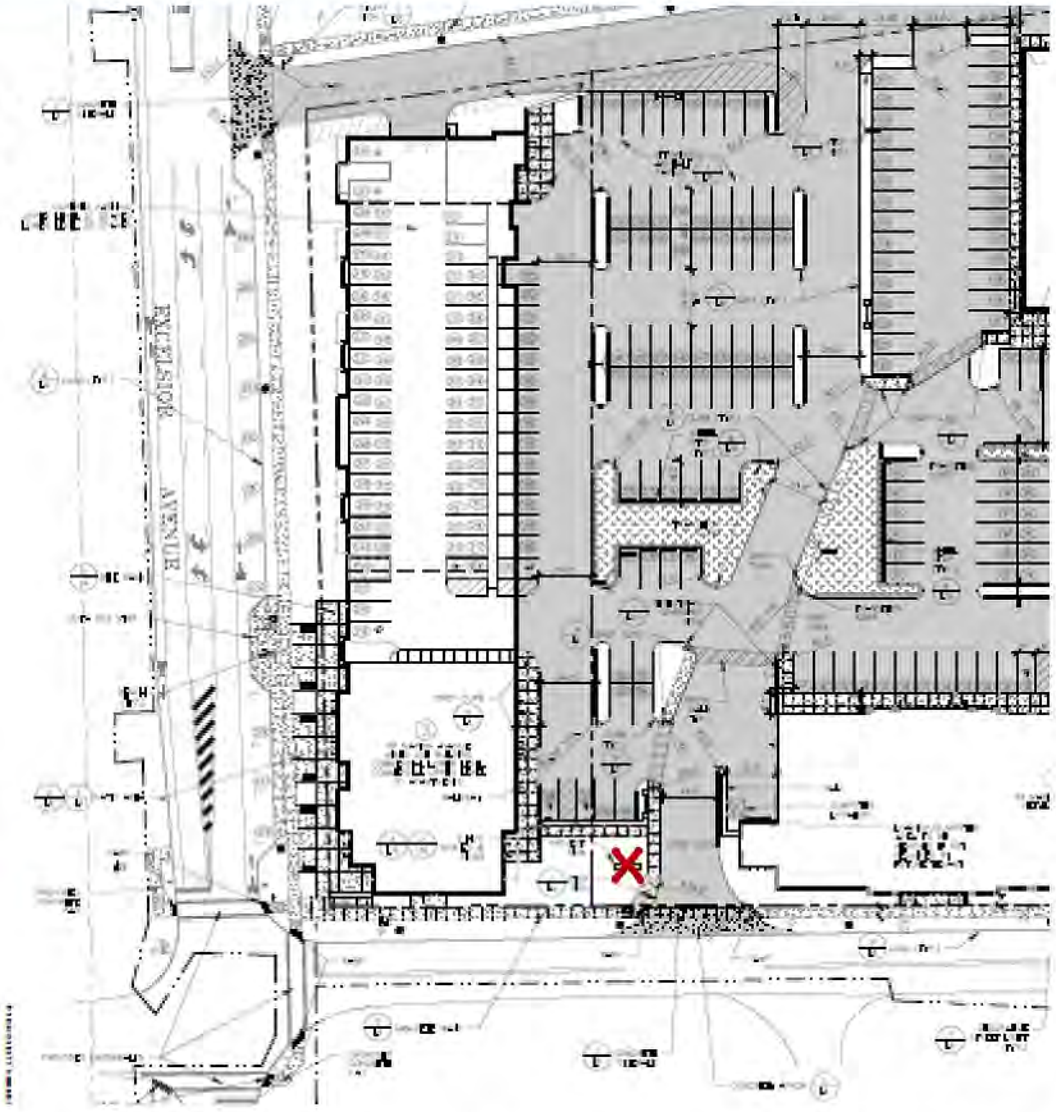
The LA group

PROTMEDIOR
Beechwood Associates, LLC
1115 Central Avenue
Albany, NY 12205

EXCELSIOR AVENUE MIXED USE DEVELOPMENT
MARION AND EXCELSIOR AVENUE
SARATOGA SPRINGS, NY 12866
SITE LAYOUT PLAN

L-2

Prime Companies
Fresh Market



X = location of freestanding sign

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

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Customer: Prime Companies
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Designer: RD
Date: 8/17/16
Revision Date:

Approved As Is: _____
Signature/Date

Approved with Corrections;
no further proof needed: _____

Revisions Required; New proof needed: _____

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	Mary Beth Delarm	(Same)	Tonya Yasenchak, PE / Engineering America
Address	[redacted]		76 Washington St. Saratoga Springs, NY 12866
Phone	/	/	[redacted]
Email			

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

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

PROPERTY INFORMATION

1. Property Address/Location: 96 Quevic Dr Tax Parcel No.: 190 . 8 - 5 - 5
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 9/9/2014 3. Zoning District when purchased: UR-1

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:
Renovation of existing 2 car garage to grade level living area. Second floor addition over the existing garage for 2 additional bedrooms. Addition to left / south side of existing house for 1 car garage with storage above. 8' addition to rear of existing and new garage for expanded living space, new stairs, new bath & future lift.

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

Dimensional Requirements	From	To
Min. Yard Setback: Front	30.0'	26.5'
Min. Yard Setback: Side (Right / South)	12.0'	8.8'
Accessory Structure Coverage	8.0%	12.1%
Accessory Structure Setbacks: Side	5.0'	1.2'

Other:

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

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

   The benefit cannot be achieved by any other means:
   a) The Home Owner requires living space on the grade floor for future accessibility needs. Renovating the existing garage for this accessible living area is easier than providing an accessible main front entry under the existing porch.
   b) The existing garage is already at 26.5' from the front property line. Therefore the new 2nd floor will be closer than the min. 30' front setback required. Setting the 2nd floor back to allow for a 30' front setback would reduce the size of the upper floor and be more difficult to construct.
   c) The house as it exists is only 2 bedrooms. Renovating the existing house to add another bedroom within is difficult due the existing house structure and location 1/2 below grade for correct egress / emergency escape and rescue requirements.
   d) Locating the new garage behind the existing garage would reduce the requirement for the min. side yard setback. However, it would limit sun to the pool and also increase the driveway length, bringing the driveway closer to the neighbor.
   e) No additional land is available for sale.
   f) A more narrow garage addition at 12' (11.5' interior) would be tight for parking.
   g) Moving the pre-existing tree house / shed would be impossible.

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 should not cause an undesirable change in the character of the neighborhood:
   a) The residence is pre-existing, non-conforming with the location on the lot and proximity to the front property line. The new additions will not be any closer to the front property line than what currently exists.
   b) The addition to the residence will upgrade the current condition of the residence. The increase sq.ft. area of the residence will increase the value of the home & neighborhood.
   c) The new right / south addition of a single car garage does not bring the living space any closer to the adjacent neighbor.
   d) The Tree house / shed has been pre-existing for many years with no complaints.

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

The variances are not substantial:
a) The front setback proposed at 26.5' instead of the 30' min. required is only a 3.5' variance at 11.7%. This is not substantial as the house currently exists at this same setback.
b) The proposed side setback at 8.8' instead of the 12' min. required is a 3.2' variance at 26.7%. This is not substantial and does not bring living space closer to the adjacent neighbor.

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 should not have any adverse physical or environmental effects on the neighborhood:
a) The resulting permeability of the project site will still be well below the 30% min. site permeability.
b) Construction at the project site will be an improvement to the current conditions.
c) No large trees will be removed as part of this proposed project.
d) The proposed project will not shade any adjacent neighbors.

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 allege difficult is self created as it is the Home Owners desire to stay in the home as she matures. She has been diagnosed with various medical conditions which may preclude the need for a lift and grade elevation living. In the mean time, the Home Owner will most probably have an elderly relative living with her who also requires grade elevation living. The pre-existing, non-conforming front setback of the home is not self-created. Also, the tree house / shed was constructed prior to the current Owner.

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.

Mary Beth Delarm
(applicant signature)

Date: 6/13/2016

(applicant signature)

Date:

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

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

Delarm Addition:

#96 Quevic Dr. Saratoga Springs, NY

Left / North elevation of existing residence as viewed facing South West from rear yard of project site

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

Rear / East elevation of existing residence as viewed facing West from rear yard of project site

Right / South elevation of existing garage as viewed facing North from side yard of project site

Delarm Addition:

#96 Quevic Dr. Saratoga Springs, NY

Existing side yard of project site and adjacent property to the South as viewed facing East from Quevic

Adjacent residence to the Right / South of project site as viewed facing South East from Quevic

Residence to the West of project site as viewed facing West across Quevic Dr.

Adjacent residence to the Left / North of project site as viewed facing North from Quevic Dr.

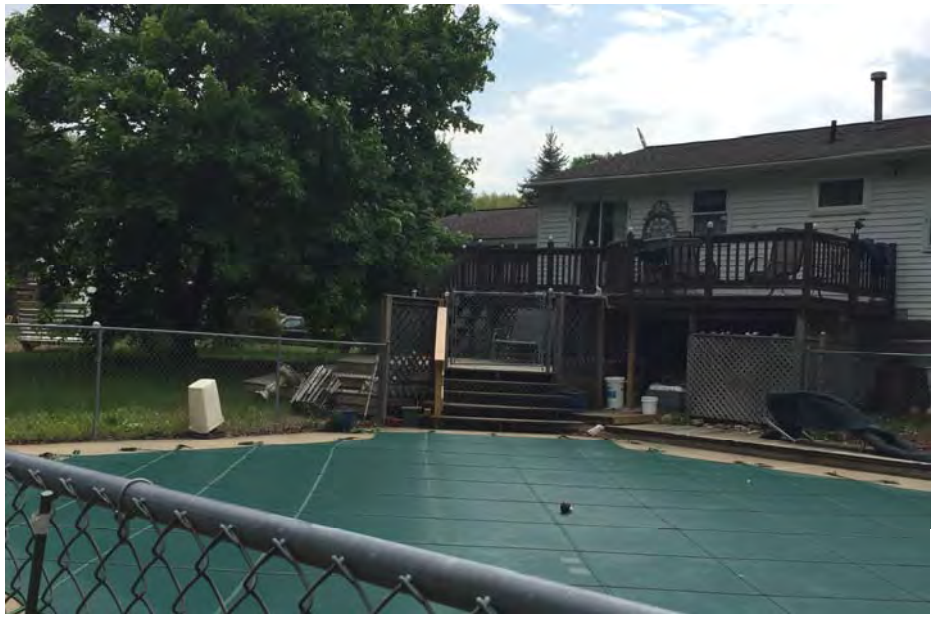
Delarm Addition:

#96 Quevic Dr. Saratoga Springs, NY

Existing pool and view of adjacent property to the North as viewed facing North from rear yard of project site

Left rear yard of project site as viewed facing North from rear yard

Shed / Tree house at right rear of project site as viewed facing South East from pool area of project site



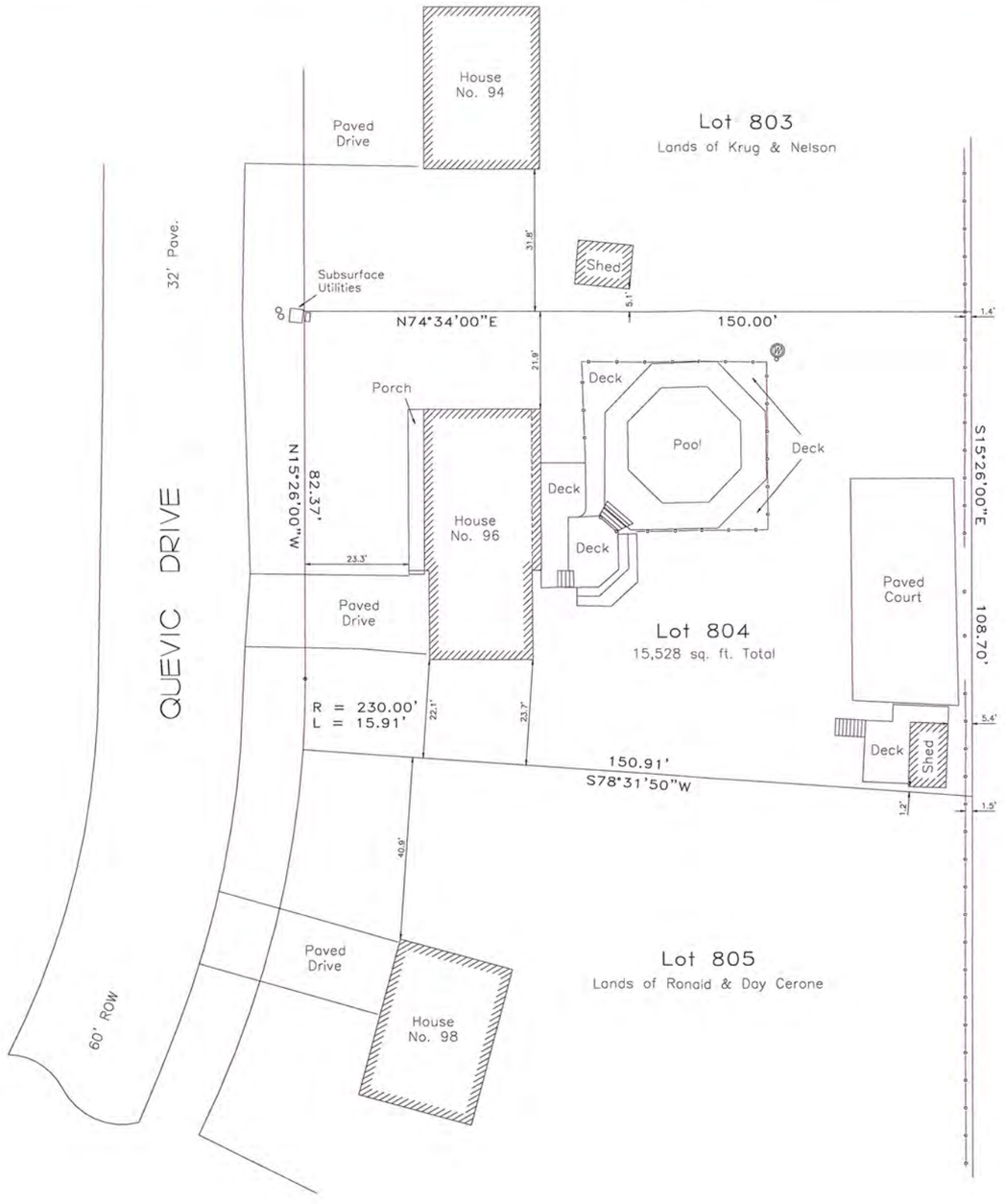
View of right / South side of yard as viewed facing South from pool area at project site

Benchmark Record North Surveying

Key:

IRS = iron rod set

——— = chain link fence



Notes:

1. Subject Deed: Mary Beth Delarm and Daniel Delarm to Mary Beth Delarm dated 9 September 2014 and recorded in the Saratoga County Clerk's office as instrument 2014026930.

   Tax Id. 190.08-5-5

2. Lot numbers refer to a map entitled "Section No. 15, Geyser Crest" dated 15 December1975 by C.T. Male Associates and recorded in the Saratoga County Clerk's office on 18 April 1977 as map AAA-57.

Lands of
Beaver Pond Village
Homeowners Association
Instrument 2013029991

I hereby certify to:
Mary Beth Delarm

Terry L. Humiston LS 49472

Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors.
Unauthorized alteration or addition to this map is a violation of Article 145, section 7209, sub-paragraph (2) of the New York State Education Law.

SURVEY FOR

MARY BETH DELARM

situate in

CITY OF SARATOGA SPRINGS SARATOGA CO., N.Y.

SCALE 1"=30' 6 MAY 2016

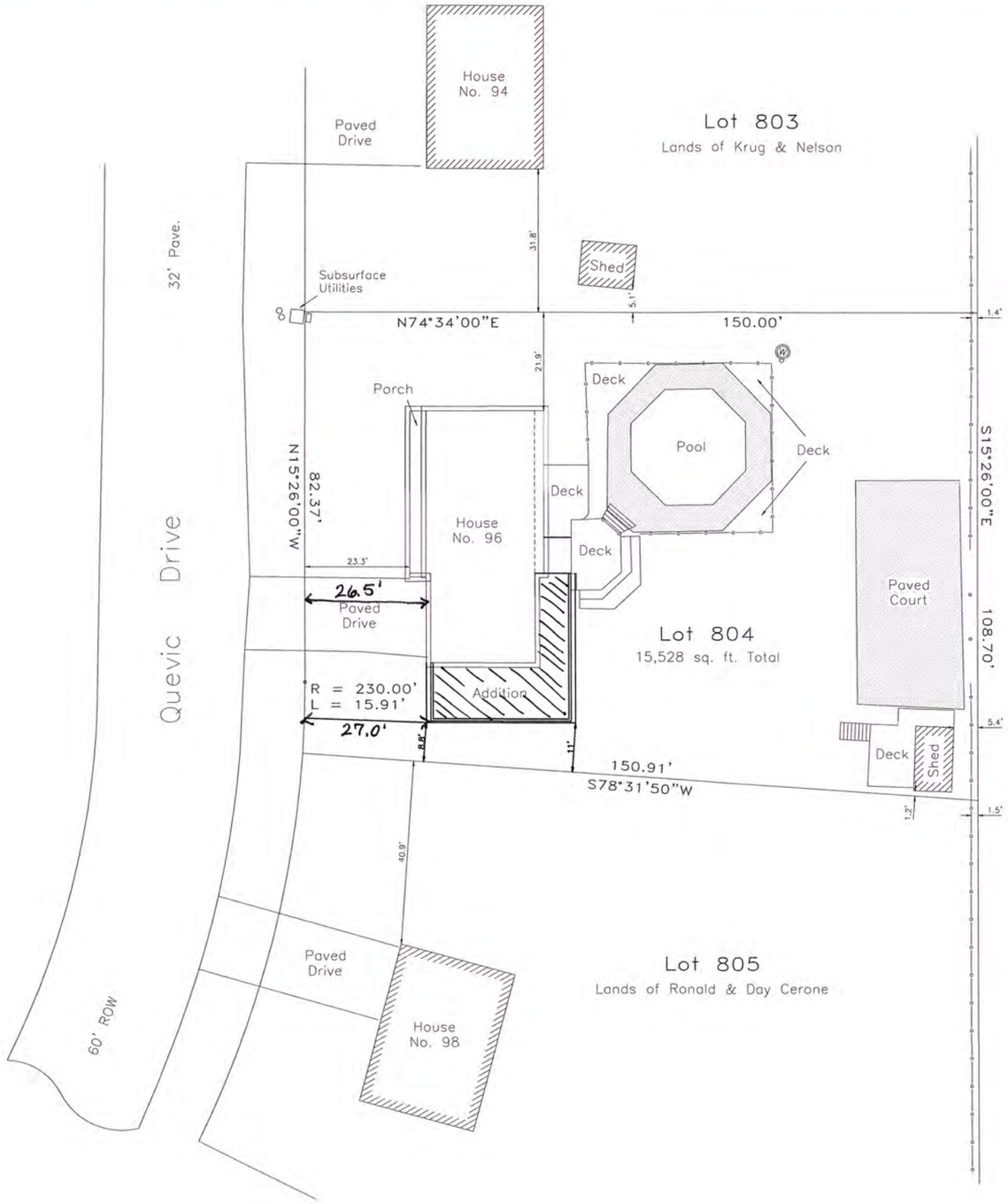
Copyright 2016 by Benchmark Surveying, 14 Dutchess Court, Saratoga Springs, N.Y. 885-5055

Benchmark Surveying
Record + North

Key:

IRS = iron rod set

—o— = chain link fence



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2. Lot numbers refer to a map entitled "Section No. 15, Geyser Crest" dated 15 December1975 by C.T. Male Associates and recorded in the Saratoga County Clerk's office on 18 April 1977 as map AAA-57.

Note: This is a plot plan only and not a survey. The original survey, dated 5/6/16 was modified by Engineering America Co. with permission from Terry L. Humiston, LS of Benchmark Surveyors to create a plot plan to depict proposed changes to the residence footprint which require zoning variances. a modified survey plan and footprint stake out must be prepared for the building permit application prior to construction & after construction has been completed for filing with the City.

Lands of
Beaver Pond Village
Homeowners Association
Instrument 2013029991

I hereby certify to:
Mary Beth Delarm

Terry L. Humiston LS 49472

Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors.
Unauthorized alteration or addition to this map is a violation of Article 145, section 7209, sub-paragraph (2) of the New York State Education Law.

Survey for

mary beth delarm

situate in

city of saratoga springs Saratoga Co., N.Y.

June 13, 2016

Copyright 2016 by Benchmark Surveying, 14 Dutchess Court, Saratoga Springs, N.Y. 885-5055

Delarm

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

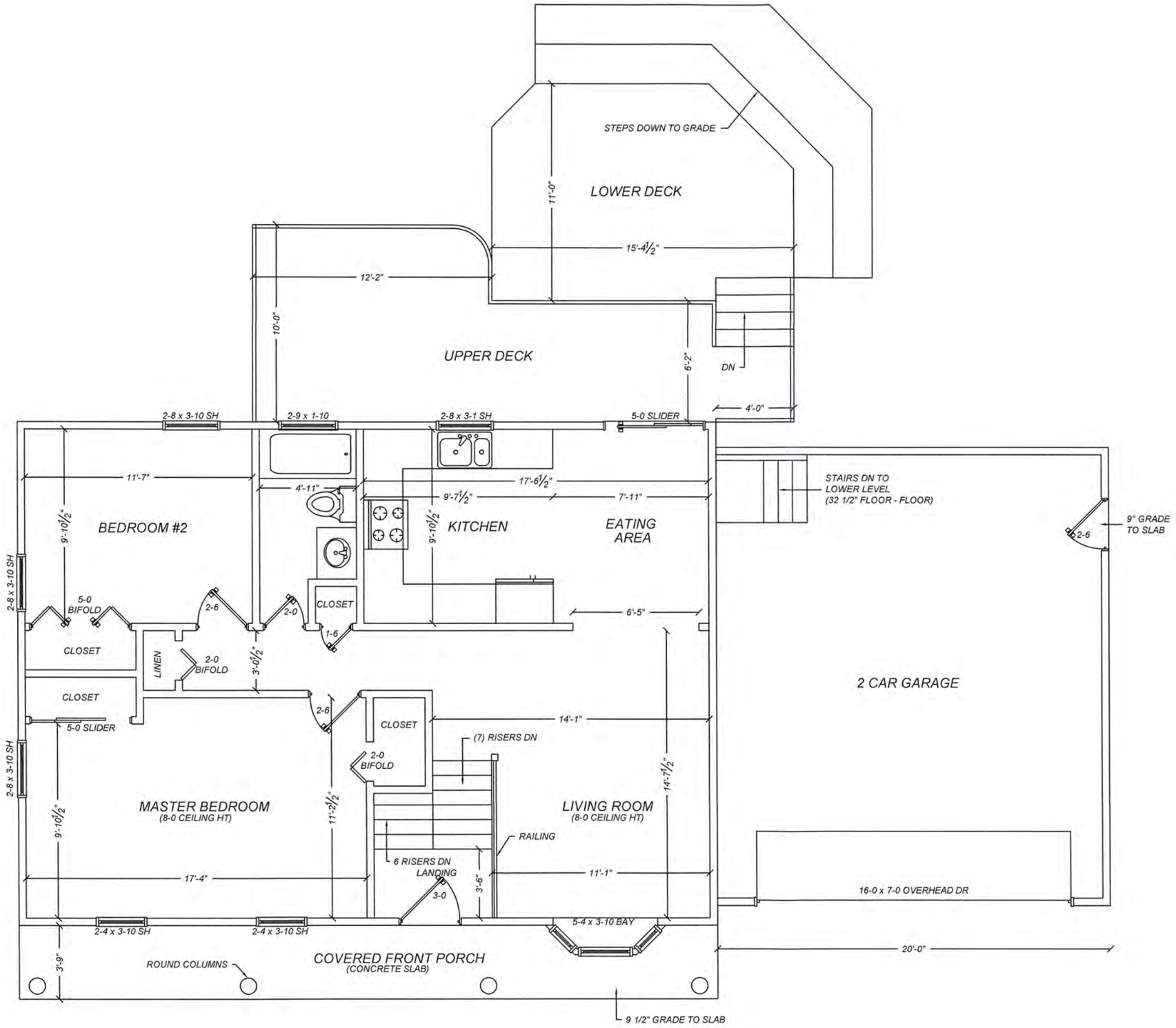
DELARM RESIDENCE ADDITION
96 QUEVIC DR.
SARATOGA SPRINGS, NY

EXISTING MAIN FLOOR

JUNE 9, 2016 SCALE: 3/16" 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.



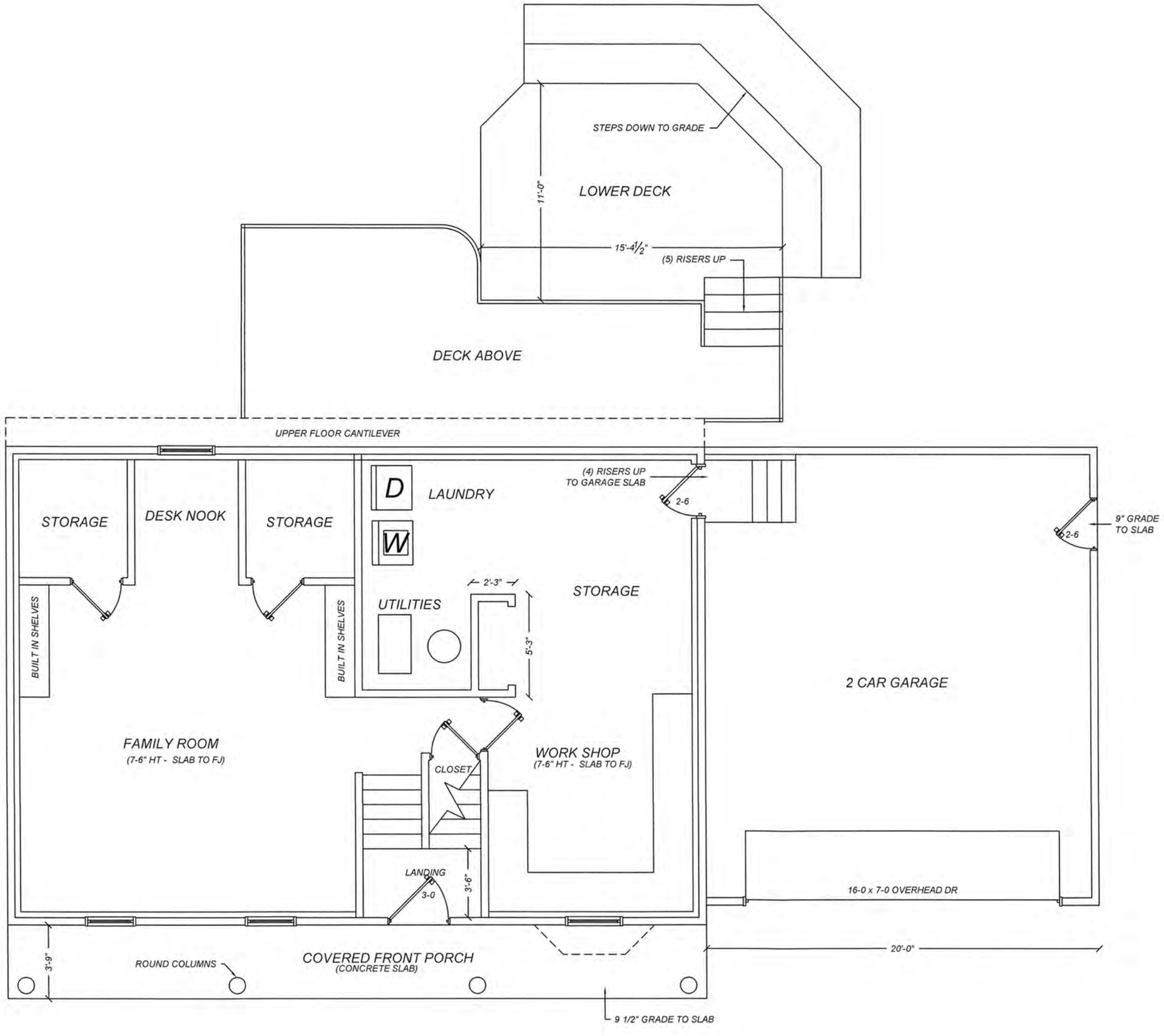
DELARM RESIDENCE ADDITION
96 QUEVIC DR.
SARATOGA SPRINGS, NY

EXISTING LOWER FLOOR

JUNE 9, 2016 SCALE: 3/16" 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.



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 #)
RECD JUN 28 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
	Mark & Catherine Hover		
Name			
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: 43 Long Alley, Saratoga Springs, NY 12866 Tax Parcel No.: 165 . 51 - 3 - 14.2 (*for example: 165.52 – 4 – 37*)
2. Date acquired by current owner: July 2013 3. Zoning District when purchased: T6
4. Present use of property: Residential/ Multi-Family 5. Current Zoning District: T6
6. Has a previous ZBA application/appeal been filed for this property?
   ☑ Yes (when? 2/8/2010 For what? Area Variance for 1st fl)
   ☑ No 10/21/1987 Use Variance for office/apartment
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 include 1st level to be residential.
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) 2.3 Table 2

Dimensional Requirements Residential Uses (2nd Floor & Above)	From 2nd floor	To 1st floor

Other:
A prior use variance was approved in 2010 which is included as addendum to application.

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 property was being used as a multi-family residential rental dwelling with 2 tenants residing on premises for 2 years prior when purchased. Prior alternative designs and uses have been explored and have been rejected due to the cost of fit-up. Home owners strongly believe the best and most affordable use for the property will be to serve as rental property downstairs and will continue to serve as their primary residence upstairs.

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 character of Long Alley has predominantly been commercial, however, having residents on the street has decreased loitering and trespassing to private commerical property. Granting the variance will not create an undesirable change to the character of the neighborhood because it will not negatively affect the traffic flow of the one-way alley, nor will it pose any affects on the surrounding businesses.

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

This variance is not substantial. It has already been used as a multi-family residence for at least 2 years prior to property owners purchase in 2013.

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:

If granted variance, residents will invest in property's appearance and over all energy efficiency.

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 by previous home owners who allowed the area vaariance to lapse and did not apply for a building permit to do work to the home.

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

_____ 6/27/16
(applicant signature) Date: _____

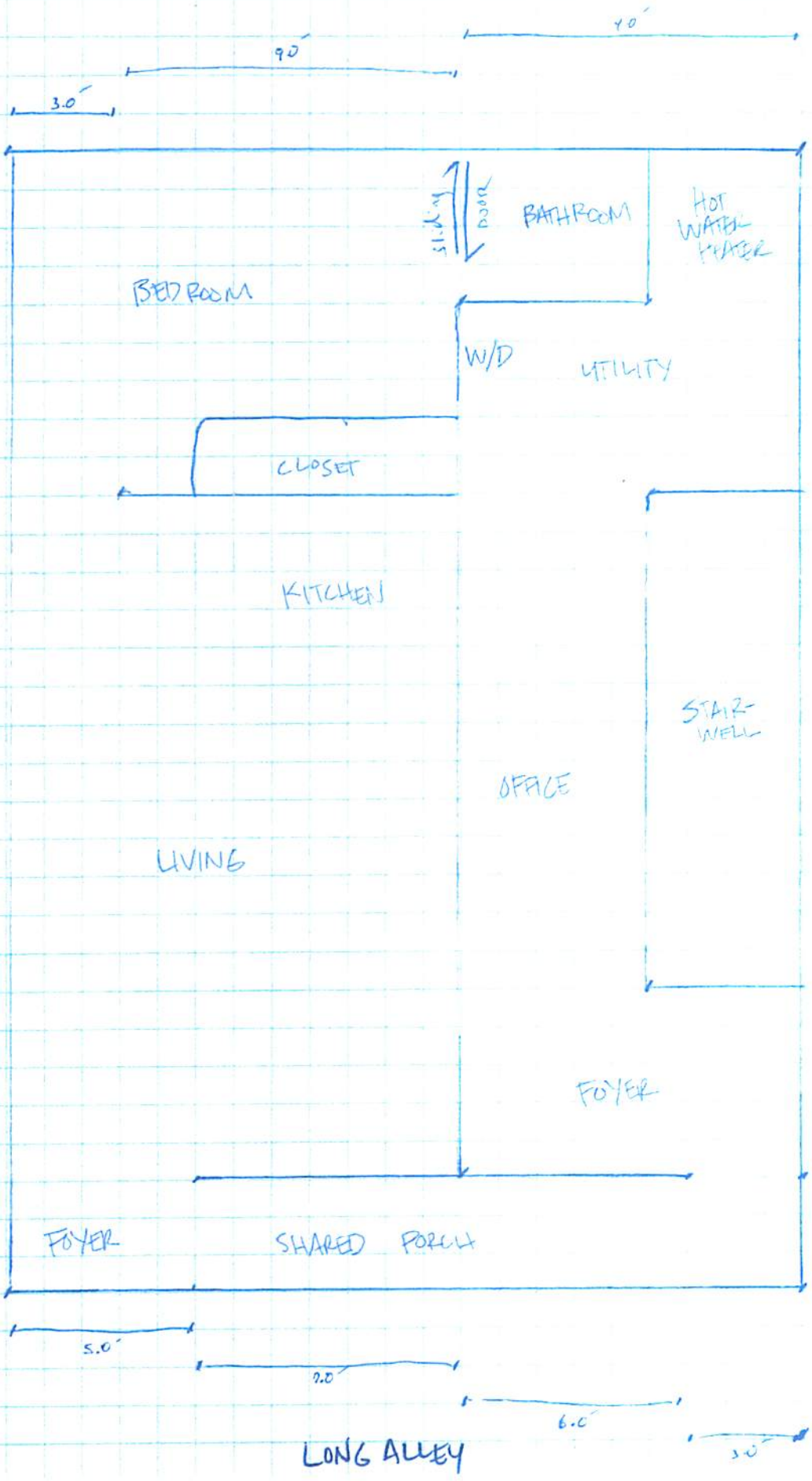
_____ 6/27/16
(applicant signature) Date: _____

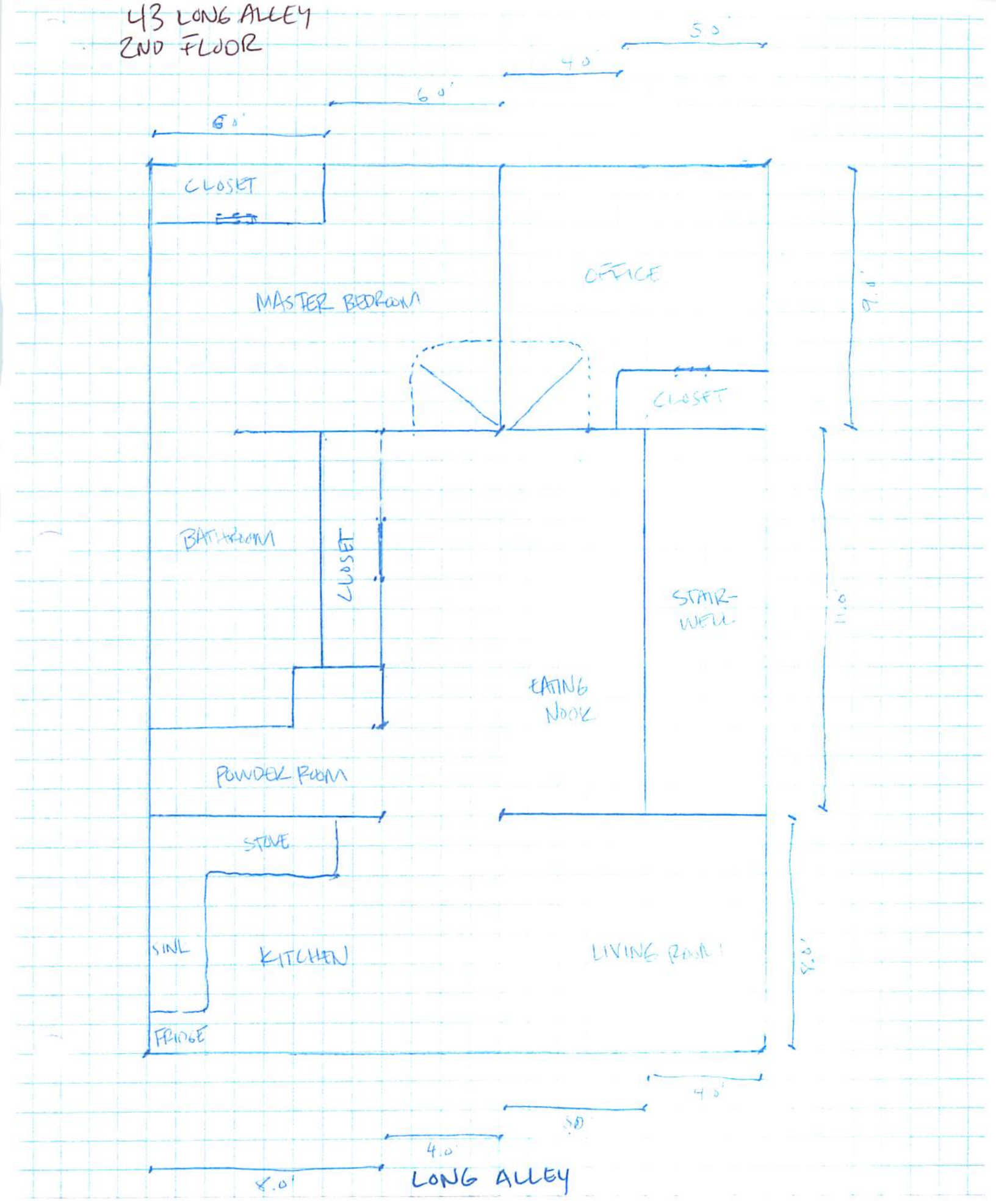
If applicant is not the currently the owner of the property, the current owner must also sign.

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

43 LONG ALLEY
1ST FLOOR APARTMENT




43 LONG ALLEY
2ND FLOOR
5.0'
4.0'
6.0'
6.0'
CLOSET
MASTER BEDROOM
OFFICE
CLOSET
9.0'
BATHROOM
CLOSET
STAIR-
WELL
11.0'
EATING
NOOK
POWDER ROOM
STOVE
SINK
KITCHEN
LIVING ROOM
9.0'
FRIDGE
4.0'
5.0'
4.0'
8.0'
LONG ALLEY

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

MARY ANNE MACICA
CHAIR
CAROL ANN MAGUIRE
VICE CHAIR
KEITH B. KAPLAN
BILL MOORE
GARY HASBROUCK
GEORGE "SKIP" CARLSON

IN THE MATTER OF THE APPEAL OF

Appeal # 2550
Coffenburg Residence
2/8/2010

In consideration of the balance between benefit to the applicant with detriment to the health, safety and welfare of the community, I move that Appeal #2550 for an area variance at 43 Long Alley, located in a Transect-6 Urban Core District, be approved for conversion of a mixed use building to a single family residence and for the following requested relief:

	Required	Existing	Proposed	Relief Requested
Residential uses permitted on the 2nd floor or above	2nd Floor	2nd Floor	1st and 2nd Floor	100% of 1st Floor

1) The applicant has demonstrated this benefit cannot be achieved by other means feasible. The neighborhood is predominately large business offices with frontage on either Broadway or Woodlawn Avenue. The applicant's property only has frontage on Long Alley and is physically smaller in square footage than adjacent buildings. The applicant states there is "little foot traffic, lack of adequate commercial square footage, no on-site parking and is located on a one way alley."
2) The applicant has demonstrated that granting this variance will not produce an undesirable change in neighborhood character or to nearby properties. The commercial component of the property has been vacant for almost 1 year and therefore financially unviable. The residential component has remained and will continue to remain. Internal conversion of the property to expand the residential use to the 1st floor will have no visible exterior effect on the building. No additional living units are being added. The property can revert back to its 2007 use as a single family residence. Any traffic generated by the commercial use will cease.
3) The variance is substantial. The applicant is requesting 100% relief from the 1st floor requirement.
4) The applicant has demonstrated this variance will not have an adverse physical or environmental effect on the neighborhood. Since no exterior alterations are

planned, no physical effects will be seen in the neighborhood. Since commercial usage is generally more intense in terms of vehicular and foot traffic, the potential residential use of the property will have a positive effect on the neighborhood in terms of less vehicular and foot traffic in the alley.

5) The applicants desire to convert the building to a single family residence is self created. Although the property was a single family residence in 2007, zoning changes to the district requires relief to be granted in order to convert back to the 2007 usage. The self created difficulty is not necessarily fatal to the application.

Adopted by the following vote:

AYES: 4 (M. Macica, C. Maguire, K. Kaplan, G. Hasbrouck)

NAYES: 1 (B. Moore)

Dated: February 8, 2010

This variance shall expire 18 months from this date unless the necessary building permit has been issued and actual construction begun as per Article 240-14.5 G.

2/12/10
Date

Mary Anne Macica
Chair

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

43

COUNTY
WASTE

NG ALLEY

AVENUE

150.00'

N.57°17'39"W.

N.32°42'21"E.

30.00'

AREA = 4,500 Sq. Ft.
or 0.1033 Acres

ASPHALT SURFACE

2 STORY BRICK BUILDING

65.8

29.2

26.9

28.3

150.00'

S.57°17'39"E.

LANDS OF TOOMEY & CAROSONE
BOOK 953, PAGE 333

LANDS OF BREITENFELD
BOOK 1085, PAGE 323

LANDS OF ALDRICH
BOOK 993, PAGE 720

0.14' OFFSET, PROPERTY LINE TO BUILDING

I.P.F.

N.57°-17'-00"W. 44.2'

LANDS OF BODE
BOOK 808, PAGE 496

FENCE LINE

S.32°-43'-00"W. 22.83'

FENCE LINE

43 LONG ALLEY

AREA = 1009 Sq.Ft.

2 STORY BRICK BUILDING

22.83'

N.32°-43'-00"E

S.57°-17'-00"E 44.2'

0.15' OFFSET

0.38' OFFSET

0.18' OFFSET, PROPERTY LINE TO FRONT OF BUILDING

LANDS OF BODE
BOOK 808, PAGE 494

WROUGHT IRON FENCE

STONE WALL

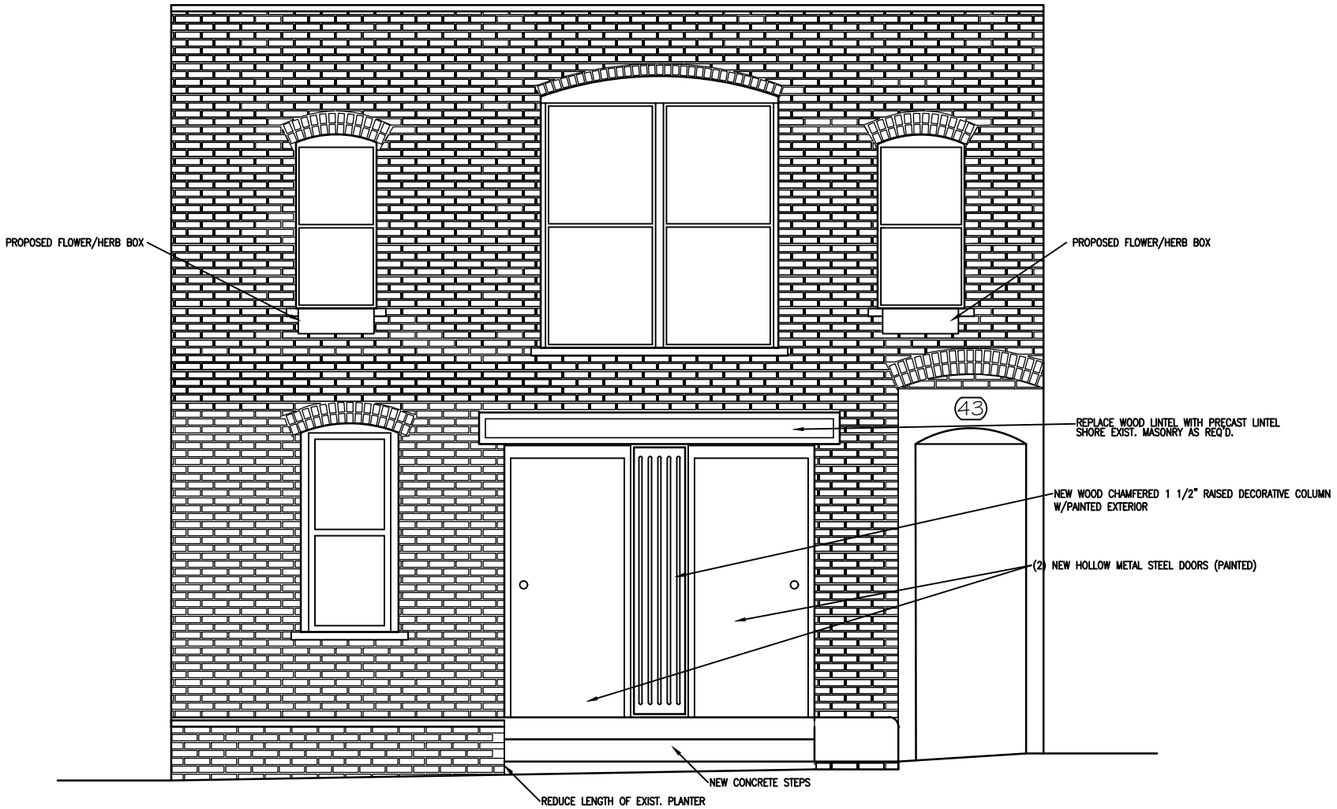
CURB

WALTON STREET

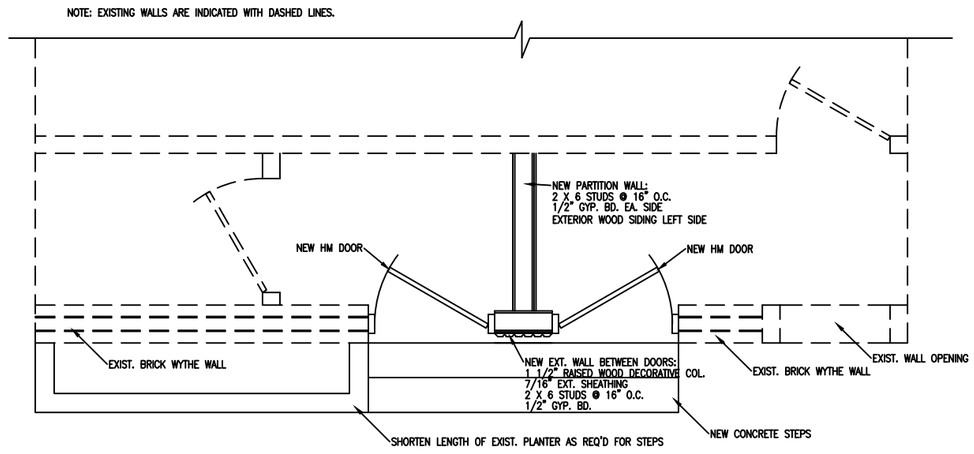
CURB

MAGNETIC NORTH NOVEMBER, 1985

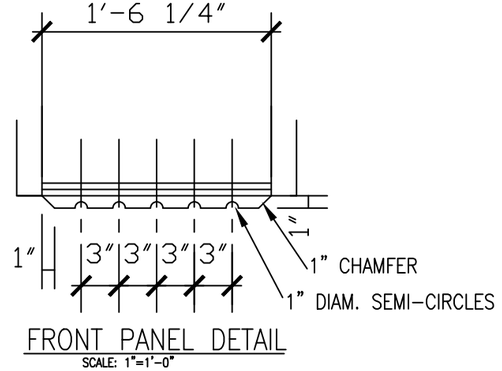
1" = 20'-0"
1985



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



PARTIAL FLOOR PLAN – WEST ELEV.
SCALE: 1/4"=1'-0"



FRONT PANEL DETAIL
SCALE: 1"=1'-0"

General Notes

WEST ELEVATION ALTERATIONS

No.	Revision/Issue	Date

MARK P. BERGERON, PE
474 CLIFTON CORPORATE PKWY.
CLIFTON PARK, NY 12065

PHONE: (518) 248-0906

PROJECT:

MARK & CATHERINE HOVER
RESIDENCE/APT. ALTERATIONS
43 LONG ALLEY
SARATOGA SPRINGS, NY

Project	Sheet
HOVER1	1
Date: 8-17-16	
Scale: NOTED	

EAST ELEVATION

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

General Notes

EAST ELEVATION ALTERATIONS

No.	Revision/Issue	Date

MARK P. BERGERON, PE
474 CLIFTON CORPORATE PKWY.
CLIFTON PARK, NY 12065

PHONE: (518) 248-0906

PROJECT:

MARK & CATHERINE HOVER
RESIDENCE/APT. ALTERATIONS
43 LONG ALLEY
SARATOGA SPRINGS, NY

Project	Sheet
HOVER2	2
Date: 8-17-16	
Scale: NOTED	

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 JUL 08 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	Gaslight Apartments, LLC		Robert G. Wakeman, Esq.
Address	c/o Burns Management 1732 Western Avenue, Albany, NY 12203		99 Washington Avenue, Suite 2020 Albany, NY 12210
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: 69-71 Hamilton Street / 10 South Federal Street Tax Parcel No.: 165 . 75 - 1 - 27
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: October 17, 2001

3. Zoning District when purchased: ?

4. Present use of property: Apartment Homes

5. Current Zoning District: UR-5

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? June / October 1978 For what? Convert garage/storage space into 6 add'l units)
☐ 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 requested to allow for one additional residential apartment unit (currently 70 units; requesting variance for 71). Unit in question already exists as an apartment unit, but only 70 units are currently occupied. No changes will be made to the exterior of any building on the property. The variance is for the interior of one structure only. (SEE ATTACHED EXHIBIT A)

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

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

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

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

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

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

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

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

Section(s) _____

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

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

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

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

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

3. Date original variance expired: _____

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

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

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

A use variance is requested to permit the following: _____

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

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

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

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

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

Date	Improvement	Cost

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) 2.0(table 3), 5.4, 6.2

Dimensional Requirements	From	To
No external modification to structures is required.		
(See Exhibit B, attached)		

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 sought by the applicant cannot be achieved by feasible means other than an area variance. The benefit sought is to be able to utilize a portion of the interior of the currently-existing structure as an apartment unit. The exterior footprint of the structure will not change. Gaslight Apartments currently occupies the maximum amount of lot space available, as it occupies the entire city block on which it is located.

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 area variance is required solely for the purpose of legally designating a portion of interior space as a residential apartment unit. Granting the variance will not produce any undesirable change in the character of the neighborhood or any detriment to nearby properties. The exterior of the building that contains the 71st apartment unit and its structural footprint will remain unchanged and there will be no additional construction. There will be no other changes to the site. As all exterior dimensions will remain the same, there can be no undesirable change to the character of the neighborhood or detriment to the community. Surrounding properties are all zoned either UR-5 Urban Residential (majority), UR-3 Urban Residential, Institutional Educational, T-6 Transect Zone 6 Urban Core, Warehouse District, or T-5 Transect Zone 5 Neighborhood Center.

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

The variance is not "substantial" because the structure itself will remain unchanged on the exterior, and the addition of one unit is only a 1.43% increase in residential units. The variance is required for a small increase in unit density (parcel square footage per dwelling unit), along with the associated off-street parking requirement increase for the one additional interior unit, only. The one added unit is a small studio apartment. The variance is also not "substantial" because, as an example, the resulting dwelling unit density measured by square footage per unit will remain much lower than that of the neighboring "Stonequist" building at 1 South Federal Street. The Stonequist parcel is also zoned as UR-5 Urban Residential, and exhibits a much higher density of 1,343 square feet per dwelling unit than Gaslight will present at 1,636 square feet per dwelling unit.
Gaslight also currently conforms to lot coverage density requirements for buildings in a UR-5 district, as existing principal building coverage is 22.7% (maximum is 25%), and existing permeable surface on the lot is approximately 41% (minimum is 15%). As no exterior modifications increasing building size are to be made, these values will not change.

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:

An area variance allowing for one additional interior unit adds only a single person or a very small family to the apartment complex. Approving this one additional unit, which is already improved for use, adds only one or two possible vehicles at most to the currently available off-street parking areas. These parking areas are sufficient for the Gaslight apartment complex and are seldom, if ever, full or near-full. There is also ample off-street parking on the block (the Gaslight apartment complex occupies the entire city block), which is currently underutilized. No exterior construction is needed, so there will be no environmental or noise issues affecting neighboring properties, whatsoever.

The requested variance is consistent with the prevailing pattern of development in the neighborhood and zoning district.

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:

Applicant duly applied for a building permit for the additional unit in 2011, believing in good faith that the unit was permitted. Applicant received a Certificate of Occupancy at that time (see Certificate of Occupancy attached). In 2016, applicant discovered that only 70 units were allowed. The unit has been occupied since it was improved for that purpose. While the difficulty was self-created, it was created based on applicant's good faith belief that the unit was permitted by the City of Saratoga Springs. Use of the unit over the last five (5) years has not shown any adverse consequence to the site, or to 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.

GASLIGHT APARTMENTS, LLC

_____ Date: 7/7/16
(applicant signature) By: James T. Burns
Manager

_____ 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

Exhibit A

Gaslight Apartments is located on a parcel that is zoned UR-5 (Urban Residential). Zoning for the City of Saratoga Springs permits 70 units, however there are currently Certificates of Occupancy issued for 71 units.

In 2011, applicant duly applied for a building permit for the 71st unit, believing in good faith that the unit (Unit 24 at 69 Hamilton Street) was permitted. A Certificate of Occupancy, No. 20110347, was issued for the unit on August 3 of that same year. See copy of said Certificate of Occupancy, attached. In 2016, applicant discovered that the 71st unit was not permitted.

Because the Gaslight Apartment complex has been functioning as a 71-unit entity for more than five years, and no exterior changes need to be made to any building, granting an area variance will have no adverse effect on the neighborhood. Also, the density of Gaslight's parcel square footage per dwelling unit will remain much less dense than certain neighboring sites.

Gaslight currently offers spaces for 92 parked vehicles, including 10 garage spaces. The Gaslight lot also occupies a full city block, and so has plenty of available on-street parking on all sides. Both the off-street parking located on the Gaslight lot and the on-street parking around the block is currently underutilized compared to availability, and the applicant is unaware of any complaints attributed to the parking routines of Gaslight residents. While, at 71 units, the zoning code calls for 106 spaces, the small deficiency in required off-street parking spaces is insignificant.

The goal of attaining this minor area variance is to simply have the opportunity to continue to offer 71 units of residential apartment homes to the Saratoga Springs community.

AUG 15 2011

CERTIFICATE OF OCCUPANCY
CITY OF SARATOGA SPRINGS, NEW YORK

Certificate of Occupancy No. 20110347 Date Issued: 08/03/11
Application No. 20110145
Owner GASLIGHT APARTMENTS LLC
Address 69-71 HAMILTON STREET

Tax Map I.D. Number 165.75-1-27

This is to certify that the ALTERATION OF UNIT 24. named above is in compliance with applicable codes, ordinances and approvals and is ready for occupancy as a RESIDENTIAL OCCUPANCY(R2) IN APARTMENT BLDG.

The following items are conditions on issuance of the certificate:

Assistant Building Inspector STEPHEN A HENDERER

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

INSPECTOR REPORT

PAGE _____ OF _____

JOB SITE 69 HAMILTON ST. PERMIT # 20110085 FILE # 6878

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)

FINAL ELECT. INSP. - THE INSPECTOR 8/1/11 ✓ SMK/CO DET. CK ✓

CIRCUITS INK - OK ✓

EMG. LIGHTING (HALL) OK ✓ BATHROOM VENT. OK ✓

~~WWW~~ FACILITIES FUNCTIONAL - OK ✓

HOT WATER OK ✓

(PASSED) CONDITIONS AS NOTED REINSPECTION REQUIRED FAILED STOP WORK

INSPECTION DATE 08/02/11 INSPECTOR STHENDER 212

Exhibit B

Description	**Conforming per Zoning Code**	**Current (From) [70 units]**	**To [71 units]**
Density per residential unit	3,000 sf/unit	~1,660 sf/unit	~1,636 sf/unit
Off-street parking required (fraction up to and *including* ½ are disregarded)	1.5 spaces/unit	92 spaces (deficient by 13)	92 spaces (deficient by 14)

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:
Gaslight Apartments

Project Location (describe, and attach a location map):
See Schedule "A" legal description and location map

Brief Description of Proposed Action:
Area variance required to increase number of permitted and approved dwelling units from 70 to 71 units.

Name of Applicant or Sponsor:	Telephone: [redacted]
Gaslight Apartments, LLC	E-Mail: [redacted]

Address:
c/o Burns Management, 1732 Western Avenue

City/PO:	State:	Zip Code:
Albany	NY	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: City of Saratoga Springs Zoning Board of Appeals	☐	☑

3.a. Total acreage of the site of the proposed action? 2.667 +/- 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? 2.667 +/- acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☑ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☑ Other (specify): Institutional / Educational
☐ 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,	NO	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: Gaslight Apartments, LLC Date: 7/7/16

Signature: _____

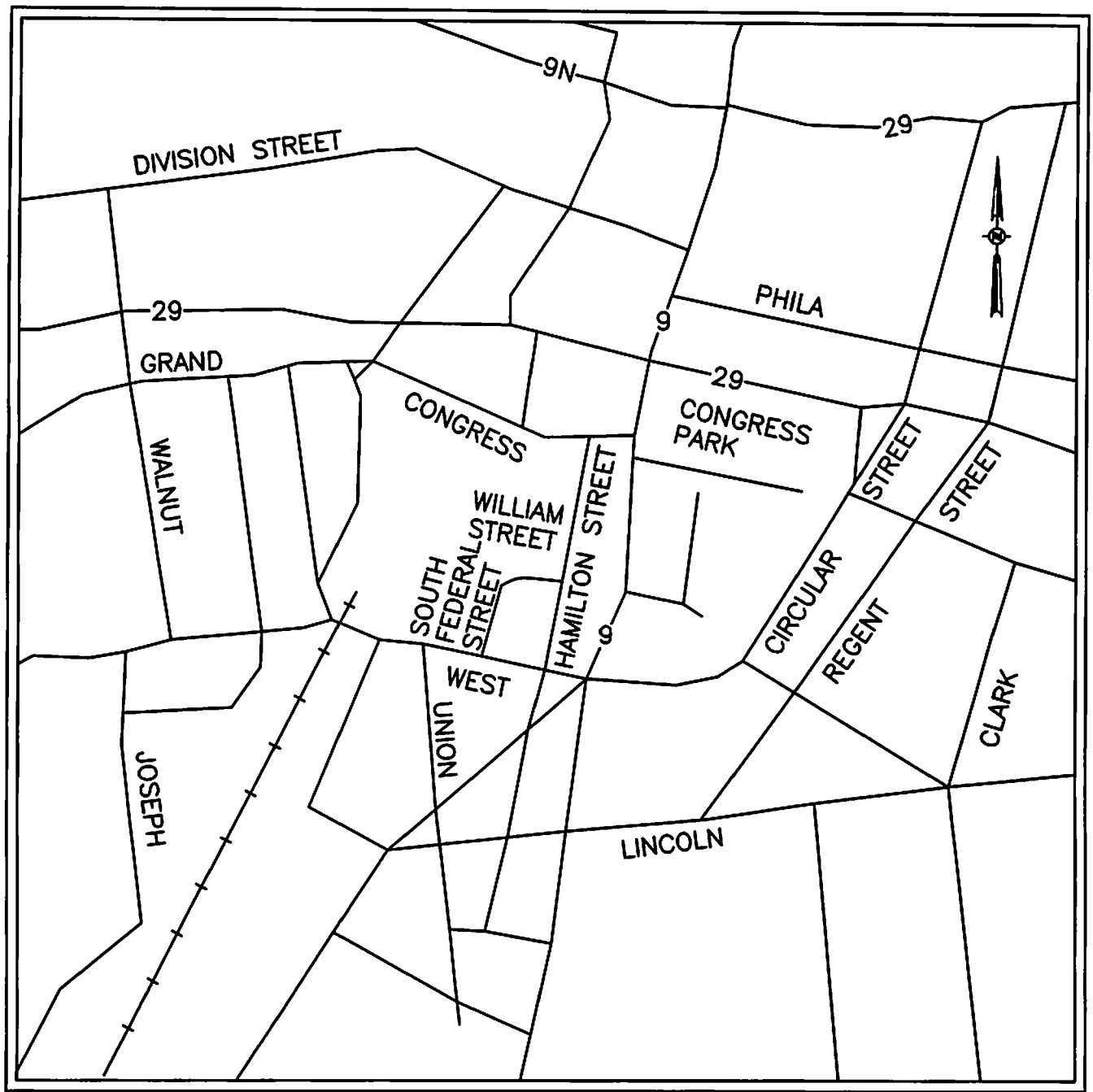
By: James T. Burns
Manager

PRINT FORM

SCHEDULE A DESCRIPTION

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, situate, lying and being in the City of Saratoga Springs, County of Saratoga and State of New York, being bounded and described as follows:

BEGINNING at a point in the northeasterly corner of West Circular Street and relocated South Federal Street and running thence along the easterly line of relocated South Federal Street, North 11° 21'11" East 375.94 feet to the southeasterly corner of relocated South Federal Street and William Street; thence along the original south line of William Street South 78° 25' 49" East 311.68 feet to the corner formed by the intersection of the southerly side of said William Street and the present westerly side of Hamilton Street; thence South 11° 34' 18" West along the said side of Hamilton Street 373.49 feet to the corner formed by the intersection of the said westerly side of Hamilton Street and the present northerly side of West Circular Street; thence along the said northerly side of West Circular Street North 78° 25' 49" West 271.76 feet to a point; thence North 82° 04' 49" West 38.58 feet to the point and place of beginning.



SITE LOCATION MAP *NOT TO SCALE*

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
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)?	☐	☐
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?	☐	☐

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

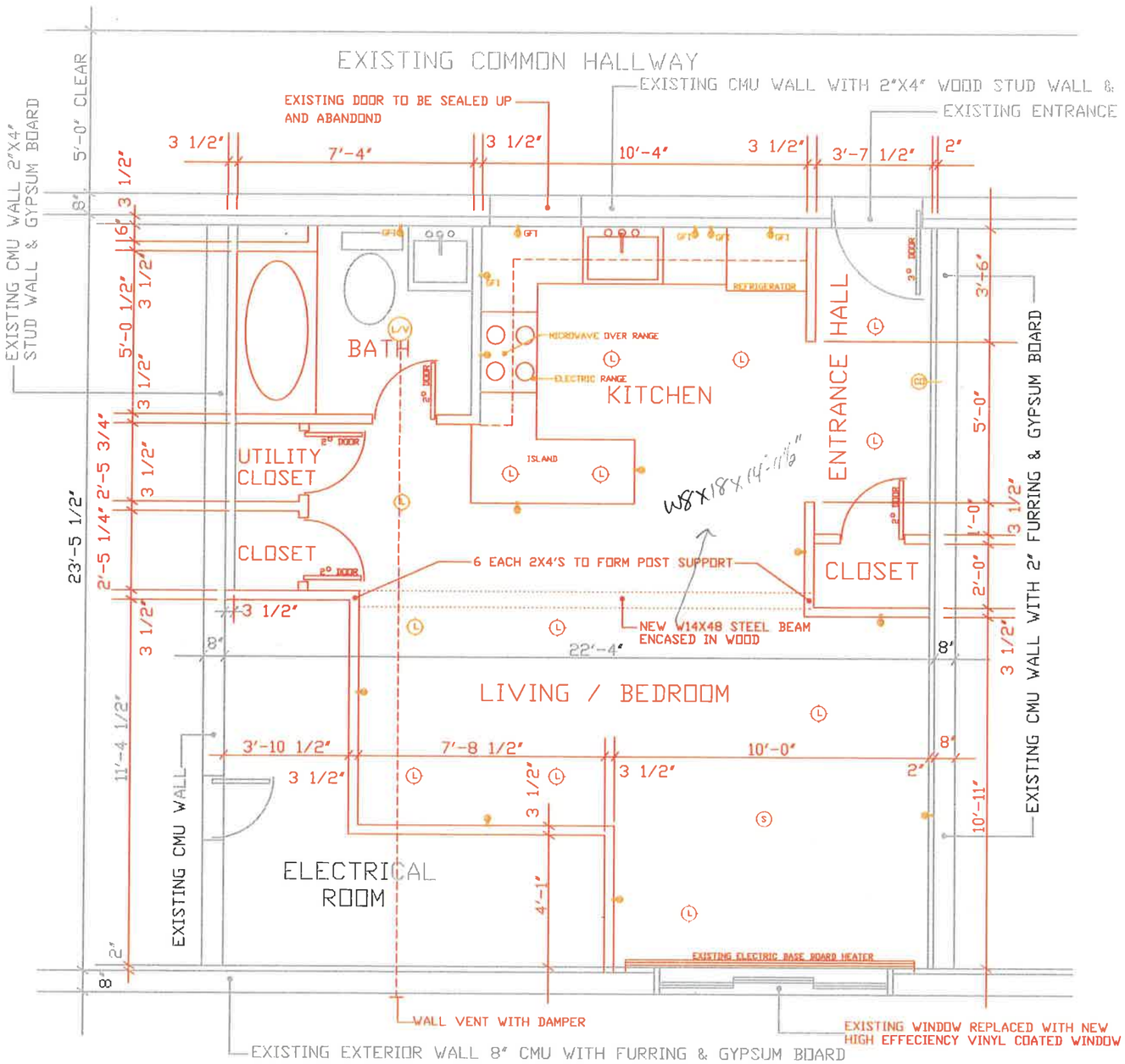
For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify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

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

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

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

PRINT FORM



PROPOSED STUDIO APARTMENT

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

LEGEND:

- (L) HIGH CAN CEILING LIGHT
- (L/V) CEILING LIGHT WITH HEATER & VENT (VENT TO EXTERIOR)
- (S) CEILING MOUNTED SMOKE DETECTOR
- (CO) WALL MOUNTED CARBON MONOXIDE DETECTOR
- GFI DUPLEX OUTLET G.F.I.
- DUPLEX OUTLET

GENERAL NOTES:

PROPOSED APARTMENT IS WITHIN THE PERAMETERS OF THE OLD APARTMENT WHICH WAS CHANGED INTO A STORAGE AREA & NOW BACK TO AN APARTMENT.

ALL DIMENSIONS ARE BASED ON ROUGH FRAMING OPENINGS.

ALL WALLS TO RECEIVE 5/8" GYPSUM BOARD AND PAINT.

ALL CEILINGS TO RECEIVE 5/8" TYPE "X" GYPSUM BOARD AND PAINT.

LIVING ROOM / BEDROOM TO RECEIVE CARPETAND PAD.

BATHROOM TO RECEIVE VCT FLOORING.

KITCHEN AND ENTRANCE HALL FLOOR TO RECEIVE VCT OR LAMINATED FLOORING.

ALL WORK TO BE DONE ACCORDING TO ALL LOCAL, STATE, ELECTRICAL, HVAC AND PLUMBING CODES.

HEATING WITHIN APARTMENT WILL BE ELECTRIC BASE BOARD.

ALL PLUMBING TO BE CONNECTED TO EXISTING PIPING.

ALL BATHROOM FIXTURES TO BE REPLACED WITH NEW EFFICIENT FIXTURES.

PROPOSED STUDIO APARTMENT

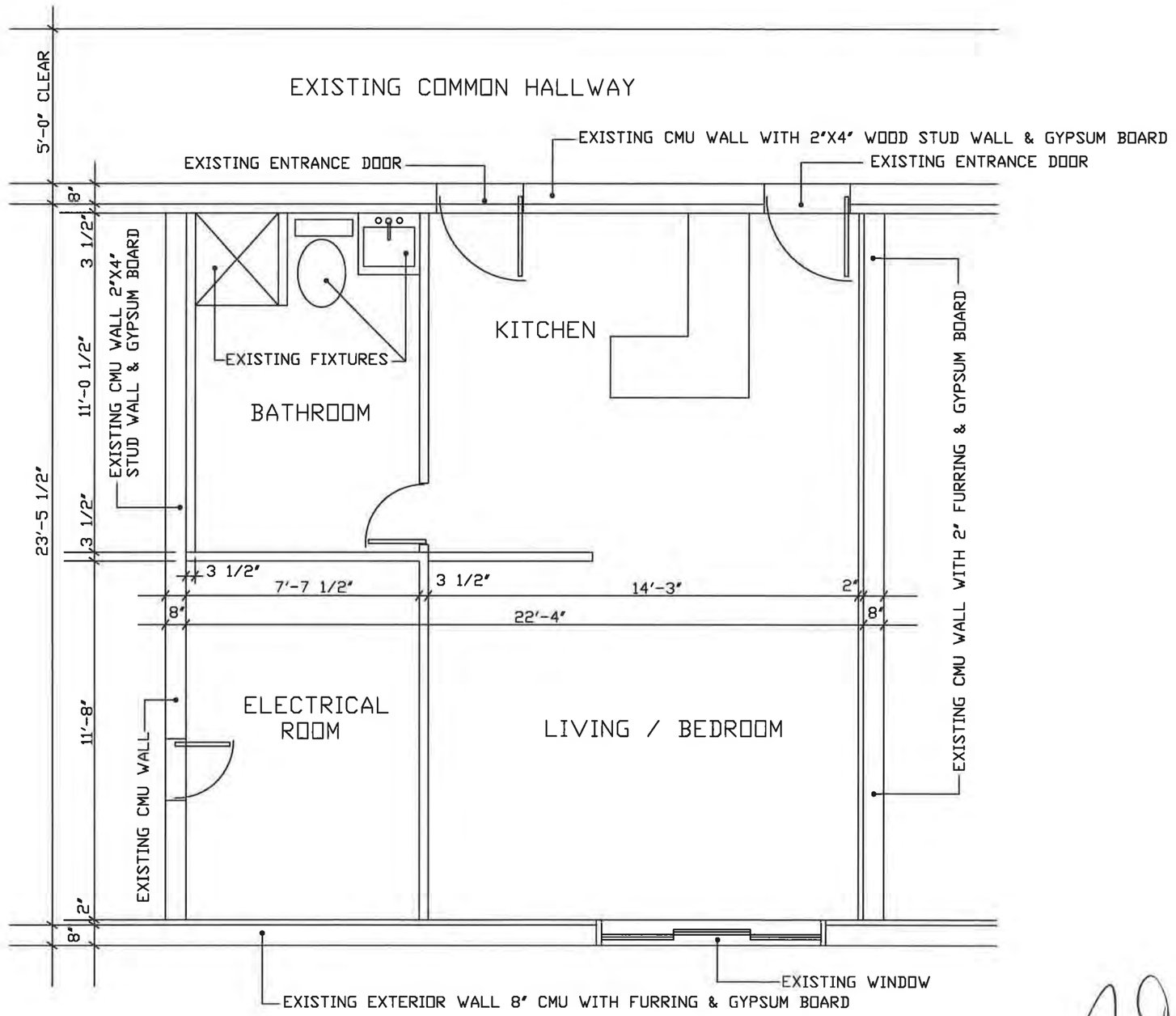
PREPARED FOR

BURNS MANAGEMENT

69 HAMILTON STREET APARTMENT #24

SARATOGA SPRINGS, NEW YORK

DATED: JANUARY 21, 2011



EXISTING LOOR PLAN (APARTMENT WAS NOT USED AREA USED AS STORAGE)

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

EXISTING FLOOR PLAN

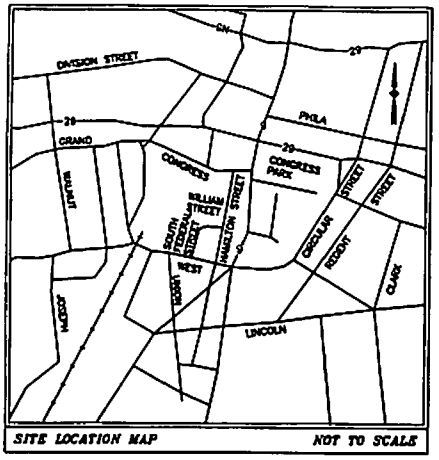
PREPARED FOR

BURNS MANAGEMENT

69 HAMILTON STREET APARTMENT #24
SARATOGA SPRINGS, NEW YORK

DATED: JANUARY 21, 2011

SOUTH FEDERAL STREET
(PUBLIC)
60' RIGHT OF WAY
BLACKTOP PAVEMENT
POINT OF BEGINNING
N11°21'11"E
375.94'
N32°04'03"W 38.56' (SURVEY)
N32°04'49"W 38.56' (DEED)
25' SETBACK LINE
TWO STORY
WOOD FRAME
BUILDING
1st FLOOR AREA = 8,776± SQ.FT.
LANDS NOW OR FORMERLY OF
GASLIGHT APARTMENTS, LLC
BOOK 1594, PAGE 254
TAX MAP ID. 153.75-1-27
PARCEL AREA=2.667± ACRES OR 116,190± SQ. FT.
APPROXIMATE LOCATION OF UTILITY EASEMENT PER BOOK 800, PAGE 242
271.76'
WEST CIRCULAR STREET
(PUBLIC)
BLACKTOP PAVEMENT
60' RIGHT OF WAY
TWO STORY
WOOD FRAME
BUILDING
1st FLOOR BUILDING AREA = 8,833± SQ.FT.
TWO STORY
WOOD FRAME
BUILDING
1st FLOOR AREA = 8,830± SQ.FT.
WILLIAM STREET
(PUBLIC)
60' RIGHT OF WAY
BLACKTOP PAVEMENT
N78°25'49"W
S78°25'49"E
311.66'
25' SETBACK LINE
S11°34'16"W
373.49'
HAMILTON STREET
(PUBLIC)
60' RIGHT OF WAY
BLACKTOP PAVEMENT



MAP NOTES:

1. Information shown hereon was compiled from an actual field survey conducted during the month of August, 2001. Survey update was performed on April 9, 2007 and January 14, 2016.
2. North orientation and bearing base per map reference no. one.
3. Underground facilities, structures, and utilities have been plotted from data obtained from previous maps and record drawings. Surface features such as catch basin rims, manhole covers, water valves, gas valves, etc. are the result of field survey unless noted otherwise. There may be other underground utilities, the existence of which are not known to the undersigned. Size and location of all underground utilities and structures must be verified by the appropriate authorities. The Underground Facilities Protective Organization must be notified prior to conducting test borings, excavation and construction.
4. Per map entitled "National Flood Insurance Program, FIRM Flood Insurance Rate Map, City of Saratoga Springs, New York, Saratoga County," Panel 3 of 9, Community Panel Number 360728 0003, effective date June 15, 1984, the parcel shown hereon falls within an area designated as Zone C, areas of minimal flooding.
5. This survey does not constitute a record search by C.T. Male Associates, P.C. to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, the surveyor relied upon title commitment number CT15-31180-ALB, prepared by Chicago Title Insurance Company, dated December 29, 2015.
6. Parcel is subject to covenants and restrictions per Book 892, Page 500, as modified by Book 1594 Page 352.
7. Parcel is subject to a utility easement per Book 900, Page 242.
8. Per contracted agreement with client, property corners were not set.

MAP REFERENCES:

1. "Map Showing Boundary Survey Saratoga Springs Urban Renewal, Agency Urban Renewal Project No. 1, NYR-127," City of Saratoga Springs, County of Saratoga, New York. An Area of 86.576 Acre, dated February 5, 1971 as prepared by Gerald W. Gladstone. On file in Saratoga Springs City Engineers Office.
2. "Property Line Map Saratoga Springs Urban Renewal Project No.1, Saratoga Springs Housing Authority," Saratoga Springs-Saratoga County - State of NY. Prepared by Frank Ragani Jr., dated June 18, 1968. On file in Saratoga Springs City Engineers Office.
2. "ALTA/ACSM Land Title Survey Gaslight Square Apartments 69-71 Hamilton Street 10 South Federal Street" City of Saratoga Springs, Saratoga County, New York, prepared by C.T. Male Associates, Engineering, Surveying, Architecture & Landscape Architecture, D.P.C. dated August 3, 2001 and last revised January 14, 2016, Dwg. No. 01-4158, CTM Proj. No. 07.7572.

DEED REFERENCES:

1. Deed dated October 4, 2001 to Gaslight Apartments, LLC, from City of Saratoga Springs, as described in Book 1594 of Deeds at Page 352.

ZONING: UR5
URBAN RESIDENTIAL-5

MINIMUM LOT SIZE	3,000 SQ. FT.
MINIMUM LOT WIDTH	100 FT.
MINIMUM FRONT YARD	25 FT.
MINIMUM REAR YARD	25 FT.
SIDE YARD	20 FT.
	TOTAL OF 45 FT.
MINIMUM 1ST FLOOR AREA	2 STORY-1200 SQ. FT.
MAXIMUM BUILDING HEIGHT	185 FT.

PARKING STATISTICS

60 STRIPED REGULAR PARKING SPACES
1 STRIPED HANDICAPPED PARKING SPACES

69 TOTAL STRIPED PARKING SPACES
13 POTENTIAL UNMARKED PARKING SPACES
19 GARAGE PARKING SPACES

82 TOTAL OF STRIPED AND POTENTIAL PARKING SPACES

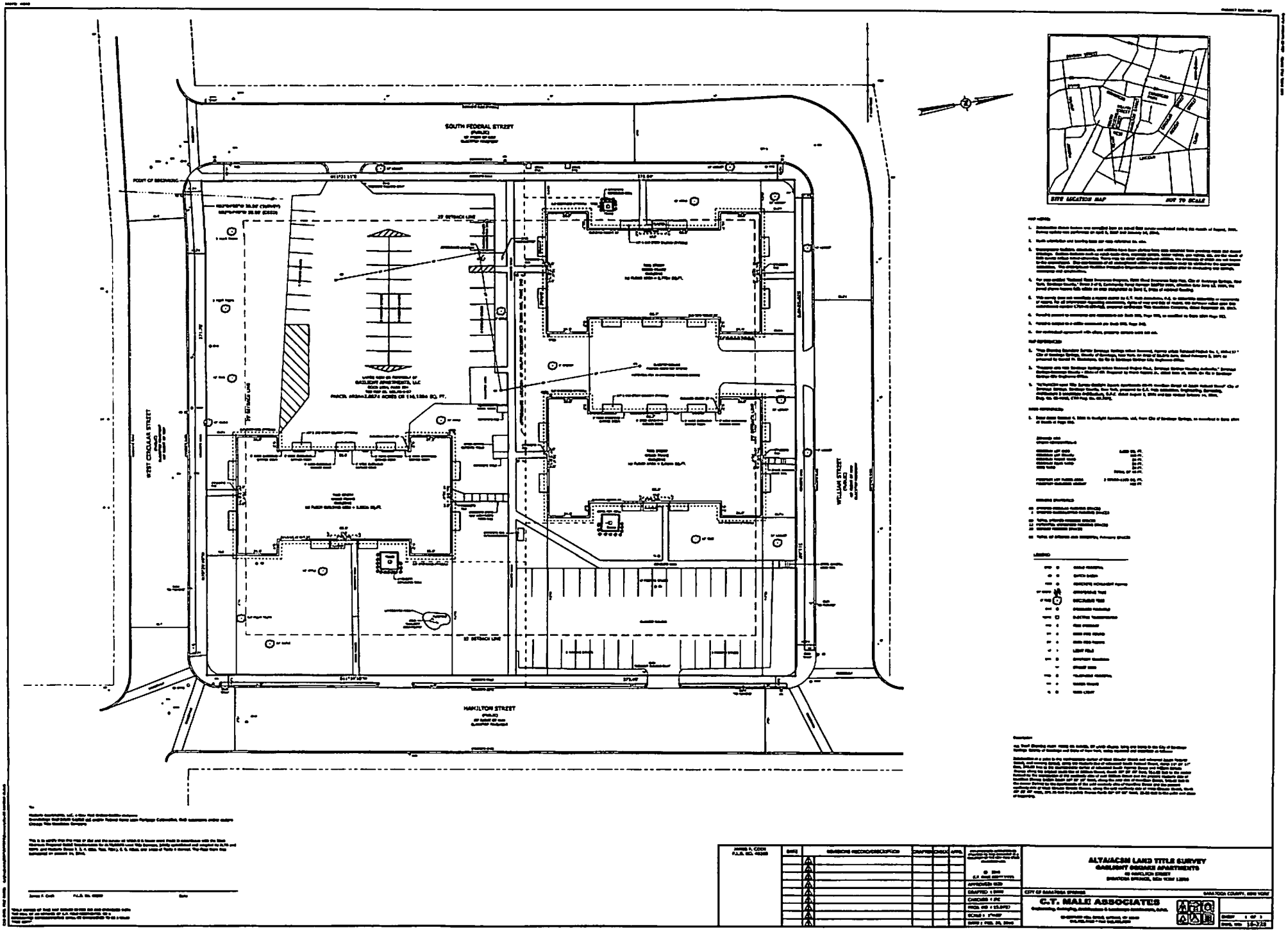
LEGEND

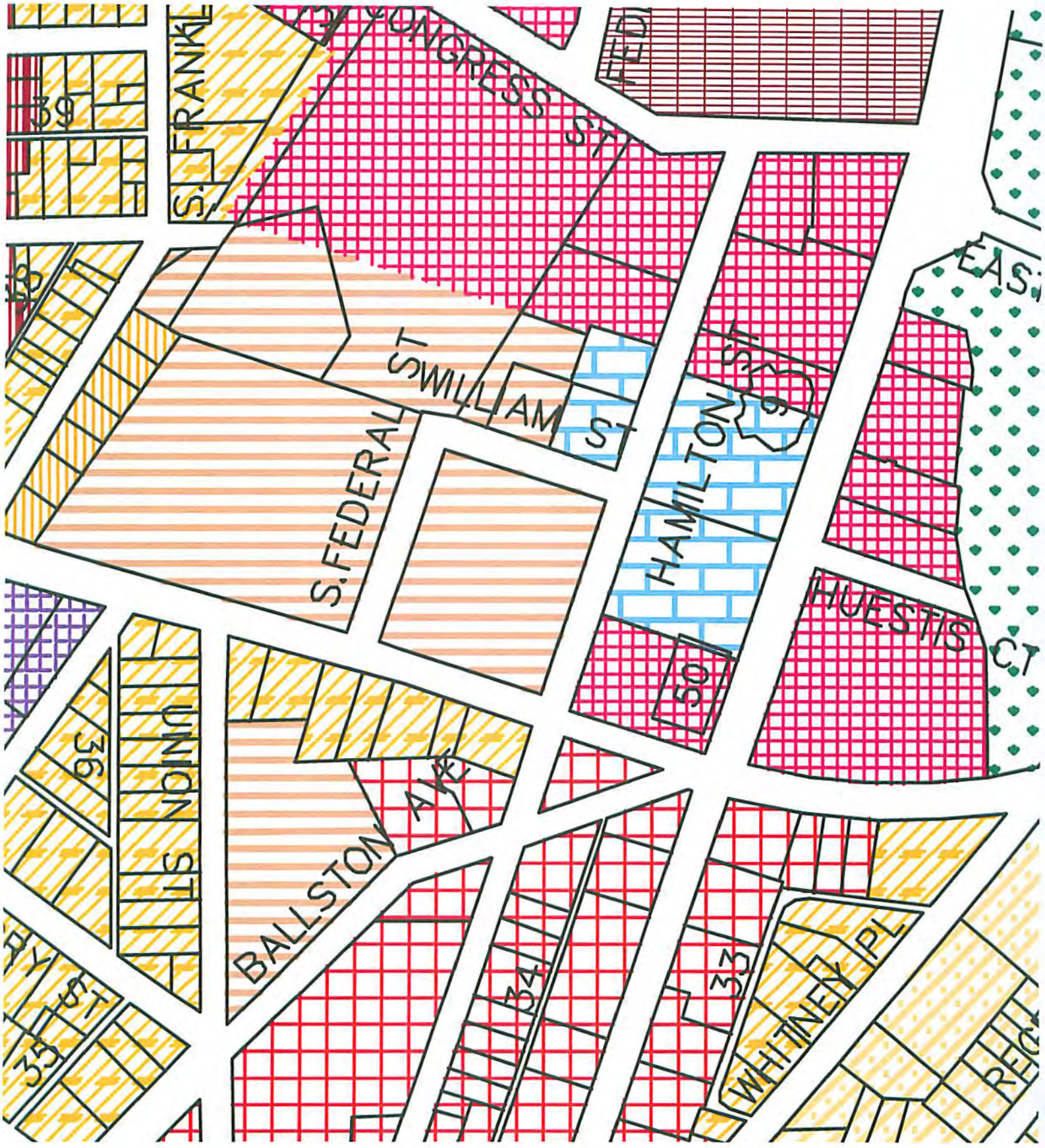
CPED	CABLE PEDESTAL
CB	CATCH BASIN
RCM	CONCRETE MONUMENT FOUND
MF CEDAR	CONIFEROUS TREE
6" TREE	DECIDUOUS TREE
DMH	DRAINAGE MANHOLE
TRANS	ELECTRIC TRANSFORMER
HYD	FIRE HYDRANT
IPF	IRON PIPE FOUND
IRF	IRON ROD FOUND
LP	LIGHT POLE
SMH	SANITARY MANHOLE
	STREET SIGN
PED	TELEPHONE PEDESTAL
WV	WATER VALVE
YL	YARD LIGHT

Description

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND situate, lying and being in the City of Saratoga Springs, County of Saratoga and State of New York, being bounded and described as follows:

BEGINNING at a point in the northeasterly corner of West Circular Street and relocated South Federal Street; and running thence, along the easterly line of relocated South Federal Street, North 11° 21' 11" East, 275.94 feet to the southeasterly corner of relocated South Federal Street and William Street; thence, along the original south line of William Street, South 78° 25' 49" East, 211.68 feet to the corner formed by the intersection of the southerly side of said William Street and the present westerly side of Hamilton Street; thence South 11° 34' 18" West, along the said side of Hamilton Street, 373.48 feet to the corner formed by the intersection of the said westerly side of Hamilton Street and the present northerly side of West Circular Street; thence, along the said northerly side of West Circular Street, North 79° 23' 49" West, 271.76 feet to a point; thence North 82° 04' 03" West, 38.56 feet to the point and place of beginning.


SOUTH FEDERAL STREET
WEST CIRCULAR STREET
WILLIAM STREET
HAMILTON STREET
SITE LOCATION MAP
NOT TO SCALE
ALTA/ACSM LAND TITLE SURVEY
GARLIGHT SQUARE APARTMENTS
C.T. MALE ASSOCIATES


CONGRESS ST
S. FRANKL
39
S. FEDERAL ST
WILLIAM ST
HAMILTON ST
59
HUESTIS CT
EAS
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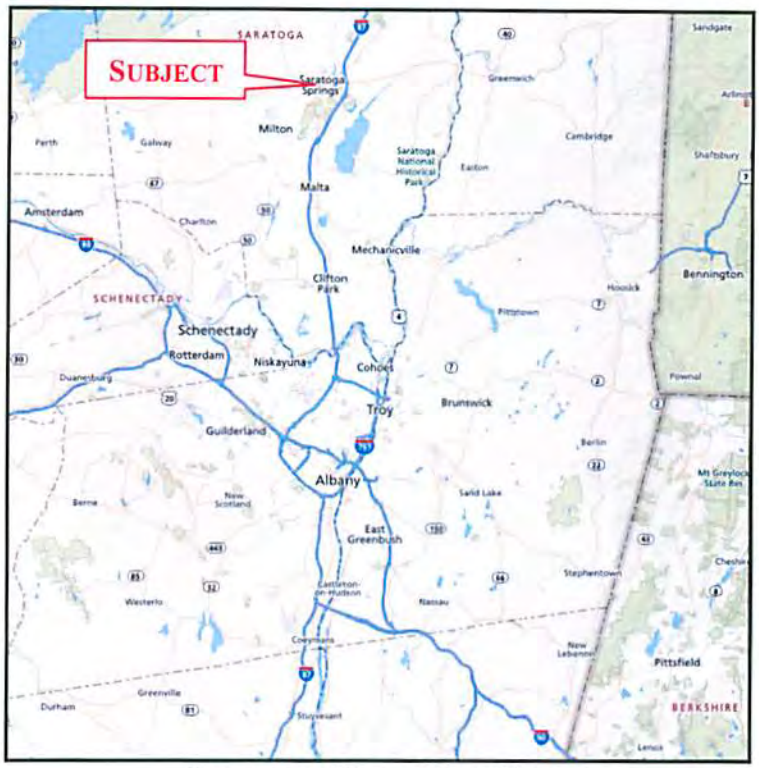
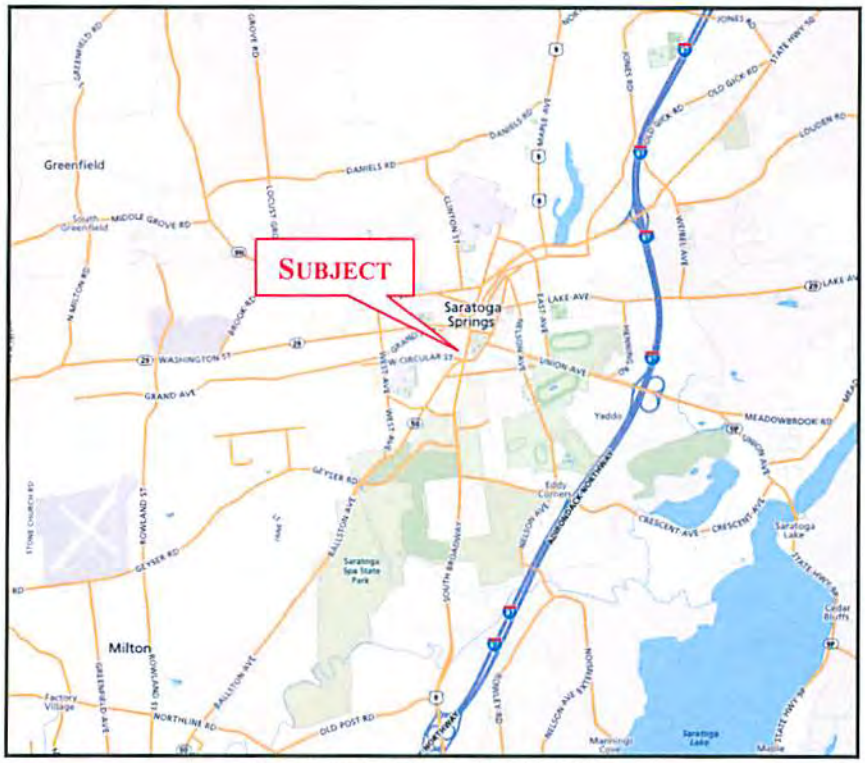
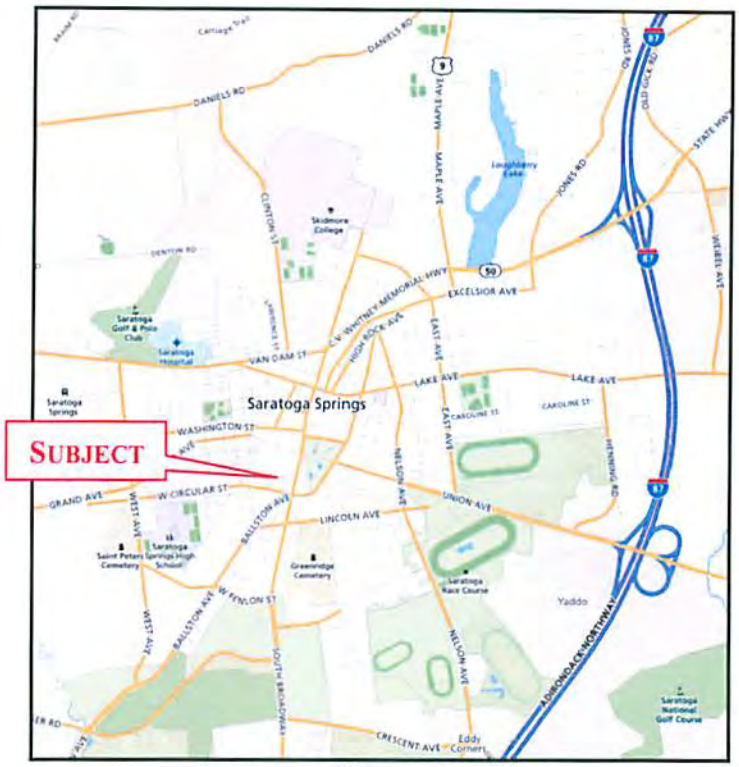
UNION ST
BALLSTON AVE
34
33
WHITNEY PL
35
BAY ST



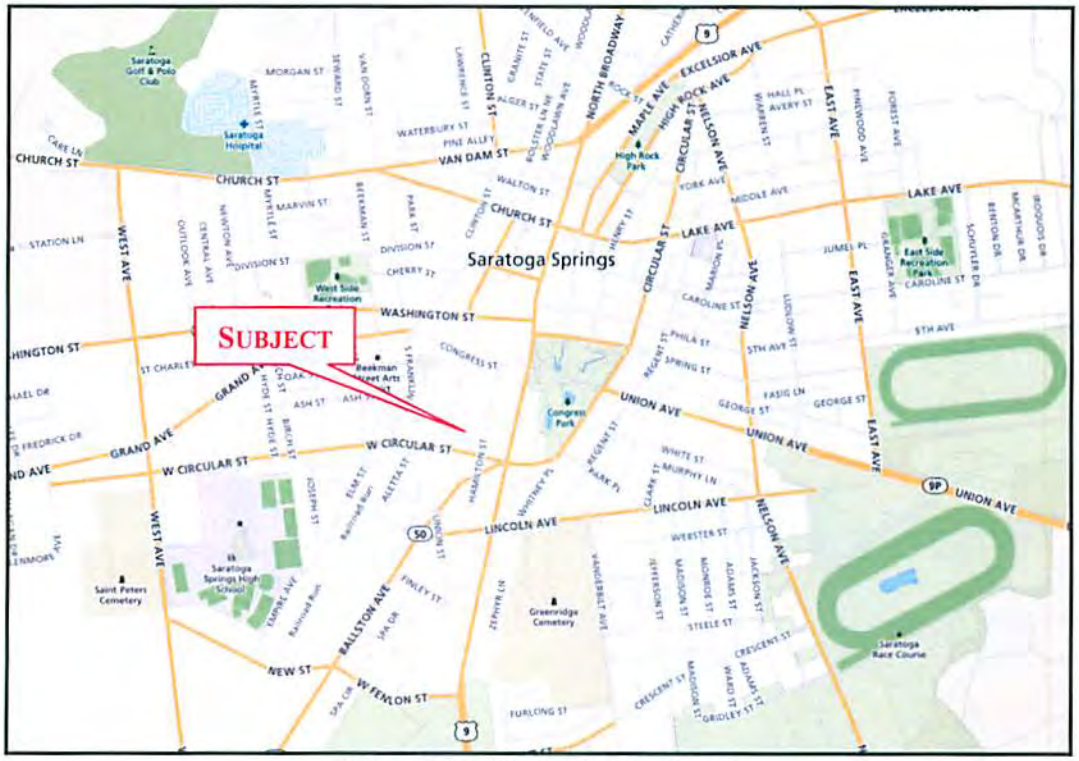
LOCATION MAP – WIDE VIEW



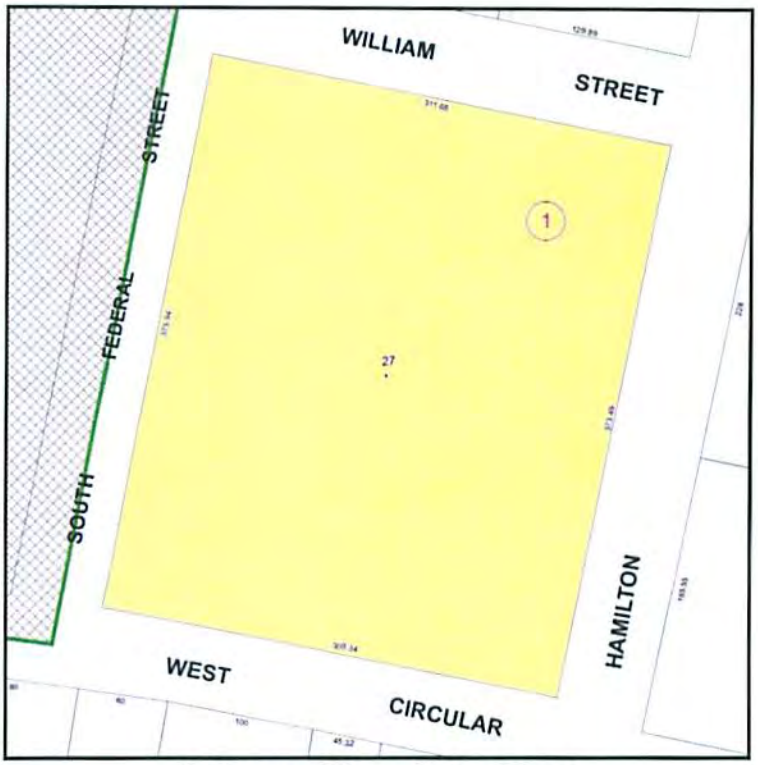
LOCATION MAP – MID VIEW



LOCATION MAP – MID VIEW



LOCATION MAP – CLOSE VIEW



LOCATION MAP – CLOSE VIEW

AERIAL PHOTOGRAPH (VERTICAL)

AERIAL PHOTOGRAPH, LOOKING NORTHERLY

AERIAL PHOTOGRAPH, LOOKING WESTERLY

AERIAL PHOTOGRAPH, LOOKING SOUTHERLY

AERIAL PHOTOGRAPH, LOOKING EASTERLY

EXTERIOR: 69 HAMILTON STREET

EXTERIOR: 69 HAMILTON STREET

EXTERIOR: 69 HAMILTON STREET

EXTERIOR: 69 HAMILTON STREET

EXTERIOR: 71 HAMILTON STREET

EXTERIOR: 71 HAMILTON STREET

EXTERIOR: 71 HAMILTON STREET

EXTERIOR: 71 HAMILTON STREET

EXTERIOR: 10 SOUTH FEDERAL STREET

EXTERIOR: 10 SOUTH FEDERAL STREET

EXTERIOR: 10 SOUTH FEDERAL STREET

EXTERIOR: 10 SOUTH FEDERAL STREET

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

August 3, 2016

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

SCPB Referral Review#16-153-Area Variance-Gaslight Apartments, LLC
Area Variance to construct an additional residential apartment unit (increasing from 70 to 71), replacing the existing office/storage area as a dwelling unit.
Hamilton Street & South Federal Street off Ballston Avenue (NYS Routes 9 & 50)

Received from the City of Saratoga Springs Zoning Board of Appeals on August 1, 2016.

Reviewed by the staff and two members of the Saratoga County Planning Board on August 3, 2016.

Decision: No Significant County Wide or Inter Community Impact

Comment: In accordance with the Memorandum of Understanding (MOU) between the City of Saratoga Springs Zoning Board of Appeals and the Saratoga County Planning Board, the above-noted Area Variance has been reviewed by staff with necessary concurrence and has been deemed to present no significant countywide impacts.

Michael Valentine, Senior Planner
Authorized Agent for Saratoga County

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

50 WEST HIGH STREET
BALLSTON SPA, NY 12020

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

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	Matt Sames	Bronx Springs Group	James Easton MJ Engineering
Address	[redacted]	183 Church Ave Ballston Spa, NY 12020	21 Corporate Drive, Suite 105 Clifton Park, NY 12065
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: Route 9/Broadway Tax Parcel No.: 191.8-1-1 thru 1-6
(for example: 165.52 – 4 – 37)

2. Date acquired by current owner: under contract 3. Zoning District when purchased: TRB/RR-1

4. Present use of property: vacant 5. Current Zoning District: TRB/RR-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:
Build a pet boarding facility within the RR-1 district.

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) 240-2.0

Dimensional Requirements	From	To
North Minimum Side Setback	30'	20'
South Minimum Side Setback	30'	20'
Total Side Setbacks	100'	40'
Minimum Average Width	200'	105'
Minimum Lot Size	2.0 AC	1.59 AC

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 existing building envelope varies from 5' to 8.8' wide, a variance is necessary to construct a usable building. The property to the south is, Pratt Drive, a private drive. The Applicant has written to the property owner to inquire about interest to sell property.

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:

   Animal clinic is an acceptable use in the RR-1 zone, where the building will be located. The building will be set back from the road and not visible.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:
This variance is not substantial because the property abuts to TRB zone which has 20' minimum side setbacks.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:
The building will be set back from the road and not visible.

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 property width varies from 108.8' to 105', the building envelope varies from 8.8' to 5' wide, thus this is not self-created.

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

_____ Date: 7/11/16
(applicant signature)

_____ Date: _____
(applicant signature)

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

Owner Signature: _____ (Bronx Springs Corp) Pres Date: 7/13/16

Owner Signature: _____ Date: _____

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

_____

_____

_____

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

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

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

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:
Pet Lodge

Project Location (describe, and attach a location map):
Rt 9/Broadway Saratoga Springs, NY

Brief Description of Proposed Action:
Construct a pet boarding facility on existing vacant parcel(s)

Name of Applicant or Sponsor:	Telephone: [redacted]
Matt Sames	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? 1.59 acres
b. Total acreage to be physically disturbed? .69 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.59 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: _____ private septic system	☑	☐

	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: _____ approx. 500 SF of wetlands will be impacted	☐	☑

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 In front to existing culvert along Route 9. In rear discharge to existing wetlands		

	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: Creation of a detention basin, approx. 1500 SF	☐	☑
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

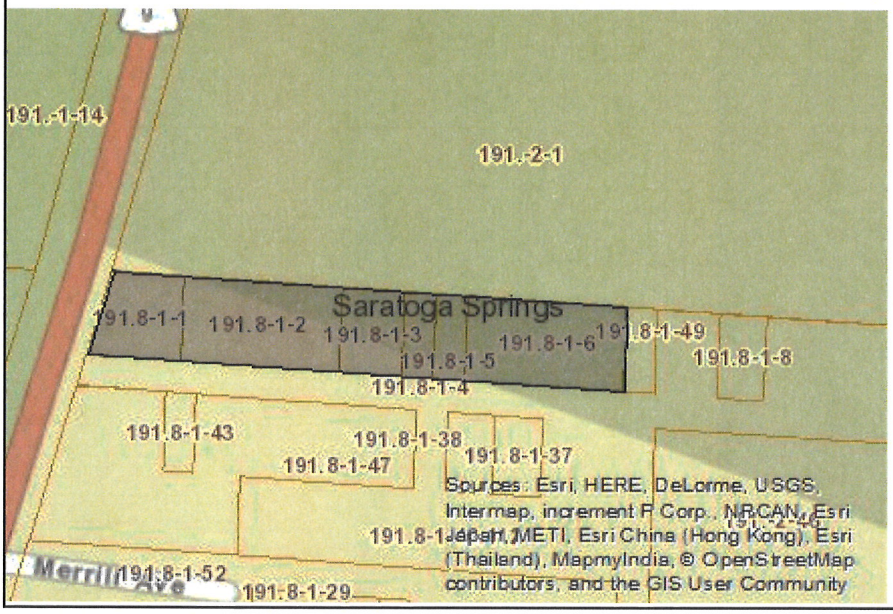
Applicant/sponsor name: MATT SAMES Date: 7/11/16

Signature:

PRINT FORM

EAF Mapper Summary Report

Thursday, July 07, 2016 12:05 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.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

Zoning Board of Appeals
Project Narrative
for

Pet Lodge
Route 9
City of Saratoga Springs
Saratoga County, New York

Prepared for:

Matt Sames,

Sames Media Group

Located at

19 Blue Jay Way

Rexford, NY 12148

July 8, 2016

Prepared by:

Engineering and Land Surveying, P.C.

21 Corporate Drive, Suite 105
Clifton Park, NY 12065

[redacted]

INTRODUCTION

The proposed project consists of 6 separate tax parcels in the City of Saratoga (tax parcels 191.08-1-1, 191.08-1-2, 191.08-1-3, 191.08-1-4, 191.08-1-5, 191.08-1-6) and the 6 parcel comprising 1.59 acres in total. The existing vacant tree lot is situated between a commercial business to the south and State park lands to the north. See attached aerial map and tax map. The proposal application wishes to build a 6,000 sf Animal Kennel on the parcels.

Zoning

The parcel(s) is divided almost in half between Rural Residential (RR-Zone) and Tourist Related Business (TRB-zone). The TRB zone is located in the front half of the parcel and RR-Zone in the rear of the parcel. The location of the TRB/RR zoning line has been established based upon the zoning map and is located at the eastern edge of tax parcel 191.08-1-2 per the zoning map or approximately 350' from centerline of Route 9. To the north of the site the zoning is Intuitional Parkland Recreation (INST-PR- Zone)

Parcel

The 6 parcels have a combined area of 1.59 acres and have a lot frontage of 108.8 feet and rear lot width of 105 feet and a depth of 644.4 feet.

Usage

The proposed use, Animal Kennel, is an approved use within the RR zone with a special use permit issued by the City. From the proposed concept plan the entire proposed building will be located within the RR zone.

Variances

As the 6 parcels are within two zones, the existing parcels within the RR zone do not conform to City on Lot size. The 4 rear parcels are less than the minimum allowed for either the RR or TRB zoning districts of 2.0 acres or 10,000 sf respectively.

As the lot varies from 105 feet to 108.8 feet in width, the front tax parcels conform to City code of 100 foot within the TRB zone, but as the rear existing 4 tax parcels are within RR zone and these parcel do not have 200 foot of frontage per City Code.

As the 4 rear tax parcels of the site vary from only 105 feet to 108.8 feet width of the side setbacks are 30 foot minimum and with a total of 100 feet required. This leaves a 5 feet to 8.8 feet wide envelope to build a structure, which is not feasible for a building to comport with NYS building code and ADA requirements.

Therefore based upon above information the project proposes the following variances for this project.

1. North Side minimum side setback from 30 feet to 20 feet within the RR zone
2. South Side minimum side setback from 30 feet to 20 feet within the RR zone
3. Total side setback of 100 feet to 40 feet within the RR zone
4. Minimum average with from 200 feet to 105 feet within RR zone
5. Minimum Lot size of 2.0 acres to 1.59 acres

The proposed North, South and Total Setbacks requested to 20 feet and a total of 40 feet match what is currently allowed under TRB zone in the front half of the site.

EXHIBITS:

Exhibit 1	**Aerial Map**
Exhibit 2	**Tax Map**
Exhibit 3	**Photo Location Map**
Exhibit 4	**Site Photos**

Aerial Map

Project Site
S Broadway
Hibachi Taeppan & Sushi
Saratoga Consignment Studio
Google
Imagery ©2016 Google, Map data ©2016 Google
100 ft

Tax Map

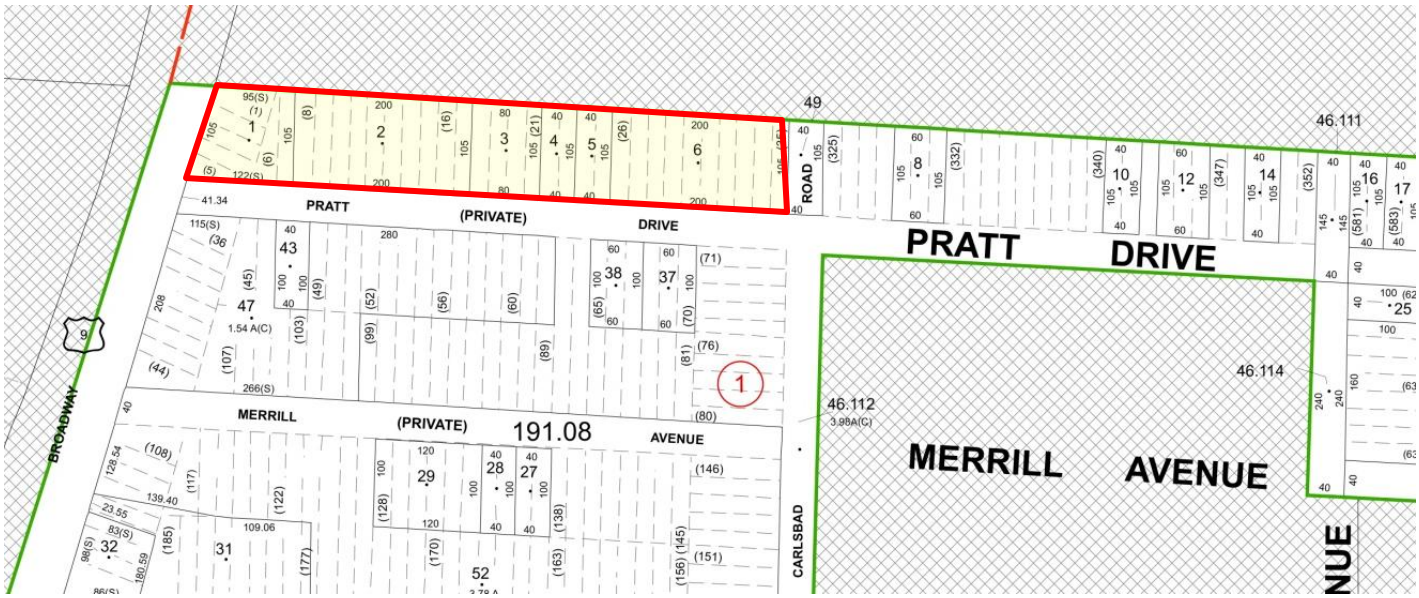

PRATT
(PRIVATE)
DRIVE
MERRILL
(PRIVATE)
191.08
AVENUE
BROADWAY
CARLSBAD
ROAD
PRATT
DRIVE
MERRILL
AVENUE
46.111
46.112
46.114
49

Photo Location Map

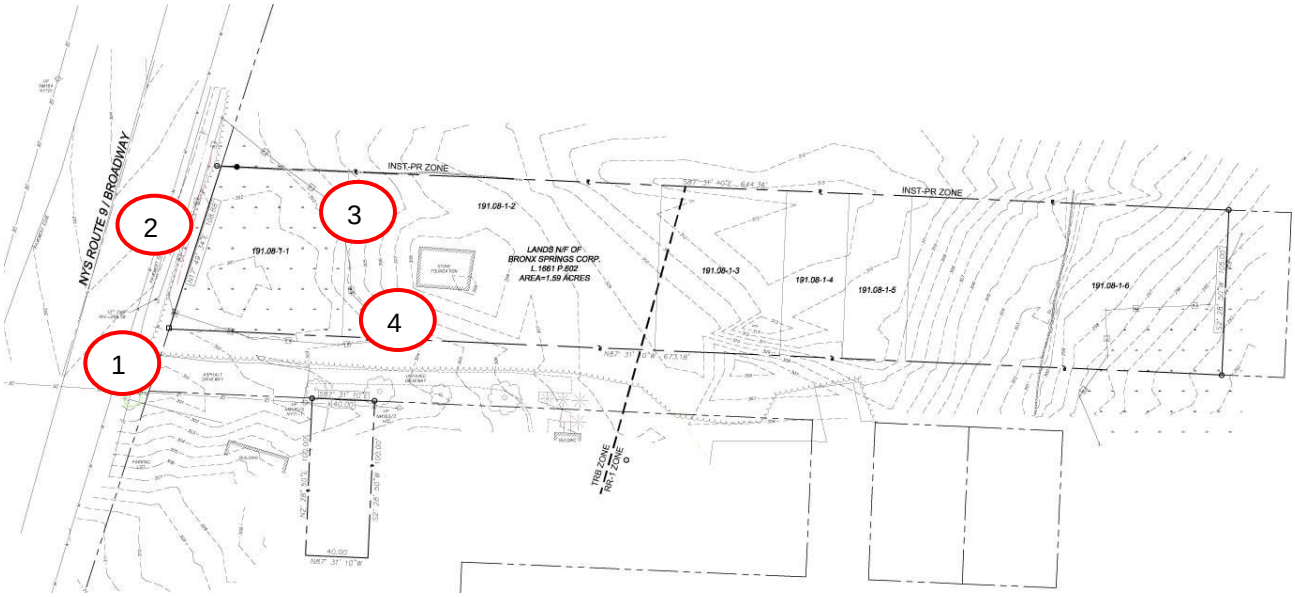
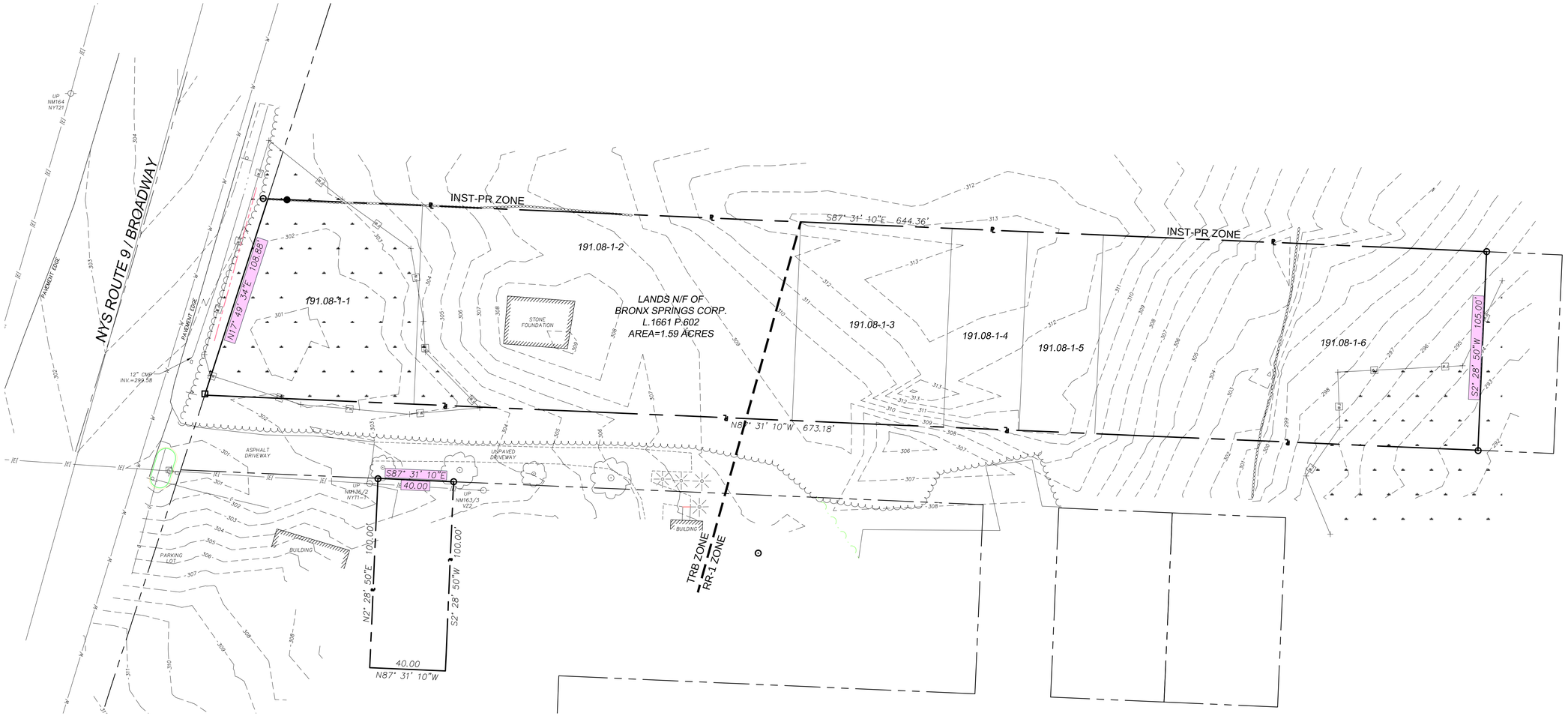


Photo 1

Photo 2

Photo 3

Photo 4



PRELIMINARY DRAWINGS: NOT FOR CONSTRUCTION

THE ALTERATION OF THIS MATERIAL IN ANY WAY, UNLESS DONE UNDER THE DIRECTION OF A COMPARABLE 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.

SUBMITTAL / REVISIONS

No.	DATE	DESCRIPTION	BY	REVIEWED BY:	DATE

PROJ. MANAGER:	JWE
CHIEF DESIGNER:	JWE
DESIGNED BY:	JWE
DRAWN BY:	JWE
CHECKED BY:	-

SEAL

DRAFT

Engineering and Land Surveying, P.C.
1533 Crescent Road - Clifton Park, NY 12065

MATT SAMES

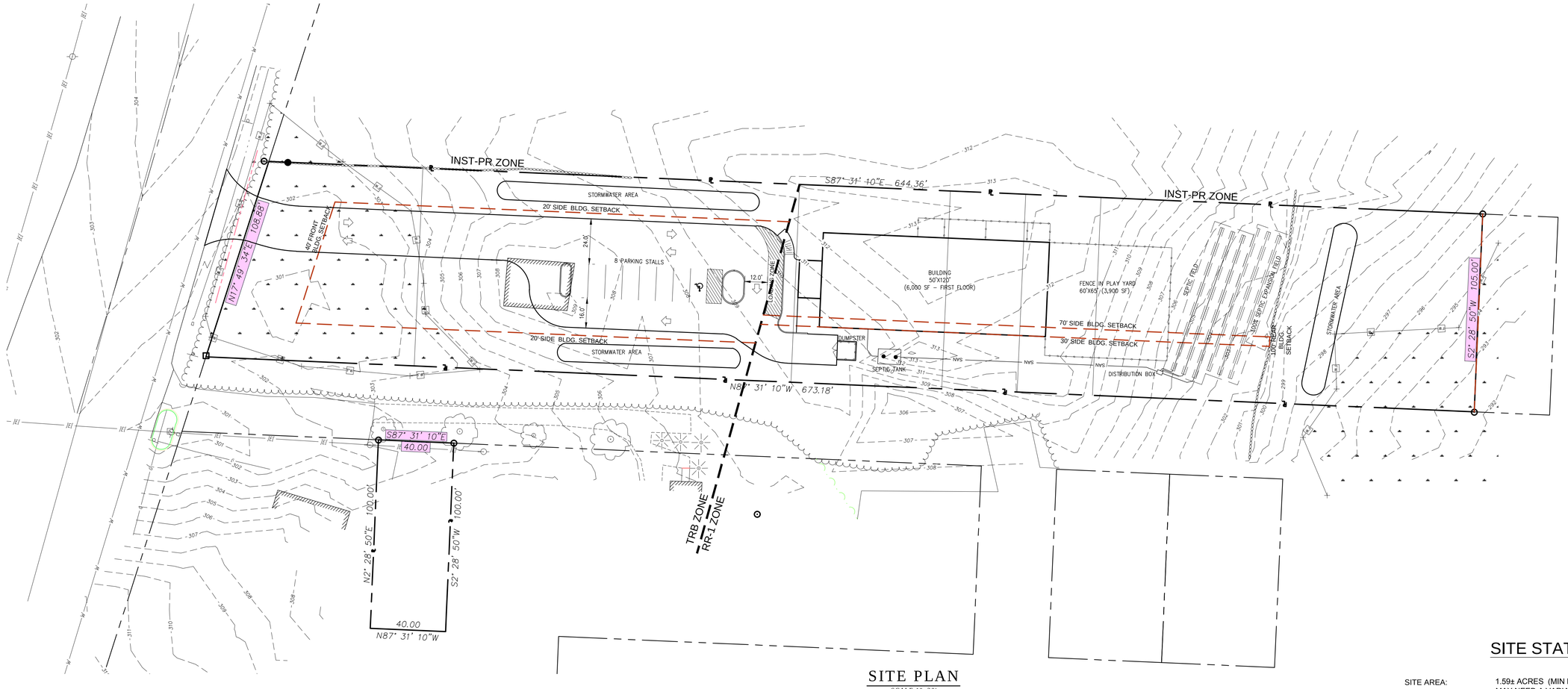
EXISTING CONDITIONS

ROUTE 9

CITY OF SARATOGA SPRINGS NEW YORK

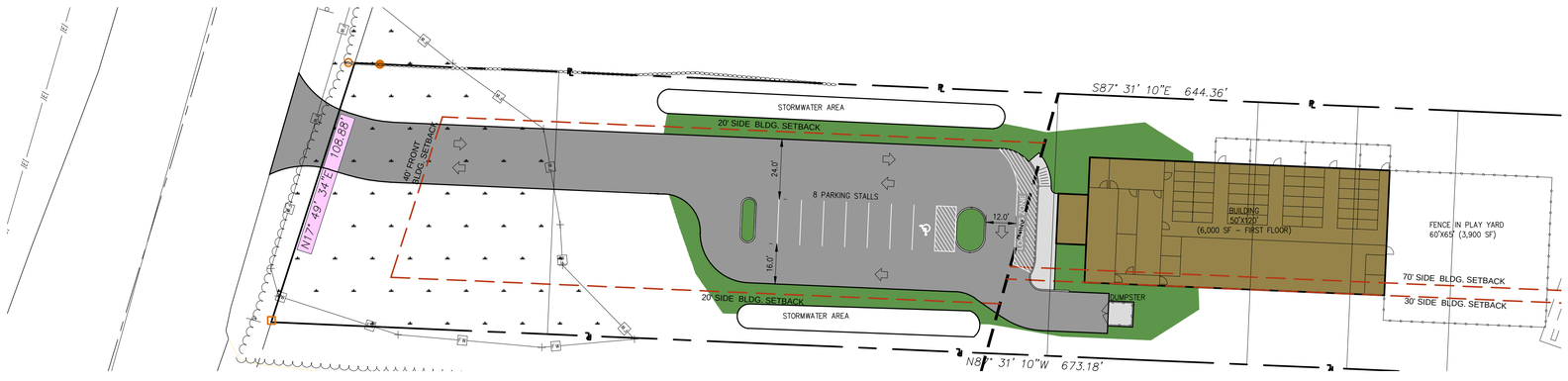
SCALE:	AS SHOWN
CONTRACT No.:	-
MJ PROJ. No.:	972.15
DATE:	JULY 2016

C-1



SITE PLAN

SCALE 1"=30'



RENDER SITE PLAN

SCALE 1"=30'

SITE STATISTICS

SITE AREA:	1.59± ACRES (MIN LOT SIZE IS 2.0 ACRES OR 10,000 SF MAY NEED A VARIANCE)
EXISTING ZONE:	RR (RURAL RESIDENTIAL DISTRICT) & TRB (TOURIST RELATED BUSINESS)
USE:	ANIMAL CLINIC (PERMIT USE IN RR ZONE)
PARKING:	REQUIRED=8 PROPOSED= 8 SPACES BASED UPON 1 SPACE PER 200 SF OF BLDG. (30X50' OFFICE/RETAIL SPACE= 1500SF/200SF/SPACE=8)
MINIMUM LOT WIDTH:	100' IN TRB (HAVE 105')
SETBACKS BLDG:	FRONT=40' (TRB) SIDE=20' (TRB) REAR= 40' (TRB) SIDE=30' MIN AND TOTAL OF 100' (RR-1) REAR=100' (RR-1)
MAX HT:	35'
GREEN SPACE:	70% REQUIRED (PROPOSED 70%)

PRELIMINARY DRAWINGS: NOT FOR CONSTRUCTION

THE ALTERATION OF THIS MATERIAL IN ANY WAY, UNLESS DONE UNDER THE DIRECTION OF A COMPARABLE 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.

SUBMITTAL / REVISIONS

No.	DATE	DESCRIPTION	BY	REVIEWED BY:	DATE

PROJ. MANAGER:	JWE
CHIEF DESIGNER:	JWE
DESIGNED BY:	JWE
DRAWN BY:	JWE
CHECKED BY:	-

SEAL

DRAFT

Engineering and Land Surveying, P.C.
1533 Crescent Road - Clifton Park, NY 12065

MATT SAMES

CONCEPT SITE PLAN #1

ROUTE 9

CITY OF SARATOGA SPRINGS NEW YORK

SCALE:	AS SHOWN
CONTRACT No.:	-
MJ PROJ. No.:	972.15
DATE:	JULY 2016

C-2

SHEET 2 OF 2

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:

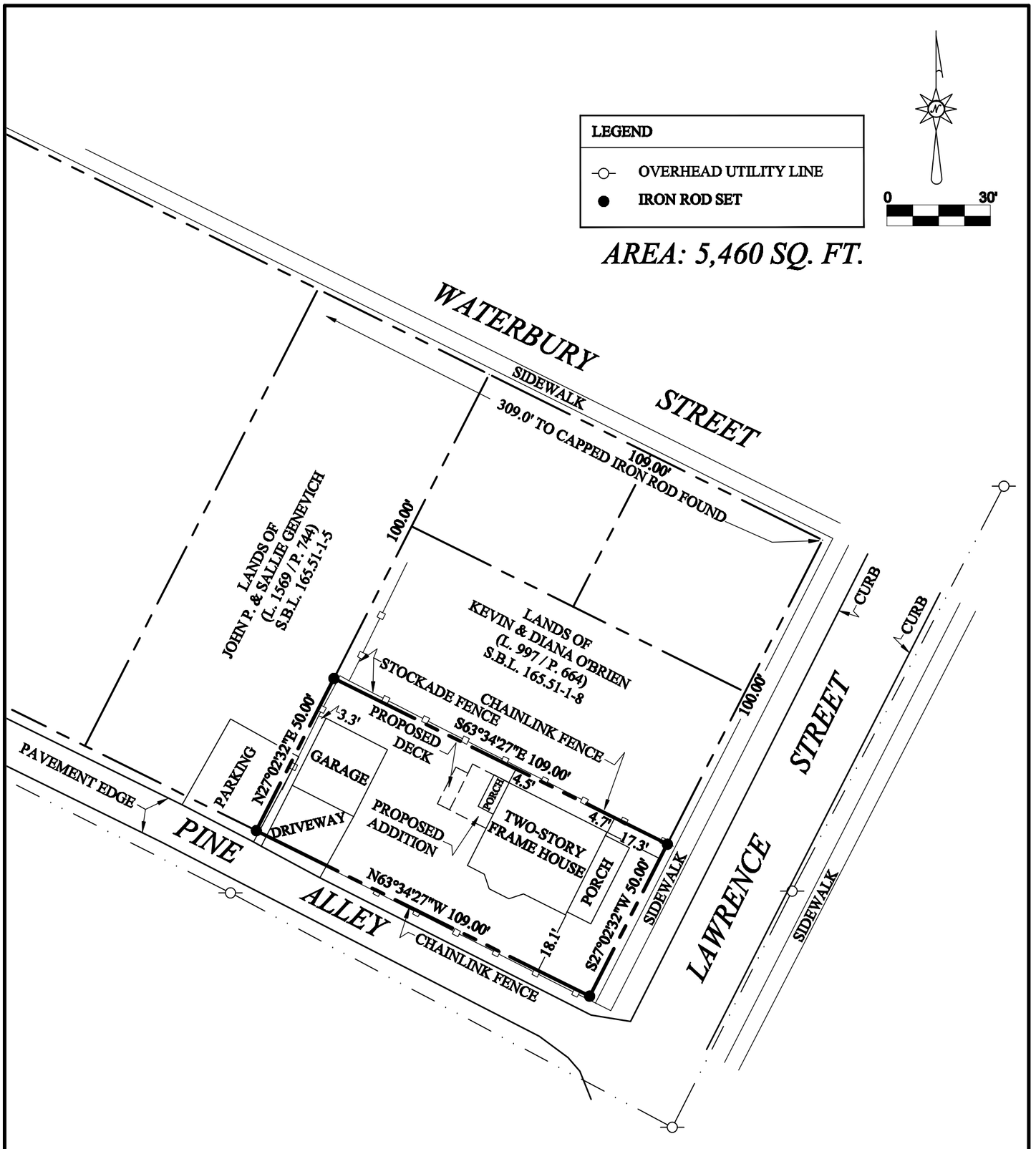
If applicant is not the currently the owner of the property, the current owner must also sign.

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

McGuire

97 Lawrence Street



SURVEY MAP OF LANDS OF

BENJAMIN C. & HEATHER M. MCGUIRE

(INST. NO. 2014-249)
S.B.L. 165.51-1-9

CITY OF SARATOGA SPRINGS
COUNTY OF SARATOGA
STATE OF NEW YORK

SCALE: 1" = 30'

AUGUST 22, 2016

S.B.L. REFERS TO SECTION-BLOCK-LOT NUMBER AS FOUND IN SARATOGA COUNTY REAL PROPERTY TAX SERVICE

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

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209-3 OF THE NEW YORK STATE EDUCATION LAW.

J. CHRISTOPHER FOSS
P.L.S. #50044

FERGUSON & FOSS
PROFESSIONAL LAND SURVEYORS, PC
P.O. BOX 356-JOHNSTOWN, NY 12095 518-762-5597
EMAIL: fergusonandfoss@frontiernet.net

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		

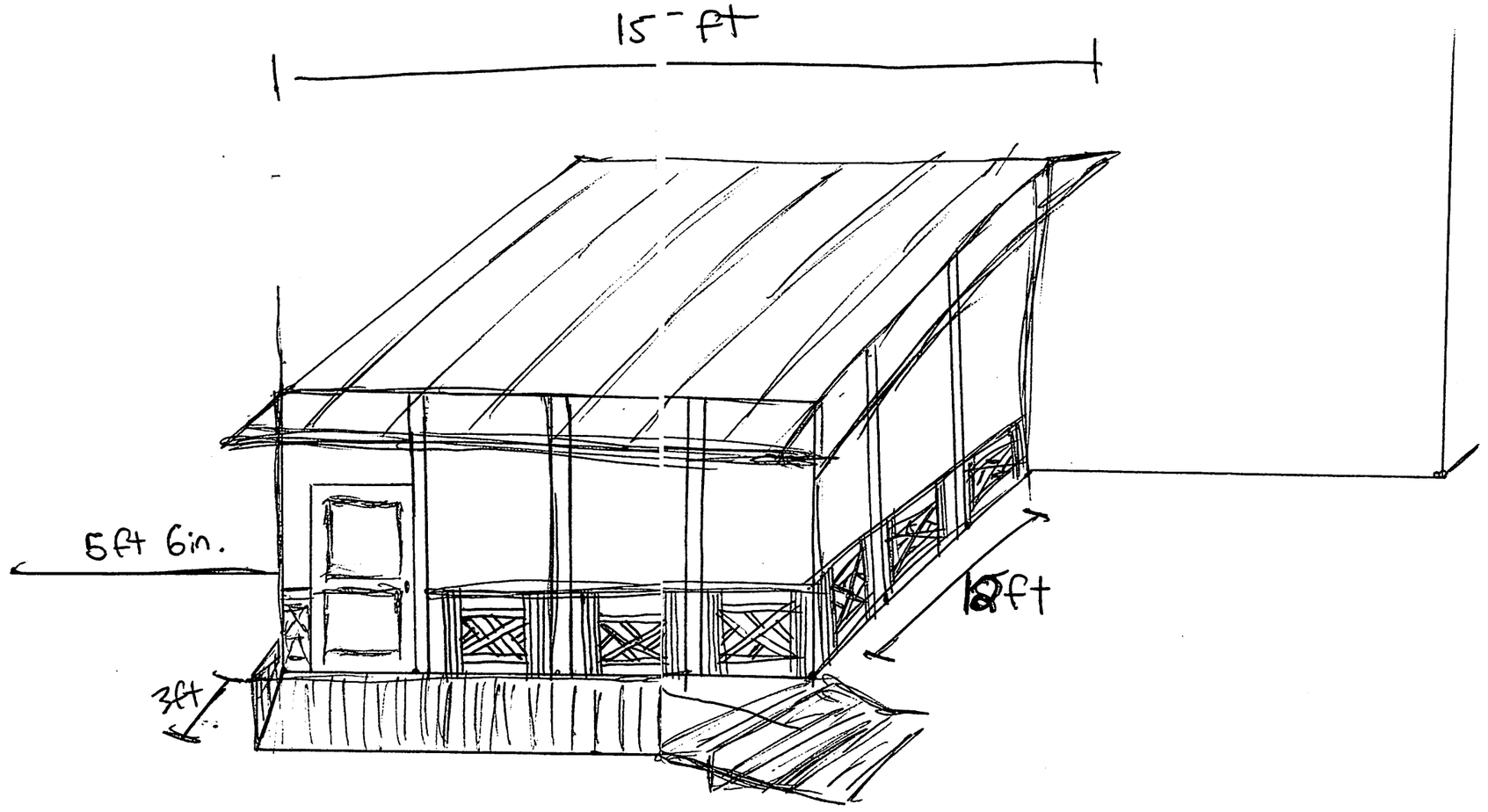
	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☒	☐
19. Has the site of the proposed action or an adjoining property been the location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

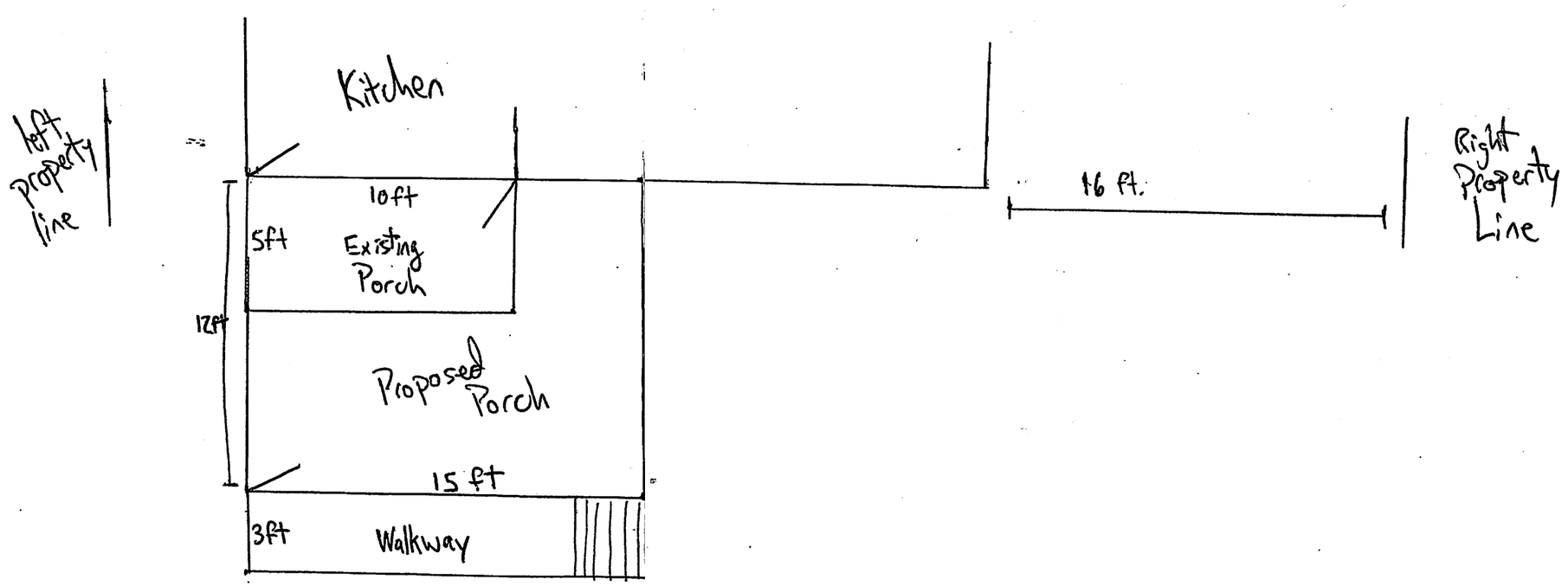
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

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

McGuire Residence

97 Lawrence Street, Saratoga Springs, N.Y.

area	S.F.
front porch	196
House	891
old porch	50
Garage	440
addition	180
deck	48
TOTAL	1755
Property	5450
Percentages	5450
% used	97%
%used (including garage)	32%
% concrete	1%
% concrete (including garage)	4%

S.F.=square footage

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: _____

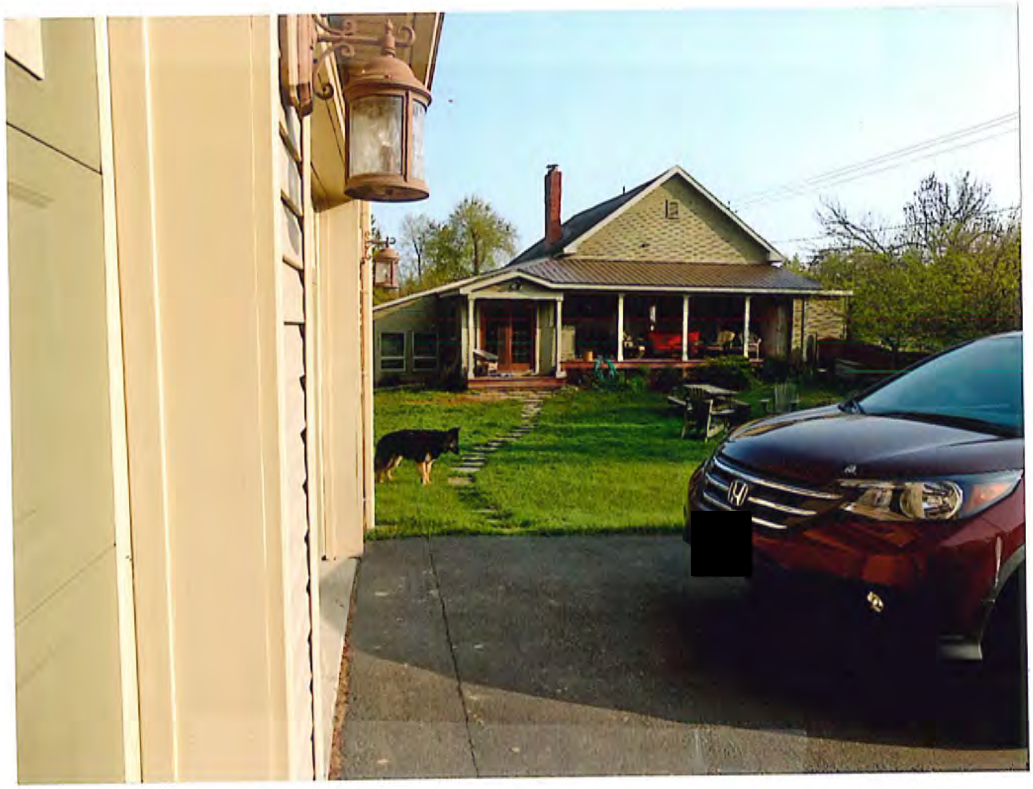
☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

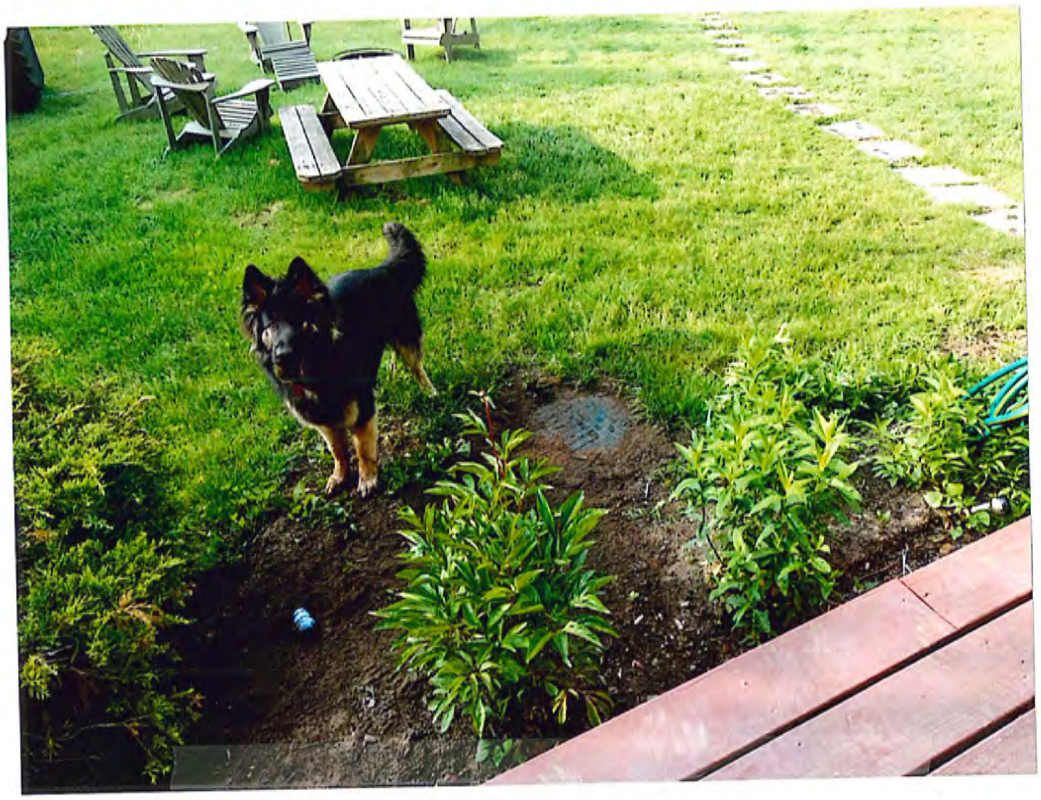
ZONING AND BUILDING INSPECTOR DATE

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: Theresa A. Capozzola	Telephone: [redacted] E-Mail: [redacted]			
Address: [redacted]				
City/PO: [redacted]	State: [redacted]	Zip Code: [redacted]		
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			**NO** ☑	**YES** ☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			**NO** ☑	**YES** ☐
3.a. Total acreage of the site of the proposed action? 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? 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

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

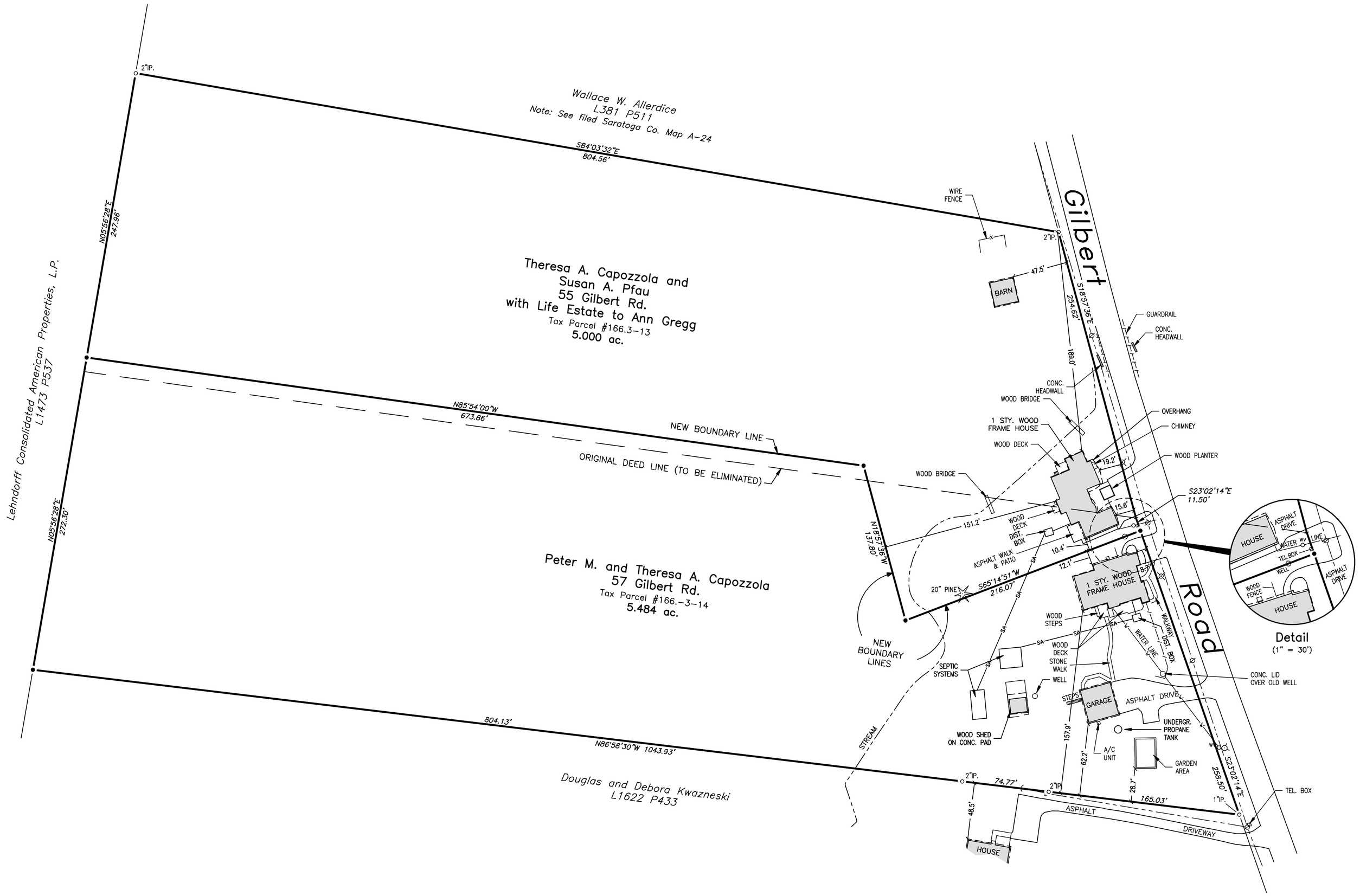
No junkyards shall be established in any district on or after the effective date of this chapter.

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
- 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

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**

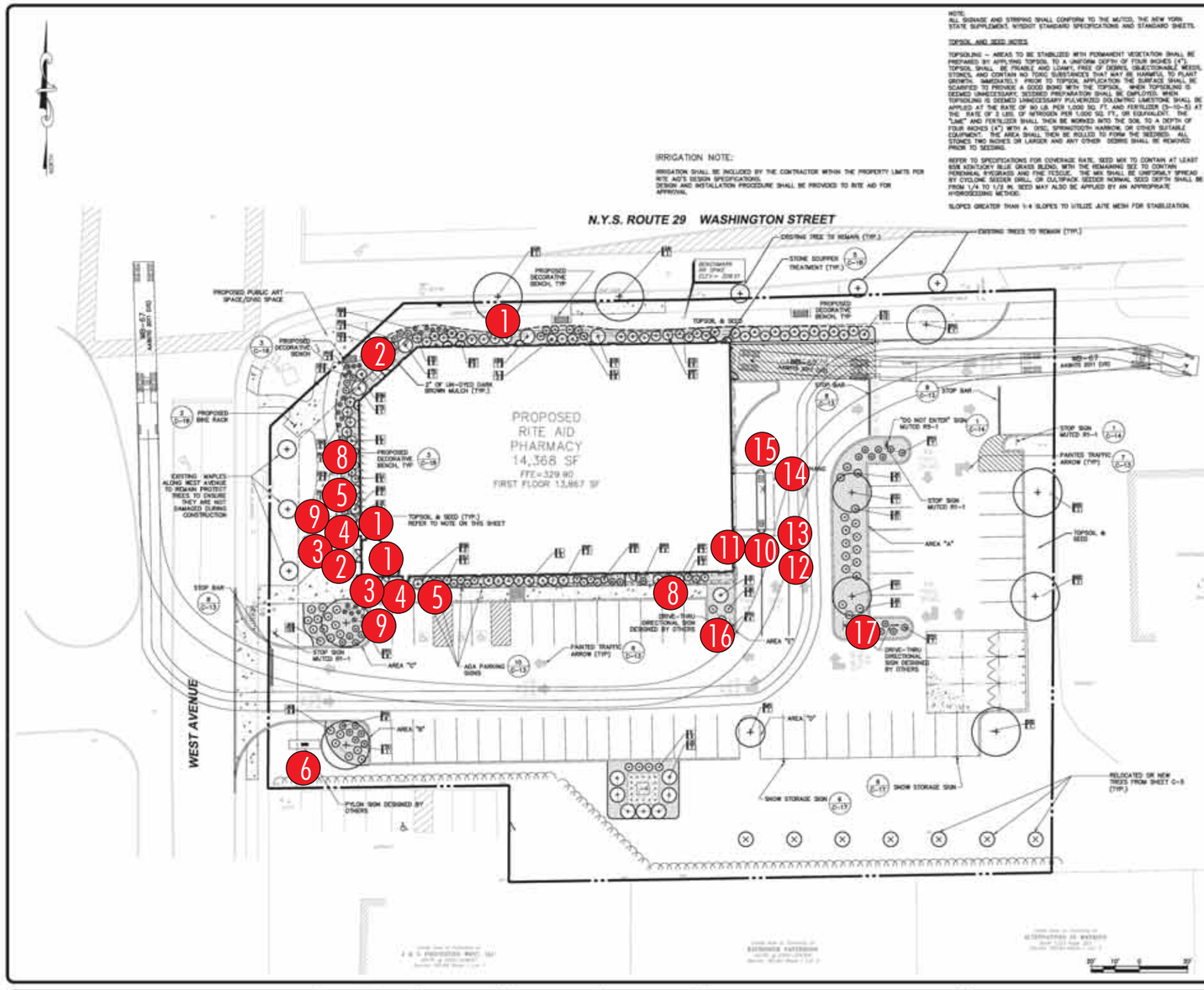
2.) Commercial Sign Installer Requirements:

☐ **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.

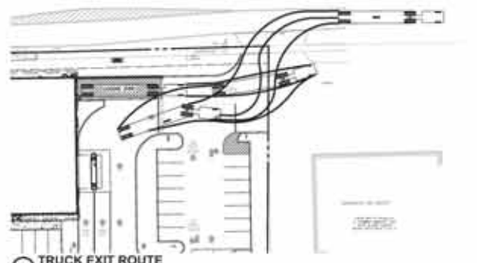
SLOPES GREATER THAN 1:4 SLOPES TO UTILIZE JUTE MESH FOR STABILIZATION.

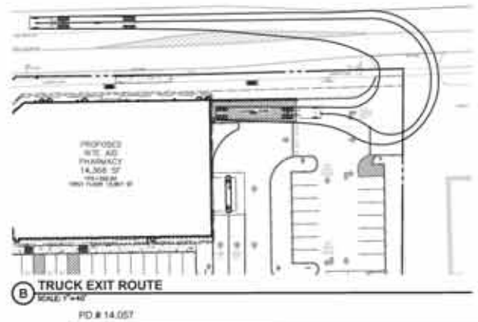
IRRIGATION NOTE:

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
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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"

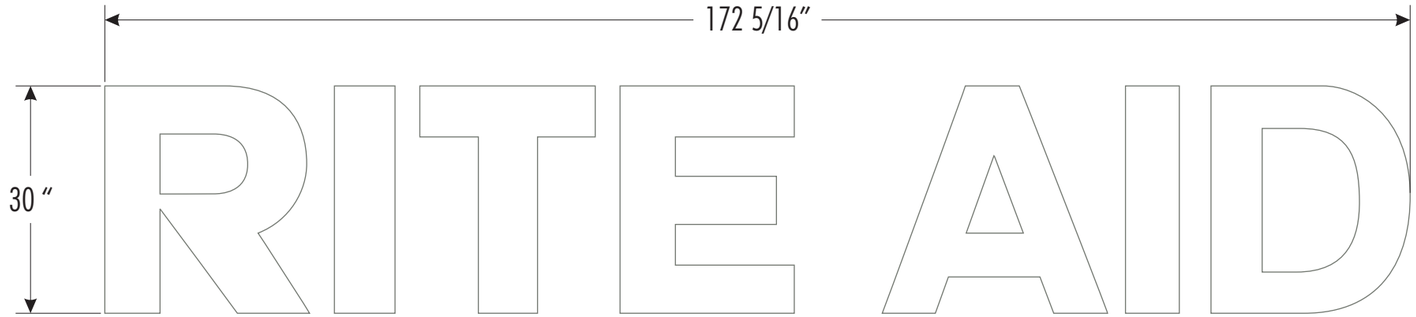
4 WEST (Faces West Ave.)
1/8" = 1'-0"

RITE AID

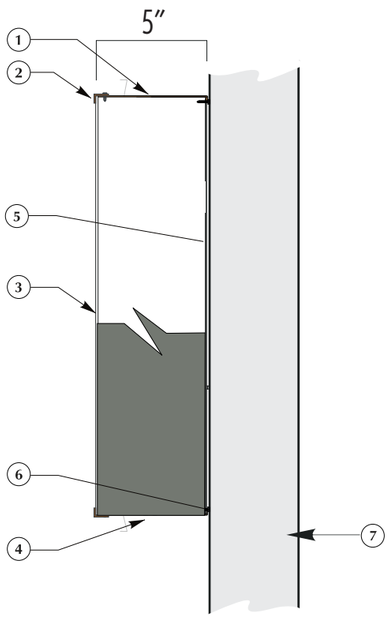
PROPOSED RITE AID

NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS REMOVAL OF FACE



FRONT VIEW



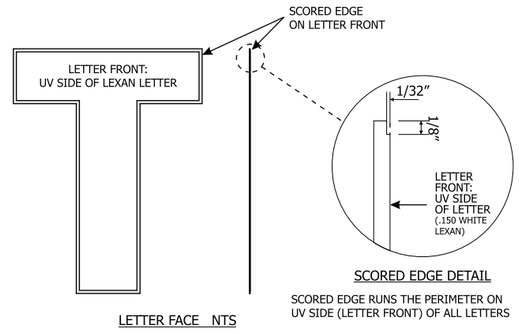
1. 5” X .040 aluminum letter coil painted pms 424 letter locked to aluminum letter backs
2. 3/8” x 1 1/4” F- Trim painted pms 424
3. .150 White polycarbonate faces (Groove face side of lexan faces to ensure face side is facing out)
4. (2) 1/4” Weep holes w/ internal light baffle
5. .063 pre-finished 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
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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

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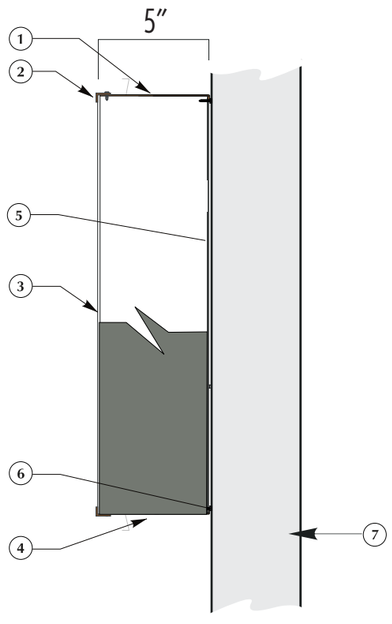
NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS REMOVAL OF FACE

FRONT VIEW



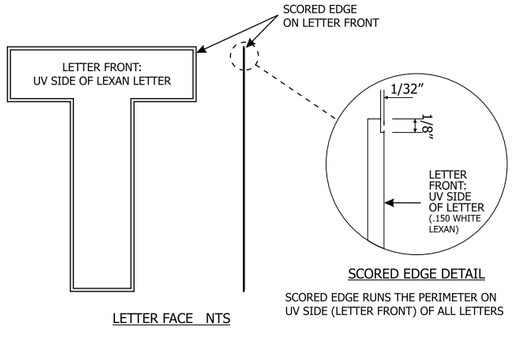
1. 5″ X .040 aluminum letter coil painted pms 424 letter locked to aluminum letter backs
2. 3/8″ x 1 1/4″ F- Trim painted pms 424
3. .150 White polycarbonate faces (Groove face side of lexan faces to ensure face side is facing out)
4. (2) 1/4″ Weep holes w/ internal light baffle
5. .063 pre-finished 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** _____

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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

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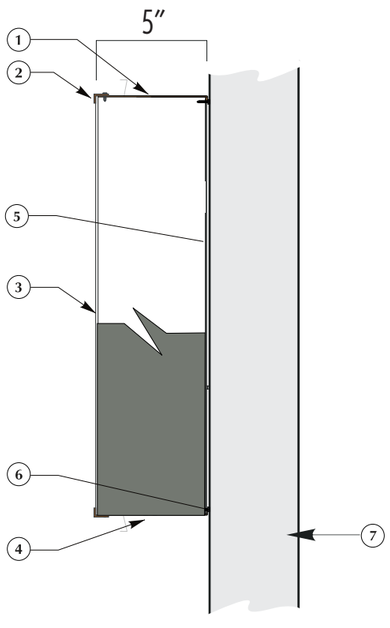
NON-ILLUMINATED

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

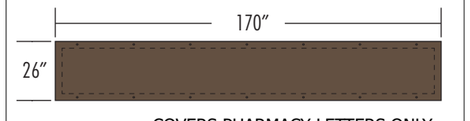
N.T.S.

SIDE VIEW

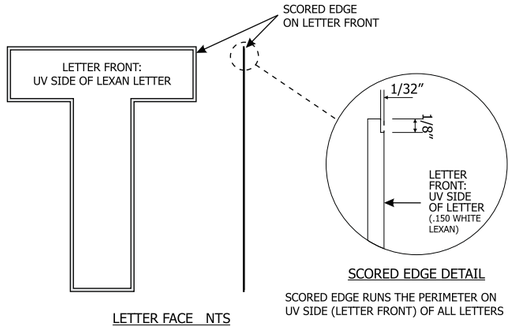
3

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.

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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

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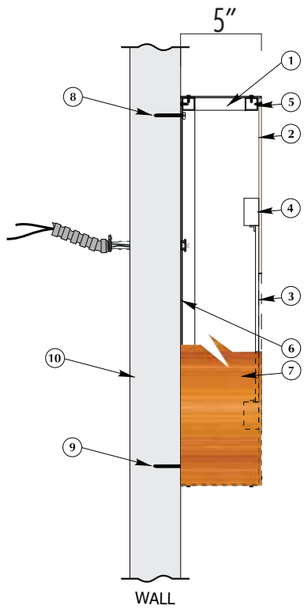
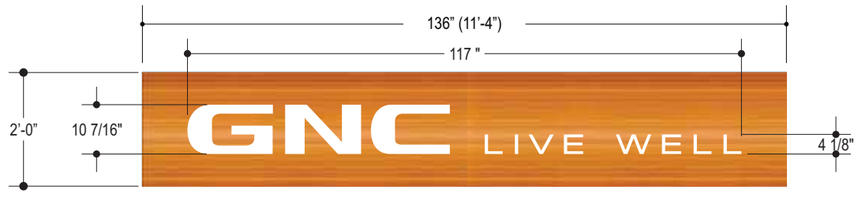
NON-ILLUMINATED

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.

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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

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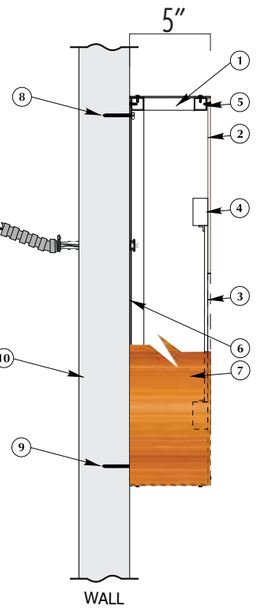
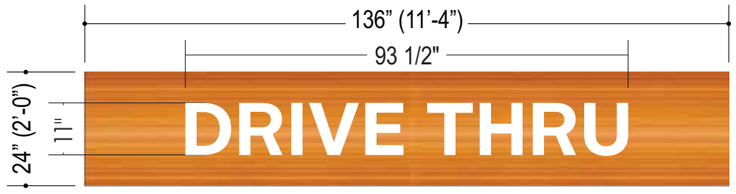
NON-ILLUMINATED

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** _____

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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

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PYLON IS TO BE SHIPPED OUT AS 1 PIECE

METHOD OF SERVICE IS TBD BY ENGINEERING

LED ILLUMINATION

ILLUMINATION VIEW

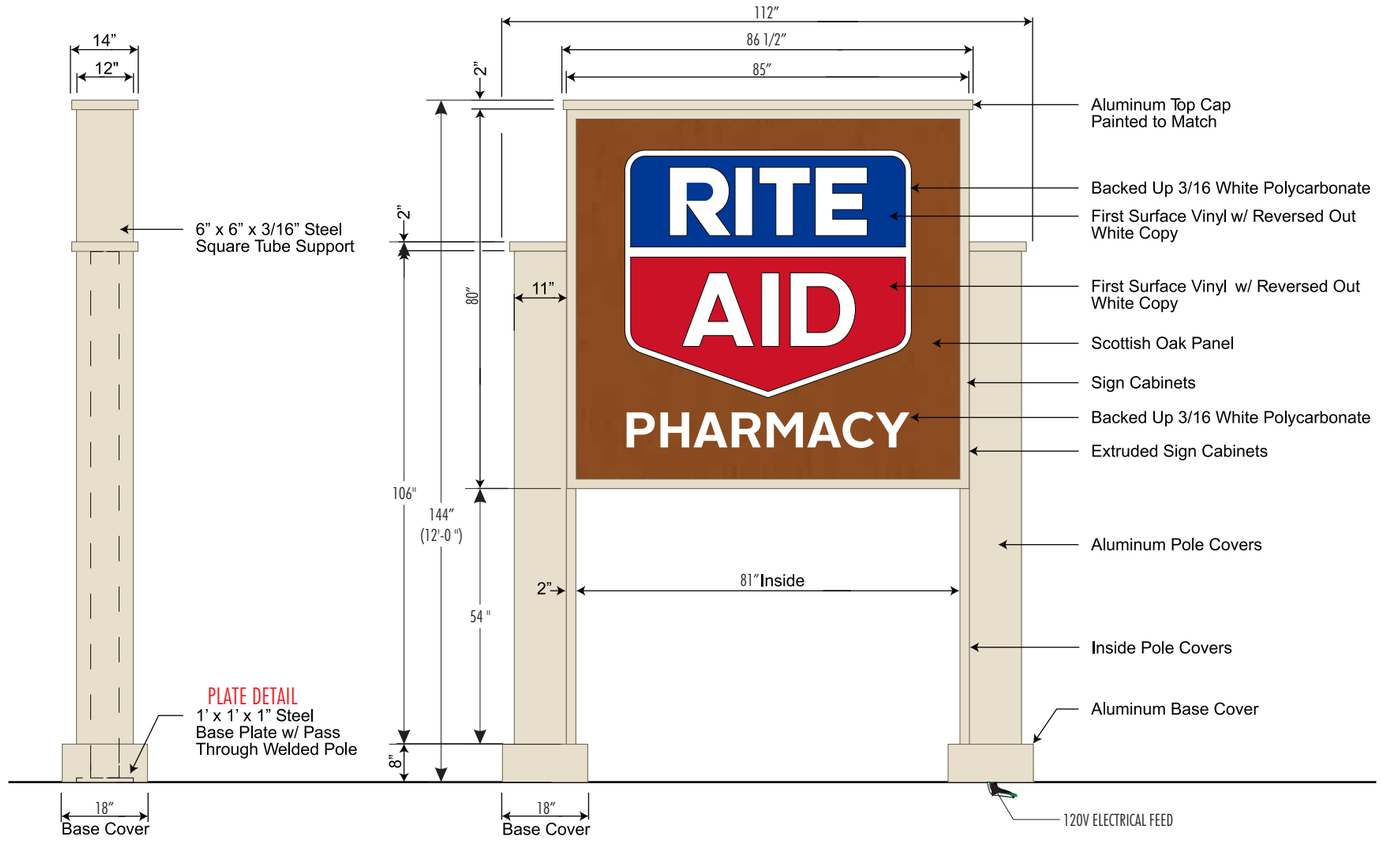
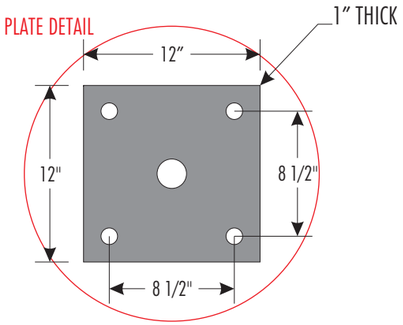
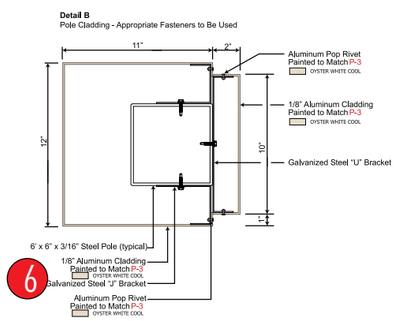


PLATE DETAIL





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APPROVAL SIGNATURE

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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

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COVERS MUST BE OPAQUE.

7

32 SF

APPROVAL SIGNATURE _____ DATE _____

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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

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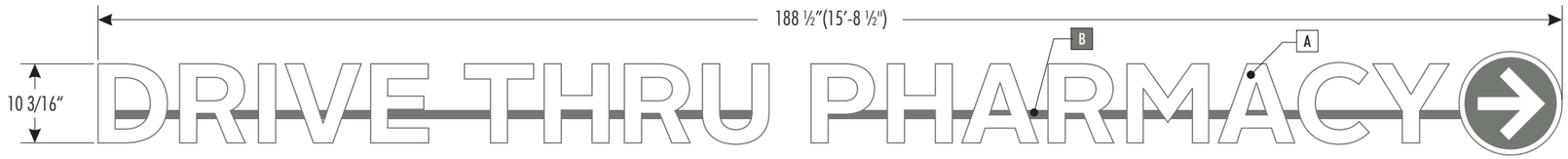
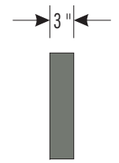
NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS REMOVAL OF FACE

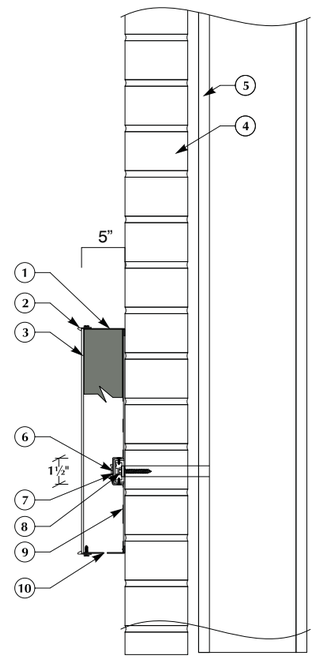


FRONT VIEW



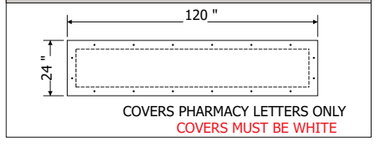
SIDE VIEW

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** _____

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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

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9

SCALE: 1 ½" = 1'-0"

APPROVAL SIGNATURE _____ **DATE** _____

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SignResource
IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
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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"

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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

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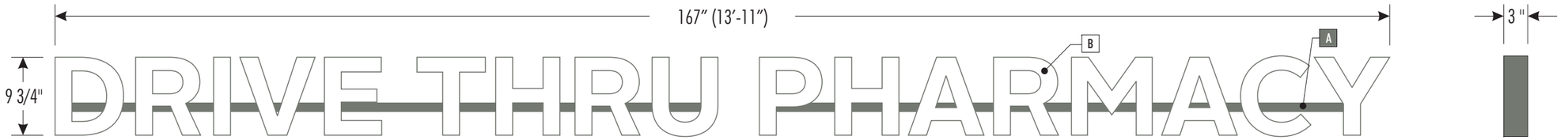
NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS REMOVAL OF FACE

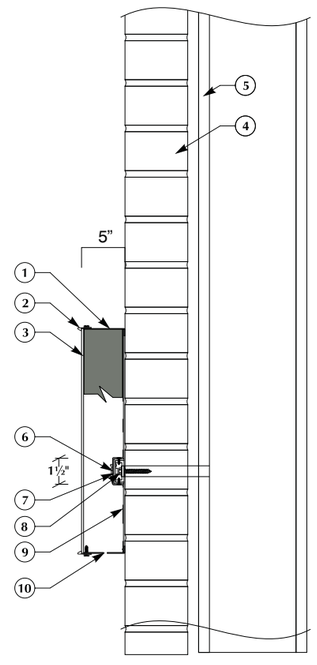


FRONT VIEW

SIDE VIEW

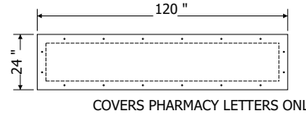
LETTERS	MATERIAL LIST
1	5" X .040 aluminum letter coil painted pms 424 letter locked to aluminum letter backs
2	1" Trim cap painted pms 424
3	.125 #2447 White plex faces
4	Building facade.
5	Sheathing by others
6	Pre-drilled electrical hole w/ plastic grommet.
7	1" x 2" x 1/8" Aluminum Raceway
8	Masonry 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** _____

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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

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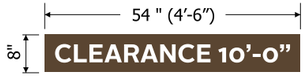
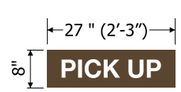
NON-ILLUMINATED DT CANOPY SIGNS — QTY:**1 Each**

11 — # RA0854APC10 — 3 SQ FT

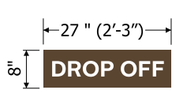


Scale 3/8″ = 1′

12 — # RA0827APPU — 1.5 SQ FT

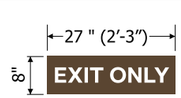


13 — # RA0827APDO — 1.5 SQ FT

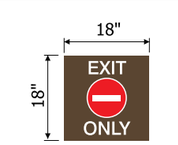


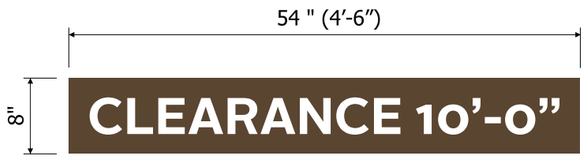
Scale 3/8″ = 1′

14 — # RA0827APEO — 1.5 SQ FT



15 — # RA1818SPEO — 2.25 SQ FT





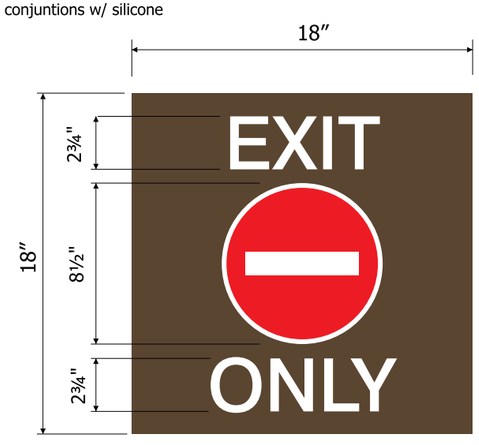
SCALE: 3/4″ = 1′

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

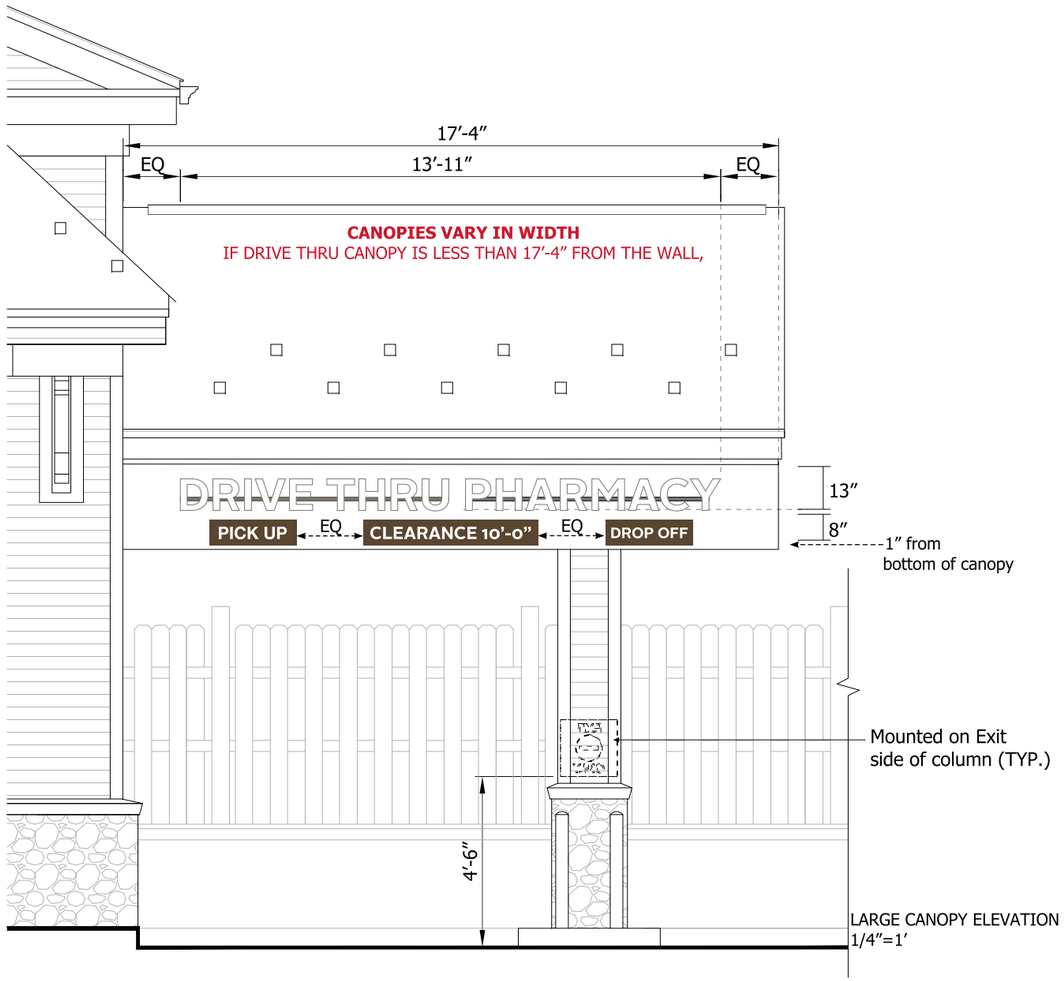
Copy
White Reflective vinyl copy 3M-480-10 V-5

Symbol
Red Reflective vinyl 3M 480-82 w/ White Reflective vinyl detail 3M-480-10 V-5 & V-6

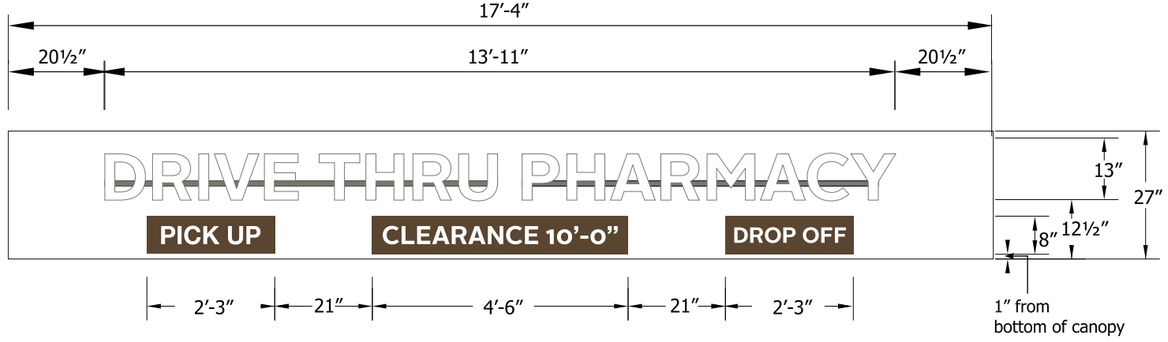
Facade
CMU - Brick (Typ.)

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



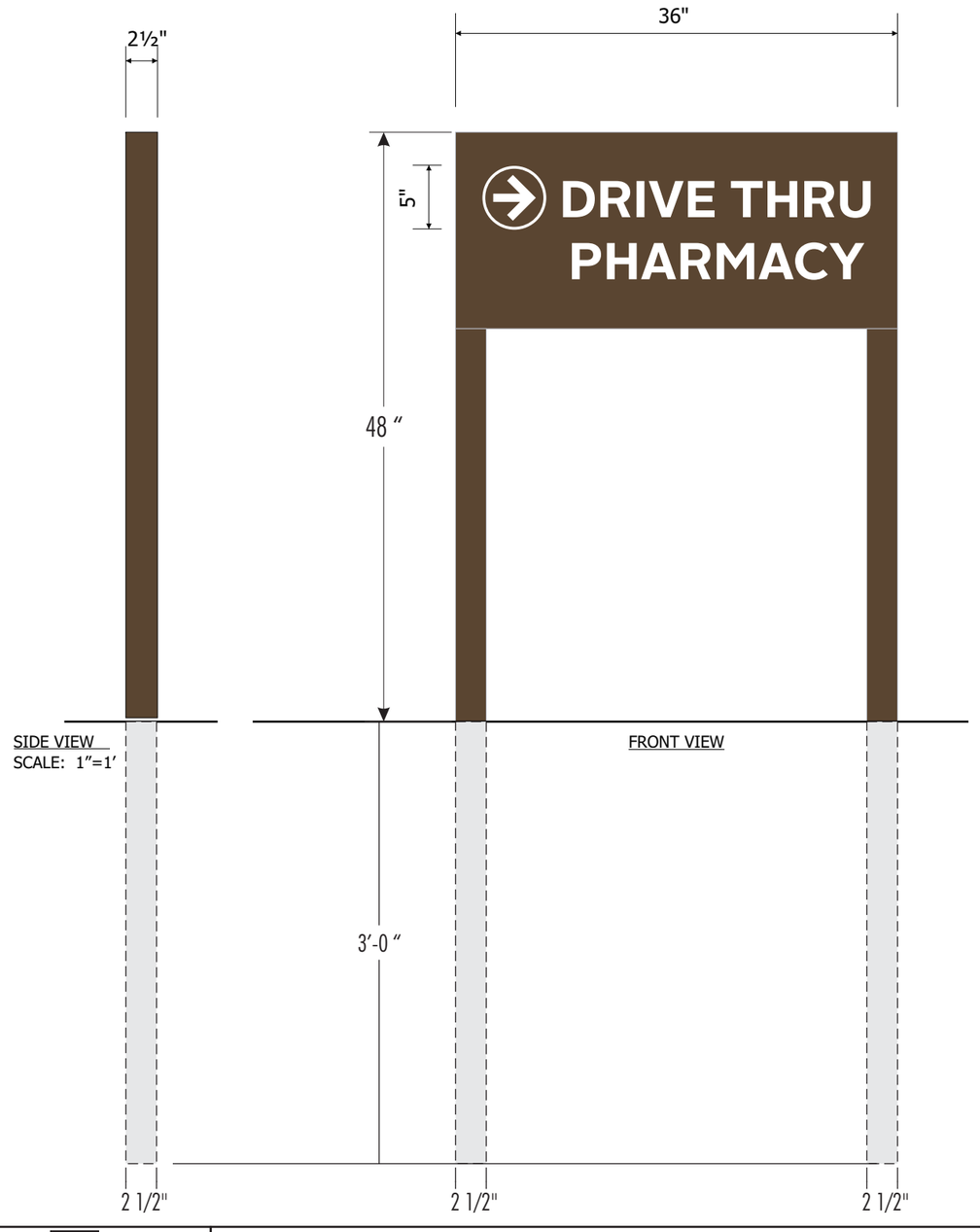
LARGE CANOPY ELEVATION
1/4″=1′



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

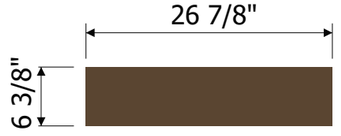
Copy
White Reflective vinyl copy
WHITE REFLECTIVE VINYL 3M480-10

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

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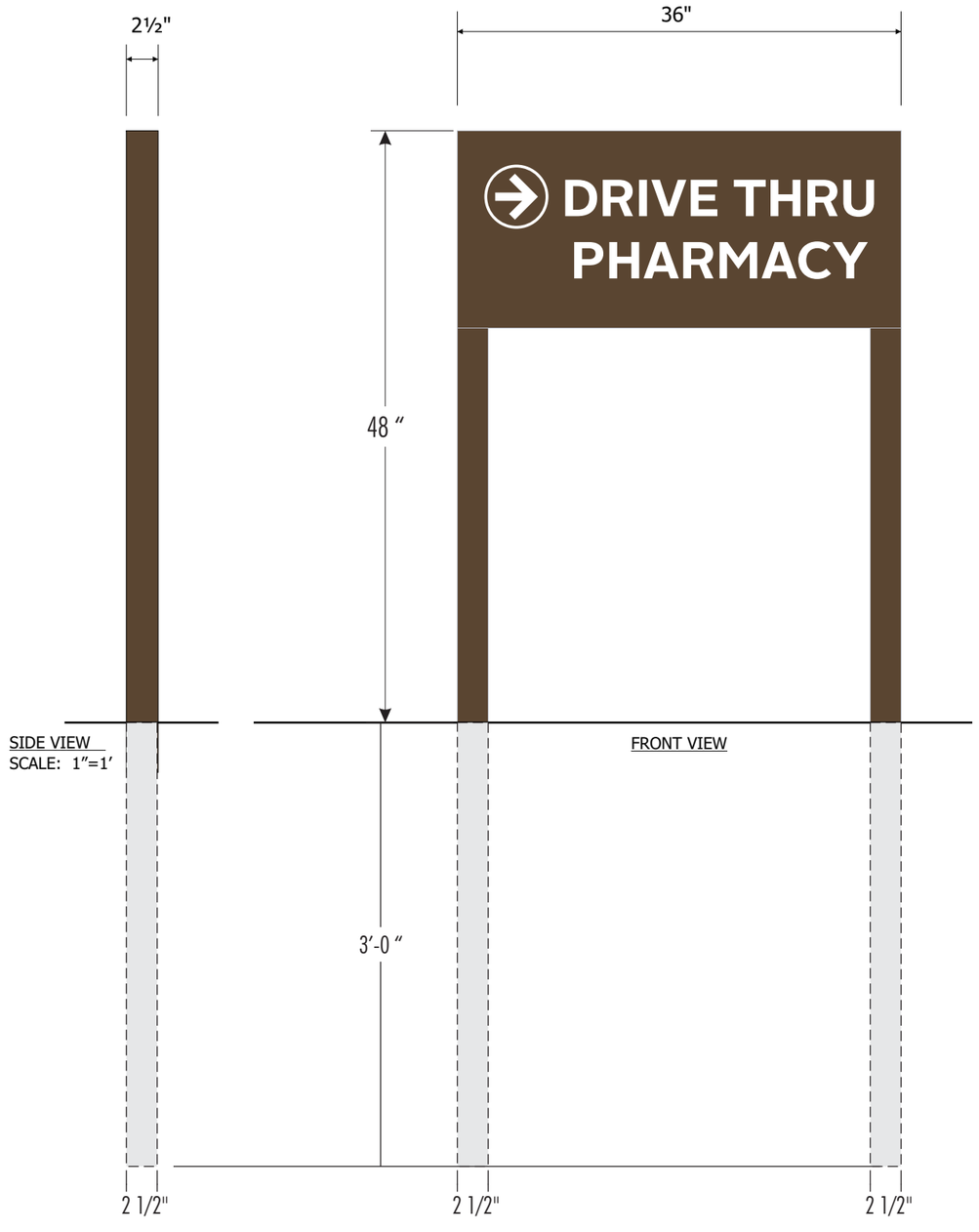
D/F DIRECTIONAL SIGN
NON-ILLUMINATED — 4 SQ FT



SIDE VIEW
SCALE: 1"=1'

FRONT VIEW

BACK VIEW
SCALE: 1"=1'

Panels
.080 flat aluminum panels
PAINTED Sw6076 TURKISH COFFEE

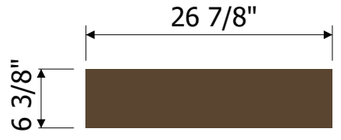
Copy
White Reflective vinyl copy
WHITE REFLECTIVE VINYL 3M480-10

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** _____

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- CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
- ALL COPY LEVEL UNLESS NOTED OTHERWISE

2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
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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

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SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

August 8, 2016

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

SCPB Referral Review#16-136-Area Variances-National Retail Properties (Rite Aid)

Multiple variances for signage at 17 on-site locations for NE style sign package.
SE Quad of intersection of Washington Street (NYS Route 29) & West Avenue

Received from the City of Saratoga Springs Zoning Board on June 24, 2016.

Reviewed by the Saratoga County Planning Board on July 21, 2016.

Decision: No Significant Countywide or Intercommunity Impact

Comment: While comment was made that the number of signs and the number of needed variances is more substantial than would be expected for one application, the number, size and location of the signs does not pose an impact of a countywide nature. The SCPB returns the referral for signage area variances to the city zoning board of appeals for a full discussion and consideration of the application and the balancing test criteria associated with its review.

Michael Valentine, Senior Planner
Authorized Agent for Saratoga County

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

50 WEST HIGH STREET
BALLSTON SPA, NY 12020

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

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

_____
(Application #)

_____
(Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	CDJT Development, LLC		
Address	Pine West Plaza 2, Wash Ave. Ext Albany, NY 12205		
Phone	518-438-3521 /	/	/
Email	[redacted]		

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

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

PROPERTY INFORMATION

1. Property Address/Location: 124 jefferson st Tax Parcel No.: 178 . 36 - 3 - 21
(*for example: 165.52 – 4 – 37*)

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

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

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

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

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

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

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

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

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

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

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

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

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

Section(s) _____

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

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

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

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

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

3. Date original variance expired: _____

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

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

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

A use variance is requested to permit the following:
2 market rate units and 4 workforce units

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

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:
   7 years of marketing to seniors and not a single offer

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

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

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

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

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

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

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

   7) Appraised Value: $na Appraiser: Date:

   Appraisal Assumptions:

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

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

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

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

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

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

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

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

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:
seniors do no want this type of housing which is twpo story 2 and 3 bedroom with full basement and attached garage.

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

already completed for 7 years

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

seniors do not want this type of housing

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

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

Dimensional Requirements	From	To

Other: _____

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

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

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

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

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

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

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

_____ Date:_____
(applicant signature)

_____ Date:_____
(applicant signature)

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

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

_____

_____

_____

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

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

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

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

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

Saratoga Six

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

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

DOWNSIZE TO UPSCALE SOPHISTICATION AND STYLE.

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

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

124 jefferson st. cdjt development/charles touhey

Name of Action or Project:
saratoga springs ny use variance

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

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

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

Address:
pine west plaza bldg 2 washington ave ext

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

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

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

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

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

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

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

Applicant/sponsor name: COST Development Date: 3/28/16

Signature: [signature]

PRINT FORM

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

(Application #)

(Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	CDJT Development, LLC/Charles Touhey		
Address	Pine West Plaza 2, Wash Ave. Ext Albany, NY 12205		
Phone	518-438-3521		
Email	[redacted]		

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

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

PROPERTY INFORMATION

1. Property Address/Location: 124 jefferson st Tax Parcel No.: 178 . 36 - 3 - 21
(*for example: 165.52 – 4 – 37*)

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

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

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

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

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

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

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

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

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

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

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

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

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

Section(s) na

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

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

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

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

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

3. Date original variance expired: _____

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

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

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

A use variance is requested to permit the following:

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

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

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

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

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

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

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

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

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

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

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

7) Appraised Value: $na Appraiser: Date:

Appraisal Assumptions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

_____ Date: 3-25-16
(applicant signature)

_____ Date: _____
(applicant signature)

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Attachments

and supporting materials.

124 Jefferson St. – Project History

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

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

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

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

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

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

124 Jefferson St

Marketing Efforts 2010-2016

2010

#1 Hunt Realty

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2011

Hunt Realty

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2012

#2

Roohan Realty

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2013

Pro Realty of New York

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

Offered "Rent with option to buy"

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2014

#3

Pro Realty of New York

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

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2015

Pro Realty of New York

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

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2016

Same Marketing as previous 6 years.

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

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

Saratoga Six

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

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

DOWNSIZE TO UPSCALE SOPHISTICATION AND STYLE.

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

To whom it may concern:

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

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

124 Jefferson Street units 1-6

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROPERTY ADDRESS: 124 JEFFERSON STREET
ZONING DISTRICT: URBAN RESIDENTIAL – 2

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

Proposed conversion of an existing six-unit senior housing development to multi-family residential.

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

240-2.3 Table 2. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

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

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

4/25/16
DATE

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

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

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

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

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

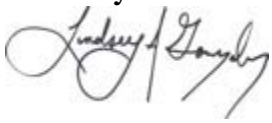
Board Members,

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

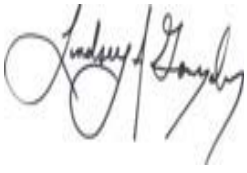
Aimee Miller
121 Madison St
Re: 124 Jefferson St Use Variance Request

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

Lindsey A. Gonzalez, M.P.A.



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



LAG elec sig.jpg
7 KB

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Chris Armer Teri L DeSorbo		
Address	[redacted]		
Phone	[redacted]	[redacted]	[redacted]
Email	[redacted]		

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

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

PROPERTY INFORMATION

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

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

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

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

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

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

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

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

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

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

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

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

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

Other: _____

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

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

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

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

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

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

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

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

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

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

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

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

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

(applicant signature)

Date: 2/9/2016

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

(applicant signature)

Date: 2/9/2016

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

MAP REFERENCES:

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

MIDDLE AVENUE

MAP OF SURVEY

OF LANDS OF

C. CHRISTOPHER ARMER & TERI DeSORBO

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

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

UPDATED NOVEMBER 18, 2015 TO SHOW PROPOSED ADDITION

LEGEND:

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

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

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

WILLIAM J. ROURKE, LICENSED LAND SURVEYOR NO. 49098

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

14-91
JOB NO.

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

EXISTING HOME -
117 Middle Ave - Subject Property

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

Neighbor Driveway to WEST
From Back Property Line

Looking WEST FROM
117 Middle AVE

Looking EAST From
117 Middle Ave

Across STREET From 117 Middle

Across STREET from 117 Middle

Google earth

feet 300
meters 90

- SHOWS DENSITY of AREA.

FRONT LEFT ELEVATION

FRONT RIGHT ELEVATION

REAR LEFT ELEVATION

REAR RIGHT ELEVATION

OPTION 5

PLAN NO:

PAGE OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:
CHRIS ARMER

ADDRESS:
117 MIDDLE AVE
SARATOGA
NEW YORK

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

SEAL:
02/12/15

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

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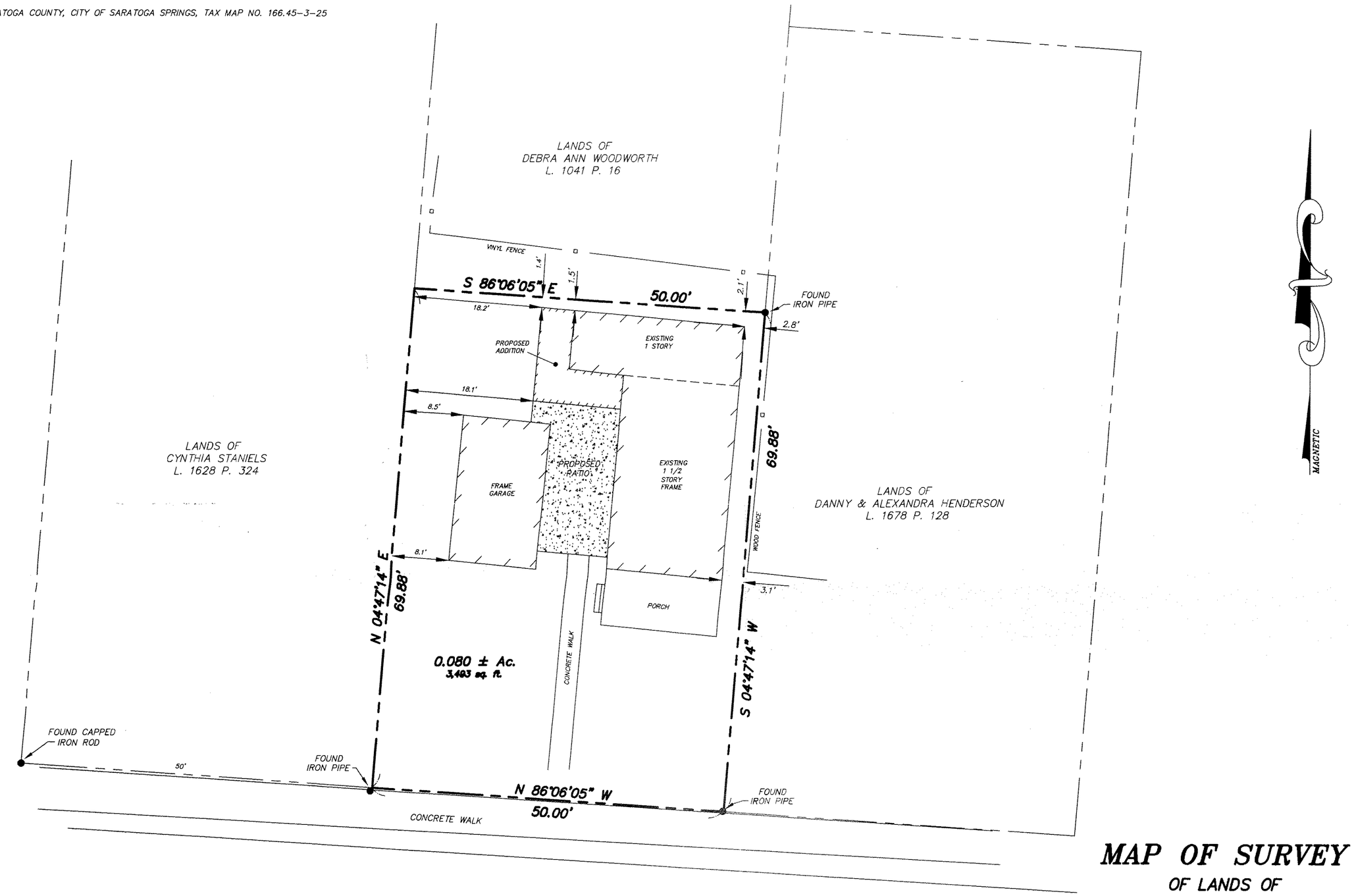
MAP REFERENCES:

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



LEGEND:

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

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.

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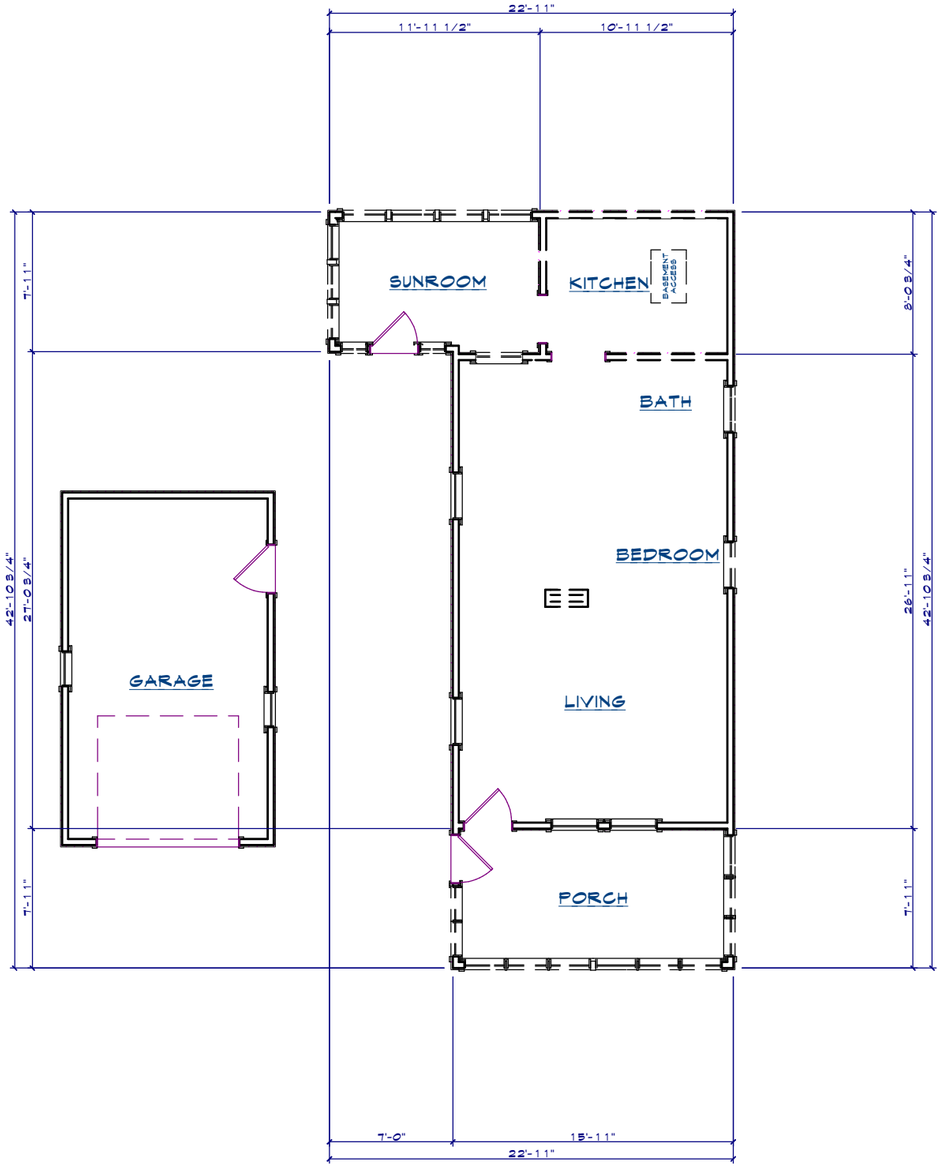
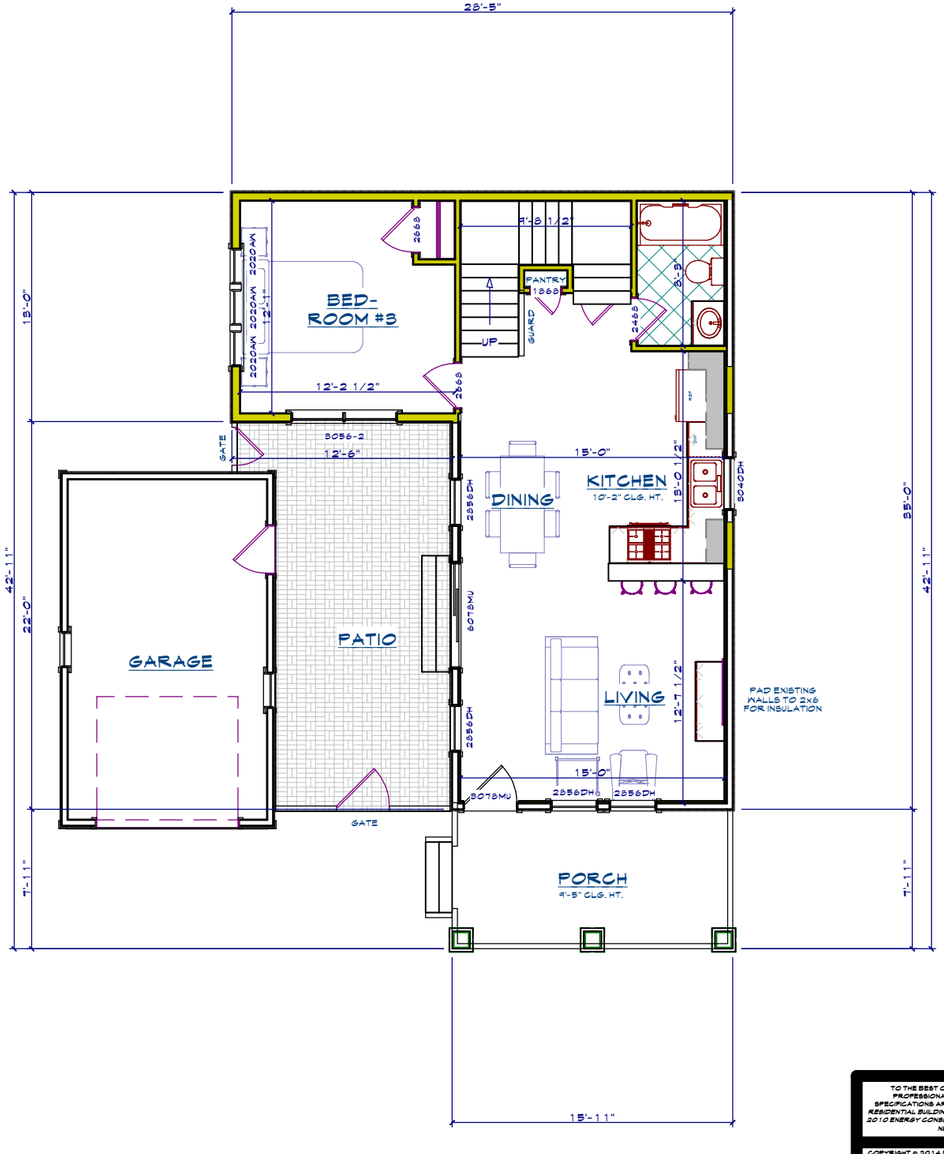
- EXISTING CONSTRUCTION
- TO BE DEMOLISHED
- NEW CONSTRUCTION

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



EXISTING FIRST FLOOR PLAN

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



PROPOSED FIRST FLOOR PLAN

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

PRELIMINARY

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.

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PLAN NO:

PAGE OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:
CHRIS ARMER

ADDRESS:
117 MIDDLE AVE
SARATOGA
NEW YORK

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

SEAL:
05/05/16

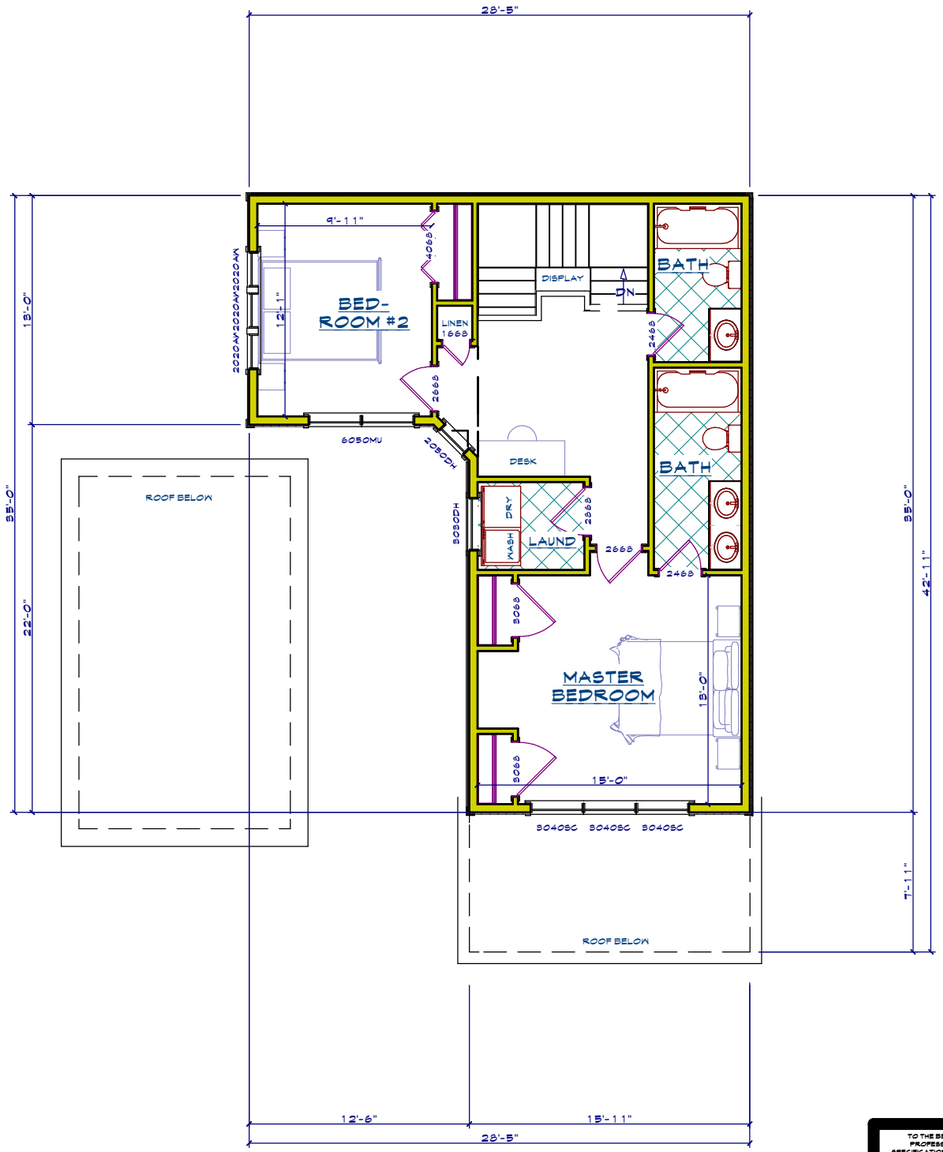
LIVING/DINING/KITCHEN

DINING/KITCHEN/LIVING

SECOND FLOOR AERIAL

FIRST FLOOR AERIAL

- EXISTING CONSTRUCTION
- TO BE DEMOLISHED
- NEW CONSTRUCTION



PROPOSED SECOND FLOOR PLAN

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

PRELIMINARY

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.

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PLAN NO:

PAGE OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:

CHRIS ARMER

ADDRESS:

117 MIDDLE AVE
SARATOGA
NEW YORK

DESIGNERS OF FINE HOMES SINCE 1968

WILLIAMS & WILLIAMS DESIGNERS INCORPORATED

509 GLEN STREET-GLENS FALLS-NEW YORK 12801
518-798-HOUSE(4687)
WILLIAMSANDWILLIAMSDESIGNERS.COM

SEAL:

05/05/16

Zimbra **lindsey.gonzalez@saratoga-springs.org**

Letter of support for 117 Middle Ave. Variance

From : Gillian Black [redacted] Mon, Apr 04, 2016 11:35 AM

Subject : Letter of support for 117 Middle Ave. Variance

To : lindsey gonzalez <lindsey.gonzalez@saratoga-springs.org>

To Whom it May Concern,

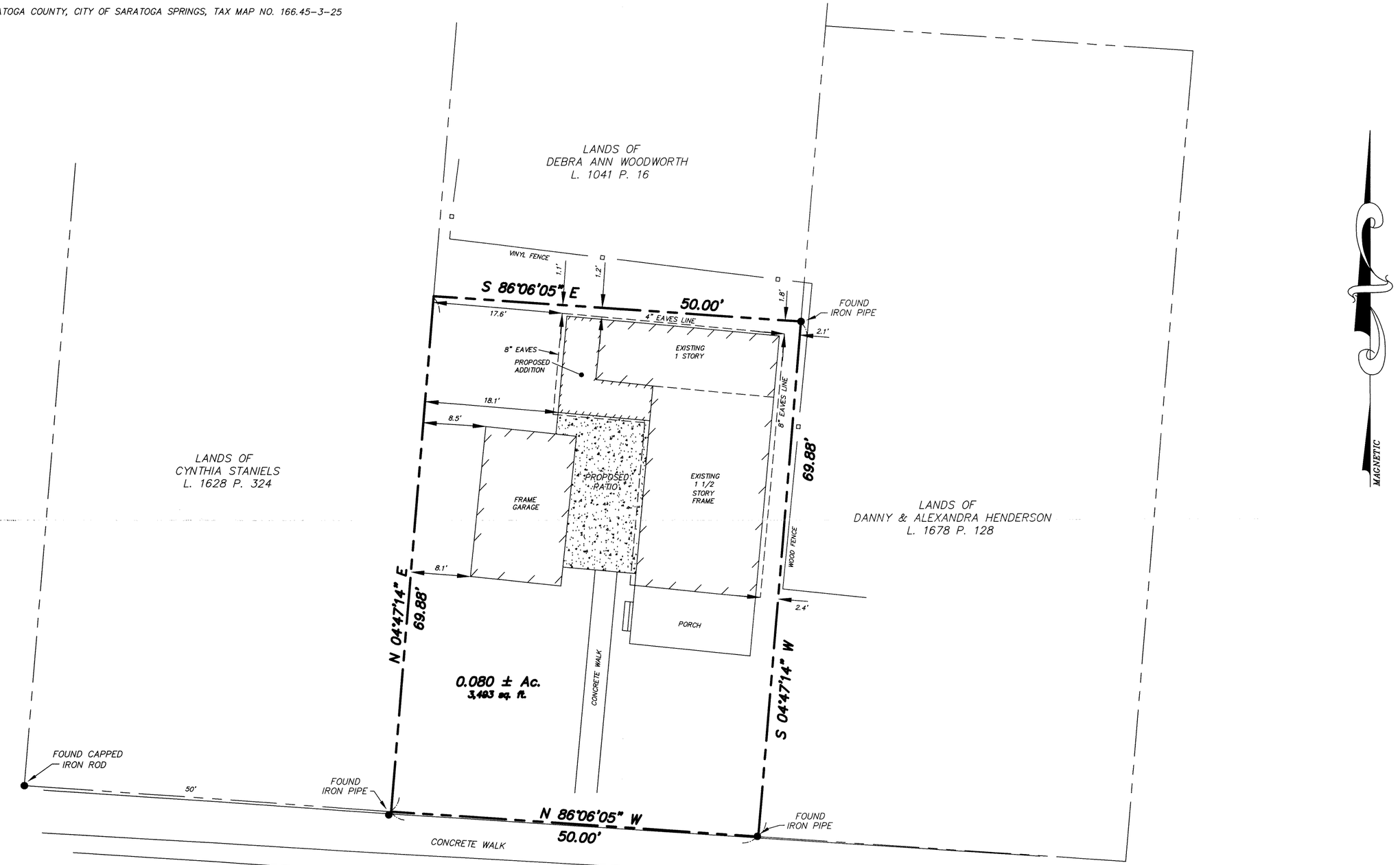
We received notice that Chris Armer & Teri DeSorbo have applied for a variance. My wife Kathryn Strassner and I own the double lot property at [redacted] York Ave. Our driveway (and main entrance) is directly adjacent to the western border of 117 Middle Ave. While at first we were concerned that development may encroach on our privacy, after reviewing the proposed plans we fully support this project. The current structure at 117 Middle Ave. is an eyesore. We believe the proposed construction is in the best interest of our neighborhood and the City of Saratoga Springs, as it replaces a derelict structure and will bolster our local property values. Please grant them their variance.

Best Regards,
Gillian Black

[redacted]

MAP REFERENCES:

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



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

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

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

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

LEGEND:

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

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

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

WILLIAM J. ROURKE, LICENSED LAND SURVEYOR NO. 49098

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

14-91
JOB NO.

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

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

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

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

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

Proposed construction of an attached garage and breezeway.

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

240-2.3 Table 3. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☒ Area Variance seeking the following relief:

Dimensional Requirements	From	To
Minimum side yard setback:	30 ft.	10 ft.

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

5/5/16
DATE

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Christina / Kristopher Barlow		Randy Heritage [redacted]
Address	[redacted]		Heritage Family Constr. 2022 Barrett Rd. BS. NY
Phone	[redacted]	/	518 388 / 0534
Email	[redacted]		[redacted]

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

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

PROPERTY INFORMATION

1. Property Address/Location: 2 Cherry Tree Lane Saratoga Springs Tax Parcel No.: 167 - 1 - 61 *(for example: 165.52 – 4 – 37)*

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

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

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

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

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

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

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

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

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

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

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

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

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

Section(s) _____

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

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

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

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

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

3. Date original variance expired: _____

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

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

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

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

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

Other: _____

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

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

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

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

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

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

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

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

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

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

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

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

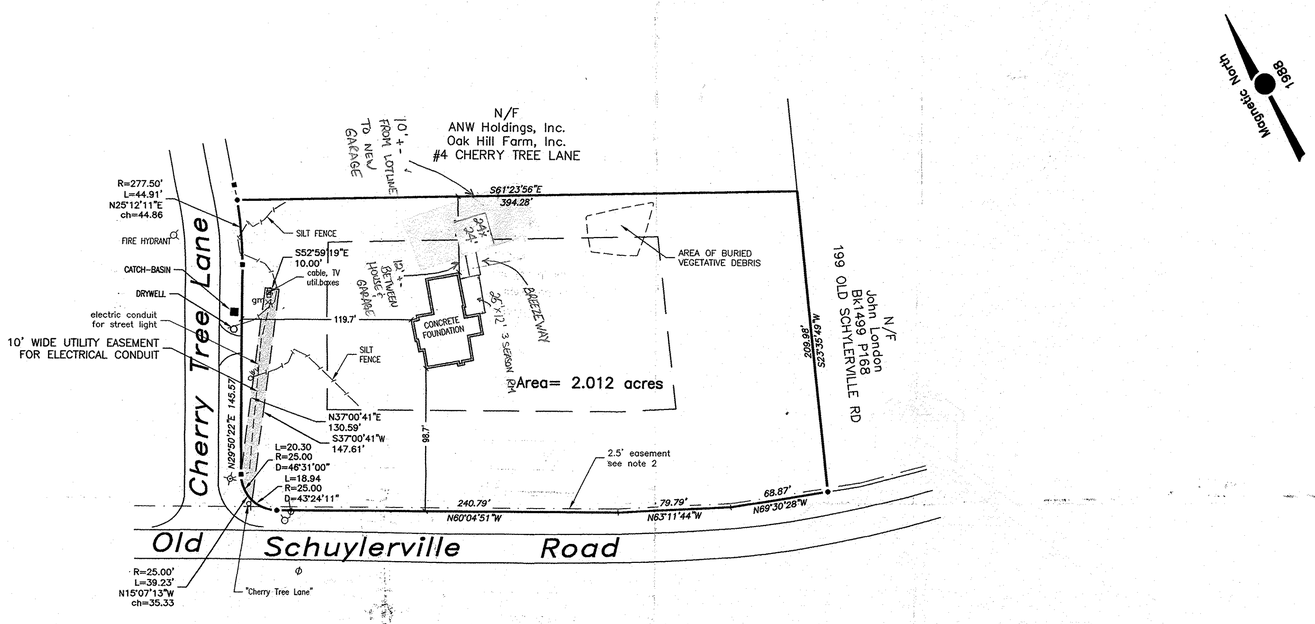
(applicant signature) Date: 3-25-16

(applicant signature) Date: 3-25-16

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____



Certification :

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

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

Map Legend

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

Deed Reference:

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

Map Reference:

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

Notes :

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

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

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

25 0 25 50
Scale: 1" = 50'

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

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

THOMPSON/FLEMING
LAND SURVEYORS, P.C.

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

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

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

PURPOSED GARAGE & BREEZEWAY
(24' x 24')

EXSISTING GARAGE/HOUSE

SCALE 3/8" = 1'

LOT LINE

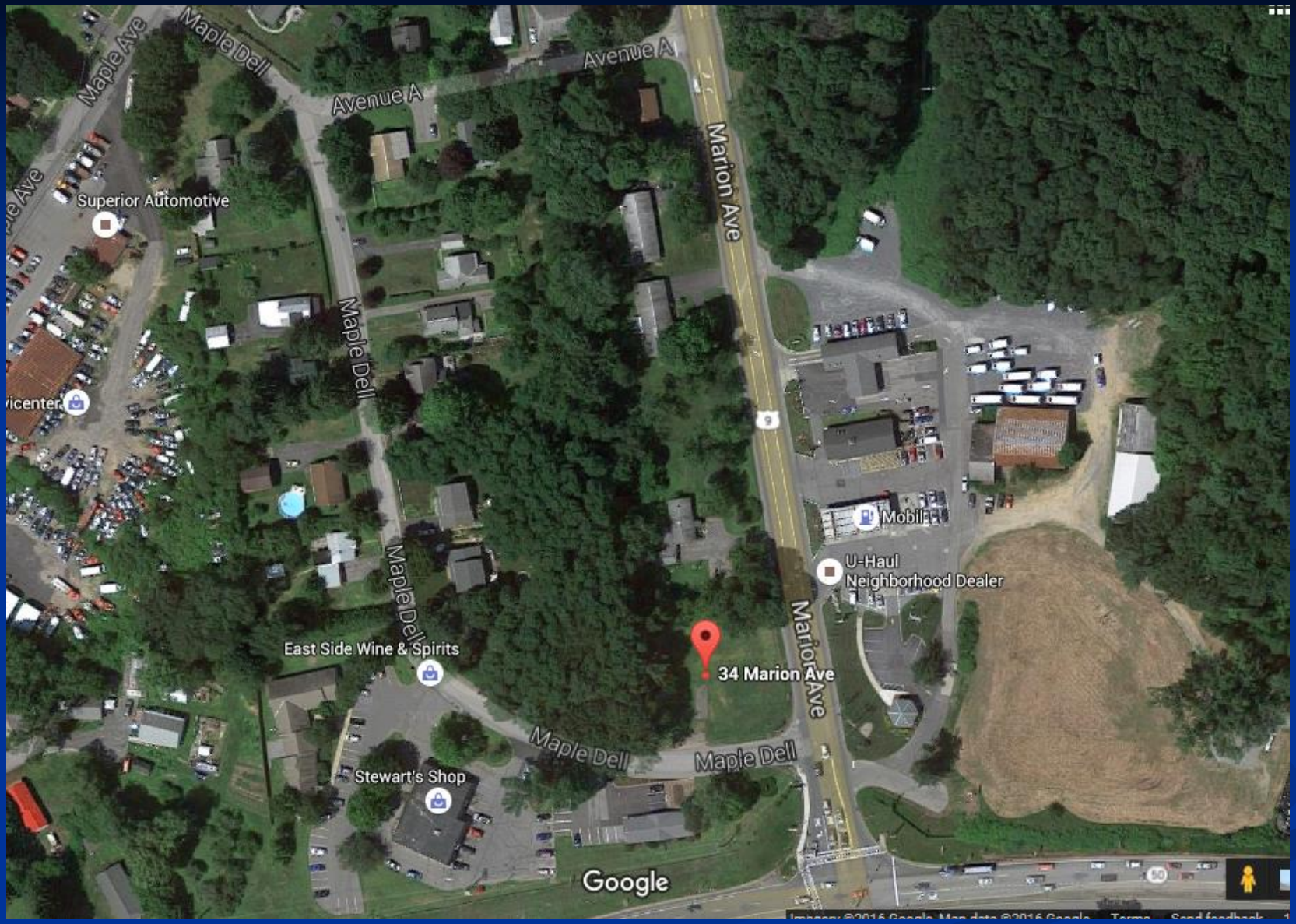
Maple Shade Corners, LLC

Use Variance for 34 Marion Avenue

Zoning Board of Appeals

July 11, 2016

Tuczinski, Cavalier & Gilchrist, P.C.



Tuczinski, Cavalier & Gilchrist, P.C.

Reasonable Return on Investment

- "A reasonable return can be realized if using the land in accordance with the zoning is economically feasible or if the land can be developed in accordance with the zoning." NY Zoning Law and Practice, §29:7.
  - Evidence submitted:
    - Land cannot be developed in UR-2 as residential/SUP
    - Marketing efforts, signs, ⇩ price, MLS, web
    - Prior offers

Burden of proof can be met by "establishing that if they use the land in the permissible manners, they would incur a financial loss." NY Zoning Law and Practice, §29:7

- Cost to construct modest house-
  - $346,000
  - 2X assessed value of other homes

- Impediments to SUP
  - Parking
  - Cost to construct
  - Size

*** NO VIABLE OFFERS!

Actual Costs

EXPENSE TYPE	PAYMENT AMOUNT
1982 Purchase	$40,000
2012 Demolition	$19,000
City/County Tax	$28,897
School Tax	$34,567
Maintenance	$15,940
TOTAL	**$138,404**

Matter reversed ZBA where the Appellate Division found the Board "failed to account for the present value of petitioner's investment." *Matter of Rothenberg, 232 AD2d 568.*

Present Value on Investment

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**

Reasonable Return (continued)

- Not seeking variance because want a more profitable use – simply unable to sell the property as it is zoned.
- Need to demonstrate "diligent and bona fide effort was made to sell the property." *Matter of Forrest V. Evershed, 7 NY2d 256.*
  - *Time on the market*
  - *Price decrease (comparable prices in Saratoga)*
  - *Signage and advertisement*
  - *Efforts to show and offers made*

Listing Prices 2005-2007

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**

Listing Prices - Present

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**

Building Permits

2009-2016: 326 new permits for single family residential construction

Residential Vacant Sales

ADDRESS	ACREAGE	PRICE
39 Second Street UR2 - 2015	.17	$250,000
245 Woodlawn Avenue UR1 – 2014	.29	$399,000
North Circular Street UR2 – 2014	.47	$310,000
14 Persimmon Place UR2 – 2015	.15	$195,000
60 Franklin Street UR4 - 2015	.17	$343,750
49 State Street UR3 -2014	.34	$555,000 (assessed $66,000)
Greenfield Avenue UR – 2015	.26	$489,000
33 Joseph Street	.58	$225,000 (asbestos + demolition)

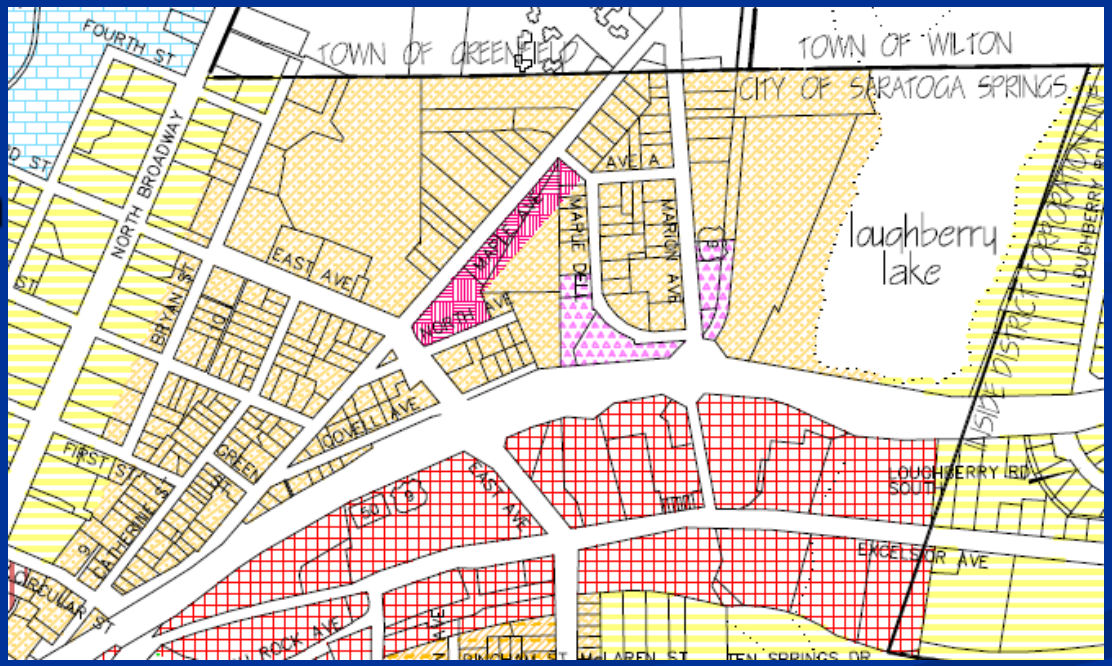
Unique Circumstances

- Uniqueness relates from circumstances that are peculiar to the land (not the owner).
  - "[T]hat does not mean that the applicant must prove that the hardship effects no other parcel in the district or neighborhood."
- Unique Circumstances
  - Vacant Parcel
  - Corner lot on difficult intersection/arterial
  - Busy Commercial Corridor developed over time

Douglaston Civic Assn Inc. v. Klein
51 NY2d 963

- Swampy parcel in area with other swampy parcels.
- Owner to use as tennis court facility rather than residential.
- "Uniqueness does not require that only the parcel of land in question and none other be affected by the condition which creates the hardship."

Comparison between parcel and entire district.



Unique Circumstances: Location

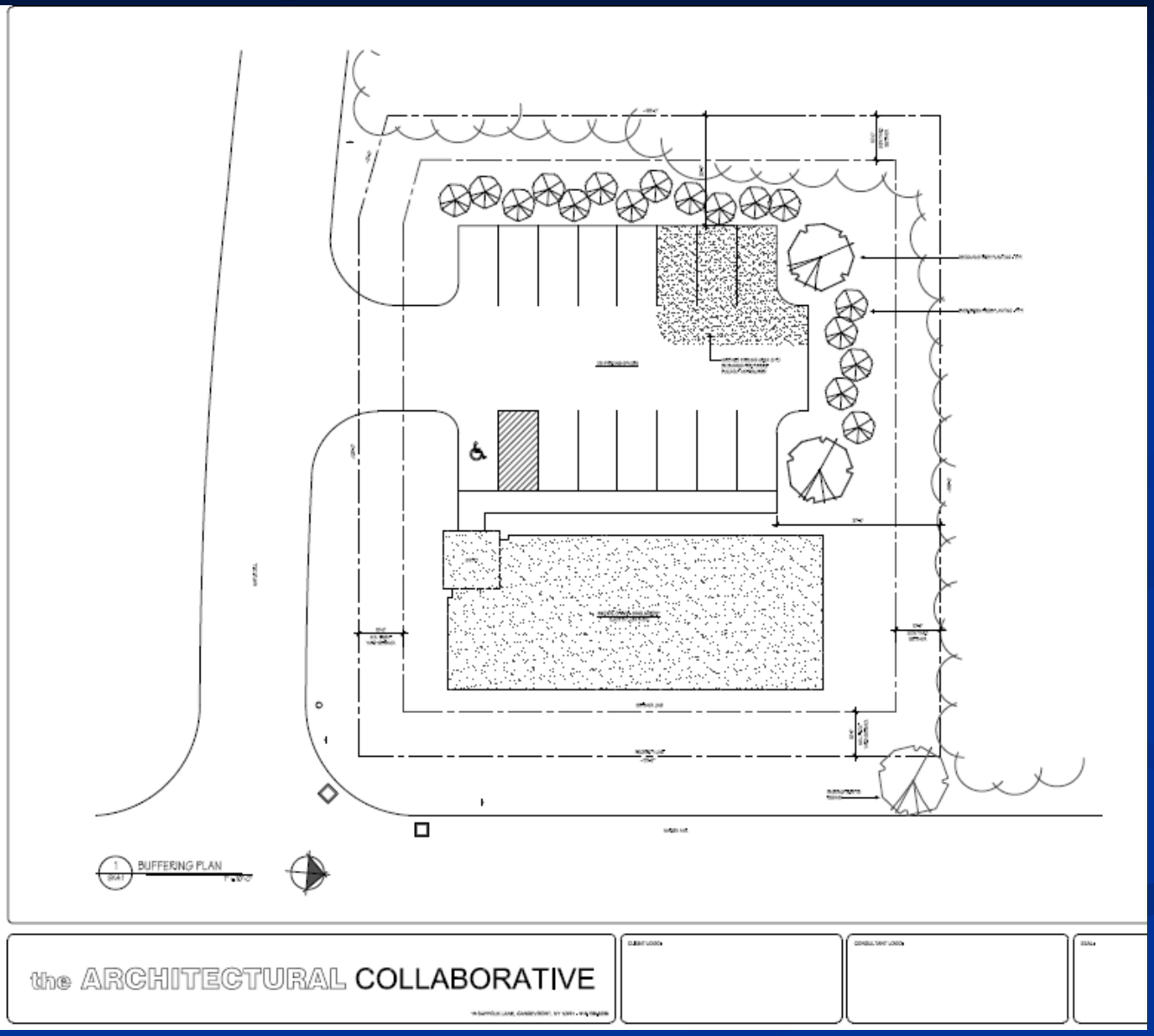
- "If the applicant suffers greater hardship than nearby lands, then a zoning board of appeals may grant a use variance to relieve that hardship." NY Zoning Law and Practice, §29:8.

"Further, the hardship is unique, as this is the only parcel located on a major intersection within this commercialized area which is undeveloped and zoned residential." *Matter of Rothenberg.*

Essential Character of the Neighborhood

- Need to demonstrate the probable effect on the neighborhood of the proposed use.
  - Traffic
  - Lighting
  - Sound
- Proposal preserve neighborhood character – low volume, buffering, daytime hours.

Screening Plan



- Examine the exact situation that exists in the vicinity of the proposed use. “If similar or identical uses to the one sought by the applicant already exist in the vicinity of the requested variance, then the likelihood that the new use will change the essential character of the locality is reduced.” NY Zoning Law and Practice, §29:9

- Existence of other similar uses provides “prima facie proof that this additional use will not alter the essential character…” NY Zoning Law and Practice, §29:9

Size of office

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	

New office space plans

- Entry vestibule
- Waiting area bathroom/janitor's closet
- Area for check in/check out (privacy)
- Larger operatories
- Conference room
- Staff offices (2)
- Server/computer room

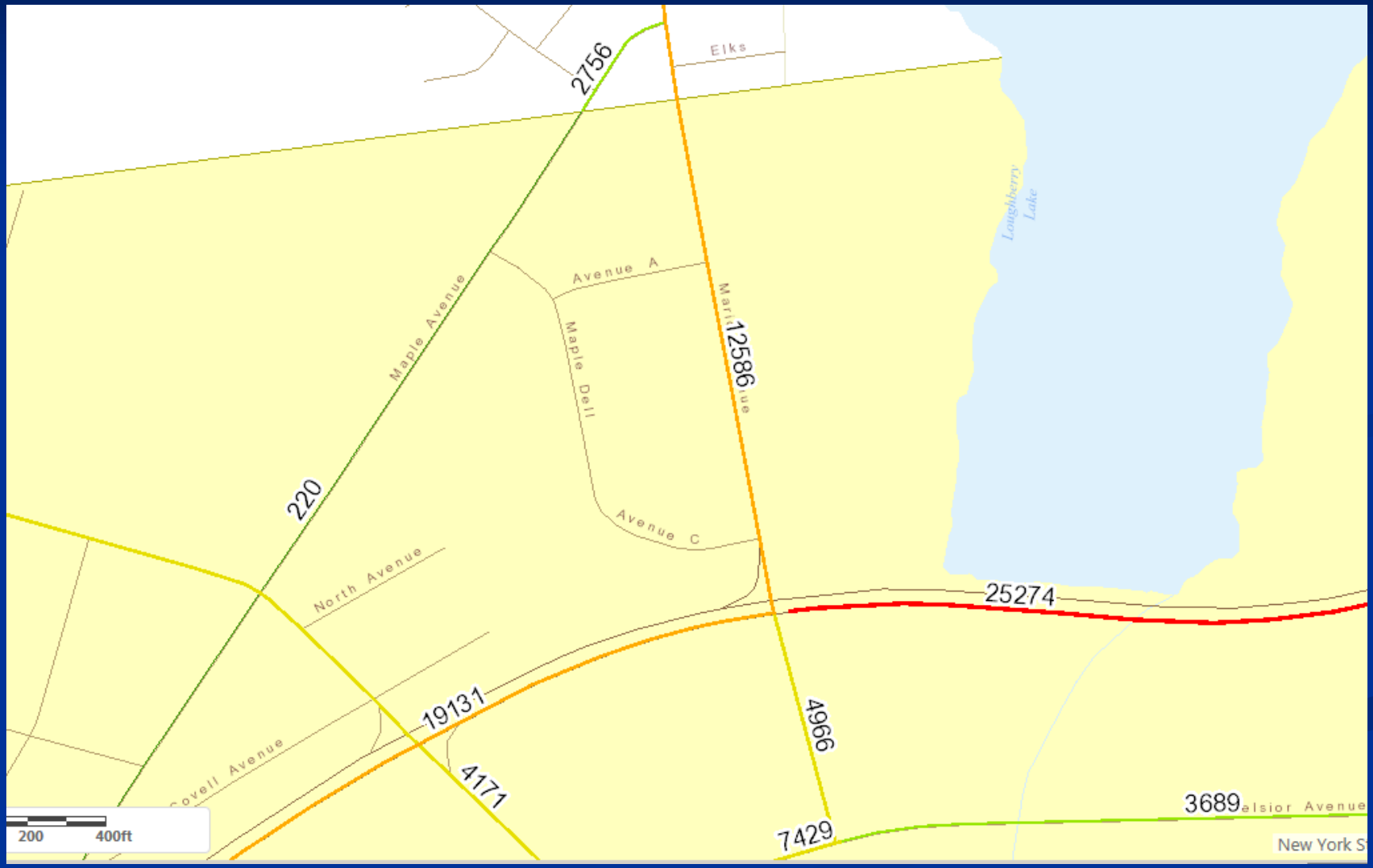
Design Elements

- Subject to DRC review
- 1 story building
  - 60 ft. in zone
- Similar roofline to adjacent properties
- Materials and building elements – “residential in feel”
- Natural stone/brick and siding

Self Created Hardship

- Applicant has not acquired the property; he has exercised “reasonable diligence” & is under contract contingent on ZBA decision.
- Hardship created by increased commercial nature of surrounding municipalities in this corridor over time.

NYS DOT Traffic Counts 2014



Tuczinski, Cavalier & Gilchrist, P.C.

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

Maple Shade Corners, LLC

Use Variance for 34 Marion Avenue

Zoning Board of Appeals

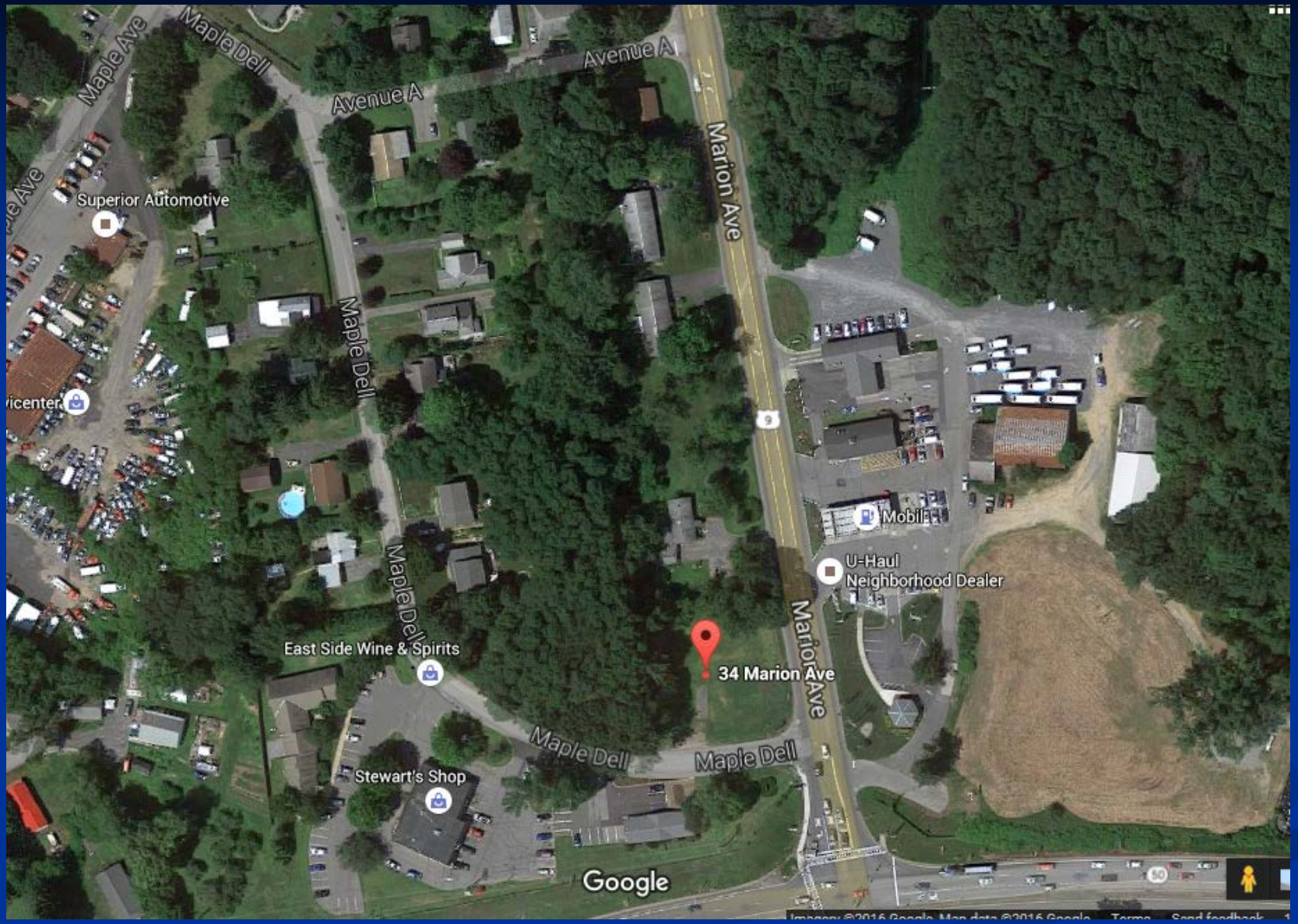
July 11, 2016

Maple Shade Corners, LLC

Use Variance for 34 Marion Avenue

Zoning Board of Appeals

June 20, 2016



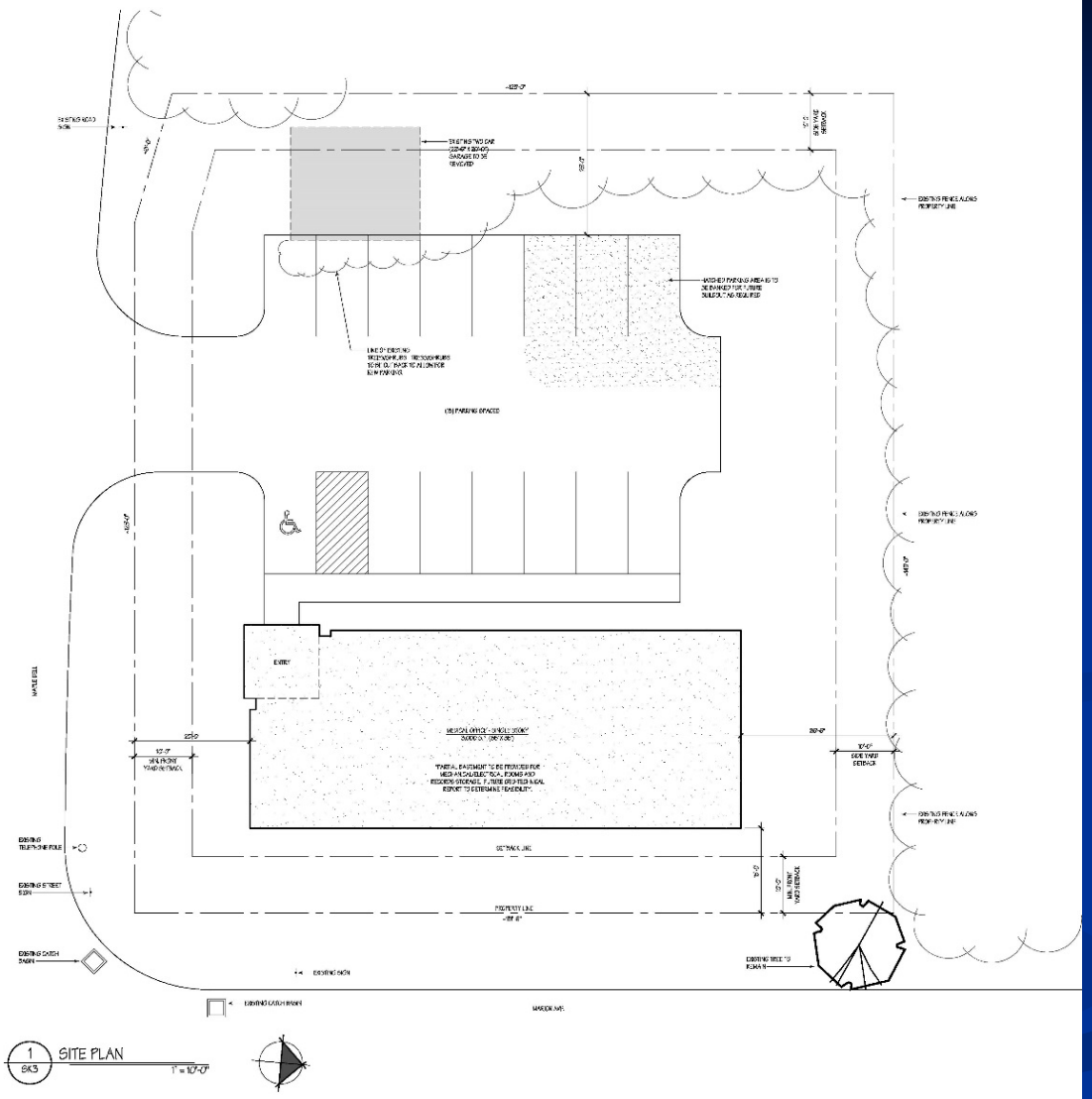
Tuczinski, Cavalier & Gilchrist, P.C.

Existing Site

Use Variance

- UR-2 district:
  - strict application of zoning law has resulted in unnecessary hardship.
  - Under zoning restrictions, no reasonable use may be made of the parcel.
- Prior Variance applications: commercial for sporting goods store; commercial for professional office use.
- Current Variance: use variance for specialized satellite office

Sketch Plan



the ARCHITECTURAL COLLABORATIVE

16 SUFFOLK LANE, GANSEVOORT, NY 12831 - 518.798.6236

CLIENT LOGO:

CONSULTANT LOGO:

General City Law §81-b

STANDARDS - USE VARIANCE

Have the zoning regulations caused unnecessary hardship?

- ❑ **Applicant cannot realize a reasonable return.**
- ❑ **The alleged hardship is unique and does not apply to a substantial portion of the neighborhood.**
- ❑ **The variance will not alter the essential character of the neighborhood**
- ❑ **The variance is not self created.**

1. Reasonable Return on Investment

- Competent financial evidence
  - Marketed since 2005
    - Commercial and residential use
  - Three offers – prior were withdrawn because of zoning.
  - No economic return for residential use – value is $0 because no interest.
  - Character of the neighborhood developed. No interest in residential uses in 2016.

Proof re: Marketing/Sale

- Marketed since 2005 (11 years)
  - Commercial and Residential
- Price decrease -$500,000 to $140,000
- Demolition
- Three offers
  - All contingent on commercial use
- Published in MLS, For Sale signage, website presence

McNeary Realty

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 **518-928-9891**.

Best regards,

Peter Riposa 5/20/16

Peter Riposa
Real Estate Agent

Listing History

Year	Listing Price	Notes on Listing
2005	$499,500	Commercial
2007	$499,500	Commercial
2008	$529,000, then $375,000	Residential
2012	$359,000	Structure demolished
2013	$250,000	Vacant residential listing
2014	$190,000 offer	Contract cancelled because of use
2015	$135,000 offer	Contract cancelled because of use

Pre- demolition property Condition

Lack of reasonable return established where dilapidated improvements severely impair value for conforming use.

Property Condition

Tuczinski, Cavalier & Gilchrist, P.C.

Cost for use as zoned

- Vacant lot - $140,000
- Modest residential ranch
  - 1300 sf
  - $206,000 to construct house
- Total - $346,000.

M.B. Custom Millwork & Construction

M.B. Custom Millwork & Const. LLC.
227 Jones Rd. Saratoga Springs, N.Y. 12866
518-669-9886 ph. 518-587-2473 fax
mtbmikeb@gmail.com

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:

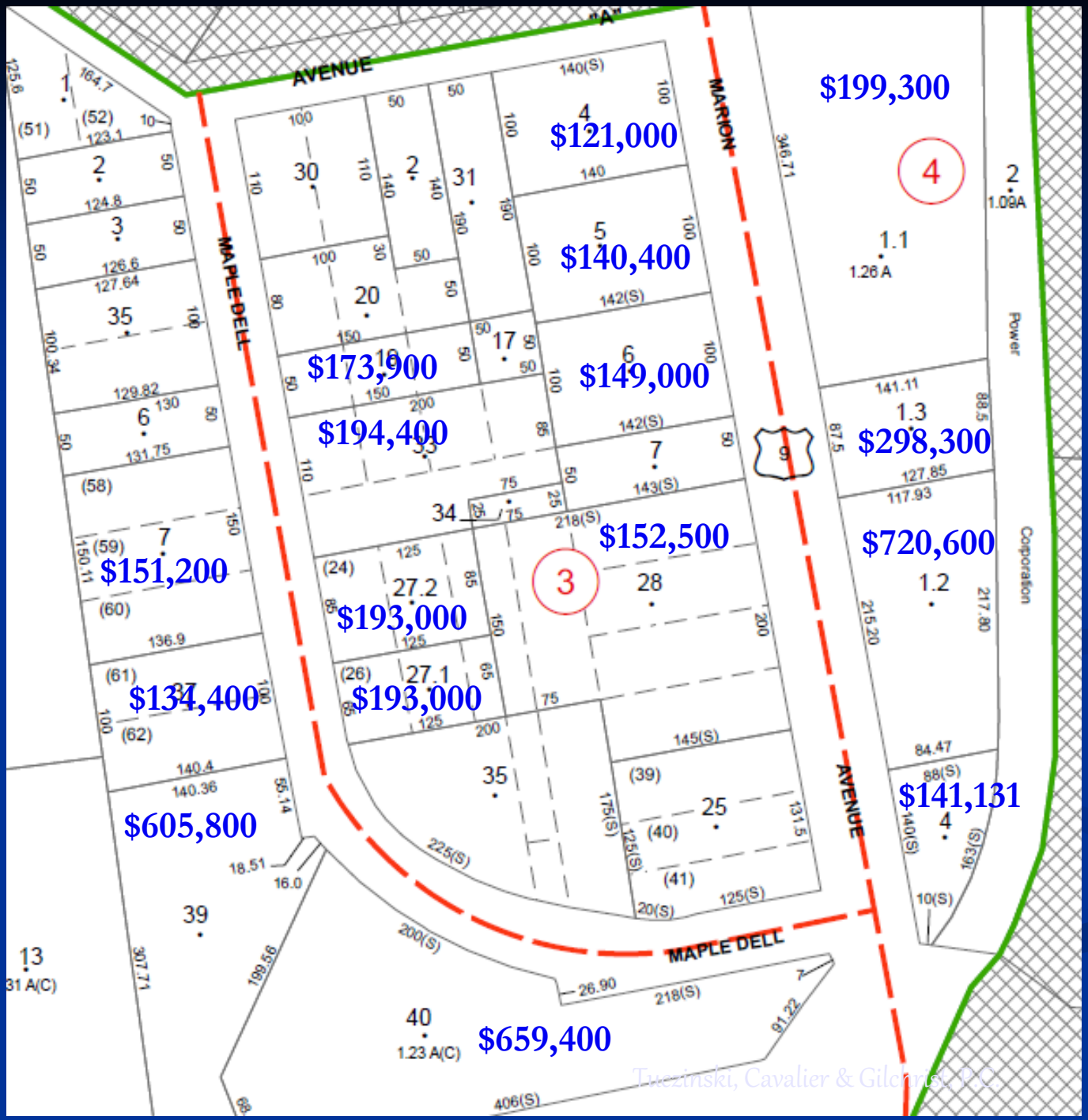
Michael R. Bollinger, Owner M.M Millwork and Const. LLC.

Minimum Cost for Allowable Uses

- Residential
  - MB Custom Millwork & Construction – 1350 sf home
  - Total cost
  - « 2 x assessed value of adjacent residential
- Commercial uses
  - Cost to construct higher than $350,000
  - Insufficient size lot for uses

Jay Verro

Assessed values



Non residential uses requiring SUP/Site Plan

- Private school
- Religious institution
- Private club
- Cemetery
- Neighborhood B&B or rooming house
- Senior Housing or Senior Assisted Care Facility

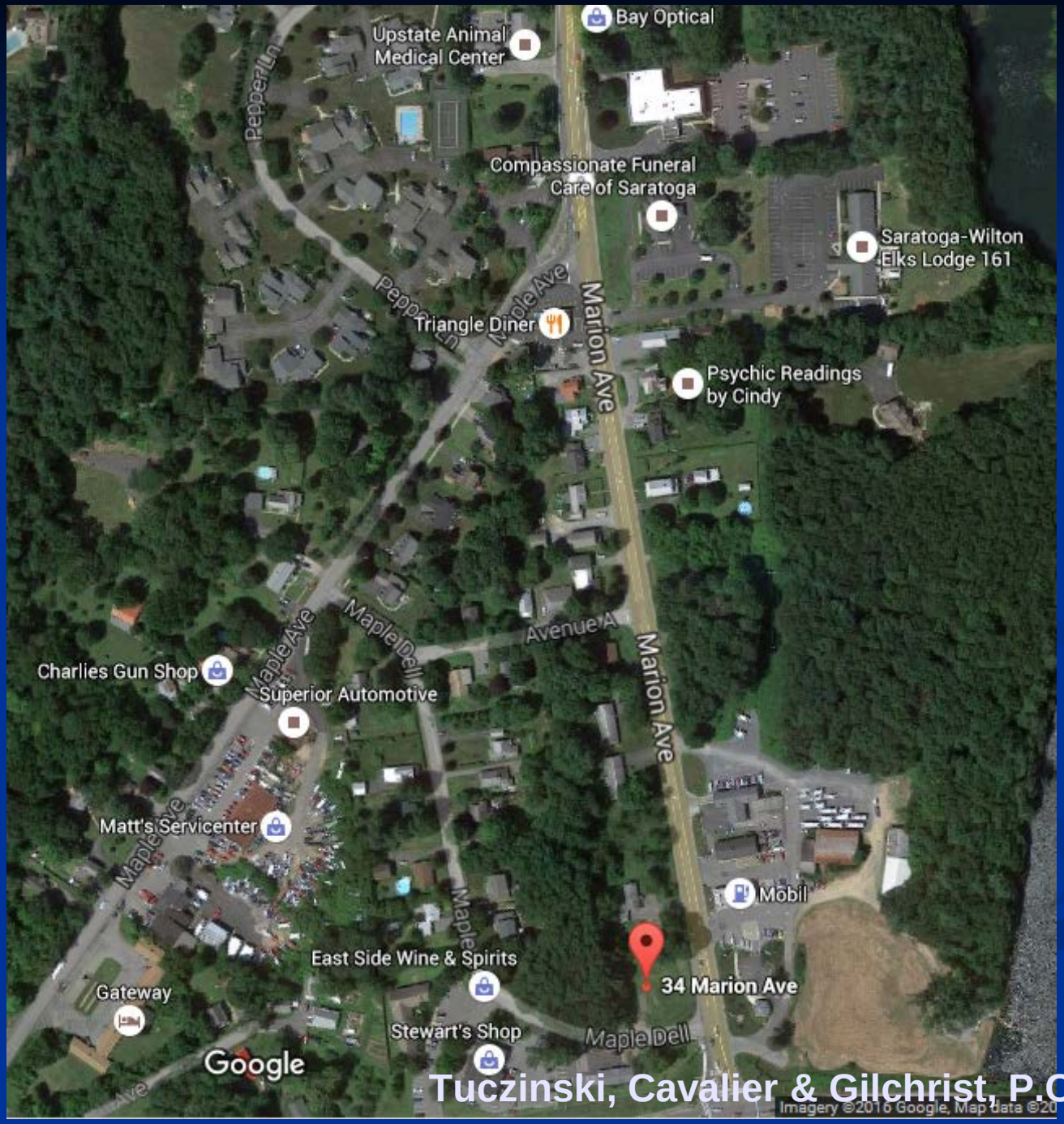
Specially Permitted Uses

- Site size
- Lack of available parking area
- Cost to construct
- If concentrated times for traffic (school, church) site would not work

2. Financial Hardship is Unique

- Unique location
  - Corner of busy intersection
  - Purchased in 1982 - residential roadways – low traffic volume
  - Currently - Urban Minor Arterial
- Maple Dell residences – not same impact from traffic (200- 2756 trips)

Traffic Volumes



Tuczinski, Cavalier & Gilchrist, P.C.

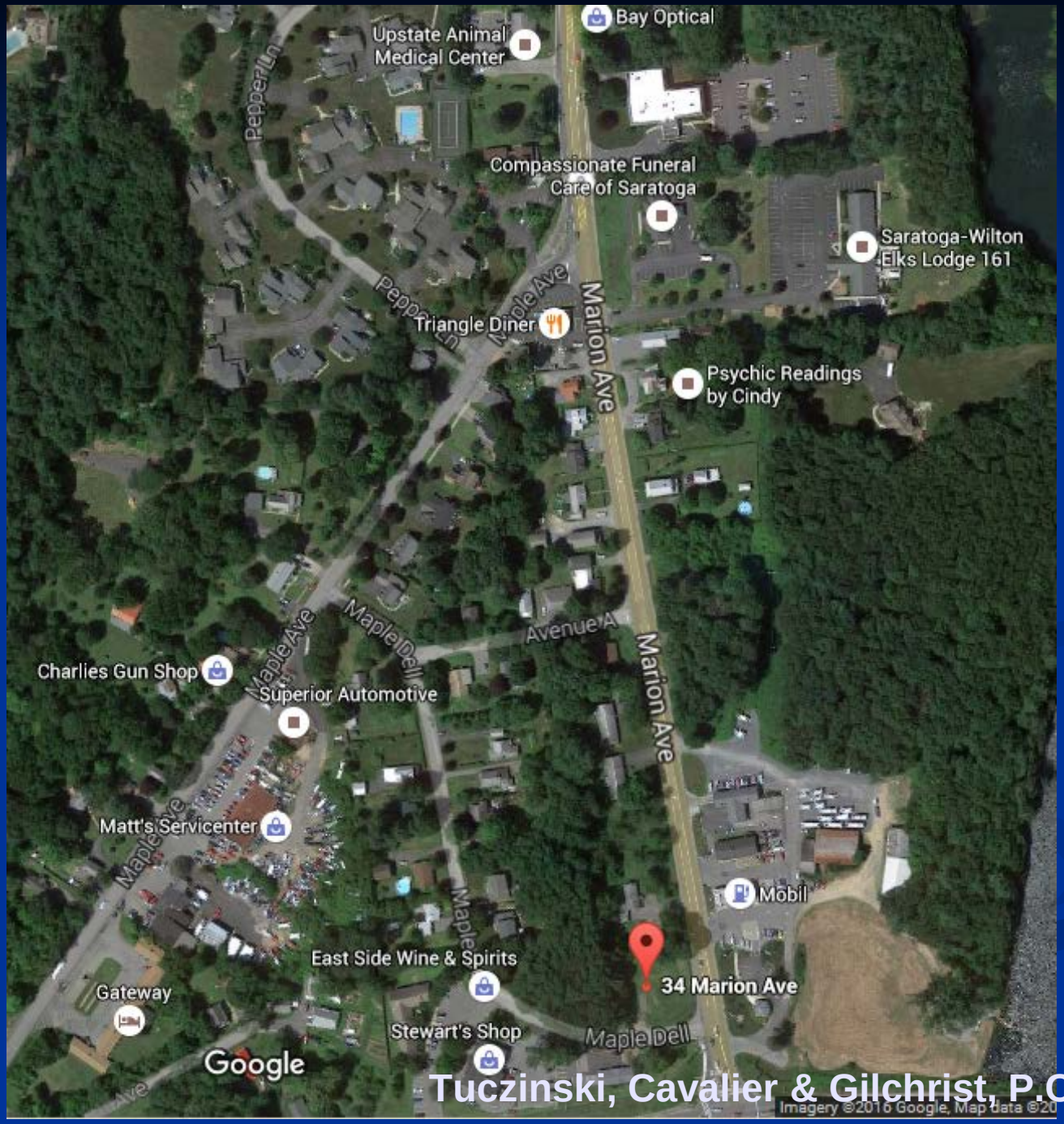
Expectation of Growth

- Additional impact on traffic
  - Fresh Market Center
  - The Hamlet
  - Unconstructed apartments on Excelsior
  - Development Maple Ave west in Greenfield and Wilton

3. Altering Essential Character of the Neighborhood

- Mix of commercial and residential
- Less intense use than surrounding businesses
- Building will provide buffer to sound and visual impacts of Marion Avenue

Commercial Properties on Maple Ave and surrounding areas



4. Self Created Hardship

- Applicant is under contract to purchase
- Prior attempts to change use
- Efforts to sell as residential
  - No valid offers.
  - Continued reduction in price.
  - No currently valid uses.

Hardship

- Hardship created by increased commercial nature of surrounding area – beyond owner's control
  - Greenfield, Wilton and Saratoga Springs
- Saratoga's designation as Gateway

Proof: (1) economically unfeasible to make property compliant with permitted uses and (2) no economic return as zoned

- Financial evidence
  - Realtor's testimony & documentary evidence
  - Builder's cost estimate
  - Marketing history and efforts
  - Change in uses within short radius
  - Assessed value of surrounding properties
- Other Uses
  - Size of lot - prohibitive

Property Use

- Satellite office
- Light intense commercial use during business hours
- Low traffic generator
- Maintaining vegetative buffer

Maple Shade Corners, LLC

Use Variance for 34 Marion Avenue

Zoning Board of Appeals

June 20, 2016

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
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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

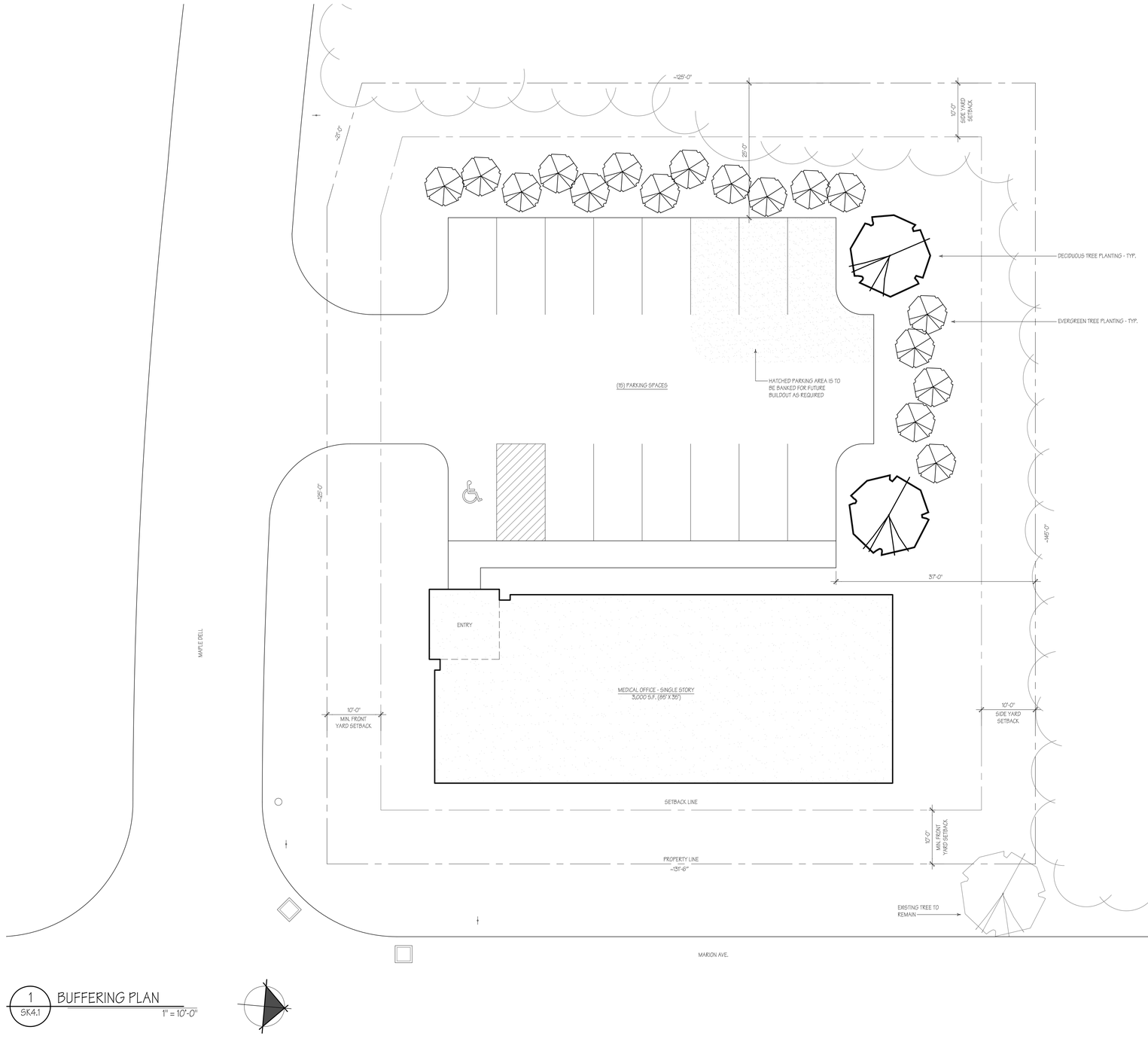
Functional Space Program

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.

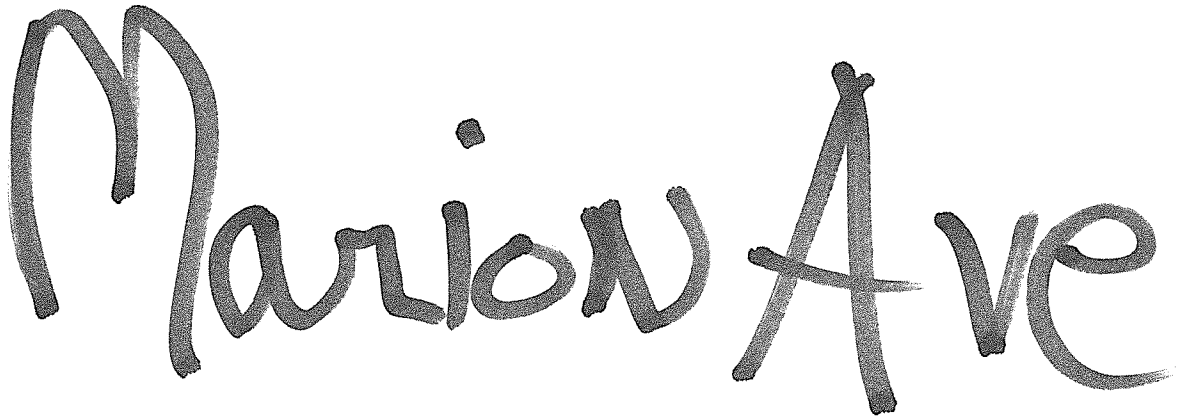
----Original Message----
From: Chris Millis [redacted]
To: millistoys [redacted]
Sent: Fri, Apr 29, 2016 3:41 pm
Subject: Re: Need

[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.

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

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

(applicant signature) Date: 5-20-2016

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

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

APPLICANT: Maple Shade Corners, LLC

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

PROPERTY ADDRESS: 34 Marion Avenue

ZONING DISTRICT: UR-2

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

Use Variance

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Other: _____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

NARRATIVE TO ACCOMPANY APPLICATION

USE VARIANCE BY MAPLE SHADE CORNERS, LLC

AT 34 MARION AVENUE

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

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

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

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

Use Variance Standards

1. Reasonable return on investment

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

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

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

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

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

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

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

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

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

*estimate based on 2015 figures.

** estimates based on 2009 figures.

2. Financial Hardship is Unique

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

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

3. Altering Essential Character of the Neighborhood

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

4. Self-Created Hardship

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

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

Proposal

To: Bill Healy

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

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

Included in Proposal: Specification Sheet for single family dwelling.

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

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

Documents included as instrument of this proposal: Build Specs

Respectfully submitted:

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

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

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

Main floor areas: 1346 SFT.

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

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

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

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

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

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

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

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

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

Interior walls: 2x4 #2 and better SPF framing

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

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

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

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

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

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

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

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

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

Stairs: Pine risers and stringers with hardwood treads.

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

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

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

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

Water: Town-water supply.

Hot water: Electric storage-type water heater.

Septic: Existing septic tank, distribution, field.

Driveway: Crusher-run bluestone rubble.

Landscape finishes: By others.

CRMLS

CRMLS

MC NEARY
REALTY, INC.

Hello,

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

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

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

Please feel free to contact me at [redacted]

Best regards,

Peter Riposa 5/20/16

Peter Riposa
Real Estate Agent

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

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Name of Action or Project:
MAPLE SHADE CORNERS, LLC

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

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

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

Address:
4 EXECUTIVE PARK DRIVE

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

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

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

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

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

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

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

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

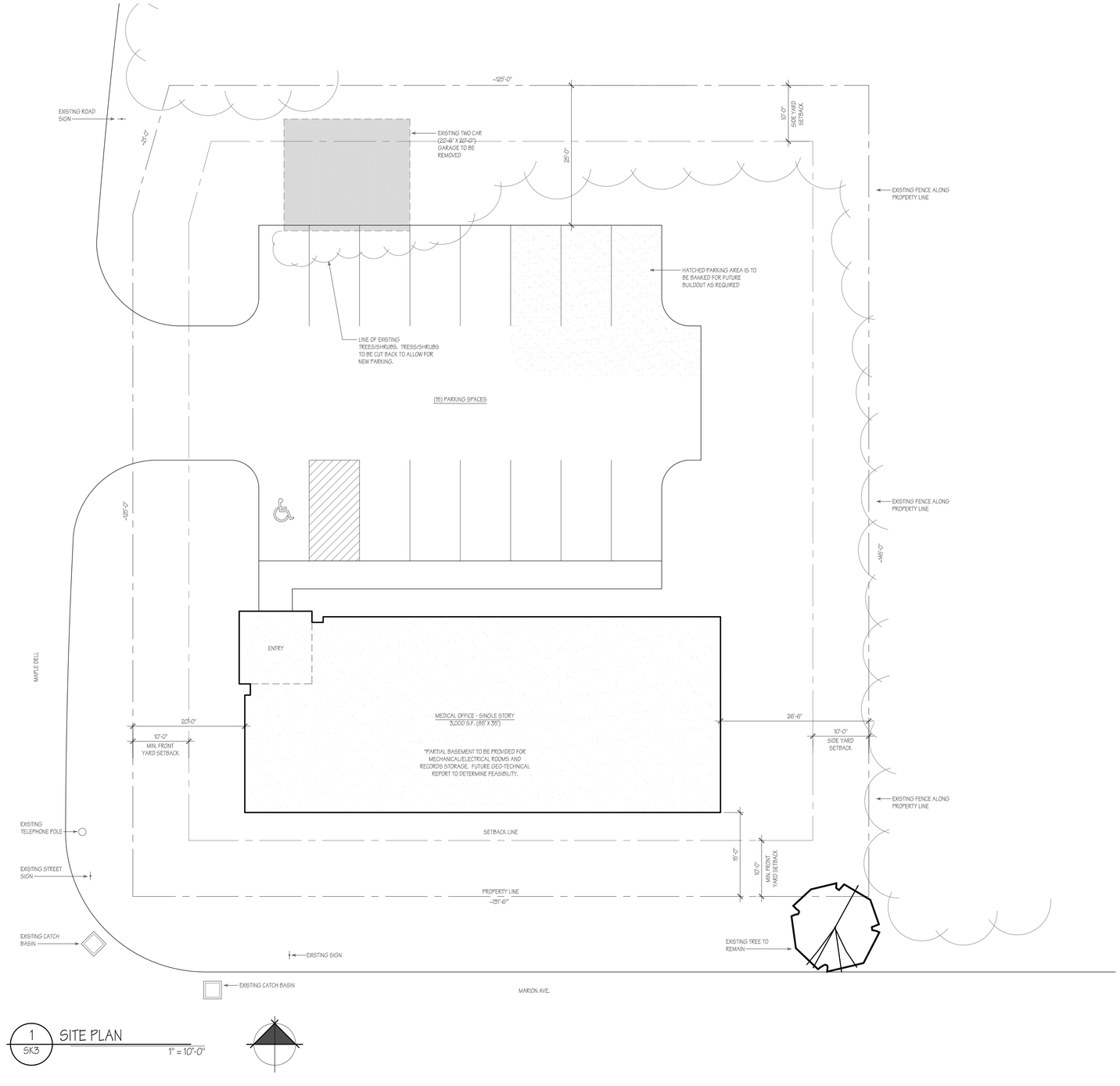
	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location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

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

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

Signature: _____

PRINT FORM



1 SK3 SITE PLAN

1" = 10'-0"

NOTES:

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

CONCEPTUAL

SITE PLAN - C

the ARCHITECTURAL COLLABORATIVE

15 SUFFOLK LANE, GANSEVOORT, NY 12831 - 518.796.6236

CLIENT LOGO:

CONSULTANT LOGO:

SEAL:

#:	DESCRIPTION:	DATE:

PROJECT NAME: DR. AIBEL

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

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.

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

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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

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SUITE 301
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T [redacted]
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Examples of Proposed Buildings

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

LANSING ENGINEERING, PC

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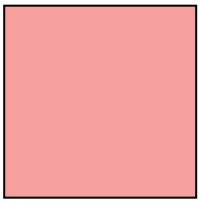
F [redacted]

City of Saratoga Springs Complementary Core

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

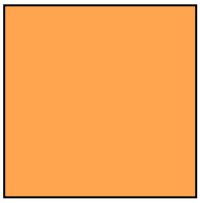


Complementary Core (CC)

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.

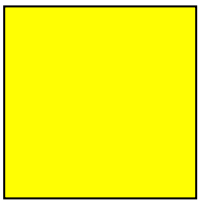


Community Mixed Use (CMU)

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)

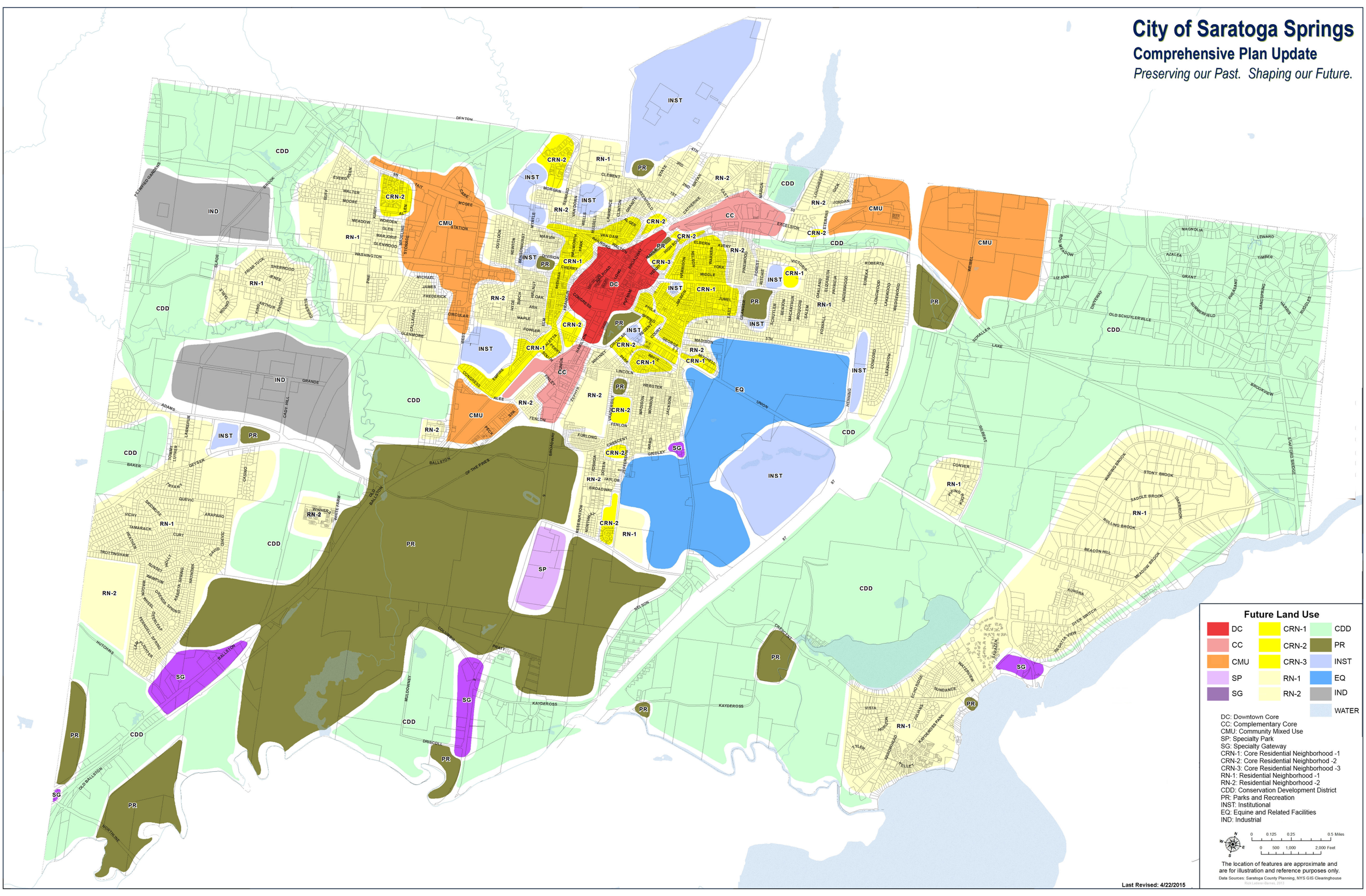
Core Residential Neighborhood-1 (CRN-1), Core Residential Neighborhood-2 (CRN-2), and Core Residential Neighborhood-3 (CRN-3)

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.

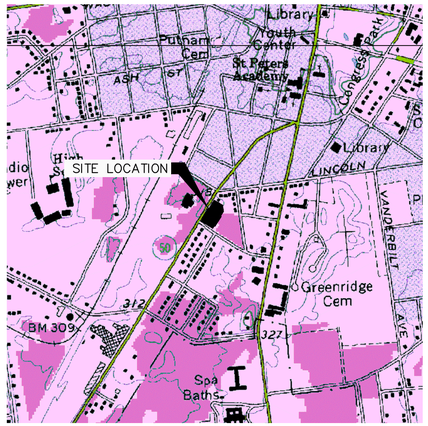
Data Sources: Saratoga County Planning, NYS GIS Clearinghouse

Rick Ledner-Barnes, 2013

Last Revised: 4/22/2015

BALLSTON AVE SUBDIVISION

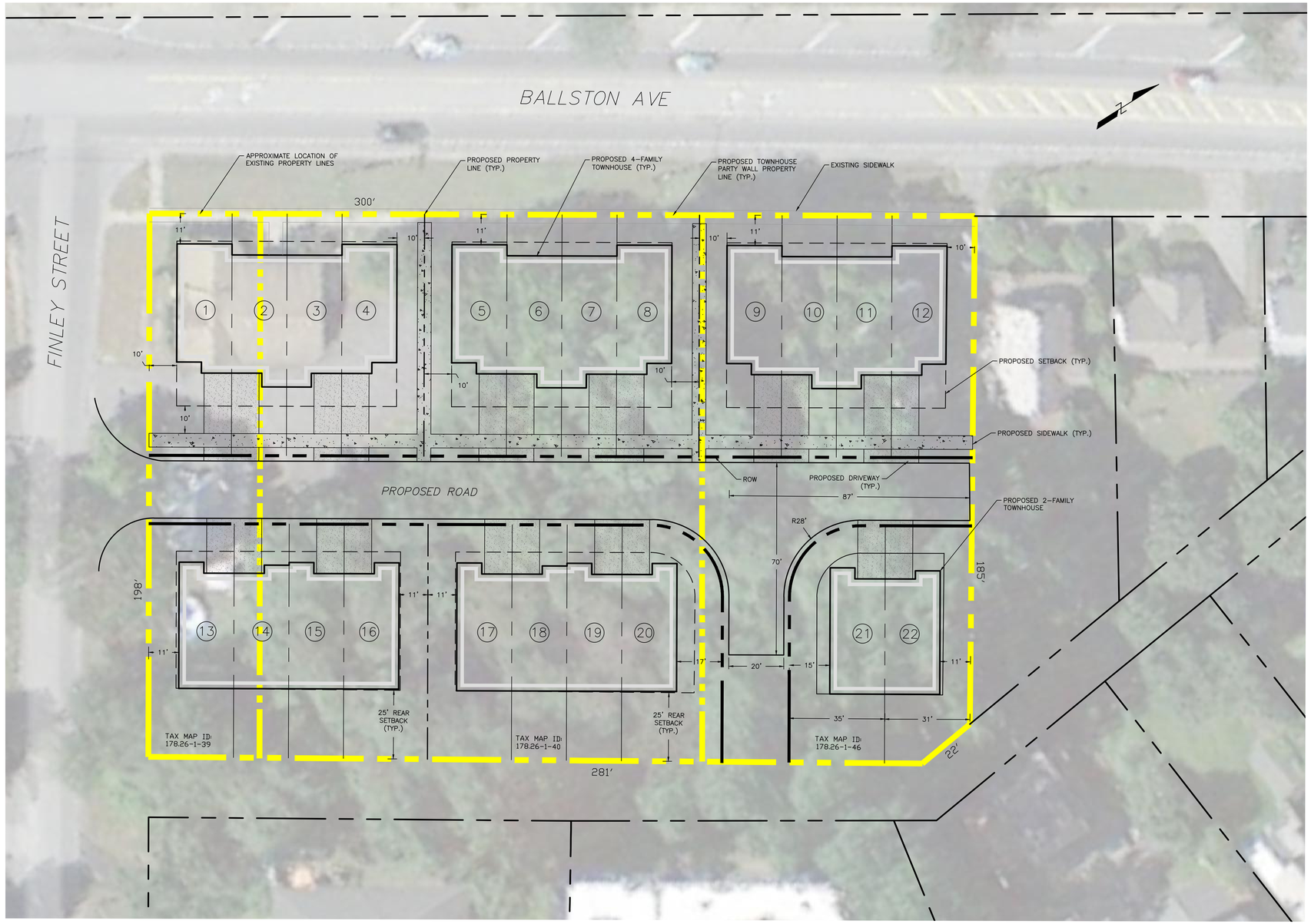
CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK



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

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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

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[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

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[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]

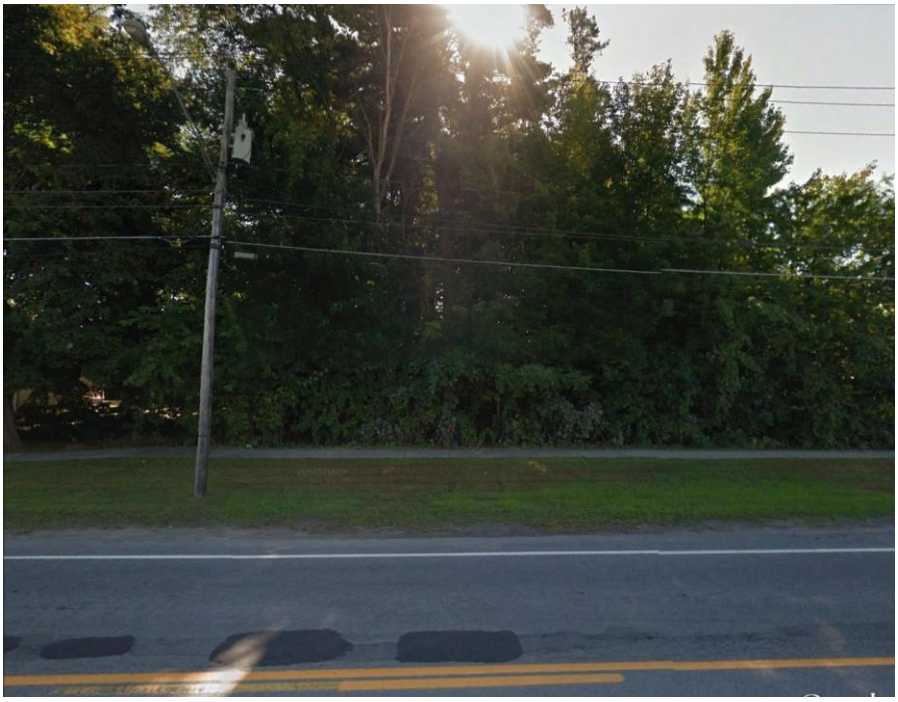
Ballston Ave Subdivision
Site Photos

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:

_____

_____

_____

_____

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_____

_____

_____

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:

_____

_____

_____

_____

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_____

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.

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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.

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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.

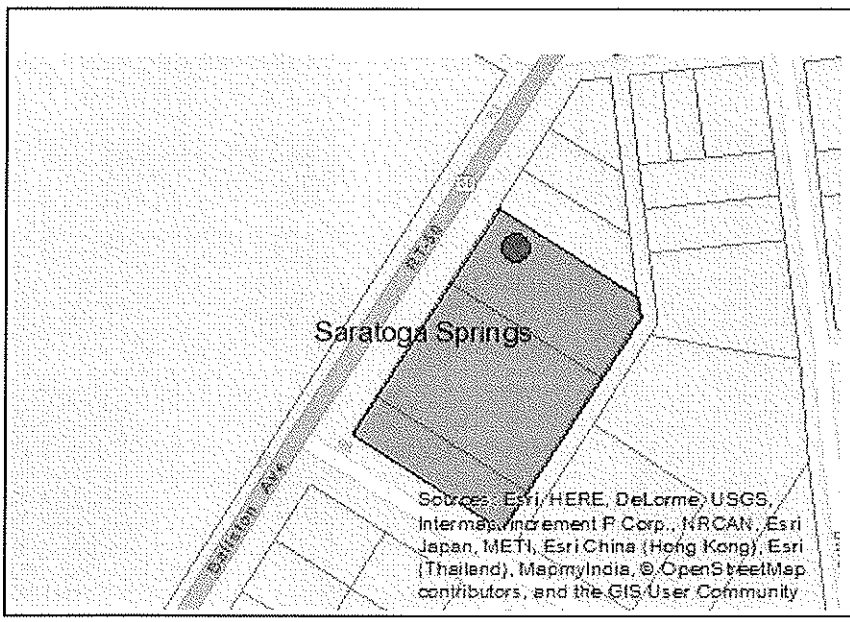
Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

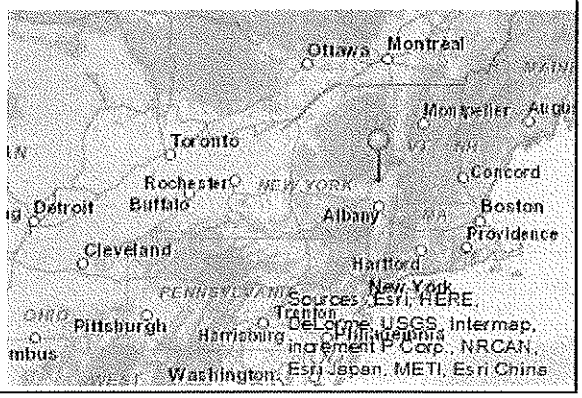
PRINT FORM

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
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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:

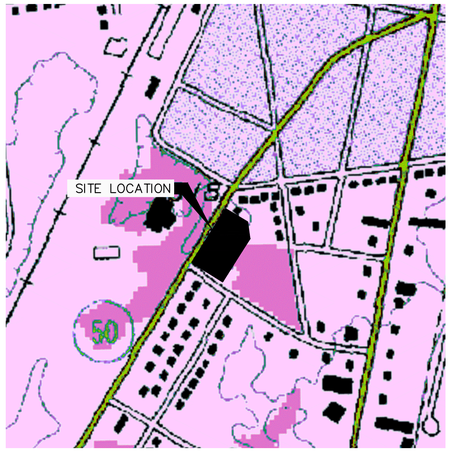
Zoning Regulation	Required	Proposed	Requested Variance
Minimum Lot Sizes	6,600 sf	1,702 sf	4898 sf
Minimum Average Lot Width	60 ft.	20 ft.	40 ft.
Maximum Building Coverage	30%	33%	3%
Each Side Min Yard Setback	8 ft.	0 ft.	8 ft.
Total Side Min Yard Setback	20 ft.	0 ft.	20 ft.

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.

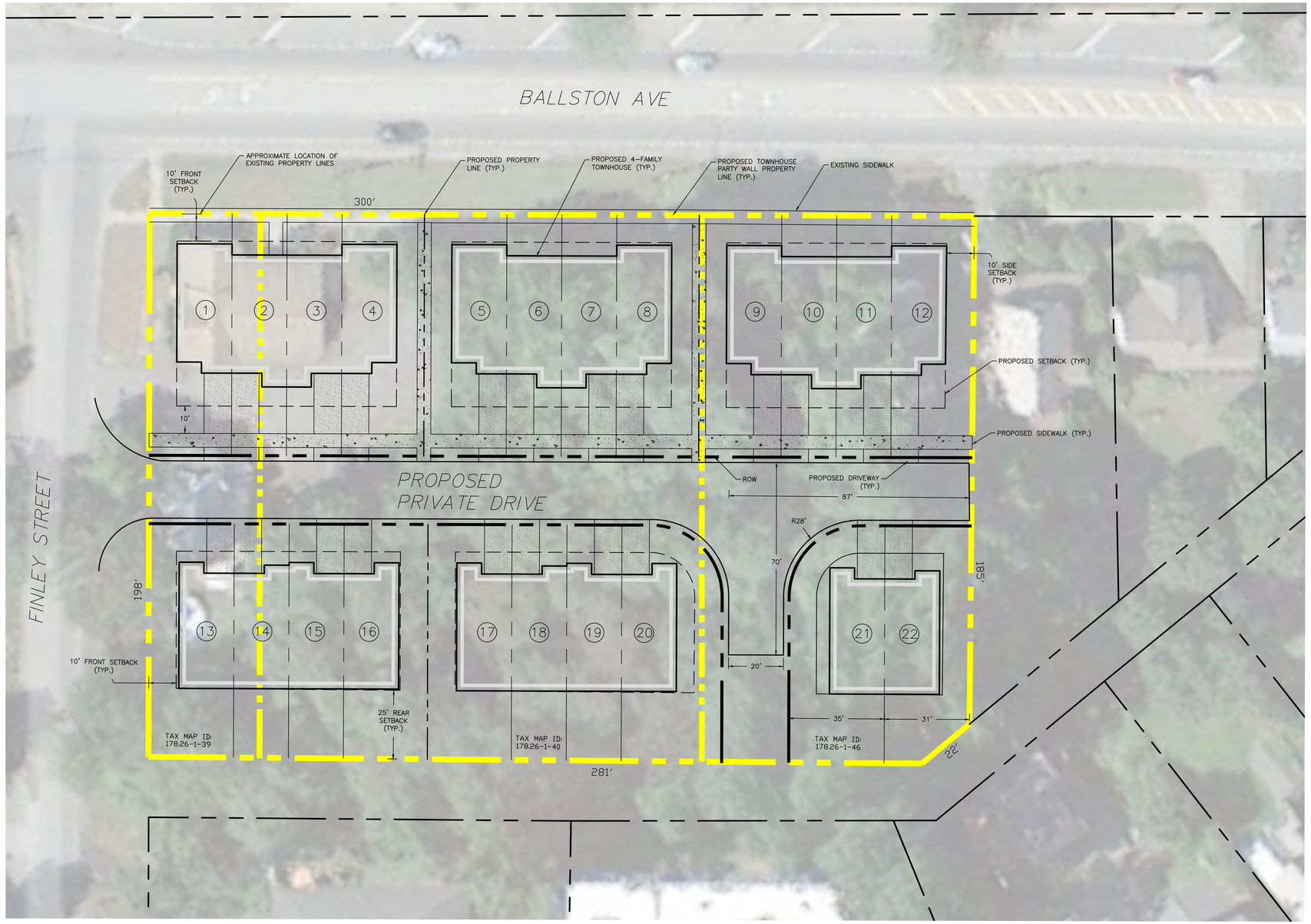
BALLSTON AVE SUBDIVISION

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

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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

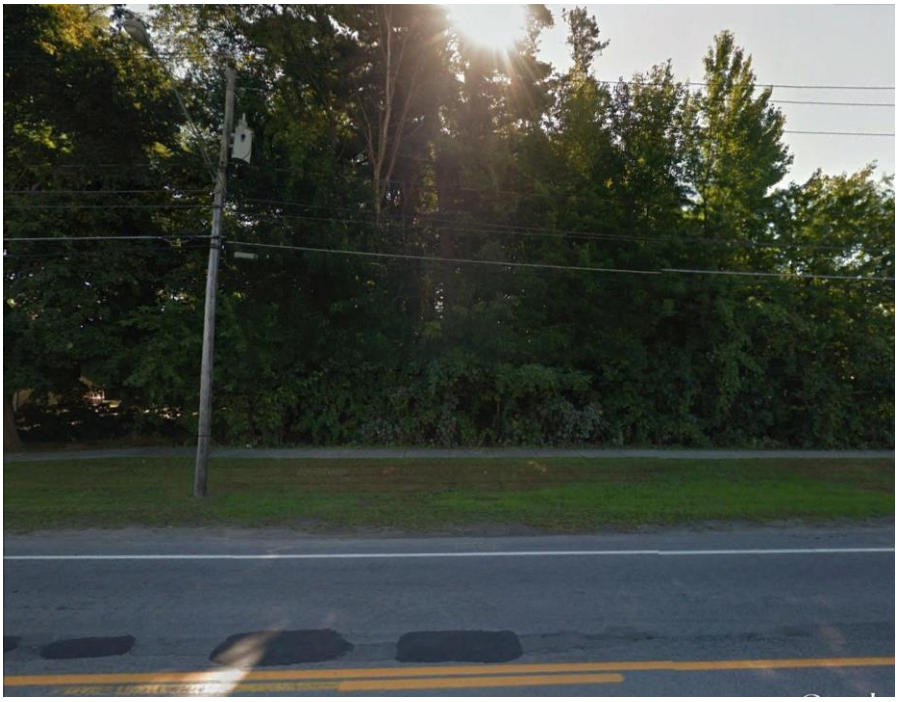
Ballston Ave Subdivision
Site Photos

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

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

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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.