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*
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Gary Hasbrouck
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Susan Steer
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Oksana Ludd, alternate

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

# AGENDA

**ZBA Meeting – Monday, September 26, 2016**
CITY COUNCIL CHAMBERS – 7:00 P.M.

6:00 P.M. **WORKSHOP: – UDO DIAGNOSTIC REPORT**

**Salute The Flag**

**ROLL CALL - BOARD MEMBER JAMES HECLICKE PARTICIPATING BY VIDEOCONFERENCE**

**#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_APP_REDACTED.PDF
2900 MAPLESHADECORNERSDENTISTOFFICE_CORRSTEWARTS5-23-16.PDF
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 MAPLESHADECORNERSDENTIST_AFFIDAVITSRECVD9-19-16_REDACTED.PDF

**New Business**

1. **#2914 SAMES MIXED-USE BUILDING**
   20 Bowman Street, area variance to convert existing one-story building to eating and drinking and add a second-story for a residential unit, seeking relief from the minimum front and side yard setbacks for the second-story addition and minimum front, side and rear yard setbacks to parking in the Tourist Related Business district.

   Documents:

   2914 SAMESMIXED-USEBUILD_APP_REDACTED.PDF
   2914 SAMESMIXEDUSEBUILD_APPREVISED_REDACTED.PDF

2. **#2911 NATHAN HOME OCCUPATION**
   36 Bensonhurst Avenue, area variance to construct a detached garage with second-story home occupation, seeking relief to permit a home occupation in an accessory structure, to permit habitable/finished space in an accessory structure and to exceed the maximum square footage for a home occupation in an Urban Residential – 2 District.

   Documents:

   2911 NATHANHOMEOFFICE_APP_REDACTED.PDF

3. **#2915 OBSTARCZYK GARAGE**
   147 Spring Street, area variance to construct a detached, two-car, two-story garage, seeking relief from the minimum side yard setback and minimum distance between accessory and principal structure in the Urban Residential – 3 District.

   Documents:

   2915 OBSTARCZYKGARAGE_APP_REDACTED.PDF
   2915 OBSTARCZYKGARAGEAPP_SSPFCORR.PDF

4. **#2916 COSTELLO GARAGE**
   109 Elm Street, area variance to finish the interior of an existing detached garage, seeking relief to permit finished/habitable space in an accessory structure in an Urban Residential – 2 District.

   Documents:

   2916 COSTELLOGARAGE_APP_REDACTED.PDF

5. **#2912 BATES SINGLE-FAMILY RESIDENCE**
   5 Swanner Lane, area variance to construct residential additions to an existing warehouse building and use as a single-family residence; seeking relief from the rear and side yard setbacks and maximum principal building coverage in the Urban Residential – 3 District.

   Documents:

   2912 BATESRESIDENCEADD_APP_REDACTED.PDF

6. **#2913 DIIULIO GARAGE**
   122 North Street, area variance to construct a detached, two-car, two-story garage with second-story living space; seeking relief to permit finished/habitable space in an accessory structure in an Urban Residential – 3 District.

   Documents:

   2913 DIIULIOGRAGEAPT_APP_REDACTED.PDF

7. **#2917 PATRICIA ADDITION**
   8 McAllister Dr. area variance to construct a rear porch addition to an existing single-family residence; seeking relief from the maximum principal building coverage in an Urban Residential – 1 District.

   Documents:

2917 PATRICIARESIDENCEPORCH_APP_REDACTED.PDF

**Old Business**

1. **#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 and total side yard setback requirements in the Urban Residential – 2 District.

   Documents:

   2905 MCGUIRERESIDENCEPORCH_APP_REDACTED.PDF
   2905 MCGUIRERESIDENCEPORCH_COVERAGEPERCENTAGES.PDF
   2905 MCGUIRERESIDENCEPORCH_PLOTPLAN.PDF
   2905 MCGUIRERESIDENCEPORCH_SURVEY.PDF

2. **#2582.4 DEMASI & DUNN RESIDENCE**
   27 Garside Road, area variance modification for a new single-family residence; seeking relief from the minimum side yard and minimum total side yard setback requirements in the Green Acres PUD.

   Documents:

   2582.4 DEMASIDUNNRESIDENCE_APP_REDACTED.PDF
   2582.4 DEMASIDUNNRESIDENCE_BUILDINSPECTDENIAL.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_BUILDINSPECTDENIAL.PDF
   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_BUILDINSPECTDENIAL.PDF
   2805.1 THEHAMLETFREESTANDINGSIGN_APP_REDACTED.PDF
   2805.1 THEHAMLETFREESTANDINGSIGN_UPDATEDRENDERINGS.PDF

5. **#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_BUILDINSPECTDENIAL.PDF
   2908 HOVERRESIDENCE_APP_REDACTED.PDF

6. **#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_COUNTYRESPONSE.PDF
   2909 GASLIGHTAPTS_BUILDINSPECTDENIAL.PDF
   2909 GASLIGHTAPTS_ADDTLINFO.PDF
   2909 GASLIGHTAPTS_APP_REDACTED.PDF

7. ~~**#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_BUILDINSPECTDENIAL.PDF~~
   ~~2910 PETLODGEOFSARATOGA_APP_REDACTED.PDF~~

**Adjourned Items**

1. **#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 DELARMRESIDENCEADDITION_BUILDINSPECTDENIAL.PDF
   2907 DELARMRESIDENCEADD_PHOTOS.PDF
   2907 DELARMRESIDENCEADD_PLANS.PDF
   2907 DELARMRESIDENCEADD_APP_REDACTED.PDF

2. **#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_UPDATEDMATERIALS.PDF
   2786.2 RITEAIDSIGNAGE_APP_REDACTED.PDF
   2786.2 RITEAIDSIGNAGE_COUNTYRESPONSE.PDF

3. **#2778.1 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
   2776.1 GUARINOHANERPROJECT_BUILDINSPECTDENIAL.PDF

4. **#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

5. **#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

6. **#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

7. **#2890 BARLOW RESIDENCE**
   2 Cherry Tree Lane, area variance to construct an attached garage and breezeway to an existing single-family residence; seeking relief from the minimum side yard setback requirements in the Rural Residential District.

   Documents:

   2890 BARLOWRESIDENCEADDITION_APP_REDACTED.PDF
   2890 BARLOWRESIDENCEADDITION_BUILDINSPECTDENIAL.PDF

8. **#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_APP_REDACTED.PDF
   2891 BALLSTONAVESUBDIVISION_COUNTYREFERRAL.PDF
   2891 BALLSTONAVESUBDIVISION_SUPPINFORECVD6-6-16_REDACTED.PDF

**Other Business**

1. **APPROVAL OF DRAFT MEETING MINUTES: SEPT. 12**

2. **NEXT ZONING BOARD MEETING: OCTOBER 11, 2016**

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

# 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<br>Albany, New York 12203 | 2 Victoria Lane<br>Saratoga Springs, NY 12866 | Tuczinski, Cavalier & Gilchrist, P.C.<br>63 Putnam Street, Suite 202<br>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,<br>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 | | |

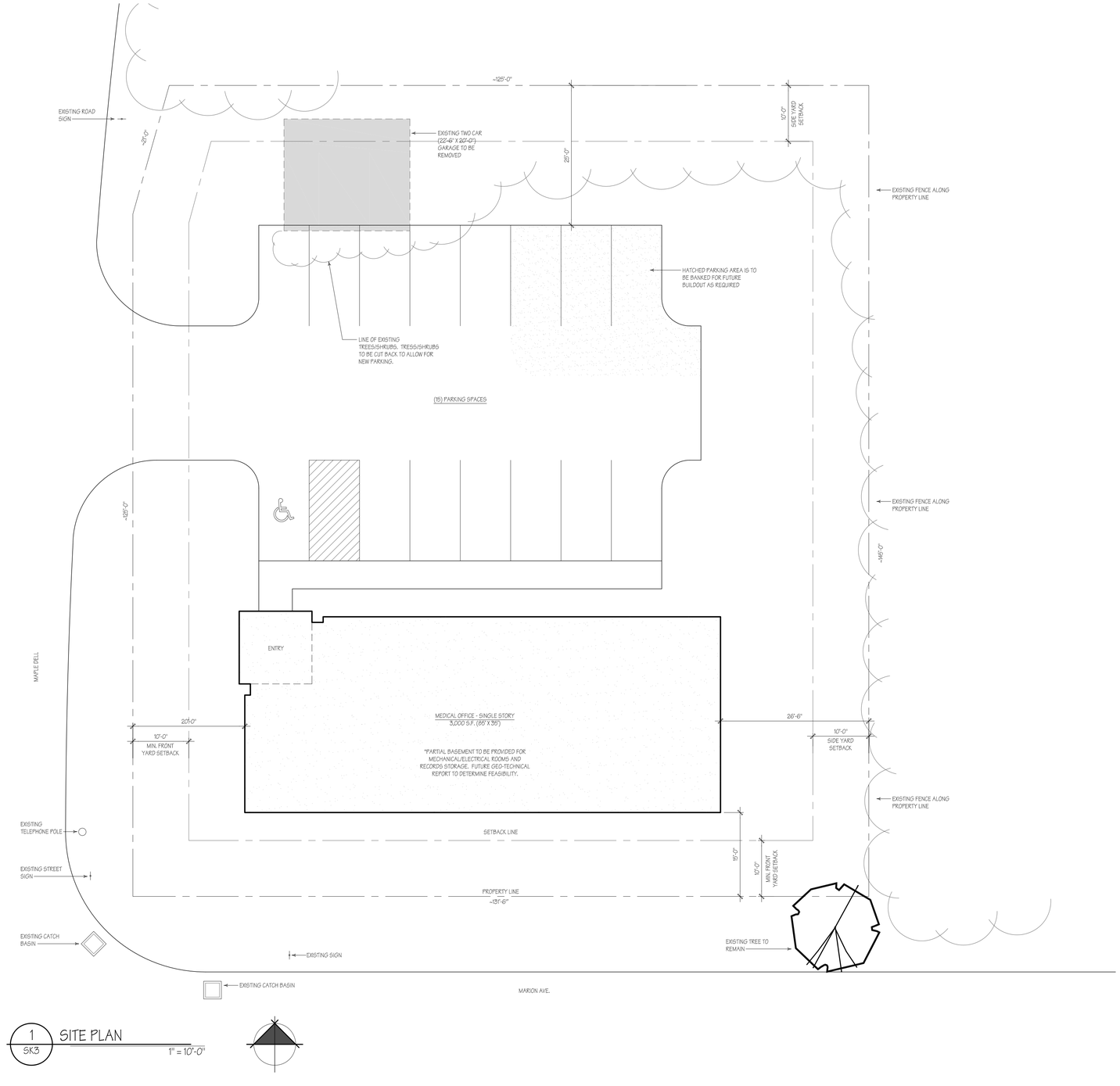
| | NO | YES |
|---|---|---|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?<br>If Yes, explain purpose and size: _____ | ☑ | ☐ |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>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?<br>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) = ~3,500 S.F. = 19% (30% ALLOWED)
   - 7.3. HARDSURFACE COVERAGE (ASPHALT PAVING AND SIDEWALKS) = 5,905 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) = ~3,500 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" |

May 23, 2016

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

RECD 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.

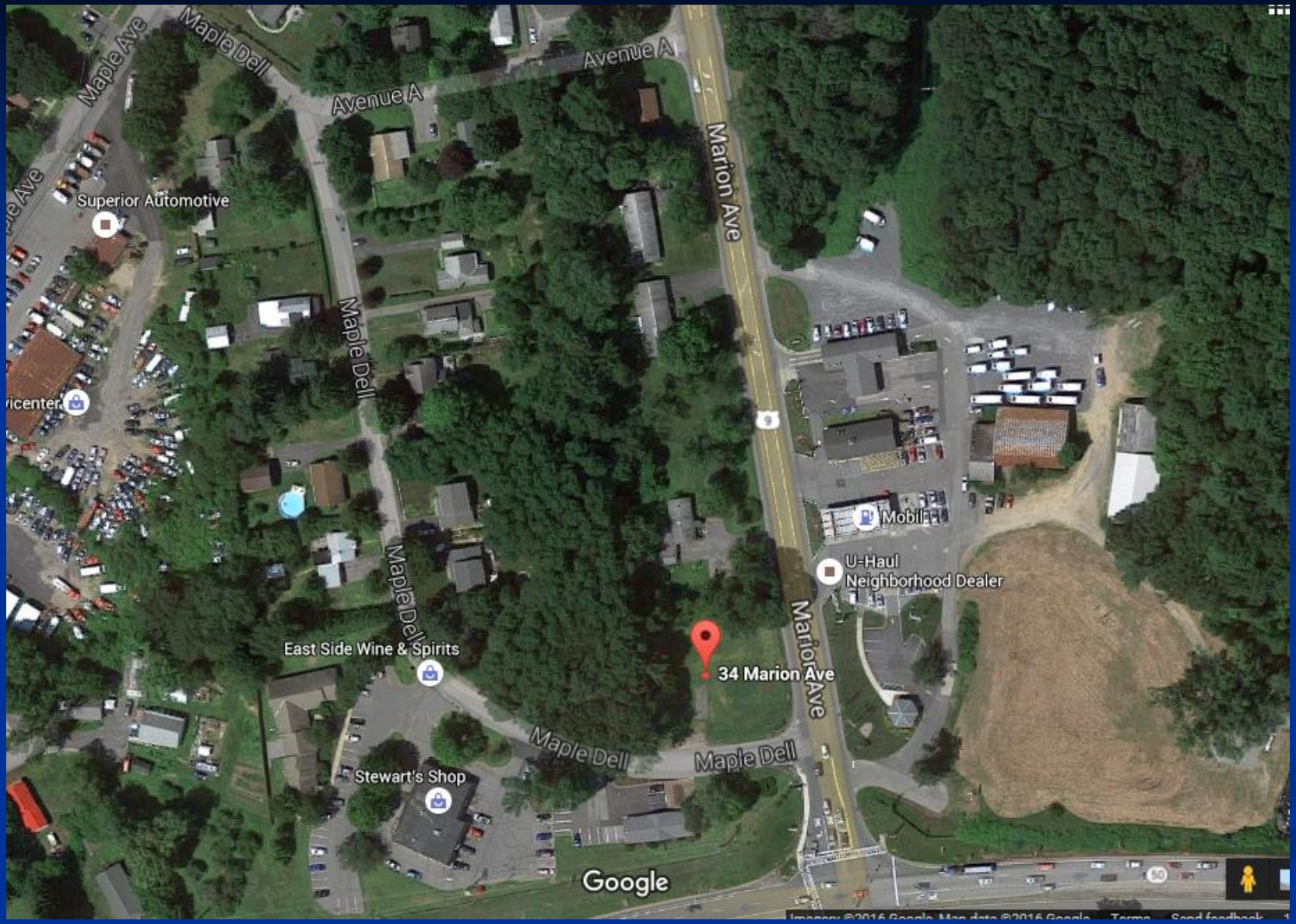
# Maple Shade Corners, LLC

## 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<br>UR2 - 2015 | .17 | $250,000 |
| 245 Woodlawn Avenue<br>UR1 – 2014 | .29 | $399,000 |
| North Circular Street<br>UR2 – 2014 | .47 | $310,000 |
| 14 Persimmon Place<br>UR2 – 2015 | .15 | $195,000 |
| 60 Franklin Street<br>UR4 - 2015 | .17 | $343,750 |
| 49 State Street<br>UR3 -2014 | .34 | $555,000 (assessed $66,000) |
| Greenfield Avenue<br>UR – 2015 | .26 | $489,000 |
| 33 Joseph Street | .58 | $225,000 (asbestos + demolition) |

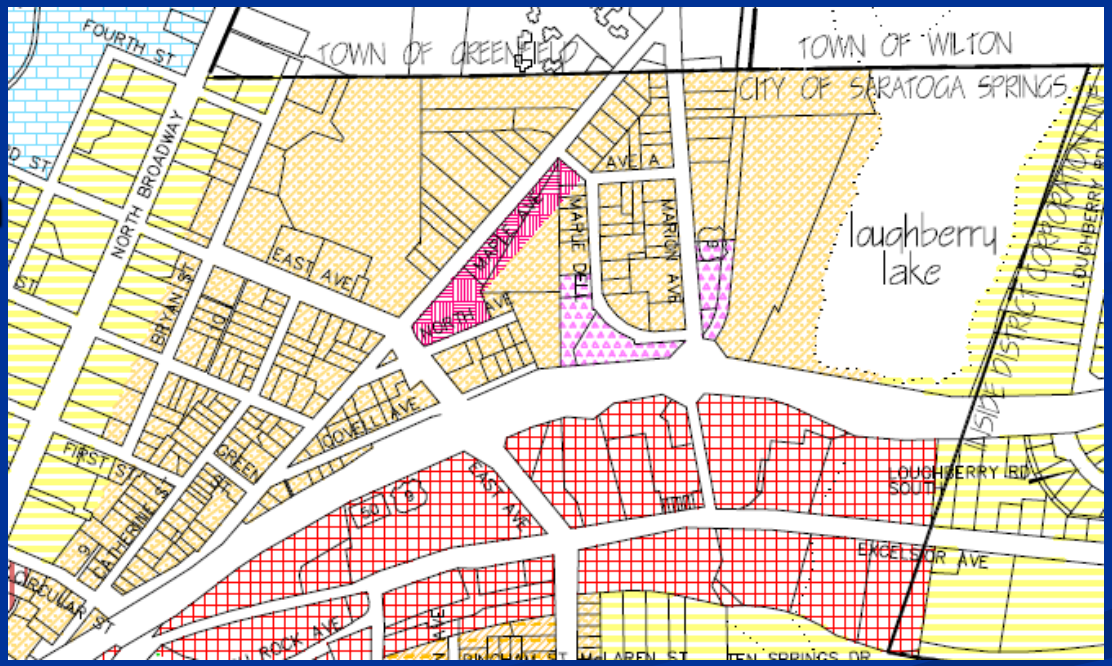
# Unique Circumstances

- 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

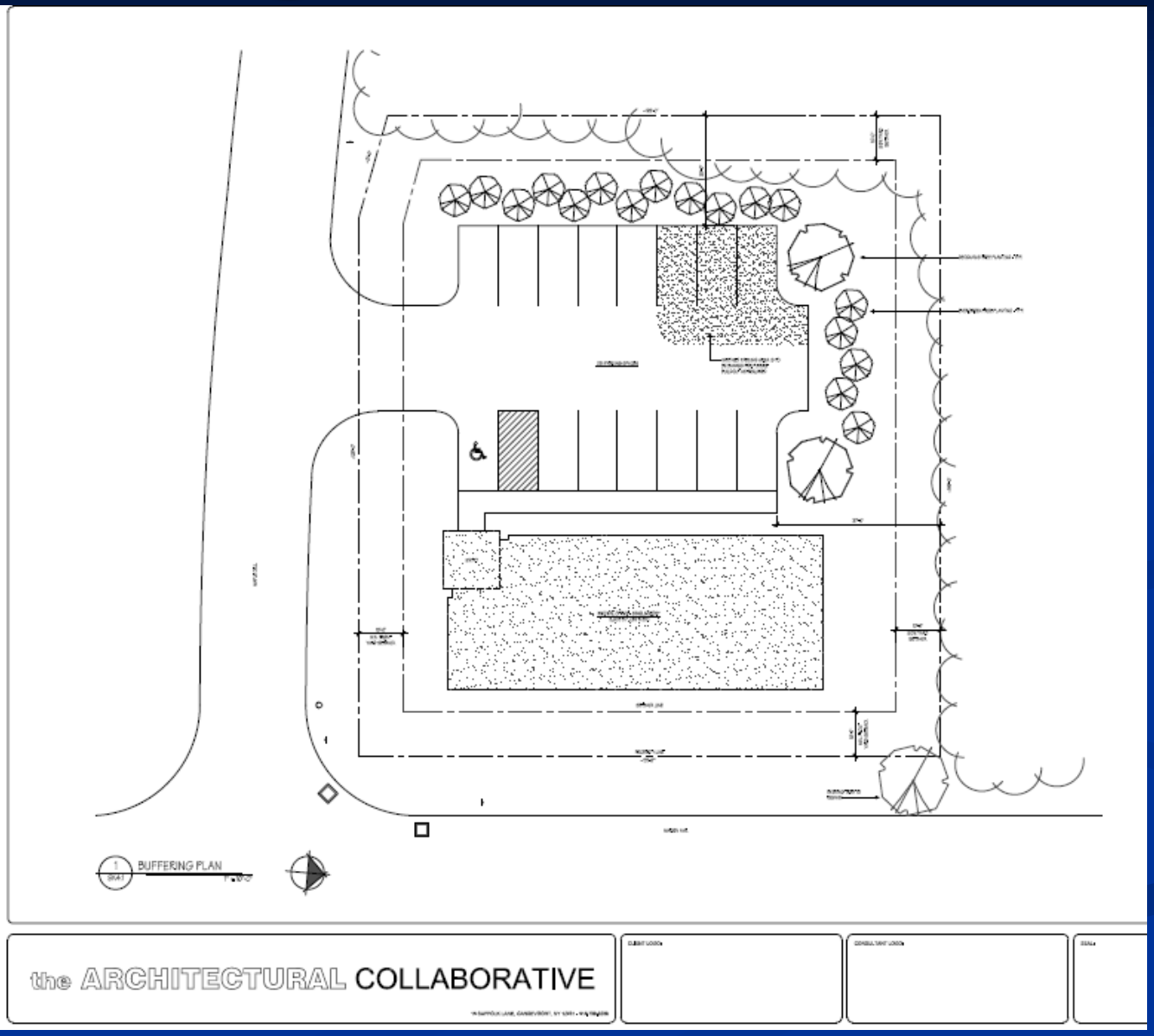
- "If the applicant suffers greater hardship than nearby lands, then a zoning board of appeals may grant a use variance to relieve that hardship." NY Zoning Law and Practice, §29:8.

"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

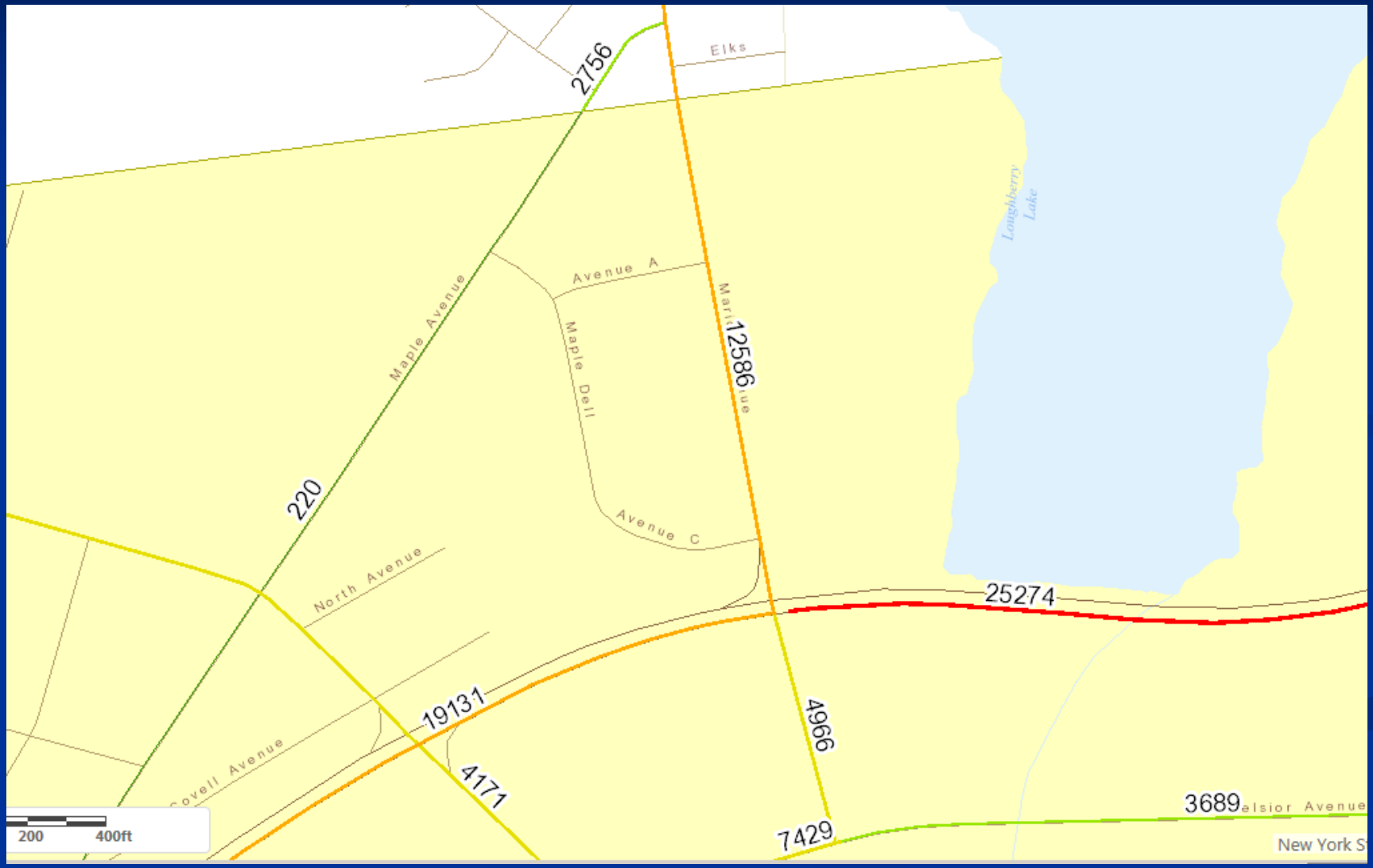
# Design Elements

- 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

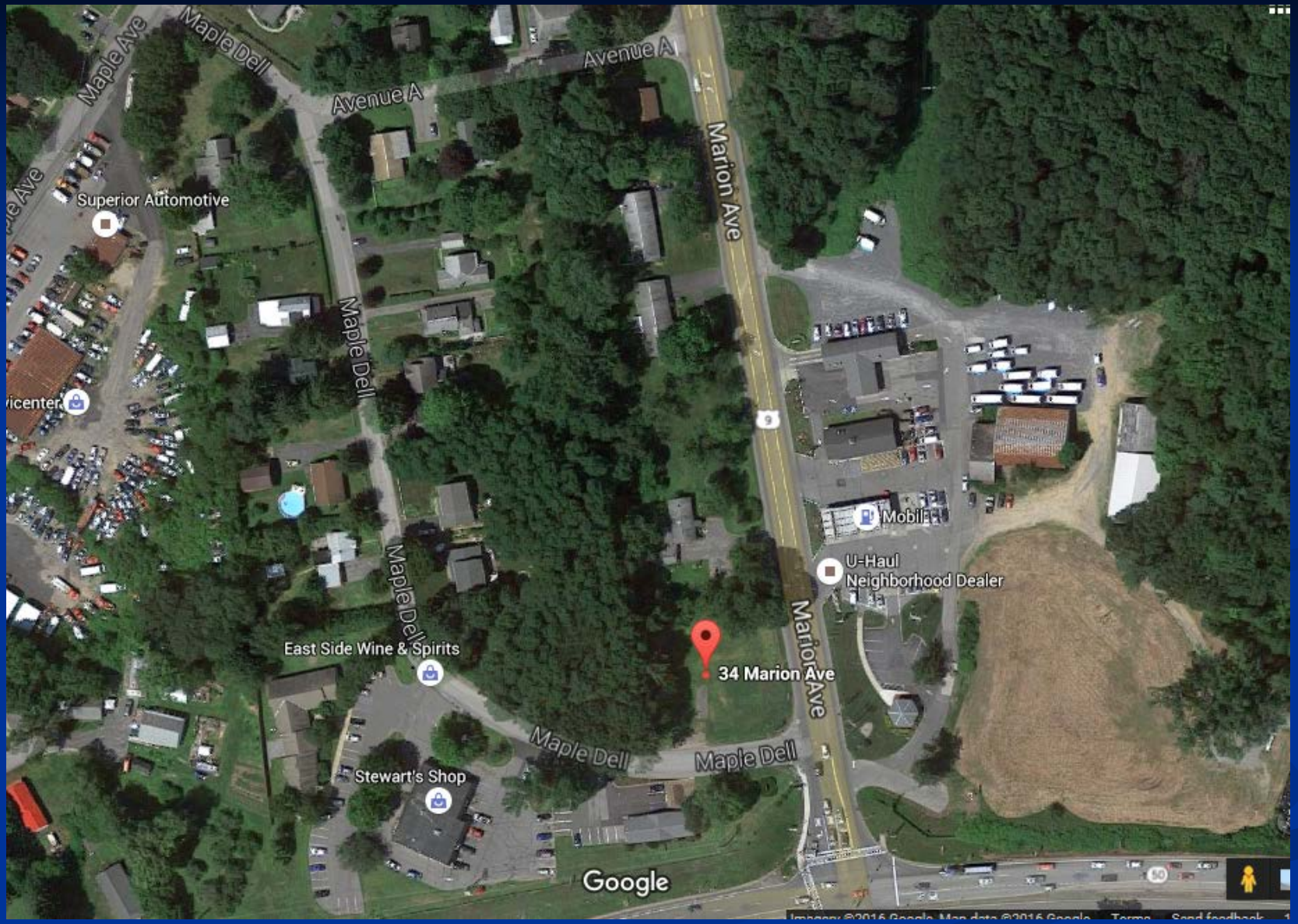
July 11, 2016

# Maple Shade Corners, LLC

## Use Variance for 34 Marion Avenue

Zoning Board of Appeals

June 20, 2016

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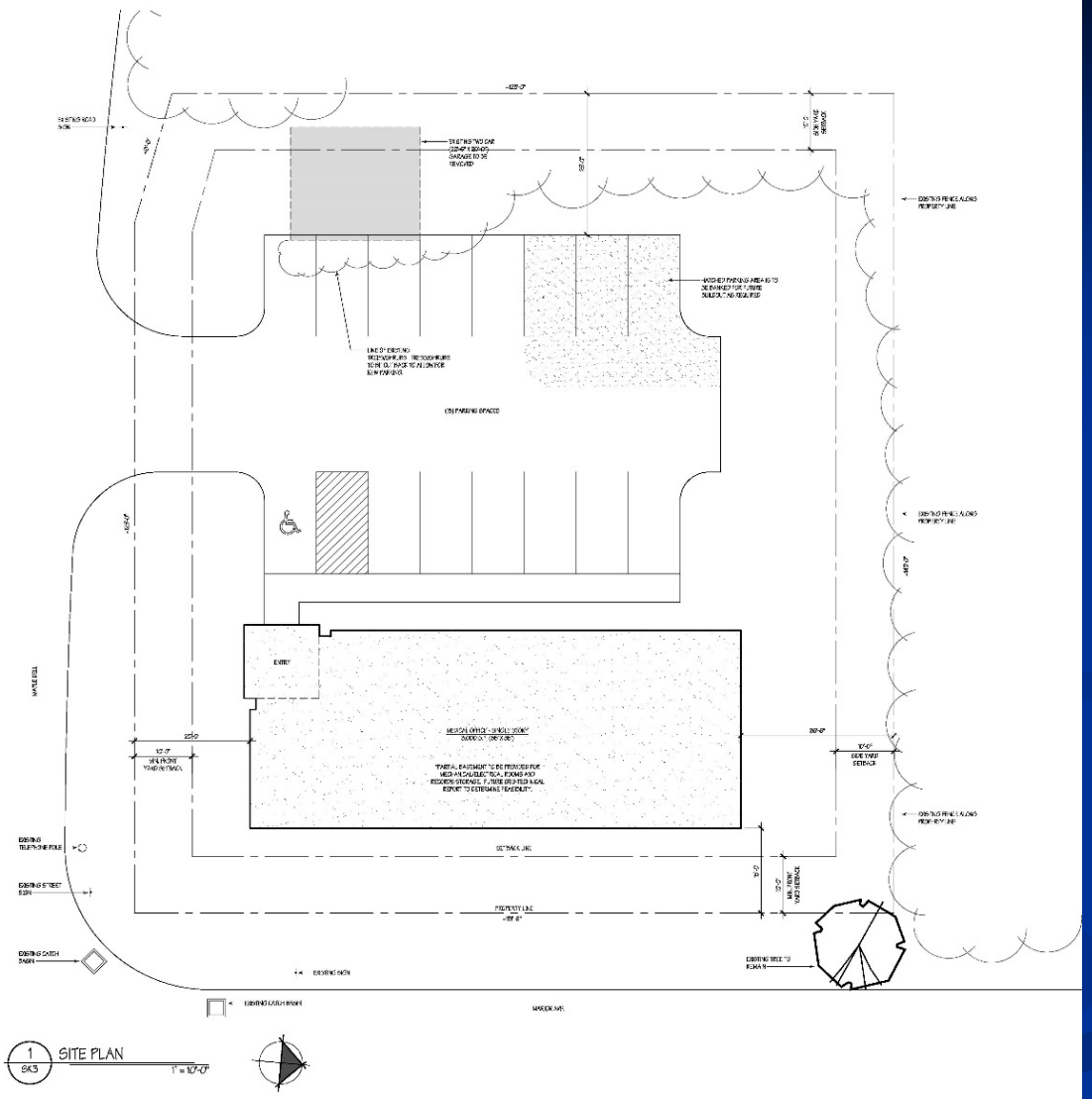
# Existing Site

# 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:

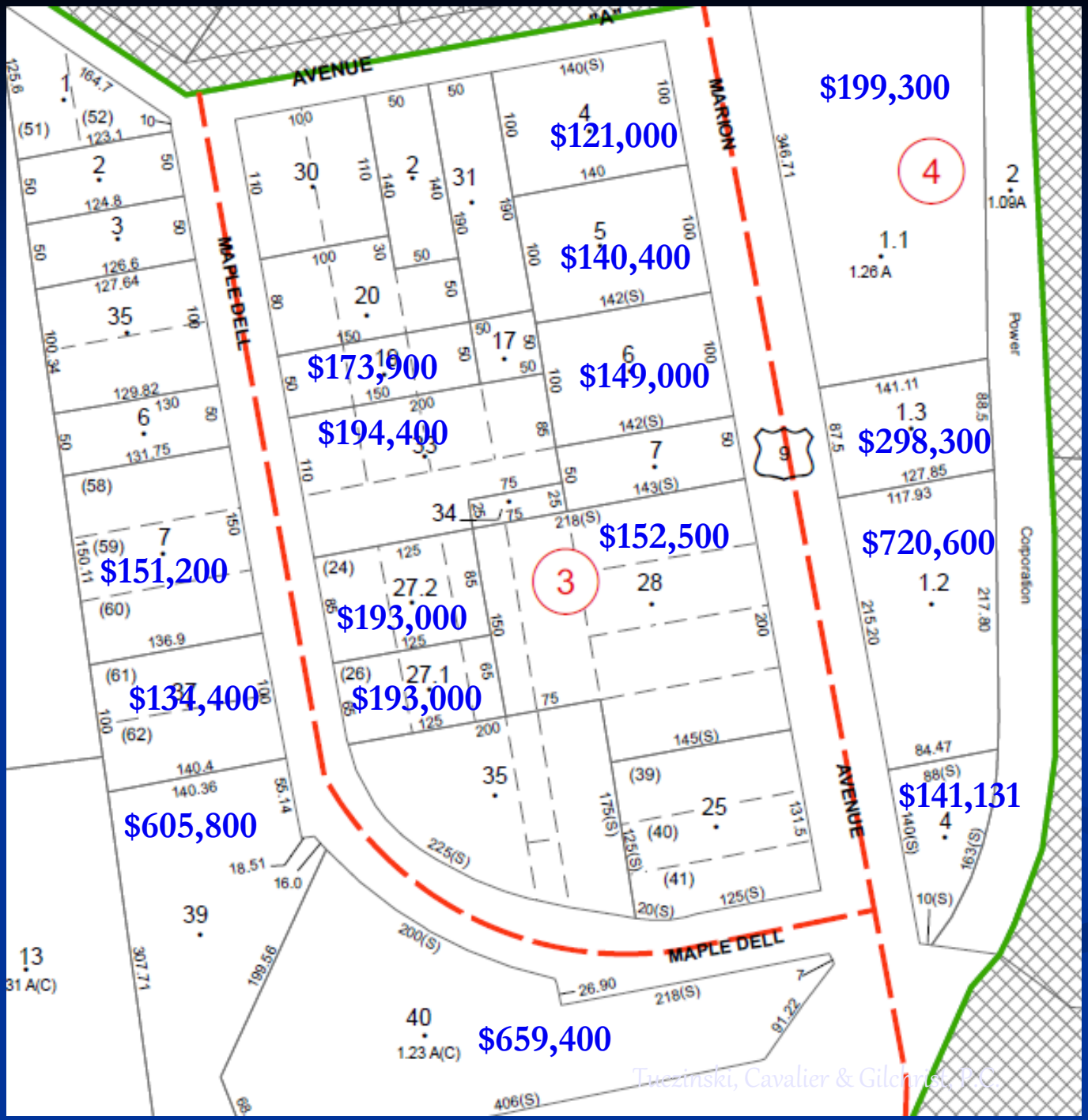
Michael R. Bollinger, Owner M.M Millwork and Const. LLC.

# 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

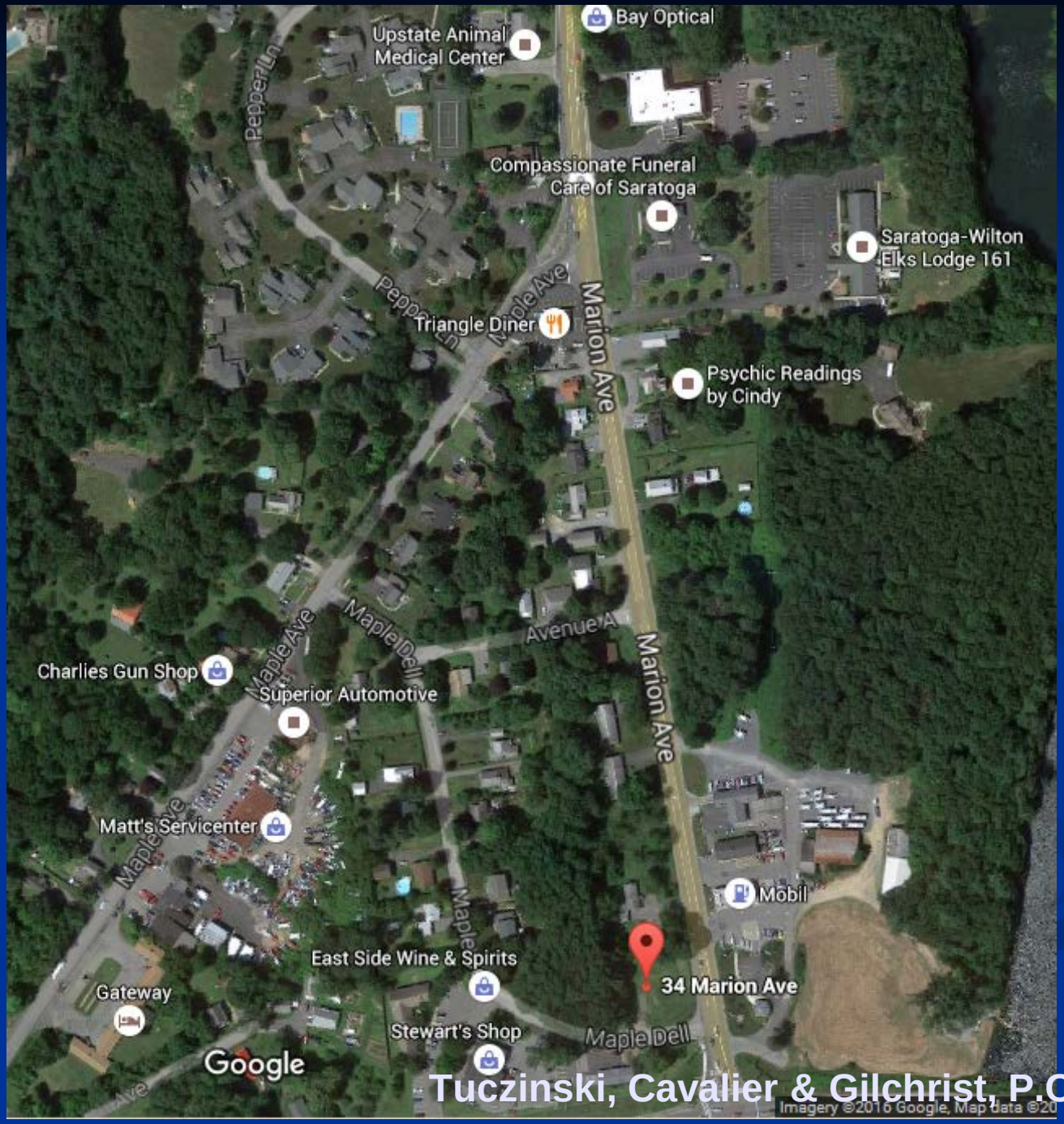
# Specially Permitted Uses

- 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.

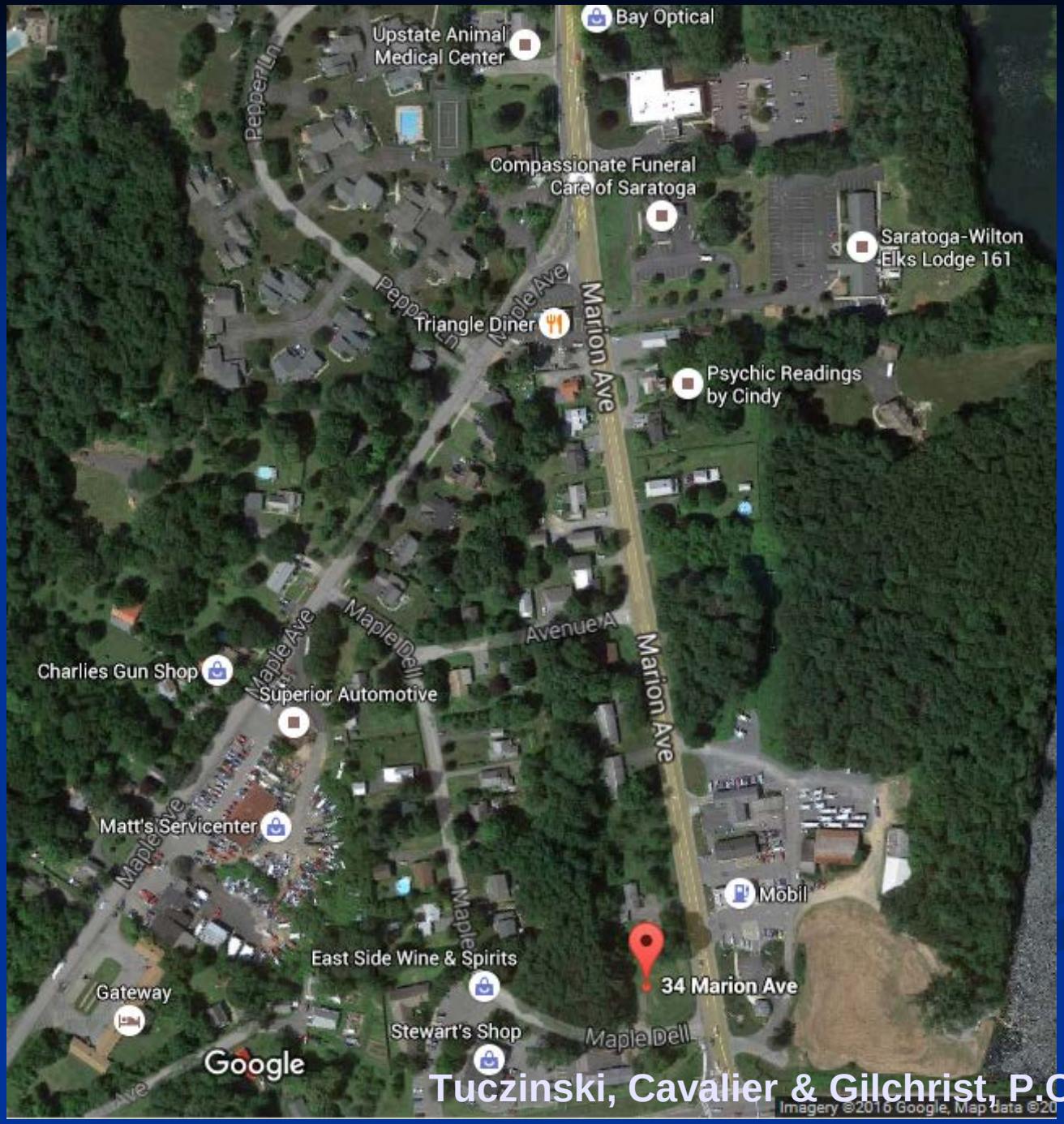
# Expectation of Growth

- 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 |
| $6,436 (first five years of expenses over 30 year investment) | $11,658 | $20,875 | $27,816 | $36,965 | $48,992 |
| 2012 demolition *(no interest)* | *$19,000* | *$19,000* | *$19,000* | *$19,000* | *$19,000* |
| Remainder of tax and maintenance *(no interest)* | *$72,968* | *$72,968* | *$72,968* | *$72,968* | *$72,968* |
| **Total** | **$182,054** | **$264,617** | **$329,919** | **$418,975** | **$540,086** |

In the above, if we assume an ultra-conservative 2% return on the investment occurred from 1982 to present on the initial investment of $40,000 in the property, and simply weighted the value of that initial investment, we would have earned $78,427 at the present date. If we add that to the taxes, maintenance and insurance costs for the property with the first 5 years shown with interest added and remaining years stagnant, together with actual demolition costs, we would have a total of **$182,054** today. As you can see from the above, as the interest increases, the return from that investment increases dramatically.

### 3. Listing Price for Property

During the meeting, neighbors and others suggested the listing price of the property in 2005 was too high. Recall that at the time of that listing, the property included a single family home, albeit in deteriorating condition. The city of Saratoga Springs online search tool contains some information which helps provide comparable prices in 2005 during the height of the market during the peak real estate cycle that occurred in 2005-2007. Jay Verro provide the below data from comparable sales. The last column adjusts the price to match the acreage of 34 Marion Avenue in order to provide a comparable price based on the size of the subject site. Note that these figures are from actual sales, only are vacant land, and occurred in 2005 through 2007.

**SALE PRICES 2005-2007 FOR RESIDENTIAL VACANT LAND**

| Address | Acres | Zoning / Use | Sale Date | Sale Price | Adjusted to a 0.43 Acre site to match the subject property |
|---|---|---|---|---|---|
| **45 Jefferson St.** 178.28-1-27 | 0.17 | UR-2 Res. Vacant Land | April 4, 2005 | $260,000 | **$657,647** |
| **Broadway** 165.28-2-8.2 | 0.4 | UR-1 Res. Vacant Land | June 16, 2005 | $485,000 | **$521,375** |
| **77 Excelsior Avenue** 166.5-5-4.1 | 1 Acre of "Primary Land" with 1.2 Acres of "Residual Land" type | C5 Res. Vacant Land | April 10, 2006 | $900,000 | **$387,000 based on 1 Acre of "Primary Land" which is generally the buildable portion of the parcel** |
| **115 Grand Ave.** 165.66-2-78 | 3,049 sf = .07 Acres | UR-3 Vacant Commercial | July 24, 2007 | $170,000 | **$1,044,286** |

The real estate market has changed significantly since 2005, as is reflected in the decrease in the listing price for the subject parcel at 34 Marion Avenue. In order to demonstrate the current asking price for the subject property is reasonable, the below demonstrates properties that have sold in the last several years in similar areas to Marion Avenue. As with the above, the prices have been equalized to reflect the price for a .43 acres.

**RECENT SALES IN VISCINITY OF PROPERTY**

| Address | Acres | Zoning / Use | Sale Date | Sale Price | Adjusted to a 0.43 Acre site to match the subject property |
|---|---|---|---|---|---|
| **70 Excelsior Ave.** 166.29-3-3 | .87 Acres | T-5 Res./Comm. Vacant Land | December 9, 2015 | $385,000 | **$190,287** |
| **Joshua Road** 178-2-14 | 0.32 Acres | UR-2 Res. Vacant Land | March 2, 2012 | $155,000 | **$208,281** |
| **130 Excelsior Avenue** 166-4-33 | 2.87 Acres | T5 Res./Comm Vacant Land | July 1, 2015 | $961,700 | **$144,087** |
| **34 Longwood Dr.** 166.11-1-14 | .42 Acres | UR-1 Res. Vacant Land | October 11, 2013 | $145,000 | **$148,452** |

**USE VARIANCE APPLICATION BY MAPLE SHADE CORNER, LLC**

**AT 34 MARION AVENUE**

| YEAR | CITY/COUNTY TAX | SCHOOL TAX | MAINTENANCE AND INSURANCE (estimated) | TOTAL EXPENSES |
|---|---|---|---|---|
| 2015 | $640.06 | $1,142.50 | $685.00 | $2,467.56 |
| 2014 | $634.95 | $1,121.84 | $685.00 | $2,441.79 |
| 2013 | $1,070.53 | $1,098.57 | $685.00 | $2,854.10 |
| 2012 | $1,065.72 | $1,763.71 | $685.00 | $3,514.43 |
| 2011 | $1,062.22 | $1,769.66 | $650.00 | $3,481.88 |
| 2010 | $1,035.71 | $1,729.95 | $650.00 | $3,415.66 |
| 2009 | $999.29 | $1,778.21 | $600.00 | $3,377.50 |
| 2008 | $982.13 | $1,716.17 | $600.00 | $3,298.30 |
| 2007 | $924.72 | $1,684.11 | $500.00 | $3,108.83 |
| 2006 | $874.15 | $1,647.02 | $500.00 | $3,021.17 |
| 2005 | $873.24 | $1,580.72 | $500.00 | $2,953.96 |
| 2004 | $670.05 | $1,283.79 | $500.00 | $2,453.84 |
| 2003 | $586.77 | $1,231.71 | $500.00 | $2,318.48 |
| 2002 | $539.25 | $1,182.96 | $500.00 | $2,222.21 |
| 2001 | $519.15 | $1,155.27 | $500.00 | $2,174.42 |
| 2000 | $527.35 | $1,148.84 | $500.00 | $2,176.19 |
| 1999 | $501.21 | $1,065.14 | $500.00 | $2,066.35 |
| 1998 | $1,465.35 | $1,022.04 | $400.00 | $2,887.39 |
| 1997 | $1,454.82 | $1,029.10 | $400.00 | $2,883.92 |
| 1996 | $1,325.61 | $923.94 | $400.00 | $2,649.55 |
| 1995 | $1,261.35 | $863.62 | $400.00 | $2,524.97 |
| 1994 | $1,110.99 | $729.48 | $400.00 | $2,240.47 |
| 1993 | $1,050.48 | $699.94 | $400.00 | $2,150.42 |
| 1992 | $981.12 | $678.18 | $400.00 | $2,059.30 |
| 1991 | $881.01 | $630.84 | $400.00 | $1,911.85 |
| 1990 | $779.01 | $566.16 | $400.00 | $1,745.17 |
| 1989 | $717.51 | $518.61 | $400.00 | $1,636.12 |
| 1988 | $672.57 | $475.17 | $400.00 | $1,547.74 |
| 1987 | $639.93 | $444.51 | $300.00 | $1,384.44 |

| | | | | |
|---|---|---|---|---|
| 1986 | $621.75 | $424.26 | $300.00 | $1,346.01 |
| 1985 | $613.74 | $398.61 | $300.00 | $1,312.35 |
| 1984 | $607.26 | $375.96 | $300.00 | $1,283.22 |
| 1983 | $592.86 | $353.16 | $300.00 | $1,246.02 |
| 1982 | $615.54 | $333.36 | $300.00 | $1,248.90 |
| | | | | |
| **TOTALS:** | **$28,897.40** | **$34,567.11** | **$15,940.00** | **$79,404.51** |
| | | | | |
| | | | | |

the Architectural **Collaborative**
15 Suffolk Lane
Gansevoort, NY 12831

PROPOSED DESIGN ELEMENTS

The purpose of this narrative is to respond to inquiries from the last meeting pertaining to the proposed architectural design of Maple Shade Corners, LLC proposed new office at 34 Marion Ave. The exterior design of the new office must be responsive to a number of factors. The exterior shell package needs to be understood as the public marketing of the practice within. The context of the neighborhood must be taken into consideration as this building will be the transition between the commercial and residential properties.

It should be noted that this property falls under the jurisdiction of the Design Review Commission (DRC). The DRC approval process will provide significant commentary pertaining to architectural style for a property in a gateway to the city.

The doctor's intentions are to provide an up-scale design, helping to draw patients to the practice within a competitive market, while at the same time enhancing the character of the neighborhood and the city gateway.

The new building is intended to be a single story, with a roof height very much in line with, and understanding of, the adjacent properties. While the current zoning of UR-2 allows for a maximum building height of 60 ft., the context of the area needs to drive the overall scale of the building for the design to work within the neighborhood. The design proposal will include a selection of materials and exterior building elements such as windows, doors, overhangs, and lighting that are intended to be "residential" in both feel and scale. Natural light is intended to play a large role on the interior of the building, so glazing is intended be prominent in the exterior design. In the evenings, building and landscape lighting is intended to be simple and elegant, enhancing the character of the neighborhood and the experience of the patient. While not selected at this time and subject to the DRC's approval, the exterior materials are proposed to be natural stone/brick with a combination of horizontal lap and/or vertical siding, materials found very typically in residential structures, but scaled, proportioned, and detailed to provide the up-scale look that the doctor intends to provide.

the Architectural **Collaborative**
15 Suffolk Lane
Gansevoort, NY 12831

BASIS FOR PROGRAM SQUARE FOOTAGE

The applicant currently leases an office space of approximately 2,000 s.f. in a multi-tenant medical office building in Albany. At present, the office is too small for his solo practice. With this is mind, the intention for the Saratoga office is to plan the appropriate square footage needed to remove the constraints of the current office space, while attempting to plan for future technological changes.

As standalone facility, the new office will have some programmatic requirements that his current lease space does not require. Building common areas are not included in the existing 2000 s.f. office space. These common areas include spaces such as an exterior entrance vestibule, janitor's closest, and waiting area bathroom facilities.

In addition to the lack of these required common areas, there are a few areas that the doctor would like to plan differently in the new office. One of the areas of concern is the configuration of office space. The current configuration does not have the office space necessary for the support staff and office manager. Currently, the doctor shares his own office with three other staff members, which causes some difficulties in managing his practice efficiently and privately.

In a brief summary, the following is a list of a few of the areas that the doctor will need to provide or would like to modify in his new office:

1. The current practice is internal to a larger multi-tenant building, therefore there is no exterior entry vestibule within his current lease space. A typical exterior entrance vestibule for a practice of this size would be approximately 80 s.f.
2. Being internal to a larger building, the current Albany practice shares waiting area bathroom facilities and a janitor's closet with the rest of the building. The doctor's new practice will require these spaces be added, which would total approximately 80 s.f.
3. The doctor would like to provide additional privacy for both the check-in and check-out processes for his patients. Currently the waiting area is too small to provide this level of privacy at the check-in area and one of the two check-out booths is in the main practice corridor. Accommodating these changes would require, approximately, an additional 120 s.f.
4. The existing practice has (3) operatories, each 110 s.f. These current operatories are of insufficient size to appropriately accommodate the combination of existing equipment, staff flow, and future technological changes. In planning for these modifications, the optimal size for each operatory would be 140 s.f.
5. The doctor would like to include a small conference room for meeting with patients, families, and dental representatives in his new office. A small conference room seating 6-7 persons with video capability, would be sized at 175 s.f.
6. The doctor's current personal office configuration is such that he shares his own office with three other staff members. Standard office arrangements would be such that these staff

members would require (2) new offices (one private, one shared). A standard private office would be 90 s.f. while a shared office would be 125 s.f.

7. Additional space to accommodate new equipment and technology should be allotted for in new building. At present, the Albany office does not have a dedicated area for computer server and the ability to accommodate other technological advances.

The proposed program for the new Saratoga office total approximately 3,000 s.f. The breakdown of the program can be seen in the attached Functional space program. Please note that the areas listed in the functional space program are totaled and then modified by a standard net/gross factor. This factor adds to the functional square footage the amount of space typically required for corridors, dead space, interior partitions, and exterior walls.

# the ARCHITECTURAL **COLLABORATIVE**

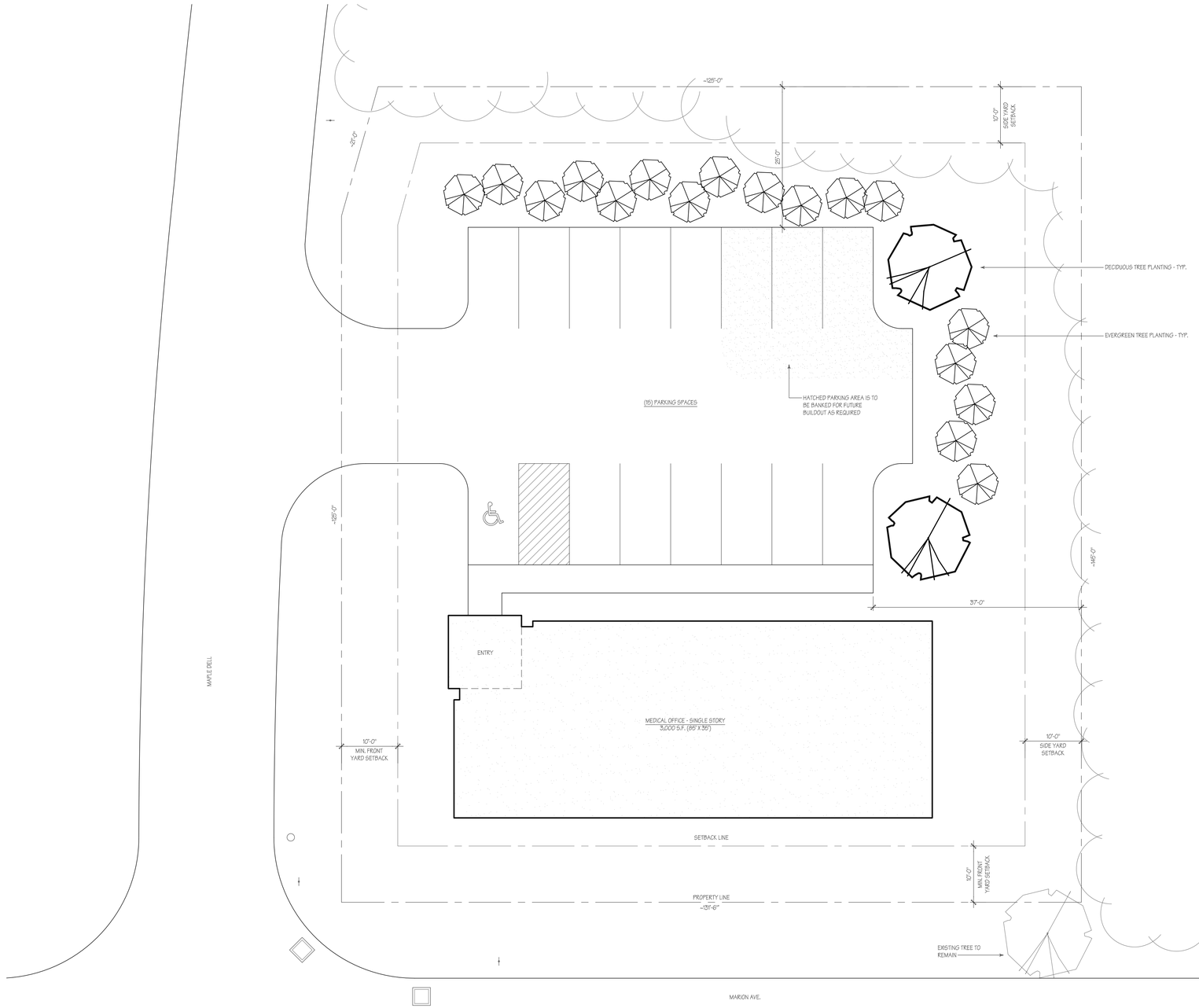
15 Suffolk Lane
Gansevoort, NY 12831


## Functional Space Program

Mapler Shade Corners, LLC
34 Marion Ave
Saratoga Springs, NY 12866

June 30, 2016

| Space | Quantity | Area | Total Net Area | Comments |
|---|---|---|---|---|
| **Patient Area** | | | | |
| Entrance Vestibule | 1 | 80 | 80 | |
| Waiting Area/Check-in | 1 | 250 | 250 | |
| Reception | 1 | 150 | 150 | |
| Private Check-out - 2 bays | 1 | 100 | 100 | |
| Waiting Area Toilet Room | 1 | 50 | 50 | |
| Conference Room | 1 | 175 | 175 | |
| Operatory | 3 | 140 | 420 | |
| Exam Area Toilet | 1 | 50 | 50 | |
| | | Total | 1,275 | |
| **Staff Area** | | | | |
| Lab Alcove | 1 | 80 | 80 | |
| Doctor Office | 1 | 125 | 125 | |
| Admin Office | 1 | 90 | 90 | |
| Shared Office | 1 | 125 | 125 | |
| Break Room | 1 | 170 | 170 | |
| Staff Toilet | 1 | 50 | 50 | |
| | | Total | 640 | |
| **Support Area** | | | | |
| IT Closet | 1 | 30 | 30 | |
| Soiled Holding | 1 | 50 | 50 | |
| Clean Holding | 1 | 50 | 50 | |
| Mechanical Closet | 1 | 150 | 150 | |
| Janitor's Closet | 1 | 30 | 30 | |
| | | Total | 310 | |
| Total Net S.F. | | | 2,225 | |
| Net/Gross Factor | | | 0.7 | |
| Total Gross S.F. | | | 3,179 | |




1 SK4.1 BUFFERING PLAN

1" = 10'-0"

BUFFERING PLAN - CONCEPTUAL


the ARCHITECTURAL COLLABORATIVE

15 SUFFOLK LANE, GANSEVOORT, NY 12831 - 518.796.6236


CLIENT LOGO:

CONSULTANT LOGO:

SEAL:

| #: | DESCRIPTION: | DATE: |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

PROJECT NAME: DR. AIBEL

| | | | |
|---|---|---|---|
| DATE: | 6.28.16 | SHEET #: | SK4.1 |
| DRAWN BY: | JP | | |
| CHECKED BY: | JP | | |
| PROJECT #: | 16007 | 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

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]

September 19, 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 to be held next Monday:

1. Affidavit of William J. Healy; and
2. Affidavit of Jay Verro.

An electronic version of the submission and supporting materials above will be emailed to the planning office for posting on your website. Thank you very much.

Very truly yours,

TUCZINSKI, CAVALIER & GILCHRIST, P.C.

By: _____
Stephanie W. Ferradino

SWF:tlp
Enclosures

CITY OF SARATOGA SPRINGS
ZONING BOARD OF APPEALS

In the Matter of the Application for an Appeal of the Decision Regarding Use Variance by:

MAPLE SHADE CORNERS, LLC,
34 Marion Avenue, Saratoga Springs, NY

Application No.: 2900

STATE OF NEW YORK )
)ss:
COUNTY OF SARATOGA )

WILLIAM J. HEALY, being duly sworn, hereby deposes and says:

1. I am a member of 54 Marion Avenue LLC, a limited liability corporation formed in the State of New York, and the owner of property located at 34 Marion Avenue in the City of Saratoga Springs, State of New York.

2. I purchased the property located at 34 Marion Avenue, Saratoga Springs, NY in 1982 for approximately $40,000. At the time of the purchase, I was aware that the property was being used as residential and zoned for that use. When the purchase occurred, there was a residence on the land that the previous owner had lived in. In addition, there was a detached garage, which still remains on the site. In 1982, this site was suitable for a residence and fit in with the neighborhood as a residential site. That has changed over the time I have owned the property based on many factors over which I had no control.

3. After a period of time when the house was vacant, I attempted to rent the property. This was in the early 1990's. I had difficulty renting the house because it was not insulated. The utility costs for the 6-8 months a year that the property needed to be heated were cost prohibitive, which caused my tenants to leave the property. Unfortunately, I ended up paying the heating bills which had accrued during their tenancy. Because a significant

investment would be required to insulate the house and make other necessary improvements, I chose not to continue renting the property.

4. Since the time I have owned the property, the area has become significantly more commercial, especially along Maple Avenue in the towns of Greenfield and Wilton and now with the growth in the area of Fresh Market. I am advised that the traffic volume has increased by approximately 43% during my ownership of this land. I believe that this increased traffic volume, the reconfiguration of the intersection immediately in front of the site, its location on the corner of a busy intersection and the property having commercial uses surrounding it, together with the growth that has occurred adjacent to my property and along the corridor have all contributed to my difficulty in attracting residential purchasers to build on the site.

5. In 2005, I was approached by a realtor who advised me that they could market and sell the Marion Avenue property. Because the property had not been able to be used, I was interested in their offer to list it. The realtor advised that the listing should be for $499,500 and they advised that the property could be marketed for commercial use. The area along the Marion Avenue/Maple Avenue corridor had become increasingly more commercial since 1982 when I purchased the property, so their advice that the property could be marketed as commercial made sense. In 2005, the real estate market in Saratoga seemed to be strong. I relied on the professional advice I was given by my realtors and agreed to the listing.

6. In 2012, as the residential structure on the property continued to deteriorate and I found that it would be cost prohibitive to salvage the structure, I made the decision to remove the residence. At that point, the structure was a danger to the public because of the deterioration and presence of asbestos, as well as a nuisance to the neighborhood because of the unsightliness of the house. That year, I invest in the demolition of the residence and safe removal of the asbestos.

7. On or about 2013-2014, I agreed to drop the price to below, after expenses, the amount of my investment in the property. While I have accepted the three offers that have been presented to me, all of which, after expenses of sale, would result in a loss to me, only the current offer remains viable and only if this variance is granted.

8. I am concerned that I will never be able to sell this land, as it is clear that no one is interested in this property for residential use over the many years it has been marketed as a residential building lot, nor will I be able to sell if for commercial if the Zoning Board will not grant a variance for a use which is for a very low impact use, and will not be intrusive to the adjacent residences. The reality is, that this parcel of land is no longer attractive for residential use. It is on a high traffic road surrounded by commercial uses. When I bought this parcel, I paid fair market value for it. I did not see it as foreseeable that not only would I be unable get a reasonable return on my investment, the property would become completely unmarketable. I did not create this hardship, as the area experienced commercial growth and significant traffic that I could not have foreseen in 1982. When I purchased the property, I did the due diligence to ascertain the zoning. However, the area has changed significantly along that thoroughfare, rendering the site useless for residential purposes as it is zoned. It appears, despite listing the property for 11 years, drop in price and continued tax and other payments, that I cannot recoup my investment.

WHEREFORE, I submit this affidavit as evidence of the statements herein and request the Zoning Board of Appeals grant the variance for this use.

William J. Healy, member
54 Marion Avenue, LLC

Sworn to before me this 16th
day of September, 2016

Notary Public

THERESA A. CAPOZZOLA
Notary Public, State of New York
No. 01CA4946796
Qualified in Saratoga County
My Commission Expires 2/4/2019.

CITY OF SARATOGA SPRINGS
ZONING BOARD OF APPEALS

In the Matter of the Application for an Appeal of the Decision Regarding Use Variance by:

MAPLE SHADE CORNERS, LLC, Application No.: 2900

RE: 34 Marion Avenue, Saratoga Springs, NY

STATE OF NEW YORK )
)ss:
COUNTY OF ALBANY )

JAY VERRO, being duly sworn, hereby deposes and says:

1. I am a Certified Commercial Investment Member (CCIM) and commercial real estate practitioner with NAI Platform located at 14 Corporate Woods Boulevard in Albany, New York. I began my career in Saratoga in 1982 managing residential and commercial property. I have had properties under my management or listings for lease or sale in and around Saratoga Springs for the last 34 years.

2. When I began my career in 1982, Saratoga Springs was not as vibrant a community or developed as significantly as the present time. At that point, the city center had not been opened, Broadway contained many vacant storefronts, and the city was surrounded by rural, undeveloped land. The Pyramid Mall was close to, but had not celebrated its 10 year anniversary, and Wilton remained largely undeveloped.

3. The towns of Greenfield and Wilton are in close proximity to the subject parcel located at 34 Marion Avenue and the towns view this area as ripe for commercial development, as is evidenced by their zoning of the roadway to include commercial, dense residential, mixed

use and hamlet zoning. One town official recently stated that it is the town's intent to have their commercial located on state highways, such as Route 9.

4. Examples of some recent notable development having an impact along Maple Avenue, which increased the commercial activity along the roadway in front of the subject parcel, include the following:

a. Gordon Building – 110 units
b. Park Place – 114 units
c. Saratoga Heritage Apartments – 216 units
d. Saratoga Health and Wellness Center
e. Home of the Good Shepard
f. Nemer Auto Park
g. Adirondack Community College
h. CVS
i. Dunkin Donuts
j. Stewarts

5. In addition to the above, several banks, professional offices and other commercial businesses have been constructed on the roadway, on vacant parcels and by renovation of structures previously used as residences. This has increased the traffic in front of the property.

6. In addition, applications are pending for a new convenience store, Cumberland Farms, on the busy Daniels/Maple Avenue intersection, and a self storage unit facility which was recently approved in Greenfield behind the strip mall and bank. The towns continue to see applications for commercial properties and the growth along this corridor has increased since 1982.

7. In the Comprehensive Plan for the town of Wilton, it states that "The Route 9 corridor includes a mixture of diverse small commercial uses, predominantly south of Worth Road. These uses include a new auto park, banks, professional offices, retail stores. There has been a progressive change in use as residential properties are sold and renovated for commercial use." At page B-16. According to data contained in the Comprehensive Plan, from 1980 to 2010,

the population has increased by 125% in the town, from 7,182 to 16,173 people. This impacts Route 9 traffic, as it is a major artery for transportation in and through the town.

8. The Maple Avenue Middle School opened in 1991. The traffic impact attributable directly to the school was significant, but it also had an indirect impact on commercial growth, by increased visibility for businesses along that corridor. Currently, the school contains 1600 students and more than 110 teachers and administrative staff. Buses and cars add to the traffic volume along a roadway that had much less traffic in 1982.

9. With the opening of the Fresh Market grocery store, associated retail and residential cluster, which currently has 55 residential units and anticipates construction of three more residential buildings for a total of 150 units, across the arterial from the project site, traffic volume will continue to increase in front of the subject parcel. The Bonacio construction project that is near completion on Excelsior will have an additional 65 units, and another building is being built on the corner of East Avenue. All of this development will impact 34 Marion Avenue, as the residential users will be using the commercial businesses, such as Stewart's convenience store and gas stations (separate commercial businesses located surrounding the parcel), as those are the most convenient services for these residential units.

10. In 2011, the intersection next to the property was reconfigured and expanded. This was done in order to improve the flow of traffic between Marion/Maple Avenue and Route 50. As part of the improvements, a turning lane was added right in front of the subject property, increasing the width of the roadway from 2 to 3 lanes. My personal observation is that stacking occurs at the traffic light to fill this lane in front of 34 Marion Avenue.

11. In my professional opinion, the subject property is not marketable as a buildable residential lot, at any price, due to the change in the traffic volume in front and to the side of the

parcel. The location on a corner lot that is proximate to a busy intersection and a growing commercial area makes the property undesirable for a single family residential home.

12. Upon information and belief, in 1982, the Maple Avenue/Marion Avenue corridor had a significantly lower traffic volume than shown in the Department of Transportation's online traffic volumes from 2014. In 1982, there was approximately 8787 trips past the site on a daily basis. This increased 43% by 2014 when the traffic counts show 12,586 trips. In the DOT 2014 map, the volumes on Maple Avenue are higher than the dense commercial downtown on Broadway in Saratoga, between Church Street and West Circular. Given the growth in the past two years close to the property and the new grocery store, the traffic counts are likely to be higher now.

WHEREFORE, this affidavit is submitted in support of the application for a use variance for property located at 34 Marion Avenue in the City of Saratoga Springs, New York.

Jay Verro

Jay Verro

Sworn to before me this 16
day of September, 2016

Notary Public

CHRISTINE M. McGRAW
NOTARY PUBLIC IN THE STATE OF NEW YORK
QUALIFIED IN ALBANY COUNTY, NO. 01MC6102232
MY COMMISSION EXPIRES JANUARY 12, 2020

CITY OF SARATOGA SPRINGS
ZONING BOARD OF APPEALS

In the Matter of the Application for an Appeal of the Decision Regarding Use Variance by:

MAPLE SHADE CORNERS, LLC, Application No.: 2900

RE: 34 Marion Avenue, Saratoga Springs, NY

STATE OF NEW YORK )
)ss:
COUNTY OF SARATOGA )

PETER RIPOSA, being duly sworn, hereby deposes and says:

1. I am a licensed realtor with McNeary Realty, Inc. located at 12 Circular Street, Saratoga Springs, New York 12866.

2. I have been the listing agent for property located at 34 Marion Avenue, Saratoga Springs, New York for the last three (3) years. My office, McNeary Realty, Inc., has been the listing agent since 2005. It was my office that suggested the original listing prices, as well as made recommendations for reductions in price as the property remained on the market.

3. In the three (3) years that I have had the listing, I have received approximately 100 calls from potential buyers of the property. The majority of the calls are to inquire if the property can be used for a commercial use based on the location. The area around this property is largely commercial and has become more so over the last ten years as more commercial growth has occurred along the busy Maple Avenue corridor in the towns of Wilton and Greenfield, and recently, along Excelsior Avenue.

4. Three other realtors in my office, Dinda Dalstrom, Tammy Kalker and Fred McNeary, also listed the property. They collectively advised that they received approximately

180 calls. Despite the interest, the property has only been shown five (5) times resulting in only two (2) offers. The offers were generated in 2014 and 2015. Each of these offers was rescinded after they were made aware of the process to use the property commercially.

5. From 2005 until the present, no offers have been made to purchase the property for residential use. The property has been listed on the MLS, McNeary Realty's website as well as Realtor.com. A sign indicating that the property is for sale has been continuously posted on the property located at 34 Marion Avenue, Saratoga Springs, New York 12866. In my professional opinion, the growth in the surrounding communities, and now across the arterial in the area of Excelsior Avenue, has significantly impacted the attractiveness for having a family live on this busy intersection. From a safety perspective, the location on a corner with traffic on two sides of the property and commercial development make it less attractive for many residential home buyers who have children or pets.

6. In my professional opinion, I do not believe this vacant lot is marketable as a residential lot, even at a significantly reduced price. Based on the estimate provided by a local contractor, the cost to construct a small residential home at that site would be minimally $206,000. Were the lot priced at even what the owner initially paid for it ($40,000), that combined price still would result in a higher price point than the market would bear at that location. Add to this the traffic volume, safety issues with location on a corner, surrounding commercial properties and the noise of the arterial, and the ability to sell this property at any price for residential use is unlikely to occur, as we have seen since 2005.

7. It is further my opinion that building a home at that site is risky, because the investor's ability to resell the property will continue to diminish as the traffic volume increases

in the front and side yards of the site as a direct result of the commercial development that has occurred in the last 5 years and which is anticipated to continue to increase.

WHEREFORE, I submit this affidavit as evidence of the statements herein and request the Zoning Board of Appeals grant the variance for this use.

Peter Riposa

Sworn to before me this 19th
day of September, 2016

Notary Public

Rachel A. Petryna
Notary Public State of New York
No. 01PE6107354
Qualified In Saratoga County
Commission Expires March 29, 2020

Engineering and Land Surveying, P.C.

1533 Crescent Road, Clifton Park, NY 12065

[redacted]

# LETTER OF TRANSMITTAL

| Date: | MJ #: | Contract: |
|---|---|---|
| 8/5/16 | 972.17 | N/A- |
| **Attention:** | | **PIN:** |
| **Susan Barden, Senior Planner** | | N/A |
| **Project:** | | |
| 20 Bowman Street | | |
| | | |
| **RE:** ZBA Application | | |

**TO:**

Saratoga Springs Planning Board
City Hall
474 Broadway
Saratoga Springs NY 12866

**WE ARE SENDING:**

- ☒ Attached
- ☐ Separate Cover
- ☐ via regular mail the following items:
- ☐ Shop Drawings
- ☐ Prints
- ☒ Plans
- ☐ Samples
- ☐ Specifications
- ☐ Copy of Letter
- ☐ Change Order
- ☐ CD
- ☒ Other See Below

| Copies | Date | No. | Description |
|---|---|---|---|
| 1 | 8/5/2016 | | ZBA Application |
| 1 | 8/5/2016 | | Existing Conditions Plan |
| 1 | 8/5/2016 | | Concept Site Plan |
| 1 | 8/5/2016 | | Project Narrative |
| 1 | | | Short Environmental Assessment Form |
| 1 | | | Check #2456 $500.00 |
| | | | |
| | | | |
| | | | |
| | | | |

**ITEMS ARE TRANSMITTED as checked below:**

- ☐ For approval
- ☒ For your use
- ☐ As requested
- ☒ For review and comment
- ☐ For bids due _____
- ☐ Approved as submitted
- ☐ Approved as noted
- ☐ Returned for corrections
- ☐ Prints returned after loan to us
- ☐ Other: _____
- ☐ Resubmit _____ copies for approval
- ☐ Submit _____ copies for distribution
- ☐ Resubmit _____ corrected prints

**Comments:**

**cc:** file
client

**Signed:** _____
**Alison Yovine, PLA**

2456

**Sames Media Group LLC**
19 Blue Jay Way
Rexford, NY 12148
[redacted]

29-1310-213

DATE 8/2/14

PAY TO THE ORDER OF Comm. of Finance $ 500 00

Five Hundred 00/100 DOLLARS

Security Features Included. Details on Back.

Citizens Bank®

President and CEO

FOR 20 BOWMAN ST. APP.

[redacted]

MP

# 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 | | James Easton MJ Engineering |
| Address | [redacted] | | 21 Corporate Drive, Suite 105<br>Clifton Park, NY 12065 |
| 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: 20 Bowman Street Tax Parcel No.: 179 . 29 - 3 - 11
(*for example: 165.52 – 4 – 37*)

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

4. Present use of property: commercial 5. Current Zoning District: TRB

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:
Converting an existing one story commercial building into a 2 story building with drinking and eating establishment on the first floor and apartment on the second 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) 240-2.0

| Dimensional Requirements | From | To |
|---|---|---|
| Ex. Building -Front Minimum setback | 40' | 26.9' |
| Ex. Building - North Side Minimum setback | 40' | 8.1' |
| Parking - South Side Minimum setback | 20' | 1.8' |
| Parking - Rear Minimum setback | 25' | 7.8' |
| Parking - Front Minimum setback | 40' | 27.1' |
| Deck - North Side Minimum setback | 40' | 8.1' |

Other:

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

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

   The building side and front setbacks are necessary to make the existing building conform to the current zoning code. The apartment will be added to conform to the comprehensive plan, where second floor apartments are encouraged.

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 use of drinking and eating establishment is allowed within the Tourist Related Business district. The property to the north is used as track parking and will not be affected. There are currently eating and drinking establishments in the neighborhood, although this will geared towards an upscale clientèle.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:
   No, as the existing building does not conform to code.

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, as the existing building footprint is to remain the same, there is no change in the character of the neighborhood. Also as the existing parking in front is located to the side, it will not conform with City code and again be similar to the existing business in the neighborhood.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:
   The proposed building variances are not self created as the existing building does not comport to the City code. The parking variance setback is also not self created as a result of the City code requirement of 24' travel way and 18' parking stalls, the side parking variance is required, as no parking based upon dimension and code compliance would be allowed on parcel if a variance was not granted.

## 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: 8/2/16
(applicant signature)

_____ Date: _____
(applicant signature)

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

_____

_____

_____

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

| Dimensional Requirements | From | To |
|---|---|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

# *Short Environmental Assessment Form*
## *Part 1 - Project Information*

## Instructions for Completing

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

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

**Part 1 - Project and Sponsor Information**

Name of Action or Project:
20 Bowman Street

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

Brief Description of Proposed Action:

Name of Applicant or Sponsor:
Matt Sames

Telepho [redacted]

E-Mail: [redacted]

Address:
[redacted]

City/PO:
[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? .29 acres
b. Total acreage to be physically disturbed? .29 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .29 acres

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

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

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

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

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

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

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

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

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

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

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

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

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

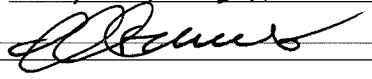
| | NO | YES |
|---|---|---|
| 16. Is the project site located in the 100 year flood plain? | ☑ | ☐ |

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

| | NO | YES |
|---|---|---|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?<br>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?<br>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?<br>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: 8/2/16

Signature: 

PRINT FORM

# Zoning Board of Appeals
# Project Narrative
## for

# 20 Bowman Street
## City of Saratoga Springs
## Saratoga County, New York

Prepared for:

Matt Sames

Sames Media Group

Located at

19 Blue Jay Way

Rexford, NY 12148

August 8, 2016

*Prepared by:*

Engineering and Land Surveying, P.C.

21 Corporate Drive, Suite 105
Clifton Park, NY 12065
Tel: [redacted]
Fax: [redacted]

M.J. Engineering and Land Surveying, P.C.
1533 Crescent Road, Clifton Park, NY 12065
Phone: 518.371.0799 / Fax: 518.371.0822
www.mjels.com



## INTRODUCTION

The proposed project consists of one tax parcel in the City of Saratoga (tax parcel 179.29-3-11) comprising 0.29 acres. The existing commercial lot is situated between a restaurant/bar to the south and residential property to the west/north, with a vacant residential lot used as track parking directly to the north. See attached aerial map and tax map. The proposal application wishes to renovate an existing 1,500 commercial building, by removing the roof and making a second floor 1,500 SF apartment above the existing space, which will be converted into an eating and drinking establishment. The existing dated, concrete building will be renovated using stone, dark woods, black iron hinges and fixtures. An open air connection would be created between the patio and the restaurant. The year-round establishment will feature a menu of flatbreads, meat and cheese boards, and tapas style plates. The drink offerings will include wines, microbrewery beers, and various vodka drinks, with an upscale lounge atmosphere.

### Zoning

The parcel is within the Tourist Related Business (TRB-zone). To the north of the site the zoning is Urban Residential-2 (UR-2).

### Parcel

The parcel has an area of 0.29 acres and has a lot frontage of 100 feet and a depth of 124.9 feet.

### Water

There is service currently within the property. A water district extension would not be needed.

### Sewer

Currently no sewer service is available within the property. A grinder pump station will be needed.

### Stormwater

Stormwater will be managed by an underground infiltration array system.

### Usage

The proposed use of eating and drinking establishment is an approved use. The second floor apartment is an approved use within the TRB zone with a special use permit issued by the City.

### Variances

Existing Building

The existing building does not conform to the setbacks for the TRB zone. Therefore the following variances are required:

1. Front minimum setback from 40 feet to 26.9 feet
2. North side minimum setback of 40 feet to 8.1 feet

Proposed Design

The schematic design proposes 17 parking spaces. 2 parking spaces for the apartment, 13.5 spaces for the eating and drinking establishment (1 space for 4 seats = 54 seats/4 seats per stall), 1.5 spaces for the employees (1 space for every 2 employees = 3 employees/2). Therefore the following variances are required to allow the required parking within the parcel:

1. South side minimum setback of 20 feet to 1.8’ feet.
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The deck providing access to the second floor apartment requires the following variances:

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## EXHIBITS:

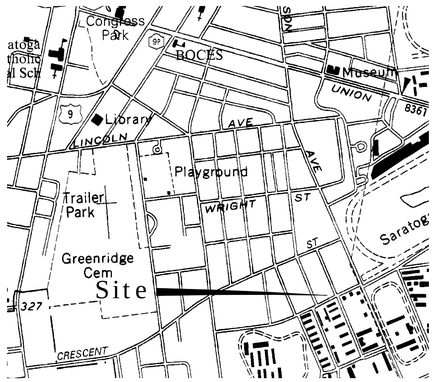
| | |
|---|---|
| **Exhibit 1** | **Aerial Map** |
| **Exhibit 2** | **Tax Map** |
| **Exhibit 3** | **Site Photo** |

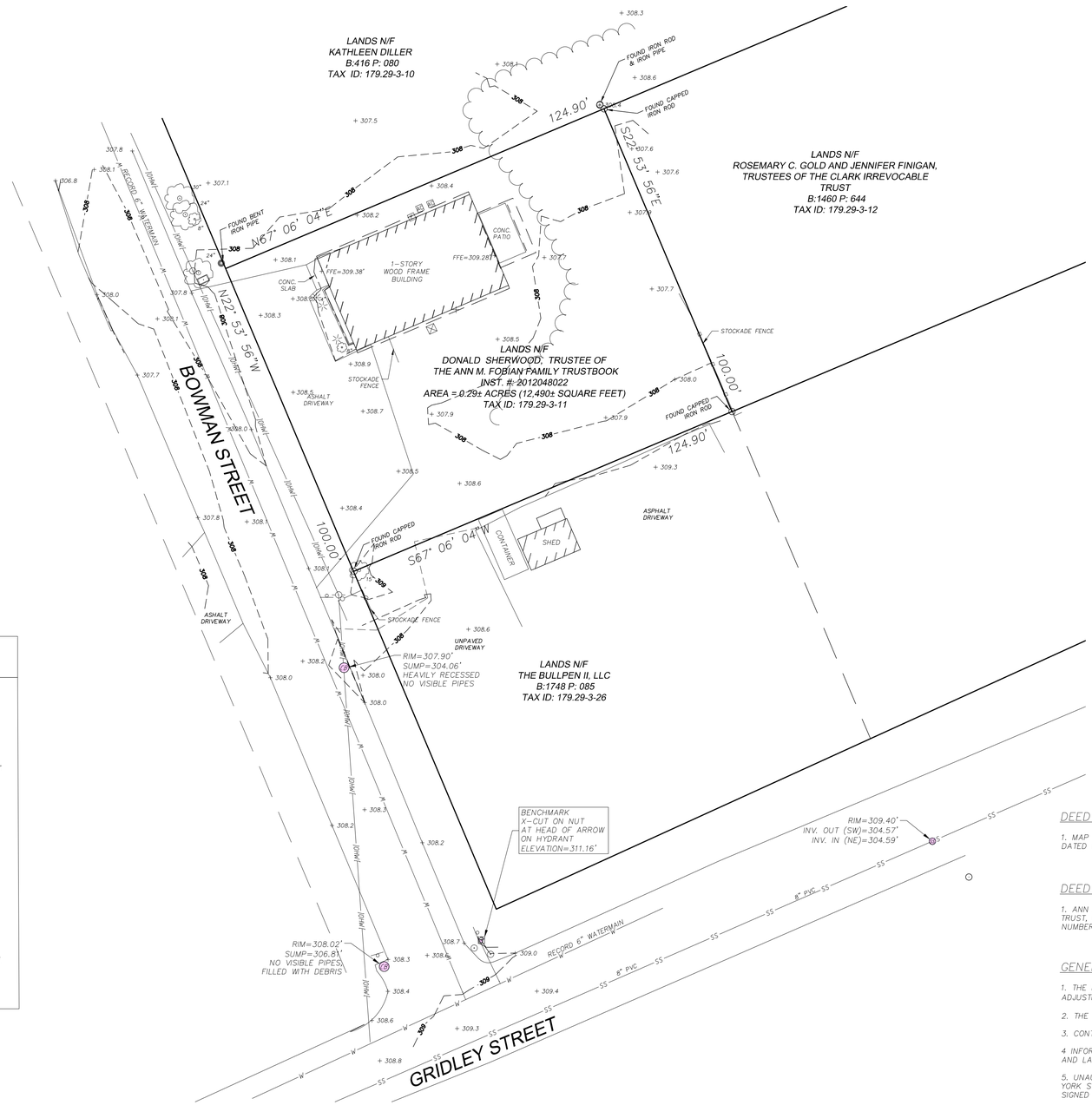
Aerial Map

CRESCENT
BOWMAN
AVENUE
CITY OF SARATOGA SPRINGS (I.D.)
STREET
STREET
Project Parcel
3
71

Tax Map

Street View Photo – Existing Conditions




## LEGEND

- CATCH BASIN
- UTILITY POLE
- GUY WIRE
- ELECTRIC METER
- SINGLE POST SIGN
- MAILBOX
- AIR CONDITIONER UNIT
- DECIDUOUS TREE
- CONIFEROUS TREE
- CONIFEROUS SHRUB
- DOUBLE POST SIGN
- DECIDUOUS TREE
- CONIFEROUS TREE
- DECIDUOUS SHRUB
- PROPERTY LINE
- OVERHEAD WIRES
- SANITARY SEWER LINE
- WOOD FENCE
- WOODS LINE

## DEED REFERENCE:

1. MAP ENTITLED "MAP OF PROPERTY OWNED BY J.M. ADAMS, H. KNICKERBACKER, C.E. LELAND AND E.H. CHAPMAN" DATED 1971 AND FILED IN THE SARATOGA COUNTY CLERKS OFFICE IN DRAWER Z AS MAP 83.

## DEED REFERENCE:

1. ANN M. FOBIAN, F/K/A ANN M. COOK TO DONALD SHERWOOD, AS TRUSTEE OF THE ANN M. FOBIAN FAMILY TRUST, DATED DECEMBER 14, 2012 AND RECORDED IN THE SARATOGA COUNTY CLERKS OFFICE AS INSTRUMENT NUMBER 2012048022 ON DECEMBER 18, 2012.

## GENERAL NOTES:

1. THE HORIZONTAL DATUM IS ON NORTH AMERICAN DATUM OF 1983, (2011) ADJUSTMENT: NAD 83/ (2011), NEW YORK STATE PLANE EAST ZONE 3101.

2. THE VERTICAL DATUM IS THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29).

3. CONTOUR INTERVAL = 1 FOOT.

4 INFORMATION SHOWN HEREON IS FROM A FIELD SURVEY CONDUCTED BY MJ ENGINEERING AND LAND SURVEYING, PC JULY 21, 2016.

5. UNAUTHORIZED ALTERATIONS OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYORS SEAL AND SIGNED WITH RED INK SHALL NOT BE CONSIDERED TO BE VALID COPIES.

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 |
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|---|---|
| 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

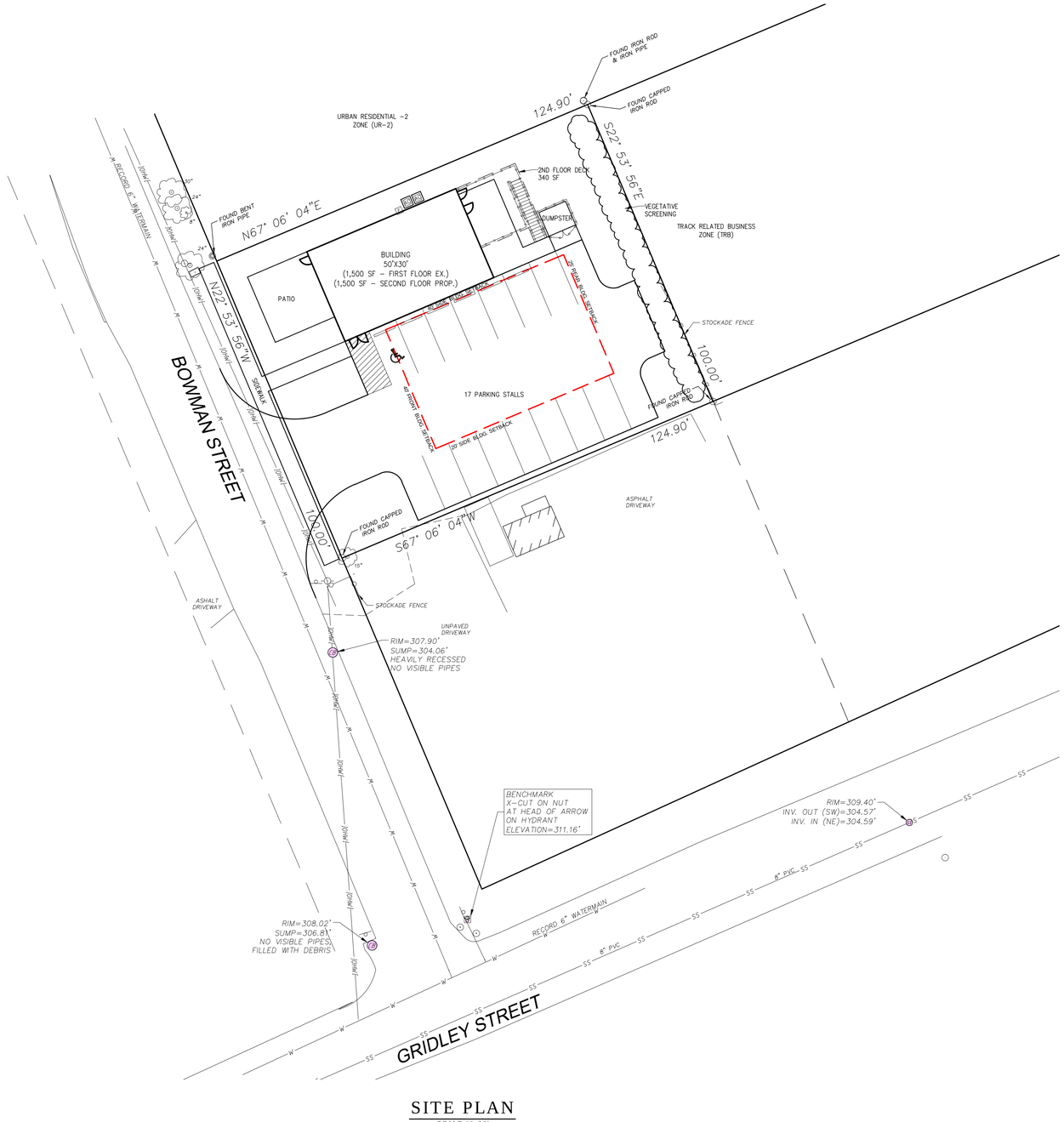
# EXISTING CONDITIONS

20 BOWMAN STREET

CITY OF SARATOGA SPRINGS NEW YORK

SCALE: AS SHOWN
CONTRACT No.: -
MJ PROJ. No.: 972.17
DATE: AUGUST 2016

C-1




SITE PLAN

SCALE 1"=20'

RENDER SITE PLAN

SCALE 1"=20'

## SITE STATISTICS

| | |
|---|---|
| SITE AREA: | 12,490 SF (MIN LOT SIZE IS 10,000 SF) |
| EXISTING ZONE: | TRB (TOURIST RELATED BUSINESS) |
| USE: | DRINKING AND EATING ESTABLISHMENT 1ST FLOOR,<br>APARTMENT 2ND FLOOR<br>(SPECIAL USE PERMIT FOR APARTMENT IN TRB ZONE) |
| PARKING: | REQUIRED= 17 SPACES<br>PROPOSED= 17 SPACES<br>BASED UPON 2 SPACES PER APARTMENT= 2 REQUIRED.<br>BASED UPON 1 SPACE PER 4 SEATS= 54 SEATS/4 SEAT PER STALL=13.5 SPACES<br>BASED UPON 1 SPACE PER EVERY 2 EMPLOYEES= 3 EMPLOYEES= 1.5 SPACES |
| MINIMUM LOT WIDTH: | 100' IN TRB (HAVE 100') |
| SETBACKS BLDG: | FRONT=40' (TRB)<br>NORTH SIDE=40'(TRB)<br>SOUTH SIDE=20' (TRB)<br>REAR= 40' (TRB) |
| MAX HT: | 40' |
| GREEN SPACE: | 30% REQUIRED (PROPOSED 33.3%= 4,129 SF/12,400 SF) |
| PRINCIPAL BLDG: | 20% REQUIRED (PROPOSED 12% =1,500 SF/12,400 SF) |

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|---|---|
| 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

MATTHEW SAMES

# CONCEPT SITE PLAN #1

20 BOWMAN STREET

CITY OF SARATOGA SPRINGS NEW YORK

SCALE: AS SHOWN
CONTRACT No.: -
MJ PROJ. No.: 972.17
DATE: AUGUST 2016

C-2

SHEET 2 OF 2

# CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

_____
(Application #)

_____
(Date received)

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

| | APPLICANT(S)* | OWNER(S) *(If not applicant)* | ATTORNEY/AGENT |
|---|---|---|---|
| Name | Matt Sames | | James Easton MJ Engineering |
| Address | [redacted] | | 21 Corporate Drive, Suite 105<br>Clifton Park, NY 12065 |
| 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: 20 Bowman Street Tax Parcel No.: 179 . 29 - 3 - 11
(*for example: 165.52 – 4 – 37*)

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

4. Present use of property: commercial 5. Current Zoning District: TRB

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:
Converting an existing one story commercial building into a 2 story building with drinking and eating establishment on the first floor and apartment on the second 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:

_____

_____

_____

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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) 240-2.0

| Dimensional Requirements | From | To |
|---|---|---|
| Second Floor Addition - Front Minimum Setback | 40' | 25.5' |
| Second Floor Addition - North Side Minimum Setback | 40' | 6.8' |
| Parking - South Side Minimum setback | 20' | 1.8' |
| Parking - Rear Minimum setback | 25' | 7.8' |
| Parking - Front Minimum setback | 40' | 27.1' |
| Deck - North Side Minimum setback | 40' | 8.1' |

Other:

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

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

   The building side and front setbacks are necessary to make the existing building conform to the current zoning code. The apartment will be added to conform to the comprehensive plan, where second floor apartments are encouraged.

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 use of drinking and eating establishment is allowed within the Tourist Related Business district. The property to the north is used as track parking and will not be affected. There are currently eating and drinking establishments in the neighborhood, although this will geared towards an upscale clientèle.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:
   No, as the existing building does not conform to code.

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, as the existing building footprint is to remain the same, there is no change in the character of the neighborhood. Also as the existing parking in front is located to the side, it will not conform with City code and again be similar to the existing business in the neighborhood.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:
   The proposed building variances are not self created as the existing building does not comport to the City code. The parking variance setback is also not self created as a result of the City code requirement of 24' travel way and 18' parking stalls, the side parking variance is required, as no parking based upon dimension and code compliance would be allowed on parcel if a variance was not granted.

## 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: 8/2/16
(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

# Zoning Board of Appeals
# Project Narrative
## for

# 20 Bowman Street
## City of Saratoga Springs
## Saratoga County, New York

Prepared for:

Matt Sames

Sames Media Group

Located at

19 Blue Jay Way

Rexford, NY 12148

September 13, 2016

*Prepared by:*

Engineering and Land Surveying, P.C.

21 Corporate Drive, Suite 105
Clifton Park, NY 12065
Tel: [redacted]
Fax: [redacted]

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Stormwater will be managed by an underground infiltration array system.

### Usage

The proposed use of eating and drinking establishment is an approved use. The second floor apartment is an approved use within the TRB zone with a special use permit issued by the City.

### Variances

Second Floor Addition

The existing building does not conform to the setbacks for the TRB zone. Therefore the following variances are required for adding a second floor to the building:

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BOWMAN
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CITY OF SARATOGA SPRINGS (I.D.)
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Tax Map

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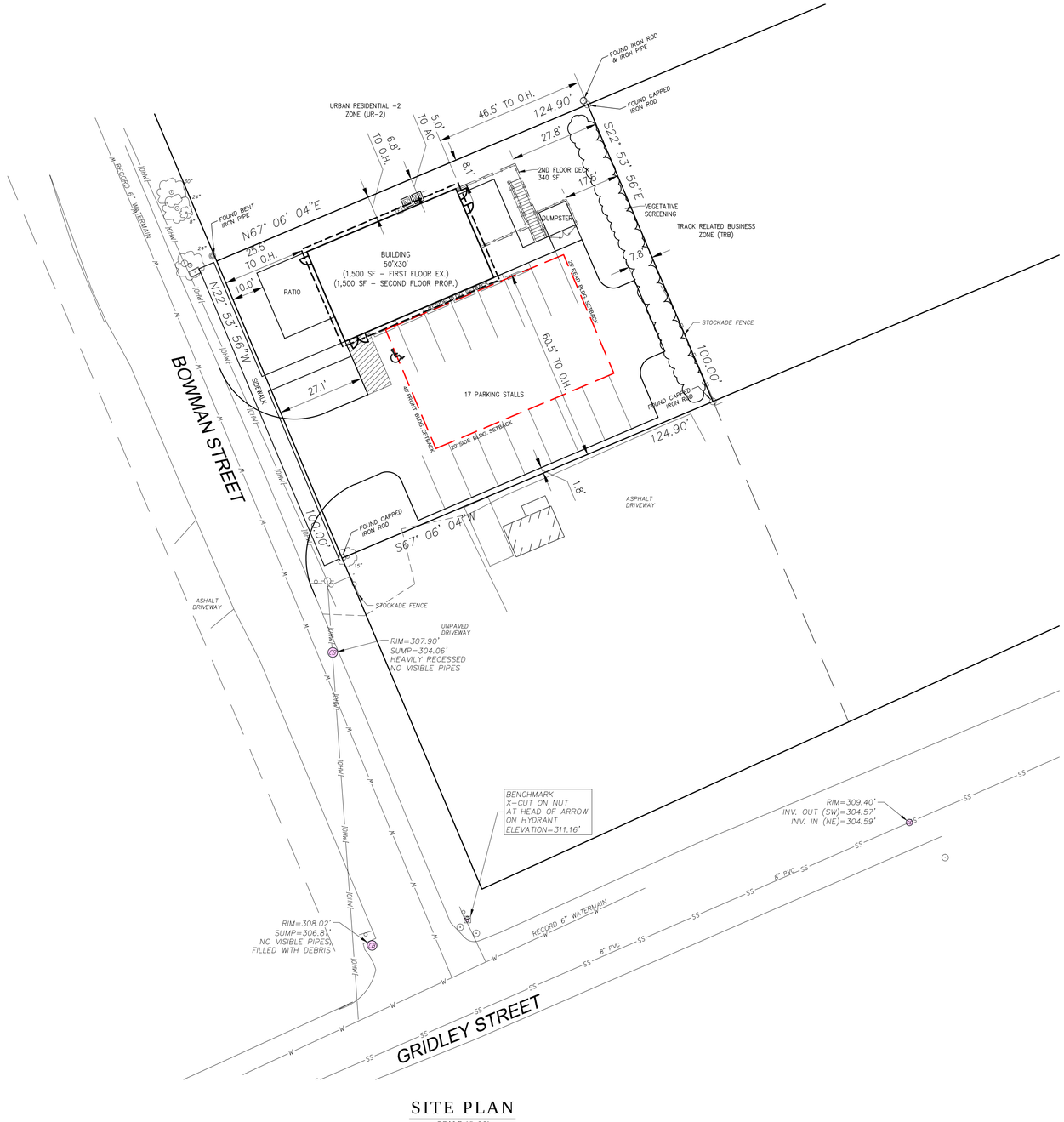


SITE PLAN

SCALE 1"=20'

RENDER SITE PLAN

SCALE 1"=20'

## SITE STATISTICS

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|---|---|
| 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

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20 BOWMAN STREET

CITY OF SARATOGA SPRINGS NEW YORK

SCALE: AS SHOWN
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C-2

SHEET 2 OF 2

# CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

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

| | APPLICANT(S)* | OWNER(S) *(If not applicant)* | ATTORNEY/AGENT |
|---|---|---|---|
| Name | Benjamin D & Leah M Nathan | | |
| 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: 36 Bensonhurst Ave Tax Parcel No.: 165.57-1-14 *(for example: 165.52 – 4 – 37)*

2. Date acquired by current owner: 9/8/09 3. Zoning District when purchased: UR-2, Urban residential 2

4. Present use of property: residential 5. Current Zoning District: UR-2, Urban residential 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: Two story garage with home office above.

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) article II 240-2.3

| Dimensional Requirements | From | To |
|---|---|---|
| Table 2 and Appendix A Definition to allow a home office/ home occupation in a garage Article 6.4.3 15% max floor area compared to house sf (1914 sf) | 15% | 33% (650sf) |

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.

We are looking to expand our usable space inside our current home as our family grows and needs change. Our plan is to move the current office space to above the garage and use the space currently being used as an office as childrens bedroom space.

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 new structure is in keeping with the style of the original house. We currently do not have a garage and several of our immediate neighbors have detached garages on their properties.

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

The request may be considered substantial as per st requirements. But it wouldn't make sense to not use the whole 2nd floor above the garage for the home office purpose.

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 variance will not have an adverse effect because its a similar style to our home. We are also planning on installing solar panels on the garage to offset any environmental impact.

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 difficulty is self created, the need to convert the current home office to childrens bedroom space requires the new space to be created. We have planned the new 2 car garage for a while and it makes most sense to use the area above for needed office.

## 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: 7/28/16
(applicant signature)

_____ Date: 7/28/16
(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: _____

State of New York)
)SS:
County of SARATOGA )

On this, the 28 day of JULY, 2016, before me a notary public, the undersigned officer, personally appeared BENJAMIN [illegible], known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

Notary Public

ADELE GRASSO
Notary Public, State of New York
Saratoga Co. #01GR5017243
My Commission Expires 8-30-2017

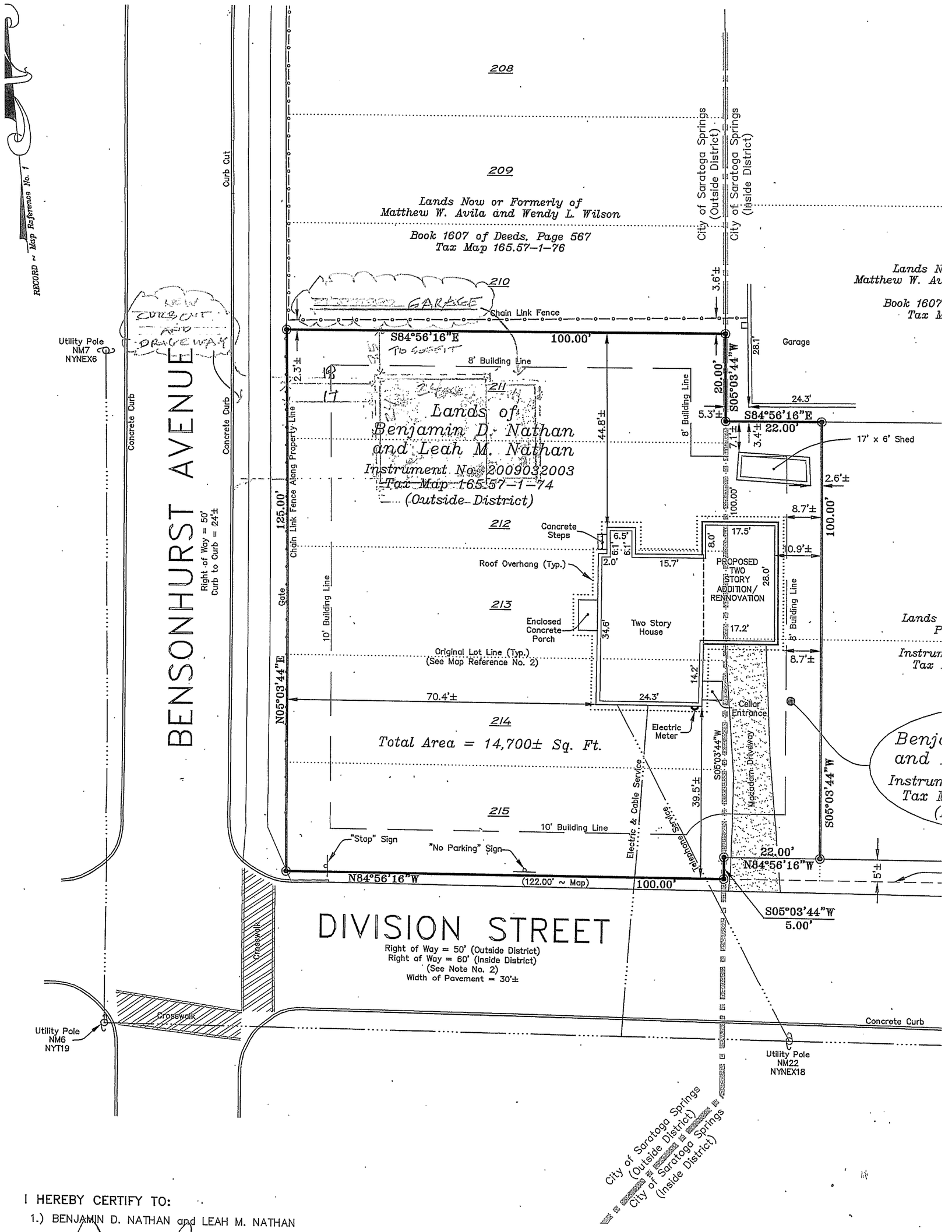
State of New York)
)SS:
County of SARATOGA )

On this, the 28 day of JULY, 2016, before me a notary public, the undersigned officer, personally appeared [illegible] known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

Notary Public

ADELE GRASSO
Notary Public, State of New York
Saratoga Co. #01GR5017243
My Commission Expires 8-30-2017




I HEREBY CERTIFY TO:

1.) BENJAMIN D. NATHAN and LEAH M. NATHAN

THAT THIS MAP WAS PREPARED FROM AN ACTUAL FIELD SURVEY MADE IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

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

MAP REFERENCES:

1.) MAP ENTITLED "LOT LINE ADJUSTMENT LANDS OF SUZANNE M. SAND", DATED JULY 8, 2008, MADE BY TOMMELL & ASSOCIATES, AND FILED IN THE SARATOGA COUNTY CLERKS OFFICE ON SEPTEMBER 24, 2008, AS

Propc

# 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 Obstarczyk | (same) | Tonya Yasenchak, Engineering America Co. |
| 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: # 147 Spring St. Tax Parcel No.: 166 . 61 - 3 - 33
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: April 2016 3. Zoning District when purchased: UR-3

4. Present use of property: Single Family Residence 5. Current Zoning District: UR-3

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

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

8. Brief description of proposed action:
Demolition of existing 2 story accessory structure and construction of new 2 story accessory structure for use as 2 car garage with storage

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) Sec.3:Table 2 Area & Bulk

| Dimensional Requirements | From | To |
|---|---|---|
| Accessory Building: Min. Side Yard Setback | 5 | 4', 4.25', 3.3' & 3' |
| Accessory Building: Min. Distance to Principal Building | 5 | 2.7' |
| (overhang of garage to deck step) | | |
| | | |
| | | |
| | | |

Other:

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

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

   The benefit of a 2 car garage cannot be achieved by other feasible means: 1) Attaching garage to the house: This option is not feasible as the lot is only 52' in width & the home is at 12.8' from the west property line. Any addition to the West side of the house would require variances for side setback and for overall coverage of the principal structure. Also, attaching a garage to the side of the house would limit light into the home and would locate the garage closer to the neighboring house than current conditions. 2) Reducing the Size of the Garage: The current structure that will be removed, sits inside a property line "jog". This "jog" allows the garage to be sited further from the house. However, the current garage sits only 0.2' from one of the side property lines. The proposed garage is 20' width which is the smallest recommended for 2 cars. A size reduction is not preferred will only allow for a one car garage is not in the applicant's best financial benefit. 3) Relocation of the Garage: This alternative is not a preferred option as locating the garage further back in the yard reduces the usable rear yard for the applicants' children & increases the driveway length & impermeable surface 4) Renovation of Existing Structure: The existing structure could possibly be repaired but would require the structure to be lifted for a new foundation; The site is limited in size to allow for this. Also, the existing ceiling is too short to accommodate a vehicle, garage door, etc. & would require extensive construction & costs. It should be less expensive for the applicant to build the new structure.

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 produce an undesirable change in the character of the neighborhood:
   1) The proposed garage location relocates the structure further from the West property lines and therefore further away from the neighbor to the West.
   2) The variance for min. distance to the principal structure will not be visible from Spring St. and therefore have little / no effect on the neighborhood. Also, this requested variance is based on the garage roof overhang distance to the deck step. The garage roof overhang will be approx. 4.5' from the rear wood deck and approx. 12' to the actual house. Visually, the garage will not appear closer than the required 5' from the house when viewed from the street.
   3) The site is located within a DRC district. Therefore the aesthetics of the new structure will be reviewed for architectural consistency with the house & neighborhood prior to permitting & construction.

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

The variances may appear substantial. However, we do not believe they are substantial in relation to the existing conditions:
1) The side setbacks for the existing accessory structure to be removed are 0.2', 1.7' & 2.0' (+/-). The requested variances reflect a structure location which actually improves / increases the setbacks to 4.3', 3.3' and 3.0'.
2) The site width is pre-existing / non-conforming at 52' and limits siting an accessory structure.
~~3) The house location is pre-existing / non-conforming & limits the siting of an accessory structure.~~

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 variances should not have any adverse physical or environmental effects on the neighborhood or district:
1) The overall footprint of the proposed accessory structure is 632 sq.ft. (+/-). At this 9.0% coverage, it is below the max. coverage for an accessory structure.
2) The location for the proposed structure minimizes the length of driveway for access. The proposed project falls does not ~~exceed the min. percentage of permeable lot (see attached lot permeability calculations).~~
3) The proposed structure will not be located further from the West side property lines. This results in roof drainage onto the applicant's site and no longer onto the neighbors site.
4) No large trees will be removed for this project.
5) The proposed structure will be located further away from the West neighbor's house than what currently exists, resulting in ~~slightly better sunlight to the neighbors' yard.~~

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

The alleged difficulty is self created only in fact that it is the applicant's desire to construct a a new accessory structure to accomodate weather protected parking and storage. The site limitations of the width are pre-existing / non-conforming and 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: 8-15-16
(applicant signature)

_____ Date: _____
(applicant signature)

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

Owner Signature: (SAME AS ABOVE) Date: _____

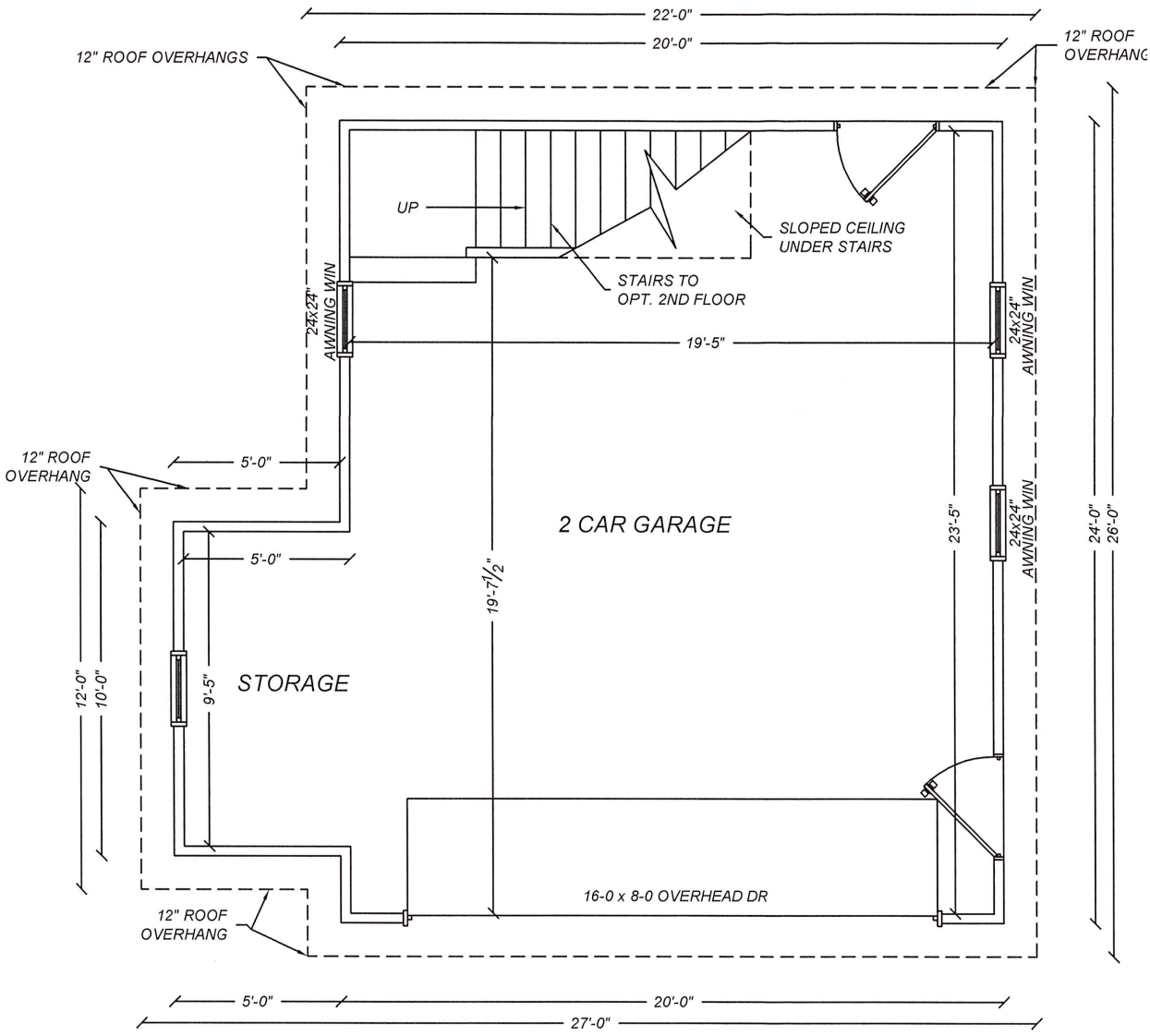
Owner Signature: _____ Date: _____

#147 Spring St.



## Table 3: Area and Bulk Schedule

| Zoning District | Minimum Lot Size Square Feet (SF) | Minimum Average Width (Ft.) | Maximum Building Coverage Percentage | | Min. yard Setback (Feet) | | | | Principal Buildings | | Minimum Distance to Accessory Building (Feet) | | | | Minimum % to remain Permeable |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Principal Bldg. | Access. Bldg. | Front | Rear | Each Side | Total Side | Minimum 1st Floor Area (SF) | Max. Height (Feet) | Principal Building | Front Lot Line | Side Lot Line | Rear Lot Line | |
| RR (F) | 2 acres | 200 | 15 | 5 | 60 | 100 | 30 | 100 | ----- | 35 | 5 | 60 | 30 | 50 | 80 |
| SR-1 (F) | 40,000 | 125 | 20 | 8 | 40 | 40 | 15 | 35 | ----- | 35 | 5 | 40 | 10 | 10 | 40 |
| SR-2 | 20,000 (A) | 100 | 25 | 8 | 30 | 30 | 12 | 30 | ----- | 35 | 5 | 30 | 5 | 5 | 30 |
| UR-1 | 12,500 (A) | 100 | 20 | 8 | 30 | 30 | 12 | 30 | 1 Story = 1,100<br>2 Story = 800 | 60 | 5 | 30 | 5 | 5 | 30 |
| UR-2 | 6,600 (A) | 60 | 30 | 10 | 10 | 25 | 8 | 20 | 1 Story = 900<br>2 Story = 700 | 60 | 5 | 10 | 5 | 5 | 25 |
| UR-3 | 6,600 1-unit /<br>8,000 2-units | 60 1-unit /<br>80 2-units | 30 | 10 | 10 | 25 | 4 | 12 | 1 Story = 1,200<br>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<br>2 Story = 1,200 | 70 | 10 | 25 | 5 | 5 | 15 |
| UR-4A | 2,000/DU | 60 1-unit /<br>80 2-units | 30 | 10 | 10 | 25 | 4 | 12 | 1 Story = 1,200<br>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<br>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 /<br>8,000 2-units | 60 1-unit /<br>80 2-units | 30 | 10 | 10 | 25 | 4 | 12 | 1 story = 1,200<br>2 story = 800 | 60 | 5 | 10 | 5 | 5 | 25 |
| NCU-2 | 6,600 1-unit /<br>8,000 2-units | 60 1-unit /<br>80 2-units | 30 | 10 | 10 | 25 | 4 | 12 | 1 story = 1,200<br>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<br>2 story = 1,200 | 50 | 5 | 10 | 5 | 5 | 20 |




OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

# PROPOSED MAIN FLOOR PLAN

8/15/2016 SCALE: 3/16" = 1' 0"

DESIGN BY:
ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
[redacted]

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

APPLICANT: Chris Obstarczyk

TAX PARCEL NO.: 166.61-3-33

PROPERTY ADDRESS: 147 Spring St.

ZONING DISTRICT: UR-3

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:
Demolition of existing accessory structure and construction of new (2) story, 2 car garage.

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

Obstarczyk Garage:

#147 Spring St., Saratoga Springs, NY

Property to the West / Left of project site as viewed facing West from yard (existing structure is at the right)

Front / South of existing structure as viewed facing North from project site driveway

East / Right of existing structure as viewed facing West from project site back yard

North / Rear of existing structure as viewed facing South from project rear yard

Obstarczyk Garage:

#147 Spring St., Saratoga Springs, NY

View of project site rear yard along West property line (existing structure at left & neighboring property beyond fence)

View of project site rear yard along North property line with neighboring property beyond fence

View of East / Right rear yard as viewed facing East with neighboring property beyond fence

View of project site rear yard facing South East towards residence with neighboring property beyond fence

Obstarczyk Garage:

#147 Spring St., Saratoga Springs, NY

Left / West elevation of existing home as viewed facing North from Spring St.

Front /South elevation of existing home as viewed facing North from Spring St.I

Neighboring property to the West as viewed facing North West from Spring St.

View of project site down existing driveway facing North from Spring St. (applicants' house to the right)

Obstarczyk Garage:

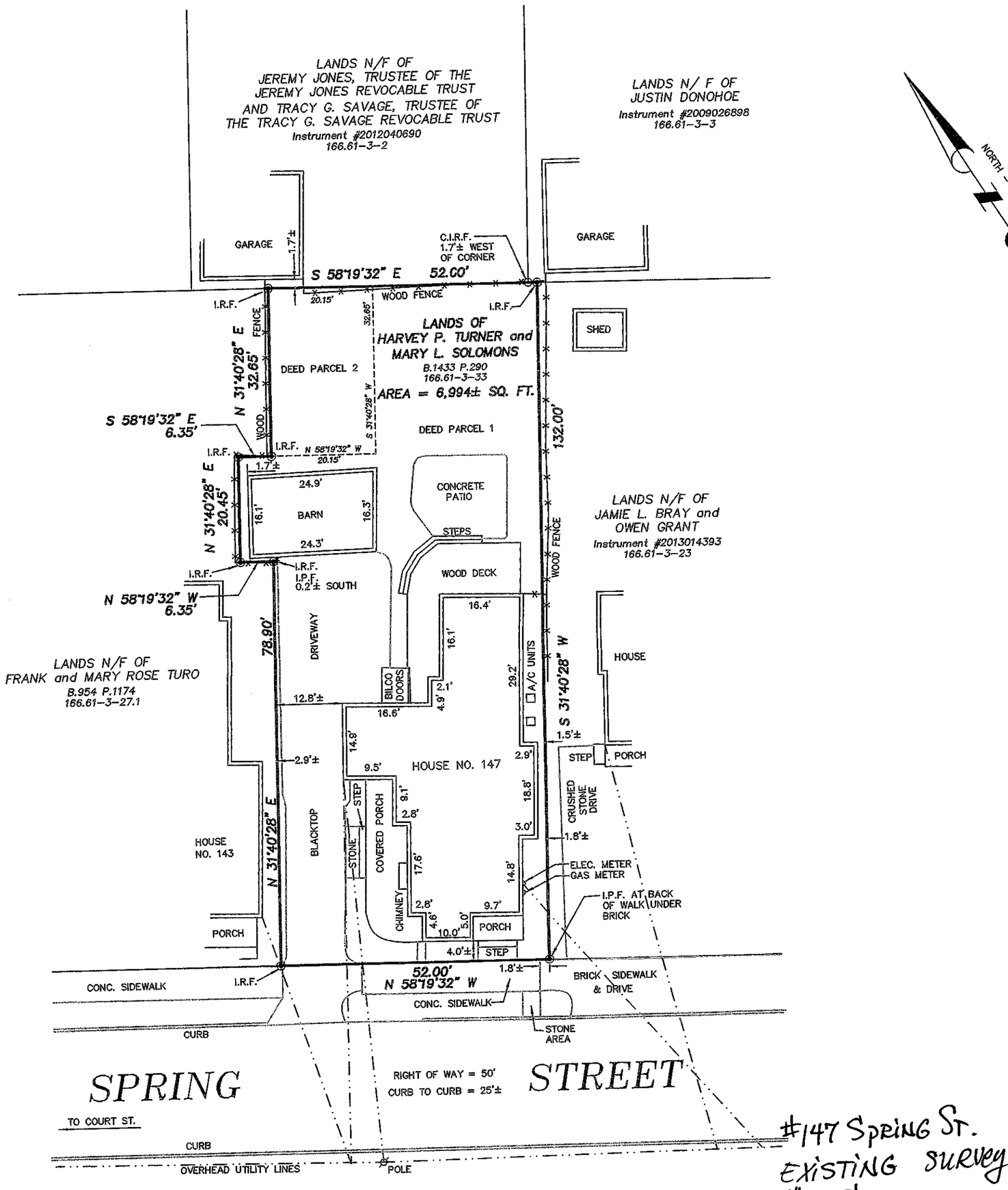
#147 Spring St., Saratoga Springs, NY

Properties across Spring St. to the South East of project site

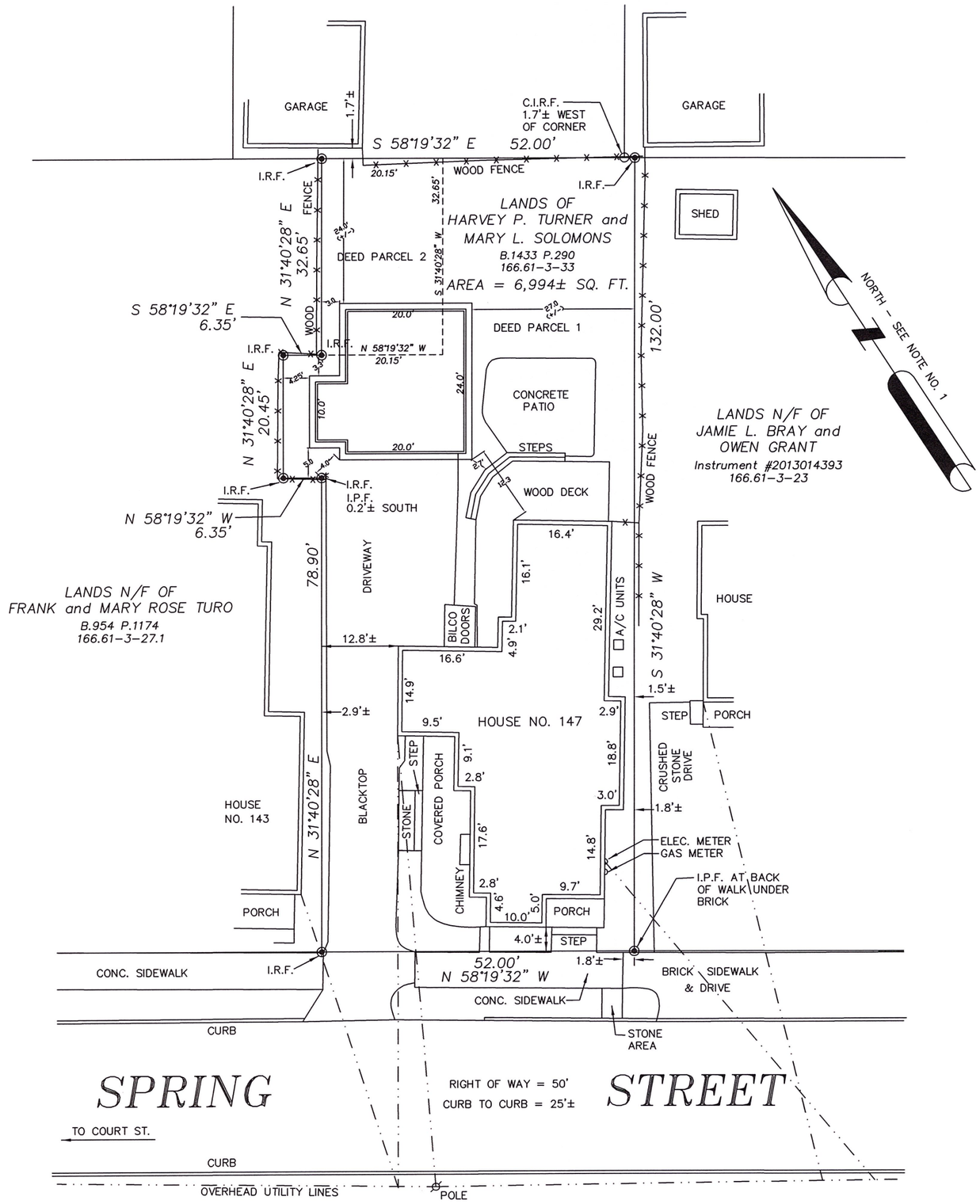
Properties across Spring St. to the South West of project site

Adjacent property to the East as viewed from Spring St

(EXISTING)




#147 Spring St.
EXISTING Survey
1" = 20'




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

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

## *NOTES:*

1.) NORTH ORIENTATION IS PER BOOK 1433 OF DEEDS AT PAGE 290.

2.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATEMENT OF FACT SUCH DOCUMENT MAY DISCLOSE.

3.) THE SURVEYED PARCEL IS SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.

THAT THIS MAP WAS PREPARED FROM AN ACTUAL FIELD SURVEY MADE IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

## LEGEND

| | |
|---|---|
| N/F | NOW OR FORMERLY |
| — · — · — · — | OVERHEAD UTILITY LINES |
| C.I.R.S | CAPPED IRON ROD SET |
| I.P.F. | IRON PIPE FOUND |
| C.I.R.F. | CAPPED IRON ROD FOUND |
| I.R.F. | IRON ROD FOUND |
| 116.00-2-39 | TAX MAP SECTION-BLOCK-LOT |
| B.769 P.986 | DEED BOOK & PAGE |
| ◉ | POINT |

THIS PLOT PLAN WAS PREPARED BY ENGINEERING AMERICA CO. FOR PURPOSES OF ZONING VARIANCE APPLICATION & SUBMITTAL USING AN ORIGINAL SURVEY MAP PREPARED BY & USED WITH AUTHORIZATION BY ALBRECHT & WILLSON LAND SURVEYORS. THIS PLOT PLAN IS NOT INTENDED TO BE USED AS A SURVEY. BUILDING CORNERS MUST BE VERIFIED BY LICENSED SURVEYOR PRIOR TO AND FOLLOWING CONSTRUCTION AS REQUIRED BY THE CITY BUILDING DEPT.

# *ZBA PLOT PLAN FOR CHRIS OBSTARCZYK # 147 SPRING ST.*

DATE: 8-15-16

SCALE: 1" = 20'

Albrecht & Willson Land Surveyors, PLLC
63 GRAY AVENUE
GREENWICH, N.Y. 12834

Saratoga Springs
Preservation Foundation

September 26, 2016

A Voice FOR PRESERVATION

Mr. Bill Moore, Chair
Zoning Board of Appeals
City Hall
474 Broadway
Saratoga Springs, NY 12866

**RE: 147 Spring Street – Side Yard Setback and Distance to Principal Building Variances**

Dear Mr. Moore,

The Saratoga Springs Preservation Foundation has reviewed the application for variances to construct a new two-car garage at 147 Spring Street.

The Queen Anne style house located at 147 Spring Street was constructed circa 1867. Research indicates that the house originally shared the lot with 143 Spring Street and had several accessory buildings, including a large stable. The building that the applicant is proposing to demolish was constructed between 1876 and 1888 when it firsts appear on the 1888 Burleigh Bird's Eye View Map. Please see enclosed documentation. The other two accessory structures no longer exist, but one still remains on the property. The house and accessory building are "contributing buildings" to the East Side Historic District listed on the National Register of Historic Places.

The Foundation objects to the demolition of the historic accessory structure. Carriage houses throughout Saratoga Springs are threatened with demolition-by-neglect and removal. They are important cultural resources of the history and development of our community and should be preserved to the fullest extent possible.

The Foundation respectfully requests that the Zoning Board of Appeals seek an advisory opinion from the Design Review Commission as to whether the historic building may be demolished prior to considering the various variances requested.

Thank you in advance for your thoughtful consideration.

Sincerely,

Linda Harvey-Opiteck
Vice-President

Samantha Bosshart
Executive Director

Cc: Chris Obstarczyk, Owner
Tonya Yasenchak, Agent
Susan Barden, Senior Planner
Bradley Birge, Administrator of the Office of Planning and Economic Development

**Board of Directors**

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President

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Vice President

Matthew Veitch
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Meredith Woolford

James Kettlewell
emeritus

112 Spring Street, Suite 203
Saratoga Springs, NY 12866
P 518-587-5030 F518-581-1448
www.saratogapreservation.org

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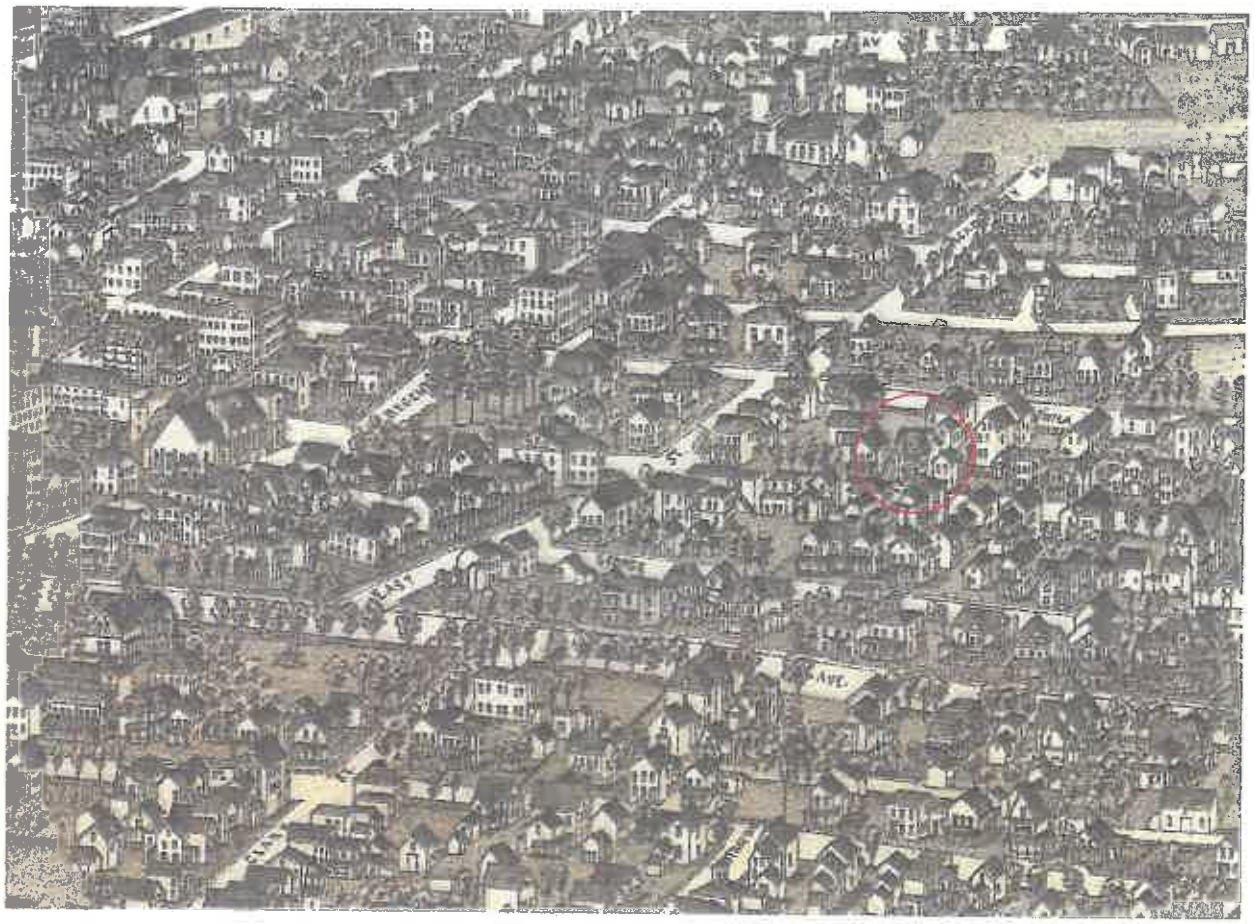
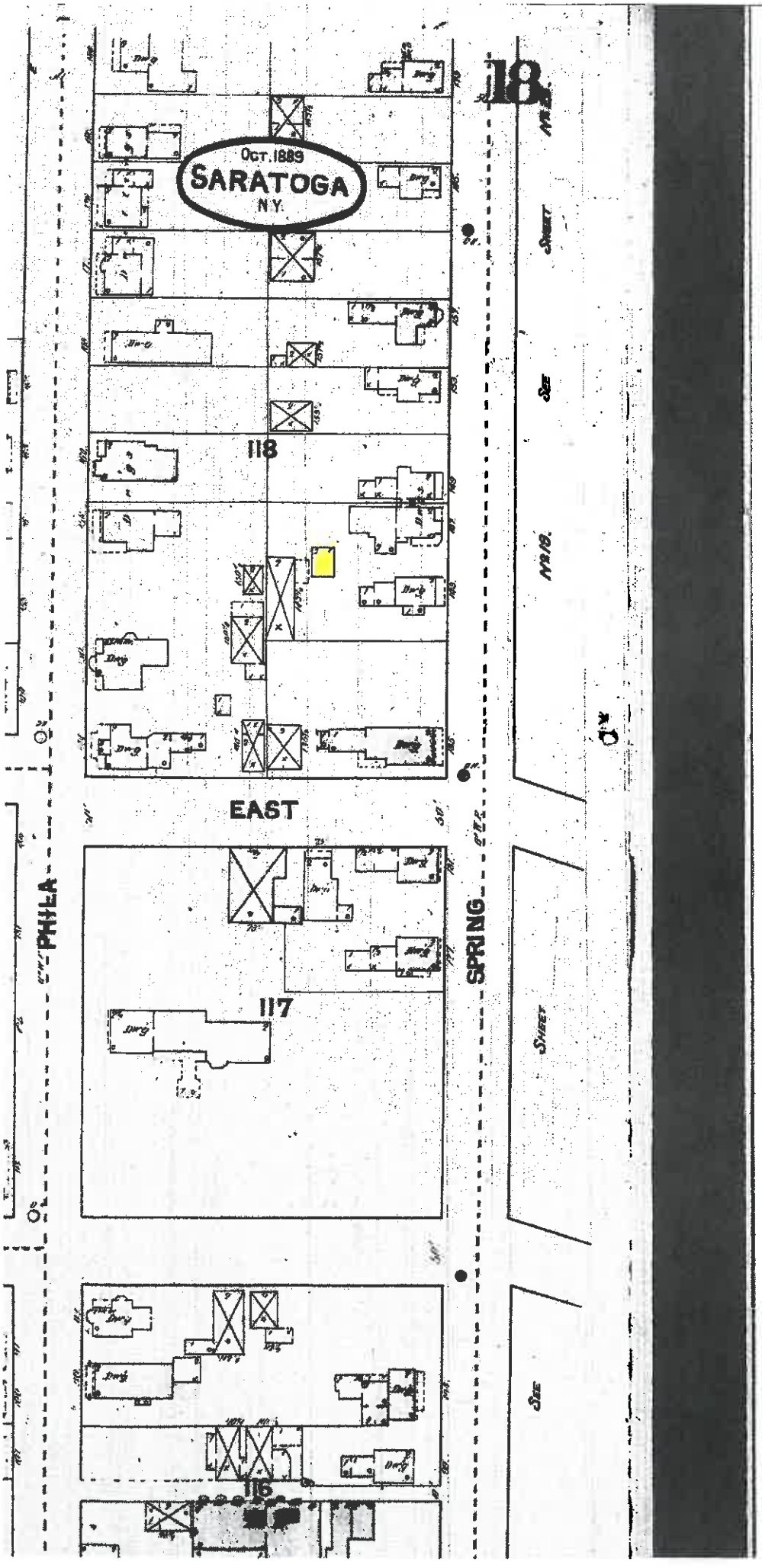
J.L. Loomer
W.B. White Est.
W.E. Shaw
A.C. Fransioli
T. Walters
G.W. Ferris
M.E. McDonald
S.W. Fuller
Slocum
Sterrett
C.D. Thurber
M. Belmont
E. Bradford
R. Weller
P. Smith
J. Freeman
J. Fitts
R. Riley
E.S. Pearsall
L.W. James
H.W. Merrill
J.L. Wakefield
J.M. King
E.H. Rockwood
G.F. Watson
H. & J. Miller
C.D. Rosseler
J.H. Vanderburg
H.P. Gilligan
M.A. Boswell
J.P. Bennett
E. Perry
SPRING
PHILA
Wellington
C.H. & W.M.
L.B. Pike
M.A. Pi
J.T. Ca
G.W. Hopkins
C. Whyland
G.W. Mortin
W.P. Carpenter
C.W. Mitchell
Wellington Bros.
Walker
W.W. Worden
Benton
C.E. Fish
Richie
Merrill
Cobb

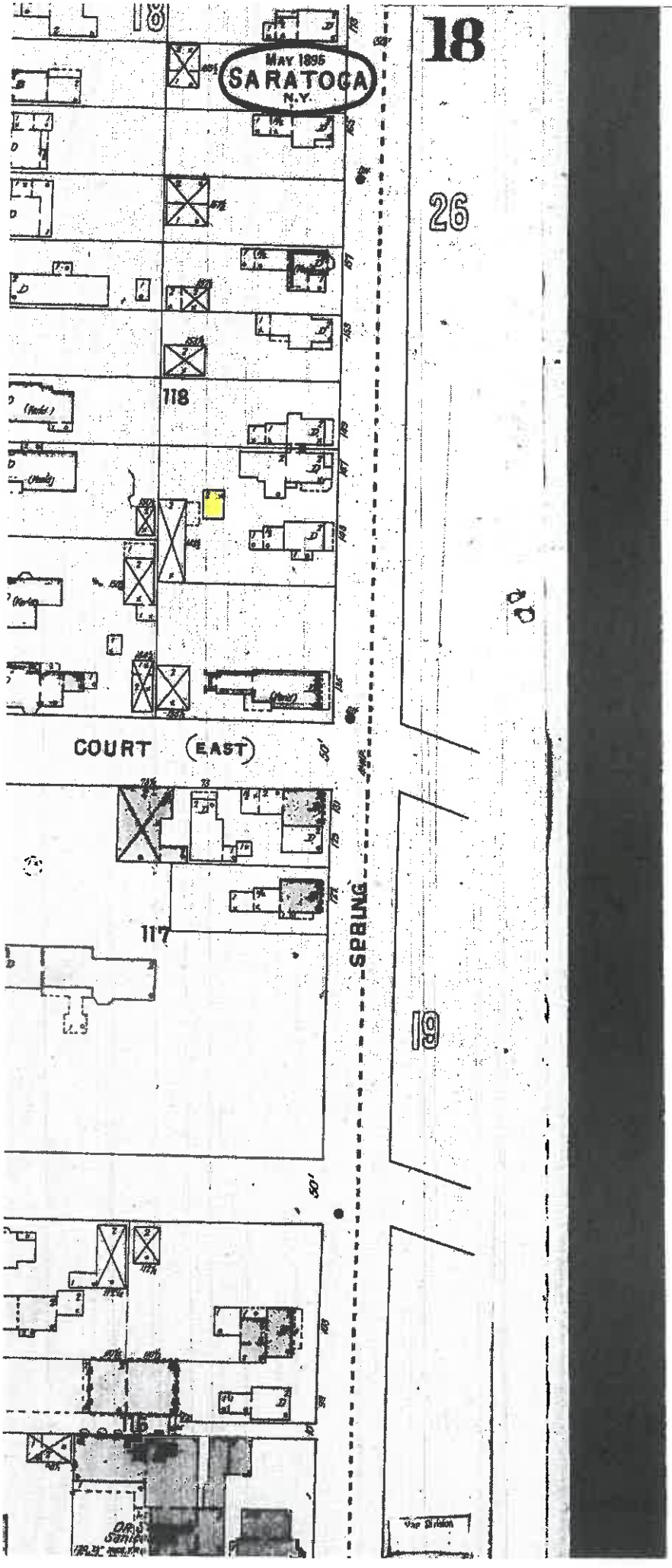


147 Spring Street

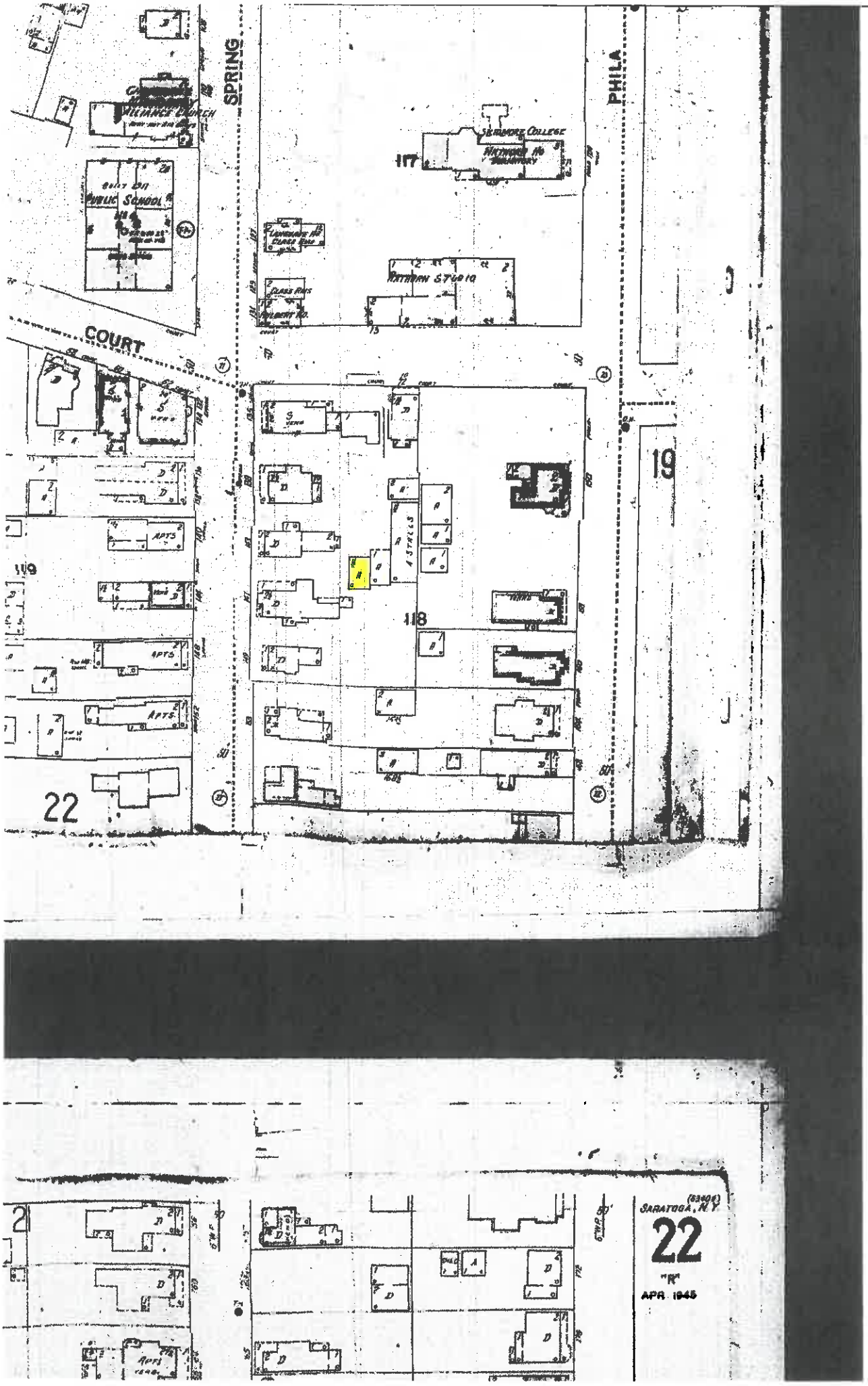
1888 Burleigh Birdseye View




1889 P. 18
SANBORN MAP

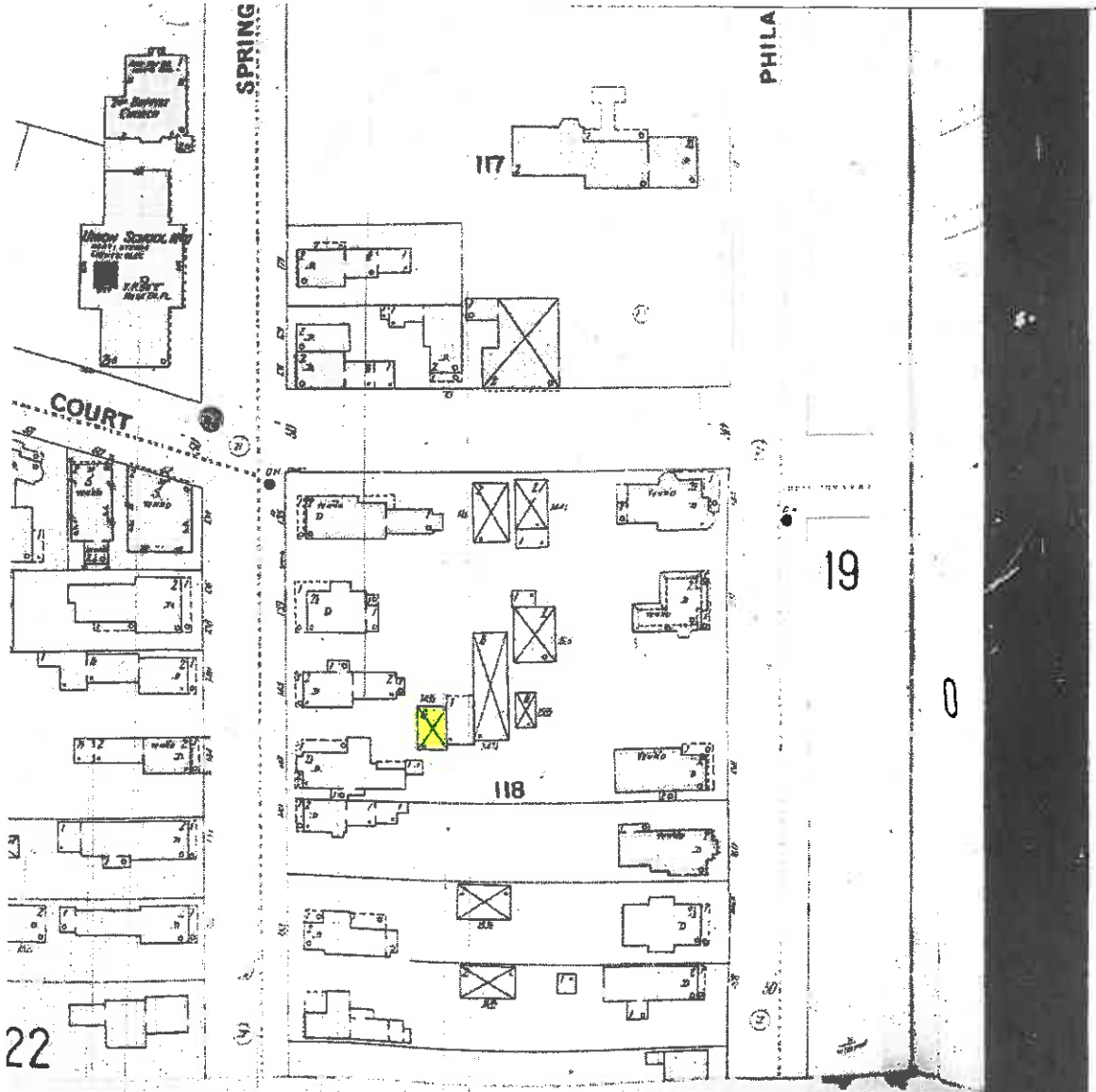



1895 18
SANBORN MAP

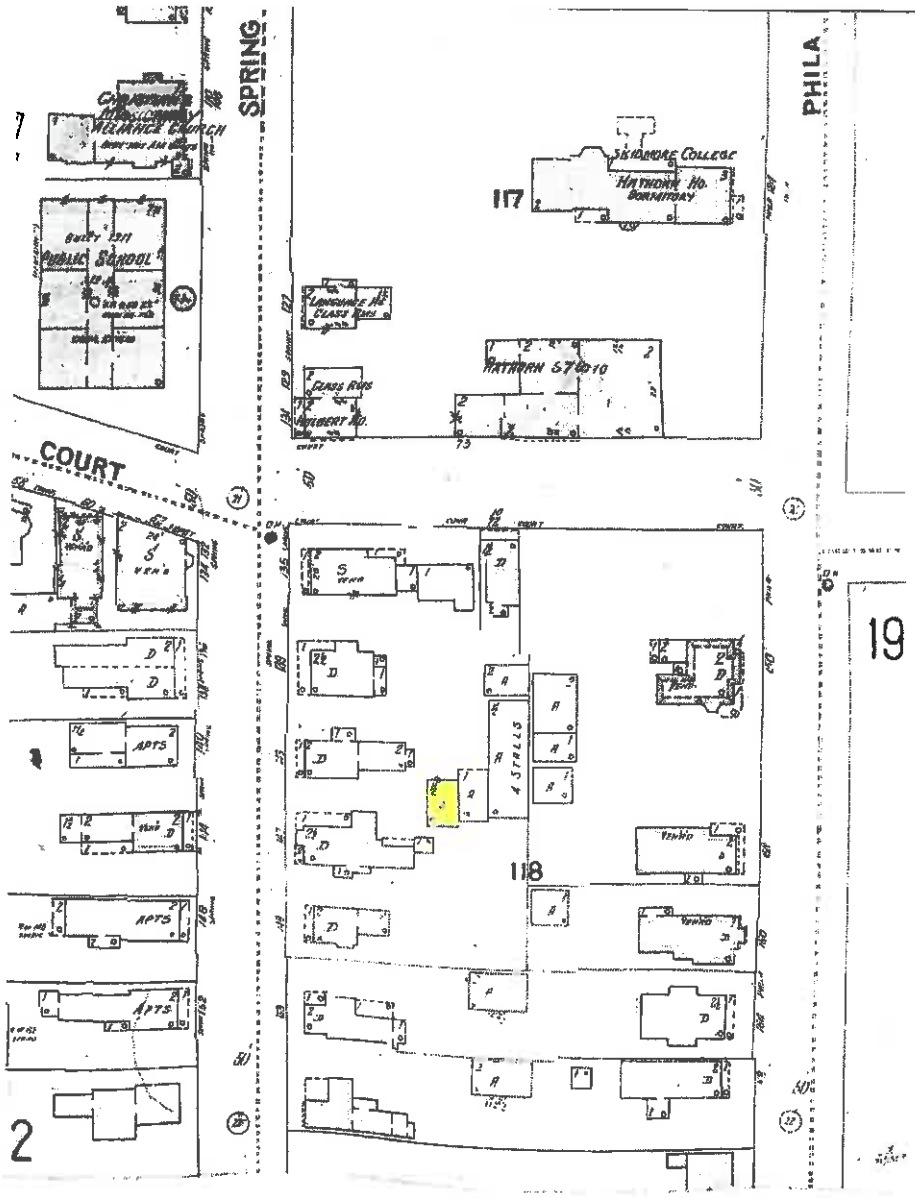



A - AUTO

SANBORN MAP
1900
21

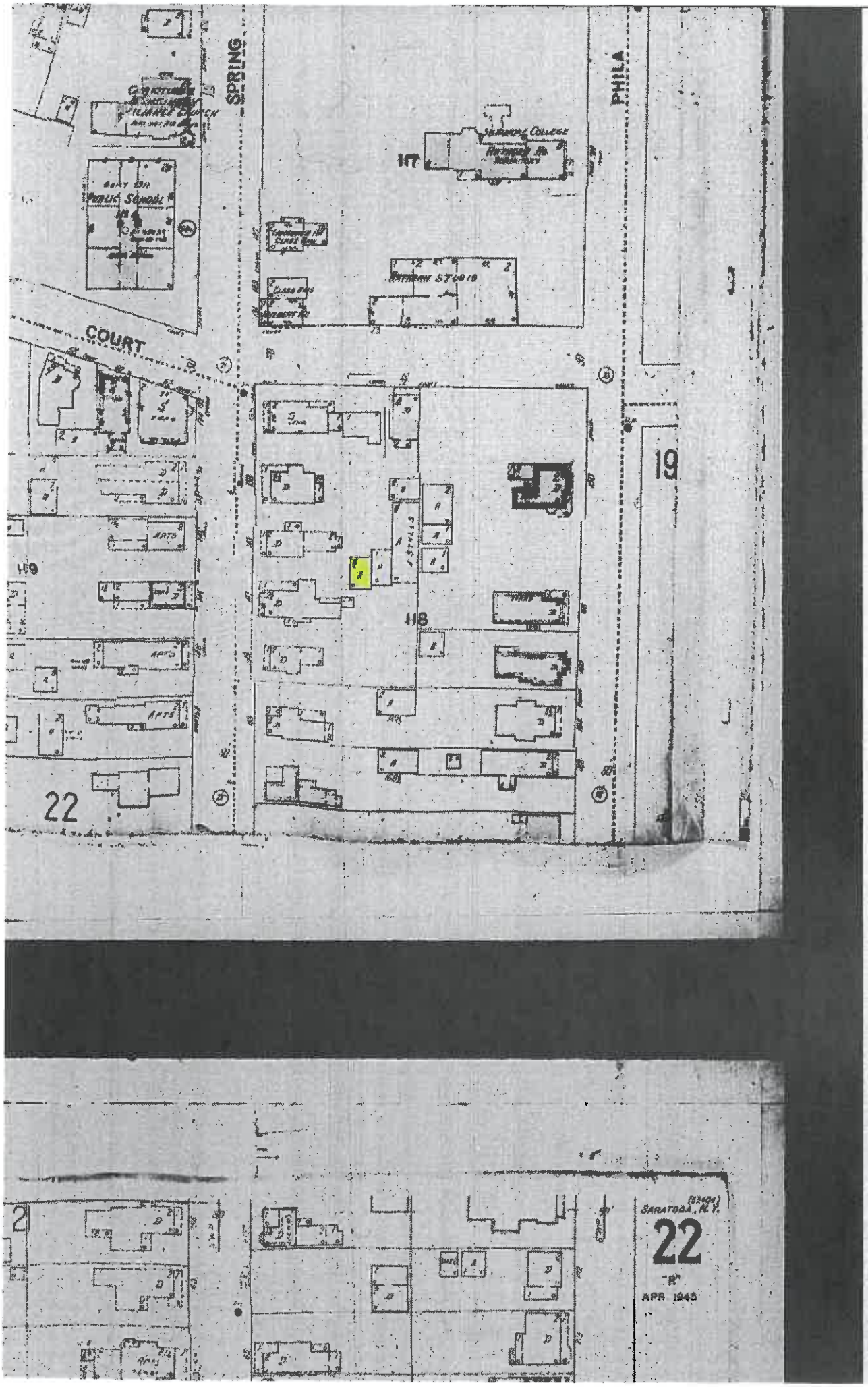



SANBORN MAP
1909 21



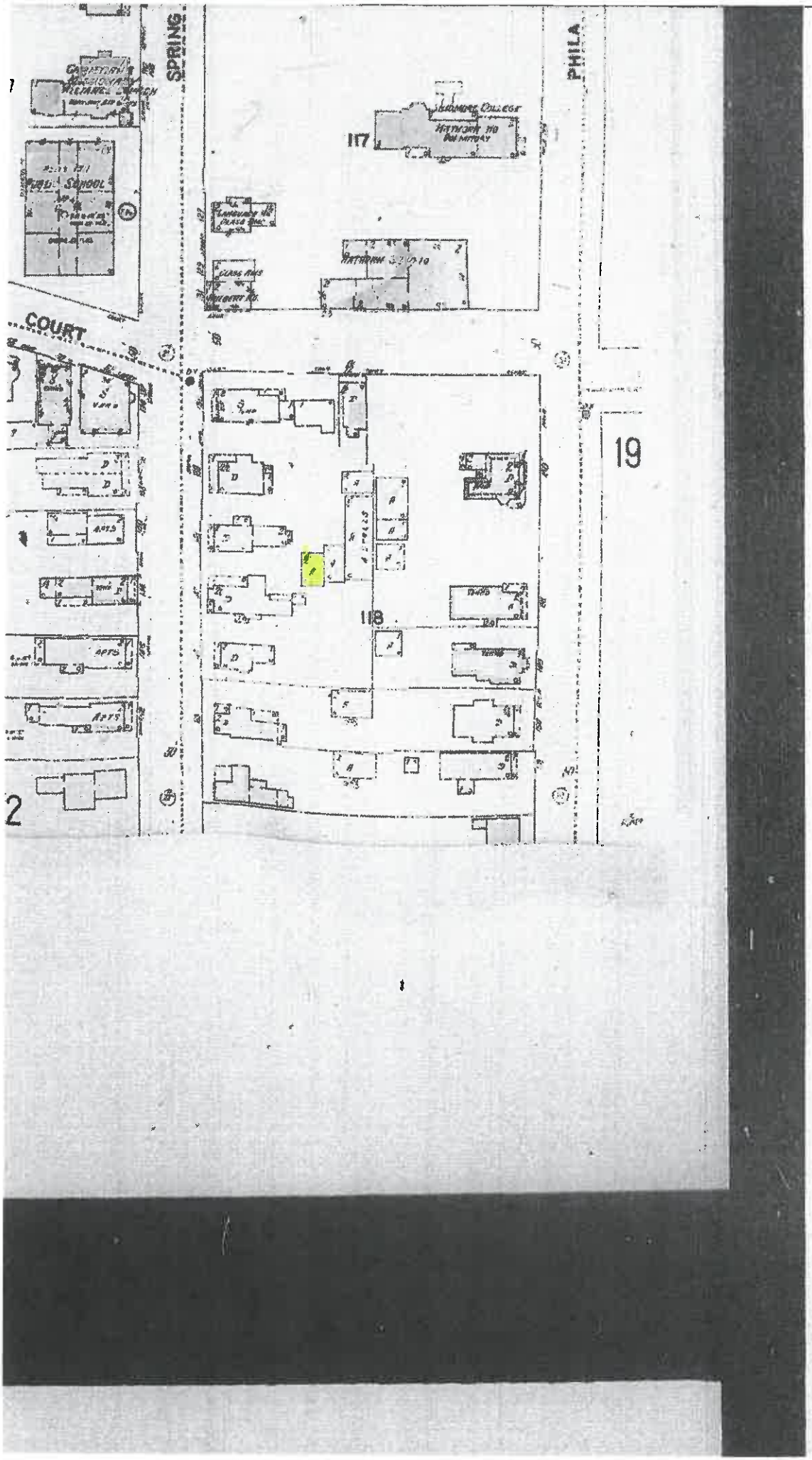

A = AUTO

SANBORN MAP
1933 21




SANBORN MAP
1950

21




SANBORN MAP
C. 1964
1952

# 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 | [redacted] | | |
| Address | | | |
| Phone | | | |
| 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: 109 Elm St Tax Parcel No.: 165 . 82 - 1 - 65
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 11/29/2009 3. Zoning District when purchased: UR2

4. Present use of property: Single Family Residence 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: _____

_____

_____

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) Unknown

| Dimensional Requirements | From | To |
|---|---|---|
| No dimensional relief required. This is a request to finish the interior space over an existing detached garage. | N/A | N/A |
| | | |
| | | |
| | | |
| | | |
| | | |

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.

   When planning the construction of the dwelling it was envisioned to have a attached garage. The area over the garage was to be unfinished with access from the interior of the dwelling. When we were informed by the builder that the footprint was to large for the site and the garage needed to be detached we tried to maintain the same basic plan of a bonus room over the 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:

   There will be no exterior changes to the garage and no changes to the current residential use of the property.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:
   It is for the completion or finishing of attic/bonus room. No additional square footage or structural changes will be made.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:
   There will be no changes to the current exterior of the garage.

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 was not self created. The zoning did not permit an attached garage

## 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

| | | |
|---|---|---|
| Borrower: | | File No.: 109elm |
| Property Address: | | Case No.: |
| City: | State: | Zip: |
| Lender: | | |

Garage with 111 Elm St. to the right and vacant lots to the rear.

Front and side of garage with vacant lot to the rear.

Garage and house from rear corner.

| | | | |
|---|---|---|---|
| Borrower: | | File No.: | 109elm |
| Property Address: | | Case No.: | |
| City: | State: | Zip: | |
| Lender: | | | |

Rear of garage

Side and rear of garage, 111 Elm st is to the right.

House and garage from the street.

| | | | |
|---|---|---|---|
| Borrower: | | File No.: | 109elm |
| Property Address: | | Case No.: | |
| City: | State: | Zip: | |
| Lender: | | | |

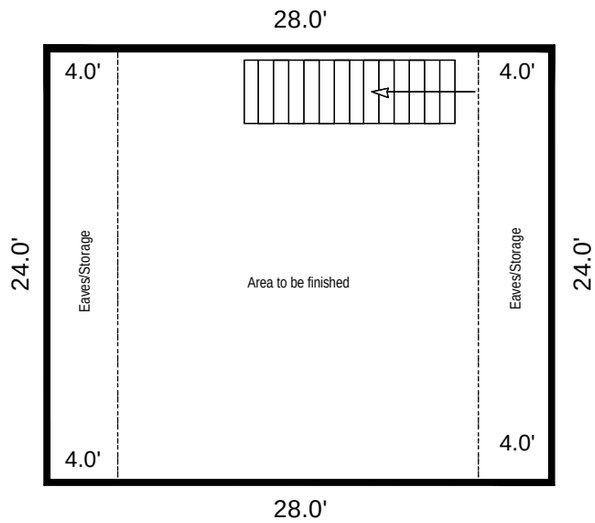
Behind garage showing 107 Elm St.

Between house and garage showing 107 Elm St. and rear of house on Joseph St.

From street between 107 and 109 Elm St.

## FLOORPLAN SKETCH

| | | | |
|---|---|---|---|
| Borrower: | | File No.: | 109elm |
| Property Address: | | Case No.: | |
| City: | State: | Zip: | |
| Lender: | | | |




Sketch by ApexIV™

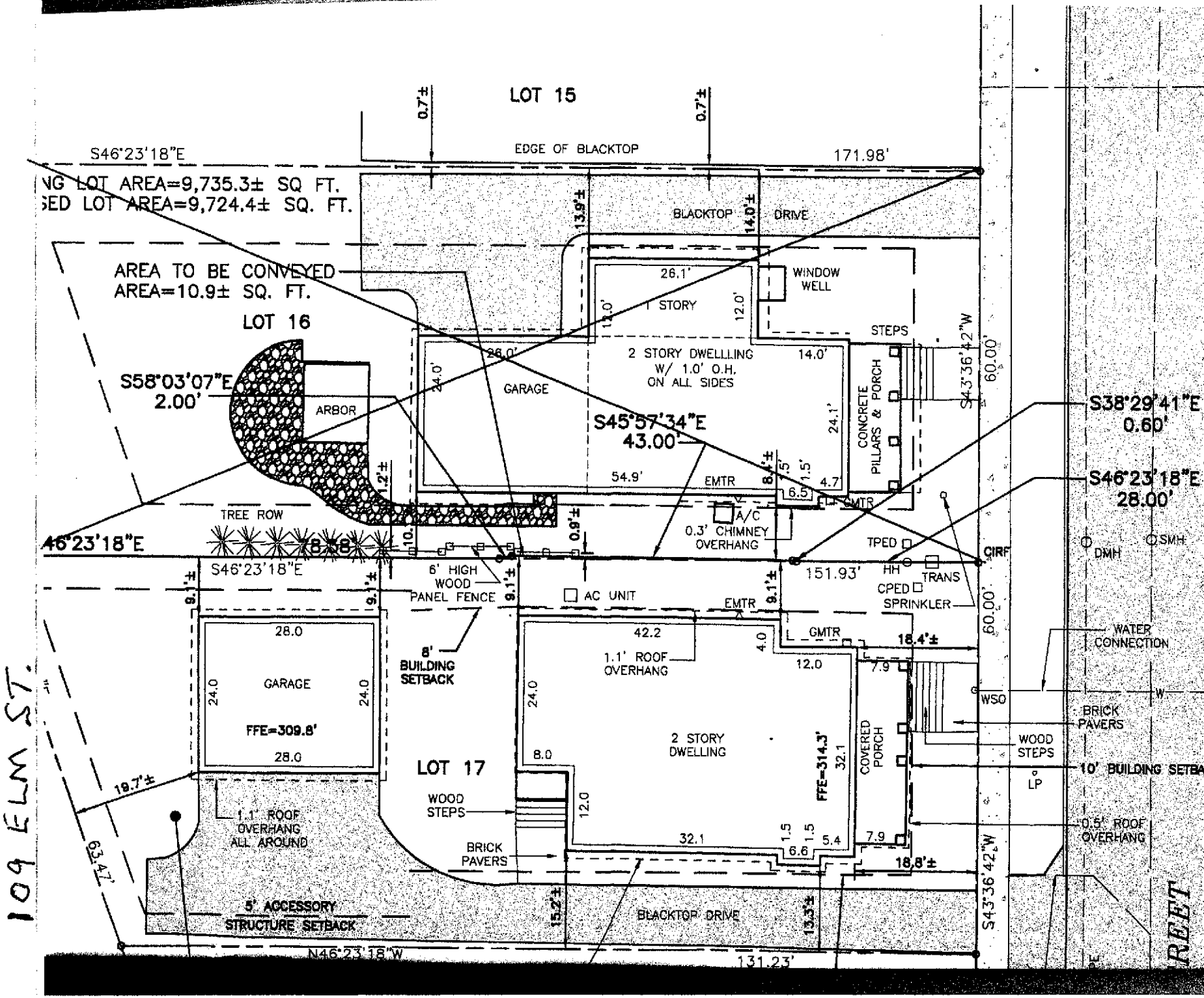
Comments:

### AREA CALCULATIONS SUMMARY

| Code | Description | Size | Net Totals |
|---|---|---|---|
| P/P | Porch | 96.00 | |
| | Porch | 96.00 | 192.00 |
| GAR | Garage | 672.00 | 672.00 |

### AREA BREAKDOWN

| Breakdown | Subtotals |
|---|---|
| | |


LOT 15
0.7'±
0.7'±
EDGE OF BLACKTOP
171.98'
S46°23'18"E
NG LOT AREA=9,735.3± SQ FT.
SED LOT AREA=9,724.4± SQ. FT.
BLACKTOP DRIVE
13.9'±
14.0'±
AREA TO BE CONVEYED
AREA=10.9± SQ. FT.
LOT 16
26.1'
WINDOW WELL
1 STORY
12.0'
13.0'
STEPS
S43°36'42"W
60.00'
S58°03'07"E
2.00'
ARBOR
26.0'
24.0'
GARAGE
2 STORY DWELLLING
W/ 1.0' O.H.
ON ALL SIDES
14.0'
S45°57'34"E
43.00'
24.1'
CONCRETE PILLARS & PORCH
S38°29'41"E
0.60'
S46°23'18"E
28.00'
54.9'
EMTR
8.4'±
1.5'
4.7
6.5
GMTR
A/C
0.3' CHIMNEY OVERHANG
TREE ROW
1.2'±
10.
0.9'±
46°23'18"E
18.58'
S46°23'18"E
TPED
CIRF
DMH
SMH
151.93'
HH
TRANS
CPED
SPRINKLER
9.1'±
9.1'±
9.1'±
6' HIGH WOOD PANEL FENCE
AC UNIT
EMTR
9.1'±
60.00'
WATER CONNECTION
28.0
42.2
4.0
GMTR
18.4'±
8' BUILDING SETBACK
1.1' ROOF OVERHANG
12.0
7.9
24.0
GARAGE
24.0
24.0
WSO
BRICK PAVERS
FFE=309.8'
28.0
2 STORY DWELLING
8.0
WOOD STEPS
10' BUILDING SETBA
LOT 17
FFE=314.3'
32.1
COVERED PORCH
LP
19.7'±
WOOD STEPS
12.0
1.1' ROOF OVERHANG ALL AROUND
0.5' ROOF OVERHANG
32.1
1.5
1.5
5.4
7.9
6.6
BRICK PAVERS
18.8'±
63.47'
5' ACCESSORY STRUCTURE SETBACK
15.2'±
BLACKTOP DRIVE
15.3'±
S43°36'42"W
N46°23'18"W
131.23'
109 ELM ST.
REET

FROST HURFF
ARCHITECTS

**MEMO**

Date: 8/25/16
To: Susan Barden
From: Tom Frost
Re: 5 Swanner Lane ZBA Application

The accompanying Area Variance Application is relatively simple. However, previous applications to the ZBA for this property may be a bit confusing.

One of these dated 6/23/00 was for a Use Variance to expand the pre-existing nonconforming use as a warehouse/office building. That variance was granted. In the current application the use has become residential, not requiring approval for such a change in this District.

On the same date as above, an Area Variance was granted to allow fro a front yard setback of 2 feet, a sideyard setback to zero feet, a rear yard setback to zero feet and a principal building lot coverage to 31%.

These side yard setbacks were accomplished. However, the existing lot coverage figure now exists as 34.76%, not 31%. After reviewing the site survey, I believe this discrepancy is due to the roof overhangs not having been included in the coverage square foot figure.

The point is, we are requesting a principal building increase from the existing 34.76% to the proposed 40.37%.

The percentage of permeable area remains well above 25%.

Thomas R. Frost, Jr., RA [redacted]
41 Long Alley Saratoga Springs, New York 12866
Matthew H. Hurff, RA [redacted]
www.fharch.com

# CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

(Application #)

(Date received)

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

| | APPLICANT(S)* | OWNER(S) *(If not applicant)* | ATTORNEY/AGENT |
|---|---|---|---|
| Name | LISA BATES | | THOMAS FROST<br>FROST HURFF ARCHITECTS |
| Address | [redacted] | | 41 LONG ALLEY<br>SARATOGA SPRINGS, NY 12866 |
| Tel/Fax | [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: 5 SWANNER LANE Tax Parcel No.: 166 . 45 - 4 - 30
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 2016 3. Zoning District when purchased: UR-3

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

6. Has a previous ZBA application/appeal been filed for this property?
☒ Yes (when? 6/23/2000 For what? WAREHOUSE/OFFICE USE AREA VAR. - LOT COVERAGE, SETBACKS
☐ No

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

8. Brief description of proposed action: ADD TWO ADDITIONS TO A BUILDING THAT EXISTS AS A PRE-EXISTING NON-CONFORMING STRUCTURE IN TERMS OF LOT COVERAGE AND SET-BACKS.

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" and attach to top of original application. Fees are cumulative and required for each request below.

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

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

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): NA

1. Date original variance was granted: _____ 2. Type of variance granted? ☐ Use ☐ Area
3. Date original variance expired: _____ 4. Length of extension requested: _____
5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient? _____

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

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

The applicant requests relief from the following Zoning Ordinance article(s) ARTICLE II, TABLE 2

| Dimensional Requirements | From | To |
|---|---|---|
| % OF PRINCIPAL BUILDING LOT COVERAGE | REQ'D - 30% | |
| | EXISTING - 34.76% | PROPOSED - 40.37% |
| REAR YARD SETBACK | REQ'D 25' | |
| | EXISTING 0' | PROPOSED - 2.7' TO 5.6' |
| SIDE YARD SETBACK | REQ'D EACH 4', TOT. 12' | |
| | EXISTING 0', 33' | PROPOSED - 0', 29.5' |

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.

THE PROPOSED ENCLOSED MECHANICAL AREA COULD BE VISUALLY PROTECTED BY A FENCE THAT WOULD NOT INCREASE LOT COVERAGE. HOWEVER, BY INSTALLING A ROOF OVER IT, NOT ONLY IS THE ELECTRICAL/MECHANICAL/GAS EQUIPMENT PROTECTED, THE SPACE CAN BE USED AS EXTERIOR STORAGE FOR YARD EQUIPMENT, ETC. THERE IS NO EXISTING COVERED STORAGE (NO GARAGE E.G.) ON THE PROPERTY. THE COVERED ENTRY IS A NECESSITY NOT ACHEIVABLE BY ANY OTHER MEANS.

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 ENCLOSED MECHANICAL AREA IS PARTIALLY HIDDEN BEHIND THE BUILDING AND BY A FENCE ALONG THE REAR PROPERTY LINE. EXISTING PORTIONS OF THE BUILDING HAVE LESS REAR SETBACK THAN THIS PROPOSED ADDITION. IT WILL VISUALLY ADD MINIMAL MASS TO THE EXISTING STRUCTURE. THE COVERED ENTRY WILL ADD NO VISUAL MASS TO THE BUILDING, AND WILL IMPROVE THE APPEARANCE OF ITS EAST ELEVATION, AND HELP IDENTIFY IT AS A RESIDENTIAL USE.

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

THE TWO STRUCTURES THAT CAUSE THE NEED FOR THE VARIANCE ARE FAIRLY MINIMAL GIVEN THE EXISTING BUILDING MASS, AND THEIR ALMOST INCONSEQUENTIAL CHANGE TO THE SITE.

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 APPEARANCE OF THE EXISTING PROPERTY WILL HARDLY BE CHANGED, AND THE PREFERRED RESIDENTIAL USE IN THE DISTRICT WILL BE MORE OBVIOUS.

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 AND THE NEED FOR A VARIANCE IS SELF-CREATED. THE BUILDING COULD CONTINUE IN ITS PRESENT USE WITHOUT THE PROPOSED ADDITIONS. BUT THEY MAKE IT MORE LIVEABLE.

## DISCLOSURE

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

## APPLICANT CERTIFICATION

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

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

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

(applicant signature)

(applicant signature)

Sworn to before me this date:

Date: August 25.16

Notary Public

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

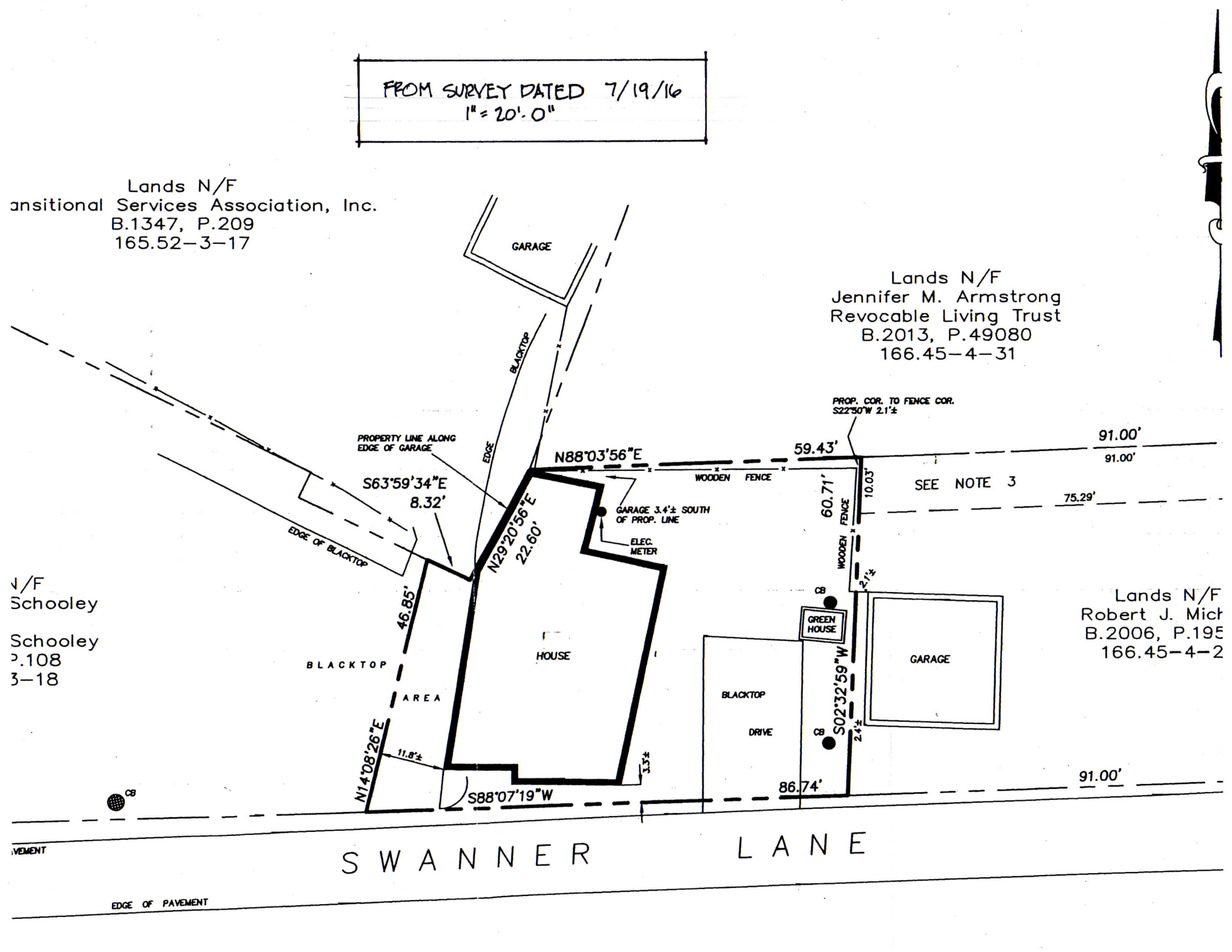
Owner Signature: _____ Date: August 25.16

Owner Signature: _____ Date: _____

JENNIFER L. CHRISTY NOTARY PUBLIC COMMONWEALTH OF MASSACHUSETTS MY COMMISSION EXPIRES 08-11-17

On this 25th day of AUGUST, 2016, before me, the undersigned notary public, personally appeared LISA S. BATES, and proved to me through satisfactory evidence of identification, which were NY DR LIC# 354 881 473, to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

JENNIFER L. CHRISTY Notary Public
My Commission Expires August 11 2017


FROM SURVEY DATED 7/19/16
1" = 20'-0"
Lands N/F
ansitional Services Association, Inc.
B.1347, P.209
165.52-3-17
GARAGE
Lands N/F
Jennifer M. Armstrong
Revocable Living Trust
B.2013, P.49080
166.45-4-31
BLACKTOP
EDGE
PROPERTY LINE ALONG
EDGE OF GARAGE
PROP. COR. TO FENCE COR.
S22°50'W 2.1'±
N88°03'56"E
59.43'
91.00'
91.00'
WOODEN FENCE
SEE NOTE 3
75.29'
10.03'
60.71'
WOODEN FENCE
S63°59'34"E
8.32'
EDGE OF BLACKTOP
GARAGE 3.4'± SOUTH
OF PROP. LINE
ELEC.
METER
N29°20'56"E
22.60'
46.85'
N/F
Schooley
Schooley
P.108
3-18
BLACKTOP
AREA
HOUSE
CB
GREEN
HOUSE
GARAGE
Lands N/F
Robert J. Mich
B.2006, P.195
166.45-4-2
BLACKTOP
DRIVE
CB
S02°32'59"W
2.4'±
2.1'±
N14°08'26"E
11.8'±
3.3'±
S88°07'19"W
86.74'
91.00'
CB
SWANNER LANE
EDGE OF PAVEMENT

# REAL PROPERTY TAX MAP

PREPARED FOR: SARATOGA COUNTY BOARD OF SUPERVISORS

UNDER SUPERVISION OF: REAL PROPERTY TAX SERVICE AGENCY

THIS MAP HAS BEEN PREPARED FROM MAPS AND DEEDS AND OTHER INFORMATION OF PUBLIC RECORD, IN ACCORDANCE WITH THE PROVISION OF THE REAL PROPERTY TAX LAW, FOR ASSESSMENT PURPOSES ONLY.

IT DOES NOT REPRESENT A LAND SURVEY AND MEASUREMENTS ARE APPROXIMATE

COORDINATES BASED ON NEW YORK STATE PLANE COORDINATE SYSTEM EASTERN ZONE NAD 83

SPECIAL DISTRICTS

SEWER: SE010 SARATOGA CO. DIST. 1

PROPERTY LINE

NELSON AVENUE

LAKE AVENUE

YORK AVENUE

MIDDLE LANE

HARRISON STREET

E. HARRISON ST.

LAKE LANE

St. Pauls Evangelical Lutheran Church

166.45

165.53

165.60

165.52

5 SWANNER LANE

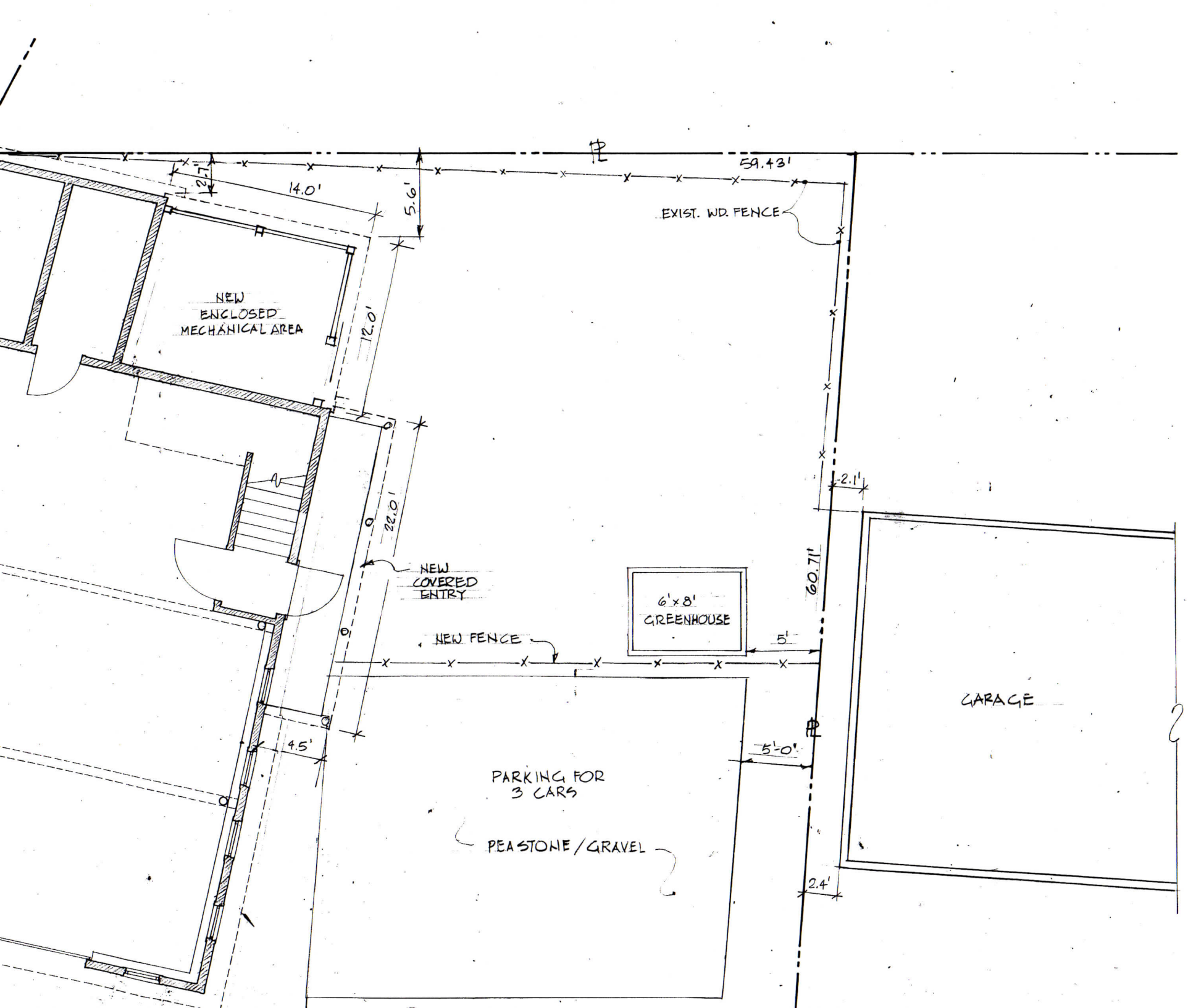
East side of building

5 SWANNER LANE

Location of proposed enclosed mechanical addition enclosed

5 SWANNER LANE

SE corner of building


59.43'
EXIST. WD. FENCE
2.7'
14.0'
5.6'
NEW
ENCLOSED
MECHANICAL AREA
12.0'
22.0'
NEW
COVERED
ENTRY
6'x8'
GREENHOUSE
NEW FENCE
5'
60.71'
2.1'
GARAGE
4.5'
5'-0"
PARKING FOR
3 CARS
PEASTONE / GRAVEL
2.4'

# 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 | Jason Diiulio | | |
| 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: 122 North St. Tax Parcel No.: 166 . 46 - 1 - 13
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 8/22/2016 3. Zoning District when purchased: UR-3

4. Present use of property: Primary Residence 5. Current Zoning District: UR-3

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

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

8. Brief description of proposed action: _____

The current detached garage is not structurally sound and I plan to demolish and reconstruct the garage with livable space above the 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) 2.2 and 6.0

| Dimensional Requirements | From | To |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Other: Accessory structure unfinished and uninhabitable space - I would like to construct habitable space above the garage.

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 considered an addition to the primary residence, but this would

   1. reduce the green space/lawn.

   2. reduce the distance to adjacent neighbors

   3. high cost.

   4. decrease the amount of area for water to be absorbed into the ground and creating greater impact to the storm water system.

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

   Granting the variance will not produce an undesirable change in the character of the neighborhood because the garage currently exists in the location therefore the aesthetics will not change. In addition the structure is located on the back of the lot and is accessed by Pilkington Lane which is the alley for accessing the garages for James St., North St. and York Ave. Most of the current neighboring garages have livable space above their garages along Pilkington.

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

The request is not substantial because the garage currently exists. It is not structurally sound and needs to be reconstructed. Therefore, the addition of the habitable space above would be a minor cost impact while substantially increasing the benefits of the property.

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 environmental and physcal effect will be minimal as the variance will be in the use of space above the garage. There is minimal impact since a garage currently exists and the change is utilizing the space above the garage and matching neighboring garages.

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

The difficulty was not self-created, but to maximize the efficiency of the size of the lots and homes in the downtown Saratoga area it seems most efficient use of space by utilizing area already present. It would seem to be more beneficial by utilizing vertical space rather than an addition to the house which would have a greater negative impact to the property and adjacent properties.

## 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: 8/23/2016
(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: _____

# 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**
Jason Diiulio

Name of Action or Project:
Loft above Garage

Project Location (describe, and attach a location map):
122 North St., Saratoga Springs, NY 12866

Brief Description of Proposed Action:
The propery currently has a detached garage that is in poor condition. Current garage does not utilize the space above and is in poor condition. I plan on rebuilding the garage and including a loft above for livable space above garage.

| Name of Applicant or Sponsor: | Telephone: [redacted] |
|---|---|
| Jason Diiulio | 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: Yes, Saratoga Springs Building Permit will be required for the re-construction of the garage. A variance is required to allow the livable space above the garage. | ☐ | ☑ |

3.a. Total acreage of the site of the proposed action? 0.22 acres
b. Total acreage to be physically disturbed? .01 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .22 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): Zoned as UR - Urban Residential
☐ Parkland

| | NO | YES | N/A |
|---|---|---|---|
| 5. Is the proposed action,<br>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?<br>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?<br>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?<br>If No, describe method for providing potable water: _____ | ☐ | ☑ | |
| 11. Will the proposed action connect to existing wastewater utilities?<br>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?<br>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?<br>If Yes,<br>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)?<br>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)?<br>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?<br>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?<br>If Yes, describe: _____ | ☑ | ☐ |

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

Applicant/sponsor name: Jason Diiulio Date: 8/23/2016

Signature: _____

PRINT FORM

8/23/2016

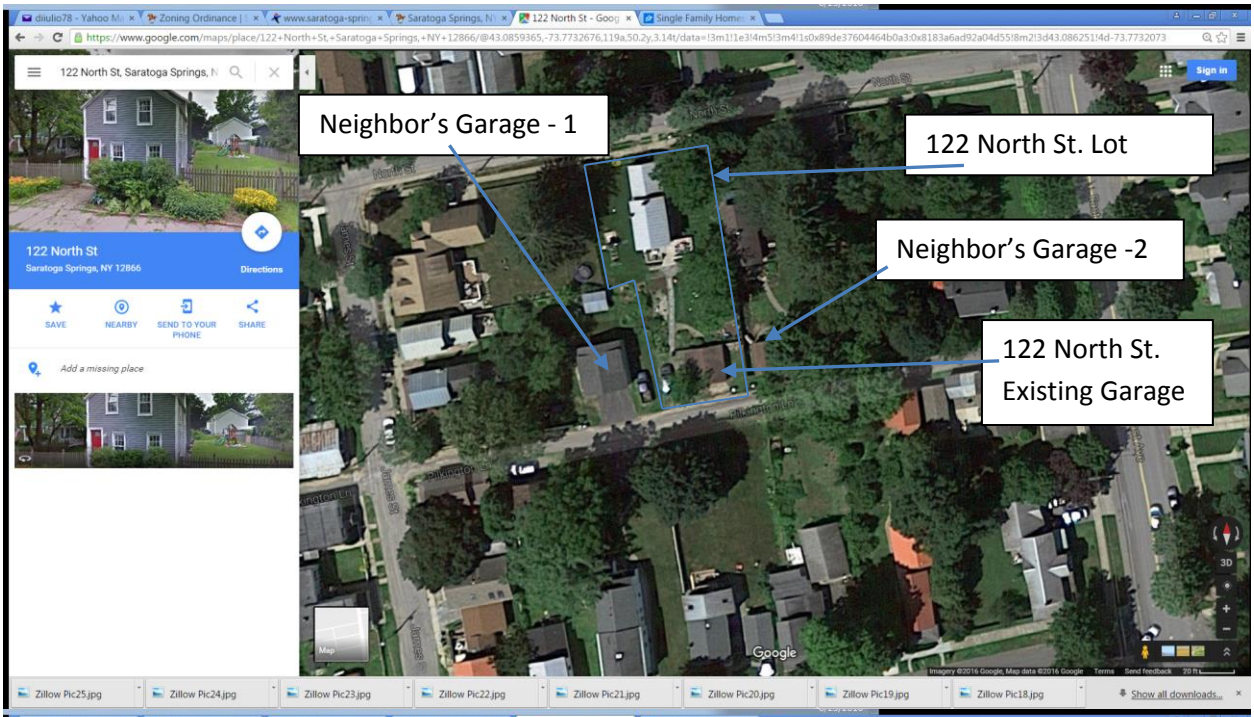
Jason Diiulio
[redacted]

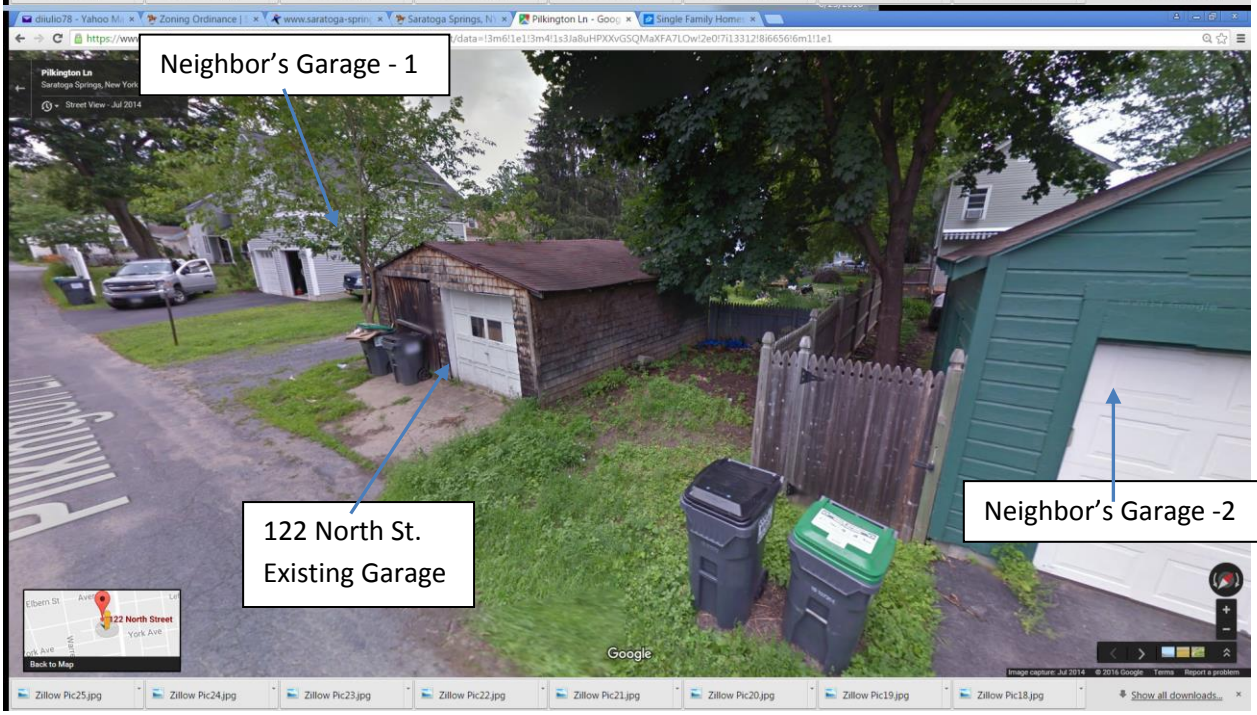
Re: Supporting Documentation for Variance

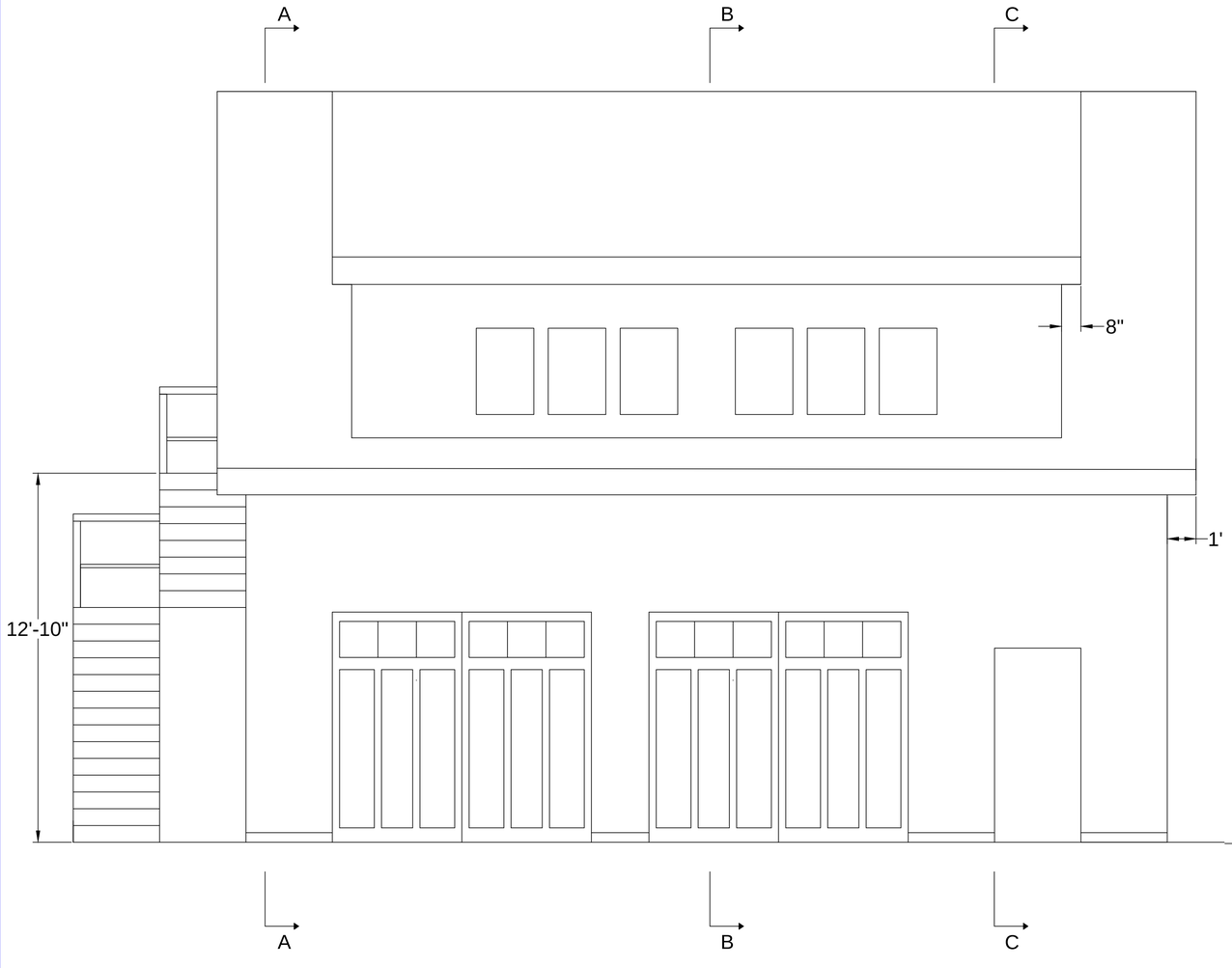
Home was purchased 8/22/2016. To date no improvements have been made. The garage is in poor structural condition and needs to be rebuilt. The cost to rebuild is approximately $22,000. I am proposing to add livable space above, this proposal would increase the construction cost approximately $7,000, for a total of $29,000. All work would be designed and constructed by me, I am a civil engineer with over 14 years of experience designing and constructing large scale civil projects. I have extensive experience in concrete work and traditional wood framing. I have constructed similar projects in New York State and Virginia.

Construction would commence immediately from issuance of variance and building permit. I would have the shell constructed and established before snow fall. Interior work would continue through the winter with completion in 2017.

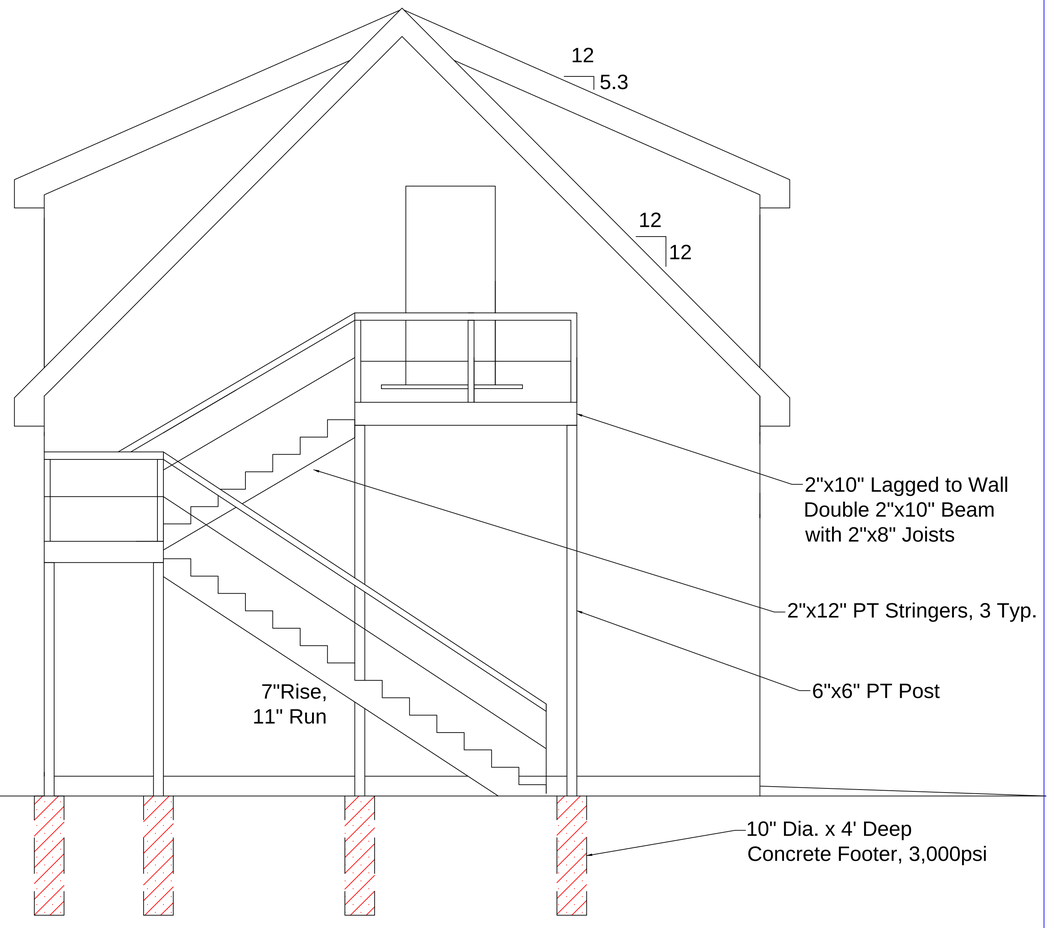
Jason Diiulio


Neighbor's Garage - 1
122 North St. Lot
Neighbor's Garage -2
122 North St.
Existing Garage
122 North St
Saratoga Springs, NY 12866
Directions
SAVE
NEARBY
SEND TO YOUR PHONE
SHARE
Add a missing place
Google


Neighbor's Garage - 1
122 North St.
Existing Garage
Neighbor's Garage -2
Pilkington Ln
Saratoga Springs, New York
Street View - Jul 2014
122 North Street
Back to Map
Google




ELEVATION - South Side




ELEVATION - West Side

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|
| 0 | PERMITTING SET | JCD | 8/1/16 |

CITY OF SARATOGA SPRINGS
NEW YORK

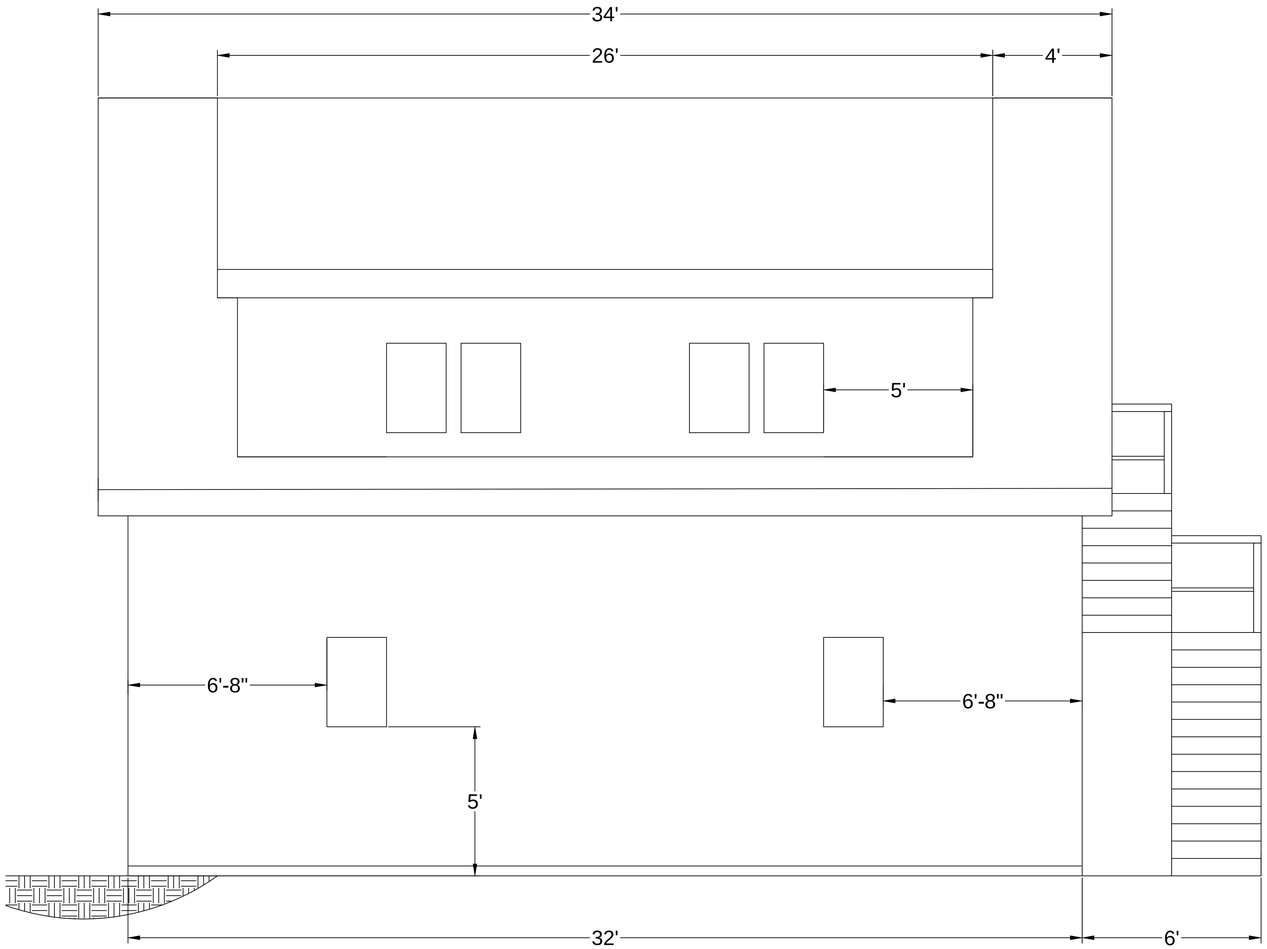
DETACHED GARAGE
122 NORTH ST.
SARATOGA SPRINGS, NY 12866

CONSTRUCTION DETAILS

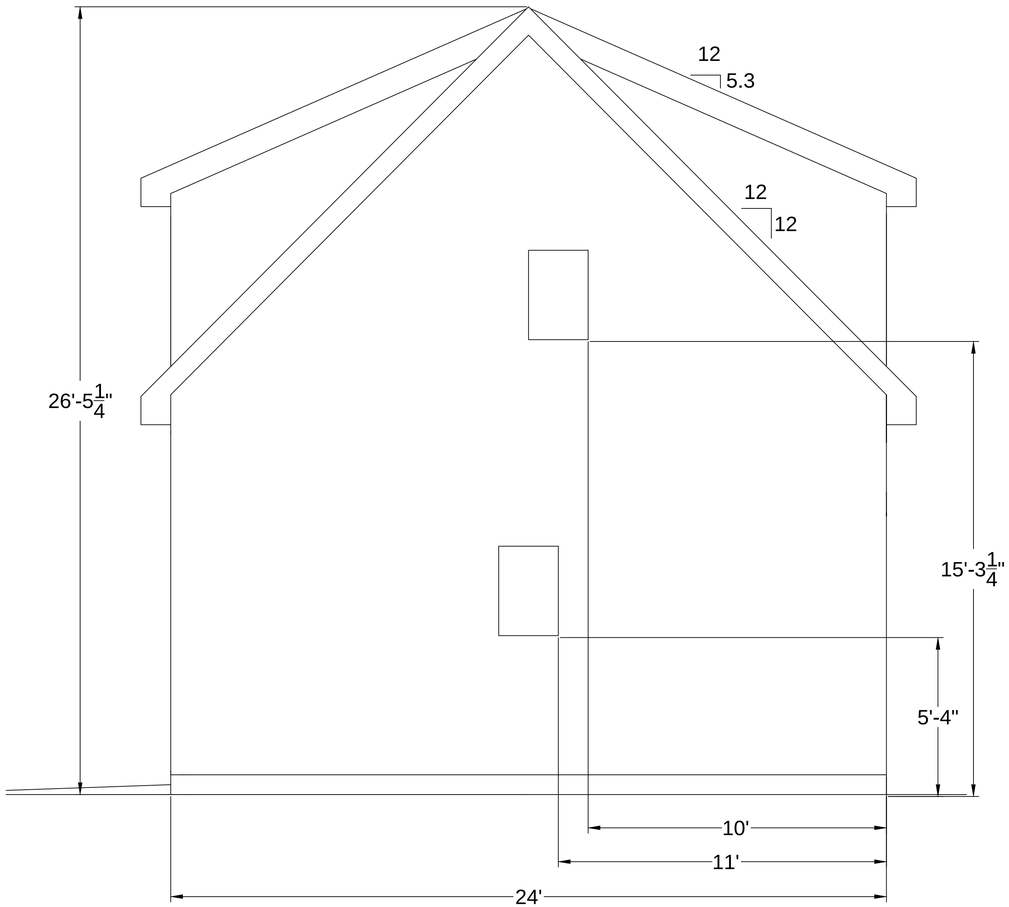
| SCALE | AS SHOWN | DRAWN | JCD |
|---|---|---|---|
| | | CHECKED | |
| | | SUBMITTED | |
| | | RECOMMENDED | |

LAST SAVED BY: JASON DIULIO DATE: 8/18/2016 4:19:17 PM
DRAWING ID: C:\USERS\JASON.DIULIO\DOCUMENTS\PERSONAL\122 NORTH ST\GARAGE\NORTH ST GARAGE REV1.DWG

REDUCTION VERIFICATION SCALE 0 10 INCHES




ELEVATION - North Side




ELEVATION - East Side

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|
| 0 | PERMITTING SET | JCD | 8/1/16 |

CITY OF SARATOGA SPRINGS
NEW YORK

DETACHED GARAGE
122 NORTH ST.
SARATOGA SPRINGS, NY 12866

CONSTRUCTION DETAILS

| | |
|---|---|
| SCALE AS SHOWN | DRAWN JCD |
| | CHECKED |
| | SUBMITTED |
| | RECOMMENDED |

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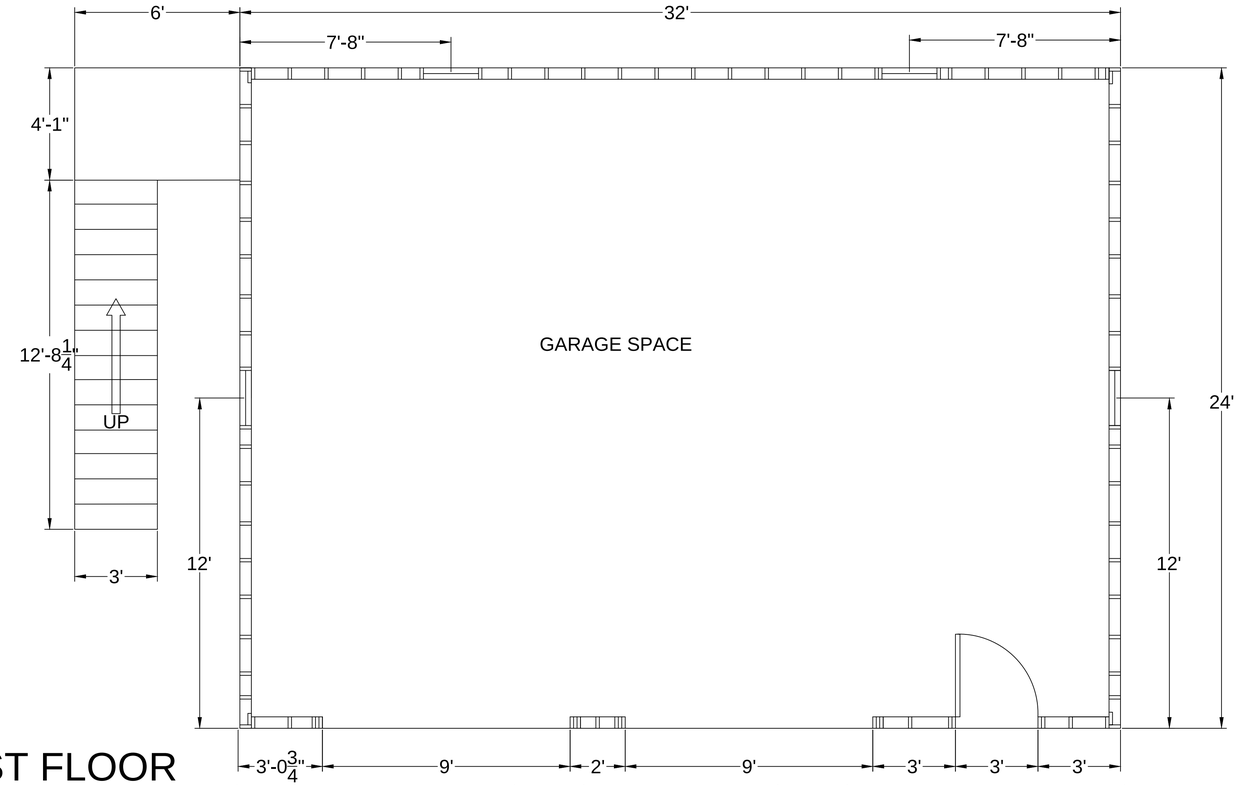
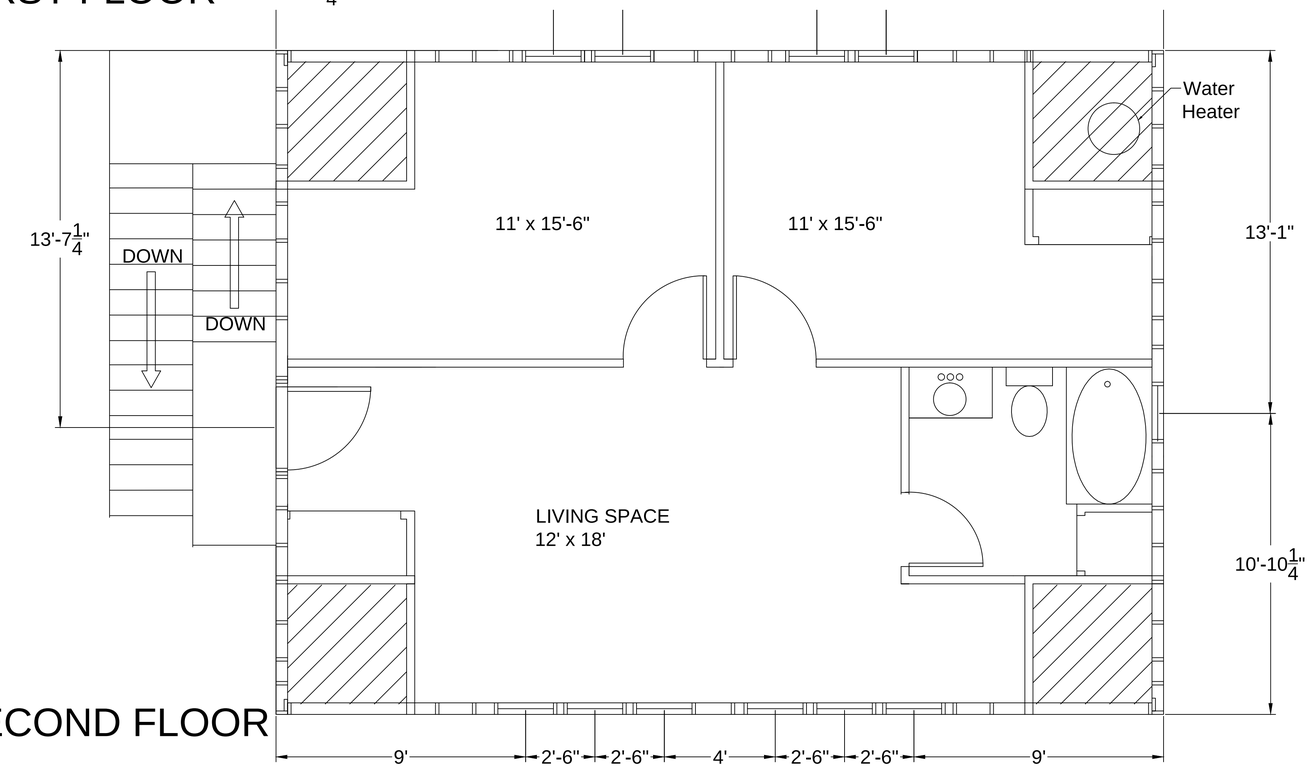
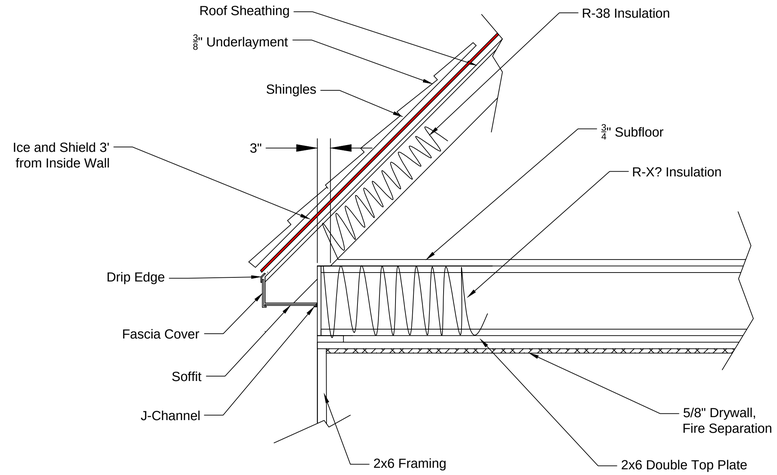


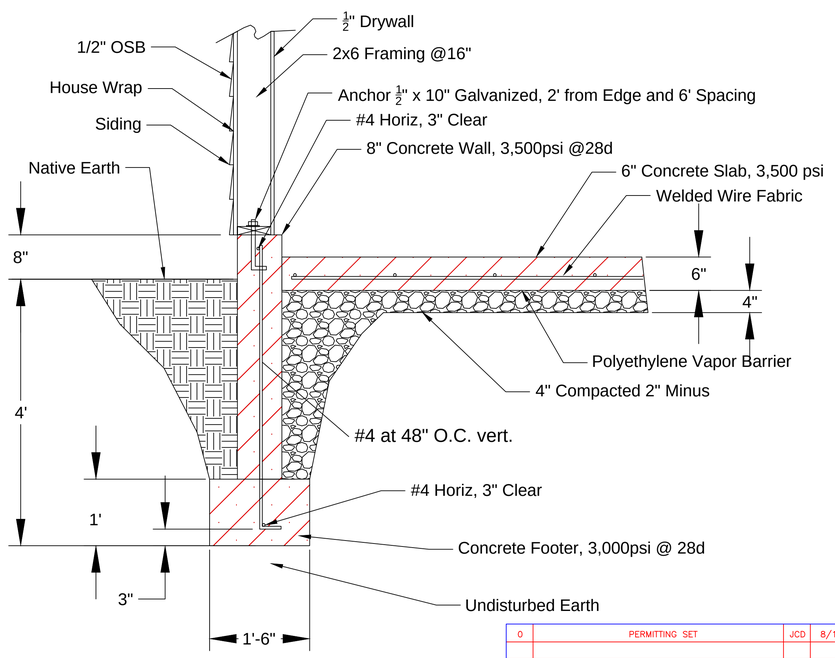

# FIRST FLOOR




# SECOND FLOOR




# ROOF DETAIL




# FOUNDATION DETAIL

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|
| 0 | PERMITTING SET | JCD | 8/1/16 |

CITY OF SARATOGA SPRINGS
NEW YORK

DETACHED GARAGE
122 NORTH ST.
SARATOGA SPRINGS, NY 12866

## CONSTRUCTION DETAILS

| SCALE | AS SHOWN | DRAWN | JCD |
|---|---|---|---|
| | | CHECKED | |
| | | SUBMITTED | |
| | | RECOMMENDED | |

LAST SAVED BY: JASON DIULIO DATE: 8/18/2016 4:19:17 PM
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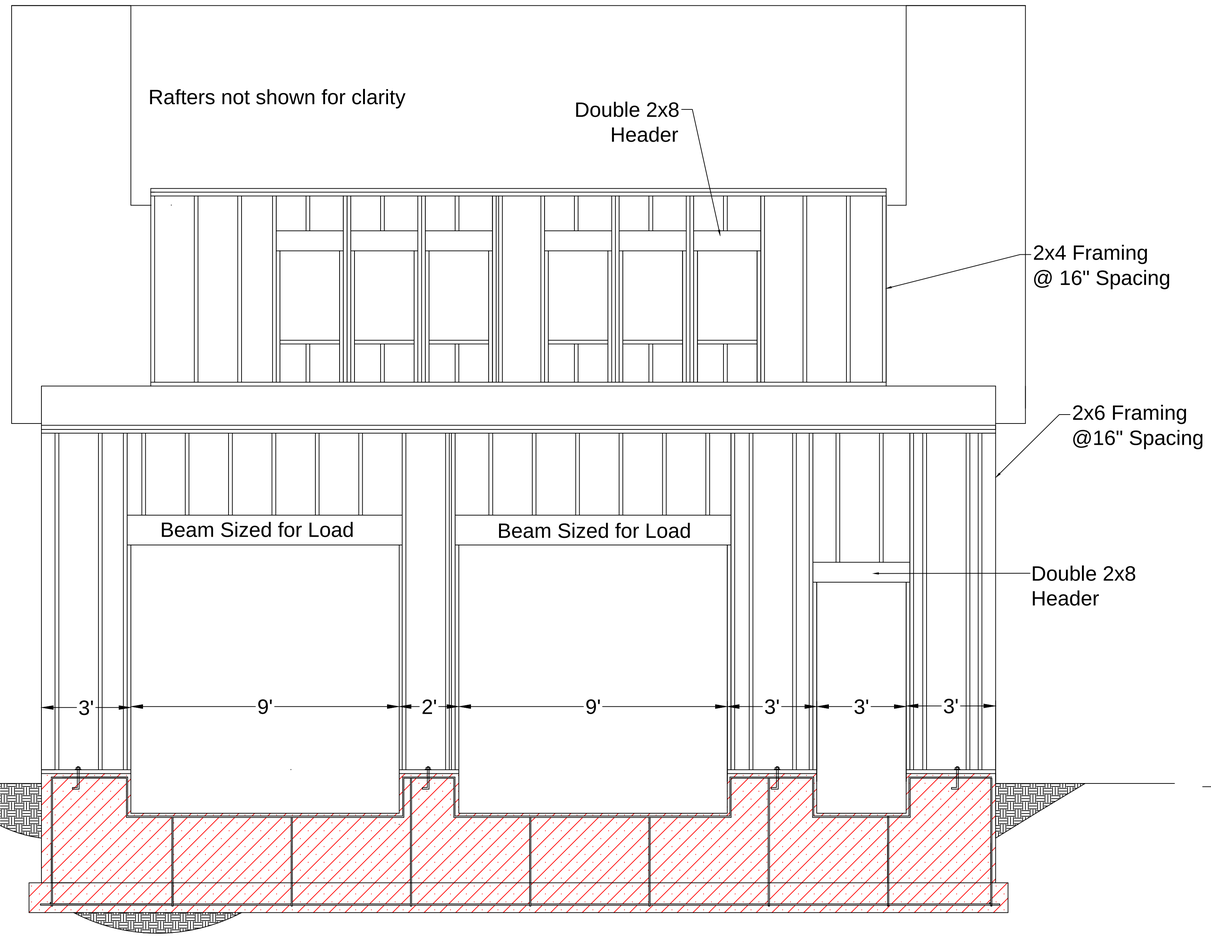
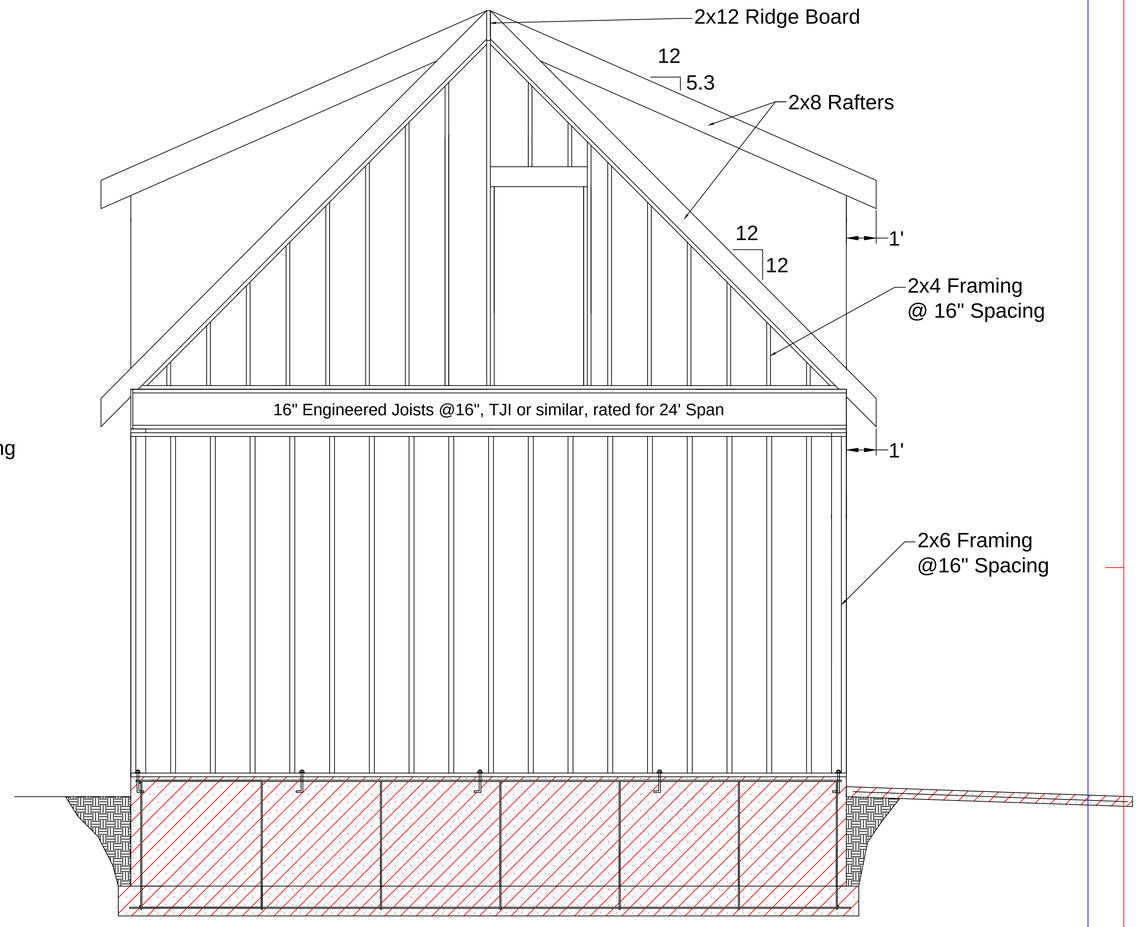
REDUCTION VERIFICATION SCALE 0 10 INCHES




ELEVATION - Framing South Side




SECTION A-A

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|
| 0 | PERMITTING SET | JCD | 8/1/16 |

CITY OF SARATOGA SPRINGS
NEW YORK

DETACHED GARAGE
122 NORTH ST.
SARATOGA SPRINGS, NY 12866

CONSTRUCTION DETAILS

| SCALE | AS SHOWN | DRAWN | JCD |
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| | | CHECKED | |
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LAST SAVED BY: JASON DIULIO DATE: 8/18/2016 4:19:17 PM
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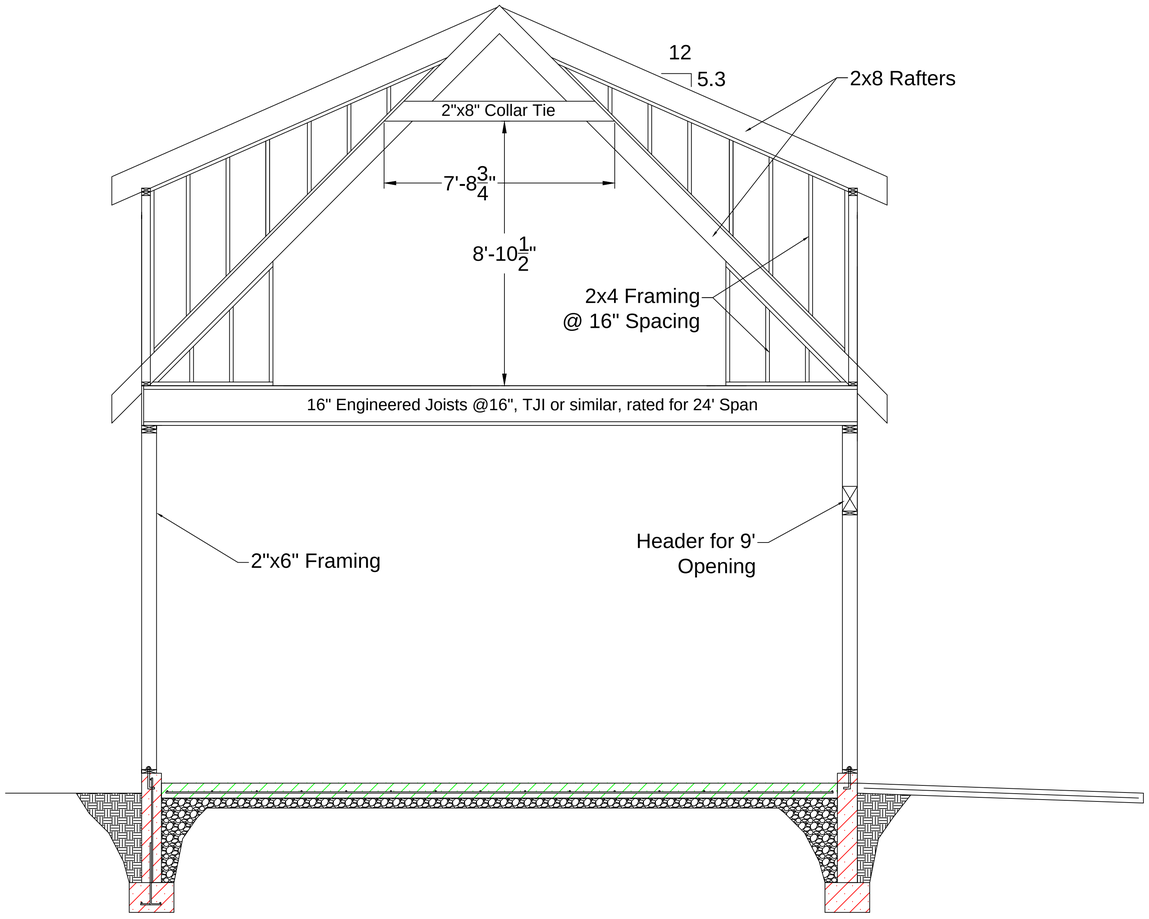
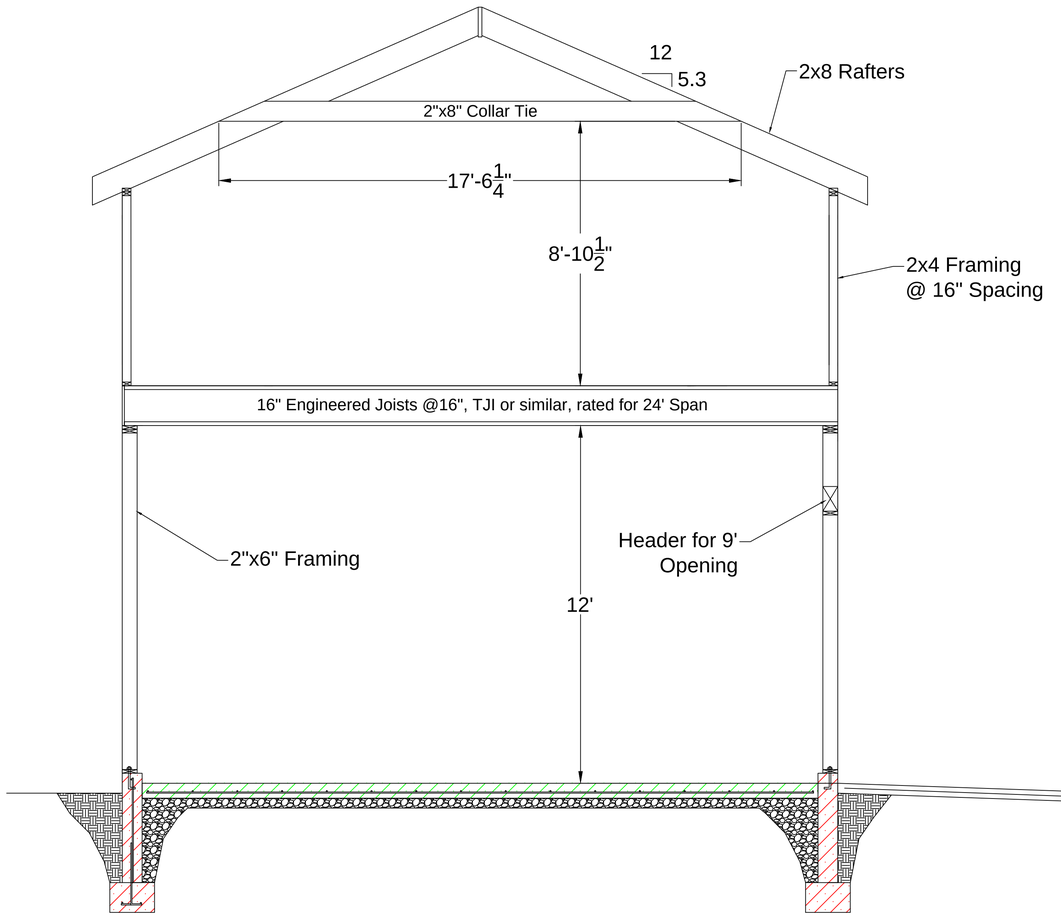



SECTION B-B




SECTION C-C

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|
| 0 | PERMITTING SET | JCD | 8/1/16 |

CITY OF SARATOGA SPRINGS
NEW YORK

DETACHED GARAGE
122 NORTH ST.
SARATOGA SPRINGS, NY 12866

CONSTRUCTION DETAILS

| SCALE | AS SHOWN | DRAWN | JCD |
|---|---|---|---|
| | | CHECKED | |
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| | | RECOMMENDED | |

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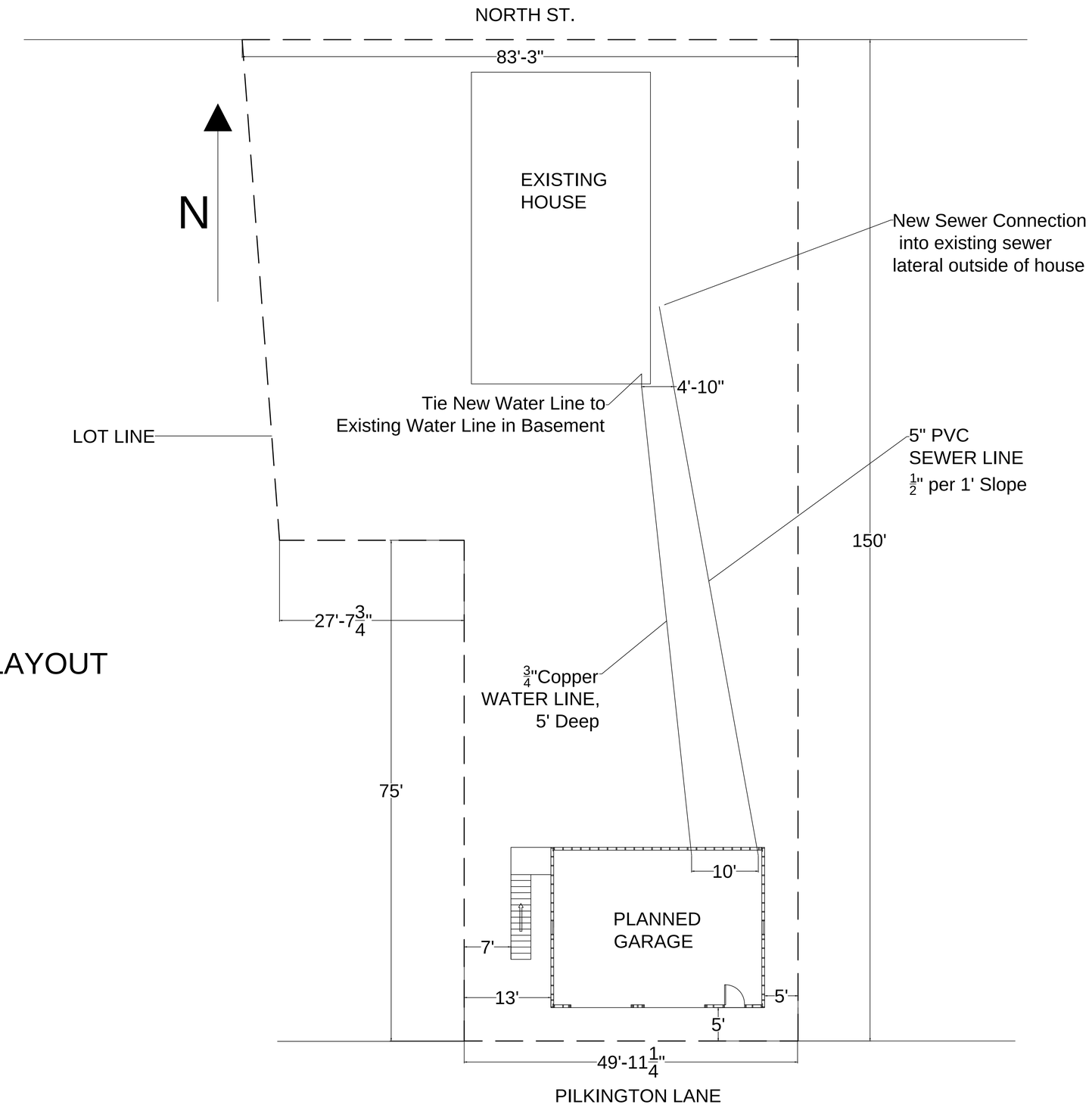
REDUCTION VERIFICATION SCALE 0 10 INCHES

# LOT LAYOUT

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CITY OF SARATOGA SPRINGS
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REDUCTION VERIFICATION SCALE 0 10 INCHES

# 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 | ANN MARIE PATRICIA | | CHRISTOPHER SEMENZA |
| Address | [redacted] | | [redacted] |
| Phone | [redacted] | / | |
| Email | [redacted] | | |

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

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

PROPERTY INFORMATION

1. Property Address/Location: 3 MCALLISTER DRIVE Tax Parcel No.: 166.14 - 4 - 42
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 1/27/2014 3. Zoning District when purchased: UR-1

4. Present use of property: PERSONAL 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: SEEKING A VARIANCE TO ALLOW FOR AN INCREASE IN THE ALLOWABLE LOT COVERAGE FROM 20% TO 28% IN ORDER TO PERMIT THE ADDITION OF A SCREENED IN PORCH AREA.

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)*. * NOTE! (PLEASE SEE LETTER OF EXPLANATION ATTACHED REGARDING THIS) *

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

ITEM #10 EXPLANATION:

With regard to work performed in connection with the project associated with this application:

Prior to applying for a permit for this project I consulted with the building department and reviewed the intent of the project with a detailed plot plan depicting the addition to the residence and a conceptual plan and had asked if we would be facing any constraints, set back issues etc. if the project was applied for as shown. I was told we were well within the setbacks and that we should be o.k. to obtain a building permit.

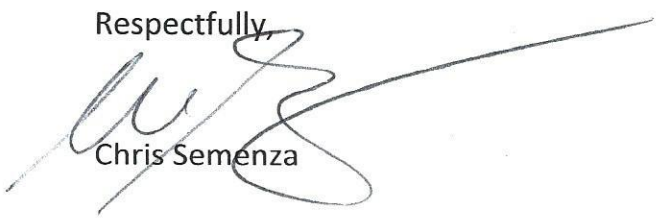
With that information, we proceeded to get engineered building plans drawn to submit for a building permit. The day we actually submitted everything for the permit application and reviewed the application at the counter again it was indicated that everything looked in order and basically a formality for issuance of a permit – but they were backed up on plan reviews and could take longer than normal.

Based on that information and the type of construction and the use of techno-metal posts piers vs. concrete piers (which negates the need for any support pier inspection) and knowing how backed up the building department is on plan reviews and that the first inspection is upon completion of framing we began to frame the deck portion of the room about 10 days after submitting the permit application. As soon as I received an e-mail from the building department stating a concern about the lot coverage percentage we immediately stopped work.

In neither of the visits did anyone at the building department mention anything to us regarding any concern for or stipulation as to maximum percentage of lot coverage. We had no idea this was a consideration or impact regarding this type of addition. Had this been mentioned we honestly and truly never would have begun.

Please understand, I take responsibility for this and ask that the owner of the home not be penalized or delayed due to this honest misunderstanding based on the criteria/information we had.

Respectfully,



Chris Semenza

**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 |
|---|---|---|
| ALLOWABLE LOT COVERAGE | 20% | 28% |
| | | |
| | | |
| | | |
| | | |
| | | |

Other: _____

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

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

   NO MATTER WHAT THE DESIGN THE IMPACT IS STILL AN INCREASE IN COVERAGE, AND THERE IS NO AVAILABLE SURROUNDING PROPERTY AVAILABLE FOR PURCHASE.

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 DESIGN WAS SPECIFICALLY DONE SO AS NOT TO IMPACT THE CHARACTER OF THE NEIGHBORHOOD AND WILL NOT CREATE A DETRIMENT TO NEARBY PROPERTIES BECAUSE WE ARE MAINTAINING SETBACKS FROM THE SIDE YARDS OF 31' & 19' AND REAR YARD SETBACK OF 36' - FAR MORE THAN REQUIRED.

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

THE REQUESTED VARIANCE IS NOT SUBSTANTIAL BECAUSE THE EXISTING HOME (BUILT IN THE 50's) ALREADY OCCUPIES 22% OF THE 28% NEEDED. THE SCREEN ROOM ACTUALLY IS ONLY 4½% INCREASE FOR AN ACTUAL TOTAL OF 26½% - BUT LOOKING FOR 28% AS A CUSHION SHOULD THEY INCLUDE STEPS OR OVERHANGS ETC. IN WHICH CASE WE WOULD REQUEST AN ADDITIONAL 5%. BUT WE WERE TOLD BY LINDSEY GONZALEZ - ROOF OVERHANGS DO NOT IMPACT THE LOT COVERAGE.

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 VARIANCE WILL NOT HAVE AN ADVERSE PHYSICAL OR ENVIRONMENTAL EFFECT BECAUSE IT IS DESIGNED TO FIT THE CHARACTER OF THE NEIGHBORHOOD AND AS MENTIONED PRIOR WE HAVE SUBSTANTIAL SETBACKS MAINTAINED OF 19', 31' AND 36' ON BOTH SIDES AND REAR RESPECTIVELY.

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

THE DIFFICULTY WAS NOT SELF CREATED FOR THE SIMPLE REASON THE HOME WAS EXISTING SINCE THE 50's. AND AS THIS IS THE PERMENANT ALL YEAR ROUND HOME OF THE APPLICANT AND NOT A RENTAL OR PART TIME RESIDENCE SHE WISHES TO ENJOY THE SARATOGA SPRINGS ATMOSPHERE AND 'OUTDOOR' SUMMER LIFESTYLE THE AREA HAS TO OFFER WHICH IS WHAT THE SCREEN ROOM WOULD ALLOW HER TO DO WITHOUT BEING CONCERNED ABOUT NUISANCE INSECTS. AND PROVIDING COVER FROM SUN & RAIN WHILE ENJOYING THE OUTDOORS.

## 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.

Ann Marie Patricco
(applicant signature)

Date: August 16, 2016

_____
(applicant signature)

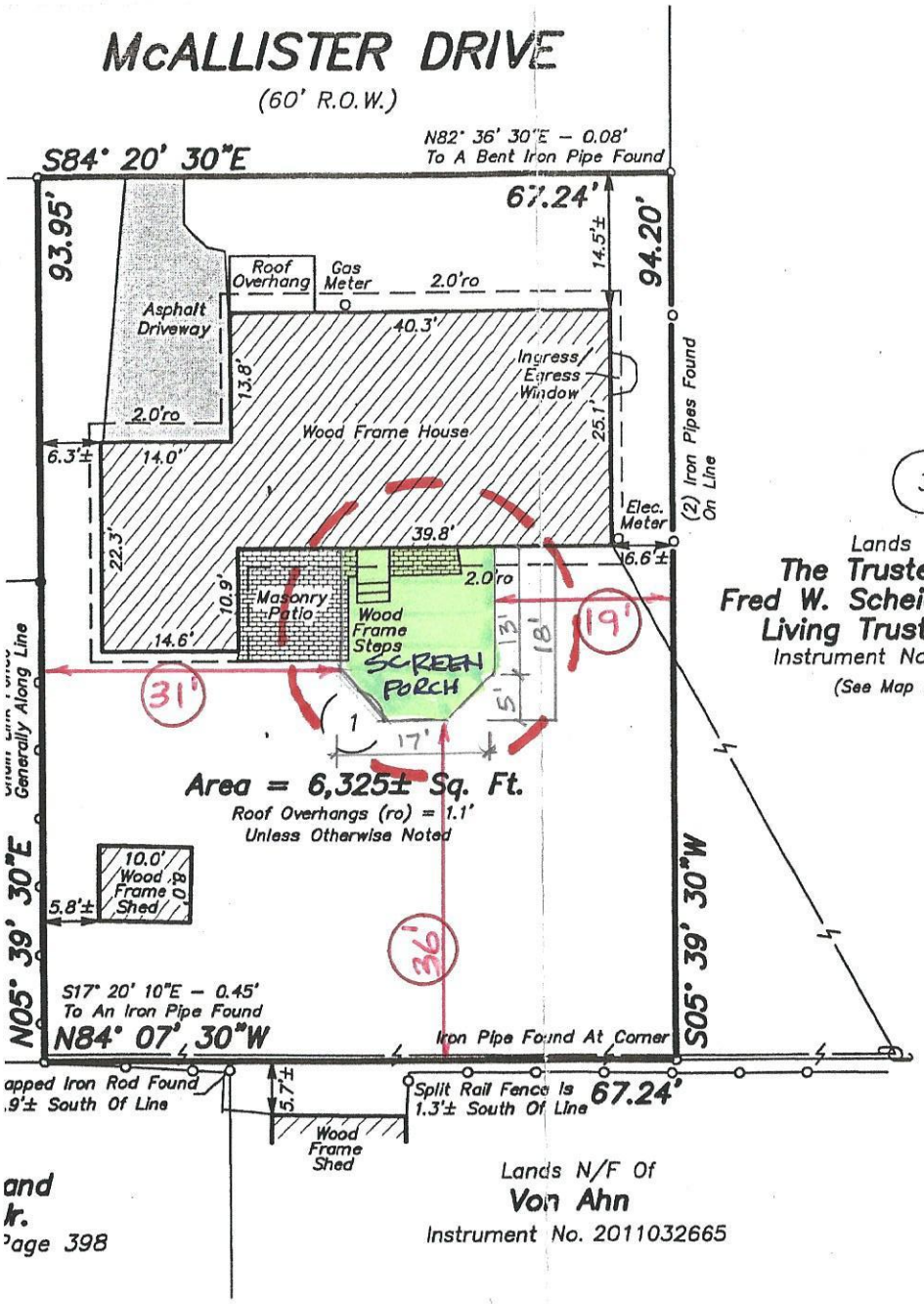
Date: _____

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

VANGUILDER & ASSOCIATES AND FILED IN THE SARATOGA COUNTY CLERK'S OFFICE ON NOVEMBER 12, 1999 AS MAP F-167A REV.



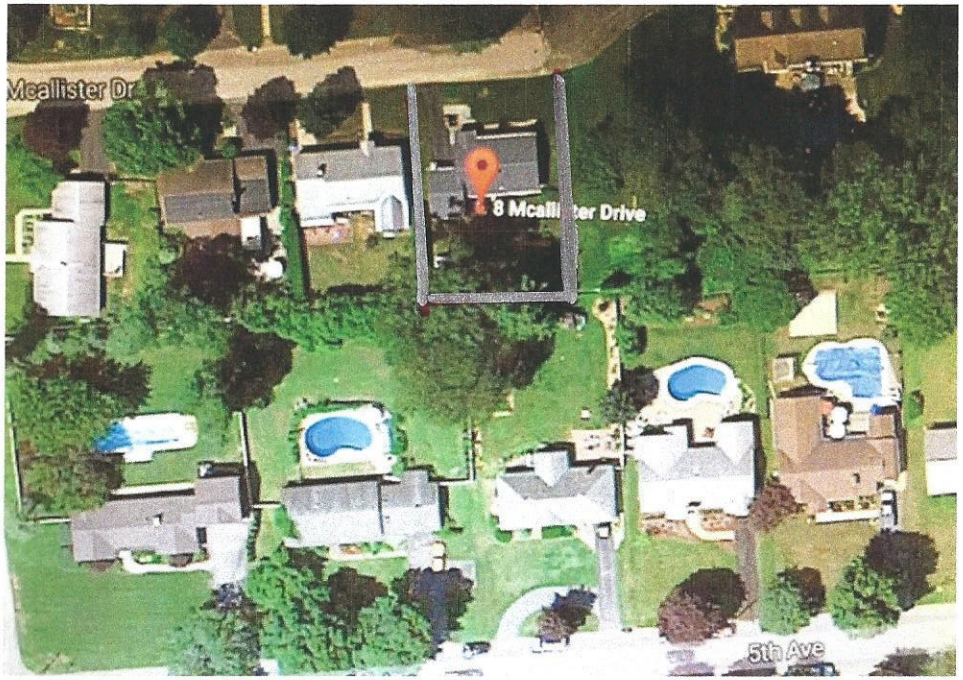

Final Survey – 5/19/14

# SURVEY
# LANDS OF
# ANN MARIE PATRICIA

| | |
|---|---|
| CITY OF SARATOGA SPRINGS | SARATOGA COUNTY, NEW YORK |
| SCALE: 1" = 20' | DATE: MAY 29, 2014 |
| TELEPHONE NO.: (518) 383-0634 | MAP NO.: 14 – 11 – 47 |


**Gilbert VanGuilder**
**Land Surveyor, PLLC**
Professional Land Surveyors


Duane J. Rabideau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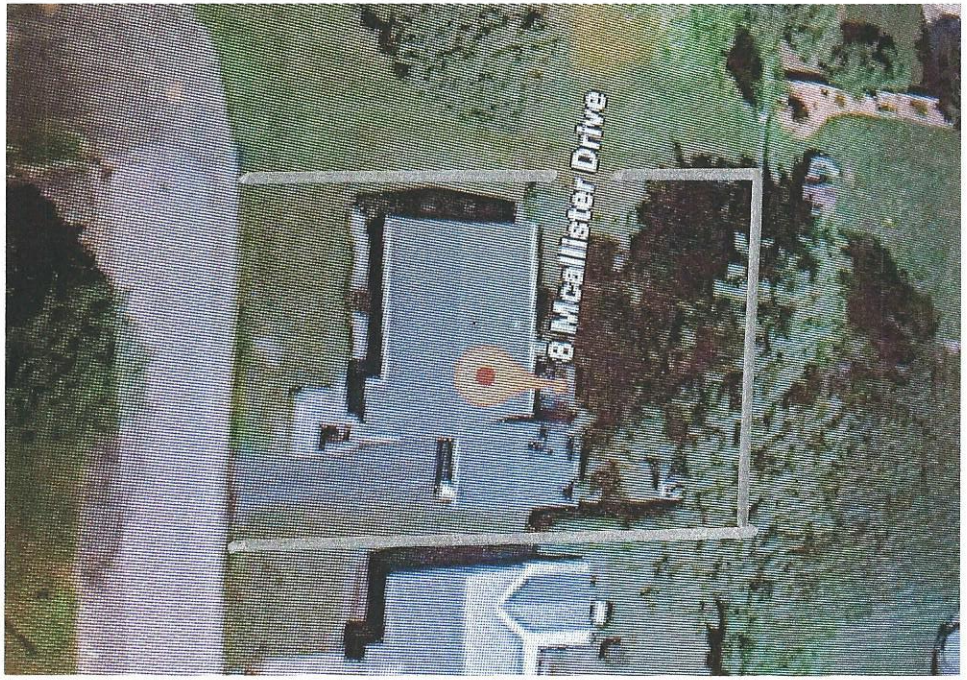
8 Mcall ter Drive
5th Ave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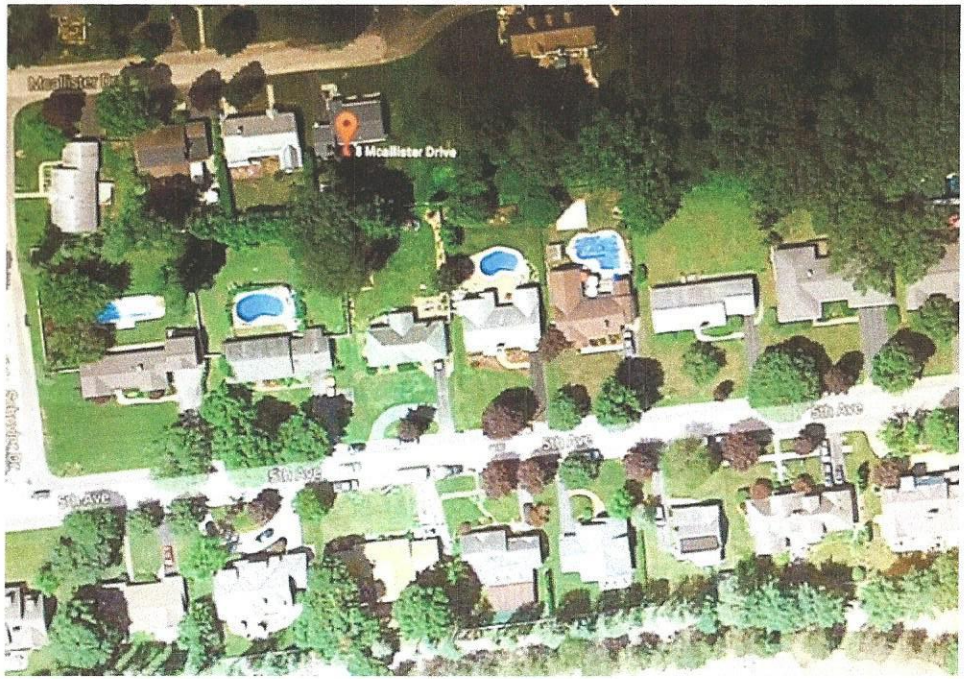
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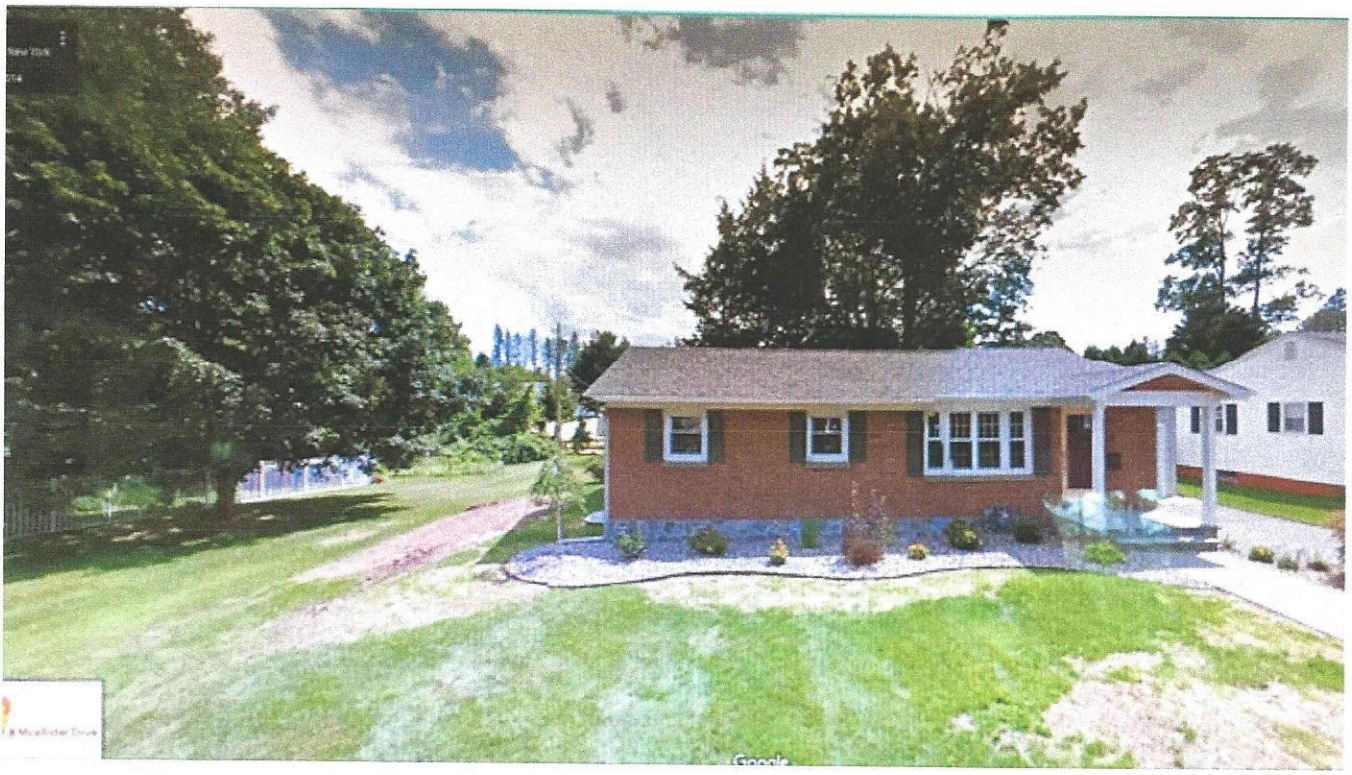
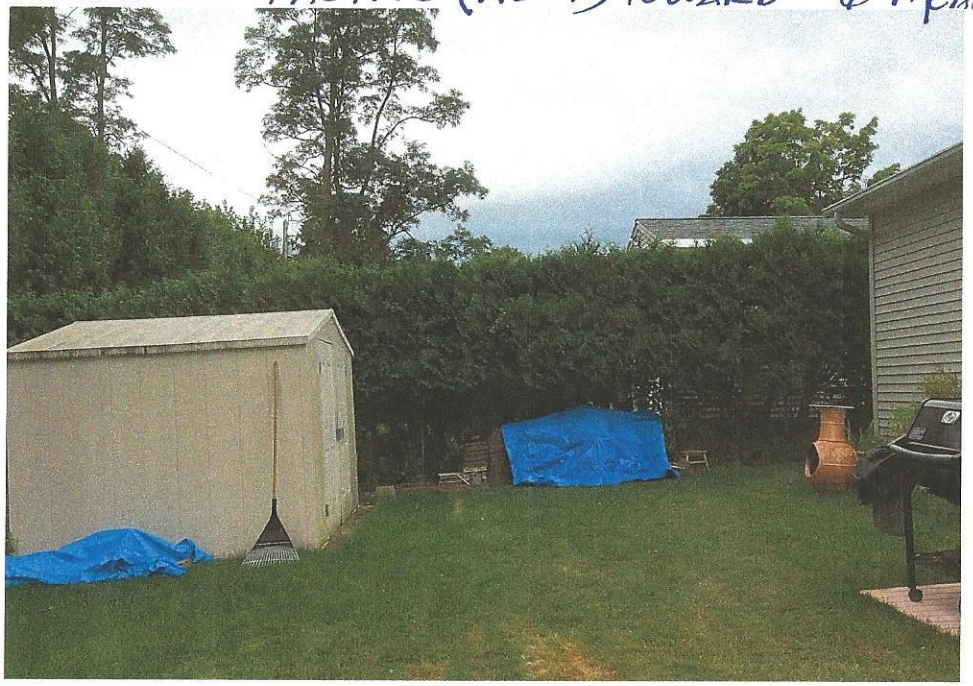
5th Ave

Mcallister Dr
Mcallister Dr
8 Mcallister Drive



BACKYARD FACING (WEST) TOWARD #6 McALLISTER



BACKYARD VIEWS FACING NEIGHBORS TO EACH SIDE & DIRECTLY BEHIND.

BACKYARD FACING (EAST) TOWARD #9 McALLISTER

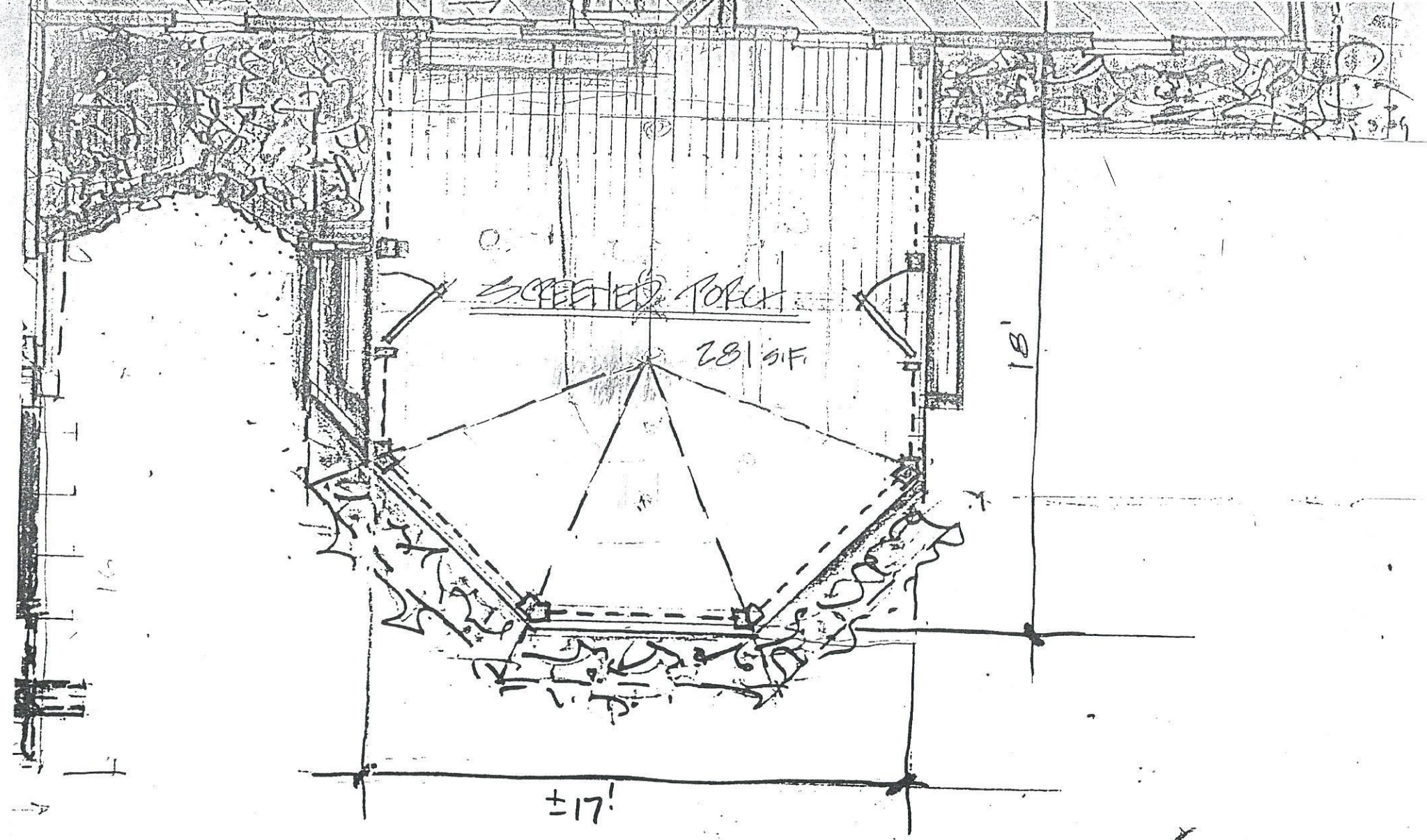
BACKYARD FACING (SOUTH) TOWARD #107 5TH AVE.

NEW SCREENED PORCH ADDITION

REAR ELEVATION - PRELIMINARY CONCEPT

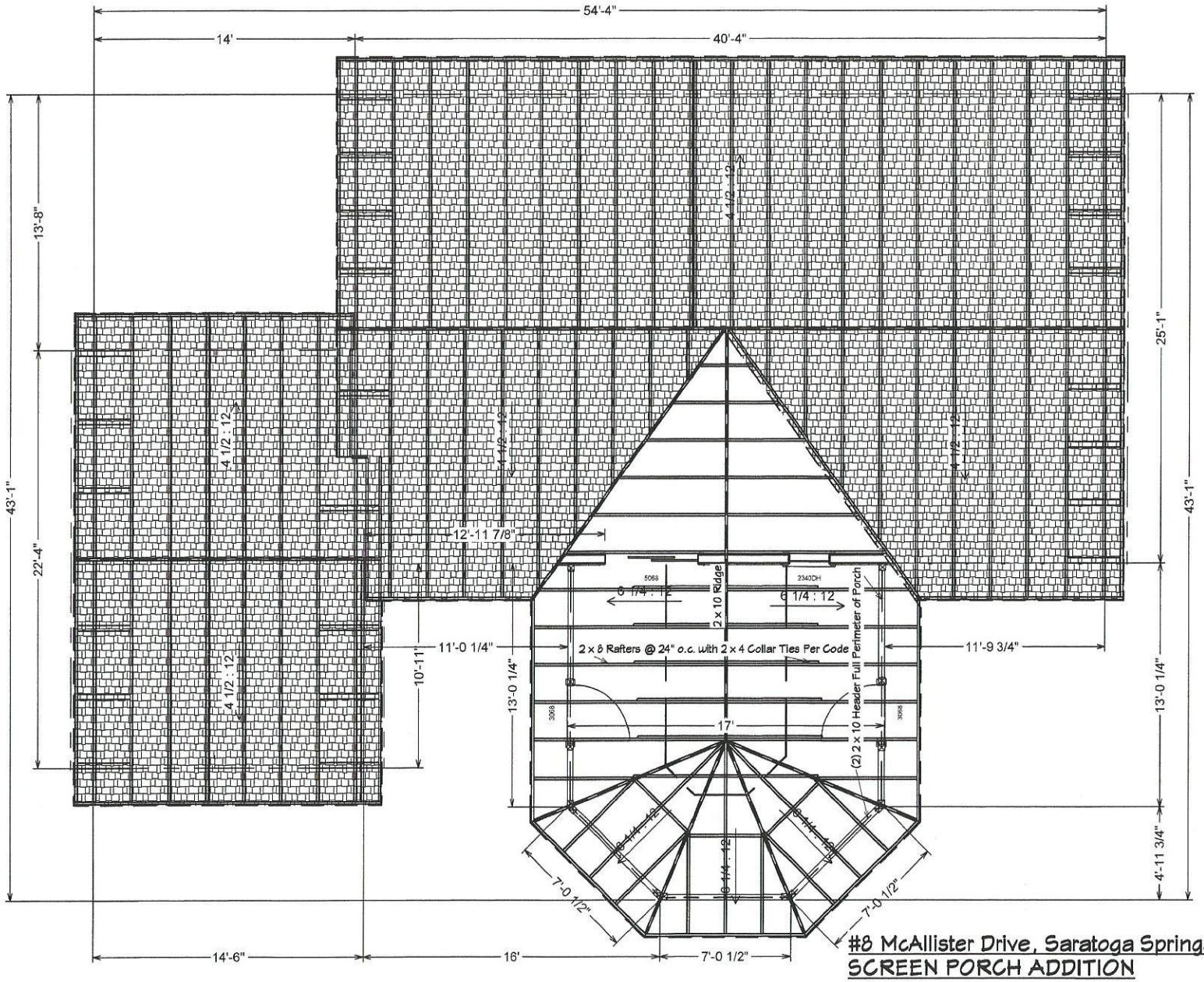
1/4" = 1'-0"

6.9.16




# PARTIAL PLAN ~ PRELIMINARY CONCEPT

±1/4"=1'0" 6.9.16




#8 McAllister Drive, Saratoga Springs, N.Y.
SCREEN PORCH ADDITION

# 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:

_____

_____

_____

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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) 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 | | |

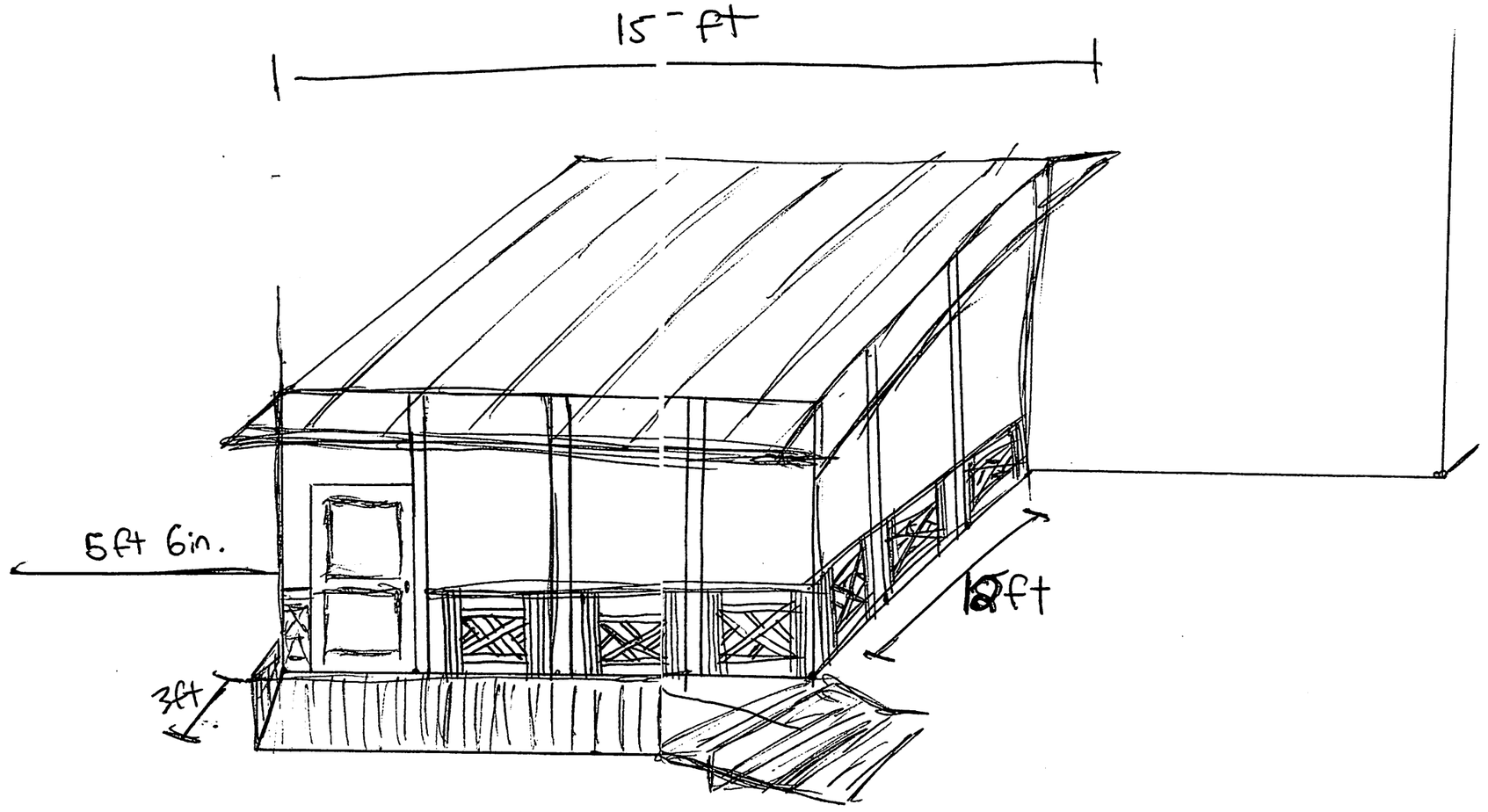
| | NO | YES |
|---|---|---|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?<br>If Yes, explain purpose and size: _____ | ☒ | ☐ |
| 19. Has the site of the proposed action or an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

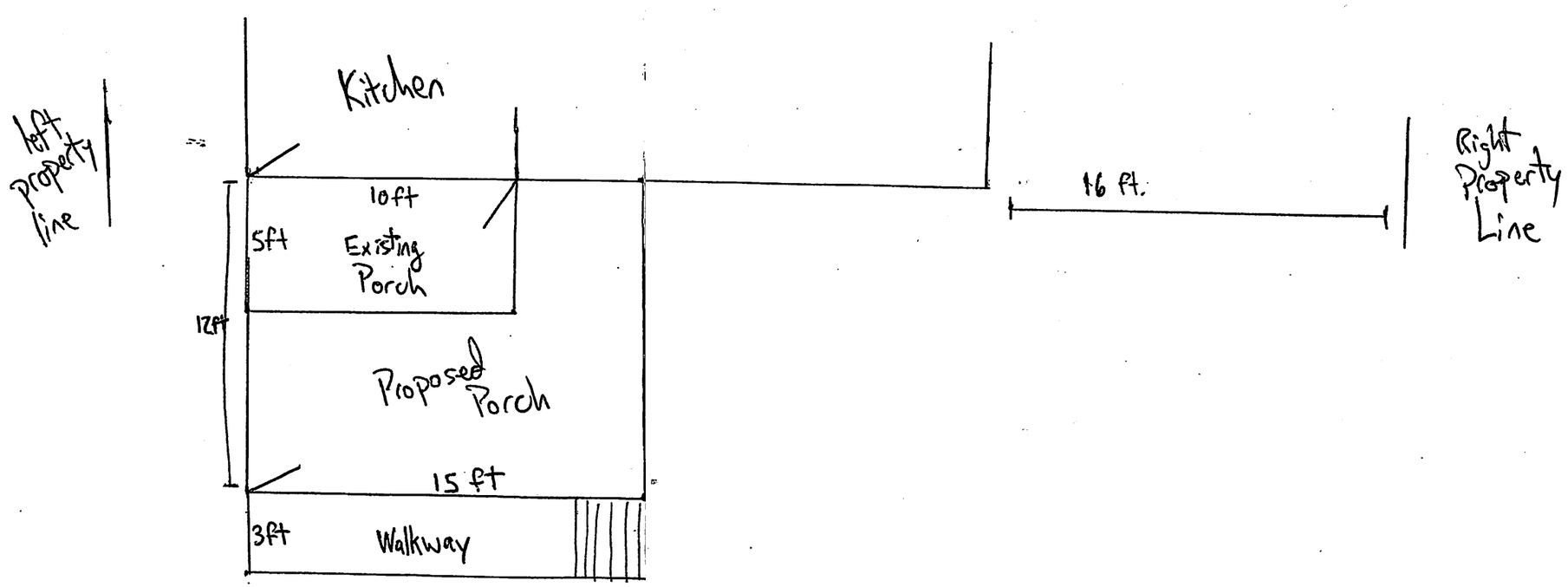
**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Benjamin C. McGuire Date: 6/8/16

Signature: Benjamin C. McGuire

PRINT FORM


15 ft
5ft 6in.
12ft
3ft


Kitchen
left property line
10ft
5ft
Existing Porch
12ft
Proposed Porch
15 ft
3ft
Walkway
16 ft.
Right Property Line

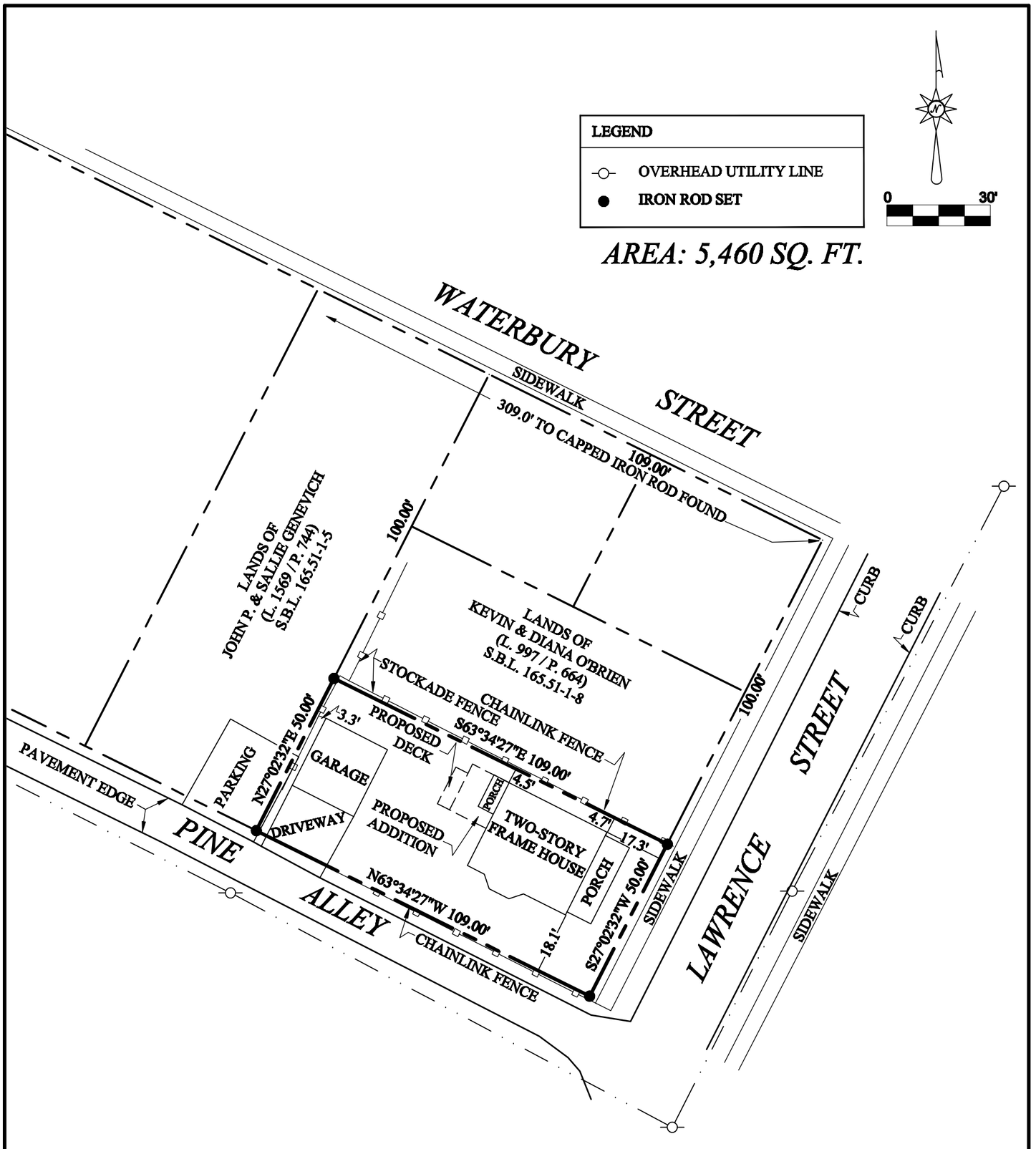
McGuire Residence

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

McGuire
97 Lawrence Street
60'
109'
37'
25'
front porch
18'
House
33'
addition
deck
Porch
5.5'
5'
16'
13'
4'
15'
13'
23'
Garage
20'




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 208 SCHENEVUS, NY 12155 518-875-6697
EMAIL: fergusonfoss@hotmail.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 | 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: _____

_____

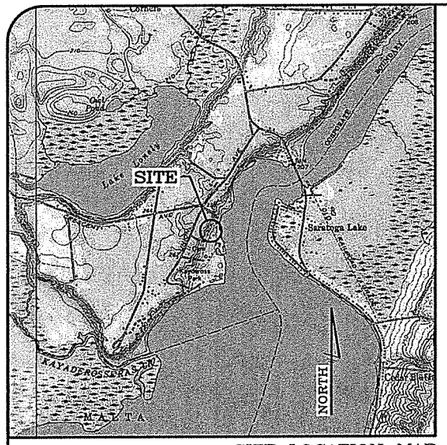
Note: _____

☐ 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)

N26°19'20"E 18.39'

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

TO CRESCENT AVE.

S64°01'00"E

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

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

GARSIDE ROAD

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

ASPHALT DRIVE

WOOD FRAME HOUSE

GARAGE

PROPOSED 7.75' MINIMUM SIDE YARD SETBACK LINE

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

5' WIDE CONC. WALK

LANDS N/F OF ALAN C. BEACH & RINA BEACH
DEED INSTRUMENT #2007044513
(ADDRESS: 26 GARSIDE ROAD)

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)

SARATOGA LAKE

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

333.86'

S12°06'40"E

254.02'

N68°44'40"W

51.98'

PROPOSED 3.6' MINIMUM SIDE YARD SETBACK LINE
(10' MINIMUM SIDE YARD SETBACK LINE – CURRENT SIDE YARD RESTRICTION)

10' MINIMUM SIDE YARD SETBACK

EDGE OF WETLANDS AS DELINEATED BY ADDE & FIELD LOCATED ON JULY 6, 2015

FIBERGLASS & ALUMINUM DOCK

WOOD BOARDWALK

WOOD DOCK

WOOD LANDING

WOOD STEPS

2.0'x4.0' FIELDSTONE FIREPLACE

35" OAK TREE

30" OAK TREE

20" OAK TREE

28" WHITE PINE

6" CHERRY TREE

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 10 20 40

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UNAUTHORIZED ALTERATION OR ADDITION TO THIS MAP IS A VIOLATION OF SECTION 7209 SUBDIVISION 2. OF THE NEW YORK STATE EDUCATION LAW.

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 JOB 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\2016_JONES\PRESENTATION_MAP_LOT_27_GARSIDE_ROAD\ENVIRONMENTAL_DESIGN_PARTNERSHIP_LLP_JONES.dwg Jul 13, 2016 09:33:14am TIM

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

APPLICANT: JAMES DEMASI AND JUDITH DUNN TAX PARCEL NO.: 180.17-1-28

PROPERTY ADDRESS: 27 GARSIDE ROAD
ZONING DISTRICT: GREEN ACRES PUD

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

Proposed modification to a previously approved new 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-C.9. 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: | 10 feet | 3.6 feet |
| Maximum principal building coverage: | 15% | 15.5% |
| Minimum total side yard setback: | 20 feet | 13.6 feet |

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR 9/12/16 DATE

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

APPLICANT: CHRIS PARTHEMOS TAX PARCEL NO.: 177.20-4-3

PROPERTY ADDRESS: 3 MOHEGAN COURT
ZONING DISTRICT: URBAN RESIDENTIAL – 2

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

Constructed changes 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 rear yard setback: Dining room addition | 30 feet | 20 feet |
| Minimum rear yard setback: Deck addition | 30 feet | 9 feet |
| Minimum rear yard setback: Porch addition | 30 feet | 17 feet |

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR 9/12/16 DATE

# CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

(Application #)

(Date received)

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

| | APPLICANT(S)* | OWNER(S) *(If not applicant)* | ATTORNEY/AGENT |
|---|---|---|---|
| Name | CHRIS 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.

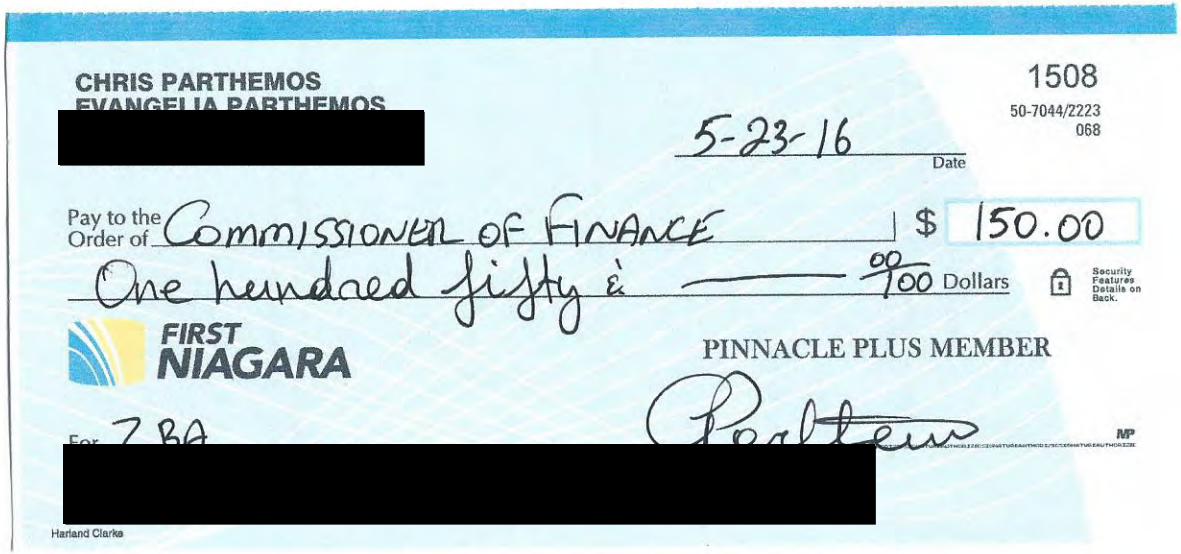
_____ Date: 5-23-2016
(applicant signature)

_____ 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

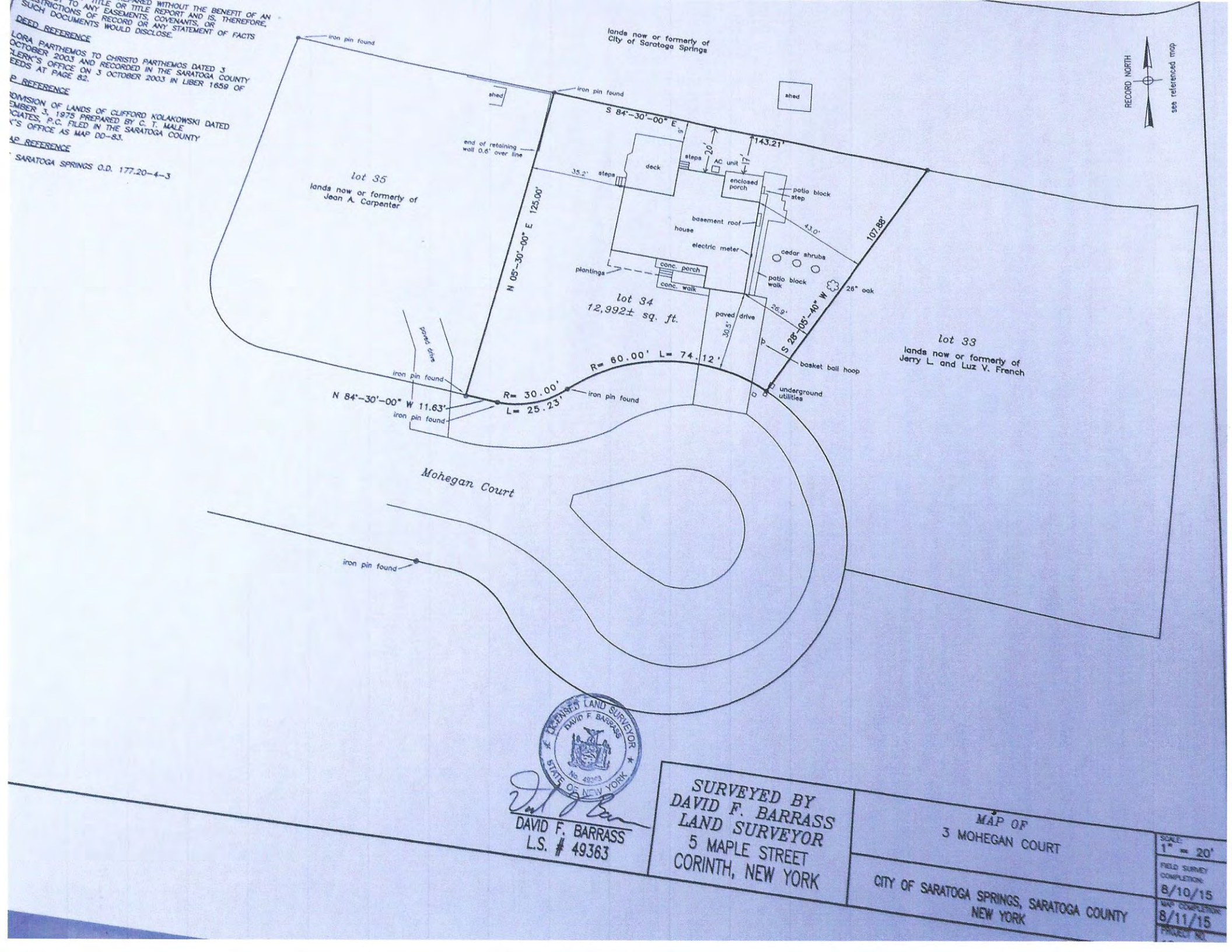
Security Features Details on Back.

FIRST NIAGARA

PINNACLE PLUS MEMBER

For 7 BA [redacted]

Harland Clarke




TITLE OR TITLE REPORT AND IS, THEREFORE, SUBJECT TO ANY EASEMENTS, COVENANTS, OR RESTRICTIONS 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 DEEDS AT PAGE 82.

P REFERENCE

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

AP REFERENCE

SARATOGA SPRINGS O.D. 177.20-4-3

NEW YORK 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

#9

#10

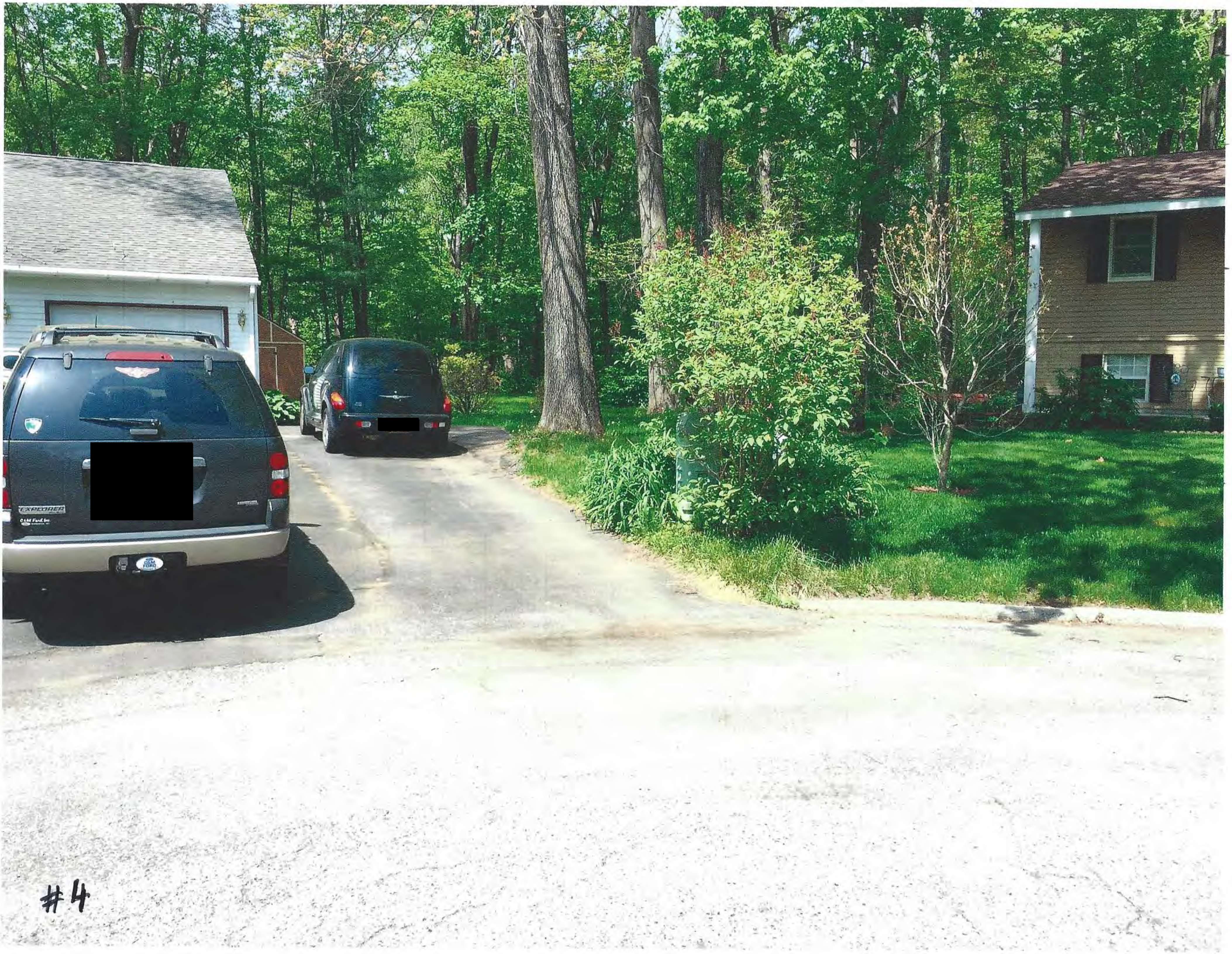
#11

#13

#13

#1

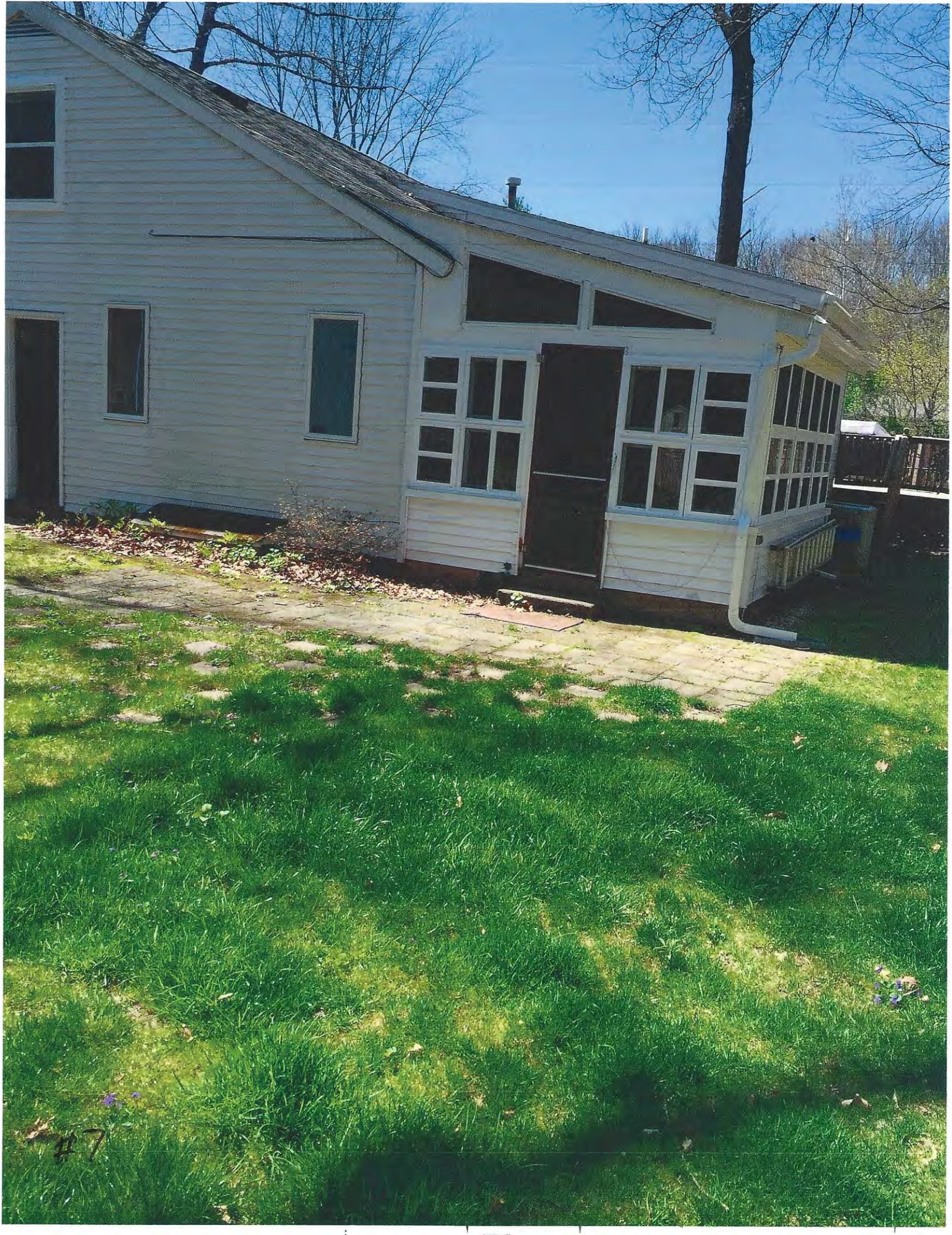
#8




#4

#5

#6


#7

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

APPLICANT: PRIME COMPANIES

TAX PARCEL NO.: 166.30-2-13

PROPERTY ADDRESS: 56 MARION AVE.
ZONING DISTRICT: T-5

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

Proposed installation of wall signs and a freestanding sign .

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

240- 6.1.5.1 A, B.2 and D. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☒ Area Variance seeking the following relief:

| Dimensional Requirements | From | To |
|---|---|---|
| Max. size freestanding sign: | 12 sq. ft. | 24 sq. ft. |

Other: Placement of five wall signs on building façade without street frontage and placement of two wall signs above the first floor level of building

☒ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

9/12/16
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 | Prime Companies | Prime Beechwood LLC | Adirondack Sign Co. |
| Address | | 56 Marion Ave<br>Saratoga Springs, NY 12866 | 72 Ballston Ave<br>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: _____ 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: _____

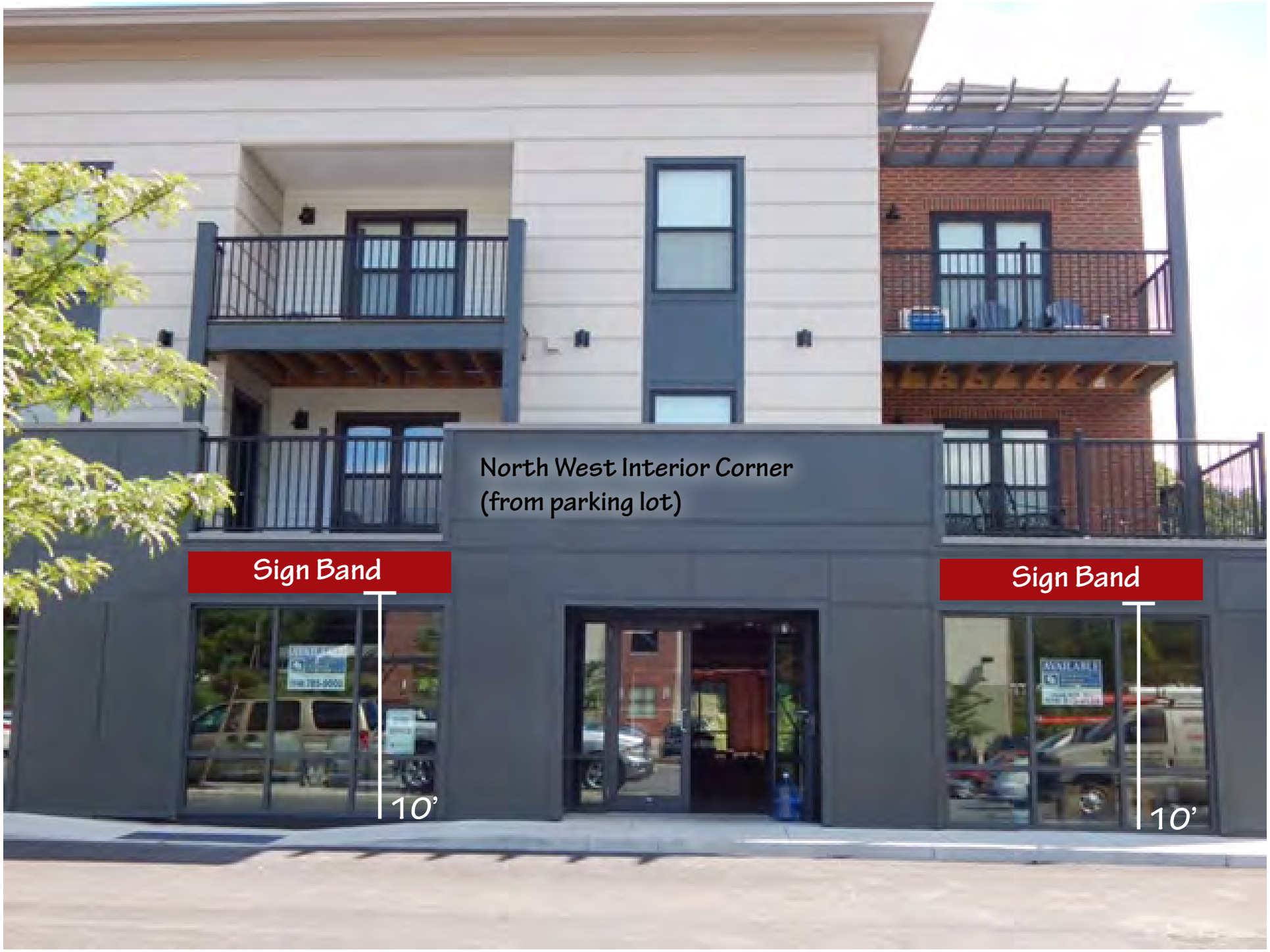
Revisions Required; New proof needed: _____

THE
FRESH
MARKET
MAC EQUIPM
SB6023
PCI
PERFORMANCE
CONTRACTING INC
BF-34899

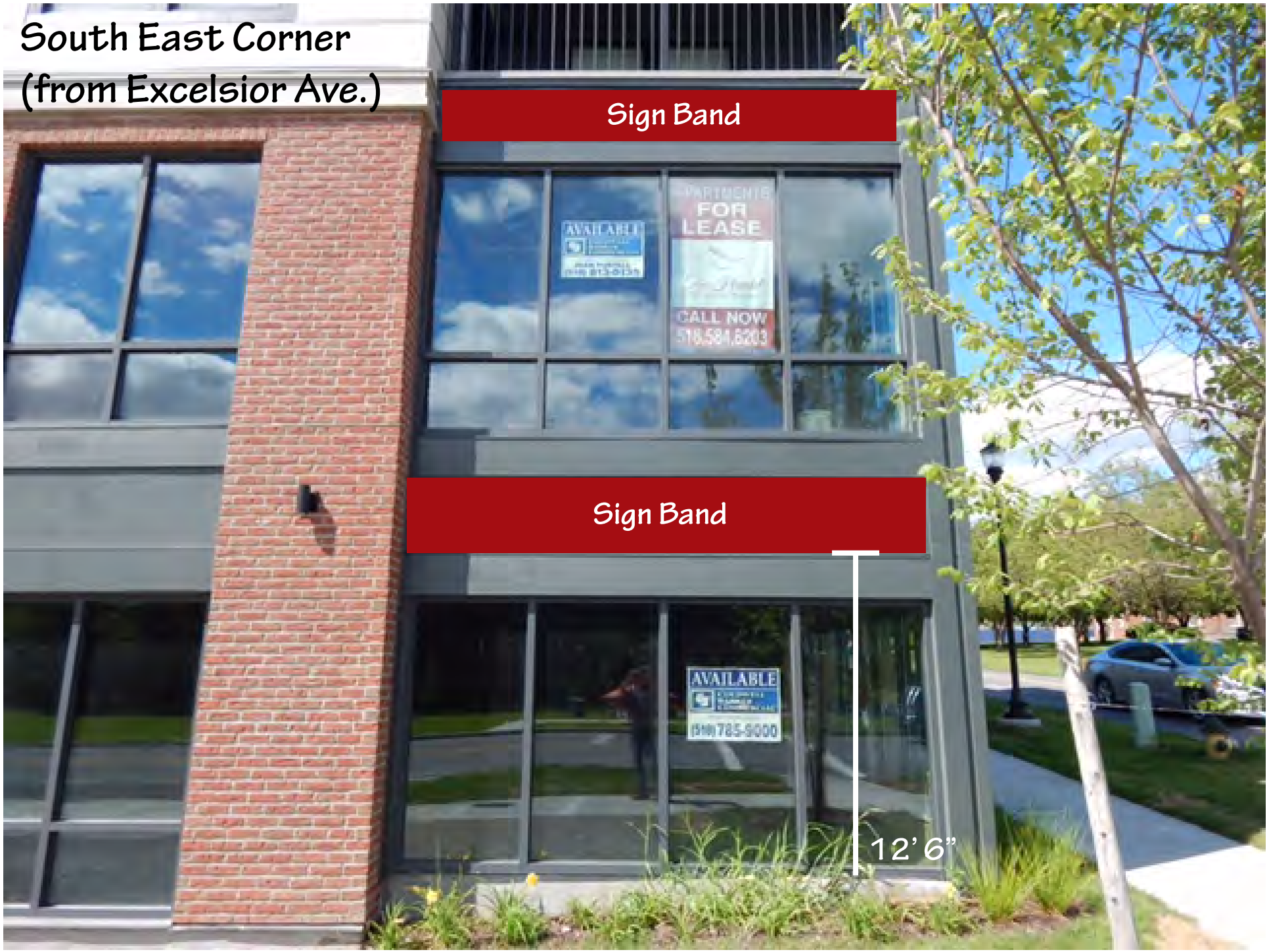
North East Interior Corner
(from parking lot)

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

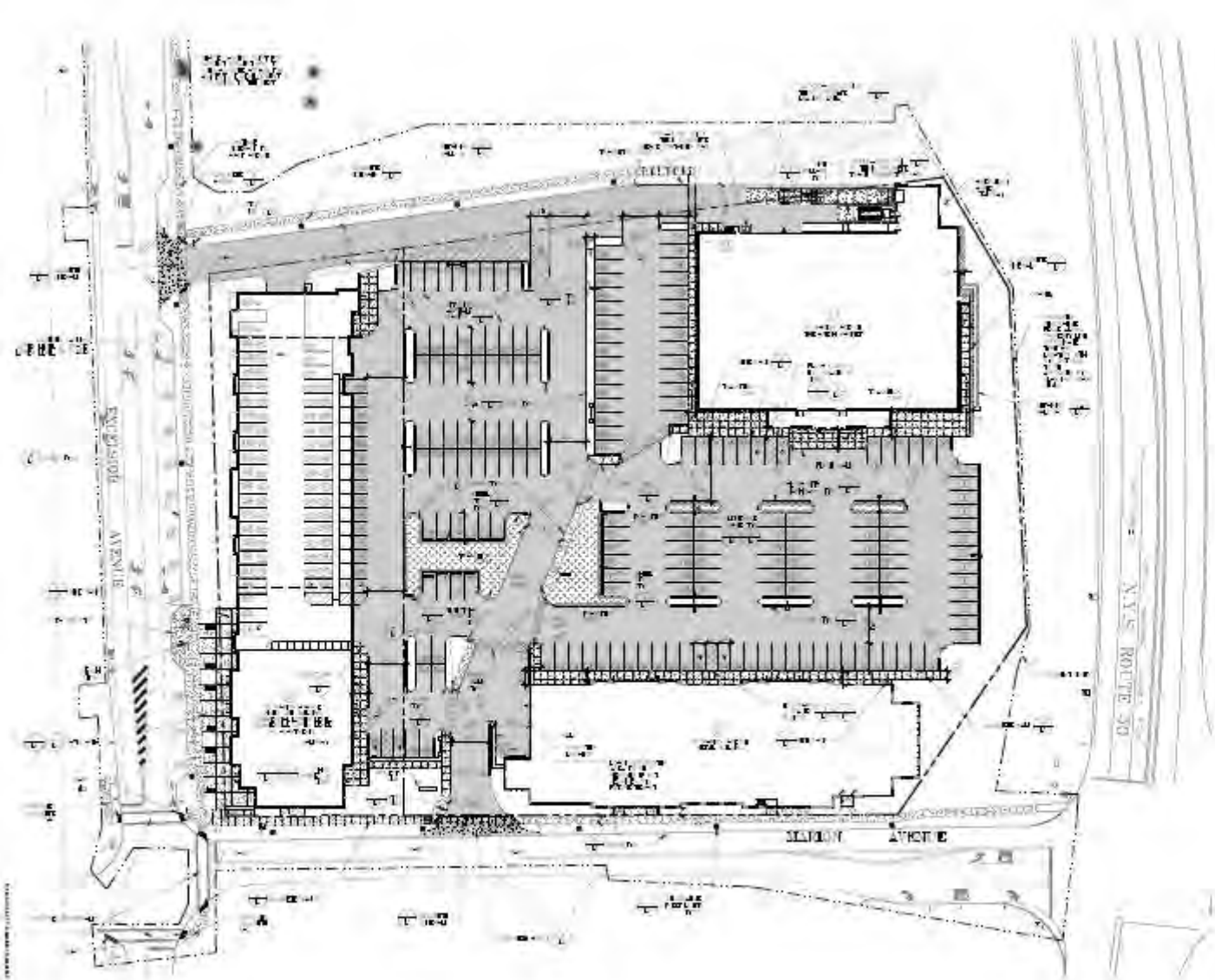
North West Interior
(from parking lot)
Sign Band
10’


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

GRAPHIC SCALE

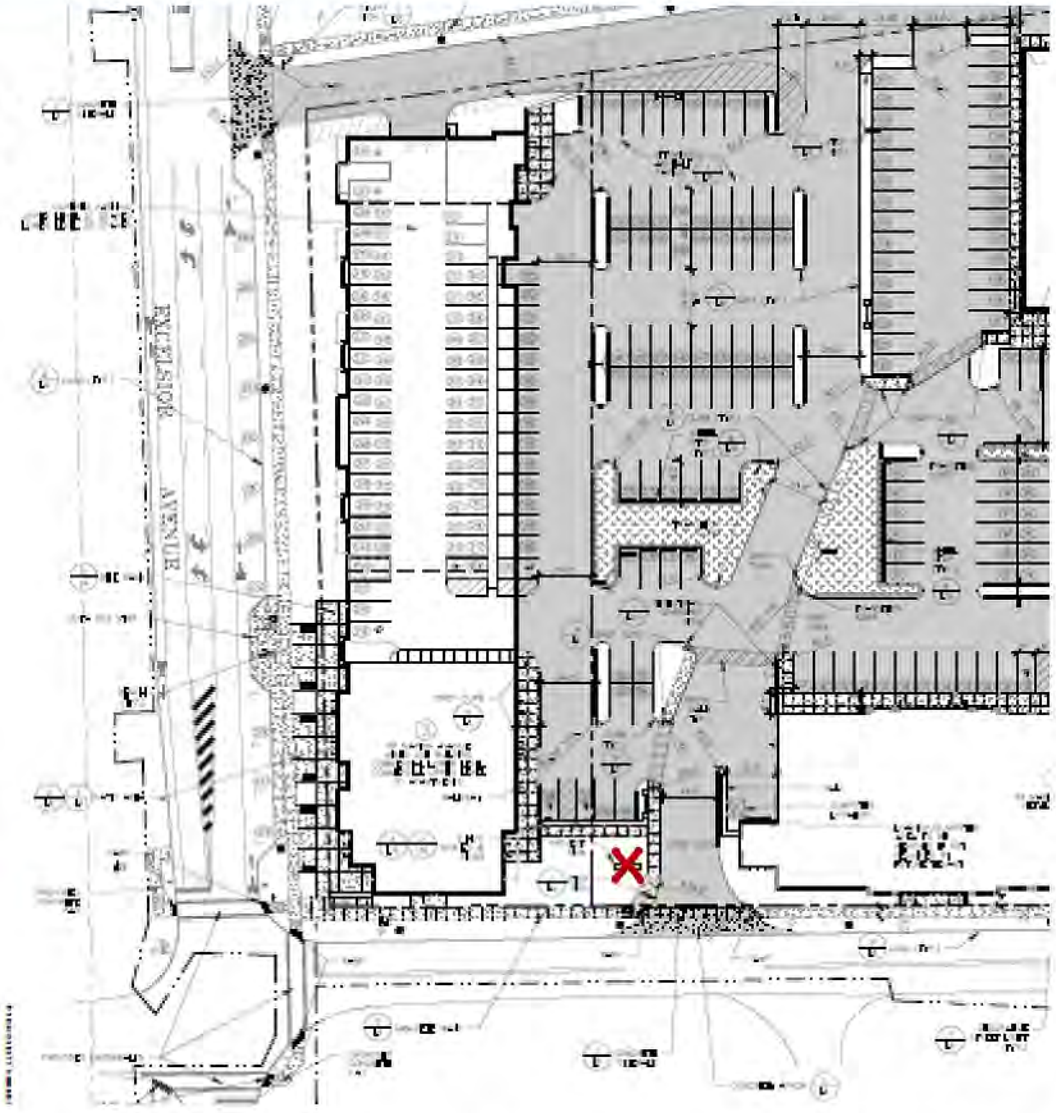
PROJECT TITLE
EXCELSIOR AVENUE MIXED USE DEVELOPMENT
MORTON AND EXCELSIOR AVENUE
SARATOGA SPRINGS, NY 12866

SHEET TITLE
SITE LAYOUT PLAN

PROJECT OWNER
Brookwood Associates, LLC
21 N. Central Avenue
Albany, NY 12206

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.

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

ADIRONDACK SIGN COMPANY
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p: 518.409.SIGN(7446) f: 518.478.8489
www.AdkSignCo.com

Customer: Prime Companies
Project Name: Freestanding Sign
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: _____

# NORTHEAST CORNER

This image is a close up of the NorthEast Corner commercial tenants located on the parking lot side of the Prime Building at the Hamlet.

SIGN BAND STORE 1

SIGN BAND STORE 2

North East Interior Corner
(from parking lot)

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

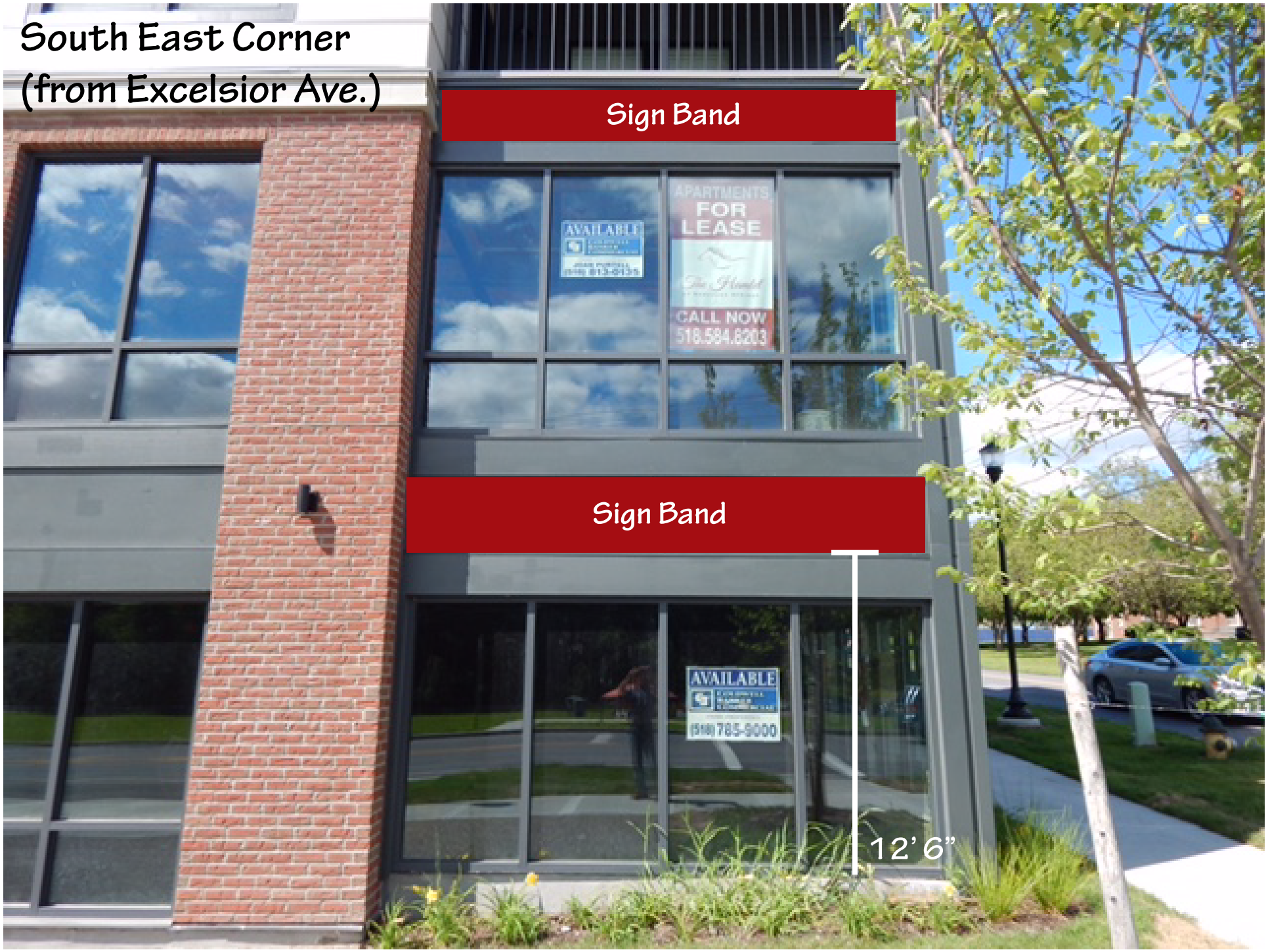
This image is a close up of the NorthWest Corner commercial tenants located on the parking lot side of the Prime Building at the Hamlet.

SIGN BAND STORE 3

SIGN BAND STORE 4

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

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

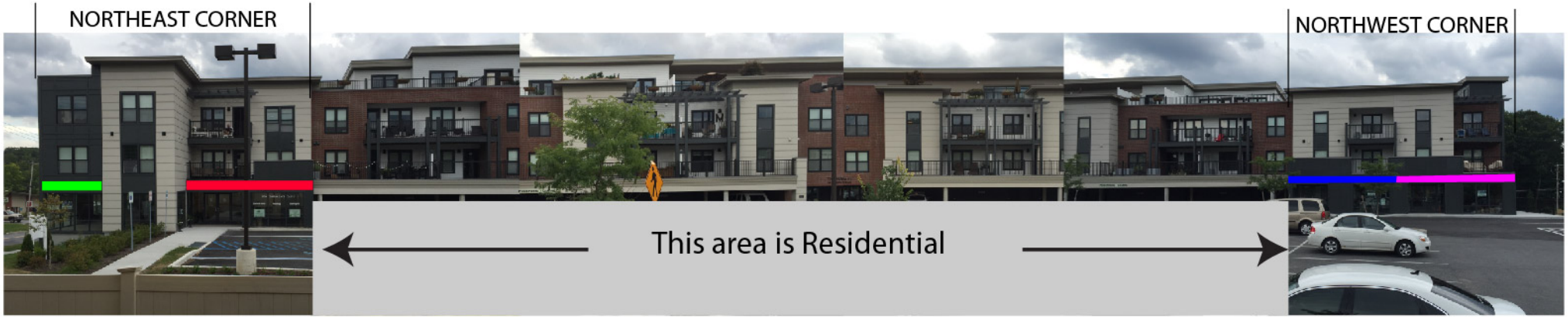

South East Corner
(from Excelsior Ave.)
Sign Band
AVAILABLE
APARTMENTS
FOR
LEASE
CALL NOW
518.584.8203
Sign Band
AVAILABLE
(518) 785-9000
12' 6"

# Driveway SOUTHWEST CORNER

This image is a close up of the SouthWest Corner commercial tenant located on the west driveway side of the Prime Building at the Hamlet.

SIGN BAND STORE 5

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”




This image is to represent the locations of the four commercial tenants sign band located on the parking lot side of the Prime Building at the Hamlet.

SIGN BAND STORE 1

SIGN BAND STORE 2

SIGN BAND STORE 3

SIGN BAND STORE 4

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

APPLICANT: MARK AND CATHERINE HOVER TAX PARCEL NO.: 165.51-3-14.2

PROPERTY ADDRESS: 43 LONG ALLEY
ZONING DISTRICT: T-6

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

Maintenance of existing residential use on first floor.

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: _____

☒ Area Variance seeking the following relief:

| Dimensional Requirements | From | To |
|---|---|---|
| Residential use second floor and above: | 2nd floor | 1st floor |

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR 9/12/16 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 #)
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 |
|---|---|---|---|
| Name | Mark & Catherine Hover | | |
| 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<br>Residential Uses (2nd Floor & Above) | From<br>2nd floor | To<br>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: _____

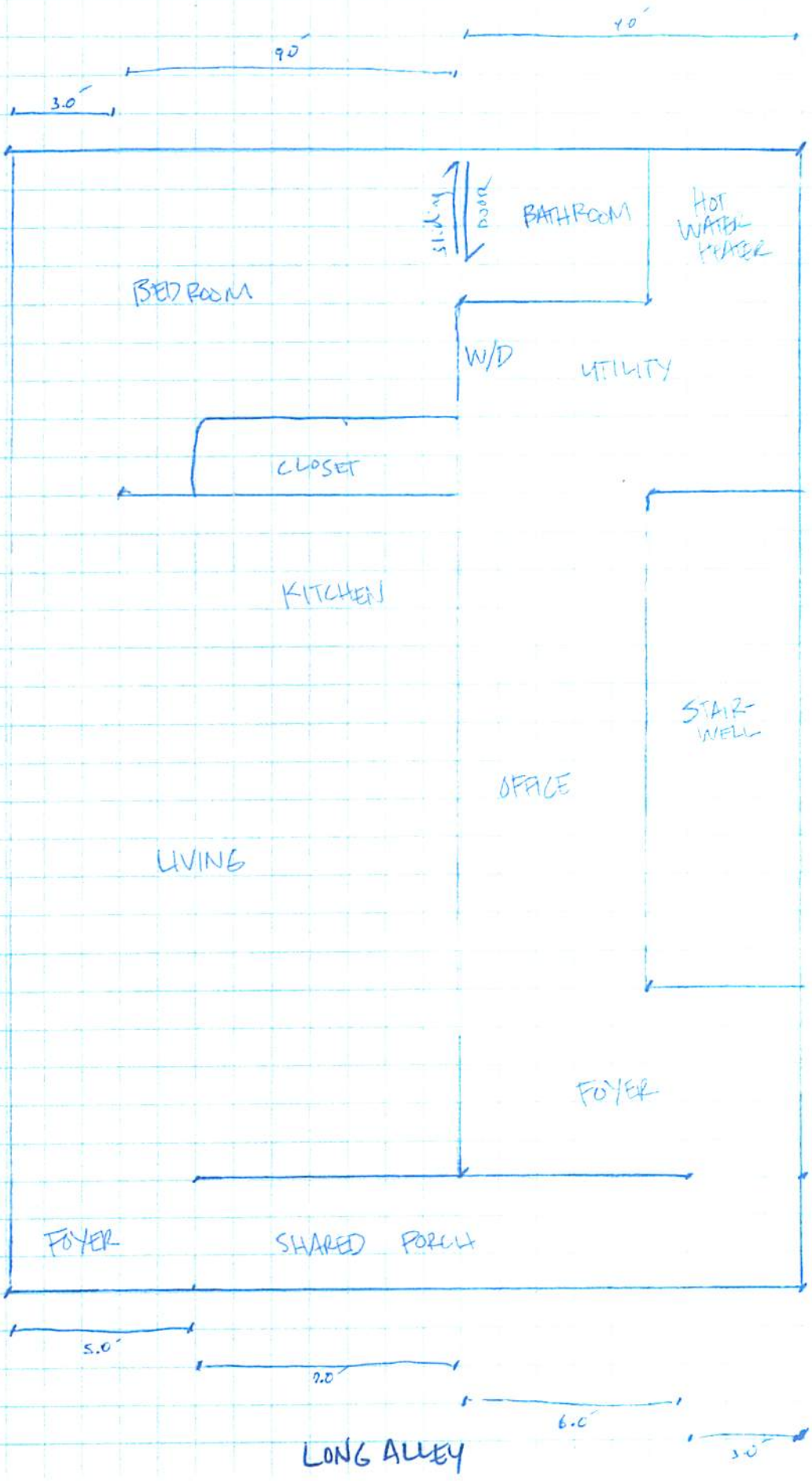
_____ 6/27/16
(applicant signature) Date: _____

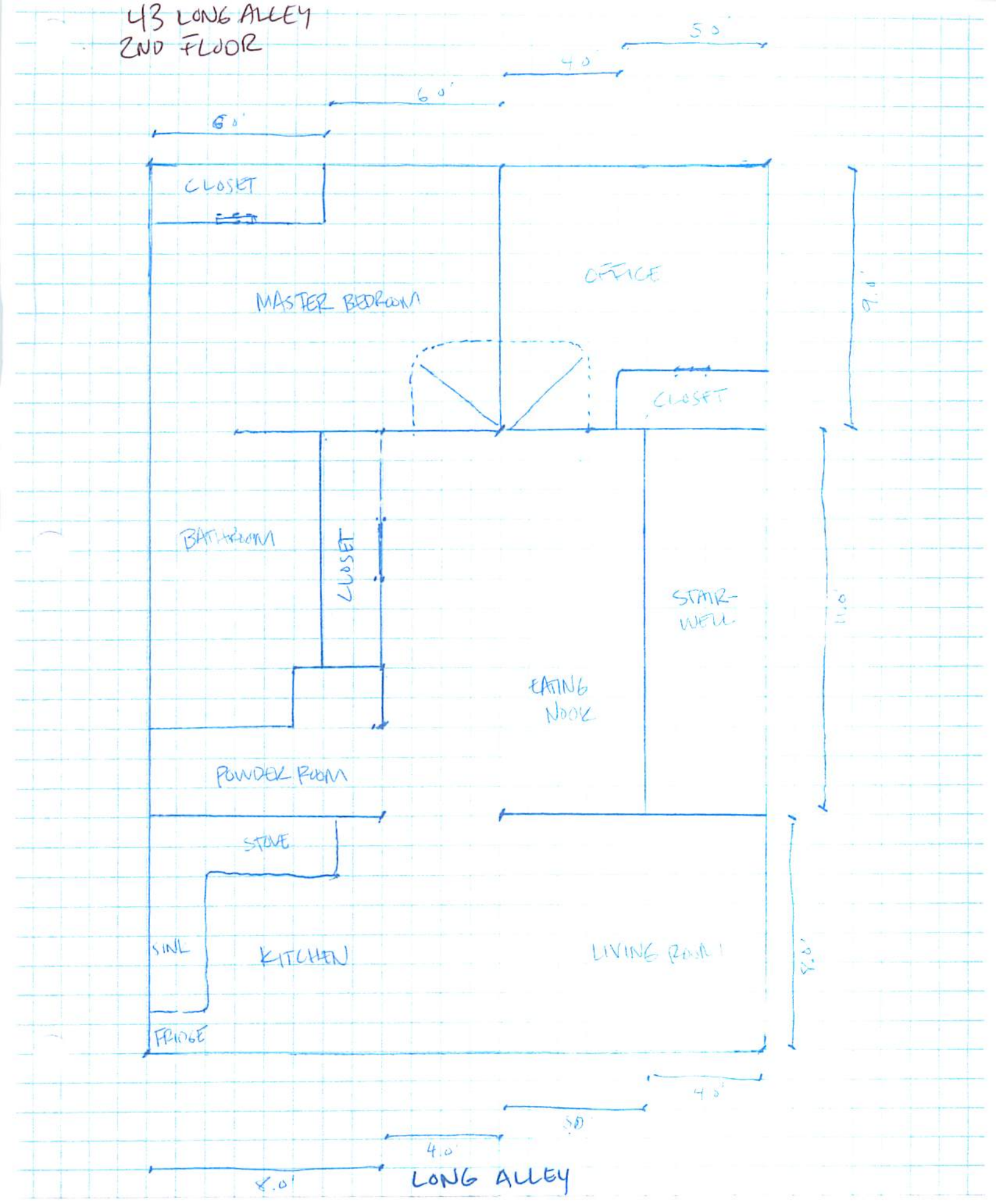
If applicant is not the currently the owner of the property, the current owner must also sign.

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
OFFICE
MASTER BEDROOM
9.0'
CLOSET
BATHROOM
CLOSET
STAIR-
WELL
11.0'
EATING
NOOK
POWDER ROOM
STOVE
SINK
KITCHEN
LIVING ROOM
9.0'
FRIDGE
4.0'
5.0'
4.0'
4.0'
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

FENCE LINE

S. 32°-43'-00"W. 22.83'

43 LONG ALLEY

AREA = 1009 Sq. Ft.

2 STORY BRICK BUILDING

N. 32°-43'-00"E 22.83'

S. 57°-17'-00"E 44.2'

0.15' OFFSET

0.38' OFFSET

0.18' OFFSET, PROPERTY LINE TO FRONT OF BUILDING

STONE WALL

WROUGHT IRON FENCE

LANDS OF BODE
BOOK 808, PAGE 494

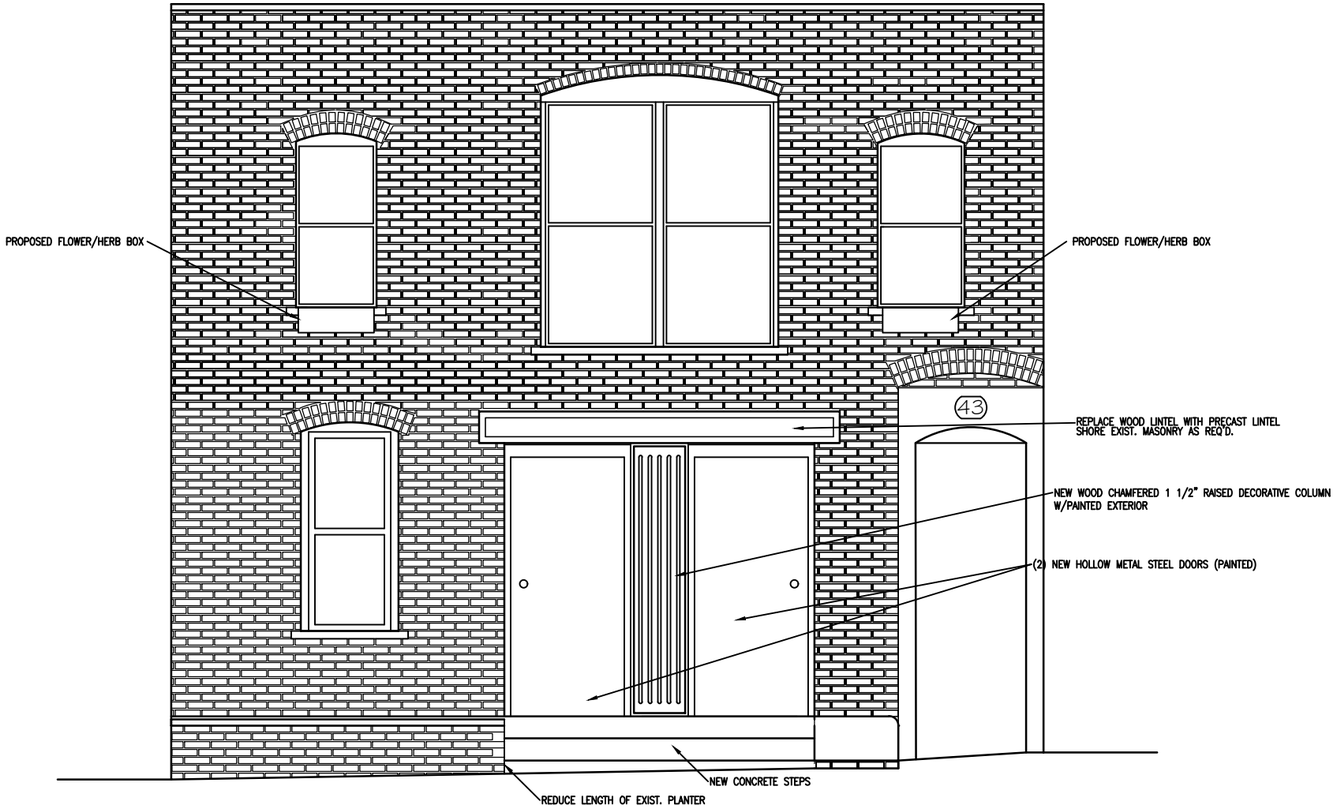
CURB

WALTON STREET

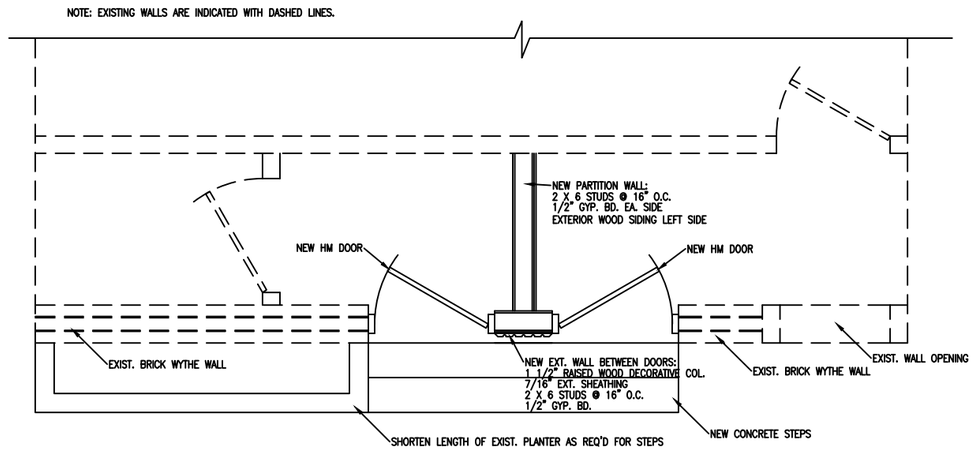
CURB

MAGNETIC NORTH NOVEMBER, 1985

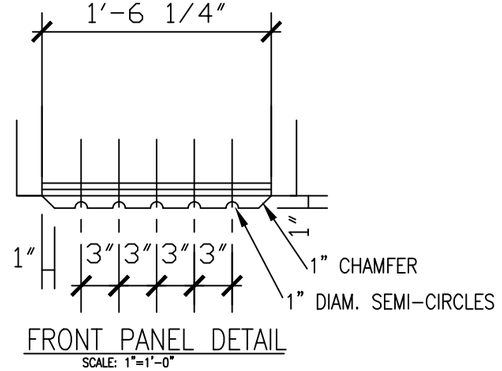
1" = 20'-0"
1985




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 | |

# 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**

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

APPLICANT: GASLIGHT APARTMENTS, LLC TAX PARCEL NO.: 165.75-1-27

PROPERTY ADDRESS: 69-71 HAMILTON ST./10 SOUTH FEDERAL ST.
ZONING DISTRICT: URBAN RESIDENTIAL – 5

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

Proposed maintenance of an apartment unit within one of the buildings in the apartment complex.

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☒ Area Variance seeking the following relief:

| Dimensional Requirements | From | To |
|---|---|---|
| Minimum lot size per dwelling unit: | 3,000 sq. ft./dwelling unit | 0 sq. ft. |
| Minimum parking spaces per dwelling unit: | 1 parking space | 0 |

Note: _____

☑ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR 9/12/16 DATE

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 ✓

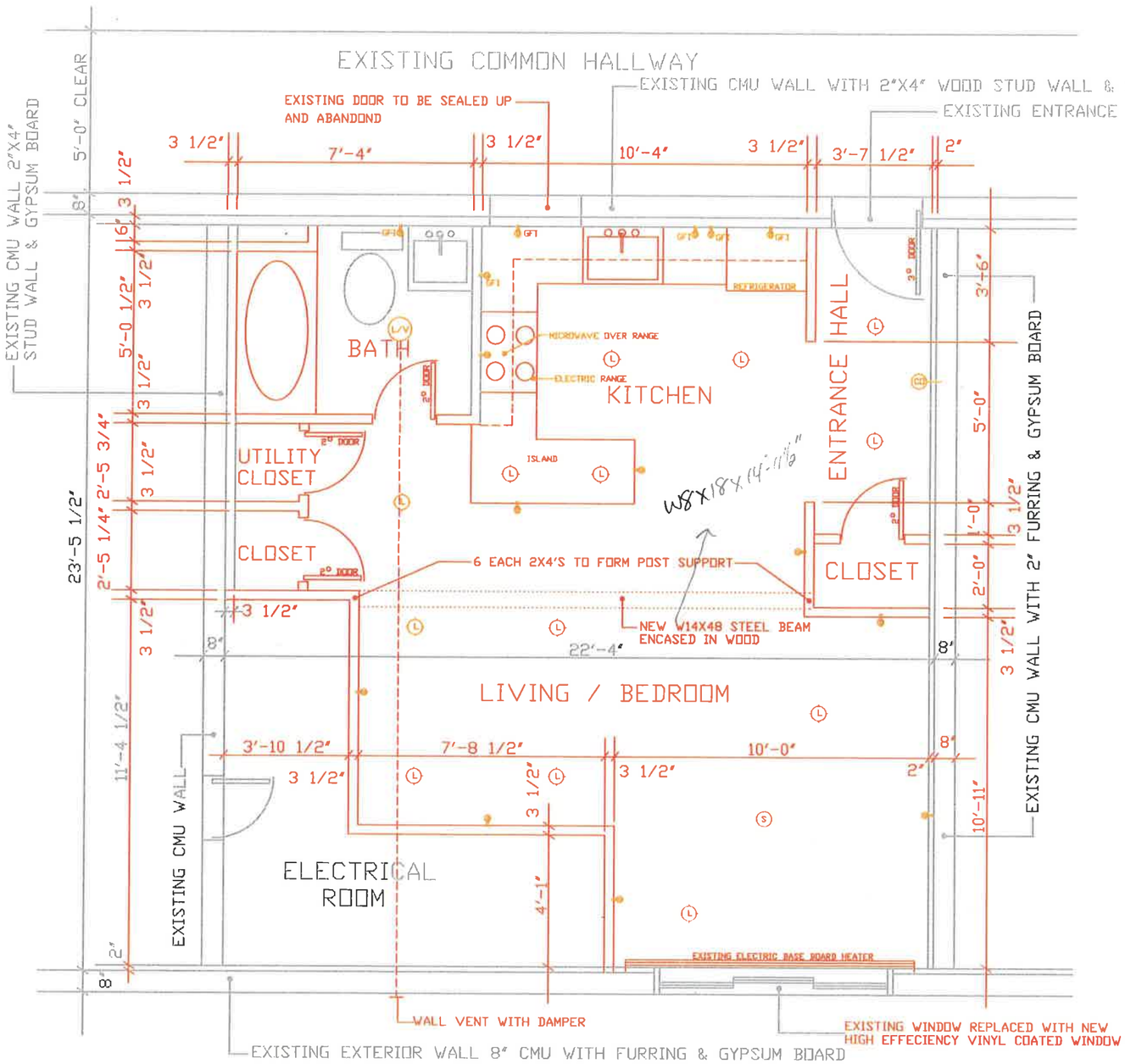
EMG. LIGHTING (HALL) OK ✓ BATHROOM VENT. OK ✓

FACILITIES FUNCTIONAL - OK ✓

HOT WATER OK ✓

(PASSED) CONDITIONS AS NOTED REINSPECTION REQUIRED FAILED STOP WORK

INSPECTION DATE 08/02/11 INSPECTOR STHENDER 212




## LEGEND:

- HIGH CAN CEILING LIGHT
- CEILING LIGHT WITH HEATER & VENT (VENT TO EXTERIOR)
- CEILING MOUNTED SMOKE DETECTOR
- WALL MOUNTED CARBON MONOXIDE DETECTOR
- 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

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

# PROPOSED STUDIO APARTMENT

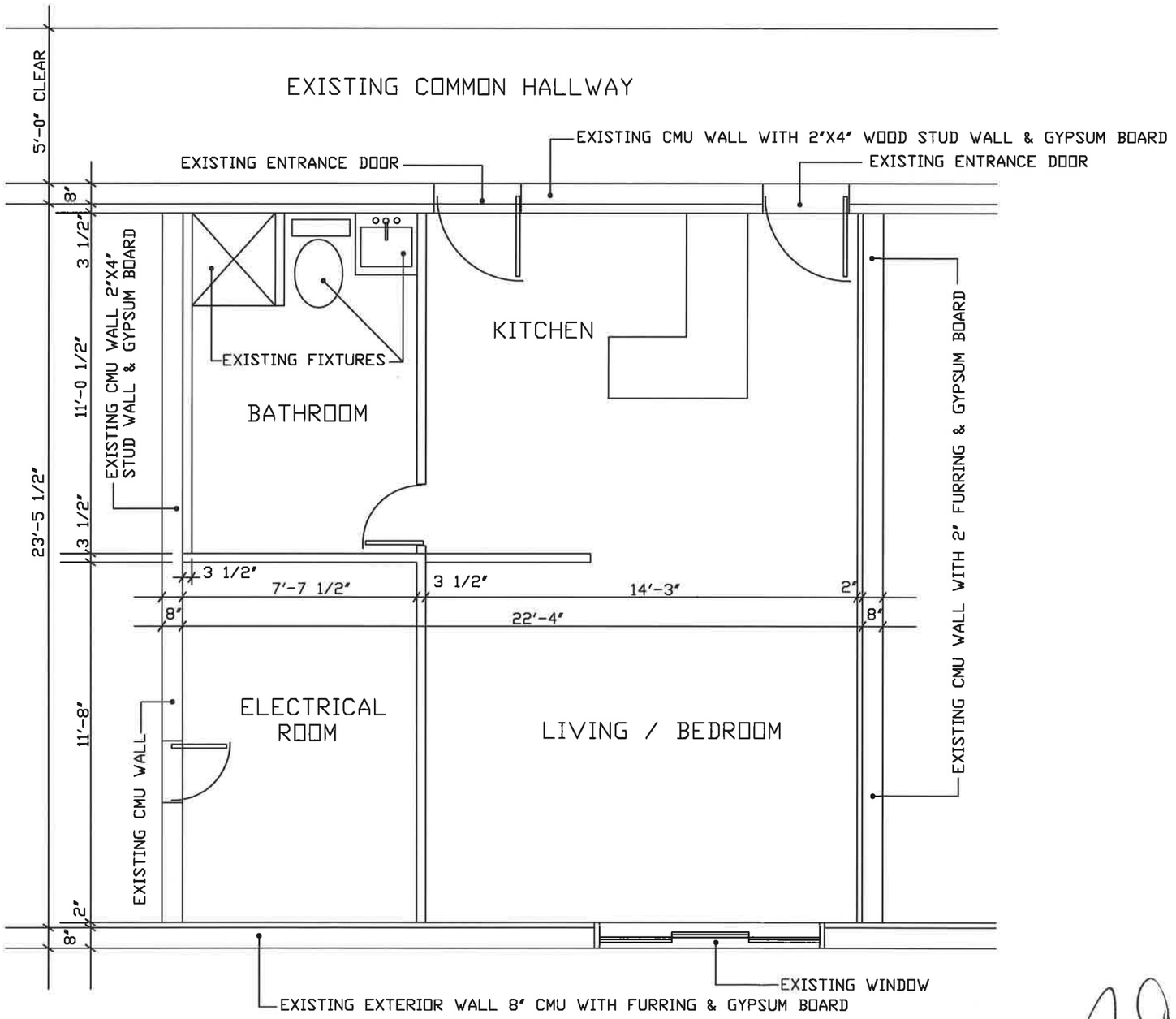
PREPARED FOR

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

# 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<br>1732 Western Avenue, Albany, NY 12203 | | 99 Washington Avenue, Suite 2020<br>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

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

(applicant signature) Date:

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

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

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

APPLICANT: _____ 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 ✓

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,<br>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:<br>☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional<br>☐ 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,<br>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)?<br>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?<br>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?<br>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: James T. Burns

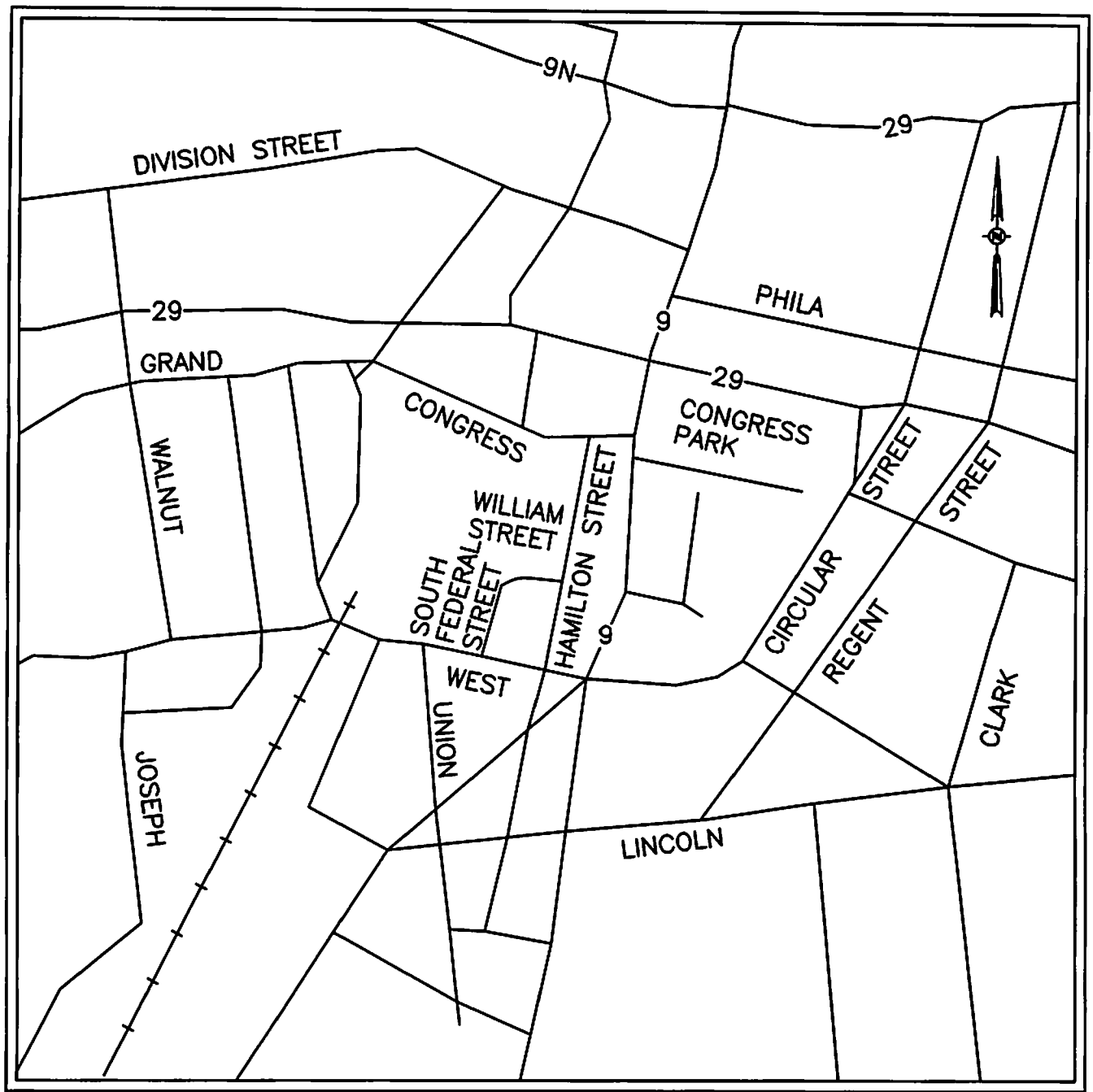
By: James T. Burns
Manager

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:<br>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*

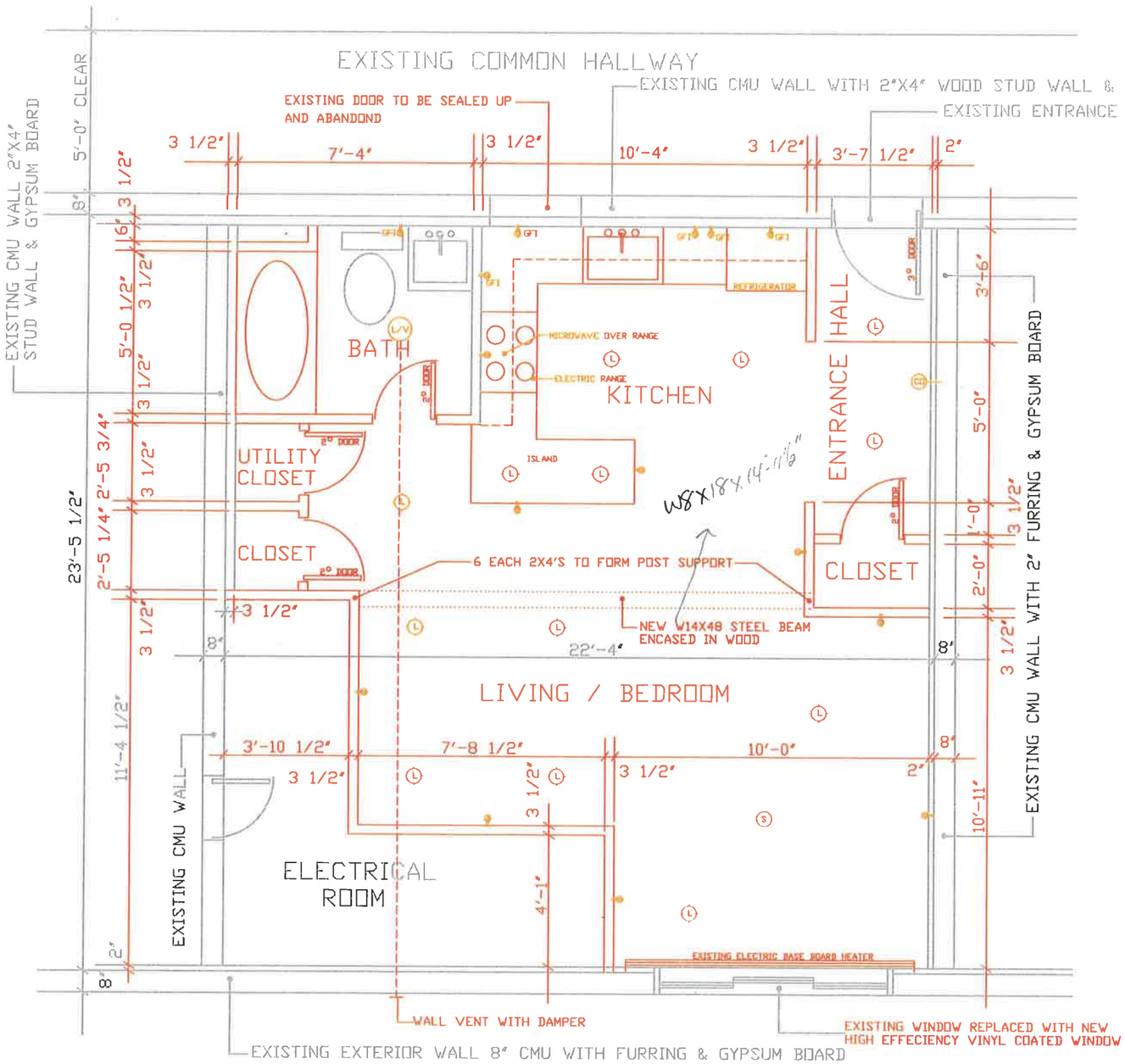
For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify 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**




## LEGEND:

- HIGH CAN CEILING LIGHT
- CEILING LIGHT WITH HEATER & VENT (VENT TO EXTERIOR)
- CEILING MOUNTED SMOKE DETECTOR
- WALL MOUNTED CARBON MONOXIDE DETECTOR
- 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

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

# PROPOSED STUDIO APARTMENT

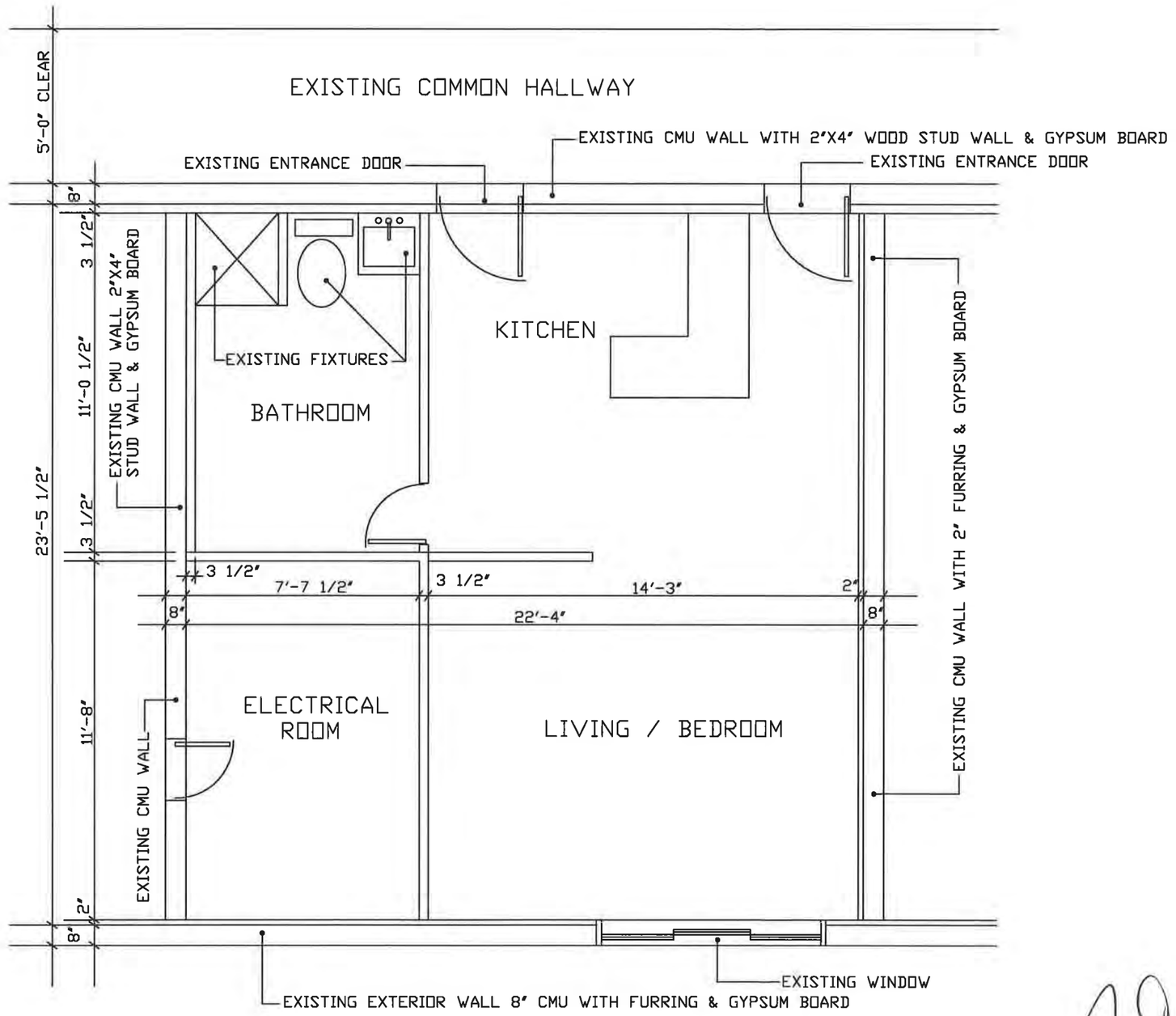
PREPARED FOR

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"

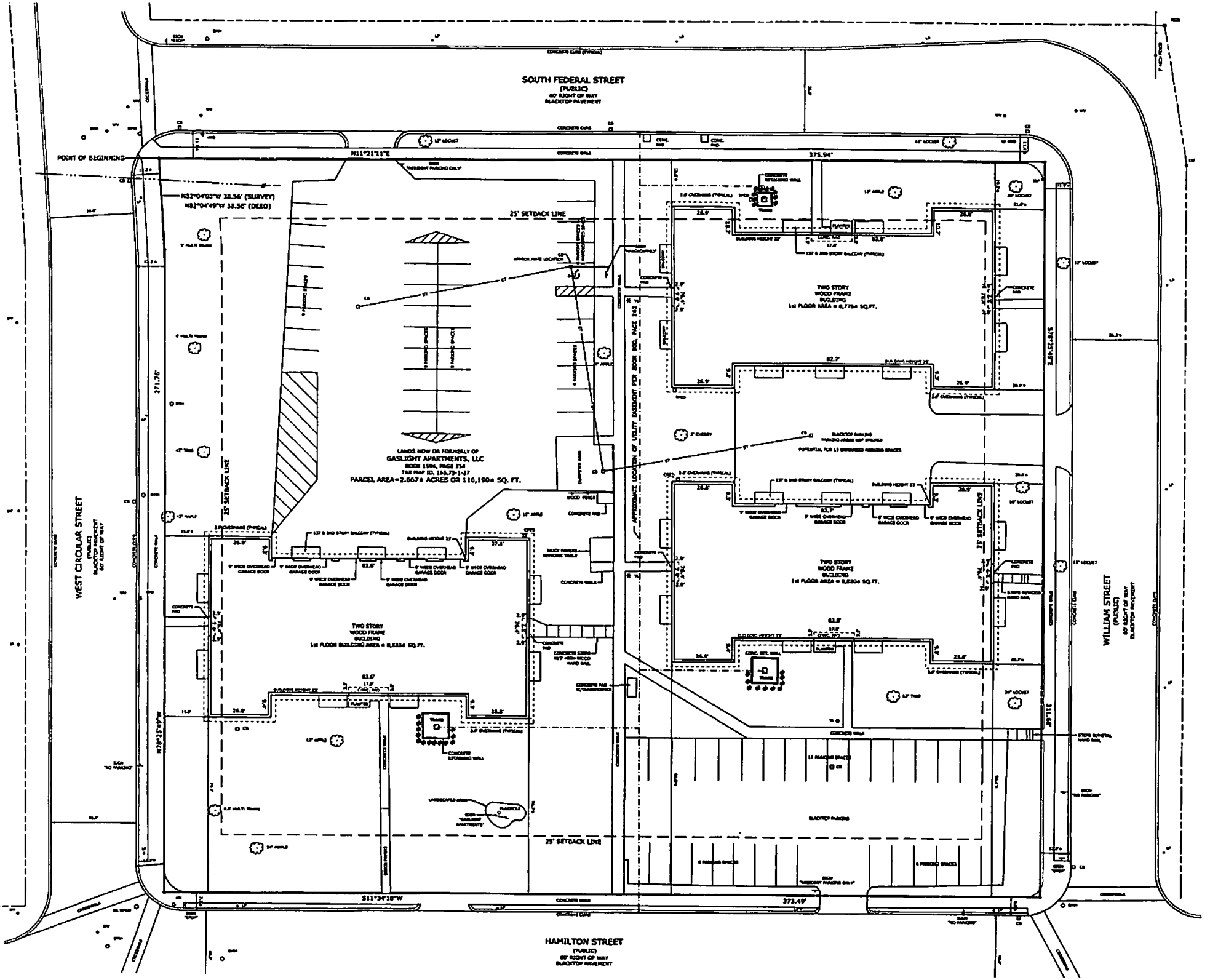
# EXISTING FLOOR PLAN

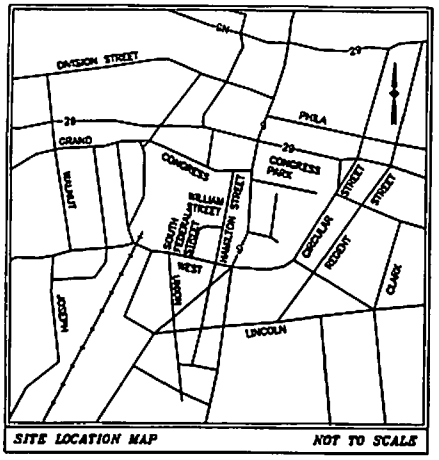
PREPARED FOR

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 32.56' (SURVEY)
N32°04'49"W 32.56' (DEED)
25' SETBACK LINE
LANDS NOW OR FORMERLY OF
GASLIGHT APARTMENTS, LLC
BOOK 1584, PAGE 354
TAX MAP ID. 183.79-1-37
PARCEL AREA=2.667± ACRES OR 116,190± SQ. FT.
APPROXIMATE LOCATION OF UTILITY EASEMENT PER BOOK 800, PAGE 342
TWO STORY
WOOD FRAME
BUILDING
1st FLOOR AREA = 6,776± SQ.FT.
TWO STORY
WOOD FRAME
BUILDING
1st FLOOR AREA = 6,830± SQ.FT.
TWO STORY
WOOD FRAME
BUILDING
1st FLOOR BUILDING AREA = 6,833± SQ.FT.
BLACKTOP PARKING
PARKING AREA NOT STRIPED
POTENTIAL FOR 13 ENHANCED PARKING SPACES
17 PARKING SPACES
4 PARKING SPACES
6 PARKING SPACES
WEST CIRCULAR STREET
(PUBLIC)
BLACKTOP PAVEMENT
60' RIGHT OF WAY
WILLIAM STREET
(PUBLIC)
60' RIGHT OF WAY
BLACKTOP PAVEMENT
HAMILTON STREET
(PUBLIC)
60' RIGHT OF WAY
BLACKTOP PAVEMENT
S11°34'18"W
373.49'
N78°23'49"W
371.76'
3,65±S.F./LS




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
10 GARAGE PARKING SPACES

82 TOTAL OF STRIPED AND POTENTIAL PARKING SPACES

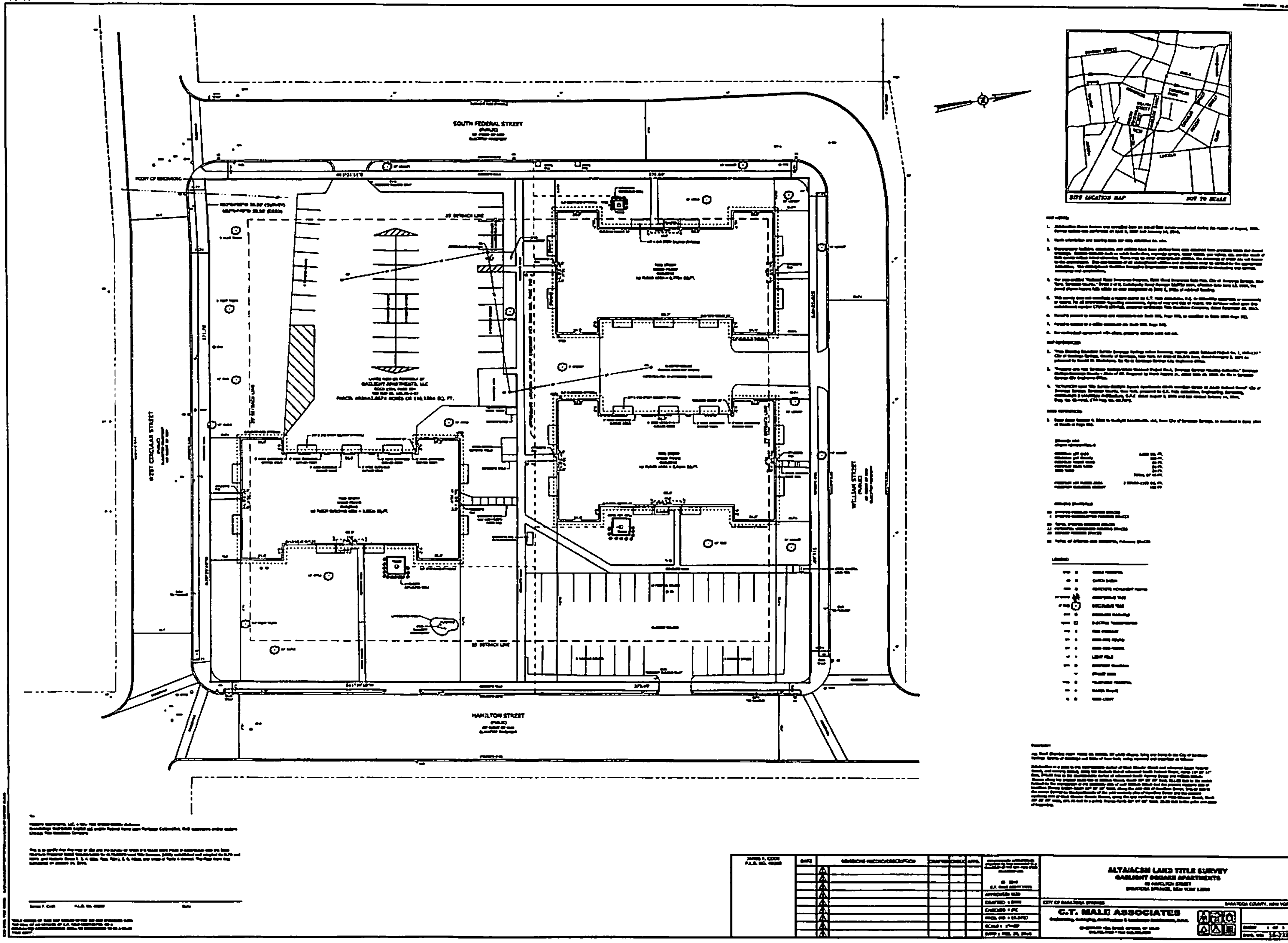
LEGEND

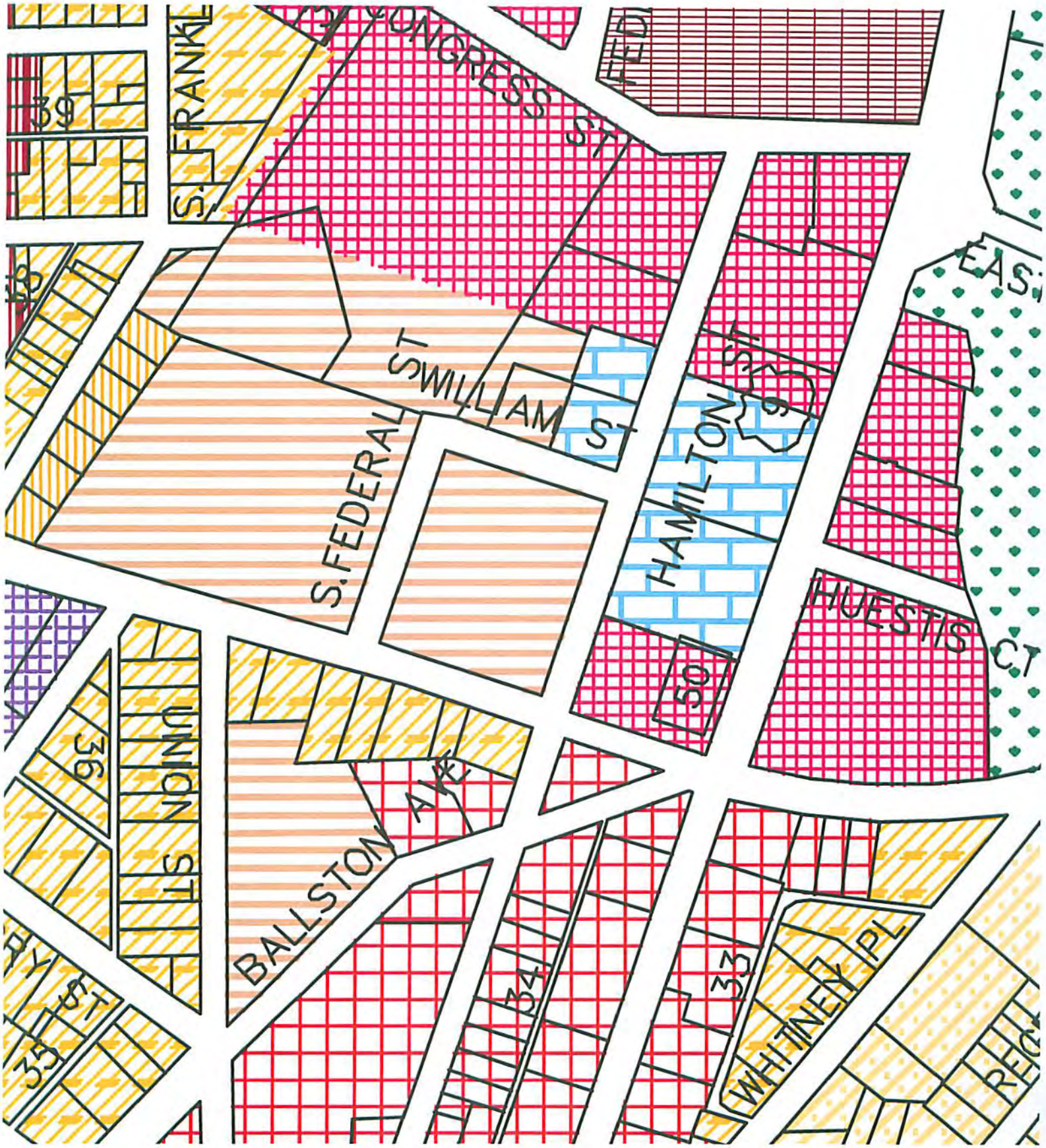
| | |
|---|---|
| CPED | CABLE PEDESTAL |
| CB | CATCH BASIN |
| RCM | CONCRETE MONUMENT FOUND |
| SP CEDAR | CONIFEROUS TREE |
| D" TREE | DECIDUOUS TREE |
| DMH | DRAINAGE MANHOLE |
| TRANS | ELECTRIC TRANSFORMER |
| HYD | FIRE HYDRANT |
| IPF | IRON PIPE FOUND |
| IRF | IRON ROD FOUND |
| LP | LIGHT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

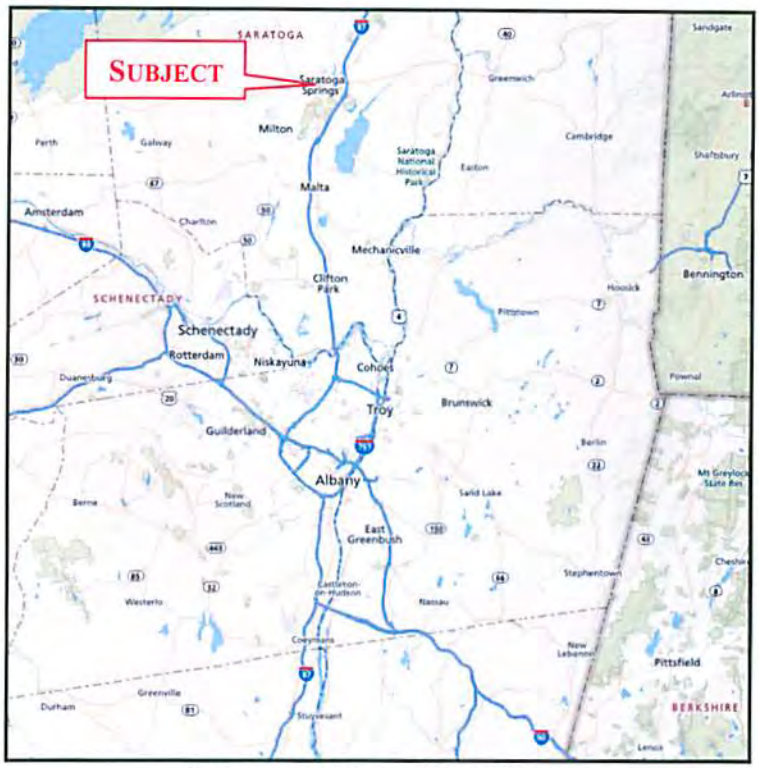
Description

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:

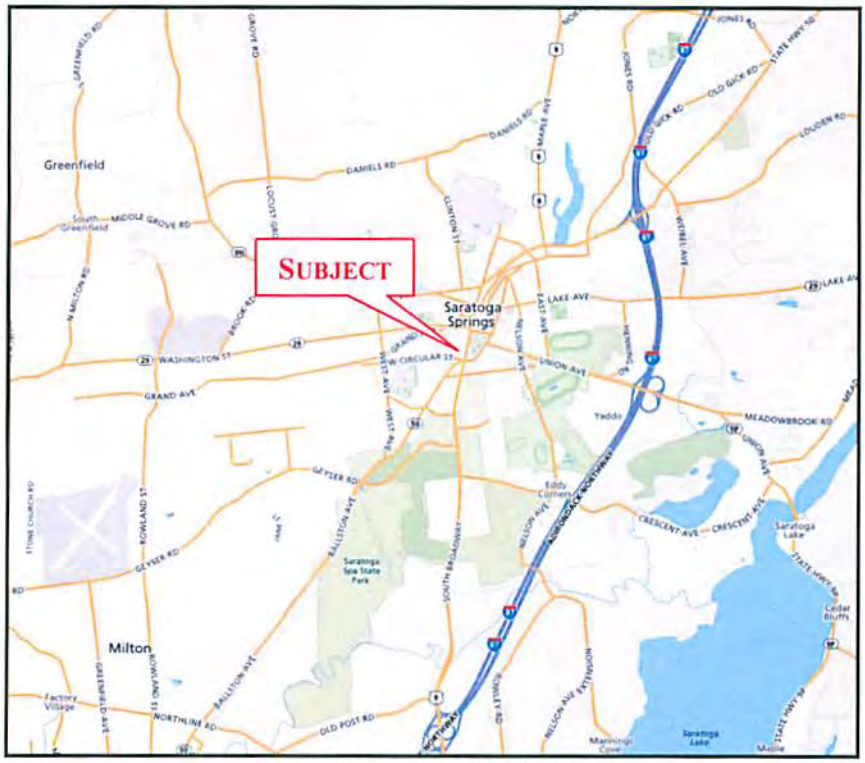
BEGINNING at a point in the northeasterly corner of West Circular Street and relocated South Federal Street; and running thence, along the easterly line of relocated South Federal Street, North 11° 21' 11" East, 275.94 feet to the southeasterly corner of relocated South Federal Street and William Street; 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 78° 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
(PUBLIC)
POINT OF BEGINNING
WEST CIRCULAR STREET
WILLIAM STREET
HAMILTON STREET
(PUBLIC)
25' SETBACK LINE
SITE LOCATION MAP
NOT TO SCALE
ALTA/ACSM LAND TITLE SURVEY
GASLIGHT SQUARE APARTMENTS
CITY OF SARATOGA SPRINGS
SARATOGA COUNTY, NEW YORK
C.T. MALE ASSOCIATES

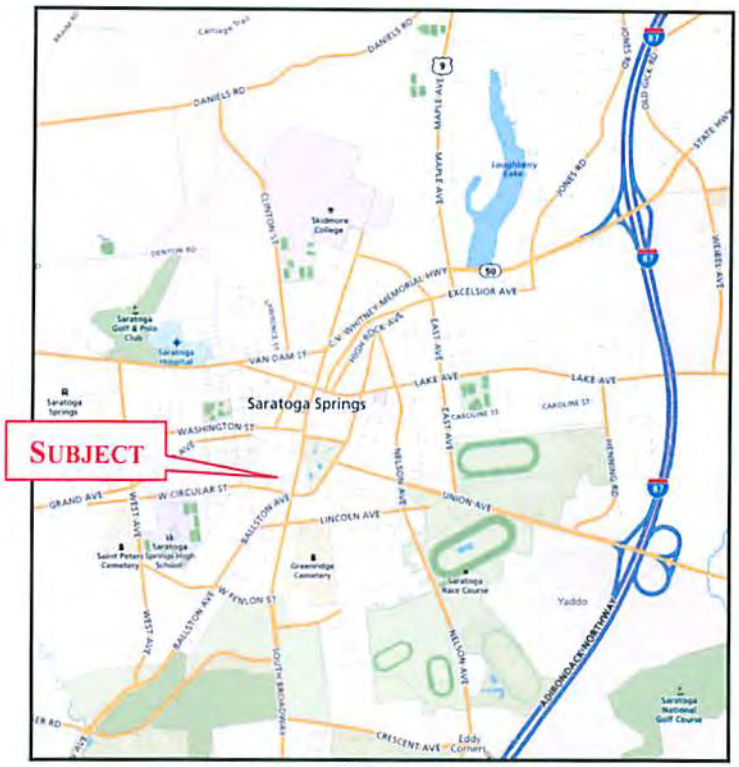

CONGRESS ST
S. FRANKL
39
S. FEDERAL ST
WILLIAM ST
HAMILTON ST
HUESTIS CT
EAS
UNION ST
56
BALLSTON AVE
34
33
WHITNEY PL
35
RY ST



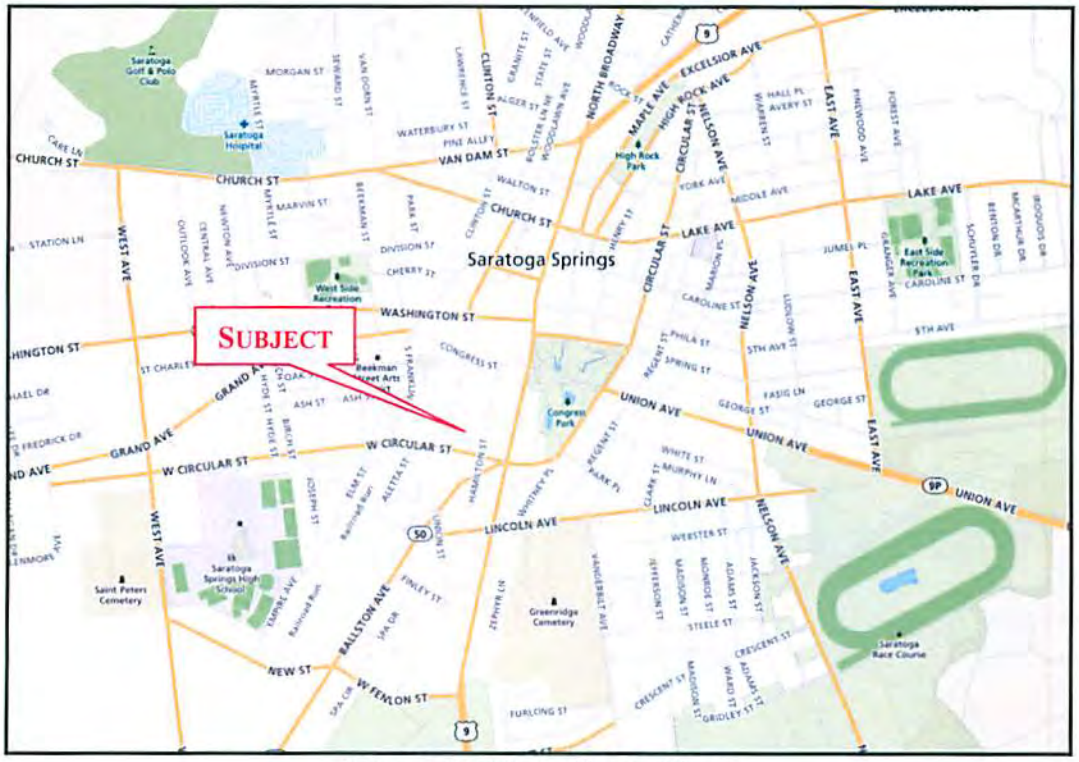

LOCATION MAP – WIDE VIEW



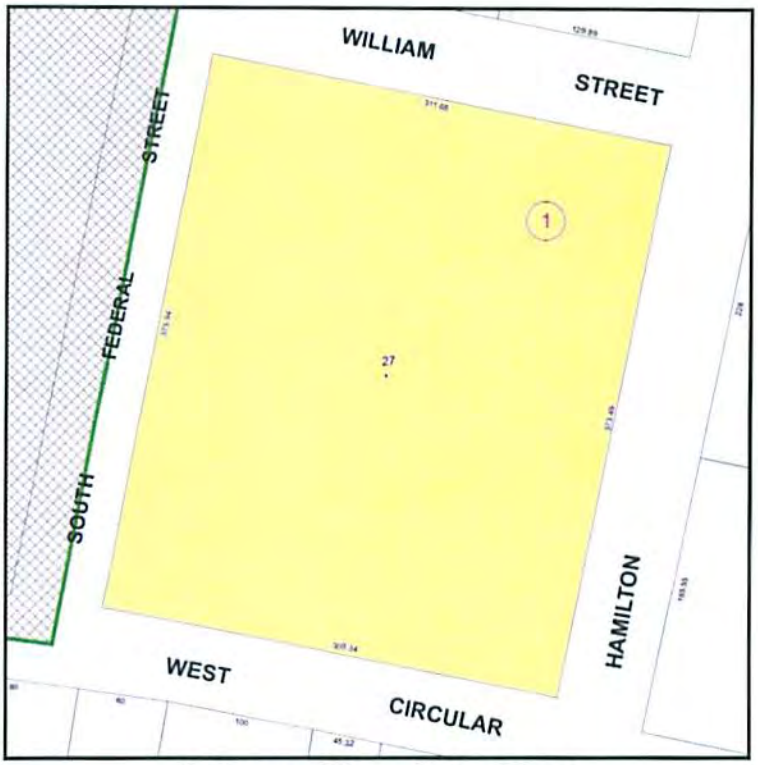

LOCATION MAP – MID VIEW




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

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

APPLICANT: MATT SAMES

TAX PARCEL NO.: 191.8-1-1,2,3,4,5,6

PROPERTY ADDRESS: SOUTH BROADWAY/ROUTE 9
ZONING DISTRICT: RURAL RESIDENTIAL & TRB

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

Proposed construction of a pet boarding facility.

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: North | 30 feet | 20 feet |
| Minimum side yard setback: South | 30 feet | 20 feet |
| Minimum total side yard setback: | 100 feet | 40 feet |

Note: _____

☑ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

9/12/16
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 | Matt Sames | Bronx Springs Group | James Easton MJ Engineering |
| Address | [redacted] | 183 Church Ave<br>Ballston Spa, NY 12020 | 21 Corporate Drive, Suite 105<br>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: NVR (Boom x Savings Corp) Rep 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,<br>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?<br>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?<br>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?<br>If No, describe method for providing potable water: _____ | ☐ | ☑ |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: _____<br>private septic system | ☑ | ☐ |
| 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?<br>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____<br>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? | ☑ | ☐ |
| 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?<br>If Yes,<br>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)?<br>If Yes, briefly describe: ☐ NO ☑ YES<br>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)?<br>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?<br>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?<br>If Yes, describe: | ☑ | ☐ |

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

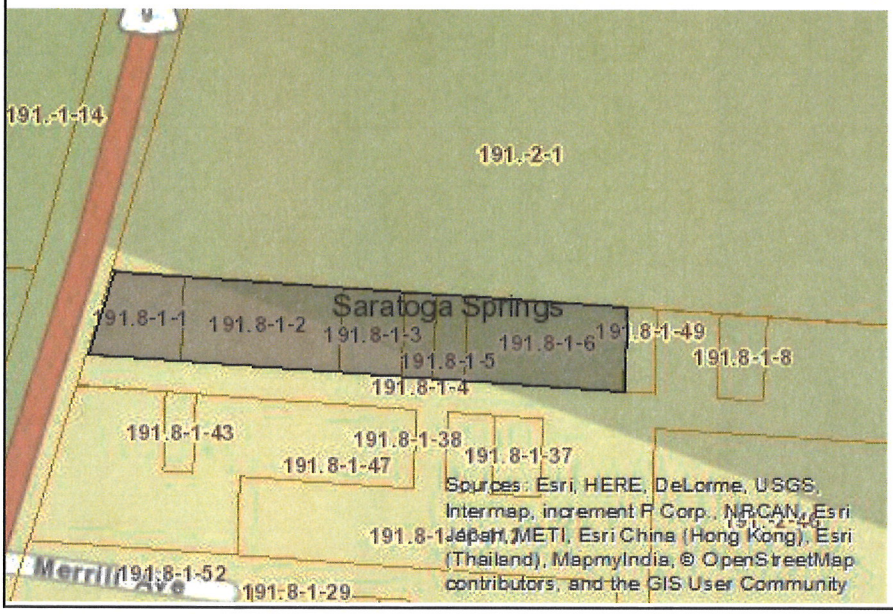
Applicant/sponsor name: MATT SAMES Date: 7/11/16

Signature: M Sames

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

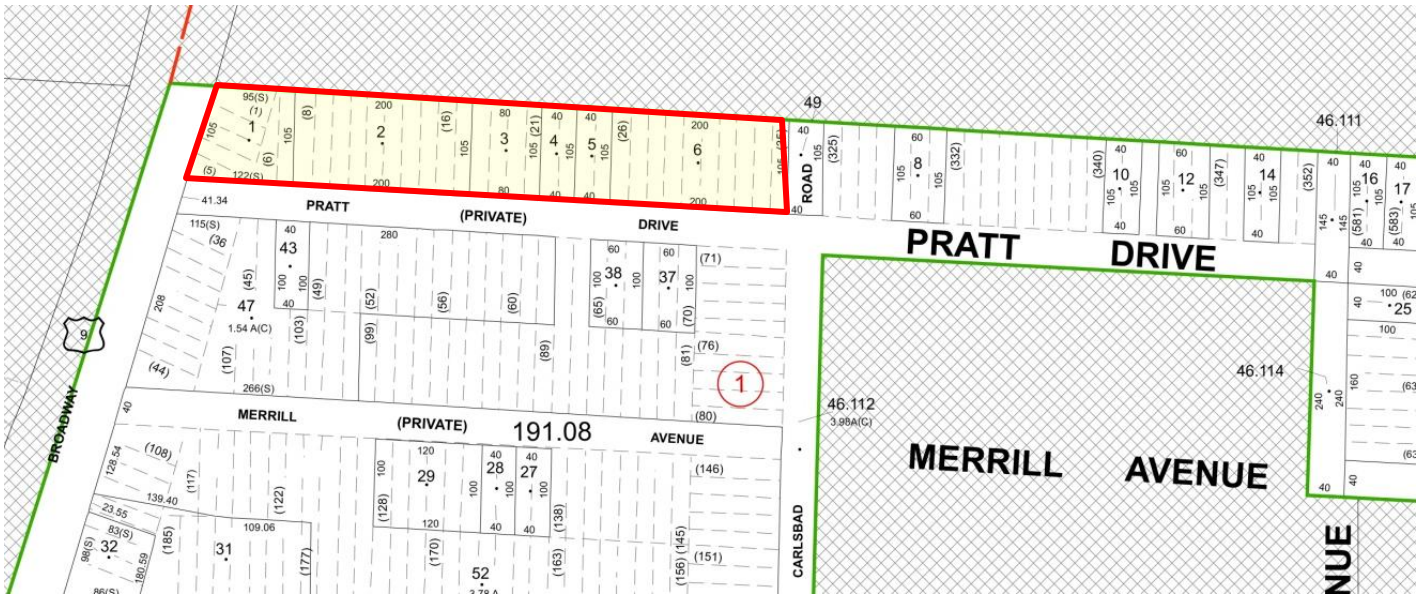

PRATT
(PRIVATE)
DRIVE
PRATT
DRIVE
MERRILL
(PRIVATE)
191.08
AVENUE
MERRILL
AVENUE
BROADWAY
CARLSBAD
ROAD
46.111
46.114
46.112
3.98A(C)
1.54 A(C)
49

Photo Location Map

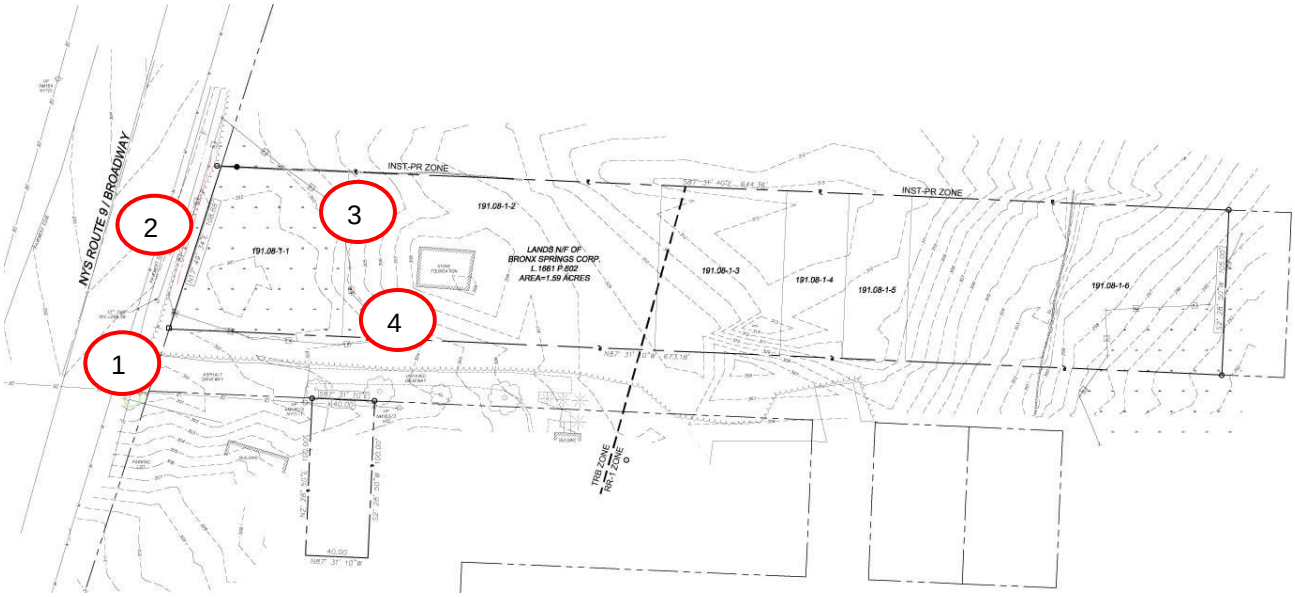
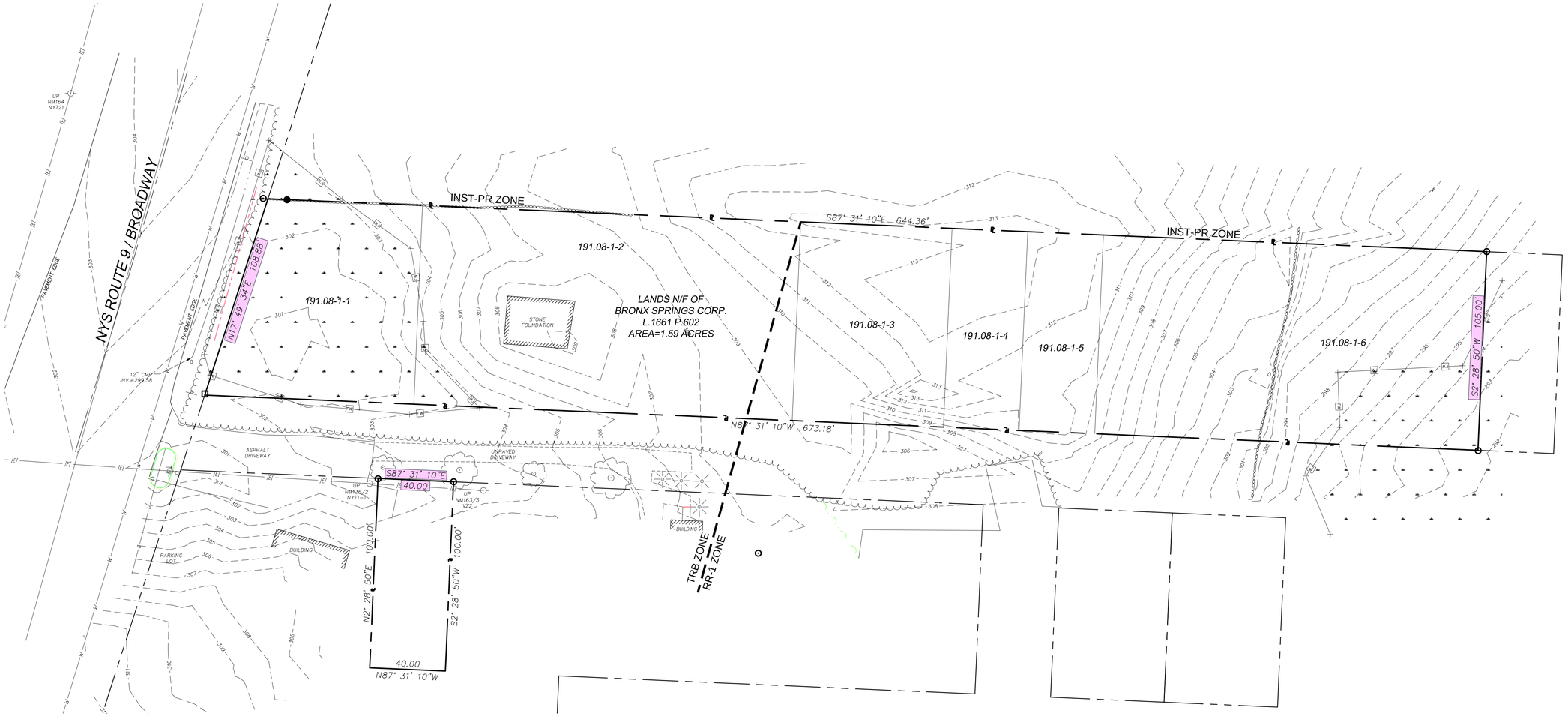


Photo 1

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 |
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|---|---|
| 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

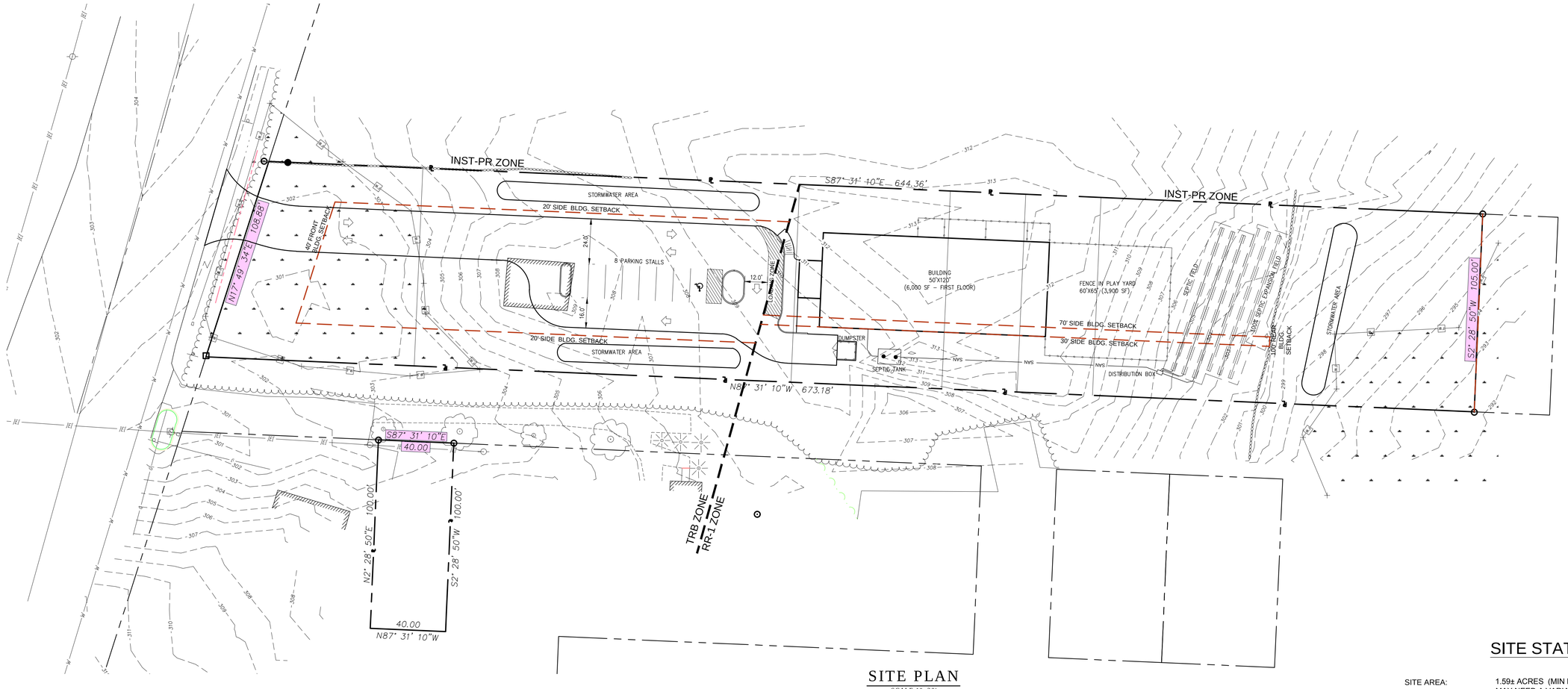
# EXISTING CONDITIONS

ROUTE 9

CITY OF SARATOGA SPRINGS NEW YORK

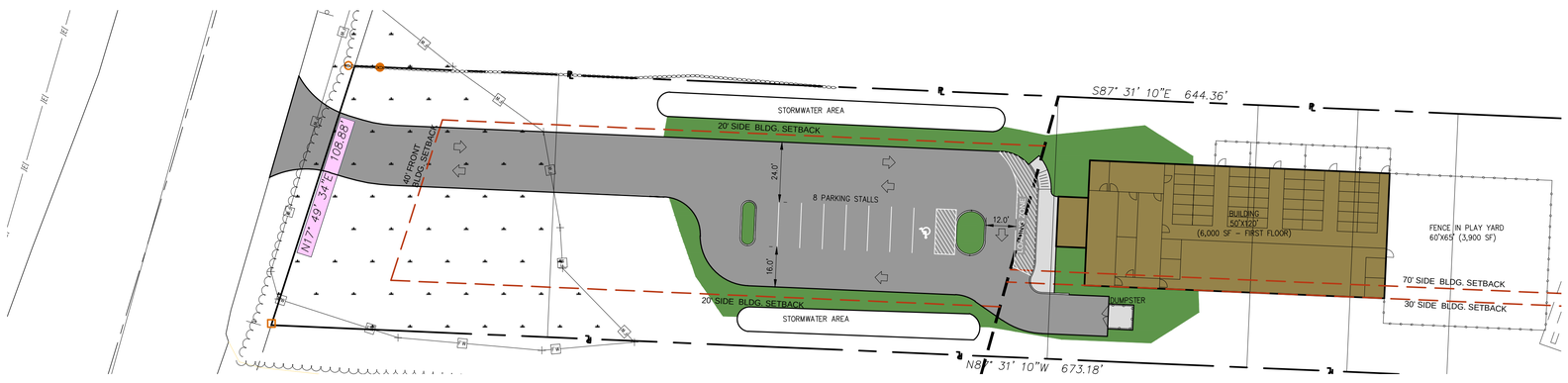
| | |
|---|---|
| SCALE: | AS SHOWN |
| CONTRACT No.: | - |
| MJ PROJ. No.: | 972.15 |
| DATE: | JULY 2016 |

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<br>PROPOSED= 8 SPACES<br>BASED UPON 1 SPACE PER 200 SF OF BLDG.<br>(30X50' OFFICE/RETAIL SPACE= 1500SF/200SF/SPACE=8) |
| MINIMUM LOT WIDTH: | 100' IN TRB (HAVE 105') |
| SETBACKS BLDG: | FRONT=40' (TRB)<br>SIDE=20' (TRB)<br>REAR= 40' (TRB)<br><br>SIDE=30' MIN AND TOTAL OF 100' (RR-1)<br>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 |
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|---|---|
| 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

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

APPLICANT: MARY BETH DELARM

TAX PARCEL NO.: 190.8-5-5

PROPERTY ADDRESS: 96 QUEVIC DR.
ZONING DISTRICT: URBAN RESIDENTIAL – 1

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

Proposed construction of an attached garage addition to an existing single-family residence and maintenance of a shed.

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☒ Area Variance seeking the following relief:

| Dimensional Requirements | From | To |
|---|---|---|
| Minimum front yard setback: | 30 feet | 26.5 feet |
| Minimum side yard setback: | 12 feet | 8.8 feet |
| Minimum side yard setback: accessory building - shed | 5 feet | 1.2 feet |
| Maximum accessory building coverage: | 8% | 12.1% |

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

9/12/16
DATE

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:

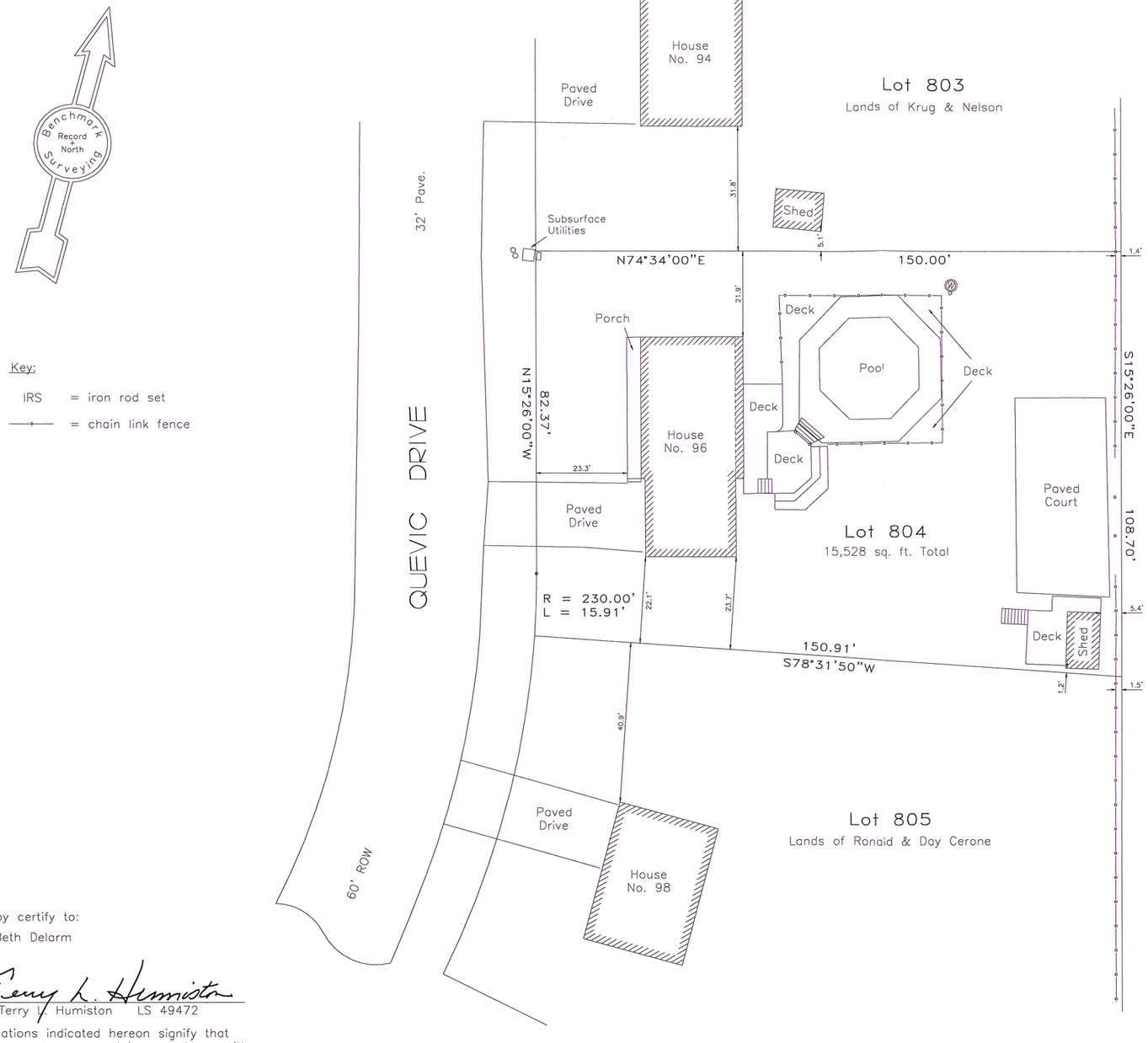
#96 Quevic Dr. Saratoga Springs, NY

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




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

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

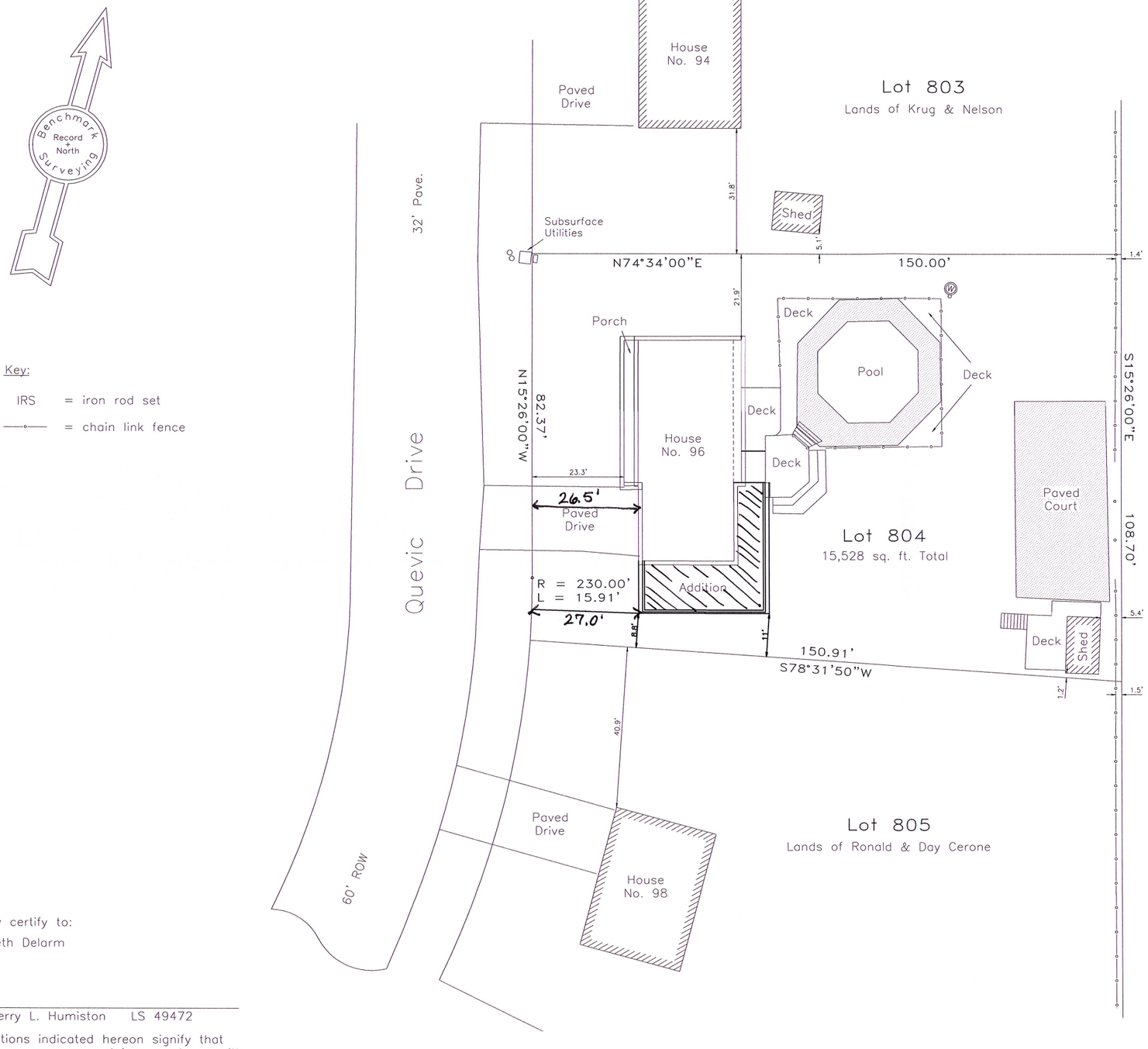
# MARY BETH DELARM

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

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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.
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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

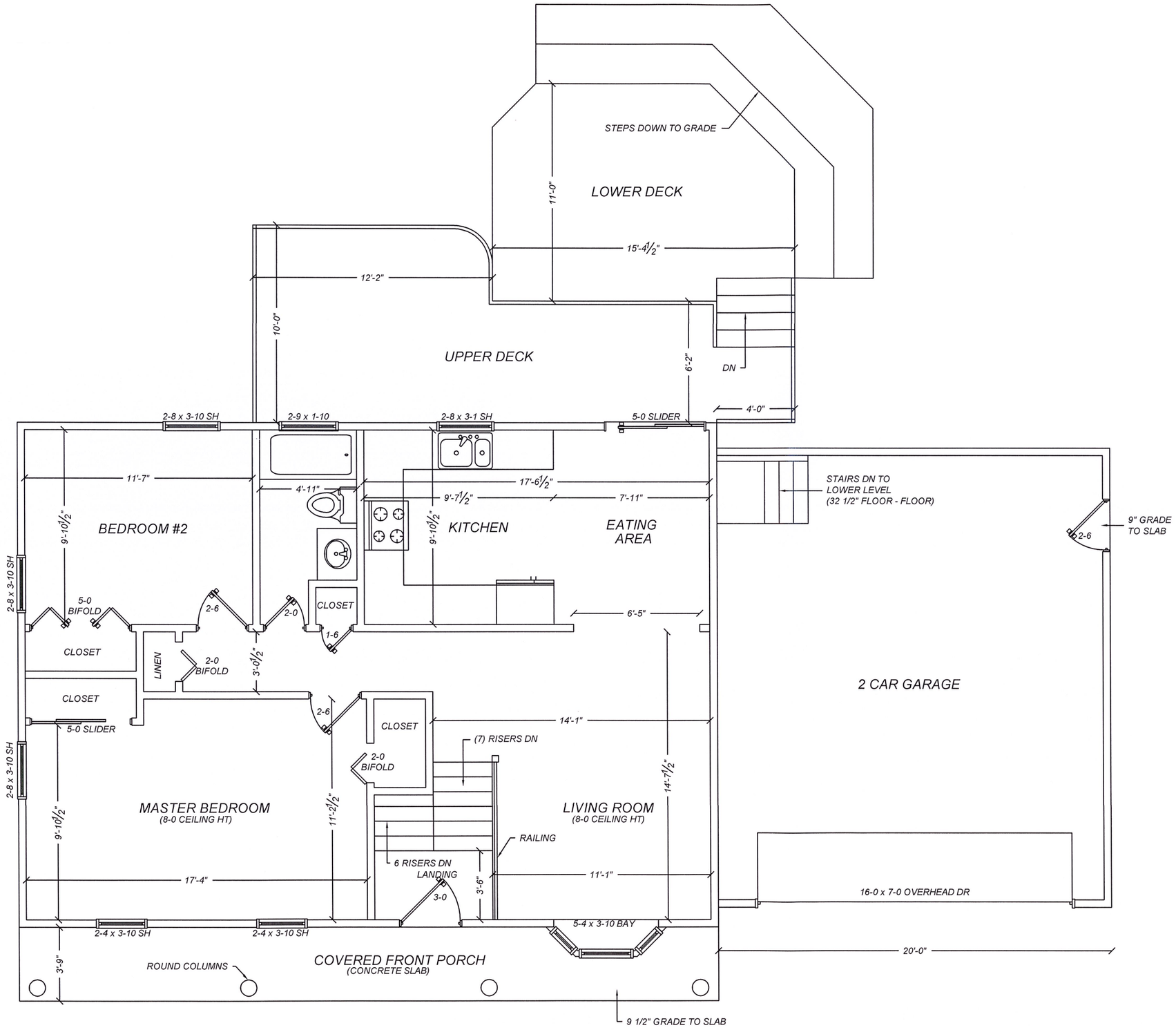
DELARM RESIDENCE ADDITION
# 96 QUEVIC DR.
SARATOGA SPRINGS, NY

# 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

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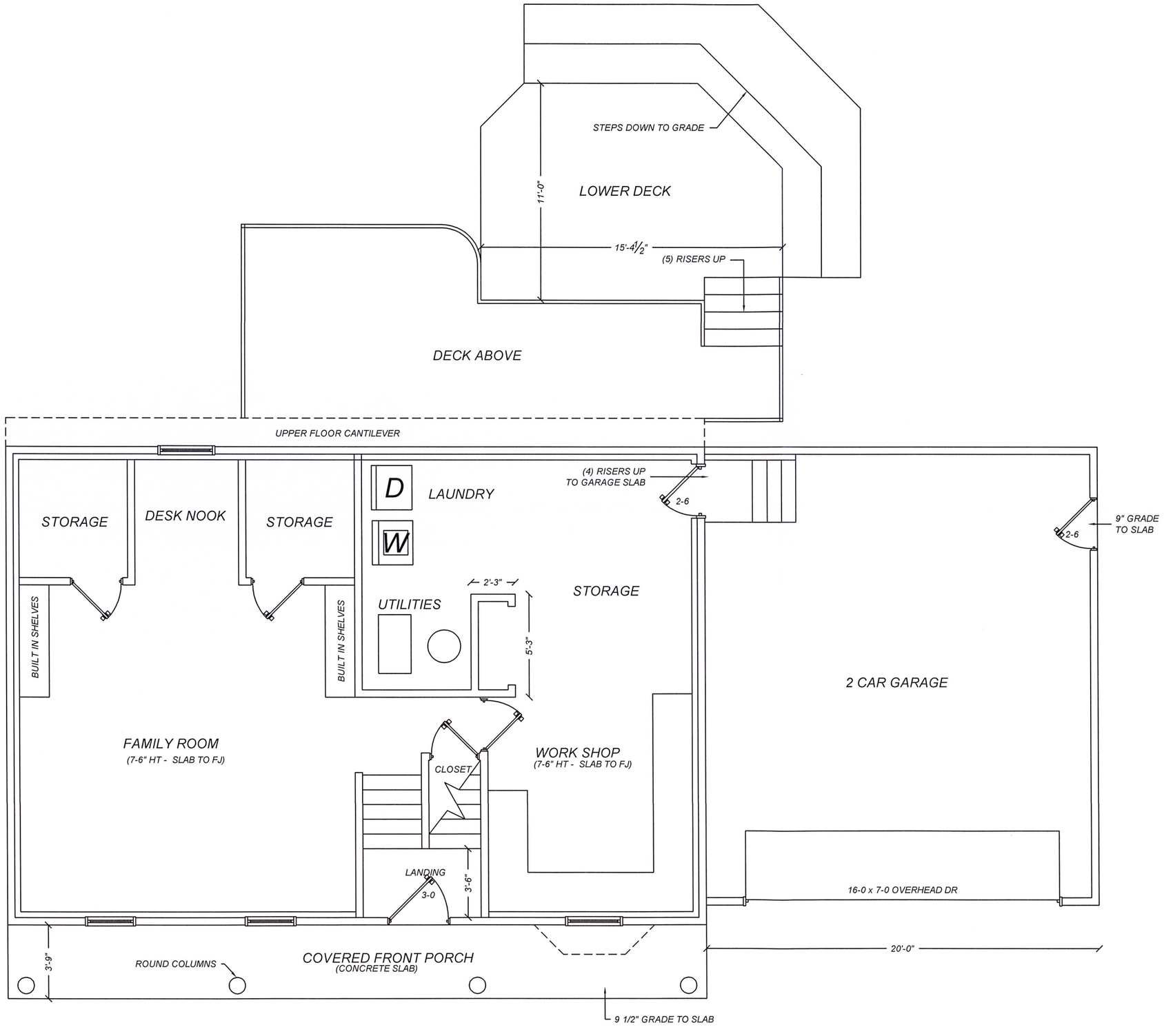


# CITY OF SARATOGA SPRINGS

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<br>2 Story = 800 | 60 | 5 | 30 | 5 | 5 | 30 |
| UR-2 | 6,600 (A) | 60 | 30 | 10 | 10 | 25 | 8 | 20 | 1 Story = 900<br>2 Story = 700 | 60 | 5 | 10 | 5 | 5 | 25 |
| UR-3 | 6,600 1-unit /<br>8,000 2-units | 60 1-unit /<br>80 2-units | 30 | 10 | 10 | 25 | 4 | 12 | 1 Story = 1,200<br>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<br>2 Story = 1,200 | 70 | 10 | 25 | 5 | 5 | 15 |
| UR-4A | 2,000/DU | 60 1-unit /<br>80 2-units | 30 | 10 | 10 | 25 | 4 | 12 | 1 Story = 1,200<br>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<br>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 /<br>8,000 2-units | 60 1-unit /<br>80 2-units | 30 | 10 | 10 | 25 | 4 | 12 | 1 story = 1,200<br>2 story = 800 | 60 | 5 | 10 | 5 | 5 | 25 |
| NCU-2 | 6,600 1-unit /<br>8,000 2-units | 60 1-unit /<br>80 2-units | 30 | 10 | 10 | 25 | 4 | 12 | 1 story = 1,200<br>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<br>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.

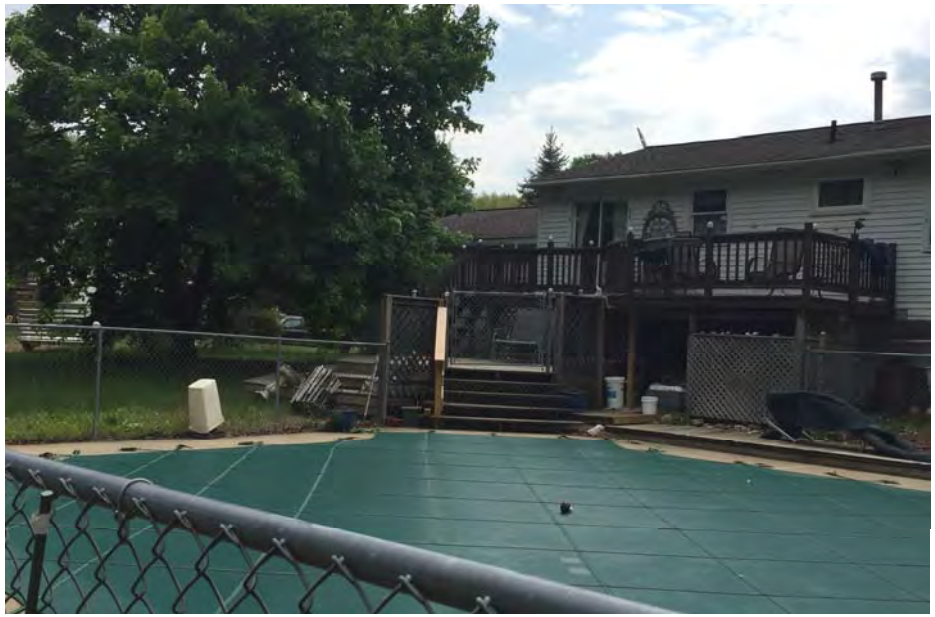
Delarm Addition:

#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



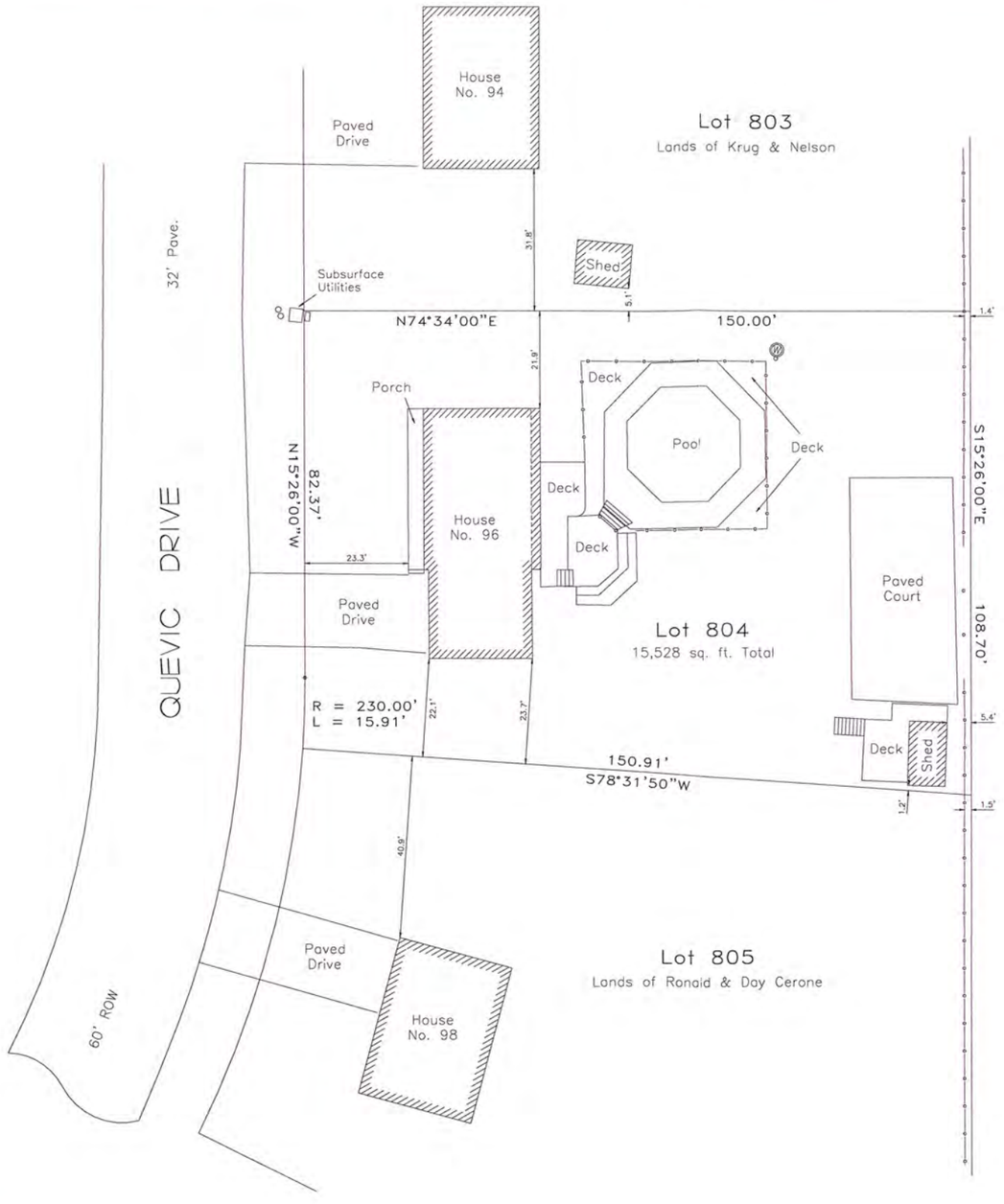
View of right / South side of yard as viewed facing South from pool area at project site

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.

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SURVEY FOR

# MARY BETH DELARM

situate in

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

SCALE 1"=30' 6 MAY 2016

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Benchmark Surveying
Record + North

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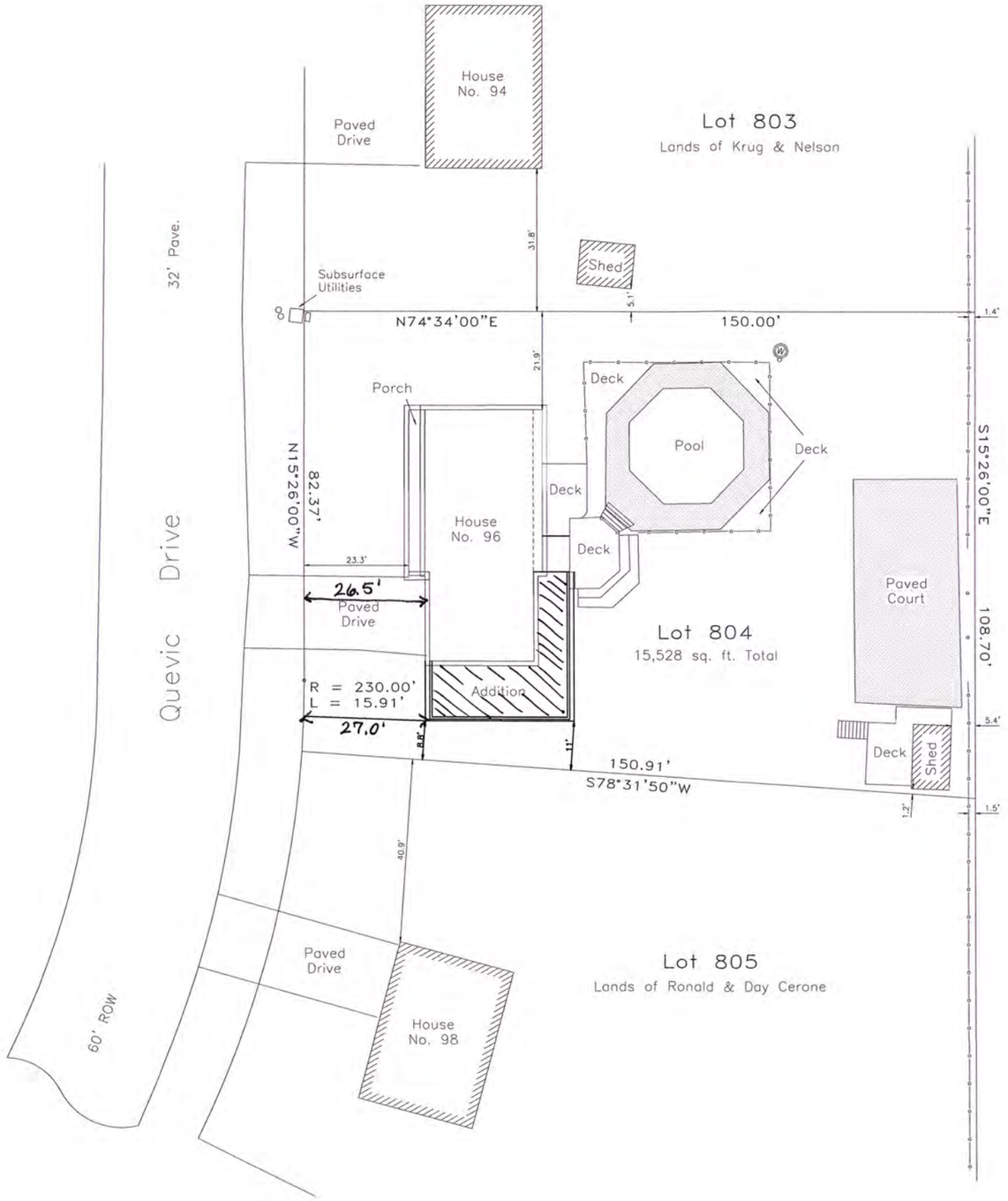


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Survey for

# mary beth delarm

situate in

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

June 13, 2016

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# Delarm

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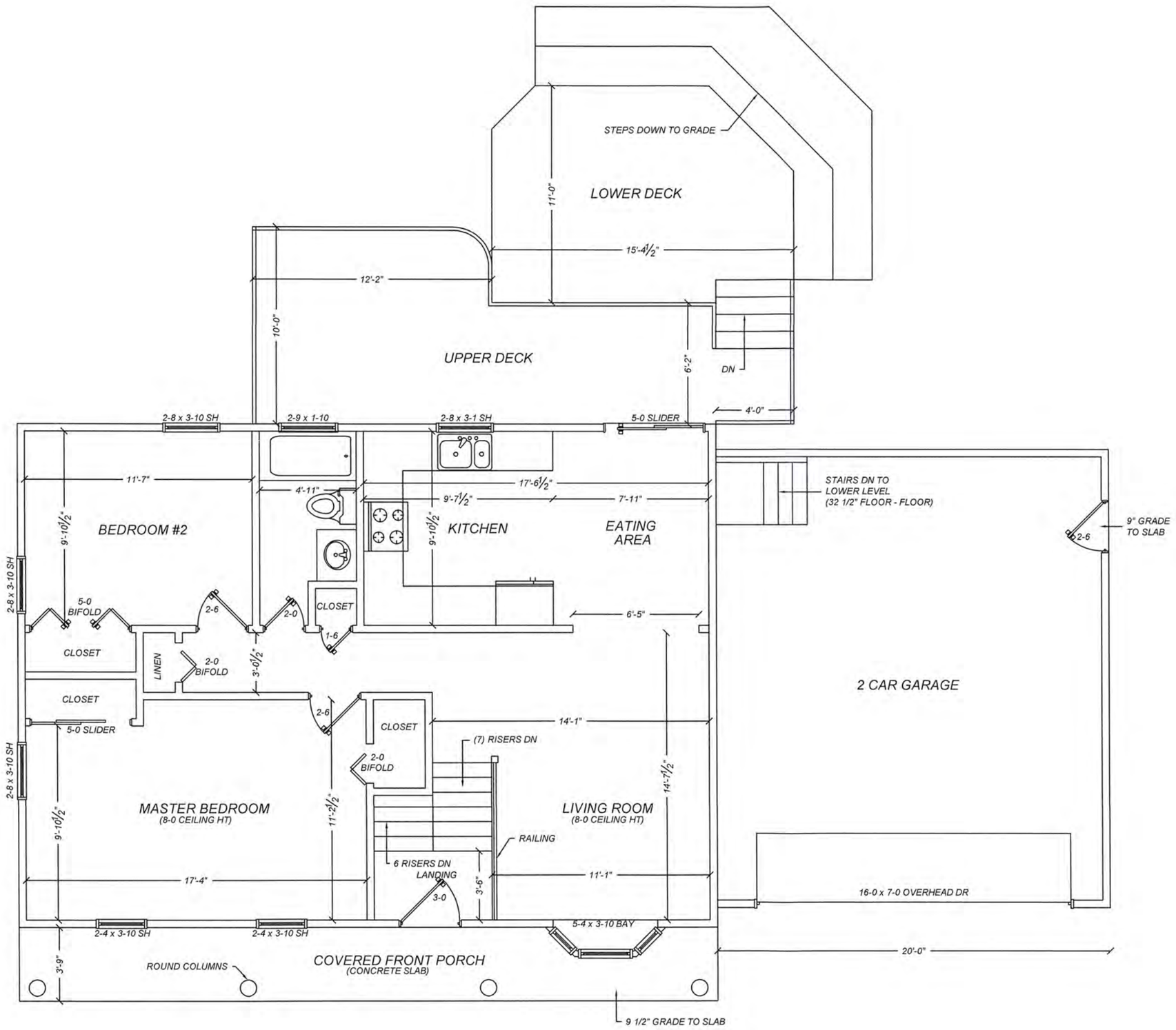

DELARM RESIDENCE ADDITION
# 96 QUEVIC DR.
SARATOGA SPRINGS, NY

# EXISTING LOWER FLOOR

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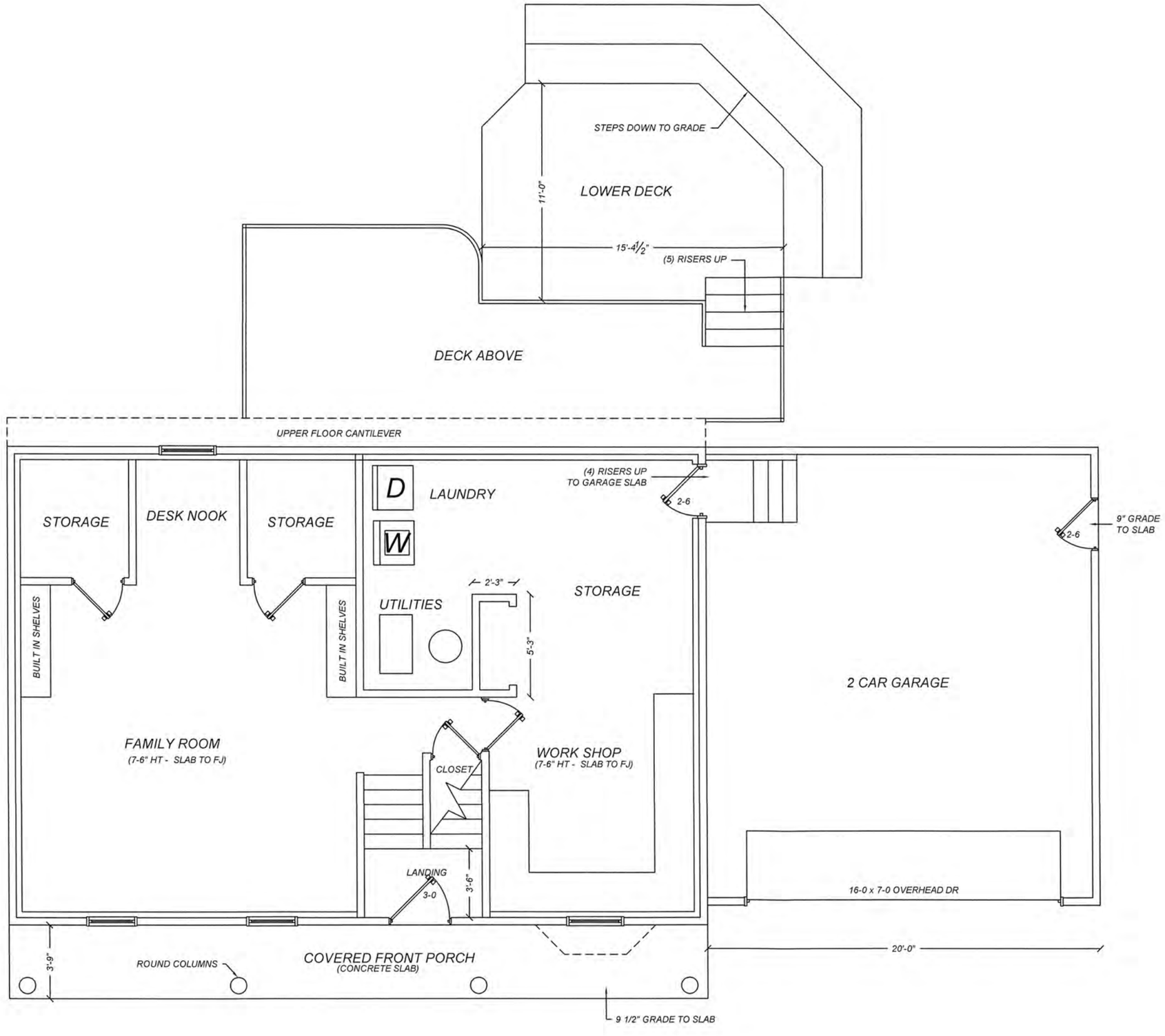

# RITE AID

## 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 | Pharmacy | 2 | 20" Pharmacy letters | |
| 3 | Pylon | 1 | 12' -0" Pylon | |
| 4 | Banner | 2 | Temporary Coming Soon banner | |
| 5 | Aluminum Panel | 2 | Department Within | |
| 6 | Channel letters | 1 | Drive Thru Pharmacy | |
| 7 | Aluminum Panel | 1 | Clearance 10' -0" | |
| 8 | Aluminum Panel | 1 | Pick Up | |
| 9 | Aluminum Panel | 1 | Drop Off | |
| 10 | Aluminum Panel | 1 | Exit Only | |
| 11 | Aluminum Panel | 1 | Exit Only traffic | |
| 12 | Directional | 1 | Drive Thru Pharmacy with arrow - both sides | |
| 13 | Directional | 1 | Drive Thru Pharmacy with arrow - Thank You For Shopping at Rite Aid | |
| 14 | Shield | 1 | Rite Aid shield cabinet | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| **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
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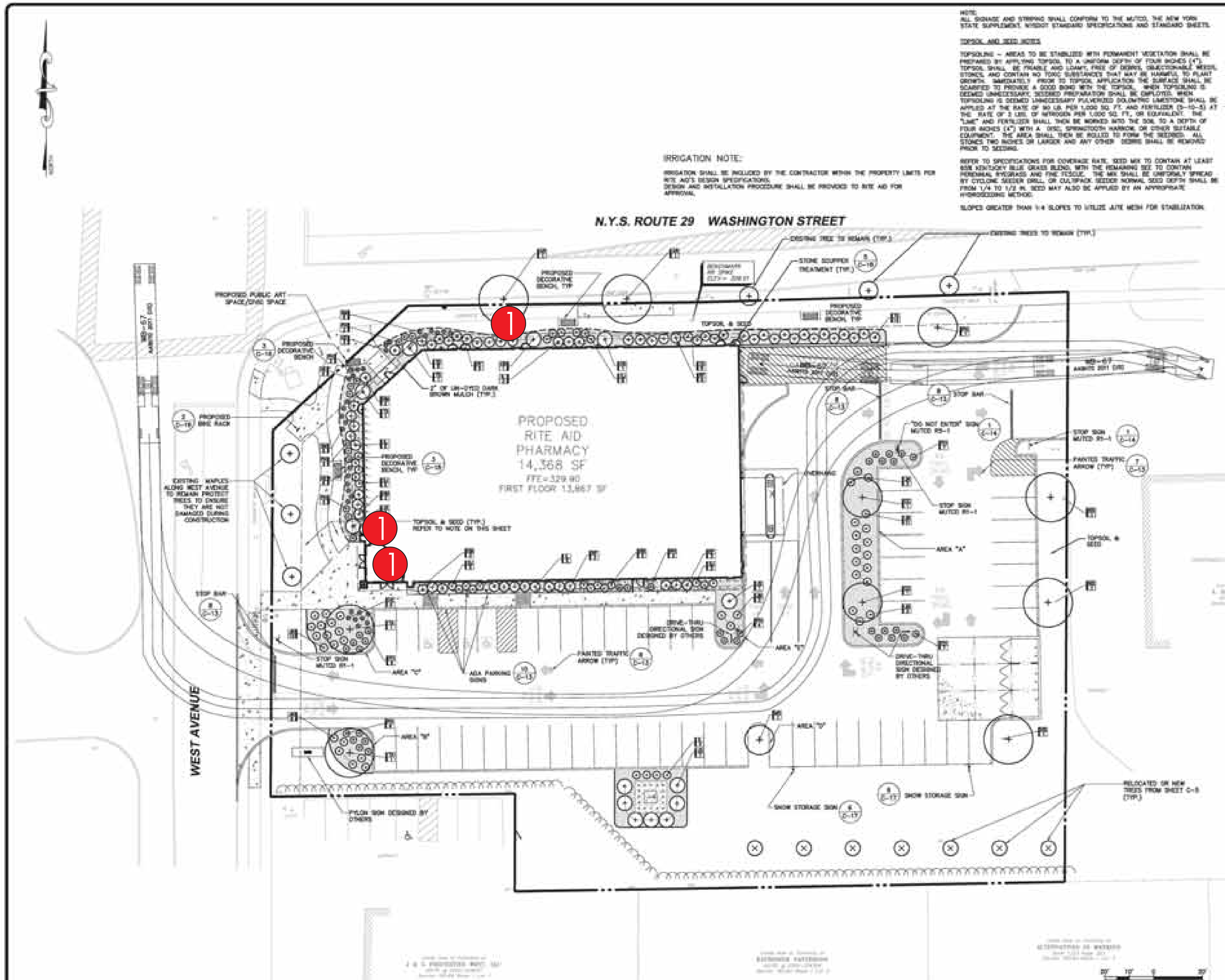


NOTE:
ALL SIGNAGE AND STRIPING SHALL CONFORM TO THE MUTCD, THE NEW YORK STATE SUPPLEMENT, NYSDOT STANDARD SPECIFICATIONS AND STANDARD SHEETS.

TOPSOIL AND SEED NOTES

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

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 | 2" CAL. | |
| MS | 1 | MALUS 'ADIRONDACK' | FLOWERING CRABAPPLE | 2" CAL. | |
| NS | 3 | NYSSA SYLVATICA | BLACK GUM | 3" CAL. | 30' O.C. |
| PG | 1 | PICEA GLAUCA | WHITE SPRUCE | 8-10' | |
| TS | 14 | THUJA 'EMERALD GREEN' | 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. |
| JN | 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. |
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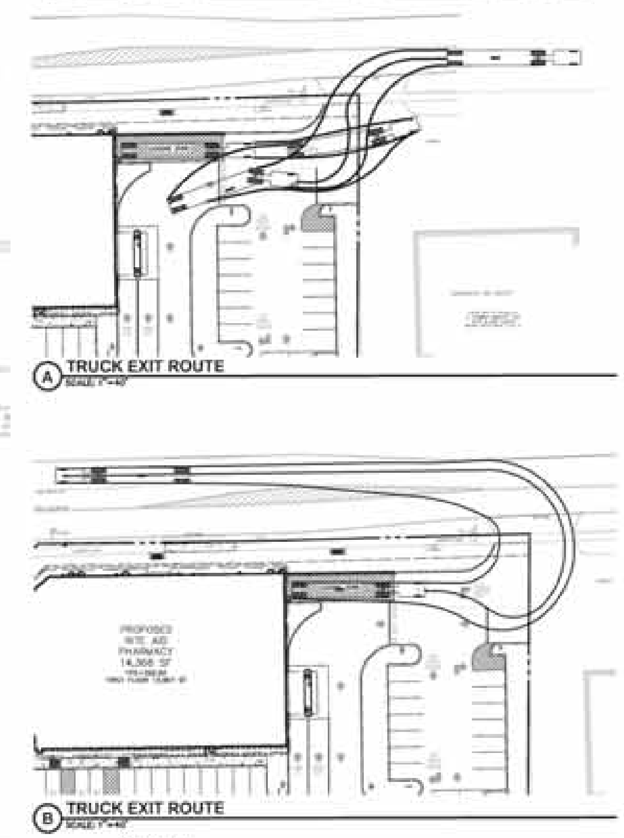
| PERENNIALS & GRASSES | | | | | |
| HE | 20 | HEMEROCALLIS 'HAPPY RETURNS' | DAYLILY | 1 GAL. | 2' O.C. |
| PH | 45 | PENNISETUM 'HAMELN' | DWARF FOUNTAIN GRASS | 2 GAL. | 30" O.C. |
| SM | 11 | SALVIA 'MAY NIGHT' | PURPLE SAGE | 1 GAL. | 2' O.C. |




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 | AWL | JWE | 1/23/15 |
| 3 | 2/3/16 | REVISION TO ARCHITECTURE, LAYOUT AND GRADING | AWL | JWE | 2/3/16 |
| 4 | 2/8/2016 | REVISIONS | AWL | JWE | 2/8/2016 |

| | |
|---|---|
| PROJ. MANAGER | JDH |
| CHIEF DESIGNER | JWE |
| DESIGNED BY | AJP |
| DRAWN BY | AJP |
| CHECKED BY | JWE |

DATE DATE

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.

DRAFT

MJ 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.:
MJ PROJ. No.: 904.01
DATE: 2/8/2016

C-10

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

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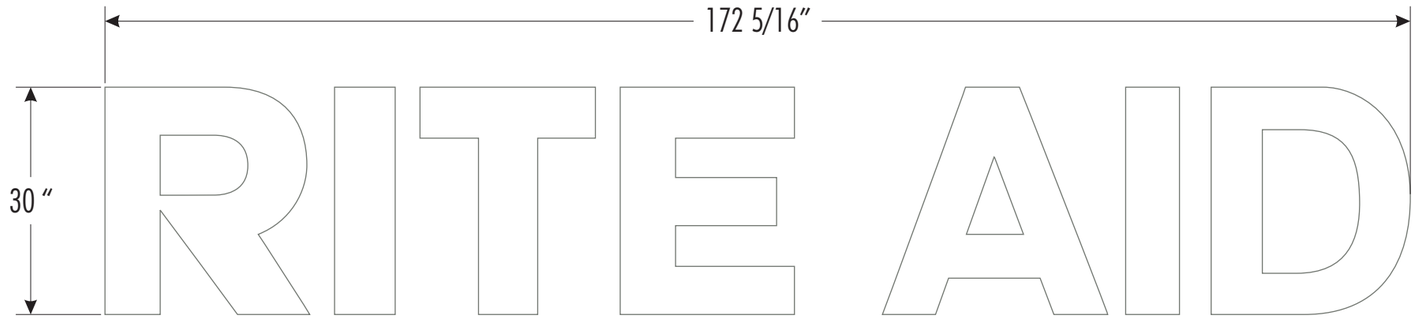
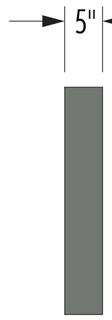
# NON-ILLUMINATED




FRONT VIEW




SIDE VIEW

1

**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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800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

## REVISION HISTORY:

| REV | DATE | REQUESTED BY | UPDATED BY |
|---|---|---|---|
| A | 08/30/16 | 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 | SINTRA |
| 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
30” X 172 5/16” SF NL
SINTRA LETTERS

VOLTAGE: CIRCUIT: CURRENT: DESIGN LOAD:

DRAWN BY: BRIAN S. CHECKED BY:

CLIENT: RITEAID

LOCATION:

QUOTE: DATE:

DRAWING/PART # REV. A SHEET # 7 OF 42

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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.

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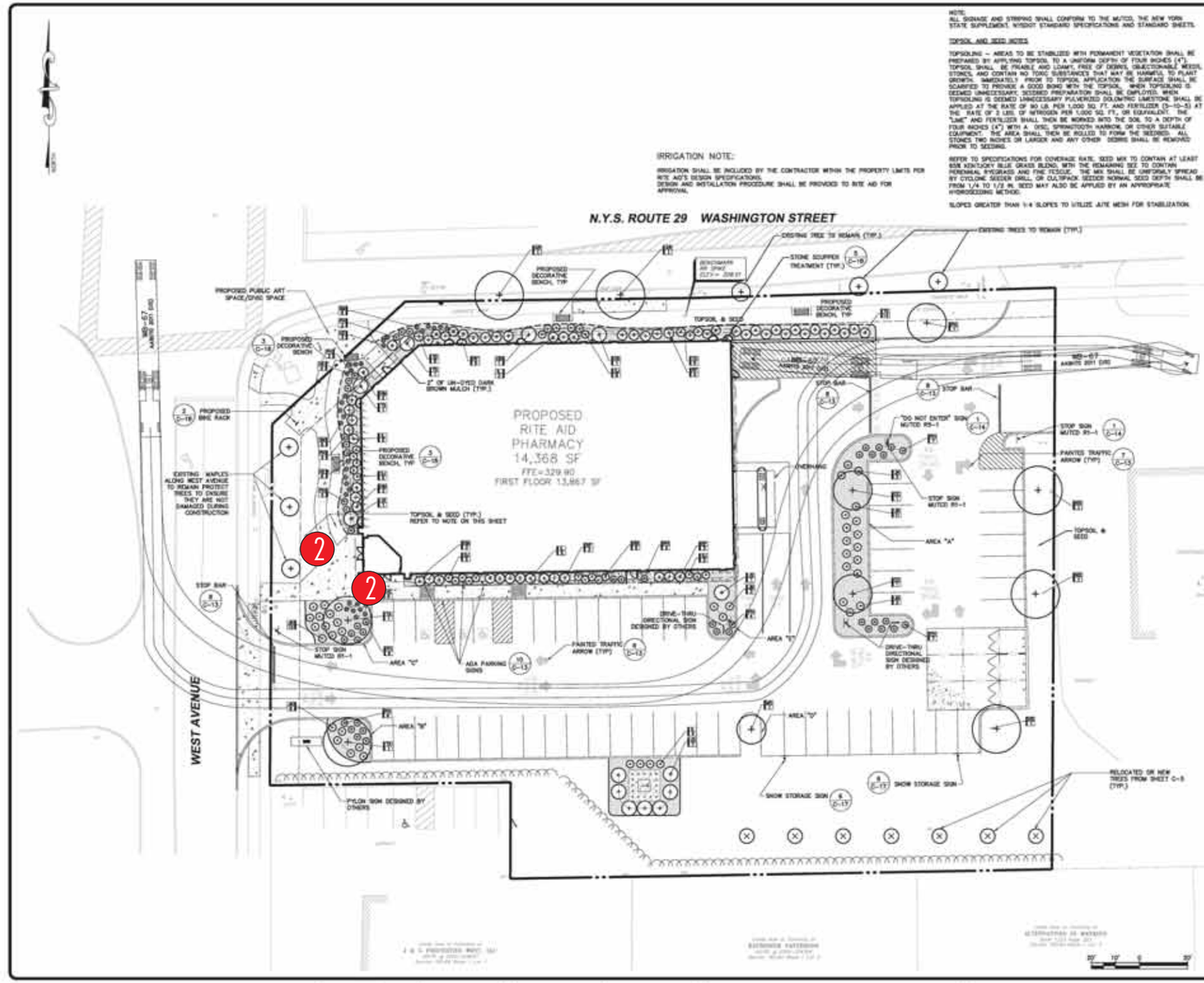
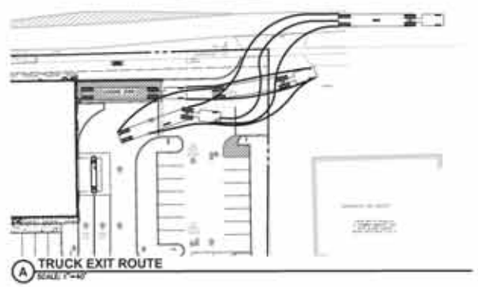
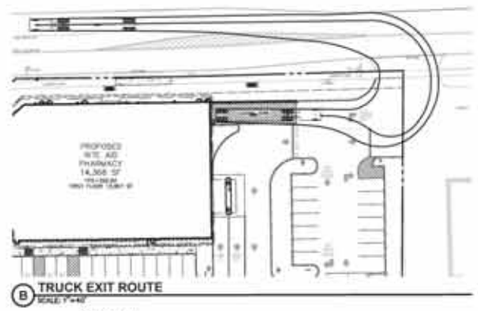


A TRUCK EXIT ROUTE
SCALE: 1"=40'



B TRUCK EXIT ROUTE
SCALE: 1"=40'

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 | PROJ. MANAGER | JSH |
| 1 | | SARATOGA SPRINGS PLANNING BOARD | | JWE | 2/17/15 | CHIEF DESIGNER | JWE |
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| 3 | 2/3/16 | REVISION TO ARCHITECTURE, LAYOUT AND GRADING | AWL | JWE | 2/3/16 | DRAWN BY | JMF |
| 4 | 2/8/2016 | REVISIONS | AWL | JWE | 2/8/2016 | CHECKED BY | JWE |

DATE | DATE

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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: -
MJ PROJ. No.: 904.01
DATE: 2/8/2016

C-10

File Name: F:\rsg\Karla\4_15\D_PLots\Tuff.dwg (Layout: C-10)
Date: Fri, Mar 11, 2016 - 10:24 AM (Name: jmellon)

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

SignResource
IDENTITY GROUP
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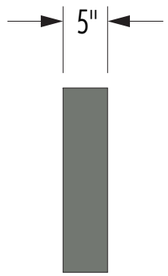
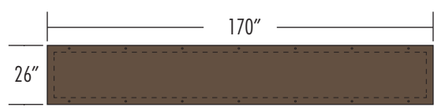
# NON-ILLUMINATED

FRONT VIEW




SIDE VIEW

PART #: RA0214CVR — TEMPORARY WHITE BANNER COVERS QTY: **2**




COVERS PHARMACY LETTERS ONLY
COVERS MUST BE OPAQUE.

SCALE 1:17
22.46 SF

2

**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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SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

## REVISION HISTORY:

| REV | DATE | REQUESTED BY | UPDATED BY |
|---|---|---|---|
| A | 08/30/16 | 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 | SINTRA |
| 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
20" X 161 11/16"
SF NL SINTRA LETTERS

VOLTAGE: CIRCUIT: CURRENT: DESIGN LOAD:

DRAWN BY: BRIAN S. CHECKED BY:

CLIENT: RITEAID

LOCATION:

QUOTE: DATE:

DRAWING/PART # REV. A SHEET # 10 OF 42

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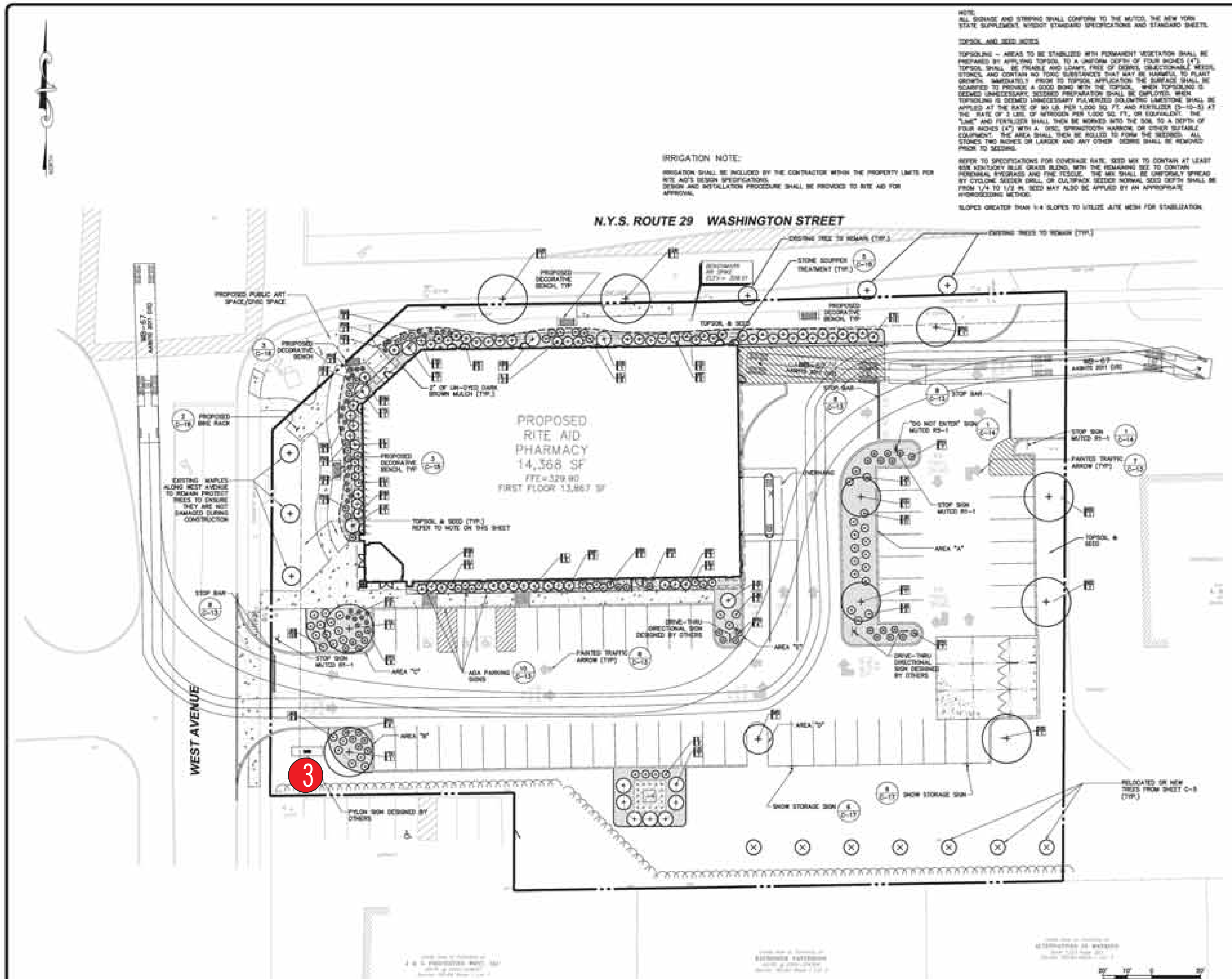



NOTE:
ALL SIGNAGE AND STRIPING SHALL CONFORM TO THE MUTCD, THE NEW YORK STATE SUPPLEMENT, NYSDOT STANDARD SPECIFICATIONS AND STANDARD SHEETS.

TOPSOIL AND SEED NOTES

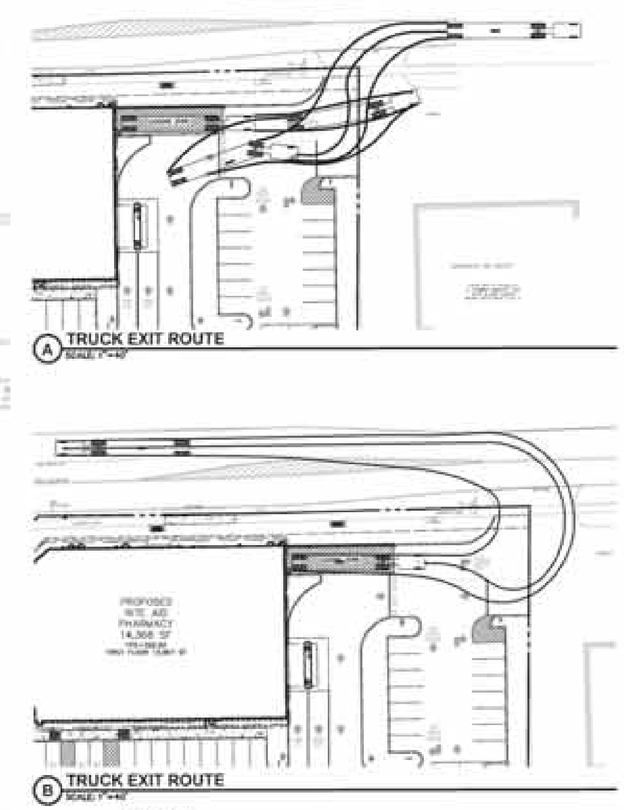
TOPSOILING – AREAS TO BE STABILIZED WITH PERMANENT VEGETATION SHALL BE PREPARED BY APPLYING TOPSOIL TO A UNIFORM DEPTH OF FOUR INCHES (4"). TOPSOIL SHALL BE FRIABLE AND LOAMY, FREE OF DEBRIS, OBJECTIONABLE WEEDS, STONES, AND CONTAIN NO TOXIC SUBSTANCES THAT MAY BE HARMFUL TO PLANT GROWTH. IMMEDIATELY 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 3 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 35% 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.

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 | 2" CAL. | |
| MS | 1 | MALUS 'ADIRONDACK' | FLOWERING CRABAPPLE | 2" CAL. | |
| NS | 3 | NYSSA SYLVATICA | BLACK GUM | 3" CAL. | 20' O.C. |
| PG | 1 | PICEA GLAUCA | WHITE SPRUCE | 8-10' | |
| TS | 14 | THUJA 'EMERALD GREEN' | 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. |
| JN | 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 | 18 | 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 | 16 | TAXUS X MEDIA 'DENSIFORMIS' | DENSE SPREADING YEW | 3 GAL. | 4' O.C. |
| TS | 3 | THUJA OCCIDENTALIS 'SMARAGD' | EMERALD GREEN ARBORVITAE | 5-6' | 6' O.C. |
| | | PERENNIALS & GRASSES | | | |
| HE | 20 | HEMEROCALLIS 'HAPPY RETURNS' | DAYLILY | 1 GAL. | 2' O.C. |
| PH | 40 | PENNISETUM 'HAMELN' | DWARF FOUNTAIN GRASS | 2 GAL. | 30" O.C. |
| SM | 11 | SALVIA 'MAY NIGHT' | PURPLE SAGE | 1 GAL. | 2' O.C. |




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 | 1/23/15 |
| 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 | AJP |
| DRAWN BY | AJP |
| CHECKED BY | JWE |

DATE DATE

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.

DRAFT

MJ 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'
DATE: 2/8/2016

C-10

SignResource IDENTITY GROUP
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Website: www.signresource.com

# PYLON IS TO BE SHIPPED OUT AS 1 PIECE

METHOD OF SERVICE IS TBD BY ENGINEERING

# LED ILLUMINATION

# OPTION #1

ILLUMINATION VIEW

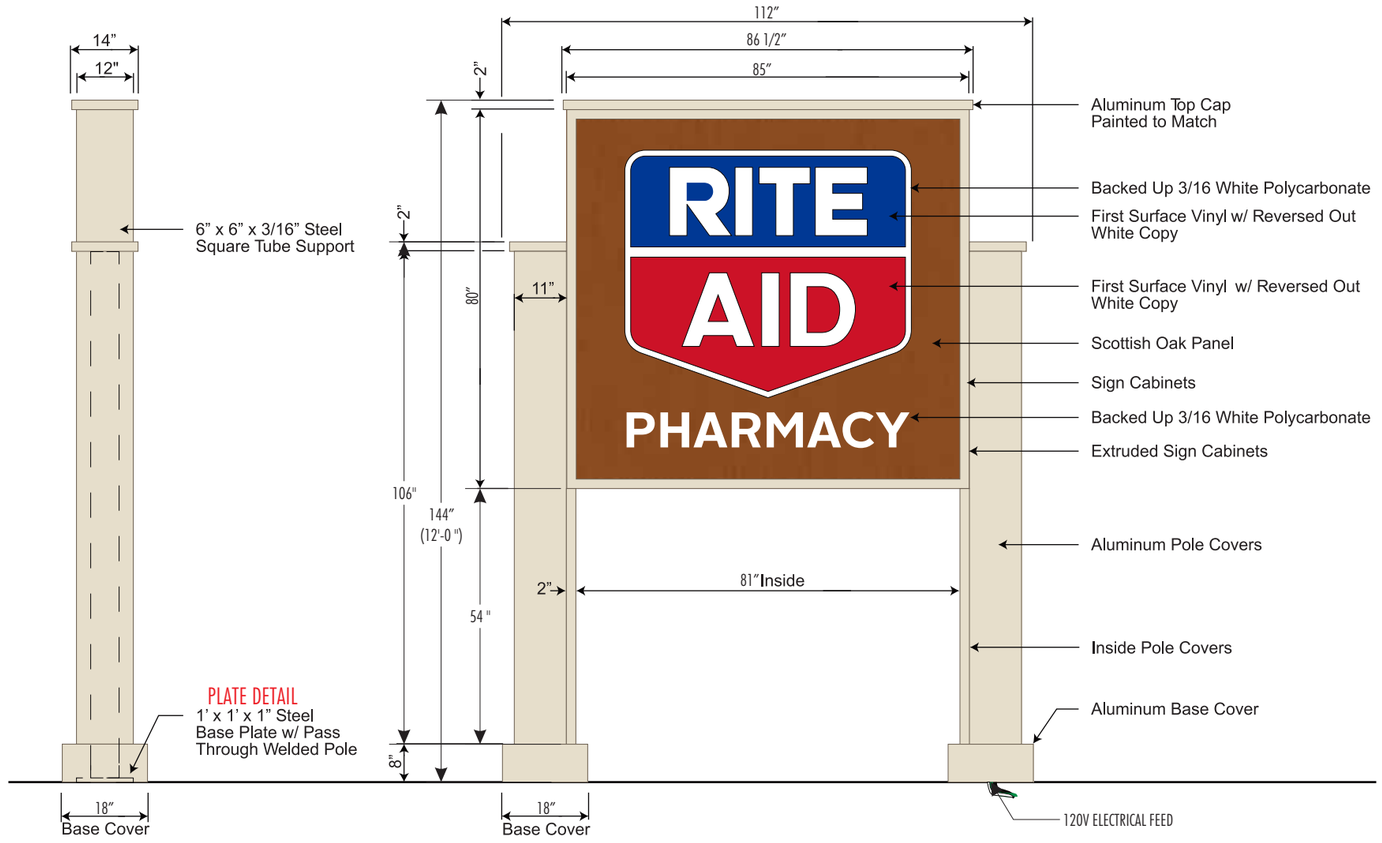
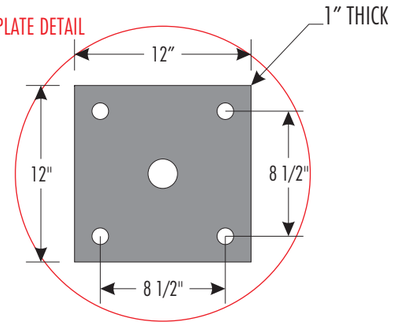
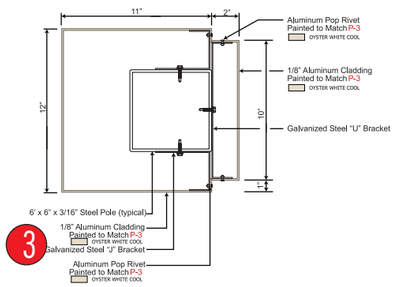



PLATE DETAIL




**Detail B**
Pole Cladding - Appropriate Fasteners to Be Used




3

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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**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

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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
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 42


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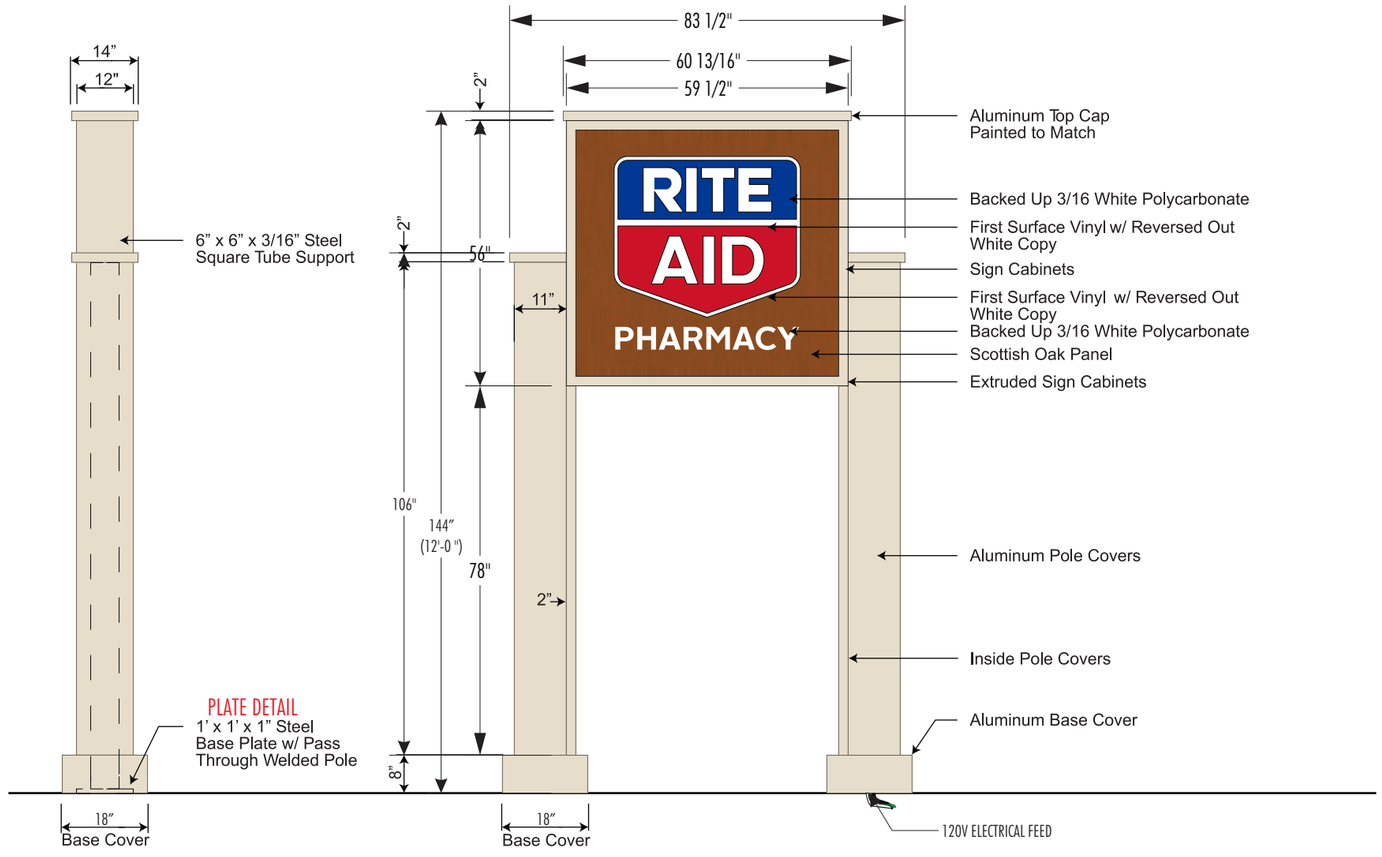
# PYLON IS TO BE SHIPPED OUT AS 1 PIECE

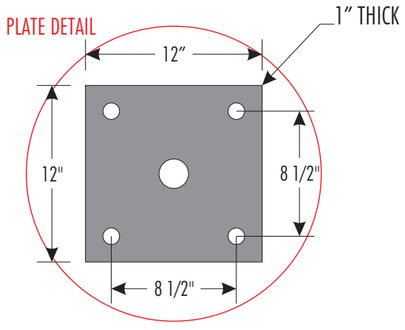
METHOD OF SERVICE IS TBD BY ENGINEERING

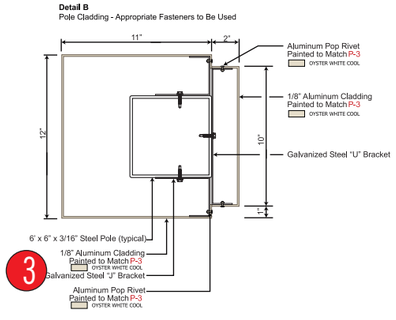
# LED ILLUMINATION

# OPTION #2

ILLUMINATION VIEW

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| REV | DATE | REQUESTED BY | UPDATED BY |
|---|---|---|---|
| A | 08/30/16 | 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 | |

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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: 08/30/16

DRAWING/PART #

REV. A

SHEET # 13 OF 42


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COVERS MUST BE OPAQUE.

4

32 SF

APPROVAL SIGNATURE _____ DATE _____

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|---|---|---|---|
| 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 | |

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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 # 14 OF 42

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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.

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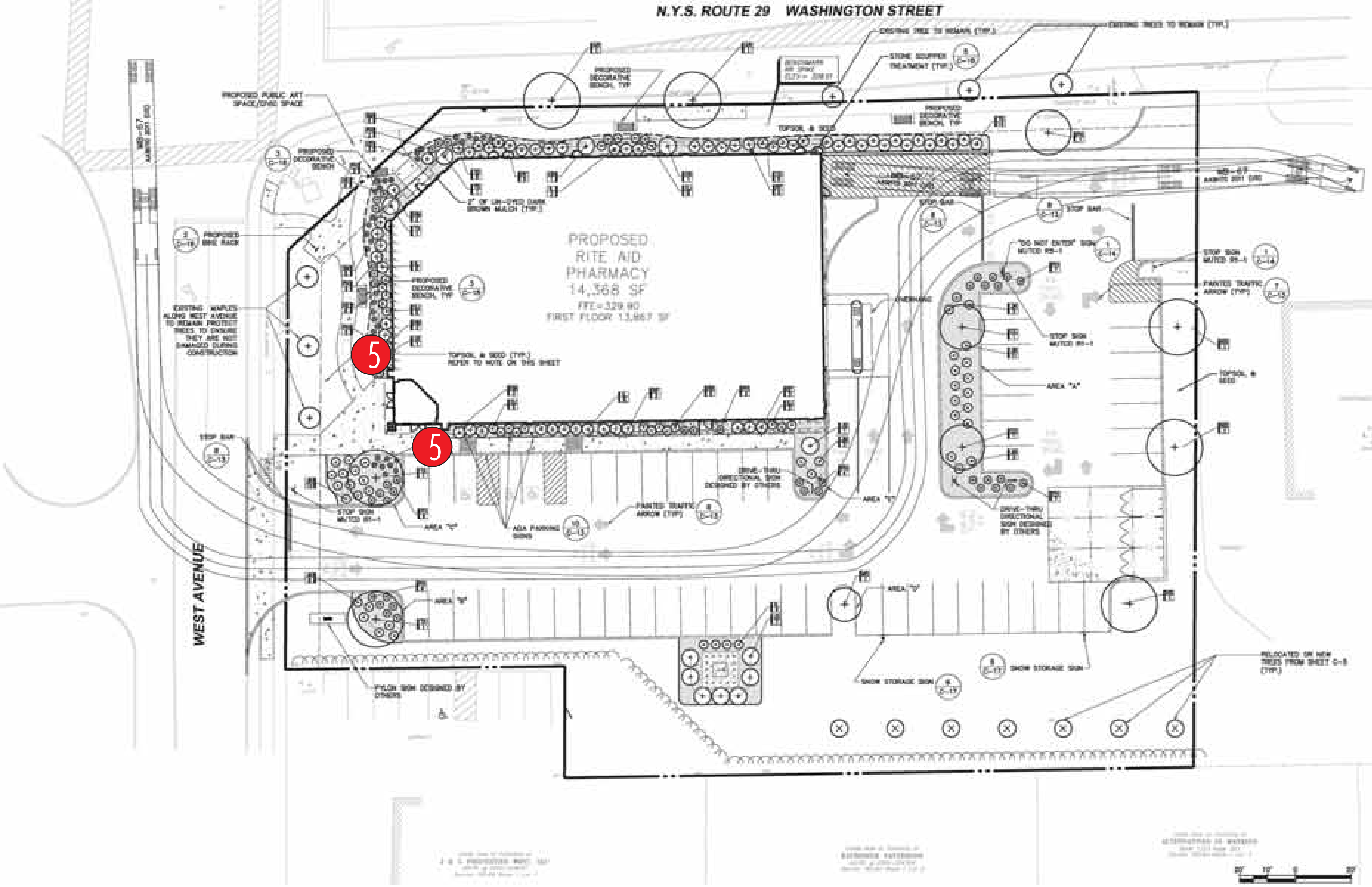
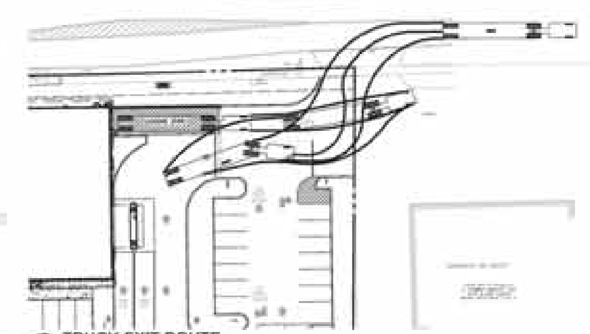
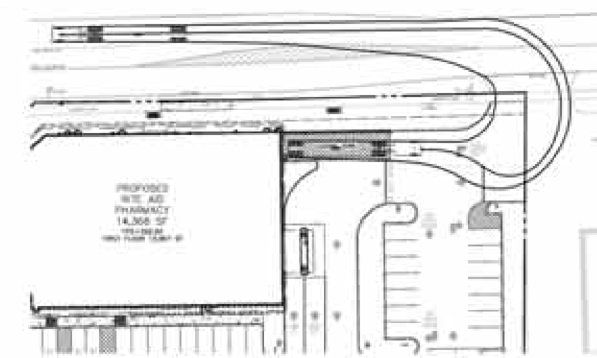
| PH | 40 | PENNISETUM 'HAMELN' | DWARF FOUNTAIN GRASS | 2 GAL. | 30" O.C. |
| SM | 11 | SALVIA 'MAY NIGHT' | PURPLE SAGE | 1 GAL. | 2' O.C. |



A TRUCK EXIT ROUTE



B TRUCK EXIT ROUTE

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 | 12/2/15 | SUBMISSION TO PLANNER | AWL | JWE | 12/2/15 |
| 3 | 2/3/16 | REVISION TO ARCHITECTURE, LAYOUT AND GRADING | AWL | JWE | 2/3/16 |
| 4 | 2/8/2016 | REVISIONS | AWL | JWE | 2/8/2016 |

| | |
|---|---|
| PROJ. MANAGER | JDH |
| CHIEF DESIGNER | JWE |
| DESIGNED BY | AJF |
| DRAWN BY | AJF |
| CHECKED BY | JWE |

DATE

DATE

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.

DRAFT

MJ 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.: -
MJ PROJ. No.: 304.01
DATE: 2/8/2016

C-10

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

1 NORTH (Faces Washington St.)
1/8" = 1'-0"

2 SOUTH
1/8" = 1'-0"

3 EAST
1/8" = 1'-0"

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

RITE AID

PROPOSED RITE AID

SignResource
IDENTITY GROUP
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800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

5

SCALE: 1 ½" = 1'-0"

**APPROVAL SIGNATURE** _____ **DATE** _____

**By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.**

Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

## REVISION HISTORY:

| REV | DATE | REQUESTED BY | UPDATED BY |
|---|---|---|---|
| A | 04/07/15 | AH | CM |

REVISION DESCRIPTION: INITIAL DRAWING

## PARTS LIST:

| ITEM | DECORATION |
|---|---|
| A | VINYL 3M 3630-59 DARK BROWN |
| B | |
| C | |
| D | |
| E | |
| F | |
| | MATERIAL LIST |
| 1 | CLEAR PLASTIC PANEL |
| 2 | VINYL COPY |
| 3 | |
| 4 | |
| 5 | |

QTY: 1

FIRST SURFACE DECORATION

SCALE ½" : 1'-0"

**THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN**

## GENERAL NOTES

1.TOLERANCE ( UNLESS NOTED)
- GRAPHICS +/-1/8" • FACE SIZE + 1/16"-¼"
- CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
- ALL COPY LEVEL UNLESS NOTED OTHERWISE

2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION

RITEAID
1' X 5' SF NL
LEXAN PANEL SIGN

| VOLTAGE: | CIRCUIT: | CURRENT: | DESIGN LOAD: |
|---|---|---|---|
| | | | |

DRAWN BY: CORY M. CHECKED BY:

CLIENT: RITEAID

LOCATION: MULTIPLE

QUOTE: 216587 DATE: 04/07/2015

DRAWING/PART #: RA0105LEX REV.: A SHEET #: 17 OF 42

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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.

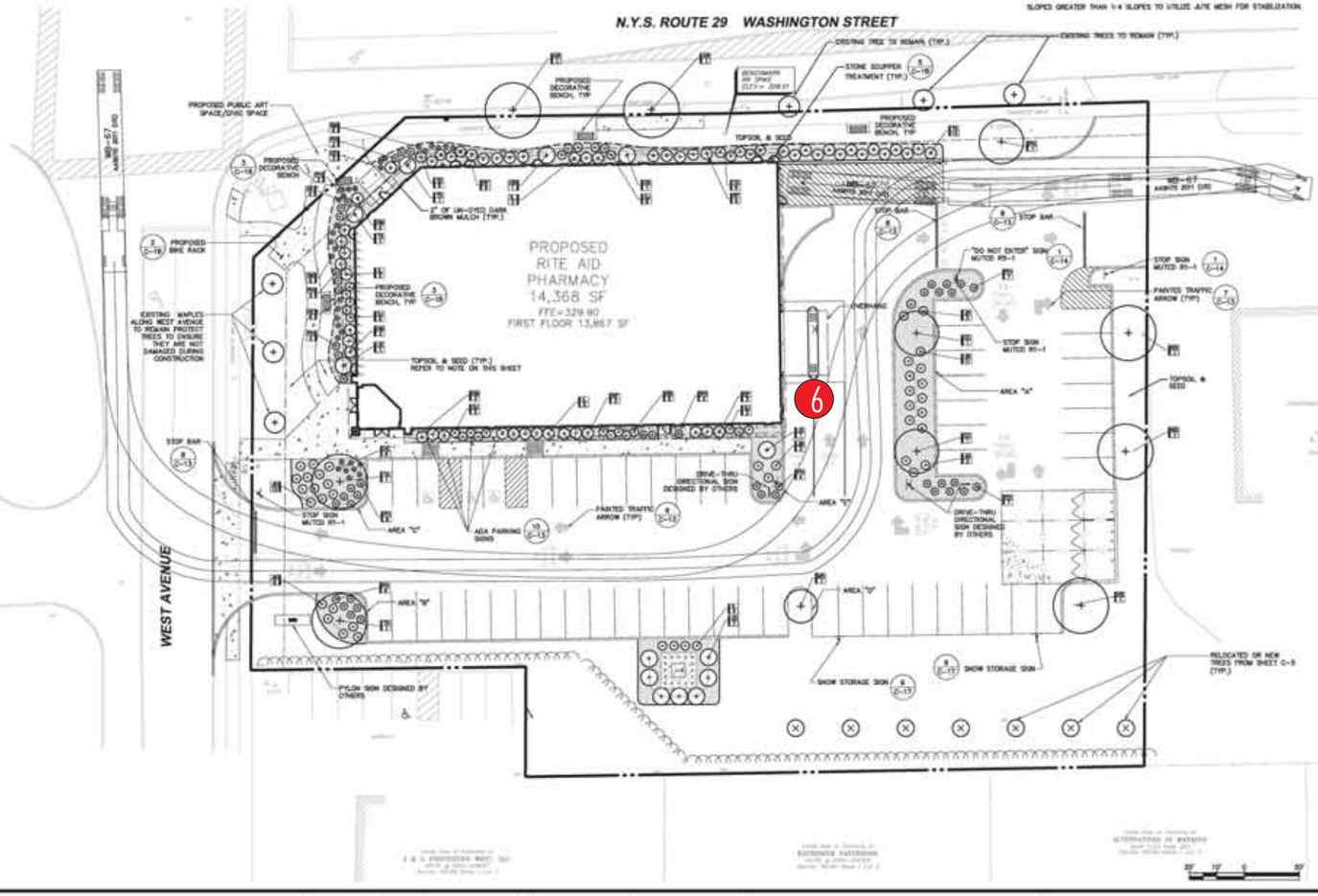
IRRIGATION NOTE:

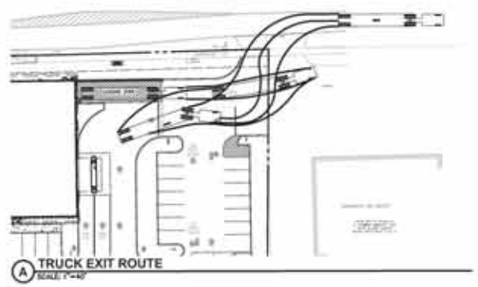
IRRIGATION SHALL BE INCLUDED BY THE CONTRACTOR WITHIN THE PROPERTY LIMITS PER RITE AID'S DESIGN SPECIFICATIONS.
DESIGN AND INSTALLATION PROCEDURE SHALL BE PROVIDED TO RITE AID FOR APPROVAL.

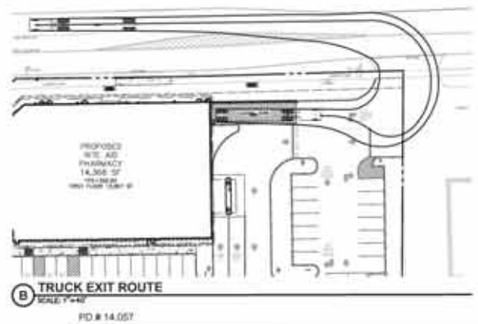
PLANT SCHEDULE

| 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 GREEN' | EMERALD GREEN ARBORVITAE | 6–7' | |
| TX | 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 | 2' O.C. |
| PH | 40 | PENNISETUM 'HAMELN' | DWARF FOUNTAIN GRASS | 2 GAL | 30" O.C. |
| SM | 11 | SALVIA 'MAY NIGHT' | PURPLE SAGE | 1 GAL | 2' O.C. |

N.Y.S. ROUTE 29 WASHINGTON STREET





A TRUCK EXIT ROUTE
SCALE: 1"=40'



B TRUCK EXIT ROUTE
SCALE: 1"=40'

PD # 14.057

APPROVED BY THE SARATOGA SPRINGS PLANNING BOARD UNDER AUTHORITY OF A RESOLUTION

ADOPTED _____

CHAIRPERSON _____ DATE _____

| No. | DATE | DESCRIPTION | BY | REVIEWED BY | DATE |
|---|---|---|---|---|---|
| 1 | | SARATOGA SPRINGS PLANNING BOARD | | JWE | 2/17/15 |
| 2 | 12/23/15 | SUBMISSION TO PLANNER | AWL | JWE | 1/23/15 |
| 3 | 2/3/16 | REVISION TO ARCHITECTURE, LAYOUT AND GRADING | AWL | JWE | 2/3/16 |
| 4 | 2/8/2016 | REVISIONS | AWL | JWE | 2/8/2016 |

PROJ. MANAGER: JWE
DESIGNED BY: AWL
DRAWN BY: AWL
CHECKED BY: JWE

DATE
DATE

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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: -
MJ PROJ. No.: 904.01
DATE: 2/8/2016

C-10

File Name: F:\mgt\drafts_15\D_Plots\Tuff.dwg (Layout: C-10)
Date: Fri, Mar 11, 2016 - 10:24 AM (Name: jmolino)

1 NORTH (Faces Washington St.)
1/8" = 1'-0"

2 SOUTH
1/8" = 1'-0"

3 EAST
1/8" = 1'-0"

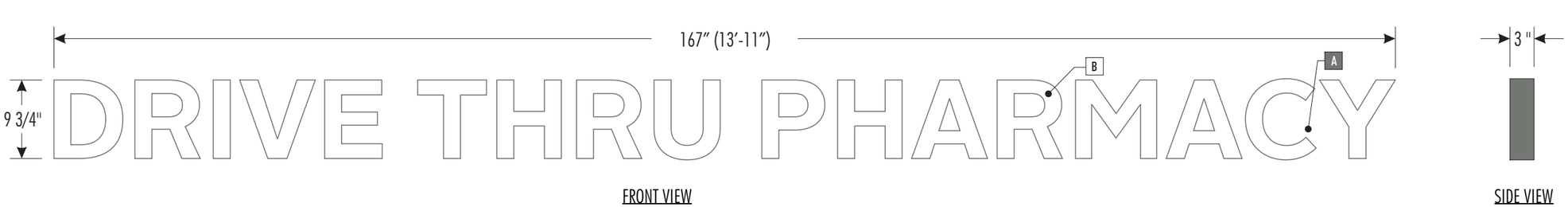
4 WEST (Faces West Ave.)
1/8" = 1'-0"

RITE AID

PROPOSED RITE AID

# NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS REMOVAL OF FACE



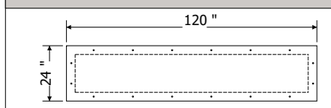

FRONT VIEW




SIDE VIEW

PART #: RA0210CVR

TEMPORARY WHITE BANNER COVERS




COVERS PHARMACY LETTERS ONLY
COVERS MUST BE WHITE

6

**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 | 08/30/16 | 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 | SINTRA |
| 2 | |
| 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)
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- 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
SINTRA LETTERS

VOLTAGE: CIRCUIT: CURRENT: DESIGN LOAD:

DRAWN BY: BRIAN S. CHECKED BY:

CLIENT: RITEAID

LOCATION:

QUOTE: DATE: 08/30/16

DRAWING/PART # REV. A SHEET # 20 OF 42

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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 GREEN' | EMERALD GREEN ARBORVITAE | 6-7' | |
| TX | 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. |
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| TS | 2 | THUJA OCCIDENTALIS 'SMARAGD' | EMERALD GREEN ARBORVITAE | 5-6' | 5' O.C. |
| | | PERENNIALS & GRASSES | | | |
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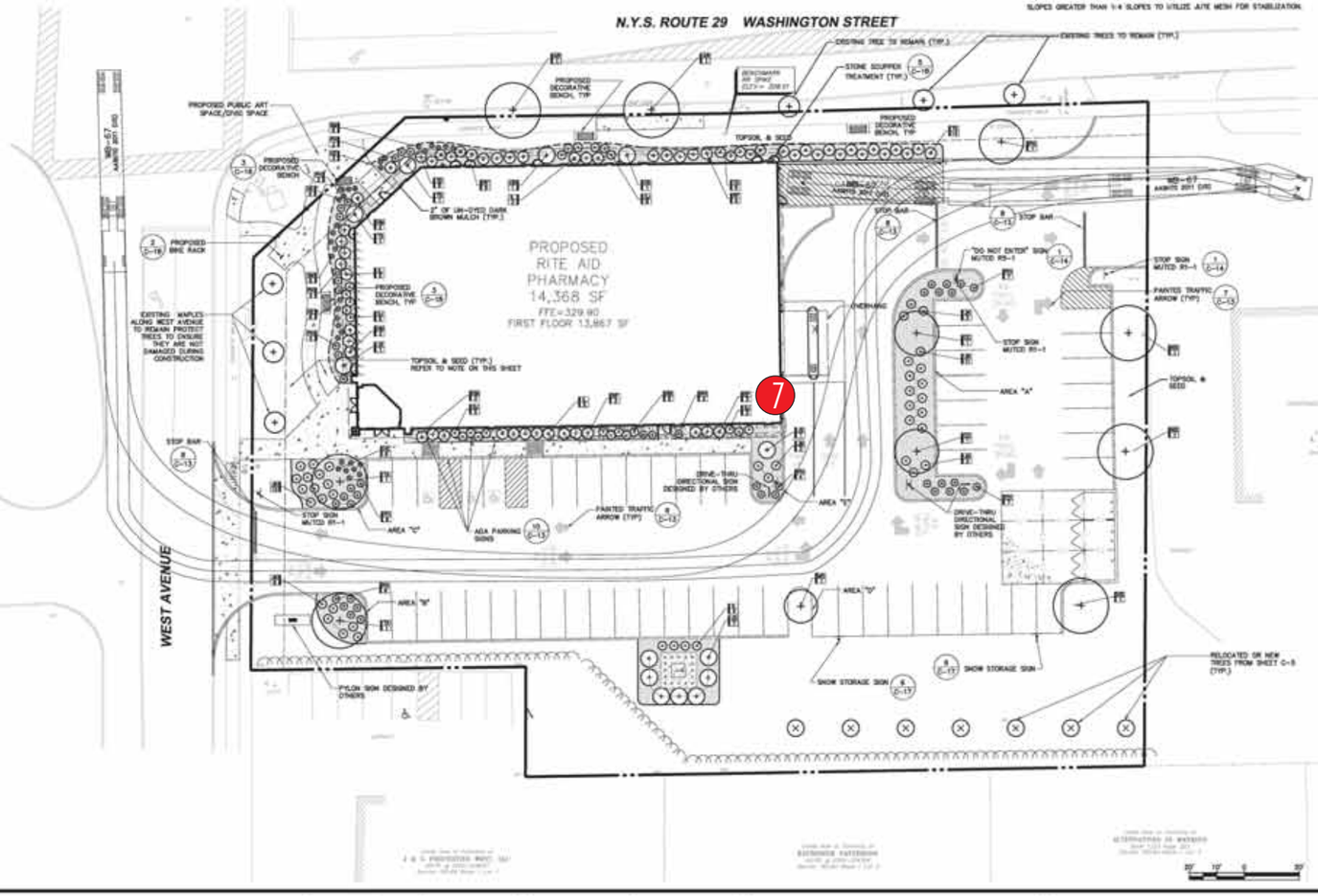
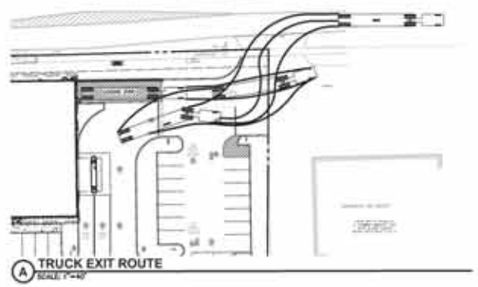
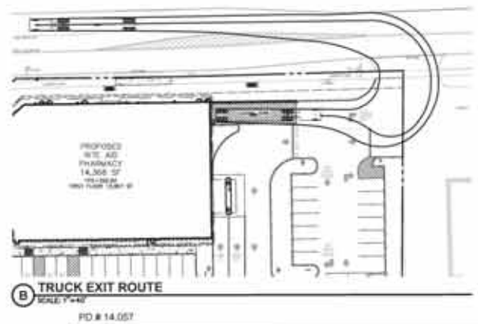
| SM | 11 | SALVIA 'MAY NIGHT' | PURPLE SAGE | 1 GAL | 3' O.C. |

N.Y.S. ROUTE 29 WASHINGTON STREET




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 | PROJ. MANAGER | JSH |
| 1 | | SARATOGA SPRINGS PLANNING BOARD | | JWE | 2/17/15 | CHIEF DESIGNER | JWE |
| 2 | 12/23/15 | SUBMISSION TO PLANNER | AWL | JWE | 1/23/15 | DESIGNED BY | JMF |
| 3 | 2/3/16 | REVISION TO ARCHITECTURE, LAYOUT AND GRADING | AWL | JWE | 2/3/16 | DRAWN BY | JMF |
| 4 | 2/8/2016 | REVISIONS | AWL | JWE | 2/8/2016 | CHECKED BY | JWE |

DATE | DATE

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DRAFT

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

NATIONAL RETAIL PROPERTIES
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SARATOGA RITE AID SITE PLAN
90 WEST AVENUE
CITY OF SARATOGA SARATOGA COUNTY, NY

SCALE: 1" = 20'
CONTRACT No: -
MJ PROJ. No.: 904.01
DATE: 2/8/2016

C-10

File Name: F:\mgt\drafts_15\D_Plots\Tuff.dwg (Layout: C-10)
Date: Fri, Mar 11, 2016 - 10:24 AM (Name: jmellon)

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

SignResource
IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

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

7

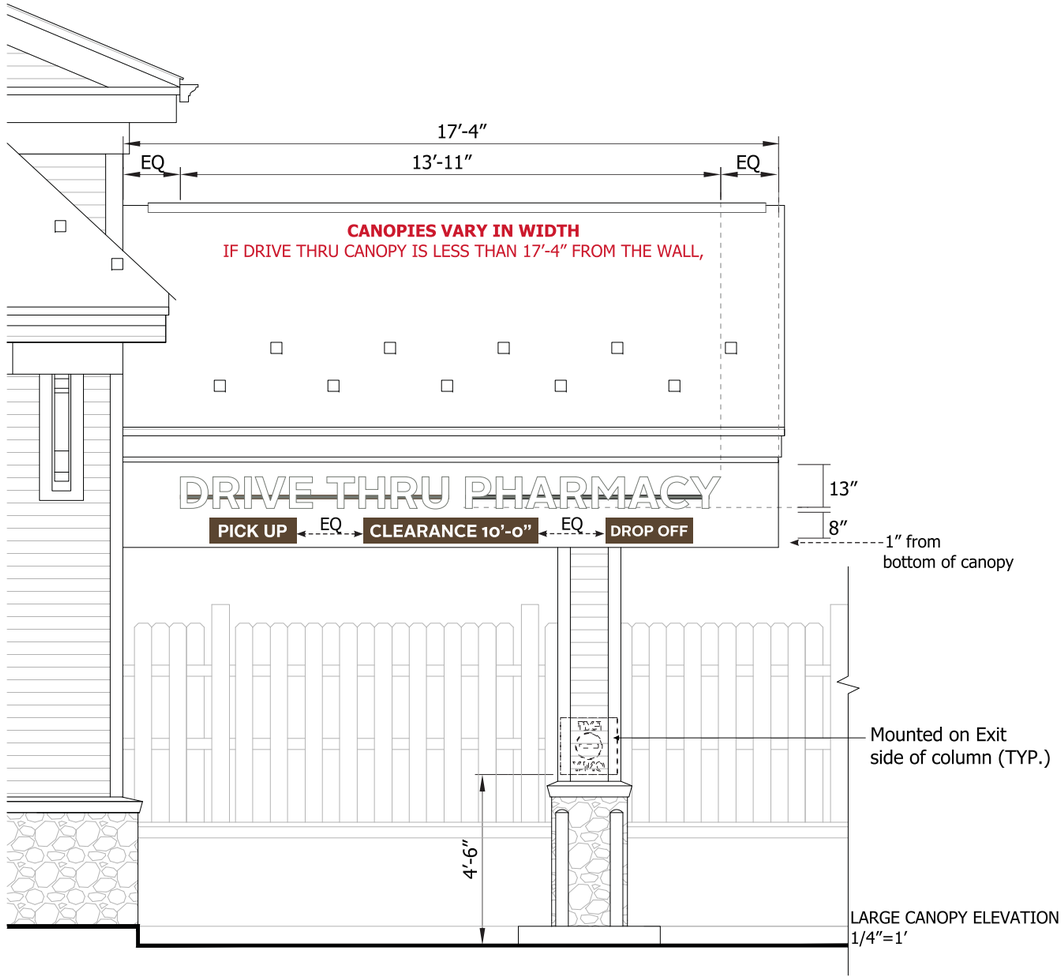
54 " (4′-6″)

8"

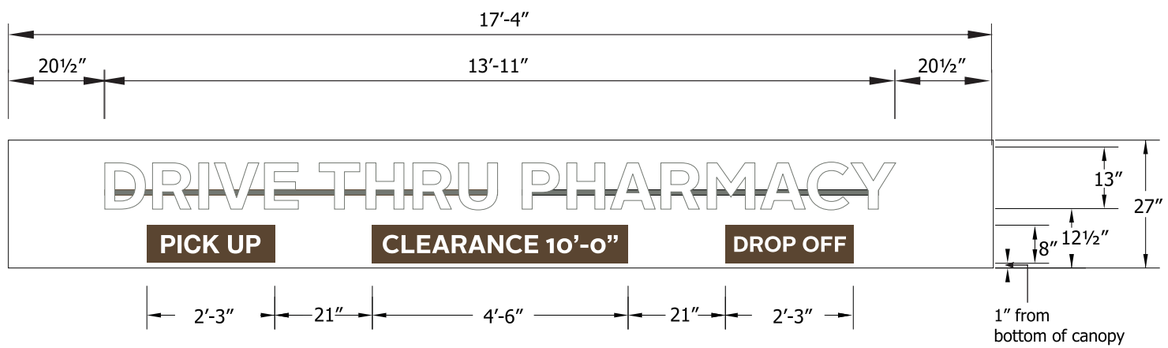
CLEARANCE 10′-0″

# RA0854APC10

3 SQ FT




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,

**COLOR/FINISHES**

- P-1 MP 42-202 WHITE
- P-2 RUSTOLEUM 9109 WHITE PRIMER
- P-3 TO MATCH BM 996 ASHEN TAN
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- V-1 ARLON 2500-2870 BLUE
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- V-4 VINYL 3M-3630-59 DARK BROWN
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- V-7 VINYL TO MATCH BM 0C-41 FRENCH CANVAS

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:

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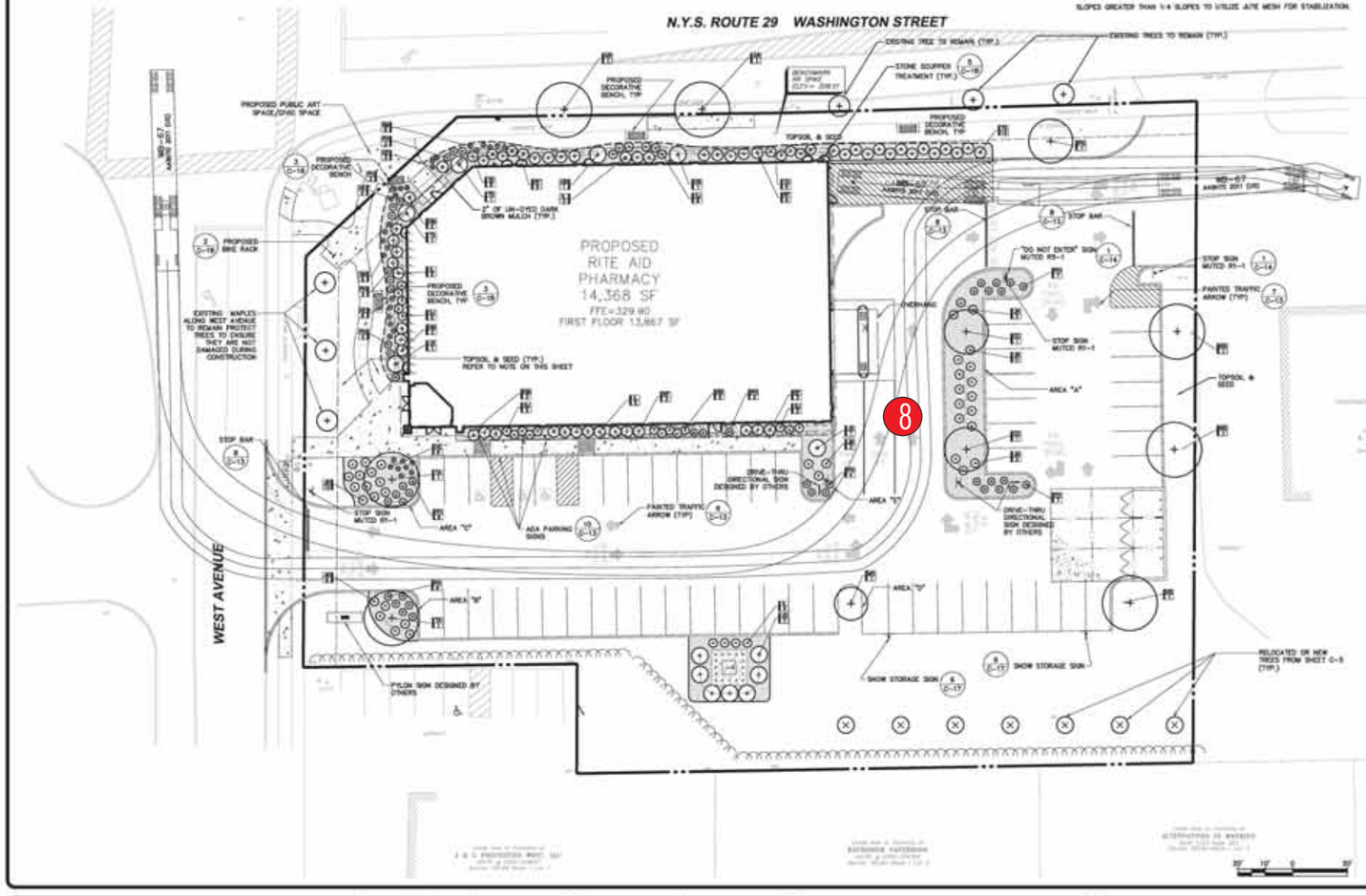
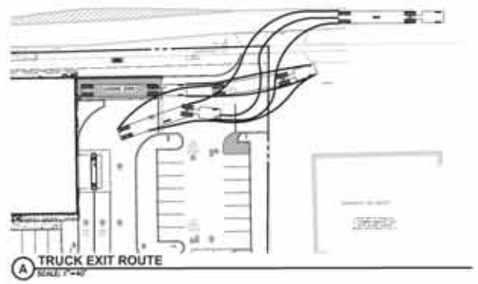
DESIGN AND INSTALLATION PROCEDURE SHALL BE PROVIDED TO RITE AID FOR APPROVAL.

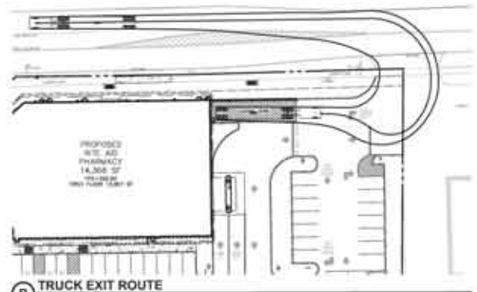
PLANT SCHEDULE

| 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 GREEN' | EMERALD GREEN ARBORVITAE | 6–7' | |
| TX | 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 | 16 | 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. |

N.Y.S. ROUTE 29 WASHINGTON STREET




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 | PROJ. MANAGER | JDH | | |
| 1 | – | SARATOGA SPRINGS PLANNING BOARD | | JWE | 2/17/15 | CHIEF DESIGNER | JWE | | |
| 2 | 12/23/15 | SUBMISSION TO PLANNER | AML | JWE | 12/31/15 | DESIGNED BY | JWE | | |
| 3 | 2/3/16 | REVISION TO ARCHITECTURE, LAYOUT AND GRADING | AML | JWE | 2/3/16 | DRAWN BY | JWE | | |
| 4 | 2/8/2016 | REVISIONS | AML | JWE | 2/8/2016 | CHECKED BY | JWE | | |
| | | | | | | | | DATE | DATE |

THE ALTERATION OF THIS MATERIAL BY ANY MEANS, UNLESS DONE UNDER THE DIRECTION OF A CONSCIENTIOUS 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

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File Name: F:\rightarrow\954_150_R-Lands\Turf.dwg [Layout: C-10]
Date: Fri, Mar 11, 2016 - 10:24 AM [Name: jmelon]

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RITE AID

PROPOSED RITE AID

Scale 3/8″ = 1′ # RA0827APPU

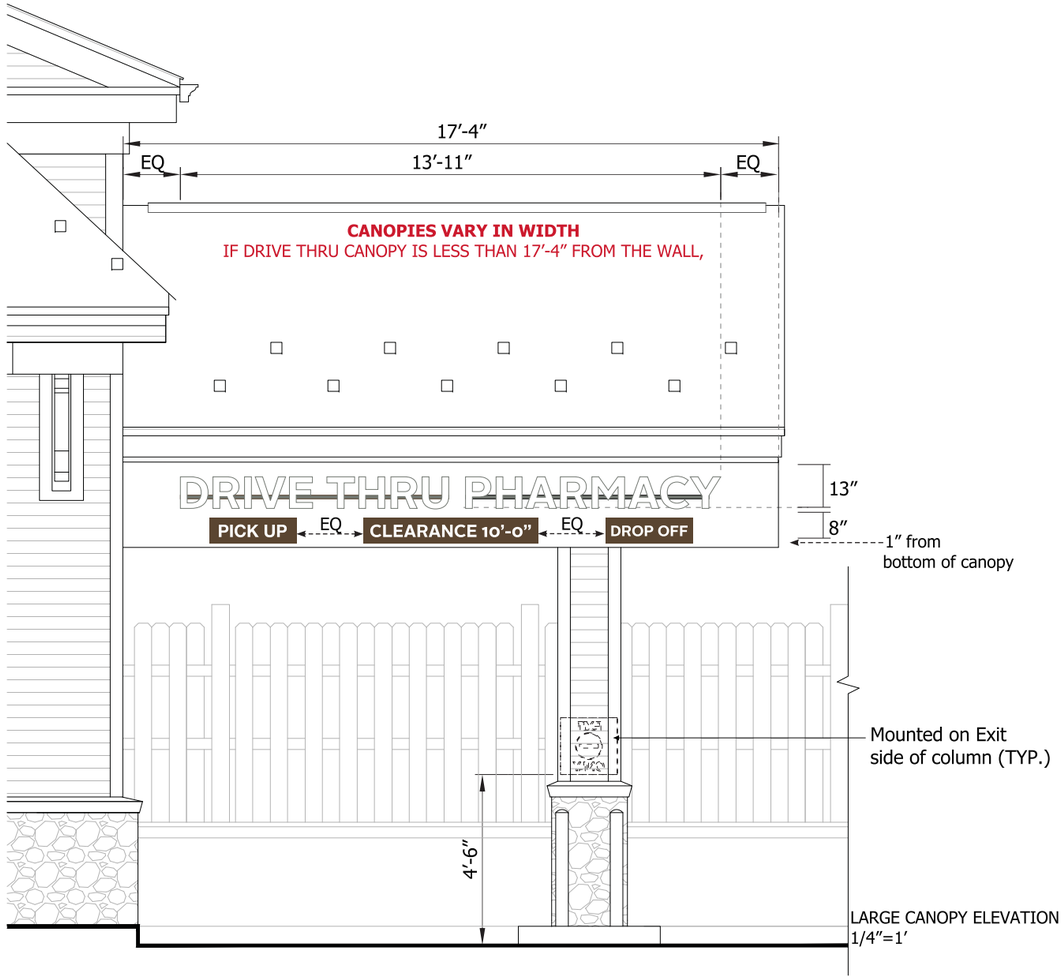
8

27 " (2′-3″)

8"

PICK UP

1.5 SQ FT

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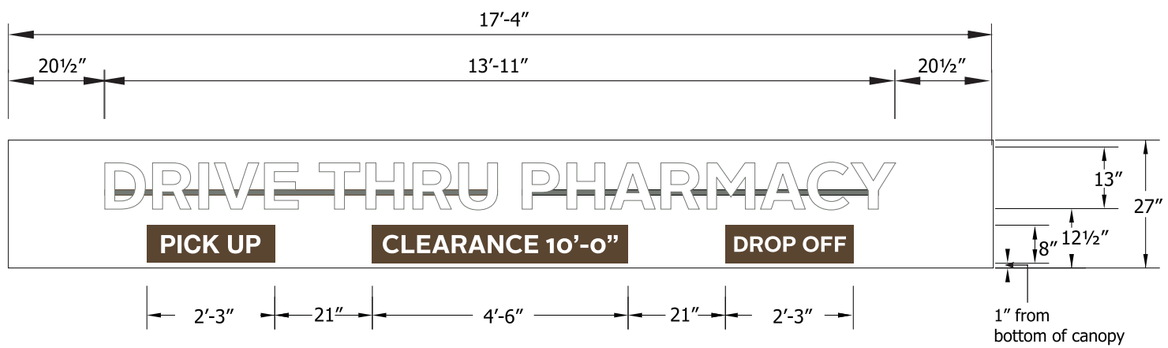


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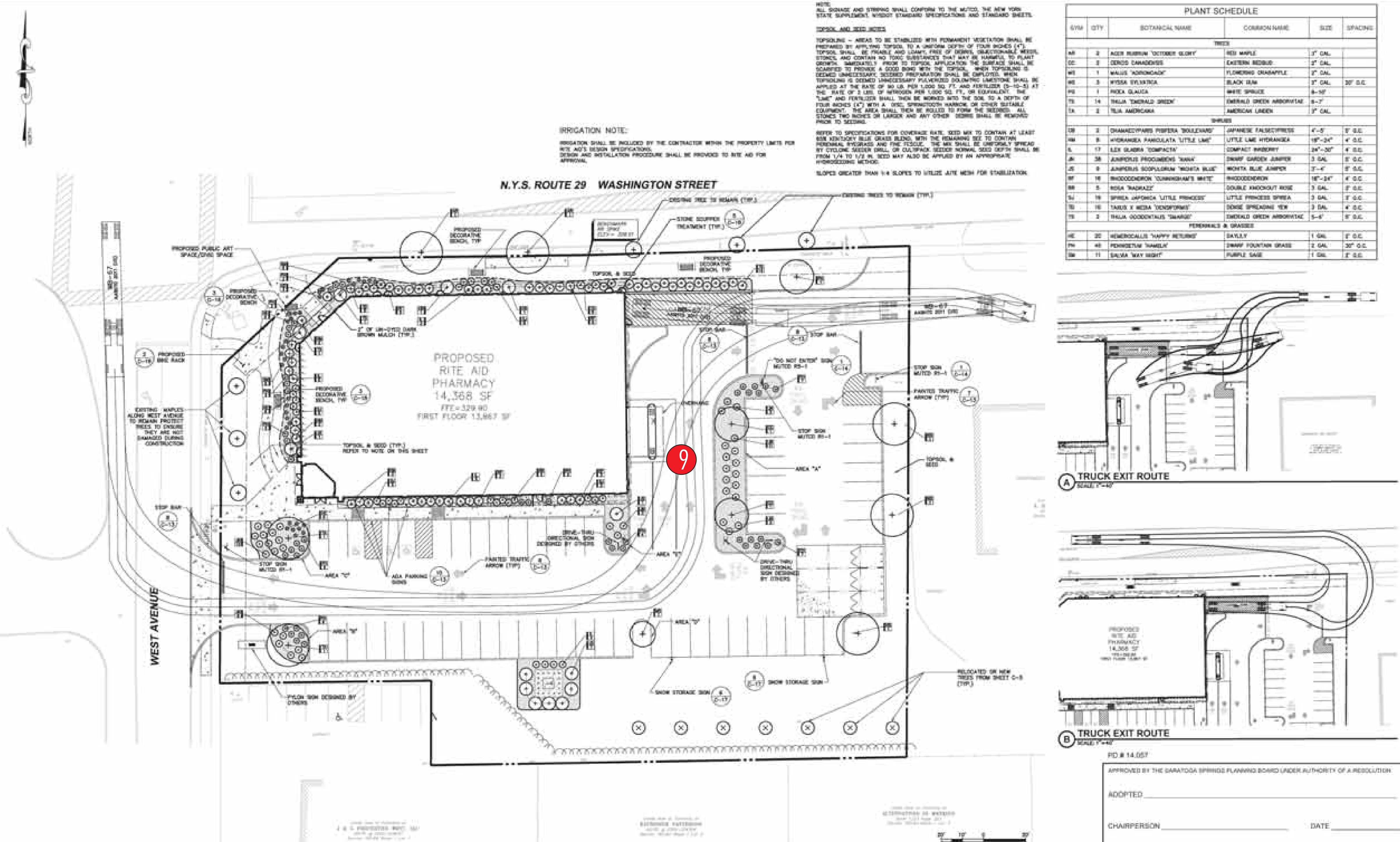


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CHAIRPERSON ______ DATE ______

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# RA0827APDO

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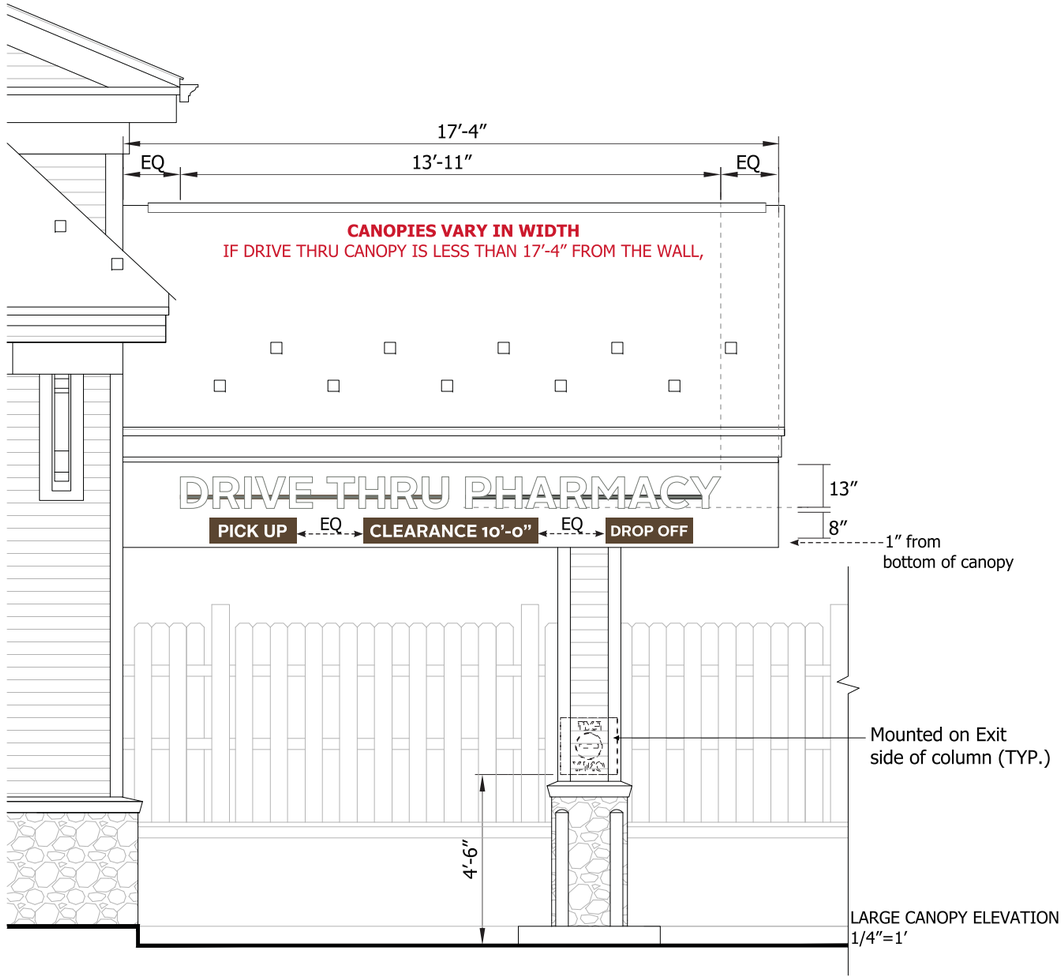


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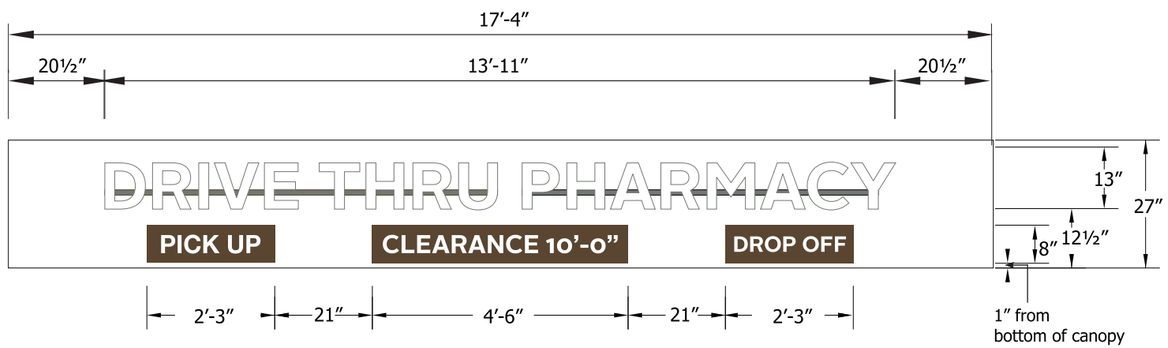


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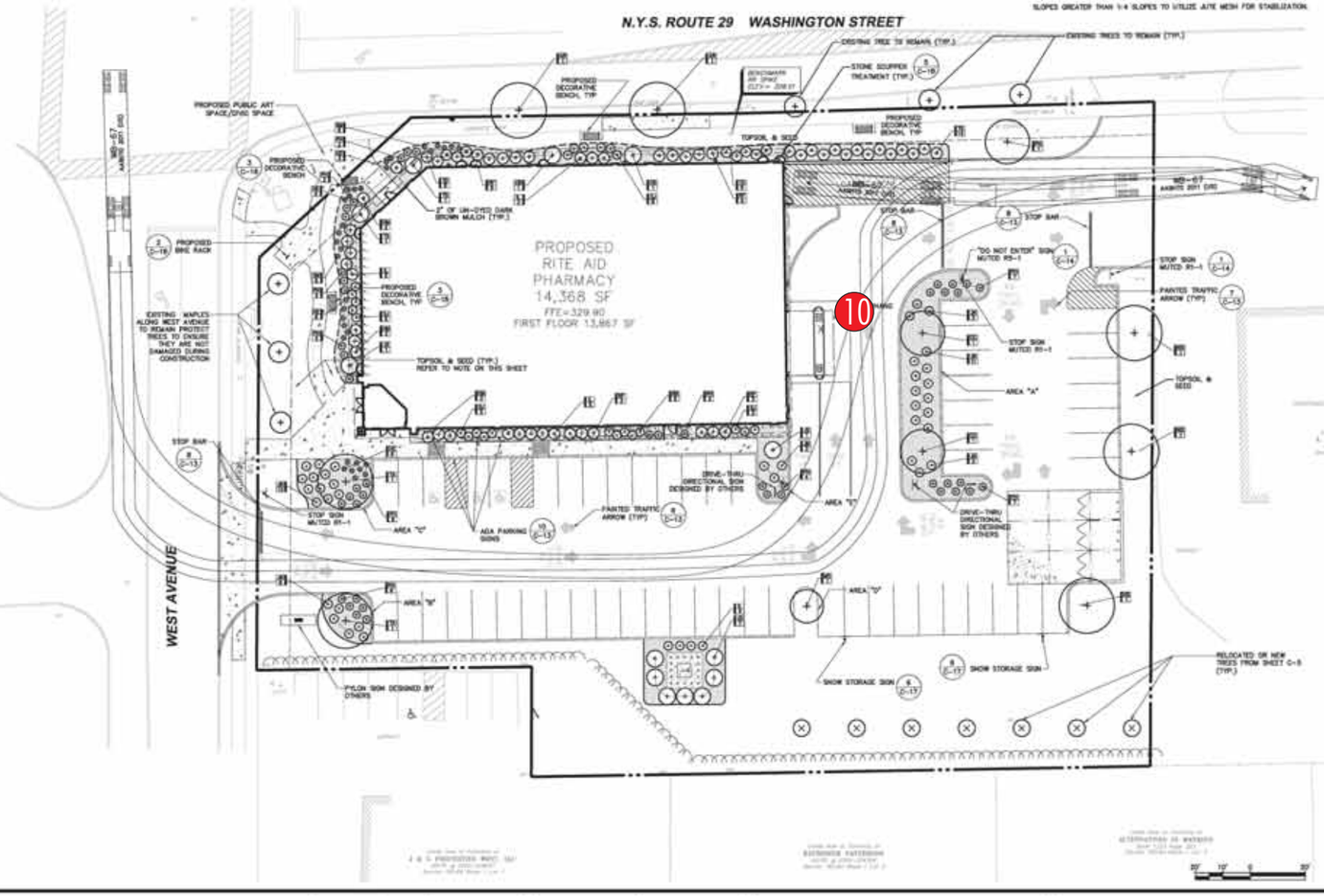
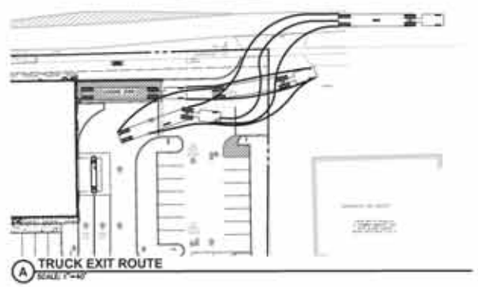
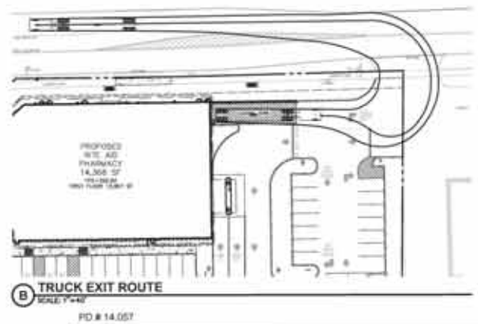



PD # 14.057

APPROVED BY THE SARATOGA SPRINGS PLANNING BOARD UNDER AUTHORITY OF A RESOLUTION

ADOPTED _____

CHAIRPERSON _____ DATE _____

| SUBMITTAL / REVISIONS | | | | | | | |
|---|---|---|---|---|---|---|---|
| No. | DATE | DESCRIPTION | BY | REVIEWED BY | DATE | PROJ. MANAGER | JSH |
| 1 | | SARATOGA SPRINGS PLANNING BOARD | | JWE | 2/17/15 | CHIEF DESIGNER | JWE |
| 2 | 12/23/15 | SUBMISSION TO PLANNER | AWL | JWE | 1/23/15 | DESIGNED BY | JMF |
| 3 | 2/3/16 | REVISION TO ARCHITECTURE, LAYOUT AND GRADING | AWL | JWE | 2/3/16 | DRAWN BY | JMF |
| 4 | 2/8/2016 | REVISIONS | AWL | JWE | 2/8/2016 | CHECKED BY | JWE |

DATE

DATE

THE ALTERATION OF THIS MATERIAL IN ANY WAY, UNLESS DONE UNDER THE DIRECTION OF A CONSULTANT PROFESSIONAL, (I.E.) ARCHITECT FOR AN ARCHITECT, ENGINEER FOR AN ENGINEER OR LANDSCAPE ARCHITECT FOR A LANDSCAPE ARCHITECT, IS A VIOLATION OF SECTION 7209 OF THE 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: -
MJ PROJ. No.: 954.01
DATE: 2/8/2016

C-10

File Name: F:\mgt\drafts_15\0_PLans\Tuff.dwg (Layout: C-10)
Date: Fri, Mar 11, 2016 - 10:24 AM (Name: jmellon)

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

Scale 3/8″ = 1′ # RA0827APEO

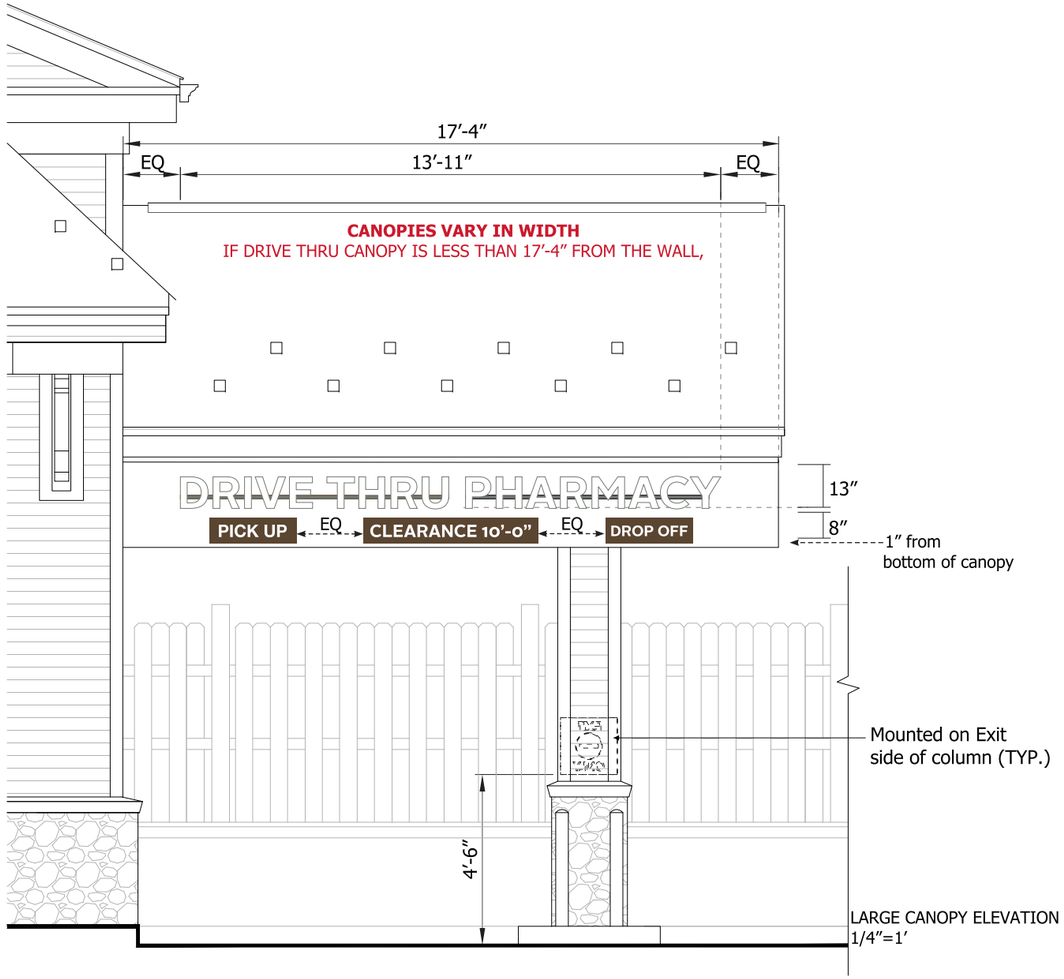
10

27 " (2′-3″)

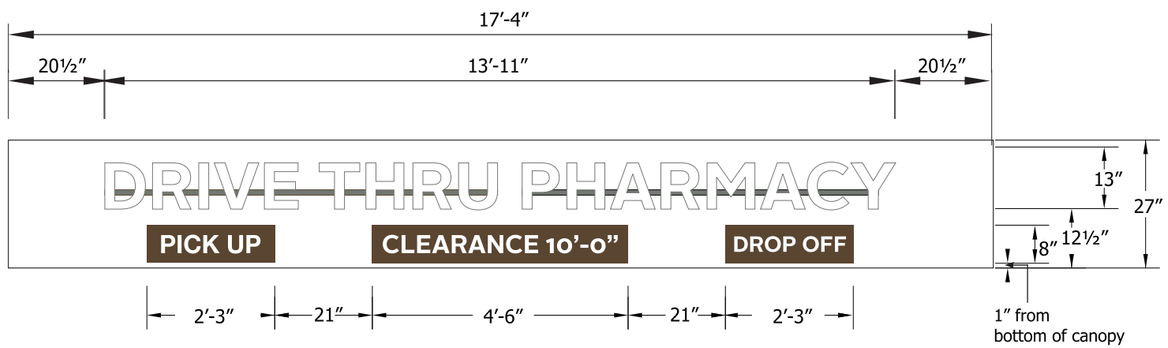
8″

EXIT ONLY

1.5 SQ FT




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,

**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
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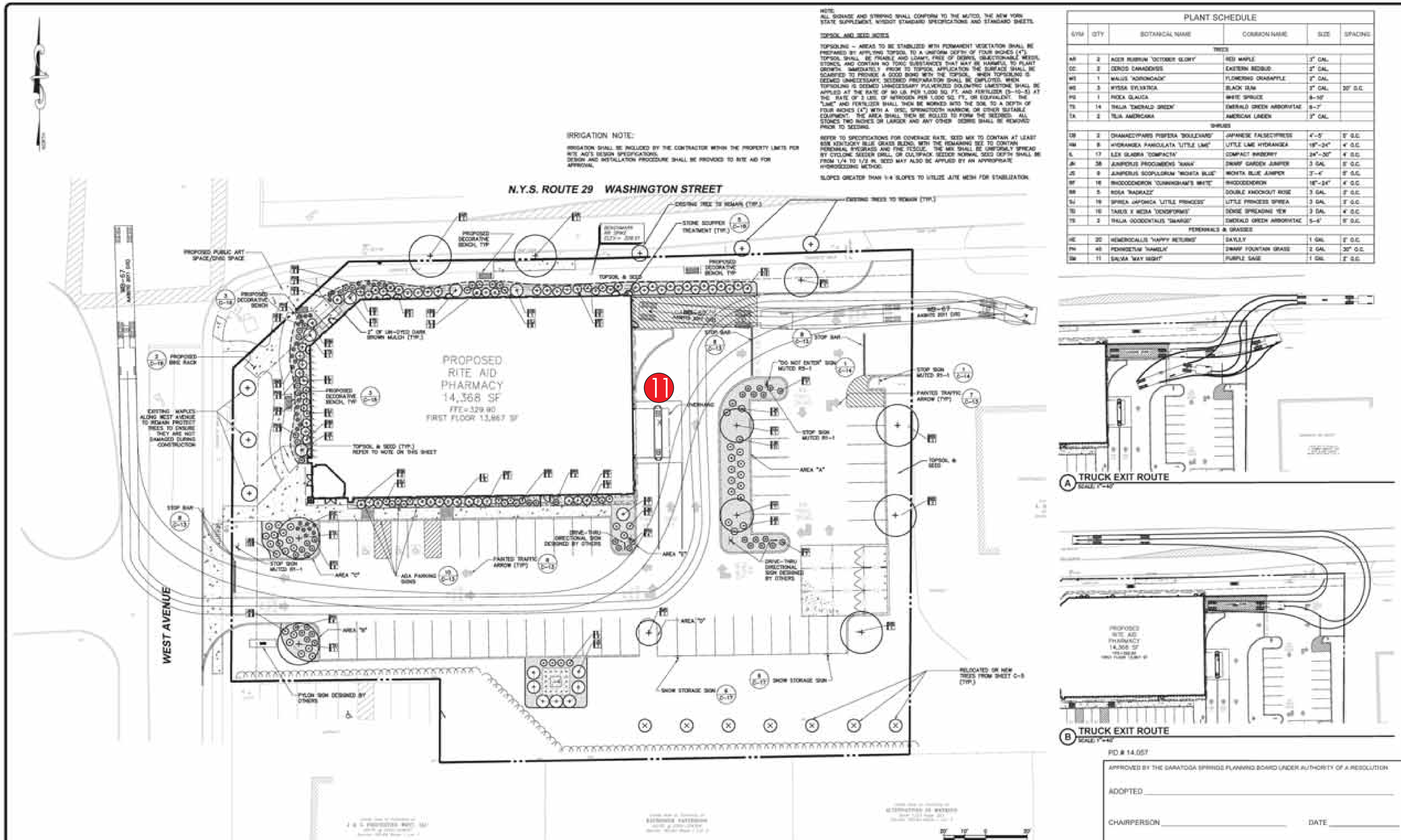


| PLANT SCHEDULE | | | | | |
|---|---|---|---|---|---|
| SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | SPACING |
| TREES | | | | | |
| AR | 2 | ACER RUBRUM 'OCTOBER GLORY' | RED MAPLE | 3" CAL. | |
| CC | 2 | CERCIS CANADENSIS | EASTERN REDBUD | 2" CAL. | |
| MA | 1 | MALUS 'ADIRONDACK' | FLOWERING CRABAPPLE | 2" CAL. | |
| NS | 3 | NYSSA SYLVATICA | BLACK GUM | 3" CAL. | 30' O.C. |
| PG | 1 | PICEA GLAUCA | WHITE SPRUCE | 8-10' | |
| TS | 14 | THUJA 'EMERALD GREEN' | 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. |
| JN | 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 | 16 | 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. | 2' O.C. |
| PH | 45 | PENNISETUM 'HAMELN' | DWARF FOUNTAIN GRASS | 2 GAL. | 30" O.C. |
| SM | 11 | SALVIA 'MAY NIGHT' | PURPLE SAGE | 1 GAL. | 2' O.C. |

| SUBMITTAL / REVISIONS | | | | | |
|---|---|---|---|---|---|
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| 4 | 2/8/2016 | REVISIONS | AML | JWE | 2/8/2016 |

PROJ. MANAGER: JDH
CHIEF DESIGNER: JWE
DESIGNED BY: JMP
DRAWN BY: JMP
CHECKED BY: JWE

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LANDSCAPING AND SITE TRAFFIC CONTROL
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SCALE: 1" = 20'
CONTRACT No.:
MJ PROJ. No.: 904.01
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C-10

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

11

1 NORTH (Faces Washington St.)
1/8" = 1'-0"

2 SOUTH
1/8" = 1'-0"

3 EAST
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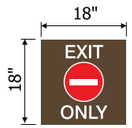
RITE AID

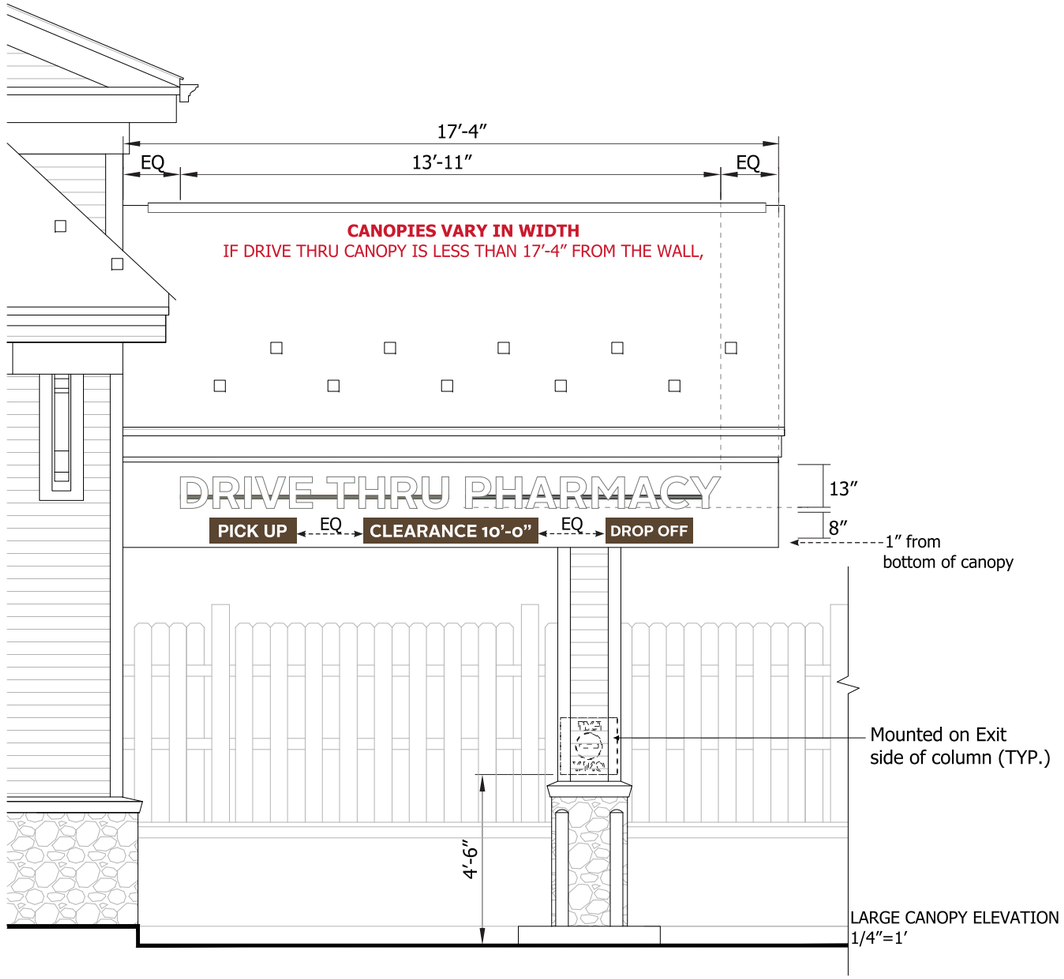
PROPOSED RITE AID

# RA1818SPEO

11




2.25 SQ FT

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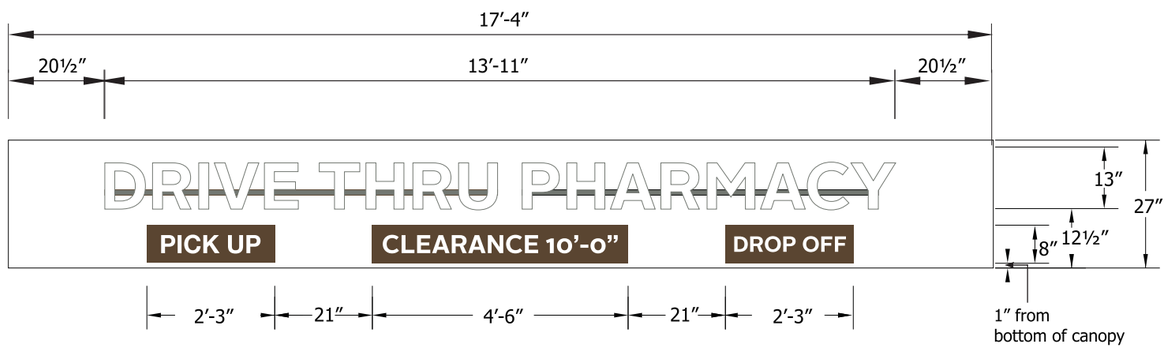


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NOTE:
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TOPSOIL AND SEED NOTES

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 3 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 60% KENTUCKY BLUE GRASS BLEND, WITH THE REMAINING 40% 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:
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PLANT SCHEDULE

| SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | SPACING |
|---|---|---|---|---|---|
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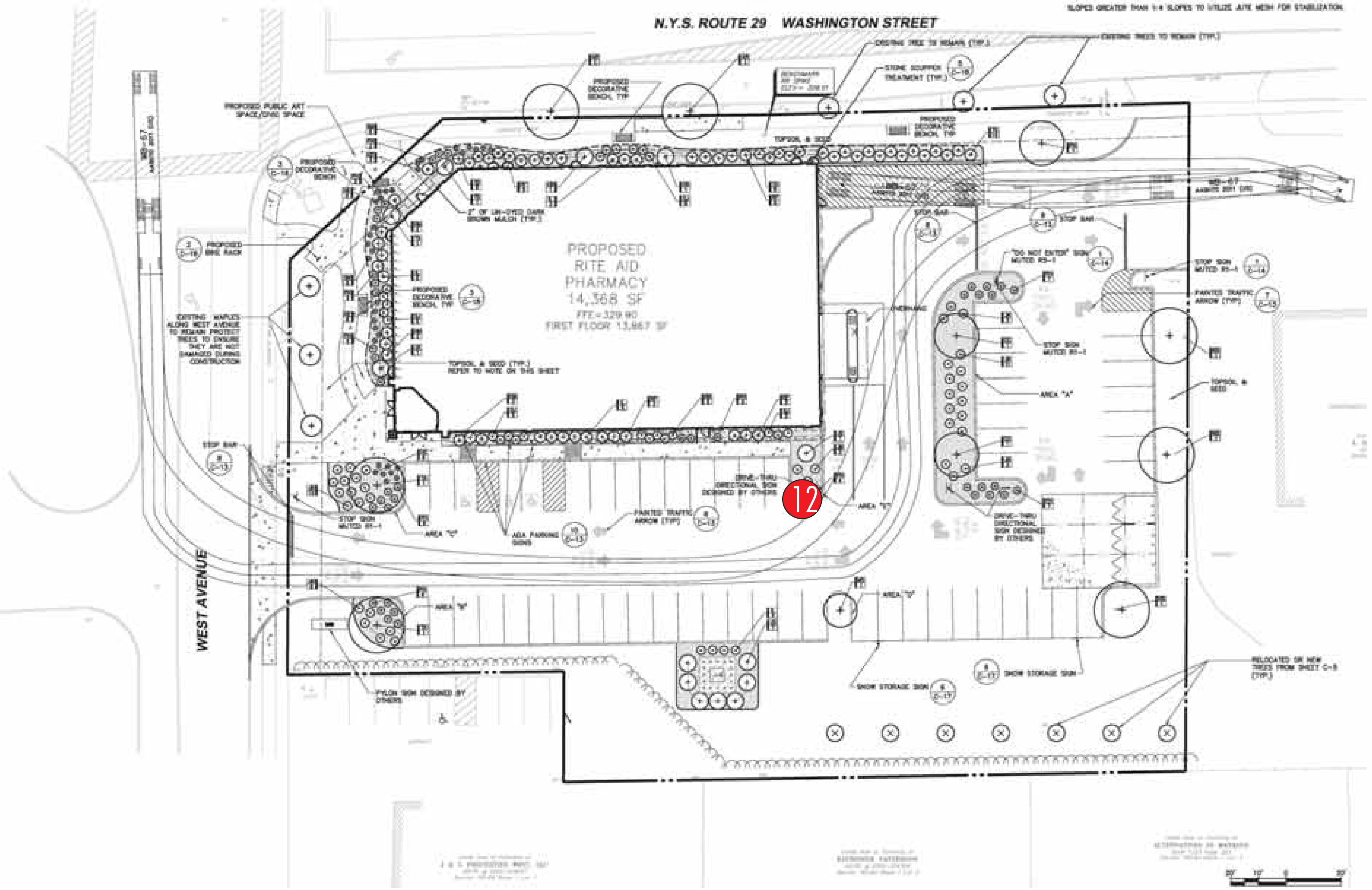


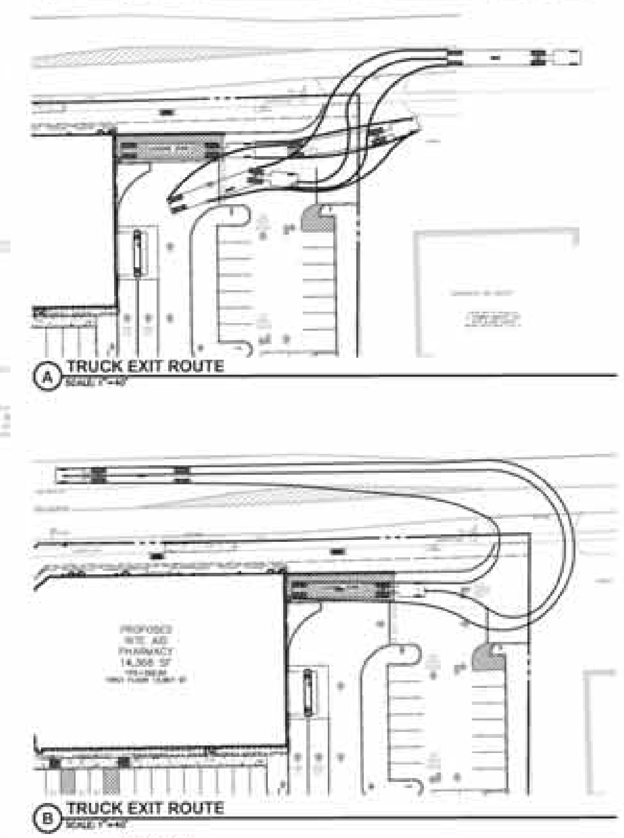


PD # 14.057

APPROVED BY THE SARATOGA SPRINGS PLANNING BOARD UNDER AUTHORITY OF A RESOLUTION

ADOPTED ____________________

CHAIRPERSON ____________________ DATE ____________

| SUBMITTAL / REVISIONS | | | | | |
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| 4 | 2/8/2016 | REVISIONS | AML | JWE | 2/8/2016 |

| | |
|---|---|
| PROJ. MANAGER | JDY |
| CHIEF DESIGNER | JWE |
| DESIGNED BY | AJP |
| DRAWN BY | AJP |
| CHECKED BY | JWE |

DATE DATE

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SARATOGA RITE AID SITE PLAN
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CITY OF SARATOGA SARATOGA COUNTY, NY

SCALE: 1" = 20'
CONTRACT No.: -
MJ PROJ. No.: 904.01
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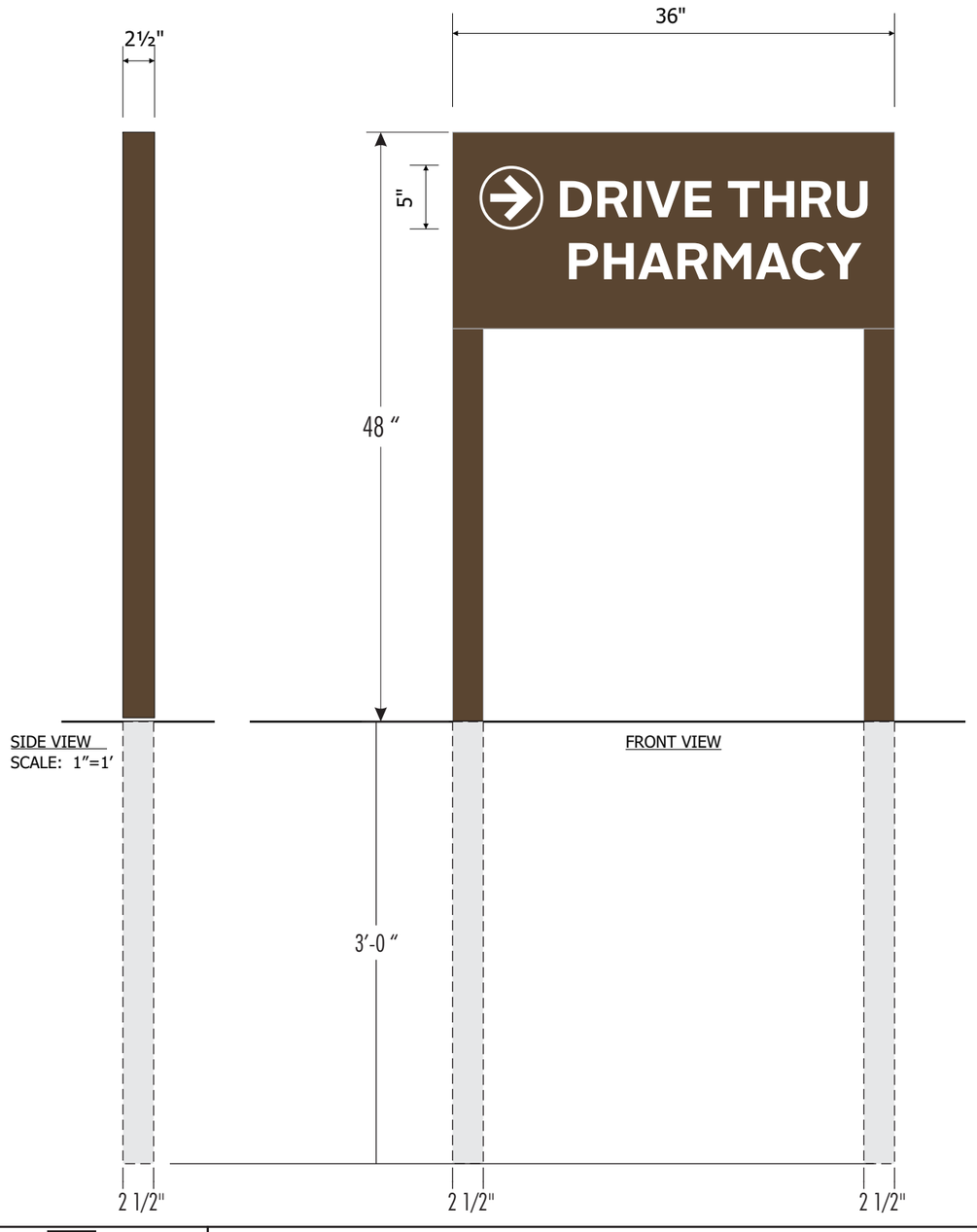
C-10

## 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

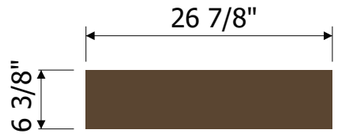
**Copy**
White Reflective vinyl copy
WHITE REFLECTIVE VINYL 3M480-10

**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

12

**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 # 37 OF 42

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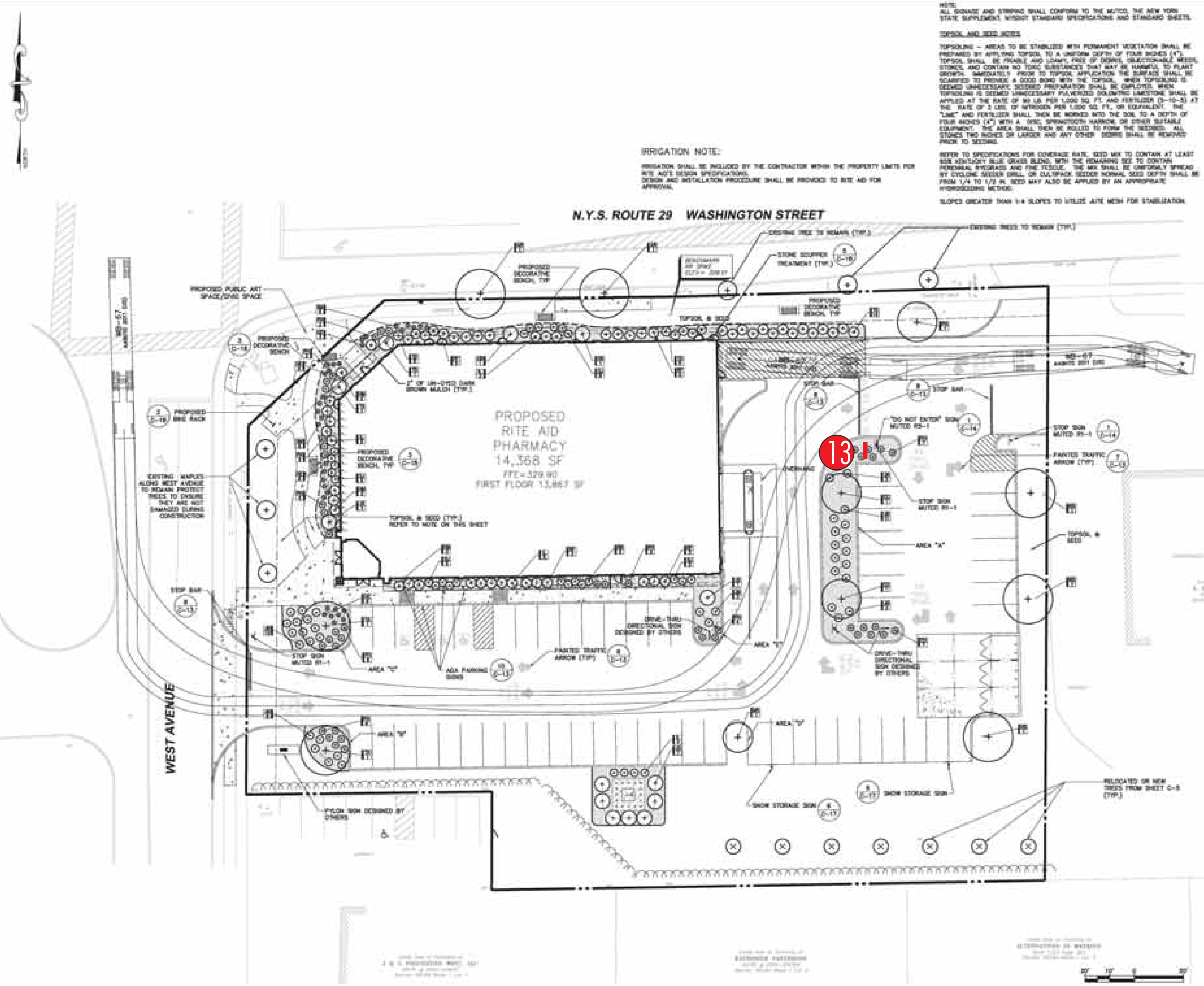


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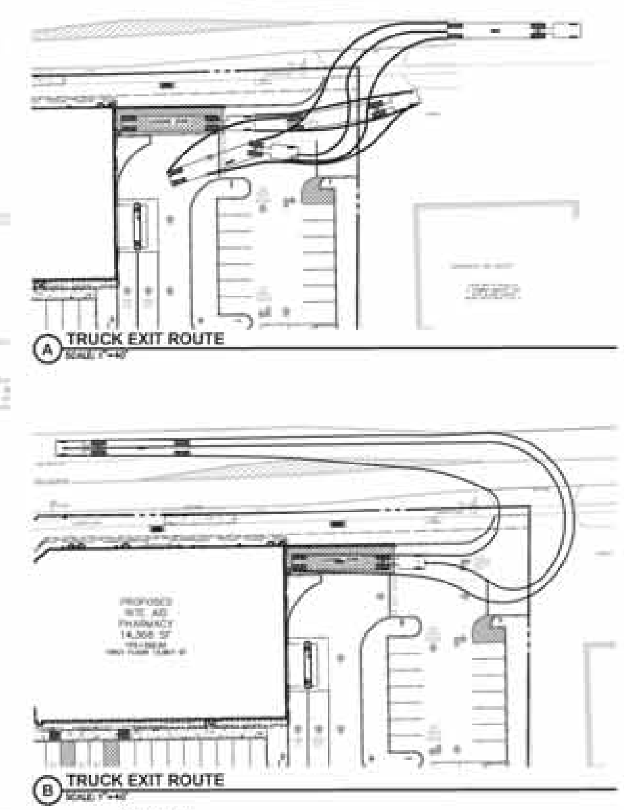
REFER TO SPECIFICATIONS FOR COVERAGE RATE. SEED MIX TO CONTAIN AT LEAST 60% KENTUCKY BLUE GRASS BLEND, WITH THE REMAINING 40% TO CONTAIN PERENNIAL RYEGRASS AND FINE FESCUE. THE MIX SHALL BE UNIFORMLY SPREAD BY CYCLONE SEEDER DRILL, OR CULTIPACK SEEDER NORMAL SEED DEPTH SHALL BE FROM 1/4 TO 1/2 IN. SEED MAY ALSO BE APPLIED BY AN APPROPRIATE HYDROSEEDING METHOD.

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

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 | 2" CAL. | |
| MS | 1 | MALUS 'ADIRONDACK' | FLOWERING CRABAPPLE | 2" CAL. | |
| NS | 3 | NYSSA SYLVATICA | BLACK GUM | 3" CAL. | 30' O.C. |
| PG | 1 | PICEA GLAUCA | WHITE SPRUCE | 8–10' | |
| TS | 14 | THUJA 'EMERALD GREEN' | 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. |
| JN | 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 | 16 | TAXUS X MEDIA 'DENSIFORMIS' | DENSE SPREADING YEW | 3 GAL. | 4' O.C. |
| TS | 2 | THUJA OCCIDENTALIS 'SMARGD' | EMERALD GREEN ARBORVITAE | 5–6' | 5' O.C. |
| PERENNIALS & GRASSES | | | | | |
| HE | 20 | HEMEROCALLIS 'HAPPY RETURNS' | DAYLILY | 1 GAL. | 2' O.C. |
| PH | 40 | PENNISETUM 'HAMELN' | DWARF FOUNTAIN GRASS | 2 GAL. | 30" O.C. |
| SM | 11 | SALVIA 'MAY NIGHT' | PURPLE SAGE | 1 GAL. | 2' O.C. |




A TRUCK EXIT ROUTE
SCALE: 1"=40'

B TRUCK EXIT ROUTE
SCALE: 1"=40'

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 | AWL | JWE | 1/23/15 |
| 3 | 2/3/16 | REVISION TO ARCHITECTURE, LAYOUT AND GRADING | AWL | JWE | 2/3/16 |
| 4 | 2/8/2016 | REVISIONS | AWL | JWE | 2/8/2016 |

| | |
|---|---|
| PROJ. MANAGER | JDH |
| CHIEF DESIGNER | JWE |
| DESIGNED BY | JAF |
| DRAWN BY | JAF |
| CHECKED BY | JWE |

DATE

DATE

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 NEW YORK STATE EDUCATION LAW AND/OR REGULATIONS AND IS A CLASS "A" MISDEMEANOR.

DRAFT

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

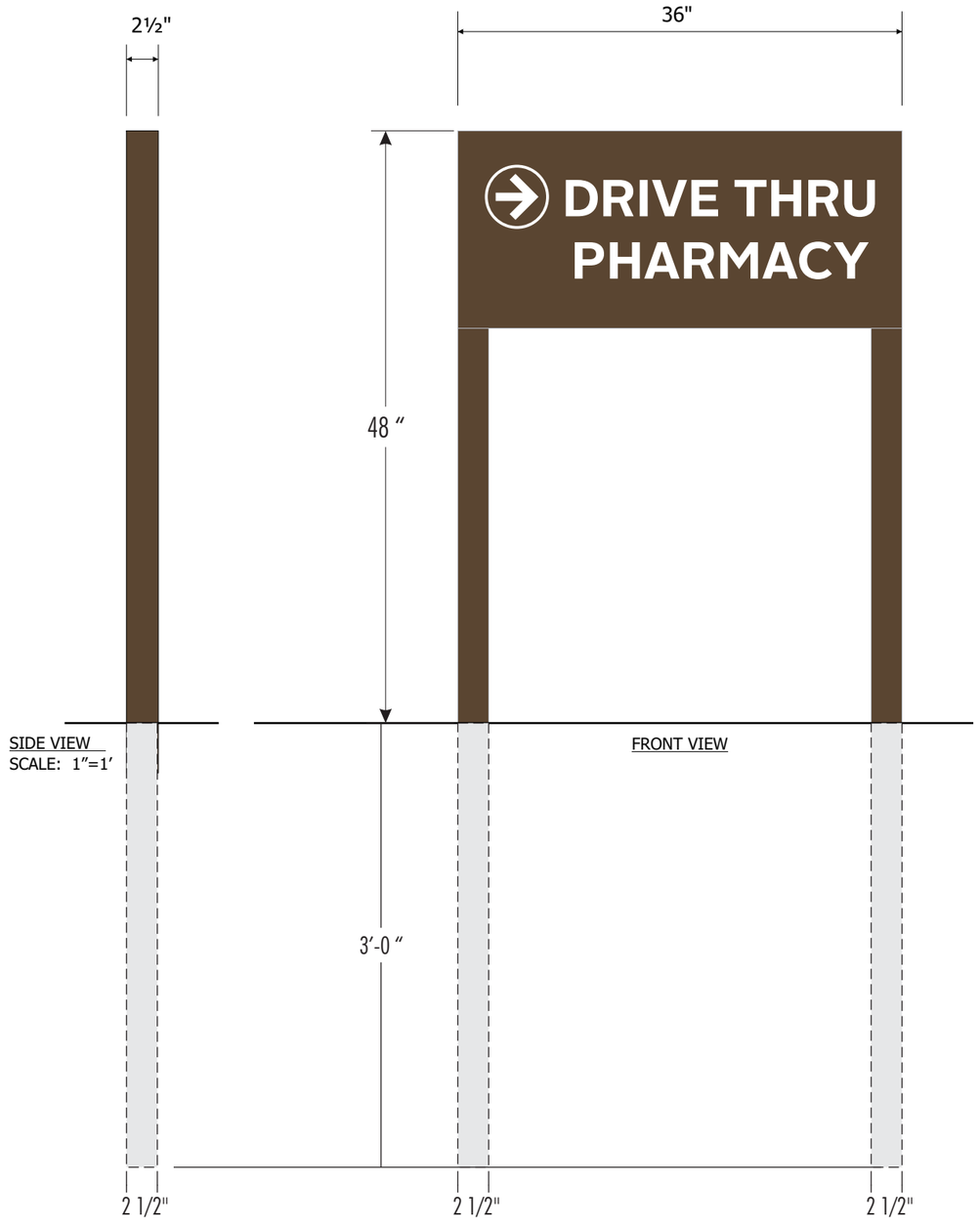
NATIONAL RETAIL PROPERTIES
LANDSCAPING AND SITE TRAFFIC CONTROL
SARATOGA RITE AID SITE PLAN
90 WEST AVENUE
CITY OF SARATOGA SARATOGA COUNTY, NY

SCALE: 1" = 20'
CONTRACT No.: -
MJ PROJ. No.: 904.01
DATE: 2/8/2016

C-10

SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com

## 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

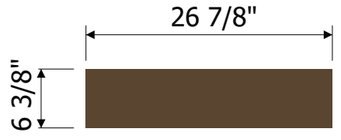
**Copy**
White Reflective vinyl copy
WHITE REFLECTIVE VINYL 3M480-10

**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

13

**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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800.423.4283 • Fax 323.560.7143
Website: www.signresource.com


### REVISION HISTORY:

| REV | DATE | REQUESTED BY | UPDATED BY |
|---|---|---|---|
| A | 05/10/16 | TL | BS |

REVISION DESCRIPTION: INITIAL DRAWING

### PARTS LIST:

| ITEM | DECORATION |
|---|---|
| A | VINYL (TO MATCH "SW6076 TURKISH COFFEE") |
| B | WHITE REFLECTIVE VINYL 3M480-10 |
| C | |
| D | |
| E | |
| F | |
| | MATERIAL LIST |
| 1 | .080" ALUMINUM PANEL |
| 2 | LOW-TAC OPAQUE VINYL |
| 3 | |
| 4 | |
| 5 | |

**THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN**

### GENERAL NOTES

1.TOLERANCE ( UNLESS NOTED)
- GRAPHICS +/-1/8" • FACE SIZE + 1/16"-¼"
- CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
- ALL COPY LEVEL UNLESS NOTED OTHERWISE

2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION
RITEAID
16" x 36"DF NL
DIRECTIONAL SIGNS

| VOLTAGE: | CIRCUIT: | CURRENT: | DESIGN LOAD: |
|---|---|---|---|
| | | | |

DRAWN BY: BRIAN S. — CHECKED BY:
CLIENT: RITEAID
LOCATION:
QUOTE: — DATE: 05/10/16
DRAWING/PART #: RAV0034 — REV.: A — SHEET #: 39 OF 42

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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

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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 | | | | | |
|---|---|---|---|---|---|
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| JS | 9 | JUNIPERUS SCOPULORUM 'WICHITA BLUE' | WICHITA BLUE JUNIPER | 3'-4' | 5' O.C. |
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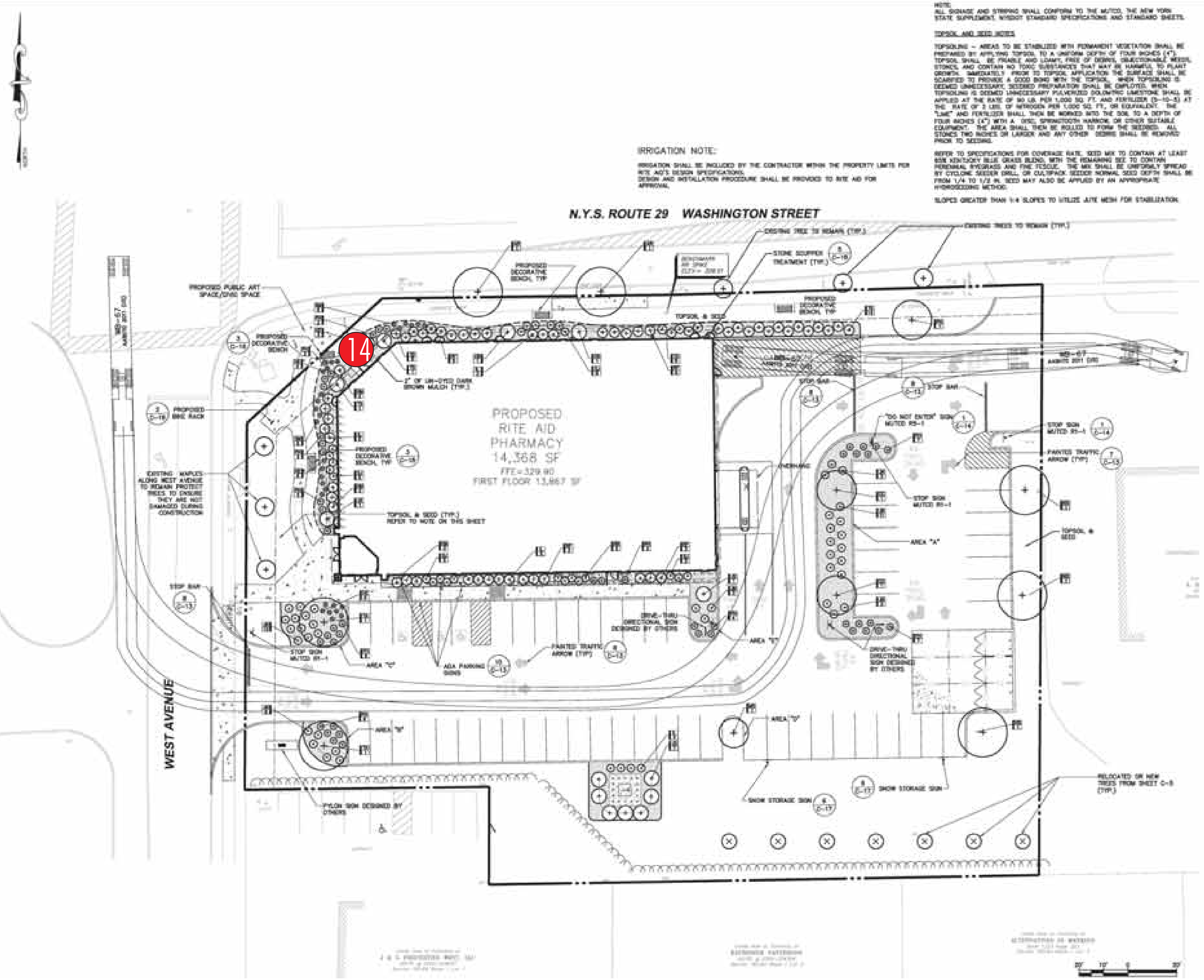
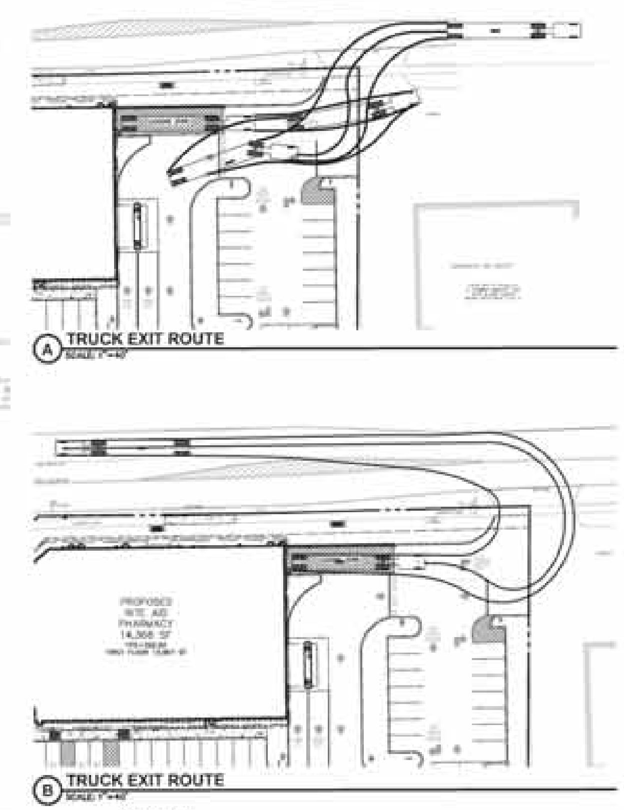



PD # 14.057

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 | 1/23/15 |
| 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 | AJP |
| DRAWN BY | AJP |
| CHECKED BY | JWE |

DATE

DATE

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 NEW YORK STATE EDUCATION LAW AND/OR REGULATIONS AND IS A CLASS "A" MISDEMEANOR.

DRAFT

MJ 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.: -
MJ PROJ. No.: 904.01
DATE: 2/8/2016

C-10

1 NORTH (Faces Washington St.)
1/8" = 1'-0"

2 SOUTH
1/8" = 1'-0"

3 EAST
1/8" = 1'-0"

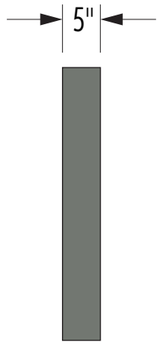
4 WEST (Faces West Ave.)
1/8" = 1'-0"

RITE AID

PROPOSED RITE AID

# NON-ILLUMINATED

FRONT VIEW




SIDE VIEW

14

**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 | 08/30/16 | 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 | SINTRA |
| 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
36” X 48 1/8” SF NL
SINTRA LETTER

VOLTAGE: CIRCUIT: CURRENT: DESIGN LOAD:

DRAWN BY: BRIAN S. CHECKED BY:

CLIENT: RITEAID

LOCATION:

QUOTE: DATE:

DRAWING/PART # REV. A SHEET # 42 OF 42

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# 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<br>Orlando, FL 32801 | | 68 West Avenue<br>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:** | | | | |

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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**

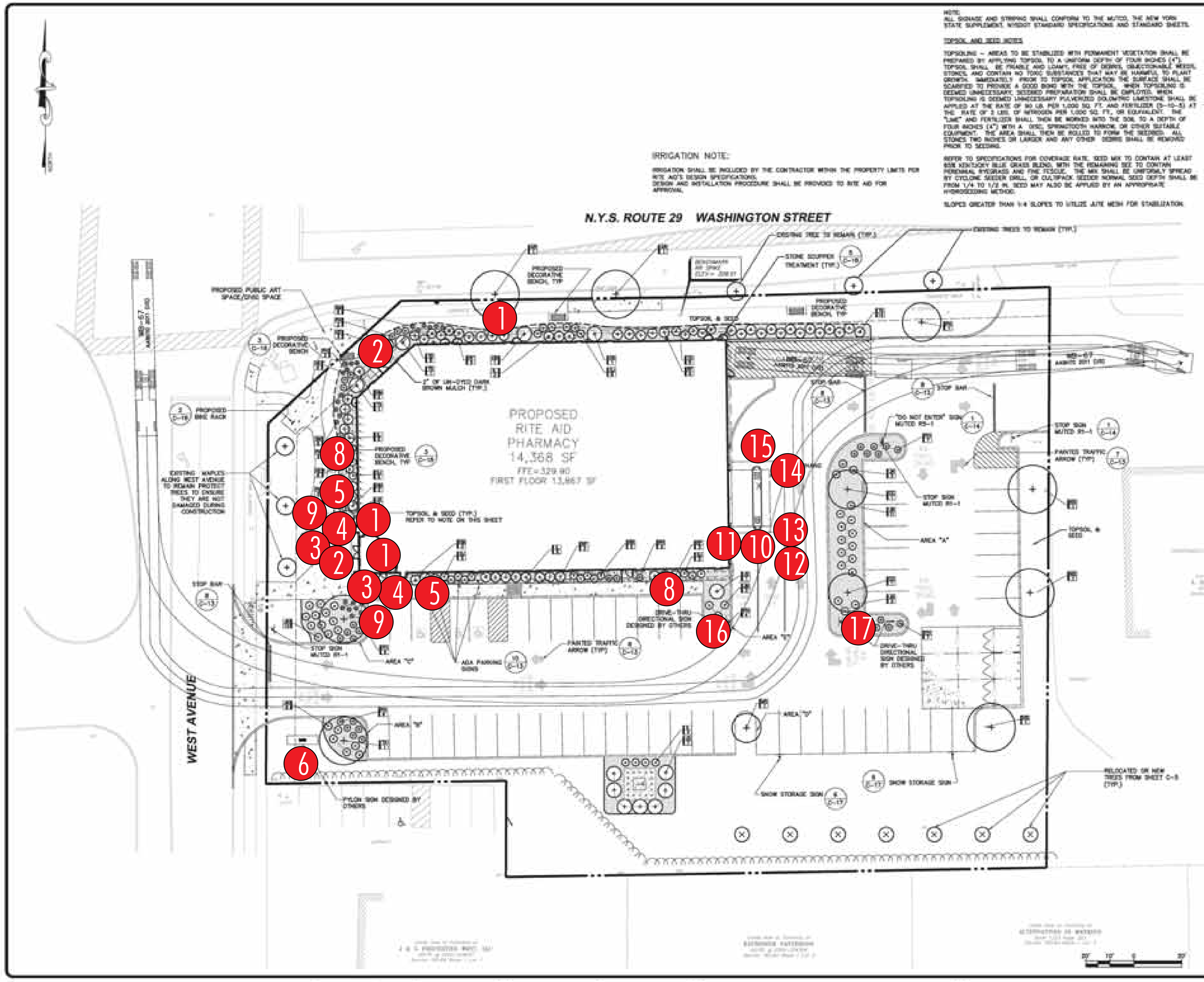
2.) Commercial Sign Installer Requirements:

| | | |
|---|---|---|
| ☐ **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

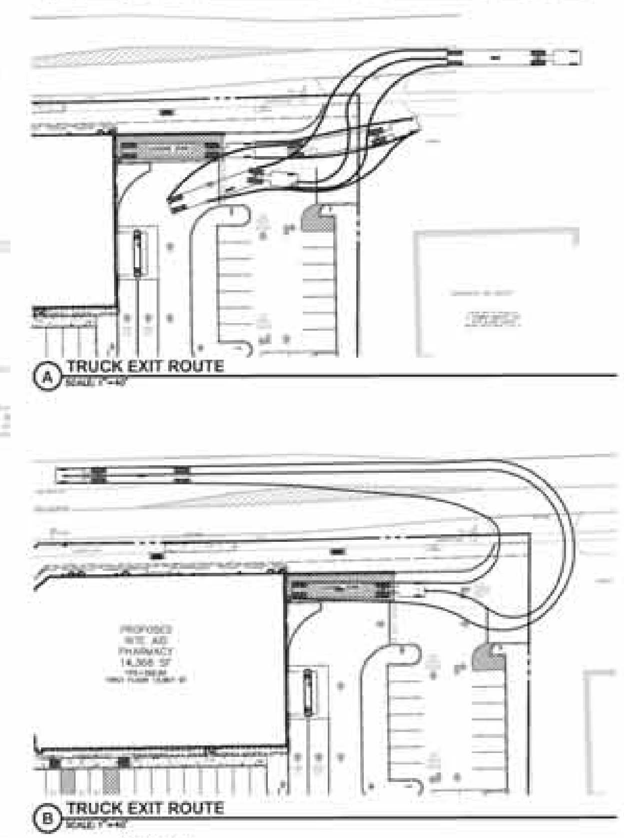
TOPSOILING – AREAS TO BE STABILIZED WITH PERMANENT VEGETATION SHALL BE PREPARED BY APPLYING TOPSOIL TO A UNIFORM DEPTH OF FOUR INCHES (4"). TOPSOIL SHALL BE FRIABLE AND LOAMY, FREE OF DEBRIS, OBJECTIONABLE WEEDS, STONES, AND CONTAIN NO TOXIC SUBSTANCES THAT MAY BE HARMFUL TO PLANT GROWTH. IMMEDIATELY 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 3 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 60% KENTUCKY BLUE GRASS BLEND, WITH THE REMAINING 40% 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.

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 | 2" CAL. | |
| MS | 1 | MALUS 'ADIRONDACK' | FLOWERING CRABAPPLE | 2" CAL. | |
| NS | 3 | NYSSA SYLVATICA | BLACK GUM | 3" CAL. | 30' O.C. |
| PG | 1 | PICEA GLAUCA | WHITE SPRUCE | 8-10' | |
| TE | 14 | THUJA 'EMERALD GREEN' | 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. |
| JN | 38 | JUNIPERUS PROCUMBENS 'NANA' | DWARF GARDEN JUNIPER | 3 GAL. | 5' O.C. |
| JS | 9 | JUNIPERUS SCOPULORUM 'WICHITA BLUE' | WICHITA BLUE JUNIPER | 3'-4' | 6' 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 | 3 | THUJA OCCIDENTALIS 'SMARAGD' | EMERALD GREEN ARBORVITAE | 5-6' | 6' O.C. |
| PERENNIALS & GRASSES | | | | | |
| HE | 20 | HEMEROCALLIS 'HAPPY RETURNS' | DAYLILY | 1 GAL. | 2' O.C. |
| PH | 40 | PENNISETUM 'HAMELN' | DWARF FOUNTAIN GRASS | 2 GAL. | 30" O.C. |
| SM | 11 | SALVIA 'MAY NIGHT' | PURPLE SAGE | 1 GAL. | 2' 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 | AWL | JWE | 1/23/15 |
| 3 | 2/3/16 | REVISION TO ARCHITECTURE, LAYOUT AND GRADING | AWL | JWE | 2/3/16 |
| 4 | 2/8/2016 | REVISIONS | AWL | JWE | 2/8/2016 |

| | |
|---|---|
| PROJ. MANAGER | JDH |
| CHIEF DESIGNER | JWE |
| DESIGNED BY | JAF |
| DRAWN BY | JAF |
| CHECKED BY | JWE |

DATE

DATE

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 LANDSCAPE ARCHITECT, IS A VIOLATION OF NEW YORK STATE EDUCATION LAW AND/OR REGULATIONS AND IS A CLASS "A" MISDEMEANOR.

DRAFT

MJ 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.: -
MJ PROJ. No.: 904.01
DATE: 2/8/2016

C-10

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"

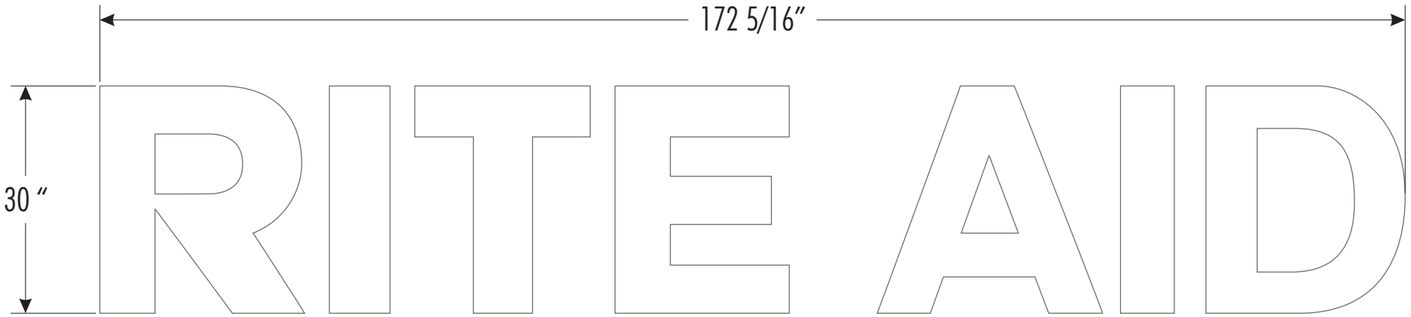
4 WEST (Faces West Ave.)
1/8" = 1'-0"

RITE AID

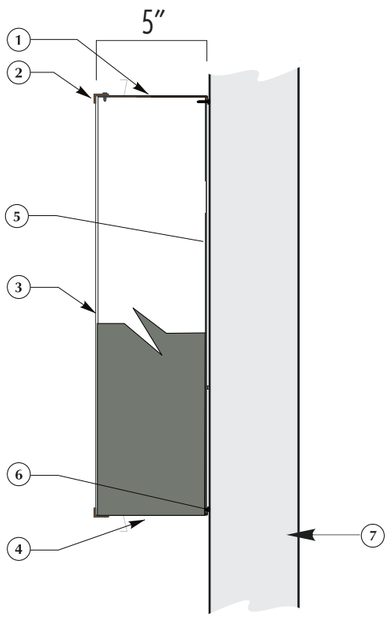
PROPOSED RITE AID

# NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS REMOVAL OF FACE




FRONT VIEW



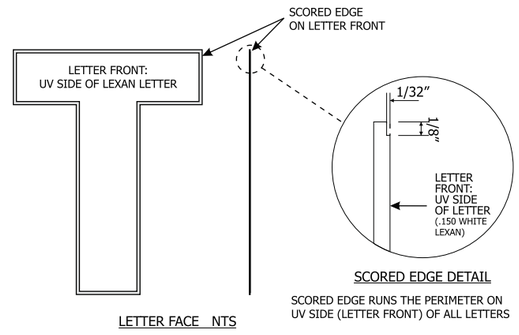

1. 5” X .040 aluminum letter coil painted pms 424 letter locked to aluminum letter backs
2. 3/8” x 1 1/4” F- Trim painted pms 424
3. .150 White polycarbonate faces (Groove face side of lexan faces to ensure face side is facing out)
4. (2) 1/4” Weep holes w/ internal light baffle
5. .063 pre-finished 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.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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 # | REV. | SHEET # |
|---|---|---|
| RAV0029 | A | 7 OF 19 |


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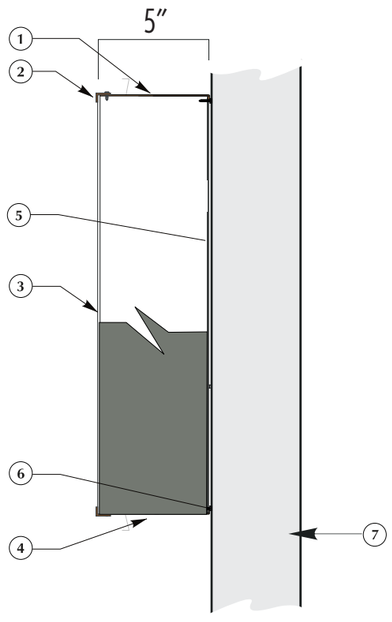
# NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS REMOVAL OF FACE

FRONT VIEW



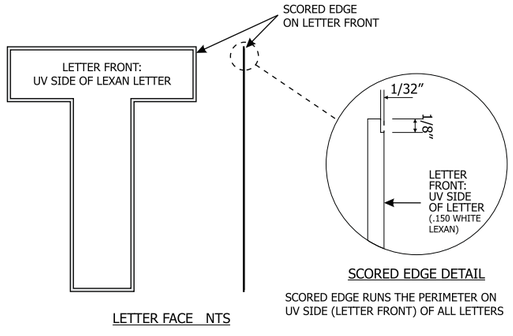

1. 5″ X .040 aluminum letter coil painted pms 424 letter locked to aluminum letter backs
2. 3/8″ x 1 1/4″ F- Trim painted pms 424
3. .150 White polycarbonate faces (Groove face side of lexan faces to ensure face side is facing out)
4. (2) 1/4″ Weep holes w/ internal light baffle
5. .063 pre-finished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

**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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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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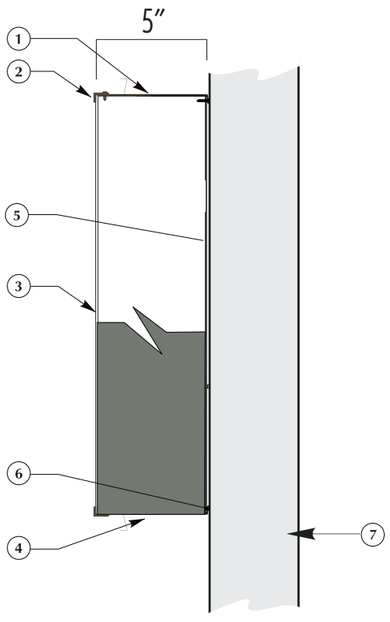
# NON-ILLUMINATED

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**

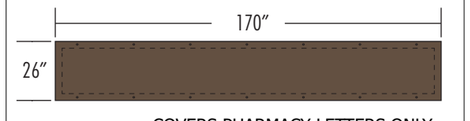
N.T.S.

SIDE VIEW

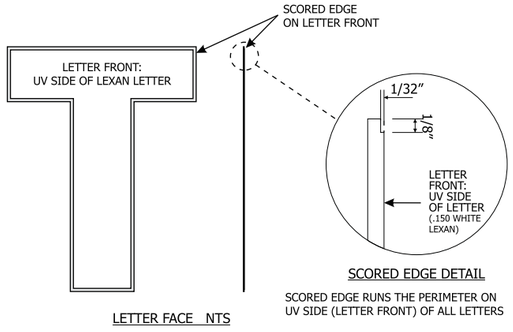
3

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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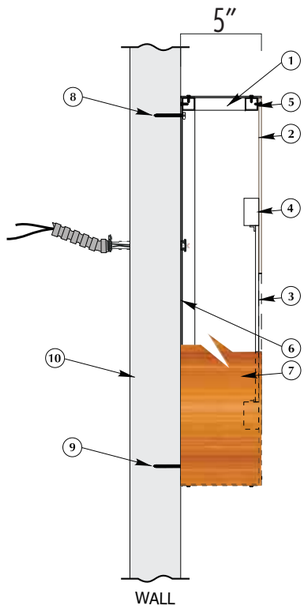
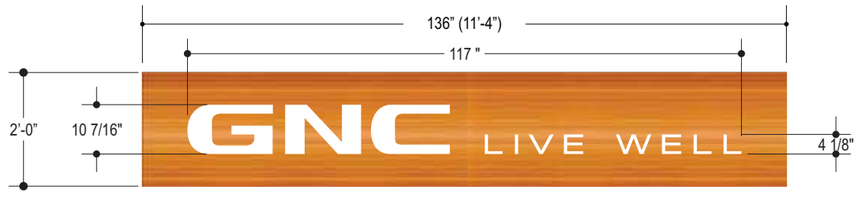
# NON-ILLUMINATED

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** _____

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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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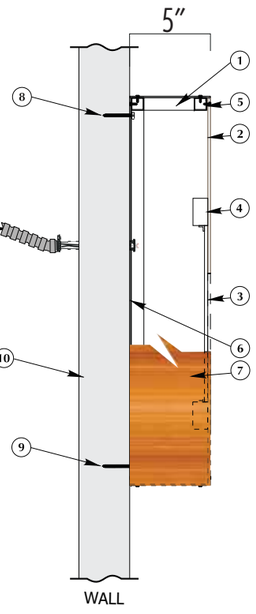
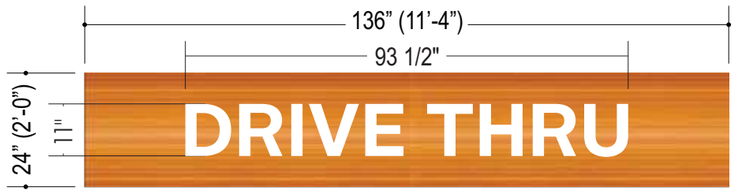
# NON-ILLUMINATED

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** _____

**By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.**

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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 | 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 # | REV. | SHEET # |
|---|---|---|
| RAZ0012 | A | 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

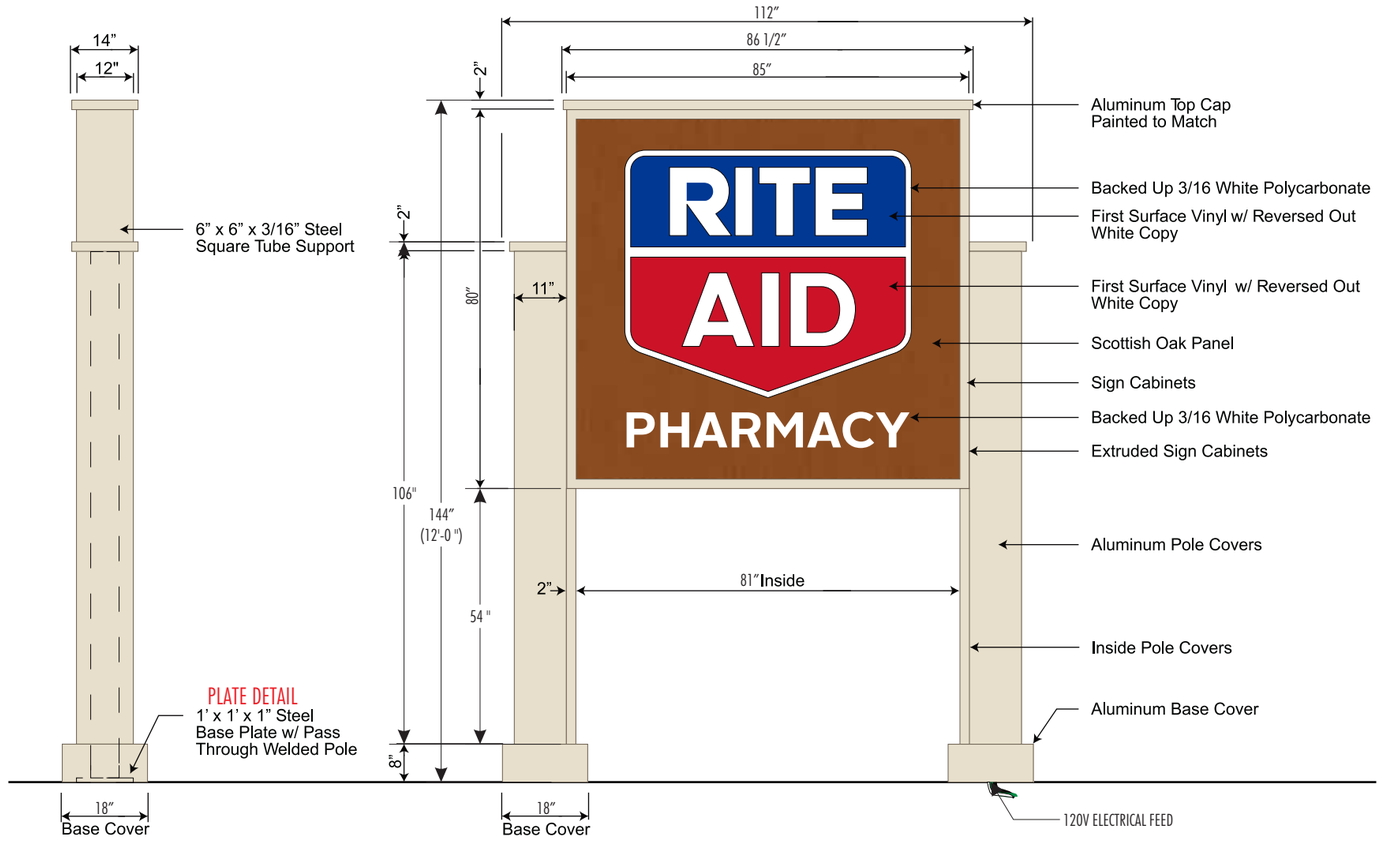
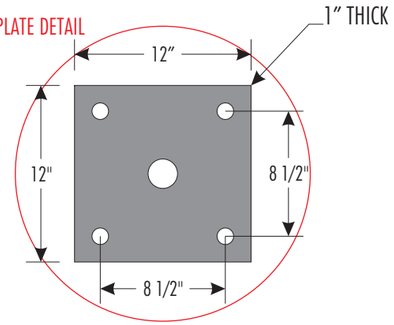
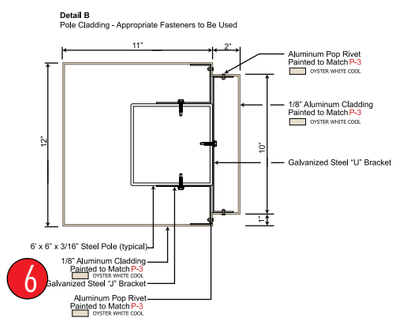



PLATE DETAIL




Please Note: Weights and Measures requirements vary by State, County and Municipality. It is the responsibility of the customer to confirm that these graphics are compliant with all local Regulations, Statues and Ordinances. Compliancy must be confirmed by the party obtaining the permit. SignResource is not liable for misinterpretation of local Weights and Measures requirements or any rule changes that may occur after the order has been placed. If permitting and installation is provided by SignResource, we will make every effort to confirm the signage provided is compliant at the time of installation.

**APPROVAL SIGNATURE**

By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.


SignResource IDENTITY GROUP
6135 District Blvd • Maywood, CA 90270
800.423.4283 • Fax 323.560.7143
Website: www.signresource.com


## REVISION HISTORY:

| REV | DATE | REQUESTED BY | UPDATED BY |
|---|---|---|---|
| A | 12/10/15 | TL | BS |

REVISION DESCRIPTION: INITIAL DRAWING

## PARTS LIST:

| ITEM | DECORATION |
|---|---|
| A | PAINT TO MATCH "OYSTER WHITE COOL" |
| B | ARLON 2500-2870 BLUE |
| C | ARLON 2500-2283 RED |
| D | WHITE |
| E | SCOTTISH OAK PANEL |
| F | DRIFTWOOD MICA COOL 20 PANEL |

| | MATERIAL LIST |
|---|---|
| 1 | ALUMINUM |
| 2 | POLES |
| 3 | LED ILLUMINATION |
| 4 | |
| 5 | |

**THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN**

## GENERAL NOTES

1.TOLERANCE ( UNLESS NOTED)
- GRAPHICS +/-1/8" • FACE SIZE + 1/16"-¼"
- CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
- ALL COPY LEVEL UNLESS NOTED OTHERWISE

2. VIEWING DISTANCE 25' TO 50' UNLESS NOTED OTHERWISE
3. PMS COLOR CALLOUT INDICATES USE OF SPRAYLAT MIX SYSTEM
4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
5. ALL ELECTRICAL SIGNS TO COMPLY WITH UL 48

DESCRIPTION

**RITE AID 12'-0"**
**DF LED IL BTP PYLON SIGN**

DRAWN BY: BRIAN S.
CHECKED BY:
CLIENT: ENTERPRISE HOLDINGS
LOCATION: MULTIPLE LOCATIONS
QUOTE:
DATE: 12/10/15
DRAWING/PART #: RAP12-LED
REV.: A
SHEET #: 12 OF 19

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COVERS MUST BE OPAQUE.

7

32 SF

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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 | |

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1.TOLERANCE ( UNLESS NOTED)
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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
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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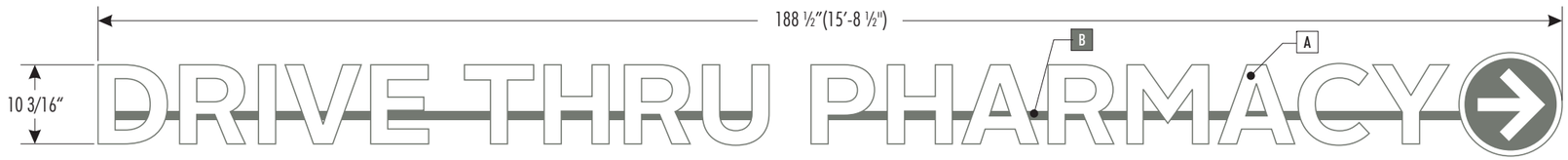
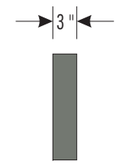
# NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS REMOVAL OF FACE

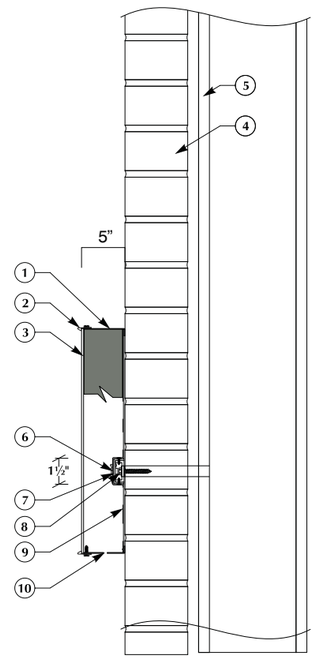



FRONT VIEW



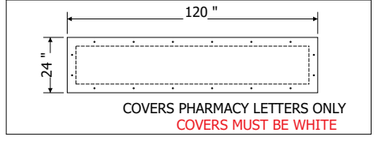

SIDE VIEW

| LETTERS | MATERIAL LIST |
|---|---|
| 1 | 5" X .040 aluminum letter coil painted pms 424<br>letter locked to aluminum letter backs |
| 2 | 1" Trim cap painted pms 424 |
| 3 | .125 #2447 White plex faces |
| 4 | Building facade. |
| 5 | Sheathing by others |
| 6 | Pre-drilled electrical hole w/ plastic grommet. |
| 7 | 1" x 2" x 1/8" Aluminum Raceway |
| 8 | Masonry fasteners (Min. 3 per raceway) |
| 9 | .063 pre-finished black/white aluminum backs (white to inside) |
| 10 | 1/4" Weep holes at low points of letters |
| 11 | |
| 12 | |
| 13 | |
| 14 | |
| 15 | |
| 16 | |
| | |




Access to rear of facade to be by others.
Note: All penetrations to be sealed with BIOSTOP 500+ Intumescent Firestop Sealant to meet NEC #300.21, ASTM #E814, UL #1479 and UL #2079 standards.

PART #: RA0210CVR — TEMPORARY WHITE BANNER COVERS




COVERS PHARMACY LETTERS ONLY
COVERS MUST BE WHITE

8

**APPROVAL SIGNATURE** _____ **DATE** _____

**By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.**

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## 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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## REVISION HISTORY:

| REV | DATE | REQUESTED BY | UPDATED BY |
|---|---|---|---|
| A | 04/07/15 | AH | CM |

REVISION DESCRIPTION: INITIAL DRAWING

## PARTS LIST:

| ITEM | DECORATION |
|---|---|
| A | VINYL 3M 3630-59 DARK BROWN |
| B | |
| C | |
| D | |
| E | |
| F | |
| | MATERIAL LIST |
| 1 | CLEAR PLASTIC PANEL |
| 2 | VINYL COPY |
| 3 | |
| 4 | |
| 5 | |

QTY: 1

FIRST SURFACE DECORATION

SCALE ½" : 1'-0"

**THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN**

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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
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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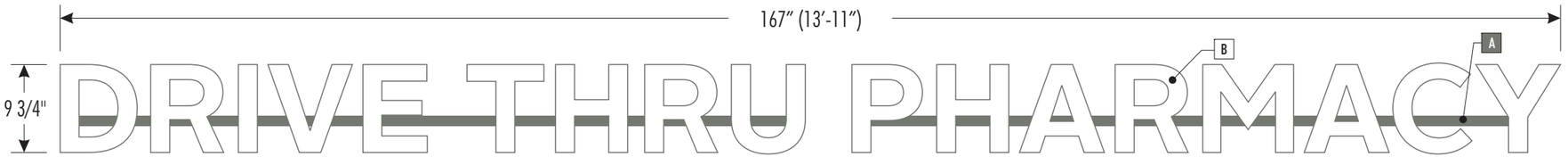
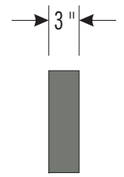
# NON-ILLUMINATED

REQUIRED INFO: METHOD OF SERVICE IS REMOVAL OF FACE



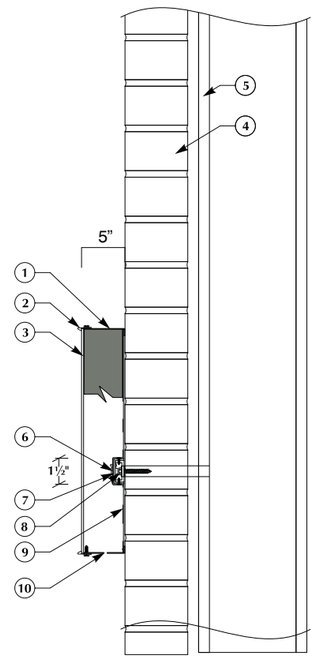

FRONT VIEW




SIDE VIEW

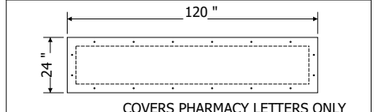
| LETTERS | MATERIAL LIST |
|---|---|
| 1 | 5" X .040 aluminum letter coil painted pms 424<br>letter locked to aluminum letter backs |
| 2 | 1" Trim cap painted pms 424 |
| 3 | .125 #2447 White plex faces |
| 4 | Building facade. |
| 5 | Sheathing by others |
| 6 | Pre-drilled electrical hole w/ plastic 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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## 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

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## GENERAL NOTES

1.TOLERANCE ( UNLESS NOTED)
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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
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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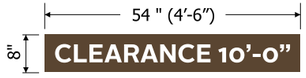
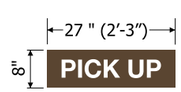
## NON-ILLUMINATED DT CANOPY SIGNS — QTY:**1 Each**

**11** — # RA0854APC10 — 3 SQ FT

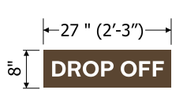



Scale 3/8″ = 1′

**12** — # RA0827APPU — 1.5 SQ FT

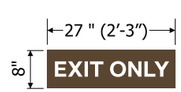



**13** — # RA0827APDO — 1.5 SQ FT

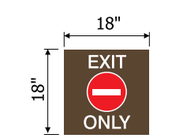


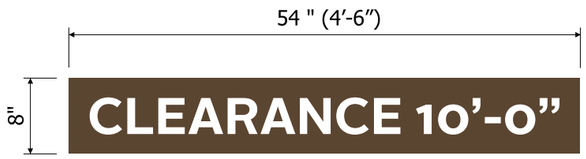

Scale 3/8″ = 1′

**14** — # RA0827APEO — 1.5 SQ FT




**15** — # RA1818SPEO — 2.25 SQ FT



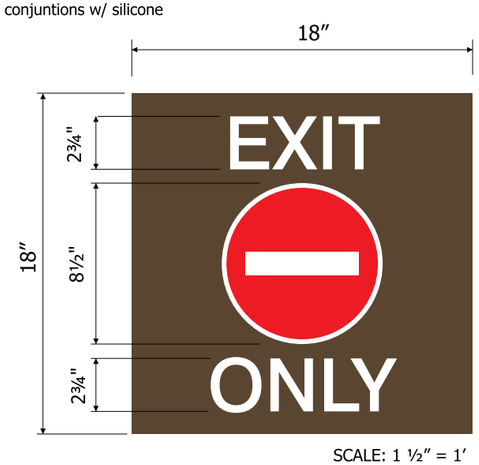

SCALE: 3/4″ = 1′

**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

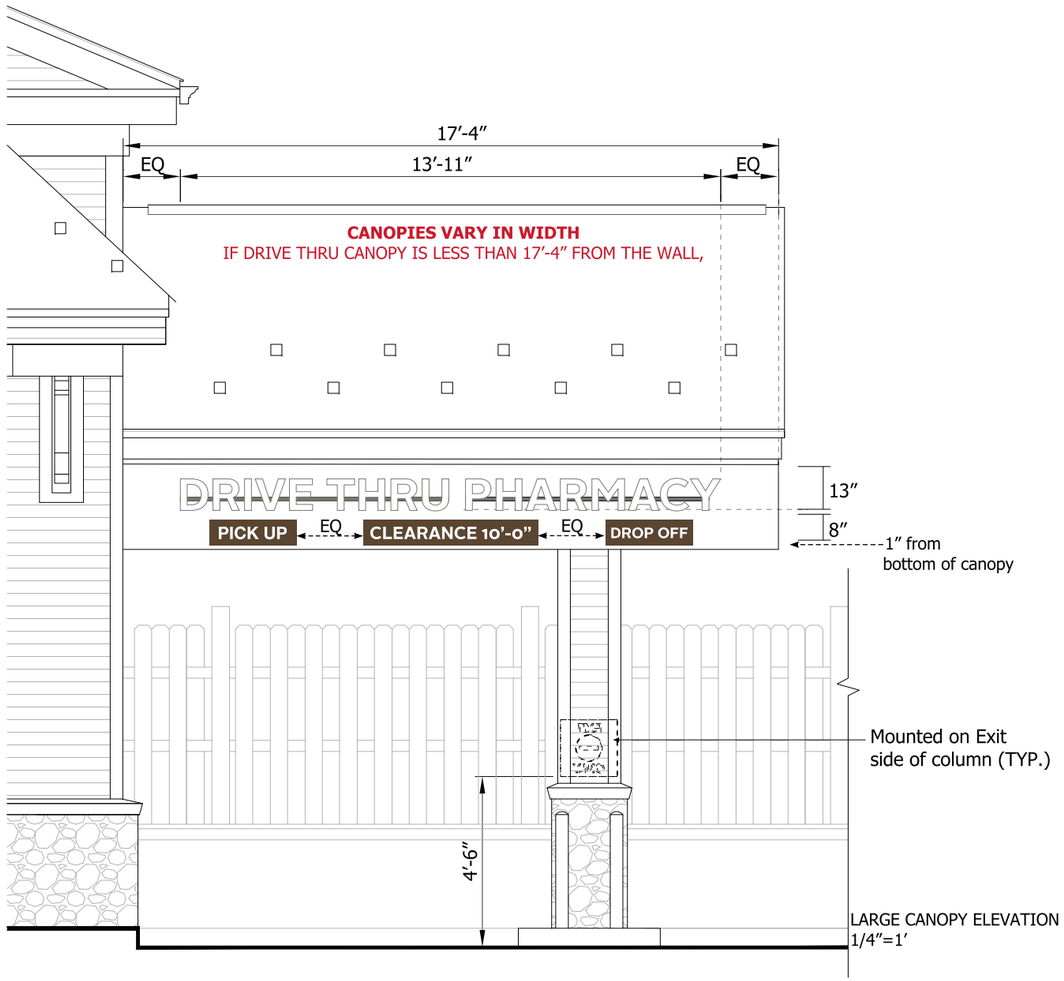
**Copy**
White Reflective vinyl copy 3M-480-10 V-5

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

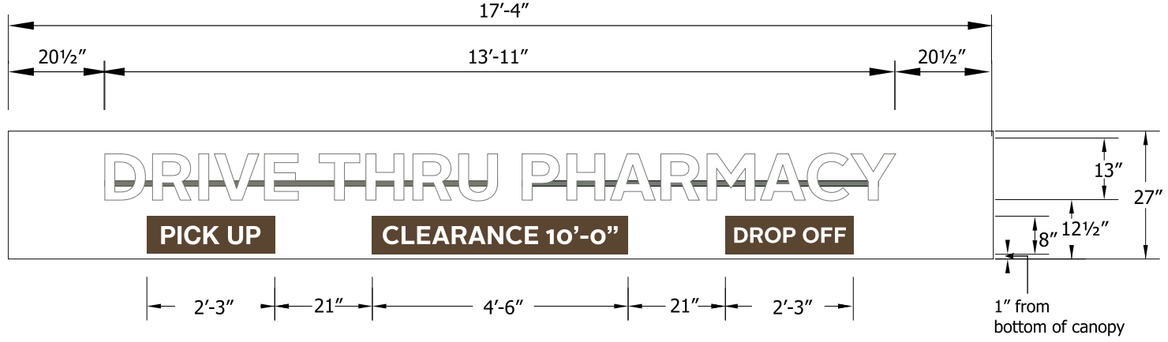
**Facade**
CMU - Brick (Typ.)

**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



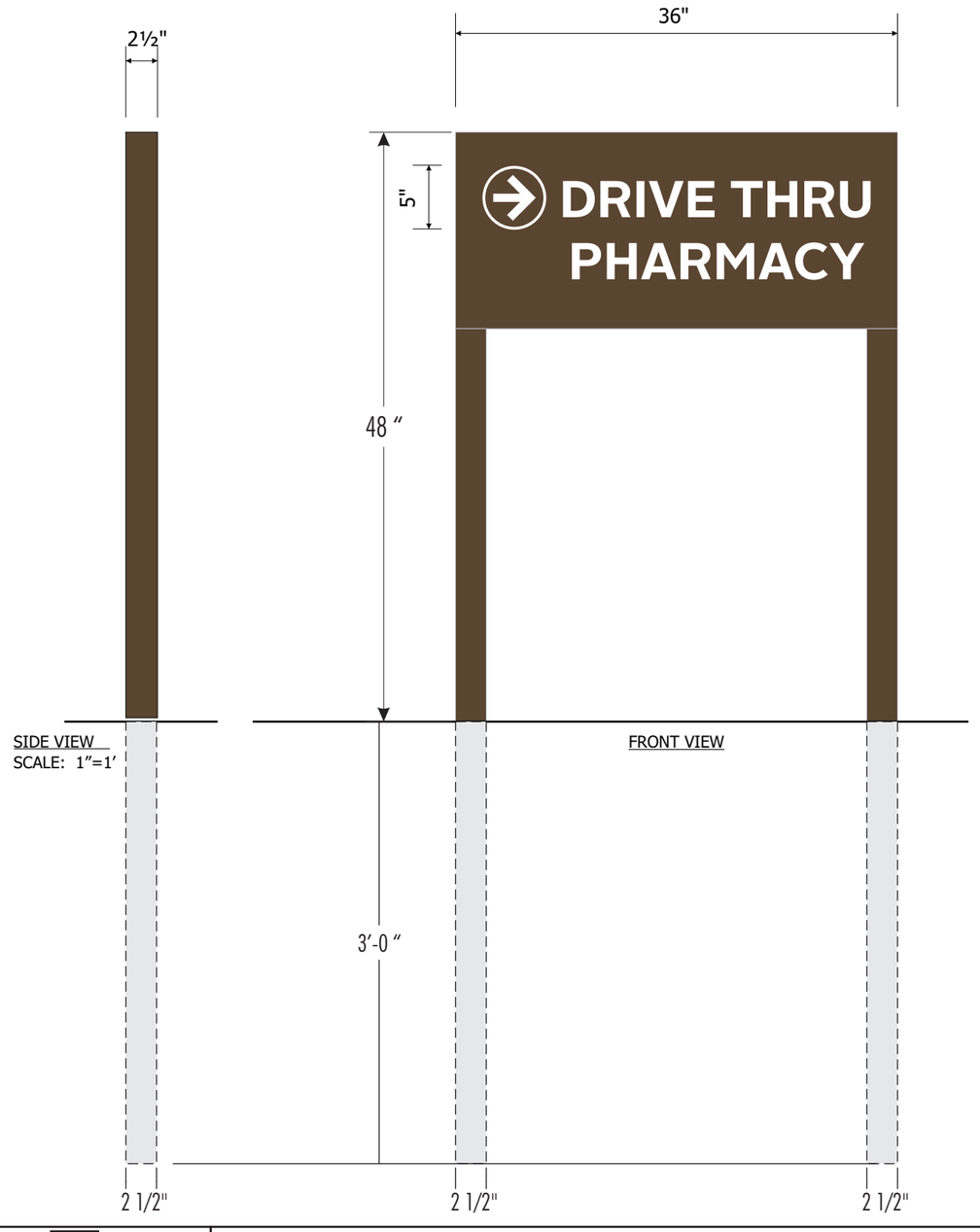

LARGE CANOPY ELEVATION
1/4″=1′




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

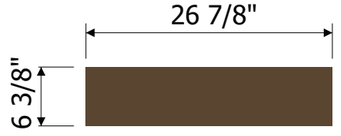
**Copy**
White Reflective vinyl copy
WHITE REFLECTIVE VINYL 3M480-10

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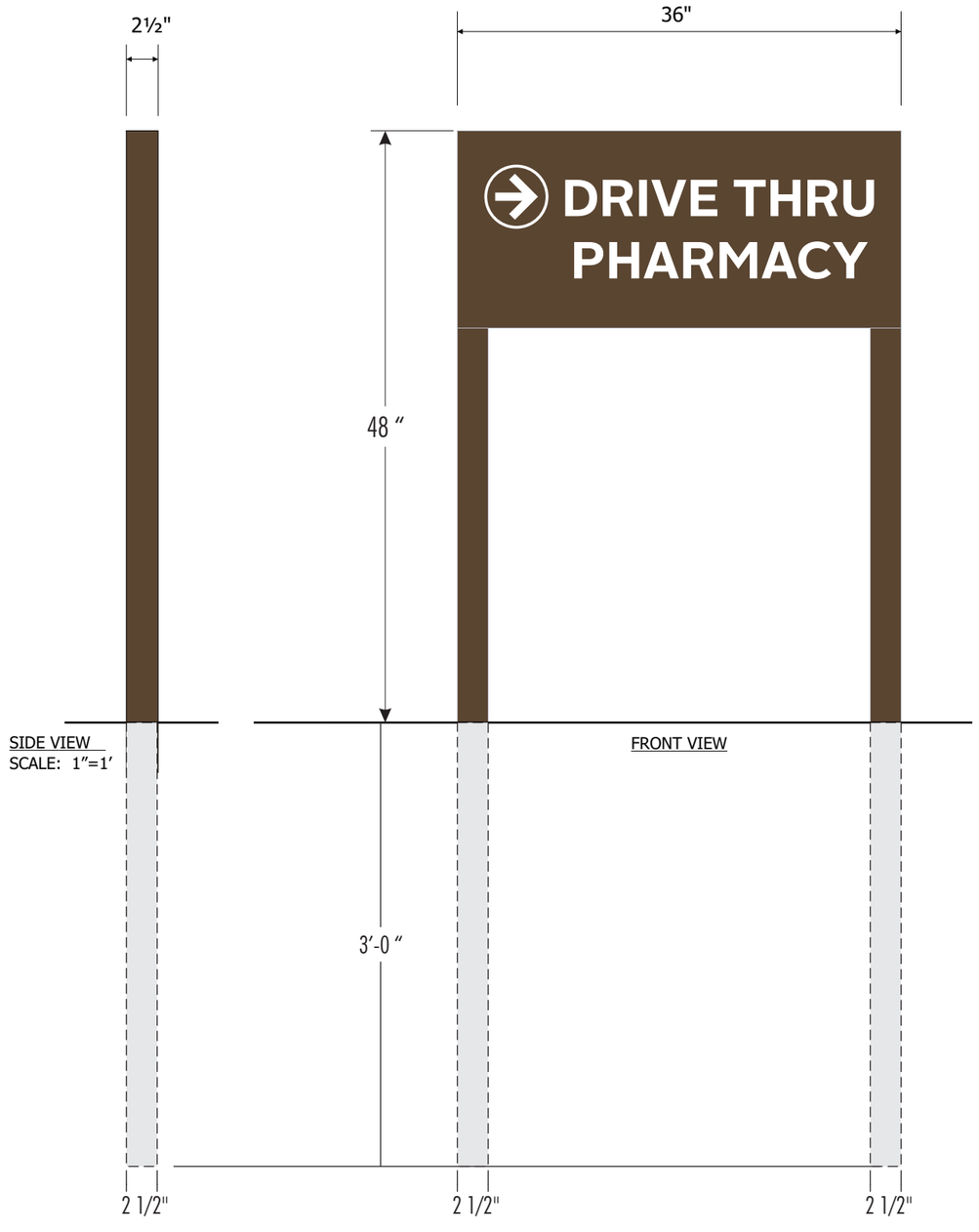
## D/F DIRECTIONAL SIGN
NON-ILLUMINATED — 4 SQ FT




SIDE VIEW
SCALE: 1"=1'

FRONT VIEW

BACK VIEW
SCALE: 1"=1'

**Panels**
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**Copy**
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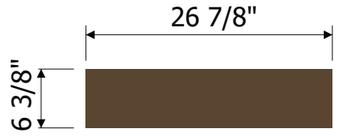
**Posts**
PAINTED Sw6076 TURKISH COFFEE

### TEMPORARY VINYL COVERS

NO COPY

QTY: **As Needed**




VINYL TO MATCH SW6076 TURKISH COFFEE
LOW TAC OPAQUE VINYL

SCALE 1:12
4 SF

17

**APPROVAL SIGNATURE** _____ **DATE** _____

**By signing, you are validating the dimensions and graphic provided to SignResource and/or you are handling your own installation.**

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### 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") |
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| C | |
| D | |
| E | |
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| 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)
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- CABINET +/- 1/8" • VINYL OVERLAP + 1/8"+/ 1/16"
- ALL COPY LEVEL UNLESS NOTED OTHERWISE

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4. NO DEVIATION OR MATERIAL SUBSTITUTION WITHOUT ECN.
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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 | David Guarino & Linda Haner | | |
| Address | [redacted] | | |
| Phone | | / | / |
| 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: 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:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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 Hunt
(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

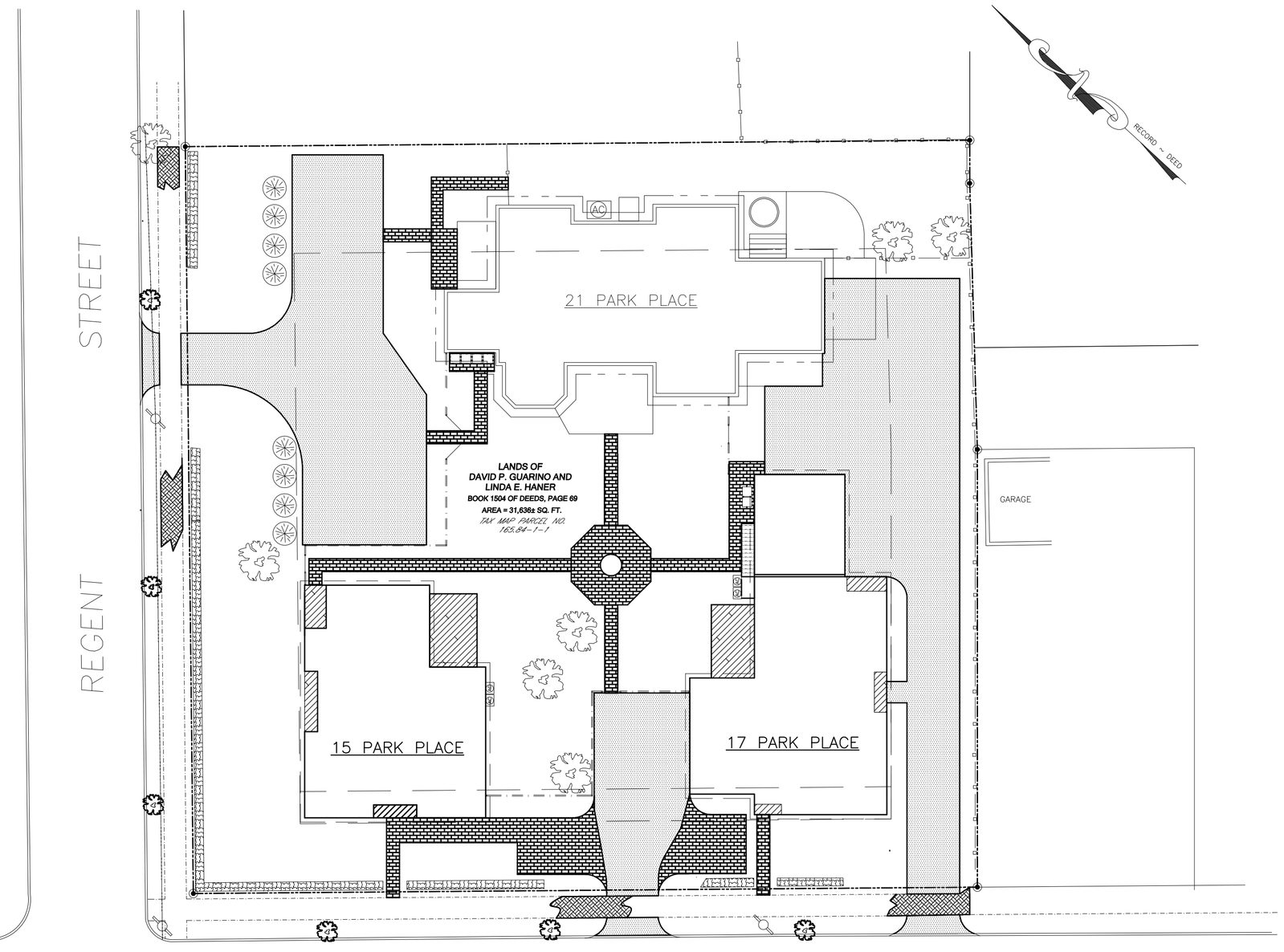
I hereby certify the above to be a full, true and correct copy of a resolution duly adopted by the Zoning Board of Appeals of the City of Saratoga Springs on the date above mentioned, seven members of the Board being present.

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

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

SHEET LISTING — S0 — SHEET 1

PB# 14.053

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

APPLICANT: DAVID GUARINO AND LINDA HANER TAX PARCEL NO.: 165.84-1-1

PROPERTY ADDRESS: 21 PARK PLACE
ZONING DISTRICT: URBAN RESIDENTIAL – 4

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

Extension of a previously approved area variance for construction of two, two-family residences.

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

240-2.3 Table 3 and 8.5.2. As such, the following relief would be required to proceed:

☒ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☐ Area Variance seeking the following relief:

| Dimensional Requirements | From | To |
|---|---|---|
| Minimum front yard setback: | 25 ft. | 16 ft. |
| Maximum principal building coverage: | 25% | 27.8% |

Note: Previously approved December 15, 2014 and filed December 29, 2014

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR 9/12/16 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 #)

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: _____

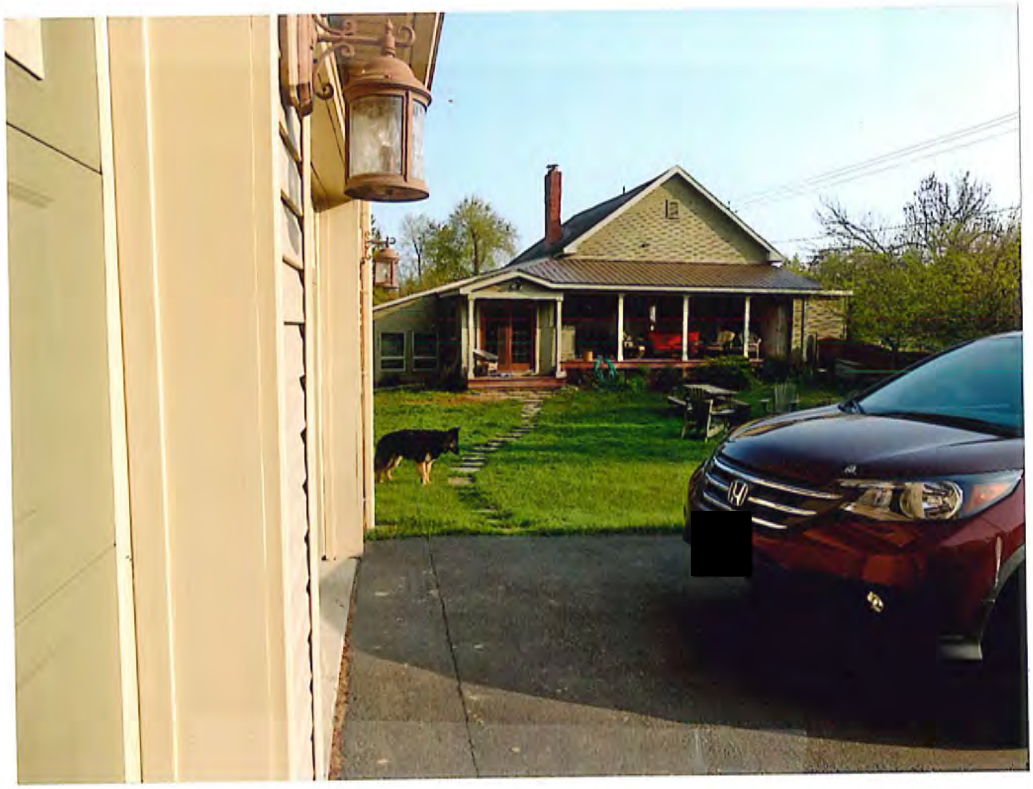
☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

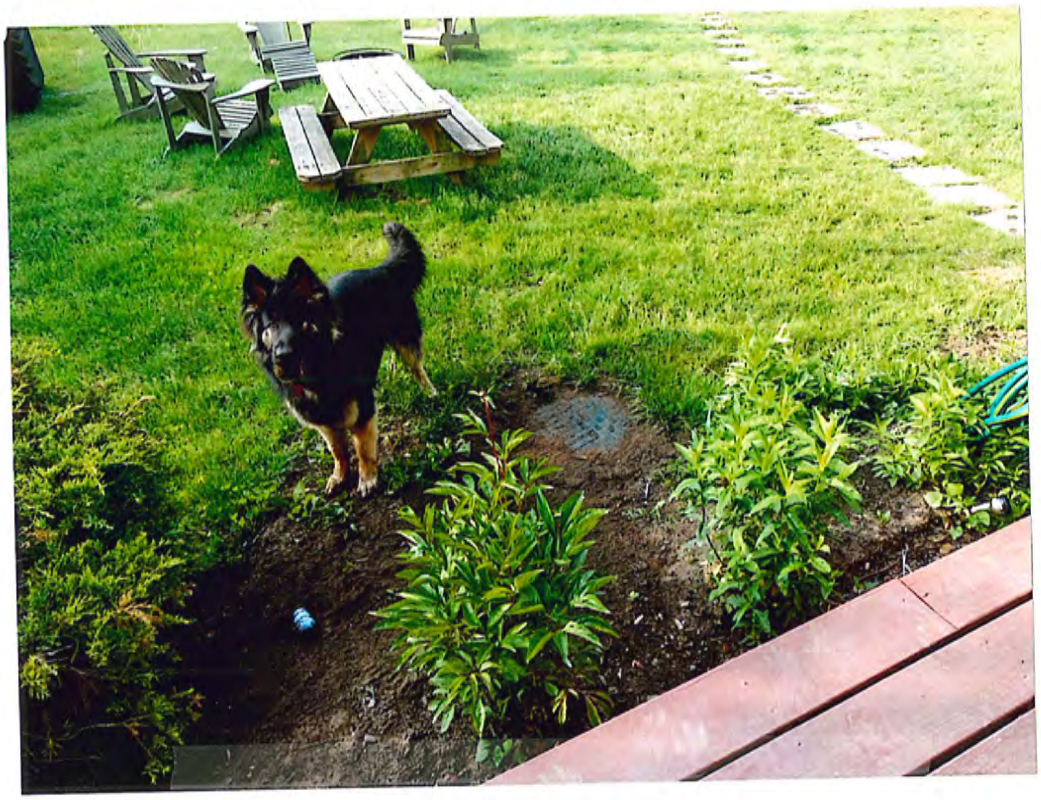
ZONING AND BUILDING INSPECTOR DATE

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:<br>Theresa Capozzola Area Variance | | | |
| Project Location (describe, and attach a location map):<br>57 Gilbert Road | | | |
| Brief Description of Proposed Action:<br>Seeking Area Variance for Home Office in Detached Garage | | | |
| Name of Applicant or Sponsor:<br>Theresa A. Capozzola | Telephone: [redacted]<br>E-Mail: [redacted] | | |
| Address:<br>[redacted] | | | |
| City/PO:<br>[redacted] | State:<br>[redacted] | Zip Code:<br>[redacted] | |

| | NO | YES |
|---|---|---|
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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?<br>If Yes, list agency(s) name and permit or approval: | ☑ | ☐ |

| | |
|---|---|
| 3.a. Total acreage of the site of the proposed action? | 0 acres |
| b. Total acreage to be physically disturbed? | 0 acres |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | 10.484 acres |

4. Check all land uses that occur on, adjoining and near the proposed action.

☐ Urban ☑ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

| | NO | YES | N/A |
|---|---|---|---|
| 5. Is the proposed action,<br>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?<br>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?<br>If the proposed action will exceed requirements, describe design features and technologies:<br>N/A Area variance | ☐ | ☐ |
| 10. Will the proposed action connect to an existing public/private water supply?<br>If No, describe method for providing potable water: _____ | ☐ | ☑ |
| 11. Will the proposed action connect to existing wastewater utilities?<br>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?<br>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?<br>If Yes,<br>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)?<br>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)?<br>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?<br>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?<br>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**

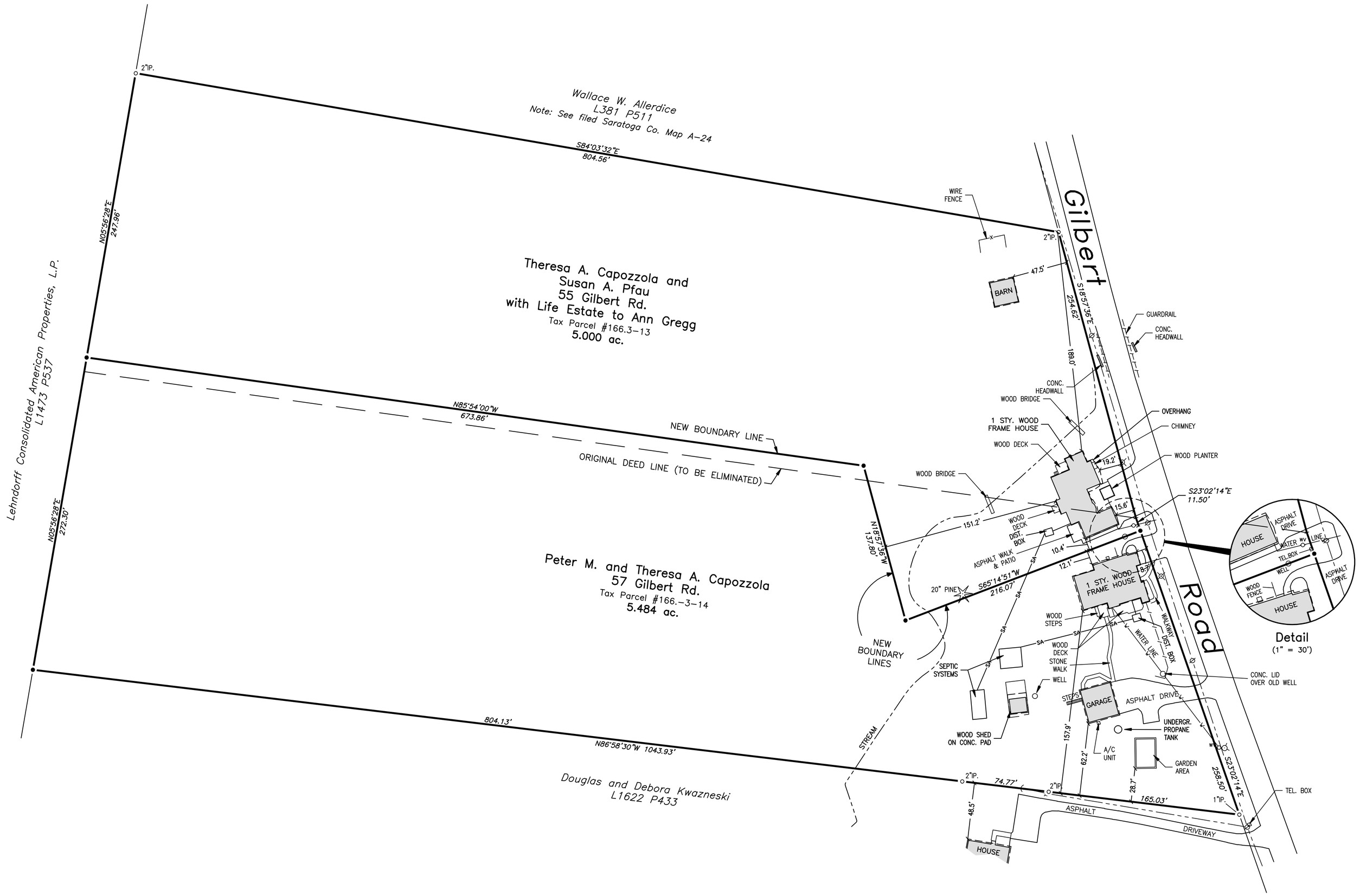
No junkyards shall be established in any district on or after the effective date of this chapter.

**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

# 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<br>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,<br>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<br>☐ | YES<br>☑ | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____ | NO<br>☑ | YES<br>☐ | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | NO<br>☑ | YES<br>☐ | |
| 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?<br>If the proposed action will exceed requirements, describe design features and technologies: | NO<br>☐ | YES<br>☑ | |
| 10. Will the proposed action connect to an existing public/private water supply?<br>If No, describe method for providing potable water: _____ | NO<br>☐ | YES<br>☑ | |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: _____ | NO<br>☐ | YES<br>☑ | |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? | NO<br>☑ | YES<br>☐ | |
| 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<br>☑ | YES<br>☐ | |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>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:<br>☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional<br>☐ 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<br>☑ | YES<br>☐ | |
| 16. Is the project site located in the 100 year flood plain? | NO<br>☑ | YES<br>☐ | |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,<br>a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES | NO<br>☑ | YES<br>☐ | |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>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)?<br>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?<br>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?<br>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<br>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**

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**

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>

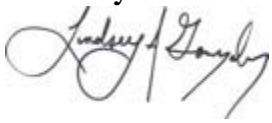
Board Members,

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

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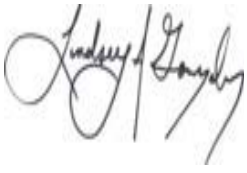


**LAG elec sig.jpg**
7 KB

# 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<br>Teri L DeSorbo | | |
| Address | [redacted] | | |
| Phone | [redacted] | [redacted] | [redacted] |
| Email | [redacted] | | |

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

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

PROPERTY INFORMATION

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

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

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

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

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

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

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

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

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

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

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

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

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

Other: _____

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

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

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

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

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

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

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

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

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

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

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

## DISCLOSURE

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

## APPLICANT CERTIFICATION

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

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

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

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

(applicant signature)

Date: 2/9/2016

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

(applicant signature)

Date: 2/9/2016

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

MAP REFERENCES:

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

MIDDLE AVENUE

# MAP OF SURVEY

OF LANDS OF

## C. CHRISTOPHER ARMER & TERI DeSORBO

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

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

UPDATED NOVEMBER 18, 2015 TO SHOW PROPOSED ADDITION

**LEGEND:**

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

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

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

WILLIAM J. ROURKE, LICENSED LAND SURVEYOR NO. 49098

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

14-91
JOB NO.

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

EXISTING HOME -
117 Middle Ave - Subject Property

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

Neighbor Driveway to WEST
From Back Property Line

Looking WEST FROM
117 Middle AVE

Looking East From
117 Middle Ave

Across STREET From 117 Middle

Across STREET from 117 Middle

Google earth feet 300 meters 90

- SHOWS DENSITY of AREA.

FRONT LEFT ELEVATION

FRONT RIGHT ELEVATION

REAR LEFT ELEVATION

REAR RIGHT ELEVATION

OPTION 5

PLAN NO:

PAGE OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR: CHRIS ARMER

ADDRESS: 117 MIDDLE AVE SARATOGA NEW YORK

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

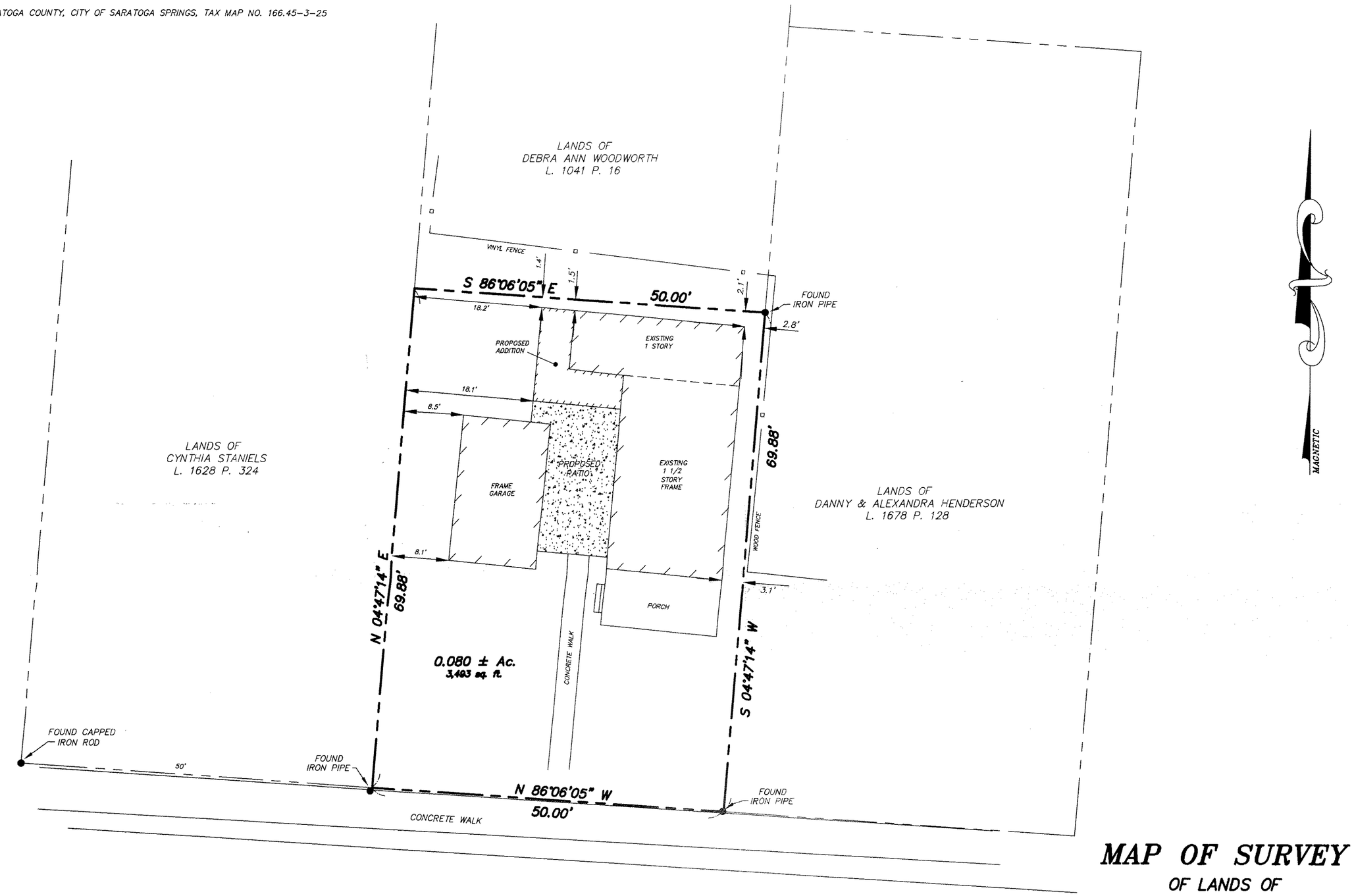
SEAL: 02/12/15

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

COPYRIGHT © 2015 BY WILLIAMS & WILLIAMS DESIGNERS, ALL RIGHTS RESERVED. ALL WILLIAMS & WILLIAMS DESIGNERS PLANS HAVE BEEN REGISTERED WITH THE UNITED STATES COPYRIGHT OFFICE. THIS DRAWING IS AN UNPUBLISHED WORK AND MAY NOT BE USED, DISCLOSED OR REPRODUCED, COPIED OR USED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION FROM WILLIAMS & WILLIAMS DESIGNERS. UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW, ARTICLE 145 SECTION 7209. DO NOT SCALE THESE DRAWINGS. THEY MAY NOT BE TO EXACT SCALE. USE ONLY THE DIMENSIONS SHOWN. OWNER AND CONTRACTOR SHALL CONSULT ALL APPLICABLE BUILDING CODES TO ENSURE THAT PLANS AND DETAILS CONFORM TO ALL REQUIREMENTS. THEY SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AND SHALL NOTIFY WILLIAMS & WILLIAMS DESIGNERS OF ANY DISCREPANCIES BEFORE WORK IS PERFORMED. WILLIAMS & WILLIAMS DESIGNERS SHALL NOT BE RESPONSIBLE FOR ANY ADDITIONAL COSTS OR STRUCTURAL PROBLEMS RESULTING FROM FAILURE TO FOLLOW THESE PLANS AND DETAILS.

MAP REFERENCES:

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




# 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
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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
808 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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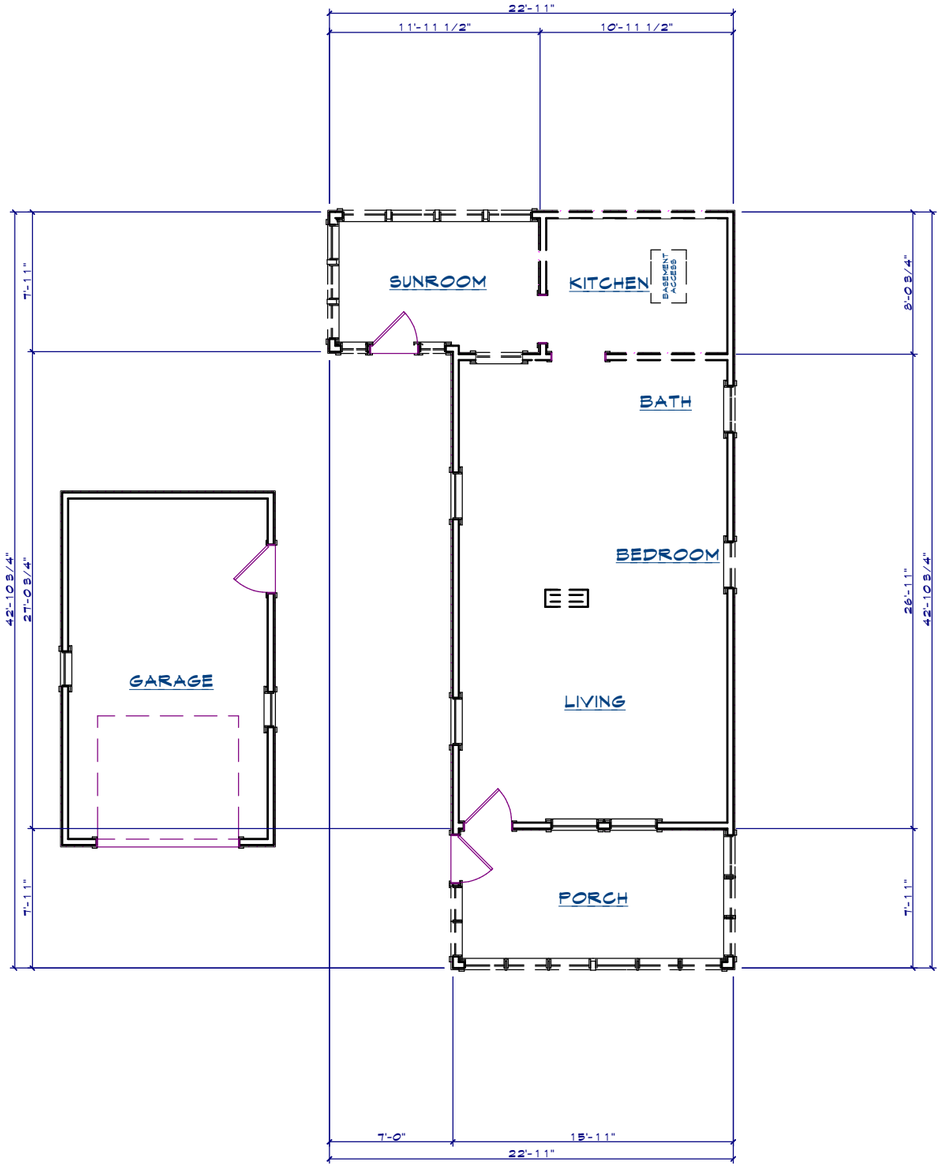
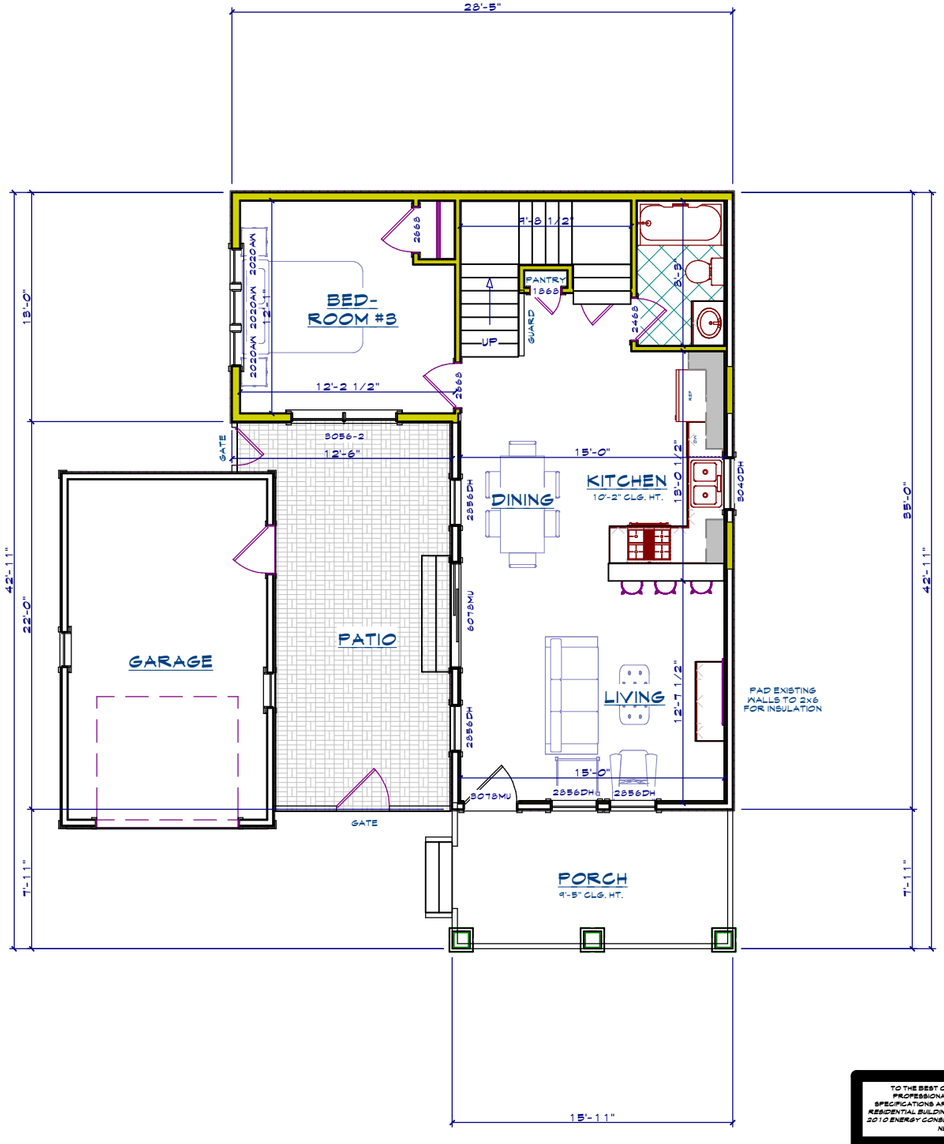
- EXISTING CONSTRUCTION
- TO BE DEMOLISHED
- NEW CONSTRUCTION

| | | |
|---|---|---|
| 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
518-798-4663-HOUSE(4683)
WILLIAMSANDWILLIAMSDESIGNERS.COM

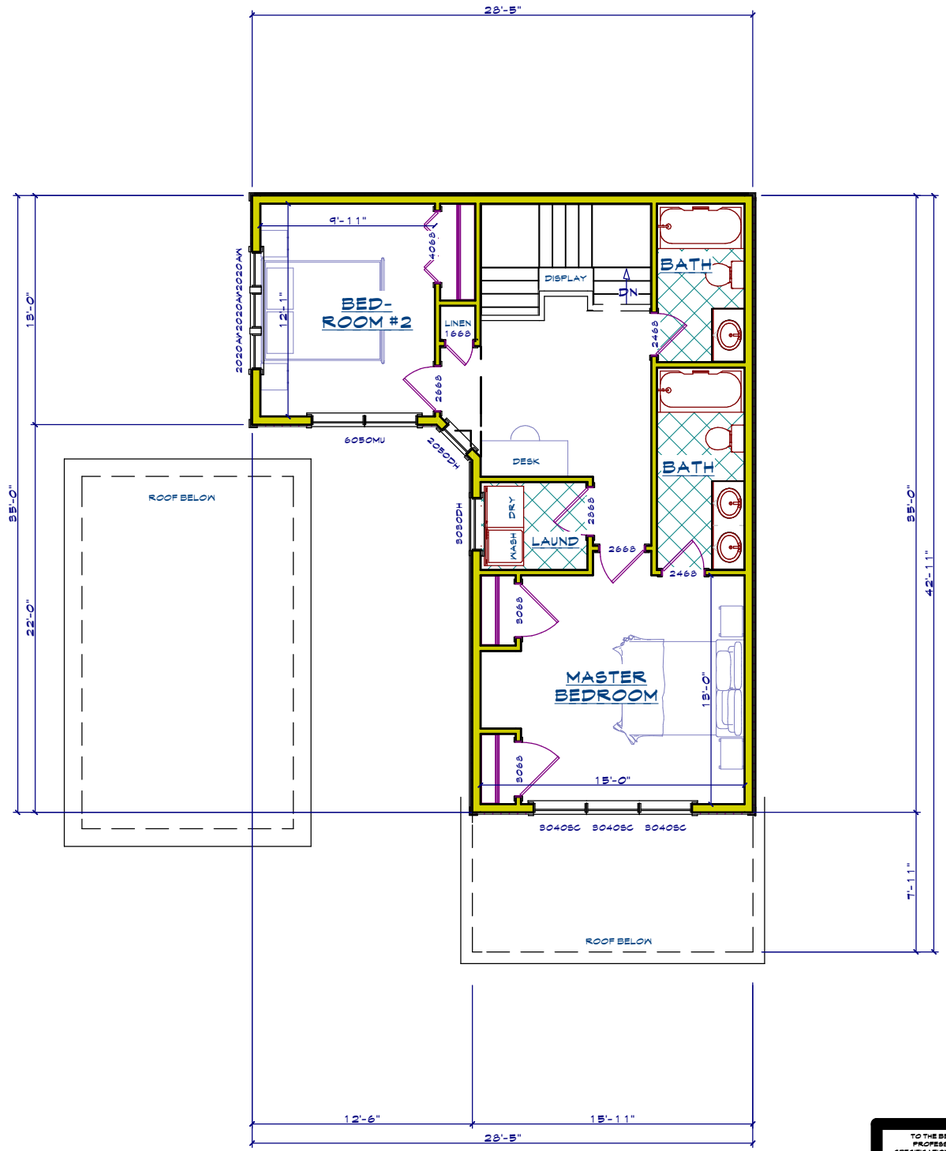
SEAL:
05/05/16

LIVING/DINING/KITCHEN

DINING/KITCHEN/LIVING

SECOND FLOOR AERIAL

FIRST FLOOR AERIAL




PROPOSED SECOND FLOOR PLAN

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

- EXISTING CONSTRUCTION
- TO BE DEMOLISHED
- NEW CONSTRUCTION

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
501 GLEN STREET-GLENS FALLS-NEW YORK 12801
(518) 793-4100-HOUSE(4683)
WILLIAMSANDWILLIAMSDESIGNERS.COM

SEAL:
05/05/16

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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PRELIMINARY

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

APPROVAL SIGNATURE:

DATE:

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

## Letter of support for 117 Middle Ave. Variance

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

**Subject :** Letter of support for 117 Middle Ave. Variance

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

To Whom it May Concern,

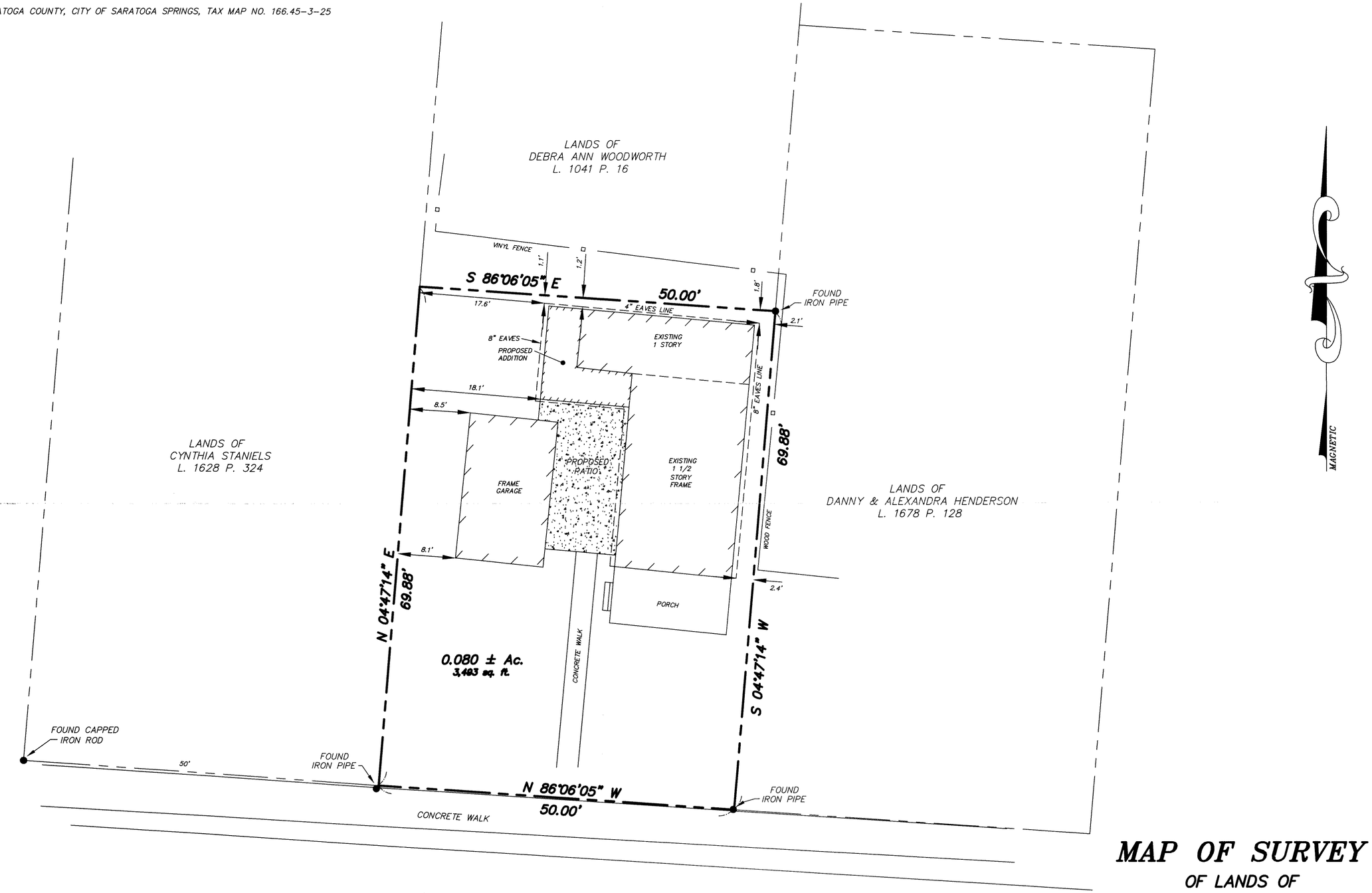
We received notice that Chris Armer & Teri DeSorbo have applied for a variance. My wife Kathryn Strassner and I own the double lot property at [redacted] York Ave. Our driveway (and main entrance) is directly adjacent to the western border of 117 Middle Ave. While at first we were concerned that development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

Best Regards,
Gillian Black

[redacted]

MAP REFERENCES:

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




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

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

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

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

**LEGEND:**

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

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

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

WILLIAM J. ROURKE, LICENSED LAND SURVEYOR NO. 49098

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

14-91
JOB NO.

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

# CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

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

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

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

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

### PROPERTY INFORMATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

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

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

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

Other: _____

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

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

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

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

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

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

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

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

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

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

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

## DISCLOSURE

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

## APPLICANT CERTIFICATION

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

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

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

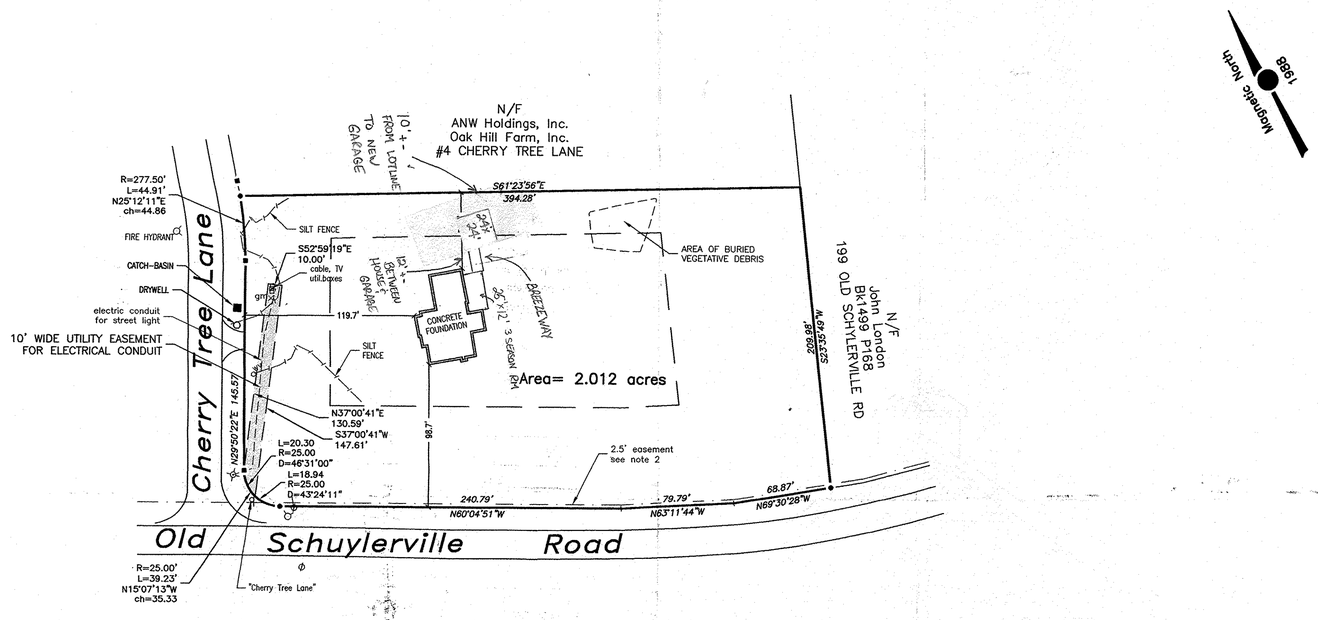
(applicant signature) Date: 3-25-16

(applicant signature) Date: 3-25-16

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____




## Certification :

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

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

## Map Legend

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

## Deed Reference:

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

## Map Reference:

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

## Notes :

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

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

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

25 0 25 50
Scale: 1" = 50'

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

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

THOMPSON/FLEMING
LAND SURVEYORS, P.C.

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

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

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

PURPOSED GARAGE & BREEZEWAY
(24' x 24')

EXSISTING GARAGE/HOUSE

SCALE 3/8" = 1'

LOT LINE

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

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

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

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

Proposed construction of an attached garage and breezeway.

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☒ Area Variance seeking the following relief:

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

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

5/5/16
DATE

# 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<br>Saratoga Springs, NY 12866 | Same as Applicant | Same as Applicant |
| Phone | [redacted] / [redacted] | / | / |
| Email | [redacted] | | |

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

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

PROPERTY INFORMATION

1. Property Address/Location: 96 Ballston Ave, Saratoga Springs, NY 12866 Tax Parcel No.: 176.26-1-39,40,46
(*for example: 165.52 – 4 – 37*)

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

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

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

5. Current Zoning District: UR-2 Urban Residential

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? June 2006, 2007 For what? 2006: 96 Ballston Ave to be used as an office.
2007: Area variance for handicap ramp access.)
☐ No

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

8. Brief description of proposed action:

The project proposes to consolidate three (3) lots and construct a residential subdivision with townhouses. The residential subdivision includes 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building as shown on the conceptual plan.

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

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

A use variance is requested to permit the following: _____

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

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

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

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

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

| Date | Improvement | Cost |
|---|---|---|
| | | |
| | | |
| | | |

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) UR-2 Area & Bulk Schedule Requirements

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

Other:

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

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

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

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

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

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

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

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

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

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

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

## DISCLOSURE

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

## APPLICANT CERTIFICATION

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

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

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

_____ Date:_____
(applicant signature)

_____ Date:_____
(applicant signature)

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

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: UR-2

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

_____

_____

_____

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

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

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

*Full Environmental Assessment Form*
*Part 1 - Project and Setting*

## Instructions for Completing Part 1

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

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

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

**A. Project and Sponsor Information.**

| | | |
|---|---|---|
| Name of Action or Project:<br>Ballston Ave Subdivision | | |
| Project Location (describe, and attach a general location map):<br>96 Ballston Ave, Saratoga Springs, NY, 12866 | | |
| Brief Description of Proposed Action (include purpose or need):<br>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:<br>Steven Gottmann, Ginley & Gottmann, P.C. | Telephone: [redacted]<br>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):<br>Same | Telephone:<br>E-Mail: | |
| Address: | | |
| City/PO: | State: | Zip Code: |
| Property Owner (if not same as sponsor): | Telephone:<br>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<br>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.

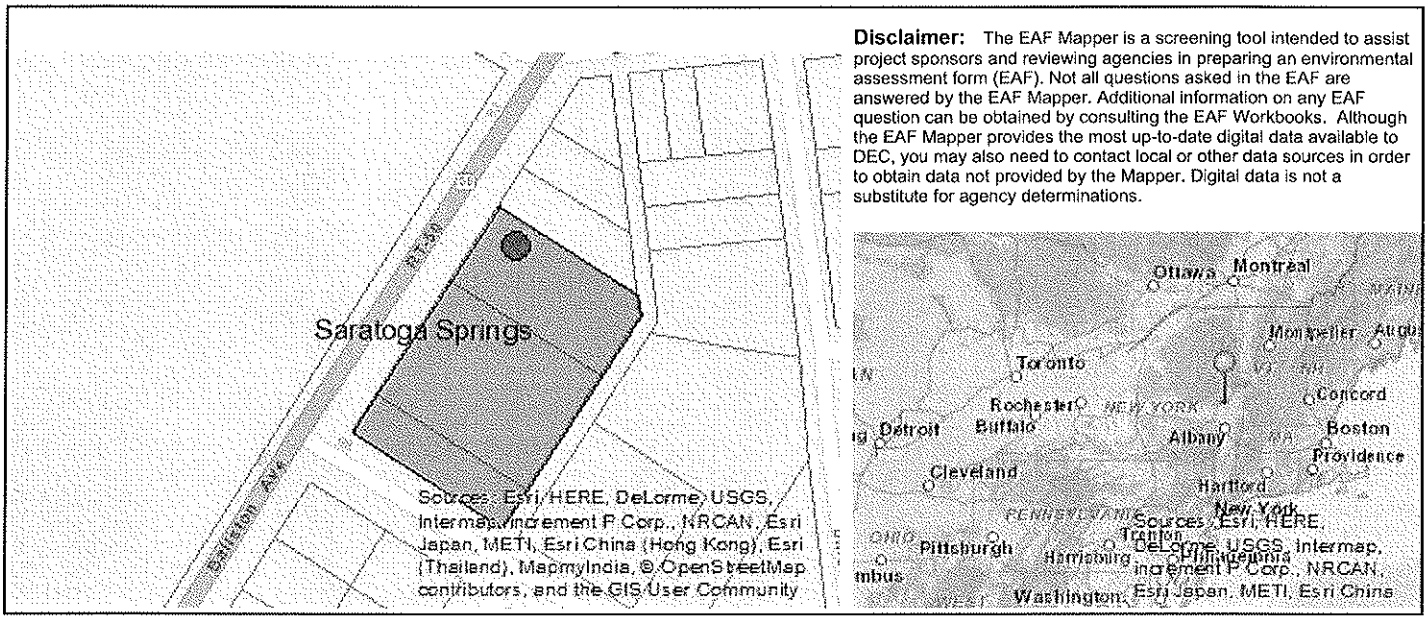
Applicant/Sponsor Name _____ Date _____

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:

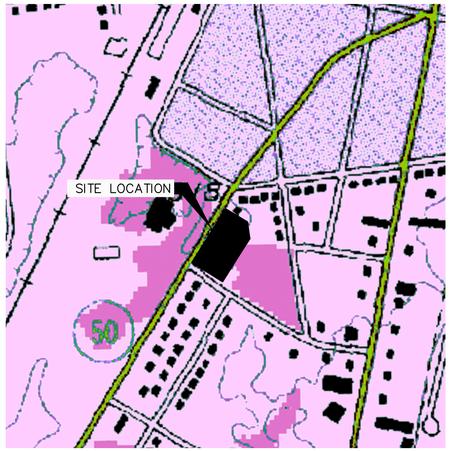
| Zoning Regulation | Required | Proposed | Requested Variance |
|---|---|---|---|
| Minimum Lot Sizes | 6,600 sf | 1,702 sf | 4898 sf |
| Minimum Average Lot Width | 60 ft. | 20 ft. | 40 ft. |
| Maximum Building Coverage | 30% | 33% | 3% |
| Each Side Min Yard Setback | 8 ft. | 0 ft. | 8 ft. |
| Total 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.

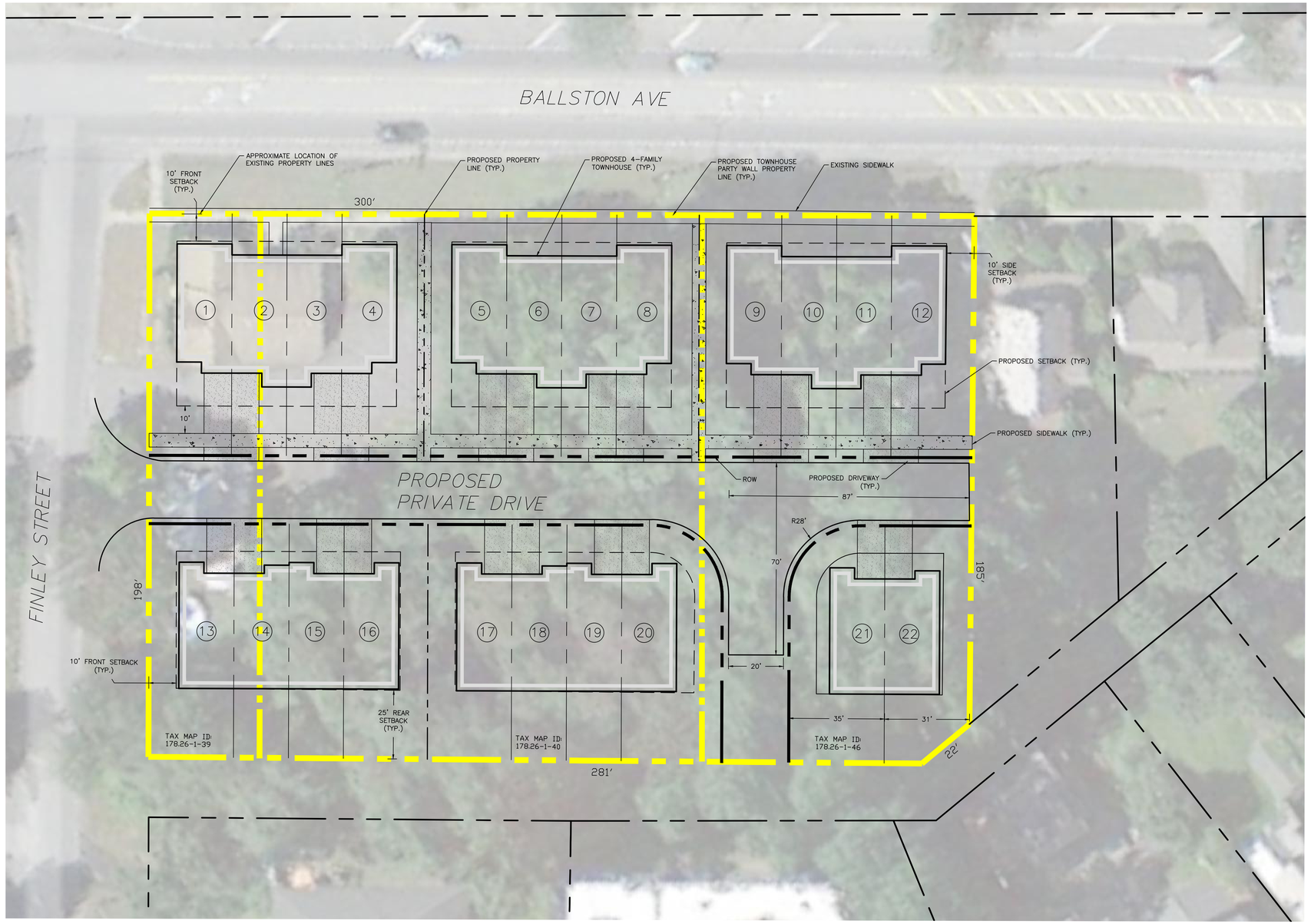
# BALLSTON AVE SUBDIVISION

## 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<br>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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DATE REVISIONS RECORD/DESCRIPTION

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

LANSING ENGINEERING
2456 ESTATE ROUTE 9, SUITE 301
MALTA, NY 12020
(518) 899-2643

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

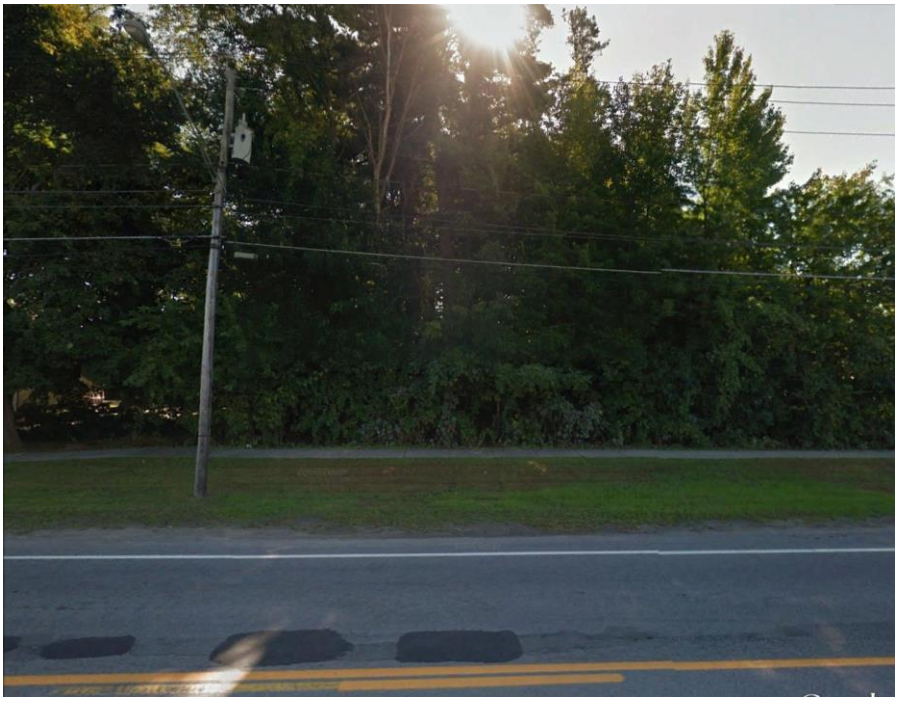
# Ballston Ave Subdivision
# Site Photos

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

**50 WEST HIGH STREET**
**BALLSTON SPA, NY 12020**

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

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

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

Michael Valentine, Senior Planner
Authorized Agent for Saratoga County

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

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

# *Letter of Transmittal*

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

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

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

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

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

THESE ARE TRANSMITTED as checked below:

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

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

☐ Copy filed to prior submissions

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

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

file

*If enclosures are not as noted, kindly notify us immediately*

*Full Environmental Assessment Form*
*Part 1 - Project and Setting*

## Instructions for Completing Part 1

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

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

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

**A. Project and Sponsor Information.**

| | | |
|---|---|---|
| Name of Action or Project:<br>Ballston Ave Subdivision | | |
| Project Location (describe, and attach a general location map):<br>96 Ballston Ave, Saratoga Springs, NY, 12866 | | |
| Brief Description of Proposed Action (include purpose or need):<br>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:<br>Steven Gottmann, Ginley & Gottmann, P.C. | Telephone: [redacted]<br>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):<br>Same | Telephone:<br>E-Mail: | |
| Address: | | |
| City/PO: | State: | Zip Code: |
| Property Owner (if not same as sponsor): | Telephone:<br>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<br>NYSDOH - Water | TBD |
| h. Federal agencies ☐Yes ☑No | | |

i. Coastal Resources.

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

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

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

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

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

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

**C.2. Adopted land use plans.**

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

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

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

If Yes, identify the plan(s):

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

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

If Yes, identify the plan(s):

**C.3. Zoning**

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

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

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

**C.4. Existing community services.**

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

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

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

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

**D. Project Details**

**D.1. Proposed and Potential Development**

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

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

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

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

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

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

If Yes, show numbers of units proposed.

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

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

If Yes,

*i.* Total number of structures _____

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

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

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

If Yes,

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

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

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

_____

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

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

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

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

**D.2. Project Operations**

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

If Yes:

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

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

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

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

_____

_____

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

If yes, describe. _____

_____

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

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

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

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

*ix.* Summarize site reclamation goals and plan: _____

_____

_____

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

If Yes:

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

_____

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

_____

_____

_____

_____

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

If Yes, describe: _____

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

If Yes:

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

_____

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

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

_____

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

_____

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

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

If, Yes:

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

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

_____

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

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

If Yes:

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

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

Residential sanitary wastewater

_____

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

If Yes:

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

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

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

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

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

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

_____

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

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

If Yes:

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

3405 Square feet or 0.78 acres (impervious surface)

59242 Square feet or 1.36 acres (parcel size)

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

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

Existing drainage course and existing storm water structures

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

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

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

If Yes, identify:

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

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

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

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

If Yes:

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

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

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

If Yes:

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

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

_____

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

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

_____

_____

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

If Yes:

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

☐ Randomly between hours of _____ to _____.

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

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

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

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

_____

_____

_____

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

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

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

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

If Yes:

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

_____

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

_____

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

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

*i.* During Construction:

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

*ii.* During Operations:

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

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

If yes:

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

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

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

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

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

If yes:

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

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

Describe: _____

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

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

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

If Yes:

*i.* Product(s) to be stored _____

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

*iii.* Generally describe proposed storage facilities: _____

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

If Yes:

*i.* Describe proposed treatment(s):

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

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

If Yes:

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

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

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

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

If Yes:

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

*ii.* Anticipated rate of disposal/processing:

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

*iii.* If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

## E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

*ii.* If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

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

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

*i.* If Yes: explain: _____

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

If Yes,

*i.* Identify Facilities:

_____

_____

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

If Yes:

*i.* Dimensions of the dam and impoundment:

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

*ii.* Dam's existing hazard classification: _____

*iii.* Provide date and summarize results of last inspection:

_____

_____

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

If Yes:

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

- If yes, cite sources/documentation: _____

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

_____

_____

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

_____

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

If Yes:

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

_____

_____

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

If Yes:

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

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

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

☐ Neither database

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

_____

_____

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

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

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

_____

_____

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

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

**E.2. Natural Resources On or Near Project Site**

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

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

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

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

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

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

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

h. Surface water features.

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

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

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

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

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

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

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

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

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

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

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

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

*i.* Name of aquifer: Principle Aquifer

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

_____ _____ _____

_____ _____ _____

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

If Yes:

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

_____

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

*iii.* Extent of community/habitat:

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

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

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

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

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

_____

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

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

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

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

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

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

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

If Yes:

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

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

_____

_____

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

If Yes:

*i.* CEA name: _____

*ii.* Basis for designation: _____

*iii.* Designating agency and date: _____

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

If Yes:

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

*ii.* Name: _____

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

_____

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

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

If Yes:

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

*ii.* Basis for identification: _____

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

If Yes:

*i.* Identify resource: Congress Park and Saratoga Park

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

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

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

If Yes:

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

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

**F. Additional Information**

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

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

**G. Verification**

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

Applicant/Sponsor Name _____ Date_____

Signature_____ Title_____

**PRINT FORM**

# EAF Mapper Summary Report

Friday, February 12, 2016 12:08 PM

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

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

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

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

# Ballston Ave Subdivision

PROJECT NARRATIVE
May 25, 2016

## INTRODUCTION

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

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

## EXISTING CONDITIONS

### *Existing Land Use and Zoning*

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

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

## PROPOSED CONDITIONS

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

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

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

## UTILITIES, STORMWATER AND SOLID WASTE

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

## PROPOSED AREA VARIANCES

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

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

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

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

**CONCLUSION**

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

LANSING ENGINEERING, PC

2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T [redacted]
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# Examples of Proposed Buildings

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

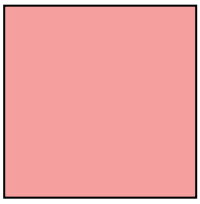
LANSING ENGINEERING, PC

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

# City of Saratoga Springs Complementary Core

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

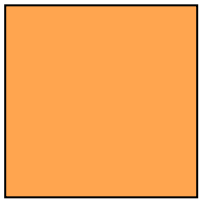


***Complementary Core (CC)***

***Complementary Core (CC)***

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

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

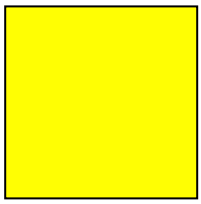


***Community Mixed Use (CMU)***

***Community Mixed Use (CMU)***

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

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



***Core Residential Neighborhood-1 (CRN-1)***

***Core Residential Neighborhood-2 (CRN-2)***

***Core Residential Neighborhood-3 (CRN-3)***

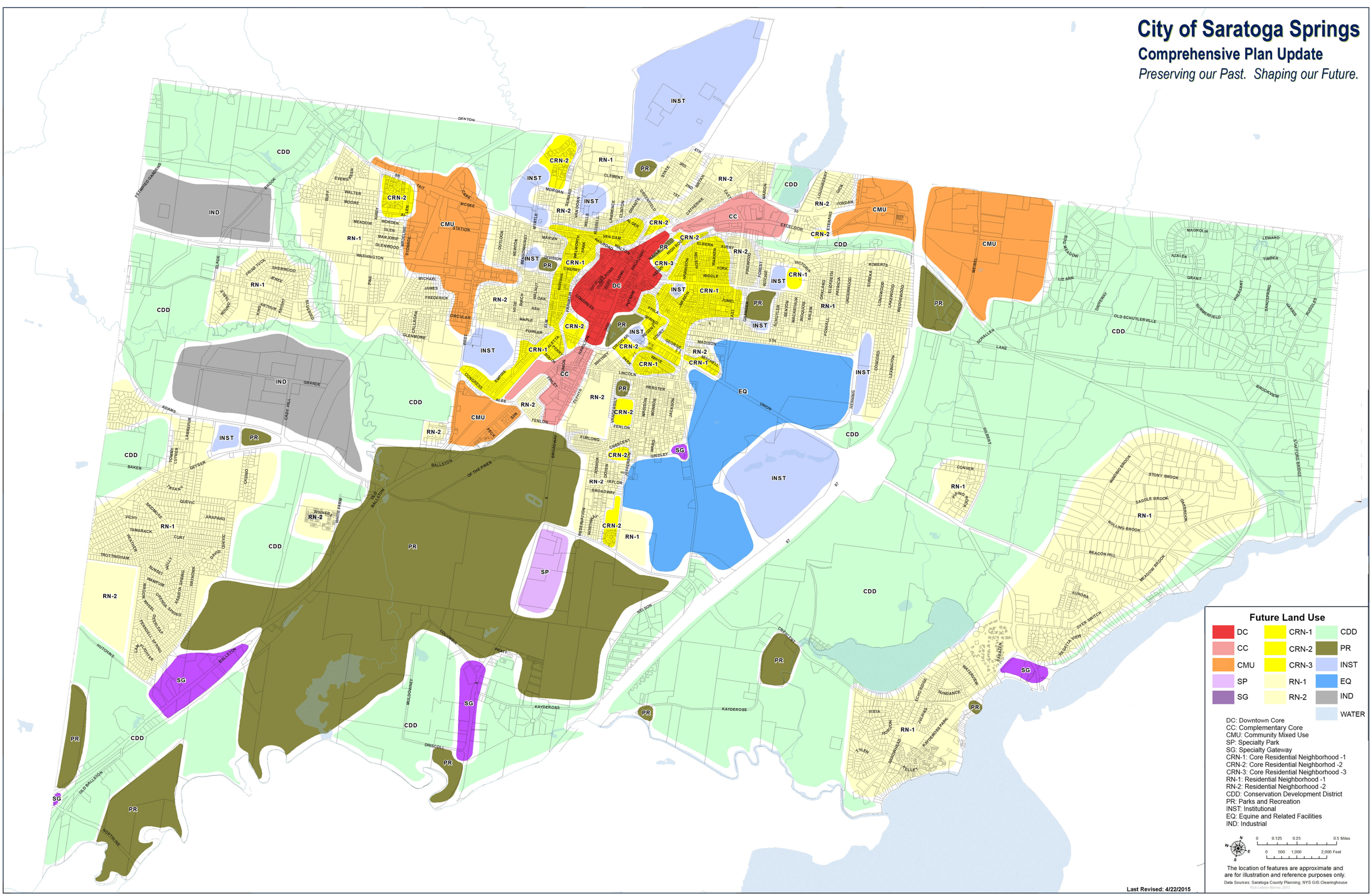
***Core Residential Neighborhood-1 (CRN-1), Core Residential Neighborhood-2 (CRN-2), and Core Residential Neighborhood-3 (CRN-3)***

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

# City of Saratoga Springs

## Comprehensive Plan Update

*Preserving our Past. Shaping our Future.*




### Future Land Use

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

DC: Downtown Core
CC: Complementary Core
CMU: Community Mixed Use
SP: Specialty Park
SG: Specialty Gateway
CRN-1: Core Residential Neighborhood -1
CRN-2: Core Residential Neighborhod -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
Non-License 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.

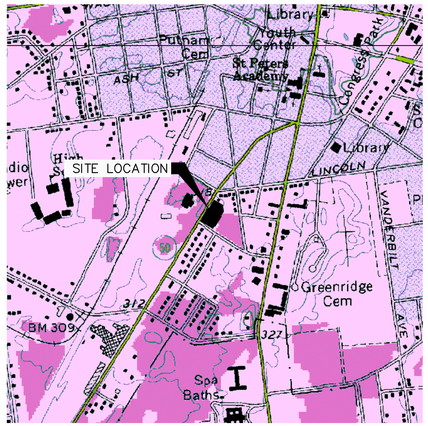
Data Sources: Saratoga County Planning, NYS GIS Clearinghouse

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'

**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

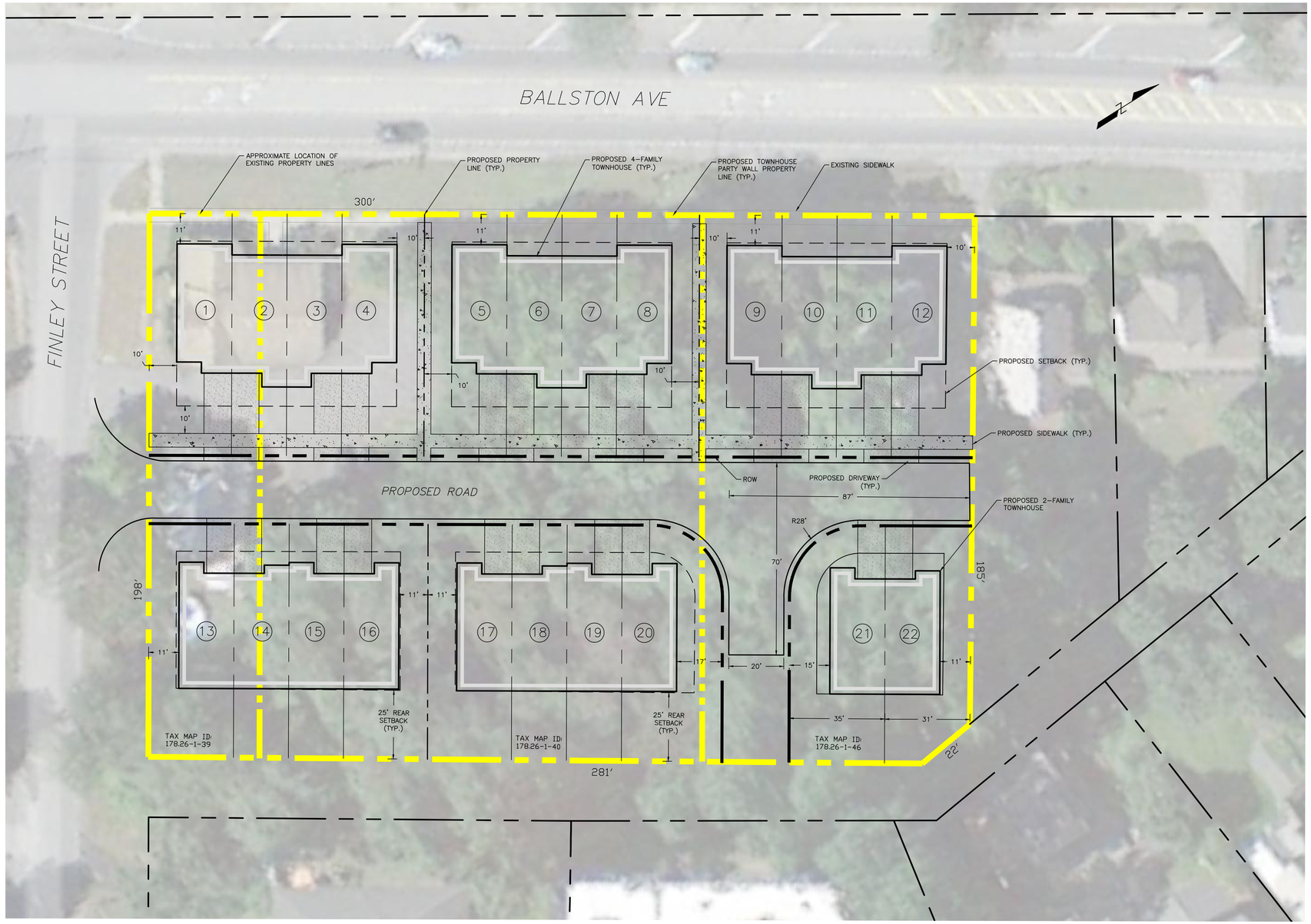
1) THE PROPOSED ROAD SHALL BE DEDICATED TO THE CITY OF SARATOGA SPRINGS.

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 |




CONCEPT PLAN

0 10 20 40 80

SCALE: 1"=20'

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

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

| DATE | REVISION/ RECORD/DESCRIPTION |
|---|---|

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

CONCEPTUAL LAYOUT PLAN

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

CLP–1
SHEET 1 OF 1

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

# Previous Use Variance
# Granted by the Supreme Court

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

STATE OF NEW YORK

SUPREME COURT COUNTY OF SARATOGA

---

RALPH SIANO and JANE SIANO,

Petitioners.

-against-

THE CITY OF SARATOGA SPRINGS ZONING BOARD OF APPEALS,

Respondent.

---

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

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

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

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

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

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

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

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

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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

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

CITY OF SARATOGA SPRINGS
ZONING BOARD OF APPEALS,
Appellant.

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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.

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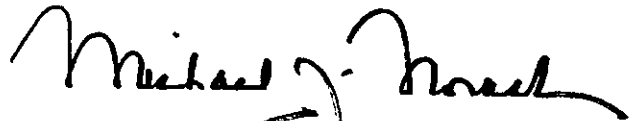
Appeal from a judgment of the Supreme Court (Nolan Jr., J.), entered June 20, 2006 in Saratoga County, which granted petitioners' application, in a proceeding pursuant to CPLR article 78, to annul a determination of respondent denying petitioners' request for a use variance.

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

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

July 10, 2002
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, 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]

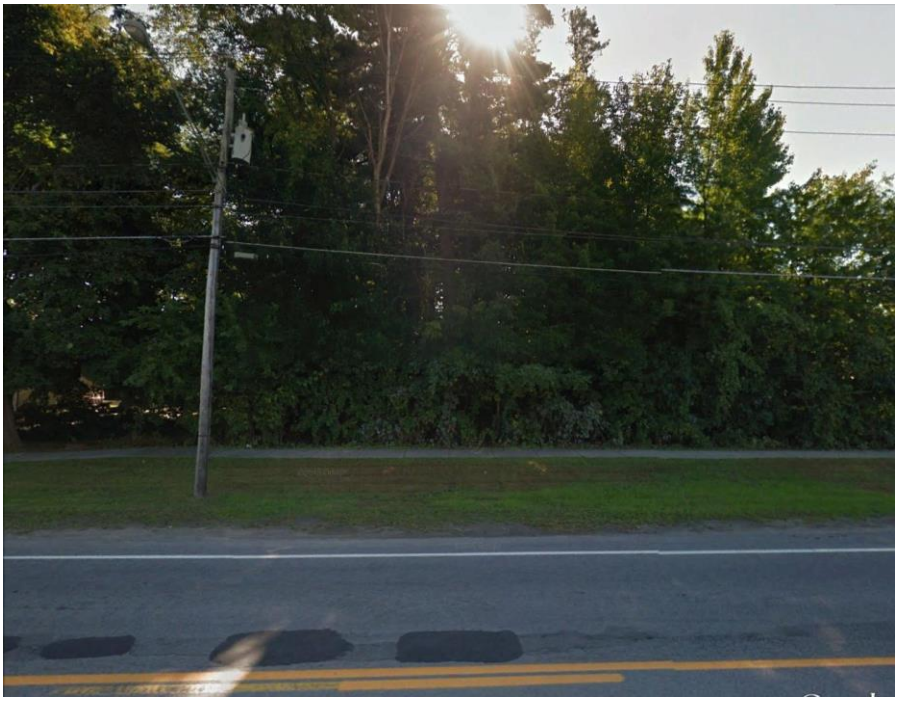
# Ballston Ave Subdivision
# Site Photos

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<br>Saratoga Springs, NY 12866 | Same as Applicant | Same as Applicant |
| Phone | [redacted] / [redacted] | / | / |
| Email | [redacted] | | |

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

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

PROPERTY INFORMATION

1. Property Address/Location: 96 Ballston Ave, Saratoga Springs, NY 12866 Tax Parcel No.: 176.26-1-39,40,46
(*for example: 165.52 – 4 – 37*)

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

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

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

5. Current Zoning District: UR-2 Urban Residential

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? June 2006, 2007 For what? 2006: 96 Ballston Ave to be used as an office.
2007: Area variance for handicap ramp access.)
☐ No

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

8. Brief description of proposed action:

The project proposes to consolidate three (3) lots and construct a residential subdivision with townhouses. The residential subdivision includes 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building as shown on the conceptual plan.

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

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

A use variance is requested to permit the following: _____

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

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

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

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

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

| Date | Improvement | Cost |
|---|---|---|
| | | |
| | | |
| | | |

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) UR-2 Area & Bulk Schedule Requirements

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

Other:

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

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

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

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

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

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

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

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

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

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

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

## DISCLOSURE

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

## APPLICANT CERTIFICATION

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

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

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

_____ Date:_____
(applicant signature)

_____ Date:_____
(applicant signature)

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

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

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

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

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

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

ZONING DISTRICT: UR-2

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☑ Area Variance seeking the following relief:

| Dimensional Requirements | From | To |
|---|---|---|
| See the attached project narrative for the request variances for each individual lot. | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Other: _____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015