



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

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

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

AGENDA

ZBA Meeting – Monday, October 24, 2016
City Council Chambers – 7:00 p.m.

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

Salute The Flag

Roll Call

Old 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_APPREVISD_REDACTED.PDF](#)
[2914 SAMESMIXEDUSEBUILD_KDILLERCORR_REDACTED.PDF](#)
[2914 SAMESMIXEDUSEBUILD_ABODDENCORR_REDACTED.PDF](#)
[2914 SAMESMIXEDUSEBUILD_JCLARKCORR_REDACTED.PDF](#)

2. #2919 MEANY/MADDEN RESIDENCE

9 Aurora Avenue, area variance to maintain air conditioning unit; seeking relief from the minimum side yard setback requirement in Suburban Residential – 1 District.

Documents:

[2919 MEANEYMADDENRESIDENCE_APP_REDACTED.PDF](#)

3. #2920 ROSEBROOK TWO-FAMILY

16 E. Harrison St., area variance to maintain a two-family residence; seeking relief from the minimum average lot width and minimum lot size requirements for a two-family and minimum rear and side yard setbacks for an existing deck in the Urban Residential – 3 District.

Documents:

[2920 ALBERTSONRESIDENCE_APP_REDACTED.PDF](#)
[2920 ALBERTSONRESIDENCE_ADDTLINFO_REDACTED.PDF](#)

4. #2907 DELARM RESIDENTIAL ADDITION

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

Documents:

[2907 DELARMRESIDENCEADD_APP_REDACTED.PDF](#)
[2907 DELARMRESIDENCEADD_PHOTOS.PDF](#)
[2907 DELARMRESIDENCEADD_PLANS.PDF](#)
[2907 DELARMRESIDENCEADDITION_BUILDINSPECTDENIAL.PDF](#)
[2907 DELRMRESIDENCEADDITION_PUBLICCOMM_REDACTED.PDF](#)

5. #2899 SOUTH BROADWAY INN & SPA SIGN

120 South Broadway, area variance for a freestanding sign; seeking relief from the maximum size and height requirements in the Transect – 5 District.

Documents:

[2899 SOUTHROADWAYINNSPA_SIGN_APPREDACTED.PDF](#)
[2899 SOUTHROADWAYINNSPA_SIGN_BUILDINSPECTDENIAL.PDF](#)
[2899 SOUTHROADWAYINNSPA_COUNTYRESPONSE.PDF](#)

New Business

1. #2922 NEWPORT NEWS SHIPBUILDING SIGN

33 Cady Hill Blvd., area variance for installation of a wall sign in the Industrial General District; seeking relief from the requirement that the sign be placed on a façade that has street frontage.

Documents:

[2922 NEWPORTNEWSSHIPBUILDSIGN_APP_REDACTED.PDF](#)

2. #2924 NOONAN RESIDENCE

39 Schuyler Drive, area variance for additions to an existing single-family residence; seeking relief from the maximum principal building coverage, minimum front yard setback, minimum side yard and total side yard setback requirements in the Urban Residential – 1 District.

Documents:

[2924 NOONANRESIDENCE_APP_REDACTED.PDF](#)

Adjourned Items

1. #2910 PET LODGE OF SARATOGA

vacant lands on east side of Route 9/South Broadway (tax parcel nos. 191.8-1-1-6), area variance to construct a pet boarding facility and associated site work; seeking relief from the minimum side yard (each) and minimum total side yard setback requirements in the Tourist Related Business and Rural Residential Districts.

Documents:

[2910 PETLODGEFSARATOGA_APP_REDACTED.PDF](#)
[2910 PETLODGEFSARATOGA_COUNTYRESPONSE.PDF](#)
[2910 PETLODGEFSARATOGA_BUILDINSPECTDENIAL.PDF](#)
[2910 PETLODGEFSARATOGA_ILUCORR9-26-16_REDACTED.PDF](#)
[2910 PETLODGEFSARATOGA_LTRSSUPPORT_REDACTED.PDF](#)

2. #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_REDACTED1.PDF](#)
[2915 OBSTARCZYKGARAGE_PLANS.PDF](#)
[2915 OBSTARCZYKGARAGEAPP_SSPFCORR.PDF](#)
[2915 OBSTARCZYKGARAGEAPP_ZONINGCALCS.PDF](#)
[2915 OBSTARCZYKGARAGE_REVISEDPLOTPLAN.PDF](#)
[2915 OBSTARCZYKGARAGE_REVISEDPLANS.PDF](#)

3. #2776.1 GUARINO/HANER EXTENSION

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

Documents:

[2776.1 GUARINOHANERPROJECTEXT_APP_REDACTED.PDF](#)
[2776.1 GUARINOHANERPROJECT_BUILDINSPECTDENIAL.PDF](#)

4. #2889 CDJT DEVELOPMENT MULTI-FAMILY

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

Documents:

[2889 CDJT TOWNHOUSES_APP_REDACTED.PDF](#)
[2889 CDJT TOWNHOUSES_BUILDINSPECTDENIAL.PDF](#)
[2889 CDJT TOWNHOUSES_AMILLERCORR4-25-16_REDACTED.PDF](#)

5. #2880 ARMER/DESORBO RESIDENCE

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

Documents:

[2880 ARMERDESORBORESIDENCEADD_APP_REDACTED.PDF](#)
[2880 ARMERDESORBORESIDENCE_ADDTLINFO5-20-16.PDF](#)
[2880 ARMERDESORBORESIDENCEADD_ELEVATIONS5-5-16.PDF](#)
[2880 ARMERDESORBORESIDENCEADD_REVISEDMAP4-11-16.PDF](#)
[2880 ARMERDESORBORESIDENCE_BUILDINSPECTDENIAL.PDF](#)
[2880 ARMERDESORBORESIDENCEADD_CORRBLACK_REDACTED.PDF](#)

6. #2890 BARLOW RESIDENCE

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

Documents:

[2890 BARLOWRESIDENCEADDITION_APP_REDACTED.PDF](#)
[2890 BARLOWRESIDENCEADDITION_BUILDINSPECTDENIAL.PDF](#)

7. #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:

- a. CARAVAN: WED., OCT. 19 AT 1PM
- b. APPROVAL OF DRAFT MEETING MINUTES: SEPTEMBER 26
- c. NEXT ZONING BOARD MEETING: MON., NOVEMBER 7

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



Engineering and Land Surveying, P.C.

1533 Crescent Road, Clifton Park, NY 12065
[Redacted]
[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:

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Shop Drawings | <input checked="" type="checkbox"/> Attached | <input type="checkbox"/> Separate Cover | <input type="checkbox"/> via <u>regular mail</u> the following items: |
| <input type="checkbox"/> Copy of Letter | <input type="checkbox"/> Prints | <input checked="" type="checkbox"/> Plans | <input type="checkbox"/> Samples |
| | <input type="checkbox"/> Change Order | <input type="checkbox"/> CD | <input type="checkbox"/> Specifications |
| | | | <input checked="" type="checkbox"/> Other <u>See Below</u> |

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:

- | | | | |
|--|---|-----------------------------------|-------------------------------|
| <input type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit | _____ copies for approval |
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit | _____ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Resubmit | _____ corrected prints |
| <input checked="" type="checkbox"/> For review and comment | <input type="checkbox"/> Prints returned after loan to us | | |
| <input type="checkbox"/> For bids due _____ | <input type="checkbox"/> Other: _____ | | |

Comments:

cc: file _____
client _____

Signed: _____
Alison Yovine, PLA

2456

Sames Media Group LLC
19 Blue Jay Way
Rexford, NY 12148

29-1310-213

DATE 8/2/14

PAY TO THE
ORDER OF

Comm. of Finance

\$ 500⁰⁰

Five hundred & 00/100

DOLLARS

 Security Features
Included
Details on Back.

Citizens Bank®

President and CEO

FOR 20 BOWMAN ST. APP.



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

	<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name	Matt Sames		James Easton MJ Engineering
Address	_____		21 Corporate Drive, Suite 105
	_____		Clifton Park, NY 12065
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: 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”.

- I. 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:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 If "yes", for how long? _____ No

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:

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

240-2.0

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
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 clientele.

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: 8/2/16

(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:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

Note: _____

Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

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:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:	Telepho	[REDACTED]	
	E-Mail:	[REDACTED]	
Address:			
[REDACTED]			
City/PO:	State:	Zip Code:	
[REDACTED]	[REDACTED]	[REDACTED]	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	NO	YES	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	NO	YES	
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>MATT SAMES</u> Date: <u>8/2/16</u></p> <p>Signature: <u></u></p>		

**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: XXXXXXXXXX
Fax: XXXXXXXXXX



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.
2. Rear minimum setback of 25 feet to 7.8 feet.
3. Front minimum setback of 40 feet to 27.1 feet.

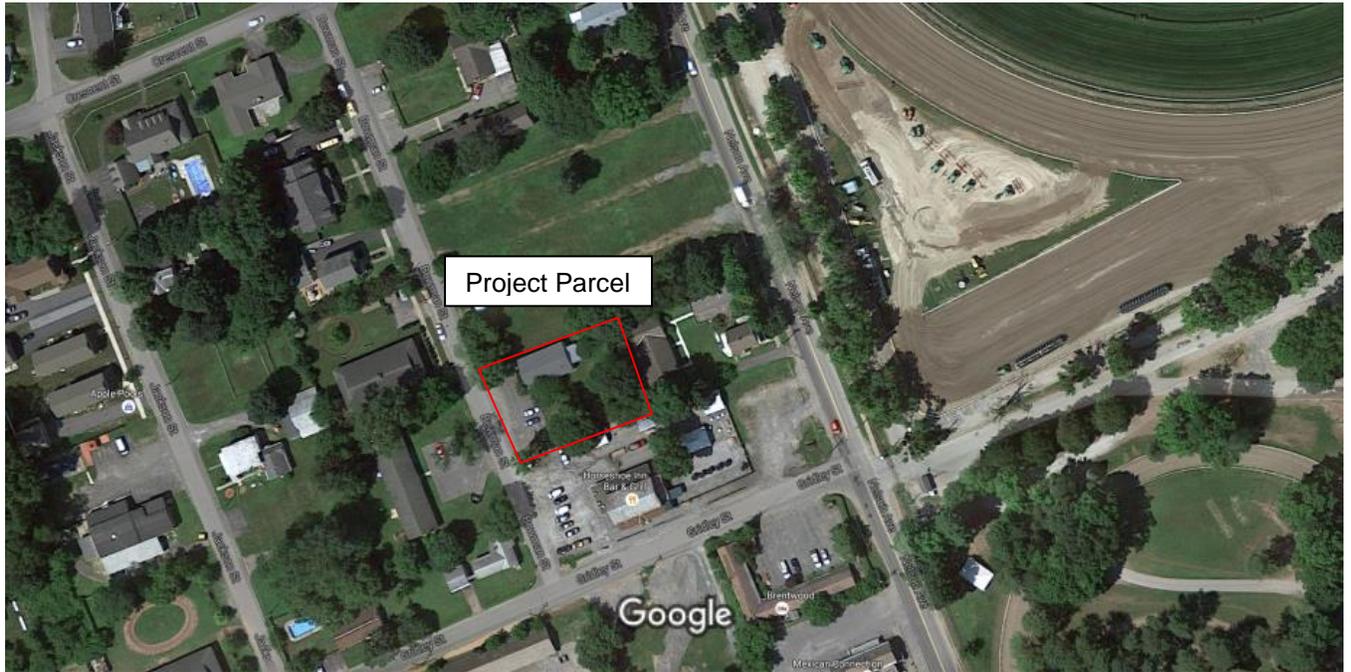
The deck providing access to the second floor apartment requires the following variances:

1. North side minimum setback of 40 feet to 8.1 feet.



EXHIBITS:

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



Aerial Map

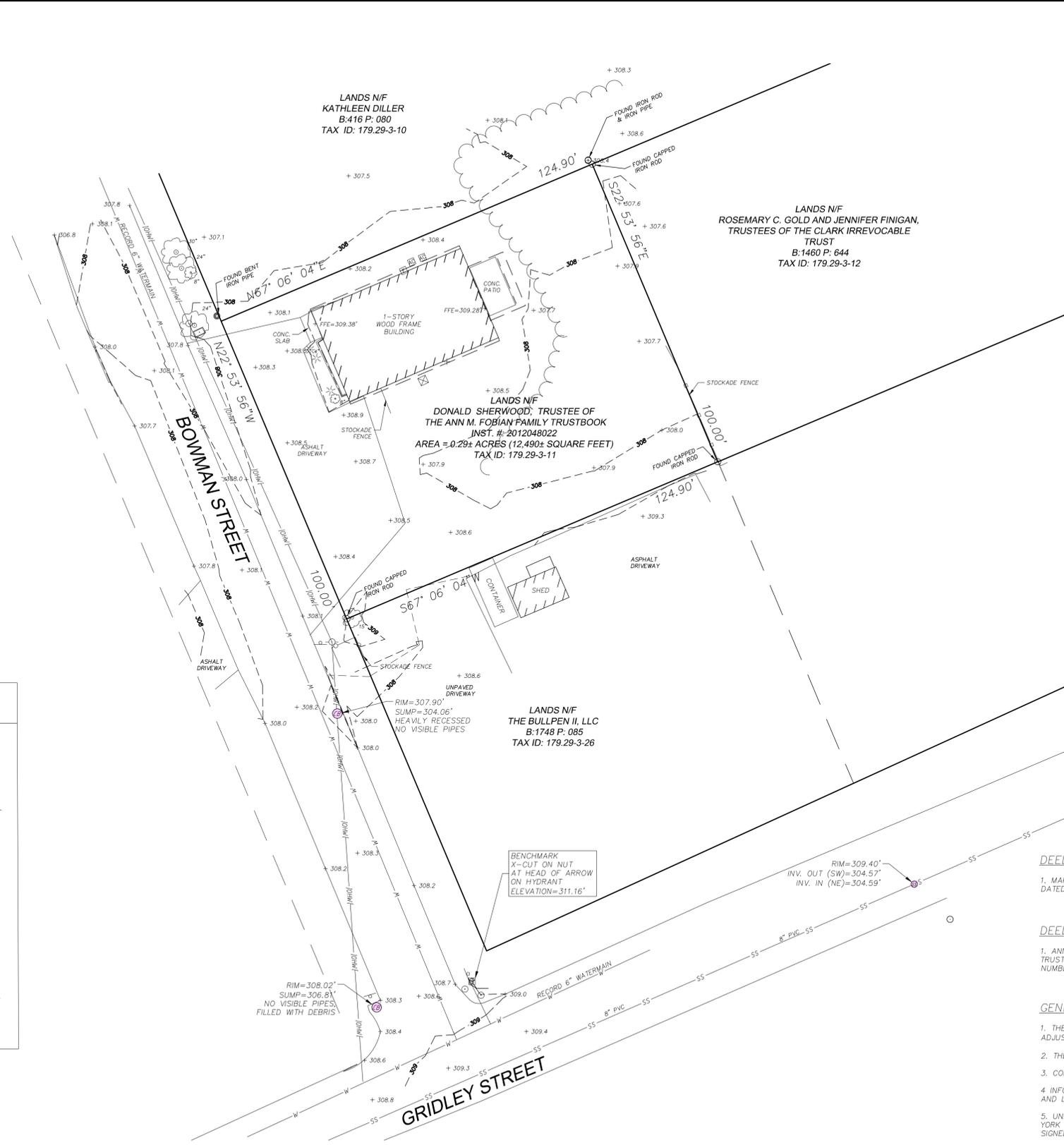
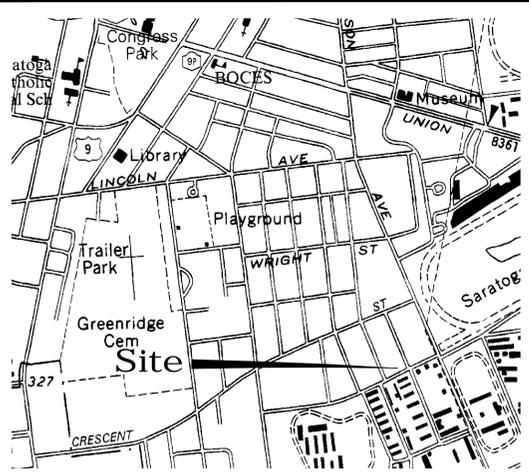


Tax Map



Image capture: Jul 2014 © 2016 Google

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 2 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:

- THE HORIZONTAL DATUM IS ON NORTH AMERICAN DATUM OF 1983, (2011) ADJUSTMENT: NAD 83/ (2011), NEW YORK STATE PLANE EAST ZONE 3101.
- THE VERTICAL DATUM IS THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29).
- CONTOUR INTERVAL = 1 FOOT.
- INFORMATION SHOWN HEREON IS FROM A FIELD SURVEY CONDUCTED BY MJ ENGINEERING AND LAND SURVEYING, PC JULY 21, 2016.
- 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

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SUBMITTAL / REVISIONS					
No.	DATE	DESCRIPTION	BY	REVIEWED BY:	DATE

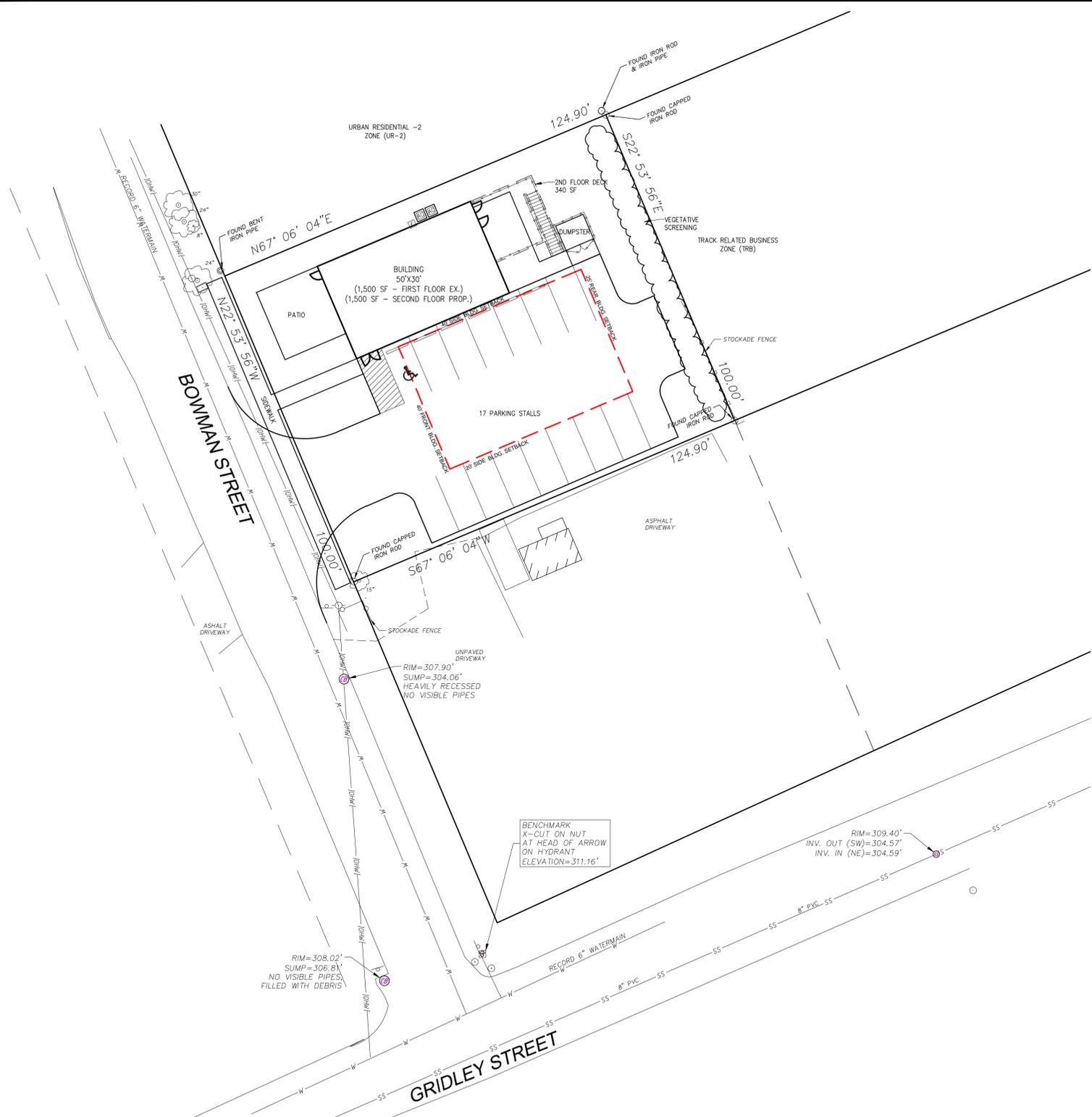
PROJ. MANAGER: JWE
 CHIEF DESIGNER: JWE
 DESIGNED BY: JWE
 DRAWN BY: JWE
 CHECKED BY: -

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
SHEET 1 OF 2



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, APARTMENT 2ND FLOOR (SPECIAL USE PERMIT FOR APARTMENT IN TRB ZONE)
PARKING:	REQUIRED= 17 SPACES PROPOSED= 17 SPACES BASED UPON 2 SPACES PER APARTMENT= 2 REQUIRED. BASED UPON 1 SPACE PER 4 SEATS= 54 SEATS/4 SEAT PER STALL=13.5 SPACES 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) NORTH SIDE=40' (TRB) SOUTH SIDE=20' (TRB) 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)

PRELIMINARY DRAWINGS: NOT FOR CONSTRUCTION

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SUBMITTAL / REVISIONS					
No.	DATE	DESCRIPTION	BY	REVIEWED BY:	DATE

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

SEAL

DRAFT



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

MATT SAMES
CONCEPT SITE PLAN #1
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

	<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name	Matt Sames		James Easton MJ Engineering
Address	[REDACTED]		21 Corporate Drive, Suite 105 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”.

- I. 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:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 If "yes", for how long? _____ No

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:

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

240-2.0

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
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 clientele.

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: 8/2/16

(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:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

Note: _____

Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

DATE

**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: XXXXXXXXXX
Fax: XXXXXXXXXX



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

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:

1. Front minimum setback from 40 feet to 25.5 feet (to building overhang).
2. North side minimum setback of 40 feet to 6.8 feet (to building overhang).

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.
2. Rear minimum setback of 25 feet to 7.8 feet.
3. Front minimum setback of 40 feet to 27.1 feet.

The deck providing access to the second floor apartment requires the following variances:

1. North side minimum setback of 40 feet to 8.1 feet.



EXHIBITS:

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



Aerial Map

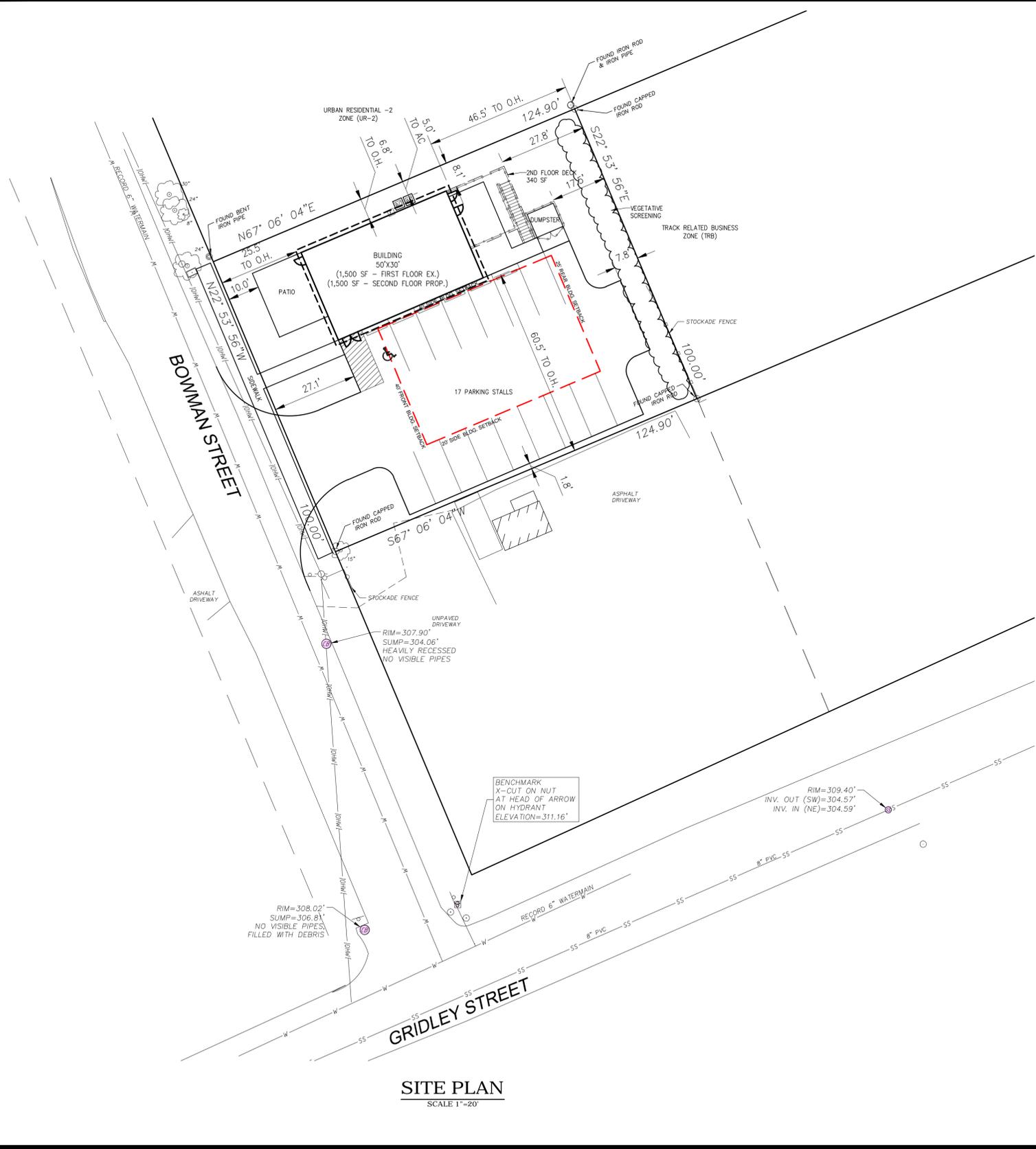


Tax Map



Image capture: Jul 2014 © 2016 Google

Street View Photo – Existing Conditions



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, APARTMENT 2ND FLOOR (SPECIAL USE PERMIT FOR APARTMENT IN TRB ZONE)
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SETBACKS BLDG:	FRONT=40' (TRB) NORTH SIDE=40' (TRB) SOUTH SIDE=20' (TRB) REAR= 40' (TRB)
MAX HT:	40'
GREEN SPACE:	30% REQUIRED (PROPOSED 33.3%= 4,129 SF/12,400 SF)
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CHIEF DESIGNER:	JWE
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SEAL

DRAFT



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

MATT 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



To: Bill Moore, Chair Zoning Board
Re: Tax parcel # 179.29-3-11
Matt Sames application for variance

I own the vacant land on the north side of this parcel and have owned it since 1970 when I inherited it from my mother.

I am against the idea of having a bar next to my property. I can predict that people will see a nice vacant land area so close to his bar and decide its easier to park there. I do not wish to have the liability. As the "Horseshoe" is already in business, I fail to see the necessity of another bar in this area.

Thank You for your consideration in hearing my very real concerns.

Very truly yours,
Kathleen A. Diller owner
[redacted] Nelson Ave.
Saratoga Springs, N.Y.

October 11, 2016

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



Dear Members of the Board:

The purpose of this letter today is to offer my support for Matt Sames and his partners on their proposed plans for 20 Bowman Street in the City of Saratoga Springs. My name is A.J. Bodden and I reside in the Southside Neighborhood which is approximately .5 mile from 20 Bowman. I am in support of Mr. Sames' plans for several reasons but primarily because I am in favor of seeing dilapidated and vacant properties being renovated and repurposed for a meaningful use, whether it be residential or commercial. As you're well aware, the property in question has been an eyesore for years and, despite much effort to do so, has not attracted any suitors willing to invest the time, energy and resources necessary to redevelop it. I applaud Mr. Sames and his partners for their willingness to take this on and, as a result, help to continue to improve our neighborhood.

Another major reason for my support of this project is because I think the City will benefit from having a business like this in our neighborhood, especially one that will not specialize in loud music, large crowds and inexpensive drinks. Both as a neighbor and resident of the City in general, I am enthusiastic about having another dining option in town and in particular one on the south east side of town within walking distance to many residences. My intention is not to use this as an opportunity to defame our current options however I do feel that an addition to the options would be welcomed by many in the community. With this in mind, I would like to point out that there are a relatively significant number of restaurants in the vicinity of 20 Bowman therefore suggesting that this use would be perfectly appropriate for the parcel and not an issue to approve. However I would imagine that there is opposition from the residents in the immediate vicinity based on their experience with certain current businesses in operation which is both reasonable and understandable however I would make the argument that what we are dealing with here is an apple to that orange, something completely different. What Mr. Sames is proposing is a bistro featuring small plates, fine wines, craft beers and cocktails with limited capacity; a far cry from the other businesses in the area that can be categorized as invasive.

In closing I would like to encourage the Board to see all sides of the issue presented and make the decision that is best for our City and its economy. There is no question that thousands of people visit our City annually and that the majority of those visit for the purposes of attending the track. There is question however on truly how many of those remain in town after their day the track and continue to support our local economy. The addition of Mr. Sames' restaurant will give those people another, and arguably more enjoyable, reason to stick around and spend a few dollars in the City of Saratoga Springs.

I appreciate your consideration and hope that you will support this project.

Sincerely,

Andrew J. Bodden

■ Daggs Lane

Saratoga Springs, NY 12866

To Whom It May Concern,

Hello, my name is Jennifer Clark. I've lived at [REDACTED] Nelson Avenue for 25 years. My backyard borders the property for which Mr. Sames is asking for a variance to build a bar/restaurant.

I think it's quite unreasonable to approve a variance for another bar so close to my property line. My chief concerns:

- His dumpster, including odor, and rodents.
- The potential odor if he decides to install a smoker or BBQ pit.
- Extending the presence of loud outdoor music in a residential neighborhood from 43 days a year (at the Horseshoe Inn) to 365 days a year! There are many school children in the area; that noise level will disrupt their sleep, as it will all residents.
- Another layer of constant noise from the cars entering his parking lot, which is inadequate for the size of his establishment.
- As 25-year neighbor of the Horseshoe Inn, I can attest to what happens to crowds of people consuming alcohol; they get loud, rowdy and litter. Some will invariably become out of control. Many inebriated Horseshoe patrons have wandered into my yard and used it as their bathroom! The efforts to remediate this intrusion on my property and my quality of life are expensive and time consuming. Now, I am looking at the prospect of having to police my property 365 days an year!

This is an undue burden for a longtime residential home owner; I can guarantee that most of my neighbors would concur. We are collectively considering what legal options are available to us.

Please think about what Mr. Sames' establishment would do to this residential neighborhood. It would in many ways be a tipping point that will fundamentally change the character of this special area.

Respectfully,

Jennifer Clark



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	<u>TOM MEANEY / KELLY MADDEN</u>		<u>ISNYDER BUILDERS, LLC</u>
Address	<u>9 AURORA AVENUE</u> <u>SARATOGA SPRINGS, NY 12866</u>		<u>28 DYER SWITZER RD</u> <u>SARATOGA SPRINGS, NY 12866</u>
Phone	<u>N/A</u>		
Email	<u>N/A</u>		

* 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: 9 AURORA AVENUE Tax Parcel No.: 180 10 3 39
(for example: 165.52-4-37)

2. Date acquired by current owner: 07/30/2015 3. Zoning District when purchased: SRI

4. Present use of property: RESIDENTIAL HOME 5. Current Zoning District: SRI

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: AIR CONDITIONING UNIT ENCRACHES 5'
BUILDING 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)

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:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 If "yes", for how long? _____ No

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:

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

The applicant requests relief from the following Zoning Ordinance article(s) A/C UNIT WITHIN BUILDING SETBACK.

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: A/C UNIT LOCATED APPROX 2' FROM HOUSE FOUNDATION. ENCROACHES 5' BUILDING SETBACK BY APPROX 3'

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.

UNIT WOULD HAVE TO BE MOVED TO EITHER FRONT OR SIDE OF HOUSE.
HOME IS ON A CORNER LOT MAKING THE UNIT CLEARLY VISIBLE FROM
THE STREETS. MECHANICALS / AC UNITS / GENERATORS ARE PROHIBITED
BY THE OAK RIDGE HOA TO BE PLACED ON SIDES OF HOME
FACING ANY STREET. ALTERNATIVE PLACEMENT WOULD BE UNSIGHTLY.

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

ALL OAK RIDGE HOMES HAVE UNITS PLACED BETWEEN LOTS ON THE
SIDES TO KEEP THEM OUT OF VIEW FROM THE STREETS. HOUSE
NEXT DOOR ALSO HAS UNIT / POOL EQUIPMENT ON SAME SIDE.

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

DOES NOT AFFECT NEIGHBORS PROPERTY OR THE WELFARE OF THE OAK RIDGE COMMUNITY

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:

SIMILAR PLACEMENT OF A/C UNITS THROUGHOUT 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 ZONING RULE WAS UNKNOWN. PREVIOUS SITUATIONS HAVE NOT CONCLUDED ANY PAST VIOLATIONS.

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: _____

(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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

Note: _____

Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

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: AREA VARIANCE FOR A/C UNIT.							
Project Location (describe, and attach a location map): 9 AURORA AVENUE, SARATOGA SPRINGS, NY 12866							
Brief Description of Proposed Action: AREA VARIANCE FOR A/C UNIT BUILDING SETBACK ENCRoACHMENT.							
Name of Applicant or Sponsor: J SNYDER BUILDERS LLC		Telephone: [REDACTED]					
		E-Mail: [REDACTED]					
Address: 23 DYER SWITCH RD							
City/PO: SARATOGA SPRINGS, NY		State: NY	Zip Code: 12866				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		<u>.156</u> acres					
b. Total acreage to be physically disturbed?		<u>0</u> acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>.156</u> acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input type="checkbox"/> Parkland							

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

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

Applicant/sponsor name: BRANDON SMITH / J SNYDER BUILDERS

Date: 09/01/16

Signature: [Handwritten Signature]

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

K. A. Neader
(applicant signature)

Date: 8/11/16

(applicant signature)

Date: _____

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

Owner Signature: _____

Date: _____

Owner Signature: _____

Date: _____





NOTES

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 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.

DEED REFERENCE

OAK RIDGE DEVELOPMENT, LLC TO THOMAS P. MEANEY AND KELLY MCGUIRE MADDEN DATED 30 JULY 2015 AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE ON 3 AUGUST 2015 AS INSTRUMENT NO. 2015022679.

MAP REFERENCE

SUBDIVISION MAP OF PHASE 1 OAK RIDGE DATED 25 SEPTEMBER 2003 PREPARED BY DAVID F. BARRASS, LAND SURVEYOR AND FILED IN THE SARATOGA COUNTY CLERK'S OFFICE ON 7 JANUARY 2004 AS MAP O-140 A-BB.

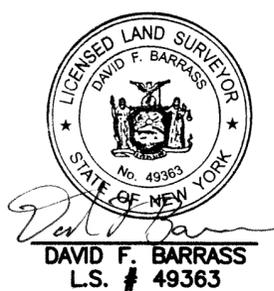
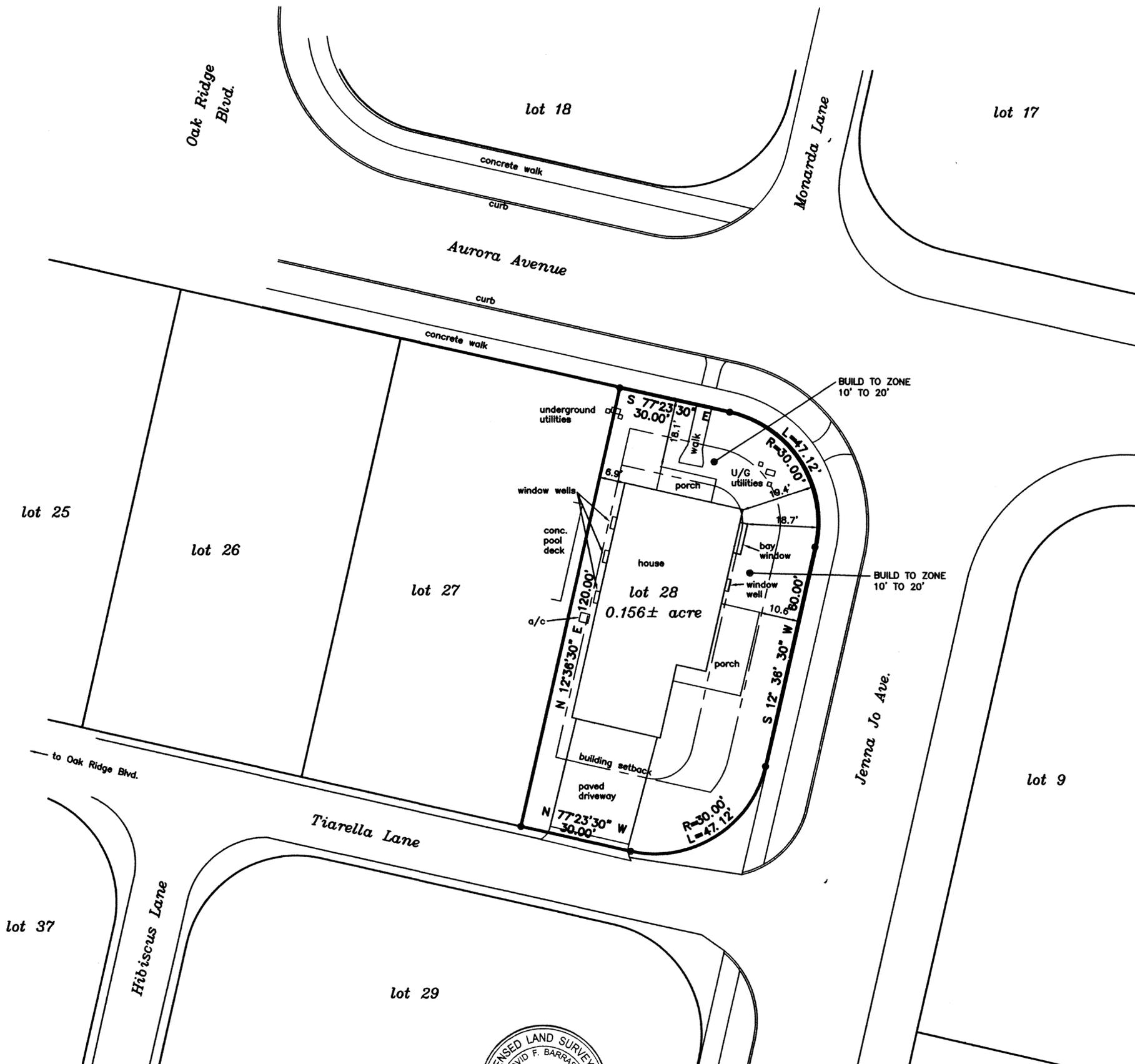
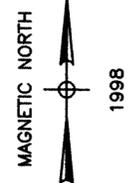
TAX MAP REFERENCE

CITY OF SARATOGA SPRINGS O.D. 180.10-3-39

LOT STANDARDS

ALLEY LOTS - (18-31/33-42)

LOT WIDTH 60' TO 120'
 BUILD TO ZONE 10'-20'
 GARAGE SETBACK 20' FROM REAR
 SIDE SETBACK 5'
 REAR SETBACK 20'
 BUILDING COVERAGE 75%
 MINIMAL LOT SIZE 6,000 S.F.



REVISED 8/31/16 CORRECTED BUILD TO ZONE

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

MAP OF LOT 28
9 AURORA AVENUE
HOUSE LOCATION
 CITY OF SARATOGA SPRINGS, SARATOGA COUNTY
 NEW YORK

SCALE:
1" = 20'
 FIELD SURVEY
 COMPLETION:
8/12/16
 MAP COMPLETION:
8/15/16
 PROJECT NO.
03-003



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

	<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name	Michael Rosebrook	Harold R. Albertson	Eleanor Mullaney
Address	[REDACTED]	[REDACTED]	494 Broadway, #212
Phone	[REDACTED]	[REDACTED]	[REDACTED]
Email	[REDACTED]	[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: 16 E Harrison St Tax Parcel No.: 166 .45 - 4 - 17
(for example: 165.52 - 4 - 37)

2. Date acquired by current owner: 1999 3. Zoning District when purchased: UR-3

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

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

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

8. Brief description of proposed action: _____
Obtain two-family variance with non-conforming lot

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):

Article 2.3, Table 3

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
MINIMUM LOT SIZE	8,000 SF	5,188 SF
MINIMUM AVERAGE LOT WIDTH	80 FT	49.5 FT
MINIMUM SIDE SETBACK (DECK)	4 FT	1.0 FT
MINIMUM REAR SEATBACK (DECK)	25 FT	8.2 FT
ACCESSORY BLDG. SIDE SETBACK	5 FT	4.1 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.

Land is not available for purchase on any side of the property. The footprint of the house has been the same since prior to current zoning board regulations (pre-existing non-conformity). No additional development is being sought.

- 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 home has been set up as a two-family for at least 25 years, likely longer. There is adequate parking in the driveway for four cars. The owner intends to occupy the residence and improve the aesthetic of the home to keep it within the character of the neighborhood. There are other pre-existing, non-conforming, two-family homes located in the same neighborhood and zoning district. As such, the variance would not produce an undesirable change in the character of the neighborhood, or a detriment to nearby properties.

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

The percentages of the variances are not substantial, and mostly relate to pre-existing non-conformities. The minimum side setback (deck), for instance, is the same side setback as the house itself, which is a pre-existing non-conformity. We believe the majority of the variances to pre-date the current zoning regulations.

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 effects on the neighborhood or district. The home has been set up as a two family for at least 25 years and we are seeking no additional changes.

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 not self-created. The difficulty was created prior to ownership by Harold R. Albertson and prior to the applicant assuming ownership.

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.

Michael Roslund
(applicant signature)

Date: 09/06/2016

(applicant signature)

Date: _____

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

Owner Signature: Harold M. Abd

Date: 09/06/2016

Owner Signature: _____

Date: _____

Short Environmental Assessment Form

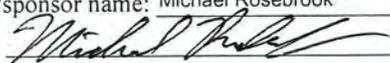
Part 1 - Project Information

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: Area Variance at 16 E Harrison St			
Project Location (describe, and attach a location map): 16 East Harrison Street, Saratoga Springs, NY 12866			
Brief Description of Proposed Action: Obtain two-family variance for non-conforming lot			
Name of Applicant or Sponsor: Michael Rosebrook		Telephone: [REDACTED]	
Address: [REDACTED]		E-Mail: [REDACTED]	
City/PO: [REDACTED]		State: [REDACTED]	Zip Code: [REDACTED]
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 0.12 acres			
b. Total acreage to be physically disturbed? _____ 0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0 acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: Michael Rosebrook _____ Date: September 2, 2016 _____</p> <p>Signature:  _____</p>		





Roohan
Realty
587-4500
CORNER ROOM
518.857.0000

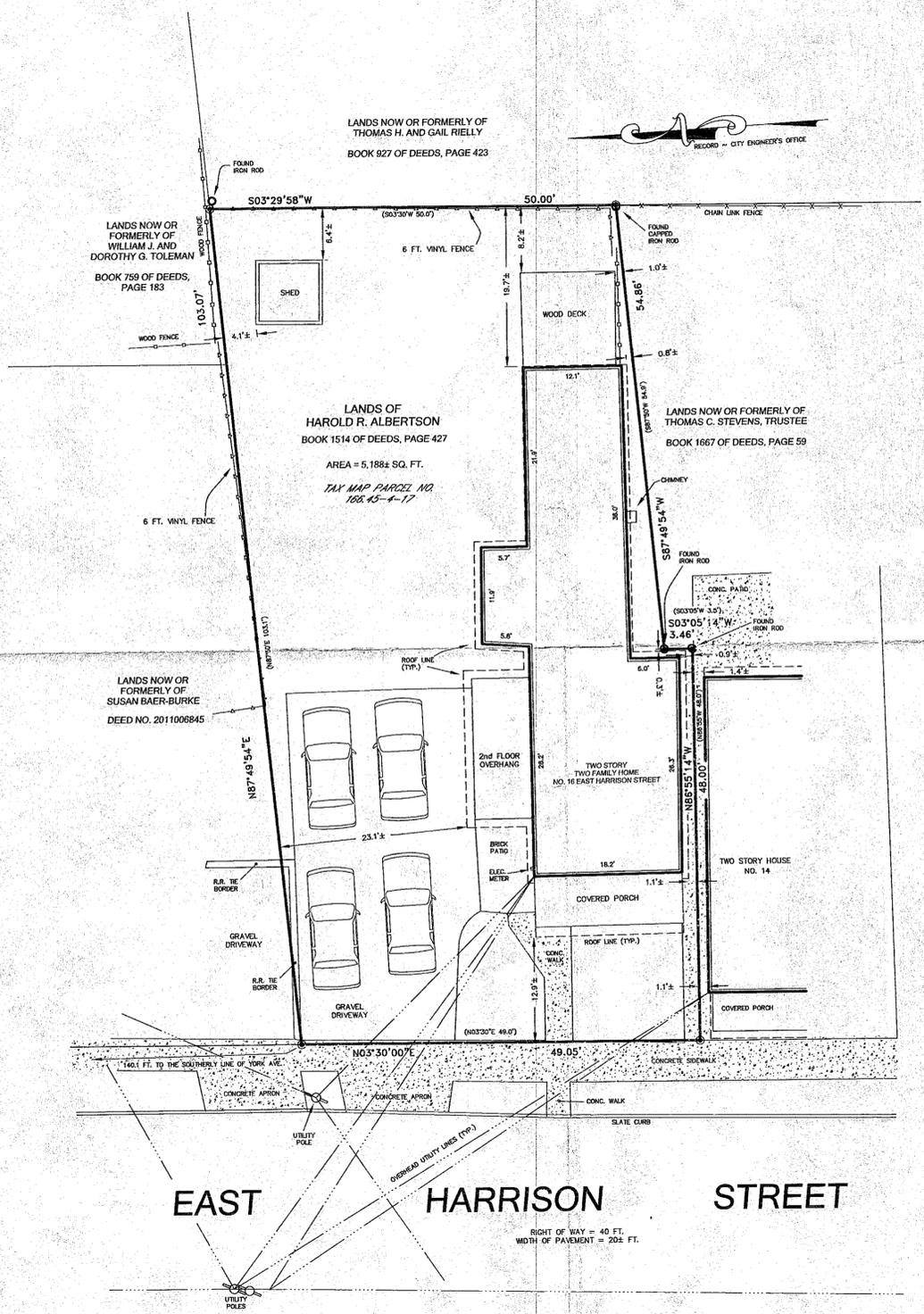












VARIANCES REQUESTED

DIMENSIONAL REQUIREMENTS	FROM	TO	RELIEF REQUESTED
MINIMUM LOT SIZE:	8,000 SQ. FT.	5,188 SQ. FT.	2812 SQ. FT. (35%)
MINIMUM AVERAGE WIDTH	80 FT.	49.5 FT.	30.5 FT. (38%)
MIN. SIDE SETBACK (DECK)	4 FT.	1.0 FT.	3 FT. (75%)
MINIMUM REAR SETBACK (DECK)	25 FT.	8.2 FT.	16.8 FT. (67%)
ACCESSORY BLDG. SIDE SETBACK	5 FT.	4.1 FT.	0.9 FT. (18%)

EXISTING LOT COVERAGE:

EXISTING BUILDING MEASURED TO ROOF LINE), INCLUDING DECK = 1,500± SQ. FT. OR 29% OF LOT

ZONING INFORMATION:

ZONING DISTRICT: UR-3
 MINIMUM LOT SIZE:
 6,600 SQ. FT. - 1 UNIT
 8,000 SQ. FT. - 2 UNITS
 MINIMUM MEAN LOT WIDTH:
 60 FT. - 1 UNIT
 80 FT. - 2 UNITS
 MAXIMUM PERCENT OF LOT TO BE OCCUPIED BY:
 PRINCIPAL BUILDING: 30 %
 ACCESSORY BUILDING: 10%
 MINIMUM YARD DIMENSIONS:
 FRONT: 10 FT.
 REAR: 25 FT.
 ONE SIDE: 4 FT.
 TOTAL SIDE: 12 FT.
 PRINCIPAL BUILDING:
 MINIMUM FIRST FLOOR AREA:
 1 STORY: 1,200 SQ. FT.
 2 STORY: 800 SQ. FT.
 MAXIMUM BUILDING HEIGHT: 60 FT.
 MINIMUM DISTANCE FROM ACCESSORY BUILDING TO:
 PRINCIPAL BUILDING: 5 FT.
 FRONT LOT LINE: 10 FT.
 SIDE LOT LINE: 5 FT.
 REAR LOT LINE: 5 FT.
 MINIMUM PERCENT OF LOT TO BE PERMEABLE: 25%

DEED REFERENCE:

- 1.) DEED DATED MARCH 17, 1999 FROM ANDREW CUOMO, SECRETARY OF HOUSING AND URBAN DEVELOPMENT TO HAROLD R. ALBERTSON AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE IN BOOK 1514 OF DEEDS AT PAGE 427.

NOTES:

- 1.) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR A TITLE REPORT.
- 2.) OFFSET DIMENSIONS ARE MEASURED TO ROOF LINES.
- 3.) BEARINGS AND DISTANCES IN PARENTHESIS ARE PER DEED.

DANIEL C. WHEELER
P.L.S. LIC. NO. 50,137

SURVEY DANIEL C. WHEELER, L.S.
ASSOCIATES, LLC
 PROFESSIONAL LAND SURVEYING

432 BROADWAY, SUITE 5, SARATOGA SPRINGS, NY 12866
 PH. (518) 583-7302 FAX (518) 583-7303

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.

TITLE:
SURVEY OF LANDS OF HAROLD R. ALBERTSON

LOCATION: CITY OF SARATOGA SPRINGS (INSIDE DISTRICT) SARATOGA COUNTY, NEW YORK

SCALE: 1 INCH = 10 FEET

DATE: AUGUST 30, 2016

MAP NO. 2015-02-04

Michael Rosebrook
■ Pepper Lane
Saratoga Springs, NY 12866

October 17, 2016

Zoning Board of Appeals
474 Broadway
Saratoga Springs, NY 12866

Dear Zoning Board of Appeals:

I am writing to you with the additional information requested at the October 11th meeting, with respect to the area variance for 16 East Harrison Street.

The information attached includes a tax map showing the surrounding parcels, with two-family homes highlighted in blue. For reference, 16 East Harrison Street is highlighted in pink. I've also attached detailed information from the Saratoga County website for each of the lots highlighted in blue.

Several homes on the same block designated as two-family do not meet the minimums for lot size and/or average width for the UR-3 zoning district. In fact, every lot highlighted in blue does not meet the average minimum width requirement for a two-family home (80ft), and only 125 Lake Ave meets the requirement for minimum lot size (0.18 acres).

More pertinent to this request for relief, there are two two-family homes on the same side of the street and same block as 16 East Harrison Street. 12 East Harrison Street (parcel 166.45-4-19), located two lots to the south, has a significantly smaller lot size (0.03 acres) and average width (approximately 21ft) than 16 East Harrison Street does (0.12 acres and 50ft, respectively). Similarly, 22 York Avenue (parcel 166.45-4-3) is two lots to the north and also has a lower average width (approximately 42ft) and lot size (0.08 acres).

For these reasons, I do not believe that granting the requested relief for a two-family home at 16 East Harrison Street would negatively affect or alter the character of the neighborhood.

Please feel free to contact me if you would like any additional information.

Thank you for your consideration on this matter.

Best regards,
Michael Rosebrook

■
■



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Municipality of City of Saratoga Springs, Inside

SWIS:	411501	Tax ID:	166.45-4-19
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Tax Map ID / Property Data

Status:	Active	Roll Section:	Taxable
Address:	12 East Harrison St		
Property Class:	220 - 2 Family Res	Site Property Class:	220 - 2 Family Res
Ownership Code:			
Site:	Res 1	In Ag. District:	No
Zoning Code:	UR3 -	Bldg. Style:	Old style
Neighborhood:	15130 -	School District:	Saratoga Springs
Property Description:	S-11 B-S L-13 Inside		
Total Acreage/Size:	0.03	Equalization Rate:	----
Land Assessment:	2016 - \$45,000	Total Assessment:	2016 - \$210,900
Full Market Value:	2016 - \$281,200		
Deed Book:	2008	Deed Page:	26979
Grid East:	684941	Grid North:	1549371

Special Districts for 2016

Photographs

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Description	Units	Percent	Type	Value
SE010-County sewer dist #1	0	0%		0
Land Types				
Type			Size	
Primary			0.03 acres	



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Municipality of City of Saratoga Springs, Inside

SWIS:	411501	Tax ID:	166.45-4-3
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Tax Map ID / Property Data

Status:	Active	Roll Section:	Taxable
Address:	22 York Ave		
Property Class:	220 - 2 Family Res	Site Property Class:	220 - 2 Family Res
Ownership Code:			
Site:	Res 1	In Ag. District:	No
Zoning Code:	UR3 -	Bldg. Style:	Old style
Neighborhood:	15130 -	School District:	Saratoga Springs
Property Description:	S-11 B-S L-17 Life Estate Inside		
Total Acreage/Size:	0.09	Equalization Rate:	----
Land Assessment:	2016 - \$81,000	Total Assessment:	2016 - \$266,900
Full Market Value:	2016 - \$355,867		
Deed Book:	1752	Deed Page:	17
Grid East:	684911	Grid North:	1549552

Special Districts for 2016

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Documents

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Description	Units	Percent	Type	Value
SE010-County sewer dist #1	0	0%		0
Land Types				
Type			Size	
Primary			0.08 acres	



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Municipality of City of Saratoga Springs, Inside

SWIS:	411501	Tax ID:	166.45-4-1
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Tax Map ID / Property Data

Status:	Active	Roll Section:	Taxable
Address:	10 York Ave		
Property Class:	220 - 2 Family Res	Site Property Class:	220 - 2 Family Res
Ownership Code:			
Site:	Res 1	In Ag. District:	No
Zoning Code:	UR3 -	Bldg. Style:	Old style
Neighborhood:	15130 -	School District:	Saratoga Springs
Property Description:	S-11 B-O L-12 Inside		
Total Acreage/Size:	0.15	Equalization Rate:	----
Land Assessment:	2016 - \$95,000	Total Assessment:	2016 - \$267,500
Full Market Value:	2016 - \$356,667		
Deed Book:	1042	Deed Page:	1175
Grid East:	684781	Grid North:	1549499

Special Districts for 2016

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Documents

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Description	Units	Percent	Type	Value
SE010-County sewer dist #1	0	0%		0
Land Types				
Type			Size	
Primary			0.15 acres	



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Municipality of City of Saratoga Springs, Inside

SWIS:	411501	Tax ID:	166.45-1-27
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Tax Map ID / Property Data

Status:	Active	Roll Section:	Taxable
Address:	17 York Ave		
Property Class:	220 - 2 Family Res	Site Property Class:	220 - 2 Family Res
Ownership Code:			
Site:	Res 1	In Ag. District:	No
Zoning Code:	UR3 -	Bldg. Style:	Old style
Neighborhood:	15130 -	School District:	Saratoga Springs
Property Description:	S-07 B-K L-1 Inside		
Total Acreage/Size:	0.09	Equalization Rate:	----
Land Assessment:	2016 - \$83,000	Total Assessment:	2016 - \$237,600
Full Market Value:	2016 - \$316,800		
Deed Book:	1586	Deed Page:	663
Grid East:	684807	Grid North:	1549672

Special Districts for 2016

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Description	Units	Percent	Type	Value
SE010-County sewer dist #1	0	0%		0
Land Types				
Type			Size	
Primary			0.09 acres	



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Municipality of City of Saratoga Springs, Inside

SWIS:	411501	Tax ID:	166.45-4-7
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Tax Map ID / Property Data

Status:	Active	Roll Section:	Taxable
Address:	30 York Ave		
Property Class:	220 - 2 Family Res	Site Property Class:	220 - 2 Family Res
Ownership Code:			
Site:	Res 1	In Ag. District:	No
Zoning Code:	UR3 -	Bldg. Style:	Old style
Neighborhood:	15130 -	School District:	Saratoga Springs
Property Description:	S-11 B-S L-23 Inside		
Total Acreage/Size:	0.13	Equalization Rate:	----
Land Assessment:	2016 - \$91,000	Total Assessment:	2016 - \$194,400
Full Market Value:	2016 - \$259,200		
Deed Book:	1624	Deed Page:	490
Grid East:	685042	Grid North:	1549555

Special Districts for 2016

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Description	Units	Percent	Type	Value
SE010-County sewer dist #1	0	0%		0
Land Types				
Type			Size	
Primary			0.13 acres	



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SWIS:	411501	Tax ID:	166.45-4-8
Tax Map ID / Property Data			
Status:	Active	Roll Section:	Taxable
Address:	32 York Ave		
Property Class:	220 - 2 Family Res	Site Property Class:	220 - 2 Family Res
Ownership Code:			
Site:	Res 1	In Ag. District:	No
Zoning Code:	UR3 -	Bldg. Style:	Old style
Neighborhood:	15130 -	School District:	Saratoga Springs
Property Description:	S-11 B-S L-19 Life Estate Also L 500/P 299		
Total Acreage/Size:	0.16	Equalization Rate:	----
Land Assessment:	2016 - \$95,000	Total Assessment:	2016 - \$120,000
Full Market Value:	2016 - \$160,000		
Deed Book:	2010	Deed Page:	42555
Grid East:	685089	Grid North:	1549564

Special Districts for 2016

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Description	Units	Percent	Type	Value
SE010-County sewer dist #1	0	0%		0
Land Types				
Type			Size	
Primary			0.15 acres	



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Municipality of City of Saratoga Springs, Inside

SWIS:	411501	Tax ID:	166.45-4-9
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Tax Map ID / Property Data

Status:	Active	Roll Section:	Taxable
Address:	34 York Ave		
Property Class:	220 - 2 Family Res	Site Property Class:	220 - 2 Family Res
Ownership Code:			
Site:	Res 1	In Ag. District:	No
Zoning Code:	UR3 -	Bldg. Style:	Old style
Neighborhood:	15130 -	School District:	Saratoga Springs
Property Description:	S-11 B-S L-22 Inside		
Total Acreage/Size:	0.15	Equalization Rate:	----
Land Assessment:	2016 - \$95,000	Total Assessment:	2016 - \$233,220
Full Market Value:	2016 - \$310,960		
Deed Book:	2012	Deed Page:	39102
Grid East:	685137	Grid North:	1549575

Special Districts for 2016

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Description	Units	Percent	Type	Value
SE010-County sewer dist #1	0	0%		0
Land Types				
Type			Size	
Primary			0.15 acres	



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Municipality of City of Saratoga Springs, Inside

SWIS:	411501	Tax ID:	166.45-4-10
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Tax Map ID / Property Data

Status:	Active	Roll Section:	Taxable
Address:	42 York Ave		
Property Class:	220 - 2 Family Res	Site Property Class:	220 - 2 Family Res
Ownership Code:			
Site:	Res 1	In Ag. District:	No
Zoning Code:	UR3 -	Bldg. Style:	Old style
Neighborhood:	15130 -	School District:	Saratoga Springs
Property Description:	S-11 B-S L-20 Inside		
Total Acreage/Size:	0.14	Equalization Rate:	----
Land Assessment:	2016 - \$93,000	Total Assessment:	2016 - \$286,200
Full Market Value:	2016 - \$381,600		
Deed Book:	1556	Deed Page:	592
Grid East:	685195	Grid North:	1549612

Special Districts for 2016

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Description	Units	Percent	Type	Value
SE010-County sewer dist #1	0	0%		0
Land Types				
Type			Size	
Primary			0.14 acres	



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Municipality of City of Saratoga Springs, Inside

SWIS:	411501	Tax ID:	166.45-4-27
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Tax Map ID / Property Data

Status:	Active	Roll Section:	Taxable
Address:	125 Lake Ave		
Property Class:	220 - 2 Family Res	Site Property Class:	220 - 2 Family Res
Ownership Code:			
Site:	Res 1	In Ag. District:	No
Zoning Code:	UR3 -	Bldg. Style:	Old style
Neighborhood:	15130 -	School District:	Saratoga Springs
Property Description:	S-11 B-S L-6		
Total Acreage/Size:	0.18	Equalization Rate:	----
Land Assessment:	2016 - \$105,000	Total Assessment:	2016 - \$363,900
Full Market Value:	2016 - \$485,200		
Deed Book:	1519	Deed Page:	710
Grid East:	684964	Grid North:	1549200

Special Districts for 2016

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Documents

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Description	Units	Percent	Type	Value
SE010-County sewer dist #1	0	0%		0
Land Types				
Type			Size	
Primary			0.18 acres	



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Municipality of City of Saratoga Springs, Inside

SWIS:	411501	Tax ID:	166.45-4-24
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Tax Map ID / Property Data

Status:	Active	Roll Section:	Taxable
Address:	137 Lake Ave		
Property Class:	220 - 2 Family Res	Site Property Class:	220 - 2 Family Res
Ownership Code:			
Site:	Res 1	In Ag. District:	No
Zoning Code:	UR3 -	Bldg. Style:	Old style
Neighborhood:	15130 -	School District:	Saratoga Springs
Property Description:	S-11 B-S L-3B Inside		
Total Acreage/Size:	0.11	Equalization Rate:	----
Land Assessment:	2016 - \$87,000	Total Assessment:	2016 - \$284,800
Full Market Value:	2016 - \$379,733		
Deed Book:	1387	Deed Page:	607
Grid East:	685123	Grid North:	1549211

Special Districts for 2016

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Description	Units	Percent	Type	Value
SE010-County sewer dist #1	0	0%		0
Land Types				
Type			Size	
Primary			0.11 acres	



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

	<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name	Mary Beth Delarm	(Same)	Tonya Yasenchak, PE / Engineering America
Address	[REDACTED]		76 Washington St. Saratoga Springs, NY 12866
Phone	/	/	[REDACTED]
Email			[REDACTED]

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

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

PROPERTY INFORMATION

1. Property Address/Location: 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):

Table 3: Area & Bulk

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
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 alleged difficulty 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: _____

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

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 1 ST FLOOR AREA (SF)	MAX HEIGHT (FEET)	PRINCIPAL BUILDING	FRONT LOT LINE	SIDE LOT LINE		REAR LOT LINE
RR (F)	2 acres	200	15	5	60	100	30	100	-----	35	5	60	30	50	80
SR-1 (F)	40,000	125	20	8	40	40	15	35	-----	35	5	40	10	10	40
SR-2	20,000 (A)	100	25	8	30	30	12	30	-----	35	5	30	5	5	30
UR-1	12,500 (A)	100	20	8	30	30	12	30	1 Story = 1,100 2 Story = 800	60	5	30	5	5	30
UR-2	6,600 (A)	60	30	10	10	25	8	20	1 Story = 900 2 Story = 700	60	5	10	5	5	25
UR-3	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	60	5	10	5	5	25
UR-4	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	70	10	25	5	5	15
UR-4A	2,000/DU	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	70	5	10	5	5	15
UR-5	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	185	20	20	10	10	15
UR-6	4,800	60	30	10	25	25	8	20	900	35	5	25	5	5	25
UR-7	4,000	50	45	10	10	10	4	8	1,000	35	5	10	5	5	20
NCU-1	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-2	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-3	3,000/DU	60 (H)	30	10	10 (I)	25	4 (J)	12	1 story = 1,800 2 story = 1,200	50	5	10	5	5	20

Delarm Addition:
#96 Quevic Dr. Saratoga Springs, NY



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



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



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



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

Delarm Addition:

#96 Quevic Dr. Saratoga Springs, NY



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



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



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



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

Delarm Addition:

#96 Quevic Dr. Saratoga Springs, NY



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



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



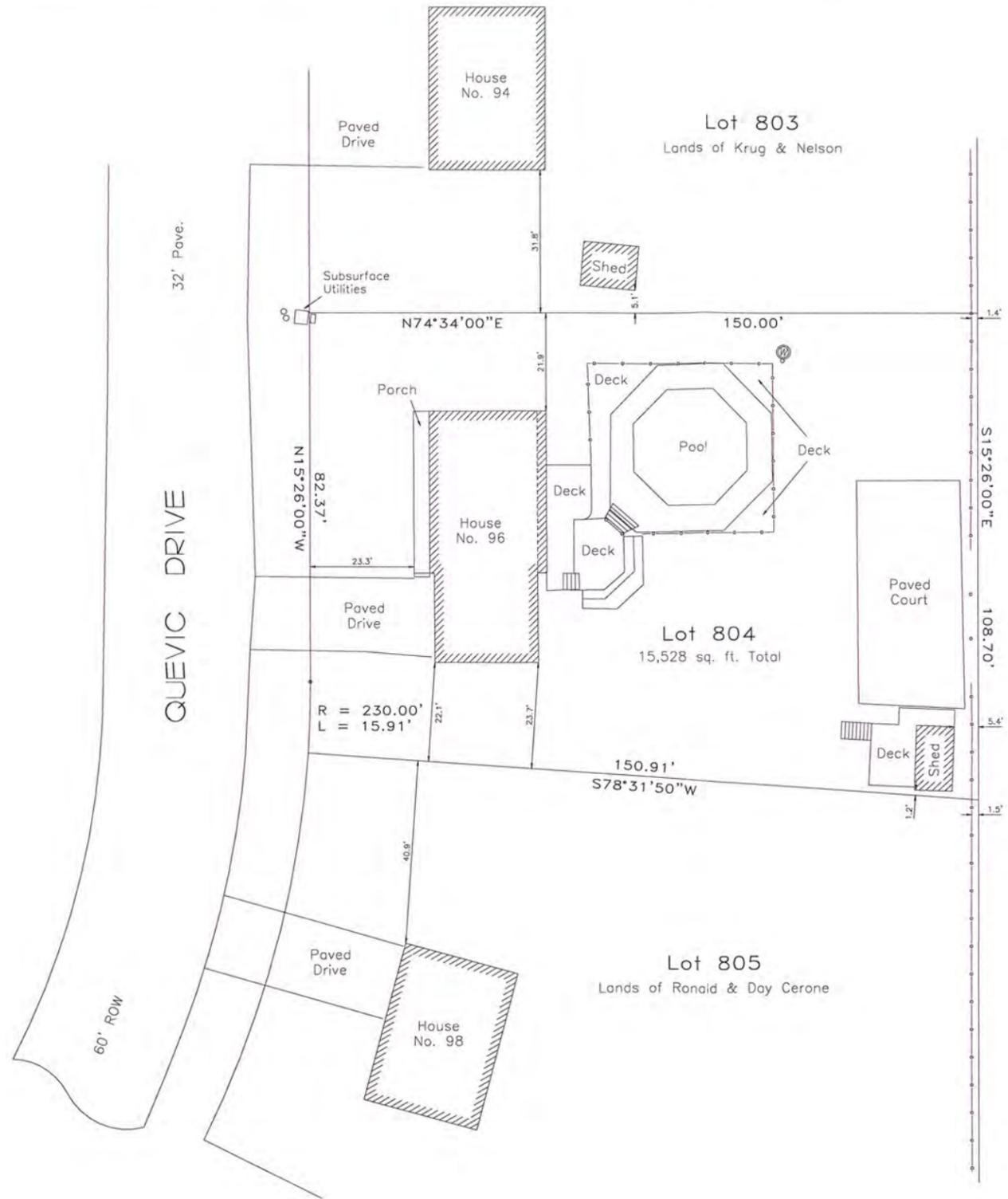
Shed / Tree house at right rear of project site as viewed facing South East from pool area of project site



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



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 December 1975 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

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

I hereby certify to:
 Mary Beth Delarm

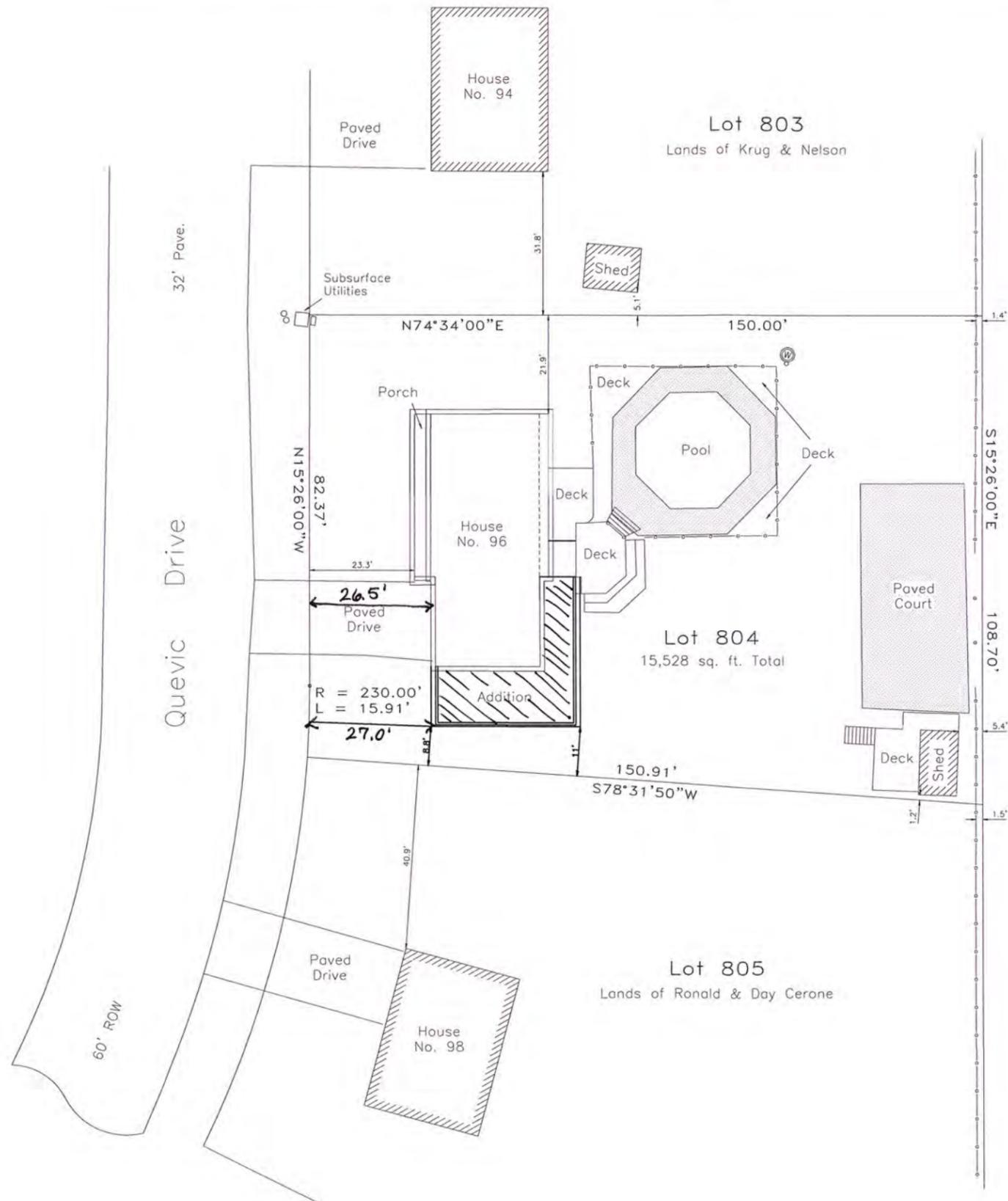
Terry L. Humiston
 Terry L. Humiston LS 49472

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.



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Lands of
 Beaver Pond Village
 Homeowners Association
 Instrument 2013029991

Survey for

mary beth delarm

— situate in —

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

June 13, 2016

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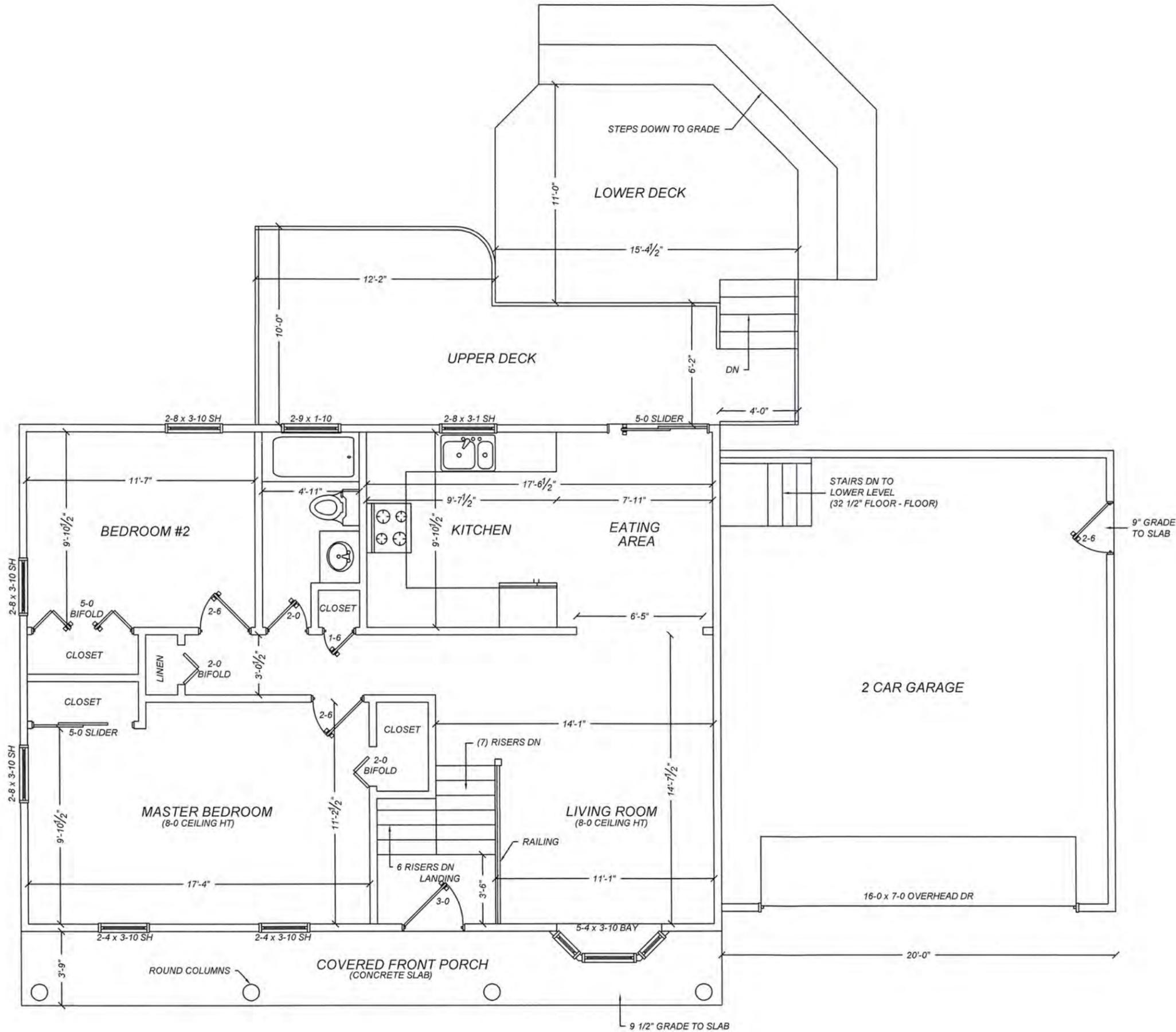
DELARM RESIDENCE ADDITION
96 QUEVIC DR.
SARATOGA SPRINGS, NY

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

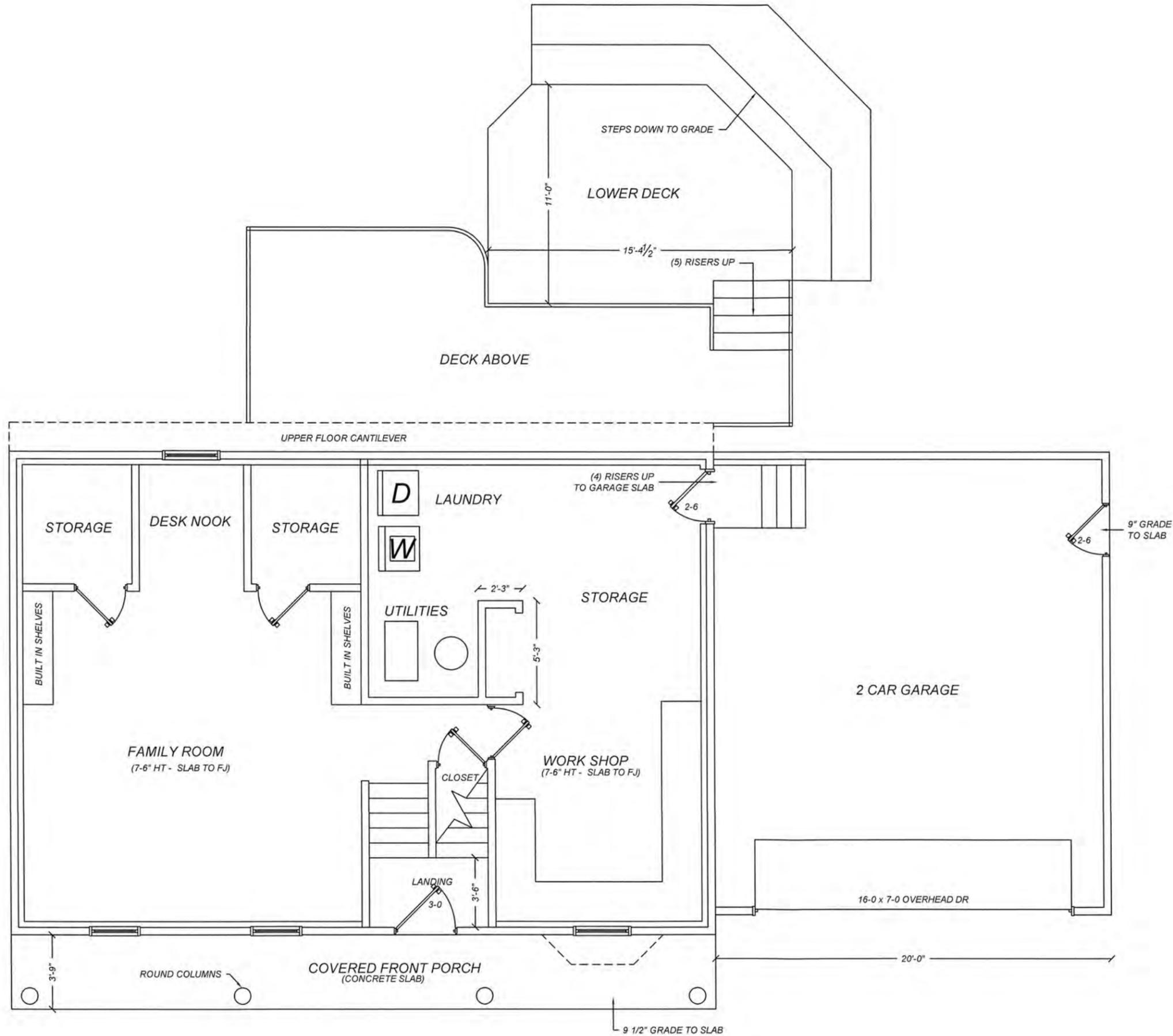
EXISTING LOWER FLOOR

JUNE 9, 2016

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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



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Delarm Addition:

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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

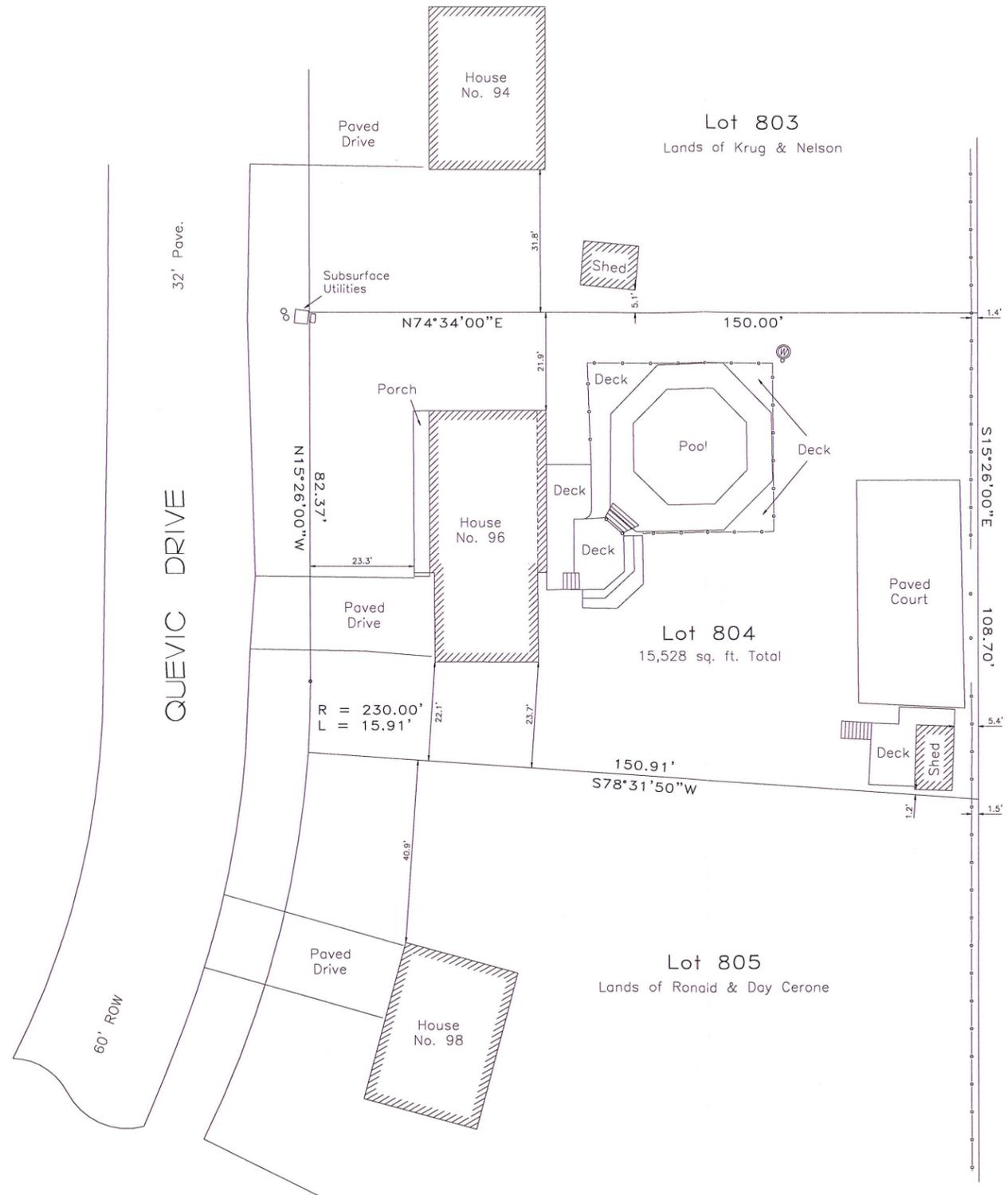


View of right / South side of yard as viewed facing South from pool area at project site



Key:

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Lands of
**Beaver Pond Village
 Homeowners Association**
 Instrument 2013029991

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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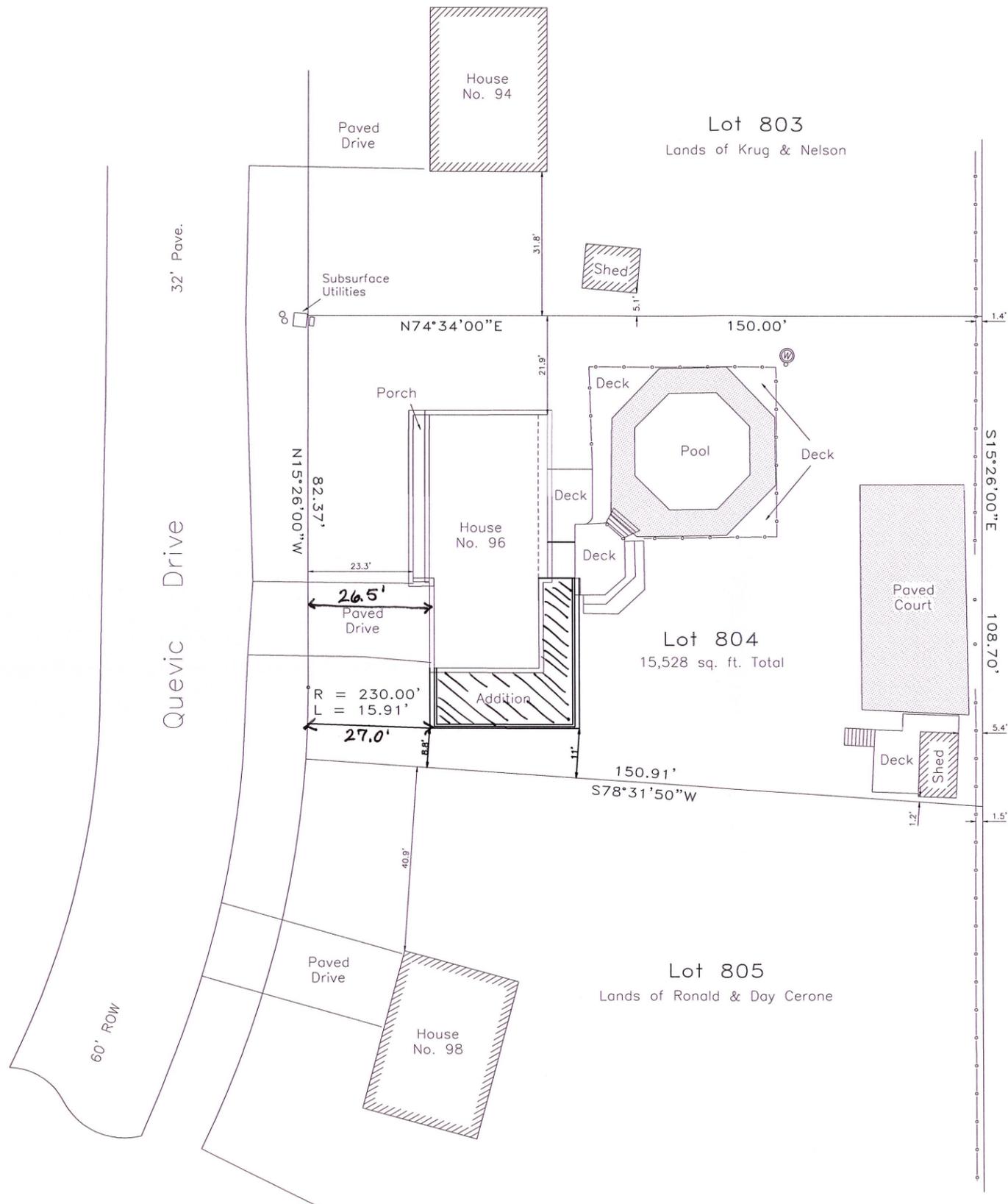
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Survey for
mary beth delarm

— situate in —

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

June 13, 2016

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.

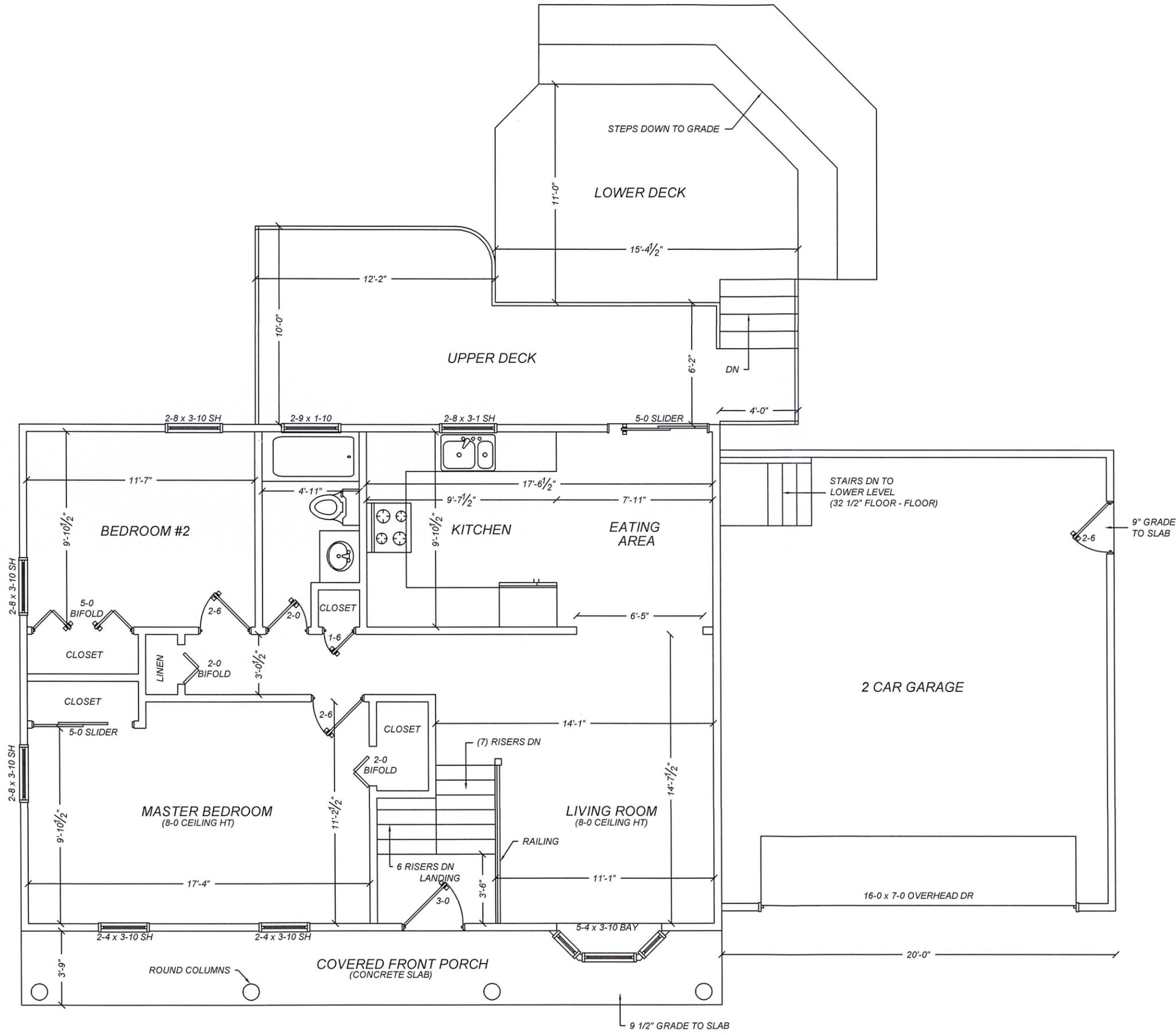
DELARM RESIDENCE ADDITION
96 QUEVIC DR.
SARATOGA SPRINGS, NY

EXISTING MAIN FLOOR

JUNE 9, 2016 SCALE: 3/16" 1' 0"

DOCUMENTED BY:
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76 WASHINGTON ST., SARATOGA SPRINGS, NY
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DELARM RESIDENCE ADDITION
96 QUEVIC DR.
SARATOGA SPRINGS, NY

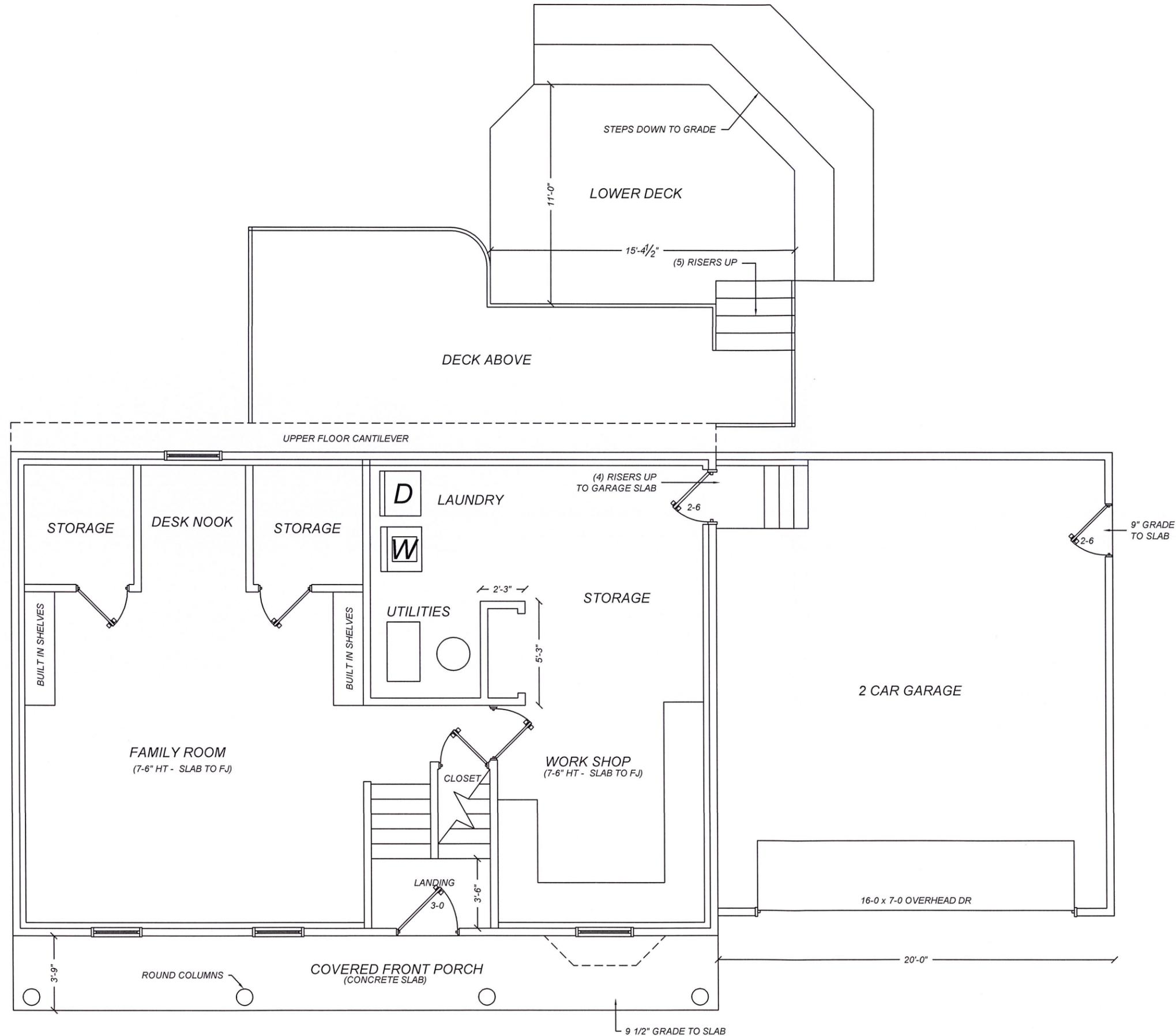
EXISTING LOWER FLOOR

JUNE 9, 2016

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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 – I

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:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
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


DATE

October 5, 2016

Mr. Richard & Mrs. Eileen Nelson
[REDACTED] Quevic Dr., Saratoga Springs, NY

To: Saratoga Springs Zoning Board Saratoga Springs, NY

Re: Delarm Zoning Variance 96 Quevic Dr., Saratoga Springs, NY



Dear Zoning Board Members:

We are next door neighbors to the left of Mary Beth Delarm of 96 Quevic Dr. After hearing and seeing firsthand the hard effort Mary Beth has been putting into the house since her fairly recent ownership, we are very pleased she plans to continue necessary improvements with an addition on the home so her continued hardship can finally end.

After seeing the proposed project plans we believe the addition will be an upgrade not only to her own home but also to the neighborhood. With improvements such as these, we hope the Board approves all promptly with no objections so the design plans in front of the Board move forward.

We are surprised the shed is an issue for the Board when that shed was here decades before Mary Beth purchased the home. (As we are original residences of [REDACTED] from decades ago.) Her hiring a contractor to repair the deck, stairs & shed is clear indication these and other maintenance improvements only enhance the neighborhood, and reflect well especially upon the immediate neighbors.

Mary Beth has worked hard maintaining her property, and especially landscaping which borders her other neighbors and we are thrilled she plans to continue to keep the shed and the rest of her property in great condition. As such, any request to move or eliminate the shed or anything else would be a severe hardship on her. Mary Beth has done a good job on everything in the short time she has owned the property and we have no objections to the shed or anything else on the property.

Therefore we request the Board allow Mary Beth to keep everything where it is located on the property so as not to interfere with the improvements and lovely ambiance of the neighborhood. We encourage you to approve the project.

Please do not hesitate to contact us if you have any other concerns.

Thank You.

Eileen A. Nelson

Richard J. Nelson

Eileen and Richard Nelson

September 30, 2016

Ronald Nelson & Day Cerone
█ Quevic Dr.
Saratoga Springs, NY



Saratoga Springs Zoning Board
Saratoga Springs, NY

Re: Delarm Zoning Variance
96 Quevic Dr., Saratoga Springs, NY

Dear Zoning Board,

We are the owners of █ Quevic Dr. and next door neighbors █ of Mary Beth Delarm of 96 Quevic Dr.

We have met with Mary Beth and she has explained her housing needs & the proposed addition project. We believe that the addition will be an upgrade not only to her own home but also to the neighborhood and have no objections to the project as it is currently proposed.

Mary Beth has also discussed the Board's concerns about the shed that is close to our property line at the back rear corner of our lot. The shed was existing when we purchased our home in 2009 and before Mary Beth's ownership a few years later. At that time and currently, we have had no issues with the shed or its location. Mary Beth just recently hired a contractor to repair the deck & stairs around the shed. We are glad that she wants to keep it in good shape. We understand that it would be a hardship for Mary Beth to remove or relocate the shed. As the closest neighbors, we have no objections to the shed where it is now and would ask the Board to allow Mary Beth to keep the shed as is.

Thank you for your time.

Ronald Nelson & Day Cerone



CITY OF SARATOGA SPRINGS

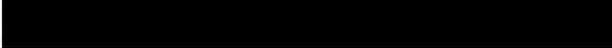
City Hall - 474 Broadway
Saratoga Springs, New York 12866
Tel: 518-587-3550 fax: 518-580-9480

[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 <u>120 S Broadway Hospitality</u>		
Address <u>120 South Broadway</u> <u>SC 12866</u>		
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

- Property Address/Location: 120 South Broadway Tax Parcel No.: 178.35 - 1 - 6
(for example: 165.52 - 4 - 37)
- Date acquired by current owner: 11/8/16 3. Zoning District when purchased: T-5
- Present use of property: motel / spa 5. Current Zoning District: T-5
- Has a previous ZBA application/appeal been filed for this property?
 Yes (when? _____ For what? _____)
 No
- Is property located within (check all that apply): Historic District Architectural Review District
 500' of a State Park, city boundary, or county/state highway?

8. Brief description of proposed action: Variance for size of sign
DAC asked if we would consider a larger sign

- Is there a written violation for this parcel that is not the subject of this application? Yes No
- Has the work, use or occupancy to which this appeal relates already begun? Yes No
- Identify the type of appeal you are requesting (check all that apply):
 INTERPRETATION (p. 2) VARIANCE EXTENSION (p. 2) USE VARIANCE (pp. 3-6) AREA VARIANCE (pp. 6-7)

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

The applicant requests relief from the following Zoning Ordinance article(s) 6.1.5.3

Dimensional Requirements

Signage

From
12' S.F

To
45' S.F

Other: _____

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

- 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.

DAC requested a larger sign

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

all neighboring businesses have same or larger signage

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

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

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

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

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

DAC requested a larger sign
small sign was o.k for us

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

[Handwritten Signature] 120 SB Hospitality LLC
(applicant signature)

Date: 5/13/16

(applicant signature)

Date: _____

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

Owner Signature: _____

Date: _____

Owner Signature: _____

Date: _____

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

APPLICANT: 120 S Broadway Hospitality LLC TAX PARCEL NO.: _____

PROPERTY ADDRESS: 120 South Broadway ZONING DISTRICT: T5

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

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

Extension of existing variance Interpretation

Use Variance to permit the following: _____

Area Variance seeking the following relief:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

Note: _____

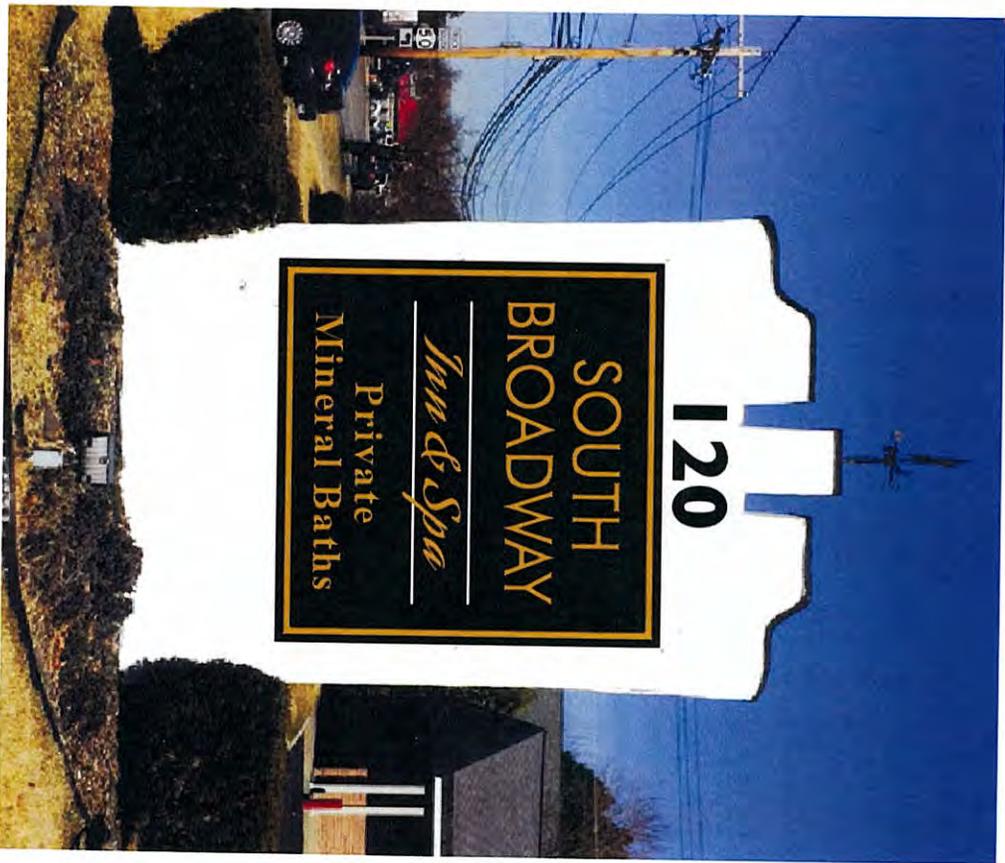
Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

DATE

Dimensional Letter Sign

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



CLIENT: S. Broadway Inn

ESTIMATE NO. # APPLICABLE	LINE ITEM NO. # APPLICABLE
INVOICE NO. # APPLICABLE	1

SALES REPRESENTATIVE

Rick Bult
rick.bult@fastsigns.com

SPECIFICATIONS

Project Description: Monument Sign

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

Qty: 1

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

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

PAGE NUMBER



BE ADVISED:

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

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

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PROOF DATE **05/10/16**

DESIGNED BY **RB**

FASTSIGNS

2029@FASTSIGNS.COM

WWW.FASTSIGNS.COM/2029



426 Maple Ave. • Saratoga Springs, NY 12866

CLIENT: S. Broadway Inn

ESTIMATE NO.	
# APPLICABLE	
INVOICE NO.	
# APPLICABLE	
LINE ITEM NO.	1
# APPLICABLE	

SALES REPRESENTATIVE

Rick Bult
rick.bult@fastsigns.com

SPECIFICATIONS

Project Description: Neighboring Lots

Size: TBD

Qty: 1

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

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



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



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



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



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

PAGE NUMBER



BE ADVISED:

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

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

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

IMPORTANT - PLEASE READ

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

PROOF DATE: **05/10/16**

DESIGNED BY: **RB**

FASTSIGNS

2029@FASTSIGNS.COM WWW.FASTSIGNS.COM/2029

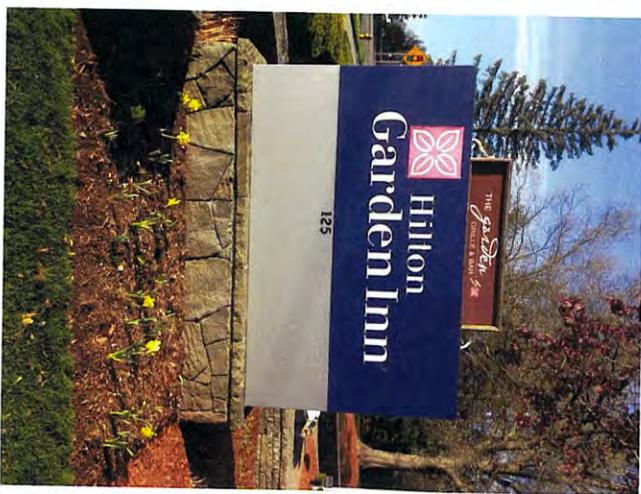


426 Maple Ave. • Saratoga Springs, NY 12866

CLIENT: S. Broadway Inn

NEIGHBORING PROPERTIES

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



ESTIMATE NO. <small>IF APPLICABLE</small>	LINE ITEM NO. <small>IF APPLICABLE</small>
INVOICE NO. <small>IF APPLICABLE</small>	1
SALES REPRESENTATIVE	
Rick Bult rick.bult@fastsigns.com	
SPECIFICATIONS	

Project Description: Neighboring Lots

Size: TBD

Qty: 1

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

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

PAGE NUMBER

3
PAGE 3 OF 3

BE ADVISED:

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

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PROOF DATE 05/10/16

DESIGNED BY RB

FASTSIGNS.

2029@FASTSIGNS.COM www.FASTSIGNS.COM/2029



426 Maple Ave. • Saratoga Springs, NY 12866

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

APPLICANT: 120 S. BROADWAY HOSPITALITY

TAX PARCEL No.: 178.35-1-6

PROPERTY ADDRESS: 120 SOUTH BROADWAY

ZONING DISTRICT: TRANSECT – 5

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

Proposed installation of a freestanding sign.

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

240- 6.1.5.3 B.1. As such, the following relief would be required to proceed:

Extension of existing variance Interpretation

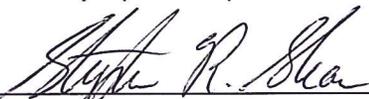
Use Variance to permit the following: _____

Area Variance seeking the following relief:

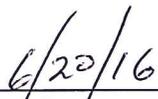
<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
Max. area freestanding sign:	12 sq. ft.	45 sq. ft.
Max. height freestanding sign:	12 ft.	12.5 ft.

Other: _____

Advisory Opinion required from Saratoga County Planning Board



ZONING AND BUILDING INSPECTOR



DATE



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#16-103-Area Variance-120 S Broadway Hospitality, LLC (Inn & Spa)/Ethier

Freestanding commercial sign in T-5 District. Increase from 12 square feet to 45 square feet (80"x80").

South Broadway (NYS Route 50), east side, between Monroe Muffler and Adirondack Trust

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

Reviewed by the Saratoga County Planning Board on June 16, 2016.

Decision: Approve

Comment:

It is our understanding that under the city's new sign ordinance the business' existing sign became a non-conforming sign (although pre-existence does not mean it to be a legal non-conforming sign); therefore, the newly constructed signage will require an area variance. We note that what is proposed is not out of sync w/other area signs along the South Broadway corridor.

A handwritten signature in purple ink that reads "Michael Valentine".

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

<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name _____	_____	_____
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: _____ Tax Parcel No.: _____ - _____ - _____
(for example: 165.52 - 4 - 37)

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

4. Present use of property: _____ 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: _____

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”.

- I. 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:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 If "yes", for how long? _____ No

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:

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

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

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: _____

(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:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

Note: _____

Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

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.

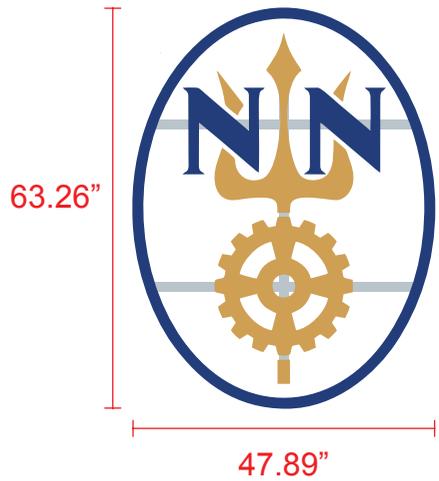
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Newport News Shipbuilding			
Name of Action or Project: Installation of signage for Newport News Shipbuilding			
Project Location (describe, and attach a location map): Newport News Shipbuilding Warehouse located at 33 Cady Hill Blvd., Saratoga Springs, NY 12866			
Brief Description of Proposed Action: Installation of Newport News Shipbuilding sign on the above property will be on the facade facing the parking lot vs. the public road. This requires an area variance from Saratoga Springs. Placement of the sign at the desired location would be the most beneficial to the community and surrounding businesses. The signage falls within the requirements for size and building placement. The building is in an existing industrial area. The only variance is that the parking lot is not a public street and the sign would be best located facing the parking lot vs. facing the street. There are no buildings within 100 feet of the property. The sign will be placed on an existing building. The overall size of the sign (< 100 ft. sq.) is less than 2% of the square footage of the building's front facade. The sign does not have its own lighting and it is made from stable materials.			
Name of Applicant or Sponsor: Newport News Shipbuilding		Telephone: [REDACTED]	
		E-Mail: [REDACTED]	
Address: 4101 Washington Avenue			
City/PO: Newport News		State: VA	Zip Code: 23607
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 2.07 acres	
b. Total acreage to be physically disturbed?		_____ 0.002 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 2.07 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

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

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

Applicant/sponsor name: NEWPORT NEWS SHIPBUILDING Date: 9/23/2016
 Signature: [Signature], MANAGER FACILITIES & LOGISTICS



13.32" **Newport News Shipbuilding** ± 3"

8.33" **A Division of Huntington Ingalls Industries** ± 1.5"

218.91"





Sign in

Saratoga Eagle
Sales & Services

Ryder Truck
Maintenance Shop

Ryder Transportation
Services

Guyson
Corporation of USA

Grande Blvd

46

46

44

44

Newport News Shipbuilding

Sign
Location

Logistics One

Cady-Hill Blvd



3D



Explore





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 _____

Address _____

Phon _____ / _____

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: _____ Tax Parcel No.: _____ - _____ - _____
(for example: 165.52 - 4 - 37)

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

4. Present use of property: _____ 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: _____

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”.

- I. 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:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 If "yes", for how long? _____ No

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:

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

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

DISCLOSURE

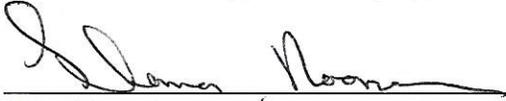
Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? No Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

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)

09/21/2016

Date: _____



(applicant signature)

09/21/2016

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:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

Note: _____

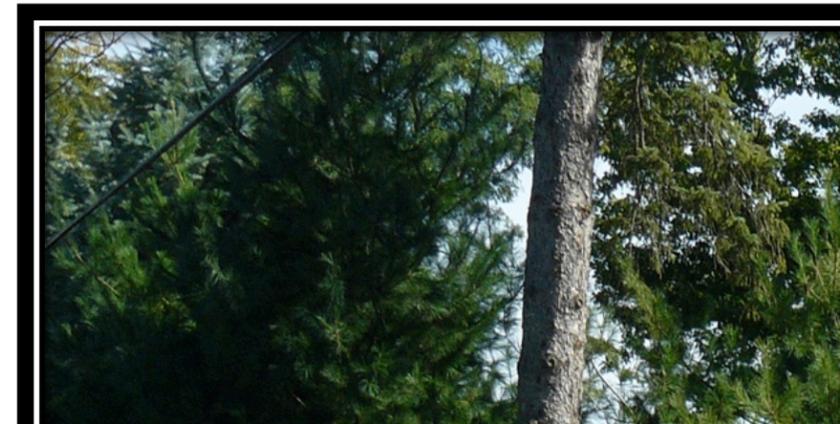
Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

DATE



39 Schuyler Drive – Street Elevation Elevation





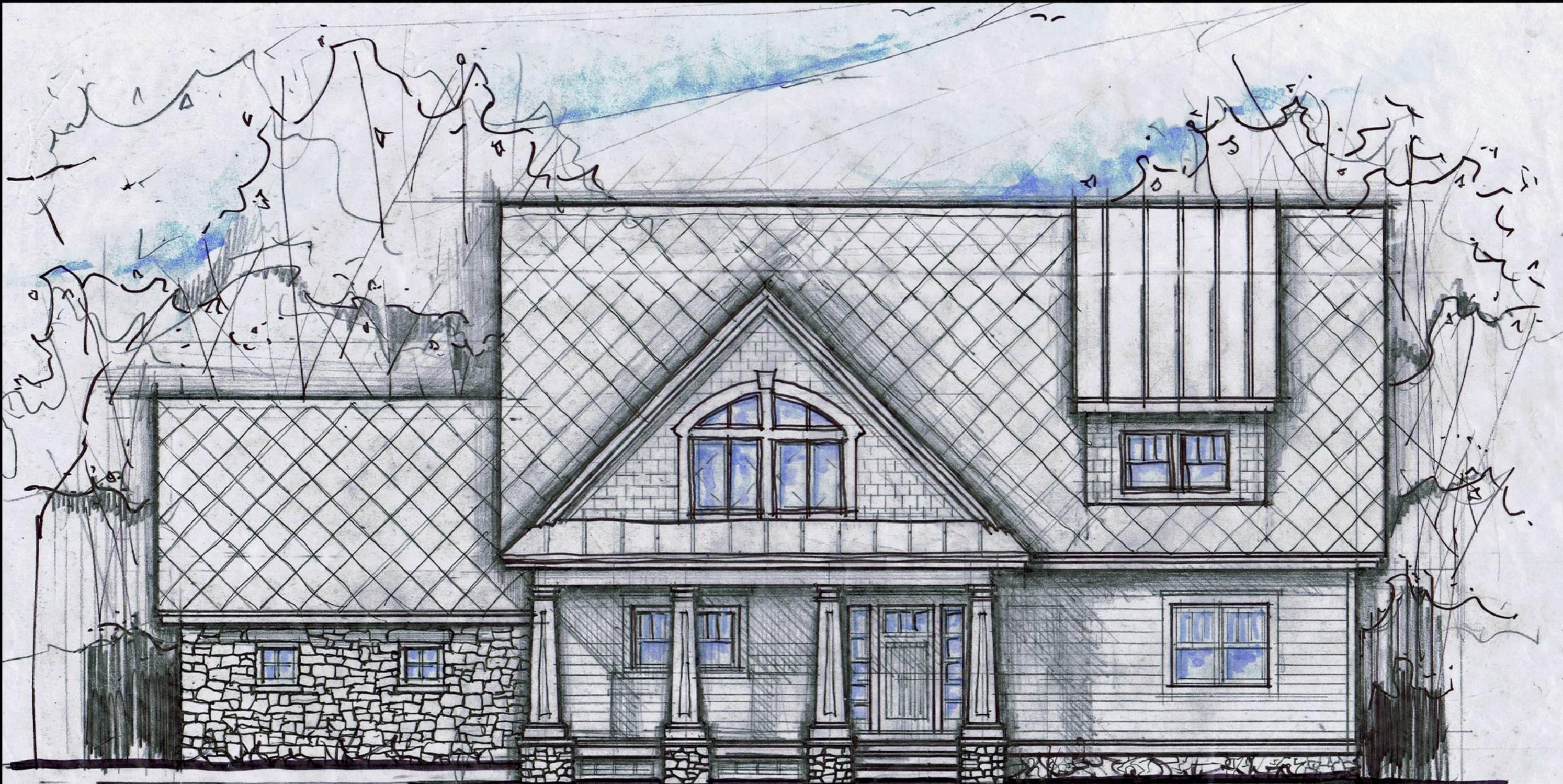
Property to north – Schuyler drive elevation
(across Mcallister)





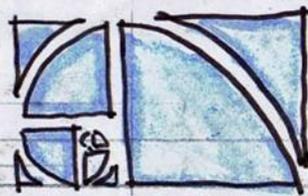
Property to East





FRONT ELEVATION ~ (SCHUYLER DRIVE) -
PRELIMINARY CONCEPTS - 39 SCHUYLER DR.

$\pm 3/16" = 1'0"$


5 AUGUST 2010



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

	<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name	Matt Sames	Bronx Springs Group	James Easton MJ Engineering
Address	[REDACTED]	183 Church Ave Ballston Spa, NY 12020	21 Corporate Drive, Suite 105 Clifton Park, NY 12065
Phone	[REDACTED]		[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: 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 TRB/RR-1
3. Zoning District when purchased: _____

4. Present use of property: vacant TRB/RR-1
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: _____
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".

- I. 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:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 If "yes", for how long? _____ No

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:

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

240-2.0

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
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.

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.



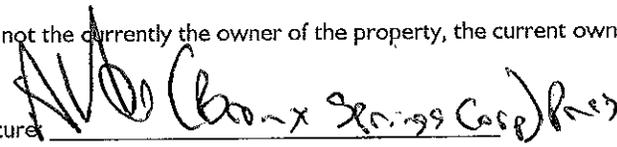
(applicant signature)

Date: 7/11/16

(applicant signature)

Date: _____

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

Owner Signature:  (Crown Springs Corp) Res

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:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

Note: _____

Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

DATE

Short Environmental Assessment Form

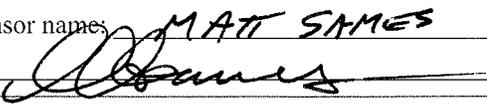
Part 1 - Project Information

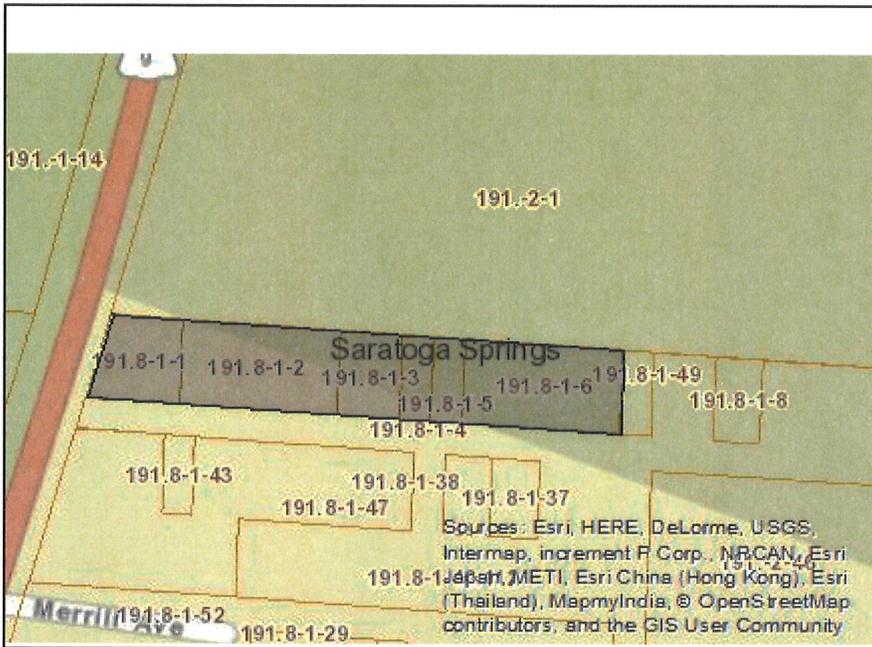
Instructions for Completing

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.

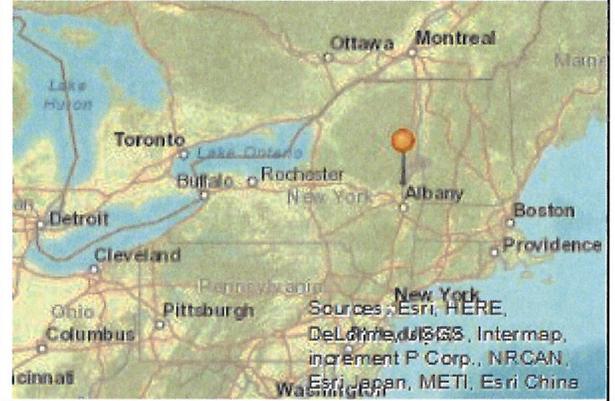
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: 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: Matt Sames		Telephone: [REDACTED]					
		E-Mail: [REDACTED]					
Address: [REDACTED]							
City/PO: [REDACTED]		State: [REDACTED]	Zip Code: [REDACTED]				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
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.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)							
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input checked="" type="checkbox"/> Parkland							

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>Creation of a detention basin, approx. 1500 SF</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>MATT SIMES</u> Date: <u>7/11/16</u></p> <p>Signature: <u></u></p>		



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





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 width 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.

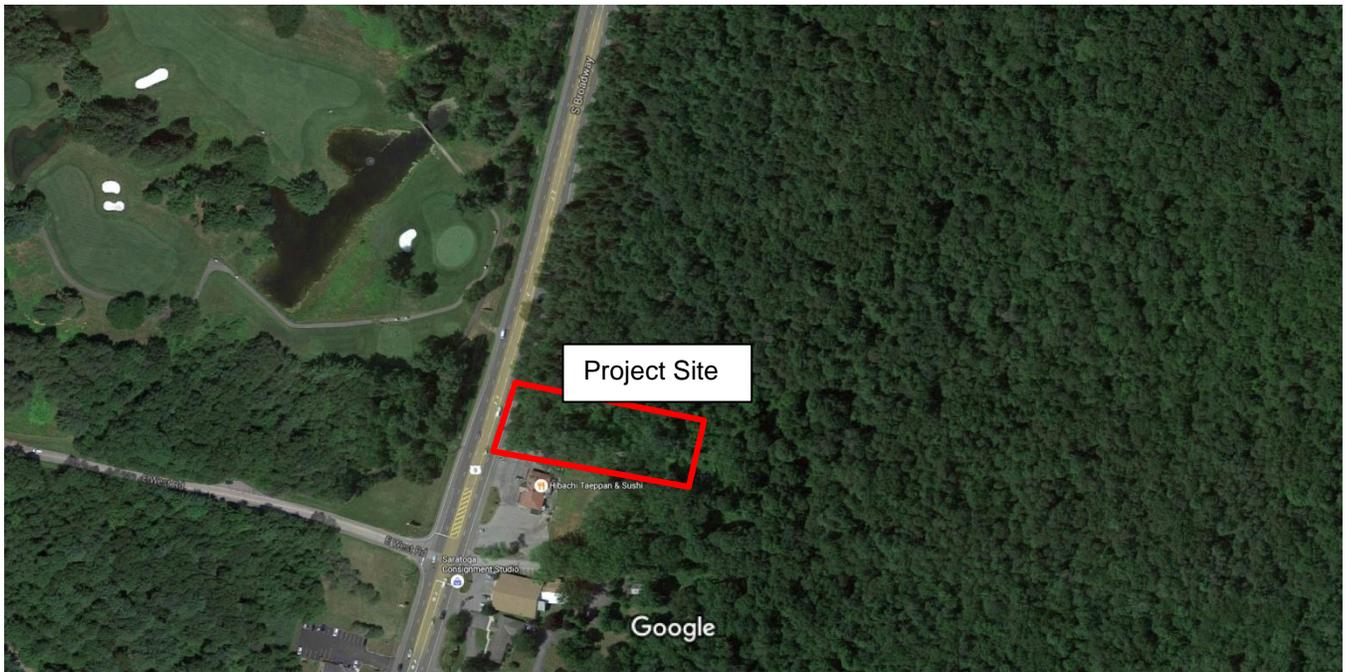


EXHIBITS:

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



Aerial Map



Imagery ©2016 Google, Map data ©2016 Google 100 ft



Photo Location Map

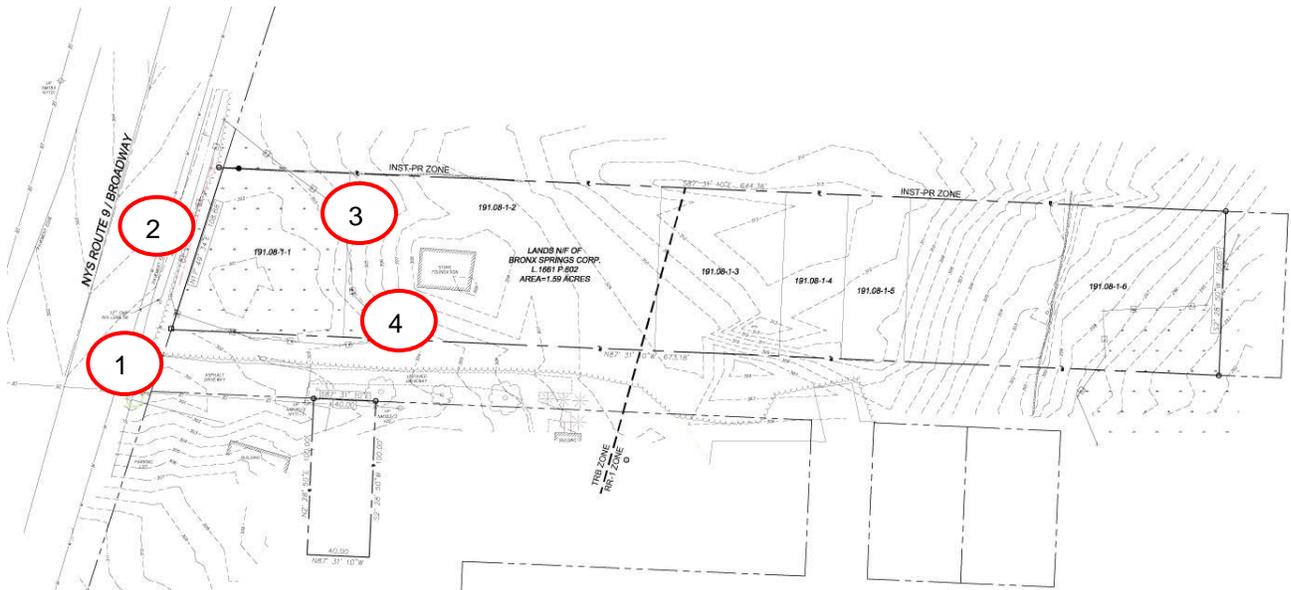




Photo 1





Photo 2





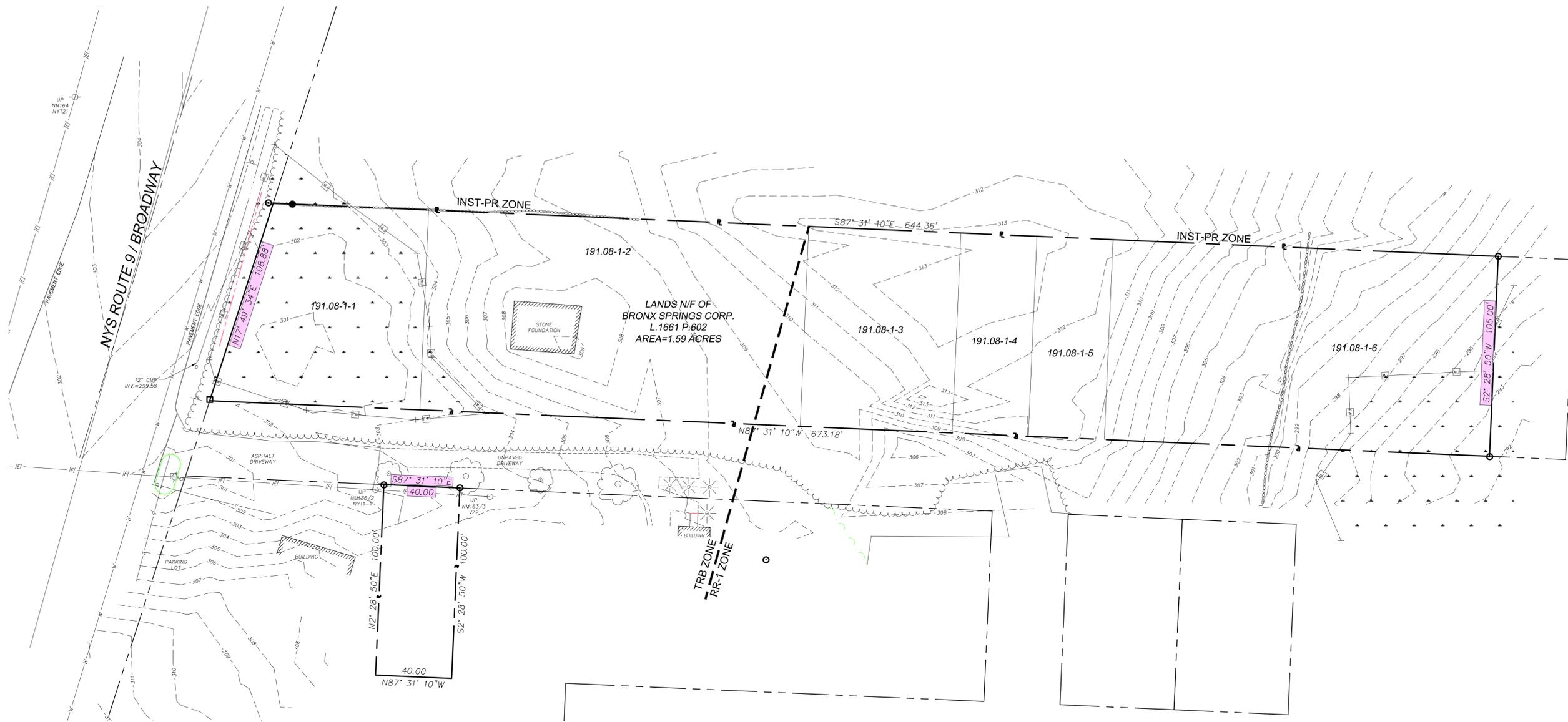
Photo 3





Photo 4





PRELIMINARY DRAWINGS: NOT FOR CONSTRUCTION

THE ALTERATION OF THIS MATERIAL IN ANY WAY, UNLESS DONE UNDER THE DIRECTION OF A COMPARABLE PROFESSIONAL (I.E.) ARCHITECT FOR AN ARCHITECT, ENGINEER FOR AN ENGINEER OR LANDSCAPE ARCHITECT FOR A LANDSCAPE ARCHITECT, IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW AND/OR REGULATIONS AND IS A CLASS 'A' MISDEMEANOR.

SUBMITTAL / REVISIONS					
No.	DATE	DESCRIPTION	BY	REVIEWED BY:	DATE

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

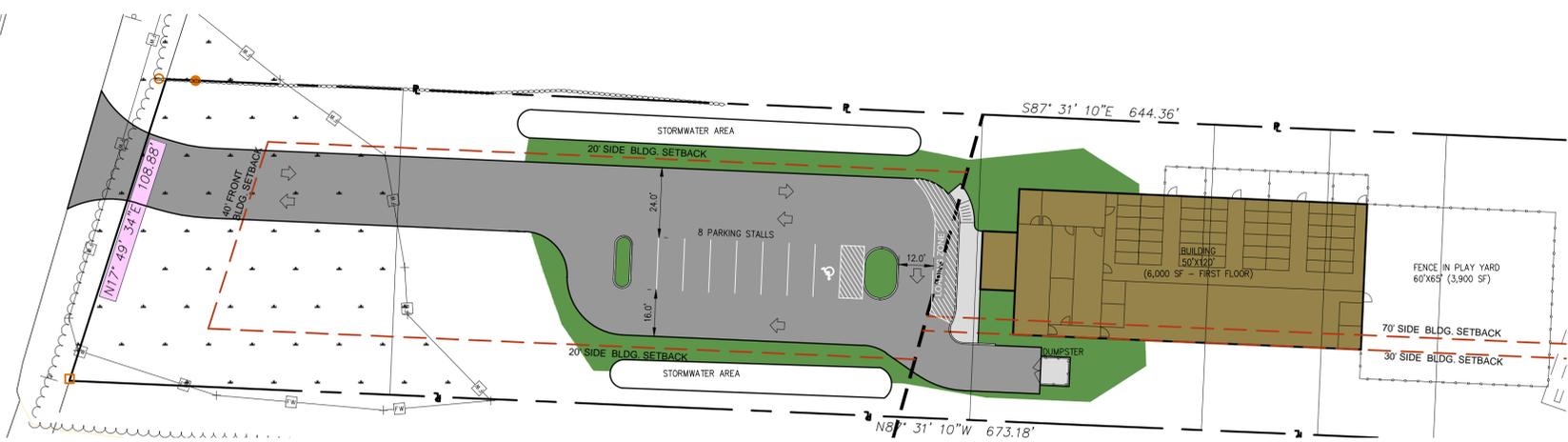
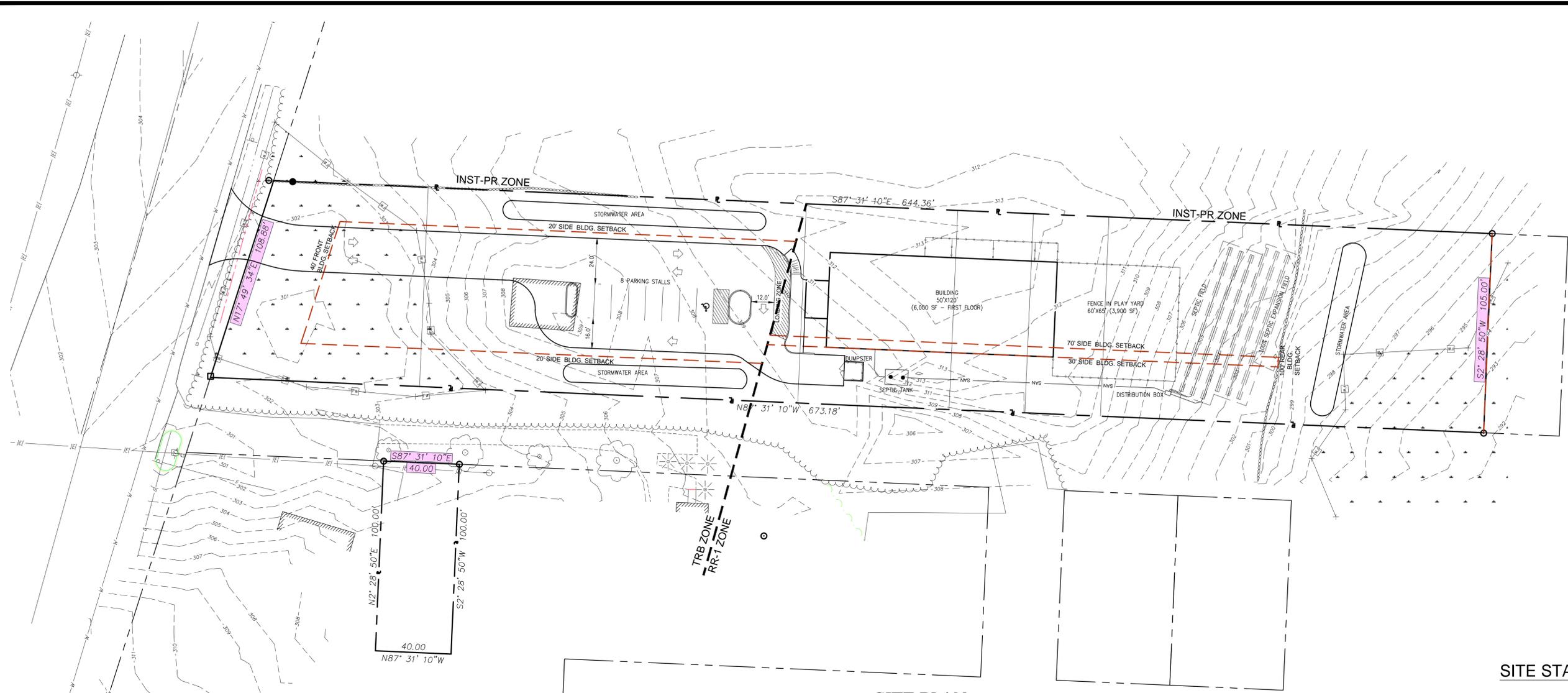
SEAL

DRAFT

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

MATT SAMES
EXISTING CONDITIONS
 ROUTE 9
 CITY OF SARATOGA SPRINGS NEW YORK

SCALE: AS SHOWN
CONTRACT No.: -
MJ PROJ. No.: 972.15
DATE: JULY 2016
C-1
SHEET 1 OF 2



SITE STATISTICS

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

PRELIMINARY DRAWINGS: NOT FOR CONSTRUCTION

THE ALTERATION OF THIS MATERIAL IN ANY WAY, UNLESS DONE UNDER THE DIRECTION OF A COMPARABLE PROFESSIONAL, (I.E.) ARCHITECT FOR AN ARCHITECT, ENGINEER FOR AN ENGINEER OR LANDSCAPE ARCHITECT FOR A LANDSCAPE ARCHITECT, IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW AND/OR REGULATIONS AND IS A CLASS "A" MISDEMEANOR.

SUBMITTAL / REVISIONS					
No.	DATE	DESCRIPTION	BY	REVIEWED BY:	DATE

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

SEAL

DRAFT



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

MATT SAMES
CONCEPT SITE PLAN #1
ROUTE 9
CITY OF SARATOGA SPRINGS NEW YORK

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

C-2
SHEET 2 OF 2



SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

September 16, 2016

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

SCPB Referral Review#16-154-Area Variances-Sames

Variances for lot size (merge 6 parcels to create a 1.59-acre lot vs. 2.0 required in RR), side setbacks, and minimum average lot width necessary for new construction of a pet boarding facility on a parcel split by two zoning districts (RR, rear and TRB, front).

South Broadway (NYS Route 9), east side

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

Reviewed by the Saratoga County Planning Board on August 18, 2016.

Decision: No Significant County Wide or Inter Community Impact

Comment: The SCPB recognizes no direct countywide impacts related to the variances sought although the split of zoning districts will create difficulties in the future site plan's layout if appeals are granted by the city zoning board of appeals. SCPB will address any concerns with site access, building and parking layout, stormwater management and wetland impact following review of the referrals for site plan review and special use permit from the city planning board. The applicant will be required to obtain a curb cut permit from the West Avenue DOT Residency (contact Chad Corbett at 584-3790).

A handwritten signature in purple ink that reads "Michael Valentine".

Michael Valentine, Senior Planner
Authorized Agent for Saratoga County

xc. Chad Corbett, NYSDOT

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: 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:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
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

WHITEMAN
OSTERMAN
& HANNA LLP

Attorneys at Law
www.woh.com

Jon E. Crain
Associate

One Commerce Plaza
Albany, New York 12260

September 26, 2016

Via Electronic Mail (Lindsey.Gonzales@Saratoga-Springs.org)

Zoning Board of Appeals of the City of Saratoga Springs
475 Broadway
Saratoga Springs, New York 12866

Re: *Opposition of Lu Holding, LLC and Wen Mei "Iris" Lu to Proposed Area Variance
of Pet Lodge of Saratoga and Applicant Matt Sames*
(Tax Parcel No.: 191.8-1-1,2,3,4,5,6)

Dear Board Members:

This firm represents Lu Holding, LLC (the "Company") and its principal, Iris Lu (Ms. Lu). The Company and Ms. Lu respectfully request that the Zoning Board of Appeals (the "ZBA") deny, in its entirety, the above-referenced Application for Area Variance (the "Application") submitted by Matt Sames (the "Applicant"), owner of Tax Parcel No. 191.8-1-1,2,3,4,5,6 (the "Proposed Pet Lodge").

The Company owns certain real property adjacent to the Proposed Pet Lodge (Tax Parcel No. 191.8-1-47), which contains a restaurant building recently occupied by Hibachi Restaurants, Inc. and a residential house (the "Hibachi Property"). Ms. Lu owns several vacant residential parcels on the East and South sides of the Proposed Pet Lodge (SBL #191.-2-46, SBL # 191.8-1-8, and SBL # 191.8-1-38). One of the adjacent parcels owned by Ms. Lu (SBL # 191.-2-46) is a private road called Pratt Drive, which sits between the Proposed Pet Lodge and the Hibachi Property. Pratt Drive is a necessary for ingress and egress of approximately 32 acres of land owned by Ms. Lu and/or the Company. As adjacent landowners and members of the community, my clients respectfully request that the Zoning Board of Appeals ("ZBA") deny the Application in its entirety.

Applicant has proposed to construct a building designed to house a "Pet Lodge" business, and to thereafter operate this business, housing dogs and other pets on a 24/7 basis. The Zoning and Building Inspector for the City of Saratoga Springs (the "Inspector") recently issued a determination denying an application submitted by Applicant seeking approval of the "[p]roposed construction of a pet boarding facility." The Inspector denied the application on the

ground that the proposed building significantly exceeds (by as much as 100 feet), the minimum setbacks for the property under the City of Saratoga Springs Zoning Ordinance (the “Zoning Code”). Applicant then proceeded to file the instant Application, seeking a substantial area variance pursuant to Section 8.3.1 of the Zoning Code. The only justification for the requested area variance in the Application is to state that “a variance is necessary to construct a usable building.” My clients respectfully submit that the requested variance must be denied pursuant to the unequivocal mandate of the Zoning Code.

Section 8.3.1 of the Zoning Code expressly limits the granting of an area variance to those applications limited to seeking “relief from the dimensional or physical requirements imposed by the applicable zoning regulations.” That Section states, in no uncertain terms, that “[a]n area variance does not authorize any change in the type of use of the property.” The Zoning Code continues:

In making its determination whether to grant an area variance, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such the determination, the ZBA shall also consider:

1. **Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;**
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
3. **Whether the area variance is substantial;**
4. **Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and**
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of an area variance.

Zoning Code § 8.3.1(A) (emphasis supplied).

The Application must be denied under the clear language of this provision. First, the Application seeks a *de facto* use authorization and is therefore not the proper subject of an area variance as defined in the Zoning Code. Indeed, the Application itself states that the area variance is sought to facilitate a change in use of the Property, from its current vacant status to an active animal lodging business. Again, section 8.3.1(A) of the Zoning Code expressly states that “an area variance does not authorize any change in the type of use of the property.” Accordingly, the Application should be denied.

The Application also must be denied because it would cause significant detriment to the health, safety and welfare of the neighborhood and community (Zoning Code § 8.3.1[A]). It is beyond dispute that dogs, especially when crammed with other dogs in constrained spaces, create a significant amount of noise and odor. Such noise and odor, which indisputably would “have an

adverse effect or impact on the physical or environmental conditions in the neighborhood” (Zoning Code § 8.3.1[A]), would persist at all hours of the day and night. Dogs are especially likely to act loudly and/or aggressively when they are crated in unfamiliar environments, which is exactly what Applicant proposes to do. Accordingly, in addition to potentially threatening the health of neighboring children allergic to household pets, this proposed use therefore exposes Applicant’s residential neighbors to potentially large and aggressive dogs, thus threatening the welfare of the neighborhood (Zoning Code § 8.3.1[A]). The significant detriment that the Proposed Pet Lodge would cause to the health, safety and welfare of the neighborhood and community warrant denial of the Application in its entirety.

Similarly, the Application should also be denied because it would produce an undesirable change in the character of the neighborhood (Zoning Code § 8.3.1[A]), which is predominantly residential. A pet boarding facility requires ample land in order to adequately house the visiting animals, and to serve as a buffer to absorb the significant noise and odor caused by such a business. A pet boarding facility (especially an oversized one) should not be located directly adjacent to residential homes and commercial restaurants.

Furthermore, the granting of the area variance would negatively impact and devalue the nearby land, especially for residential use, thereby creating “a detriment to nearby properties” (Zoning Code § 8.3.1[A]). No one wants to live or eat next to a 24/7 pet lodging facility. The proposed building and its rear fenced-in “play yard,” as well as the proposed septic tank and dumpster, are directly diagonal from an existing residential home. The significant detriment to adjoining property values that would be caused by the Proposed Pet Lodge provides sufficient justification, in and of itself, for denial of the Application in its entirety.

The Application should also be denied under the Zoning Code because the area variance is “substantial” (Zoning Code § 8.3.1[A]). Indeed, Applicant’s underlying use application seeks approval to infringe upon the Code’s minimum setbacks by up to **100 feet** – a huge amount of space relative to the small parcel of property. This is because **the pet lodge property is way too small for the Proposed Pet Lodge**. Review of the Application demonstrates that Applicant is attempting to fit a 6,000 square foot building, a 3,900 square foot exterior play yard, a septic system, a parking lot, greenspace, and a drainage system on a narrow lot approximately 104 feet wide. In short, the proposed area variance would result in a large business crammed onto a small property, with overflow inevitable. (In fact, it does not appear that the Application adequately accounts for the setback required for the proposed septic system). The substantiality of the requested area variance simply cannot be disputed.

Finally, any alleged difficulty created by application of the Zoning Code’s minimum setbacks is indisputably self-created. Applicant could have considered the Zoning Code and its pertinent restrictions prior to purchasing the property, and can of course utilize the property for a myriad of lawful purposes that do not include housing large amount of scared and nervous animals.

In sum, given the details of the area variance demanded by Applicant, virtually all of the factors required to be set forth in Section 8.3.1(A) of the Zoning Code support denial of the Application. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jon E. Crain', is written over the word 'Sincerely,'.

Jon E. Crain

cc: Iris Lu

October 3, 2016

Mr. Tom Ruchlicki

██████ Route 9

Clifton Park, NY 12065

To Whom it May Concern,

The Pet Lodge of Clifton Park opened next to our home in January 2006. Naturally, we were concerned about the number of dogs, the smell and the noise, not to mention having a commercial kennel that can house 129 dogs only 200 feet from the back door of our home.

Fortunately, none of our concerns have materialized. The Pet Lodge is a good neighbor, the noise during the day is minimal, and at night it is silent. The facility doesn't emit any odor, and the traffic is sporadic. The grounds are well kept and appealing to the eye.

Please consider this a letter of support for the Pet Lodge as a neighbor and good corporate citizen.

Respectfully,

A handwritten signature in cursive script that reads "Tom Ruchlicki". The signature is written in black ink and is positioned above the printed name.

Tom Ruchlicki

January 10, 2008

To Whom it May Concern,

The Pet Lodge at the Albany Airport is located approximately 65 feet from our office. They have been in business for almost a year, and have been excellent neighbors. There is absolutely no odor or noise problems. We have 6-10 employees and their work has never been interrupted or interfered with as a result of being located next to the Pet Lodge.

At nighttime, the Pet Lodge is extremely quiet and sometimes we wonder if there are any dogs in the building at all. In fact, one of my employees checks the webcams on the Pet Lodge website just to make sure there are dogs in the building at night. To his surprise, there always are dogs staying the night, but not making a sound. Feel free to call me with any further questions.

Regards,



Sean Abell

Operations Manager

Technical Solutions, North America

Veolia Environmental Services



Sean Abell
Operations Manager
Technical Solutions, North America

Veolia ES Technical Solutions, L.L.C.
10 Terminal Dr., Latham, NY 12110


www.veoliaes.com

June 10, 2015

Subway Restaurant
61 Freemans Bridge Road
Glenville, NY 12302

To whom it may concern,

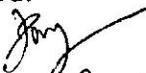
The Pet Lodge of Glenville has been our neighbor for over 7 years. Our business is about 60 feet from the dog yard.

As a restaurant, we were initially concerned about a Pet Lodge opening next door. However, there has been no issue with excessive noise, smell or loose dogs. In fact, the added traffic has probably helped our business grow.

At nighttime, the Pet Lodge is quiet and we wouldn't know if there were 3 dogs spending the night, or 33 dogs.

Please contact me with any questions or for further information.

Thank you.


Jyotindra Patel



Green Mountain Gymnastics

June 9, 2015

Green Mountain Gymnastics
260 Ave D, Suite 30
Williston, VT 05495

To whom it may concern,

The Pet Lodge of Williston has been our neighbor for approximately 3 years. Our business shares a parking lot with them, and our doors are about 100 feet apart.

There has been no issue with excessive noise, smell or loose dogs. I have traffic coming in and out 7 days a week and we have no complaints. It has worked out nice having them as neighbors!

Please feel free to contact me with any questions or for further information.

Thank you.



Robin Critchlow Bourdeau
Owner



260 Ave D, Suite 30
Williston, VT 05495

www.GreenMountainGymnastics.com/www.GreenMountainFreestyle.com



CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

(Application #)

(Date received)

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

	APPLICANT(S)*	OWNER(S) (If not applicant)	ATTORNEY/AGENT
Name	Chris Obstarczyk	(same)	Tonya Yasenchak, Engineering America Co.
Address	[REDACTED]	[REDACTED]	76 Washington St. Saratoga Springs, NY 12866
Phone	[REDACTED]	/	[REDACTED]
Email	[REDACTED]	[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: # 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):

Sec.3:Table 2 Area & Bulk

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
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.

[Handwritten Signature]
(applicant signature)

Date: 8-15-16

(applicant signature)

Date: _____

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: _____

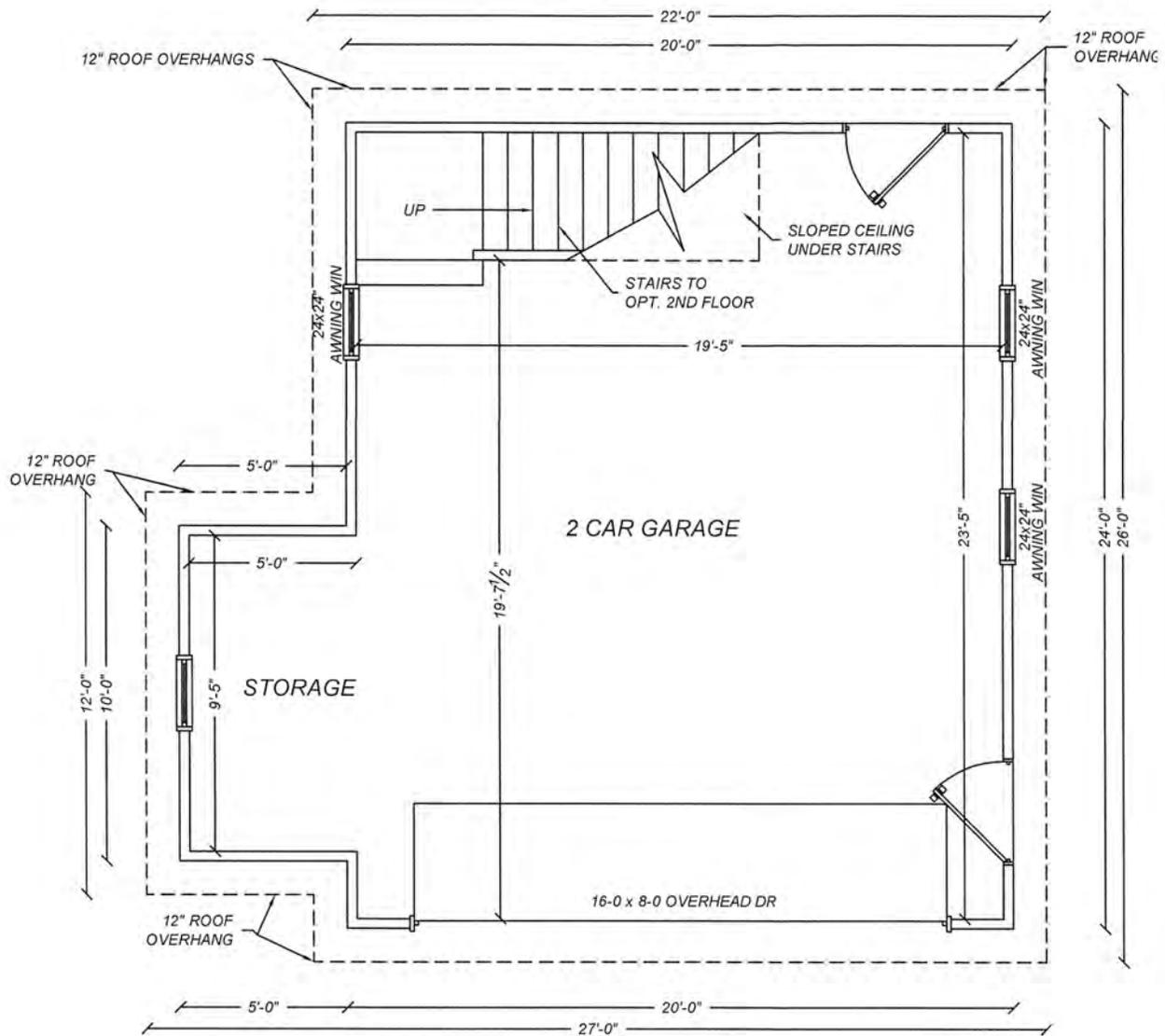
Date: _____

#147 Spring St.

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

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 1 ST FLOOR AREA (SF)	MAX. HEIGHT (FEET)	PRINCIPAL BUILDING	FRONT LOT LINE	SIDE LOT LINE	REAR LOT LINE	PRINCIPAL BUILDING	FRONT LOT LINE		SIDE LOT LINE	REAR LOT LINE
RR (F)	2 acres	200	15	5	60	100	30	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	10	40	40	
SR-2	20,000 (A)	100	25	8	30	30	12	30	-----	-----	35	5	30	5	5	5	30	30	
UR-1	12,500 (A)	100	20	8	30	30	12	30	1 Story = 1,100 2 Story = 800	60	5	30	5	5	5	5	30	30	
UR-2	6,600 (A)	60	30	10	10	25	8	20	1 Story = 900 2 Story = 700	60	5	10	5	5	5	5	25	25	
UR-3	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	60	5	10	5	5	5	5	25	25	
UR-4	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	70	10	25	5	5	5	15	15	15	
UR-4A	2,000/DU	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	70	5	10	5	5	5	15	15	15	
UR-5	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	185	20	20	10	10	15	15	15	15	
UR-6	4,800	60	30	10	25	25	8	20	900	35	5	25	5	5	25	25	25	25	
UR-7	4,000	50	45	10	10	10	4	8	1,000	35	5	10	5	5	20	20	20	20	
NCU-1	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25	25	25	25	
NCU-2	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25	25	25	25	
NCU-3	3,000/DU	60 (H)	30	10	10 (I)	25	4 (J)	12	1 story = 1,800 2 story = 1,200	50	5	10	5	5	20	20	20	20	



OBSTARCYK 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
 518 / 587 - 1340

**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:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

Note: _____

Advisory Opinion required from Saratoga County Planning Board

 ZONING AND BUILDING INSPECTOR

 DATE

Obstarczyk Garage:

#147 Spring St., Saratoga Springs, NY



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



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



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



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



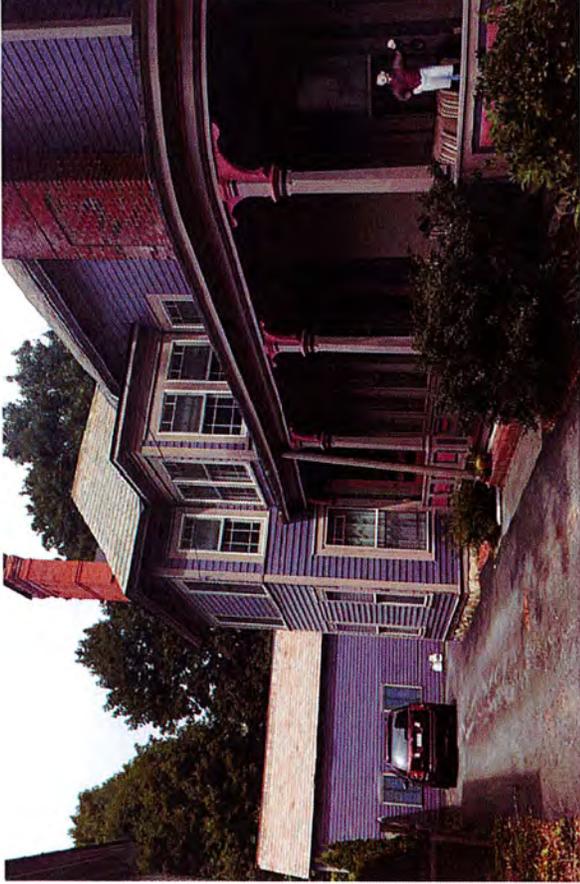
View of East / Right rear yard as viewed facing East with neighboring property beyond fence



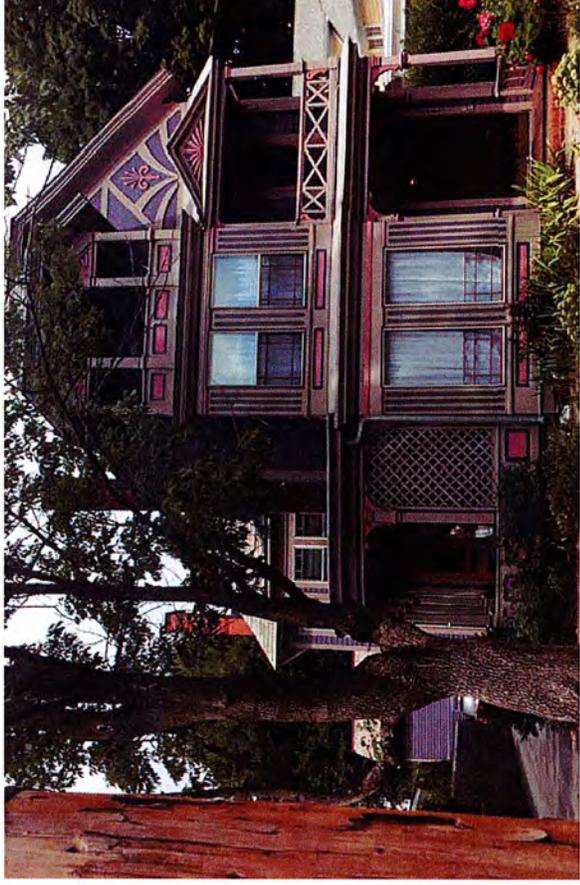
View of project site rear yard facing South East towards residence with neighboring property beyond fence

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.



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:

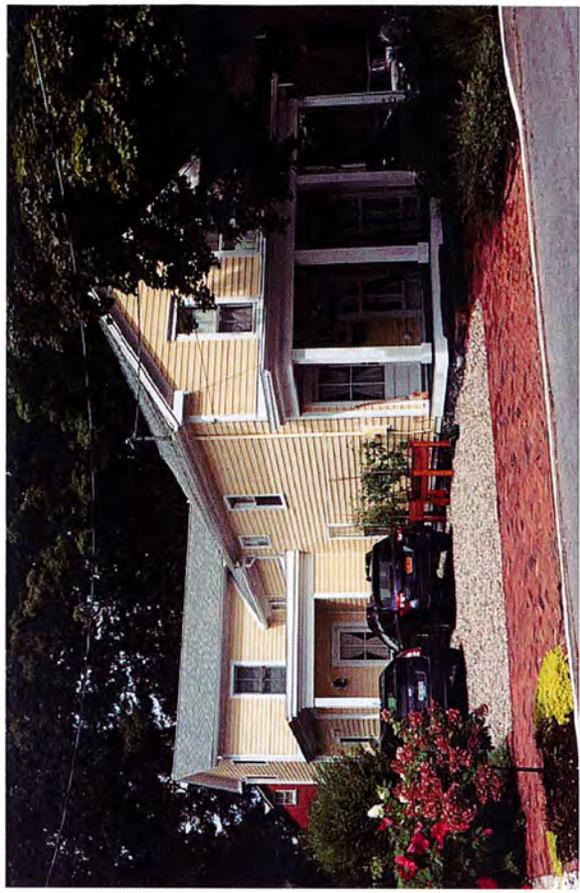
#147 Spring St., Saratoga Springs, NY



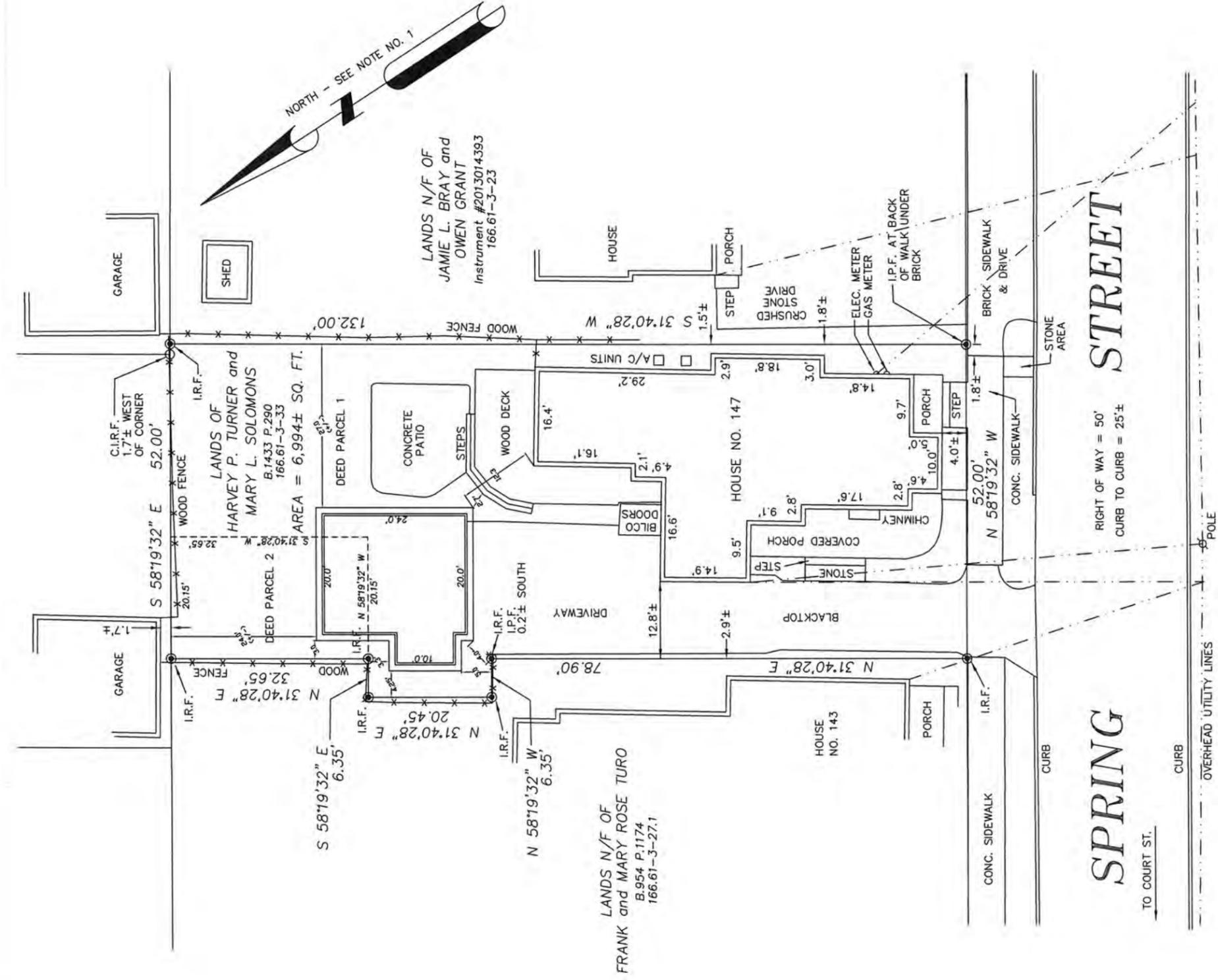
Properties across Spring St. to the South West of project site



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



Adjacent property to the East as viewed from Spring St



"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."

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

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.

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.**

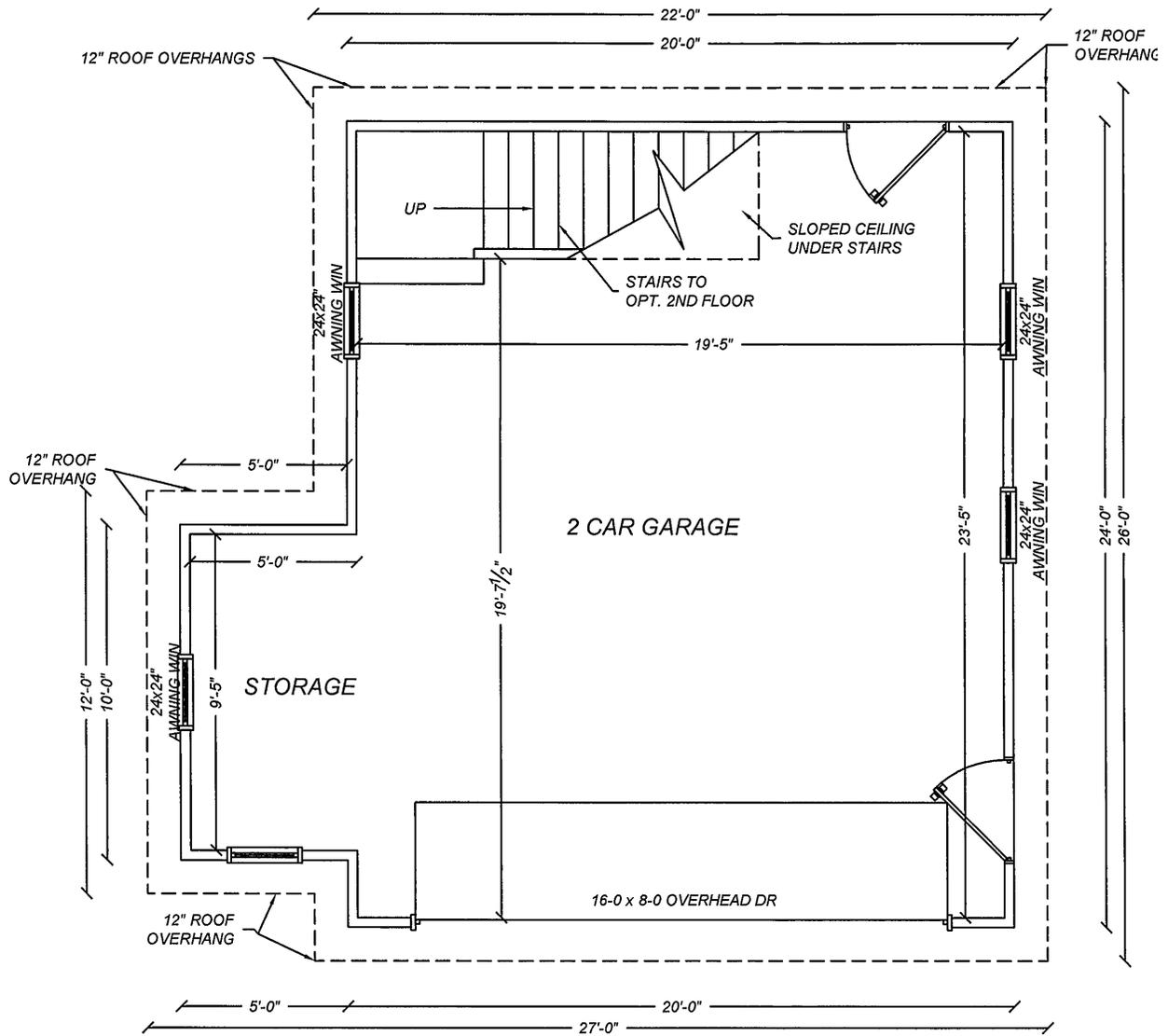
DATE: 8-15-16

SCALE: 1" = 20'

Albrecht & Willson Land Surveyors, PLLC



63 GRAY AVENUE
GREENWICH N Y 17834



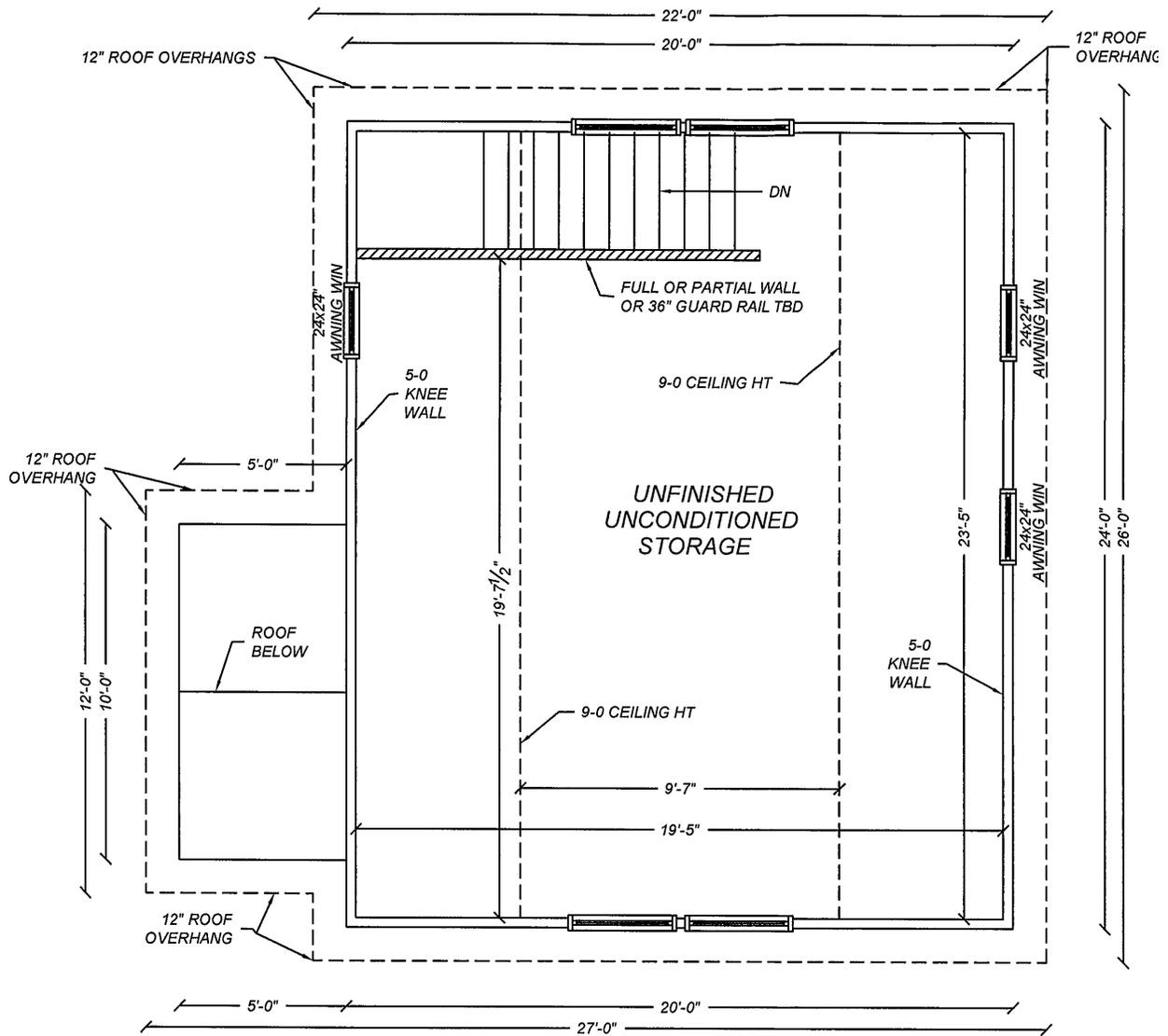
OBSTARCZYK GARAGE
 #147 SPRING ST.
 SARATOGA SPRINGS, NY

**PROPOSED
 MAIN FLOOR PLAN**

9/21/2016

SCALE: 3/16" = 1' 0"

DESIGN BY:
 ENGINEERING AMERICA CO.
 76 WASHINGTON ST., SARATOGA SPRINGS, NY
 518 / 587 - 1340



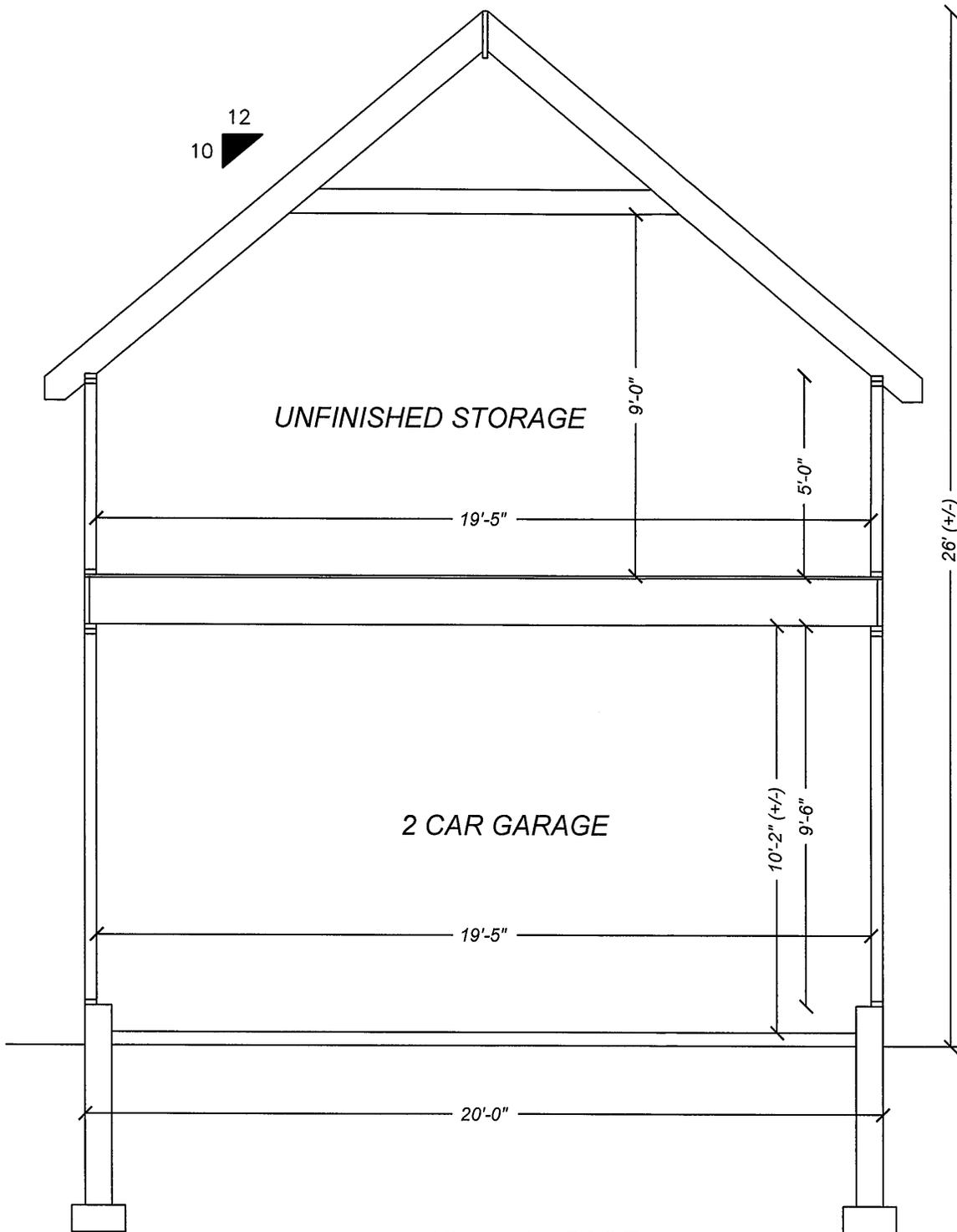
OBSTARCZYK GARAGE
 #147 SPRING ST.
 SARATOGA SPRINGS, NY

**PROPOSED
 UPPER FLOOR PLAN**

9/21/2016

SCALE: 3/16" = 1' 0"

DESIGN BY:
 ENGINEERING AMERICA CO.
 76 WASHINGTON ST., SARATOGA SPRINGS, NY
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OBSTARCZYK GARAGE
 #147 SPRING ST.
 SARATOGA SPRINGS, NY

**PROPOSED
 SECTION**

9/21/2016

SCALE: 1/4" = 1' 0"

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 ENGINEERING AMERICA CO.
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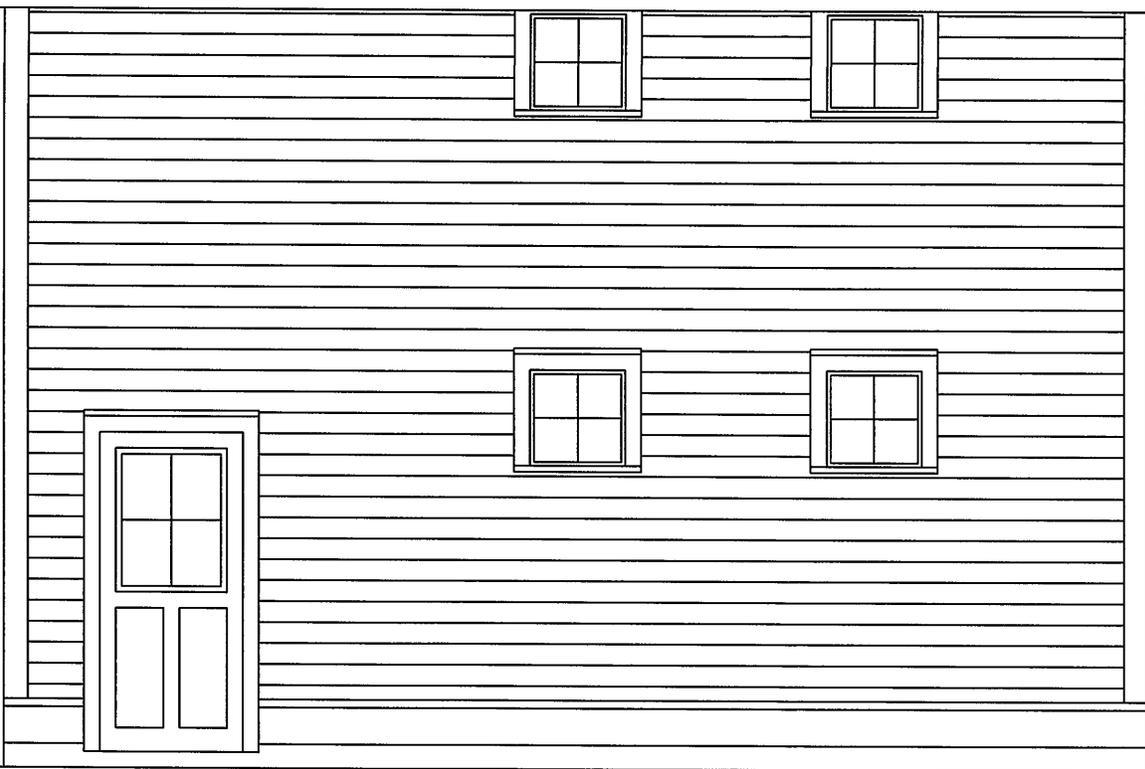
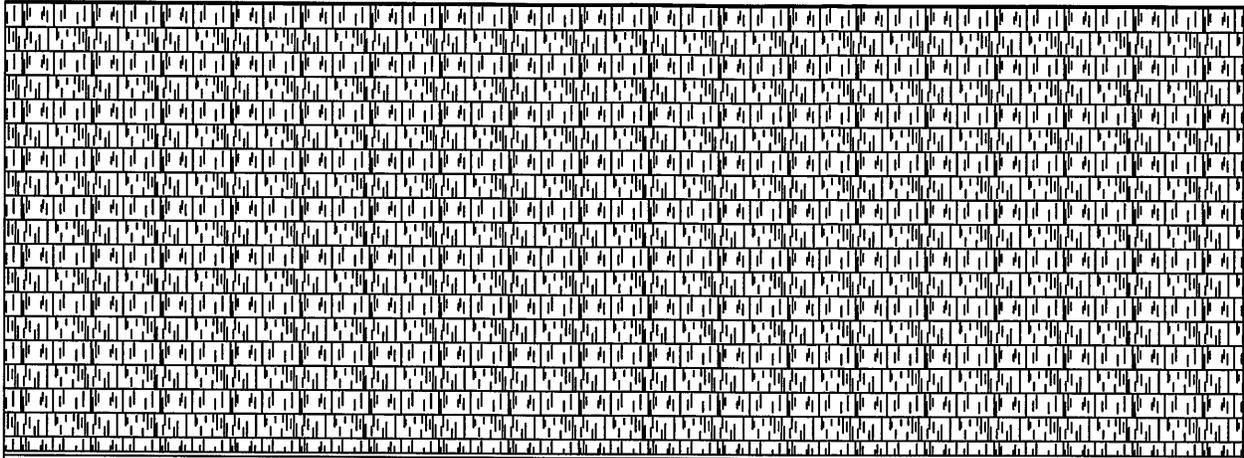
OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

**PROPOSED
FRONT ELEVATION**

9/21/2016

SCALE: 1/4" = 1' 0"

DESIGN BY:
ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 - 1340



OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

**PROPOSED
RIGHT ELEVATION**

9/21/2016

SCALE: 1/4" = 1' 0"

DESIGN BY:
ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 - 1340



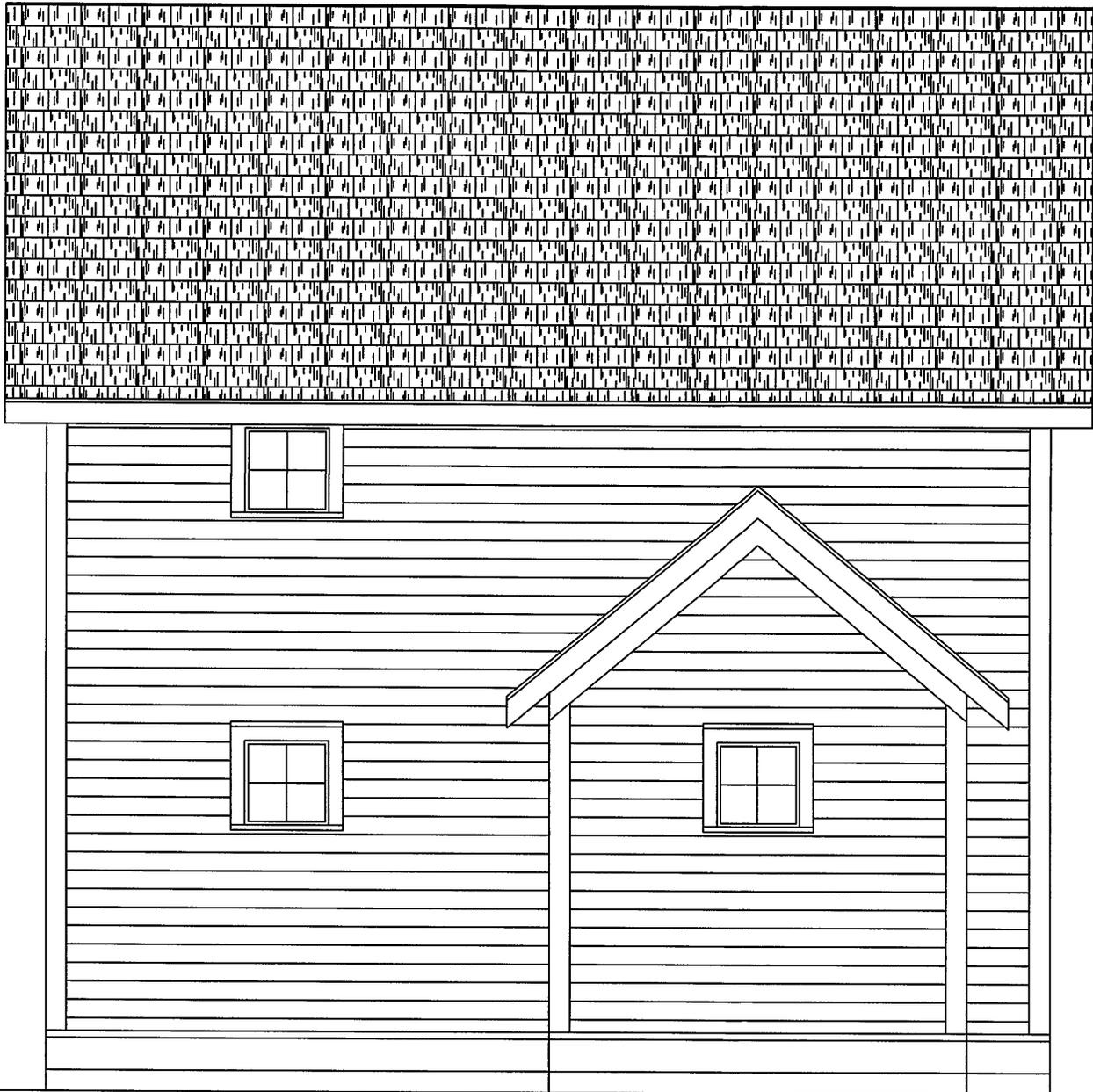
OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

**PROPOSED
REAR ELEVATION**

9/21/2016

SCALE: 1/4" = 1' 0"

DESIGN BY:
ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 - 1340



OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

**PROPOSED
LEFT ELEVATION**

9/21/2016

SCALE: 1/4" = 1' 0"

DESIGN BY:
ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 - 1340

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.

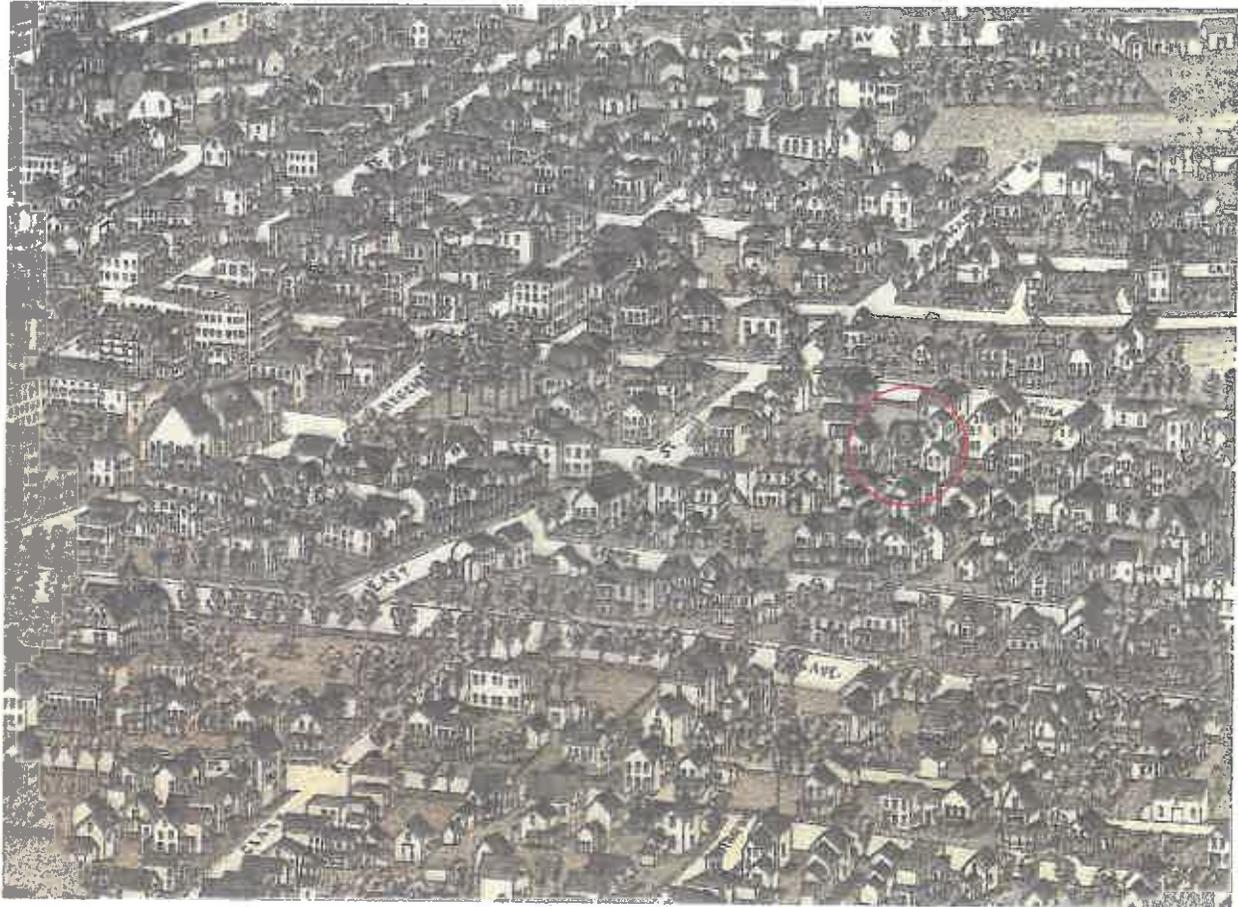
Thank you in advance for your thoughtful consideration.

Sincerely,


Linda Harvey-Opiteck
Vice-President


Samantha Bosshart
Executive Director

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



147 Spring Street

1888 Burleigh Birdseye View

Oct. 1889
SARATOGA
N.Y.

118

EAST

117

SPRING

SHEET

SEE

0' W

PHILA

1889 P. 18
SANBORN MAP

MAY 1896
SARATOGA
N.Y.

18

26

118

COURT (EAST)

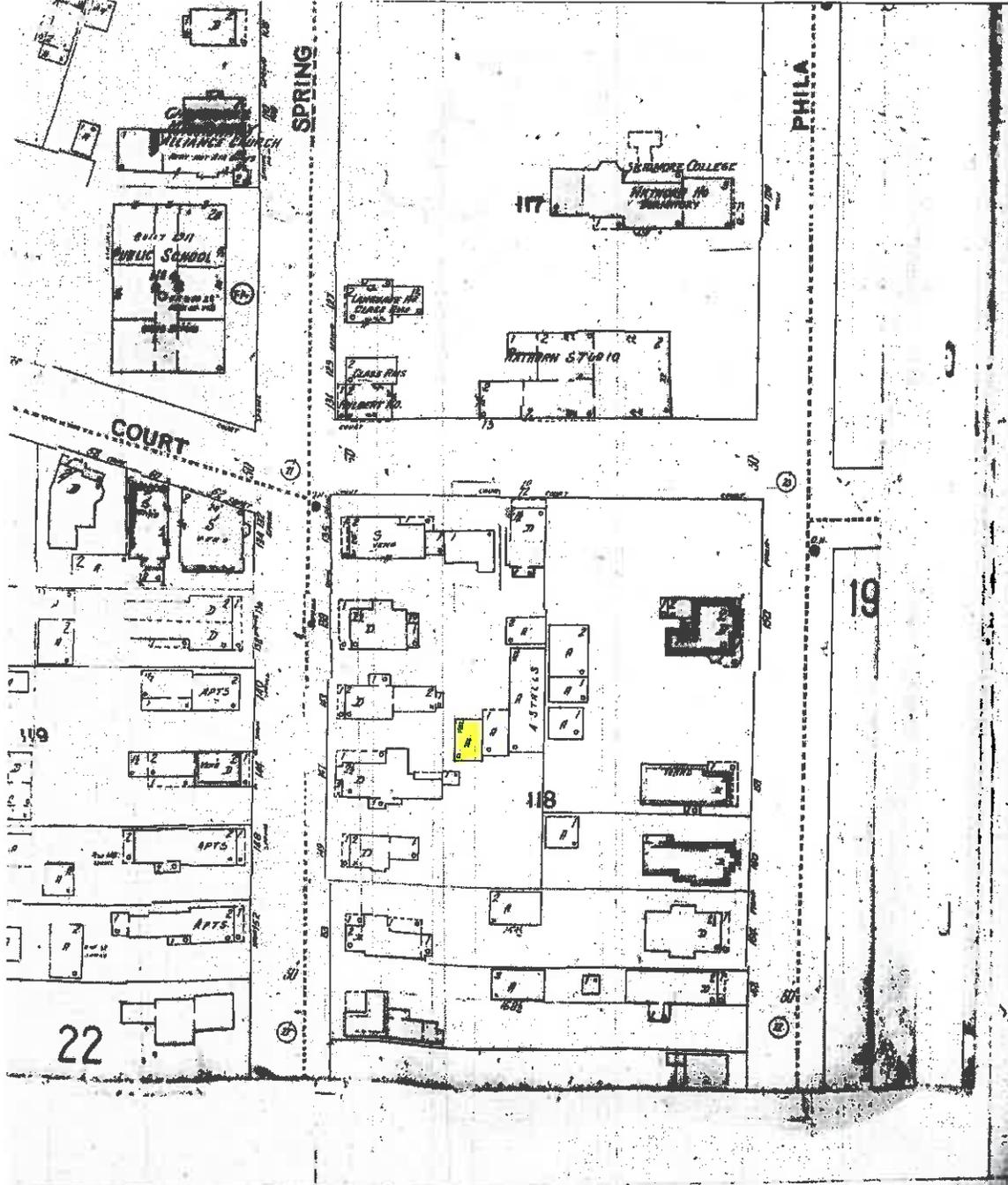
117

SPRING

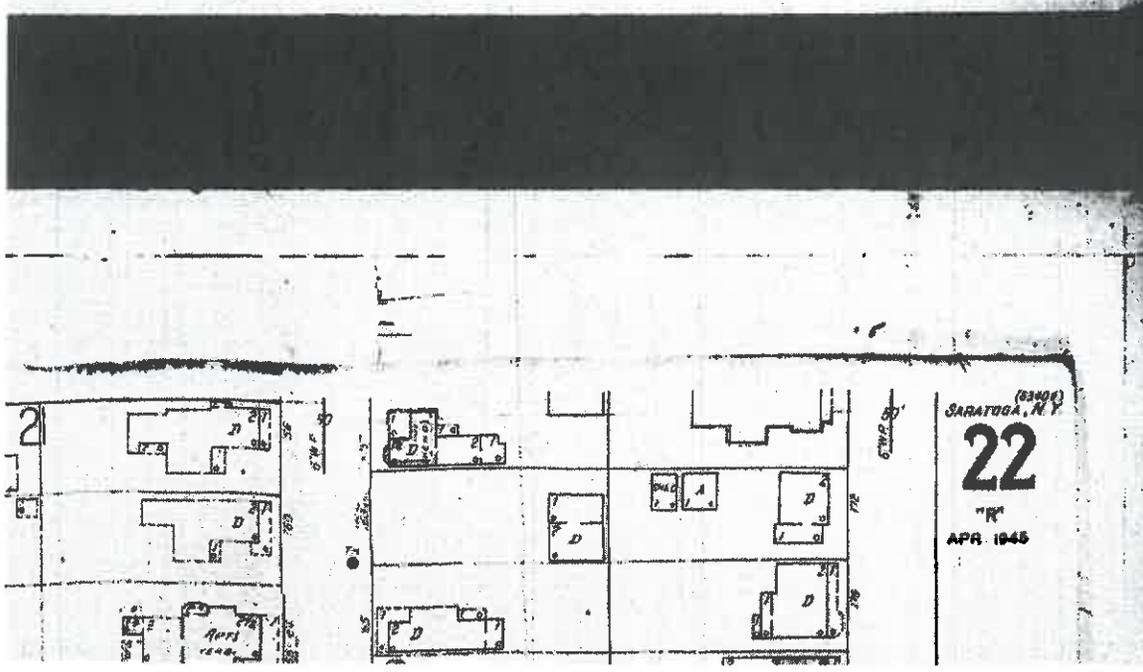
19

20

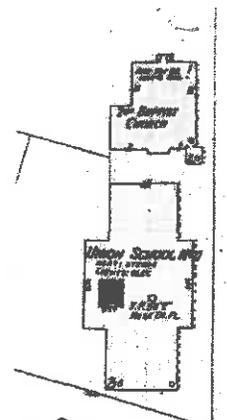
1895 18
SANBORN MAP



A - AUTO

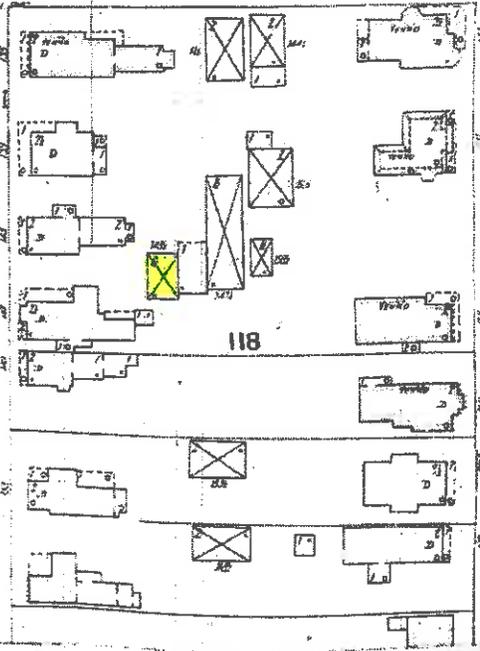
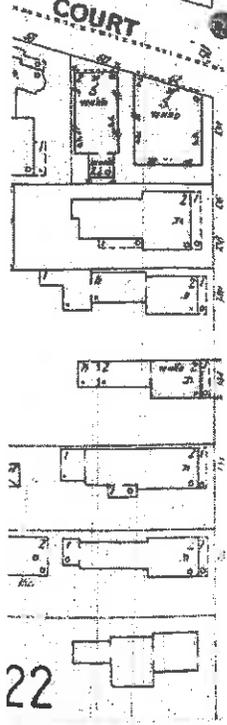
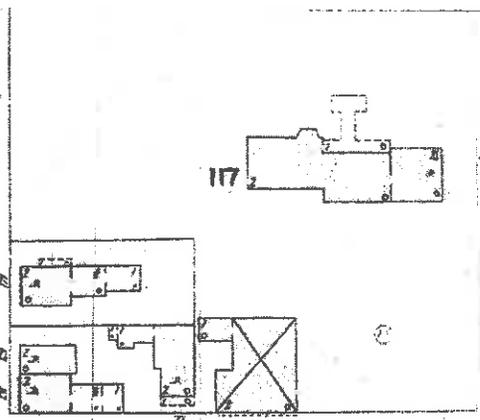


SANBORN MAP
1900
21



SPRING

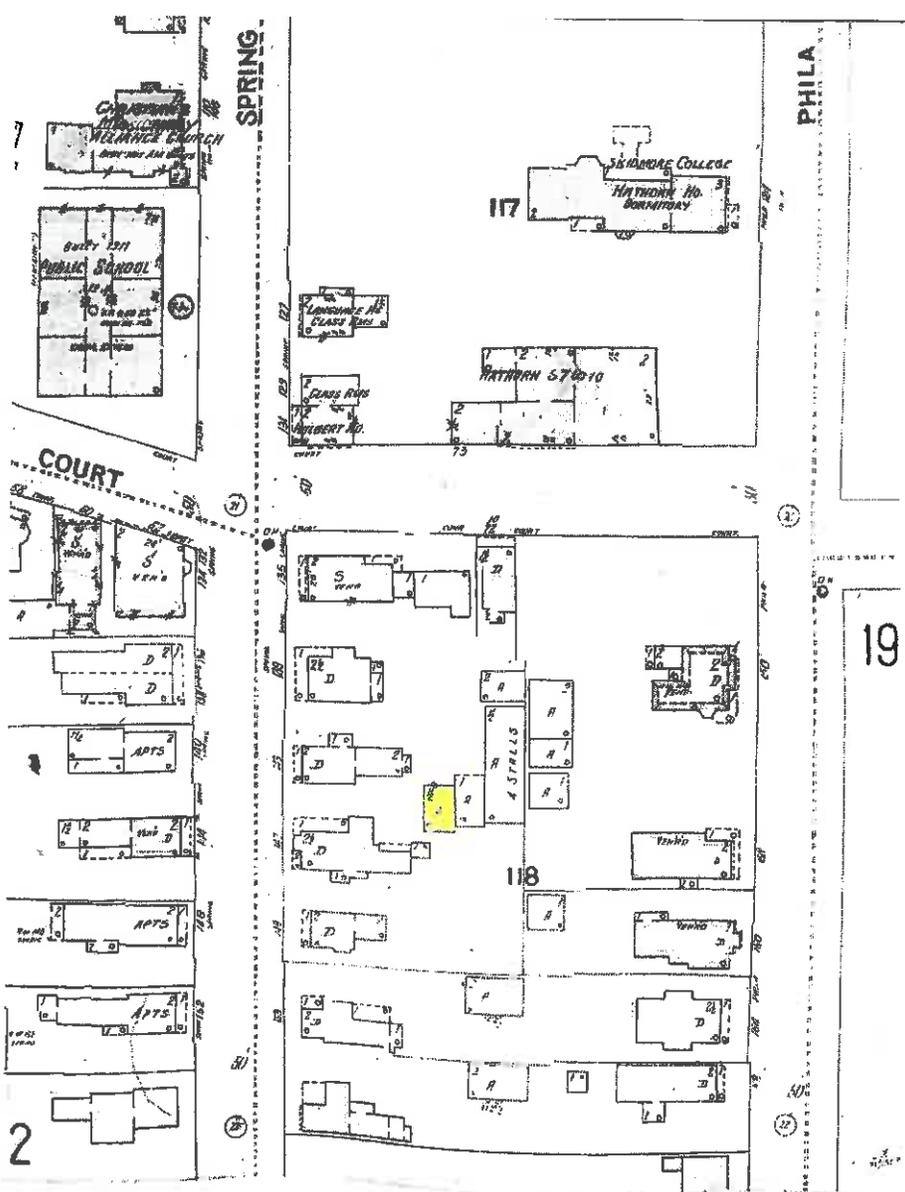
PHILA



19

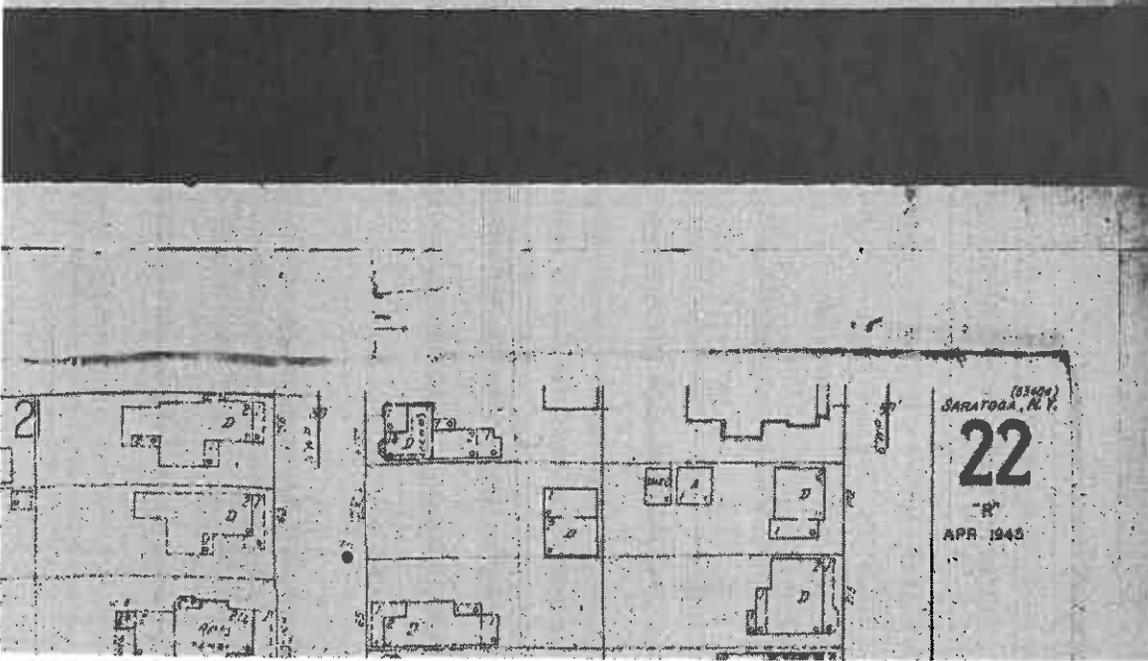
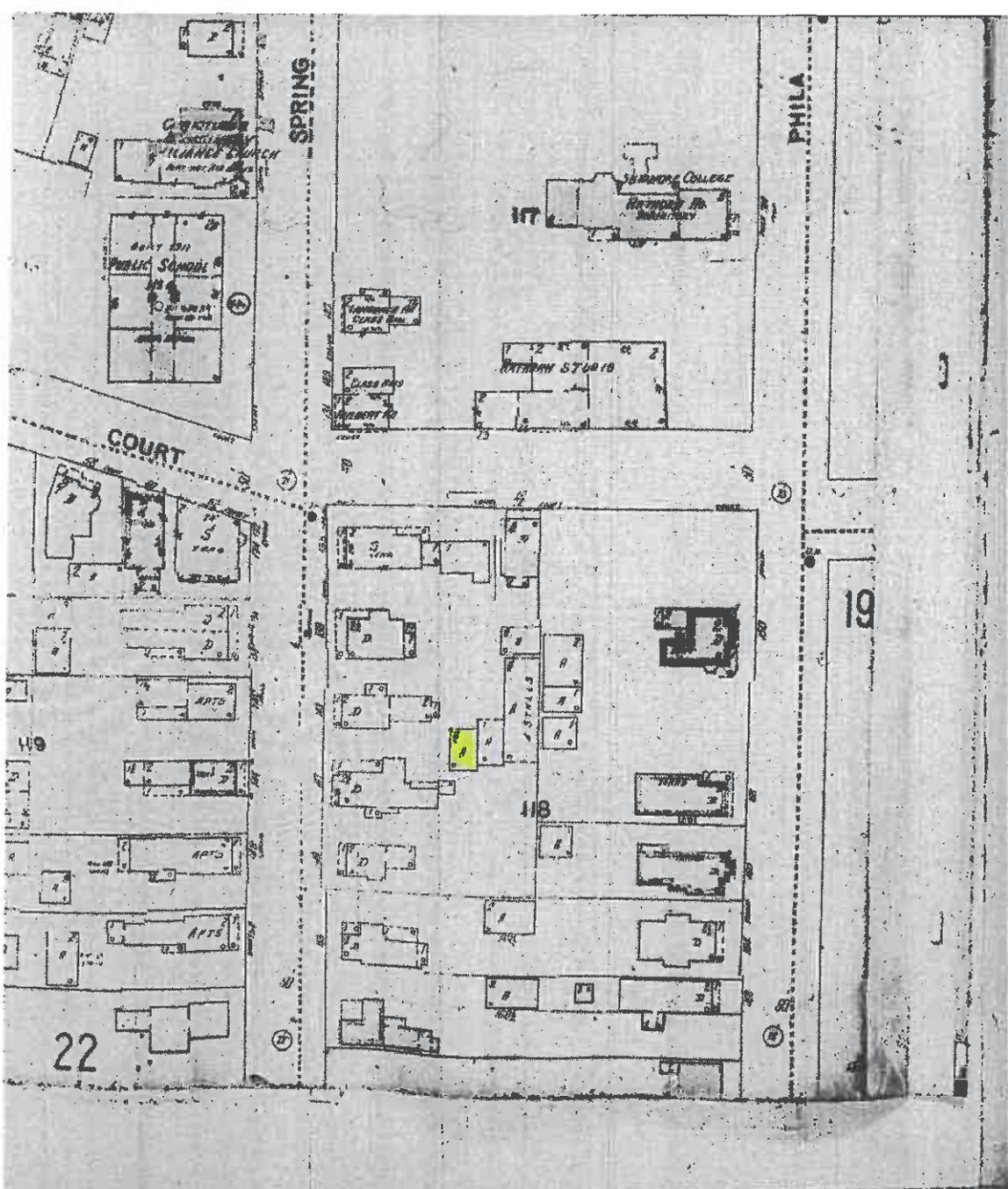
SANBORN MAP
1909

21



A = AUTO

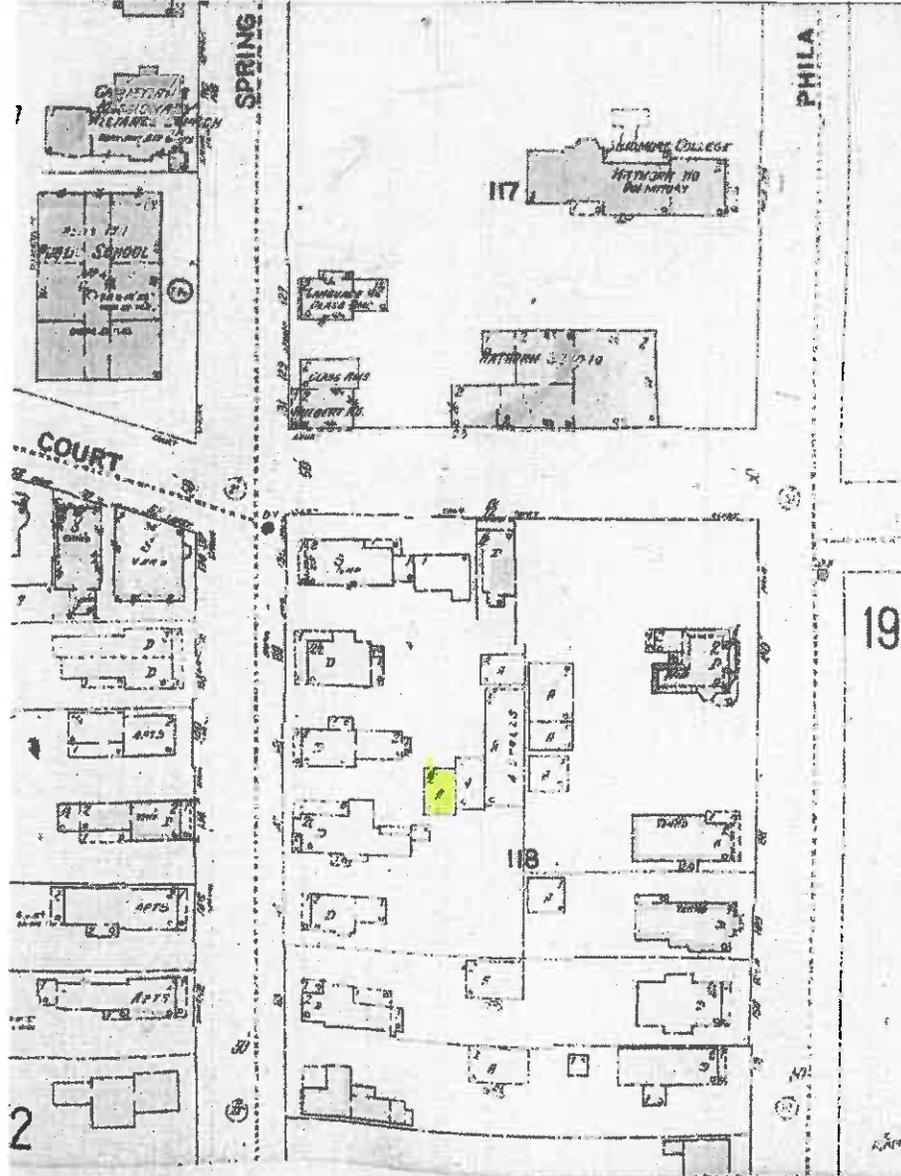
SANBORN MAP
1933 21



SANBORN MAP

1950

21



SANBORN MAP
C. 1964
1952

ENGINEERING AMERICA CO.

76 WASHINGTON ST. SARATOGA SPRINGS, NY 12866

518 / 587-1340 518 / 580-9783 (FAX)

TRANSMITTAL SHEET

TO: Zoning Board of Appeals	FROM: Tonya Yasenchak
COMPANY: City of Saratoga Springs	DATE: September 26, 2016
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 1
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Obstarczyk Garage #147 Spring St., Saratoga Springs, NY	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY AS REQUESTED

City of Saratoga Zoning Board Members,
Engineering America Co. herein would like to provide coverage & permeability information regarding the requested Obstarczyk area variances proposed at #147 Spring St. in Saratoga Springs, NY. This correspondence includes the information as follows:

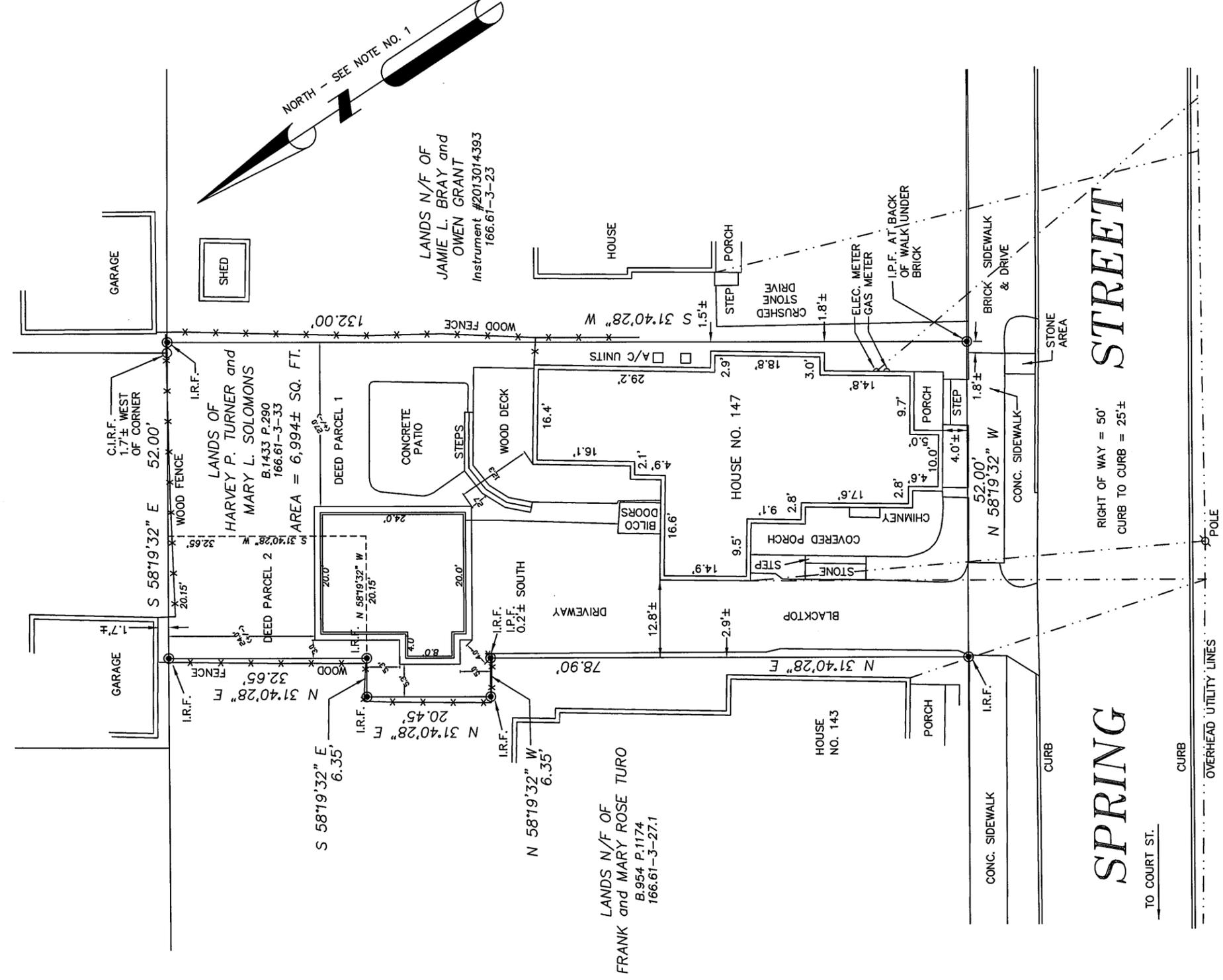
Area Calculations:

Total Lot Size:	6,994 sq.ft. (+/-)
Existing House Coverage	2,450 sq.ft.
Proposed Detached Garage:	650 sq.ft. (+/-)
Driveway & Sidewalks:	<u>1,400 sq.ft. (+/-)</u>
Total Coverage:	4,500 sq.ft. (+/-)
	<u>(64.3% coverage = 35.7 % permeable > 30% min)</u>

Thank you for your time and cooperation.

Sincerely,

Tonya Yasenchak, PE



"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."

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

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.

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 (REV) FOR
CHRIS OBSTARCZYK
147 SPRING ST.**

DATE: 8-15-16

SCALE: 1" = 20'

Albrecht & Willson Land Surveyors, PLLC



63 GRAY AVENUE
GREENWICH NY 10304

Engineering America Co.

Quality Design with Integrity

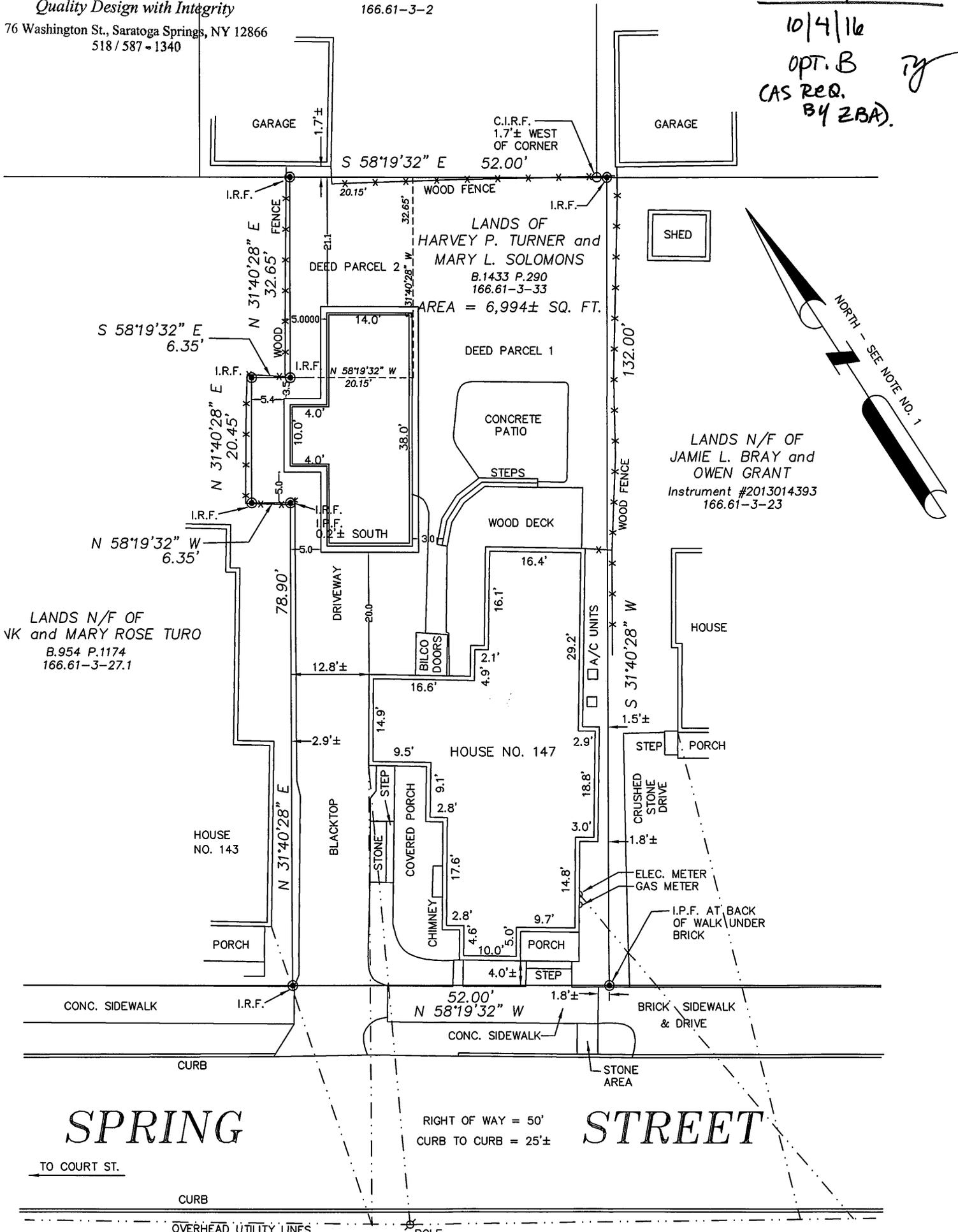
76 Washington St., Saratoga Springs, NY 12866
518 / 587 - 1340

166.61-3-2

#147 Spring St

10/4/16

OPT. B
CAS REQ.
BY ZBA.



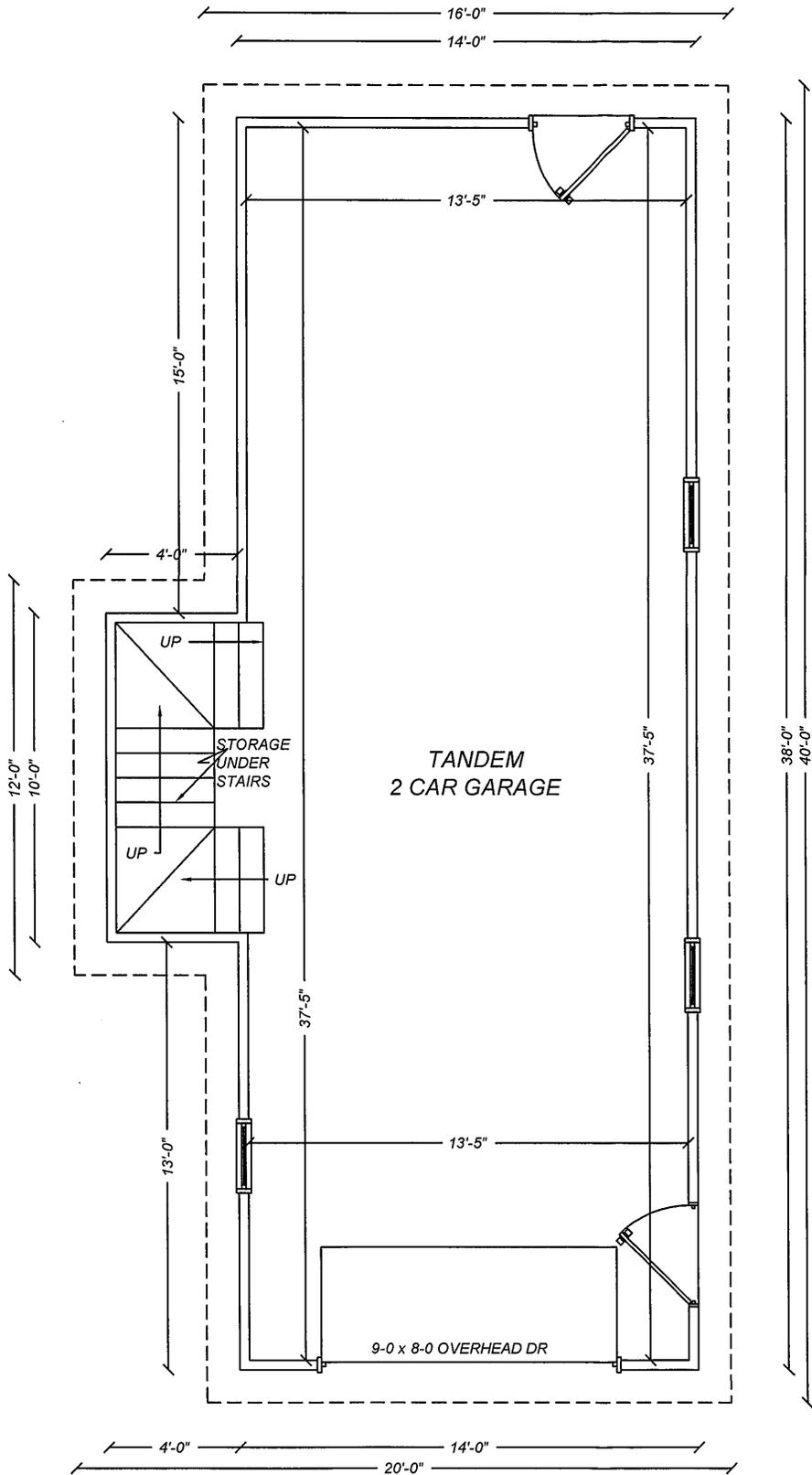
SPRING

STREET

RIGHT OF WAY = 50'
CURB TO CURB = 25'±

TO COURT ST.

OVERHEAD UTILITY LINES



OBSTARCZYK GARAGE
 #147 SPRING ST.
 SARATOGA SPRINGS, NY

**PROPOSED: OPT B
 MAIN FLOOR PLAN**

10/4/16

SCALE: 3/16" = 1' 0"

DESIGN BY:
 ENGINEERING AMERICA CO.
 76 WASHINGTON ST., SARATOGA SPRINGS, NY
 518 / 587 - 1340



14'-0"

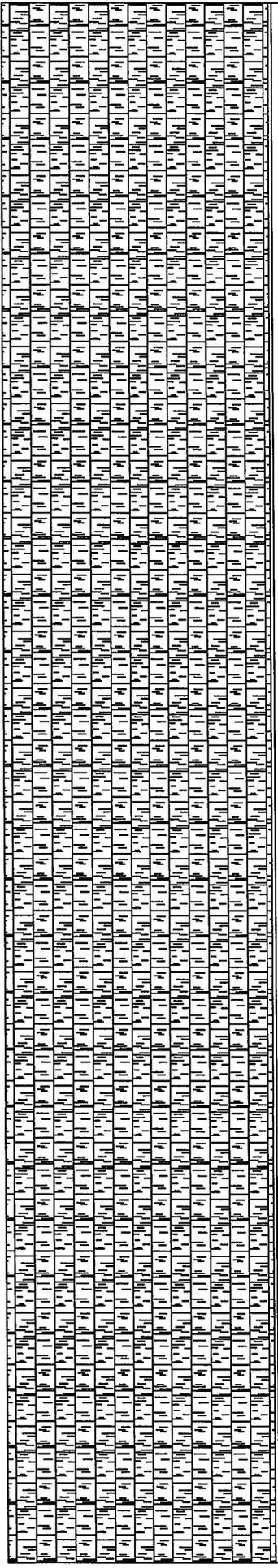
OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

**PROPOSED: OPT B
FRONT ELEVATION**

10/4/2016

SCALE: 1/4" = 1' 0"

DESIGN BY:
ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 - 1340



38'-0"

OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

**PROPOSED: OPT B
RIGHT ELEVATION**

DESIGN BY:
ENGINEERING AMERICA CO.
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 - 1340

10/4/2016

SCALE: 1/4" = 1' 0"



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

	<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name	David Guarino & Linda Haner		
Address	[REDACTED]		
Phone	[REDACTED]	/	/
Email	[REDACTED]		

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

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

PROPERTY INFORMATION

1. Property Address/Location: 21 Park Place Tax Parcel No.: 165 84 1 1
(for example: 165.52 - 4 - 37)

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

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

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

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

8. Brief description of proposed action: _____
 To construct two (2) additional residential structures on the property so that there are a total of seven (7) units on the parcel.
 The proposal includes one free-standing garage.

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

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

11. Identify the type of appeal you are requesting (check all that apply):
 INTERPRETATION (p. 2) VARIANCE EXTENSION (p. 2) USE VARIANCE (pp. 3-6) AREA VARIANCE (pp. 6-7)

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

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

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

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

Section(s) _____

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

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

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

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

1. Date original variance was granted: 12/29/14

2. Type of variance granted? Use Area

3. Date original variance expired: 6/29/16

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

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

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

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

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

A use variance is requested to permit the following: _____

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

- I. 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:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 If "yes", for how long? _____ No

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:

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:

DISCLOSURE

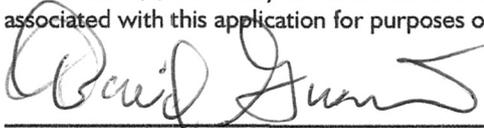
Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? No Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

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.

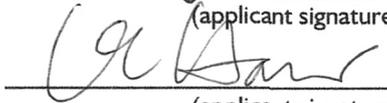
By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate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

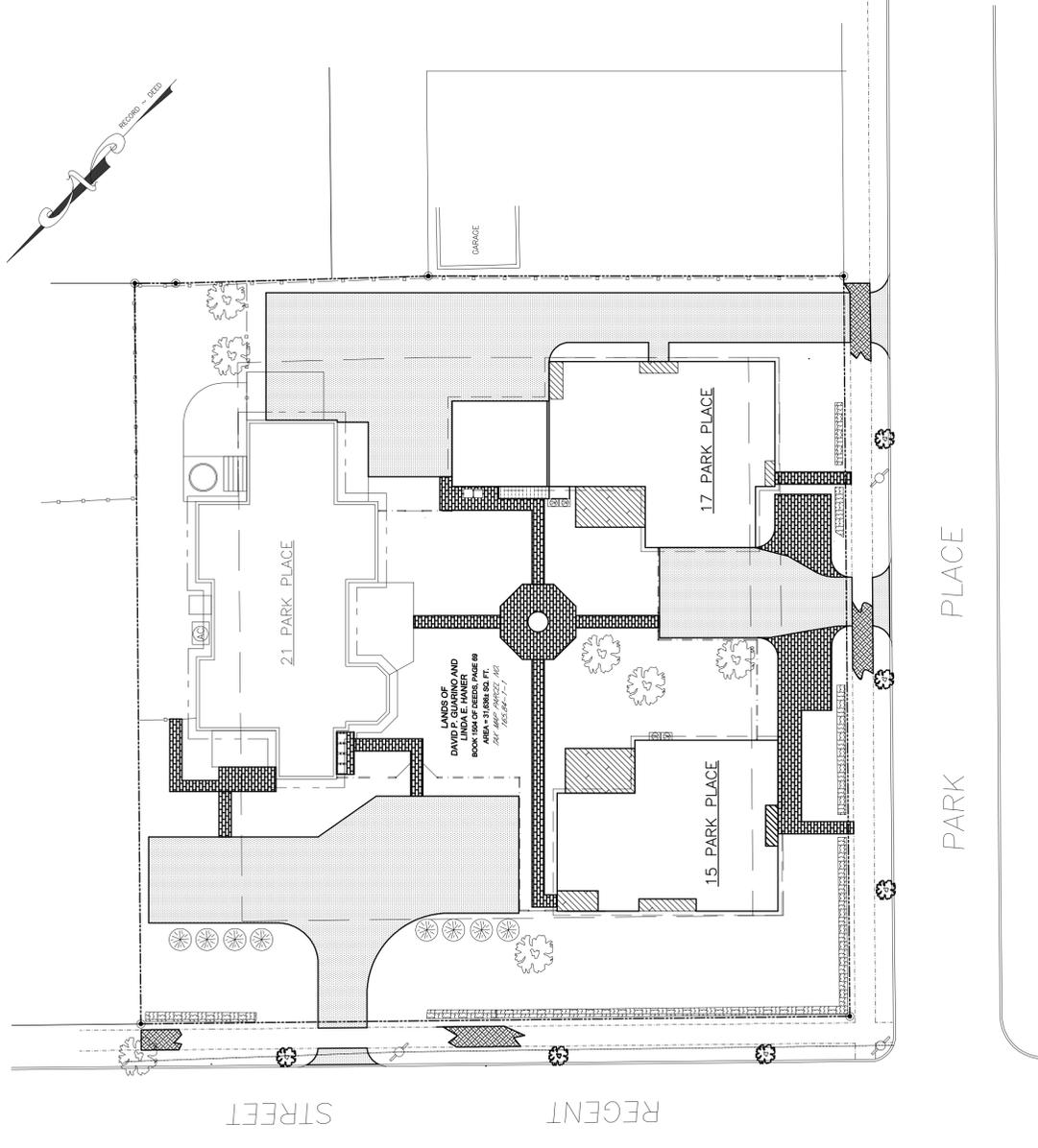
I hereby certify the above to be a full, true and correct copy of a resolution duly adopted by the Zoning Board of Appeals of the City of Saratoga Springs on the date above mentioned, seven members of the Board being present.

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:
 SURVEY OF LANDS OF DAVID P. GUARINO AND LINDA E. HANER, SURVEY ASSOCIATES, LLC, MAP NO. 2005-19-02, REVISION 1, 11/20/2014, BY SURVEY ASSOCIATES, LLC

NO.	DATE	BY	CHK.	DESCRIPTION
1	7/8/2015	TD	JK	REWORKED (ORIGINAL) SHEETS
-	6/7/2015	TD	JK	ORIGINAL SUBMITTAL

OWNER: DAVID P. GUARINO & LINDA E. HANER
 SHEET LISTING

REXFORD ENGINEERING PLLC
 ENGINEERING CONSULTANTS

R E

23 FARWAY, SUITE 200
 WESTPORT, NY 10994-3533
 PHONE: (845) 855-0123, FAX: (845) 855-0124

BOUNDARY INFORMATION
 FROM THE MAPS REFERENCED ON THIS PLAN.
 PARTICIPATE IN THE PREPARATION OF THIS PLAN WAS TAKEN
 UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 2209
 OF THE REAL PROPERTY LAW. ANY SUCH ALTERATION OR ADDITION SHALL BE CONSIDERED TO BE VOID.

PB# 14.053

SCALE: AS SHOWN
 DATE: 7/8/2015
 REVISION: 1

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:

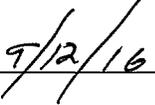
<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
Minimum front yard setback:	25 ft.	16 ft.
Maximum principal building coverage:	25%	27.8%

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

Advisory Opinion required from Saratoga County Planning Board



ZONING AND BUILDING INSPECTOR



DATE



CITY OF SARATOGA SPRINGS

City Hall - 474 Broadway
Saratoga Springs, New York 12866
Teli 518-587-3550 faxi 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

Table with columns: APPLICANT(S)*, OWNER(S) (If not applicant), ATTORNEY/AGENT. Rows: Name, 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: [X] Owner [] Lessee [] Under option to lease or purchase

PROPERTY INFORMATION

- 1. Property Address/Location: 124 jefferson st Tax Parcel No.: 178 36 3 21
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?
7. Is property located within (check all that apply)?
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?
10. Has the work, use or occupancy to which this appeal relates already begun?
11. Identify the type of appeal you are requesting (check all that apply):

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”.

I. 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:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
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 If "yes", for how long? 7 years No

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 two story 2 and 3 bedroom with full basement and attached garage.

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

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

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: _____

(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:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other: _____

Note: _____

Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

DATE

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: cdjt development/charles touhey		Telephone: 518 438 3521	
		E-Mail: [REDACTED]	
Address: pine west plaza bldg 2 washington ave ext			
City/PO: albany		State: ny	Zip Code: 12205
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
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.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>COST Development</u>		Date: <u>3/28/16</u>
Signature: <u>[Signature]</u>		



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

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

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

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

PROPERTY INFORMATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section(s) na

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

na

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

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

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

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

3. Date original variance expired: _____

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

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

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

A use variance is requested to permit the following: _____
Allow the sale of 2 market rate units, and 4 workforce units to persons whose income does not exceed 80-120% of the Saratoga County AMI (Area Median Income)

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

I. 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:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
<u>2010</u>	<u>6 townhomes</u>	<u>\$1,800,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 If "yes", for how long? 7 years No

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 to 299,000 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 to 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 to 120% 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.



(applicant signature)

Date: 3-25-16

(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: _____

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

 Hunt Realty

- 20 open houses
- Flyers
- Advertising
- Senior Outreach Centers
- MLS
- Numerous appointments

2011

Hunt Realty

- 20 open houses
- Flyers
- Advertising
- Senior Outreach Centers
- MLS
- Numerous appointments

2012

#2

Roohan Realty

- 20 open houses
- Flyers
- Advertising
- Senior Outreach Centers
- MLS
- Numerous appointments

2013

Pro Realty of New York

>

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

>

Offered "Rent with option to buy"

- 20 open houses
- Flyers
- Advertising
- Senior Outreach Centers
- MLS
- Numerous appointments

2014

#3

Pro Realty of New York

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

- 20 open houses
- Flyers
- Advertising
- Senior Outreach Centers
- MLS
- Numerous appointments

2015

Pro Realty of New York

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

- 20 open houses
- Flyers
- Advertising
- Senior Outreach Centers
- MLS
- Numerous appointments

2016

Same Marketing as previous 6 years.

AS FEATURED IN:

55+ Living Guide

55PlusLivingGuide.com



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

Saratoga Six

Condominium Rentals / \$1,495* per Month
124 Jefferson Street, Saratoga Springs

**Option to Purchase*

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

DOWNSIZE TO UPSCALE SOPHISTICATION AND STYLE.

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

To whom it may concern:

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

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

124 Jefferson Street units 1-6

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This is just some of the contacts that I kept record of. There were also several agents in Saratoga that brought clients to show, age the number one reason for loss of sale. Second reason 55+ does not want to buy due to design layout being 2 story, the concern is in a few 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] >, Bill [REDACTED] helickezba
[REDACTED] >, shsteer [REDACTED]

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

Board Members,

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

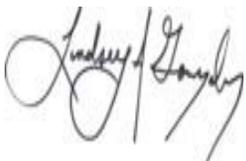
Aimee Miller
121 Madison St
Re: 124 Jefferson St Use Variance Request

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

Lindsey A. Gonzalez, M.P.A.



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



LAG elec sig.jpg
7 KB



CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

(Application #)

(Date received)

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

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

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

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

PROPERTY INFORMATION

1. Property Address/Location: 117 Middle Ave Tax Parcel No.: 166 45 3 25
(for example: 165.52 - 4 - 37)
2. Date acquired by current owner: 8/22/2014 3. Zoning District when purchased: UR3
4. Present use of property: Single Family Home 5. Current Zoning District: UR3
6. Has a previous ZBA application/appeal been filed for this property?
 Yes (when? For what?)
 No
7. Is property located within (check all that apply): Historic District Architectural Review District
 500' of a State Park, city boundary, or county/state highway?
8. Brief description of proposed action:
Add second story and a small addition to a single family home that is currently on the property. The existing home is outside of the setback requirements in that the east side of the home has a side setback of 2.8' and 3.1'. We are requesting no change in this setback. The rear of the home (north) currently is between 1.5' and 2.1'. We are proposing a small addition to the west side of the building. This corner of this addition would be 1.4' from the property line as opposed to the current 1.5'.
9. Is there a written violation for this parcel that is not the subject of this application? Yes No
10. Has the work, use or occupancy to which this appeal relates already begun? Yes No
11. Identify the type of appeal you are requesting (check all that apply):
 INTERPRETATION (p. 2) VARIANCE EXTENSION (p. 2) USE VARIANCE (pp. 3-6) AREA VARIANCE (pp. 6-7)

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

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
Side Setback _____ (Existing home currently has side setback proposed) _____	4 ft _____	2.8 to 3.1' _____
Rear Setback _____ (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.) _____ _____	25' _____	1.4' to 2.1' _____ _____

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.

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'

2/9/2016

Date: _____

(applicant signature)

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

2/9/2016

Date: _____

(applicant signature)

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

Owner Signature: _____

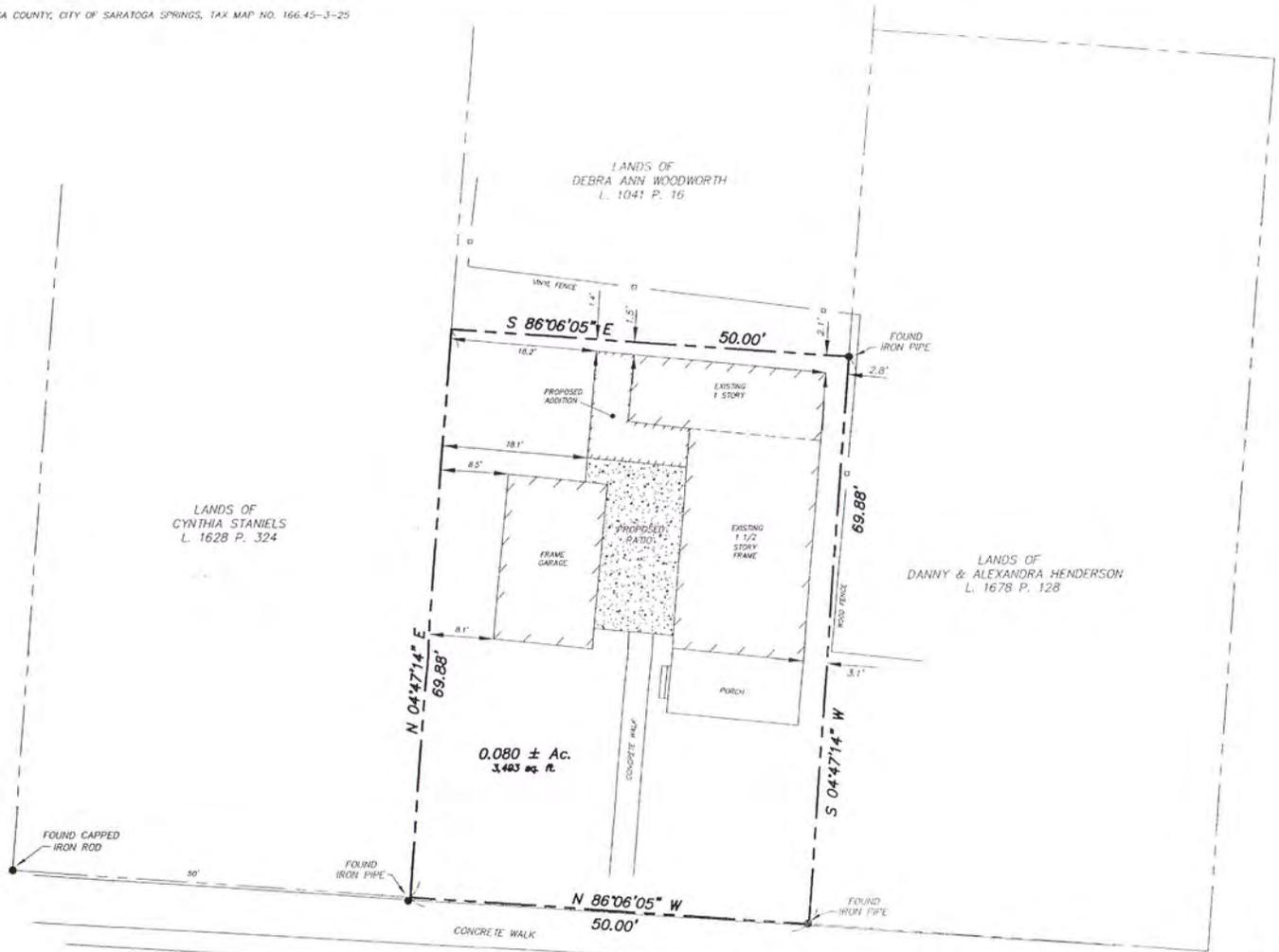
Date: _____

Owner Signature: _____

Date: _____

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
 - 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
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 Midd/E



Across STREET from 117 Middle



Google earth

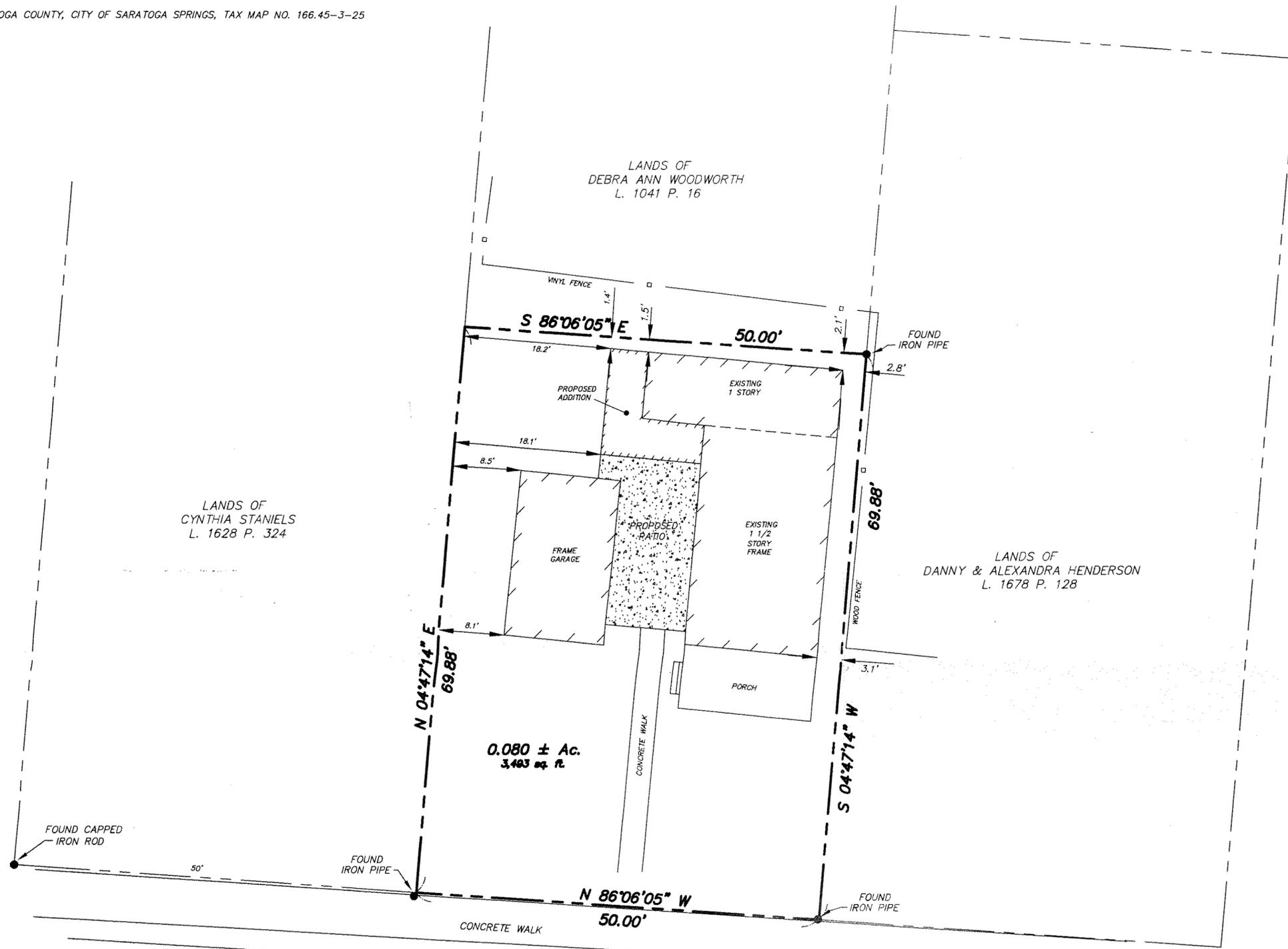
feet
meters



- SHOWS DENSITY OF AREA.

MAP REFERENCES:

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



MIDDLE AVENUE

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TERI DeSORBO

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 - STONE WALL
 - x-x- FENCE

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

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
Side Setback	4 ft	2.8 to 3.1'
<u>(Existing home currently has side setback proposed)</u>		
Rear Setback	25'	1.4' to 2.1'
<u>(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.</u>		
<u>LOT COVERAGE</u>	<u>30%</u>	<u>33.5%</u>

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:

- 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

- 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 VARIANCE 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 NOTICEABLE 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 VARIANCE - 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 NOTICEABLE 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.

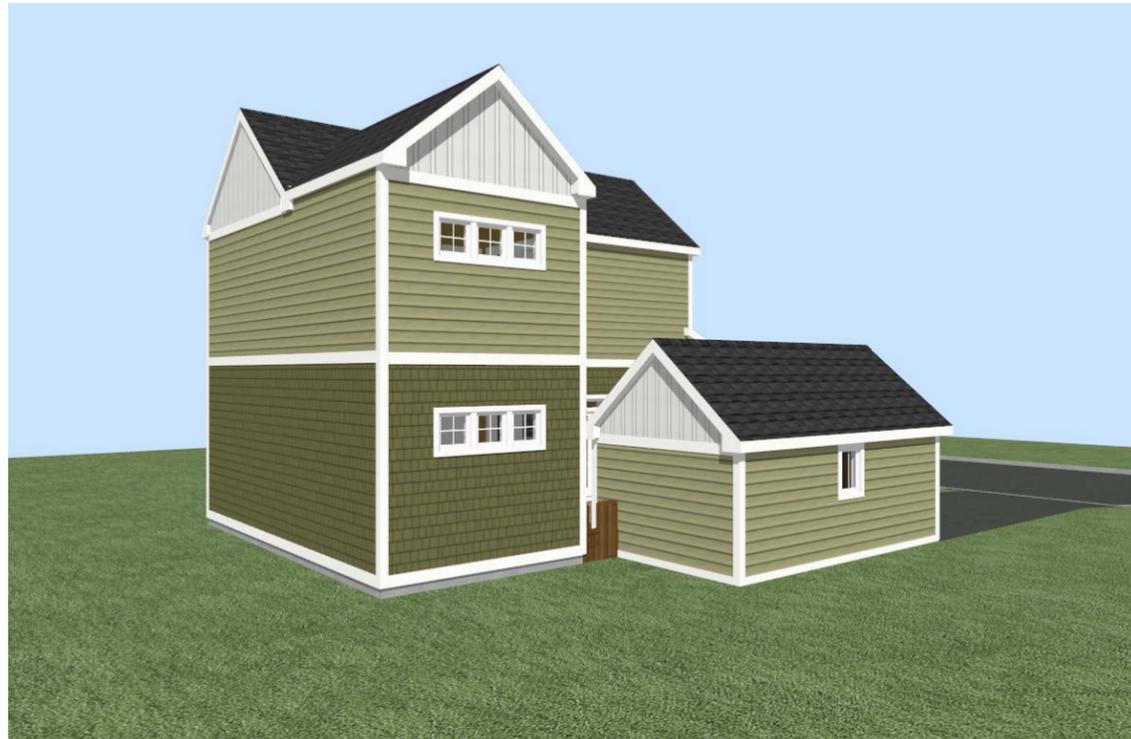
THE LOT COVERAGE VARIANCE WOULD BE CONSIDERED SELF-CREATED IN THAT THE PLANS HAVE A SMALL ADDITION TO THE HOME. HOWEVER, THE HOME IS STILL OF A MINIMAL SIZE AND IS KEEPING IN CHARACTER WITH THE REST OF THE NEIGHBORHOOD.



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 1966
**WILLIAMS &
WILLIAMS
DESIGNERS**
509 GLEN STREET - SUITE 200 FALLS FALLS, NEW YORK 13001
518-798-HOUSE(4687)
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:

- 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

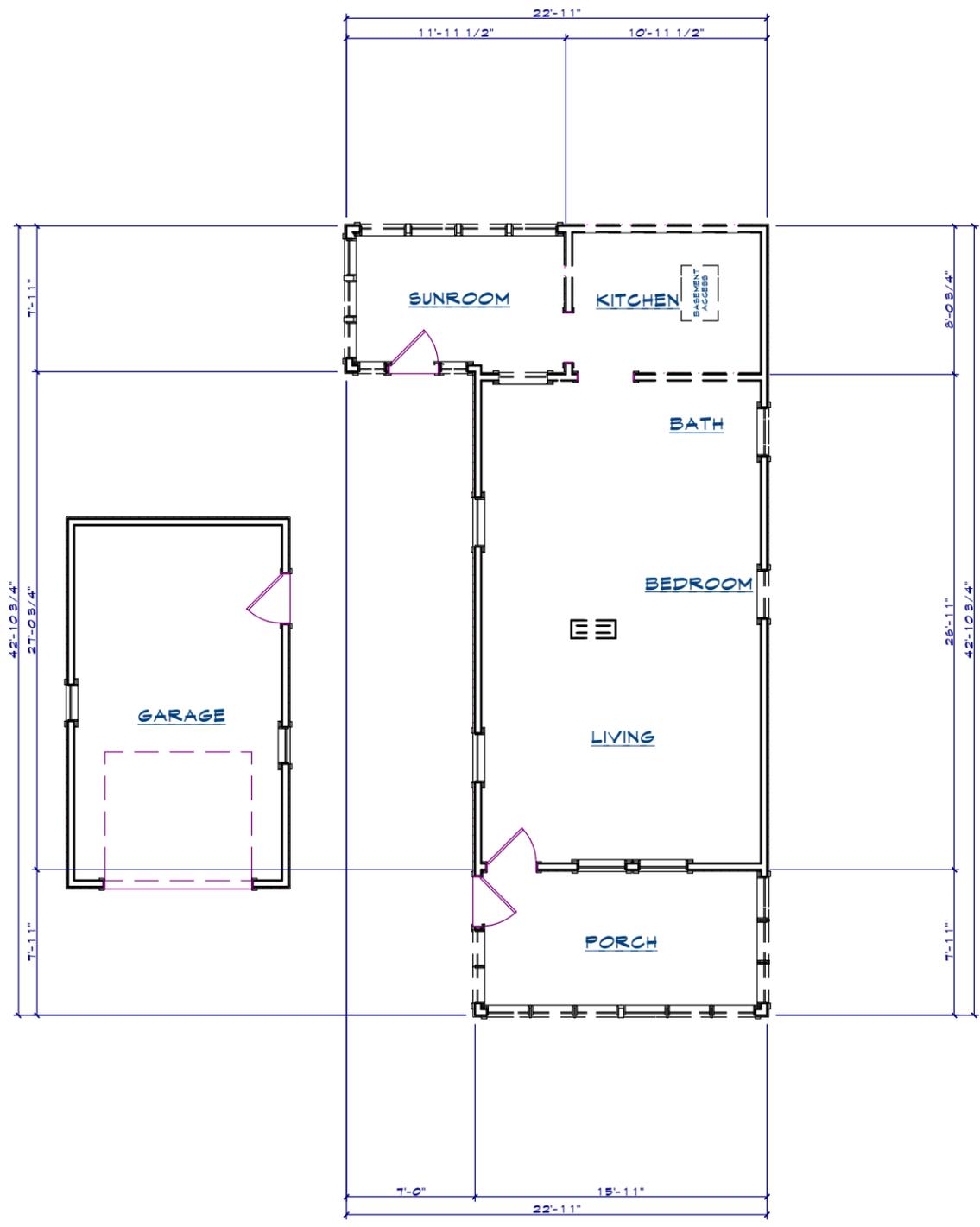
DESIGNED FOR:
CHRIS ARMER

ADDRESS:
 117 MIDDLE AVE
 SARATOGA
 NEW YORK

DESIGNERS OF FINE HOMES SINCE 1966
WILLIAMS & WILLIAMS
 DESIGNERS
 505 61EN STREET - SUITE 200 FALLS - NEW YORK 12501
 518-798-HOUSE(4687)
 WILLIAMSANDWILLIAMSDESIGNERS.COM

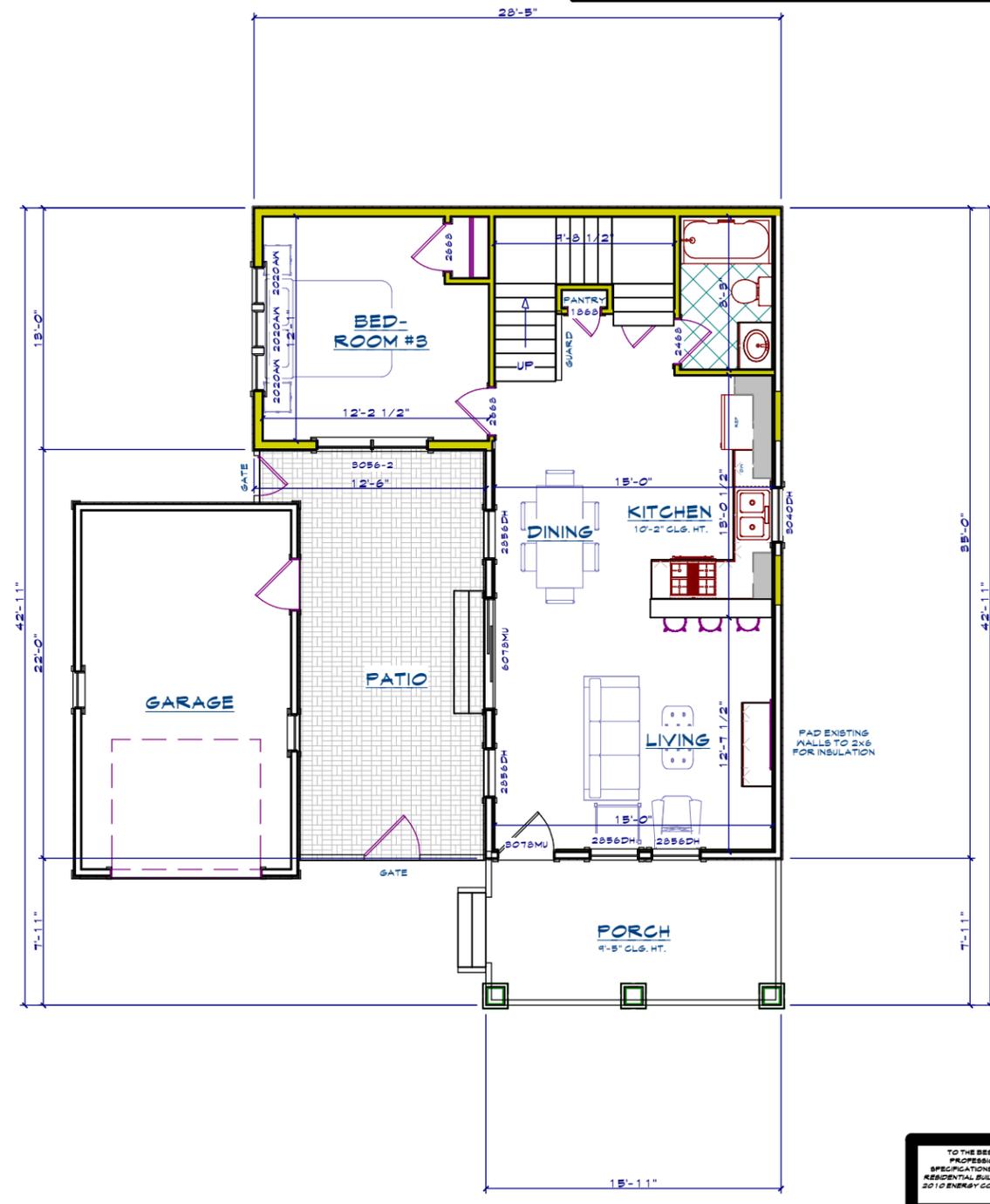


SEAL:
 05/05/16



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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LIVING/DINING/KITCHEN



DINING/KITCHEN/LIVING



SECOND FLOOR AERIAL



FIRST FLOOR AERIAL

- EXISTING CONSTRUCTION
 - TO BE DEMOLISHED
 - NEW CONSTRUCTION

PLAN NO:

PAGE OF

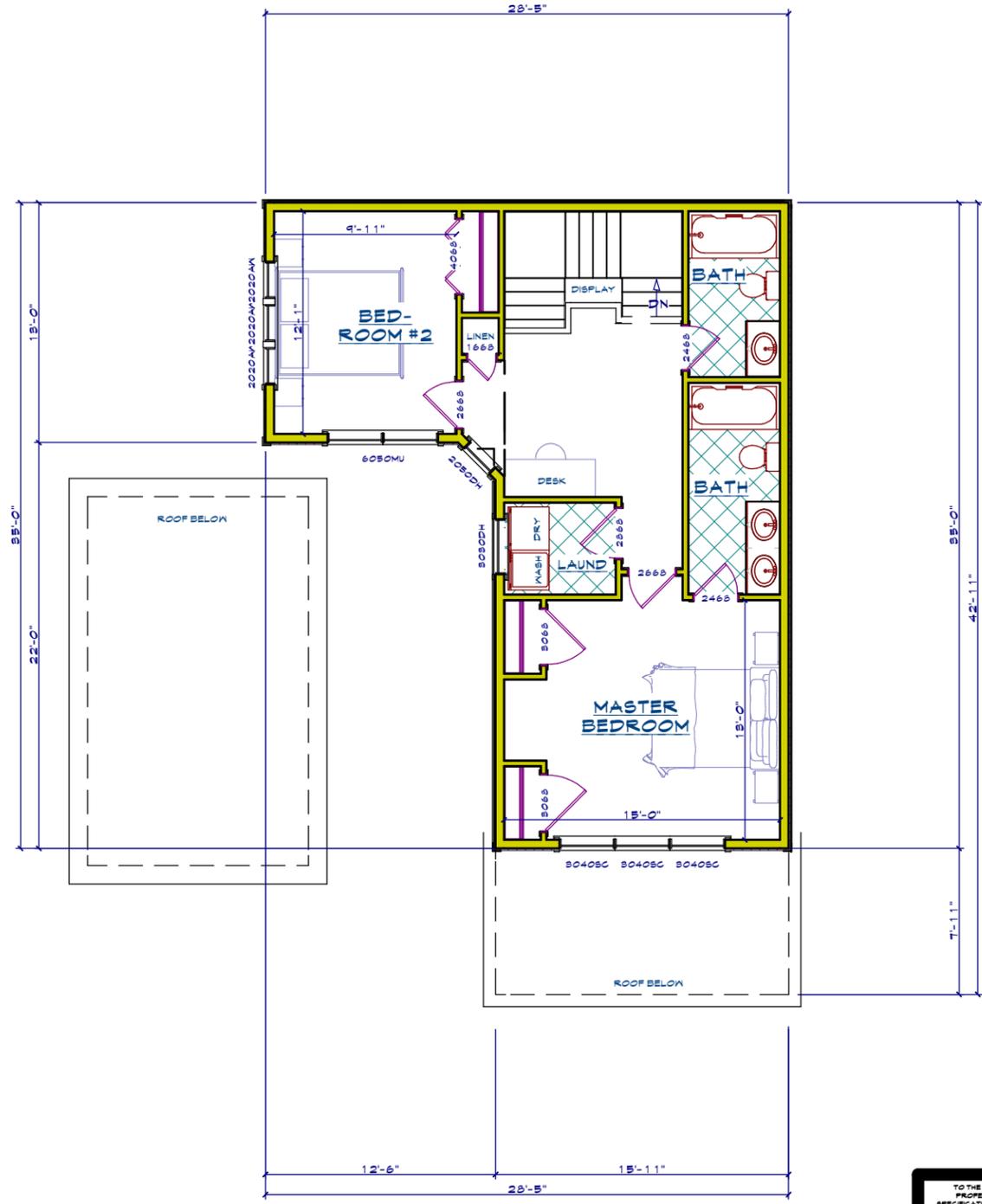
DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:
CHRIS ARMER

ADDRESS:
117 MIDDLE AVE
SARATOGA
NEW YORK

DESIGNERS OF FINE HOMES SINCE 1966
WILLIAMS & WILLIAMS
 DESIGNERS
 509 GLEN STREET - SUITE 300 FALLS - NEW YORK 12501
 518-798-HOUSE(4687)
 WILLIAMSANDWILLIAMSDESIGNERS.COM



PROPOSED SECOND FLOOR PLAN

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

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

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

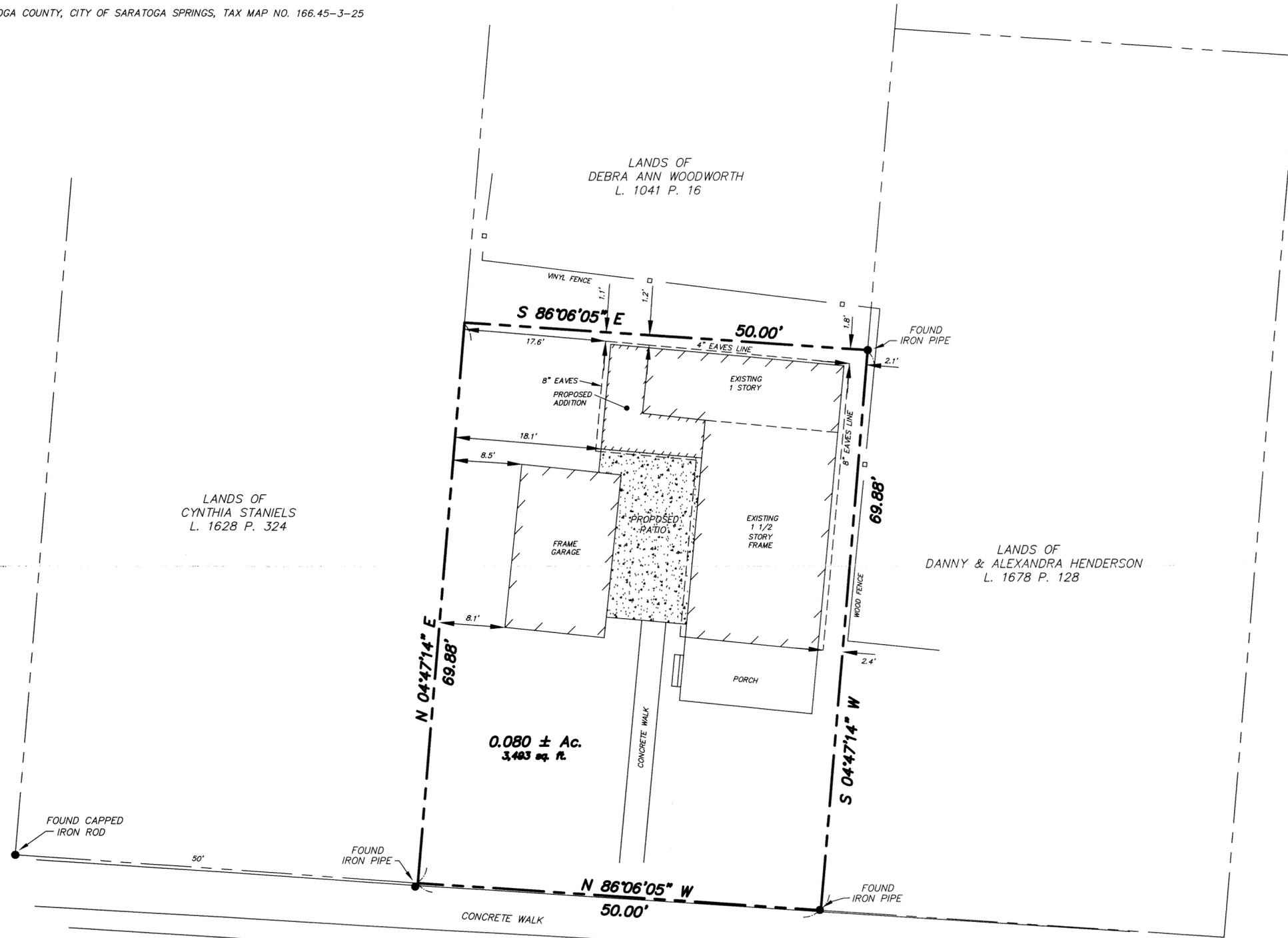
 COPYRIGHT © 2014 BY WILLIAMS & WILLIAMS DESIGNERS. ALL RIGHTS RESERVED. ALL WILLIAMS & WILLIAMS DESIGNERS' PLANS HAVE BEEN REGISTERED WITH THE UNITED STATES COPYRIGHT OFFICE. THIS DRAWING IS AN INSTRUMENT OF SERVICE AND MAY NOT BE ALTERED, REPRODUCED, COPIED, OR USED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION FROM WILLIAMS & WILLIAMS DESIGNERS. UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW, ARTICLE 148, SECTION 1204. DO NOT SCALE THESE DRAWINGS. THEY MAY NOT BE TO EXACT SCALE. USE ONLY THE DIMENSIONS SHOWN. OWNER AND CONTRACTOR SHALL CONSULT ALL APPLICABLE BUILDING CODES TO ENSURE THAT PLANS AND DETAILS CONFORM TO ALL REQUIREMENTS. THEY SHALL VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH CONSTRUCTION AND SHALL NOTIFY WILLIAMS & WILLIAMS DESIGNERS OF ANY DISCREPANCIES BEFORE WORK IS PERFORMED. WILLIAMS & WILLIAMS DESIGNERS SHALL NOT BE RESPONSIBLE FOR ANY ADDITIONAL COSTS OR STRUCTURAL PROBLEMS RESULTING FROM FAILURE TO FOLLOW THESE PLANS AND DETAILS.



SEAL:
 05/05/16

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

MIDDLE AVENUE

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
 WILLIAM J. ROURKE, LICENSED LAND SURVEYOR NO. 49098

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

14-91
 JOB NO.

W.J. ROURKE, ASSOCIATES - LICENSED LAND SURVEYORS

299 RESERVOIR ROAD, FORT EDWARD, NEW YORK 12828

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

APPLICANT: CHRIS ARMER AND TERI DESORBO

TAX PARCEL NO.: 166.45-3-25

PROPERTY ADDRESS: 117 MIDDLE AVENUE
ZONING DISTRICT: URBAN RESIDENTIAL – 3

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

Proposed construction of additions to an existing single-family residence.

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

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

Extension of existing variance Interpretation

Use Variance to permit the following: _____

Area Variance seeking the following relief:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
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

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]

[REDACTED]



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

	<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name	Christina / Christopher Barlow		Randy Heritage
Address	[REDACTED]		HERITAGE FAMILY CONSTR.
Phone	[REDACTED]	1	518 588 1 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 Tax Parcel No.: 167 - 1 - 61
Saratoga Springs (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 NA
 500' of a State Park, city boundary, or county/state highway?

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 than to place a 2 car garage where proposed. Needs to be next to current driveway of 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 undesirable 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:

Will not have adverse physical or environmental effects:

①: ~~of~~ 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.

Christine Le Beau
(applicant signature)

Date: 3-25-16

[Signature]
(applicant signature)

Date: 3-25-16

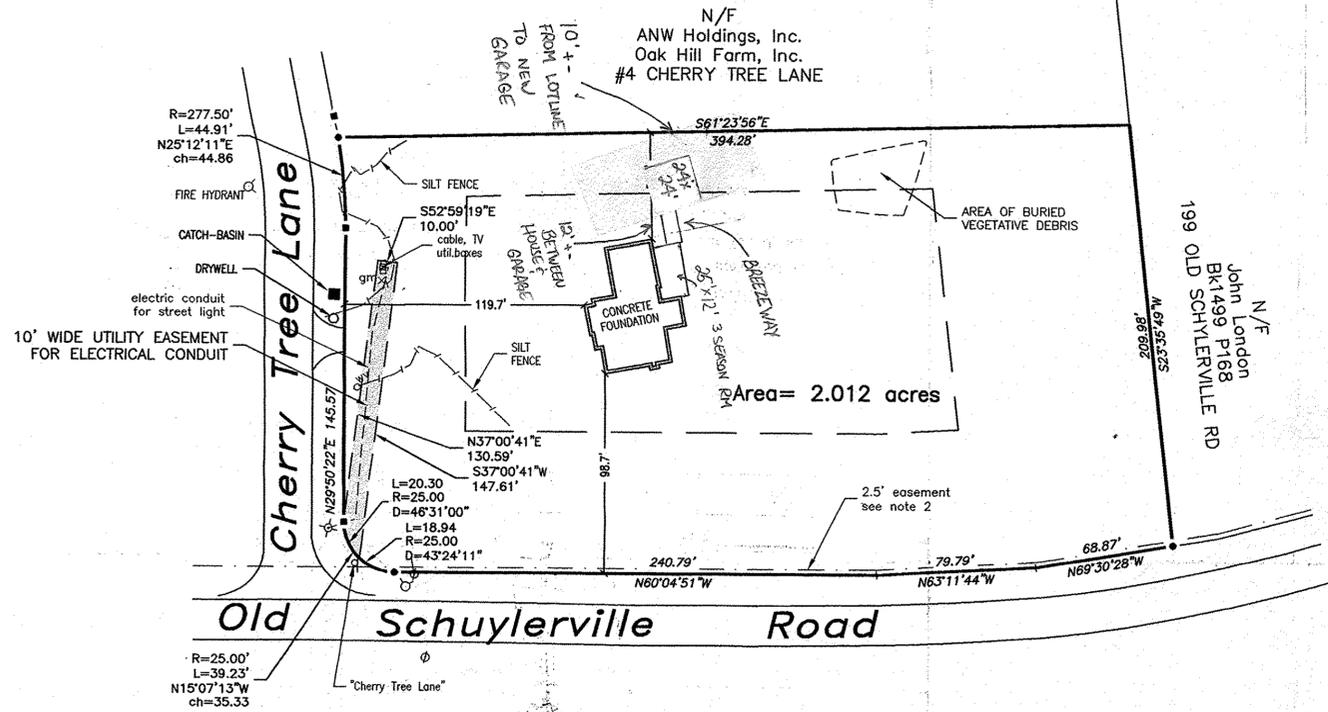
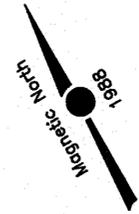
If applicant is not the currently the owner of the property, the current owner must also sign.

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
- o 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.

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.

			Foundation Survey for Kristopher J. and Christina U. Barlow Situate at 2 Cherry Tree Lane City of Saratoga Springs, Saratoga County, N.Y.S.	
10/3/08	SILT FENCE, VEG. DEBRIS		12 Lake Avenue Saratoga Springs, NY, 12866 Tel: 518-587-5665 Fax: 518-587-5772	
10/2/08	FOUNDATION			
8/19/08	PROPOSED SEPTIC TANK			
8/13/08	PROPOSED SEPTIC SYSTEM			
DATE	REVISION		DATE: June 24, 2008 TAX MAP: 167-1-61 SURVEYED BY: WMT JOB NUMBER: S99-18402.17	



PURPOSED GARAGE & BREEZEWAY
(24' x 24')

EXISTING 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:

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
<u>Minimum side yard setback:</u>	<u>30 ft.</u>	<u>10 ft.</u>

Note: _____

Advisory Opinion required from Saratoga County Planning Board



ZONING AND BUILDING INSPECTOR

5/5/16

DATE

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”.

- I. 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:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 If "yes", for how long? _____ No

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:

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

UR-2 Area & Bulk Schedule

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
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.

(applicant signature)

Date: _____

(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: _____

**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 I is accurate and complete.

A. Project and Sponsor Information.

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

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Subdivision and site plan approval	TBD
c. City Council, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ZBA - Area variances	
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SCSD #1 - Sewer, Saratoga County Planning Board	TBD
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - Sewer, SPDES NYSDOH - Water	TBD
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): <u>NYS Heritage Areas: Mohawk Valley Heritage Corridor, NYS Heritage Areas: Saratoga</u> _____ _____	
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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: _____

<p>f. Does the project include new residential uses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, show numbers of units proposed.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 20%; text-align: center; border-bottom: 1px solid black;">One Family</th> <th style="width: 20%; text-align: center; border-bottom: 1px solid black;">Two Family</th> <th style="width: 20%; text-align: center; border-bottom: 1px solid black;">Three Family</th> <th style="width: 25%; text-align: center; border-bottom: 1px solid black;">Multiple Family (four or more)</th> </tr> </thead> <tbody> <tr> <td>Initial Phase</td> <td style="text-align: center;">22</td> <td></td> <td></td> <td></td> </tr> <tr> <td>At completion of all phases</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		One Family	Two Family	Three Family	Multiple Family (four or more)	Initial Phase	22				At completion of all phases				
	One Family	Two Family	Three Family	Multiple Family (four or more)											
Initial Phase	22														
At completion of all phases															
<p>g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,</p> <p>i. Total number of structures _____</p> <p>ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length</p> <p>iii. Approximate extent of building space to be heated or cooled: _____ square feet</p>															
<p>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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,</p> <p>i. Purpose of the impoundment: <u>Potential for impoundments for stormwater mitigation</u></p> <p>ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: <u>Stormwater</u></p> <p>iii. If other than water, identify the type of impounded/contained liquids and their source. _____</p> <p>iv. Approximate size of the proposed impoundment. Volume: _____ TBD million gallons; surface area: _____ TBD acres</p> <p>v. Dimensions of the proposed dam or impounding structure: _____ TBD height; _____ TBD length</p> <p>vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____ <u>Potential stormwater mitigation areas to be constructed in existing earth embankment.</u></p>															
D.2. Project Operations															
<p>a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:</p> <p>i. What is the purpose of the excavation or dredging? _____</p> <p>ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?</p> <ul style="list-style-type: none"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ <p>iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____</p> <p>iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____</p> <p>v. What is the total area to be dredged or excavated? _____ acres</p> <p>vi. What is the maximum area to be worked at any one time? _____ acres</p> <p>vii. What would be the maximum depth of excavation or dredging? _____ feet</p> <p>viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ix. Summarize site reclamation goals and plan: _____</p>															
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:</p> <p>i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____</p>															

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 (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>		
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>		
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p>		
<p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>	<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
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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 Covertypes	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: <u>Lawn/Landscape</u>	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 County.

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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Describe possible resource(s): <u>Study to be provided</u>	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: <u>Congress Park and Saratoga Park</u>	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Local Park</u>	
<i>iii.</i> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

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

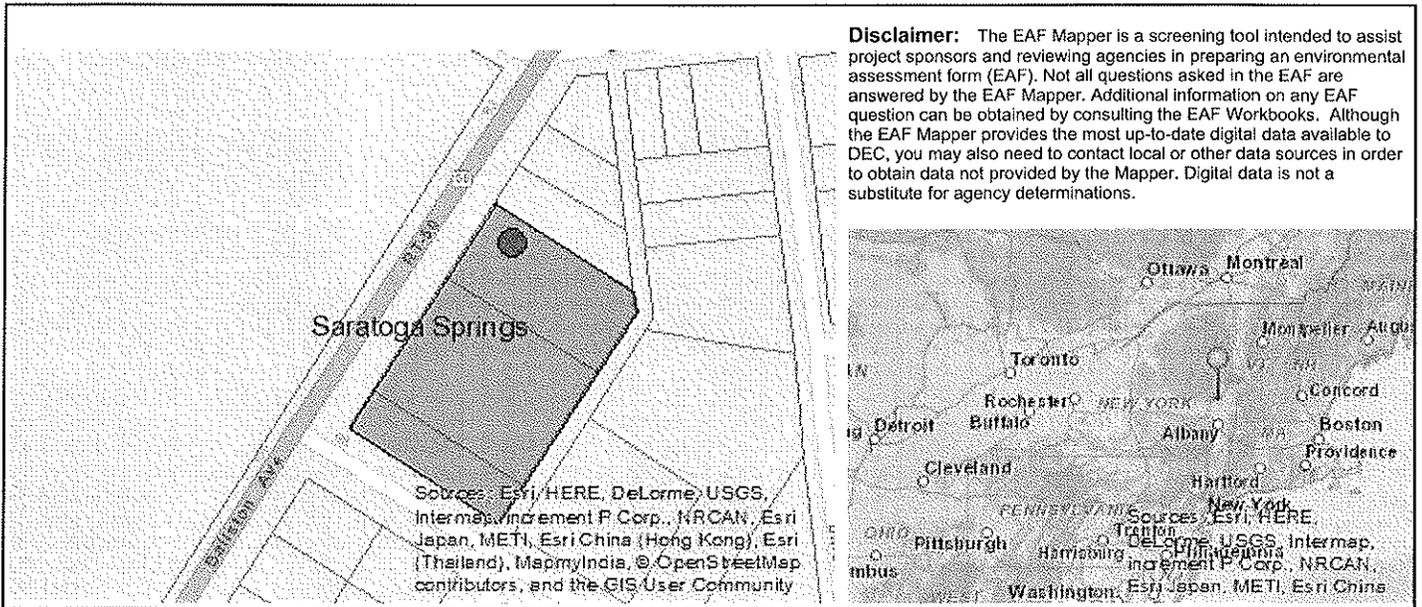
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____



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

Ballston Ave Subdivision

PROJECT NARRATIVE
April 5, 2016

INTRODUCTION

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

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

EXISTING CONDITIONS

Existing Land Use and Zoning

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

Soil and Topography

The existing parcels include a two story residence on Finley Street, two story office building with associated parking on Ballston Ave, a one story office building with associated parking on Ballston Ave and vacant wooded areas. According to the Soil Survey of Saratoga County, New York prepared by National resources Conservation Service (NRCS), the project site consists of one (1) soil type: Windsor loamy sand (WnA). The project site is well drained and consists of slopes 0 – 3 Percent.

Wetlands

Wetlands have not been located on the project site.

PROPOSED CONDITIONS

The proposed project will require the consolidation of the three lots and removal of the existing buildings. The applicant proposes a residential subdivision consisting of 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building. The average minimum lot width is 20 ft. with a front building set back of 10 ft., a rear building setback of 25 ft., and a side building setback of 0-10ft. The proposed minimum lot size is 1702 sf and proposed maximum lot size of 2800 sf. A private drive is proposed to access the site and will be located on Finley Street as shown on the conceptual plan. All existing vehicular access points on NYS Route 50 will be removed. Concrete sidewalks are proposed for pedestrian access to Ballston Ave, Finley Street and NYS Route 50.

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

UTILITIES , STORMWATER AND SOLID WASTE

It is anticipated that water will be supplied by the City of Saratoga Water Department and sewage (wastewater) service will be provided by the Saratoga County Sewer District (SCSD#1). Stormwater is anticipated to be managed through on-site structures. Stormwater practices will be discussed in the project specific Stormwater Pollution Prevention Plan (SWPPP). Stormwater control practices will be designed and implemented in accordance with all NYSDEC technical standards and the City of Saratoga Springs' guidelines.

PROPOSED AREA VARIANCES

Applications and supporting documents are being made to the City of Saratoga Springs Zoning Board of Appeals requesting five (5) area variances that seek relief from the zoning guidelines and requirements.

The project will require the following Area Variances to accommodate the proposed development. The following chart summarizes the variances being requested:

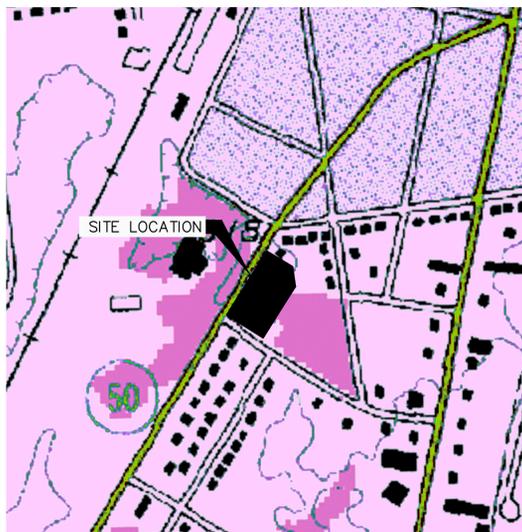
Zoning Regulation	Required	Proposed	Requested Variance
Minimum Lot Sizes	6,600 sf	1,702 sf	4898 sf
Minimum Average Lot Width	60 ft.	20 ft.	40 ft.
Maximum Building Coverage	30%	33%	3%
Each Side Min Yard Setback	8 ft.	0 ft.	8 ft.
Total Side Min Yard Setback	20 ft.	0 ft.	20 ft.

CONCLUSION

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

BALLSTON AVE SUBDIVISION

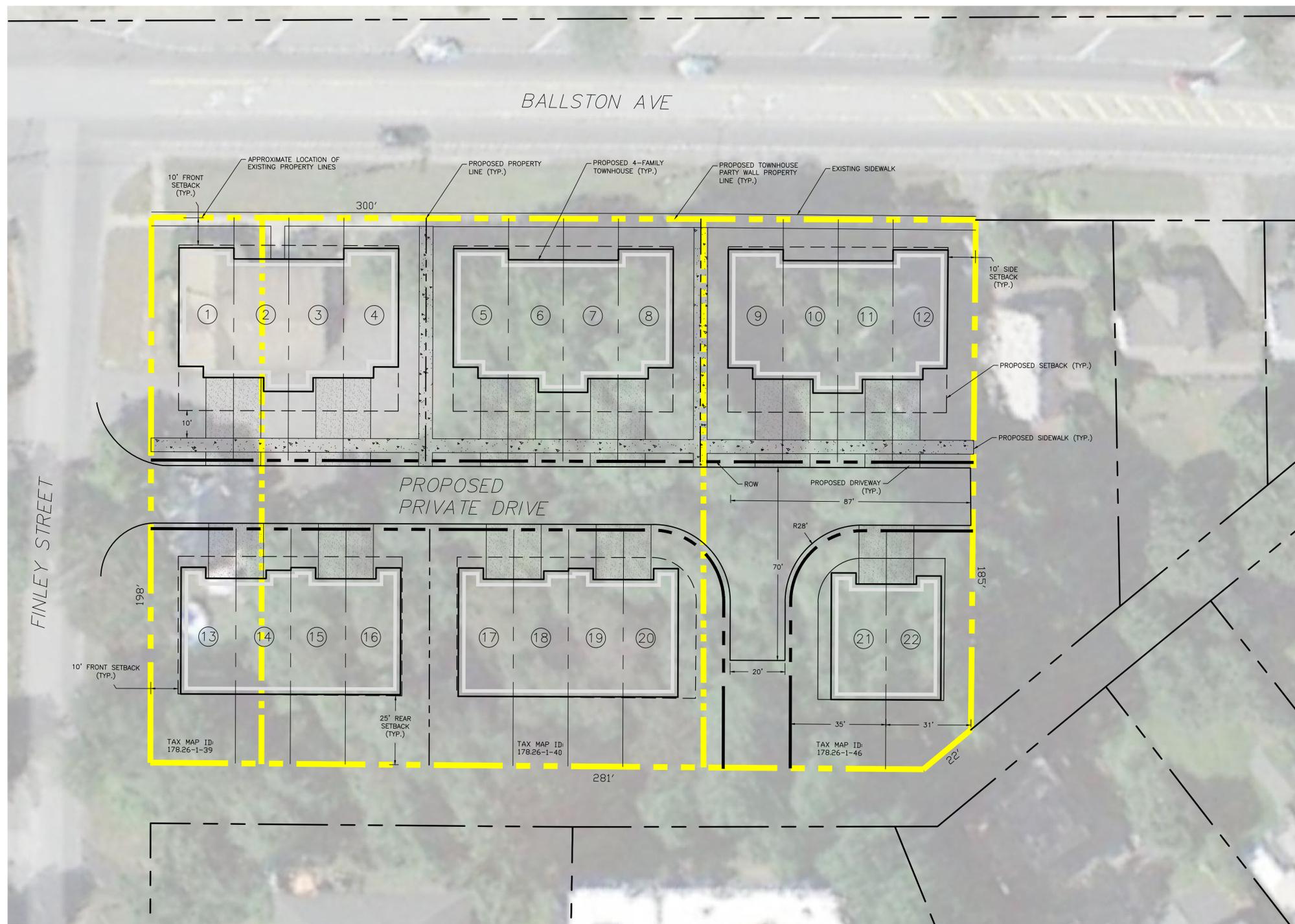
CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK



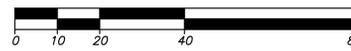
SITE LOCATION MAP
SCALE: 1"=500'

SITE STATISTICS:

ZONING - URBAN RESIDENTIAL-2 (UR-2)
 TOTAL PARCEL SIZE- 1.36 +/- AC.
 NUMBER OF PROPOSED LOTS - 22 LOTS
 (5) 4-UNIT TOWNHOUSES - 20 LOTS
 (1) 2-UNIT TOWNHOUSES - 2 LOTS



AREA AND BULK REQUIREMENTS											
ZONING DISTRICT	MIN LOT SIZE (SF)	MIN AVG WIDTH (FT)	MAX BLDG COVERAGE (%)		MINIMUM YARD SETBACK (FT)				PRINCIPLE BLDGS		MINIMUM % IMPERMEABLE
			PRINCIPLE BLDG	ACCESSORY BLDG	FRONT	REAR	EACH SIDE	TOTAL SIDE	MAX 1ST FLOOR AREA (SF)	MAX HEIGHT (FT)	
PROPOSED	1,702	20	33	N/A	10	25	0,10	0,10	900±	35	59
UR-2 URBAN RESIDENTIAL	6,600	60	30	10	10	25	8	20	1 STORY = 900 2 STORY = 700	60	25
RELIEF REQUESTED	4,898	40	3	N/A	0.0	0.0	8	20	0.0±	0.0	0.0



UNAUTHORIZED ADDITION TO THIS PLAN MAY BE A VIOLATION OF THE NYS UNIFORM JOINT CONTRACT LAWING ENGINEERING, INC.

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



CONCEPTUAL LAYOUT PLAN

PROJ. NO: 753.00
 SCALE: AS SHOWN
 DATE: 04/05/16
 CLP-1
 SHEET 1 OF 1

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: [REDACTED]

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
- Copy of Letter
- Prints
- Change Order
- Plans/Originals
- Samples
- Applications
- 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
- For your use
- As requested
- For review and comment
- Approved as submitted
- Approved as noted
- Returned for corrections
- For bids due
- Resubmit 1 copies for approval
- Submit __ copies for distribution
- Return __ corrected prints
- Borrowed prints returned
- Other: _____

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

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

SIGNED:

Yates Scott Lansing, PE, CPESC, CPSWQ

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

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: [REDACTED]
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
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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 1 is accurate and complete.

A. Project and Sponsor Information.

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

B. Government Approvals

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

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Subdivision and site plan approval	TBD
c. City Council, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ZBA - Area variances	
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SCSD #1 - Sewer, Saratoga County Planning Board	TBD
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - Sewer, SPDES NYSDOH - Water	TBD
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? YesNo

- **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? YesNo

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? YesNo

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?) YesNo

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? YesNo

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.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	<u>22</u>	_____	_____	_____
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? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 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 (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (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 1/2 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.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • 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 Covertypes	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: <u>Lawn/Landscape</u> _____	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: _____

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 County.

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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: <ul style="list-style-type: none"> • 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:		
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District		
<i>ii.</i> Name: _____		
<i>iii.</i> 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:		
<i>i.</i> Describe possible resource(s): <u>Study to be provided</u>		
<i>ii.</i> Basis for identification: _____		
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:		
<i>i.</i> Identify resource: <u>Congress Park and Saratoga Park</u>		
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Local Park</u>		
<i>iii.</i> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:		
<i>i.</i> Identify the name of the river and its designation: _____		
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?		<input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

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

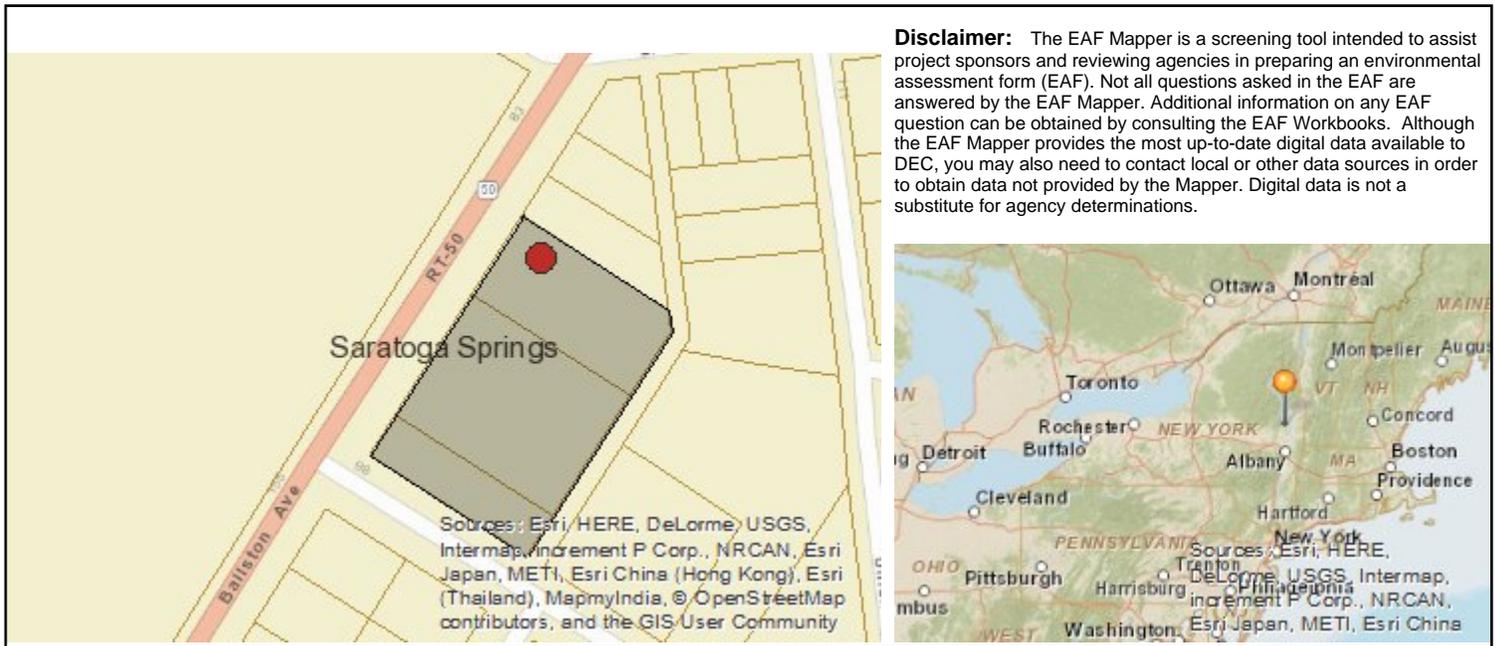
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____



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

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.

Examples of Proposed Buildings

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16



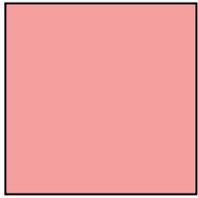
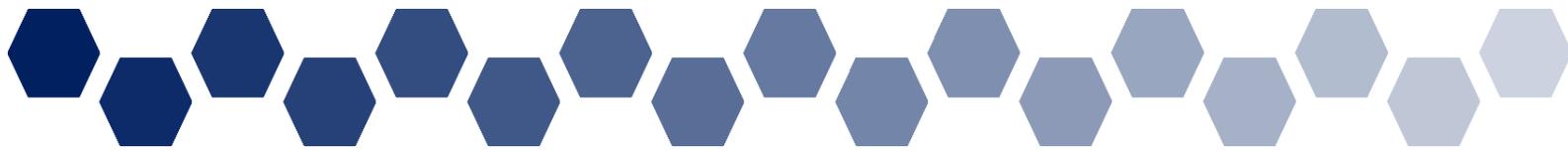




City of Saratoga Springs Complementary Core

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

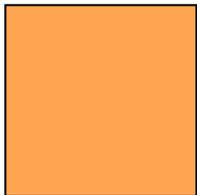


Complementary Core (CC)

Complementary Core (CC)

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

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

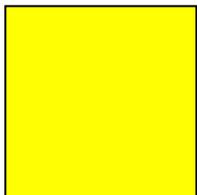


Community Mixed Use (CMU)

Community Mixed Use (CMU)

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

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



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

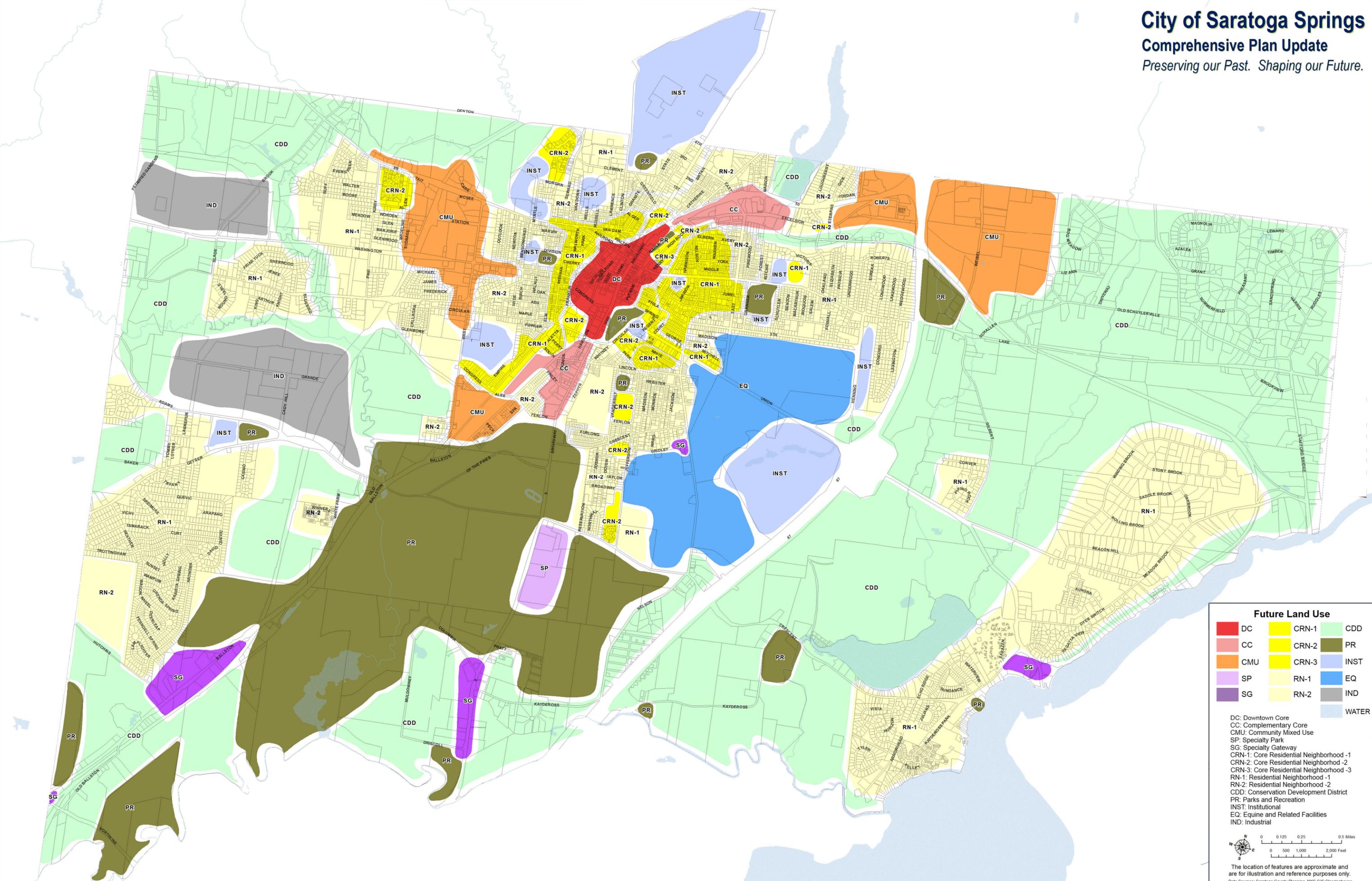
Core Residential Neighborhood-1 (CRN-1), Core Residential Neighborhood-2 (CRN-2), and Core Residential Neighborhood-3 (CRN-3)

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

City of Saratoga Springs

Comprehensive Plan Update

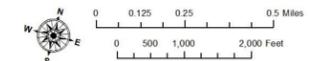
Preserving our Past. Shaping our Future.



Future Land Use

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

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

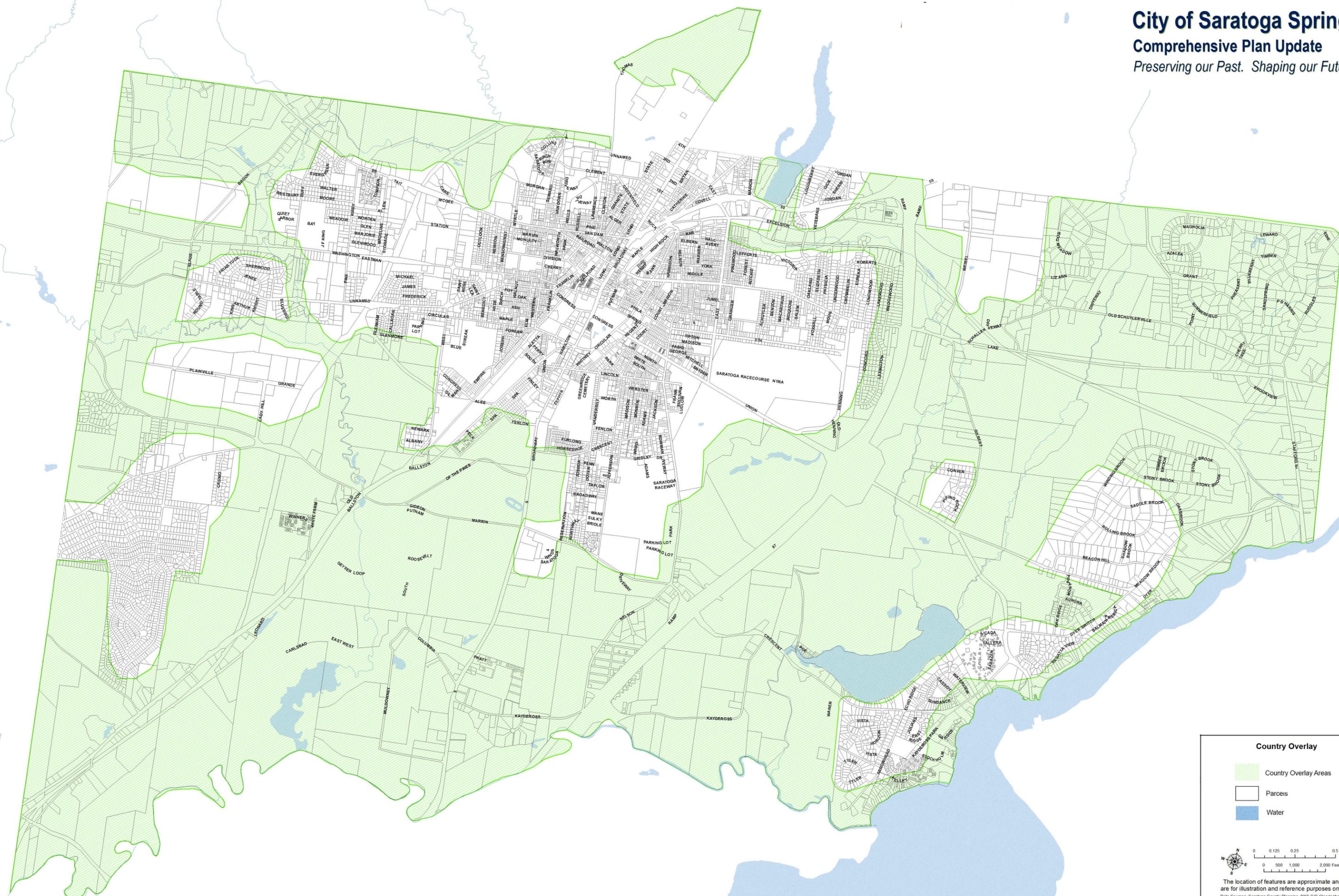


The location of features are approximate and are for illustration and reference purposes only.
Data Sources: Saratoga County Planning, NYS GIS Clearinghouse

City of Saratoga Springs

Comprehensive Plan Update

Preserving our Past. Shaping our Future.



Country Overlay

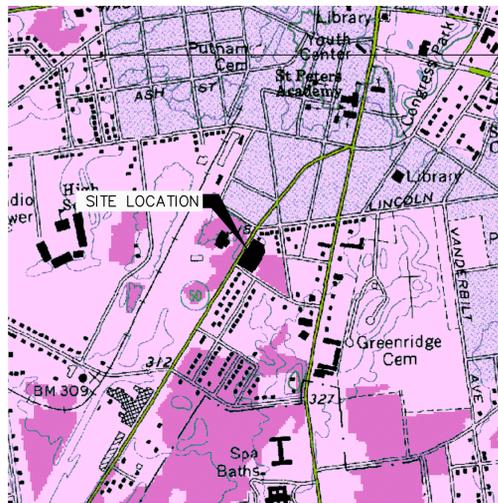
- Country Overlay Areas
- Parcels
- Water

0 0.125 0.25 0.5 Miles
0 500 1,000 2,000 Feet

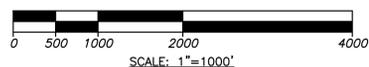
The location of features are approximate and are for illustration and reference purposes only.
Data Sources: Saratoga County Planning, NYS GIS Clearinghouse
Map: Leland Barrows, 2011

BALLSTON AVE SUBDIVISION

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK



SITE LOCATION MAP



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

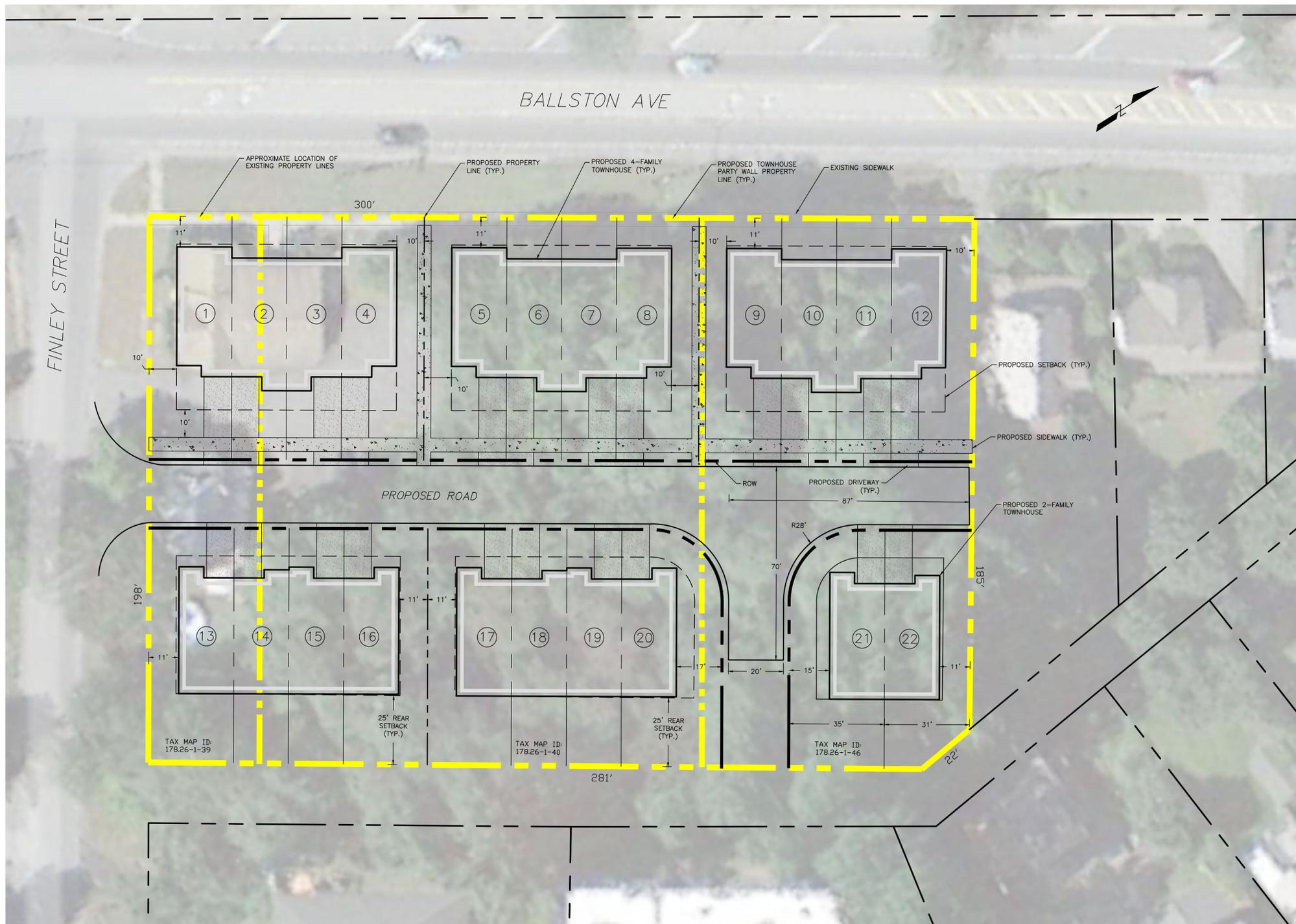
PROVIDED = 2 SPACES PER LOT, 1 SPACE PROVIDED WITHIN ENCLOSED GARAGE AND 1 SPACE PROVIDED IN EACH DRIVEWAY.

NOTES

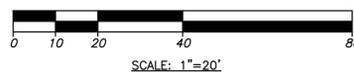
1) THE PROPOSED ROAD SHALL BE DEDICATED TO THE CITY OF SARATOGA SPRINGS.

LOT NUMBER	ZONING DISTRICT	MIN LOT SIZE (SQ FT)	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
2	PROPOSED	1,760	20	51.4	0	0
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
3	PROPOSED	1,760	20	51.4	0	0
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
4	PROPOSED	2,640	30	34.2	0,10	10
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
5	PROPOSED	2,640	30	34.2	0,10	10
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
6	PROPOSED	1,760	20	51.4	0	0
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
7	PROPOSED	1,760	20	51.4	0	0
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
8	PROPOSED	2,640	30	34.2	0,10	10
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
9	PROPOSED	2,640	30	34.2	0,10	10
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
10	PROPOSED	1,760	20	51.4	0	0
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
11	PROPOSED	1,760	20	51.4	0	0
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20

LOT NUMBER	ZONING DISTRICT	MIN LOT SIZE (SQ FT)	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
13	PROPOSED	2,635	31	33.2	0	0
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
14	PROPOSED	1,702	20	50.9	0	0
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
15	PROPOSED	1,704	20	51.3	0	0
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
16	PROPOSED	2,603	31	33.6	0	0
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
17	PROPOSED	2,611	31	34	0,10	10
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
18	PROPOSED	1,713	20	51.3	0	0
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
19	PROPOSED	1,716	20	51.8	0	0
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
20	PROPOSED	2,994	36	29.7	0	0
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
21	PROPOSED	2,833	35	30.9	0	0
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20
22	PROPOSED	2,576	31	33.7	0,11	11
	UR-2 URBAN RESIDENTIAL	6,600	60	30	8	20



CONCEPT PLAN



UNAUTHORIZED ADDITION TO THIS PLAN IS A VIOLATION OF THE NYS PROFESSIONAL ENGINEERING LAW. LANSING ENGINEERING, INC.

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



CONCEPTUAL LAYOUT PLAN

PROJ. NO: 753.00
 SCALE: AS SHOWN
 DATE: 05/25/16
 CLP-1
 SHEET 1 OF 1

**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.

DECISION, ORDER AND JUDGMENT

RJI No. 45-1-2005-1545

Index No. 2005-2771

-against-

THE CITY OF SARATOGA SPRINGS ZONING BOARD OF APPEALS,

Respondent.

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

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

²The 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

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

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

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

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

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

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

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

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

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

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

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

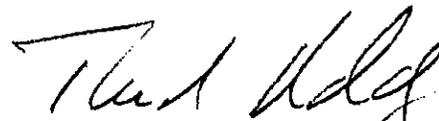
In sum, the record, when viewed in total, demonstrates undue hardship warranting a use variance. The petition is granted and the denial of petitioners' application is vacated. Since the

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

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

So Ordered and Adjudged.

DATED: June 13, 2006
Ballston Spa, New York



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

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

Decided and Entered: June 7, 2007

501957

In the Matter of RALPH SIANO
et al.,

Respondents,

v

MEMORANDUM AND ORDER

CITY OF SARATOGA SPRINGS
ZONING BOARD OF APPEALS,
Appellant.

Calendar Date: April 25, 2007

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

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

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

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

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

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

ORDERED that the judgment is affirmed, with costs.

ENTER:

A handwritten signature in black ink, appearing to read "Michael J. Novack". The signature is written in a cursive style with a large, looping initial "M".

Michael J. Novack
Clerk of the Court

Previous Approved Variances

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16



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
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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

**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)

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”.

- I. 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:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 If "yes", for how long? _____ No

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:

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

UR-2 Area & Bulk Schedule

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

(applicant signature)

Date: _____

(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: _____

