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, Nov. 21, 2016
CITY COUNCIL CHAMBERS – 7:00 P.M.

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

Salute The Flag

Roll Call

New Business

1. **#2929 EMPIRE RUN SIGNS**
   130 Excelsior Avenue, area variance for construction of a wall sign and a freestanding sign; seeking relief from the maximum size for the freestanding sign and for placement on a building façade without street frontage for the wall sign requirements in the Transect – 5 District.

   Documents:

   2929 EMPIRERUNSIGNAGE_APP_REDACTED.PDF

2. **#2875.1 PERRON CARRIAGE HOUSE**
   35 Greenfield Avenue, area variance to finish the interior of an existing carriage house; seeking relief from the requirement that accessory structures (residential) be limited to unfinished and uninhabitable space in the Urban Residential – 1 District.

   Documents:

   2875.1 PERRONCARRIAGEHOUSE_APP_REDACTED.PDF
   2875.1 PERRONCARRIAGEHOUSE_APPCORR10-21-16_REDACTED.PDF

3. **#2930 THE SPRINGS SIGNS**
   60 Weibel Avenue, area variance for additions to two existing freestanding signs; seeking relief from the maximum size of freestanding signs in the Transect – 5 District.

   Documents:

   2930 THESPRINGSSIGNAGE_APP_REDACTED.PDF

4. **#2889 CDJT DEVELOPMENT MULTI-FAMILY**
   124 Jefferson Street, use variance to convert an existing 6-unit senior housing development to multi-family residential; seeking relief from the permitted uses in the Urban Residential-2 District.

   Documents:

   2889 CDJTTOWNHOUSES_APP2RECVD10-19-16_REDACTED.PDF
   2889 CDJTTOWNHOUSES_BUILDINSPECTDENIAL.PDF
   2889 CDJTTOWNHOUSES_AMILLERCORR4-25-16_REDACTED.PDF
   2889 CDJTTOWNHOUSES_APP_REDACTED.PDF

Old Business

1. **#2927 FOUST GARAGE**
   8 Avery Street, area variance for an existing detached garage; seeking relief from the maximum accessory building coverage in the Urban Residential – 3 District.

   Documents:

   2927 FOUSTGARAGE_APP_REDACTED.PDF
   2927 FOUSTGARAGE_PUBLICCORR_REDACTED.PDF

2. **#2844.1 SBDT VENTURES RESIDENCE**
   60 Franklin Street, area variance to accommodate the as-built condition of a new single-family residence; seeking additional relief from the maximum principal building coverage, minimum front yard setback, minimum side yard (each) setback and minimum total side yard setback requirements in the Urban Residential – 4 District.

   Documents:

   2844.1 SBDTVENTURESSINGLEFAMILY_APP_REDACTED.PDF

3. **#2928 CHARLES SCHWAB SIGNS**
   46 Marion Avenue, area variance for wall signs; seeking relief from the maximum number of wall signs on a façade, maximum height of lettering, and maximum extension of sign from face of the building requirements in the Transect – 5 District.

   Documents:

   2928 CHARLESSCHWABSIGN_APP_REDACTED.PDF
   2928 CHARLESSCHWABSIGN_ADDTLINFO.PDF

4. **#2921 REGATTA VIEW, LLC RESIDENTIAL DEVELOPMENT**
   NYS Route 9P, Dyer Switch Road and Regatta View Drive, interpretation appeal from determination of the Zoning and Building Inspector that the Interlaken PUD legislation fails to provide proof of compliance for the proposed development.

   Documents:

   2921 REGATTAVIEWINTERPRETATION_APP_REDACTED.PDF
   2921 REGATTAVIEWINTERPRETATION_PGS11A-11BAPPDXC.PDF

2921 REGATTAVIEWINTERPRETATION_91CONCEPTPLAN.PDF
2921 REGATTAVIEWINTERPRETATION_DCARRAFFIDAVIT.PDF
2921 REGATTAVIEWINTERPRETATION_BMORROWCORR_REDACTED.PDF
2921 REGATTAVIEWINTERPRETATION_JGOLDBERGCORR_REDACTED.PDF
2921 REGATTAVIEWINTERPRETATION_KGELBERGCORR_REDACTED.PDF
2921 REGATTAVIEWINTERPRETATION_TCURLEYCORR_REDACTED.PDF

5. **#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 OBSTARCZYKGARAGE_REVISEDPLANS.PDF
2915 OBSTARCZYKGARAGE_REVISEDPLOTPLAN.PDF
2915 OBSTARCZYKGARAGEAPP_ZONINGCALCS.PDF
2915 OBSTARCZYKGARAGEAPP_SSPFCORR.PDF
2915 OBSTARCZYKGARAGE_REQDRCADVISOPIN.PDF

6. **#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 PETLODGEOFSARATOGA_APP_REDACTED.PDF
2910 PETLODGEOFSARATOGA_BUILDINSPECTDENIAL.PDF
2910 PETLODGEOFSARATOGA_COUNTYRESPONSE.PDF
2910 PETLODGEOFSARATOGA_ILUCORR9-26-16_REDACTED.PDF
2910 PETLODGEOFSARATOGA_LTRSSUPPORT_REDACTED.PDF

Adjourned Items

1. **#2925 SOUTHERN SUBDIVISION**
124 York Avenue, area variance associated with a proposed two lot residential subdivision; seeking relief from the minimum lot size and minimum average lot width requirements for each of the lots in the Urban Residential – 3 District.

Documents:

2925 SOUTHERNRESIDENCESUBDIVISION_APP_REDACTED.PDF

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

Documents:

2776.1 GUARINOHANERPROJECTEXT_APP_REDACTED.PDF
2776.1 GUARINOHANERPROJECT_BUILDINSPECTDENIAL.PDF

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

Documents:

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

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

Documents:

2890 BARLOWRESIDENCEADDITION_APP_REDACTED.PDF
2890 BARLOWRESIDENCEADDITION_BUILDINSPECTDENIAL.PDF

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

OTHER BUSINESS:

a. CARAVAN: TBD
b. APPROVAL OF DRAFT MEETING MINUTES: NOVEMBER 7
c. NEXT ZONING BOARD MEETING: DECEMBER 12

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

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	EMPIRE RUN	130 EXCELSIOR LLC	Adirondack Sign Co
Address	130 EXCELSIOR AVE	18 DIVISION STREET	72 BALLSTON AVE
		SARATOGA SPRINGS, NY	SARATOGA SPRINGS, NY 12866
Phone	[redacted]	/	[redacted]
Email	[redacted]		[redacted]

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

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

PROPERTY INFORMATION

1. Property Address/Location: 130 EXCELSIOR AVE Tax Parcel No.: 166.____ - 4 - 33
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: _____ 3. Zoning District when purchased: T-5

4. Present use of property: RESIDENTIAL/COMMERCIAL 5. Current Zoning District: T-5

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

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

8. Brief description of proposed action:
Current zoning allowance for 12 sq ft freestanding signage- Propose 24 sq ft with brick pillars matching complex decor.
One business tenant space- allowance signage in parking lot rear of the building complex

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

_____

_____

_____

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

A use variance is requested to permit the following: _____

_____

_____

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

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

   _____

   _____

   _____

   _____

   _____

   _____

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

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

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

Date	Improvement	Cost
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

   5) Annual income generated from property: $_____

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

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

   Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) Wall signs- 6.1.5.1 Freestanding - 6.1.5.3

Dimensional Requirements	From	To
Freestanding allowance is 12 sq ft	12 sq ft	24 sq ft
Wall sign not on street frontage	None	sign per linear 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.

   Designed 12 sq ft freestanding sign (see example) comparison to 24 sq ft

   Wall signage- Only alternative would be window signage which would not be as impactful and meet building decor.

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

   These would not produce any undesirable changes to the character of the neighborhood- internal parking lot signs would only be viewed within the complex.

   The larger freestanding sign would only add to over look of the complex "Better Fit"

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

Freestander is 50% larger but based on the examples the larger size does not look as substantial when compared to the over all complex (suitable comparison)

Parking lot sign- Only one business location in the complex

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

No adverse effects- Freestanding sign size would be more conducive to meet the decor criteria and would be in line with

consumer and neighborhood perception for this type of development.

Parking lot signage would only be viewed in the rear of the complex facing the woods.-No adverse effects

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

Yes- self created based on current zoning.

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

_____ Date:_____
(applicant signature)

_____ Date:_____
(applicant signature)

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

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

_____

_____

_____

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Other:_____

_____

Note:_____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

Request for extension of current approval

☐ Identify date of original DRC approval: _____ Current expiration date: _____ Org. App. No. _____

☐ Describe why this extension is necessary and whether any significant changes have occurred either on the site or in the neighborhood.

SEQR Environmental Assessment Form

☐ Applicants proposing the following must complete "Part I" of the SEQR Short Environmental Assessment Form (available here: http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seafpartone.pdf):

- Construction or expansion of a multi-family residential structure (4 units +)
- Construction or expansion (exceeding 4,000 sq. ft. gross floor area) of a principal or accessory non-residential structure
- Telecommunications facility, radio antennae, satellite dishes
- Demolition

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, nature, and extent of this interest must be filed with this application.

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 Design Review Commission.

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.

I/we hereby authorize the members of the Design Review Commission and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this application.

Furthermore, I/we agree to meet all requirements under Article VII for Historic Review or Article VIII for Architectural Review of the Zoning Code of the City of Saratoga Springs.

_____ Date: _____

(applicant signature)

_____ Date: _____

(applicant signature)

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Revised 06/03/16

Freestanding sign location at 12 sqft.

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

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

ADIRONDACK SIGN COMPANY
72 Bellston Ave. Saratoga Springs, NY 12866
[redacted]
www.AdkSignCo.com

Customer: Bonacio - Empire Run
Project Name: Zoning Approval
Designer: Daniel Roicki
Date: 10/5/16
Revision Date:

Approved As Is: _____
Signature/Date

Approved with Corrections; no further proof needed: _____

Revisions Required; New proof needed: _____

Freestanding sign location. To change from 12 sqft to 24 sqft

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

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

ADIRONDACK SIGN COMPANY
72 Bellamy Ave. Saratoga Springs, NY 12866
[redacted]
www.AdkSignCo.com

Customer: Bonacio - Empire Run
Project Name: Zoning Approval
Designer: Daniel Roicki
Date: 10/5/16
Revision Date:

Approved As Is: _____
Signature/Date

Approved with Corrections; no further proof needed: _____

Revisions Required; New proof needed: _____

Sign location for parking lot side.

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

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

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72 Ballston Ave., Saratoga Springs, NY 12866
[redacted]
www.AdkSignCo.com

Customer: Bonacio - Empire Run
Project Name: Zoning Approval
Designer: Daniel Roicki
Date: 10/5/16
Revision Date:

Approved As Is: _____
Signature/Date

Approved with Corrections; no further proof needed: _____

Revisions Required; New proof needed: _____

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	[redacted]		SD Atelier Architecture, LLC
Address			511 Broadway, 2nd Floor Saratoga Springs, NY 12866
Phone		/	[redacted]
Email			

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

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

PROPERTY INFORMATION

1. Property Address/Location: 35 Greenfield Avenue Tax Parcel No.: 165 . 36 - 1 - 14.1
(*for example: 165.52 – 4 – 37*)

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

4. Present use of property: _____ 5. Current Zoning District: UR-1

6. Has a previous ZBA application/appeal been filed for this property?
☐ Yes (when? 12/2014 and 3/2016 For what? Single Lot Adjustment and 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:
The applicant has retained and re-located the carriage house at the request of the zoning board and now would like to be able to use the second floor as a finished space.

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

_____

_____

_____

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

A use variance is requested to permit the following: _____

_____

_____

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

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

   _____

   _____

   _____

   _____

   _____

   _____

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

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

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

Date	Improvement	Cost
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

   5) Annual income generated from property: $_____

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

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

   Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) definition of accessory structure

Dimensional Requirements	From	To
Relocated Carriage House is compliant with setbacks		

Other:

An area variance is being requested to allow the second floor of the carriage house to be a finished space.

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 alternative would be to not finish the space, however the Applicant has put quite a lot of money in to the structure moving it and structurally making it stable and the Applicant would like to be able to use the structure as a studio/workshop and potentially a place to live while his house is undergoing renovations.

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

   The character of the neighborhood should not change as the original carriage house has remained. It has been re-located from the original location, however the orientation to the street is the same. -The exterior materials are being replaced in kind. The fact that the second floor will be finished will not alter the neighborhood, as it will not increase traffic, density or overall character.

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

The area variance is not substantial as there is precedent for other accessory structures that have finished spaces on the second floor. The exterior is not changing from what was approved - and a building permit has already been issued for the scope of work.

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

The variance will not have adverse physical or environmental effects on the neighborhood once the structure is completed. The proposed project will maintain the original structure of the carriage house. The exterior has retained roof trim where feasible and replaced with materials in kind - to match the window style and the siding. The applicant has maintained the original carriage house as per the Zoning Approval and has intentionally located it so that it is compliant with the zoning setbacks.

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 hardship was self-created as the Applicant was seeking an area variance in March for an addition to the home. This variance was granted under the condition that the carriage house be retained and relocated due to it's historic significance. The applicant has successfully re-located the carriage house despite the fact that it had some significant structural issues. The applicant has spent a lot of financial resources stabilizing the structure and providing exterior weatherproofing and windows and materials in kind. The applicant would like to be able to use the carriage house as a workshop/shed and 2nd floor finished space. A building permit has been issued for this project as a finished use .(It was not clear that a permitted accessory use is different than permitted uses in an accessory structure.)

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

_____ Date:_____
(applicant signature)

_____ Date:_____
(applicant signature)

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

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

_____

_____

_____

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Other:_____

_____

Note:_____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

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
James Helicke
Susan Steer

IN THE MATTER OF THE APPEAL OF
JEAN PIERRE PERRON
35 GREENFIELD AVENUE
SARATOGA SPRINGS, NY 12866

From the determination of the Building Inspector involving the premises at 35 Greenfield Avenue in the City of Saratoga Springs, NY, being tax parcel number 165.36-1-14.1 on the Assessment Map of said City.

The Applicant having applied for an area variance to construct an addition to the primary residence and move an accessory structure, a carriage house, to a different location on the property in the UR-1 Zoning District and public notice having been duly given of hearings on said application on February 22 and March 7, 2016.

In consideration of the balance between the benefit to the Applicant with the detriment to the health, safety and welfare of the community, I move that the following variance for the following amount of relief:

Type of Requirement	District Dimensional Requirement	Proposed	Relief Requested
Minimum Front Yard Setback: Woodlawn Ave. (residence)	30 feet	5 feet	25 feet (83%)
Minimum Front Yard Setback: Woodlawn Ave. (carriage house)	30 feet	8 feet	22 feet (73%)
Maximum Principal Building Coverage	20%	27.2%	7.2% (36%)

As per the submitted plans or lesser dimensions, BE APPROVED for the following reasons:

1. The Applicant has demonstrated this benefit cannot be achieved by other means feasible to the Applicant.

The Applicant desires to remove a portion of the residence and construct an addition that would include a new kitchen, mudroom and attached three-car garage and master suite. Due to the fact that the setback restrictions run through the existing residence and the property is a corner lot with two front yards, it is not possible to make any renovations to the residence without affecting the setbacks. The Applicant looked at many designs, but due to the lot shape as well as Applicant's intent to maintain the historic integrity of the home, the proposed design was the only one that will allow the Applicant to construct a new kitchen with an attached garage/mudroom and master bedroom suite. The proposed design, in fact, imposes less on the setback restrictions than the home as it presently exits.

With respect to the carriage house, the Saratoga Springs Preservation Foundation has determined that the residence and carriage house are "contributing buildings" to the Broadway Historic District which is listed on the National Register of Historic Places and therefore supports an area variance "that would allow for the retention and relocation of the historic carriage house." According to the Preservation Foundation, carriage houses "are important cultural resources of the history and development of our community." The Applicant agrees and desires to move to the carriage house to another location on the lot. Due to the fact that no additional land is available to purchase to help mitigate the variance requests along with the fact that this is a corner lot with two setback requirements, the location selected is the only place that will fulfill the Applicant's objective to maintain the historic integrity of the property and neighborhood.

2. The Applicant has demonstrated that granting this variance will not produce an undesirable change in neighborhood character or detriment to the nearby properties. The Applicant intends to maintain the historic nature of the home and the addition will be "architecturally compatible" to the existing house. It will also be "located on the lot where it will be least visible" and the Applicant intends to maintain as many trees as possible on the lot. The Preservation Foundation "appreciates the investment that the homeowner is making into his historic house and commends him for being willing to retain and relocate the historic carriage house rather than demolish the structure."

3. The request for relief from the minimum setback requirements at 5 feet (83%) and 8 feet (73%) may be considered substantial, however this is due to the fact that the home is preexisting nonconforming at 4 feet (87%). In fact, the Applicant's design lessens the amount that the residence will impinge upon the setback. With respect to the total lot coverage, 27% may be substantial, but any substantiality is offset by the Applicant's willingness to preserve the carriage house and not demolish it.

4. The Applicant has demonstrated that granting this variance will not have an adverse physical or environmental effect on the neighborhood. The addition will be compatible with the style of the existing home and the Applicant intends to keep as many trees as possible.

5. The request for relief may be considered a self-created hardship. However, self-creation is not necessarily fatal to the application.

Condition: No additional accessory buildings other than the existing, historic carriage house

Adopted by the following vote:

AYES: 7 (B. Moore, K. Kaplan, A. McNeill, S. Carlson, J. Helicke, S. Steer and C. Grey)

NAYES: 0

Dated: March 7, 2016

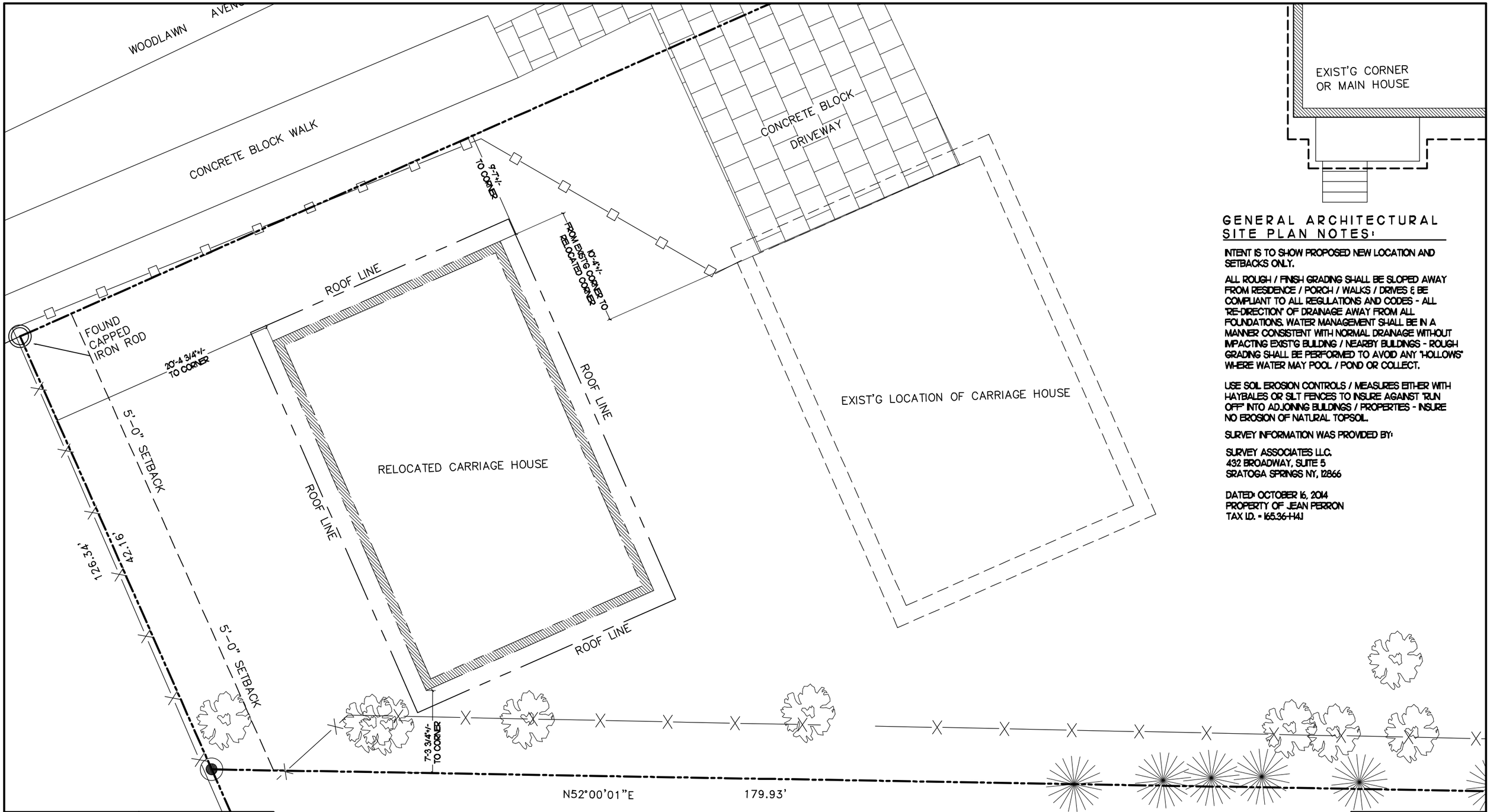
This variance shall expire 18 months following the filing date of such decision unless the necessary building permit has been issued and actual construction begun as per 240-8.5.1.

3/9/16
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
MAR 09 2016
ACCOUNTS DEPARTMENT



GENERAL ARCHITECTURAL SITE PLAN NOTES:

INTENT IS TO SHOW PROPOSED NEW LOCATION AND SETBACKS ONLY.

ALL ROUGH / FINISH GRADING SHALL BE SLOPED AWAY FROM RESIDENCE / PORCH / WALKS / DRIVES & BE COMPLIANT TO ALL REGULATIONS AND CODES - ALL "RE-DIRECTION" OF DRAINAGE AWAY FROM ALL FOUNDATIONS. WATER MANAGEMENT SHALL BE IN A MANNER CONSISTENT WITH NORMAL DRAINAGE WITHOUT IMPACTING EXIST'G BUILDING / NEARBY BUILDINGS - ROUGH GRADING SHALL BE PERFORMED TO AVOID ANY "HOLLOWS" WHERE WATER MAY POOL / POND OR COLLECT.

USE SOIL EROSION CONTROLS / MEASURES EITHER WITH HAYBALES OR SILT FENCES TO INSURE AGAINST "RUN OFF" INTO ADJOINING BUILDINGS / PROPERTIES - INSURE NO EROSION OF NATURAL TOPSOIL.

SURVEY INFORMATION WAS PROVIDED BY:

SURVEY ASSOCIATES LLC.
432 BROADWAY, SUITE 5
SRATOGA SPRINGS NY, 12866

DATED: OCTOBER 16, 2014
PROPERTY OF JEAN PERRON
TAX I.D. = 165.36-1-14.1

1 / A-S ARCHITECTURAL SITE PLAN
SCALE 1/8" = 1'-0"

SD ATELIER
ARCHITECTURE LLC.
511 Broadway, Second Floor.
Saratoga Springs, NY. 12866
[redacted]
www.sdatelier.com
info@sdatelier.com

CARRIAGE HOUSE RENOVATIONS FOR:
JEAN PIERRE PERRON
35 GREENFIELD AVE.
SARATOGA SPRINGS NY, 12866

ARCHITECTURAL SITE PLAN, & NOTES

BLDG DEPT. DRAWING SET

WARNING
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SCALE: AS NOTED
REVISIONS:

DATE:
MAY 23, 2016

A-S

PROJECT NUMBER - 2015-25

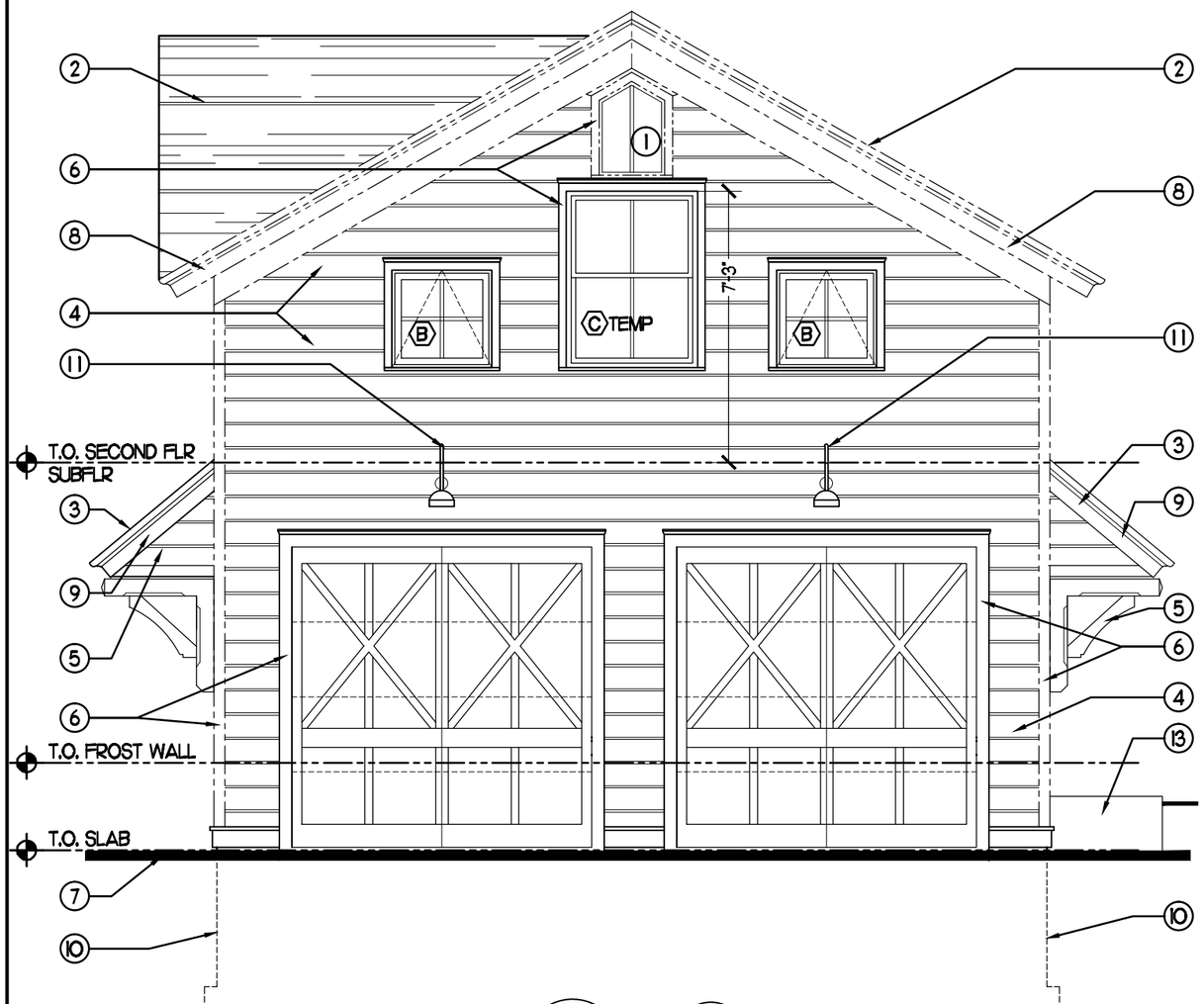
This document & the ideas incorporated herein as an instrument of service, is the property of SD ATELIER - ARCHITECTURE L.L.C. and cannot be used for any other purpose.

EXTERIOR ELEVATION NOTES:

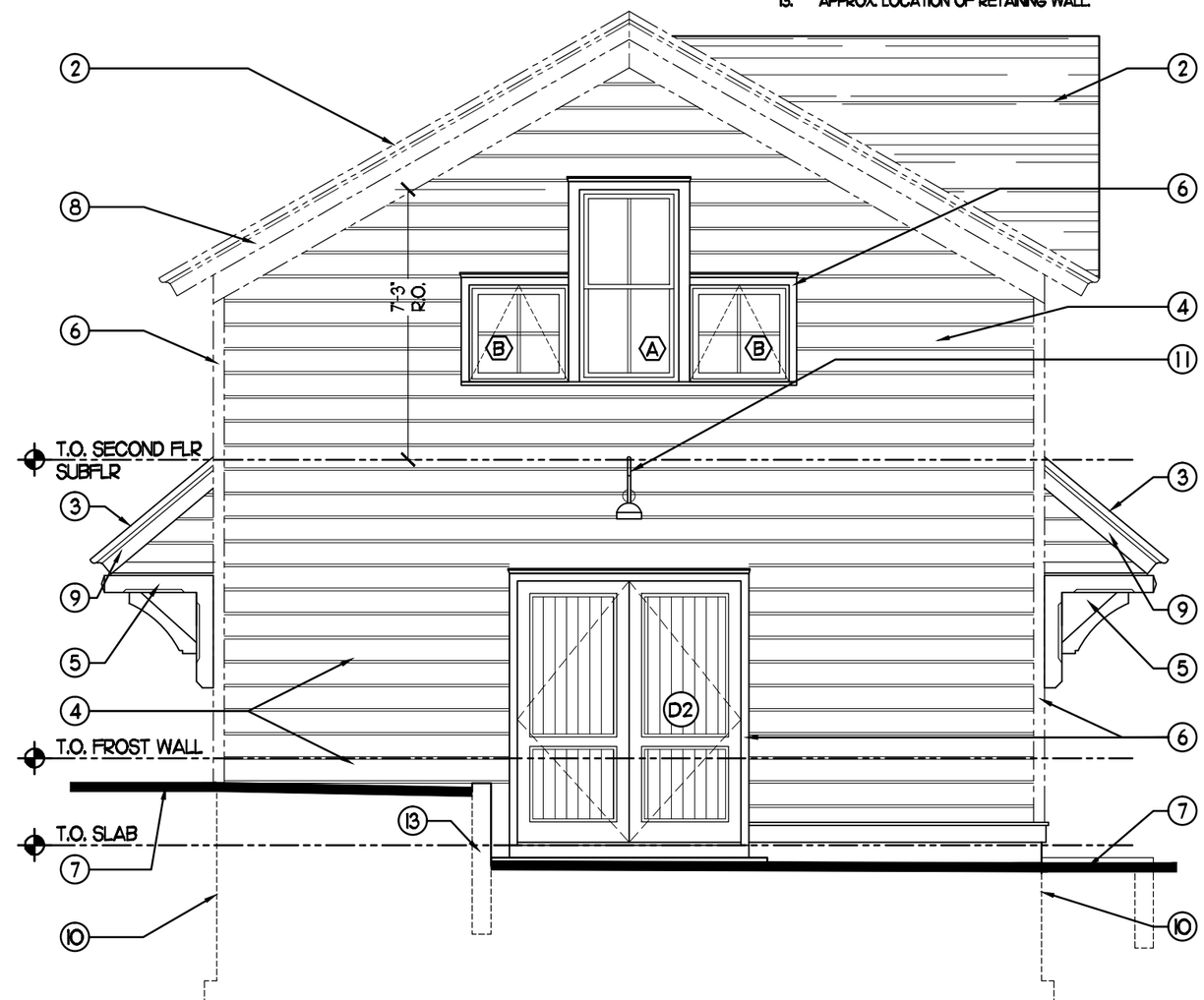
- REMOVE EXIST'G SIDING & INCIDENTALS IN IT'S ENTIRETY.
- REMOVE EXIST'G SLATE SHINGLES & INCIDENTALS IN IT'S ENTIRETY.

EXTERIOR ELEVATION NOTES:

1. REMOVE & REPLACE EXIST'G WINDOW WITH TRIM PANEL - SIMULATE THE LOOK OF THE EXIST'G WINDOW / GRILL PATTERN.
2. ARCHITECTURAL GRADE FIBERGLASS SHINGLES ON BUILDING FELT OVER ICE & WATER MEMBRANE. (COLOR BY HOMEOWNER). ROOF IS A "COLD ROOF" THEREFORE NOT REQUIRED TO BE VENTED.
3. 24 GAUGE - 1 1/2" MECHANICALLY SEAMED 16" WIDTH - STANDING SEAM MTL. ROOF OVER BUILDING FELT ON ICE & WATER MEMBRANE THROUGHOUT- COLOR T.B.D.
4. REMOVE EXIST'G SIDING AND REPLACE "IN-KIND" (CHANNEL RUSTIC LAP SIDING W/ 8" EXPOSURE). COLOR - VERIFY W/ OWNER - BEFORE ORDER PLACEMENT.).
5. TIMBER BRACKET DOUGLAS FIR OR CEDAR - COLOR OR CLEAR STAIN FINISH (T.B.D.) SEE ENLARGED DETAILS FOR SIZES & PROFILES 2 / A-6.
6. MAINTAIN / RE-USE EXIST'G TRIM - IF NEW MATCH EXIST'G.
7. FINISH GRADE T.B. DETERMINED IN FIELD BY G.C. W/ OWNER'S APPROVAL, SHALL MEET DESIGN INTENT AND CODES FOR EXITS, DISTANCE TO BTM. SIDING / TRIM AND SLOPES OF 6" DOWN OVER 10' (1-20 PITCH).
8. G.C. TO INSPECT EXIST'G FASCIA / RAKE TRIM - REPAIR / PAINT AS NECESSARY.
9. NEW RAKE TRIM TO MATCH EXIST'G.
10. DASHED LINE REPRESENTS APPROX. FOUNDATION / FTGS. LOCATIONS AND DEPTH. BTM OF FTGS SHALL BE 48" BELO' GRADE, FINAL GRADE ELEVATIONS TO BE DETERMINED / COORDINATED BY G.C. AND APPROVED BY HOMEOWNER.
11. "GOOSENECK" LIGHTING FIXTURES, G.C. SHALL COORDINATE AS REQ'D ALL POWER & SWITCHING AS NECESSARY.
12. APPROX. LOCATION OF BATHROOM VENT.
13. APPROX. LOCATION OF RETAINING WALL.



1 A-7 EAST EXTERIOR ELEVATION
SCALE 1/4" = 1'-0"



2 A-7 WEST EXTERIOR ELEVATION
SCALE 1/4" = 1'-0"

SD ATELIER
ARCHITECTURE
L.L.C.
511 Broadway, Second Floor.
Saratoga Springs, NY. 12866
[redacted]
www.sdatelier.com
info@sdatelier.com

CARRIAGE HOUSE RENOVATIONS FOR:
JEAN PIERRE PERRON
35 GREENFIELD AVE.
SARATOGA SPRINGS NY, 12866

EAST & WEST EXTERIOR ELEVATION & NOTES

BLDG DEPT. DRAWING SET

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SCALE: AS NOTED
REVISIONS: 6-23-16

DATE:
AUG 24, 2016

A-7

PROJECT NUMBER - 2015-25

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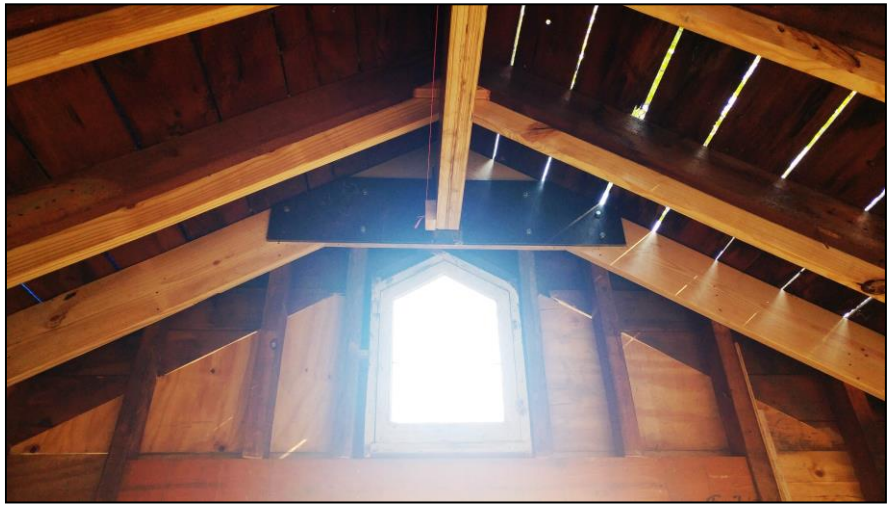


Ridge Beam Support Plate (to save existing gable window)

Ridge Beam support plate & new roof rafters sistered existing rafters to straighten / strengthen existing roof system.

Floor system/ beam to straighten and strengthen existing structure.

South-eastern Exterior Elevation–Facing Wood Lawn Avenue.

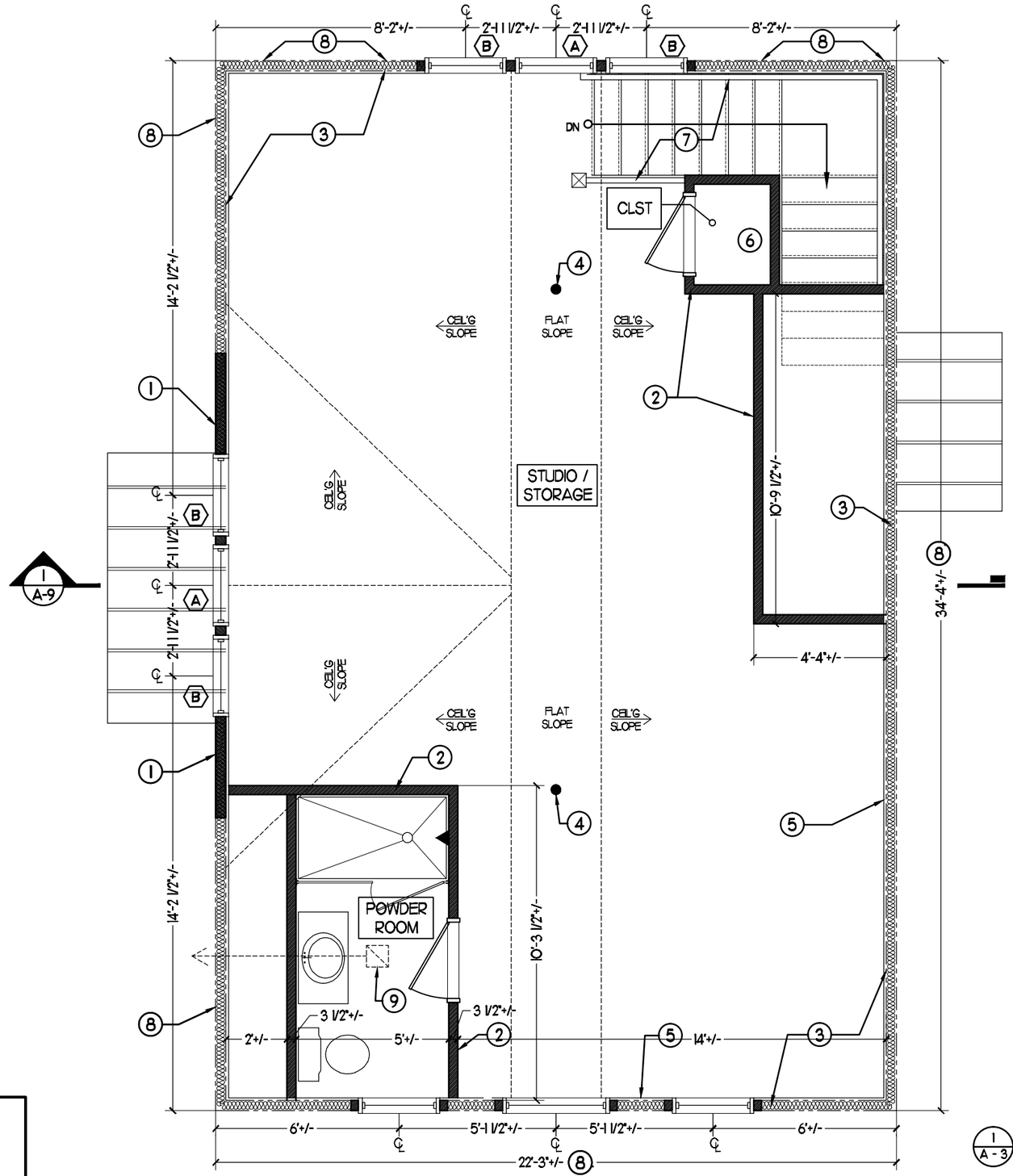
Back North-western Exterior Elevation–Facing Wood Lawn Avenue.

Front – Eastern Exterior Elevation–
Facing Wood Lawn Avenue.

Existing South Elevation – Sagging Roof, Bowing Walls, Siding running into grade

Existing East (Front) Elevation

Bowing Wall / Siding and trim running into grade.



1 A-9

1 A-3 SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

GENERAL NOTES:

- REMOVE ALL EXIST'G CONDITIONS IN THEIR ENTIRETY AS REQUIRED BY THE NEW WORK AND DESIGN INTENT.

LEGEND

- INDICATES EXISTING CONSTRUCTION
- INDICATES NEW CONSTRUCTION (NO INSULATION)
- INDICATES AREAS W/ NEW INSULATION

SECOND FLOOR PLAN NOTES:

1. 2 X 4 WD STUD WALL @ 24" O.C. INT. FACE SHALL RECEIVE 1/2" GYP BD. WALL FINISH - TAPED, PRIMED, & PAINTED. EXT. FACE SHALL RECEIVE 1/2" ZP SHEATHING PRIOR TO SIDING FINISH. INSURE BOTH FACES ALIGN W. EXIST'G.
2. 2 X 4 WD STUD WALL @ 24" O.C. BOTH FACES SHALL RECEIVE 1/2" GYP BD. WALL FINISH - TAPED, PRIMED, & PAINTED.
3. INSULATE EXIST'G WALL AROUND STAIRWELL W/ R-15 BATTS INSULATION.
4. POST / COLUMN - COORDINATE W/ FRAMING PLANS.
5. REMOVE ALL EXIST'G INTERIOR WALL FINISHES & PROVIDE NEW 1/2" GYP. BD. TO WALLS & CEILING FACES - TAPED, PRIMED & PAINTED.
6. PROVIDE CLOSET W/ REQ'D. BLOCKING FOR SHELVING AND / OR ROD.
7. HANDRAIL SHALL BE ANCHORED AT 36" OFF MIDDLE OF RISER. GRIP SIZE SHALL COMPLY TO: A CIRCULAR CROSS SECTION WITH AN OUTSIDE DIA. OF 1 1/4" BUT NOT GREATER THAN 2". IF NOT CIRCULAR IT SHALL HAVE A PERIMETER DIM. OF AT LEAST 4" BUT NOT GREATER THAN 6 1/4". (PROVIDE ALL NECESSARY BLOCKING)
8. REMOVE EXIST'G SIDING IN ITS ENTIRETY - INSPECT / DETERMINE CONDITION OF EXIST'G SHEATHING. IF NECESSARY REPLACE W/ 1/2" ZP SHEATHING. SIDING SHALL BE REPLACED "IN-KIND" TO EXIST'G. (CHANNEL RUSTIC LAP SIDING W/ 8" EXPOSURE).
9. CEIL'G MOUNTED EXHAUST FAN - VENT THRU WALL UNDER SOFFIT.

SD ATELIER
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CARRIAGE HOUSE RENOVATIONS FOR:
JEAN PIERRE PERRON
35 GREENFIELD AVE.
SARATOGA SPRINGS NY, 12866

SECOND FLOOR PLAN & NOTES

BLDG DEPT. DRAWING SET

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SCALE: AS NOTED
REVISIONS: 10-04-16

DATE:
AUG 24, 2016

A-3

PROJECT NUMBER - 2015-25

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SD ATELIER
ARCHITECTURE L.L.C.
511 BROADWAY, 2ND FLOOR, SARATOGA SPRINGS, N.Y. 12866
[redacted]
SDATELIER.COM

October 21, 2016

City of Saratoga Springs
474 Broadway
Saratoga Springs, NY
12866

Re: 35 Greenfield Ave

Attn: Zoning Board Members

I am writing to explain the situation at 35 Greenfield Avenue regarding the Carriage House. Currently, we are scheduled to appear in front of the Board at the November 7th meeting.

Since our approval last May, the carriage house has been successfully re-located and placed on a new foundation. – The structure has been stabilized and re-engineered to insure it complies with code both structurally and for adequate moisture protection. The existing building had no sheathing, extensive sagging in the roof and siding that was deteriorating and warped due to moisture.
The building permit was issued in June with the second floor as a finished space, however it was brought to our attention last month that a Zoning Variance is required for a finished second floor. Hence we are requesting a Variance to allow the second floor to be finished. The use of this space is intended as a temporary dwelling for the Owner until the present house is in a livable state. Currently, the main house is partially demolished and has no heat.

At this juncture, it is critical to keep things moving forward. National Grid has a moratorium in mid-November for street connections and it is essential that we have utility infrastructure in place to keep the project on track.

We would like to request that the decision be rendered the night of the meeting, if at all possible.

Please let us know if there are any questions or concerns.

Thank you.

Respectfully,

Susan L Davis – Principal Architect
SD Atelier Architecture, LLC

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Weibel Ave Apt, LLC	Weibel Ave Apt, LLC	Adirondack Sign Co
Address	18 Division Street Saratoga Springs, NY 12866	18 Division Street Saratoga Springs, NY 12866	72 Ballston Ave Saratoga Springs, NY 12866
Phone	[redacted]	[redacted]	[redacted]
Email			

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

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

PROPERTY INFORMATION

1. Property Address/Location: 60 Weibel Ave Tax Parcel No.: 166.2 - 3 - _____
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 6-24-2011 3. Zoning District when purchased: T-4

4. Present use of property: Comm/residential 5. Current Zoning District: T-4

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

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

8. Brief description of proposed action:
Change existing entrance signs to directory tenant panels addition on both South and North entrances. Currently @ 24 sq ft per code. Adding tenant panels to South entrance would add 28 sq ft and North entrance would add 12 sq ft. (As shown)

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

_____

_____

_____

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

A use variance is requested to permit the following: _____

_____

_____

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

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

   _____

   _____

   _____

   _____

   _____

   _____

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

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

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

Date	Improvement	Cost
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

   5) Annual income generated from property: $_____

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

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

   Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) Freestanding 6.1.5.3 T-4

Dimensional Requirements	From	To
North Entrance- allowance is 24 sq ft (expand to additional 12 sq)	24 sq ft	36 sq ft
South Entrance- Allowance 24 sq ft (expand to additional 28 sq)	24 sq ft	52 sq 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.

   Option explored was to reduce overall size and reduce tenant panels- readability became a major concern with the speed limit @ 40 MPH on Weibel Ave. Chances of becoming a hazard when people could actually read the signage and trying to turn into the complex was a major concern.

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

   Granting the variance would not produce any undesirable changes in the character of the neighborhood due to its location which faces the City of Saratoga Springs recycle center.

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

The variance is substantial in size but not relating to the overall size of the development and placement.

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

This variance would not have adverse effects due to its location and would only enhance the district.

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

Yes-self created when the development was built within current zoning.

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

Paul Hamlet
_____ (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: Paul Hamlet _____ Date:_____

Owner Signature: _____ Date:_____

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

_____

_____

_____

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Other:_____

_____

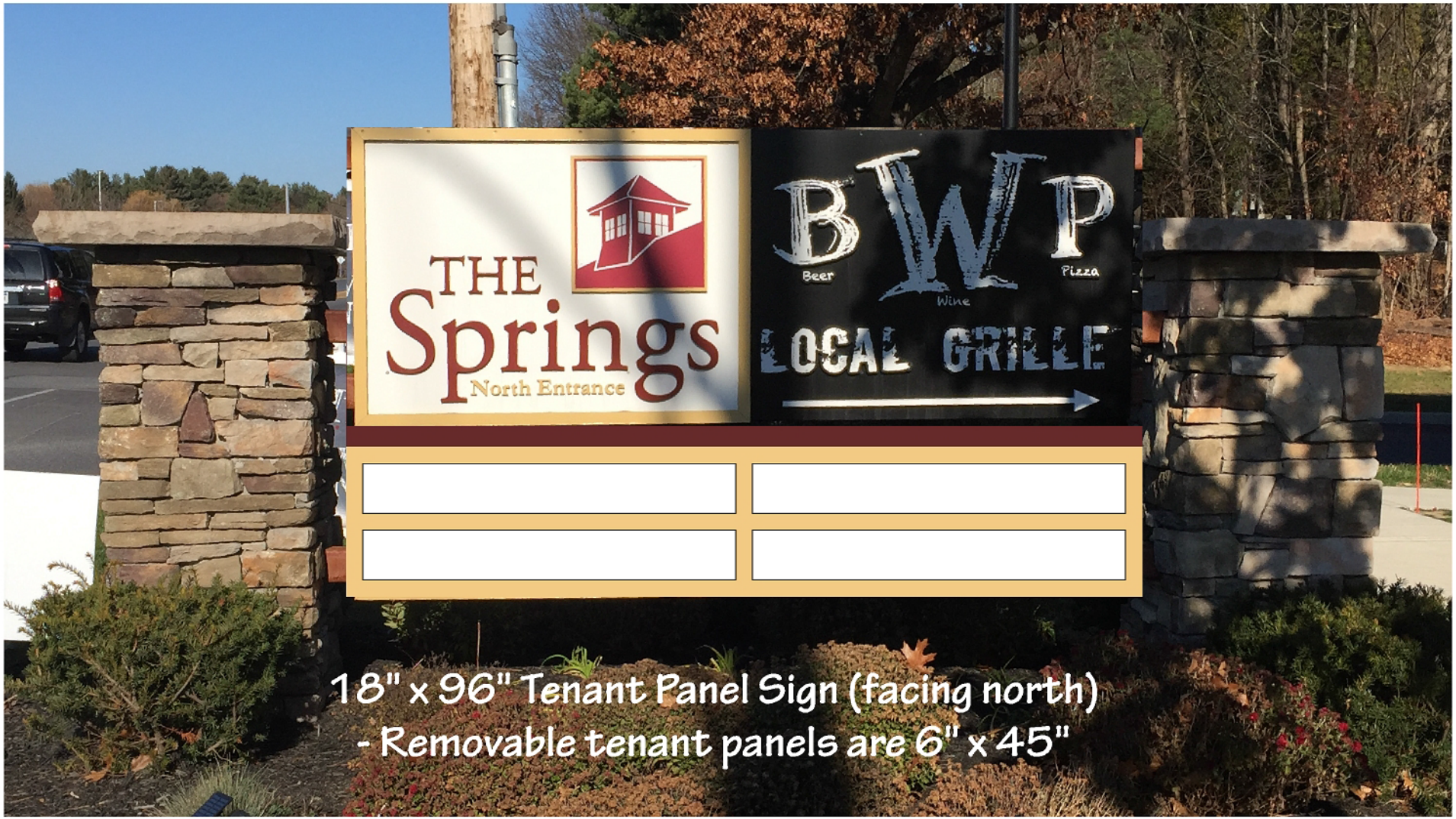
Note:_____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015



18" x 96" Tenant Panel Sign (facing north)
- Removable tenant panels are 6" x 45"

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

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

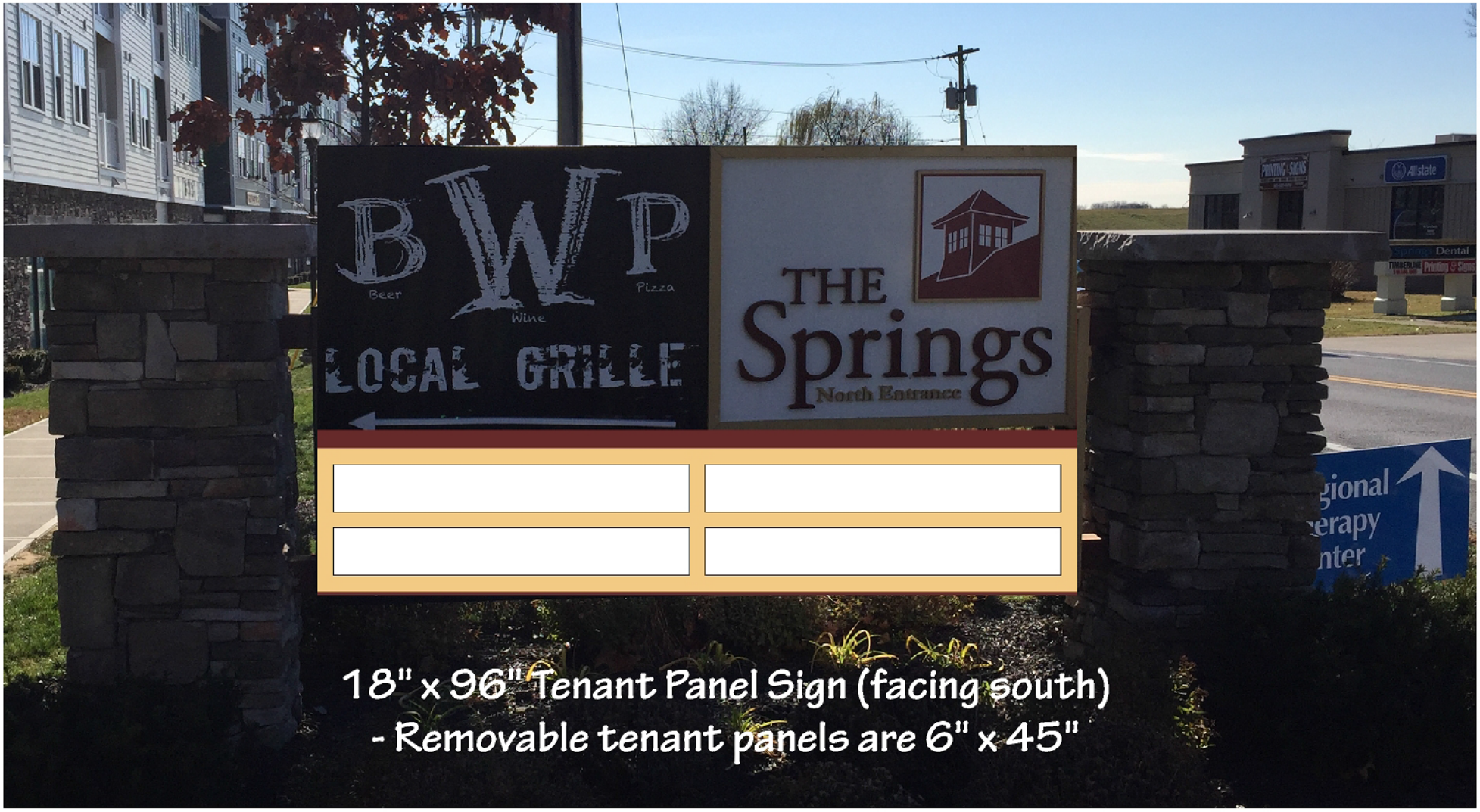
ADIRONDACK SIGN COMPANY
72 Ballston Ave., Saratoga Springs, NY 12866
[redacted]

Customer: Bonacio
Project Name: The Springs - Tenant Panels
Designer: RD
Date: 8/15/16
Revision Date: 9/27/16

Approved As Is: _____
Signature/Date

Approved with Corrections;
no further proof needed: _____

Revisions Required; New proof needed: _____



18" x 96" Tenant Panel Sign (facing south)
- Removable tenant panels are 6" x 45"

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

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Signature/Date

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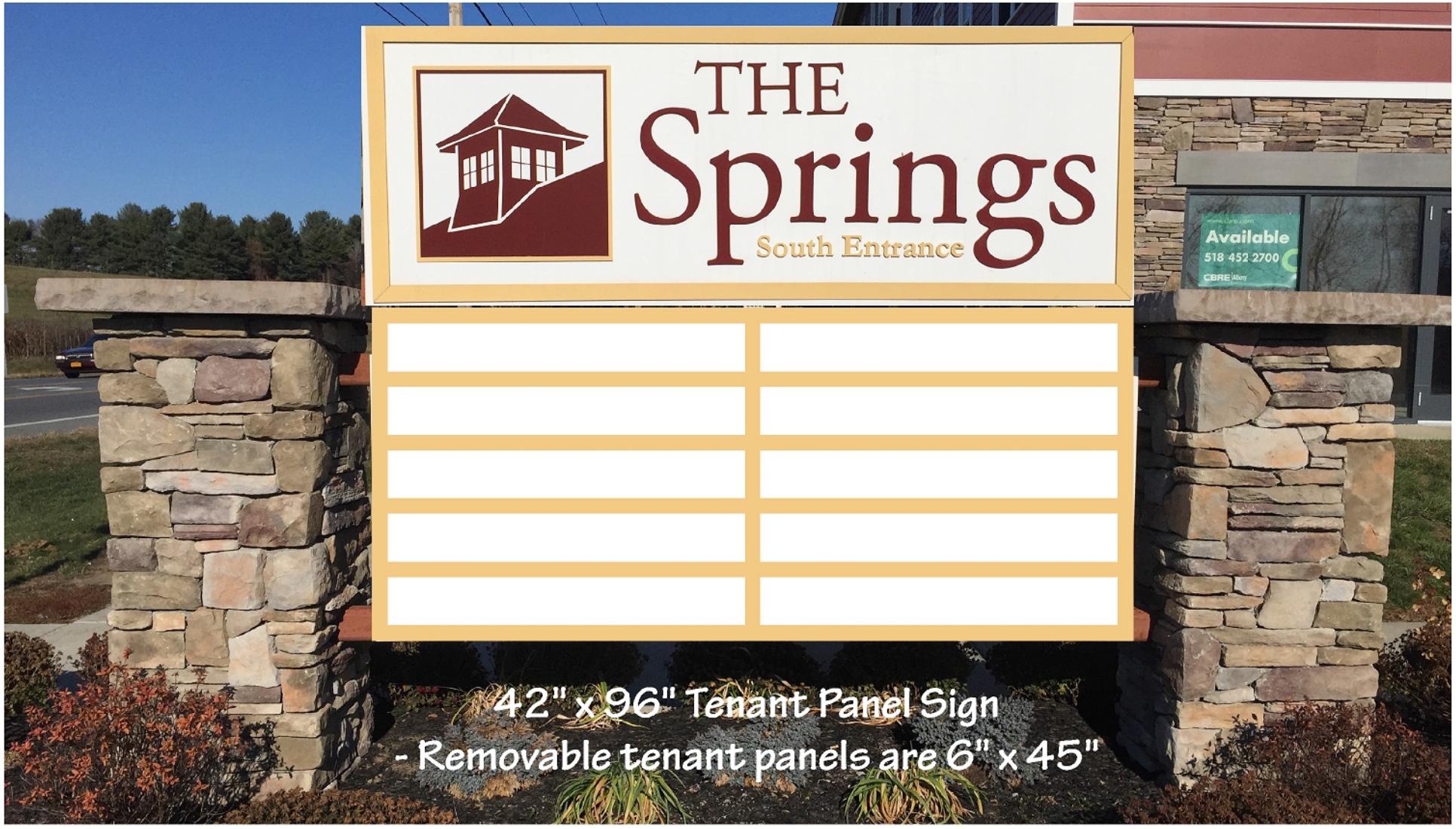
Revisions Required; New proof needed: _____



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

ADIRONDACK SIGN COMPANY
72 Ballston Ave., Saratoga Springs, NY 12866
[redacted]
www.AdkSignCo.com

Customer: Bonacio
Project Name: The Springs - Tenant Panels
Designer: RD
Date: 8/15/16
Revision Date: 9/27/16

Approved As Is: _____
Signature/Date

Approved with Corrections;
no further proof needed: _____

Revisions Required; New proof needed: _____

REVISED

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	CDJT Development, LLC		Michael J. Toohey, Esq.
Address	Pine West Plaza 2, Washington Ave. Ext.		P. O. Box 4367, 160 West Avenue
	Albany, New York 12205		Saratoga Springs, New York 12866
Phone	[redacted] /	/	[redacted]
Email			

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

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

PROPERTY INFORMATION

1. Property Address/Location: 124 Jefferson Street Tax Parcel No.: 178 . 36 - 3 - 21 (*for example: 165.52 – 4 – 37*)
2. Date acquired by current owner: 8/3/10 3. Zoning District when purchased: UR-2
4. Present use of property: 6 Townhouse Complex 5. Current Zoning District: UR-2
6. Has a previous ZBA application/appeal been filed for this property?
   ☑ Yes (when? 3/28/16 For what? Convert project to work force housing)
   ☐ 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:
   This is a full modification to the March 28, 2016 Zoning Application. See attached Narrative.
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:
To permit the 6 townhouse units to be sold without the restriction that they be sold as Senior Housing, conditioned on compliance with the Applicant's Agreement with the Senior Citizens Center (Exhibit "I").

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:
   As described in the Narrative and Exhibit H, with associated details attachments, the Applicant is presently losing significant amounts of money as the Units cannot be sold. Even with the granting of the relief from the ZBA, the loss is anticipated to be $360,000 without serving the purpose for which the additional density of two units was granted. Exhibit G demonstrates the attempts to sell the Units with the Senior Housing designation, not one Unit has been sold.

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

1) Date of purchase: 8/3/10 Purchase amount: $377,000, plus all costs of construction

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

Date	Improvement	Cost
	The ongoing costs are demonstrated in Exhibit H	
	but as of July 2016, the Costs to date and Operating	
	Cost was	$1,854,738.00

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

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

6) City assessed value: $492,000 Equalization rate: 75% Estimated Market Value: $1,800,000

7) Appraised Value: $ Appraiser: Date:

Appraisal Assumptions:

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☑ Yes ☐ No If "yes", for how long? See Exhibit G, summary and detail

1) Original listing date(s): Property has been marketed for 5 years Original listing price: $

If listing price was reduced, describe when and to what extent:
The price per Unit was reduced to $250,000

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

If yes, describe frequency and name of publications:
See Exhibit G for summary and detail

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

If yes, list dates when sign was posted:
There has been a free standing sign on the property for 5 years

4) How many times has the property been shown and with what results?
See Exhibit G with details

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:

The Project, as conceptualized, designed and constructed would not work for "Seniors". The design requires steps to get into the Units and steps within the Units to the second floor. It is not near shopping or public transportation. The Units if they could be sold to a young demographic would work perfectly well. Please go to the site, the Units enhance the Jefferson Street neighbhood in which they exist and when sold, at a true market value, would enhance the City's Tax base.

Also note that the Applicant will abide by its Agreement with the Senior Citizens Center even when the "Senior" restriction is lifted from this Project site.

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:

The Project enhances the character of the neighborhood in which it exists and is completely consistent with the largest land owner in the neighborhood, which is the Saratoga Springs Housing Authority.

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:

The Applicant did not have anything to do with the conceptualization, design or construction of the Project. It merely acted in the roll of the "Bank" in financing its construction only after it was constructed and the owner, Jelenik Construction, LLC, was about to lose the completed Project because it could not pay the underlying debts that were, in part, secured by this Project, was the Applicant forced to step in and become the owner operator of the Project. It had no knowledge, nor could it conceptualize that after 5+ years, none of the Units would sell. Nobody self-creates this kind of a problem and then conceptualizes a way to honor the original intent of the Planning Board approval by funding a program by which senior citizens can remain in their homes of choice for an extended period of time.

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

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

Dimensional Requirements	From	To

Other: _____

_____

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

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

_____

_____

_____

_____

_____

_____

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

_____

_____

_____

_____

_____

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

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

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

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

_____ Date: 10/19/16
(applicant signature)

_____ Date: _____
(applicant signature)

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Narrative to Accompany
Revised Application to the Zoning Board of Appeals

In 2005 David Jelenik, by means of Jelenik Construction Co. LLC, made an Application to the Planning Board of the City of Saratoga Springs to develop 124 Jefferson Street, Saratoga Springs, New York as single family residential townhouse units, with the intent that the units that were approved would be individually sold in a horizontal condominium configuration. Mr. Jelenik wished to construct six (6) units on this parcel and to do so he took advantage of a density bonus representing to the Planning Board that the units would be sold as "senior housing". Based on that representation, the Planning Board, on December 7, 2005, granted a permanent Special Use Permit for up to six senior housing units on this parcel of land. (A copy of the pertinent portion of the Meeting Minutes for the City of Saratoga Springs Planning Board of December 7, 2005 are attached as Exhibit A).

After the approvals were granted and the buildings designed, the Project languished for lack of financing. In approximately 2009 the Applicant's principal, Charles Touhey and Mr. Jelenik were discussing a joint venture to construct workforce housing units on another parcel of land on Jefferson Street. In that conversation Mr. Jelenik informed Mr. Touhey that he had a Senior Housing Project already approved by the City of Saratoga Springs for the Senior Housing units. Mr. Touhey, assuming that Mr. Jelenik knew the Senior Housing market, agreed to finance the Project's construction.

Thereafter the units were constructed three (30 being completed for sale in 2010 with the remaining completed by 2013. Pictures of the units are attached as Exhibits B, C, D and E.

Subsequent to the units' construction, Jelenik Construction Co., LLC became financially insolvent and the Applicant, CDJT Development, LLC, one of the investors in the project, was forced to purchase Jelenik Construction's interest in the Project, subject to the existing debt on the project. A copy of the August 3, 2010 Deed from Jelenik Construction Co., LLC to CDJT Development is attached as Exhibit F. Please note that the Applicant, CDJT Development, LLC, when the Project was conveyed, accepted the property subject to $350,000.00 of existing indebtedness. This was debt beyond the funds already advanced by the Applicant and was done to protect his investment in the Property.

Since it acquired the Project, CDJT Development, LLC has been in regular contact with Bradley Birge, Administrator of Planning and Economic Development for the City of Saratoga Springs, outlining their attempts to sell these Senior Units and informing him of even short term rentals of the Units to tenants who qualified as Seniors under the City of Saratoga Springs guidelines.

As presently constituted, the term "Senior Housing" requires that one resident within the Unit be 55+ years of age. In the approval that was granted by the Planning Board in 2005, no income criterion was applied to the granting of the Special Use Permit.

Since 2010, the Applicant has tried virtually every way conceivable to sell these units with the requirement that at least one owner/residents be 55+ years of age. This requirement would attach to a unit if it was sold, thus requiring that subsequent owners also meet the "Senior

Requirement". To the date of this Application, the Property Owner has been unable to sell any of these units. Attached as Exhibit G is a summary with documentation as to the efforts that have been undertaken to sell any of these units, up to and including placing a sales representative within one of the units so that the units could be shown very easily and rapidly on an almost 7 days of the week basis.

After 6 years of effort, the Applicant does not believe the units will ever sell with the present restriction. The reason for this is the design implemented by Jelenik Construction creating a multi-story unit with multiple sets of stairs and the property's physical location.

When the Planning Board approved the units in 2005, it was anticipated that they would sell in the $325,000 to $350,000 range. (See Exhibit A) In an attempt to interest any buyer, the units were offered for sale as low as $250,000. Even at that deep discount, the Project Owner could not find a purchaser for a unit.

Attached, as Exhibit H, is the financial analysis as to the cost, expenses and income that have arisen from this Project. As it exists now, if we could sell each of the units for $299,000, the Project Owner would lose approximately $181,000. Unfortunately, the units can't be sold with the "Senior Restriction".

The Project Owner is well aware that the number of units on this site was only permitted because the City of Saratoga Springs embraces the idea that there is a communal benefit to supporting housing for seniors. Unfortunately, this Project, in this regard, has not been successful. However, the Project Owner has devised another plan that assists a significant number of seniors with their housing needs, many of whom are in need of both physical and financial support to remain in their homes.

A significant provider of services to the senior population residing within the Saratoga Springs area, is the Senior Citizens Center located at 5 Williams Street, Saratoga Springs, New York. That organization has developed a program called "Community Connections", the mission of which is to help seniors age in place, in their residence of choice and maintain an independent lifestyle by matching volunteers in the community with seniors in need to assist seniors with transportation, respite help, check-ins, chores, shopping, light household work, which by age or infirmity, the seniors may not be capable of undertaking on their own behalf.

This program, in its fledgling state, between April 1, 2015 and January 20, 2016, served 113 seniors and trained 45 community volunteers who supported this important segment of our community with over 1026 hours of service.

This program allows seniors to remain in their homes for an extended period of time as opposed to being forced into an assisted care residential model before they would choose to do so.

The Applicant believes that this Program does significantly more for senior housing than six vacant units on Jefferson Street.

As a result, the Applicant and the Saratoga Springs Senior Citizens Center have entered into an Agreement, a copy of which is attached as Exhibit I, whereby, if the "Senior" requirement is lifted from the Site Plan Approval for the 6 units at 124 Jefferson Street, the Property Owner will pay ten percent (10%) of the Gross Sale Price of each unit that is sold, but in no case less than Twenty Thousand and 00/100 ($20,000.00) Dollars per unit to the Senior Citizens Center to be allocated to the Community Connections program. The Gross Sales Price and payment of the stipulated amount will be monitored by the Planning Department of the City of Saratoga Springs. Under the Agreement the Senior Citizens Center will be allowed to place a lien against the six units to assure that the payment is made at the time of the transfer of title of any of the units.

Assuming that the average Gross Sale Price for the six (6) units is $299,000, then that would mean a contribution of $179,400 to the Community Connections program. It would also mean a loss on this Project to the Property Owner of $360,400.

This is certainly an unusual request and the concern from the Zoning Board's point of view might be "Are we setting a precedent?". If the ZBA is setting a precedent, it is one in which an applicant has to fully construct a multi-unit project, show evidence of a failure to sell even one unit with the restriction that is placed on its use, for a 5+ year period, document a loss of approximately $180,000 and then agree to give a minimum of $120,000 (6 units x $20,000) to a well-established charity in support of the concept for which the original density bonus was granted. If that is a precedent, I don't think it will be followed by a developer. What we are asking you to do is sponsor a mechanism that achieves a societal goal supported by the community, Senior Housing, in a unique, but successful way.

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

CDJT Development, LLC, Pine West Plaza #2, Washington Avenue Extension, Albany, New York

Name of Action or Project:

124 Jefferson Street Townhomes

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

124 Jefferson Street, Saratoga Springs, New York 12866

Brief Description of Proposed Action:

We are seeking an Amendment/Modification to the Special Use Permit that was granted to Jelenik Construction Co., LLC on December 7, 2005. The 6 Townhomes that were approved have been constructed. There will be no physical modification to the site. Please read the Narrative attached to the Application closely as we are proposing a solution to an existing land use problem that is unique.

Name of Applicant or Sponsor:	Telephone: [redacted]
CDJT Development, LLC	E-Mail: [redacted]

Address:

Pine West Plaza #2, Washington Avenue Extension

City/PO:	State:	Zip Code:
Albany	NY	12205

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

3.a. Total acreage of the site of the proposed action? .43 acres

b. Total acreage to be physically disturbed? 0 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .43 acres

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

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

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

☐ Parkland

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

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

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

Applicant/sponsor name: CDJT Development, LLC Date: 10/ /2016

Signature:

PRINT FORM

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

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

Applicant/sponsor name: CDJT Development, LLC Date: 10/ 19 /2016

Signature:

PRINT FORM

Index to Exhibits

Exhibit

A: Planning Board Minutes: December 7, 2005 and Site Plan

B – E: Pictures of Site

F: Deed from Jelenik Construction Co., LLC to CDJT Development, LLC

G: Detailed documentation as to the attempts to sell the Senior Units

H: Detailed Financial Document

I: Copy of the executed Agreement between CDJT Development, LLC and the Senior Citizens Center

EXHIBIT A

said that she has serious concerns about the senior citizen use and this will need to be addressed in the future.

PUBLIC HEARING: Nancy Ohlin opened the public hearing. There being no one who wished to speak, Nancy Ohlin closed the public hearing.

TECHNICAL ISSUES: Nancy Ohlin said that an application fee of $600 has been paid. The recreation fee of $800 is due at time the mylar is signed (1 new lots X $800/lot). Proof of mailing to adjacent property owners has been submitted. Proof of payment of legal ad has been submitted. Final amount of cost estimate for letter of credit (if required) to be reviewed by Office of the City Engineer and approved by the Chair. No preliminary figure has been submitted. Copy of water service agreement signed by DPW has NOT been provided. Provide copy of NYSAPLS certification. Identify corner set.

DEPARTMENT COMMENTS ON ORIGINAL SUBMITTAL: Nancy Ohlin noted the following comments from the City Departments: DPS comments: Fire Department: "No concerns with subdivision". Police Department: "None". Traffic Maintenance: "None". Code Administration: "None". DPW comments: "No concerns or comments." Office of the City Engineer: "1997 Boundary and top survey – 8 years old."

DEPARTMENT COMMENTS ON NOVEMBER 9, 2005 SUBMITTAL: DPS comments: Fire Department: No comments received. Police Department: No comments received. Traffic Maintenance: No comments received. Code Administration: No comments received. DPW comments: No comments received. Office of the City Engineer: "No issues with minor subdivision – EAF/Application also references a site plan. Is this for both actions? Site plan concerns – sanitary sewer, bridge over wetlands."

DEPARTMENT COMMENTS ON NOVEMBER 22, 2005 SUBMITTAL: DPS comments: Fire Department: "See recent comments." Police Department: "No comments at this time." Traffic Maintenance: "None." Code Administration: "No comments at this time." DPW comments: "No concerns or comments." Office of the City Engineer: "See comments in EAF."

SARATOGA COUNTY PLANNING BOARD REFERRAL: "Approve" with comments: "This agency's approval is limited solely to the subdivision of the property into two lots as shown." This decision replaces a prior decision by the County Planning Board.

DECISION: Bob Israel moved and Bill McTygue seconded the motion to initiate a SEQR coordinated review based on the revised development scenario presented by the applicant. The Board also agreed to request that they be lead agency. The Board further noted that the coordinated review letter would not go out until the applicant submitted a revised Part I SEQR form. Ayes all, motion carried 5-0.

Mark Schachner left the meeting.

✧ **05.070 JELENIK SENIOR HOUSING,** 124 Jefferson Street

This was an application for a special use permit for 6 units of senior housing in an Urban Residential-2 District. The applicant was Jelenik Construction Co., LLC (David Jelenik).

Appearing before the Board was Dave Jelenik, applicant, and Clark Wilkinson, engineer.

INTENT: To build 6 units of senior housing (60 years of age or over). The Zoning Ordinance allows the applicant to apply for a special use permit.

BACKGROUND: It was noted that this project also requires site plan review. On July 27, 2005 the Planning Board approved a two-lot subdivision for this site. This subdivision has not yet been filed.

POLICY ISSUES: Dave Jelenik said that he is proposing six units of senior housing with parking in the rear. He said there would be front access to all the units. The set up would be similar to condominiums and there would be a homeowner's association.

Cliff Van Wagner questioned what these units would sell for. Dave Jelenik said that they would sell between $325,000 and $350,000. Nancy Ohlin noted that these units would only have age requirements, but not income requirements. Geoff Bornemann noted that it was under the threshold of 10 units for the proposed inclusionary zoning ordinance, so none of the units would have to be made available for affordable income households. Cliff Van Wagner questioned who would be responsible for enforcing the age requirement of 60 years or older. Geoff Bornemann said that the zoning enforcement officer would be responsible. Bill McTygue said that he did not think it could be enforceable. Clark Wilkinson said that they could add deed restrictions. Bill McTygue said that there is no advantage to calling this senior housing.

Paul Male said that there are some issues with the site plan. Geoff Bornemann said that this is only an application for special use permit approval. If the special use permit is granted, the next step is site plan review. He noted that there is no established drainage system in this area of the City. This lack of infrastructure has generally held back the development of this area. Geoff Bornemann said that the drainage would have to be handled on site and that this solution is generally expensive. Dave Jelenik said that he felt he would be able to accommodate an on-site drainage system that met City standards. Bill McTygue said that drainage is a big concern on this property.

Bob Israel asked what would happen if the site plan could not accommodate six units after the special use permit was approved. Nancy Ohlin said that the Planning Board could reduce the number of units. Bill McTygue said that he felt this use would conform to the rest of the neighborhood.

Dave Jelenik said that the existing building on the site was not salvageable. He did demographic homework, which showed that there was a need for senior housing. Bill McTygue asked if there was any potential for affordable units on this site. Dave Jelenik said that there was not on this site, but there is potential with the other project he is proposing on this street. This project has the maximum amount of density possible and affordable housing could not work on this site.

Bob Israel noted that this project is across from Jefferson Terrace. He said that single family homes on this lot would not work well because of the proximity to Jefferson Terrace.

SEQR: Bob Israel moved and Cliff Van Wagner seconded the motion to issue a negative declaration of environmental significance because the analysis of the information provided and presented in Part II of the environmental assessment form demonstrates that the project will not result in any large and important impacts and, therefore is one that will not have a significant impact on the environment. Ayes 4, Nay 1 (Lew Benton), motion carried 4-1.

PUBLIC HEARING: Nancy Ohlin opened the public hearing. She noted letters from the Jefferson Street Neighborhood Association dated December 3, 2005 and December 6, 2005; and a letter from Judith and Michael Hylan, 50 Lincoln Avenue, dated December 6, 2005.

Bob Duncan, 125 Madison Street, said that this project seemed like a positive addition to the neighborhood. The community needs it and people would enjoy having it.

There being no one else who wished to speak, Nancy Ohlin closed the public hearing.

TECHNICAL ISSUES: Nancy Ohlin said that an application fee of $1,000 has been paid. Proof of mailing to adjacent property owners has not been submitted. Proof of payment of legal ad has not been submitted. The Board noted that these proofs must be submitted. Special use permit is to be a permanent one.

DEPARTMENT COMMENTS: Nancy Ohlin noted the following comments from the City departments: DPS comments: Fire Department: "Response time is approximately 4-6 minutes. Project must comply with FCNYS Chapter 5 Section 501-508 if applicable." Police Department: "None." Traffic Maintenance: "None." Code Administration: "None." DPW comments: "No concerns or comments." Office of the City Engineer: "Private drive? Adequate storm sewer, sanitary sewer & water?"

DECISION: Bob Israel moved and Bill McTygue seconded the motion for a permanent special use permit for up to six senior housing units and that the development of the site shall be in general conformance with the sketch plan submitted. Ayes 4, Nay 1 (Lew Benton), motion carried 4-1.

✧ **05.071 JELENIK SENIOR HOUSING,** 41 Jefferson Street

This was an application for a special use permit for 18 units of senior housing in an Urban Residential-2 District. The applicant was Jelenik Construction Co., LLC (David Jelenik).

Nancy Ohlin noted that the applicant has requested a continuation of the application and the public hearing to the January 11, 2006 meeting. The Board agreed to continue the public hearing to the January 11, 2006 meeting.

✧ **05.027 GOOSEHILL OF SARATOGA PROPERTY,** 460 Crescent Avenue

This was a request for preliminary approval of a 50-lot subdivision in a Rural Residential-1 District. The applicant is Goosehill of Saratoga, Bill Tessitore.

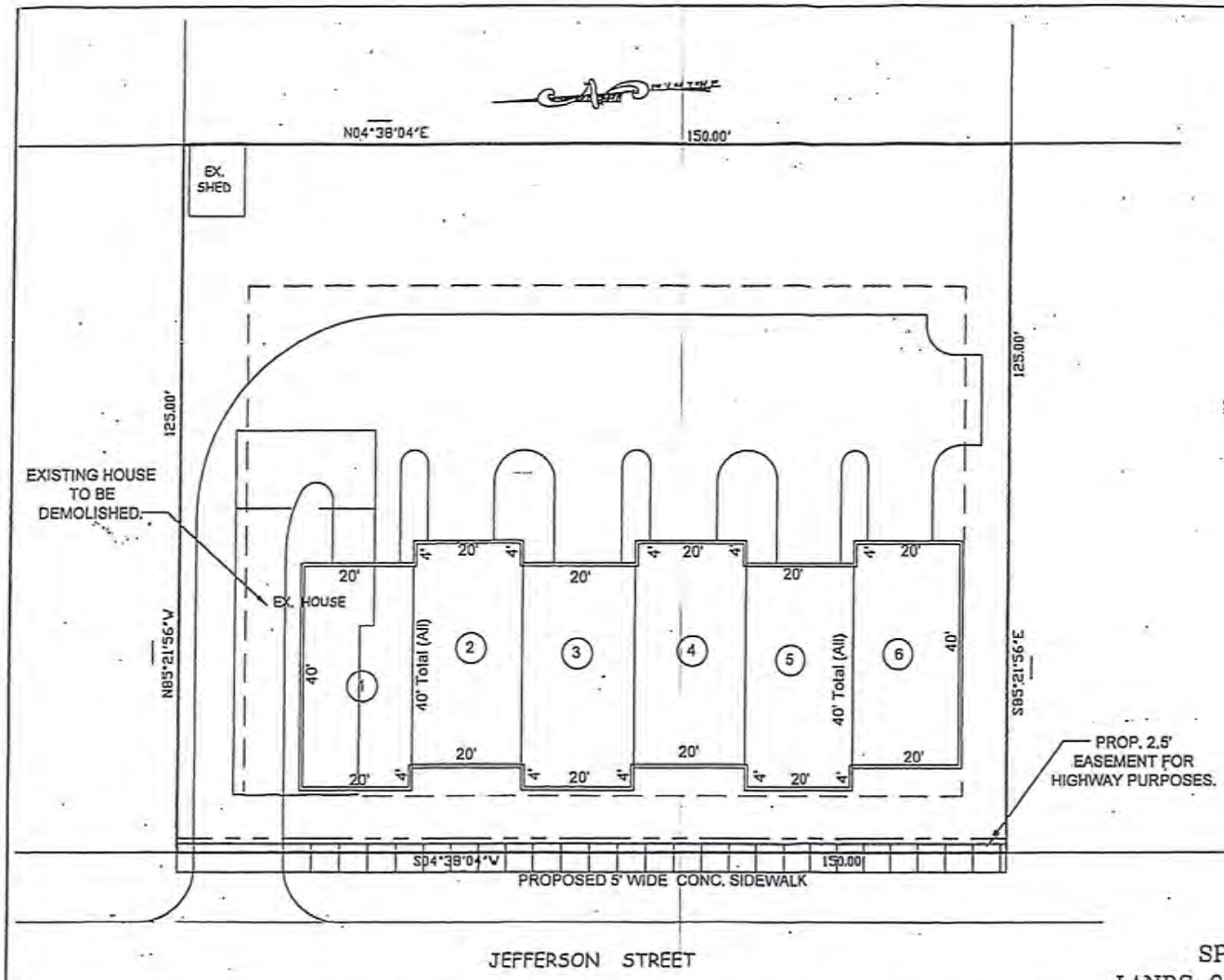
DISCLOSURES: Matt Dorsey, City Attorney, has filed the Board's Potential Conflict of Interest Statement. The City Attorney has stated he will recuse himself from any involvement in this project. The applicant has filed a disclosure statement that their attorney is related to the City Attorney. The applicant has filed a disclosure that the County Supervisor and member of the West Avenue Special Assessment District, Phil Klein, is one of the owners of one of the existing properties.

The application was continued from the April 27, 2005 meeting. New materials were submitted on May 25, 2005.

Nancy Ohlin noted that the applicant has requested a continuation of the application and the public hearing to the January 11, 2006 meeting. The Board agreed to continue the public hearing to the January 11, 2006 meeting.

✧ **05.073 FRUSTINO PROPERTY,** 3-9 Ward Street

This was an application for a 3-lot subdivision in an Urban Residential-2 and Institutional Horse Track Related District. The applicant was George Frustino.



PROPERTY INFORMATION:

EXISTING:
- AREA = 18,750 S.F. OR 0.43 AC.
- ZONING: UR-2
- REQUIRED SETBACKS:
  - FRONT = 10'
  - SIDE = 8' MIN. 20' TOTAL
  - REAR = 25'
- MAX. BLDG COVERAGE = 30%
- MINIMUM LOT TO BE PERMEABLE = 25%

PROPOSED:
- USE = SENIOR HOUSING
- NUMBER OF UNITS = 6 (BONUS FOR AFFORDABLE)
- BUILDING COVERAGE = 26%
- PERMEABLE AREA = 45%

MIN. 1 PARKING SPACE PROVIDED WITHIN EACH UNIT.

SURVEY REFERENCE:

1.) PROPERTY SURVEY INFORMATION AS PREPARED BY PAUL F. TOMMELL L.S., P.C., ON A MAP ENTITLED "SURVEY OF LANDS OF JELENIK CONSTRUCTION COMPANY, LLC" DATED MARCH 21, 2005, AS MAP NO. 05-019.02.

RECORD OF WORK:

1). CONCEPT PLAN FOR SPECIAL USE PERMIT APPLICATION, OCTOBER 26, 2005.

2). REVISED PER CITY COMMENTS FOR SPECIAL USE SUBMITTAL, OCTOBER 28, 2005.

SPECIAL USE PERMIT REQUEST
LANDS OF JELENIK CONSTRUCTION CO., LLC
124-126 JEFFERSON STREET

CLARK R. WILKINSON, P.E. NYS P.E. LIC. NO. 080299	PARAGON ENGINEERING, P.L.L.C. P.O. BOX 4139 QUEENSBURY, NY 12804 (518) 745-1018	SCALE: 1" = 20' CITY OF SARATOGA SPRINGS SARATOGA COUNTY, NEW YORK OCTOBER 26, 2005 PROJ. NO. 05-026.01

1 of 1

EXHIBIT B-E

STOP

EXHIBIT F

SARATOGA COUNTY – STATE OF NEW YORK
KATHLEEN A. MARCHIONE, COUNTY CLERK
40 MCMASTER STREET, BALLSTON SPA, NY 12020

COUNTY CLERK'S RECORDING PAGE
*****THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH*****

RECEIPT NO. : 2010211650061

Clerk: GCM
Instr #: 2010028730
Rec Date: 09/08/2010 10:13:00 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 4

Party1: JELENIK CONSTRUCTION CO LLC
Party2: CDJT DEVELOPMENT LLC
Town: SARATOGA SPRINGS

Recording:

Pages	15.00
Cover Sheet Fee	5.00
Recording Fee	20.00
Names	0.00
TP 584	5.00
RP 5217 - County	9.00
RP 5217 - State - All Oth	241.00
Education Fee	20.00
Sub Total:	315.00
Transfer Tax	
Transfer Tax	0.00
Sub Total:	0.00
Total:	315.00

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

***** Transfer Tax *****

Transfer Tax# : 566

Consideration: 350000.00
Transfer Tax: 0.00

Record and Return To:

MANCINI AND HAYKO PC
2050 WESTERN AVE
SUITE 200 EAST
GUILDERLAND NY 12084

2010211660061

2010028730
09/08/2010 10:13:00 AM
4 Pages RECORDED
DEED

Kathleen A Marchione Saratoga Co Clerk

RECORD + RETURN TO
MANCINI AND HAYKO, P.C.
2050 WESTERN AVENUE
SUITE 200 EAST
GUILDERLAND, NY 12084

This Indenture made this 3RD day of AUGUST, 2010, between

JELENIK CONSTRUCTION CO., LLC., a New York Limited Liability Company, with offices at 68 Washington Street, Saratoga Springs, New York 12866, party of the first part, and

CDJT DEVELOPMENT, LLC a New York Limited Liability Company, with offices in C/O: Touhey Associates, Pine West Plaza, Building 2, Washington Avenue Ext., Albany New York 12205, party of the second part,

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

> **ALL THAT CERTAIN LOT OF LAND** situate in the City of Saratoga Springs, County of Saratoga and State of New York, known as Lots Nos. 295, 296 and 308 on a map of lands of A. A. Kellogg, E. W. Cole and I. L. Smith made by A. Granney and on filed in the Office of the Clerk of Saratoga County.
>
> **Said premises having a mailing address of 124 Jefferson Street, Saratoga Springs, New York, 12866 (SBL#178.36-3-21)**

This conveyance is made and accepted subject to indebtedness set forth in a certain Note which is secured by a mortgage granted by the Seller to RUSA Home Funding Corp., dated December 22, 2004, and which mortgage was recorded in the Saratoga County Clerk's Office on January 10, 2005, in Liber 3747 of Mortgages at Page 376, in the original amount of **TWO HUNDRED AND SIXTY-FIVE THOUSAND, FIVE HUNDRED and 00/100 ($265,700.00) DOLLARS,** with a current balance in the same amount, together with accrued interest thereon FROM December 22, 2004, in the amount of $84,300.00, or a total of $350,000.00 which said mortgage debt the Grantee hereby assumes and agrees to pay as the purchase price of the above described premises. The Grantee hereby executes and acknowledges this Indenture for the purpose of complying with the provisions of the General Obligations Law, Section 5-705. It is the further intention of the Grantee that it shall accept title subject to the mortgage lien created by the mortgage set forth above and that such mortgage interest shall not merge into the fee interest conveyed hereby or otherwise be extinguished, notwithstanding that Grantee shall acquire title to the mortgage. It is the intent that such mortgage lien remains valid, enforceable and a continuing mortgage lien, separate and existing independently of any interest of the Grantee in the fee interest conveyed hereby.

Subject to any and all, enforceable conditions, restrictions, covenants and easements of record, if any, and subject to any state of facts an accurate survey and inspection of the premises may show.

Being the same premises conveyed by Margaret M. Van Deusen to Jelenik Construction Co., *LLC* by deed dated December 22, 2004 and recorded in the Saratoga County Clerk's Office on January 10, 2005 in Book 1707 of Deeds at Page 108. A corrective deed dated June 1, 2008 was recorded in the Saratoga County Clerk's Office on July 16, 2008 as Instrument No. 2008024923.

This Conveyance is made with the unanimous consent of the members of the limited liability company and in the regular course of business of such limited liability company and does not represent a transfer of all or substantially all of the assets of Jelenik Construction Co., LLC.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

To have and to hold the premises herein granted unto the party of the second part, its successors and/or assigns of the party of the second part forever.

And the party of the first part covenants as follows:

First, That the party of the second part shall quietly enjoy the said premises;

Second, That the party of the first part will forever Warrant the title to said premises.

Third, the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the part of the first part has duly executed this deed the day and year first above written.

JELENIK CONSTRUCTION CO., LLC.

By: _____
David A. Jelenik, Member/Manager

CDJT DEVELOPMENT, LLC.

By: _____
Member

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

On the 3rd day August in the year 2010, before me, the undersigned, personally appeared **DAVID A. JELENIK**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

Notary Public

ANTHONY R. IANNIELLO
Notary Public, State of New York
No. 7029745
Qualified in Saratoga County
Commission Expires July 31, 2014

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

On the 3RD day August in the year 2010, before me, the undersigned, personally appeared CHARLES TOOHEY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

Notary Public

ANTHONY R. IANNIELLO
Notary Public, State of New York
No. 7029745
Qualified in Saratoga County
Commission Expires July 31, 2014

Record & Return:

EXHIBIT G

124 Jefferson Street

Marketing Efforts

2010	Completed Phase One Construction and began direct marketing
2011	Engaged Hunt Realty Listing at $325,000 (see Attachment 1) - Furnished Model Home - Offered 1st Floor Bedroom Option
2012	Engaged Roohan Realty. Lowered Price to $294,000 then $250,000 (See Attachment 2)
2013-Present	Hired Resident On Site Sales Person as MLS efforts had failed to yield Seniors, but not buyers 30-40 years of age (see Attachment 3)
	Engaged third realtor, Pro Realty and have been in MLS continuously
	Advertised and visited Senior Citizen Centers in area
	Direct advertising in "55+ Living" publication
Attachment 1	Hunt Realty Reports
Attachment 2	Roohan Realty Reports
Attachment 3	Pro Realty and On Site Sales Person Reports

ATTACHMENT 1

HUNT REALTY

Other Marketing

Open House-Sundays 1-3, total of 20 attended

3 Brokers Opens, total of 29 agents attended

Virtual Tour

200 Marketing Flyers to area neighborhoods

$10,000 buyer concession

$10,000 price reduction

$3,000 agent incentive

On-site flyers

Total # of showings on this property for the above period- 8

This material has been compiled by Elizabeth Todd, Associate Broker, Roohan Realty for the Condominiums known as "Jefferson Flats" at 124 Jefferson St.

Marketing Record for 124 Jefferson Street – HUNT REAL ESTATE

7/22/11-12/14/11

Print Advertising

Saratogian-Sat. Weekly Saturday Ad

Simply Saratoga Magazine

Spirit Magazine

Hearthstone Magazine

Saratoga Today

On-Line Advertising

Realtor.com

Zillow.com- Unit #1, 12,709 tour visits thru 12/3/11

Trulia.com

124 Jefferson.com- 128 tour visits thru 12/11/11

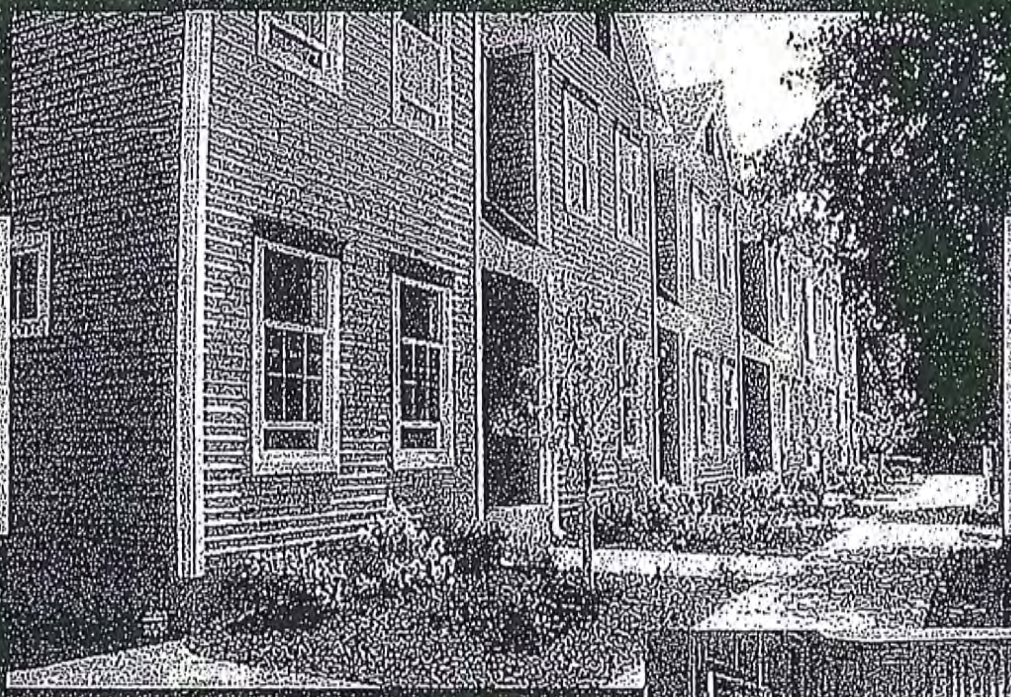
Multiple listing service

list hub.net

Huntrealestate.com

124 Jefferson St.

Saratoga Springs



Jefferson Flats Condominiums

New Construction~ Welcome to Jefferson Flats~ A 60+ Luxury Saratoga Community in an Intimate Setting, Walking distance to Broadway & Historic Saratoga Race Course." Downsize to Upscale Sophistication & Style"
Amenities include: 2 Bedroom, 2.5 Baths, Wood Floors, Gourmet Kitchen, Gran/ Solid Surface Counters,Ceramic Tile, Master and Guest Suites, Walk in Closet, Crown Molding, Central Air, Paddle Fans, Stainless Steel Appliances, Andersen Windows, Landscaping, Patio, Porch, Garden and More!!!

Sponser: CDJT Development, LLC~ Attorney General Reg. # CP100042

Elizabeth Todd
[redacted]

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OPEN HOUSE
Guest List

Welcome to Jefferson Flats

Please Include Comments

Printed Name & Signature	Address	Phone	E-Mail Address
FRED SONGHYLLO	[redacted] CLUBHOUSE DR SARATOGA SPR	[redacted]	[redacted]
Zita Ryan	Weichert NE Group		
Jessica Bailey	[redacted] Quaker Rd 12804		
Ray Henderson	Weichert		
Sara Marchand	Weichert		
Christine Marchesiello	Weichert		
Christa Borden	Weichert		
Charlie Goodridge	Prudential Manor Homes		
JoAnn White	"		
Vicki Aldrich	Weichert		
Michelle Przedwiecki	[redacted] High Rock SS - KWSS		
Linda Perry	Hunt Real Estate		
Chris Burton	Roohan Realty		
Palma Redrick	Roohan Realty		
Shannon McCarthy	REALTY USA		
Darlene Chorman	Roohan Realty		
Christina Papadopoulos	Roohan		

By providing your name, signature, and phone number, you are consenting to receive phone calls from our brokerage regarding our services.

Subject: fw: Tour Viewing Statistics for 124 unit #1 Jefferson Street

From: Elizabeth Todd [redacted]

To: [redacted]

Date: Wednesday, December 21, 2011 3:16 PM

Elizabeth Todd
Associate Broker
HUNT Real Estate, ERA
71 Railroad Place, Saratoga Springs, NY 12866
[redacted]

From: "TogaTours.com" [redacted]
Sent: Sunday, December 11, 2011 7:17 AM
To: [redacted]
Subject: Tour Viewing Statistics for 124 unit #1 Jefferson Street

Thank you for using Toga Tours, as in any business a recommendation from a colleague is the best compliment you can give. If interested i can help you with a single property website for each listing. Qr Codes are the newest marketing system for linking your self, or virtual tour, property or website. The codes here are to the virtual tour with all your contact information contained...don't forget to utilize this advertizing method for smartphone users in signs, riders, or print brochures. Tours are visible on iPhone, iPad and Macs because they are not "Flash Based". and do not expire.

If you wish to stop receiving these automated stats emails, click here

If you are having trouble viewing this email, click here

Statistics for 124 unit #1 Jefferson Street

Summary Information

- Total number of unique tour views: 128
  A "Unique View" is a view of a tour in a short period of time. If someone views the tour many times in a few hours, it only counts once. If they view it once a day for 7 days, it counts 7 times.
- Total number of unique tour visitors: 115
  A "Unique Visitor" is a tour viewer that can be uniquely identified (a particular browser on a particular computer). NOTE: If your tour was published prior to 7/28/2008, this number will be smaller than expected since we only started tracking unique visitors on that date.
- Average number of images viewed per visitor: 30.62
  The average number of images viewed by visitors. The higher this number, the more visitors are interested in the tour.
- New vs. Returning Visitors: 89.84% new, 10.16% returning
  The percentage of visitors that are seeing the tour for the first time, versus returning to look at it again. The higher the percentage of returning visitors, the more people you have that come back often to look at the tour.

Subject: fw: Listing Report for 124 Unit # 1

From: Elizabeth Todd [redacted]

To: [redacted]

Date: Wednesday, December 21, 2011 3:15 PM

Elizabeth Todd
Associate Broker
HUNT Real Estate, ERA
71 Railroad Place, Saratoga Springs, NY 12866
[redacted]

From: "Zillow" <no-reply@email.zillow.com>
Sent: Sunday, December 11, 2011 4:08 AM
To: [redacted]
Subject: Listing Report for 124 Unit # 1

Zillow Homes Mortgage Professionals Advice Mobile

Listing Report

Listing Report for [redacted] for 12/11/2011 on the Yahoo!-Zillow Real Estate Network

124 Unit # 1, Saratoga Springs, NY 12866
For Sale: $329,900
2 beds | 2 baths | 1,400 sqft
MLS #: 201124249
Add home description

Performance Metrics

	7 days	30 days	Total
Home Details Page Views	5	12	185
Search Result Views	581	2,497	12,779

Edit listing Edit Open House Share listing: Facebook Twitter

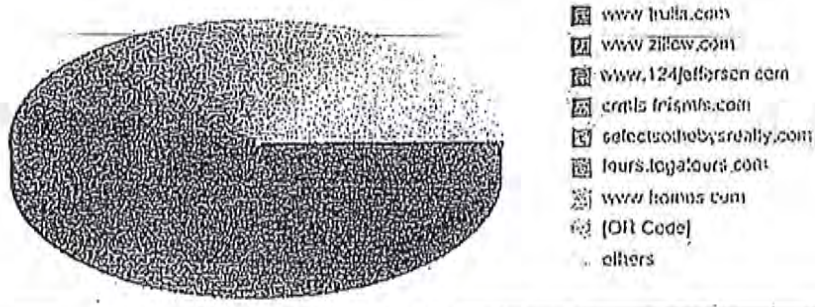
Zillow Mobile Apps

Get instant answers about homes and mortgages as you go on Zillow's popular mobile apps. See data and info on all

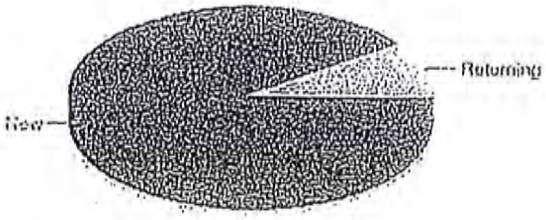
Week Of	# Unique Views
2011-12-05 - 2011-12-11 (this week)	2
2011-11-28 - 2011-12-04	5
2011-11-21 - 2011-11-27	2
2011-11-14 - 2011-11-20	7
2011-11-07 - 2011-11-13	7
2011-10-31 - 2011-11-06	7
2011-10-24 - 2011-10-30	11
2011-10-17 - 2011-10-23	34

Referring Sites

Shows the top 30 web pages that link to your tour, along with how many visitors each one sent to your tour.

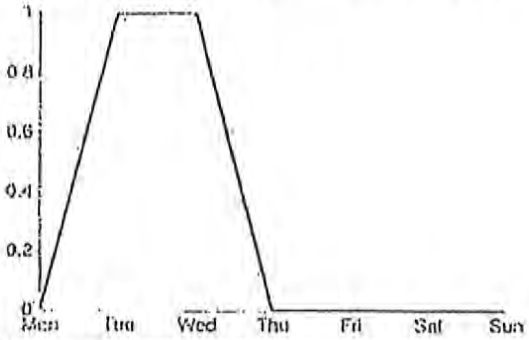


Site	# Referrals
www.trulia.com (details)	11
www.zillow.com (details)	11
www.124jefferson.com (details)	8
crmls.fnismls.com (details)	4
selectsothebysrealty.com (details)	3
tours.togatours.com (details)	3



Last 7 Days

Shows the total views of the tour for each of the last 7 days.



Date	# Unique Views
2011-12-11	0
2011-12-10	0
2011-12-09	0
2011-12-08	0
2011-12-07	1
2011-12-06	1
2011-12-05	0

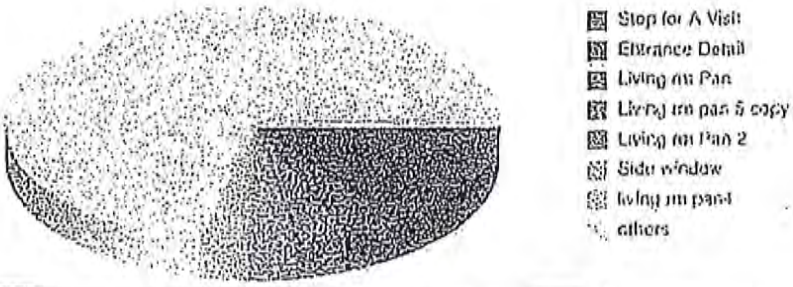
Last 8 Weeks

Shows the total views of the tour for each of the last 8 weeks.

www.homes.com (details)	3
[QR Code] (details)	2
mail.huntrealestate.com (details)	2
www.realtyusa.com (details)	2
124jefferson.com (details)	1
listings.listhub.net (details)	1
realtyusa.com (details)	1
www.124Jefferson.com (details)	1
www.weichert.com (details)	1

Image Popularity Report

Shows the number of views per image since the tour was published. It gives you an idea of which images visitors are most interested in.



Media		Type	# Views
	Stop for A Visit	Photo	97
	Entrance Detail	Photo	84
	Living rm Pan	Pano	69
		Photo	67

ATTACHMENT 2

ROOHAN REALTY

Marketing Record 124 Jefferson Street - ROOHAN REALTY

1/13/12- ~~Present~~ 7/13/2012

On-Line Advertising

Realtor.com

Saratoga.com

Roohan Realty.com

Homes.com

Harmonhomes.com

Zillow.com

Trulia.com

serving Saratoga.com

Multiple Listing Service- Unit#1 75 agent hits, 58 client hits-past 11 days

124jefferson.com-39 tour visits, Dec. 11-~~Present~~ 7/13/2012

Detailed Report

Presented By:

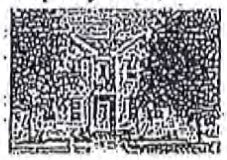
Elizabeth Todd /Roohan Realty

[redacted]

ROOHAN REALTY

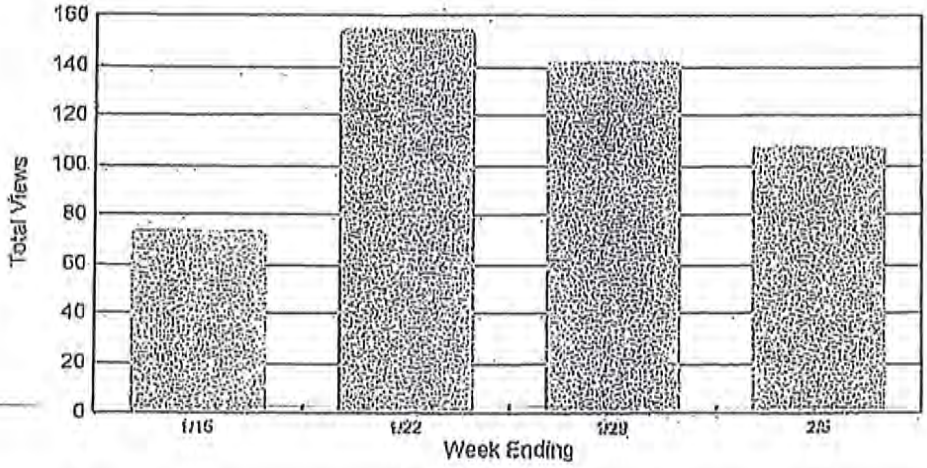
[redacted]

Property Info:



MLS#: 201200805
Listing Price: $327,900
Listing Features:
Address: 124 unit #1 JEFFERSON ST Saratoga Springs, NY

Total Property Views for: 124 unit #1 JEFFERSON ST Saratoga Springs, NY



Weekly Totals

Week Ending	Property Views	Virtual Tours	Featured Homes	Totals
02/05/2012	108	N/A	N/A	108
01/29/2012	142	N/A	N/A	142
01/22/2012	155	N/A	N/A	155
01/15/2012	74	N/A	N/A	74

Monthly Totals

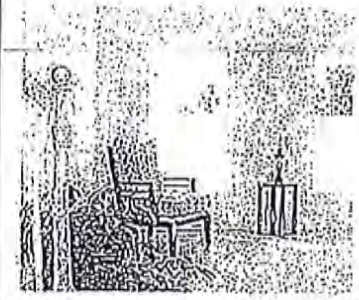
Month	Property Views
Feb 2012	72
Jan 2012	407
Total:	479

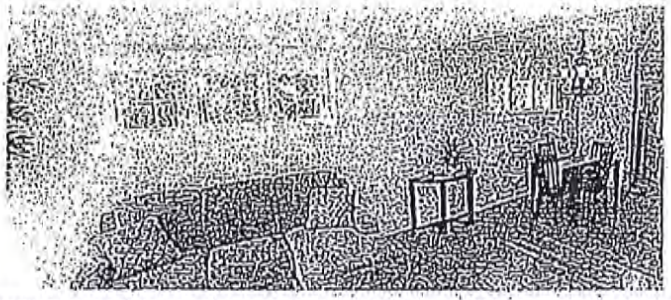
Property Views: Number of times a listing is viewed on REALTOR.com®.
Virtual Tours: Number of times a REALTOR.com® visitor clicks to view the listing's Virtual Tour from either the Search Results Page or the Listing Detail Page.
Featured Homes: Number of times a listing appears in one of the eight Featured Homes positions plus the number of times a REALTOR.com® visitor clicks to view the listing when visible in one of the eight Featured Homes positions.

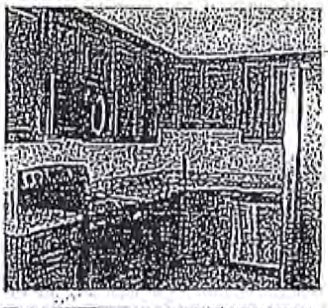
Saratoga Six

CONDOMINIUMS

2 Bedrooms • 2 ½ Baths • From $294,900







FEATURES

For more information contact

Elizabeth Todd

[redacted]

Roohan Realty

RoohanRealty.com

CDJI Development, LLC Attorney General Registration #100042

ROOTHAN REALTY

124 Jefferson Street Marketing Strategies for 55+

New Color Brochures

Advertising in Local Senior Publications

Continued On-Line Marketing

Advertise in Specialty Saratoga Magazines; Saratoga Today, Simply Saratoga, Spirit, Hearthstone and Realtors Guide

Open Houses

Price Adjustment

124 Jefferson Street Stipulation Change Suggestions

Application to Zoning Board of Appeals for Variance

Employ the help of a local attorney familiar with Zoning Board procedures. Possibly Mike Toohey?

Write a letter to Mayor Johnson thanking him for his time and consideration.

Tour Viewing Statistics for 124 unit #1 Jefferson Street
Sat 1/21/2012 2:21 PM

From: TogaTours.com
To: [redacted]

Thank you for using Toga Tours, as in any business a recommendation from a colleague is the best compliment you can give. If interested i can help you with a single property website for each listing. Qr Codes are the newest marketing system for linking your self, or virtual tour, property or website. The codes here are to the virtual tour with all your contact information contained...don't forget to utilize this advertizing method for smartphone users in signs, riders, or print brochures. Tours are visible on iPhone, iPad and Macs because they are not "Flash Based". and do not expire.

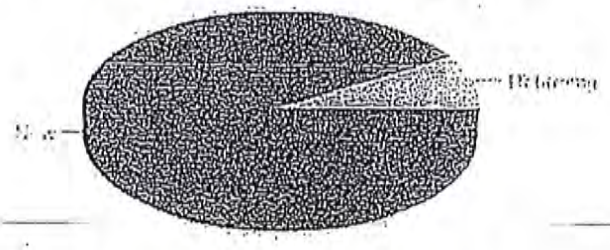
If you wish to stop receiving these automated stats emails, click here

If you are having trouble viewing this email, click here

Statistics for 124 unit #1 Jefferson Street

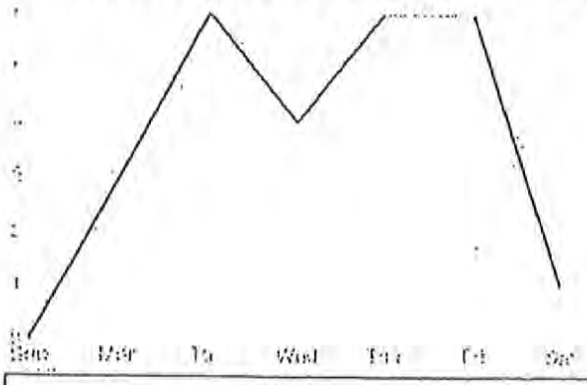
Summary Information

- Total number of unique tour views: 167
  A "Unique View" is a view of a tour in a short period of time. If someone views the tour many times in a few hours, it only counts once. If they view it once a day for 7 days, it counts 7 times.
- Total number of unique tour visitors: 152
  A "Unique Visitor" is a tour viewer that can be uniquely identified (a particular browser on a particular computer). NOTE: If your tour was published prior to 7/28/2008, this number will be smaller than expected since we only started tracking unique visitors on that date.
- Average number of images viewed per visitor: 30.97
  The average number of images viewed by visitors. The higher this number, the more visitors are interested in the tour.
- New vs. Returning Visitors: 91.02% new, 8.98% returning
  The percentage of visitors that are seeing the tour for the first time, versus returning to look at it again. The higher the percentage of returning visitors, the more people you have that come back often to look at the tour.



Last 7 Days

Shows the total views of the tour for each of the last 7 days.

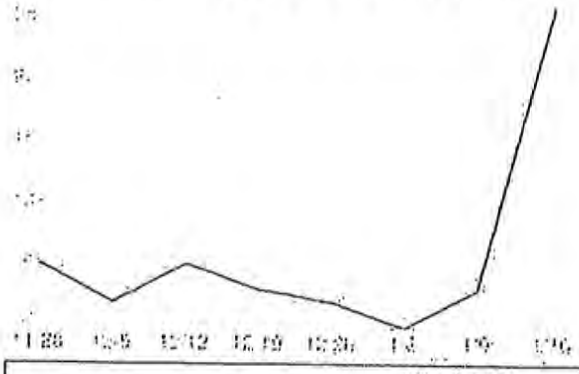


Date	# Unique Views
2012-01-21	1
2012-01-20	6
2012-01-19	6
2012-01-18	4
2012-01-17	6

2012-01-16	3
2012-01-15	0

Last 8 Weeks

Shows the total views of the tour for each of the last 8 weeks.



Week Of	# Unique Views
2012-01-16 - 2012-01-22 (this week)	26
2012-01-09 - 2012-01-15	3
2012-01-02 - 2012-01-08	0
2011-12-26 - 2012-01-01	2
2011-12-19 - 2011-12-25	3
2011-12-12 - 2011-12-18	5
2011-12-05 - 2011-12-11	2
2011-11-28 - 2011-12-04	5

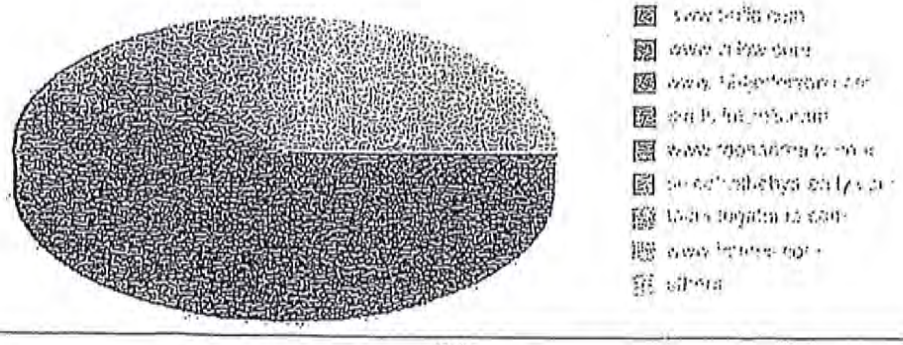
var fetchedIds = {}; function toggleDetails(domain, id) { var el = $(id); if (el.visible()) { el.hide(); return; } if (fetchedIds[id]) { el.show(); } else {el.update('

Loading...

').show(); new Ajax.Request('/public/stats/referrerDomainDetails/39768/' + domain, { method: 'get', onSuccess: function(transport) { fetchedIds[id] = true; el.update(transport.responseText); } }); } };

Referring Sites

Shows the top 30 web pages that link to your tour, along with how many visitors each one sent to your tour.

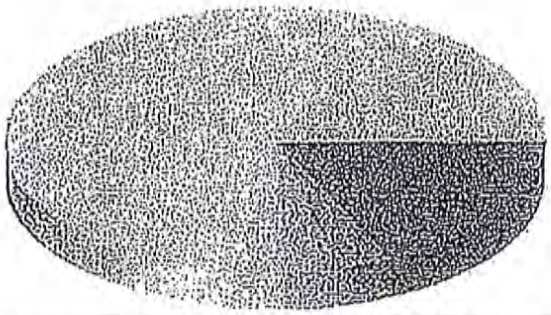


Site	# Referrals
www.trulia.com (details)	13
www.zillow.com (details)	11
www.124jefferson.com (details)	8
crmls.fnismls.com (details)	7
www.roohanrealty.com (details)	5
selectsothebysrealty.com (details)	3
tours.logatours.com (details)	3

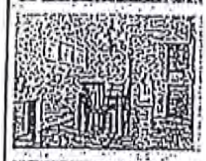
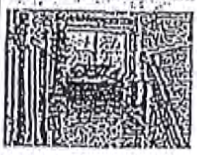
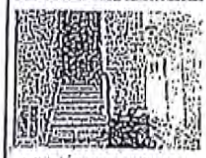
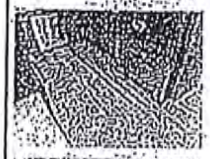
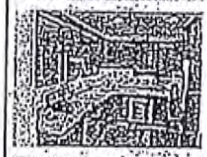
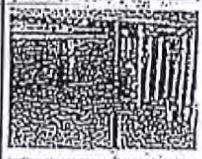
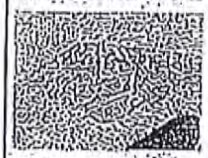
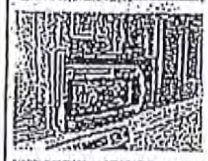
www.homes.com (details)	3
[QR Code] (details)	2
mail.huntrealestate.com (details)	2
roohanrealty.com (details)	2
www.realtyusa.com (details)	2
www.weichert.com (details)	2
124jefferson.com (details)	1
listings.listhub.net (details)	1
realtyusa.com (details)	1
www.124.jefferson.com (details)	1
www.coldwellbankerprime.com (details)	1
www.servingsaratoga.com (details)	1

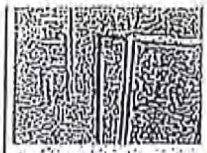
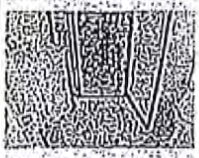
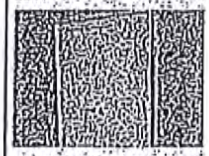
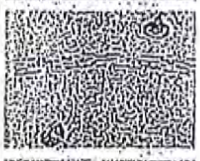
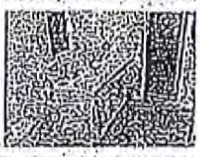
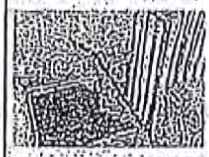
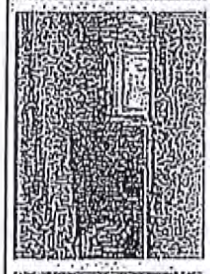
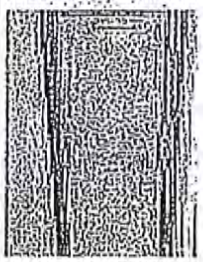
Image Popularity Report

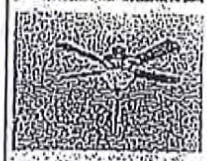
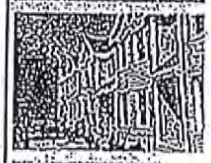
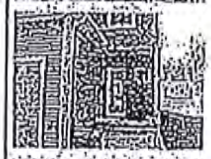
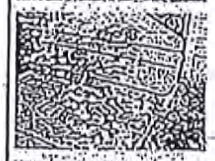
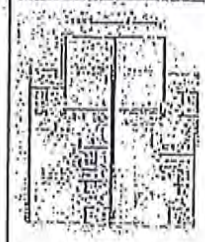
Shows the number of views per image since the tour was published. It gives you an idea of which images visitors are most interested in.



Media	Type	# Views
Stop for A Visit	Photo	126
Entrance Detail	Photo	103
Living rm Pan	Pano	86
Living rm pan 5 copy	Photo	84
Living rm Pan 2	Pano	75
Side window	Photo	72

	living rm pano	Pano	69
	Kitchen/Eating Area	Photo	67
	Sitting Room	Photo	65
	Stairway	Photo	64
	Living Room	Pano	63
	Wood Floors	Photo	62
	Kitchen	Photo	60
	Stair Detail	Photo	60
	Basement	Photo	59
	Perfect for a book!	Photo	59
	Granite Counters	Photo	58
	Stainless Appliances	Photo	57
	Rich Cabinets	Photo	56

 Tile Shower	Photo	56
Front bedroom pan	Pano	54
 Ceramic Floor	Photo	53
 Paneled doors	Photo	53
Master Bath	Photo	52
 Glass Tile Detail	Photo	51
 Separate Shower	Photo	50
 Staircase	Photo	49
 Half bath main floor	Photo	49
 Upstairs Laundry	Photo	48
	Photo	46

	Nice Fixtures		
	Over 55 Project	Photo	45
	Master Ceiling Fan	Photo	44
	Street View	Photo	42
	Street view	Photo	42
	Back Door	Photo	42
	All Weather Steps	Photo	36
	Back View	Pano	35
	Garage	Photo	32
	first floor 124 jefferson floor plan	Photo	1
	second floor 124 jefferson	Photo	1

CAPITAL REGION MULTIPLE LISTING SERVICE, INC.

THIS IS A LEGALLY-BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, WE RECOMMEND CONSULTING AN ATTORNEY BEFORE SIGNING.

EXCLUSIVE RIGHT TO SELL LISTING AGREEMENT

Property Address 124 Jefferson St units 1-6, Saratoga Springs, NY 12866 (Property)

Owner/Seller: CDJT Development, LLC residing at Pine West Plaza,

Bldg #2, Washington Ave. Ext., Albany, NY 12205

1. **Grant of Exclusive Right to Sell**
In consideration of Roohan Realty (hereinafter referred to as BROKER) submitting the above-described Property to the Capital Region Multiple Listing Service (hereinafter referred to as CRMLS) under its Multiple Listing Rules and Regulations and in further consideration of said BROKER undertaking to find a purchaser for said Property, the undersigned OWNER (the word OWNER refers to each and all parties who have an ownership interest in the Property) hereby grants to said BROKER, the sole and exclusive right to sell the Property for $ 329,900.00, from JAN. 12, 2012, until and including JULY 12, 2012. The OWNER hereby authorizes the BROKER to submit this listing to the CRMLS and make an offer of cooperation to all participants in the CRMLS and any other agent authorized under the law to receive a commission and with whom the listing BROKER deems it appropriate to cooperate in the OWNER's best interest.

2. **Local, State and Federal Fair Housing Laws**
It is agreed that this Property is listed in full compliance with local, state and federal fair housing laws against discrimination on the basis of race, color, religion, sex, national origin, handicap, age, marital status, children, sexual orientation, military status or other characteristic protected by law.

3. **Subsequent Offers (Offers Received After A Contract Has Been Accepted)**
Upon the OWNER's acceptance of a purchase offer that does not stipulate the Property is to remain on the market the BROKER shall convey any subsequent offers to the OWNER, with the understanding that the OWNER should consult an attorney regarding any subsequent offers because a binding contract for the Property may already exist and brokerage commission claims may be involved.

4. **CRMLS Not Agent**
The OWNER understands and agrees that CRMLS is not the OWNER's agent and that none of the terms of this agreement shall make it the OWNER's agent.

5. **Purchaser's Mortgage (If Applicable)**
The OWNER agrees to accept a purchase offer contingent for a reasonable period of time, on the Purchaser's ability to finance the purchase price by any of the prevailing methods of mortgage financing.

6. **Disclosure of Terms of Purchase**
Terms of purchase will be disclosed upon closing to the members of CRMLS. The OWNER may further agree that upon acceptance of a purchase offer the terms of the purchase may be disclosed to the members of the CRMLS (OWNER'sinitials: _____ I agree; or _____ (I do not agree.)

7. **Presentation of Purchase Offer**
The OWNER authorizes the listing (listing/selling) BROKER to submit all purchase offers to the OWNER. Furthermore, CRMLS rules provide that the cooperating broker may be present when an offer they obtain is submitted to the OWNER unless the OWNER states their request that the cooperating broker not be present in a separate letter to be maintained on file by the BROKER which may be given to any cooperating broker obtaining a purchase offer.

8. **OWNER's Authorizations and Obligations**
OWNER grants to BROKER full discretion to determine the appropriate marketing approach for the Property. BROKER will undertake to provide a ready, willing and able purchaser and to do so will engage in marketing activity which may include advertising, showing of listed premises and/or the conduct of open houses.

OWNER consents that said Property may be shown at any reasonable hour, and agrees to refer any and all inquiries concerning said Property to BROKER. OWNER understands that providing BROKER with a key and/or use of a lock box to the Property does not in any way make BROKER, other members of CRMLS, CRMLS or the Shareholders of CRMLS custodian of said Property or responsible thereof. OWNER understands and hereby authorizes the following in order to facilitate the sale of said Property:

* the use of a lock box and OWNER accepts responsibility for any damages arising from the use of the lockbox;
* the photographing of the Property and the use of said photographs in promoting its sale;
* the placement of Property information on the Internet for marketing purposes;
* the placement of a "For Sale" sign on the Property.

Broker may use the listing information and sale or lease price and terms upon closing for Brokers Market Evaluation, Networking and Appraisal purposes, and for disclosing to other persons as Broker may deem desirable, including disclosing the information in computer online Property networks and websites. The authorization by Owner to publish this listing also includes the right of the Broker to advertise the Listing Content in any medium or media including electronic formats and including but not limited to the Internet.

Use of Listing Content; Intellectual Property License. Unless Owner delivers to BROKER a written certification, in a form acceptable to BROKER, that OWNER does not desire the listing content to be disseminated by a multiple listing service, OWNER acknowledges and agrees that all photographs, images, graphics, video recordings, virtual tours, drawings, written descriptions, remarks, narratives, pricing information, and other copyrightable elements relating to the Property provided by OWNER to BROKER or BROKER's agent ("OWNER Listing Content"), or otherwise obtained or produced by BROKER or BROKER's agent in connection with this agreement (the "BROKER Listing Content"), and any other changes to the OWNER Listing Content or the BROKER Listing Content, may be filed with one or more multiple listing services, included in compilations of listings, and otherwise distributed, publicly displayed and reproduced. OWNER hereby grants to BROKER a non-exclusive, irrevocable, worldwide, royalty free license to use, sublicense through multiple tiers, publish, display, and reproduce the OWNER Listing Content, to prepare derivative works of the OWNER Listing Content, and to distribute the OWNER Listing Content or any derivative works thereof. OWNER represents and warrants to BROKER that the OWNER Listing Content, and the license granted to BROKER for the OWNER Listing Content, does not violate or infringe upon the rights, including any copyright rights, of any person or entity. OWNER acknowledges and agrees that as between OWNER and BROKER, all BROKER Listing Content is owned exclusively by BROKER, and OWNER has no right, title or interest in or to any BROKER Listing Content.

Data including photographs and sketches relating to Owner's Property may be aggregated with that of other properties listed by participants in multiple listing services, computer online networks and websites and become copyrighted data pursuant to agreements with the Broker.

HUNT Real Estate ERA 71 Railroad Pl. Saratoga Springs, NY 12866 Phone: 518-587-4500 118 Fax: 518-587-4509 124 Jefferson St
Elizabeth Todd

Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

9. Rental of Property

Should the OWNER desire to rent the Property during the period of this agreement, the BROKER is hereby granted the sole and exclusive right to rent the Property, exclusive "FOR RENT" sign privilege and the OWNER agrees to pay the BROKER a rental commission of _____ for the first year of the lease which is due and will be paid (check one) _____ upon the execution of the lease, or _____ upon the date of occupancy. The commission for each and any subsequent year of the lease or renewal thereof, is due and payable at the commencement of each year of the lease period.

10. Brokerage Fee: Amount, When Due and Payable

A. If, during the term of this agreement, or any extension thereof, a transfer, sale or exchange of the Property is made, effected or agreed upon with anyone, the OWNER agrees to pay the BROKER a commission of 5,000 % of the sale or exchange price, or $ _____, whichever is greater.

Further, this commission will be due and payable if:

(i) during the period of this agreement, a purchaser is procured at a sales price and terms acceptable to the OWNER; or

(ii) during the period of this agreement, the OWNER sells or agrees to sell the Property; or

(iii) after the expiration date of this agreement and during the 6 months (protection period) thereafter a purchaser buys the Property who was (a) shown the Property by a licensed agent or participant in CRMLS and/or (b) made aware of the Property by a participant in CRMLS or the OWNER during the term of this listing.

(iv) If during the term of said protection period in (iii) above a valid exclusive right to sell agreement is entered into with another licensed real estate broker any payments made thereunder may be credited against the sums otherwise due and owing pursuant to this agreement.

B. Broker acknowledges that they will pay the following fee to any CRMLS participant acting in the capacity of:

(i) Buyer's agent 2,500 % of the sale or exchange price, or $ _____, and/or

(ii) Subagent 0 % of the sale or exchange price, or $ _____; and/or

(iii) Broker's agent 1,000 % of the sale or exchange price, or $ _____

C. Broker further acknowledges that they will pay the following fee to any other cooperating broker authorized under the law to receive a commission acting in the capacity of:

(i) Buyer's agent 2,500 % of the sale or exchange price, or $ _____; and/or

(ii) Subagent 0 % of the sale or exchange price, or $ _____; and/or

(iii) Broker's agent 1,000 % of the sale or exchange price, or $ _____.

11. Broker Rights (Applies only to 1 – 4 family properties.)

Broker shall have the rights under Real Property Law Section 294-b, the Commission Escrow Act. The provisions of said law may require the deposit of the commission claimed by the Broker under this Agreement with the County Clerk of the County in which the property is located. Notice is hereby given to the Seller that AT THE TIME OF CLOSING YOU MAY BE REQUIRED TO DEPOSIT THE BROKER'S COMMISSION WITH THE COUNTY CLERK IN THE EVENT THAT YOU DO NOT PAY THE BROKER HIS OR HER COMMISSION AS SET FORTH HEREIN. YOUR OBLIGATION TO DEPOSIT THE BROKER'S COMMISSION WITH THE COUNTY CLERK MAY BE WAIVED BY THE BROKER.

In ANY action, proceeding or arbitration to enforce any provision of this agreement, or for damages caused by default, the prevailing party shall be entitled to reasonable attorney's fees, costs and related expenses, such as expert witness fees and fees paid to investigators. In the event the BROKER hires an attorney to enforce the collection of any brokerage commissions due hereunder and is successful in collecting all or any portion thereof with or without commencing an action, proceeding or arbitration, OWNER agrees to pay such attorney's fees, costs and related expenses.

12. Application of Deposit

The OWNER authorizes the LISTING BROKER to hold any and all deposits made as part of the purchase price in an escrow account until closing or cancellation of the purchase contract with written consent of all parties to the contract. In the event of a claim of default by the seller or the purchaser, the deposits will be held by the BROKER in an escrow account pending final resolution or the written mutual consent of the parties. OWNER further agrees the BROKER shall apply and pay any deposits or other money received as part of the purchase price toward the brokerage fee which is due under this agreement.

13. Inspection Contingencies

The OWNER agrees to accept a purchase offer contingent, for a reasonable period of time, on the Purchaser's ability to obtain inspections regarding unknown circumstances which could affect the habitability of the Property.

14. Home Equity Theft Prevention Act Section 265 of the Real Property Law

OWNER acknowledges and represents: (A) Awareness of above law as it affects the sale of real property; (B) that OWNER is not in default of any mortgage affecting the real property by reason of there being payments due and unpaid for two months or more; (C) there are no actions pending against the real property to foreclose a mortgage; and (D) the real property is not shown on an active tax lien sale list.

Should the above circumstances change after execution of this listing agreement, OWNER hereby covenants and agrees to notify BROKER in writing regarding any of the matters referred to above and to keep BROKER fully apprised of same.

15. Termination

I understand that I may revoke the LISTING BROKER'S authority to be my agent at any time, but that if I do so, the LISTING BROKER nevertheless shall retain its contract rights, which may include but are not limited to recovery of its commission, advertising expenses, and/or other damages incurred by reason of my early termination of this listing.

16. Entire Agreement

The OWNER has read and understands this agreement and the property data section and does hereby acknowledge receipt of a copy thereof. This agreement shall be binding on the parties hereto.

17. The Undersigned Does Hereby Certify That The Following Explanations Are Understood

An "EXCLUSIVE RIGHT TO SELL" listing means that if you, the OWNER of a property find a buyer for your house, or if another BROKER finds a buyer, you must pay the agreed commission to the present BROKER.

An "EXCLUSIVE AGENCY" listing means that if you, the OWNER of a property, find a buyer, you will not have to pay a commission to the BROKER. However, if another BROKER finds a buyer, you will owe a commission to both the selling BROKER and your present BROKER.

Owner's Initials: _____

ACCEPTED BY:

Elizabeth Yl for Rohan Realty

Broker
Rochan Realty

Date: _____

Owner
CDJT Development, LLC

Owner

Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

124 Jefferson St.

ATTACHMENT 3

PRO REALTY

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!

CDJT DEVELOPMENT, LLC
124 JEFFERSON STREET

UNIT #	TENANT NAME	RENTAL AMOUNT	RENTAL PERIOD
1	William Monks	$ 1,495.00	10/1/13-9/30/16
3	Sharon Hext & Justin Kane	$ 1,495.00	11/15/14-11/15/15
5	Wayne & Susan Senecal	$ 1,495.00	12/1/14-12/31/15
6	W. Rochelle Calhoun	$ 1,495.00	7/1/13-6/30/15
	W. Rochelle Calhoun	$ 1,530.00	7/1/15-8/31/15

CDJT DEVELOPMENT, LLC

Loss of Rental Tenants

UNIT #	TENANT NAME	REASON FOR LEAVING
1.	William Monks	bought home ranch style 1 floor living
3.	Sharon Hext & Justin Kane	bought 1 floor cabin on Saratoga Lake
5.	Wayne & Susan Senecal	Rented a 1 floor ranch style. Husband couldn't do the stairs bec knee.
6.	W. Rochelle Calhoun W. Rochelle Calhoun	Relocated for a job.

Marketing Record 124 Jefferson Street - Danielle Warrington (ProRealty of NY)

12/15/13 - Present

Print Advertising:

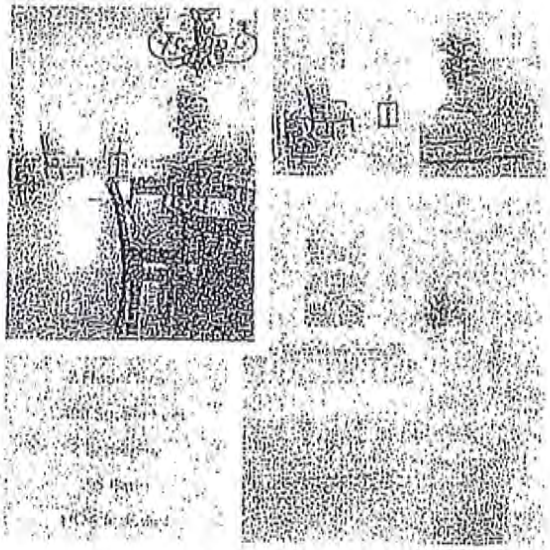
Printable Color Brochures 100 per month distributed to the following, Saratoga, Wilton and glens falls Ymca, Capriccio Saratoga, Maxx london's, 62 beekman, Good Shepherd, Saratoga Library, Glens Falls library, Different Saratoga track vendors per season, Nick Zitto Horse trainer, and dropped to all local brokers, handed out at the track on Saturdays.
On-site flyers and sign with details and interior pictures in front of property.

Magazine Advertising:
Saratoga Living Magazine
55+ Seniors Living Magazine

Online Advertising:

Zillow.com
Saratoga.com
Manix Marketing
Homes.com
Trulia.com
Realtor.com
Craigslist Albany
Craigslist NYC
Crmls 7/8/15-01/08/16

Open Houses every Saturday during track season, with Balloons, and signs to attract people.
Open House 2 weekends every month, with signs, balloons, and calls to local brokers.
In house sales, to be available to show units at any and all times a lead or call came in.



Saratoga Six

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

DOWNSIZE TO UPSCALE
SOPHISTICATION AND STYLE.

Join us every Saturday and Sunday 11-3
for an Open House.

Units with balloons open, refreshments, and 2 different floor plans to view.

Property Manager/Realtor Danielle Warrington ProRealty NY.

*Feel free to call for a private viewing [redacted]

*Rent with Option to buy

55+ Living Guide

The Ultimate Living Guide for Seniors and Those Who Love Them!

Display Advertising Rates:

Ad Size	Per Issue*
Full Page	$1560
1/2 Page	$940
1/4 Page	$560
Premium Positions	
Back Cover	$1995
Inside Front Cover	$1820
Inside Back Cover	$1760

ALL Pricing Includes INTERNET LISTING!

**Per issue pricing is based on continuous advertising/distribution for 4 months, the length of each issue.*

3 Issues/Per Year:

Winter/Spring: *January–April*
Spring/Summer: *May–August*
Summer/Fall: *September–December*

Audience: Adult Children & Seniors; Ages 45-70+

Circulation: Over 10,000 copies distributed monthly!

Distribution: You can find us in over 400 high traffic locations such as Price Chopper, Hannaford, YMCA branches, major physician waiting rooms, and adult centers.

Serving 6 Counties: Albany, Rensselaer, Saratoga, Schenectady, Washington and Warren.

Ad Specifications & Requirements:

FULL PAGE AD
7.25"w x 9.625"h

HALF PAGE AD
7.25"w x 4.75"h

VERTICAL HALF PAGE AD
3.5"w x 9.625"h

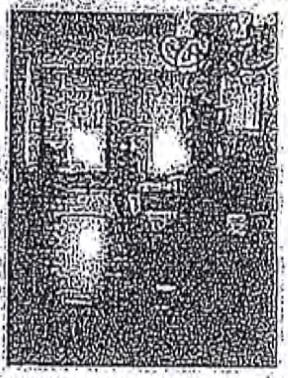
QUARTER PAGE AD
3.5"w x 4.75"h

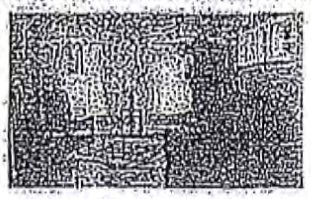
Ad Files Accepted: High-resolution, press quality (300 dpi) PDF, tif, jpeg, or eps. Resolution must be at 300 dpi or better. 72 dpi or 150 dpi files are *NOT* suitable for printing. Files should be saved as 4/Color process - CMYK *(not RGB)*.

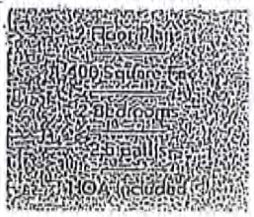
Email Files to: AdCopy@55PlusLivingGuide.com

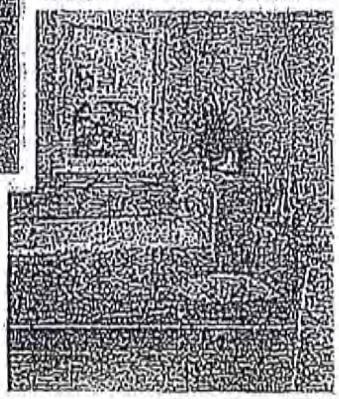
55+ Living Guide, 292 Washington Ave. Ext., Albany, NY 12203 [redacted] VISIT: 55PlusLivingGuide.com

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









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.

55+ Living Guide 2014 RATES

YOUR CAPITAL REGION GUIDE FOR ALL THINGS SENIOR

Display Advertising Rates:

Ad Size	Per Issue* / Per Month
Full Page	$2250 / $375
Half Page	$1350 / $225
Quarter Page	$810 / $135
Premium Positions	
Back Cover	$3090 / $515
Inside Front Cover	$2880 / $480
Inside Back Cover	$2880 / $480

ALL pricing includes INTERNET LISTING and free ad design!

**Per Issue pricing is based on continuous advertising/distribution for 6 months; the length of each issue.*

Distribution:

60,000 FREE copies per issue are distributed to over 400 high traffic locations: Price Chopper, Hannaford, Senior Centers, YMCA, Physician waiting rooms, and Restaurants spanning 6 Counties!

Ad Specifications & Requirements:

Deadlines for Submitting Ads

- Summer/Fall Issue: *(July–December Distribution)*
  DEADLINE for Advertising: Thursday, May 29, 2014
- Winter/Spring Issue: *(January–June Distribution)*
  DEADLINE for Advertising: Thursday, November 20, 2014

FULL PAGE AD
7.25"w x 9.625"h

HALF PAGE AD
7.25"w x 4.75"h

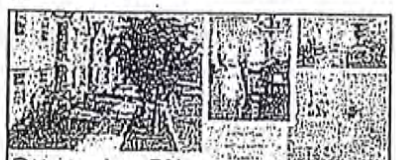
VERTICAL HALF PAGE AD
3.5"w x 9.625"h

QUARTER PAGE AD
3.5"w x 4.75"h

Ad Files Accepted: *pdf (PRESS QUALITY), *tif, *jpeg, or *eps. Resolution must be at 300 dpi or better / CMYK.
SEND FILES TO: Design@55PlusLivingGuide.com

Custom Designed Ads: If you would like us to design your ad for you, please email a high resolution logo (eps), photos and approved copy *(include your address, phone, email, and URL/website)* to our design department at: Design@55PlusLivingGuide.com

Property Type 1F - Single Family Full Agent Report



MLS#: 201517316 Area: 311 List Price: $299,0(
Status: Expired Orig List Price: $299,00
Map Co: 4dj54 Sale Price:
Spec Mkt Cond: No Special Conditions
Address: 124 unit #4 JEFFERSON ST Zip: 12866
City/Town(Tax) Saratoga Springs Style: Condominium
City/Town (Mail Address) Saratoga Springs
Village: Model:
County: Saratoga School District: Saratoga Springs
Locale: Projected School:
New Construction: Yes Total Rooms: 6
Section:178 Block:3 Lot: 21 APN: 411500

ROOM	B	1	2	3	FRP
Living Room:		1			
Dining Room:		1			
Kitchen:		1			
Family Room:					
Bedroom:			2		
Full Bath:	0	0	2	0	
Partial Bath:	0	1	0	0	

Kitchen Type: Working
Dining Room Type: Dining Area

Basement: Full
Attic:
Laundry: 2nd Floor
Garage: 1
Amenities:
Interior Features:
Exterior Features:
Appliances:
Access Features:
Lot Description:

Roof:
Exterior: Stone, Vinyl
Off St Parking: 2
Condition:

Age:
Age I
Hanc
Firep
Wooc
Acre:
Lot:
Surv

Total Bth: 2.1 Mast
Total BR: 2 Fam
Above Gr SqFt: 140
AGSF Src
AGSF Desc Estimatec
Below GR SqFt:

Remarks: Saratoga luxury living!! These condos have 2 bedroom suites plus a bonus loft area, 2.5 baths, hardwood floors, crc granite counters, custom cabinets, full basement and 1 car garage. All this in a 55+ community. Walk to historical s coarse, downtown shops and restaurants.

Directions: Northway exit 13N to Rt. 9 South Broadway. Right on Crescent St. to left on Jefferson St. 124 Bldgs. on #4.

UTILITIES
Heat System: Hot Air, Zoned
Heat Fuel: Natural Gas
Fuel Costs: 135
Cooling
Water: Public Sewer: Public

ANNUAL TAXES
General: $
School: $
Village: $
Total: $ 2,300 E
Spec Assess: $$

HOA: Yes
HOA Fee: $ 150
HOA Period:
HOA Incl:

OFFER
Assum Mtg
Assum Bal
Assum Rat

LO: ProRealty of New York Inc Office: 518-583-2100
LO Code: 1021A
LA1: Danielle Warrington - Home: 518-414-4881ext. 0
LA1 Code: 29670 dwarrington@prorealtyny.net
LA2
Sub-Ag 0 Buy Ag 2.5 Bkr Ag 1

Call Showing Time @ 800-746-9464 to show
Show:
List Team:
Owner:
Possession: at closing
Depository: Adirondack Trust

List Date: 7/15/2015 Expire Date: 1/15/2016 Sale Terms:
Pend Date: Status Date: 1/16/2016 Sell Office:
Closed Date: Sell Agent 1:

MLS #	201517316	List Price	$299,000
Address	124 unit #4 JEFFERSON ST	Status	Expired
Address 2		Class	SINGLE FAMILY
City/Town (taxing entity)	Saratoga Springs	Type	Single Family
State	NY	Sub Area	Saratoga Springs City
Zip	12866		

Listing Statistics to Date

Matched Saved Searches	7	Total Hits	502
Matched Contacts	2	Agent Hits	329
Property Details Viewed	57	Unique Agent Hits	229
Views from Email	0	Client Hits	173
Favorite/Possible/Cart	0	Unique Client Hits	69
Emailed from System	0		

Owner Sld Rmks & Contribution $:
Contribution: Branded Virtual Tour: Unbranded Virtual Tour:

The information in this listing was gathered from third party sources including the seller and public records. CRMLS and its subscribers disclai representations or warranties as to the accuracy of this information.

CAPITAL REGION MULTIPLE LISTING SERVICE, INC.

THIS IS A LEGALLY-BINDING CONTRACT. IF NOT FULLY UNDERSTOOD,
WE RECOMMEND CONSULTING AN ATTORNEY BEFORE SIGNING.

EXCLUSIVE RIGHT TO SELL LISTING AGREEMENT

Property Address 124 Jefferson street #4, Saratoga Springs, NY 12866 (Property)

Owner/Seller: CDJT Development LLC residing at Pine West Plaza building #2 Washington Ave. Ext Albany NY 12205

1. Grant of Exclusive Right to Sell

In consideration of Danielle Warrington ProRealty of New York,LLC (hereinafter referred to as BROKER) submitting the above-described Property to the Capital Region Multiple Listing Service (hereinafter referred to as CRMLS) under its Multiple Listing Rules and Regulations and in further consideration of said BROKER undertaking to find a purchaser for said Property, the undersigned OWNER (the word OWNER refers to each and all parties who have an ownership interest in the Property) hereby grants to said BROKER, the sole and exclusive right to sell the Property for $ 299,000.00, from July 1, 2015, until and including January 1, 2016. The OWNER hereby authorizes the BROKER to submit this listing to the CRMLS and make an offer of cooperation to all participants in the CRMLS and any other agent authorized under the law to receive a commission and with whom the listing BROKER deems it appropriate to cooperate in the OWNER's best interest.

2. Local, State and Federal Fair Housing Laws

It is agreed that this Property is listed in full compliance with local, state and federal fair housing laws against discrimination on the basis of race, color, religion, sex, national origin, handicap, age, marital status, children, sexual orientation, military status or other characteristic protected by law.

3. Subsequent Offers (Offers Received After A Contract Has Been Accepted)

Upon the OWNER's acceptance of a purchase offer that does not stipulate the Property is to remain on the market the BROKER shall convey any subsequent offers to the OWNER, with the understanding that the OWNER should consult an attorney regarding any subsequent offers because a binding contract for the Property may already exist and brokerage commission claims may be involved.

4. CRMLS Not Agent

The OWNER understands and agrees that CRMLS is not the OWNER's agent and that none of the terms of this agreement shall make it the OWNER's agent.

5. Purchaser's Mortgage (If Applicable)

The OWNER agrees to accept a purchase offer contingent for a reasonable period of time, on the Purchaser's ability to finance the purchase price by any of the prevailing methods of mortgage financing.

6. Disclosure of Terms of Purchase

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7. Presentation of Purchase Offer

The OWNER authorizes the listing (listing/selling) BROKER to submit all purchase offers to the OWNER. Furthermore, CRMLS rules provide that the cooperating broker may be present when an offer they obtain is submitted to the OWNER unless the OWNER states their request that the cooperating broker not be present in a separate letter to be maintained on file by the BROKER which may be given to any cooperating broker obtaining a purchase offer.

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OWNER consents that said Property may be shown at any reasonable hour, and agrees to refer any and all inquiries concerning said Property to BROKER. OWNER understands that providing BROKER with a key and/or use of a lock box to the Property does not in any way make BROKER, other members of CRMLS, CRMLS or the Shareholders of CRMLS custodian of said Property or responsible thereof. OWNER understands and hereby authorizes the following in order to facilitate the sale of said Property:

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- the placement of a "For Sale" sign on the Property.

Broker may use the listing information and sale or lease price and terms upon closing for Brokers Market Evaluation, Networking and Appraisal purposes, and for disclosing to other persons as Broker may deem desirable, including disclosing the information in computer online Property networks and websites. The authorization by Owner to publish this listing also includes the right of the Broker to advertise the Listing Content in any medium or media including electronic formats and including but not limited to the Internet.

Use of Listing Content; Intellectual Property License. Unless Owner delivers to BROKER a written certification, in a form acceptable to BROKER, that OWNER does not desire the listing content to be disseminated by a multiple listing service, OWNER acknowledges and agrees that all photographs, images, graphics, video recordings, virtual tours, drawings, written descriptions, remarks, narratives, pricing information, and other copyrightable elements relating to the Property provided by OWNER to BROKER or BROKER's agent ("OWNER Listing Content"), or otherwise obtained or produced by BROKER or BROKER's agent in connection with this agreement (the "BROKER Listing Content"), and any other changes to the OWNER Listing Content or the BROKER Listing Content, may be filed with one or more multiple listing services, included in compilations of listings, and otherwise distributed, publicly displayed and reproduced. OWNER hereby grants to BROKER a non-exclusive, irrevocable, worldwide, royalty free license to use, sublicense through multiple tiers, publish, display, and reproduce the OWNER Listing Content, to prepare derivative works of the OWNER Listing Content, and to distribute the OWNER Listing Content or any derivative works thereof. OWNER represents and warrants to BROKER that the OWNER Listing Content, and the license granted to BROKER for the OWNER Listing Content, does not violate or infringe upon the rights, including any copyright rights, of any person or entity. OWNER acknowledges and agrees that as between OWNER and BROKER, all BROKER Listing Content is owned exclusively by BROKER, and OWNER has no right, title or interest in or to any BROKER Listing Content.

Data including photographs and sketches relating to Owner's Property may be aggregated with that of other properties listed by participants in multiple listing services, computer online networks and websites and become copyrighted data pursuant to agreements with the Broker.

Owner's Initials _____ Broker's Initials _____

Saratoga Realty Group, LLC 42 Fieldstone Drive Wilton, NY 12831
Cert Prod.
Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

New York State
DEPARTMENT OF STATE
Division of Licensing Services
P.O. Box 22001
Albany, NY 12201-2001

Customer Service: (518) 474-4429
www.dos.state.ny.us

New York State Disclosure Form for Buyer and Seller

THIS IS NOT A CONTRACT

New York State law requires real estate licensees who are acting as agents of buyers or sellers of property to advise the potential buyers or sellers with whom they work of the nature of their agency relationship and the rights and obligations it creates. This disclosure will help you to make informed choices about your relationship with the real estate broker and its sales agents.

Throughout the transaction you may receive more than one disclosure form. The law may require each agent assisting in the transaction to present you with this disclosure form. A real estate agent is a person qualified to advise about real estate.

If you need legal, tax or other advice, consult with a professional in that field.

Disclosure Regarding Real Estate Agency Relationships

Seller's Agent

A seller's agent is an agent who is engaged by a seller to represent the seller's interests. The seller's agent does this by securing a buyer for the seller's home at a price and on terms acceptable to the seller. A seller's agent has, with-out limitation, the following fiduciary duties to the seller: reasonable care, undivided loyalty, confidentiality, full disclosure, obedience and duty to account. A seller's agent does not represent the interests of the buyer. The obligations of a seller's agent are also subject to any specific provisions set forth in an agreement between the agent and the seller. In dealings with the buyer, a seller's agent should (a) exercise reasonable skill and care in performance of the agent's duties; (b) deal honestly, fairly and in good faith; and (c) disclose all facts known to the agent materially affecting the value or desirability of property, except as otherwise provided by law.

Buyer's Agent

A buyer's agent is an agent who is engaged by a buyer to represent the buyer's interests. The buyer's agent does this by negotiating the purchase of a home at a price and on terms acceptable to the buyer. A buyer's agent has, without limitation, the following fiduciary duties to the buyer: reasonable care, undivided loyalty, confidentiality, full disclosure, obedience and duty to account. A buyer's agent does not represent the interest of the seller. The obligations of a buyer's agent are also subject to any specific provisions set forth in an agreement between the agent and the buyer. In dealings with the seller, a buyer's agent should (a) exercise reasonable skill and care in performance of the agent's duties; (b) deal honestly, fairly and in good faith; and (c) disclose all facts known to the agent materially affecting the buyer's ability and/or willingness to perform a contract to acquire seller's property that are not inconsistent with the agent's fiduciary duties to the buyer.

Broker's Agents

A broker's agent is an agent that cooperates or is engaged by a listing agent or a buyer's agent (but does not work for the same firm as the listing agent or buyer's agent) to assist the listing agent or buyer's agent in locating a property to sell or buy, respectively, for the listing agent's seller or the buyer agent's buyer. The broker's agent does not have a direct relationship with the buyer or seller and the buyer or seller can not provide instructions or direction directly to the broker's agent. The buyer and the seller therefore do not have vicarious liability for the acts of the broker's agent. The listing agent or buyer's agent do provide direction and instruction to the broker's agent and therefore the listing agent or buyer's agent will have liability for the acts of the broker's agent.

Dual Agent

A real estate broker may represent both the buyer and seller if both the buyer and seller give their informed consent in writing. In such a dual agency situation, the agent will not be able to provide the full range of fiduciary duties to the buyer and seller. The obligations of an agent are also subject to any specific provisions set forth in an agreement between the

agent, and the buyer and seller. An agent acting as a dual agent must explain carefully to both the buyer and seller that the agent is acting for the other party as well. The agent should also explain the possible effects of dual representation, including that by consenting to the dual agency relationship the buyer and seller are giving up their right to undivided loyalty. A buyer or seller should carefully consider the possible consequences of a dual agency relationship before agreeing to such representation. A seller or buyer may provide advance informed consent to dual agency by indicating the same on this form.

Dual Agent with Designated Sales Agents

If the buyer and seller provide their informed consent in writing, the principals and the real estate broker who represents both parties as a dual agent may designate a sales agent to represent the buyer and another sales agent to represent the seller to negotiate the purchase and sale of real estate. A sales agent works under the supervision of the real estate broker. With the informed consent of the buyer and the seller in writing, the designated sales agent for the buyer will function as the buyer's agent representing the interests of and advocating on behalf of the buyer and the designated sales agent for the seller will function as the seller's agent representing the interests of and advocating on behalf of the seller in the negotiations between the buyer and seller. A designated sales agent cannot provide the full range of fiduciary duties to the buyer or seller. The designated sales agent must explain that like the dual agent under whose supervision they function, they cannot provide undivided loyalty. A buyer or seller should carefully consider the possible consequences of a dual agency relationship with designated sales agents before agreeing to such representation. A seller or buyer may provide advance informed consent to dual agency with designated sales agents by indicating the same on this form.

This form was provided to me by DANIELLE WARRINGTON (print name of licensee) of PROREALTY OF NY (print name of company, firm or brokerage), a licensed real estate broker acting in the interest of the:

(X) Seller as a (check relationship below)

(___) Seller's agent

(___) Broker's agent

(___) Buyer as a (check relationship below)

(___) Buyer's agent

(___) Broker's agent

(___) Dual agent

(___) Dual agent with designated sales agent

For advance informed consent to either dual agency or dual agency with designated sales agents complete section below:

(___) Advance informed consent dual agency

(___) Advance informed consent to dual agency with designated sales agents

If dual agent with designated sales agents is indicated above: _____ is appointed to represent the buyer; and _____ is appointed to represent the seller in this transaction.

(I) (We) CDJT acknowledge receipt of a copy of this disclosure form: signature of ( ) Buyer(s) and/or (X) Seller(s):

CDJT

Date: 7/7/15

Date: 7/8/15

DOS-1736-s (Rev. 11/11)

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

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

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

11. **Megan Cornell, single** from Saratoga, 2nd home, downsizing. Age 43 unsure of statis if purchased. Age was the issue. April 2014
12. **Damien Kuite** 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. **Lorina Diaz, ,single,** 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. **Erick Straight,single,** age 34 moving here from NYC. Wanted to put in an offer, age again and bought a townhouse in Clifton Park. July 2014

15. **Mike Ingrasslino, single,** from NJ. wanted to purchase for summer home. Lost deal due to age restriction. Aug 2014.

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

17. **Tammy Mantie, married,** 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. **Kate Snyder,** 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. **Robbie Rollack, single,** 42 2nd home, looking to downsize. from Saratoga Area, loss sale to age. Moved to Ballston Spa. April 2015.

20. **Nyssa Perry, Single 29,** 1st time home buyer. from Saratoga. Age reason for loss of sale. bought in ballston spa. June 2015.

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

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

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

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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

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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!

During my time as an on site-manager for 124 Jefferson St. We have tried several different avenues for marketing. From the years of 2011-2012 we have used traditional listing and marketing with Hunt Realty to Roohan Realty. We were listed on the CRMLS with Sunday open houses from 1-3 with Beth Todd. After an entire year of 0 offers and no buyers we wanted to try a different approach.

From 2013-2015 we decided to try Rent with Option to Buy, and For Sale by Owner, with Owner Financing, after discussing with Bradley Birge. I personally would bring every lease that we had with proof of age via drivers license to Brad, as a sign of good faith that we were in fact doing our best to get Renters hoping to become buyers in these Condos. We in fact rented units 1,3,5,and 6. We left unit 4 as our model unit, with signs out front for sale by owner, rent with option to buy, and in house financing. I was hired in 2013 to be in house- management and sales. I made myself available on call to any possible buyers for showings of our model unit and property. We were however finding after a year of rental, our tenants were moving out due to wanting a 1 floor layout and not wanting to purchase these condos.

Years 2015-Present
Marketing Record 124 Jefferson Street - Danielle Warrington (ProRealty of NY)

We tried yet another avenue of marketing, seeing our "paid" advertising wasn't working we tried a more Social Media Driven approach, also with Weekly open houses with signs and balloons to get new leads!

Print Advertising:

Printable color brochures 100 per month distributed to the following, Saratoga, Wilton and glens falls Ymca, Capriccio Saratoga, Maxx london's, 62 beekman, Good Shepherd, Saratoga Library, Glens Falls library, Different Saratoga track vendors per season, Nick Zitto Horse trainer, and dropped to local brokers, handed out at the track on Saturdays.

Open houses every other weekend during off season
Open House every Saturday during track season, with Balloons, and signs to attract people.
Open House 2 weekends every month, with signs, balloons, and calls to local brokers.
Signs of In house sales, to be available to show units at any and all times a lead or call came in.

Online Advertising: 2015-2016

Zillow.com
Saratoga.com
Manix Marketing
Homes.com
Trulia.com
Realtor.com
Craigslist Albany
Craigslist NYC
Crmls 7/8/15-01/08/16

I will provide the Open house record during the years 2015-16.

2015-2016 Open House Reports 124 Jefferson Street 55+

Here is a Record of person's 55+ that attended

January 2015
Open house Every Other Sunday 1-3, total of 6 attended

February 2015
Open House Every Other Sundays 1-3, total of 5 attended

March 2015
Open House Every Other Sunday 1-3, total of 10 attended

April 2015
Open House Sunday 11-2, total of 13 attended

May 2015
Open House Sat/Sun 12-3, total 20 attended

June 2015
Open House Sat/Sun 12-3, 25 attended

July 2015 listing back in CRMLS due to lack of any offers!
Open House Sat/Sun 11-3, 46 attended
Open House every Tuesday 4-6, 15 attended
2 Brokers Open 20 agents attended

August 2015
Open House Sat/Sun 11-3, 40 attended
Open House every Tuesday 4-6, 22 attended
2 Brokers Open 34 agents attended

September 2015
Open House Sunday 12-3, 10 attended
1 Broker's Open 14 agents attended

October 2015
Open House Sunday 12-3, 5 attended
1 Broker's Open, 5 agents attended

November 2015
Open House Sunday 12-3, 9 attended
1 Broker's Open, 4 agents attended

December 2015
Open Houses Sunday 12-3 0 attended
1 Broker's Open, 0 agents attened

January 2016 listing expired from CRMLS
Open House Sunday 12-3, 7 attended

February 2016
Open House Sunday 12-3, 4 attended

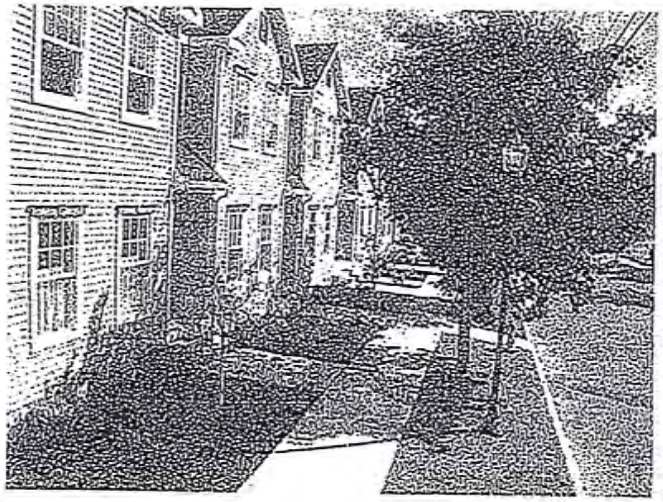
March 2016
Open House Sunday 12-3, 9 attended

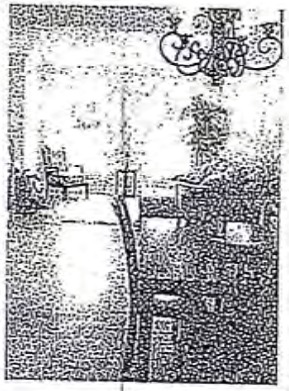
April 2016
Open House Sunday 11-3, 14 attended

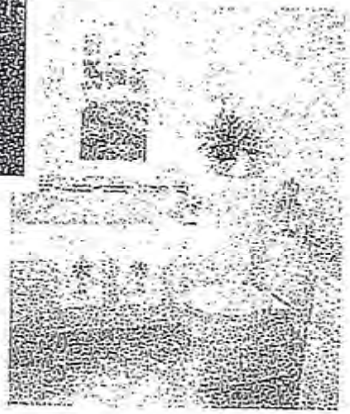
May 2016
Open House Sunday 11-3, 16 attended

June 2016
Open House Sunday 11-3, 20 attended

OUR Ad for Magazines, Flyers, and Brochures







Saratoga Six

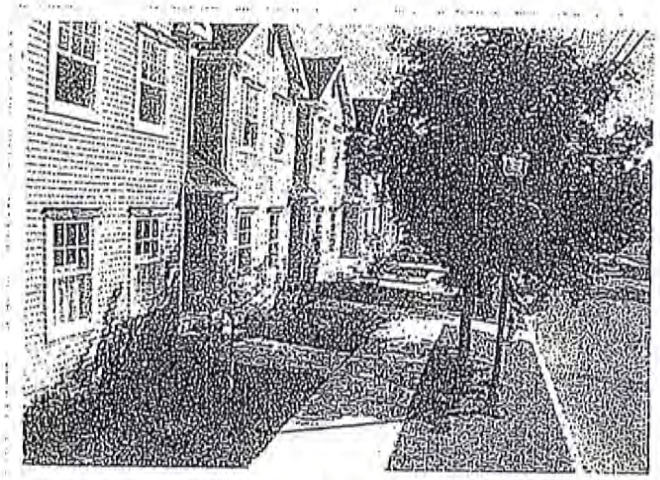
Condominium Rentals / $1,495 per Month
124 Jefferson Street, Saratoga Springs
Rent with option to purchase.

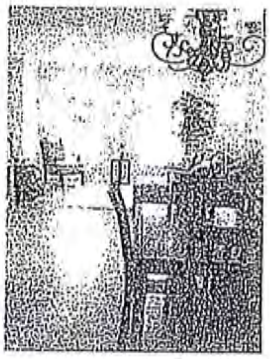
For more information contact:
Danielle Warrington a[redacted]

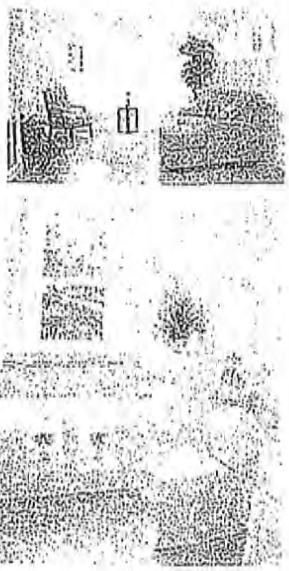
2 Floor Plans
1,400 Square Feet
2 Bedrooms
2.5 Baths
HOA Included

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.







Saratoga Six

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

DOWNSIZE TO UPSCALE
SOPHISTICATION AND STYLE.

Join us every Saturday and Sunday 11-3
for an Open House.

Units with balloons open, refreshments, and 2 different floor plans to view.

Property Manager/Realtor Danielle Warrington **ProRealty NY.**

***Feel free to call for a private viewing [redacted].**

***Rent with Option to buy**

EXHIBIT H

124 Jefferson Financial Analysis Summary

Total Cost to Date:		$1,763,017.00	*See Attachment "A"*
Total Operating Loss to Date:		$91,721.00	
		$1,854,738.00	
While units are marketed, the holding cost increases on a daily basis, but assume the sale of all 6 Units at $299,000		$1,794,000.00	
Real Estate Commission Average – 5.5%		($98,670.00)	
		$1,695,330.00	
Seller's Transfer Cost			
NYS Transfer Tax	$7,176.00		
Legal	$5,100.00		
	$12,276.00	($12,276.00)	
		$1,683,054.00	
Total Marketing Cost		*($9,316.00)*	*See Attachment "B"*
		$1,673,738.00	
Loss Prior to Contribution		$181,000.00	
Contribution to Senior Center based on average Gross Sales Price of $299,000.00* ($299,000 x 20% = $179,400.00)		$179,400.00	
Loss on Project		($360,400.00)	

**Pursuant to Agreement with Senior Citizens Center, minimum contribution per unit is $20,000 or a total of $120,000 (6 x $20,000).*

The figures above do not reflect the Free Apartment for the Resident Sales Person so that stop in inquiries could be promptly handled. That equates to $1,495/mo. x 12 months, times 3 years or $53,820.00 in additional costs.

ATTACHMENT A

to 124 Jefferson Financial Analysis

CDJT Development, LLC
Historical Capital Costs and Cash Flows
As of May 10, 2016

	2012	2013	2014	2015	YTD 2016	Total
Capital costs						
Land Cost						377,578
Building Costs						1,167,999
Interest at average of 3 1/2% (2010 to 2016, inclusive)						217,440
Total Capital Cost						1,763,017
Operating Revenue and expesens						
Revenue		13,455	39,620	61,254	7,475	121,804
Taxes, Insurance, Utilties, Repairs, etc.	44,690	32,597	50,703	70,483	5,736	204,209
Marketing costs	6,566	1,250	1,500			9,316
Total Expenses	51,256	33,847	52,203	70,483	5,736	213,524
Net Operating Cash Flow / (Deficit)	(51,256)	(20,392)	(12,583)	(9,230)	1,739	(91,721)

CDJT Development, LLC
Historical Cost Detail
As of May 10, 2016

Expense Detail	2012	2013	2014	2015	YTD 2016
Repairs and Maintenance	$3,543	$8,173	$20,575	$43,006	$980
Taxes and Licenses	8,054	5,097	9,098	12,513	2,210
Water & Sewer	1,455	1,649	1,498	636	680
Marketing / Advertising	6,566	1,250	1,500		
Insurance	11,339	8,347	9,451	10,474	
Heat and Electricity	4,716	5,022	2,620	939	1,435
Professional Fees	8,310	2,362	4,729	2,275	252
Bank Service Charges	533	501	556	611	152
Dues and Subscriptions	175	195	0		
Telephone & office			675	31	26
	$44,690	$32,597	$50,703	$70,483	$5,736

Marketing / Advertising Detail			
Stage Furniture rental	$2,016		
The Gazette Newspapers	4,050		
Roohan Realty sale sign	500		
Saratoga Living		500	
Senior Living Choices		750	1,500
	$6,566	$1,250	$1,500

ATTACHMENT B

to 124 Jefferson Financial Analysis

CDJT Development, LLC
Detail Operating Expenses
2012

Repairs and Maintenance						
8/15/2012	AP-000178	00AODCO /IN: 38071	Adirondack Overhead Door Co.		142.85	
1/26/2012	AP-000140	00BMSYS /IN: 35456 no heat units #2 and	Bourque Mechanical Systems	Ductwork, furnaces, etc.	329.40	
5/31/2012	AP-000164	00BWHIT /IN: 772453 spring clean up	Brian White		250.00	
7/12/2012	AP-000172	00BWHIT /IN: 772475	Brian White		250.00	
11/1/2012	AP-000197	00MRSIN /IN: 9034161	Malone's Refuse Service, Inc	Dumpster	373.43	
6/14/2012	AP-000168	00PHLCA /IN: 060512	Premium Home & Lawn Care	Plowing	2,140.00	
10/18/2012	AP-000194	00JELLC /IN: 101612 cut grass and monthl			57.38	
					3,543.06	
Taxes and Licenses						
5/14/2012	AP-000162	00COFIN /IN: 041912 178.36-3-21	Commissioner of Finance		2,766.31	
2/6/2012	AP-000142	00COFIN /IN: 2010.17 Senior Housing	Commissioner of Finance		1,530.00	
2/16/2012	MC-000027	Commissioner of Finance 000293	Commissioner of Finance			1,680.00
2/27/2012	MC-000028	Commissioner of Finance 000303	Commissioner of Finance		800.00	
2/24/2012	AP-000146	00NYSFF /IN: 022112 27-0319114			25.00	
10/1/2012	AP-000190	00SSCSD /IN: 000879 178.36-3-21			2,311.47	
12/28/2012	AP-000206	00SSCSD /IN: 122712 178.36-3-21			2,311.47	
					8,054.25	
Water & Sewer						
4/19/2012	AP-000158	00COFIN /IN: 022112 050247	Commissioner of Finance	Water bill	41.00	
4/19/2012	AP-000158	00COFIN /IN: 022112A 050247F	Commissioner of Finance		86.52	
4/19/2012	AP-000158	00COFIN /IN: 022112B 050247A	Commissioner of Finance	Water bill	42.00	
4/19/2012	AP-000158	00COFIN /IN: 022112C 05247C	Commissioner of Finance	Water bill	42.00	
4/19/2012	AP-000158	00COFIN /IN: 022112D 050247E	Commissioner of Finance	Water bill	42.00	
4/19/2012	AP-000158	00COFIN /IN: 022112E 050247D	Commissioner of Finance	Water bill	42.00	
4/19/2012	AP-000158	00COFIN /IN: 022112F 050247B	Commissioner of Finance	Water bill	42.00	
7/26/2012	AP-000174	00COFIN /IN: 051712 050247F	Commissioner of Finance	Water bill	47.00	
7/26/2012	AP-000174	00COFIN /IN: 051712A 050247A	Commissioner of Finance	Water bill	47.00	
7/26/2012	AP-000174	00COFIN /IN: 051712B 050247	Commissioner of Finance	Water bill	41.00	
7/26/2012	AP-000174	00COFIN /IN: 051712C 050247D	Commissioner of Finance	Water bill	47.00	
7/26/2012	AP-000174	00COFIN /IN: 051712D 050247C	Commissioner of Finance	Water bill	47.00	
7/26/2012	AP-000174	00COFIN /IN: 051712E 050247B	Commissioner of Finance	Water bill	47.00	
7/26/2012	AP-000174	00COFIN /IN: 051712F 050247E	Commissioner of Finance	Water bill	47.00	
10/24/2012	AP-000195	00COFIN /IN: 102212 acc# 050247A	Commissioner of Finance		111.20	
10/24/2012	AP-000195	00COFIN /IN: 102212A acc# 050247B	Commissioner of Finance	Water bill	47.00	
10/24/2012	AP-000195	00COFIN /IN: 102212C acc# 050247C	Commissioner of Finance	Water bill	47.00	
10/24/2012	AP-000195	00COFIN /IN: 102212D 050247D	Commissioner of Finance	Water bill	47.00	
10/24/2012	AP-000195	00COFIN /IN: 102212F acc# 050247E	Commissioner of Finance	Water bill	47.00	
10/24/2012	AP-000195	00COFIN /IN: 102212G acc# 050247F	Commissioner of Finance	Water bill	47.00	
10/24/2012	AP-000195	00COFIN /IN: 102212H acc# 050247	Commissioner of Finance	Water bill	41.00	
2/6/2012	AP-000142	00COFIN /IN: 2006.57 Jefferson St Senior	Commissioner of Finance		150.00	
1/26/2012	AP-000140	00COSSP /IN: 112201 parcel id 178.36-3-2	City of Saratoga Springs	Water bill	42.00	
1/26/2012	AP-000140	00COSSP /IN: 112211A parcel id 178.36-3-	City of Saratoga Springs	Water bill	42.00	
1/26/2012	AP-000140	00COSSP /IN: 112211B parcel id 178.36-3-	City of Saratoga Springs	Water bill	48.23	
1/26/2012	AP-000140	00COSSP /IN: 112211C parcel id 178.36-3-	City of Saratoga Springs	Water bill	42.00	
1/26/2012	AP-000140	00COSSP /IN: 112211D parcel id 178.36-3-	City of Saratoga Springs	Water bill	41.00	
1/26/2012	AP-000140	00COSSP /IN: 112211E parcel id 178.36-3-	City of Saratoga Springs	Water bill	42.00	
1/26/2012	AP-000140	00COSSP /IN: 112211F parcel id 178.36-3-	City of Saratoga Springs	Water bill	42.00	
12/6/2012	MC-000037	City of Saratoga Springs 000362	City of Saratoga Springs	Water bill		42.00
					1,454.95	
Marketing / Advertising						
2/24/2012	AP-000146	00ETODD /IN: 021712 Dec- Feb. rent	Elizabeth Todd	Monthly staging fee	672.00	
7/26/2012	AP-000174	00ETODD /IN: 072412 furniture rental for	Elizabeth Todd	Monthly staging fee	448.00	
8/23/2012	AP-000180	00ETODD /IN: 082012 July & Aug Furniture	Elizabeth Todd	Monthly staging fee	448.00	
5/10/2012	MC-000030	Elizabeth Todd 000312	Elizabeth Todd	Monthly staging fee	448.00	
11/1/2012	AP-000197	00TGNEW /IN: 102312 acct # 12461			4,049.60	
11/15/2012	AP-000201	00RREAL /IN: 110512 for sign at Jefferso			500.00	
					6,565.60	
Insurance						
10/24/2012	AP-000195	00JOIAL /IN: 102312 policy # PC 92271	John Obstarczyk Insurance		2,294.92	
11/15/2012	AP-000201	00DMICO /IN: 111212 S13-35-694			9,043.91	
					11,338.83	
Heat and Electricity						
4/12/2012	AP-000156	00NGRID /IN: 000032212 67609-73006	National Grid	Electric	52.13	

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4/12/2012	AP-000156	00NGRID /IN: 00032212 68009-33006	National Grid	Electric	82.14
2/16/2012	AP-000144	00NGRID /IN: 0012312 60004-54004	National Grid	Electric	22.72
4/12/2012	AP-000156	00NGRID /IN: 0032212 92601-67001	National Grid	Electric	51.44
8/9/2012	AP-000176	00NGRID /IN: 0072412 68009-33006	National Grid	Electric	49.52
2/6/2012	AP-000142	00NGRID /IN: 012312 92601-67001	National Grid	Electric	74.78
2/6/2012	AP-000142	00NGRID /IN: 012312A 12207-45005	National Grid	Electric	116.10
2/6/2012	AP-000142	00NGRID /IN: 012312B 29009-12005	National Grid	Electric	93.22
2/6/2012	AP-000142	00NGRID /IN: 012312C 68009-33006	National Grid	Electric	99.29
2/6/2012	AP-000142	00NGRID /IN: 012312D 67609-73006	National Grid	Electric	74.68
2/6/2012	AP-000142	00NGRID /IN: 012312E 60401-66001	National Grid	Electric	127.03
3/9/2012	AP-000148	00NGRID /IN: 022212 60401-66001	National Grid	Electric	112.03
3/9/2012	AP-000148	00NGRID /IN: 022212A 29009-12005	National Grid	Electric	102.01
3/9/2012	AP-000148	00NGRID /IN: 022212B 12207-45005	National Grid	Electric	101.85
3/9/2012	AP-000148	00NGRID /IN: 022212C 68009-33006	National Grid	Electric	105.32
3/9/2012	AP-000148	00NGRID /IN: 022212D 67609-73006	National Grid	Electric	65.44
3/9/2012	AP-000148	00NGRID /IN: 022212E 92601-67001	National Grid	Electric	65.85
4/6/2012	AP-000154	00NGRID /IN: 032212 12207-45005	National Grid	Electric	74.83
4/6/2012	AP-000154	00NGRID /IN: 032212A 60401-66001	National Grid	Electric	96.30
4/6/2012	AP-000154	00NGRID /IN: 032212B 29009-12005	National Grid	Electric	94.95
5/4/2012	AP-000160	00NGRID /IN: 042312 67609-73006	National Grid	Electric	42.62
5/4/2012	AP-000160	00NGRID /IN: 042312A 68009-33006	National Grid	Electric	65.10
5/4/2012	AP-000160	00NGRID /IN: 042312B 92601-67001	National Grid	Electric	41.59
5/4/2012	AP-000160	00NGRID /IN: 042312C 60401-66001	National Grid	Electric	71.65
5/4/2012	AP-000160	00NGRID /IN: 042312D 12207-45005	National Grid	Electric	48.16
5/4/2012	AP-000160	00NGRID /IN: 042312E 29009-12005	National Grid	Electric	70.65
6/6/2012	AP-000166	00NGRID /IN: 052312 12207-45005	National Grid	Electric	36.77
6/6/2012	AP-000166	00NGRID /IN: 052312A 68009-33006	National Grid	Electric	52.17
6/6/2012	AP-000166	00NGRID /IN: 052312B 29009-12005	National Grid	Electric	55.68
6/6/2012	AP-000166	00NGRID /IN: 052312C 60401-66001	National Grid	Electric	50.75
6/6/2012	AP-000166	00NGRID /IN: 052312D 67609-73006	National Grid	Electric	42.14
6/6/2012	AP-000166	00NGRID /IN: 052312E 92601-67001	National Grid	Electric	41.57
7/5/2012	AP-000170	00NGRID /IN: 062212 92601-67001	National Grid	Electric	41.51
7/5/2012	AP-000170	00NGRID /IN: 062212A 60401-66001	National Grid	Electric	45.47
7/5/2012	AP-000170	00NGRID /IN: 062212B 12207-45005	National Grid	Electric	36.11
7/5/2012	AP-000170	00NGRID /IN: 062212C 29009-12005	National Grid	Electric	37.90
7/5/2012	AP-000170	00NGRID /IN: 062212D 67609-73006	National Grid	Electric	42.82
7/5/2012	AP-000170	00NGRID /IN: 062212E 68009-33006	National Grid	Electric	50.11
8/8/2012	AP-000175	00NGRID /IN: 072412 92601-67001	National Grid	Electric	41.81
8/8/2012	AP-000175	00NGRID /IN: 072412A 12207-45005	National Grid	Electric	36.31
8/8/2012	AP-000175	00NGRID /IN: 072412B 60401-66001	National Grid	Electric	58.67
8/8/2012	AP-000175	00NGRID /IN: 072412C 29009-12005	National Grid	Electric	38.59
8/8/2012	AP-000175	00NGRID /IN: 072412D 67609-73006	National Grid	Electric	42.53
9/13/2012	AP-000186	00NGRID /IN: 082212 92601-67001	National Grid	Electric	41.56
9/13/2012	AP-000186	00NGRID /IN: 082212A 67609-73006	National Grid	Electric	42.76
9/13/2012	AP-000186	00NGRID /IN: 082212B 60401-66001	National Grid	Electric	57.50
9/13/2012	AP-000186	00NGRID /IN: 082212C 68009-33006	National Grid	Electric	49.25
9/13/2012	AP-000186	00NGRID /IN: 082212D 29009-12005	National Grid	Electric	39.07
9/13/2012	AP-000186	00NGRID /IN: 082212E 12207-45005	National Grid	Electric	36.25
10/4/2012	AP-000192	00NGRID /IN: 092512 29009-12005	National Grid	Electric	42.48
10/4/2012	AP-000192	00NGRID /IN: 092512A 68009-33006	National Grid	Electric	61.72
10/4/2012	AP-000192	00NGRID /IN: 092512B 92601-67001	National Grid	Electric	56.51
10/4/2012	AP-000192	00NGRID /IN: 092512C 60401-66001	National Grid	Electric	62.44
10/4/2012	AP-000192	00NGRID /IN: 092512D 67609-73006	National Grid	Electric	56.30
10/4/2012	AP-000192	00NGRID /IN: 092512E 12207-45005	National Grid	Electric	65.00
11/1/2012	AP-000197	00NGRID /IN: 102312 68009-33006	National Grid	Electric	79.29
11/1/2012	AP-000197	00NGRID /IN: 102312A 29009-12005	National Grid	Electric	57.86
11/1/2012	AP-000197	00NGRID /IN: 102312B 92601-67001	National Grid	Electric	59.50
11/1/2012	AP-000197	00NGRID /IN: 102312C 12207-45005	National Grid	Electric	69.28
11/1/2012	AP-000197	00NGRID /IN: 102312D 67609-73006	National Grid	Electric	72.71
11/1/2012	AP-000197	00NGRID /IN: 102312E 60401-66001	National Grid	Electric	88.32
12/6/2012	AP-000203	00NGRID /IN: 112612 926601-67001	National Grid	Electric	89.58
12/6/2012	AP-000203	00NGRID /IN: 112612A 67609-73006	National Grid	Electric	67.81
12/6/2012	AP-000203	00NGRID /IN: 112612B 68009-33006	National Grid	Electric	113.95
12/6/2012	AP-000203	00NGRID /IN: 112612C 60401-66001	National Grid	Electric	119.18
12/6/2012	AP-000203	00NGRID /IN: 112612D 29009-12005	National Grid	Electric	61.17
12/6/2012	AP-000203	00NGRID /IN: 112612E 12207-45005	National Grid	Electric	79.42
1/5/2012	AP-000136	00NGRID /IN: 122211 60004-54004	National Grid	Electric	20.19
1/5/2012	AP-000136	00NGRID /IN: 122211A 92601	National Grid	Electric	41.71
1/5/2012	AP-000136	00NGRID /IN: 122211B 68009-33006	National Grid	Electric	45.21
1/5/2012	AP-000136	00NGRID /IN: 122211C 67609-73006	National Grid	Electric	86.12
1/5/2012	AP-000136	00NGRID /IN: 122211D 60401-66001	National Grid	Electric	115.40
1/5/2012	AP-000136	00NGRID /IN: 122211E 29009-12005	National Grid	Electric	36.73

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1/5/2012	AP-000136	00NGRID /IN: 122211F 12207-45005		National Grid	Electric	62.93	
3/5/2012	CR-000069	Doc: Dep	03/05/12 Nat'lGrid-overp	National Grid	Electric		14.90
						4,715.81	
Professional Fees							
2/24/2012	AP-000146	00PCEPC /IN: 1436		Paragon Civil engineering, PC		550.00	
2/6/2012	AP-000142	00SALLC /IN: 011212 for 124 Jefferson St		Survey Associates, LLC		425.00	
1/26/2012	AP-000140	00SALLC /IN: 012012 prepare soning chang		Survey Associates, LLC		380.00	
3/22/2012	AP-000150	00SALLC /IN: 031312		Survey Associates, LLC		255.00	
6/18/2012	MC-000031	Walsh & Walsh, LLP 000317		Walsh & Walsh, LLP	Legal fees	375.00	
7/12/2012	AP-000172	00WWLLP /IN: 20816		Walsh & Walsh, LLP	Legal fees	5,329.20	
10/18/2012	AP-000194	00STULM /IN: 404348				71.25	
10/18/2012	AP-000194	00WWLLP /IN: 21089				924.72	
						8,310.17	
BANK SERVICE CHARGES							
1/10/2012	JE-000028	Doc: debit	01/10/12 Jan AJE - Fees			45.86	
2/8/2012	JE-000029	Doc: debit	02/08/12 Feb AJE - Fee			44.49	
3/31/2012	JE-000030	Doc: debit	03/31/12 Mar AJE - Fee			44.50	
4/9/2012	JE-000031	Doc: debit	04/09/12 Apr AJE - Fees			45.57	
5/8/2012	JE-000032	Doc: debit	05/08/12 May AJE - Fees			42.63	
6/8/2012	JE-000033	Doc: debit	06/08/12 June AJE - Fees			42.38	
7/10/2012	JE-000034	Doc: debit	07/10/12 July AJE - Fees			41.23	
8/8/2012	JE-000035	Doc: debit	08/08/12 Aug AJE- Fees			42.17	
9/11/2012	JE-000036	Doc: debit	09/11/12 Sep AJE - Fee			43.73	
10/9/2012	JE-000037	Doc: debit	10/09/12 Oct AJE - Fees			45.78	
11/8/2012	JE-000038	Doc: debit	11/08/12 Nov AJE - Bank			48.93	
12/10/2012	JE-000039	Doc: debit	12/10/12 Dec AJE - Fee			45.33	
						532.60	
DUES, SUBS. & EDUCAT							
11/21/2012	MC-000036	Saratoga Builders Association 000361				175.00	

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Repairs and Maintenance				
R&M-GENERAL				
10/11/2013	AP-000257	00JELLC /IN: 101013	525.00	
		YE AP AJE	100.00	
R&M-JANITORIAL				
7/25/2013	AP-000244	00DWARR /IN: 062613 cleaning of unit 6	300.00	
11/14/2013	AP-000268	00DWARR /IN: 111313	450.00	
12/24/2013	MC-000051	Danielle Warrington 000437	600.00	
R&M-LAWNCARE				
10/18/2012	AP-000194	00JELLC /IN: 101612 cut grass and monthl	57.38	
7/25/2013	AP-000244	00JELLC /IN: 072213 home depo reciepts/i	1,655.18	
12/24/2013	MC-000050	Danielle Warrington 000436	800.00	
R&M-ROOF REPAIR				
		YE AJE - RECLASS FROM 5080-00	150.00	
R&M-SNOW REMOVAL				
1/10/2013	MC-000039	T & J Contracting 000371	1,500.00	
3/15/2013	MC-000040	Jellco Construction, Inc 000385	60.00	
12/24/2013	MC-000052	Danielle Warrington 000438	100.00	
		YE AP AJE	1,750.00	
R&M-TRASH REMOVAL				
3/15/2013	MC-000040	Jellco Construction, Inc 000385	125.00	
			8,172.56	
Taxes & Licenses				
2/7/2013	AP-000215	00COFIN /IN: 005123 178.36-3-21	2,707.80	
9/27/2013	AP-000253	00SSCSD /IN: 000918 178.36-3-21	4,710.40	
		YE AJE - Prepaid Calcuation		2,355.20
2/28/2013	AP-000217	00NYSFF /IN: 022713 05-29-2009	25.00	
6/6/2013	AP-000232	00PGLOT /IN: 052913 reimbursement for bi	9.00	
			5,097.00	
WATER/SEWER:main				
1/31/2013	AP-000214	00COFIN /IN: 111912 178.36-3-21	47.00	
1/31/2013	AP-000214	00COFIN /IN: 111912A 178.36-3-21	47.00	
1/31/2013	AP-000214	00COFIN /IN: 111912B 178.36-3-21	47.00	
1/31/2013	AP-000214	00COFIN /IN: 111912C 178.36-3-21	47.00	
1/31/2013	AP-000214	00COFIN /IN: 111912D 178.36-3-21	47.00	
1/31/2013	AP-000214	00COFIN /IN: 111912E 178.36-3-21	75.89	
1/31/2013	AP-000214	00COFIN /IN: 112012 178.36-3-21	41.00	
4/26/2013	AP-000228	00COFIN /IN: 022113 178.36-3-21	50.00	
4/26/2013	AP-000228	00COFIN /IN: 022113A 178.36-3-21	41.00	
4/26/2013	AP-000228	00COFIN /IN: 022113B 178.36-3-21	50.00	
4/26/2013	AP-000228	00COFIN /IN: 022113C 178.36-3-21	50.00	
4/26/2013	AP-000228	00COFIN /IN: 022113D 178.36-3-21	56.61	
4/26/2013	AP-000228	00COFIN /IN: 022113E 178.36-3-21	50.00	
4/26/2013	AP-000228	00COFIN /IN: 022113F 178.36-3-21	53.31	
7/25/2013	AP-000244	00COFIN /IN: 051613 178.36-3-21	50.00	
7/25/2013	AP-000244	00COFIN /IN: 051613A 178.36-3-21	50.00	

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7/25/2013	AP-000244	00COFIN /IN: 051613B 178.36-3-21	53.31		
7/25/2013	AP-000244	00COFIN /IN: 051613C 178.36-3-21	50.00		
7/25/2013	AP-000244	00COFIN /IN: 051613D 178.36-3-21	76.44		
7/25/2013	AP-000244	00COFIN /IN: 051613E 178.36-3-21	50.00		
7/25/2013	AP-000244	00COFIN /IN: 051613F 178.36-3-21	41.00		
8/2/2013	AP-000246	00COFIN /IN: 051513 178.43-1-38	50.00		
10/31/2013	AP-000265	00COFIN /IN: 17836321-1 50247C	50.00		
10/31/2013	AP-000266	00COFIN /IN: 17836321 050247	41.00		
10/31/2013	AP-000266	00COFIN /IN: 17836321A 050247A	53.31		
10/31/2013	AP-000266	00COFIN /IN: 17836321B 050247B	79.75		
10/31/2013	AP-000266	00COFIN /IN: 17836321C 050247D	50.00		
10/31/2013	AP-000266	00COFIN /IN: 17836321D 050247E	50.00		
10/31/2013	AP-000266	00COFIN /IN: 17836321E 050247F	63.22		
11/8/2013	CR-000118	Doc: Dep 11/08/13 WR Calhoun-wate		42.83	
11/8/2013	CR-000118	Doc: Dep 11/08/13 D.Warrington-wa		79.75	
		YE AP AJE	260.84		
			1,649.10		
ADVERTISING					
11/14/2013	AP-000268	00TOGALIV /IN: 2013-1-15	500.00		
12/12/2013	AP-000274	00CTOUH /IN: 120613	750.00		
			1,250.00		
INSURANCE					
1/1/2013		Reversal: prior prepaid	7,159.76		
11/14/2013	AP-000268	00DMICO /IN: C119778 S14-47-109	9,392.63		
11/27/2013	AP-000270	00DMICO /IN: 112213 S14-47-109	330.00		
11/27/2013	AP-000270	00DMICO /IN: 112213A S13-35-694	75.00		
		YE AJE - PREPAID INSURANCE		8,609.91	
			8,347.48		
ELECTRIC & GAS:main					
	AP-000215	00NGRID /IN: 012213 12207-45005			
2/7/2013	AP-000215	00NGRID /IN: 012213B 92601-67001	119.09		
2/7/2013	AP-000215	00NGRID /IN: 012213C 29009-12005.	155.31		
2/7/2013	AP-000215	00NGRID /IN: 012213D 67609-73006	110.27		
2/7/2013	AP-000215	00NGRID /IN: 012213E 60401-66001	90.75		
2/7/2013	AP-000215	00NGRID /IN: 012213F 68009-33006	173.34		
2/7/2013	AP-000220	00NGRID /IN: 022513 92601-67001	123.47		
3/5/2013	AP-000220	00NGRID /IN: 022513A 68009-3306	146.82		
3/5/2013	AP-000220	00NGRID /IN: 022513B 12207-45005	150.68		
3/5/2013	AP-000220	00NGRID /IN: 022513C 60401-66001	135.50		
3/5/2013	AP-000220	00NGRID /IN: 022513D 29009-12005	170.15		
3/5/2013	AP-000220	00NGRID /IN: 022513E 67609-73006	164.38		
3/5/2013	AP-000226	00NGRID /IN: 032113 12207-45005	165.70		
4/9/2013	AP-000226	00NGRID /IN: 032113A 29009-12005	88.43		
4/9/2013	AP-000226	00NGRID /IN: 032113B 60401-66001	112.01		
4/9/2013	AP-000226	00NGRID /IN: 032113C 67609-73006	99.94		
4/9/2013	AP-000226	00NGRID /IN: 032113D 92601-67001	89.49		
4/9/2013	AP-000226	00NGRID /IN: 032113E 68009-33006	54.95		

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4/9/2013	AP-000230	00NGRID /IN: 042213 12207-45005	89.66	
5/20/2013	AP-000230	00NGRID /IN: 042213A 68009-33006	102.77	
5/20/2013	AP-000230	00NGRID /IN: 042213B 60401-66001	87.62	
5/20/2013	AP-000230	00NGRID /IN: 042213C 92601-67001	90.32	
5/20/2013	AP-000230	00NGRID /IN: 042213D 29009-12005	58.04	
5/20/2013	AP-000230	00NGRID /IN: 042213E 67609-73006	114.94	
5/20/2013	AP-000232	00NGRID /IN: 052313 68009-33006	100.06	
6/6/2013	AP-000232	00NGRID /IN: 052313A 12207-45005	66.58	
6/6/2013	AP-000232	00NGRID /IN: 052313B 29009-12005	56.30	
6/6/2013	AP-000232	00NGRID /IN: 052313C 67609-73006	105.12	
6/6/2013	AP-000232	00NGRID /IN: 052313D 60401-66001	78.03	
6/6/2013	AP-000234	00NGRID /IN: 0052313 92601-67001	54.46	
6/13/2013	AP-000238	00NGRID /IN: 062513 68009-33006	49.68	
7/5/2013	AP-000238	00NGRID /IN: 062513A 92601-67001	68.99	
7/5/2013	AP-000238	00NGRID /IN: 062513B 12207-45005	61.92	
7/5/2013	AP-000238	00NGRID /IN: 062513C 67609-73006	57.88	
7/5/2013	AP-000238	00NGRID /IN: 062513D 60401-66001	76.95	
7/5/2013	AP-000238	00NGRID /IN: 062513E 29009-12005	50.19	
7/5/2013	AP-000240	00NGRID /IN: 062913 92601-67001	106.51	
7/11/2013	AP-000248	00NGRID /IN: 072413 29009-12005	69.53	
8/8/2013	AP-000248	00NGRID /IN: 072413A 60401-66001	125.39	
8/8/2013	AP-000248	00NGRID /IN: 072413B 12207-45005	52.96	
8/8/2013	AP-000248	00NGRID /IN: 072413C 67609-73006	48.21	
8/8/2013	AP-000248	00NGRID /IN: 072413D 68009-33006	51.10	
8/8/2013	AP-000249	00NGRID /IN: 0072413A 60401-66001	57.83	
8/12/2013	AP-000249	00NGRID /IN: 0072413B 12207-45005	52.96	
8/12/2013	AP-000249	00NGRID /IN: 0072413C 67609-73006	48.21	
8/12/2013	AP-000249	00NGRID /IN: 0072413D 68009-33006	51.10	
8/12/2013	MC-000042	National Grid 000409	57.83	
8/12/2013	AP-000252	00NGRID /IN: 082313 60401-66001		335.49
9/13/2013	AP-000252	00NGRID /IN: 082613 67609-73006	48.11	
9/13/2013	AP-000252	00NGRID /IN: 082613A 12207-45005	45.60	
9/13/2013	AP-000252	00NGRID /IN: 082613B 29009-12005	47.91	
9/13/2013	AP-000252	00NGRID /IN: 082613C 68009-33006	95.93	
9/13/2013	AP-000255	00NGRID /IN: 092413 60401-66001	53.69	
10/3/2013	AP-000255	00NGRID /IN: 092413A 68009-33006	58.12	
10/3/2013	AP-000255	00NGRID /IN: 092413B 67609-73006	53.62	
10/3/2013	AP-000257	00NGRID /IN: 092413D 60401-66001	51.08	
10/11/2013	AP-000265	00NGRID /IN: 102213 68009-33006	58.12	
10/31/2013	AP-000265	00NGRID /IN: 102213A 12207-45005	58.59	
10/31/2013	AP-000265	00NGRID /IN: 102213B 67609-73006	53.44	
10/31/2013	AP-000272	00NGRID /IN: 112013 68009-33006	49.99	
12/5/2013	AP-000272	00NGRID /IN: 112013A 67609-73006	70.03	
12/5/2013	AP-000272	00NGRID /IN: 112013B 12207-45005	70.33	
12/5/2013		YE AP AJE	106.64	
			195.25	
			5,022.38	

CDJt Development, LLC
Detail Operating Expenses
2013

PROFESSIONAL FEES				
12/5/2013	AP-000:	00WWLLP /IN: 22880		1,209.50
		YE AP AJE		345.50
12/31/2013		To record year end MGMT fees.		807.30
				2,362.30
BANK SERVICE CHARGES				
2/8/2013	JE-000041	Doc: debit	02/08/13 Feb AJE - Fees	46.26
3/8/2013	JE-000042	Doc: debit	03/08/13 Mar AJE - Fees	45.17
4/8/2013	JE-000043	Doc: debit	04/08/13 Apr AJE - Fee	49.77
5/8/2013	JE-000044	Doc: debit	05/08/13 May AJE - Fees	43.66
6/10/2013	JE-000045	Doc: debit	06/10/13 Jun AJE - Fees	45.59
7/9/2013	JE-000046	Doc: debit	07/09/13 July AJE - Fees	44.22
8/8/2013	JE-000047	Doc: debit	08/08/13 Aug AJE - Fees	46.43
9/10/2013	JE-000051	Doc: debit	09/10/13 Sep AJE - Fees	44.15
10/8/2013	JE-000052	Doc: debit	10/08/13 Oct AJE - Fees	43.78
11/8/2013	JE-000053	Doc: debit	11/08/13 Nov AJE - Fees	44.29
12/9/2013	JE-000054	Doc: debit	12/09/13 Dec AJE - Fees	47.86
				501.18
DUES, SUBS. & EDUCAT				
11/14/2013	AP-000268	00SBASS /IN: 980		195.00

CDJT Development, LLC
Detail Operating Expenses
2014

Repairs and Maintenance

R&M-GENERAL

1/1/2014	JE-000002	Reversal: YE AJE 9		100.00
1/9/2014	AP-000280	00DWARR /IN: 010714A	100.00	
3/20/2014	AP-000296	00HENOS /IN: 031214	75.00	
4/4/2014	AP-000298	00HENOS /IN: 032514	50.00	
4/4/2014	AP-000298	00HENOS /IN: 032614	150.00	
5/29/2014	AP-000307	00DWARR /IN: 052014	300.00	
5/29/2014	AP-000307	00DWARR /IN: 052714	40.00	
6/12/2014	AP-000311	00DWARR /IN: 061014	1,050.00	
6/25/2014	AP-000313	00DWARR /IN: 062414	100.00	
6/25/2014	AP-000313	00DWARR /IN: 062414	60.00	
6/25/2014	AP-000313	00DWARR /IN: 062414	120.00	
7/17/2014	AP-000317	00DWARR /IN: 071514	600.00	
7/17/2014	AP-000317	00DWARR /IN: 071514	50.00	
9/8/2014	AP-000329	00A1PWSER /IN: 070914	1,037.00	
9/25/2014	AP-000335	00DWARR /IN: 092314	790.00	
9/25/2014	AP-000335	00DWARR /IN: 092314A	1,492.00	
10/16/2014	AP-000339	00PGLOT /IN: 101414 Danielle called in f	232.91	
10/23/2014	AP-000341	00BOYDRA /IN: 90955	152.48	
10/31/2014	MC-000055	Lippus Electrical 000491	425.00	
11/20/2014	AP-000345	00CLCIN /IN: 1411291398 Condo Apt 5	165.67	
11/21/2014	MC-000057	Mangino Custom Finishes 000496	725.00	
11/21/2014	MC-000057	Mangino Custom Finishes 000496	1,100.00	
11/21/2014	MC-000057	Mangino Custom Finishes 000496	282.60	
11/26/2014	AP-000347	00MANGINO /IN: 1108	150.00	
11/26/2014	AP-000347	00MANGINO /IN: 1118	150.00	
12/4/2014	AP-000349	00CLCIN /IN: 1411017611 8163	1,075.57	
12/4/2014	AP-000349	00MANGINO /IN: 112814	550.00	
12/4/2014	AP-000349	00MANGINO /IN: 120214	100.00	
12/12/2014	AP-000351	00CLCIN /IN: 1412039569	12.60	
12/12/2014	AP-000351	00HDEPO /IN: 5971372	224.49	
12/12/2014	AP-000351	00MANGINO /IN: 120814	100.00	
12/19/2014	AP-000355	00DWARR /IN: 121614	325.00	
8/14/2014	AP-000325	00DWARR /IN: 080614	300.00	

R&M-HVAC

7/31/2014	AP-000321	00BMSYS /IN: 41405	376.11
12/18/2014	AP-000353	00BMSYS /IN: 42583	211.86

R&M-JANITORIAL

12/4/2014	AP-000349	00DWARR /IN: 120214	150.00

R&M-LAWNCARE

4/10/2014	AP-000301	00DWARR /IN: 040814	600.00
5/29/2014	AP-000307	00DWARR /IN: 052014	1,229.00
5/29/2014	AP-000307	00DWARR /IN: 052714	50.00
5/29/2014	AP-000307	00DWARR /IN: 052714A	195.00

CDJT Development, LLC
Detail Operating Expenses
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6/25/2014	AP-000313	00DWARR /IN: 062414	710.00	
6/25/2014	AP-000313	00SAMOW /IN: 062514	96.30	
7/17/2014	AP-000317	00DWARR /IN: 071514	400.00	
8/14/2014	AP-000325	00SAMOW /IN: 1546	615.25	
9/18/2014	AP-000331	00SAMOW /IN: 1554	288.90	
10/23/2014	AP-000341	00SAMOW /IN: 1559	192.60	
12/12/2014	AP-000351	00SAMOW /IN: 1595	240.75	
R&M-ROOF REPAIR				
11/26/2014	AP-000347	00MANGINO /IN: 1120	250.00	
R&M-SNOW REMOVAL				
1/1/2014	JE-000002	Reversal: YE AJE 9		1,750.00
1/6/2014	MC-000053	T & J Contracting 000440	1,500.00	
1/9/2014	AP-000280	00DWARR /IN: 010714	250.00	
3/12/2014	AP-000294	00DWARR /IN: 031114	2,265.00	
12/4/2014	AP-000349	00DWARR /IN: 120214	100.00	
12/12/2014	AP-000351	00CLCIN /IN: 1412049692	52.99	
12/12/2014	AP-000351	00MANGINO /IN: 120914	300.00	
12/18/2014	AP-000353	00MANGINO /IN: 121614	200.00	
		YE AP AJE	66.23	
			20,575.31	
Taxes & Licenses				
1/1/2014	JE-000002	Reversal: YE AJE 3	2,355.20	
2/13/2014	AP-000286	00COFIN /IN: 005143 005143	2,661.26	
9/23/2014	AP-000333	00SSCSD /IN: 000914	7,862.47	
		YE AJE - Prepaid Calcuation		3,931.24
2/27/2014	AP-000290	00NYSFF /IN: 022414 27-0319114	25.00	
12/4/2014	AP-000349	00DWARR /IN: 120214	125.00	
			9,097.69	
WATER/SEWER				
1/1/2014	JE-000002	Reversal: YE AJE 9		260.84
1/30/2014	AP-000284	00COFIN /IN: 012914 050247D	50.00	
1/30/2014	AP-000284	00COFIN /IN: 012914A 050247A	66.53	
1/30/2014	AP-000284	00COFIN /IN: 012914B 050247	41.00	
1/30/2014	AP-000284	00COFIN /IN: 012914C 050247E	50.00	
1/30/2014	AP-000284	00COFIN /IN: 178.36-3-2 050247C	53.31	
3/14/2014	CR-000124	Doc: Dep 03/14/14 W.Monks-water-c		29.61
4/24/2014	AP-000303	00COFIN /IN: 042314 050247	41.00	
4/24/2014	AP-000303	00COFIN /IN: 042314A 050247E	54.00	
4/24/2014	AP-000303	00COFIN /IN: 042314B 050247A	84.65	
4/24/2014	AP-000303	00COFIN /IN: 042314C 050247D	57.41	
7/23/2014	AP-000319	00COFIN /IN: 072214 178.36-3-21	58.00	
7/23/2014	AP-000319	00COFIN /IN: 072214A 178.36-3-21	58.00	
7/23/2014	AP-000319	00COFIN /IN: 072214B 050247A	81.84	

CDJT Development, LLC
Detail Operating Expenses
2014

	8/7/2014	AP-000323	00COFIN /IN: 080614 050247F	76.14	
	8/7/2014	AP-000323	00COFIN /IN: 080614A 050247C	115.24	
	8/7/2014	AP-000323	00COFIN /IN: 080614B 050247B	181.78	
	10/23/2014	AP-000341	00COFIN /IN: 102214 050247F	75.03	
	10/23/2014	AP-000341	00COFIN /IN: 102214A 050247C	58.00	
	10/23/2014	AP-000341	00COFIN /IN: 102214B 050247D	58.00	
	10/23/2014	AP-000341	00COFIN /IN: 102214C 050247E	58.00	
	10/23/2014	AP-000341	00COFIN /IN: 102214D 050247A	112.48	
			YE AP AJE	358.11	
				1,498.07	
ADVERTISING					
	1/30/2014	AP-000284	00SLCHO /IN: 621	750.00	
	7/10/2014	AP-000315	00SLCHO /IN: 736	750.00	
				1,500.00	
INSURANCE					
	1/1/2014	JE-000002	Reversal: YE AJE 6	8,609.91	
	11/26/2014	AP-000347	00DMICO /IN: 111014 556500	10,095.74	
			YE AJE - PREPAID INSURANCE		9,254.43
				9,451.22	
ELECTRIC & GAS					
	1/1/2014	JE-000002	Reversal: YE AJE 9		195.25
	1/9/2014	AP-000280	00NGRID /IN: 122313 67609-73006	103.36	
	1/9/2014	AP-000280	00NGRID /IN: 122313A 68009-33006	91.89	
	2/13/2014	AP-000286	00NGRID /IN: 012314 68009-33006	106.49	
	2/20/2014	AP-000288	00NGRID /IN: 012314A 12207-45005	145.13	
	2/20/2014	AP-000288	00NGRID /IN: 12314 67609-73006	149.80	
	3/7/2014	AP-000292	00NGRID /IN: 022414 67609-73006	132.73	
	3/7/2014	AP-000292	00NGRID /IN: 022414A 68009-33006	106.79	
	3/7/2014	AP-000292	00NGRID /IN: 022414B 12207-45005	111.63	
	4/10/2014	AP-000301	00NGRID /IN: 032414 68009-33006	110.73	
	4/10/2014	AP-000301	00NGRID /IN: 032414A 12207-45005	108.76	
	4/10/2014	AP-000301	00NGRID /IN: 032414B 67609-73006	126.12	
	5/8/2014	AP-000305	00NGRID /IN: 042314 12207-45005	61.87	
	5/8/2014	AP-000305	00NGRID /IN: 042314A 67609-73006	70.60	
	5/8/2014	AP-000305	00NGRID /IN: 042314B 68009-33006	92.39	
	6/5/2014	AP-000309	00NGRID /IN: 052214 12207-45005	49.98	
	6/5/2014	AP-000309	00NGRID /IN: 052214A 67609-73006	51.45	
	6/5/2014	AP-000309	00NGRID /IN: 052214B 68009-33006	75.91	
	7/10/2014	AP-000315	00NGRID /IN: 062414 68009-33006	52.49	
	7/10/2014	AP-000315	00NGRID /IN: 062414A 67609-73006	54.11	
	7/10/2014	AP-000315	00NGRID /IN: 062414B 12207-45005	70.51	
	8/7/2014	AP-000323	00NGRID /IN: 072314 67609-73006	49.93	
	8/7/2014	AP-000323	00NGRID /IN: 072314A 68009-33006	50.44	
	8/7/2014	AP-000323	00NGRID /IN: 072314B 12207-45005	78.20	

CDJT Development, LLC
Detail Operating Expenses
2014

9/4/2014	AP-000327	00NGRID /IN: 082014 68009-33006	54.44	
9/4/2014	AP-000327	00NGRID /IN: 082114 12207-45005	78.98	
9/4/2014	AP-000327	00NGRID /IN: 082114A 67609-73006	50.30	
10/2/2014	AP-000337	00NGRID /IN: 092214 12207-45005	79.88	
10/2/2014	AP-000337	00NGRID /IN: 092214A 68009-33006	49.38	
10/2/2014	AP-000337	00NGRID /IN: 092214B 67609-73006	47.85	
10/23/2014	AP-000341	00NGRID /IN: 100614 12207-45005	43.22	
11/6/2014	AP-000343	00NGRID /IN: 102314 68009-33006	51.87	
11/6/2014	AP-000343	00NGRID /IN: 102314A 67609-73006	49.89	
12/4/2014	AP-000349	00NGRID /IN: 112414 68009-33006	73.12	
12/4/2014	AP-000349	00NGRID /IN: 112414A 67609-73006	76.63	
12/12/2014	AP-000351	00NGRID /IN: 120214 68009-33006	21.71	
		YE AP AJE	87.13	
			2,620.46	

PROFESSIONAL FEES

1/1/2014	JE-000002	Reversal: YE AJE 9		345.50
1/13/2014	AP-000282	00WWLLP /IN: 23017	345.50	
3/7/2014	AP-000292	00WWLLP /IN: 23236	177.00	
4/10/2014	AP-000301	00WWLLP /IN: 23357	88.50	
7/10/2014	AP-000315	00WWLLP /IN: 23674	683.00	
9/18/2014	AP-000331	00BONAGR /IN: BN67365 CDJ002001	1,190.00	
12/4/2014	AP-000349	00WWLLP /IN: 24111	213.50	
12/31/2014	YE AJE	To record year end MGMT fees.	2,377.20	
			4,729.20	

BANK SERVICE CHARGES

1/9/2014	JE-000055	Doc: debit	01/09/14 Jan AJE - Fee	45.24
2/10/2014	JE-000056	Doc: debit	02/10/14 Feb AJE - Fees	46.82
3/10/2014	JE-000057	Doc: debit	03/10/14 Mar AJE- Fees	46.91
4/8/2014	JE-000058	Doc: debit	04/08/14 Apr AJE - Fees	45.25
5/8/2014	JE-000059	Doc: debit	05/08/14 May AJE - Fees	44.98
6/10/2014	JE-000060	Doc: debit	06/10/14 June AJE - Fees	46.52
7/9/2014	JE-000061	Doc: debit	07/09/14 July AJE - Fees	46.37
8/8/2014	JE-000062	Doc: debit	08/08/14 Aug AJE - Fee	45.71
9/9/2014	JE-000063	Doc: debit	09/09/14 Sep AJE - BSC	45.95
10/8/2014	JE-000064	Doc: debit	10/08/14 Oct AJE - Fees	48.70
11/10/2014	JE-000065	Doc: debit	11/10/14 Nov AJE - Fee	45.50
12/8/2014	JE-000066	Doc: debit	12/08/14 Dec AJE - Fees	47.66
				555.61

8/14/2014	AP-000325	00JELLC /IN: 072214	675.00

CDJT Development, LLC
Detail Operating Expenses
2015

Repairs and Maintenance

R&M-GENERAL

1/29/2015	AP-000359	00MANGINO /IN: 011615	150.00
4/1/2015	AP-000371	00CLCIN /IN: 1503259719 124 JE	218.32
4/1/2015	AP-000371	00MANGINO /IN: 11081175 #6 FUR	175.00
4/1/2015	AP-000371	00MANGINO /IN: 11081184 SMOKE	200.00
4/9/2015	AP-000373	00AODCO /IN: 43121 124 Jeffers	140.40
4/29/2015	AP-000375	00AODCO /IN: 43247 124 Jeffers	140.40
5/21/2015	MC-000060	David Girvin 000535	5,000.00
5/27/2015	AP-000379	00DGIRVIN /IN: 052115A Electri	4,361.42
5/27/2015	AP-000379	00MONEVE /IN: 2582 Gas Leak	136.43
6/11/2015	AP-000383	00CLCIN /IN: 1506173534 124 Je	182.70
6/11/2015	AP-000383	00CLCIN /IN: 1506180333 124 Je	152.96
6/11/2015	AP-000383	00MANGINO /IN: 1189 124 Jeffer	600.00
7/6/2015	MC-000061	Mangino Custom Finishes 000542	475.00
7/7/2015	MC-000062	Curtis Lumber Co Inc 000543	139.80
7/15/2015	MC-000002	David Girvin 000546	6,000.00
7/28/2015	AP-000002	00CLCIN /IN: 1506270909 APT 5	139.80
7/28/2015	AP-000002	00MANGINO /IN: 11081206	1,200.00
8/6/2015	AP-000004	00CLCIN /IN: 1507079163 124 Je	132.68
8/6/2015	AP-000004	00MANGINO /IN: 1208 124 Jeffer	575.00
9/2/2015	AP-000011	00DGIRVIN /IN: 071515A Balance	6,372.59
10/15/2015	AP-000019	00CLCIN /IN: 1510-03819	161.13
10/22/2015	AP-000021	00MANGINO /IN: 1226	800.00
11/20/2015	MC-000005	Mangino Custom Finishes 000572	1,680.00
12/10/2015	AP-000031	00MANGINO /IN: 12715	1,200.00
12/30/2015	AP-000033	00CLCIN /IN: 1512-25619	65.64

R&M-JANITORIAL

1/9/2015	AP-000357	00DWARR /IN: 122214	325.00

R&M-LAWNCARE

6/8/2015	AP-000381	00SAMOW /IN: 1619 1619	1,102.10
8/24/2015	AP-000006	00MANGINO /IN: 082015 124 Jeff	3,200.00
8/28/2015	AP-000008	00SAMOW /IN: 1627 Wkly Mowing	658.05
8/28/2015	AP-000008	00SAMOW /IN: 1631 Wkly Mowing	577.80
10/22/2015	AP-000021	00SAMOW /IN: 1643	385.20
12/2/2015	AP-000029	00SAMOW /IN: 1648	267.50

R&M-SNOW REMOVAL

1/9/2015	AP-000357	00CLCIN /IN: 1412093688	66.23
1/9/2015	AP-000357	00MANGINO /IN: 010514	325.00
1/29/2015	AP-000359	00MANGINO /IN: 011615	475.00
1/29/2015	AP-000359	00MANGINO /IN: 012615	475.00
2/5/2015	AP-000361	00MANGINO /IN: 020215	450.00
2/12/2015	AP-000363	00MANGINO /IN: 020915	825.00
2/13/2015	MC-000059	Mangino Custom Finishes 000523	500.00
2/19/2015	AP-000365	00MANGINO /IN: 021615	2,450.00

CDJT Development, LLC
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	2/27/2015 AP-000367	00MANGINO /IN: 022415	300.00	
	4/1/2015 AP-000371	00MANGINO /IN: 11081172 PLOWIN	225.00	
			43,006.15	
Taxes & Licenses				
	2/12/2015 AP-000363	00COFIN /IN: 021015	4,480.20	
	9/25/2015 AP-000015	00SSCSD /IN: 000911 124 jeffer	8,007.31	
	2/27/2015 AP-000367	00NYSFF /IN: 022615 27-0319114	25.00	
			12,512.51	
WATER/SEWER				
	1/29/2015 AP-000359	00COFIN /IN: 012915 050247E	58.00	
	1/29/2015 AP-000359	00COFIN /IN: 012915B 050247C	88.65	
	1/29/2015 AP-000359	00COFIN /IN: 012915C 050247A	78.43	
	1/29/2015 AP-000359	00COFIN /IN: 012915D 050247F	75.03	
	1/29/2015 AP-000359	00COFIN /IN: 012915E 050247D	58.00	
	4/29/2015 AP-000375	00COFIN /IN: 021915 Tenant Rei	117.65	
	4/29/2015 AP-000375	00COFIN /IN: 021915A Danielle	100.10	
	4/29/2015 AP-000375	00COFIN /IN: 021915B 050247D	65.00	
	4/29/2015 AP-000375	00COFIN /IN: 021915C Tenant Re	82.55	
	4/29/2015 AP-000375	00COFIN /IN: 021915D Tenant Re	89.57	
	4/29/2015 AP-000375	00COFIN /IN: 021915E Tenant Re	82.55	
	4/29/2015 AR-000025	Bill Monks REF: 0000050 - BATC	0.00	117.65
	4/29/2015 AR-000025	Sharon Hext / Justin REF: 0000	0.00	89.57
	4/29/2015 AR-000025	Wayne and Susan Sene REF: 0000	0.00	82.55
	4/29/2015 AR-000025	RobertLussier/Rochel REF: 0000	0.00	82.55
	4/29/2015 AR-000025	Danielle Warrington REF: 00000	0.00	100.10
	7/28/2015 AP-000002	00COSSP /IN: 17836321 050247A	86.06	
	7/28/2015 AP-000002	00COSSP /IN: 17836321A 050247F	79.04	
	7/28/2015 AP-000002	00COSSP /IN: 17836321B 050247C	128.18	
	7/28/2015 AP-000002	00COSSP /IN: 17836321C 050247D	65.00	
	7/28/2015 AP-000002	00COSSP /IN: 17836321E 050247E	96.59	
	8/19/2015 AR-000004	Bill Monks REF: 0000068 - BATC	0.00	128.18
	8/19/2015 AR-000004	Sharon Hext / Justin REF: 0000	0.00	86.06
	8/19/2015 AR-000004	Wayne and Susan Sene REF: 0000	0.00	96.59
	8/19/2015 AR-000004	RobertLussier/Rochel REF: 0000	0.00	79.04
	10/29/2015 AP-000023	00COSSP /IN: 050247A	89.57	
	10/29/2015 AP-000023	00COSSP /IN: 050247C	117.65	
	10/29/2015 AP-000023	00COSSP /IN: 050247D	65.00	
	10/29/2015 AP-000023	00COSSP /IN: 050247E	93.08	
	10/29/2015 AP-000023	00COSSP /IN: 050247F	82.55	
	11/16/2015 AR-000014	Sharon Hext / Justin REF: SH18	0.00	89.57
	11/16/2015 AR-000014	Bill Monks REF: WM18568 - BATC	0.00	117.65
	11/16/2015 AR-000014	Wayne and Susan Sene REF: WS18	0.00	93.08
			635.66	
INSURANCE				
	11/11/2015 AP-000027	00DMICO /IN: 1122015	10,473.76	

CDJT Development, LLC
Detail Operating Expenses
2015

ELECTRIC & GAS

1/9/2015	AP-000357	00NGRID /IN: 122214 67609-7300	87.13
2/12/2015	AP-000363	00NGRID /IN: 012215 67609-7300	103.82
3/6/2015	AP-000369	00NGRID /IN: 022415 67609-7300	114.41
4/9/2015	AP-000373	00NGRID /IN: 032415 67609-7300	90.68
5/7/2015	AP-000377	00NGRID /IN: 042315 67609-7300	54.43
6/8/2015	AP-000381	00NGRID /IN: 052215 67609-7300	46.11
8/6/2015	AP-000004	00NGRID /IN: 072315 67609-7300	64.84
8/6/2015	AP-000004	00NGRID /IN: 072315 67609-7300	59.62
9/2/2015	AP-000011	00NGRID /IN: 082115 67609-7300	72.65
10/8/2015	AP-000017	00NGRID /IN: 92215	66.38
11/6/2015	AP-000025	00NGRID /IN: 102215 67609-7300	53.77
12/2/2015	AP-000029	00NGRID /IN: 112015 90601-6702	69.97
12/2/2015	AP-000029	00NGRID /IN: 112015A 67609-730	54.81
			938.62

PROFESSIONAL FEES

7/28/2015	AP-000002	00WWLLP /IN: 24723 LEGAL SERVI	183.00
10/8/2015	AP-000017	00WWLLP /IN: 24974	1,342.00
10/22/2015	AP-000021	00BONAGR /IN: BN96371	475.00
11/11/2015	AP-000027	00WWLLP /IN: 25047	274.50
			2,274.50

BANK SERVICE CHARGES

1/9/2015	JE-000067	Doc: debit	01/09/15 Jan A	46.95
2/9/2015	JE-000068	Doc: debit	02/09/15 Feb A	49.10
3/9/2015	JE-000069	Doc: debit	03/09/15 Mar A	52.47
4/30/2015	JE-000070	Doc: debit	04/30/15 Apr A	50.88
5/8/2015	JE-000072	Doc: debit	05/08/15 May A	50.29
6/8/2015	JE-000073	Doc: debit	06/08/15 June	49.37
7/8/2015	JE-000001	Doc: debit	07/08/15 July	50.78
8/10/2015	JE-000002	Doc: debit	08/10/15 Aug A	54.26
9/9/2015	JE-000003	Doc: debit	09/09/15 Sep A	48.38
10/8/2015	JE-000005	Doc: debit	10/08/15 Oct A	52.15
11/9/2015	JE-000006	Doc: debit	11/09/15 Nov A	53.67
12/8/2015	JE-000007	Doc: debit	12/08/15 Dec A	52.76
				611.06

TELEPHONE

4/30/2015	JE-000070	Doc: debit	04/30/15 Apr A	31.00

CDJT Development, LLC
2016 Operating Expenses
As of 5/10/2016

Repairs and Maintenance				
R&M-GENERAL				
	1/7/2016	AP-000035	00MANGINO /IN: 1247	100.00	
	1/21/2016	AP-000037	00SPHLL /IN: 5790	430.00	
R&M-SNOW REMOVAL					
	1/7/2016	AP-000035	00MANGINO /IN: 1251	225.00	
	4/27/2016	AP-000048	00MANGINO /IN: 1272	225.00	
				980.00	
Taxes & Licenses					
	2/18/2016	AP-000044	00COSSP /IN: 005146	1,185.08	
	2/18/2016	AP-000044	00NYSFF /IN: 204LL	25.00	
	3/28/2016	MC-000006	City of Saratoga Springs 00058	1,000.00	
				2,210.08	
WATER/SEWER					
	1/29/2016	AP-000040	00COFIN /IN: 12816	93.08	
	1/29/2016	AP-000040	00COFIN /IN: 12816A	68.51	
	1/29/2016	AP-000040	00COFIN /IN: 12816C	96.59	
	1/29/2016	AP-000040	00COFIN /IN: 12816D	68.51	
	1/29/2016	AP-000040	00COFIN /IN: 12816E	114.14	
	2/17/2016	AR-000022	Bill Monks REF: WM18884 - BATC		114.14
	4/21/2016	AP-000047	00COSSP /IN: 178.36-3-21	70.02	
	4/21/2016	AP-000047	00COSSP /IN: 178.36.-2-21	63.00	
	4/21/2016	AP-000047	00COSSP /IN: 51616	80.55	
	4/21/2016	AP-000047	00COSSP /IN: 51616A	77.04	
	4/21/2016	AP-000047	00COSSP /IN: 51616B	63.00	
				680.30	
ELECTRIC & GAS					
	1/7/2016	AP-000035	00NGRID /IN: 122315 67609-7300	76.28	
	1/7/2016	AP-000035	00NGRID /IN: 122315A 92601-670	106.51	
	2/11/2016	AP-000042	00NGRID /IN: 12316 68009-33024	71.81	
	2/11/2016	AP-000042	00NGRID /IN: 12516 67609-73006	76.21	
	2/11/2016	AP-000042	00NGRID /IN: 12516A 92601-6702	123.45	
	2/11/2016	AP-000042	00NGRID /IN: 89.91	89.91	
	3/4/2016	AP-000045	00NGRID /IN: 21916 92601-67029	88.22	
	3/4/2016	AP-000045	00NGRID /IN: 21916A 12207-4502	94.83	
	3/4/2016	AP-000045	00NGRID /IN: 21916B 68009-3302	76.01	
	3/4/2016	AP-000045	00NGRID /IN: 21916C 67609-7300	68.55	
	4/7/2016	AP-000046	00NGRID /IN: 32416 12207-45023	100.54	
	4/7/2016	AP-000046	00NGRID /IN: 32516 68009-33302	72.60	
	4/7/2016	AP-000046	00NGRID /IN: 32516A 92601-6702	109.54	
	5/5/2016	AP-000049	00NGRID /IN: 42516 92601-67029	79.09	
	5/5/2016	AP-000049	00NGRID /IN: 42516A 67609-7300	55.63	

CDJT Development, LLC
2016 Operating Expenses
As of 5/10/2016

	5/5/2016	AP-000049	00NGRID /IN: 42516B	59.28
	5/5/2016	AP-000049	00NGRID /IN: 42516C 12207-4502	86.88
				1,435.34
PROFESSIONAL FEES				
	1/21/2016	AP-000037	00WWLLP /IN: 25280	122.00
	2/11/2016	AP-000042	00WWLLP /IN: 25347	130.00
				252.00
BANK SERVICE CHARGES				
	1/11/2016	JE-000008	Doc: debit 01/11/16 Jan A	49.47
	2/8/2016	JE-000009	Doc: debit 02/08/16 Feb A	51.96
	3/8/2016	JE-000010	Doc: debit 03/08/16 Mar A	50.25
				151.68
TELEPHONE				
	4/27/2016	AP-000048	00PGLOT /IN: 42116	26.17

EXHIBIT I

AGREEMENT

This Agreement made the ___ day of **July 2016**, between **CDJT Development, LLC,** with a business address of Bldg 2, Washington Avenue Extension, Albany, New York 12205 ("Property Owner") and **Senior Citizens Center of Saratoga Springs, New York,** a New York Not-for-Profit Corporation, with a business address of 5 Williams Street, Saratoga springs, new York 12866 ("Senior Citizens Center").

WHEREAS, the Property Owner is the owner of a 6 unit single family residential property located at 124 Jefferson Street, Saratoga Springs, New York 12866, being City of Saratoga Springs Tax Parcel 178.36-3-21 ("Residential Units");

WHEREAS, the Planning Board of the City of Saratoga Springs, New York, on December 7, 2005 granted a permanent Special Use Permit allowing the Residential Units to be constructed and sold, owned and occupied as six (6) senior housing units ("City Approval"); and

WHEREAS, since the time of the City Approval the Property Owner and his predecessor in title have been unable to sell any of the Residential Units to persons who qualify under the parameters of the City of Saratoga Springs requirements as "Seniors"; and

WHEREAS, the Project Owner wishes to seek and amendment to the City Approval to allow it to sell the Residential Units at their market value without the restriction that the Property Owner and all subsequent owners of the Residential Units must qualify as Seniors under the parameters of the City of Saratoga Springs rules, codes and regulations; and

WHEREAS, in seeking the amendment to the City Approval, the Property Owner wishes to honor the underlying intent of the City Approval, that being to support Senior Citizens with regard to their housing needs; and

WHEREAS, the Senior Citizens Center has as its mission the support of Senior Citizens in the greater Saratoga Springs area to include assisting them in a manner that allows them to live independently in their chosen residence as opposed to being required to seek assisted living arrangements in a new residential setting; and

WHEREAS, the Senior Citizens Center has developed a program called "Community Connections", the mission of which is to help seniors age in place in their residence of choice and maintain an independent lifestyle by matching volunteers in the community with seniors in need to assist seniors with transportation, respite help, check ins, chores, shopping, light household work which, by age or infirmity, the seniors may not be capable of undertaking on their own behalf; and

WHEREAS, in the period between April 1, 2015 and January 20, 2016, the Community Connections program served 113 Seniors and trained 45 community volunteers who supported this important segment of our community with over 1,026 hours of service; and

WHEREAS, the Senior Center needs to secure a funding source to continue the vital services that Community Connections offers to Seniors.

NOW, for and in consideration of One Dollar ($1.00) and other good and valuable consideration exchanged between the parties, the Property Owner and Senior Citizen Center agree as follows:

1) Upon the City of Saratoga Springs Planning Board granting a modification/amendment to the City Approval allowing the Residential Units to be sold and transferred at their market value without the restriction that they be sold to "Seniors", the Property Owner, at the Property Owner's sole cost and expense, shall market all six (6) Residential Units for sale.

2) Upon the sale and transfer of the Residential Units, without the "Senior" restriction, at their market value, based on the negotiations with an independent purchaser of each of the Units, the gross sale price for the transfer of the Units will be established. Proof of the gross sale price of each unit shall be supplied to the Senior Citizens Center and to the Planning Department of the City of Saratoga Springs, New York.

3) Upon the Sale and Transfer of each of the Residential Units ten percent (10%) of the previously established gross sales price for each unit sold, but in no case less than Twenty Thousand and 00/100 ($20,000.00) Dollars, shall be paid to the Senior Citizens Center to be used exclusively in support of the Community Connections program. Proof of the payment specified herein shall be supplied to the Planning Department of the City of Saratoga Springs, New York.

4) The Senior Citizens Center hereby agrees to segregate the funds paid under this Agreement and upon request of the Property Owner or the City of Saratoga Springs, New York, provide documentation, in writing, of how the funds maintained in this segregated account are used in support of the Community Connections program.

5) If required by the Senior Citizens Center, a memorandum of this Agreement will be executed by the parties hereto so as to have it recorded in the Office of the Saratoga County Clerk and appear as a lien against the Residential Units. If such a filing takes place, the Senior Citizens Center agrees, upon forty-eight (48) hour notice, to execute a document in a form so that it can be recorded in the Office of the Saratoga County Clerk, acknowledging payment of the herein specified obligation so as to release the unit from the lien that the filing of the Memorandum of this Agreement placed on the individual parcels of land. This Release may be requested prior to the transfer of title to the Residential Unit, but shall be held in escrow until a bank draft or attorney escrow check in the requirement amount is obtained on behalf of the Senior Citizens Center.

6) That the obligation to make the payment specified herein shall only apply against the initial market value transfer of the Residential Units from the Property Owner to the independent purchaser.

7) This Agreement may be executed in counterparts by the parties to create one binding Agreement.

8) The parties executing this Agreement have been authorized by all required approvals to execute this Agreement and thus bind their organizations to the terms herein.

This Agreement was executed by the parties hereto as of the date first specified above.

CDJT Development, LLC

BY: _____
Charles ___ Toulhey

Senior Citizens Center of Saratoga Springs

BY: _____

CDJT Development LLC
PINE WEST PLAZA - BUILDING 2
WASHINGTON AVENUE EXT.
ALBANY, NY 12205

M&T BANK
CAPITAL DISTRCT OFFICE

10-4
220

CHECK NO:000604

*SEVEN HUNDRED FIFTY AND XX / 100

PAY TO THE ORDER OF

Commissioner of Finance
City of Saratoga Springs
474 Broadway
Saratoga Springs, NY 12866

DATE

7/18/2016

AMOUNT

**********750.00*

AUTHORIZED SIGNATURE

[redacted]

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

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

Applicant/sponsor name: CDJT Development, LLC Date: 7/ /2016

Signature:

PRINT FORM

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	✓	
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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:	✓	

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Applicant/sponsor name: CDJT Development, LLC Date: 7/ /2016

Signature:

PRINT FORM

☑ 3 hard copies (*1 signed original) and one electronic copy (PDF) of complete application and ALL attachments.

Submission Deadline - Check City's website (www.saratoga-springs.org) for application deadlines and meeting dates.

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

I, the undersigned owner, leasee or purchaser under contract for the property, hereby request Special Use Permit approval by the Planning Board for the identified property above. I agree to meet all requirements under Section 240-7.1 of the Zoning Code of the City of Saratoga Springs.

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

Applicant Signature: _____ Date: 7/ /2016

If applicant is not current owner, owner must also sign.

Owner Signature: _____ Date: _____

[✓] 3 hard copies (*1 signed original) and one electronic copy (PDF) of complete application and ALL attachments.

Submission Deadline - Check City's website (www.saratoga-springs.org) for application deadlines and meeting dates.

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Applicant Signature: _____ Date: 7/ /2016

If applicant is not current owner, owner must also sign.

Owner Signature: _____ Date: _____

Michael Toohey

From: Paul Glotzbecker <[redacted]>
Sent: Wednesday, July 20, 2016 9:02 AM
To: Michael Toohey; Charles Touhey; Danielle [redacted]
Subject: RE: Narrative
Attachments: 20160720074056.pdf

Mike:

I have reviewed Exhibit H of the application with the following comments:

1. The second page of the Exhibit is titled "Historical Cost Detail as of May 10, 2016."
   a. There is a typo in the title (Detial). I have fixed that and attach a corrected copy.
   b. This should not be the first page following your "124 Jefferson Financial Analysis Summary" as it does not display the $1,763,017. The first page following the "124 Jefferson Financial Analysis Summary" should be my schedule titled "Historical Capital Costs and Cash Flows as of May 10, 2016, in which the $1,763,017 is apparent. This "Historical Cost Detail As of May 10, 2016 should follow the "Historical Capital Costs and Cash Flows" as support.
   c. The package has 3 copies of this page. I am not sure why.
2. There are 5 copies of the "Historical Capital Costs and Cash Flows. Again, I am not sure why there would be more than 1 copy.
3. The next exhibit is redundant "124 Jefferson Financial & Sales Summaries." It is the same as your top page, just formatted differently and with less detail, except it shows the value of the free apartment.
4. Following the redundant "124 Jefferson Financial & Sales Summaries" are two more copies of the "Historical Cost Detail." These seem to be in the right place, except now there are a total of 5 copies in different places in the package.
5. There is no support / the link is missing between the depreciable value of $1,187,030.46 as shown on the Depreciation Expense Report and the Building cost of $1,167,999 as shown on the "Historical Capital Costs and Cash Flows." The difference is attributable to those capital costs that you instructed us to strip out and reclassify as expenses and the treatment of the Washer and Dryer and the Land Improvements as shown on the Depreciation Expense Report. For you reference, the following is the reconciliation.

Building	1,187,030.46
Building Improvements	3,916.93
Land Improvements	21,741.60
Total Capitalized Cost of Project, Excluding Land	1,212,688.99
Less: Capitalized expenses reclassified as operating costs	(44,690.27)
Net Capitalized Cost of Project, Excluding Land	1,167,998.72

D.I. need

6. There are two copies of the Depreciation schedule.
7. There are two copies of the Detail Operating Expenses for all years.

Hope this helps. Let me know if there is anything more I can do to support.

Paul

From: Michael Toohey [redacted]
Sent: Monday, July 18, 2016 1:31 PM
To: Charles Touhey; Paul Glotzbecker; Danielle [redacted]
Subject: RE: Narrative

Charles, Paul and Danielle: Subject to some revision's I have to incorporate into the Application I have it put together. With the backup data it is about an inch thick and would be cumbersome to email. Having said that I want you all to read it with Charles giving the entire thing a review, Paul to look at how I have the finances arranged and Danielle to concentrate on the real estate sales efforts. If it doesn't seem logical to the three of you it will never make any sense to the members of the Planning Board. Are any of you going between Saratoga and Albany so that it can be circulated.
I also need a check in the amount of $750 made payable to the Commissioner of Finance which is the Application Fee.
Mike

From: Charles Touhey [redacted]
Sent: Monday, July 18, 2016 10:08 AM
To: Michael Toohey
Subject: Re: Narrative

send it!

From: Michael Toohey [redacted]
Sent: Friday, July 15, 2016 8:43:40 AM
To: Charles Touhey
Subject: Narrative

Charles: Take a look at the attached narrative and see if it is persuasive and factual from your point of view. Mike

Michael J. Toohey, Esq.
Snyder Kiley Toohey Corbett & Cox, LLP
P. O. Box 4367
160 West Avenue
Saratoga Springs, New York 12866
[redacted]

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

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

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

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

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

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

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

☐ Extension of existing variance ☐ Interpretation

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

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Note:

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR 4/25/16 DATE

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

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

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

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

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

Board Members,

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

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

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

Lindsey A. Gonzalez, M.P.A.

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

LAG elec sig.jpg
7 KB

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

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

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

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

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

PROPERTY INFORMATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

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

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

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

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

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

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

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

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

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

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

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

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

   Appraisal Assumptions: _____

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

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

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

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

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

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

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

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

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

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

   already completed for 7 years

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

   seniors do not want this type of housing

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

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

Dimensional Requirements	From	To

Other: _____

_____

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

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

_____

_____

_____

_____

_____

_____

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

_____

_____

_____

_____

_____

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

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

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

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

_____ Date:_____
(applicant signature)

_____ Date:_____
(applicant signature)

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

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

_____

_____

_____

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

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

Saratoga Six

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

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

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

DOWNSIZE TO UPSCALE SOPHISTICATION AND STYLE.

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

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

124 jefferson st. cdjt development/charles touhey

Name of Action or Project:
saratoga springs ny use variance

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

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

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

Address:
pine west plaza bldg 2 washington ave ext

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

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

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

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

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

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

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

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

Signature: [illegible]

PRINT FORM

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

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

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

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

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

PROPERTY INFORMATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section(s) na

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

na

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

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

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

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

3. Date original variance expired: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appraisal Assumptions: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

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

_____ Date: _____
(applicant signature)

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Attachments

and supporting materials.

124 Jefferson St. – Project History

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

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

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

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

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

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

124 Jefferson St

Marketing Efforts 2010-2016

2010

#1 Hunt Realty

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2011

Hunt Realty

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2012

#2 Roohan Realty

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2013

Pro Realty of New York

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

Offered "Rent with option to buy"

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2014

#3 Pro Realty of New York

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

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2015

Pro Realty of New York

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

-20 open houses

-Flyers

-Advertising

-Senior Outreach Centers

-MLS

-Numerous appointments

2016

Same Marketing as previous 6 years.

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

2 Floor Plans

1,400 Square Feet

2 Bedrooms

2.5 Baths

HOA Included

Saratoga Six

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

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

DOWNSIZE TO UPSCALE SOPHISTICATION AND STYLE.

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

To whom it may concern:

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

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

124 Jefferson Street units 1-6
List of potential sales, rentals lost due to age restriction:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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	Aspen Witt	Brian & Kristin Foust	N/A
Address	563 N. Broadway Saratoga Springs, NY 12866	[redacted]	
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: 8 Avery St, Saratoga Springs, NY 12866 Tax Parcel No.: 166 . 37 - 2 - 59.2
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: December 11th, 2015 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? July 14, 2015 For what? Subdivision)
☑ No

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

8. Brief description of proposed action:
Seeking relief from maximum lot coverage for detached garage.

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

_____

_____

_____

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

A use variance is requested to permit the following: _____

_____

_____

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

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

_____

_____

_____

_____

_____

_____

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

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

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

Date	Improvement	Cost

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) 2.0: Base Zoning Districts

Dimensional Requirements	From	To
Lot Coverage for detached garage	10%	11.27%

Other:
N/A

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 sought by other feasible means because the garage has already been constructed. The relief that we are requesting cannot be received because the garage ahas already been constructed due to an oversight. Due to an oversight a building permit was issued on December 11, 2015 and it was not brought to our attention until September 22, 2016 that the garage is not in compliance with current lot coverage requirements. Our staff thought the house and detached garage lot coverage was 30% - 10% = 40%. The house covers 25.29% and the garage covers 11.27% totaling to 36.56%. Note the garage as built is 638 sq ft, 2' under the 10% maximum requirements, if overhangs are not included.

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 existing single family home and detached garage are in keeping with the existing homes in the neighborhood.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:
   The requested variance is substantial but it is minimal; it is only a 1.27% increase in lot coverage.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:
   The detached garage will not have an adverse physical or environmental effects on the neighborhood because, the home and detached garage were designed to fit in this lot and to fit nicely into the neighborhood vernacular.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:
   The alleged difficulty was self-created due to a misinterpretation of the lot coverage requirement that the building department and our staff did not pick up on the time of The City granting us a building permit.

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

_____ Date:_____
(applicant signature)

_____ Date:_____
(applicant signature)

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

Owner Signature: _____ Date: 9/26/16

Owner Signature: _____ Date: 9/26/16

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

_____

_____

_____

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Name of Action or Project:
Area Variance for Detached Garage

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

Brief Description of Proposed Action:
Seeking relief from maximum lot coverage for detached garage.

Name of Applicant or Sponsor:	Telephone: [redacted]
Aspen Witt	E-Mail: [redacted]

Address:
563 North Broadway

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

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

3.a. Total acreage of the site of the proposed action? 0.147 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.
☑ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

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

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☑ Urban ☐ Suburban

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

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

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

Applicant/sponsor name: Aspen Witt Date: 9/26/16

Signature: Aspen M. Witt

PRINT FORM

ZBA Application for 8 Avery St., Saratoga Springs, NY 12866

Materials Submitted on 9/26/16 for 10/24/16 Meeting

1. Completed Application
2. Completed SEQR Environmental Assessment Form (Short Form – Part 1)
3. Drawings
4. Building Permits
    a. Garage
    b. House
5. Photographs showing the site and subject of appeal, and its relationship to adjacent properties (8 photos)

NO
PARKING
24 HRS
STARTING 8AM
TUES, THURS,
SAT & SUN
2006

2006

STONE
STONE

CAUTION
CAUTION
County
Waste
2006

BUILDING PERMIT
TO CONSTRUCT

DETACHED GARAGE
Permit Number: 20151392

Date: December 11, 2015

Permission is hereby granted to the below owner or contractor for construction in accordance to application **20151008** together with plans and specifications hereto filed and approved and in compliance with the provisions of the Codes of City of Saratoga Springs, New York.

Permit Issue Date: **12/11/2015**

Permit Expiration Date: **12/10/2017**

LOCATION
Sect/Block/Lot: 166.37-2-59.2
Street: 8 AVERY STREET
Zoning District: UR-3 URBAN RESIDENTIAL-3

PERMIT CLASSIFICATION
Permit Type: B BUILDING
Work Type: 3502 DETACHED GARAGE
Prop Usage: U UTILITY - MISC. STRUCTURES
Occupy Class: R
Const. Class: VB

OWNER
ANW HOLDINGS INC.
563 NORTH BROADWAY
SARATOGA SPRINGS, NY 12866
[redacted]

CONTRACTOR
WITT CONSTRUCTION, INC.
563 NORTH BROADWAY
SARATOGA SPRINGS, NY 12866
[redacted]

APPLICANT
WITT CONSTRUCTION, INC.
563 NORTH BROADWAY
SARATOGA SPRINGS, NY 12866
[redacted]

Total Value of Work: $28,000
Total Square Feet: 1,276

Application Date: 11/10/2015 Permit Issued By: MC Permit Fee: $271.40

Scope of Work: U OCCUPANCY, 22' X 29' DETACHED GARAGE

Comments/Conditions:

Assistant Building Inspector

City of Saratoga Springs

BUILDING DEPARTMENT

BUILDING PERMIT

PERMIT NO. 20151392 DATED 12/11/2015

Was Issued To ANW HOLDINGS, INC.

Address 8 AVERY STREET Phone [redacted]

Scope Of Work U OCCUPANCY, 22' X 29' DETACHED GARAGE

For Construction on these Premises in Strict accordance with Plans and Specifications on File and in Compliance with the Building Code and Laws of the City of Saratoga Springs.

ASSISTANT BUILDING INSPECTOR

Inspections by Building Department are required at the following schedules:

1. Foundation footings before concrete.
2. Foundation rebar before concrete.
3. Foundation before backfill.
4. Floor slab before concrete.
5. Roof Deck ice/water before cover.
6. Rough framing before insulation.
7. Rough plumbing before insulation.
8. HVAC before insulation.
9. Insulation before covered.
10. Septic before Backfill.
11. Final for certificate of occupancy.

No occupancy of building without approval of the building department.

TO BE KEPT POSTED DURING CONSTRUCTION

BUILDING PERMIT
TO CONSTRUCT

NEW 1 OR 2 FAMILY CONSTR
Permit Number: 20151393

Date: December 11, 2015

Permission is hereby granted to the below owner or contractor for construction in accordance to application **20151002** together with plans and specifications hereto filed and approved and in compliance with the provisions of the Codes of City of Saratoga Springs, New York.

Permit Issue Date: **12/11/2015**

Permit Expiration Date: **12/10/2017**

LOCATION
Sect/Block/Lot: 166.37-2-59.2
Street: 8 AVERY STREET
Zoning District: UR-3 URBAN RESIDENTIAL-3

PERMIT CLASSIFICATION
Permit Type: B BUILDING
Work Type: 01 NEW 1 OR 2 FAMILY CONSTR
Prop Usage: R-3 RESIDENTIAL - 1 & 2 FAMILY
Occupy Class: R
Const. Class: VB

OWNER
ANW HOLDINGS, INC.
563 NORTH BROADWAY
SARATOGA SPRINGS, NY 12866
[redacted]

CONTRACTOR
WITT CONSTRUCTION, INC.
563 NORTH BROADWAY
SARATOGA SPRINGS, NY 12866
[redacted]

APPLICANT
WITT CONSTRUCTION, INC.
563 NORTH BROADWAY
SARATOGA SPRINGS, NY 12866
[redacted]

Total Value of Work: $335,000
Number of Dwelling Units: 1
Total Square Feet: 4,080
Basement Total SF: 1,296
Finished Basement SF: 0
Garage SF: 0

Number of Bedrooms: 4
Number of Bathrooms: 2
Number of Half Baths: 1
Total Number of Rooms: 10
Deck/Porches: 0/2
Fireplaces: 1

Application Date: 11/06/2015 Permit Issued By: MC Permit Fee: $966.00

Scope of Work: R-3 OCCUPANCY, NEW SINGLE FAMILY DWELLING

Comments/Conditions:

Assistant Building Inspector

City of Saratoga Springs

BUILDING DEPARTMENT

BUILDING PERMIT

PERMIT NO. 20151393 DATED 12/11/2015

Was Issued To ANW HOLDINGS, INC.

Address 8 AVERY STREET Phone [redacted]

Scope Of Work R-3 OCCUPANCY, NEW SINGLE FAMILY DWELLING

For Construction on these Premises in Strict accordance with Plans and Specifications on File and in Compliance with the Building Code and Laws of the City of Saratoga Springs.

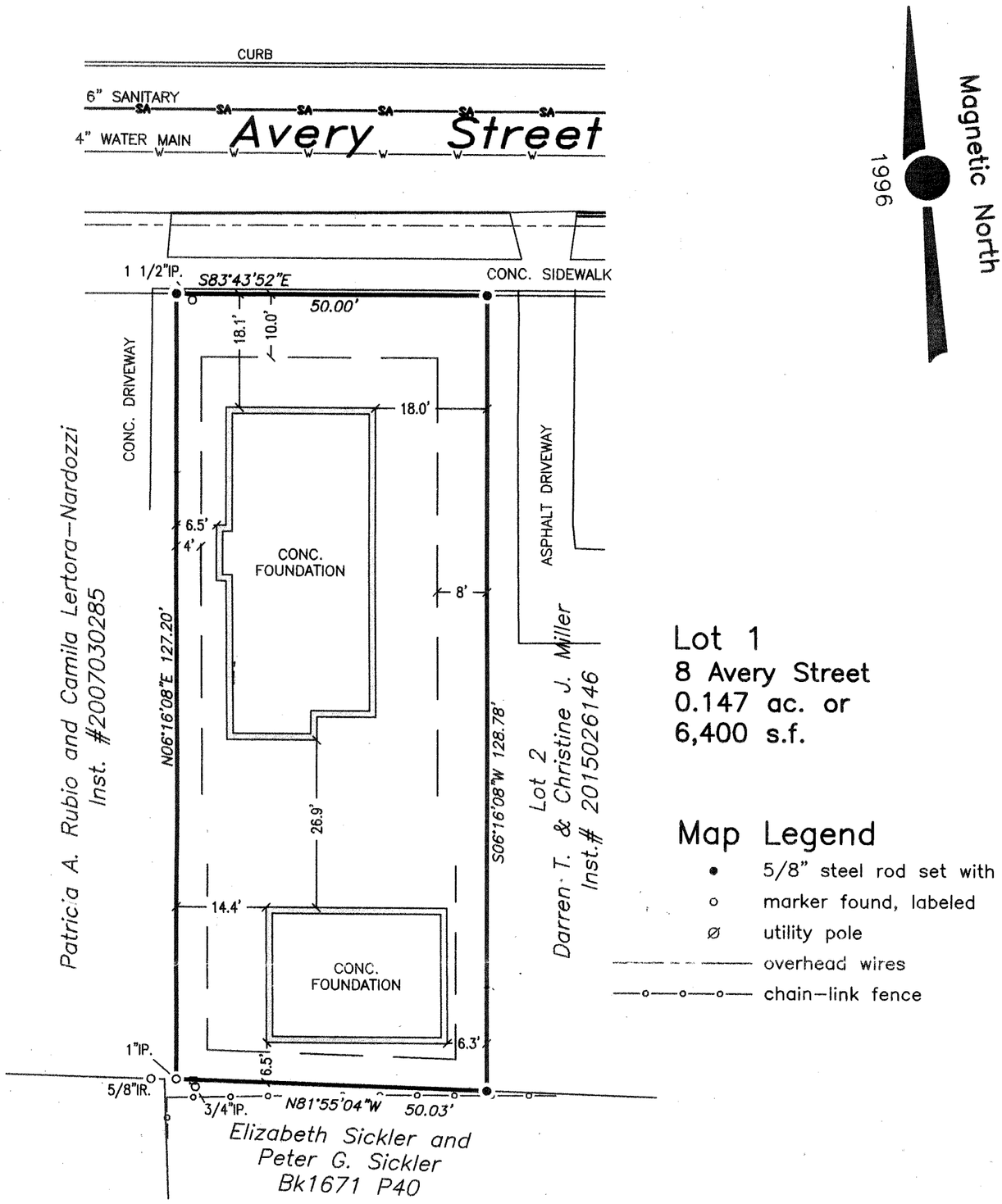
ASSISTANT BUILDING INSPECTOR

Inspections by Building Department are required at the following schedules:

1. Foundation footings before concrete.
2. Foundation rebar before concrete.
3. Foundation before backfill.
4. Floor slab before concrete.
5. Roof Deck ice/water before cover.
6. Rough framing before insulation.
7. Rough plumbing before insulation.
8. HVAC before insulation.
9. Insulation before covered.
10. Septic before Backfill.
11. Final for certificate of occupancy.

No occupancy of building without approval of the building department.

TO BE KEPT POSTED DURING CONSTRUCTION



Lot 1
8 Avery Street
0.147 ac. or
6,400 s.f.

Map Legend

- • 5/8" steel rod set with a tag
- ○ marker found, labeled
- ⌀ utility pole
- overhead wires
- chain-link fence

Map Reference:

"Hickey Subdivision" dated April 30, 2015 last revised 8/10/15 by Thompson-Fleming Land Surveyors, P.C. and filed in the Saratoga County Clerk's Office as Map M 2015147.

Deed Reference:

Brian J. Foust and Kristin T. Foust
Inst. #2016000078

Certification :

IT IS HEREBY CERTIFIED TO BRIAN J. FOUST & KRISTIN T. FOUST; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; SARATOGA NATIONAL BANK & TRUST COMPANY, ISAOA

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.

Unauthorized alteration or addition to a survey map bearing a licensed Land Surveyor's Seal is a violation of Section 7209 subdivision 2 of the New York State Education Law.

Only apparent easements (if any) are shown on this survey. No abstract of title was available.

P:\Witt Construction 10 Avery St S15-108\dwg\S15-108 Witt Avery St Lot 1 Foundation Survey.dwg

DATE	REVISION

STATE OF NEW YORK · WILLIAM M. THOMPSON · 49623 · LICENSED LAND SURVEYOR

10 0 10 20
Scale: 1" = 20'

Foundation Survey
for
Brian and Kristin Foust
Situate at
8 Avery Street
City of Saratoga Springs, Saratoga County NY

12 Lake Avenue
Saratoga Springs,
NY 12866
[redacted]

THOMPSON/FLEMING
LAND SURVEYORS, P.C.

DATE: Feb. 15, 2016
SURVEYED BY: WMT
JOB NUMBER: S15-108.11

ZBA App. No. 2927 - Foust Garage - Public Comments

From : Lindsey Gonzalez <lindsey.gonzalez@saratoga-springs.org> Mon, Nov 07, 2016 04:32 PM

Subject : ZBA App. No. 2927 - Foust Garage - Public Comments 1 attachment

To : Adam McNeill [redacted]>, Gary Hasbrouck [redacted]>, [redacted], Skip Carlson [redacted],

[redacted]**:** Susan Barden <susan.barden@saratoga-springs.org>

Board Members,

This morning I received a phone call from Mrs. Elizabeth Sickler (of [redacted] North St), who's property abuts 8 Avery St. She was very concerned about the lack of privacy the new building has caused her, and extremely opposed to its proximity to the boundary line. As she is unable to attend the meeting due to an injury, and has no access to a computer, she asked that I relay this message to you in advance of tonight's meeting.

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	SBDT Ventures, LLC	Tom & Sandra Lewis	Van Dusen & Steves Land Surveyors
Address	18 Division St. Saratoga Springs, NY 12866	[redacted]	169 Haviland Road Queensbury, NY 12804
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: 60 Franklin Street Tax Parcel No.: 165 . 59 - 1 - 94
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: September 24, 2015 3. Zoning District when purchased: UR-4

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

6. Has a previous ZBA application/appeal been filed for this property?
☒ Yes (when? 7/29/15 (2844) For what? Area Variances)
☒ No

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

8. Brief description of proposed action:
Relief to accommodate the as-built condition of the single family residence.

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

_____

_____

_____

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

A use variance is requested to permit the following: _____

_____

_____

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

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

   _____

   _____

   _____

   _____

   _____

   _____

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

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

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

Date	Improvement	Cost
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

   5) Annual income generated from property: $_____

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

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

   Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) Bulk Schedule UR-4 Zone

Dimensional Requirements	From	To
Maximum Building Coverage	31%*	36%
Front Setback	14.5'*	14'
Each Side Setback	2.5' & 12'*	2' & 12'
Side Total	14.5'*	14'
*Relief granted 7/29/15, #2844		

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 feasible means to provide relief from the as-built condition. An area variance for lot width was granted as a part of application #2844. There is a single-family residence to the south and a single-family residence under construction on the north.

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 variance will not result in an undesirable change in the neighborhood and is in keeping with the overall residential character.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:
The variance is not substantial. The requested setback relief is an adjustment from that which was previously granted.

The lot coverage for the single-family residence with an attached garage, 36%, is less than that permitted for a principal and 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 neighborhood is predominantly residential and the majority of these homes are on substandard lots. The constructed residence has been designed in consideration of these conditions and does not have an adverse physical or environmental impact on the neighborhood or district .

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:
The alleged difficulty was self-created: the front setback size was a couple of inches larger than planned; the dimension from the escape well on the south was to the inside of the block and not the outside, which is closer to the property line; and the building coverage previously reported did not include overhangs, but was given to the walls of the structure.

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

_____ Date:_____
(applicant signature)

_____ Date: 9-26-16
(applicant signature)

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

Owner Signature: M. Sandra Lewis Date: 9-26-16

Owner Signature: _____ Date:_____

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

_____

_____

_____

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Other:_____

_____

Note:_____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information		
Name of Action or Project: 60 Franklin Street		
Project Location (describe, and attach a location map): 60 Franklin Street (Tax Parcel 165.59-1-51.2)		
Brief Description of Proposed Action: Obtain area variances to accommodate the as-built condition of the single-family residence		
Name of Applicant or Sponsor: SBDT Ventures, LLC	Telephone: [redacted] E-Mail: [redacted]	
Address: 18 Division Street		
City/PO: Saratoga Springs	State: NY	Zip Code: 12866

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

3.a. Total acreage of the site of the proposed action? 0.17 acres
b. Total acreage to be physically disturbed? 0.00 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.34 acres

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

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

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

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

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

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☑ Urban ☐ Suburban

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

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

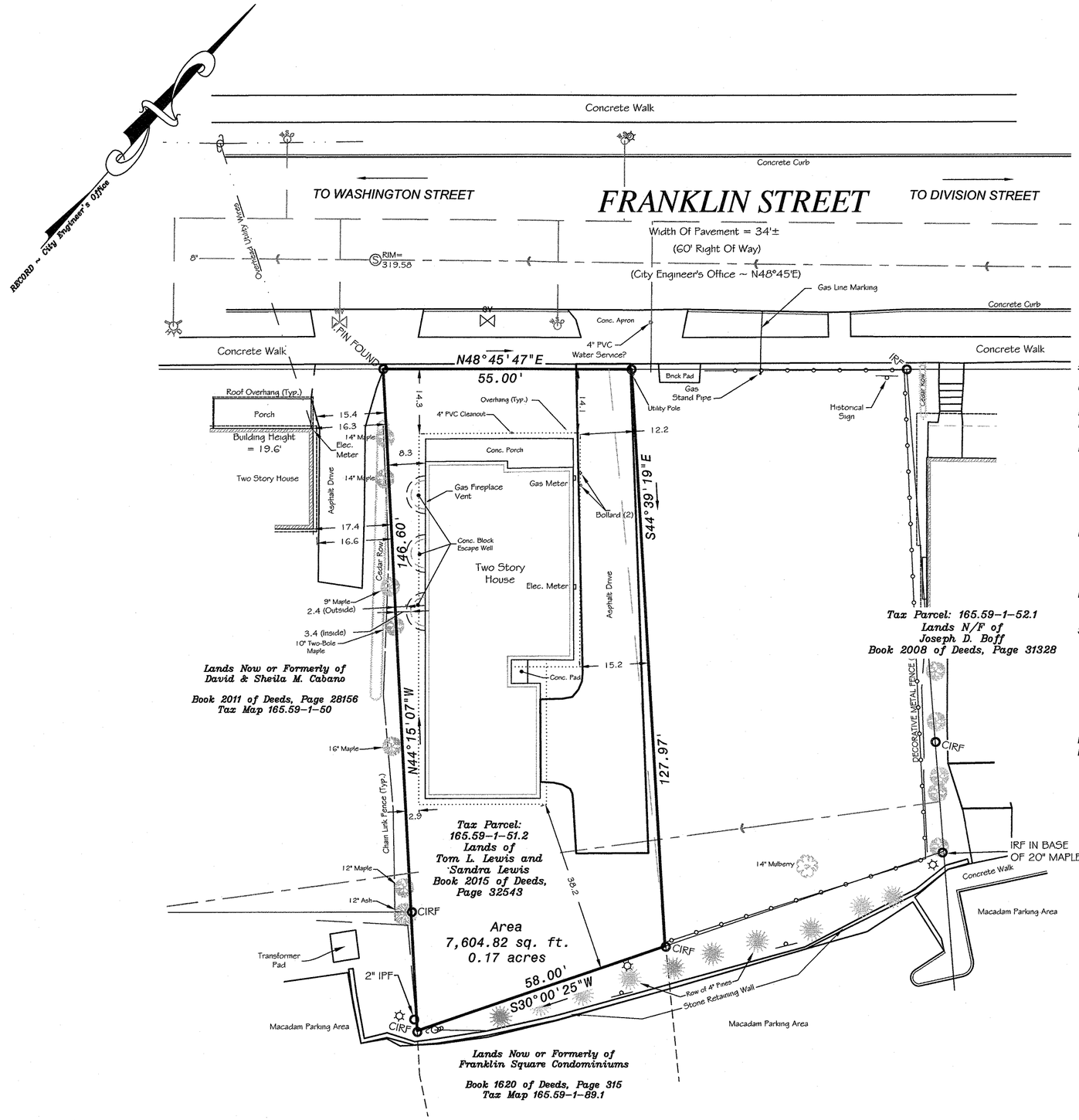
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Jason M. Tommell, As Agent Date: 09/26/16

Signature: , as agent

PRINT FORM

Tyvek
CURTIS LUMBER
NO PARKING
24 HRS
60
Kathy
MARCHIONE



ZONING INFORMATION:

UR-4/URBAN RESIDENTIAL-4	REQUIRED	VARIANCE	EXISTING	DIFFERENCE Existing - Variance
MINIMUM LOT SIZE	3,000 SQ. FT.	----	7604.8 SQ. FT.	+4604.8 SF
MINIMUM AVERAGE WIDTH	100 FT.	55.4'	55.4'	0
MAXIMUM BUILDING COVERAGE:				
PRINCIPAL	25%	31.0%	36.2% (2753.7 SF)	+5.2%* or 0**
*Building Overhangs Used to Calculate Building Coverage Area (2753.2 / 7604.8 = 0.362).				
**Building Coverage is 31.0% if Wall Lines are Used (2353.7 / 7604.8 = 0.310).				
ACCESSORY	15%	9.0%	N/A	
*Total Principal and Accessory Building Coverage is Limited to 40%				
MINIMUM FLOOR AREA:				
1 STORY	1,800 SQ. FT.	----	----	----
2 STORY	1,200 SQ. FT.	----	2354 (HOUSE & PORCH)	+554 SF
MAXIMUM BUILDING HEIGHT	70 FT.			
MINIMUM PERMEABLE	15%	----	42.5%	-27.5%
(DRIVEWAY: 1616.0 SF.; BUILDING COVERAGE: 2753.7 -- TOTAL IMPERMEABLE = 3970 SF. = 57.5%)				
SETBACKS:				
FRONT	25 FT.	14.5 FT.	14.1 FT.	-0.4 FT.
REAR	25 FT.	37.5 FT.	38.2 FT.	+0.7 FT.
SIDE (SOUTH)	20 FT.	2.9 FT. (OH)	2.9 FT. (OH)	0 FT.**
SIDE (NORTH)	20 FT.	12.4 FT.	12.2 FT.	-0.2 FT.
SIDE (TOTAL)	45 FT.	15.3 FT.	15.1 FT.	-0.2 FT.
*All Dimensions to Property Lines Shown are between Roof Overhang and Property Line.				
**2.4' to South Edge of Escape Well				
MINIMUM DIST. TO ACCESS. BLDG.				
PRINCIPAL BUILDING	10 FT.	N/A	----	----
FRONT	25 FT.	N/A	----	----
SIDE	5 FT.	N/A	----	----
REAR	5 FT.	N/A	----	----

LEGEND:

- IPF = IRON PIPE FOUND
- IRF = IRON ROD FOUND
- CIRF = CAPPED IRON ROD FOUND
- = WOOD STOCKADE FENCE
- = CHAIN LINK FENCE
- = DECORATIVE METAL FENCE
- = SANITARY MANHOLE
- = FIRE HYDRANT
- = WATER VALVE
- = WATER SHUTOFF
- = GAS VALVE
- = UTILITY POLE
- = LAMP POST
- = SIGN

STATE OF NEW YORK · JASON M. TOMMELL · 50605 · LICENSED LAND SURVEYOR

Van Dusen & Steves
Land Surveyors
169 Haviland Road Queensbury, New York 12804
[redacted] New York Lic. No. 50135

"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 SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."
"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION."

Map of a Survey made for

SBDT Ventures, LLC
#60 Franklin Street

City of Saratoga Springs (ID), Saratoga County, New York

NO.	DATE	DESCRIPTION
2	7/25/16	AMENDMENTS TO ZONING INFO.
1	4/20/16	FINAL HOUSE LOCATION ADDED

Date: May 5, 2015
Scale 1"=20'

S-1

SHEET 1 OF 1

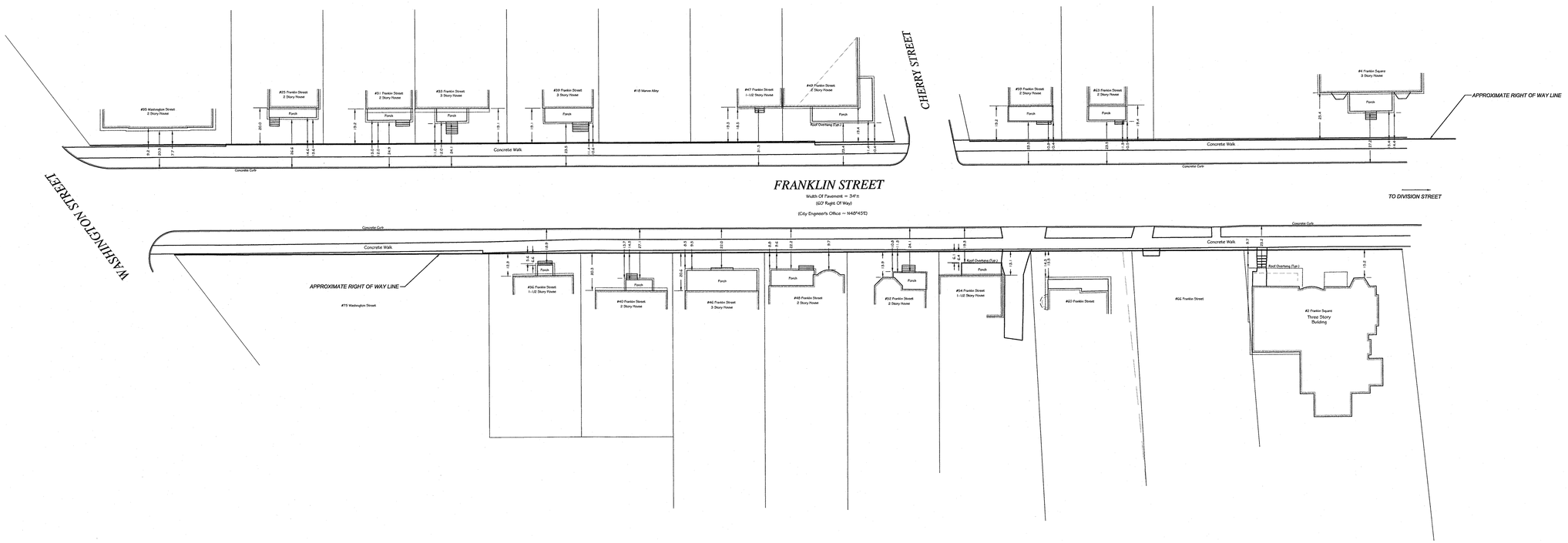
SBDT VENTURES
DWG. NO. 15051

C2911

NOTES:

1. RIGHT OF WAY AND PARCEL LINES ARE APPROXIMATE . THESE LINES ARE SHOWN ONLY TO REPRESENT THE APPROXIMATE FRONT SETBACK DISTANCES ALONG FRANKLIN STREET.

2. DISTANCES SHOWN FROM THE PORCH OVERHANGS TO THE FACE OF THE CONCRETE CURB ARE ACTUAL AND WERE FIELD VERIFIED.



NO.	DATE	DESCRIPTION
1	9/26/16	HOUSE AT 60 FRANKLIN ADDED

Map made for

SBDT Ventures, LLC

City of Saratoga Springs (ID), Saratoga County, New York

THIS MAP IS NOT A LEGAL SURVEY, NOT BINDING AGREEMENTS OR LIABILITIES ARE TO BE ASSUMED FROM THIS MAP. THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF THE LAND SURVEYOR. ADDITIONS OR DELETIONS TO THIS MAP BY OTHER THAN THE LAND SURVEYOR NAMED HEREON IS PROHIBITED. THIS MAP IS NOT PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE NEW YORK STATE LAND TITLE SURVEY STANDARDS AS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. THIS MAP IS INTENDED ONLY FOR THE PURPOSE(S) TO WHICH THE CLIENT IS PROVIDED, AS SPECIFIED BY THE LAND SURVEYOR. THIS MAP IS PROPRIETARY TO THE ORIGINAL CLIENT NAMED HEREON AND IS THE EXCLUSIVE PROPERTY OF THE LICENSED LAND SURVEYOR.

STATE OF NEW YORK * JASON W. VAN DUSEN * 50135 * LICENSED LAND SURVEYOR

Van Dusen & Steves
Land Surveyors
169 Haviland Road Queensbury, New York 12804
New York Lic. No. 50135

Date: May 27, 2015

Scale 1"=50'

S-1

SHEET 1 OF 1

DWG. NO. 15051-Front

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	Charles Schwab	Prime Beechwood-llc	Ray Sign Inc.
Address	46 Marion Ave. Saratoga Springs , New York 12866	621 Columbia Street Cohoes , NY 12047	28 Colonial Ave. Schenectady NY 12304
Phone	[redacted]	[redacted]	[redacted]
Email			

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

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

PROPERTY INFORMATION

1. Property Address/Location: 46 Marion Ave Tax Parcel No.: 166 . 30 - 2 - 2
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 2013
3. Zoning District when purchased: T-5 Neighborhood Center

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

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:
installation of two exterior wall signs halo lite channel letters on alum. backer and one 2'x2' double sided internally illuminated projecting blade sign.

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

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

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) 6.1.6B.3

Dimensional Requirements	From	To
Sign lettering or logos shall not exceed 18 inches in height within	18"	30 "
Transect-5 districts of inner Excelsior Ave. Two of the thirteen letters are 30"		

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 letter style and font is a corporate look used at every location. When the 18" letter max is applied , the sign appears extremely small , when the smaller letters are brought to 18" this causes the h and l to exceed the 18" manx letter height so this is not feasible looking sign at 18 " max letter height. The blade sign is requested so the public walking on the sidewalks can see their location

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:
will not cause detriment or make the neighborhood undesirable. only two of 13 letters are above 18' . The blade sign is only 2'x2' not intrusive at all.

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.

CHARLES SCHWAB Date: 10/3/16
(applicant signature)

Date:
(applicant signature)

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

Prime Beechwood LLC
Owner Signature: - Member Date: 10/3/16

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: CHARLES SCHWABB

Project Location (describe, and attach a location map): 46 MARION AVE

Brief Description of Proposed Action: INSTALL 2 ILLUMINATED WALL SIGNS AND ONE ILLUMINATED 2'X2' BLADE SIGN

Name of Applicant or Sponsor:	Telephone:
RAY SIGN	E-Mail:

Address: 28 COLONIAL AVE.

City/PO:	State:	Zip Code:
Schenectady	N.Y.	12304

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

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? N/A acres

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

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

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

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

Applicant/sponsor name: RAY Sign Date: 9/22/16

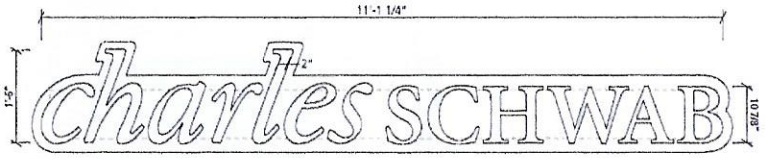
Signature: Russ Idarzen President

PRINT FORM

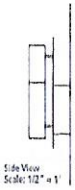
CL.1 LINEAR HALO LIT CHANNEL LETTERS W/ "CLOUD" RACEWAY (Qty. 1) - TYPE BB.2R - OPTION 1

SQUARE FOOTAGE: 16.66 **NOTE: MEETS CODE, NO VARIANCE NEEDED.**

Front Elevation
Scale: 3/32" = 1'



Front View:
Scale: 1/2" = 1'



Side View
Scale: 1/2" = 1'

Square Footage: Boxed
16.66

Square Footage: Actual
10.56

FINISHES

FACE & RETURNS

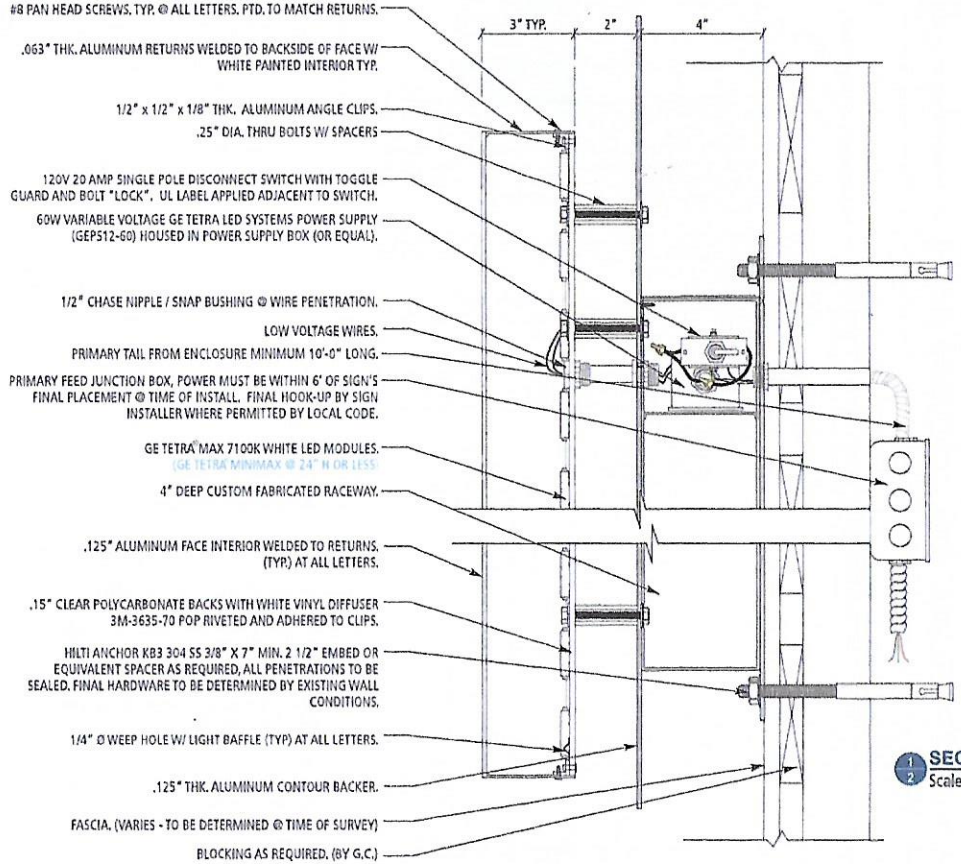
MAP White Satin with #955 flattener

RACEWAY

Or Match Wall Color

SPACERS

MP 42 2025P White Satin



1/2 SECTION DETAIL
Scale: 3"=1'-0"

Night View
Scale: NTS

JONES SIGN Your Vision Accomplished. GREEN BAY · PHILADELPHIA · SAN DIEGO · LAS VEGAS www.jonessign.com	JOB #: 218670-R3 DATE: 08.23.2016 DESIGNER: A Rocco SALES REP: PROJECT MGR: C Throndson	REV / DATE / BY / DESCRIPTION: 3 / 08.03.16 / AR / ADD NEW SITE PLAN, REVISE BLADE PLACEMENT	CLIENT APPROVAL DATE LANDLORD APPROVAL DATE QC	charles SCHWAB	CHARLES SCHWAB 46 Marion Avenue Saratoga Springs, NY 12866 DESIGN PHASE: CONCEPTUAL	SHEET NUMBER 1.0

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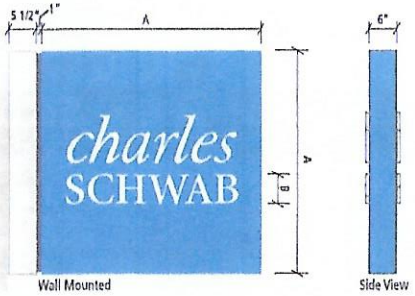
BL.1 D/F BLADE SIGN - ILLUMINATED -ROUTED & PUSH-THROUGH (Qty. 1) - TYPE DD.1 - OPTION 3

SQUARE FOOTAGE: 4.0

NOTE: WILL REQUIRE VARIANCE

Front Elevation
Scale: 3/32" = 1'



DIMENSIONS		ILLUMINATION			SQ. FT.
A	B	AMPS	# OF P.S.	LED'S	ACTUAL
2'-0"	2'	.5	1	56	4

FINISHES

FACE MATERIALS

MAP Satin (with #955 flattener) to match Core Blue PMS 299 C

Clear Acrylic with 3M #3630-20 trans. White Vinyl (First Surface) & 3M #3635-70 Diffuser (Second Surface)

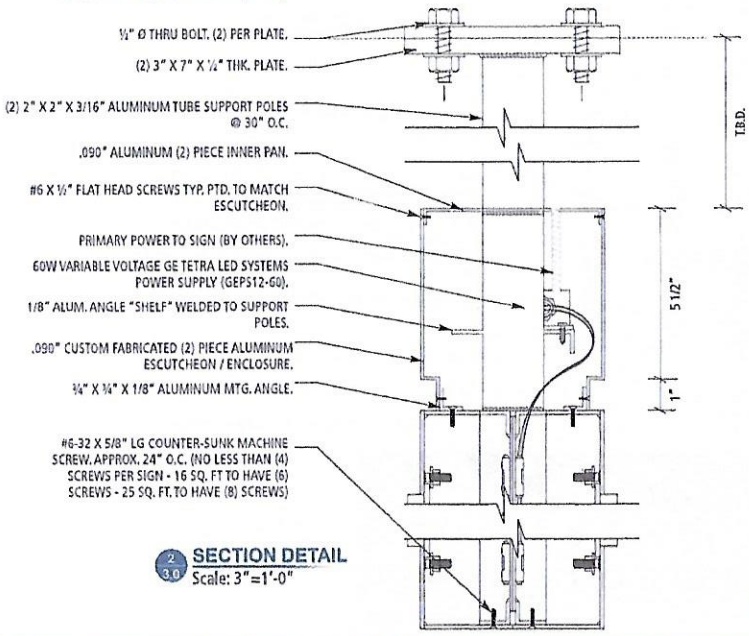
REVEL

MAP Dark Gray (with #955 flattener) to match Gray PMS 7545 C

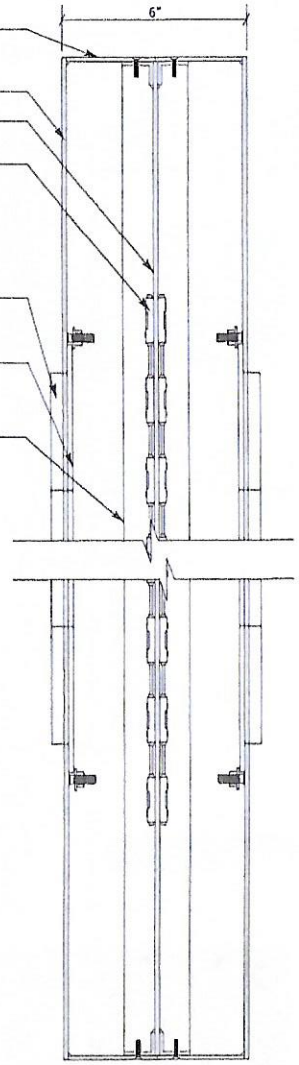
RETURN FINISH

MAP Satin (with #955 flattener) to match Core Blue PMS 299 C

MOUNTING NOTE
Sign structure and connection subject to change based on mounting conditions and engineering.



2 / 3.0 **SECTION DETAIL**
Scale: 3"=1'-0"



1 / 3.0 **VERTICAL SECTION DETAIL**
Scale: N.T.S.

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JOB #: 218670-R3
DATE: 08.23.2016
DESIGNER: A Rocco
SALES REP:
PRJ. MGR: C Throndson

REV.	DATE	BY	DESCRIPTION
1	08.30.16	AR	DESIGN SITE PLAN DESCRIPTION
2	09.01.16	AR	[illegible]
3	09.09.16	AR	ADD NEW SITE PLAN. REVISE BLADE PLACEMENT
4	10.10.16	AR	[illegible]
5	10.24.16	AR	[illegible]
6	10.31.16	AR	[illegible]
7	11.14.16	AR	[illegible]
8	12.12.16	AR	[illegible]
9	12.19.16	AR	[illegible]
10	12.22.16	AR	[illegible]

CLIENT APPROVAL DATE
LANDLORD APPROVAL DATE
QC

CHARLES SCHWAB
46 Marion Avenue
Saratoga Springs, NY 12866
DESIGN STATUS: CONCEPTUAL

SHEET NUMBER
2.0

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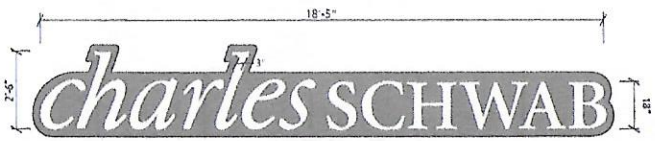
CL.2 LINEAR HALO LIT CHANNEL LETTERS W/ "CLOUD" (Qty. 1) - TYPE BB.2R - OPTION 2

SQUARE FOOTAGE: 16.66 **NOTE: WILL REQUIRE VARIANCE**

Back Elevation
Scale: 3/32" = 1'

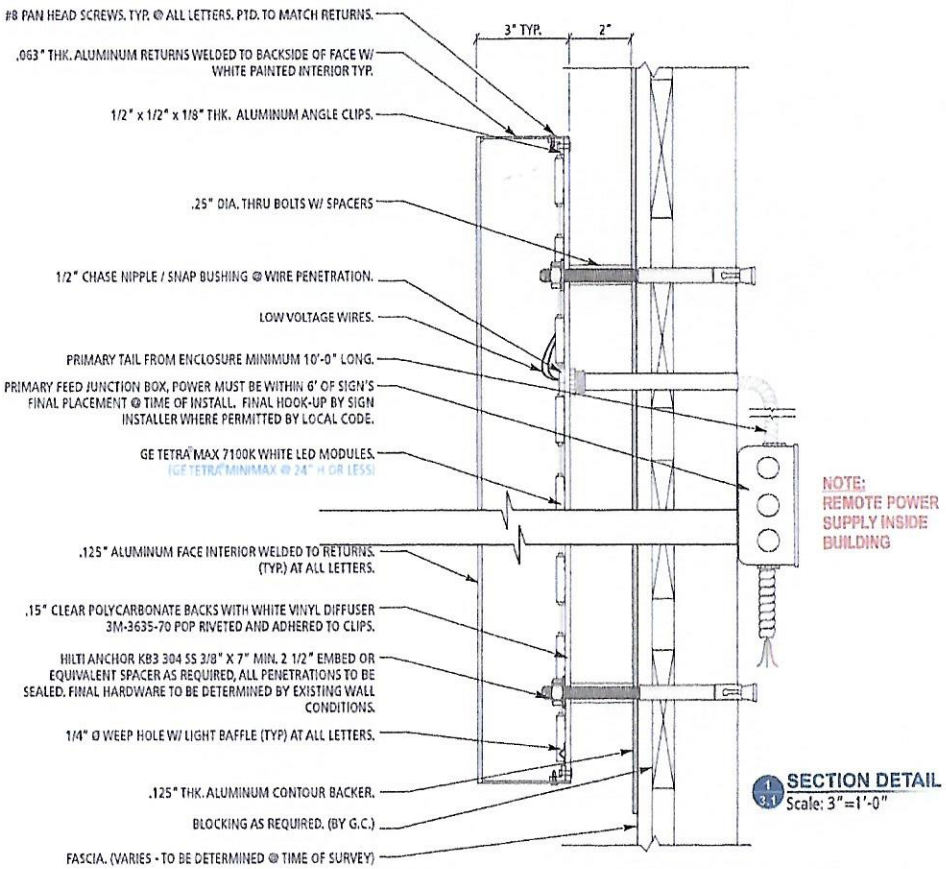


Front View:
Scale: 1/4" = 1'

Side View
Scale: 1/4" = 1'

Square Footage: Boxed
46.04

Square Footage: Actual
28.69



SECTION DETAIL
Scale: 3"=1'-0"

FINISHES

FACE & RETURNS
MAP White Satin with #955 flattener

CONTOUR BACKER PANEL
To Match Wall Color - TBD

SPACERS
To Match Wall Color - TBD

Night View
Scale: NTS

JONES SIGN Your Vision Accomplished GREEN BAY · PHILADELPHIA SAN DIEGO · LAS VEGAS www.jonessign.com	JOB #: 218670-R4 DATE: 08.23.2016 DESIGNER: A Rocco SALES REP: PROJ. MGR: C Throndson	REV / DATE / BY / DESCRIPTION: 4 / 09.14.16 / AR / CHANGE TO REMOTE POWER SUPPLY: CHANGE TO 6" PROJECTION	CLIENT APPROVAL DATE / LANDLORD APPROVAL DATE / QC	charles SCHWAB	CHARLES SCHWAB 46 Marion Avenue Saratoga Springs, NY 12866 DESIGN PHASE: CONCEPTUAL	SHEET NUMBER 3.1

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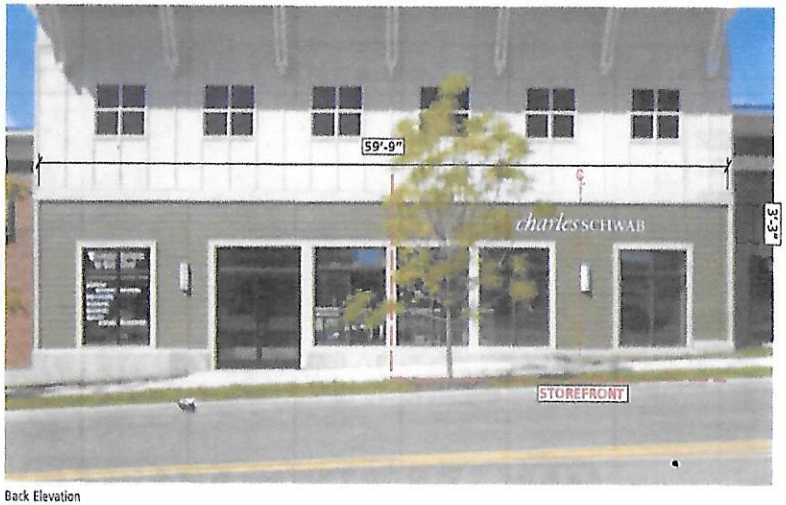
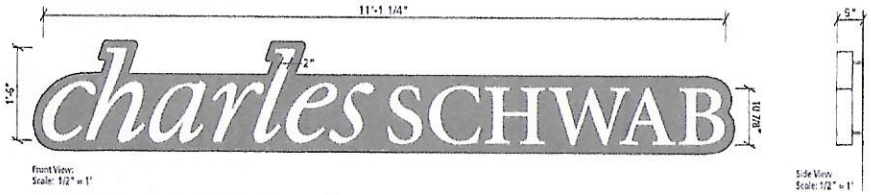
CL.2 LINEAR HALO LIT CHANNEL LETTERS W/ "CLOUD" (Qty. 1) - TYPE BB.2R - OPTION 1

SQUARE FOOTAGE: 16.66 NOTE: MEETS CODE, NO VARIANCE NEEDED.



Back Elevation
Scale: 3/32" = 1'



Front View:
Scale: 1/2" = 1'

Side View
Scale: 1/2" = 1'

Square Footage: Boxed
16.66

Square Footage: Actual
10.56

FINISHES

FACE & RETURNS

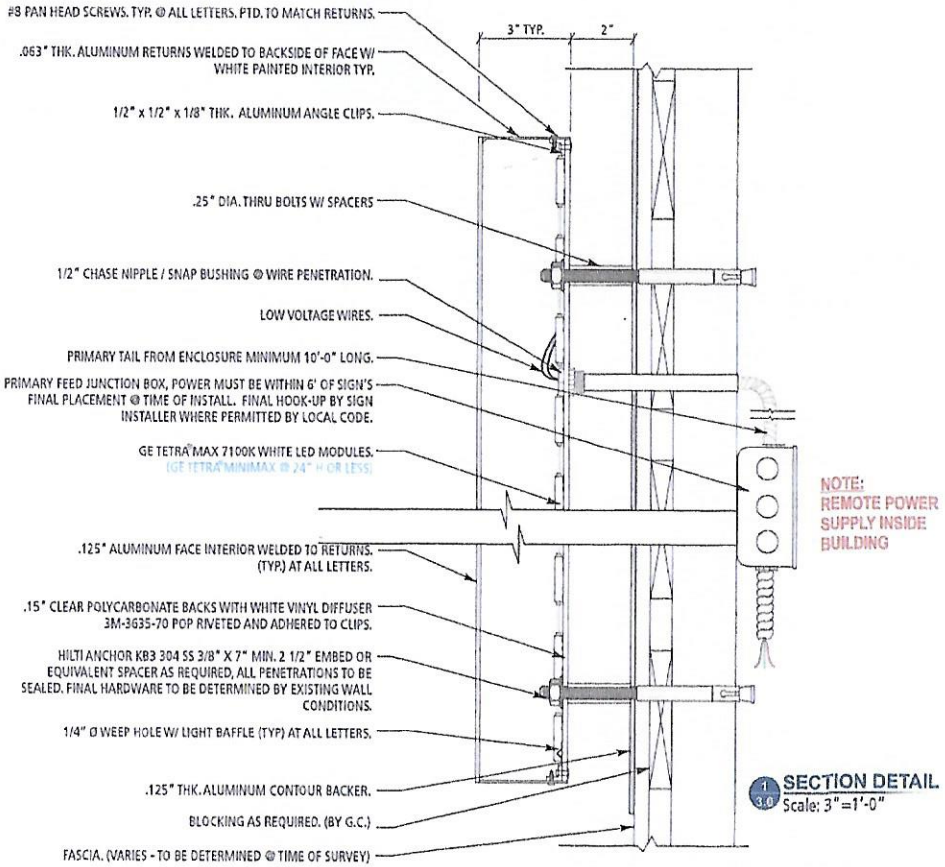
MAP White Satin with #955 flattener

CONTOUR BACKER PANEL

To Match Wall Color - TBD

SPACERS

To Match Wall Color - TBD



1 / 3.0 **SECTION DETAIL**
Scale: 3"=1'-0"

Night View
Scale: NTS

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JOB #: 218670-R4
DATE: 08.23.2016
DESIGNER: A Rocco
PROJ. MGR: C Throndson

REV	DATE	BY	DESCRIPTION
4	09.14.16	AR	CHANGE TO REMOTE POWER SUPPLY. CHANGE TO 6" PROJECTION

CLIENT APPROVAL DATE
LANDLORD APPROVAL DATE
QC

charles SCHWAB

CHARLES SCHWAB
46 Marion Avenue
Saratoga Springs, NY 12866

SIGNATURE CONCEPTUAL

SHEET NUMBER 3.0

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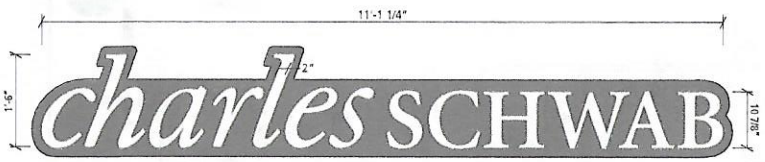
CL.1 LINEAR HALO LIT CHANNEL LETTERS W/ "CLOUD" (Qty. 1) - TYPE BB.2R - OPTION 1

SQUARE FOOTAGE: 16.66 **NOTE: MEETS CODE, NO VARIANCE NEEDED.**

All AT 18'1

Front Elevation
Scale: 3/32" = 1'



Front View:
Scale: 1/2" = 1'

Side View
Scale: 1/2" = 1'

Square Footage: Boxed
16.66

Square Footage: Actual
10.56

FINISHES

FACE & RETURNS

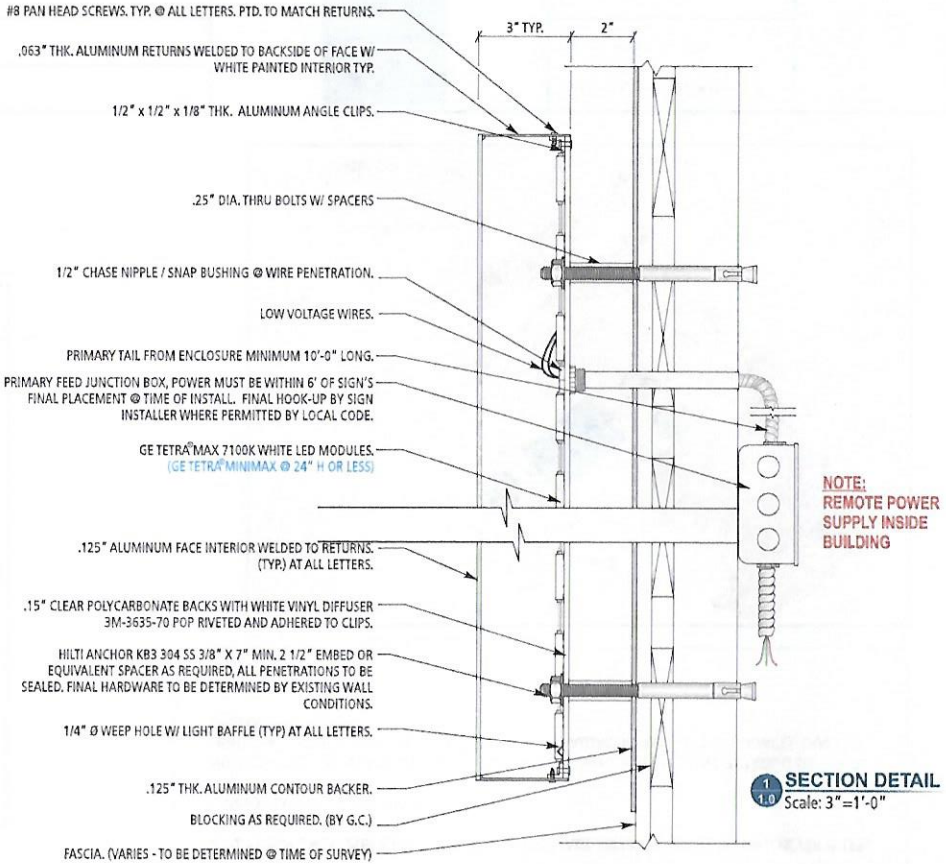
MAP White Satin with #955 flattener

CONTOUR BACKER PANEL

To Match Wall Color - TBD

SPACERS

To Match Wall Color - TBD



1 / 1.0 **SECTION DETAIL**
Scale: 3"=1'-0"

Night View
Scale: NTS

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JOB #: 218670-R4
DATE: 08.23.2016
DESIGNER: A Rocco
SALES REP:
PROJ MGR: C Throndson

REV.	DATE	BY	DESCRIPTION
1	08.30.16	AR	REVISE SIZE, REMOVE 2ND OPTION
2	08.02.16	AR	ADD OPTIONS, ADD INTERIOR SIGNAGE
3	08.08.16	AR	ADD NEW SITE PLAN, REVISE SIGNAGE PLACEMENT
4	08.14.16	AR	CHANGE TO REMOTE POWER SUPPLY; CHANGE TO 6" PROJECTION
5	00.00.00	XX	XXXX
6	00.00.00	XX	XXXX
7	00.00.00	XX	XXXX
8	00.00.00	XX	XXXX
9	00.00.00	XX	XXXX
10	00.00.00	XX	XXXX

CLIENT APPROVAL DATE
LANDLORD APPROVAL DATE
QC

charles SCHWAB

CHARLES SCHWAB
46 Marion Avenue
Saratoga Springs, NY 12866

DESIGN PHASE: CONCEPTUAL

SHEET NUMBER
1.0

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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) 6.1.6B.3

Dimensional Requirements	From	To
Sign lettering or logos shall not exceed 18" in height within Transect-5 districts of inner Excelsior Ave. Two of the 13 letters	18"	30"
only one wall sign per building exteriors blade sign is a second wall sign on the parking lot side of the storefront, the sign exceeds	6"	30"

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 letter style is a corporate look used on all locations where thhey have signs, When the 18" letter height is applied , the sign will appear very small as the letters H and L would be 18" and all others just under 11 " in height. The blade sign is a second wall sign intended to caoture the view when walking along the sidewalk. The sign projects 30 not 6" , a 6" projecting sign will not work as a blade sign.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:
   Will not change the character or be a detriment . At the requested 30" height for two of the letters , the sign will still appear smaller the some of the other tenent signs because of the script stying and not large bold lettering at 18" The blade sign is on the exterior of the parking lot , not visible from a street view , only viewable if in the parking lot area.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:
Only two of 13 letters are exceeding the 18" , sign will not appear larger then existing signs at 18 " due to the script letter font. The blade sign is only 2'x2' .

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 wall sign will be constructed and illuminated as all other signs in this Plaza . So no adverse effect at all. The blade sign in on the parking lot side of the building and not seen from the road so no adverse.

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 blade sign s self created , as a second wall sign and 30 projection. The tenent feels this sign would enhanve the visibility of their location. The building signs due to the letter font is self created but the request to have just 2 of 13 letters at 18" will make these signs visually in line with other business signs on the buildings.

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	Regatta View, LLC		Matthew J. Jones, Esq.
Address	1743 Route 9		68 West Avenue
	Clifton Park, NY 12065		Saratoga Springs, NY 12866
Phone	/	/	[redacted]
Email			

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

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

PROPERTY INFORMATION

1. Property Address/Location: NYS Route 9P, Dyer Switch Road and Regatta View Drive Tax Parcel No.: 180 . 54 - 2 - 30
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 12/21/1995 3. Zoning District when purchased: Interlaken PUD

4. Present use of property: Vacant 5. Current Zoning District: Interlaken PUD

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:
Appeal of Building Inspector determination on Interlaken PUD.

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) Interlaken PUD - Appendix C #2

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

Applicant seeks determination that Planning Board approvals of May 16, 1990 June 19, 1991 and September 29, 1996 were valid and lawful approvals consistent with the provisions of the Interlaken PUD and that Applicant's pending application to the Planning Board for PUD site plan approval is zoning compliant.

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

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

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

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

3. Date original variance expired: _____

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

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

_____

_____

_____

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

A use variance is requested to permit the following: _____

_____

_____

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

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

_____

_____

_____

_____

_____

_____

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

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

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

Date	Improvement	Cost

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

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

Dimensional Requirements	From	To

Other: _____

_____

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

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

_____

_____

_____

_____

_____

_____

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

_____

_____

_____

_____

_____

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

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

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

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

P. Bulmonde _____ Date: 9/9/16
(applicant signature)

_____ Date: _____
(applicant signature)

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

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Application Narrative

This is an appeal from the Building Inspector's determination ("Determination") of August 11, 2016 regarding the "zoning compliance determination – Interlaken PUD." A copy of the Determination is attached hereto as **Exhibit A**. The conclusion of the Building Inspector is set forth in the second paragraph of **Exhibit A** wherein the Building Inspector states the following:

> *Therefore, it is my determination that* ***none of the previously or currently submitted proposals*** *sufficiently provide proof of compliance with the Interlaken PUD due to lack of information. At this time, the applicant has the option of appealing this determination to the Zoning Board of Appeals... (Emphasis added)*

The applicant believes the Building Inspector correctly held that his Determination applied to all previous and current proposals within the Interlaken PUD since his analysis involved the "original intent" of the City Council regarding project details for the projects within the PUD. However, the applicant strongly disagrees that there is a lack of sufficient information to establish zoning compliance of the existing units within the Interlaken PUD and the 12 duplex units proposed in this final phase. If this Determination stands, the legal status of more than 334 residential units within the PUD will be rendered uncertain casting doubt on their marketability and undermining more than three decades of approvals by the Planning Board. In our view, the Determination is without foundation and, if it were allowed to stand, its consequences for the entire Interlaken PUD would be would be significant.

As is more fully set forth below, the Building Inspector neglected to apply the long established rule enunciated by the Court of Appeals in circumstances where a zoning regulation is unclear. When the Building Inspector concluded that there was "a lack of information to sufficiently determine the original intent of the City Council..." he resolved that "lack of information" against the applicant in contradiction to the rule established in Allen v. Adami 39 N.Y. 2d 275 (1976) holding that "since zoning regulations are in derogation of the common law, they must be strictly construed against the municipality which has enacted and seeks to

enforce them (citations omitted). Any ambiguity in the language used in such regulations must be resolved **in favor of the property owner,**" (emphasis added).

Legislative History

The City Council adopted the Interlaken PUD by amendment to the Zoning Ordinance passed on July 6, 1982. The PUD was amended by the City Council on August 6, 1984 to correct a typographical error in the 1982 ordinance. [1] The City Council further amended the PUD on May 7, 1996 as it pertains to Zone BB. The foregoing legislative history is contained in Section 2 - History of the ordinance that appears in the published Zoning Ordinance in the City of Saratoga Springs as well as on the website of the City. A copy of that ordinance is attached hereto as **Exhibit B**. (Note: **Exhibit B** makes reference only to **Zone B/Marina** and **Zone BB** in terms of regulation. The sole reference to Zones A, B, C, D and E are set forth in Section V, paragraph 3 (a) and (b) wherein provision is made for priority of leasing for the slips at the Marina to residents of these respective zones.)

On page 16 of **Exhibit B**, the ordinance reflects two subsequent amendments dated May 18, 1997 and February 4, 2003 that presumably have been incorporated into the text of **Exhibit B**.

Development History

The 205 acres of the Interlaken PUD have been developed following approvals from the Planning Board in 7 zones, as follows:

Zone A – Interlaken townhouse development on the south side of Union Avenue – 125 townhouses

Zone AA – Canterbury

Zone B and Zone D – Regatta View – 93 residences consisting of 89 single family homes and 4 duplex units

[1] On page 18 of the City Council minutes of August 6, 1984, the Mayor "moved for the adoption of an ordinance amending a previous ordinance adopted July 5, 1982 regarding Chapter 135, 'zoning'. This will correct the ordinance to read 215 acres instead of 250 acres on property owned Louis Farone for a PUD. There are no other changes. Mr. Mullaney said the change was shown to the Planning Board and they have no objection. Seconded by Comm. Butler. Ayes all."

Zone BB – 29 homes

Zone C – Summer Wind – 73 Homes

Zone E – 14 homes

Shortly after the adoption of the PUD, the Planning Board commenced review of the Interlaken townhouse project in Zone A. Work proceeded on that project through its buildout in the mid to late 1980s. An application for development of Zone B was presented to the Planning Board on December 6, 1989. Subsequent PUD site plan amendments were reviewed and approved by the Planning Board. Construction pursuant to those approvals has resulted in the nearly complete build-out of the PUD. One of the remaining development areas (Zone B – Phase 3) is the subject of a pending Planning Board application filed by the applicant on May 19, 2016. This application seeks PUD site plan approval for 12 duplex townhouse buildings (24 townhouse units) as depicted on **Exhibit C**.

Text of 1982 and 1984 Interlaken PUD

A review of the City's published ordinance for the Interlaken PUD (**Exhibit B**) reveals no sketch plan or zoning regulations for Zones A, AA, B, C, D, and E. A search by the applicant's counsel reveals that the 1982 and 1984 Amendments were not filed in the office of the City Clerk or, at a minimum, the City Clerk cannot locate those two documents.

The absence of the filing of the 1982 and 1984 Amendments was a matter raised before the Building Inspector at a hearing on July 26, 2016. During that hearing, Principal Planner Kate Maynard offered a set of 15 stapled pages[2] evidencing what the City believes to be the 1982 and 1984 Amendments (attached as **Exhibit D**). Applicant's counsel offered a series of 18 documents consisting of Planning Board minutes, City Council minutes, and plans/approved drawings (**Exhibits E through Exhibit V**). As we understand it, these documents (and perhaps others) form the basis of the Building Inspector's Determination.

[2] The City Attorney's office confirms that the 15 pages contained in Exhibit D (numbered in the lower right hand corner by the applicant) were in a Planning Department file and stapled together in the order in which they appear in **Exhibit D**. This fact becomes important for the reader attempting to discern what parts of **Exhibit D** constitute the 1982 and 1984 Amendments.

Even a cursory review of **Exhibit D** offered by the Principal Planner indicates that the 15 page document is not the 1982 or 1984 ordinance. Immediately, the reader can discern the following:

1. Pages 3-6 are a letter from Planning Board Chairman Frederick Holman to the Saratoga Springs City Council dated June 2, 1982. The letter constitutes the Planning Board's review of the proposed zone change.

2. Pages 7-11 are minutes of the July 5, 1982 City Council meeting. At the bottom of the third column on page 10, Commissioner Valentine moved for adoptions of the ordinance to amend Chamber 135. According to the minutes, the ordinance contained two sections. Section 1 described the property to be zoned a Planned Unit Development and Section 2 provided for the effective date of the ordinance to be the day after publication. Commissioner McGourty seconded the motion and the ordinance was adopted by a vote of 4-0 with Commissioner Casey abstaining.

3. Pages 14 and 15 is an unexecuted letter from Anthony P. Adang, Esq. to then City Attorney Richard F. Mullaney, Esq. It is clearly not part of the ordinance.

4. Page 1 appears to be a portion of the 1984 Amendment. Its language suggests Council action that took place on July 5, 1982 and it notes that "the City Council hereby takes the following action to correct the typographical error contained in said ordinance and to set forth in its records, the basis the City Council used in adopting said ordinance on July 5, 1982." At the bottom of page 1, the language reads "(b)ased on the above, the zoning map of the City of Saratoga Springs as amended on July 5, 1982 is hereby amended as follows." On the following page (page 2), there appears "an ordinance to amend Chapter 135…" and at the bottom thereof is the notation "adopted: August 6, 1984."

   The minutes of the City Council meeting of August 6, 1984 appear as **Exhibit E**. As it pertains to the Interlaken PUD, these minutes contain a motion to adopt the ordinance in order to correct the ordinance to read 215 acres rather than 250 acres. The ordinance is then recited with Sections 1 and 2 being a description of the parcels by tax map and street in Section 1 and a description of the effective date in Section 2. The

minutes do not reflect any part of the language on page 1 of **Exhibit D**, and page 2 may have been a draft as it incorrectly cites the tax map designation as set forth in the minutes, i.e. page 2 includes SBL 180-4-2.2, while the minutes do not include that tax parcel. As such, it does not appear that the unauthenticated documents pages 1 and 2 of **Exhibit D** are the ordinance adopted by the City Council in either 1982 or 1984. Page 12 is a map entitled "Concept Plan: Land Use." It depicts the area covered by the Interlaken PUD and it identifies the 7 zones. It appears to be undated, but if it is dated, the date can't be discerned by an examination of the document. It is possible that page 12 is the Concept Plan of Interlaken dated February 8, 1982 as described in paragraph #2 of page 1 of **Exhibit D**. However, as demonstrated above, page 1 was not adopted by the City Council so the Concept Plan (even assuming this Concept Plan was the one considered by the Planning Board and the City Council) was not formally approved by the City Council. Indeed, it is not possible to know from a simple examination of page 12 whether it is the February 8, 1982 document referenced on page 1 or whether it is one of a series of drafts. In either case, there is no evidence that the City Council took any action with respect to the Concept Plan depicted on page 12.

As is the case with page 12 above, page 13 of **Exhibit D** is a document that bears the name of a document referenced in paragraph #2 of page 1, to wit: Land Use Summary. Page 13 bears the same defect as does the Concept Plan, i.e. the City Council never took any formal action on it and there is no way to know whether this was a draft document or one that was intended for approval by the City Council.

Finally, **Exhibit D**, specifically page 1 thereof, is drawn in the form of a resolution (see paragraph #2 "made part of this resolution") a New York Law is clear that a resolution cannot amend an ordinance under the principles of legislative equivalency. While there is no evidence that this resolution was ever offered or acted upon, it would nevertheless have been ineffective to amend the ordinance without the corresponding formalities required to adopt an amendment to the Zoning Ordinance.

5. The best evidence of the PUD ordinance of 1982 and the amendment of 1984 is the minutes of those two meetings reflected on pages 7-11 of **Exhibit D** and pages 18 and 19 of **Exhibit E**.

The accuracy of the foregoing is further demonstrated by the minutes of Planning Board meetings involving site plan reviews for projects within the Interlaken PUD. Inasmuch as our pending application to the Planning Board focuses on Zone B, Phase 3, we have concentrated our research in this area. That research reveals that less than 5 years after the 1984 Amendment was adopted, the Planning Board dealt with the first application for Zone B. At the Planning Board meeting of July 19, 1989, City Planner Geoff Bornemann described the ordinance (**Exhibit Z**) as follows:

> *Geoff Bornemann, City Planner, stated that an official sketch plan of the entire PUD project was never filed with the ordinance as required in 1984. If the appropriate sketch plan can be located or reconstructed it can be used as a guide in future phases of the planned unit development. The draft sketch plan map submitted by the applicant and dated May 17, 1989, fails in a number of ways to conform to the ordinance requirements for an official sketch plan map.*

Mr. Bornemann confirmed that an official sketch plan for the entire PUD project was never filed with the ordinance in 1984. He noted that if the appropriate sketch plan can be located or reconstructed, *it can be used as a guide in future phases* of the Planned Unit Development. Mr. Bornemann also noted that the sketch plan submitted by the applicant on May 17, 1989 did not conform to the requirements of the Zoning Ordinance for an official sketch plan map. As such, the applicant agreed to work with the planning staff to resolve those issues.

Importantly, the Planning Board concluded that the applicant could apply for Zone B site plan approval although no final approval would be granted until the sketch plan matter was resolved (**Exhibit V**).

The Planning Board continued review of the sketch plan as it relates to Zone B as it meeting of December 6, 1989 (**Exhibit L**). The Planning Board agreed with the language agreed to by the staff and the applicant, and suggested that the proposal go back to the City Council for consideration as part of a new comprehensive Zoning Ordinance. During that same meeting, the applications for Zones B and D continued and resulted in the grant of preliminary approval for the PUD site plan on motion of Mr. King, seconded by Mr. Curley and approved unanimously.

The application for Zones B and D (referred to as Phases in the minutes) returned to the Planning Board on May 16, 1990. During the discussion, Mr.

Mullaney referred to a discussion on whether to construct guard houses in this phase of the project similar to those that had been previously constructed in Zone A (the Interlaken townhouse project). By May 16, 1990, the Interlaken townhouse project had already been approved and built out. At the conclusion of the May 16, 1990 meeting, the Planning Board unanimously approved Mr. Allerdice's motion (seconded by Mr. Curley) for final site plan approval for Zones B and D for 61 residential units (**Exhibit M**).

On June 19, 1991, the applicant returned to the Planning Board for re-approval for Zones B and D noting that the Planning Board had granted approval the previous year but the applicant was unable to get all of his financing in place. As a result, the approval had expired. Mr. Mullaney noted that the application was identical to the one approved the previous year and it consisted of 68 lots of which 63 were buildable. On motion by Mr. Allerdice and seconded by Ms. Foulke, preliminary and final approval of the PUD site plans were unanimously approved (**Exhibit U**). A copy of the relevant portion of the signed mylars are attached hereto as **Exhibit K**.

On February 28, 1996, City Planner Bornemann again had occasion to address the history of the PUD in the context of an application to amend the existing ordinance to allow for a 150 unit senior citizen housing community as a permissible use in Zone BB. Mr. Bornemann provided the following explanation to the Planning Board which was followed by comments from Planning Board member Robert Bristol (**Exhibit O**).

> *Geoff Bornemann gave the Board a brief outline of the history of this PUD ordinance. He explained that the City Council meeting minutes from the 1984 meeting in which they passed the PUD ordinance was full of details about the various aspects of the project,* ***but the details were never actually presented in the ordinance*** *(emphasis added). In 1984 the ordinance was just one paragraph. The applicant's version of the proposed amendment only discusses Zone BB. Geoff Bornemann noted that in 1990, as part of the comprehensive rewrite of the zoning ordinance, the Planning Board drafted a proposed amended version of the Interlaken PUD that addresses the details that never made it into the adopted ordinance. The amendment was never actually presented to the City Council in 1990. Geoff Bornemann noted that the version of the draft ordinance that he prepared includes the original information for the entire PUD (from the 1990 draft) plus the proposed new amendment for Zone BB. The staff version incorporates the entire PUD and provides a framework for future amendments.*

Geoff Bornemann noted that Thomas McTygue, Commissioner of Department of Public Works, has raised a number of objections concerning the Board's review process in a memorandum dated February 28, 1996. Copies of the Commissioner's memo were distributed to each Board member.
Bob Bristol asked if the City Council could at any time amend an existing PUD ordinance without approval from the applicant. Geoff Bornemann noted that the City Council has been hesitant to do so because the applicants often view a PUD as a contract with the city.

As set forth above, Mr. Bornemann confirms that the "minutes from the 1984 meeting in which they (the City Council) passed the PUD ordinance was full of details about various aspects of the project, but the details were never actually presented in the ordinance. In 1984, the ordinance was just one paragraph." He further noted that "the Planning Board drafted an amended version of the Interlaken PUD that addresses the details that never made it into the adopted ordinance."

Mr. Bristol's question bears emphasis. He asked about the City Council's legal ability to amend the PUD at any time without approval from the applicant. Mr. Bornemann did not answer the question directly, rather he noted that the Council has been hesitant to do this because "applicants often view a PUD as a contract with the City." Mr. Bornemann's speculation on the Council's failure to amend the ordinance may (or may not) be correct, but it is undoubtedly the case that the City Council possess the authority to amend a PUD (and any other provision of the Zoning Ordinance) on its own petition and there is no reason to believe that the Council's legal advisors would not have made the Council aware of this rule when the issue arose.

The Planning Board Site Plan Approvals of May 16, 1990, June 19, 1991 and September 25, 1996 are Consistent with the Interlaken PUD Ordinance

On July 19, 1989 (**Exhibit V**) the Planning Board commenced review of a PUD sketch plan for Interlaken. During that meeting the City Planner indicated that a sketch plan was never filed with the ordinance when it was adopted. The City Planner indicated that "(i)f the appropriate sketch plan can be located **or**

reconstructed it can be used as a guide in future phases of the planned unit development," (emphasis added). Pending work on the sketch plan, the Planning Board agreed that the applicant could commence an application for PUD site plan review.

Over the ensuing five months, the applicant returned to the Planning Board on three occasions for review of the sketch plan. Both the planning staff and the applicant availed themselves of the significant record that lead to the initial City Council vote on July 5, 1982 approving the PUD (**Exhibit D**, pp 10-11). Among other things, that record included the Planning Board recommendation of approval by letter of June 2, 1982, the applicant's Environmental Assessment Form dated March 23, 1982, the EAF – Part 2 completed by the Planning Board and the negative SEQRA declaration of June 2, 1982 with a letter from Mr. Holman to City Engineer Joseph C. Ritchey dated June 2, 1982 (all of the foregoing within **Exhibit N**). The foregoing represented an exhaustive review by the Planning Board in its capacity as lead agent under SEQRA as well as in its advisory role to the City Council. The Planning Board's favorable letter of recommendation to the City Council evaluated the proposed development in considerable detail and specificity within the seven contemplated zones.

During its review in 1989, the Planning Board was able to use the information generated from its 1982 review to reconstruct the perameters of the PUD for Zones B & D. Importantly, the Planning Board was very familiar with the scope of the PUD having already approved what is now Longfellow's in Zone AA and the Interlaken townhouse development on the south side of Union Avenue in what is depicted on the 1991 approved map as Zone A (see **Exhibit K** – "Overall Concept Plan" labeled page 9 on the plan).

Having reconstructed the sketch plan, the Planning Board continued its review of the PUD site plan application resulting in a unanimous approval on May 16, 1990 (**Exhibit M**). The following year the applicant returned to the Planning Board to seek "re-approval" of the site plan because the May 16, 1990 approval had expired before he could secure financing. As such, on June 19, 1991, the Planning Board re-approved the PUD site plan (**Exhibit U**) and the mylar, including the "Overall Concept Plan" was signed by Planning Board Chairman Thomas Curley. Based on the foregoing, there can be no doubt that the Planning Board was successful in reconstructing the sketch plan that represented the core of the project envisioned by the City Council in 1982 and in 1984.

The development represented by the 1991 plan did not get built. This Applicant returned to the Planning Board in 1996 seeking to modify the plan in order to construct what is now the Regatta View subdivision. The Planning Board considered the application on July 17, 1996 and again on September 25, 1996 (**Exhibit P**). In the latter meeting, the Planning Board unanimously granted final PUD site plan approval to the applicant to modify the plans and re-subdivide 64 lots into 98 lots.

City Council Deference to the Planning Board on Early PUDs

The Zoning Ordinance lists 10 PUDs in Appendix C of the Ordinance. The first one listed is the Division Street PUD. It was adopted on October 17, 1983 (**Exhibit Y**). The second listed PUD is the Interlaken PUD that was adopted one year earlier, to wit: July 5, 1982.

These first two PUDs contain little guidance for project reviews by the Planning Board. As the City became more sophisticated in the use of PUDs, the level of detail and regulation dramatically increased. Arguably, the City Council intentionally provided the Planning Board with broad latitude and discretion for the first two PUDs by intentionally limiting the level of specificity and providing a specific grant of authority to the Planning Board in the Division Street PUD. That PUD contained the following language regarding the plans to be filed for project reviews.

- The attached **preliminary** plan, Exhibit B shall be used by the City and the applicant as a guide for the overall development of the Division Street Planned Unit Development (emphasis added).

- Prior to the issuance of a building permit to develop any or all of the area within the Division Street Planned Unit Development, the applicant shall receive final site plan approval from the Planning Board of the City of Saratoga Springs. Such site plan approval and **final development plan** shall be in conformance with § 135-44-f of the Zoning Ordinance of the City of Saratoga Springs.

In this second PUD, the City Council prescribed a two-step process for the completion of a final development plan. First, the Council approved a sketch plan to be used as a guide by the City and the applicant. Second, the Council directed

the Planning Board to develop a final development plan that would become the base document by which future development plans would be reviewed.

While it is not clear that the City Council mandated this same process for the Interlaken PUD (adopted one year prior to the Division Street PUD) it is certainly the case that the Council relied heavily on the Planning Board for direction in these initial PUDs. Indeed, the Planning Board's record of involvement on the Interlaken PUD (**Exhibit N**) was substantial and it included a detailed review of the proposed development with an analysis provided in its June 2, 1982 favorable advisory opinion to the City Council, along with its environmental analysis conducted as lead agent under the State Environmental Quality Review Act.

City Council's Repeated Determinations That There Was No Need to Amend the 1982 and 1984 Ordinance

It is noteworthy that every City Council since 1984 has either failed or refused to amend the 1982 Ordinance which, according to the Building Inspector, lacks information "to sufficiently determine the original intent of the City Council when it comes to project details" (**Exhibit A**).

- A mere two years after the adoption of the Interlaken PUD, the Council saw fit to make a technical amendment – the correction of a typographical error of the acreage within the PUD. During that period, the project reviews and analyses were well underway between the applicant and the City. Presumably, neither the Council, the Planning Board nor the applicant found any deficiencies that necessitated amendment to the Ordinance in 1984 beyond the technical correction.

- As reported by the City Planner during the February 28, 1996 meeting (**Exhibit O** – cited above), the City Council did not include any changes to the Interlaken PUD when the Zoning Ordinance was overhauled by an amendment adopted on August 6, 1990, less than three months after the Planning Board gave final PUD Site Plan Approval to Zones B & D (**Exhibit M**). Importantly, the Planning Board had completed work on the reconstructed sketch plan at it December 6, 1989 meeting (**Exhibit L**).

- During 1996, the Council considered two amendments to the Interlaken PUD. Both amendments pertained to Zone BB. The first one was introduced on February 5, 1996 and adopted by the Council on May 7, 1996. The second one was introduced on December 3, 1996 and approved by the Council on March 18, 1997 (see **Exhibits F, G, H and I**). These amendments coupled with an amendment adopted on February 4, 2003 reflect the text that is currently published on the City's website. As set forth above, that text does not provide any guidance for the development of Zones A, AA, B, C, D or E. Notwithstanding the fact that the City Council dealt with these three amendments over a seven year period, they apparently felt no need or desire to provide additional "project details" that the Building Inspector found lacking in the current Ordinance. This is true despite the fact that the Planning Board Chairman (Thomas Curley) who signed the PUD site plan mylar on October 12, 1991, also reviewed the 1996-97 PUD amendments in his capacity as Commissioner of Public Safety.

- The Council's decision not to act to provide additional "project details" during its review and approval of the two amendments in 1996-97 is even more telling by the fact that sandwiched between these two amendments was the Planning Board's review and approval of the current Regatta View plan (**Exhibit X**). That plan was reviewed by the Planning Board on July 17, 1996 and approved on September 25, 1996 (**Exhibit P**). Only 4 months before the July 17, 1996 review, the Planning Board considered the first of the two 1996 PUD amendments and provided a favorable advisory opinion to the City Council (**Exhibit S**). In this advisory opinion, the Planning Board apparently felt no need to recommend the inclusion of additional "project details" to Zones A, AA, B, C, D and E.

No Legal Challenges

During the September 25, 1996 Planning Board meeting (**Exhibit P**) wherein the Planning Board granted final PUD site plan approval, Chairman Loraine Tharp responded to an inquiry concerning the Regatta View Plan. Chairman Tharp (at page 16) confirmed that "there is no legal challenge to the

legal status of the PUD granted in 1982. The Board then proceeded with a unanimous 6-0 vote to approve the final PUD site plan.

Approval History

As set forth at the outset of this Application Narrative, the Building Inspector's Determination applies to the "previously or currently submitted proposals" concluding that there is an absence of sufficient proof of compliance with the Interlaken PUD due to lack of information. Since the PUD has involved approvals for all seven Zones, the determination appears to apply to all previously submitted proposals, plans and approvals.

The Building Inspector's conclusion on this issue appears to be isolated and it flies in the face of the following:

- PUD site plan approvals by the Planning Board in the 1980s for the development of Zones A and AA.

- PUD site plan approvals for Zones B and D unanimously granted by the Planning Board on May 16, 1990, June 19, 1991 and September 25, 1996.

- The City Council's refusal to amend the 1982 Ordinance for 6 of the 7 zones to add "project details."

- The issuance of building permits by previous city building inspectors (with the implicit determination of zoning compliance) for 125 townhouses in Zone A, 29 houses in Zone BB, 73 houses in Zone C, 93 homes and duplex units in Zones B & D, and 14 houses in Zone E.

Conclusion

For the reasons set forth above, the applicant urges the Zoning Board of Appeals to overturn the Determination of the Building Inspector and find affirmatively that the Planning Board approvals of May 16, 1990, June 19, 1991 and September 25, 1996 and the pending PUD site plan application are zoning compliant with the Interlaken PUD.

Dated this 9th day of September 2016 at Saratoga Springs, New York

Respectfully submitted,

Matthew J. Jones, Esq.
Attorney for Applicant
The Jones Firm
68 West Avenue
Saratoga Springs, New York 12866

Number	Page #	Date	Item
A	2	8/11/2016	Letter from Building Inspector Steve Shaw
B	3-14	Jul-16	City Council Zoning Ordinance Interlaken PUD from website
C	15	5/19/2016	Regatta View Site Plan Area B-Phase 3
D	16-30	7/1/2016	Planning Department Version - Interlaken PUD
E	31-32	8/6/1984	City Council Minutes
F	33	2/5/1996	City Council Minutes
G	34	4/2/1996	City Council Minutes
H	35-39	5/7/1996	City Council Minutes
I	40-41	12/3/1996	City Council Minutes
J	42-56	8/24/2005	Planning Board Minutes and Sketch Plan application
K	57-93	2/14/1990 & Approved 6/19/1991	Regatta View Subdivision
L	94-97	12/6/1989	Planning Board Minutes
M	98-100	5/16/1990	Planning Board Minutes
N	101-122	6/2/1982	Planning Board Minutes, EAF and negative declaration
O	123-132	2/28/1996	Planning Board Minutes
P	133-169	7/17/1996 & 9/25/1996 & SEQRA Neg Dec	Planning Board Minutes
Q	170-173	5/6/1998	Planning Board Minutes
R	174-190	4/11/1990	Planning Board Minutes
S	191-208	3/13/1996	Planning Board Minutes
T	209-220	11/7/1990	Planning Board Minutes
U	221-223	6/19/1991	Planning Board Minutes
V	224-227	7/19/1989 & 9/6/1989 & 10/11/1989	Planning Board Minutes
W	228	3/19/1996	City Council Minutes
X	229-231	6/18/1996	Zones B, D and E - Regatta View 1996 approved plan - Adopted 9/29/1996 and signed 5/8/1997
Y	232-235	10/17/1983	Division Street PUD

Exhibit A

City of Saratoga Springs

BUILDING DEPARTMENT
CITY HALL
474 Broadway
Saratoga Springs, NY 12866

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Assistant Building Inspector
Extension 2512

JOHN BARNEY
Assistant Zoning Technician
Extension 2521

August 11, 2016

Mr. Matt Jones
The Jones Firm
68 West Avenue
Saratoga Springs, NY 12866

RE: Zoning Compliance Determination – Interlaken PUD

Dear Mr. Jones,

This letter is in response to a request for a zoning compliance determination for the build out of an undeveloped section of the Interlaken PUD. A review of all available documentation does not show a clear path to any specific configuration, use, density or any other project detail. It even seems possible that some of the existing development may have occurred beyond appropriate zoning authorization. This is not just a case of information being insufficiently clear to make a determination, nor is it a situation where the information could be interpreted differently by different individuals. This is a case where there is simply a lack of information to sufficiently determine the original intent of the City Council when it comes to project details.

Therefore, it is my determination that none of the previously or currently submitted proposals sufficiently provide proof of compliance with the Interlaken PUD due to lack of information. At this time the applicant has the option of appealing this determination to the Zoning Board of Appeals, seeking legislative clarification and/or amendment from the City Council or withdrawal from the application process.

Sincerely,

Stephen Shaw
Zoning and Building Inspector

SRS/kgf

Exhibit B

Appendix C:
2. Interlaken Planned Unit Development (formerly 241.2)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "INTERLAKEN PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

SECTION I – NAME:

This ordinance shall be known as the "Interlaken Planned Unit Development," and amends Chapter 240 of the Code of the City of Saratoga Springs, New York, entitled "Zoning."

SECTION II – HISTORY:

The City Council of the City of Saratoga Springs, following a public hearing on July 6, 1982, adopted an ordinance which created a Planned Unit Development which encompassed approximately 205 acres of land having frontage of 4,106.32 feet on the south side of Union Avenue (Route 9P), 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue (Route 9P). The City Council of the City of Saratoga Springs, following a public hearing on August 6, 1984, adopted an ordinance which created a Planned Unit Development which encompassed approximately 205 acres of real property having frontage of 4,106.32 feet on the south side of Union Avenue (Route 9P), 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue (Route 9P), which was intended to amend the ordinance which had been passed by the City Council of the City of Saratoga Springs on July 6, 1982. The City of Saratoga Springs of Saratoga Springs, following a public hearing on May 7, 1996 amended the Interlaken Planned Unit Development legislation as it pertains to Zone "BB" within the Planned Unit Development.

SECTION III – BOUNDARIES:

The area of the Interlaken Planned Unit Development consists of approximately 205 acres and is bounded and described as set forth in Appendix A, attached hereto and made a part hereof, and Appendix B, a certain sketch plan which is on file in the Office of the City Engineer in the City of Saratoga Springs.

The Planned Unit Development presently consists of the following parcels of real property as set out on the present Assessor's Map for the City of Saratoga Springs Outside Tax District as of May 7, 1996.

Section	Block	Lot
I80	2	13.2, 13.3, 49.1, 49.2, 49.3, 49.4, 49.5, 49.6, 50.1, 50.2, 50.3 and 57
180	4	18, 24 and 25
180.61	1	1 through 51
180.62	1	1 through 24
180.53	1	1 through 30
180.53	1	32 through 58

SECTION IV - PURPOSE

It is the purpose of this Ordinance to provide a logical extension of the present zoning and land use as recommended in the I970 Master Plan. It is the further purpose of this Ordinance to promote flexibility in the development and design of this area.

The Interlaken Planned Unit Development is conceptually sound. It meets all local and area wide needs and it conforms to the accepted principles of functional, highway and pedestrian circulation systems, land use configurations, open space systems and drainage systems. The scale and design of the elements are humane and related to each other and the area in general.

Zone "B"/Marina:

This zone shall be developed for the sole purpose of permitting a boathouse for not-for-profit rowing association with associated parking, marina and docking facilities.

Zone "BB":

This zone can be developed into a subdivision of single family residences with an attached or detached associated single bedroom units consistent with the residential designation set out for this area of the City in the 1987 Master Plan.

As an alternative, this zone, which had developed into a planned senior citizen housing community that will meet the needs of a special segment of the City's population.

As another alternative, this zone, which has previously been the site of a restaurant and night club, could recapture this resort theme by the construction of a 110 room hotel/conference center along with or independent of an attached or detached restaurant offering seating for 150 diners.

These uses would compliment the already existing and projected residential areas within the Planned Unit Development or the mores rustic restaurant and potential Inn use which

may be established upon the zone of the Planned Unit Development presently housing the Longfellow's Restaurant.

SECTION V – PERMITTED USES AND DENSITY:

There may be constructed within the boundaries of the Interlaken Planned Unit Development the following types of activities and uses as set forth below:

Zone "B"/Marina:

This area may be developed with the following uses:

1. A boathouse facility, not to exceed 17,500 square feet, that may include facilities for storage of rowing vessels, equipment, restrooms, meeting rooms, training and associated activities. This facility may only be owned and operated by a not-for-profit rowing association.
2. On-site parking shall be provide for this facility and users in accord with the following standards:

    a) *Marina and docks shall have 1 parking space per 3 slips.*
    b) Boathouse shall have 75 parking spaces. This number may be reduced by the Planning Board, at their sole discretion, during the PUD site plan review process if evidence of shared parking with the marina use is presented and accepted by the Board.

3. A marina with up to 68 docking slips. All slips must be owned and maintained by the not-for-profit rowing association and shall be leased in the following manner:

    a) Residents of Zone B, D and E (Regatta View) shall be given first priority in leasing slips by January 31st of each calendar year.
    b) Remaining slips shall be made available to residents of Interlaken PUD Zones, A, BB and C until March 1st of each calendar year.
    c) The remaining slips (not to exceed 20) shall be made available to the general public after March 1st of each calendar year.
    d) This process will take place each year prior to the installation of docks and slips. Only slips that have been leased shall be installed each season.

4. There shall be no sale of petroleum products permitted on this site.
5. There shall be no boat ramp or launch facility permitted on this site.
6. There shall be no picnicking, special events or other outdoor recreational facilities on this site that are associated with the marina use.
7. There shall be no outdoor storage of boats permitted on this site except for boats owned by the not-for-profit rowing association. Outdoor storage of

docks shall permitted but the location of such storage shall be determined during the PUD site plan review process.

8. There shall be no sales or rental of boats or equipment on this site.

Zone "BB":

Either use 1, 2 or 3 as listed below, so long as the permission to construct that permitted use has not expired pursuant to Section XV herein, but not more than one shall be permitted:

1. A subdivision of detached single family residences with attached or detached garages with associated single bedroom units with frontage on a road dedicated to and accepted by the City of Saratoga Springs.

    a. A maximum of 31 lots, Each lot shall have a minimum of 10,000 square feet and may have a single-family residence as well as an associated single bedroom unit. The maximum height for any structure shall be 35 feet.
    b. The associate single bedroom units shall be no larger than 800 square feet and shall be constructed in the principal structure or in a detached accessory garage.
    c. A parcel with frontage on Lake Lonely may have a single private dock that may extend into the water up to 30 feet from the mean low water mark on the shoreline.
    d. The off-street parking demand for both the principal residential unit and an associated single bedroom unit shall be two parking spaces per unit. The location of the required off-street parking spaces do not have to meet any of the minimum setback requirements.

2. A planned Senior Citizen Housing Community offering attached or detached townhouse units and, apartments, interior and exterior recreational facilities, marina and docks, eating and drinking establishment and retail space all intended for the use of the residents of this zone and their guests. The living units shall be on lease basis only, wherein at least one of the tenants in any leased units must be 50 years of age at the commencement of the leasehold. None of the units shall be converted to cooperative apartments or to condominiums. In addition the lands within this PUD shall not be subdivided into more than two real property tax parcels. This project shall consist of the following:

    a. A maximum of 30 attached or detached residential units with a maximum building footprint of 2,000 square feet per unit for a maximum building square footage of 60,000 square footage. The maximum height for the residential units shall be 35 feet. Attached or detached car ports may be included

with these units but shall not be included as a portion of the building footprint for square footage calculation purposes.

b. A maximum of 120 residential apartments situated in a maximum of two buildings, which shall be no greater than 50 feet in height. The apartment buildings(s) shall have a maximum total building footprint of 105,000 square feet and a maximum total square footage of 350,000 square feet. The following ancillary uses shall be permitted for the exclusive use of the residents of Zone "BB" and their guests: interior eating and drinking facilities, interior recreational space, retail space, beauty/barber shop, physical therapy facilities, and meeting rooms. The ancillary uses within a structure shall comprise no more than fifteen (15%) per cent of the square footage of that structure up to a maximum of 18,000 square feet. The ancillary uses shall be for the exclusive use of the residents of Zone "BB" and their guests.

c. Off-street parking shall be supplied within this zone to a ratio of 1.5 parking space for each residential unit unless lowered by the Panning Board. During the site plan review the Planning Board may lower the parking requirement if market studies show that the demand may be less. There shall be no parking requirement for any of the permitted ancillary uses.

d. Exterior recreational facilities shall be permitted which may include a marina and docks on Lake Lonely with slips for up to twelve boats. Accessory structures for recreational uses are permitted but their total size shall not exceed 17,500 square feet.

e. A hotel conference center and restaurant.

(a) A 110 room hotel conference center to include, as ancillary uses; eating and drinking facilities, retail space; interior recreational facilities, and meeting rooms. The center shall have a maximum interior square footage of 203,000 square feet and a maximum height of 65 feet. The ancillary uses within any structure shall comprise no more than fifteen (15%) percent of the square footage of that structure.

(b) A restaurant attached or detached to the hotel conference center to include seating for up to 150 persons. This structure shall not exceed 10,000 square feet. This use shall be permitted in addition to an eating and drinking facility contained within the hotel conference center.

(c) Exterior recreational facilities shall be permitted which may include a marina and docks on Lake Lonely with slips for up to twelve boats. Accessory structures for

recreational uses are permitted but their total size shall not exceed 17,500 square feet.

(d) The hotel conference center shall have a parking requirement of 1 parking space for each hotel room, and there shall be no parking requirement for any of the permitted ancillary uses. The restaurant shall have a parking demand of 0.3 spaces for every seat.

(e) The lands within this PUD shall not be subdivided into more than two real property tax parcels.

SECTION VI – HOMEOWNERS ASSOCIATIONS:

Zone "B"/Marina:

There shall be no homeowners association or equivalent organization established in Zone "B"/Marina, but if permitted, the owner of this site may obtain full or selected rights of membership in the Regatta View homeowners association.

Zone BB:

There shall be no homeowners association, or equivalent organization, established in Zone "BB".

SECTION VII – SKETCH PLAN:

Zone "B"/Marina:

The attached Sketch Plan, Appendix B, shall be used by the City and the developer as a guide for the overall development of this zone.

Zone "BB":

The attached Sketch Plans, Appendix B, shall be used by the City and the developer as a guide for overall development of Zone "BB" within the "Interlaken Planned Unit Development". The Sketch Plans may be amended and modified and so long as the use, density, height, parking, setbacks and impervious surface requirements set out within this ordinance are not violated, this Ordinance, as amended, shall not have to be submitted for further amendments. Nothing in this section is intended to negate the requirement for PUD site plan approval as established herein and in the Zoning Code of the City of Saratoga Springs.

Appendix B contains a sketch plan for the single family development plan, the planned senior housing community and the hotel conference center.

If in the development of the site plan, it becomes apparent that certain elements of the Sketch Plan are unfeasible and in need of significant modification above that which is permitted above, any significant modification thereof must be approved in accordance with Section 240-3 of the Zoning Ordinance of the City of Saratoga Springs.

SECTION VIII – SETBACKS:

Zone "B"/Marina:

The areas and bulk standards shall be as follows for principal buildings, on-site parking and accessory structures:

	Minimum Requirement:
Lot size:	4 acres
Mean width	200 feet
Front yard:	30 feet
Rear yard:	30 feet
One side:	10 feet
Total side:	20 feet
Building height	40 feet
% of lot to be permeable	30%

Docks on this site shall not be subject to any of the above requirements.

Zone "BB":

With regard to the single family residential use of the zone, the setbacks shall be as follows:

	Principal Building and Lot Minimum Setback Requirements:
Lot Size	10,000 square feet
Mean Lot Width	80 feet
Front Yard: Principal Residence	10 feet
Front Yard: Attached Garage	22 feet
Rear Yard	30 feet
Side Yard: One Side	10 feet
Side Yard: Total Side	20 feet
Minimum % of Lot to be Permeable	30%

Accessory Structures (not attached to Principal Building other than by walkway, breezeway or porch)
Minimum Setback Requirements:

Front Yard	22 feet
Rear Yard	30 feet
Side Yard: One Side	5 feet
Side Yard: Total Side	20 feet
Minimum Distance to Principal Building	5 feet

B. With regard to the Hotel conference center use and the planned senior housing community use of this zone, the setbacks shall be as follows:

A. All setbacks shall be from the perimeter of the real property of Zone "BB" to the nearest building(s) with there not being a requirement setback between buildings, or internally on the site, other than as specified herein:

	Minimum Setback Requirement:
Front Yard	50 feet
Rear Yard	50 feet
Side Yard	50 feet
Distance between detached buildings	15 feet

In addition, within Zone "BB" the minimum amount of required impervious surface shall be 60%.

SECTION IX - INFRASTRUCTURE SERVICE AND IMPROVEMENTS.

Zone "BB":

The entire zone will be serviced by City of Saratoga Springs water, unless there is a judicial order stating otherwise, and Saratoga County sewer lines. All services and improvements that are dedicated to a municipality or a municipal authority will be constructed to that municipality's or authorities building standard as that standard exists at the time of dedication. All other services and improvements shall be constructed in compliance with applicable codes, rules and regulations.

If the zone is developed as a single family residential project, the following shall take place: (1) Each residential unit shall be required to tap off of a City or public authority main for purposes of obtaining a potable water supply; (2) A public sidewalk shall be constructed along side of al roads to be dedicated to the City of Saratoga Springs; and, (3) All public roadways shall have curbs.

For uses if the zone is developed as a hotel conference center or a planned senior housing community, the water service to the structures which are more than 50 feet from

the boundary of a public right-of-way shall not be required to directly tap off of a city main for purposed of obtaining a water supply.

The community sanitary sewer collection system may be owned and operated by the Saratoga County Sewer District #1.

At the time of the development of any portion of any phase within Zone "BB", the Planning Board of the City of Saratoga Springs may require during the PUD site plan review process a traffic impact analysis to be preformed to determine specific on-site or off-site improvements that might be required to accommodate projected traffic volumes to or from this PUD. The determination as to whom shall pay for the required improvements shall be negotiated by the applicant and the City.

At the time of the development of any portion of any phase within Zone "BB", the Planning Board of the City of Saratoga Springs may require during the PUD site plan review process a Stage 1B archeological investigation of the soils. The applicant shall be expected to adequately mitigate any findings from such investigations.

SECTION X – SIGNS:

Zone "B"/Marina:

A single freestanding sign shall be permitted on this site. The sign shall not exceed 24 square foot in size and it shall be no higher than 12 feet.

Zone "BB":

A. With regard to the single family development of this zone, the following signs shall be permitted:

   1) A 40 square foot per side internally or externally illuminated sign shall be permitted at the entrance/exit of the subdivision near Crescent Avenue, provided such sign shall be not be placed within the public right-of-way and provisions for its permanent maintenance is made.

B. With regard to the hotel conference center use and the planned senior housing community use of this zone, the following signs shall be permitted:

   1) A 40 square foot per side internally or externally illuminated sign shall be permitted at the entrance/exit roadway near Crescent Avenue.

   2) On premise directional signs identifying private property, restrictions, public parking, recreational facilities, fire zones, entrances and exits signs may be

located on the real property and may not be internally illuminated. Each sign lettering panel shall not exceed 4 square feet.

3) Temporary, non-illuminated, "For Rent" signs may be permitted on the building(s) or placed as free-standing. The sign lettering panel shall not exceed 4 square feet.

4) Each detached or attached townhouse may have attached a number or letter identification sign measuring no more than 1.5 square feet. Such sign may be internally illuminated.

5) The apartment(s) structure, hotel and restaurant may each have its own free-standing sign, internally or externally illuminated, attached thereto measuring not more than 40 square feet per side. These signs shall be permitted in additions to the sign permitted pursuant to Section IX(1), but, the signs specified in this paragraph shall be located no closer than 600 feet from the Crescent Avenue public right-of-way.

SECTION XI – ROADWAY:

Zone "BB":

If any road or street within Zone "BB" are to be offered for dedication to the City of Saratoga Springs, then they shall be constructed and sized to comply will the applicable City of Saratoga Springs standards for said roads as that exists at the time of construction and/or dedication.

If a portion of the roadway to be constructed within Zone "BB" is to continue under the control of and be maintained by the real property owner, then they may be constructed to a City standard acceptable for private driveways.

SECTION XII – PHASING:

Zone "BB":

Zone BB may be developed in one or more phases.

SECTION XIII – CONSTRUCTION STANDARDS:

Zone "BB" and Zone "B"/Marina:

All construction standards for buildings, private and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers. All costs associated with this shall be borne by the developer whether the

plans are provided by the City of Saratoga Springs or by the developer. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith. The City may require any or all costs connected with this to be borne by the developer.

SECTION XIV – DEVELOPMENT PROCESS AND AMENDMENTS:

Zone "BB" and Zone "B"/Marina:

Prior to the issuance of a building permit to develop any of the area within Zone "BB" and Zone "B"/Marina, the developer shall receive preliminary and final site plan approval from the Planning Board of the City of Saratoga Springs. Such site plan approval shall be in conformance with Section 240-3.13 of the Zoning Ordinance of the City of Saratoga Springs.
For the single family residences in Zone "BB" the Planning Board shall have the authority to review the specific lot layout plans, showing the configuration of all structures on the lot, as part of the PUD site plan approval process. The developer shall be permitted to present several proposed lot layout plans, at the time of PUD site plan approval, which proposed plans may be pre-approved by the Planning Board for development of the lots within this Zone.

Any standard concerning the construction of dwelling units to be constructed within Zone "BB" and Zone "B"/Marina shall be governed by and comply with the appropriate codes, laws, rules and regulations, including the New York State Building Codes in force and effect at the time of PUD site plan approval for the units to be so constructed.

SECTION XV – EXPIRATION:

Zone "B"/Marina:

For all development in Zone "B"/Marina, the developer must obtain final PUD site plan approval and start construction prior to January 1, 2010 or the zoning shall revert to Rural Residential-1 (RR-1) classifications and development standards that existed as of January 1, 2003.

Zone "BB":

For the single family residential use, the developer must obtain final PUD sites plan approval and start construction for all phases by December 31, 2010. If the developer fails to obtain all PUD site plan approvals and start construction on the final phase prior to December 31, 2010, the zoning for zone "BB" shall revert to Rural Residential-1 (RR-1) classifications and development standards that existed at the time of the enactment of this amendment.

For the senior citizen community the developer must obtain final PUD site plan approval and start construction for all phases prior to January 1, 2000.

For the hotel/conference center, the developer for Zone BB must obtain final PUD site plan and start construction for the first phase (either a restaurant or a hotel) approval prior to January 1, 2000. The developer must obtain final PUD site plan and start construction for all phases of the hotel/conference center prior to January 1, 2005. If the developer fails to meet any of the above requirement, the uses allowed for the hotel/conference center shall no longer be permitted, but the uses associated with the senior citizen center shall be permitted.

SECTION XVI – CASH IN LIEU OF RECREATION LAND:

Zone "B"/Marina:

Cash in lieu of recreational lands shall not be required for any subdivision within this section. The not-for-profit and recreational aspects for this use are consistent with community recreational activities and shall not be held to the same standard as commercial and residential development.

Zone "BB":

For the single family residential use, the developer shall pay a special fee for cash in lieu of recreation land to the City of Saratoga in the amount of $750 per lot because of the limited size and unique characteristics of the associated residential units.

SECTION XVII – VALIDITY:

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

SECTION XVIII – EFFECTIVE DATE:

This Ordinance shall take effect the day after publication as provided by the Saratoga Springs City Council and posting and publishing in the official newspaper of the City as required by law.

ADOPTED: May 7, 1996

AMENDED: March 18, 1997

AMENDED: February 4, 2003

APPENDIX "A"

LEGAL DESCRIPTION

Description of lands in Zone "BB" of the "Interlaken Planned Unit Development" are on file in the City Engineer's Office in the City of Saratoga Springs.

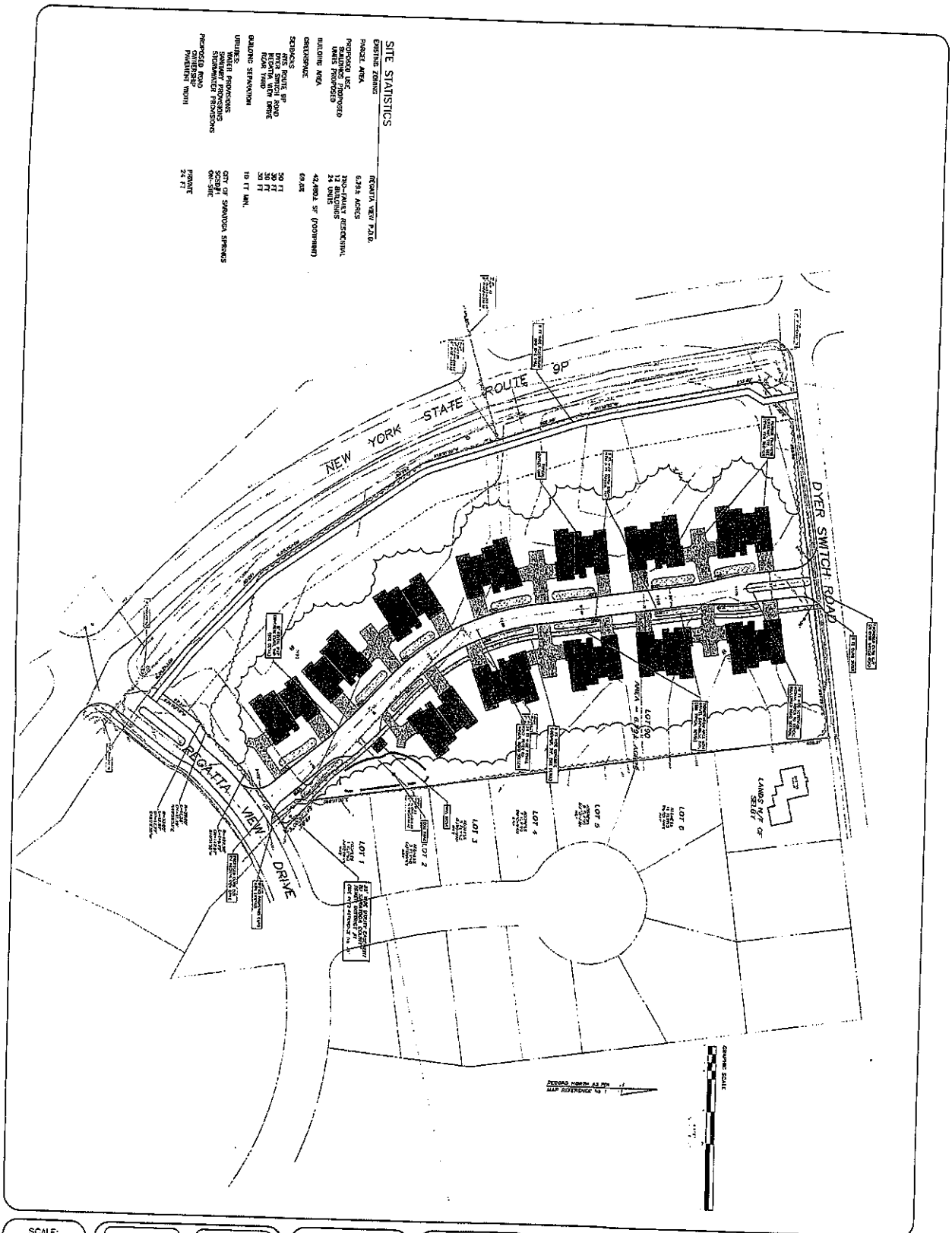
APPENDIX "B"

SKETCH PLAN FOR ENTIRE PUD

SKETCH PLAN FOR ZONE "BB" SENIOR CITIZEN COMMUNITY

SKETCH PLAN FOR ZONE "BB" HOTEL CONFERENCE CENTER

Exhibit C



SCALE: 1"=40'

PRELIMINARY PLANS 8/19/2016

SHEET NO. 3 of 10

REVISIONS | DATE | BY

SHEET TITLE

SITE PLAN

PROPOSED RESIDENTIAL COMMUNITY
REGATTA VIEW–AREA B–PHASE 3

REGATTA VIEW, LLC

CITY OF SARATOGA SPRINGS

TAX MAP NO. 180.54-2-30
SARATOGA COUNTY, NEW YORK
MAY 16, 2016

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

Exhibit D

In adopting an Ordinance to amend Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" by amending the Zoning Map to reflect the change in district boundaries from Conservancy District to a Planned Unit Development known as Interlaken of approximately 215 acres, the City Council hereby takes the following action to correct the typographical error contained in said ordinance and to set forth in its records, the basis the City Council used in adopting said Ordinance on July 5, 1982. The City Council hereby:

1.) Adopts the findings of the Planning Board in its June 2, 1982 report of the City Council as a basis for its action in adopting said Zoning change.

2.) In accordance with the Concept Plan of Interlaken dated February 8, 1982, as was specifically shown on "Concept Plan: Land Use" and "Land Use Summary" made part of this resolution, the land use densities for Interlaken shall be as shown on the land use summary and as follows:

	UNITS	GROSS AREA ACRES	NET CLUSTER AREA ACRES	GROSS DENSITY DU/AC	NET DENS. DU/AC	OPEN SPACE AREA ACRES	ROAD R.O.W. AREA ACRES	ROAD LENGTH L.F.
Residential Totals	500	194.57	71.38	2.57	7.0	107.47	15.72	12,460

AA 6.73 Program: 360-seat restaurant, 2000 S.F. grocery and 10,000 S.F. office rehab at the Canterbury, 8250 S.F. of new office and commercial space, 50-room Inn, 231-car parking.

BB 13.76 Program: 110-room hotel-conference center, 150-seat restaurant at the Riley, 170-car parking.

Based on the above, the Zoning Map of the City of Saratoga Springs as amended on July 5, 1982, is hereby amended as follows:

AN ORDINANCE TO AMEND CHAPTER 135 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, ENTITLED "ZONING".

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTION 1. Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as a Conservancy District to Planned Unit Development, which property is designated on the Assessor's Map of the Outside Tax District of the City of Saratoga Springs, as 180-4-1, 180-4-2.1, 180-4-2.2, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17. 180-2-22, 180-2-23 and 180-2-30, and which property is more specifically described as consisting of approximately 215 acres, having a frontage of 4106.32 feet on the south side of Union Avenue and the Union Avenue Extension and 1295 feet on Crescent Avenue and 1770 feet on the north side of Union Avenue, Route 9P.

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: August 6, 1984

PLANNING BOARD
CITY OF SARATOGA SPRINGS
Saratoga Springs, New York

June 2, 1982

SEP 12

Saratoga Springs City Council
City Hall
Saratoga Springs, New York 12866

Re: INTERLAKEN RESIDENTIAL PLANNED UNIT DEVELOPMENT:

Dear Mayor and Commissioners:

After reviewing the proposed zone change from Conservancy and Residential Seasonal to Residential Planned Unit Development for the area generally known as Interlaken, it is our recommendation that it be approved with the following additional clarifications:

1. Buffer areas shall be established and maintained along the slopes facing Lake Lonely and Bear Swamp to the West and Fish Creek to the East.

2. All signage shall conform to the Saratoga Springs sign ordinance.

It is the determination of the Planning Board that:

a. The Interlaken Residential Planned Unit Development is a logical extension of the present zoning and land use as recommended in the 1970 Master Plan. The Master Plan recommends Residence Recreation for Interlaken. The resort concept proposed is in conformance with that recommendation.

   The support uses including restaurants, lodging facilities and minimal retail space reinforce the resort concept and are dependent upon the residential and recreational development of the project. The facilities are not intended to compete with the Central Business District.

   The construction of the Saratoga County Sewer Line will provide sanitary sewers to the project site. This coupled with the development of an independent water supply will allow a more dense development not before possible under the Conservancy zone.

b. The Interlaken Residential Planned Unit Development provides flexible land use and design regulations. The proposal provides a variety of housing types and integrates commercial and residential uses.

The design of Interlaken is formulated around the creation of neighborhoods; some of which are residential, others commercial. All neighborhoods are linked together with open space and recreational facilities to create the resort concept.

Interlaken is self-contained and not dependent upon other building sites.

The design of Interlaken provides an innovative site planning approach by providing flexibility and diversification throughout the plan. The Plan is then unified through the natural environment and character it develops.

Interlaken is in conformance with the Master Plan and is in the interest of the general welfare. The resort theme in conjunction with the horse breeding farm will attract clientele who will further the New York State Horse Breeding Industry. The design approach sets a precedent and will act as an example of innovative design desired by the P. U. D. Ordinance.

c. Interlaken provides choices in building type (single family, townhouse, apartment) and occupancy (individual ownership, condominium, lease). The development further provides for community recreational facilities.

Residents of Saratoga Springs would also benefit from the restaurants and small conference space which would be made available to the general public.

Interlaken provides an extensive useable open space developed with swimming pool and clubhouse, tennis courts, playground facilities, boat basin and trails, walks and picnic areas. These recreation areas will be connected with an interior walk system.

Coupled with the residential development at Interlaken is 6000 square feet of retail space, conference space, a clubhouse and recreational facilities. These services are all within walking distance and available to all residents of Interlaken.

The flexible design concept at Interlaken will allow buildings to be sited around trees and significant vegetation. All slopes and wet lands have been retained and protected as open space. The storm drainage system has been designed for a minimum environmental impact from construction and operation by returning the water into the ground as soon as possible thereby preventing erosion and concentrations of water.

The area around Interlaken is predominantly rural in character. For that reason, buffer areas have been retained and constructed screening the development from collector streets. Buffer areas have also been retained within the development between different land use types. To the west, the horse breeding farm not only provides a pastoral view from Interlaken, but provides a buffer as well.

Interlaken provides an efficient use of land by clustering development thereby lowering development costs. The storm drainage concept further reduces cost of infrastructure investment. All aspects of the design are focused on a minimal disturbance to the land and therefore, lower development costs.

The 1970 Master Plan recommends this area for Residential - Recreation. Although the specifics of that recommendation were focused on development ten years ago and are not economically viable today, the general direction and resort home concept is fulfilled if not surpassed at Interlaken.

The existing zoning ordinance does not allow for the unique environment which Interlaken will provide. The variety and flexibility of Interlaken will preserve the natural features creating an environment encouraged by the P. U. D. Ordinance.

d. There is a variety of residential housing types providing a balanced community.

The site encompasses approximately 215 acres, exceeding the 10 acre minimum.

The site will be serviced by sewer. Water will be provided on site. Snowplowing and street maintenance will be provided by the owners of the development. The storm drainage system will be maintained by the owners of the development.

The project is serviced by major collector streets and is 1.25 miles from I-87.

A market survey is available supporting the development.

A residential and commercial fiscal impact analysis is available.

6000 square feet of retail space will be developed to serve the needs of the residents. At present there is a small grocery store at the Caunterbury Restaurant which services the existing campground. This new retail space would serve the same limited function.

A 54 room inn will be constructed to provide accommodations for prospective owners and guests of residents. It will also provide minimal conference space for business professionals at the Interlaken resort development.

The Caunterbury Restaurant is an existing facility that will be retained and will act as a focal point for the development from its inception.

Riley's Lake House is an existing but abandoned restaurant. This building would be restored to its original Art Deco theme and provide a "High polish" alternative to the rustic Caunterbury. It will house a restaurant with possible dinner shows and a lounge. The resort theme of the residential development will be supported by the rehabilitation of Riley's

A 110 room hotel will be constructed adjacent to and in coordination with Riley's. This is a natural extension of the resort theme and will again act as accommodations for guests of residents and provide conference space. Like Riley's, it will provide a "high polish" image as compared to the more rustic inn adjacent to the Caunterbury.

As part of the resort community, certain accessory uses will be developed:

Recreational facilities will include a swimming pool complex, tennis courts, playground facilities, picnic grounds, trails, a small dock on Lake Lonely and a boat basin on Fish Creek. These facilities will be available to all residents of Interlaken.

Storage buildings and garages will be provided for maintenance and storage of automobiles and maintenance vehicles.

A full time on site maintenance superintendent may be desired. A special residence would allow more privacy for his family unit.

e. The Interlaken Residential Planned Unit Development is conceptually sound. It meets all local and area wide ne[illegible] and it conforms to the accepted principles of functional, highway and pedestrian circulation systems, land use configurations, open space systems and drainage systems. The scale and design of the elements are humane and related to each other and the area in general.

f. With the construction of the Saratoga County Sanitary Sewer System and the development of the on site water system, there will be adequate services and utilities available to the development.

g. The Planning Board has determined the proposed action will not have a significant effect on the environment.

It is the recommendation of the Saratoga Springs Planning Board that the City Council schedule a Public Hearing within forty five days, (as directed in Section 135.43 of the Code of the City of Saratoga Springs, New York) for the purpose of considering P. U. D. districting for the Interlaken Project.

Sincerely,

Frederick J. Holman, Chairman
Saratoga Springs Planning Board

cc: Commissioner Casey, McGourty McTygue Valentine
Louis Farone

voting machines and are in complete charge of all election inspectors and the voting machine custodians. This sometimes leads to conflicting sets of instructions. There is always the possibility that lacking space on the machine, the City candidates would go on paper ballots.

In the event that there should be a State, County and City Primary in any combination, the City Candidates might have to go on paper ballots. What many people find confusing is the fact that they can vote in a City primary and no others. They have been told that they do not have to be enrolled in a Party to vote in a Primary in Saratoga Springs. They take this to mean all elections as long as they are voting in the City.

Ian Powers, 17 Congress Avenue, asked if a voter had to be either a Republican or Democrat to vote.

The City Attorney stated you must be registered in the party to vote in a Primary.

Remigia Foy stated that they could have open primaries which would take care of independent voters.

John Maxam, Hathorn Blvd., asked for a clarification of Mr. Scranton's remarks on candidates.

Mr. Scranton advised that only two candidates can run in the general election under Non-Partisan. Under Partisan, you can have many candidates.

Deslyn Manniello, 82 Court St., told the Council that in circulating the petitions, older voters liked the idea of voting on the issue as newcomers also liked the referendum on the matter. This can be an educational instrument - people can attend forums and learn more about the system.

Mrs. Van Meter said that Mr. Scranton's remarks on petitions relates to the Saratoga Springs' forms where no dates are specified. The League used forms in conformance with State Election Law and have all the required information for a voter petition. There are safety valves required in State Law and other protections also.

Raymond Watkin suggested that the Council could change the form of the petitions requiring dates and election districts.

Ian Powers asked why partisan elections are thought to be better if they have been voted on before.

Mayor Jones stated it has been voted down three times by the people and there are different schools of thought on it.

Raymond Watkin added that it was voted down in 1970 when it appeared as a separate issue from changing the form of government.

Remegia Foy, 95 Oak Street, told the Council that she was an Independent and had served as Comm. of Finance for two terms and that she concurred with Mr. Watkin on making decisions as a member of the Council without consulting with the Party Chairman and she was concerned by this pressure. She also stated that she has never had an answer on the 2,000 voters (independents) who would be frozen out. She stated it is still a small town and non-partisan elections have served the City well even though there is an argument under Partisan elections that you can run as an independent if you lose out in the Primary. The essential question is whether you want Charter Revision and how to go about it - piecemeal or by a plan. Ms. Foy stated it was unhealthy to piecemeal change and pointed out that with inflation the figure of $1,000 on purchases without bids should be revised upward as an example of changes needed.

Carl Caruso stated that now about 120 signatures are required on a City petition and asked how many were needed under the Partisan Elections.

Mr. Scranton said he thought it was 5% of the number who voted in the gubernatorial election.

Mayor Jones suggested that Mr. Scranton get the answer to Mr. Caruso if he was not certain of the number.

Hearing closed at 7:07 P.M.

Mayor Jones opened a public hearing at 7:15 P.M. on the Planned Unit Development for property designated on the Assessor's Map of the Outside Tax District as 180-4-1, 180-4-2.1, 180-4-2.2, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17, 180-2-22, 180-2-23 and 180-2-30 which property is approximately 250 acres, having a frontage of 4,108.32 feet on the south side of Union Avenue and the Union Avenue Extension and 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue, Route 9-P.

Mr. Anthony Adang, Attorney, appeared before the Council representing the petitioner, Louis J. Farone Jr. requesting the change of classification from Conservancy to Planned Unit Development.

Mr. Adang stated that there were two segments to the concept plan - the 1st parcel being bounded by Rt. 9-P, Union Ave., Crescent Ave., and Lake Lonely and the 2nd parcel bounded by Dyer Switch Rd., Fish Creek and Route 9-P. The over-all scheme has 7 zones of property.

Zone A. (New Interlaken) - 60 Acres, 19 of which will be developed with 9 clusters in Zone A for multi-family residence (condominiums) built in clusters of 2 and an apartment house of 20 units. Cul de sacs, pedestrian walk-ways and carriage pass will be provided and there will be no development along the slope of Route 9-P and Union Ave. Extension. There will also be tennis courts, a pool, administration building and dock facility.

Zone AA (Canterbury Restaurant Area) Restaurant will be retained and a 50 room Inn will be attached. There will also be a 6,000 s.f. space for offices and retail use in the Canterbury complex within the community but no outside interests will be involved. There will be parking spaces for 230 cars.

Zone C. 40 Acres, 15 of which will be developed. Clusters of condominiums linked by path-ways and carriage paths. Access routes are from Union Avenue and Crescent Avenue.

Zone B. 60 Acres, 19 of which will be developed. There will be a large open space in the interior - the "padded area" is a park. There will be 9 clusters of condominiums with the park for the residents. They will be linked by internal pathways and carriage paths.

Zone BB. Riley's Lakehouse Area. Riley's Lakehouse will be revitalized as a restaurant facility and perhaps a 100 room hotel depending on market feasibility. Riley's may be placed on the National Register in the near future.

Zone D. 6 lots (1¼ acres) which will be sold for single family residences. Lot 6 is Mr. Farone's residence.

Zone E. 22 acres for single family residences. 7½ of which will be developed.

Mr. Adang pointed out that less than one third of the available acreage will be used for development. Currently there is no sewer service there but the County has extended it along Route 9-P and there will be a Pumping Station at the intersection of Crescent and Union Ave. Extension and also one at Fish Creek. Eight inch sewer mains will be used. The capacity of the impeller will

be increased in one area. There is ample water on the site and water will be supplied by a system of wells. Sprinkler system will also be built. Surface water flow will be directed by a series of open swails. The Planning Board has sent a letter to the City Council dated June 2, 1982 that there will be no adverse impact and, in fact, that the impact will be favorable with additional tax revenues generated offsetting any cost the City will incur in this project.

Mr. Adang stated that the roadways will be owned and maintained by the developer. The Planned Unit Development enacted in February, 1982 gave the Council, Planning Board and City Engineer the mechanism for extracting hard data.

Mr. Adang stated that the only services that would be used would be schools, fire and police protection. The petitioner has sust. . [illegible] his burden with the Planning Board and the Planning Board was satisfied that the studies show the development will not adversely impact on the City. He pointed out that "Conservancy" does not mean "preserving the status quo or no progress". The P.U.D. gives the Planning Board a way to monitor progress. The area is presently zoned for seasonal, recreational and residential use. The over-all concept is in harmony with the statute prior to the P.U.D. and the Master Plan of 1970. Market studies indicate about $150,000 for each condominium unit.

Mayor Jones inquired about the time frame of the project.

Mr. Adang stated that the first stage will be g in Zone A - the recreational facilities are intact and the total project will be built over 5 to 10 years.

Comm. McGourty stated that he had received telephone calls on the taking of property on Gilbert Rd. to widen it.

Mr. Adang stated that independent traffic studies were taken and the bottom line figure shows the development will generate a 15% increase in traffic on Gilbert Rd. There will be a ten year build-up. He pointed out that there are 200 camp sites there now during July and August.

Comm. McGourty requested a copy of the traffic study and asked if it could be made a 2 lane highway.

Comm. McTygue said it would be a great expense to re-build Gilbert Road and he can't see the funds being appropriated for it.

William Cummings, Planning Board member, told the Council the Planning Board was pleased with the professional manner of the presentation to them. Its is a tremendous undertaking. He stated the Planning Board was also impressed with the concerns of the Piping Rock Circle citizens on traffic and there was a concensus that the impact on Gilbert Road was insignificant. However, it was a justifiable concern. There was also a concern about water but there is an ample supply in that area based on an independent study.

Michael Allers, Lake Lonely, told the Council that he had not read about the hearing until Sunday and notices in the paper were not legal on Sundays and asked for a postponement of the decision due to lack of notice since many residents are away at this time.

Jack Gregg, Gilbert Road, told the Council that approval of this development will open up "pandora's box" and also asked for a postponement.

Larry Gorski submitted a petition signed by 100 residents in opposition to the approval of the P.U.D. and the change of the land zone. Mr. Gorski asked about the dock proposed at Lake Lonely.

Mr. Adang said it would only be for the residents - it would not be a marina - and only for small boats.

Mr. Gorski stated that Mr. Farone's residence would be on Lot 6 and the conservancy requirement now is for 2 acre plots but under the new development only 1½ acre plots would be required.

Judy Casey, Piping Rock Circle, asked how many stories high the buildings would be.

Mr. Adang said they would be 2 story buildings but he was not sure how high the apartment house would be.

Jack Cline, Lake Lonely, stated his concern about the number of inhabitants there.

Mr. Adang estimated about 1,300 people (2.3 occupants per unit).

Robert Cline, Lake Lonely, asked that the matter be delayed since he just heard about Mr. Farone's plans on Tuesday and a great many people may want to hear more.

Mr. Adang pointed out there have been two Planning Board hearings that were well publicized and well attended and the same concerns were expressed at that time. This hearing was scheduled by the Council and properly advertised in The Saratogian - time is rapidly expiring and a substantial amount of money is involved. Any undue delay may "scare off" the 3 interested investors. Mr. Adang pointed out that if the Council approves the P.U.D., they still must go back to the Planning Bd. since he does not have all the answers at this time. Margaret Roohan, Seward St., asked if there was an aquifer there to draw from.

Mr. Holman, Planning Bd. Chairman, stated the aquifer lies to the west - it is not the same as Geyser Crest one - it will not affect our wells in that area.

Jan Gorski told the Council that many summer residents were not here yet and haven't had a chance to voice their opinions. She added that all development is toward Lake Lonely.

Mr. Adang stated that most of the flat acreage is there and it provides the most attractive views.

Robert Cline pointed out that it is a rural area and Lake Lonely is really only a pond. He felt the City had made a certain commitment with Conservancy zoning there to the people of the area and this should not be destroyed.

Mayor Jones assured the residents that the Council shared their concerns and would make the best effort they could.

Glenn Jamison told the Council he had returned from Florida to this area - the pasture and grazing lands in Florida have been built up and are covered with concrete today. There should be a balance of living space and business districts without one taking over too much. He suggested that buildings on Broadway should be renovated for residential use and the City should protect what they have.

Joseph Lamb Jr. complained about insufficient notice of the hearing and asked if there had been an environmental impact study.

Mr. Adang advised that all the proper papers were filed with the Planning Board and processed with all the State agencies who had an interest in the application. No State agency felt there was adverse impact.

Mr. Lamb requested a delay in the matter until the next meeting.

Mayor Jones pointed out that everything required had been accomplished and nothing was left un-done.

Marjorie Martin asked if this matter could be tabled with a 45 day time limit - and asked where that would

leave the developer.

Mayor Jones said the developer would have to proceed at his own risk.

The City Attorney added that this is the Council's first P.U.D. public hearing and normally there is only one public hearing.

Judy Casey also requested a 2 week delay.

Mayor Jones stated the request would be taken under advisement.

Jack Cline said he questioned whether or not the Council had enough facts for a decision - distances - number of stories high - have not been answered.

Mr. Adang said he was unsure of the height of the apt. house but the other units will be 2 stories high. The Council has never had as much data as this application has presented. The Council is a legislative body and relies on the staff (Planning Board) who have thoroughly reviewed this application. A delay will not serve any-one.

Mayor Jones announced that the Council will take the matter under advisement.

Public hearing closed at 8:15 P.M.

The Mayor called the regular session to order at 8:25 P.M.

Comm. Casey moved for the approval and payment of the payroll for 6-25-82 in the amount of $89,517.65 and for 7-2-82 in the amount of $90,132.26.

Seconded by Comm. Valentine.

Ayes all.

Comm. Casey moved for the approval and payment of warrants #103-9 in the amount of $88,918.27 for the General Fund and $7,915.55 for C.D. for a total of $96,915.55.

Seconded by Comm. Valentine.

Ayes all.

Comm. Casey requested a public hearing be scheduled for the July 19th meeting at 6:30 P.M. re: Discount on City and County tax bills

Comm. Casey advised that a Bond Anticipation Note was needed of $44,400 to pay for the Loader.

Comm. McTygue explained that the loader at the landfill was down and the estimated repairs were $10,000-11,000 and the Council decided to purchase a new one but no funds were placed in the 1982 budget for it. This was done in a workshop session and suggested that it be paid for in 3-4 years.

Comm. Casey said it could be paid for out of Capital in 2-3 years

Mayor Jones stated that he had been notified by Senator Bruno's office that the City will receive the same amount as last year in supplemental state aid ($206,800) and it would be better to pay for the equipment from these funds.

Comm. Casey said the interest rate is 10% - the City can set aside the State Aid money at 14%. The money will come from Capital funds.

Comm. McTygue pointed out the City is faced with the possibility of purchasing a new sewer cleaning machine which is needed.

Mayor Jones said that he felt that the additional revenues would solve the problem. He was averse to bonding - short term loans could be arranged - and there are 3 items on the agenda requiring additional funds.

Deputy Cummings suggested that bonding for 1 year would require a raise in the budget figures and the entire revenues for the year are not in yet.

Comm. McTygue pointed out the City has had the machine 6 weeks and it should be paid for.

Comm. McGourty stated that this is a 2 year bonding matter and the Council should not open the flood-gates on bonding.

The City Attorney advised it is not a bonding procedure but a Bond Anticipation Note and the Mayor's point is well-taken.

Mayor Jones stated it will cost the City $4,000 to bond.

The City Attorney suggested a 6 months note.

Comm. Casey moved to amend the Bond Anticipation Note Resolution for $44,400.00 for six months duration and that the Finance Dept. be authorized to send the check.

Seconded by Comm. McGourty.

Ayes all.

Comm. Casey moved for the adoption of the following resolution.

A RESOLUTION OF THE 6TH DAY OF JULY, 1982, AUTHORIZING THE ISSUANCE AND SALE OF A FIRST SERIES OF BOND ANTICIPATION NOTES IN THE PRINCIPAL AMOUNT OF FORTY-FOUR THOUSAND FOUR HUNDRED AND no/100 ($44,400.00) DOLLARS.

WHEREAS, the City of Saratoga Springs, County of Saratoga, has purchased a loader for the purpose of maintaining the City landfill, and

WHEREAS, it is necessary to issue and sell bond anticipation notes in the principal amount of Forty-Four Thousand Four Hundred and no/100 ($44,400.00) Dollars for the financing of said purchase,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Saratoga Springs, County of Saratoga, New York, by the favorable vote of not less than two-thirds of the voting strength of said Board as follows.

1. The Finance Commissioner of the City of Saratoga Springs is hereby authorized to issue a first series of bond anticipation notes of the City of Saratoga Springs in the aggregate principal amount not exceeding Forty-Four Thousand Four Hundred and no/100 ($44,400.00) Dollars, in anticipation of the sale of serial bonds hereafter to be issued in the aggregate principal amount of Forty-Four Thousand Four Hundred and no/100 ($44,400.00) Dollars authorized to be issued by this bond resolution.

2. The Finance Commissioner of the City of Saratoga Springs is hereby authorized to sell at private sale the first series of bond anticipation notes herein authorized to be issued. Such notes may be sold and delivered at one time or from time to time, and if sold at different times, they shall be dated as of their respective dates of issue. Each of said notes shall mature not later than six months from its date of issue. The place of payment, denominations, and all other items, details and contents of said notes, including interest rate of said notes and including provisions for redemption, if desirable, shall be determined by the Finance Commissioner of the City of Saratoga Springs.

3. The said first series of bond anticipation notes shall be signed by the Finance Commissioner of the City of Saratoga Springs, and countersigned by the City Clerk of the City of Saratoga Springs and shall have the corporate seal of the City of Saratoga Springs affixed thereto.

4. Said first series bond anticipation notes are not issued in the anticipation of bonds for any assessable improvements.

5. This resolution shall take effect immediately.

Seconded by Comm. McGourty.

Ayes all.

Comm. Casey stated that the City has an agreement with the C.S.E.A. on the adoption of a Salary Schedule and he would like to schedule a workshop meeting on July 12th at 7:00 P.M. to

whose premises a violation occurs of Chapter 74 of the City Code of the City of Saratoga Springs entitled "Noises" two times in one year shall have his license revoked for one full year and shall not be eligible for another license until the expiration of one full year.

Any person who fails to remove a sidewalk structure by October 31st as provided for in Section 97-B-5 shall not be eligible for a license in any following year."

SECTION 6. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Seconded by Comm. McGourty.

Ayes all.

Comm. Valentine moved for the adoption of the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 74 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, KNOWN AS "NOISES".

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, as follows:

SECTION 1. Section 74-7 of said ordinance entitled "Unusual noises in streets or public places" is hereby amended to read as follows:

"Section 74-7. Unusual noises in streets or public places.

It shall be unlawful for any person to make, aid or countenance or encourage or assist in making any unusual or improper noise, riot or disturbance, in any street or public place to the annoyance or inconvenience of travelers, or to persons residing adjacent thereto; nor shall any person use any profane, obscene or vulgar language in any street or public place.

This section shall apply to all sidewalk cafes and any violation of this section occuring at a sidewalk cafe shall be noted in the record of the cafe owner kept in the Office of the Commissioner of Accounts."

SECTION 2. Section 74-15 of said ordinance entitled "Penalties" is hereby amended to read as follows

"Section 74-15. Penalties.

Any person who shall violate any of the provisions of this chapter, shall, upon conviction thereof, be punished by a fine of not less than five dollars ($5.00) or more than one hundred dollars ($100.00) or by imprisonment for not more than thirty (30) days or less than five (5) days, or by both such fine and imprisonment, and each day on which such violation continues shall constitute a separate offense.

Any person who holds a sidewalk cafe license and at whose sidewalk cafe a violation occurs, shall, in addition to the penalties provided for in this chapter which may apply, have their license to operate a sidewalk cafe revoked by the Commissioner of Accounts, but only after two such violations in any one year and no person at whose sidewalk cafe this chapter has been violated two times in any one year shall be eligible to obtain another sidewalk cafe license for one full year following the second offense."

SECTION 3. This ordinance shall take effect the day after publication as provided by the provisions of the City of provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Seconded by Comm. McGourty

Ayes all.

Mayor Jones asked who the enforcer would be.

Comm. Valentine stated that Comm. McGourty was the enforcer.

Comm. Valentine stated that at a meeting of the Downtown Merchant Association, Chamber of Commerce and Special Assessment District, he agreed to request a public hearing on an ordinance to allow canopies on Broadway. The Chamber will get back to his office on their recommendations and he requested a public hearing be set for July 19th to bring this matter to a vote - 7:00 P.M.

Comm. Valentine stated that, upon the recommendation of David Moyer, Assistant Assessor, and with the approval of Mr. Schimmel and the City Attorney, he moved for the approval for the City Attorney to prepare a contract with Harry O. Lee of the firm of Lee Le Forestier, Malone, Smith and Hoft of Troy, N.Y. as Certorari Attorney for the City and authorization for the Mayor to sign the contract. Comm. Valentine moved for the transfer of the sum of $20,000 from the Contingency to Assessment A-1355-478.

Seconded by Comm. Casey.

Comm. Valentine stated that Peter Tulin will stay on during the transfer even though his money has run out.

Comm. McGourty asked about the status of the Contingency now.

Comm. Casey reported that he had been saving this money for the expenditures but now the contingency was "wiped out."

Mayor Jones stated that the charge for the Attorney is $125.00 per hour, that he is highly recommended and the City is trying to get the best they can.

Ayes all.

Mayor Jones moved for approval to sign a Letter of Agreement with the CPA Firm of Edwards, Williams, McManus, Ricciardelli & Coffey of OCD Closeout Audit for the fixed fee of $1,650.00.

Seconded by Comm. McTygue.

Ayes all.

Mayor Jones stated that HUD is not satisfied and would like to see some action in the matter of the elevator ($70,000) in City Hall.

Comm. McTygue stated he would like to discuss different location at the workshop session.

Mayor Jones announced that the Senate and Assembly have allowed the creation of the IDA and the Civic Center Authority and that he has received notice that the supplemental aid to the City is $206,887.

Mayor Jones stated that the P.U.D. has been discussed and debated and asked if there were a motion to postpone the vote.

There was no motion offered to postpone the vote.

Comm. Valentine moved for the adoption of the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 136 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, ENTITLED "ZONING."

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTION 1. Chapter 136 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as a Conservancy District to a Planned Unit Development, which property is designated on the Assessor's Map of the Outside Tax District of the City of Saratoga Springs, as 180-4-1, 180-4-2.1, 180-4-2.2, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17, 180-2-22, 180-2-23 and 180-2-30 and which property is more specifically

described as consisting of approximately 250 acres, having a frontage of 4106.32 feet on the south side of Union Avenue and the Union Avenue Extension, and 1295 feet on Crescent Avenue and 1770 feet on the north side of Union Avenue, Route 9P.

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Seconded by Comm. McCourty.

Robert Cline said it was his understanding that if 80% of the adjoining property owners objected, a 3/5 vote was required.

Mayor Jones advised that a simple majority (3 votes) would pass the ordinance.

The City Attorney explained that was a requirement under a re-zoning but is not a requirement under the P.U.D. matters.

Frederick Holman, Planning Board Chairman, agreed.

Comm. Valentine pointed out that there were many articles in the paper as far back as February.

Mayor Jones stated he was sorry the residents were not more fully advised.

The City Attorney advised that a postponement could have been considered if it had been requested for a specific reason - such as an engineering study or certain evidence with a heavy bearing on the matter. He stated that the legal notice had appeared in the paper on July 25th in the legal publication of the City and the City cannot send letters to all the residents of an area advising them of public hearings. He added that there must be some rules followed in these matters.

Mayor Jones added that if the City has not filled their obligation, the residents have recourse.

Comm. Casey stated he was a resident of Gilbert Rd. and also has an interest in property on Union Avenue and would abstain in the voting.

Comm. Valentine called for the question.

Ayes - Mayor Jones, Comm. McTygue, Comm. McCourty, Comm. Valentine.

Abstain - Comm. Casey.

Comm. McTygue pointed out there were still additional steps to be taken for final approval and the matter goes back to the Planning Board.

Mayor Jones announced the ordinance passed by 4 votes.

The City Attorney advised the residents that many of the questions asked will be decided on at Planning Board meetings and the applicant will be back for another approval.

Meeting adjourned at 9.30 P.M.

CITY COUNCIL

Regular Meeting - July 19, 1982 - 6:30 P.M.

Present - Mayor Jones, Comm. Casey, Comm. McTygue, Comm. McCourty, Comm. Valentine

Mayor Jones called the meeting to order at 6:35 P.M. for the purpose of holding a public hearing on proposed Local Law No. 3 of 1982, A Local Law To Amend Section 92 Of The Charter Of The City Of Saratoga Springs Entitled "Discounts".

City Attorney, Richard Mullaney, explained the proposed Local Law which will permit the City to give a 2½% discount to property owners who pay the entire year's taxes on or before March 1st each year.

Comm. Casey stated that it really is a 3% discount and will help their cash flow. His department would like to see how this works out. Previously the discount was 1½% over-all on an annual basis and the discount has been raised ¾ of a per-cent. He felt the City would "break even" and will not lose any money. It will save time in the office on bookkeeping.

There were no appearances.

Public hearing closed at 6:45 P.M.

Mayor Jones opened a public hearing on the 3rd year application for the Small Cities II Program at 6:45 P.M.

Dominic Cardillo, Community Development Director, stated that the purpose of the hearing was to receive input and obtain comments from the citizens and answer questions regarding the third and final application for $500,000 under the Small Cities Program. The application must be submitted to HUD by August 20, 1982. A total of 1.5 million was approved in January, 1980 for the years 1980, 1981 and 1982.

Mr. Cardillo presented the 3rd year budget breakdown as follows:

Housing Rehabilitation Grants	$100,000
Housing Renovation Loans	205,000
Site Improvements	100,000
Administration, Planning & Management	60,000
Contingencies	35,000
Total Third Year Grant Request	$500,000

The designated area will remain the same. Project activities will address the problems and needs of low and middle income persons in the area. This is the final $500,000. In 1983, the City will be back in the competitive pool for funds.

Comm. Valentine asked if the money had to be used up.

Mr. Cardillo advised that the money can over-lap. HUD had sent us a letter encouraging the City to increase their performance.

Mayor Jones pointed out that HUD wants the City to spend the money and show performance for the money spent. He asked when the City could make application for funds again.

Mr. Cardillo stated the City could apply for additional funds as soon as word is received for 1983 - late this year or early next year.

Comm. Casey asked about additional funds for the Village Brook project which is not completed.

Mr. Cardillo said that the project would not receive a high priority from HUD.

Comm. McTygue asked about changing the boundary line to include the Church St. area above the Hub. Sidewalks there need attention and many small businesses have made improvements there.

Mr. Cardillo said there is a possibility for the extension if there is money left-over and he would propose this to HUD. However, there are no residential families there and he would have to inquire if the change of boundary would require a formal amendment.

Comm. McTygue stated that drainage correction is also needed.

Mr. Cardillo pointed out that the City has not done everything yet that we said we would - after this is accomplished, we can talk about this request.

Comm. McTygue said the little businesses are struggling along there and the City should help.

Mr. Cardillo said he would talk to HUD.

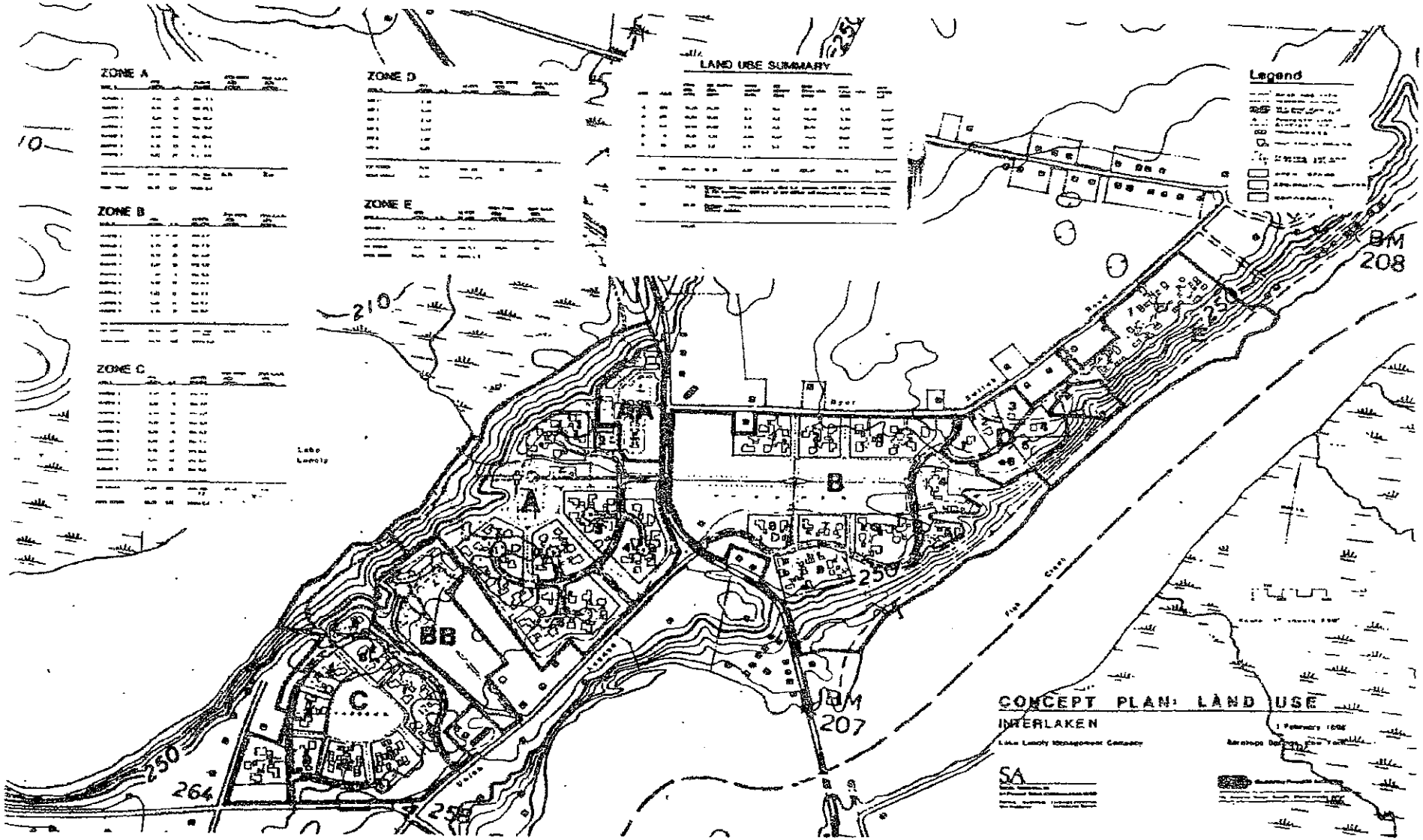
Mayor Jones advised they will do the work requested by Comm. McTygue if they can find the money.

Hearing closed at 7:05 P.M.

Mayor Jones called the regular meeting into session at 7:30 P.M.

Pledge of Allegiance to Flag.

Comm. Casey moved for approval of the payroll for 7-9-82 in the amount


ZONE A
ZONE B
ZONE C
ZONE D
ZONE E
LAND USE SUMMARY
Legend
Lake Lonely
210
250
264
A
B
C
BB
BM 208
BM 207
CONCEPT PLAN: LAND USE
INTERLAKEN
SA

LAND USE SUMMARY

ZONE	UNITS	GROSS AREA ACRES	NET CLUSTER AREA ACRES	GROSS DENSITY DU/AC	NET DENSITY DU/AC	OPEN SPACE AREA ACRES	ROAD R.O.W. AREA ACRES	ROAD LENGTH L.F.
A	188	56.19	19.48	3.4	9.6	30.72	5.99	4745'
B	152	66.87	20.91	2.3	6.3	42.44	3.52	2790'
C	113	40.52	15.88	2.8	7.2	20.04	4.60	3645'
D	6	8.76	7.31	0.68	0.82	0.76	0.69	550'
E	41	22.23	7.8	1.9	5.3	13.51	0.92	730'
Residential Totals	500	194.57	71.38	2.57	7.0	107.47	15.72	12,460
AA		6.73	Program: 360-seat restaurant, 2000 S.F. grocery and 10,000 S.F. office rehab at the Canterbury, 8250 S.F. of new office and commercial space, 50-room Inn, 231-car parking.					
BB		13.76	Program: 110-room hotel-conference center, 150-seat restaurant at the Riley, 170-car parking.					
		215.06						

August 10, 1982

Richard F. Mullaney, Esq.
City Attorney
City Hall, Broadway
Saratoga Springs, New York 12866

RE: Interlaken Planned Unit Development
Louis J. Farone, Jr.

Dear Mr. Mullaney:

I am enclosing herewith a copy of the Concept Plan for the Interlaken Planned Unit Development which was approved by the City Council of the City of Saratoga Springs on July 6, 1982.

The planned unit development consists of approximately 215 acres which is bisected by Route 9P and bounded as follows: The first segment consisting of 117 acres is bounded by Route 9P on the north and east, Union Avenue extension on the south and east, Crescent Avenue on the south and Lake Lonely and contiguous property owned by Louis J. Farone, Jr. on the west and north. The second segment consisting of 98 acres is bounded by Dyer Switch Road on the north, lands of Louis J. Farone, Jr. on the north and east, Fish Creek on the south and Route 9P on the south and west.

The planned unit development will consist of a combined total of 500 residential dwelling units located in both segments; 6000 square feet of commercial retail space in the present Caunterbury facility, 6000 square feet of commercial office space also in the present Caunterbury facility; a 54 room inn to be constructed at the Caunterbury facility; a 150 room hotel and conference center to be constructed at the present site of Riley's Lake House; and a 450 seat restaurant to be constructed at the present site of the Riley's Lake House; 15 townhouse apartment units and 6 building lots for single-family residences. The exact location of the residential dwelling units within the Planned Unit Development have not been precisely determined at this time and will depend to some extent upon architectural, engineering and market considerations. The inn, hotel, commercial and retail space will be in those areas which I have indicated.

Sanitary sewer services to the planned unit development will be provided by the Saratoga County expanded sewer district and water will be supplied by the numerous wells located on the site of the project. All roads, drainage easements and rights of way will be constructed and maintained by the developer. It is anticipated that construction will begin within nine months.

If you should require any additional information, please do not hesitate to call.

Very truly yours,

[illegible], [illegible], [illegible] & [illegible]

Anthony P. Kuang

APK/bc

Enclosure

cc: Louis J. Farone, Jr.

Exhibit E

Comm. McTygue wanted to know why the City Center hired a Custodial Manager. It is a City building.

Mayor Jones stated it will not be a municipal building after it is paid for.

Mayor Jones requested the approval of the following change order for the City Center:

Change Order #34 for MLB in the amount of $239.00.

Seconded by Comm. Butler. Ayes all.

Mayor Jones stated the Real Estate Committee has set a Public Auction for August 23, 1984 at 1:00 PM.

Comm. McTygue suggested the West Side Neighborhood Association be informed about land next to a public cemetery that is up for sale.

Mr. Ted Corbett of the Preservation Foundation said they are not sure where parcel begins and ends. There is nothing of any archeological significance in the parcel.

Mayor Jones moved that he be authorized to advertise for the Public Auction.

Seconded by Comm. Butler.

Mr. Dominic J. Cardillo asked if there was a parcel on East Beekman Street up for sale.

Mayor Jones said it was taken off the list because Franklin Center will be using it for parking.

Ayes 4 Nayes 1 - Comm. McTygue. Carries 4-1.

Mayor Jones moved that he be authorized to sign a Funding Split Agreement re Section 18 Public Transportation for CDTA for years 5 and 6 in the amount of $150,020.

Seconded by Comm. Butler. Ayes all.

Mayor Jones reported receiving a $100 donation for the Rec Field lights from Mr. & Mrs. Steven Ferradino.

Mr. Richard Mullaney stated he has notified the insurance carrier about the fence at the City parking lot on Church Street. The fence is on Mr. Clark's property and the wall is on City property - the fence is in the ground and not on the wall.

Comm. McTygue stated the City Engineer is surveying the area where the fence stands.

Mayor Jones moved for the adoption of an ordinance amending a previous ordinance adopted July 5, 1982 re Chapter 135, "Zoning". This will correct the ordinance to read 215 acres instead of 250 acres on property owned by Louis Farone for a PUD. There are no other changes.

Mr. Mullaney said the change was shown to the Planning Board and they have no objection.

Seconded by Comm. Butler. Ayes all.

AN ORDINANCE TO AMEND CHAPTER 135 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, ENTITLED "ZONING".

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTION 1. Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as a Conservancy District to Planned Unit Development, which property is designated on the

180 4. 2.2

2.2

8/6/1984 CC

Assessor's Map of the Outside Tax District of the City of Saratoga Springs, as 180-4-1, 180-4-2.1, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17. 180-2-22, 180-2-23 and 180-2-30, and which property is more specifically described as consisting of approximately 215 acres, having a frontage of 4106.32 feet on the south side of Union Avenue and the Union Avenue Extension and 1295 feet on Crescent Avenue and 1770 feet on the north side of Union Avenue, Route 9P.

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Mayor Jones reported on the following Charter Commission Vouchers:

$100 for editing
119 transcription of minutes
150 custodial services-use of school

Mayor Jones stated he had received a letter from Robert Scott, Recreation Director, stating the no parking at the Rec on Lake Avenue caused no measurable impact to area users. Inadequate parking still exists and should be addressed soon.

Mayor Jones asked if we should continue with parking on Granger and Lake.

Comm. McGourty suggested letters be written to all schools using the field notifying them of the new parking area when the fall games begin.

Mayor Jones stated the East Side Rec lights have been authorized to be installed by the City and the school district on a 50-50 basis of up to $31,000 each.

Comm. McTygue said Comm. Butler should be thanked for his work in getting donations from contractors for their services and for his work in negotiating with the School Board of Education.

Mayor Jones said a letter was received from Turbon Corp., dated July 20, 1984, regarding a Small Cities application for a ten year loan for $250,000 at 5% interest for equipment for their new plant.

Comm. McTygue asked if they have committed money for sewer lines.

Mr. D. Cardillo said this is between Planning Board and Turbon.

Mayor Jones said there have been letters and questions from the residents of Crescent Avenue regarding a hospital being considered for the area. An environmental impact has been done.

Comm. McGourty has talked with L. Benton of County Planning Board and the plans are to be done at applicants cost. It will be checked over when it is done. In regard to security at the hospital, Comm. McGourty will discuss this with the group at a later date.

Mr. Ted Corbett, Executive Director of the Preservation Foundation, stated he has met with Comm. Butler and Comm. McTygue to set up a budget for the Spirit of Life restoration project. The cost of the masonry is $27,000 with the Foundation giving the City $17,000 toward the restoration and the City will add the additional $10,000. The Foundation will pay $7,000 to the Architect for his fees.

Comm. Butler said in this type of project where City money and outside money is involved, the money will flow thru the City. Everyone should know where money is coming from and how it will be spent.

Mayor Jones moved that this project be approved.

Seconded by Comm. Butler. Ayes all.

Exhibit F

City of Saratoga Springs City Council Meeting
Monday, February 5, 1996

Waive of Bid - Vehicle Purchases

Commissioner Thomas Curley moved and Commissioner Edward Valentine seconded to waive the bid for the purchase of one police vehicle in the amount of $18,982. Ayes all.

Authorization for Mayor to Sign Governor's Traffic Safety Grant Award (96-28)

Commissioner Thomas Curley moved and Commissioner Edward Valentine seconded to authorize the Mayor to enter into this contract for the Traffic Safety Grant Award at $27,590. Ayes all.

Police Department Promotions Announcement

Commissioner Thomas Curley announced the promotions of Gary Forward, Michael Kyne and Michael Biss in the police department and congratulated them.

Page Award Update

Commissioner Thomas Curley thanked the union in obtaining a grant which allows the City to obtain the pagers for the firefighters. He said this would enable firefighters to be contacted directly by the dispatcher.

MAYOR'S AGENDA

Appearance: Michael Toohey - Petition for Zoning Amendment

Michael Toohey, attorney, representing John Roohan, Thomas Roohan and John Witt explained that his clients recently purchased a portion of the Interlaken Planned Unit Development which had historically been designated at Zone BB. He said the zoning petition does not significantly alter the density or style of this property which includes 30 detached or single family units and 120 apartment units. He said they are proposing an alternate use of a hotel, conference center and restaurant. He said the housing community would include recreational facilities, restaurant and retail space. He said that approximately 65 percent green space and 50 foot buffers would be maintained. He also said the area would be serviced by City water and County sewer lines. Michael Toohey asked that the Council forward this zoning amendment petition onto the Planning Board for an advisory opinion.

Mayor J. Michael O'Connell moved and Commissioner Thomas McTygue seconded to accept this zoning amendment petition and to forward it to the Planning Board for an advisory opinion. Ayes all.

Exhibit G

City of Saratoga Springs City Council Meeting Minutes
Tuesday, April 2, 1996

Award of Bid - Tree Removal

Upon the recommendation of the Department of Public Works, Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded to award the bid for Tree Removal to Tree Care by Stan Hunt of Queensbury, NY (low bidder). Ayes all.

Award of Bid - Street Trees

Upon the recommendation of the Department of Public Works, Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded to award the bid for Street Trees to Garden Time of Queensbury, NY. (Item #4 was rejected because it cannot be supplied) Ayes all.

Award of Bid - Traffic Paint

Upon the recommendation of the Department of Public Safety, Commissioner Edward Valentine moved and Commissioner Thomas Curley seconded to award the bid for Traffic Paint to Artco Equipment Sales, Inc., of Cohoes, NY per their bid (low bidder). Ayes all.

Award of Bid - Traffic Tickets

Upon the recommendation of the Department of Public Safety, Commissioner Edward Valentine moved and Commissioner Thomas Curley seconded to award the bid for Traffic Tickets to Moore Business of Albany per their bid (low bidder). Ayes all.

Set Public Hearing for Interlaken PUD - Zone BB

Commissioner Edward Valentine reported that the Council has received a favorable advisory report from the Planning Board concerning the revised amendments for Zone BB of the Interlaken PUD District at 649 Crescent Avenue. Since the application is now complete, it will be sent to the Saratoga County Planning Board for the required 30 day advisory opinion.

Commissioner Edward Valentine requested that a public hearing date on this project be set for Tuesday, May 7, 1996, at 7:00 p.m. Council members agreed.

Commissioner Edward Valentine moved and Mayor J. Michael O'Connell seconded that the City Council initiate a formal request to be SEQR lead agency for the environmental review of this project. Ayes all.

Exhibit H

CITY COUNCIL MEETING
CITY OF SARATOGA SPRINGS, NEW YORK
TUESDAY, MAY 7, 1996
CITY COUNCIL CHAMBERS
7:00 P.M.

PRESENT: J. Michael O'Connell, Mayor
Thomas Curley, Commissioner, Public Safety
Kenneth Klotz, Commissioner Finance
Thomas McTygue, Commissioner, Public Works
Edward Valentine, Commissioner, Accounts

STAFF PRESENT: Sam Downing, Deputy Commissioner, Public Works
Ralph Flinton, Deputy Commissioner, Accounts
Christine Gillmett, Deputy Commissioner, Finance
Bob King, Deputy Commissioner, Public Safety
Peter Tulin, City Attorney

PUBLIC HEARING

Interlaken Planned Unit Development Public Hearing

Mayor J. Michael O'Connell explained that this public hearing is for the Interlaken Planned Unit Development Zone BB which proposes to amend the existing PUD. The applicant is proposing to maintain the current use of the PUD which would allow for a 100-room hotel/conference center and a 150-seat restaurant, however, the applicant is also proposing a planned senior housing community of 150 units. He noted that the City Planning Board has issued a favorable advisory opinion and the Saratoga County Planning Board advisory opinion states that the project will have no significant county-wide or inter-community impact.

Michael Toohey, attorney representing the applicants (John Witt, Thomas Roohan and John Roohan) and Michael Ingersoll, The LA Group, appeared before the Council.

Michael Toohey said that in 1982 and again in 1984 the City passed the Interlaken PUD which involves 205 acres. The applicants are interested in one portion -- Zone BB -- which represents only 9 percent of the PUD. The applicants recently acquired this property through foreclosure proceedings and with that purchase came the right to continue the approved uses of that PUD, however, they are now proposing a different use. He said they would now like to incorporate the use of a senior housing complex.

Michael Toohey said that the previously approved use for this site was a hotel/conference center, a restaurant and 170 car parking area. He said they are now proposing to continue that use with a "sunset" clause of five years. He said if that option is not developed within five years it would be lost. They would maintain, for a ten-year period, the option of a senior housing complex.

Michael Toohey said the senior housing complex would allow for 30 detached units on the eastern portion of the site and along the rear of the site would be 120 unit apartments. There would also be outside and inside recreation facilities that would be consistent with the use of this property. These recreation facilities would be available only to the property owners. He said the proposed buildings will be at least 50 feet from the boundaries and green space will remain at or above the 60 percent level. He said it is consistent in design and density of the properties that were historically approved for use in this area. Michael Toohey said the property would be serviced by city water and county sewer. He said there is not a preferred developer at this time.

Commissioner Thomas McTygue asked what was the "either/or" stipulation. Michael Toohey explained that this proposed amendment would allow for either the hotel/conference center or the senior housing complex but not both. Commissioner Thomas McTygue asked if the ten-year time limit could be shortened. Michael Toohey said the hotel/conference center had been decreased to five years, however, the senior housing complex ten year time limit is consistent with other PUDs. Commissioner Thomas McTygue asked if this was just a concept or was there truly an interest in developing this area. Michael Toohey said there is interest in developing, however, there is no preferred developer at this time.

Commissioner Kenneth Klotz asked if the applicants had a preference for the hotel/conference center or the senior housing complex. Michael Toohey said the rational development pattern would be for the senior housing complex because of the demand. Commissioner Kenneth Klotz asked where this site exists on the map. Michael Toohey said the developed portion of the Interlaken PUD is to the north. He noted that some of their garages, etc. are within two feet of the property line. He said the applicant has agreed to a 50-foot setback on this site. Commissioner Kenneth Klotz asked about adjacent property owners' feelings. Michael Toohey said the applicant has appeared before the Planning Board four times and has had no negative comments from the neighbors. He pointed out that the senior housing complex is of lesser density than the hotel/conference center. Commissioner Kenneth Klotz asked about the hotel/conference center option and competition with the downtown facilities. Michael Toohey said drawing people to the downtown area is commendable but not every project can be the same. He said this proposal is an opportunity to have different things in different places throughout the community. He pointed out that the hotel/conference center would not be a significant draw for people to leave the downtown area. He said this could compliment the downtown area because people staying there would continue to come downtown.

Mayor J. Michael O'Connell then opened the public hearing.

Bill May, 19 Vallera Road, representing the Board of Directors of the Interlaken Homeowners Association, said they did not participate in the previous Planning Board meetings because they were away and have only recently returned to the area. He said they have a keen interest in this proposed amendment. He said they are not able at this time to endorse or condemn the proposal, however, they do have some concerns.

Bill May noted that in the March 28 letter from Lorraine Tharp, Planning Board Chair, to Edward Valentine, Commissioner of Accounts, it was noted that this proposal will not change the density in this area. He disagreed saying it will change the density. He also noted that current approval allows for a hotel/conference center and a 150-seat restaurant and parking area. He said in their deeds, it indicates that Zone BB is planned as a hotel/conference center and they thought they have a direct or indirect contract with the City through the original developers for the hotel/conference center and not a senior housing complex.

Bill May said the combined City and County taxes are projected to be $77,549. He asked if the City share would be about $44,000. Commissioner Kenneth Klotz agreed. He pointed out that there would be additional expenses spent in this area (fire, police, etc.) and asked whether it would be greater than the anticipated revenue.

Bill May said if the applicant is really seeking a zoning change and it would be setting a bad precedent. He said even with a 50-foot setback and screening a five-story building it would be detrimental to the area.

Bill May said that there is county water in this area. He asked about the 50-foot connection and not being required to directly tap into it. Michael Toohey said that a line would run from the County line and taps would then run from that main line.

Commissioner Thomas McTygue said as far as he was concerned there is only one water system in the City and that is City water line. He said he does not recognize the Saratoga County Water Authority. Bill May said that the Interlaken PUD is specific in stating that they would be serviced by a private water company. Commissioner Thomas McTygue agreed, however, noted that was before there was a City line east of the Northway. Bill May said they did ask to join the City water system, however, he said that DPW refused them. Commissioner Thomas McTygue disagreed saying that the last correspondence he received through previous Mayor A. C. Dake was that DPW should not continue to negotiate because Interlaken would be utilizing the Saratoga County Water Authority lines.

Marion Walsh, attorney representing Interlaken, said the letter from the City stated that the City was at a loss to understand why the City should take over the system. Bill May said the City wanted to charge the homeowners in this area $3,000 per unit to connect to the City system.

Tom Ferguson, 258 Caroline Street, requested that anyone addressing the Council refrain from using profanity.

There being no one else wishing to address the Council on this matter, Mayor J. Michael O'Connell closed this public hearing.

The Village at Saratoga Planned Unit Development Public Hearing

Mayor J. Michael O'Connell said The Village at Saratoga Planned Unit Development proposal would allow for a residential unit planned unit development. He said this PUD would allow for the construction of a community center and up to 118 residential units. He said this petition proposes to amend the zoning map to change the designation from Urban Residential-2 to Planned Unit Development District. He said the land affected by this change it approximately 20 acres. Mayor J. Michael O'Connell said the City Planning Board has issued a favorable advisory opinion on the proposed amendment and the advisory opinion from the Saratoga County Planning Board recommends approval with comments relating to buffers, setbacks, and road layout.

Jim Carr, architect/land planner Duten Associates, said this proposal contains 19.78 acres. He said they are proposing to subdivide it into 107 lots with 118 units. He said they are proposing 40 and 50 foot wide lots and 11 lots with duplexes. They are also proposing a community center and sales office. The community center and sales office facility will be approximately 2,500 square feet and will include a pool and volleyball court. He said the four typical housing units, which the Planning Board worked at great length on, will create a certain character/theme. He said at least 70 percent of the units will have front porches, the roof pitch will be 8:12 minimum and the square footage on the first floor will be at least 1,100 square feet.

Jim Carr said the target market consists of three segments: 1) senior citizens; 2) empty nesters and single people; 3) residents who live in Saratoga Springs only part of the year. He noted there are public water and sewer. Storm drainage will be handled on site with a point discharge and streets will meet all city standards (55 feet wide with curbing). There will be a minimum of two off street parking spaces for each unit.

Commissioner Edward Valentine asked what the price range would be for these units. Jim Carr said approximately $160,000.

Commissioner Kenneth Klotz asked about the size of the senior citizen portion of these development. Jim Carr said that segment is at least 50 percent.

Commissioner Edward Valentine asked about the size of the duplexes. Jim Carr said they would range in size from 1,500 to 2,200 square feet.

Commissioner Kenneth Klotz said that he was not persuaded that this is the right project for this part of the City, therefore, he would not support this proposal.

Ayes: Commissioner Edward Valentine, Commissioner Thomas Curley and Mayor J. Michael O'Connell; Nays: Commissioners Kenneth Klotz and Thomas McTygue. Motion carried.

Vote: Interlaken Zone BB PUD (96-55)

On April 4, 1996, the City requested lead agency status for the SEQR for amendment for Zone BB within the Interlaken PUD. Within the 30-day period, no objections were received. Therefore, Commissioner Edward Valentine moved and Mayor J. Michael O'Connell seconded that the City Council establish itself as the SEQR lead agency for this PUD. Ayes all.

Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded for the issuance of a SEQR negative determination of significance and for the adoption of the ordinance to amend Zone BB of the Interlaken Planned Unit Development District.

Commissioner Kenneth Klotz said he hoped the hotel/conference center would be eliminated from the proposal and that the senior housing complex would be developed but understood the applicants desire to maintain both options.

Ayes all.

Status of Revaluation

Commissioner Edward Valentine informed Council members that on April 26 he met with Bob Mancusco and Dave Shanley from the State Offices of Real Property Services to discuss the upcoming revaluation for the City. The following schedule was agreed upon:

Issue RFP	May 20
Receipt of inquiries from companies no later than	June 14
Pre-proposal meeting	June 17
Issue pre-proposal meeting summary	June 24
Receipt of sealed proposals	July 8
Conduct company interviews week of	July 22
Announcement of most responsive bidder	August 5

Commissioner Edward Valentine also noted that he would be forming a volunteer revaluation committee in conjunction with the revaluation. He said Dick Mullaney would serve at no cost to the City as counsel to the committee. He said if Council members would like to add anyone to this committee with knowledge in this area, to please forward their name to him. He said he would continue to keep the Council informed of the revaluation.

Exhibit I

DEPARTMENT OF PUBLIC WORKS

Adoption of 1997 Water and Sewer Rates (96-138)

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to adopt the 1997 water rates as presented (Attachment B). Ayes all.

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to adopt the 1997 sewer rates as presented (Attachment C). Mayor J. Michael O'Connell said there would be an 8.5 percent increase in the rate if adopted. Ayes all.

DEPARTMENT OF PUBLIC SAFETY

Snow Removal

Commissioner Thomas Curley reminded everyone there is an ordinance pertaining to snow removal within 12 hours of a snow fall and asked that residents do their best to remove the snow.

Commissioner Edward Valentine said he was concerned about senior citizens and their inability to remove the snow with 12 hours. Commissioner Thomas Curley said a warning notice would be issued to residents giving them an 24 additional hours to remove the snow before a ticket would be issued. Commissioner Kenneth Klotz reminded Council members that the West Side Association has offered on several occasions to help residents and perhaps they could be called upon in these cases.

Victorian Street Walk - Dogs

Commissioner Thomas Curley reminded residents there is a leash law in effect and suggested that pets be left at home rather than bringing them downtown for the Victorian Street Walk.

MAYOR'S OFFICE

Interlaken PUD Zone BB Amendment

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to accept the Interlaken PUD Zone BB Amendment and forward it to the Planning Board for an advisory opinion.

Michael Toohey, attorney representing the applicants, said this amendment requests the addition of single family units as a possible use. He pointed out that there are subdivisions near this parcel which currently have single family housing.

Commissioner Edward Valentine asked what effect this amendment would have on the law suits pertaining to water. Michael Toohey said this amendment has no effect on those legal matters. He further reminded Council members this is an either/or request. The applicant would not be able to do a combination of proposals, but would only be able to develop one of the options.

Commissioner Kenneth Klotz asked how this amendment differed from the previously proposed senior citizen housing and what prompted the request. Michael Toohey said this proposed single family housing would be for individual ownership and market conditions prompted this proposal.

Ayes all.

Grant Easement on North Broadway/Bryan Street

Mayor J. Michael O'Connell moved and Commissioner Kenneth Klotz seconded to authorize the Mayor to sign all necessary documents upon the City Attorney's review and approval for granting the easement on 748 North Broadway/Bryan Street.

Michael Toohey, attorney representing the applicants, explained that this request is for the parcel at the rear of 748 North Broadway which is on Bryan Street. He said there is a 2.3 foot encroachment over the property line, however, this house is located in its original position and was constructed during the 1800s.

Ayes all.

Authorization for Engineering Department to purchase Hewlett Packard Design Plotter

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to waive the bid to purchase Hewlett Packard Design - Jet 350E-size Plotter from Charrette, Inc., Liverpool, New York for $2,890 (lowest bidder). Ayes all.

West Avenue Survey of Property Owners

Mayor J. Michael O'Connell said a proposal has been made to perform a survey of West Avenue property owners in connection with the proposed Special Assessment District in that area. He said the survey would include such items as assessment formula, boundaries, etc. He said the City Planner would be responsible for coordinating the survey and the City Attorney would begin work on the special assessment district legislation. Approval of the survey would be placed on the December 17 agenda and if approved, the survey would be mailed to property owners on December 20. A draft of the proposed special assessment district legislation would be placed on the January 21 agenda and adoption of the legislation would be placed on the February 1 agenda. Council members agreed to this tentative schedule.

Exhibit J

CITY OF SARATOGA SPRINGS

PLANNING BOARD

City Hall · 474 Broadway
Saratoga Springs, New York 12866-2296
Tel: 518-587-3550 Fax: 518-580-9480
http://www.saratoga-springs.org

05.060

APPLICATION FOR:
SUBDIVISION APPROVAL

(Rev: 1/05)

1. Project Name: Regatta View - Lot 90 Subdivision

2. Project Data
   Location: Rt 9P / Regatta View Dr. / Dyer Switch Road
   Tax Parcel Number: 180.54-2-30
   Current Zoning: Interlaken P.U.D
   Total Acres: 6.78 Land to be subdivided into: 33 lots / 40 D.U.

3. Professional Representing Applicant:
   Name: Francis J. Bossolini PE Phone: 272-8140
   Address: 297 River St, 5th Floor Fax: 272-8148
   Troy NY 12180

4. Type of Application and Application Fee: Total $ 400.00
   If fee is required, a separate check payable to: "Commissioner of Finance" must accompany this application.

   ☒ Sketch Plan – $400

   ☐ Preliminary Approval
   1-20 Lots $200
   21-50 Lots $300
   51+ Lots $500

   ☐ Final approval (Major and Minor Subdivision)

Residential -	Minor (1-4 lots)	$350 plus $50/lot	=	$
	Major (5+ lots)	$1,000 plus $100/lot	=	$
Non-Residential -	Minor (1-4 lots)	$500 plus $50/lot	=	$
	Major (5 + lots)	$1,500/lot	=	$

5. Environmental Assessment Form - All applications must include a completed SEQR Short Form.

6. Cost estimates for Letter of Credit - All applications must include cost estimates.

7. Application Check List - All applications must include application check list.

8. Estimate of increase in water consumption: 13,200 gallons/day.

9. For all projects including new water connections to the City system, a copy of a signed water service connection fee agreement with the City Department of Public Works is required and MUST be submitted with this application.

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

11. Submit 12 copies of complete application including checklist, SEQR form, and all plans (must be 24" x 36").

12. Submission Deadline - All completed applications are due 3 weeks before the Planning Board meeting date.

I, the undersigned owner or purchaser under contract for the property, hereby request subdivision approval by the Planning Board for the identified property above. I agree to meet all requirements under the Subdivision Regulations for the City of Saratoga Springs.

Applicant Signature: _____ Date: 8/24/05

Name: Gerry Magoolaghan Phone: 371-1000

Address: Belmonte Builders Fax: 371-4673

1743 Rt 9, Clifton Park, NY 12065

PROJECT ID NUMBER

617.20
APPENDIX C
STATE ENVIRONMENTAL QUALITY REVIEW

SEQR

SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR	2. PROJECT NAME
Belmonte Builders	Regatta View - Lot 90 Subdivision
3. PROJECT LOCATION: City of Saratoga Springs (Municipality)	County of Saratoga (County)

4. PRECISE LOCATION: Street Addess and Road Intersections, Prominent landmarks etc - or provide map

Intersection of Dyer Switch Road/NYS 9P to Intersection of Regatta View Drive/NYS 9P

5. IS PROPOSED ACTION: ☑ New ☐ Expansion ☐ Modification / alteration

6. DESCRIBE PROJECT BRIEFLY:

Subdivide existing Lot 90 into 33 parcels with 40 dwelling units

7. AMOUNT OF LAND AFFECTED:
Initially 6.78 acres Ultimately 6.78 acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS?
☑ Yes ☐ No If no, describe briefly:

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.)
☑ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☑ Park / Forest / Open Space ☐ Other (describe)

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local)
☑ Yes ☐ No If yes, list agency name and permit / approval:

Subdivision Review - NYSDOH

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☑ No If yes, list agency name and permit / approval:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION?
☐ Yes ☑ No

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

Applicant / Sponsor Name Date:

Signature 8/22/05

If the action is a Costal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADJOINING PROPERTIES

S-B-L #	OWNER	PROP ADDRESS	MAILING ADDRESS
180.54-2-1	MICHELLE MORRIS	1 DYER SWITCH RD SARATOGA SPRINGS, NY 12866	SAME
180.54-2-24	KATHLEEN CONNOLLY	11 FLYING DUTCCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-25	REGATTA VIEW, LLC	FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	1743 RTE 9 CLIFTON PARK, NY 12065
180.54-2-26	DONALD COOTWARE	7 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-27	SCOTT EGBERT	5 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-28	JAMES HOLMES	3 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-29	NICHOLAS ZITO	1 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	7 COBBLESTONE CT CENTERPORT, NY 11721
180.54-2-30	REGATTA VIEW, LLC	NYS RTE 9P SARATOGA SPRINGS, NY 12866	1743 RTE 9 CLIFTON PARK, NY 12065

05.060

SARATOGA COUNTY PLANNING BOARD
50 West High St.
Ballston Spa, NY 12020

I. Municipality: (City) Town, Village of Saratoga Springs

Referring Agency/Body: Zoning Board of Appeals _____, Planning Board X, Legislative Body _____

Date: 8/26/05

Submitting Officer: Geoff Boxemann

Mailing Address: City Hall, 474 Broadway, Saratoga Springs NY 12866

Telephone Number: 587-3550 x 517 Fax Number: 580-9480

II. Type of Referral

Variance: Use _____, Area _____, Interpretation _____

Special Permit _____, Site Plan Review \, Subdivision Review X Sketch Plan for Subdivision

Amendment: Map _____, Text _____, PDD _____

Brief description of proposal Discussion for a PUD Site Plan for a 40 unit residential use in Interlakes Planned Unit Development.

III. This proposal is referred to your agency, as required by the General Municipal Law, Sections 239- 1, m, and n, because it would affect real property lying within a distance of 500 feet from the boundary of:

a) the City, Town or village of _____

b) an existing or proposed county or state park or other recreation area. Such park or recreation area is: _____

c) an existing or proposed right-of-way of a county or state parkway, thruway, expressway, road or highway. Such road is: 29

d) an existing or proposed right-of-way of any stream or drainage channel owned by the county, or for which the county has established channel lines. Such right-of-way is: _____

e) an existing or proposed boundary of any county or state-owned land on which a public building or institution is situated. Such land is: _____

f) a farm operation located in an agricultural district as defined by Article twenty-five – AA of the Agriculture and Markets Law, except this shall not apply to the granting of area variances. Use the provided Agricultural District Referral Form.

BELMONTE
"Homes As Individual As You Are"
www.belmontebuilders.com

November 14, 2005

Mr. Geoff Bornemann
City Planner
City of Saratoga Springs
474 Broadway
Saratoga Springs, New York 12866

Dear Geoff:

By copy of this letter, please be advised that I am a member of the Comprehensive Plan Advisory Committee.

I specifically bring this to your attention due to the fact that I currently have a proposal for completion of the Interlaken PUD in front of the City Planning Board and point out that from time to time during my stay on the above Committee, I may have other projects under consideration for approval by the City of Saratoga Springs.

Please feel free to call me at any time regarding these issues.

Sincerely,

Peter J. Belmonte

1743 Route 9, Clifton Park, New York 12065 — Phone: (518)371-1000 — Fax: (518)371-1267

BELMONTE
"Homes As Individual As You Are"
www.belmontebuilders.com

November 15, 2005

Mr. Geoff Bornemann
City Planner
City of Saratoga Springs
474 Broadway
Saratoga Springs, New York 12866

RE: REGATTA VIEW PROPOSAL

Dear Geoff:

Pursuant to our conversation this morning, we understand the concerns you outlined regarding sewer capacity and the need for a determination and commitment by Jim DiPasquale and the Saratoga County Sewer Authority.

With that said, we would like to continue moving through the approval process with confirmation of sewer capacity as a stipulation and condition to be dealt with before construction would begin.

Thank you for your consideration.

Sincerely,

Gerry

Gerry Magoolaghan
Director of Real Estate Acquisitions

1743 Route 9, Clifton Park, New York 12065 — Phone: (518)371-1000 — Fax: (518)371-1267

Subject: Regatta View Carriage Houses
Date: Tue, 20 Sep 2005 12:00:45 -0400
From: "Jeffrey B. Schwartz" <jschwartz@HONENWOOD.com>
To: <geoff.bornemann@saratoga-springs.org>

To SS Planning Board:

I am writing regarding the following item on the 9/21 agenda:

05.060 INTERLAKEN PUD – ZONE B: Request for sketch plan discussion for a PUD site plan for a new 40 units of residential use in the Interlaken Planned Unit Development District, 5 Regatta View Drive.

I will be out of the area during the 9/21 meeting and wanted to convey my thoughts regarding the proposed project. I live in the Regatta View (RV) development

The agenda states that the project calls for 40 units. I suspect that, consistent with the applicant past practices, revenue maximization is the applicant's driving factor. That is fair enough, but I feel that from a density perspective, 40 units is much too large.

The key concern that I have has to do with the ingress and egress into and out of this proposed development. While the sketches that Mr. Belmonte has delivered to the Regatta View community do not have street names, it appears that the plans call for curb cuts on Dyer Switch Road and Regatta View Drive. I am not empowered to speak for the RV community, but can assure you that many residents I have spoken with do not want a curb cut on Regatta View Drive. It would be way too close to Route 9P. The congestion would be horrific. Cars turning left onto Regatta View Drive, and then left again into the carriage house development would cause significant problems. I'm guessing that automobile directionals may not be physically able to give correct consecutive turn signals in light of the close proximity of the proposed curb cut to the main RV entrance. One can easily envision some bumper banging, even for drivers in compliance with applicable speed limits.

In addition, as you may know, a traffic light has been installed at the intersection of RV Drive and 9P (it has not gone "live" yet). When that light is active, one can also envision a back up of cars within the development waiting to exit, while carriage house owners seek to merge onto RV drive to exit the development. Further, given the light's presence, it is reasonable to suspect that cars, in an attempt to "make the light", will use excess speed (particularly those making a left onto RV drive or coming straight from Crescent Avenue); this will further increase the likelihood of accidents.

The neighborhood has a significant number of children engaging in outdoor activity which is another reason to prohibit a RV Drive curb cut.

For the sake of comprehensiveness/fairness, I should point out that while Mr. Belmonte has reserved a building lot on Flying Dutchman as another possibility, the residents of Flying Dutchman that I have spoken with would want that to be the last option. So, they also do not want a curb cut on RV Drive, but would prefer that to using Flying Dutchman.

I understand from previous research that the parcel at issue is bordered by a state road (9P), a county road (Dyer Switch/County Route 66) and a city road (RV Drive). I spoke to City and County engineers but none had seen anything on this. From those discussions, I learned that the curb cut is often dealt with later in the process. I'm hoping that by addressing this early, we can clarify and communicate the concerns and you can act/advise accordingly.

I'd be happy to discuss this further is desired. Thank you for you attention to this.

JBS

Jeffrey B. Schwartz
Honen & Wood, P.C.
126 State Street, 5th Floor
Albany, New York 12207
(518) 472-1224 x 235
(518) 472-1227 (Facsimile)
jschwartz@honenwood.com
www.honenwood.com

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

LAWRENCE D. BENTON
DIRECTOR

September 21, 2005

Geoff Bornemann, City Planner
City of Saratoga Springs Planning Board
474 Broadway
Saratoga Springs, NY 12866

RE: SCPB Subdivision Review #05-A-99 – Regatta View, Belmonte
40 lots/5.9 acres, NYS Rte. 9P and Dwyer Switch Rd.

Received from the city of Saratoga Springs Planning Board on August 30, 2005.

Reviewed by the Saratoga County Planning Board on September 15, 2005.

Decision: Disapprove

Comment: We have previously advised the board, that the pump station serving the plateau area has reached capacity. As the project is dependent upon community sewer service it should not be approved until such time as this issue is resolved.

Lawrence D. Benton, Director
Authorized Agent for Saratoga County

cc: Director, Saratoga Co. Sewer District #1

50 WEST HIGH STREET
BALLSTON SPA, N.Y. 12020

(518) 884-4705
(518) 884-4780 Fax

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

LAWRENCE D. BENTON
DIRECTOR

September 21, 2005

Geoff Bornemann, City Planner
City of Saratoga Springs Planning Board
474 Broadway
Saratoga Springs, NY 12866

RE: SCPB Subdivision Review #05-A-99 – Regatta View, Belmonte
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Lawrence D. Benton, Director
Authorized Agent for Saratoga County

cc: Director, Saratoga Co. Sewer District #1

50 WEST HIGH STREET
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Nancy Ohlin said there is confusion about "affordable housing," because affordable actually means what is affordable for a person. It also means not spending more than 35 percent of your income on housing. She said that the words "workforce housing," have replaced low income because people think they will have drug addicts living next door to them. She explained that workforce housing is everyone who works for a living and needs a home. Geoff Bomemann concluded that the applicant would be subject to the law at the time this project is approved. The applicant is also subject to the deed restriction that he has agreed to place on this property.

SEQR: Nancy Ohlin noted that there was no SEQR action required for sketch plan discussions.

PUBLIC COMMENT: Nancy Ohlin asked if anyone in the audience wished to comment on the application. No one spoke.

TECHNICAL ISSUES: Nancy Ohlin said that the application fee of $400 has been paid.

DEPARTMENT COMMENTS: Nancy Ohlin noted the following comments from the City Departments: DPS comments: Fire Department: No comments received. Police Department: No comments received. Traffic Maintenance: No comments received. Code Administration: No comments received. DPW comments: "No concerns or comments." Office of the City Engineer: "Private street? Adequate sanitary sewer, storm sewer and water?"

COMMENTS: The Board said that at this time they saw no compelling reason for a through road in this project. Steve Ethier thanked the Board for their comments and he said that he would proceed with an application for site plan review.

✧ **05.060 INTERLAKEN PUD – ZONE B**, 5 Regatta View Drive

This was a sketch plan discussion for a PUD site plan for 40 new units of residential use in the Interlaken Planned Unit Development District. The applicant is Belmonte Builders (Peter Belmonte).

Appearing before the Board was Peter Belmonte, applicant, Frances Bossolini, engineer.

INTENT: The applicant intends to develop 40 units on this last remaining area of the PUD. The zoning ordinance allows the applicant to apply for a PUD sketch plan.

BACKGROUND: Nancy Ohlin said that on May 6, 1998 the Planning Board reviewed a sketch plan for 20 single-family homes on this site. On July 22, 1998 the Planning Board reviewed a sketch plan for a commercial center on this site. On February 3, 1999 the Planning Board reviewed a sketch plan for 26 single-family homes on this site. Nancy Ohlin also noted that this Interlaken PUD never had any specific standards for uses or area/bulk standard. The Planning Board has the right to establish such development standards. In past years the Planning Board has interpreted that they have the right to approve PUD site plans for this PUD provided that the overall density and use does not exceed that presented to the City Council in 1982. The PUD at that time included 500 residential units. To date 331 units have been approved (Zone A = 125 units, Zone BB = 30 units, Zones B/D/E = 102 units, Zone C = 74 units).

Nancy Ohlin said that this project needs PUD site plan (site plan and subdivision) approval for the Planning Board. Any structure on the lot that fronts Union Avenue will require architectural review from the Design Review Commission.

This discussion was continued from the September 21, 2005 meeting. New materials were submitted on November 9, 2005.

POLICY ISSUES: Frances Bossolini said that they met with the Interlaken homeowners again and they were very clear that they wanted a fifty-foot, no-clear, landscape buffer on the frontage of this property. He said that the revised plans show this 50-foot buffer and he noted that they would examine the project to see if even more additional plantings were needed in this buffer area. He said that they eliminated the pedestrian connection between Flying Dutchman Way that was previously proposed. Frances Bossolini also said that the capacity for the Saratoga County sewer would not be a problem. When the project was first approved there was capacity allotted for it. He said these homes would be a traditional style of architecture with front porches. There would be carriage houses as the workforce housing units.

Peter Belmonte said that the project clearly has opposition from the Interlaken community. There were approximately 40 members at the meeting they held with the neighbors. Half the people were mildly to adamantly opposed. Peter Belmonte said that Nancy Goldberg has stated that this is her last crusade to stop this project. He said that he possesses an earlier map where this parcel was clearly depicted as having high density housing on it. He said that he is confident that they are not going against what was originally proposed. Peter Belmonte said that the map was part of Farone's project proposal prior to Regatta View's application. Peter Belmonte said that the other opposition in regards to the project is in reference to workforce housing. He noted that Workforce housing brings a broad range of confusion to the table. People are asking what it will bring to the neighborhood and how it would be regulated. Nancy Ohlin said that she does not appreciate the applicant commenting to what a speaker from the audience might potentially state.

Lou Schneider said he remembers the discussion during the commercial use proposal for this lot. The homeowners decided they did not want this density and rental units were not mentioned. They said they would like to see some townhouses similar to the architecture of Interlaken. He questioned who would own the 7 rental units and what would they be. Peter Belmonte said that they added these units in order to complement the City's direction with workforce housing. The units would be 600-700 square foot apartments on top of a garage. They would be one bedroom apartments and would be owned by the owner of the primary residence and under their control. He said that the HOA would also monitor these units. Each unit would have a designated parking spot. Lou Schneider said that the PUD legislation states that a rental unit is not conducive to the neighborhood. He would rather see a residential unit that is affordable and more compatible to the entire PUD system. Peter Belmonte noted that a good portion of Interlaken is rented year round. Lou Schneider said those were considerable units that are being rented out and there is only one family per residence.

Bob Israel said that the master plan concept is a mixed-use community. He said that a homogenous community is more suburban and that is not what they are trying to achieve. He said the density should be comparable to Interlaken's. Nancy Ohlin said it appears that they did not consider a lower density. Frances Bossolini said that they are compatible with what is already there, but not in reference to the single-family portion if Regatta View. Peter Belmonte said that the Interlaken community was not designed to be consistent in density and there were areas specifically designated as higher density. Interlaken is a large community and there are high density condominiums there. He said this is much less than what was originally proposed for this area.

SEQR: Nancy Ohlin said that there is no SEQR action required for sketch plan discussions. In 1982 City Council issued a negative declaration for the entire Interlaken PUD.

PUBLIC COMMENT: Nancy Ohlin asked if anyone in the audience wished to comment on the application. She noted an email from Jeffrey B. Schwartz, 3 Thames Way, dated September 20, 2005.

Nancy Goldberg, 66 Sarazen Street, said that she is on the Zoning Board of Appeals, but she is here as a private citizen. She said that Jack Gray said this was a Pandora's Box if this was approved. There were 100 signatures against this project in 1982 and there were only 230 residents at that time. The City Council cut these lots into parcels and wanted to do cluster housing in order to preserve conservancy. When the PUD went bankrupt, instead of bringing the area back into zoning, each builder obtained approvals for separate things. She said that going back to the original zoning does not make sense. There are 60 acres that were promised in covenants. This project was supposed to have fairly dense development in only 19 acres. 41 of the acres were supposed to be left green as per the conservancy. She asked the Board to keep the faith with the residents and do what was promised to them. In 1987 there were 700 people on the plateau and there are almost over 3000 people now. She said that it takes 20 minutes for fire or emergency services during racing season. There have been no changes in the road or anything else other than the population. Those who have spent their money to live here, expect conservancy. The concept of this PUD works because there are buffers. This is the last 4 acres in this PUD and she requests that it remains green. They did their due diligence when they purchased their properties. She said that Peter Belmonte should donate this land to the City. The Board needs to consider the infrastructure and the traffic. Since the light at Crescent Avenue was installed, everyone cuts through Regatta View. She asked the Board to please honor the promise that was made to the residents. She questioned if the 100 signatures that Jack Gray obtained did not do it, how many would the Board need. The residents do not want to come out in the middle of the night for these meetings. This was a promise that was made to the people who purchased these properties. It was promised as a foresighted, clustered zoning. People were not objecting to affordable housing, but to the rental housing that was proposed. They could not understand who would live in 600-700 square foot apartments. That would not be suitable for a family unit. Most young people are families and single people would not want to live in the suburbs. She reiterated that safety is getting dire in this area. In 2005 there was a traffic safety report completed. It took anywhere from 6 to 20 minutes for emergency services to reach the area. She said that in twenty minutes a person would be dead. She urged the Board to please review the original designations for this property. Riley's was never supposed to be developed or subdivided into more than two parcels. Previous Planning Boards have just said it was ok to do this. The Board should read the original definitions of the various zones and consider the modern infrastructure available.

There was no one who wished to speak, Nancy Ohlin closed the public comment period.

Lew Benton said that the density does not bother him. What bothers him is how the development would be set on the landscape. He said there is some latitude and discretion involved. At the time this all was developed, it was a new concept to the City. There is no clean legislation regarding how the PUD would develop. Even if there was clean legislation, PUDs can be amended several times during their lifetime. His records go back to 1982. There were 60 acres and 19 of which were to be developed with a large open space, paddock area on the interior. There are 9 clusters of condominiums with the paddock. He said that the remaining 2/3 of this area was supposed to remain undeveloped. The situation has changed and there is no legislation to amend. Geoff Boinemann noted that the developer for Zone BB (Riley's area) went back to the City Council and got approval for new development. He suggested that this applicant also has this option.

TECHNICAL ISSUES ON SUBDIVISION: Nancy Ohlin said that an application fee of $400 has been paid.

DEPARTMENTAL COMMENTS: Nancy Ohlin noted the following comments from the City Departments: DPS comments: Fire Department: "Proposed alley appears to be 12 feet wide, which is not sufficient. How does applicant proposed Fire Department vehicle access? All turning radii, especially near divided pavement access roads much meet City standard." Police Department: "See Fire Department comments." Traffic Maintenance: "Trees and shrubs should not be permitted within 60 fee of intersections." Code Administration: "None at this time." DPW comments: "No concerns or comments." Office of the City Engineer: "Lot dimensions. Not all lots have access to sewer. Public street/alley? Surveyed data? ROW dimensions? Who will own/maintain opens space? Sewer to SCSD#1? Capacity on existing system? I thought it was at capacity now?"

SARATOGA COUNTY PLANNING BOARD: "Disapprove" "We have previously advised the board, that the pump station serving the plateau area has reached capacity. As the project is dependent upon community sewer service, it should not be approved until such time as the issues are resolved."

COMMENTS: Lew Benton said that he could not support this proposal. It was not because of the density, but because this corridor should be preserved. He said the Board needs to be particular about the original parameters set by the City Council. There is a description of the ultimate buildout of the PUD and this submission is inconsistent with that. He concluded that any referral to the City Council would only delay and defer the inevitable. Nancy Ohlin said that the Board should honor the original PUD language. She also does not recommend that this go to the City Council because it would come back for an advisory opinion. She said that she does not know what the vote would be, but the infrastructure and services are an important issue.

Lou Schneider noted that the road going to Dyer Switch Road seems to be very close to the veterinarian's property. During the summer they enter with horse trailers and a horse even made its way through Interlaken. He also asked if there would be a separate HOA for this project. Peter Belmonte said that it would be part of the existing Regatta View HOA. Lou Schneider also said that Regatta View needs a meeting place and some of this area should be used as such. There should also be some recreational area put onto the back of this property to cut the density.

Geoff Bornemann said that there is a chance that the Board "erred" in approving Regatta View and they clearly changed the open space concept. He noted that the current applicant would have to submit a PUD site plan application to the Planning Board if they do not go before the City Council to amend the PUD legislation.

Bill McTygue noted that the County Sewer District has put a stop to all major connections to the sewer in that area. Peter Belmonte said that he has had discussions with Saratoga County Sewer and there is documentation that they have reserved capacity in that line for this project. He said that the developed community might have already impacted that capacity. He would agree to participate in sewer improvements if an approval was given. Bill McTygue said that the sewer system could be maxed out, but they are getting mixed messages from the sewer district. They are not being clear about whom they will and will not let into the system. Lew Benton added that the County Planning Board disapproves because the pump station has reached capacity. This project would be dependent on the county sewer availability and there is a lack of communication between the County Sewer District and the County Planning Board.

Peter Belmonte thanked the Board for their comments. He said he would make his decision in the coming months on how he wanted to proceed with this project.

Number	Page #	Date	Item
A	2	8/11/2016	Letter from Building Inspector Steve Shaw
B	3-14	Jul-16	City Council Zoning Ordinance Interlaken PUD from website
C	15	5/19/2016	Regatta View Site Plan Area B-Phase 3
D	16-30	7/1/2016	Planning Department Version - Interlaken PUD
E	31-32	8/6/1984	City Council Minutes
F	33	2/5/1996	City Council Minutes
G	34	4/2/1996	City Council Minutes
H	35-39	5/7/1996	City Council Minutes
I	40-41	12/3/1996	City Council Minutes
J	42-56	8/24/2005	Planning Board Minutes and Sketch Plan application
K	57-93	2/14/1990 & Approved 6/19/1991	Regatta View Subdivision
L	94-97	12/6/1989	Planning Board Minutes
M	98-100	5/16/1990	Planning Board Minutes
N	101-122	6/2/1982	Planning Board Minutes, EAF and negative declaration
O	123-132	2/28/1996	Planning Board Minutes
P	133-169	7/17/1996 & 9/25/1996 & SEQRA Neg Dec	Planning Board Minutes
Q	170-173	5/6/1998	Planning Board Minutes
R	174-190	4/11/1990	Planning Board Minutes
S	191-208	3/13/1996	Planning Board Minutes
T	209-220	11/7/1990	Planning Board Minutes
U	221-223	6/19/1991	Planning Board Minutes
V	224-227	7/19/1989 & 9/6/1989 & 10/11/1989	Planning Board Minutes
W	228	3/19/1996	City Council Minutes
X	229-231	6/18/1996	Zones B, D and E - Regatta View 1996 approved plan - Adopted 9/29/1996 and signed 5/8/1997
Y	232-235	10/17/1983	Division Street PUD

Exhibit A

City of Saratoga Springs

BUILDING DEPARTMENT
CITY HALL
474 Broadway
Saratoga Springs, NY 12866

Telephone (518)587-3550 Ext. 2511
Fax (518)580-9480
www.saratoga-springs.org

- BUILDING & PLUMBING
- CODES
- ZONING

STEPHEN SHAW
Zoning & Building Inspector
Extension 2491

DUANE MILLER
Assistant Building Inspector
Extension 2512

JOHN BARNEY
Assistant Zoning Technician
Extension 2521

August 11, 2016

Mr. Matt Jones
The Jones Firm
68 West Avenue
Saratoga Springs, NY 12866

RE: Zoning Compliance Determination – Interlaken PUD

Dear Mr. Jones,

This letter is in response to a request for a zoning compliance determination for the build out of an undeveloped section of the Interlaken PUD. A review of all available documentation does not show a clear path to any specific configuration, use, density or any other project detail. It even seems possible that some of the existing development may have occurred beyond appropriate zoning authorization. This is not just a case of information being insufficiently clear to make a determination, nor is it a situation where the information could be interpreted differently by different individuals. This is a case where there is simply a lack of information to sufficiently determine the original intent of the City Council when it comes to project details.

Therefore, it is my determination that none of the previously or currently submitted proposals sufficiently provide proof of compliance with the Interlaken PUD due to lack of information. At this time the applicant has the option of appealing this determination to the Zoning Board of Appeals, seeking legislative clarification and/or amendment from the City Council or withdrawal from the application process.

Sincerely,

Stephen Shaw
Zoning and Building Inspector

SRS/kgf

Exhibit B

Appendix C:
2. Interlaken Planned Unit Development (formerly 241.2)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "INTERLAKEN PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

SECTION I – NAME:

This ordinance shall be known as the "Interlaken Planned Unit Development," and amends Chapter 240 of the Code of the City of Saratoga Springs, New York, entitled "Zoning."

SECTION II – HISTORY:

The City Council of the City of Saratoga Springs, following a public hearing on July 6, 1982, adopted an ordinance which created a Planned Unit Development which encompassed approximately 205 acres of land having frontage of 4,106.32 feet on the south side of Union Avenue (Route 9P), 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue (Route 9P). The City Council of the City of Saratoga Springs, following a public hearing on August 6, 1984, adopted an ordinance which created a Planned Unit Development which encompassed approximately 205 acres of real property having frontage of 4,106.32 feet on the south side of Union Avenue (Route 9P), 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue (Route 9P), which was intended to amend the ordinance which had been passed by the City Council of the City of Saratoga Springs on July 6, 1982. The City of Saratoga Springs of Saratoga Springs, following a public hearing on May 7, 1996 amended the Interlaken Planned Unit Development legislation as it pertains to Zone "BB" within the Planned Unit Development.

SECTION III – BOUNDARIES:

The area of the Interlaken Planned Unit Development consists of approximately 205 acres and is bounded and described as set forth in Appendix A, attached hereto and made a part hereof, and Appendix B, a certain sketch plan which is on file in the Office of the City Engineer in the City of Saratoga Springs.

The Planned Unit Development presently consists of the following parcels of real property as set out on the present Assessor's Map for the City of Saratoga Springs Outside Tax District as of May 7, 1996.

Section	Block	Lot
I80	2	13.2, 13.3, 49.1, 49.2, 49.3, 49.4, 49.5, 49.6, 50.1, 50.2, 50.3 and 57
180	4	18, 24 and 25
180.61	1	1 through 51
180.62	1	1 through 24
180.53	1	1 through 30
180.53	1	32 through 58

SECTION IV - PURPOSE

It is the purpose of this Ordinance to provide a logical extension of the present zoning and land use as recommended in the I970 Master Plan. It is the further purpose of this Ordinance to promote flexibility in the development and design of this area.

The Interlaken Planned Unit Development is conceptually sound. It meets all local and area wide needs and it conforms to the accepted principles of functional, highway and pedestrian circulation systems, land use configurations, open space systems and drainage systems. The scale and design of the elements are humane and related to each other and the area in general.

Zone "B"/Marina:

This zone shall be developed for the sole purpose of permitting a boathouse for not-for-profit rowing association with associated parking, marina and docking facilities.

Zone "BB":

This zone can be developed into a subdivision of single family residences with an attached or detached associated single bedroom units consistent with the residential designation set out for this area of the City in the 1987 Master Plan.

As an alternative, this zone, which had developed into a planned senior citizen housing community that will meet the needs of a special segment of the City's population.

As another alternative, this zone, which has previously been the site of a restaurant and night club, could recapture this resort theme by the construction of a 110 room hotel/conference center along with or independent of an attached or detached restaurant offering seating for 150 diners.

These uses would compliment the already existing and projected residential areas within the Planned Unit Development or the mores rustic restaurant and potential Inn use which

may be established upon the zone of the Planned Unit Development presently housing the Longfellow's Restaurant.

SECTION V – PERMITTED USES AND DENSITY:

There may be constructed within the boundaries of the Interlaken Planned Unit Development the following types of activities and uses as set forth below:

Zone "B"/Marina:

This area may be developed with the following uses:

1. A boathouse facility, not to exceed 17,500 square feet, that may include facilities for storage of rowing vessels, equipment, restrooms, meeting rooms, training and associated activities. This facility may only be owned and operated by a not-for-profit rowing association.
2. On-site parking shall be provide for this facility and users in accord with the following standards:

    a) *Marina and docks shall have 1 parking space per 3 slips.*
    b) Boathouse shall have 75 parking spaces. This number may be reduced by the Planning Board, at their sole discretion, during the PUD site plan review process if evidence of shared parking with the marina use is presented and accepted by the Board.

3. A marina with up to 68 docking slips. All slips must be owned and maintained by the not-for-profit rowing association and shall be leased in the following manner:

    a) Residents of Zone B, D and E (Regatta View) shall be given first priority in leasing slips by January 31st of each calendar year.
    b) Remaining slips shall be made available to residents of Interlaken PUD Zones, A, BB and C until March 1st of each calendar year.
    c) The remaining slips (not to exceed 20) shall be made available to the general public after March 1st of each calendar year.
    d) This process will take place each year prior to the installation of docks and slips. Only slips that have been leased shall be installed each season.

4. There shall be no sale of petroleum products permitted on this site.
5. There shall be no boat ramp or launch facility permitted on this site.
6. There shall be no picnicking, special events or other outdoor recreational facilities on this site that are associated with the marina use.
7. There shall be no outdoor storage of boats permitted on this site except for boats owned by the not-for-profit rowing association. Outdoor storage of

docks shall permitted but the location of such storage shall be determined during the PUD site plan review process.

8. There shall be no sales or rental of boats or equipment on this site.

Zone "BB":

Either use 1, 2 or 3 as listed below, so long as the permission to construct that permitted use has not expired pursuant to Section XV herein, but not more than one shall be permitted:

1. A subdivision of detached single family residences with attached or detached garages with associated single bedroom units with frontage on a road dedicated to and accepted by the City of Saratoga Springs.

    a. A maximum of 31 lots, Each lot shall have a minimum of 10,000 square feet and may have a single-family residence as well as an associated single bedroom unit. The maximum height for any structure shall be 35 feet.
    b. The associate single bedroom units shall be no larger than 800 square feet and shall be constructed in the principal structure or in a detached accessory garage.
    c. A parcel with frontage on Lake Lonely may have a single private dock that may extend into the water up to 30 feet from the mean low water mark on the shoreline.
    d. The off-street parking demand for both the principal residential unit and an associated single bedroom unit shall be two parking spaces per unit. The location of the required off-street parking spaces do not have to meet any of the minimum setback requirements.

2. A planned Senior Citizen Housing Community offering attached or detached townhouse units and, apartments, interior and exterior recreational facilities, marina and docks, eating and drinking establishment and retail space all intended for the use of the residents of this zone and their guests. The living units shall be on lease basis only, wherein at least one of the tenants in any leased units must be 50 years of age at the commencement of the leasehold. None of the units shall be converted to cooperative apartments or to condominiums. In addition the lands within this PUD shall not be subdivided into more than two real property tax parcels. This project shall consist of the following:

    a. A maximum of 30 attached or detached residential units with a maximum building footprint of 2,000 square feet per unit for a maximum building square footage of 60,000 square footage. The maximum height for the residential units shall be 35 feet. Attached or detached car ports may be included

with these units but shall not be included as a portion of the building footprint for square footage calculation purposes.

b. A maximum of 120 residential apartments situated in a maximum of two buildings, which shall be no greater than 50 feet in height. The apartment buildings(s) shall have a maximum total building footprint of 105,000 square feet and a maximum total square footage of 350,000 square feet. The following ancillary uses shall be permitted for the exclusive use of the residents of Zone "BB" and their guests: interior eating and drinking facilities, interior recreational space, retail space, beauty/barber shop, physical therapy facilities, and meeting rooms. The ancillary uses within a structure shall comprise no more than fifteen (15%) per cent of the square footage of that structure up to a maximum of 18,000 square feet. The ancillary uses shall be for the exclusive use of the residents of Zone "BB" and their guests.

c. Off-street parking shall be supplied within this zone to a ratio of 1.5 parking space for each residential unit unless lowered by the Panning Board. During the site plan review the Planning Board may lower the parking requirement if market studies show that the demand may be less. There shall be no parking requirement for any of the permitted ancillary uses.

d. Exterior recreational facilities shall be permitted which may include a marina and docks on Lake Lonely with slips for up to twelve boats. Accessory structures for recreational uses are permitted but their total size shall not exceed 17,500 square feet.

e. A hotel conference center and restaurant.

(a) A 110 room hotel conference center to include, as ancillary uses; eating and drinking facilities, retail space; interior recreational facilities, and meeting rooms. The center shall have a maximum interior square footage of 203,000 square feet and a maximum height of 65 feet. The ancillary uses within any structure shall comprise no more than fifteen (15%) percent of the square footage of that structure.

(b) A restaurant attached or detached to the hotel conference center to include seating for up to 150 persons. This structure shall not exceed 10,000 square feet. This use shall be permitted in addition to an eating and drinking facility contained within the hotel conference center.

(c) Exterior recreational facilities shall be permitted which may include a marina and docks on Lake Lonely with slips for up to twelve boats. Accessory structures for

recreational uses are permitted but their total size shall not exceed 17,500 square feet.

(d) The hotel conference center shall have a parking requirement of 1 parking space for each hotel room, and there shall be no parking requirement for any of the permitted ancillary uses. The restaurant shall have a parking demand of 0.3 spaces for every seat.

(e) The lands within this PUD shall not be subdivided into more than two real property tax parcels.

SECTION VI – HOMEOWNERS ASSOCIATIONS:

Zone "B"/Marina:

There shall be no homeowners association or equivalent organization established in Zone "B"/Marina, but if permitted, the owner of this site may obtain full or selected rights of membership in the Regatta View homeowners association.

Zone BB:

There shall be no homeowners association, or equivalent organization, established in Zone "BB".

SECTION VII – SKETCH PLAN:

Zone "B"/Marina:

The attached Sketch Plan, Appendix B, shall be used by the City and the developer as a guide for the overall development of this zone.

Zone "BB":

The attached Sketch Plans, Appendix B, shall be used by the City and the developer as a guide for overall development of Zone "BB" within the "Interlaken Planned Unit Development". The Sketch Plans may be amended and modified and so long as the use, density, height, parking, setbacks and impervious surface requirements set out within this ordinance are not violated, this Ordinance, as amended, shall not have to be submitted for further amendments. Nothing in this section is intended to negate the requirement for PUD site plan approval as established herein and in the Zoning Code of the City of Saratoga Springs.

Appendix B contains a sketch plan for the single family development plan, the planned senior housing community and the hotel conference center.

If in the development of the site plan, it becomes apparent that certain elements of the Sketch Plan are unfeasible and in need of significant modification above that which is permitted above, any significant modification thereof must be approved in accordance with Section 240-3 of the Zoning Ordinance of the City of Saratoga Springs.

SECTION VIII – SETBACKS:

Zone "B"/Marina:

The areas and bulk standards shall be as follows for principal buildings, on-site parking and accessory structures:

	Minimum Requirement:
Lot size:	4 acres
Mean width	200 feet
Front yard:	30 feet
Rear yard:	30 feet
One side:	10 feet
Total side:	20 feet
Building height	40 feet
% of lot to be permeable	30%

Docks on this site shall not be subject to any of the above requirements.

Zone "BB":

With regard to the single family residential use of the zone, the setbacks shall be as follows:

	Principal Building and Lot Minimum Setback Requirements:
Lot Size	10,000 square feet
Mean Lot Width	80 feet
Front Yard: Principal Residence	10 feet
Front Yard: Attached Garage	22 feet
Rear Yard	30 feet
Side Yard: One Side	10 feet
Side Yard: Total Side	20 feet
Minimum % of Lot to be Permeable	30%

Accessory Structures (not attached to Principal Building other than by walkway, breezeway or porch)
Minimum Setback Requirements:

Front Yard	22 feet
Rear Yard	30 feet
Side Yard: One Side	5 feet
Side Yard: Total Side	20 feet
Minimum Distance to Principal Building	5 feet

B. With regard to the Hotel conference center use and the planned senior housing community use of this zone, the setbacks shall be as follows:

A. All setbacks shall be from the perimeter of the real property of Zone "BB" to the nearest building(s) with there not being a requirement setback between buildings, or internally on the site, other than as specified herein:

	Minimum Setback Requirement:
Front Yard	50 feet
Rear Yard	50 feet
Side Yard	50 feet
Distance between detached buildings	15 feet

In addition, within Zone "BB" the minimum amount of required impervious surface shall be 60%.

SECTION IX - INFRASTRUCTURE SERVICE AND IMPROVEMENTS.

Zone "BB":

The entire zone will be serviced by City of Saratoga Springs water, unless there is a judicial order stating otherwise, and Saratoga County sewer lines. All services and improvements that are dedicated to a municipality or a municipal authority will be constructed to that municipality's or authorities building standard as that standard exists at the time of dedication. All other services and improvements shall be constructed in compliance with applicable codes, rules and regulations.

If the zone is developed as a single family residential project, the following shall take place: (1) Each residential unit shall be required to tap off of a City or public authority main for purposes of obtaining a potable water supply; (2) A public sidewalk shall be constructed along side of al roads to be dedicated to the City of Saratoga Springs; and, (3) All public roadways shall have curbs.

For uses if the zone is developed as a hotel conference center or a planned senior housing community, the water service to the structures which are more than 50 feet from

the boundary of a public right-of-way shall not be required to directly tap off of a city main for purposed of obtaining a water supply.

The community sanitary sewer collection system may be owned and operated by the Saratoga County Sewer District #1.

At the time of the development of any portion of any phase within Zone "BB", the Planning Board of the City of Saratoga Springs may require during the PUD site plan review process a traffic impact analysis to be preformed to determine specific on-site or off-site improvements that might be required to accommodate projected traffic volumes to or from this PUD. The determination as to whom shall pay for the required improvements shall be negotiated by the applicant and the City.

At the time of the development of any portion of any phase within Zone "BB", the Planning Board of the City of Saratoga Springs may require during the PUD site plan review process a Stage 1B archeological investigation of the soils. The applicant shall be expected to adequately mitigate any findings from such investigations.

SECTION X – SIGNS:

Zone "B"/Marina:

A single freestanding sign shall be permitted on this site. The sign shall not exceed 24 square foot in size and it shall be no higher than 12 feet.

Zone "BB":

A. With regard to the single family development of this zone, the following signs shall be permitted:

   1) A 40 square foot per side internally or externally illuminated sign shall be permitted at the entrance/exit of the subdivision near Crescent Avenue, provided such sign shall be not be placed within the public right-of-way and provisions for its permanent maintenance is made.

B. With regard to the hotel conference center use and the planned senior housing community use of this zone, the following signs shall be permitted:

   1) A 40 square foot per side internally or externally illuminated sign shall be permitted at the entrance/exit roadway near Crescent Avenue.

   2) On premise directional signs identifying private property, restrictions, public parking, recreational facilities, fire zones, entrances and exits signs may be

For the senior citizen community the developer must obtain final PUD site plan approval and start construction for all phases prior to January 1, 2000.

For the hotel/conference center, the developer for Zone BB must obtain final PUD site plan and start construction for the first phase (either a restaurant or a hotel) approval prior to January 1, 2000. The developer must obtain final PUD site plan and start construction for all phases of the hotel/conference center prior to January 1, 2005. If the developer fails to meet any of the above requirement, the uses allowed for the hotel/conference center shall no longer be permitted, but the uses associated with the senior citizen center shall be permitted.

SECTION XVI – CASH IN LIEU OF RECREATION LAND:

Zone "B"/Marina:

Cash in lieu of recreational lands shall not be required for any subdivision within this section. The not-for-profit and recreational aspects for this use are consistent with community recreational activities and shall not be held to the same standard as commercial and residential development.

Zone "BB":

For the single family residential use, the developer shall pay a special fee for cash in lieu of recreation land to the City of Saratoga in the amount of $750 per lot because of the limited size and unique characteristics of the associated residential units.

SECTION XVII – VALIDITY:

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

SECTION XVIII – EFFECTIVE DATE:

This Ordinance shall take effect the day after publication as provided by the Saratoga Springs City Council and posting and publishing in the official newspaper of the City as required by law.

ADOPTED: May 7, 1996

AMENDED: March 18, 1997

AMENDED: February 4, 2003

APPENDIX "A"

LEGAL DESCRIPTION

Description of lands in Zone "BB" of the "Interlaken Planned Unit Development" are on file in the City Engineer's Office in the City of Saratoga Springs.

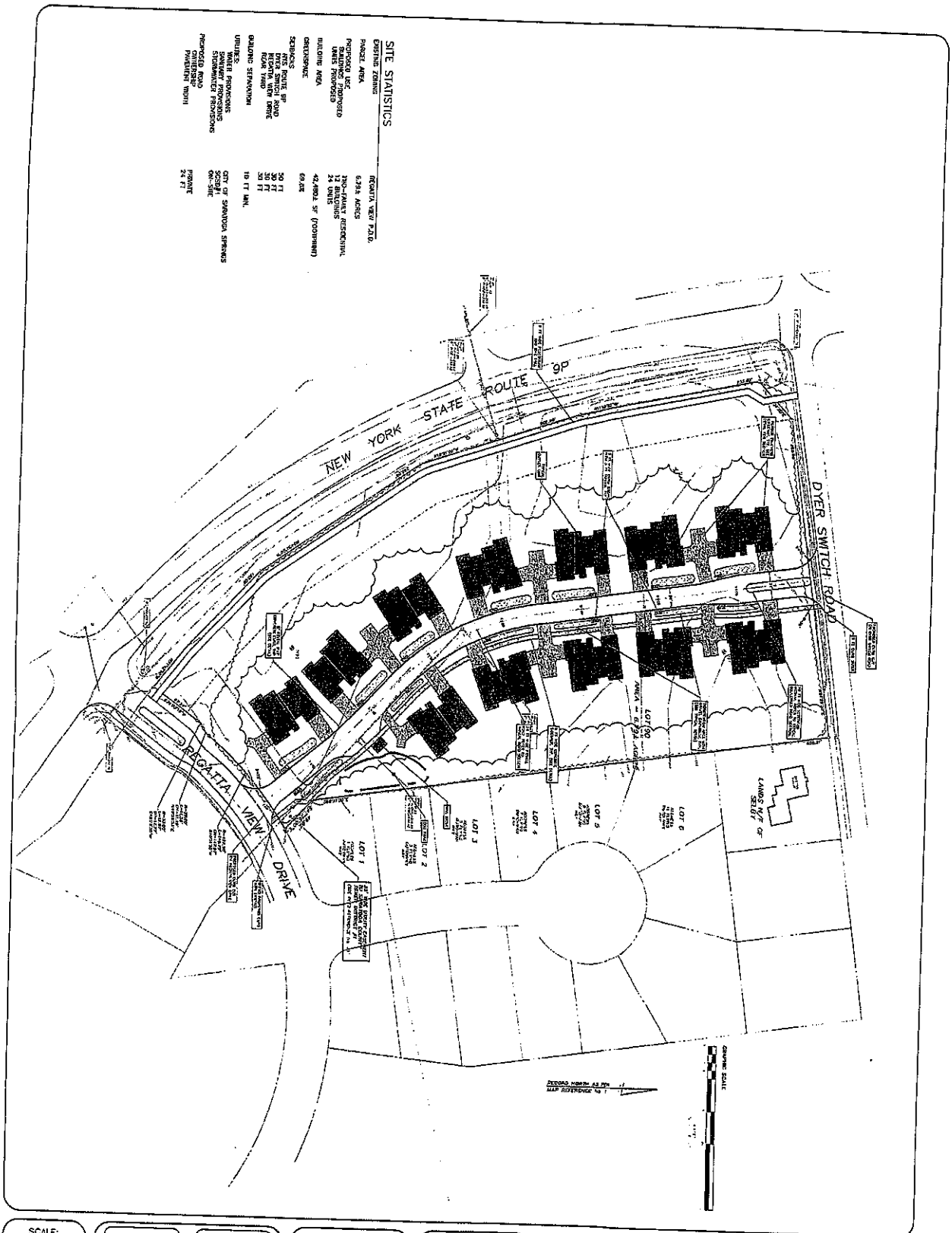
APPENDIX "B"

SKETCH PLAN FOR ENTIRE PUD

SKETCH PLAN FOR ZONE "BB" SENIOR CITIZEN COMMUNITY

SKETCH PLAN FOR ZONE "BB" HOTEL CONFERENCE CENTER

Exhibit C



SCALE: 1"=40'

PRELIMINARY PLANS 8/19/2016

SHEET NO. 3 of 10

REVISIONS | DATE | BY

SHEET TITLE

SITE PLAN

PROPOSED RESIDENTIAL COMMUNITY
REGATTA VIEW–AREA B–PHASE 3

REGATTA VIEW, LLC

CITY OF SARATOGA SPRINGS

TAX MAP NO. 180.54-2-30
SARATOGA COUNTY, NEW YORK
MAY 16, 2016

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

Exhibit D

In adopting an Ordinance to amend Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" by amending the Zoning Map to reflect the change in district boundaries from Conservancy District to a Planned Unit Development known as Interlaken of approximately 215 acres, the City Council hereby takes the following action to correct the typographical error contained in said ordinance and to set forth in its records, the basis the City Council used in adopting said Ordinance on July 5, 1982. The City Council hereby:

1.) Adopts the findings of the Planning Board in its June 2, 1982 report of the City Council as a basis for its action in adopting said Zoning change.

2.) In accordance with the Concept Plan of Interlaken dated February 8, 1982, as was specifically shown on "Concept Plan: Land Use" and "Land Use Summary" made part of this resolution, the land use densities for Interlaken shall be as shown on the land use summary and as follows:

	UNITS	GROSS AREA ACRES	NET CLUSTER AREA ACRES	GROSS DENSITY DU/AC	NET DENS. DU/AC	OPEN SPACE AREA ACRES	ROAD R.O.W. AREA ACRES	ROAD LENGTH L.F.
Residential Totals	500	194.57	71.38	2.57	7.0	107.47	15.72	12,460

AA 6.73 Program: 360-seat restaurant, 2000 S.F. grocery and 10,000 S.F. office rehab at the Canterbury, 8250 S.F. of new office and commercial space, 50-room Inn, 231-car parking.

BB 13.76 Program: 110-room hotel-conference center, 150-seat restaurant at the Riley, 170-car parking.

Based on the above, the Zoning Map of the City of Saratoga Springs as amended on July 5, 1982, is hereby amended as follows:

AN ORDINANCE TO AMEND CHAPTER 135 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, ENTITLED "ZONING".

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTION 1. Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as a Conservancy District to Planned Unit Development, which property is designated on the Assessor's Map of the Outside Tax District of the City of Saratoga Springs, as 180-4-1, 180-4-2.1, 180-4-2.2, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17. 180-2-22, 180-2-23 and 180-2-30, and which property is more specifically described as consisting of approximately 215 acres, having a frontage of 4106.32 feet on the south side of Union Avenue and the Union Avenue Extension and 1295 feet on Crescent Avenue and 1770 feet on the north side of Union Avenue, Route 9P.

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: August 6, 1984

PLANNING BOARD
CITY OF SARATOGA SPRINGS
Saratoga Springs, New York

June 2, 1982

SEP 12

Saratoga Springs City Council
City Hall
Saratoga Springs, New York 12866

Re: INTERLAKEN RESIDENTIAL PLANNED UNIT DEVELOPMENT:

Dear Mayor and Commissioners:

After reviewing the proposed zone change from Conservancy and Residential Seasonal to Residential Planned Unit Development for the area generally known as Interlaken, it is our recommendation that it be approved with the following additional clarifications:

1. Buffer areas shall be established and maintained along the slopes facing Lake Lonely and Bear Swamp to the West and Fish Creek to the East.

2. All signage shall conform to the Saratoga Springs sign ordinance.

It is the determination of the Planning Board that:

a. The Interlaken Residential Planned Unit Development is a logical extension of the present zoning and land use as recommended in the 1970 Master Plan. The Master Plan recommends Residence Recreation for Interlaken. The resort concept proposed is in conformance with that recommendation.

   The support uses including restaurants, lodging facilities and minimal retail space reinforce the resort concept and are dependent upon the residential and recreational development of the project. The facilities are not intended to compete with the Central Business District.

   The construction of the Saratoga County Sewer Line will provide sanitary sewers to the project site. This coupled with the development of an independent water supply will allow a more dense development not before possible under the Conservancy zone.

b. The Interlaken Residential Planned Unit Development provides flexible land use and design regulations. The proposal provides a variety of housing types and integrates commercial and residential uses.

The design of Interlaken is formulated around the creation of neighborhoods; some of which are residential, others commercial. All neighborhoods are linked together with open space and recreational facilities to create the resort concept.

Interlaken is self-contained and not dependent upon other building sites.

The design of Interlaken provides an innovative site planning approach by providing flexibility and diversification throughout the plan. The Plan is then unified through the natural environment and character it develops.

Interlaken is in conformance with the Master Plan and is in the interest of the general welfare. The resort theme in conjunction with the horse breeding farm will attract clientele who will further the New York State Horse Breeding Industry. The design approach sets a precedent and will act as an example of innovative design desired by the P. U. D. Ordinance.

c. Interlaken provides choices in building type (single family, townhouse, apartment) and occupancy (individual ownership, condominium, lease). The development further provides for community recreational facilities.

Residents of Saratoga Springs would also benefit from the restaurants and small conference space which would be made available to the general public.

Interlaken provides an extensive useable open space developed with swimming pool and clubhouse, tennis courts, playground facilities, boat basin and trails, walks and picnic areas. These recreation areas will be connected with an interior walk system.

Coupled with the residential development at Interlaken is 6000 square feet of retail space, conference space, a clubhouse and recreational facilities. These services are all within walking distance and available to all residents of Interlaken.

The flexible design concept at Interlaken will allow buildings to be sited around trees and significant vegetation. All slopes and wet lands have been retained and protected as open space. The storm drainage system has been designed for a minimum environmental impact from construction and operation by returning the water into the ground as soon as possible thereby preventing erosion and concentrations of water.

The area around Interlaken is predominantly rural in character. For that reason, buffer areas have been retained and constructed screening the development from collector streets. Buffer areas have also been retained within the development between different land use types. To the west, the horse breeding farm not only provides a pastoral view from Interlaken, but provides a buffer as well.

Interlaken provides an efficient use of land by clustering development thereby lowering development costs. The storm drainage concept further reduces cost of infrastructure investment. All aspects of the design are focused on a minimal disturbance to the land and therefore, lower development costs.

The 1970 Master Plan recommends this area for Residential - Recreation. Although the specifics of that recommendation were focused on development ten years ago and are not economically viable today, the general direction and resort home concept is fulfilled if not surpassed at Interlaken.

The existing zoning ordinance does not allow for the unique environment which Interlaken will provide. The variety and flexibility of Interlaken will preserve the natural features creating an environment encouraged by the P. U. D. Ordinance.

d. There is a variety of residential housing types providing a balanced community.

The site encompasses approximately 215 acres, exceeding the 10 acre minimum.

The site will be serviced by sewer. Water will be provided on site. Snowplowing and street maintenance will be provided by the owners of the development. The storm drainage system will be maintained by the owners of the development.

The project is serviced by major collector streets and is 1.25 miles from I-87.

A market survey is available supporting the development.

A residential and commercial fiscal impact analysis is available.

6000 square feet of retail space will be developed to serve the needs of the residents. At present there is a small grocery store at the Caunterbury Restaurant which services the existing campground. This new retail space would serve the same limited function.

A 54 room inn will be constructed to provide accommodations for prospective owners and guests of residents. It will also provide minimal conference space for business professionals at the Interlaken resort development.

The Caunterbury Restaurant is an existing facility that will be retained and will act as a focal point for the development from its inception.

Riley's Lake House is an existing but abandoned restaurant. This building would be restored to its original Art Deco theme and provide a "High polish" alternative to the rustic Caunterbury. It will house a restaurant with possible dinner shows and a lounge. The resort theme of the residential development will be supported by the rehabilitation of Riley's

A 110 room hotel will be constructed adjacent to and in coordination with Riley's. This is a natural extension of the resort theme and will again act as accommodations for guests of residents and provide conference space. Like Riley's, it will provide a "high polish" image as compared to the more rustic inn adjacent to the Caunterbury.

As part of the resort community, certain accessory uses will be developed:

Recreational facilities will include a swimming pool complex, tennis courts, playground facilities, picnic grounds, trails, a small dock on Lake Lonely and a boat basin on Fish Creek. These facilities will be available to all residents of Interlaken.

Storage buildings and garages will be provided for maintenance and storage of automobiles and maintenance vehicles.

A full time on site maintenance superintendent may be desired. A special residence would allow more privacy for his family unit.

e. The Interlaken Residential Planned Unit Development is conceptually sound. It meets all local and area wide ne[illegible] and it conforms to the accepted principles of functional, highway and pedestrian circulation systems, land use configurations, open space systems and drainage systems. The scale and design of the elements are humane and related to each other and the area in general.

f. With the construction of the Saratoga County Sanitary Sewer System and the development of the on site water system, there will be adequate services and utilities available to the development.

g. The Planning Board has determined the proposed action will not have a significant effect on the environment.

It is the recommendation of the Saratoga Springs Planning Board that the City Council schedule a Public Hearing within forty five days, (as directed in Section 135.43 of the Code of the City of Saratoga Springs, New York) for the purpose of considering P. U. D. districting for the Interlaken Project.

Sincerely,

Frederick J. Holman, Chairman
Saratoga Springs Planning Board

cc: Commissioner Casey, McGourty McTygue Valentine
Louis Farone

voting machines and are in complete charge of all election inspectors and the voting machine custodians. This sometimes leads to conflicting sets of instructions. There is always the possibility that lacking space on the machine, the City candidates would go on paper ballots.

In the event that there should be a State, County and City Primary in any combination, the City Candidates might have to go on paper ballots. What many people find confusing is the fact that they can vote in a City primary and no others. They have been told that they do not have to be enrolled in a Party to vote in a Primary in Saratoga Springs. They take this to mean all elections as long as they are voting in the City.

Ian Powers, 17 Congress Avenue, asked if a voter had to be either a Republican or Democrat to vote.

The City Attorney stated you must be registered in the party to vote in a Primary.

Remigia Foy stated that they could have open primaries which would take care of independent voters.

John Maxam, Hathorn Blvd., asked for a clarification of Mr. Scranton's remarks on candidates.

Mr. Scranton advised that only two candidates can run in the general election under Non-Partisan. Under Partisan, you can have many candidates.

Deslyn Manniello, 82 Court St., told the Council that in circulating the petitions, older voters liked the idea of voting on the issue as newcomers also liked the referendum on the matter. This can be an educational instrument - people can attend forums and learn more about the system.

Mrs. Van Meter said that Mr. Scranton's remarks on petitions relates to the Saratoga Springs' forms where no dates are specified. The League used forms in conformance with State Election Law and have all the required information for a voter petition. There are safety valves required in State Law and other protections also.

Raymond Watkin suggested that the Council could change the form of the petitions requiring dates and election districts.

Ian Powers asked why partisan elections are thought to be better if they have been voted on before.

Mayor Jones stated it has been voted down three times by the people and there are different schools of thought on it.

Raymond Watkin added that it was voted down in 1970 when it appeared as a separate issue from changing the form of government.

Remegia Foy, 95 Oak Street, told the Council that she was an Independent and had served as Comm. of Finance for two terms and that she concurred with Mr. Watkin on making decisions as a member of the Council without consulting with the Party Chairman and she was concerned by this pressure. She also stated that she has never had an answer on the 2,000 voters (independents) who would be frozen out. She stated it is still a small town and non-partisan elections have served the City well even though there is an argument under Partisan elections that you can run as an independent if you lose out in the Primary. The essential question is whether you want Charter Revision and how to go about it - piecemeal or by a plan. Ms. Foy stated it was unhealthy to piecemeal change and pointed out that with inflation the figure of $1,000 on purchases without bids should be revised upward as an example of changes needed.

Carl Caruso stated that now about 120 signatures are required on a City petition and asked how many were needed under the Partisan Elections.

Mr. Scranton said he thought it was 5% of the number who voted in the gubernatorial election.

Mayor Jones suggested that Mr. Scranton get the answer to Mr. Caruso if he was not certain of the number.

Hearing closed at 7:07 P.M.

Mayor Jones opened a public hearing at 7:15 P.M. on the Planned Unit Development for property designated on the Assessor's Map of the Outside Tax District as 180-4-1, 180-4-2.1, 180-4-2.2, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17, 180-2-22, 180-2-23 and 180-2-30 which property is approximately 250 acres, having a frontage of 4,108.32 feet on the south side of Union Avenue and the Union Avenue Extension and 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue, Route 9-P.

Mr. Anthony Adang, Attorney, appeared before the Council representing the petitioner, Louis J. Farone Jr. requesting the change of classification from Conservancy to Planned Unit Development.

Mr. Adang stated that there were two segments to the concept plan - the 1st parcel being bounded by Rt. 9-P, Union Ave., Crescent Ave., and Lake Lonely and the 2nd parcel bounded by Dyer Switch Rd., Fish Creek and Route 9-P. The over-all scheme has 7 zones of property.

Zone A. (New Interlaken) - 60 Acres, 19 of which will be developed with 9 clusters in Zone A for multi-family residence (condominiums) built in clusters of 2 and an apartment house of 20 units. Cul de sacs, pedestrian walk-ways and carriage pass will be provided and there will be no development along the slope of Route 9-P and Union Ave. Extension. There will also be tennis courts, a pool, administration building and dock facility.

Zone AA (Canterbury Restaurant Area) Restaurant will be retained and a 50 room Inn will be attached. There will also be a 6,000 s.f. space for offices and retail use in the Canterbury complex within the community but no outside interests will be involved. There will be parking spaces for 230 cars.

Zone C. 40 Acres, 15 of which will be developed. Clusters of condominiums linked by path-ways and carriage paths. Access routes are from Union Avenue and Crescent Avenue.

Zone B. 60 Acres, 19 of which will be developed. There will be a large open space in the interior - the "padded area" is a park. There will be 9 clusters of condominiums with the park for the residents. They will be linked by internal pathways and carriage paths.

Zone BB. Riley's Lakehouse Area. Riley's Lakehouse will be revitalized as a restaurant facility and perhaps a 100 room hotel depending on market feasibility. Riley's may be placed on the National Register in the near future.

Zone D. 6 lots (1¼ acres) which will be sold for single family residences. Lot 6 is Mr. Farone's residence.

Zone E. 22 acres for single family residences. 7½ of which will be developed.

Mr. Adang pointed out that less than one third of the available acreage will be used for development. Currently there is no sewer service there but the County has extended it along Route 9-P and there will be a Pumping Station at the intersection of Crescent and Union Ave. Extension and also one at Fish Creek. Eight inch sewer mains will be used. The capacity of the impeller will

be increased in one area. There is ample water on the site and water will be supplied by a system of wells. Sprinkler system will also be built. Surface water flow will be directed by a series of open swails. The Planning Board has sent a letter to the City Council dated June 2, 1982 that there will be no adverse impact and, in fact, that the impact will be favorable with additional tax revenues generated offsetting any cost the City will incur in this project.

Mr. Adang stated that the roadways will be owned and maintained by the developer. The Planned Unit Development enacted in February, 1982 gave the Council, Planning Board and City Engineer the mechanism for extracting hard data.

Mr. Adang stated that the only services that would be used would be schools, fire and police protection. The petitioner has sust. . [illegible] his burden with the Planning Board and the Planning Board was satisfied that the studies show the development will not adversely impact on the City. He pointed out that "Conservancy" does not mean "preserving the status quo or no progress". The P.U.D. gives the Planning Board a way to monitor progress. The area is presently zoned for seasonal, recreational and residential use. The over-all concept is in harmony with the statute prior to the P.U.D. and the Master Plan of 1970. Market studies indicate about $150,000 for each condominium unit.

Mayor Jones inquired about the time frame of the project.

Mr. Adang stated that the first stage will be g in Zone A - the recreational facilities are intact and the total project will be built over 5 to 10 years.

Comm. McGourty stated that he had received telephone calls on the taking of property on Gilbert Rd. to widen it.

Mr. Adang stated that independent traffic studies were taken and the bottom line figure shows the development will generate a 15% increase in traffic on Gilbert Rd. There will be a ten year build-up. He pointed out that there are 200 camp sites there now during July and August.

Comm. McGourty requested a copy of the traffic study and asked if it could be made a 2 lane highway.

Comm. McTygue said it would be a great expense to re-build Gilbert Road and he can't see the funds being appropriated for it.

William Cummings, Planning Board member, told the Council the Planning Board was pleased with the professional manner of the presentation to them. Its is a tremendous undertaking. He stated the Planning Board was also impressed with the concerns of the Piping Rock Circle citizens on traffic and there was a concensus that the impact on Gilbert Road was insignificant. However, it was a justifiable concern. There was also a concern about water but there is an ample supply in that area based on an independent study.

Michael Allers, Lake Lonely, told the Council that he had not read about the hearing until Sunday and notices in the paper were not legal on Sundays and asked for a postponement of the decision due to lack of notice since many residents are away at this time.

Jack Gregg, Gilbert Road, told the Council that approval of this development will open up "pandora's box" and also asked for a postponement.

Larry Gorski submitted a petition signed by 100 residents in opposition to the approval of the P.U.D. and the change of the land zone. Mr. Gorski asked about the dock proposed at Lake Lonely.

Mr. Adang said it would only be for the residents - it would not be a marina - and only for small boats.

Mr. Gorski stated that Mr. Farone's residence would be on Lot 6 and the conservancy requirement now is for 2 acre plots but under the new development only 1½ acre plots would be required.

Judy Casey, Piping Rock Circle, asked how many stories high the buildings would be.

Mr. Adang said they would be 2 story buildings but he was not sure how high the apartment house would be.

Jack Cline, Lake Lonely, stated his concern about the number of inhabitants there.

Mr. Adang estimated about 1,300 people (2.3 occupants per unit).

Robert Cline, Lake Lonely, asked that the matter be delayed since he just heard about Mr. Farone's plans on Tuesday and a great many people may want to hear more.

Mr. Adang pointed out there have been two Planning Board hearings that were well publicized and well attended and the same concerns were expressed at that time. This hearing was scheduled by the Council and properly advertised in The Saratogian - time is rapidly expiring and a substantial amount of money is involved. Any undue delay may "scare off" the 3 interested investors. Mr. Adang pointed out that if the Council approves the P.U.D., they still must go back to the Planning Bd. since he does not have all the answers at this time. Margaret Roohan, Seward St., asked if there was an aquifer there to draw from.

Mr. Holman, Planning Bd. Chairman, stated the aquifer lies to the west - it is not the same as Geyser Crest one - it will not affect our wells in that area.

Jan Gorski told the Council that many summer residents were not here yet and haven't had a chance to voice their opinions. She added that all development is toward Lake Lonely.

Mr. Adang stated that most of the flat acreage is there and it provides the most attractive views.

Robert Cline pointed out that it is a rural area and Lake Lonely is really only a pond. He felt the City had made a certain commitment with Conservancy zoning there to the people of the area and this should not be destroyed.

Mayor Jones assured the residents that the Council shared their concerns and would make the best effort they could.

Glenn Jamison told the Council he had returned from Florida to this area - the pasture and grazing lands in Florida have been built up and are covered with concrete today. There should be a balance of living space and business districts without one taking over too much. He suggested that buildings on Broadway should be renovated for residential use and the City should protect what they have.

Joseph Lamb Jr. complained about insufficient notice of the hearing and asked if there had been an environmental impact study.

Mr. Adang advised that all the proper papers were filed with the Planning Board and processed with all the State agencies who had an interest in the application. No State agency felt there was adverse impact.

Mr. Lamb requested a delay in the matter until the next meeting.

Mayor Jones pointed out that everything required had been accomplished and nothing was left un-done.

Marjorie Martin asked if this matter could be tabled with a 45 day time limit - and asked where that would

leave the developer.

Mayor Jones said the developer would have to proceed at his own risk.

The City Attorney added that this is the Council's first P.U.D. public hearing and normally there is only one public hearing.

Judy Casey also requested a 2 week delay.

Mayor Jones stated the request would be taken under advisement.

Jack Cline said he questioned whether or not the Council had enough facts for a decision - distances - number of stories high - have not been answered.

Mr. Adang said he was unsure of the height of the apt. house but the other units will be 2 stories high. The Council has never had as much data as this application has presented. The Council is a legislative body and relies on the staff (Planning Board) who have thoroughly reviewed this application. A delay will not serve any-one.

Mayor Jones announced that the Council will take the matter under advisement.

Public hearing closed at 8:15 P.M.

The Mayor called the regular session to order at 8:25 P.M.

Comm. Casey moved for the approval and payment of the payroll for 6-25-82 in the amount of $89,517.65 and for 7-2-82 in the amount of $90,132.26.

Seconded by Comm. Valentine.

Ayes all.

Comm. Casey moved for the approval and payment of warrants #103-9 in the amount of $88,918.27 for the General Fund and $7,915.55 for C.D. for a total of $96,915.55.

Seconded by Comm. Valentine.

Ayes all.

Comm. Casey requested a public hearing be scheduled for the July 19th meeting at 6:30 P.M. re: Discount on City and County tax bills

Comm. Casey advised that a Bond Anticipation Note was needed of $44,400 to pay for the Loader.

Comm. McTygue explained that the loader at the landfill was down and the estimated repairs were $10,000-11,000 and the Council decided to purchase a new one but no funds were placed in the 1982 budget for it. This was done in a workshop session and suggested that it be paid for in 3-4 years.

Comm. Casey said it could be paid for out of Capital in 2-3 years

Mayor Jones stated that he had been notified by Senator Bruno's office that the City will receive the same amount as last year in supplemental state aid ($206,800) and it would be better to pay for the equipment from these funds.

Comm. Casey said the interest rate is 10% - the City can set aside the State Aid money at 14%. The money will come from Capital funds.

Comm. McTygue pointed out the City is faced with the possibility of purchasing a new sewer cleaning machine which is needed.

Mayor Jones said that he felt that the additional revenues would solve the problem. He was averse to bonding - short term loans could be arranged - and there are 3 items on the agenda requiring additional funds.

Deputy Cummings suggested that bonding for 1 year would require a raise in the budget figures and the entire revenues for the year are not in yet.

Comm. McTygue pointed out the City has had the machine 6 weeks and it should be paid for.

Comm. McGourty stated that this is a 2 year bonding matter and the Council should not open the flood-gates on bonding.

The City Attorney advised it is not a bonding procedure but a Bond Anticipation Note and the Mayor's point is well-taken.

Mayor Jones stated it will cost the City $4,000 to bond.

The City Attorney suggested a 6 months note.

Comm. Casey moved to amend the Bond Anticipation Note Resolution for $44,400.00 for six months duration and that the Finance Dept. be authorized to send the check.

Seconded by Comm. McGourty.

Ayes all.

Comm. Casey moved for the adoption of the following resolution.

A RESOLUTION OF THE 6TH DAY OF JULY, 1982, AUTHORIZING THE ISSUANCE AND SALE OF A FIRST SERIES OF BOND ANTICIPATION NOTES IN THE PRINCIPAL AMOUNT OF FORTY-FOUR THOUSAND FOUR HUNDRED AND no/100 ($44,400.00) DOLLARS.

WHEREAS, the City of Saratoga Springs, County of Saratoga, has purchased a loader for the purpose of maintaining the City landfill, and

WHEREAS, it is necessary to issue and sell bond anticipation notes in the principal amount of Forty-Four Thousand Four Hundred and no/100 ($44,400.00) Dollars for the financing of said purchase,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Saratoga Springs, County of Saratoga, New York, by the favorable vote of not less than two-thirds of the voting strength of said Board as follows.

1. The Finance Commissioner of the City of Saratoga Springs is hereby authorized to issue a first series of bond anticipation notes of the City of Saratoga Springs in the aggregate principal amount not exceeding Forty-Four Thousand Four Hundred and no/100 ($44,400.00) Dollars, in anticipation of the sale of serial bonds hereafter to be issued in the aggregate principal amount of Forty-Four Thousand Four Hundred and no/100 ($44,400.00) Dollars authorized to be issued by this bond resolution.

2. The Finance Commissioner of the City of Saratoga Springs is hereby authorized to sell at private sale the first series of bond anticipation notes herein authorized to be issued. Such notes may be sold and delivered at one time or from time to time, and if sold at different times, they shall be dated as of their respective dates of issue. Each of said notes shall mature not later than six months from its date of issue. The place of payment, denominations, and all other items, details and contents of said notes, including interest rate of said notes and including provisions for redemption, if desirable, shall be determined by the Finance Commissioner of the City of Saratoga Springs.

3. The said first series of bond anticipation notes shall be signed by the Finance Commissioner of the City of Saratoga Springs, and countersigned by the City Clerk of the City of Saratoga Springs and shall have the corporate seal of the City of Saratoga Springs affixed thereto.

4. Said first series bond anticipation notes are not issued in the anticipation of bonds for any assessable improvements.

5. This resolution shall take effect immediately.

Seconded by Comm. McGourty.

Ayes all.

Comm. Casey stated that the City has an agreement with the C.S.E.A. on the adoption of a Salary Schedule and he would like to schedule a workshop meeting on July 12th at 7:00 P.M. to

whose premises a violation occurs of Chapter 74 of the City Code of the City of Saratoga Springs entitled "Noises" two times in one year shall have his license revoked for one full year and shall not be eligible for another license until the expiration of one full year.

Any person who fails to remove a sidewalk structure by October 31st as provided for in Section 97-B-5 shall not be eligible for a license in any following year."

SECTION 6. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Seconded by Comm. McGourty.

Ayes all.

Comm. Valentine moved for the adoption of the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 74 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, KNOWN AS "NOISES".

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, as follows:

SECTION 1. Section 74-7 of said ordinance entitled "Unusual noises in streets or public places" is hereby amended to read as follows:

"Section 74-7. Unusual noises in streets or public places.

It shall be unlawful for any person to make, aid or countenance or encourage or assist in making any unusual or improper noise, riot or disturbance, in any street or public place to the annoyance or inconvenience of travelers, or to persons residing adjacent thereto; nor shall any person use any profane, obscene or vulgar language in any street or public place.

This section shall apply to all sidewalk cafes and any violation of this section occuring at a sidewalk cafe shall be noted in the record of the cafe owner kept in the Office of the Commissioner of Accounts."

SECTION 2. Section 74-15 of said ordinance entitled "Penalties" is hereby amended to read as follows

"Section 74-15. Penalties.

Any person who shall violate any of the provisions of this chapter, shall, upon conviction thereof, be punished by a fine of not less than five dollars ($5.00) or more than one hundred dollars ($100.00) or by imprisonment for not more than thirty (30) days or less than five (5) days, or by both such fine and imprisonment, and each day on which such violation continues shall constitute a separate offense.

Any person who holds a sidewalk cafe license and at whose sidewalk cafe a violation occurs, shall, in addition to the penalties provided for in this chapter which may apply, have their license to operate a sidewalk cafe revoked by the Commissioner of Accounts, but only after two such violations in any one year and no person at whose sidewalk cafe this chapter has been violated two times in any one year shall be eligible to obtain another sidewalk cafe license for one full year following the second offense."

SECTION 3. This ordinance shall take effect the day after publication as provided by the provisions of the City of provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Seconded by Comm. McGourty

Ayes all.

Mayor Jones asked who the enforcer would be.

Comm. Valentine stated that Comm. McGourty was the enforcer.

Comm. Valentine stated that at a meeting of the Downtown Merchant Association, Chamber of Commerce and Special Assessment District, he agreed to request a public hearing on an ordinance to allow canopies on Broadway. The Chamber will get back to his office on their recommendations and he requested a public hearing be set for July 19th to bring this matter to a vote - 7:00 P.M.

Comm. Valentine stated that, upon the recommendation of David Moyer, Assistant Assessor, and with the approval of Mr. Schimmel and the City Attorney, he moved for the approval for the City Attorney to prepare a contract with Harry O. Lee of the firm of Lee Le Forestier, Malone, Smith and Hoft of Troy, N.Y. as Certorari Attorney for the City and authorization for the Mayor to sign the contract. Comm. Valentine moved for the transfer of the sum of $20,000 from the Contingency to Assessment A-1355-478.

Seconded by Comm. Casey.

Comm. Valentine stated that Peter Tulin will stay on during the transfer even though his money has run out.

Comm. McGourty asked about the status of the Contingency now.

Comm. Casey reported that he had been saving this money for the expenditures but now the contingency was "wiped out."

Mayor Jones stated that the charge for the Attorney is $125.00 per hour, that he is highly recommended and the City is trying to get the best they can.

Ayes all.

Mayor Jones moved for approval to sign a Letter of Agreement with the CPA Firm of Edwards, Williams, McManus, Ricciardelli & Coffey of OCD Closeout Audit for the fixed fee of $1,650.00.

Seconded by Comm. McTygue.

Ayes all.

Mayor Jones stated that HUD is not satisfied and would like to see some action in the matter of the elevator ($70,000) in City Hall.

Comm. McTygue stated he would like to discuss different location at the workshop session.

Mayor Jones announced that the Senate and Assembly have allowed the creation of the IDA and the Civic Center Authority and that he has received notice that the supplemental aid to the City is $206,887.

Mayor Jones stated that the P.U.D. has been discussed and debated and asked if there were a motion to postpone the vote.

There was no motion offered to postpone the vote.

Comm. Valentine moved for the adoption of the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 136 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, ENTITLED "ZONING."

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTION 1. Chapter 136 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as a Conservancy District to a Planned Unit Development, which property is designated on the Assessor's Map of the Outside Tax District of the City of Saratoga Springs, as 180-4-1, 180-4-2.1, 180-4-2.2, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17, 180-2-22, 180-2-23 and 180-2-30 and which property is more specifically

described as consisting of approximately 250 acres, having a frontage of 4106.32 feet on the south side of Union Avenue and the Union Avenue Extension, and 1295 feet on Crescent Avenue and 1770 feet on the north side of Union Avenue, Route 9P.

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Seconded by Comm. McCourty.

Robert Cline said it was his understanding that if 80% of the adjoining property owners objected, a 3/5 vote was required.

Mayor Jones advised that a simple majority (3 votes) would pass the ordinance.

The City Attorney explained that was a requirement under a re-zoning but is not a requirement under the P.U.D. matters.

Frederick Holman, Planning Board Chairman, agreed.

Comm. Valentine pointed out that there were many articles in the paper as far back as February.

Mayor Jones stated he was sorry the residents were not more fully advised.

The City Attorney advised that a postponement could have been considered if it had been requested for a specific reason - such as an engineering study or certain evidence with a heavy bearing on the matter. He stated that the legal notice had appeared in the paper on July 25th in the legal publication of the City and the City cannot send letters to all the residents of an area advising them of public hearings. He added that there must be some rules followed in these matters.

Mayor Jones added that if the City has not filled their obligation, the residents have recourse.

Comm. Casey stated he was a resident of Gilbert Rd. and also has an interest in property on Union Avenue and would abstain in the voting.

Comm. Valentine called for the question.

Ayes - Mayor Jones, Comm. McTygue, Comm. McCourty, Comm. Valentine.

Abstain - Comm. Casey.

Comm. McTygue pointed out there were still additional steps to be taken for final approval and the matter goes back to the Planning Board.

Mayor Jones announced the ordinance passed by 4 votes.

The City Attorney advised the residents that many of the questions asked will be decided on at Planning Board meetings and the applicant will be back for another approval.

Meeting adjourned at 9.30 P.M.

CITY COUNCIL

Regular Meeting - July 19, 1982 - 6:30 P.M.

Present - Mayor Jones, Comm. Casey, Comm. McTygue, Comm. McCourty, Comm. Valentine

Mayor Jones called the meeting to order at 6:35 P.M. for the purpose of holding a public hearing on proposed Local Law No. 3 of 1982, A Local Law To Amend Section 92 Of The Charter Of The City Of Saratoga Springs Entitled "Discounts".

City Attorney, Richard Mullaney, explained the proposed Local Law which will permit the City to give a 2½% discount to property owners who pay the entire year's taxes on or before March 1st each year.

Comm. Casey stated that it really is a 3% discount and will help their cash flow. His department would like to see how this works out. Previously the discount was 1½% over-all on an annual basis and the discount has been raised ¾ of a per-cent. He felt the City would "break even" and will not lose any money. It will save time in the office on bookkeeping.

There were no appearances.

Public hearing closed at 6:45 P.M.

Mayor Jones opened a public hearing on the 3rd year application for the Small Cities II Program at 6:45 P.M.

Dominic Cardillo, Community Development Director, stated that the purpose of the hearing was to receive input and obtain comments from the citizens and answer questions regarding the third and final application for $500,000 under the Small Cities Program. The application must be submitted to HUD by August 20, 1982. A total of 1.5 million was approved in January, 1980 for the years 1980, 1981 and 1982.

Mr. Cardillo presented the 3rd year budget breakdown as follows:

Housing Rehabilitation Grants	$100,000
Housing Renovation Loans	205,000
Site Improvements	100,000
Administration, Planning & Management	60,000
Contingencies	35,000
Total Third Year Grant Request	$500,000

The designated area will remain the same. Project activities will address the problems and needs of low and middle income persons in the area. This is the final $500,000. In 1983, the City will be back in the competitive pool for funds.

Comm. Valentine asked if the money had to be used up.

Mr. Cardillo advised that the money can over-lap. HUD had sent us a letter encouraging the City to increase their performance.

Mayor Jones pointed out that HUD wants the City to spend the money and show performance for the money spent. He asked when the City could make application for funds again.

Mr. Cardillo stated the City could apply for additional funds as soon as word is received for 1983 - late this year or early next year.

Comm. Casey asked about additional funds for the Village Brook project which is not completed.

Mr. Cardillo said that the project would not receive a high priority from HUD.

Comm. McTygue asked about changing the boundary line to include the Church St. area above the Hub. Sidewalks there need attention and many small businesses have made improvements there.

Mr. Cardillo said there is a possibility for the extension if there is money left-over and he would propose this to HUD. However, there are no residential families there and he would have to inquire if the change of boundary would require a formal amendment.

Comm. McTygue stated that drainage correction is also needed.

Mr. Cardillo pointed out that the City has not done everything yet that we said we would - after this is accomplished, we can talk about this request.

Comm. McTygue said the little businesses are struggling along there and the City should help.

Mr. Cardillo said he would talk to HUD.

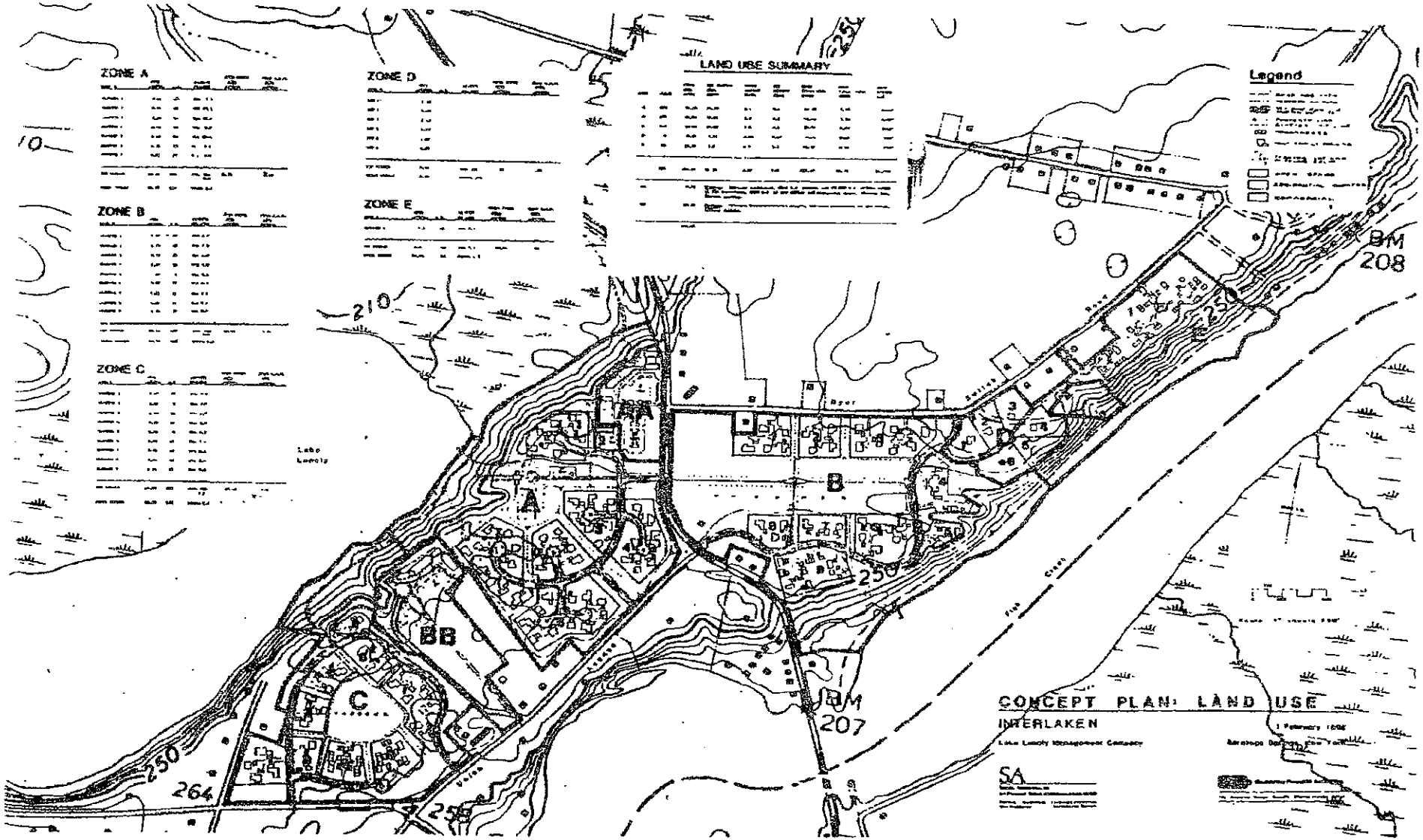
Mayor Jones advised they will do the work requested by Comm. McTygue if they can find the money.

Hearing closed at 7:05 P.M.

Mayor Jones called the regular meeting into session at 7:30 P.M.

Pledge of Allegiance to Flag.

Comm. Casey moved for approval of the payroll for 7-9-82 in the amount


ZONE A
ZONE B
ZONE C
ZONE D
ZONE E
LAND USE SUMMARY
Legend
Lake Lonely
210
250
264
A
B
C
BB
BM 208
BM 207
CONCEPT PLAN: LAND USE
INTERLAKEN
SA

LAND USE SUMMARY

ZONE	UNITS	GROSS AREA ACRES	NET CLUSTER AREA ACRES	GROSS DENSITY DU/AC	NET DENSITY DU/AC	OPEN SPACE AREA ACRES	ROAD R.O.W. AREA ACRES	ROAD LENGTH L.F.
A	188	56.19	19.48	3.4	9.6	30.72	5.99	4745'
B	152	66.87	20.91	2.3	6.3	42.44	3.52	2790'
C	113	40.52	15.88	2.8	7.2	20.04	4.60	3645'
D	6	8.76	7.31	0.68	0.82	0.76	0.69	550'
E	41	22.23	7.8	1.9	5.3	13.51	0.92	730'
Residential Totals	500	194.57	71.38	2.57	7.0	107.47	15.72	12,460
AA		6.73	Program: 360-seat restaurant, 2000 S.F. grocery and 10,000 S.F. office rehab at the Canterbury, 8250 S.F. of new office and commercial space, 50-room Inn, 231-car parking.					
BB		13.76	Program: 110-room hotel-conference center, 150-seat restaurant at the Riley, 170-car parking.					
		215.06						

August 10, 1982

Richard F. Mullaney, Esq.
City Attorney
City Hall, Broadway
Saratoga Springs, New York 12866

RE: Interlaken Planned Unit Development
Louis J. Farone, Jr.

Dear Mr. Mullaney:

I am enclosing herewith a copy of the Concept Plan for the Interlaken Planned Unit Development which was approved by the City Council of the City of Saratoga Springs on July 6, 1982.

The planned unit development consists of approximately 215 acres which is bisected by Route 9P and bounded as follows: The first segment consisting of 117 acres is bounded by Route 9P on the north and east, Union Avenue extension on the south and east, Crescent Avenue on the south and Lake Lonely and contiguous property owned by Louis J. Farone, Jr. on the west and north. The second segment consisting of 98 acres is bounded by Dyer Switch Road on the north, lands of Louis J. Farone, Jr. on the north and east, Fish Creek on the south and Route 9P on the south and west.

The planned unit development will consist of a combined total of 500 residential dwelling units located in both segments; 6000 square feet of commercial retail space in the present Caunterbury facility, 6000 square feet of commercial office space also in the present Caunterbury facility; a 54 room inn to be constructed at the Caunterbury facility; a 150 room hotel and conference center to be constructed at the present site of Riley's Lake House; and a 450 seat restaurant to be constructed at the present site of the Riley's Lake House; 15 townhouse apartment units and 6 building lots for single-family residences. The exact location of the residential dwelling units within the Planned Unit Development have not been precisely determined at this time and will depend to some extent upon architectural, engineering and market considerations. The inn, hotel, commercial and retail space will be in those areas which I have indicated.

Sanitary sewer services to the planned unit development will be provided by the Saratoga County expanded sewer district and water will be supplied by the numerous wells located on the site of the project. All roads, drainage easements and rights of way will be constructed and maintained by the developer. It is anticipated that construction will begin within nine months.

If you should require any additional information, please do not hesitate to call.

Very truly yours,

[illegible], [illegible], [illegible] & [illegible]

Anthony P. Kuang

APK/bc

Enclosure

cc: Louis J. Farone, Jr.

Exhibit E

Comm. McTygue wanted to know why the City Center hired a Custodial Manager. It is a City building.

Mayor Jones stated it will not be a municipal building after it is paid for.

Mayor Jones requested the approval of the following change order for the City Center:

Change Order #34 for MLB in the amount of $239.00.

Seconded by Comm. Butler. Ayes all.

Mayor Jones stated the Real Estate Committee has set a Public Auction for August 23, 1984 at 1:00 PM.

Comm. McTygue suggested the West Side Neighborhood Association be informed about land next to a public cemetery that is up for sale.

Mr. Ted Corbett of the Preservation Foundation said they are not sure where parcel begins and ends. There is nothing of any archeological significance in the parcel.

Mayor Jones moved that he be authorized to advertise for the Public Auction.

Seconded by Comm. Butler.

Mr. Dominic J. Cardillo asked if there was a parcel on East Beekman Street up for sale.

Mayor Jones said it was taken off the list because Franklin Center will be using it for parking.

Ayes 4 Nayes 1 - Comm. McTygue. Carries 4-1.

Mayor Jones moved that he be authorized to sign a Funding Split Agreement re Section 18 Public Transportation for CDTA for years 5 and 6 in the amount of $150,020.

Seconded by Comm. Butler. Ayes all.

Mayor Jones reported receiving a $100 donation for the Rec Field lights from Mr. & Mrs. Steven Ferradino.

Mr. Richard Mullaney stated he has notified the insurance carrier about the fence at the City parking lot on Church Street. The fence is on Mr. Clark's property and the wall is on City property - the fence is in the ground and not on the wall.

Comm. McTygue stated the City Engineer is surveying the area where the fence stands.

Mayor Jones moved for the adoption of an ordinance amending a previous ordinance adopted July 5, 1982 re Chapter 135, "Zoning". This will correct the ordinance to read 215 acres instead of 250 acres on property owned by Louis Farone for a PUD. There are no other changes.

Mr. Mullaney said the change was shown to the Planning Board and they have no objection.

Seconded by Comm. Butler. Ayes all.

AN ORDINANCE TO AMEND CHAPTER 135 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, ENTITLED "ZONING".

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTION 1. Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as a Conservancy District to Planned Unit Development, which property is designated on the

180 4. 2.2

2.2

8/6/1984 CC

Assessor's Map of the Outside Tax District of the City of Saratoga Springs, as 180-4-1, 180-4-2.1, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17. 180-2-22, 180-2-23 and 180-2-30, and which property is more specifically described as consisting of approximately 215 acres, having a frontage of 4106.32 feet on the south side of Union Avenue and the Union Avenue Extension and 1295 feet on Crescent Avenue and 1770 feet on the north side of Union Avenue, Route 9P.

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Mayor Jones reported on the following Charter Commission Vouchers:

$100 for editing
119 transcription of minutes
150 custodial services-use of school

Mayor Jones stated he had received a letter from Robert Scott, Recreation Director, stating the no parking at the Rec on Lake Avenue caused no measurable impact to area users. Inadequate parking still exists and should be addressed soon.

Mayor Jones asked if we should continue with parking on Granger and Lake.

Comm. McGourty suggested letters be written to all schools using the field notifying them of the new parking area when the fall games begin.

Mayor Jones stated the East Side Rec lights have been authorized to be installed by the City and the school district on a 50-50 basis of up to $31,000 each.

Comm. McTygue said Comm. Butler should be thanked for his work in getting donations from contractors for their services and for his work in negotiating with the School Board of Education.

Mayor Jones said a letter was received from Turbon Corp., dated July 20, 1984, regarding a Small Cities application for a ten year loan for $250,000 at 5% interest for equipment for their new plant.

Comm. McTygue asked if they have committed money for sewer lines.

Mr. D. Cardillo said this is between Planning Board and Turbon.

Mayor Jones said there have been letters and questions from the residents of Crescent Avenue regarding a hospital being considered for the area. An environmental impact has been done.

Comm. McGourty has talked with L. Benton of County Planning Board and the plans are to be done at applicants cost. It will be checked over when it is done. In regard to security at the hospital, Comm. McGourty will discuss this with the group at a later date.

Mr. Ted Corbett, Executive Director of the Preservation Foundation, stated he has met with Comm. Butler and Comm. McTygue to set up a budget for the Spirit of Life restoration project. The cost of the masonry is $27,000 with the Foundation giving the City $17,000 toward the restoration and the City will add the additional $10,000. The Foundation will pay $7,000 to the Architect for his fees.

Comm. Butler said in this type of project where City money and outside money is involved, the money will flow thru the City. Everyone should know where money is coming from and how it will be spent.

Mayor Jones moved that this project be approved.

Seconded by Comm. Butler. Ayes all.

Exhibit F

City of Saratoga Springs City Council Meeting
Monday, February 5, 1996

Waive of Bid - Vehicle Purchases

Commissioner Thomas Curley moved and Commissioner Edward Valentine seconded to waive the bid for the purchase of one police vehicle in the amount of $18,982. Ayes all.

Authorization for Mayor to Sign Governor's Traffic Safety Grant Award (96-28)

Commissioner Thomas Curley moved and Commissioner Edward Valentine seconded to authorize the Mayor to enter into this contract for the Traffic Safety Grant Award at $27,590. Ayes all.

Police Department Promotions Announcement

Commissioner Thomas Curley announced the promotions of Gary Forward, Michael Kyne and Michael Biss in the police department and congratulated them.

Page Award Update

Commissioner Thomas Curley thanked the union in obtaining a grant which allows the City to obtain the pagers for the firefighters. He said this would enable firefighters to be contacted directly by the dispatcher.

MAYOR'S AGENDA

Appearance: Michael Toohey - Petition for Zoning Amendment

Michael Toohey, attorney, representing John Roohan, Thomas Roohan and John Witt explained that his clients recently purchased a portion of the Interlaken Planned Unit Development which had historically been designated at Zone BB. He said the zoning petition does not significantly alter the density or style of this property which includes 30 detached or single family units and 120 apartment units. He said they are proposing an alternate use of a hotel, conference center and restaurant. He said the housing community would include recreational facilities, restaurant and retail space. He said that approximately 65 percent green space and 50 foot buffers would be maintained. He also said the area would be serviced by City water and County sewer lines. Michael Toohey asked that the Council forward this zoning amendment petition onto the Planning Board for an advisory opinion.

Mayor J. Michael O'Connell moved and Commissioner Thomas McTygue seconded to accept this zoning amendment petition and to forward it to the Planning Board for an advisory opinion. Ayes all.

Exhibit G

City of Saratoga Springs City Council Meeting Minutes
Tuesday, April 2, 1996

Award of Bid - Tree Removal

Upon the recommendation of the Department of Public Works, Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded to award the bid for Tree Removal to Tree Care by Stan Hunt of Queensbury, NY (low bidder). Ayes all.

Award of Bid - Street Trees

Upon the recommendation of the Department of Public Works, Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded to award the bid for Street Trees to Garden Time of Queensbury, NY. (Item #4 was rejected because it cannot be supplied) Ayes all.

Award of Bid - Traffic Paint

Upon the recommendation of the Department of Public Safety, Commissioner Edward Valentine moved and Commissioner Thomas Curley seconded to award the bid for Traffic Paint to Artco Equipment Sales, Inc., of Cohoes, NY per their bid (low bidder). Ayes all.

Award of Bid - Traffic Tickets

Upon the recommendation of the Department of Public Safety, Commissioner Edward Valentine moved and Commissioner Thomas Curley seconded to award the bid for Traffic Tickets to Moore Business of Albany per their bid (low bidder). Ayes all.

Set Public Hearing for Interlaken PUD - Zone BB

Commissioner Edward Valentine reported that the Council has received a favorable advisory report from the Planning Board concerning the revised amendments for Zone BB of the Interlaken PUD District at 649 Crescent Avenue. Since the application is now complete, it will be sent to the Saratoga County Planning Board for the required 30 day advisory opinion.

Commissioner Edward Valentine requested that a public hearing date on this project be set for Tuesday, May 7, 1996, at 7:00 p.m. Council members agreed.

Commissioner Edward Valentine moved and Mayor J. Michael O'Connell seconded that the City Council initiate a formal request to be SEQR lead agency for the environmental review of this project. Ayes all.

Exhibit H

CITY COUNCIL MEETING
CITY OF SARATOGA SPRINGS, NEW YORK
TUESDAY, MAY 7, 1996
CITY COUNCIL CHAMBERS
7:00 P.M.

PRESENT: J. Michael O'Connell, Mayor
Thomas Curley, Commissioner, Public Safety
Kenneth Klotz, Commissioner Finance
Thomas McTygue, Commissioner, Public Works
Edward Valentine, Commissioner, Accounts

STAFF PRESENT: Sam Downing, Deputy Commissioner, Public Works
Ralph Flinton, Deputy Commissioner, Accounts
Christine Gillmett, Deputy Commissioner, Finance
Bob King, Deputy Commissioner, Public Safety
Peter Tulin, City Attorney

PUBLIC HEARING

Interlaken Planned Unit Development Public Hearing

Mayor J. Michael O'Connell explained that this public hearing is for the Interlaken Planned Unit Development Zone BB which proposes to amend the existing PUD. The applicant is proposing to maintain the current use of the PUD which would allow for a 100-room hotel/conference center and a 150-seat restaurant, however, the applicant is also proposing a planned senior housing community of 150 units. He noted that the City Planning Board has issued a favorable advisory opinion and the Saratoga County Planning Board advisory opinion states that the project will have no significant county-wide or inter-community impact.

Michael Toohey, attorney representing the applicants (John Witt, Thomas Roohan and John Roohan) and Michael Ingersoll, The LA Group, appeared before the Council.

Michael Toohey said that in 1982 and again in 1984 the City passed the Interlaken PUD which involves 205 acres. The applicants are interested in one portion -- Zone BB -- which represents only 9 percent of the PUD. The applicants recently acquired this property through foreclosure proceedings and with that purchase came the right to continue the approved uses of that PUD, however, they are now proposing a different use. He said they would now like to incorporate the use of a senior housing complex.

Michael Toohey said that the previously approved use for this site was a hotel/conference center, a restaurant and 170 car parking area. He said they are now proposing to continue that use with a "sunset" clause of five years. He said if that option is not developed within five years it would be lost. They would maintain, for a ten-year period, the option of a senior housing complex.

Michael Toohey said the senior housing complex would allow for 30 detached units on the eastern portion of the site and along the rear of the site would be 120 unit apartments. There would also be outside and inside recreation facilities that would be consistent with the use of this property. These recreation facilities would be available only to the property owners. He said the proposed buildings will be at least 50 feet from the boundaries and green space will remain at or above the 60 percent level. He said it is consistent in design and density of the properties that were historically approved for use in this area. Michael Toohey said the property would be serviced by city water and county sewer. He said there is not a preferred developer at this time.

Commissioner Thomas McTygue asked what was the "either/or" stipulation. Michael Toohey explained that this proposed amendment would allow for either the hotel/conference center or the senior housing complex but not both. Commissioner Thomas McTygue asked if the ten-year time limit could be shortened. Michael Toohey said the hotel/conference center had been decreased to five years, however, the senior housing complex ten year time limit is consistent with other PUDs. Commissioner Thomas McTygue asked if this was just a concept or was there truly an interest in developing this area. Michael Toohey said there is interest in developing, however, there is no preferred developer at this time.

Commissioner Kenneth Klotz asked if the applicants had a preference for the hotel/conference center or the senior housing complex. Michael Toohey said the rational development pattern would be for the senior housing complex because of the demand. Commissioner Kenneth Klotz asked where this site exists on the map. Michael Toohey said the developed portion of the Interlaken PUD is to the north. He noted that some of their garages, etc. are within two feet of the property line. He said the applicant has agreed to a 50-foot setback on this site. Commissioner Kenneth Klotz asked about adjacent property owners' feelings. Michael Toohey said the applicant has appeared before the Planning Board four times and has had no negative comments from the neighbors. He pointed out that the senior housing complex is of lesser density than the hotel/conference center. Commissioner Kenneth Klotz asked about the hotel/conference center option and competition with the downtown facilities. Michael Toohey said drawing people to the downtown area is commendable but not every project can be the same. He said this proposal is an opportunity to have different things in different places throughout the community. He pointed out that the hotel/conference center would not be a significant draw for people to leave the downtown area. He said this could compliment the downtown area because people staying there would continue to come downtown.

Mayor J. Michael O'Connell then opened the public hearing.

Bill May, 19 Vallera Road, representing the Board of Directors of the Interlaken Homeowners Association, said they did not participate in the previous Planning Board meetings because they were away and have only recently returned to the area. He said they have a keen interest in this proposed amendment. He said they are not able at this time to endorse or condemn the proposal, however, they do have some concerns.

Bill May noted that in the March 28 letter from Lorraine Tharp, Planning Board Chair, to Edward Valentine, Commissioner of Accounts, it was noted that this proposal will not change the density in this area. He disagreed saying it will change the density. He also noted that current approval allows for a hotel/conference center and a 150-seat restaurant and parking area. He said in their deeds, it indicates that Zone BB is planned as a hotel/conference center and they thought they have a direct or indirect contract with the City through the original developers for the hotel/conference center and not a senior housing complex.

Bill May said the combined City and County taxes are projected to be $77,549. He asked if the City share would be about $44,000. Commissioner Kenneth Klotz agreed. He pointed out that there would be additional expenses spent in this area (fire, police, etc.) and asked whether it would be greater than the anticipated revenue.

Bill May said if the applicant is really seeking a zoning change and it would be setting a bad precedent. He said even with a 50-foot setback and screening a five-story building it would be detrimental to the area.

Bill May said that there is county water in this area. He asked about the 50-foot connection and not being required to directly tap into it. Michael Toohey said that a line would run from the County line and taps would then run from that main line.

Commissioner Thomas McTygue said as far as he was concerned there is only one water system in the City and that is City water line. He said he does not recognize the Saratoga County Water Authority. Bill May said that the Interlaken PUD is specific in stating that they would be serviced by a private water company. Commissioner Thomas McTygue agreed, however, noted that was before there was a City line east of the Northway. Bill May said they did ask to join the City water system, however, he said that DPW refused them. Commissioner Thomas McTygue disagreed saying that the last correspondence he received through previous Mayor A. C. Dake was that DPW should not continue to negotiate because Interlaken would be utilizing the Saratoga County Water Authority lines.

Marion Walsh, attorney representing Interlaken, said the letter from the City stated that the City was at a loss to understand why the City should take over the system. Bill May said the City wanted to charge the homeowners in this area $3,000 per unit to connect to the City system.

Tom Ferguson, 258 Caroline Street, requested that anyone addressing the Council refrain from using profanity.

There being no one else wishing to address the Council on this matter, Mayor J. Michael O'Connell closed this public hearing.

The Village at Saratoga Planned Unit Development Public Hearing

Mayor J. Michael O'Connell said The Village at Saratoga Planned Unit Development proposal would allow for a residential unit planned unit development. He said this PUD would allow for the construction of a community center and up to 118 residential units. He said this petition proposes to amend the zoning map to change the designation from Urban Residential-2 to Planned Unit Development District. He said the land affected by this change it approximately 20 acres. Mayor J. Michael O'Connell said the City Planning Board has issued a favorable advisory opinion on the proposed amendment and the advisory opinion from the Saratoga County Planning Board recommends approval with comments relating to buffers, setbacks, and road layout.

Jim Carr, architect/land planner Duten Associates, said this proposal contains 19.78 acres. He said they are proposing to subdivide it into 107 lots with 118 units. He said they are proposing 40 and 50 foot wide lots and 11 lots with duplexes. They are also proposing a community center and sales office. The community center and sales office facility will be approximately 2,500 square feet and will include a pool and volleyball court. He said the four typical housing units, which the Planning Board worked at great length on, will create a certain character/theme. He said at least 70 percent of the units will have front porches, the roof pitch will be 8:12 minimum and the square footage on the first floor will be at least 1,100 square feet.

Jim Carr said the target market consists of three segments: 1) senior citizens; 2) empty nesters and single people; 3) residents who live in Saratoga Springs only part of the year. He noted there are public water and sewer. Storm drainage will be handled on site with a point discharge and streets will meet all city standards (55 feet wide with curbing). There will be a minimum of two off street parking spaces for each unit.

Commissioner Edward Valentine asked what the price range would be for these units. Jim Carr said approximately $160,000.

Commissioner Kenneth Klotz asked about the size of the senior citizen portion of these development. Jim Carr said that segment is at least 50 percent.

Commissioner Edward Valentine asked about the size of the duplexes. Jim Carr said they would range in size from 1,500 to 2,200 square feet.

Commissioner Kenneth Klotz said that he was not persuaded that this is the right project for this part of the City, therefore, he would not support this proposal.

Ayes: Commissioner Edward Valentine, Commissioner Thomas Curley and Mayor J. Michael O'Connell; Nays: Commissioners Kenneth Klotz and Thomas McTygue. Motion carried.

Vote: Interlaken Zone BB PUD (96-55)

On April 4, 1996, the City requested lead agency status for the SEQR for amendment for Zone BB within the Interlaken PUD. Within the 30-day period, no objections were received. Therefore, Commissioner Edward Valentine moved and Mayor J. Michael O'Connell seconded that the City Council establish itself as the SEQR lead agency for this PUD. Ayes all.

Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded for the issuance of a SEQR negative determination of significance and for the adoption of the ordinance to amend Zone BB of the Interlaken Planned Unit Development District.

Commissioner Kenneth Klotz said he hoped the hotel/conference center would be eliminated from the proposal and that the senior housing complex would be developed but understood the applicants desire to maintain both options.

Ayes all.

Status of Revaluation

Commissioner Edward Valentine informed Council members that on April 26 he met with Bob Mancusco and Dave Shanley from the State Offices of Real Property Services to discuss the upcoming revaluation for the City. The following schedule was agreed upon:

Issue RFP	May 20
Receipt of inquiries from companies no later than	June 14
Pre-proposal meeting	June 17
Issue pre-proposal meeting summary	June 24
Receipt of sealed proposals	July 8
Conduct company interviews week of	July 22
Announcement of most responsive bidder	August 5

Commissioner Edward Valentine also noted that he would be forming a volunteer revaluation committee in conjunction with the revaluation. He said Dick Mullaney would serve at no cost to the City as counsel to the committee. He said if Council members would like to add anyone to this committee with knowledge in this area, to please forward their name to him. He said he would continue to keep the Council informed of the revaluation.

Exhibit I

DEPARTMENT OF PUBLIC WORKS

Adoption of 1997 Water and Sewer Rates (96-138)

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to adopt the 1997 water rates as presented (Attachment B). Ayes all.

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to adopt the 1997 sewer rates as presented (Attachment C). Mayor J. Michael O'Connell said there would be an 8.5 percent increase in the rate if adopted. Ayes all.

DEPARTMENT OF PUBLIC SAFETY

Snow Removal

Commissioner Thomas Curley reminded everyone there is an ordinance pertaining to snow removal within 12 hours of a snow fall and asked that residents do their best to remove the snow.

Commissioner Edward Valentine said he was concerned about senior citizens and their inability to remove the snow with 12 hours. Commissioner Thomas Curley said a warning notice would be issued to residents giving them an 24 additional hours to remove the snow before a ticket would be issued. Commissioner Kenneth Klotz reminded Council members that the West Side Association has offered on several occasions to help residents and perhaps they could be called upon in these cases.

Victorian Street Walk - Dogs

Commissioner Thomas Curley reminded residents there is a leash law in effect and suggested that pets be left at home rather than bringing them downtown for the Victorian Street Walk.

MAYOR'S OFFICE

Interlaken PUD Zone BB Amendment

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to accept the Interlaken PUD Zone BB Amendment and forward it to the Planning Board for an advisory opinion.

Michael Toohey, attorney representing the applicants, said this amendment requests the addition of single family units as a possible use. He pointed out that there are subdivisions near this parcel which currently have single family housing.

Commissioner Edward Valentine asked what effect this amendment would have on the law suits pertaining to water. Michael Toohey said this amendment has no effect on those legal matters. He further reminded Council members this is an either/or request. The applicant would not be able to do a combination of proposals, but would only be able to develop one of the options.

Commissioner Kenneth Klotz asked how this amendment differed from the previously proposed senior citizen housing and what prompted the request. Michael Toohey said this proposed single family housing would be for individual ownership and market conditions prompted this proposal.

Ayes all.

Grant Easement on North Broadway/Bryan Street

Mayor J. Michael O'Connell moved and Commissioner Kenneth Klotz seconded to authorize the Mayor to sign all necessary documents upon the City Attorney's review and approval for granting the easement on 748 North Broadway/Bryan Street.

Michael Toohey, attorney representing the applicants, explained that this request is for the parcel at the rear of 748 North Broadway which is on Bryan Street. He said there is a 2.3 foot encroachment over the property line, however, this house is located in its original position and was constructed during the 1800s.

Ayes all.

Authorization for Engineering Department to purchase Hewlett Packard Design Plotter

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to waive the bid to purchase Hewlett Packard Design - Jet 350E-size Plotter from Charrette, Inc., Liverpool, New York for $2,890 (lowest bidder). Ayes all.

West Avenue Survey of Property Owners

Mayor J. Michael O'Connell said a proposal has been made to perform a survey of West Avenue property owners in connection with the proposed Special Assessment District in that area. He said the survey would include such items as assessment formula, boundaries, etc. He said the City Planner would be responsible for coordinating the survey and the City Attorney would begin work on the special assessment district legislation. Approval of the survey would be placed on the December 17 agenda and if approved, the survey would be mailed to property owners on December 20. A draft of the proposed special assessment district legislation would be placed on the January 21 agenda and adoption of the legislation would be placed on the February 1 agenda. Council members agreed to this tentative schedule.

Exhibit J

CITY OF SARATOGA SPRINGS

PLANNING BOARD

City Hall · 474 Broadway
Saratoga Springs, New York 12866-2296
Tel: 518-587-3550 Fax: 518-580-9480
http://www.saratoga-springs.org

05.060

APPLICATION FOR:
SUBDIVISION APPROVAL

(Rev: 1/05)

1. Project Name: Regatta View - Lot 90 Subdivision

2. Project Data
   Location: Rt 9P / Regatta View Dr. / Dyer Switch Road
   Tax Parcel Number: 180.54-2-30
   Current Zoning: Interlaken P.U.D
   Total Acres: 6.78 Land to be subdivided into: 33 lots / 40 D.U.

3. Professional Representing Applicant:
   Name: Francis J. Bossolini PE Phone: 272-8140
   Address: 297 River St, 5th Floor Fax: 272-8148
   Troy NY 12180

4. Type of Application and Application Fee: Total $ 400.00
   If fee is required, a separate check payable to: "Commissioner of Finance" must accompany this application.

   ☒ Sketch Plan – $400

   ☐ Preliminary Approval
   1-20 Lots $200
   21-50 Lots $300
   51+ Lots $500

   ☐ Final approval (Major and Minor Subdivision)

Residential -	Minor (1-4 lots)	$350 plus $50/lot	=	$
	Major (5+ lots)	$1,000 plus $100/lot	=	$
Non-Residential -	Minor (1-4 lots)	$500 plus $50/lot	=	$
	Major (5 + lots)	$1,500/lot	=	$

5. Environmental Assessment Form - All applications must include a completed SEQR Short Form.

6. Cost estimates for Letter of Credit - All applications must include cost estimates.

7. Application Check List - All applications must include application check list.

8. Estimate of increase in water consumption: 13,200 gallons/day.

9. For all projects including new water connections to the City system, a copy of a signed water service connection fee agreement with the City Department of Public Works is required and MUST be submitted with this application.

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

11. Submit 12 copies of complete application including checklist, SEQR form, and all plans (must be 24" x 36").

12. Submission Deadline - All completed applications are due 3 weeks before the Planning Board meeting date.

I, the undersigned owner or purchaser under contract for the property, hereby request subdivision approval by the Planning Board for the identified property above. I agree to meet all requirements under the Subdivision Regulations for the City of Saratoga Springs.

Applicant Signature: _____ Date: 8/24/05

Name: Gerry Magoolaghan Phone: 371-1000

Address: Belmonte Builders Fax: 371-4673

1743 Rt 9, Clifton Park, NY 12065

PROJECT ID NUMBER

617.20
APPENDIX C
STATE ENVIRONMENTAL QUALITY REVIEW

SEQR

SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR	2. PROJECT NAME
Belmonte Builders	Regatta View - Lot 90 Subdivision
3. PROJECT LOCATION: City of Saratoga Springs (Municipality)	County of Saratoga (County)

4. PRECISE LOCATION: Street Addess and Road Intersections, Prominent landmarks etc - or provide map

Intersection of Dyer Switch Road/NYS 9P to Intersection of Regatta View Drive/NYS 9P

5. IS PROPOSED ACTION: ☑ New ☐ Expansion ☐ Modification / alteration

6. DESCRIBE PROJECT BRIEFLY:

Subdivide existing Lot 90 into 33 parcels with 40 dwelling units

7. AMOUNT OF LAND AFFECTED:
Initially 6.78 acres Ultimately 6.78 acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS?
☑ Yes ☐ No If no, describe briefly:

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.)
☑ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☑ Park / Forest / Open Space ☐ Other (describe)

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local)
☑ Yes ☐ No If yes, list agency name and permit / approval:

Subdivision Review - NYSDOH

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☑ No If yes, list agency name and permit / approval:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION?
☐ Yes ☑ No

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

Applicant / Sponsor Name Date:

Signature 8/22/05

If the action is a Costal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADJOINING PROPERTIES

S-B-L #	OWNER	PROP ADDRESS	MAILING ADDRESS
180.54-2-1	MICHELLE MORRIS	1 DYER SWITCH RD SARATOGA SPRINGS, NY 12866	SAME
180.54-2-24	KATHLEEN CONNOLLY	11 FLYING DUTCCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-25	REGATTA VIEW, LLC	FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	1743 RTE 9 CLIFTON PARK, NY 12065
180.54-2-26	DONALD COOTWARE	7 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-27	SCOTT EGBERT	5 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-28	JAMES HOLMES	3 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-29	NICHOLAS ZITO	1 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	7 COBBLESTONE CT CENTERPORT, NY 11721
180.54-2-30	REGATTA VIEW, LLC	NYS RTE 9P SARATOGA SPRINGS, NY 12866	1743 RTE 9 CLIFTON PARK, NY 12065

05.060

SARATOGA COUNTY PLANNING BOARD
50 West High St.
Ballston Spa, NY 12020

I. Municipality: (City) Town, Village of Saratoga Springs

Referring Agency/Body: Zoning Board of Appeals _____, Planning Board X, Legislative Body _____

Date: 8/26/05

Submitting Officer: Geoff Boxemann

Mailing Address: City Hall, 474 Broadway, Saratoga Springs NY 12866

Telephone Number: 587-3550 x 517 Fax Number: 580-9480

II. Type of Referral

Variance: Use _____, Area _____, Interpretation _____

Special Permit _____, Site Plan Review \, Subdivision Review X Sketch Plan for Subdivision

Amendment: Map _____, Text _____, PDD _____

Brief description of proposal Discussion for a PUD Site Plan for a 40 unit residential use in Interlakes Planned Unit Development.

III. This proposal is referred to your agency, as required by the General Municipal Law, Sections 239- 1, m, and n, because it would affect real property lying within a distance of 500 feet from the boundary of:

a) the City, Town or village of _____

b) an existing or proposed county or state park or other recreation area. Such park or recreation area is: _____

c) an existing or proposed right-of-way of a county or state parkway, thruway, expressway, road or highway. Such road is: 29

d) an existing or proposed right-of-way of any stream or drainage channel owned by the county, or for which the county has established channel lines. Such right-of-way is: _____

e) an existing or proposed boundary of any county or state-owned land on which a public building or institution is situated. Such land is: _____

f) a farm operation located in an agricultural district as defined by Article twenty-five – AA of the Agriculture and Markets Law, except this shall not apply to the granting of area variances. Use the provided Agricultural District Referral Form.

BELMONTE
"Homes As Individual As You Are"
www.belmontebuilders.com

November 14, 2005

Mr. Geoff Bornemann
City Planner
City of Saratoga Springs
474 Broadway
Saratoga Springs, New York 12866

Dear Geoff:

By copy of this letter, please be advised that I am a member of the Comprehensive Plan Advisory Committee.

I specifically bring this to your attention due to the fact that I currently have a proposal for completion of the Interlaken PUD in front of the City Planning Board and point out that from time to time during my stay on the above Committee, I may have other projects under consideration for approval by the City of Saratoga Springs.

Please feel free to call me at any time regarding these issues.

Sincerely,

Peter J. Belmonte

1743 Route 9, Clifton Park, New York 12065 — Phone: (518)371-1000 — Fax: (518)371-1267

BELMONTE
"Homes As Individual As You Are"
www.belmontebuilders.com

November 15, 2005

Mr. Geoff Bornemann
City Planner
City of Saratoga Springs
474 Broadway
Saratoga Springs, New York 12866

RE: REGATTA VIEW PROPOSAL

Dear Geoff:

Pursuant to our conversation this morning, we understand the concerns you outlined regarding sewer capacity and the need for a determination and commitment by Jim DiPasquale and the Saratoga County Sewer Authority.

With that said, we would like to continue moving through the approval process with confirmation of sewer capacity as a stipulation and condition to be dealt with before construction would begin.

Thank you for your consideration.

Sincerely,

Gerry

Gerry Magoolaghan
Director of Real Estate Acquisitions

1743 Route 9, Clifton Park, New York 12065 — Phone: (518)371-1000 — Fax: (518)371-1267

Subject: Regatta View Carriage Houses
Date: Tue, 20 Sep 2005 12:00:45 -0400
From: "Jeffrey B. Schwartz" <jschwartz@HONENWOOD.com>
To: <geoff.bornemann@saratoga-springs.org>

To SS Planning Board:

I am writing regarding the following item on the 9/21 agenda:

05.060 INTERLAKEN PUD – ZONE B: Request for sketch plan discussion for a PUD site plan for a new 40 units of residential use in the Interlaken Planned Unit Development District, 5 Regatta View Drive.

I will be out of the area during the 9/21 meeting and wanted to convey my thoughts regarding the proposed project. I live in the Regatta View (RV) development

The agenda states that the project calls for 40 units. I suspect that, consistent with the applicant past practices, revenue maximization is the applicant's driving factor. That is fair enough, but I feel that from a density perspective, 40 units is much too large.

The key concern that I have has to do with the ingress and egress into and out of this proposed development. While the sketches that Mr. Belmonte has delivered to the Regatta View community do not have street names, it appears that the plans call for curb cuts on Dyer Switch Road and Regatta View Drive. I am not empowered to speak for the RV community, but can assure you that many residents I have spoken with do not want a curb cut on Regatta View Drive. It would be way too close to Route 9P. The congestion would be horrific. Cars turning left onto Regatta View Drive, and then left again into the carriage house development would cause significant problems. I'm guessing that automobile directionals may not be physically able to give correct consecutive turn signals in light of the close proximity of the proposed curb cut to the main RV entrance. One can easily envision some bumper banging, even for drivers in compliance with applicable speed limits.

In addition, as you may know, a traffic light has been installed at the intersection of RV Drive and 9P (it has not gone "live" yet). When that light is active, one can also envision a back up of cars within the development waiting to exit, while carriage house owners seek to merge onto RV drive to exit the development. Further, given the light's presence, it is reasonable to suspect that cars, in an attempt to "make the light", will use excess speed (particularly those making a left onto RV drive or coming straight from Crescent Avenue); this will further increase the likelihood of accidents.

The neighborhood has a significant number of children engaging in outdoor activity which is another reason to prohibit a RV Drive curb cut.

For the sake of comprehensiveness/fairness, I should point out that while Mr. Belmonte has reserved a building lot on Flying Dutchman as another possibility, the residents of Flying Dutchman that I have spoken with would want that to be the last option. So, they also do not want a curb cut on RV Drive, but would prefer that to using Flying Dutchman.

I understand from previous research that the parcel at issue is bordered by a state road (9P), a county road (Dyer Switch/County Route 66) and a city road (RV Drive). I spoke to City and County engineers but none had seen anything on this. From those discussions, I learned that the curb cut is often dealt with later in the process. I'm hoping that by addressing this early, we can clarify and communicate the concerns and you can act/advise accordingly.

I'd be happy to discuss this further is desired. Thank you for you attention to this.

JBS

Jeffrey B. Schwartz
Honen & Wood, P.C.
126 State Street, 5th Floor
Albany, New York 12207
(518) 472-1224 x 235
(518) 472-1227 (Facsimile)
jschwartz@honenwood.com
www.honenwood.com

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

LAWRENCE D. BENTON
DIRECTOR

September 21, 2005

Geoff Bornemann, City Planner
City of Saratoga Springs Planning Board
474 Broadway
Saratoga Springs, NY 12866

RE: SCPB Subdivision Review #05-A-99 – Regatta View, Belmonte
40 lots/5.9 acres, NYS Rte. 9P and Dwyer Switch Rd.

Received from the city of Saratoga Springs Planning Board on August 30, 2005.

Reviewed by the Saratoga County Planning Board on September 15, 2005.

Decision: Disapprove

Comment: We have previously advised the board, that the pump station serving the plateau area has reached capacity. As the project is dependent upon community sewer service it should not be approved until such time as this issue is resolved.

Lawrence D. Benton, Director
Authorized Agent for Saratoga County

cc: Director, Saratoga Co. Sewer District #1

50 WEST HIGH STREET
BALLSTON SPA, N.Y. 12020

(518) 884-4705
(518) 884-4780 Fax

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

LAWRENCE D. BENTON
DIRECTOR

September 21, 2005

Geoff Bornemann, City Planner
City of Saratoga Springs Planning Board
474 Broadway
Saratoga Springs, NY 12866

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Lawrence D. Benton, Director
Authorized Agent for Saratoga County

cc: Director, Saratoga Co. Sewer District #1

50 WEST HIGH STREET
BALLSTON SPA, N.Y. 12020

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Nancy Ohlin said there is confusion about "affordable housing," because affordable actually means what is affordable for a person. It also means not spending more than 35 percent of your income on housing. She said that the words "workforce housing," have replaced low income because people think they will have drug addicts living next door to them. She explained that workforce housing is everyone who works for a living and needs a home. Geoff Bomemann concluded that the applicant would be subject to the law at the time this project is approved. The applicant is also subject to the deed restriction that he has agreed to place on this property.

SEQR: Nancy Ohlin noted that there was no SEQR action required for sketch plan discussions.

PUBLIC COMMENT: Nancy Ohlin asked if anyone in the audience wished to comment on the application. No one spoke.

TECHNICAL ISSUES: Nancy Ohlin said that the application fee of $400 has been paid.

DEPARTMENT COMMENTS: Nancy Ohlin noted the following comments from the City Departments: DPS comments: Fire Department: No comments received. Police Department: No comments received. Traffic Maintenance: No comments received. Code Administration: No comments received. DPW comments: "No concerns or comments." Office of the City Engineer: "Private street? Adequate sanitary sewer, storm sewer and water?"

COMMENTS: The Board said that at this time they saw no compelling reason for a through road in this project. Steve Ethier thanked the Board for their comments and he said that he would proceed with an application for site plan review.

✧ **05.060 INTERLAKEN PUD – ZONE B**, 5 Regatta View Drive

This was a sketch plan discussion for a PUD site plan for 40 new units of residential use in the Interlaken Planned Unit Development District. The applicant is Belmonte Builders (Peter Belmonte).

Appearing before the Board was Peter Belmonte, applicant, Frances Bossolini, engineer.

INTENT: The applicant intends to develop 40 units on this last remaining area of the PUD. The zoning ordinance allows the applicant to apply for a PUD sketch plan.

BACKGROUND: Nancy Ohlin said that on May 6, 1998 the Planning Board reviewed a sketch plan for 20 single-family homes on this site. On July 22, 1998 the Planning Board reviewed a sketch plan for a commercial center on this site. On February 3, 1999 the Planning Board reviewed a sketch plan for 26 single-family homes on this site. Nancy Ohlin also noted that this Interlaken PUD never had any specific standards for uses or area/bulk standard. The Planning Board has the right to establish such development standards. In past years the Planning Board has interpreted that they have the right to approve PUD site plans for this PUD provided that the overall density and use does not exceed that presented to the City Council in 1982. The PUD at that time included 500 residential units. To date 331 units have been approved (Zone A = 125 units, Zone BB = 30 units, Zones B/D/E = 102 units, Zone C = 74 units).

Nancy Ohlin said that this project needs PUD site plan (site plan and subdivision) approval for the Planning Board. Any structure on the lot that fronts Union Avenue will require architectural review from the Design Review Commission.

This discussion was continued from the September 21, 2005 meeting. New materials were submitted on November 9, 2005.

POLICY ISSUES: Frances Bossolini said that they met with the Interlaken homeowners again and they were very clear that they wanted a fifty-foot, no-clear, landscape buffer on the frontage of this property. He said that the revised plans show this 50-foot buffer and he noted that they would examine the project to see if even more additional plantings were needed in this buffer area. He said that they eliminated the pedestrian connection between Flying Dutchman Way that was previously proposed. Frances Bossolini also said that the capacity for the Saratoga County sewer would not be a problem. When the project was first approved there was capacity allotted for it. He said these homes would be a traditional style of architecture with front porches. There would be carriage houses as the workforce housing units.

Peter Belmonte said that the project clearly has opposition from the Interlaken community. There were approximately 40 members at the meeting they held with the neighbors. Half the people were mildly to adamantly opposed. Peter Belmonte said that Nancy Goldberg has stated that this is her last crusade to stop this project. He said that he possesses an earlier map where this parcel was clearly depicted as having high density housing on it. He said that he is confident that they are not going against what was originally proposed. Peter Belmonte said that the map was part of Farone's project proposal prior to Regatta View's application. Peter Belmonte said that the other opposition in regards to the project is in reference to workforce housing. He noted that Workforce housing brings a broad range of confusion to the table. People are asking what it will bring to the neighborhood and how it would be regulated. Nancy Ohlin said that she does not appreciate the applicant commenting to what a speaker from the audience might potentially state.

Lou Schneider said he remembers the discussion during the commercial use proposal for this lot. The homeowners decided they did not want this density and rental units were not mentioned. They said they would like to see some townhouses similar to the architecture of Interlaken. He questioned who would own the 7 rental units and what would they be. Peter Belmonte said that they added these units in order to complement the City's direction with workforce housing. The units would be 600-700 square foot apartments on top of a garage. They would be one bedroom apartments and would be owned by the owner of the primary residence and under their control. He said that the HOA would also monitor these units. Each unit would have a designated parking spot. Lou Schneider said that the PUD legislation states that a rental unit is not conducive to the neighborhood. He would rather see a residential unit that is affordable and more compatible to the entire PUD system. Peter Belmonte noted that a good portion of Interlaken is rented year round. Lou Schneider said those were considerable units that are being rented out and there is only one family per residence.

Bob Israel said that the master plan concept is a mixed-use community. He said that a homogenous community is more suburban and that is not what they are trying to achieve. He said the density should be comparable to Interlaken's. Nancy Ohlin said it appears that they did not consider a lower density. Frances Bossolini said that they are compatible with what is already there, but not in reference to the single-family portion if Regatta View. Peter Belmonte said that the Interlaken community was not designed to be consistent in density and there were areas specifically designated as higher density. Interlaken is a large community and there are high density condominiums there. He said this is much less than what was originally proposed for this area.

SEQR: Nancy Ohlin said that there is no SEQR action required for sketch plan discussions. In 1982 City Council issued a negative declaration for the entire Interlaken PUD.

PUBLIC COMMENT: Nancy Ohlin asked if anyone in the audience wished to comment on the application. She noted an email from Jeffrey B. Schwartz, 3 Thames Way, dated September 20, 2005.

Nancy Goldberg, 66 Sarazen Street, said that she is on the Zoning Board of Appeals, but she is here as a private citizen. She said that Jack Gray said this was a Pandora's Box if this was approved. There were 100 signatures against this project in 1982 and there were only 230 residents at that time. The City Council cut these lots into parcels and wanted to do cluster housing in order to preserve conservancy. When the PUD went bankrupt, instead of bringing the area back into zoning, each builder obtained approvals for separate things. She said that going back to the original zoning does not make sense. There are 60 acres that were promised in covenants. This project was supposed to have fairly dense development in only 19 acres. 41 of the acres were supposed to be left green as per the conservancy. She asked the Board to keep the faith with the residents and do what was promised to them. In 1987 there were 700 people on the plateau and there are almost over 3000 people now. She said that it takes 20 minutes for fire or emergency services during racing season. There have been no changes in the road or anything else other than the population. Those who have spent their money to live here, expect conservancy. The concept of this PUD works because there are buffers. This is the last 4 acres in this PUD and she requests that it remains green. They did their due diligence when they purchased their properties. She said that Peter Belmonte should donate this land to the City. The Board needs to consider the infrastructure and the traffic. Since the light at Crescent Avenue was installed, everyone cuts through Regatta View. She asked the Board to please honor the promise that was made to the residents. She questioned if the 100 signatures that Jack Gray obtained did not do it, how many would the Board need. The residents do not want to come out in the middle of the night for these meetings. This was a promise that was made to the people who purchased these properties. It was promised as a foresighted, clustered zoning. People were not objecting to affordable housing, but to the rental housing that was proposed. They could not understand who would live in 600-700 square foot apartments. That would not be suitable for a family unit. Most young people are families and single people would not want to live in the suburbs. She reiterated that safety is getting dire in this area. In 2005 there was a traffic safety report completed. It took anywhere from 6 to 20 minutes for emergency services to reach the area. She said that in twenty minutes a person would be dead. She urged the Board to please review the original designations for this property. Riley's was never supposed to be developed or subdivided into more than two parcels. Previous Planning Boards have just said it was ok to do this. The Board should read the original definitions of the various zones and consider the modern infrastructure available.

There was no one who wished to speak, Nancy Ohlin closed the public comment period.

Lew Benton said that the density does not bother him. What bothers him is how the development would be set on the landscape. He said there is some latitude and discretion involved. At the time this all was developed, it was a new concept to the City. There is no clean legislation regarding how the PUD would develop. Even if there was clean legislation, PUDs can be amended several times during their lifetime. His records go back to 1982. There were 60 acres and 19 of which were to be developed with a large open space, paddock area on the interior. There are 9 clusters of condominiums with the paddock. He said that the remaining 2/3 of this area was supposed to remain undeveloped. The situation has changed and there is no legislation to amend. Geoff Boinemann noted that the developer for Zone BB (Riley's area) went back to the City Council and got approval for new development. He suggested that this applicant also has this option.

TECHNICAL ISSUES ON SUBDIVISION: Nancy Ohlin said that an application fee of $400 has been paid.

DEPARTMENTAL COMMENTS: Nancy Ohlin noted the following comments from the City Departments: DPS comments: Fire Department: "Proposed alley appears to be 12 feet wide, which is not sufficient. How does applicant proposed Fire Department vehicle access? All turning radii, especially near divided pavement access roads much meet City standard." Police Department: "See Fire Department comments." Traffic Maintenance: "Trees and shrubs should not be permitted within 60 fee of intersections." Code Administration: "None at this time." DPW comments: "No concerns or comments." Office of the City Engineer: "Lot dimensions. Not all lots have access to sewer. Public street/alley? Surveyed data? ROW dimensions? Who will own/maintain opens space? Sewer to SCSD#1? Capacity on existing system? I thought it was at capacity now?"

SARATOGA COUNTY PLANNING BOARD: "Disapprove" "We have previously advised the board, that the pump station serving the plateau area has reached capacity. As the project is dependent upon community sewer service, it should not be approved until such time as the issues are resolved."

COMMENTS: Lew Benton said that he could not support this proposal. It was not because of the density, but because this corridor should be preserved. He said the Board needs to be particular about the original parameters set by the City Council. There is a description of the ultimate buildout of the PUD and this submission is inconsistent with that. He concluded that any referral to the City Council would only delay and defer the inevitable. Nancy Ohlin said that the Board should honor the original PUD language. She also does not recommend that this go to the City Council because it would come back for an advisory opinion. She said that she does not know what the vote would be, but the infrastructure and services are an important issue.

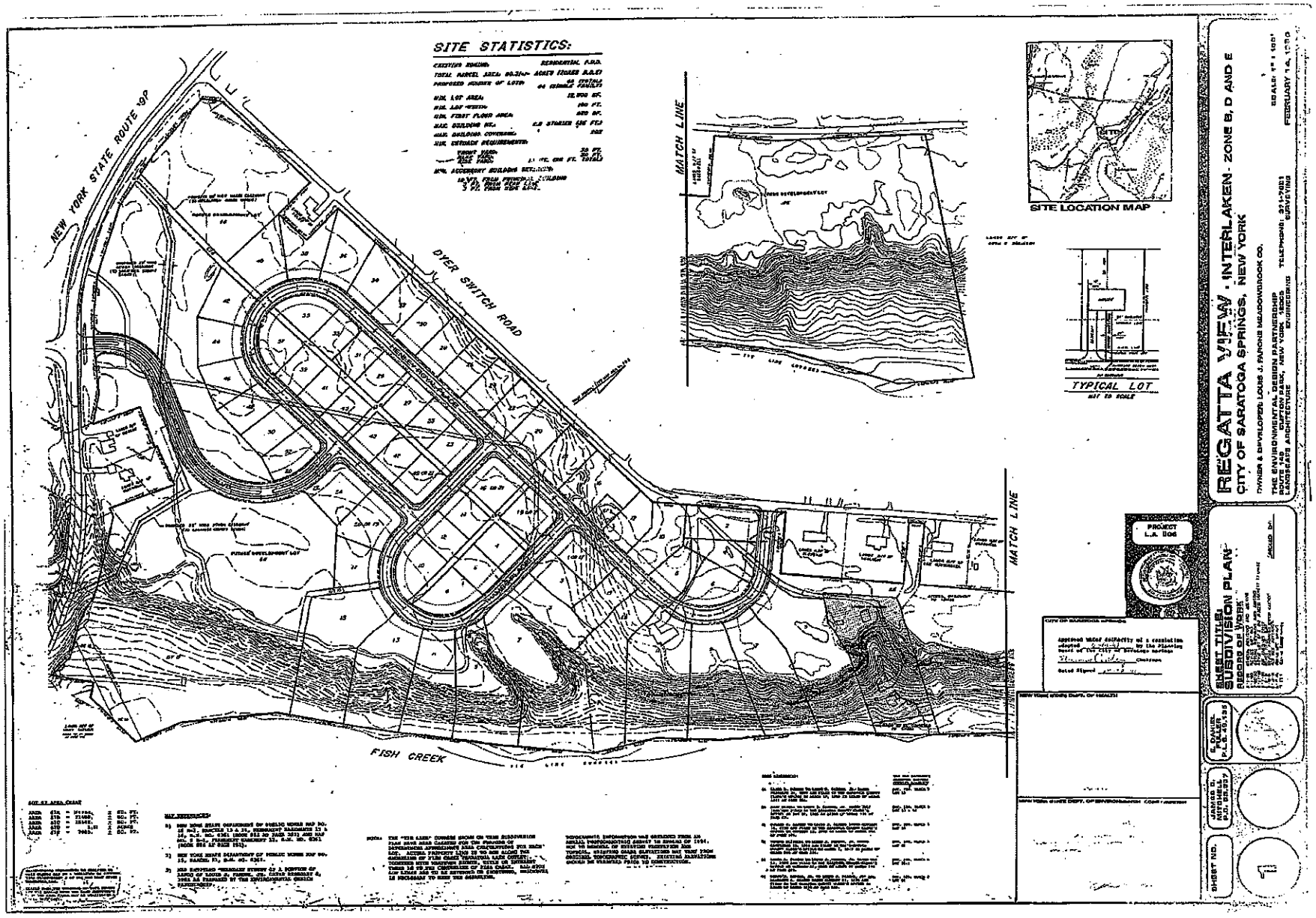
Lou Schneider noted that the road going to Dyer Switch Road seems to be very close to the veterinarian's property. During the summer they enter with horse trailers and a horse even made its way through Interlaken. He also asked if there would be a separate HOA for this project. Peter Belmonte said that it would be part of the existing Regatta View HOA. Lou Schneider also said that Regatta View needs a meeting place and some of this area should be used as such. There should also be some recreational area put onto the back of this property to cut the density.

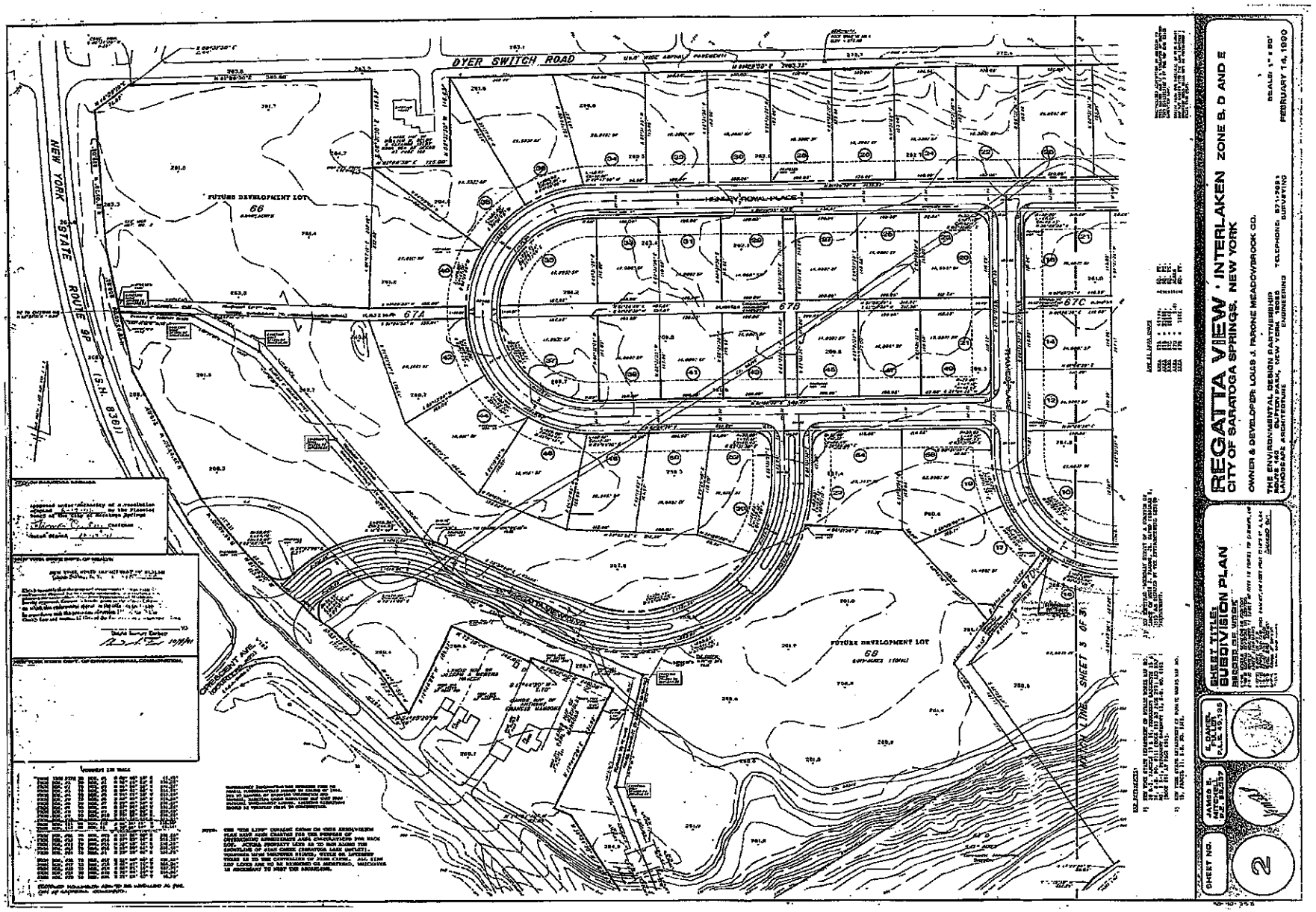
Geoff Bornemann said that there is a chance that the Board "erred" in approving Regatta View and they clearly changed the open space concept. He noted that the current applicant would have to submit a PUD site plan application to the Planning Board if they do not go before the City Council to amend the PUD legislation.

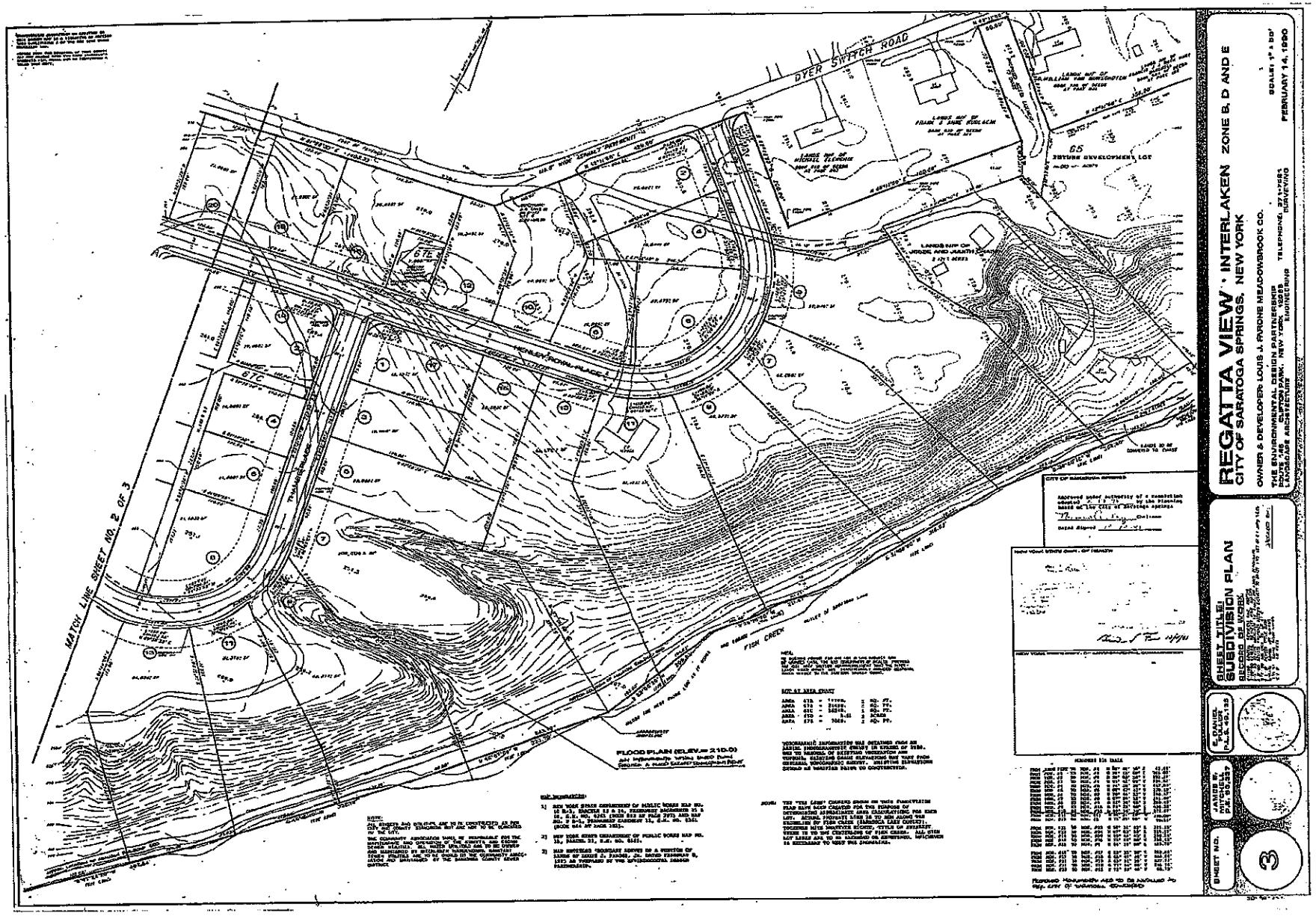
Bill McTygue noted that the County Sewer District has put a stop to all major connections to the sewer in that area. Peter Belmonte said that he has had discussions with Saratoga County Sewer and there is documentation that they have reserved capacity in that line for this project. He said that the developed community might have already impacted that capacity. He would agree to participate in sewer improvements if an approval was given. Bill McTygue said that the sewer system could be maxed out, but they are getting mixed messages from the sewer district. They are not being clear about whom they will and will not let into the system. Lew Benton added that the County Planning Board disapproves because the pump station has reached capacity. This project would be dependent on the county sewer availability and there is a lack of communication between the County Sewer District and the County Planning Board.

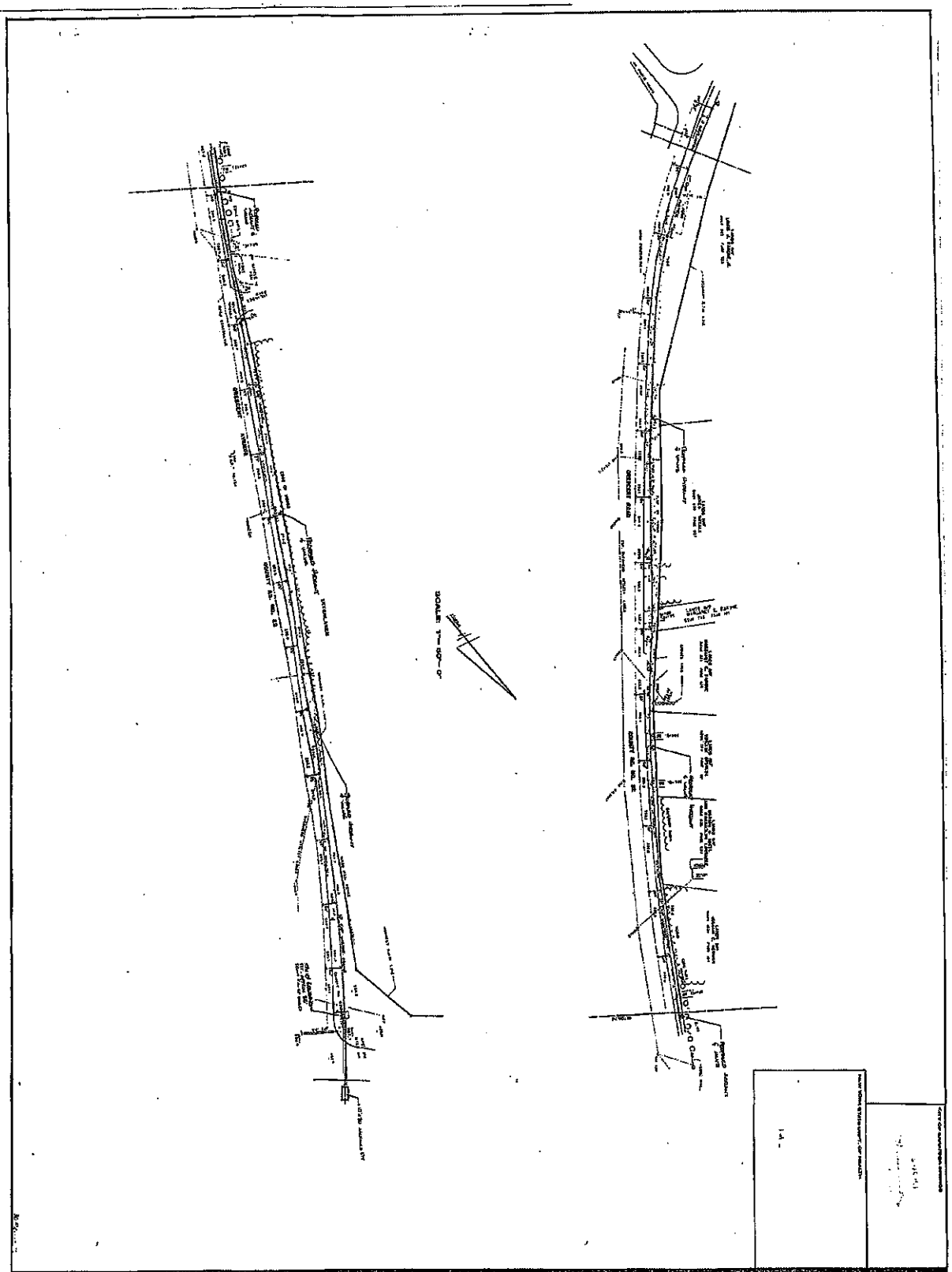
Peter Belmonte thanked the Board for their comments. He said he would make his decision in the coming months on how he wanted to proceed with this project.

Exhibit K


SITE STATISTICS:
NEW YORK STATE ROUTE 9P
DYER SWITCH ROAD
FISH CREEK
MATCH LINE
MATCH LINE
SITE LOCATION MAP
TYPICAL LOT
NOT TO SCALE
REGATTA VIEW - INTERLAKEN - ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING
FEBRUARY 14, 1990
SHEET TITLE: SUBDIVISION PLAN
RECORD OF WORK
PROJECT L.A. 806
E. DANIEL FULLER P.L.S. 49,135
JAMES D. MITCHELL P.E. 55,337
SHEET NO.


DYER SWITCH ROAD
NEW YORK STATE ROUTE 9P (S.H. 8361)
FUTURE DEVELOPMENT LOT
66
67A
67B
67C
67D
68
HENLEY ROYAL PLACE
CRESCENT AVE.
SHEET 3 OF 3
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. PARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 140 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
TELEPHONE: 371-5081
SURVEYING
SCALE: 1" = 50'
FEBRUARY 14, 1990
SHEET TITLE:
SUBDIVISION PLAN
RECORD OF WORK
SHEET NO.
2


REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
SCALE: 1" = 50'
FEBRUARY 14, 1990
SHEET TITLE: SUBDIVISION PLAN
SECOND OF WORK
DYER SWITCH ROAD
MATCH LINE SHEET NO. 2 OF 3
FISH CREEK
FLOOD PLAIN (ELEV.= 210.0)
SHEET NO.
3



SHEET NO.

SHEET TITLE:
CITY WATER LINE
ALONG CRESCENT AVE

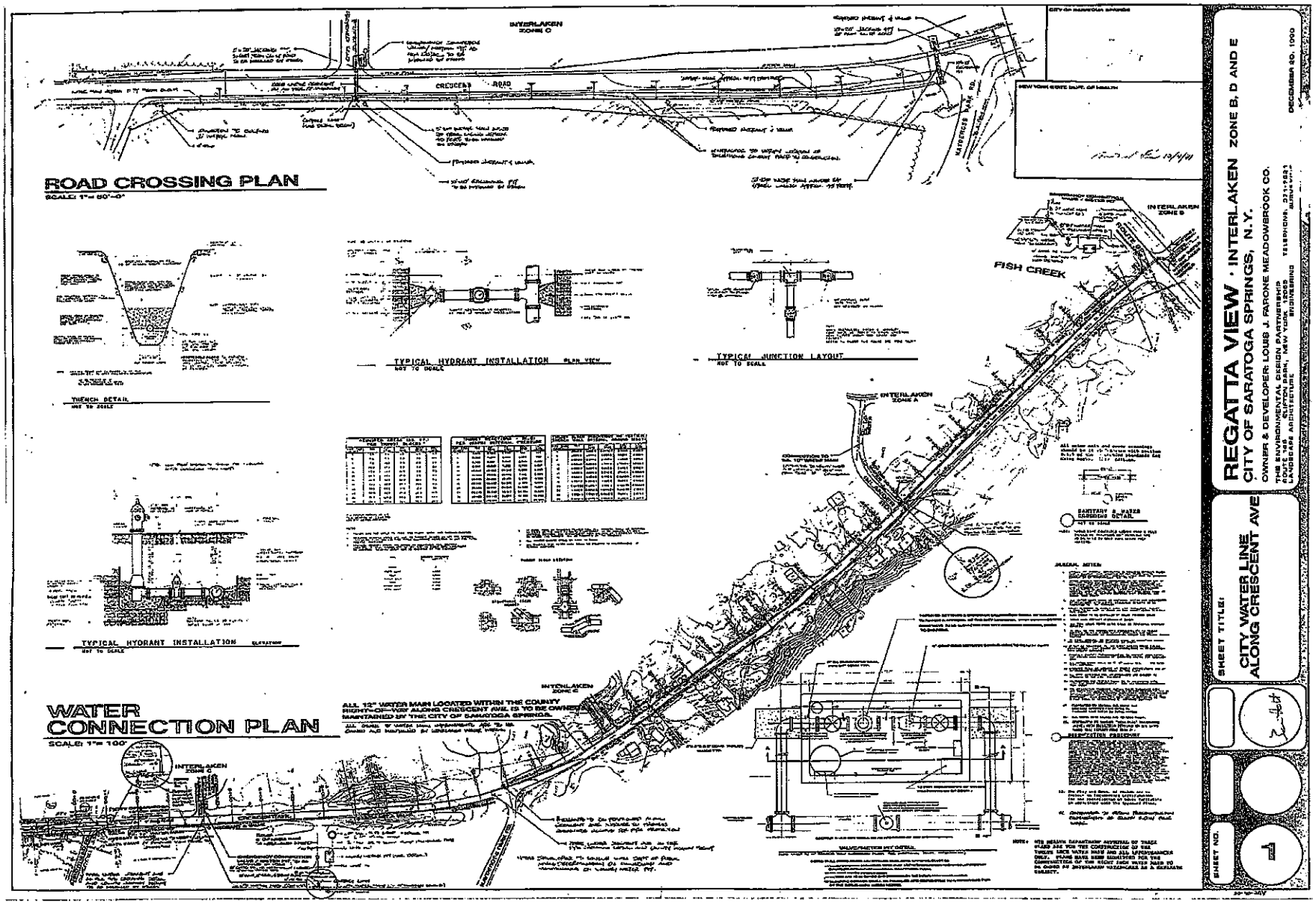
REVISIONS
DATE | REMARKS | CHECKED BY

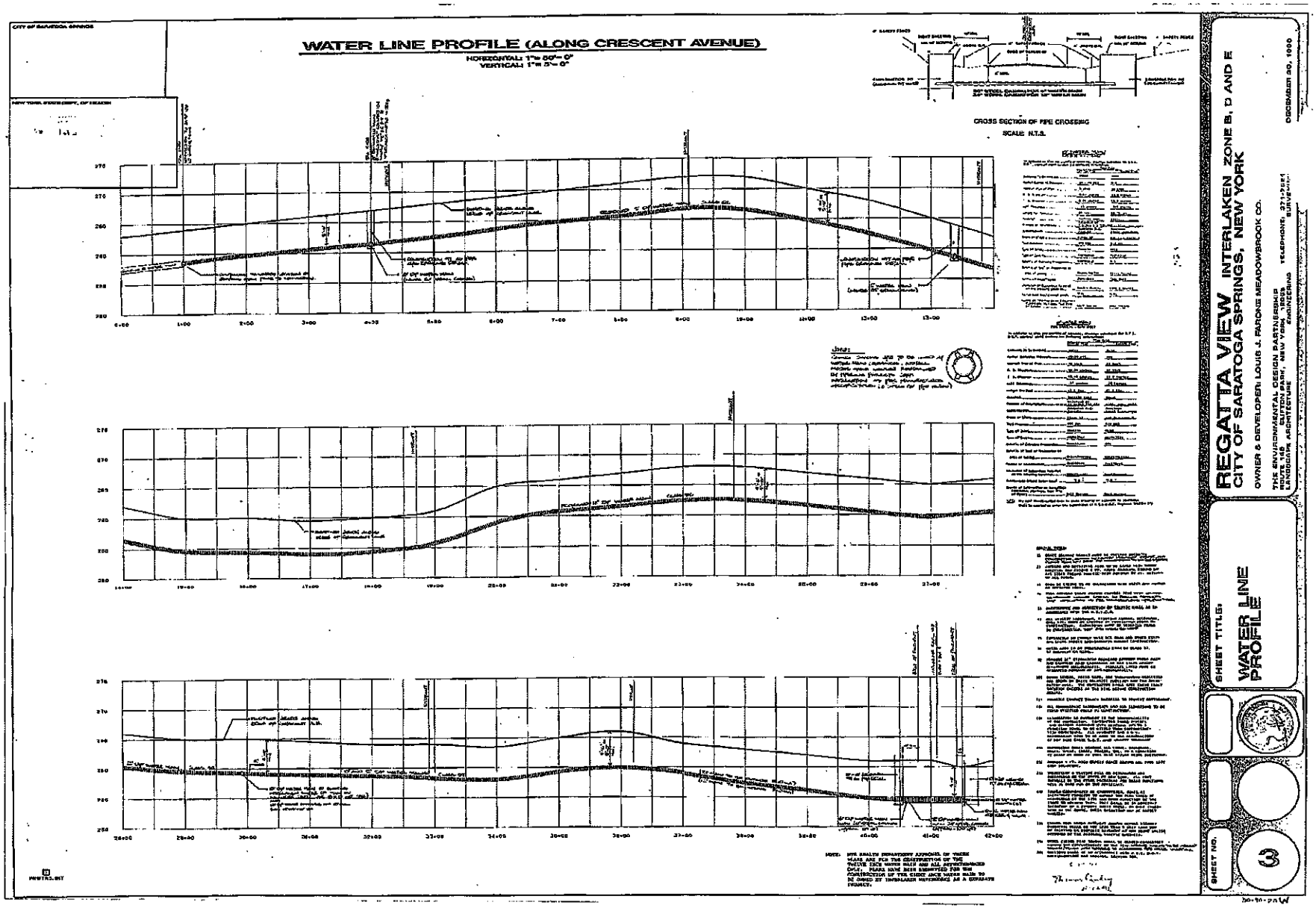
REGATTA VIEW INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK

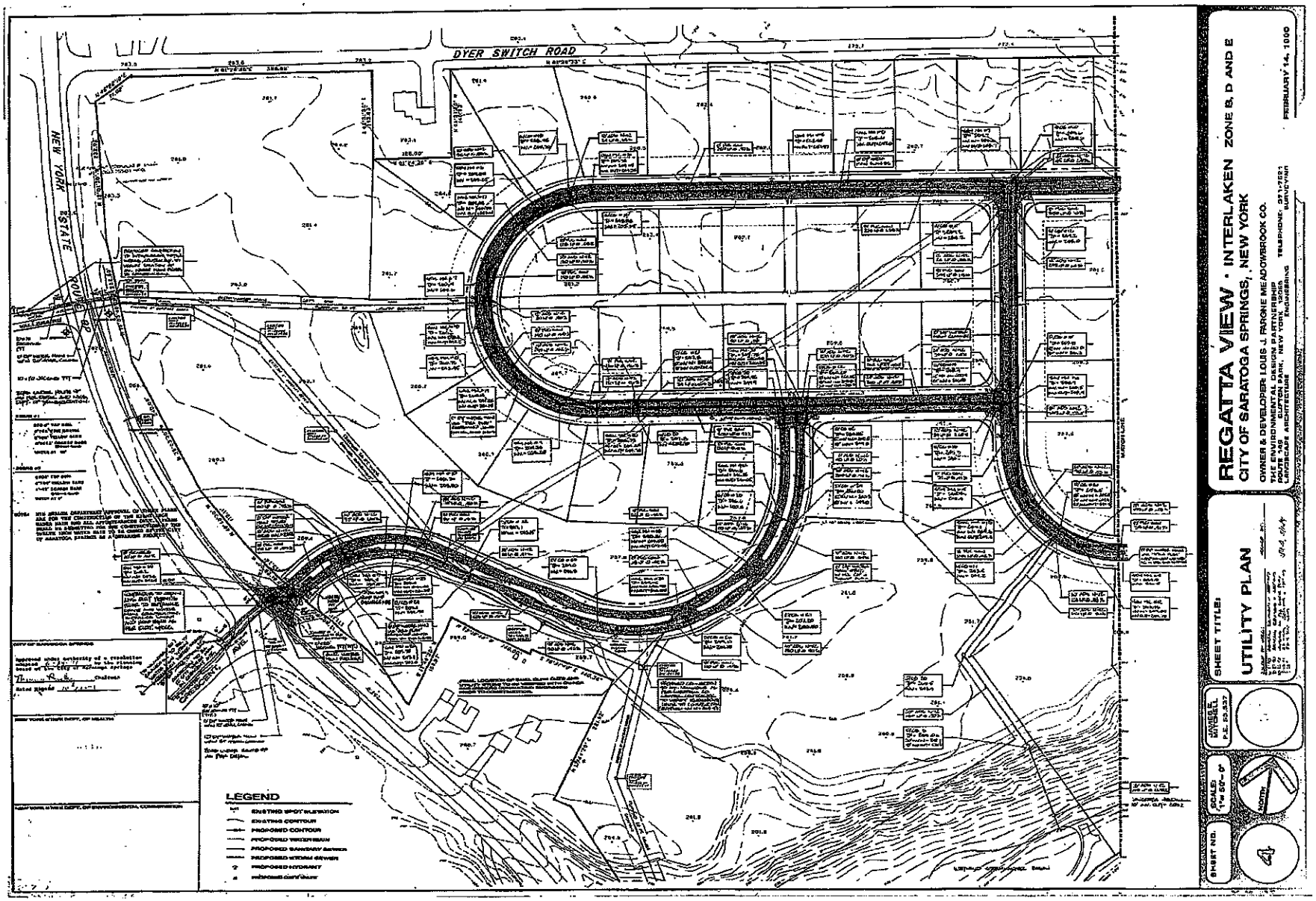
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.

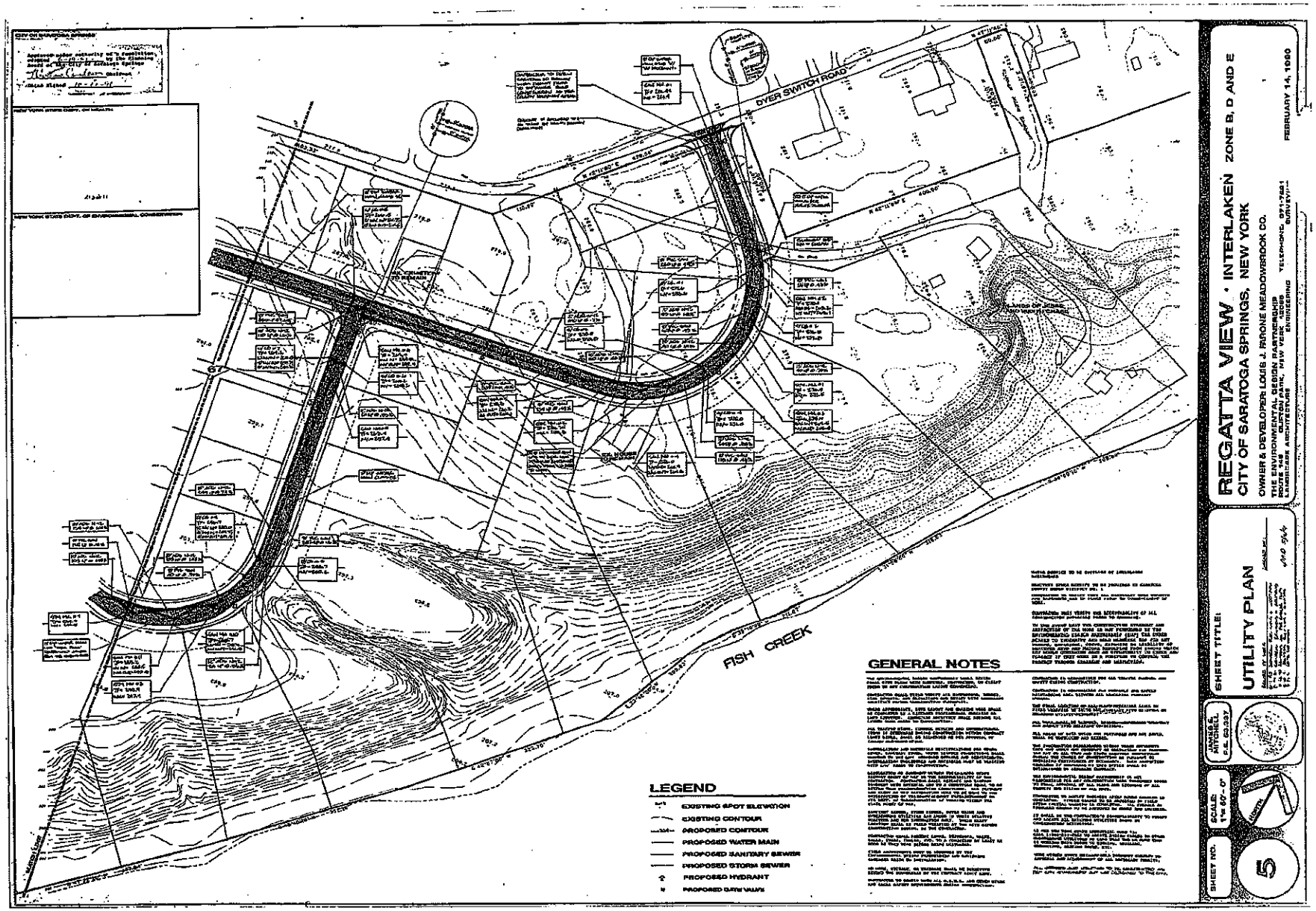
SITE CONSULTANTS:
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065 TEL. (518) 371-7621
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING

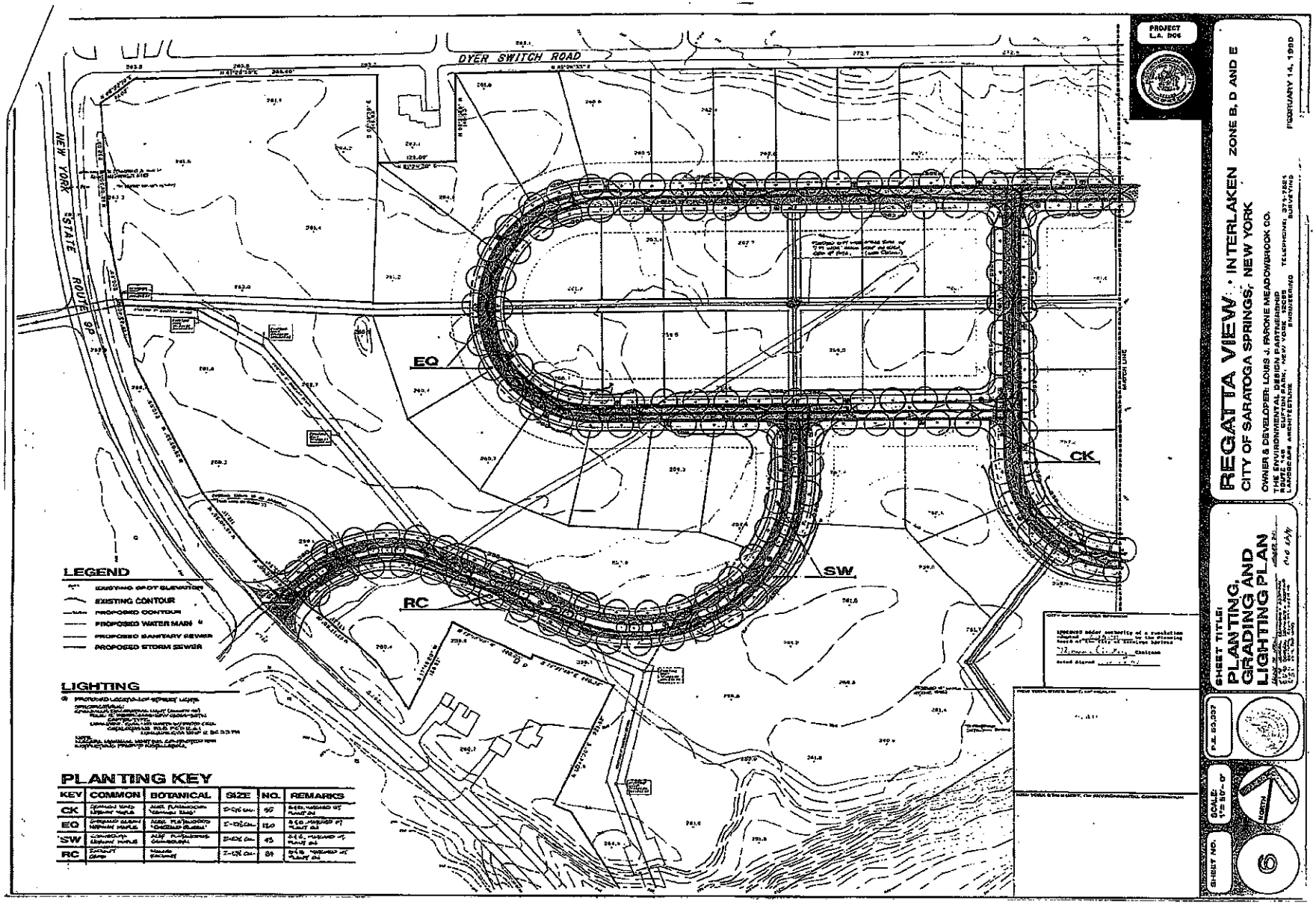
AUGUST 15, 1991

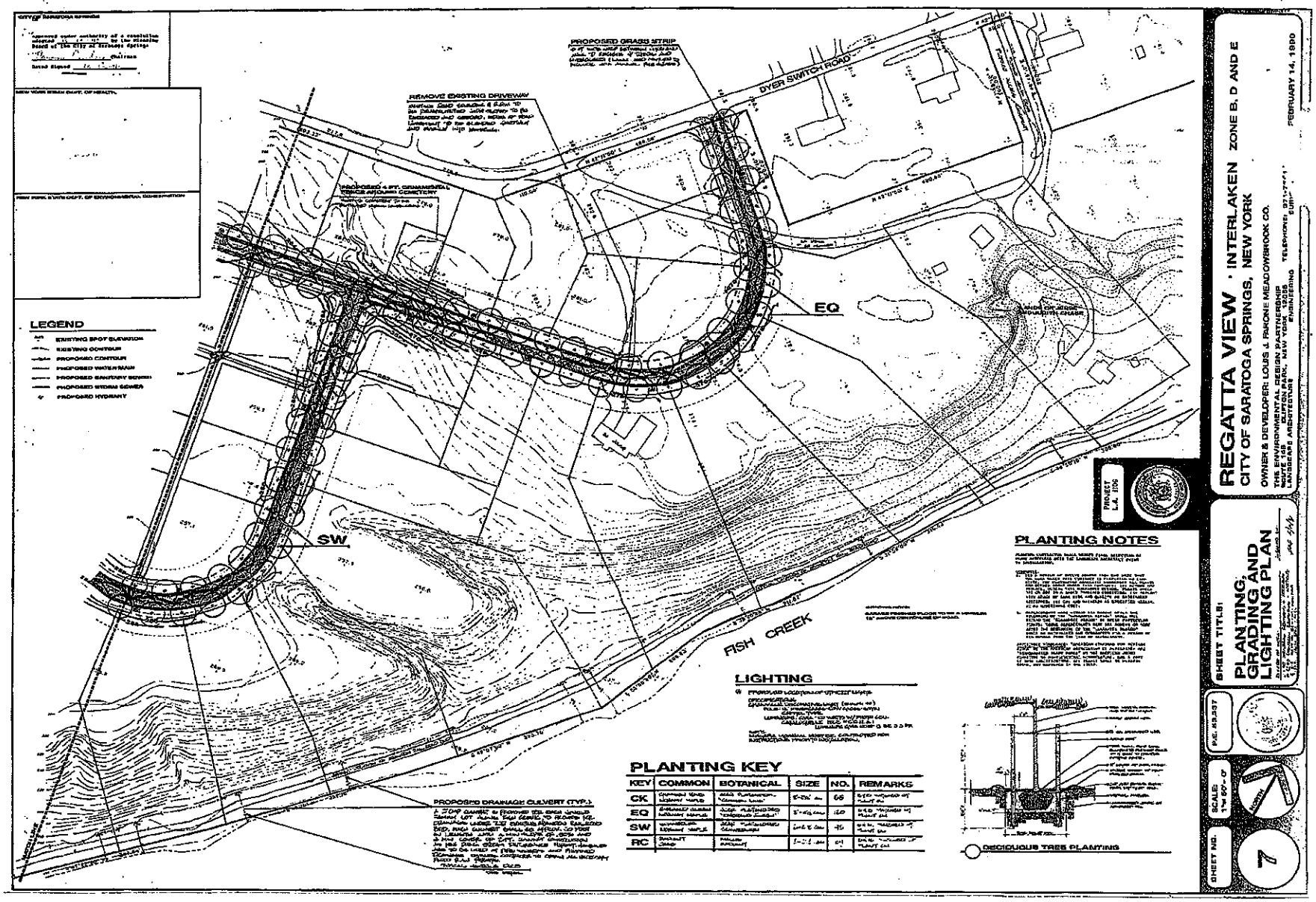

ROAD CROSSING PLAN
SCALE: 1"= 50'-0"
WATER CONNECTION PLAN
SCALE: 1"= 100'
TYPICAL HYDRANT INSTALLATION
TYPICAL JUNCTION LAYOUT
TRENCH DETAIL
INTERLAKEN ZONE A
INTERLAKEN ZONE B
INTERLAKEN ZONE C
INTERLAKEN ZONE D
INTERLAKEN ZONE E
FISH CREEK
CRESCENT ROAD
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, N.Y.
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
DECEMBER 20, 1990
SHEET TITLE:
CITY WATER LINE ALONG CRESCENT AVE
SHEET NO.
1


WATER LINE PROFILE (ALONG CRESCENT AVENUE)
HORIZONTAL: 1"= 50'- 0"
VERTICAL: 1"= 5'- 0"
CROSS SECTION OF PIPE CROSSING
SCALE: N.T.S.
REGATTA VIEW INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING
TELEPHONE: 371-7221
DECEMBER 20, 1990
SHEET TITLE:
WATER LINE PROFILE
SHEET NO.
3

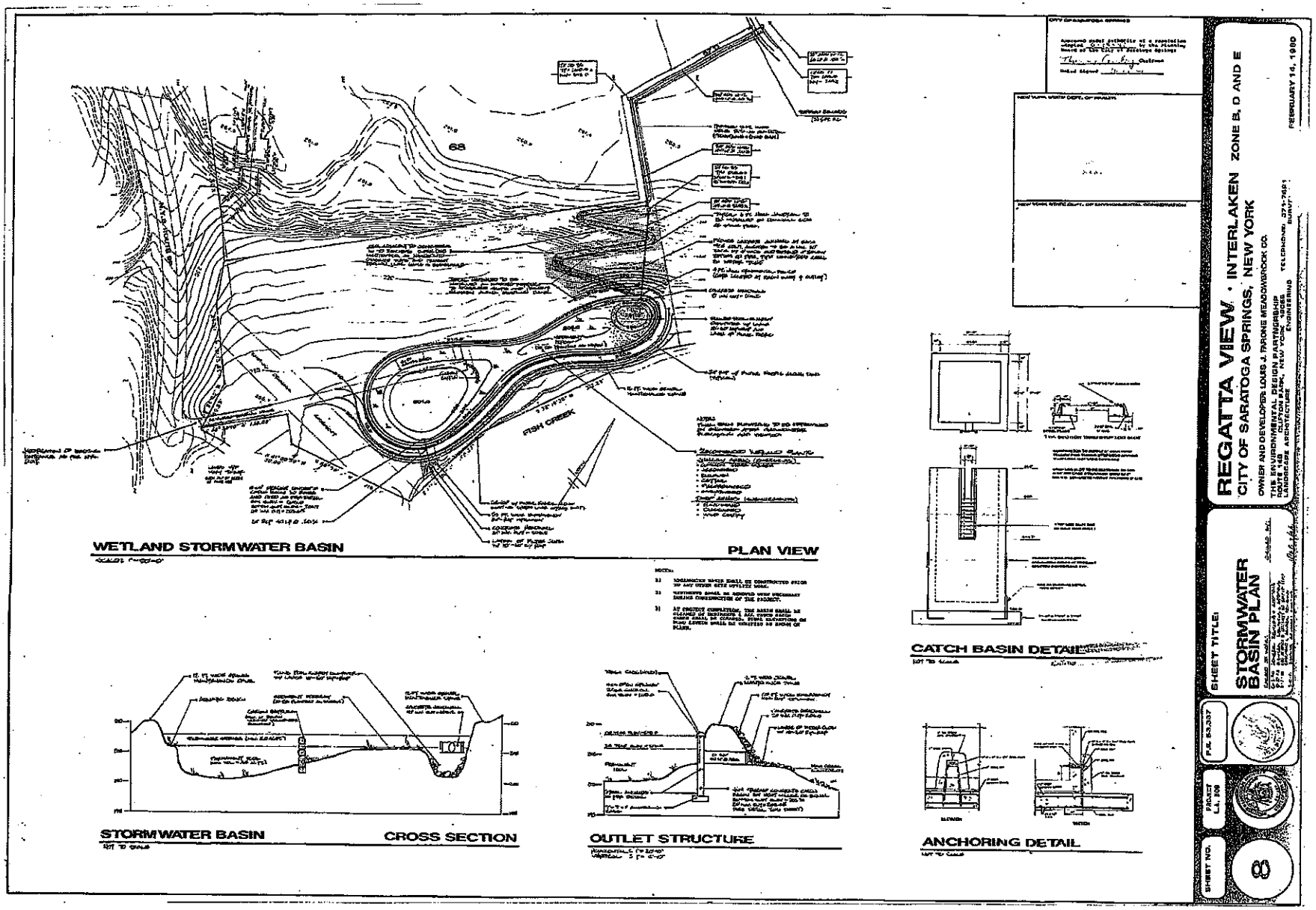

DYER SWITCH ROAD
NEW YORK STATE ROUTE 9P
LEGEND
EXISTING SPOT ELEVATION
EXISTING CONTOUR
PROPOSED CONTOUR
PROPOSED WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
PROPOSED HYDRANT
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 149 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING
FEBRUARY 14, 1990
SHEET TITLE:
UTILITY PLAN
SHEET NO.
SCALE: 1" = 50'-0"
NORTH

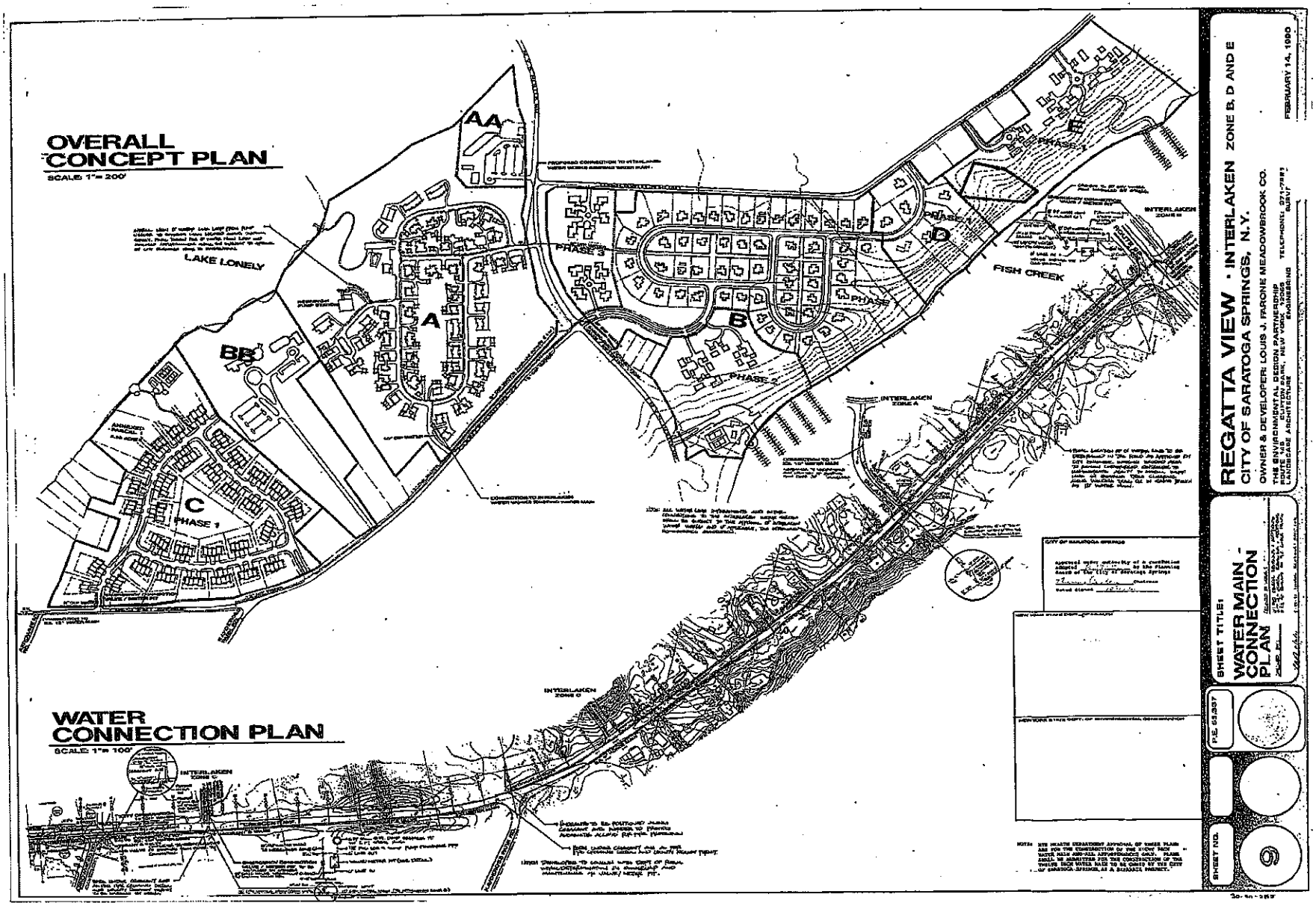

REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FRIONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING
TELEPHONE: 371-7621
FEBRUARY 14, 1990
SHEET TITLE:
UTILITY PLAN
JAMES E. MITCHELL
P.E. 63,337
SCALE: 1"= 60'-0"
SHEET NO.
5
DYER SWITCH ROAD
FISH CREEK
67
GENERAL NOTES
LEGEND
EXISTING SPOT ELEVATION
EXISTING CONTOUR
PROPOSED CONTOUR
PROPOSED WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
PROPOSED HYDRANT
PROPOSED GATE VALVE

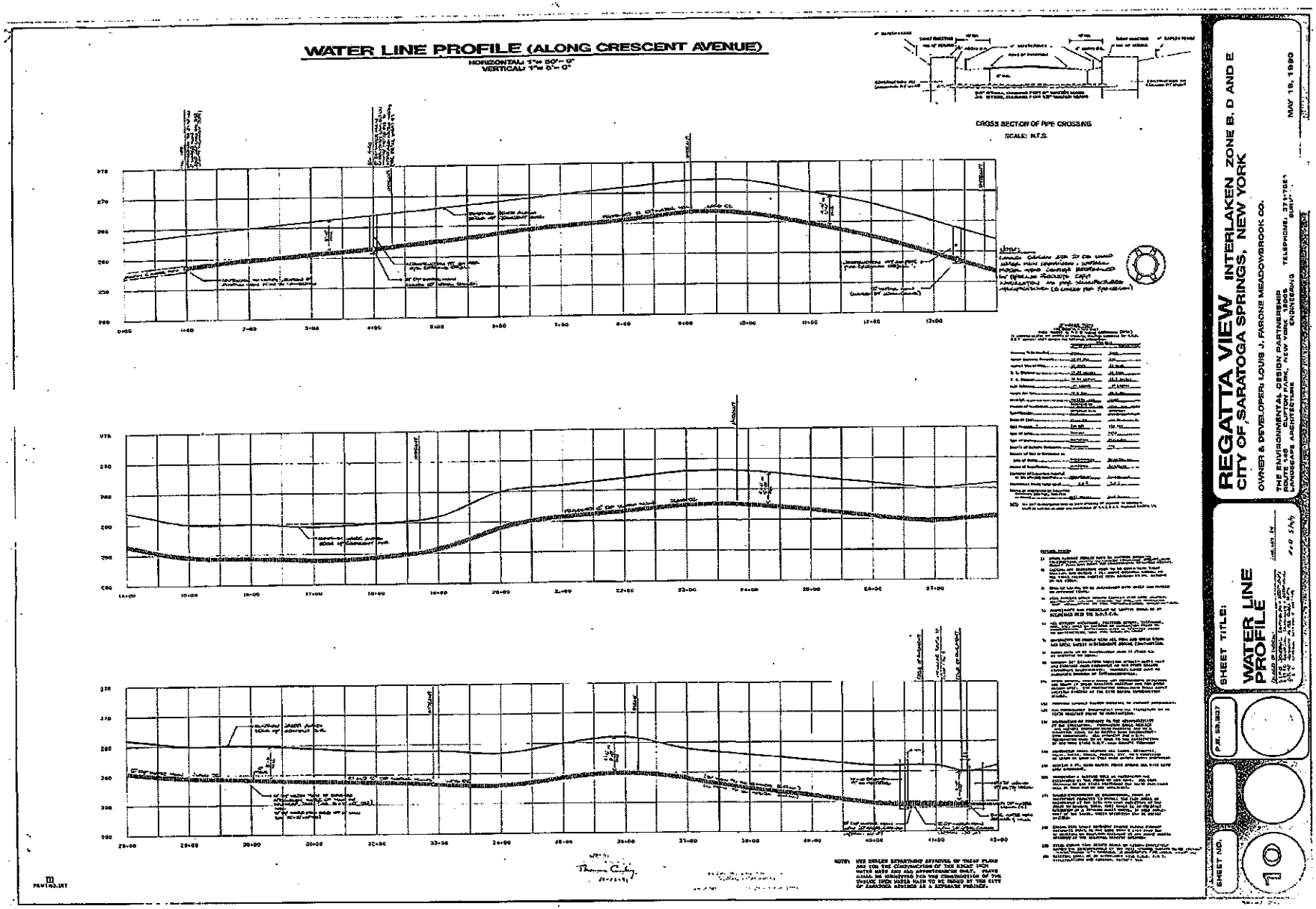

DYER SWITCH ROAD
NEW YORK STATE ROUTE 9P
EQ
CK
SW
RC
LEGEND
EXISTING SPOT ELEVATION
EXISTING CONTOUR
PROPOSED CONTOUR
PROPOSED WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
LIGHTING
PLANTING KEY
KEY | COMMON | BOTANICAL | SIZE | NO. | REMARKS
CK
EQ
SW
RC
PROJECT L.A. 806
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065 TELEPHONE: 371-7551
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING
FEBRUARY 14, 1990
SHEET TITLE:
PLANTING, GRADING AND LIGHTING PLAN
P.E. 53,337
SCALE: 1"= 50'-0"
NORTH
SHEET NO.
6



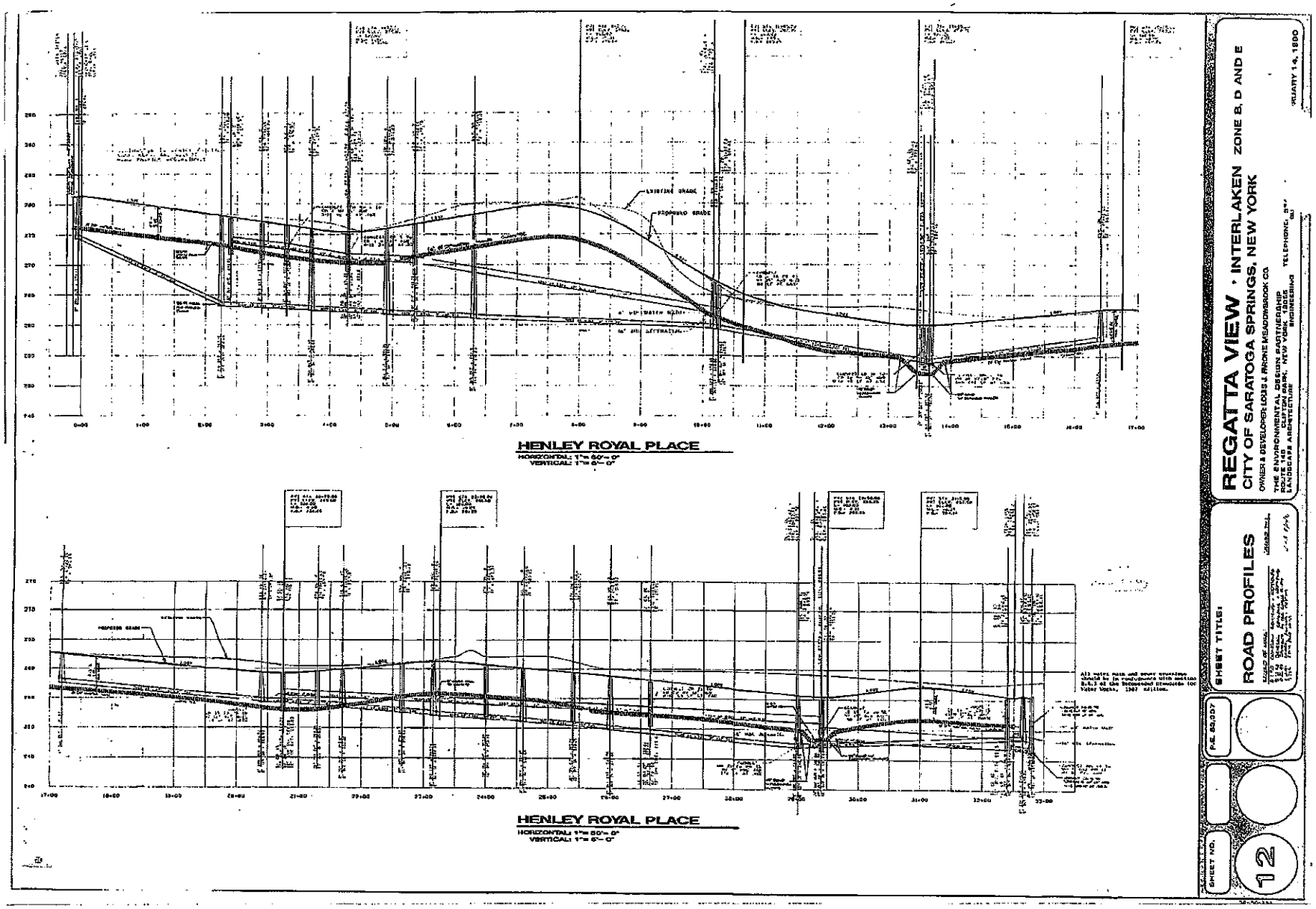
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. PARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
FEBRUARY 14, 1990
SHEET TITLE:
PLANTING, GRADING AND LIGHTING PLAN
SCALE: 1"= 50'-0"
SHEET NO.
7
PROJECT L.A. 1106
LEGEND
EXISTING SPOT ELEVATION
EXISTING CONTOUR
PROPOSED CONTOUR
PROPOSED WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
PROPOSED HYDRANT
PROPOSED GRASS STRIP
REMOVE EXISTING DRIVEWAY
DYER SWITCH ROAD
EQ
SW
FISH CREEK
PROPOSED DRAINAGE CULVERT (TYP.)
PLANTING NOTES
LIGHTING
PLANTING KEY
KEY | COMMON | BOTANICAL | SIZE | NO. | REMARKS
CK
EQ
SW
RC
DECIDUOUS TREE PLANTING


WETLAND STORMWATER BASIN
PLAN VIEW
FISH CREEK
68
STORMWATER BASIN
CROSS SECTION
OUTLET STRUCTURE
CATCH BASIN DETAIL
ANCHORING DETAIL
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER AND DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 140 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
TELEPHONE: 371-7621
SURVEY
FEBRUARY 14, 1990
SHEET TITLE:
STORMWATER BASIN PLAN
P.E. 53,337
PROJECT L.A. 109
SHEET NO.
8


OVERALL CONCEPT PLAN
SCALE: 1"= 200'
WATER CONNECTION PLAN
SCALE: 1"= 100'
LAKE LONELY
FISH CREEK
PHASE 1
PHASE 2
PHASE 3
PHASE 4
A
AA
B
BB
C
D
E
INTERLAKEN ZONE A
INTERLAKEN ZONE B
INTERLAKEN ZONE C
INTERLAKEN ZONE D
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, N.Y.
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ENGINEERING
LANDSCAPE ARCHITECTURE
SURVEY
FEBRUARY 14, 1990
SHEET TITLE:
WATER MAIN - CONNECTION PLAN
P.E. 63,337
SHEET NO.
9

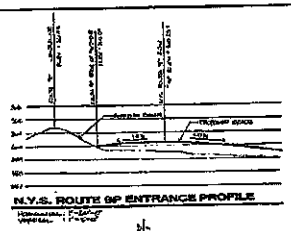

WATER LINE PROFILE (ALONG CRESCENT AVENUE)
HORIZONTAL: 1"= 50'-0"
VERTICAL: 1"= 5'-0"
CROSS SECTION OF PIPE CROSSING
SCALE: N.T.S.
REGATTA VIEW INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
MAY 19, 1990
SHEET TITLE:
WATER LINE PROFILE
SHEET NO.
10

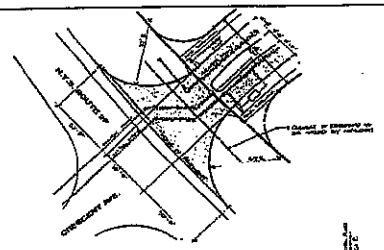
REGATTA VIEW BLVD.
REGATTA VIEW BLVD.
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
ROAD PROFILES
SHEET TITLE:
SHEET NO.
11
JANUARY 14, 1980

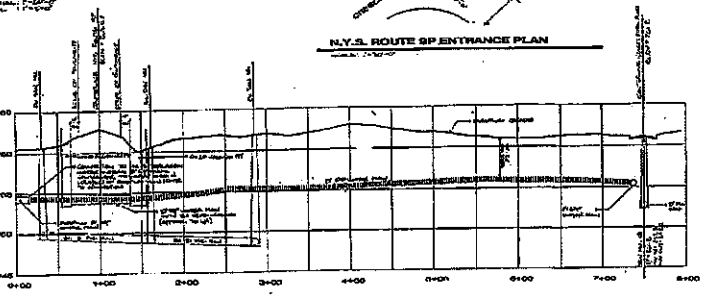

HENLEY ROYAL PLACE
HORIZONTAL: 1"= 50'- 0"
VERTICAL: 1"= 5'- 0"
HENLEY ROYAL PLACE
HORIZONTAL: 1"= 50'- 0"
VERTICAL: 1"= 5'- 0"
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FRONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
SHEET TITLE:
ROAD PROFILES
SHEET NO.
12
P.E. 83,307
JANUARY 14, 1980

GENERAL NOTES

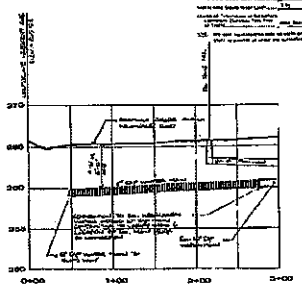
1. FIELD ADJUSTMENTS MAY BE APPROVED BY N.Y.S.D.O. AND SHOULDER PRIOR TO INSTALLATION.
2. FIELD STAKEOUT AND INSPECTION OF SHOULDER CONDITION WILL BE NECESSARY.
3. ROAD SURFACES WILL BE ADJUSTED AFTER ROAD IS CLEANED AND PAVEMENT REMOVED.
4. INFILTRATION-INFLTRATION TESTS WILL BE REQUIRED BEFORE FINAL ACCEPTANCE AND MAY REQUIRE THE ADDITION OF INTERCEPTOR MANHOLES. ONE MANHOLE BETWEEN THE 10th INTERCEPTOR BELOW THE 10th MANHOLE. THIS MANHOLE TO BE CHANGED TO A DROP MANHOLE.
5. MINIMUM 18" VERTICAL SEPARATION IS REQUIRED BETWEEN WATER AND A SANITARY SEWER CROSSING IN THE WORK AREA. MAINTAIN 10' HORIZONTAL SEPARATION BETWEEN WATER AND SANITARY SEWER. TAKE ALL NECESSARY MEASURES TO ACHIEVE REQUIREMENTS. TAKE ALL NECESSARY MEASURES TO ACHIEVE REQUIREMENTS. TAKE ALL NECESSARY MEASURES TO ACHIEVE REQUIREMENTS.
6. WHERE SEWERS VERTICAL SEPARATION OF 18" BETWEEN TOP OF SANITARY SEWER AND BOTTOM OF WATER MAIN CANNOT BE MAINTAINED THE SANITARY SEWER SHALL BE CONSTRUCTED OF MATERIALS AND WITH JOINTS THAT ARE EQUIVALENT TO WATER MAIN. PRIOR COMMENCE OF CONSTRUCTION AND BEGIN ACCEPTANCE TESTING PRIOR TO BACKFILL. TEST SANITARY SEWER AFTER BACKFILL. TEST WATER MAIN BACKFILL THEN PRIOR TO MATERIAL BALLS ACCORDING TO NEW YORK STATE STANDARDS. 11-1-1 SP SANITARY SEWERS OVER CONCRETE.
7. ALL WATER MAINS SHALL BE PRESSURE TESTED AND DISINFECTED IN ACCORDANCE WITH A.W.W.A. STANDARDS. SAMPLES TO BE SUBMITTED TO SOME HOLDINGS.
8. MAINS SHALL BE CONSTRUCTED WITH TWO HYDRANTS, TWENTY FEET TO BE CAST IN PLACE. (SEE DETAIL SHEET)
9. STORM SEWER PIPE TO BE ASTM-C-76.
10. CATCH BASINS TO BE PRECAST CONCRETE STANDARD BASINS.
11. MANHOLE COVER RIM TO BE A.V.C. ASTM-A-142-72 SPEC. 11-1 (UP TO 15 FT. DEPTH BASINS OVER 11' RIM TO BE 30 IN.)
12. CURB BOX COVER TO BE INSTALLED FLUSH WITH FINISH GRADE.
13. WATER MAIN DEPTH 4.5' MINIMUM. (NOTE)
14. CONSTRUCTION SHALL BE IN ACCORDANCE WITH TOWN AND STATE REQUIREMENTS.
15. ALL VALVE BOXES SHALL BE CAST CLASS 30.
16. ALL BELL BELOW WATER MAINS SHALL BE CONNECTED CONCRETE BLOCKING.
17. FINISHED WATER AND SANITARY SEWER TO BE TESTED IN ACCORDANCE WITH [illegible] REQUIREMENTS AND THE STATE STANDARDS.
18. LEVEL OF SANITARY SEWER CROSSING MANHOLE STRUCTURES MAY BE DETERMINED BY THE INCLUDED PIPE. IN NO CASE SHALL THE SEWER CROSSING THE MANHOLE STRUCTURES BE LESS THAN 24".
19. [illegible]



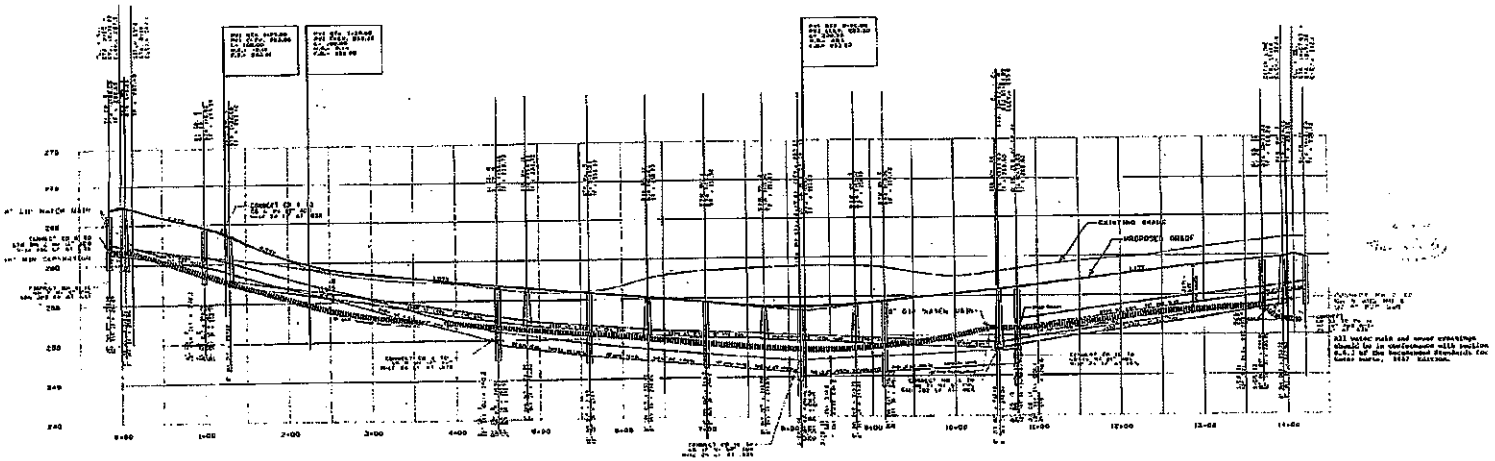




WATER MAIN ACROSS LOT 66
HORIZONTAL: 1"= 50'-0"
VERTICAL: 1"= 5'-0"



WATER MAIN ALONG INLANDER ROAD
HORIZONTAL: 1"= 50'-0"
VERTICAL: 1"= 5'-0"



THAMES PLACE
HORIZONTAL: 1"= 50'-0"
VERTICAL: 1"= 5'-0"

all water main and sewer crossings should be in conformance with section 6.6.1 of the Recommend Standards for Water Works, 1997 Edition.

REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK

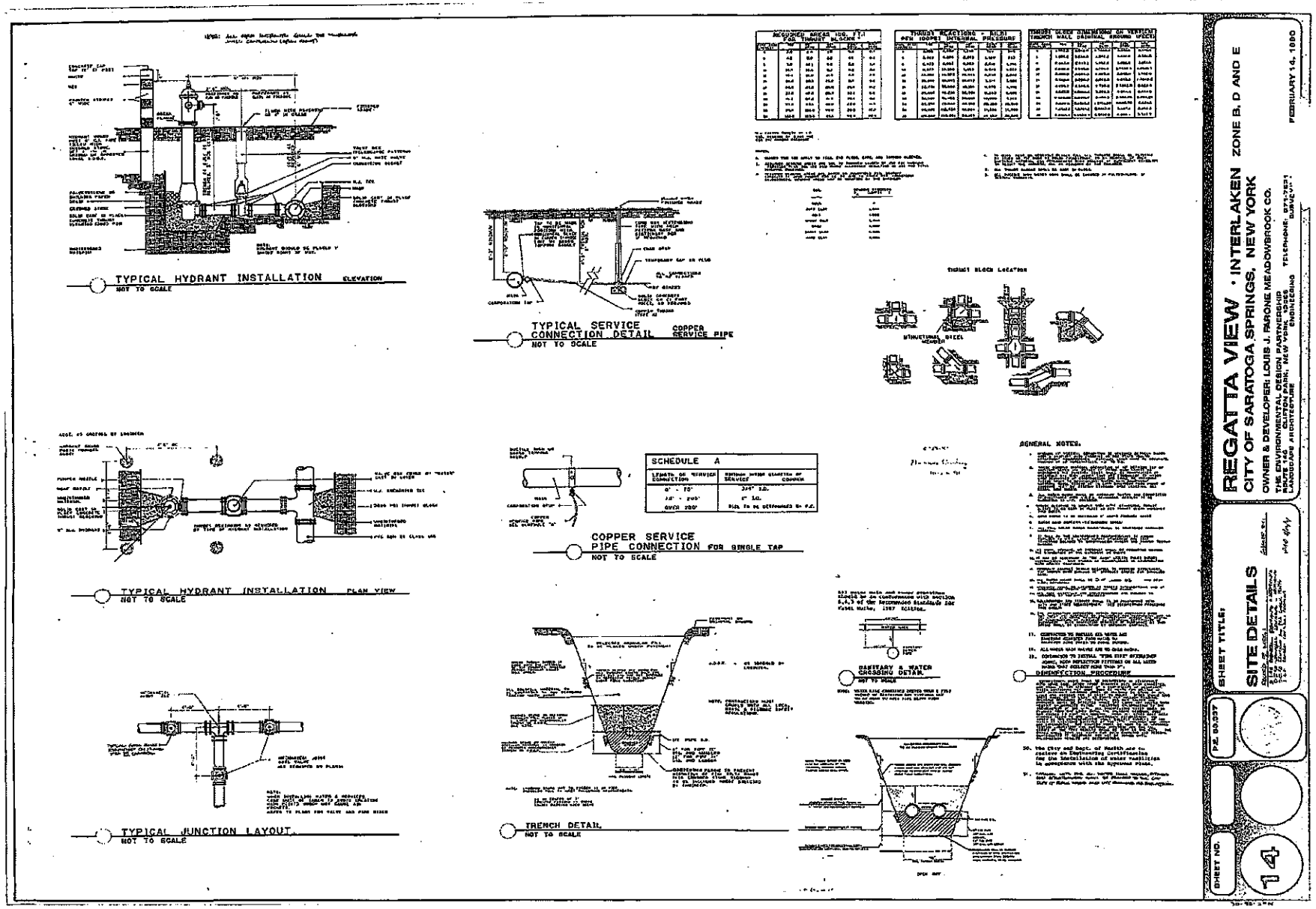
OWNER & DEVELOPER: LOUIS J. FARINE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ENGINEERS & LANDSCAPE ARCHITECTS, NEW YORK
TELEPHONE: 371-7051
ENGINEERING

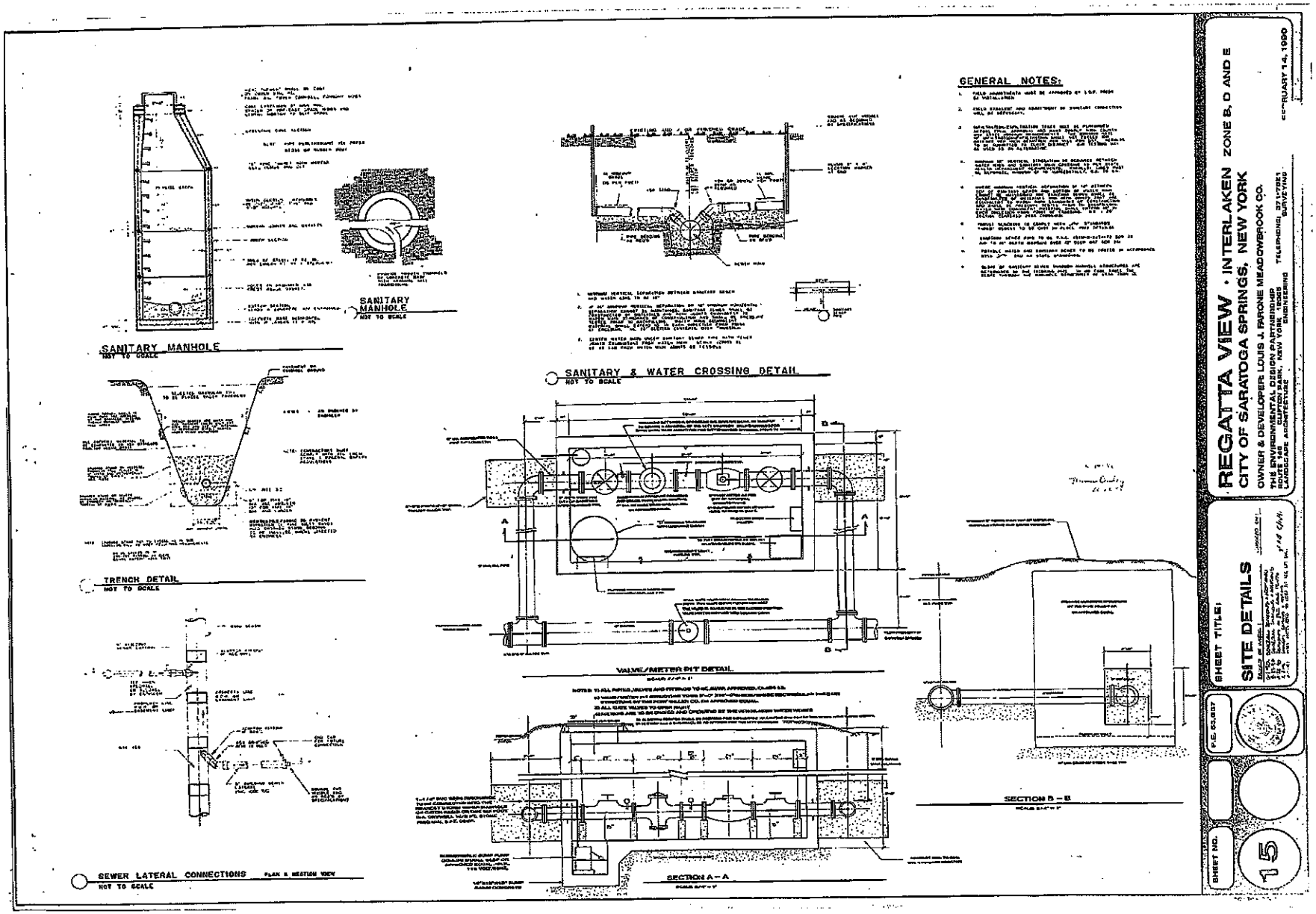
FEBRUARY 14, 1990

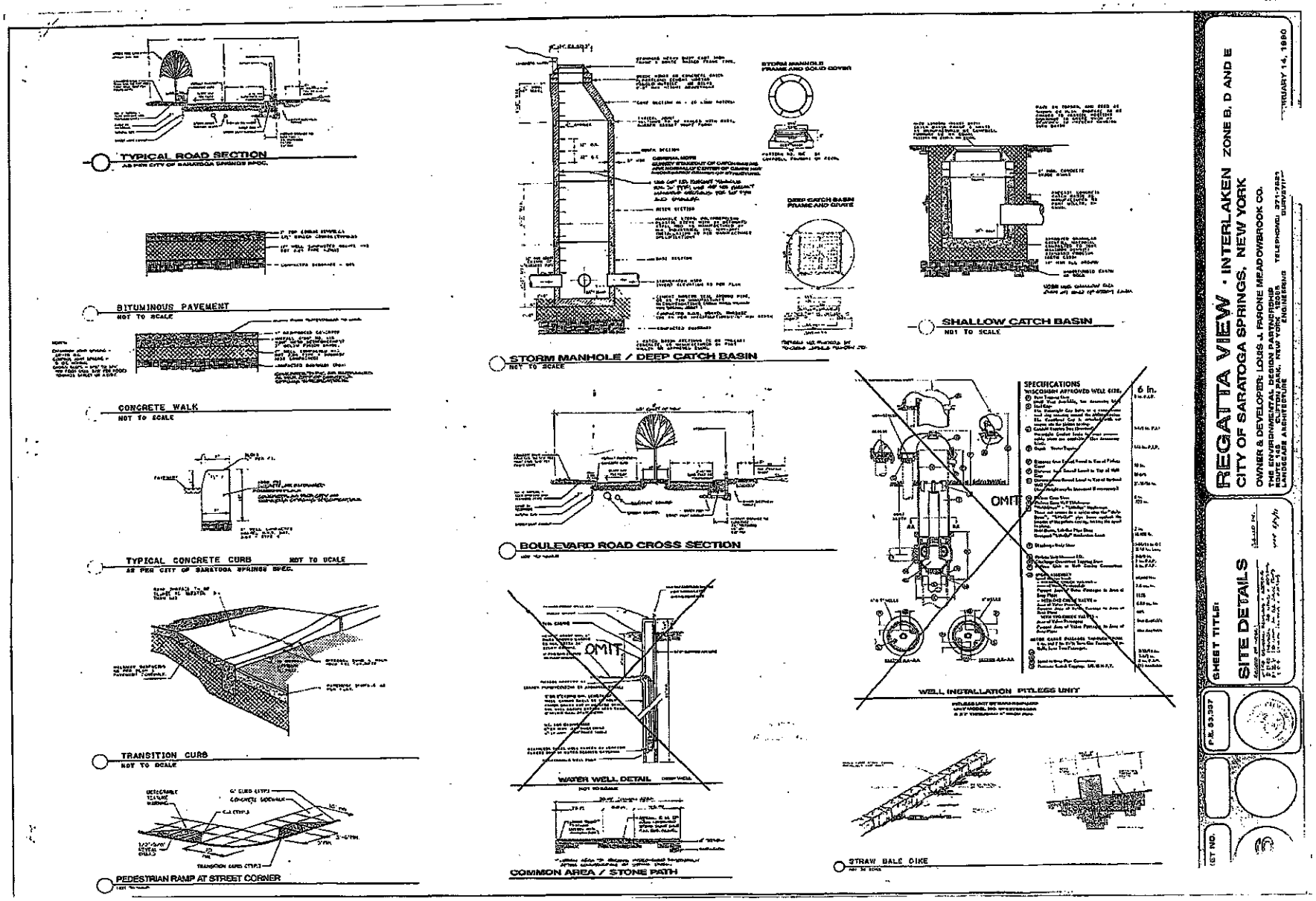
SHEET TITLE:
WATER MAIN AND ROAD PROFILES

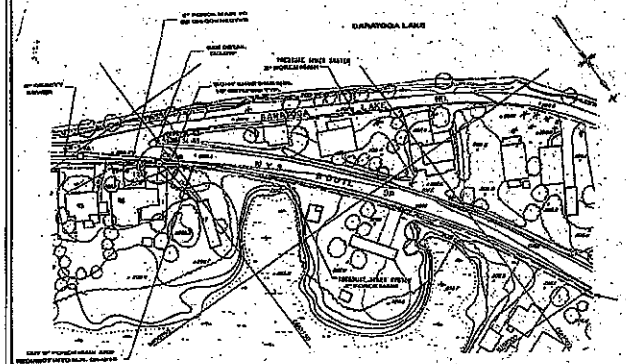
P.E. 59,337

SHEET NO. 13

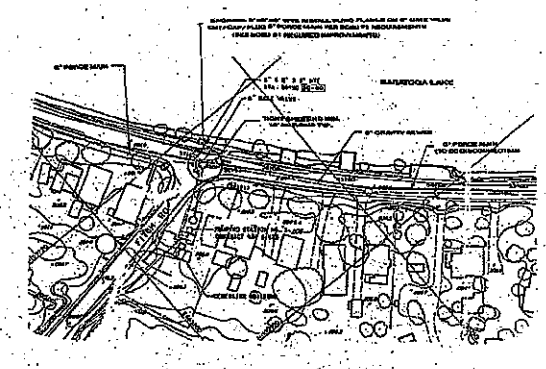

TYPICAL HYDRANT INSTALLATION ELEVATION
NOT TO SCALE
TYPICAL SERVICE CONNECTION DETAIL COPPER SERVICE PIPE
NOT TO SCALE
THRUST BLOCK LOCATION
STRUCTURAL STEEL HEADER
TYPICAL HYDRANT INSTALLATION PLAN VIEW
NOT TO SCALE
SCHEDULE A
COPPER SERVICE PIPE CONNECTION FOR SINGLE TAP
NOT TO SCALE
GENERAL NOTES.
SANITARY & WATER CROSSING DETAIL
NOT TO SCALE
DISINFECTION PROCEDURE
TYPICAL JUNCTION LAYOUT
NOT TO SCALE
TRENCH DETAIL
NOT TO SCALE
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. PARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146
CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
TELEPHONE: 371-7621
FEBRUARY 14, 1990
SHEET TITLE:
SITE DETAILS
P.E. 90337
SHEET NO.
14


SANITARY MANHOLE
NOT TO SCALE
SANITARY MANHOLE
NOT TO SCALE
SANITARY & WATER CROSSING DETAIL
NOT TO SCALE
GENERAL NOTES:
TRENCH DETAIL
NOT TO SCALE
VALVE/METER PIT DETAIL
SECTION A – A
SECTION B – B
SEWER LATERAL CONNECTIONS
NOT TO SCALE
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
TELEPHONE: 371-7261
SURVEYING
FEBRUARY 14, 1990
SHEET TITLE:
SITE DETAILS
P.E. 63,837
SHEET NO.
15

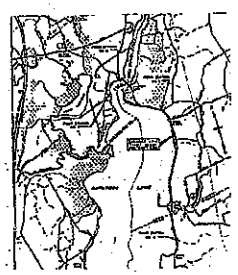

TYPICAL ROAD SECTION
AS PER CITY OF SARATOGA SPRINGS SPEC.
BITUMINOUS PAVEMENT
NOT TO SCALE
CONCRETE WALK
NOT TO SCALE
TYPICAL CONCRETE CURB
NOT TO SCALE
AS PER CITY OF SARATOGA SPRINGS SPEC.
TRANSITION CURB
NOT TO SCALE
PEDESTRIAN RAMP AT STREET CORNER
STORM MANHOLE / DEEP CATCH BASIN
NOT TO SCALE
STORM MANHOLE FRAME AND SOLID COVER
DEEP CATCH BASIN FRAME AND GRATE
SHALLOW CATCH BASIN
NOT TO SCALE
BOULEVARD ROAD CROSS SECTION
OMIT
WATER WELL DETAIL
NOT TO SCALE
COMMON AREA / STONE PATH
SPECIFICATIONS
6 in.
OMIT
WELL INSTALLATION PITLESS UNIT
STRAW BALE DIKE
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
TELEPHONE: 371-7521
SURVEYING
FEBRUARY 14, 1990
SHEET TITLE:
SITE DETAILS
P.R. 53,337



PLAN VIEW M.H. #CR-318

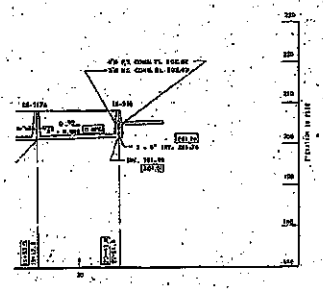


PLAN VIEW 6"/0" FORCE MAIN CONNECTION

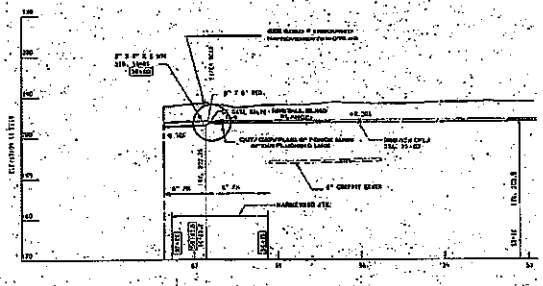


SITE LOCATION MAP

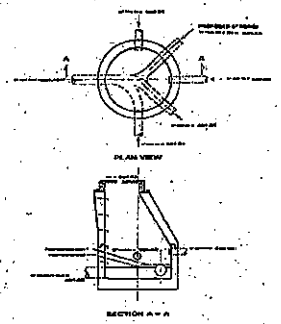
NOT TO SCALE



PROFILE M.H. #CR-318



PROFILE 6"/8" FORCE MAIN CONNECTION



SCSD #1 M.H.#CR-318 DETAIL

NOT TO SCALE

SCSD #1 REQUIRED IMPROVEMENTS

GENERAL NOTES

1. THE CONTRACTOR SHALL CONTACT SITE OPERATORS AND TAKE ALL FINAL MEASURES AND NECESSARY PRECAUTIONS NECESSARY TO TREAT A REALM AND PROVIDE [illegible]
2. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS AND LICENSES PRIOR TO CONSTRUCTION.
3. THE CONTRACTOR SHALL VERIFY AND DETAIL IN FORCE [illegible] ALL EXISTING UTILITIES, STRUCTURES, SUBSURFACE, BUILDINGS AND SUPPORTS, ETC.
4. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING BUILDINGS AND AREAS OF THE PROJECTS SITES PRIOR TO CONSTRUCTION.
5. AS PER "NEW YORK STATE" CODE 53-[illegible] CALL 1-800-962-7962 TO LOCATE UTILITIES CAUSED BY OTHER UNDERGROUND UTILITIES AS LAID THAT THE ON HAND MAP IS MISSING OUT PRIOR TO DIGGING, INSTALLING, EXCAVATING, SAWING FORM, ETC.
6. ALL SITE WORK SHALL BE EXEMPT AND STRICT REGARD [illegible] CONDITIONS. THERE SHOULD BE NO [illegible] PROCEDURE OR EXCAVATION PROPERTY OUTSIDE THAT PLACE BE DETAILED.
7. THE CONTRACTOR SHALL FILL IN, AND THEN RE-EXCAVATE AS NECESSARY TO MAKE WORK, NO EXCAVATION OR TRENCHES AT LOCATIONS AND BE DONE IN WAY [illegible] THE WORK, AND MAINTAIN EXISTING FACILITIES, IN THE [illegible].
8. THE CONTRACTOR SHALL ONLY BE THE ONE OF A [illegible] PARTS DURING LIGHTING THE JOB. ALL [illegible] MUST BE CLEARED OF ANY CONSTRUCTION EQUIPMENT MUST BE [illegible] THOSE CAR OF AND STORED BY THE END OF THE DAY.
9. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY [illegible] TRAFFIC CONTROL DEVICES AND SAFETY DEVICES DURING CONSTRUCTION PERIOD INCLUDE PUBLIC TRAFFICS AND THEY BE NECESSARY DURING CONSTRUCTION.
10. REPOSITORY OF EMPHASIS ON THE REPRODUCTION OF [illegible] SHOULD, CONTRACTOR SHALL VERIFY AND [illegible] TO THE SYSTEM THAT THE MATERIALS TO A CONSTANT [illegible] TO THE SYSTEM THAT THE MATERIALS TO A CONSTANT [illegible] AND THAT IS NOT NECESSARY TO BE [illegible] TO THE SATISFACTION OF THE SITE WORK [illegible] DEPARTMENT OF TRANSPORTATION.
11. [illegible] AND SURROUNDING LOCATION AND PROVE IN [illegible] AREAS AND SUBSURFACE, [illegible] CONTRACTOR MUST FIND THAT THEIR LOCATION CHECKED BY THE SITE WORK SUPERVISOR [illegible].
12. CONTRACTOR SHALL REPORT ALL LAKES, CATTAILS, [illegible], CALLS, CREEK, FORCE, ETC. TO A CONDITION AT LEAST AS GOOD AS THAT FOR AREAS BEING DISTURBED.
13. [illegible] SHALL BE REPAIRED CALLED [illegible] AND SHALL BE REPAIRED TO AN [illegible] CONDITION. [illegible] TO REPAIR THESE [illegible] ANY [illegible] OR BY THE CONTRACTOR. [illegible] AS [illegible] AS DIRECTED BY [illegible].
14. FUEL, MAINTAIN, ETC. SHALL BE PROTECTED OR [illegible] AND REPLACED PROPER IN THEY [illegible] SHALL BE [illegible] AND SHALL BE REPLACED AT THE [illegible].
15. NO SIGN, [illegible] OR [illegible] SHALL BE PERMITTED [illegible] ON [illegible] OF THE [illegible].
16. CONTRACTOR TO COMPLY WITH ALL SIGN AND OTHER [illegible] PROVIDED BY THE [illegible] PLANS CONTRACTOR [illegible].
17. CONTRACTOR RESPONSIBLE FOR TRAFFIC CONTROL AND [illegible] DURING CONSTRUCTION.
18. [illegible] AS DIRECTED BY THE [illegible] SHALL BE [illegible] IN CONNECTION WITH [illegible].
19. THE INFORMATION REPRESENTED HEREIN WHICH DOCUMENTS [illegible] THE [illegible] AND CONTRACT WITH OR OBLIGATION OF THE [illegible] PERFORMED ON ALL WORK, [illegible] AND SAFETY MEASURES [illegible] ALL [illegible] SERVICE IS PERFORMED BY THIS OFFICE [illegible] BY [illegible] CONTRACT.
20. ALL [illegible], OBSTACLES AND MISCELLANEOUS MUST BE [illegible] TO THE [illegible] OF THE ENVIRONMENTAL [illegible] MAINTENANCE [illegible].
21. ALL [illegible] DAMAGED AND DEFECTIVE TO BE APPROVED BY THE [illegible] COUNTY SEWER DISTRICT # 1 PRIOR TO INSTALLATION.
22. SARATOGA COUNTY SEWER DISTRICT # 1 SHALL ACCEPT [illegible] PRIOR TO CONSTRUCTION [illegible] SITE [illegible] AND [illegible] ALL [illegible] SEWER [illegible].
23. MAINTENANCE OF THE [illegible] SHALL BE IN ACCORDANCE WITH THE [illegible] OF THE [illegible] TRAFFIC CONTROL DEVICES [illegible].
24. [illegible] TO EXTENT OF ABOVE [illegible] ON ALL [illegible] [illegible] SHOW CONNECTION OF THE PIPE [illegible] OF [illegible] PROPOSED [illegible].
25. [illegible] PLACE [illegible] BY [illegible] ON THE [illegible] [illegible] SHOW CONNECTION OF THE PIPE [illegible] OF [illegible] PROPOSED [illegible].

SHEET TITLE: COUNTY SEWER IMPROVEMENT DETAILS

REVISIONS

DRAWN BY

REGATTA VIEW · INTERLAKEN: ZONE B, D AND E

CITY OF SARATOGA SPRINGS, NEW YORK

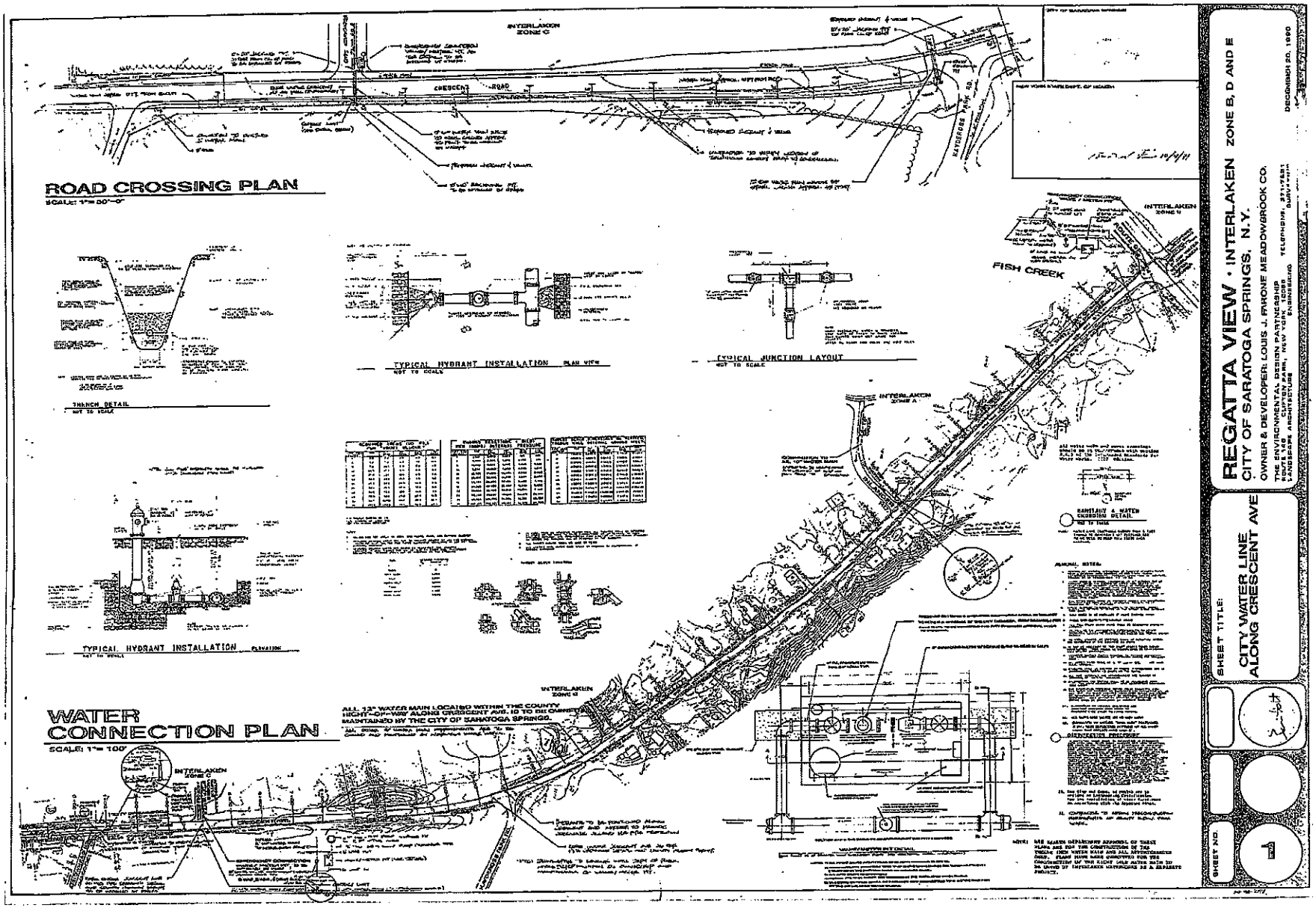
OWNER & DEVELOPER: LOUIS J. PARONE MEADOWBROOK CO.

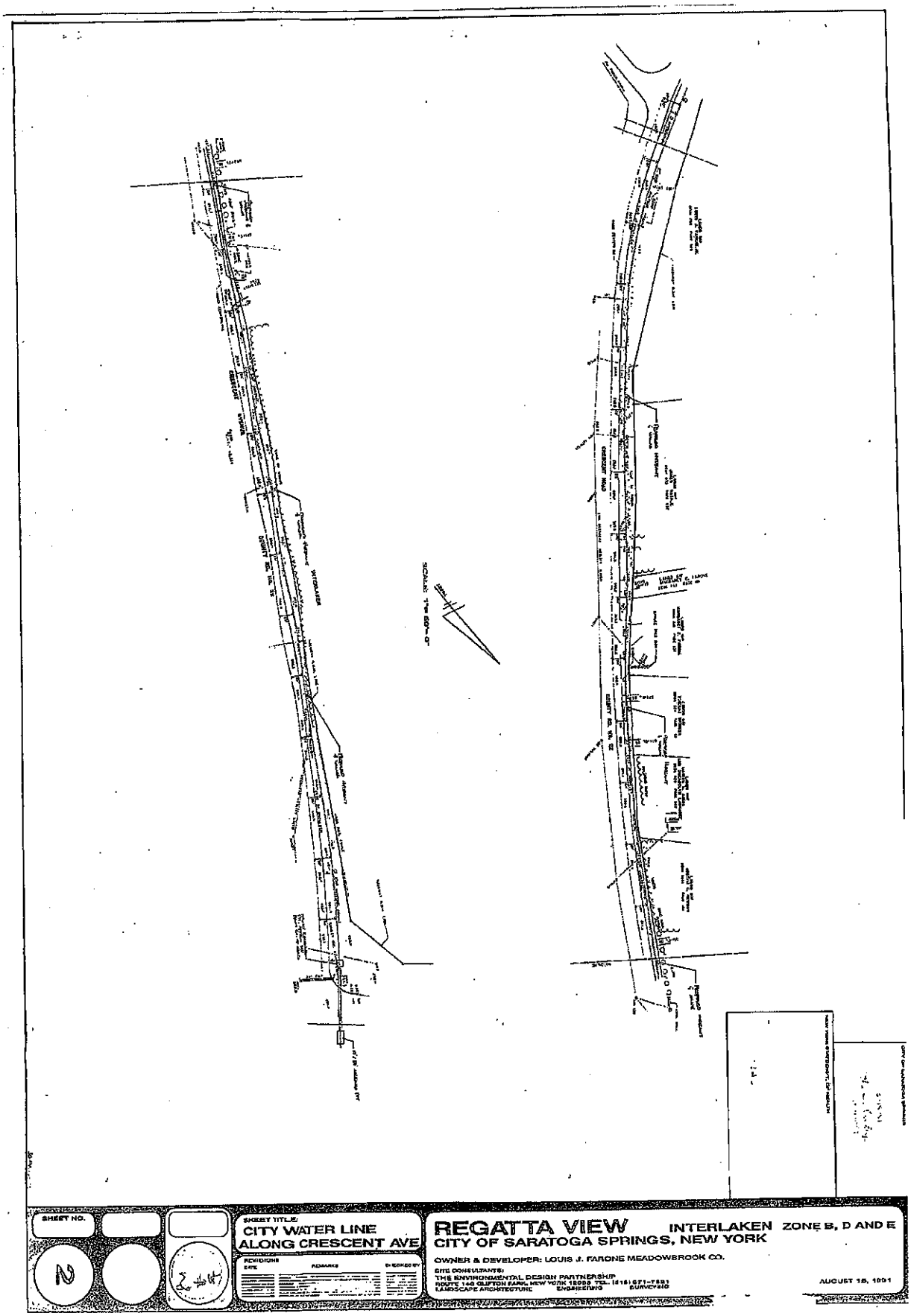
SITE CONSULTANTS: TOWNE & COUNTRY CONSTRUCTIONAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065 TEL: (518) 371-7621
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING

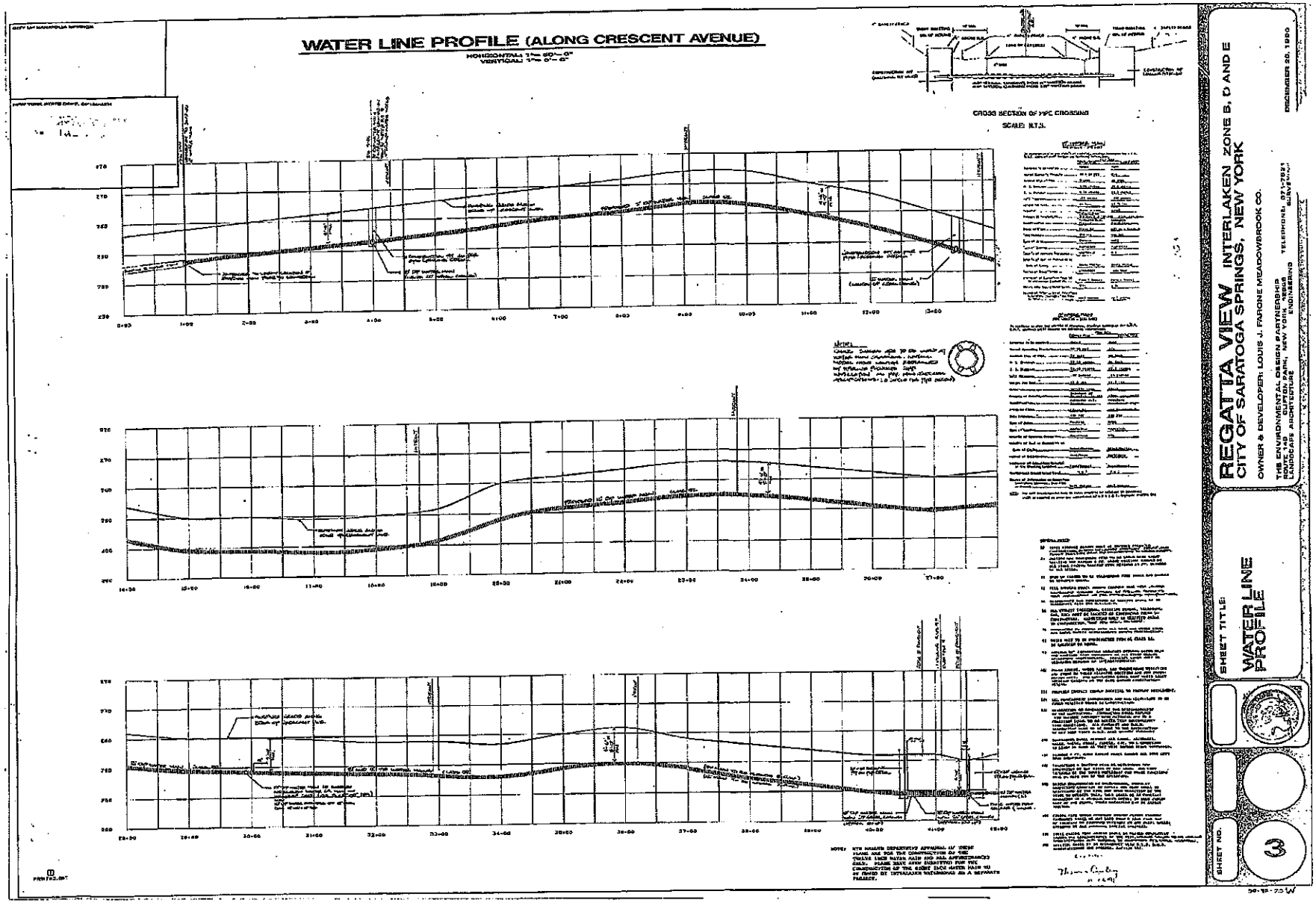
MARCH 1991

SCALE: AS SHOWN

SHEET NO.

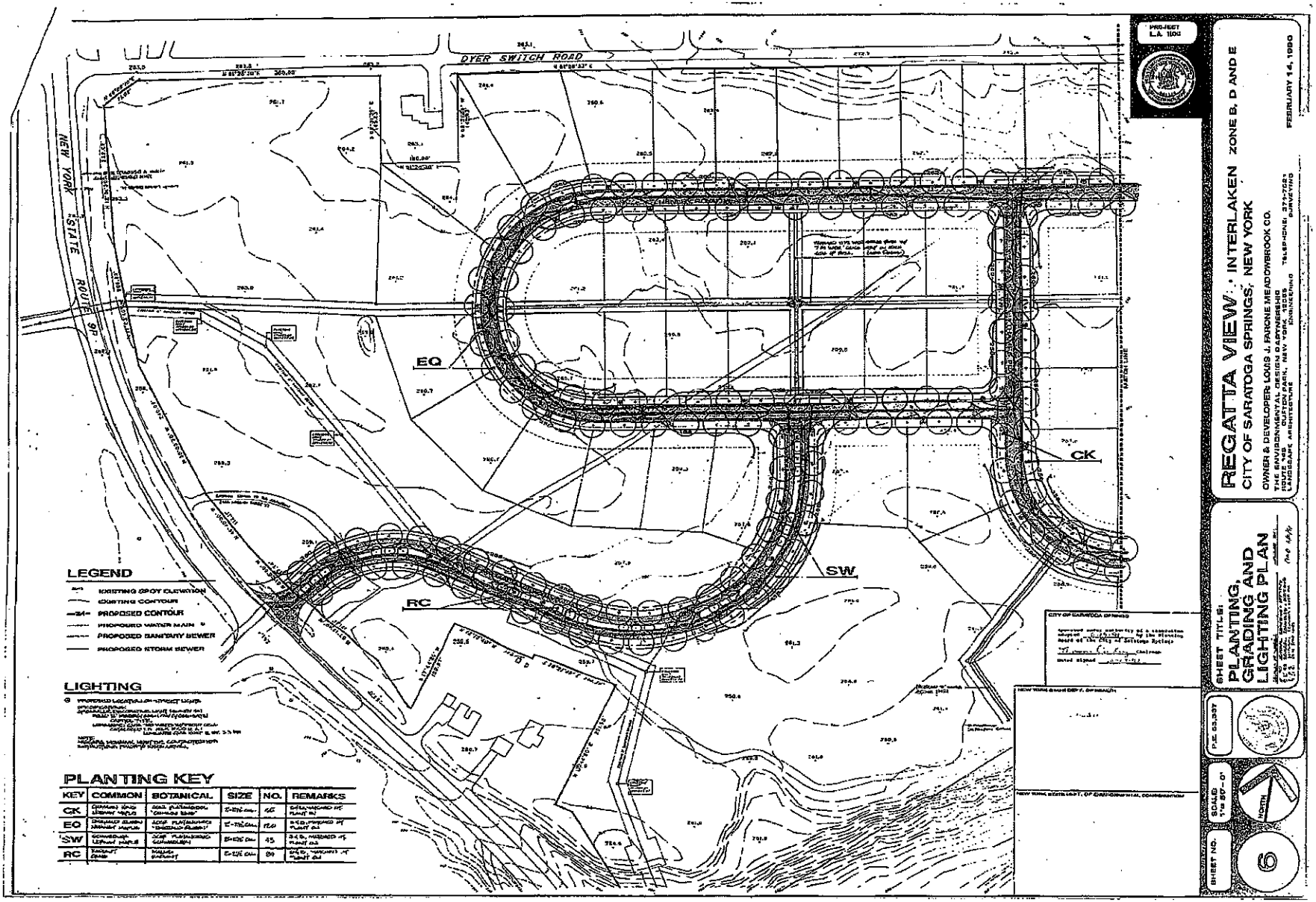

ROAD CROSSING PLAN
SCALE: 1"=50'-0"
INTERLAKEN ZONE C
CRESCENT ROAD
SARATOGA PARK RD.
TRENCH DETAIL
NOT TO SCALE
TYPICAL HYDRANT INSTALLATION PLAN VIEW
NOT TO SCALE
TYPICAL JUNCTION LAYOUT
NOT TO SCALE
TYPICAL HYDRANT INSTALLATION ELEVATION
NOT TO SCALE
WATER CONNECTION PLAN
SCALE: 1"=100'
ALL 12" WATER MAIN LOCATED WITHIN THE COUNTY RIGHT-OF-WAY ALONG CRESCENT AVE. TO BE OWNED MAINTAINED BY THE CITY OF SARATOGA SPRINGS.
INTERLAKEN ZONE C
INTERLAKEN ZONE B
INTERLAKEN ZONE A
FISH CREEK
SANITARY & WATER CROSSING DETAIL
NOT TO SCALE
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, N.Y.
OWNER & DEVELOPER: LOUIS J. FRIONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
LANDSCAPE ARCHITECTURE ENGINEERING
DECEMBER 20, 1990
SHEET TITLE:
CITY WATER LINE ALONG CRESCENT AVE
SHEET NO.
1

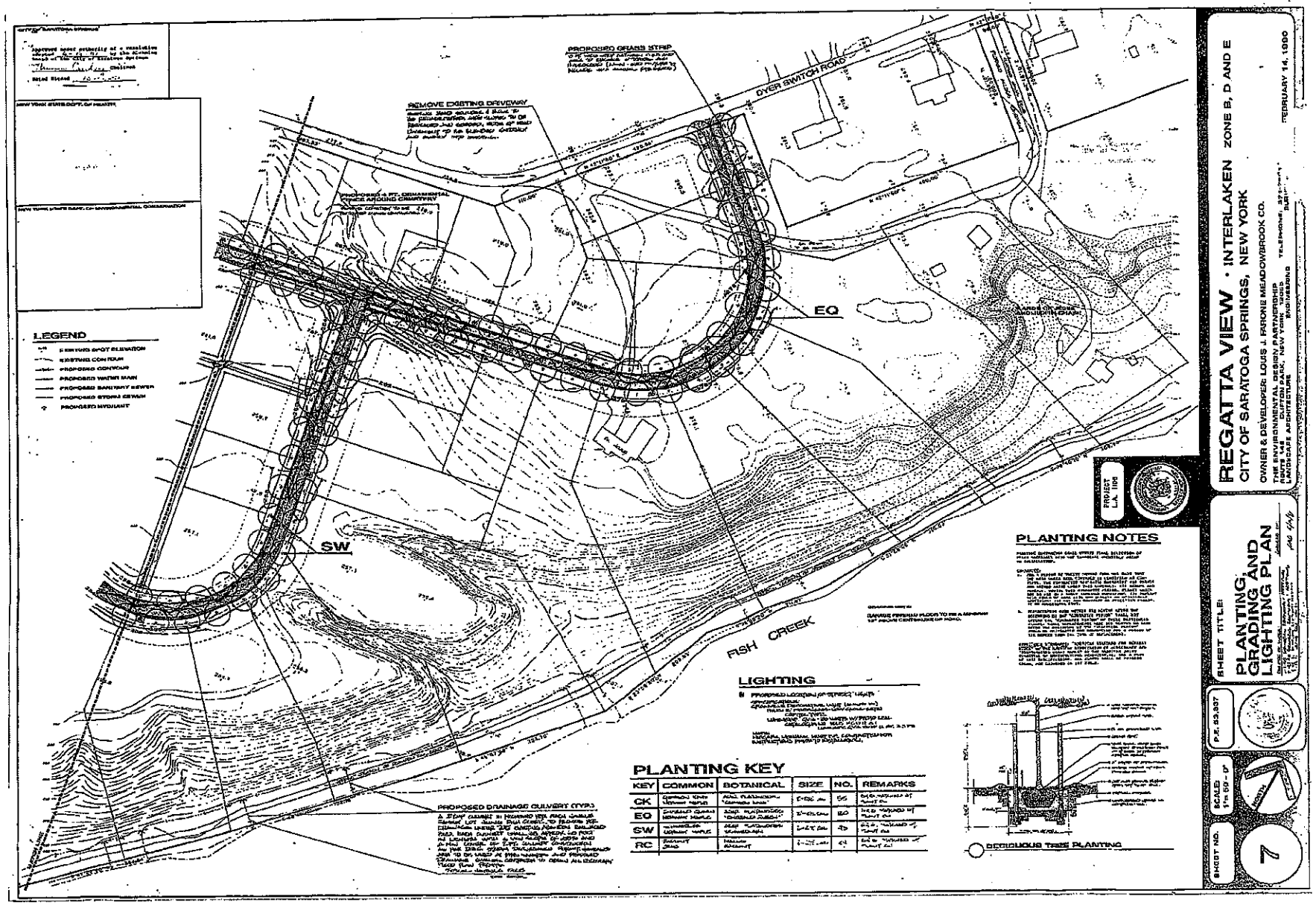

SHEET NO.
2
SHEET TITLE:
CITY WATER LINE
ALONG CRESCENT AVE
REVISIONS
DATE
REMARKS
CHECKED BY
REGATTA VIEW
INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
SITE CONSULTANTS:
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065 TEL. (518) 371-7621
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING
AUGUST 15, 1991

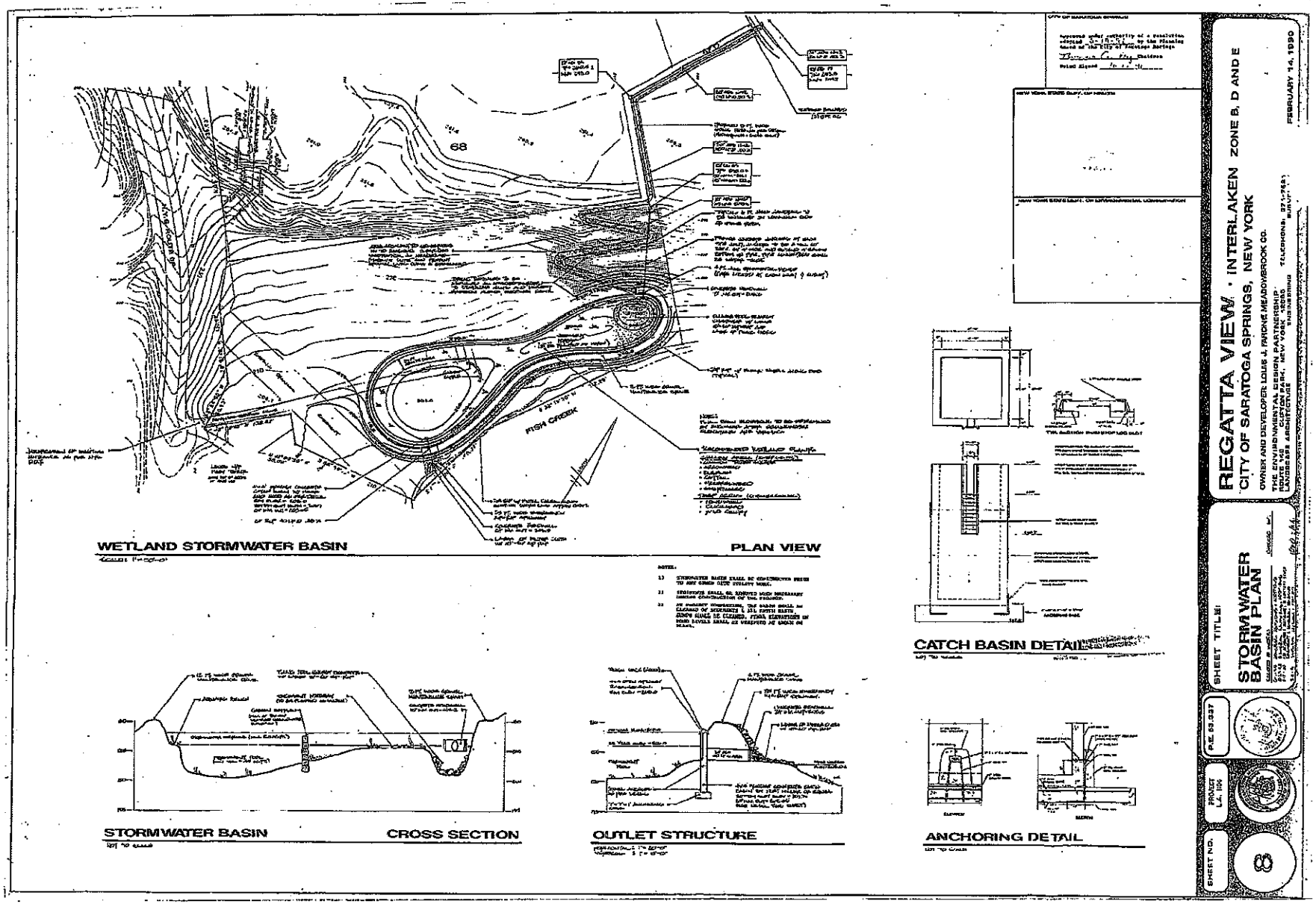

WATER LINE PROFILE (ALONG CRESCENT AVENUE)
CROSS SECTION OF PIPE CROSSING
SCALE: N.T.S.
REGATTA VIEW INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
TELEPHONE: 371-7521
SURVEYING
DECEMBER 20, 1990
SHEET TITLE:
WATER LINE PROFILE
SHEET NO.
3

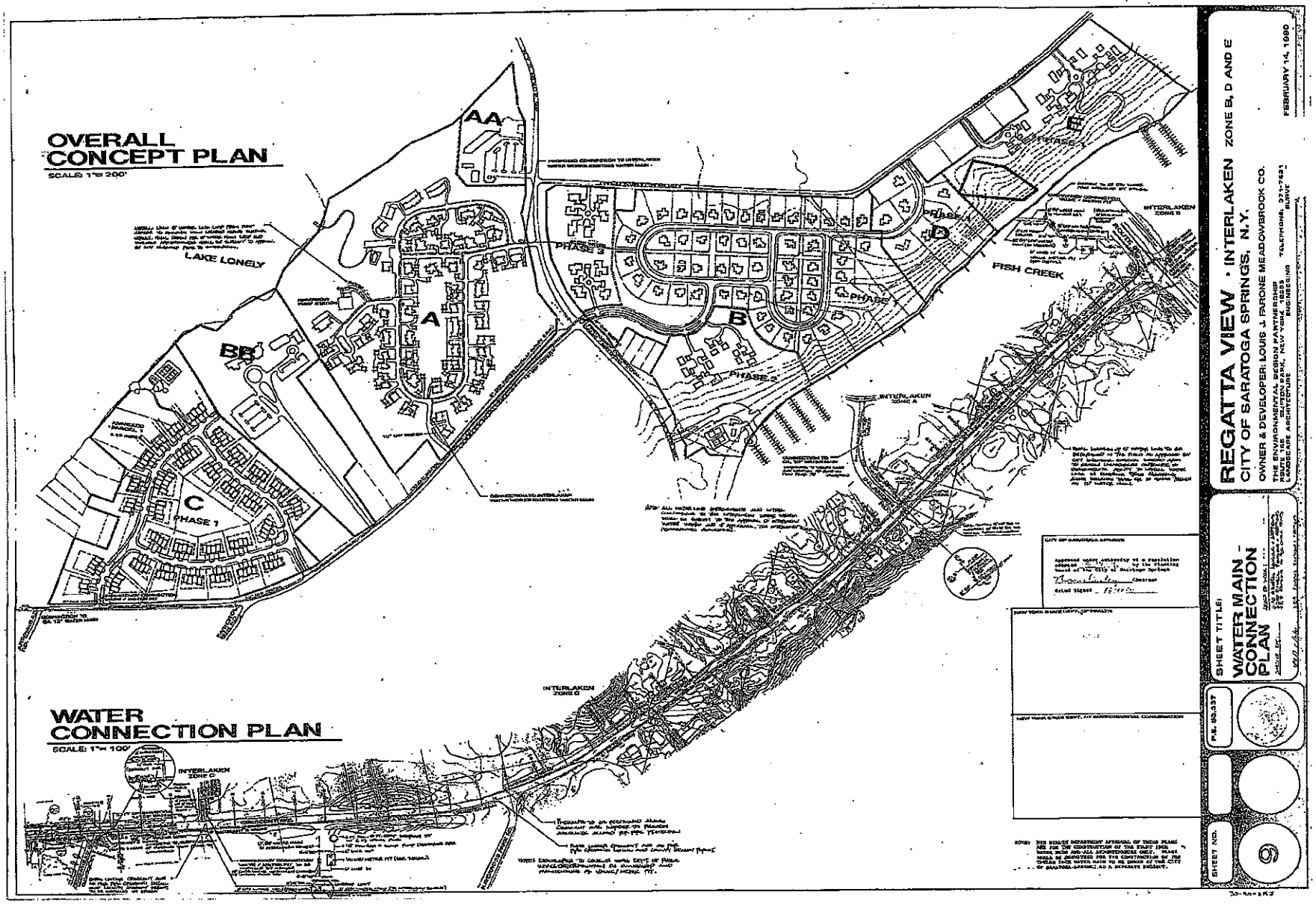
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS L. IRRONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
TELEPHONE: 371-7371
SURVEYING
FEBRUARY 14, 1990
SHEET TITLE:
UTILITY PLAN
SHEET NO.
SCALE: 1"=50'-0"
JAMES E. MITCHELL P.E. 53,337
NORTH
DYER SWITCH ROAD
NEW YORK STATE ROUTE 9P
LEGEND

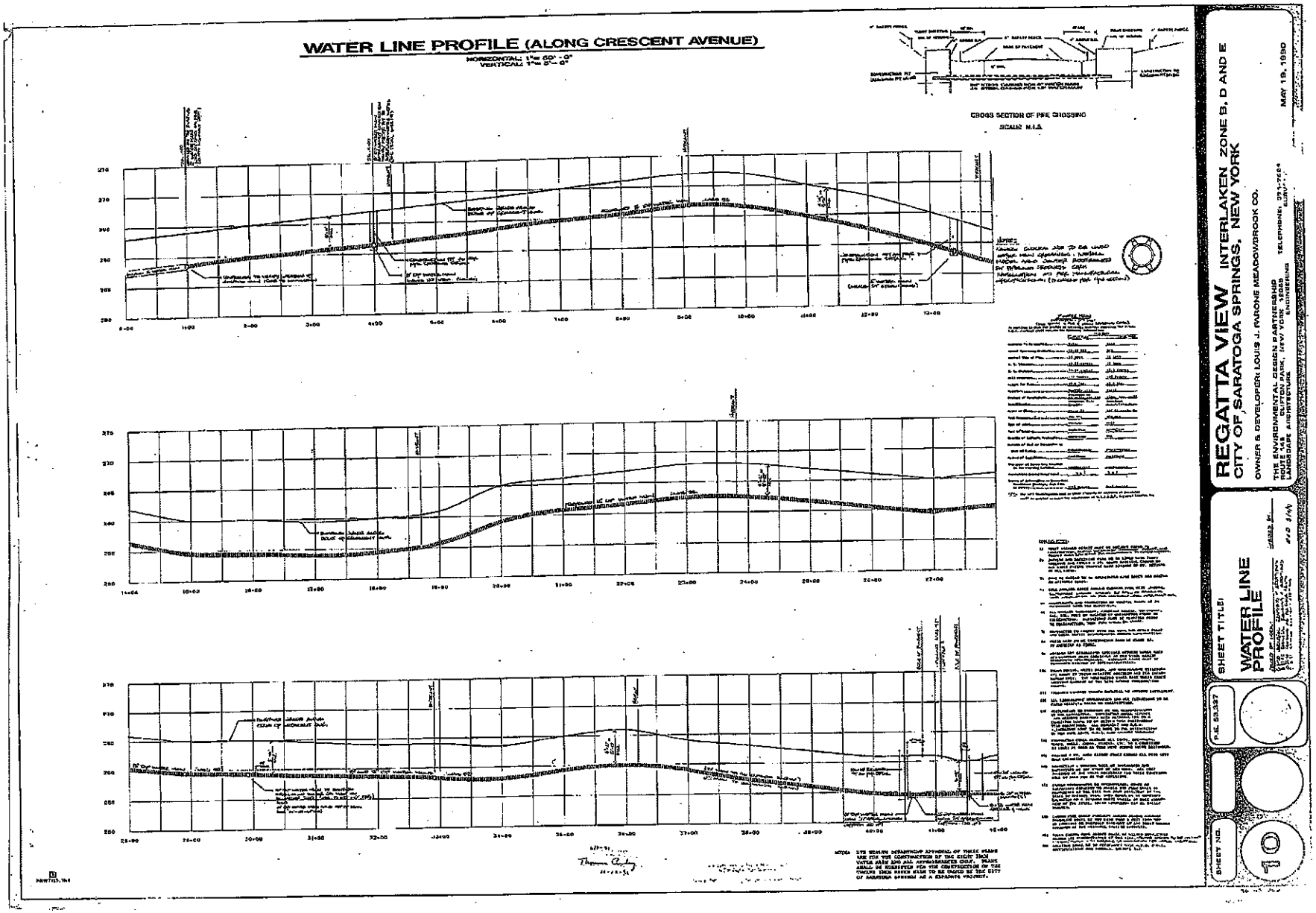
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS L BRONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING
TELEPHONE: 371-7021
FEBRUARY 14, 1990
UTILITY PLAN
SHEET TITLE:
MASTER MATRIX P.E. 03.337
SCALE: 1"= 50'-0"
SHEET NO. 5
GENERAL NOTES
LEGEND
EXISTING SPOT ELEVATION
EXISTING CONTOUR
PROPOSED CONTOUR
PROPOSED WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
PROPOSED HYDRANT
PROPOSED GATE VALVE
FISH CREEK
DEER SWAMP ROAD

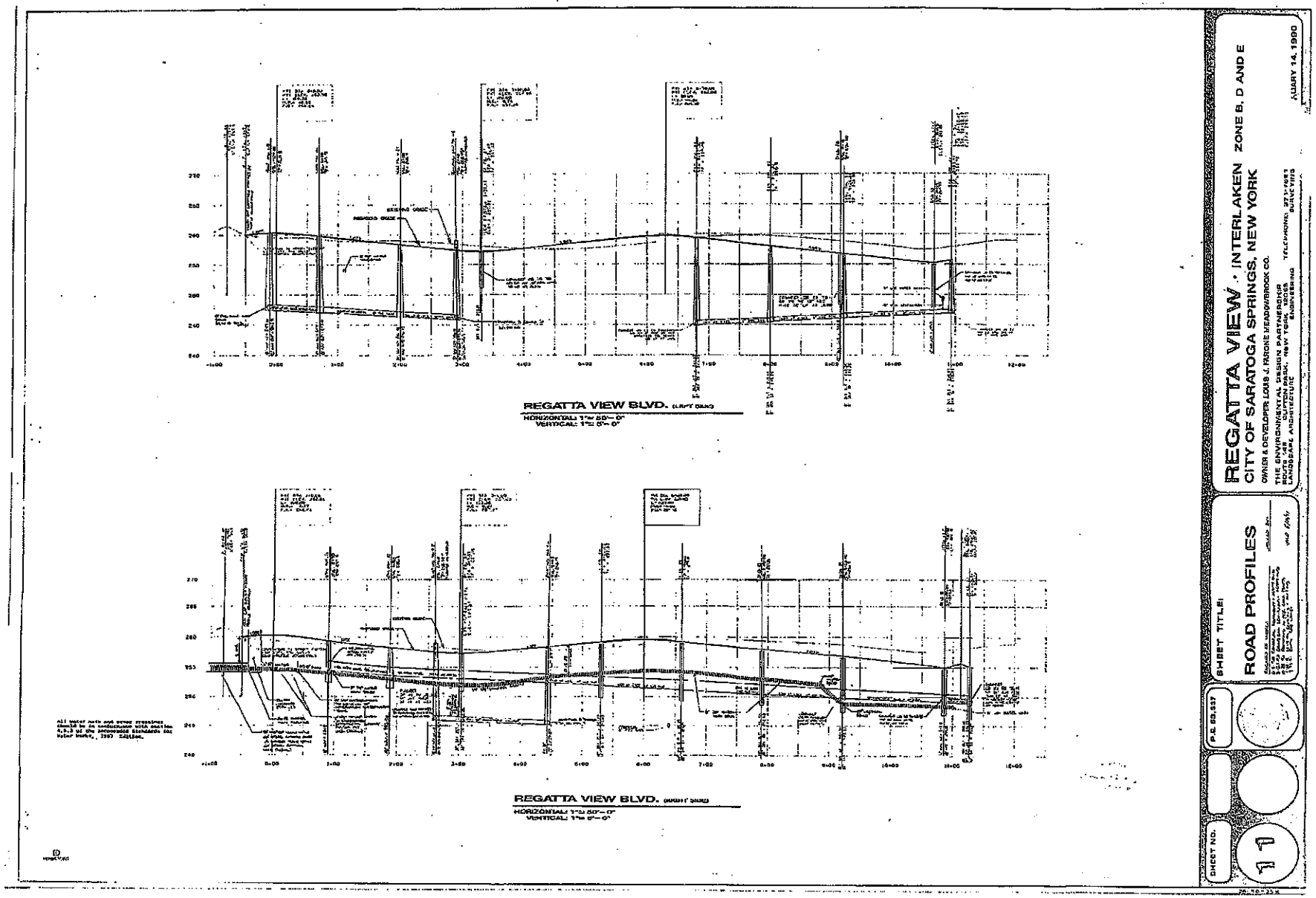

DYER SWITCH ROAD
NEW YORK STATE ROUTE 9P
EQ
CK
SW
RC
LEGEND
EXISTING SPOT ELEVATION
EXISTING CONTOUR
PROPOSED CONTOUR
PROPOSED WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
LIGHTING
PLANTING KEY
KEY | COMMON | BOTANICAL | SIZE | NO. | REMARKS
CK | | | | 46 |
EQ | | | | 110 |
SW | | | | 45 |
RC | | | | 89 |
PROJECT L.A. 1100
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
FEBRUARY 14, 1990
SHEET TITLE:
PLANTING, GRADING AND LIGHTING PLAN
SCALED 1"=50'-0"
SHEET NO.
6
NORTH
CITY OF SARATOGA SPRINGS
NEW YORK STATE DEPT. OF ENVIRONMENTAL CONSERVATION

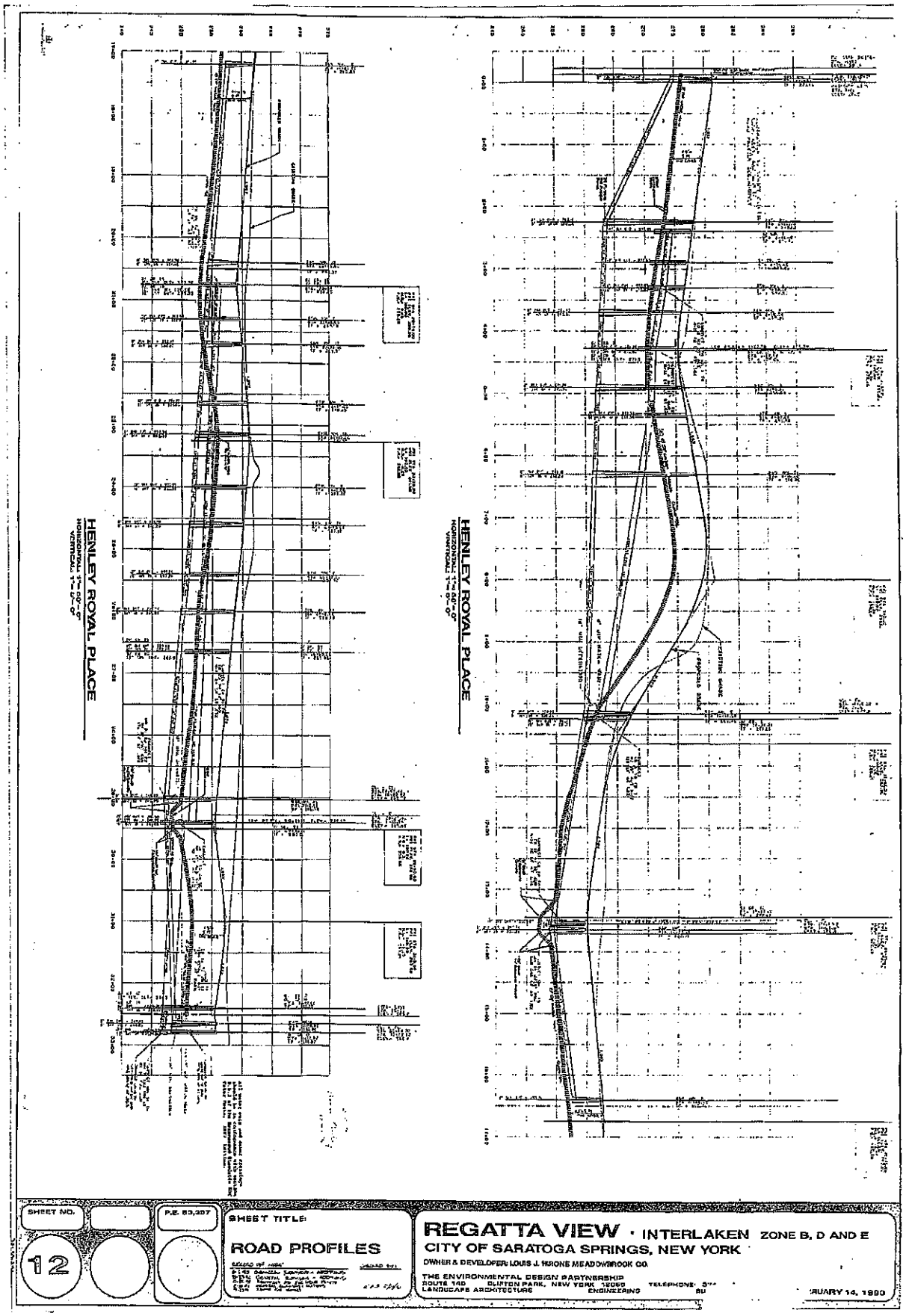

REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
FEBRUARY 14, 1990
SHEET TITLE:
PLANTING, GRADING AND LIGHTING PLAN
SHEET NO.
7
SCALE: 1"= 50'-0"
NORTH
P.E. 53,937
PROJECT L.A. 1100
LEGEND
EXISTING SPOT ELEVATION
EXISTING CONTOUR
PROPOSED CONTOUR
PROPOSED WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
PROPOSED HYDRANT
REMOVE EXISTING DRIVEWAY
PROPOSED GRASS STRIP
DYER SWITCH ROAD
EQ
SW
FISH CREEK
PROPOSED DRAINAGE CULVERT (TYP.)
PLANTING NOTES
LIGHTING
DECIDUOUS TREE PLANTING
PLANTING KEY
KEY | COMMON | BOTANICAL | SIZE | NO. | REMARKS
CK
EQ
SW
RC


WETLAND STORMWATER BASIN
PLAN VIEW
FISH CREEK
68
STORMWATER BASIN
CROSS SECTION
OUTLET STRUCTURE
CATCH BASIN DETAIL
ANCHORING DETAIL
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER AND DEVELOPER: LOUIS J. PARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
FEBRUARY 14, 1990
SHEET TITLE:
STORMWATER BASIN PLAN
SHEET NO.
8


OVERALL CONCEPT PLAN
SCALE: 1"= 200'
WATER CONNECTION PLAN
SCALE: 1"= 100'
LAKE LONELY
FISH CREEK
AA
BB
A
B
C
D
E
PHASE 1
PHASE 2
PHASE 3
INTERLAKEN ZONE A
INTERLAKEN ZONE B
INTERLAKEN ZONE C
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, N.Y.
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
SHEET TITLE:
WATER MAIN - CONNECTION PLAN
SHEET NO.
9
FEBRUARY 14, 1990

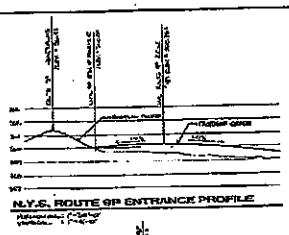

WATER LINE PROFILE (ALONG CRESCENT AVENUE)
HORIZONTAL: 1"= 50' - 0"
VERTICAL: 1"= 5' - 0"
CROSS SECTION OF PIPE CROSSING
SCALE: N.I.S.
REGATTA VIEW INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
MAY 19, 1990
SHEET TITLE:
WATER LINE PROFILE
SHEET NO.
10


REGATTA VIEW BLVD.
HORIZONTAL: 1"= 50'-0"
VERTICAL: 1"= 5'-0"
REGATTA VIEW BLVD.
HORIZONTAL: 1"= 50'-0"
VERTICAL: 1"= 5'-0"
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING
AUGUST 14, 1990
SHEET TITLE:
ROAD PROFILES
P.E. 53,537
SHEET NO.
11

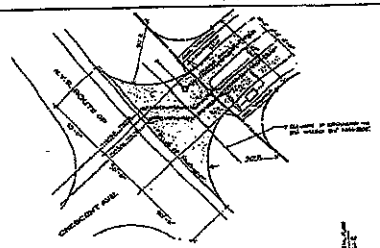

HENLEY ROYAL PLACE
HORIZONTAL: 1"= 50'-0"
VERTICAL: 1"= 5'-0"
HENLEY ROYAL PLACE
HORIZONTAL: 1"= 50'-0"
VERTICAL: 1"= 5'-0"
SHEET NO.
12
P.E. 83,357
SHEET TITLE:
ROAD PROFILES
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. HIRONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
RUARY 14, 1990

GENERAL NOTES

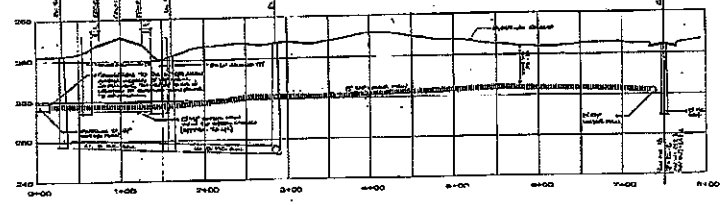
1. FIELD ADJUSTMENTS MUST BE APPROVED BY D.E.P. AND ENGINEER PRIOR TO INSTALLATION.
2. FINAL SCHEDULE AND ARRANGEMENT OF SANITARY CONNECTION WILL BE NECESSARY.
3. FIRE HYDRANTS WILL BE ARRANGED AFTER SOLD IS CLEARED AND INSTALLED RANGES.
4. [illegible]
5. [illegible]
6. [illegible]
7. ALL WATER MAIN SHALL BE CONSTRUCTED WITH CONCRETE CONNECTIONS IN ACCORDANCE WITH A.W.W.A. STANDARDS. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]
11. [illegible]
12. [illegible]
13. WATER MAIN DEPTHS [illegible] NORMAL, [illegible]
14. CHLORINATION SHALL BE IN ACCORDANCE WITH YORK AND FINER [illegible]
15. ALL WATER MAIN MADE AT [illegible]
16. ALL FIELD BRACH WATER MAINS SHALL BE CONSTRUCTED [illegible]
17. [illegible]
18. [illegible]
19. [illegible]



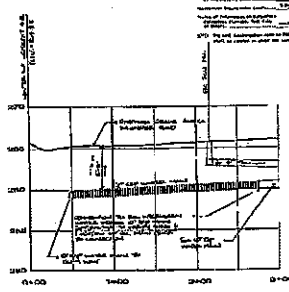
N.Y.S. ROUTE 9P ENTRANCE PROFILE



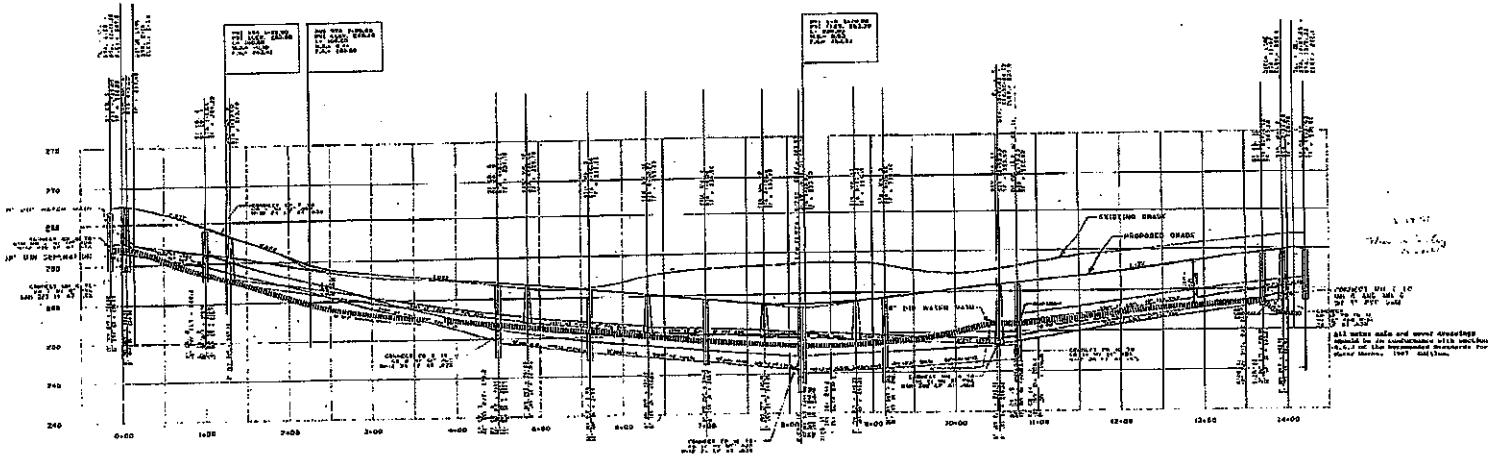
N.Y.S. ROUTE 9P ENTRANCE PLAN



WATER MAIN ACROSS LOT 66
HORIZONTAL: 1"= 50'- 0"
VERTICAL: 1"= 5'- 0"



WATER MAIN ALONG INLANDER ROAD
HORIZONTAL: 1"= 50'- 0"
VERTICAL: 1"= 5'- 0"



THAMES PLACE
HORIZONTAL: 1"= 50'- 0"
VERTICAL: 1"= 5'- 0"

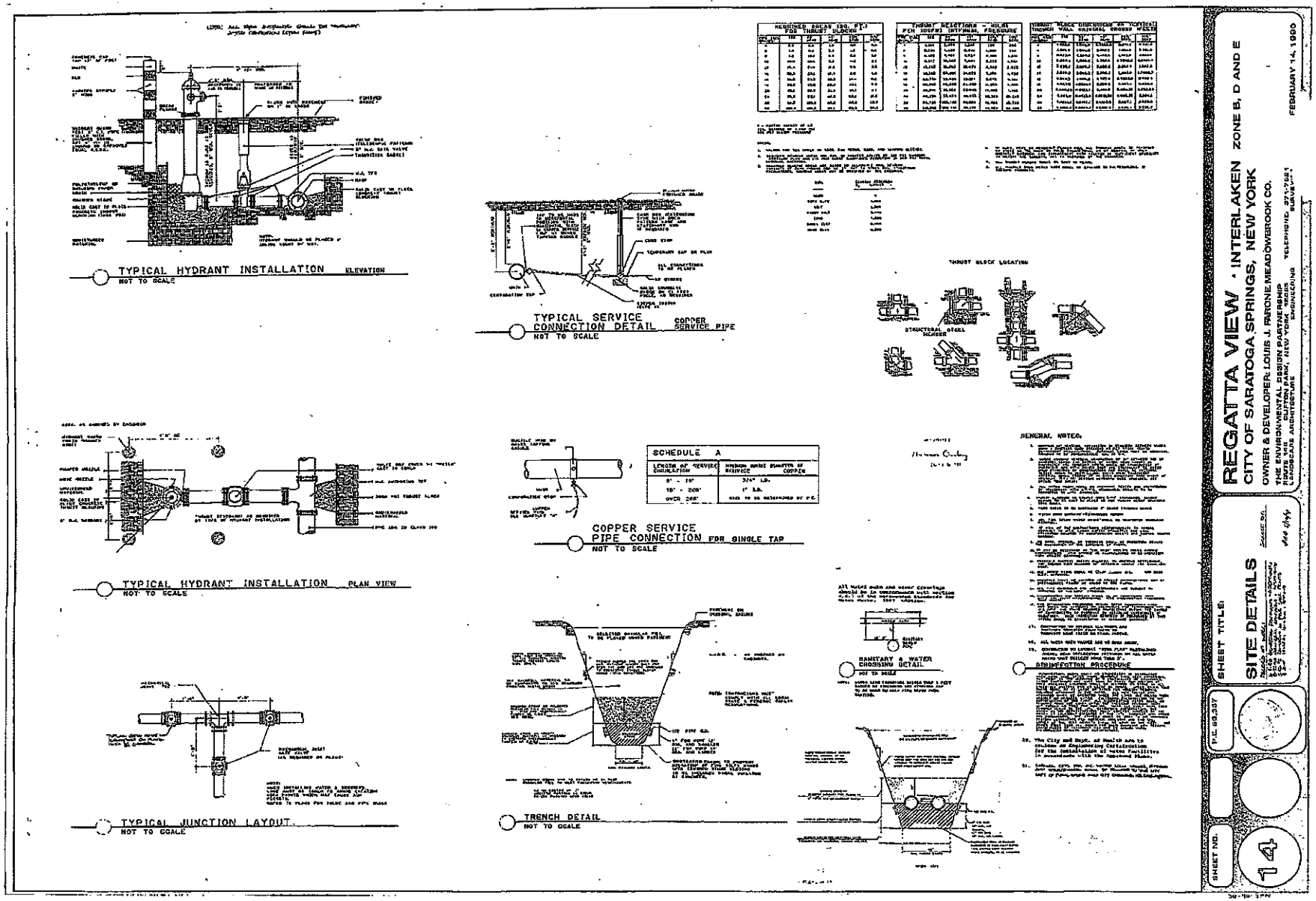
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER LOUIS J. PUONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK, 12065 TELEPHONE: 371-7081
LANDSCAPE ARCHITECTURE ENGINEERING

FEBRUARY 14, 1980

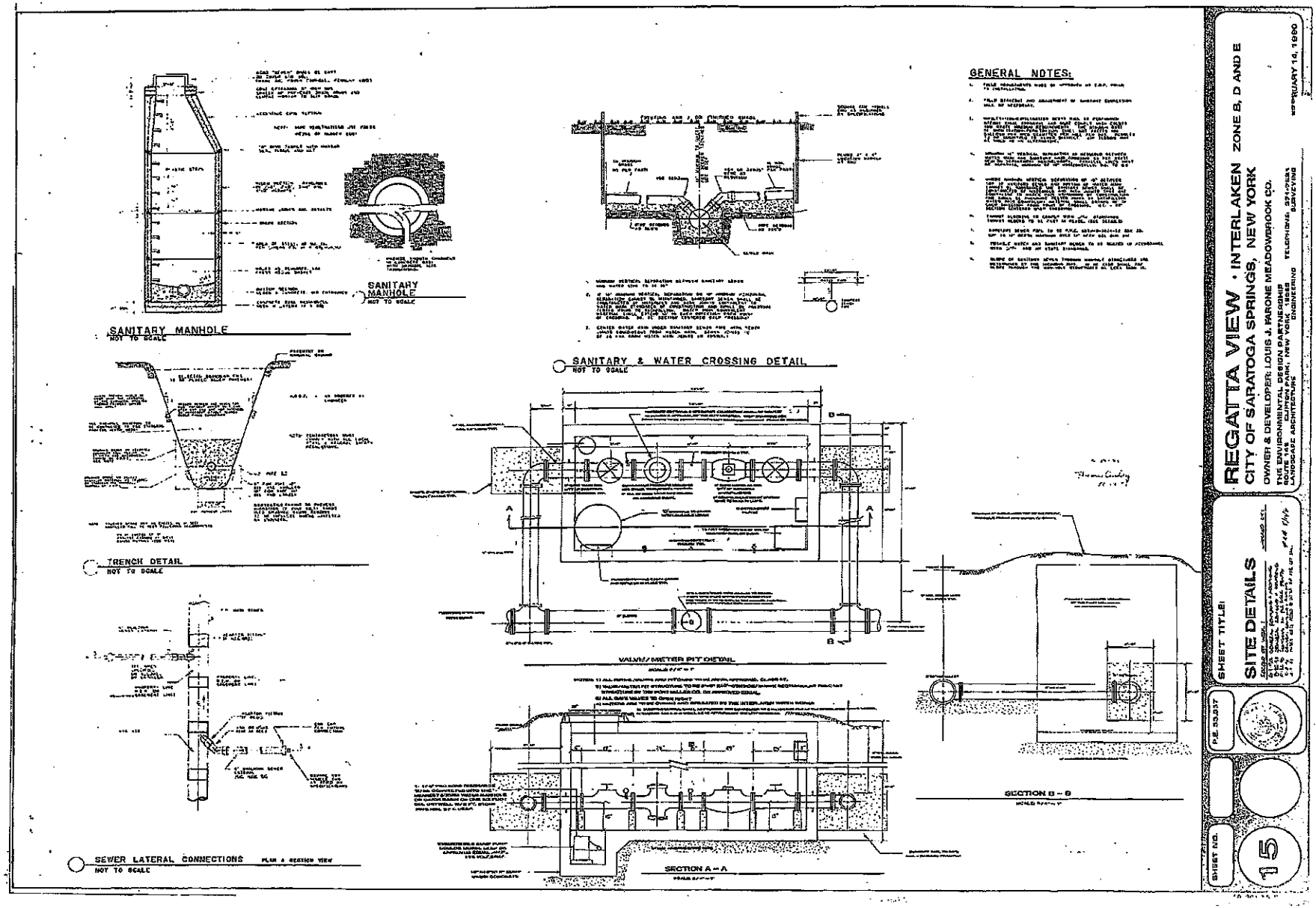
SHEET TITLE:
WATER MAIN AND ROAD PROFILES

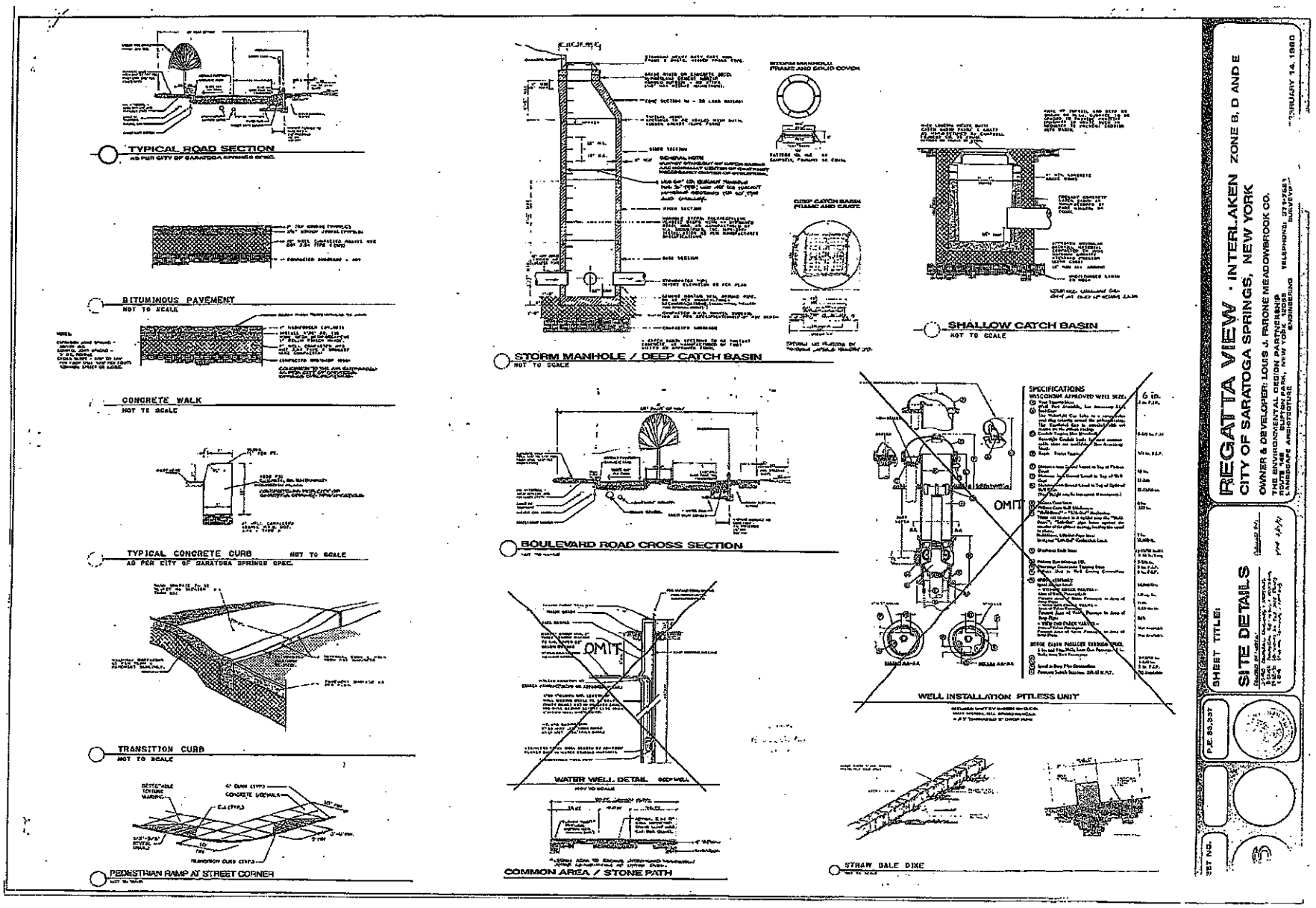
P.E. 83.037

SHEET NO. 13


TYPICAL HYDRANT INSTALLATION ELEVATION
NOT TO SCALE
TYPICAL SERVICE CONNECTION DETAIL COPPER SERVICE PIPE
NOT TO SCALE
THRUST BLOCK LOCATION
STRUCTURAL STEEL
TYPICAL HYDRANT INSTALLATION PLAN VIEW
NOT TO SCALE
SCHEDULE A
LENGTH OF SERVICE CONNECTION
MINIMUM SERVICE DIAMETER OF SERVICE COPPER
0' - 75'
3/4" I.D.
75' - 200'
1" I.D.
OVER 200'
SIZE TO BE DETERMINED BY P.E.
COPPER SERVICE PIPE CONNECTION FOR SINGLE TAP
NOT TO SCALE
GENERAL NOTES:
SANITARY & WATER CROSSING DETAIL
NOT TO SCALE
DISINFECTION PROCEDURE
TYPICAL JUNCTION LAYOUT
NOT TO SCALE
TRENCH DETAIL
NOT TO SCALE
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. RIFONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
FEBRUARY 14, 1990
SHEET TITLE:
SITE DETAILS
SHEET NO.
14

90


SANITARY MANHOLE
NOT TO SCALE
SANITARY MANHOLE
NOT TO SCALE
SANITARY & WATER CROSSING DETAIL
NOT TO SCALE
GENERAL NOTES:
TRENCH DETAIL
NOT TO SCALE
VALVE/METER PIT DETAIL
SECTION B – B
SECTION A – A
SEWER LATERAL CONNECTIONS
NOT TO SCALE
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
SHEET TITLE:
SITE DETAILS
P.E. 53,837
SHEET NO.
15


TYPICAL ROAD SECTION
AS PER CITY OF SARATOGA SPRINGS SPEC.
BITUMINOUS PAVEMENT
NOT TO SCALE
CONCRETE WALK
NOT TO SCALE
TYPICAL CONCRETE CURB
NOT TO SCALE
AS PER CITY OF SARATOGA SPRINGS SPEC.
TRANSITION CURB
NOT TO SCALE
PEDESTRIAN RAMP AT STREET CORNER
STORM MANHOLE / DEEP CATCH BASIN
NOT TO SCALE
BOULEVARD ROAD CROSS SECTION
OMIT
WATER WELL DETAIL
COMMON AREA / STONE PATH
SHALLOW CATCH BASIN
NOT TO SCALE
SPECIFICATIONS
WELL INSTALLATION PITLESS UNIT
STRAW BALE DIKE
REGATTA VIEW · INTERLAKEN
CITY OF SARATOGA SPRINGS, NEW YORK
ZONE B, D AND E
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
SHEET TITLE:
SITE DETAILS
SHEET NO.
P.E. 83,337
FEBRUARY 14, 1980

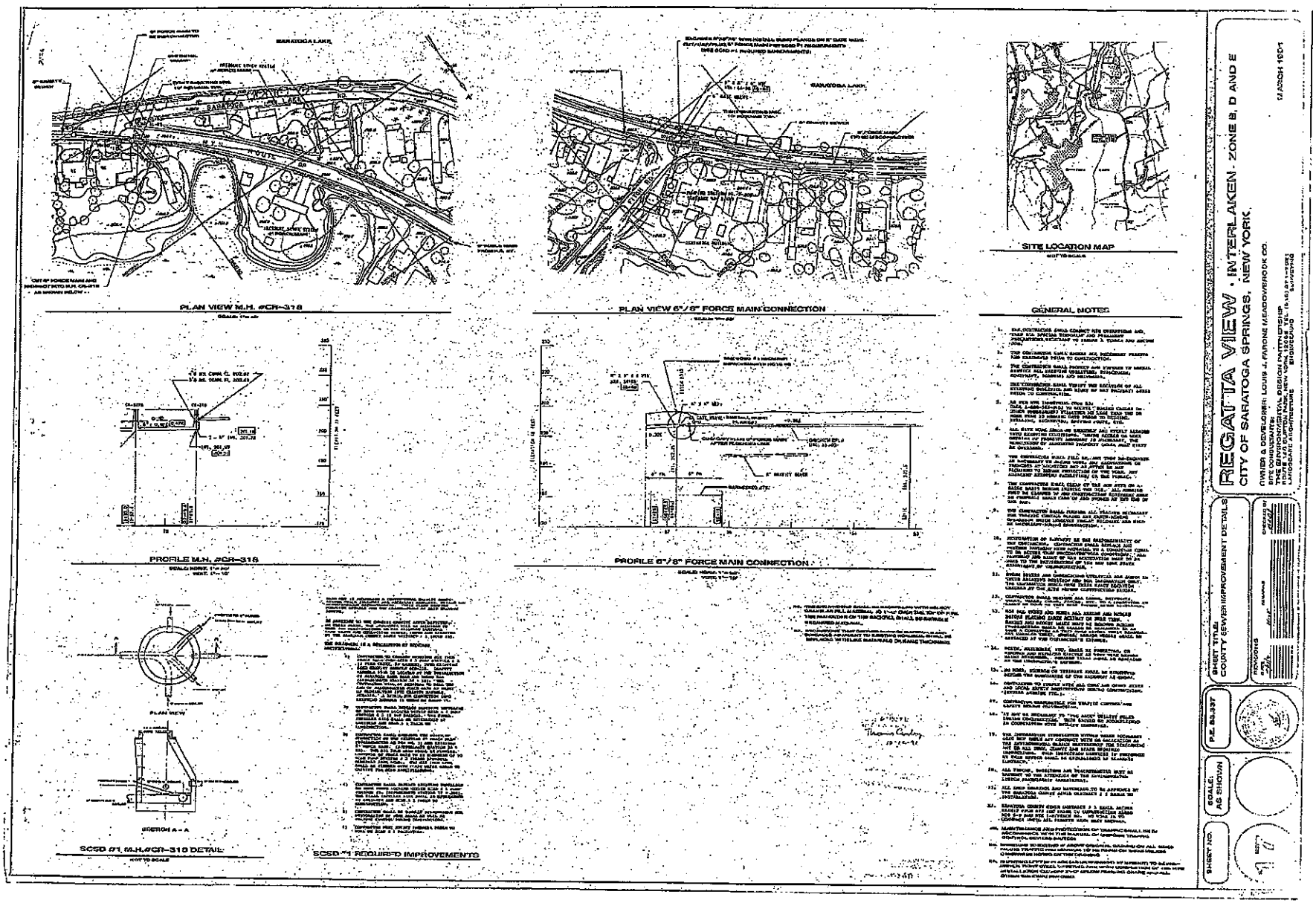

PLAN VIEW M.H. #CR-318
PLAN VIEW 6"/8" FORCE MAIN CONNECTION
SITE LOCATION MAP
NOT TO SCALE
GENERAL NOTES
PROFILE M.H. #CR-318
PROFILE 6"/8" FORCE MAIN CONNECTION
SCSD #1 M.H.#CR-318 DETAIL
NOT TO SCALE
SCSD #1 REQUIRED IMPROVEMENTS
REGATTA VIEW · INTERLAKEN · ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
SITE CONSULTANTS:
THE ENVIRONMENTAL DESIGN PARTNERSHIP
SHEET TITLE: COUNTY SEWER IMPROVEMENT DETAILS
P.E. 83,337
SCALE: AS SHOWN
SHEET NO.
MARCH 1991

Exhibit L

the opening of the new Jamesway which the city would be proud of and that it was an exciting plan. Mr. Toohey indicated that 70 of the employees were either currently working at another position or waiting for the reopening and were looking forward to work there again as soon as possible.
Mr. Toohey indicated that there would be fire lane signs in front and rear of building.

All hydrants would have easy access and within 4 ft. of pavement stated Mr. Toohey.

Mr. Toohey stated that to meet the intent of the buffer provision of the zoning ordinance they are proposing a fence and "landscaped" as opposed to a densely planted buffer 25 ft. between residential zone and business zone. Mr. Cummings indicated that personally, he would like to see a landscape buffer with a solid fence. Mr. Toohey indicated that a 6 ft. high wood stockade fence would be erected.

The applicant agreed to further address all the issues and return to the January meeting for a decision on their request for site plan approval.

89.50 INTERLAKEN PUD - PHASE B: This is a discussion of sketch plan for Interlaken PUD legislation as it relates to Phase B. Richard Mullaney, attorney, appeared before the Board.

Beth Scavone excused herself from the Board and stated that she would not participate in the discussion because she is employed by an attorney involved in this matter.

Geoff Bornemann stated that there were three remaining issues regarding the draft revised legislation for the Interlaken PUD. First, the draft legislation refers to the project being serviced by private water system. The Board agreed to ask the City Council to change it from a "private water system" to a "community water system."

The second issue was that the draft legislation states that all recreation areas will be opened to all residents of the PUD. The Board agreed to revise this to state that they may be opened to all residents but such decision should occur on a phase by phase basis.

The final issue related to the amount of open space or common areas that would be diminished with the shift toward more single family detached housing units. The Board agreed that this was not a problem and the original language in the draft legislation can stand.

The Board agreed that with these latest changes, the ordinance could go back to the City Council for consideration. Since this legislation is part of the new comprehensive zoning ordinance, it would be preferable to not have it presented separately unless a long delay is forseen.

<u>89.79 INTERLAKEN PUD - PHASES B & D:</u> This is an application for preliminary PUD site plan approval. Richard Mullaney, attorney, and Richard Eats, landscape architect, appeared before the Board.

Mr. Eats acknowledged the incomplete mapping for lots 39, 65 and 68 but stressed that this issue was just a technical problem. He further stated that the applicant will grant an access easement for the Chase property across lot #65 and this will be shown on the plat plan.

Mr. Mullaney indicated he talked with the Commissioner of Public Works and he felt that the issue of who would maintain the central median strip along the entrance road could easily be resolved in the near future.

In reference to traffic impact at Rt 9P intersection, Greiner Engineering and Mr. Eats have looked at the issue and the results indicated that there will be no problem for this phase. They agreed that the issue may have to be re-examined in later phases.

Mr. Mullaney stated that his client is totally opposed to granting any easement along Fish Creek for a future bike trail or hiking trail. His client's only wish is to pay the required $400 per unit for cash-in-lieu of recreation land.

Mr. Mullaney asked the Board about their feelings on the extension of city water to serve Phase B & D. Geoff Bornemann stated that the original application was revised and that the applicant is now requesting city water to service phase B & D. He states that research by the City Attorney and the City Engineer has revealed the following opinions:

- Interlaken Water Works does not appear to have any exclusive right to service future phases.
- City may legally service all phases except "A".
- City Council minutes of 9/17/84 indicate that PUD would in the future, tie into the city system if the city system is extended near the project.
- Analysis of adequacy of pressure in the city line has been submitted and is under review by the City Engineer. If analysis reveals inadequate pressure then, applicant may have to add storage tank, loop line or tie-into Phase "A".
- Request for city water is different from original SEQR action and an amendment is necessary. Focus should be on

financial impacts to Phase "A" users.

The Chairman opened the public hearing.

Mr. Tony Ianniello, an Interlaken resident and attorney for the Interlaken private water company, spoke from the audience. He feels that the Planning Board and City Council should stick to the deal made years ago. He feels the water company should be allowed the opportunity to give water to the other phases. He stated that the special legislation creating the development gives the waterworks a hold on all phases. He indicated that if the waterworks ends up servicing only Phase I which supplies water to 125 homes and not the plans for the 500 homes to be developed that the cost to phase I residents would be extremely high. As a homeowner, he hopes the water bill isn't going to be based on the 125 homes. He stated that it was unfair for the city to overlook the rights of the present tenants. He stated that the waterworks is owned by the company and is willing and able to supply all the necessary water for this PUD.

Bill May, an Interlaken resident spoke from the audience. An important factor he stated was the equity of his property as compared to the new Interlaken phase across the street. He stated that he wants water and doesn't care where it comes from and that any equitable solution would satisfy him. His concern was that private water system should be built to tie into city system.

Mr. Cummings stated that the Board would refer this entire water service matter to the City Council where it can be properly addressed.

Mr. May expressed that he hoped the residents would not be hurt by this and felt the City has an obligation to current tenants in phase I and definite clarity is lacking.

The Chairman closed the public hearing.

Mr. Eats added that they have been working with the NYS Department of Environmental Conservation to design an acceptable storm water polution control basin to protect Saratoga Lake and he did not anticipate any problems.

Geoff Bornemann suggested that if the Board wanted to vote on preliminary PUD site plan approval, they should ask the applicant to agree to postpone a SEQR determination because of the yet unresolved impacts from using city water. The applicant agreed to this postponement.

Mr. Cummings stated that the applicant was entitled to get preliminary approval. Jack King made a motion to approve the revised preliminary PUD site plan contingent upon successful resolution of the water supply issue, storm water discharge issue

and the maintenance issue of the median strip along the entrance road. The motion was seconded by Tom Curley. Ayes all.

89.23 BIRCH RUN - PHASE II: This is an application for revisions to the subdivision plat plan for 12 "great lots" in a R-4 Multi-family Residential District at 69 Seward Street.

Geoff Bornemann reported that the applicant has requested a continuation until January.

The Board agreed to this continuation.

89.72 MARVIN ALLEY APARTMENTS: This is an application for site plan review for a new six unit apartment buoilding in a R-4 Multi-family Residential District at 14 Cherry Street.

Geoff Bornemann reported that the applicant has requested a continuation until January.

The Board agreed to this continuation.

REVISIONS TO EXISTING LETTERS OF CREDIT: Upon the recommendation of the City Engineer, Wally Allerdice made a motion to approve the following revision to the Letter of Credit:

PROJECT:	REDUCED TO:	DUE DATE:
a) 87.14 Meadowbrook Subdivision	Cancel if streets accepted by 12/18 or continue for $71,666	6/28/90
b) 87.92 Beacon Hill Subdivision (exit road)	$33,375	9/27/90
c) 87.13 Briar Trace Subdivision	Cancel if streets accepted by 12/18 or reduce to $20,059	6/28/90
d) 88.03 Emerald Forest Subdivision	$79,783	12/28/90
e) 89.65 Travers Manor Drainage Improvements	Cancel and accept $195,000 performance bond	N/A

Exhibit M

also that they plan to ask NYS DOT for permission to run a sanitary sewer force main to the Washington/West Avenue manhole. If this option is not possible, they will install a temporary septic system.

Mr. Bryce stated that this postal facility is being designed as the first phase of a larger plan for the entire area. He reported that his firm is attempting to develop the entire 22 acres owned by the post office as well as some adjacent lands. He presented the Board with a conceptual plan for a proposed commercial complex, tentatively called "West End Plaza". The project would be a mixed-use commercial complex using the post office and railroad station as focal points. The project would include restaurants, retail stores and offices. Mr. Bryce indicated that this commercial project is subject to full review by the City and as plans are further developed, he will bring them to City for review.

Mr. Cummings noted that the West Avenue area has a significant traffic problem that will have to be addressed. Mr. Bryce acknowledged that fact and added that there were substantial storm water and sanitary sewer solutions also to be found.

Mr. Cummings thanked Mr. Bryce for his cooperation and encouraged him to keep voluntarily working with the City on construction details for the post office facility. He noted that it has been very useful to have the public and City informed about this important project.

In response to a question by Mr. Allerdice, Mr. Bryce indicated that the post office construction is planned to be finished by May 1, 1991.

<u>90.24 INTERLAKEN PUD - PHASE B & D:</u> This is an application for final PUD site plan review for 61 residential units in a Planned Unit Development at 509-531 Union Avenue. Appearing before the Board were Richard Mullaney, attorney; Richard Eats, landscape architect; and Jim Mitchell, engineer.

Beth Scavone excused herself from the Board because she is employed by a firm that is involved in this project.

Mr. Mullaney addressed the issues identified on the Board's agenda notes. He said cost estimate and an expiration date would be developed for the extension of the public water line along Crescent Avenue to Route 9P, but maintained that none were needed for all other improvements because they were to be privately owned and bonded for the homeowner's association.

He noted that the postal address system has been developed for the project. All easements will be clearly identified on the plans and filed. All monumentations will fully comply with City standards. Notes have been added to indicate that the actual lot lines along

the Fish Creek are the mean high water mark. The plans will show the drainage channel along the old railroad bed and the appropriate drainage easements will be granted. This channel will be maintained by the Homeowners' Association.

Mr. Mullaney noted that NYS DOT is still reviewing the signage plan for the Route 9 entrance. He said they will develop a fee for each Phase 1 lot that would be collected to pay for a future traffic light if it should become warranted. A note will be added that all streets and utilities within the project will not be offered for dedication to the City. Sidewalks will comply with City and State construction standards. The paths on HoA land will be constructed with stone dust but otherwise will be left very natural. The cemetery will have a wrought iron fence and will be protected during and after construction.

Mr. Eats asked for consideration to waive the requirement for Niagara Mohawk davit arm light fixtures at the project entrances. He felt they would distract from the visual image that the developer wants to create for this project. The Board asked the developer to work with the Departments of Public Safety and Public Works to arrive at an acceptable substitute.

The project entrances will have signs similar to those in Phase A. A decision has been reached not to construct guardhouses during this phase of the project.

Mr. Mullaney stated that the applicant wishes the City fee of $400 per lot for recreation instead of dedicating 10% of the land.

Mr. Mullaney stated that all vegetation that was being cleared from the site will be deposited in a NYS DEC approved landfill behind the Canterbury Restaurant. If spoil was deposited on site, it will be so marked on the plans.

Mr. Eats indicated that the "wet basin" has been favorably reviewed by NYS DEC. It will be fenced and all appropriate easements will be noted on the plans. He noted also that the County Sewer District is satisfied will all the plans for the sanitary sewer system.

Jim Mitchell explained the latest revision to the water distribution system. He noted that the State DoH is reviewing the application for the private water company's service extension and the taking of additional ground water. A decision on the application is expected by June 1st. A detailed analysis of the existing system has been reviewed by the City Engineer. Mr.Cummings asked if the existing private water system is able to adequately service Phase B & D. Mr. Mitchell replied that it was, but that the City's water main along Crescent Avenue was being extended to Route 9P to provide emergency back-up flow should a fire occur within the project. The developer will pay the cost for

extending this City water main. Mr. Mitchell noted that fire hydrants have been added at the request of the Fire Department. An internal looping system has been added and all aspects of the plans have been developed to the satisfaction of the Department of Public Works.

Wally Allerdice made a motion to approve the final PUD site plan contingent upon all the items agreed to during the discussion, all State and County permits, and payments of the remaining $60 application fee and the $26,400 recreation fee. Seconded by Tom Curley. Ayes all.

Beth Scavone resumed her seat on the Board.

Walter Markunas, 7 Pleasant Drive, expressed disappointment that a bike path was not included along Fish Creek in the Interlaken project. Mr. Cummings stated that he felt it was unwise to commit the City to a bike path without there being a comprehensive plan. He noted that the City Council recently rejected a proposal to fund such a trail system.

Jeff Olson, a Saratoga Lake resident, noted that an open space recreational system needed the cooperation and support from private developers. He felt that such a system would enhance property values and be a benefit to private developers.

Richard Mullaney, attorney for the Interlaken project, stated that he felt there were several reasons why a bike path would not work for the Interlaken project. He said the developer only controlled about 3,000 feet of shore line and that bridges further up along the old railroad bed were no longer standing. The trail therefore, would go nowhere. It would be too costly to complete. He stated that Mr. Farone, the Interlaken developer, owns other lands where it might make more sense to build a bikeway. He felt that Mr. Farone would be willing to cooperate with the City in the future should this concept be further developed.

The meeting was adjourned at 9:05.

Exhibit N

PLANNING BOARD
CITY OF SARATOGA SPRINGS
Saratoga Springs, New York

June 2, 1982

SEP 12 1982

Saratoga Springs City Council
City Hall
Saratoga Springs, New York 12866

Re: INTERLAKEN RESIDENTIAL PLANNED UNIT DEVELOPMENT:

Dear Mayor and Commissioners:

After reviewing the proposed zone change from Conservancy and Residential Seasonal to Residential Planned Unit Development for the area generally known as Interlaken, it is our recommendation that it be approved with the following additional clarifications:

1. Buffer areas shall be established and maintained along the slopes facing Lake Lonely and Bear Swamp to the West and Fish Creek to the East.

2. All signage shall conform to the Saratoga Springs sign ordinance.

It is the determination of the Planning Board that:

a. The Interlaken Residential Planned Unit Development is a logical extension of the present zoning and land use as recommended in the 1970 Master Plan. The Master Plan recommends Residence Recreation for Interlaken. The resort concept proposed is in conformance with that recommendation.

   The support uses including restaurants, lodging facilities and minimal retail space reinforce the resort concept and are dependent upon the residential and recreational development of the project. The facilities are not intended to compete with the Central Business District.

   The construction of the Saratoga County Sewer Line will provide sanitary sewers to the project site. This coupled with the development of an independent water supply will allow a more dense development not before possible under the Conservancy zone.

b. The Interlaken Residential Planned Unit Development provides flexible land use and design regulations. The proposal provides a variety of housing types and integrates commercial and residential uses.

The design of Interlaken is formulated around the creation of neighborhoods; some of which are residential, others commercial. All neighborhoods are linked together with open space and recreational facilities to create the resort concept.

Interlaken is self-contained and not dependent upon other building sites.

The design of Interlaken provides an innovative site planning approach by providing flexibility and diversification throughout the plan. The Plan is then unified through the natural environment and character it develops.

Interlaken is in conformance with the Master Plan and is in the interest of the general welfare. The resort theme in conjunction with the horse breeding farm will attract clientele who will further the New York State Horse Breeding Industry. The design approach sets a precedent and will act as an example of innovative design desired by the P. U. D. Ordinance.

c. Interlaken provides choices in building type (single family, townhouse, apartment) and occupancy (individual ownership, condominium, lease). The development further provides for community recreational facilities.

Residents of Saratoga Springs would also benefit from the restaurants and small conference space which would be made available to the general public.

Interlaken provides an extensive useable open space developed with swimming pool and clubhouse, tennis courts, playground facilities, boat basin and trails, walks and picnic areas. These recreation areas will be connected with an interior walk system.

Coupled with the residential development at Interlaken is 6000 square feet of retail space, conference space, a clubhouse and recreational facilities. These services are all within walking distance and available to all residents of Interlaken.

The flexible design concept at Interlaken will allow buildings to be sited around trees and significant vegatation. All slopes and wet lands have been retained and protected as open space. The storm drainage system has been designed for a minimum environmental impact from construction and operation by returning the water into the ground as soon as possible thereby preventing erosion and concentrations of water.

The area around Interlaken is predominantly rural in character. For that reason, buffer areas have been retained and constructed screening the development from collector streets. Buffer areas have also been retained within the development between different land use types. To the west, the horse breeding farm not only provides a pastoral view from Interlaken, but provides a buffer as well.

Interlaken provides an efficient use of land by clustering development thereby lowering development costs. The storm drainage concept further reduces cost of infrastructure investment. All aspects of the design are focused on a minimal disturbance to the land and therefore, lower development costs.

The 1970 Master Plan recommends this area for Residential - Recreation. Although the specifics of that recommendation were focused on development ten years ago and are not economically visible today, the general direction and resort home concept is fulfilled if not surpassed at Interlaken.

The existing zoning ordinance does not allow for the unique environment which Interlaken will provide. The variety and flexibility of Interlaken will preserve the natural features creating an environment encouraged by the P. U. D. Ordinance.

d. There is a variety of residential housing types providing a balanced community.

The site encompasses approximately 215 acres, exceeding the 10 acre minimum.

The site will be serviced by sewer. Water will be provided on site. Showplowing and street maintenance will be provided by the owners of the development. The storm drainage system will be maintained by the owners of the development.

The project is serviced by major collector streets and is 1.25 miles from I-87.

A market survey is available supporting the development.

A residential and commercial fiscal impact analysis is available.

6000 square feet of retail space will be developed to serve the needs of the residents. At present there is a small grocery store at the Caunterbury Restaurant which services the existing campground. This new retail space would serve the same limited function.

A 54 room inn will be constructed to provide accommodations for prospective owners and guests of residents. It will also provide minimal conference space for business professionals at the Interlaken resort development.

The Caunterbury Restaurant is an existing facility that will be retained and will act as a focal point for the development from its inception.

Riley's Lake House is an existing but abandoned restaurant. This building would be restored to its original Art Deco theme and provide a "High polish" alternative to the rustic Caunterbury. It will house a restaurant with possible dinner shows and a lounge. The resort theme of the residential development will be supported by the rehabilitation of Riley's

A 110 room hotel will be constructed adjacent to and in coordination with Riley's. This is a natural extension of the resort theme and will again act as accommodations for guests of residents and provide conference space. Like Riley's, it will provide a "high polish" image as compared to the more rustic inn adjacent to the Caunterbury.

As part of the resort community, certain accessory uses will be developed:

Recreational facilities will include a swimming pool complex, tennis courts, playground facilities, picnic grounds, trails, a small dock on Lake Lonely and a boat basin on Fish Creek. These facilities will be available to all residents of Interlaken.

Storage buildings and garages will be provided for maintenance and storage of automobiles and maintenance vehicles.

A full time on site maintenance superintendent may be desired. A special residence would allow more privacy for his family unit.

e. The Interlaken Residential Planned Unit Development is conceptually sound. It meets all local and area wide ne[illegible] and it conforms to the accepted principles of functional, highway and pedestrian circulation systems, land use configurations, open space systems and drainage systems. The scale and design of the elements are humane and related to each other and the area in general.

f. With the construction of the Saratoga County Sanitary Sewer System and the development of the on site water system, there will be adequate services and utilities available to the development.

g. The Planning Board has determined the proposed action will not have a significant effect on the environment.

It is the recommendation of the Saratoga Springs Planning Board that the City Council schedule a Public Hearing within forty five days, (as directed in Section 135.43 of the Code of the City of Saratoga Springs, New York) for the purpose of considering P. U. D. districting for the Interlaken Project.

Sincerely,

Frederick J. Holman, Chairman
Saratoga Springs Planning Board

cc: Commissioner Casey, McGourty McTygue Valentine
Louis Farone

EAF

ENVIRONMENTAL ASSESSMENT - PART I

Project Information

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire Data Sheet. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete PARTS 2 and 3.

It is expected that completion of the EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF PROJECT:

Interlaken

ADDRESS AND NAME OF APPLICANT:

Louis J. Farone
(Name)
Interlaken at Caunterbury
Route 9P
(Street)
Saratoga Springs, NY 12866
(P.O.) (State) (Zip)

NAME AND ADDRESS OF OWNER (If Different)

(Name)

(Street)

(P.O.) (State) (Zip)

BUSINESS PHONE: 518/587-9653

DESCRIPTION OF PROJECT: (Briefly describe type of project or action) Zone change for 500 housing units, 54 hotel units, 6,000 sq. ft. neighborhood retail, 6,000 sq. ft. office, 2 restaurants, recreation area.

(PLEASE COMPLETE EACH QUESTION - Indicate N.A. if not applicable)

A. SITE DESCRIPTION

(Physical setting of overall project, both developed and undeveloped areas)

1. General character of the land: Generally uniform slope X Generally uneven and rolling or irregular ____.

2. Present land use: Urban ____, Industrial ____, Commercial X, Suburban ____, Rural X, Forest ____, Agriculture ____, Other Some areas developed- trailer park, restaurant, retail, recreation area, unoccupied Lake House and outbuildings.

3. Total acreage of project area: 215 acres.

Approximate acreage:	Presently	After Completion		Presently	After Completion
Meadow or Brushland	51 acres	29 acres	Water Surface Area	0 acres	0 acres
Forested	157 acres	129 acres	Unvegetated (rock, earth or fill)	0 acres	0 acres
Agricultural	0 acres	0 acres	Roads, buildings and other paved surfaces	7 acres	57 acres
Wetland (Freshwater or Tidal as per Articles 24, 25 or E.C.L.)	0 acres	0 acres	Other (indicate type)	0 acres	0 acres

4. What is predominant soil type(s) on project site? loamy, fine sands

5. a. Are there bedrock outcroppings on project site? ____ Yes X No

b. What is depth to bedrock? 100'-150' (in feet)

7. Is project contiguous to, or contain a building or site listed on the National Register of Historic Places? ____Yes __X__No

8. What is the depth to the water table? 18' feet

9. Do hunting or fishing opportunities presently exist in the project area? ____Yes __X__No

Does project site contain any species of plant or animal life that is identified as threatened or endangered - ____Yes __X__No, according to - Identify each species Sasaki Associates

11. Are there any unique or unusual land forms on the project site? (i.e. cliffs, dunes, other geological formations - ____Yes __X__No. (Describe _____)

12. Is the project site presently used by the community or neighborhood as an open space or recreation area - ____Yes __X__No.

13. Does the present site offer or include scenic views or vistas known to be important to the community? ____Yes __X__No

14. Streams within or contiguous to project area:

a. Name of stream and name of river to which it is tributary Fish Creek to Saratoga Lake

15. Lakes, Ponds, Wetland areas within or contiguous to project area:

a. Name Saratoga Lake, Lake Lonely, Little Bear Swamp; b. Size (in acres) All greater than 50 acres

16. What is the dominant land use and zoning classification within a 1/4 mile radius of the project (e.g. single family residential, R-2) and the scale of development (e.g. 2 story).

Seasonal residential, conservancy

B. PROJECT DESCRIPTION

1. Physical dimensions and scale of project (fill in dimensions as appropriate)

a. Total contiguous acreage owned by project sponsor 215 acres.

b. Project acreage developed: 56 acres initially; 108 acres ultimately.

c. Project acreage to remain undeveloped 107.

d. Length of project, in miles: 1.5 (if appropriate)

e. If project is an expansion of existing, indicate percent of expansion proposed: building square footage N/A; developed acreage _____.

f. Number of off-street parking spaces existing 515; proposed 1450.

g. Maximum vehicular trips generated per hour 1040 (upon completion of project)

h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initial			15	173
Ultimate	6		15	479

i. If:

	Orientation Neighborhood-City-Regional	Estimated Employment
Commercial	Neighborhood/ Regional	211
Industrial		

j. Total height of tallest proposed structure 50-60 feet.

___ cubic yd

3. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site - 50 acres.

4. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? ___ Yes X No

5. Are there any plans for re-vegetation to replace that removed during construction? X Yes ___ No

6. If single phase project: Anticipated period of construction N/A months, (including demolition).

7. If multi-phased project: a. Total number of phases anticipated 7 No.

   b. Anticipated date of commencement phase 1 4 month 83 year (including demolition)

   c. Approximate completion date final phase 12 month 92 year.

   d. Is phase 1 financially dependent on subsequent phases? ___ Yes X No

8. Will blasting occur during construction? ___ Yes X No

9. Number of jobs generated: during construction 100; after project is complete 211.

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities? ___ Yes X No. If yes, explain:

    _____.

12. a. Is surface or subsurface liquid waste disposal involved? ___ Yes X No.

    b. If yes, indicate type of waste (sewage, industrial, etc.) N/A.

    c. If surface disposal name of stream into which effluent will be discharged N/A.

13. Will surface area of existing lakes, ponds, streams, bays or other surface waterways be increased or decreased by proposal? ___ Yes X No.

14. Is project or any portion of project located in the 100 year flood plain? X Yes ___ No

15. a. Does project involve disposal of solid waste? X Yes ___ No

    b. If yes, will an existing solid waste disoosal facility be used? X Yes ___ No

    c. If yes, give name: city landfill ___; location Saratoga Springs

    d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ___ Yes X No

16. Will project use herbicides or pesticides? ___ Yes X No

17. Will project routinely produce odors (more than one hour per day)? ___ Yes X No

18. Will project produce operating noise exceeding the local ambience noise levels? ___ Yes X No

19. Will project result in an increase in energy use? X Yes ___ No. If yes, indicate type(s) ___

    electric, coal, oil, gas.

20. If water supply is from wells indicate pumping capacity 1700 gals/minute.

21. Total anticipated water usage per day 131,300 gals/day.

22. Zoning: a. What is dominant zoning classification of site? Conservancy.

    b. Current specific zoning classification of site Conservancy & Residence Seasonal.

    c. Is proposed use consistent with present zoning? No.

    d. If no, indicate desired zoning Planned Unit Development.

b. Does project involve State or Federal funding or financing: ___ yes _X_ no

c. Local and Regional approvals:

	Approval Required (Yes, No)	(Type)	Submittal (Date)	Approval (Date)
City, Town, Village Board	Yes	Zone Change		
City, Town, Village Planning Board	Yes	Site Plan		
City, Town, Zoning Board				
City, County Health Department	Yes	Sewer, Water		
Other local agencies				
Other regional agencies DOT	Yes	Road		
State Agencies	Yes	Dock Const.		
Federal Agencies				

C. INFORMATIONAL DETAILS

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with the proposal, please discuss such impacts and the measures which can be taken to mitigate or avoid them.

PREPARER'S SIGNATURE: Richard Holman

TITLE: CONSULTANT

REPRESENTING: LOUIS J. FARONE

DATE: 3/23/82

Project Impacts and Their Magnitude

General Information (Read Carefully)

In completing the form the reviewer should be guided by the question: Have my decisions and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.

- Identifying that an effect will be potentially large (column 2) does not mean that it is also necessarily significant. Any large effect must be evaluated in PART 3 to determine significance. By identifying an effect in column 2 simply asks that it be looked at further.

- The Examples provided are to assist the reviewer by showing types of effects and wherever possible the thresh of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be more appropriate for a Potential Large Impact rating.

- Each project, on each site, in each locality, will vary. Therefore, the examples have been offered as guidan They do not constitute an exhaustive list of impacts and thresholds to answer each question.

- The number of examples per question does not indicate the importance of each question.

INSTRUCTIONS (Read Carefully)

a. Answer each of the 18 questions in PART 2. Answer Yes if there will be any effect.

b. Maybe answers should be considered as Yes answers.

c. If answering Yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.

d. If reviewer has doubt about the size of the impact then consider the impact as potentially large and proceed to PART 3.

e. If a potentially large impact or effect can be reduced by a change in the project to a less than large magnitude, place a Yes in column 3. A No response indicates that such a reduction is not possible.

		1. SMALL TO MODERATE IMPACT	2. POTENTIAL LARGE IMPACT	3. CAN IMPACT BE REDUCED BY PROJECT CHANGE
IMPACT ON LAND				
1. WILL THERE BE AN EFFECT AS A RESULT OF A PHYSICAL CHANGE TO PROJECT SITE?	NO ( ) YES (X)			
Examples that Would Apply to Column 2				
___ Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.		___	___	___
___ Construction on Land where the depth to the water table is less than 3 feet.		___	___	___
___ Construction of paved parking area for 1,000 or more vehicles.		___	___	___
___ Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.		___	___	___
___ Construction that will continue for more than 1 year or involve more than one phase or stage.		___	X	X
___ Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e. rock or soil) per year.		___	___	___
___ Construction of any new sanitary landfill.		___	___	___

	IMPACT	IMPACT	PROJECT CHANGE
___ Construction in a designated floodway.	___	___	___
___ Other impacts: _____	___	___	___
_____	___	___	___
2. W HERE BE AN EFFECT TO ANY UNIQUE OR UNUSUAL LAND FORMS FOUND ON THE SITE? (i.e. cliffs, dunes, geological formations, etc.) NO (X) YES ( )			
___ Specific land forms: _____	___	___	___
_____	___	___	___
IMPACT ON WATER			
3. WILL PROJECT AFFECT ANY WATER BODY DESIGNATED AS PROTECTED? (Under Articles 15, 24, 25 of the Environmental Conservation Law, E.C.L.) NO (X) YES ( )			
Examples that Would Apply to Column 2			
___ Dredging more than 100 cubic yards of material from channel of a protected stream.	___	___	___
___ Construction in a designated freshwater or tidal wetland.	___	___	___
___ Other impacts: _____	___	___	___
_____	___	___	___
4. WILL PROJECT AFFECT ANY NON-PROTECTED EXISTING OR NEW BODY OF WATER? NO (X) YES ( )			
Examples that Would Apply to Column 2			
___ 10% increase or decrease in the surface area of any body water or more than a 10 acre increase or decrease.	___	___	___
___ Construction of a body of water that exceeds 10 acres of surface area.	___	___	___
___ Other impacts: _____	___	___	___
_____	___	___	___
5. WILL PROJECT AFFECT SURFACE OR GROUNDWATER QUALITY? NO ( ) YES (X)			
Examples that Would Apply to Column 2			
___ Project will require a discharge permit.	___	___	___
___ Project requires use of a source of water that does not have approval to serve proposed project.	X	___	___
___ Project requires water supply from wells with greater than 45 gallons per minute pumping capacity.	___	X	X
___ Construction or operation causing any contamination of a public water supply system.	___	___	___
___ Project will adversely affect groundwater.	___	___	___
___ Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	___	___	___
___ Project requiring a facility that would use water in excess of 20,000 gallons per day.	___	X	X
___ ject will likely cause siltation or other discharge an existing body of water to the extent that there l be an obvious visual contrast to natural conditions.	___	___	___

	SMALL TO MODERATE IMPACT	POTENTIAL LARGE IMPACT	CAN IMPACT BE REDUCED BY PROJECT CHANGE
___ Other Impacts: _____	___	___	___
_____	___	___	___
6. WILL PROJECT ALTER DRAINAGE FLOW, PATTERNS OR SURFACE WATER RUNOFF? ..... NO (X) YES ( )			
Example that Would Apply to Column 2			
___ Project would impede flood water flows.	___	___	___
___ Project is likely to cause substantial erosion.	___	___	___
___ Project is incompatible with existing drainage patterns.	___	___	___
___ Other impacts: _____.	___	___	___
IMPACT ON AIR			
7. WILL PROJECT AFFECT AIR QUALITY?..... NO (X) YES ( )			
Examples that Would Apply to Column 2			
___ Project will induce 1,000 or more vehicle trips in any given hour.	___	___	___
___ Project will result in the incineration of more than 1 ton of refuse per hour.	___	___	___
___ Project emission rate of all contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	___	___	___
___ Other impacts: _____	___	___	___
_____.	___	___	___
IMPACT ON PLANTS AND ANIMALS			
8. WILL PROJECT AFFECT ANY THREATENED OR ENDANGERED SPECIES? NO (X) YES ( )			
Examples that Would Apply to Column 2			
___ Reduction of one or more species listed on the New York or Federal list, using the site, over or near site or found on the site.	___	___	___
___ Removal of any portion of a critical or significant wildlife habitat.	___	___	___
___ Application of Pesticide or herbicide over more than twice a year other than for agricultural purposes.	___	___	___
___ Other impacts: _____.	___	___	___
_____.	___	___	___
9. WILL PROJECT SUBSTANTIALLY AFFECT NON-THREATENED OR ENDANGERED SPECIES? ..... NO (X) YES ( )			
Example that Would Apply to Column 2			
___ Project would substantially interfere with any resident or migratory fish or wildlife species.	___	___	___
___ Project requires the removal of more than 10 acres of mature forest (over 100 years in age) or other locally important vegetation.	___	___	___

		SMALL TO MODERATE IMPACT	POTENTIAL LARGE IMPACT	CAN IMPACT BE REDUCED BY PROJECT CHANGE
IMPACT ON VISUAL RESOURCE				
10	WILL THE PROJECT AFFECT VIEWS, VISTAS OR THE VISUAL CHARACTER OF THE NEIGHBORHOOD OR COMMUNITY? ..... NO (X) YES ( )			
	Examples that Would Apply to Column 2			
___	An incompatible visual affect caused by the introduction of new materials, colors and/or forms in contrast to the surrounding landscape.	___	___	___
___	A project easily visible, not easily screened, that is obviously different from others around it.	___	___	___
___	Project will result in the elimination or major screening of scenic views or vistas known to be important to the area.	___	___	___
___	Other impacts: _____	___	___	___
	_____	___	___	___
IMPACT ON HISTORIC RESOURCES				
11.	WILL PROJECT IMPACT ANY SITE OR STRUCTURE OF HISTORIC, PRE-HISTORIC OR PALEONTOGICAL IMPORTANCE? ..... NO ( ) YES (X)			
	Examples that Would Apply to Column 2			
___	Project occuring wholly or partially within or contiguous to any facility or site listed on the National Register of historic places.	___	___	___
___	Any impact to an archeological site or fossil bed located within the project site.	___	___	___
___	Other impacts: Two cemeteries on site.	___	X	X
	Architecturally significant building.	X	___	___
IMPACT ON OPEN SPACE & RECREATION				
12.	WILL THE PROJECT AFFECT THE QUANTITY OR QUALITY OF EXISTING OR FUTURE OPEN SPACES OR RECREATIONAL OPPORTUNITIES?..... NO (X) YES ( )			
	Examples that Would Apply to Column 2			
___	The permanent foreclosure of a future recreational opportunity.	___	___	___
___	A major reduction of an open space important to the community.	___	___	___
___	Other impacts: _____	___	___	___
	_____	___	___	___
IMPACT ON TRANSPORTATION				
13.	WILL THERE BE AN EFFECT TO EXISTING TRANSPORTATION SYSTEMS? ..... NO ( ) YES (X)			
	Examples that Would Apply to Column 2			
___	Alteration of present patterns of movement of people and/or goods.	X	___	___
___	Project will result in severe traffic problems	___	___	___
___	Other impacts: _____	___	___	___
	_____	___	___	___

	NO	YES	SMALL TO MODERATE IMPACT	POTENTIAL LARGE IMPACT	CAN IMPACT BE REDUCED BY PROJECT CHANGE
IMPACT ON ENERGY					
WILL PROJECT AFFECT THE COMMUNITIES SOURCES OF FUEL OR ENERGY SUPPLY?	X				
Examples that Would Apply to Column 2					
___ Project causing greater than 5% increase in any form of energy used in municipality.			___	___	___
___ Project requiring the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences.			___	___	___
___ Other impacts: _____			___	___	___
_____			___	___	___
IMPACT ON NOISE					
15. WILL THERE BE OBJECTIONABLE ODORS, NOISE, GLARE, VIBRATION or ELECTRICAL DISTURBANCE AS A RESULT OF THIS PROJECT?	X				
Examples that Would Apply to Column 2					
___ Blasting within 1,500 feet of a hospital, school or other sensitive facility.			___	___	___
___ Odors will occur routinely (more than one hour per day).			___	___	___
___ Project will produce operating noise exceeding the local ambient noise levels for noise outside of structures.			___	___	___
Project will remove natural barriers that would act as a noise screen.			___	___	___
___ Other impacts: _____			___	___	___
_____			___	___	___
IMPACT ON HEALTH & HAZARDS					
16. WILL PROJECT AFFECT PUBLIC HEALTH AND SAFETY?	X				
Examples that Would Apply to Column 2					
___ Project will cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there will be a chronic low level discharge or emission.			___	___	___
___ Project that will result in the burial of "hazardous wastes" (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc., including wastes that are solid, semi-solid, liquid or contain gases.)			___	___	___
___ Storage facilities for one million or more gallons of liquified natural gas or other liquids.			___	___	___
___ Other impacts _____			___	___	___
_____			___	___	___

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

	NO	YES	IMPACT	IMPACT	PROJECT CHANGE
17. WILL PROJECT AFFECT THE CHARACTER OF THE EXISTING COMMUNITY?	○	X			
Example that Would Apply to Column 2					
___ The population of the City, Town or Village in which the project is located is likely to grow by more than 5% of resident human population.			X	___	___
___ The municipal budgets for capital expenditures or operating services will increase by more than 5% per year as a result of this project.			___	___	___
___ Will involve any permanent facility of a non-agricultural use in an agricultural district or remove prime agricultural lands from cultivation.			___	___	___
___ The project will replace or eliminate existing facilities, structures or areas of historic importance to the community.			___	___	___
___ Development will induce an influx of a particular age group with special needs.			___	___	___
___ Project will set an important precedent for future projects.			___	X	X
___ Project will relocate 15 or more employees in one or more businesses.			___	___	___
___ Other impacts: _____			___	___	___
_____			___	___	___
18. IS THERE PUBLIC CONTROVERSY CONCERNING THE PROJECT?	X	○			
Examples that Would Apply to Column 2					
Either government or citizens of adjacent communities have expressed opposition or rejected the project or have not been contacted.			X	___	___
___ Objections to the project from within the community.			___	___	___

IF ANY ACTION IN PART 2 IS IDENTIFIED AS A POTENTIAL LARGE IMPACT OR IF YOU CANNOT DETERMINE THE MAGNITUDE OF IMPACT, PROCEED TO PART 3.

PORTIONS OF EAF COMPLETED FOR THIS PROJECT:

PART I ____ PART II ____ PART 3 ____

DETERMINATION

Upon review of the information recorded on this EAF (Parts 1, 2 and 3) and considering both the magnitude and importance of each impact, it is reasonably determined that:

A. The project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment. — PREPARE A NEGATIVE DECLARATION ___ ○

B. Although the project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in PART 3 have been included as part of the proposed project. — PREPARE A NEGATIVE DECLARATION ___ ○

The project will result in one or more major adverse impacts that cannot be reduced and may cause significant damage to the environment. — PREPARE POSITIVE DECLARATION: PROCEED WITH EIS ___ ○

Date

Signature of Preparer (if different from responsible officer)

Signature of Responsible Official in Lead Agency

Print or type name of responsible official in Lead Agency

File
82-10

PLANNING BOARD
CITY OF SARATOGA SPRINGS
Saratoga Springs, New York

June 2, 1982

To Mr. Joseph C. Ritchey, City Engineer
Room 10
City Hall
Saratoga Springs, New York 12866

RE: INTERLAKEN RESIDENTIAL PLANNED UNIT DEVELOPMENT - STATEMENT OF NEGATIVE DECLARATION:

Dear Mr. Ritchey:

This shall constitute a negative declaration for the purpose of Article 8 of the Environmental Conservation Law.

Lead Agency	City of Saratoga Springs City Hall Saratoga Springs, New York 12866
Contact	Mr. Joseph C. Ritchey, City Engineer
Telephone #	518 - 587 - 3550

ACTION DESCRIPTION: The proposed action is a zone change from Conservancy and Residential Seasonal to Planned Residential Planned Unit Development. The project encompasses 215 acres of land upon which is planned 500 housing units, an existing restaurant, 6000 square feet of office space, a 54 room inn, a 110 room hotel and a recreation system including a swimming pool, tennis courts, play ground, picnicing and inter connecting trail system.

The action is proposed for a site within the corporate units of the City of Saratoga Springs. It is located on either side of N.Y.S. Route 9P, approximately 1¼ miles east of interchange 14 of Interstate 87.

REASONS SUPPORTING NEGATIVE DECLARATION:

1. The project can provide its own water and will use the County Sewer system for distribution of sewage waste. Under current laws a project larger than that planned could be constructed under these circumstances.
2. The project is in accordance with the City Master Plan.

3. The applicant has answered to the satisfaction of the Lead Agency, all concerns of potential significant negative impact upon the environment of the City of Saratoga Springs, New York, and has planned for the mitigation of those potential impacts.

Sincerely,

Frederick J. Holman, Chairman
Saratoga Springs Planning Board

copy of above letter sent to

L.Gordon
D. Palma
D. Rudolph
B, Fear
W. Murmenn
A. Matrose
Commissioner Flack
J. Ritchey
L. Farone

INTERLAKEN - ENVIRONMENTAL ASSESSMENT
PART III - EVALUATION OF THE IMPORTANCE OF IMPACTS

1.0 IMPACT ON LAND

1.1 DESCRIPTION

The construction of the project is anticipated to continue for ten (10) years involving seven phases. Five phases will involve the construction of residential units and two phases will involve commercial construction.

During this period dust, construction traffic, noise and potential erosion problems would exist.

1.2 MITIGATIVE MEASURES

The project is subdivided into seven (7) distinct areas of construction. Each area is separated from the other by buffer zones of vegetation. Each area has its own vehicular access and the utility systems are designed to extend with the phasing. Therefore, although the project will extend over ten (10) years, the phasing and design approach will allow minimal disturbance to the landscape during any particular time frame in segmented, concentrated areas of construction.

1.3 IMPORTANCE

The impact will occur and will continue for approximately ten (10) years. There is not an anticipated loss of resources due to this impact. The impact will be minimized by segmenting the construction, and clearing only small areas at one time.

Only areas of building locations and roads will be cleared. Buildings will be set so as to minimize clearing and tree removal. Erosion control devices will be installed if required to eliminate off site sedimentation.

The impact will be of local consequence. Areas adjacent to regional uses such as Fish Creek and Saratoga Lake will not be built upon except for a boat basin and a dock.

The approach to the development of the site is in conformance with local goals and there have been no objections to this impact.

2.0 IMPACT ON WATER

2.1.1 DESCRIPTION

The project will require a water supply from wells with greater than 45 gallons per minute. Fire protection requires a minimum of 1500-1700 gallons per minute. At present, there are three active wells producing 140 gallons per minute.

2.1.2 MITIGATIVE MEASURES

The geologist recommendations indicate that by modifying the well points and installing a screen on these and new wells, the aquifer could easily produce 2000 gallons per minute.

The buildings will all be equipped with sprinkler systems. The chances of a major fire requiring prolonged use of large amounts of water are reduced; however, the system(s) would be designed to handle the needs of a major fire and the domestic requirements simultaneously. If the requirements dictate, storage tanks will be built to provide for fluctuation in need during the day with a pump refilling the tank during the non-use hours.

2.1.3 The use of water is an impact which cannot be avoided. The impact can be effected by the proper design of the water distribution system which provides for average daily use, peak demands and emergency water requirements. There are no regional impacts because the aquifer servicing the project can generate in excess of the water required by the project on site.

The development of a new water source is in conformance with the local needs and goals, since the City water system is presently near or at capacity during the summer season.

There is concern in the City of Saratoga Springs over the water supply. The location of the Interlaken project (between Lake Lonely and Saratoga Lake) provides an unique opportunity to develop a private water supply from a large renewable source.

2.2.1 DESCRIPTION

The project will use approximately 130,000 gallons of water per day. This is based on the following projections:

650 residents @ 150 gallons/day	97,500
Inn 50 units @ 80 gallons/unit/day	4,000
Hotel 110 units @ 120 gallons/unit/day	13,200
Office 6,000 sq.ft. @ 500 gallons/1,000 sq.ft./day	3,000
Retail 6,000 sq.ft. @ 100 gallons/1,000 sq.ft./day	600
Restaurant 1,000 patrons @ 12 gallons/patron/day	12,000
Pool/Clubhouse 100 users @ 10 gallons/swimmer/day	1,000
Total Usage	131,300 gal/day

This usage is based on 100% occupancy of all facilities. Figures were taken from Design, by Elwyn E. Seelye and Manual of Individual Water Systems, published by the United States Department of Health Education and Welfare.

2.2.2 MITIGATIVE MEASURES

There are no mitigative measures which could reduce the amount of water required for the project. There is, however, sufficient water available on site to service this project thereby eliminating any impact to the City's infrastructure related to water supply.

Presently, wells operating on the site can generate 200,000 gallons of water per day.

2.2.3 IMPORTANCE

The impact on total water usage is probable. The duration of the impact will occur during the month of August. It is anticipated that water usage will decline during the winter months as it presently does in the rest of Saratoga.

There will be water removed permanently from the aquifer. Since the aquifer appears to exist between Saratoga Lake and Lake Lonely, the water supply available will not be significantly effected by the project.

The development of new water supplies is in conformance with local needs and goals. At present, the City water system is near or at capacity during the summer season.

3.0 IMPACT ON HISTORIC RESOURCES

3.1.1 DESCRIPTION

There will be an impact on two cemeteries. There are two family cemeteries located on the project site, the extent of which will be determined and sites protected. The cemetery on the south side of Route 9P is located alongside one of the cul-de-sacs inside the site. The cemetery on the north side of Route 9P is located adjacent to Dyer Switch Road and is on the extremity of the project.

3.1.2 MITIGATION

These cemeteries will be identified, fenced and retained within the project.

3.1.3 IMPORTANCE

Since the properties are to be secured, the effect will be a positive impact. These areas have been left unattended and open to vandalism. By integrating them into the project, the history of the area will be recognized and secured.

4.0 IMPACT ON THE CHARACTER OF THE EXISTING COMMUNITY

4.1.1 DESCRIPTION

The project will set an important precedent for future projects. Currently the area east of I-87 is sparsely developed. Although there has been pressure to begin denser developments in this area, Interlaken will be the first large dense residential project to be constructed within the City east of I-87.

4.1.2 MITIGATION

It is important that the quality of design and impact to the environment and community be evaluated. The following steps have been taken to ensure a positive precedent is set by the Interlaken development.

A. Architectural styles, bulk and height restrictions have been established which relate to the character of existing buildings on the site and the general architectural quality in Saratoga Springs.

B. Buffer areas have been established to minimize the impact of an otherwise dense residential project on the more sparsely developed adjacent land.

C. A private water system has been developed which can service the project without putting additional impact on the City's water supply.

D. The construction phasing of the project will minimize the impact on noise, dust and visual qualities as well as traffic and the generation of solid waste.

E. The project is designed to minimize tree removal within the project as well as maintaining all environmentally sensitive forested areas and areas of steep slope.

F. The phasing of the project is related to servicing the existing community and the development. First phases include residential use and recreation facilities. Commercial development will include the Inn and offices in the first phases. A presently existing grocery store will remain to serve the first residents with neighborhood retail.

4.1.3 IMPORTANCE

The construction of the project will create a precedent on the east side of Saratoga Springs. The land presently

unutilized will be occupied. The extent of the impact will, however, be controlled by the creation of buffer zones and phases.

The consequences of this impact will effect future development in the City, especially on the east side.

The approach to the development of this project is in conformance with the goals of the City of Saratoga Springs as expressed in the newly adopted Planned Unit Development Ordinance.

There has been concern expressed over the development of the east side of the City, which at present is relatively undeveloped.

Exhibit O

PLANNING BOARD
CITY OF SARATOGA SPRINGS, NEW YORK
WEDNESDAY, FEBRUARY 28, 1996
CITY COURT ROOM, CITY HALL
7:00 PM

MINUTES

PRESENT: WALLACE ALLERDICE
CLARK BRINK
ROBERT BRISTOL
NORMAN FOX
LORRAINE THARP, CHAIR

ABSENT: JAMES MURPHY
JOSEPH O'HARA

STAFF PRESENT: GEOFF BORNEMANN, CITY PLANNER
PAUL MALE, CITY ENGINEER

Lorraine Tharp, chair, called the meeting to order at 7:00 pm.

WELCOME TO NEW BOARD MEMBER ROBERT BRISTOL:

Lorraine Tharp welcomed new Planning Board member Robert Bristol. She noted that Robert Bristol has long been active in the community and that the Board is pleased to have him as a member.

Lorraine Tharp noted that Robert Bristol was originally appointed in late January and that he missed his first two meetings (January 31 and February 7) because of a long planned vacation.

APPROVAL OF MINUTES OF JANUARY 31, 1996 MEETING:

Clark Brink moved and Norm Fox seconded to approve the minutes of the January 31, 1996 meeting. Ayes all.

APPROVAL OF MINUTES OF FEBRUARY 7, 1996 MEETING:

Clark Brink moved and Wallace Allerdice seconded to approve the minutes of the February 7, 1996 meeting. Ayes all.

ANNOUNCEMENT ON RECORDING OF PROCEEDINGS:

The proceeding of this meeting is not being taped because the meeting is being held in the City Court Room and there is no recording equipment available. The Board minutes taken by the secretary are not a verbatim record of the proceedings.

City of Saratoga Springs Planning Board Meeting Minutes
Wednesday, February 28, 1996

PRIVILEGE OF THE FLOOR:

Lorraine Tharp opened the meeting to anyone wishing to address the Board on any item not on the scheduled agenda. No one spoke.

"NEW VISIONS"

This is a presentation by the Capital District Transportation Committee on "New Visions", an analysis of regional transportation issues.

The presentation was made by Kristina Younger, Senior Transportation Planner. A workbook that details each of the topics in her presentation was given to each Planning Board member.

Kristina Younger gave an overview of the Capital District Transportation Committee (CDTC). The CDTC is a 4-county agency that oversees the direction of federal transportation funding in the Capital region, funds that are currently at $4 billion dollars. Kristina Younger said the Capital region will see modest changes in population, but a large growth in transportation up through the year 2015. This is due to the increasing trend toward each registered driver having their own vehicle and a spread of the population out toward the suburbs where mass transit is unlikely to serve.

There are 13 proposed investment principles which are listed in the workbook. They include strategies on maintaining pavement and bridge rehabilitation, public transportation infrastructure and other transportation facilities. Congestion management and the lack of options for transportation are some of the remaining issues that need to be examined. Infrastructure maintenance and meeting federal requirements are CDTC's highest priorities.

Kristina Younger explained that there are 9 task forces which include over 120 people who have contributed in excess of 1000 hours to meetings. The task forces cover subjects such as reducing jurisdictional barriers and the maintenance of good bridges and highways, which Kristina Younger noted were important to the Saratoga Springs region.

The CDTC foresees new transportation problems in the future as more jobs move to the suburbs and road congestion increases.

Kristina Younger reviewed the 17 consensus strategies that have emerged from the task forces. It was noted that many people expect that most of the region's growth will occur in the Interstate-87 Northway corridor.

CDTC has identified the following five major transportation policy choices facing the region: 1) Northway Congestion, 2) Transit Futures, 3) Regional Land Use Policy, 4) Infrastructure Treatment and 5) Budget Options.

The CDTA, the region's transit authority, has experienced a 40% decrease in federal operation assistance this past year.

In response to a question by Lorraine Tharp, Kristina Younger explained that even though the economy and population are going to be slowing down, the number of vehicles trips is increasing. People are living longer and driving more. The type of trips growing the most are not work-related commutes, but non-work trips, such as shopping and dropping children off at activities.

Lorraine Tharp asked if the audience had any questions. There were none.

Geoff Bornemann said that the possibility of a light railway system and the Northway congestion problem are the two issues that will affect Saratoga Springs the most.

Kristina Younger said that at a previous meeting, former Mayor A.C. Riley had suggested that one possible strategy was to do nothing to relieve Northway congestion because then more jobs might move to Saratoga Springs.

A discussion was held on possible Northway options, including H.O.V. lanes and shoulder use, as well as building a median express lane with a change of traffic direction depending on the time of day. Kristina Younger noted that there have been some suggestions to have commuter rail from Mechanicville to Albany and from Saratoga Springs to Schenectady. These rail services might attract commuters away from the Northway corridor.

Kristina Younger said that some regions are raising their own funds for transportation improvements through sales tax revenue, tolls, and vehicle registrations instead of waiting for federal or state funds to come through. She also noted that the strong trend toward suburban office parks does not lend itself to mass transit use.

Geoff Bornemann noted that the issue of changing existing highway jurisdictional boundaries could result in a financial gain for the city. Currently most of the state numbered routes that run through the city have to be maintained by the city and not the state. If this were changed, our operating and maintenance costs might be reduced. Clark Brink noted that most state numbered highways that run through suburban towns are maintained by the state.

Clark Brink asked if the Capital Region experiences problems that are unique from the rest of the country. Kristina Younger replied that our area has a different geographic pattern because of the triangle created by the Albany/Schenectady/Saratoga region.

Clark Brink asked if extending I-787 further north into the eastern portion of the county was a possibility. Kristina Younger replied that it is not an affordable option.

Kristina Younger also noted that transit services will become an issue within the region and county. The growth of suburban office parks is making it more difficult to provided efficient transit service to get people to and from work.

Lorraine Tharp suggested that adding additional exits (such as Exit 8A) only adds to congestion. Kristina Younger reported that some people have proposed constructing thru lanes in the center of the Northway that would have not exits and would serve the non-local traffic.

Kristina Younger urged the Board members to take a few minutes and respond to CDTC's response survey.

Lorraine Tharp thanked Kristina Younger for the fine presentation.

96.06 INTERLAKEN PUD AMENDMENT: (649-661 Crescent Avenue)

This is a request from the City Council for an advisory opinion to amend the existing Interlaken PUD ordinance to allow a 150 unit senior citizen housing community.

Mike Toohey, attorney, appeared before the Board representing the applicant. Mike Ingersoll, landscape architect, also appeared before the Board. Tom Roohan and John Witt, co-applicants, were in the audience.

The applicant submitted a draft ordinance dated February 1, 1996. The staff has developed an alternative ordinance dated February 21, 1996. Both copies were distributed to the Board.

Mike Toohey gave the Board a brief overview of the history of this PUD ordinance since 1982. He said in 1982 the PUD showed this parcel as having 250 acres, and in 1984 the records show it as only being 215 acres. He did not know why there was a discrepancy. He said the applicant would like to write an ordinance for Zone BB with today's standards to use as a model for future PUD amendments. In 1984, Zone BB was approved primarily for developing a 110 room

hotel and a 150 seat restaurant, uses that the developers think may still be viable in the future.

Mike Toohey said the applicants now propose building a senior community. They would like it to be run by a single entity and have all the units leased, as opposed to selling them outright to individual owners. They propose building 30 townhouses and 120 apartments. They also would like to consider having some ancillary facilities, such as a cafe/restaurant, convenience store and beauty shop, for the sole use of the residents and their guests.

Mike Toohey said the current greenspace is proposed at 65% in the draft ordinance, but they would like it decreased to 60%. They would like to tap into the county sewer and the city water lines. There is a city public water main along the frontage of the site and they want to distribute the water off of a single meter, having the landlord pay the water bill for all units.

Mike Toohey said they think there is a market for people 50 years of age and older for leased units. Because of the small amount of responsibility associated with owning leased units, residents can feel comfortable leaving their homes for warmer climates in the winter months. Mike Toohey said this use is not inconsistent with residential uses in the 1984 ordinance that the City Council passed.

Geoff Bornemann gave the Board a brief outline of the history of this PUD ordinance. He explained that the City Council meeting minutes from the 1984 meeting in which they passed the PUD ordinance was full of details about the various aspects of the project, but the details were never actually presented in the ordinance. In 1984 the ordinance was just one paragraph. The applicant's version of the proposed amendment only discusses Zone BB. Geoff Bornemann noted that in 1990, as part of the comprehensive rewrite of the zoning ordinance, the Planning Board drafted a proposed amended version of the Interlaken PUD that addresses the details that never made it into the adopted ordinance. The amendment was never actually presented to the City Council in 1990. Geoff Bornemann noted that the version of the draft ordinance that he prepared includes the original information for the entire PUD (from the 1990 draft) plus the proposed new amendment for Zone BB. The staff version incorporates the entire PUD and provides a framework for future amendments.

Geoff Bornemann noted that Thomas McTygue, Commissioner of Department of Public Works, has raised a number of objections concerning the Board's review process in a memorandum dated

February 28, 1996. Copies of the Commissioner's memo were distributed to each Board member.

Bob Bristol asked if the City Council could at any time amend an existing PUD ordinance without approval from the applicant. Geoff Bornemann noted that the City Council has been hesitant to do so because the applicants often view a PUD as a contract with the city.

Mike Toohey said the applicant wants to avoid controversy and is asking for a finite change of use, they are not trying to create a new ordinance for the entire PUD.

Norm Fox suggested to the Board that they should consider the specific advisory opinion that the City Council requested. He asked why the Board should try to change the ordinance for the entire PUD when that was not what they were being asked to do by the City Council. Lorraine Tharp replied that part of the planning process is to make the document better. She noted that the Board has in the past recommended substantial changes to the original ordinance sent from the City Council. She said that Commissioner McTygue's memorandum does not recognize what the Planning Board's role could or should be. Lorraine Tharp said in this case she was leaning toward the applicant's draft which only addressed Zone BB, but that she wanted more time to think about this issue.

Mike Toohey addressed the following remaining policy issues as listed on the Board's agenda notes:

1. Section V- Permitted uses: Mike Toohey gave the Board a-hand-out and reviewed it with them. He said that it is still desirable to retain the hotel/conference center as a permitted use in that portion of the community. He said the applicant is looking for either hotel/conference center or senior housing, but does not yet want to exclude one use or the other. Norm Fox and Lorraine Tharp were both concerned with the wording of "either/or" as it refers to the permitted use of the parcel. Norm Fox said there is a need for senior housing, not for more restaurants on the outskirts of town. Mike Toohey said he didn't see any logical sense in giving up the potential of a restaurant at that location.

   Geoff Bornemann told the Board that in the recent East of the Northway Study, PUD's were excluded from analysis. The report contains a proposal to established a C-8 zone across the street that is oriented toward water use. The recommendation does not allow motel/hotel uses in that C-8 zone, but it does allow marinas and restaurants.

Mike Toohey said the proposed maximum size for the townhouses will be 2,000 square feet, with a height of 35 feet and attached or detached car portals. It is proposed that there will be 1 parking space per unit, but no parking required for the ancillary uses. The apartments will have a footprint of 1500 square feet, and will be 50 feet high. The applicant plans on asking for 150 parking spaces, the maximum being set at 170 spaces.

Mike Toohey reported that the applicant proposes to have the ancillary uses occupy up to 15% of the total square footage of the complex.

Mike Toohey said that as long as the applicant keeps use, setbacks, density and green space in keeping with the ordinance, they shouldn't have to come back before the Planning Board in the future. They do not want to have to amend the PUD for every change.

Bob Bristol asked if there was a possibility that the senior housing community could be run by a non-profit organization and therefore be exempt from real property taxes. Mike Toohey said that it was a possibility, but noted that the applicant does not currently have a buyer or operating entity.

Lorraine Tharp noted that the current consensus appears to be that the Planning Board does not have any objection to either of the two proposed uses.

2. Section VIII- Infrastructure Service and Improvements:

Mike Toohey said the city has the legal right to service this section of the PUD with city water.

Mike Toohey referred to some proposed amendments to the draft ordinance which were faxed to the City Planner on the afternoon of February 27, 1996. However, Geoff Bornemann said he did not have any knowledge of that fax. Lorraine Tharp reminded Mike Toohey that the City staff would have to review the document more closely before the Board could comment on it. Mike Toohey said he had hoped that the Board could issue a favorable advisory on this project tonight. Lorraine Tharp felt that issuing an advisory opinion was premature, because this is the first time the Board has had a presentation on this project.

Geoff Bornemann noted that in the February 28th memo from Commissioner McTygue, the city is prepared to serve Zone BB with city water.

Mike Toohey said that in the original Farone PUD, exclusivity of water service was given to the Interlaken Water Company. But when the property was foreclosed upon and then sold, the new owners were not bound by that previous water agreement.

Lorraine Tharp felt that it was important to complete the research to be sure that the private water company no longer has the exclusive right to serve the entire PUD. She felt that the research could be accomplished within the next few weeks. She said she wanted to be sure that the city's desire to serve Zone BB was legally defendable.

Mike Toohey said the applicant is proposing that the roads within the proposed senior citizen community be a privately owned and maintained private driveway. Since all the units would be leased there would not be any resident owning land on a private road. Geoff Bornemann noted that if any of the units were to be subdivided or sold in the future there could be increased pressure to have the city take over the substandard private roads.

Mike Toohey said that the landowner would be responsible for improving the streets for dedication to the city. Geoff Bornemann suggested putting into the ordinance that the PUD can only have one property owner and any change to that would be an amendment to the ordinance and would have to come back before the Board. Tom Roohan, developer, asked not to have that put into the ordinance. Mike Toohey said he was not willing to limit community ownership to just one person, but he would limit it so that units are not individually owned.

Mike Toohey said they have no intention of building sidewalks or dedicating 50 feet of right-of-way through the middle of the project. But the pavement of the roads would probably be built to city standards.

Mike Ingersoll noted that the leased townhouse units were designed in clusters off the main driveway.

Paul Male, City Engineer, reported that Joe O'Neill, Director of Public Works, was adamant that the wording referring to utilities and road construction be written as "meeting all city standards at the time it's dedicated".

The Board expressed no objection to the proposed deferment of traffic studies and archeological studies until the time of PUD site plan approval.

Mike Toohey said that interconnected walking trails to other areas of the PUD pose a liability problem. There are HOAs on either side of the property and the landowners will have to get together and decide if they want interlocking trails. He opposed any requirements for such a trail in this PUD amendment.

3. Section IX- Phasing: Mike Toohey questioned the need to have time limits. Geoff Bornemann said the City Council has never taken the attitude that it can amend a PUD. Lorraine Tharp said there needs to be some kind of sunset provision written in. Mike Toohey said he would consider a 15 year time frame.

4. Section X- Setbacks: Mike Toohey said that since the applicant is not proposing to have any public streets in this zone of the PUD, consideration should be given only to creating buffers around external property boundaries. The Board expressed no objections to this approach.

   Clark Brink said he was not concerned about the proposed building heights because the site is large enough to reduce such impacts on the neighbors and the landscape.

5. Section XI- Signs: Mike Toohey reviewed the applicant's proposed special sign regulations. The applicant plans on building a 40 square foot entrance sign with interior or exterior illumination. The recently developed ordinance has more specifications for sign sizes and locations. Geoff Bornemann suggested that given the way the current draft is worded, there could be 3 or 4 free-standing signs along Crescent Avenue. Mike Toohey said that was not the applicant's intent and he would work with the staff to clarify the wording.

6. SEQR process: Mike Toohey said that only the senior citizen community action is being reviewed. Mike Ingersoll and Geoff Bornemann noted that changes must be made to clarify what agencies will be involved in the SEQR process. It was agreed that the City Council would determine when the lead agency status will be sought.

Lorraine Tharp suggested that there were still some issues that needed to be thought about and resolved. She asked the applicant

to work with the staff to bring a revised version of the ordinance back to the Board.

It was agreed that the applicant will reappear before the Board at the March 13, 1996 meeting to further discuss this project again.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:00 p.m..

Respectfully submitted,

Chris McCormic
Secretary

Adopted: April 10, 1996

Exhibit P

PLANNING BOARD
CITY OF SARATOGA SPRINGS, NEW YORK
WEDNESDAY, JULY 17, 1996
CITY COUNCIL CHAMBERS, CITY HALL
7:00 PM

MINUTES

PRESENT: WALLACE ALLERDICE
CLARK BRINK
NORMAN FOX
JAMES MURPHY
JOSEPH O'HARA
LORRAINE THARP, CHAIR

ABSENT: ROBERT BRISTOL

STAFF PRESENT: GEOFF BORNEMANN, CITY PLANNER

Lorraine Tharp, chair, called the meeting to order at 7:00 pm.

ANNOUNCEMENT ON RECORDING OF PROCEEDINGS:

The proceeding of this meeting is being taped for the benefit of the secretary. The Board minutes taken by the secretary are not a verbatim record of the proceedings.

PRIVILEGE OF THE FLOOR:

Lorraine Tharp opened the meeting to anyone wishing to address the Board on any item not on the scheduled agenda.

No one spoke.

96.35 CREEK RIDGE SUBDIVISION: (110 Meadowbrook Road)

This is an application for final approval for a 3 lot subdivision. John Witt, developer and applicant, appeared before the Board.

The property was rezoned from RR-1 to SR-1 by the City Council on July 2, 1996. This property was subdivided into two lots on April 3, 1991.

John Witt addressed the following policy issues as listed in the Board's agenda notes:

1. Driveways: John Witt said he would like to have 3 separate driveways off of Meadowbrook Road. He said the County Planning Board is reviewing the issue and he expects to have an official decision by July 18, 1996. He said Meadowbrook

Road is a 35 mph road and the driveways would have 500 feet visible access.

Lorraine Tharp asked if he had considered shared driveways. John Witt said shared driveways were not feasible. Clark Brink asked if the 2 outer lots could have a driveway off Dyer Circle, a private gravel peripheral road. John Witt said driveways from the peripheral roads would not be aesthetically good.

Joseph O'Hara suggested a T-formation shared driveway coming off of the center lot. John Witt said he would have to take out trees to do that.

John Witt said there is 150 - 250 feet of road frontage between lots. Geoff Bornemann said the County Planning Board has the final say on this matter. The Board agreed that unless the County Planning Board says no, the three driveways on Meadowbrook Road as proposed would be acceptable.

2. Pedestrian easement: John Witt said there will be a 10 foot wide pedestrian easement across the backs of all three lots that would allow each owner access to Fish Creek.

3. Lots deeded to Royal Dyer: John Witt said a small corner of lots #1 and #3 will be deeded to Royal Dyer and not Daniel Dyer as indicated on the plans. These small portions will be added to the adjacent lands owned by Royal Dyer. John Witt agreed to grant all the same easements to the small areas that exist on the Dyer land.

4. Boat slips: John Witt said all three lots will have rights for a boat slip on Fish Creek. John Witt said he has made arrangements with the Dyers for rights to the Boat slips and he will provide a copy of the contract to the Board.

5. Water supply: John Witt said he will use city water for these homes.

6. Waiver of curbs, sidewalks, street trees and street lights: The Board agreed to grant a waiver for curbs, sidewalks, street trees and street lights because of the low density of the project and its small size.

7. Recreation land: The Board agreed that cash in-lieu-of recreation land would be appropriate for this site.

8. Letter of Credit: Because there were no improvements planned in the public right-of-way, the Board determined that no LoC is needed.

John Witt said he has no problem complying with any of the technical issues. He clarified that city water, not wells, will be used.

Lorraine Tharp noted the DPS and DPW comments as listed in the agenda notes have been satisfied.

Lorraine Tharp opened the public hearing.

Charles Evans, adjacent lot owner, said he likes John Witt's driveway arrangement because the drives exit onto Meadowbrook.

No one else spoke. Lorraine Tharp closed the public hearing.

Lorraine Tharp noted that the correct cash in lieu of recreation land fee would be $500. She noted that the proof of mailing for the legal ad just came in today.

Wallace Allerdice moved and Joseph O'Hara seconded the motion to issue a negative SEQR declaration. Ayes all.

James Murphy moved and Joseph O'Hara seconded the motion to approval the final subdivision contingent upon the items agreed to during the discussion.
Ayes all.

Lorraine Tharp noted that the applicant John Witt was to come back before the Board if the County Planning Board tells him to do anything besides have 3 separate driveways.

96.34 BLACKMER BUILDING: (28-32 Clinton Street)

This is an application for site plan review to convert an existing structure to a commercial office building.

Hal Gerow, landscape architect, and Nick Palmetto, applicant, appeared before the Board.

Hal Gerow gave a quick orientation of the site and the proposed improvements. He said the site is in a C-1 commercial zone and they will create 22 new parking spaces.

Hal Gerow said in early June the DRC allowed the removal of a wood frame covered loading dock area in the rear of the building. The only new addition to the building will be a small enclosed stairway on the southern side of the structure. He said the building will be 12,400 square feet. He said they will utilize the existing water lateral service off of Clinton Street. They will tie into the sewer on Clinton Street near Thomas Street. Hal Gerow said they will add a handicap ramp at the entrance and add landscaping.

Hal Gerow addressed the following policy issues as listed in the Board's agenda notes:

1. Building entrance: Hal Gerow said they will keep the two existing entrances, but the principal entrance will be a converted loading dock overhead door. It will be lighted and clearly marked as the principal entrance. Lorraine Tharp asked if the other two doors could be used. Hal Gerow said yes, they could be used as long as the interior architecture doesn't prevent it. He predicted only one will be used due to the interior layout.

2. Free-standing sign: Hal Gerow said they have no intention of putting up a free-standing sign.

3. Wall lights: Hal Gerow said there will be two lights mounted on the walls for the parking area, one of which is on already. He said they will show the location on the final plans. He said they want to keep the historical motif.

4. Access easement: Hal Gerow clarified that the existing easement that allow the neighbor to park on a portion of the southern end of the property is accessed via a driveway off Butler Place. He said there would be no access across the parking lot. He said this easement is recorded.

5. Driveway: Hal Gerow said the existing curb cut is at 45 feet so they are just continuing at that point to make the driveway. Lorraine Tharp asked why they propose 45 feet when the city standard is 24 feet. Nick Palmetto said the 45 foot width allows for easier access and the curb cut is already at that width. Hal Gerow said they are not planning to put in a new apron and they will ask for a waiver from putting in a concrete apron.

6. Curbing: Hal Gerow said the applicant is willing to repair cubing and sidewalk segments that need it. Lorraine Tharp noted that DPW is recommending new curbing. Nick Palmetto said he is willing to either narrow the driveway or replace

the curbing, but not both. Lorraine Tharp asked for clarification that the applicant wants a waiver from concrete aprons. Hal Gerow said yes, they want the waiver because they already have an existing asphalt apron.

Lorraine Tharp said she was reluctant to go against the DPW wanting new curbs. Nick Palmetto said trash removal will be easier with the wider driveway. Lorraine Tharp asked the applicant if the Board leaves the driveway the way it is now, will he put in new curbs and replace sidewalk sections? Nick Palmetto asked to think about it and return to that question later in the evening. Lorraine Tharp agreed to come back to that.

7. Sidewalk: Hal Gerow agreed to replace a few sidewalk sections that are in need of replacement.

8. Parking lot: Hal Gerow said parking spot #9 requires a driver to back-out at an angle and swing around to exit. He said 10% of the lot is landscaped and if they add more landscaping there will be a problem with snow removal. Hal Gerow said they don't see an area for an island to fit.

   Lorraine Tharp asked if they really needed spot #9. Clark Brink said parking spot #9 could be a problem. Hal Gerow said they don't have anyone signed up for occupancy yet and a possible tenant may need lots of parking. He said at one time they considered putting in even more spots. Joseph O'Hara asked how many employees they expect the offices to hold. Nick Palmetto said they only have tentative lay-outs right now. He said they have left the grass area in the front of the building alone for the time being, but may need it for future parking space.

   After a brief discussion, the Board agreed that they were not bothered by the current lay-out. Wallace Allerdice said a small car could fit into space #9.

9. Drainage: Hal Gerow said they should be able to easily revise the drainage plan to include some recharge and some control over the rate of discharge into the city system. He said he will work with Paul Male on this. Geoff Bornemann said restricting the pipe and increasing the recharge is consistent with the DPW's comments. Hal Gerow said there is a cellar in the building and an 8 foot deep manhole in the street, so he believes there is enough soil on the site to achieve recharge.

10. Utilities: Hal Gerow said the building will not be sprinklered. He said a 1" (water) service feeds the building and that is more than adequate.

11. Street lights: Hal Gerow said there are two ornamental lights across the street and 1 in the island at this time. Nick Palmetto said there are large trees and people wouldn't be able to see more lights if they put them up. Geoff Bornemann suggested having the applicant work with the DPW on the exact location for the lights. The Board required that two historic street lights be installed.

12. Curbing: Lorraine Tharp returned to the subject of curbing. The Board agreed to waive the concrete apron and allow the current driveway width if the applicant puts in new curbing. Nick Palmetto agreed.

13. Letter of credit: Lorraine Tharp said the applicant should work with Paul Male to determine the final amount for the required LoC. The Board set the expiration date at June 30, 1997.

The applicant said he had no problem complying with any of the technical issues as listed on the Board's agenda notes.

Lorraine Tharp said that the DPS had no concerns. She noted the DPW's comments.

Lorraine Tharp asked for comments from the audience. No one spoke.

Nick Palmetto asked the Board for a list of requirements that they need to work on as a result of the meeting. Lorraine Tharp said Geoff Bornemann will give the applicant that list.

Clark Brink moved and James Murphy seconded the motion to issue a favorable SEQR determination. Ayes all.

Wallace Allerdice moved and Joseph O'Hara seconded the motion to approval the site plan contingent upon the items agreed to during the discussion. Ayes all.

96.29 INTERLAKEN PUD - ZONE B, D & E - REGATTA VIEW: (509 Union Avenue)

This is an application for preliminary and final PUD site plan review to resubdivide 64 lots into 98 lots.

Dick Mullaney, attorney, Mike Ingersoll, landscape architect, David Carr, landscape architect and Peter Belmonte, applicant, appeared before the Board.

The PUD site plan approval for this project was granted on June 19, 1991. The subdivision was filed in the County Clerk's office and construction was started. Construction was halted when a letter of credit expired. No homes were built and no roads were dedicated to the city. However, the subdivision still has legal status.

Mike Ingersoll illustrated the difference between the new 98 lot layout and the old 64 lot layout. They have added looped drives and cul-de-sacs, and residents will be able to view the lake as they drive in or out of their cul-de-sac. They will have an HOA and the homeowners will be able to get to the water's edge via a network of paths. He said most lots will be 10,000 - 15,000 square foot. Along the water front and bluffs, the lot size will be 7,500 - 10,000 square feet.

Mike Ingersoll said they intend to construct a marina, but plans for it will be submitted under a separate PUD site plan review application.

Lorraine Tharp asked if the public could access the water and Mike Ingersoll said no, it is for homeowners with this phase of the PUD only.

Mike Ingersoll said they will use all municipal utilities and they will offer the streets to the city for dedication. He said the drainage will flow through a settling basin.

Mike Ingersoll said a national study cited 80% of all home buyers wanting to live on a cul-de-sac.

Mike Ingersoll said there is a small family cemetery on the site that they will donate to an organization or have it owned by the HOA.

Mike Ingersoll said they are setting aside the parcel to the west of this site for a future development .

Mike Ingersoll addressed the following policy issues as listed in the Board's agenda notes:

1. Resubdivision: Mike Ingersoll clarified that this is a proposed resubdivision and that a note will be added that the former approved subdivision will be "abandoned" or superseded by this new one.

2. Number of lots: Mike Ingersoll said there are 98 buildable lots and 7 HOA outparcels. The Board suggested that the HOA lands be treated as a single tax parcel.

3. Retained land: Mike Ingersoll said the original zone E, the west corner zone D parcel and the marina parcel are not being developed now. He said the south side of zone D is potentially buildable. The Board asked the applicant to provide a condition that no house or structure can be built on these areas until the Planning Board approves of a site plan for them.

3. Phasing: Mike Ingersoll said they are thinking about phasing, but are not sure if they want to at this time. They will have at lease two phases if they do phase the project.

   Geoff Bornemann said they have the option of asking for approval of the whole project and phasing its construction, or approval for one phase at a time. Mike Ingersoll said they will probably ask for approval for the phases individually.

4. Request for PUD approval: Dick Mullaney said the applicant is seeking a review tonight and not an approval. Mike Ingersoll said they would like to receive a general indication of how the Planning Board feels about this project.

5. Change on the total number of units: Mike Ingersoll said they are not yielding the number of units at this point. The Board asked what kind of units are envisioned in the remaining undeveloped portions. Peter Belmonte said they will let the market direct them; they are not sure yet.

   Geoff Bornemann asked about the possibility of a vegetated buffer along Union Avenue. Peter Belmonte said that is a heavily treed area now and in this phase will remain so.

   Mike Ingersoll said a few parcels along Dyer Switch may be good for multi-family. He said 5 parcels may be multi-family.

   The Board asked the applicant to provide some indication on the plans as to what might be built in the future in these remaining undeveloped areas. The Board felt the purchasers in this project should have a right to know what might be next to them.

6. Lot configurations: Lorraine Tharp noted that cul-de-sacs #1, #2, and #3 could easily be connected. Mike Ingersoll said they want the cul-de-sacs because people want like to live on

them. Lorraine Tharp noted the DPW has not expressed any opposition to the cul-de-sacs. Geoff Bornemann said there are reasons why the Board's policy is discourage cul-de-sacs - they cut off the neighborhood, add confusion, are more difficult to maintain, etc.. Dick Mullaney noted that the sales at Water's Edge have run 15-1 in favor of cul-de-sac homes.

Peter Belmonte said people like cul-de-sac home because children's safety is an issue. They also like the exclusivity and the fact that those streets do not become speedways. He said they want to minimize corner lots because they are difficult to sell.

The Board felt the use of the cul-de-sacs in this project would be acceptable.

7. Public view spot: Mike Ingersoll said they do not want to have a specially designated public view spot. He noted that along the proposed road there are areas where the views of the water can be seen.

8. 5 lots on Dyer Switch Road: Mike Ingersoll said the 5 lots will have homes that match the neighborhood already there. Clark Brink asked if the homes would be included in the HOA. Peter Belmonte said they would be included. Peter Belmonte said there is currently a veterinarian and 2 or 3 single-family homes, but no two-family homes.

   Mike Ingersoll asked if 2-family homes would be allowed or desired on these five lots. Geoff Bornemann said although the area around the PUD is zoned RR-1 (which permits only single family detached homes), the Board has a right to negotiate different housing types within this PUD.

   Lorraine Tharp asked the applicant to re-think where it wants to put the 2-family homes seeing as there are no other 2-family homes on Dyer Switch. Mike Ingersoll agreed to reconsider it.

9. Minimum lot zone: Mike Ingersoll said 7,500 square feet is the minimum lot size. The Board said they had no problem with the variety of lot sizes.

10. Patio home: Mike Ingersoll said in a patio home the living space is turned away from one of the side yards. Lorraine Tharp said the Board would like to see a model unit. Mike

Ingersoll showed on the drawing where the 28 patio units would be located.

Joseph O'Hara asked how the applicant would be dividing the lots. Mike Ingersoll said lots will abut each other.

Geoff Bornemann asked if the applicant wanted flexibility on the number of patio homes vs. the number of single family homes. Mike Ingersoll said they would like flexibility, but they won't exceed 98 total units. Geoff Bornemann said the final plans should show where each type of unit will be. Lorraine Tharp said the Board had no problem providing some flexibility on that issue. Mike Ingersoll said they will re-think the lay-out and get back to the Board on this.

11. Setbacks: Mike Ingersoll said they want the patio homes to have a 25 front and rear and 10 foot side yard setback, but they are not sure yet and need flexibility.

    Mike Ingersoll said all units will have 2-car garages and room in the driveway to park at least two cars.

12. Buildability of lots: Mike Ingersoll acknowledged that there were a number of lots that currently have some topography problems. However, he felt they have the ability to shift the lots to ensure that adequately sized homes can fit on all the lots. Mike Ingersoll said no retaining walls will be needed.

13. Height: Mike Ingersoll suggested that they set a 40 foot maximum height for all the structures.

    Joseph O'Hara asked if the homes above the ridge will have a sight line. Mike Ingersoll said most will. Peter Belmonte said there is not that much height change on the ridge land but the homes are being spaced to maximize the views.

14. Impervious surfaces: Mike Ingersoll said they will always have at least 40% greenspace on every lot. Lorraine Tharp asked him to add that note on the plan and Mike Ingersoll agreed.

15. HOA: The Board asked that there be a provision in the HOA agreement that lien against individual property owners can be made if the owners fail to pay their HOA dues.

16. City maintenance: Mike Ingersoll said the city will have the right to maintain on an emergency basis the storm system that is out of the public right-of-way.

17. Cemetery lot: Mike Ingersoll said they were not sure who owns that and they will propose it as an HOA property if they can not find the owner.

18. Street names: Mike Ingersoll said they will submit proposed names for the streets at the next meeting.

19. Street dedication: Mike Ingersoll said the streets will be offered for dedication to the city. He said there will be a center island at the entrances. Geoff Bornemann noted the DPW said the road lay-out is acceptable. Mike Ingersoll said they will show the details of how the boulevard islands will be planted.

20. Water: Mike Ingersoll said they want city water. He said there is a main off of Dyer Switch and Route 9P.

    Lorraine Tharp asked if there was any legal requirement that stipulates these zones of the PUD have to use the water from the Interlaken Water Company. Dick Mullaney said there is nothing to prohibit them from using city water. He said they feel secure in this position.

    Dick Mullaney said they feel they are entitled to city water and that the project will market better with city water. He said the price of the project has gone up since 1981 and people are losing money. He said they need public streets and city water. He said it is critical to the project.

21. Vault: Mike Ingersoll said they will identify the location of the existing water connection vault on the plans. This vault was originally constructed to provide an emergency connection between the city system and the private system.

    Dave Carr said they will abandon the concrete vault or move it if the DPW wants it moved.

22. Fire flows: Mike Ingersoll said they provide the verification, but they felt sure there would be adequate fire flow within the project. Geoff Bornemann said they need to submit the data in an engineering report.

23. Sanitary sewer lines: Mike Ingersoll said they will provide the easement documents. He said the County sewer line easement runs through the property. Dick Mullaney said the sewer district will take over the lines. The Board said they will need to provide a statement from the Sewer District stating that they will accept the lines and that the system is

designed to the County standards. Mike Ingersoll they will also provide documentation that there is existing capacity in the nearby pump stations and force mains to handle the flows from this project.

24. Storm water: Mike Ingersoll said they will elaborate on the storm water system proposal during the next presentation.

25. Recreation area: Mike Ingersoll said they will include detail on the site plan review. He said it is a passive recreation area. Geoff Bornemann noted that the marina was be part of site plan that has received approval. Mike Ingersoll said the marina plans are the same as before except they do not have a gazebo now. Lorraine Tharp asked if this would be clarified and Mike Ingersoll said it would.

26. 10% land for recreation or cash-in-lieu of land: Mike Ingersoll noted that $31,500 has already been paid toward the-cash-in-lieu of land fee. He said they are not interested in a public access area because the piece of land is too small and there would not be adequate parking. He said it would not be good for marketing. Joseph O'Hara clarified that they would pay $500 per lot for the additional 35 lots they are planing. Geoff Bornemann said the $31,500 credit is still valid and has to be honored. Mike Ingersoll said they will clarify the number of lots that still need to be paid on.

27. Letter of credit: No estimate for the required letter of credit has been submitted yet but will be for the next meeting.

The applicant said he had no problem in complying with any of the technical issues listed on the Board's agenda notes.

Lorraine Tharp noted the DPS had no concerns.

Lorraine Tharp noted the DPW's comments and said that she was please to have DPW commenting about the project.

Lorraine Tharp referenced a letter from the Interlaken Homeowner's Association received on July 17, 1996.

Lorraine Tharp opened the public hearing.

Bob Bullock, 30 Sarazen Street, Interlaken, read a letter he submitted to the Board on July 17, 1996. He said the HoA is opposed to the use of city water for the project.

Bob Pascula, 1 Beach Court, Water's Edge, said he lives in a cul-de-sac and it is desirable, but there are also problems such as snow removal and the maintenance of the cul-de-sac. He said the density of homes within the cul-de-sac is fine, but outside on the street it gets confusing. He said the Interlaken PUD was written in 1981 but things have changed since then and that the Board should build in some safeguards.

Lorraine Tharp said Mr. Pascula brought up some good points as to why the Planning Board doesn't encourage cul-de-sacs.

Bill May, 19 Vallera Road, Interlaken, asked about price range and Peter Belmonte replied that the homes would start in the $150,000 range and go up from there.

Bill May said 9P is a State road that people speed on and he asked about a traffic light. Geoff Bornemann noted there has been a traffic study done as part of the prior approval.

Bill May also commented on the need for adequate street lighting, care when working around the water vault, and the use of city water. He referenced a June 15, 1995 letter from DPW Commissioner McTygue that said Interlaken will be serviced by a private water company. Geoff Bornemann explained that the PUD legislation is only one paragraph long and it doesn't mention water. However, the PUD application and discussions before the City Council all talked about the entire PUD being serviced by a private water company.

Elliot Loeb, 1 Lakeview Road, urged the Planning Board to consider the overall conceptual plan of the project since the remaining land can be built on. He would like to see the final plans for the entire project. He urged the Planning Board to set some limits.

No one else spoke. Lorraine Tharp continued the public hearing to the September meeting.

96.32 ADVISORY OPINION TO CITY COUNCIL - C&B SANITATION REZONING:
(2356 Route 50)

This is a request from the City Council on a petition to rezone 4.6 acres from Commercial-6 to Commercial-2, to amend the Comprehensive Plan designation for this area from COMM-5 to COMM-2, and to amend the zoning ordinance to permit "garbage/refuse collection and it's outdoor storage" as a use allowed in the C-2 zoning district with the issuance of a special use permit.

Dave Pentkowski, attorney, appeared before the Board representing the applicant.

Dave Pentkowski reviewed the purpose of the application. He emphasized that he was not here for a special use permit tonight, but just for an advisory opinion on the amendments that are before the City Council.

Lorraine Tharp said the Planning Board will issue an advisory opinion on the zoning and if the City Council votes to approve this, the applicant will come back before the Planning Board for a special use permit and then once again for a site plan review.

Lorraine Tharp asked why the applicant was seeking rezoning from-C-5 to C-2. Dave Pentkowski said that if the C-2 were amended to allow garbage/refuse collection and its outdoor storage use as a special use permit, the C-2 district that lies across the street could be expanded to this site. He felt that this expansion of an existing district will not be considered a spot zoning situation. He emphasizes that the area across the street is zoned C-2, so the rezoning of this site to C-2 would not represent the introduction of a new zone in this neighborhood.

Clark Brink asked why the applicant didn't stay with the C-5 zoning district request. Dave Pentkowski said the C-5 district combines light industrial and business. He said there is no other C-5 in the neighborhood. Dave Pentkowski noted that with the proposed zoning text amendment the applicant's requested use could go into a C-2 district with the issuance of a special use permit. He said this special use would apply for any C-2 district, if approved. Joseph O'Hara noted that it would appear that the applicant wants C-2 zone to avoid spot zoning with a C-5 zone. He said the broadening of all C-2 zones makes this a difficult request.

Dave Pentkowski addressed the following policy issues as listed in the Board's agenda notes:

1. Comprehensive Plan Amendment: Dave Pentkowski said the applicant proposes to amend the Development Plan map in the 1987 Comprehensive Plan to change the designation of this area from "COMM-5" (Medium Density Office Park Commercial) to "COMM-2" (Motorist-oriented Commercial).

   Dave Pentkowski noted that the petition is vague on this request and that is will be corrected. Geoff Bornemann said the problem is that there are similar terms used in the Comprehensive Plan and in the zoning ordinance, but each have different meanings. Dave Pentkowski said there is commercial use across the street and there is nothing unique about their 4.6 acres.

The Board asked if the applicant has talked to any of the neighboring property owners about joining the applicant in this amendment so that the geographic area would be larger. Dave Pentkowski said there has been no dialogue with the neighbors.

Using a colored map, Geoff Bornemann gave the Board a brief history of the land use category changes in the Comprehensive Master Plan for this area of the city. He said the 1987 Comprehensive Master Plan limits commercial and retail establishments at this entrance of the city. It encourages office park development and the existing homes could be converted to professional offices for lawyers, etc. Geoff Bornemann acknowledged that this policy does not appear to be working and that the Board might wish to review it.

2. Zoning amendments: Dave Pentkowski said his clients need to have their use identified specificly in the zoning ordinance and then to have it permitted somewhere in the city.

Joseph O'Hara asked if there was any zone specifically for the applicant's purpose. Geoff Bornemann said the industrial zones and the institutional-municipal purpose zone on Weibel Avenue would permit this type of use.

Joseph O'Hara said the problem with this is changing all the C-2 zones. He suggested creating a new zone, perhaps C-9, for that would specificly allow garbage and refuse businesses.

Lorraine Tharp said she agrees with Joseph O'Hara. She was concerned about the this type of use being allowed in the C-2 district as a special use permit. She felt this type of use would not be compatible with the other uses in the zone. She suggested the applicant come back with a C-9 proposal. Dave Pentkowski said a proposal for a C-9 zone will still raise the issue of exclusive zoning, "does the proposal benefit a single property owner".

Clark Brink said Joseph O'Hara's approach is sound.

Geoff Bornemann said creating a separate district might be acceptable, but another test of spot zoning is that the proposed uses should not be incompatible with surrounding land use.

Lorraine Tharp suggested that the applicant rethink the request and come back at a September meeting The Board generally agreed that the C-2 concept was not desirable.

Dave Pentkowski asked if he should go back to the City Council and amend his petition. Lorraine Tharp recommended that the applicant come back to the Planning Board to negotiate the C-9 proposal before going to the City Council again to avoid unnecessary steps.

Lorraine Tharp asked for comments from the audience.

Joe Berger, attorney for several of the homeowners in the area, said any rezoning of one parcel is still spot zoning unless the whole side of the street is rezoned. He referred back to the original ruling by State Supreme Court Judge William Keniry, who said the change to C-5 was spot zoning. He said Judge Keniry cited the Open Space Plan and the protection of the entrance way to the city as factor in his decision. Joe Berger said that unless the Open Space Plan is changed, he sees trouble rezoning that one parcel.

Ed Holohean, Jr., 462 Route 50 South, asked the Board to consider the impacts this zoning change would have on the other existing C-2 zones in the city. He said the land on the east side of Rout 50 is all zoned for offices and this proposed use would be incompatible with the office uses.

No one else spoke.

The applicant and the Board agreed to continue the discussion at one of the September meeting.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Chris McCormic
Planning Board Secretary

Adopted: July 30, 1996

PLANNING BOARD
CITY OF SARATOGA SPRINGS, NEW YORK
WEDNESDAY, SEPTEMBER 25, 1996
CITY COUNCIL CHAMBERS, CITY HALL
7:00 PM

MINUTES

PRESENT: WALLACE ALLERDICE
CLARK BRINK
ROBERT BRISTOL
NORMAN FOX
JAMES MURPHY - arrived at 9:40 PM
JOSEPH O'HARA
LORRAINE THARP, CHAIR - arrived at 7:25 PM

STAFF PRESENT: GEOFF BORNEMANN, CITY PLANNER
PAUL MALE, CITY ENGINEER - left at 10:30 pm

Norm Fox, vice-chair, called the meeting to order at 7:00 pm.

ANNOUNCEMENT ON RECORDING OF PROCEEDINGS:

The proceeding of this meeting is being taped for the benefit of the secretary. The Board minutes taken by the secretary are not a verbatim record of the proceedings.

PRIVILEGE OF THE FLOOR:

Norm Fox opened the meeting to anyone wishing to address the Board on any item not on the scheduled agenda.

No one spoke.

96.43 VALENTINE/EGAN PROPERTY: (71 Lincoln Avenue)

This is an application for final approval for a 2 lot subdivision. Brian Egan, applicant, appeared before the Board.

Brian Egan reviewed the following policy issues as listed in the Board's agenda notes:

1. Garage and driveway encroachment: Brian Egan said the driveway does encroach into the neighboring property and he is working on obtaining an easement to allow that encroachment. The survey indicated that the garage does not encroach. He said the agreement on the easement should be signed in a few days. He said the Board has a copy of the letter from his attorney indicating that negotiations for a permanent easement for the driveway are underway.

   Geoff Bornemann said this could be done as a deed amendment or as an easement. Brian Egan said they want to do it as an easement.

2. Sideyard setbacks: Brian Egan said the existing garage and shed was constructed in 1948 and they do not conform to the current building setback lines. He will add a note on the plan saying these are legal pre-existing, non-conforming conditions.

3. Lot #1 driveway and garage: Brian Egan said the new lot will have a driveway and it will be shown on the plans.

4. Sanitary sewer lateral: Brian Egan said a 6" PVC with a slope of 1/4 inch to a foot will be used. He said there is 9 feet between the elevation and the invert of the sewer. He said there is plenty of slope. Paul Male agreed that this should work.

   Geoff Bornemann noted that the Board would usually not allow such a long lateral and would prefer the construction of a sewer main along the frontage of the property. However, because no other property owner would likely be serviced by such a main, the applicant's proposal seemed reasonable. The Board agreed.

5. Sidewalks: Brian Egan asked for a waiver, but said he would go with whatever the Board requested. Norm Fox noted it is the Board's policy to request sidewalks for projects of this density in the developed portions of the city. Geoff Bornemann said the side street, South East Street, has no curbs or sidewalks, but most of Lincoln Avenue does. Norm Fox said he would support a waiver of the sidewalks for the side street, but will require them for Lincoln Avenue. The Board agreed.

6. Curbs: Brian Egan asked for clarification about curbs on Lincoln Avenue. He said an old, low curb is already out there. Paul Male said he did not remember seeing a curb when he went there to inspect the site. The Board agreed that if the existing curb was not effective, there should be a new curb installed along the frontage on Lincoln Avenue.

   Geoff Bornemann noted there were no curbs on either side of South East Street. The Board agreed that no curbing along the short frontage on South East Street was necessary. Norm Fox said curbs would be needed on Lincoln Avenue.

7. Street lights: Geoff Bornemann noted this property was not in the historic lighting district, so the applicant was not required to install decorative street lights. Brian Egan said there was adequate street lighting in the area.

8. Letter of credit: Brian Egan said he will prepare the required detail cost estimate for all the improvements within the public right-of-way. Norm Fox noted that those figures would be subject to the approval of the City Engineer. The

applicant and the Board agreed to set the letter of credit expiration date at December 30, 1997.

Brian Egan said he had no problems complying with any of the technical issues as listed on the Board's agenda notes.

Norm Fox read the comments from the DPW regarding a water service connection fee as listed in the Board's agenda notes.

Norm Fox opened the public hearing. No one spoke. Norm Fox closed the public hearing.

Norm Fox noted the recreation fee is due before filing and the proofs of legal notice and mailings to neighbors are already in.

Robert Bristol moved and Clark Brink seconded to issue a negative SEQR declaration. Ayes all.

Robert Bristol moved and Joseph O'Hara seconded the motion to approve the final subdivision, subject to the conditions agreed to during the discussion. Ayes all.

Lorraine Tharp arrived at 7:25 pm and took her seat on the Board. She thanked Norm Fox for conducting the meeting in her absence.

96.44 U-STOR-IT OUTDOOR STORAGE: (249 Washington Street)

This is an application for a special use permit for the relocation and reduction of outdoor storage.

Hal Gerow, landscape architect, appeared before the Board. The applicant, James J. Grande, was in the audience.

A prior special use permit was granted on July 13, 1994.

Hal Gerow gave an overview of the project using a drawing. He noted that this was the fourth of five planned phases for the development of this facility.

Hal Gerow reviewed the following policy issues as listed in the Board's agenda notes:

1. Type of permitted outdoor storage: Geoff Bornemann said the Board previously approved a very specific list of uses for the storage area. The applicant requested that this list still be accepted. The Board agreed.

   Robert Bristol asked if any of the sealants on the list would require a license. Hal Gerow said no, there would be no controlled substances stored at the facility.

2. Dimensions: Hal Gerow said the applicant is changing configuration of the gravel fenced in area. It will now not exceed 5,000 square feet, a change from the original 14,500

proposed. He said the existing outdoor storage area that is now earth surface will remain at 11,000 square feet.

3. Type of permit: Hal Gerow clarified that a permanent special use permit is being requested.

4. Hours of operation: Hal Gerow said there would be no changes in the hours of operation for the facility and noted that the prior special use permit did not stipulate any conditions on hours of operation.

6. Potential impacts: Hal Gerow said there will be no potential impacts.

Lorraine Tharp suggested that the same conditions should be put on this special use permit as the one granted previously. These related to size of the storage area and the list of acceptable items that could be stored on the site.

Lorraine Tharp noted that the DPW and DPS had no concerns.

Geoff Bornemann noted that the Saratoga County Planning Board comments are still pending, but he spoke with them on the telephone and they said they have no problems with the application.

Lorraine Tharp opened the public hearing. No one spoke. The public hearing was closed.

Lorraine Tharp noted that the applicant has provided the required proof of mailing notices to adjacent property owners and payment of the legal advertisement for the hearing.

Wallace Allerdice moved and Clark Brink seconded a motion to issue a negative SEQR declaration. Ayes all.

Joseph O'Hara moved and Robert Bristol seconded to issue the following permanent special use permit:

The Board grants a permanent special use permit to amend the prior special use permit issued on July 13, 1994, for the outdoor storage of the following materials:

Building materials: Including bricks, concrete blocks, cement, sand, stone, topsoil, mulch, pipe, lumber, wood, pelletized materials, paint, paint thinner and remover, acids for washing masonry, foundations/roofing and driveway sealants, adhesives, and similar types of building materials.

Construction Equipment: Including air compressors, concrete mixers, cranes, scaffolding, trucks, trailers, track and rubber tire equipment, light assembly and repair of stored equipment, and similar types of construction equipment.

Recreational Equipment: Including all terrain vehicles, campers, cards, motor homes, motorcycles, sea and snow machines, trailers, trucks, light assembly and repair of stored equipment, and similar types of recreational equipment.

The outdoor storage of such materials shall be restricted to two areas shown on the approved site plan: 1) a gravel fenced-in area not to exceed 5,000 square feet; and 2) an earth surface area not to exceed 11,000 square feet.

Ayes all.

96.42 U-STOR-IT PHASE 4: (249 Washington Street)

This is an application for site plan review for 2,400 square feet of additional storage units and a new outdoor storage area.

Hal Gerow, landscape architect, appeared before the Board. The applicant, James J. Grande, was in the audience.

Hal Gerow addressed the following policy issues as listed in the Board's agenda notes:

1. Lights: Hal Gerow said there will be no additional lights because the existing site lighting was adequate for this small addition.

2. Plantings: Hal Gerow said they are not proposing to add any additional plantings. He said the public using the storage facilities needs viewing access for security, so they want to keep the area as open as possible.

3. Drainage: Hal Gerow showed the area on the plans where gravel is being replaced by asphalt. He said calculations were done for the entire area and the changes proposed did not alter drainage. He said the total new impervious area is between 8,000-9,000 square feet where the original gravel is being replaced with asphalt. James Grande said the existing drainage system used 12" ADS, perforated and wrapped in stone. He noted that it has been working well. Paul Male agreed that the existing drainage was adequate to handle this small new facility.

4. Letter of credit: Hal Gerow said there may be from $5,000 - $7,000 in improvements. He requested a waiver. Lorraine Tharp said she had no problem waiving the letter of credit if the detailed cost estimated comes in under $10,000. The Board agreed to waive the letter of credit.

Hal Gerow said he had no problems complying with any of the technical issues as listed on the Board's agenda notes.

Lorraine Tharp asked for comments from the audience. No one spoke.

Lorraine Tharp noted that DPS and DPW have no concerns with the applicant's proposal.

Robert Bristol moved and Joseph O'Hara seconded to issue a negative SEQR declaration. Ayes all.

Joseph O'Hara moved and Wallace Allerdice seconded to approve the site plan contingent upon the items agreed to during the discussion. Ayes all.

96.46 EMPIRE STATE COLLEGE-DISTANCE LEARNING CENTER: (15 Union Avenue)

Lorraine Tharp recused herself from the Board because her firm represents Empire State College Foundation. She said that James Murphy had arrived, but was recusing himself from the Board as well because he has represented the Foundation in the past. Norm Fox, vice-chair, assumed the position of chair of the Board.

Mike Ingersoll, landscape architect, appeared before the Board representing the applicant. Bill Ferraro, Empire State College representative, and Sandra Baptie, architect, also appeared before the Board.

This is an application for site plan review for the construction of a new 17,750 square foot building.

Mike Ingersoll said that in 1995 a use variance for this building was granted. Last week, the ZBA granted area variances for the proposed parking and building canopy setbacks.

Bill Ferraro said he is a vice-president of the college and the treasurer for the Foundation. He said the Foundation is building this and is on a very tight budget since no state money is going into the project.

Mike Ingersoll reviewed the site plan with the Board. He said it will go through historic review procedures with the city's Design Review Commission within the next two months.

Mike Ingersoll addressed the following policy issues as listed in the Board's agenda notes:

1. Cross lot easement: Mike Ingersoll said the applicant will grant a cross lot pedestrian and vehicular access easement to Empire State College.

   Bill Ferraro noted that it is planned that the site and the building will be turned over to Empire State College from the Foundation once the debt service is paid.

2. Parking: Mike Ingersoll noted that the connection to the parking lot on Empire State College's property will only be 12

feet wide and allow for one way traffic. He said they would like to keep the 36" oak tree, but would have to cut it if the driveway had to be made wider. The Board agreed that the tree should be saved.

He said the parking spaces currently on this site are overflow parking for the adjacent apartments and antique center. The removal of the spaces from their use will not affect the parking requirements for the adjacent uses. The proposed 27 parking spaces for the Foundation are all required to meet the parking demand of the new building.

3. Landscaping: Mike Ingersoll said the applicant is requesting an interpretation that the required 10% landscaping standard for the parking lot is met.

   Joseph O'Hara asked about screening. Mike Ingersoll showed the landscaping plan. He said there are currently large trees and a new hedgerow is proposed. Joseph O'Hara suggested extending the hedge to provide better screening from Regent Street. Robert Bristol suggested bringing the hedge in and around the butternut tree, using approximately 10-12 shrubs to accomplish this. Mike Ingersoll said they would do this.

   The Board interpreted that the 10% landscaping requirement was met.

4. Parking lot curbing: Mike Ingersoll said they propose putting granite curbs on half the lot and leaving the other half without curbs for snow storage. Robert Bristol said they would need to reseed every spring. Mike Ingersoll said they are aware of that fact.

5. Parking demand: Mike Ingersoll said a description of how the parking demand was calculated is in the package given to Board members. Bill Ferraro said there will be lots of training going on in the building, but it will not be used every day. He also noted that the employees using the building will have offices elsewhere. Bill Ferraro said on busy days parking will overflow into the streets and further tighten the parking there. Geoff Bornemann asked if the building inspector has agreed with the applicant's parking demand figures and Mike Ingersoll said yes.

6. Building entrances: Sandra Bapti said the staff will use the back door coming in from the parking lot. She said people can also go through the courtyard and access the front canopied entrance. Mike Ingersoll said there will be no Regent Street entrance.

7. Sidewalks: Mike Ingersoll noted that they did not propose to install a sidewalk from Regent Street along the northern side of the building because the roof will dump snow on this area. Bill Ferraro said they prefer to funnel traffic through the

main entrance. The Board agreed that this sidewalk connection would not be necessary.

8. Curbing: Mike Ingersoll said they will replace the entire curbing along the Regent Street and Union Avenue frontage.

9. Lighting: Mike Ingersoll said the revised plan will show two lights along Union Avenue. Mike Ingersoll said the lights in the parking lot will be 20 feet high. Bill Ferraro explained that the lights in the parking lot were vandalized twice and finally the college put a light on the building that floods the parking lot. Mike Ingersoll said they use sharp cut-off fixtures that don't glare onto other neighboring properties.

10. Utilities:

Sewer: Mike Ingersoll said they will tie into the Regent Street line. He said they met with the DPW this morning and the DPW requested that they put in two manholes at this location. Mike Ingersoll said the applicant agreed to this. He noted that this sewer line was previously classified as a private line, but DPW now believes it is a public main.

Storm drainage: Mike Ingersoll said the property will have two drywells. He said test percs were done and they have sand to 20 feet. He said the property has a great perc rate. An overflow pipe will connect to the city system at the corner of Regent Street and Union Avenue.

Mike Ingersoll said they will install an orifice plate in their 12" pipe at the point it connects to the existing 10" clay pipe line on Union. This plate was requested by DPW.

Water: Mike Ingersoll said they were going to tap off the 4" line from Regents Avenue that comes into the building but they are concerned that their may not be enough water pressure in that line to meet the building requirements. He said they are investigating the possibility of installing a new private water main from Circular Street across the Empire State Parking lot to the building. Geoff Bornemann suggested that it might be of more value to have such a main installed in the Union Avenue right-of-way and tied into the Regent Street line. He suggested that the city should be looking to install a new larger main in Union Avenue from Circular Street to Nelson Avenue. Mike Ingersoll felt that the applicant could not afford to install the water main in Union Avenue.

Joseph O'Hara said the DPW will give their comments on the subject, so why discuss it further. He suggested leaving the decision to the City Engineer and the DPW. Mike Ingersoll agreed to this. He said they will negotiate in good faith.

11. Dumpster: Mike Ingersoll said there would be no dumpster at the site. He said they will have daily trash pick-up.

12. Postal Address: Mike Ingersoll said the applicant wants #3 Union Avenue for a postal address.

13. Letter of credit: Mike Ingersoll said the cost estimates submitted for the letter of credit will have to be revised slightly. He said they will work with the City Engineer to finalize the figures. An expiration date of September 30, 1998 was agreed to by the applicant and the Board.

Mike Ingersoll said he had no problem complying with all technical issues as listed on the Board's agenda notes.

Norm Fox read the comments from the DPW and noted that they appear to have been addressed.

Norm Fox asked for comments from the audience. No one spoke.

Robert Bristol moved and Joseph O'Hara seconded to issue a negative SEQR statement. Ayes all.

Joseph O'Hara moved and Wallace Allerdice seconded to approve the site plan subject to the conditions agreed upon during the discussion. Ayes all.

Lorraine Tharp and James Murphy took their seats on the Board.

<u>96.46 NORTH PIER MARINA - STORAGE AND STORE BUILDING</u>: (549 Union Avenue)

This is an application for site plan review for the construction of a new 9,600 square floor building.

Eric Rector and Larry Rector, applicants, appeared before the Board.

Eric Rector said that based upon the comments on the Board's agenda notes, they have made some revisions to the original plan. He submitted copies of the revised plan to the Board. Lorraine Tharp said the Board and staff would need time to review the new plans and she asked the applicants to come back next week to the October 2, 1996 meeting. They agreed.

Lorraine Tharp asked if there were any issues they could clarify tonight. Geoff Bornemann suggested that the paving of the parking lot is a key issue.

Eric Rector said they would like only to have to pave the required two handicapped parking spaces and leave the rest of the lot gravel.

Robert Bristol asked if the boat sales business would be open in the winter. Eric Rector said it would. Lorraine Tharp said she felt they should then pave the spaces that would be required for the year round uses. Eric Rector said 34 of the 40 spaces will be used by marina customers, 5 months out of the year. He suggested paving the remaining 6 spots.

Robert Bristol suggested paving the entrance road and the parking spaces required for the store and showroom. He reminded the Board that the DPS will be looking for fire access during the winter months.

Clark Brink asked if the ramp for the marina would be open to the public. Eric Rector said it is for private use only.

The Board asked the applicants to return on October 2, 1996. They agreed.

96.29 INTERLAKEN PUD - ZONE B, D, & E - REGATTA VIEW: (509 Union Avenue)

This is an application for preliminary and final PUD site plan review to resubdivide 64 lots into 89 lots.

Mike Ingersoll, landscape architect; Dave Carr, landscape architect; Peter Belmonte, applicant; and Dick Mullaney, attorney for the applicant, appeared before the Board.

Mike Ingersoll gave an overview of the history of the project to Board members. Mike Ingersoll said the applicant is now proposing 89 lots, as well as the right to build an 48 additional lots in the future.

Mike Ingersoll addressed the following policy issues as listed in the Board's agenda notes:

1. Buildable lots: Mike Ingersoll said there are now 89 buildable lots. Dave Carr said 4 of the 89 lots will be duplexes. Geoff Bornemann clarified that there will be 93 units on 89 lots. Mike Ingersoll said they would add a note to the plan about the other non-buildable lots.

2. HOA lots: Mike Ingersoll said they will be 4 HOA lots, including the cemetery. He said there will be 3 remaining lots owned by the developer, making a total of 96 lots in the subdivision, 89 of which are buildable.

3. Phasing: Mike Ingersoll said the applicant intends to file the entire subdivision as shown and would like to reserve the right to trigger building permits to future phases. He said the applicant wishes to have the flexibility to move around with market conditions.

4. Undeveloped areas: Mike Ingersoll said they do not yet know what they will do with areas designated for future development. He said the applicant will add a note indicating the maximum number of units currently planned for those areas and add a note that no buildings can be constructed on these vacant parcels until a future PUD site plan review approval is obtained.

5. Cul-de-sacs: Geoff Bornemann asked about connecting the-cul-de-sacs by a trail. Peter Belmonte said people do not like paths near their homes because of security problems. Norm Fox said there was another development in which the public didn't like the idea of paths near their homes. The Board felt the cul-de-sac proposal as submitted was acceptable.

6. Public view spot: Mike Ingersoll noted that there would be one area along Regatta View Blvd. where there would be good views of Fish Creek. He noted that since this would be on a public road, the public could enjoy this view.

7. Four lots on Dyer Switch Road: Dave Carr said he met with Ted Zerbalik of the Saratoga County DPW highway department. He said Zerbalik reviewed the curb cuts, site distance and drainage and had no concerns with the location of the driveways.

   Geoff Bornemann referred to the Saratoga County Planning Board comments made on July 16, 1996, expressing concern over the number of driveways, as listed in the Board's agenda notes.

   A discussion of driveway locations took place. Lorraine Tharp suggested holding this issue open until later in the meeting.

8. Minimum lot size: Mike Ingersoll said they have no objection to the suggestion that the minimum lot size be raised from 7,500 to 8,500 square feet.

9. Unit prices: Mike Ingersoll said patio homes would start in the upper $100,000's. Mid-homes would be in the mid-to-upper $200,000 range. Custom homes would range from the mid $200,000's to low $300,000's.

   Peter Belmonte pointed out that no home will have less than a 2-car garage. He said the duplexes would not have all the full privileges of the proposed HOA and the patio homes may have separate HOA provisions than the single-family homes. He said each duplex will be owned by one individual.

10. Letter of Credit: Peter Belmonte explained that he would like the flexibility, as the market demands, to go forward with another section of road. He would like to divide the letter of credit into four sections and have permission to set up an inspection policy when he wants to build a street. Geoff

Bornemann pointed out that the Board has done this before, but that project had specific phases and sequences.

Joseph O'Hara said segmenting the LoC and not building the through road all at once does not make sense. Peter Belmonte said all utilities would originate on Union Avenue and when the road was completed it would loop back to Dyer Switch Road, if city water is available. He said he would like to trigger the road completion based on certain numbers of units sold.

Joseph O'Hara suggested the alternative of calculating the cost of the second segment divided by the number of homes agreed upon, and for the applicant to contribute as he goes along. Peter Belmonte said he could put the letter of credit up after the model house is built and then do each other as a separate letter of credit. He said he wants to avoid investing in the road.

Lorraine Tharp suggested that the applicant develop a specific proposal and submit it to her for review. If she had some concerns with it, she would bring it back before the full Board.

11. Setbacks: Lorraine Tharp suggested the applicant should go to a 20 foot, instead of a 25 foot, front setback for the patio homes so as to allow flexibility for the garages to be installed in the rear or side of the lot. The applicant agreed.

12. Topography: Mike Ingersoll said they will show grading on the plan for the seven lots along the bluff to demonstrate that there is adequate room to construct a home.

13. Street names: Mike Ingersoll said Henry Drive should read Henley Drive. Peter Belmonte said all names are related to famous regattas. Mike Ingersoll agreed to change the last part of the name of the dead end roads to courts, ways, place or street. The Board agreed the names were acceptable.

14. HOA's: Mike Ingersoll said they will add a note to the plan about liens against owners of individual properties to be made if there is a failure to pay HOA dues.

15. Cemetery: Mike Ingersoll said the HOA will own and maintain the cemetery.

16. Street dedication: Mike Ingersoll said the street will be dedicated to the city. He said the DPW has okayed the use of a divider in the center of the street. Mike Ingersoll said they will add a note to the plat plan that states the street shall be offered for dedication to the city, but if DPW objects to the divider, it will be removed.

17. Traffic analysis: Dave Carr said he contacted the DOT and discovered that a 1990 permit for the project has expired but has not been closed out. DOT's position is that since it is an open file, no further traffic analysis is required.

18. Traffic funds: Mike Ingersoll said that because the applicant has extended the original entrance road permit with the DOT the applicant should not have to pay the traffic impact mitigation fee that was contributed by Water' Edge and Interlaken Phase C. Lorraine Tharp said that since the first approval on this site for 64 units occurred in 1991 before the Planning Board and DOT agreed on the mitigation fee process, she felt that this phase of the project should not be subject to the fee. James Murphy suggested bringing the issue up again when the applicant comes back for the next phase. The Board agreed.

19. Utilities: Dick Mullaney said the county water authority believes it has exclusive rights to serve this section of the PUD and has filed a lawsuit against the city. He said the applicant prefers city water and wants the Planning Board to approve this project with a connection to the city water system.

    Geoff Bornemann referred to a summary of the county's action against the city, copies of which were previously distributed to Board members. He noted that Dick Mullaney is representing the city in defending this lawsuit and representing the applicant of this project that is before the Board. Geoff Bornemann gave a summary of the reasons the County believes they have exclusive right to serve the PUD with water. Dick Mullaney said the matter will be litigated. Geoff Bornemann noted that it would be an easy matter for the applicant to connect to either the County water system or the city's because the pipes are right next to each other. Lorraine Tharp suggested going with city water unless the court says otherwise. The Board agreed.

20. Vault: Mike Ingersoll said that the existing underground vault that was designed to connect to the County water system is in the ROW of the proposed new street, Regatta View Blvd., but under the pavement. He said the DPW wants it to remain where it is.

21. Water lines: Mike Ingersoll said the DPW asked the applicant to place water lines behind the curb line on the dead-end streets only.

22. Fire flows: Mike Ingersoll said there are adequate fire flows for this project. Geoff Bornemann noted that this issue was raised during the 1991 review of this site, but the current fire department review did not raise the issue.

23. Cross lot sewer lines: Mike Ingersoll said the cross lot sewer lines at the end of the cul-de-sacs are acceptable to the County. He said the applicant does not feel an easement should be extended to Dyer Switch Road. Paul Male asked if any of the land along Dyer Switch Road would be able to access this sewer line with a gravity connection. Peter Belmonte referenced the Snyder lands across the street and that the pipes in this project would be too high to service the Snyder property. Peter Belmonte said it would be too expensive for him to drop his piping any lower. He also noted that their sewer line already was into the water table.

    Geoff Bornemann noted that in other projects (such as Westway Farms) the Board asked the applicant to lower the pipes so that the neighboring properties could be serviced. Peter Belmonte felt that it would be cheaper for the Snyders to tie into the County sewer line at the intersection of Union Avenue and Dyer Switch Road. The Board agreed not to ask for the easements extension or for the lowering of the lines.

24. Status of county sewer review: Mike Ingersoll said they have submitted the plans to the County Sewer District, but have not yet heard back from the county. He said this would all be subject to County review.

25. Storm water: Mike Ingersoll said the City Engineer is still reviewing the storm water plan. He said they will use perforated pipes and have discussed this with the DEC. He said they will agreed to whatever modifications are suggested by the City Engineer.

26. Sewer capacity: Mike Ingersoll said they met with the County and they feel there is adequate capacity in the system that flows around the lake. He said they will wait for the county's decision since it is their pipe. Geoff Bornemann said that the county has said the system has a limited capacity and they have taken the position that the last one in has to pay the cost of increasing the capacity.

27. Detention pond: Mike Ingersoll said the HOA will own and maintain the proposed storm water detention ponds and pipes leading to it. He said they are easily maintained.

28. Easement for pond: Part of the HOA's pond is on the developer's lot. Mike Ingersoll said an appropriate easement to the HOA will be granted.

29. Storm water report: Mike Ingersoll said the storm water report has already been revised to include the pre- and post-development mapping of drainage areas.

30. Recreation area: Mike Ingersoll said the docks for the marina are part of another site plan review. Mike Ingersoll said

they will add a note that rescinds the prior approval and will come back with another site plan review.

31. Cash in lieu of land for recreation: Mike Ingersoll said they will pay the cash. The Board agreed and asked that the applicant work with the City Planer on the amount based on the final number of lots.

32. Letter of credit: Mike Ingersoll said the city engineer needs to review it the estimate presented. Dave Carr said they need to set an expiration date that relates to the phasing plan that the developer will soon present to the chair. The Board agreed that the chair could set the expiration date.

Mike Ingersoll said they have no problem complying with any of the technical issues.

Lorraine Tharp noted the comments from the DPW and DPS, as listed in the Board's agenda notes. Geoff Bornemann said the applicant needs to agree to the DPS's request for parking control signs, as listed in the comments. Dave Carr said they would work with DPS to finalize the plan.

Lorraine Tharp opened the public hearing.

Lorraine Tharp noted a letter from the Interlaken HOA dated July 18, 1996.

Robert Bullock, 30 Sarazen Street, sent the letter of July 18, from Interlaken Homeowners' Association. He asked the Board to consider present residents of the area. He said the PUD is being dismantled and he is disappointed.

Jackie Jacknowitz, 191 Crescent Avenue, said she is concerned with the erosion and quality of water if the marina is approved. She said developing a marina may result in some adverse environmental impacts.

Lorraine Tharp asked Robert Bullock to summarize the reasons why the HOA objects to this project. Robert Bullock said the original PUD document said water would be supplied by Interlaken Water Works since city water was not available at that time. He said the residents are now paying the full cost of the water system and they expected the other portions of the PUD to join the system and reduce their costs.

Joseph O'Hara asked what the difference was in what Robert Bullock pays for private water verses what he would pay to the city for water. Robert Bullock said it was about 2.5 times what he would pay for city water. Joseph O'Hara said that would average to-$200-$250 per household annually.

Ageo Frizzera, 88 Dyer Switch Road, said there are primarily two acre lots in that area and Regatta View doesn't fit in with that

plan. He said the developer, Peter Belmonte, has a good track record for moving areas forward. He noted the potential for litigation of the original PUD. Lorraine Tharp said there is no challenge to the legal status of the PUD granted in 1982.

Ed Albrecht, 18 Vallera Road, said he objects to the Board changing the PUD as the developer see fit. The Planning Board should not allow the original PUD to be modified.

Lorraine Tharp said she had yet to hear any specific adverse impact on adjoining neighbors.

Bob Pasciullo, 1 Beach Court, president of the Water's Edge HOA, said he assumed the PUD would not change when he bought his home. He said buyers go through documentation carefully and assume things will remain the same. He said the changes to the PUD would affect the value of the homes in the area.

Dave Reppert, Dyer Switch Road, said everyone wants a good, planned, controlled development. He said he was concerned with the affect a traffic increase would have on children's safety. He said he was concerned that dropping lines lower into the water table would impact his private well. Dave Carr noted that the county sewer line was installed near his property deep in the ground and it did not appear to alter the water table.

Lorraine Tharp said she hasn't heard anything but how the water has changed. She said legal rights are attached to this property. She said the older plan was not good for anyone. She also said there will now be less people than there could have been legally.

No one else spoke. The public hearing was closed.

Lorraine Tharp said the final application and recreation fee is still to be calculated. She noted the proof of legal ad and mailing to neighboring property owners has been received.

The Board agreed to let the chair authorize the SEQR statement of findings once it has been drawn up.

Clark Brink moved and James Murphy seconded the preliminary and final PUD approval subject to the conditions agreed to during the discussion. Ayes all.

96.47 SKIDMORE COLLEGE PARKING LOT: (815 North Broadway)

This is an application for site plan review for the construction of a new parking lot for 50 vehicles.

Dave George, Skidmore College, and Dan Sheehan, landscape architect, appeared before the Board.

Dave George reviewed the history of the project. He said after one month's experience with the new class he is convinced more parking

spaces are needed. He says they have been ticketing the cars that have been parking illegally.

Dan Sheehan addressed the following policy issues as listed in the Board's agenda notes:

1. Storm drainage for entire campus: Dave George said they have submitted to the City Planner an outline of the College's action plan to remediate the storm water drainage problems coming from the campus. He said about a half of a million dollars worth of work has been done so far by the college. He says they will employ the LA Group to work with the city on the development of an overall storm water management action plan.

2. Health concerns because of location next to transformer: Dan Sheehan cited research done by Dr. Clark Heath and said results were inconclusive. He said the switch transformer in the lot is not a risk because people will not come within 20 feet of it. He said risk is greater from televisions, computers and electric blankets.

2. Parking layout plan: Dan Sheehan said the biology staff uses the woods on both sides of the site so they are locked into the current configuration and could not widen it.

3. Drainage: Dan Sheehan said the drainage will go to the North Hall detention basin, which captures 8 acres of campus drainage. He said there would be no increase in run-off during 10, 25, and 50 year storms due to rerouting. He said there would be a net benefit to North Broadway.

4. Lights: Dan Sheehan said there will be ten 200 watt, low sodium fixtures. He said the east lot will have 5 fixtures and the west lot will have 3 fixtures.

5. Plantings: Dan Sheehan said they can't do a lot of plantings because the area is NiMo owned. He said the plantings around the transformer station will screen the parking lot. Dan Sheehan said campus security wants to be able to view into the parking lot.

6. Islands: Dan Sheehan said they will hydroseed the islands and there will be no curbing. He said they will get in touch with NiMo. The Board asked for some low level plantings in the islands and the applicant agreed to do so if NiMo permitted it.

Lorraine Tharp said the City Engineer will review the drainage and letter of credit cost estimate. It was agreed that the letter of credit will expire on December 30, 1996.

There was no one in the audience to comment.

Joseph O'Hara moved and Wallace Allerdice seconded to issue a negative SEQR declaration . Ayes all.

Wallace Allerdice moved and Joseph O'Hara seconded to approve the site plan subject to items agreed to during the discussion. Ayes all.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:30 pm.

Respectfully submitted,

Chris McCormic
Planning Board Secretary

Approved: 11.6.96.

City of Saratoga Springs

PLANNING BOARD

CITY HALL
474 BROADWAY
SARATOGA SPRINGS, NY 12866

TELEPHONE 518 587-3550

SARATOGA SPRINGS PLANNING BOARD

STATEMENT OF FINDINGS
PURSUANT TO SEQR REGULATIONS

INTERLAKEN PLANNED UNIT DEVELOPMENT
SITE PLAN APPROVAL FOR ZONES B, D AND E

This document is the Finding of Fact made by the City of Saratoga Springs Planning Board in the matter of the application of Homeland Development, Inc. for PUD site plan approval for Zones B, D and E of the Interlaken Planned Unit Development District, at 509 Union Avenue.

These Findings are made pursuant to the New York State Environmental Quality Review Act (SEQRA 6NYCRR Part 617.

These Findings are based on the documents, presentations and testimony, submitted or made in relation to the PUD site plan application.

The Planning Board has carefully considered the materials which form the basis for these Findings and has applied the standards found in 6NYCRR Part 617 in reaching its decision.

1. The adoption of the Interlaken Planned Unit Development District was a Type I SEQR action. The lead agency was the Saratoga Springs City Council. The City Council reviewed a SEQR long assessment form and issued a negative declaration on this project in 1982.

2. The Saratoga Springs Planning Board is a SEQR "involved agency" because it has the responsibilities to issue PUD site plan approval (i.e. subdivision approval) for the development of the various phases of the project. The Planning Board granted PUD site plan approval for Zone B, D and E on September 25, 1996 contingent upon several items, including the filing of this statement of Findings.

3. The Saratoga Springs Planning Board held public hearings on the proposed PUD site plan on July 17, 1996 and September 25, 1996. At those hearings eleven different presentations from the public were made.

4. The proposed project includes 90.31 acres and involves the construction of 89 residential units. The original PUD legislation, which received a SEQR negative declaration, permitted the construction of 262 residential units.

5. The civil engineering for the design of this project is supported by a detailed engineering report (dated September 9, 1996) and a detailed drainage report (dated September 9, 1996).

6. The project will be serviced by the City of Saratoga Springs public water supply. Mains from that water supply run along the street frontage of the property. The new water mains within the project are designed to city standards and will be owned and maintained by the city. The city has an adequate water supply to service this project.

7. The project's sanitary waste water will be handled by the Saratoga County Sewer District #1. The District has a major sanitary sewer trunk line crossing a portion of this property. The sanitary sewer mains within the project are designed to District standards and will be owned and maintained by the District. The District has adequate capacity to service this project.

8. The storm water drainage system for the project will be designed in accordance with the NYSDEC publication, "Reducing the Impacts of Stormwater Runoff from New Development". The proposed "wet pond" that will accept storm water runoff from the project has been designed in consultation with the NYSDEC. The primary purpose of the storm water management plan will be to prevent building and pavement runoff from discharging or sheet draining directly into Fish Creek/Saratoga Lake, and from eroding existing slopes.

9. The streets and infrastructure for this project have been designed to meet all applicable city standards. The Planning Board has required adequate financial securities, in the form of letters of credit, from the applicant to ensure that the project will constructed in a timely matter.

10. The potential traffic impacts of the project have been analyzed and adequate mitigation plan developed.

11. Proper site design will ensure a minimum impact on existing views and vistas. The residential units have been sited to maximum the attractive views. An unobstructed view of the Fish Creek/Saratoga Lake has been provided along a new street that will have public access.

12. A soil erosion and sediment control plan has been included in the approval to assure minimal disturbance to slopes and exposed soils.

13. The project site is serviced by a fully staffed professional city fire department and police force.

14. The project will not affect any threatened or endangered species.

15. All construction standards for building, private and public improvements and for utilities shall be prepared and approved by licensed architects or engineers. All costs associated with this shall be borne by the applicant, whether the plans are provided by the city or by the applicant. All completed construction shall be certified by licensed architects or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith. The city may require any or all costs connected with this to be borne by the applicant.

16. The construction of this project shall be undertaken in strict compliance with the approved final site plan. The city will conduct formal inspection during the construction.

Approved by the Saratoga Springs Planning Board on September 25, 1996.

Signed: Lorraine Power Tharp Date: 11/13/96

Lorraine Power Tharp
Chair

Exhibit Q

3. The proposed amendments meet all the general requirements of the planned unit development.

4. The proposed amendment is conceptually sound in that it meets local and area-wide needs and it conforms to acceptable design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system, drainage system and scale of the elements, both absolutely and relative to one another.

5. There are adequate services and utilities available or proposed to make available in construction of the development.

Ayes all.

98.30 INTERLAKEN PUD - ZONES B, D & E: (509 Union Avenue)

This is a request for sketch plan discussion for 20 single family lots in Zone B and 15 lots in Zone E.

Eleanor Mullaney recused herself because her law firm represents the applicant.

Appearing before the Board were Dave Carr, landscape architect, and Peter Belmonte, applicant.

Dave Carr said there are 2 areas they are talking about. Zone B is 7.5 acres at the corner of Union Avenue and Dyer Switch Road and Zone E is 25 acres off Dyer Switch Road.

Zone B:

Peter Belmonte said he has spoken with several retail businesses and no one seemed interested in establishing a business on this site. The heavy traffic is early in the morning and at night with people going to and from work. With regard to medical offices and regular offices only one person showed any interest.

He said the proposal they have submitted is to allow single family homes to be constructed. They were looking for an administrative action from the Chair of the Board to allow the existing cul-de-sac to be modified to connect to this area. The chair was not

comfortable with it and wanted the Board to hear the plan.

Geoff Bornemann said that a vote was possible for sketch plan discussions. Norman Fox said the applicant is looking for comments from the Board on both proposals.

Dave Carr said they want to go with the original PUD which designated residential uses for this area. They are doing what the county wants with putting up a buffer. Wallace Allerdice asked if the buffer would fully hide the backyards. Dave Carr said not completely. Bob Bristol said he would not support looking into people's backyard from Union Avenue and said he does not like the proposed uses and layout. William McTygue said he was concerned that the area is too dense. The lot sizes are smaller, 80 feet wide, similar to patio lots of 8,500 square feet. He also expressed concerned about the visual impact.

Dave Carr asked what the Board thought about multi-family residential use on this site. Bob Bristol said architecturally is would fit. Geoff Bornemann said that Interlaken - Zone A is considered multi-family.

Peter Belmonte said if he proposed commercial uses for this site, would the Board be interested in supporting the necessary amendment to the City Council. Norm Fox indicted he felt the Board probably could support such an amendment.

Bob Bristol said this is a very important site in the PUD and it needs special attention. He doesn't want to it to de-value the properties already there.

Peter Belmonte asked about issues of scale of any proposed building. Bob Bristol told the applicant to look across the street at Zone A, the golf course clubhouse, and the changes at Longfellows.

Peter Belmonte said they want the area to be larger in size, more green space and set back further.

Peter Belmonte suggested running a stone wall all the way down the property line. Bob Bristol said the Board might like that idea. William McTygue asked to make it look more like Interlaken - Zone A. Bob Bristol felt the area could be residential or commercial

provided the Interlaken design concepts were used.

Geoff Bornemann suggested that site could be developed around a village green. William McTygue said he liked the idea of larger scale buildings. Dave Carr said they feel that the PUD is split up by the road system. Bob Bristol said he would like to see landscaping along Union Avenue.

Geoff Bornemann said the plateau already has 750 housing units on it and the traffic volume on this section of Union Avenue is up to 5,000 vehicles per day.

The applicant said they will go back to the drawing board, take the Board's comments into consideration, and then develop a new plan.

Zone E:

Dave Carr this area is off Dyer Switch Road and east of the project now under construction. He said the lot sizes are .75 to 2 acres in size. There are 15 lots and they have they have the same set back and in the approved project and all single family lots.

Dave Carr said lots 3 & 4 are buildable on steep slopes but will require a long driveway. Dave Carr said that a geo-technical report on the slope area is being undertaken to determine an appropriate setback line or mitigation measures.

Dave Carr said the cul-de-sac could be avoided by connecting this area to Regatta View Drive. If so, maybe the second street entrance onto Dyer Switch Road could be eliminated. Dave Carr expressed concern that in doing this, a straight road would exist that could become a speedway. Bob Bristol felt the applicant should seriously look at it without a cul-de-sac.

John Swick of Dyer Switch Road got up to speak to the Board and said this project is good and that it is not low income housing. He has a 350 foot long driveway. He doesn't want the road going through to be straightened out because he wants his privacy.

Dave Carr said they would plan to use City water and they are still investigating on the best way to connect to the sanitary sewer. They are also studying options for storm water drainage.

Dave Carr said the HoA for this section would be part of the existing Zone B & D HoA.

Dave Carr said there is no interest in a public easement along the water line. He said along Fish Creek is a floodplain area.

Norman Fox asked for comments from the audience:

John Swick, Dyer Switch Road, asked if the next time the applicant comes before the Board for subdivision plans would the neighbors be notified. Geoff Bornemann said that for a subdivision plan the applicant would have to have a public hearing and would have to notify neighbors within 250 feet of his property.

Norman Fox noted comments from the following departments:

- DPS comments: Zone B: "Response time to this area is approximately 8-10 minutes. I recommend that residential sprinklers be considered for all construction in this area. Also, consideration for locating additional fire and medical (EMS) station to serve this area."
  Zone E: no comments received.
- DPW comments: "All to be serviced by City water."

Norman Fox said that no action is required tonight, this is for discussion only.

Eleanor Mullaney resumed her seat on the Board.

97.07 ADVISORY OPINION TO CITY COUNCIL - WATER'S EDGE/WOODLANDS PUD AMENDMENT: (64 Kaydeross Park Road)

This is a request from the City Council, dated April 23, 1998, for lead agency SEQR status for the environmental assessment of the proposed zoning changes.

Robert Bristol and Eleanor Mullaney recused themselves.

Geoff Bornemann explained that all involved agencies have 30 days to respond to the City Council's request. The Planning Board can either defer to the City Council or the Board could request lead agency status itself and challenge the City Council's request.

Exhibit R

PLANNING BOARD
SARATOGA SPRINGS
WEDNESDAY, APRIL 11, 1990
CITY COUNCIL ROOM

MINUTES

PRESENT: WILLIAM CUMMINGS
THOMAS CURLEY (Arrived Late)
NORMAN FOX
JACK KING
WALLY ALLERDICE
GEORGE PARKER
BETH SCAVONE

CHAIRPERSON CUMMINGS CALLED THE MEETING TO ORDER AT 7:30 P.M.

APPROVAL OF MARCH 7, 1990 MINUTES

The Board made the following changes to the draft minutes of the March 7, 1990 meeting:

1. On page 5, last line, delete "it is necessary that the leach field was put in there".

2. On page 6, top line, delete first word "elevation."

3. On page 7, top line, delete first three words "would be acceptable."

Wally Allerdice made a motion to approve the minutes as amended of the March 7, 1990 Planning Board meeting. Seconded by Jack King. Ayes all.

APPROVAL OF MARCH 14, 1990 MINUTES

The Board made the following changes to the draft minutes of the March 14, 1990 meeting:

1. On page 12, fifth paragraph, 19th line, change "186 million" to read ".186 million."

Jack King made a motion to approve the minutes as amended of the March 14, 1990 Planning Board Meeting. Seconded by Beth Scavone. Ayes all.

Tom Curley arrived and took his seat on the Board at 7:35 P.M.

90.20 SPA VIEW HOMES: This is an application for preliminary approval of 79 lot subdivision at 220 Geyser Road. David Carr Jr.,

landscape architect; Mark Schachner, attorney; Charles Baker, engineer; David Kahlbaugh, traffic engineer; Sandra Allen, attorney appeared before the Board to represent the applicant. Also present for this project was Jean O'Connell, stenographer.

Mr. Carr began by reviewing the issues presented on the Board's agenda notes. He noted that the coordinated SEQR review has been initiated by the City and that responses have been received from NYS DOH and NYS DEC but not yet from the Saratoga Planning Board. Mr. Kahlbaugh added that the traffic impact analysis is in the process of being updated and expects to have it completed soon. Geoff Bornemann, City Planner, noted that the Department of Public Safety also has a study of the pedestrian safety issue underway. They are looking at the problems of safe access to the park and the school. The are also exploring such solutions as a possible traffic light or pedestrian bridge across Geyser Road.

Mr. Carr remarked that in the road layout plan,a provision was made for the future extension of the cul-de-sac but that the applicant has no specific expansion plans at this time. He stated that the reason for the cul-de-sac was that there were approximately one hundred and five (105) acres in the rear and that it was being left there for access, otherwise the entire acreage would only have one access through Geyser Crest. Mr.Cummings stated that the drawing should identify the fact that at some point of time, a road would be built through.

David Kahlbaugh stated that both entrances to the site were evaluated for sight distances for 40 and 50 miles per hour speeds and found that both intersections do meet established criteria for safe design. He did state that the distance between the two entrances was five hundred (500) feet which was an acceptable separation distance. One of the intersections was designed to align with the exit from the school. In reference to the pedestrian activity, he mentioned that the best way to address the situation would be to signalize with pedestrian signals and push buttons so that all individuals could cross at the intersection. The operation of this intersection would be within acceptable levels of service without delay. Mr. Cummings stated that the Board was very concerned about the crossing for pedestrians, especially children. Mr. Kahlbaugh referred to the preliminary findings of the traffic study and that the conclusions derived from at this point was that the impact of traffic and pedestrian activity by the development would not precipitate the need for a traffic signal at this location but there might be other concerns that would warrant some control device. Mr. Kahlbaugh commented that the area of the playground at Casino Drive is fenced off and as traffic increases in the general area, a signal near the school might be necessary.

Mr. Cummings expressed concern for a larger buffer along Geyser Road. Mr. Carr responded that most of the lots proposed along Geyser Road have their front yards facing interior streets except

for lot #1 and #68. The only lot he can see with an extended buffer would be lot #1. He mentioned that the County staff has also suggested a larger buffer.

Mr. Bornemann, City Planner, remarked that most of the lots in this subdivision were larger than those standard permitted by the ordinance. To achieve a greater buffer along Geyser Road, one could make the lot size smaller in the rear areas but larger in the front or one could cluster lots and leave buffers as open areas. Mr.Carr indicated that he would discuss this with the County.

Mr. Carr stated that the roads are designed to city specifications and that they will be offered for dedication to the City.

Mr. Carr stated that they do plan on building sidewalks throughout the projects and along the Geyser Road frontage of their property. Mr Bornemann noted that because of the strange configuration of the Geyser Road right-of-way, it might be necessary to work with the County on the placement of sidewalks.

Mr. Baker stated that the NYS Health Department has announced that they would only approve City water system connections of approximately sixty-five (65) more single family homes unless additional water supply is obtained. He noted that this project exceeds 65 units and referred to a letter to the Planning Board from Commissioner McTygue dated April 13th, where he gave a few options for this project. The original proposal was to tap into the existing 16" main along Geyser Road but the Commissioner of Public Works has stated that this kind of a tap is usually not permitted. The Commissioner has suggested two options. The first is to run a new line along Geyser Road, down Hathorn Blvd. and connect it into the existing pump station in Geyser Crest. The second option would be to pay for the approximate $40,000 cost to drill a new City well. Mr. Baker did indicate that he did not have the opportunity to discuss these options with his client yet, but felt his client might agree to the $40,000 construction of a new well.

Mr. Baker stated that currently, there is an existing sewer pump station on Casino Drive which has had some problems. He had dialogue with the Engineering Department and the DPW and it was suggested that it might be possible to connect the existing pump station into the one that was proposed to serve the new subdivision. It appears that a gravity line can be taken from the existing pump station into the new proposed system. Mr. Baker indicated that this matter is still being discussed with his client and that it doesn't appear that this would be a problem with him.

Mr. Baker did state that there were two options on where to connect the sewer outfall pipe from the new proposed pump station. Option #1 is to construct a new forced main along Geyser Road, down Hathorn Blvd. and into an existing sewer line in Geyser Crest. The

second option is to construct a new forced main across off Geyser Road and tie into the gravity system which has been built to serve the new park. He stated that Commissioner McTygue has given the client permission for the second option if they pick up the Casino Drive station. Once again, this must be discussed with the client.

Mr. Cummings indicated to Mr. Baker that either the water or sewer options would have to be subject to the review by the City Engineer's office and the Department of Public Works. Mr. Baker noted that if any utilities lie along or cross Geyser Road, County permits and specifications must be met.

Mr. Baker remarked on the possible insufficient project coverage of storm drainage system. He stated that the roads within the project are graded away from Geyser Road and will drain into the site. All the lots that front on Geyser Road will drain to the proposed new interior road. A berm would be placed near the low area of lots #4 through #12 thereby, taking all that drainage in front of site away from Casino Drive. He noted that there would be tests performed next month to determine the actual ground water level at various locations. He stated that there is a good possibility that some of the homes in the project would be built on slabs and not have basements.

Mr. Bornemann indicated that there were other lots backing up on Quevic Drive and Hawthorn where drainage was not properly provided for. Mr. Carr stated that he would do a more detailed grading design to address this problem. Mr. Fowler, City Engineer, expressed concern that drainage from Geyser Road or the Geyser School may need to be provided for by this subdivision's drainage system. Mr. Carr indicated that he would look into this matter further.

Mr. Carr spoke concerning the storm drainage outfall to the rear parcel. He referred to the memo the Board received from Commissioner McTygue where it was indicated that the applicant would have to put an access drive along the corridor. The applicant agrees to do this and he will also riprap the outfall area. As far as the rationale for the alignment, Mr. Carr stated that knowing the City's requirement against cross lot easements and also realizing that one day the back parcel might be developed, he tried to come up with an alignment that possibly would follow a future road system.

Mr. Baker stated that the rationale behind the storm water management system is one of detention. The proposed detention basin will have a discharge to an existing stream that connects down to Geyser Brook which runs through the Saratoga State Park. The basin will have a 12" outflow pipe, designed for a 50 year storm. The basin is designed to carry water from a 100 year storm.

Mr. Cummings asked that a copy of the drainage report be sent to

the State Parks and the DEC tree nursery. Mr. Baker agreed to do this.

Mr. Carr stated that the proposed sewer pump station would be located behind lot #8. He indicated that the land under the pump station and the access road would be turned over to the City for ownership and maintenance.

Mr. Fowler indicated that it would be important for the Board to know groundwater levels and which building lots required slab construction.

Tom Curley inquired if the fill which is going to be used, is from the site itself. Mr. Carr responded that soil tests indicated that most of the soil is good sand so they do plan on using everything on the site that can be used. Since it is not known at this point how much sand will be used, there is no way of knowing if there is enough soil or if other resources must be utilized. Mr. Curley stated that the Board would like to know if additional soil is required and where it would come from. Mr. Cummings indicated that this would be subject to the approval of the City Engineer.

In reference to the location of easements within lot lines, Mr. Fowler stated that there was a small problem near the cul-de-sac that should be addressed.

Mr. Baker spoke regarding the wetland disturbance permit needed and indicated that the DEC performed some preliminary research and it was found that as long as this project stays outside the 100 ft. buffer in that area, no permit will be required.

Mr. Carr stated that since there is a recreation area already in the area, his client would plan to pay the cash-in-lieu of recreation land.

He also indicated that he is aware that preliminary approval requires submittal of additional construction details and this would be addressed.

In reference to the habitant area for Karner Blue butterflies, Mr. Carr stated that when he first submitted plans in 1987, the DEC was contacted and they wrote back that there were sightings of Karner Blue butterflies in the area. Last year when DEC was contacted, they gave more specific information and stated that "yes, there were sightings of the butterflies in the area". John Ozard, senior wildlife biologist was contacted last year and a map was sent to Mr. Carr showing that there was a good possibility that the butterflies were on the property. Mr. Carr has contacted DEC and a site inspection will be done early next month.

Mr. Cummings asked if anyone in the audience wished to discuss the proposed project.

Molly Gagne, 22 Vichy Drive, spoke from the audience. She is concerned about traffic along Geyser Road, especially the numerous trucks from the industrial park and buses going to route 50. She noted that cars were parking on Geyser Road to let kids off at the park and children were coming by on their bicycles or walking and have to go between parked cars to the playground. Also, she was worried about the open space. She indicated that there was a gorgeous sand dune on the project site and very concerned about protecting the blue lupines. She also expressed a concern about the amount of ground water and felt that new development will adversely affect existing wells and encroach upon the remaining open land.

Charles Joseph, 25 Casino Drive, spoke from the audience and stated that he was concerned about the lack of green area and wanted to keep Saratoga beautiful. He was disappointed that no buffer was proposed between his property and the project property. He is concerned that his property value would be going down if there is not going to be any woods to look at.

Karl Mihalek, 19 Casino Drive, spoke from the audience. He asked for an explanation of easements and the distances between Casino Drive and the new development. He was informed by Mr. Carr that since the homes are being bermed, all homes will be built as close to the project's interior road as possible. Therefore, most buildings would range between 75 and 150 feet from the Casino Drive properties. Beth Scavone inquired if a wood stock fence shown on the plans along the property lines is now existing and was given a positive response.

James Lambalot, 33 Casino Drive, spoke from the audience. His comment involved the present heavy traffic on the road and feels that this first summer of full use in the park will see a tremendous amount of activity. His concern was that the impact of the new homes would cause the school district to start transporting children from Geyser Road Elementary School to other areas of the City. A main concern relates to his property which backs on the proposed new cul-de-sac. When the road is extended in the future, it will feel like children and autos will be coming through his back yard. Mr. Lambalot is very concerned that his property value will depreciate.

Mr. Cummings indicated that the impact of traffic generated by this project and all the other concerns stated must be carefully analyzed.

Mary Beth Delarm, 96 Quevic Drive, spoke from the audience. Her concern was that the project's lots would be butted right up against her back yard and she was concerned about the possible environmental destruction. Her major concern was what impact would the additional water consumption from this project have on the City's water supply. She also mentioned a concern regarding the

possible overcrowding of the schools.

Raoul Gagne, 22 Vichy Drive, spoke from the audience. He wanted to know how the creation of a new well will ease the strain upon the City's water supply since the current well now has to replace the Loughberry water. He feels that the impact of traffic on Geyser Road and Hathorn Blvd. must certainly be addressed. He expressed concern that the storm sewer from this project might eventually be dumped into Geyser Pond. Mr. Gagne mentioned that this pond is one of the hidden beauties of Saratoga Springs. Mr. Cummings informed him that the Department of Environmental Conservation and the State Parks people would also have to evaluate this situation. Mr. Gagne added that he and other residents in Geyser Crest do observe Karner butterflies on their property.

Bob Reed, 7 Casino Drive, spoke from the audience. He was concerned about the impact on water and sewer and felt that these issues certainly must be carefully addressed. He felt that there were too many houses coming into the area and this condition will be causing environmental problems. He stated that there is an 8 foot drop behind his property on the project site and in the spring there is always an abundance of standing water. Mr. Reed feels that there will be additional water coming into his yard with the new project. He also expressed concern that there may not be enough water to support the number of houses that will be built. Mr. Reed expressed his concern to protect the Karner Blue butterflies and wanted to be sure DEC would properly inspect the area for the presence of the butterflies.

Beth Hill, 25 Casino Drive, spoke from the audience. She spoke about the lack of green areas within the project and feels that the 79 houses to be built will not have an adequate buffer. She wanted to know why there will not be buffers between the existing homes and wants to see a better designed development with more green areas around it. Mr. Cummings indicated to her that the proposed lots were sized well above the 12,500 square foot minimum standard established by the zoning ordinance. He felt that it might be possible to rework lot sizes to achieve her objectives.

Fran Bates, 15 Casino Drive, spoke from the audience. She wanted to know the plans as to how the new pump station will be connected with the existing one on Casino Drive, and how will the gravity line be run. She was informed by Mr. Carr that they are looking at the possibility of bringing the line between lots on an existing easement. Any damage that might be made on private property by this construction would be restored.

Susan Avondolio, 97 Quebec Drive, spoke from the audience. She wanted to know if the developer was planning to cut down trees and re-landscape or was he going to leave the existing trees which have established root systems for water absorption. Mr. Carr responded that there will be some areas that must be graded and that the

intention for this project is to leave as much trees as possible. In regards to storm drainage, she stated that she was under the impression that the dune area would drain towards Geyser Road and would there be a provision made to adequately handle the overflow water to prevent icing conditions in cold weather. In regard to the butterfly investigation, she asked if the developer would be performing this site investigation along with DEC and she was concerned whether this was the proper time to find the butterfly population. Mr. Carr stated that the life expectancy of the butterfly was very short but what they were looking for was the plant habitant that is actually most abundant in early spring. She also questioned why the traffic study was being done in the cooler weather when traffic volumes would most likely be less than in the summer months. She felt that it should be done in the summer months. Mr. Kahlbaugh noted that they have the ability to calibrate the data to estimate normal conditions.

Tom Curley expressed his feeling that most of the residents residing in the area are used to looking at trees behind their home and he stated that consideration should be given to whatever maximum buffer can be given to them. He questioned Mr. Carr if any vegetation or grass would be planted to stabilize the area. Mr. Carr indicated that when construction begins, there will be adequate erosion control measures taken. Regarding water problems, Mr. Curley hoped that there would not be a problem with the water and wanted to know if there was enough water to supply this new project. He wanted to also know what effect the new well would have on the existing wells. Drainage and traffic were also Mr. Curley's concerns. He further mentioned that access to the new playground on Adams Road must be safe for the children.

Jack King indicated that he was concerned about the traffic and the safety of the children. He felt a careful look at mitigating measures would have to occur.

Beth Scavone referred to Mr. Curley's remarks and expressed her concern about the maximization of the green spaces in the development and she would like to see more consideration given to the buffers impacting on the Casino Drive lots and a reconfiguration of the development.

Norman Fox reiterated the same comments as Beth Scavone. Mr. Fox did state that he was concerned about the water also. He did ask the developer as to when he plans to start this development and was informed that there is no set date now. Mr. Schachner stated that it would be commenced upon approval from the City.

Mr.Cummings asked Mr. Carr when this project should be scheduled for another presentation of the additional data requested. Mr. Carr indicated that he wanted to wait until the butterfly investigation and the traffic update reports are completed. He felt that sometime in June these matters should be ready for

presentation. The Board agreed to extend discussion of this project until the June meeting.

89.103 The Parting Glass: This is an application for site plan review at 40 Lake Avenue. This application was continued from the January 10, 1990 Planning Board meeting. Robert Cohan, applicant, and John Hearn, contractor, appeared before the Board.

Mr. Cummings noted that the parking demand had been revised to conform with the City standards. The property survey has been completed and the several encroachments are noted on the revised plans. Geoff Bornemann indicated that one problem is that the applicant is proposing to build his front addition one foot into the City right-of-way. Mr. Cohan stated that the existing front step that he wished to build upon has existed since 1934. He indicated that the step theoretically does belong to the City according to the survey. He also stated that the City Attorney has all the information regarding this issue. Mr. Bornemann stated that this matter would probably have to be presented to the City Council if the applicant wants permission to build on City land.

Mr. Cummings reminded Mr. Cohan that the City mandates vertical signs for the handicapped parking spaces and Mr. Cohan agreed to provide them.

A motion was made by Wally Allerdice to issue a negative SEQR determination contingent upon successful resolution of the proposed front yard encroachment. Seconded by Tom Curley. Ayes all.

A motion for approval of the site plan as amended and with the stipulation that the issue go before the City Council and City Attorney for resolution was made by Jack King. Seconded by Beth Scavone. Ayes all.

90.10 SARATOGA PSYCHOLOGY ASSOCIATES: This is an application for site plan review at 63 Franklin Street. This project was continued from February 7, 1990 meeting. John Carusone, attorney, appeared before the Board.

Mr. Cummings acknowledged a letter written to the Board by William Sutton, contractor, indicating that the proposed cost of constructing a storm drainage tie-in for this site would be $31,600. Mr. Cummings inquired if the applicant was willing to spend the amount mentioned for the drainage system and Mr. Carusone responded, " No, I don't think so." However, he asked the Board to consider an alternative. Mr. Carusone stated that a perc test was performed and the results indicated that storm water could be handled by a drywell on-site. Mr. Carusone requested that the storm drainage tie-in requirement be waived. Mr. Cummings indicated that there is a State law that mandates that if an applicant is within 500 feet of a City drainage system that he must tie in, unless there are some other extenuating circumstances that could be

agreeable between the State and the City Engineer's Office or the Department of Public Works. Mr. Cummings indicated that the consensus of the Planning Board appeared to be that the existing conditions in the area did not warrant support for a waiver of this requirement. Mr. Allerdice stated that the estimate seems relatively high to him judging by prices for that kind of work.

Mr. Carusone stated that he thought another alternative for the applicant might be to ask the State for a waiver from their requirement. Mr. Cummings indicated that if this was done, the State would then contact the City of Saratoga Springs Engineer for an advisory opinion. If the Engineer couldn't justify the waiver, then it would be a waste of time since the State might rely heavily on the City's advice. However, it was suggested by Mr. Cummings that Mr. Carusone should speak with Mr. Joe O'Neill, Department of Public Works, to see if the City might be interested in constructing the line. Perhaps the City could construct the tie-in at a lower cost.

In reference to the issue regarding street lights, Mr. Cummings indicated that the project is located in the historic lighting district. The Department of Public Works has a lighting scheme for that area and expects the applicant to add a victorian street light to the front of the property. Mr. Carusone agreed that the applicant would install the light as per instructions provided by the City.

A motion to issue a negative SEQR determination contingent that a tie-in to the City drainage system at Cherry Street was made by Beth Scavone. Seconded by Jack King. Ayes all.

A motion for approval of the site plan contingent on a tie-in to the drainage system at Cherry Street; the installation of the light; and the other minor changes agreed to at the February meeting, was made by Jack King. Seconded by Wally Allerdice. Ayes all.

<u>90.20 CONKLIN PROPERTY:</u> This is an application for preliminary approval of a 32 lot subdivision at 89 Louden Road. Discussion of this project was continued for the March 14, 1990 meeting. Richard Eats, landscape architect, appeared before the Board.

Jack King stepped down from the Board because he has an interest in the adjacent property.

Mr. Eats stated that the availability of groundwater for wells was submitted. Mr. Cummings informed Mr. Eats that the City does not usually want an applicant to use shallow wells. Mr. Eats stated that he spoke with a hydrologist who is preparing some additional material to support their request. This issue was requested by Mr. Eats to remain open until this new material can be evaluated. The

Board agreed to this request.

Mr. Eats indicated that the street names and postal addresses for each lot would be changed according to the recommendations of the City. Mr. Bornemann stated that the Board should have the Town of Wilton respond as to whether the proposed street names are acceptable. Tony Adang, attorney, responded that he would have additional dialogue regarding this as well as the roads standards and ownership. Both issues would be discussed with the City and Town and brought before the Planning Board again.

Mr. Eats noted that the roads will be developed to City and Town standards and that the profiles submitted meets the City's specifications. Mr. Bornemann stated that the memo received from Mr. Adang concerning road ownership has been referred to the City Attorney and the Department of Public Works.

Mr. Eats stated that the water transmission line was field located on site and drawn on the plans as requested by the Department of Public Works. A storm drainage report has also been submitted to the City for review.

Mr. Fowler stated that the report that came back on perc test indicated that the three areas that were bored indicated standing water. There are several areas that have depressions. Mr. Fowler suggested that this issue has to be addressed further before final approval and Mr. Eats agreed to provide the additional information which he felt would prove that this is not a significant problem.

Mr. Eats noted the Saratoga County Planning Board returning the project for local decision with comments suggesting dry-lining. He stated that dry-lining was not proposed. Mr. Bornemann noted that this project is at the edge of the proposed Wilton Sewer District but that this issue was resolved at the last Board discussion.

Mr. Cummings recommended that a SEQR determination should be deferred until after the final approval process. Mr. Eats agreed to this postponement.

A motion for approval of the preliminary subdivision plat plan was made by Wally Allerdice. Seconded by Beth Scavone. Ayes all.

Jack King resumed his seat on the Board at the conclusion of the discussion regarding this project.

<u>90.24 INTERLAKEN PUD - PHASE B & D:</u> This is an application for final PUD site plan approval for 64 residential units at 509-531 Union Avenue. Geoff Bornemann noted that the applicant has requested additional time to respond to the Board's concerns and wishes to postpone his appearance until the May meeting. The Board agreed to this postponement.

89.23 BIRCH RUN - PHASE II: This is an application for revised great lot subdivision plan at 69 Seward Street. Geoff Bornemann stated that the applicant has asked for a continuation until the May meeting. The Board agreed to this continuation.

90.24 ADVISORY OPINION TO ZBA- SARATOGA PELICAN ASSOCIATES: This is an application for use and area variance for improvements at the Holiday Inn, 232 Broadway. Michael Toohey, attorney; Mike Ingersol, landscape architect; and, Cindy Hollowood, manager of the Holiday Inn, appeared before the Board.

Mr. Toohey stated that the Holiday Inn was built by the community thirty-four (34) years ago. A few years ago, the Hotel was bought out by the present owners who now own the franchise. In order for the owners to continue this franchise, they are required to make approximately two million dollars ($2,000,000) worth of improvements.

Mr. Toohey stated that he could not find a record of the building being approved with variances or a site plan back in the early 1960's. He stated that there were no zoning variances for the parking although the building roughly sits within the set back for the zone. Currently, the building is on a site that has 160 parking spaces and 215 is needed. A site plan review application was made and approved in 1987 for an addition to the restaurant in the Holiday Inn. Mr. Toohey acknowledged that there was a discrepancy in the parking data submitted with the 1987 application.

Mr. Toohey stated that this application was for the construction of 24 additional hotel rooms, a new entrance way, parking lot improvements and other interior improvements. The 24 rooms will consist of 10 standard rooms, 8 business rooms and 6 suites would be on the 4th and 5th floors. The City's ordinance requires 16 new parking spaces but 17 parking spaces were added. Mr. Toohey indicated that discussion before the Zoning Board will be that this parking has pre-existed and has been there for such a long time. Mr. Toohey mentioned that the more off street parking or non-congested parking that is created, the better the site will be.

In the proposed parking lot, a new pedestrian walkway is planned that would highlight the stairs that lead down to Congress Park. An easement will be granted for pedestrian access to the park. This entrance way will be highlighted by planting, benches and lighting. The applicant also plans to seek approval to make improvements in Huestis Cour t. By constructing perpendicular parking, 10 new parking spaces will be created. Those spots would not be owned by Holiday Inn but would be City parking spaces and they could be utilized by anyone. They would be dedicated to the City and improved to whatever standards the City wants and the City would continue to own Huestis Court.

Mr. Toohey stated that as a safety consideration, they have eliminated the entrance way to the Holiday Inn parking lot that is closest to the Circular Street intersection. They have also opened up a rear access point for Huestis Court. By doing this, ambulances, fire vehicles, etc. could drive right through the area and get around the Hotel easily with a turning radius.
Mr. Toohey noted that the parking aisle widths have been corrected on the map to reflect City standards.

Geoff Bornemann stated that DPS has requested the removal of a tree near the rear of the parking lot to facilitate the movement of a fire truck. Mr. Toohey agreed to eliminate the planned tree from the site plan.

Mr. Toohey stated that the Holiday Inn currently removes snow from its parking lot to an off-site location and would continue to do so with this new plan.

Mr. Toohey spoke concerning the impact of the setback variances. He stated that the site is boarded by three public streets. He stated that there is very little impact from the proposed plan because the conditions have been existing for many years. Improvements are actually being made with the rear setback line that backs up onto Congress Park. The two existing storage buildings will be demolished because they are unsightly. Meetings were arranged with the Urban Cultural Park Office to work out details that would make a very attractive visual approach when looking at the Hotel from the Park.

In response to a question by Mr. Fowler, Mr Toohey stated that the Holiday Inn would construct and maintain all improvements (including snow removal) in the proposed pedestrian easement that led to the Park.

Jack King asked if the sidewalks along Broadway would be changed from the way they are now as seems to be indicated on the plan. Mr. Ingersol stated that no changes were anticipated and that the current plans have a drafting error.

Mike Ingersol stated that the drainage system is now very minimal. He stated that they will develop a more detailed drainage plan for the site plan review application. He did state that the parking lot would be resurfaced.

Mr. Bornemann asked if there was any possibility of removing or hiding the satellite dish. Cindy Hollowood, manager of the Holiday Inn, noted that the dish was replaced with a smaller one just a few years ago and suggested that in the near future technology will probably improve, so that the dish will no longer be needed.

The Board agreed to issue the following advisory opinion to the ZBA:

1. The Board believes that the current parking is a pre-existing non-conforming condition. The proposed project will provide 17 additional on-site parking spaces while generating a new demand for only 16 parking spaces. Therefore, the Board feels that the impacts from this proposal are minimal.

2. The Board strongly supports the proposal to close off the Broadway driveway closest to Circular Street and the new sidewalk and parking arrangements for Huestis Court. The Board notes that Chapter 130-18.1 of the City Code will have to be amended to permit angled parking in Huestis Court.

3. There are a number of minor issues, such as proper aisle widths, fire truck access, etc., that we feel can adequately be resolved during the required site plan review.

Mr. Cummings noted that this project will return to the Planning Board for site plan approval. He also indicated that the plan for Huestis Court will have to receive approval from the Department of Public Works or the City Council.

<u>90.26 ADVISORY OPINION TO ZBA - RIGANO:</u> This is an application to waive all on-site parking for a six unit apartment building at 64 Phila Street. Bourne and Carol Rigano, applicants, appeared before the Board.

Mr. Rigano stated that this property is within a few hundred feet of the public parking lot at Henry and Spring Streets which has one hundred and sixty four (164) spaces available. He indicated that there is a proposed lot planned for the new Library which will alleviate the day time parking in the area. He stated that he has tried numerous configurations to try to get on-site parking but his lot is not big enough. He noted that he has been working for many months with the Planning Board to try to arrive at a safe parking arrangement. He also expressed concern about having to eliminate the little bit of green space that exists on the site. Mr. Cummings asked what would be the barest minimum of cars that he feels he could put on his site without creating a parking lot environment. Mr. Rigano stated that in order to put two cars on site without having them back out onto an alley or street he would have to pave most of the side yard. Mr. Bornemann stated that he could put two cars in straight but they would have to back out on Phila Street. Mr. Cummings would prefer not to allow any backing out on Phila Street.

Mr. Cummings stated that when the applicants go before the Zoning Board of Appeals, then they would be in a position to discuss with

them the limitations of the site plan showing the adverse conditions that presently exist. Mr. Cummings stated that he felt it wasn't the parking but basically, it was Mr. Rigano's vision for developing this site and the six apartments were a contributing factor already there. Mr. Rigano discussed that the barn and the house are both on the National Register. Beth Scavone stated that she would rather support waiving the parking spaces than have an unsafe condition of backing out onto an alley or street. Mr. Cummings stated that it would also be detrimental to limit whatever green space there is on the property.

The Planning Board offers the following comments for consideration by the Zoning Board of Appeals;

1. The Board finds that this site currently has six apartments in the structure and no on-site parking provided. The applicant is proposing to retain the six units and provide no on-site parking. Therefore, the Board finds that the impacts from this proposal are minimal.

2. After a thorough review of the site, the Board has come to the conclusion that the site can't safely accommodate any on-site parking. To accommodate on-site parking would require demolition of the barn or permitting cars to back out onto the City street or alley. neither of these alternatives are acceptable to the Planning Board.

<u>90.27 WOODRIDGE - PHASE II:</u> This is an application for revision of subdivision plat plan for six lots at 143 Old Schuylerville Road. Dan Wheeler, land surveyor, appeared before the Board.

Mr. Wheeler stated that the creation of one additional lot was made possible by the recent acquisition and that former lot lines were revised. He noted that this revision was actually approved by the Planning Board on March 1, 1989 but that the plat plan mylar was never submitted and the prior approval has expired. He is asking for reapproval.

He also stated that postal addresses are completed.

Mr. Wheeler referred to lot #26 and stated that the developer has reserved a permanent easement off the cul-de-sac for a driveway entrance. Mr. Bornemann indicated that the Board agreed with this at the March 1, 1989 Planning Board meeting.

A motion to issue a negative SEQR determination was made by Beth Scavone. Seconded by George Parker. Ayes all.

A motion for approval of the final subdivision plat plan was made by Wally Allerdice. Seconded by Jack King. Ayes all.

90.23 RYDER TRUCK, INC.: This is an application for site plan review for a 300 sq. ft. addition at 240 Excelsior Avenue. George Yasenchak, engineer, appeared before the Board.

Mr. Yasenchak informed the Board that Ryder Truck has two buildings that have been connected by a walkway. He stated that what was initially proposed was to close in the 12 by 25 foot section. However, the applicant now wants to enclose the entire area between the two buildings. Therefore the total building addition is now approximately 780 square feet.

Mr. Yasenchak indicated that there were 14 employees with no additional hiring planned. He indicated that there are nine spaces currently which meets the criteria for employee parking on site. Along the right side of the building, there are nine spots which have electrical hook-ups so that the diesel trucks can be pulled up and plugged in for easy start in the winter.
The area for the trucks are 10 ft. by 25 feet spaces. He indicated that Ryder has three service vehicles which are away all day. As per the ordinance requirements, there is a need for about 35-38 parking spots for the company vehicles and there are 71 provided on the site plan.

Mr. Cummings noted that several of the parking spaces shown on the plan are in violation of the front yard setback requirement. He inquired if parking spaces #1, 2, 3, 4 could be removed without interfering with the employees parking. Mr. Cummings suggested that Ryder continue from lot #9 and go down on the left side of the building to make up for the four spaces that will be removed. Jack King asked if the Board wanted more of the area within the front yard setback returned to green space and Mr. Cummings indicated that he did because he was very concerned as to how that area looked from the arterial. He wanted more plantings to enhance the front of the building.

Mr. Yasenchak indicated that the postal address was added to the plan.

Mr. Cummings asked Mr. Yasenchak if there was an 1 1/2" water line from the City main and was it in good condition. Mr. Yasenchak responded positively to both questions.

Mr. Yasenchak stated that he is investigating the condition and design of the septic system. He does not anticipate any problems and will add the data to the site plan.

In reference to the holding tanks for floor drains,
Mr. Yasenchak stated that when the vehicles are brought into the building during the winter months, there is water and snow dripping off them. Since there are floor drains in the two buildings and rather than have the water go back into the ground, they have installed a 4" drain pipe going out to three 2,000 gallon holding

drain pipe going out to three 2,000 gallon holding tanks which is pumped out by a licensed hauler and disposed of properly. Mr. Bornemann inquired if it was sealed and he responded with a positive response. Mr. Fowler asked to have the near fire hydrant identified on the plans. Mr. Yasenchak agreed to identify the water main and the hydrant.

Jack King asked Mr. Yasenchak if the underground fuel tanks were steel or fiberglass and he was informed that they were constructed of steel and that they were inspected last year and meet all State requirements.

Mr. Cummings asked Mr. Yasenchak to improve the visual impact of this area from the Northway and was informed that some plantings would be done when the parking spaces are removed within the front yard setbacks.

Jack King referred to one of the truck parking areas and requested that the gravel portion be paved. The Board discussed the paving verses leaving it gravel and it was agreed that the existing gravel area for truck parking spaces could remain gravel because the trucks are generally parked by employees.

A motion to issue a negative SEQR determination was made by Wally Allerdice. Seconded by Beth Scavone. Ayes all.

A motion for approval of the site plan as revised with the hydrant and water line located; and, the elimination of twenty-three (23) parking spaces in the front yard setback and replacement with grass, curbing and major tree planting, was made by Beth Scavone. Seconded by George Parker. Ayes all.

The Planning Board Meeting was adjourned at 10:50 P.M.

Exhibit S

PLANNING BOARD
CITY OF SARATOGA SPRINGS, NEW YORK
WEDNESDAY, MARCH 13, 1996
CITY COURT ROOM, CITY HALL
7:00 PM

MINUTES

PRESENT: WALLACE ALLERDICE
CLARK BRINK
ROBERT BRISTOL
NORMAN FOX
JAMES MURPHY
JOSEPH O'HARA
LORRAINE THARP, CHAIR

STAFF PRESENT: GEOFF BORNEMANN, CITY PLANNER

Lorraine Tharp, chair, called the meeting to order at 7:00 pm.

ANNOUNCEMENT ON RECORDING OF PROCEEDINGS:

The proceeding of this meeting is not being taped because the meeting is being held in the City Court Room where there is no recording equipment available. The Board minutes taken by the secretary are not a verbatim record of the proceedings.

PRIVILEGE OF THE FLOOR:

Lorraine Tharp opened the meeting to anyone wishing to address the Board on any item not on the scheduled agenda. No one spoke.

96.07 ISRAEL PROPERTY: (65-69 Franklin Street)

This is an application for a 2 lot subdivision. Robert Israel, applicant, and Ernie Gailor, engineer, appeared before the Board.

Robert Israel showed the Board several plans for the Marvin Sackett Todd House. He explained the history of trying to secure parking on the property. He showed the Board where a line of gravel will be moved past a 6 foot buffer that is required for the building code.

Robert Israel addressed the following policy issues as listed in the Board's agenda notes:

1. Proposed lot configuration: Robert Israel explained that he wouldn't want to straighten the proposed lot line because he needed additional area to store snow in the winter time. Robert Israel said the dumpster that is there will remain because it is used by the tenants of #6 Franklin Square. Lot #A, lot #B and the building at #6 Franklin Squared will be

owned by different legal entities. Robert Israel owns 75% of 6 Franklin Square and 25% is owned by another person. Lot #B will be owned by Robert Israel. Robert Israel said that there is no legal easement tying to building #6. There is only an informal arrangement at this time.

The Board and Robert Israel agreed that the lot line should be slightly modified so that it runs at an angle.

Robert Israel said he will move the gravel line within the parking lot on lot #B over 6 feet. He said there was adequate room on the lot to safely park two rows of cars.

2. Encroachments: Robert Israel said he would consider doing a swap of the triangle of land in lot #A that extends into the Division Street public right-of-way with the city for a little piece of the land where the building sits in the public-right-of-way. Geoff Bornemann told him that only the City Council has the power to make swap deals. Lorraine Tharp suggested that the applicant make such a request to the City Council.

3. Sidewalks and street trees: Lorraine Tharp noted she would like to see curbs and sidewalks on the frontage of lot #B. Robert Israel said there already were curbs and a few well-matured trees. He'd prefer not to put in additional trees because he doesn't want to detract from the pretty building facade. A discussion of street trees took place in which Geoff Bornemann explained that some of the purposes of the city requiring street trees are to retain control over cutting and to have them for shade.

   Ernie Gailor told the Board that putting a tree near the turn on Franklin Street might present a safety problem because of reduced visibility for drivers. Lorraine Tharp said she would defer on the tree issue for safety reasons.

   The Board agreed that a sidewalk with a commercial driveway apron would have to be added along the frontage of lot #B. Since the estimated cost of these improvements was under $10,000, the Board agreed to waive the letter of credit.

4. Recreation fee: Robert Israel agreed to cash in-lieu-of land.

Robert Israel had no problem complying with any of the technical issues as listed on the Board's agenda notes.

Lorraine Tharp noted that the Department of Public Safety had no concerns and the Department of Public Works did not submit any comments.

Lorraine Tharp opened the public hearing. No one spoke. The public hearing was closed

The $600 application fee has been paid and the recreation fee is due. Proof of notice of mailings to adjacent neighbors and proof of payment of legal ad are due.

Clark Brink moved and Wallace Allerdice seconded a motion to issue a negative SEQR declaration. Ayes all.

Joseph O'Hara moved and James Murphy seconded a motion to approve the subdivision contingent upon the items agreed to during the discussion. Ayes all.

96.08 MARVIN SACKETT TODD HOUSE: (69 Franklin Street)

This is an application for site plan review for conversion of an existing apartment building into a 10,000 square foot commercial building. Robert Israel, applicant, Peter Benfey, landscape architect, and Ernie Gailor, engineer, appeared before the Board.

Robert Israel addressed the following issues as noted in the Board's agenda notes:

1. Zoning: The northern 50 foot of parcel is zoned C-1 and the rest is zoned UR-4. When a property lies in two districts the owner is entitled to either district within 100 feet of the line. Robert Israel said only a small portion of the driveway is on the section of the property that still would remain in the UR-4 district and so there are no setback problems.

2. Proposed parking lot: Robert Israel said the parking lot will be paved and he agreed to add the construction details for the driveway apron and drop curb.

3. Drainage: Ernie Gailor said they would like to put in 2 dry wells and have the water go to french drains and then pipe it into the drywells. There is no city drainage system along the frontage of the property. Geoff Bornemann noted that a determination needs to be made by the DPW that the city storm drainage system, which is within 500 feet of this site, is not available for connection. The Board agreed and, in addition, asked that the design of the on-site drainage system would be subject to the City Engineer's review.

Ernie Gailor said the roof drainage goes to the lawn and then to the street. The drywells are not sized to take the additional flow. Robert Israel said he has never seen the water flow over the sidewalk. There are no gutters currently on the building. Geoff Bornemann suggested that if gutters were to be installed, the gutters should be directed toward the drywells. Ernie Gailor said they didn't want to make any changes because they haven't had any problems there for 150 years. The Board agreed that the current situation with the roof drainage was acceptable, but that if the applicant installed gutters, the water would have to be piped to the drywell.

4. Sidewalks: Norm Fox said the DPW will probably insist on a wider tree belt along Division Street for snow depository. He suggested moving the sidewalk closer to the building and increasing the tree space for snow. Ernie Gailor said they will work with Geoff Bornemann on putting that into the plans. It was noted that the sidewalk and curb along Franklin Street was in good condition and did not need any repairs.

5. Lighting: Pete Benfey said they will use city's standard historic lighting within the parking lot. There will be a total of 3 new lights put in. The Board agreed.

   The applicant agreed to install a street light in the Franklin Street public right-of-way.

6. Curbing: Robert Israel said there will be a new drop curb on Franklin Street and standard city detail. Pete Benfey said they have replaced the damaged curb along Division Street.

   Robert Israel said they won't know about funding for a fountain on Division Street until August.

9. Street trees: Robert Israel said they want to keep the building as visible as possible. They might add another Maple tree. Lorraine Tharp recommended putting one additional street tree in on Division Street and one in on Franklin Street. The Board agreed with this.

10. Utilities: Robert Israel said the existing utilities are adequate to serve the proposed building uses.

11. Free-standing sign: Pete Benfey said they would like a 40 square foot sign put in 8 feet off the property line, keeping it angled. Geoff Bornemann said they can work out the height issue and include a detail on the plans.

12. Letter of Credit: Robert Israel agreed to submit the required cost estimates of the letter of credit and have them approved by the City Engineer. The expiration date for the letter of credit will be set by the applicant and the Board chair.

Lorraine Tharp noted that the Department of Public Safety had no concerns and the Department of Public Works had no comments.

Lorraine Tharp asked for comments from the audience.

Rich DeVall, an attorney whose office is on 15 Franklin Street, noted that he is a neighbor of Robert Israel's. He said the neighbors are excited about the project and support it.

No one else spoke.

Lorraine Tharp noted that the application fee has been paid.

Joseph O'Hara moved and Wallace Allerdice seconded a motion to issue a negative SEQR declaration. Ayes all.

Clark Brink moved and Joseph O'Hara seconded a motion to approve the site plan contingent upon the items agreed to during the discussion. Ayes all.

96.05 O'HARA BED AND BREAKFAST: (181 Phila Street)

This is an application for a special use permit to operate a 5 unit bed and breakfast establishment.

Joseph O'Hara noted that he is the principal owner and applicant and he recused himself from the Board.

Norman Fox recused himself because of the possibility of an appearance of a potential conflict of interest.

Robert Bristol noted that he owns property that was given legal notice of the process. He felt that there was no conflict of interest and that he would participate in this discussion.

Geoff Bornemann reported that the applicant has asked for a continuation until the April meeting in order to have more time to address the issues raised by the neighbors.

Lorraine Tharp opened the public hearing and adjourned it to the April meeting.

Joe O'Hara and Norm Fox resumed their seats on the Board.

96.10 SIX SISTERS BED AND BREAKFAST: (149 Union Avenue)

This is an application for site plan review for an existing bed and breakfast establishment. Cynthia Behan, landscape architect, appeared before the Board representing the owner/applicants.

Joseph O'Hara noted that he is recusing himself from voting on this project, because of his ownership of the proposed O'Hara Bed and Breakfast.

In 1988 the ZBA issued a special use permit for a 3 unit bed and breakfast establishment with 4 parking spaces. Site plan review by the Planning Board was a condition of that permit, but it was never obtained.

Cynthia Behan addressed the following issues as listed in the Board's agenda notes:

1. Parking: Proposed parking is in violation of rear and side setback lines, and requires backing out into the alley. These are pre-existing non-conforming conditions.

   Norm Fox noted that the Planning Board does not approved of parking situations that require backing out into an alley or a street. The Board agreed that the owner/resident manager's two cars should park on the applicant lot that is on the north side of the alley. There is adequate room on that lot to park two cars in a configuration that would not require backing into the alley. The Board also agreed that the required two parking spaces for the guests should be located in the paved spaces marked #2 and #4. No parking would be allowed in parking space #3.

2. Paving the parking lot: Cynthia Behan said paving the lot on the north side of the alley would represent a significant cost problem for the applicant. Geoff Bornemann said he estimated that the paving would cost about $800 but that there was no drainage system to handle the increased runoff. The Board agreed to require the applicant to change the parking so the cars don't have to back out and to waive the paving requirement because this lot would be used only by the owners.

3. Drainage: Cynthia Behan said there is no drainage now, nor do they have any problems, or any history of problems. The Board agreed that the existing pavement without drainage was an acceptable pre-existing nonconforming condition.

4. Water lateral: Cynthia Behan reported that the existing water lateral is not on the neighbor's property as originally shown on the plan, but rather is located entirely on the applicant's property.

5. Garage: Geoff Bornemann noted that the garage encroaches into the alley's public ROW, and there is no record of easement. Lorraine Tharp told the applicant to go to the City Council to correct that and the applicant agreed.

6. Buffer: The Board determined that an existing 6 foot high fence owned by the applicant on the north line of the lot on the north side of the alley was deemed sufficient as a buffer required by the Zoning Board of Appeals.

7. Signs: A wall sign on the garage appears to be in violation of the ZBA decision which specified no signage. Geoff Bornemann said that they can have directional signs, but they can't have the name of the establishment on them because it is considered additional advertising. The applicant agreed to either remove or modify the sign.

8. Existing sidewalks: Cynthia Behan said the condition of the Union Avenue sidewalk is good. The curbing is old but in keeping with the type of slate curbing on the street. The level of the curb would have to be brought up to repair the sidewalk and that would look different than the sidewalk on either side of the property. It was noted that this is a small site and that the curbing is in the same condition as the that around it. Lorraine Tharp noted that the DPW has not expressed any concerns about the curbing. The Board agreed that the curbing did not have to be replaced.

9. Lights: Cynthia Behan said the parking area is well-lit. Geoff Bornemann noted that the site is within the historic lighting district which normally requires site plan applicants to install a light along the frontage of their property. In this section of Union Avenue the historic lights have already been installed in the center median. He suggested checking with DPW about a master lighting plan to see if the historic street lights also had to be installed along the applicant's street frontage. The Board felt it would look inconsistent with neighboring properties if a new light were added along this street frontage.

10. Topography data: The Board approved a waiver of the topography data because the site is essentially flat.

11. Letter of Credit: The Board agreed to waive the letter of credit because the total cost of the site improvements is less than $10,000.

Cynthia Behan stated that she had no problem complying with any of the technical issues.

Lorraine Tharp noted that the Department of Public Safety had no concerns and the Department of Public Works had no comments.

Lorraine Tharp asked for comments from the audience. No one spoke.

Lorraine Tharp noted that the application fee has been paid.

James Murphy moved and Wallace Allerdice seconded a motion to issue a negative SEQR declaration.

Wallace Allerdice moved and James Murphy seconded a motion to approve the site plan contingent upon the items agreed to during the discussion. Ayes all.

Joseph O'Hara resumed his seat on the Board.

94.44 CANFIELD MANOR: (83 Quevic Drive)

This is an application for preliminary and final approval of an 11 lot subdivision.

This has been continued from the September 14, 1994, December 7, 1994, July 25, 1994 and September 25, 1995, October 18, 1995 and November 15, 12995 meetings.

Geoff Bornemann reported that the applicant has asked for a continuation until the April meeting in order to have more time to address the issues raised by the Board.

The Board agreed to continue this discussion at the April meeting.

96.04 WITT PROPERTY - NORTHERN PARCEL: (169-203 Old Schuylerville Road)

This is an application for final approval of a 4 lot subdivision.

The sketch plan discussion was held on January 10, 1996.

This discussion is continued from the February 7, 1996 meetings.

Geoff Bornemann reported that the applicant has asked for a continuation until the April meeting in order to have more time to address the issues raised by the Board.

The Board agreed to continue the discussion at the April meeting.

96.05 WITT PROPERTY - SOUTHERN PARCEL: (168-202 Old Schuylerville Road)

This is an application for final approval of a 3 lot subdivision.

The sketch plan discussion was held on January 10, 1996.

This discussion is continued from the February 7, 1996 meeting.

Geoff Bornemann reported that the applicant has asked for a continuation until the April meeting in order to have more time to address the issues raised by the Board.

The Board agreed to continue the discussion at the April meeting.

95.50 VILLAGE AT SARATOGA PUD: (39 Crescent Street)

This is a request for an advisory opinion to the City Council on an application for a 132 unit residential planned unit development district. Appearing before the Board was Victor Gush, developer, Stephen Rodriguez, attorney for the owners, and Frank Landry, Title and Deed attorney.

This discussion is being continued from the December 13, 1995 and January 10, 1996 meetings.

Frank Landry told the Board that an agreement had been reached with the Greenridge Cemetery Association and the applicant is in a tentative agreement with the City about the transfer of interest in the paper streets within the PUD boundaries. All the existing property owners within the PUD boundaries will be ensured an easement to use the street. Frank Landry told the Board a title for the applicant's interest in Vanderbilt Avenue and Crescent Street has been prepared to be deeded to the City.

Victor Gush noted that Peter Tulin, the City Attorney, likes what they have done so far. Peter Tulin will recommend to the City Council that the city's interests in the streets be transferred to the development. Geoff Bornemann noted that the City Attorney has

given the Planning Board a recommendation (dated March 13, 1996) and that the City Council is scheduled to voted on this matter at their March 19, 1996 meeting. Lorraine Tharp suggested that any Planning Board action should be contingent upon the City Council approving the transfer.

Victor Gush addressed the following issues as listed on the Board's agenda notes that relate to the draft ordinance dated March 6, 1996:

1. Section III- Boundaries: Parcels not under the control of the applicant are included within this PUD. The applicant has submitted copies of letters that were sent on January 30, 1996 to those "outparcel" owners inviting them to join in the PUD application. No responses (favorable or unfavorable) were received.

   Steve Rodriguez said that the city would have to approve the deed that was sent out for Crescent Street.

2. Section V- Densities: The Board agreed that the revised densities, the three types of units and proposed lot sizes were acceptable.

   The Board agreed to allow the applicant to increase by 25% any of the housing types. The applicant can not build over 118 units.

3. Section VI- HOA: A provision has been made for an alternative to an HOA and this was acceptable to the Board.

4. Section VIII- Utilities: The applicant agreed to add a sentence that all utilities must be constructed to city standards at the time of dedication to the city.

5. Section X- Streets: Victor Gush reported that the DPW has agreed that no sidewalks, curbs or other improvements along project frontage on Crescent Street and Vanderbilt Avenue would be required. The Board agreed.

   The applicant will add a sentence stating that all streets must be constructed to city standards at time of dedication to city.

6. Section XI- Off-site Improvements: Geoff Bornemann reported that the DPW has apparently requested that the applicant be responsible for extending water (300 feet) along Crescent

Street from Vanderbilt Avenue to Joshua Road. Victor Gush agreed to include this item in the legislation.

The Cemetery Association wants the applicant to build a fence on the cemetery property across the entire northern boundary of the PUD. This would be considered an off-site improvement. The Cemetery Association wants an 8 foot fence, but the zoning on their land may only allow a 6 foot fence to be built.

Dave Carr, representing the Greenridge Cemetery Association, suggested that a 8 foot high fence would be permitted pursuant to Section 240-12.7 of the zoning ordinance. Geoff Bornemann said they can work out with the zoning enforcement officer and he suggested not specifying the height at this time. The Board authorized the applicant and the cemetery association to work on the specific wording for the legislation.

7. Section XII: Phasing: Victor Gush said the phasing has not changed. They will do the interior first and then the exterior. This was acceptable to the Board.

8. Section XIII: Community Center: The applicant proposes no parking demand for the community center. Geoff Bornemann referred to the DPS comments on the Board agenda notes which stated, "Community center, sales office must have own parking to avoid congestion and on street parking."

   Norm Fox suggested creating a temporary parking lot for the sales office. Victor Gush said that was acceptable. Lorraine Tharp suggested having 5 spaces for parking while the community center is being used as a sales office. It was agreed that the spaces would be constructed as part of the PUD site plan approval and that once the facility was used as a community center there would be no off-street parking demand.

9. Section XIV- Area and Bulk Schedules: Victor Gush said Jim Carr has talked to the building inspector about the side yard set-backs of 3 and 4 feet and the applicant wants to stick with these numbers.

   The Board agreed to ask for a minimum front yard set-back of 5 feet and a minimum garage set-back of 20 feet, with no maximums set for either at this time.

10. Section XV- Buffers: The proposed no-cut buffers, as defined in the ordinance, were acceptable to the Board.

11. Section XVII- Construction Standards: The Board said they want the opportunity to approve the layout of each of the house models during the site plan approval process. Victor Gush agreed to bring back the architectural designs at the time of site plan review.

Victor Gush noted that the SEQR form has been revised to conform to the latest features of the project.

Geoff Bornemann reminded the Board that the applicant and the Planning Board can negotiate until the applicant declares the application complete. When the application is declared complete, the Planning Board must issue an advisory opinion within 60 days. Lorraine Tharp reviewed the statements that must be included in a favorable advisory pinion. The agenda notes list those statements.

Lorraine Tharp referenced 2 letters from the Greenridge Cemetery Association, dated January 26, 1996 and March 12, 1996, respectively. She also referenced a memo received from the City Attorney dated March 13, 1996.

Lorraine Tharp asked for comments from the audience.

Milford Lester and Shauna Sutton, representing the Greenridge Cemetery Association, appeared before the Board. They explained that they felt strongly about having an 8 foot fence put in because of vandalism in recent years that has cost them in excess of $20,000 to correct. The Cemetery Association would like an easement from the HOA to maintain the no-cut buffer. Lorraine Tharp suggested leaving the primary maintenance duty to the HOA, but if they fail to maintain it properly, the Cemetery Association would have the right to go in and take care of the buffer.

Shauna Sutton stressed that any height less than 8 feet would be unacceptable to the Cemetery Association. Norm Fox said that the Planning Board has no problem with an 8 foot fence, but it may not be within their power to approve it.

No one else had any comments.

Joseph O'Hara moved and Wallace Allerdice seconded a motion to issue the following advisory opinion subject to the City Council clearing the title problems of the ROW and paper streets, and to defer SEQR lead agency status to the City Council.

1. The proposal conforms to the current Comprehensive Plan, including density limitations because the project has a maximum density of 6 units per acre and the Comprehensive

Plan designation of the "HDR-2" district for this site has a maximum density of 15 units per acre.

2. The proposal meets the intent and objectives of a planned unit development.

3. The proposal meets all the general requirements of the planned unit development.

4. The proposal is conceptually sound in that it meets local and area-wide needs and it conforms to acceptable design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system, drainage system and scale of the elements, both absolutely and relative to one another.

5. There are adequate services and utilities available or proposed to be made available in the construction of the development.

Ayes all.

96.06 INTERLAKEN PUD AMENDMENT: (649-661 Crescent Avenue)

This is a request from the City Council for an advisory opinion to amend the existing Interlaken PUD ordinance to allow a 150 unit senior citizen housing community in Zone BB. Mike Toohey, attorney for the applicant, appeared before the Board. Developers John Witt and Tom Roohan were in the audience.

The applicant submitted a draft ordinance dated February 1, 1996 and a revised draft ordinance dated March 8, 1996.

Mike Toohey requested that the Board issue an opinion at this meeting. He said the City Council asked the Planning Board only to vote on the proposed senior citizen community amendment and not to consider anything else. He felt the Planning Board has gone beyond it jurisdiction and the Board has no right to do that. In 1982 and 1984 the City Council passed the PUD ordinance which gave the applicant the right to build a hotel/conference center. The Council had an opportunity to ask the applicant to take that right away but they didn't, so the Planning Board shouldn't either. Mike Toohey noted that the Board made a commitment at the February 28, 1996 meeting to allow the applicant to have either of the proposed uses. He said it was unfair that the Planning Board would reverse itself in private at an agenda workshop session. Mike Toohey noted that even without the hotel/conference center, the PUD allows a 50

room inn and some retail uses near the Caunterbury restaurant. He felt the process was being held up by the fear of having a new hotel built out of the downtown area. He further noted that the Planning Board has supported commercial growth in the West Avenue corridor.

Lorraine Tharp said the Planning Board is being asked to approve an amendment to the PUD. She said the Planning Board would be remiss if it did not look at the issue under today's guidelines and policies. Significant changes have occurred in this community since 14 years ago when the original PUD was approved. She said that the Board has a right to change its thinking as new information comes along, but she said the Board has not officially reversed any position, and that there was no vote taken at the agenda workshop session or prior meeting. The Board has merely raised some issues and included them in the agenda notes for this meeting. She believes the Planning Board is acting in good faith is still willing to have open and frank discussions with the applicant. Lorraine Tharp also noted that the Planning Board workshops are open to the public.

Norm Fox said he objected to some of the semantics being used by Mike Toohey. Norm Fox said he especially objected to the use of the word "fear" concerning impacts on the downtown area and said the adopted city policy (as expressed in the Comprehensive Plan) focuses commercial development activities in the downtown area.

Mike Toohey said the Comprehensive Plan does not supersede the zoning code as it exists. The applicant already has the right to build a hotel and restaurant. Lorraine Tharp noted that the applicant was asking the city for a revision in the regulations for Zone BB, so the Board should be reviewing all the elements of Zone BB.

Lorraine Tharp said she could not vote until all the issues were addressed and she suggested that the Board continue with its review of the major issues.

Mike Toohey said the water issue was the other major problem. He noted a court case involving a controller ruling in the Jamaica Water Authority on Long Island, and said unless the Saratoga County Water Authority can show documentation saying it has exclusive rights, the PUD can be served by multiple water entities. Geoff Bornemann noted that the Board has received an opinion from Peter

Tulin (dated March 13, 1996) with a suggested wording for inclusion in the draft PUD ordinance.

Mike Toohey asked the Board to vote now on whether the Planning Board will recommend that the applicant will be entitled to both the senior citizen use or the hotel/conference center use. He wants this vote before there is any further discussion of the details of the draft ordinance. Lorraine Tharp felt it was not actually required that the Board vote on what Mike Toohey was suggesting, but thought it was appropriate for the Board to give the applicant some direction on how this project should proceed.

Joe O'Hara suggested that it might be appropriate to allow the hotel/conference center option if there was a sunset provision attached to it. He suggested that if the applicant did not built it within 2 to 5 years, the applicant should lose the right to have such use. Mike Toohey suggested a 5 year sunset provision would be acceptable to the applicant. Most of the Board members agreed that there should be a 5 year sunset period for the hotel. Lorraine Tharp preferred a 2 year sunset period. Mike Toohey said they don't want to give up right to build a hotel if the senior housing doesn't go through.

Mike Toohey addressed the following issues as listed on the Board's agenda notes that pertain to the draft PUD ordinance:

1. Section V- Permitted Uses:

   Hotel/conference center: Mike Toohey said under the current allowed uses they can build a free-standing restaurant. The sizes of the proposed ancillary uses (up to 30,000 square feet) were deemed acceptable by the Board. Mike Toohey said they may add a dock and marina (12 slip limit) and possibly a tennis court. Mike Ingersoll, of the LA Group, said they will be putting "stuff" on the roofline and would like the option to allow 5 stories.

   Mike Toohey proposed that ancillary uses be not more than 15% of the 350,000 square feet. Robert Bristol opposed that. He suggested putting in a maximum square footage of 18,000 square feet for ancillary uses. Mike Toohey agree to the 18,000 square foot maximum.

   Senior housing: Mike Toohey suggested a parking ratio of 1.0 parking spaces per unit. The Board suggested that it be 1.5 spaces per unit. Mike Toohey agreed to put the 1.5 standard in the ordinance provided that it could be adjusted by the

   Planning Board at time of PUD site plan approval if market studies showed a need for less cars.

Mike Toohey said the units should remain as leased units. Lorraine Tharp suggested adding "no condo or co-operative units" to the ordinance and Mike Toohey agreed. Mike Toohey said they should be allowed to subdivide the parcel, but not into any more than 2 parcels. The Board agreed.

The recreational use of Lake Lonely and the size of marina were acceptable to the Board. The Board said walking trails, including sidewalks, would be looked at during the site plan approval process.

2. Section VII- Sketch Plans: Mike Toohey asked if they could use the existing sketch plan for the hotel. The Board agreed but suggested it needed to labeled better.

3. Section VIII- Infrastructure Service and Improvements: Lorraine Tharp noted that overtures have been made to the County Water Authority and to the Phase I HoA and as of this date, neither has provided any evidence as to why the city cannot serve water to Zone BB. The Board agreed that the ordinance should state that Zone BB will be served by city water unless a judicial order states otherwise.

4. Section X- Roadway: Geoff Bornemann noted that the applicant has requested a waiver from curbs and sidewalks on the streets and that this request does not conform to current city standards. Mike Toohey said the roads will be built to city standards and he withdrew the request to have the waiver in the ordinance.

5. Section IX- Phasing: Mike Toohey noted that more than one phase was proposed and the Board agreed to the proposal.

6. Section XIII- Expiration: Mike Toohey proposed that within 5 years they have PUD site plan approval for at least the first phase of the hotel/conference center (either a restaurant or a hotel) and have commenced construction. Then an additional 5 years for the second phase of the hotel/conference center project would be permitted. There would be a total of 15 years for the senior housing. The Board agreed to this proposal.

SEQR Process and Forms: Mike Ingersoll said he will work with Geoff Bornemann to amend the SEQR forms.

Lorraine Tharp stated that the applicant must comply, however brief, with the required PUD submittal requirements. The Board

authorized the chair to review and approve the final documents prepared by the applicant.

Lorraine Tharp asked for comments from the public. No one spoke.

Lorraine Tharp noted that the application fee has been paid.

Joseph O'Hara moved and Wallace Allerdice seconded to issue the following favorable advisory opinion and to defer SEQR lead agency status to the City Council:

1. The senior citizen community proposal conforms to the current Comprehensive Plan, including density limitations. This is because with the senior citizen community the entire PUD will have an overall maximum density of 2.4 units per acre and the Comprehensive Plan designation of the "MDR-2" district for this area has a maximum density of 3.4 units per acre. In regards to the Comprehensive Plan, we view the proposed hotel/conference center as pre-existing non-conforming condition. Under the revised proposal, if the hotel/conference center is not started within 5 years, it would no longer be permitted.

2. The proposal meets the intent and objectives of a planned unit development.

3. The proposal meets all the general requirements of the planned unit development.

4. The proposal is conceptually sound in that it meets local and area-wide needs and it conforms to acceptable design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system, drainage system and scale of the elements, both absolutely and relative to one another.

5. There are adequate services and utilities available or proposed to be made available in the construction of the development.

The motion carried 6-1.

Lorraine Tharp voted nay, explaining that she still has a problem with the hotel/conference center use. She emphasized that she was not opposed to the plans for the senior citizen community.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:45 p.m..

Respectfully submitted,

Chris McCormic
Secretary

Adopted: April 10, 1996

Exhibit T

PLANNING BOARD
SARATOGA SPRINGS
WEDNESDAY, NOVEMBER 7, 1990
CITY COUNCIL CHAMBERS-CITY HALL
7:30 P.M.

MINUTES

PRESENT: WALLACE ALLERDICE
ROBERT BERRY
THOMAS CURLEY
ROBERT FLANAGAN
SARAH FOULKE
NORMAN FOX

ABSENT: (One Vacant Position)

Thomas Curley, chairman, called the meeting to order at 7:30 pm.

APPROVAL OF MINUTES OF OCTOBER 24, 1990

Norman Fox made a motion to approve the minutes of the October 24, 1990 meeting with two changes. The first change being on page 3, fifth paragraph, fourth line. Mr. Fox stated that he wanted "for a separate bond" added after the word substitute. The second change being on page 7, third paragraph, tenth line. Mr. Fox stated that there should be an apostrophe in the word Board's, in the text that it is used.

Robert Berry seconded the motion. Ayes all.

REPORT ON ADMINISTRATIVE ACTIONS:

Thomas Curley, chairperson, reported the following recent administrative actions:

- 90.45 ATLANTIC GAS STATION: (525 Broadway)
  - Minor revisions to size of gas tanks and handicapped parking aisle. (Signed 11/2/90)
- 88.66 ADIRONDACK TRUST COMPANY: (112 Broadway)
  - Minor revisions relating to as built conditions such as drainage and location of air cooler unit. (Signed 10/29/90)
- 89.80 FEDERAL EXPRESS: (250 Excelsior Avenue)
  - Minor revision for adding 10 extra parking spaces. (Signed 10/29/90)

90.71 "9 MAPLE AVENUE", INC.: (9 Maple Avenue)

This is an application for a special use permit and a public hearing for group entertainment. The applicant is requesting a permanent special use permit. Appearing before the board was Jean Sirianni and Michael Sirianni.

The chairperson noted that the Department of Public Safety expressed general concerns with parking and the noise, but no comments were received from the Department of Public Works.

Mrs. Sirianni stated that her building occupies almost all the site and therefore there was no parking available on site. The properties around her business also had group entertainment, and were open the same hours as her business.

Mrs. Sirianni stated that there were no impacts on any adjacent properties. She stated that the type of music that they would have would consist of a piano, bass, and a saxophone, all of which would be non-amplified.

Mrs. Sirianni stated that the music would only be on the first floor of the establishment. She said that they planned to be open the same hours as many of the other establishments in the area.

Michael Sirianni stated that the entrance to the building is in the alley, and that flood lights have been installed over the entrance and at the end of the alley.

Robert Flanagan stated that he had reservations about permitting any additional establishments in the Caroline Street area which served liquor and had live entertainment, but due to the non-amplified music and size of the place, he has no problem with this proposed application.

The Board also agreed that the site was exempt from site plan review because a large percentage of the site is occupied by the building and appeared to not need site improvements.

Thomas Curley opened the public hearing and no one spoke.

Sarah Foulke made a motion to issue a negative SEQR determination. Wallace Allerdice seconded the motion. Ayes all.

Sarah Foulke made a motion to grant the permanent special use permit with the music being non-amplified, and being contained to the first floor. Robert Berry seconded the motion. Ayes all.

90.68 FAST EDDY'S ENTERPRISES, INC.: (64 Putnam Street)

This is an application for a special use permit and a public hearing for group entertainment. Appearing before the Board was the applicant, John Jones.

Mr. Curley noted that a legal notice failed to appear in the newspaper due to a staff error. The public hearing will be convened but will have to be continued until the Board's special meeting on November 28th. The legal notice will be published this weekend but it will not be necessary to send any additional notice to adjacent property owners. Mr. Curley thanked Mr. Jones for his patience in this matter.

Mr. Curley noted that the Department of Public Safety expressed a general concern with the parking. Mr. Jones stated that he had his own parking lot right on the side of the building, and in addition there is a City parking lot adjoining his parking lot.

The Department of Public Works had no comments.

Mr. Jones is requesting a temporary special use permit. His building is owned by the Saratoga Springs Public Library and his lease expires in 1992 as does his special use permit to operate a billiard room. He is willing to have his special use permit for group entertainment also expire in 1992.

Mr. Jones stated that his establishment has no impact on adjacent properties. His establishment does not serve alcohol and it is usually closed by 1:00 am.

Mr. Jones stated that approximately 800 square feet will be used for a dance floor.

Geoff Bornemann, city planner, stated his concern that the number of people that would be going to the establishment would increase with the live music. He noted that the ordinance only identifies parking demand for group entertainment by the number of seats and not by standing room or size of the dance floor. He wanted to know the number of occupants allowed by the fire inspector. Mr. Jones stated that he had not been given that information yet. Geoff Bornemann stated that he would discuss this matter further with the fire inspector and the building inspector.

Robert Flanagan asked Mr. Jones what he would estimate for the number of people that would be in there on the weekend. Mr. Jones stated that it would not exceed the occupancy that is decided by the fire inspector and he estimated that he would exceed more than 200 people.

The chairperson opened the public hearing. No one from the audience spoke. The chairperson announced the continuation of the public hearing to November 28, 1990 at 7:30 pm.

The Board agreed to continue this meeting until November 28, 1990, until the ad was run in the newspaper and for the Board to receive more information on the parking requirements.

90.67 BRENNAN PROPERTY: (194 Broadway)

This is a public hearing and an application for a special use permit for a professional office as a nonconforming use with lesser impacts. Appearing before the Board was John Brennan, owner of the property, Michael Toohey, attorney for the owner, and Dave Carr. landscape architect.

Mr. Curely noted that the Department of Public Safety was concerned with the parking setbacks and that no comments were recieved from the Department of Public Works.

Mr. Toohey stated that presently there were Navy personnel living in the four apartments on building's first and second floors. Mr. Brennan stated that presently there were 4 apartments in the building, and a seasonal apartment in the basement.

Mr. Toohey stated that the tenants all had vehicles that were coming in and out around the clock with the swing shifts that they work.

Mr. Toohey stated that the land around the building would not be altered. Mr. Toohey stated that there would be a total of 16 parking spaces but the ordinance does require more for professional offices and the applicant will seek a use variance to waive the additional spaces.

Mr. Toohey stated that he has talked to all of the people who own property surrounding Mr. Brennan's property, and all of them are in favor of the change. Mr. Toohey stated that the neighbors told him that they didn't like the Navy personal staying there.

Mr. Toohey stated that he wanted a permit for professional offices, not a law office. Mr. Toohey stated that if he got a permit for a professional office, the new owner would not be restricted to sell in the future to someone with a law office. He noted that the new zoning ordinance does not allow a medical office as a professional office.

Mr. Toohey stated that Mr. Brennan has made a reasonable attempt to sell this property for two and a half years (2 1/2 yrs.) and has not been successful. Mr. Toohey stated that Mr. Brennan presently has a buyer that wants to use the property as a law office.

Mr. Toohey stated that there would be less noise, lesser adverse impacts on the neighbors, less sewage, and less traffic if the property was used as a professional office than its use now as an apartment building. Mr. Toohey also stated that as a professional office the building would not be used at night. He noted that now the tenants are in and out all night, and they also have frequent parties inside and on the lawn in the summer.

Norman Fox stated that if the non-conforming use that is intended had a lesser impact than the present non-conforming use, than he has no problem with it.

Mr. Toohey stated that the proposed use would have a lesser impact on traffic and submitted a letter from a traffic engineer stating their reasons. Mr. Carr stated that they determined the amount of traffic to be generated by the square footage of the office. Geoff Bornemann stated that he hasn't had an opportunity to review the letter but that normally the trips generated by a residential use were less than those by a professional office.

Mr. Fox stated that he believes this proposed use is less objectionable and has less impacts than what is there now.

Sarah Foulke stated that the proposed use is a good idea and it is preferable to what is there now.

Tom Curley opened the public hearing, and no one in the audience spoke. The hearing was closed.

Robert Berry made a motion to issue a negative SEQR determination. Robert Flanagan seconded it.

Sarah Foulke made a motion to grant a permanent special use permit for a professional office as a nonconforming use with lesser impacts and that the use is not to exceed the size of the existing structure (6,000 square feet). Wallace Allerdice seconded the motion. Ayes all.

<u>90.70 RONALD RIGGI RESIDENCE:</u> (637-641 North Broadway)

This is a public hearing on an application for a special use permit for temporary accessory residence. Appearing before the Board was Michael Toohey, attorney , and Bob Mitchell and Scott Wallant, architects for the owner.

Mr. Curley noted that no comments on this application were received from the Department of Public Safety or the Department of Public Works.

Mr. Toohey stated that Mr. Riggi's parents will be staying at the house only 3-4 months out of the year.

Mr. Toohey stated that he believes having two kitchens in a single family home was not illegal, but to turn a single family residence into a two family requires in special use permit in a single family zoning district. Mr. Toohey stated that his client just wants to put in two kitchens, not to have a two family home.

Scott Wallent stated that the building inspector told them they would need a special use permit because of there being two kitchens.

Mr. Toohey asked the Board to issue a determination as to whether the applicant needs to have a special use permits for a temporary accessory dwelling. Geoff Bornemann noted that the ordinance requires the building inspector to make that determination and suggested that only the Zoning Board of Appeals could over rule a determination by the building inspector. The Board agreed with Mr. Bornemann's interpretation and asked Mr. Toohey to seek his decision from the building inspector. Mr. Toohey said he would do this and asked that this application and hearing be continued until the December 5th Planning Board meeting.

Mr. Curley stated that this project should be adjourned until the next meeting so that the Board can have time to discuss this with the building inspector, to see if a special use permit is required.

The Board agreed to continue this meeting until December 5, 1990.

<u>90.70 RONALD RIGGI RESIDENCE:</u> (637-641 North Broadway)

This is an application for site plan review for a special use permit for a temporary accessory residence.

Mr. Curely noted that since the application for a special use permit has not yet been granted this matter would have to be continued until the December 5th meeting.

Mr. Toohey, attorney for Mr. and Mrs. Riggi, agreed to the continuation.

<u>90.66 MILLER RESIDENCE:</u> (163 Denton Road)

This is an application for site plan review. Appearing before the Board was Al Miller, owner of the property.

Mr. Curley noted that the Departments of Public Works and Public Safety had no concerns or comments.

Geoff Bornemann noted that single family homes do not usually require site plan review but this was a condition placed on the subdivision of this parcel granted by the Board in 1986.

The Board's original concern was with the disruption and stabilization for the steep slopes on the site.

Mr. Miller distributed copies of a revised plan which includes many of the changes requested by the Board's agenda notes.

The Board stated that they have recently modified the well testing procedures that they would like Mr. Miller to use. Mr. Miller agreed to do so.

Mr. Curley stated that they wanted to make sure that the source of fill be identified and that it should come from an establishment which has a valid mining permit. Mr. Miller said he would add these notes to the plans.

Mr. Miller stated that on the slopes 12 to 15 feet around the proposed structure, he planned to use a grassy mixture and to follow up with planting trees and shrubs.

Mr. Miller stated that his engineer had contacted the NYS Department of Environmental Conservation and was told that the stream on his property was a class D, which is unclassified, and that a stream disturbance permit was not necessary.
Mr. Miller has added this note to his plans.

Mr. Miller stated that his gravel driveway does not presently have a culvert, but will put one in, in the future if he paves the driveway and it is required by the Town of Greenfield. Mr. Miller stated that his engineer doesn't feel as though he needs one.

Greg Fowler, city engineer, stated that there is not a lot of water running across the front of the applicant's property, so a culvert was probably not necessary.

Geoff Bornemann asked Mr. Miller if he could avoid foundation fill by moving his home a little. Mr. Miller stated that he probably could, and if he had to than he would.

Mr. Miller stated that the material that he uses to mend the slope will be what he takes out of the ground for his foundation.
Mr. Miller also stated that he has no intention of disturbing the creek that runs through the property.

Mr. Miller stated that he does not plan on cutting down all of the trees on the slope. Greg Fowler stated that if you put fill around the trees, it would kill them. Mr. Miller stated that there are only 4 significant trees on that side.

Mr. Curley stated that the Board should require planting to preserve the slopes greater than 2:1 and Mr. Miller agreed.
Mr. Miller stated that filter fabric would also be added.

Sarah Foulke stated she didn't feel as though Mr. Miller needed a letter of credit, due to this being a unique situation and a single family house. The Board agreed.

Mr. Miller stated that his perculation test had been done. Mr. Fowler stated that the test did not specify where and how deep it was done. Mr. Miller stated that it was done 7 feet and 5 gallons per minute.

Robert Flanagan made a motion to issue a negative SEQR determination. Sarah Foulke seconded the motion. Ayes all.

Wallace Allerdice made a motion for site plan approval contingent upon items agreed to during the discussion and waiving the letter of credit requirement. Robert Berry seconded the motion. Ayes all.

<u>90.24 INTERLAKEN ZONE B - RECREATION AREA :</u> (543 Union Avenue)

This is a public hearing and application for preliminary and final PUD site plan for a recreational area for the residences of zone B.

Appearing before the Board was David Carr, landscape architect, Richard Mullaney, attorney, and the applicant, Louis Farone.

Mr. Curley noted that the Department of Public Works, and Public Safety have not submitted any comments.

Mr. Carr stated that he felt the proposed 2 inch water line was adequate to service the 2 bathrooms and the 2 sinks in the gazebo. He did not feel it was necessary to provide a hydrant and larger pipe for fire protection. Mr. Carr did agree to add the construction details on the 2 inch water line to the plans.

The Board stated that they recieved a letter from the owners or the Bayshore trailer park which expressed concern with a leaking pipe that supplied water from the Interlaken Waterworks. Mr. Carr noted that the pipe lies on the west side of Route 9P and does not cross the applicant's property. Therefore, the applicant believes this issue was beyond the applicant's control and not a relevant issue for this site plan review. The Board agreed.

Mr. Carr stated that the docks that they would be putting on the lake would be for the residents only, and that both the docks and the boats would be stored off of the site. There would be no boat launching or ramp at this site.

Mr. Carr agreed to add a note clarifying that the drawings make a reference to the approved PUD site plan for Zone B, Phase I. He also agreed to add a note for the need of DOT driveway permits.

Mr. Carr stated that the gazebo would hold a maximum of forty people and it would have electrical services. The parking lot would have security lighting. He stated that they were not going to have lighting on the docks, tennis courts, or the path up to the residential units because the facility is not being designed for night use. Mr. Carr agreed to add the parking demand for the gazebo to the plans.

Mr. Carr stated that the design calculations for the culvert in the NYSDOT easement and the on site drainage would be submitted to the city.

Mr. Carr agreed to make the handicapped parking space aisle 8 feet wide and to add the required vertical signs.

Mr. Carr stated that they are planning to install 100 docks slips for the exclusive use of the Zone B tenants. Mr. Carr stated that they would be floating docks and that Tom Watts, from the NYS Department of Parks and Recreation in Albany told him that they did not need to obtain a permit. He also agreed to check with NYS DEC to confirm that no other permits were needed for the docks.

Mr. Carr stated that all of the water for the property is coming from the Interlaken Water Company. He also stated that no fire protection had been discussed due to all of the structures being open.

Mr. Carr stated that they would put a fence around the drainage pond and provide a construction detail of it on the plans.

Mr. Carr stated that if the Board wanted handicapped ramps near the docks, that it would be no problem, and that they would add the details to the plans.

Richard Mullaney stated that he did not feel as though an archeological investigation was needed to be done on Mr. Louis Farone's property. Mr. Mullaney stated that in the 1920's and 1930's the property was owned by the Albany Sand and Gravel Company which had dug up the land, and that there were railroad tracks going through the property. Mr. Malaney stated that Albany Gravel had dug up 3 feet of the sand and replaced it with gravel and that the land had been built up to support the train tracks.

Geoff Bornemann asked the applicant to verify if any of the site was within the designated floodplain and if it is a note should be added that a floodplain permit will be needed. Mr. Carr agreed to investigate this matter.

Mr. Mullaney stated that Interlaken has already had someone out there to check out the land, and no sensitive archeological hot spots were found. He stated that in order to prove that their are no artifacts it might cost them nearly $8,000.00 dollars.

Geoff Bornemann stated that during the past year he has had meetings with representatives from the NY State Museum and the archeology department at Skidmore College which indicated that the area along Fish Creek is particularly rich in archeological artifacts. They have recommended that the city establish a special ordinance that would require a stage 1 investigations in this area. Mr. Bornemann noted that if the evidence does prove the site has been disturbed the requirements for the stage 1 investigations should probably be waived. He reported that the representatives from Skidmore College were willing to give free technical advise to the City and suggested that the applicant's documents on past disturbances could be reviewed by the College. He added that the College might want to do a quick site visit to confirm the prior disturbance. Mr. Bornemann noted that the College personnel were also accredited archaeologists and have indicated their availability to provide services to applicants at "non-profit" organization rates.

Thomas Curley stated that he would like to see what those people have to say about the land and recommended the Board refer the documents to them.

Mr. Mullaney objected and stated that his client would prefer to hire someone of his choice to do the stage 1 investigations. The Board agreed that the client could chose who they wanted as long as they were properly accredited.

The Board and the applicant agreed to continue this project until December 5, 1990, so that the applicant may have time to do the archeological investigation and address the other issues.

<u>90.72 EMERALD FOREST PHASE II:</u> (146 Geyser Road)

This is a sketch plan discussion for a proposed 10 lot subdivision. Appearing before the Board was William McNeary IV.

Mr. Curley reported that the Department of Public Safety had no concerns and that no comments were recieved from the Department of Public Works.

Greg Fowler, city engineer, asked the applicant for a status of the first phase of the Emerald Forest subdivision. Mr. McNeary stated that all sidewalks and curbs are in and the binder coarse of paving has been laid. The top coat of paving will be laid in the spring and then the street should be ready for dedication.

The Board wanted to know if the Applicant would be interested in clustering. Mr. McNeary stated that he supported the idea but didn't think it would work in this small parcel.

He suggested that the open space gained by clustering would be very small and also he thought the people who are interested in buying his homes would want as much back yard as possible. The Board agreed with the applicant that clustering would not be beneficial on this site.

The Board was concerned that their may be a drainage problem because Geyser Road is higher than most of the land. Mr. McNeary stated that the soil is very sandy and it absorbs the storm water very quickly. He has had no problem with the drainage in phase one and he doesn't foresee any drainage problems in this second phase.

Mr. McNeary stated that he has no intention of developing any driveways onto Geyser Road from the lots in this subdivision.

Mr. McNeary stated that he proposes to run his sanitary sewer lines in the street and hope not to have to go cross-lot. The lines will lead to the pumping station on Geyser Road.

Geoff Bornemann noted that the radius of the proposed cul-de-sac conforms to the current subdivision regulations but not the proposed new regulations. Mr. McNeary stated that he would redesign the cul-de-sac and try to meet the new proposed standard.

Mr. McNeary also noted that the lots which back up onto Geyser Road must be treated as having two "front" yards. He agreed to check to be sure that all lots had sufficient buildable area.

The Board determined that this subdivision would be classified as a major subdivision because it contained more than four lots.

90.73 ADVISORY OPINION TO ZBA - MACIER: (290 Church Street)

This is a request for a use variance for medical offices.

Mr. Bornemann reported that the applicant has requested a continuation until the December 5th meeting in order to have additional time to address the Board concerns listed in the agenda notes. The Board agreed to continue this project until December 5, 1990.

90.60 SCIDMORE WOODS - GRENTZER PROPERTY: (56 Ruggles Road)

This is an application for final approval on a 2 lot subdivision and a public hearing. Approval was granted on July 19, 1989, and has expired. This application is a resubmittal.

Mr. Bornemann reported that the applicant has requested a continuation until the December 5th meeting in order to have additional time to address the Board concerns listed in the agenda notes. The Board agreed to continue this meeting until December 5, 1990.

DISCUSSION OF POSSIBLE MINOR REVISION TO NEW ZONING ORDINANCE:

Geoff Bornemann distributed a handout which described the proposed minor revisions to the ordinance as discussed in a previous meeting. The Board agreed to review the exact wording in the proposal. Mr. Curley asked the Board members to be prepared at the December 5th meeting to make any changes and if not refer the amendments to the City Council.

DISCUSSION OF REVISIONS TO DRAFT SUBDIVISION REGULATIONS AND THE DESIGN AND CONSTRUCTION STANDARDS FOR SITE PLANS:

Mr. Curely made reference to the city planner's memorandum of November 2nd which outlined further changes to the proposed subdivision regulations. The Board agreed in principle to the changes but wanted more time to study the exact wording. The chairman asked the Board to call the city planner with any changes they want made.

Mr. Curley asked the Board members to be prepared at the December 5th meeting to vote on the adoption of the new subdivision regulations, the new design and construction standards for site plans and the new standard construction details.

Meeting adjourned 11:30 pm.

Exhibit U

PLANNING BOARD MEETING
SARATOGA SPRINGS
WEDNESDAY, JUNE 19, 1991
CITY COUNCIL ROOM, CITY HALL
7:30 P.M.

MINUTES

PRESENT: WALLACE ALLERDICE
ROBERT BERRY
CLARK BRINK
THOMAS CURLEY
SARAH FOULKE
NORMAN FOX

ABSENT: ROBERT FLANAGAN

Thomas Curley, chair, called the meeting to order at 7:30 p.m.

APPROVAL OF MINUTES OF MAY 22, 1991, MEETING

Robert Berry motioned and Sarah Foulke seconded to approve the minutes of the May 22, 1991, meeting as submitted. Ayes all.

REPORT ON ADMINISTRATIVE ACTIONS BY THE CHAIRMAN

88.02 VISTA ON SARATOGA LAKE - PHASE II: Request to amend PUD site plan to make temporary site improvements in front of units 88-90 so they may be used as a sales office and models.

Thomas Curley, chair, stated that he had reviewed the changes and judged them to be minor in nature and, therefore, approved them. He did so on the condition that the approval would expire on August 31, 1993.

91.31 S.H.I.P. SUBDIVISION: (2-16 South Franklin Street)

This is a public hearing for an application for preliminary and final approval for a 7 lot subdivision which is continued from the June 5, 1991, meeting. Appearing before the Board were Jay Ekman, President of SHIP; Don McPherson, landscape architect; and John Muse, architect.

Jay Ekman began by explaining that it is proposed that this development will be affordable housing for those people who would otherwise be unable to purchase a home. The approximate cost of the home would be $105,000 - $110,000 but with the anticipated state or federal subsidy the two-family structure will end up costing approximately $60,000 - $70,000 to the homeowner. The salary requirement for a prospective purchaser is less than 80 percent of the median salary in Saratoga Springs with the maximum salary being approximately $24,000 - $25,000.

will be extended to the pavement edge.

Geoff Bornemann noted the traffic study had suggested a traffic light at the entrance may be needed in future phases and that the applicant last year was going to think about requiring residents in this phase to set aside their share of that future cost. Dick Mullaney informed the Board the applicant has not given it any further thought and therefore was not asking the Board to include such a condition on this phase of the project.

Dick Mullaney noted the plans for this project were all prepared last year before the new 2 X 3 foot size requirement was adopted by the Board. He asked if the size of the plans could remain as they are. He stated it would cost approximately $4,000 - $5,000 to have them redone and would take many hours of rechecking everything. The Board agreed to waive the size requirements in this unusual circumstance.

Dick Mullaney requested the letter of credit should remain the same as approved on May 9, 1991, at $195,800 for off-site improvements and $1,707,200 for on-site improvements. The Board agreed. An expiration date of June 30, 1993, was also agreed upon.

Thomas Curley noted that the application fee of $3,300 had been paid and the recreation fee of $31,500 (63 x $500) is due. Proof of mailing to adjacent property owners has been provided and proof of payment for the legal ad is due. The Saratoga County Planning Board referral is still pending.

Dick Mullaney raised an issue brought to his attention earlier in the evening by some homeowners in the audience concerning the homeowners association having receiving a bill relating to the second phase of this development. Dick Mullaney stated that if there is a charge on the bill for anything in Phase B the developer, Louis Farone, will pay it.

Geoff Bornemann asked if the sewer line which now crosses phase B was owned by the county, the phase A homeowners or the Phase B developer. Dick Mullaney stated that the developer owned the line in Phase B, however, there is a question who owns the line in Phase A.

Wally Christiansen, 45 Sarazen, informed the Board members he was told by the county that until all the property in the development is on the tax rolls the homeowner's association in Phase A will continued to be billed for the line. He stated that the attorney they used when doing the initial paperwork did not inform the residents of this.

Pat Ambrozak, daughter of Henry Witkowski, Saratoga Trailer Court, stated they own the Saratoga Trailer Court and they are having problem with their water supply from the Interlaken Water company.

She gave a brief history of their problems and explained that in 1986 when the Phase A sewer line was constructed the private water supply for the trailer park was disturbed. At that time, Louis Farone agreed to supply the tailer park with water from the Phase A private water company. She stated that recently the water service to the trailer park has sprung a leak which has not yet been repaired.

Louis Farone stated he had told Brian Fear, NYS Department of Health, he would fix this problem at his own expense in the near future. Geoff Bornemann reported he had been advised that Brian Fear would not sign off on approval for Phase B subdivision plans until Lewis Farone had agreed to fix the leak.

Thomas Curely asked how this problem affected the project. Geoff Bornemann stated the Health Department may delay signing the plans or the Planning Board could choose to require the leak to be solved as a condition of Phase B approval. Thomas Curley stated he did not see a direct relationship between this water problem and Phase B, and he felt uncomfortable trying the two together.

Dick Mullaney again reiterated that Louis Farone had agreed to fix the problem with Henry Witkowski's water.

Pat Ambrozak stated, however, the problem could not be completely identified. Dick Mullaney stated the applicant will do whatever Brian Fear says needs to be done. Sarah Foulke stated that possibly the building permit could be withheld until the water problem was fixed.

Geoff Bornemann suggested that a note be placed on the plans stating the problem with the water must be fixed before the building permit is issued. Everyone agreed.

Wallace Allerdice motioned and Sarah Foulke seconded that preliminary and final approval be granted for the site plan review contingent upon the water issue being resolved and the other items agreed to during the discussion. Ayes all.

<u>91.06 JOBA PROPERTY</u>: (116 Ballston Avenue)

This is an application for extension of a letter of credit in the amount of $29,200 from June 27, 1991, to September 26, 1991. Richard Mullaney, attorney, appeared before the Board.

Dick Mullaney stated the applicant has had some delays in finishing the work and just needs a few more months to complete the job.

Clark Brink motioned and Wallace Allerdice seconded that the $29,200 letter of credit be extended until September 26, 1991. Ayes all.

Exhibit V

Tom Curley made a motion to approve the site plan as revised contigent upon City Engineer's approval of construction details. Seconded by Wally Allerdice. Ayes all.

89.50 INTERLAKEN PUD - PHASE B: This is a discussion of sketch plan for Interlaken PUD legislation as it relates to the PUD's Phase B project at 509-531 Union Avenue. Appearing with the applicant was Richard Mullaney, attorney and Hal Gerow, landscape architect.

Geoff Bornemann, City Planner, stated that an official sketch plan of the entire PUD project was never filed with the ordinance as required in 1984. If the appropriate sketch plan can be located or reconstructed it can be used as a guide in future phases of the planned unit development. The draft sketch plan map submitted by the applicant and dated May 17, 1989, fails in a number of ways to conform to the ordinance requirements for an official sketch plan map.

The various requirements for a sketch plan were discussed and it was agreed that the applicant would work with the staff to resolve the differences and bring another proposal back to the Planning Board in September. In the meanwhile the Board agreed that the applicant could apply for Phase B site plan approval. However the Board stated that no final site plan approval should be granted until this sketch plan matter was resolved.

89.65 TRAVERS MANOR: This is an application for revision of site plan approval for modification of drainage in a R-4 Multi-family District at 370 Church Street. Representing the applicant was Sanford Sheber, engineer.

Mr. Sheber explained that the proposed modifications will enable the Travers Manor project to have a point discharge for stormwater to the Putnam Creek. The property owners have agreed to provide the necessary easements and NYS Department of Transportation has given preliminary approval for the bore under Rt 9N for the piping. He noted also that Travers Manor will construct a drainage pipe behind lot #26 that the City can tie into to drain the Allen Drive area.

Mr. Sheber noted that a comprehensive drainage report has been submitted which documents that with the point discharge, basements throughout the project will not be adversely affected.

Greg Fowler stated that he was satisfied with the report and the new design.

Wally Allerdice made a motion to issue a SEQR negative declaration on this site plan modification. Seconded by Tom

Geoff Bornemann announced that the applicant was still responding to Board concerns and has requested a continuation to the October meeting. The Board agreed to this request.

89.52 GLENMORE HEIGHTS: This is a continuation from July 19th of the approval of a 42 lot subdivision in a R-2 Single Family Residential District at 5-19 Glenmore Avenue.

Geoff Bornemann announced that the applicant was still responding to Board concerns and has requested a continuation to the October meeting. The Board agreed to this request.

89.57 SPA CITY DINER: This is a continuation from July 19th of an application for site plan review and architectural review for a walkway addition in a B-2 Planned Business District at 153 Broadway.

Geoff Bornemann announced that the applicant has requested a continuation to the October meeting. The Board agreed to this request.

89.50 INTERLAKEN PUD-PHASE B: This is a discussion of sketch plan for Interlaken PUD legislation as it relates to Phase B and discussion of sketch plan for proposed 191 units in the second phase of PUD project at 509-531 Union Avenue. Appearing with the applicant Louis Farone was Richard Eats, landscape architect, and Richard Mullaney, attorney.

Mr. Mullaney announced that he is still working with city staff on clarifying the original sketch plan and legislation for the PUD. He suggested that discussion of this issue be postponed until October. The Board agreed.

Mr. Eats described this proposed sketch plan for Phase B and D. He noted that the original layout was similar to the PUD original proposal with a variety of housing types and a linear grand feeling with a pedestrian spine. He estimated that the single family detached homes would be built first and sell for about $400,000.

Mr. Eats noted the Board's concern for the proposed setback, building heights and parking requirements and he agreed to study these items further. He noted that it was the applicants intention to use water from the Interlaken private water system but dedicate the roads to the City. There will be a homeowners association which will manage the recreation and open space areas. He noted also that the applicant will deal with the floodplan and storm water management issues.

Mr. Cummings asked the applicant to carefully consider as preliminary plans are prepared all the Board's issues listed in the agenda notes.

The Board took no action as this was a discussion item only.

89.73 INTERLAKEN PUD - PHASE C: This is a discussion of sketch plan for proposed 113 units in the third phase of this PUD project, 563-631 Crescent Avenue. Appearing with the applicant Gary Olson was Hal Gerow, landscape architect.

Mr. Gerow briefly described the sketch plan for the proposed 121 townhouses. All roads would be built to city specifications and dedicated to the city. They will have a small recreation facility maintained by a Phase C Homeowner's Association. He stated the project should be built out in about five years. Each unit would sell for about $120,000 to $150,000.

Mr. Gerow envisions seeking "great lots" approvals and then submitting as-built subdivisions for each "great lot". Each unit will have a 36 foot front yard setback and adequate on-site parking. A 100 foot buffer will be maintained along Crescent Avenue.

Mr. Cummings asked the applicant to carefully consider, as preliminary plans are proposed on all the Board's issues as listed in the agenda notes.

The Board took no action as this was a discussion item only.

89.64 SARATOGA HOSPITAL PUD-PHASE I: This is an application for final approval for a professional building in a Planned Unit Development District at 59-83 Myrtle Street. The applicant was represented by Randy Cole, architect, Carla Anderson, landscape architect, Renee Rosch, attorney.

Mr. Cole stated that they will document the parking demand, handicap accessibility, clarify the section to be curbed, add a lighting plan and provide details for the signs. He stated that the Hospital wishes to defer until Phase II construction of curbs and sidewalks along Myrtle Street in front of the professional office building. The Board agreed to this request.

Gregg Fowler, city engineer, expressed some concerns about lack of information on the drainage areas and water pressure service on this professional building. Mr. Cole acknowledged these concerns and said his staff was working to provide the needed data.

over 65 Ldn, then residential uses should be prohibited if slightly less noise levels are identifiable, then suggested that the Board may want to to require warnings in the plat plans for prospective homebuyers.

Because a number of these traffic and noise issues are not fully resolved, Mr. Carr agreed to postpone until final approval SEQR action. The Board agreed with this request.

Wally Allerdice made a motion to grant preliminary subdivision approval contingent on the issues discussed be resolved before final approval. Beth Scavone seconded the motion. Ayes all.

89.50 INTERLAKEN PUD - PHASE B: This is a continuation of the discussion of the sketch plan for Interlaken PUD legislation as it relates to Phase B. Richard Mullaney, attorney and Richard Eats, landscape architect, appeared before the Planning Board regarding this project.

Mr. Eats presented a copy of what he believes to be the approved sketch plan for the entire PUD legislation. He said they are still working on the boundary map and PUD property line description.

Mr. Bornemann indicated that the staff will need to compare this new data with the proposed PUD legislation and additional time will be needed to do this.

The Board agreed to postpone discussion of this project until the November meeting.

89.79 INTERLAKEN PUD - PHASE B&D: This is an application for preliminary PUD site plan approval for 64 residential units in the Interlaken Planned Unit development district at 509-531 Union Avenue. Richard Mullaney, attorney, and Richard Eats, landscape architect, appeared for the applicant.

Mr. Eats addressed a number of the Board's concerns. He said they would identify all lots including those to remain with the developer and homeowner's association. The boundaries for lot #63 are being changed to reflect a land swap with an adjacent property owner. Mr. Eats said the applicant will investigate placing the cemetery in the homeowner's association ownership.

Richard Mullaney stated that the issue of sight distances at Dyer Switch Road intersection is being dealt with between the firm of Greiner, Inc., and the County. The road layout plan will be revised to show entrances to future phases. Mr. Mullaney said they would explore with DPW those concerns relating to the median strip along the entrance road. He also said they will review

Exhibit W

Set a Public Hearing on Interlaken PUD Zone BB Amendment

Commissioner Edward Valentine removed this item from his agenda because the applicant is not yet ready.

Vote on Gary DeRusso Comprehensive Master Plan and Zoning Amendment (96-40)

Commissioner Edward Valentine informed Council members that the City Attorney has drafted two different sets of ordinance amendments for the DeRusso rezoning. One changes the designation for the entire site and the other changes the designation for the southern portion of the site.

Commissioner Edward Valentine then moved and Commissioner Kenneth Klotz seconded for the issuance of the negative SEQR declaration and for the adoption of the resolution that amends the Comprehensive Plan and the zoning map for the entire property and adopt the designation for the entire site.

Roll call vote: Commissioner Edward Valentine: aye
Commissioner Kenneth Klotz: no
Commissioner Thomas McTygue: aye
Commissioner Thomas Curley: no
Mayor J. Michael O'Connell: no

Motion denied.

Commissioner Edward Valentine then moved and Commissioner Kenneth Klotz seconded for the issuance of the negative SEQR declaration and for the adoption of the resolution that amends the Comprehensive Plan and the zoning map for the southern half of the property only.

Roll call vote: Commissioner Edward Valentine: aye
Commissioner Kenneth Klotz: aye
Commissioner Thomas McTygue: aye
Commissioner Thomas Curley: aye
Mayor J. Michael O'Connell: aye

Motion carried.

Appointment (96-41)

Commissioner Edward Valentine moved and Commissioner Thomas Curley seconded to appoint Bond, Schoeneck & King as counsel in the City vs. Elsee Industries (same terms as contract previously approved by Council). Ayes all.

Exhibit X

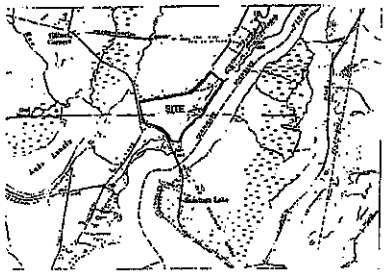
R-326A

FILED

REGATTA VIEW

INTERLAKEN P.U.D. - ZONES B, D, & E
SARATOGA SPRINGS, NEW YORK

August 28, 1996



SITE LOCATION MAP

Prepared For:

Homeland Development Corp., Inc.
1650 Route 9
Clifton Park, N.Y. 12065
518/371-1000

Prepared By:

the LA group
Landscape Architecture and Engineering, P.C.
40 Long Alley
Saratoga Springs
New York 12866
518/587-8100
Telefax 518/587-0180

ABD Engineers & Surveyors
411 Union Street
Schenectady, N.Y.
518/377-0315

SHEET INDEX:

	COVER SHEET
S-1	SUDIVISION MASTER PLAN
S-1A,B,C	SUDIVISION PLAT
S-2A,B,C,D	GRADING & UTILITY PLAN
S-3A,B,C	LANDSCAPING & LIGHTING PLAN
S-4A,B,C,D	ROAD PROFILES
S-5	SITE DETAILS
S-6	SITE DETAILS
S-7	WATER SYSTEM DETAILS
S-8	SANITARY SYSTEM DETAILS
S-9	DETENTION BASIN DETAILS
S-10	BERM SECTIONS

Approval
Approved under authority of a resolution adopted 9/29/96 by the Planning Board of the City of Saratoga Springs.
Chairperson
Date Signed

Design Certification
I, [illegible], Registered Professional Engineer in the State of New York License No. [illegible], do hereby certify that the street system, water system facilities, sanitary sewer system facilities, and storm drainage facilities for this project have been designed in accordance with all applicable state, county, local and city standards.

NEW YORK STATE DEPT. OF HEALTH

NEW YORK STATE DEPT. OF ENVIRONMENTAL CONSERVATION

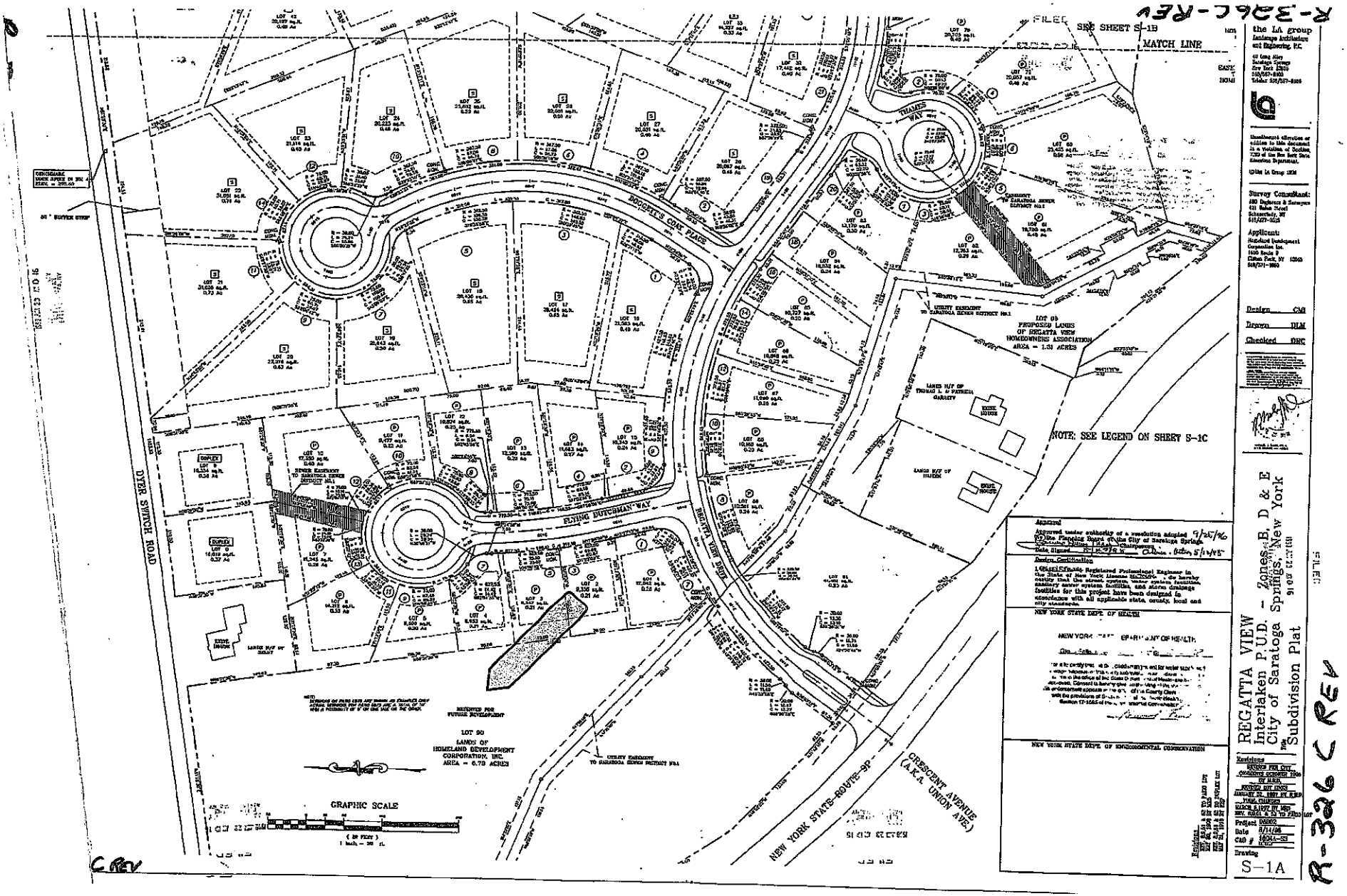
adopted 9-29-96

5/5/8/97

R-326A

R-326A

229


R-326C-REV
SEE SHEET S-1B
MATCH LINE
DOGGETT'S COAT PLACE
THAMES WAY
FLYING DUTCHMAN WAY
REGATTA VIEW DRIVE
DYER SWITCH ROAD
NEW YORK STATE ROUTE 9P
CRESCENT AVENUE (A.K.A. UNION AVE.)
LOT 90 LANDS OF HOMELAND DEVELOPMENT CORPORATION, INC. AREA = 6.78 ACRES
LOT 90 PROPOSED LANDS OF REGATTA VIEW HOMEOWNERS ASSOCIATION AREA = 1.31 ACRES
NOTE: SEE LEGEND ON SHEET S-1C
GRAPHIC SCALE
the LA group
Survey Consultant:
Applicant:
Design CMI
Drawn DLM
Checked DRC
REGATTA VIEW
Interlaken P.U.D. - Zones B, D & E
City of Saratoga Springs, New York
Subdivision Plat
Revisions
Project DAD02
Date 8/14/96
CAD # 16044-SS
Drawing
S-1A
R-326 C REV
C REV

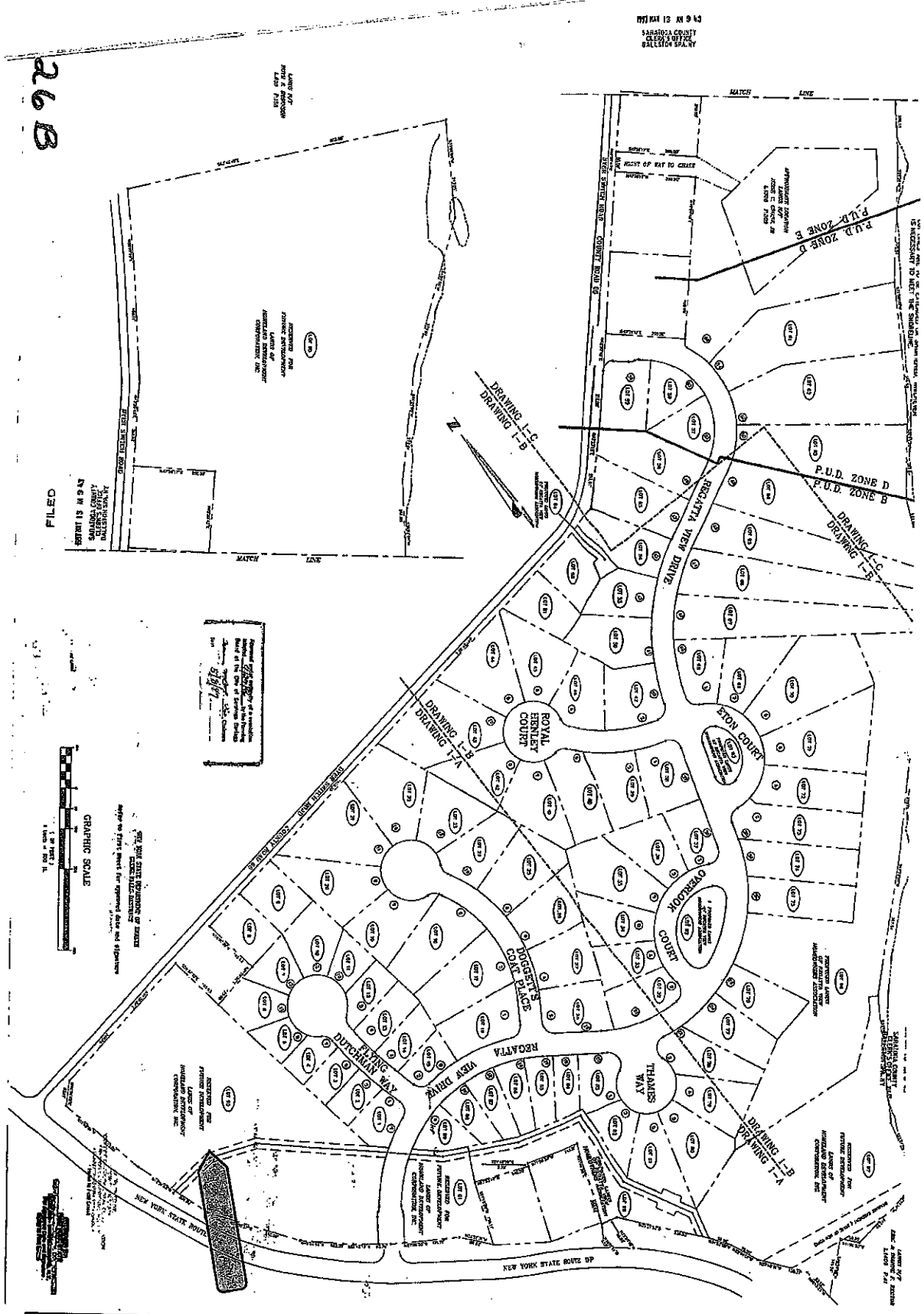

26B
SARATOGA COUNTY CLERK'S OFFICE BALLSTON SPA, NY
MATCH LINE
P.U.D. ZONE E
P.U.D. ZONE D
P.U.D. ZONE D
P.U.D. ZONE B
DRAWING 1-C
DRAWING 1-B
DRAWING 1-A
REGATTA VIEW DRIVE
ROYAL HENLEY COURT
ETON COURT
OVERLOOK COURT
DOGGETT'S COAT PLACE
FLYING DUTCHMAN WAY
THAMES WAY
NEW YORK STATE ROUTE 9P
GRAPHIC SCALE
FILED
REGATTA VIEW
Interlaken P.U.D. Zones B, D & E
City of Saratoga Springs, New York
SUBDIVISION LAYOUT
S-1
R-326B

Exhibit Y

Appendix C:
1. Division Street Planned Unit Development (formerly 241.1)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "*DIVISION STREET* PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

SECTION I – NAME:

This ordinance shall be known as the "Division Street Planned Unit Development," and amends Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning."

SECTION II – HISTORY:

The Zoning Ordinance of the City of Saratoga Springs and the Zoning Map of the City of Saratoga Springs as set forth herein be and the same are hereby amended by changing from the existing zoning districts of R-2 Single Family, R-3 Two Family and R-4 Multi Family, as hereinafter described and creating within the boundaries of said newly described area, a Planned Unit Development District to be known as the Division Street Planned Unit Development.

SECTION III – BOUNDARIES:

The area of the Division Street Planned Unit Development consists of approximately 23 acres in the City of Saratoga Springs and is bounded and described as set forth in Appendix A – Legal Description, attached hereto and made a part hereof, and Appendix B – Sketch Plan, which is on file in the City Engineer's Office in the City of Saratoga Springs. The area is located on the west side of the City of Saratoga Springs and is known as Division Street.

SECTION IV – PURPOSE:

It is the purpose of this ordinance to provide a means to establish parameters and limits around which the desired commercial and industrial activities in the Division Street area of the West Side Neighborhood may expand and grow in a manner which will contribute to the redevelopment of the residential and neighborhood commercial uses as well. It is further the purpose of this ordinance to promote flexibility in the development and design of the Division Street Planned Unit Development that will result in the more

efficient use of land, promote good site design and visual quality, and result in a more pleasing environment than that otherwise possible.

SECTION V– PERMITTED USES, DENSITY AND OFF-STREET PARKING:

There shall be constructed within the boundaries of the Division Street Planned Unit Development, primarily industrial uses; said uses shall include any or all of the following: office, production, metal fabrication, retail sales facilities, garages, storage, service spaces, adequate parking and loading docks have been planned for with minimal impact to the neighborhood. New buffer plantings will be provided to further mitigate any impact on the neighborhood. The major uses proposed can be serviced and accessory uses are planned to support the main activity.

The attached preliminary plan, Exhibit B shall be used by the City and the applicant as a guide for the overall development of the Division Street Planned Unit Development.

The entire Division Street Planned Unit Development area is adequately serviced by existing water and sanitary service lines.

Prior to the issuance of a building permit to develop any or all of the area within the Division Street Planned Unit Development, the applicant shall receive final site plan approval from the Planning Board of the City of Saratoga Springs. Such site plan approval and final development plan shall be in conformance with Section 135-44-F of the Zoning Ordinance of the City of Saratoga Springs.

Within sixty days of receipt of the final site plan the Planning Board of the City of Saratoga Springs shall approve, approve with modification or disapprove the final site plan according to the procedure and time as specified in Section 135-44-G of the Zoning Ordinance of the City of Saratoga Springs.

Copies of the final approved site plan shall be filed with the City Planning Board, City Clerk and the City Building Inspector.

The Division Street Planned Unit Development shall be developed in strict compliance with the approved final site plan.

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: October 17, 1983

EXHIBIT "A"

DESCRIPTION OF LANDS FOR
"DIVISION STREET PLANNED UNIT DEVELOPMENT"

BEGINNING at a point at the intersection of Marvin Alley and Cherry Street; thence running along the centerline of Cherry Street northwesterly 289 feet to a point on the centerline of Cherry Street; thence running southerly along the eastern boundary of lands owned by Allerdice 225 feet to a point; thence running westerly along the southerly boundary of lands owned by Allerdice 180 feet to a point on the centerline of Walworth Street; thence running northerly along the centerline of Walworth Street 225 feet to a point at the intersection of Walworth Street and Cherry Street; thence running westerly along the centerline of Cherry Street 345 feet to a point at the intersection of Cherry Street and Beekman Street; thence running southerly 135 feet along the centerline of Beekman Street to a point; thence running southerly 135 feet along the centerline of Beekman Street to a point; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 209.5 feet to a point; thence southerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 55 ½ feet to a point; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 184 feet to a point; thence southerly along the southern boundary of land owned by the Saratoga Springs Enlarged City School District 50 feet to a point; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 400 feet to a point at the centerline of Walnut Street; thence running northerly along the centerline of Walnut Street 200 feet to a point at the centerline of Walnut Street; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 564 feet to a point at the centerline of Bensonhurst Avenue; thence running northerly along the centerline of Bensonhurst Avenue 325 feet to a point at the intersection of Bensonhurst Avenue and Division Street; thence running easterly along the centerline of Division Street and Beekman Street; thence running northerly along the centerline of Beekman Street 230.5 feet to a point on the centerline of Beekman Street; thence running westerly along the southern boundary of lands owned by Dehn 104 feet to a point; thence running southerly along the eastern boundary of lands owned by Dehn 50.5 feet to a point; thence running westerly along the southern boundary of lands owned by Dehn 30 feet to a point; thence running northerly along the western boundary of lands owned by Dehn 126 feet to a point at the centerline of Andrew Street; thence running easterly along the centerline of Andrew Street 134 feet to a point at the centerline of Beekman Street 25 feet to a point on the centerline of Beekman Street; thence running easterly along the northern boundary of lands owned by Dehn 175 feet to a point; thence running northerly along the western boundary of lands owned by Dehn 50 feet to a point; thence running easterly along the northern boundary of lands owned by Dehn 100 feet to a point; thence running northerly along the western boundary of lands owned by

Dehn 50 feet to a point; thence running easterly along the northern boundary of lands owned by Dehn 85 feet to a point at the centerline of Walworth Street; thence running southerly along the centerline of Walworth Street 100 feet to a point on the centerline of Walworth Street; thence running easterly along the northern boundary of lands owned by Dehn 239 feet to a point at the centerline of Park Street; thence running southerly along the centerline of Park Street 50 feet to a point at the centerline of Park Street; thence running westerly along the southern boundary of lands owned by Dehn 239 feet to a point at the centerline of Walworth Street; thence running southerly along the centerline of Walworth Street 281.1 feet to a point at the intersection of Walworth Street and Division Street; thence running easterly along the centerline of Division Street 643 feet to a point at the intersection of Marvin Alley and Division Street; thence running southerly along the centerline of Marvin Alley 306 feet to the point and place of beginning.

EXHIBIT "B"

SKETCH PLAN ON FILE
IN THE OFFICE OF THE CITY ENGINEER
IN THE CITY OF SARATOGA SPRINGS

EXHIBIT "C"

AN ORDINANCE TO AMEND CHAPTER 135 OF THE CODE
OF THE CITY OF SARATOGA SPRINGS, NEW YORK,
ENTITLED "ZONING."

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTON 1. Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as R-2 Single Family, R-3 Two-Family and R-4 Multi-Family to a Planned Unit Development, which property is located in the Inside Tax District of the City of Saratoga Springs, and includes lands occupied by Ellsworth Ice Cream Company; Allerdice Building Supply; Dehn's Flowers, Inc.; West Side Recreation Field; Division Street School and only those residential properties within the area which are logical or integral to the contiguousness of the proposed zone to be known as the "Division Street Planned Unit Development."

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: October 17, 1983.

located on the real property and may not be internally illuminated. Each sign lettering panel shall not exceed 4 square feet.

3) Temporary, non-illuminated, "For Rent" signs may be permitted on the building(s) or placed as free-standing. The sign lettering panel shall not exceed 4 square feet.

4) Each detached or attached townhouse may have attached a number or letter identification sign measuring no more than 1.5 square feet. Such sign may be internally illuminated.

5) The apartment(s) structure, hotel and restaurant may each have its own free-standing sign, internally or externally illuminated, attached thereto measuring not more than 40 square feet per side. These signs shall be permitted in additions to the sign permitted pursuant to Section IX(1), but, the signs specified in this paragraph shall be located no closer than 600 feet from the Crescent Avenue public right-of-way.

SECTION XI – ROADWAY:

Zone "BB":

If any road or street within Zone "BB" are to be offered for dedication to the City of Saratoga Springs, then they shall be constructed and sized to comply will the applicable City of Saratoga Springs standards for said roads as that exists at the time of construction and/or dedication.

If a portion of the roadway to be constructed within Zone "BB" is to continue under the control of and be maintained by the real property owner, then they may be constructed to a City standard acceptable for private driveways.

SECTION XII – PHASING:

Zone "BB":

Zone BB may be developed in one or more phases.

SECTION XIII – CONSTRUCTION STANDARDS:

Zone "BB" and Zone "B"/Marina:

All construction standards for buildings, private and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers. All costs associated with this shall be borne by the developer whether the

plans are provided by the City of Saratoga Springs or by the developer. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith. The City may require any or all costs connected with this to be borne by the developer.

SECTION XIV – DEVELOPMENT PROCESS AND AMENDMENTS:

Zone "BB" and Zone "B"/Marina:

Prior to the issuance of a building permit to develop any of the area within Zone "BB" and Zone "B"/Marina, the developer shall receive preliminary and final site plan approval from the Planning Board of the City of Saratoga Springs. Such site plan approval shall be in conformance with Section 240-3.13 of the Zoning Ordinance of the City of Saratoga Springs.
For the single family residences in Zone "BB" the Planning Board shall have the authority to review the specific lot layout plans, showing the configuration of all structures on the lot, as part of the PUD site plan approval process. The developer shall be permitted to present several proposed lot layout plans, at the time of PUD site plan approval, which proposed plans may be pre-approved by the Planning Board for development of the lots within this Zone.

Any standard concerning the construction of dwelling units to be constructed within Zone "BB" and Zone "B"/Marina shall be governed by and comply with the appropriate codes, laws, rules and regulations, including the New York State Building Codes in force and effect at the time of PUD site plan approval for the units to be so constructed.

SECTION XV – EXPIRATION:

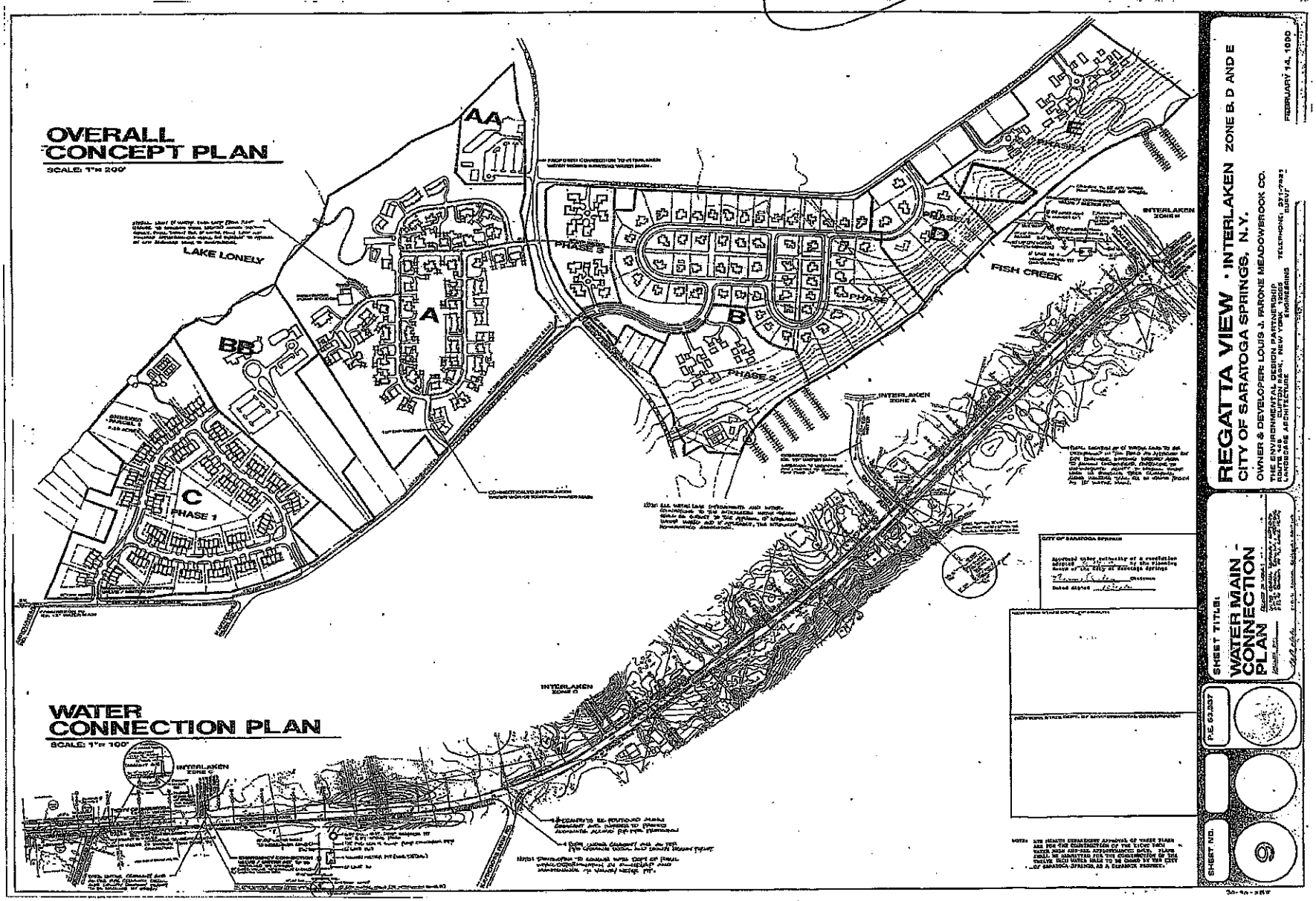
Zone "B"/Marina:

For all development in Zone "B"/Marina, the developer must obtain final PUD site plan approval and start construction prior to January 1, 2010 or the zoning shall revert to Rural Residential-1 (RR-1) classifications and development standards that existed as of January 1, 2003.

Zone "BB":

For the single family residential use, the developer must obtain final PUD sites plan approval and start construction for all phases by December 31, 2010. If the developer fails to obtain all PUD site plan approvals and start construction on the final phase prior to December 31, 2010, the zoning for zone "BB" shall revert to Rural Residential-1 (RR-1) classifications and development standards that existed at the time of the enactment of this amendment.

Observed in file Drawer of City Engineer's office
10-27-16
Two



In the matter of the application of

#

Appeal/Interpretation of Building Inspector's determination of August 11, 2016

In regard to

Interlaken Planned Unit Development

Affidavit

David R. Carr, Jr. being duly sworn deposes and says:

1. I am a licensed Landscape Architect having practiced my profession in Saratoga County for the past 29 years. I am currently a partner in The LA Group, a landscape architectural firm in Saratoga Springs. I have been associated with The LA Group for the past 23 years. Prior to my joining The LA Group in 1993, I was employed by The Environmental Design Partnership as a Landscape Designer and Landscape Architect from 1987 to 1993.

2. While at EDP, I worked on various aspects of the Interlaken PUD. Our project team consisted of Richard F. Mullaney, Esq., Richard Eats, a landscape architect with EDP; Jim Mitchell, an engineer with EDP additional staff members and myself.

3. As it pertains to Zones B and D of the Interlaken PUD, the property owner, Louis Farone asked our project team to develop plans for a residential project within Zones B and D[1]. Previously, Mr. Farone had secured approvals for the Canterberry (now Longfellow's) in Zone AA and the Interlaken townhouse development on the south side of Union in Zone A.

[1] The terms "Zone" and "Phase" are used interchangeably in this affidavit. The Planning Board frequently labeled the project using the term "phase." At the City Council meeting in 1982, the term describing the seven areas was "zone." The overall concept plan approved by the Planning Board on June 19, 1991 depicts the seven areas and within the areas notes one or more phases. For example, within the area labeled "B" the plan shows Phases 1, 2 and 3.

4. During the first half of 1989, our team worked with then City Planner Geoff Bornemann to prepare an official sketch plan for the entire PUD project. A discussion of our draft PUD sketch plan dated May 17, 1989 occurs in the Planning Board minutes of July 19, 1989 at page 224 of the exhibits to the Project Narrative. In those minutes, Mr. Bornemann describes his understanding that

   > *"an official sketch plan of the entire PUD project was never filed with the ordinance as required in 1984. If the appropriate sketch plan can be located or reconstructed, it can be used as a guide in future phases of the planned unit development. The draft sketch plan submitted by the applicant and dated May 17, 1989, fails in a number of ways to conform to the Ordinance requirements for an official sketch plan map.*
   >
   > *The various requirements for a sketch plan were discussed and it was agreed that the applicant would work with the staff to resolve the differences and bring another proposal back to the Planning Board.* ***In the meanwhile, the Board agreed that the applicant could apply for Phase B PUD site plan approval. However, the Board stated that no final PUD site plan approval should be granted until the sketch plan matter was resolved.****"*

5. At the September 6, 1989 Planning Board meeting (Exhibit V, p. 225), the Board discussed a sketch plan for Phase B and a sketch plan for the 191 units in the second phase of the PUD project at 509-531 Union Avenue. Mr. Mullaney indicated that he is still working with the staff on clarifying the original sketch plan and legislation for the PUD. He suggested that the discussion of this issue be postponed until October. The Board agreed.

6. Mr. Eats described the proposed sketch plan for Phase B and D. Planning Board Chairman Bill Cummings adjourned the matter to the October meeting at the request of the applicant.

7. At the December 6, 1989 meeting, the Planning Board again reviewed the sketch plan for Phase B. Mr. Mullaney appeared before the Board. The minutes note that "the final issue related to the amount of open space or common areas that would be diminished with a shift toward more single family detached housing units. The Board agreed that this is not a problem and the original language in the draft

legislation can stand. The Planning Board then agreed that with these latest changes the Ordinance could go back to the City Council for consideration.

8. At this same December 6, 1989 meeting, the Planning Board continued to discuss the details of approval for Phase B and D. Following discussion of a variety of issues, the Board granted preliminary PUD site plan approval by unanimous vote.

9. Final approval for the Interlaken PUD Phase B and D appeared on the April 11, 1990 agenda (Exhibit R, p. 184). Inasmuch as the applicant needed additional time to prepare responses to board concerns, the matter was adjourned to the May meeting.

10. At the May 16, 1990 meeting, the Board conducted a review of the application for 61 residential units at 509-531 Union Avenue (Phase B and D). The Planning Board granted final site plan approval in a unanimous vote at page 100.

11. Fourteen months later I appeared with Mr. Mullaney to seek re-approval of the PUD site plan that had been approved on May 16, 1990. Mr. Mullaney explained that this application was identical to the one submitted last year, but needed to be approved again because the previous one had lapsed due to the absence of financing. I explained that there was a total of 68 lots of which 63 were buildable and that one belonged to Mr. Farone, two remained to be developed in future phases and two were not buildable and would be owned by the HOA. Following discussion and public input, the PUD site plan approval was approved by the Planning Board in a unanimous vote. The approved plan bearing the signature of Planning Board Chairman Todd Curley appears as Exhibit K in the application. At page 68 of Exhibit K is the Overall Concept Plan approved by the Planning Board depicting layouts for all seven zones. This Overall Concept Plan also bears the signature of Mr. Curley as Planning Board Chair and indicating that it was approved by resolution of the Planning Board on June 19, 1991. Notwithstanding the approval, Zone B was not built out pursuant to this plan.

12. Importantly, my drawing in Phase 3 of the Overall Concept Plan depicts **units consisting of duplexes and fourplexes similar to the units that have been constructed directly across Union Avenue in the Interlaken townhouse development – Phase A**. We distinguished Phase 3 from the single family units in Phase 1 so as to provide customers with a choice of living style within Zone B.

13. On July 17, 1996, the Planning Board reviewed a modified plan for the first phase in Zone B (the minutes of the Planning Board meeting of July 17, 1996 and September 25, 1996 are attached as Exhibit P to the Application Narrative; these minutes appear at pages 133-169).

14. At the July 17, 1996 Planning Board meeting, I appeared with Mr. Mullaney, Mike Ingersoll of the LA Group and the applicant, Peter Belmonte. We described the revised plan that Mr. Belmonte proposed to build and we indicated that we were seeking to abandon the subdivision lines from the prior approval. Following a thorough discussion of this revised plan and comment from the public, the project was continued to the September meeting.

15. On September 25, 1996, our project team returned to the Planning Board (page 158). I again appeared with Mr. Mullaney, Mr. Ingersoll and Mr. Belmonte. In our presentation, Mike Ingersoll and I described the buildable lots being a total of 89 upon which there would be 93 units, i.e. four lots would be duplexes. Mike Ingersoll noted the phasing of this plan advising the Board that the applicant intends to file the entire subdivision and he seeks flexibility to trigger building permits for future phases. He indicated that Mr. Belmonte had not decided the type of housing for the undeveloped areas (one of those areas is the six-acre parcel – Phase 3 – that is currently pending before the Planning Board). He further indicated that no buildings would be constructed on the vacant parcels until a future PUD site plan approval is obtained.

16. We decided to mark Phase 3 with the notation "reserved for future development" in order to provide the flexibility that Mr. Ingersoll described. We no longer wished to be limited to the duplex or fourplex units depicted on the overall concept plan approved in 1991. Mr. Ingersoll noted that the flexibility was sought to "move around with market conditions."

17. During the public hearing, some neighbors raised concerns over this new plan. Mr. Frizzera opined that Regatta View doesn't fit in with the two acre lots in the area. At the top of page 164 the Planning Board minutes reflect that Mr. Frizzera "noted the potential for litigation of the original PUD. Lorraine Tharp (Chair of the Planning Board) said there is no challenge to the legal status of the PUD granted in 1982."

18. Following the completion of the public hearing, the Board approved the final PUD site plan by a unanimous vote of members Wallace Allerdice, Clark Brink, Robert Bristol, Norman Fox, James Murphy, Joseph O'Hara and Loraine Tharp – Chair.

19. In the ensuing years, Regatta View was built out under the 1996 approval. We continue to look at the options for Phase 3 and Mr. Belmonte prepared sketch plans for this six-acre parcel, but the May 19, 2016 application (Exhibit C) represents the first formal application we have made under the approved Overall Concept Plan of 1991 and the revised plan of 1996.

20. Based upon my personal knowledge with the development of the sketch plan in 1989 and the approvals in 1991 and 1996, I believe the Planning Board successfully reconstructed the PUD sketch plan of 1982 when it approved the Overall Concept Plan at its meeting on December 6, 1989. The Overall Concept Plan has served as a guide to the development of the seven zones within the Interlaken PUD.

Sworn to this 18th day of October 2016 at Saratoga Springs, New York

David R. Carr, Jr.

Sworn to before me this 18th
day of October 2016

Notary Public

MATTHEW T. STERLING
Notary Public, State of New York
NO. 01ST5048440
Qualified in Albany County
Commission Expires Aug. 21, 2017

From: [redacted]
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Cc: "joe cesaro" [redacted] >
Sent: Tuesday, November 1, 2016 4:37:31 PM
Subject: Regatta View PUD

Susan Barden,

Please share this email with all the members of the Zoning Board of Appeals.

Dear Members of the Zoning Board of Appeals,

This is regarding Peter Belmonte's request to have the zoning of the parcel of land (aka Lot 90) within the Regatta View HOA approved to move forward with his plans to develop this parcel. To complete this process, it has been discovered that the PUD documents, plans, and maps have not been properly approved, documented, or recorded into the City of Saratoga Springs records. So the proper conclusion is that up until this point that the zoning and development of the Canterbury PUD has never been properly executed. Mr. Shaw is correct in the requesting proper documents be presented to consider the request by Peter Belmonte's develop of this parcel.

There are a number of points the ZBA should consider with the petition that is in front of the board.

1. The zoning information should be coming form the records that are properly recorded and held by

the City of Saratoga Springs. All other presentation of these facts should be disregarded because the authenticity of these non City of Saratoga Springs documents cannot be verified as legitimate and much of the reconstructing of documents is only heresy and it is not verifiable.

2. Assuming that the City of Saratoga Springs cannot present the zoning records as properly executed by City Council then the correct current zoning is R-1. This is because the zoning was never properly changed.

3. Taking into account the lack of evidence, the request for different zoning other than R-1 requires the ZBA to send this request to City Council to vote on the zoning that is different than R-1.

4. The zoning in this Canterbury PUD is over 34 years old and it should be updated as a routine review because of the lack of following the cluster zoning and the open space that the early documents were to follow, changes in the land use, and the non-conforming high density type of housing do not follow the original intent of the Canterbury PUD. Relying on non approved documents that are over 34 years old is not in the best interest of all that are involved and the zoning process should start from scratch if R-1 zoning is not the desired zoning.

Thank you for considering my points for review of the zoning of the Canterbury PUD.

Sincerely,

Bruce Morrow, CFP

Blue Chip Financial Group

P.O. Box 811
Saratoga Springs, N.Y. 12866
[redacted]

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.

From: "John Goldberg" [redacted] >
To: "Susan Barden" <susan.barden@saratoga-springs.org>
Sent: Monday, November 7, 2016 10:29:49 AM
Subject: Interpretation in re: the Belmonte Project - For the record.....

Susan,
I submit the below paragraphs **for the record**. I hope you will send it to the entire ZBA board before the decision this evening. Please acknowledge that this has been done.
Thank you for your assistance in this matter.
Nancy

To the Saratoga Spring Zoning Board of Appeals:

An Interpretation is a very narrow decision based upon interpreting **existing** ordinance. In the matter of the interpretation requested by Mr. Belmonte, the only question is what ordinance is the board supposed to interpret.

The history of the Interlaken PUD is "ethereal". In the early 1980's when the City Council voted to establish the Interlaken PUD law designed to preserve "the City in the Country". It was to be cluster housing to preserve as much open space as possible, as per the city records. When the original developer of the Interlaken PUD went bankrupt, the land was sold off to different developers. The horse farm became Saratoga National, the Caunterbury was purchased by Mr. Sullivan (Longfellows), Lakeside at Rileys went to Mr. Witt, other portions of the PUD went to Sheltertherm (Summer Winds and East Ridge) and various developers of Waters Edge. What is now known as Regatta View was purchased by Mr. Belmonte.

At the hearing, Mr. Belmonte's attorney spent 52 minutes explaining that there is basically no ordinance that covers the specifics of the remaining land in the PUD. He said, quoting the city planner who was on staff at the time the PUD was

"evolving":

1. There were no specifics about the Interlaken PUD in the original ordinance
2. In 1984 no official site plan was filed.
3. In 1989 the submitted sketch plan did not conform to the requirements of the zoning ordinance.
4. In 1990 the amendment to the plan was never presented to the City Council

Mr. Jones then based his entire argument on a site plan that once was approved by the Planning Board. The Planning Board is not the legislative body of our City. So the question is still what ordinance is meant to be interpreted.

Unless the official City Council website is incomplete or inaccurate, the only actual ordinance that exists is listed as Appendix C: Interlaken Planned Unit Development (formerly 241.2).

When one reads it in relation to the requested interpretation there is only one question at issue. Does the existing ordinance allow Mr. Belmonte to place his 24 unit development on his remaining land along route 9P. We believe **Section XV – Expiration:** settles that question definitively. It clearly states that that the latest time any development can commence on the above mentioned land is December 31, 2010. If no construction is commenced by that date the land "shall revert to Rural Residential – 1 (RR-1) classifications and development standards that existed at the time of the enactment of this amendment", final amendment, February 4, 2003.

Since no construction on the said property was started by the last day of 2010, the building inspectors denial of this proposed project is correct. The Zoning Board of Appeals by the State Law under which it functions must support the building inspector's denial and therefore deny this interpretation.

We reiterate that Mr. Belmonte is certainly entitled to use his property for development under the confines of the pre-existing zoning of RR-1. If he chooses to do otherwise, he must go to the City Council for legislative relief, not the ZBA or the Planning Board.

Thank you for your attention.
Respectfully submitted,
Nancy Goldberg, Vice President, Interlaken Board

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From: "Kitty Gelberg" [redacted]>
To: "kate maynard" <kate.maynard@saratoga-springs.org>
Sent: Monday, November 7, 2016 8:30:55 AM
Subject: #2921 Regatta View, LLC Residential Development

Good morning -
As a resident of Regatta View, I would like to comment on what I believe was a contention of the attorney for Mr. Belmont during the previous Zoning Board meeting. In essence, he implied that the concept plan map dated February 1990 was the last map found through an extensive search, and therefore should be honored as the appropriate zoning map. It is readily apparent that this map has

been revised based upon the location and structure of the homes built in Regatta View. Therefore, this map should not be applicable. It does appear the area under review for zoning should be reassessed anew since no information could be located describing the changes that were made.

Thank you for your consideration.
Kitty Gelberg
[redacted] Regatta View Dr

Kitty
--
Kate Maynard, AICP
Principal Planner
City of Saratoga Springs
474 Broadway, Saratoga Springs, NY 12866
518.587.3550x2517

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Thomas Curley
[redacted] Dutchess Court
Saratoga Spring, New York 12866

RECEIVED
OCT 24 2016
By

October 22, 2016

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

Re: Interpretation/appeal Interlaken PUD

Dear Chairman Moore:

I have attached a letter to you along with supportive exhibits regarding the above captioned agenda item scheduled for the Zoning Board on Monday October 24, 2016.

I am not sure I have the correct e-mail addresses for the members of the Zoning Board that are copied here and I don't have e-mail addresses for Susan Steer or James Helicke.

As such I am asking Susan Barden to circulate this letter and all attachments to all Zoning Board members to ensure that each receives a copy.

I also intend to provide a copy to the applicants Attorney Matt Jones.

Sincerely,
Thomas Curley
Thomas Curley

Enclosures

Cc: Susan Barden, Senior Planner
Keith B. Kaplan, Vice Chair
Adam McNeil, Secretary
Skip Carlson
Gary Hasbrouck
Susan Steer
James Helicke

Thomas Curley
[redacted] Dutchess Court
Saratoga Spring, New York 12866

October 22, 2016

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

Re: Interpretation/appeal Interlaken PUD

Dear Senior Planner Barden:

I have attached a letter to William Moore Chairman of the City of Saratoga Springs Zoning Board along with supportive exhibits regarding the above captioned agenda item scheduled for the Zoning Board on Monday October 24, 2016.

I am not sure I have the correct e-mail addresses for the members of the Zoning Board that are copied here and I don't have e-mail addresses for Susan Steer or James Helicke.

As such I am asking you to circulate this letter and all attachments to all Zoning Board members to ensure that each receives a copy.

I also intend to provide a copy to the applicants Attorney Matt Jones.

Sincerely,
Thomas Curley
Thomas Curley

Enclosures

Cc: William Moore, Chairman
Keith B. Kaplan, Vice Chair
Adam McNeil, Secretary
Skip Carlson
Gary Hasbrouck
Susan Steer
James Helicke

Thomas Curley
[redacted]Dutchess Court
Saratoga Springs, NY 12866

October 22, 2016

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

Re: Interpretation/appeal Interlaken PUD

Dear Chairman Moore:

I'm writing to you in connection with the above entitled application.

On Wednesday, October 12, 2016 I met with the applicant's attorney, Matthew J. Jones, Esq. and his landscape architect David R. Carr, Jr. to discuss the application. Mr. Jones and Mr. Carr asked me if I could provide any insight into the decision making of the Planning Board and the City Council as it pertains to the Interlaken PUD zoning. Following that meeting, I reviewed the application narrative with attached exhibits to assist me in preparing this letter.

By way of background, I served as a member of the Planning Board from 1988 – 1995 which included the position of Board Chairman from 1990 or 1991 when William Cummings stepped down from the Board. I became Commissioner of Public Safety in August of 1995, serving in that capacity as Commissioner until 2005. In both capacities, I had the opportunity to review the Interlaken PUD on several occasions. As such, I became quite familiar with this planned unit development and the construction within the PUD that ensued during the 1980s and 1990s.

To the best of my recollection, I first became acquainted with the Interlaken PUD in the late 1980s. At that time the PUD was 7 years old and construction of two projects was well underway. Indeed, the Canterbury Restaurant (now Longfellow's) had been completed and most (if not all) of the townhouses within the development adjacent to the Canterbury were finished and occupied.

Although I don't have a specific recollection of the meetings in 1989, it appears that Phase B first came to my attention on July 19, 1989 during a sketch plan discussion for the PUD. According to the minutes of the meeting (Exhibit V, page 224-227) City Planner Geoff Bornemann advised us that "an official sketch plan for the entire PUD project was never filed with the ordinance as required in 1984." I note that the original legislation was adopted in 1982

and a technical amendment (correcting the acreage) was passed by the City Council in 1984. Geoff continued his advice to us by indicating that "if the appropriate sketch plan can be located or reconstructed it can be used as a guide in future phases of the planned unit development." The minutes of the meeting further reflect that we reached an agreement with the applicant that "the applicant would work with the staff to resolve the differences (in the sketch plan) and bring another proposal back to the Planning Board in September." In the meanwhile, the Board agreed that "the applicant could apply for Phase B site plan approval."

Minutes of the next two Planning Board meetings (Exhibit V, pages 226-227) reflect the continued work between the staff and the applicant's attorney on a reconstructed sketch plan. On December 6, 1989, the Planning Board was able to reach an agreement with the applicant on the reconstructed sketch plan (Exhibit L, pages 94-95). At that point Chairman Cummings indicated that "the applicant was entitled to get preliminary approval." A motion for preliminary PUD site plan approval was then made by Jack King and seconded by the undersigned. The motion was approved unanimously (Exhibit L, pages 96-97).

Five months after we granted preliminary site plan approval, the applicant returned for final site plan approval for 61 residential units and Phases B and D. On motion of Wally Allerdice, seconded by the undersigned, the Board approved the final PUD site plan unanimously (Exhibit M, pages 98-100). The applicant returned to the Planning Board a year later to seek a re-approval of the site plan. According to the minutes of June 19, 1991, "Dick Mullaney began by noting the Planning Board had approved this project last year but the applicant was unable to get all his financing in place before the year expiration date. The current application is identical to the one submitted last year," (Exhibit U, pages 221-223). Following this presentation, the Board adopted preliminary and final site plan approval on motion of Wally Allerdice, seconded by Sarah Foulke and approved unanimously (at 223).

Mylars based upon the June 19, 1991 approval were presented to me in my capacity as Chairman in October 1991. Following review of the mylars by the planning staff, I executed same on October 21, 1991. Among the approved mylars was the "Overall Concept Plan" which appeared as sheet #9 of the approved plans. A copy of the Overall Concept Plan bearing my signature appears at Exhibit K, page 68. This overall development plan depicts multiple condominium or townhouse units in Phase 3 – the 6-acre undeveloped parcel at the intersection of Dyer Switch Road and Union Avenue.

During the winter and spring of 1996 the City Council reviewed a petition to amend the permitted uses for Zone BB of the Interlaken PUD. At that time, I was a member of the City Council serving as the Commissioner of Public Safety. The process commenced on February 5, 1996 with a proposal from the applicant's counsel which sought to eliminate a hotel/conference center from Zone BB and substitute in its place a senior housing complex (Exhibit F, page 33). The application proceeded through the zoning amendment approval process during which the Council reviewed the matter on April 2, 1996 (Exhibit G, page 34) and May 7, 1996 (Exhibit H, page 35-39). On this latter date, the Council adopted the amendment by unanimous vote.

I had not been aware of any objection to the Planning Board's reconstruction of the PUD sketch plan in 1990 until Mr. Jones informed me that Mr. Bornemann commented on the PUD at a sketch plan review before the Planning Board in 2005 (Exhibit J, page 56). In that application, Mr. Belmonte proposed a townhouse development for the 6-acre parcel along Dyer Switch Road and Union Avenue. During the discussion before the Planning Board, Mr. Bornemann indicated that "there is a chance that the Board 'erred' in approving Regatta View and they clearly changed the open space concept. He noted that the current applicant would have to submit a PUD site plan application to the Planning Board if they do not go before the City Council to amend the PUD legislation," (Exhibit J, page 56). Interestingly enough, we considered this issue at the December 6, 1989 Planning Board meeting (Exhibit L, page 94) as reflected in the minutes that read: "the final issue related to the amount of open space or common areas that would be diminished with a shift toward more single family detached housing units. The Board agreed that this was not a problem and the original language in the draft legislation can stand."

Although I was not on the Planning Board in 1996, I am advised that the configuration of Zone B – Phase 2 depicted in the 1991 mylar was changed during a 1996 site plan review by the Planning Board, <u>although both plans depicted this area for single family residences</u>. Regatta View was built according to the 1996 plans as a single family residential development.

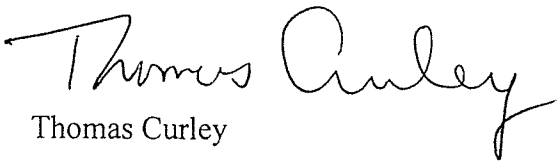
I have read the Building Inspector's determination of August 11, 2016 in which Mr. Shaw concludes that "none of the previously or currently submitted proposals sufficiently provide proof of compliance with the Interlaken PUD due to lack of information." To the best of my knowledge, the Interlaken PUD was developed using the 1991 Overall Concept Plan (Exhibit K, page 68) as the baseline document. This Overall Concept Plan was subsequently modified by the City Council in amendments dealing with Zone BB and by the Planning Board as it reconfigured the lots within Zones B and D during the 1996 site plan amendments. An additional City Council amendment also dealt with the marina portion of Zone B.

In closing, it would be my opinion that had there been any issues regarding the process over the years Geoff Bornemann and other staff in City Hall would not have signed off on any approvals by the Saratoga Springs Planning Board or the Saratoga Springs City Council.

I hope the foregoing is helpful to the Zoning Board as it endeavors to construe the various documents dealing with the Interlaken PUD.

Thank you for your time and attention in this matter.

Sincerely,



Thomas Curley

Enclosures

Cc: Susan Barden, Senior Planner
Keith B. Kaplan, Vice Chair
Adam McNeill, Secretary
Skip Carlson
Gary Hasbrouck
Susan Steer
James Helicke

Exhibit A

City of Saratoga Springs

BUILDING DEPARTMENT
CITY HALL
474 Broadway
Saratoga Springs, NY 12866

Telephone (518)587-3550 Ext. 2511
Fax (518)580-9480
www.saratoga-springs.org

STEPHEN SHAW
Zoning & Building Inspector
Extension 2491

DUANE MILLER
Assistant Building Inspector
Extension 2512

JOHN BARNEY
Assistant Zoning Technician
Extension 2521

- BUILDING & PLUMBING
- CODES
- ZONING

August 11, 2016

Mr. Matt Jones
The Jones Firm
68 West Avenue
Saratoga Springs, NY 12866

RE: Zoning Compliance Determination – Interlaken PUD

Dear Mr. Jones,

This letter is in response to a request for a zoning compliance determination for the build out of an undeveloped section of the Interlaken PUD. A review of all available documentation does not show a clear path to any specific configuration, use, density or any other project detail. It even seems possible that some of the existing development may have occurred beyond appropriate zoning authorization. This is not just a case of information being insufficiently clear to make a determination, nor is it a situation where the information could be interpreted differently by different individuals. This is a case where there is simply a lack of information to sufficiently determine the original intent of the City Council when it comes to project details.

Therefore, it is my determination that none of the previously or currently submitted proposals sufficiently provide proof of compliance with the Interlaken PUD due to lack of information. At this time the applicant has the option of appealing this determination to the Zoning Board of Appeals, seeking legislative clarification and/or amendment from the City Council or withdrawal from the application process.

Sincerely,

Stephen Shaw
Zoning and Building Inspector

SRS/kgf

Exhibit F

Waive of Bid - Vehicle Purchases

Commissioner Thomas Curley moved and Commissioner Edward Valentine seconded to waive the bid for the purchase of one police vehicle in the amount of $18,982. Ayes all.

Authorization for Mayor to Sign Governor's Traffic Safety Grant Award (96-28)

Commissioner Thomas Curley moved and Commissioner Edward Valentine seconded to authorize the Mayor to enter into this contract for the Traffic Safety Grant Award at $27,590. Ayes all.

Police Department Promotions Announcement

Commissioner Thomas Curley announced the promotions of Gary Forward, Michael Kyné and Michael Biss in the police department and congratulated them.

Page Award Update

Commissioner Thomas Curley thanked the union in obtaining a grant which allows the City to obtain the pagers for the firefighters. He said this would enable firefighters to be contacted directly by the dispatcher.

MAYOR'S AGENDA

Appearance: Michael Toohey - Petition for Zoning Amendment

Michael Toohey, attorney, representing John Roohan, Thomas Roohan and John Witt explained that his clients recently purchased a portion of the Interlaken Planned Unit Development which had historically been designated at Zone BE. He said the zoning petition does not significantly alter the density or style of this property which includes 30 detached or single family units and 120 apartment units. He said they are proposing an alternate use of a hotel, conference center and restaurant. He said the housing community would include recreational facilities, restaurant and retail space. He said that approximately 65 percent green space and 50 foot buffers would be maintained. He also said the area would be serviced by City water and County sewer lines. Michael Toohey asked that the Council forward this zoning amendment petition onto the Planning Board for an advisory opinion.

Mayor J. Michael O'Connell moved and Commissioner Thomas McTygue seconded to accept this zoning amendment petition and to forward it to the Planning Board for an advisory opinion. Ayes all.

Exhibit G

Award of Bid - Tree Removal

Upon the recommendation of the Department of Public Works, Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded to award the bid for Tree Removal to Tree Care by Stan Hunt of Queensbury, NY (low bidder). Ayes all.

Award of Bid - Street Trees

Upon the recommendation of the Department of Public Works, Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded to award the bid for Street Trees to Garden Time of Queensbury, NY. (Item #4 was rejected because it cannot be supplied) Ayes all.

Award of Bid - Traffic Paint

Upon the recommendation of the Department of Public Safety, Commissioner Edward Valentine moved and Commissioner Thomas Curley seconded to award the bid for Traffic Paint to Artco Equipment Sales, Inc., of Cohoes, NY per their bid (low bidder). Ayes all.

Award of Bid - Traffic Tickets

Upon the recommendation of the Department of Public Safety, Commissioner Edward Valentine moved and Commissioner Thomas Curley seconded to award the bid for Traffic Tickets to Moore Business of Albany per their bid (low bidder). Ayes all.

Set Public Hearing for Interlaken PUD - Zone BB

Commissioner Edward Valentine reported that the Council has received a favorable advisory report from the Planning Board concerning the revised amendments for Zone BB of the Interlaken PUD District at 649 Crescent Avenue. Since the application is now complete, it will be sent to the Saratoga County Planning Board for the required 30 day advisory opinion.

Commissioner Edward Valentine requested that a public hearing date on this project be set for Tuesday, May 7, 1996, at 7:00 p.m. Council members agreed.

Commissioner Edward Valentine moved and Mayor J. Michael O'Connell seconded that the City Council initiate a formal request to be SEQR lead agency for the environmental review of this project. Ayes all.

Exhibit H

CITY COUNCIL MEETING
CITY OF SARATOGA SPRINGS, NEW YORK
TUESDAY, MAY 7, 1996
CITY COUNCIL CHAMBERS
7:00 P.M.

PRESENT: J. Michael O'Connell, Mayor
Thomas Curley, Commissioner, Public Safety
Kenneth Klotz, Commissioner Finance
Thomas McTygue, Commissioner, Public Works
Edward Valentine, Commissioner, Accounts

STAFF PRESENT: Sam Downing, Deputy Commissioner, Public Works
Ralph Flinton, Deputy Commissioner, Accounts
Christine Gillmett, Deputy Commissioner, Finance
Bob King, Deputy Commissioner, Public Safety
Peter Tulin, City Attorney

PUBLIC HEARING

Interlaken Planned Unit Development Public Hearing

Mayor J. Michael O'Connell explained that this public hearing is for the Interlaken Planned Unit Development Zone BB which proposes to amend the existing PUD. The applicant is proposing to maintain the current use of the PUD which would allow for a 100-room hotel/conference center and a 150-seat restaurant, however, the applicant is also proposing a planned senior housing community of 150 units. He noted that the City Planning Board has issued a favorable advisory opinion and the Saratoga County Planning Board advisory opinion states that the project will have no significant county-wide or inter-community impact.

Michael Toohey, attorney representing the applicants (John Witt, Thomas Roohan and John Roohan) and Michael Ingersoll, The LA Group, appeared before the Council.

Michael Toohey said that in 1982 and again in 1984 the City passed the Interlaken PUD which involves 205 acres. The applicants are interested in one portion -- Zone BB -- which represents only 9 percent of the PUD. The applicants recently acquired this property through foreclosure proceedings and with that purchase came the right to continue the approved uses of the PUD, however, they are now proposing a different use. He said they would now like to incorporate the use of a senior housing complex.

Michael Toohey said that the previously approved use for this site was a hotel/conference center, a restaurant and 170 car parking area. He said they are now proposing to continue that use with a "sunset" clause of five years. He said if that option is not developed within five years it would be lost. They would maintain, for a ten-year period, the option of a senior housing complex.

Michael Toohey said the senior housing complex would allow for 30 detached units on the eastern portion of the site and along the rear of the site would be 120 unit apartments. There would also be outside and inside recreation facilities that would be consistent with the use of this property. These recreation facilities would be available only to the property owners. He said the proposed buildings will be at least 50 feet from the boundaries and green space will remain at or above the 60 percent level. He said it is consistent in design and density of the properties that were historically approved for use in this area. Michael Toohey said the property would be serviced by city water and county sewer. He said there is not a preferred developer at this time.

Commissioner Thomas McTygue asked what was the "either/or" stipulation. Michael Toohey explained that this proposed amendment would allow for either the hotel/conference center or the senior housing complex but not both. Commissioner Thomas McTygue asked if the ten-year time limit could be shortened. Michael Toohey said the hotel/conference center had been decreased to five years, however, the senior housing complex ten year time limit is consistent with other PUDs. Commissioner Thomas McTygue asked if this was just a concept or was there truly an interest in developing this area. Michael Toohey said there is interest in developing, however, there is no preferred developer at this time.

Commissioner Kenneth Klotz asked if the applicants had a preference for the hotel/conference center or the senior housing complex. Michael Toohey said the rational development pattern would be for the senior housing complex because of the demand. Commissioner Kenneth Klotz asked where this site exists on the map. Michael Toohey said the developed portion of the Interlaken PUD is to the north. He noted that some of their garages, etc. are within two feet of the property line. He said the applicant has agreed to a 50-foot setback on this site. Commissioner Kenneth Klotz asked about adjacent property owners' feelings. Michael Toohey said the applicant has appeared before the Planning Board four times and has had no negative comments from the neighbors. He pointed out that the senior housing complex is of lesser density than the hotel/conference center. Commissioner Kenneth Klotz asked about the hotel/conference center option and competition with the downtown facilities. Michael Toohey said drawing people to the downtown area is commendable but not every project can be the same. He said this proposal is an opportunity to have different things in different places throughout the community. He pointed out that the hotel/conference center would not be a significant draw for people to leave the downtown area. He said this could compliment the downtown area because people staying there would continue to come downtown.

Mayor J. Michael O'Connell then opened the public hearing.

Bill May, 19 Vallera Road, representing the Board of Directors of the Interlaken Homeowners Association, said they did not participate in the previous Planning Board meetings because they were away and have only recently returned to the area. He said they have a keen interest in this proposed amendment. He said they are not able at this time to endorse or condemn the proposal, however, they do have some concerns.

Bill May noted that in the March 28 letter from Lorraine Tharp, Planning Board Chair, to Edward Valentine, Commissioner of Accounts, it was noted that this proposal will not change the density in this area. He disagreed saying it will change the density. He also noted that current approval allows for a hotel/conference center and a 150-seat restaurant and parking area. He said in their deeds, it indicates that Zone BB is planned as a hotel/conference center and they thought they have a direct or indirect contract with the City through the original developers for the hotel/conference center and not a senior housing complex.

Bill May said the combined City and County taxes are projected to be $77,549. He asked if the City share would be about $44,000. Commissioner Kenneth Klotz agreed. He pointed out that there would be additional expenses spent in this area (fire, police, etc.) and asked whether it would be greater than the anticipated revenue.

Bill May said if the applicant is really seeking a zoning change and it would be setting a bad precedent. He said even with a 50-foot setback and screening a five-story building it would be detrimental to the area.

Bill May said that there is county water in this area. He asked about the 50-foot connection and not being required to directly tap into it. Michael Toohey said that a line would run from the County line and taps would then run from that main line.

Commissioner Thomas McTygue said as far as he was concerned there is only one water system in the City and that is City water line. He said he does not recognize the Saratoga County Water Authority. Bill May said that the Interlaken PUD is specific in stating that they would be serviced by a private water company. Commissioner Thomas McTygue agreed, however, noted that was before there was a City line east of the Northway. Bill May said they did ask to join the City water system, however, he said that DPW refused them. Commissioner Thomas McTygue disagreed saying that the last correspondence he received through previous Mayor A. C. Dake was that DPW should not continue to negotiate because Interlaken would be utilizing the Saratoga County Water Authority lines.

Marion Walsh, attorney representing Interlaken, said the letter from the City stated that the City was at a loss to understand why the City should take over the system. Bill May said the City wanted to charge the homeowners in this area $3,000 per unit to connect to the City system.

Tom Ferguson, 258 Caroline Street, requested that anyone addressing the Council refrain from using profanity.

There being no one else wishing to address the Council on this matter, Mayor J. Michael O'Connell closed this public hearing.

The Village at Saratoga Planned Unit Development Public Hearing

Mayor J. Michael O'Connell said The Village at Saratoga Planned Unit Development proposal would allow for a residential unit planned unit development. He said this PUD would allow for the construction of a community center and up to 118 residential units. He said this petition proposes to amend the zoning map to change the designation from Urban Residential-2 to Planned Unit Development District. He said the land affected by this change it approximately 20 acres. Mayor J. Michael O'Connell said the City Planning Board has issued a favorable advisory opinion on the proposed amendment and the advisory opinion from the Saratoga County Planning Board recommends approval with comments relating to buffers, setbacks, and road layout.

Jim Carr, architect/land planner Duten Associates, said this proposal contains 19.78 acres. He said they are proposing to subdivide it into 107 lots with 118 units. He said they are proposing 40 and 50 foot wide lots and 11 lots with duplexes. They are also proposing a community center and sales office. The community center and sales office facility will be approximately 2,500 square feet and will include a pool and volleyball court. He said the four typical housing units, which the Planning Board worked at great length on, will create a certain character/theme. He said at least 70 percent of the units will have front porches, the roof pitch will be 8:12 minimum and the square footage on the first floor will be at least 1,100 square feet.

Jim Carr said the target market consists of three segments: 1) senior citizens; 2) empty nesters and single people; 3) residents who live in Saratoga Springs only part of the year. He noted there are public water and sewer. Storm drainage will be handled on site with a point discharge and streets will meet all city standards (55 feet wide with curbing). There will be a minimum of two off street parking spaces for each unit.

Commissioner Edward Valentine asked what the price range would be for these units. Jim Carr said approximately $160,000.

Commissioner Kenneth Klotz asked about the size of the senior citizen portion of these development. Jim Carr said that segment is at least 50 percent.

Commissioner Edward Valentine asked about the size of the duplexes. Jim Carr said they would range in size from 1,500 to 2,200 square feet.

Commissioner Kenneth Klotz said that he was not persuaded that this is the right project for this part of the City, therefore, he would not support this proposal.

Ayes: Commissioner Edward Valentine, Commissioner Thomas Curley and Mayor J. Michael O'Connell; Nays: Commissioners Kenneth Klotz and Thomas McTygue. Motion carried.

Vote: Interlaken Zone BB PUD (96-55)

On April 4, 1996, the City requested lead agency status for the SEQR for amendment for Zone BB within the Interlaken PUD. Within the 30-day period, no objections were received. Therefore, Commissioner Edward Valentine moved and Mayor J. Michael O'Connell seconded that the City Council establish itself as the SEQR lead agency for this PUD. Ayes all.

Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded for the issuance of a SEQR negative determination of significance and for the adoption of the ordinance to amend Zone BB of the Interlaken Planned Unit Development District.

Commissioner Kenneth Klotz said he hoped the hotel/conference center would be eliminated from the proposal and that the senior housing complex would be developed but understood the applicants desire to maintain both options.

Ayes all.

Status of Revaluation

Commissioner Edward Valentine informed Council members that on April 26 he met with Bob Mancusco and Dave Shanley from the State Offices of Real Property Services to discuss the upcoming revaluation for the City. The following schedule was agreed upon:

Issue RFP	May 20
Receipt of inquiries from companies no later than	June 14
Pre-proposal meeting	June 17
Issue pre-proposal meeting summary	June 24
Receipt of sealed proposals	July 8
Conduct company interviews week of	July 22
Announcement of most responsive bidder	August 5

Commissioner Edward Valentine also noted that he would be forming a volunteer revaluation committee in conjunction with the revaluation. He said Dick Mullaney would serve at no cost to the City as counsel to the committee. He said if Council members would like to add anyone to this committee with knowledge in this area, to please forward their name to him. He said he would continue to keep the Council informed of the revaluation.

Exhibit J

DEPARTMENTAL COMMENTS: Nancy Ohlin noted the following comments from the City Departments: DPS comments: Fire Department: "Proposed alley appears to be 12 feet wide, which is not sufficient. How does applicant proposed Fire Department vehicle access? All turning radii, especially near divided pavement access roads much meet City standard." Police Department: "See Fire Department comments." Traffic Maintenance: "Trees and shrubs should not be permitted within 60 fee of intersections." Code Administration: "None at this time." DPW comments: "No concerns or comments." Office of the City Engineer: "Lot dimensions. Not all lots have access to sewer. Public street/alley? Surveyed data? ROW dimensions? Who will own/maintain opens space? Sewer to SCSD#1? Capacity on existing system? I thought it was at capacity now?"

SARATOGA COUNTY PLANNING BOARD: "Disapprove" "We have previously advised the board, that the pump station serving the plateau area has reached capacity. As the project is dependent upon community sewer service, it should not be approved until such time as the issues are resolved."

COMMENTS: Lew Benton said that he could not support this proposal. It was not because of the density, but because this corridor should be preserved. He said the Board needs to be particular about the original parameters set by the City Council. There is a description of the ultimate buildout of the PUD and this submission is inconsistent with that. He concluded that any referral to the City Council would only delay and defer the inevitable. Nancy Ohlin said that the Board should honor the original PUD language. She also does not recommend that this go to the City Council because it would come back for an advisory opinion. She said that she does not know what the vote would be, but the infrastructure and services are an important issue.

Lou Schneider noted that the road going to Dyer Switch Road seems to be very close to the veterinarian's property. During the summer they enter with horse trailers and a horse even made its way through Interlaken. He also asked if there would be a separate HOA for this project. Peter Belmonte said that it would be part of the existing Regatta View HOA. Lou Schneider also said that Regatta View needs a meeting place and some of this area should be used as such. There should also be some recreational area put onto the back of this property to cut the density.

Geoff Bornemann said that there is a chance that the Board "erred" in approving Regatta View and they clearly changed the open space concept. He noted that the current applicant would have to submit a PUD site plan application to the Planning Board if they do not go before the City Council to amend the PUD legislation.

Bill McTygue noted that the County Sewer District has put a stop to all major connections to the sewer in that area. Peter Belmonte said that he has had discussions with Saratoga County Sewer and there is documentation that they have reserved capacity in that line for this project. He said that the developed community might have already impacted that capacity. He would agree to participate in sewer improvements if an approval was given. Bill McTygue said that the sewer system could be maxed out, but they are getting mixed messages from the sewer district. They are not being clear about whom they will and will not let into the system. Lew Benton added that the County Planning Board disapproves because the pump station has reached capacity. This project would be dependent on the county sewer availability and there is a lack of communication between the County Sewer District and the County Planning Board.

Peter Belmonte thanked the Board for their comments. He said he would make his decision in the coming months on how he wanted to proceed with this project.

Exhibit K

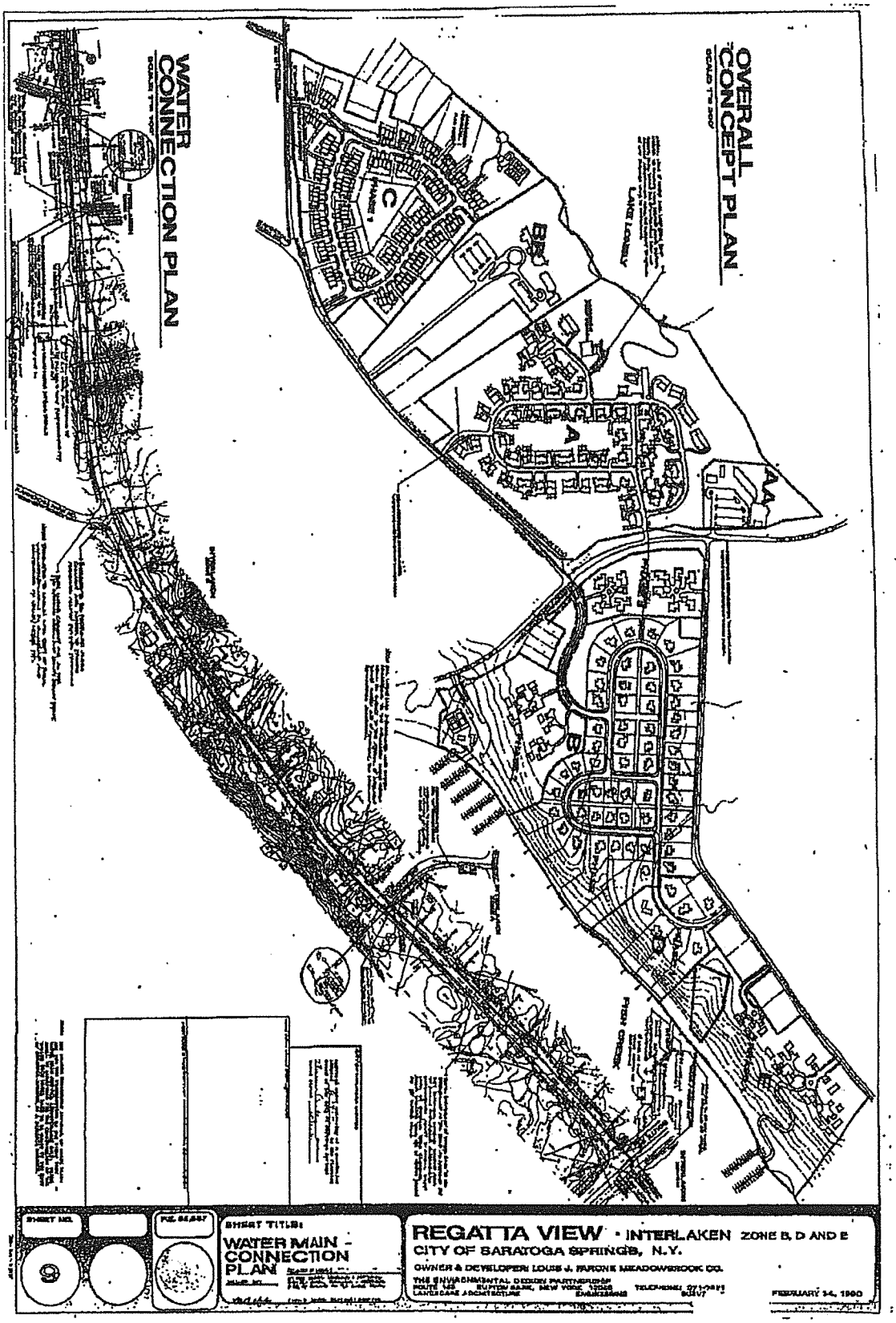

WATER CONNECTION PLAN
OVERALL CONCEPT PLAN
SHEET TITLE:
WATER MAIN - CONNECTION PLAN
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, N.Y.
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
FEBRUARY 14, 1990

Exhibit L

the opening of the new Jamesway which the city would be proud of and that it was an exciting plan. Mr. Toohey indicated that 70 of the employees were either currently working at another position or waiting for the reopening and were looking forward to work there again as soon as possible.
Mr. Toohey indicated that there would be fire lane signs in front and rear of building.

All hydrants would have easy access and within 4 ft. of pavement stated Mr. Toohey.

Mr. Toohey stated that to meet the intent of the buffer provision of the zoning ordinance they are proposing a fence and "landscaped" as opposed to a densely planted buffer 25 ft. between residential zone and business zone. Mr. Cummings indicated that personally, he would like to see a landscape buffer with a solid fence. Mr. Toohey indicated that a 6 ft. high wood stockade fence would be erected.

The applicant agreed to further address all the issues and return to the January meeting for a decision on their request for site plan approval.

89.50 INTERLAKEN PUD - PHASE B: This is a discussion of sketch plan for Interlaken PUD legislation as it relates to Phase B. Richard Mullaney, attorney, appeared before the Board.

Beth Scavone excused herself from the Board and stated that she would not participate in the discussion because she is employed by an attorney involved in this matter.

Geoff Bornemann stated that there were three remaining issues regarding the draft revised legislation for the Interlaken PUD. First, the draft legislation refers to the project being serviced by private water system. The Board agreed to ask the City Council to change it from a "private water system" to a "community water system."

The second issue was that the draft legislation states that all recreation areas will be opened to all residents of the PUD. The Board agreed to revise this to state that they may be opened to all residents but such decision should occur on a phase by phase basis.

The final issue related to the amount of open space or common areas that would be diminished with the shift toward more single family detached housing units. The Board agreed that this was not a problem and the original language in the draft legislation can stand.

The Board agreed that with these latest changes, the ordinance could go back to the City Council for consideration. Since this legislation is part of the new comprehensive zoning ordinance, it would be preferable to not have it presented separately unless a long delay is forseen.

89.79 INTERLAKEN PUD - PHASES B & D: This is an application for preliminary PUD site plan approval. Richard Mullaney, attorney, and Richard Eats, landscape architect, appeared before the Board.

Mr. Eats acknowledged the incomplete mapping for lots 39, 65 and 68 but stressed that this issue was just a technical problem. He further stated that the applicant will grant an access easement for the Chase property across lot #65 and this will be shown on the plat plan.

Mr. Mullaney indicated he talked with the Commissioner of Public Works and he felt that the issue of who would maintain the central median strip along the entrance road could easily be resolved in the near future.

In reference to traffic impact at Rt 9P intersection, Greiner Engineering and Mr. Eats have looked at the issue and the results indicated that there will be no problem for this phase. They agreed that the issue may have to be re-examined in later phases.

Mr. Mullaney stated that his client is totally opposed to granting any easement along Fish Creek for a future bike trail or hiking trail. His client's only wish is to pay the required $400 per unit for cash-in-lieu of recreation land.

Mr. Mullaney asked the Board about their feelings on the extension of city water to serve Phase B & D. Geoff Bornemann stated that the original application was revised and that the applicant is now requesting city water to service phase B & D. He states that research by the City Attorney and the City Engineer has revealed the following opinions:

- Interlaken Water Works does not appear to have any exclusive right to service future phases.
- City may legally service all phases except "A".
- City Council minutes of 9/17/84 indicate that PUD would in the future, tie into the city system if the city system is extended near the project.
- Analysis of adequacy of pressure in the city line has been submitted and is under review by the City Engineer. If analysis reveals inadequate pressure then, applicant may have to add storage tank, loop line or tie-into Phase "A".
- Request for city water is different from original SEQR action and an amendment is necessary. Focus should be on

financial impacts to Phase "A" users.

The Chairman opened the public hearing.

Mr. Tony Ianniello, an Interlaken resident and attorney for the Interlaken private water company, spoke from the audience. He feels that the Planning Board and City Council should stick to the deal made years ago. He feels the water company should be allowed the opportunity to give water to the other phases. He stated that the special legislation creating the development gives the waterworks a hold on all phases. He indicated that if the waterworks ends up servicing only Phase I which supplies water to 125 homes and not the plans for the 500 homes to be developed that the cost to phase I residents would be extremely high. As a homeowner, he hopes the water bill isn't going to be based on the 125 homes. He stated that it was unfair for the city to overlook the rights of the present tenants. He stated that the waterworks is owned by the company and is willing and able to supply all the necessary water for this PUD.

Bill May, an Interlaken resident spoke from the audience. An important factor he stated was the equity of his property as compared to the new Interlaken phase across the street. He stated that he wants water and doesn't care where it comes from and that any equitable solution would satisfy him. His concern was that private water system should be built to tie into city system.

Mr. Cummings stated that the Board would refer this entire water service matter to the City Council where it can be properly addressed.

Mr. May expressed that he hoped the residents would not be hurt by this and felt the City has an obligation to current tenants in phase I and definite clarity is lacking.

The Chairman closed the public hearing.

Mr. Eats added that they have been working with the NYS Department of Environmental Conservation to design an acceptable storm water polution control basin to protect Saratoga Lake and he did not anticipate any problems.

Geoff Bornemann suggested that if the Board wanted to vote on preliminary PUD site plan approval, they should ask the applicant to agree to postpone a SEQR determination because of the yet unresolved impacts from using city water. The applicant agreed to this postponement.

Mr. Cummings stated that the applicant was entitled to get preliminary approval. Jack King made a motion to approve the revised preliminary PUD site plan contingent upon successful resolution of the water supply issue, storm water discharge issue

and the maintenance issue of the median strip along the entrance road. The motion was seconded by Tom Curley. Ayes all.

89.23 BIRCH RUN - PHASE II: This is an application for revisions to the subdivision plat plan for 12 "great lots" in a R-4 Multi-family Residential District at 69 Seward Street.

Geoff Bornemann reported that the applicant has requested a continuation until January.

The Board agreed to this continuation.

89.72 MARVIN ALLEY APARTMENTS: This is an application for site plan review for a new six unit apartment buoilding in a R-4 Multi-family Residential District at 14 Cherry Street.

Geoff Bornemann reported that the applicant has requested a continuation until January.

The Board agreed to this continuation.

REVISIONS TO EXISTING LETTERS OF CREDIT: Upon the recommendation of the City Engineer, Wally Allerdice made a motion to approve the following revision to the Letter of Credit:

PROJECT:	REDUCED TO:	DUE DATE:
a) 87.14 Meadowbrook Subdivision	Cancel if streets accepted by 12/18 or continue for $71,666	6/28/90
b) 87.92 Beacon Hill Subdivision (exit road)	$33,375	9/27/90
c) 87.13 Briar Trace Subdivision	Cancel if streets accepted by 12/18 or reduce to $20,059	6/28/90
d) 88.03 Emerald Forest Subdivision	$79,783	12/28/90
e) 89.65 Travers Manor Drainage Improvements	Cancel and accept $195,000 performance bond	N/A

Exhibit M

also that they plan to ask NYS DOT for permission to run a sanitary sewer force main to the Washington/West Avenue manhole. If this option is not possible, they will install a temporary septic system.

Mr. Bryce stated that this postal facility is being designed as the first phase of a larger plan for the entire area. He reported that his firm is attempting to develop the entire 22 acres owned by the post office as well as some adjacent lands. He presented the Board with a conceptual plan for a proposed commercial complex, tentatively called "West End Plaza". The project would be a mixed-use commercial complex using the post office and railroad station as focal points. The project would include restaurants, retail stores and offices. Mr. Bryce indicated that this commercial project is subject to full review by the City and as plans are further developed, he will bring them to City for review.

Mr. Cummings noted that the West Avenue area has a significant traffic problem that will have to be addressed. Mr. Bryce acknowledged that fact and added that there were substantial storm water and sanitary sewer solutions also to be found.

Mr. Cummings thanked Mr. Bryce for his cooperation and encouraged him to keep voluntarily working with the City on construction details for the post office facility. He noted that it has been very useful to have the public and City informed about this important project.

In response to a question by Mr. Allerdice, Mr. Bryce indicated that the post office construction is planned to be finished by May 1, 1991.

<u>90.24 INTERLAKEN PUD - PHASE B & D:</u> This is an application for final PUD site plan review for 61 residential units in a Planned Unit Development at 509-531 Union Avenue. Appearing before the Board were Richard Mullaney, attorney; Richard Eats, landscape architect; and Jim Mitchell, engineer.

Beth Scavone excused herself from the Board because she is employed by a firm that is involved in this project.

Mr. Mullaney addressed the issues identified on the Board's agenda notes. He said cost estimate and an expiration date would be developed for the extension of the public water line along Crescent Avenue to Route 9P, but maintained that none were needed for all other improvements because they were to be privately owned and bonded for the homeowner's association.

He noted that the postal address system has been developed for the project. All easements will be clearly identified on the plans and filed. All monumentations will fully comply with City standards. Notes have been added to indicate that the actual lot lines along

the Fish Creek are the mean high water mark. The plans will show the drainage channel along the old railroad bed and the appropriate drainage easements will be granted. This channel will be maintained by the Homeowners' Association.

Mr. Mullaney noted that NYS DOT is still reviewing the signage plan for the Route 9 entrance. He said they will develop a fee for each Phase 1 lot that would be collected to pay for a future traffic light if it should become warranted. A note will be added that all streets and utilities within the project will not be offered for dedication to the City. Sidewalks will comply with City and State construction standards. The paths on HoA land will be constructed with stone dust but otherwise will be left very natural. The cemetery will have a wrought iron fence and will be protected during and after construction.

Mr. Eats asked for consideration to waive the requirement for Niagara Mohawk davit arm light fixtures at the project entrances. He felt they would distract from the visual image that the developer wants to create for this project. The Board asked the developer to work with the Departments of Public Safety and Public Works to arrive at an acceptable substitute.

The project entrances will have signs similar to those in Phase A. A decision has been reached not to construct guardhouses during this phase of the project.

Mr. Mullaney stated that the applicant wishes the City fee of $400 per lot for recreation instead of dedicating 10% of the land.

Mr. Mullaney stated that all vegetation that was being cleared from the site will be deposited in a NYS DEC approved landfill behind the Canterbury Restaurant. If spoil was deposited on site, it will be so marked on the plans.

Mr. Eats indicated that the "wet basin" has been favorably reviewed by NYS DEC. It will be fenced and all appropriate easements will be noted on the plans. He noted also that the County Sewer District is satisfied will all the plans for the sanitary sewer system.

Jim Mitchell explained the latest revision to the water distribution system. He noted that the State DoH is reviewing the application for the private water company's service extension and the taking of additional ground water. A decision on the application is expected by June 1st. A detailed analysis of the existing system has been reviewed by the City Engineer. Mr. Cummings asked if the existing private water system is able to adequately service Phase B & D. Mr. Mitchell replied that it was, but that the City's water main along Crescent Avenue was being extended to Route 9P to provide emergency back-up flow should a fire occur within the project. The developer will pay the cost for

extending this City water main. Mr. Mitchell noted that fire hydrants have been added at the request of the Fire Department. An internal looping system has been added and all aspects of the plans have been developed to the satisfaction of the Department of Public Works.

Wally Allerdice made a motion to approve the final PUD site plan contingent upon all the items agreed to during the discussion, all State and County permits, and payments of the remaining $60 application fee and the $26,400 recreation fee. Seconded by Tom Curley. Ayes all.

Beth Scavone resumed her seat on the Board.

Walter Markunas, 7 Pleasant Drive, expressed disappointment that a bike path was not included along Fish Creek in the Interlaken project. Mr. Cummings stated that he felt it was unwise to commit the City to a bike path without there being a comprehensive plan. He noted that the City Council recently rejected a proposal to fund such a trail system.

Jeff Olson, a Saratoga Lake resident, noted that an open space recreational system needed the cooperation and support from private developers. He felt that such a system would enhance property values and be a benefit to private developers.

Richard Mullaney, attorney for the Interlaken project, stated that he felt there were several reasons why a bike path would not work for the Interlaken project. He said the developer only controlled about 3,000 feet of shore line and that bridges further up along the old railroad bed were no longer standing. The trail therefore, would go nowhere. It would be too costly to complete. He stated that Mr. Farone, the Interlaken developer, owns other lands where it might make more sense to build a bikeway. He felt that Mr. Farone would be willing to cooperate with the City in the future should this concept be further developed.

The meeting was adjourned at 9:05.

Exhibit U

PLANNING BOARD MEETING
SARATOGA SPRINGS
WEDNESDAY, JUNE 19, 1991
CITY COUNCIL ROOM, CITY HALL
7:30 P.M.

MINUTES

PRESENT: WALLACE ALLERDICE
ROBERT BERRY
CLARK BRINK
THOMAS CURLEY
SARAH FOULKE
NORMAN FOX

ABSENT: ROBERT FLANAGAN

Thomas Curley, chair, called the meeting to order at 7:30 p.m.

APPROVAL OF MINUTES OF MAY 22, 1991, MEETING

Robert Berry motioned and Sarah Foulke seconded to approve the minutes of the May 22, 1991, meeting as submitted. Ayes all.

REPORT ON ADMINISTRATIVE ACTIONS BY THE CHAIRMAN

88.02 VISTA ON SARATOGA LAKE - PHASE II: Request to amend PUD site plan to make temporary site improvements in front of units 88-90 so they may be used as a sales office and models.

Thomas Curley, chair, stated that he had reviewed the changes and judged them to be minor in nature and, therefore, approved them. He did so on the condition that the approval would expire on August 31, 1993.

91.31 S.H.I.P. SUBDIVISION: (2-16 South Franklin Street)

This is a public hearing for an application for preliminary and final approval for a 7 lot subdivision which is continued from the June 5, 1991, meeting. Appearing before the Board were Jay Ekman, President of SHIP; Don McPherson, landscape architect; and John Muse, architect.

Jay Ekman began by explaining that it is proposed that this development will be affordable housing for those people who would otherwise be unable to purchase a home. The approximate cost of the home would be $105,000 - $110,000 but with the anticipated state or federal subsidy the two-family structure will end up costing approximately $60,000 - $70,000 to the homeowner. The salary requirement for a prospective purchaser is less than 80 percent of the median salary in Saratoga Springs with the maximum salary being approximately $24,000 - $25,000.

will be extended to the pavement edge.

Geoff Bornemann noted the traffic study had suggested a traffic light at the entrance may be needed in future phases and that the applicant last year was going to think about requiring residents in this phase to set aside their share of that future cost. Dick Mullaney informed the Board the applicant has not given it any further thought and therefore was not asking the Board to include such a condition on this phase of the project.

Dick Mullaney noted the plans for this project were all prepared last year before the new 2 X 3 foot size requirement was adopted by the Board. He asked if the size of the plans could remain as they are. He stated it would cost approximately $4,000 - $5,000 to have them redone and would take many hours of rechecking everything. The Board agreed to waive the size requirements in this unusual circumstance.

Dick Mullaney requested the letter of credit should remain the same as approved on May 9, 1991, at $195,800 for off-site improvements and $1,707,200 for on-site improvements. The Board agreed. An expiration date of June 30, 1993, was also agreed upon.

Thomas Curley noted that the application fee of $3,300 had been paid and the recreation fee of $31,500 (63 x $500) is due. Proof of mailing to adjacent property owners has been provided and proof of payment for the legal ad is due. The Saratoga County Planning Board referral is still pending.

Dick Mullaney raised an issue brought to his attention earlier in the evening by some homeowners in the audience concerning the homeowners association having receiving a bill relating to the second phase of this development. Dick Mullaney stated that if there is a charge on the bill for anything in Phase B the developer, Louis Farone, will pay it.

Geoff Bornemann asked if the sewer line which now crosses phase B was owned by the county, the phase A homeowners or the Phase B developer. Dick Mullaney stated that the developer owned the line in Phase B, however, there is a question who owns the line in Phase A.

Wally Christiansen, 45 Sarazen, informed the Board members he was told by the county that until all the property in the development is on the tax rolls the homeowner's association in Phase A will continued to be billed for the line. He stated that the attorney they used when doing the initial paperwork did not inform the residents of this.

Pat Ambrozak, daughter of Henry Witkowski, Saratoga Trailer Court, stated they own the Saratoga Trailer Court and they are having problem with their water supply from the Interlaken Water company.

She gave a brief history of their problems and explained that in 1986 when the Phase A sewer line was constructed the private water supply for the trailer park was disturbed. At that time, Louis Farone agreed to supply the tailer park with water from the Phase A private water company. She stated that recently the water service to the trailer park has sprung a leak which has not yet been repaired.

Louis Farone stated he had told Brian Fear, NYS Department of Health, he would fix this problem at his own expense in the near future. Geoff Bornemann reported he had been advised that Brian Fear would not sign off on approval for Phase B subdivision plans until Lewis Farone had agreed to fix the leak.

Thomas Curely asked how this problem affected the project. Geoff Bornemann stated the Health Department may delay signing the plans or the Planning Board could choose to require the leak to be solved as a condition of Phase B approval. Thomas Curley stated he did not see a direct relationship between this water problem and Phase B, and he felt uncomfortable trying the two together.

Dick Mullaney again reiterated that Louis Farone had agreed to fix the problem with Henry Witkowski's water.

Pat Ambrozak stated, however, the problem could not be completely identified. Dick Mullaney stated the applicant will do whatever Brian Fear says needs to be done. Sarah Foulke stated that possibly the building permit could be withheld until the water problem was fixed.

Geoff Bornemann suggested that a note be placed on the plans stating the problem with the water must be fixed before the building permit is issued. Everyone agreed.

Wallace Allerdice motioned and Sarah Foulke seconded that preliminary and final approval be granted for the site plan review contingent upon the water issue being resolved and the other items agreed to during the discussion. Ayes all.

<u>91.06 JOBA PROPERTY</u>: (116 Ballston Avenue)

This is an application for extension of a letter of credit in the amount of $29,200 from June 27, 1991, to September 26, 1991. Richard Mullaney, attorney, appeared before the Board.

Dick Mullaney stated the applicant has had some delays in finishing the work and just needs a few more months to complete the job.

Clark Brink motioned and Wallace Allerdice seconded that the $29,200 letter of credit be extended until September 26, 1991. Ayes all.

Exhibit V

Tom Curley made a motion to approve the site plan as revised contigent upon City Engineer's approval of construction details. Seconded by Wally Allerdice. Ayes all.

89.50 INTERLAKEN PUD - PHASE B: This is a discussion of sketch plan for Interlaken PUD legislation as it relates to the PUD's Phase B project at 509-531 Union Avenue. Appearing with the applicant was Richard Mullaney, attorney and Hal Gerow, landscape architect.

Geoff Bornemann, City Planner, stated that an official sketch plan of the entire PUD project was never filed with the ordinance as required in 1984. If the appropriate sketch plan can be located or reconstructed it can be used as a guide in future phases of the planned unit development. The draft sketch plan map submitted by the applicant and dated May 17, 1989, fails in a number of ways to conform to the ordinance requirements for an official sketch plan map.

The various requirements for a sketch plan were discussed and it was agreed that the applicant would work with the staff to resolve the differences and bring another proposal back to the Planning Board in September. In the meanwhile the Board agreed that the applicant could apply for Phase B site plan approval. However the Board stated that no final site plan approval should be granted until this sketch plan matter was resolved.

89.65 TRAVERS MANOR: This is an application for revision of site plan approval for modification of drainage in a R-4 Multi-family District at 370 Church Street. Representing the applicant was Sanford Sheber, engineer.

Mr. Sheber explained that the proposed modifications will enable the Travers Manor project to have a point discharge for stormwater to the Putnam Creek. The property owners have agreed to provide the necessary easements and NYS Department of Transportation has given preliminary approval for the bore under Rt 9N for the piping. He noted also that Travers Manor will construct a drainage pipe behind lot #26 that the City can tie into to drain the Allen Drive area.

Mr. Sheber noted that a comprehensive drainage report has been submitted which documents that with the point discharge, basements throughout the project will not be adversely affected.

Greg Fowler stated that he was satisfied with the report and the new design.

Wally Allerdice made a motion to issue a SEQR negative declaration on this site plan modification. Seconded by Tom

Geoff Bornemann announced that the applicant was still responding to Board concerns and has requested a continuation to the October meeting. The Board agreed to this request.

89.52 GLENMORE HEIGHTS: This is a continuation from July 19th of the approval of a 42 lot subdivision in a R-2 Single Family Residential District at 5-19 Glenmore Avenue.

Geoff Bornemann announced that the applicant was still responding to Board concerns and has requested a continuation to the October meeting. The Board agreed to this request.

89.57 SPA CITY DINER: This is a continuation from July 19th of an application for site plan review and architectural review for a walkway addition in a B-2 Planned Business District at 153 Broadway.

Geoff Bornemann announced that the applicant has requested a continuation to the October meeting. The Board agreed to this request.

89.50 INTERLAKEN PUD-PHASE B: This is a discussion of sketch plan for Interlaken PUD legislation as it relates to Phase B and discussion of sketch plan for proposed 191 units in the second phase of PUD project at 509-531 Union Avenue. Appearing with the applicant Louis Farone was Richard Eats, landscape architect, and Richard Mullaney, attorney.

~~Mr. Mullaney announced that he is still working with city staff on clarifying the original sketch plan and legislation for the PUD. He suggested that discussion of this issue be postponed until October. The Board agreed.~~

Mr. Eats described this proposed sketch plan for Phase B and D. He noted that the original layout was similar to the PUD original proposal with a variety of housing types and a linear grand feeling with a pedestrian spine. He estimated that the single family detached homes would be built first and sell for about $400,000.

Mr. Eats noted the Board's concern for the proposed setback, building heights and parking requirements and he agreed to study these items further. He noted that it was the applicants intention to use water from the Interlaken private water system but dedicate the roads to the City. There will be a homeowners association which will manage the recreation and open space areas. He noted also that the applicant will deal with the floodplan and storm water management issues.

Mr. Cummings asked the applicant to carefully consider as preliminary plans are prepared all the Board's issues listed in the agenda notes.

The Board took no action as this was a discussion item only.

89.73 INTERLAKEN PUD - PHASE C: This is a discussion of sketch plan for proposed 113 units in the third phase of this PUD project, 563-631 Crescent Avenue. Appearing with the applicant Gary Olson was Hal Gerow, landscape architect.

Mr. Gerow briefly described the sketch plan for the proposed 121 townhouses. All roads would be built to city specifications and dedicated to the city. They will have a small recreation facility maintained by a Phase C Homeowner's Association. He stated the project should be built out in about five years. Each unit would sell for about $120,000 to $150,000.

Mr. Gerow envisions seeking "great lots" approvals and then submitting as-built subdivisions for each "great lot". Each unit will have a 36 foot front yard setback and adequate on-site parking. A 100 foot buffer will be maintained along Crescent Avenue.

Mr. Cummings asked the applicant to carefully consider, as preliminary plans are proposed on all the Board's issues as listed in the agenda notes.

The Board took no action as this was a discussion item only.

89.64 SARATOGA HOSPITAL PUD-PHASE I: This is an application for final approval for a professional building in a Planned Unit Development District at 59-83 Myrtle Street. The applicant was represented by Randy Cole, architect, Carla Anderson, landscape architect, Renee Rosch, attorney.

Mr. Cole stated that they will document the parking demand, handicap accessibility, clarify the section to be curbed, add a lighting plan and provide details for the signs. He stated that the Hospital wishes to defer until Phase II construction of curbs and sidewalks along Myrtle Street in front of the professional office building. The Board agreed to this request.

Gregg Fowler, city engineer, expressed some concerns about lack of information on the drainage areas and water pressure service on this professional building. Mr. Cole acknowledged these concerns and said his staff was working to provide the needed data.

over 65 Ldn, then residential uses should be prohibited if slightly less noise levels are identifiable, then suggested that the Board may want to to require warnings in the plat plans for prospective homebuyers.

Because a number of these traffic and noise issues are not fully resolved, Mr. Carr agreed to postpone until final approval SEQR action. The Board agreed with this request.

Wally Allerdice made a motion to grant preliminary subdivision approval contingent on the issues discussed be resolved before final approval. Beth Scavone seconded the motion. Ayes all.

89.50 INTERLAKEN PUD - PHASE B: This is a continuation of the discussion of the sketch plan for Interlaken PUD legislation as it relates to Phase B. Richard Mullaney, attorney and Richard Eats, landscape architect, appeared before the Planning Board regarding this project.

Mr. Eats presented a copy of what he believes to be the approved sketch plan for the entire PUD legislation. He said they are still working on the boundary map and PUD property line description.

Mr. Bornemann indicated that the staff will need to compare this new data with the proposed PUD legislation and additional time will be needed to do this.

The Board agreed to postpone discussion of this project until the November meeting.

89.79 INTERLAKEN PUD - PHASE B&D: This is an application for preliminary PUD site plan approval for 64 residential units in the Interlaken Planned Unit development district at 509-531 Union Avenue. Richard Mullaney, attorney, and Richard Eats, landscape architect, appeared for the applicant.

Mr. Eats addressed a number of the Board's concerns. He said they would identify all lots including those to remain with the developer and homeowner's association. The boundaries for lot #63 are being changed to reflect a land swap with an adjacent property owner. Mr. Eats said the applicant will investigate placing the cemetery in the homeowner's association ownership.

Richard Mullaney stated that the issue of sight distances at Dyer Switch Road intersection is being dealt with between the firm of Greiner, Inc., and the County. The road layout plan will be revised to show entrances to future phases. Mr. Mullaney said they would explore with DPW those concerns relating to the median strip along the entrance road. He also said they will review

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

(Application #)

(Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Chris Obstarczyk	(same)	Tonya Yasenchak, Engineering America Co.
Address	[redacted]		76 Washington St.
			Saratoga Springs, NY 12866
Phone	[redacted]	/	[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: # 147 Spring St. Tax Parcel No.: 166 . 61 - 3 - 33
(*for example: 165.52 – 4 – 37*)

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

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

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

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

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

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

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

The applicant requests relief from the following Zoning Ordinance article(s) Sec.3:Table 2 Area & Bulk

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

Other:

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

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

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

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

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

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

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

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

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

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

The alleged difficulty is self created only in fact that it is the applicant's desire to construct a a new accessory structure to accomodate weather protected parking and storage. The site limitations of the width are pre-existing / non-conforming and not self-created.

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

_____ Date: 8-15-16
(applicant signature)

_____ Date: _____
(applicant signature)

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

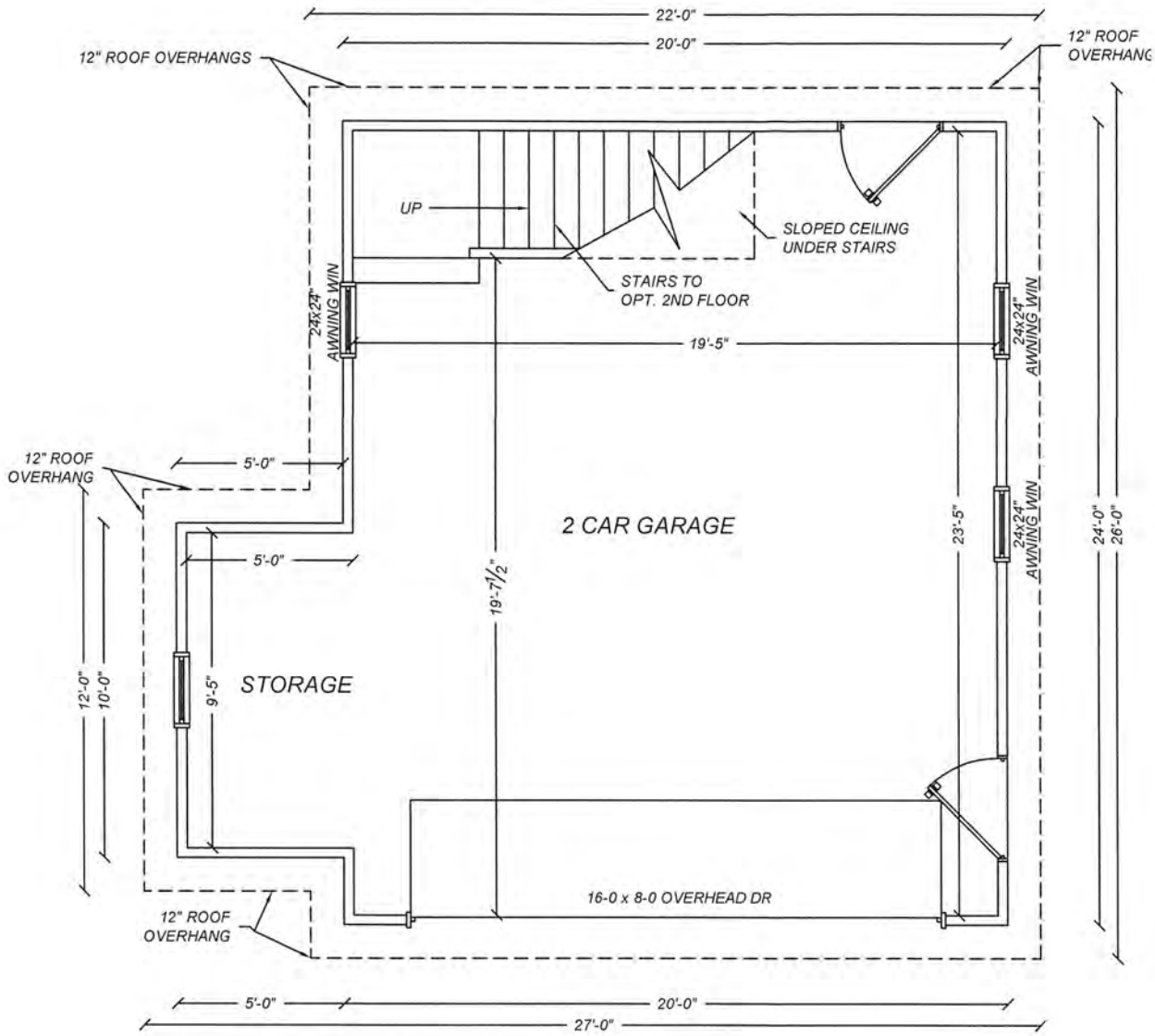
Owner Signature: (SAME AS ABOVE) Date: _____

Owner Signature: _____ Date: _____

#147 Spring St.

Table 3: Area and Bulk Schedule

Zoning District	Minimum Lot Size Square Feet (SF)	Minimum Average Width (Ft.)	Maximum Building Coverage Percentage		Min. Yard Setback (Feet)				Principal Buildings		Minimum Distance to Accessory Building (Feet)				Minimum % to Remain Permeable
			Principal Bldg.	Access. Bldg.	Front	Rear	Each Side	Total Side	Minimum 1st Floor Area (SF)	Max. Height (Feet)	Principal Building	Front Lot Line	Side Lot Line	Rear Lot Line	
RR (F)	2 acres	200	15	5	60	100	30	100	-----	35	5	60	30	50	80
SR-1 (F)	40,000	125	20	8	40	40	15	35	-----	35	5	40	10	10	40
SR-2	20,000 (A)	100	25	8	30	30	12	30	-----	35	5	30	5	5	30
UR-1	12,500 (A)	100	20	8	30	30	12	30	1 Story = 1,100 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



OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

PROPOSED MAIN FLOOR PLAN

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

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

Dimensional Requirements	From	To

Other: _____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

DATE

Revised 12/2015

Obstarczyk Garage:

#147 Spring St., Saratoga Springs, NY

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

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

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

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

Obstarczyk Garage:

#147 Spring St., Saratoga Springs, NY

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

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

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

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

Obstarczyk Garage:

#147 Spring St., Saratoga Springs, NY

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

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

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

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

Obstarczyk Garage:

#147 Spring St., Saratoga Springs, NY

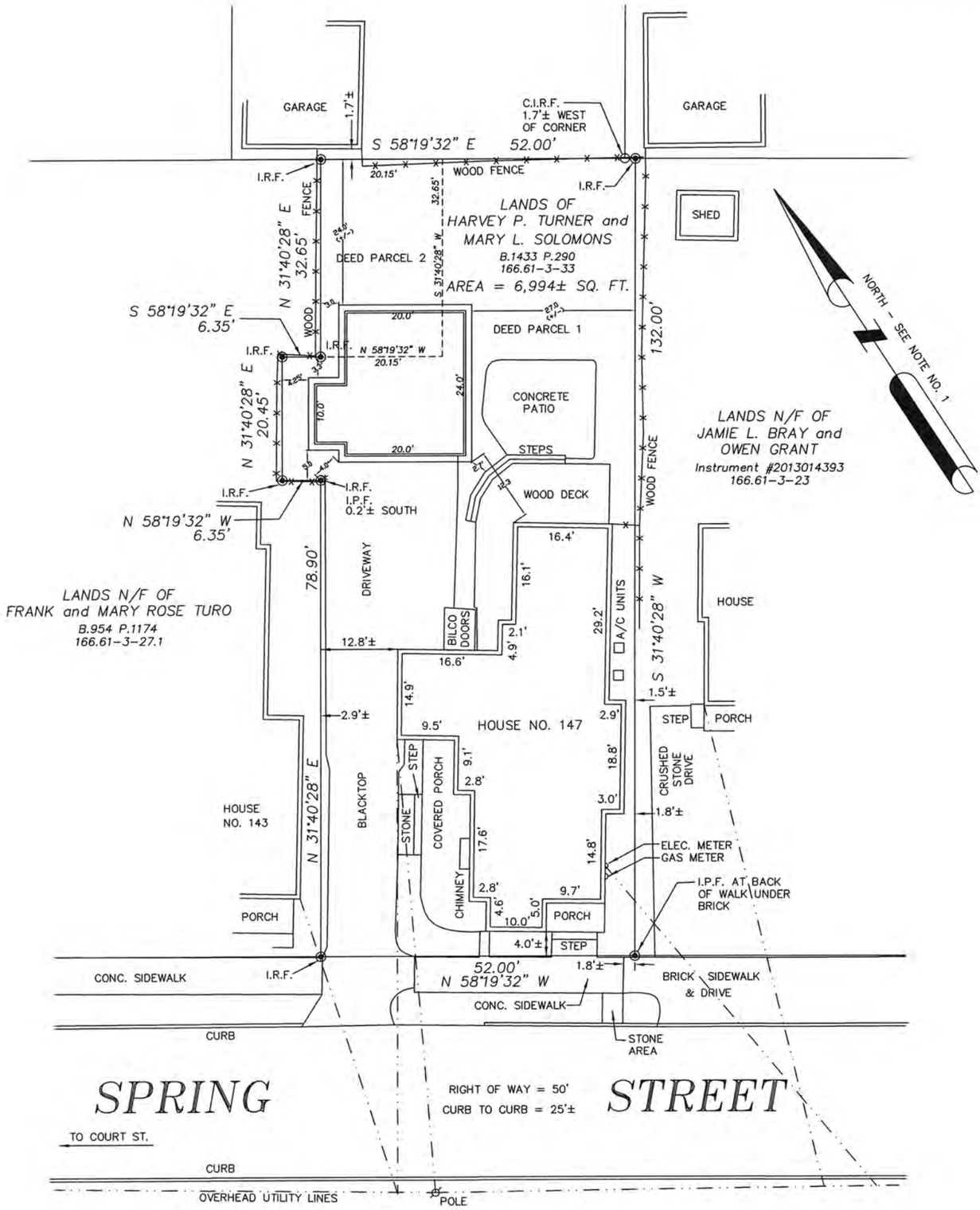
Properties across Spring St. to the South East of project site

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

Adjacent property to the East as viewed from Spring St

(EXISTING)

#147 SPRING ST.
EXISTING SURVEY
1"=20'
NORTH – SEE NOTE NO. 1
LANDS N/F OF JUSTIN DONOHOE
Instrument #2009026898
166.61–3–3
GARAGE
SHED
LANDS N/F OF JAMIE L. BRAY and OWEN GRANT
Instrument #2013014393
166.61–3–23
HOUSE
PORCH
STEP
CRUSHED STONE DRIVE
ELEC. METER
GAS METER
I.P.F. AT BACK OF WALK UNDER BRICK
BRICK SIDEWALK & DRIVE
STONE AREA
STREET
WOOD FENCE
132.00'
S 31°40'28" W
1.5'±
1.8'±
A/C UNITS
29.2'
2.9'
18.8'
3.0'
14.8'
9.7'
PORCH
STEP
1.8'±
4.0'±
10.0'
0.0'
52.00'
N 58°19'32" W
CONC. SIDEWALK
RIGHT OF WAY = 50'
CURB TO CURB = 25'±
POLE
LANDS N/F OF JEREMY JONES, TRUSTEE OF THE JEREMY JONES REVOCABLE TRUST AND TRACY G. SAVAGE, TRUSTEE OF THE TRACY G. SAVAGE REVOCABLE TRUST
Instrument #2012040690
166.61–3–2
C.I.R.F.
1.7'± WEST OF CORNER
I.R.F.
LANDS OF HARVEY P. TURNER and MARY L. SOLOMONS
B.1433 P.290
166.61–3–33
AREA = 6,994± SQ. FT.
DEED PARCEL 1
CONCRETE PATIO
STEPS
WOOD DECK
16.4'
16.1'
2.1'
4.9'
HOUSE NO. 147
BILCO DOORS
16.6'
9.5'
2.8'
9.1'
17.6'
4.6'
CHIMNEY
COVERED PORCH
STONE
STEP
14.9'
S 58°19'32" E
52.00'
WOOD FENCE
S 31°40'28" W
32.65'
20.15'
DEED PARCEL 2
N 58°19'32" W
16.3'
24.9'
BARN
24.3'
16.1'
1.7'±
I.R.F.
I.P.F. 0.2'± SOUTH
DRIVEWAY
12.8'±
2.9'±
BLACKTOP
78.90'
N 31°40'28" E
GARAGE
1.7'±
N 31°40'28" E
32.65'
WOOD FENCE
N 31°40'28" E
20.45'
S 58°19'32" E
6.35'
N 58°19'32" W
6.35'
LANDS N/F OF FRANK and MARY ROSE TURO
B.954 P.1174
166.61–3–27.1
HOUSE NO. 143
PORCH
CONC. SIDEWALK
CURB
SPRING
TO COURT ST.
CURB
OVERHEAD UTILITY LINES



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

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

NOTES:

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

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

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

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

LEGEND

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

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

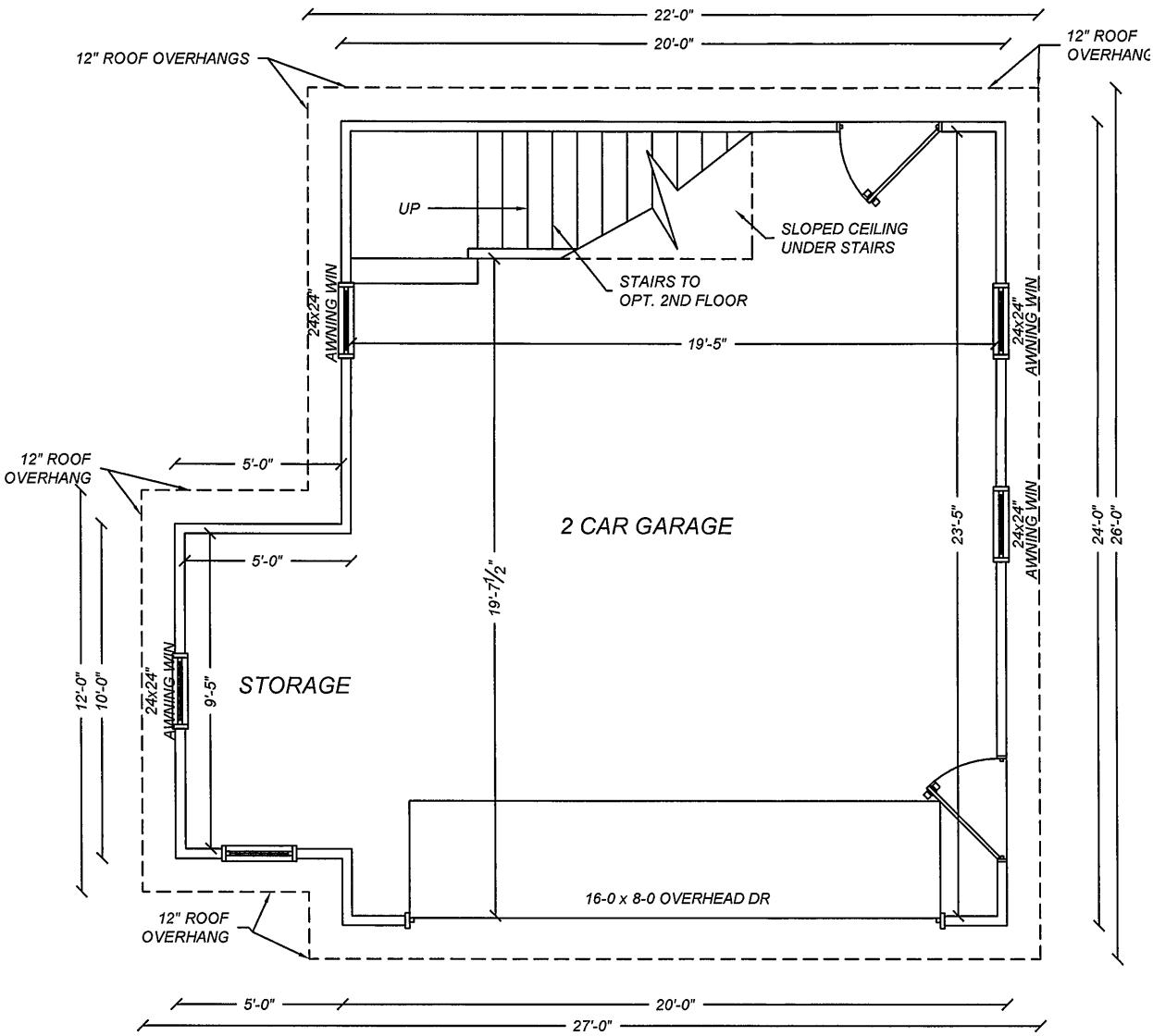
ZBA PLOT PLAN FOR CHRIS OBSTARCZYK # 147 SPRING ST.

DATE: 8-15-16

SCALE: 1" = 20'

Albrecht & Willson Land Surveyors, PLLC

63 GRAY AVENUE
GREENWICH N.Y. 12834

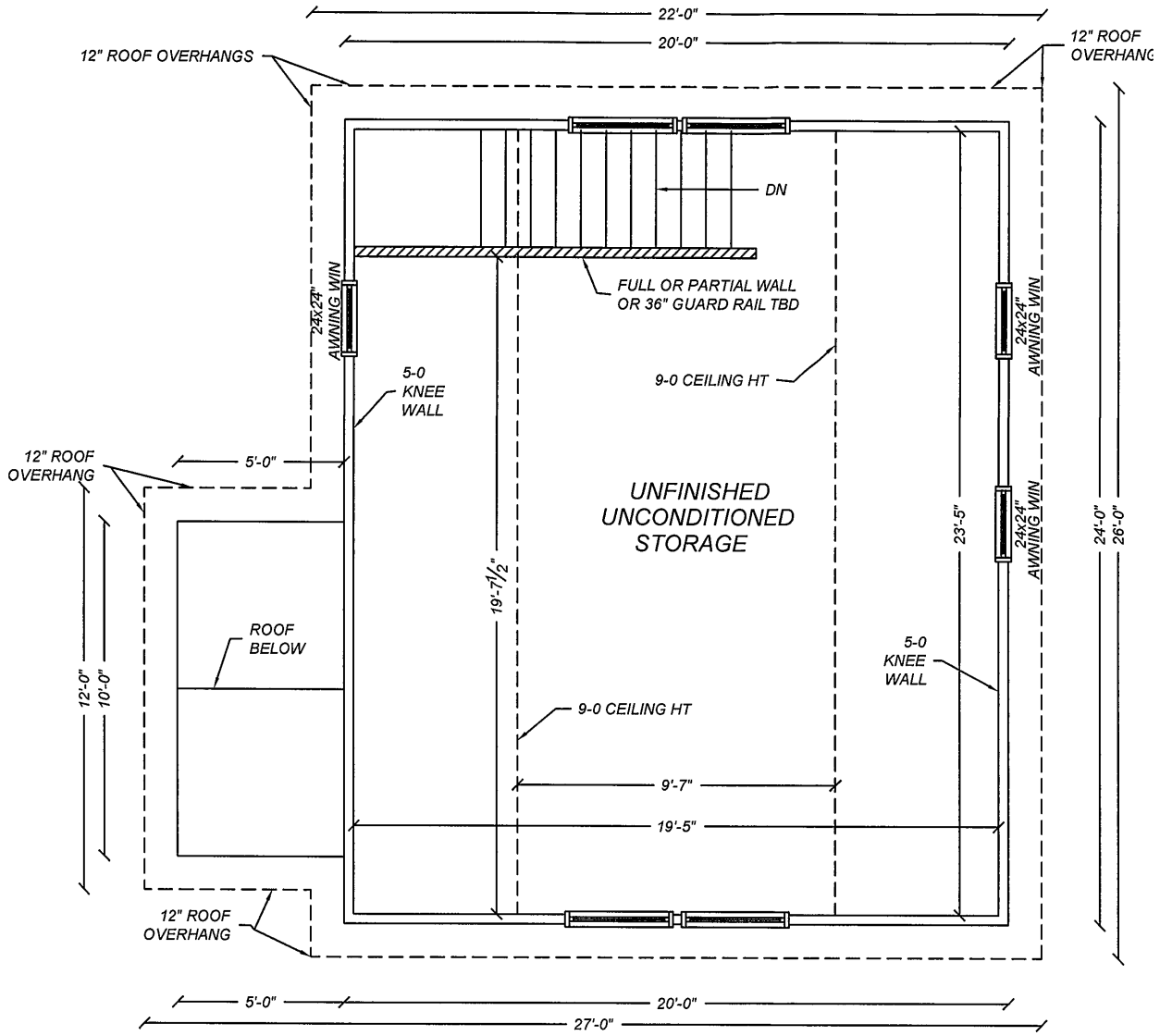


OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

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"

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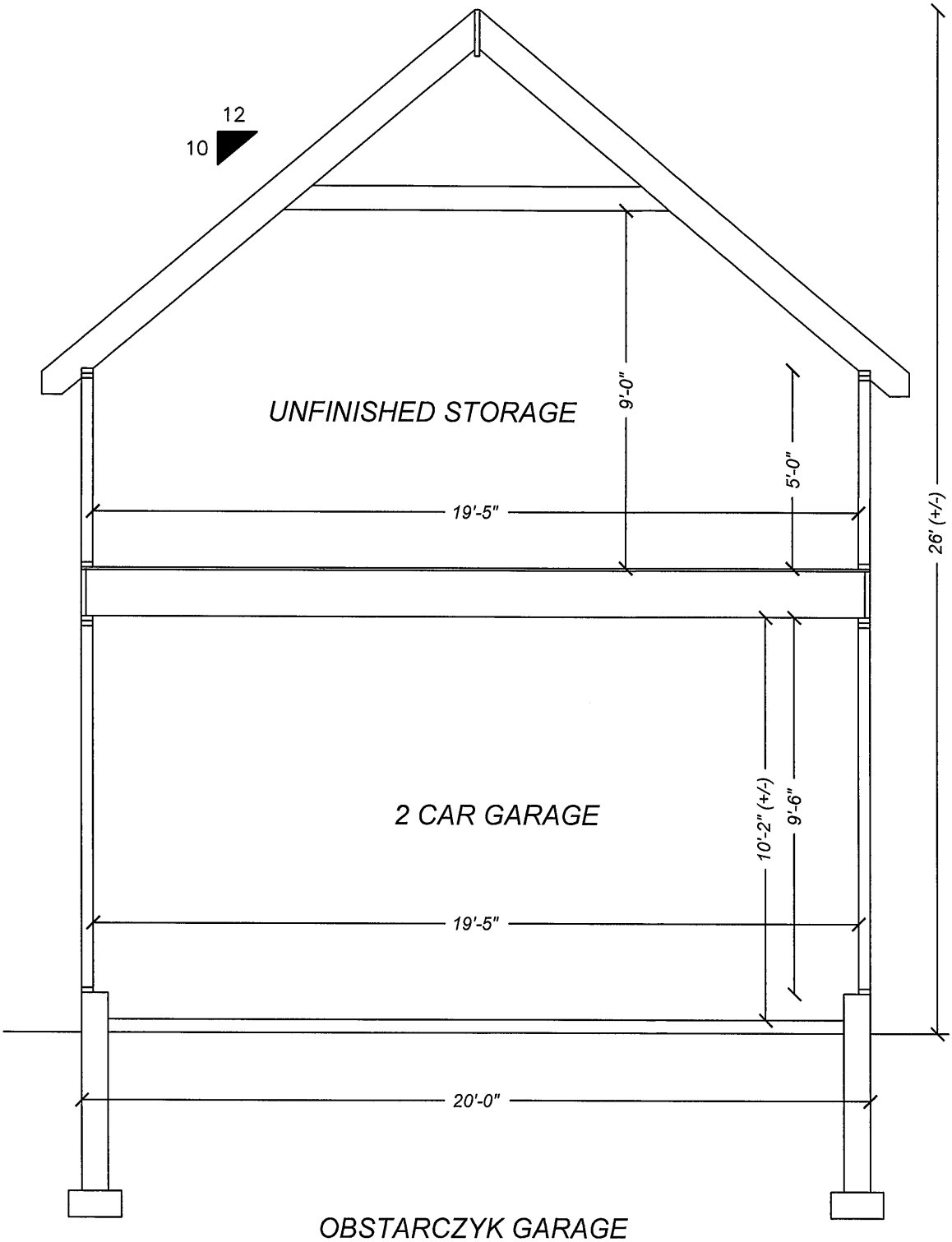

OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

PROPOSED SECTION

9/21/2016 SCALE: 1/4" = 1' 0"

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OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

PROPOSED FRONT ELEVATION

9/21/2016 SCALE: 1/4" = 1' 0"

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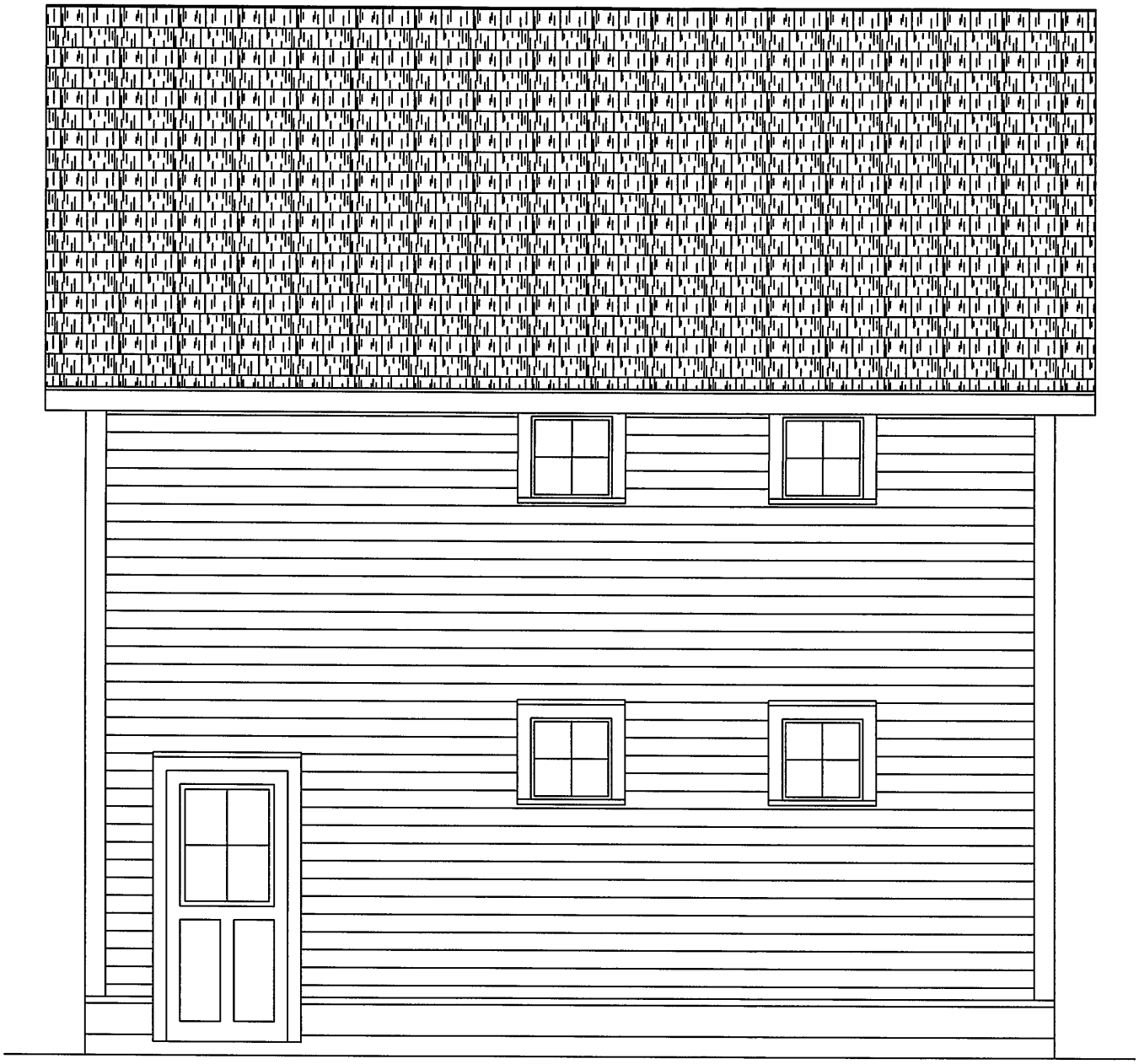

OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

PROPOSED RIGHT ELEVATION

9/21/2016 *SCALE: 1/4" = 1' 0"*

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OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

PROPOSED REAR ELEVATION

9/21/2016 SCALE: 1/4" = 1' 0"

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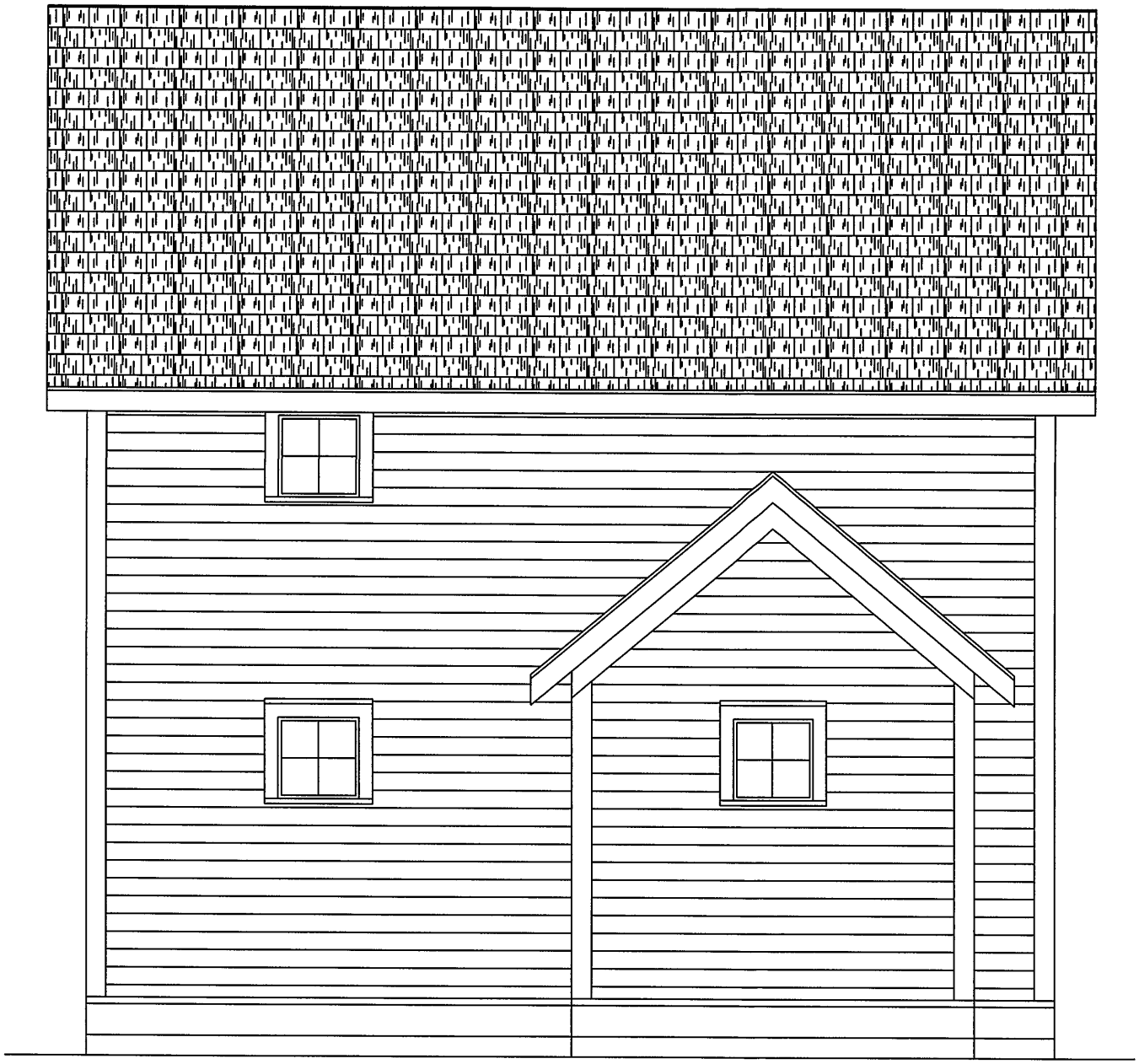

OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

PROPOSED LEFT ELEVATION

9/21/2016 SCALE: 1/4" = 1' 0"

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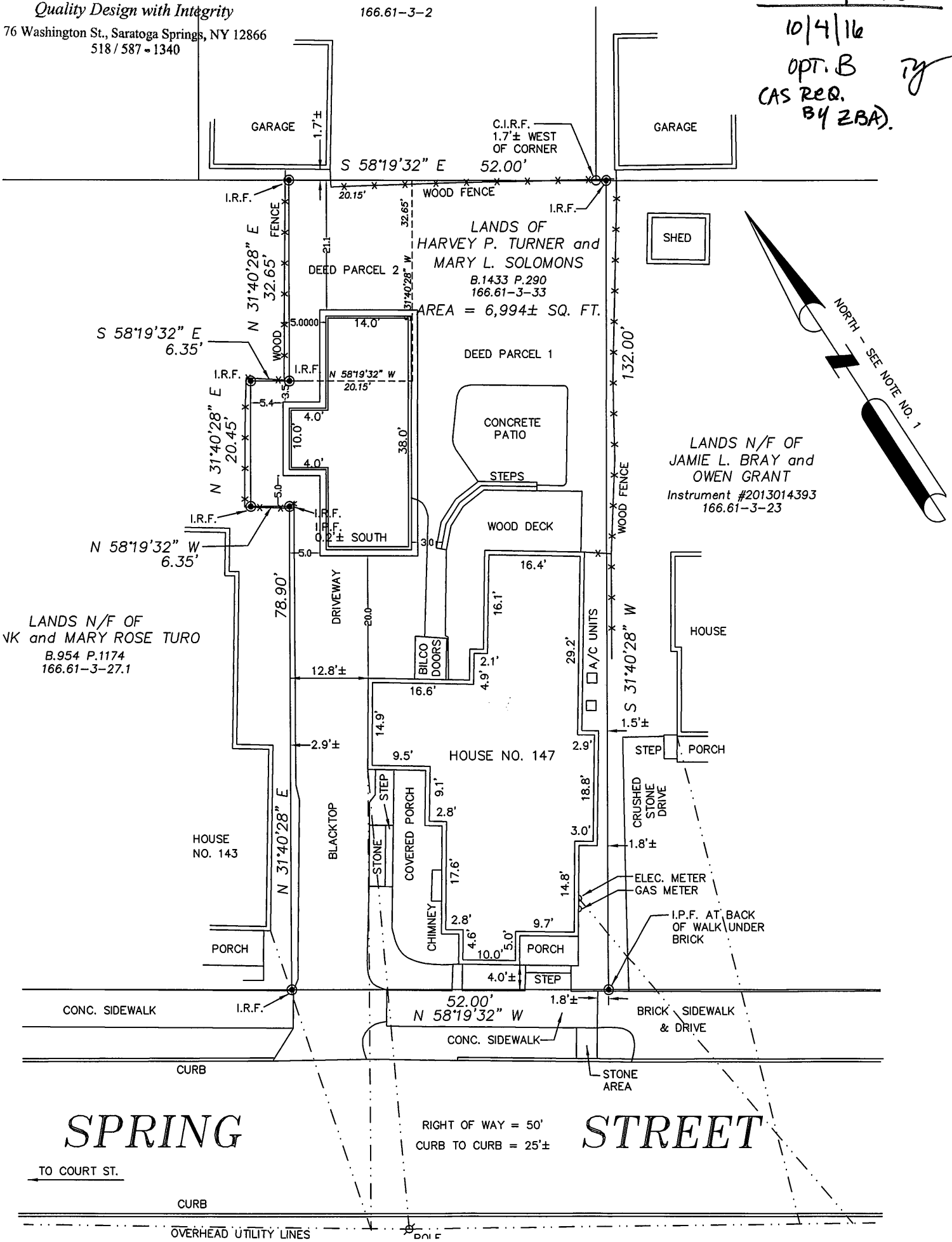
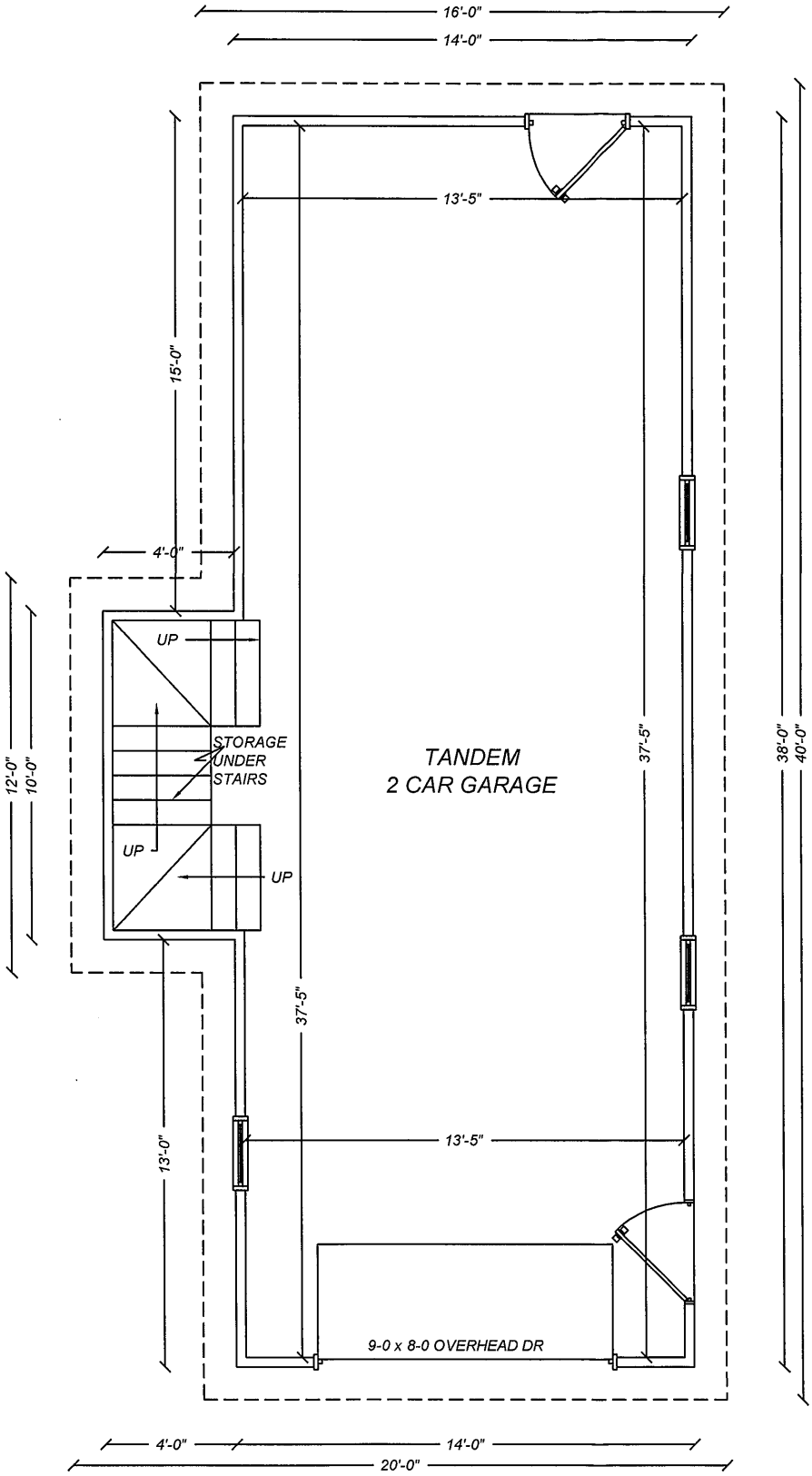
Engineering America Co.
Quality Design with Integrity
76 Washington St., Saratoga Springs, NY 12866
518 / 587 - 1340

#147 Spring St
10/4/16
OPT. B
CAS REQ.
BY ZBA).





OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

PROPOSED: OPT B MAIN FLOOR PLAN

10/4/16 SCALE: 3/16" = 1' 0"

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OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

PROPOSED: OPT B FRONT ELEVATION

10/4/2016 SCALE: 1/4" = 1' 0"

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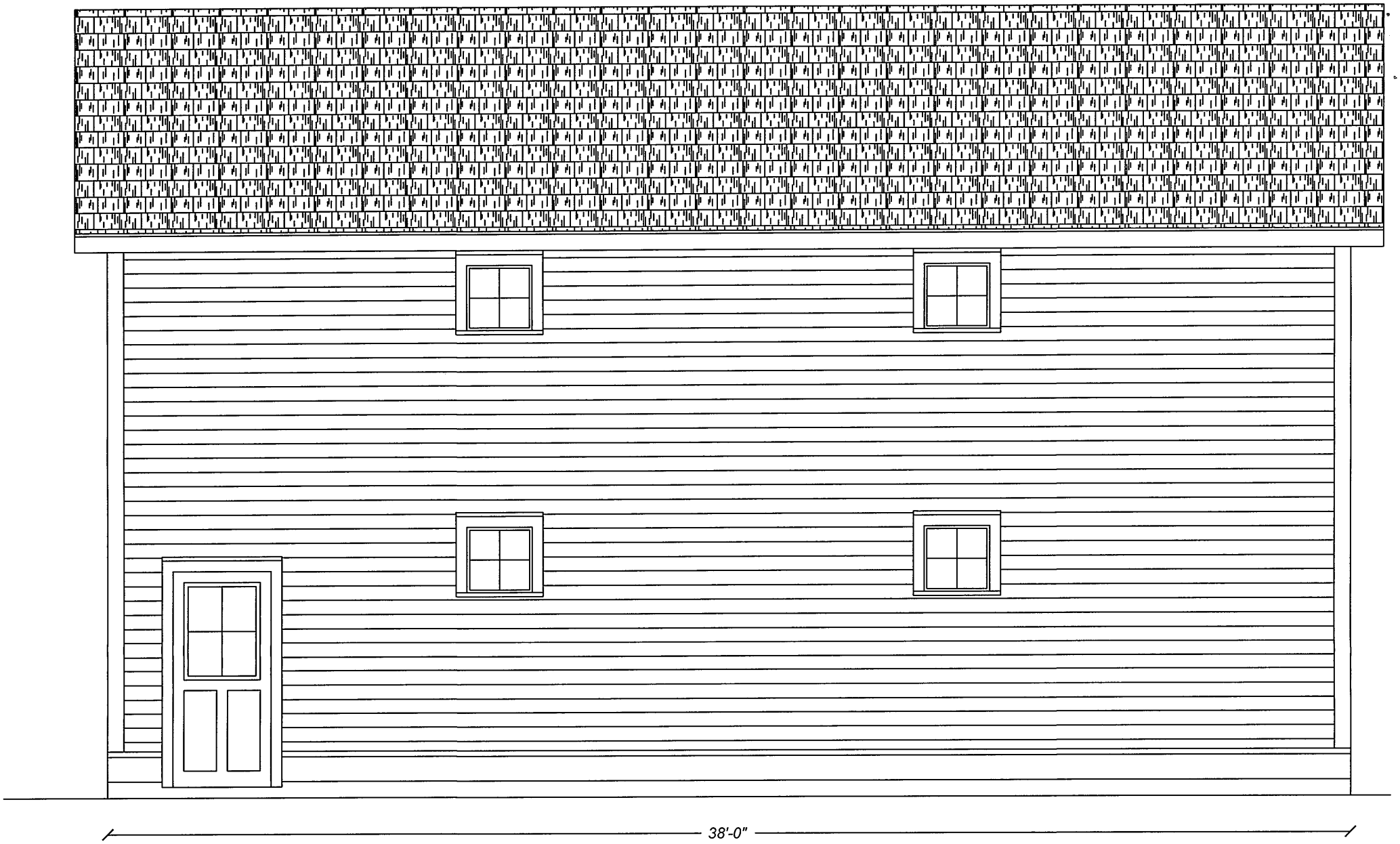

OBSTARCZYK GARAGE
#147 SPRING ST.
SARATOGA SPRINGS, NY

PROPOSED: OPT B RIGHT ELEVATION

10/4/2016

SCALE: 1/4" = 1' 0"

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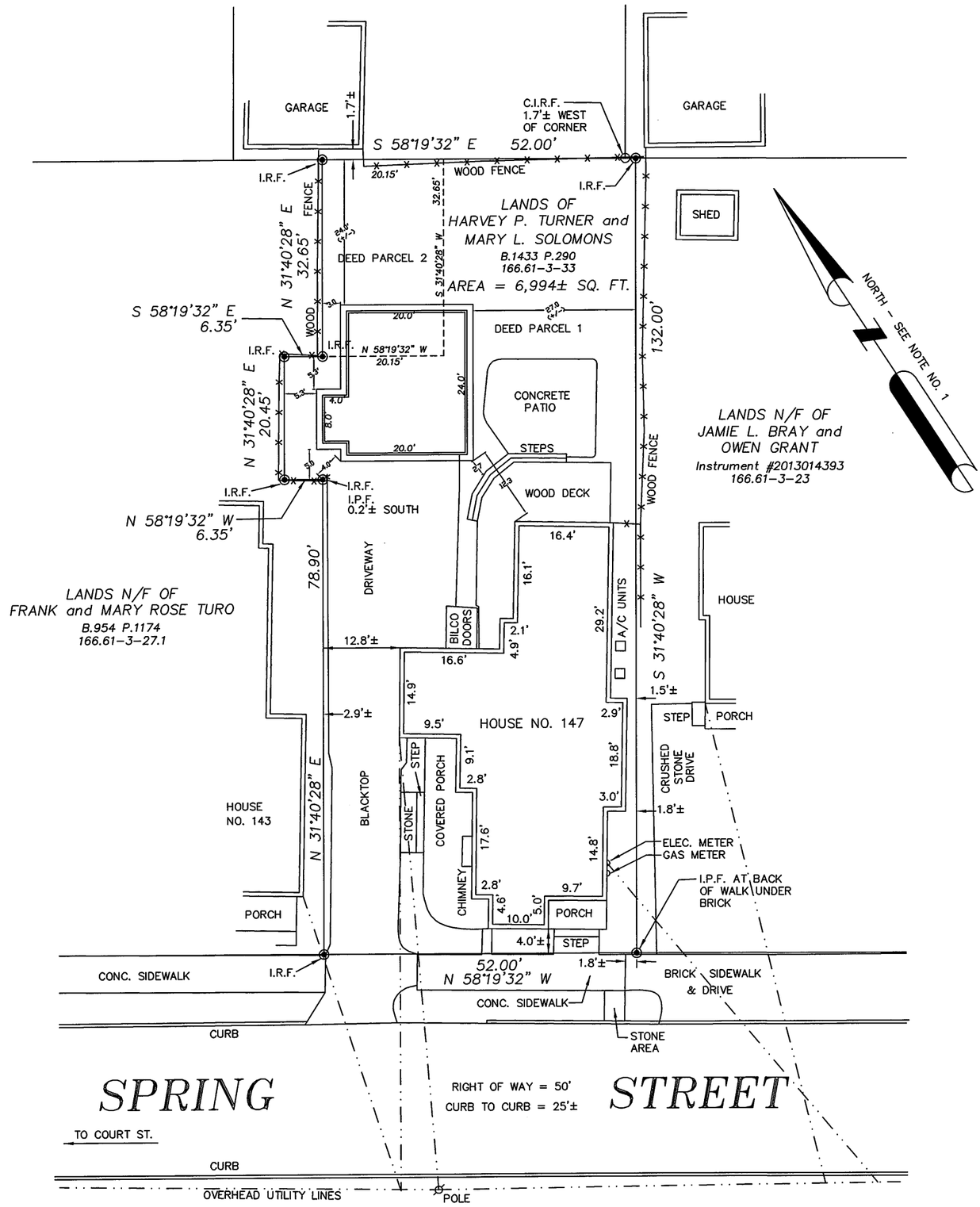
76 WASHINGTON ST., SARATOGA SPRINGS, NY
518 / 587 - 1340



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

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

NOTES:

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

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

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

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

LEGEND

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

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

ZBA PLOT PLAN (REV) FOR CHRIS OBSTARCZYK # 147 SPRING ST.

DATE: 8-15-16

SCALE: 1" = 20'

Albrecht & Willson Land Surveyors, PLLC

63 GRAY AVENUE
GREENWICH, N.Y. 12834

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:	1,400 sq.ft. (+/-)
Total Coverage:	4,500 sq.ft. (+/-)
	(64.3% coverage = 35.7 % permeable > 30% min)

Thank you for your time and cooperation.

Sincerely,

Tonya Yasenchak, PE

Saratoga Springs
Preservation Foundation

September 26, 2016

A Voice FOR PRESERVATION

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

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

Dear Mr. Moore,

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

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

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

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

Thank you in advance for your thoughtful consideration.

Sincerely,

Linda Harvey-Opiteck
Vice-President

Samantha Bosshart
Executive Director

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

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President

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emeritus

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

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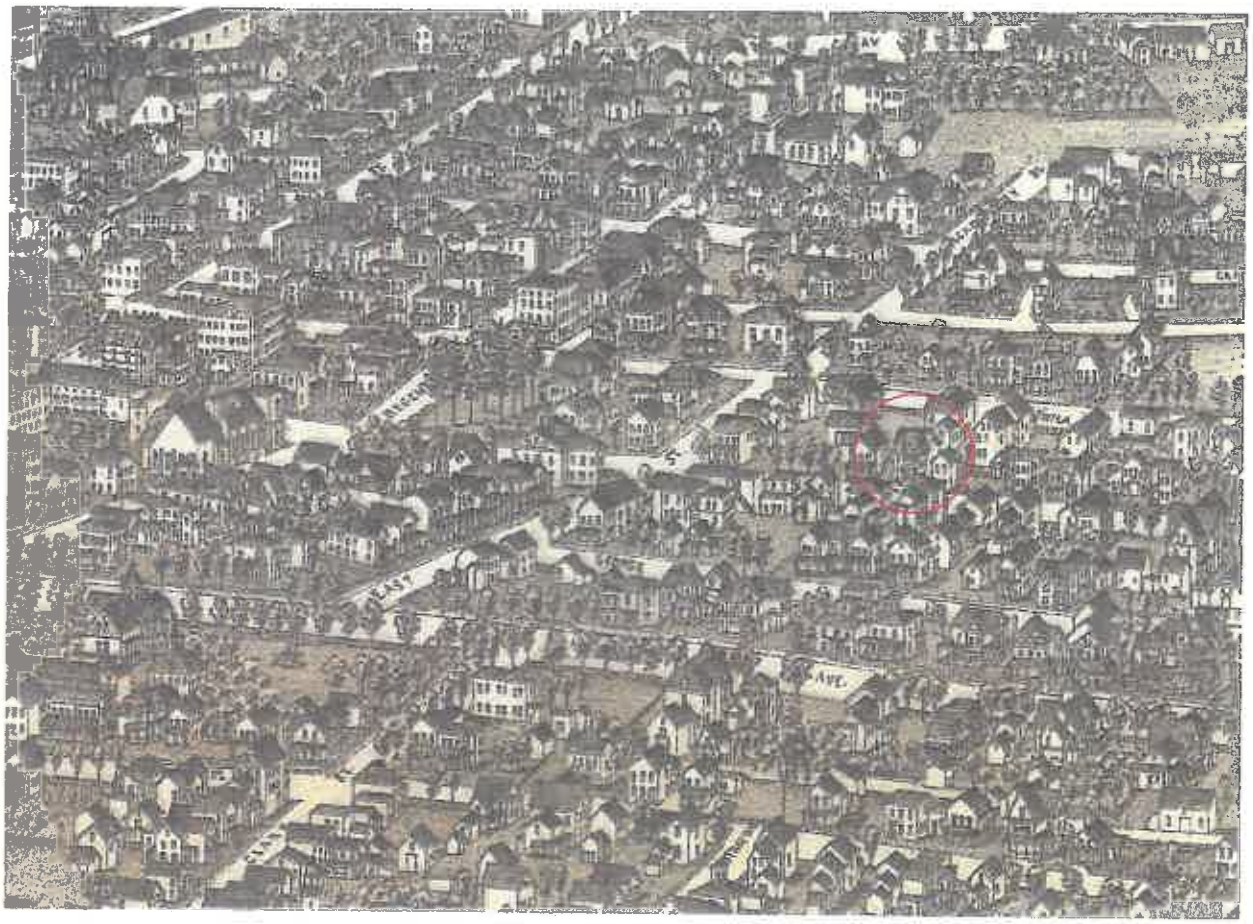
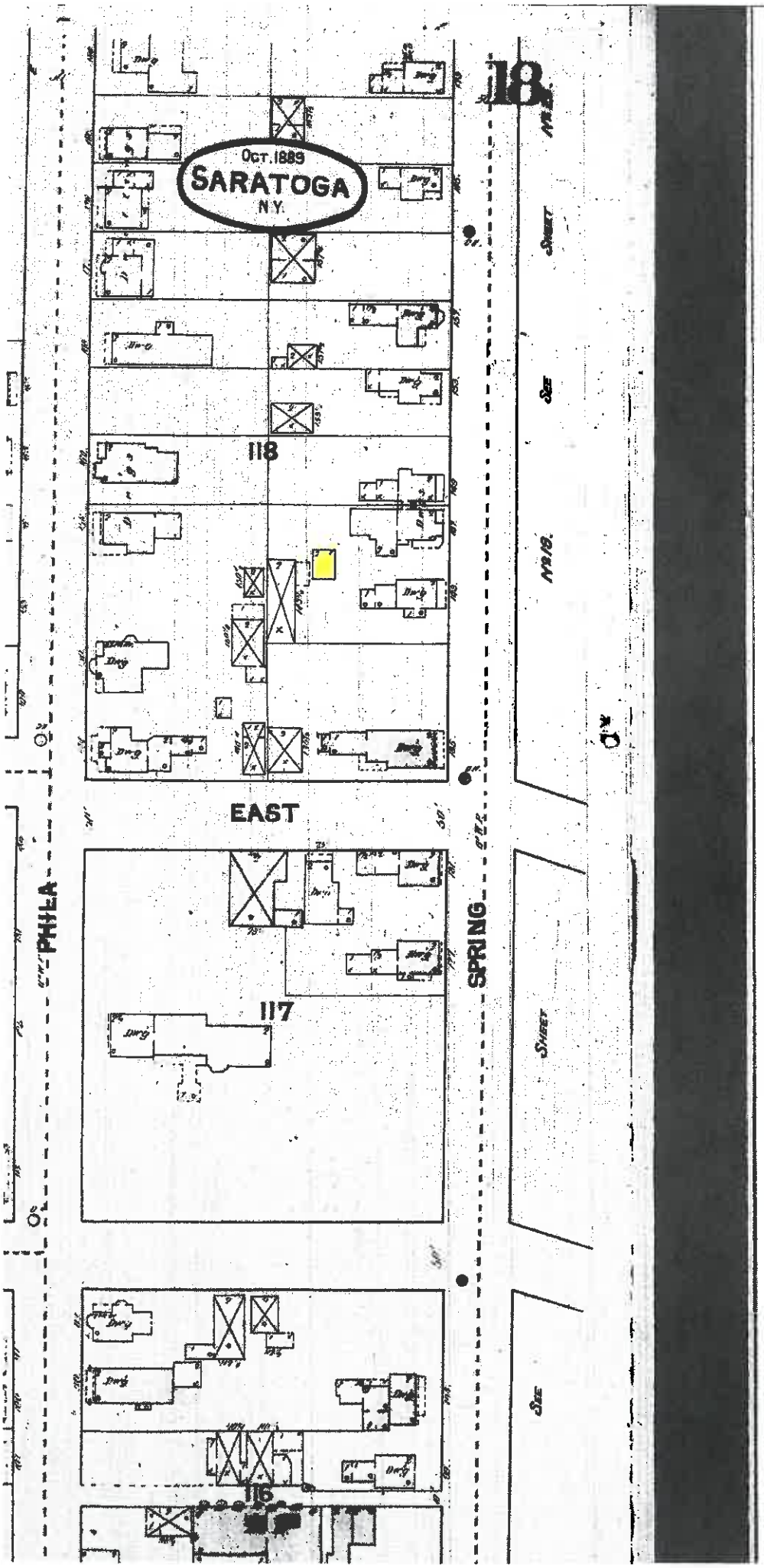
W. W. French
Sterrett
E. W. Lytle
R. Riley
E. S. Pearsall
L. W. James
H. W. Merrill
J. P. Bennett
H. Perry
C. H. & W. M. Wellington
W. W. Worden
F. B. Benton
C. E. Fish
L. B. Pike
M. A. Pike
G. W. Hopkins
C. Whyland
G. W. Mortin
W. P. Carpenter
Wellington Bros.
S. Barrow
H. S. Strunder
Walker
Richle
W. H. Nelson
Hall
Lewis

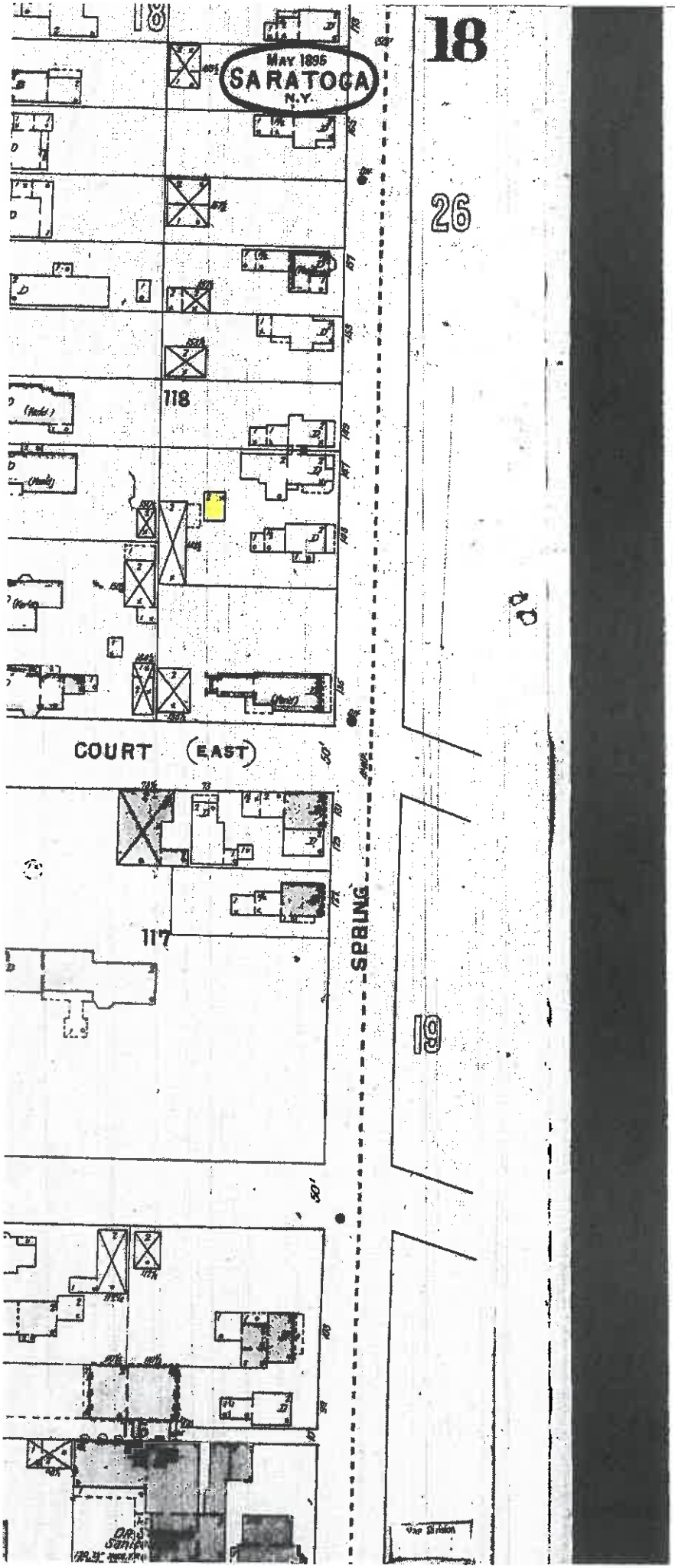


147 Spring Street

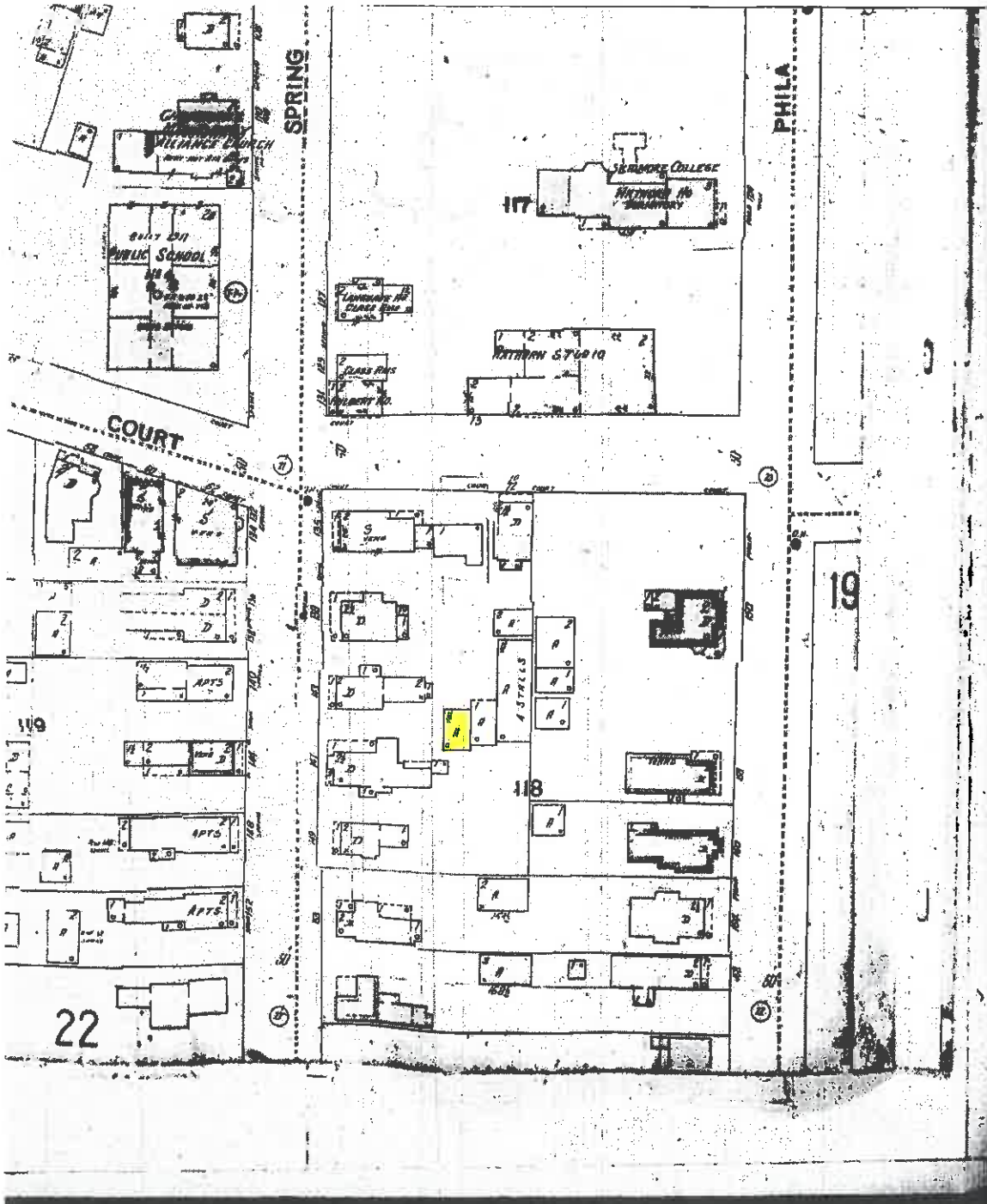
1888 Burleigh Birdseye View



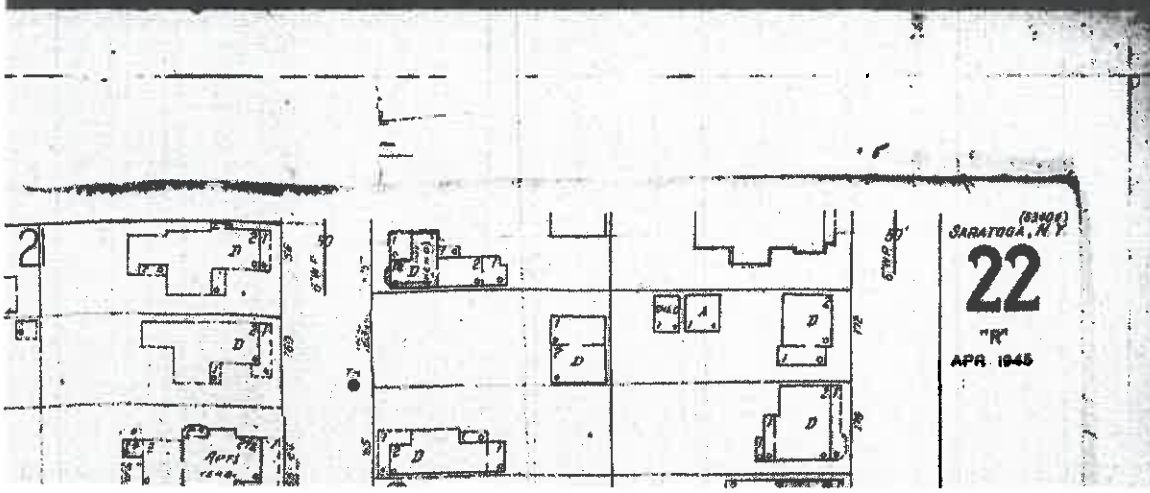
1889 P. 18
SANBORN MAP



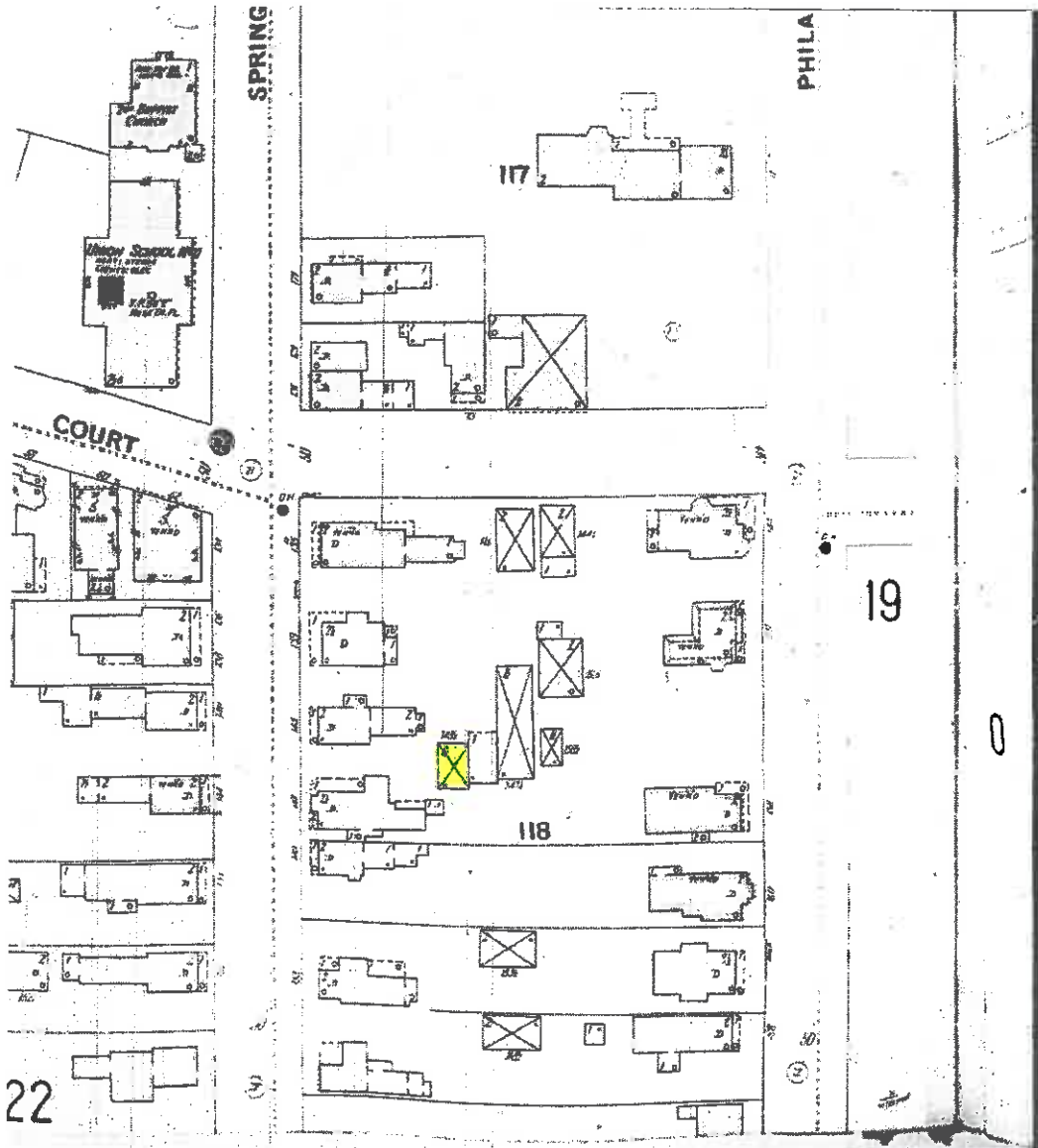
1895 18
SANBORN MAP



A - AUTO

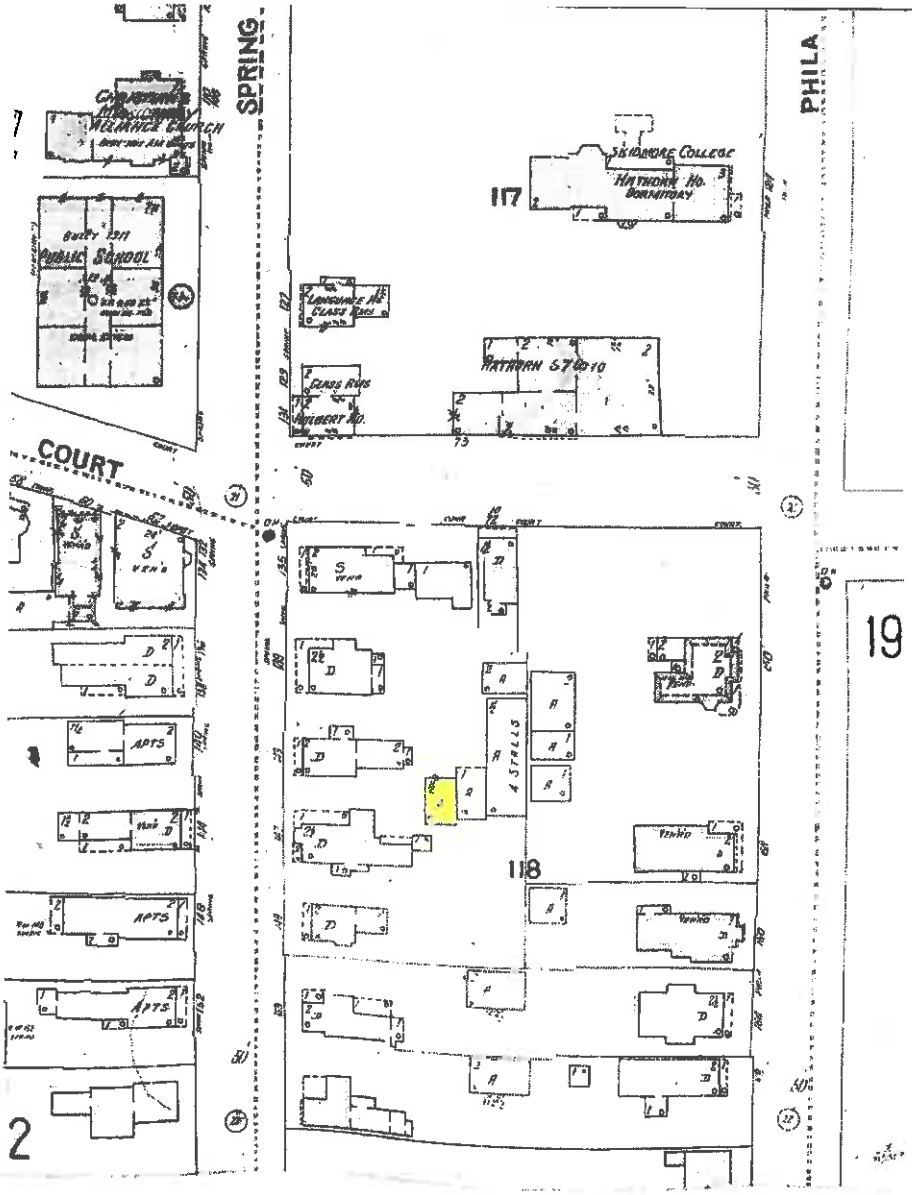


SANBORN MAP
1900
21



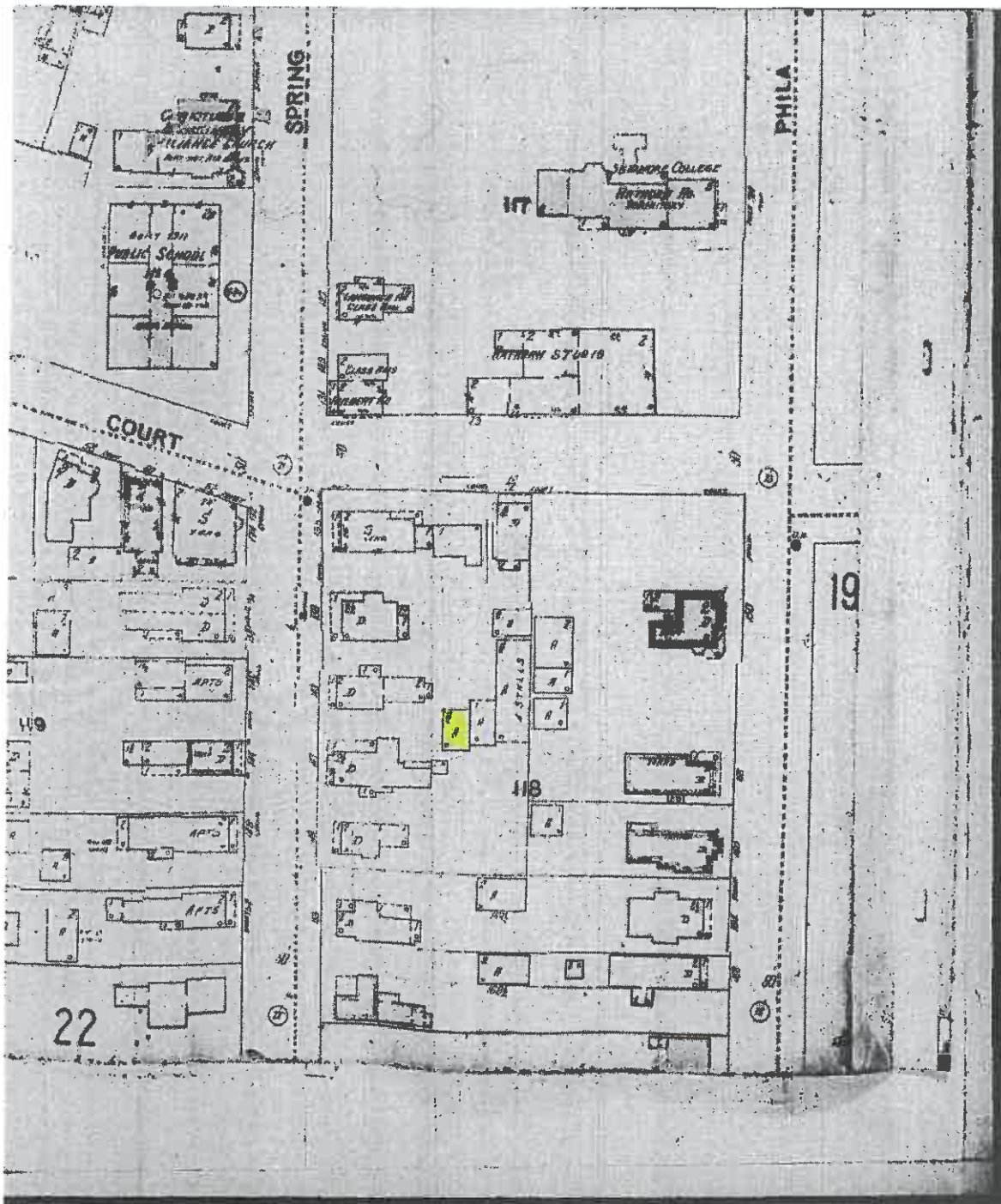
SANBORN MAP
1909

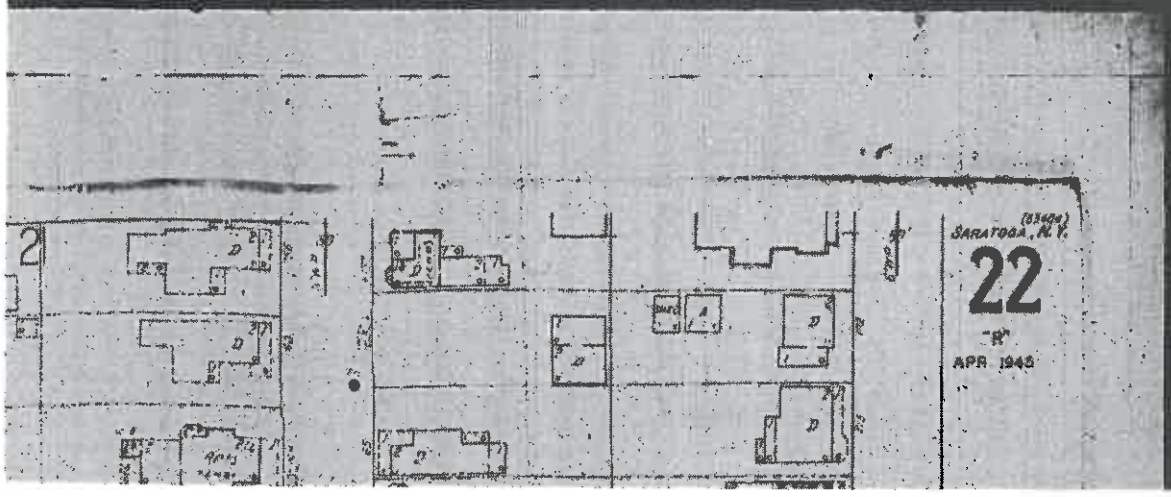
21



A = AUTO

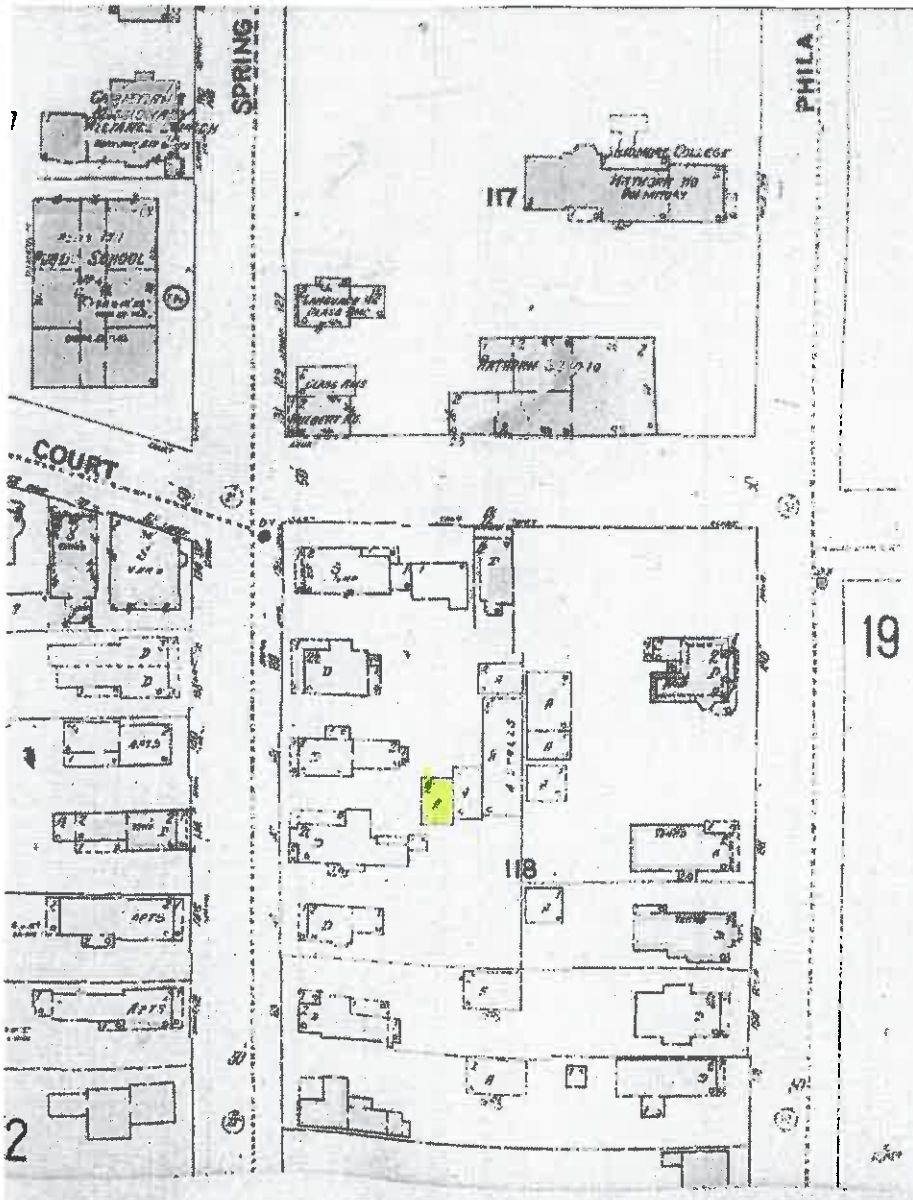
SANBORN MAP
1933 21





SANBORN MAP
1950

21



SANBORN MAP
C. 1967
1952

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
James Helicke
Susan Steer
Cheryl Grey, alternate
Oksana Ludd, alternate

September 28, 2016

Steve Rowland, Chair
Design Review Commission
City Hall - 474 Broadway
Saratoga Springs, NY 12866

Re: Advisory opinion request for Obstarczyk Garage

Dear Steve,

On September 26, 2016 the Zoning Board of Appeals (ZBA) passed a motion to seek an advisory opinion from the Design Review Commission (DRC) for the following application:

> #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.

In addition to the variances sought, this project requires historic review to demolish the existing garage structure and for the proposed new construction. The ZBA respectively requests an advisory opinion on the proposed demolition prior to any further consideration of an area variance for new construction.

Thank you for your consideration of this request and we look forward to your input.

Respectfully yours,

Bill Moore, Chair
Zoning Board of Appeals

CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Matt Sames	Bronx Springs Group	James Easton MJ Engineering
Address	[redacted]	183 Church Ave	21 Corporate Drive, Suite 105
		Ballston Spa, NY 12020	Clifton Park, NY 12065
Phone		/	[redacted]
Email			

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

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

PROPERTY INFORMATION

1. Property Address/Location: Route 9/Broadway Tax Parcel No.: 191.8-1-1 thru 1-6
(*for example: 165.52 – 4 – 37*)

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

4. Present use of property: vacant 5. Current Zoning District: TRB/RR-1

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

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

8. Brief description of proposed action:
Build a pet boarding facility within the RR-1 district.

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

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

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

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

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

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

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

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

Section(s) _____

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

_____

_____

_____

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

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

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

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

3. Date original variance expired: _____

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

_____

_____

_____

_____

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

_____

_____

_____

_____

_____

_____

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

A use variance is requested to permit the following: _____

_____

_____

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

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

_____

_____

_____

_____

_____

_____

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

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

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

Date	Improvement	Cost

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

5) Annual income generated from property: $_____

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

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

Appraisal Assumptions:_____

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

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

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

_____

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

If yes, describe frequency and name of publications: _____

_____

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

If yes, list dates when sign was posted: _____

_____

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

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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

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

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

The applicant requests relief from the following Zoning Ordinance article(s) 240-2.0

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

Other:

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

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

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

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

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

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

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

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:
The property width varies from 108.8' to 105', the building envelope varies from 8.8' to 5' wide, thus this is not self-created.

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

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

_____ Date: _____
(applicant signature)

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

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

Owner Signature: _____ Date: _____

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

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

PROPERTY ADDRESS: _____ ZONING DISTRICT: _____

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

_____

_____

_____

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

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

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Name of Action or Project:
Pet Lodge

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

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

Name of Applicant or Sponsor:	Telephone: [redacted]
Matt Sames	E-Mail: [redacted]

Address:
[redacted]

City/PO:	State:	Zip Code:
[redacted]	[redacted]	[redacted]

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

3.a. Total acreage of the site of the proposed action? 1.59 acres
b. Total acreage to be physically disturbed? .69 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.59 acres

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

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

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify:	☑	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☑	☐
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	☑	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water:	☐	☑
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: private septic system	☑	☐
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐
b. Is the proposed action located in an archeological sensitive area?	☐	☑
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: approx. 500 SF of wetlands will be impacted	☐	☑

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☑ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☑ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES	☐	☑
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☑ YES In front to existing culvert along Route 9. In rear discharge to existing wetlands		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: Creation of a detention basin, approx. 1500 SF	☐	☑
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	☑	☐

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

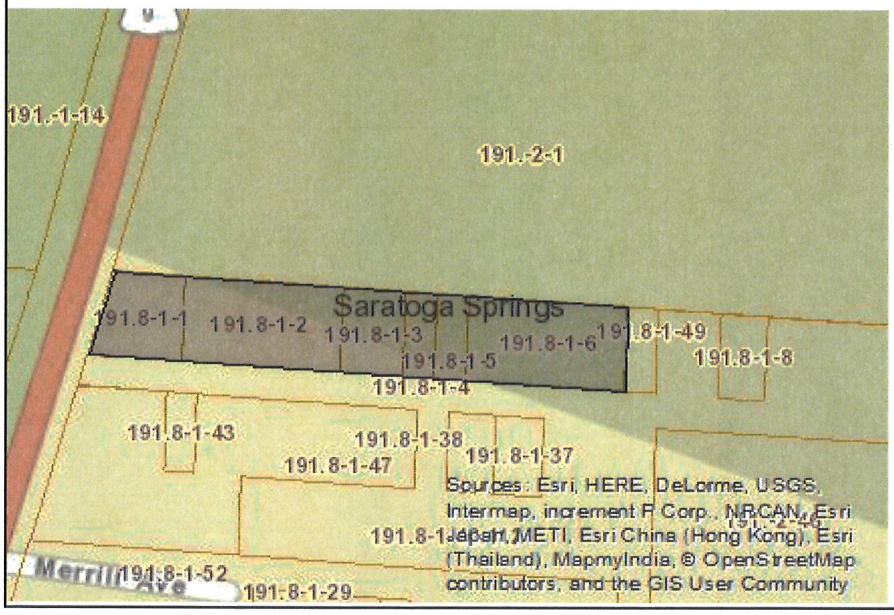
Applicant/sponsor name: MATT SAMES Date: 7/11/16

Signature: [signature]

PRINT FORM

EAF Mapper Summary Report

Thursday, July 07, 2016 12:05 PM



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

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

Zoning Board of Appeals
Project Narrative
for

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

Prepared for:

Matt Sames,

Sames Media Group

Located at

19 Blue Jay Way

Rexford, NY 12148

July 8, 2016

Prepared by:

Engineering and
Land Surveying, P.C.

21 Corporate Drive, Suite 105
Clifton Park, NY 12065

[redacted]

INTRODUCTION

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

Zoning

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

Parcel

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

Usage

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

Variances

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

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

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

Therefore based upon above information the project proposes the following variances for this project.

1. North Side minimum side setback from 30 feet to 20 feet within the RR zone
2. South Side minimum side setback from 30 feet to 20 feet within the RR zone
3. Total side setback of 100 feet to 40 feet within the RR zone
4. Minimum average with from 200 feet to 105 feet within RR zone
5. Minimum Lot size of 2.0 acres to 1.59 acres

The proposed North, South and Total Setbacks requested to 20 feet and a total of 40 feet match what is currently allowed under TRB zone in the front half of the site.

EXHIBITS:

Exhibit 1	**Aerial Map**
Exhibit 2	**Tax Map**
Exhibit 3	**Photo Location Map**
Exhibit 4	**Site Photos**

Aerial Map

Project Site
S Broadway
Hibachi Taeppan & Sushi
Saratoga
Consignment Studio
Google
Imagery ©2016 Google, Map data ©2016 Google
100 ft

Tax Map

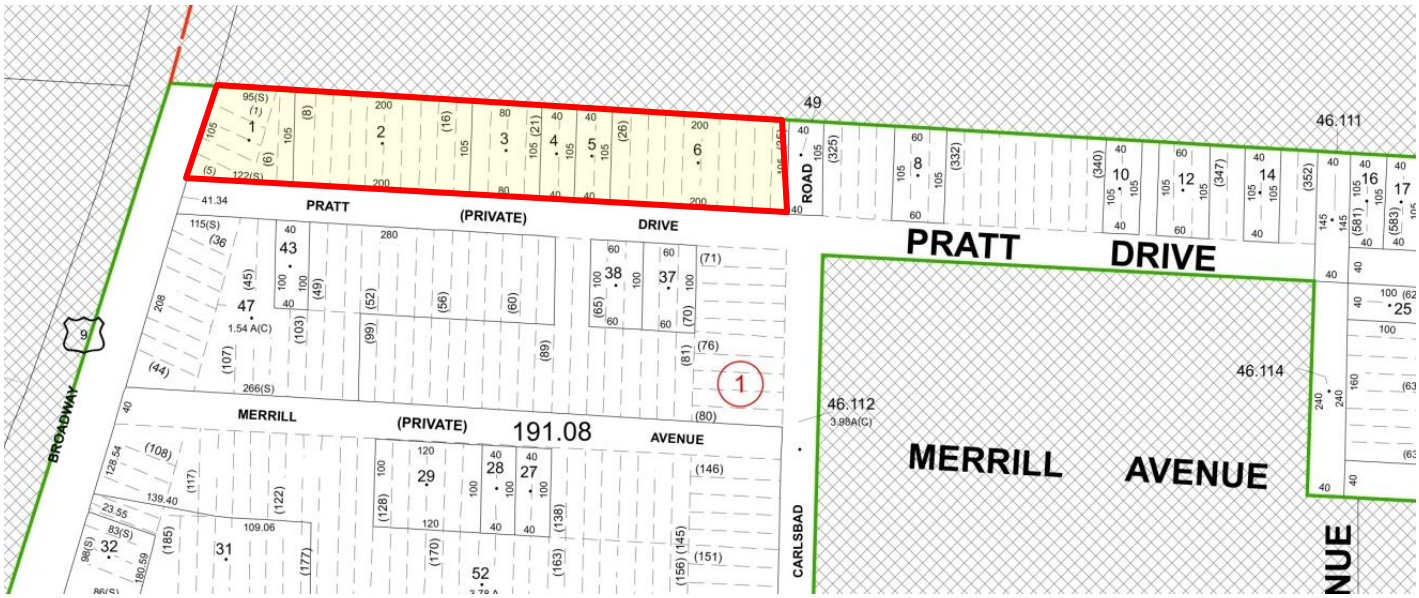

PRATT (PRIVATE) DRIVE
MERRILL (PRIVATE) AVENUE
191.08
BROADWAY
CARLSBAD ROAD
PRATT DRIVE
MERRILL AVENUE
46.111
46.114
46.112
3.98A(C)
1.54 A(C)
1

Photo Location Map

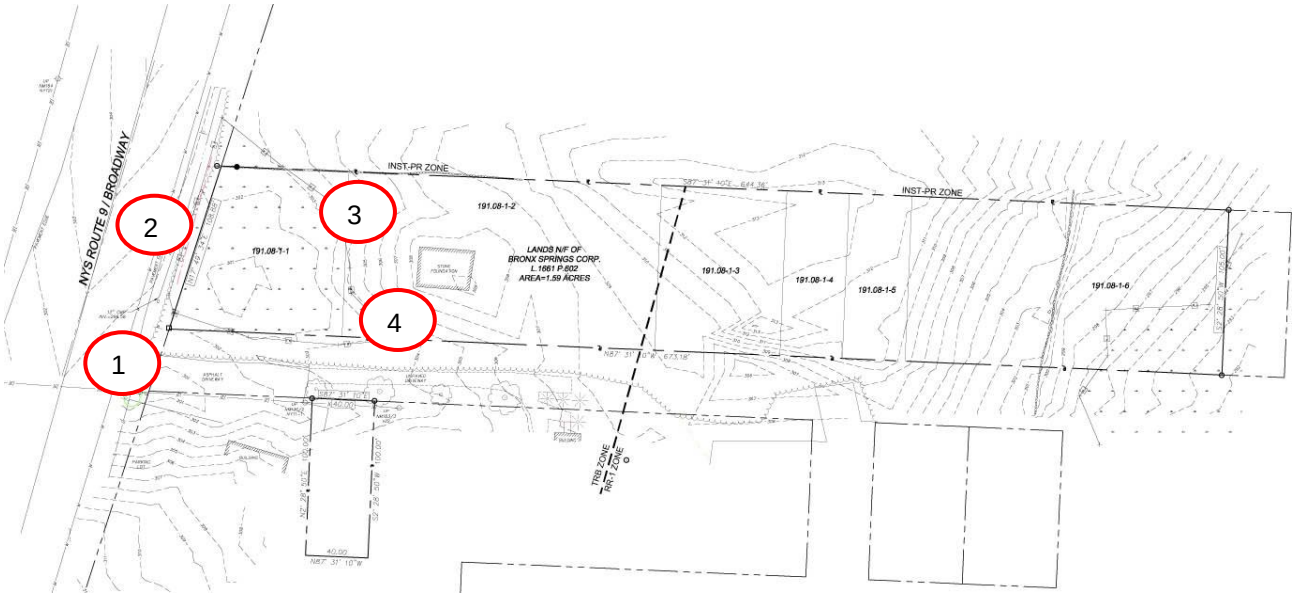
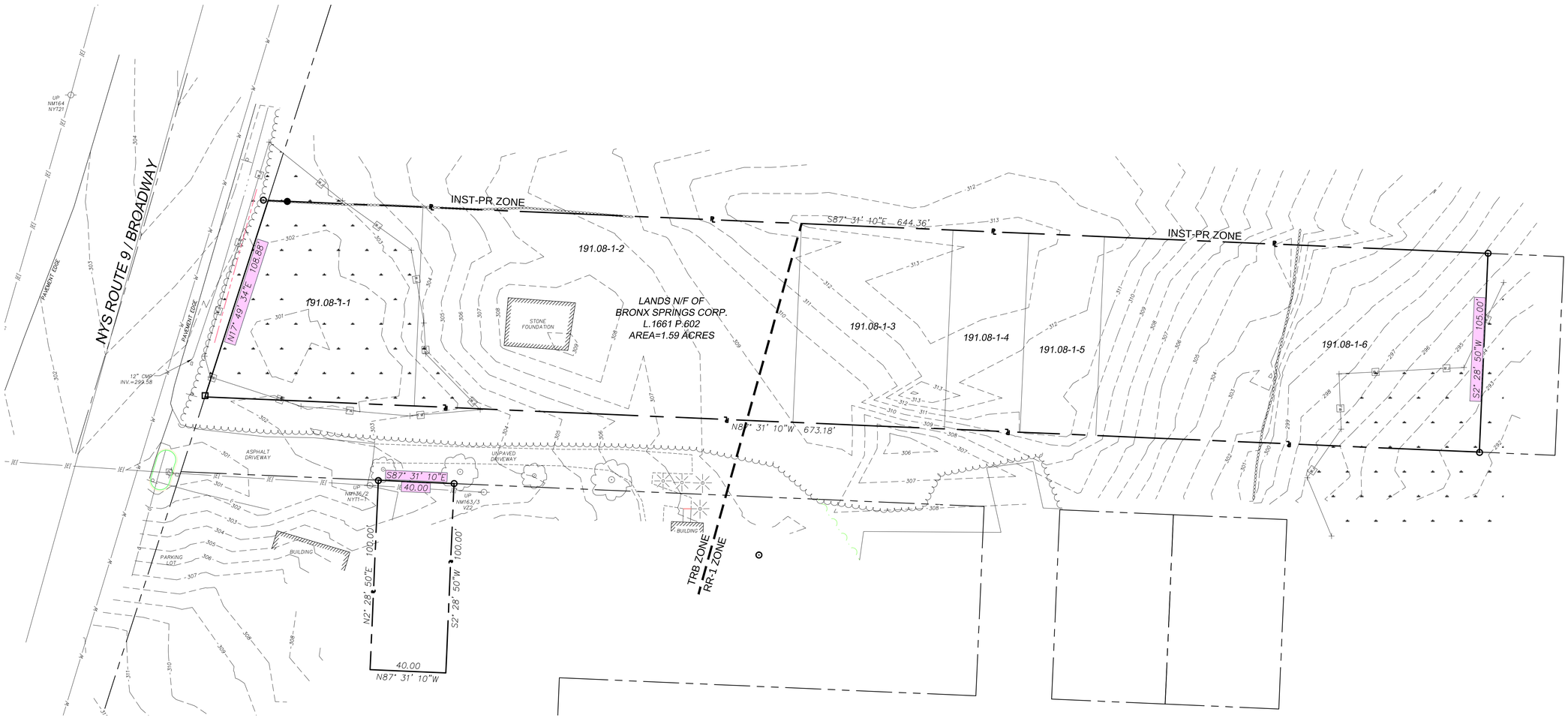


Photo 1

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

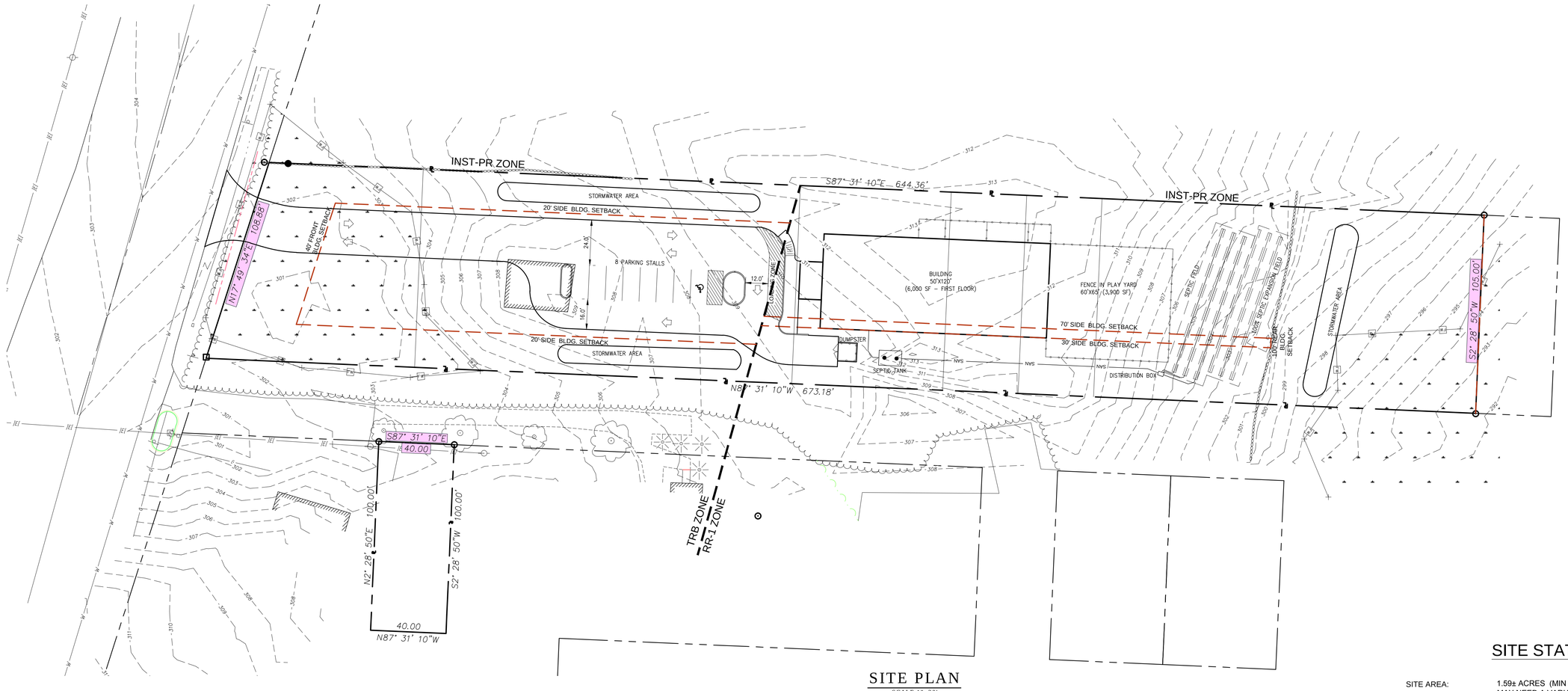
ROUTE 9

CITY OF SARATOGA SPRINGS NEW YORK

SCALE: AS SHOWN
CONTRACT No.: -
MJ PROJ. No.: 972.15
DATE: JULY 2016

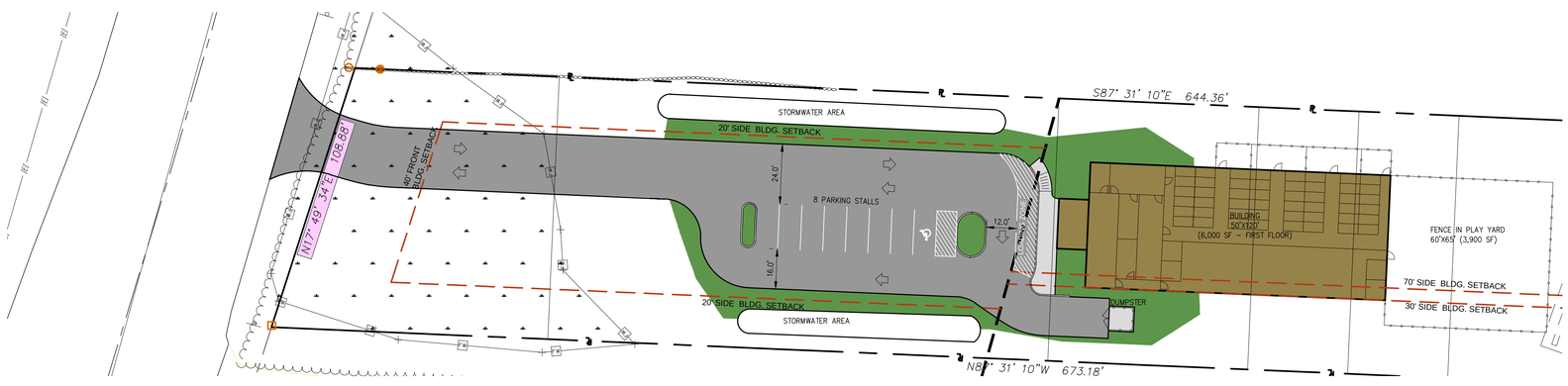
C-1

SHEET 1 OF 2



SITE PLAN

SCALE 1"=30'



RENDER SITE PLAN

SCALE 1"=30'

SITE STATISTICS

SITE AREA:	1.59± ACRES (MIN LOT SIZE IS 2.0 ACRES OR 10,000 SF MAY NEED A VARIANCE)
EXISTING ZONE:	RR (RURAL RESIDENTIAL DISTRICT) & TRB (TOURIST RELATED BUSINESS)
USE:	ANIMAL CLINIC (PERMIT USE IN RR ZONE)
PARKING:	REQUIRED=8 PROPOSED= 8 SPACES BASED UPON 1 SPACE PER 200 SF OF BLDG. (30X50' OFFICE/RETAIL SPACE= 1500SF/200SF/SPACE=8)
MINIMUM LOT WIDTH:	100' IN TRB (HAVE 105')
SETBACKS BLDG:	FRONT=40' (TRB) SIDE=20' (TRB) REAR= 40' (TRB) SIDE=30' MIN AND TOTAL OF 100' (RR-1) REAR=100' (RR-1)
MAX HT:	35'
GREEN SPACE:	70% REQUIRED (PROPOSED 70%)

PRELIMINARY DRAWINGS: NOT FOR CONSTRUCTION

THE ALTERATION OF THIS MATERIAL IN ANY WAY, UNLESS DONE UNDER THE DIRECTION OF A COMPARABLE PROFESSIONAL, (I.E.) ARCHITECT FOR AN ARCHITECT, ENGINEER FOR AN ENGINEER OR LANDSCAPE ARCHITECT FOR A LANDSCAPE ARCHITECT, IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW AND/OR REGULATIONS AND IS A CLASS "A" MISDEMEANOR.

SUBMITTAL / REVISIONS

No.	DATE	DESCRIPTION	BY	REVIEWED BY:	DATE

PROJ. MANAGER:	JWE
CHIEF DESIGNER:	JWE
DESIGNED BY:	JWE
DRAWN BY:	JWE
CHECKED BY:	-

SEAL

DRAFT

Engineering and Land Surveying, P.C.
1533 Crescent Road - Clifton Park, NY 12065

MATT SAMES

CONCEPT SITE PLAN #1

ROUTE 9

CITY OF SARATOGA SPRINGS NEW YORK

SCALE: AS SHOWN
CONTRACT No.: -
MJ PROJ. No.: 972.15
DATE: JULY 2016

C-2

SHEET 2 OF 2

ZONING AND BUILDING INSPECTOR DENIAL OF APPLICATION FOR LAND USE AND/OR BUILDING

APPLICANT: MATT SAMES

TAX PARCEL NO.: 191.8-1-1,2,3,4,5,6

PROPERTY ADDRESS: SOUTH BROADWAY/ROUTE 9
ZONING DISTRICT: RURAL RESIDENTIAL & TRB

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

Proposed construction of a pet boarding facility.

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s):

240-2.3 Table 3. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☒ Area Variance seeking the following relief:

Dimensional Requirements	From	To
Minimum side yard setback: North	30 feet	20 feet
Minimum side yard setback: South	30 feet	20 feet
Minimum total side yard setback:	100 feet	40 feet

Note: _____

☑ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

9/12/16
DATE

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 a1.59-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).

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

WHITEMAN
OSTERMAN
& HANNA LLP

Attorneys at Law
www.woh.com

Jon E. Crain
Associate
[redacted]

One Commerce Plaza
Albany, New York 12260
[redacted]

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 partking 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,

Jon E. Crain

cc: Iris Lu

October 3, 2016

Mr. Tom Ruchlicki
[redacted] 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,

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 interupted 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

[redacted]

VEOLIA
ENVIRONMENTAL SERVICES

Sean Abell
Operations Manager
Technical Solutions, North America

Veolia ES Technical Solutions, L.L.C.
10 Terminal Dr., Latham, NY 12110
[redacted]
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

[redacted]

Scanned by CamScanner

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 C. Bourdeau

Robin Critchlow Bourdeau
Owner

[redacted]

KIMBERLY AND MICHAEL SOUTHERN

AREA VARIANCE APPLICATION

166.46-3-5

124 York Avenue

City of Saratoga Springs

Zoning Board of Appeals

Submission Date: September 26, 2016

Hearing Date: October 24, 2016

Prepared By:

M. Elizabeth Coreno, Esq.

Carter Conboy, PC

480 Broadway, Suite 250

Saratoga Springs, New York 12866

[redacted]

Carter Conboy

Attorneys at Law

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	Kimberly and Michael Southern		M. Elizabeth Coreno, Esq.
Address	[redacted]		Carter Conboy 480 Broadway, Suite 250
Phone	/	/	[redacted]
Email			

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises: ☑ Owner ☐ Lessee ☐ Under option to lease or purchase

PROPERTY INFORMATION

1. Property Address/Location: 124 York Avenue, Saratoga Springs Tax Parcel No.: 166 . 46 - 3 - 5
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 8/28/2014 3. Zoning District when purchased: UR3

4. Present use of property: Residential 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:
Applicants are seeking two small area variances for minimum lot size and minimum average width in order to subdivide the lot for a second buildable residential 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:

_____

_____

_____

_____

_____

_____

USE VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

A use variance is requested to permit the following: _____

_____

_____

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

   _____

   _____

   _____

   _____

   _____

   _____

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase: _____ Purchase amount: $_____

2) Indicate dates and costs of any improvements made to property after purchase:

Date	Improvement	Cost

3) Annual maintenance expenses: $_____ 4) Annual taxes: $_____

5) Annual income generated from property: $_____

6) City assessed value: $_____ Equalization rate:_____ Estimated Market Value: $_____

7) Appraised Value: $_____ Appraiser: _____Date: _____

Appraisal Assumptions:_____

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☐ Yes ☐ No If "yes", for how long? _____

1) Original listing date(s):_____ Original listing price: $_____

If listing price was reduced, describe when and to what extent: _____

_____

2) Has the property been advertised in the newspapers or other publications? ☐ Yes ☐ No

If yes, describe frequency and name of publications: _____

_____

3) Has the property had a "For Sale" sign posted on it? ☐ Yes ☐ No

If yes, list dates when sign was posted: _____

_____

4) How many times has the property been shown and with what results? _____

_____

_____

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

AREA VARIANCE – **PLEASE ANSWER THE FOLLOWING** (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) 2.3

Dimensional Requirements	From	To
Lot 1: Minimum Lot Size	6,600 sq. ft.	5,319 sq. ft.
Lot 1: Minimum Average Width	60 ft.	48 ft.
Lot 2: Minimum Lot Size	6,600 sq. ft.	5,279 sq. ft.
Lot 2: Minimum Average Width	60 ft.	48 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.

   Please see attached Project Narrative.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

   Please see attached Project Narrative.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

Please see attached Project Narrative.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

Please see attached Project Narrative.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

Please see attached Project Narrative.

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ☑ No ☐ Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

Kimberly R Santos _____ Date: 9/26/2016
(applicant signature)

_____ Date: 9/26/2016
(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: _____

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:
Kimberly and Michael Southern - Single Lot Subdivision

Project Location (describe, and attach a location map):
124 York Avenue, Saratoga Springs, NY

Brief Description of Proposed Action:
Single lot subdivision which requires subdivision approval and two area variances of the minimum lot size and two 12 ft. area variances of the average lot width.

Name of Applicant or Sponsor:	Telephone: [redacted]
Kimberly and Michael Southern	E-Mail: [redacted]

Address:
[redacted]

City/PO:	State:	Zip Code:
[redacted]	[redacted]	[redacted]

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Saratoga Springs Planning Board Subdivision Approval	☐	☑

3.a. Total acreage of the site of the proposed action? 0.243 acres
b. Total acreage to be physically disturbed? 0.121 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.243 acres

4. Check all land uses that occur on, adjoining and near the proposed action.

☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☑	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☑
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☑
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☐	☑
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	☑
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☐	☑
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐
b. Is the proposed action located in an archeological sensitive area?	☑	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☑	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES	☐	☑
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☑ YES City of Saratoga Springs runoff storm drains and existing catch basins.		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	✓	

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Kimberly R Southern Date: 9/26/16

Signature: Kimberly R Southern

PRINT FORM

124 YORK AVENUE
MICHAEL AND KIMBERLY SOUTHERN
AREA VARIANCE APPLICATION

PROJECT NARRATIVE

The applicants are seeking two area variances to permit a single lot subdivision in connection with a parcel of property known as 124 York Avenue ("Property") which is located in the UR-3 of the Saratoga Springs Zoning Code ("Code") (commonly known as Parcel ID 166.46-3-5) . The relief the applicants seeks is as follows:

1. Lot 1: 1,281 square feet from the minimum lot size of 6,600 square feet (19%) and 12 feet from the minimum average lot width of 60 feet (20%).

2. Lot 2: 1,321 square feet from the minimum lot size of 6,600 square feet (20%) and 12 feet from the minimum average lot width of 60 feet (20%).

124 YORK AVENUE
MICHAEL AND KIMBERLY SOUTHERN
AREA VARIANCE APPLICATION

The applicants intend to place a small, single family home on the newly created lot in order for them to return to the area to care for aging parents. The existing home would be kept in the family for the applicants' children.

A. Parcel History

The furthest research in the chain of title for the Parcel is evidenced by an 1880 deed when two lots were created on one deed from the vast land holdings of the Estate of W.L.F. Warren who died in 1860. A home was erected on the extreme northeastern edge of the lands closest to York Avenue in 1875 according to the City Assessor's records. The land description in the deeds includes reference to two lots, namely "the west half of Lot No. 53 and a portion of the east half of lot No. 52." (A copy of the 1947 deed is attached as Exhibit A). However, the lots were never on separate deeds and have been sold pursuant to a single deed description since that time. As is clear from a review of the history of the neighborhood and is demonstrated by the average lot configuration (discussed below), the two lots described in the chain of title were estimated at 50ft x 110 ft. each. At some point between 1937 and 1947, two feet from the easterly side of the lots were sold to a neighbor which resulted in the current configuration of 48ft x 110ft. Taken together, the Property's lands total 48 ft. x 220 ft.

In 1947, the lots were purchased by Francis and Jean Southern, a married couple who moved from Woodlawn Avenue with their children following World War II. At that time, the City lacked zoning and, as such, there was no reason for Francis Southern to concern himself with the 48 ft. of lot width (now non-conforming) or the fact that his two lots appeared on a single deed would someday restrict his ability to subdivide as of right. Unaware of implications of keeping the two lots on a single deed, Francis Southern moved his family (including the

applicant's father) into the home on York Avenue and worked every day as a Captain for the Saratoga Springs Fire Department on Lake Avenue – a job within walking distance of the house. Unfortunately for his family, Francis Southern was killed while on the job in 1975 and left his wife, Jean, behind to manage the affairs of the family alone. Incidentally, "Southern Place" off of Maple Avenue was named for Captain Southern to honor his memory and service.

In the years that followed, Jean resided in the home and likely remained unaware of the City's moves to impose zoning in the 1960's which would commence a decades-long process of ultimately limiting the family's ability to "sell off" the second lot recited in the deed which fronts on to Middle Avenue. Jean died in January of 2014 and the applicants, Michael Southern and his wife Kimberly, took title to the lands of his grandmother pursuant to an Executor's Deed dated August 28, 2014.

Since taking ownership, the Southerns rehabilitated the entire inside of the existing home while keeping the 1880s façade and historic character intact. They have rented the property to tenants as they reside in Massachusetts at the present time. Their current plans are to retire to Saratoga Springs if they are permitted to build a small, bungalow style retirement home on the second lot fronting onto Middle Avenue which would also house Michael's aging parents on the first floor. The new home and the existing home from 1875 would remain in the family for eventual ownership by the Southerns' children. The Southerns have no intention of parting with the lots which have been in the family for over 65 years.

B. Area Variance Standards and Applicants' Support for Relief

As mentioned, the Property is situated in the Urban Residential-3 zoning district and is subject to minimum lot size requirements of 6,600 square feet for 1-unit and 8,000 square feet

for 2-units. The proposed subdivision would create two lots of 5,298 square feet (48ft x 110ft) with a 48-foot average lot width. The applicants seek relief from City Zoning Ordinance Section 2.3's minimum lot size requirements through two small 20% variances. As set forth in Section 8.3.1 of the City's Zoning Ordinance the test for an area variance is as follows:

1. **Whether the benefit sought by the applicant can be achieved by other feasible means**

Any additional land for the applicants' proposed lots to be conforming would necessarily have to come from their neighbors. However, the land to the southwest (Mark Dillon 166.46-3-3.1) is 52ft x 96ft (or 4,992 square feet) is already undersized and therefore any sale would only create further non-conformance of his lot. The land to the southeast (Anne Boyer 166.46-3-38) is 70ft x 100ft (or 7,000 feet), which means that there is only 400 feet available before there would be a resulting non-conformance. The land to the northeast (Robert and Eileen Christopher 166.46-3-4) is already significantly undersized at 5754 square feet with a two family residence (Code requires 8000 square feet) for which any sale would only compound the existing non-conformance. The land to the northwest (Geraldine Dorey 166.46-3-6) has a square footage of 7837 which leaves only 1,237 square feet available before the lot becomes non-conforming.

As noted above, the combined lots of the applicants require additional lands totaling 2,603 square feet for compliance and there is no neighbor (or combination of neighbors) with enough available lands for sale. The total available land solely based upon minimum lot size is 1637 before neighboring lots become non-conforming which is simply not sufficient for the proposal. Furthermore, the additional implications to existing improvements, setback

limitations, and overall lot coverage would also have serious implications for any sale of neighboring land to the applicants.

As such, there is no other feasible alternative that will deliver the same benefits to the applicant.

2. Whether the variance is substantial

The relief the applicants seeks is as follows:

1. Lot 1: 1,281 square feet from the minimum lot size of 6,600 square feet (19%) and 12 feet from the minimum average lot width of 60 feet (20%).

2. Lot 2: 1,321 square feet from the minimum lot size of 6,600 square feet (20%) and 12 feet from the minimum average lot width of 60 feet (20%).

While there is no litmus test for a zoning board of appeals as to *de facto* substantiality, the applicants submit that, given the metrics of the surrounding neighborhood which is overwhelming out of conformance in amounts far in excess of 20%, the relief sought in this application is not substantial in nature.

3. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.

In assessing the merits of a request for relief, the applicants undertook an exhaustive analysis of the properties within approximately 700 feet of the Property in order to empirically

determine the "character of the neighborhood[1]." In all, the applicants reviewed records for 121 properties within study area and the results are as follows:

a. Only 9 properties of 121 are conforming in both average lot width and minimum lot size or 7.44%. This results in a non-conformance rate of 92.56%.
b. Only 9 properties of the 121 are conforming in minimum lot size (or 7.44%) which results in a non-conformance rate of 92.56%.
c. 29 properties of the 121 examined are conforming in average lot width, thereby resulting in a non-conformance rate of approximately 76%.
d. Lots with less than 5300 square feet in size totaled 52 (or 43%).

The character of the neighborhood is reflective of the subdivision design over the course of many, many years resulting in the most common lot configuration of 50 ft. of lot width. In fact, 66% of the homes have a frontage between 40 feet and 52 feet[2]. As such, the relief the applicants seek is in no way out of character with the surrounding neighborhood and, as noted by the deed history, intentional in the description of two lot which would have been 50 ft. x 110 ft. in the original configuration.

As the applicants propose to keep the existing single-family home and erect one small bungalow on the new lot, there is nothing proposed which is outside the scope and impact of the

---

[1] The applicants have compiled data on 121 homes in and around the York Avenue property as demonstrative of the neighborhood in general. The area along Lake Avenue was not examined as that road is the primary east-west corridor through the City and reflective of a different character. The properties examined in the applicants' analysis were largely taken from York Avenue, Middle Avenue, Avery Street, James Street, North Street, and Warren Street. The Average Lot Width, Lot Size, Frontage and Use were all examined as part of the data collection process. The information was taken directly from municipal records on www.saratogasprings.oarsystem.com or www.maphost.com/saratoga.

[2] This number increases significantly is the corner lots are removed, as they receive the benefit of lot width/frontage calculations which are different from interior lots.

92% of non-conforming surrounding homes. The neighbors on two sides have significantly non-conforming lots which are consistent with the historic density of this neighborhood; dating back to the 1800s. In fact, the applicants posit that a home on the newly created lot will create uniformity in the neighborhood layout which presently has the absence of a home along Middle Avenue which looks "off" due to the appearance of an empty lot.

4. **Whether the variance will have adverse physical or environmental effects on neighborhood or district**

Due to the *de minimus* nature of the relief requested, there will be no adverse physical or environmental effects on the neighborhood.

5. **Whether the alleged difficulty was self-created**

As noted extensively above, the applicants cannot make the argument that their lots were on two separate deeds prior to the institution of zoning in the 1960s. As such, the argument of a pre-existing non-conforming lot is unavailable to them. However, the applicants submit compelling historical data which demonstrates the recitation of two lots on a single deed in the chain of title which is traced to the applicants' grandfather and grandmother. Since 1947, the Property has not been outside the Southern family and was most recently conveyed as a result of Jean Southern's death. While the applicants must acknowledge self-created hardship in the strictest reading of the law, they ask that the Board consider all the information as grounds to determine that such self-creation is not fatal to an application for these area variances.

124 YORK AVENUE
MICHAEL AND KIMBERLY SOUTHERN
AREA VARIANCE APPLICATION

C. Recent Precedents

In 2015, the Board granted similar relief to an owner in similar circumstances at 10 Avery Street (#2385) in area variances for two substandard lots within this same neighborhood. Nearly identical relief is requested by the applicants for lot width as was granted for Avery Street at 17% (60ft to 50ft). However, the applicants acknowledge that the minimum lot size relief is more than was granted in the Avery Street variances, but do note for the Board that the reasoning for the relief is largely the same, i.e. unintended merger of lots on a single deed, neighborhood which is nearly 100% out of conformance with the zoning requirements, proposed lot sizes which are in conformance with nearly half of the residences, available municipal water and sewer, access onto Middle Avenue, and the inability to purchase land from adjoining neighbors. For all these reasons, we ask the Board to consider the precedential effect of the Avery Street variances for minimum lot size and average lot width.

D. Photographs

124 York Avenue (Southwest exposure):

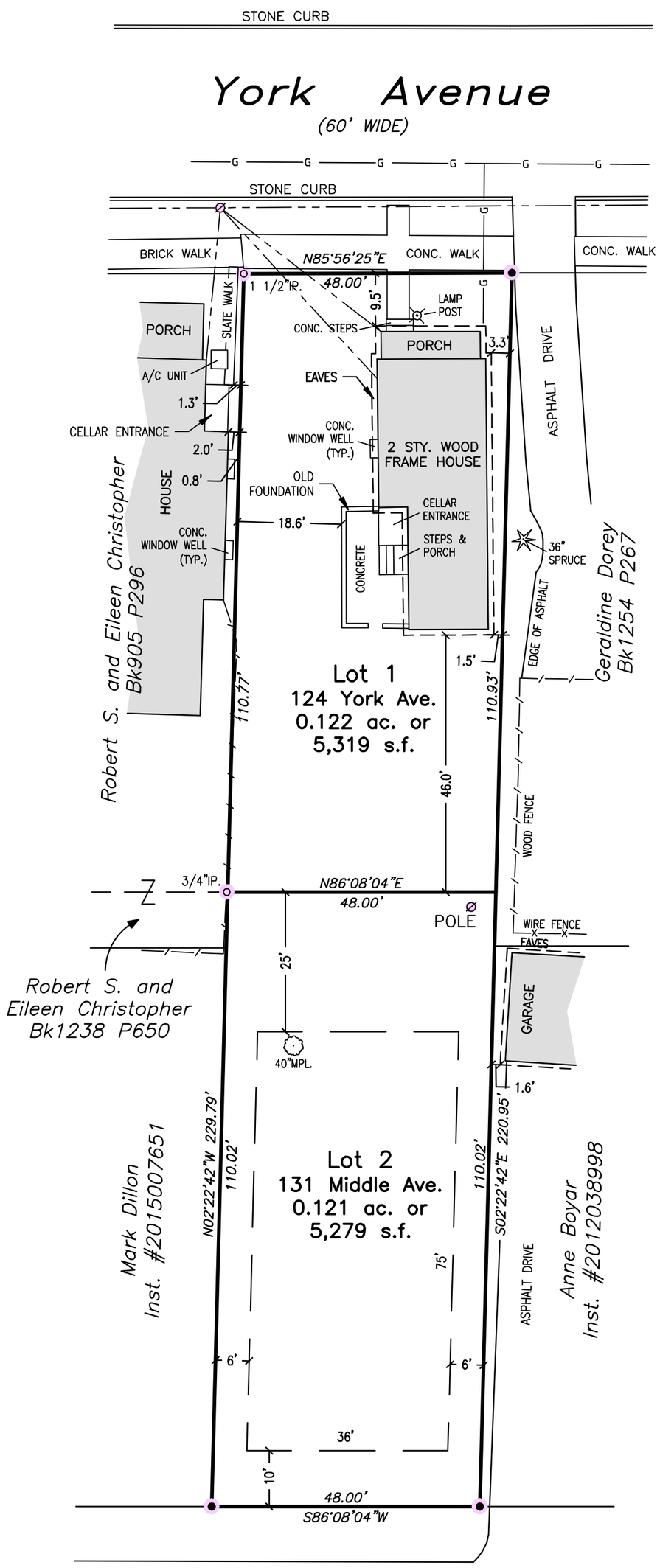
124 YORK AVENUE
MICHAEL AND KIMBERLY SOUTHERN
AREA VARIANCE APPLICATION

129 Middle Avenue: Southwest adjoining neighbor

147 Middle Avenue: Southeast adjoining neighbor

124 YORK AVENUE
MICHAEL AND KIMBERLY SOUTHERN
AREA VARIANCE APPLICATION

Middle Avenue View with proposed Lot 2:



Map Legend

- • 5/8" steel rod set with a tag
- ○ marker found, labeled
- Ø utility pole
- overhead wires
- wood fence

Map References:

1. "Map of Lands on New York and Lake Avenues belonging to William L.F. Warren" dated July 1, 1860 filed in the Saratoga County Clerk's Office in Map File Number W–58.
2. "Map of Lots Belonging To The Estate of Lucy C. Lester" filed April 1, 1922 prepared by Samuel Mott, CE filed in the Saratoga County Clerk's Office in Map File Number Card 1; Pocket 6; Folder 3.
3. "Survey of Lands of Wilbur L. and Rose Pratt" dated May 2, 1985 prepared by W. Bruce Hawks, L.S.
4. "Lands of Christopher, prepared for Robert S. and Eileen Christopher" dated December 7, 1978 prepared by Peter Kent Engineers.

Deed Reference:

Kimberly R. Southern and Michael P. Southern dated August 28, 2014 filed in the Saratoga County Clerk's Office in Instrument Number 2014027776.

Total Area= 0.243 ac. or 10,597 s.f.

UR–3 AREA REQUIREMENTS

Zoning District	Minimum Lot size Square Feet	Mean Average Width (feet)	Maximum Percent of Lot to be Occupied		Minimum Yard Dimensions				Principal Buildings		Accessory Building Minimum Distance to				
			Principal Building	Accessory Building	Front (feet)	Rear (feet)	Each Side (feet)	Total Side (feet)	Minimum First Floor Area (square feet)	Maximum Height (feet)	Principal Building (feet)	Front Lot Line (feet)	Side Lot Line (feet)	Rear Lot Line (feet)	Minimum Percent of Lot to be Permeable
UR–3	6,600 1–unit / 8,000 2–unit	60 1–unit / 80 2–unit	30	10	10	25	4	12	1 Story=1,200 2 Story=800	60	5	10	5	5	25

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.

DATE	REVISION

10 0 10 20
Scale: 1" = 20'

Proposed Subdivision
Kimberly R. and Michael P. Southern

Situate at

124 York Avenue

City of Saratoga Springs, Saratoga County NY

[redacted]
12 Lake Avenue
Saratoga Springs,
NY, 12866

THOMPSON FLEMING
LAND SURVEYORS, P.C.

DATE: Sept. 22, 2016
TAX MAP: 166.46–3–5
JOB NUMBER: S14–191.17

P:\Southern, 124 York Ave S14–191\dwg\S14–191 Southern Subdivision Map.dwg

CITY OF SARATOGA SPRINGS

City Hall - 474 Broadway
Saratoga Springs, New York 12866
Tel: 518-587-3550 fax: 518-580-9480

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

APPLICATION FOR:
APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	David Guarino & Linda Haner		
Address	[redacted]		
Phone		/	/
Email			

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises: ☑ Owner ☐ Lessee ☐ Under option to lease or purchase

PROPERTY INFORMATION

1. Property Address/Location: 21 Park Place Tax Parcel No.: 165 . 84 - 1 - 1
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 11/9/98 3. Zoning District when purchased: UR-4

4. Present use of property: 3 unit residential 5. Current Zoning District: UR-4

6. Has a previous ZBA application/appeal been filed for this property?
☑ Yes (when? 12/29/14 For what? area variance)
☑ No

7. Is property located within (check all that apply)?: ☐ Historic District ☐ Architectural Review District
☐ 500' of a State Park, city boundary, or county/state highway?

8. Brief description of proposed action:
To construct two (2) additional residential structures on the property so that there are a total of seven (7) units on the parcel. The proposal includes one free-standing garage.

9. Is there a written violation for this parcel that is not the subject of this application? ☐ Yes ☑ No

10. Has the work, use or occupancy to which this appeal relates already begun? ☐ Yes ☑ No

11. Identify the type of appeal you are requesting *(check all that apply)*:

☐ INTERPRETATION (p. 2) ☑ VARIANCE EXTENSION (p. 2) ☐ USE VARIANCE (pp. 3-6) ☐ AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance". Fees are cumulative and required for each request below.

☐ Interpretation	$ 400
☐ Use variance	$1,000
☐ Area variance	
-Residential use/property:	$ 150
-Non-residential use/property:	$ 500
☑ Extensions:	$ 150

INTERPRETATION – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) _____

2. How do you request that this section be interpreted? _____

3. If interpretation is denied, do you wish to request alternative zoning relief? ☐Yes ☐No

4. If the answer to #3 is "yes," what alternative relief do you request? ☐ Use Variance ☐ Area Variance

EXTENSION OF A VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: 12/29/14
2. Type of variance granted? ☐ Use ☑ Area
3. Date original variance expired: 6/29/16

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?

Original application design not approved by Planning Board, application pending.

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

There have been no changes to the neighborhood or the site since the original variance was granted. Circumstances are the same as well.

_____

_____

_____

USE VARIANCE – **PLEASE ANSWER THE FOLLOWING** (add additional information as necessary):

A use variance is requested to permit the following: _____

_____

_____

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

_____

_____

_____

_____

_____

_____

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase: _____ Purchase amount: $_____

2) Indicate dates and costs of any improvements made to property after purchase:

Date	Improvement	Cost
_____	_____	_____
_____	_____	_____
_____	_____	_____

3) Annual maintenance expenses: $_____ 4) Annual taxes: $_____

5) Annual income generated from property: $_____

6) City assessed value: $_____ Equalization rate:_____ Estimated Market Value: $_____

7) Appraised Value: $_____ Appraiser: _____Date: _____

Appraisal Assumptions:_____

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☐Yes ☐No If "yes", for how long? _____

1) Original listing date(s):_____ Original listing price: $_____

If listing price was reduced, describe when and to what extent: _____

_____

2) Has the property been advertised in the newspapers or other publications? ☐Yes ☐No

If yes, describe frequency and name of publications: _____

_____

3) Has the property had a "For Sale" sign posted on it? ☐Yes ☐No

If yes, list dates when sign was posted: _____

_____

4) How many times has the property been shown and with what results? _____

_____

_____

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

AREA VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) _____

Dimensional Requirements	From	To

Other: _____

_____

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

_____

_____

_____

_____

_____

_____

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

_____

_____

_____

_____

_____

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ☑ No ☐ Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

_____ Date: 6-23-16
(applicant signature)

_____ Date: 6-23-2016
(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: _____

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.

<u>Note:</u>
County referral response, "No Significant Countywide or Intercommunity Impact" with comment, dated July 28, 2014.

While DRC Historic Review is not required in this case, the applicant's Nov. 13, 2014 response to the consideration identified in the DRC's advisory opinion shall be incorporated into the final design of the project.

Other approvals:

Planning Board site plan review is required

Adopted by the following vote:

AYES: 7 (B. Moore, A. McNeill, K. Kaplan, G. Hasbrouck S. Carlson, O. Ludd and J. Helicke)

NAYES: 0

Dated: December 15, 2014

This variance shall expire 18 months following the filing date of such decision unless the necessary building permit has been issued and actual construction begun as per 240-8.5.1.

12/23/14
Date

Chair

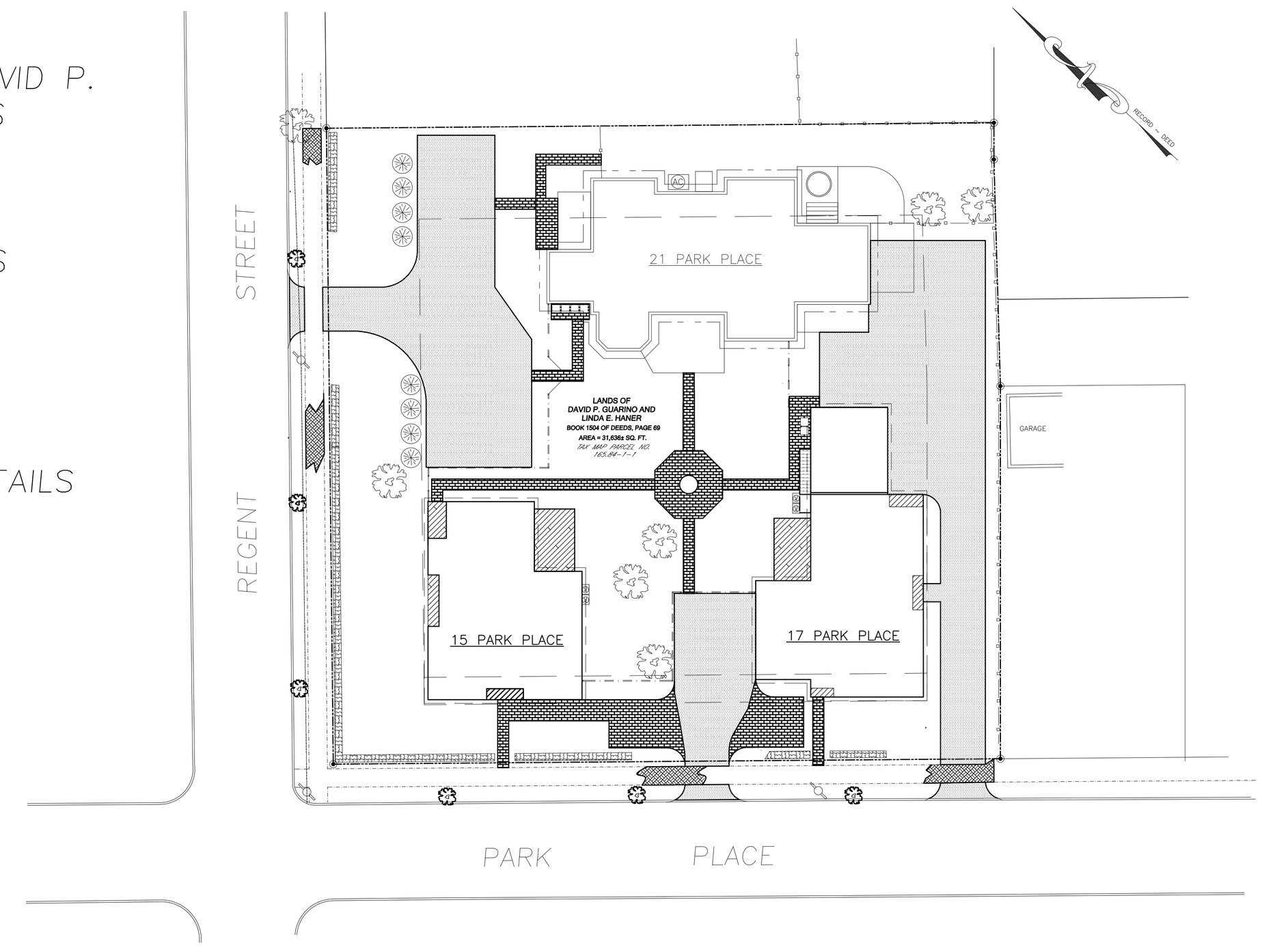
I hereby certify the above to be a full, true and correct copy of a resolution duly adopted by the Zoning Board of Appeals of the City of Saratoga Springs on the date above mentioned, seven members of the Board being present.

RECEIVED
DEC 29 2014
ACCOUNTS DEPARTMENT

PARK & REGENT CONDOMINIUMS

SHEET LISTING – SITE PLAN APPLICATION CONTENTS

1. MAP NO. 2005–19–02 – SURVEY OF LANDS OF DAVID P. GUARINO AND LINDA E. HANER, SURVEY ASSOCIATES
2. S1 SITE PLAN
3. S2 SEDIMENT & EROSION CONTROL PLAN & DETAILS
4. S3 STORMWATER MITIGATION & GRADING PLAN
5. S4 LANDSCAPING & LIGHTING PLAN & DETAILS
6. S5 PARKING, TURNING, SNOW STORAGE PLAN & DETAILS
7. D1 SITE INFRASTRUCTURE DETAILS
8. D2 SITE UTILITY DETAILS
9. D3 SITE STORMWATER MITIGATION DETAILS & NOTES



MAP REFERENCE:
1. "SURVEY OF LANDS OF DAVID P. GUARINO AND LINDA E. HANER", MAP NO. 2005–19–02, REVISION 1, 11/26/2014, BY SURVEY ASSOCIATES, LLC

REV.	DATE	BY	CHK.	DESCRIPTION
1	7/8/2015	FTO	JK	REORDERED/RENUMBERED SHEETS
–	6/1/2015	FTO	JK	ORIGINAL SUBMITTAL

BOUNDARY INFORMATION
BOUNDARY INFORMATION USED IN THE PREPARATION OF THIS PLAT WAS TAKEN FROM THE MAPS REFERENCED ON THIS PLAT.

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REXFORD ENGINEERING PLLC
ENGINEERING CONSULTANTS
23 FAIRWAY LANE
REXFORD, NY 12148
PHONE: (518) 399-0153 • FAX: (253) 484-9242
JOHN KLEKOVIC, P.E. LICENSE NO. NY 057060

DRAWN BY: FTO	CITY OF: SARATOGA SPRINGS	SCALE: NO SCALE	
CHECKED BY: JK	COUNTY OF: SARATOGA	DATE: 7/8/2015	
TAX MAP NO. 165.84-1-1	STATE OF: NEW YORK	REVISION: 1	

PARK & REGENT CONDOMINIUMS
OWNER: DAVID P. GUARINO & LINDA E. HANER

SHEET LISTING

S0
SHEET 1

PB# 14.053

ZONING AND BUILDING INSPECTOR DENIAL OF APPLICATION FOR LAND USE AND/OR BUILDING

APPLICANT: DAVID GUARINO AND LINDA HANER TAX PARCEL NO.: 165.84-1-1

PROPERTY ADDRESS: 21 PARK PLACE
ZONING DISTRICT: URBAN RESIDENTIAL – 4

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

Extension of a previously approved area variance for construction of two, two-family residences.

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s):

240-2.3 Table 3 and 8.5.2. As such, the following relief would be required to proceed:

☒ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To
Minimum front yard setback:	25 ft.	16 ft.
Maximum principal building coverage:	25%	27.8%

Note: Previously approved December 15, 2014 and filed December 29, 2014

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR 9/12/16 DATE

CITY OF SARATOGA SPRINGS

City Hall - 474 Broadway
Saratoga Springs, New York 12866
Tel: 518-587-3550 fax: 518-580-9480

[FOR OFFICE USE]

_____ (Application #)

_____ (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]		
	[redacted]		
Phone	[redacted] / [redacted]	[redacted] / [redacted]	[redacted] / [redacted]
Email	[redacted]n		

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises: ☑ Owner ☐ Lessee ☐ Under option to lease or purchase

PROPERTY INFORMATION

1. Property Address/Location: 117 Middle Ave Tax Parcel No.: 166 . 45 - 3 - 25
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 8/22/2014 3. Zoning District when purchased: UR3

4. Present use of property: Single Family Home 5. Current Zoning District: UR3

6. Has a previous ZBA application/appeal been filed for this property?
☐ Yes (when? _____ For what? _____)
☑ No

7. Is property located within (check all that apply)?: ☐ Historic District ☐ Architectural Review District
☐ 500' of a State Park, city boundary, or county/state highway?

8. Brief description of proposed action:
Add second story and a small addition to a single family home that is currently on the property. The existing home is outside of the setback requirements in that the east side of the home has a side setback of 2.8' and 3.1'. We are requesting no change in this setback. The rear of the home (north) currently is between 1.5' and 2.1'. We are proposing a small addition to the west side of the building. This corner of this addition would be 1.4' from the property line as opposed to the current 1.5'.

9. Is there a written violation for this parcel that is not the subject of this application? ☐ Yes ☑ No

10. Has the work, use or occupancy to which this appeal relates already begun? ☐ Yes ☑ No

11. Identify the type of appeal you are requesting *(check all that apply)*:

☐ INTERPRETATION (p. 2) ☐ VARIANCE EXTENSION (p. 2) ☐ USE VARIANCE (pp. 3-6) ☑ AREA VARIANCE (pp. 6-7)

AREA VARIANCE – **PLEASE ANSWER THE FOLLOWING** (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) _____

Dimensional Requirements	From	To
Side Setback	4 ft	2.8 to 3.1'
(Existing home currently has side setback proposed)		
Rear Setback	25'	1.4' to 2.1'
(existing home currently has rear setback of 1.5' to 2.1' - we are proposing an addition that is approx 5' wide and the corner would be 1" closer to property line.		

Other: _____

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

   I have attempted to contact the property owner to the rear of this property who has an oversized lot. I have sent letters and knocked on the door many times and have had no response from either.
   We have explored other designs to try to make the home a bit larger to fit todays standards. The home is very narrow and we feel the small side addition adds much to using the still small square footage to its best use.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

   The nearby neighborhood has many properties that do not fit the current setback requirements and therefore this property would not stand out as being out of character
   As mentioned , the bordering property to the rear has an oversized lot and the home on that property is very close to the far border leaving a large back yard. The bordering property to the East has a home that is also located at the far border(east) of its lot leaving yard in between the 2 properties therefore the homes would not be abnormally close to each other. The bordering property to the West is a double lot that runs between both Middle Ave and York. The portion of the property that borders our lot on Middle ave is used as a driveway. The proposed addition to our property would still be 18.2' from that property line. There is also an existing garage along the same property line that is 8.1' from the property line.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

The requested variance is not substantial because the only difference between the current setback of the existing structure and the proposed changes is only reduced by 1" on one corner of the home.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

There are many similar homes in the area that do not fit the current setback requirements and there will be little impact to neighboring properties.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

This property was purchased knowing that variances would be required but none of the required variances needed are out of character for the surrounding area nor are they substantial.

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ☑ No ☐ Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

C Christopher Armer Digitally signed by C Christopher Armer Date: 2016.02.09 15:26:49 -05'00' Date: 2/9/2016

(applicant signature)

Teri L DeSorbo Digitally signed by Teri L DeSorbo Date: 2016.02.09 15:30:11 -05'00' Date: 2/9/2016

(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

MAP OF SURVEY

OF LANDS OF

C. CHRISTOPHER ARMER & TERI DeSORBO

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

SCALE: 1" = 10' DATE: OCTOBER 21, 2014

UPDATED NOVEMBER 18, 2015 TO SHOW PROPOSED ADDITION

LEGEND:

- ● FOUND IRON MARKER
- O SET IRON ROD WITH CAP
- UTILITY POLE
- —E— POWER LINE
- STONE WALL
- FENCE

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL OR INKED STAMP SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

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WILLIAM J. ROURKE, LICENSED LAND SURVEYOR NO. 49098

W. J. ROURKE, ASSOCIATES
Licensed Land Surveyors
299 Reservoir Road
Fort Edward, N.Y. 12828

14-91
JOB NO.

W.J. ROURKE, ASSOCIATES - LICENSED LAND SURVEYORS

299 RESERVOIR ROAD, FORT EDWARD, NEW YORK 12828

117
EXISTING HOME -
117 Middle AVE - Subject
Property

REAR/SIDE OF SUBJECT FROM WEST
(EXISTING HOME.)

Neighbor Driveway to West
From Back Property Line

Looking WEST FROM
117 Middle AVE

Looking East From
117 Middle Ave

Across STREET From 117 Middle

Across STREET From 117 Middle

Google earth

feet 300
meters 90

- SHOWS DENSITY OF AREA.

FRONT LEFT ELEVATION

FRONT RIGHT ELEVATION

REAR LEFT ELEVATION

REAR RIGHT ELEVATION

OPTION 5

PLAN NO:

PAGE OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:
CHRIS ARMER

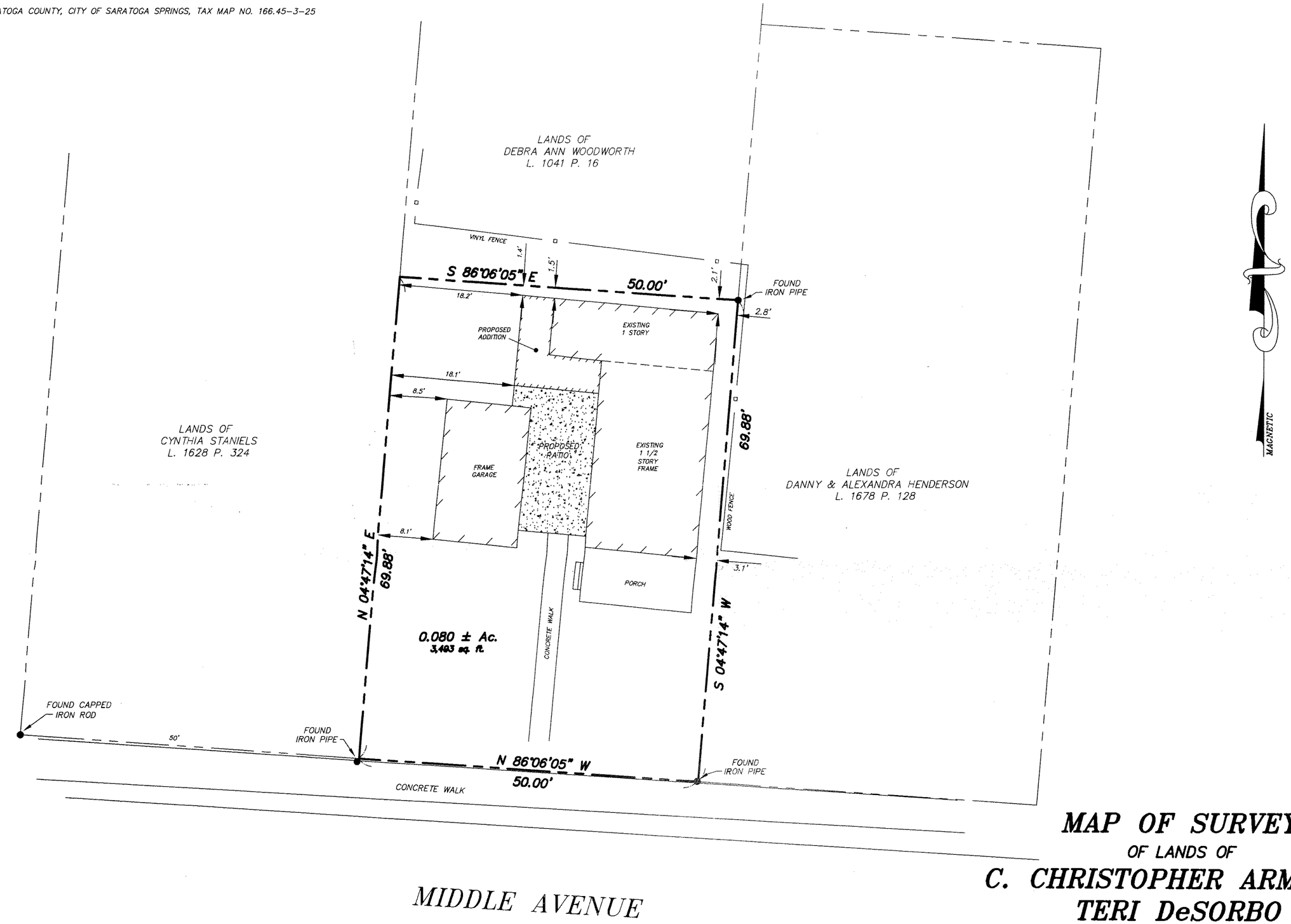
ADDRESS:
117 MIDDLE AVE
SARATOGA
NEW YORK

DESIGNERS OF FINE HOMES SINCE 1968
WILLIAMS & WILLIAMS DESIGNERS
INCORPORATED
SOY GLEN STREET-GLENS FALLS-NEW YORK 12301
518-793-HOUSE(4687)
WILLIAMSANDWILLIAMSDESIGNERS.COM

SEAL:
02/12/15

MAP REFERENCES:

1. SARATOGA COUNTY, CITY OF SARATOGA SPRINGS, TAX MAP NO. 166.45-3-25



MAP OF SURVEY

OF LANDS OF

C. CHRISTOPHER ARMER & TERI DeSORBO

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

SCALE: 1" = 10' DATE: OCTOBER 21, 2014

UPDATED NOVEMBER 18, 2015 TO SHOW PROPOSED ADDITION

LEGEND:

- ● FOUND IRON MARKER
- O SET IRON ROD WITH CAP
- UTILITY POLE
- —E— POWER LINE
- STONE WALL
- —x—x— FENCE

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W. J. ROURKE, ASSOCIATES
Licensed Land Surveyors
299 Reservoir Road
Fort Edward, N.Y. 12828

14-91
JOB NO.

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299 RESERVOIR ROAD, FORT EDWARD, NEW YORK 12828

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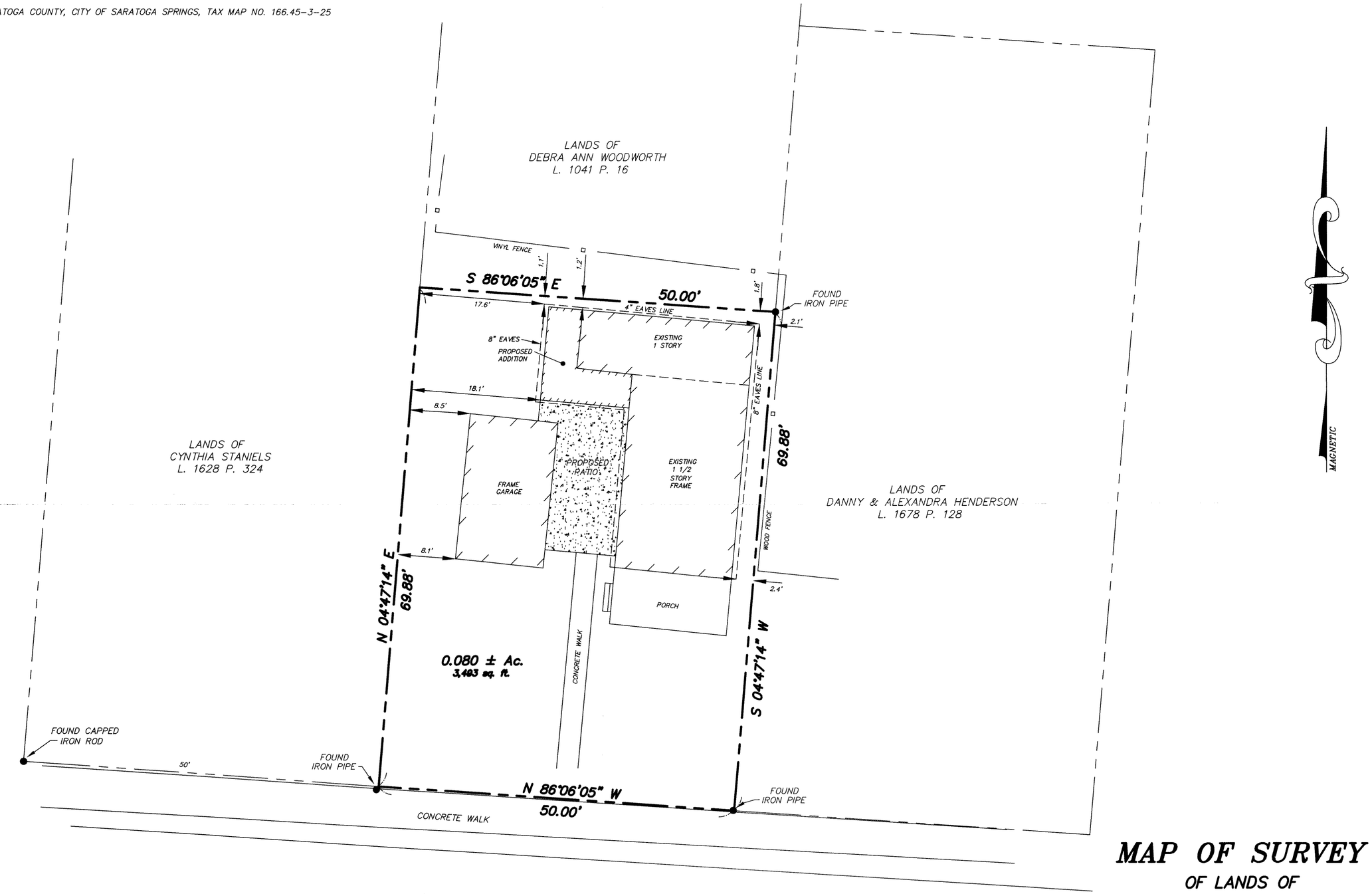

MAP OF SURVEY

OF LANDS OF

C. CHRISTOPHER ARMER & TERI DeSORBO

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

SCALE: 1" = 10' DATE: OCTOBER 21, 2014

UPDATED NOVEMBER 18, 2015 TO SHOW PROPOSED ADDITION
UPDATED APRIL 11, 2016 TO SHOW EAVES

LEGEND:

- ● FOUND IRON MARKER
- ○ SET IRON ROD WITH CAP
- UTILITY POLE
- —E— POWER LINE
- ∞∞∞∞ STONE WALL
- —x—x— FENCE

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14-91
JOB NO.

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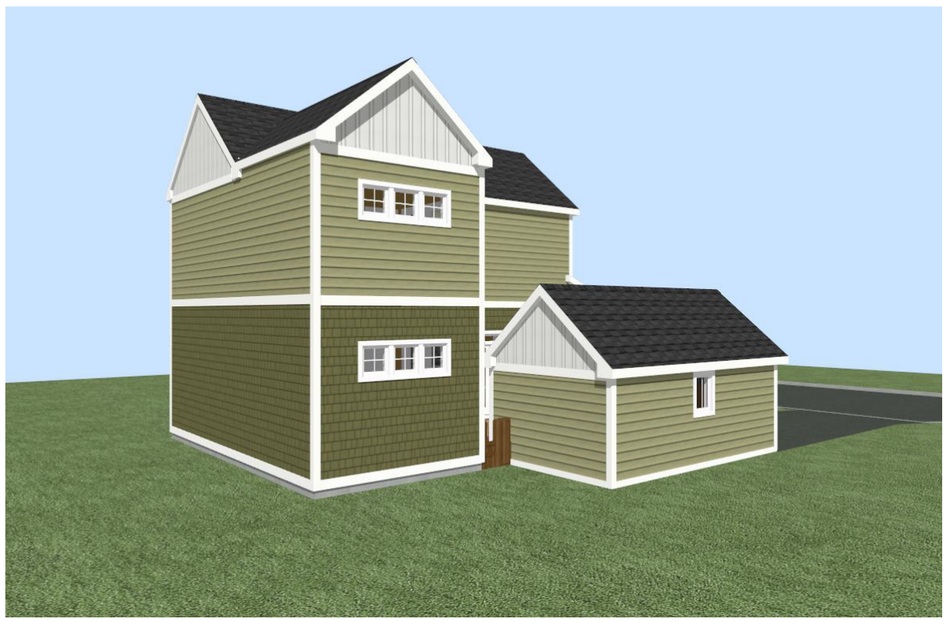
FRONT LEFT ELEVATION

FRONT RIGHT ELEVATION



REAR LEFT ELEVATION

REAR RIGHT ELEVATION

PRELIMINARY

PLEASE MAKE ANY CHANGES, SIGN, & RETURN TO WILLIAMS & WILLIAMS

APPROVAL SIGNATURE:

DATE:

TO THE BEST OF OUR KNOWLEDGE, BELIEF, & PROFESSIONAL JUDGEMENT, SUCH PLANS & SPECIFICATIONS ARE IN COMPLIANCE WITH THE 2010 RESIDENTIAL BUILDING CODE OF NEW YORK STATE & THE 2010 ENERGY CONSERVATION CONSTRUCTION CODE OF NEW YORK STATE.

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PLAN NO:

PAGE OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:

CHRIS ARMER

ADDRESS:

117 MIDDLE AVE
SARATOGA
NEW YORK

DESIGNERS OF FINE HOMES SINCE 1968

WILLIAMS & WILLIAMS DESIGNERS INCORPORATED

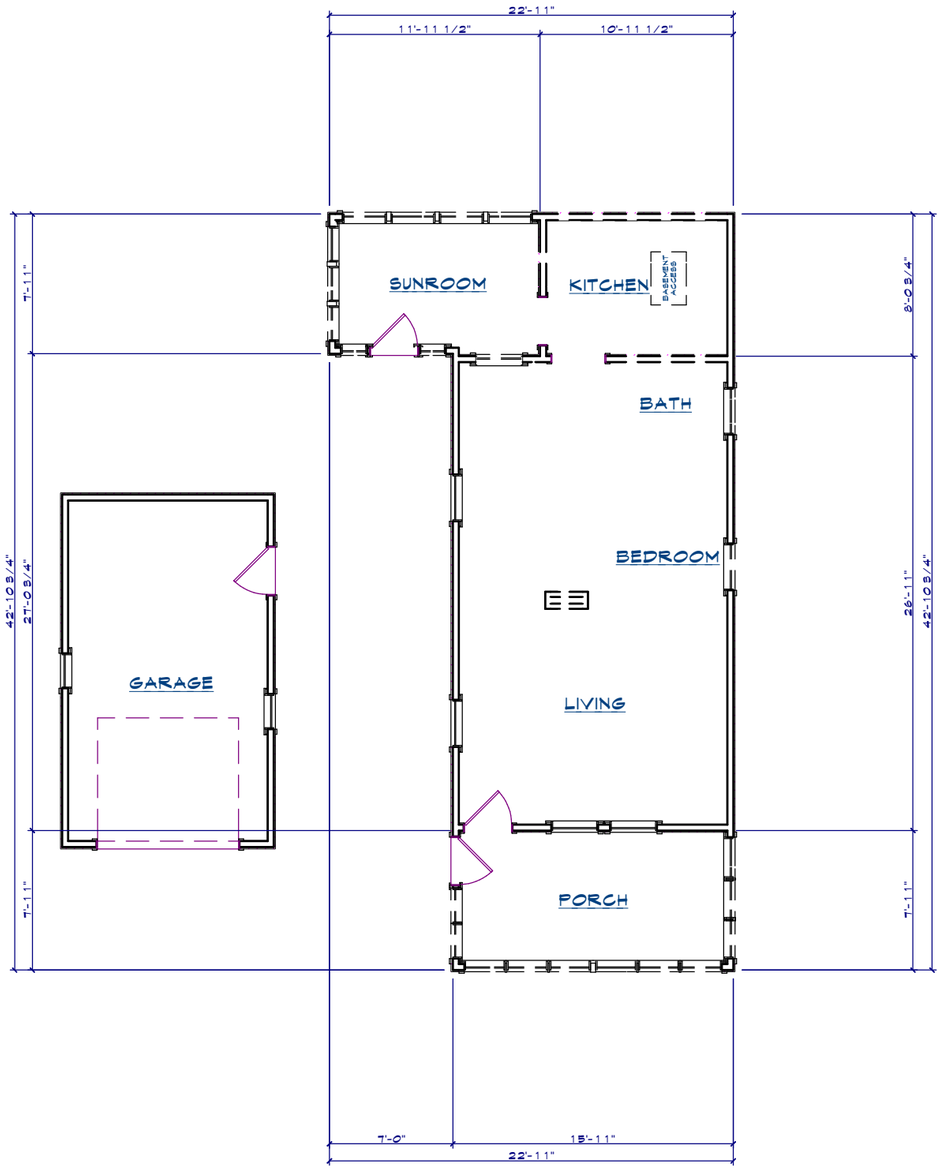
808 GLEN STREET-GLENS FALLS NEW YORK 12801
518-793-HOUSE(4687)
WILLIAMSANDWILLIAMSDESIGNERS.COM

SEAL:

05/05/16

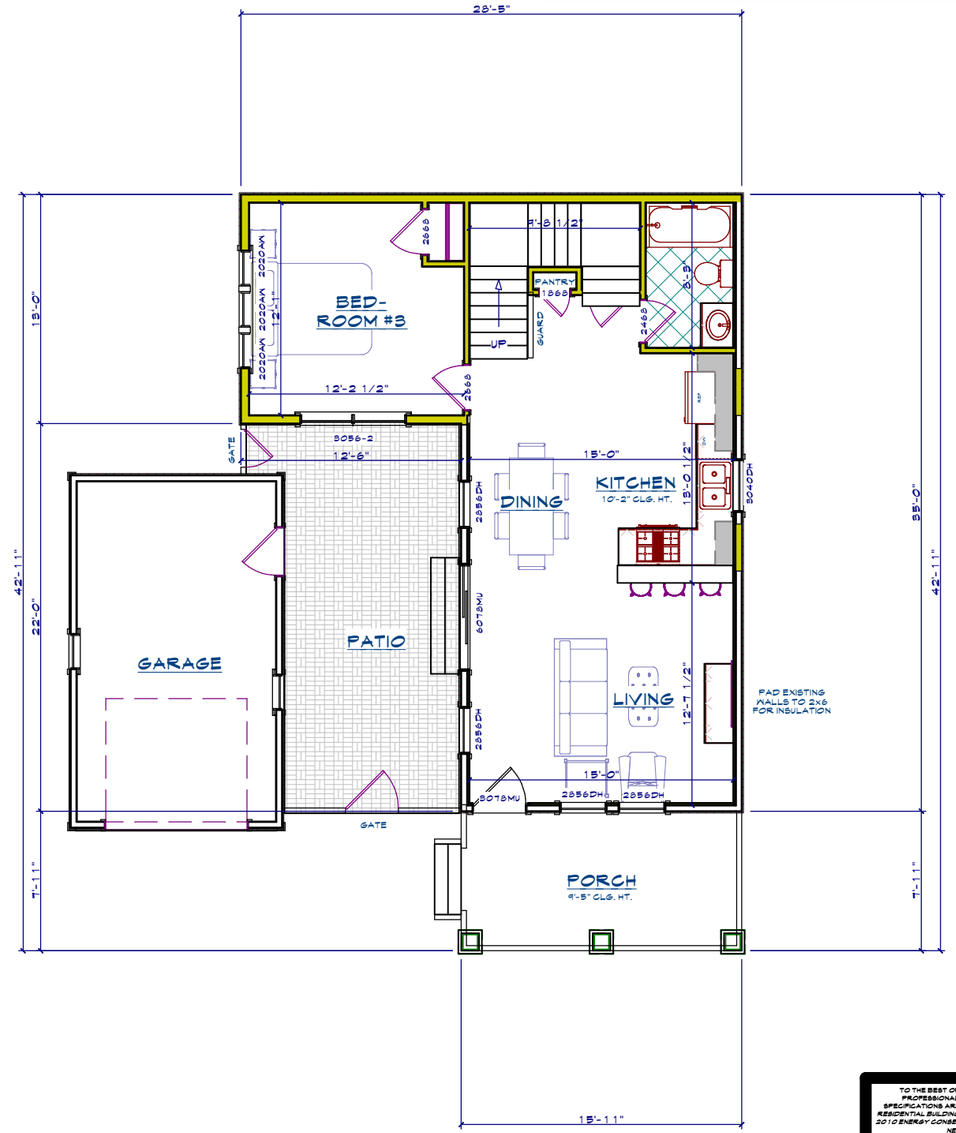
- EXISTING CONSTRUCTION
- TO BE DEMOLISHED
- NEW CONSTRUCTION

FIRST FLOOR:	719	SQ. FT. LIVING AREA
SECOND FLOOR:	657	SQ. FT. LIVING AREA
TOTAL:	1376	SQ. FT. LIVING AREA



EXISTING FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"



PROPOSED FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"

PRELIMINARY
PLEASE MAKE ANY CHANGES, SIGN, & RETURN TO WILLIAMS & WILLIAMS
APPROVAL SIGNATURE:
DATE:

TO THE BEST OF OUR KNOWLEDGE, BELIEF, & PROFESSIONAL JUDGEMENT, SUCH PLANS & SPECIFICATIONS ARE IN COMPLIANCE WITH THE 2010 RESIDENTIAL BUILDING CODE OF NEW YORK STATE & THE 2010 ENERGY CONSERVATION CONSTRUCTION CODE OF NEW YORK STATE.

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PLAN NO:

PAGE OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:
CHRIS ARMER

ADDRESS:
117 MIDDLE AVE
SARATOGA
NEW YORK

DESIGNERS OF FINE HOMES SINCE 1968
WILLIAMS & WILLIAMS DESIGNERS INCORPORATED
808 GLEN STREET-GLENS FALLS-NEW YORK 12801
518-793-HOUSE(4683)
WILLIAMSANDWILLIAMSDESIGNERS.COM

SEAL:
05/05/16

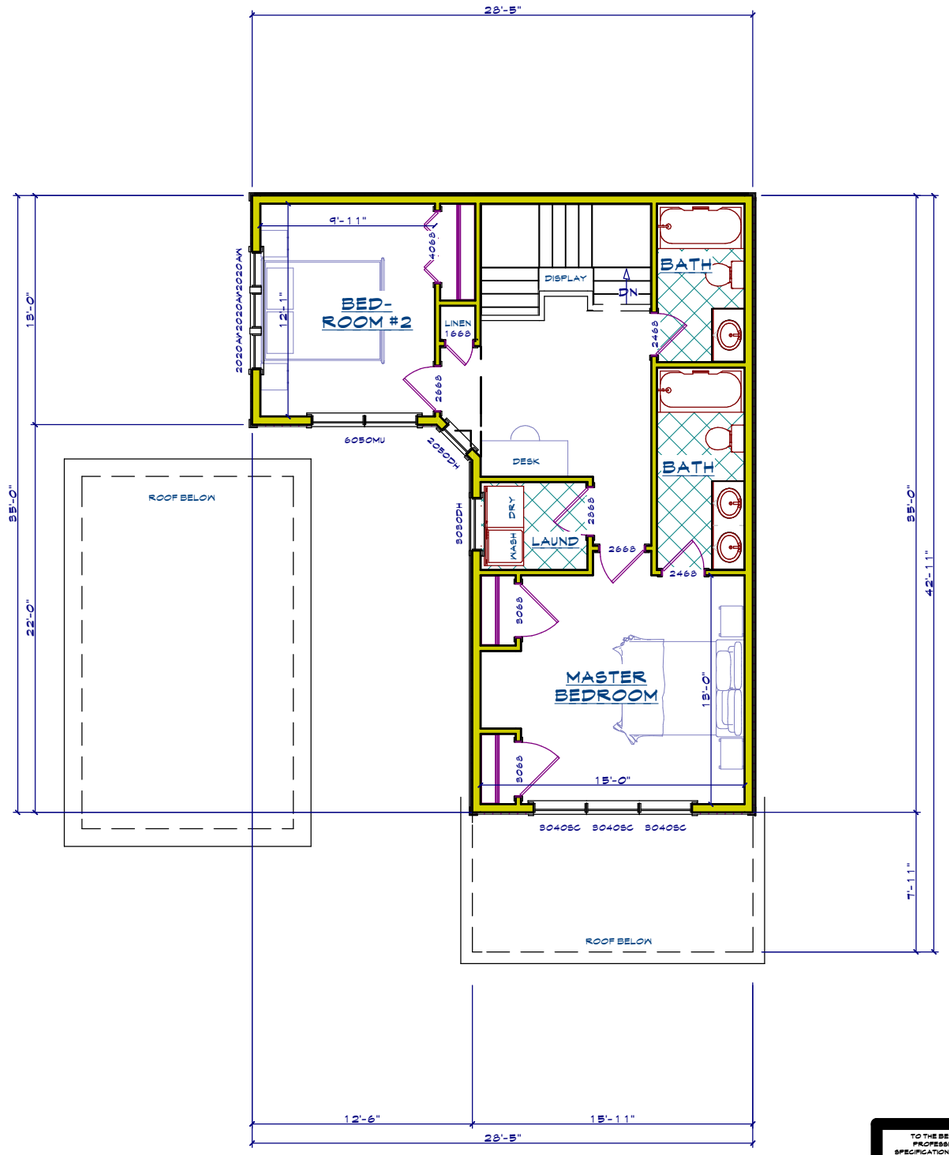
LIVING/DINING/KITCHEN

DINING/KITCHEN/LIVING

SECOND FLOOR AERIAL

FIRST FLOOR AERIAL

- EXISTING CONSTRUCTION
- TO BE DEMOLISHED
- NEW CONSTRUCTION



PROPOSED SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"

PRELIMINARY
PLEASE MAKE ANY CHANGES, SIGN, & RETURN TO WILLIAMS & WILLIAMS
APPROVAL
SIGNATURE:
DATE:

TO THE BEST OF OUR KNOWLEDGE, BELIEF, & PROFESSIONAL JUDGEMENT, SUCH PLANS & SPECIFICATIONS ARE IN COMPLIANCE WITH THE 2010 RESIDENTIAL BUILDING CODE OF NEW YORK STATE & THE 2010 ENERGY CONSERVATION CONSTRUCTION CODE OF NEW YORK STATE.

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PLAN NO:

PAGE
OF

DRAWN BY:

REVISIONS/DATE:

DESIGNED FOR:
CHRIS
ARMER

ADDRESS:
117 MIDDLE AVE
SARATOGA
NEW YORK

DESIGNERS OF FINE HOMES SINCE 1968
WILLIAMS & WILLIAMS DESIGNERS
INCORPORATED
509 GLEN STREET - GLENS FALLS, NEW YORK 12801
(518) 793-HOUSE (4683)
WILLIAMSANDWILLIAMSDESIGNERS.COM

SEAL:
05/05/16

AREA VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) _____

Dimensional Requirements	From	To
Side Setback	4 ft	2.8 to 3.1'
(Existing home currently has side setback proposed)		
Rear Setback	25'	1.4' to 2.1'
(existing home currently has rear setback of 1.5' to 2.1' - we are proposing an addition that is approx 5' wide and the corner would be 1" closer to property line.		
LOT COVERAGE	30%	33.5%

Other: _____

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

   I have attempted to contact the property owner to the rear of this property who has an oversized lot. I have sent letters and knocked on the door many times and have had no response from either.
   We have explored other designs to try to make the home a bit larger to fit todays standards. The home is very narrow and we feel the small side addition adds much to using the still small square footage to its best use.

   THE LOT COVERAGE COULD POSSIBLY BE ADDRESSED BY REDUCING THE SIZE OF THE FRONT PORCH. HOWEVER, IT WOULD REDUCE THE USABILETY OF THE PORCH AND IMPACT THE ARCHETECTURAL DESIGN

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

   The nearby neighborhood has many properties that do not fit the current setback requirements and therefore this property would not stand out as being out of character
   As mentioned , the bordering property to the rear has an oversized lot and the home on that property is very close to the far border leaving a large back yard. The bordering property to the East has a home that is also located at the far border(east) of its lot leaving yard in between the 2 properties therefore the homes would not be abnormally close to each other. The bordering property to the West is a double lot that runs between both Middle Ave and York. The portion of the property that borders our lot on Middle ave is used as a driveway. The proposed addition to our property would still be 18.2' from that property line. There is also an existing garage along the same property line that is 8.1' from the property line.

   THE LOT COVERAGE VARIENCE IS RATHER SMALL AND I BELIEVE IT WOULD NOT HAVE ANY NEGATIVE IMPACT ON THE NEIGHBORHOOD AS MANY PROPERTIES APPEAR TO COVER A LARGE PERCENTAGE OF THE LOTS.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

The requested variance is not substantial because the only difference between the current setback of the existing structure and the proposed changes is only reduced by 1" on one corner of the home.

THE LOT COVERAGE VARIANCE IS NOT SUBSTANTIAL IN THAT IT IS ONLY 3% AND IS KEEPING IN CHARACTER WITH THE NEIGHBORHOOD. THE HOME IS ALSO TOWARDS THE BACK OF THE LOT AND ANY IMPACT WOULD NOT BE NOTICABLE FROM THE STREET.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

There are many similar homes in the area that do not fit the current setback requirements and there will be little impact to neighboring properties.

THE REQUESTED LOT COVERAGE VARIENCE WOULD HAVE NO ADVERSE EFFECT ON THE NEIGHBORHOOD OR DISTRICT BECAUSE IT IS MINIMAL (3%) AND IS KEEPING IN CHARACTER WITH THE NEIGHBORHOOD. IT WOULD MOST LIKELY NOT BE NOTICABLE FROM THE STREET.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

This property was purchased knowing that variances would be required but none of the required variances needed are out of character for the surrounding area nor are they substantial.

THE LOT COVERAGE VARIANCE COULD BE CONSIDERED SELF CREATED IN THAT THE PLANS HAVE A SMALL ADDITION TO THE HOME. HOWEVER, THE HOME IS STILL OF A MINIMAL SIZE AND IS KEEPING IN CHARACTER WITH THE REST OF THE NEIGHBORHOOD

ZONING AND BUILDING INSPECTOR DENIAL OF APPLICATION FOR LAND USE AND/OR BUILDING

APPLICANT: CHRIS ARMER AND TERI DESORBO

TAX PARCEL NO.: 166.45-3-25

PROPERTY ADDRESS: 117 MIDDLE AVENUE
ZONING DISTRICT: URBAN RESIDENTIAL – 3

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

Proposed construction of additions to an existing single-family residence.

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s):

240-2.3 Table 3. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☒ Area Variance seeking the following relief:

Dimensional Requirements	From	To
Minimum side yard setback:	4 feet	2.1 feet
Minimum rear yard setback:	25 feet	1.1 feet
Maximum principal building coverage:	30%	33.5%

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

6/3/16
DATE

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

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Christina / Kristopher Barlow		Randy Heritage [redacted]
Address	[redacted]		HERITAGE FAMILY CONSTR. 2022 BARRETT Rd. BS. NY
Phone	[redacted]	/	518 588 / 0534
Email	[redacted]		[redacted]

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises: ☒ Owner ☐ Lessee ☐ Under option to lease or purchase

PROPERTY INFORMATION

1. Property Address/Location: 2 Cherry Tree Lane Saratoga Springs Tax Parcel No.: 167 - 1 - 61 (*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 2008 3. Zoning District when purchased: _____

4. Present use of property: Residence 5. Current Zoning District: _____

6. Has a previous ZBA application/appeal been filed for this property?
   ☐ Yes (when? _____ For what? _____)
   ☒ No

7. Is property located within (check all that apply)?: ☐ Historic District ☐ Architectural Review District ☐ 500' of a State Park, city boundary, or county/state highway? NA

8. Brief description of proposed action: adding 2 car garage + breezeway

9. Is there a written violation for this parcel that is not the subject of this application? ☐ Yes ☒ No

10. Has the work, use or occupancy to which this appeal relates already begun? ☐ Yes ☒ No

11. Identify the type of appeal you are requesting *(check all that apply)*:

☐ INTERPRETATION (p. 2) ☐ VARIANCE EXTENSION (p. 2) ☐ USE VARIANCE (pp. 3-6) ☒ AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance". Fees are cumulative and required for each request below.

☐ Interpretation	$ 400
☐ Use variance	$1,000
☒ Area variance	
-Residential use/property:	$ 150
-Non-residential use/property:	$ 500
☐ Extensions:	$ 150

INTERPRETATION – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) _____

2. How do you request that this section be interpreted? _____

_____

_____

_____

3. If interpretation is denied, do you wish to request alternative zoning relief? ☐ Yes ☐ No

4. If the answer to #3 is "yes," what alternative relief do you request? ☐ Use Variance ☐ Area Variance

EXTENSION OF A VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: _____ 2. Type of variance granted? ☐ Use ☐ Area

3. Date original variance expired: _____

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?

_____

_____

_____

_____

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

_____

_____

_____

AREA VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) 2.3

Dimensional Requirements	From	To
30' SIDE SET BACK	30'	10'

Other:

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

There are no other alternatives then to place to 2 car garage where proposed. Needs to be next to current driveway & existing garage.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

It would not create an undesireable change. Most of our neighbors have 3-4 car garages, while we only have a 2 car garage. Adding the additional garage will make our house more consistent with the other houses on our street.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

We are a family of 5. We need the additional garage space for our children's vehicles & for pool furniture storage. If we don't add garage, we'll have to park additional cars on grass which would be more problematic for our neighbors.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

Will not have adverse physical or environmental effects:
(1): ~~go~~ 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.

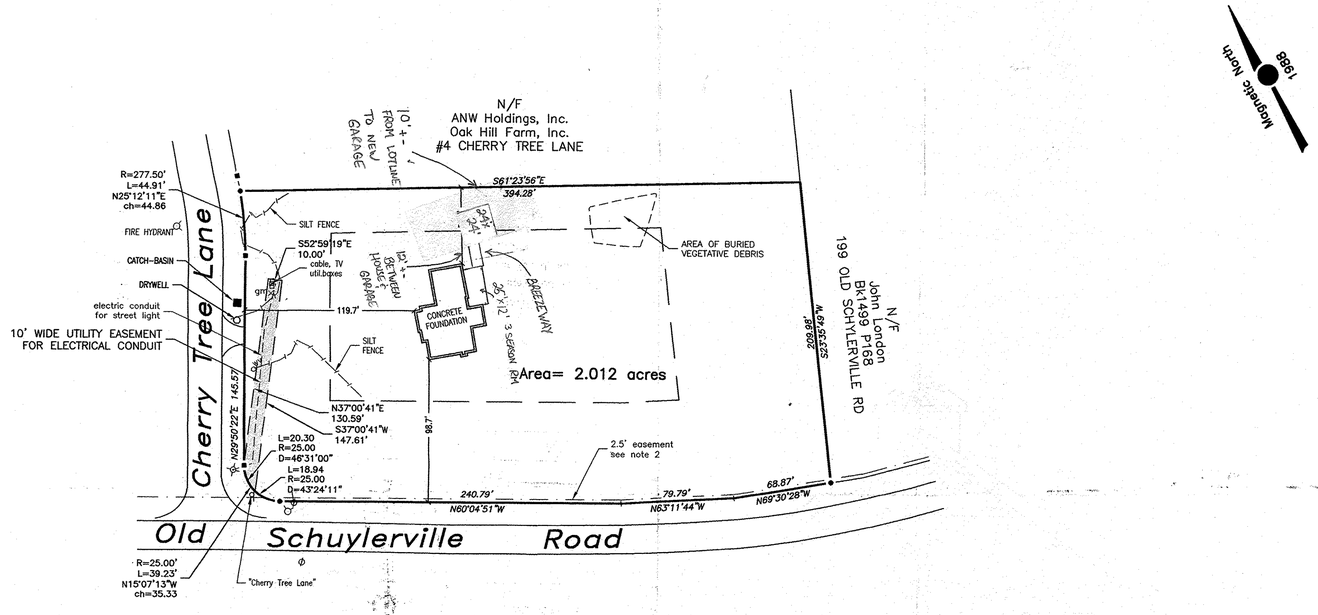
Christine Le Barron Date: 3-25-16
(applicant signature)

[signature] Date: 3-25-16
(applicant signature)

If applicant is not the currently the owner of the property, the current owner must also sign.

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____



Certification :

IT IS HEREBY CERTIFIED TO:
KRISTOPHER J. BARLOW AND CHRISTINA U. BARLOW;
MONROE TITLE INSURANCE CORPORATION;
SARATOGA NATIONAL BANK & TRUST COMPANY, ITS SUCCESSORS AND/OR ASSIGNS

that the map was prepared in accordance with the current existing Code of Practice for Land Surveyors adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, the governmental agency, and to the lending institution listed on this boundary survey map.

Map Legend

- • 5/8" steel rod set with a tag
- ○ marker found, labeled
- ⌀ utility pole
- lamp post

Deed Reference:

Kristopher J. Barlow
and Christina U. Barlow
Deed # 2008030221

Map Reference:

Filed Saratoga County Map 0-107 and C-453A-D.

Notes :

1. Subject to certain Declarations of Covenants, Restrictions and Easements as recorded in Liber 1443, page 549.
2. A blanket access/utility easement 2.5' wide along Old Schuylerville Road is granted to the City of Saratoga Springs.
3. A no-cut buffer being 20' wide along N.Y.S. Route 29 exists. Trimming and thinning of small trees and brush (less than 5" diameter) will be allowed.

DATE	REVISION
10/3/08	SILT FENCE, VEG. DEBRIS
10/2/08	FOUNDATION
8/19/08	PROPOSED SEPTIC TANK
8/13/08	PROPOSED SEPTIC SYSTEM

STATE OF NEW YORK · WILLIAM M. THOMPSON · 49623 · LICENSED LAND SURVEYOR

25 0 25 50
Scale: 1" = 50'

Foundation Survey
for

Kristopher J. and Christina U. Barlow

Situate at

2 Cherry Tree Lane

City of Saratoga Springs, Saratoga County, N.Y.S.

12 Lake Avenue
Saratoga Springs,
NY, 12866
Tel: 518-587-5665
Fax: 518-587-5772

THOMPSON/FLEMING
LAND SURVEYORS, P.C.

DATE: June 24, 2008
TAX MAP: 167-1-61
SURVEYED BY: WMT
JOB NUMBER: S99-18402.17

Unauthorized alteration or addition to a survey map bearing a licensed Land Surveyor's Seal is a violation of Section 7209 subdivision 2 of the New York State Education Law.

Only apparent easements (if any) are shown on this survey. No abstract of title was available.

PURPOSED GARAGE & BREEZEWAY
(24' x 24')

EXSISTING GARAGE/HOUSE

SCALE 3/8" = 1'

LOT LINE

ZONING AND BUILDING INSPECTOR DENIAL OF APPLICATION FOR LAND USE AND/OR BUILDING

APPLICANT: CHRISTINA & KRISTOPHER BARLOW TAX PARCEL NO.: 167.-1-61

PROPERTY ADDRESS: 2 CHERRY TREE LANE
ZONING DISTRICT: RURAL RESIDENTIAL

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

Proposed construction of an attached garage and breezeway.

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s):

240-2.3 Table 3. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

☒ Area Variance seeking the following relief:

Dimensional Requirements	From	To
Minimum side yard setback:	30 ft.	10 ft.

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

ZONING AND BUILDING INSPECTOR

5/5/16
DATE

CITY OF SARATOGA SPRINGS

City Hall – 474 Broadway
Saratoga Springs, New York 12866
Tel: 518-587-3550 fax: 518-580-9480

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

APPLICATION FOR:
APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Steven Gottman, Ginley & Gottmann, P.C.		
Address	96 Ballston Ave Saratoga Springs, NY 12866	Same as Applicant	Same as Applicant
Phone	[redacted] / [redacted]	/	/
Email	[redacted]		

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises: ☒ Owner ☐ Lessee ☐ Under option to lease or purchase

PROPERTY INFORMATION

1. Property Address/Location: 96 Ballston Ave, Saratoga Springs, NY 12866 Tax Parcel No.: 176 . 26 - 1 - 39,40, 46
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 9/30/2009 3. Zoning District when purchased: UR-2 Urban Residential

4. Present use of property: Converted Res./ Vacant Res./ Commercial 5. Current Zoning District: UR-2 Urban Residential

6. Has a previous ZBA application/appeal been filed for this property?
☒ Yes (when? June 2006, 2007 For what? 2006: 96 Ballston Ave to be used as an office.
2007: Area variance for handicap ramp access.)
☐ No

7. Is property located within (check all that apply)?: ☐ Historic District ☒ Architectural Review District
☐ 500' of a State Park, city boundary, or county/state highway?

8. Brief description of proposed action:

The project proposes to consolidate three (3) lots and construct a residential subdivision with townhouses. The residential subdivision includes 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building as shown on the conceptual plan.

9. Is there a written violation for this parcel that is not the subject of this application? ☐ Yes ☐ No

10. Has the work, use or occupancy to which this appeal relates already begun? ☐ Yes ☒ No

11. Identify the type of appeal you are requesting *(check all that apply)*:

☐ INTERPRETATION (p. 2) ☐ VARIANCE EXTENSION (p. 2) ☐ USE VARIANCE (pp. 3-6) ☒ AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance". Fees are cumulative and required for each request below.

☐ Interpretation	$ 400
☐ Use variance	$1,000
☑ Area variance	
-Residential use/property:	$ 150
-Non-residential use/property:	$ 500
☐ Extensions:	$ 150

INTERPRETATION – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) _____

2. How do you request that this section be interpreted? _____

_____

_____

_____

3. If interpretation is denied, do you wish to request alternative zoning relief? ☐ Yes ☐ No

4. If the answer to #3 is "yes," what alternative relief do you request? ☐ Use Variance ☐ Area Variance

EXTENSION OF A VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: _____ 2. Type of variance granted? ☐ Use ☐ Area

3. Date original variance expired: _____

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?

_____

_____

_____

_____

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

_____

_____

_____

_____

_____

_____

USE VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

A use variance is requested to permit the following: _____

_____

_____

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

_____

_____

_____

_____

_____

_____

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase: _____ Purchase amount: $_____

2) Indicate dates and costs of any improvements made to property after purchase:

Date	Improvement	Cost

3) Annual maintenance expenses: $_____ 4) Annual taxes: $_____

5) Annual income generated from property: $_____

6) City assessed value: $_____ Equalization rate:_____ Estimated Market Value: $_____

7) Appraised Value: $_____ Appraiser: _____Date: _____

Appraisal Assumptions:_____

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☐ Yes ☐ No If "yes", for how long? _____

1) Original listing date(s):_____ Original listing price: $_____

If listing price was reduced, describe when and to what extent: _____

_____

2) Has the property been advertised in the newspapers or other publications? ☐ Yes ☐ No

If yes, describe frequency and name of publications: _____

_____

3) Has the property had a "For Sale" sign posted on it? ☐ Yes ☐ No

If yes, list dates when sign was posted: _____

_____

4) How many times has the property been shown and with what results? _____

_____

_____

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

AREA VARIANCE – **PLEASE ANSWER THE FOLLOWING** (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) UR-2 Area & Bulk Schedule Requirements

Dimensional Requirements	From	To
Minimum Lot Sizes	6,600 SF	1,702 SF
Minimum AVG Lot Widths	60 FT	20 FT
Maximum Building Coverage	30%	33%
Each Side Minimum Yard Setback	8 FT	0 FT
Total Side Minimum Yard Setback	20 FT	0 FT

Other:

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

   Alternative designs have been considered by the applicants to create a development for the parcel that is both appropriate to the neighborhood and marketable to the community. The existing 6,600 SF lot area requirements and associated residential density is not compatible with the NYS 50 corridor and the existing commercial uses immediately across the street and along the corridor. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

   The proposed variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

The proposed variances are not substantial. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

The proposed variances will not have adverse physical or environmental effects on the neighborhood district. The project will be provided with public water and public sewer services to protect the environmental water quality and fire protection. Storm water runoff will be managed in accordance with all applicable regulations. Clearing will be limited and green space will maintained to the greatest extent possible. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

The proposed variance requests have been created to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also parallels the various master plan updates and zone changes that are already approved and/or under consideration by the City of Saratoga Springs. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ☑ No ☐ Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

_____ Date:_____
(applicant signature)

_____ Date:_____
(applicant signature)

If applicant is not the currently the owner of the property, the current owner must also sign.

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

ZONING AND BUILDING INSPECTOR DENIAL OF APPLICATION FOR LAND USE AND/OR BUILDING

APPLICANT: Steven Gottman, Ginley & Gottmann, P.C. TAX PARCEL NO.: 176.26 - 1 - 39, 40 & 46

PROPERTY ADDRESS: _____ ZONING DISTRICT: UR-2

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

_____

_____

_____

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s)

_____. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☐ Area Variance seeking the following relief:

Dimensional Requirements	From	To
Minimum Lot Sizes	6,600 SF	1,702 SF
Minimum AVG Lot Widths	60 FT	20 FT
Maximum Building Coverage	30%	33%
Each Side Minimum Yard Setback	8 FT	0 FT
Total Side Minimum Yard Setback	20 FT	0 FT

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Ballston Ave Subdivision		
Project Location (describe, and attach a general location map): 96 Ballston Ave, Saratoga Springs, NY, 12866		
Brief Description of Proposed Action (include purpose or need): The proposed project site is located on a 1.36 +/- Acre site on the corner of Finley Street and Ballston Ave in the City of Saratoga Springs, NY. The project proposes to consolidate three (3) lots and construct a residential subdivision with townhouses. The residential subdivision includes 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building as shown on the conceptual plan. Access to the proposed lots will be a private driveway that will be created on Finley Street. Sewer service will be provided by Saratoga County Sewer District #1 and water shall be provided by the City of Saratoga Springs.		
Name of Applicant/Sponsor: Steven Gottmann, Ginley & Gottmann, P.C.	Telephone: [redacted] E-Mail: [redacted]	
Address: 96 Ballston Avenue		
City/PO: Saratoga Springs	State: NY	Zip Code: 12866
Project Contact (if not same as sponsor; give name and title/role): Same	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Council, Town Board, or Village Board of Trustees ☐Yes☑No		
b. City, Town or Village Planning Board or Commission ☑Yes☐No	Planning Board - Subdivision and site plan approval	TBD
c. City Council, Town or Village Zoning Board of Appeals ☑Yes☐No	ZBA - Area variances	
d. Other local agencies ☐Yes☑No		
e. County agencies ☑Yes☐No	SCSD #1 - Sewer, Saratoga County Planning Board	TBD
f. Regional agencies ☐Yes☑No		
g. State agencies ☑Yes☐No	NYSDEC - Sewer, SPDES NYSDOH - Water	TBD
h. Federal agencies ☐Yes☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes☐No

If Yes, identify the plan(s):

NYS Heritage Areas: Mohawk Valley Heritage Corridor, NYS Heritage Areas: Saratoga

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☑No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
UR-2 Urban Residential

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? Miscellaneous area variances are requested

C.4. Existing community services.

a. In what school district is the project site located? Saratoga Springs CSD

b. What police or other public protection forces serve the project site?
Saratoga Springs Police Department

c. Which fire protection and emergency medical services serve the project site?
Saratoga Springs Fire Department

d. What parks serve the project site?
Congress Park, Saratoga Spa State Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?
Residential Subdivision

b. a. Total acreage of the site of the proposed action? 1.36 acres
b. Total acreage to be physically disturbed? 1.36 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.36 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☑ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Residential (Townhouses)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☑ No
iii. Number of lots proposed? 22
iv. Minimum and maximum proposed lot sizes? Minimum 1700 +/- Maximum 2800 +/-

e. Will proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: 18-24 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☑ Yes ☐ No
If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	22			
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☑ No
If Yes,
i. Total number of structures _____
ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length
iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☑ Yes ☐ No
If Yes,
i. Purpose of the impoundment: Potential for impoundments for stormwater mitigation
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☑ Other specify: Stormwater
iii. If other than water, identify the type of impounded/contained liquids and their source.
iv. Approximate size of the proposed impoundment. Volume: TBD million gallons; surface area: TBD acres
v. Dimensions of the proposed dam or impounding structure: TBD height; TBD length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): Potential stormwater mitigation areas to be constructed in existing earth embankment.

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ 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 (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

General construction noise will be generated during the development of the site. This will be limited to normal daytime working hours. No noises are expected to exceed ambient levels after construction is complete.

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☑ Yes ☐ No

Describe: General site clearing will be required for the installation of private driveways, utilities, and construction of residential units.

n.. Will the proposed action have outdoor lighting? ☐ Yes ☑ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☑ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

_____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

_____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.21	0.83	+0.62
• Forested	1.15	0.0	-1.15
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.0	0.0	0.0
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	0.0	0.0
• Wetlands (freshwater or tidal)	0.0	0.0	0.0
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: Lawn/Landscape	0.0	0.53	+0.53

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☑No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☑No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☑No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☑No

If Yes:

i. Has the facility been formally closed? ☐Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☑No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☐No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐Yes ☑No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes ☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? Greater Than 6.5 feet According to the most recent NRCS Soil Survey for Saratoga County.

b. Are there bedrock outcroppings on the project site? ☐Yes ☑No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: Windsor Loamy Sand (WnA) 100 %
_____ %
_____ %

d. What is the average depth to the water table on the project site? Average: > 6.5 feet According to the most recent NRCS Soil Survey for Saratoga Coutny.

e. Drainage status of project site soils: ☑ Well Drained: 100 % of site
☐ Moderately Well Drained: ____ % of site
☐ Poorly Drained ____ % of site

f. Approximate proportion of proposed action site with slopes: ☑ 0-10%: 100 % of site
☐ 10-15%: ____ % of site
☐ 15% or greater: ____ % of site

g. Are there any unique geologic features on the project site? ☐Yes ☑No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐Yes ☑No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐Yes ☑No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐Yes ☑No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☑No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes ☑No

j. Is the project site in the 100 year Floodplain? ☐Yes ☑No

k. Is the project site in the 500 year Floodplain? ☐Yes ☑No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☑Yes ☐No
If Yes:

i. Name of aquifer: Principle Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? ☐Yes ☑No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☑Yes ☐No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☑No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☑No

If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☑No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☑No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): Study to be provided

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

i. Identify resource: Congress Park and Saratoga Park

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Local Park

iii. Distance between project and resource: < 2 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

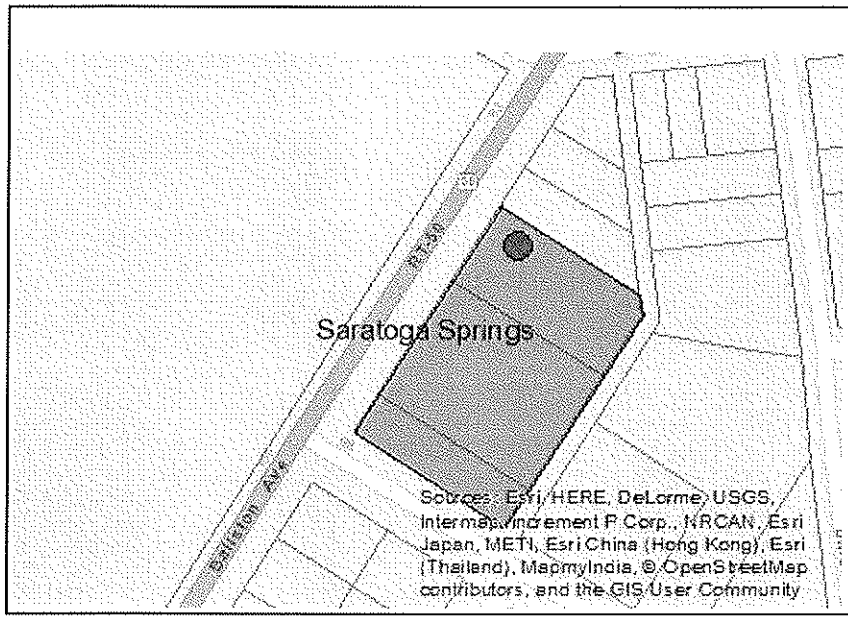
Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

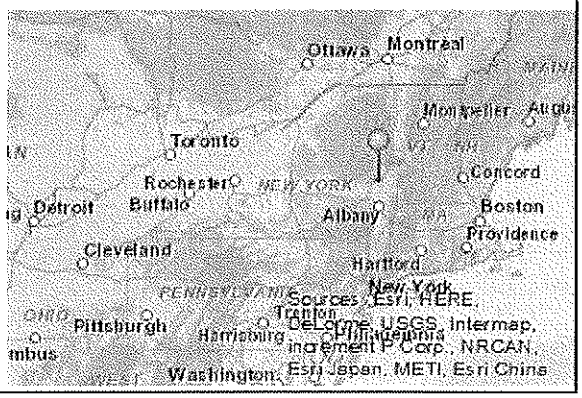
PRINT FORM

EAF Mapper Summary Report

Friday, February 12, 2016 12:08 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:Mohawk Valley Heritage Corridor, NYS Heritage Areas:Saratoga
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	546052
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.2.i. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

LANSING ENGINEERING, PC
2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T (518) 899-5243
F (518) 899-5245

Ballston Ave Subdivision

PROJECT NARRATIVE
April 5, 2016

INTRODUCTION

Under the new Comprehensive Plan, adopted by the City Council on 6/16/2015, the parcels (and overall neighborhood area) in question have been changed from the UR-2 Zoning Designation to a new designation entitled Complementary Core, which most closely mirrors T-4 under the current Zoning Ordinance. From the 6/16/2015 Comprehensive Plan, this new designation is defined in part, as follows: "The Complementary Core designation consists of areas of commercial uses of moderate to high intensity interspersed with higher density residential uses…. The Complementary Core designation offers opportunities to infill and new development that continues to support the Downtown Core…" Under NYS law, the City's Zoning Ordinance must comply with the Comprehensive Plan approved, resulting in the current revision process being undertaken by the City of the Zoning Ordinance. Since the new Zoning Ordinance could be delayed due to unrelated projects around the City, the application herein has been submitted under the UR-2 zoning, thus requiring variances it may not otherwise need once the new Zoning Ordinance is adopted under the applicable Complementary Core designation. The applicants have been waiting on the revised designation since 2012, when an application was submitted to the City to change the zoning designation of the parcels, but this application was voluntarily withdrawn by the applicants to allow the new Comprehensive Plan to be developed and approved. Almost four years later, the applicants are respectfully requesting that their project be approved and not further delayed by the other controversial projects being considered in the City.

The Ballston Ave Subdivision project proposes five (5) 4-unit townhouses and one (1) 2-unit townhouse on approximately 1.36± acres located at the corner of Ballston Avenue and Finley Street in City of Saratoga Springs, New York. The tax map identification numbers for the parcels are 178.26-1-39, 178.28-1-40, and 178.26-1-46 within the City of Saratoga Springs. The conceptual plan illustrates the general intent of the site development and the configuration of the major elements of the proposed site design. The proposed site plan will require four (4) Area Variances to use the proposed townhouses.

EXISTING CONDITIONS

Existing Land Use and Zoning

The project site is located at the corner of Ballston Avenue and Finley Street in City of Saratoga Springs. The project site will encompass three lots that are currently owned by the applicant. The property address is 96 Ballston Ave Saratoga Springs and has the tax map identification numbers of 178.26-1-39 (small parking lot with office building / 0.18 acres), 178.26-1-40 (vacant residential / 0.74 acres), and 178.26-1-46 (converted residential office/ 0.44 acres). The three lots will be consolidated and will include a total of approximately 1.36 acres. The lots are zoned as UR-2 Urban Residential and the lots are currently being used for commercial uses. The permitted use for this zoning includes single family residences. A general overview of the surrounding land uses in the area includes commercial and residential.

Soil and Topography
The existing parcels include a two story residence on Finley Street, two story office building with associated parking on Ballston Ave, a one story office building with associated parking on Ballston Ave and vacant wooded areas. According to the Soil Survey of Saratoga County, New York prepared by National resources Conservation Service (NRCS), the project site consists of one (1) soil type: Windsor loamy sand (WnA). The project site is well drained and consists of slopes 0 – 3 Percent.

Wetlands
Wetlands have not been located on the project site.

PROPOSED CONDITIONS

The proposed project will require the consolidation of the three lots and removal of the existing buildings. The applicant proposes a residential subdivision consisting of 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building. The average minimum lot width is 20 ft. with a front building set back of 10 ft., a rear building setback of 25 ft., and a side building setback of 0-10ft. The proposed minimum lot size is 1702 sf and proposed maximum lot size of 2800 sf. A private drive is proposed to access the site and will be located on Finley Street as shown on the conceptual plan. All existing vehicular access points on NYS Route 50 will be removed. Concrete sidewalks are proposed for pedestrian access to Ballston Ave, Finley Street and NYS Route 50.

The proposed layout includes 33% building coverage and will have approximately 39% greenspace. The remaining 28% will consist of impermeable surfaces such as pavement and sidewalks.

UTILITIES , STORMWATER AND SOLID WASTE

It is anticipated that water will be supplied by the City of Saratoga Water Department and sewage (wastewater) service will be provided by the Saratoga County Sewer District (SCSD#1). Stormwater is anticipated to be managed through on-site structures. Stormwater practices will be discussed in the project specific Stormwater Pollution Prevention Plan (SWPPP). Stormwater control practices will be designed and implemented in accordance with all NYSDEC technical standards and the City of Saratoga Springs' guidelines.

PROPOSED AREA VARIANCES

Applications and supporting documents are being made to the City of Saratoga Springs Zoning Board of Appeals requesting five (5) area variances that seek relief from the zoning guidelines and requirements.

The project will require the following Area Variances to accommodate the proposed development. The following chart summarizes the variances being requested:

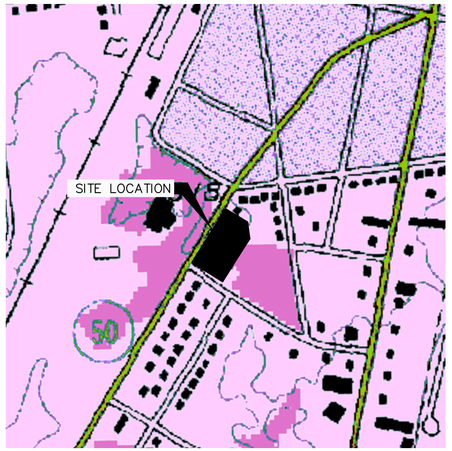
Zoning Regulation	Required	Proposed	Requested Variance
Minimum Lot Sizes	6,600 sf	1,702 sf	4898 sf
Minimum Average Lot Width	60 ft.	20 ft.	40 ft.
Maximum Building Coverage	30%	33%	3%
Each Side Min Yard Setback	8 ft.	0 ft.	8 ft.
Total Side Min Yard Setback	20 ft.	0 ft.	20 ft.

CONCLUSION

It is our respectful opinion that the Ballston Ave Subdivision project and the proposed Area Variances will not create an undesirable change in the character of the neighborhood or have any adverse physical or environmental effects on the neighborhood district. The applicant and the applicants engineer look forward to working with the City of Saratoga Springs to advance this residential subdivision project.

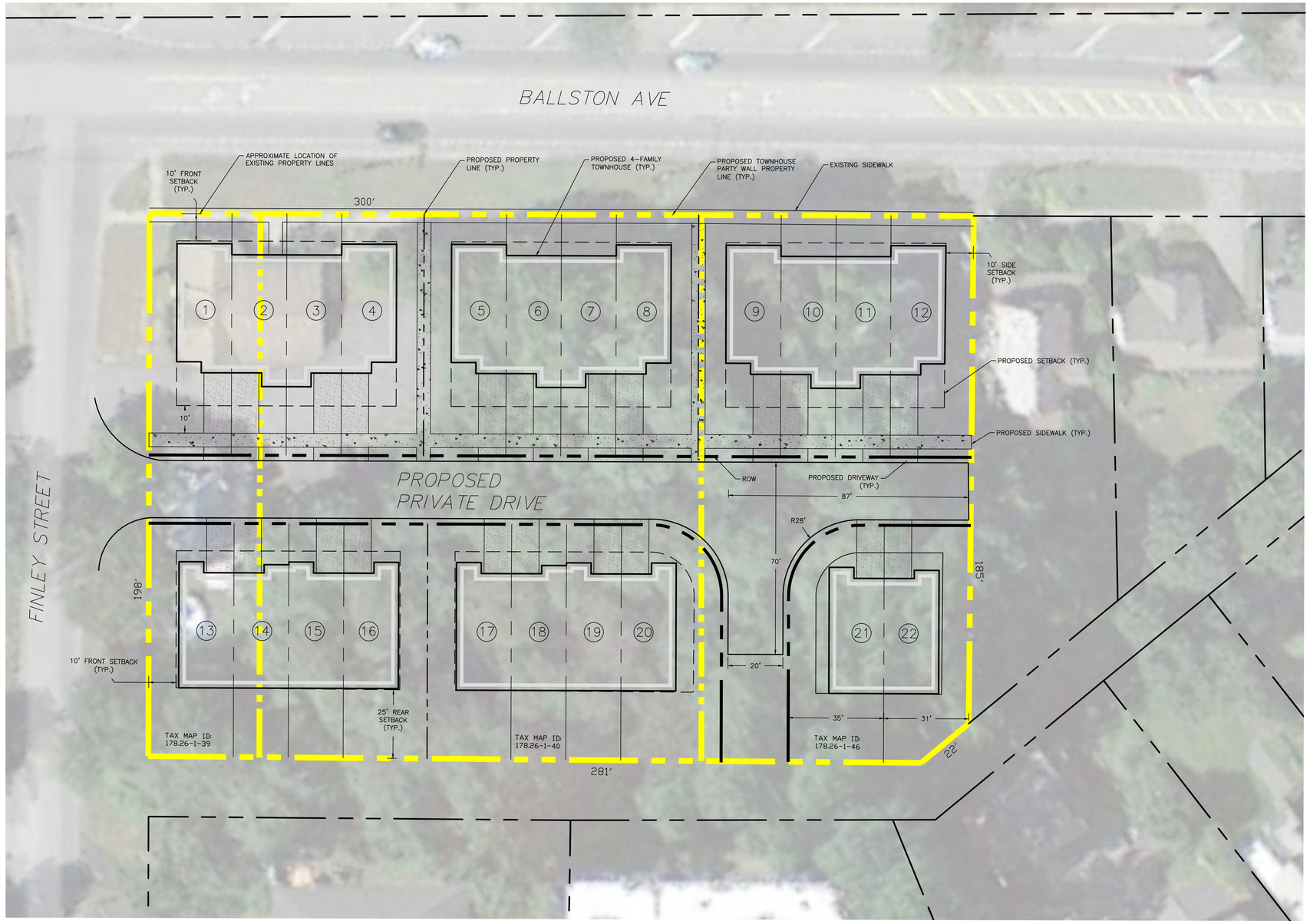
BALLSTON AVE SUBDIVISION

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK



SITE LOCATION MAP

SCALE: 1"=500'



SITE STATISTICS:

ZONING – URBAN RESIDENTIAL–2 (UR–2)
TOTAL PARCEL SIZE– 1.36 +/– AC.
NUMBER OF PROPOSED LOTS – 22 LOTS
(5) 4–UNIT TOWNHOUSES – 20 LOTS
(1) 2–UNIT TOWNHOUSES – 2 LOTS

0 10 20 40 80

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

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BALLSTON AVE SUBDIVISION
CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

DATE	REVISIONS RECORD/DESCRIPTION

LANSING ENGINEERING
2452 STATE ROUTE 9, SUITE 301
MALTA, NY 12020
(518) 899-2643

CONCEPTUAL LAYOUT PLAN

PROJ. NO: 753.00
SCALE: AS SHOWN
DATE: 04/05/16

CLP–1
SHEET 1 OF 1

LANSING ENGINEERING, PC
2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T (518) 899-5243
F (518) 899-5245

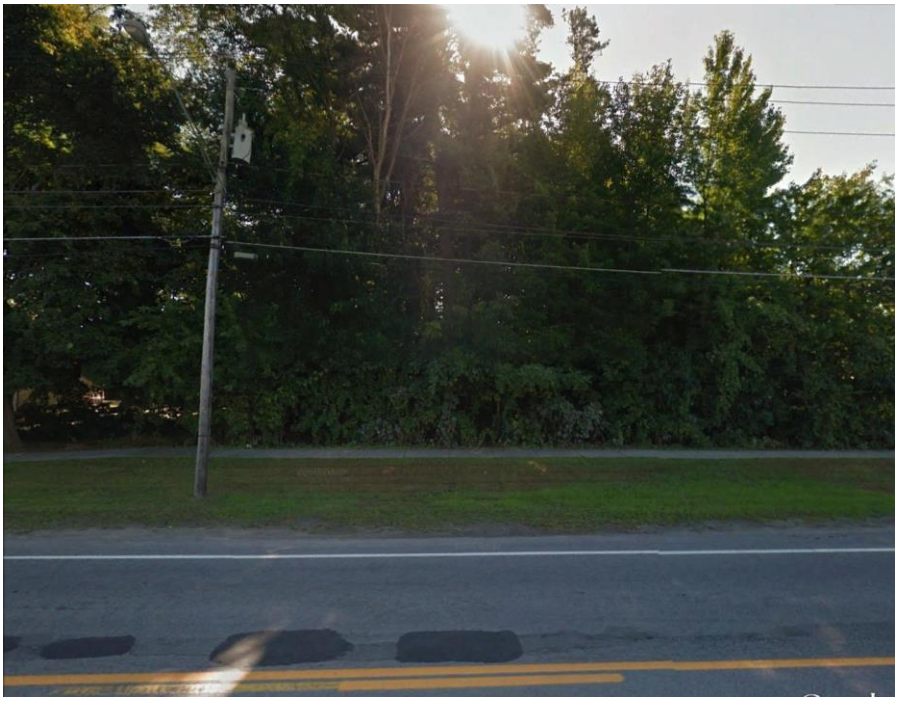
Ballston Ave Subdivision
Site Photos

ATTACHMENT TO AREA VARIANCE APPLICATION

04/05/16

116 Ballston Ave (Facing North - Front)

96 Ballston Ave (Facing South - Front)



Vacant Lot (Front)

96 Ballston Ave (Front)

116 Ballston Ave (Front)

116 Ballston Ave (Facing East on Finley Street)

116 Ballston Ave (facing West on Finley Street)

LANSING ENGINEERING, PC
2452 State Route 9, Suite 301
Malta, NY 12020
Telephone: [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 ☐ Prints ☒ Plans/Originals ☒ Applications
☐ Copy of Letter ☐ Change Order ☐ Samples ☐ Report

COPIES	DATE	NO.	DESCRIPTION
1	4/5/16		Application Fee of $150
1	4/5/16		Application of Appeal to the Zoning Board for Variance
1	4/5/16		Site Plan Drawing (24"x36")
1	4/5/16		Long Environmental Assessment Form
1	4/5/16		Site Photos
1	4/5/16		Project Narrative
1	4/5/16		Disk with Digital Files of Submission

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit 1 copies for approval ☐ Other:_____
☒ For your use ☐ Approved as noted ☐ Submit __ copies for distribution
☒ As requested ☐ Returned for corrections ☐ Return __corrected prints
☐ For review and comment ☐ For bids due ☐ Borrowed prints returned

REMARKS:
Mrs. Gonzalez,
Attached please find the above listed items for the Ballston Ave Residential Subdivision located in the City of Saratoga Springs. We are looking to get on the May 9th Zoning Board of Appeals meeting. If you have any questions or require additional information please feel free to call the office at 899-5243 ext 104.

☐ Copy filed to prior submissions

SIGNED: _____
Yates Scott Lansing, PE, CPESC, CPSWQ

cc: Steven Gottmann, Ginley & Gottmann, P.C.
file

If enclosures are not as noted, kindly notify us immediately

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
1	5/25/16		Application of Appeal to the Zoning Board for Variance
1	5/25/16		Site Plan Drawing (24"x36")
1	5/25/16		Long Environmental Assessment Form
1	5/25/16		Site Photos
1	5/25/16		Project Narrative
1	5/25/16		Disk with Digital Files of Submission
1	5/25/16		Examples of Proposed Buildings
1	5/25/16		Previous Approved Variances
1	5/25/16		Previous Use Variance Granted by the Supreme Court
1	5/25/16		City of Saratoga Spring Complementary Core

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit 1 copies for approval ☐ Other:_____
☒ For your use ☐ Approved as noted ☐ Submit __ copies for distribution
☒ As requested ☐ Returned for corrections ☐ Return __corrected prints
☐ For review and comment ☐ For bids due ☐ Borrowed prints returned

REMARKS:
Attached please find the above listed items that have been revised for the Ballston Ave Subdivision Zoning Board of Appeals Application. If you have any questions or require additional information please feel free to call the office at 899-5243 ext 104.

☐ Copy filed to prior submissions

SIGNED: _____
Yates Scott Lansing, PE, CPESC, CPSWQ

If enclosures are not as noted, kindly notify us immediately

cc: Steven Gottmann, Ginley & Gottmann, P.C.

file

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Ballston Ave Subdivision		
Project Location (describe, and attach a general location map): 96 Ballston Ave, Saratoga Springs, NY, 12866		
Brief Description of Proposed Action (include purpose or need): The proposed project site is located on a 1.36 +/- Acre site on the corner of Finley Street and Ballston Ave in the City of Saratoga Springs, NY. The project proposes to consolidate three (3) lots and construct a residential subdivision with townhouses. The residential subdivision includes 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building as shown on the conceptual plan. Access to the proposed lots will be a private driveway that will be created on Finley Street. Sewer service will be provided by Saratoga County Sewer District #1 and water shall be provided by the City of Saratoga Springs.		
Name of Applicant/Sponsor: Steven Gottmann, Ginley & Gottmann, P.C.	Telephone: [redacted] E-Mail: [redacted]	
Address: 96 Ballston Avenue		
City/PO: Saratoga Springs	State: NY	Zip Code: 12866
Project Contact (if not same as sponsor; give name and title/role): Same	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☐Yes ☑No		
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board - Subdivision and site plan approval	TBD
c. City Council, Town or Village Zoning Board of Appeals ☑Yes ☐No	ZBA - Area variances	
d. Other local agencies ☐Yes ☑No		
e. County agencies ☑Yes ☐No	SCSD #1 - Sewer, Saratoga County Planning Board	TBD
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDEC - Sewer, SPDES NYSDOH - Water	TBD
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

NYS Heritage Areas: Mohawk Valley Heritage Corridor, NYS Heritage Areas: Saratoga

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
UR-2 Urban Residential

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? Miscellaneous area variances are requested

C.4. Existing community services.

a. In what school district is the project site located? Saratoga Springs CSD

b. What police or other public protection forces serve the project site?
Saratoga Springs Police Department

c. Which fire protection and emergency medical services serve the project site?
Saratoga Springs Fire Department

d. What parks serve the project site?
Congress Park, Saratoga Spa State Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?
Residential Subdivision

b. a. Total acreage of the site of the proposed action? 1.36 acres
b. Total acreage to be physically disturbed? 1.36 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.36 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☑ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Residential (Townhouses)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☑ No
iii. Number of lots proposed? 22
iv. Minimum and maximum proposed lot sizes? Minimum 1700 +/- Maximum 2800 +/-

e. Will proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: 18-24 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☑ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	22			
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☑ No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☑ Yes ☐ No

If Yes,

i. Purpose of the impoundment: Potential for impoundments for stormwater mitigation

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☑ Other specify: Stormwater

iii. If other than water, identify the type of impounded/contained liquids and their source.

iv. Approximate size of the proposed impoundment. Volume: TBD million gallons; surface area: TBD acres

v. Dimensions of the proposed dam or impounding structure: TBD height; TBD length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): Potential stormwater mitigation areas to be constructed in existing earth embankment.

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☑ No

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

v. What is the total area to be dredged or excavated? _____acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☑ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☑ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: 6600 +/- gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☑ Yes ☐ No

If Yes:

- Name of district or service area: City of Saratoga Springs Water System
- Does the existing public water supply have capacity to serve the proposal? ☑ Yes ☐ No
- Is the project site in the existing district? ☑ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☑ No
- Do existing lines serve the project site? ☑ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☑ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☑ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☑ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: 6600 +/- gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

Residential sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☑ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: Saratoga County Sewer District #1
- Name of district: Saratoga County Sewer District #1
- Does the existing wastewater treatment plant have capacity to serve the project? ☑ Yes ☐ No
- Is the project site in the existing district? ☑ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☑ No

- Do existing sewer lines serve the project site? ☑ Yes ☐ No
- Will line extension within an existing district be necessary to serve the project? ☐ Yes ☑ No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☑ No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

_____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑ Yes ☐ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

3405 Square feet or 0.78 acres (impervious surface)

59242 Square feet or 1.36 acres (parcel size)

ii. Describe types of new point sources. Pavements, roofs and sidewalks

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Existing drainage course and existing storm water structures

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☑ Yes ☐ No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑ Yes ☐ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☑ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☑ No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend

☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

_____

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

General construction noise will be generated during the development of the site. This will be limited to normal daytime working hours. No noises are expected to exceed ambient levels after construction is complete.

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☑ Yes ☐ No

Describe: General site clearing will be required for the installation of private driveways, utilities, and construction of residential units.

n.. Will the proposed action have outdoor lighting? ☐ Yes ☑ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☑ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.21	0.83	+0.62
• Forested	1.15	0.0	-1.15
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.0	0.0	0.0
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	0.0	0.0
• Wetlands (freshwater or tidal)	0.0	0.0	0.0
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: Lawn/Landscape	0.0	0.53	+0.53

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☑ No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐ Yes ☑ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☑ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? Greater Than 6.5 feet According to the most recent NRCS Soil Survey for Saratoga County.

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: Windsor Loamy Sand (WnA) 100 %
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: > 6.5 feet According to the most recent NRCS Soil Survey for Saratoga Coutny.

e. Drainage status of project site soils:
☑ Well Drained: 100 % of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 100 % of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☑ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☑ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☑ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100 year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500 year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☑ Yes ☐ No
If Yes:

i. Name of aquifer: Principle Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: _____

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

_____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☑ Yes ☐ No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No

If yes, give a brief description of how the proposed action may affect that use: _____

_____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

_____

_____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): Study to be provided

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

i. Identify resource: Congress Park and Saratoga Park

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Local Park

iii. Distance between project and resource: < 2 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date_____

Signature_____ Title_____

PRINT FORM

EAF Mapper Summary Report

Friday, February 12, 2016 12:08 PM

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:Mohawk Valley Heritage Corridor, NYS Heritage Areas:Saratoga
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	546052
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

LANSING ENGINEERING, PC
2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T [redacted]
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Ballston Ave Subdivision

PROJECT NARRATIVE
May 25, 2016

INTRODUCTION

Under the new Comprehensive Plan, adopted by the City Council on 6/16/2015, the parcels (and overall neighborhood area) in question have been changed from the UR-2 Zoning Designation to a new designation entitled Complementary Core, which most closely mirrors T-4 under the current Zoning Ordinance. From the 6/16/2015 Comprehensive Plan, this new designation is defined in part, as follows: "The Complementary Core designation consists of areas of commercial uses of moderate to high intensity interspersed with higher density residential uses…. The Complementary Core designation offers opportunities to infill and new development that continues to support the Downtown Core…" Under NYS law, the City's Zoning Ordinance must comply with the Comprehensive Plan approved, resulting in the current revision process being undertaken by the City of the Zoning Ordinance. Since the new Zoning Ordinance could be delayed due to unrelated projects around the City, the application herein has been submitted under the UR-2 zoning, thus requiring variances it may not otherwise need once the new Zoning Ordinance is adopted under the applicable Complementary Core designation. The applicants have been waiting on the revised designation since 2012, when an application was submitted to the City to change the zoning designation of the parcels, but this application was voluntarily withdrawn by the applicants to allow the new Comprehensive Plan to be developed and approved. Almost four years later, the applicants are respectfully requesting that their project be approved and not further delayed by the other controversial projects being considered in the City.

The Ballston Ave Subdivision project proposes five (5) 4-unit townhouses and one (1) 2-unit townhouse on approximately 1.36± acres located at the corner of Ballston Avenue and Finley Street in City of Saratoga Springs, New York. The tax map identification numbers for the parcels are 178.26-1-39, 178.28-1-40, and 178.26-1-46 within the City of Saratoga Springs. The conceptual plan illustrates the general intent of the site development and the configuration of the major elements of the proposed site design. The proposed site plan will require five (5) general area variances for the proposed townhouses.

EXISTING CONDITIONS

Existing Land Use and Zoning

The project site is located at the corner of Ballston Avenue and Finley Street in City of Saratoga Springs. The project site will encompass three lots that are currently owned by the applicant. The property address is 96 Ballston Ave Saratoga Springs and has the tax map identification numbers of 178.26-1-39 (small vacant parking lot with office building / 0.18 acres), 178.26-1-40 (vacant residential / 0.74 acres), and 178.26-1-46 (converted residential office/ 0.44 acres). The three lots will be consolidated and will include a total of approximately 1.36 acres. The lots are zoned as UR-2 Urban Residential and the lots are currently being used for commercial uses. The permitted use for this zoning includes single family residences. A general overview of the surrounding land uses in the area includes commercial and residential.

Soil, Topography and Wetlands
The existing parcels include a two story residence on Finley Street, a two story office building with associated parking on Ballston Ave, a one story office building with associated parking on Ballston Ave and vacant wooded areas. According to the Soil Survey of Saratoga County, New York prepared by National resources Conservation Service (NRCS), the project site consists of one (1) soil type: Windsor loamy sand (WnA). The project site is well drained and consists of slopes 0 – 3 Percent. Wetlands have not been located on the project site.

PROPOSED CONDITIONS

The proposed project includes the utilization of the three lots and removal of the existing buildings. All existing buildings will be removed. The applicant proposes a residential subdivision consisting of 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building. The average minimum lot width is 20 ft. with a minimum front building set back of 10 ft., a rear building setback of 25 ft., and a side building setback of 0-10ft. The proposed minimum lot size is 1,702 sf and proposed maximum lot size of 2,994 sf. A road is proposed on Finley Street to access the site, as shown on the conceptual plan. This road is proposed for dedication to the City of Saratoga Springs. All existing vehicular access points on NYS Route 50 will be removed. Concrete sidewalks are proposed for pedestrian access to Ballston Ave, Finley Street and NYS Route 50.

The current zoning, UR-2, requires two (2) parking spaces per unit. The proposed buildings provide 2 spaces per unit with one (1) space within the enclosed garage and one (1) in the proposed driveway for each unit.

The proposed layout includes an overall building coverage of 33% and will have approximately 39% greenspace. The remaining 28% will consist of impermeable surfaces such as pavement and sidewalks.

UTILITIES, STORMWATER AND SOLID WASTE

It is anticipated that water will be supplied by the City of Saratoga Water Department and sewage (wastewater) service will be provided by the Saratoga County Sewer District (SCSD). Stormwater is anticipated to be managed through on-site structures. Stormwater practices will be discussed in the project specific Stormwater Pollution Prevention Plan (SWPPP). Stormwater control practices will be designed and implemented in accordance with all NYSDEC technical standards and the City of Saratoga Springs guidelines.

PROPOSED AREA VARIANCES

Applications and supporting documents are being made to the City of Saratoga Springs Zoning Board of Appeals to seek relief from the zoning guidelines and requirements and to request the granting of five (5) general area variances for each of the proposed lots in the proposed project.

The project will require the following Area Variances to accommodate the proposed development. The following charts summarize the variances being requested for each proposed lot:

AREA AND BULK REQUIRMENTS						
Lot Number	Zoning District	Minimum lot size (SF)	Minimum Average Width (FT)	Max Principle Building Coverage (%)	Minimum Yard Setback (FT)	
					Each Side	Total Side
1	Proposed	2,640	30	34.2	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	3,960	30	4.2	8	20
2	Proposed	1,760	20	51.4	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,840	40	21.4	8	20
3	Proposed	1,760	20	51.4	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,840	40	21.4	8	20
4	Proposed	2,640	30	34.2	0,10	10
	UR-2	6,600	60	30	8	20
	Requested Relief	3,960	30	4.2	8	10
5	Proposed	2,640	30	34.2	0,10	10
	UR-2	6,600	60	30	8	20
	Requested Relief	3,960	30	4.2	8	10
6	Proposed	1,760	20	51.4	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,840	40	21.4	8	10
7	Proposed	1,760	20	51.4	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,840	40	21.4	8	20
8	Proposed	2,640	30	34.2	0,10	10
	UR-2	6,600	60	30	8	20
	Requested Relief	3,960	30	4.2	8	10
9	Proposed	2,640	30	34.2	0	10
	UR-2	6,600	60	30	8	20
	Requested Relief	3,960	30	4.2	8	10
10	Proposed	1,760	20	51.4	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,840	40	21.4	8	20
11	Proposed	1,760	20	51.4	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,840	40	21.4	8	20

AREA AND BULK REQUIRMENTS						
Lot Number	Zoning District	Minimum lot size (SF)	Minimum Average Width (FT)	Max Principle Building Coverage (%)	Minimum Yard Setback (FT)	
					Each Side	Total Side
12	Proposed	2,611	30	34.5	0,10	10
	UR-2	6,600	60	30	8	20
	Requested Relief	3,989	30	4.5	8	10
13	Proposed	2,635	31	33.2	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	3,965	29	33.2	8	20
14	Proposed	1,702	20	50.9	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,898	40	20.9	8	20
15	Proposed	1,704	20	51.3	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,896	40	21.3	8	20
16	Proposed	2,603	31	33.6	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	3,997	29	3.6	8	20
17	Proposed	2,611	31	34	0,10	10
	UR-2	6,600	60	30	8	20
	Requested Relief	3,989	29	4	8	10
18	Proposed	1,713	20	51.3	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,887	40	21.3	8	20
19	Proposed	1,716	20	51.8	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	4,884	40	21.8	8	20
20	Proposed	2,994	36	29.7	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	3,606	24	0.7	8	20
21	Proposed	2,833	35	30.9	0	0
	UR-2	6,600	60	30	8	20
	Requested Relief	3,767	25	0.9	8	20
22	Proposed	2,576	31	33.7	0,11	11
	UR-2	6,600	60	30	8	20
	Requested Relief	4,024	29	3.7	8	9

CONCLUSION

It is our respectful opinion that the Ballston Ave Subdivision project and the proposed Area Variances will not create an undesirable change in the character of the neighborhood or have any adverse physical or environmental effects on the neighborhood district. The applicant and the applicants engineer look forward to working with the City of Saratoga Springs to advance this residential subdivision project.

LANSING ENGINEERING, PC

2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T [redacted]
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Examples of Proposed Buildings

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

LANSING ENGINEERING, PC

2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T [redacted]
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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), and Core Residential Neighborhood-3 (CRN-3)

Core Residential Neighborhood-1 (CRN-1)

Core Residential Neighborhood-2 (CRN-2)

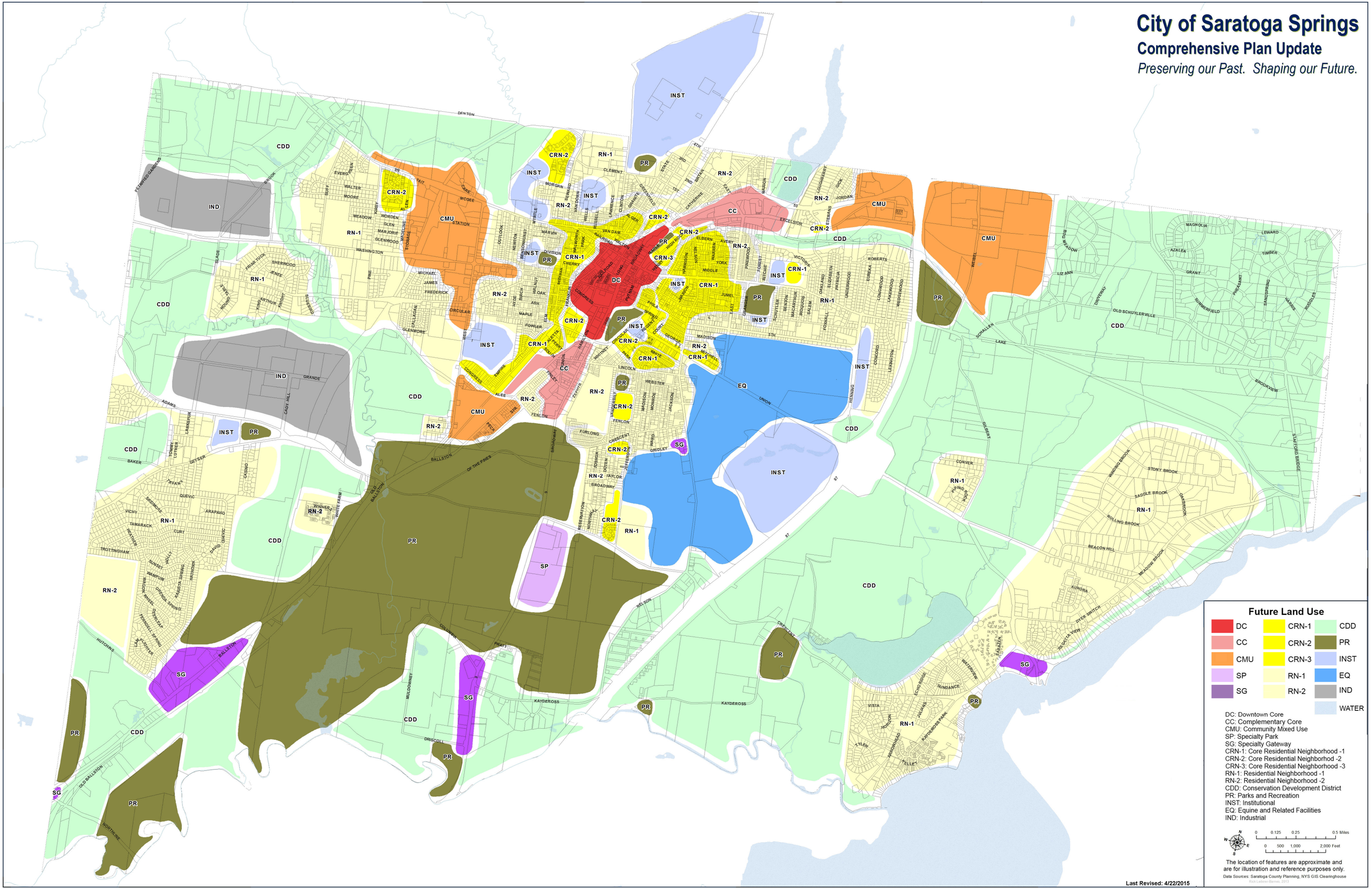
Core Residential Neighborhood-3 (CRN-3)

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.



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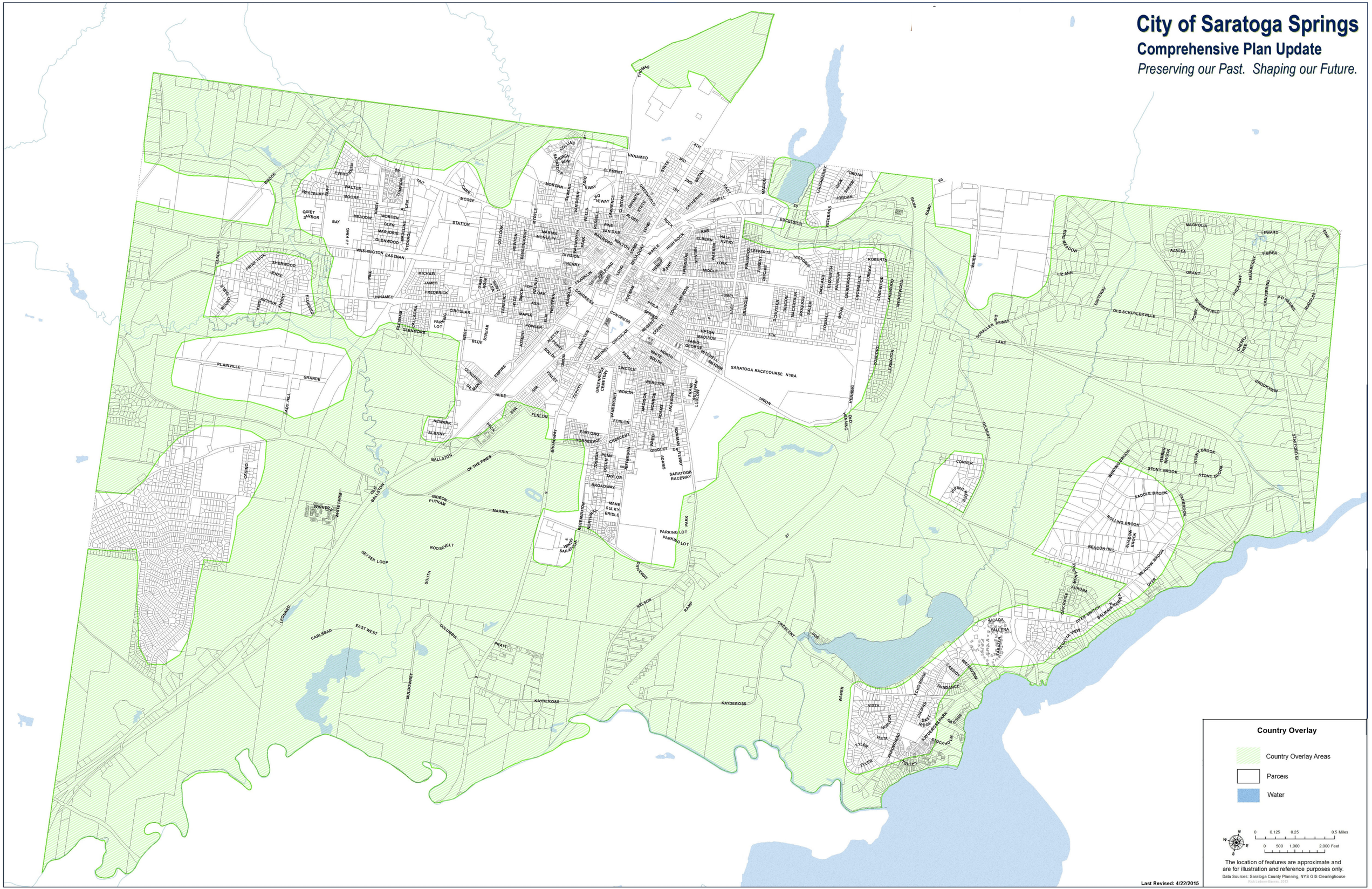
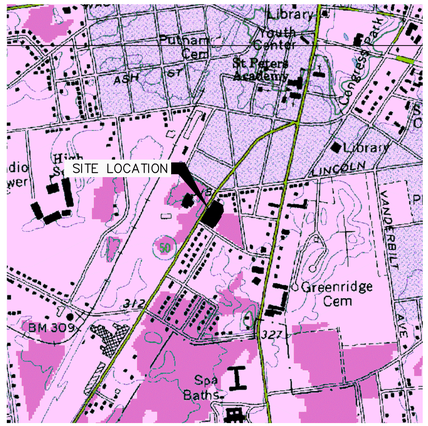


BALLSTON AVE SUBDIVISION

CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK



SITE LOCATION MAP

0 500 1000 2000 4000

SCALE: 1"=1000'

SITE STATISTICS:

ZONING – URBAN RESIDENTIAL–2 (UR–2)

TOTAL PARCEL SIZE – 1.36 ± AC.

NUMBER OF PROPOSED LOTS – 22 LOTS
(5) 4–UNIT TOWNHOUSES – 20 LOTS
(1) 2–UNIT TOWNHOUSES – 2 LOTS

AREA AND BULK REQUIREMENTS

MIN LOT SIZE = 6,600 SF
MIN AVG WIDTH = 60 FT

MAX BUILDING COVERAGE:
PRINCIPLE = 30 %
ACCESSORY = 10 %

MINIMUM SET BACKS:
FRONT = 10 FT
REAR = 25 FT
EACH SIDE = 8 FT
TOTAL SIDE = 20 FT

MINIMUM 1ST FLOOR AREA:
1 STORY = 900 SF
2 STORY = 700 SF

MAX BUILDING HEIGHT = 60 FT

MINIMUM % TO REMAIN PERMEABLE = 25 %

PARKING SUMMARY

CITY OF SARATOGA SPRINGS REQUIREMENTS:
RESIDENCES (UR–2) = 2 SPACES PER UNIT

REQUIRED = (2 SAPCES PER UNIT) X (1 UNIT PER LOT)
= 2 SPACES PER LOT

PROVIDED = 2 SPACES PER LOT, 1 SPACE PROVIDED WITHIN ENCLOSED GARAGE AND 1 SPACE PROVIDED IN EACH DRIVEWAY.

NOTES

1) THE PROPOSED ROAD SHALL BE DEDICATED TO THE CITY OF SARATOGA SPRINGS.

AREA AND BULK REQUIREMENTS

LOT NUMBER	ZONING DISTRICT	MIN LOT SIZE (SF)	MIN AVG WIDTH (FT)	MAX PRINCIPLE BUILDING COVERAGE (%)	MINIMUM YARD SETBACK (FT) EACH SIDE	MINIMUM YARD SETBACK (FT) TOTAL SIDE
1	PROPOSED	2,640	30	34.2	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	3,960	30	4.2	8	20
2	PROPOSED	1,760	20	51.4	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,840	40	21.4	8	20
3	PROPOSED	1760	20	51.4	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,840	40	21.4	8	20
4	PROPOSED	2,640	30	34.2	0,10	10
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
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	RELIEF REQUESTED	3,989	30	4.5	8	10
13	PROPOSED	2,635	31	33.2	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	3,965	29	3.2	8	20
14	PROPOSED	1,702	20	50.9	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,898	40	20.9	8	20
15	PROPOSED	1,704	20	51.3	0	0
	UR–2 URBAN RESIDENTIAL	6,600	60	30	8	20
	RELIEF REQUESTED	4,896	40	21.3	8	20
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	RELIEF REQUESTED	4,884	40	21.8	8	20
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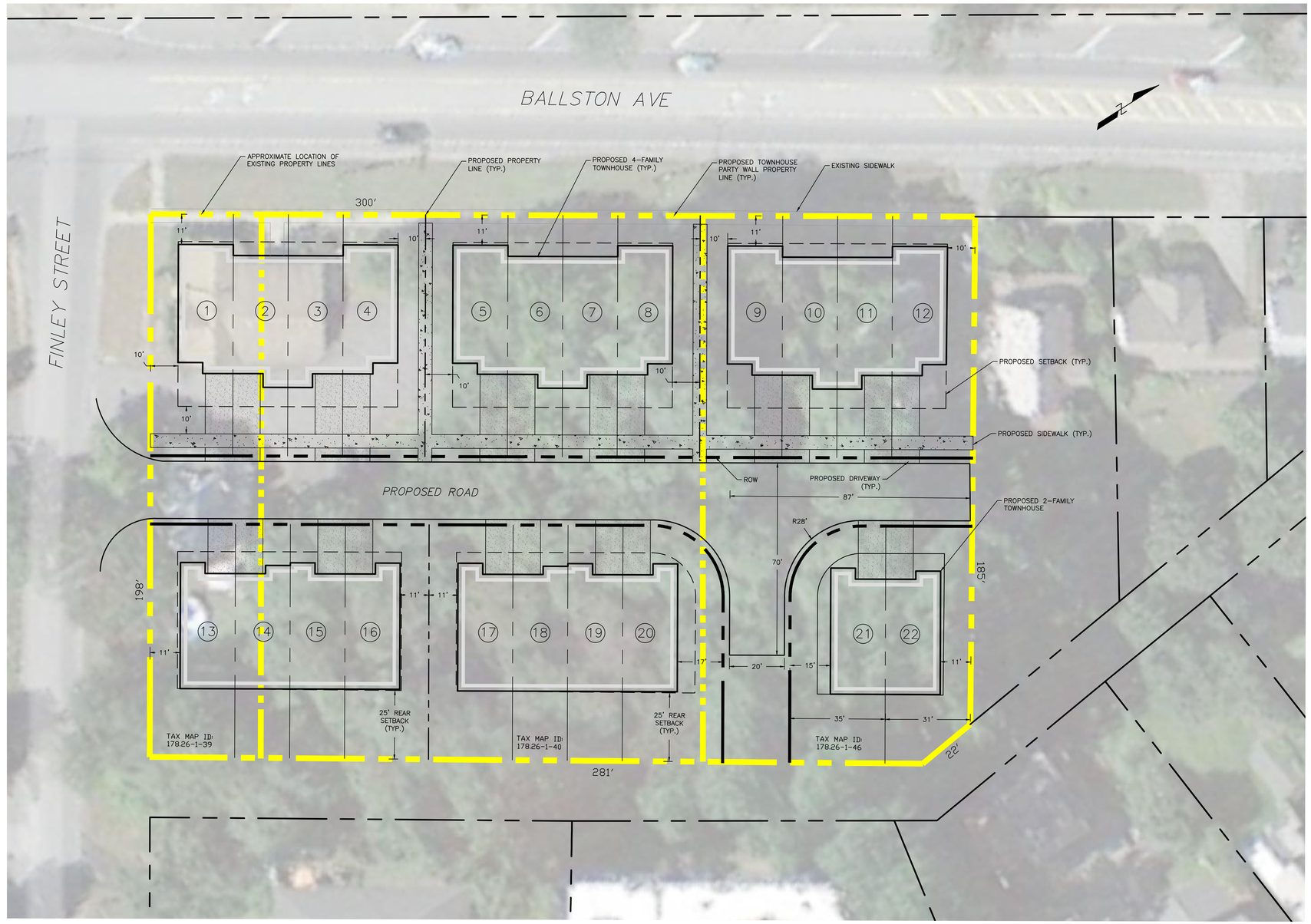

CONCEPT PLAN

0 10 20 40 80

SCALE: 1"=20'

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DATE REVISIONS RECORD/DESCRIPTION

BALLSTON AVE SUBDIVISION
CITY OF SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK

LANSING ENGINEERING
2452 STATE ROUTE 67, SUITE 301
MALTA, NY 12020
(518) 899-5243

CONCEPTUAL LAYOUT PLAN

PROJ. NO: 753.00
SCALE: AS SHOWN
DATE: 05/25/16

CLP–1
SHEET 1 OF 1

LANSING ENGINEERING, PC

2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T [redacted]
F [redacted]

Previous Use Variance
Granted by the Supreme Court

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

STATE OF NEW YORK

SUPREME COURT COUNTY OF SARATOGA

RALPH SIANO and JANE SIANO,

Petitioners.

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

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[1]According to plaintiffs, the property, at market value, was then worth $40,000.00.

[2]The 2005 assessment was $262,000.00.

offered in opposition. Petitioners' evidence disclosed that the Ballston Avenue corridor is an area with residential and commercial uses. Petitioner's property is bordered to the immediate south by a professional office (for which a use variance was granted); to the immediate east by a group residence for the developmentally challenged; to the north, one lot away, by a single-family residence housing a realtor's office; and to the west, on the opposite side of Ballston Avenue, by a strip mall housing numerous businesses ranging from a bank to a tavern to a free standing Price Chopper grocery store directly opposite petitioners' property. Petitioners' proof further established that their residence and their lot are considerably larger than most existing single-family residences and lots in the neighborhood.

During the October 24, 2005 meeting of the Zoning Board, a resolution proposing to grant the variance was made and seconded but voted down with five of the Zoning Board's seven members voting "no". The resolution's failure, constituting a denial of the appeal, prompted this proceeding wherein petitioners contend that the denial was unsupported by substantial evidence, arbitrary and capricious, and an abuse of discretion. Petitioners offer that they have proved the requisite elements to establish that the existing zoning classification causes them unnecessary hardship and are thus entitled to a use variance.[3] In its answer, the Zoning Board contends that its denial was properly, lawfully, and rationally made and therefore not arbitrary and capricious and was supported by evidence in the record.

A zoning board must make appropriate factual findings upon which its decision is based

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[3]On December 19, 2005, after this proceeding was commenced, the Zoning Board adopted a resolution formally denying petitioners' application. Subsequently, petitioners and respondent Zoning Board stipulated that this subsequent resolution be "not part of the record, and that the Court shall not consider it in making its decision" and requested that the stipulation be "so ordered" and the court honored that joint request.

to facilitate proper and reasoned judicial review of its decision, Matter of Syracuse Aggregate Corp. v Weise, 5 NY2d 278, 283 - 284 (1980), and if it does not, the court may remit the matter to "make findings that correlate the evidence in the record to the standards governing the issuance of a use variance and indicate what evidence it acted upon in reaching its determination". Matter of Androme Leather Corp. v City of Gloversville, 1 AD3d 654, 655 (3rd Dept 2003), lv denied 1 NY3d 507 (2004). Yet, remand is not mandatory, and the merits of a proceeding may properly be reached provided the factual underpinnings for the decision are present elsewhere in the administrative record. Matter of Fisher v Makowitz, 166 AD2d 444 (2nd Dept 1990); Matter of Concerned Citizens Against Crossgates v Town of Guilderland Zoning Bd. of Appeals, 91 AD2d 763 (3rd Dept 1982). In this case, both petitioners and the Zoning Board advocate against remand and urge that the court search the record, namely the written minutes and the DVD recordings of the two meetings of the Zoning Board. Since parties are free to chart their own course in litigation, unless public policy is affronted, CPLR 2104, Mitchell v New York Hosp., 61 NY2d 208, 214 (1984); Rich v Rich, 282 AD2d 952 (3rd Dept 2001), including "fashion[ing] the basis upon which a particular controversy will be resolved, Cullen v Naples, 31 NY2d 818, 820 (1972), and even though the factual underpinnings for the Zoning Board's decision are not included within its formal denial resolution, but are disclosed elsewhere in the record, the merits may be reached.

Now the substance of the challenge. "Zoning boards relieve the pressures created by imperfect land use controls and help interpret variance ordinances as 'safety valve[s]' for the zoning system, which enables the board to do substantial justice between the owner who wishes to improve [or to change the use of] his property and the owners of nearby property that will be

affected by the building to be erected' or improved [or by the change of use]." Matter of Center Square Assn. v City of Albany Bd. of Zoning Appeals, 19 AD3d 968, 970 (3rd Dept 2005); quoting in part Matter of Cobb v Board of Appeals of City of Buffalo, 128 Misc 67, (Sup Ct, Erie County, 1926). "Zoning boards are afforded considerable discretion and their determinations are generally not disturbed if they have a rational basis and are supported by substantial evidence." Matter of Androme Leather Corp. v City of Gloversville, supra, at 656. General City Law § 81-b (3) (b) establishes the criteria which a city zoning board must apply to use variance applications. An applicant for a use variance has the burden to show that the zoning ordinance's restrictions are causing unnecessary hardship by establishing four elements: (1) that the property cannot yield a reasonable return when used for a permitted purpose; (2) that the hardship results from unique characteristics of the property; (3) that the proposed use will not alter the essential nature of the neighborhood; and (4) that the hardship was not self created. Matter of Diana v City of Amsterdam Zoning Bd. of Appeals, 243 AD2d 939 (3rd Dept 1997).

This extensive and well-developed record demonstrates that petitioners are entitled to a use variance for a law office. The Zoning Board's denial simply was not based upon a reasoned consideration of or supported by the evidence in the record.

The first element, that petitioners have been unable to generate a reasonable return on their property as a single-family rental unit, was convincingly proved by "dollars and cents" evidence. Petitioners adequately demonstrated that a consistent or long term rental of this property as a residence at a rent sufficient to meet all expenses and produce a reasonable profit was made impossible by the heavy traffic upon this main gateway street into the City of Saratoga Springs and by the lights and noise and activity generated by a 24 hour, supermarket directly

across the street. Thus petitioners, by necessity, were forced to rent to short term tenants by virtue of the location's drawbacks. Petitioners' economic proof conclusively established that the rentals were not yielding a reasonable return on petitioners' investment. The Zoning Board's dismissive observation that petitioners should not have made an investment of that magnitude supports a conclusion that it closed its eyes to the detailed financial analysis before it.

Moreover, there was overwhelming proof that petitioners made honest and extended efforts to sell the property as a single-family residence at a reasonable price, but those efforts, over three years, attracted not one buyer interested in the property for residential use. According to the petitioners and realtor, Gaba, who had handled the listing for two years, no one to whom the property was shown was interested in it as a single-family residence, and all the showings were to persons interested in it as an office or other business. The property was listed for sale at a price reasonably close to its assessed valuation and did not sell during a time when properties throughout the City were selling rapidly and significantly above their assessed values. The Zoning Board's other dismissive observation that petitioners could always lower their asking price supports a conclusion that it did not give reasoned consideration to the element of reasonable return and to the petitioners' evidence on that element.

The second element, a hardship unique to this property, rather than of general application to the neighborhood, was also clearly proven. Here, petitioners have a large structure on a large double lot with road frontage of 100 feet, dimensions larger than those of most of the smaller residential family units on Ballston Avenue. Once again, this property is directly bordered on two sides, the south and east, by commercial/business uses and is opposite a strip mall and a Price Chopper supermarket.

The third element, neighborhood impact, was also demonstrated. The neighborhood will not be adversely affected or its essential nature changed or altered by a law office. The lot will adequately and safely accommodate all parking needs of the proposed law office use. This property is nearly surrounded by commercial enterprises. Even the owner of the residential property located immediately adjacent to the north does not oppose the application. This section of Ballston Avenue is permeated with commercial and business uses more intense than a law office. The record evidence establishes that a use variance was granted several years ago to allow a similar professional office use on the property immediately to the south of this property. Petitioners ought not take the brunt of the Zoning Board's desire, expressed in this record, that the City Council consider rezoning the Ballston Avenue corridor to allow business and commercial uses as a matter of right.

The last element, self-created hardship, was also satisfied. On the one hand, when petitioners acquired the property, they knew that it was zoned for residential use, and indeed, have abided by that limitation for over 10 years. On the other, since their acquisition, the commercial uses in the neighborhood have intensified, particularly directly across the street. These post-acquisition changes have further eroded the attractiveness or suitability of this property for residential use. The character of the neighborhood, although mixed to some degree when petitioners purchased the property, has become more commercial as the result of development by others, not petitioners. None of these post acquisition developments was self-imposed.

In sum, the record, when viewed in total, demonstrates undue hardship warranting a use variance. The petition is granted and the denial of petitioners' application is vacated. Since the

record fails to demonstrate any reason why the application should be remanded to the Zoning Board for further proceedings, petitioners are entitled to judgment granting their application for a use variance to permit a law office at 96 Ballston Avenue.

This memorandum shall constitute the decision, order and judgment of the court. All papers, including this decision, order and judgment, are being returned to petitioners' counsel. The signing of this decision, order and judgment shall not constitute entry or filing under CPLR 2220. Counsel is not relieved from the applicable provisions of that section relating to filing, entry and notice of entry.

So Ordered and Adjudged.

DATED: June 13, 2006
Ballston Spa, New York

HON. THOMAS D. NOLAN, JR.
Supreme Court Justice

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: June 7, 2007 501957

In the Matter of RALPH SIANO
et al.,
Respondents,
v

CITY OF SARATOGA SPRINGS
ZONING BOARD OF APPEALS,
Appellant.

MEMORANDUM AND ORDER

Calendar Date: April 25, 2007

Before: Crew III, J.P., Spain, Mugglin, Lahtinen and Kane, JJ.

Michael Englert, City Attorney, Saratoga Springs (Anthony J. Izzo of counsel), for appellant.

Ginley & Gottmann, P.C., Saratoga Springs (Steven H. Gottmann of counsel), for respondents.

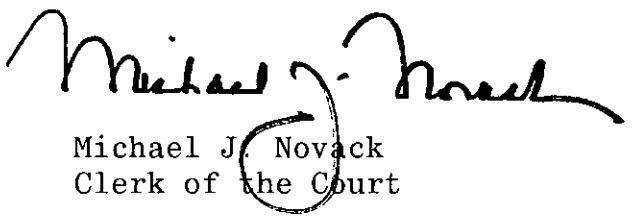
Appeal from a judgment of the Supreme Court (Nolan Jr., J.), entered June 20, 2006 in Saratoga County, which granted petitioners' application, in a proceeding pursuant to CPLR article 78, to annul a determination of respondent denying petitioners' request for a use variance.

Judgment affirmed, upon the opinion of Justice Thomas E. Nolan Jr.

Crew III, J.P., Spain, Mugglin, Lahtinen and Kane, JJ., concur.

ORDERED that the judgment is affirmed, with costs.

ENTER:



Michael J. Novack
Clerk of the Court

LANSING ENGINEERING, PC

2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T [redacted]
F [redacted]

Previous Approved Variances

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

ZONING BOARD OF APPEALS
CITY OF SARATOGA SPRINGS
City Hall, 474 Broadway
Saratoga Springs, New York 12866
518-587-3550
518-587-6512 Fax

IN THE MATTER OF THE APPEAL OF

Permit Consultants, Inc.
116 Ballston Avenue
Saratoga Springs, NY 12866

from the determination of the Building Inspector involving the premises at 116 Ballston Avenue in the City of Saratoga Springs, New York being Section 178.26, Block 1, Lot 39, inside district, on the Assessment Map of said City.

WHEREAS, the appellant having applied for a use variance under the Zoning Ordinance of said City, as amended, to use this premises for an investment and financial services office in an Urban Residential-2 district and due public notice having been duly given of a hearing on said application held on the 26th day of June 2002.

WHEREAS, after due consideration, the Board makes the following resolution and finding of fact: The use variance to permit a financial services branch office, as shown on the submitted plans be granted for any or all of the following reasons:

1. The applicant has demonstrated this property cannot yield a reasonable financial return if used for any permissible use by providing proof that the property faces a large shopping center and the building located on the property is designed for commercial use. The applicant has presented credible and persuasive evidence that any efforts to convert the property to residential use would be cost prohibitive.

2. The applicant has demonstrated this property is unique in that it has a long history of commercial use dating back to the 1920s. Also, it abuts a large busy highway.

3. The applicant has demonstrated the variance requested is the minimum variance which would alleviate the hardship because the applicant proposes to alleviate the hardship by using the premises as a business office. Considering the other nonresidential uses nearby, the proposed use is of minimal effect.

4. The use authorized by the variance will not have an adverse impact on the essential character of the neighborhood because the property has been used for several non-residential purposes over many years without generating unreasonable impacts. The proposed office use will generate even less impact that most of the prior uses.

Dated: June 26, 2002
Adopted by the following vote: 5 Ayes; 0 Nays

ZONING BOARD OF APPEALS OF THE
CITY OF SARATOGA SPRINGS, NEW YORK

July 10, 2002
Date

Chair

I hereby certify the above to be a full, true and correct copy of a resolution duly adopted by the Zoning Board of Appeals of the City of Saratoga Springs on the date above mentioned, five members of the Board being present.

July 10, 2002
Date

Secretary

CITY OF SARATOGA SPRINGS

DESIGN REVIEW COMMISSION

CITY HALL - 474 BROADWAY
SARATOGA SPRINGS, NEW YORK 12866
TEL: 518-587-3550 x.515 FAX: 518-580-9480
WWW.SARATOGA-SPRINGS.ORG

PATRICK KANE
CHAIR
STEVEN ROWLAND
VICE CHAIR
RICHARD MARTIN
CHRIS BENNETT
SUSAN SHAFER
GRETCHEN MARCELL
MARK HOGAN

NOTICE OF ADMINISTRATIVE ACTION

In the matter of the request for administrative action relating to application

#2007.103
Ginley & Gottman
96 Ballston Ave
Saratoga Springs, NY 12866

to: approve final details including the front porch and ramp as shown on the drawings submitted to the Zoning Board of Appeals on 12/10/07 and the Planning Board on 12/12/07.

the Chairperson of the Design Review Commission finds that, in accordance with Section 8.3 of the Rules and Regulations of the Design Review Commission, the requested action is not substantive in nature and is not contrary to the intent of the original Commission decision. Therefore, the request for administrative action, as described above, is approved.

The Chair shall report the result of this action at the Design Review Commission on January 27, 2008.

12/14/07
Date

Patrick V Kane
Chair

cc: Michael Biffer, Building Inspector
File

LANSING ENGINEERING, PC

2452 STATE ROUTE 9
SUITE 301
MALTA, NY 12020
T [redacted]
F

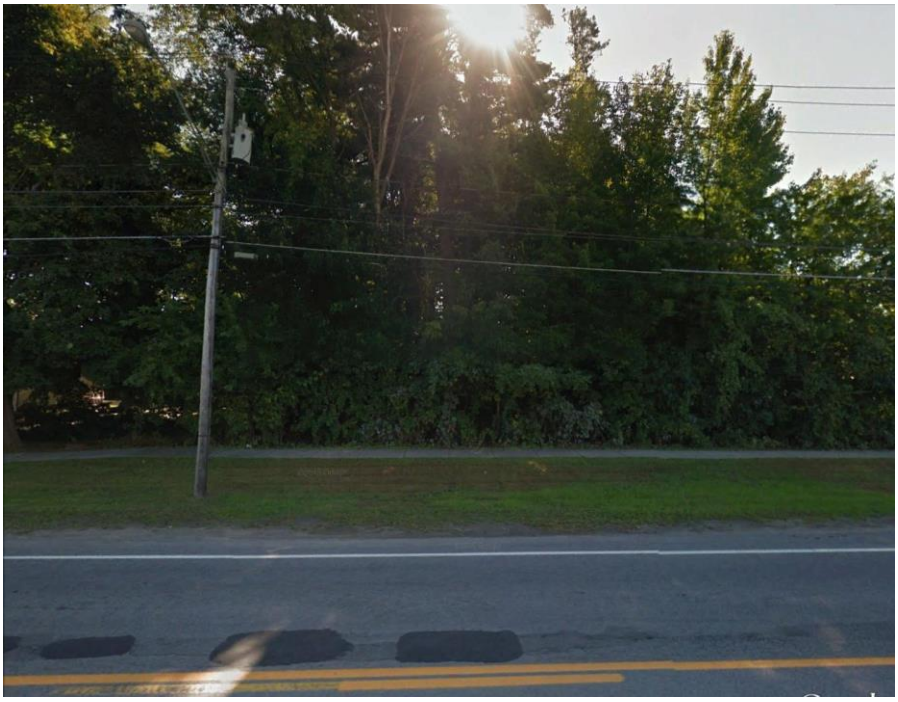
Ballston Ave Subdivision
Site Photos

ATTACHMENT TO AREA VARIANCE APPLICATION

05/25/16

116 Ballston Ave (Facing North - Front)

96 Ballston Ave (Facing South - Front)



Vacant Lot (Front)

96 Ballston Ave (Front)

116 Ballston Ave (Front)

116 Ballston Ave (Facing East on Finley Street)

116 Ballston Ave (facing West on Finley Street)

CITY OF SARATOGA SPRINGS

City Hall – 474 Broadway
Saratoga Springs, New York 12866
Tel: 518-587-3550 fax: 518-580-9480

[FOR OFFICE USE]

_____ (Application #)

_____ (Date received)

APPLICATION FOR:
APPEAL TO THE ZONING BOARD FOR AN INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Steven Gottman, Ginley & Gottmann, P.C.		
Address	96 Ballston Ave Saratoga Springs, NY 12866	Same as Applicant	Same as Applicant
Phone	[redacted] / [redacted]	/	/
Email	[redacted]		

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises: ☒ Owner ☐ Lessee ☐ Under option to lease or purchase

PROPERTY INFORMATION

1. Property Address/Location: 96 Ballston Ave, Saratoga Springs, NY 12866 Tax Parcel No.: 176 . 26 - 1 - 39,40, 46
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 9/30/2009 3. Zoning District when purchased: UR-2 Urban Residential

4. Present use of property: Converted Res./ Vacant Res./ Commercial 5. Current Zoning District: UR-2 Urban Residential

6. Has a previous ZBA application/appeal been filed for this property?
☒ Yes (when? June 2006, 2007 For what? 2006: 96 Ballston Ave to be used as an office.
2007: Area variance for handicap ramp access.)
☐ No

7. Is property located within (check all that apply)?: ☐ Historic District ☒ Architectural Review District
☐ 500' of a State Park, city boundary, or county/state highway?

8. Brief description of proposed action:

The project proposes to consolidate three (3) lots and construct a residential subdivision with townhouses. The residential subdivision includes 22 single family residential lots. The residential units are included in five (5) 4-unit townhouse buildings and one (1) 2-unit townhouse building as shown on the conceptual plan.

9. Is there a written violation for this parcel that is not the subject of this application? ☐ Yes ☐ No

10. Has the work, use or occupancy to which this appeal relates already begun? ☐ Yes ☒ No

11. Identify the type of appeal you are requesting *(check all that apply)*:

☐ INTERPRETATION (p. 2) ☐ VARIANCE EXTENSION (p. 2) ☐ USE VARIANCE (pp. 3-6) ☒ AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance". Fees are cumulative and required for each request below.

☐ Interpretation	$ 400
☐ Use variance	$1,000
☑ Area variance	
-Residential use/property:	$ 150
-Non-residential use/property:	$ 500
☐ Extensions:	$ 150

INTERPRETATION – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) _____

2. How do you request that this section be interpreted? _____

_____

_____

_____

3. If interpretation is denied, do you wish to request alternative zoning relief? ☐ Yes ☐ No

4. If the answer to #3 is "yes," what alternative relief do you request? ☐ Use Variance ☐ Area Variance

EXTENSION OF A VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: _____ 2. Type of variance granted? ☐ Use ☐ Area

3. Date original variance expired: _____

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?

_____

_____

_____

_____

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

_____

_____

_____

_____

_____

_____

USE VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

A use variance is requested to permit the following: _____

_____

_____

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

_____

_____

_____

_____

_____

_____

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase: _____ Purchase amount: $_____

2) Indicate dates and costs of any improvements made to property after purchase:

Date	Improvement	Cost

3) Annual maintenance expenses: $_____ 4) Annual taxes: $_____

5) Annual income generated from property: $_____

6) City assessed value: $_____ Equalization rate:_____ Estimated Market Value: $_____

7) Appraised Value: $_____ Appraiser: _____Date: _____

Appraisal Assumptions:_____

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☐ Yes ☐ No If "yes", for how long? _____

1) Original listing date(s):_____ Original listing price: $_____

If listing price was reduced, describe when and to what extent: _____

_____

2) Has the property been advertised in the newspapers or other publications? ☐ Yes ☐ No

If yes, describe frequency and name of publications: _____

_____

3) Has the property had a "For Sale" sign posted on it? ☐ Yes ☐ No

If yes, list dates when sign was posted: _____

_____

4) How many times has the property been shown and with what results? _____

_____

_____

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

AREA VARIANCE – **PLEASE ANSWER THE FOLLOWING** (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) UR-2 Area & Bulk Schedule Requirements

Dimensional Requirements	From	To
See the attached project narrative for the requested variances for each individual lot.		

Other:

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

   Alternative designs have been considered by the applicants to create a development for the parcel that is both appropriate to the neighborhood and marketable to the community. The existing 6,600 SF lot area requirements and associated residential density is not compatible with the NYS 50 corridor and the existing commercial uses immediately across the street and along the corridor. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

   The proposed variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

The proposed variances are not substantial. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

The proposed variances will not have adverse physical or environmental effects on the neighborhood district. The project will be provided with public water and public sewer services to protect the environmental water quality and fire protection. Storm water runoff will be managed in accordance with all applicable regulations. Clearing will be limited and green space will maintained to the greatest extent possible. It is our opinion that the proposed variances allow flexibility to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

The proposed variance requests have been created to provide a more appropriate density that is compatible with the existing adjacent uses and provides an appropriate transition to the existing residential uses set back from the Route 50 corridor. The proposed plan also parallels the various master plan updates and zone changes that are already approved and/or under consideration by the City of Saratoga Springs. The proposed plan also complies the 2015 Comprehensive Plan adopted by the City Council on 6/16/2015 under the Complementary Core (i.e. T4) designation, but it is being submitted under the UR-2 zoning designation. See Project Narrative Introduction for further details.

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ☑ No ☐ Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

_____ Date:_____
(applicant signature)

_____ Date:_____
(applicant signature)

If applicant is not the currently the owner of the property, the current owner must also sign.

Owner Signature: _____ Date:_____

Owner Signature: _____ Date:_____

ZONING AND BUILDING INSPECTOR DENIAL OF APPLICATION FOR LAND USE AND/OR BUILDING

APPLICANT: Steven Gottman, Ginley & Gottmann, P.C.

TAX PARCEL NO.: 176 . 26 - 1 - 39, 40 & 46

PROPERTY ADDRESS: 96 Ballston Ave, Saratoga Springs, NY 12866

ZONING DISTRICT: UR-2

This applicant has applied to use the identified property within the City of Saratoga Springs for the following:

_____

_____

_____

This application is hereby denied upon the grounds that such use of the property would violate the City Zoning Ordinance article(s)

_____. As such, the following relief would be required to proceed:

☐ Extension of existing variance ☐ Interpretation

☐ Use Variance to permit the following: _____

_____

_____

_____

☑ Area Variance seeking the following relief:

Dimensional Requirements	From	To
See the attached project narrative for the request variances for each individual lot.		

Other: _____

_____

Note: _____

☐ Advisory Opinion required from Saratoga County Planning Board

_____ _____

ZONING AND BUILDING INSPECTOR DATE

Revised 12/2015

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

July 7, 2016

Susan Barden, Senior Planner
Saratoga Springs Zoning Board of Appeals
City Hall 474 Broadway
Saratoga Springs, NY 12866

RE: SCPB Referral Review#16-84-Area Variance-Gottman
Variances (min. lot width from 60' to 20', min. lot size, side yard setbacks to "0")to effect the consolidation of three tax parcels/lots and construction of residential subdivision to construct 22 single family lots within five 4-unit townhouses and one 2-unit townhouse.
NYS Route 50 (Ballston Avenue) & Finley Street across from Price Chopper

Received from the City of Saratoga Springs Zoning Board of Appeals on April 25, 2016.

Reviewed by the Saratoga County Planning Board on May 19, 2016.

Decision: No Significant Countywide or Intercommunity Impact

Comment:
While the Saratoga County Planning Board recognized there to be no direct impact related to county issues through the issuance of the requested variances, members did make note of a few points it believed to be of more import to the local zoning board of appeals for its consideration:

1. While not part of the considerations under the balancing test, there is a general question to be asked and answered: what is the applicant's overall rationale for the variances being requested? It is not the direct purpose of a granted variance to make the use of a property more profitable. Minimum lot size in UR-2 zoning allows for 6,600 s.f. building lots as compared to lots of 1,702 s.f. being proposed through the variances (with the possibility of 5.7 units vs. 22 d.u. under UR-2 zoning).
2. It is quite evident that the immediate area around the subject land is a mix of uses, yet primarily of residential character predominated by UR-2 s.f. homes along Union Street, Spa Circle, and Lincoln Avenue. Immediate to the area is a large shopping plaza across Ballston Avenue and small office conversions from residential use. A determination should consider if the type of housing sought by the applicant (and the requested density) matches the neighborhood/district character.
3. The benefit sought by the applicant could be achieved without going to the zba for area variances, but it appears unlikely that the path of a zone change before the city council is being considered. The latter route would require a period of

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waiting for the proposed changes identified in the Comp Plan (for a mix of commercial and residential uses for the subject area) and the UDO.

Before the proposed development plan goes forward to the city planning board (if the variances are granted) it may be advantageous for there to be a discussion between boards of the potential impact of the variances as noted above and on traffic (internal street movement and access to main roads) and stormwater management.

Michael Valentine, Senior Planner
Authorized Agent for Saratoga County

DISCLAIMER: Recommendations made by the Saratoga County Planning Board on referrals and subdivisions are based upon the receipt and review of a "full statement of such proposed action" provided directly to SCPB by the municipal referring agency as stated under General Municipal Law section 239. A determination of action is rendered by the SCPB based upon the completeness and accuracy of information presented by its staff. The SCPB cannot be accountable for a decision rendered through incomplete or inaccurate information received as part of the complete statement.