

May 16, 2016

Susan Barden, Senior Planner  
City of Saratoga Springs Zoning Board of Appeals  
474 Broadway  
Saratoga Springs, New York 12866

Re: Rite Aid Development Appeal #2786

Dear Susan:

Enclosed please find an application for the extension of the area variances granted on January 26, 2015 for the above referenced project. The fee for the application is also enclosed.

The extension is necessitated due to the length of the approval process the project is currently undergoing with the City. Most recently, site plan approval by the Planning Board was obtained on April 14, 2016. Remaining approvals for the project include an area variance application for signage and its accompanying Design Review Commission approval.

Thank you for your time and attention in this matter.

Sincerely,



Alexandra Besso

ANB/  
Enclosure



# CITY OF SARATOGA SPRINGS

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

[FOR OFFICE USE]  
\_\_\_\_\_  
(Application #)  
\_\_\_\_\_  
(Date received)

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

APPLICANT(S)*	OWNER(S) (If not applicant)	ATTORNEY/AGENT
Name <u>National Retail Properties, INC.</u>		<u>Matthew J. Jones</u>
Address <u>450 S. Orange Ave. Suite 900</u> <u>Orlando, FL 32801</u>		<u>68 West Ave</u> <u>Saratoga Springs, NY 12866</u>
Phone <u>[REDACTED]</u>	<u>1</u>	<u>[REDACTED]</u>
Email <u>[REDACTED]</u>		<u>[REDACTED]</u>

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

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

### PROPERTY INFORMATION

1. Property Address/Location: 90 West Ave / 242 Washington St. Tax Parcel No.: 165 14 2 2+2  
165 .14 - 2 - 1  
(for example: 165.52 - 4 - 37)

2. Date acquired by current owner: 9/20/2004 3. Zoning District when purchased: C-2 Gen. Business

4. Present use of property: Pharmacy 5. Current Zoning District: T-5

6. Has a previous ZBA application/appeal been filed for this property?  
 Yes (when? 9/2, 2014 For what? Use approval/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: Extension of area variance approved  
on January 26, 2015. Applicant is still in the approval process,  
so construction has not yet begun.

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

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

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

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

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

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

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

Section(s) \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

1. Date original variance was granted: 1/26/15 2. Type of variance granted?  Use  Area

3. Date original variance <sup>will</sup> expired: 7/26/16

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

The approval process has taken longer than anticipated, so construction has not yet begun. Applicant is still in the approval process.

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

The site remains unchanged, the existing Rite Aid is still operational, as is the KNC Touchfree Car Wash.

DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

National Retail Properties, Inc.  
 By: David J. Reif Date: 5-11-16  
 (applicant signature) David J. Reif, its Senior Vice President, Leasing + Construction Date: \_\_\_\_\_  
 \_\_\_\_\_ 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: \_\_\_\_\_