TUCZINSKI, CAVALIER & GILCHRIST, P.C.

ATTORNEYS AT LAW

Albany Office
54 State Street, Suite 803
Albany, New York 12207
[redacted]

Saratoga Office
63 Putnam Street, Suite 202
Saratoga Springs, New York 12866
[redacted]

Stephanie W. Ferradino
[redacted]

July 1, 2016

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

Re: 34 Marion Avenue, Saratoga Springs, NY 12866

Dear Chairman Moore:

Enclosed please find the following submission for the upcoming Zoning Board of Appeals meeting:

1. Revised Narrative and chart of tax payments;
2. Proposed Design Elements;
3. Basis for Program Square Footage;
4. Landscaping Plan.

An electronic version of these documents above has been emailed to the planning office. Would you kindly place us on the agenda for the **July 11, 2016 meeting** and advise if anything further is required? Thank you very much.

Very truly yours,

TUCZINSKI, CAVALIER & GILCHRIST, P.C.

By: _____
Stephanie W. Ferradino

SWF:tlp
Enclosures

USE VARIANCE APPLICATION BY MAPLE SHADE CORNERS, LLC

34 Marion Avenue Narrative Update – July 1, 2016

This narrative will address the issues raised at the June 20, 2016 meeting by the Zoning Board of Appeals and during the public comment period immediate following the presentation in support of the application. The documents contained in this submission are intended to provide some context for the attachments contained in this second submission of materials in support of the use variance application submitted by Maple Shade Corners, LLC. A portion of the materials pertain to the proposed building itself, which relate to the standard pertaining to the character of the neighborhood. The other information relates to the dollar and cents proof required to demonstrate that the owner has been unable to realize a reasonable return on the investment he made in the property as the property is currently zoned for residential use.

1. Proposed Building

Several questions were raised about the proposed building, including the size and architecture, together with the landscaping plan for buffering the space. Attached you will find several documents which are responsive to these inquiries. First, a draft landscaping plan has been added to the sketch plan to demonstrate the type of screening that could be provided for the adjacent properties. Because the planning board has jurisdiction over the mechanics of the site, including landscaping, the proposed landscaping depicted in this submission is our recommendation to the planning board for the screening that should occur to buffer the subject property from the adjacent neighbors.

While the board did not require a rendering to be provided, Architectural Collaborative has prepared some information pertaining to the proposed design elements of the structure. The Design Review Commission has jurisdiction over the architectural style of the building. Therefore, the proposed project will go through significant scrutiny in order to make sure the new structure blends in with the nearby commercial and residential properties.

The last document provides information concerning the proposed owner's existing practice. This includes a summary of the functional limitations in his current space due to the size of the office and differences in the existing space and the proposed standalone facility.

2. Return on Investment

One board member inquired about the total investment made by the applicant, together with information on the value of any appreciation which would normally occur on investments over the 34 years of ownership. Attached to this submission is a chart which demonstrates the actual tax payments and other minor expenses the owner of the property made since taking ownership in 1982. This does not include any capital improvements which were made to the structure previously on the site, as the owner of the property no longer has these records.

Expense Type	Payment Amount
1982 purchase	$40,000
2012 demolition	$19,000
City/County Tax	$28,897.40
School Tax	$34,567.11
Maintenance	$15,940.00
Total	**$138,404.51**

The primary investment, not including the capital improvements made when there was a structure on the premises, was $138,401.51. The below chart represents the possible return on (1) the initial investment and (2) the first 5 years of tax payments and maintenance. These are shown at various percentage rates to provide the board with some context for the appreciation for a portion of the expenses over a period of time. The later years of taxes and maintenance are not included, because the annual nature of their accrual makes it difficult to group them together. By way of reference, an average return on investment for an investment portfolio that was split between 60% stocks and 40% bonds for the period of 1982-2015 was 11%. Therefore, the below is a much more conservative view of possible returns for the owner's investment in the 1982-1987 period of time.

FUTURE VALUE OF RETURN ON INVESTMENT 1982-2016

Investment	2%	4%	5%	6%	7%
$40,000	$78,427	$151,773	$210,134	$290,041	$399,125
$6,436 (first five years of expenses over 30 year investment)	$11,658	$20,875	$27,816	$36,965	$48,992
2012 demolition *(no interest)*	*$19,000*	*$19,000*	*$19,000*	*$19,000*	*$19,000*
Remainder of tax and maintenance *(no interest)*	*$72,968*	*$72,968*	*$72,968*	*$72,968*	*$72,968*
Total	**$182,054**	**$264,617**	**$329,919**	**$418,975**	**$540,086**

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

3. Listing Price for Property

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

SALE PRICES 2005-2007 FOR RESIDENTIAL VACANT LAND

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

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

RECENT SALES IN VISCINITY OF PROPERTY

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

USE VARIANCE APPLICATION BY MAPLE SHADE CORNER, LLC AT 34 MARION AVENUE				
YEAR	CITY/COUNTY TAX	SCHOOL TAX	MAINTENANCE AND INSURANCE (estimated)	TOTAL EXPENSES
2015	$640.06	$1,142.50	$685.00	$2,467.56
2014	$634.95	$1,121.84	$685.00	$2,441.79
2013	$1,070.53	$1,098.57	$685.00	$2,854.10
2012	$1,065.72	$1,763.71	$685.00	$3,514.43
2011	$1,062.22	$1,769.66	$650.00	$3,481.88
2010	$1,035.71	$1,729.95	$650.00	$3,415.66
2009	$999.29	$1,778.21	$600.00	$3,377.50
2008	$982.13	$1,716.17	$600.00	$3,298.30
2007	$924.72	$1,684.11	$500.00	$3,108.83
2006	$874.15	$1,647.02	$500.00	$3,021.17
2005	$873.24	$1,580.72	$500.00	$2,953.96
2004	$670.05	$1,283.79	$500.00	$2,453.84
2003	$586.77	$1,231.71	$500.00	$2,318.48
2002	$539.25	$1,182.96	$500.00	$2,222.21
2001	$519.15	$1,155.27	$500.00	$2,174.42
2000	$527.35	$1,148.84	$500.00	$2,176.19
1999	$501.21	$1,065.14	$500.00	$2,066.35
1998	$1,465.35	$1,022.04	$400.00	$2,887.39
1997	$1,454.82	$1,029.10	$400.00	$2,883.92
1996	$1,325.61	$923.94	$400.00	$2,649.55
1995	$1,261.35	$863.62	$400.00	$2,524.97
1994	$1,110.99	$729.48	$400.00	$2,240.47
1993	$1,050.48	$699.94	$400.00	$2,150.42
1992	$981.12	$678.18	$400.00	$2,059.30
1991	$881.01	$630.84	$400.00	$1,911.85
1990	$779.01	$566.16	$400.00	$1,745.17
1989	$717.51	$518.61	$400.00	$1,636.12
1988	$672.57	$475.17	$400.00	$1,547.74
1987	$639.93	$444.51	$300.00	$1,384.44

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

the Architectural Collaborative
15 Suffolk Lane
Gansevoort, NY 12831

PROPOSED DESIGN ELEMENTS

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

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

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

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

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

BASIS FOR PROGRAM SQUARE FOOTAGE

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

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

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

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

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

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

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

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

the ARCHITECTURAL **COLLABORATIVE**

15 Suffolk Lane
Gansevoort, NY 12831

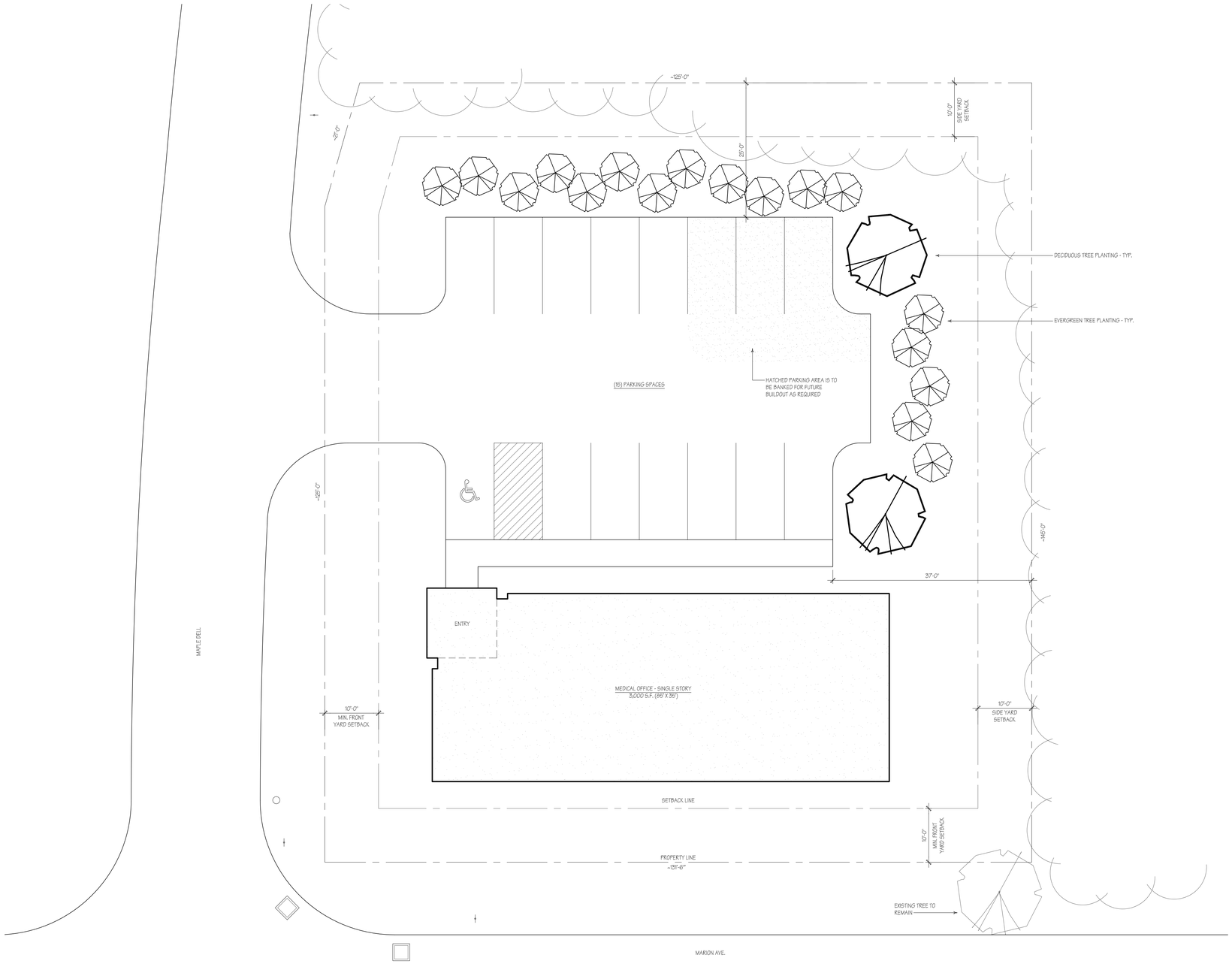
Functional Space Program

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

June 30, 2016

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

Total Net S.F.	2,225
Net/Gross Factor	0.7
Total Gross S.F.	3,179



1 SK4.1 BUFFERING PLAN

1" = 10'-0"

BUFFERING PLAN - CONCEPTUAL

the ARCHITECTURAL COLLABORATIVE

15 SUFFOLK LANE, GANSEVOORT, NY 12831 - 518.796.6236

CLIENT LOGO:

CONSULTANT LOGO:

SEAL:

#:	DESCRIPTION:	DATE:

PROJECT NAME: DR. AIBEL

DATE:	6.28.16	SHEET #:	SK4.1
DRAWN BY:	JP		
CHECKED BY:	JP		
PROJECT #:	16007	SCALE:	1" = 10'-0"