



# CITY OF SARATOGA SPRINGS

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

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

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

	<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name	Matt Sames	Bronx Springs Group	James Easton MJ Engineering
Address	[REDACTED]	183 Church Ave Ballston Spa, NY 12020	21 Corporate Drive, Suite 105 Clifton Park, NY 12065
Phone	[REDACTED]		[REDACTED]
Email	[REDACTED]		[REDACTED]

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

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

### PROPERTY INFORMATION

1. Property Address/Location: Route 9/Broadway Tax Parcel No.: 191.8-1-1 thru 1-6  
(for example: 165.52 - 4 - 37)

2. Date acquired by current owner: \_\_\_\_\_ under contract 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".

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

1) Date of purchase: \_\_\_\_\_ Purchase amount: \$ \_\_\_\_\_

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

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

3) Annual maintenance expenses: \$ \_\_\_\_\_ 4) Annual taxes: \$ \_\_\_\_\_

5) Annual income generated from property: \$ \_\_\_\_\_

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

7) Appraised Value: \$ \_\_\_\_\_ Appraiser: \_\_\_\_\_ Date: \_\_\_\_\_

Appraisal Assumptions: \_\_\_\_\_

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

1) Original listing date(s): \_\_\_\_\_ Original listing price: \$ \_\_\_\_\_

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

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

If yes, describe frequency and name of publications: \_\_\_\_\_

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

If yes, list dates when sign was posted: \_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

240-2.0

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

<u>Dimensional Requirements</u>	<u>From</u>	<u>To</u>
North Minimum Side Setback	30'	20'
South Minimum Side Setback	30'	20'
Total Side Setbacks	100'	40'
Minimum Average Width	200'	105'
Minimum Lot Size	2.0 AC	1.59 AC

Other: \_\_\_\_\_  
\_\_\_\_\_

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

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

The existing building envelope varies from 5' to 8.8' wide, a variance is necessary to construct a usable building. The property to the south is, Pratt Drive, a private drive. The Applicant has written to the property owner to inquire about interest to sell property.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Animal clinic is an acceptable use in the RR-1 zone, where the building will be located. The building will be set back from the road and not visible.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



DISCLOSURE

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

APPLICANT CERTIFICATION

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

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

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

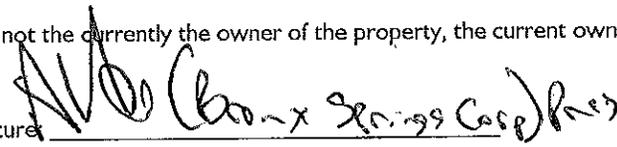
  
(applicant signature)

Date: 7/11/16

\_\_\_\_\_  
(applicant signature)

Date: \_\_\_\_\_

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

Owner Signature:  (Cox Springs Corp) Res

Date: 7/13/16

Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

APPLICANT: \_\_\_\_\_ TAX PARCEL NO.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Extension of existing variance       Interpretation

Use Variance to permit the following: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Area Variance seeking the following relief:

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

Other: \_\_\_\_\_  
\_\_\_\_\_

Note: \_\_\_\_\_

Advisory Opinion required from Saratoga County Planning Board

\_\_\_\_\_  
ZONING AND BUILDING INSPECTOR DATE

# Short Environmental Assessment Form

## Part 1 - Project Information

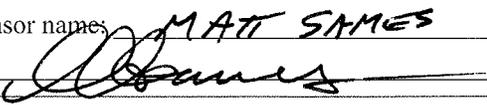
### Instructions for Completing

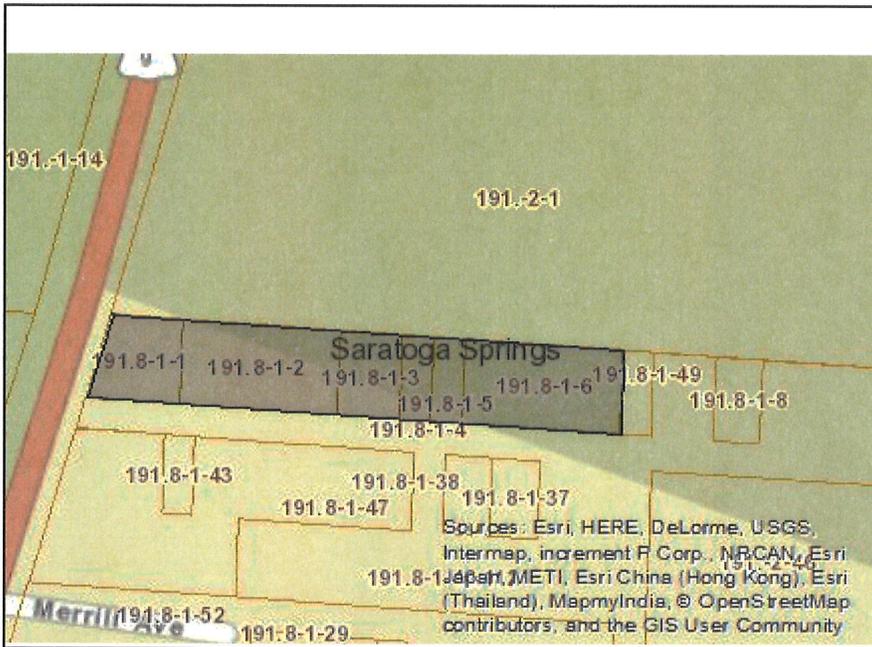
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

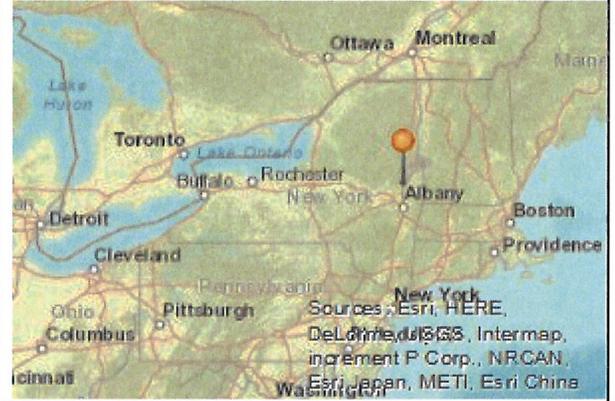
<b>Part 1 - Project and Sponsor Information</b>							
Name of Action or Project: Pet Lodge							
Project Location (describe, and attach a location map): Rt 9/Broadway Saratoga Springs, NY							
Brief Description of Proposed Action: Construct a pet boarding facility on existing vacant parcel(s)							
Name of Applicant or Sponsor: Matt Sames		Telephone: [REDACTED]					
		E-Mail: [REDACTED]					
Address: [REDACTED]							
City/PO: [REDACTED]		State: [REDACTED]	Zip Code: [REDACTED]				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		_____ 1.59 acres					
b. Total acreage to be physically disturbed?		_____ .69 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 1.59 acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)							
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input checked="" type="checkbox"/> Parkland							



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>Creation of a detention basin, approx. 1500 SF</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>MATT SIMES</u> Date: <u>7/11/16</u></p> <p>Signature: <u></u></p>		



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

**Zoning Board of Appeals  
Project Narrative  
for  
Pet Lodge  
Route 9  
City of Saratoga Springs  
Saratoga County, New York**

Prepared for:  
Matt Sames,  
Sames Media Group  
Located at  
19 Blue Jay Way  
Rexford, NY 12148

July 8, 2016

*Prepared by:*



Engineering and  
Land Surveying, P.C.

21 Corporate Drive, Suite 105  
Clifton Park, NY 12065





## **INTRODUCTION**

The proposed project consists of 6 separate tax parcels in the City of Saratoga (tax parcels 191.08-1-1, 191.08-1-2, 191.08-1-3, 191.08-1-4, 191.08-1-5, 191.08-1-6) and the 6 parcel comprising 1.59 acres in total. The existing vacant tree lot is situated between a commercial business to the south and State park lands to the north. See attached aerial map and tax map. The proposal application wishes to build a 6,000 sf Animal Kennel on the parcels.

## **Zoning**

The parcel(s) is divided almost in half between Rural Residential (RR-Zone) and Tourist Related Business (TRB-zone). The TRB zone is located in the front half of the parcel and RR-Zone in the rear of the parcel. The location of the TRB/RR zoning line has been established based upon the zoning map and is located at the eastern edge of tax parcel 191.08-1-2 per the zoning map or approximately 350' from centerline of Route 9. To the north of the site the zoning is Intuitional Parkland Recreation (INST-PR- Zone)

## **Parcel**

The 6 parcels have a combined area of 1.59 acres and have a lot frontage of 108.8 feet and rear lot width of 105 feet and a depth of 644.4 feet.

## **Usage**

The proposed use, Animal Kennel, is an approved use within the RR zone with a special use permit issued by the City. From the proposed concept plan the entire proposed building will be located within the RR zone.

## **Variances**

As the 6 parcels are within two zones, the existing parcels within the RR zone do not conform to City on Lot size. The 4 rear parcels are less than the minimum allowed for either the RR or TRB zoning districts of 2.0 acres or 10,000 sf respectively.

As the lot varies from 105 feet to 108.8 feet in width, the front tax parcels conform to City code of 100 foot within the TRB zone, but as the rear existing 4 tax parcels are within RR zone and these parcel do not have 200 foot of frontage per City Code.

As the 4 rear tax parcels of the site vary from only 105 feet to 108.8 feet width of the side setbacks are 30 foot minimum and with a total of 100 feet required. This leaves a 5 feet to 8.8 feet wide envelope to build a structure, which is not feasible for a building to comport with NYS building code and ADA requirements.

Therefore based upon above information the project proposes the following variances for this project.

1. North Side minimum side setback from 30 feet to 20 feet within the RR zone
2. South Side minimum side setback from 30 feet to 20 feet within the RR zone
3. Total side setback of 100 feet to 40 feet within the RR zone
4. Minimum average width from 200 feet to 105 feet within RR zone
5. Minimum Lot size of 2.0 acres to 1.59 acres

The proposed North, South and Total Setbacks requested to 20 feet and a total of 40 feet match what is currently allowed under TRB zone in the front half of the site.

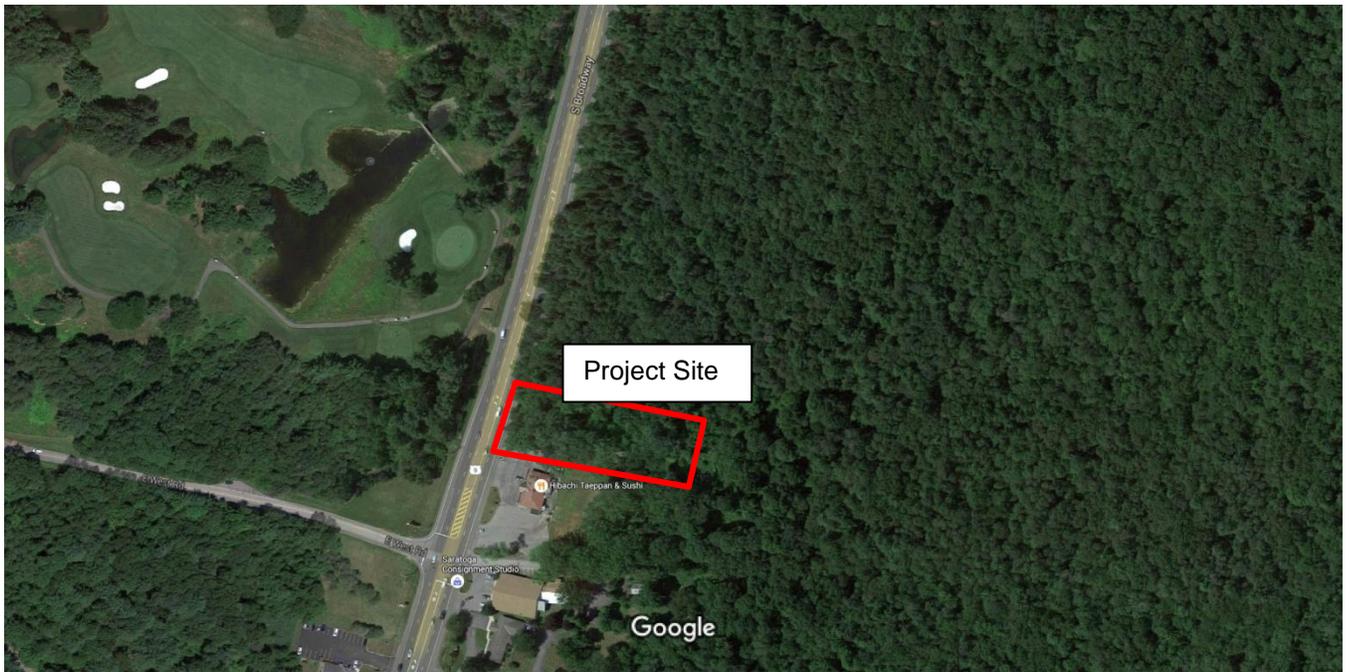


**EXHIBITS:**

- |                  |                           |
|------------------|---------------------------|
| <b>Exhibit 1</b> | <b>Aerial Map</b>         |
| <b>Exhibit 2</b> | <b>Tax Map</b>            |
| <b>Exhibit 3</b> | <b>Photo Location Map</b> |
| <b>Exhibit 4</b> | <b>Site Photos</b>        |



Aerial Map



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



Tax Map

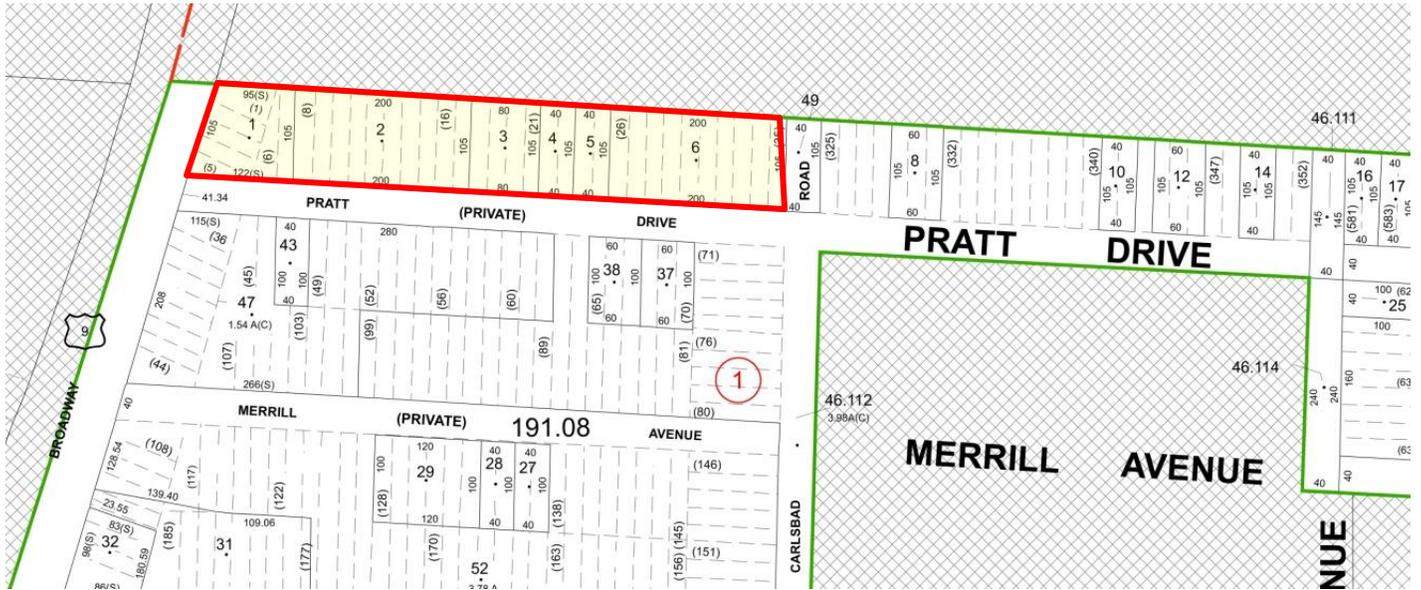




Photo Location Map

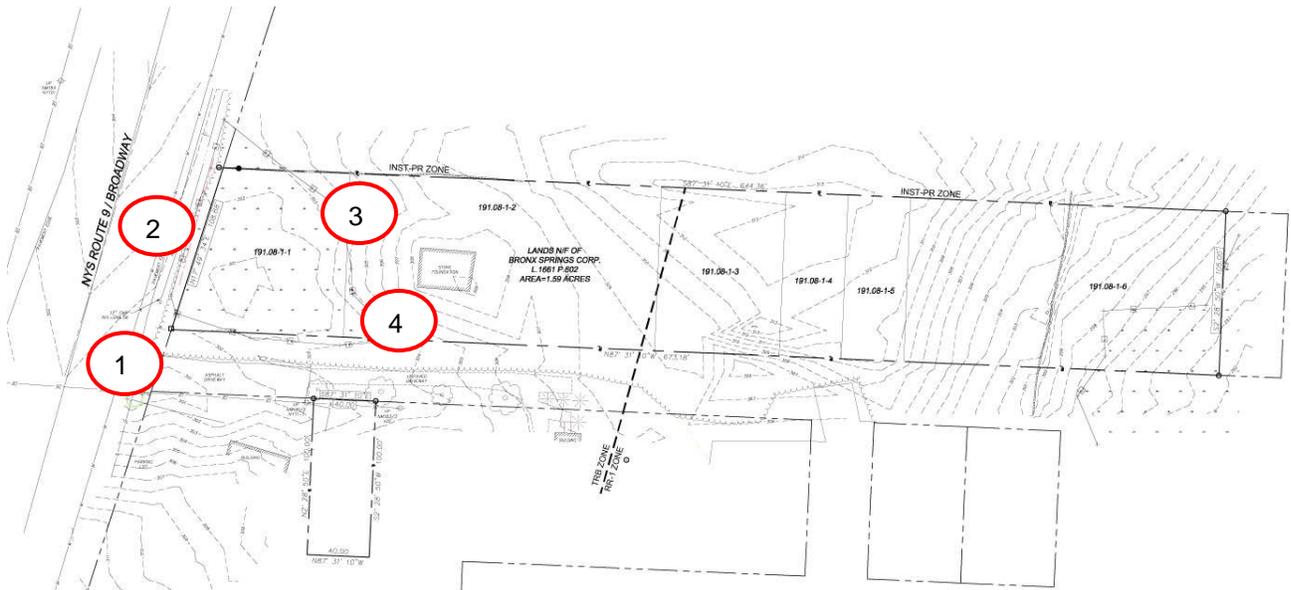




Photo 1





Photo 2





Photo 3

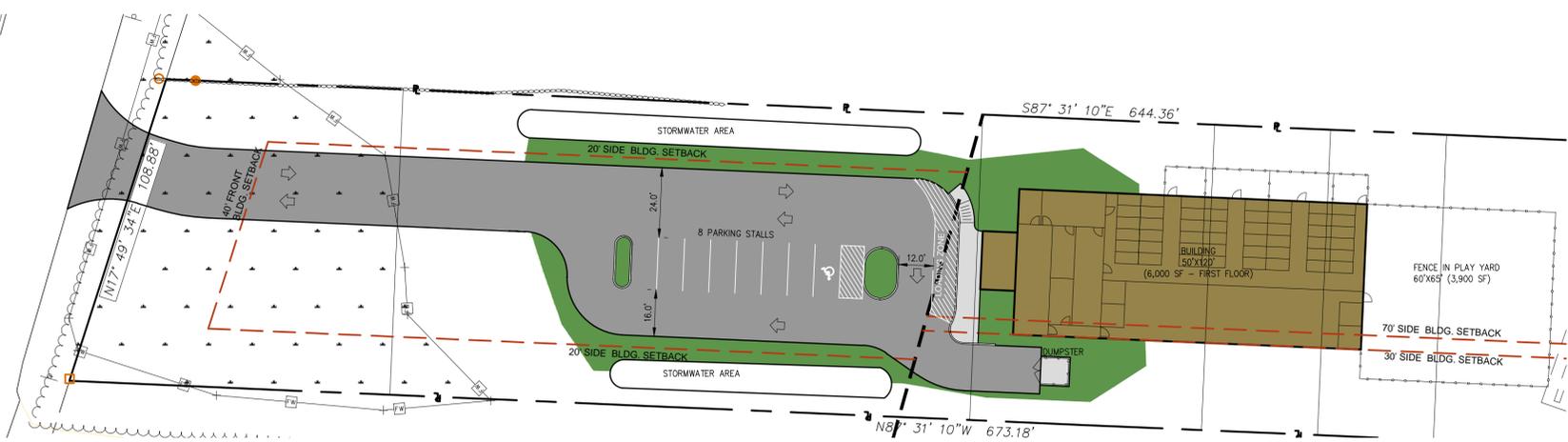
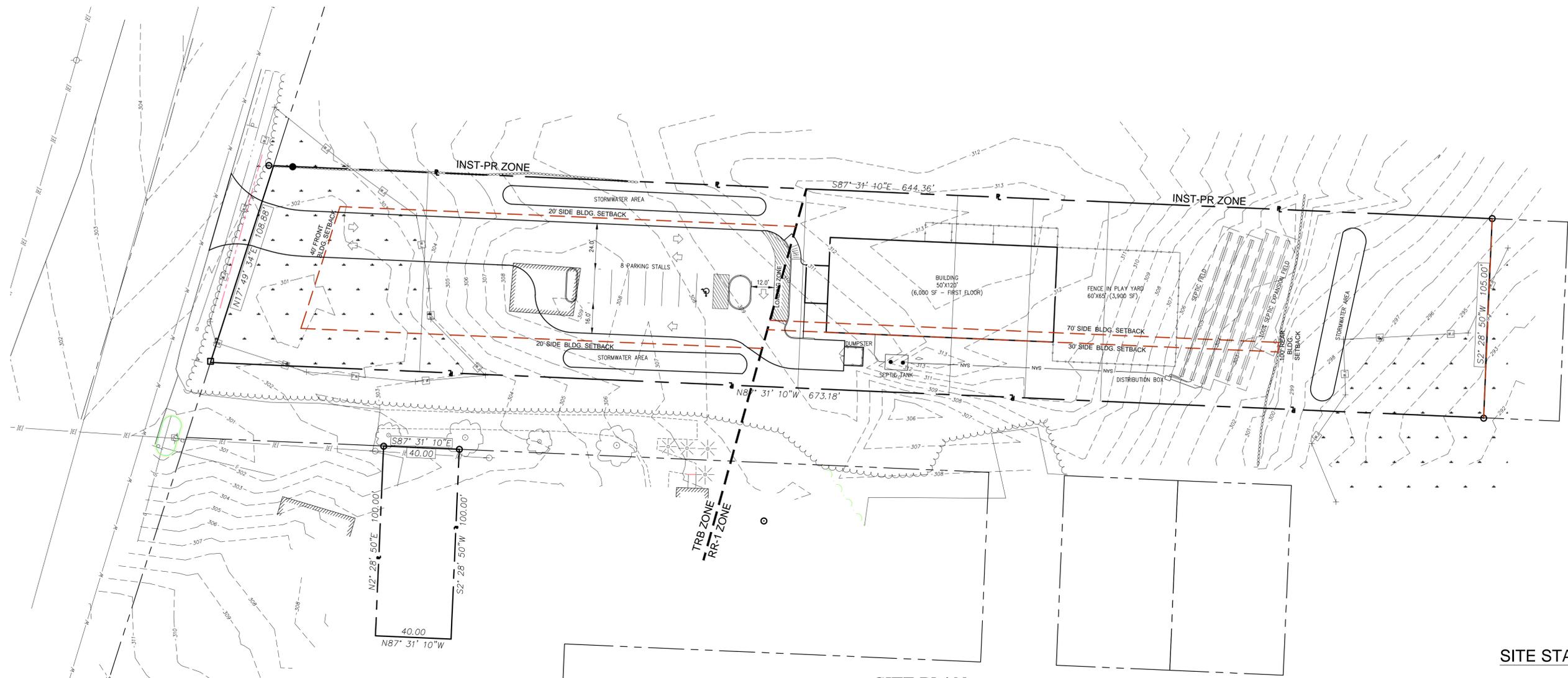




Photo 4







**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