

Village of Ballston Spa
Zoning Board of Appeals
66 Front Street
Ballston Spa, NY 12020
518-885-5711

APPEAL to the ZONING BOARD OF APPEALS for an INTERPRETATION, USE VARIANCE, and / or VARIANCE EXTENSION

APPLICATION REQUIREMENTS:

1. **Eligibility:** To apply for relief from the Village's Zoning Ordinance, an applicant must be the property owner(s) or lessee or have an option to lease or purchase the property in question. The Zoning Board of Appeals (ZBA) shall not accept any application for appeal that includes a parcel which has a written violation from the Building Inspector that is not the subject of the application.
2. **Complete Submissions:** Applicants are encouraged to work with Village staff to ensure a complete application. The ZBA will only consider completed applications that contain one (1) original and one (1) digital of the following:
 - ☐ Completed application pages 1 and 8, the pages relating to the requested relief (p. 2 for interpretation or extension, pp. 3-5 for use variance, pp. 6-7 for area variance) and any additional supporting materials/ documentation.
 - ☐ Completed SEQR Environmental Assessment Form – short or long form as required by action. Found on New York State Department of Environmental Conservation site at: www.dec.ny.gov/seqrform
 - ☐ Detailed “to scale” drawings of the proposed project – folded and no larger than 24” x 36”. Identify all existing and proposed structures, lot boundaries and dimensions, and the relationship of structures to the lot dimensions. Also, include any natural or manmade features that might affect your property (e.g., drains, ponds, easements, etc.).
3. **Application Fee (Non-refundable):** Make checks payable: “*Village of Ballston Spa*”. Fees are cumulative and required for each request below.
 - ☐ Interpretation: \$500.00
 - ☐ Use Variance: \$200.00
 - ☐ Area Variance: \$100.00 *Residential use/property*; \$300.00 *Non-residential use/property*
 - ☐ Extensions: \$150.00

Check Village website: www.villageofballstonspa.org for application meeting dates.

VILLAGE OF BALLSTON SPA

66 Front St
Ballston Spa, NY 12020
Ph: (518)885-5711

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 <u>Tannery Commons, LLC.</u>	<u>JJB 125 Bath, LLC.</u>	<u>Betsy D. Brugg</u>
Address <u>1000 University Ave. Suite 500</u>	<u>17 Sonja Lane</u>	<u>Woods, Oviatt, Gilman, LLP.</u>
<u>Rochester, NY 14607</u>	<u>Ballston Spa, NY 12020</u>	<u>1900 Bausch & Lomb Place</u>
Phone _____ / _____	_____ / _____	<u>(585) 987 ____ / 2905</u>
Email _____	_____	<u>bbrugg@woodsoviatt.com</u>

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

(Contract Purchaser)

Applicant's interest in the premises: _____ Owner _____ Lessee X Under option to lease of purchase

PROPERTY INFORMATION

1. Property Address/Location: 125 Bath Street Tax Parcel No: 216.32-1-96.2
2. Date acquired by current owner: _____
3. Zoning District when purchased: _____
4. Present use of property: Vacant Buildings
5. Current Zoning District: CBD
6. Has a previous ZBA application/appeal been filed for this property?
 - a. ☐ Yes (when? _____, for what? _____)
 - b. ☒ No (Not by applicant)
7. Is property located within (check all that apply):
 - ☐ Historic District
 - ☐ Architectural Review District
 - ☐ within 500' of a State Park, city boundary, or county/state highway?

8. Brief description of proposed action:

Proposed Tannery Commons project includes redevelopment of former tannery site, with demolition of
 4 of 5 existing buildings and construction of 3 attractive new buildings. Project includes construction of 168+/- units
 of multiple -family dwellings with amenities including covered parking in buildings, laundry facilities, fitness room and
 community room, and includes 8,400 +/- square feet of retail/commercial/office space, incorporating quality design and
 and site improvements.

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

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

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

- ___ INTERPRETATION (page 2)
 ___ VARIANCE EXTENSION (page 3)
 ___ USE VARIANCE (pages 3-6)
X AREA VARIANCE (pages 6-8)
X Special Permit for multiple-family dwellings (described above)-Per Schedule A, Part 1 (See Letter of Intent)

FEES: Make checks payable to the "VILLAGE OF BALLSTON SPA". Fees are cumulative and required for each request below:

___ Interpretation	\$500
___ Use variance	\$200
<u>X</u> Area variance	
- Residential use/property:	\$100
- Non-residential use/property:	\$300
___ 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 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: _____
4. Explain why the extension is necessary. Why wasn't the original timeframe sufficient:

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

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

A use variance is requested to permit the following: _____

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

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

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

1. Date of purchase: _____ Purchase amount: \$ _____

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

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

3. Annual maintenance expense: \$ _____

4. Annual taxes: \$ _____

5. Annual income generated from property: \$ _____

6. City assessed 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:

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:

- [illegible]

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

Revised 8/2024

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: (See letter of intent)

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.

See letter of intent

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:

See letter of intent

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

See letter of intent

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:

See letter of intent

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:

See letter of intent

DISCLOSURE

Does any Village of Ballston Spa 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 Village of Ballston Spa staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.
Tannery Commons, LLC, by Conifer Realty, LLC.

By: Muhammad Hermanstyn Date: 05/01/2025
(applicant signature)

(applicant signature) Date: _____

If applicant is not the currently the owner of the property, the current owner must also sign.
See Owner authorization letter

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____