



Village of Saranac Lake

Community Development Department

39 Main Street, Suite 9 Saranac Lake, NY 12983-2294

Phone: (518) 891 - 4150

Fax: (518) 891 - 1324

Web Site: www.saranaclakeny.gov

APPLICATION #: 2023-DB-029

DATE RECEIVED: 12/21/23

DATE PAID: 12/28/23

AREA VARIANCE APPLICATION REQUIREMENTS

Incomplete application forms will not be accepted. If you have questions when filing out the application, please contact the Community Development Department.

1. **Pre-application Conference** – Before filing a formal application, applicant is encouraged to reach out and schedule a pre-application conference with the Community Development Director to discuss application requirements.

2. **Mandatory staff review submission:**

A. Submit one electronic copy of the following to comdevassist1@saranaclakeny.gov:

- Area Variance Application Form, signed
- Area Variance Checklist
- Copy of survey map showing all necessary dimensions with regard to the proposed action
- Most recent deed to property (must be in applicant's name)
- Short Environmental Assessment Form (SEQR)– complete Part 1. Refer to DEC's online mapping tool to complete the form: <https://gisservices.dec.ny.gov/eafmapper/>
- Waterfront Assessment Form (WAF) - complete Section 1 only

B. Application fee of \$200.00, in accordance with the [Building, Planning, Zoning, and Public Works Fee Schedule](#). Make check payable to Village of Saranac Lake.

3. **Final submission for review by the Development Board:**

A. Submit one electronic copy of the following to comdevassist1@saranaclakeny.gov, and one hard copy addressed to the Community Development Director:

- Area Variance Application Form, signed
- Area Variance Checklist
- Copy of survey map showing all necessary dimensions with regard to the proposed action
- Most recent deed to property (must be in applicant's name)
- Short Environmental Assessment Form (SEQR)- complete Part 1
- Waterfront Assessment Form (WAF) - complete Section 1 only

The application shall be accompanied by the information listed above. The Community Development Director may require additional submission materials if determined appropriate for the nature and scale of the proposed project. The pre-application conference may be used to determine the application requirements. The information above should be emailed and brought to the Village of Saranac Lake at least three weeks prior to the scheduled Development Board meeting in order to be placed on the agenda. The Board meets on the first Tuesday of each month at 5:00pm in the Village Board Room, 39 Main St., Saranac Lake, NY 12983.

STANDARDS OF PROOF AREA VARIANCE

Asking the Development Board for an Area Variance means that you want relief from the sections of the Village Development Code that pertain to distance and measurement. For example, your home is in the J-1 District and you want to build an addition that would be 5ft. from your side-yard property line. The Village Development Code requires a setback of at least 10ft. Your permit would be denied because the addition will not meet the requirements of the Development Code.

You have the right to appeal to the Development Board to grant¹ a variance from that section of the Development Code. However, the Development Board cannot grant any Area Variance unless proof is provided by you, the applicant, that your property warrants special treatment. The fact that you simply "want" a variance is not enough. You may bring photos, drawings, etc. with you to explain your situation to the Board. You may also bring letters of support from neighboring property owners if they are unable to attend the public hearing.

The New York State Legislature has enacted into law requirements that an applicant for an Area Variance must furnish as proof to the Development Board establishing the following "hardship tests:"

- 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;
- Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- Whether the requested area variance is substantial;
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Development Board, but shall not necessarily preclude the granting of the area variance.

In making its determination, the Development Board 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. The Development Board, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

"Proof" is not just parroting these criteria. **You must produce "facts" so as to enable the Development Board to carefully consider each of the criteria.** Then the Development Board will weigh the benefit to you as contrasted with the detriment to the Village. Remember that this is your case. The Development Board does not have the power to grant variances unless the required proof is furnished. Applying for a variance does not guarantee that the Development Board will grant the request. The burden of proof is on the applicant for meeting the hardship tests.

¹ Note: If you are granted the variance(s) requested, you must then contact the Code Enforcement Officer regarding the building permit for your project or the Community Development Director if your project will require further review by the Development Board (e.g., Site Plan Review).

AREA VARIANCE APPLICATION FORM

Applicant Information	
Applicant Name	Aubuchon Realty Co. Inc. c/o Bohler Engineering and Landscape Architecture NY, PLLC
Applicant Address	17 Computer Drive West, Albany, NY 12205
Mailing Address, If Different	
Applicant Email	cmlodzianowski@bohlereng.com
Applicant Phone	518-438-9900

If Different from Project Applicant	
Property Owner Name	Aubuchon Realty Company, Inc.
Property Owner Address	73 Junction Square Dr., Concord, MA 01742
Mailing Address, If Different	
Property Owner Email	michaels@arc1932.com
Property Owner Phone	774-696-9699

Project Information

1. Project Address 258 Broadway
2. Tax Map # 164601-446.06-8-9
3. Zoning District G
4. Current Lot Size 1.996 acres
5. Current Use Retail
6. Proposed Use Retail

7. Please provide a written description of the project (description of construction, alteration, extension, expansion restoration). Indicate the exact variance that you are seeking. Example: Rear-yard setback is 20ft., seeking a 5ft. setback.

Per Section 106-81 D.(1)(a) of the Village of Saranac Lake ordinance, off-street parking spaces shall be located in the side or rear yard. Parking is proposed within the Cedar Street front yard, which will require a variance.

8. Explain why the variance is necessary:

Parking is proposed within the Cedar Street front yard to provide adequate, and reasonably and conveniently located parking spaces for the proposed two (2) tenant building.

9. Explain why this variance will not change the character of the neighborhood or cause detriment to nearby properties:

This will not change the character of the neighborhood or cause detriment to nearby properties. Cedar Street can be considered a "side street" and the parking proposed will primarily only be visible from a commercial property across the street. Nearby commercial properties have parking within their front yards as well.

10. List the feasible alternatives (can your goal be achieved by some means other than a variance?):

The proposed parking is being provided to meet adequate and convenient parking spaces for a two (2) tenant building. Without the parking located conveniently to the storefront then the retail space is not marketable to prospective tenants.

11. Explain why this variance will not have an adverse effect on the physical or environmental conditions in the neighborhood:

The variance will not have an adverse impact on the physical or environmental conditions in the neighborhood as the property will be rebuilt similar to and improve upon existing conditions.

12. Explain why this alleged hardship is not self-created (did you purchase the property with knowledge of the hardship)?

The hardship is not self-created. The proposed redevelopment is an improvement to the property due to the burden of a fire.

13. Refer to Code dimensional standards at <https://ecode360.com/attachment/SA0109/SA0109-1066%20Schedule%202.pdf> to complete the 'Allowed/Required' column on the Project Data Table below. Complete the 'Requested Relief' column for each standard from which a variance is requested.

Project Data Table	Allowed/Required	Proposed	Requested Relief
Lot Area	5,000 SF	1.996 acres	
Front Setback	25 FT	54.7 FT	
Rear Setback	20 FT	N/A	
Side Setback	15 FT	13.6 FT	1.4 FT (variance previously obtained)
Shoreline Setback	N/A	N/A	
% of lot coverage by principle building	40%	29%	
% of lot coverage by impervious surface	30%	39%	9% (variance previously obtained)
Building height/stories	40 FT	> 40 FT	
Parking shall be in a side or rear yard	Parking in a side or rear yard	Parking in a front yard	Parking in a front yard

14. Please list any professionals who will be assisting you with your application

Name	Company	Profession	Phone	Email

Applicant's Signature  _____

Date 12/20/2023

Digitally signed by Michael Sambuceti
 DN: C=US,
 E=michaels@arc1932.com,
 O=Aubuchon Realty Company,
 OU=Development Manager,
 CN=Michael Sambuceti
 Date: 2023.12.21 11:17:41-05'00'

Michael Sambuceti

Property Owner's Signature _____

Date

	For Office Use Only – Public Hearing	Date
<input type="checkbox"/>	Public Hearing Set	
<input type="checkbox"/>	Mailing list provided to the applicant	

For Office Use Only - Essex County Referral		Y	N
Property is located within 500 feet of:			
Property located in Essex County		<input type="checkbox"/>	<input type="checkbox"/>
Municipal boundary (village or town)		<input type="checkbox"/>	<input type="checkbox"/>
County or State Parks		<input type="checkbox"/>	<input type="checkbox"/>
County or State Roads		<input type="checkbox"/>	<input type="checkbox"/>
County or State Facilities		<input type="checkbox"/>	<input type="checkbox"/>

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: Aubuchon Hardware Rebuild			
Project Location (describe, and attach a location map): 258 Broadway, Saranac Lake, NY			
Brief Description of Proposed Action: Rebuild/repair of Retail Sales Type II occupied commercial structure. The completed building will be in largely the same style of what was destroyed during the fire, and/or fire suppression activities.			
Name of Applicant or Sponsor: Michael Sambuceti; Development Manager, Aubuchon Realty Company, Inc.		Telephone: 781-696-9699	
		E-Mail: michael@arc1932.com	
Address: 73 Junction Square Dr			
City/PO: Concord		State: MA	Zip Code: 01742
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.		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: Village of Saranac Lake Development Board, NYSDEC, APA, Village of Saranac Lake Building Department, NYSDOT		NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 1.996 acres	
b. Total acreage to be physically disturbed?		_____ 1.506 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 1.996 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 checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input 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>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input 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>_____</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>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: Michael Sambuceti Date: 12/20/2023</p> <p>Signature: _____</p>		

Digitally signed by Michael Sambuceti
 DN: cn=US, e=michaels@arc1932.com, o=Aubuchon Realty Company, ou=Development Manager, cn=Michael Sambuceti
 Date: 2023.12.21 11:17:18-05'00'



Village of Saranac Lake

Community Development Department
 39 Main St.
 Saranac Lake, NY 12983
 Phone (518) 891-0490
 Fax (518) 891-5928
www.saranaclakeny.gov

VILLAGE OF SARANAC LAKE WATERFRONT ASSESSMENT FORM (WAF)

Section A. Instructions

Instructions: Applicants or, in the case of direct actions, Village agencies, shall complete this WAF for proposed actions which are subject to the LWRP consistency review law. This assessment is intended to supplement other information used by a Village agency in making a determination of consistency with the Village's Local Waterfront Revitalization Program.

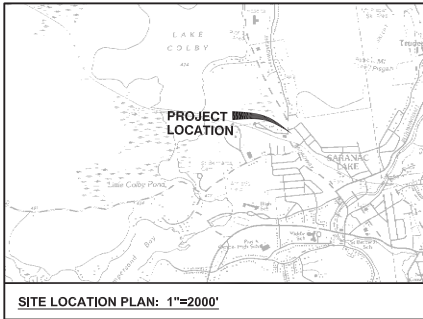
Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Village of Saranac Lake, 39 Main St., Second Floor, Saranac Lake, NY 12983 or online at www.saranaclakeny.gov. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the waterfront area.

If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the actions should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

SECTION B. Description of Site and Proposed Action

1. Name of applicant: Michael Sambuceti; Development Manager, Aubuchon Realty Company Inc.	
2. Mailing address: 73 Junction Square Dr	3. Telephone Number: 774-696-9699
4. Location of action: 258 Broadway	5. Tax Map # (s): 164601-446.60-8-9
6. Size of site: 1.96 acres	7. Present land use(s): Retail Sales Type II
8. Present zoning classification: Commercial (Retail Sales Type II)	9. Percentage of site which contains slopes of 15% or greater: 0
10. Type of action (check appropriate response) <input type="checkbox"/> Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) <input type="checkbox"/> Financial assistance (e.g. grant, loan, subsidy) <input checked="" type="checkbox"/> Permit, approval, license, certification <input type="checkbox"/> Agency undertaking action:	
11. Streams, lakes, ponds, or wetlands existing within or continuous to the project area? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, Waterbody Name: Over .5 mi to nearest body of Waterbody Size(in acres): N/A	
12. Describe nature and extent of action: Rebuild of structure mostly destroyed by fire. New/repaired structure smaller and same use	
13. Describe any unique or unusual land forms on the project site (i.e. bluffs, ground depressions, other geological formations): None known.	
14. Will the action be directly undertaken, require funding, or approval by a State or Federal Agency? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, which State or Federal Agency?	

Pages 2 & 3 are to be completed by the Development Code Administrator



TAX PARCEL NUMBER:
 VILLAGE OF SARANAC LAKE, FRANKLIN COUNTY, NEW YORK
 SEC. 446.60 - BLK. 8 - PARCEL 9

GENERAL NOTES:

NORTH IS ORIENTED TO DEED REFERENCE 1

VERTICAL DATUM IS NAVD83, ESTABLISHED FROM GPS OBSERVATIONS AT THE TIME OF SURVEY

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 COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

SURVEYED FROM RECORD DESCRIPTION AND AS IN POSSESSION.

SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS OF RECORD.

SURVEY SUBJECT TO ANY RIGHT, TITLE OR INTEREST THE PUBLIC MAY HAVE FOR HIGHWAY USE.

SURVEY SHOWN IS SUBJECT TO ANY SUBSURFACE CONDITIONS THAT MAY EXIST, IF ANY.

UNDERGROUND FACILITIES AND STRUCTURES SHOWN HEREON WERE TAKEN FROM DATA OBTAINED FROM PREVIOUS MAPS AND RECORD DRAWINGS. ALL ABOVE GROUND STRUCTURES AND SURFACE FEATURES SHOWN HEREON ARE THE RESULT OF A FIELD SURVEY UNLESS OTHERWISE NOTED. THERE MAY BE OTHER UNDERGROUND UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN OR CERTIFIED BY THE UNDERSIGNED. THE SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES MUST BE VERIFIED BY THE APPROPRIATE AUTHORITIES. THE UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION MUST BE NOTIFIED PRIOR TO CONDUCTING TEST BORINGS, EXCAVATION AND CONSTRUCTION.

MAP REFERENCES:

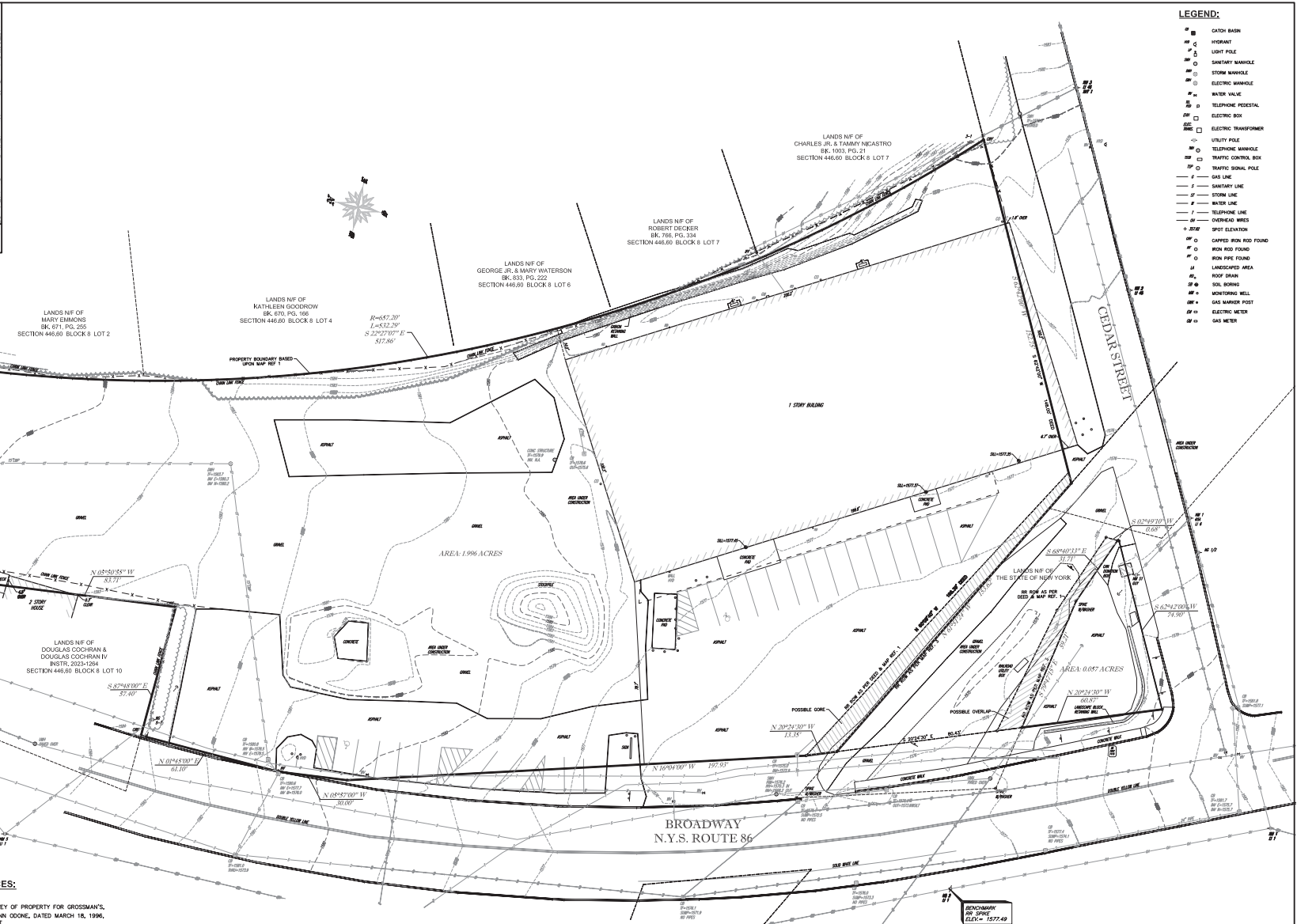
- "MAP SHOWING SURVEY OF PROPERTY FOR GROSSMAN'S, INC." PREPARED BY GLEN COONE, DATED MARCH 18, 1996, PROVIDED BY THE CLIENT.
- "MAP OF VILLA SITES," PREPARED BY E.M. MERRILL, DATED OCTOBER 30, 1996 AND FILED IN THE FRANKLIN COUNTY CLERK'S OFFICE AS MAP NO. 146.
- "NYSDC PROJECT-FRANKLIN 99.1 & 99.3," SHEETS V-179 & 180, PREPARED BY CREDITON MANNING, DATED JUNE 2003.

DEED REFERENCES:

- GRS REALTY COMPANY, INC. TO AUBUCHON REALTY COMPANY, INC., DATED JUNE 6, 1996 AND RECORDED IN THE FRANKLIN COUNTY CLERK'S OFFICE IN DEED BOOK 653 AT PAGE 15.

SURVEY NOTE:

THE ROW OF THE FORMER RAILROAD LOCATED ON THE SOUTHWEST CORNER OF THE SITE IS BASED UPON MAP REFERENCE 3.



LEGEND:

- ☐ CATCH BASIN
- ⊕ HYDRANT
- ⊕ LIGHT POLE
- ⊕ SANITARY MANHOLE
- ⊕ STORM MANHOLE
- ⊕ ELECTRIC MANHOLE
- ⊕ WATER VALVE
- ⊕ TELEPHONE REESTABL.
- ⊕ ELECTRIC BOX
- ⊕ ELECTRIC TRANSFORMER
- ⊕ UTILITY POLE
- ⊕ TELEPHONE MANHOLE
- ⊕ TRAFFIC CONTROL BOX
- ⊕ TRAFFIC SIGNAL POLE
- GAS LINE
- SANITARY LINE
- STORM LINE
- WATER LINE
- TELEPHONE LINE
- OVERHEAD WIRE
- + 20'00' SPOT ELEVATION
- ⊕ CAPPED IRON ROD FOUND
- ⊕ IRON ROD FOUND
- ⊕ IRON PIPE FOUND
- ⊕ LANDSCAPED AREA
- ⊕ ROOF DRAIN
- ⊕ SLO. BORING
- ⊕ MONITORING WELL
- ⊕ GAS MANDER POST
- ⊕ ELECTRIC METER
- ⊕ GAS METER

258 BROADWAY	
BOUNDARY & TOPOGRAPHIC SURVEY OF THE LANDS OF AUBUCHON REALTY COMPANY, INC.	
VILLAGE OF SARANAC LAKE	FRANKLIN COUNTY, N.Y.
SCALE: 1"=20'	SEPTEMBER 29, 2023
DRAWN BY: KEW	PROJECT NO: 23-0547
Ausfeld & Waldruff Land Surveyors LLP 323 CLINTON STREET, SCHEMENETADY NY Phone: (518) 346-1595 Fax: 518-776-1655 www.ausbllp.com	
 VINCENT P. AUSFELD, P.L.S. No. 004648007	



December 15, 2023

Caryn Mlodzianowski
Bowler Engineering
17 Computer Drive West
Albany, NY 12205

RE: PERM 33-COM – Stage 1 - Initial Proposal Review
Aubuchon – Saranac Lake
NYS Route 86, Village of Saranac Lake, Franklin County

Caryn:

The New York State Department of Transportation (NYSDOT) has received (11-28-23) the Initial Proposal Review Submission (Stage 1 of PERM 33-COM) and completed its review. It was determined that the applicant should resubmit Stage 1 for the project with the following conditions:

1. You should commence with the planning board review process and the SEQR determination. Most often the Townships are the lead agent. The SEQR determination is a required prior to issuance of the HWP.
2. Only one access driveway will be allowed. Revise the plans and resubmit with one access point.
3. Provide the actual intersection sight distance in each direction for the driveway.
4. The driveway shall be designed in accordance with the NYSDOT standard sheets 608.03 and the "Policy and Standards for the Design of Entrances to State Highways" (September 1, 2017, edition).
5. Provided a sidewalk along the NY 86 frontage.
6. Include an existing conditions plan including but not limited to existing drainage structures in the parking area.
7. Are the existing drainage structures in the DEC right of way?
8. Include distances to all driveways within 500', distances to all intersections within 1000' in accordance with section 1.5, maps and plans, of Stage 1 of the HWP application.

Please address these comments and re-submit the revised drawings, stamped by a NYS licensed professional engineer, to the Department for review.

In accordance with New York Highway Law Article 52, no work shall commence within the NYSDOT ROW until a Highway Work Permit is issued.

Additional information regarding the permit process and specific requirements are available at our website <http://www.dot.ny.gov/permits>. If you have any questions, please feel free to contact me at (315) 785-2325.

Sincerely,

Ryan Morrison

Ryan Morrison
Region 7 Assistant Engineer

cc: Joe Sciortino – NYSDOT Franklin County RE (via email)