

Peppers Corner

173 Lake Ave, Saratoga Springs, NY 12866

Area Variance Responses

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.

Four on-site parking spaces are proposed while nine are required. One of the four is partially located in the side yard setback. There are no other feasible means to add additional off-street parking to the site plan. However, the applicant is proposing to expand the area for on street parking on Warren Street to provide for four additional parking spaces, which will be a substantial improvement over existing conditions. The existing conditions involve parking on the sidewalk along Warren Street. The street is only 20 feet in width. The proposed site plan will allow all vehicles to park off of Warren Street and relocate the sidewalk to provide continuous pedestrian access even while cars are parked in the new on-street parking spaces. The number of vehicles accessing the new facility is expected to be light (see attached traffic report) and many vehicles are expected to park on Lake Avenue, which already has an area designated for 10 minute parking and is the most frequently used parking for accessing this location.

The size and shape of the proposed building has been designed to comply with all required setbacks in the UR-3 Zone District. Larger alternatives were therefore not considered. No adjacent lands are available for purchase.

There are also no other feasible alternatives for the requested variance regarding signage. The Planning Department has determined that the only signage allowed at this property is one, freestanding sign no more than 4 ft.² in area. Since there will be two markets proposed at this location, this means that each market will only have a 2 ft.² sign, which will be difficult to read by persons traveling by automobile on Lake Avenue, which presents a safety hazard. In addition, there will be no identification of which purveyor is in which location.

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:

The improvements to the property, particularly the addition of new parking spaces on premises and the improvements to the Warren Street parking will be a substantial improvement over existing conditions. In addition, other improvements are planned as part of the project, which will be a substantial improvement to existing conditions by reducing other, non-parking related impacts. For example, the new structure will include a basement, which is being designed so that the existing tenant can eliminate all outside storage. In addition, all hoods associated with the kitchen areas will include odor control systems. All lighting will be dark sky compliant and

permeable surfaces will be used in conjunction with rain gardens to improve the overall environmental efficiency of the site. No stormwater management practices exist at the current facility.

The architectural character of the new building has been carefully designed to be compatible in scale and visual appearance to the structures in the neighborhood.

Relative to signs, both signs will be designed to harmonize with the architecture of the building, which will provide locational information for patrons without unnecessarily impacting the neighborhood.

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

The variance is not substantial, because the planned parking is a substantial improvement over existing conditions. Space for one vehicle is now provided on-site. Four on-site spaces are proposed. Additionally, on-street parking improvements are planned to accommodate 4 cars on Warren Street, in addition to existing parking on Lake Ave. As such, the required 9 parking spaces are proposed to be accommodated as follows:

- 4 on-site parking spaces.
- 4 new parking spaces on Warren Street in lieu of parking on sidewalk as now occurs.
- Existing spaces on Lake Ave.

While still requiring relief for 5 parking spaces, proposed improvements for on-street parking will substantially improve the parking situation.

The sign variance is also not substantial. The Zoning Code allows commercial facilities to have signs totaling 100 ft.² for each tenant. Although it is questionable why this provision should not apply to this use, which is a commercial use allowed in this zone, the requested variance is minimal in comparison to what would be allowed for commercial structures elsewhere in the community. In addition, the ultimate configuration of the signs will be subject to the architectural review process.

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:

The requested variance will not have any adverse environmental impacts, because it will be an improvement over existing conditions. When coupled with the other improvements that are planned for the project that will reduce or eliminate existing impacts, the new project will have a net environmental benefit to the neighborhood. In addition, it will maintain what has been a market use at this location for more than 100 years, which is part of the history and fabric of the community.

Environmental improvements proposed consist of installation of regulatory compliant stormwater management practices where none exist today, dark sky compliant site lighting, and use of visually compatible materials such as brick sidewalks and exterior building finish materials.

From a physical perspective, what is now a substandard condition in Warren Street will be improved. Patrons parking for Moby Rick's Seafood currently pull off onto the sidewalk. No curb exists, storm drainage puddles on the roadway and sidewalk, the grading is irregular and pedestrian access is conflicted. By siting the Warren Street facing portion of the building 10+/- back from the 10' front yard setback on Warren Street, sufficient room is available to construct dedicated on-street parking, a grass strip, and sidewalk on Warren Street, thereby correcting the current deficiencies. Additionally, Warren Street will function as a full two lane street with improved stormwater drainage and curbing.

The proposed signage will also not have any adverse impact on the environment or community character. As is noted above, the size of the wall signage will be minimal and will be compatible with the architectural style of the proposed structure.

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.

The existing conditions have been long-standing in the neighborhood for more than 100 years. The property was purchased with full knowledge of the code requirements, but was done so in recognition of the fact that the project would be developed in a manner to improve upon existing conditions and reduce adverse impacts.

Note: Please see attached Zoning Determination Letter from Steven Shaw, Zoning and Building Inspector, to Thomas S. West, dated May 4, 2017.