

CITY OF GLENS FALLS
ZONING BOARD OF APPEALS
NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a Public Hearing will be held in the Common Council Chambers at City Hall in the City of Glens Falls, New York on the 22nd day of January 2019 at 6:30 p.m. on the following matters before the Zoning Board of Appeals:

1. Area Variance 18-0012: George Lamar, owner of tax map no. 303.17-1-21, commonly known as 153 Ridge Street, is seeking an area variance to allow for parking in front of the residential building at this location. Pursuant to zoning chapter 220, section 220-26 I (1), this application requires Zoning Board review and approval.

Dated: January 9, 2019

JEFF PURNER
ZONING BOARD OF APPEALS
CITY OF GLENS FALLS

City of Glens Falls Zoning Board of Appeals

A city of opportunity . America's hometown for the 21st century



42 Ridge Street, Glens Falls, New York 12801 (518) 761-3810 Fax: (518) 761-3839

APPEAL NO.: _____

**APPLICATION TO THE ZONING BOARD OF APPEALS
CITY OF GLEN FALLS, NEW YORK**

REQUEST FOR AREA VARIANCE(S)

(TYPE OR PRINT IN DARK INK)

I. PROPERTY 153 Ridge Street
TAX MAP DESIGNATION: SECTION: 303.17 BLOCK: 1 LOT: 21
ZONING DISTRICT: R2

II. PROPERTY OWNERSHIP:
NAME OF OWNER: GEORGE LAMAR/ GJL PROPERTIES, LLC
ADDRESS: 34 WALNUT STREET, GLEN FALLS NEW YORK

III. APPLICANT INFORMATION
APPLICANT NAME: SAME AS PROPERTY OWNER
ADDRESS: _____
PHONE #: _____

(IF THE APPLICANT IS NOT THE OWNER, WRITTEN PROOF THAT THE OWNER CONSENTS TO THE APPLICATION MUST BE SUBMITTED WITH THIS APPLICATION.)

IV. SUBJECT TO APPEAL

Pursuant to the provisions of Section 220-47 of the Zoning Ordinance, this application, relative to the above referenced property, constitutes an appeal from the decision of the Code Enforcement Officer, or other City of Glens Falls agent, whose name and title follows:

A copy of this decision, dated _____, must be attached.

City of Glens Falls Zoning Board of Appeals

V. APPEAL REQUEST

This appeal makes a request for the following number of area variances:

[] Area Variance(s)

Please be advised that all sections under this heading must be answered completely. Bear in mind that a variance is actually relief from the strict application of the requirements of the law (the Zoning Ordinance), and the Zoning Board of Appeals is required to give sound reasons, based on the criteria set forth in this application, for granting any such relief. It is incumbent upon the applicant to demonstrate to the Board that these criteria are satisfied. Additional sheets may be attached as necessary. Please also note carefully the list of required attachments on the last page of this application.

	REQUIRED	PROPOSED	VARIANCE REQUESTED
	BACK YARD	FRONT YARD	
Parking			
Lot Area			
Lot Width			
Lot Depth			
Front Yard			
Side Yard			
Rear Yard			
Bldg. Height			
Lot Coverage			
Other			
Other			

City of Glens Falls Zoning Board of Appeals

VI. VARIANCE REQUEST

I/We, GEORGE LAMAR, hereby apply to the Zoning Board of Appeals for a variance of the following requirements of the Zoning Ordinance.

SEE ATTACHED SCHEDULE A

- (i) Will the granting of the variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties:
(If not, please explain why. (For example, will parking, traffic, noise, lighting, aesthetics be affected?)

SEE ATTACHED SCHEDULE A

- (ii) Explain if the granting of the variance is necessary, or whether the same result could be achieved by some other method not requiring a variance.
(For example, can you change your construction plans, purchase or own land next door so that lot requirements are met.)

SEE ATTACHED SCHEDULE A

City of Glens Falls Zoning Board of Appeals

- (iii) Explain if the requested variance(s) is substantial, and if not, explain why it is not substantial.
(For example, zone requires 10 feet side yard and your property has 8 feet, so only asking for 2 foot variance or many other properties on the street have set backs similar to the one you are requesting?)

SEE ATTACHED SCHEDULE A

- (iv) Explain if the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. If not, please justify why it won't have an adverse effect.
(For example, drainage, topography, slopes, run-offs.)

SEE ATTACHED SCHEDULE A

- (v) Explain if your need for an area variance is the result of self-created difficulties on your part. If not, please explain how the difficulties are not self-created.
(For example, did you own property before a zoning change requiring the variance?)

SEE ATTACHED SCHEDULE A

VI. VARIANCE REQUEST

I/WE, George Lamar, hereby apply to the Zoning Board of Appeals for a variance of the following requirements of the Zoning Ordinance.

Section 220-26(I) (1) Parking in front of residences. In all single- and two- family residential Zoning Districts, parking of vehicles (including motor vehicles, boats, and/or trailers) is prohibited in front of the residence, and is allowed only in designated parking areas or in driveways served by a curb cut, or where there is no curb, served by a paved apron connecting to the street pavement. Locating a driveway in front of a residence is also prohibited.

(i) Will the granting of the variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties: (if not, please explain why. (For example, will parking, traffic, noise, lighting, aesthetics be affected?))

The property is zoned R-2. To put the property to its best highest use as a two unit residential property there needs to be off street parking. Efforts to sell the property have failed due to the lack of off street parking. No off street parking also reduces the rental value. There is no access to the rear portion of this property that would permit parking at the rear of the building as it has no street access from that part of the lot. The Applicant has reached out to both adjacent land owners to request easements to the rear of the property but neither has accommodated the request.

No undesirable change will be produced with the granting of this request, because there are similar parking arrangements at other buildings/homes near by, for example:

1. On this block of Ridge Street the immediately adjacent property to the north at the corner of Ridge Street and Morgan Avenue is multifamily with off street parking available at the front of the building.
2. Two buildings to the south of this block is a salon and spa near the cover with Numan Street. These buildings have off street parking in the front as well.
3. An insurance agency is located on the opposite side of Ridge Street and has parking along side and to the rear of the building.
4. 140 Ridge Street
5. 38 Fulton Street
6. 46 Grand Street
7. Queensbury Hotel
8. Rite Aid

If parking was allowed on this property there is 18 feet in depth which would accommodated 3 cars to park perpendicular to the street. It is the Applicant's belief that this request is in character with the neighborhood as described with the above examples.

(ii) Explain if the granting of the variance is necessary, or whether the same result could be achieved by some other method not requiring a variance.

There is not sufficient space to access the rear of the Applicant's property from the street. Although requests for easements have been made to the adjacent land owners, no one is willing to accommodate this request. As a result, the only means of having off- street parking on this property is to allow for the cars to park in the front of the building.

(iii) Explain if the requested variance(s) is substantial, and if not, explain why it is not substantial.

This should not be considered a substantial request due to the fact that there are other properties in the area that have either parking in the front of the structure or parking that is visible from the street. In addition, parking is safest when it is off-street parking. As a result, this request would be best for both the owner of the property and the City. Overall it would have a positive impact for both the Applicant and the neighborhood and with that it should not be considered substantial.

(iv) Explain if the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. If not, please justify why it won't have an adverse effect.

As mentioned earlier, there are other properties in the area that have either parking in the front and or parking which is visible from the street. In addition, having off street parking is safest for both travelers as well as owners. It would allow for the streets to be cleaned and plowed easier. Overall it should not be considered to have a negative impact on the area.

(v) Explain if your need for an area variance is the result of self- created difficulties on your part. If not, please explain how the difficulties are not self- created.

The requested variance should not be considered self created. The property was and is zoned R-2. As described, the character of the neighborhood does not have all parking in the rear and not visible from the street. It was also not understood that this variance would be required to place the parking in the front, especially since there is no means to get to the rear of the property due to the size of the lot.

City of Glens Falls Zoning Board of Appeals

VII. LIST OF ATTACHMENTS

1. Site or Plot Plan: Fifteen (15) copies. INCLUDED

2. Letter or communication which resulted in application to the ZBA.
CONVERSATION WITH JOHN WARD EARLY IN SEPTEMBER.

3. Other attachments deemed pertinent by the applicant (please list):
(a) SEPTEMBER 5, 2018 LETTER TO 155 RIDGE STREET, LLC
(b) _____
(c) _____
(d) _____

4. The appropriate completed NYSDEC SEQR form. ATTACHED

VIII. COUNTY PLANNING BOARD

Please check if any of the following apply:

1. NO Is the subject property within 500 feet of a city, town, or village boundary?
2. NO Is the subject property within 500 feet of the boundary of any existing or proposed county or state park or recreation area?
3. NO Is the subject property within 500 feet of the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway?
4. NO Is the subject property within 500 feet of the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines?
5. NO Is the subject property within 500 feet of the existing or proposed boundary of any county or state-owned land on which a public building or institution is situated?

If any item 1-5 is checked, the application must be referred to the County Planning Board by the City of Glens Falls Zoning Board of Appeals before the City can act on the request.

City of Glens Falls Zoning Board of Appeals

VIII. SIGNATURE AND VERIFICATION

Please be advised that no application can be deemed complete unless signed below.

STATE OF NEW YORK)

) ss.:

COUNTY OF WARREN)

THE APPLICANT HEREBY STATES THAT ALL INFORMATION GIVEN IS ACCURATE AS OF THE DATE OF APPLICATION. THE APPLICANT IF NOT THE OWNER OF THE PROPERTY, HEREBY SWEARS THAT THIS APPLICATION IS MADE WITH THE INFORMED KNOWLEDGE AND CONSENT OF THE OWNER.

George Lamar
SIGNATURE OF APPLICANT George Lamar

9/28/18

DATED:

On the 28th day of September, in the year 2018, before me the undersigned, a Notary Public or Commissioner of Deeds in the State, personally appeared George Lamar, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted; executed the Instrument.

Nancy A. Coon

NANCY A. COON
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN WASHINGTON COUNTY
REGISTRATION NO. 01000732800
COMMISSION EXPIRES 9/30/22

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

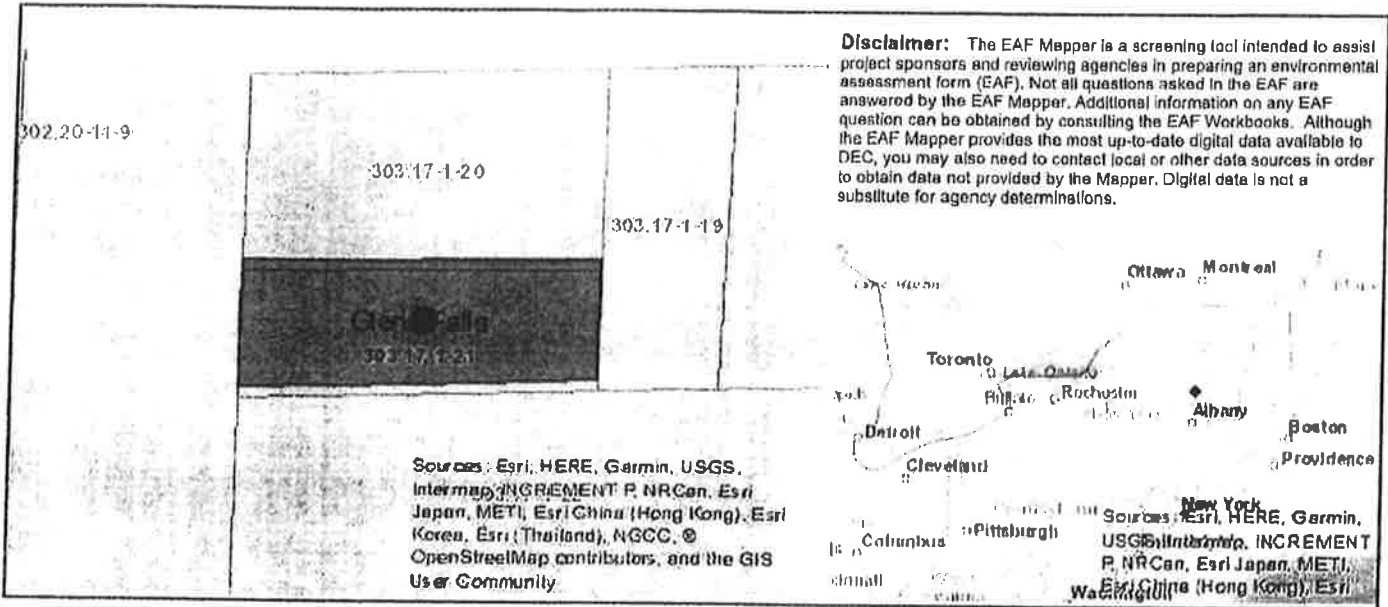
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Area Variance			
Project Location (describe, and attach a location map): 153 Ridge Street			
Brief Description of Proposed Action: Applicant seeking relief to allow cars to park in front yard			
Name of Applicant or Sponsor: George Lamar		Telephone: [REDACTED]	
		E-Mail:	
Address: 34 Walnut Street			
City/PO: Clens Falls		State: NY	Zip Code: 12801
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 <input checked="" type="checkbox"/>	YES <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:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		.08 acres	
b. Total acreage to be physically disturbed?		.08 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.08 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 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			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: This action will meet the energy code.	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES			

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)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>George Lamer</u>	Date: <u>10/2/18</u>	
Signature: 		



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]	No
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]	Yes

PAUL E. PONTIFF
ALAN R. RHODES
ROBERT S. McMILLEN
PHILIP C. MCINTIRE
MARK A. LEHOWITZ
J. LAWRENCE PALTROWITZ
MALCOLM B. O'HARA
PATRICIA E. WATKINS
MARK E. CERASANO
BRUCE O. LIPINSKI
PAULA MADEAH DERUDE
JONATHAN C. LAPPER
JAMES R. BURKETT
STEPHANIE DiLALLO BITTER
KARLA WILLIAMS BUETTNER

BARTLETT, PONTIFF, STEWART & RHODES, P.C.

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P.O. BOX 2168
ONE WASHINGTON STREET
GLENS FALLS, NEW YORK 12801-2168

TELEPHONE (518) 792-2117

FAX [REDACTED]

EMAIL [REDACTED]

WEBSITE [REDACTED]

SERVICE BY FACSIMILE NOT ACCEPTED

ELIZABETH B. MAKONEY
JOHN D. WRIGHT
JESSICA HUGABONE VINSON
GREGORY J. TERESI

BENJAMIN R. PRATT, JR.
OF COUNSEL

RICHARD J. BARTLETT
1926-2015

ROBERT S. STEWART
1932-2001

BERTRAM J. DUDE
1916-1999

September 5, 2018

155 Ridge St, LLC
PO Box 41
Wilmington NY 12997

Re: 153 Ridge Street
GJL Properties, LLC/ George Lamar

Dear Sir/Madam

Please be advised that I have been retained by George Lamar/GJL Properties, LLC. As you may be aware, GJL Properties, LLC is the owner of the above mentioned property and George Lamar is a member of this company. This Property is immediately adjacent to 155 Ridge Street. As you are most likely aware, the Property currently lacks off street parking. My client is currently before the Zoning Board of Appeals exploring options for off street parking for this property. However, at this time, I would like for you to consider granting my client an Easement to cross over the existing driveway located on 155 Ridge Street. This Easement would allow my client, his guests and tenants to access the back of 153 Ridge Street, where parking will be provided. My client would be willing to make improvements to make this driveway larger to accommodate this request. I also would draft the easement for your review and my client will pay all fees associated with the recording of the document.

Please be advised that my client is returning to the Zoning Board of Appeals on September 17, 2018. As a result, if you can provide a response to my request prior to this upcoming meeting it would be greatly appreciated. I look forward to hearing from you.

Sincerely,
Bartlett, Pontiff, Stewart & Rhodes, P.C.


Stephanie DiLallo Bitter

Direct Line: [REDACTED]

Direct E-mail: [REDACTED]

cc: George Lamar
John Ward

550859

Google Maps 154 NY-9L

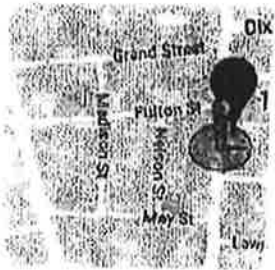


Image capture: Aug 2017 © 2018 Google

Glen's Falls, New York

 Google, Inc.

Street View - Aug 2017



PAUL E. PONTIFF
ALAN R. RHODES
ROBERT S. McMILLEN
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J. LAWRENCE PALTROWITZ
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KARLA WILLIAMS BUETNER

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SERVICE BY FACSIMILE NOT ACCEPTED

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JESSICA HUGABONE VINSON
GREGORY J. TERESI

BENJAMIN R. PHATT, JR.
OF COUNSEL

RICHARD J. BARTLETT
1926-2015

ROBERT S. STEWART
1932-2001

BERTRAM J. DUDE
1916-1999

September 28, 2018

Jason Henderson
151 Ridge Street
Glens Falls, NY 12801

Re: 153 Ridge Street
GJL Properties, LLC/ George Lamar

Dear Mr. Henderson:

Please be advised that I have been retained by George Lamar/GJL Properties, LLC. As you may be aware, GJL Properties, LLC is the owner of the above mentioned property and George Lamar is a member of this company. This Property is immediately adjacent to 151 Ridge Street. As you are most likely aware, the Property lacks off street parking. My client is currently before the Zoning Board of Appeals exploring options for off street parking for this Property. However, at this time, I would like for you to consider granting my client an Easement to cross over the existing driveway located on 151 Ridge Street. This Easement would allow my client, his guests and tenants to access the back of 153 Ridge Street, where parking will be provided. My client would be willing to make improvements to make this driveway larger to accommodate this request. I also would draft the easement for your review and my client will pay all fees associated with the recording of the document.

Please be advised that my client is preparing to return to the Zoning Board of Appeals on October 15, 2018. As a result, if you can provide a response to my request prior to this upcoming meeting it would be greatly appreciated. I look forward to hearing from you.

Sincerely,

Bartlett, Pontiff, Stewart & Rhodes, P.C.

Stefanie DiLallo Bitter

Direct Line: (518) 832-6419

Direct E-mail: sdb@bpsrlaw.com

cc: George Lamar
John Ward

530859V3

1/2018

154 NY-9L - Google Maps

Google Maps 154 NY-9L

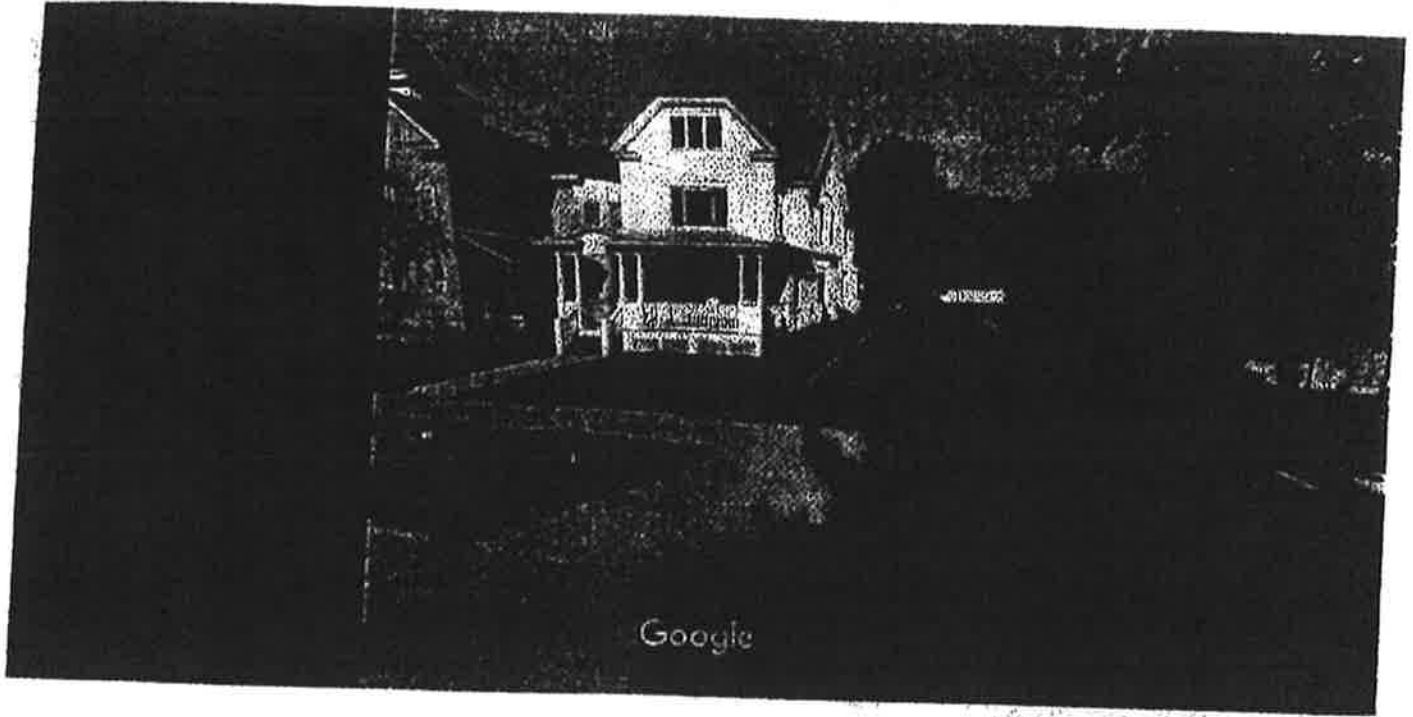
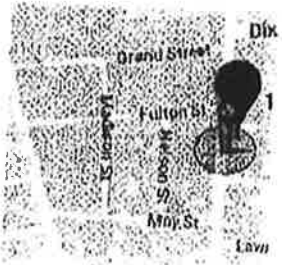


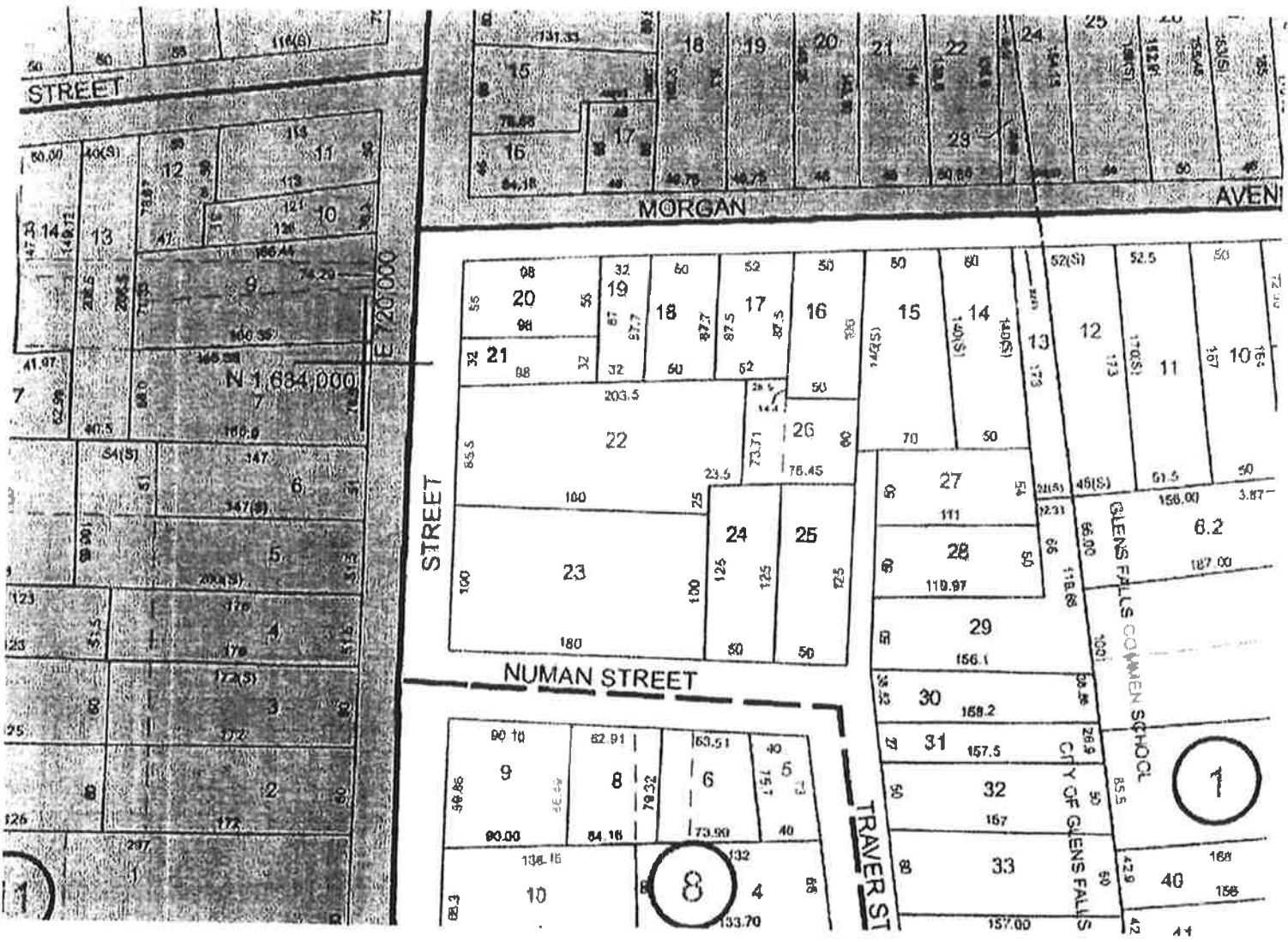
Image capture: Aug 2017 © 2018 Google

Glens Falls, New York

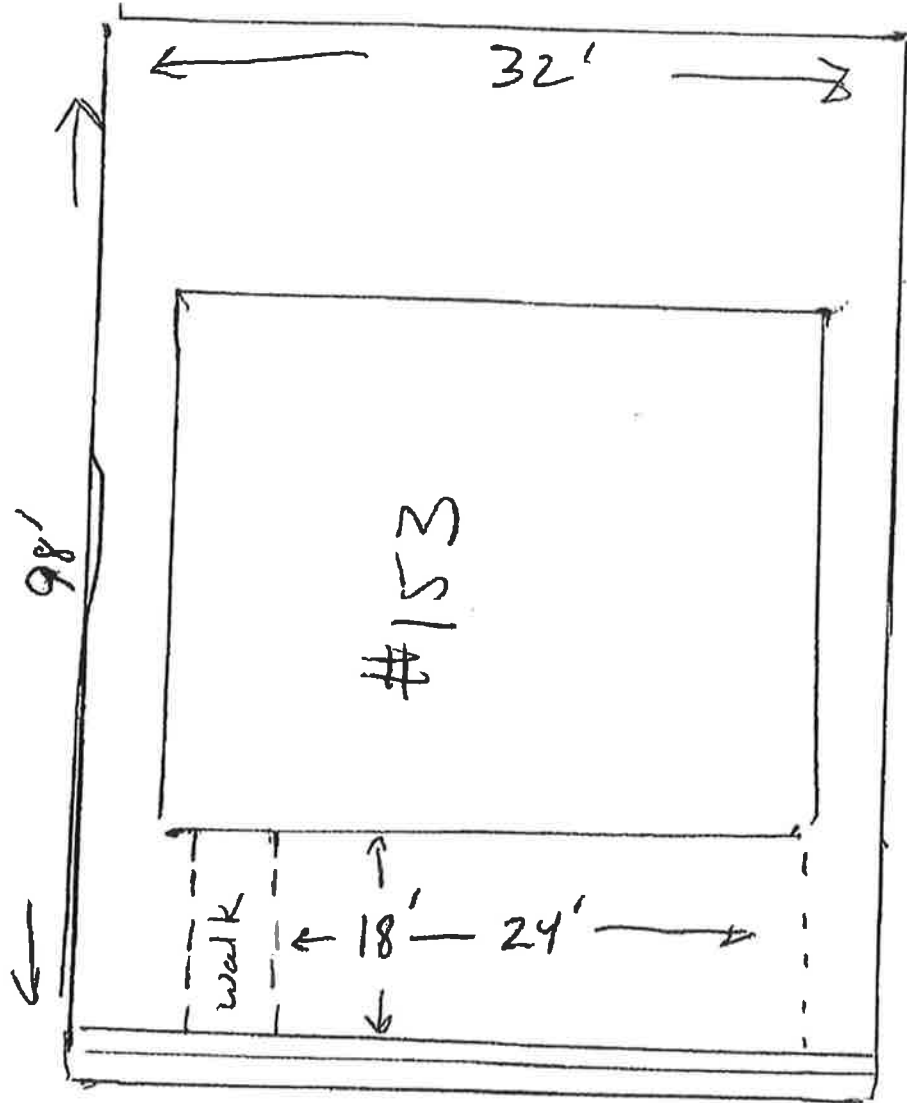
 Google, Inc.

Street View - Aug 2017

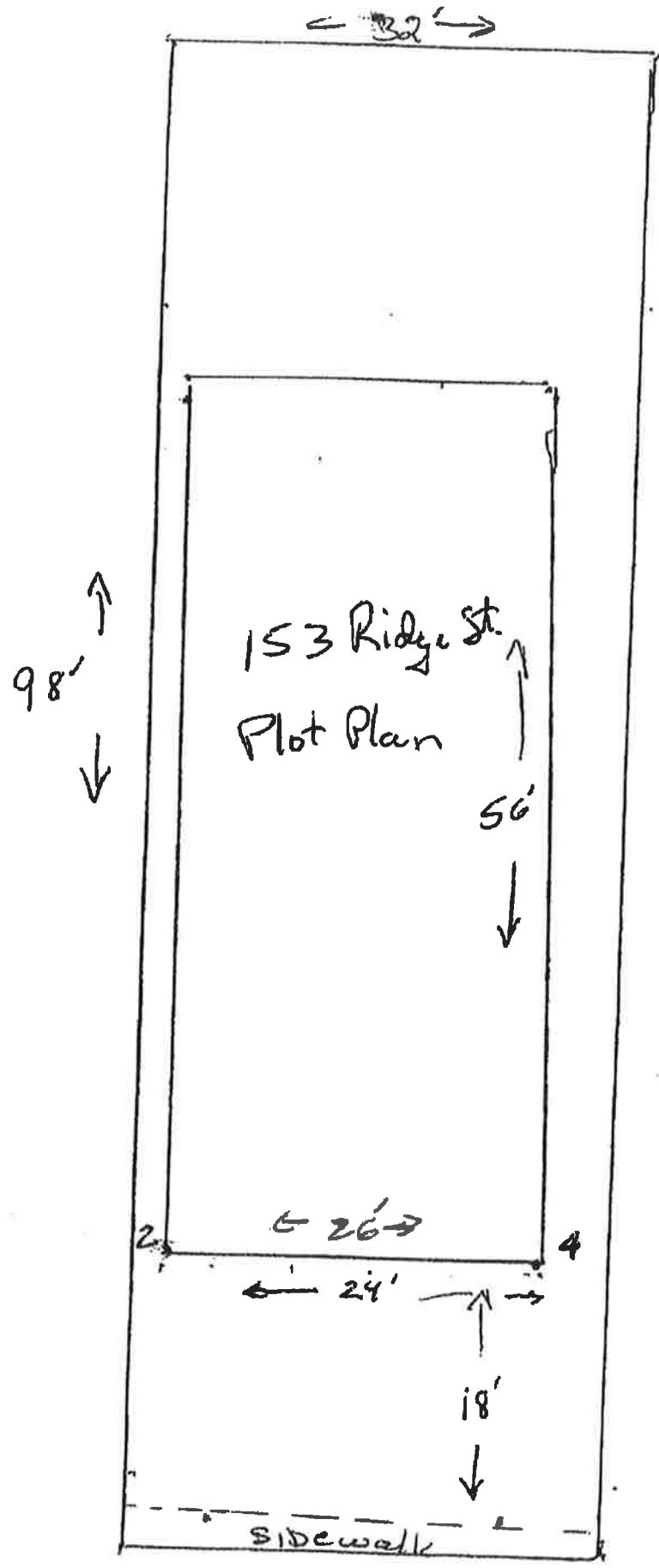




PLOT PLAN 153
Ridge Street
NOT TO SCALE.



Ridge
Street



Ridge Street.