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May 4, 2017

Thomas S. West
The West Firm
677 Broadway, 8th Floor
Albany, NY 12207-2996

RE: 173 Lake Avenue, Parcel # 166.45-3-46

Mr. West,

This determination letter is in response to your request to evaluate the allowable use of the property located at 173 Lake Ave., parcel #166.45-3-46, in the City of Saratoga Springs. This property is located in the Urban Residential-3(UR-3) zoning district which is designed to conserve, maintain and encourage single family and two-family residential uses. This property is also located in an Architectural Review Overlay District which requires review of all exterior features by the Design Review Commission prior to change.

This property currently enjoys the status of a pre-existing non-conforming structure and use in its capacity as a fish market and convenience item sales establishment with an accessory use of preparing take-out food. The property will lose any such status if the current structure is taken down. However, the UR-3 zoning district has several permitted uses with Special Use Permit and Site Plan Approval including convenience sales. These approvals would be required to be sought from the Planning Board.

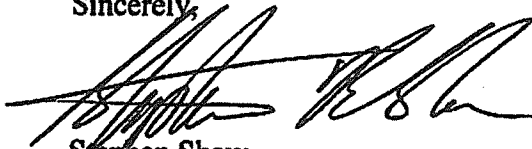
Furthermore, in order for the current structure to be demolished, a new structure to be built or any other exterior features to be installed, you must first seek the approval of the Design Review Commission.

Be advised, any new building must fit into the area requirements of the UR-3 zoning district. Being on a corner lot means that you have two 10' minimum front yard setbacks and two side setbacks of 4' minimum on one side, 12' minimum combined. Other required areas include 30% maximum lot cover and 25% minimum permeability. If you find that you will not meet any one or combination of the above then you will need a variance in order to seek Planning Board and Design Review Commission approvals.

I have reviewed your submission and have determined that the layout, as proposed, would qualify you for the convenience sales status with an accessory use being the eating and drinking. The presence of the two kitchens, although concerning, is allowable as long as most of what is being produced is for take-out or to supplement the convenience sales by offering pre-cooked items.

I hope this information was helpful in your endeavors.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Shaw', written over a horizontal line.

Stephen Shaw
Zoning and Building Inspector

SRS/kgf