

ZONING ORDINANCE

CITY OF LITTLE FALLS, N. Y.

APPLICATION FOR BUILDING OR ZONING PERMIT

Office of the Building Inspector
Little Falls, New York

Application Number _____

Application Date 05/14/24

PERMIT FOR USE PERMIT FOR OCCUPANCY TEMPORARY PERMIT CERTIFICATE FOR EXISTING USE

Application is hereby made to:

use erect repair alter extend remove demolish occupy

a structure or land located at Reed Street (114.59-1-1.1, 114.51-1-38, 114.51-1-36.2), Little Falls, New York,

at a cost of \$ N/A for: residence commercial business industry

other use (describe) _____ with accessory building.

The following description of the use for this property, for which application is made herewith, is submitted:

The applicant is requesting a variance for the building height and a residential use.

A plot plan is attached is not attached Floor Plans are included are not included

The plans for the use for which application is made herewith, have have not been approved by the New York State Industrial Commissioner.

The Main Structure will be as follows:

Construction <u>Masonry & Wood</u>	Front yard set back (in feet) <u>30</u>
Height (stories and feet) <u>3 stories</u>	Side yard set back (in feet) <u>15</u>
Number of family units <u>138 units</u>	Total of both side yard set backs <u>30</u>
Dimensions of lot <u>17.86 acres</u>	Percentage of lot for rear yard <u>N/A</u>
Corner of interior lot <u>N/A</u>	Other _____

The Accessory Building will be as follows:

Description _____	Percentage of rear yard occupied _____
Height _____	Set back from rear lot line _____
	Set back from side yard line _____

STATE OF ~~NEW YORK~~ Pennsylvania
COUNTY OF ~~HERKIMER~~ Philadelphia

Deponent being duly sworn, says that he is the owner or authorized agent for which the foregoing work is proposed to be done, and that he is duly authorized to perform such work, and that all workmen employed on this building are covered by contract or compensation insurance, and that all work will be performed in accordance with all existing State Laws and Local Ordinances.

Sworn to this 14th day of May 2024 Dylan J. Salmons
Signature
Dylan J. Salmons, Regional VP

Myrus Ward
Notary Public

Commonwealth of Pennsylvania - Notary Seal
MYRUS I WARDLAW - Notary Public
Philadelphia County
Commission Expires December 10, 2026
Commission Number 1341944

PERMIT FOR USE Approved Denied Not in conformance with the following provision (s) of

Because: _____

Dated, _____, 19____, by _____ Building Inspector.

CERTIFICATE FOR EXISTING USE Approved Denied Not in conformance with the following provision (s) of the Zoning Ordinance: _____

Because: _____

Dated, _____, 19____, by _____ Building Inspector.

INSPECTION Approved Disapproved Not in conformance with the following provision (s) of the Zoning Ordinance: _____ Because: _____

Dated, _____, 19____, by _____ Building Inspector.

PERMIT FOR OCCUPANCY Approved Denied Not in conformance with the following provision (s) of the Zoning Ordinance: _____

Because: _____

Dated, _____, 19____, by _____ Building Inspector.

TEMPORARY PERMIT Since this office is not authorized to issue a temporary permit, the applicant is hereby instructed to appeal to the Board of Appeals.

Dated, _____, 19____, by _____ Building Inspector.

Application for Area Variance

Zadia Development

May 2024

I, Pennrose NY LLC (the “Applicant”), the applicant of the Zaida Development project located on Reed Street, Tax map number, Sec. 114.059 Block 1 Lot 1.1, and Sec. 114.051 Block 1, Lot 38 and a section of Sec. 114.051 Block 1 Lot 36.2 (collectively, the “Property”) hereby petitions the Zoning Board of the City of Little Falls to grant a variation of the Zoning Code Article VIII –Zoning Schedule A, to allow the following as described below and shown on the accompanying drawings.

1. Describe your application as proposed:

The proposed project (the “Project”) will transform a vacant and topographically challenged 17-acre property into a much-needed housing project consisting of one hundred thirty-eight (138) residential units ranging from 700 square feet to 1,200 square feet with a variety of one-, two-, and three-bedrooms. Additionally, the Project will include a variety of amenities for residents, including a community building that will house a daycare facility. The Project infrastructure will include access drives, parking lots, water supply, sanitary sewer, and stormwater management. Applicant’s Project will provide quality, affordable housing to the residents of Little Falls in keeping in keeping with the goals of the City of Little Falls Comprehensive Plan (2018) and 2022 Herkimer County Community Development Strategic Plan (the “Herkimer Plan”), which encourages the demand of new and updated housing stock. Rental rates will focus on residents earning between \$18,000 and \$55,000 annually. The townhouse architecture will mimic the surrounding buildings and offer new construction superb living environments.

Applicant is requesting a relief on the Area Variance required building height from 2 ½ stories or 35 feet required to 3 stories at 36 feet high proposed. The relief is necessitated by:

1. Steep topography
2. Respect for existing architecture in surrounding area
3. Better residential experience with entrances

To meet the existing steep topographic layout on the site walk-out, garden style buildings are proposed. The buildings are designed to have two stories on the higher elevation and three stories at the lower elevations. The units will be staggered down to the lower topography and built into the hillside. Buildings will have a sloped roof, mimicking the architecture in the existing community. While a flat roof could be used, the overall architecture and character will reassemble Little Fall’s history and architectural language. Furthermore, the garden style units will give residents entrances on both the front and back side of the buildings, providing a better residential experience and home.

2. Explain why you believe that your variance request will not create an undesirable change in the character of the neighborhood or be a detriment to nearby properties if it is granted:

The variance request will not create an undesirable change in the character of the neighborhood. Due to buildings being tucked into the hillside, buildings will respect the height of the surrounding neighborhood. Existing properties have a similar walk-out style buildings that are 3 stories in height. Examples include, without limitation, Academy Apartments on East John Street, Snyder’s Apartments, 3 story houses along Monroe Street, 3 story houses along Furnace Street, and 3 story houses on W Gansevoort Street.

Views will not be obstructed, and vegetation and thoughtful landscaping will be incorporated into the landscaping plan to buffer the existing neighbor's properties.

3. Can the benefit you seek by virtue of this variance application be achieved by revising your proposal? If not, explain why there are no other alternatives.

Reducing the height of the buildings in the Project would require the Applicant to increase the footprint of each to accommodate for lost square footage. The Project is bound by natural features, i.e. topography, wetlands, rock out-crops, and therefore 2 story buildings would require the development to reduce unit counts. Furthermore, in spreading out units, the additional foundations and footprints would create an increase in the impervious and therefore negatively impact land disturbance.

4. Explain why you believe the proposed variance is not substantial.

The proposed variance is not substantial. Specifically, the variance requested is limited to 3 stories or 36 feet, which is a half a story or one foot, a small increase. Additionally, the additional height of each building is very much within the character of the neighboring properties and the City of Little Falls context. Lastly, increasing the height of each building to three stories minimizes land disturbance and allows Applicant to meet the goals of the City of Little Falls Comprehensive Plan (2018) and the Herkimer Plan which encourages the demand of new and updated housing stock.

5. Explain why you believe the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The proposed additional half story in building height will not have an adverse effect or impact on the physical or environmental conditions. As a threshold matter, the proposed building heights for the Project are consistent with neighboring properties. Additionally, the requested variance of only a half of a story will allow Applicant to reduce the footprint of each building in betterment to the environment by reducing the overall site disturbance. The Property will preserve green space, stormwater management gardens among other environmental features.

6. Explain why you believe the difficulty that requires the variance was not "self-created."

The hardship relating to the height variance requested by Applicant arose by virtue of elements outside the control of Applicant. As noted above, the Property's numerous unique and challenging site constraints include dramatically steep slopes, significant rock out-crops, wetlands and streams, and lengthy connections to public utilities. All these constraints are naturally occurring features and were not self-created. These site elements necessitate the walk-out style buildings that stagger down the topography, which, in turn, require the variance requested by Applicant.

Application for Use Variance

Zadia Development

May 2024

I, Pennrose NY LLC (the “Applicant”), the applicant of the Zaida Development project located on Reed Street, Tax map number, Sec. 114.059 Block 1 Lot 1.1, and Sec. 114.051 Block 1, Lot 38 and a section of Sec. 114.051 Block 1 Lot 36.2 (collectively, the “Property”) hereby petitions the Zoning Board of the City of Little Falls to grant a variation of the Zoning Code Article VIII –Zoning Schedule A, to allow the following as described below and shown on the accompanying drawings.

1. Describe your application as proposed:

The proposed project (the “Project”) will transform a vacant and topographically challenged 17-acre property into a much-needed housing project consisting of one hundred thirty-eight (138) residential units ranging from 700 square feet to 1,200 square feet with a variety of one-, two-, and three-bedrooms. Additionally, the Project will include a variety of amenities for residents, including a community building that will house a daycare facility. The Project infrastructure will include access drives, parking lots, water supply, sanitary sewer, and stormwater management. Applicant’s Project will provide quality, affordable housing to the residents of Little Falls in keeping in keeping with the goals of the City of Little Falls Comprehensive Plan (2018) and 2022 Herkimer County Community Development Strategic Plan (the “Herkimer Plan”), which encourages the demand of new and updated housing stock. Rental rates will focus on residents earning between \$18,000 and \$55,000 annually. The townhouse architecture will mimic the surrounding buildings and offer new construction superb living environments.

Applicant is requesting a relief on the Use Variance for multi-family use and daycare use. The relief is required due to:

1. **Financial infeasibility to development one-family dwelling units.**
2. **Utility extension burden and cost hardship is infeasible for one-family dwelling units.**
3. **Other uses in the existing R1 are not in demand.**
4. **History of the property being undeveloped for 50 years due to lack of demand in uses or financial infeasibility.**
5. **Preservation of natural environmental features on the Property.**

2. Demonstrate to the Board of Zoning Appeals that for every use permitted by the Zoning Code under the regulations for that district in which the property is located that the property cannot yield a reasonable return, and provide financial evidence to prove this conclusion:

The Property is within the R-1 Residential district. A use variance is required for multifamily use with daycare. In the R-1 Residential district, the only permitted uses include: one-family dwellings, religious and educational institution, selected public and semi-public community facilities and qualified farms. The property owner has not had religious groups, educational entities or qualified farms approach him about development interest on this site. It is financially infeasible to develop one-family dwellings on this property due to the challenging site constraints and market conditions. Exhibit A, attached, depicts the financial burden and hardship, which demonstrates the rate of return is negative 43%. Data was gathered from reputable companies: Rock City Construction for construction costs; LaBella Associates for

utility estimates; and Robin and William Mongeau at River Hills Properties for sale prices. No single-family developer would construct on this site.

Construction costs took into account the Property's challenging site constraints, steep slope, and rock out crops. Furthermore, extension of utilities for only 12 single family properties costs over \$81,000 per lot. This utility burden is too great for the one-dwelling unit type. All these constraints are costly and cannot be supported by a single-family development. The property requires greater density for feasibility and efficiency.

3. Explain how the alleged hardship relating to your property is unique when you compare it to similar properties and does not apply to a substantial portion of the neighborhood:

The Property has numerous unique and challenging site constraints, including a significant topography change, significant rock out-crops, wetlands and streams, and lengthy connections to public utilities. The environmental and geographic features provide greater hardship for this land than other flat properties in this zoning district.

Notably, the Property was originally part of the approved 1969 subdivision of Valley Brook Estates (Valley Brook Drive), which subdivided the Property into twelve (12) building lots for the construction of single-family homes. While similarly located properties, adjacent to the site as well as the Overlook Ridge, have been built out with single family home development, this Property's constraints have impeded the development of the Property for the better part of the past 50+ years. The Property has been left vacant due to the inability to develop one-dwelling units on the existing land.

4. Explain why the character of the neighborhood will not be altered if this use variance is granted:

The character of the neighborhood will not be altered due to the development's program by keeping in line with the current residential use. Multiple multi-family residential developments currently exist within the City of Little Fall and within the "neighborhood" which the Property is located, including without limitation, Academy Apartments on East John Street, Snyder's Apartments, 3 story houses along Monroe Street, 3 story houses along Furnace Street, and 3 story houses on W Gansevoort Street.

5. Explain how the hardship relating to the use of the property arose and why the hardship was not self-created (Purchasing property without checking to see if the existing or proposed use is legal under zoning is a self-created hardship):

The hardship relating to the use of the Property arose by virtue of elements outside the control of Applicant. As noted above, the Property's numerous unique and challenging site constraints include dramatically steep slopes, drastic topography, significant rock out-crops, wetlands and streams, and lengthy connections to public utilities. All these constraints are naturally occurring features and were not self-created. The Property has been left vacant and development was not pursued under the present zoning due to great cost burden and infeasibility.

Exhibit A: Financial Analysis

The attached spreadsheet reflects Applicant's diligence and analysis in response to Question 2 of the Zaida Project Use Variance Application. The area within which the Property is located is zoned R-1, which only permits the by-right construction of one- and two-family homes. For purposes of this analysis, Applicant concluded that, at most, the Property could be subdivided into 12, 1-acre lots. This conclusion was substantiated by both the original 1969 subdivision of Valley Brook Estates (Valley Brook Drive), as well as Applicant's civil engineer LaBella Associates. Applicant determined that each 1-acre lot would accommodate a single-family home of approximately 1,900 square feet. In consultation with Rock City Construction, a residential and commercial contractor serving the Upstate New York region for over 25 years, Applicant assumed a residential construction cost of \$265 per square foot (the mean of the range provided by Rock City Construction of \$225 to \$300 per square foot). Applicant then multiplied \$265 per square foot by 1,900 square feet for a total construction cost per home of \$503,500. Applicant then multiplied that "per home construction cost" by 12 homes for a total home construction cost estimate of approximately \$6,203,120. To that amount Applicant added the infrastructure build-out cost supplied by LaBella (\$977,500), as well as a typical soft cost estimate and a standard transaction cost estimate, **to arrive at a total investment of \$8,190,000** (without accounting for land value).

Next, Applicant calculated the potential revenue available from the sale of the 12, one-family homes. In consultation with local real estate brokerage firm River Hills Properties, a regional firm with offices in Little Falls, Barneveld, Utica, and Copenhagen, New York, Applicant estimated potential sale prices for similarly situated houses (i.e., location, size, etc.) ranging from \$350,000 to \$400,000 per house. For purposes of this analysis, Applicant assumed \$400,000 per house, **for a total income of \$4,618,400** (i.e., \$400,000 x 12 houses less standard transaction costs).

An investment of \$8MM+ that produces \$4.6MM of income **yields a negative return, which is not reasonable by any measure**. The result of this analysis is very likely the reason why the Property has remained vacant and undeveloped since the inception of original site plan in 1969.

Exhibit A: Financial Analysis

Total Investment Calculation	Totals
Total Acreage	17
Undevelopable Acres	3
Acres Available for Development	14
Loss Factor (i.e., roads, sidewalks, etc.)	12%
1-Acre Lots Available for Single Family Homes	12 ^(a)
Square Footage per Residence	1900
Total Square Footage Constructed	23408
Price Per Square Foot	\$265 ^(b)
Total Cost of Home Construction	\$6,203,120
Cost of Infrastructure	\$977,500 ^(c)
Soft Costs @10%	\$620,312
Total	\$7,800,932
Transaction/Carry Costs	5%
Total Development Costs	\$8,190,979
Total Sale/Income Calculation	
Number of Homes	12
Price Per Homes	\$400,000 ^(d)
Total Revenue	\$4,928,000
Transaction Costs	5%
Total Income	\$4,681,600
Profit/Loss	(\$3,509,379)
Return	-43%

(a) 12 buildable lots is consistent with approved 1969 subdivision for Valley Brook Estates (Valley Brook Drive).

(b) Estimated range of \$225/SF to \$300/SF for cost of construction new single-family homes obtained from Rock City Construction.

(c) Cost estimate obtained from LaBella Associates includes all utilities, site work, roads, and similar on- and off-site infrastructure.

(d) \$350,000 to \$400,000 range for average sales price of new homes of approximately 1,900 square feet obtained from Robin and William Mongeau at River Hills Properties.