STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

WALTER T. MOSLEY
SECRETARY OF STATE

ALBANY REGIONAL BOARD OF REVIEW

NYS Department of State
One Commerce Plaza
99 Washington Avenue, Room 505
Albany, NY 12231

MEETING MINUTES for September 16, 2026

A QUORUM IS PRESENT

NEW BUSINESS

FIRST HEARING
IN THE MATTER OF PETITION NO. 2026-0401
The petition pertains to alterations to an existing accessory building, one story in height, Type VB (Wood Frame-unprotected) construction, with a gross floor area of approximately 450 square feet, located at 17 Clark Street, Saratoga Springs, NY 12866, City of Saratoga Springs, County of Saratoga, State of New York.

RELIEF IS REQUESTED FROM:
19 NYCRR Part 1220, 2020 Residential Code of New York State, Section R302.1 Exterior walls, Which States: "Construction, projections, openings and penetrations of *exterior walls* of *dwellings* and accessory buildings shall comply with Table R302.1(1); or *dwellings* equipped throughout with an *automatic sprinkler system* installed in accordance with Section P2904 shall comply with Table R302.1(2).
[The petitioner requests relief from fire-resistance rating construction per Table R302.1(1) of the 2020 Residential Code of New York State for the exterior walls of the subject building.]

PETITIONER: JESSICA & BILL TOBIN

- VARIANCE MOTION: JACKIE COONS
- SECOND: MICHAEL BAYLY
- VARIANCE RELIEF: GRANTED WITH CONDITIONS

Variance Vote:

_AYE_ANDY ELLIS, CHAIRPERSON
_AYE_LAURA RYDER
_AYE_JACKIE COONS
_AYE_MICHAEL BAYLY

SECOND HEARING
IN THE MATTER OF PETITION NO. 2026-0317
The petition pertains to an existing mixed occupancy building that is proposed to be a changed to a single occupancy R-2 apartment building, three (3) stories in height, of type 5B (wood frame) ordinary

construction. The subject building is located at 1416 Genesee Street, City of Utica, County of Oneida, State of New York.

RELIEF IS REQUESTED FROM:
Chapter 61-B of the Consolidated Laws of New York, *Multiple Residence Law*, Article 3, Section 26, Egress from dwellings. In every such dwelling three stories or more in height there shall be from each story at least two independent means of egress accessible to each apartment or suite. The first means of egress shall open into a public hall connected with stairs, affording safe access to a street, or to a yard, court or passageway affording continuous, safe and unobstructed access to a street. The second means of egress is a fire-escape or to an enclosed stair without passing through the first means, except that where the first means includes an interior stair which is closed off at each floor level by fire-retarded construction with a fireproof self-closing door therein, the second means may be another such interior stair or a fire-escape directly accessible on the same story from a public hall therein whether or not such public hall is also a part of the first means provided such fire-escape is not a wire, chain, cable, vertical ladder or rope fire-escape. In lieu of a second means of egress a sprinkler system may be installed in the public halls and stairs.
Chapter 61-B of the Consolidated Laws of New York, *Multiple Residence Law*, Article 3, Section 27. Fire-escapes. Wire, chain, cable, combustible, vertical ladder or rope fire-escapes shall not be accepted as a required or alternative means of egress and, unless such fire-escapes are supplemental to the means of egress required by section twenty-six, they shall be removed and replaced by a system of fire-escapes constructed and arranged as provided in section one hundred thirty-three. All fire-escapes erected on or after July first, nineteen hundred fifty-three, to serve as a second means of egress shall be in conformity with the provisions of section one hundred thirty-three. It shall be unlawful to remove any fire escape without permission from the department. Such system shall be installed, arranged and maintained in a manner satisfactory to the department and in accordance with rules adopted by the commission.
Chapter 61-B of the Consolidated Laws of New York, *Multiple Residence Law*, Article 3, Section 30, Cellar Ceilings. Which states that in every such dwelling three stories or more in height the ceiling of the cellar, or of the lowest story, if there be no cellar, shall be fire-retarded, or be equipped with a sprinkler system, unless such ceiling has already been plastered to the satisfaction of the department.
Chapter 61-B of the Consolidated Laws of New York, *Multiple Residence Law*, Article 3, Section 31, Inside Cellar Stairs. Every stair leading from the cellar to the floor above in all old multiple dwellings shall be enclosed with fire retarded partitions and shall be equipped with a fire retarded self-closing door located as the department may approve.
[The petitioner requests relief to allow the unfinished ceiling to be allowed to remain without installing a sprinkler system and the continued use of the existing stairway to basement without enclosing the stairs in rated partitions and door.]

PETITIONER: ALAN FRACCOLA

- VARIANCE MOTION: LAURA RYDER
- SECOND: JACKIE COONS
- VARIANCE RELIEF: GRANTED WITH CONDITIONS

Variance Vote:

_AYE_ANDY ELLIS, CHAIRPERSON
_AYE_LAURA RYDER
_AYE_JACKIE COONS
_NAY_MICHAEL BAYLY

THE MEETING ADJOURNED AT APPROXIMATELY: 11:34 A.M.