

January 28, 2018

City of Saratoga Springs Planning Board
City Hall
474 Broadway
Saratoga Springs, NY 12866

Attn: Mr. Mark Torpey, Chairperson, City of Saratoga Springs Planning Board

Regarding: Objection to the Proposed Cluster Subdivision
Lands of Spencer
Tax Map Parcels 192.-1-44.1 and 193.5-1-27
Arrowhead Road and Kaydeross Park Road
Saratoga Springs, New York 12866

Introduction:

Approximately twelve years ago, I purchased my home, at 1 Julians Way, in the East Ridge Development, to no small degree, because of the natural attributes that this small, quiet neighborhood offers – a sense of community and neighborliness, safe roads and sidewalks, defined boundaries with no through-traffic, and low traffic volume, all of which lend to an increased and highly desired sense of security and safety.

In addition to and enhancing the above characteristics, I was told, by more than one person/organization, that the contiguous property to the East Ridge Development, directly at the end of Julians Way, was protected as “forever wild”.

Objections:

Multiple and consequential matters of concern that represent two primary areas of focus, namely, the negative impact of the above named “Proposed Cluster Subdivision” and problems relative to the application itself, form the basis for my objection to this 22-lot residential subdivision. In the interest of brevity and to avoid repetition, I will simply list a few of the significant issues previously expounded upon by my neighbors in the East Ridge Development and, when necessary, will provide additional explanation for some others. The current subdivision application, containing 23 documents, is sizable in length and the objections to such would be equally as extensive. Therefore, again in the interest of succinctness, I have reduced several of my objections to representative samples highlighting one or two areas of this application, most predominantly focusing on the issue of “traffic”.

Traffic

The following comments/objections pertain to the responses provided by Environmental Design Partnership, LLP (EDP), in a letter to Ms. Kate Maynard, Principal Planner, dated January 11, 2018. (17.075 SPENCERSUBDIVISION_EDPRESPOSTOCOMMENTS_1-18-18.PDF), section entitled, "Traffic", prepared by the applicant and submitted to the city for review. The information contained within this letter is in response to comments previously provided by the city (Planning Board). Therefore, one assumption might be that the applicant had additional time to review the city's comments and concerns and then propose comprehensive resolutions. As presented, some of the applicant's explanations and clarifications lack critical substance and, in my opinion, at times are nothing more than basically attempts to deflect and distract. For a subdivision of this impact and significance, I expected more.

The third paragraph (of the above referenced draft document) highlighting traffic flow, reads, "Applicant has designed the proposed cluster subdivision to break-up anticipated traffic flow to the primary arterials such as Crescent." This sentence is both erroneous and ambiguous. Primary or otherwise, Crescent Avenue is the *only* arterial accessible from Julians Way, Kaydeross Park Road, and Arrowhead Road, the roads of travel primarily impacted by the proposed cluster subdivision. The applicant's wording in the above sentence might appear to indicate that traffic flow can be more easily disseminated because more than one arterial directly accessible to the proposed cluster subdivision is in existence and, in addition, the said (anticipated and additional) traffic flow will be more readily dispersed because of the cluster subdivision design. The former is just simply not true; the later is fairly questionable. The New York Department of State (DOS) offers a straightforward and accurate description; a cluster subdivision technique "allows the developer to distribute the units on the most buildable portion of the site and to economically reduce the construction and maintenance costs for roadways, sewer lines, and other infrastructure." (p. 29, *Subdivision Review in New York State*, New York Department of State)

In order to gain access to any other arterial and most other roads from the proposed subdivision, the connection would have to be made with Crescent Avenue. (This distinction is being highlighted for several reasons – please see the further explanations below). From their intersections at Crescent Avenue, the distance from Arrowhead Road to Julians Way is less than 1/10th of a mile and the distance from Julians Way to Kaydeross Park Road is less than 1/10^{ths} of a mile, representing a total of less than 3/10ths of a mile of primary arterial road directly accessed by the traffic from this entire subdivision. So, the fact that a cluster subdivision design is being proposed in an effort to break up additional traffic flow on less than 3/10ths of a mile along Crescent Avenue, the primary and only arterial, would seem to warrant further examination.

I was under the assumption, perhaps an erroneous one, that when a cluster-type development where a major entrance/exit adjoins an arterial road was being proposed, that the residents living near the arterial road should be notified of both the application and public hearing. If such is the case then those individuals, living

on roads near Crescent Avenue and the proposed development, that could be impacted by traffic generated by the proposed cluster subdivision should have been officially notified - for example, the residents living near where Crescent adjoins Arrowhead Road, Julians Way, Waterview Drive, Echo Ridge Drive, Garside Road, or Sundance. If just supposition and not actual fact, thoughtful neighborly practice might have prompted such a course of action.

The above referenced sentence also seems to debatably imply that the applicant designed the proposed cluster subdivision to break-up the additional anticipated traffic flow. Approximately half of the houses that would be built through the proposed cluster subdivision would be located closest to the dead-end portion of Julians Way. Depending on the direction of travel (if proceeding west on Crescent Avenue, for example), expeditiously, most traffic entering and exiting the clustered subdivision would use Julians Way. The vehicular traffic from a proposed subdivision that joins Julians Way with Kaydeross Park Road, and accesses Crescent Avenue, the only connecting arterial road, and that has 7 homes on Arrowhead Road, that, at the point of the proposed subdivision, is completely separate from Julians Way and Kaydeross, theoretically could be described as providing a traffic flow break-up. Pragmatically however, I believe that a large disparity will exist between this depiction and the actual traffic flow dissemination by the proposed cluster subdivision. The sentence is either poorly written or expertly crafted, but considering the facts presented above, it is difficult imagine how a cluster subdivision – with additional number of houses from the original proposed subdivision – might help break-up any traffic flow to Crescent Avenue. It would appear that perhaps this also deserves further examination by third-party traffic flow experts.

When taken at face value the sentence appears to imply that the applicant designed the proposed cluster subdivision to “break-up anticipated traffic flow to the primary arterials such as Crescent”. Thus, it would seem that the increased “traffic flow” as a result of the proposed subdivision was, at the very least, recognized as an issue, however, was then also believed to be resolved and not in need of any mitigation, as a result I guess, of the cluster subdivision-type development.

The sentence also could suggest (again questionably) that the applicant designed the proposed cluster subdivision, perhaps as opposed to the initial subdivision, to break-up the anticipated additional traffic flow. Simplistically, cluster subdivisions, such as the subject of this objection letter, are created to avoid some, protect some, and then to build on other portions of land that is to be subdivided.

One clarification regarding any additional anticipated traffic was provided by Environmental Design Partnership, LLP (EDP), in a letter to Ms. Kate Maynard, Principal Planner, dated January 11, 2018, regarding the first paragraph under the heading “Traffic,” and indicates that, according to the traffic report provided by VHB, the overall “conclusion provided that there will be an increase of traffic through proposed project, but no mitigation provided” (p. 1, 17.075

SPENCERSUBDIVISION_EDPRESPOSTOCOMMENTS_1-18-18.PDF). This response is simplistic, one-dimensional in nature, and evasive, as of course there will be an “increase in traffic through the proposed project”, just as there will be an increase in traffic thereafter as well. A primary focus of the application is the “Proposed Cluster Subdivision” in entirety, not just the development of such. The second portion of the response, “but no mitigation provided” (p. 1) is abstruse, lacks depth, and it would appear, insight into the overall issues and problems that an increase in traffic generated by this proposed residential cluster subdivision would naturally cause.

This sentence relative to traffic along with the other sentence referenced above, “Applicant has designed the proposed cluster subdivision to break-up anticipated traffic flow to the primary arterials such as Crescent”, could appear to be in conflict with each other. It would seem that a claim is being made that the anticipated additional generated traffic needs no (further) mitigation than that offered through the construction of a cluster subdivision. The thorough third-party review of the traffic report prepared by VHS for the applicant might help in evaluating this claim. Additionally, having time (and/or more time) to review the “Traffic report provided by VHB”, indicated by EPD, may be helpful.

In the letter to Ms. Maynard, the third sentence in the same referenced paragraph reads, “Boulevards introduced as means of traffic calming at two points on the extension to Julians Way” is interesting for a couple reasons. Traffic calming, and the associated boulevard road design, was initially developed for safety and protection for communities from through-traffic, ironically, the model that currently exists at the East Ridge Development and that will no longer exist if this proposed subdivision is actually developed. Additionally, the construction of boulevards “at two points on the extension to Julians Way” will do nothing to “mitigate” or reduce speed of the through-traffic from the start of Julians Way to the start of boulevard number 1 on the proposed “extension”.

In addition to the concerns represented above, there are other issues relative to traffic that will be generated or heightened by the proposed subdivision, including, but not limited to,

- Increased traffic generation, which can result in increased traffic-related problems.
- Increase in the number and severity of traffic-related accidents at the entrance to the East Ridge and Summer Wind developments,
- Decreased road capacity*,
- Decreased means of access*,

* For those entering and exiting both the East Ridge and Summer Wind developments,

- There is a boulevard-type road design, with a median strip, at this same location. Boulevard-type roads typically may slow traffic, might support and

enhance a variety of traffic functions, and are set back from the mouth of a perpendicular road. However, the entrance and exit points of Julians Way are not overly wide, might not be accurately described as an enhancement to a variety of traffic functions, and the start of the median is set back at or about 14' on Julians Way from Crescent Avenue, the street perpendicular.

The traffic entering Julians Way proceeds east or west on Crescent Avenue, and makes a right- or left-hand turn onto Julians Way, or comes directly across Crescent from Waterview Drive, the cross street. A majority of the traffic, however, enters Julians Way from the arterial, Crescent Road, which has a posted speed limit of 35 mph.

Thus, traffic entering Julians Way can be the cause of increased concern for the residents in the first 3 – 4 houses on Julians Way, particularly when attempting to back out of their driveway, and for anyone walking, biking, etc., near the intersection. This concern will only be heightened by the additional traffic generated by this subdivision.

Additionally, the negative issues associated with the boulevard-type road design and median strip worsen in the winter due to the limited space available for snow removal. Therefore, for several residents whose homes are directly across from the median strips, it is necessary to back out (or in) their driveway directly from Julians Way (there is no access to the sections between the medians as they are impassable due to piled snow).

Furthermore, with additional traffic, it is highly likely that there will be a decrease in the already diminished road integrity,

- The macadam on Julians Way, at the entrance and exit points to the East Ridge Development, frequently requires repair, and currently presents with an extensive range of paving defects – from raveling, to rutting, to potholes,
- As a result of the above conditions, the curbs that border the sidewalks and the median on Julians Way are frequently struck by vehicle tires, causing damage, from flaking and cracking, to large voids in the concrete and broken curb heads.
- The increased traffic inherent with this proposed subdivision not only through the proposed project but also thereafter, can only increase such damages. In the past, members of the East Ridge Development have repaired many of these damages. It might be difficult to accurately assess the damage that may be caused by the (increased) traffic from the proposed subdivision. Perhaps a ratio analysis might be applicable in this situation – however, it would seem the parameters of such would be best resolved ahead of any damage occurrence.
- An additional issue at the same location is the extensive disrepair of the macadam around the storm drain inlet grates.

- * All of the above problems will intensify with an increase in traffic.
- * All of the above problems will negatively affect all of the individuals using Julians Way as an entrance and exit point,
 - Additionally, those individuals living on Julians Way closest to Crescent Avenue will be impacted the most.
- * Towards this end and in this case, the negative impact of this proposed development will be widespread but will affect some a good deal more than others.
- * Furthermore, all of the above problems will only be exacerbated by any heavy construction vehicle use.
- * Additionally, any and all heavy construction vehicles will exponentially worsen the above listed problems; therefore, all vehicles of this type should use an alternate entrance and exit.
- * While construction timeframe is not an objectionable item for planning board consideration per se, it is worthy of note that the negative impact of this proposed development will be intensified from 7am to 4pm (a 7am start time for a project such as this seems unreasonable), during the 18 – 24 months of the “proposed project” development.

Open Space

The “Lands of Spencer” are remarkably rich for the inherent historical, archeological, and natural value. As such and as previously highlighted, there are environmentally and historically sensitive areas best left preserved, areas best suitable for building, and other areas that are unsuitable to be developed and therefore, perhaps more suitable as open spaces.

The following comments/objections pertain to the January 4, 2018, draft document entitled, “Spencer Subdivision – Open Space/Individual Lot Requirements & Enforcement”, section I., entitled, “Open Space”, subsection A. Goals, prepared by the applicant and submitted to the city for review. The information contained within this document is in response to comments previously provided by the city (Planning Board).

According to the New York Department of State (DOS),

The benefits of open space on the residents of a clustered development cannot be evaluated merely in quantitative terms. Residents of the clustered subdivision can enjoy common access to expanses of open land such as hiking paths, ball fields, fishing ponds and wooded areas. In this way, open space is an asset that has been

recognized as enhancing property values as well as the enjoyment of residents. (p. 29, *Subdivision Review in New York State*, New York Department of State)

Similarly, according to the Town of Saratoga, Open Spaces,

shall be used for wildlife habitat and conservation, historic preservation, education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or a combination of these uses, and shall be served by suitable access for such purposes. (Town of Saratoga, Chapter 400: Zoning, Article IV Regulations, Chapter 400-14 conservation subdivision development (CSD), p. 17, **H. Ownership, use, and maintenance of open space.** (2))

I realize this is only the beginning phase of a proposed subdivision, but ideally the elements contained in an “Open Space” could serve to guide and inform the creation of a subdivision rather than the opposite. Towards this end, some of the Goals and other information provided by the applicant and listed in this section appear rudimentary and imprecise, and as such, lack substance. For example, while “three-sided split rail fence{s} (shape of a “T”)... used to denote property corners” within a clustered subdivision may seem interesting, they seem inconsequential, conceptually, when compared to additional qualitative aspects, such as those included above, that should be available to enhance the community’s overall experience.

Providing woodland parks, trees, landscaped walking, hiking and biking trails, and preserving natural wildlife (animal and plant) habitats are some of the essential factors designated for an “Open Space” in a cluster-type development. This seems particularly fitting considering the unique value intrinsic to the Spencer Lands.

Wildlife Habitat

Highlighting one of the goals for the Open Space(s), Subdivision 2) of the draft document previously referenced, reads, “Maintaining existing wildlife corridors as well as the native environment for the various species of birds and animals residing in the Open Space and the surrounding area.” On the surface this is admirable. Obviously, the native habitat will already have been fragmented by the development of the proposed subdivision, along with the creation of two discontinuous Open Spaces. Therefore, many questions remain, such as what objectives will be instituted to achieve the above listed Goal, what measures might be implemented to better protect and decrease the isolation of the wildlife habitat, will the “buffer areas” be linked to the Open Spaces that are being “set aside for permanent protection”?

On page 5, ATTACHMENT D, *Stormwater Pollution Prevention Plan and Stormwater Engineering narrative*, Section II. SITE DESCRIPTION, Subsection G., ENDANGERED OR THREATENED SPECIES, provided November 2017, EDP writes,

A review of the New York State Department of Environmental Conservation's (NYSDEC) Environmental Resource Mapper (<http://www.dec.ny.gov/imsmaps/ERM/viewer.htm>) indicated no known State regulated rare plants, rare animals or significant natural communities on-site. A letter was directed to NYSDEC New York Natural Heritage Program requesting they

provide us with a determination as to whether the proposed activity is likely to result in the take or taking of any species listed as endangered or threatened in 6 NYCRR Part 182. A response letter, dated March 17, 2015 was received indicated NHP had “No Records” of known State regulated rare plants, rare animals or significant natural communities on-site.

As I have indicated, for many reasons, the “Lands of Spencer” are rich in natural resources. In considering at least one of those reasons, it is my understanding that, in the past, this area has been identified as being part of the “buffer zone” that has contained the “physical or biological features essential” (U.S. Fish and Wildlife Service website, <https://www.fws.gov/southeast/endangered-species-act/critical-habitat/>) to the conservation of at least two endangered species, namely, the Karner Blue Butterfly and the Northern Long-Eared Bat.

For survival, the Karner Blue Butterfly is dependent on the wild lupine. In the past, wild lupine existed within the buffer zone that was part (perhaps all) of this area. A way to evaluate the likely existence (present or future) of the Karner Blue Butterfly, an endangered species that may have existed within a buffer zone that may be a part of this land, would have been to investigate the presence of wild lupine prior to any subdivision conceptualization. The absence or presence of the wild lupine in this area could still be evaluated. Additionally, as trees are cut for the land development, the tree canopy will naturally diminish. If present, this may offer the opportune condition for the wild lupine to thrive and also may be the optimal time to involve the U.S. Fish and Wildlife Service in the subdivision planning.

It is still unclear to me if the Lands of Spencer might be identified as a area that contains the critical habitat for conservation of these two endangered species (and/or any other endangered or threatened species), as some of the information presented within this application regarding this issue is basic in nature and has been inconsistently presented.

Objections to the Application:

I am of the impression that an application of this purport, one that has been presented to the Planning Board for consideration and one that will have such a significant negative impact to a large number of Saratoga residents, when initially presented, should have been consistent and also more complete.

I am glad that, at some point in time after the original application was filed with the city, some of the inconsistent content areas contained within that application were corrected. However, both the initial and revised editions of this application contain areas in which the applicant gave no response to a proposed question. In addition, there are areas on the revised edition that are significantly different or altered from the information given on the original edition and there are questions that were

answered on the initial application that are blank on the revised edition.

I appreciate the time, effort and consideration of the Planning Board regarding not only this objection letter but also any decisions relative to this cluster subdivision application.

Should you have any questions regarding this objection letter please contact me via email or phone at [REDACTED]

Sincerely,

Mary Gillespie