



John R. Canney IV
Associate
Email: jcanney@carterconboy.com

Mark Torpey, Chairman
City of Saratoga Springs Planning Board
474 Broadway
Saratoga Springs, NY 12866
Via in hand delivery

Re: Hyde Street Subdivision Application
Witt Construction

Dear Chairman Torpey:

Please allow this letter to supplement the information submitted by Witt Construction (the “Applicant”) with respect to the above reference subdivision application currently pending before the Planning Board. At the public hearing on this application held on July 5, 2018, the Board asked for further explanation concerning the Applicant’s request for a waiver of the requirement contained in Appendix H, General Requirements and Subdivision Design Standards (“Appendix H”), at §2(F)(8)(a) requiring an extension of a right of way on any street which a subdivision adjoins if such right of way does not meet the minimum right of way requirements contained in Appendix H.

The Applicant has requested a waiver of this requirement for both the right of way on Hyde Street and on Birch Street. Both streets require a minimum right of way distance of 55 feet according to §2(F)(8)(a) of Appendix H. Hyde Street currently has a right of way of 50 feet and Birch Street currently has a right of way of 40 feet. Therefore the Applicant would be required to offer to the City 2.5 feet to the right of way on Hyde Street and 7.5 feet to the right of way on Birch. In order to grant the waiver, we ask the Planning Board to consider the following information pursuant to §241-16 of the City Code.

A. The granting of the exception or the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property.

The granting of the waiver for both extension of the right of way on both streets will not be detrimental to public health, safety or welfare, as the requested waiver will not result in any negative effects to the public from the current status quo. The streets are currently functioning as urban, local streets without any perceived difficulties related to the width of the right of way.

The existing streetscape contains many homes which have improvements built to the existing right of way distances.

Additionally, with respect to the waiver for Birch Street, the most recent data found on the widths of streets/rights of way (dated October 16, 2015) indicates there are at least 18 streets with a right of way of 40 feet or less including Cherry Street, South Federal Street and Walworth Street. With respect to the waiver for Hyde Street, as of October 16, 2015, only 26 streets within the City that would be considered Urban Local Streets satisfied the minimum right of way requirement of 55 feet. Of those 26 streets, none exist within the immediate three block radius. Finally, the predominate width of the right of way in the immediate three block radius of the property is 50 feet, which exists on Oak, West Circular, Walnut, Ash and Elm Streets. The Applicant submits this data the requested waiver does not pose a risk to safety and reflects the predominate width for urban local streets in this area of the City.

In regards to injuries to neighboring properties, the right of way, if extended on either street, would implicate existing structures and installations; specifically on Birch Street, where if the right of extension were continued to the property to the north, it would run directly through the home. The applicant submits that the proposed waiver would keep the property in conformance with the neighborhood, would not be a detriment to public safety and avoid any detriment to neighboring properties.

B. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable, generally, to the other property.

The requested waiver is unique to this property, as the failure to grant the waiver would make the proposed lots of the subdivision nonconforming in terms of minimum lot size, which would cause a direct conflict with the requirement contained in §1(a)(2) of Appendix H, which requires all subdivisions to conform to the Zoning Ordinance. Additionally, because neighboring properties do not have the same right of way, the extension with regards to this property would result in a right of way “to nowhere.” Further, requiring the right of way to be extended on two long-existing streets would result in the property being out of conformance with the surrounding streetscape.

C. Because of the particular physical surroundings, shape, or topographical condition of the property involved, a particular difficulty for the owner would result, as distinguished from a mere inconvenience, if a strict interpretation of this chapter were carried out.

If a strict interpretation of this chapter with respect to right of ways were carried out by the Board, the Applicant would be subject to the extreme hardship and practical difficulty of an inability to subdivide because the lots would violate the minimum lot size requirements of the Zoning Code. Additionally, the physical surroundings of the property do not warrant an extension of the right of way. On both streets, if the right of way were extended onto neighboring properties, it would result in the right of way encompassing or abutting existing installations, such as retaining walls, gardens and front porches.

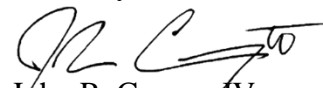
D. The relief sought will not, in any manner, vary the provisions of the City of Saratoga Springs Zoning Ordinance, Comprehensive Plan or Official Map, except that those documents may be amended in the manner prescribed by law.

The relief sought will not vary any provision of the Zoning Code, Comprehensive Plan or Official Map. In fact, the Applicant seeks the waiver of the right of way requirement for the express purpose of conforming with the Zoning Ordinance, as required by §1(a)(2) of Appendix H. To the contrary, if the waiver requested is not granted the proposed subdivision would violate the Zoning Code with respect to the minimum lot size of the lots.

Should any additional information be required, please let us know and we will provide to the Board in advance of the July 19th Board meeting.

I wish to thank the Board for its time and consideration of this matter.

Sincerely,



John R. Canney IV

cc: Kate Maynard –via email
John Witt