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To: The Planning Board & The Zoning Board of Appeals

Re: Area Variances Advisory Opinion to the ZBA
139 Grand Ave-Zimmerman proposed two Lot Subdivision-PB Project #17.070.1

Dear Planning Board and Zoning Board Members,

Attached is a revised proposal for the subdivision of 139 Grand Avenue. This is based upon the suggestion from the ZBA that the subdividing line may not need to bisect the property equally in half. We took your lead and agree that it makes sense to shift the dividing line north by fifteen feet. This solves many issues and concerns for both Boards.

It was a critical concern for both Boards that the proposed lot size of the historic house was too small. One board member said he could live with something approaching 5000 sf, but we were going too far. The subdivision line originally submitted also impeded on the rear setback for the existing house, but the new line would comply with the minimum 25' requirement.

A new line would redefine the original parcel to measure ~96'x55', yielding 5355 sf, and the new lot would become a ~55' square of approx. 3052 sf. While this is admittedly a much smaller parcel, it is still more than double the lot size of the house directly across the street (103 Beekman's lot is 1306 sf). It is also larger than many nearby properties. A 55x55 parcel with 5' side setbacks, 10' in the front and 25' in the rear would allow for a 20'x45' house to be built on less than 30% of the lot. The only further variance this structure would require is for the 1200sf minimum because 20x45=900 sf on the ground floor. The house would still comply with all the other requirements, and it wouldn't impede on the neighbors' views, now being set 25' from the the eastern fence.

An architect-friend recently won a prestigious award with his design for a modest home called "The Side-Hustle House". This customizable dwelling fits perfectly in the new lot and it can be constructed affordably and sustainably. It is fully possible to live comfortably in a 20'x45' home.

With regards to this new proposal, I wish to address the concerns raised in the November 13th, 2017 letter from the PB to the ZBA that provided an unfavorable advisory opinion, with five key points informing their decision.

1. Relief proposed is substantial and would create 2 substandard lots.

The new lot line would reduce the primary lot to 5355 sf instead of the requisite 6600 sf. Being situated on the corner *visually* adds another ~1550 sf to the "landscape" of the property. I maintain the lawns, sidewalks and plantings between the fence and the street, so I would still responsible for over 6800 sf of land at 139 Grand Ave post-subdivision. Following this logic, *in essence* a subdivision would therefore be creating only *one* substandard lot because of the uniqueness of the corner-site.

2. Siting an additional residence on a substandard lot may be inappropriate to the existing neighborhood context.

There are dozens of currently-defined substandard lots within three blocks of the property. Substandard lots are an integral part of the historic context for this particular neighborhood. Creating

an additional substandard lot would be fully consistent with the architectural heritage of the Dublin/Beekman district.

3. The entire property (not just the structure) is a contributing property to the West Side Historic District. The property has historically consisted of the same parcel configuration and single structure. The Planning Board's consensus is that the parcel should remain intact and not be subdivided.

History is a curious thing...

- Three existing modest-home parcels from the 1848 map were combined to build Tom's Lodge, a massive structure that sat less than 100' to our east. Then it was fully demolished 20 years ago and replaced by thirteen townhome units that are out-of-context with the rest of the historic neighborhood in material, size, architectural language, and function.
- The City razed 16 houses to develop the Congress Street shopping area, then tore a portion of that down to build a large hotel and more retail, all within a block of Historic Congress Park.
- The corridor of Railroad between Washington and Division had four homes on it the year 139 Grand Ave was built. Today there are five mix-used six-story buildings with hundreds of residences.
- City Square is currently being built on historic land (bordered by Walworth, Division, Cherry and Marvin). This land has gone through many iterations over the last two centuries. City Square is now a modern townhome and condo community with 2-bed, 2-bath homes. The lots are half the size of the one we wish to create.
- 135 Grand Ave (next door to us) was also built in the 1850s. They recently built an "out of context" addition with modern materials and a very strange garage configuration that redeveloped and paved nearly half of their historic land.
- 103 Beekman Street was built in 1875 and sits on a 1300 sf lot.

The point here is that there are viable, *historic* references to lot sizes being significantly smaller than is required today, and the historical land use has *consistently* evolved on the west side.

Our proposed new lot would not impede upon any views of the existing historic house — 139 Grand Ave will still be fully seen and appreciated on its two significant sides, as it is now. Currently the furthest portion of the yard at 139 Grand is being used as a 3-car driveway, also not a historic purpose, and the modern landscaping we employed has had no referential impact on the historic nature of the property.

ALL land is, by nature, historic, but if all lot lines were kept intact than Saratoga Springs would never have grown into the city that it is today. We would all be living on multi-acre farms or railroad tracks! Perhaps to be fully in compliance with the history of the city and this neighborhood's evolution, it could be argued that this lot *must* be subdivided! :)

4. The proposed additional curb cut onto Beekman Street is too close to the Beekman Street / Grand Avenue intersection and could create a safety concern.

The proposed curb cut would pose no threat to the safety of the street because Beekman is a one-way street and the curb cut would be nearly 200' away from the intersection of Washington/Beekman where cars emerge. Cars cannot turn from Beekman/Grand. Also, Beekman doesn't have alternate-side parking so there are no cars parked on the east side where the curb-cut is being proposed, which further contributes to a clear view of the street. 103 Beekman and 138 Washington don't have off-street parking so any cars using those residences are already parked on the street and can be visually detected without surprise. Finally, the curb would be cut more than 70' from the intersection of

Beekman/Grand which is *more than the distance of existing curb cuts* at 135 Grand and 140 Grand, and Grand Ave is far more heavily trafficked than Beekman.

5. There is a contextually appropriate yet currently unmaintained brick sidewalk along the Beekman Street side of the property. A subdivision is not required for the owner to be able to properly refurbish this sidewalk.

The first part of this statement is not true and the second part presents an interesting conundrum. When we purchased the house in 1998 we fully restored the brick sidewalk on Grand Ave at great expense, and then we investigated the possibility of doing the uneven, grassy Beekman side as well. The contractor said there was nothing there to work with, save a few spotty patches of uneven brick and macadam. The sidewalk being described physically does not exist. The previous owner also said there was no sidewalk on the Beekman side and he lived there for 50 years. This was corroborated by Ed Smith who owned 132 Washington and also doesn't have a sidewalk on the Beekman side of his house.

When the city installed a new sidewalk on the west side of Beekman, Mr. Smith asked if they were going to do our side, too. They said, "yes, in about two weeks." That was pre-1998 when we purchased the house and it never happened — presumably because there are no houses facing that side of the street (there is also no parking on that side, so a sidewalk isn't needed for auto-pedestrians). If there is actually a full 250' long 4-5' wide brick sidewalk on Beekman's east side then it has been so deeply buried for the last century it is unsalvageable.

Regardless of all this, I fully maintain my property. I have mowed the Beekman side weekly for 19 years, raked every leaf, trimmed every low branch, shoveled the snow. I planted five new trees and over two dozen hosta plants along the fence. I DO maintain that side of the property, where there is no existing sidewalk.

The creation of a subdivision would *require* a sidewalk to be installed to service the new property facing Beekman. The counter to this argument — that a subdivision is *not* required for me to put in a sidewalk — offers two opposing viewpoints on the part of the City: 1) There is no house on the west side of Beekman so a sidewalk isn't required, 2) The City *does*, in fact, want a sidewalk on Beekman. But if the latter is true, then why did the City impart an unfavorable advisory opinion to an application for a subdivision that included the development of this desired sidewalk? And why did it then reference the lack of a maintained sidewalk as part of the reasoning for this rejection?

In summation, a subdivision with unequal parcels for 139 Grand Ave wouldn't alter the charm, character and historical qualities of the original property. It wouldn't impede on the neighbors' views, water quality, air quality or parking density. It wouldn't break the setback or coverage codes for UR-3. It *would* develop a long-neglected corridor linking the Beekman Arts District to the West Side recreational fields. It would likely raise property values, add to the tax roles, and further the architectural vibrancy of the neighborhood while suitably coexisting within the historical context of an ever-evolving region.

Thank you for your time and consideration,



Michael Zimmerman