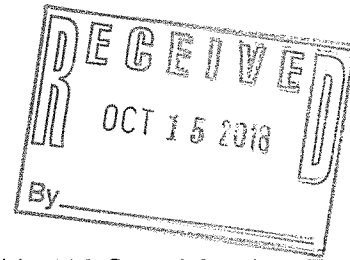


October 14, 2018



To: The Planning Board

Fr: Nearby Neighbors Who Oppose the Latest Proposal to Subdivide 139 Grand Ave into Two Substandard Lots

Last October 24, 2017, neighbors who own property near 139 Grand Ave sent a letter to The Planning Board opposing subdividing 139 Grand Ave into two substandard lots. (Please see a copy of this letter below.)

Thankfully, The Planning Board voted 6-0 an Unfavorable Advisory Opinion on October 26, 2017 for a Two Lot Subdivision at 139 Grand Ave. The Planning Board stated,

“The Planning Board’s consensus is that the parcel should remain intact and not be subdivided.” Furthermore, it said the “relief proposed is substantial and would create 2 substandard lots.”

Unfortunately, the applicant, Mr. Zimmerman, almost a year later has returned to The Zoning Board and The Planning Board with a different, but in our opinion no better, configuration for subdividing his lot into two substandard lots. One lot would be 5,355 square feet, still 1,245 sq ft less than required, and the other lot would be 3,052 sq ft, or 3,548 sq ft less than the 6,600 sq ft required in a UR-3 Zoning District.

We strongly object to Mr. Zimmerman’s latest proposal, as subdividing this historic lot, as now proposed by the applicant, still creates two substandard lots.

Mr. Zimmerman justifies these substandard lots by referencing other substandard lots in the area. However, these lots were created prior to current zoning laws. He also refers to City Square on Division/Cherry/Walworth streets where townhouses are currently being built. But, City Square is located in a Planned Urban Development (PUD) Zoning District, which has completely different zoning requirements than a UR-3 Zoning District.

Below is a copy of the letter sent to you last October 24, 2017 by neighbors who own property in the immediate neighborhood. We stand by our prior objections and once again ask the Planning Board not to grant a subdivision of 139 Grand Ave into two substandard lots.

Thank you.

LETTER SENT TO THE PLANNING BOARD ON OCTOBER 24, 2017:

From: "frank capone" <fkc7230@gmail.com>■

To: "susan barden" <susan.barden@saratoga-springs.org>,

"kate maynard" <kate.maynard@saratoga-springs.org>■

Sent: Tuesday, October 24, 2017 2:31:24 PM■

Subject: NEIGHBORS OPPOSED TO SUBDIVIDING 139 GRAND AVE INTO TWO SUBSTANDARD LOTS.

October 24, 2017

TO: THE ZONING BOARD OF APPEALS and THE PLANNING BOARD

FROM: NEIGHBORS OPPOSED TO SUBDIVIDING 139 GRAND AVE INTO TWO
SUBSTANDARD LOTS.

Nearby neighbors of 139 Grand Ave oppose subdividing 139 Grand Ave into two substandard lots. This property is located in a UR-3 Zoning District and in one of the eight designated Historic Districts of the city.

In making its determination, the ZBA shall consider the five following Evaluation Criteria, which we would like to address here.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance:

We believe subdividing 139 Grand Ave into two substandard lots would produce an undesirable change in the character of the neighborhood. Both the lot to the right

and the lot to the left of 139 Grand Ave, along with 139 Grand Ave itself, are .19 acre lots.

The lot across the street at 128 Grand Ave = .21 acres and 136 Grand Ave = .17 acres. 140 Grand Ave is smaller at .11 acres. Before the current Zoning Ordinance existed, the back of this lot may have been split off. It is used now as a parking lot for an apartment building on Beekman Street.

Unfortunately, before our city's current Zoning Ordinance, some properties were subdivided into small lots. Thankfully, current zoning laws have helped to maintain and preserve our neighborhood and other neighborhoods throughout the city. Zoning laws exist, in part, to protect and maintain neighborhoods.

When the current Zoning Ordinance became law around 2001, our area of the city was designated a UR-3 Zoning District with a minimum lot size requirement of 6,600 square feet. This prevented many slightly larger lots, such as 139 Grand Ave with 8,276 square feet, from being cut up into smaller lots, as is being proposed here by the applicant.

Furthermore, this section of Grand Ave is in one of the eight designated Historic Districts of the city. What would happen if this lot were allowed to be subdivided? We would assume that the new lot on Beekman Street would remain part of the Historic District. As such, what would be the requirements to build a historic house on this awkward sized new lot? How would it fit in with the character of the other historic houses surrounding it? 135 Grand Ave was built in 1842 and 139 Grand Ave in 1850.

Subdividing this lot would produce a "detriment to nearby properties." Several of us purchased nearby properties with the understanding from the city's Zoning Ordinance that there were no new buildable lots in our backyards. Not only would our quality of life be negatively affected by reduced privacy and sunlight, but our real estate values also would be.

When people invest hundreds of thousands of dollars into purchasing their homes, they depend upon the zoning laws that exist to protect them, their families and their investments.

The defining characteristics of the current lot at 139 Grand Ave and the current historic house on this lot, along with the surrounding properties, all would be negatively affected by subdividing this lot.

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance:

The apparent benefit sought by the applicant is to maximize profits by subdividing the lot and then selling the two properties separately.

The current owner has lived in CT for the past few years. The house at 139 Grand Ave has been rented during this time. The owner tried to sell 139 Grand Ave in 2015, but the price he was asking was way above market value. The owner states that prospective buyers didn't buy because the property was too big, but in fact the property was significantly overpriced.

The property next door, at 135 Grand Ave, with the exact same square footage property size, correctly priced, sold almost immediately this summer. Another similar property, 143 Washington St, on the corner of Washington St and Beekman St, correctly priced,

also sold quickly this summer.

We do not believe that the character of our neighborhood or the value of our properties should be diminished to maximize profits for the owner of 139 Grand Ave.

3. Whether the requested area variance is substantial: ■

The requested area variances are substantial. First, not one, but two substandard size lots would be produced. Both would be 4,125 square feet rather than 6,600 square feet, or 2,475 square feet smaller, 37.5%, than required in a UR-3 Zoning District. ■ Next, many more variances would have to follow, including almost a complete elimination of the backyard setback of 25 feet for 139 Grand Ave. The side yard would become a driveway. A curb cut would be needed. ■ The new lot on Beekman Street would be 55 feet deep. With a 25 foot required backyard setback and a ten foot required front yard setback, only 20 feet would remain for the depth of the house. This is totally unrealistic. Therefore, more variances would be needed. And, since a lot in the UR-3 District requires the first floor of a new home being built to be 1,200 square feet, the house would need to be 40 feet wide, so even more variance requests would be expected. ■

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: ■

We do not have the knowledge to speak on this item, but we can see that trees would have to be cut down. ■

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of an area variance: ■

The alleged difficulty was self-created by the applicant. The applicant claims that he is requesting this subdivision because he does not want to maintain the backyard and other people who might want to purchase the property won't buy it because they do not want to either. ■ We do not believe this to be correct or an adequate reason to change the character of the neighborhood, to decrease the value and desirability of surrounding properties, or to grant substantial variances in a UR-3 Zoning District and a designated city Historic District. ■ We ask that this property remain as one lot, and that variances not

be granted that would allow for the subdivision of this property at 139 Grand Ave. We hope the ZBA and the Planning Board will "preserve and protect the character of the neighborhood." ■

Thank you, ■

Nearby Neighbors: (in alpha order), C. Kyle Bentley, 7 Dublin Sq Lane; Frank Capone, 119 Grand Ave, President of the Dublin Square Home Ownership Association; C. Dena Contompasis, 5 Dublin Sq Lane; Manny Contompasis, 129 Grand Ave; Mary Ellen Contompasis, 129 Grand Ave; Maureen Curtin, 125 Grand Ave; Beth■DellaRocco, 124 Beekman St; Mat Digeser, 135 Grand Ave; Jenna Engelstein, 135 Grand Ave; Dave Hale, 133 Grand Ave; Bob Kelly, 123 Grand Ave; Colleen Morgan, 7 Dublin Sq Lane; Marika Murray, 9 Dublin Sq Lane; Stephan Parisi, 117 Washington St; Ali Railsback, 118 Washington St; David Railsback, 118 Washington St.

--■Kate Maynard, AICP■Principal Planner■City of Saratoga Springs■474 Broadway, Saratoga Springs, NY 12866 518.587.3550x2517

Confidentiality/Privilege Notice: This e-mail communication and any files transmitted with it contain privileged and confidential information from the City of Saratoga Springs and are intended solely for the use of the individual(s) or entity to which it has been addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any other action with respect to the contents of this message is strictly prohibited. If you have received this e-mail in error, please delete it and notify the sender by return e-mail. Thank you for your cooperation.