

To Saratoga Spring ZBA

From: Laura Rappaport, ■ Excelsior Spring Ave., SS, NY, 12866

I agree with the nearly 500 people who have signed a petition opposing the zoning changes requested to create the Downton Walk project on Jumel Place.

The prospective developer's request for variances in order to build 7 homes on less than an acre asks for way too much leeway in setbacks & lot coverage. If granted, this project would forever alter the character of this modest UR-3 neighborhood. It is too dense, too big, and it encroaches too much onto neighbors' properties.

The request arrogantly ignores the Property Rights of the neighbors who have the right to assume protections of their own property and privacy by the City zoning code. Their property values will be hurt by having essentially **no buffer** left between them and the proposed Downton buildings.

Another strike against the proposal is that it creates homes facing a new unsafe, dead-end alley. Dead-ends & cul-de-sacs are explicitly discouraged by Saratoga Springs city planners, and the Saratoga Springs code. They present challenges to emergency vehicles, such as firetrucks and ambulances, as well as to road maintenance contractors. They isolate and cut off neighborhoods from the rest of the community.

The prospective developer has said this configuration of 7 homes is the only way to make the project **profitable to him**.

In considering this application, ZBA Members should remember that they represent city residents and taxpayers -- not the applicant. They are not charged with ensuring that a developer turns a profit, but rather they are charged with safeguarding the health, safety, well-being and property values of the residents.

Yes, the building that sits there now is an eyesore and the property does need to be cleaned up. But there are other ways to do so.

The purpose of our City's zoning code is to ensure that *projects conform with the neighborhood that already exists, not to dramatically change a neighborhood*.

This neighborhood is zoned for single- and 2-family homes, with reasonable side, front and rear setbacks. Good streetscape planning consists of developments in

which homes face the street on which they sit to create orderly flow of traffic and a sense of neighborhood and community. The proposed project does not do that.

From the City Zoning Code on Minimum Variance:

The ZBA, in granting a use or area variance, shall **grant the MINIMUM variance** that it shall deem necessary and adequate while and the same time preserving & protecting the character of the neighborhood and the health safety and welfare of the community.

In considering applications, the ZBA is **required** to consider whether an undesirable or significant change will be produced in the character of the neighborhood and if a detriment to nearby properties will be created by the granting of the variance.

This project would **Significantly & Undesirably** alter the character of the neighborhood. By essentially eliminating the setbacks and allowing the structures to encroach on the sidewalk, the buildings will basically squeeze into the neighborhood, and overpower adjacent houses. The homes would face into their own little alley and be an exclusive enclave set apart from the neighborhood.

The applicant is asking the city to greatly change the code for his own project. Yet he does not even own the property on Jumel Place. This letter refers to him as the “prospective” developer because he is not the property owner. Denying the area variances requested will not deny the applicant the right to develop this property for he does **not** own it. On the other hand, granting this this extreme change will set precedent for the future, and impact people who **ARE** property owners in the neighborhood. What is to prevent future ZBA members from granting Significant variances for other projects that don’t fit within the parameters of the zoning code?

The applicant indicates that the variances and 7 homes, is the only configuration that would make the project profitable for him. If that is the case, then he should quite simply do a different project.

No one is asking for million-dollar homes in this little corner of the world. The prospective developer might consider a more appropriate location for this upscale, suburban-style development that is totally out of place in a UR3 neighborhood. The ZBA should encourage him to build something more in keeping with the

neighborhood. Instead of asking for and expecting an exception to the rules, he should play by them.

The bottom line is this: Zoning Board members and city employees are not tasked with helping developers make money from their projects. Their job is to uphold the codes & character of the city. It is the applicant's job to create a project that fits the city code, not the city's job to change the code to meet a developer's financial goals.

The variances requested for this project should be denied.