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To: SARATOGA SPRINGS ZONING BOARD OF APPEALS
SARATOGA SPRINGS CITY COUNCIL
SARATOGA COUNTY SUPERVISORS
SARATOGA SPRINGS PLANNING DEPARTMENT
REGIONAL PRESS & BLOGS

Re: APPLICATION FOR CONDOMINIUMS
AND REQUESTS FOR ZONING VARIANCES
27 JUMEL PLACE, SARATOGA SPRINGS, BY BUILDER – JOHN WITT

It appears that the Saratoga Springs Zoning Board of Appeals might be in danger of overstepping its purview if they approve Developer John Witt's current request which will effectively change the zoning ordinance regarding the type of housing allowed in a long-existing Jumel Place neighborhood, within a mile of Saratoga Race Course. Witt has requested an area variance, when what he needs is a use variance, because the condominiums he proposes are not legally allowed within the property's UR-3 zoning. According to our zoning laws – which have the stated interest of maintaining a particular harmony within each of the city's different districts – such use variance would need the approval of the City Council, not an end run through the ZBA. But a vote is scheduled for the ZBA meeting on March 7.

Although the City offers ample opportunity to build cluster housing in UR-1 and SR-2 zones (per Article 4, Section 241-13-A of the city code - ecode.360.com), Witt is attempting to cluster seven single-family condominiums on a 0.79-acre UR-3 lot. Current zoning only allows for either one single family residence or one two-family residential structure. In his proposal, the seven owners would each have an undivided interest in the entire property, while they own their individual structures that sit on the commonly-owned land (which is what defines its condominium status). Contrary to claims that condominiumizing the land alone is only a financial move, it is a clear change of use of the land, in that it automatically includes the clustering model which, in addition to being restricted to specific other areas of the City, allows for tighter lot-lines between homes, albeit they must still follow specific setback and open space codes.

In addition to such change of use, he has also asked for setbacks that would be in violation of code even within a clustered community – as crowded as 1-foot from the existing front sidewalk (10 feet is legal) and 6-feet from the rear (25' is legal). Witt is also requesting additional height, approaching three-storeys, on his structures – which would be interruptively noticeable from Lake Avenue (Route 29), one of the main thoroughfares into the City. He also wants permission to erect an 8-foot fence around three sides of the perimeter to enclose/isolate his Downton Walk community, an English-Cotswold-style development, from the rest of the Victorian/American-turn-of-the-century neighborhood, in which some homes have been there since the late 1800s among others from the 1920s.

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PAGE 2 OF 2

Saratoga code (Section 241-13-G) states that new clustered housing – which includes condominiums, townhouses, row houses, zero-lot-line homes, and other multiples – are ONLY allowed in UR-1 and SR-2 locations. In order to build them, even in the specified districts, one must first file for a subdivision of the property, which Witt has not done. That would have resulted in permission to build only five single-family homes or four two-family homes on that size property, ***along with the requirement that each structure must adhere to code setbacks from existing property lines and, within the new multiple community, must meet the percentages of open space.***

The percentage of open space of this project, as presented, does not even adhere to cluster code; nor do the requests for relief from setbacks between the cluster structures and existing neighboring properties, including the City-owned sidewalk. Much of the builder's positive comparison on building standards are irrelevant, as they take into consideration the structure currently on the site, which was built before Saratoga had zoning codes.

Neighbors have no issue with Witt as a quality builder. Nor do they have issue with multiple structures on the property, as long as there is adherence to existing codes. Overloading the space and radically cutting setbacks endangers both the new property and the neighboring structures. It also presents quality of life issues for the current residents, including increased noise and the effect of being walled-off from the contiguous neighborhood. As it is currently planned, the project ***will alter the essential character of the neighborhood and will present an adverse physical impact on the community in which it would be situated.*** The concept of allowing condominiums in UR-3 neighborhoods is a slippery slope that would present an even greater threat to the entire City. Such disregard of our zoning codes will open the door to requests and expectations of similar divergent development in other neighborhoods.

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