



CITY OF SARATOGA SPRINGS

PLANNING BOARD

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April 1, 2014

John Franck, Commissioner
Office of Commissioner of Accounts
City Hall - 474 Broadway
Saratoga Springs, New York 12866

**RE: Advisory Opinion to the City Council
PB# 14.009 St. Neumann Residence**

Dear Commissioner:

Pursuant to your request dated February 20, 2014, the Planning Board considered the proposed Comprehensive Plan and zoning map amendment for the 11.27 acre property at its March 19, 2014 meeting. The proposed amendment contemplates a change from current Institutional designation to High Density Residential-1, and a Zoning map amendment from current Institutional-Educational District to Urban Residential-1 (UR-1).

As its first consideration, the Planning Board assumed SEQRA lead agency and after review of the Part 1 and Part 2 of the long EAF, issued a SEQRA negative declaration for the action.

The Planning Board, as required 10.1.5.1 of the City's Zoning Ordinance, reviewed the proposed change to determine if (1) the revision is not contrary to the general purposes and intent of this chapter and (2) the revision is accordant with the Comprehensive Plan.

After consideration of the request, the Planning Board issued a **Favorable Advisory Opinion** in relation to the proposed Comprehensive Plan and Zoning map amendments- carried 7-0 (In favor: Torpey, Van Wagner, Lewis, Klein, Gaba, Pinsley, Bristol).

Considerations:

The existing mature stand of pine trees that exists to the north (rear) of the existing structure and to the east along Excelsior Springs Avenue was heavily featured within the Planning Board's discussion. At this time, the Planning Board recognizes that the applicant has amended their application to include 1.8 acre proposed to be permanently protected from future development. A revised illustration of the proposed open space area is provided attached for your consideration.

The applicant has provided their intent that they no longer request a waiver of recreation fees from the City Council, instead choosing to pursue meeting the intent of the following Zoning Ordinance 7.2.18 provision. The Planning Board is seeking additional information as to how this

provision has been applied within other projects in the City. The Board will continue to review the proposed open space area, configuration and additional requirements and to the extent it fulfills the following Zoning Ordinance 7.2.18 provision. It appears that the potential permanent protection of open space may be most suitable for review as Class B Type Usable Land.

7.2.18 Recreation Land Requirements for Site Plans Containing Residential Units

“Upon finding that a proper case exists for requiring a park or other recreational facility within the City, the Planning Board shall require an offering of usable land, or fee in lieu of land, for this purpose...”

...”Class B Type Usable Land- “refers to land not suitable generally for development except for passive open space. Unique and scenic areas... may be given special consideration by the Planning Board and should they be deemed essential or desirable for public open spaces, the Board may instead request that the owner offer Class B Type Usable Land to the City to be defined and preserved as passive open space.”

A second update for the City Council is related to the applicant’s pro-active offering of 5 “more affordable” units within the amendment requests. After questions related to clarification of the process and public benefit, the applicant asked that this be removed from consideration at the present time. The Board is hopeful that the potential public benefit may continue to be explored with the City for implementation at the site.

For clarification purposes, the following are procedural steps that must occur prior to any City Council action:

- A public hearing by the City Council for this proposed zoning revisions.
- Review by the Saratoga County Planning Board (General Municipal Law §239-m)

In addition, the City Council requested advisory opinion from the Design Review Commission is still to be provided.

If you have any questions regarding the above comments, please contact me.

Sincerely,



Mark Torpey
Chair

cc: Mayor Yepsen
Commissioner Madigan
Commissioner Mathiesen
Commissioner Scirocco
Kate Maynard, AICP, Principal Planner
Mike Toohey, Agent for Applicant
Mike Ingersoll, Agent for Applicant