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May 10, 2019

Mayor Meg Kelly  
Commissioner of Finance, Michele Madigan  
Commissioner of Accounts, John Franck  
Commissioner of Public Safety, Peter Martin  
Commissioner of Public Works, Skip Scirocco

### **LIBERTY APPLICATION FOR COMPREHENSIVE PLAN AND ZONING AMENDMENTS**

Dear Mayor and City Council Members,

Sustainable Saratoga has been tracking the Liberty application for reclassifying the parcel at the corner of Crescent Avenue and Jefferson Street since last summer. We agreed with many of the concerns and objections that the Planning Board expressed when they issued a unanimous unfavorable advisory opinion last September. We were surprised to learn that this application is still under consideration by the City Council.

Sustainable Saratoga vigorously supports the kinds of development in our city that conform with established sustainable development principles, embodied in our city's comprehensive plan. We believe that the people of the city should be able to rely on their elected officials and land use boards to make sure that every development proposal conforms with the plan. That is why we strongly believe that there are several compelling reasons for the City Council to firmly reject the Liberty application.

**These are extraordinary comprehensive plan and zoning ordinance amendments to accommodate a single incompatible use.** The proposed amendments would allow a use which is incompatible with the City's existing land use policy for this parcel and the surrounding area. Our current comprehensive plan was hammered out after many meetings by a large committee appointed by the City Council. The planning process spanned many months and included substantial public participation. Changes to the Comprehensive Plan as significant as this should only be made through the same process, involving the entire community in a comprehensive look at the future development of the entire city.

**The allowable densities proposed in the amendments are inconsistent with the development policy for much of the surrounding area.** The project parcel's current "Residential Neighborhood 1" designation allows primarily for the development of single-family residential neighborhoods with a maximum density on developable land of 3.5 units/acre. The parcel is adjacent to forested State parkland. Considering that a majority of the parcel consists of State-regulated wetlands, the densities allowed by the proposed amendments would be as much as



25 units per developable acre. With significant design improvements, such uses as large multi-story apartment buildings might be appropriate in one of our downtown transect zones, but not on this site which is largely adjacent to lower intensity development.

**Even with the amendments, the project would not be compatible with the proposed comprehensive plan land use category and zoning district intent.** The applicant proposes that the City Council amend the comprehensive plan by reclassifying the subject parcel to “Equine and Related Facilities,” and modify the classification by adding “multi-family workforce housing residential use” to the list of uses “essential to the equine industry’s sustainability and future success in the city.” However, the Equine and Related Facilities classification already allows for the construction of employee housing. The fact that the applicant is proposing an amendment to add workforce multi-family housing to the list indicates that the project is not intended as employee housing, and therefore is not intended as a facility essential to the equine industry.

Furthermore, if the project is not intended as employee housing, then it would not be permitted in the proposed “Institutional Horse Track Related” zone, which requires all permitted uses to be associated with a horse track facility. In fact, the proposed change to the use schedule in the zoning ordinance would allow multi-family residences only on parcels “not associated with a Horse Racing Facility and/or horse training track existing as of January 1, 2002.” The incompatibility of the proposed project on this parcel, even with the proposed language changes, could not be more obvious.

**The parcel would be opened to a variety of incompatible uses.** Once approved, the proposed amendments would allow a number of uses beyond affordable housing, including retail stores, offices, restaurants and other uses permitted in the Institutional Horse Track Related zone.

**The project parcel is a fragile and important environmental site.** The 30-acre parcel contains a large area of ecologically important New York State regulated wetlands, surrounded by a restricted 100-foot buffer. The City long has had a policy of limiting development near these ecologically important and vulnerable areas to low-density and low-impact single-family residential use. While in the current “Rural Residential” zone the ordinance requires a conservation analysis and the protection of 50 percent of the developable acreage as open space, no such protections are required in the Institutional Horse Track Related zone. Because the proposed amendments would increase the allowable density of development several times over, the impacts of such development on the adjacent wetlands could be significant.

**Approving the proposed amendments would overthrow a well-reasoned, unanimous decision by the planning board.** The board analyzed the proposed project at three meetings over two months, leaving no stone unturned, and soundly rejected the proposal in a 7-0 decision. After such a thorough review and such solid agreement, we hope the City Council will reach the same conclusion.

**High-density development should be encouraged in the areas already designated by our comprehensive plan and zoning ordinance.** The core area of the community already has



existing transect or multi-family zoning districts that can accommodate workforce housing at the densities proposed by this amendment. At various locations within the city there are 5 major projects either approved or under review that would provide over 550 affordable housing units. None of them requires a comprehensive plan amendment or significant zoning amendment.

**There are better ways to address the city's affordable housing needs.** Large developments dedicated exclusively to “workforce housing” have the undesirable consequence of segregating the city by income. We have long advocated for workforce housing to be combined with market rate housing. We encourage the Council to develop a comprehensive, proactive, and creative strategy to meet the housing diversity and affordability needs of our community. There is need for a strategy that is more productive and less divisive. For years, Sustainable Saratoga has recommended workable alternatives, such as inclusionary zoning and the conversion of carriage houses into apartments, with required affordability standards.

We hope the City Council will carefully review this proposal, consider the broader implications of the proposed amendments, and reject the application.

Sincerely,

A handwritten signature in black ink that reads "Art Holmberg". The signature is written in a cursive style with a large, stylized initial "A".

Art Holmberg  
Chair, Sustainable Saratoga

