

May 13, 2021

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Mr. Mark Torpey, Chair
Saratoga Springs Planning Board
City Hall
474 Broadway
Saratoga Springs, NY 12866

RE: #20210025 JUST CATS – 1 DRISCOLL ROAD

Dear Mr. Torpey and Members of the Planning Board,

Sustainable Saratoga has reviewed the Just Cats application for a special use permit and site plan review, and we have several concerns with the proposed project.

The site is a long thin 5.95-acre vacant wooded lot that lies in two zoning districts. The easternmost 250-foot section of the lot is zoned "Tourist Related Business District" (TRBD) and is within Zone A of the Gateway District #1 design standards. The western portion of the lot is zoned Rural Residential (RR).

It is important to note that the entire property is within the City's Country Overlay area, or the Greenbelt". This requires that any development on the property have a rural character.

We have the following concerns with this proposed development:

1. The lot encompasses two zoning districts and would allow a commercial development to encroach nearly 240 feet into the Rural Residential (RR) zoning district. Our understanding of the zoning rules say that the developer can move the zoning boundary 100 ft into the low-density RR district and still be legal. However, it looks like the site disturbance encroaches 240 feet into the RR district. Twenty-three parking spaces and the storm water management system are beyond the 100-foot allowable limit. This appears to be a zoning violation and a significant infringement on the rural low-density character requirement of the RR zoning. We understand that the Planning Board has asked the Building Inspector to rule whether this encroachment is a zoning violation, but that decision is not part of the applicant's record.
2. The proposed project driveway is about 300 feet from Route 9 on Driscoll Road. This City-owned public road is currently a gravel road that does not meet any of the City's road standards. The applicant would normally be required to pave Driscoll Road along its project frontage and bring it up to City standards. The applicant has not proposed to make any improvements to the road. It seems very unusual for a commercial development within the city to have a substandard entrance. Also, seven residential units are proposed for this development and there are no pedestrian sidewalks, paths or linkages.



3. The development does not comply with the City's rural design standards in several ways. The project site is within Zone A of the Gateway Overlay District. The standards for development in Zone A are found in Article 3.2 of the existing zoning ordinance.
 - The development will probably violate Article 3.2.4, which states that any disturbance of the landform should be minimal. There is no grading plan shown in the Planning Board materials, but it looks likely that they would do a lot of grading.
 - Only 13 trees are shown on the sketch plan to shield the 350-foot-long parking lot along Driscoll Road, so it appears they are not adequately screening the building and the parking from the street. These 13 trees do not create rural character. In addition, more than 70% of the parking spaces are within the front-line setback line of the building, when the standards call for less than 20%. These two standards are in violation of Article 3.2.5.
 - Article 3.2.6 states that the building should appear as clustered. Large buildings should be broken up. The current proposal calls for one large building.
 - The building height and design should be rural in character. With the steep roof and cupola, the building stands about 56 feet tall. While the 2-story building may technically meet the 40 ft height requirement, the true height does not make it "rural" in character.
4. The density and intensity of the project are a concern. The 7 residential units on the second floor of the building require a special use permit. Due to the proposed density, we view this multi-family use as inappropriate in the Greenbelt. This gateway district and the TRBD zoning are in the Greenbelt as defined in the 2015 Comprehensive Plan. The existing zoning allows residential uses with a special use permit on the second floor but has no density cap. Thus, the existing zoning appears to not be in conformance with the 2015 Comprehensive Plan. The City probably should have imposed a moratorium on development in this area until the zoning is brought into compliance with the 2015 Comprehensive Plan. We hope the new UDO's new Gateway Rural district will prohibit such intensive uses.
 - Depending on the uses, the other two unnamed commercial spaces on the first floor may also require a special use permit. The "Just Cats" animal clinic is a principle permitted use in the TRBD.
 - We appreciate that the Planning Board did ask the applicant to rethink the intensiveness of both residential and commercial uses on the property. However, the applicant kept saying that the proposed purchase price for the property was so high that she had to have such density or intensity to get a return of the investment. That argument is not a legitimate criterion for any Planning Board decision.



We believe the Planning Board should reject the current development intensity and require any project on this site to meet the rural design guidelines in Article 3.2 of the existing zoning ordinance. Thank you for your consideration of our concerns with this project.

Sincerely,



Wendy Mahaney, Executive Director
Sustainable Saratoga

cc: Principal Planner Susan Barden

