

To: Saratoga Springs Planning Board
From: Tom Denny, Chair, Sustainable Saratoga's Urban Forestry Project
Re: 120 Division St (former Ellsworth Ice Cream plant)
Date: June 7, 2013

Sustainable Saratoga has been monitoring this important project since before the submission of the sketch plans in the fall. Throughout, our goals have been to ensure that the project follows the principles of good urban design, respects the future potential of the adjoining streets, creates the best possible public streetscapes, preserves the existing trees and deploys new tree plantings to achieve the goals of the recently adopted Urban & Community Forest Master Plan, and adheres to city ordinances and subdivision regulations unless explicitly waived. Although the most recent design is considerably better than some earlier concepts, there remain areas of important concern.

In the view of Sustainable Saratoga, the public interest will be better served if the final plans include these features.

1. Bring the Cherry St. Right of Way (ROW) into full conformity with the 55-foot width of Urban Local Street standards outlined in the Subdivision Regulations, App. H, Sect. F (Streets), esp. Sect F.8.a. The Planning Board should require the developer to cede 7'6" of ROW. The current plan shows only 5 feet being ceded. For the future potential of Cherry St., the public interest requires its full ROW.
2. All units should front on the public streets. Currently, nearly half of the units (10 of 24) do not front on a public street. Section F-6 on page 90 of the Subdivision Regulations states specifically that "dwellings shall not front onto alleys." The logical extension of that is also that dwellings should not front on private streets, private alleys or private parking lots.

The importance of the public street and of building entrances that face the public street are major tenets of new urbanism and smart growth principles. It is disturbing that some recent projects, such as the housing development off of Morgan Street, were approved with residential units fronting on private parking lots. We hope this trend does not continue with this project. Enclaves of residential units fronting on private streets, private alleys or private parking lots are derogatory statements against the importance of the public realm and hint at exclusivity. That is not the Saratoga "image" or "spirit." We also wonder whether there is sufficient setback from the property line on Cherry St.

3. Preserve the historic 37" white oak tree in the Cherry St. ROW. Although the developer now has this tree marked for preservation, the protection zone in the drawings is insufficient to give the tree a real chance of survival. Current guidelines nationwide in the arborist, design, development, and DOT communities would call for a protected radius (Critical Root Zone) of at least 30 feet from the trunk of a 37" tree, and most policy would call for a wider zone, between a 37-foot and a 50-foot radius. We have provided Kate with diagrams of widely used design standards for tree protection zones.

There are three formulas generally used to calculate the protected, no-construction zone around trees: 1) a protected radius 10 times the diameter of the tree; 2) a radius of one foot for every inch of tree DBH (some municipalities use 18" per foot of DBH); 3) a protected radius equal to the size of the widest point of canopy drip line.

4. We still think that preserving several of the mature, large-species trees in the northeast corner would enhance the property and its value, and be an amenity the developer would provide to the neighborhood. If that is not going to happen, it is important to plant the property with large-species

trees, the kind that the recently adopted Urban Forest Master Plan prioritizes. The current landscape plan does call for the planting of numerous large-species trees and we support that.

5. Find creative ways to work around the conflict between utility lines and the large-species trees called for in the newly adopted Urban Forest Master Plan, both important parts of our urban infrastructure.

We understand that the developer has explored whether the City would take ownership and responsibility for the interior street in the design. We wonder whether a win-win situation would result if the developer would pay to move the Division and Cherry Street utility lines to the internal street in exchange for the City taking responsibility for the street. This would allow large-species trees to be planted along both of the main adjoining streets.

If this proves unworkable, there is a more modest solution to the Cherry St. conflicts, where the energy-saving benefits of trees would be greatest. Along the south side of the project, there are three utility poles. If the middle pole were relocated to the south side of the street (the Allerdice shed side, with wires crossing the street), it would open up the possibility of planting large-species trees along the south side of the project. This may seem a bit out of the box, but I noticed yesterday that there is an example of this on Grand Ave, between Beekman and Elm.

6. Do not plant any invasive trees and shrubs. Such plantings are prohibited by Subdivision Regulations, App. H.2.Q.10.

The planting of any tree, shrub or other plant species whose invasiveness has been rated as Very High, High, or Moderate on the current Non-Native Plant Species Invasiveness Assessment list, maintained by the Cornell Cooperative Extension InvasiveSpecies Program and the New York Invasive Species Clearinghouse (<http://www.nyis.info/?action=israt>), is not permitted.

The current landscape plans include some invasives. Kate has already crossed out the Bradford pears on the City's copy of the landscaping plans. But burning bush (rated Very High on the invasiveness scale) also needs to be replaced by a permitted, non-invasive species. Many species of viburnum are also rated at the prohibited levels of invasiveness, and any viburnum to be planted should be verified against the state invasive list. (As a point of information, another highly invasive shrub that may come up frequently in landscaping plans is Japanese barberry, also rated Very High on invasiveness.)

We realize that the Planning Board has a limited right to waive the subdivision standards referenced above, but only according to the criteria set forth in Article 6 (page 66) of the Subdivision Regulations.

A. Where the Board finds that because of unusual circumstances of shape, topography or other physical features of the proposed subdivision or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with these regulations, it may waive certain requirements of these regulations so that substantial justice may be done and the public interest secured: provided that no such waiver shall be granted which will have the effect of nullifying the intent and purpose of the Official map, Zoning ordinance, these regulations, or ordinances of the City.

B. In granting changes and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so changed or modified.

We have not heard a formal request, based on criteria in Article 6, for waiver of regulations discussed above. Moreover, we don't believe this project meets those criteria or the "extraordinary hardship" standard, nor do we believe that any public interest is served by waiving such standards in this case. Quite the contrary. We hope you will hold to the regulations.

Thank you for your consideration.