

July 27<sup>th</sup> 2025

Re: Public Comment: Item 25-1355 - Zoning Map Amendment for 379 Paderewski Drive

Dear Members of the Planning Board,

I respectfully urge the Board to disapprove the proposed Zoning Map Amendment for 379 Paderewski Drive in Item 25-1355.

My objection is based on two primary concerns:

1. The proposal appears to be a textbook case of spot zoning.
2. The application contains insufficient information for the Public or the Planning Board to determine whether the proposal satisfies the five approval standards required by the UDO

### **I. Concerns of Spot Zoning and Comprehensive Plan Conflicts**

This application raises serious concerns about spot zoning, which occurs when a parcel is singled out for preferential treatment inconsistent with surrounding zoning and not in accordance with a comprehensive plan.

This amendment targets a single parcel—379 Paderewski—for rezoning from N-3R (Residential) to N-3E (Mixed-Use Edge). As I stated in my prior public comment, this appears to be a special use permit disguised as a zoning map amendment, intended to allow the City to construct a public safety facility without undergoing the more rigorous public review that accompanies a special use permit. A Special Use permit would require the weighing of public need and benefit against local impacts.

According to UDO Section 11.3.2(A), a zoning map amendment may be approved when it is:

*“In response to changed conditions, changes in City policy, or to better align the zoning with adopted plans and the UDO.”*

The applicant admits in the submitted justification that this amendment is not due to a change in conditions or City policy, but instead to "allow the future development of the site in accordance with future uses"—uses that are not permitted under the existing N-3R zoning of the site.

To avoid a finding of spot zoning, the City would need to demonstrate that the amendment is consistent with adopted plans and planning policy. In my view, this proposal is in direct conflict with the City’s 2023–2027 Four-Year Strategic Plan, specifically the “Thriving Neighborhoods and People” priority, which commits the City to:

*“Ensure access to well-maintained parks, open space, and cultural institutions.”*

The building at 379 Paderewski is the historic Adam Plewacki Post and Matt Urban Center, which has long served the Broadway-Fillmore community as a vital cultural and civic asset. Its conversion into a Police shooting and training facility would eliminate public access to these services and replace them with a restricted, potentially harmful use in a residential zone.

Furthermore, the proposal also contradicts the City’s Broadway-Fillmore Strategic Investment Plan, adopted as part of the New York State Downtown Revitalization Initiative (DRI). The DRI explicitly identifies the site as a “cultural and community asset.” The neighboring Central Terminal Restoration Corporation’s Master Plan similarly identifies this site as a key location to expand neighborhood services—not diminish them.

## **II. Procedural and Substantive Deficiencies**

Even setting aside the spot zoning concerns, the application fails to meet the procedural and substantive approval standards required under UDO Section 11.3.2(E). That section mandates that the Planning Board must make written findings of fact that the zoning map amendment:

1. Is consistent with the spirit and intent of the UDO and the Comprehensive Plan.
2. Is compatible with the existing form, pattern, use, and zoning of nearby properties.
3. Corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
4. Is consistent with the trend of development, if any, in the area.
5. Promotes the public health, safety, and welfare of the City.

The applicant has not provided the necessary planning or technical documentation to allow either the public or the Planning Board to evaluate the proposal against these criteria. The only material submitted is a topographical survey map, which lacks analysis, or any narrative to support the amendment. The Applicant’s justification that ‘The current site has mostly compromised of impervious surfaces.’ is not a suitable justification for a zoning map amendment.

While a site layout for a ‘New Civic Structure’ was displayed at the previous Planning Board meeting, that material has not been made part of the formal application and remains inaccessible in the public record. This raises significant transparency concerns. Without more documentation, it is impossible to assess the compliance with the approval standards or the general requirements of UDO Section 3.1.8(C) N-3E Mixed Use Edge.

## **Conclusion**

Given the significant planning inconsistencies, lack of procedural and substantive justification under the UDO, and the high likelihood of this constituting legally questionable spot zoning, I respectfully urge the Planning Board to disapprove this application. Approval would not only defy the City’s own adopted plans and ordinances — it would invite legal scrutiny and deepen public cynicism about a planning process that increasingly feels performative.

I urge City Hall, with its professional army of planners, architects and legal staff, to abandon this rushed and ill-conceived proposal and reengage in a public process for redeveloping the Plewacki Post that complies with its own plans, policies and procedures.

Sincerely,

Matthew J. Austin, MUP