



**City of Saratoga Springs  
Unified Development Ordinance (UDO)  
Technical Review Advisory Committee (TRAC)**

**Meeting Minutes  
Tuesday March 7, 2017  
4:00 p.m.  
Saratoga Springs Music Hall**

**PRESENT:**

Susan Barden, Senior Planner; Brad Birge, Admin of Planning & Economic Development; Tina Carton, Parks, Open Space, Historic Preservation /Sustainability; Vince DeLeonardis, City Attorney; Amy Durland, Planning Board; Tamie Ehinger, Design Review Commission; Meg Kelly, Deputy Mayor; Kate Maynard, Principal Planner; and Susan Steer, Zoning Board of Appeals.

**CONSULTANTS:** None

**ABSENT:** None

**CITY OFFICIALS:** None

**PUBLIC COMMENT:** Maureen Curtin, Geoff Bornemann, Samantha Bosshart, and Matt Jones

**RECORDING OF PROCEEDING**

The proceedings of this meeting were taped for the benefit of the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript.

**PUBLIC COMMENT:**

Brad Birge opened the public comment period at 4:09 p.m.

Samantha Bosshart, Executive Director of Saratoga Springs Preservation Foundation began public comment with comments regarding Section 5.5.9.A – Design Considerations. The Preservation Foundation is concerned with project review within the Historic Review Districts focusing on how the buildings conform to Facade Types and Building Types permitted for that district instead of the original building and its architecture style. The Foundation is also concerned that there is no reference to the current adopted historic design standards and guidelines and would like language referencing these materials included in the UDO. The Foundation was pleased that the UDO included language for onsite demolition signage, but would also like onsite notice for historic and architectural review as well.

Other concerns included a question on whether the City would be retaining detailed information for City landmarks rather than simply denoting them on the historic district map. Brad Birge stated that the City did intend to retain this information and not simply include a map. The Foundation then requested clarification if the City would be subject to DRC review for municipal construction projects in either architectural or historic districts or both. They were pleased that tree and landscaping standards were added as review criteria, but currently DRC only has jurisdiction over front yard setbacks. Is this a conflict? It was also unclear if demolition by delay would be included in other areas of the City, such as for buildings listed on the National Register of Historic Places, but not within the local historic district. There was also concern about the demolition section being deleted and referred to the demolition section of Architectural Review. It also was not clear in Section 5.4.7 how it would be determined whether the proposed structure has architectural or historical significance.

Geoff Bornemann from Sustainable Saratoga read from submitted comments to the TRAC committee. Sustainable Saratoga is pleased with the progress to date, and pleased that the UDO has included improved public notification requirements for many applications including on-premise signage. They would also like the City to consider this requirement for all architectural and historic review applications. Brad Birge requested from the public clarification what the threshold and magnitude should be to require on-premise signage. Samantha Bosshart responded that building colors and signs are not an issue. Instead, signage should be required when exterior changes to the building are proposed that are not reversible. The second item Geoff raised were concerns regarding the proposed section 5.2.3B “administrative review” for small site plan review applications. Sustainable Saratoga felt it was unclear who undertakes this review and what impact lack of planning board review would have. The last concern was who was accountable for the TAC review and the determination that the TAC decisions would be binding.

Maureen Curtin of Grand Ave. read from written comments concerns that she brought forth on behalf of residential homeowners. Her main concern was that the five day timeline of the posting of UDO materials did not allow the public to become aware and respond prior to the meetings. She also reminded the committee that the 2015 Comprehensive Plan committee and in particular Charles Wait included language for the protection of residential neighborhoods such as the keeping the current density, lot size, and setbacks with residential neighborhoods in the City and the mapping of the future land uses. Maureen would like to ensure that the committee keeps lot sizes in the UR3 and UR4 neighborhoods the same as they are now. Brad Birge responded to Maureen’s comment about the timing of materials for review and stated that the process to finalize a UDO will take months and the public will have ample time to comment. There will be many opportunities to review the material as well as public hearings before the UDO is voted on. Maureen then stated that the meetings were taking place during people’s work hours which is making it difficult for the public to attend.

(Maureen Curtin and Sustainable Saratoga’s comments are available on the Saratoga Springs UDO website for reference: <https://saratogaspringsudo.files.wordpress.com/2015/10/public-comments-on-draft-code-20171.pdf>).

Taime Ehinger requested to comment on the public comment regarding on-premise signage. She brought to the committee’s attention Savannah, Georgia as an example of best practices for on-premise signage that was easily recognizable from vehicular travel as well as pedestrian traffic and would like the consultant to consider using their guidelines. Amy Durland agreed with this example.

Tina Carton brought to the committee and public’s attention the process which was used to create the UDO TRAC meeting agenda on the City website. She stated that when transferring the agenda information to the website calendar, the automated process was not sending emails to those

signed up to the website calendar and was only sending it to those signed up for automated messages. She will be changing the process so updates are automatically sent to both listservs.

### Discussion on UDO Draft Schematic Materials

Prior to the discussion on the schematic materials, Amy Durland asked a question regarding the third draft of the outline. She no longer sees the energy and water efficiency category within the architectural design section. Brad stated that it will be incorporated into the building design and site design and not called out as a specific category. Amy was comfortable with this approach as long as these are incorporated into the document since these were principles of the Comprehensive Plan.

Brad Birge is pleased with the inclusion of the UDO Legend since it serves as a clear visual guide to track changes in the zoning ordinance.

The committee then began discussing Article I. Vince DeLeonardis discussed descriptive narrative and vision provided by section 1.1 and 1.2. While he thought that these were interesting background to the UDO, these sections should not be within the enumerated sections of the UDO as they become the actual law of the City. These sections could be a preface or preamble, but the UDO should start with section 1.3. The committee agreed that the context was helpful to include as a preface/preamble. Vince did raise the concern that changes to future comprehensive plans would require the City Council to update the UDO as well. The committee agreed that the consultant should include 1.1 as a preamble but the comprehensive plan language should be verbatim and not reinterpreted – the mission statement of the Comprehensive Plan as well as its goals and objectives.

The committee then discussed Section 1.2 and did like the inclusion of the graphics. Vince saw this being a very useful companion document which would be more appropriately placed on the city website but not codified. The committee agreed that 1.2 through the 1.2.6 should be a companion document and not codified.

Amy Durland raised the concern that the entire document, once in the committee's final draft form, needs to be thoroughly edited for typos, formatting, and consistent style. Brad stated that if members notice typos and minor edits that these should be made and sent to Tina Carton who will then send to the consultant. Amy requested that the documents be sent into a format that could be edited. Tina Carton will convert the PDFs into Word documents but warned that some of the formatting or graphics may be affected.

Kate Maynard discussed 1.3 General Provisions. She noted that when she was trying to track the transferring of language from the subdivision regulations to this document the language was not taken verbatim. Susan Steer also noticed new text in the document (example: 1.3.4 D-F) that was not marked in green (indicating new text). The committee agreed that the consultant needs to always mark new text in green when the text is not taken verbatim from the existing documents.

Amy Durland noted that 1.3.3.A3 was existing language in the ordinance but she would like the committee to consider replacing the word "families". The language should not be limited to families and should be inclusive of single households as well – possibly "residents"?

Section 1.3.1 Title and Authority describes the authority of the planning board but not the other land use boards. Vince commented that Title and Authority should describe the authority of all three land use boards and not only the planning board or remove references to any of the three boards. Brad thinks that the title and authority should concentrate on the title and authority of the entire UDO and land use board title and authority should be contained in their sections. For 1.3.4, Susan

Steer noted that this may be the most appropriate place for the comprehensive plan language. Vince agreed. The committee would like the consultant to experiment with where the comprehensive plan language works best.

The committee then discussed 1.3.7C within Interpretation of Boundaries. This language has caused issue in the past. Amy stated that the current language is confusing and the consultant should improve it. The consultant removed 1.3.7D and Brad Birge stated that this should be a larger discussion with the community. He then provided the historical context for this section. Susan Steer asked how other municipalities dealt with the issue of split zone parcels. The committee would like the consultant to provide context and research on alternate approaches to this issue before removing this from the ordinance.

Going back to 1.3.5D, E and F, the committee wondered if these were new to the ordinance and if the consultant found a deficiency that they were trying to overcome. The committee would like the consultant to provide background and information on these items as well – where they are in the existing code since they are not marked as such, clarify what the processes in these sections are, and background to their inclusion.

Moving on, the committee then discussed 1.3.9: Planning Board Powers and Duties. The land use board sections are currently in the City Code. The committee questioned whether or not all of the planning board duties should be included – such as duties related to the comprehensive plan which are outside of the realm of the authority of the Zoning Ordinance. They also discussed how the City Code and UDO can duplicate information. The committee decided to keep the paragraph under 1.3.9A but would like all subsections removed (1-5). 1.3.9B should also be removed since this is outside of the authority of the ordinance. For 1.3.9C, the existing language should be clearer and include reference to open space.

Brad requested that 1.3.10 Zoning Board of Appeals be moved after 1.3.11 DRC. The committee agreed. The committee would like 1.3.10D to be edited to reflect the current public hearing process – shall be advertised once – and not three times as written. Susan Steer asked if within the ZBA section language for on-premise signage should also be included. The committee would like consistency between requirements for notification. Susan Barden would like 1.3.10J removed in its entirety as well as remove E from both 1.3.10 and 1.3.11.

The committee discussed the historic naming of the Design Review Commission and if it could be changed to Design Review Board to be consistent with the other land use boards. The committee agreed to change the name of the DRC to DRB.

Within 1.3.11, the committee agreed to request that the consultant review and improve the language for 1.3.11G in order to provide clarification and to make it less broad. It should also detail the responsibilities of grant oversight. Within 1.3.11H, the word “Article” should be corrected to “Section” since the duties do not pertain to the other land use boards and only to the DRC. Amy Durland stated that uses such as Article and Section should be reviewed and corrected throughout the document.

The committee then moved to discuss Article 5. They would like a few of the current articles moved to the following order: Subdivision, Special Use, and then Site Plan Review. For 5.2.3 Application Procedures, Amy discussed the different levels of review required by the UDO draft and its inconsistency on what will trigger administrative review. She agreed with Sustainable Saratoga’s concerns with the proposed section 5.2.3.E “TAC review” where City staff members are pre-reviewing project applications and their decisions appear to be binding on the Planning Board. Brad Birge agreed with the lack of clarity and distinction between requirements for what triggers administrative action and administrative review as well questioned that TAC decisions should be binding. He stated that this is a significant shift from the current process.

The committee then questioned the section: Early determination of compliance (5.2.3.D). Brad described the current process and questioned if there is a need to formalize the process for site plan review for all applications. The consultant should establish if this is an initial step for all projects and if not should remove this review process. Committee members thought that this section could be improved with a flow chart to describe project review paths. In addition, the section currently identifies the building department for review. This is not correct. The planning department performs this step.

Vince then discussed 5.2.3.2. While the diagnostic report did identify the need for early site plan review, Vince is not convinced that this should be codified into law. The UDO could include language that all applications should be in conformance prior to submittal but making this a requirement for all projects is burdensome. It would make sense to continue to offer applicants detailed application procedures - the rules and regulations – as a separate document. This would allow the document to be nimble and more flexible than if it were codified. It would still need City Council approval to update, but not additional public hearings.

The committee then discussed 5.2.3.B.: Administrative Review. The committee did not think that the language was clear in this section on whose responsibility it was to do administrative review – staff or the Planning Board – and if this review would be required for all new projects. The committee also questioned the 1000 square foot specification and where this number originated. Kate Maynard then gave a historical background to 1000 square feet referenced in 5.2.3.B1 and her interpretation on the types of applications could be considered or eligible for administrative review. Taimie Ehinger provided the committee with an alternative method for approving smaller projects. She recommended that the Planning Board Chair utilize a consent agenda for smaller projects. This would minimize the timeline for project approval but still allow the project to be reviewed by the chair and board as well as require approval of the entire board. The committee would like this approach explored by the consultant with the consultant providing more detail and specifications.

Amy was confused by what sketch plan review means in this draft. Brad was also unclear with the language provided. He does not think that sketch plan review should be required for all projects. The committee questioned whether sketch plan should be optional and/or at the chair's discretion and/or in consultation with staff. The goal would be to bring this up earlier in the process.

Amy Durland then discussed 5.2.3.D - the requirement for a Technical Advisory Committee (TAC) review for projects. Who would be identified as the position with this discretion? While well intended, it seems impractical to get all of these individuals together (for all applications). The committee discussed the history of past efforts to have planning staff and department staff review applications. Amy Durland thought that these cross-department meetings were extremely useful in the past for the Planning Board and applicants. Kate Maynard provided the committee information on Colonie's requirements for this type of review. Brad stated that the land use attorney has provided legal opinion in the past that this type of review should follow the open meetings law and not be held behind closed doors. Brad would like the committee to consider this section, the language provided, and if this should be codified.

Susan Steer then brought to the committee's attention that changes to the City Charter may impact the decisions being made at the table and the final language of the UDO. This is a large conversation and at this time it is unclear what potential impacts it may have on the committee's work.

For 5.2.4.A4, Amy noticed that the consultant has struck the current language and she is not sure that the proposed language sufficiently covers the intended evaluation criteria. Brad is not sure that the proposed language is better than the existing language. Kate stated that adding to the existing language the last section of the proposed language - “and are compatible with the neighborhood” – would be an improvement.

The committee was pleased with the inclusion of 5.2.4.A6 but suggested that the consultant look at LEED Minimize Site Disturbance SS4 for more guidance on this topic. LEED provides additional details relating to tree types, size and invasive species. Based on guidance from the Comprehensive Plan, Tina Carton would like the consideration of other criteria in site plan review such as the consideration of open space, public realm, heat island reduction, and innovative stormwater management techniques. Amy Durland also suggested green infrastructure be added to 5.2.4.A10. Tina Carton mentioned that she will send to the committee information from LEED SS4.

Brad Birge would like to flag articles 5.2.4A 2 and 3 until the relevant sections on street types and frontages is complete. Susan Steer questioned the rewording of 5.2.3.A7. Tina Carton asked if the consultant was planning on making landscape requirements per district and this was the distinction that they were trying to make with the change of language. The committee also discussed the lack of language guiding applicants to the City’s Complete Streets Plan in 5.2.4.A9. The current language is pedestrian focused and not inclusive of other modes.

The committee did not understand the rewording of 5.2.5 and the inclusion of “concurrent” to the title. Kate Maynard stated the current process to pursue special use permits could be sequential or concurrent. The committee recommended striking “concurrent” and retaining the original language.

The consultant also added a new requirement - 5.2.6.A3 –requiring by law notification of public hearings five days prior to the event on the city website and that the city notify all public residents who have signed up for voluntary email notifications of public hearing announcements, directing them to the website announcement. The committee agrees with the intent of this requirement but discussed how the website and notifications were a process outside of the control of the Planning Department. Vince was unsure if the City should codify sending out email notifications because if there was a technical issue or lack of staff the City would be held legally accountable for failure to complete this action. The City is also unable to track if the notifications were sent and opened by the recipient. Kate Maynard updated the committee to the current process of posting materials and is concerned that the language will lock the city into one method and the technology may change. The committee would like the city to continue to endeavor with methods to improve the notification process but would like the second sentence of the draft removed.

The committee then discussed requirements of on-premise signage. Brad Birge mentioned that the City has explored on-premise signage in the past and never implemented the practice due to questions about who would be responsible when signs blow away, etc. To guide in the planning effort, Brad Birge would like the consultant to provide best practices from other municipalities. Tamie Ehinger again mentioned that the City and the consultant should look at Savannah since it is often cited as one of the best examples of historical notification.

Due to the time, Brad Birge ended the review of the schematic material.

#### Approval of 2/7/17 TRAC Meeting Minutes

Brad Birge moved to approve the 2/7/2017 TRAC meeting minutes.

Ayes - All

PUBLIC COMMENT:

Brad Birge opened the second public comment period at 6:00 p.m.

Maureen Curtin addressed the committee and would like the committee to refer to 1.3.3.A3 which is currently in our zoning ordinance as 1.3.B3. Residential homeowners believe that these provisions are important vision for residential neighborhoods and ask that the UDO retain this language. In the past, 1.3.B3 has been referenced by the Planning Board chair when the board was considering proposed changes to a zoning district from a residential neighborhood to a commercial district. Amy Durland then clarified that she agreed that it should be retained and was not suggesting that it be removed. Amy would like the language broadened from the term "family" since this could be limiting to single resident households.

FUTURE MEETING

Committee meetings will be at 4 p.m. in the Music Hall on the first and third Tuesday of each month.

ADJOURNMENT:

The next TRAC meeting will be held on March 21<sup>st</sup> at 4 PM in the Music Hall.