



SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

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DIRECTOR

June 25, 2021

John P. Franck, Commissioner of Accounts
City of Saratoga Springs
Saratoga Springs City Hall
474 Broadway
Saratoga Springs, NY 12866

RE: SCPB Referral Review #21-80-Unified Development Ordinance (w/text and map changes to zoning)-a proposed unified document that compiles city code, land use code, zoning and subdivision regulations together to provide a more efficient and user-friendly tool

Location: citywide

Received from the City of Saratoga Springs City Council on May 24, 2021

Reviewed by the Saratoga County Planning Board on June 17, 2021

Decision: Approve

Comment:

Following upon the City Council's adoption of the 2015 Comprehensive Plan, Behan Planning was contracted to undertake a Unified Development Ordinance. Begun in 2016, one of the initial directions in developing the UDO was for the City Council and Behan Planning to streamline the current zoning ordinance and make it more user-friendly. Through the efforts of city staff and a Technical Review Advisory Committee (TRAC) the intent was to create one unified planning/zoning/code/policy document (the UDO) and move it toward public presentation, participation and adoption. The process moved slowly, with Mayor Meg Kelly restarting the various processes in 2018, particularly with the City Council beginning in August 2018 its contractual agreement with Camiros, Ltd., a firm headquartered in Chicago that specializes in master planning, zoning and urban design.

Much of the initial work by the new Consultant and City staff involved drafting a zoning map that will be in alignment with the 2015 Comprehensive Plan. Recent land use applications to the Council and the Planning Board had resulted in scrutiny by residents of the City's zoning and various applications as they related to conformity with the Comprehensive Plan. In late 2019, such moves for alignment between zoning and the Comp Plan were evidenced by the Council's adoption of 18 zoning map changes. One of the 18 district changes affected an existing residential neighborhood in that the change eventually permitted a zoning district for medical office uses (Comp Plan designated as Institutional, changed to Office/Medical Business). Additionally, the proposed zoning change for Railroad Run behind the Rt. 50 Market 32 from West Circular Street to New Street resulted in a zoning change from Warehouse District (WD) to Urban Residential-3 (UR-3). Some other zoning issues that were to be tackled in the beginning of the UDO's process were height bonuses afforded for new building construction downtown (increasing height from 70' to 96') and possible increased density (decreasing lot

size) for a SF dwelling from 6,600 to 5,000 in the UR-3 District (particularly in the established and historic neighborhoods of the city's west side). These early draft revisions were modified as the UDO draft process continued.

Most recently, on April 20, 2021, a presentation of the updated Draft 3.0 was made to the City Council. All along in the process of creating a Unified Development Ordinance the highlighted goals or purposes of the UDO have been to:

- Incorporate the objectives of the 2015 Comprehensive Plan (but not the document itself) into the UDO,
- Implement the City's Complete Streets Plan (policy and plan), and its
- Urban Forest and Community Master Plan,
- The Open Space Master Plan,
- The Saratoga Greenbelt Trail Plan, and
- City Code,
 - *subdivision regulations
 - *stormwater management regulations

while developing a user-friendly document with graphics, matrices, and fully defined terms and updated standards. It was recognized that zoning districts may need to be evaluated in order to determine whether there should be consolidation of districts and/or their reorganization or restructuring (as there are currently 31 different zoning districts).

Some aspects of new proposals in the UDO related to zoning have become an exercise of in-depth review of what uses to permit (both new and existing) with some recommendations being made to both eliminate and consolidate some Districts (OMB-1 and OMB-2 to be combined; UR-5 and 7 to be eliminated, UR-6 to become Residential Mobile Home Park (RMHP)). The transect districts T-4 and T-5 will permit uses as of right without each having to go before the planning board for separate review for issuance of a Special Use Permit. Some changes involve name changes, such as the Tourist Related Business District being changed to Gateway Commercial-Rural (South Broadway, for example, where some permitted uses of the District are being eliminated and some are being added).

Some comments have been made by advocacy and civic groups that proposed changes are not desired, such as Sustainable Saratoga's belief that in the Rural Residential District (in the South Broadway Gateway and the Greenbelt) the UDO is allowing for too many (undesired/too intense) uses. Also, the Saratoga Springs Chamber of Commerce has expressed concern over the proposal to run a linear 250-ft. depth of the zoning district line for demarcation between GC-R (Gateway Commercial-Rural) and Rural Residential (RR) lands to the rear along South Broadway. We understand that to the Chamber this line is being created indiscriminately, while to the City it emphasizes its desire for commercial development to be located to the front of South Broadway lands. We don't know that there is a concern on the Chamber's part as to the uses proposed in the GC-R District, but the issue is with the depth of the District line and the members of the Saratoga County Planning Board concurred. For zoning district lines in other areas throughout the city to follow parcel boundaries, and for such a method to be common-practice among county municipalities, it appears that the need(s) for implementing a 250-ft. zoning district demarcation has not been substantiated in a manner defining its reason or rationale.

If the City desires using a line of demarcation rather than following the rear bounds of subject parcels, there appears to be the need for and an opportunity for discussion between business interests, the interests of landowners and City officials/staff. In discussion among members, our Board recognized concerns over the relatively shallow (and unnecessary) depth proposed. In that discussion it was noted that such shallow district depth doesn't appear to take into consideration design and development features required for commercial uses along a state corridor, such as:

- Providing sufficient area beyond building and parking for the construction of private sanitary systems with the proper separation distance between wells and septic where necessary,

- The need to provide depth for off-street commercial parking on the side and rear yards that sufficiently meets city standards for stalls and aisles while meeting yard and pavement setbacks,
- Designing these sites to allow sufficient area for snow storage beyond the pavement necessary for parking and vehicular circulation,
- The shallow lot depth may create an inability to make full use of available land to design around existing and recognized development constraints, particularly the recognizable wetlands and heavy soils,
- For example, the attractive development of a hotel site to the north of the subject area along South Broadway would not have been possible if constrained by the 250-ft. district depth,
- With property owners facing the obstacle of split-zoning in the development of their individual parcels the city may experience the preponderance of area and use variances that would otherwise be unnecessary,
- Shallow depth and smaller lot areas may result in undesirable commercial sprawl development that does not present a cohesive plan of development in a principal gateway into Saratoga Springs, and
- The desire of the City to attract gateway projects to a long-neglected corridor may be thwarted because the design features afforded (and not necessarily only monetarily) with larger and more interesting projects will never be attracted to land constrained by shallow depths that do not allow full utilization.

Overall, we note that the zoning map proposes minor modifications, with the majority of Districts and parcels being unchanged, some in name only.

Adoption of the UDO may result in proposed changes regarding subdivision review and our interaction with the city staff under our GML 239 review process. For example, as lot line adjustments are now reviewed and stamped administratively by the City Planning Board Chairman, it is also proposed that the consolidation of two lots will be done administratively, with no SEQR process. Over time of implementing this process, we will have to review in what way it affects the referral process between City and County planning/zoning staffs.

From the perspective of the county planning board review of a municipality's legislative action, it is the Board's recommendation for approval of the Unified Development Ordinance primarily for three reasons:

1. because the document does not in itself result in any significant adverse or negative impacts that are of a countywide or intermunicipal nature,
2. during the entirety of the process creating the UDO it has been undertaken by professional city planning staff and a contracted professional land use and design firm, and
3. for over 5 years there has been active public participation, input and interaction as well as document review and discussion with City elected officials and staff.

Overall, from the vantage of the Saratoga County Planning Board and its purposes/practices as defined by General Municipal Law section 239-1, m and n, the creation of this Unified Development Ordinance has served the purposes of the City of Saratoga Springs and resulted in completion of the community's intent for a review and re-organization of existing local policy and land use practices. Additionally, we note that the amalgamation of the proposed policies and amendments (as applicable to the zoning map and text and with which the SCPB and city boards & staff relate) in and of themselves, present no new impacts relative to land uses, to the state and county road systems, nor of intermunicipal impacts with adjoining communities of Malta, Wilton, Greenfield and Milton.

In conclusion, I note and concur with the general reflection offered by a city resident of consistent and vocal involvement who noted in a post to *saratogaspringspolitics.com* on February 13, 2020. Observations regarding the document, resident participation and an open, even-handed review process were made by John Kaufmann in which he ended by stating that "While I have been frustrated by the failure to date to provide an annotated document that compares the current standards to the proposed standards in the many areas the UDO addresses, I know that the Council listens as does Vince [City Attorney]. If our arguments are sound and they will make the UDO better I continue to believe that the UDO will be amended to address public concerns." The Saratoga

County Planning Board came away with the same emphasis for the process and exercise to continue with input reflective of public concerns.



Michael Valentine, Senior Planner
Authorized Agent for Saratoga County

DISCLAIMER: Recommendations made by the Saratoga County Planning Board on referrals and subdivisions are based upon the receipt and review of a “full statement of such proposed action” provided directly to SCPB by the municipal referring agency as stated under General Municipal Law section 239. A determination of action is rendered by the SCPB based upon the completeness and accuracy of information presented by its staff. The SCPB cannot be accountable for a decision rendered through incomplete or inaccurate information received as part of the complete statement.