



September 27, 2022

CITY OF SARATOGA SPRINGS
UDO Workshop
City Hall
474 Broadway
5:30 PM

5:30 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

PRESENTATIONS

CONSENT AGENDA

MAYOR'S DEPARTMENT

1. Announcement: Background on Proposed UDO Amendments
2. Discussion: Proposed Amendment 1 to UDO – Remove Uses from Greenbelt
3. Discussion: Proposed Amendment 2 to UDO – Land Use Board Criteria for Greenbelt
4. Discussion: Proposed Amendment 3 to UDO – Enhance Stream and Wetland Protections
5. Discussion: Proposed Amendment 4 to UDO – Amend Land Disturbance Activity Permit
6. Discussion: Proposed Amendment 5 to UDO – Required Notice
7. Discussion: Proposed Amendment 6 to UDO – Architectural Review in Inner District
8. Discussion: Proposed Amendment 7 to UDO – Demolition in the Inner District
9. Discussion: Proposed Amendment 8 to UDO – Review of City Projects

ACCOUNTS DEPARTMENT

1. Nothing at this time.

FINANCE DEPARTMENT

1. Nothing at this time.

PUBLIC WORKS DEPARTMENT

1. Nothing at this time.

PUBLIC SAFETY DEPARTMENT

1. Nothing at this time.

SUPERVISORS

ADJOURN



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PRESENT: Ron Kim, Mayor
Dillon Moran, Commissioner of Accounts
Jason Golub, Commissioner of the Department of Public Works (left meeting at 6:43 p.m.)
James Montagnino, Commissioner of the Department of Public Safety (arrived at 6:59 p.m.)

STAFF PRESENT: Angela Rella, Deputy Mayor
Heather Crocker, Deputy Commissioner, Finance
Stacy Connors, Deputy Commissioner, Accounts
Jason Tetu, Deputy Commissioner of the Department of Public Safety

EXCUSED: Minita Sanghvi, Commissioner of Finance
Joe O'Neill, Deputy Commissioner, DPW

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.

CALL TO ORDER

Mayor Kim called the meeting to order at 5:29 p.m.

PUBLIC COMMENT

Mayor Kim advised of the approach that will be taken to review each of the proposed amendments. Sustainable Saratoga or City Staff will explain the amendment, followed by staff comments and then City Council comments before having the public comment. Mayor Kim asked if a point about the amendment has already been made that that point not be repeated.

Announcement: Background on Proposed UDO Amendments

Mayor Kim announced the first item on the agenda is the background on the proposed UDO amendments. There will not be a vote on any of the amendments tonight. If the City Council appears to be ready to vote on an amendment, he will have the City staff prepare the amendment for the next City Council meeting.

There were no questions/concerns on the background of the proposed UDO amendments.

Discussion: Proposed Amendment 1 to UDO – Remove Uses from Greenbelt (presentation from Sustainable Saratoga attached)

Diana Goodwin of Sustainable Saratoga presented their proposal for the removal of uses from the greenbelt. She advised Sustainable Saratoga would like to see the inappropriate uses in the greenbelt removed. Those inappropriate uses include country club, private schools, community center, medical/dental facilities, multifamily dwellings, townhomes, eating and drinking establishments with more than 40 seats, vocational educational facilities, and hotels with more than 20 guest rooms. The Comprehensive Plan was created to protect resources and limit density but the new uses weaken that goal. A country club is not just a golf course.

Geoff Bornemann of Sustainable Saratoga stated the greenbelt was defined in the 1999 Comprehensive Plan and further strengthened by the 2003 Zoning Ordinance update. The revision of the Comprehensive Plan in 2015 created new gateway areas. Mr. Bornemann advised there are 11 uses Sustainable Saratoga would like to see removed of which two in the rural residential go in the wrong direction from where all of this has been heading. The greenbelt should be of rural character. The Route 50 and South Broadway gateways are of the most concern. Country clubs should be removed from the definition, as they are not allowed per the last Zoning Ordinance. This new use is going in the wrong direction opening up commercial use in the greenbelt. Mr. Bornemann stated if two uses of country club were removed from its definition, Sustainable Saratoga would support it.

Geoff Bornemann also advised 'educational facility' should be removed from the use list. Public schools are exempt from the zoning. This proposed institutional use is not compatible with the Comprehensive Plan.

Geoff Bornemann advised 'specialty mixed use' in the gateway is not to foster more intense or dense land use development but improve the physical appearance and attractiveness of the commercial uses.

Geoff Bornemann advised the following uses should be removed as approved uses in the greenbelt: community center, medical/dental office, office, multi-family above ground floor, multi-family residential only structure, townhomes, eating and drinking establishments with more than 40 seats, educational facility, and hotels with more than 20 guest rooms.

Commissioner Moran confirmed the definition of country club includes Saratoga National.

Geoff Bornemann advised Saratoga National is a golf course. He is not opposed the term country club if a couple uses are removed from its definition.

Commissioner Moran asked why the City would want to force people to the urban core for a service.

Geoff Bornemann advised the original intent was that it be tourist related business.

Deputy Tetu asked what effect does removing this have on the Waldorf School (for example) if the school wants to expand.

Geoff Bornemann advised it would not be affected as a use variance is in place.

Patrick Cogan of the Building Department stated it is not true that these are new uses. The materials presented are a little one-sided. The gateways are what is in the Comprehensive Plan and improve the look coming into the City. The way to improve is to focus on the design criteria. Viable projects have been turned down because they don't fit into the plan. The proposed amendments have been sent to the County and City Planning Boards, and the Design Review Board for advisory opinion. The City's Planning Board is satisfied with the changes made to the country club definition. The City's Design Review Board would not comment on the uses, as they were more concerned with height, mass, and scale. There are severe natural resources, which places constraints on projects and limits development. Mr. Cogan advised limitations were put on ground floor residential in the gateway. Those residents need to be set back.

Mayor Kim stated the special use permit direction may be a more appropriate direction. He doesn't agree with Patrick as these uses are going to create more intense use on the lands.

Commissioner Moran stated the area is right for redevelopment and proper guidelines need to be provided. He hates to put a limitation on growth that could come forward in the new economy.

Patrick Cogan advised the use definitions have been modernized.

Mayor Kim stated he is trying to determine how the Planning Board would look at this.

Public Comments

Matt Jones of the Jones Steve Law Firm stated he is here representing the Saratoga Chamber of Commerce. The absence of sanitary sewer on South Broadway is an obstacle. The same avenues are available to amend in the UDO as in the original Zoning Ordinance. Mr. Jones advised no fee has been paid by Sustainable Saratoga to hear their proposed amendments. Everyone else pays a fee to be heard; fee is paid for zoning amendments. The Comprehensive Plan contains references to the greenbelt/country overlay; it regulates nothing. Northern South Broadway and southern South Broadway have been treated differently for years. Lower South Broadway does not have sanitary sewers. The City Council could choose to adopt the amendments of Sustainable Saratoga but he doesn't want to see not-for-profits be treated differently.

Bernice stated she has a plan to create workforce-housing duplexes with her partner at the gateway of Route 50. Removal of residential from the uses will eliminate her plan. She is hoping the idea of country in the city can be expanded for small workforce housing projects.

Chris Mathiesen of Saratoga Springs stated he is on the fence regarding country clubs. He doesn't understand why education facilities should not be included. It is important to be consistent. Saratoga National is an example of a slippery slope of things that were thought to be small but turned into a large banquet facility.

Suzanne Kwazniewski of Saratoga Springs stated the Thirsty Owl wanted to build in the greenbelt with a vineyard and a large tasting room but it did not meet the requirements of the greenbelt. As a result, the Thirsty Owl renovated a building on South Broadway and added some vitality. If the City is concerned about economics, it should think about opportunities that are created for some properties.

Montina Zubel of Saratoga Springs stated there is a need for workforce housing and none is available in the City for ownership. Think of the possibility of small-scale development.

Commissioner Moran asked if the proposed amendments can be reworded.

Mayor Kim stated he will check with the Council members and see what they want to do. He can asked the staff to draft something to move forward.

Discussion: Proposed Amendment 2 to UDO – Land Use Board Criteria for Greenbelt

Geoff Bornemann of Sustainable Saratoga stated the criteria is not stated. Waivers should be allowed.

Mayor Kim asked if the possibility of waivers increases the ability to sue the City/Planning Board.

Patrick Cogan advised it is the standard practice of any board when waiving a requirement to be part of the record of the proceedings. It only serves to introduce a point of appeal. Design standards are mandatory if nothing is in the record that it has been waived and why. If the waiver is not put in the decision in the right format and is not documented, then a challenge can be opened.

Deputy Jason Tetu asked if there is a definition of rural character anywhere.

Patrick Cogan stated the attempt has been made to have mandatory design standards. The design standards that are felt to be applicable have been kept. The Board will continue to request design changes until it is considered the design standards are met.

Mayor Kim confirmed it is like a SEQRA review where things that normally would not be looked at are now reviewed.

Patrick Cogan stated the ordinance is calling for the Boards to look at each design detail to determine if it has been met. He believes 'a' should be removed from proposed amendment 2.

Public Comments

Diana Goodwin of Sustainable Saratoga stated the creation of standards are there to protect the Boards/City. Written guidelines for developers and Boards makes it fair for everyone.

Patrick Cogan stated if the Boards need criteria to consider before they waive a mandatory design standard, many sections have design standards that would need to be addressed in the same way.

Discussion: Proposed Amendment 3 to UDO – Enhance Stream and Wetland Protections

Mayor Kim advised this amendment is to enhance the stream and wetlands protection.

Diana Goodwin of Sustainable Saratoga stated the UDO call for a 50-foot buffer and they are asking for it to be a 100-foot buffer from the high water mark of the stream. She stated it is important to have intact flood plains.

Commissioner Moran asked if microbursts are looked at for the last five years, do we know what intermittent streams are.

Diana Goodwin stated there are DEC regulations of what is considered an intermittent stream. This is more to protect standing streams.

Patrick Cogan stated everyone agrees with the principles. Increasing the buffer to 100 feet from the centerline of the stream in place since early 90's. The regulated areas are mapped along with buffers around those areas. Sustainable Saratoga is asking for a buffer on all streams, which is not enforceable. A study would be needed that maps all the streams in order for it to be regulated.

Mayor Kim confirmed the applicant would have the information on the stream.

Patrick Cogan stated they would but this regulation would place the requirement on the entire City. A study has not been done that says the buffer needs to be increased or why landowner rights are being taken away.

Commissioner Moran stated it does not make sense to enact a law that cannot be enforced.

Mayor Kim suggested giving the Planning Board the ability to increase the buffer to give it a flexible standard.

Patrick Cogan stated that would be a good addition to the ordinance.

Public Comments

Raina Caldwell of Saratoga Springs encouraged the City Council to consider when something is built near a wetland or stream it is there forever and cannot adapt to changing conditions. The more waterways are protected the better.

Martina Zobel stated things should be done to protect water sources. A buffer of 100 feet could eradicate areas that you can take care of and build on.

Patrick Cogan stated the City did increase protections around streams and wetlands. His suggested they determine if the changes had a negative or a positive effect before making more changes.

Discussion: Proposed Amendment 4 to UDO – Amend Land Disturbance Activity Permit

Diana Goodwin suggested this amendment to close a loophole in the UDO by stating if a land disturbance activity permit is obtained for purposes other than construction, any development application submitted for the same parcel within five years of tree cutting will have to have tree mitigation. As part of this process, a tree inventory of the parcel should be required before issuing the disturbance activity permit.

Mayor Kim confirmed a builder will need to provide a tree mitigation plan.

Patrick Cogan stated he doesn't believe the loophole exists that Sustainable Saratoga is concerned about. There is problematic potential even with the five-year rule. The impact of the removal should be mitigated regardless of proposed use of the property. Mr. Cogan proposed a survey of significant trees within any proposed disturbance area.

Commissioner Moran asked Patrick if he is suggesting an amendment.

Patrick Cogan stated he is suggesting addressing it up front with the permit for same outcome.

Diana Goodwin stated that would be fine with Sustainable Saratoga as long as there is some mitigation.

Mayor Kim asked if there any way to mitigate cutting of mature trees.

Patrick Cogan stated there is going to be an impact of losing trees.

Public Comments

Raina Caldwell of Saratoga Springs stated a well-known national urban planner stated cities across America underestimate trees. Larger trees have deeper roots so there is a great deal to preserving them. Sustainable Saratoga did a tree inventory for the City at no charge.

Discussion: Proposed Amendment 5A to UDO – Required Notice

Tamie Ehinger, chair of the Design Review Board stated their job is to help the applicant through the Design Review Board process. They recommend on-site property noticing in the historic and architectural review districts.

Robert DuBoff, vice-chair of the Design Review Board stated a lot of unauthorized work is being done and noticing will allow the neighbors to know the proper application was made.

Amanda Tucker stated the request is for the post approval posting and the second request is a review posting.

Patrick Cogan stated on site noticing is new. There is approval in the historic district that doesn't need a building permit and notice in the window would indicate the work has been approved. The Architectural District may not accomplish what they want and it may not be necessary to post.

Commissioner Moran stated there could provide education to the community.

Public Comments

Jeff Gritsavage of the Design Review Board stated the have heartbreak cases where people don't know they are in the district.

Samantha Bosshart, executive director of the Preservation Foundation stated similar recommendations were made before the UDO was approved. There is not the awareness of district boundaries and helps to be pro-active in a process.

Discussion: Proposed Amendment 5B to UDO – Required Notice

Tamie Ehinger stated on-site property noticing should happen while the application is going through the Design Review Board process and include the date of the hearing in the notice.

Patrick Cogan stated he is not opposed to this but they need to be careful when this is required and not clutter the streets.

Commissioner Moran asked how this could be segmented.

Patrick Cogan advised one of the reasons for noticing is to advise when a public hearing is happening.

Commissioner Moran asked for this to be defined.

Patrick Cogan stated it could be defined by type of application.

Deputy Jason Tetu stated he is concerned with this could invite trespassing when looking to see what the posting is.

Mayor Kim stated the point is well taken; however, the neighbors want to know and should know what is happening so they can attend.

Samantha Bosshart stated a lawn sign raises awareness and is being used across the country.

Mayor Kim asked what the percentage of Design Review Board agenda would be minor and would not require a sign.

Tamie Ehinger stated about 25%.

Amanda Tucker stated the UDO does not determine size or location to post the sign.

**Break at 8:15 p.m.

**Reconvened at 8:21 p.m.

Discussion: Proposed Amendment 6 to UDO – Architectural Review in Inner District

Rob DuBoff stated there are vacant parcels outside of the Architectural District that neighbors are not happy with, as the buildings are not compatible with the neighborhood. The thought is to have it come before the Design Review Board for a one-time review.

Mayor Kim stated acceptance of this would allow people to do what they want after the initial approval.

Rob DuBoff stated this would ensure the main structure is compatible with what is around it.

Tamie Ehinger stated vacant lots are outside of their Design Review Boards purview. The Design Review Board would like the opportunity to speak with the owner in an advisory capacity as to the mass and scale so that it is compatible to the surrounding properties.

Commissioner Moran confirmed this relates to new construction.

Aneisha Sanford stated the new zoning ordinance covers this. Tamie is asking to expand the review district.

Patrick Cogan advised this becomes an expansion of the Design Review Board oversight. It is difficult without expansion of the district. Nothing prevents the applicant from seeking a Design Review Board opinion. Mr. Cogan advised his opinion is this is a step too far.

Mayor Kim asked if this request has been made of the City Council in the past.

Patrick Cogan advised it had not.

Amanda Tucker advised the reference has been to expand our local Historic District to more closely resemble the National Historic District looks like. Our local historic properties overlap the National Historic District but there is a gap between where that starts and ends.

Mayor Kim asked for a sense of how often a vacant lot is developed that this would come into play.

Tamie Ehinger stated there have only been a handful during her time on the Board but the impact on a neighborhood is significant.

Commissioner Moran stated one version of the UDO talked about reducing the lot size. He asked if the number of buildable sites is known.

Patrick Cogan stated what Commissioner Moran is thinking about is the number of lots that would become available if the lot size was reduced.

Jeff Gritsavage stated they evaluate the architectural appropriateness. Some cookie cutter houses meet the specifications but it doesn't help the neighbors.

Samantha Bosshart stated the intent behind this is well intended. They have seen multiple teardowns on the west side with inappropriate rebuilds. Ms. Bosshart stated there are neighborhoods worth of preservation and this amendment is the first attempt for appropriate infill. There is a need to think bigger about our historic city.

Discussion: Proposed Amendment 7 to UDO – Demolition in the Inner District

Rob DuBoff read Amendment 7 – “Section 13.9.H. The removal of 25% or more of an existing principal or accessory structure either listed or eligible to be listed on the National Register of Historic Places located within the inner district of the City of Saratoga Springs will be subject to Design Review Board review.” He stated there are homes in town that are not protected.

Commissioner Moran asked if there is an intent to identify those structures and what is the implementation strategy for this?

Mr. DuBoff stated is would be up to the Building Department to evaluate the eligibility or whether it is already listed as part of a national register district.

Patrick Cogan advised he has no issue with the intent but has an issue with the vehicle. The City is not able to regulate locally based upon national register; the City can only regulate based upon its own established historic district and landmarks. One way to accomplish this is to expand the historic district to mirror the national district.

Mayor Kim stated this needs to be looked at comprehensively and do a study.

Patrick Cogan stated the contributing structures on the national registry should be protected locally. The City should give the residents the potential benefit and the choice.

Commissioner Moran asked if the proposal includes the expansion of the historic zone.

Patrick Cogan stated that would be the proper avenue.

Samantha Bosshart stated the National Registry of Historic Places is an honorary designation unless state or federal dollars are used for a project. There is no oversight of what a property owner can do to their property. The local district is where the protection lies. There are 1,250 parcels on the National Registry of Historic Places, 735 parcels in the Historic Review District, and 207 parcels in the Architectural Review District. There has been no identification 30 – 40 years. The perception is the Historic District prices people out. They look to protect the district with the intent to preserve the community.

Discussion: Proposed Amendment 8 to UDO – Review of City Projects

Tamie Ehinger stated this amendment would mandate an advisory opinion from the necessary land use boards for all City projects not just City landmarks. Commissioner Scirocco included the Design Review Board in the renovation of City Hall and the Design Review Board was included in the redesign of the parking garage.

Patrick Cogan stated this has been a contentious issue as it is tricky; the City Council will be eliminating its own authority.

Commissioner Moran confirmed this amendment would relate to the structures only.

Patrick Cogan stated some City projects must go in front of the Design Review Board.

Tami Ehinger stated it is an advisory opinion only from the Design Review Board and the City Council would continue to make their own decision.

Rob DuBoff stated this amendment is for buildings not parks.

Commissioner Moran asked for the language to be clarified.

Samantha Bosshart stated they asked the downtown business owners and 900+ residents to invest in their properties and go through the process. The City doesn't have to do this but requires others to do it. Ms. Bosshart stated she has never heard anyone say the process didn't provide a better product. A future City Council may not value the process and ignore it. This is a measure of assurance of an advisory opinion.

ADJOURNMENT

Commissioner Moran moved and Commissioner Montagnino seconded to adjourn the meeting at 9:16 p.m.

Respectfully submitted,

Lisa Ribis
Secretary to the City Council

Approved: 11/1/2022
Vote: 5 - 0