



## CITY OF SARATOGA SPRINGS PLANNING BOARD

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August 2, 2021

Meg Kelly, Mayor  
City Hall - 474 Broadway  
Saratoga Springs, NY 12866

### **RE: Advisory Opinion to the City Council – Final Draft Unified Development Ordinance (UDO)**

Dear Mayor Kelly:

Pursuant to City Council action on May 4th, 2021 requesting an advisory opinion from the Planning Board, this board reviewed “Public Draft 3.0 Unified Development Ordinance” (UDO) prepared by Camiros, dated April 2021, heard from the public, and deliberated at its May 2nd, May 16th, June 3rd (workshop), June 10th, July 12th (workshop), July 15<sup>th</sup> and July 29<sup>th</sup> meetings.

On June 24, the Planning Board requested a 14-day extension from the City Council to provide the advisory opinion. On July 6th, the City Council honored the Planning Board’s request, affording the Board additional time to provide their opinion.

Most recently, on July 15, the Planning Board requested an additional 14-days to provide the advisory opinion to the City Council.

On July 29, the Planning Board made a motion to pass the advisory opinion by unanimous vote.

The Planning Board, as required by the City’s Zoning Ordinance, reviewed whether the proposed document is (1) consistent with the Comprehensive Plan, and (2) not contrary to the general purposes and intent of the Zoning Ordinance.

The Advisory Opinion is structured in three sections as follows:

- 1) Identification of existing inconsistencies
- 2) Proposed recommendations to enhance the UDO
- 3) Response to Commissioner Madigan’s supplemental questions

The Board determined that the UDO is consistent with the Comprehensive Plan and not contrary to the general purposes and intent of the Zoning Ordinance with the exception of the following four specific inconsistencies.

### **Inconsistencies**

- 1) The Gateway Rural Commercial (GCR) district allows for residential development but does not establish a maximum residential density limit. All other residential zoning districts outside of the transect zones define a density limit. The GCR district abuts many areas defined as

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Rural Residential (RR) within the Comprehensive Plan's Conservation Development District (CDD) and an unlimited residential density limit is not appropriate.

Resolution:

- Maintain residential uses only on the second floor and above (as is currently in TRB).
- Establish a maximum residential density limit appropriate for a rural gateway.
- Remove residential uses as principal permitted uses.

- 2) The CDD defined in the Comprehensive Plan establishes a maximum residential density limit of 0.5 units/acre equating to a 2-acre minimum lot size. Two parcels (153.-2-3.1, 153.-2-4) located within the CDD on the eastside of Marion Avenue near Loughberry Lake are designated as Urban Residential 2 (UR-2).

Resolution:

- Both parcels should be changed from UR-2 (7 units/acre) to RR (0.5 units/acre).

- 3) The Comprehensive Plan designates the area on South Broadway directly across the street from the Saratoga Spa State Park as Specialty Mixed Use – Park (SP). This unique area was identified as a location suitable as a “campus-like setting” and “lending itself to support research and development, creative economy workplaces, green and clean technology businesses, and other low to moderate intensity uses”. Many of proposed uses allowed under the GCR zoning designation are inconsistent with the Comprehensive Plan SP designation. Potential uses that may comport (depending on appropriate definitions) with the Comprehensive Plan's SP designation are highlighted green in Appendix B.

Resolution:

- Limit the SP area to a subset of GCR uses as highlighted in green in Appendix B and provide more detailed design standards for this area of the gateway.

- 4) The Comprehensive Plan, in the description of the CDD on p. 58, states that “*Development in this area shall require a “conservation analysis” and utilize land conservation methods to protect environmentally sensitive areas and features, minimize the development’s edge effects and conserve significant open space.*” The UDO (section 16.2) requires that all projects in the SR and RR districts must complete a thorough conservation analysis and identify/protect key environmental attributes such as - but not limited to - steep slopes, wetlands and buffers, and flood plains. To conform to the Comp Plan, a conservation analysis should **not** be limited to subdivisions only and should be included in the review of both site plan and special use permit applications to provide for consistent development throughout the RR and SR zones.

Resolution:

- Require constrained land and conservation features analyses in Articles 16.5 and 16.6 for all proposed development projects that require site plan and special use permit review in the SR and RR districts.

**Recommendations**

***Rural Character***

The Planning Board recognizes the importance of continued/periodic review of both existing and newly proposed uses (and corresponding definitions) to ensure that all uses, as allowed in Article

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8, are consistent with the definition of the CDD in the Comprehensive Plan and the RR zone in the UDO and effectively protect/maintain “rural character”. The following RR zone and CDD area descriptions are provided as a reference for determining what uses are truly compatible.

***Rural Residential (UDO):*** *The Rural Residential District is intended to accommodate low density residential development and agricultural uses in a manner that helps to preserve open space and Saratoga Springs’ rural character areas. Low densities within the RR district are also designed to accommodate specific features of the rural community, such as prime soils, limiting topography/steep slopes, and a lack of public infrastructure.*

***Conservation Development District (Comprehensive Plan):*** *The Conservation Development District designation reflects the “Country” of the City in the Country. This designation allows for low density residential, outdoor recreation, agricultural, and other rural uses utilizing land conservation methods such as clustering. Areas typically include single-family lots and subdivisions, existing planned developments, farms, estates, and natural areas. Commercial activities should be limited to those that support rural and recreational uses and which protect valuable open space, protect natural resources and maintain natural systems. This designation reflects a rural or agrarian character that works to preserve contiguous open spaces, protect natural resources and restore and maintain natural systems, which will all become increasingly important and valuable community resources. Development in this area shall require a “conservation analysis” and utilize land conservation methods to protect environmentally sensitive areas and features, minimize the development’s edge effects and conserve significant open space.*

***CDD Note:*** *The maximum density in the CDD is an average of 0.5 Units/Acre of unconstrained land. Unconstrained lands are areas of the site that do not contain severe constraints to development, such as wetlands, very steep slopes, stream corridors, and floodplains, as well as lands with legal impediments to development. Following a “conservation analysis” by the City, constrained lands, along with at least 50 percent of the site’s developable open space, shall be set aside as permanent open space through a conservation easement.*

- The Planning Board finds that the following proposed new uses are too intense and recommends their removal from the RR zone: “campground” and “community center”.
- The Planning Board recommends revisions to the definitions and standards for “country club”, “greenhouse/nursery” and “marina” to ensure that these potentially intensive existing uses are consistent with the CDD designation going forward. The Planning Board is willing to coordinate with other stakeholders to develop appropriate definitions for these uses and offers the following high-level guidance:

Country Club: The proposed definition in the UDO is too broad and the last portion of the sentence – “and/or similar uses” – should be removed.

Greenhouse/Nursery: The proposed definition should reflect a design standard for a small-scale plant/flower propagation center similar in character to Balet Flowers and Design.

Marina: The standard design and layout of a typical marina may need to be modified within the RR zone (CDD area) in areas that abut public land and where nature trails and protected open space is envisioned.

- The city’s Sustainability Coordinator and the Open Space Advisory Committee

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(OSAC) should be consulted on all future projects within CDD designated areas that require Planning Board review.

- It is essential to establish an appropriate definition for “rural character” that supports future development in a manner consistent with the Comprehensive Plan.
- Increase the minimum required lot size in the RR zone to 5 acres. In addition, consider conducting a full build-out analysis for the remaining undeveloped lands throughout the city to inform future zoning decisions.

***Energy and Sustainability***

- Require new commercial and multi-family buildings to review opportunities for onsite solar, green roofs, geothermal, solar hot water, air source heat pumps, and system electrification and to bring the findings of such review to the Planning Board as part of Site Plan application.
- Modify the requirements for a Height Bonus to add a category through which points could be awarded for construction that reduces the emissions from the building by 40% as shown through energy modeling done by a 3<sup>rd</sup> party.
- Require new commercial and multi-family buildings to perform a water efficiency “audit” as part of Site Plan review.
- Increase the percentage of parking spots for parking facilities with 30 or more spots required to be EV-capable or EV-ready (currently 5%) or installed (currently 2%).

Additional detail is provided in Appendix C.

***Communication and Coordination***

Article 13, Section 13.4 C and/or 13.5 B:

- The Planning Board is encouraged to seek an advisory opinion from city sanctioned entities including, but not limited to, the Complete Streets Committee, Open Space Committee, City Arborist, Sustainability Coordinator and any other entity created by the elected officials and/or charter of the City of Saratoga Springs.

9.3 E:

- Plans for creation of civic space in the city's right of way should be reviewed and approved by the DPW and DPS. These departments should be involved in sketch plan review. DPW and the zoning officers should remain involved through the approval process and ensure the approved plan is constructed before COs are issued.

18:

- The DPW and DPS must be consulted during the subdivision approval process where curbing will be installed and intersections created or altered. The departments must provide written direction regarding the placement of curb cuts and whether curbing will affect street drainage. A fee will be assessed in lieu of curbing when it is determined by DPW that curbs should not be installed at a project.

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Article 1 or 13.15:

- The UDO should be considered a "live" document and the PB should proactively identify any inconsistencies as they arise throughout the year. The UDO should expressly state that the PB (and DRB) has an obligation to notify the City Council at a minimum of once per year of any issues.

***Planning Board Processes***

- The Planning Board has an opportunity to improve its ability to preserve open space. Both subdivision and site plan review include provisions to protect open space by requiring applicants to set aside space for passive and/or recreational use. To date, the Planning Board has typically focused on assessing recreational fees in lieu of requiring open space as a matter of standard practice. Going forward the default position should be focused on open space protection. The recommendations provided by Tom Denny (letter dated June 3<sup>rd</sup>, 2021) to the Planning Board regarding Section 15.8 (10% Open Space Preservation and Recreation Land Requirement) should be incorporated into the final version of the adopted UDO.
- Sketch Plan should be required before Site Plan review for all large mixed-use projects exceeding 50,000 sq. ft.

**Commissioner Madigan’s Questions**

The Planning Board received an undated letter from Commissioner Madigan seeking additional input regarding 1) the split zoned parcels (RR and GCR) on South Broadway near Kaydeross Avenue West and 2) the definition of “Clubhouse” w/r/t a potential Saratoga National Golf Course project.

**Question 1**

“Provide a recommendation on making these parcels whole in terms of their zoning and development use”.

Ans: The split zoned parcels are zoned GCR adjacent to South Broadway and RR to the “rear” towards Spa State Park. Making the parcels “whole” could mean one of two things, expansion of the GCR or expansion of the RR designation for the entirety of each parcel. It is assumed that the question is referring to potential expansion of the GCR.

Pros

- Provide more flexibility and encourage commercial development along the gateway.

Cons

- Reduction in open space and elimination of a conservation analysis for new development.
- Substantial increase in the number/types of uses allowed in what is now an RR zone.

The approval of the “Just Cats” project suggests this zoning change may be unnecessary to promote commercial activity along the gateway.

**Question 2**

“I would like to see a definition for a Clubhouse more clearly defined by the Planning Board and the City Council”.

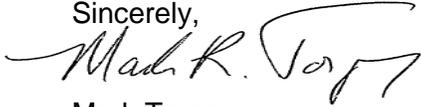
Ans: As previously stated, the Planning Board recognizes the need for continued/periodic review to improve the clarity of the definitions for many of the proposed uses in the RR district and is

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specifically concerned with the definition of the term “Clubhouse” as included in Commissioner Madigan’s letter. Introducing additional uses such as “banquet facilities, business center, lodging for up to 100 rooms and up to 6 free-standing golf lodges, containing up to 8 guest rooms with associated common space” presents a significant risk to preserving the rural character in the “country” part of the city. It should be noted that “Clubhouse” as a distinct use is not proposed for inclusion in the UDO and the Planning Board sees no compelling reason to establish a definition for such use.

If you have any questions regarding the above, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark R. Torpey". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Mark Torpey  
Chair

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**Appendix A**

**List of Comparative RR Uses**

<b>Rural Residential District: Zoning Ordinance and UDO Use Comparison Table</b>			
<b>Principal Use</b>	<b>ZO</b>	<b>Principal Use</b>	<b>UDO</b>
Agriculture	P	Agriculture	P
Single Family Home	P	Animal Care Facility - Large Animal	P
Animal Kennel	S	Animal Care Facility - Small Animal (No outdoor areas)	P
Farm	S	Community Garden	P
Riding Stable	S	Family Day Care Home	P
Nursery	S	Group Family Day Care Home	P
Golf Course & Clubhouse	S	Single Family Home	P
Private/Civic Clubs	S	Family-Type Home for Adults	P
Religious Institutions	S	Park/Playground	P
Cemeteries	S	Rooming House: Small Owner Occupied	P
Heliport	S	Rooming House: Small Non-Owner	P
Marinas & Docks	S	Shelter Domestic Violence	P
Neighborhood B&B	S	Animal Care Facility - Small Animal (with outdoor area)	S
Neighborhood Rooming House	S	Bed and Breakfast	S
		Campground	S
		Cemetery	S
<b><u>P: Principal Permitted Use</u></b>		Children's Home	S
<b><u>S: Special Use</u></b>		Community Center	S
<b>Yellow indicates a match between Existing and Proposed</b>		Country Club	S
		Social Adult Day Care Home	S
		Historic Carriage House/Barn	S
		Educational Facility	S
		Golf Course/Driving Range	S
		Greenhouse/Nursery	S
		Commercial Horse Stable	S
		Inn	S
		Lodging House	S
		Marina	S
		Micro-Production of Alcohol	S
		Place of Worship	S
		Private/Social Club	S
		Rooming House: Medium - Owner Occupied	S
		Rooming House: Medium - Non-Owner	S
		Solar Energy System - Tier 3	S
		Wind Energy System	S

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**Appendix B**

<b>Proposed GCR Uses</b>	
<b>Principal Use</b>	<b>UDO</b>
Adult Care Facility	S
Animal Care Facility - Small Animal with outdoor areas	S
Animal Care Facility - Small Animal (No outdoor areas)	P
Animal Grooming Establishment	P
Art Gallery	P
Arts and Fitness Studio	P
Broadcast Facility TV/Radio - No antenna	P
Campground	S
Car Wash	S
Commercial Kitchen	P
Community Center	P
Community Garden	P
Country Club	S
Day Care Center: Child Day Care Center	P
Day Care Center: Small Day Care Center	P
Drive-thru Facility	S
Dwelling - Multi-family: Above the ground floor	P
Dwelling - Multi-family: Residential only structure	S
Dwelling - Single Family	P
Dwelling - Single Family - Attached	P
Dwelling - Two Family	P
Eating and Drinking Establishment (> 40 seats)	P
Eating and Drinking Establishment (< = 40 seats)	P
Educational Facility - Vocational	P
Financial Institution	P
Food Pantry	P
Funeral Home	S
Greenhouse/Nursery	S
Health Spa	S
Hotel - 20 or less guestrooms	P
Hotel - more than 20 guestrooms	P
Industrial Design	P
Industrial - Artisan - No outdoor storage or activity	P
Industrial - Artisan - With outdoor storage or activity	S
Inn	P
Marijuana Dispensary	S
Medical/Dental Office	P
Micro-Production of Alcohol	P
Office	P
Outdoor Dining	S
Park/Playground	P
Passenger Terminal	S
Personal Service Establishment - 2000 sq ft or less GFA	P
Personal Service Establishment - more than 2000 sq ft GFA	P
Place of Worship	P
Private/Social Club	P
Residential Care Facility	S
Reception Facility	S
Retail Goods Establishment < 2000 sq ft	P
Retail Goods Establishment > 2000 sq ft	P
Shelter, Emergency	P
Shelter, Homeless	S
Social Service Center	P
Specialty Food Service	P

## Appendix C

### **Sustainability and Energy Efficiency:**

In general, **the UDO is consistent with the Guiding Principles of the Comprehensive Plan and furthers many of the energy related actions and objectives of the Plan.** Several opportunities remain to explore that would make that alignment even stronger and should be examined. The City should continue to consider ways to complement the State's aggressive goals to reduce greenhouse emissions through greater use of renewables/alternatives and through electrification of energy using systems, appliances and vehicles.

Synopsis of the Guiding Principles of the 2015 Comprehensive Plan for the Environmental Health and Resiliency chapter related to energy/climate change:

- To have a City that is prepared for the impacts of climate change, does not contribute to the degradation of the environment, recognizes the blessings and inherent value of its natural resources, and protects and maintains them for the good of community and future generations,
- To create and maintain a City that increasingly derives its energy needs from clean and renewable sources
- To ensure the long-term sustainability of our environmental quality and energy sources that do not contribute to greenhouse gas emissions.

The final draft of the **UDO aligns with the Comprehensive Plan** by including the following:

- Height bonuses for multi-story buildings that meet criteria for "green" construction standards;
- Efficient lighting standards for exterior street lighting;
- Site plan requirements for large solar and wind installations;
- Specifications for Tier 1 and 2 on-site solar systems;
- Electric vehicle charging stations accessory uses;
- Electric vehicle spots for parking lots with more than 30 spots;
- On-site wind energy systems;
- Landscaping requirements to reduce energy consumption needs through passive heating and cooling strategies;
- Provisions for safe bike lanes and multi-use paths that encourage transportation alternatives.

The UDO could be **further modified** in the following areas:

- Require new commercial and multi-family buildings to review opportunities for onsite solar, green roofs, geothermal, solar hot water, air source heat pumps, and system electrification and to bring the findings of such review to the Planning Board as part of Site Plan application.
- Modify the requirements for a Height Bonus to add a category through which points could be awarded for construction that reduces the emissions from the building by 40% as shown through energy modeling done by a 3<sup>rd</sup> party.
- Require new commercial and multi-family buildings to perform a water efficiency "audit" as part of Site Plan review.
- Increase the percentage of parking spots for parking facilities with 30 or more spots required to be EV-capable or EV-ready (currently 5%) or installed (currently 2%).

**Additional opportunities** for the City related to the Recommended Actions of the

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Comprehensive Plan include:

- Purchase and use fuel efficient and electric municipal fleet vehicles and institute an employee education program including anti-idling messages. Incentives are available to help municipalities transition to electric vehicles.
- Partner with local businesses and institutions to coordinate renewable energy procurements that can reduce/stabilize long term energy cost. The City could become an anchor tenant for community scale solar.
- Encourage greater energy efficiency and provisions for renewable/alternate energy sources in new construction and redevelopment. In addition to the height bonus for commercial buildings, the City could explore other incentives such as providing a density bonus for residential subdivisions that build to super efficiency or LEED community standards.
- Develop and enforce Energy Codes that exceed minimum state-level energy efficiency standards. A growing number of municipalities are moving beyond minimum standards through “stretch” codes. While the State’s Energy Code is likely to become more stringent in the future, the City could demonstrate leadership and achieve greater efficiency in buildings and homes earlier if a “stretch” code is adopted. NYSERDA currently provides \$5,000 to communities to undertake process to adopt stretch code.