



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

**Meeting Minutes  
Tuesday May 9, 2017  
3:00 p.m.  
Recreation Center**

**PRESENT:**

Tamie Ehinger, Design Review Commission; Susan Barden, Senior Planner; Tina Carton, Parks, Open Space, Historic Preservation /Sustainability; Vince DeLeonardis, City Attorney; Amy Durland, Planning Board; and Susan Steer, Zoning Board of Appeals.

**CONSULTANTS:** Michael Allen, Behan Planning and Design.

**ABSENT:** Brad Birge, Admin of Planning & Economic Development; Meg Kelly, Deputy Mayor; and Kate Maynard, Principal Planner

**CITY OFFICIALS:** None

**RECORDING OF PROCEEDING**

The minutes are not a verbatim record of the proceedings; the minutes are not a word-for-word transcript.

**PUBLIC COMMENT:**

Vince DeLeonardis opened the public comment period at 3:05 p.m.

Geoff Bornemann, Chair of the Housing and Urban Planning Committee, of Sustainable Saratoga, commented on concerns that had been submitted to the TRAC committee and to the Mayor regarding the UDO process. First they are concerned about the carriage house conversion proposal. In 2014, Sustainable Saratoga proposed that such conversions be allowed only for carefully defined, affordable workforce housing and they are disappointed that the draft ordinance has not included that use for these accessory structures. Additionally, Sustainable Saratoga does not know if the proposed four conversions a year is legal or fair. Secondly they are concerned over the proposed criteria for community solar panels and the need for additional criteria to protect the environment.

**Discussion on UDO Draft Schematic Materials**

Michael Allen opened the discussion with responding to public comment on Article 3.2.5 Carriage House and Barn Conversion. He stated that Behan had proposed this experimental approach using another municipality's approach to the same issue. Amy Durland asked Vince DeLeonardis the legality of this proposal and if this should be codified or legislated separately outside of the UDO.

Vince DeLeonardis stated that he had procedural concerns with 3.2.5 as written. What are the means criteria and the allowable final use of the accessory structures? He stated that during the 2015 Comprehensive Plan process a carriage house conversion ordinance was proposed, but it was never adopted. Vince stated that carriage house conversion is a policy decision. He would like City Council guidance on the direction of carriage house conversions and proposed a presentation to City Council.

The committee asked Michael to go through Article 3 from the beginning. For 3.1.2 Automotive Fuel Sales, the committee questioned the use of the terms automotive and vehicle throughout the document. They would like a consistent approach and questioned the need for the proposed change from vehicle to automotive. In addition, the committee agreed to relocate 3.2.10 below this section since 3.2.10 regulates another type of vehicle station.

Tina Carton discussed the use of mobile home in the current ordinance and the need to update the term to follow the New York State Department of State regulation. This section should also be inclusive of manufactured housing as well as mobile homes. Tina Carton directed Michael to look at Albany's draft UDO for guidance and will forward New York State's *Municipal Regulation of Mobile Home*.

The committee then discussed 3.2.2 Home Occupations and the proposed limited and regular home occupations. After a discussion about the differences and distinctions of both as well as the proposed allowable districts, the committee in unison with the consultant decided to eliminate 3.2.2.C and retain 3.2.2.B as the sole allowable language governing home occupations. Vince also suggested the removal of the term legal resident and replace it with the term resident throughout this section.

Susan Barden then asked questions about 3.2.1 Eating and Drinking Establishments, Outdoor. She wanted guidance from the consultant on restaurants that are a pre-existing non-conforming use and if these would still be allowed with the new UDO. The committee also requested clarification on 3.2.1.C and the need for language on operational hours being subject to Planning Board approval. The committee would like Kate Maynard to comment on the proposed language and provide feedback on needs for procedural process.

The committee then further discussed Home Occupations. The committee stated that within 3.2.2.C1 the term patient is too limiting and proposed client instead. They also discussed that limited home occupations were not allowed in an accessory structure in the proposed ordinance. They would like to have a future discussion with Brad Birge and Kate Maynard about the use of accessory structures for home occupations. Behan also provided feedback that the intent was for limited home occupations to be allowed in all districts. Tamie Ehinger questioned the process for approval of 3.2.2.C.6 home occupation signage and asked that this section reference the signage section. The committee discussed and noted the lack of oversight of approval of these signs especially within architectural and historic districts and noted that approval for these signs should follow other signage regulation.

Michael Allen asked if the City would still be providing language governing Seasonal Rentals (3.2.4). The committee agreed the title of this section should be short-term rentals and not seasonal rentals since the intent is to provide guidance on rentals of less than 30 days. New York State code makes rentals less than 30 days unlawful. Vince DeLeonardis stated that he would forward to Michael Allen the report of the City's Short Term Rental Committee for review.

The committee then discussed the procedural issues that arise when applicants with a corner lot apply to install a swimming pool in their yard. The current ordinance does not provide clear guidance for corner lots since it considers corner lots to have two front yards. This leads to applicants requiring variances. Michael Allen will consider language for 3.2.7 to assist the City and applicants with corner lots.

Michael Allen then asked Tina Carton to provide more information on the request to have wind, geothermal, and other renewable energy standards within the UDO. Tina Carton stated that Mark Torpey requested inclusion of these additional alternative energy generation equipment and will request additional information on which direction or language the City should adopt. Tina Carton then gave background on the City's Solar Committee report and the proposal to adopt the New York State Model Solar Energy Law. In addition to inclusion of the NYS Model Solar Energy Law, she stated that Behan should review the Central New York Regional Planning & Development Board's Model Ordinance for Solar Photovoltaic Systems for additional language on environmental standards and safeguards. She also stated that NYSERDA has updated the Unified Solar Permit and Behan should update the residential system size from 12 kW to 25 kW to mirror the new permit. Tina Carton will bring the updated permit to the attention of the building department.

Vince DeLeonardis then questioned the lack of language regarding solar access in the draft UDO language. The committee would like to request an update from PACE on model solar access language as well as guidance on adoption of the NYS Model Solar Energy Law.

The Committee then discussed Article 6: Variances. Michael stated that John had pulled the new language added to this article from case law. Susan Steer recommended the removal of all of the new language. Vince, Amy Durland, and Susan Barden agreed. They appreciated the intent of the language but stated that the current language is regulated by state law.

Susan Barden then discussed 6.1.3 and the current ZBA and building permit procedural process. At the conclusion of her summary, the TRAC requested that the UDO keep the current language and not the new proposed language. For 6.2.2.A, the committee requested the removal of the Zoning Department and substituting generic language directing applicants to the City website.

After concluding Article 6, the committee reviewed the revised Article 5. Susan Barden noted that if Behan was consolidating the public hearing notice procedures within the article then it should be consistent with the mention of the review board and not specify just the Planning Board. She also explained the procedural rationale for 20 days for property owner notification and the need for 20 versus 30 days as proposed by Behan. The committee agreed to keep 20 day notification.

The committee discussed 5.2.2.C and the requirement for "Certificate of Mailing". The committee agreed to keep the original language but update from Planning Board to review board.

Amy Durland discussed 5.2.3 On-Premise Signage and stated that she would share a draft proposed ordinance for On-Site Posting with Tina Carton for distribution and consideration. Tina Carton will send to TRAC and Behan after the meeting.

The committee requested that subdivision be added to the first sentence of 5.2.4.B Intermunicipal Notification to the types of applications. For 5.3.3.B, the text will be updated to reflect official street map and Greenbelt Trail will be amended to Saratoga Greenbelt Trail. It was noted that for 5.3.4, mandatory language shall be removed.

#### PUBLIC COMMENT:

Vince DeLeonardis opened the second public comment period at 5:55 p.m.

Geoff Bornemann spoke and requested that the TRAC post the documents with all collected TRAC comments for review. It is acceptable if these are only posted one day in advance of the meeting.

#### Approval of 4/4/17 TRAC Meeting Minutes

Vince DeLeonardis moved to approve the 4/4/2017 TRAC meeting minutes. Susan Steer first, Amy Durland second.

Ayes- All

#### FUTURE MEETING

Michael Allen of Behan stated that the 50% draft UDO will be submitted to the City of Saratoga Springs by May 20<sup>th</sup>. Vince DeLeonardis would still like to hold the next meeting on May 23<sup>rd</sup> although understands the committee may not have time to review the new material by the 23<sup>rd</sup>. He requested that Tina Carton send out a Doodle Poll to assist in scheduling a meeting for the week of May 30<sup>th</sup> to June 2<sup>nd</sup>.

Committee meetings are posted to the UDO website and the City of Saratoga Springs website.

#### ADJOURNMENT:

The next TRAC meeting will be held on May 23<sup>th</sup> at 3 p.m. in the Music Hall.