



# DESIGN REVIEW COMMISSION

## MINUTES (FINAL)

WEDNESDAY, JULY 6, 2022

4:00 P.M.

CITY COUNCIL ROOM

**CALL TO ORDER:** Tamie Ehinger, Chair, called the meeting to order at 4:04 P.M.

**PRESENT:** Tamie Ehinger, Chair; Rob DuBoff, Vice Chair; Chris Bennett; Ellen Sheehan; Leslie DiCarlo;

**LATE ARRIVAL:** Jeff Gritsavage arrived at 4:15 P.M.  
Karen Cavotta arrived at 4:15 P.M.

**ABSENT:** Tad Roemer

**STAFF:** Amanda Tucker, Senior Planner, City of Saratoga Springs

### **COMMENTS FROM THE CHAIR:**

Tamie Ehinger, Chair, stated the Commission felt that this application - An Advisory Opinion to the City Council regarding the UDO Amendments required the full focus of the Commission and we created this special meeting.

### **APPLICATIONS UNDER CONSIDERATION:**

#### **ADVISORY OPINION TO CITY COUNCIL - UDO AMENDMENTS**

Tamie Ehinger, Chair, stated there are two amendments which the City Council would like this Commission to review. We will take this opportunity to review and re-emphasize the original amendments which we had proposed, and having the City Council re-review the section:

**13.9.H Demolition** - The Design Review Commission notes there are many historic properties and structures that should be protected that are outside of the Historic and Architectural Review Districts. In order to help protect these important pieces of Saratoga Springs History, the DRC suggests modifying this section to read as follows:

The removal of 25% or more of existing principal or accessory structure, either listed in or eligible to be listed in the

National Register located within the Inner District of the City of Saratoga Springs will be subject to DRC review.

Tamie Ehinger, Chair, stated this was not actually proposed in 2021 but we would like to include with our Advisory Opinion, and this is regarding vacant lots:

Any proposed structure for a vacant lot within the Inner District will be subject to a one-time review by the DRC for

architectural compatibility. Any future alternations to the structures will not be subject to a DRC review.

Tamie Ehinger, Chair, stated lastly the DRC wished to propose that city projects as they arise, the City Council ask the Land Use Boards for Advisory Opinions. Currently, city projects are not under the Land Use Board review. Typically, they do ask for Advisory Opinions but the DRC requests that it be mandatory. This of course is non-binding but does provide the City Council with important information which the Council should have prior to decision making on any city project.

**AMENDMENT 2: ESTABLISH CLEAR CRITERIA AND REQUIREMENTS FOR LAND USE BOARDS TO MAINTAIN A RURAL CHARACTER IN THE GREEN BELT.**

**For Gateway Commercial-Rural:** Article 4.5.8.1.b of the UDO should be amended to add an additional requirement as follows:

“iv. Design standards in the GC-R District may be exempted by the Design Review Board or Planning Board with a written explanation detailing the exemption as follows:

- a. The uses in the structure are unique and preclude meeting the rural design standards of the ordinance; or
- b. The lot configuration is unique and precludes meeting the rural character of the ordinance; or
- c. That there are extraordinary circumstances unique to the parcel that demonstrates that the design standards cannot meet the rural character objectives of the ordinance.”

**For the Suburban and Rural Residential Districts:** \_Article 16.10 should be amended to provide an introductory Statements as follows:

**16.10 DESIGN STANDARDS :**

“The design standards should be followed but may be exempted by the Design Review Commission or Planning Board with a written explanation detailing the exemption as follows:

- a. The uses in the structure are unique and preclude meeting the rural design standards of the ordinance; or
- b. The lot configuration is unique and precludes meeting the rural character of the ordinance; or
- c. There are extraordinary circumstances unique to the parcel that demonstrate that the design standards cannot meet the rural character objectives of the ordinance; or
- d. The applicant has demonstrated a better way to achieve this rural design objective.”

Tamie Ehinger, Chair, stated we discussed this and in general felt that the language was a bit strong but that the overall objective was not necessarily inappropriate. We do make exemptions in our design standards regardless of what zoning district this is located in. We always provide a written explanation that is standards best practices. There are two ways to look at Amendment #2. This is something we do regardless. Are we satisfied as it appears currently? Again, because it is what we routinely do currently - justify our practice. Is there a need to change the language? The Chair stated this was discussed and it was felt that it was not necessary to change the language.

Rob DuBoff, Vice Chair, stated he was reading the statements and there are three examples cited approved by the DRC where it notes failure to exhibit rural character. They list the Honda Dealership; The Homewood Suites Hotel and Just Cats. They cited the Comprehensive Plan establishes a policy of rural character. Is that in the UDO. When they reference rural character and rural design standards what are the rural design standards to which they are alluding.

Tamie Ehinger, Chair, stated we are talking about two zoning districts.

The Comprehensive Plan - Specialty Mixed Use Gateway. Gateway designation allows for a variety of low to moderate intensity uses that focus on maintaining a distinctive entrance to the city.

Tamie Ehinger, Chair, stated for clarification what we are looking at is South Broadway, south of the State Park.

Amanda Tucker, Senior Planner, stated what the Chair just read is directly from the Comprehensive Plan.

The goal of the commercial gateways is not to foster more intense or dense land use development, but to improve the physical appearance and attractiveness of the commercial uses. The uses are primarily commercial in nature and are complementary to the Downtown Core and Complementary Core. This designation is characterized by automobile access yet with aesthetically pleasing buildings and landscaping along the street with parking in the rear.

Tamie Ehinger, Chair, stated the next one is the park. The park in terms of the Comprehensive Plan. That designation involves the land across from the State Park across from Route 9.

Specialty Mixed Use Park - Comprehensive Plan definition states - allows for a mix of residential and commercial uses that are complementary to the Downtown Core and Complementary Core and do not negatively impact the rural character of the area adjacent to the Saratoga Springs Spa State Park - a National Historic Landmark. Future growth in this area should be designed and cited as a campus like setting to create a distinctive gateway that complements the beauty of the adjacent Spa State Park. Bicycle and pedestrian connections to the park and adjacent uses should be provided. This designation may lend itself to support research and development, creative economy workplaces green and clean technology businesses, and other low to moderate intensity uses that do not negatively impact this critical gateway to the city.

Tamie Ehinger, Chair stated what the Comp Plan is saying that the Gateway District south of the State Park should be used for less intensive uses and to approve the physical attractiveness of those commercial uses and should be complementary to the Downtown Core. Across from the park, the Comprehensive Plan is calling for more park like settings, and exceptionally low intensity uses.

Rob DuBoff, Vice Chair, stated what the Commission recently approved the Just Cats project is moderate intensity. An eight-story hospital is high intensity, or an institutional building on a campus. What they are asking is to make it more difficult for the Planning Board and the DRC to approve these uses. The applicant would have to justify why their application should be approved even though it may violate the rural character aspect character. The Vice Chair stated he is confused since the rural character is not defined in the UDO. It should be added to the UDO and make it difficult to make exceptions for something that is not there.

Tamie Ehinger, Chair, stated of the examples given both the Honda Dealership and Just Cats are completed projects that she feels proud of and are well designed and are great examples of what can exist along that corridor.

Amanda Tucker, Senior Planner, provided information to the Commission on the design standards that have been incorporated into the UDO most have been brought over from the existing Zoning Ordinance. Buildings must exhibit a typical rural, pitched roof form, including but not limited to gabled, hipped, gambrel and barn roof forms. Roof forms may include symmetrical pitched roofs or flat roofs with cornice treatments. Slopes of pitched roofs may not be less than 5-12, Except that porch roofs may be sheds with pitches not less than 3-12. Where parapet walls are used, they must feature three-dimensional cornice treatments or other shadow-creating along their tops

#### **Table 4-1 UDO**

Tamie Ehinger, Chair, stated there are projects which we have looked at the surrounding area, reviewed and helped architects add rural flavor and character to those structures. The DRC has done a great job in this regard. She provided examples. This is the DRCs standard practice to look at the surroundings and to assure that what is being proposed complements and is appropriate to its location. The Chair questioned if in fact we need these changes.

Leslie DiCarlo stated she is still confused as to what makes it rural character, it is the park like setting, the roofs.

What makes it rural?

Amanda Tucker, Senior Planner stated rural character is not necessarily defined.

Jeff Gritsavage stated the example provided does not look necessarily rural. It looks like a campus or organized buildings but not necessarily rural.

Leslie DiCarlo stated this was noted by the letter from Sustainable Saratoga.

Rob DuBoff, Vice Chair, stated that they are speaking about the Honda Dealership and Homewood Suites.

The expansion of the dealership, and the parking in the front of the Homewood Suites, and Just Cats.

Chris Bennett stated they are referring to the Honda Dealership and Homewood Suites. If you are looking to build something you are looking for a type of buffering in the front, and parking in the rear.

Tamie Ehinger, Chair, stated these projects do go before the Planning Board prior to coming before the DRC.

The Chair questioned if the DRC could know what the Planning Boards Advisory Opinion noted since we are checks and balances.

Amanda Tucker, Senior Planner stated for Amendment #2 - they stated that the Planning Board is very satisfied with the last version of the Design Guidelines and Standards that were contemplated and finalized. It is currently their practice to justify deviations and they feel that this is going a step too far.

Rob DuBoff, Vice Chair stated that is the DRC's policy as well, if something is going to deviate from our guidance there must be justification for that and that is why we have guidelines.

Ellen Sheehan questioned how did the Honda Dealership and the Homewood Suites happen if these guidelines were already in place.

Amanda Tucker, Senior Planner, stated the guidelines were previously using "should" as opposed to "shall." In the UDO it has been strengthened to now be a requirement.

Ellen Sheehan stated that would never pass now with the new UDO in place.

Amanda Tucker, Senior Planner, stated not unless the DRC or the Planning Board had the ability to waive it. Sustainable Saratoga is stating is that they want us to strictly document x,y,z, and the reasoning for it, which we do.

Tamie Ehinger, Chair, stated the Honda Dealership went through many iterations before a final design was approved by the DRC.

Karen Cavotta, Alternate, stated regarding these two projects, noting the Honda Dealership existing in this location prior to their renovation and expansion. The Homewood Suites, however, was not.

Tamie Ehinger, Chair, stated the Homewood Suites approval is a bit embarrassing in what was approved. The DRC followed standards and guidelines. In reviewing a project, we help that project along by encouraging and sometimes demanding that they follow our standards and guidelines. It is rare when we make exemptions, we do when there are extenuating circumstances. That is the whole purpose of the DRC, and it is always put in writing to assure that it is clear as to why in one case we are deviating from those standards and why it is appropriate to do so.

Tamie Ehinger, Chair, stated regarding Homewood Suites she recalls the zoning had to be changed just on that parcel to allow that.

Amanda Tucker, Senior Planner, stated the zoning was changed on that parcel and approved by the City Council.

Rob DuBoff, Vice Chair, stated he tends to agree with the Planning Board decision. He feels it is not necessary to require applicants to provide justification for anything that is going to violate the guidelines that we have.

Tamie Ehinger, Chair, stated she feels the same. We can look at the new Stewarts at the corner of Lake and Gilbert.

Look at what was originally proposed and now in which direction it is going to go which is another example of the DRC suggesting and encouraging a rural feel, and that is not even in the ordinance. The Chair stated everyone agrees with Amendment #2 that it is not necessary to change the UDO as it currently stands because we follow those best practices.

Tamie Ehinger, Chair, asked if there was anyone in the audience who wished to comment on this application. None heard.

### **AMENDMENT 1: REMOVE INAPPROPRIATE USES FROM THE GREENBELT.**

Tamie Ehinger, Chair, moved onto to Amendment #1, which talks about removing inappropriate uses from the Greenbelt in the Rural Residential (RR) Zoning District and the Gateway Commercial-Rural (GC-R) Zoning District. Inappropriate from those who are proposing changing the Amendment, looking to remove those uses from the RR District as well as the Gateway Commercial Rural (GCR) District. We have spoken about how there are uses that made the DRC curious such as carwashes, daycare centers, drive-thru facilities, adult care that are not on the list. It is difficult to determine what quantifies as inappropriate. The Chair suggested the DRC not delve too deep in the individual uses since it is out of the DRC's wheelhouse. We should focus more on the form than the uses. When we review proposals in front of the DRC are we looking at the use or the mass, scale, the shape, the design. With the UDO as it has been presented the Chair feels that the Planning Board and the DRC were setup to have more say than in the past. The Chair feels confident that with those checks and balances in place. There were other opinions. Chris Bennett stated he feels comfortable with our Board as it is now, but Boards do change and that is a concern. We should look at the corridor south of the park and then opposite the park specifically. Restricting the use is not necessarily the way to go.

Chris Bennett questioned what the purpose of is limiting the uses. What we need to look at is what use the property is going to take. He feels it is the amount of human traffic going in and out of these places.

Tamie Ehinger, Chair, noted the Saratoga Independent School, you cannot see it from the road, it is all woods, the wetlands are saved. There are school buses, but it is a truck route and in this case the school does work and there would be no need to prevent that.

Chris Bennett agreed with the Chair but also countered with if there was a need to add an additional high school or increase the size of the middle school, how are you going to quantify this. Once you accept a usage you accept everything that goes along with it if it conforms to zoning.

Amanda Tucker, Senior Planner, stated the city would be exempt from this. This is referring to private schools.

Leslie DiCarlo questioned how the Planning Board responded to this since this is more their purview - uses. She questioned the role the DRC would have regarding the uses.

Amanda Tucker, Senior Planner stated the Planning Board recommends removing campgrounds and community center from the RR District. They feel these are too intense. They recommend revisions to the definitions, country club, greenhouse, nursery, and marina. They could potentially be too intensive moving forward. They were fine with country club, removing and/or similar uses from the definition for the RR District. In terms of the GC-R District, they recommended creating a subset zoning district for that specialty park area - across from the park to limit the more intense uses there. They did create a chart recommending the uses which may or may not be appropriate. Really overall they did not have issues with the uses proposed in the GC-R area.

Tamie Ehinger, Chair, stated they took advantage of the opportunity to provide the Advisory Opinion to suggest that.

Amanda Tucker, Senior Planner, stated they felt that the GC-R District should be broken up into two zoning districts which less intense uses in the SP area.

Tamie Ehinger, Chair, stated that does make sense.

Amanda Tucker, Senior Planner, stated the UDO says the same uses are allowed in both. In the SP Area it should be more park like setting, more of that campus, rural look.

Tamie Ehinger, Chair, asked in terms of Sustainable Saratoga, do they also give justification for the uses they are proposing for this area.

Rob DuBoff, Vice Chair, stated their justification are pretty on point. The reason they are opposed to the country club is because there are not adequate controls to limit the commercial uses such as restaurants and meeting rooms. This tie into what was noted about the Planning Board tweaking the verbiage. That is their issue it is not tight enough.

Amanda Tucker, Senior Planner read the definition - It is an establishment open to members, their families and invited guests, organized, and operated for social and recreation purposes in which has indoor and outdoor recreation facilities. The country club may include ancillary uses such as, eating and drinking establishments, meeting rooms and maintenance facilities.

Tamie Ehinger, Chair stated Sustainable Saratoga wants to eliminate them in their entirety. The Planning Board does not want to eliminate them but tweak the language for added clarification.

Rob DuBoff, Vice Chair, stated there is oversight via review by the Planning Board and Zoning.

Amanda Tucker, Senior Planner, stated Special Use Permit and Site Plan Review definitely.

Rob DuBoff, Vice Chair, stated the comments made by Sustainable Saratoga and their justifications being on point, why they do not belong in certain areas and where they do belong?

Tamie Ehinger, Chair, asked for clarification from the Vice Chair, since he noted there is existing oversight to some degree and then you agree with Sustainable Saratoga on their justifications.

Rob DuBoff, Vice Chair, stated regarding the country club there is oversight. Their justification for medical dental office and generic offices should be in the urban areas versus the GCR. It is difficult to argue with that.

Chris Bennett stated these services should be where people live.

Tamie Ehinger, Chair, questioned staff if the DRC should comment on each of the individual uses and comment on each one or is it more appropriate to comment in general.

Amanda Tucker, Senior Planner, stated you certainly can comment on each use. Your purview is to look at the form and function of a building. Is it appropriate in terms of how it looks and what the site looks like, what the building looks like is more appropriate rather than the uses? The Planning Board has gone down the list of uses extensively in their review.

Read all the definitions and comprised their own list. If you are going to look at the uses it requires a much deeper conversation than what we can do here now.

Rob DuBoff, Vice Chair, stated he feels we should call in the experts and those experts being the Planning Board.

This is not in the DRC's wheelhouse.

Tamie Ehinger, Chair, asked if anyone in the audience who wished to comment on this application.

Samantha Bosshart, Executive Director, Saratoga Springs Preservation Foundation, the Foundation has submitted several amendments which were not included in the UDO. She did note that Land Use Applications should have greater noticing beyond just demolition. The amount of unauthorized work which is taking place is substantial and is not being addressed.

However, if we know that there is a building permit by posting it will make it easier to identify. She strongly agrees with the Commission regarding City Council requesting an Advisory Opinion from the DRC.

Amanda Tucker, Senior Planner, stated what was adopted in the UDO for projects in the Historic District approved after the effective date of Notice of Approval will be issued by the Planning Department. For posting.

Samantha Bosshart, Executive Director, Saratoga Springs Preservation Foundation stated this is only for the Historic District. This should also be expanded into the Architectural Review District since we are seeing more of that happen.

Amanda Tucker, Senior Planner, stated again it is post approval. There is no posting for the actual review process.

Unless it is a demolition with significance.

Tamie Ehinger, Chair, read the original Advisory Opinion in this regard.

Table 13-b Required Notice - DRC recommends that onsite property noticing for all approvals by the DRC be required like a building permit. This helps make people aware of the process and indicate that approvals have been given.

Tamie Ehinger, Chair, stated is a straw poll is indicated to see where the Board stands.

Ellen Sheehan questioned who was providing Advisory Opinions to the City Council.

Amanda Tucker, Senior Planner, stated the Planning Board the DRC and the County Planning Board. The City Council will review the recommendations provided in the Advisory Opinions and decide how to proceed. If they wish to, they can bring them to the table as is or with modifications. They would then hold a public hearing, followed by a vote.

Tamie Ehinger, Chair stated looking at the discussion how many members of the Commission feel the removal of the uses proposed is appropriate.

Chris Bennett stated he does with the notation if someone wished to proceed with a use which is not permitted, they could then go before the ZBA. These uses may not be permitted but they could proceed with a Use Variance. There are avenues to follow even if a use is not permitted.

Chris Bennett and Jeff Gritsavage feel removal of these uses are appropriate.

Tamie Ehinger, Chair, stated removal of the uses is not the right avenue to take in terms of protecting the zoning. The DRC and the Planning Board have so much input as deemed by the UDO now with the checks and balances it will eliminate inappropriate uses.

Tamie Ehinger, Chair, Leslie DiCarlo, Ellen Sheehan, Karen Cavotta, Alternate feel it should remain as it currently stands.

Rob DuBoff, Vice Chair, stated he does not feel that it is in his wheelhouse, and he feels he is not qualified to decide. He would defer to the Planning Board.

Tamie Ehinger, Chair, stated we could state in our Advisory Opinion that the DRC feels that we would defer to the Planning Board regarding Amendment #1. Most of the DRC members feel this is an appropriate direction.

Amanda Tucker, Senior Planner, stated we did something similar in our previous Advisory Opinion when we spoke about the Country club in the RR mentioning that DRC typically does not comment on uses but if it is appropriate in terms of the form then it could potentially be ok.

Rob DuBoff, Vice Chair, stated he would support that language because that is what we do here.

Amanda Tucker, Senior Planner, stated it was regarding the Country Club in the RR District and the DRC noted they do not typically comment on the appropriateness of the uses. If the form is appropriate for the district and the area it is located in.

Discussion ensued regarding composing the Advisory Opinion. The DRC discussed the inclusion of noticing not only for demolition and vacant lots in the Historic District, but the DRC would be supportive adding Architectural Review Districts.

Posting and noticing of approval of projects in the city for other residents to be aware of construction in their neighborhood and that it has been approved by the city.

Tamie Ehinger, Chair, provided the following wording - The DRC recommends that onsite property noticing for all approvals by the DRC be required, like a building permit. This helps to make people aware of the process and indicate that approvals have been given.

Amanda Tucker, Senior Planner, provided the wording which was previously submitted but not approved for inclusion in the UDO. The DRC recommends that onsite property noticing should be done for all new construction including additions, accessory structures, and fences that are in the process of going through DRC review. We feel that this is an educational opportunity to inform the community of proposed projects.

Rob DuBoff, Vice Chair, stated this is for new construction. He believes initially they supported all construction, but it was changed to just new construction.

Discussion ensued among the DRC regarding proper wording for this section if the language should be changed or amended. Also discussed was signage for all projects like a building permit. It was decided Architectural Review District should also be included. It was the consensus of the DRC that this should apply to all applications.

Jeff Gritsavage stated he sees a gap here. He read the category Adult Uses - based on the content of the DJs at adult parties it is sexually explicit, it is more than 15% of the content. The DJ performers have been controversial. He feels they should be listed under adult use. Then you would not have a concentration of them in one spot, they would be regulated. These courtyards that have this entertainment you can hear it beyond. It is beyond explicit.

Tamie Ehinger, Chair, stated she is unsure if that is appropriate for the DRC to comment on in this Advisory Opinion. It is an interesting point, and it should be communicated to City Council perhaps as an individual.

Tamie Ehinger, Chair, stated in consideration of the request for an Advisory Opinion to the City Council regarding the UDO Amendments the DRC provides the following feedback:

Amendment #1 - The DRC does not typically comment on uses. However, form, mass, scale, and height are important considerations. The DRC would defer to the Planning Board and their expertise in terms of appropriate use determination.

Amendment #2 - The DRC feels that the UDO as it stands now is sufficient in terms of providing checks and balances and ensuring that projects that appear before the DRC as is our common best practice to provide written explanations regarding any exemptions from our standards and guidelines. We do not feel it is necessary to make changes as proposed in Amendment #2.

We would like to take the opportunity to re-enforce the need for additional amendments referring to the original:

**13.9.h - Demolition** - the DRC notes there are many historic properties and structures that should be protected that are outside of the Historic and Architectural Review Districts. To help protect these important pieces of Saratoga Springs History the DRC suggests modifying this section to read - the removal of 25% or more of an existing or principal accessory structure either listed or eligible to be listed on the National Register located within the inner district of the City of Saratoga Springs, will be subject to DRC review.

In addition, the following was not proposed in 2021 we would like to propose regarding:

**Vacant Lots:** A vacant lot within the inner district will be subject to a one-time review by the DRC for architectural compatibility. Any future alterations to the structures will not be subject to a DRC review.

**Review of City Projects:** The DRC appreciates that the current City Council has been doing an excellent job in the stewardship of the city's buildings. The DRC proposes to mandate an Advisory Opinion from the necessary Land Use Boards for all city projects, not just city landmarks. This offers some protection for our new and historic buildings which our city council values.

**Notification** regarding exterior changes within the Historic District - The DRC would like to include Architectural Review in the language for post approval notifications. We also recommend that onsite property noticing should be initiated when a DRC application is submitted.

Rob DuBoff, Vice Chair, seconded the motion.

Tamie Ehinger, Chair, asked if there was any further discussion. None heard.

**VOTE:**

Tamie Ehinger, Chair, in favor; Rob DuBoff, Vice Chair, in favor; Chris Bennett, in favor; Leslie DiCarlo, in favor;  
Ellen Sheehan, in favor; Jeff Gritsavage, in favor; Karen Cavotta, Alternate, in favor

**MOTION PASSES: 7-0**

**MOTION TO ADJOURN:**

There being no further business to discuss Tamie Ehinger, Chairman adjourned the meeting at 5:40 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

Meeting minutes approved August 24, 2022