



**REQUEST FOR PROPOSAL (RFP) SOLICITED BY**

**THE VILLAGE OF BALLSTON SPA, NEW YORK**

**FOR**

**ZONING CODE REVISION**

**ISSUE DATE: September 15, 2023**

**Deadline for Questions: September 25, 2023**

**Question Responses and/or Addenda: September 29, 2023**

**RESPONDER DUE DATE: October 13, 2023 @ 4:00 P.M**

**Designated Contact:** Teri O'Connor  
villageclerk@villageofballstonspa.org

## A. INTRODUCTION

The Village of Ballston Spa, New York is seeking proposals from qualified consultants to assist in developing a new Zoning Code, Zoning Map, Subdivision Code, and stormwater regulations (SWPPP, monitoring and enforcement) to reflect the Vision, Objectives, and Implementation Plan within the Village's recently updated Comprehensive Plan. A Unified Development Code can be suggested.

The abbreviated vision statement in the 2023 Comprehensive Plan states:

***Ballston Spa will continue to enhance and preserve the charm, historic character, and natural resources of the community for future generations, while encouraging opportunities for the economic growth of small businesses and improving the quality of life for residents.***

The selected consultant ("Consultant") will review existing work, gather public input, work with the Zoning Advisory Committee ("ZAC"), Board of Trustees, Planning Board, Zoning Board of Appeals and Village staff to create a code to reflect the long-term vision, goals and policies of the community and provides a plan to guide development and redevelopment of the Village. It is crucial the new ordinance adheres to the principles underscored in the Comprehensive Plan, including adaptive reuse, mixed-use development, affordable housing, walkability, and complete streets while preserving the Village's historic character.

## B. COMMUNITY DESCRIPTION

The Village of Ballston Spa was settled in 1787 and remains a unique destination with a historic main street. Ballston Spa was incorporated as a village in 1807. The Village was once a major spa destination in the 1800s. As it declined as a resort community it became a major industrial center manufacturing a range of goods. It is now known as a walkable community with a pedestrian-oriented street layout.

Ballston Spa has retained for over a century its Police Department, Fire Department, Public Library, judiciary, public works, retail sector, and Post Office. Its neighborhoods have distinct flavors but are too small to allow any one of them to be segregated from others.

The 1.6 square mile Village, with a population of 5,095 as of 2021, is the Saratoga County Seat and lays within two towns: Ballston and Milton. New York State Route 50 (Church Avenue, Milton Avenue and Doubleday Avenue) is a north-south highway between Schenectady and Saratoga Springs, passes through the Village and intersects New York State Route 67 (West High Street). County Road 63 (Malta Avenue) and East High Street leave the Village to the east, connecting it to U.S. Route 9 and Interstate 87 (The Northway).

Today Ballston Spa has many independent small retail businesses, restaurants, and service establishments. More than 14,500 vehicles travel through the Central Business District each day. In addition, Ballston Spa Central School District ("BSCSD") is headquartered in the Village. One elementary school is in the Village. The BSCSD middle school and high school and additional elementary schools are all located immediately outside of the Village boundaries. Many not-for-profit organizations, including several churches, are also located within the Village.

## C. BACKGROUND

The existing Ballston Spa zoning code was developed primarily in the 1990s. The Zoning Code has undergone some minor updates to address new issues that have arisen in the Village as well as

deficiencies in the existing code. A copy of the current Subdivision (Chapter 178), Zoning (Chapter 205), and other codes can be found at <https://ecode360.com/BA0385>.

The current zoning code follows a Euclidean code model emphasizing land use separation and density control. However, a large number of pre-existing nonconforming uses exist throughout the Village, making the attempt at Euclidean zoning inconsistent in many zones. The new zoning code should take an in-depth analysis of the existing code and modernize it to fit the goals, policies, and implementation strategies of the Village's Comprehensive Plan. The new Code must also be made easier to enforce consistently by officers of the Village. The new Code should include design standards and guidelines that work toward achieving the vision of the Comprehensive Plan.

The code should utilize sustainable practices that balance social, economic, and environmental considerations to foster new residents and businesses while preserving the historical architectural significance of the community. The Village's goals are to (i) ensure a vibrant, walkable downtown area, (ii) spur economic development and growth, (iii) preserve the Village's historical, natural, and architectural character, and (iv) preserve and enhance the quality of life and (v) anticipate changes to the economic, social, and environmental conditions. **It is highly encouraged that any Proposer thoroughly read the Comprehensive Plan to understand the detailed goals of the Village in the rewrite of Zoning Code.**

General goals for the new code include:

- Design the code to be user-friendly – easy to navigate, understand, administer, interpret, and enforce;
- Incorporate diagrams, tables, graphics, and illustrations that clarify and enhance understanding of relevant code sections;
- Address where the code is silent and where regulations are lacking, or conversely, where regulations are overly restrictive;
- Combining or aligning all village codes that impact land use with the Zoning Code, potentially through the exploration of a Unified Development Code; and
- Ensure compliance with federal and state laws.

The current code needs remediation and rewriting for the following reasons:

- Poorly worded and difficult to understand;
- Purposes and uses defined for districts are rigid and are not inclusive of many of the existing uses within these districts;
- Tables do not reflect current uses;
- Few design guidelines or standards except in the Historic District;
- Regulations on lot area, corner lots, height, accessory structures, transition requirements, yards and courts are extremely confusing and defy interpretation and consistent proper application;
- The registered Historic District does not include all the historic sections of the Village, failing to identify many individual structures that are historic but outside the current boundaries;

- Can be difficult to navigate due to its lack of organization;
- Sections of the code are outdated and reference items that are no longer relevant.

The ZAC will work with the Consultant to prepare the revised code with input from the Village’s Planning Board, Zoning Board of Appeals, Building Inspector/Code Enforcement Officer, and Board of Trustees. The project schedule is anticipated to take approximately 15 to 18 months and include a thorough public outreach campaign that will reach all community stakeholders.

In addition to the Comprehensive Plan the Village has completed several recent studies that can be utilized as a foundation of the rezoning effort (see Reference Materials for links):

- **Economic Development Plan** (2020);
- **Pedestrian and Bicyclist Master Plan and Linkage Study** (2021);
- **Urban Forestry Tree Inventory and Management Plan** (2022);
- **Ad Hoc Zoning Committee Preliminary Report** (2022); and
- **Brownfields Opportunity Area** (grant underway).

#### D. SCOPE OF WORK

The selected Planning Consultant is tasked to meet and report to the ZAC, key stakeholders, professional groups, and members of various Village government boards and committees. The meetings with the Committee will be held in person and utilize Zoom or Microsoft Teams to allow broad participation, will be open to the public and recorded. It is anticipated that the ZAC will hold meetings approximately twice a month, but only once per month with the Consultant in attendance.

Consultants may respond individually or as a member of a team or both to the tasks described below. The Village reserves the right to negotiate any project elements. The Village reserves the right to award all tasks to the consultant team as submitted, including subconsultants of a team, or to individual consultant submittals allowing the Village to create a team based on the Village’s selection. Should the Village make such an election to create a team in this manner, the consultant(s) will have the opportunity to accept being part of such a team, reject the option, and/or revise their proposal accordingly.

The Consultant is encouraged to offer alternative approaches or methods for achieving the desired outcome as expressed in the Scope of Work below.

Respondent’s proposal shall integrate all the following components in some manner, with the proposal addressing the timing, method, and manner of each component. To achieve full points credit, respondent should provide a separate cost breakdown for the various tasks, using the same identifying language where possible.

- a) Review/Analysis of existing Village of Ballston Spa Zoning and Subdivision Codes, and compare to current best practices utilized in similar municipalities;
- b) Review of the 2023 Comprehensive Plan Update & Related Documents (listed above);

- c) A tour of the different sections of the Village with the Committee to determine issues with existing zoning or enhancements that could be helpful in future zoning/code (and a written assessment resulting from such a tour);
- d) At least two community workshops (or sets of workshops if to be performed in a manner to interview residents/landowners of specific neighborhoods), scheduled in a manner to allow the community to provide preliminary information/ideas and reactions to a draft of the deliverables. The Comprehensive Plan recommends analyzing the need for different zoning for different neighborhoods and proposed new transition zones; feedback from residents/stakeholders is needed for each zone in which distinct zoning occurs. Please describe how you would conduct such workshops/communications and when you would hold them inside the process;
- e) Meetings throughout the process with the Committee, the Village Planning Board, the Village Board of Trustees, the Village Zoning Board of Appeals, and any other relevant Village Boards or Committees (please identify the frequency of meetings with especially the Zoning Advisory Committee, including a Kickoff Meeting, a Completion Meeting, and any meetings in between to ensure continued involvement of the Committee in the process);
- f) Provide summaries of all meetings with stakeholders shortly following each meeting, to inform next steps, distributed electronically;
- g) Create additional method(s) for communicating and gathering input from the public, in addition to meetings (e.g. surveys, email, social media, etc.);
- h) Presentation to the Village Board of Trustees demonstrating how the draft Code conforms with the Comprehensive Plan and, if necessary, the Saratoga County Planning Board, understanding that revisions may still be necessary as a result of these presentations;
- i) Assistance with SEQRA Compliance, the Village Board's Public Hearing(s), and the Village Board's Adoption; and
- j) Special Focus Properties to Address:
  - i) Vacant Angelica industrial building;
  - ii) Former Ricketts contaminated site;
  - iii) Vacant nursing home; and
  - iv) Potential for redevelopment of Saratoga County office buildings

## E. DELIVERABLES

Provision of the following deliverables in a single or multiple drafts and eventual final format:

- i) Revised code (including the Zoning Code, Subdivision Code, and any other relevant codes that need to be revised, whether or not the respondent proposes a unified code), including changes to zone definitions, rules, and regulations where deemed necessary or helpful;
- ii) Revised zoning map; and
- iii) An Excel spreadsheet of parcels in which zoning is proposed to be changed or where new zones will be applied to such parcels.

Optional Add-Ons:

- Stormwater Management Plan
- Updating code implementation materials (applications, guidance, etc.)
- Ongoing assistance and training with Village Staff and officials most involved in the administration and/or execution of the resulting deliverables for a period of twelve (12) months, with a fixed number of hours available per month.

## F. PROJECT DURATION

The consultant will be expected to complete the planning process and present the final documents to the Village Board within twelve (12) to eighteen (18) months from the date of contract execution.

## G. PROJECT BUDGET

The cost of the work shall not exceed **\$85,000** including all professional services, expenses, overhead, and profit. Payment shall be made based on percentage of completion to be determined inside the respondent's proposal. The Village advises respondents that a large portion of the scoring below will be based on the proposed cost proposed by the respondent. As such, it is advised to all respondents that they price their work competitively to maximize their chances to be awarded part or all the work associated with this RFP. The Village reserves the right to award all tasks to the consultant team as submitted including subconsultants of a team, or to individual consultant submittals allowing the Village to create a team based on the Village's preferred selection.

It is anticipated the work will begin in November 2023 and can be completed in twelve (12) to eighteen (18) months. The completion of each task deliverable will serve as the basis for payment. The consultant must submit a brief progress report with each invoice describing the progress on each task.

The Consultant must receive written authorization from the Village prior to revision of any proposal and/or deliverables detailed above. Any work completed without prior authorization from Village staff may not be eligible for payment. The task order above is not entirely indicative of a timeline or order in which deliverables will be requested.

The Village recognizes that different approaches can lead to the desired outcomes outlined in this RFP. If, based on the Consultant's knowledge and experience, the Consultant believes the required scope of work should be changed in any way, the suggested changes should be outlined in their response. Respondents to the RFP are required to include a recommended project approach based on their expertise and experience with similar projects. The Village reserves the right to modify the above-mentioned scope of services based on project approaches that may be recommended by respondents, and all RFP document holders shall be notified of such changes, but the Village intends to award winning consultant(s) before January 2024 regardless of this paragraph.

All documents requested as part of the deliverables, both draft and final products will be submitted to the Village with the following considerations:

## **DRAFT/FINAL DELIVERABLES**

**Draft Product(s) Deliverable Format:** Twenty (20) paper copies of each product. In addition, all draft products must be submitted as an electronic copy in Word and Portable Document Format - PDF (created using 300 dpi scanning resolution).

**Final Product(s) Deliverable Format:** Twenty-five (25) spiral bound paper copies of each product. In addition, all final products (including reports, designs, maps, drawings, and plans) must be submitted as an electronic copy in Microsoft Word and Portable Document Format - PDF (created using 300 dpi scanning resolution) and be submitted on a labeled CD-R type CD or single flash drive.

**Electronic Data for all Geographic Information System-Based Mapping Products:** Must be submitted in either ArcGIS format, or similar product, and comply with the requirements for Contract GIS Products.

**Electronic Data for All Designs, Drawings, and Plans:** Must be submitted in the original software that they were created (such as CAD format or other similar product), as well as in JPG format.

**Photographs and Images:** Must be submitted in JPG format with a minimum resolution of 300 dpi and must be dated and captioned with the location and a brief description of the activity being documented.

All work produced for this project, preliminary and final, paper, and electronic format shall be property of the Village of Ballston Spa and can be used by the Village's departments.

## **H. PROPOSAL FORMAT AND REQUIREMENTS**

Proposals should contain the following information:

1. **Title Page:** Provide the name of your firm, address, telephone, and name of contact person on a title page.
2. **Letter of Transmittal (maximum of 1 page):** Provide a complete statement regarding the understanding of the project and your interest in working with the Village of Ballston Spa on the Plan. The transmittal letter shall be signed by a duly authorized officer or agent empowered with the right to bind the consultant submitting a proposal for consideration.
3. **Firm Background (maximum of 2 pages):** Provide information on the size, location, disciplines included with the firm, available resources and brief discussion on past experiences related to updating zoning and/or the specific task addressed in the proposal.
4. **Project Team (maximum of 5 pages, not including organizational chart):** Identify the project team (including sub-consultants and associates) and provide a statement of qualifications for each individual, including information such as: education, professional registrations, area of expertise and years of service in their respective field. Identify the project manager with overall responsibility for the effort and communication with the Village and include an organization chart. Proposers should indicate how they will meet or exceed State goals for Minority and Woman Business Enterprise contracting.
5. **Scope of Work (maximum of 10 pages) –** include a detailed work program explaining how the Consultant proposes to perform the Scope of Work that includes:

- a. Each task to be completed.
  - b. Timeline for each task
  - c. Schedule of milestones (work products, meetings) shown in weeks from contract award
  - d. Work includes at least an average of one meeting/month with the committee, meetings with Planning/Zoning boards/staff and plus two presentations to the Board of Trustees. Work also includes public workshops. Note: the committee will hold meetings twice a month with the Consultant attending an average of once per month.
6. Work Samples (electronic format only): List and provide in electronic format only (either a webpage link to the document or attachments to email) three (3) examples of rezoning for communities like the Village of Ballston Spa in the last eight (8) years with links to their code and other work products. Identify the client and contact information (name, phone number and email address). Please provide work done for municipalities in New York State, when possible.
  7. Project Management/Communication (maximum of 1 page) – Proposed method of project management and proposed, best means of communication with the Village about project progress, reviews, and conduct of public meetings
  8. References (maximum of 1 page): Submit names, e-mails, and telephone numbers of three municipal officials that we may contact to verify performance on projects recently completed by your firm as identified under the Firm Background section of the proposal submittal.
  9. Verify Firm Capacity (maximum of 1 page): Provide a statement verifying your ability to begin work on the project and complete the tasks within the timeframes identified in the Scope of Work section of the submitted proposal based on your firm’s current workload and capacity.
  10. Proposed budget (maximum of 2 page):
    - a. Cost breakdown for each work task complete with proposed number of hours to complete each task, assigned staff member, and billing rates; and
    - b. Not to exceed fee for services required to fulfill the deliverables described herein.
  11. Supporting Information (optional, maximum of 1 page plus any electronic appendices): Provide other supporting information that may be helpful in further evaluating your qualifications and fit for completing the Plan

## I. TENTATIVE SCHEDULE

The tentative schedule for this Request for Proposals is as follows:

- Release of RFP: September 15, 2023
- Deadline for Questions: September 25, 2023 (cc: to [TrusteeKormos@villageofballstonspa.org](mailto:TrusteeKormos@villageofballstonspa.org))
- Question Responses and/or Addenda to RFP: September 29, 2023
- **Proposal Submission Deadline: October 13, 2023, 4 PM**
- Selection Reviews Complete: October 25, 2023
- Schedule Consultant Interviews (if necessary): Week of October 30, 2023
- Selection of Consultant: November 13, 2023



*\* Note: All dates are tentative and subject to change. Changes to the timeline shall be included as an addendum to this RFP and posted to the Village’s website.*

**Emailed or faxed submissions will NOT be accepted, except for addenda as described above.**

## J. PROPOSAL REVIEW CRITERIA

The ZAC and Village Board will evaluate the proposals based on the following matrix:

<b>Review Criteria</b>	<b>Weight</b>	<b>Max. Points</b>	<b>Points x Weight</b>
Understanding Scope of Work	3	5	15
Past Performance on Similar Projects	3	5	15
Qualifications & Experience of Proposed Staff	2	5	10
Proposed Schedules & Budgets	5	5	25
Understand the Village’s Goals and Objectives	2	5	10
Overall Strategy and Quality of Proposal	5	5	25
<b>TOTAL</b>	-	-	<b>100</b>

Secondary interviews may be held by the Village with those firms whose proposals received the most favorable scores during the initial round of review completed using the above criteria. In the event the Village chooses to conduct such interviews, reasonable best efforts shall be made to ensure a uniform format across all interviews.

This RFP does not commit the Village to select a consultant, to pay any costs incurred in the preparation of this request, or to produce or contract for services. The Village reserves the right to accept or reject any or all RFPs received because of this request, or to modify or cancel in part or in its entirety the RFP if it is determined in the best interest of the Village to do so.

## K. QUESTIONS

Questions should be directed to Teri O’Connor, by email only [Villageclerk@villageofballstonspa.org](mailto:Villageclerk@villageofballstonspa.org) and to Trustee Kormos at [TrusteeKormos@villageofballstonspa.org](mailto:TrusteeKormos@villageofballstonspa.org) no later than September 25, 2023.

## L. SUBMITTAL REQUIREMENTS

The Consultant shall submit one (1) unbound original, ten (10) paper copies and one (1) digital copy of the proposal submittal. The Village encourages the use of recycled paper products and double-sided print.

The deadline to submit proposals is no later than **October 13, 2023 at 4:00 PM.**

The proposal submittal should be submitted in a sealed envelope labeled “RFP: 2023 Zoning Proposal” and delivered to:

Village of Ballston Spa  
Attn: Village Clerk

66 Front Street  
Ballston Spa, NY 12020

In accordance with the General Municipal Law and the Village's Procurement Policy RFPs for professional services are not subject to competitive bidding requirements.

#### M. REFERENCE MATERIALS

- Village of Ballston Comprehensive Plan  
<https://www.villageofballstonspa.org/home/news/village-ballston-spa-comprehensive-plan-4112023>
- Pedestrian and Bicyclist Master Plan and Linkage Study  
<https://projects.vhb.com/ballstonpapbmp/default.htm>
- DEC Urban Forestry Tree Inventory and Management Plan  
<https://www.villageofballstonspa.org/home/news/ballston-spa-street-and-community-tree-guide-7323>
- Economic Development Plan (2020)- Saratoga Prosperity Partnership -  
<https://www.villageofballstonspa.org/steering-committee/files/final-2020-ballston-spa-economic-development-plan>
- Village of Ballston Spa Zoning Code - <https://ecode360.com/9056692>
- Additional documents used by the Comprehensive Plan Steering Committee  
<https://www.villageofballstonspa.org/comprehensive-plan-steering-committee>

#### N. EEO REQUIREMENTS

The Village of Ballston Spa is an Equal Employment Opportunity employer. Successful respondents will be required to comply with the federal Equal Employment Opportunity Act.

#### O. INSURANCE REQUIREMENTS

Proof of General Liability Insurance, Automobile Liability, Worker's Compensation and NYS Disability Insurance will be required from the Consultant prior to commencing any work.

Liability insurance coverage shall be in the amount of \$2,000,000 aggregate (combined single limit or equivalent), with the Village of Ballston Spa named as additional insured.

#### P. MODIFICATIONS TO THE RFP

Any material clarifications or modifications to the RFP or the selection process will be made in writing and provided to all persons who submit proposals ("Proposer"). It is the responsibility of the proposer teams, before submitting a response to the RFP, to ascertain if the Village of Ballston Spa has issued any notices, clarifications, addenda, or other communications to Proposers. Oral explanations or instructions from Village of Ballston Spa staff, officials or consultants shall not be considered binding on the Village.

#### Q. RESERVED RIGHTS

The Village of Ballston Spa reserves the right to:

- Modify or cancel the selection process or schedule at any time.

- Waive minor irregularities.
- Reject any and all responses to this RFP and to seek new proposals when it is in the best interest of the Village of Ballston Spa to do so.
- Evaluate the proposals as to their veracity, substance and relevance to project and seek clarification or additional information from the Proposer and independent sources as it deems necessary to evaluate the response, including evidence of the Proposer's financial status.
- Incorporate this RFP and the selected Proposer's response to this RFP as a part of any formal agreement between the Village of Ballston Spa and the Proposer.

## R. HOLD HARMLESS

By participation in this RFP process, Proposer agrees to hold harmless the Village of Ballston Spa, its officers, employees and consultants from all claims, liabilities and costs related to all aspects of the selection process.

## S. PUBLIC INFORMATION

All documents, conversations, correspondence, etc. between the Village of Ballston Spa and Proposers are public information subject to the laws and regulations concerning disclosure that govern the New York State municipalities, unless specifically identified otherwise.

## T. EXPENSES

All expenses related to any Proposer's response to this RFP, or other expenses incurred while the selection process is underway, are the sole obligation and responsibility of the Proposer. The Village of Ballston Spa will not, directly, or indirectly, assume responsibility for these costs. The Proposer shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or outside consultant associated with the project for purposes of influencing consideration of a response to this RFP.

## U. NOTIFICATION OF AWARD

The successful respondent will be notified by written confirmation via email. For those proposals that are not accepted, respondents will also be notified in writing, via email.

The Village of Ballston Spa will authorize the award of a contract to the successful respondent. In the event a contract cannot be finalized within thirty (30) days of the award, the Village of Ballston Spa reserves the right to enter into negotiations with another respondent.

## V. LIABILITY

The Village of Ballston Spa is not liable for any costs incurred by any individual or firm(s) for the work performed to prepare its proposal or for any travel and/or other expenses incurred in the preparation and/or submission of its proposal or participation in subsequent interviews or presentations. Further, the Village of Ballston Spa is not liable for any costs incurred prior to approval of the contract.